

May 2, 2016 – 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, May 2, 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 Cerretani, Town Clerk

Also in attendance: David Wasser and 2 members of the general public.

CHAIR

UPDATING THE TOWN'S ANIMAL MANAGEMENT LAWS

Attorney Blaise reviewed the Animal Management Law and presented a sample revised local law to the Town Board. A discussion followed which addressed several issues. It was agreed to allow a total of 6 animals with a restriction of a maximum of two dogs (licenses required), a maximum of two cats, and a maximum of two other fur bearing animals.

Attorney Blaise stated that we remove the law from the zoning code and make it a local law with no special use permit. Mr. Blaise stated that we need to eliminate section 600 -7A of the code.

Attorney Blaise will make revisions to the local law which will be presented for the Board's approval at next week's meeting.

A Public Hearing will be scheduled next week.

TASK FORCE MEETING SUNY BROOME

Supervisor Marinaccio attended a Task Force meeting at **SUNY Broome** which was about the closing of **Broome Developmental**. Assemblyman Crouch administrated the session. **BDC** is going to remain open for the time being for administration only. Mr. Marinaccio stated that he has made it known that the Town of Dickinson must be involved with the future use of **BDC**. The **Prospect Terrace Fire Department** is still protecting **BDC**.

CMA SMALL CELL REVENUE AOTV

Supervisor Marinaccio has asked Attorney Blaise to take a look at the **Small Cell** contract with **CMA**. Mr. Marinaccio recommends that we proceed and remarked that it is a no risk proposition.

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Attorney Blaise remarked that he has a couple minor changes to add to the contract. He will prepare a resolution for next week's meeting pending the changes that Attorney Blaise wants made.

MEETING WASHINGTON, DC

Supervisor Marinaccio attended an AOTV meeting in Washington DC this past week. Mr. Marinaccio met with several Senators and Congressmen. Issues that were discussed were highway funding, retirement benefits for volunteer firefighters and high speed broadband availability.

ATTORNEY

DISOLUTION OF THE GARBAGE DISTRICT

Attorney Blaise prepared a handout outlining a **plan** for dissolution of Town of Dickinson Garbage District and Extensions.

Mr. Blaise also prepared a handout outlining the **timing and the rules** for the Dissolution Plan including these key steps:

1. Post and Publish Dissolution Plan
2. Public Hearing
3. Amend or Adopt Dissolution Plan
4. Effective Date of Dissolution
5. Winding down and resolving claims
6. Records of the District
7. Debts and Liabilities
8. Any local laws that deal with the garbage district need to be either repealed or amended

Attorney Blaise emphasized that timing is most important.

- Pass a resolution (in June or as soon as next week)
- Public Hearing (between July and September)
- Publish in newspaper and website
- Mail out informational letter (to residents and property owners)
- Informational meeting

The suggestion was made to invite the haulers – **Bert Adams Disposal** and **Taylor Garbage** to the informational meeting. The location of the meeting will be determined, the choices being either the **Prospect Terrace Fire Station** or the **Polish Community Center**.

The Board agreed they would like to pass a resolution adopting the plan at next week's meeting.

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The Town Clerk will check with Administrative Assistant Wike to see if we have any assets in the Garbage District and have Ms. Wike consult with the auditor as to how those monies, if any, are to be handled.

REZONING APPLICATION REQUEST 220 AIRPORT ROAD

Planning Board denied the rezoning of 220 Airport Road. Attorney Blaise will prepare a resolution denying the rezoning of 220 Airport Road for next week's meeting. The owner will then submit a request to the **ZBA** for a use variance.

ADAMS STREET PROPERTY

Attorney Blaise and Public Works Commissioner Kie attended the sentencing hearing last week for the Adams Street property owner. The owner of the Adams Street property made significant progress in cleaning up his property; however, in the process of cleaning up the property he erected temporary structures that are not permitted by the code. The owner was cited again and was given until the next hearing date to get the rest of the property cleaned up and remove the temporary structures. If the owner does this, he will be in compliance. Supervisor Marinaccio commended Attorney Blaise, Code Enforcement Officer Rafferty and Public Works Commissioner Kie for their work involving this property over the last several years.

