

**Regular Vestal Town Board Meeting  
MARCH 14, 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  
1<sup>st</sup> Deputy Town Clerk Kathie Young  
2<sup>nd</sup> Deputy Town Clerk Susan Bailey  
ZBA Member Paul Houle**

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 Councilman to accept the **Minutes of the February 22, 2012 Regular Town Board Meeting.**

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

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**BID OPENINGS:**

The bids received for **Laboratory Water Analysis** were opened on Monday March 12, 2012 at 2:00pm in the Town Clerk's office with the following results.

Mary Haskell	<b>33 Plymouth St, Apt 2 Johnson City, NY 13790</b>	NO BID
H2M Labs, Inc	<b>575 Broad Hollow Road Melville, NY 11747</b>	NO BID
Pace Analytical Service	<b>2566 Penna Ave Sayre, PA 18840</b>	NO BID
Upstate Laboratories, Inc.	<b>117 Washington Avenue Endicott, NY 13760</b>	NO BID
Benchmark Analytics	<b>4777 Saucon Creek Road Valley, Pennsylvania 18034</b> No Bid on UCMR	\$17,178.34
Mary Haskell	<b>33 Plymouth St, Apt 2 Johnson City, NY 13790</b>	NO BID
H2M Labs, Inc	<b>575 Broad Hollow Road Melville, NY 11747</b>	NO BID
Pace Analytical Service	<b>2566 Pennsylvania Avenue Sayre, PA 18840</b>	NO BID
Upstate Laboratories, Inc.	<b>117 Washington Avenue Endicott, NY 13760</b>	NO BID
Acorn-Vestal Environmental	<b>2316 Acorn Drive Vestal, NY 13850</b> \$17,830.00 - Less \$2400.00 for UCMR*	\$17,830.00*

**\*Unregulated Contaminant Monitoring Rule – Under State regulations, this will not be sampled this contract period.**

These bid results were then forwarded to the Water Superintendent for review and recommendation

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**PRIVILEGE OF THE FLOOR (Agenda Items Only):**

Speaker asked for explanation concerning the motion for a timber harvesting permit.

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

**RESOLUTIONS & MOTIONS:**

**Award for Water Analysis Bid:**

**R066-12** Motion by Councilman Majewski and seconded by Councilman Milkovich to **award for Water Analysis Bid** (laboratory testing) to the lowest bidder as follows:

<b>Benchmark Analytics, Inc.</b> 2566 Pennsylvania Ave. Sayre, PA. 18840	Bid Price: <b>\$17,178.34</b>
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**Award  
Water  
Analysis  
Bid**

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

**Negative Declaration of SEQR:**

**R067-12** Motion by Councilman Majewski and seconded by Councilwoman Fitzgerald approving the following **Negative Declaration of SEQR:**

**Neg  
SEQR**

Concerning the request for a **Timber Harvesting Permit** applied for by Eric LaClair of **Wagner Millworks, Inc.**, for 291 Grippen Hill Road, B.C.T.M.P. #189.19-1-7 zoned RR & RA-2 and owned by Mildred Swan.

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

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(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, Milkovich, Marnicki, and Schaffer. Nays: None. Absent: None.

**Timber Harvest Permit:**

Approve  
Timber  
Harvest  
Permit

**R067-12** Motion by Councilman Majewski and seconded by Councilwoman Fitzgerald granting a **Timber Harvest Permit** to Erick LaClair of **Wagner Millworks**, Inc. for land located at 291 Grippen Hill Road, Owner Mildred Swan and located within 300 feet of property zoned as RA2. All required buffers will be maintained and compliance with Chapter 6 Article V, Division 2, Section 6-168(c) of the Code of the Town of Vestal will be observed.

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

**Award Main Street Slope Project to Tioga Construction:**

Award  
Main  
Street  
Slope  
Project to  
Tioga  
Constr.

