

# Regular Meeting Minutes of the Vestal Town Board

## March 24, 2021

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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 March 24, 2021.

### **TOWN BOARD PRESENT:**

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

**ALSO ATTENDING:** Town Attorney David Berger, Town Engineer Vern Myers, Secretary to Town Supervisor & Town Attorney Andria Kintner, IT Director Daniel Williams, Town Clerk Debra Wallace and 105 members of the public online.

Supervisor Schaffer convened the meeting at 6:00 PM.

### **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 March 10, 2021 are approved.

### **BID OPENINGS**

Sealed Bids for Water Meters were received by the Town Clerk and were publicly opened and read at 2:00 pm on March 16, 2021 with the results forwarded to the Water Superintendent for recommendation.

### **PUBLIC HEARINGS**

#### **Public Hearing for Special Permit for Parlor City Furniture and Cubed Naturals**

Special Permit for Parlor City Furniture and Cubed Naturals for Retail Purposes in an Industrial District.

Supervisor Schaffer opened the Public Hearing for comment. Schaffer presented the Affidavit of Publication. Seeing or hearing no one wishing to speak, Supervisor Schaffer closed the Public Hearing.

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**Special Permit for Parlor City Furniture and Cubed Naturals**

**R076-21** On a motion by Councilwoman Fitzgerald, seconded by Councilman Fletcher, the following was

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

**Resolved** to issue a Special Use Permit for Parlor City Furniture and Cubed Naturals residing at 4301 Vestal Road for Retail Purposes in an Industrial District contingent on the completion of the site plan and parking lot layouts as submitted in the application.

**Public Hearing for Local Law “C” Abolishing the Elected Position of Receiver of Taxes**

Adopt Local Law “C” Abolishing the Elected Position of Receiver of Taxes for the Town of Vestal.

Supervisor Schaffer opened the Public Hearing for comment. Schaffer presented the Affidavit of Publication. Seeing and hearing no one wishing to speak, he closed the Public Hearing.

**Local Law “C” Abolishing the Elected Position of Receiver of Taxes**

**R077-21** 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 proposed Local Law “C” of the Year 2021 entitled “A Local Law Abolishing the Elected Position of Receiver or Taxes for the Town of Vestal” as follows:

Section I. A local Law abolishing the elected Office of Receiver of Taxes for the Town of Vestal

Section II. Authority: This law is adopted pursuant to municipal Home Rule Law § 10 [1] [ii] [a] [1] that grants local governments the authority to enact local laws regarding the qualifications of local officers.

Section III. Supersession: This local law shall supersede Town Law § 20 [1] [a], which provides for an elected position for Receiver of Taxes in the Town of Vestal

Section IV. The Town of Vestal hereby abolishes the elected position of Receiver of Taxes in the Town of Vestal, subject to mandatory referendum as provided in Section VI herein.

Section V. Upon the approval of said referendum, The Town Board of the Town of Vestal may by resolution appoint a Receiver of Taxes to serve at the pleasure of the Town Board or in the alternative, transfer said duties to the Town Clerk’s office. The Town Clerk shall have all the powers and be subject to all the duties of Collector with respect to the collection of taxes, the deposit of receipts and the return of unpaid taxes. Any such appointment shall be made annually.

Section VI. This Local Law shall be submitted for approval to the electors of the Town of Vestal at the next general Town election to be held on November 2, 2021.

Section VII. Any other local law, ordinance or resolution inconsistent herewith is hereby repealed.

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Section VIII. This local law shall take effect immediately upon filing with the Secretary of State after approval by a majority of the electors voting thereon in accordance with the requirements of § 27 of the Municipal Home Rule law.

### **Local Law “A” Rezoning of Bunn Hill Road**

Supervisor Schaffer re-opened the Public Hearing for Local Law “A” Rezoning of Bunn Hill Road. Schaffer read the following statement before opening the floor for comment:

*In order to have a productive public hearing I would like to make a few introductory comments;*

*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 the continuation of this public hearing should be reserved for persons that have not yet had their opportunity to speak previously or who have comments regarding the Project Sponsor’s amended filings. The environmental significance will be reviewed by this Board following the close of the public hearing. It is not anticipated that the Board will be making a decision tonight.*

*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. Once unmuted, you may begin.*

A total of 35 people spoke some in favor and some against. Both sides made comments to the Town Board. After seeing and hearing no one else wishing to speak, Supervisor Schaffer thanked everyone for sharing and closed the floor.

