

## October 15, 2013 – 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 promptly at 6:04 PM on Tuesday, October 15, 2013 in the Town Hall, 531 Old Front St., Binghamton, NY.

The members of the Town Board present were:

**Michael A. Marinaccio, Supervisor**

**Danny F. Morabito, Councilman**

**Thomas J. Burns, Councilman**

**Sharon M. Exley, Councilwoman**

Also attending:

**Oliver N. Blaise III, Esq., Town Attorney**

**Wanda R. Broczkowski, Town Clerk**

Absent:

**Stephen M. Gardner, Councilman**

### CHAIR

### SUPERVISOR'S REPORT

Supervisor Marinaccio welcomed everyone and gave his report for the month of October. His report will be placed on file. Here are some highlights:

- No word yet on an October **Association of Towns** meeting.
- The Town received a payment of \$39,802 from the sheriff's office for the per diem rates for out of area inmates. This is in addition to the annual \$25,000 that we receive as part of our host community agreement.
- Mr. Marinaccio attended the Chamber sponsored discussion with Brian Sampson, **Executive Director of Unshackle NY** held on October 7 at **Willow Run Foods**. The meeting was very well attended and focused on the economy of New York, lowering of taxes, gas drilling, etc.
- Our court clerks are once again applying for a grant for the court operations. The grant consists of new computer equipment, software, furniture, furnishings, and added security cameras.
- There are several large renovation projects taking place in our town, **Achieve**, Phase 2 of a multi-million dollar project, **United Methodist Homes**, 3 million dollar project, **Fairfield Inn**, reconstruction of the lobby, lower levels, complete facelift, new furnishings, all rooms will be redone with new bath fixtures, wall paper, tile and furnishings.
- We have completed our tentative 2014 Town Budget. No increase in property taxes. Services will remain the same.

- As the **NYS Dept of Transportation** progresses with their study of the I-81 foot bridge, Mr. Marinaccio will keep everyone up to date with their findings.
- **NYSEG** warning letters-None received.
- Code violations – no reports as of this meeting.
- Dog Control Officer’s report - Received September Dog Control Report. Wandering dogs, constant barking dogs, runaway dogs (from the shelter), and other issues were addressed.

**PUBLIC HEARING**

The public hearing was opened at 6:07 PM by Supervisor Marinaccio regarding the **Prospect Terrace Fire Company fire protection contract renewal.**

Supervisor Marinaccio went over the contract request. For future the Fire Company requests the following sums, to be paid by the Town on or before March 1 of each year this Agreement:

2014: \$77,000.00  
 2015: \$82,000.00  
 2016: \$87,000.00  
 2017: \$92,000.00  
 2018: \$97,000.00

At this time Captain Bob Locker presented their justification of the contract request. The last time there was an increase was 1993. The 2013 year amount was \$65,000.

Mr. Locker went over numerous points of the status of the operations of the **PTFC** which includes the various apparatus currently operating in the fire district with 26 active volunteers of which 14 are trained for interior fire fighting. They continue to maintain all aspects of the building. The recent \$71,000 roof replacement has been paid in-full. They are able to fund all expenses from utilities, and insurances, to the volunteer’s annual physicals. It should be known the **Environmental Protection Agency (EPA)** and **OSHA** set expiration dates on all fire retardant clothing; replacement required per these dates.

The major line item is the future replacement of the Quint Engine #63, purchased in 1993. This apparatus includes a new 65 foot aerial ladder is needed for the proposed **Microtel Hotel** at the location of the **Northwestern Mutual site**. The director’s project the replacement of this engine come the year 2023. Today that same engine would cost over \$800,000 and project in 10 years it would rise to \$1million.

*At this time Supervisor Marinaccio opened a public comment period for other volunteer members to add to Mr. Locker's comments and the board members for a Q & A.*

*Q: Councilman Morabito inquired about the cost of the required fire retardant clothing regulations and the NFPA regulations when they need to replace them?*

*A: Mr. Locker explained it is every 5 years to be compliant.*

*Q: Councilwoman Exley asked what would be done with the old Quint and wondered about the equipment value once it's out-dated.*

*A: It would be sold on a buyback program and used to negotiate a deal to offset the cost of a new apparatus.*

*Q: One question was about the number of emergency calls they receive.*

*A: Alarms are up 50%. Residents are required by law to have CO2 detector sensors thus causing people to a call in and the state requires documentation be filed for each call. In addition, numerous highway calls are auto accidents on Route 17 near exit 71.*

*Q: Councilman Burns asked what does Quint mean.*

*A: It means multiple. It has multiple purposes such as it has 65 foot tower ladder, it carries water for an aerial pump, and carries up to 5 firemen.*

*Supervisor Marinaccio thought they were well prepared and explained to the volunteers that the concern is if they pass this **PTFC** budget, the residents in the district will pay more in fire district taxes than in property taxes. The board is concerned how much more these residents can absorb. We plan to inform residents through the Town website.*

*Q: Supervisor Marinaccio asked the volunteers the question if **BDC** closes in 2 years what is the monetary affect of their current contract which is \$15,000.*