**R068-12** Motion by Councilman Majewski and seconded by Councilwoman Fitzgerald to award the **Main Street Slope** project to **Tioga Construction**, 333 Gros Boulevard, Herkimer, NY for the low bid price of **\$794,591.50**, with the condition that no work is to start **until notice to proceed** is issued by Gary Campo, Town Engineer. NOTE: Today the Town Engineer received verbal notification from DOT that the funding for this project has been approved.

Councilman Marnicki will not vote for this because of the \$5,000 fee for concrete work. He does not feel they are responsible.

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

Parks to  
Hire  
Seasonal  
Empl.

**Parks to Hire Seasonal Employees:**

**R069-12** Motion by Councilman Majewski and seconded by Councilwoman Fitzgerald authorizing the **Parks Superintendent to hire** from the following approved **seasonal employees** as soon as available not to exceed the current 2012 Summer Labor Line at the rate of \$8.50 per hour which is the returning rate:

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**Chris Dutkowsky**  
**Adam Bielecki**

**Sam Deane**  
**Chris Bailey**

**Jacob Warner**  
**Shane Regan**

If there is a need to hire outside of the previous employees, a list will be given to the Town Board for approval following Town hiring procedures.

Supervisor Schaffer related that the playing fields were devastated during the flood. This will give them a chance to recover and allow them to be used.

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

**Repairs for Parks**

**R070-12** Motion by Councilman Majewski and seconded by Councilman Marnicki to authorize the following:

- Contract the repairs at **Vestal Center Park**
- Contract the repairs of the **Harold Moore Utility Building** as listed in the FEMA project request.
- Allow to purchase materials as listed in the original request for the repair of the athletic fields located at Harold Moore Park.

**Repairs  
for Parks**

Councilman Milkovich would like to look at what repairs they are going to do at Vestal Center Park again. He wants to know how much volunteer work we will get from the Vestal Little League. He would like to put a hold on that.

He agrees that Harold Moore Park building should have another roof but the repair to the fields as far as the bidding of the dirt should go out to another contractor to get lower costs at a local facility. He feels that we have local people who can support the fieldwork that needs to be done.

Councilman Marnicki – The Parks Superintendent has already started the repair work and he can finish everything in-house but does not have the work force to do the Vestal Center Park in house. He would like to get the work done quickly because each delay postpones the baseball season. To wait 2 or 3 weeks to put out requests for proposals will be a delay for the leagues. It will cost roughly \$20,000 for labor and materials to fix Vestal Center Park. It is thought that this will be part of the FEMA reimbursement.

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**Repairs for  
Parks  
Cont.**

Councilman Milkovich would like local contractors bidding on the repairs and materials. He would also like to look at what the Vestal Little League and Senior League will volunteer towards this.

Councilman Majewski agrees. He isn't sure if FEMA will reimburse us. Ohio has been hit by devastation and was told FEMA can't give those people any money. This is for parks. Other states need help. We need to think of the whole country.

Councilman Milkovich would like all the materials needed for all the parks to be bid out. To bid out a higher volume will result in a cheaper rate.

**Amend Motion**

**R070-12** Motion by Councilman Majewski and seconded by Councilman Milkovich to amend the motion as follows:

**Amend  
Motion**

Motion to authorize the Parks Superintendent to **Contract the repairs** of the **Harold Moore Utility Building** as listed in the FEMA project request.

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

**Hire Rec.  
Employees**

**Hire Recreation Employees:**

**R071-12** Motion by Councilman Majewski and seconded by Councilwoman Fitzgerald to hire the following Recreation Employees:

All employee pay rates are budgeted items in the 2012 budget and the background checks have been completed.

**A7310.1027 Labor – Vestal Youth Basketball Organization League**

(Note - the Director is from Apalachin and has been running this league for six years.)

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Rob Carr - 43 W. Glann Rd, Apalachin as VYBO Director at \$1,250.00 salary  
Frank D'Esti - 145 Juneberry Rd., Vestal as VYBO Referee at \$7.25/hr.  
Ryan Franz - 633 Harvard St., Vestal as VYBO Referee at \$7.25/hr.  
Molly Liss - 112 Tamarack Lane, Vestal as VYBO Referee at \$7.25/hr.

