

**Regular Vestal Town Board Meeting
January 25, 2012**

**TOWN OF VESTAL
REGULAR BOARD MEETING**

7:00 PM

TOWN BOARD:

**Supervisor John Schaffer
Councilman Fran Majewski
Councilwoman Patty Fitzgerald
Councilman David Marnicki**

**PRESENT: Supervisor John Schaffer
Councilman Fran Majewski
Councilwoman Patty Fitzgerald
Councilman David Marnicki**

TOWN OFFICIALS PRESENT:

**Town Attorney David Berger
Town Clerk Emil Bielecki
1st Deputy Town Clerk Kathie Young
CAC Member Cynthia Westerman
Broome County Legislator Julie Lewis
Other community members**

The Supervisor called the Regular Meeting in the Vestal Town Board Room to order at 7:10 PM, welcomed everyone and asked that all present join in the PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

Motion by Councilman Marnicki and seconded by Councilman Majewski to accept the **Minutes of the January 11, 2012 Regular Town Board Meeting.**

Vote: Ayes: Majewski, Marnicki, Fitzgerald, and Schaffer. Nays: None. Absent: None.

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BID OPENINGS:

Main Street Slope Failure Repair

The Supervisor offered *Proof of Posting* and *Affidavit of Publication* for the following bids were received and publicly opened on January 23, 2012 at 2:00 PM in the Vestal Town Clerk's Office.

| NAME | ADDRESS | Amount Bid |
|---|---|-------------------|
| Tioga Construction | 333 Gros Blvd Herkimer, NY 13350 | \$794,591.50 |
| ZMK | 3430 Route 434 Apalachin, NY 13732 | \$796,000.00 |
| Procon Contracting, LLC | PO Box 1037 Vestal, NY 13850 | \$886,000.00 |
| Gorick Construction | 27 Tack Drive Binghamton, NY 13904 | \$863,330.00 |
| Allis Development | 137 Ridge Road Vestal, NY 13850 | No bid |
| JN Giammarino Construction | 671 Conklin Road Binghamton, NY 13903 | No bid |
| Economy Paving | 1819 NY Route 13 Cortland, NY 13045 | No bid |
| R. Vincentis Construction | One Brick Avenue Binghamton, NY 13901 | \$897,000.00 |
| Herbert F. Darling | 131 California Drive Williamsville, NY 14221 | No bid |
| Boland's Excavating & Topsoil | 1403 Milburn Drive Conklin, NY 13748 | \$904,885.00 |
| Fahs Construction | 2224 Pierce Creek Rd Binghamton, NY 13903 | \$837,000.00 |
| Tetra Tech Construction Kimberly Savey-Dempsey | 2736 State Highway 30 Gloversville, NY 12078 | No Bid |
| Construction Concepts JP Reilly | PO Box 743 Vestal, NY 13850 | No Bid |
| Ferraro Pile & Shoring Douglas Nemec | 13950 Genesee Street Alden, NY 14004 | \$808,985.00 |
| R.B. Robinson, Inc. | 535 Ithaca Road P.O. Box 121 Candor, NY 13743 | No bid |
| Vector Construction | 6364 Island Road Cicero, NY 13039 | \$965,268.75 |

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PRIVILEGE OF THE FLOOR:

Several speakers voiced their wish to have another session of the *Privilege of the Floor* near the end of the meeting to allow them to be heard on other subjects.

The Supervisor is still considering this. He wants the first session to be concerning the agenda only.

Speaker: Asked what they going to do concerning the Main Street Slope failure?

Councilman Marnicki explained that sheet pilings will be put in. It is a difficult project.

Speaker is concerned about the route that the creek is taking. Are they going to reroute the creeks?

Councilman Marnicki – It is hopeful that the pilings will direct the creek away from the homes in that area.

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

RESOLUTIONS & MOTIONS:

Approval for Emergency Work Sites for September 2011 Storm Event:

R022-12 Motion by Councilman Marnicki and seconded by Councilman Majewski to adopt the following Resolution:

On September 7TH, 2011 the Town of Vestal pursuant to the provisions of General Municipal Law 103(4) found and determined that a public emergency existed in the Town arising out of an unforeseen occurrence or condition whereby circumstances affecting the life, health, safety and property of the Town required immediate action which could not await competitive bidding, that being a catastrophic flood that affected many areas of the Town.

