

**Regular Vestal Town Board Meeting
February 8th, 2012**

**TOWN OF VESTAL
REGULAR BOARD MEETING**

7:00 PM

TOWN BOARD:

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

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

TOWN OFFICIALS PRESENT:

**Town Attorney David Berger
Town Clerk Emil Bielecki
1st Deputy Town Clerk Kathie Young**

The Supervisor called the Regular Meeting in the Vestal Town Board Room to order at 7:00 PM, welcomed everyone and asked that all present join in the PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

Motion by Councilman Majewski and seconded by Councilwoman Fitzgerald to accept the **Minutes of the January 25, 2012 Regular Town Board Meeting.**

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

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BID OPENINGS:

The Supervisor *Offered Proof of Posting* and *Affidavit of Publication* for the bids for Uniforms. The single bid received from *Team World* for uniforms was received and opened in the Town Clerk's Office on February 1 and was referred to a representative of the Operating Engineers Unit for review.

PRIVILEGE OF THE FLOOR (Agenda Items Only):

Speaker: He doesn't remember seeing police vehicles in the budget last year. How will this be paid for?

Supervisor Schaffer stated that this is in the capital budget for the Police Department. This money is being bonded for and will allow the Police Department to take advantage of low pricing on these vehicles.

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

RESOLUTIONS & MOTIONS:

Special Permit to JFM Real Estate

Special
Permit
JFM
Real
Estate

Motion by Councilman Majewski and seconded by Councilman Marnicki granting a **Special Permit to JFM Real Estate** for automotive storage and repair within an Industrial (I) zoning at the premise located at 200 Stage Road, BCTMP # 157.18-16 and 158.18-1-31.

Neg
Dec.

The Town Attorney noted that this is not a Vehicle Service Station Permit.

Negative Declaration of SEQR:

R042-12 Motion by Councilman Majewski and seconded by Councilman Marnicki approving the following ***Negative Declaration of SEQR:***

Concerning proposed issuance of an Special Permit for Automotive Storage and Repair to JFM Real Estate regarding premises situate at 200 Stage Road in the Town of Vestal, New York and being designated as Broome County Tax Map No. 157.18-16 and 158.18-1-31, and situate in an I, Industrial District

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The Town Board of the Town of Vestal hereby finds and determines that:

(a) it has considered the action, reviewed the environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with the proposed project

**Special
Permit
JFM Real
Estate**

**Neg Dec.
Cont.**

(b) This project will not result in any large and important environmental impacts, and, therefore, is one, which will not have a significant impact on the environment, and, therefore, a negative declaration is hereby adopted.

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

Special Permit to JFM Real Estate:

R042-12 Motion by Councilman Majewski and seconded by Councilman Marnicki granting a **Special Permit to JFM Real Estate** for automotive storage and repair within an Industrial (I) zoning at the premise located at 200 Stage Road, BCTMP #157.18-16 and 158.18-1-31.

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

Bond Resolution for Police Cars:

R043-12 Motion by Councilman Marnicki and seconded by Councilman Majewski to adopt A RESOLUTION AUTHORIZING THE COST OF THE PURCHASE OF **POLICE CARS**, FOR THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF **\$83,000**, AND AUTHORIZING THE ISSUANCE OF UP TO \$83,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

**Bond
Resolu-
tion
\$83,000
Police
Cars**

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

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Apply for Grant Funds for Safety Training:

Apply for
Grant
Funds –
Safety
Training

R044-12 Motion by Councilman Majewski and seconded by Councilwoman Fitzgerald to authorize the Supervisor to sign an application for **grant funds** in the amount of **\$6,000** from the **New York State Hazard Abatement Board** for safety training.

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

Appoint
ZBA
Member

Appoint ZBA Member:

Motion by Councilman Marnicki and seconded by Councilman Majewski to appoint **Ross Geoghegan**, Vestal, to fill the unexpired term of Steve Milkovich on the ZBA for a term expiring December 31st, 2013.

Table
Motion
by

Motion to Table:

Motion by Councilman Majewski and seconded by Councilwoman Fitzgerald to table this motion for more discussion and information.

Councilwoman Fitzgerald would like to have ZBA Mark Johnson to come into a work session to discuss this. The Town Attorney will contact him.

