

**Regular Vestal Town Board Meeting
FEBRUARY 22nd, 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
ZBA Member Paul Houle
WBNG 12 News
Town Crier**

Approximately 60 Community Members

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:

**Minutes
Approved**

Motion by Councilman Marnicki and seconded by Councilman Milkovich approving the **Minutes of the February 8th, 2012 Regular Town Board Meeting**.

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

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**Bid
Results for
Water
Vehicle**

BID OPENINGS:

The Supervisor offered Proof of Posting and Affidavit of Publication regarding the sealed bids for the sale of the Water Department's **1994 Ford F-150 4X4 Pick-up Truck W/plow** were received and opened on February 21, 2012 at 2:00 pm in the Town Clerk's Office with the following results and were forwarded to the Water Superintendent for review and recommendation.

Brian Short	Barton, NY	\$1,280.00
Jared Fiacco	Vestal, NY	\$1,258.26

Award Bid for Water Vehicle W/Plow:

**Award Bid
for Water
Vehicle**

R058-12 Motion Councilman Marnicki and seconded by Councilman Majewski authorizing the **Town Attorney to draw the appropriate paperwork** to award the sale for the Water Department **Ford F-150 4X4 w/plow, with 88,471 Miles, Vin # 1FTEF14NXRLA09025** to the highest bidder as follows:

Brian Short	Bid Price: \$1,280.00
446 Halsey Valley Rd.	
Barton, N.Y. 13734	

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

PRIVILEGE OF THE FLOOR (Agenda Items Only):

Hearing or seeing no one wishing to speak the Supervisor closed the Privilege of the Floor.

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RESOLUTIONS & MOTIONS:

(The following motion regarding the appointment to the ZBA was tabled at the February 8th, 2012 Town Board Meeting.)

Appoint ZBA Member:

R059-12 Motion Councilman Marnicki and seconded by Councilwoman Fitzgerald to appoint **Ross Geoghegan**, Vestal, to fill the unexpired term of Steve Milkovich on the ZBA for a term expiring December 31st, 2013.

**Appoint
ZBA
Member
Ross
Geoghegan**

Councilman Majewski will oppose this appointment. He has issues with this appointment. This person has already expressed opinions on many matters and is currently in litigation with the Town of Vestal as well. The Councilman feels he will have to recuse himself from many issues that come before the ZBA.

Councilman Milkovich noted that this is an appointed position and the Board will take resumes before it is filled in 2014.

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

CONSENT AGENDA

Motion by Councilman Milkovich and seconded by Councilman Marnicki approving the **Consent Agenda** as follows:

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

PUBLIC WORKS: Marnicki/Milkovich

R060-12 Authorization for the Town Attorney to advertise on February 29, 2012 for bids for **Laboratory Water Analysis** with bids to be opened on Monday March 12, 2012 at 2:00 pm in the Town Clerk's office.

**Advertise
Bids for
Laboratory
Water
Analysis**

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FINANCE: Majewski/Marnicki

Receive and File:

- Warrants** • **Warrant Reports**– 2012-06, 06F, 07, 07A, 7BC, 07F

Fire **PUBLIC SAFETY: Majewski**

Station 2 to **Station #2 to Hold Soup and Salad**

Hold Soup **R061-12** Authorization from the Board of Fire Commissioners approving
and Salad the Vestal Fire Department Membership and auxiliary for Company #2 Soup
and Salad being held on Saturday, February 25th and Saturday March 24th from 4
pm to gone Vestal Fire Department Station #2 Route 26 in Vestal Center.