*A: **PTFC** has a 5 year contract with **BDC**. **PTFC** responds there every day. New York State owns the building so they liable to the contract. Theoretically more problems arise when it's vacant. At least if there are occupants in the building they will be dispatched for an emergency call. In addition, they did wish they would like to have had the **BOCES** contract. Supervisor Marinaccio recalls years ago when the contract was drawn up. They were tight with the **City of Binghamton** so this is why Binghamton has the **BOCES** contract.*

*It has been tougher to do fund raising. The BBQ's and other events at least help defray the \$5,000 they need to cover the fire fighter physicals so they are always investigating ways to bring in funds.*

*Q: Councilman Morabito asked what financing options are available to them. Also, they could be eligible for Federal **FEMA** grants which usually are unreachable. He offered the Town could assist them to get them a better rate.*

*Q: Resident Jim Love inquired about the training opportunities and if they go to the fire academy.*

*A: With the aging population it is difficult to get interested younger individuals. Their work schedules make it difficult to attend classes to become qualified volunteers. They typically rely on 2<sup>nd</sup> and 3<sup>rd</sup> generation fire fighters. Mark is always willing to do fire safety in house to residents no matter what area or town they are from. **HAZMAT** training is done in house.*

The public hearing officially closed at 6:49 PM.

At this time on behalf of the **PTFC** volunteers Dave Rieger expressed special thanks to Public Works Commissioner Kie and his men for their assistance during the water main break on Glenwood road on Friday the 11<sup>th</sup> of October as well as another recent event on Lower Stella Ireland Road.

The regular business meeting of the Town Board commenced at 6:50 PM.

### **APPROVAL OF MINUTES**

On a motion by Councilwoman Exley seconded by Councilman Burns to approve the Work Session and Regular Meeting Minutes of September 9, 2013. All in favor. Vote -4 Ayes, Nays-0.

### **ABSTRACT for Voucher #10**

Abstract Summary of Audited Vouchers for Funds respectively in the amount of \$132,187.21. He noted it was a little high but there were highway bills for necessary projects. On Motion from Councilman Morabito, seconded by Councilman Burns to approve. Vote Ayes – 4, Nays – 0.

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

Unanimously passed and noted as duly adopted.

## ATTORNEY

### BROOME COUNTY ROAD USE AGREEMENT

Attorney Blaise had nothing new to report on the **Broome County Road Use Agreement** and is waiting for feedback on the questions his office submitted to Delta Engineering.

### EXTENSION OF PHELPS STREET

Attorney Blaise reported that Ms. Burke's attorney has been sent a copy of the survey map and the aerial map of the road site and awaiting their response. Port Dickinson approves of the new road as does the Broome County Sheriff's department. This right-of-way will connect **Brandy Wine Heights** to **Rogers Mountain Way**. We are fortunate we never had any serious life issues and this will provide an access out.

### PTFC FIRE PROTECTION CONTRACT

Before the board is to vote on the **Prospect Terrace Fire Company fire protection contract renewal** the board expressed their concerns over the increases. Attorney Blaise said the resolution to approve the agreement should authorize Supervisor Marinaccio to be able to sign.

Councilwoman Exley expressed concern over no potential for population growth in the fire district. Her fear is a small number of residents will be burdened with a much higher tax rate over the next 5 years. Councilman Morabito's comment is he would rather see smaller incremental raises as opposed to waiting 15 to 20 years to implement a 50% increase. His recommends in the future we engage in side meetings to find ways to reduce costs and plan more consistently as to what the volunteer fire fighters are trying to achieve and to plan more consistently. Hopefully there will not be a large increase again in 5 years.

Supervisor Marinaccio echoed and reiterated the same as Councilwoman Exley and Councilman Morabito. We could help the **PTFC** come up with innovative ways and potentially see about bonding come January of 2014. The directors are encouraged to communicate with us regarding any assistance to help them with their financing.

**RESOLUTION 2013-32**

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: **Prospect Terrace Fire Company Fire Protection Contract is approved and the Supervisor is authorized to sign the agreements and all ancillary documents. (Copy on file in Town Clerk's office).**

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 Aye  
Councilwoman Exley voting Aye  
Councilman Gardner voting Absent

All in favor.

**RESOLUTION 2013-33**

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: **Court grant application for printers, security camera equipment and internal doors security card entry system is authorized. Resolution on file.**

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 Aye  
Councilwoman Exley voting Aye  
Councilman Gardner voting Absent

All in favor.

**RESOLUTION 2013-34**

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

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **Schedule public hearing for 2014 budget, Monday, November 4<sup>th</sup> at 5:30 PM at the Work Session.**

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 Aye  
Councilwoman Exley voting Aye  
Councilman Gardner voting absent

All in favor.

**RESOLUTION 2013-35**

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: **appointment of new Town Assessor as Jack Cahill for a 6 year appointment beginning Tuesday, October 15<sup>th</sup>, 2013.**

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 Aye  
Councilwoman Exley voting Aye  
Councilman Gardner voting Absent

All in favor.