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

Waive Asbestos Removal Fees

Waive
Asbestos
Removal
Fees

R045-12 Motion by Councilman Milkovich and seconded by Councilman Marnicki to adopt the following Resolution Calling on the New York State Department of Labor to **Waive Asbestos Removal Fees** for Structures Obtained through the Flood Buyout Program:

RESOLUTION CALLING ON THE NEW YORK STATE DEPARTMENT OF
LABOR TO WAIVE ASBESTOS REMOVAL FEES FOR STRUCTURES
OBTAINED THROUGH THE FLOOD BUYOUT PROGRAM

WHEREAS, municipalities in Broome County and neighboring communities have been subject to significant financial hardships associated with recovery from damage sustained during the flooding event of September 2011; and

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WHEREAS, the acquisition of several hundred flood damaged properties (buyout) through the Federal Emergency Management Agency's Hazard Mitigation Grant Program are expected to comprise the majority of applications for federal funding appropriated for this disaster; and

WHEREAS, twenty-five percent of the total project cost associated with these buyouts must be provided by a non-federal source, costs that will be incurred by local municipalities or property owners; and

WHEREAS, the buyout process requires the removal of the flood damage structures for proper flood management and protection of public health and safety; and

WHEREAS, the cost of demolishing these properties is increased due to New York State Department of Labor fees related to asbestos removal totaling \$4,000 per structure; and

WHEREAS, local municipalities recognize that New York State also is experiencing financial pressures resulting from damage sustained during both Hurricanes Irene and Tropical Storm Lee; and

WHEREAS, the waiver of asbestos removal fees would achieve minimal negative impacts on State revenues, while providing local governments with significant financial relief during recovery; and

WHEREAS, waving these fees would reduce the total project cost resulting in savings to local municipalities, allowing for the purchase and demolition of additional properties and the relocation of more people out of the floodplain and reducing the costs of future flooding events; and

WHEREAS, these fees are the result of an unanticipated disaster, and therefore waiving these fees would not negatively impact the states finances; and

WHEREAS, waiving these fees would represent a willingness by the state to assist local governments without financially impacting other parts of the State budget; and

WHEREAS, Article 30 of New York State Labor Law does not allow the Department of Labor to waive these fees:

NOW, THEREFORE BE IT RESOLVED, that the TOWN OF VESTAL calls upon New York State to amend Article 30 of New York State Labor Law to allow the Department of Labor to waive fees associated with asbestos removal from structures being demolished as a result of flooding in areas subject to a Federally declared disaster.

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

**Waive
Asbestos
Removal
Fees
Cont.**

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Turnkey Control Systems Solutions, Inc

Turnkey
Control
Systems
Solutions
Inc.

R046-12 Motion by Councilman Marnicki and seconded by Councilman Majewski to authorize hiring **Turnkey Control Systems Solutions, Inc** to provide professional expertise and services to maintain computer hardware and software systems unique to the Town of Vestal at a rate of \$80 per hour, not to exceed \$3,200. In addition, the Town Attorney is directed to prepare a contract in conformance with this resolution.

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

CONSENT AGENDA

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

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

PUBLIC WORKS: Marnicki/Milkovich

Advertise
NYS
DEC
Notice of
Complete
App.

Advertise NYS DEC Notice of Complete Application:

R047-12 Authorization for the Town Engineer to advertise in the *Press and Sun Bulletin* a New York State Department of Environmental Conservation Notice of Complete Application regarding the Main Street Embankment along Big Choconut Creek, 748 Main Street (Route 26). Vestal, NY. *Application ID: 7-0348-00178/00001* – for one permit - Article 15 Title 5 Excavation & Fill in Navigable Waters 1 - Section 401 - Clean Water Act Water Quality Certification.

FINANCE: Majewski/Marnicki

Receive and File:

- **Warrant Report** – 2012-04, 04A, 04P, 5, 05A, 5F, 5AF, 5PD
- **Town Clerk Monthly Report** - January 2012 – Total Local Shares Remitted: \$6,263.03
- **Comptroller's Monthly Report** – January 2012

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Town Attorney Billable Hours:

R048-12 Authorization for the **Business Office** to submit payment to the **Town Attorney** for **billable hours** for the period **January 4 through 27, 2012** in the amount of \$750.00.

**Town
Attorney
Billable
Hours**

EMPLOYEES: Fitzgerald/Marnicki

Adopt Town of Vestal Hearing Conservation Program;

R049-12 Authorization for the adoption of the **Town of Vestal Hearing Conservation Program** dated February 8th, 2012 and authorization for the Supervisor to sign such program.

