

Organizational Meeting Minutes of the Vestal Town Board

January 13, 2021

The Regular Meeting of the Town Board of the Town of Vestal, County of Broome and the State of New York was held via Zoom and Twitch on the Town Website on January 13, 2021.

TOWN BOARD PRESENT:

Supervisor John Schaffer
Councilwoman Patty Fitzgerald
Councilwoman Sue Messina
Councilman John Fletcher – remote via private phone
Councilman Jason Ellis

ALSO ATTENDING: Town Attorney David Berger, Town Engineer Vern Myers, Assistant Fire Chief Douglas Rose, Secretary to Town Supervisor & Town Attorney Andria Kintner, Attorney Sarah Grace Campbell from HH&K representing The Retreat at Bunn Hill, Town Clerk Debra Wallace and 121 members of the public via Zoom (100) and Twitch (21).

APPROVAL OF MINUTES

On a motion by Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following was **ADOPTED** Ayes 5 Fitzgerald, Messina, Fletcher, Ellis, Schaffer
Nays 0

Resolved the Minutes of December 9, 2020 are approved.

BID OPENINGS

PUBLIC HEARINGS

Public Hearing for Local Law “B” – Rezoning of 1430 NYS Route 26

Supervisor Schaffer opened the Public Hearing for comment. Schaffer presented the Affidavit of Mailing the owners sent out to the neighboring residents informing them of the change in zoning from RR to C-2 to relocate Vestal Beverage & Redemption Center.

Seeing or hearing no one wishing to speak, Supervisor Schaffer closed the Public Hearing.

Acceptance of SEQR

R001-21 On a motion by Councilman Ellis, seconded by Councilwoman Fitzgerald, the following was

ADOPTED Ayes 5 Fitzgerald, Messina, Fletcher, Ellis, Schaffer
Nays 0

Resolved to accept the SEQR for 1430 NYS Route 26.

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Adopted Local Law “B” Rezoning of 1430 NYS Route 26

R002-21 On a motion by Councilman Ellis, seconded by Councilwoman Fitzgerald, the following was

ADOPTED Ayes 5 Fitzgerald, Messina, Fletcher, Ellis, Schaffer
Nays 0

Resolved to adopt proposed Local Law “B” of the Year 2021 entitled “Rezoning of 1430 NYS Route 26” from RR to C-2.

Rescinding of Adoption of Local Law “B” Rezoning of 1430 NYS Route 26

R003-21 On a motion from Supervisor Schaffer, seconded by Councilwoman Messina, the following was

ADOPTED Ayes 5 Fitzgerald, Messina, Fletcher, Ellis, Schaffer
Nays 0

Resolved to rescind the adoption of Local Law “B” Rezoning of 1430 NYS Route 26 due to residents being unable to get through to the meeting on Zoom and to reopen the Public Hearing so they can express their opinions.

Supervisor Schaffer reopened the floor to the public. Members of the community voiced concerns with the location of the proposed beverage center. They stated that with the speed of traffic and the lack of visibility, it is a very dangerous location for cars to enter and exit. The road is narrow and is quite dark in the evenings due to no traffic lights.

Supervisor Schaffer thanked them for their comments and asked the residents to send their concerns to the Board. The Board will take no action tonight and will vote on this at the next Board meeting on January 27, 2021.

Public Hearing for Local Law “A” – Rezoning of Bunn Hill Rd

Supervisor Schaffer opened the Public Hearing for comment. Sarah Campbell, attorney with Hinman, Howard & Kattell and council for Landmark Properties and the Retreat at Bunn Hill, gave a brief overview of the development of 64 cottage style housing units on 42 acres on Bunn Hill Rd. She stated she was in attendance to hear the public comments and to address concerns in the coming days.

Supervisor Schaffer read the following statement before opening the floor to the public:
In order to have a productive public hearing I would like to make a few introductory comments;

The local law that is proposed is for a Planned Development District which is defined in our Town Code as:

“A residential, commercial or industrial planned development district or combination thereof may be established in any district of the town for the purpose of promoting integrated site planning of tracts of land ten (10) acres or more in area.”

