

May 14, 2018 – 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 14, 2018 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
Justice Patrick Doyle, Justice Thomas Cline, Esq., 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 and 5 members of the
general public.**

CHAIR

SUPERVISOR'S REPORT

**SUPERVISOR'S MONTHLY REPORT
May, 2018**

1. Town **Clean Up Day** is this Saturday, May 19 starting at 8 am until 3 pm.
2. The **Small Cities Grant** was submitted to the County last week and a meeting with County officials is scheduled for Wednesday at 9 AM on May 23rd. Both Kathy Groover and Supervisor Marinaccio will be attending this meeting for further discussion on the Sunrise Terrace building issue.
3. Reminder: The next **BC Association of Towns & Villages** meeting will take place on May 24 at **"My Uncles Place"** restaurant starting at 6:30 pm. **Land Bank Director** Margaret Scarinzi will be our guest speaker. Please RSVP ASAP to Councilman Steve Gardner.
4. The Town received a check for \$16,260.16 from the Sheriff for fees due for inmates held on non-Broome County charges and housed at the **Broome County Jail** during the first quarter of 2018.
5. Received a check for \$207,242.77 for our share from the 1st quarter sales tax.

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SUPERVISOR’S REPORT CONTINUED:

6. Supervisor Marinaccio received a copy of a letter sent to Joel Kie from Mayor Burke thanking Joel for all the assistance Joel has provided to Port Dickinson.
7. Supervisor Marinaccio received a letter from the **NYS Department of Environmental Conservation** indicating that our town was given a “Satisfactory” rating after an inspection was conducted of the Town’s **Storm Water Management program**.
8. Supervisor Marinaccio received an email from **Taylor Garbage** asking residents to not place items in recycling that are not on the recycle list. Items such as pocket books, VCR tapes, wicker baskets, pool covers, garden hoses, bricks, chunks of concrete, unopened can goods, mirrors, dirty diapers, drinking glasses, bubble wrap and many more items were listed.
9. The **64th Annual Dinner Dance and Staff Achievement Recognition for ACHIEVE** will take place on June 1, 2018 at **The McKinley** in Endicott starting at 5 pm.
10. Reminder: The **Binghamton School District School Board and Budget Vote** will take place at **Cornell Cooperative Extension**, lower level auditorium of the main building on May 15 - open 11 am to 8 pm.

Code Violations Report:

1. 26 Pulaski, tub, leaking and causing ceiling to fall down.
2. 217 Bevier St., several vehicles on property not licensed and openly stored.
3. 39 Pulaski, various debris in driveway and around garage
4. 47 Pulaski, various trees and debris in back yard, over grown vegetation.

Dog Control Report

Report too late to post

NYSEG Warning Letter:

No warning letters issued to property owners by NYSEG this month

PUBLIC COMMENTS

Supervisor Marinaccio opened the meeting to public comments.

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A Jameson Road resident took the floor asking the board to change the Town's noise ordinance from 7am to 8am as he is being woken up and disturbed by a lawn care service that mows neighborhood lawns every Monday with a start time of 7 am. The resident stated that this affects his quality of life as he suffers from sleep apnea and insomnia. The resident's wife added that the sound has a Doppler effect that channels down the street and has a reverse echo effect; a droning that has become a quality of life issue in their household. Supervisor Marinaccio responded that the noise ordinance has been in place since 2007. He stated that the Board will have further discussion on this issue and it take the residents' concerns into consideration.

An Orchard Road resident played an audio recording of dogs barking at the Broome County Front Street Dog Shelter. And Camp Barkalot. The resident claimed that she hears dogs barking for one hour or more, two times a day. She stated this has been going on for years - ever since the outdoor play yard and runs were added. She stated that she was told by the County that a sound barrier would be installed and they have since done nothing. Supervisor Marinaccio stated that he left a message last year with Broome County Director of Security Jim Dadamio, who also oversees the Dog Shelter, asking for a noise barrier. Supervisor Marinaccio encouraged the resident to contact Kelly Conlon, Director of the Broome County Dog Shelter.

