

**August 12, 2013 – WORK SESSION & 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 promptly at 5:30 PM on Monday, August 12, 2013 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 held a moment of silence on the passing of Santo Morabito, father of Councilman Danny Morabito.

**CHAIR**

**SOLID WASTE DISTRICT NO. 1 AND EXTENSIONS 1 AND 2 BID OPENINGS**

Supervisor Marinaccio welcomed the three (3) company representatives who submitted bids for the Dickinson Garbage District No. 1 and Extensions 1 and 2. The bids were as followed:

<b>Adams Disposal Service</b>	<b>\$260,563.00</b>	<b>“Price without White”</b>
	<b>\$271,568.00</b>	<b>“White”</b>
<b>Taylor Garbage Service</b>	<b>\$204,732.00</b>	<b>“Price without White”</b>
	<b>\$208,732.00</b>	<b>“White”</b>
<b>Waste Management</b>	<b>\$188,698.00</b>	<b>“Price without White”</b>
	<b>\$190,608.00</b>	<b>“White”</b>

**Joe’s Disposal Service, Inc. No bid submitted**

## **SOLID WASTE DISTRICT NO. 1 AND EXTENSIONS 1 AND 2 BID OPENINGS (CONTINUED)**

Attorney for the Town, Blaise stated he will review the bid packages to ensure they meet the required legal parameters. The bids will be reviewed by the Town Board before the final award is made at the September Work Session and Regular Meeting September 9, 2013.

### **SUPERVISOR'S REPORT**

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

- Our current **2013 State Equalization** rate is now officially at 65.00.
- We had a good turnout at the July 25 **Association of Towns Meeting**. There was a lengthy discussion regarding several town supervisors wanting to pull away from the **NY Association of Towns**. Mr. Marinaccio believes their reasoning for such a move is unwarranted. Several people, including Councilwoman Exley and Mr. Marinaccio spoke in favor of supporting the NY Association as well as Supervisor Whitesell and Supervisor Castelucci of Owego. There will not be an August **Association of Towns** meeting.
- The Annual **Maria Zobniw Day** event went very well and was well attended. The weather held out and many of our local, state and federal representatives attended the event.
- Received a complaint from a resident about a dog from 17 Market St. defecating on his property and dog owner not picking up the waste. Dog control officer met with the owner of the dog notifying him that he was in violation of town laws.
- Received a complaint about disturbances involving tenant at 17 Market St. The owner of the property has been issued a letter and we have met with him and reminded him that we are close to filing a petition to shut down his property.
- Received a letter from our insurance carrier indicating his findings during a recent inspection of the town hall. He commended us for having an excellent safety record. We received 95 out of 100 possible points in the evaluation form.
- There will be an “**Extreme Weather, Climate Change, Mitigation & Adaption**” meeting held at **Kopernik Observatory**, on Sept. 13, 9 am to 5 pm. There is a registration fee of \$25. Supervisor Marinaccio is considering attending.
- Supervisor Marinaccio is in receipt of the second quarter sales tax distribution. We received a check for \$188,644.25 for the 2<sup>nd</sup> quarter. We are on target with our sales tax prediction for 2013.
- The Town received a notice of a **239 Review from the Town of Chenango**. It is a change in Local Law providing for Administration & Enforcement of the NY State Fire Prevention & Building Code.

## SUPERVISOR'S REPORT (CONTINUED)

- Received a letter of resignation from our town assessor David Hamlin indicating that his last day serving in that position will be Sept. 30. David will be moving to a new position as **Real Property Director for Broome County**. We have two applications for this position and an ad will be placed in the newspaper this week.
- Just to give you an abbreviated example of **NY State** mandates and what they cost our town: retirement, \$82K, Workers Comp, \$37K, NY Disability, \$1K, MS-4 Regulations, \$12K, and this does not include our costs for Flow Management which is just starting up. This adds up to over 20% of what we need to raise through property taxes.
- **NYSEG** warning letters- none received this month.
- Code violations – 7 were issued. They varied from a stop work order issued for new siding and a new deck being built without a permit. Others included vehicles openly stored with no plates, garbage placed at curb not picked up, furniture in front yard, junk vehicles law, sanitation law, and grass in excess of 10 inches.
- Dog Control Officer's report – Several filed. Dog not licensed, barking dog, barking dog complaint, dog bite, possible dog issue on Pulaski St., barking dog, and complaint about pit bulls on Pulaski Street.