As you know, the Town Planning Board has reviewed the preliminary site plan information and has issued a recommendation to this Board.

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Tonight the Board will listen to the Project Developer's counsel and then open the Zoom meeting to those who wish to address the Board regarding the project. This is the public's opportunity to express their support and/or concerns regarding this matter.

This Board has adopted a public hearing policy that limits each speaker to 3 minutes and please keep in mind that repetitive or argumentative comments will not be entertained as they impede an orderly meeting.

A public hearing is not a question and answer session. This Board is acutely aware of the issues and is eager to hear the comments from the public and will take those into consideration when a decision is made.

Keep in mind that tonight's public hearing is only Part 1 of this Board's review. The environmental significance will be reviewed at a later date, so please keep your comments related to the Presentation made today.

The procedure for making comments is as follows:

- 1. Click on the participants button at the bottom of the screen*
- 2. You will notice a list of participants shows up on the screen. At the bottom right hand side of the screen you have the option to click on Raise Hand. Please select this and the host will be notified that you would like to make a comment.*
- 3. When it is your turn to comment, you will get a notification asking you to unmute. Make sure to tap unmute. Once unmuted, you may begin commenting.*

Supervisor Schaffer looked to see if Attorney Meave Tooher, representing the Responsible Vestal Zoning Group, was on zoom and she was not at that time.

Supervisor Schaffer then opened the floor to the public.

Residents spoke against the development stating concerns over a saturated student housing market, long term economic impact, effects on Nut Hatch Hollow, increase in traffic and the erosion of the creek.

Other residents spoke in favor of the development and stated how this will be an asset to the community by bringing young professionals to the area, keeping the property on the tax rolls, decreasing the tax burden for all tax payers (not just one person) and benefits to the local businesses and community.

Attorney Meave Tooher, representing the Responsible Vestal Zoning Group, stated that one of the main concerns is what looks like spot zoning, benefiting one landowner rather than the majority. Other concerns she addressed were an inadequate SEQR review, easements for water and sewer, fire safety questions, sidewalks and transportation for students, traffic impact for Bunn Hill, visual and sound impact and current EAF inconsistencies.

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After seeing or hearing no one else wishing to speak, Supervisor Schaffer thanked everyone for sharing this evening and closed the floor. There was a total of 27 people who spoke. Supervisor Schaffer then stated the following:

It is the Town Board's intent to be the lead agency for review of the long form SEQRA related to this project.

We will be noticing other interested agencies and once their time to respond has expired or if they respond,

We will continue this public hearing for comments related to that part of the process.

Accordingly there will be no decision until that process is complete.

In addition, due to the technological difficulties we will take some limited additional comments regarding tonight's presentation in order to accommodate those who may not have been able to join the ZOOM meeting.

RESOLUTIONS & MOTIONS

Adoption of the 2021 Organizational Agenda

R004-21 On a motion by Councilwoman Messina, seconded Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 5 Fitzgerald, Messina, Fletcher, Ellis, Schaffer
 Nays 0

Resolved to adopt the **2021 Organizational Appointments, Authorizations and Calendar of Town Board Meetings** as follows:

A. Town Board Committees:

PUBLIC WORKS: (Utility, Highway, Water, Parks, Building Maintenance)	ELLIS/Messina
FINANCE:	MESSINA /Fletcher
PERSONNEL:	FLETCHER/Fitzgerald
PLANNING & ZONING: (Code Department, Planning and Zoning, Engineering)	FITZGERALD/Fletcher
PUBLIC SAFETY: (Fire, Police, Emergency Services, Courts)	MESSINA/Ellis
ADMINISTRATION: (Assessment, Tax Collector Clerk, IT, Recreation, Historian, Museum)	FLETCHER/Ellis