It was determined by the Town Board, the Town Engineer and other Department heads that emergency action needed to be taken to prevent further harm and damage and accordingly projects/expenditures were made without

**Privilege
of the
Floor**

**Approval
for
Emerg.
Work
Sites for
Sept. 2011
Storm
Event**

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soliciting proposals for same as listed in the *Emergency Work Sites for September 2011 Storm Event* as submitted by Town of Vestal Engineer, Gary Campo and dated January 24th, 2012.

Therefore, the Town Board does hereby **authorize the awarding of the foregoing contracts to the providers of the services for the following projects:**

| | | | |
|-----|---------------------|---------------|--|
| 1 | During event time | 100% | |
| 2 | Circle Drive Area | 100% | |
| 3 | African Road | 90% | |
| 4 | Myrtle Street | 90% | |
| 5 | 3rd Avenue | 75% | |
| 6 | River Road | 95% | |
| 7 | Stage Road | 75% | |
| 8 | Circle Drive Sta | 98% | |
| | | | |
| | Water Dept Projects | | |
| | | | |
| 9 | During event time | 100% | |
| 10 | Well 5-1 | 75% | |
| 11 | Well 1-2A | 90% | |
| 12 | Water Meters | 0% | |
| 13 | Main St at Meeker | 100% | |
| | | | |
| | BRIDGES | | |
| | | | |
| 14 | Meeker Road | 100% | |
| 15 | Mason Road | 100% | |
| 16 | Collins Road | 100% | |
| 17 | Washington Avenue | 100% | |
| 18 | Baker Hill | 100% | |
| 19 | Stateline | 100% | |
| 20 | Crumm | 0% | |
| 21 | Main @ Lincoln | 100% | |
| 22 | Main @ Meeker | 100% | |
| 23 | Rockwell | 100% | |
| | | | |
| | STORM STATIONS | | |
| | | | |
| 24 | Valley Road | 100% | |
| 25 | Ethel Place | 100% | |
| 25b | | | |
| | BUILDINGS | | |
| | | | |
| 26 | Emergency Squad | 99% | |
| 27 | E - Squad – Old | deleted | |
| 28 | E - Squad – Storage | 75%- Matco | |
| 29 | Town Hall | 100% | |
| 30 | Rec/Assessor | 100% | |
| 31 | Fire Station #1 | 100% | |
| 32 | Fire Station #3 | 100% | |
| 33 | Harold Moore | unk | |

| | | | |
|----|-----------------------------|---------|--|
| 34 | Fire Training site | 25% | |
| | | | |
| | PARKS | | |
| | | | |
| 35 | During event time | 100% | |
| 36 | Harold Moore | unk | |
| 37 | Castle Gardens | unk | |
| 38 | Twin Orchards | unk | |
| 39 | Vestal Center | unk | |
| 40 | Richards Ave | deleted | |
| 41 | Strafford | unk | |
| | | | |
| | CREEKS | | |
| | | | |
| | State Line Creek | | |
| 42 | at Richards Ave | 95% | |
| | | | |
| | Sugar Creek | | |
| 43 | at West Hill | 75% | |
| 44 | at SR 26 | 100% | |
| | | | |
| | Underwood Creek | | |
| 45 | at Underwood Culvert | 100% | |
| | | | |
| | Raylene Creek | | |
| 46 | at Raylene | 95% | |
| | | | |
| | Brookhill Creek | | |
| 47 | at Brookhill | 100% | |
| | | | |
| 48 | at David Ave | 95% | |
| | | | |
| | Echo Creek | | |
| 49 | at Glenwood | 75% | |
| | | | |
| 50 | at Upper Echo | 100% | |
| | | | |
| 51 | at 2nd Upper Echo | 100% | |
| | | | |
| | Tracy Creek | | |
| 52 | at Norris Ave (at Eastland) | 100% | |
| 53 | at Rockwell | 100% | |
| 54 | at Eastland - pipe | deleted | |
| | | | |