MICROTEL EASEMENTS MICROTEL

Attorney Blaise stated that there have been issues with getting the proper maps and surveys to the Microtel's attorney's office so they can come up with the easements. The town has water and sewer lines running through the property and we have to make sure that the **DPW** crew has permission to go on the property to fix any water or sewer line issues in the future. Public Works Commissioner Kie has been directly involved with the engineer and project manager about addressing issues regarding the slope on the cul de sac. Attorney Blaise is waiting on easement descriptions from their attorneys. They are shooting for a June Grand Opening. Code Enforcement Officer Rafferty stated that he received the first application for a sign permit two weeks ago and everything was in conformance except for the height. They want it at 40 feet and the ordinance is 30 feet. Mr. Rafferty relayed this to the applicant but has not heard anything further. Because of the specifications, Code Enforcement Officer Rafferty stated they will need to apply for a variance from the Zoning Board.

9 FOREST HILLS BLVD

Attorney Blaise contacted the bank's attorney for the 9 Forest Hills Blvd. property, explained the situation and sent her some photos. She in turn passed the photos on to a company called Property Guard Services who was hired by the bank and has been maintaining the property for the bank for the past 5 months or so. Mr. Blaise spoke with the manager of the particular property. Mr. Blaise told them that they must look inside the property because that is where the problem exists. The bank wants to schedule a foreclosure sale fairly soon. It is unlikely that the bank will want to do anything to the interior before the foreclosure sale because someone may want to purchase the property as is. What will likely happen is that the bank will buy the property back at foreclosure auction for the amount that is owed.

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Attorney Blaise explained to the Bank that in the past the Town has taken over properties in this condition and we now have the **Land Bank** waiting to offer financial assistance with demolition costs. Attorney Blaise said that as long as the property is being maintained from a code perspective the Town won't file any violation notices and will wait to see what happens with the sale of the property.

THE AGENCY'S SEQRA NOTIFICATION FOR ITS BUILDING PROJECT AT SUNY BROOME

Attorney Blaise stated that we received the notification from **The Agency** that they want to proceed with the construction project on the front corner of **SUNY Broome** property. **The Agency** has been advised that they must get a section of the property re-zoned **PUD**. Mr. Blaise stated that we received the **SEQRA** notification. Attorney Blaise will respond to the County and inform them that the Board is fine with the County serving as lead agency and the Town as an interested party. The plan must go through the Zoning Board and the Planning Board and flood plain maps must be submitted.

PUBLIC WORKS

- Public Works Commissioner Kie stated that the garbage problem at 231 Bevier Street has been cleaned up.
- The Upper Taft Ave. spur survey is now correct. Attorney Blaise stated that Supervisor Marinaccio must sign closing documents to formalize transfer.
- The paving of the Chenango Shores streets is complete. Public Works Commissioner Kie stated that it went fairly well with the exception of a couple of problems. Mr. Kie remarked that it is difficult to communicate with residents and accommodate their requests for their comings and goings to appointments.
- Mr. Kie stated that Danny Miller has been working hard around the **Microtel** on water main work. There is a fire hydrant that needs replacement.
- The Public Works crew will be patching Rogers Mountain Way tomorrow.

Supervisor Marinaccio mentioned that he visited Senator Tom Libous at Mercy House today. Senator Libous is under Hospice care for terminal cancer. Supervisor Marinaccio asked that we keep the Senator in our thoughts and prayers.

SOLAR FARMS

Councilman Gardner mentioned that he and Attorney Blaise attended a continuing education class last week on **SEQRA** but more importantly on **Solar Energy**. Mr. Gardner made the recommendation that the Board move forward with a moratorium on anyone who starts a Solar Farm.

Attorney Blaise recommended that the Board act quickly to pass a Local Law opting out of the automatic property tax exemption that the State has put in place. The exemption is a 15 year exemption on undeveloped land. Attorney Blaise will bring a copy of the moratorium to next week's meeting.

There was a discussion about the potential issues that will arise with the development of **Solar Farms**.

Supervisor Marinaccio will pass on a **Solar Energy** educational video to the board members.

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Councilman Gardner mentioned there will be a **Pipeline Safety Meeting** at the **Doubletree** Thursday at 5:30 p.m. Mr. Gardner will attend and report back to the Board next week.

CODE ENFORCEMENT

None.

ASSESSOR

None.

PLANNING AND ZONING BOARDS

None.

On motion by Supervisor Marinaccio, the work session was adjourned by motion from Councilman Morabito and seconded by Councilman Burns at 7:05PM.

Respectfully submitted,

Susan M. Cerretani
Town Clerk