

April 9, 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 6:0 PM.

The members of the Town Board present were:

Michael A. Marinaccio, Supervisor

Danny F. Morabito, Councilman

Thomas J. Burns, Councilman

Stephen M. Gardner, Councilman

Sharon M. Exley, Councilwoman

Also attending:

Oliver N. Blaise III, Esq., Town Attorney

Wanda R. Broczkowski, Town Clerk

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

ATTORNEY

PUBLIC HEARING

CONDEMNATION 36 N. BROOME STREET

The public hearing on the condemnation of 36 N. Broome Street was opened by Supervisor Marinaccio at 6:15 PM. He asked if there was anyone present was interested in 36 N. Broome Street. No one volunteered to speak.

Attorney Oliver Blaise gave a chronological synopsis of the property. The current owner is an LLC with owners from New York City. As of August 2011, it was abandoned with an older mobile home on the property, which lost its prior non-conforming use. As determined by the Code Department, its dilapidated condition makes it a threat to public health, safety and welfare. Notice of the condemnation proceedings are on file with the County Clerk.

Condemnation proceedings were delayed at the owner's request as the property was under contract with a real estate agent through the end of February 2012. With no interested buyers and one year of delinquent taxes, it is now being considered for condemnation.

The owners have offered to transfer both 34 and 36 N. Broome Street to the town. Broome County Real Property Director Kevin Keough stated he would waive delinquent taxes on this parcel since the town is cleaning up and taking over the property. He requested that David Hamlin, Assessor for the town, put the property in 'wholly exempt' status and list it before the next tax season. Quotes have been obtained to remove the mobile home structure from the property, which are reasonable and below the competitive bidding threshold for state and local laws.

The purpose of this hearing was to give the property owners an opportunity to present their own evidence to not condemn the property. We researched the situation and it should be noted the owner was notified by mail and there were no residents from the area in attendance pro or against present. With no further questions, the public hearing was closed at 6:23 PM.

PUBLIC COMMENTS

ROSEDALE DUMPSTER FIRE

Jim Love of Orchard Road complained on behalf of residents of upper Rosedale Drive who stated about 10 days ago there was a dumpster fire. Their claim was it took 35 minutes for the volunteer fire department(s) to respond and the neighbors were not notified of the fire until the volunteers arrived. Broome County Sheriff kept an eye on it until their arrival. Public Works Commissioner Kie and Danny Miller reported once they received the 911 alert. Contrary to the complaints being presented, upon their arrival the Port Dick and Chenango Fire companies were already at the scene. Supervisor Marinaccio did not receive any complaints from the Rosedale Drive residents and cannot ascertain what the perception was of the time discrepancy situation.

Public comment period was closed.

APPROVAL OF MINUTES

On a motion by Councilwoman Exley, seconded by Councilman Gardner to approve the Work Session March 5, 2012 and Regular Meeting Minutes of March 12, 2012 as presented. All in favor. Vote -5 Ayes, Nays-0.

ABSTRACT #4 – Abstract Summary of Audited Vouchers for Funds in the amount of \$ 393,349.09 On Motion from Councilman Morabito, seconded by Councilman Gardner to approve. Vote Ayes – 5, Nays – 0.

Supervisor Marinaccio voting Aye

Councilman Morabito Aye

Councilman Burns voting Aye

Councilwoman Exley voting Aye

Councilman Gardner voting Aye

Unanimously passed and noted as duly adopted.

RESOLUTION 2012-17

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

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

Ford F550 truck, snow plow, extra salter, and tri-axle trailer be declared surplus by the Board. Commissioner Kie to go out for sealed bids. It will also be posted on the town website.

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 – 5, Nays – 0.

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

All in favor.

RESOLUTION 2012-18

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

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

Awarding the bid for demolition of 13 Bellaire Avenue to **LCP** in the amount of \$16,700.00 and authorizing the Supervisor to sign any documents necessary to award or implement that contract. Ron Lake has the contract documents to be used from the bid package used for the 50 N. Broad Street demolition. 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 – 5, Nays – 0.

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

All in favor.

RESOLUTION 2012-19

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 awarding the bid for air monitoring at the demolition of 13 Bellaire Avenue to **Jennings Environmental Management, Inc.**, based on the schedule of fees provided with Jenings' bid (see attached) and authorizing the Public Works Commissioner to sign any contract documents necessary to award or implement that contract. 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 – 5, Nays – 0.

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

All in favor.

RESOLUTION 2012-20

The following Resolution was offered by Councilwoman Exley, 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 the revisions to the sewer hook-up agreement for 121 Adams Drive and authorizing Supervisor to initial the revision on behalf of the town. In the original signed contract, there were a couple of numbers transposed with a slight discrepancy. 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 – 5, Nays – 0.

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

All in favor.

ADOPT REVISED INVESTMENT POLICY

The Director of Finance is the one who is primarily in charge of handling the investment of the town's funds, with exception of town clerk and court clerk funds. The board requested we insert checks and balances into this policy.

The proposed policy spells out that the director can transfer funds between various accounts but cannot withdraw.

There may be a similar investment policy already existing in the organizational resolution. Attorney Blaise wants the proposed policy and organizational resolution.

Supervisor Marinaccio asked what if he is out then who would sign in his absence. It would then be his designee. After reviewing it we noticed a few typos so we will put this on hold until next month.