Alyssa Mullins - 117 Tamarack Lane, Vestal as VYBO Referee at \$7.25/hr.  
Nick Mushalla - 1304 Cameron Lane, Vestal as VYBO Referee at \$7.25/hr.  
Melanie Patterson - 109 Tamarack Lane, Vestal as VYBO Referee at \$7.25/hr.  
Anthony Pittari - 1 Pine Meadow Rd, Vestal as VYBO Referee at \$7.25/hr.  
Luke Riesbeck - 4 Castleman Rd., Vestal as VYBO Referee at \$7.25/hr.  
Henry Tokos - 104 Lewis St., Vestal as VYBO Referee at \$7.25/hr.  
Troy Wilson - 124 Eldredge Dr., Vestal as VYBO Referee at \$7.25/hr.

**Hire Rec.  
Employees  
Cont.**

**A7310.1021- Labor - Playground Instructors**

Christy Bulman - 317 Harding Ave., Vestal, as Playground Instructor at pay rate \$8.00/hr.  
Elisabeth Faughnan - 1544 Rita Rd., Vestal as Summer Office Assistant at pay rate \$9.50/hr.

Councilwoman Fitzgerald was asked why the Summer Office Assistant had a pay rate of \$9.50 per hour. This person has been employed seasonally since 2007 and has many responsibilities.

She wanted to clarify a question concerning an expense for a pizza party that the basketball players have at the end of the season. This is paid for in the fee structure that adds an additional \$5.00, which also includes a t-shirt. It is part of the program.

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

**CONSENT AGENDA**

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

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

**PUBLIC WORKS: Marnicki/Milkovich**

**Public Informational Meeting Regarding African Road Bridge:**

**R072-12** Authorization for the **Town Engineer** to arrange for a **public informational meeting on April 4 at 6:00 PM in the Board Room** as part of the requirement for Federal/State funding of the replacement of the African Road Bridge.

**FINANCE: Majewski/Marnicki**

**Receive and File:**

- **Warrant Reports – 2012 – 07 – 08 - 09 -7BC -08L - 09A - 07A - 07F - 08S 08F - 09F – 10 – 10F**
- **Town Clerk Monthly Report - Local Shares Remitted \$4,215.91**
- **Comptroller’s Monthly Report – February 2012**

**Fire Training for Fire Commissioners:**

**R073-12** Approval for Supervisor Schaffer, Councilwoman Fitzgerald, Councilman Milkovich and Councilman Majewski to take the required **Fire Commissioner Training** course online in the boardroom on April 14 from 8-2 at a cost of \$85 per person (\$340).

**Legal Fees for Williams v Town of Vestal:**

**R074-12** Authorization for the Business Office remit payment to **Hickey & Gates LLC** in the amount of **\$6,950.26** for the period October 18, 2011 through February 23, 2012 for legal work in the **Williams Vs Town of Vestal** claim.

Informational Meeting for African Road Bridge Project

Fire Training for Fire Commissioners

Legal Fees for Williams v Town of Vestal



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**Billable Hours for Town Attorney:**

**R075-12** Authorization for the Business Office to remit payment in the amount of **\$987.50** to **David Berger, Town Attorney for billable hours** for the month of February 2012.

**Town  
Attorney  
David  
Berger  
Billable  
Hours**

**Purchase Insurance for Fire From ESIP:**

**R076-12** Approval to ratify the decision to purchase insurance for the fire district from **ESIP** (Emergency Services Insurance Program) effective March 1, 2012. All board members were polled on February 28th and each gave verbal authorization.

**Purchase  
Ins. For  
Fire - ESIP**

To summarize, quotes were sought after the current carrier, Utica Mutual, notified us that they would no longer provide flood coverage to the fire district. Two additional carriers were contacted and the results were as follows:

**Utica Mutual:** \$38,620.01 without flood insurance \$15,141.00 to purchase flood insurance

**ESIP:** \$36,400.00 with flood insurance, they will also name the fire companies, fire department and the Fred Singer Training site as additional insured for general liability.

