

REGULAR MEETING OF THE VESTAL TOWN BOARD

December 9, 2020

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 December 9, 2020.

TOWN BOARD PRESENT:

Supervisor John Schaffer
Councilwoman Patty Fitzgerald
Councilwoman Sue Messina
Councilman John Fletcher
Councilman Jason Ellis

ALSO ATTENDING: Town Engineer Vern Myers, Town Attorney David Berger, Town Clerk Debra Wallace and 1 member of the community.

Supervisor Schaffer 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 by Councilwoman Messina, seconded by Councilman Fletcher, the following was

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

Resolved the Minutes of the Regular Meeting on November 18, 2020 are approved.

BID OPENINGS

PUBLIC HEARINGS



Special Aquifer Permit for Upstate Tower Company

Special Aquifer Permit for Upstate Tower Company to construct a 160 foot high communication tower at 420 Old Mill Rd.

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

Approve Special Permit for Upstate Tower Company

R206-20 On a motion from Councilman Ellis, seconded by Councilman Fletcher, the following was

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

Resolved to approve a Special Aquifer Permit to Upstate Tower to construct a 160 foot high communication tower at 420 Old Mill Road. SEQR was approved by Zoning Board of Appeals and the Town Board adopts their findings.

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PRIVILEGE OF THE FLOOR

A resident from the Town stated that he would like the Town Board to deny the request for a Public Hearing for Local Law B “Rezoning of Bunn Hill Rd and Jensen Rd.” Residents of Bunn Hill are against the rezoning and feels that the Town Board has enough information to vote on this issue without a Public Hearing.

Seeing or hearing no one else wishing to speak, Supervisor Schaffer closed the Privilege of the Floor.

RESOLUTIONS & MOTIONS

Award LOSAP Points During Covid-19

R207-20 On a motion from Councilwoman Messina, seconded by Councilman Ellis, the following was

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

Resolved to award LOSAP points during COVID-19 pandemic as follows:

WHEREAS, the Fire District is the sponsor of a Length of Service Award Program (LOSAP) on behalf of the Vestal Fire Department (Fire Department) in accordance with Article 11-A of the New York State General Municipal Law (GML); and

WHEREAS, during the COVID-19 pandemic and in response to the Governor’s Executive Order 202 of 2020, the Fire Department modified its emergency response protocols and cancelled many events during the period March 23, 2020 to December 31, 2020 (Period); and

WHEREAS, as a result of these modifications and cancellations, active volunteer firefighters will have fewer opportunities to earn points during calendar year 2020, making it more difficult to earn the required 50 points to earn the LOSAP benefit for calendar year 2020; and

WHEREAS, the GML has been amended to add § 217(p), which allows the Board of Fire Commissioners (Board) to award up to five (5) points per month during the Period, with a pro-rated amount awarded for a partial month, by resolution of the Board; and

WHEREAS, the § 217(p) requires the Board to adopt said resolution by April 30, 2021; and

WHEREAS, the Fire Department has provided the Board with documentation regarding the events that were cancelled and how response protocols were changed during the Period; and

WHEREAS, the Board has considered these factors and how they will impact active volunteer firefighters from earning 50 points in calendar year 2020; and

WHEREAS, the Board has determined it appropriate and necessary to award points for the Period;
NOW, THEREFORE BE IT

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RESOLVED, that the Board of Fire Commissioners approves the granting of three (3) points for each complete month of the Period, one (1) point for pro-rated for the partial months; and be it further

RESOLVED, that based on the Period and the necessary pro-ration for the partial months, each active volunteer firefighter is to be awarded a total of twenty-eight (28) points in 2020, in addition to any points earned by the active volunteer firefighter during calendar year 2020; and be it further

RESOLVED, that the Board may modify this resolution by April 30, 2021 in the event that additional information is provided that would lead the Board to determine that additional points for the Period should be awarded.

Matco Electric to Repair Highway Lighting

R208-20 On a motion from Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following was

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

Resolved to waive the Town procurement policy and award Matco Electric the contract to repair the highway lighting at the NYS Route 17/NYS Route 26 interchange in order to have it completed as soon as possible.



CONSENT AGENDA

On a motion from Councilwoman Messina, seconded by Councilman Ellis, the following was

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

Resolved the Consent Agenda is approved as follows:

PUBLIC WORKS (ELLIS/Messina)

Advertising for Mini Wheel Loader for Highway Department

R209-20 Retro approval for advertising November 25, 2020 for a Mini Wheel Loader with the bids being opened on December 15, 2020.

Washington Drive Bridge Replacement Bid Awarded

R210-20 Authorize Vern Myers, Town Engineer, to award Delta Engineers the Construction Administration and Inspection Services for the Washington Drive Bridge Replacement project.

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FINANCE (MESSINA/Fletcher)

Equipment Acquired

R211-20 Retro approval to dispose of the Town Caterpillar AP600 Paver in trade for the purchase of a Volvo Compact Excavator and a Mauldin Paver. The equipment is being acquired pursuant to legal bids.