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B. Town Board Meeting Schedule

2021 WORK SESSIONS	2021 BOARD MEETINGS
Meetings at 6:00 p.m. <i>unless otherwise indicated</i>	Meetings at 6:00 p.m. <i>unless otherwise indicated</i>
1/11/21	1/13/21
1/25/21	1/27/21
2/8/21	2/10/21
2/22/21	2/24/21
3/8/21	3/10/21
3/22/21	3/24/21
4/12/21	4/14/21
4/26/21	4/28/21
5/10/21	5/12/21
5/24/21	5/26/21
6/7/21	6/9/21
6/21/21	6/23/21
7/12/21	7/14/21
7/26/21	7/28/21
8/9/21	8/11/21
8/23/21	8/25/21
9/13/21	9/15/21
9/27/21	9/29/21
10/4/21 @ 5:00pm	
10/11/21 @ 5:00pm	10/13/21
10/18/21 @ 5:00pm	10/19/21 FIRE BUDGET HEARING
10/25/21 @ 5:00pm	10/27/21
11/1/21	11/3/21 TOWN BUDGET HEARING
11/15/21	11/17/21
12/6/21	12/8/21
12/13/21	12/15/21

TOV Holidays for 2021:

New Year's – TOV CLOSED 1/01/21 (Fri)	Veteran's Day – TOV CLOSED 11/11/21 (Thur)
Good Friday – TOV CLOSED 4/2/21 (Fri)	Thanksgiving – TOV CLOSED 11/25/21 (Thur)
Memorial Day – TOV CLOSED 5/31/21 (Mon)	Day After Thanksgiving – TOV CLOSED 11/26/21 (Fri)
Independence Day – TOV CLOSED 7/5/21 (Mon)	Christmas – TOV CLOSED 12/24/21 (Fri)
Labor Day – TOV CLOSED 9/6/21 (Mon)	New Year's Day – TOV CLOSED 12/31/21 (Fri)

C. Establish salary and wage rates for town employees as stated in the 2021 salary schedule.

D. Approval of the form, manner and sufficiency of the Employee Surety Bond.

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E. \$200 for clothing and boot allowance for:

- Water Superintendent – Scott Groat
- Highway Superintendent – Craig Hiller
- Deputy Highway Superintendent – Andrew Gowe
- Town Engineer – Vernon Myers
- Deputy Water Superintendent – Todd Hunsinger
- Code Officer – Lincoln Ellis

F. Attendance to budgeted association meetings as follows:

Monthly:

- Broome County Association of Municipal Court Clerks
- Broome County Association of Towns and Villages
- Broome County Municipal Clerks Association
- Association of Assessors

Quarterly:

- Broome County Association of Receivers and Tax Collector's Building Officials
- NYS GFOA Board of Governors

Annual:

- NYS GFOA Annual Conference
- PERMA Conference
- NYS Town Clerks Association Annual Conference
- NYS PELRA Conference

Other Training:

- NYS GFOA meetings and seminars
- PERMA

Education Seminars for Building and Code

- Winter/Spring: STBOA One Day Seminar
- Northern Adirondack BOA
- Finger Lakes BOA 4 days

- Summer: STBOA One Day Seminar
- NY Firefighters Association

- Fall: ICC Conference
- STBOA One Day Seminar
- Fire Inspectors Seminar

- Spring or Fall NYS Fire Academy Sprinkler Workshop

G. Under Section 77-b of General Municipal Law the board delegates department heads to authorize training within the limits of the department budget.

H. Adopt Procurement Policy and list of authorized purchasers

I. Mileage Reimbursement for the use of a personal vehicle on Town Business will be based on the Federal Government guidelines. Meal reimbursement for travel on Town business will be based on Federal Government Guidelines.