Receive **RECEIVE AND FILE:**

and File

- Letter dated February 20th, 2012 from Aubrey Clark, Vestal concerning the Marcellus Shale Drilling
- CAC Minutes of January 19 and February 16, 2012

END OF CONSENT AGENDA

COMMITTEE CHAIR COMMENTS AND UPDATES:

SUPERVISOR'S ANNOUNCEMENTS:

- Vestal Fire Department Membership and auxiliary for Company #2 Soup and Salad being held on Saturday, February 25th and Saturday March 24th from 4 pm to gone Vestal Fire Department Station #2 Route 26 in Vestal Center.
- The State Supreme Court has ruled in favor of the Town in the Rivercrest Historic District case.
- 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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OTHER NEW BUSINESS:

The Following Resolution was Passed at the February 20, 2012 Town Board Work Session:

Submit Letters of Intent for Acquisition, Elevation and Relocation Grants:

R057-12 A motion was made by Councilman Marnicki and seconded by Councilwoman Fitzgerald to adopt the following:

A Resolution to authorize the Supervisor to submit Letters of Intent for Acquisition, Elevation and Relocation Grants to the NYS Office of Emergency Management related to the FEMA project DR 4031/4020.

It is not the intention of the Town to fund any financial assistance to homeowners who wish to be considered for the Hazard Mitigation Grant Program (HMGP). The Town reserves the right to establish criteria and/or priorities in accordance with the HMPG or other State or Federal procedures.

Vote on the Resolution

Ayes: Fitzgerald, Marnicki, Schaffer. Nays: Majewski. Absent: Milkovich

Councilman Marnicki explained that we needed to vote on this at the Monday Night Work Session because this is time sensitive.

Councilman Majewski voted against this because no one had a chance to evaluate the material or be in the decision process regard this motion.

Councilwoman Fitzgerald and Councilman Marnicki both agreed that they had a chance to read the motion.

ADDITIONAL PUBLIC COMMENTS:

Supervisor Schaffer asked the public to address the Board with only new information concerning the gas drilling. He will not entertain hearing the same information that has been presented at previous meetings. This is a forum not a meeting. We cannot do this at every meeting. This information is nothing new. We need to deal with facts. This is not the most important thing on the agenda

Letter of Intent for 2011 09 Flood Grants to NYS OEM – FEMA - Acquisition, Elevation and Relocation – Hazard Mitigation Grant Program (HMGP)

Additional Public Comments

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Additional Public Comments – Cont.

at this time. We cannot continue to hear the same things over again. He will pass any information on to the Board.

Speaker Bret A. Jennings is a Councillor from Great Bend Borough and Director of the Hallstead Great Bend Joint Sewer Authority in Pennsylvania. He has experience with MS4 permits. Rules and regulations are changing. Training is available. New York still hasn't issued their water implementation to the EPA. New York has passed a reduction in our consumption of phosphorus and nitrogen. He was asked to email information to the Board.

Gas Drilling

Speakers brought up the following issues concerning gas drilling:

- A judge has ruled on the Town of Dryden's right to ban drilling. She would like the people who came from Pennsylvania to be able to speak concerning their personal problems with drilling in their towns and on their land.
- They would like a meeting set up with the Board concerning only the drilling issue where they will be able to ask questions and find out what we have planned if there is an accident or a spill.
- If we are looking at expanding our tax base, why aren't we considering gas drilling?
- There is concern about the Board not being proactive. She has statistics from the DEP concerning violations. There are 3,355 violations over the last four years from the total 4596 wells that were drilled. That is 73 percent failure rate. She feels that we will be legally liable if we do drill and there are issues brought on by it. She presented the Board with a copy of this data.
- The DEC must be allowed to do their job. Most of this discussion is based on opinions. We should wait and see.
- A resident of Silver Lake Township has had nothing but problems and contamination. They blew out his creek eight times and cut through his streams. Who is going to take care of his property? He threatened to call the media and now they are trying to put it back to it's original state. Chesapeake is pulling out of our area. They are going to Ohio. All the businesses that were built because of drilling are going out of business.

This gas is not staying in this country. They pay the landowner 20 percent and keep 80 percent. The industry is in it for the money.

- Worked in the health field during the Love Canal. State Employees don't have the resources to figure out what chemicals are being used and produced and we don't have the information from the gas companies, they won't tell what chemicals are being used. Over 900 chemicals have been approved for

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this process. We need to wait until we know more. We need a moratorium to learn what is going on.