## PUBLIC COMMENTS

Supervisor Marinaccio asked if anyone had any questions or concerns before we started the meeting.

Mrs. Delanoy of Maiden Lane of Maiden Lane reported recently at 3:00am three (3) people from the **Community Residence of the Volunteers Of America Center (VOA)** were sitting on the front lawn of a neighbor's resident located at the end of the street. It is believed that the site agreement for the facility states that there should be an onsite caretaker monitoring the center and the residents to ensure they do not congregate in the neighboring area. Supervisor Marinaccio reminded them they should contact the Broome County Sheriff if this happens again and he will also look into the matter.

Mrs. Delanoy also announced the **Prospect Terrace Fire Department's (PTFD)** annual Chicken Barbecue is August 24th, 2013 beginning at 11:00 AM. The price is \$8.50.

A resident of Sowden Street asked about amending the Town Code for residents to raise and keep 3 or 4 chickens for the production of eggs on their property. She claims the City of Binghamton allows residents to raise chickens under their code and requests us to change our Town law. Attorney Blaise inquired if she knew details about the City of Binghamton ordinance, she just knew they had a code to permit it. Supervisor Marinaccio stated they would have to have a board member to sponsor it in order to change the law here in our Town. Her request will go on record.

Resident Jim Love of Orchard Road spoke about the recent Binghamton Press article regarding the **Binghamton Johnson City Joint Sewage Treatment (BJCJST)** facility. He specifically wants to know what's happening between the Towns which are being held hostage in regards to the misinformation they provided by the paper. His belief is the newspaper does not seem to be accurately informed of the situation. Supervisor Marinaccio stated, yes the towns want to get together to share how much the rates have gone up and yes he agrees we are being held hostage. There are two (2) other municipalities that are large users and they are the Town of Union and Town of Vestal. In the past we were criticized by **BJCJST** for not raising our rates years ago as we absorbed prior increases as not burden our TOD residents. The Town Board is looking at various ways to lessen our financial burden. Once and if the **BJCJST** plant gets the revenue from construction lawsuits they filed, they claim they would reduce our rates. Mr. Marinaccio is not hopeful this will happen. Mr. Lake, Engineer for the Town, sees our overall tax rate to be reasonable for the town taxpayers compared to other towns as they have a high tax rate because their rate includes the sewer charges. Mr. Love reiterated the **BJCJST** board cannot apply for a bond to cover the costs of the repairs and maintenance of the facility thus they are passing it to the Towns.

The public comment period was then closed by Supervisor Marinaccio.

### **APPROVAL OF MINUTES**

On a motion by Councilman Gardner, seconded by Councilwoman Exley to approve the Work Session and Regular Meeting Minutes of July 8, 2013. All in favor. Vote -5 Ayes, Nays-0.

### **ABSTRACT #8**

Abstract Summary of Audited Vouchers for Funds in the amount of \$523,455.49. On Motion from Councilman Morabito, seconded by Councilman Burns 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.

## CHAIR

Supervisor Marinaccio went back to include a few items that were not in his monthly report

## BROOME DEVELOPMENT CENTER ANNOUNCED CLOSING

Supervisor Marinaccio commented the **Broome Developmental** facility is being closed by the State through a state wide initiative to reduce costs. He wonders what is happening with the people but also concerned of what is going to happen to the building. Mr. Marinaccio is reaching out to Clifford Crouch NYS Assemblyman, Thomas Libous 52<sup>nd</sup> State Senatorial District and Donna Lupardo 126<sup>th</sup> District of NYS Assembly, who has been an advocate for Mental Health and the Center. Supervisor Marinaccio is wondering what else can go in there as this would be a loss to the **PTFD (Prospect Terrace Fire Department)** of \$12,500 annually. Councilwoman Exley is part of this discussion and he asked if anyone else on the Town board would like to be included in the working group.

## BROOME COUNTY CORRECTIONAL FACILITY DETENTION POND WORK REPORTED

**Broome County Correctional** facility is doing work on a main detention pond which was designed to collect water run-off and protect **Cutler Pond** below. The **County Commissioner of Public Works** contacted Supervisor Marinaccio to state they are filling in a section of it in order to add a number of much needed parking spaces. It appears as if the pond was made larger than it should have been. He wished they would have contacted us prior as the jail has always been a sensitive topic for the Town.