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| | | | |
|----|-------------------------|---------|--|
| | Bunn Hill Creek | | |
| 55 | at Avondale | 100% | |
| | | | |
| | Fuller Hollow Creek | | |
| 56 | at lower Murray | 100% | |
| | | | |
| | Big Choconut Creek | | |
| 57 | at Meeker | 100% | |
| | | | |
| 58 | at Underwood | 75% | |
| 59 | at Lincoln | 100% | |
| 60 | at Landon | deleted | |
| | | | |
| | Ross Hill Creek | | |
| 61 | at SR 434 | 100% | |
| 62 | at 300 Ross Hill | deleted | |
| | | | |
| | Willow Run Creek | | |
| 63 | at Stonehedge | 90% | |
| | | | |
| | Donna Drive Creek | | |
| 64 | at Donna | 50% | |
| | | | |
| | MISC | | |
| 65 | Lynwood Ditch | 100 | |
| 66 | Juneberry/Glenwood | 100% | |
| 67 | Deerfield - need to ck | deleted | |
| 68 | Lynnhurst/Purdue | 0% | |
| | | | |
| | EXISTING RIP RAP REPAIR | | |
| 69 | Raylene Sewer | 95% | |
| 70 | David Ave Home | 95% | |
| 71 | Raylene & Costley | 100% | |
| 72 | 398 Powderhouse | deleted | |
| 73 | Sugar @ Choconut | 0% | |
| 74 | Sewer at Burds | 100% | |
| 75 | Choconut @ HWY | 85% | |
| 76 | HWY at salt shed | 10% | |
| 77 | Tracy @ Norris Ave | 0% | |
| 78 | Gary Drive | 0% | |
| | | | |
| | ROADS | | |
| | | | |
| 79 | During event time | 100% | |
| 80 | Pierce Hill Road | 100% | |
| 81 | Gardner -east end | 100% | |
| 82 | Jensen Rd Ditch | 100% | |
| 83 | Southwood ditch | 100% | |
| 84 | S. Jensen CB | 100% | |
| 85 | Upper Stair - check | deleted | |
| 86 | Drexel - check | deleted | |
| 87 | Marietta – check | deleted | |
| 88 | Hartwick – check | deleted | |
| 89 | Academy - check | deleted | |
| 90 | Sink Holes | 100% | |
| 91 | LaGrange | 100% | |

| | | | |
|------|-------------------------------|---------|--|
| 92 | Warrick Pond | 100% | |
| 93 | Knight Rd | n/a | |
| 94 | Echo at Barn | 100% | |
| 95 | 334 Collins Road | 100% | |
| 96 | Ross Hill -check | deleted | |
| 97 | Underwood -pipes | 100% | |
| 98 | Underwood -upper ditch | 0% | |
| 99 | Rock Road -north | 100% | |
| 100 | Horan | 10% | |
| 137 | 2325 Hemlock | 0% | |
| 138 | upper Fuller Hollow creek | deleted | |
| | POND SITES | | |
| | | | |
| 101 | Cole Place | 100% | |
| 102 | Almar Drive | 100% | |
| 103 | Pierce Hill | 0% | |
| 104 | Need to Ck – others | deleted | |
| | | | |
| | Departments | | |
| | | | |
| 105 | Recreation | | |
| 106 | Town Clerk | | |
| 107 | Assessor | | |
| 108 | Parks | | |
| 109 | Police | | |
| 110 | Fire | | |
| 111 | Code | | |
| 112 | Engineering | | |
| 113 | Highway | | |
| 114 | deleted | n/a | |
| 115 | E, Squad | deleted | |
| 116 | Water/Sewer | | |
| 117 | Business | | |
| 118 | Library | deleted | |
| 119 | IT | | |
| 120 | Garbage pick up | 100% | |
| 120a | tipping fees from BC (# 125) | 100% | |
| 120b | tipping fees from BC | 0% | |
| 121 | Ken Wilson | | |
| 122 | Supplies | | |
| | | | |
| | FHWA Projects | | |
| | | | |
| 123 | Owego Rd @ Sta#3 | 100% | |
| 124 | Sheedy Rd | 100% | |
| 125 | 751 Main St - 1/2 pipe | 100% | |
| 126 | Main St slope failure | 10% | |
| 127 | Pipe on Glenwood | 0% | |
| 128 | Ditch work Glenwood | 0% | |
| 129 | Pipe /Glen/Castleman | 0% | |
| 130 | African bridge | 100% | |
| 131 | Front St bridge | 100% | |
| 132 | Main @ Glenwood | 0% | |
| 133 | Owego Rd bridge | 100% | |
| 134 | Fuller Hollow at Campus | 80% | |
| 135 | Hogan at Powderhouse | 100% | |

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|--|---------------|--|--|
| | | | |
| | TRAFFIC LIGHT | | |
| | | | |

| | | | |
|-----|--------------|------|--|
| 136 | African Road | 100% | |
|-----|--------------|------|--|

Councilman Majewski has issues with tipping fees. He has heard that the County will be sending bills for tipping fees.