- A resident from Silver Lake Township gives free tours to the sites if anyone would like to see what is going on because of drilling. The impact is spreading. It is affecting the air quality. The companies are turning these areas into industrial zones. Petrochemicals are coming up in their water. The EPA is testing now. She welcomes the Board to come.
- He hopes that we have learned from the adversities encountered by Pennsylvania residents so that if drilling is allowed here, we have the proper restrictions in place.
- DEC does not allow drilling near watersheds? What are we protecting them from? What is the difference if there are no problems?
- Drilling companies aren't asking to drill in wealthy counties like Westchester. They are very calculating. He would like a moratorium. Natural gas is at its lowest price. What is the rush?
- 5 million gallons of fracking fluid per well are being used. Only 30 percent comes back. That fluid is worse than what was put in. It should be treated as hazardous chemical waste. No other industry would be allowed to do this.
- Board members were given an article about Big Flats New York.
- If the drilling generated products that come out as an Industrial Waste shouldn't the land be zoned as Industrial?
- The Board needs to handle this. Pennsylvania is already dumping the waste in New York State. They mix it with wood chips. Well casing failure is also a major problem.
- His son bought a home in Castle Gardens in August. He lost it. He closed on a house on Ridge Road. He can do this because he works for Chesapeake. They are paid well and contribute to our economy. Let the DEC do their job. Many of the people who come to speak don't live here. This is our Town and the Town will make a decision.
- She was a chemist. She is against the use of the chemicals being used for fracking.
- He has attended these meetings and agrees that the people who come to these meetings are repeating the same things.
- Some are not comfortable with the DEC handling this.
- There is a gray sludge in the ditch near Pierce Hill on Route 26. (The Supervisor will look into this.)

**Additional
Public
Comments
Cont –**

**Gas
Drilling**

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Additional Public
Comments
Cont –
Gas
Drilling

- We must realize that we live together. He would like the rhetoric lowered on both sides. The truth is somewhere in between. This can be done. It can be done well. It is up to us to protect ourselves if we do sign leases. He complements the Board. They have become quite knowledgeable. Anyone can say anything. It doesn't mean it is true. We all need to do research. An estimate that 1.4 million dollars will return to the Town in taxes per well. If that is the case the Town would have the money to help out our flood victims and our schools.

Flood
Buyout

The following comments were raised concerning the Flood Buyout:

- Her father lives in Castle Gardens. She has been told there is no money from the Town for the flood buyout program. Why?
- Have they spoken to other communities? How are they helping their flood victims? Why can't we help ours as well?
- She rents and does not feel that she has the same rights or considerations as landowners. She wants the Board to think about them as well.

Councilman Marnicki – A database has been established. There are about 100 homes left at this time, which were severely damaged. We have done estimates and assessments and calculated the economic costs to the Town. The Town also has concerns regarding the properties from which the owners have walked away.

Our responsibilities as a Town are limited. We have road and zoning authority. Problems with the drilling companies are civil matters. He is concerned about the water but we have no jurisdiction. We can only talk to our legislators. The Board is very concerned.

He also noted that the Marcellus Shale doesn't go into New York City. That is the reason there is no drilling there.

Supervisor Schaffer – Our emergency crews can handle any situation. We have accidents everyday. We all care about our community.

If the board wants to make everyone whole we would need a 15 percent increase in taxes. The Town of Union's money is for CDGB grants and HUD housing. People have been misinformed.

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Other Issues Addressed:

- He has noticed that more and more things are being done in executive session and general business seems to be done behind closed doors. He finds this disturbing. And tonight, the speakers have been kept from speaking to the Town Board. We can't just have decisions with the Board getting in a room and making a deal. He would like to know what the discussions were. The Board has a history of letting things go.

**Additional
Public
Comments
Cont –**

Councilman Marnicki – We go into executive session for legal reasons. We do not make decisions about secret matters.

Supervisor Schaffer – This Board is like all of you. He could not hand pick a better Board. We are going to work through this. We need information. We will get this done. We waited on the flood issues so that we were sure of what we could offer.

ADJOURNMENT:

Motion by Councilman Marnicki and seconded by Councilman Majewski to adjourn. Vote: Ayes: Majewski, Fitzgerald, Milkovich, Marnicki, and Schaffer. Nays: None. Absent: None.

The time was 9:00 pm.

**Meeting
Adjourned**

Approved by _____
Emil Bielecki, Town Clerk