

March 12, 2012 – REGULAR MEETING

The Regular Meeting of the Town of Dickinson Town Board was called to order with the pledge of allegiance by Supervisor Michael A. Marinaccio at 6:03 PM. The members of the Town Board present were:

**Michael A. Marinaccio, Supervisor
Danny F. Morabito, Councilman
Stephen M. Gardner, Councilman
Sharon M. Exley, Councilwoman**

Also attending:

**Oliver N. Blaise III, Esq., Town Attorney
Wanda R. Broczkowski, Town Clerk**

Absent:

Thomas J. Burns, Councilman

Supervisor Marinaccio gave his report for the month of February and will be placed on file.

RICK WOIDT, ENGINEER DESIGN ENGINEER FLAP GATE STUDY

Supervisor Marinaccio informed us that Joel is getting Design Engineer, Rick Woitd some permits he needs to conduct the study. The flap gate study is moving along. Supervisor Marinaccio was being asked by the Boland Street residents of the Flap Gate study with Mr. Woitd. Once the report is complete he will go over the study with all of the residents.

BROOME COMMUNITY COLLEGE SMOKING BAN SPILLING INTO NEIGHBORHOOD

Debbie Morello, representative of Broome Community College, set a date with Supervisor Marinaccio to meet on Wednesday, March 21st, 5:00 PM at the Town of Dickinson town Hall regarding the ongoing open communications between us and the college on this matter.

INVESTMENT FUNDS TRANSFER

The Supervisor suggested that \$55K in this old account be transferred to the Highway and General Fund to gain more interest since the account is currently collecting zero interest as a Business Portion.

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

On a motion by Councilwoman Exley, seconded by Councilman Gardner to approve the Work Session February 6, 2012 and Regular Meeting Minutes of February 12, 2012 as presented. All in favor. Vote -4 Ayes, Nays-0.

ABSTRACT #3 – Abstract Summary of Audited Vouchers for Funds in the amount of \$ 77,349.09 On Motion from Councilman Morabito, seconded by Councilwoman Exley to approve. Vote Ayes – 4, Nays – 0.

Supervisor Marinaccio voting Aye
Councilman Morabito Aye
Councilman Burns voting Absent
Councilwoman Exley voting Aye
Councilman Gardner voting Aye

Unanimously passed and noted as duly adopted.

ATTORNEY

RESOLUTION 2012-11

The following Resolution was offered by Councilman Morabito, who moved its adoption, seconded by Councilman Gardner to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

SEQRA resolution concerning adoption of Code of Ethics local law. See attached resolution. The question of adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Vote Ayes – 4, Nays – 0.

Supervisor Marinaccio voting Aye
Councilman Morabito voting Aye
Councilman Burns voting Absent
Councilwoman Exley voting Aye
Councilman Gardner voting Aye

All in favor.

RESOLUTION 2012-12

The following Resolution was offered by Councilman Morabito, who moved its adoption, seconded by Councilman Gardner to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

Resolution approving Code of Ethics local law. See attached local law. The question of adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Vote Ayes – 4, Nays – 0.

Supervisor Marinaccio voting Aye
Councilman Morabito voting Aye
Councilman Burns voting Absent
Councilwoman Exley voting Aye
Councilman Gardner voting Aye

All in favor.

RESOLUTION 2012-13

The following Resolution was offered by Councilman Morabito, who moved its adoption, seconded by Councilwoman Exley to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

SEQRA resolution regarding street light installation on Lower JT Boulevard. See attached resolution. The question of adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Vote Ayes – 4, Nays – 0.

Supervisor Marinaccio voting Aye
Councilman Morabito voting Aye
Councilman Burns voting Absent
Councilwoman Exley voting Aye
Councilman Gardner voting Aye

All in favor.

RESOLUTION 2012-14

The following Resolution was offered by Councilman Gardner, who moved its adoption, seconded by Councilwoman Exley to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

Resolution approving street light installation on Lower Stella Ireland RD & Lower JT Blvd.

See attached resolution. The question of adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Vote Ayes – 4, Nays – 0.

Supervisor Marinaccio voting Aye
Councilman Morabito voting Aye
Councilman Burns voting Absent
Councilwoman Exley voting Aye
Councilman Gardner voting Aye

All in favor.

RESOLUTION 2012-15

The following Resolution was offered by Councilman Morabito, who moved its adoption, seconded by Councilman Gardner to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

Resolution accepting gift of 13 Bellaire Avenue and authorizing Supervisor to sign transfer documents.

The question of adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Vote Ayes – 4, Nays – 0.

Supervisor Marinaccio voting Aye
Councilman Morabito voting Aye
Councilman Burns voting Absent
Councilwoman Exley voting Aye
Councilman Gardner voting Aye

All in favor.