The Supervisor said we were told that there would no charge.

Julie Lewis, Broome County Legislator was present and suggested that like the Town, the County needs to keep track of their expenses as well. She will let us know.

Ayes: Majewski, Schaffer, Marnicki, Fitzgerald Nays: None. Absent: None.

Award Bid for 6” Trash Pump and Options:

R023-12 Motion by Councilman Majewski and seconded by Councilman Marnicki to award the bid for the **6” trash pump along with the additional spare parts and other options per their submitted bid**, to **Godwin Pumps of America**, 8039 Oak Orchard Road, Batavia, NY 14020 at the bid price of **\$49,842.03** and for the Business Office to perform a budget transfer for \$7,000 to the Capital Projects Fund from the proceeds of the 2011 Sale of Highway Equipment at the Broome County.

Ayes: Majewski, Schaffer, Marnicki, Fitzgerald Nays: None. Absent: None.

Out of Class Pay for Highway Employees:

R024-12 Motion by Councilman Marnicki and seconded by Councilman Majewski to pay **three Highway employees** working out of class for more than 30 days as follows:

A. Charles Martens Jr. was assigned a medium truck in January 2011 and has been driving that and tractor-trailer since then. Per the contract he should be paid out of class pay for all but 30 days in 2011.

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B. Donnie Younker was assigned a heavy truck (10 wheeler) on May 12th 2011 and has a total of 720 hours minus 30 days (240) hours on that truck in 2011. Per the contract he should be paid for 480 hours out of class pay.

C. Scott Walters was assigned a heavy truck (10 wheeler) on April 3rd 2011 and ran a backhoe for picking up trash after the flood and various jobs after. He has a total of 608 hours minus 30 days (240) hours in 2011 on out of class equipment. Per the contract he should be paid for 368 hours out of class pay.

Councilman Majewski has a problem with a department head waiting almost a year before reporting this. The Highway Superintendent should be doing his due diligence in the proper time frame.

Councilman Schaffer and Councilman Marnicki agree. The Supervisor will speak with the Highway Superintendent.

Vote: Ayes: Majewski, Marnicki, Fitzgerald and Schaffer. Nays: None. Absent. None.

CONSENT AGENDA

Motion by Councilman Marnicki and seconded by Councilman Majewski to approve the consent agenda as follows.

Vote: Ayes: Majewski, Marnicki, Fitzgerald and Schaffer. Nays: None. Absent. None.

PUBLIC WORKS: Marnicki

Reduce Sewer Portion of Bills:

**Reduce
Sewer
Portion
of Bills**

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R025-12 Authorization for the Business Office to reduce the **sewer portion of the sewer & water bill** for **Ms. Margaret Mee**, 400 Clarkson Drive in the amount of \$576.69 (171,000 gal.). The water did not enter into the sanitary sewer system.

R026-12 Authorization for the Business Office to reduce the **sewer portion of the sewer & water bill** for **Debbie Ryer** for the property located at 831 Vestal Road in the amount of \$488.90 (\$192.62 water & \$296.28 sewer) do to flooding and a broken pipe. The water did not enter into the sanitary sewer system.

R027-12 Authorization for the Business Office to reduce the **sewer portion of the sewer & water bill** for **Greek Orthodox Church** for the property located at 4121 O'Hara Drive, in the amount of **\$745.80** (230,000 gallons) due to an exterior water hose being left on for an undetermined amount of time. The water did not enter into the sanitary sewer system.

Schedule Public Meeting Regarding Main Street Bridge Repainting:

R028-12 Authorization for the Town Engineer to schedule a **public informational meeting on February 22 at 6:00 PM (just ahead of the Board meeting) on the repainting of the Main Street Bridge near Glenwood Road.** One of the items to discuss will be road closure verses painting ½ the bridge at a time. The Town Engineer will be recommending full closure since it would add about 2 weeks and about \$25,000 to the job to do ½ the bridge at a time.

