

**October 10, 2011 – REGULAR MEETING**

**The Work Session and 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, October 10, 2011 in the Town Hall, 531 Old Front St., Binghamton, NY.**

**The members of the Town Board present were:**

**Michael A. Marinaccio, Supervisor**

**Danny F. Morabito, Councilman**

**Thomas J. Burns, Councilman**

**Sharon M. Exley, Councilwoman**

**Stephen M. Gardner, Councilman**

**Also attending:**

**Oliver N. Blaise III, Esq., Town Attorney**

**Wanda R. Broczkowski, Town Clerk**

Supervisor Marinaccio gave his Supervisor's Report for the month of September.

**Public Comments**

John Marhefka, 9 Bellaire Avenue requested an update regarding the 13 Bellaire Avenue property and potential for condemnation. This property emits an odor, mold is present, cat urine is present, holes in the roof and it also has no functioning heating system. Taxes were due October 14<sup>th</sup>. Attorney Blaise stated we can't speak to this, as it is a pending case with the court and the case will be heard the end of October or the 1<sup>st</sup> of November regarding Code Violations to the owner of the property. The Town of Dickinson cannot do anything until the court date. The judge makes the final decision. Mr. Marhefka was encouraged to follow-up with the court as to the official court date.

On a motion by Councilman Burns, seconded by Councilman Morabito to approve the Work Session and Regular Meeting Minutes of September 12, 2011 as presented. All in favor. Vote -5 Ayes, Nays-0.

**Abstract # 10** – Abstract Summary of Audited Vouchers for all Funds in the amount of \$189,671.34. On Motion from Councilman Gardner, seconded by Councilman Morabito to approve. Vote Ayes – 5, Nays – 0.

Supervisor Marinaccio voting Aye

Councilman Morabito voting Aye

Councilman Burns voting Aye

Councilwoman Exley voting

Councilman Gardner voting Aye

Unanimously passed and noted as duly adopted.

**ATTORNEY**  
**2012 BUDGET**

A Public Hearing regarding the 2012 Budget on Monday November 7<sup>th</sup>. At 5:30 p.m. On Motion from Councilman Morabito, seconded by Councilwoman Exley to approve. Vote Ayes – 5, Nays – 0.

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

Unanimously passed and noted as duly adopted.

**CART PICK-UP ORDINANCE**

A Public Hearing regarding Shopping Carts issue of \$30 per cart and \$50 fine violating the **Cart Pick-up Ordinance** on Monday November 7<sup>th</sup>. At 5:45 p.m. On Motion from Councilwoman Exley, seconded by Councilman Gardner to approve. Vote Ayes – 5, Nays – 0.

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

Unanimously passed and noted as duly adopted.

**GARBAGE DISTRICTS**

A Public Hearing regarding resolution to award Waste Management the Garbage Districts bid on Monday November 7<sup>th</sup>. Highway Commissioner Kie will meet with Dennis Ede to watch the hills in the winter weather. On Motion from Councilman Morabito, seconded by Councilman Burns to approve. Vote Ayes – 5, Nays – 0.

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

Unanimously passed and noted as duly adopted.

**BUILDING PERMITS**

**Resolution #19** for adoption of a revised permit schedule as presented by Code Enforcement Officer, Rafferty. No discussion. On Motion from Councilman Gardner, seconded by Councilwoman Exley to approve. Vote Ayes – 5, Nays – 0.

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

Unanimously passed and noted as duly adopted.

## **REZONING C-1 TO C-2**

A Public Hearing regarding the proposed area to be rezoned from C-1 to C-2 on Monday November 7<sup>th</sup> 6:00 P.M. to hear comments relating to a proposed rezoning of certain properties located on Old Front Street. Property, is included in The Town Board received a request from the property owners of 515-517 Old Front Street to rezone their property from C-1 to C-2. The purpose of the request was to allow the existing single family residence at 515 Old Front Street to become a conforming use. The C-1 district does not allow single family uses as a permitted use in the district. The C-2 district allows single and two family residences as a permitted use. With the prior zoning, the Cornell's who are trying to sell the property were informed that the buyer's bank would not approve the loan for the non-conforming use. Attorney Blaise was surprised at the bank's position or concern on this. Blaise recommends we set a public hearing and that the planning board would oversee to recommend the zoning change to ensure this goes through in an expeditious manner with the county. The Town Board, in reviewing the request, determined that it would be in the best interests of the property owners and the Town to rezone the additional properties for the following reasons:

1. The existing commercial use located at 541 and 545 will be allowed to be used commercially.
2. The existing single family uses at 513, 515, and 521 Old Front Street will be brought into compliance with the permitted uses allowed in the C-2 district. The change in zoning should ease the process for a new buyer to obtain a mortgage for the residential use, since it will become a legally permitted use in the district.
3. The proposed zoning will not affect vacant parcels that are included in the area being considered as part of the rezoning.
4. Code Enforcement officer Rafferty and Town Clerk Wanda Broczkowski will work on preparing the Hearing Notices for west side of Old Front Street to C2. On Motion from Councilwoman Exley, seconded by Councilman Gardner to approve. Vote Ayes – 5, Nays – 0.

