

May 9, 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 Monday, May 9, 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
Danny F. Morabito, Councilman
Thomas J. Burns, Councilman**

Also attending:

**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, Planning Board Chair and Town
Historian David Wasser, Zoning Board Chair Jeanne Compton, Assessor
Jack Cahill and 4 members of the general public.**

A moment of silence was observed for **Senator Thomas Libous.**

CHAIR

SUPERVISOR'S REPORT

SUPERVISOR'S MONTHLY REPORT

May, 2016

- The next **Association of Towns & Villages** meeting is now set for May 26, 6:30 pm at the Spot Restaurant. Our guest speaker will be **NYS Deputy Comptroller Gabe Deyo** under **State Comptroller DiNapoli**.
- I attended Annual Breakfast Meeting for **The Agency** on April 26. There was a large turnout of elected officials as well as appointed officials and business men and women.
- I received a call from Matt Coleman, Track Supervisor for **Norfolk Southern Railroad** in response to an email I sent him asking for financial support for the Phelps St. extension that was built by the town due to trains blocking the road for extended periods of time. Mr. Coleman stated that he had no interest in participating in any monetary support.

May 9, 2016 – REGULAR MEETING

SUPERVISOR’S REPORT CONTINUED:

- Steve Gardner and I attended the Pipeline Emergency Response information meeting which was held on May 5 at the **Double-Tree Hotel**. We found the meeting to be very interesting and educational. The meeting was very well attended by first responders, public works officials, and others.
- I received a letter from Kerry **Delaney, Acting Commissioner for the Office for People with Developmental Disabilities (OPWDD)** informing me that they will continue to maintain a robust presence in the Binghamton Community and throughout the Southern Tier. This is in response to the closing of BDC.
- The Town of Dickinson’s 1st quarter distribution of sales tax revenue was reported to be \$189,875.81. With our growth cap of 2% imposed by the county, we received an additional \$3,035.46
- I spoke to **NYSDOT Regional Director Jack Williams** and he stated that the **Prospect Mountain Highway Project** contract for Phase 2 has been awarded and will start in a week or so.
- I received a report from the Sheriff’s Office that fees due to our town for Non-Broome County residents housed at the **Broome County Jail** for the 1st quarters of 2016 are \$6,642.16.
- There will be a **Tobacco Free Broome** presentation highlighting results of the 2015 Community Tobacco Survey on Tuesday, May 17, 10:30 am to 12:30 pm at the Elks Lodge, 2701 Vestal Parkway. I sent in my RSVP
- I attended the **NY Association. Of Towns Executive Board** meeting this morning. I was re-appointed to the board as well as many of the other members. This is done each and every year.

May 9, 2016 – REGULAR MEETING

SUPERVISOR’S REPORT CONTINUED:

• **Code Violations:**

1. 22 Broome St., Appearance Ticket issued, violation of not acquiring a building permit.
2. 231 Bevier St., Appearance Ticket issued, violation of not acquiring a building permit. A violation Notice was presented prior to the Appearance Ticket.
3. Stop Work Order issued to 9 Taft Ave., no building permit.
4. 226 L. Stella Ireland Rd., various debris in front yard.
5. 232 Bevier St., working on exterior of property without a building permit
6. 49 Adams St., violation of property Maintenance Code, grading and drainage.
7. 49 Adams St., open hole in back yard, large amounts of debris and construction material in back yard.
8. Stop Work Order issued to 84 Old State Rd., no building permit acquired.

Dog Control Report

I have received the April, 2016 Dog Control report for both the Village and the Town. In the Village, 2 reports of dog running loose in the village. In the town, stray dog found, dog running in traffic, and several wild animal reports

NYSEG Warning Letter:

No letters issued

Note: District Attorney Steve Cornwell has agreed to be the guest speaker for the June 23 Association of Towns meeting. This should be a well attended meeting with a great deal of focus and information sharing on the Traffic Diversion Program and the status of the heroin epidemic and actions being presented to counter this major problem in our communities

May 9, 2016 – REGULAR MEETING

PUBLIC COMMENTS

Supervisor Marinaccio opened the meeting to public comments.

Jeanne Compton remarked that the new **Farmer’s Market** is limited in space and will not be large enough to accommodate all the vendors that now set up at Otsiningo Park.