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J. Designate Depositories for Town Funds:

M & T	\$20,000,000
J. P. Morgan Chase	\$20,000,000
Tioga State Bank	\$10,000,000
New York Class:	\$20,000,000

K. Designate the Delegate for Association of Town Meeting as John Schaffer with the alternative being Patty Fitzgerald.

**L. Designate the official Town newspaper as the “Vestal Town Crier”
Designate the alternate town newspaper as “The Press & Sun Bulletin”**

**M. Appoint Records Management Officer: Debra Wallace
Deputy Records Management Officer: Susan Bailey**

**N. Appoint Records Access Officer for FOIL Requests: Debra Wallace
Deputy Access Officer for FOIL Requests: Kelcy Wickman**

**O. Appointment of Registrar of Vital Statistics: Debra Wallace
Deputy Registrar of Vital Statistics: Susan Bailey
Sub Registrar of Vital Statistics: Kelcy Wickman**

**P. Appointment of Fire Marshall: Carle Truman
Deputy Fire Marshall: Christopher S. Lupold**

Q. Authorization from the Board of Fire Commissioners for Assistant Fire Chief Douglas Rose to sign vouchers in Chief Paffie’s absence in the 2021 fiscal year.

R. Authorization from the Board of Fire Commissioners to send one piece of fire apparatus and personnel to parades in 2021 as follows:

Parade	Location	Month	Station Apparatus
<i>St. Patrick’s</i>	<i>Binghamton</i>	<i>March</i>	<i>Station 4</i>
<i>Memorial Day</i>	<i>Endicott</i>	<i>May</i>	<i>Station 1</i>
<i>Memorial Day</i>	<i>Binghamton</i>	<i>May</i>	<i>Station 4</i>
<i>Owego Strawberry Festival</i>	<i>Owego</i>	<i>June</i>	<i>Station 3</i>
<i>Veteran’s Day</i>	<i>Endicott</i>	<i>November</i>	<i>Station 1</i>
<i>Veteran’s Day</i>	<i>Binghamton</i>	<i>November</i>	<i>Station 4</i>
<i>Johnson City Holiday</i>	<i>Johnson City</i>	<i>December</i>	<i>Station 4</i>
<i>Endicott Holiday</i>	<i>Endicott</i>	<i>December</i>	<i>Station 1</i>

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S. Acknowledgement and acceptance by the Board of Fire Commissioners of the following station representatives to the LOSAP committee:

Station 1 - Eugene Wagner

Station 3 – Ronald Birdsall

Station 2 – Vincent Colling

Station 4 – Edward Hildebrand

Station 2 – Robert Warner (Dept. at large member)

T. Acknowledgement and acceptance by the Board of Fire Commissioners of the 2021- 2022 Department Chief as elected by the members on December 10, 2020 and 2021 Station Chiefs as elected by the members of the Fire Department on December 21,2020

Department Chief: John Paffie

Station 1 Chief: Douglas Rose

Station 2 Chief: William Stout

Station 3 Chief: David Bowen

Station 4 Chief: Charles Paffie

CONSENT AGENDA

On a motion by Councilman Fletcher, seconded by Councilman Ellis, the following was

ADOPTED Ayes 5 Fitzgerald, Messina, Fletcher, Ellis, Schaffer
 Nays 0

Resolved to adopt the 2021 Consent Agenda as follows:

PUBLIC WORKS (ELLIS/Messina)

Advertise for River Road Pump Package Bid

R005-21 Authorize Scott Groats, Water/Wastewater Superintendent to advertise for bids for the River Road Pump Package on Wednesday, January 20, 2021 and to be opened on February 2, 2021.

FINANCE (MESSINA/Fletcher)

Upstate NY Towns Association Annual Renewal

R006-21 Authorization to pay \$200.00 for Upstate New York Towns Association Inc. Annual Membership Renewal.

Association of Towns Annual Dues

R007-21 Authorization to pay \$1,650.00 for The Association of Towns of the State of New York Annual Membership Dues.

Greater Binghamton Chamber of Commerce Annual Dues

R008-21 Authorization to pay \$425.00 for Greater Binghamton Chamber of Commerce Annual Membership Dues.