COMMITTEE REPORTS

- **PERSONNEL**

Councilwoman Exley welcomed Judge Doyle and Judge Cline who were in attendance to request the Board's approval to hire a part time court clerk to replace the current part time clerk who is moving out of the area. The clerk replacement would be hired at 15 hours per week at \$15.00 per hour; no benefits or holiday pay. The new hire, Cathy Bobourka, comes to us from the Town of Chenango where she worked as a full time court clerk with 18 years of experience. Judge Cline is confident that she will be very capable in handling the duties of the job duties.

RESOLUTION 2018-14

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: APPROVING THE HIRING OF A NEW PART TIME COURT CLERK.

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.

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• **PUBLIC WORKS**

- Councilman Gardner reported that 2 trucks were sold at auction with a net of \$17,301. The Public Works Department will be submitting a proposal for another piece of equipment.
- Yard waste pickup starting at 7 am.

• **FINANCE**

- **SUPERVISOR MONTHLY REPORT**
Councilman Morabito made a motion to accept the **March** monthly report seconded by Councilman Gardner. 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 \$2,229.14**. On a motion by Councilman Morabito seconded by Councilman Burns. All in favor.

Town Clerk's Report	
April 2018 in the amount of \$2,229.14	
<u>NYSDOH</u>	<u>\$0.00</u>
<u>NYS Ag & Markets spay/Neuter program</u>	<u>\$44.00</u>
<u>Supervisor Town of Dickinson</u>	<u>\$2,229.14</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 **\$50,864**.
Distribution:
State: \$40,758.00
County: \$1,256.00
Town: \$8,282.00
Other: \$ 568.00
On motion of Councilman Morabito and seconded by Councilman Gardner. All in favor.

ABSTRACTS FOR APPROVAL

On Motion from Councilman Morabito, seconded by Councilman Burns to approve **abstract # 5**, dated **May 14, 2018** in the amount of **\$401,463.70**. 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.

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Abstract Summary of Audited Vouchers for Funds respectively in the amount(s) of \$401,463.70.

Voucher #5 for May 2018 year in the amount of \$401,463.70:

<u>General Fund</u>	<u>\$66,573.96</u>
<u>Part Town</u>	<u>\$399.06</u>
<u>Highway</u>	<u>\$41,563.49</u>
<u>Fire districts</u>	<u>\$0.00</u>
<u>Light Districts</u>	<u>\$1,094.02</u>
<u>Sewer Operating Dist.</u>	<u>\$184,210.18</u>
<u>Water Operating Dist.</u>	<u>\$107,622.99</u>

• **PLANNING**

- Planning Chair Dave Wasser reported that there will be no Planning Board meeting in May due to no agenda items.

APPROVAL OF MINUTES

On a motion by Councilwoman Exley seconded by Councilman Gardner to approve the **Work Session April 2, 2018 and Regular Meeting Minutes of April 9, 2018**. All in favor.
Vote-5 Ayes, Nays-0, Absent-0.

CHAIR

2018 NEWSLETTER

Supervisor Marinaccio stated he has received positive feedback on the newsletter.

COLOR RUN

Supervisor Marinaccio commented that the Color Run was a success but the attendance was down this year because of the weather.

STA GRANT

Supervisor Marinaccio will be meeting next week regarding a Small Cities Grant for the Sunrise Terrace Association.

AOTV

Supervisor Marinaccio stated that the next Association of Towns and Villages meeting will be held on June 21st. The guest speaker will be Mr. Jerry Geist, Executive Director of the Association of Villages and Towns.

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ATTORNEY

RESOLUTION 2018-15

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: APPROVING STANDARD WORKDAY AND REPORTING RESOLUTION FOR TOWN EMPLOYEES AND OFFICIALS TO NEW YORK STATE RETIREMENT SYSTEM.

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 2018-16

The following Resolution was offered by Councilman Burns, 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: RE-ADOPTION OF THE NYSEG ENERGY EFFICIENCY PROPOSAL RETROACTIVE TO APRIL 9, 2018

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.

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RESOLUTION 2018-17

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: SCHEDULING A PUBLIC HEARING FOR THE JUNE 4, 2018 WORK SESSION REGARDING DOG LICENSING FEES.

