

Regular Meeting of the Vestal Town Board March 12, 2014

The Regular Meeting of the Town Board of the Town of Vestal, County of Broome and the State of New York was held at the Town Hall, 605 Vestal Parkway West, Vestal, NY on March 12, 2014.

TOWN BOARD PRESENT:

**Supervisor John Schaffer
Councilman Fran Majewski
Councilwoman Patty Fitzgerald
Councilwoman Sue Messina**

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young, Fire Chief Pat McPherson and approximately 15 members of the community.

The Supervisor called the Regular Meeting to order at **6:00 PM**, welcomed everyone and asked that all present join in the PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES

On a motion of Councilwoman Messina, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
 Nays 0

Resolved the Minutes of the Regular Meeting on **February 26, 2014** are approved.

BID OPENINGS

Uniforms for Operating Engineers

Sealed proposals for **Uniforms for Operating Engineers** were received by the Town Clerk at his office until 2:00 pm on Tuesday March 11, 2014, at which time they were publicly opened and read. The single bid received from **Logowise**, Binghamton, New York, has been forwarded for review and recommendation.

Tracked Conveyor

Sealed proposals for a **Tracked Conveyor (Screen Stacker)** were received by the Town Clerk at his office until 2:15 pm on Tuesday March 11, 2014, at which time they were publicly opened and read. The single bid received from Screen Services, Pittsburgh, PA in the amount of \$149,500 has been forwarded to the Highway Superintendent for review and recommendation.

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PRIVILEGE OF THE FLOOR (Agenda Items Only)

A speaker noted that he read the proposed gateway sign ordinance and thanked the Clerk for posting the documents online. He wonders why he sees no fees or licenses attached to having this type of sign. This could be a good revenue source for the Town. In addition, he feels that this legislation is very loosely written. Supervisor Schaffer explained that this is an early step in the process to permit this type of signage in Vestal and that various provisions are subject to change.

A speaker praised the Board for taking action to impose vehicle weight limits on various Town roads but wonders how it will be enforced and what the penalties would be. The Supervisor responded that he has already discussed the matter with the Police Chief. The level of fines is dictated by the general provisions of the Town Code and fines can be up to a maximum of \$500 per violation.

A speaker asked who owns the property at 512 Front Street and why the Town is willing to pay so much for a property which was condemned. Supervisor Schaffer stated that to his knowledge, the property was never condemned and feels that purchasing the property would be the right decision to provide badly needed parking for the residents who come to transact business at the Town offices located next door.

A speaker questioned the rationale for spending \$149,500 on one piece of equipment (tracked conveyer) and why there was only one bid? Supervisor Schaffer replied that there are only 4 sellers of this type on unit in the United States. In the long run, it will benefit the Town and save money. We will be able to process and reuse various materials for road repair and infrastructure projects.

A speaker noted that his company has offered assistance to the Town in drafting an ordinance for billboard type signs. The proposed ordinance (Local Law B) could use some work to avoid problems in the future. The term *Gateway* is ambiguous and some provisions differ from what is permissible by the State DOT.

A speaker asked why the resolution which delegates to the Highway Superintendent the authority to place weight limits on Town roads is a Type II action. Town Attorney Berger explained that the type of action is determined by the provisions of the State Environmental Quality Review Act (SEQRA).

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A speaker noted that the Town has the authority to define what type of signage it will permit. If the Town decides that the gateway signs should be monument style signs, it is their prerogative.

RESOLUTIONS & MOTIONS

Town Attorney to Negotiate Purchase of 512 Front Street

Councilwoman Fitzgerald expressed support for acquiring this property for the needed parking but stated that she was not aware that this property had been condemned. She would like to put this resolution on hold so as to get more information from the Code Department.

Supervisor Schaffer stated that to his knowledge, this building was never condemned. There is a building permit on it as we speak.