COMMITTEE REPORTS

• **PUBLIC WORKS**

- Councilman Gardner reported that Public Works has been busy paving Stearns Road, Sears Road and Forest Hills Blvd. Paving is going on at the Farmer’s Market and the **Microtel** parking lots.
- Supervisor Marinaccio and Councilman Gardner attended the Pipeline emergency response session. Councilman Gardner passed on numbers and procedures to Public Works Commissioner Kie in the event of a pipeline emergency. Dial 811 before you dig.
- The pumps for the **SUNY Broome** pump site will be in at the end of the month. Installation will take a week. The pumps should be in place by mid June.

• **FINANCE**

- **SUPERVISOR MONTHLY REPORT**
Councilman Morabito made a motion to accept the **January/February/March** monthly reports seconded by Councilwoman Exley. All in favor.
- **TOWN CLERK MONTHLY FINANCIAL REPORT**
Councilman Morabito made a motion to accept the **April Monthly Financial Report** for the **Town Clerk in the amount of \$1,570.51**. On a motion by Councilman Morabito seconded by Councilman Burns. All in favor.

Town Clerk’s Report	
April 2016 in the amount of \$1,640.51:	
<u>NYSDOH</u>	<u>\$0.00</u>
<u>NYS Ag & Markets spay/Neuter program</u>	<u>\$70.00</u>
<u>Supervisor Town of Dickinson</u>	<u>\$1,570.51</u>

- **TOWN COURT MONTHLY FINANCIAL REPORT**
Councilman Morabito made a motion to accept the Financial Report for the **Town of Dickinson Court** for the month of **March** in the amount of **\$63,777.50**. On motion of Councilman Morabito and seconded by Councilwoman Exley. All in favor.

May 9, 2016 – REGULAR MEETING

- **PERSONNEL**
 - Nothing to report at this time.

- **PLANNING**
 - Planning Chair Dave Wasser reported that he anticipates the **Comprehensive Plan** should be ready for review by early fall. The Planning Board will reach out to the County for assistance in placing the Plan on the Town and County websites. Councilman Morabito made the recommendation to digitize the **Comprehensive Plan** in order to make it easier to update in the future.

APPROVAL OF MINUTES

On a motion by Councilwoman Exley seconded by Councilman Morabito to approve the **Work Session April 4, 2016 and Regular Meeting Minutes of April 11, 2016**. All in favor.
Vote-5 Ayes, Nays-0, Absent-0.

ABSTRACTS FOR APPROVAL

On Motion from Councilman Morabito, seconded by Councilman Burns to approve **abstract # 5**, dated **May 9, 2016** in the amount of **\$340,767.65**. Vote Ayes- 5, Nays-0, Absent-0.

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

Unanimously passed and noted as duly adopted.

Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$340,767.65.

Voucher #5 for May 2016 year in the amount of \$340,767.65:

<u>General Fund</u>	<u>\$67,269.90</u>
<u>Part Town</u>	<u>\$0.00</u>
<u>Highway</u>	<u>\$118,915.94</u>
<u>Fire districts</u>	<u>\$0.00</u>
<u>Light Districts</u>	<u>\$4,861.45</u>
<u>Refuse & Garbage</u>	<u>\$20,628.30</u>
<u>Sewer Operating Dist.</u>	<u>\$3,815.05</u>
<u>Water Operating Dist.</u>	<u>\$125,277.01</u>

May 9, 2016 – REGULAR MEETING

CHAIR

ATTORNEY

RESOLUTION 2016-20

The following Resolution was offered by Councilman Gardner, 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: SCHEDULING A PUBLIC HEARING FOR 5:30 P.M. ON JUNE 6, 2016 REGARDING ANIMAL MANAGEMENT LOCAL LAW.

Attorney Blaise provided a revised copy of the **Animal Management Local Law**. Mr. Blaise recommended one other minor change under definition of animal harboring; changing the word “residence” to “dwelling unit.” After a discussion, it was agreed to make another clarification revision to state “2 dogs, which must be licensed.”

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, Absent-0.

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

All in favor.

PROSPECT STREET/OLD PROSPECT STREET NO PARKING SIGNS FOR OVERSIZE VEHICLES

Attorney Blaise addressed the concern about the parking of large trucks across the street from the **Prospect Terrace Fire Station**. Mr. Blaise stated that truck exclusions for Prospect Street are already in the code.

