

**June 13, 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, June 13, 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 in attendance:**

**Jeff Jacobs Esq. (o/b/o Oliver N. Blaise III, Esq., Attorney for the Town)  
Susan M. Cerretani, Town Clerk  
Code Enforcement Officer Stephen Rafferty, Town Engineer Ron Lake,  
Public Works Commissioner Joel Kie, Executive Assistant Beverly Wike,  
Planning Board Chair and Town Historian David Wasser, Zoning Board  
Chair Jeanne Compton, and 3 members of the general public.**

**CHAIR**

**SUPERVISOR'S REPORT**

**SUPERVISOR'S MONTHLY REPORT  
JUNE, 2016**

- The next Association of Towns & Villages meeting is now set for June 23, 6:30 pm at Tony's Italian Grill in Endicott. Our guest speaker will be BC Attorney Steve Cornwell. I urge our board members, attorney, court clerks and judges to attend this meeting
- Joel and I attended the **New York State Department of Transportation** meeting regarding the **Prospect Mountain Highway Project**. We learned that construction of the noise walls along our town will begin this summer starting with the pouring of the foundations for the walls. The actual walls may not be completed this year pending the contractors work load and available materials.
- Councilman Gardner, Joel and I met to discuss the Dickinson Emergency Plan that is being put together. Steve and Joel are putting together an inventory of equipment, and other items that can be used during an emergency as well as identifying places where our residents can be evacuated to if that need arose due to an emergency. The 3 of us will continue to work on the plan, get information from other towns as well as from various emergency services and police organization, and then we will offer the plan to the board for review.

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### SUPERVISOR'S REPORT CONTINUED:

- Councilman Gardner and I attended an information meet regarding solar farms which was held at the **Cornell Cooperative Extension** on June 9. We found this meeting to be very informative and I believe that having a moratorium placed on solar farms may be a good idea until we educate ourselves as much as possible before lifting the moratorium and putting certain laws and policies in place that will protect our residents, property values and the town's interest. We also learned that we cannot separate residential and commercial exemptions. More on this as we move forward.
- I received a letter from Spectrum indicating that **Charter Communications** has completed the transaction with **Time Warner Cable**, and the new name for our cable service provider will be **Spectrum**.
- I was very honored to have been selected to be the key note speaker for a graduating class at BOCES which was held on May 31.
- I received our tentative 2016 State equalization rate for our town is at 75.0
- I want to publicly congratulate **SUNY-Broome** on being a winner of the **NYSERDA's** "Energy to Lead Competition". They competed against public and private colleges and universities throughout NY State. **SUNY-Broome** is one of only three institutions to receive a \$1M prize. With this funding, **SUNY-Broome** will launch a geothermal Learning Laboratory & Sustainability Sandbox project to reduce energy use on campus.
- I have met with Andrew from the **Polish Community Center** and he has secured the center for our next full board meeting scheduled for July 11. At this meeting we will hold an information session on the dissolution of the garbage district which encompasses all of the **Prospect Terrace** area. Residents in the garbage district will be sent letters notifying them of this meeting.
- Just a reminder to everyone that we will go into our summer schedule for board meetings starting in July and including August and September. Board meetings will be held on the second Monday of those months unless a special meeting is necessary.

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**SUPERVISOR’S REPORT CONTINUED:**

• **Code Violations:**

1. 217 Bevier St., two unlicensed vehicles and one tow truck
2. 33 N. Broad, Siding missing off of the structure, window missing in attic, down spout missing, tall weeds and grass, large accumulation of various garbage and debris on side porch.
3. 14 N. Moeller, front porch in need of repair, house needs painting, garbage in garage.

**Dog Control Report**

I have received the May, 2016 Dog Control report for both the Village and the Town. Dog running loose, stray dogs, investigating possible animal neglect.

**NYSEG Warning Letter:**

No letters issued

• **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.

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**SUPERVISOR’S REPORT CONTINUED:**

**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

**PUBLIC COMMENTS**

Supervisor Marinaccio opened the meeting to public comments.

