

**Regular Meeting Minutes of the Vestal Town Board**  
**April 28, 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 April 28, 2021.

**TOWN BOARD PRESENT:**

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

**ALSO ATTENDING:** Town Attorney David Berger, Secretary to Town Supervisor & Town Attorney Andria Kintner, Town Clerk Debra Wallace, 1<sup>st</sup> Deputy Town Clerk Heather Webster, and 62 members of the public online.

Supervisor Schaffer convened the meeting at 6:00 PM.

**APPROVAL OF MINUTES**

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

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

**Resolved** the Minutes of April 14, 2021 are approved.

**BID OPENINGS**

**PUBLIC HEARINGS**

**PRIVILEGE OF THE FLOOR**

Four residents spoke in regards to the Bunn Hill Project.

**RESOLUTIONS & MOTIONS**

**Acceptance of actuarial equivalence assumptions for the LOSAP**

**R110-21** On a motion by Councilman Ellis, seconded by Councilman Fletcher, the following was

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



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**PUBLIC WORKS** (ELLIS/Messina)

**FINANCE** (MESSINA/Fletcher)

**NYS Grant Monies**

**R111-21** Request from John Butler, Vestal Chief of Police, for acceptance of NYS grant monies – Acceptance of \$32, 468.00 in grant monies to pay Terry Kintner’s salary over the past twelve months. The monies come from New York State and are managed by Broome County.

**VHS Booster Club Pavilion Fees 2021**

**R112-21** Supervisor Schaffer suggests that the Town not charge the Vestal High School’s Booster Clubs in 2021 for pavilion rentals in support of Vestal High School students.

**Proposal for New Tenants of the Coal House**

**R113-22** Request for the Town Board to advertise for proposals for new tenants of the Coal House.

**PERSONNEL** (FLETCHER/Fitzgerald)

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



**Agreement with CME Associates**

**R114-21** Request from Vern Myers, Town Engineer, for authorization to award contract and sign an agreement for required Materials Testing for the EMS Facility project construction to the low bidder; CME Associates, for a cost not to exceed \$19,719.80 without further authorization from the Town Engineer.

**PUBLIC SAFETY** (MESSINA/Fletcher)

**Permissive Referendum to Utilize Funds from Fire District Capital Reserve**

**R115-21** Request from John Paffie, Fire Chief for the Board of Fire Commissioners, to approve advertising on May 5, 2021 for a Permissive Referendum to use funds from the Fire District Capital Reserve to fund the purchase of Radio Equipment up to \$150,000. This request will fill an order for 105 radios and is a 2022 expenditure.

**ADMINISTRATION** (ELLIS/Fletcher)

**END OF CONSENT AGENDA**

**RECEIVE AND FILE**

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- Warrants: 2021-1, 15C, 15E, 16, 16E
- Change of Tenant – Kampai Japanese Steakhouse 3321 Vestal Parkway E
- Fire Advisory Board Meeting Minutes 03.15.2021

**PETITIONS AND PROTEST**

**OLD BUSINESS**

**Acceptance of Local Law “A” and SEQRA Regarding the Bunn Hill project.**

**R116-21** On a motion by Councilman Ellis, seconded by Councilman Fletcher to accept the SEQRA was

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

**Resolved** the following resolutions were therefore duly approved and so adopted:

WHEREAS, a local law to implement a Planned Development District at

833 Bunn Hill Road, Vestal, New York (BCTMP # 174.12-1-4) +/- 16.59a  
817 Bunn Hill Road, Vestal, New York (BCTMP # 174.12-1-5) .95a  
813 Bunn Hill Road, Vestal, New York (BCTMP # 174.12-1-6) 4.74a  
803 Bunn Hill Road, Vestal, New York (BCTMP # 174.12-1-7) 3.04a  
791 Bunn Hill Road, Vestal, New York (BCTMP # 174.12-1-8) 7.97a  
765B Jensen Road, Vestal, New York (BCTMP # 174.12-1-10) 8.08a

has been under development and consideration, including to review land uses and applications to help preserve and protect the Town, its environment, and residents from the potential negative impacts that certain developments can present or cause, and a final draft of such law has been duly presented to the Town Board by the Town Supervisor, and the same has been reviewed by the planning board, town counsel, and other interested parties, and public input thereupon was duly sought and considered; and