Issue Credit Card for PC LAN Technician:

R050-12 Authorization for the issuance of a credit card to **Glenn Hochdoerfer, PC LAN Technician**, in the IT Department, with a limit of **\$2000.00**. Such limit may be subsequently raised, if warranted, with the approval of the Town Comptroller.

**Credit
Card for
IT**

PLANNING & ZONING: Milkovich/Fitzgerald

Fund Raiser at Library Parking Lot:

R051-12 Authorization for **Cub Care Children's Center** to use the Vestal Library Parking Lot for Doug's Fish Fry fundraisers on **Friday, May 4th** and **Wednesday October 10th** pending the signing of an *Indemnification Agreement* and obtaining a **Peddler's Permit** from the Clerk's Office.

**Library
Parking
for Fund-
raisers**

Robinson to Fire Code Training Courses:

R052-12 Authorization for Fire Code Inspector, Arthur Robinson, to attend **six required basic training courses** to become *certified* as a Fire Code Inspector. NYS requires the training and the courses must be attended in consecutive order and are typically offered in locations around NY. The cost associated with these sessions is a town vehicle for travel to the training and any associated costs as noted in the employee handbook. The first class is to be held on February 12, 2012, and the other courses will be taken as they become available.

**Robinson
to Fire
Code
Training**

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PUBLIC SAFETY: Majewski/Fitzgerald

Police
Training

Police Training:

R053-12 Authorization for the following Police Training:

- **Sergeant Bryant and Officer Zakrajsek** to attend *Legal Issues for NYS Law Enforcement Officers*. This training will be held at the Chemung County Training Facility on March 21st and 22nd. There is no registration cost for this two-day course. Meals (lunch) - \$60.00.
- **Lieutenant Golluscio and Detective Sergeant Streno** to attend *Investigating Use of Force for Field Supervisors* presented by John Reid & Associates at the Elmira Regional Public Safety Center. This course will be held on March 14th 2012. This training will give these two officers credit towards NYS mandated accreditation standards. Cost - \$200 per attendee – Total - \$400.00
- **Lieutenant Golluscio and Detective Sergeant Streno** to attend *Incident Command System Level 300*. This training is for command staff utilizing the National Incident Management System. This course will be held from April 18th 2012 to April 20th 2012 at the Chenango Fire Station. It will be taught by the NYS Office of Emergency Management. There is no registration fee.

Defens.
Driving
Course –
Fire

Defensive Driving Course at Fire Station:

R054-12 Approval from the Board of Fire Commissioners to hold a **Defensive Driving Course** on **Saturday February 25, 2012** from **8:30-3:30** at **Vestal Station #1**. The cost of the course is \$25 for Department, Auxiliary Members and Town Employees which will come out of the respective budget lines. For family and non Fire Department Members the cost is \$30.00.

UHS OM
– Fire
Physicals

UHS Occupational Medicine to Handle Firefighter Physicals:

R055-12 Authorization from the Board of Fire Commissioners to **accept UHS Occupational Medicine to handle the Firefighter Physicals** effective immediately. Pricing for Firefighter Physicals will be \$165 per firefighter under 40 and \$195 per firefighter over 40. The change in providers came about due to Lourdes Occupational Health unable to accommodate our firefighters based on the Firefighter's schedule.

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Fire Training:

R056-12 Authorization from the Board of Fire Commissioners to approve the training of **Firefighters Eugene Wagner, Chris E Lupold, Mark Sanford, Wayne Dakin, Donald Leip and Harold Weaver** to attend the *Fire Police Seminar at the NYS Fire Academy in Montour Falls* on Saturday, March 17th. The cost associated with this course is \$25 per person for Registration & Lunch which was budget out of line F3410 403. The Training Vehicle or a Chief's vehicle will be used for transportation.

Fire
Training

RECEIVE AND FILE:

- Broome County Legislature – Schedule for February 16, 2012
- Resignation from ZBA position from Steve Milkovich dated January 27th, 2012
- **Annual Report** from **Town Historian Margaret Hadsell** for the 2011 Year.
- 3 correspondences opposing Hydro-fracturing in the Town of Vestal.
- Notice of New Application for Liquor License – New Mohgul Fine Indian Cuisine, LLC – 4700 Vestal Parkway East.