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

Unanimously passed and noted as duly adopted.

## **FIRE PROTECTION DISTRICT #3**

A Public Hearing regarding resolution to adopt the Town of Dickinson Fire Protection District # 3 Contract on Monday November 7<sup>th</sup> 6:05 P.M. Questions raised regarding the rate of \$25K and 2% increase. On Motion from Councilman Morabito, seconded by Councilman Gardner to approve. Vote Ayes – 5, Nays – 0.

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

Unanimously passed and noted as duly adopted.

## **Committee Reports:**

### **Public Works – 2011 Flood Damage**

1. Danny Miller of the water department reported on sewer at BCC generator pumping station; \$7,300 damage. The generator is back in Syracuse. Have to raise the platform up 60”/5 feet. We need to repair everything in the generator building that was damaged. Question, is there flood insurance on the generator building? As a reminder, from last month’s meeting, we asked the insurance agent to put the BCC building generator on the insurance one week prior to the flood but it never made it onto the policy. The generator wasn’t even one week old. Beverly Wike will be asked to contact the insurance agent.
2. Two water pipes rotted out on North Broad Street.
3. Terrace Drive. Hawk Engineering is to provide an inspection. It should be noted, DeVincentis Construction did the initial work back in the day; should have replaced the pipe with plastic pipe. Inspector at the time did not identify to be replaced. There are no notes on these jobs. Councilman Morabito asked, what documentation do we have to prove the inspector instructed the contractor to do this and that the contractor did not comply? After much discussion it was agreed for future, our town guy should be on-site, Danny Miller or whoever to represent the Public Works department by being present on the job site.

### **Highway – 2011 Flood Damage Highway Commissioner Joel Kie reported:**

1. Ramping up from flood damage; trees at the Regal cinema.
2. Deyo Hill Road catch basins. Commissioner Kie will provide follow-up to Supervisor Marinaccio on the situation.
3. Leaf machine, no telling how long it will work. It tipped over and is pretty banged up.
4. John Street Drainage Easement – Mike Urda and the Krukowski’s attorney are on stand-by. Still need to meet with NYSEG. All filled in but ruts are directing water to drain. NYSEG was running equipment during the storm. We have to wait until the ground freezes to get vehicles in there.

### **GLENWOOD ROAD – HORN HONKING TRUCKER**

Regarding the horn honking truck noise related issue in Prospect Terrace, Councilman Burns went to Ely Park to see where the truck was parked. Ely Park rental office would not give him the name of the truck driver. Eventually Councilman Burns called him and spoke to the gentleman to understand about the rational of his horn blowing during all hours of the night. As of today, October 10<sup>th</sup> no horn blowing has been reported. Good job Tom!

### **Other**

1. Zoning Board Chair, Jean Compton reported they will be attending a zoning seminar. She noted member Jim DiGennaro never responds to any

of Jean's messages and does not know if he will be attending members of the zoning board.

2. Councilman Morabito was approached by Adams drive residents to see about the recent Pond flooding. He recommends scoping it out; need to get water out of the pond quicker? It is a fact, eventually the water goes to the Chenango River via under the highway. We should walk it to determine if clean-out is in order and test out the walkway between the two ponds. Supervisor Marinaccio will get a hold a DEC contact from Cortland for Ron Lake, Engineer for the Town and Councilman Morabito. It probably is part of the old Cutler Ice company system.
3. Jim Love of Orchard Road had questions of clarification on zoning change. Also, of the BCC Sewage Building. Was it in flood of 2006? We didn't have a generator back then. We will review the insurance; possible rider to cover the items.
4. New York State Assembly meeting on October 19<sup>th</sup>, we will share our concerns to a forum for opinions and concerns about the future of the Broome County area after the flood.
5. Richard Church has questions of the church damage of \$300,000 and his research about the flood wall located behind the Nimmonsburg United Methodist Church. If it was gated, we would not have been flooded as badly. Our guess is the DEC probably will say it won't make a difference.
6. Jameson still has not gotten to install the light pole. Flood took preference.

On motion by Supervisor Marinaccio, the meeting was adjourned by motion of Councilman Morabito and seconded by Councilman Burns at 7:25 PM

**Respectfully submitted,**

**Wanda R. Broczkowski**

**Town Clerk**