

August 8, 2011 – WORK SESSION AND REGULAR MEETING

The Work Session and Regular Meeting of the Town of Dickinson Town Board was called to order with the pledge of allegiance by Supervisor Michael A. Marinaccio at 5:30 PM on Monday, August 8, 2011 in the Town Hall, 531 Old Front St., Binghamton, NY.

This is the second of the regular meetings which begins the summer schedule of July, August and September combining our Work Session with the Regular Meeting on the second Monday of those months with a start time of 5:30 P.M.

The members of the Town Board present were:

Michael A. Marinaccio, Supervisor

Danny F. Morabito, Councilman

Thomas J. Burns, Councilman

Sharon M. Exley, Councilwoman

Stephen M. Gardner, Councilman

Also attending:

Oliver N. Blaise III, Esq., Town Attorney

Wanda R. Broczkowski, Town Clerk

Supervisor Marinaccio gave his Supervisors report for the Month of August 2011.

Public Comments

Jim Love requested a clarification in Supervisor Marinaccio's report regarding the \$9,235 contract cost of the Dog Shelter, was it annually or other. It is an annual fee. Dog population regulates the fee of the contract.

On a motion by Councilman Morabito, seconded by Councilwoman Exley to approve the Work Session and Regular Meeting Minutes of July 11, 2011 as presented. All in favor. Vote -5 Ayes, Nays-0.

Abstract # 8 – Abstract Summary of Audited Vouchers for all Funds in the amount of \$209,466.41. On Motion from Councilman Gardner, seconded by Councilman Burns to approve. Vote Ayes – 5, Nays – 0.

Supervisor Marinaccio voting Aye

Councilman Morabito voting Aye

Councilman Burns voting Aye

Councilwoman Exley voting Aye

Councilman Gardner voting Aye

Unanimously passed and noted as duly adopted.

RESOLUTION # 15 - AUTHORIZING ATTORNEY BLAISE for the Town to handle litigation of tax assessment challenge at 20 Boland Road matter as an outside retainer. Since we only handle a few on commercial properties and very seldom on a residence. Attorney Blaise will assign another attorney more familiar with handling a residence request. This is a very small amount of money of 5K; from \$84K to \$79K. On motion by councilman Morabito and seconded by Councilman Burns. All in favor.

RESOLUTION # 16 UPPER FRONT STREET PUMP STATION – GAS LINES IN
No discussion. On motion by councilwoman Exley and seconded by Councilman Gardner. All in favor.

E-MAIL MANAGEMENT POLICIES-REVIEW TABLED FROM JULY MEETING. Attorney Blaise recommend we follow the example of **Hunter Valley**. As there is no IT person on staff and we follow their practices. Supervisor Marinaccio will take the lead on this and contact our IT person from Cyber City, our contractor.

JOHN STREET DRAINAGE EASEMEN UPDATE

Liz and Ed Krukowski met with the town representatives to give the town permission to walk their property by Highway Commissioner Kie and the Engineer for the town, Ron Lake in order to install drainage. It was a positive meeting.

GARBAGE DISTRICT BIDS FOR 2012-2013

In process-Filed it should be noted Taylor garbage typically is the only one who ever responds. The best we can recall, it has been over the past 20 years.

THE OWNERS OF 36 NORTH BROAD STREET - CONDEMNATION

The owners want to turn the property over to the town. Code Enforcement (CE) officer Rafferty says Dump it! After visiting the property he stated it is a pre-1970 mobile home measuring 10 x 10 x 40 foot addition. It has been vacant between 7 or 8 years. The mobile home use is non-conforming use. Requested voluntary removal of the structure. Currently the taxes are being paid. The lot size is 50' x 100'. A public hearing is needed to take this property off the owners? Sue or attach all costs to the owner. Owner wants to turn over to the town. Cost 50% more than value to bring up to compliance – One we need to wait on CE Rafferty report and two, owner intentions. Hopefully they would walk away. It would cost \$23K to demolish the structure as this would also include asbestos abatement required. This is a nasty situation. Danny Miller of the water department could see when the last water used. Table this.

RETENTION POLICY TAX CAP LEGISLATION – Review legislation that if the town of Dickinson were to raise taxes beyond the 2% cap, reviews with Attorney Blaise to ensure we are in compliance with taxes.

RESOLUTION # 17 - CLAIM FOR DAMAGED UTILITY POLE ON AIRPORT

ROAD The All State adjustor wants to settle the claim for \$4K. The damage was \$4,600. We need to cover the cost of the repair. Recommendation was made to take most Attorney Blaise can negotiate. Could do a resolution to have our attorney resolve the claim. Resolution # 17. No further discussion. On motion by councilman Morabito and seconded by Councilwoman Exley. All in favor.

