

**October 5, 2015 – WORK SESSION**

The Work Session of the Town of Dickinson Town Board was called to order by Supervisor Michael A. Marinaccio at 5:30 PM on Monday, October 5, 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**

**OPEN GARBAGE DISTRICT REBIDS**

|                            |              |
|----------------------------|--------------|
| <b>Bert Adams Disposal</b> |              |
| 1. one year contract:      | \$123,769.80 |
| 2. two year contract:      | \$247,539.60 |
| 3. three year contract:    | \$362,934.00 |
| <b>Taylor Garbage</b>      |              |
| 1. one year contract:      | \$125,010.60 |
| 2. two year contract:      | no bid       |
| 3. three year contract:    | no bid       |

The garbage bids will be analyzed and the bidders will be notified.

**2016 BUDGET**

The preliminary budget is completed and now available in the Clerk's Office. Supervisor Marinaccio thanked the Town Board members and staff for working through a very difficult budget for this year.

**SENATOR SCHUMER**

Supervisor Marinaccio stated that a press release went out from Senator Schumer regarding the railroad and the Phelps Street project. There was a follow up report by local news media **Fox News** and **WBNG TV**. Both Public Works Commissioner Joel Kie and Supervisor Marinaccio were interviewed. Supervisor Marinaccio stated that the town is now waiting to see if the railroad comes through with funding for the Phelps Street project. Public Works Commissioner Joel Kie and Supervisor Marinaccio have been asked to attend the Town of Kirkwood Town Board meeting tomorrow to talk about the Phelps Street project.

## NO PARKING ON LOWER ROSEDALE DRIVE

Supervisor Marinaccio stated that we need to send out letters to notify the residents on Lower Rosedale Drive where the “no parking” restriction is proposed. Mr. Marinaccio stated that the Board needs to set a Public Hearing at the next meeting. Attorney Blaise will prepare the Local Law revision to the section of the code that covers the parking restrictions.

## LETTER SENT OUT TO TOWN OF KIRKWOOD

Mr. Marinaccio sent out a letter to the Town of Kirkwood asking for financial assistance with the Phelps Street project.

## NYSAC

Supervisor Marinaccio has been selected to represent upstate NY at a press conference in Albany on October 8, sponsored by NYSAC to discuss local municipalities shared services and efficiencies.

## HOTEL OCCUPANCY TAX

Supervisor Marinaccio thanked Attorney Blaise for sending a letter to Assemblyman Clifford Crouch regarding the hotel occupancy tax. Assemblyman Crouch replied that he submitted the request for Hotel Occupancy Tax legislation for the Town of Dickinson to bill drafting for 2016.

## ATTORNEY

## GARBAGE DISTRICT REBID

Attorney Blaise stated that the only difference from the initial Garbage bid and the Garbage rebid is that Bert Adams submitted a one year bid. The two and three year bids remained the same as the previous bid submission. **Taylor Garbage** submitted a one year bid this time. It was noted that the one year prices from both bidders were half the amount of the previous 2 year bid that was submitted in August.

A discussion was held recapping the history of the Garbage bids from previous years.

- The previous contract was approximately \$188,000 and was originally awarded to Waste Management and eventually bought out by **Bert Adams Disposal**.
- The last time **Taylor Garbage** had the contract, the bid was approximately \$208,000.
- The first time **Waste Management** had the contract it was approximately \$199,000

Administrative Assistant Beverly Wike stated that the low bid amount of \$123, 000 would amount to approximately \$244 per year per household. Councilman Morabito commented that it is in the ball park and currently most households outside of the district pay approximately \$52-\$60.

Attorney Blaise stated that dissolving or changing the district would be difficult or impossible at this point in the year. Dissolution can be done next year. This will give the town time to educate the residents, get feedback and give the residents time to line up their services. After a period of discussion, it was agreed to accept the one year bid.