Councilwoman Fitzgerald made a motion to table the resolution, seconded by Councilwoman Messina. The **motion to table was**

DEFEATED	Ayes	2	Fitzgerald, Majewski
	Nays	2	Messina, Schaffer

Councilman Majewski stated that he opposes spending the money to purchase this property. There are other less costly alternatives. Perhaps we can open the Town Board room to collect taxes during the collection season. We can get additional parking in front of the Assessor's office with a curb cut to allow diagonal parking. We should be working to renovate and expand the Town Hall to bring the departments back and close the dilapidated Assessor's building on Front Street.

Supervisor Schaffer noted that compared to the \$26,000 per year, plus expenses, that we are paying to rent space at 133 Front Street, spending a total of around \$33,000 on this property is a good deal.

Councilwoman Messina stated that we have a responsibility to provide adequate parking for the residents who need to come to the Town offices. There is also a lack of handicap accessible parking. People are walking on sidewalks that are not shoveled. We risk lawsuits if someone is hurt. It appears that we will use the Front Street location for the foreseeable future and we need to provide for the safety of our citizens.

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R067-14 On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 3 Messina, Schaffer, Fitzgerald

Nays 1 Majewski,

Resolved to adopt the following Resolution:

WHEREAS, the Town Board of the Town of Vestal has determined that it is necessary for the Town for the safety of its residents to expand the parking near the Assessor's office on Front Street and

WHEREAS, the Town Board has determined that the parcel of real property located at 512 Front Street in the Town, Tax Map No. (173.21-1-6) may be suitable for the construction of a new parking lot.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor of the Town of Vestal to enter into a contract for the purchase of the parcels of real property located at 512 Front Street in the Town, Tax Map No. (173.21-1-6) for a price to be negotiated and approved by the Town Board, contingent upon satisfactory environmental review and inspection, availability of satisfactory funding, passage of the permissive referendum period required under law without petitions for permissive referendum, and all other contingencies considered necessary by the Town Attorney. This Resolution shall be subject to a permissive referendum, as required by section 220 of Town Law.

Accept a Donation of \$2,000.00 from the Vestal Elks

John Gardner, the Exalted Ruler of the Vestal Elks, was present to accept the Board's expressions of gratitude for continuing to sponsor the Easter Egg Hunt.

R068-14 On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer

Nays 0

Resolved to authorize the Recreation Department to **accept a donation of \$2,000.00** from the **Vestal Elks** for the sponsorship of the **2014 Easter Egg Hunt**. This is the second year of sponsorship from the Vestal Elks for this event.

Highway Superintendent authorized to Place Vehicle Weight Limits on Selected Town Roads

Councilman Majewski stressed the importance of posting and publishing the list of roads which will have vehicle weight limits.

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R069-14 On a motion of Councilwoman Messina, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer

Nays 0

Resolved to adopt a resolution pursuant to the authority granted by Vehicle and Traffic Law, Section 1660, delegating the authority to the Superintendent of Highways to temporarily exclude trucks and other similar vehicles exceeding a certain designated gross weight limit from Town roads and highways. This proposed activity has been identified as a Type II action and therefore is not subject to review under SEQRA. The prepared resolution will be filed as part of these minutes.

Roots Trail Development to Hold Bike Race at Jones Park

Supervisor Schaffer thanked Councilwoman Fitzgerald for her work in helping to bring this event to Vestal.

R070-14 On a motion of Councilwoman Fitzgerald, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer

Nays 0

Resolved to authorize **Roots Trail Development to organize a bike race to be held on June 15, 2014 at Jones Park.** Arrangements have been made for the Emergency Squad and Fire Company 2 to provide the necessary support and assistance for the event. There are to be no open fires if a burn ban is in force at the time of the event. Approval of the event is conditional upon the receipt of an acceptable insurance binder and satisfactory release forms from the participants.

M Squared to Host the Paws for a Cause Event on Rail Trail

R071-14 On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer

Nays 0

Resolved to authorize **M Squared** to host the **Paws for a Cause** event to raise money for the *Encore Plus* program in September 2014 on the **Rail Trail** in the vicinity of the Coal House.