The board decided to increase the dog licensing late fees from \$5.00 to \$10.00.

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 2018-18

The following Resolution was offered by Councilman Moribito, 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: CONCERNING THE APPOINTMENT OF COUGHLIN & GERHART, LLP TO HANDLE POTENTIAL LITIGATION OUTSIDE THE LEGAL RETAINER WITH THE TOWN.

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.

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RESOLUTION 2018-19

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: AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH LAKE ENGINEERING FOR MS4 SERVICES.

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.

DELINQUENT WATER/SEWER ACCOUNTS

Administrative Assistant Wike updated Attorney Blaise and the Board members regarding the ongoing delinquent water & sewer bills issue. Ms. Wike performed an analysis which indicates 160 residents' accounts were on the year end re-levy list last year. 86 of those accounts were repeat offenders for the last 3 years. Of the delinquent accounts, 75-85% do not make a payment all year long. Last year we had over \$100,000 of unpaid balances at the end of the year for water and sewer. The town has to wait until February to be made whole which causes a cash flow problem.

Ms. Wike stated that two other local towns apply a \$100 penalty before the unpaid bills go to taxes. Ms. Wike stated that two other towns tack on a 10% penalty on the unpaid balance.

Ms. Wike would like to deter residents from letting their bills go to taxes. Currently, Town of Dickinson residents pay a 10% penalty per quarter which goes to the Water and Sewer Department. If a \$100 penalty were applied to the final bill in November, that money would go into the General Fund. There was a discussion on whether to apply penalties cumulatively on the unpaid balances over the course of the 4 quarter billing cycle.

Attorney Blaise made the point that because of the new Federal tax law change, the impetus/reason (tax deduction) to let the water and sewer bills go to taxes will now be gone – we will see what impact that will have a year from now.

If the 10% cumulative penalty or \$100 penalty were implemented, a notification letter would be mailed to the residents and an update would be placed on the town website and in next year's newsletter. The change would also require a Public Hearing and adoption of a Local Law. Attorney Blaise will prepare a draft for the June Work Session.

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PUBLIC WORKS – WATER & HIGHWAY DEPARTMENT

- Public Works Commissioner Kie stated that Clean Up Day will be Saturday, May 19th from 8 am – 3 pm. At the Town Highway Garage.
- Highway garage employees will be taking May 25th off.
- Ferndale Drive sewers have been completed - restoration of the grass and patch and re-paving will take place next week.

A request was made to purchase a John Deere zero turn mower at a cost of \$9,800. A motion was made by Councilman Gardner, seconded by Councilman Burns. All in favor.

PLANNING & ZONING BOARD

Planning Board Chair David Wasser reported there will be no Planning Board meeting in May due to the fact there are no agenda items.

A Zoning Board Public Hearing will take place May 22nd at 6 pm. with the purpose of considering a rehearing of a condition placed on the previous decision of the Zoning Board of Appeals. THAT THE PETITIONER, BOCES, be granted relief from a condition placed by the Zoning Board of Appeals on March 23, 2018. That condition was to place a fire hydrant on the same side of Glenwood Road in front of the proposed building located at 435 Glenwood Road, Binghamton, Broome County Tax Map Number 128.17-1-4.

CODE ENFORCEMENT

Code Enforcement Officer Rafferty reported that the annual fire and safety inspection was done at the **ACHIEVE** facility on Sunset.

VISION INSURANCE PLAN

Executive Assistant Beverly Wike and Councilwoman Exley asked for the Board's approval to add an accessory insurance policy to benefit the full time town employees' vision needs. The Davis plan would cost the town approximately \$400-\$500 annually. The cost to the employee would be \$6.00 per month for a single employee, \$10.89 per month for employee plus one, \$16.94 per month for employee plus family.

On a motion by Councilman Gardner and seconded by Councilwoman Exley to approve the vision insurance accessory policy. All in favor.

PUBLIC COMMENTS

None heard.

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The meeting was adjourned on motion of Councilman Gardner and seconded by Councilman Morabito at 7:14 PM.

Respectfully submitted,

Susan M. Cerretani
Town Clerk