Chapter 528 section 40B reads:

No truck having an unladen weight greater than five tons shall park on the following streets:

Prospect Street On both sides between the City of Binghamton and the dead end of Old Prospect Street

May 9, 2016 – REGULAR MEETING

RESOLUTION 2016-21

The following Resolution was offered by Councilwoman Exley, 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: ACCEPTING CONTRACT WITH CMA PENDING ACCEPTANCE OF ATTORNEY BLAISE’S CHANGES/ADDITIONS

Attorney Blaise made several changes to the contract with **CMA**. It was noted that there is an opt out provision in the contract.

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, Absent-0.

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

All in favor.

RESOLUTION 2016-22

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: REJECTING ZONING CHANGE APPLICATION FOR 220 AIRPORT ROAD.

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, Absent-0.

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

All in favor.

May 9, 2016 – REGULAR MEETING

RESOLUTION 2016-23

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: ADOPTING PLAN FOR DISSOLUTION OF THE GARBAGE DISTRICT.

Attorney Blaise stated that according to Administrative Assistant Wike calculations, at the end of the year we will owe one month's payment for December, which amounts to approximately \$7,400. Ms. Wike checked with auditor Mike Giovinazzo who said it is fine to put that final liability on the tax levy for the District.

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, Absent-0.

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

All in favor.

SOLAR FARM MORATORIUM AND OPTING OUT OF TAX EXEMPTION FOR SOLAR AND WIND DEVELOPMENT

Attorney Blaise supplied a handout of the Town of Kirkwood's moratorium on the placement of Solar and/or wind energy equipment for the Board members to look over and review and consider for the Town of Dickinson. It was pointed out that the Town of Kirkwood is increasing the moratorium from 6 months to one year. Supervisor Marinaccio added that the Town of Binghamton is planning on a 6 month moratorium.

Councilman Gardner, Planning Board members Jerry Ford and Lubomyr Zobniw attended a Solar Energy informational meeting. Councilman Gardner stated that the presentation is available on the County's website. Supervisor Marinaccio has a video from the presentation at Cooperative Extension that he will forward to the board members.

Mr. Marinaccio has asked former County Legislator Steve Herz to make a presentation at the September AOTV meeting.

Attorney Blaise suggested that the Board act on the tax exemption opt out – sooner rather than later.

May 9, 2016 – REGULAR MEETING

Several discussion points were raised:

- What happens to the equipment in 20 years – does it become outdated? What are the repair/maintenance costs?
- Lease program
- Payback – 20 years
- Efficiency rating
- The State encourages development but the standards and regulations are falling to municipalities
- NYSEG and storage capacity

Attorney Blaise will be involved in a two week trial from June 6 – June 15th. Attorney Cheryl Sacco from Coughlin & Gerhart will fill in for Mr. Blaise during that time period.

PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

- Public Works Commissioner Kie stated that the grinder pumps will be shipped at the end of the month.
- Mr. Kie reported that the Highway crew has been very busy with paving projects.
- Public Works Commissioner Kie reported that the Grand Opening for the **Microtel** is scheduled for June. Attorney Blaise remarked that the Town still needs easements before the **Microtel** can open.
- Public Commissioner Kie reported that he and Danny Miller have been meeting with the engineers of **Delta Engineering** and the contractor for the **IDA (The Agency)** construction project. He stated that they are negotiating to work out issues regarding the placement of building versus the water main. He stated that the contractor is reluctant to move the water main because of the cost involved. Mr. Kie stated that the line needs to be moved to make it serviceable by DPW, as it is only 9 feet away from the building.

PLANNING & ZONING BOARD

Planning Board Chair David Wasser reported the next meeting will be Monday, May 23rd and a Town Anniversary Meeting is scheduled for Tuesday, May 24th. Supervisor Marinaccio stated that Town Clerk Susan Cerretani has been working on a ‘Save the Date’ Town 125th Anniversary celebration invitation that will be emailed and/or mailed out to elected officials. Supervisor will share more details with the Board at a later date.

CODE ENFORCEMENT

Code Enforcement Officer Rafferty reported that we have collected doubled fees from 3 residents who did not obtain building permits.

May 9, 2016 – REGULAR MEETING

PUBLIC COMMENTS

Resident Jim Love commented on the zoning change for The Agency construction project and also commented on the growth of alternative energy.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:06PM.

Respectfully submitted,

Susan M. Cerretani
Town Clerk