WHEREAS, the New York State Environmental Quality Review Act ("SEQRA") expresses a desire that projects, including Jaws and rules that impact land use planning, be subject to review as soon as is practicable, and each identified potential environmental impact was analyzed and duly considered by the Town Board, as Lead Agency, in relation to the question of whether any potential environmental impacts were so probable of occurring or so significant as to require a positive declaration, and after weighing the above and all other potential impacts arising from or in connection with this project, and after also considering: (i) the probability of each potential impact occurring; (ii) the duration of each potential impact; (iii) the irreversibility of each potential impact, including any permanently lost resources of value; (iv) whether each potential impact can or will be controlled or mitigated by permitting or other processes; (v) the regional consequence of the potential impacts; (vi) the potential for each impact to be or become inconsistent with the Town's Master Plan or Comprehensive Plan and local needs and goals; and (vii) whether any known objections to the Project relate to any of the identified potential impacts, the Town Board found that these factors did not cause any potential impact to be or be likely to become a moderate or significant impact such that a negative declaration will be issued; and

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WHEREAS, the Town desires to proceed towards adoption of this local law, and after conducting the aforesaid SEQRA review, the Town Board of the Town of Vestal has hereby duly RESOLVED AND DETERMINED AS FOLLOWS:

1. After consideration of potential environmental impacts reviewed in accord with Article 8 of the Environmental Conservation Law of the State of New York and Regulations promulgated thereunder ("SEQRA"), including 6 NYCRR § 617.7(c), the Town Board as Lead agency, has found and determined that: (i) the proposed action-forming the Planned Development District- will have no moderate or significant negative environmental consequences; (ii) this declaration was made in accord with SEQRA, including based upon a thorough review of the EAF and other documents prepared and submitted with respect to this proposed action and its environmental review, a thorough review of potential relevant areas of environmental concern to determine if the proposed action may have a moderate or significant adverse impact on the environment, and the completion of the EAF on the record, including the findings noted therein; (iii) a negative determination of environmental significance is hereby issued, and an environmental impact statement is therefore not required; and (iv) responsible officer of the Town complete and sign the determination of significance confirming the foregoing Negative Declaration, which fully completed and signed EAF is incorporated herein by reference.
2. A responsible officer of the Town Board of the Town of Vestal is hereby authorized and directed to complete and sign, as required, the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed EAF and determination of significance shall be incorporated by reference in this Resolution.

**R117-21** On a motion by Councilwoman Messina, seconded by Councilwoman Fitzgerald to vote on Local Law "A" was

**ADOPTED** Ayes 5  
Nays 0

Fitzgerald, Messina, Fletcher, Ellis, Schaffer



### **COMMITTEE CHAIR COMMENTS & UPDATES**

- *Councilwoman Messina stated after extensive research and thought that she was in favor of the project.*
- *Councilman Fletcher would be in disagreement if a PILOT was being considered, but is in favor of moving forward with the project otherwise.*
- *Councilwoman Fitzgerald is a no if the project includes a PILOT.*
- *Councilman Ellis stated that the Board has received threatening comments from the public yet he remains in support of the project, but again is against a PILOT.*
- *Town Attorney Berger addressed the Board and stated that he spoke to the Council for the project and that there was no plan, nor any intent for a PILOT.*
- *Supervisor Schaffer would like to thank those who responded appropriately to the Board in regard to the Bunn Hill Project. Unfortunately, there were some who sent harassing and threatening responses to the Board, many of which were not appropriate and disappointing.*

**R118-21** On a motion by Councilman Ellis, seconded by Councilman Fletcher, the following was

