

October 11, 2016 – 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 Tuesday, October 11, 2016 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
Thomas J. Burns, Councilman**

Absent: Danny F. Morabito, Councilman

Also in attendance:

**Oliver N. Blaise III, Esq., Town Attorney
Susan M. Cerretani, Town Clerk
Code Enforcement Officer Stephen Rafferty, Town Engineer Ron Lake,
Public Works Commissioner Joel Kie, Administrative Assistant Beverly
Wike, Zoning Board Chair Jeanne Compton, and 3 members of the
general public.**

CHAIR

SUPERVISOR'S REPORT

SUPERVISOR'S MONTHLY REPORT

October 2016

- As the Supervisor mentioned in last week's work session, the **125th Anniversary Celebration** event went well and as planned. A big thank you to the 125th committee. We have close to 200 pictures that we are working on to place on the web site. Supervisor Marinaccio will also be sending pictures to some individuals as he goes through the album and identifies the pictures.
- The next Association of Towns & Villages Association meeting will be held on Oct. 27, 6:30 pm at the California Grill located in Vestal on the Vestal Parkway at 6:30 pm. Guest speaker is Greater Binghamton Chamber President and CEO Jennifer Conway.
- Mr. Marinaccio attended the 2016 **Resiliency Summit** that was held at the BU downtown campus building. This was an 8 hour summit dealing with our past floods, why they occurred, weather conditions, steps that have been taken to mitigate flooding, waterfront redevelopment, and much more. They also discussed how our town worked with the **NYS Dept. of Transportation** in getting the flood gates installed and used that as an example how government entities can work together to get things done. Supervisor Marinaccio truly enjoyed this summit and looks forward to how we will mitigate future flooding in our flood prone area.

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SUPERVISOR'S REPORT CONTINUED:

- In regard to 231 Bevier St., the Town is aware of recent events at this address and will be monitoring any and all police calls for that address.
- Supervisor Marinaccio received a letter from ACHIEVE Executive Director Mary Jo Thorn notifying him that the Chenango County ARC/CWS and ACHIEVE have entered into an agreement to begin joint operations as part of a plan to unify both organizations during 2016-2017.
- Town of Dickinson staff has submitted the 2017 Meetings Dates Schedule and Holiday schedule. Copies have been distributed to each of the board members for review.
- Ground breaking event for The Agency project which will be built in the Town of Dickinson on the **SUNY-Broome** campus is scheduled for Monday, Oct. 17, starting at 10:30 am. Everyone is invited to attend. Supervisor Marinaccio will be making a few remarks at this ceremony.
- As stated at the work session, we have developed a Solar Energy Committee for our town which will research and develop a Solar Energy Law. The committee will consist of Dave Wasser, Steve Gardner, Jim Love and Steve Rafferty
- Supervisor Marinaccio contacted the NY State Association of Towns regarding a new law that allows certain manufactured homes to be allowed in R-1 and R- 2 districts. The Association sent the Supervisor information on this issue and we can go over it as time allows. Mr. Marinaccio believes that this new law which is not in place yet, is under review by the **NY Division of Code**. They are also looking at how this fits in Historical districts as well as aesthetics relating to these homes. Some people call them double wides. Supervisor Marinaccio also contacted Assemblyman Crouch who is looking into this issue. All information that we can gather will be shared with the board.
- The **United Methodist Homes** is planning a fund raiser called **Lighting the Way**. This will consist of United selling luminaries which will be placed along Front St. or on their campuses. The event is scheduled to take place on Dec. 8 from 7 to 9 pm. Supervisor Marinaccio directed Director Ann Lomonaco to contact **NYS Dept. of Transportation**.

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SUPERVISOR'S REPORT CONTINUED:

- Code Violations:

1. 211 Rundall Pl., multiple junk vehicles on property
2. 909 Upper Front St., junk car openly stored
3. 909 Upper Front St., old siding left in yard and not picked up.
4. 24 N. Ely St., installation of pool no permit, pool in town right away and it doesn't meet set back codes. Chimney not properly installed. Steps missing from sliding door. Siding missing. Roof needs to be replaced. Foundation wall buckled.
5. 231 Bevier St., storage tank discharging directly into ditch. **Broome County Health Department** has been notified.
6. 62 Sowden, soffit is falling down and needs to be repaired
7. 52 Sowden, refrigerator in back yard, other various trash and debris. Property not kept clean. Roof needs replacing.
8. 14 Clifton, Reminder Notice of Violation, truck parking violation.
9. 549 Old Front St., Reminder Notice of Violation, construction without a building permit.
10. 478 Glenwood Rd., House and property in disrepair, tall weeds and trees over grown on property.
11. We have begun to see residents attempting to take advantage of our Yard Sale Code by registering for permits but giving the permits to another residence who has met the limit for yard sales. A permit issued is for the residence where the person lives and is not to be given to someone else to hold a sale.

Dog Control Report

Supervisor Marinaccio is in receipt of our Dog Control Officer monthly reports for both the Village and the Town. Stray dogs, barking complaint, dog bite but dog was not aggressive. Resident allowing dog to wander loose and defecate on private properties. Dog not licensed and kept in garage.