2020 Budget Amendments As Needed

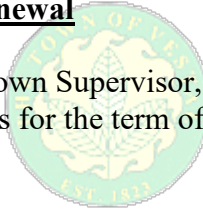
R212-20 Authorization to amend the 2020 Budget, as needed and upon review by John Schaffer, Town Supervisor, in order to pay any outstanding bills for 2020. Such amendments will be subsequently ratified at the next Town Board meeting. Such authorization does not grant department heads the authority to exceed available 2020 Budget appropriations but rather is meant to address unforeseen circumstances.

Stop DWI Overtime Patrol Contract Renewal

R213-20 Authorize John Schaffer, Town Supervisor, to sign contract renewal with Broome County for the Stop DWI overtime Patrol.

Vestal Veterinary Hospital Contract Renewal

R214-20 Authorize John Schaffer, Town Supervisor, to sign contract renewal with Vestal Veterinary Hospital for dog shelter services for the term of January 1 - December 31, 2021.



Budget Transfers

R215-20 Approve Budget Transfers as indicated in memo dated December 3, 2020.

PERSONNEL (FLETCHER/Fitzgerald)

Kintner Hired as Secretary

R216-20 Authorize John Schaffer, Town Supervisor, to appoint Andria Kintner to the non-union position of Secretary to the Town Supervisor and Town Attorney effective December 10, 2020. The position is a 37.5 hour per week position and Ms. Kintner's pay will be \$45,000.00 per year with no overtime.

PLANNING & ZONING (FITZGERALD/Messina)

Public Hearing Set for Local Law A of 2021 "Rezoning of Bunn Hill Rd & Jensen Rd

R217-20 Authorization to advertise for Proposed Local Law A of 2021 "Rezoning Bunn Hill Rd and Jensen Rd" on December 30, 2020 with a Public Hearing on January 13, 2021. Public Hearing will be held virtually.

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Public Hearing Set for Local Law B of 2021 “Rezoning of 1430 NY Route 26”

R218-20 Authorization to advertise for Proposed Local Law B of 2021 “Rezoning of 1430 NY Route 26” on December 30, 2020 with a Public Hearing on January 13, 2021. Public Hearing will be held virtually.

PUBLIC SAFETY (MESSINA/Fletcher)

Grant Acceptance for Fred W. Singer Fire Training Facility Repair

R219-20 Authorize John Schaffer, Town Supervisor, to accept a grant from Broome County in the amount of \$100,000.00 for the purposes of renovating and repairing the Fred W. Singer Fire Training Facility.

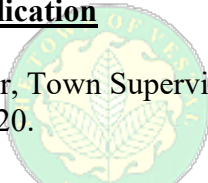
Speaker System Replacement for Police Department

R220-20 Authorize John Butler, Police Chief, to replace the speaker system in the Police Department in the amount of \$2806 and waive the procurement policy for this project.

ADMINISTRATION (ELLIS/Fletcher)

Signing of Division of Youth Grant Application

R221-20 Retro approve John Schaffer, Town Supervisor, to sign the annual Division of Youth grant application on October 23, 2020.



END OF CONSENT AGENDA

COMMITTEE CHAIR COMMENTS AND UPDATES

Councilman Ellis read a memo from Scott Groats, Water/Wastewater Supervisor stating that the performance of the chemicals from Shannon Chemical works well with the Town’s water system with less complaints and clogs in the nozzles. Groats feels that Shannon Chemical is the best value for the Town.

Liquid Polymeric Phosphate Bid Awarded

R222-20 On a motion from Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following was

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

Resolved to award Liquid Polymeric Phosphate bid to Shannon Chemical Corporation at \$8.24/gallon based on being the best value.

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RECEIVE AND FILE

- Warrants: 2020 – 47, 47E, 49, 49E
- Change of Tenant – 2540 Vestal Parkway E – Eddies Treasures
- Change of Tenant – 1550 Vestal Parkway E – Salon Trend
- Town Clerk’s Monthly Report – Nov. 2020
- 239 Review – Village of Endicott – Amendment to Historic Preservation Local Law

PETITIONS & PROTESTS

OTHER NEW BUSINESS

OLD BUSINESS

SUPERVISOR’S ANNOUNCEMENTS

- 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. Vehicles will be towed and owners will be fined.
- Santa will be visiting different neighborhoods throughout Vestal starting at 4pm on December 11. Listen for the music on your street.
- Town Clerk’s office will be closed on December 24, 2020.
- Former Town Supervisor Joe Munk passed away on November 11, 2020. He was Supervisor from 1970 to 1984. Supervisor Schaffer asked for a moment of silence in his memory.



EXECUTIVE SESSION

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

ADOPTED

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

Resolved the Board enter into Executive Session to discuss the following items:
Personnel issue with an employee

The time was 6:15 PM.

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Clarification of Section 812 of Employee Handbook

R223-20 On a motion of Councilman Ellis, seconded by Councilwoman Fitzgerald, the following was

ADOPTED

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

Resolved to clarify Section 812 of the Employee Handbook Section B paragraph 6 as follows:

References to “at retirement” were intended to include any non-union employee who leaves employment with the Town of Vestal.

On a motion of Councilman Ellis, seconded by Councilwoman Fitzgerald, the following was

ADOPTED

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

Resolved the Board leave the Executive Session and adjourn the meeting. The time was **6:40 PM**.

Approved by _____

Debra Wallace, Town Clerk