Resident Jim Love commented that he noticed activity at a property located on Stearns Rd. that has been the subject of code violations. He commented that he observed dumpsters on the property and the possibility of a cleanup taking place.

The Code Enforcement Department will look into it.

**COMMITTEE REPORTS**

• **PUBLIC WORKS**

- Councilman Gardner reported that Public Works Department is interested in replacing the 8 year old loader. The loader is in need of new tires at a cost of \$10,000 and hydraulic repair work. Councilman Gardner and Public Works Commissioner Kie have been meeting with **CAT** and **JOHN DEERE** representatives. They have compared the programs for each company:
  - **CAT** equipment is more money, trade in is less (\$43,000)
  - **JOHN DEERE** equipment is less money, trade in is more (\$55,000)
  - **CAT** – 1 year program, takes 5 years to own a machine. You would lease it for 5 years and at the end of the 5<sup>th</sup> year you could get into the annual lease program. \$10 per hour plus up charge on the new equipment
  - **JOHN DEERE** – 2 year program, number of hours, up charge (increase by manufacturer) lease or purchase, must own a machine
  - Least expensive deal is through **JOHN DEERE** program. Public Works Department is recommending and proposing this. The Highway Department would like to buy the machine at a 2 year loan and at the end of 2 years would be able to get into the program where every 2 years they would replace a machine for us.
  - \$130,000 purchase price for the **JOHN DEERE** with a \$55,000 trade in. Need to borrow \$77,000 for 2 years.
  - Administrative Assistant Ms. Wike is investigating loan rates at the bank.

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- New machine will cost \$10/hour (approximately 120 hours per year) plus the increase in cost for replacement of the machine.
- Advantages:
  - We will always have current equipment in good working order and under warranty. Replacement equipment is supplied while repairs are being made.
  - Lower repairs
  - Can easily budget \$10-15,000 per year.
- Public Works Department eventually would like to do similar program with the backhoe.

Councilman Gardner made a motion authorizing Public Works Commissioner Kie and Administrative Assistant Wike to enter into an agreement with a **JOHN DEERE** representative and giving Ms. Wike authority to negotiate the loan rate. Seconded by Councilman Morabito.

There was a discussion regarding the benefits of obtaining a 2yr vs. 3 or 4 yr loan.  
\$40,700 – 2 year loan  
\$27,800 – 3 year loan  
@ 3% interest rate

It was agreed to look at what's best and financially feasible and report back to the board.

Attorney Jacobs recommended from a financing perspective that the town should get the bonding resolution and borrowing authority in place. He cautioned that the town might have to enter into an installment bond loan as opposed to the traditional individual funding route.

Supervisor Marinaccio commented that we will investigate the options.  
All in favor.

• **FINANCE**

- **SUPERVISOR MONTHLY REPORT**  
Councilman Morabito made a motion to accept the **April/May** monthly reports seconded by Councilwoman Exley. All in favor.
- **TOWN CLERK MONTHLY FINANCIAL REPORT**  
Councilman Morabito made a motion to accept the **May Monthly Financial Report** for the **Town Clerk in the amount of \$1,373.42**. On a motion by Councilman Morabito seconded by Councilwoman Exley. All in favor.

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- **TOWN COURT MONTHLY FINANCIAL REPORT**  
None received at this time.
- **ABSTRACTS FOR APPROVAL**

On Motion from Councilman Morabito, seconded by Councilman Gardner to approve **abstract # 6**, dated **June 13, 2016** in the amount of **\$190,776.07** 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 \$190,776.07.**

**Voucher #6 for June 2016 year in the amount of \$190,776.07:**

<b><u>General Fund</u></b>	<b><u>\$127, 03134</u></b>
<b><u>Part Town</u></b>	<b><u>\$0.00</u></b>
<b><u>Highway</u></b>	<b><u>\$39,708.65</u></b>
<b><u>Fire districts</u></b>	<b><u>\$0.00</u></b>
<b><u>Light Districts</u></b>	<b><u>\$5,701.96</u></b>
<b><u>Refuse &amp; Garbage</u></b>	<b><u>\$10,314.15</u></b>
<b><u>Sewer Operating Dist.</u></b>	<b><u>\$2,475.11</u></b>
<b><u>Water Operating Dist.</u></b>	<b><u>\$5,544.86</u></b>

- **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. Once the board approves it, it goes to the County for a 239 review and then the County sends notices to adjoining towns. The plan will then come back to the town for finalization.