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SUPERVISOR'S REPORT CONTINUED:

- Supervisor Marinaccio received the Municipal Shelter Inspection report that related to **New York State Agriculture & Market** Laws and Regulations. This report was in regard to the **Broome County Dog Shelter** and the shelter passed all areas of the inspection.

NYSEG Warning Letter:

No letters issued

PUBLIC COMMENTS

None at this time.

COMMITTEE REPORTS

- **PUBLIC WORKS**

- Councilman Gardner reported that he and Public Works Commissioner Kie are working to get the Emergency Plan to the Supervisor and the Board for approval.

- **FINANCE**

- **SUPERVISOR MONTHLY REPORT**

Councilman Gardner made a motion to accept the **August, 2016 Supervisor monthly report** in the amount of **\$15,165.81** seconded by Councilman Burns. All in favor.

- **TOWN CLERK MONTHLY FINANCIAL REPORT**

Councilman Gardner made a motion to accept the **September 2016 Monthly Financial Report** for the **Town Clerk** in the amount of **\$2,286.32** seconded by Councilwoman Exley. All in favor.

- **TOWN COURT MONTHLY FINANCIAL REPORT**

None received at this time.

- **ABSTRACTS FOR APPROVAL**

On Motion from Councilman Gardner, seconded by Councilman Gardner to approve **abstract # 10**, dated **October 10, 2016** in the amount of **\$223,289.49** Vote Ayes- 4, Nays-0, Absent-1.

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

Unanimously passed and noted as duly adopted.

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Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$223,289.49.

Voucher #10 for June 2016 year in the amount of \$223,289.49:

| | |
|-------------------------------------|----------------------------|
| <u>General Fund</u> | <u>\$18,479.90</u> |
| <u>Part Town</u> | <u>\$15.00</u> |
| <u>Highway</u> | <u>\$6,676.63</u> |
| <u>Fire districts</u> | <u>\$0.00</u> |
| <u>Light Districts</u> | <u>\$4,790.27</u> |
| <u>Refuse & Garbage</u> | <u>\$10,314.15</u> |
| <u>Sewer Operating Dist.</u> | <u>\$168,249.44</u> |
| <u>Water Operating Dist.</u> | <u>\$14,764.10</u> |

- **PERSONNEL**
 - Supervisor Marinaccio stated that a part time court clerk will be working one day a week.
- **PLANNING**
 - Councilman Burns reported that the **Comprehensive Plan** is completed and is with the County for 239 review. It has been forwarded to adjoining towns. A public hearing will be scheduled and it will eventually return back to the Town Board. The Comprehensive Plan can be viewed on the Town of Dickinson website.
www.townofdickinson.com

APPROVAL OF MINUTES

On a motion by Councilwoman Exley seconded by Councilman Burns to approve the **Work Session and Regular Meeting Minutes of September 12, 2016**. All in favor.
Vote-4 Ayes, Nays-0, Absent-1.

CHAIR

125th ANNIVERSARY CELEBRATION

Supervisor Marinaccio stated that he 125th Anniversary Celebration event went well and as planned and thanked the committee. Mr. Marinaccio remarked that we have close to 200 pictures that we are working on to place on the web site. Supervisor Marinaccio will also be sending pictures to some individuals as he goes through the album and identifies the pictures.

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MEGA COMMUNITY CHOICE AGGREGATION

Supervisor Marinaccio stated that after last week’s presentation he would like to learn more about the MEGA (CCA) program.

GROUNDBREAKING FOR THE AGENCY OCTOBER 18TH AT 10 AM

Supervisor Marinaccio stated that the groundbreaking for **The Agency**, which will be built in the Town of Dickinson on the **SUNY-Broome** Campus, is scheduled for Monday, Oct. 17, starting at 10:30 am. Everyone is invited to attend. Supervisor Marinaccio will be making a few remarks at this ceremony.

AOTV MEETING

The next **Association of Towns & Villages Association** meeting will be held on Oct. 27, 6:30 pm at the **California Grill** located in Vestal on the Vestal Parkway at 6:30 pm. Guest speaker is **Greater Binghamton Chamber President** and CEO Jennifer Conway.

YARD SALES

Supervisor Marinaccio stated that we have begun to see residents attempting to take advantage of our Yard Sale Code by registering for permits but giving the permits to another residence who has met the limit for yard sales. A permit issued is for the residence where the person lives and is not to be given to someone else to hold a sale.

WATER BILLS

Supervisor Marinaccio stated that around the Town there are several residences that do not pay their water and sewer bills. The bills eventually go to taxes and then the Town has to wait until the County makes us whole to receive our money. This creates a cash flow issue for the Town. Mr. Marinaccio suggested that the Town may want to reserve the right to shut off water to those who don’t pay their water/sewer bills. He also stated that if a property goes into foreclosure with unpaid water bills, the Town will lose that money. Supervisor Marinaccio would like the Board to think about this and open it up for discussion at a future work session.