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Award Contract to Purchase Tracked Conveyor for Highway Department

R072-14 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0

Resolved to authorize the **Town Attorney** to draw the paperwork awarding the **single bid of \$149,500** received for the **Tracked Conveyor** (Screen Stacker) to **Screen Services LLC**, Pittsburg, PA.

Award of Contact to Logowise for Operating Engineers Uniforms is Tabled

Councilman Majewski stated that the prices compared to a previous bid have gone up over 40%. He wants to look into this and perhaps rebid it.

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

TABLED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0

Resolved to authorize the Town Attorney to draw the necessary paperwork awarding the single bid received for **Operating Engineer's Uniforms** to **Logowise, LLC** Binghamton, New York.

CONSENT AGENDA

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0

Resolved the **Consent Agenda** is approved as follows:

PUBLIC WORKS: Majewski/Fitzgerald

Advertise Bid for SCADA Hardware

R073-14 Authorization for the Town Attorney to **advertise on March 19th, 2014 for bids** on behalf of the Water Department for **SCADA Hardware** to be opened on March 25, 2014 at 2:00 pm in the Town Clerk's office.

MS4 Municipal Compliance Certification

R074-14 Authorization for the Supervisor to sign the **MS4 Municipal Compliance Certification Form** of the Department of Environmental

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Conservation annual report relating to Stormwater for the Town of Vestal which will be included in the 2014 submittal to the DEC through the Broome Tioga Stormwater Coalition.

Inter-Municipal Agreement - MS4 Stormwater

R075-14 Authorization for the Supervisor to sign a revised *Inter-municipal Agreement to Form the Broome-Tioga Stormwater Coalition for Federal Phase II MS4 Stormwater Regulation Implementation in Broome and Tioga*. It is the same that was signed in 2004 with the exception of the need to submit a \$1,000 a year fee for various projects that the coalition performs. This fee will be required starting March 2015.

Two River Greenway Signage Project

R076-14 Authorization for the Town Supervisor to sign the agreement for **Two River Greenway Signage Project, PIN 9753.89**, whose goal is to install trail signage in participating municipalities that is uniform in design and that will promote more of a regional trail system. The project was developed after completion of a 2012 BMTS Two Rivers Greenway Design and Signage Plan.

Vestal Town Engineer Gary Campo will bid the project and oversee the signage installation. The Town of Vestal will pay for the project via an agreement with NYSDOT and each municipality will reimburse the Town their 20% project cost share. NYSDOT will be funding the balance of 80%.

FINANCE: Majewski/Messina

Receive and File:

- **Warrant Reports** – 2014 – 09, 09A, 09E, 10, 10E
- **Town Clerk Monthly Report** – February 2014 - Local Shares Remitted \$3,788.74

Voucher for Counsel Press LLC

R077-14 Authorization for the Business Office to remit payment to **Counsel Press LLC** in the amount of **\$3,635.89** for services as stated in their invoice #0009046822 regarding **United Health Service vs The Town of Vestal**.

Legal Services for UHS v Town of Vestal

R078-14 Authorization for the Business Office to remit payment to **Kenney, Shelton, Liptak & Nowak, LLP** in the amount of **\$10,461.90** for legal services

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as stated in their invoice #0009046822 regarding **United Health Service vs The Town of Vestal**.

PUBLIC SAFETY: Majewski/Messina

Expend Money for Fire Training

R079-14 Authorization from the Board of Fire Commissioners to expend an additional **\$300 from the F3410 4034R Line** to cover the cost of lodging and air fare for 2nd Lieutenant Jason Stupski who attended the Kidde Fire Fighting/ National Foam's Flammable Liquid Firefighting School at the Brayton Firemen Training Center at Texas A & M February 18 – 21, 2014 as approved on January 22, 2014 (R034-14).