**VFIS:** Declined to bid.

**EMPLOYEES: Fitzgerald/Marnicki**

**Defensive Driving Course:**

**R077-12** Authorization to hold a **Defensive Driving Course** for Town of Vestal Employees, Retirees, Firefighters and Family Members, on April 10<sup>th</sup>, 2012, 8:30 am to 3:30 pm at the Vestal Town Hall.

**Defensive  
Driving  
Course**

**COST:** Free for Employees & Volunteer Firefighters. All others, **INCLUDING RETIREES**, \$22 per person, payment required with advance registration.

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### Amend Training Request Authorizations:

Amend  
Train  
Request  
Authori-  
zations

**R078-12** Authorization to **ratify the previous decision to allow department heads to authorize training requests** as long as there are adequate funds in the appropriate budget lines, this policy will be monitored through the submissions of the monthly progress reports from the department heads.

The authority to delegate the power to authorize attendance at conferences to any "executive officer or administrative board" is provided for in Section 77-b of the General Municipal Law.

### PLANNING & ZONING: Milkovich/Fitzgerald

### Library Parking Lot Fund Raisers:

Fund  
Raisers  
to Use  
Library  
Parking

**R079-12** Authorization for the following events to take place in the Library parking lot after the sponsoring groups sign an **Indemnification Agreement** with the **Town of Vestal** and obtain a **Peddler's Permit** from the Town Clerk's Office.

- April 15, 2012 - Doug's Fish Fry for the **American Cancer Society Relay for Life of Western Broome County**
- April 28, 2012 for Gance's Dinner Event to benefit the **MS Walk Team**
- May 27, 2012 for Brook's BBQ to benefit the **Vestal Marching Band**
- May 19, 2012 for a folk festival to coincide with the New York Statewide Heritage Weekend. The proposed plan is to hold an experiential event offering traditional music, skills, and other displays of the heritage of the Southern Tier. Public History Graduate Student and intern at the Vestal Museum, Dannielle Swart will organize the event and coordinate between all groups involved. **The Vestal Historical Society** will oversee the event and ensure that all Town ordinances and permits are properly secured and obeyed.

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**PUBLIC SAFETY: Majewski/Fitzgerald**

**Fire Training:**

**R080-12** Approval by the Board of Fire Commissioners to approve the following:

- FF Evan Shelp, FF Tyler McGuire to attend EVOG at Kirkwood March 20<sup>th</sup>, No costs.
- Lt Bob Hamilton to attend ICS 300 at Chenango Fire Company March 28-30, no costs except meal allowance
- All Fire Officers to attend Broome County Fire Officer training at Johnson City High School on Saturday March 24<sup>th</sup>
  
- Members of the Department to attend the Huntington Manor St. Patrick's parade Sunday March 11 at No costs to the district other than insurance coverage.

**Fire  
Training  
And  
Parades  
2011  
LOSAP  
Credit**

**Accept  
Fire  
Members**

**Credit for 2011 LOSAP:**

**R081-12** Approval from the Board of Fire Commissioners for the following members to receive credit for **2011 Length of Service Awards Program**, the following members achieved their 50 points:

**Carle Truman, Scott Coleman and James Potter**

**Police to  
Purchase  
Taser  
Holsters**

**Accept Fire Members:**

**R082-12** Approval from the Board of Fire Commissioners for **Keith Chason** to become a member of the Vestal Fire Department Company No 4.

**R083-12** Approval from the Board of Fire Commissioners for **Christopher Gitro** to become a member of the Vestal Fire Department Company No. 2.

**Rec. Line  
Items  
Amended**

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Letter  
of  
Resig-  
nation -  
Conrad

**Police to Purchase Taser Holsters:**

**R084-12** Authorization for the Police Department to purchase **25 taser holsters** at the total cost of \$912.50. These funds to come from the asset forfeiture budget line numbered A3120-2626.

**RECREATION: Fitzgerald/Milkovich**

**Increase/Decrease Line Items:**

**R085-12** Approval for Sue Jastran, Recreation Department to **increase the revenue line item of A2023.2023 by \$860.00 and increase the expenditure line A7310.4353 by \$860.00** in order to pay the costs from the increased enrollment for the Father Daughter Ball.