**RESOLUTION 2013-36**

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: **appointment of new Board of Assessment Review member Ron Ruffo beginning Tuesday, October 15<sup>th</sup>, 2013, with a term of office expiring September 30, 2018.**

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 Aye  
Councilwoman Exley voting Aye  
Councilman Gardner voting Absent

All in favor.

**RESOLUTION 2013-37**

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: **Add True Avenue to the Town highway inventory for the CHIPS program. Resolution on file.**

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 Aye  
Councilwoman Exley voting Aye  
Councilman Gardner voting absent

All in favor.

## CHAIR

### SUNY BROOME SMOKING BAN.

The town has been working with the College to resolve this problem for 2 years. President Kevin Drumm responded to Mr. Marinaccio' communication request and is looking to go to **Plan B**. We do not know what they are proposing but Mr. Marinaccio asked him to talk please talk to us first before any plan is implemented. Hopefully it will involve a designated location on campus for the smokers.

### 2014 BUDGET

Mr. Marinaccio thanked us all for working on the 2014 Budget Process. There is a 2% salary increase for staff. Supervisor Marinaccio stated all departments compromised.

### COMMITTEE REPORTS:

#### PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

1. Danny Miller of the water department reported there was a water main break, mid-afternoon, Friday October 11<sup>th</sup> on Glenwood road which affected **BDC**, **BOCES** and residents on Sunset Drive. There have been several water main breaks within the past 20 years. Unfortunately the initial installation was less than efficient which probably was installed around 1978. The **City of Binghamton** reported a loss of 1 million gallons of water. The Town will need to repair and replace 4,000 feet of pipe from Sunset Drive to Glenwood Road. Mr. Miller will obtain an estimated cost and the town will explore a way to cover the repair.
2. The dorms at **SUNY Broome** need a sewer station upgrade of \$39,000. If we can get the current upgrade under \$35,000 then it would not be required to go out to bid. Competitive bid would have to write a spec and that will be an additional fee over the cost of the upgrade. Mr. Miller provided the college with a work plan. **SUNY Broome** will reimburse all of the cost to the Town.
3. The 3 year **Health Department** water inspection was completed throughout the whole town. The inspector was impressed and stated he has never been in such a clean environment. The report will be filed and copy will come to the town.
4. **SUNY Broome** campus engineer presented a recommendation to remove the old 750 gallon water tank on campus property. This will cover all of the north side of the town. This will involve everyone getting involved from the **County** including their engineer, insurance company and fire department before the tank can be removed.
5. Public Works **Commissioner** Kie reported milling and paving will be done next week on the Old State Road spur.
6. Public Works Commissioner Kie reported on the various properties the town will offer for sale. For sale signs will be posted on the properties of 34 and 36 N. Broome Street as well as 213 Bevier Street. 50 N. Broad Street property is on HOLD, waiting for foreclosure. Mr. Kie will be the contact for interested parties.

## **PLANNING BOARD**

The Comprehensive Plan updates are ongoing. The next Planning Board meeting will be on Tuesday, October 29<sup>th</sup> at the Port Dickinson Fire Department and town offices, 786 Chenango Street. The public is welcome.

## **ZONING BOARD**

Jeanne Compton, Chair of the Zoning board, was informed by Mr. Rafferty and confirmed that a variance hearing must be scheduled to for setback and other issues for the proposed **Microtel Hotel**. Plus the Town Board will have to change the current zoning. Currently it's R1-R2, as 2-family. It is necessary to change it to **Planned Unit Development (PUD)**.

## **CODE ENFORCEMENT**

Code Enforcement Rafferty did not have anything to report.

At this time Councilman Burns asked "Is there a restriction on the amount of signs that can be displayed at the Manley convenience store and gas station on Front Street?" It was agreed the temporary signs situation procedure is a problem in the Town. The current ordinance allows temporary signs for a period of 90 days for permit fee of \$25.00. Councilwoman Exley commented the signage at the Manley gas station on Downs and Market is also a problem. Need to address.

## **MONTHLY FINANCIAL REPORTS**

Councilman Morabito made a motion to accept the 2013 Monthly Financial Report(s) for the months of June, July and August. On motion of Councilman Morabito and seconded by Councilman Burns. All in favor.

## **2014 ASSOCIATION OF TOWNS TRAINING**

Supervisor Marinaccio stated the **2014 Association of Towns of the State of New York Training School** will be held Sunday, February 16 through Wednesday the 19<sup>th</sup> 2014.

### **SOUND BARRIER INSTALLATIONS**

New York State is conducting a study to install sound barriers on I81, True Avenue to Glenwood Road. It does not mention Sowden Street.

### **2014 MEETING AND HOLIDAY SCHEDULE**

Town Clerk submitted the 2014 Meeting and Holiday schedule for review by the town board. The schedule will included the resolution of Organizational matters at the January 2014 meeting.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:34 PM

Respectfully submitted,

**Wanda R. Broczkowski**  
**Town Clerk**