

May 11, 2015 – 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 6:00 PM on Monday, May 11, 2015 in the Town Hall, 531 Old Front St., Binghamton, NY.

The members of the Town Board present were:

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

Also attending:

- Oliver N. Blaise III, Esq., Town Attorney**
- Susan Cerretani, Town Clerk**

CHAIR

Supervisor Marinaccio started the meeting by welcoming Susan Cerretani as our new Town Clerk. Susan was sworn in this past Friday.

SUPERVISOR’S REPORT

Mr. Marinaccio gave his report for the month of May. His report will be placed on file. Here are some highlights:

- Next tax cap/shared services meeting will be May 20, 3:00, Broome County Office Building.
- On April 28, Port Dickinson Mayor Burke and Supervisor Marinaccio met with county officials to discuss the plan to merge the Village public works department into the Town’s. The main purpose was to calculate any savings that will occur both short term and long term.
- April 15th was the quarterly supervisors and mayors meeting with County Executive Preston and other officials. There was a short presentation by Kevin McLaughlin, Executive Director of the **BCIDA** (now called **The Agency**). Dan Schofield discussed the Road Use Agreement. Marie Kalka, Director of Finance for the County discussed sales tax revenue.
- Supervisor Marinaccio attended the Annual Community Breakfast sponsored by the **BCIDA**. Mr. Marinaccio said that it was well attended by local leaders. The name change of the IDA was also presented. They will now be called The Agency.
- The next **AOTV** meeting date is June 4.
- Supervisor Marinaccio was a server on April 9 at the **BOCES** Celebrity Pasta night. This is a fund raiser to celebrate Autism Awareness with proceeds funding an end of the year carnival. It’s a fun event with pasta and meatballs, desserts and refreshments being served.
- The Second Annual Color Run took place at the **SUNY-Broome** Campus on April 26. There were over 5,500 people in attendance. Traffic was efficiently controlled by the **Broome County Sheriff’s Department**. Mr. Marinaccio believes there were over 6,000 people total at this event.
- Supervisor Marinaccio has been selected to become a member of the NY State Association of Towns Executive Committee. Mr. Marinaccio is truly honored and will work hard to assure that any and all issues that affect the Association and our communities are addressed in an effective manner.
- The Certificate of Final Railroad Ceiling is as follows: (based on our Equalization rate of 71.5)
Delaware & Hudson RR.....\$134,078
Norfolk Southern Corp.....\$114,878

SUPERVISOR'S REPORT (Continued)

- The County has completed their Proposal with **Delta Engineering** for the Implementation of a Local Road Protection Program. The county is asking all municipalities if they are interested in joining them. Mr. Marinaccio has referred this issue to the Town's attorney.
- Joel Kie, Public Works Commissioner and Supervisor Marinaccio attended the May 5, **Department of Transportation** meeting highlighting updates for the 2015 construction of I-86. Mr. Marinaccio thought the meeting was very informative. The construction is near completion of Stage 1, with Stage 2 letting out in December. Some of the closed ramps will be reopened.
- The first quarterly sales tax check for the town is \$183,171.81.
- Fees due to the town for the housing of non-Broome County residents at the Broome County Jail during the first quarter of 2015 are \$13,235.24
- Mr. Marinaccio has suggested to the Binghamton Mayor that the Mayors of the City of Binghamton and Johnson City schedule a meeting with all of the outside users of the sewage plant to discuss the surplus money that has been mentioned in the news. Mr. Marinaccio says that there are too many questions and rumors about this surplus and of sewage rates increasing by 25%.
- The Police Support Rally took place last Saturday at the Oakdale Mall.
- Supervisor Marinaccio was copied on a letter that was written by Assemblyman Crouch to **NYS DOT** Commissioner Joan McDonald requesting assistance with funding for the Phelps St. road extension project.
- **CODE VIOLATIONS:**
 1. The owner of 210 Bevier St. was arraigned and will have a court appearance on June 2.
 2. Appearance ticket issued to 231 Bevier St. for violation of Property Maintenance Code.
- **DOG CONTROL REPORT:**

Supervisor Marinaccio is in receipt of the DC Officer monthly report. Stray dogs reported and picked up, dog found on a road and taken to the shelter, persons walking 3 dogs along Adams Drive and not picking up dog waste and a few complaints called in about cats.
- **NYSEG WARNING LETTERS:** None received
- **TOWN CLERK FINANCE REPORT:** Supervisor Marinaccio is in receipt of the monthly town clerk's finance report for April and the April report for the Court. The Court report is generated by NY State Unified Court.