Town Attorney David Berger read through the State Environmental Quality Review (SEQR) Part 2 – Identification of Potential Project Impacts. A copy of the SEQR can be found on file in the Town of Vestal Clerk’s office.



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**Re-adoption of Bond Resolution for Emergency Squad Building**

**R080-21** On a motion by Councilman Ellis, seconded by Councilwoman Messina, the following was

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

**Resolved** to re-adopt the following Bond Resolution for the Emergency Squad Building:

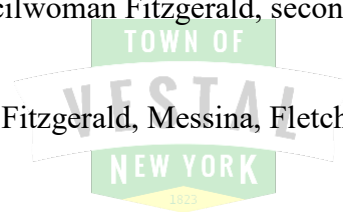
BOND RESOLUTION DATED MARCH 24, 2021.

A RESOLUTION SUPPLEMENTING THE BOND RESOLUTION DATED MARCH 27, 2019, TO AUTHORIZE THE ISSUANCE OF AN ADDITIONAL \$550,000 SERIAL BONDS OF THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, TO PAY PART OF THE COST OF THE TOWN'S SHARE OF THE CONSTRUCTION OF A NEW EMERGENCY SQUAD BUILDING ON VESTAL PARKWAY EAST, IN VESTAL, NEW YORK, IN AND FOR SAID TOWN. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.** (Full Text is available in the addendum and the Town Clerk's Office.)

**Congdon Appraisal LLC to do Appraisal**

**R081-21** On a motion by Councilwoman Fitzgerald, seconded by Councilman Fletcher, the following was

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



**Resolved** to have Congdon Appraisal LLC, do an appraisal for property located at 1901 Vestal Parkway W. Parcel 172.11-3-15.2 at a price of \$3,600. The fee for any additional time, court testimony, travel, post-appraisal meetings, etc. will be billed at ¼ hour increments at a rate of \$200/hour.

**CONSENT AGENDA**

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

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

**Resolved** to adopt the Consent Agenda as follows:

**PUBLIC WORKS** (ELLIS/Messina)

**FINANCE** (MESSINA/Fletcher)

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**PERSONNEL (FLETCHER/Fitzgerald)**

**Summer Camp Directors Approved**

**R082-21** Request from Michelle Tomancik-Teed, Assistant Recreation Planner, to hire Summer Camp Directors as indicated in memo dated March 16, 2021. All background checks have been completed.

**PLANNING & ZONING (FITZGERALD/Fletcher)**

**Fairbanks Karate to Hold Annual Tournament & Fundraiser**

**R083-21** Request from Fairbanks Karate, to hold its 7th Annual Karate Tournament and Fundraiser for Traci's Hope at Arnold Park on Saturday, May 22, 2021.

**PUBLIC SAFETY (MESSINA/Ellis)**

**Amateur Radio Team**

**R084-21** Request from John Paffie, Fire Chief, for the Town Supervisor to authorize the Amateur Radio Team of the Vestal Fire Department to operate and coordinate Amateur Radio emergency activities as the Radio Amateur Civil Emergency Services (RACES) and Amateur Radio Emergency Service (ARES) for the Town of Vestal.

**Bathroom Restoration in former Parks Building**

**R085-21** Request from John Butler, Police Chief, for the Board to approve restoring the bathroom located in the former Parks building. Approximate cost of the project will be \$1000.00. Funding will be taken out of the Police Department's asset forfeiture budget line A3120-2626R.

**ADMINISTRATION (FLETCHER/Ellis)**

**Disposal of Unused Computer Equipment**

**R086-21** Request from Daniel Williams, IT Director, for Board approval to dispose of computer equipment, no longer in service with the Town, to a recycler who will properly recycle the materials inside the equipment. Complete list of equipment is in the addendum.

**END OF CONSENT AGENDA**

**RECEIVE AND FILE**

- Warrants: 2021 – 10, 10C, 10E; 11, 11E, 11S
- Fire Advisory Board Minutes – February 15, 2021

**COMMITTEE CHAIR COMMENTS & UPDATES**

**PETITIONS AND PROTEST**

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**OLD BUSINESS**

**NEW BUSINESS**

**SUPERVISOR'S ANNOUNCEMENTS**

- Winter Parking Hours will end April 1, 2021.
- New York State Burn Ban is in effect until May 14<sup>th</sup>, 2021.

**ADJOURNMENT**

On a motion by Councilwoman Messina, seconded by Councilman Fletcher, the meeting was **adjourned at 7:34 pm**. Carried unanimously.

Approved by \_\_\_\_\_  
**Debra Wallace, Town Clerk**