## **PHELPS STREET EXTENSION**

Attorney Blaise stated that a special meeting was held to move forward on the Phelps Street project. A closing meeting is lined up for October 13, at 10:30 with **NBT** Bank. Attorney Blaise stated that he was alerted by Public Works Commissioner Kie that the surveyor marked several areas that need to be cleared and graded beyond the area of the Town's easement. The reason is to make sure it is graded away from the road in order to prevent erosion and provide appropriate drainage. There are certain spots that need to go further than where the town owns or has the right away. Four property owners were affected. Three of the four property owners were notified and were agreeable to the process of clearing and grading. The other property owner, Mrs. Burke was notified through her attorney. Mrs. Burke's attorney relayed back to town attorney Blaise that Mrs. Burke is amenable, but she doesn't want to incur any costs. Mr. Blaise stated that there is a lot of work to do before access to the other areas is needed. In the meantime, Public Works Commissioner Joel Kie has been encouraged to mark and clear everything within the right of way in order to get the process started. Supervisor Marinaccio complemented everyone on doing an excellent job. Public Works Commissioner Joel Kie stated that the surveying started today. Attorney Blaise stated that he must follow up with Public Works Commissioner Joel Kie to make sure the temporary easements are in place. Mr. Blaise said he made it clear to the property owners that we are not owning the property and the town just needs to get to the property to prep it.

## **DPW AGREEMENT WITH THE VILLAGE**

Attorney Blaise provided a draft document of the DPW agreement between the Town of Dickinson and the Village of Port Dickinson. He stated that the Village is a couple of steps behind the town in terms of the board's involvement. Attorney Blaise encouraged the Board members to review the revisions. Attorney Blaise stated that the next step would be to flesh out reporting requirements and for the two full boards to get together and go through the agreement. A discussion was held to figure out the best way to proceed in order to review the agreement with the Village; whether to invite the Village board to the Town's November meeting, hold a special joint meeting, approve the agreement separately or attend the Village's October meeting. The consensus was to have Public Works Commissioner Kie and Supervisor Marinaccio attend the Village's next board meeting on Tuesday, October 13<sup>th</sup> and then have the Village Board attend the Town's regular meeting on October 19 or November 9<sup>th</sup> to vote on the agreement. Attorney Blaise will set it up with his partner Jeff Jacogs at Coughlin and Gerhart who has been handling things on the Village end.

## **HOTEL OCCUPANCY TAX**

Attorney Blaise remarked that he was very pleased and impressed that Assemblyman Crouch responded so quickly to the Town's request to initiate the process for the Hotel Occupancy Tax legislation.

## **PROPOSED GARAGE SALE LEGISLATION**

Attorney Blaise stated that we will schedule a resolution at the November meeting to schedule a Public Hearing for the proposed garage sale legislation. Councilman Gardner then opened a discussion by questioning whether the community garage sales hosted by the **Sunrise Terrace Association** and **Chenango Shores/Nimmonsburg Association**, would be required to obtain a permit. Attorney Blaise stated that under the draft, organizations are not exempt from obtaining a

permit. A resident is allowed to have up to three garage sales per year. If a resident participates in the community event, that would account for one of the three sales. Residents would be required to obtain a permit application for each garage sale. Initially it was decided that no fee would be charged until Code Enforcement Officer Rafferty recommended charging a \$5.00 fee per application to cover paperwork. The town can notify residents in the newsletter that comes out in the spring. Attorney Blaise recommended that the Board not put a fee in the local law so that there is the discretion to increase the fee in the future without a public hearing and revising the local law.

### **COMPETITIVE BID FOR DOOR REPLACEMENT**

Supervisor Marinaccio stated that apparently there are problems getting the bids out. Mr. Marinaccio stated that he will call the Grant manager and ask for an extension. Councilman Burns asked what the problem is. Mr. Marinaccio responded that part of the problem is that the costs to replace the doors were above the threshold awarding it. Mr. Marinaccio stated that we have to post it and send to the grantor with a copy of our procurement policy. Then if it's okay, they will reimburse us one hundred percent once we get the work done.

### **ATTORNEY BLAISE WILL BE IN WASHINGTON, DC ON OCTOBER 19<sup>TH</sup>. HIS COLLEAGUE NATE VANWHY WILL COVER FOR HIM**

### **PUBLIC WORKS**

#### **BOCES**

Public Works Commissioner Joel Kie received a note from Bill Powell, who is the person in charge of grounds and maintenance at **BOCES**, after Public Works Commissioner Kie and Town Engineer Lake visited the site at the request of the neighbors. Mr. Powell's note stated that he is willing to have a neighborhood meeting to address the neighbors' concerns. Supervisor Marinaccio emphasized that the Town Board would not be involved in the meeting. Councilwoman Exley stated that she is interested in attending the meeting as a resident with her own private interest at stake.