Water Department to Sell Pick-Up Truck:

R029-12 Authorization for the Town Attorney to advertise on February 1, 2012 to accept sealed bids to sell a water department pick-up truck:

1994 Ford F-150 4X4 w/plow
88,471 Miles
Vin # 1FTEF14NXRLA09025

Bids to be opened on February 21, 2012 at 2:00 pm at the Town Clerks office.

FINANCE: Majewski/Marnicki

Receive and File:

**Recv.
And File**

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Warrant Reports –

- 2012-01, 01A (A/P 2011), 1AF (2011 FLOOD) dated 01/06/12
- 2012-02, 02A (A/P 2011), 2AF (2011 FLOOD), 2PD dated 01/13/12,
- 2012-03, 03A, 3F, 3AF, 3L, 3AL, 03M

Contract with UHS Worker's Compensation Preferred PPO:

R030-12 Authorization for the **Town of Vestal to contract with United Health Services Workers Compensation Preferred Provider Organization effective February 1, 2012** at a cost of \$10,000 annually and for the Supervisor to sign such contract. This is a budgeted item.

EMPLOYEES: Fitzgerald/Marnicki

Taggart to Clean Offices:

R031-12 Authorization for **Barb Taggart** to clean the Police, Town Hall and the Recreation offices the week of January 30, 2012 during the absence of cleaner, Dawn Vosburg, and to be paid straight time at her normal rate.

Appoint Moore as Alternate CAC Member:

R032-12 Authorization for the **CAC (Conservation Advisory Commission) to appoint Cole T. Moore** as an alternate member of the CAC with a term effective immediately and ending December 31, 2012.

Jastran to Carry Over Vacation:

R033-12 Authorization for Recreation Director **Sue Jastran to carry over 5 hours of vacation** from 2011 for unused hours.

Almy to Work Tax Receiver's Office:

R034-12 Authorization for the **Tax Receiver's Office** to employ **Curt Almy** the last week in January in place of Karen Sarkisian who is unable to work.

PLANNING & ZONING: Marnicki/Fitzgerald

Fundraisers to Use Library Parking Lot:

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R035-12 Authorization for the *Vestal School Foundation* to use the Library parking lot on March 12, 2012 for a fundraiser with Doug's Fish Fry. An Indemnification Agreement to be signed and a Peddler's Permit is to be obtained from the Town Clerk.

R036-12 Authorization for the *Vestal Lacrosse Booster Club* to use the Library parking lot on February 11, 2012 for a fundraiser with Doug's Fish Fry. An Indemnification Agreement must be signed and a Peddler's Permit is to be obtained from the Town Clerk.

PUBLIC SAFETY: Majewski

Certification of 2011 LOSAP Membership Listing:

R037-12 Authorization for the Board of Fire Commissions to **sign the Certification of 2011 Length of Service Awards Membership Listing** for the Town of Vestal Fire District.

Fire Training:

R038-12 Approval from the **Board of Fire Commissioners for the following training.** There is no cost associated with these courses and Training Vehicle or a Chief's vehicle will be used for transportation.

⌚ 2nd Lieutenant Phil Walter and Firefighter Mike Klausner to attend NYS Fire Fighter Survival at West Corners Fire Station starting February 15, 2012.

⌚ Capt. Dan Coleman, Firefighter Laura Coleman, Firefighter Jan Foland, Firefighter Dave Foland and Firefighter Don Leip to NYS Fire Police Course at Town of Binghamton Fire Station starting February 1, 2012.

RECEIVE AND FILE:

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- **Roger Burd** - Letter notifying the board that he is selling unprocessed gravel to the town at \$3/yard. He does not make purchasing decisions for the town in his capacity as Highway Foreman.
- **Assessor's Office Award of Excellence** - New York State Department of Taxation and Finance - Office of Real Property Tax Services (ORPTS) Office of Broome County Legislature – Certified copies of Resolutions 2011- 555, 556, and 557.
- Vestal Fire Department Minutes of Fire Advisory Board Meeting – December 19, 2011
- NYS DOT – January 18, 2012 - Notice of Order for Traffic Signal #165
- Town of Vestal Building Department Year End Report for 2011
- Vestal Museum Annual Director's Report 2011
- Vestal Museum Annual Report – Curator – Virginia Wood
- Vestal Volunteer Emergency Squad, Inc. – Financial Statements – three months ended March 31, 2011 and 2010
- Information from VERSE – Vestal Residents for Safe Energy