RESOLUTION 2012-21

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

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

Resolution to schedule a public hearing for May 7, 2012 to modify competitive bidding requirements under local law for condemnation projects, to conform with state law bidding requirements. It will keep us more current. 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 – 5, Nays – 0.

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

All in favor.

RESOLUTION 2012-22

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 to increase spending authority of DPW Commissioner without prior board approval to \$6,999.99 which does not permit the Commissioner to exceed his annual budget amounts or permit him to deviate from procurement policy.

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 – 5, Nays – 0.

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

All in favor.

PROPERTIES STATUS

213 BEVIER, 13 BELLAIRE AVENUE, AND 34/36 N. BROOME STREET

Attorney Blaise will work with David Hamlin, town assessor, to get the lots converted to ‘wholly exempt’ and take them off tax rolls before the next tax season. He will advise Kevin Keough of Broome County Real Property when that occurs. Also, the county stands corrected that it does not yet own 213 Bevier Street, but will soon own it. Once the county forecloses, likely it will be by the summer or early fall, the property will be transferred to the town with Legislature’s approval for \$1.00.

JOHN STREET DRAINAGE EASEMENT

Nothing to report.

ROAD PRESERVATION

Permitting is based on traffic and frequency specifically related to trucks with more than 3 axels. The ‘trigger’ or the key starting point is on how many miles of travel with the accumulation of trips over a period of time. We should look at adjusting our local law, as the law now stands it is 100 miles over 5 consecutive days based, which is based on the Town of Windsor standard. We may want to change it downward to possibly 25 miles or even 10 miles but we should be careful not to set it too low. There are limited areas of the town where this travel may occur on town roads. Mr. Kie will come up with numbers to work with. Many other towns now have a local law similar to ours. It should be noted that the county executive is looking to administer and monitor this law. This was the original county proposal. If the money would be collected by the County and then pass on the road maintenance agreements x% of the money that comes in and doles out to each town but we’re skeptical whether this would be equitable.

EMPLOYEE HANDBOOK

A list of topics was provided by Attorney Blaise of what could be included. He will have his partner at the firm put the language together on these issues.

PHELPS STREET DUMPING

There is a property on Phelps Street where there is dumping of concrete waste. The Code Department and engineer will address whether he is violating any local or state codes. Ron Lake is being asked to review the scope of the issues. In the past the owner usually takes care of cited discrepancies but then falls back and does not continue to comply. There are complaints beyond what we have control over. When high winds blow over the storage facility it produces a great amount of dust. Commissioner Kie will speak to J. Abbey about the recent Rogers Mountain issues and Supervisor Marinaccio will approach Mayor Kevin Burke of Port Dickinson of the dust issues.

RESOLUTION 2012-23

The following Resolution was offered by Councilwoman Exley, 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 to condemn 36 N. Broome Street and ordering its demolition at a future date. It poses a threat to health, safety and welfare. Code Enforcement Officer Steve Rafferty's recommendation report of August 8th 2011 is the basis for the board's determination. 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 – 5, Nays – 0.

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

All in favor.

RESOLUTION 2012-24

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

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

Resolution to allow Supervisor Marinaccio to transfer and close out the class investment accounts totaling \$55,469.55. Highway account \$26,612.90 and \$28,856.65 to the general fund money market accounts to gain more interest. 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 – 5, Nays – 0.

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

All in favor.

COMMITTEE REPORTS:

PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT

1. Danny Miller of the water department reported the sewer repair project on Adams Drive and Rosedale Drive are going well and ahead of schedule. Adams is complete came in at \$20K less and Rosedale is moving along with completion slated for mid-May. A thin layer of paving will be laid with a completed paving after the ground settles.
2. Village Johnson City water department is installing new meters which includes those residents at Prospect Terrace with a possibility residents could report dirty water over the next few days.
3. Blue Water (20 year) recognition will take place at the national convention at Turning Stone. Danny Miller accepts this honor by representing us.
4. The Broome Community College new generator is working and the other one damaged in the flood, being refurbished has a few glitches and should be operational soon.
5. Public Works Commissioner Kie Broome via County Solid Waste Management will get a check from FEMA, a reimbursement for tipping fees. We will receive a check and we must then reimburse the county. It was reported we had 77 tons of waste produced by the town and it was reported by Broome County we had 107 tons. Before we cash any check, he will verify why there is a discrepancy as reported by Broome County.

6. Mr. Kie reported at the Phelps Street Rail Road Crossing, that the Department of Transportation (DOT) stated a section of Old State Road is owned by the Town of Dickinson, but it is not. It is a county owned road. There is always an issue. It was decided, to contact Dan Schofield of the county to rectify the situation.
7. Clean-up Day has been set for Saturday, April 28th, 2012. We will advertise it on the town website. It's a day the tip fee is waived by the county landfill.
8. Rick Houseknecht is retiring from the highway department the end of May. The job opening for his replacement has been listed in the 2012 newsletter and will also be posted on the website.
9. The employment application we have been using is a Broome County application. We prefer we create our own Town of Dickinson application.

ZONING BOARD None

CODE ENFORCEMENT None

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7: 17 PM

Respectfully submitted,

Wanda R. Broczkowski
Town Clerk