## ATTORNEY

Mr. Scofield from the county spoke to us last month about the Road Use local law and the County Local Law. Initially were to have a public hearing but we postponed it because there are concerns which have not been addressed by the county to our satisfaction. If the town were to adopt the county law, we would give up some of the coverage within our local law. Several attorneys from Mr. Blaise's law firm, who represent many of the local municipalities, including Mr. Blaise, will be discussing the concerns at a meeting with the County on Wednesday September 4<sup>th</sup>. We could attempt to modify our local law but found out this is not feasible because if it is to be tied to the County's proposed local law, which was promulgated by **Delta Engineering**. Mr. Blaise reviewed several of many concerns and for only one example, the County Law applies only to 'new' businesses for which heavy trucks are used to set up the pads. Councilman Morabito commented about the oversight advantage that the County would have over the projects and paths they would be taking for management of the road use. Supervisor Marinaccio acknowledged it is a valid point, but the County is not interested in overseeing the town's roadways under the local law.

## PROPERTIES

### 13 BELLAIR AVENUE

Mr. Laskowski is close to being the owner of the property which includes all filing fees and closing costs. All accumulated back taxes have been forgiven by the County. We are in the process of finalizing the closing and filing the transfer papers per Attorney Blaise's office.

### RIGHT OF WAY FOR PHELPS STREET PROPERTY

Attorney Blaise reported that Ms. Burke's attorney has been notified a survey will be conducted of the road site. She will give us the right-of-way but wants to be advised of all the proceedings and how it is being set-up. This right-of-way will connect **Brandy Wine Heights** to **Rogers Mountain Way**. Public Works Commissioner Kie reported the land survey has been completed.

### GARBAGE DISTRICT BID PACKET(S)

Attorney Blaise stated the **Garbage District No. 1 and Extensions 1 and 2** bid packet which is a two (2) year contract and includes 517 estimated household units will be awarded at the September 9th meeting. Mr. Blaise stated this appears to be the first time three (3) bidders applied. It will be awarded in time to meet the deadline for them to be included in the January 2014 tax bills. This is a good thing for the garbage district as it appears they will be paying no more, and possibly less, for their garbage service. Mr. Marinaccio commented we have had several complaints over the year and a half regarding **Waste Management**, the current hauler.

Attorney Blaise will review all the bid packages to ensure they meet the bidding requirements criteria. Those residents present in the audience from the district in the audience were in favor of having a 'white' goods pick-up. Since there was over a \$10,000 bid differential he stated if a low bid was not honored, we would need to provide justification.

## CHAIR

Supervisor Marinaccio reported **Hulbert Engineering**, the firm for the proposed **Microtel** project met with the Planning Board. It looks like it will move forward. They are requesting a variance in the zoning. It would include a set-back and they would need to seek a **Planned Unit Development (PUD)** zone change.

**COMMITTEE REPORTS:**

**PUBLIC WORKS – WATER DEPARTMENT & HIGHWAY DEPARTMENT**

1. Public Works Commissioner Kie reported the Old State Road water tank project is completed. The new tank is installed and the old tank is down and just has to be removed.
2. Catch basins up near the Old State Road site, which were originally installed by the County, were signed over to the town in 1963. We are responsible to maintain these two (2) basins. Mr. Kie will work with the County to resolve the issues and will meet with them soon. Mr. Ron Lake, Engineer for the town, suggested to replace the culvert. Mr. Kie stated once the pipe is replaced we should resurface the road for the residents; the road up there is pretty beat up. Report back in September.
3. Paving will begin this Wednesday on Pulaski Street now that the sewer and water project is complete.
4. Marion Street is past Mr. Katushak's property where a tree recently fell down. It is questioned whether we can abandon a portion of Marion Street. Otherwise the practical impact is that the town is holding responsibility for part of Mr. Katushak's yard. The land is next to the Choconut Creek and the resident owns the creek. Council Morabito wonders about piping completed by the Town during the days of Joe Winterstein who was the Commissioner. Will look into it.

**MONTHLY FINANCIALS**

Monthly financial report for the month(s) of April and May need approval. On motion from Councilman Morabito moved to approve, seconded by Councilman Gardner. All in favor.

**PLANNING & ZONING BOARD**

The **Microtel** project will be working respectively with both boards.

**CODE ENFORCEMENT**

None

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 6:28 PM

Respectfully submitted,

**Wanda R. Broczkowski**

Town Clerk