END OF CONSENT AGENDA

COMMITTEE CHAIR COMMENTS AND UPDATES:

SUPERVISOR'S ANNOUNCEMENTS:

- Station 2 Pancake Breakfast - Sunday February 12th from 7:30-10:30
- Public informational meeting on February 22 at 6:00 PM (just ahead of the Board meeting) on the repainting of the Main Street Bridge near Glenwood Road.
- For Information concerning SR 201 Bridges Over Vestal Road and SR 434 go to: <https://www.nysdot.gov/201BridgesVestal>
- Broome County link [Broome County Preliminary Flood Maps](http://www.rampp-team.com/ny.htm) can be seen on line at <http://www.rampp-team.com/ny.htm> - for information call the Town Engineer, 133 Front Street, at 786-0980.

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- DEC website Draft Supplemental Generic Environmental Impact Statement on the Oil, Gas and Solution Mining Regulatory Program – October 2009 --- www.dec.ny.gov/energy
- FEMA has released its proposed new levee mapping approach for levees that are not accredited. This was in response to concerns about the "without levee" mapping approach. A fact sheet, the Federal Register notice, and the proposed approach are all attached for your use.

There is a tight time line for submitting review comments. Comments must be received by FEMA by January 30. My understanding is that this deadline will only be extended if there is Congressional pressure to do so.

DEC is working on a list of all affected communities for a letter to their chief elected officials.

Note that this only affects communities that have levees or flood walls that have not been accredited on FEMA's flood maps as preventing inundation from the base flood (100 year flood). For communities that have not had their flood maps updated, this will affect them when updates occur.

Links to the documents can be found at <http://www.floods.org/index.asp?menuID=400>

NYS DEC is also working with FEMA Region 2 to try to schedule an in person meeting in the Elmira area in January.

- **Assessor's Office Award of Excellence** - New York State Department of Taxation and Finance - Office of Real Property Tax Services (ORPTS) customer relation managers (CRM) regarding valuation and sales trends which will impact the 2012 assessment tax roll. Each year New York State Office of Real Property Tax Service establishes equalization rates for all municipalities in New York State. The assessor's office received the 'Excellence in Equity' Award in 2009 and 2010. Yesterday our CRMs presented us with the 2011 Excellence in Equity Award recognizing the Town of Vestal for its efforts to provide property owners with fair and equitable assessments on the 2011 roll.
- There is an informational meeting concerning matters related to the September 2011 flood tentatively scheduled for February 15th at the Clayton Vestal Elementary School. More information will be made available at a later date.

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PRIVILEGE OF THE FLOOR:

Speaker: He would like to know about our insurance rates for employees.

Supervisor Schaffer – we are looking at joining a consortium. We are still looking into plans. This takes times. He will let everyone know.

Speaker: he feels he deserves the position on the Board. He ran in the fall and received 300 votes. He feels that no one else has received votes and he is the only one deserves this position. He also feels that if a Board member is absent they should not be paid for that day.

Julie Lewis, Broome County Legislator –

- ◆ Redistricting maps have been approved.
- ◆ Vestal gained in population.
- ◆ 64 positions have been cut at the County.
- ◆ A Resolution was passed, allowing John *Bones* Jones, light heavyweight champion, to film a movie in Broome County.
- ◆ At a recent meeting on flood maps, it was verified that the levy was topped in two areas – by the Main Street Bridge and by the diner on Old Vestal Road.

Donation for Rail Trail Benches:

Two new benches were installed on the Rail Trail and Barry Klipsch presented, on behalf of the *Vestal Service Organization*, a check in the amount of \$792.00 to pay for them. It was noted that Councilwoman Patty Fitzgerald was very instrumental in this project as well.

**Donation
for two
Benches
Installed
on the
Rail Trail**

R039-12 Motion by Councilwoman Fitzgerald and seconded by Councilman Marnicki to accept the donation from the *Vestal Service Organization* in the amount of \$792.00 for 2 park benches purchased and installed by the Town of Vestal Parks Department on the Rail Trail.

Vote: Ayes: Majewski, Marnicki, Fitzgerald and Schaffer. Nays: None. Absent. None.