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ATTORNEY

**RESOLUTION: SCHEDULE PUBLIC HEARING FOR THE 2017 BUDGET – 5:30 pm
Nov 7, 2016**

RESOLUTION 2016-43

The following Resolution was offered by Councilman Gardner, 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:

**RESOLUTION: SCHEDULE PUBLIC HEARING FOR 2017 BUDGET –
5:30PM, NOV. 7, 2016**

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 Aye
Councilman Morabito voting Absent
Councilman Burns voting Aye

All in favor.

RESOLUTION: THINK DIFFERENTLY

The “**THINK DIFFERENTLY**” initiative is about promoting awareness and acceptance of all people, and advocating for the inclusion of all individuals living on the autism spectrum with special needs.

October 11, 2016 – REGULAR MEETING

RESOLUTION 2016-44

The following Resolution was offered by Councilwoman Exley, 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: CALLING ON TOWN OF DICKINSON RESIDENTS AND BUSINESS OWNERS TO ADOPT THE “THINK DIFFERENTLY” INITIATIVE TO ASSIST INDIVIDUALS WITH SPECIAL NEEDS AND THEIR FAMILIES

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 Aye
Councilman Morabito voting Absent
Councilman Burns Aye

All in favor.
Resolution attached

UPDATE CODE FOR DUMPING ANF FILL PERMITS

The recommendation of the Code Department, Public Works Department and the Legal Department is to revise the code to eliminate the permit requirement. It was decided to hold decision for more discussion.

CABLE FRANCHISE LEGAL AGREEMENT REVIEW PROPOSAL

The Town received an offer from the **Cohen Law Group** to conduct an audit of the Town’s **Cable Franchise Agreement**. Attorney Blaise will reach out to them and ask for the details of the offer. Typically, the auditor will be paid on a percentage basis of monies recovered, with no direct charge to the Town.

TRANSFER OF ADAMS STREET CUL DE SAC FROM MICROTEL TO TOWN

Attorney Blaise received a packet from **Microtel** that he would like his law partner May Austin to review, and Mr. Blaise will return it to the board by November 17th.

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ADJUSTMENT OF WATER RATES FOR 2017

RESOLUTION 2016-45

The Water Department is seeking to increase the water rates from \$4.05 to \$4.50 per 100 cu. ft. after the first 100 cu. ft. We buy water from other municipalities and they have raised their rates. The Town has absorbed the last three increases without passing it on to the residents.

**RESOLUTION: SCHEDULE PUBLIC HEARING FOR 2017 WATER RATE
ADJUSTMENT – 5:45 pm NOV. 7, 2016**

The following Resolution was offered by Councilwoman Exley, 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: SCHEDULE PUBLIC HEARING FOR 2017 WATER
RATE ADJUSTMENT – 5:45 PM NOV. 7, 2016**

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 Aye
Councilman Morabito voting Absent
Councilman Burns Aye

All in favor.

PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

- Public Works Commissioner stated that we need to add **College View** as a street in the inventory.

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- Public Works Commissioner Kie is requesting approval to purchase a used bypass pump, in excellent condition, for \$17,500.

On a motion by Councilman Gardner seconded by Councilman Burns to authorize the purchase of a used bypass pump in the amount of \$17,500. All in Favor. Vote-4 Ayes, Nays-0, Absent-1.

- Public Works Commissioner reported that the highway crew started leaf pickup today. The Highway Department now has two machines to perform the leaf pickup.

PLANNING & ZONING BOARD

Nothing at this time.

CODE ENFORCEMENT

- Code Enforcement Officer Rafferty has not heard back from the residents who requested consideration to rezone 507 Glenwood Rd. as agricultural.
- Mr. Rafferty conducted a study to determine the properties in the Glenwood Road, Prospect Street and Adams Street area of the Town of Dickinson that are currently zoned Planned Unit Development-Residential and determine whether these properties should be rezoned to another zoning classification. A review of the existing zoning districts of the Town was made to determine the most appropriate zoning district that these lots should be zoned. It was determined that Residential Multiple would allow all of the existing uses to be in conformance with the permitted uses allowed in the R-3 district. There are currently two properties that contained a mix of residential and commercial. However, both of these properties have lost their nonconforming use status since they have not been in use for over a year. Without an in depth study, it is difficult to exactly determine whether a residence contains one or more than one unit. However, the Residential Multiple district allows all three residential uses. A recommendation to change the zoning to RM would require a Public Hearing, a 239 review and a recommendation to the Planning Board.

On a motion by Councilman Gardner to refer recommendation to the Planning Board seconded by Councilwoman Exley. All in Favor. Vote-4 Ayes, Nays-0, Absent-1.

Supervisor Marinaccio received a written request from Laurie Westfall to install a light at 12 Valley View in the Town of Dickinson. Public Works Commissioner Kie will review the area and report back to the board.

October 11, 2016 – REGULAR MEETING

Supervisor Marinaccio stated that the **2017 AOTV annual training session** will take place February 19-22nd at the **Marriot** in New York City.

PUBLIC COMMENTS

None.

The meeting was adjourned on motion of Councilman Burns and seconded by Councilwoman Exley at 7:25 PM.

Respectfully submitted,

Susan M. Cerretani
Town Clerk