Hire  
Police  
Officer

**RECEIVE AND FILE:**

- Letter of Resignation from **Police Officer James E. Conrad** effective April 8<sup>th</sup>, 2012.

**END OF CONSENT AGENDA**

**COMMITTEE CHAIR COMMENTS AND UPDATES:**

**Hire Police Officer:**

**R086-12** Motion by Councilman Majewski and seconded by Councilman Milkovich to **allow the Chief of Police to hire a police officer** to replace an outgoing police officer. Benefits and salary not to exceed that of the current officer.

Petition  
to Ban  
Gas  
Drilling

Councilman Majewski - We were just notified one of our officers has resigned. That will leave the Police Department down six officers from our usual staffing.

Councilman Milkovich stated that we are concerned that they are within their budget. This is not an added expense to the taxpayer. We need to consider the moral of the police officers who are working unlimited overtime and are very taxed.

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

### **PETITIONS & PROTESTS:**

- A petition of 1050 signatures urging the Town Board to BAN Gas Drilling in the Town of Vestal.

### **SUPERVISOR'S ANNOUNCEMENTS:**

- **2012 Vestal Appliance Pickup Dates** - The Town of Vestal will collect appliances and scrap metal on two Saturdays in May.

**EAST of 26 - May 12<sup>th</sup>**

**WEST of 26 and All of Vestal Road - May 19<sup>th</sup>**

Taylor Garbage will pick up appliances and scrap metal less than 8 feet in length. The company will not pick up refrigerators, air conditioners, freezers or other appliances with Freon. To **schedule a pickup**, call the Town Engineering Department at **786-0980, ext. 202**. (Leave a message.) All items should be on the roadside by 7 a.m. on the pickup date.

### **ADDITIONAL PUBLIC COMMENTS:**

#### **Drilling and Fracking**

- Sue Rapp, representing Vestal Residents for Safe Energy, asked the Board to enact a moratorium on gas drilling to study the issues and schedule a meeting concerning this. They want legislation enacted by the Town. They want the Town to be proactive.
- A petition with 1050 signatures was presented requesting that the Town Board BAN Gas Drilling in the Town of Vestal.
- There was a previous petition asking for protection for our roads there is concern that this has not been acted upon by the Board.

Supervisor Schaffer – We are studying this and other issues that are of concern. We cannot impose restrictions until we know where we need them.

- Fracking is being restricted all around us especially the watershed areas. We need to do something. We should not be a test site for drilling in New York. We are in the bull's eye.

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- We need to treat this like the health issue that it is. This is a public good that should be protected.
- We need safety features that go along with drilling. Please be wise.
- There are no independent studies. We should not rush into this.
- It would be worth it for the property owners to wait. Gas prices are very low now.
- The Board has been busy finishing up with the flood. But why is this not coming up at work sessions?
- The State wants to do a health impact study. There needs to be long-term health studies.
- Regarding resolution concerning the adoption of a Negative SEQR - this is for a minor timbering project. Why no moratorium for fracking?

Councilman Marnicki stated that the logging is directed by the DEC and Code Enforcement. It is regulated.

- What is the County's Board of Health stance on the moratorium?

Supervisor Schaffer will check with the County.

- In a few years, hydro fracking may be a thing of the past. Things change quickly. We should pass a moratorium as a compromise. We need to be reasonable.

Councilman Marnicki – We don't just work at work sessions. We work everyday discussing this and many issues with many people.

Seeing or hearing no one else wishing to speak the Supervisor closed the additional public comments session.

**ADJOURNMENT:**

Motion by Councilman Marnicki and seconded by Councilwoman Fitzgerald to adjourn. Vote: Ayes: Majewski, Fitzgerald, Milkovich, Marnicki, and Schaffer. Nays: None. Absent: None. The time was 7:53 PM.

**ADJOURNMENT:**

Approved by \_\_\_\_\_ Emil Bielecki, Town Clerk