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ADDITIONAL PUBLIC COMMENTS:

Speaker: At the last work session there was a discussion of buying the house next to the Assessor's Office for \$39,000. We could use a parking lot but that is an expensive parking lot. Could we negotiate the price? Has the assessor looked at it? Was it flooded?

Supervisor Schaffer is still looking at this. He has the current assessment. Parking is a safety issue for our seniors.

Speaker: Wasn't the house for sale before? They are asking more now. Why didn't we buy it then?

Speaker: She feels that the Board seat should go to a Democrat and it should be some one who attends the meetings.

Speaker: She asked that information concerning drilling be received and filed.

Several speakers would like a moratorium against drilling in Vestal for health and safety issues as well as economic issues.

Several speakers spoke in favor of gas drilling in Vestal. They feel it is tremendous opportunity. We need these resources. Many areas have no drilling and yet there is gas in their water. Just because there is drilling does not mean it is the cause of water issues.

Speaker: She used to live on King Street. It had never flooded even in 1972. She is concerned that the Town Square Mall was built over the wet land and may have contributed to the flooding in Twin Orchards. If it were still there, would it have saved some of the properties from being flooded? She is also concerned about losing from our tax basis. She also thanked Councilwoman Fitzgerald for keeping up on the drilling issues. She is concerned about how our decision concerning drilling will affect us.

Speaker: He wants the Town to do its due diligence concerning the drilling. He would like the Road Preservation Law passed. Is the Assessor being trained on how we will need to assess these properties? There are many questions that need to be answered and many things that need to be addressed. He would like a moratorium passed so that things can be worked out.

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Speaker: She discourages a moratorium. Lawsuits are expensive. Hydraulic fracturing has been going on in NYS for 60 years. The data is there. It is just not being done in a great volume. ORPS has done an excellent job on assessing gas production. They use a unit of production value.

Speaker: She has a degree in geology. Fracturing is safe. The only place the fluid can be released is at the well boring. This will generate a great deal of income to this Town. She is against a moratorium. It is time to move forward. Plenty of good can come from this.

Speaker: How much are the lawsuit costs for Candlehouse?

The Supervisor will get those figures.

Speaker: There was benzene in the water on Circle Drive. It wasn't caused by drilling.

Speaker: We don't have the IBM and EJ days. She is offended that we cannot use our land the way we want to.

The benefits will be multigenerational. The cost of gas is down by one half and will get lower. We currently import from Canada. The trickle down of the money being generated will be enormous. The state will make the decisions about drilling.

Speaker: They would like a pro drilling speaker in to speak to the Board as they did the anti drilling speaker.

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

EXECUTIVE SESSION:

At 8:32 PM a motion was made by Councilman Majewski and seconded by Councilman Marnicki to enter into **Executive Session** for the purpose of reviewing the selection of applicants interviewed for the vacant Town Board position.

Vote: Ayes: Majewski, Marnicki, Fitzgerald and Schaffer. Nays: None. Absent. None.

**Execu-
tive
Session**

**Regular Vestal Town Board Meeting
January 25, 2012**

At 9:05 PM a motion was made by Councilman Majewski and seconded by Councilman Marnicki to **leave the Executive Session.**

Vote: Ayes: Majewski, Marnicki, Fitzgerald and Schaffer. Nays: None. Absent: None.

At 9:07 PM, Supervisor Schaffer reconvened the Regular Session of the Town Board and announced that the Board had reached an agreement on the appointment to fill the vacancy on the Town Board.

**Appoint
Steve
Milkovich as
Town of
Vestal
Councilman**

Milkovich Appointed to Vacant Town Board Councilman Position:

R040-12 A motion was made by Councilman Majewski and seconded by Councilman Marnicki to appoint **Steve Milkovich** as Town Councilman to a term expiring on December 31, 2012.

Vote: Ayes: Majewski, Fitzgerald, and Marnicki. Nays: Schaffer Absent: None

The motion passed.

**Meeting
Adjourned**

ADJOURNMENT:

A motion was made by Councilman Marnicki and seconded by Councilman Majewski to adjourn the meeting.

Ayes: Majewski, Marnicki, Fitzgerald, Schaffer. Nays: None. Absent: None.

The time was 9:11 PM.

Approved by _____
Emil Bielecki, Town Clerk