ADMINISTRATION: Fitzgerald/Messina

Recreation to Hire Attendant for Weight Room

R080-14 Authorization for the **Recreation to hire** the following employee:

A7310.1023 Labor - Adult Programs

Elisabeth Gray – Vestal - as Supervisor for Weight Room at pay rate \$11.25/hr. The employee pay rate is a budgeted item in the 2014 budget and the background check has been completed.

RECEIVE AND FILE:

- Notice of New Application for Liquor License – *Royal Indian Restaurant Bar & Grill* – 1101 Bunn Hill Road.

END OF CONSENT AGENDA

Advertise Local Law “B” – Electronic Gateway Signs

Councilman Majewski stated that this legislation needs more work in order to clarify some of the terms and to address the issue of fees.

A motion was made by Councilman Majewski to table this resolution. No one seconded the motion. **Motion to table died for lack of a second.**

R081-14 On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 3 Messina, Schaffer, Fitzgerald
 Nays 1 Majewski,

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Resolved to authorize the **Town Attorney to advertise** on March 26, 2014 for a Public Hearing regarding proposed **Local Law “B” of the Year 2014** entitled: “A Local Law Amending Vestal Code to **Permit Electronic Gateway Signs** in the Town of Vestal” to be held on **April 9th, 2014**.

COMMITTEE CHAIR COMMENTS AND UPDATES

Councilman Majewski reminded the Board that the Fire Department is still waiting to hear on their request to schedule a meeting with the Board.

Supervisor Schaffer noted that he has been in touch with the Fire Chief and is working to come up with a convenient date for a meeting, probably in early April.

ADDITIONAL PUBLIC COMMENTS

A speaker stated that the owner of the property at 512 Front Street should either bring it up to code or be made to tear it down.

A speaker noted that the Highway Superintendent is an elected official and has a lot of power to make decisions independent of the Board.

A speaker stated that we need to enforce the rules concerning clearing sidewalks of snow and ice. Councilwoman Messina replied that she is working with the Code Department concerning this issue.

A speaker expressed hope that the Board will fill the vacancy on the Town Board.

A speaker complained the tax bills lack adequate explanation of what each line item means.

A speaker expressed concern about the potential for contaminated runoff into Vestal from a large holding pond being constructed by gas companies just across the border in Pennsylvania. The pond has a triple liner, raising some suspicion about what will be stored in it. Supervisor Schaffer stated that he inquired about the pond and was told that it will hold fresh water. We have no control over it.

SUPERVISOR’S ANNOUNCEMENTS

- **Winter Parking Hours** – December 1st - March 31st. No parking on Town and County streets and highways between the hours of 2:00 AM and 6:00 AM.

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- The Town has an ordinance requiring property owners to [remove snow and ice from sidewalks adjacent to their properties](#). Compliance continues to be a problem in some areas of the Town. If this problem persists, the Town will issue appearance tickets for these violations.



- **Free Easter Egg Hunt!**
Co-sponsored by the Vestal Elks
Saturday, April 12, 2014 - 11:00 AM
Arnold Park, Andrews Rd.
Ages 10 and Under

Enjoy hunting for eggs by age group and visiting with the Easter bunny. Bags are provided. In case of inclement weather check the [Town of Vestal Recreation site](#) for any updates or call the Recreation department at 607-754-3368. Be sure to dress warm and wear boots! The park is always very wet and windy at this time of year.

- Supervisor Schaffer announced that the Board has been unable to reach a consensus on filling the vacancy on the Town Board. In view of that, he is abandoning the review process. All applicants will be notified of this decision. There are 16 people who expressed interest in being appointed to this position. He noted that it will be interesting to see how many of these applicants will actually run for the position this fall.
- The Highway Superintendent has filed with the Clerk's office a notice of intention to establish vehicle weight limits on the following roads:
Baker Hill Road, Collins Hill Road, Crumm Road, Hogan Road and State Line Road.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the meeting was adjourned at 7:06 PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk