

August 31, 2015 – SPECIAL MEETING

The Special Meeting of the Town of Dickinson Town Board was called to order by Supervisor Michael A. Marinaccio at 5:33 PM on Monday, August 31, 2015 in the Town Hall, 531 Old Front St., Binghamton, NY.

This is a special meeting called to address certain time sensitive issues.

The members of the Town Board present were:

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

Also attending:

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

Absent:

Sharon M. Exley, Councilwoman

The special meeting was called to order by Supervisor Marinaccio and turned over to Town of Dickinson Attorney Oliver Blaise.

ATTORNEY

Attorney Blaise opened the meeting by providing an update on the **Microtel** project. The project has been through the site plan. Part of that process was that the developer needed Burbank Avenue to proceed with the development. The developers, **DMJ Properties**, acquired the property on both sides of Burbank Avenue which included the old **Northwestern Mutual** property and several residential rental properties.

The process to eliminate the road is somewhat complicated.

Attorney Blaise stated that he has an application from **DMJ** requesting that the Town discontinue the road that was delivered to him by **DMJ's** Attorney Joe Meagher. **DMJ** had been on and off again with the development project as their financing waxed and waned. **DMJ** finally contacted Attorney Blaise and Highway Superintendent Kie a couple weeks ago to say that they were ready to proceed with the project.

The process has been significant with a lot of cooperation between Joel Kie and **DMJ**.

The application is being presented by **DMJ** to the Town Clerk and Joel Kie, as the Highway Superintendent, to discontinue **Burbank Avenue** as a Town road.

Also submitted is a Consent and Release form that **DMJ** has signed and Public Works Commissioner Joel Kie will have to sign where the Town says it will discontinue this road as a public street in exchange for **DMJ Properties**. As the only property owner along the road is consenting to the discontinuation and releasing any claims they may have for the Town discontinuing the road.

Once the Town Board passes the resolution discontinuing the road, Highway Superintendent Joel Kie will need to sign it, file it with Town Clerk, and **DMJ** will receive a copy of it back.

A **SEQRA** review is required before the resolution is passed.

ATTORNEY CONTINUED:

Councilman Morabito expressed concern about the status of the road if the project doesn't go through to completion. A discussion followed.

Attorney Blaise and Public Works Commissioner will meet with **DMJ's** attorney and engineer Wednesday morning to discuss relocating the sewer lines under the road. There is a 30 day waiting period subject to a permissive referendum to transfer the road. Councilman Morabito suggested that we could ask for a bond for the purpose to put the road back in place if the project falls apart in the next 30 days. Councilman Burns is concerned about putting obstacles in the developer's way. Public Works Commissioner Kie stated that what we need to be concerned about is that the sewer line is relocated. Attorney Blaise stated that the sewer line will be moved while we are waiting out the permissive referendum period. The Town can hold off transferring until the sewer lines are moved. Public Works Commissioner Kie will be notified and will be right there overseeing and directing while the work is being done. Attorney Blaise stated that the easements will be drawn up once they are in the ground and will be put in place with the transfer of property.

Public Works Commissioner Kie stated that one million gallons per hour goes through the sewer line.

RESOLUTION 2015-26

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:

**Making a negative declaration for the purposes of SEQRA review on the discontinuance of Burbank Avenue.
(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, Absent -1.

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

All in favor.

RESOLUTION 2015-27

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:

Resolution in the matter of the application of DMJ Properties LLC to discontinue a portion of a highway in the Town of Dickinson, Broome County, N.Y.

(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, Absent-1.

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

All in favor

RESOLUTION 2015-28

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 authorizing transfer of certain real property known as Burbank Avenue, subject to permissive referendum, and authorizing the town supervisor to execute all necessary documents related thereto.

(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, Absent-1.

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

All in favor

A permissive referendum will be published in the newspaper within 10 days. If no one files the proper petition within 30 days challenging it, the paperwork can be signed by Supervisor Marinaccio to deed the property over.

RESOLUTION 2015-29

The following Resolution was offered by Councilman Burns, 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:

Resolution authorizing DMJ Properties to access Burbank Avenue in conformance with work on the Microtel project.

(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, Absent-1.

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

All in favor

PHELPS STREET EXTENSION PROJECT

Attorney Blaise stated that the holdup on the Phelps Street project is that the State is requiring that there will be no archeological impact and we are waiting to hear back from **SHPO**. A 239 was submitted to the County and we are waiting to hear back from them. We will hopefully hear back from **SHPO** and the County by the September board meeting and then the board can adopt a resolution to authorize the borrowing for the project.

Supervisor Marinaccio stated that we have a good deal with the bank - 1.4 percent interest rate, \$250,000/12 month ban, and the bank is ready to lend us the money for the Phelps Street project. Highway Superintendent Joel Kie stated that if we get delayed another month we can start the project but won't have enough time to finish. Attorney Blaise stated that we should know in 2 weeks. Mr. Marinaccio said that the offer is good for 30 days.

CHAIR

- Supervisor Marinaccio and Public Works Commissioner Joel Kie received an email from **DOT**. Glenwood Avenue and Adams Street in the Prospect Terrace area are being cleaned up and are looking good.
- With regard to the Marion Street parcel, Supervisor Marinaccio stated that Mr. Katusha's son left him a message complaining about the part of the property that went under water. Mr. Marinaccio is pulling himself away from this situation as he finds it difficult to communicate with the Katusha family. The transfer of the property has been on again, off again. As of Friday it was on. As of today it's not on. Mr. Marinaccio stated that the Town has spent a lot of money on this property.
- A discussion was held regarding developments of the proposed **Dunkin Donuts**. Code Enforcement Officer Steve Rafferty stated that Mr. Skrabalak is gathering signatures, but if he doesn't get signatures from the surrounding residents, the Town Board can go against the residents' wishes and change the zoning. Councilman Gardner and Supervisor Marinaccio agreed that the whole block should be rezoned commercial from corner to corner.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 6:04 PM

Respectfully submitted,

Susan M. Cerretani

Town Clerk