**APPROVAL OF MINUTES**

On a motion by Councilwoman Exley seconded by Councilman Burns to approve the **Work Session May 2, 2016 and Regular Meeting Minutes of May 9, 2016**. All in favor.  
Vote-5 Ayes, Nays-0, Absent-0.

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**CHAIR**

**125<sup>th</sup> ANNIVERSARY CELEBRATION**

Supervisor Marinaccio informed the board that we will be mailing out Save the Date invitations and will also be publishing the event in the Binghamton Press. The event will take place at Port Dickinson Park.

Anniversary Chair David Wasser reported that there will be a meeting this Wednesday at **Port Dickinson Park** to do the final layout and responsibilities. He stated that after that, the next meeting will be in August.

Supervisor Marinaccio stated that there will be at least 5 or 6 speakers at the anniversary event. Mr. Marinaccio thanked Mr. Wasser and committee for doing a good job.

**ATTORNEY**

**MICROTEL EASEMENTS**

Attorney Jacobs stated that he received an email from Microtel attorney Joe Meagher regarding Microtel easements. Mr. Jacobs will make some minor modifications and send it back to Attorney Meagher.

Mr. Jacobs stated that access along utility lines is in process.

Attorney Jacobs was not familiar with the specifics or the extent of the land swap.

Mr. Kie asked to have the description of right of ways addressed. There are no defined boundaries. Mr. Kie stated that the final agreement for the cul de sac has not been agreed upon. Supervisor Marinaccio noted that there is debris in right of way that needs to be cleaned up.

Mr. Jacobs recommended that we throw all the conditions in the Certificate of Occupancy.

**CMA**

Attorney Jacobs stated that the contract with **CMA** was signed earlier tonight and will be sent back to **CMA**.

**SOLAR FARM**

Attorney Jacobs commented that Supervisor Marinaccio's Supervisor's report update regarding the Solar Farms moratorium and 'opting out' was very good. Mr. Jacobs stated that he relayed to Attorney Blaise that the board would like a more refined draft of the solar moratorium for review. Attorney Jacobs explained to the board that the law currently provides the ability for the Town (if you do not opt out) to require a **PILOT** agreement from a large commercial operation. This would allow the town to puts limits on the type of area or size of production.

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Supervisor Marinaccio stated that Town of Dickinson Assessor Jack Cahill does not raise assessments on parcels where residents have installed solar panels. The solar technology is in the infancy stage and the board will continue to gather information and educate themselves.

**TRANSFER OF UNDEVELOPED TOWN OF DICKINSON PROPERTIES TO MRS. BURKE**

Public Works Commissioner Kie supplied the board members with handout detailing the properties that Mrs. Burke is interested in acquiring. Supervisor Marinaccio asked that we ask for more input from Attorney Blaise because he is so familiar with these properties. Mr. Kie stated that **Broome County Real Property** Director David Hamlin has been contacted and will get back to the board regarding the transfer of the parcels.

**RESOLUTION 2016-20**

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: AUTHORIZING SUPERVISOR TO SIGN CONTRACT WITH LAKE ENGINEERING FOR MS4 SERVICES IN THE AMOUNT OF \$9,000.**

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 voting Aye

All in favor.



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**RESOLUTION 2016-21**

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: SCHEDULING A PUBLIC HEARING FOR JULY 11<sup>TH</sup> AT 5:30 PM AT THE POLISH COMMUNITY CENTER, 347 PROSPECT STREET REGARDING THE DISSOLUTION OF GARBAGE 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.

The Public Hearing Notice will be posted on the sign board and published in the newspaper. Informational letters will be mailed to the residents of the Garbage District.