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Payment to Kenneth Frommer

R009-21 Authorization to pay \$10,768.75 to Kenneth Frommer for Trial preparation, Pre Trial Meetings and Trial Appearances for Vestal Park Rehabilitation and Nursing Center.

Billable Hours for Town Attorney

R010-21 Authorization to pay Town Attorney David Berger \$2,062.50 for billable hours from 11/7/2020 – 12/31/2020

Payment to Aaron R. Alweis

R011-21 Authorization to pay \$649.25 to Aaron R. Alweis for court reporting services Re: Sheedy Road, LLC vs. Town of Vestal dues.

Contract with EFPR Group, CPAs PLLC

R012-21 Approve to award the contract for auditing the Town of Vestal Justice Courts to EFPR Group, CPAs PLLC at a price of \$3,300 for the year ending December 31, 2020 and \$3,350 for the year ending December 31, 2021.

PERSONNEL (FLETCHER/Fitzgerald)

Hiring of Cassandra Wickman for Tax Season

R013-21 Authorize Debra Wallace, Town Clerk to hire Cassandra Wickman to work as a Clerk part-time on an as needed basis for the Tax Office for the period January 6, 2021 through December 31, 2021. Ms. Wickman's rate of pay will be \$12.50 per hour.

Burns appointed to Zoning Board of Appeals

R014-21 Approve the appointment of Eugene Burns as a member of the Zoning Board of Appeals effective January 14, 2021. Mr. Burns' term will expire December 31, 2025.

PLANNING & ZONING (FITZGERALD/Fletcher)

Release of Coal House Lease

R015-21 Authorize John Schaffer, Town Supervisor to sign the release of the Coal House Lease upon receipt of the release from Mr. Mushalla and M Squared Staffing.

PUBLIC SAFETY (MESSINA/Ellis)

2020 LOSAP Membership Award Certification List

R016-21 Approve the 2020 LOSAP Membership award certification list.

ADMINISTRATION (FLETCHER/Ellis)

END OF CONSENT AGENDA

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RECEIVE AND FILE

- Warrants: 2020 - 50, 50C, 50E, 51, 51E, 52, 52E; 2021 – 01, 01A, 1EA
- Change of Tennant - 2220 Vestal Road, Family Sports Complex, Inc.
- Change of Tennant – 2540 Vestal Pkwy E, Gentle Dental Care
- Fire Advisory Board Minutes – November 16, 2020
- Town Clerk Monthly Report – December 2020
- Town Clerk Annual Report – 2020
- Town of Vestal GASB 75 Interim Report – December 31, 2020
- Village of Endicott 239 Review Form – Local Law Prohibiting Recycling Facilities in Industrial Zones

COMMITTEE CHAIR COMMENTS & UPDATES

OTHER NEW BUSINESS

OLD BUSINESS

SUPERVISOR'S ANNOUNCEMENTS

- Supervisor Schaffer would like to thank the Highway, Parks, Water, Police and Fire Departments for all of their long hours and extra work that went into cleaning up after the storms during the Holidays. They did a fantastic job getting the roads cleared and responding to the needs of our community.

- Winter Parking Hours are in effect from December 1 thru March 31. No parking of vehicles on any Town streets and roads from 2:00 am to 6:00 am.

- Congratulations to Girl Scouts of NYPENN Pathway, Inc. we are proud to announce that Haley Russell and Mia Perfetti of Vestal, NY Troop 30550 were the recipients of the Girl Scout Silver Award- the highest honor a Girls Scout Cadette can earn. Spending a minimum of 50 hours on a sustainable project, which will affect their community for years to come.

EXECUTIVE SESSION

ADJOURNMENT

On a motion by Councilwoman Messina, seconded by Councilman Ellis, the meeting was **adjourned at 7:58 pm**. Carried unanimously.

Approved by _____
Debra Wallace, Town Clerk