Public Works Commissioner Kie stated that we are all aware that **BOCES** is currently stockpiling materials for the purpose of erosion control and they are building a berm. In his note, Mr. Powell expressed concern that no one should be taking photos of students working on equipment and that people have been trespassing on the property while taking photos. In order to prevent this situation, Mr. Kie thinks that the property should be posted. Supervisor Marinaccio advised that people shouldn't be wandering around up there. If any of the council people want to go to the site, they should be accompanied by Public Works Commissioner Kie.

Supervisor Marinaccio stated that residents' concerns have brought attention to the site, which may have prompted **BOCES** to build a berm. Supervisor Marinaccio stated that the residents claim they are getting more water than they used to. He remarked that the properties are being challenged by the harder rains we are getting. Town Engineer Ron Lake also made the comment that we get harder rains now and that the houses do not have proper drainage in place.

Mr. Marinaccio stated that **BOCES** had the option to stay away from Maiden Lane. Instead, they excavated too closely to the homes. Supervisor Marinaccio and Councilwoman Exley agreed that **BOCES** is not being a good neighbor anymore. They used to be, but something has changed in the past five or six years.

Supervisor Marinaccio stated that there is a rumor that **Broome Developmental Center** may not be closing all their buildings. He stated that building number three, which is the main building, might remain open. **BDC** has two or three offices around the city that they rent that they will be bringing back to **BDC**. They are finding it hard to find places to take patients who need extensive care.

### **MICROTEL**

Public Works Commissioner Joel Kie stated that the **Microtel** project is going well, everything is fine with the easements and they should be starting the sewer next week. The structure first has to be built at Abbey's.

### **MARION STREET PROPERTY**

Mr. Ed Katusak's son contacted Public Works Commissioner Joel Kie about the drainage issues in the creek at the far end of their property. He is asking the town to remove fallen trees in the creek because they are causing erosion on the edge of his property. Councilman Gardner questioned if the town would be interested in removing the fallen trees. Mr. Kie replied that the trees will slow down the water and dissipate the energy of the water. Mr. Kie stated if you take the trees out it will cause more erosion. Engineer Ronald Lake recommended cutting the trees up with a chain saw and he wouldn't recommend putting equipment in to get the trees out.

### **LEAF PICKUP**

Public Works Commissioner Kie stated that he is hoping leaf pickup can begin next week.

### **SUNRISE TERRACE/BINGHAMTON CITY SCHOOL DISTRICT**

Councilman Gardner has been approached by several Sunrise Terrace residents who are interested in knowing whether the School District for Sunrise Terrace could be changed. Councilman Gardner stated that there are several young families with children who are moving out of Sunrise Terrace because they want to get out of the school district and many residents are having difficulty selling their houses because of the school district. Supervisor Marinaccio stated that he has been asked the same question and in fact addressed it 24 years ago. Mr. Marinaccio only made it to step one. The process involves gathering petitions, getting the school district to agree to it, and then it has to go through the State Legislature. Mr. Marinaccio is convinced that the Binghamton City school system would never let it happen.

## CODE

### DUNKIN DONUTS

Regarding the proposed **Dunkin Donuts**, Code Enforcement Officer Rafferty stated that he put a call in to the developer and is expecting a call back tomorrow. Mr. Rafferty received a zoning application from resident Mr. Reynolds who wants his two lots rezoned from R2 to commercial. Mr. Skrabalak sent zoning applications to one property owner who lives in Buffalo and one who lives in Massachusetts.

### FARMERS MARKET

Code Enforcement Officer Rafferty informed the board that the contractor for the **Farmers Market** submitted a building permit application.

### PORT DICKINSON AND CHENANGO FIRE PROTECTION

Attorney Blaise asked Administrative Assistant Beverly Wike if she had received the numbers back from Port Dick or Chenango Fire protection contracts. Ms. Wike replied that she received Chenango's letter today which she will email to Attorney Blaise but she has not received Port Dickison's.

Public hearings to be scheduled for the November work session:

- Fire protection contract
- 2016 Budget
- garage sale legislation
- no parking on Rosedale

On motion by Supervisor Marinaccio, the work session was adjourned by motion from Councilman Morabito and seconded by Councilman Burns at 6:37 PM.

Respectfully submitted,

Susan M. Cerretani  
Town Clerk