**RESOLUTION 2016-22**

The following Resolution was offered by Councilwoman Exley, 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: DECLARING NEGATIVE ENVIRONMENTAL IMPACT UNDER SEQRA FOR “LOCAL LAW NO. 4-2016 AMENDING CHAPTER 229, ENTITLED “ANIMALS,” AND CHAPTER 600, ENTITLED “ZONING.”**

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 voting Aye

All in favor.

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**RESOLUTION 2016-23**

The following Resolution was offered by Councilman Morabito, 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 LOCAL LAW NO. 4-2016 AMENDING CHAPTER 229, ENTITLED “ANIMAL,” AND CHAPTER 600, ENTITLED “ZONING.”**

Discussion: Supervisor Marinaccio stated that he is concerned that there has been no participation, attendance or comments from the resident who started the rabbit issue. Code Enforcement Officer Rafferty replied that he received a phone call from a neighbor of the resident who had been cited for the rabbit code violation who claimed that the rabbit owner is still harboring 16 rabbits. Mr. Rafferty suggested writing a letter to the resident who owns the rabbits stating that the new ordinance was passed and it will be enforceable in 2 weeks when it comes back from the Secretary of State Local Law filing and that the town intends to enforce the ordinance.

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 voting Aye

All in favor.

**PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT**

- On a motion by Councilman Gardner to authorize Public Works Commissioner Kie to purchase a dump box in the amount of \$16,000 from Burr Truck. Seconded by Councilwoman Exley. All in favor.
- On a motion by Councilman Gardner to authorize Public Works Commissioner Kie to purchase a leaf machine in the amount of \$10,187.15 from Trucks Outfitter. Seconded by Councilman Morabito. All in favor.
- Public Works Commissioner Kie stated that the highway crew will be milling and paving on Adams Street tomorrow.
- The sewer pumps at the college are in the final assembly -waiting for motors. Mr. Kie stated that everything appears to be on schedule.
- Public Works Commissioner Kie stated that the sewer station is a lot cleaner since the students are off campus for the semester.

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- The Agency has submitted an application for a sewer permit. Public Works Commissioner Kie reminded the board of a previous discussion that took place where the board agreed that when a new business comes on to the system they must help pay for the pumps. Supervisor Marinaccio stated that a meeting and a plan will be put together to address this.
- Public Works Commissioner Kie and Administrative Assistant Wike stated that there was a problem with the download from the first reading from the new outside meters. Ms. Wike is concerned that she might have to re-enter all the numbers. She thinks that it could be a Water Works software problem.
- Public Works Commissioner Kie reported that he and Administrative Assistant Wike were contacted by an individual who was inquiring about 10 plots located in Glenwood Cemetery that she owns. Ms. Wike stated that back in 1985 a truck was traded (\$1,250) for the 10 plots. The individual would like to sell the plots now. However, Mr. Kie stated that it is believed that Social Services people have been buried in the 10 plots (2006) – not knowing that the plots had been sold. After a discussion it was agreed to offer the individual \$1,000 for the plots and see if she will accept it. The Town charges \$550 for a plot.

### **PLANNING & ZONING BOARD**

Nothing to report

### **CODE ENFORCEMENT**

Public Work Commissioner Kie reported that a contractor has been dumping fill in the Linda Drive area. Mr. Kie is very concerned about the heavy trucks going up and down the road. Mr. Kie also mentioned that another property owner has been transporting fill from his property in the Village and dumping it in the Town. Mr. Rafferty stated that the town has inadequate code regarding fill/dumping and Mr. Kie noted that there are no fees associated with permits. Supervisor Marinaccio stated that the code needs to be looked at and revised.

### **PUBLIC COMMENTS**

Councilman Gardner encouraged everyone to attend the next **AOTV** meeting at **Tony's** in Endicott on Thursday, June 23<sup>rd</sup> at 6:30 PM. District Attorney Steve Cornwell will be the guest speaker.

The meeting was adjourned on motion of Councilman Morabito and seconded by Councilman Burns at 7:27 PM.

Respectfully submitted,

Susan M. Cerretani  
Town Clerk