

**Regular Vestal Town Board Meeting  
MARCH 28, 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 David Marnicki  
Councilwoman Patty Fitzgerald**

**ABSENT: Councilman Fran Majewski  
Councilman Steve Milkovich**

**TOWN OFFICIALS PRESENT:**

**Town Attorney David Berger  
Town Clerk Emil Bielecki  
1<sup>st</sup> Deputy Town Clerk Kathie Young  
ZBA Member Paul Houle  
CAC Member Cynthia Westerman**

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 Councilwoman Fitzgerald and seconded by Councilman Marnicki to accept the **Minutes of the March 14<sup>th</sup>, 2012 Regular Town Board Meeting.**

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

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

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

**CONSENT AGENDA**

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

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

Advertise  
Bids for  
Highway  
Materials

**PUBLIC WORKS: Marnicki/Milkovich**

**R086A-12** Approval for the **Town Attorney to advertise** in the Vestal Town Crier on **Wednesday, April 4, 2012 for bids** to be received and opened at 2:00 PM on April 18, 2012 for the following Highway Materials:

**Transit Mix Concrete**  
**Bank Run Gravel**  
**Type #4 Gravel – NYSDOT approved**  
**Coarse & Fine Aggregates & Road Sanding Materials**  
**Bituminous Concrete – Hot Mix Asphalt**  
**Tire Chain Material**  
**Plow Blades and Grader Cutting Edges**  
**Crusher Run Sub-base Type #2 (Item #304)**  
**Light and Medium Stone Fill**

**FINANCE: Majewski/Marnicki**

**Receive and File: Warrants: 2012- 11, 2012-12, 2012-12L, 2012- 11F, 2012-12**

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### RECEIVE AND FILE:

- ◆ *Designating Historic Properties* - Based on the Historic Resources Report – submitted by Vestal Town Historian, and Vestal Historical Preservation Commission at the March 26<sup>th</sup>, 2012 Town Board Work Session
- ◆ Fire Advisory Board Meeting Minutes – February 20, 2012
- ◆ Letter from Rev. Walt and Lyndia Schlundt, Rita Road and dated February 22, 2012, commending the water department employees for work done above Middendorf Park.

### END OF CONSENT AGENDA

### COMMITTEE CHAIR COMMENTS AND UPDATES:

- Our Town Engineer, Gary Campo has suffered severe injuries from a fall and will be out of commission for quite a while. We wish him a speedy recovery.
- We are saddened to hear of the passing of Justice Sherwood's wife Nancy and send our condolences for this great loss.

### 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.

- ◆ Department of Environmental Conservation has an Open Burning Ban **policy in place from March 16<sup>th</sup> to May 14<sup>th</sup>. Burn permits will not be issued during this time**

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### **ADDITIONAL PUBLIC COMMENTS:**

Speaker: His group, the Vestal Service Organization, had paid for benches to be placed on the Rail Trail. He wanted to commend our Parks Department for the great job they did in their placement and installation. What is the status on opening the Coal House to a vendor? It would be nice to be able to get an ice cream or a drink on the trail.

Supervisor Schaffer – We pay for heat and air conditioning on the Coal House and it is still unfinished. He brought suggestions to the board and they have not acted on it as of yet.

Speaker – She wanted to make sure that the public knew that all of the signatures on the petition to ban hydrofracking presented by the *Vestal Residents for Safe Energy* (VRSE) at the March 14<sup>th</sup> meeting were **Vestal residents**.

Supervisor Schaffer wanted to make sure that it was known that the paper misquoted him. He did not say that there were signatures from people outside of the Vestal on that petition.

Speaker – It seems that Vestal Gas Coalition members do not want to participate in a public meeting concerning gas drilling. Couldn't the Town find anyone else that is pro gas drilling to participate in a meeting?

Supervisor Schaffer – The Board has not stated how they feel on this subject. If the anti gas-drilling people would like a discussion they are welcome to arrange their own meeting.

Speaker would like the Board to arrange for the meeting.

The Supervisor will bring it up at the next work session.

Speaker: There are verified cases of water contamination at a depth of 4,000 feet. He will provide the information to Councilman Marnicki. To say that there is no contamination of ground water is simplistic.

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Speaker has an issue with Total Home Improvement. He would like the Board to pull their operating permit. They did a lot of damage to his home. Mirabito has gone out of their way to help him and correct his issues.

Speaker: Franklin Forks, Pennsylvania has 18 homes that are going to court with WPX Energy for the contamination of their wells. She would like the Board to adopt a moratorium. The guidelines from the Federal and State governments may not be good enough.

Speaker: The federal government has no regulatory power over pipelines. Only the State does. In New York State, the Public Service Commission regulates pipelines. The PSC is very strict.

Speaker: She doesn't want a pipe line near here. Even if drilling is done safely she has concerns about pipelines.

Speaker: Concerned over the certification of the company we chose for our Water Analysis services.

Supervisor Schaffer – We chose Benchmark and they are certified.

Speaker: Asked for clarification concerning our recent motions regarding our insurance contracts and who is covered as well as a contract for Medicare extended coverage.

Town Attorney: The extended coverage policy is for retired employees. Some pay into it and some don't. It is for those that are granted medial coverage on retirement.

Speaker: She would like to see hydrofracking in New York State as soon as possible.

Speaker: She is an MD has many medical concerns concerning hydrofracking. She is concerned about a physician's gag law that was put in affect in Pennsylvania. To find out if symptoms are related to drilling, the physician must call the gas company with the symptoms or test results and is then placed under a gag order.

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Councilman Marnicki - It is up to her profession to call NY to make sure that this does not happen here.

Speaker: He is from a local gun club. They are pro safe fracking. He doesn't understand the chemicals being used. In Canada they use a different method.

Speaker: In Alberta Province, they are using a fracking method (*GAS FRAC*) that involves no water. He has information for the Board. If we wait a little longer then maybe this process will all be safer. This section of Canada is getting gas out with no problems. He would like to see it used here.

Speaker: There was a problem there. There was an explosion.

Speaker: He is a physician. He is concerned about contaminated air being produced by these processes.

Speaker: These pipelines are under greater pressure than the residential lines. She worries about gas drilling changing the character of Vestal. By comparison, Vestal is doing very well. People want to move to Vestal now. If there is drilling our property values will go down. We need a moratorium. What about road repair and permits? Who will pay for damages? We need time to get things in place.

**ADJOURNMENT:**

Motion by Councilman Marnicki and seconded by Councilwoman Fitzgerald to adjourn.

Vote - Ayes: Marnicki, Fitzgerald and Schaffer. Nays: None. Absent: Majewski, Milkovich. The time was 7:55 pm.

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