END OF CONSENT AGENDA

End of
Consent
Agenda

SUPERVISOR'S ANNOUNCEMENTS:

- **Station 2 Pancake Breakfast** - Sunday February 12th from 7:30-10:30
- **Special Meeting of the Town Board** has been scheduled for 5:00 PM on Monday, February 13, 2011 for the specific purpose addressing the negotiations connected with the changeover to a new health benefit plan. It is expected that the Board will enter into Executive Session immediately upon convening.
- The Vestal Town Board has scheduled a public informational meeting regarding the September flood to be held on February 15th, 2012, 6 pm at Clayton Avenue Elementary School Auditorium.
- **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.

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- 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.
- Soup and Salad Vestal Center Fire Station February 25th, 2012 – 4 pm til gone.

Councilman Milkovich announced that he would not be available for the flood meeting on February 15th due to a previous commitment.

OLD BUSINESS:

At the January 30th, 2012 Vestal Town Board Work Session the following motion was passed:

R041-12 A motion was made by Councilman Majewski and seconded by Councilman Marnicki to authorize the Police Chief to **issue a purchase order for the vehicles** as requested (letter of 1/26/12) contingent upon the adoption of the Bond Anticipation Note (BAN) resolution, and for the Comptroller to prepare the necessary documents

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

ADDITIONAL PUBLIC COMMENTS:

Speaker asked about the new flood maps. What do they mean to us?

Supervisor Schaffer stated that the flood area has been increased. Those who own homes in those areas are encouraged to get flood insurance.

The Town Attorney stated that the biggest impact is that those who have not done repairs will have to do those repairs according to new elevation standards. New construction must accommodate those standards as well.

Speaker: Will this have any impact on drilling?

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Speaker: Most of these homes are on an aquifer and drilling is not allowed within a thousand feet.

Speaker: He doesn't feel that the Town has kept our flood victims informed. Why has the Town not had any information for them? We are lagging behind other Towns.

Supervisor Schaffer commented that we are not lagging behind in help for the flooding victims. We couldn't have done anything different. We are a conduit of FEMA. We have no power in this. We cannot misrepresent the facts.

Speaker: The public needs to know that the Town is working on this. They have heard nothing from the Town. He has great concerns about the Castle Gardens power station being flooded. It has a major impact on our safety and our property. NYSE&G needs to put a floodwall around the sub-station. We need to get with Tioga County and insist that something be done. In addition, the Town should not build or buy anything in the flood zone. Rail Trail II should not be put in. We should sell the building where the Assessor's Office is. The three offices there should be put in the Library Offices. Stay out of the flood plain.

Speaker would also like Councilman Majewski to meet with Chief Doug Rose concerning Station I.

Councilman Marnicki – We would have to replace the library space. The public uses those rooms for meeting spaces. The Town has done a great deal of work concerning our flood damaged properties. We have not ignored this. Our Assessor has met with the majority of those people. We do not want to give out false hopes. We estimate that we will lose one percent of our tax base. The flood maps will lower property values as well.

Supervisor Schaffer – NYSE&G has told him that they have no intention of raising the power station. They will shut it down and clean it up and turn the power back on when they can.

Speaker went to see County Executive, Debbie Preston to question the way the tax bill is itemized. The Executive will change it for next year's bill.

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Speaker: Our tax bill does not reflect the percentage increase to the tax levy. He would like to see it changed.

Councilman Marnicki – Our bills show this increase but that is not what is printed by the County.

Speaker would like our County Representatives to handle this.

Speaker discussed seismic maps in New York State and drilling affects on our aquifer.

Councilman Marnicki: <http://fracfocus.org/> – lists information on wells all over the world.

Speaker: Talisman Fortunia in Horseheads will also host well site tours if you ask. He also noted that the odds of dying in a vehicle accident are much greater than having a well contaminated by hydrofracking.

Speaker: He is frightened about the drilling. Why would they trust the gas companies? Many lobbyists are pushing for this. Water is the next gold. Natural gas is methane. It is 20 times worse as a greenhouse gas than CO2. We should give thought as to who is giving us information. Who is going to be responsible for cleaning up if something happens?

Speaker: What has the Town done to deal with any incidents concerning drilling?

Supervisor Schaffer – He has the utmost confidence in our Emergency responders.

Speaker is concerned about increased truck traffic from gas drilling operations.

Hearing or seeing no one wishing to speak the Supervisor closed this session.

Motion by Councilman Majewski and seconded by Councilman Marnicki to adjourn.

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

**Meeting
Adjourn-
ed**

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February 8th, 2012**

The time was 8:29 pm.

Approved by _____
Emil Bielecki, Town Clerk