PROPERTIES DISCUSSION(S)

13 BELLAIRE AVENUE

A fence will be erected to contain the area and to discourage dumping. Public Works Commissioner, Kie will solicit two or three written demolition bids for quote.

36 N. BROOME STREET

No word back on this property. At the April 9 meeting we will hold a public hearing regarding the condemnation of the property. A registered letter, with a copy to Town Clerk will be issued. The Attorney for the Town will investigate whether property taxes are paid and up to date.

RESOLUTION 2012-16

The following Resolution was offered by Councilman Morabito, who moved its adoption, seconded by Councilwoman Exley to wit:

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows:

Resolution scheduling April 9, 2012 hearing for condemnation for 36 N. Broome Street.

The question of adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows: All in favor. Vote Ayes – 4, Nays – 0.

Supervisor Marinaccio voting Aye
Councilman Morabito voting Aye
Councilman Burns voting Absent
Councilwoman Exley voting Aye
Councilman Gardner voting Aye

All in favor

SEWER USE AGREEMENT

Danny Miller of the Water Department is in need of Freedom of Information Law (FOIL) requests for outside sewer usage, which includes Broome Community College area, Legacy Bay, formerly known as Ely Park, Choconut Center Corridor and Deyo Hill Road. Supervisor Marinaccio states the town needs to support our cost and maintenance for use of these lines. Supervisor Marinaccio stated we should be ready to explain the numbers proposed for charging outside users. Danny wants the FOIL requests to quantify water usage for one year of whatever method they bill for all of the year of 2011. We will have Broome Community College install a meter to accurately measure their water usage. As stated in our previous meetings, we need to maintain and monitor our lines to ensure we only pay what for use by our town.

JOHN STREET DRAINAGE EASEMENT

If the Bolands do not sign off then this agreement may not come to pass. A lengthy discussion ensued about the process and issues for utilities installation for future development. Supervisor Marinaccio is concerned about potential run-off and we should check-out the property one more time now that the weather is getting better

COMMITTEE REPORTS:

PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT

Public Works Commissioner Kie **CLEAN-UP DAY APRIL 28TH, 2012**

1. Public Works Commissioner Kie reported Clean-up Day has been set for Saturday, April 28th, 2012. The County may not allow for free municipal dumping due to the amount and expense of dumping of flooding debris. The municipal waiver could be delayed due to funding issues, budget running out. \$30K is what the county has budgeted for municipal dumping. We will still go ahead with the clean-up day and consider using our town beautification fund to make it happen.
2. Public Works Commissioner Kie reviewed Cutler Pond water flow from behind the Super 8 Motel to down near the over pass, walking bridge and the ABE building. It should be noted the water flow is held up due to trees, overgrowth and debris. It appears this is a state right of way so we need to contact Jack Williams of the Department of Transportation (DOT). Legally we cannot touch it until we contact DEC since it is in the flood plain and a permit would be required to alter the situation.
3. Public Works Commissioner Kie pad locked 13 Bellaire, posted no trespassing signs and will put up a fence. Currently the gas service is turned off and no running water.
4. A complaint was filed from Sunrise Terrace regarding a refrigerated truck generator running in the wee hours of the morning. It could be heard in Sunrise Terrace from behind the Super 8 Motel. The current noise ordinance does not affect this operation. Trucks should be parked with theirs nosed out to minimize the noise. Commissioner Kie suggested planting trees or erecting fences around this area to buffer the sound.
5. Market Street near NYSEG area and Carpenters Union Building trash has been picked up. We will keep watch on how Wal-Mart handles this issue.

45 LINDA DRIVE - LOT 15

Supervisor Marinaccio received an anonymous Email from our website inquiring about 45 Linda Drive, Lot 15, and Tax ID # 128-17-1-15 which is currently owned by Ed Metzgar. They questioned if this heavily damaged road utilized as a right-of-way road for NYSEG were there plans to repair or pave the road to possibly turn into a housing development? He will research this before responding to this request.

TOWN CLERK DOCUMENTATION OF ELECTROIC RECORDS

Wanda Broczkowski, Town Clerk referenced the recent article appearing in the Press and Sun-Bulletin over the week-end. Several Town Clerks give an account about how their towns record keeping and how they were dealing with the challenges of various forms or methods of electronic record keeping and archiving and keeping within the law. Wanda stated since she started working here last spring, she has been diligently striving to introduce the clerk's office to respective electronic applications after attending a state training with Susan Etherington. She advised and requested the board be aware of the importance of document storage and starting this mass undertaking. Councilwoman Exley has been involved with Broome County's researching this with direction from Susan Etherington of the State of New York and a system to approach the situation.

ZONING BOARD None
CODE ENFORCEMENT None

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Gardner at 7: 15 PM

Respectfully submitted,

Wanda R. Broczkowski

Town Clerk