FLOW MANAGEMENT

Binghamton-Johnson City Joint Sewage Treatment Plant

Town Engineer Ron Lake was not present to report further on the Sewage Treatment Plant although Supervisor Marinaccio stated he has been guiding us very well on the situation. It should be clear; we are very leery of the plan that has been proposed to us. Broome Community College as stated during the July meeting was warned on what's going into sewer ionizing. Highway Commissioner Kie is requesting Supervisor Marinaccio set-up a meeting with both **Broome Community College** and **Broome County Jail** the representatives. Danny Miller of the Water Department would need to obtain Broome County Jail plans to best guide us on the matter.

FORD F550 TRUCK FOR SALE – BID OPENING

One bid was received and opened from John Cook for \$12,500. Resolution # 18. On motion by Councilman Gardner and seconded by Councilman Burns. All in favor.

BUILDING PERMITS

Code Enforcement Officer, Rafferty presented survey information Town Clerk Wanda Broczkowski gathered from towns across the state. Rafferty has made recommendations in the past and supports the idea of reviewing our current \$5.00 permit. We have been charging this fee since the 1970 's. various costs were mentioned. Code Enforcement officer Rafferty will present his review of the survey and recommend costs at the September meeting.

Condemned properties took up a lot of discussion not necessarily in any order not all properties included, but here are the comments and observations:

Upon referral from the court, numerous hearings sentencing owners fines and given a deadline to the end of October at a cost of up to \$1,000 a day/or jail are really not worth efforts. Judge Slocum has referred the matter to the Town for condemnation. For example, 13 Bellaire - Neighbors complaining what it's like living near a property that is on a foreclosure after it's been in a fire. When these houses come up for auction does the town have any say? Foreclosure and sell to town for \$1.00 turn over o town?

A discussion then turned to the house on the property located next to the Town Hall, owned by Dan Babcock. This rented property is used for storage by the town. We could probably need up to November to vacate. Mr. Babcock has no real use for the property except for when I81 & I86 work commences, Mr. Babcock probably would want to use for their staging of trailers and highway equipment. To further clarify, this property lies between The Department of Transportation building and the Town Highway Department.

There was a discussion that led to deciding to draft a letter to all of the people of the Town of Dickinson. Everyone could be fined from \$300 to 1,000 a day fine. New building may not be able to build it with the new Sewage Treatment Plant. Also, BCC needs to disconnect with 60 days to comply.

Danny stated Sunrise Terrace station hit by lightning – Warranty up to 2012

GLENWOOD CEMETERY

Commissioner Joel reported there was another robbery of the storage building at Glenwood Cemetery. Tools valuing between \$2,000 and \$3,000 were stolen. This storage building is used to store bodies. He is investigating to install an alarm system for \$50 a month. Another idea is to have Verizon install a phone or a cell up there. Since the shed has been broken into twice, in the past year, we have to beef up sensory lights at a cost of \$2000. He will also have a new door installed which will have a gate with a lock, same style as those used in New York City.

Committee Reports:

Public Works

Highway Commissioner Joel Kie reported:

1. Letters mailed to residents as well as a Press release; joint venture to resurface roads. Phelps Street and State Road closed 13th. Same for Old State Road Repairs the 18th.
2. John Street Done
3. Joel wants to order a light pole Stella Ireland.
4. 57 Sunset – Complaint of Broome Development – Legal issue between him and Broome Developmental.
5. Privacy Fence going up - 930 Upper Front Street; pool was just set up.

Administrative:

- Danny Miller met with Ed Crumb of the Binghamton - Johnson City Joint Sewage Treatment; 2008 – Credits due to the town. Will get a credit due to an audit of something done incorrectly. Sewage rates will go back to that period.
- Council woman Exley – Prospect street garbage– Wal-Mart says have no jurisdiction (near BOCES sign)
- Rafferty obtained Endicott's **Cart Pick-up Ordinance** of \$30.00 per cart regarding the Wal-Mart situation. Wal-Mart representative Says 'good luck with Corporate General Managers'.

- Councilwoman Exley – Noise related issue Prospect Terrace: Ongoing several years. Blows his truck air horn any hour of the day in memory of his deceased wife. Attorney Blaise says: Noise ordinance would be a way to talk to the records; provide supporting data.
- Light on Jameson – Copy of Resolution to Mike

On motion by Supervisor Marinaccio, the meeting was adjourned by motion of Councilman Morabito and seconded by Councilman Burns at 7:08 PM

Respectfully submitted,

Wanda R. Broczkowski

Town Clerk