PUBLIC COMMENTS

Supervisor Marinaccio opened the meeting to public comments.

Jim Love of Orchard Road spoke to the issue of the Railroad status. Supervisor Marinaccio received the **Certificate of Final Railroad Ceiling** based on the Equalization rate of 71.5 percent. Mr. Marinaccio would like to have the town Assessor Jack Cahill come to a meeting to explain the process.

APPROVAL OF MINUTES

On a motion by Councilman Morabito seconded by Councilwoman Exley to approve the Work Session April 6, 2015 and Regular Meeting Minutes of April 13, 2015. All in favor. Vote -5 Ayes, Nays-0.

ABSTRACTS for approval

On Motion from Councilman Gardner, seconded by Councilwoman Exley to approve abstract # 5 in the amount of \$196,192.24. Vote Ayes – 5, Nays – 0.

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

Unanimously passed and noted as duly adopted.

Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$:

Voucher #5 for April 2015 year in the amount of \$:\$196,192.24

General Fund	\$56,087.45
Part Town	\$511.50
Highway	\$29,717.95
Fire districts	\$26,944.00
Light Districts	\$4,364.35
Refuse & Garbage	\$7,862.42
Sewer Operating Dist.	\$3,903.67
Water Operating Dist.	\$66,801.10
Water Debt-Water Line/Replace/Repairs	\$00.00

ATTORNEY

STATUS OF TOWN BOUNDARY ANNEXATION OF 932 UPPER FRONT STREET TO TOWN OF CHENANGO

Mr. Blaise stated that after submitting the survey provided by the Schlesigers, the **Broome County Planning Department** needs additional new lines or colors to prepare new maps of the adjusted town boundaries following the annexation. Mr. Blaise is waiting to hear from the surveyor what the charge is going to be and who is going to pay that charge.

FILING OF DEED FOR PHELPS STREET PROPERTY

Attorney Blaise reported the Phelps Street deed from Mrs. Burke has been filed. The Town of Dickinson now owns the Phelps Street property. After the meeting, Attorney Blaise will give the abstract and title to Susan Cerretani, the Town Clerk to file. The Town Clerk will then sign a receipt which verifies that she has received that abstract and title.

UPDATE ON TRANSFER OF MARION STREET TO MR. & MRS. KATUSHA

The Katushas do not want to finalize the property transfer until the Town removes the tree stumps from the property. Public Works Commissioner Joel Kie stated that the Town will remove the remaining trunks in the next couple weeks but will not remove the stumps. Attorney Blaise will follow up with communication with the Katusha family to sign the transfer once the tree trunks are removed from the property.

NEW YORK STATE DEPARTMENT OF TRANSPORTATION PROJECTS

Attorney Blaise stated that we have not heard back from NYSDOT regarding the draft agreement with the City of Binghamton for lighting along US 11 from the city line to Bevier Street. We haven't heard back or seen draft agreements on the trail. Supervisor Marinaccio stated that he would contact **NYSDOT**.

RESOLUTION 2015-11

The following Resolution was offered by Councilman Morabito, who moved its adoption, seconded by Councilman Burns.

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **Resolution authorizing the appointment of Jason Delanoy to the Zoning Board of Appeals effective immediately to fill out the term of Jerome Ford.**

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

All in favor.

Supervisor Marinaccio said he will call Jason Delanoy to inform him of his new appointment.

RESOLUTION 2015-12

The following Resolution was offered by Councilman Gardner, who moved its adoption, seconded by Councilman Burns.

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **Resolution supporting the issuance of a gaming license to Tioga Downs.**

It was agreed that this will create jobs and create business for our area.

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 Gardner Aye
- Councilwoman Exley Aye
- Councilman Morabito voting Aye
- Councilman Burns voting Aye

All in favor.

A copy of the resolution is attached to these minutes and will be forwarded to Tioga Downs.

Attorney Oliver Blaise presented two “off the agenda” items.

1. Under **Section 284 Highway Law** there is supposed to be a formal agreement in place between the Highway Superintendent and the Town board that sets forth the funds the Highway Superintendent intends to expend on yearly projects for repairing roads, generally and on any specific projects. This law was put in place decades ago but has not always been adhered to. The NYS Comptroller has been noting in his audits that it wants to see these agreements in place. Attorney Oliver Blaise and Public Works Commissioner Joel Kie worked up an agreement for the board to sign. A long discussion followed about the particulars of the process and the agreement. It is a yearly agreement that covers storm water and highway. Mr. Blaise clarified that the Highway Superintendent assumes the position of Public Works Commissioner and oversees not just the highway but he oversees water and sewer, as set forth in the Town Code. Councilman Morabito’s greatest concern is the management of the process. All agreed that it is a formal check and balance system of the Public Works budgeting process. Supervisor Marinaccio stated that it will be yet another improvement and a star for how the Town handles its finances. The agreement needs some grammar, spelling, and job title corrections. The Resolution will be adopted with corrections being made. A copy will go to the County.

RESOLUTION 2015-13

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

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **Resolution approving the agreement for the expenditure of highway moneys. (*with corrections)**

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

All in favor.

A copy of the agreement is attached to these minutes, will be placed on file with the Town Clerk, and will be forwarded to the County as provided for by Highway Law § 284.

2. Mr. Blaise received correspondence from Village attorney Herb Kline about Mayor Burke having attended one of our meetings to discuss the Fire contract for 2015 where it was discussed that special districts have their own tax cap. Now we find that the interpretation by the Comptroller is the exact opposite. The Comptroller's Office posted information on the tax cap on its website, basically saying if the tax levy is controlled or set by the governing body, that governing body has to include that in its overall tax levy for tax cap purposes. The Comptroller's Office is auditing for compliance.

CHAIR

COMMITTEE REPORTS:

PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

Joel Kie, Public Works Commissioner reported that during the flood of 2011 the Town purchased several pumps to help the residents on Adams Drive. There is a surplus of 10 or 11 pumps that Mr. Kie would like to sell to the public. They are gas pumps that will need to be serviced. Attorney Blaise stated that the pumps could be declared as surplus and sold. The Town Clerk's office will be responsible for collecting the fee of \$100 per pump. A resolution (#14) was adopted to declare the pumps as surplus.

RESOLUTION 2015-14

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

BE IT RESOLVED, by the Town Board of the Town of Dickinson, Broome County, New York as follows: **Resolution declaring pumps that were purchased and used in the Flood of 2011 as surplus.**

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

All in favor.

SET POLICY FOR FIRE HYDRANT USE

Public Works Commissioner Kie would like to institute a process for fire hydrant permits. According to the Town Code the fees are determined by the Town Board. The Highway Department is in the process of obtaining a meter to measure water usage directly from the hydrants. Contractors in need of a large volume of water will be charged a flat fee of \$250 plus the going water rate for cf of water used.

On a motion by Councilman Morabito seconded by Councilman Burns for the Town Board to set policy for Fire Hydrant use with a flat fee of \$250 plus the current water rate for cf of water used. All in favor. Vote -5 Ayes, Nays-0.
All in favor

CODE ENFORCEMENT

None

PLANNING & ZONING BOARD

There is a Planning Board meeting next Monday, May 18th, which is a week earlier than regularly scheduled because of the Memorial Day holiday. The board is progressing on the anniversary celebration plans. We are looking volunteers from Sunrise Terrace and Prospect Terrace.

Zoning – nothing new.

Town Engineer Ron Lake will be taking a part time position with Griffiths engineering firm but he will continue on with the Town of Dickinson.

FINANCIAL REPORTS

COURT AND TOWN CLERK MONTHLY FINANCIAL REPORTS

Councilman Morabito made a motion to accept the **Financial Report** for the **Town Clerk** for April in the amount of \$1,492.13. On a motion by Councilman Morabito seconded by Councilwoman Exley. All in favor.

Town Clerk's Report

APRIL 2015 in the amount of \$1,492.13:

<u>NYSDOH</u>	<u>\$00.00</u>
<u>NYS Ag & Markets spay/Neuter program</u>	<u>\$56.00</u>
<u>NYS DECALS (Hunting/Fishing)</u>	<u>\$70.86</u>
<u>Supervisor Town of Dickinson</u>	<u>\$1,492.13</u>

Councilman Morabito made a motion to accept the **Financial Report** for the **Court Clerk** for April in the amount of \$42,037.00. On a motion by Councilman Morabito seconded by Councilwoman Exley. All in favor.

Court Ticket Collections Report(s)

APRIL 2015 in the amount of \$42,037.00

<u>STATE of NY</u>	<u>\$32,536.00</u>
<u>Broome County</u>	<u>\$430.00</u>
<u>Town of Dickinson</u>	<u>\$8,989.00</u>
<u>Other</u>	<u>\$82.00</u>

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:16 PM.

Respectfully submitted,

Susan M. Cerretani
Town Clerk