

**Regular Vestal Town Board Meeting
APRIL 11, 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
Police Chief John Butler
Police Lt. Ed Golluscio**

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:

Chief John Butler and Lt. Ed Golluscio

The Police Chief John Butler explained that the Police force is down by six positions. He introduced **Officer Nicolas James Simonik** who had been Patrol Officer for Johnson City for the last four years. We are delighted to have him here in Vestal.

Officer Simonik was then sworn in by Town Clerk Emil Bielecki and was welcomed by all.

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APPROVAL OF MINUTES:

Motion by Councilman Majewski and seconded by Councilwoman Fitzgerald to accept the **Minutes of the March 28th, 2012 Regular Town Board Meeting.**

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

BID OPENINGS:

The Bid for **Highway Materials** will be publicly opened in the Town Clerk's Office on April 18th, 2012 at 2:00 PM.

PRIVILEGE OF THE FLOOR (Agenda Items Only):

RESOLUTIONS & MOTIONS:

Authorization to Borrow Funds:

**Borrow
Funds**

R088-12 Motion by Councilman Majewski and seconded by Councilwoman Fitzgerald to borrow **\$733,000** previously authorized by bond resolutions to fund police cars and road reconstruction.

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

**Approve
Projects
for 2012**

Approve Projects for 2012:

R089-12 Motion Councilman Majewski and seconded by Councilman Milkovich approving the projects listed for an estimated maximum cost of \$590,900 subject to the adoption of the appropriate bond resolutions or budgetary appropriations to provide funding of the same.

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

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DESCRIPTION	DEPARTMENT	ESTIMATED COST	BONDING COSTS	ESTIMATED MAX COST
LARGE VOLUME MOWER	PARKS	\$ 50,000	\$ 2,000	\$ 52,000
RADIOS (ADDITION TO 2010 PROJECT)	HWY/IT	\$ 20,000		\$ 20,000
REMODEL BATHROOM	POLICE	\$ 20,000		\$ 20,000
AIR INFUSION/CIRCULATING SYSTEM - LOCKER RM	POLICE	\$ 4,900		\$ 4,900
DUMP/PLOW TRUCK REPLACEMENT (2)	HIGHWAY	\$ 450,000	\$ 14,000	\$ 464,000
DUMP BOX REPLACEMENT (2)	HIGHWAY	\$ 30,000		\$ 30,000
AMOUNT TO AUTHORIZE		\$ 574,900	\$ 16,000	\$ 590,900
POLICE CARS (AUTHORIZED 2012)	POLICE	\$ 83,000		\$ 83,000
ROAD RECONSTRUCTION (AUTHORIZED 2011)	HIGHWAY	\$ 650,000		\$ 650,000
		\$ 733,000		\$ 733,000
 TOTAL PROJECTS FOR 2012		\$1,307,900	\$ 16,000	\$1,323,900

Approval of Vestal PBA Agreement:

R090-12 Motion by Councilman Majewski and seconded by Councilwoman Fitzgerald to approve the **March 23, 2012 Tentative Agreement** between the Town of Vestal and the **Vestal PBA**, authorizing the Town Supervisor to sign the resulting collective bargaining agreement.

**PBA
Agree-
ment**

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

Approval of Vestal Operating Engineers Agreement:

R091-12 Motion Councilman Majewski and seconded by Councilman Milkovich to approve the **March 28, 2012 Tentative Agreement** between the Town of Vestal and the **Vestal Operating Engineers** and authorizes the Town Supervisor to sign the resulting collective bargaining agreement.

**VOE
Agree-
ment**

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

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Award Bids for Operating Engineers Uniforms:

**Award
Bid for
Uniforms**

R092-12 Motion by Councilman Majewski and seconded by Councilwoman Fitzgerald authorizing the Town Attorney to draw the appropriate paperwork **awarding the bid for Uniforms for the Operating Engineers** to the single bidder **Team World**, 498 Conklin Avenue, Binghamton, New York.

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

Out of Title Pay for Tomczk:

**Out of
Title Pay
for
Tomczk**

R093-12 Motion by Councilman Majewski and seconded by Councilman Milkovich authorizing *Out of Title* pay for the period August 19th, 2010 to March 15th, 2012 for Highway Department Medium Equipment Operator **Jeff Tomczk** for **61 hours** (7 x 8 = 56 plus 5 hours overtime) worked at **Heavy Equipment Operator Wages**.

The Supervisor thanked our Human Resource Officer for her hard work.

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

CONSENT AGENDA

Motion by and seconded 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.

PUBLIC WORKS: Marnicki/Milkovich

**Contracts
for
Ceme-
tery
Maint.**

Maintenance Contracts for Cemeteries:

R094-12 Authorization for the **Town Attorney** to prepare and the Supervisor to sign contracts with the following individuals to provide maintenance for the abandoned cemeteries in the Town of Vestal for the Year 2012:

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Scott Coleman 367 Crumm Road Vestal, NY 13850	Rounds Cemetery Crumm Rd. Cemetery Vestal Rd. Cemetery	\$ 300.00 \$ 425.00 \$ 300.00 \$1,025.00	Contracts for Ceme- tery Maint.
Stefan Miller 300 Delaware Ave. Endicott, NY 13760	Jensen Rd. Cemetery	\$ 475.00	
Kevin Brown 938 Underwood Rd. Vestal, NY 13850	Vestal Center Cemetery	\$ 750.00	

All of the named individuals and the proposed pricing is the same as last year. The maintenance of abandoned cemeteries is a statutory obligation of the Town and this is a budgeted item under line A8810-4060.

Advertise Public Hearing for CWD Ext. #190:

R095-12 Authorization for the Town Attorney to advertise on April 25, 2012 for a Public Hearing on May 9, 2012 regarding the *Petition for the Establishment of Consolidated Water District Extension 190* –

**Advertise
PH for
CWD
Ext. 190**

Petitioner: John Milton
 B.C.T.M.P.: 206.09-2-32
 Address: 423 West Hill Road

FINANCE: Majewski/Marnicki

Receive and File:

- ◆ **Warrants:** 2012-13, - 13F
- ◆ **Town Clerk Monthly Report** – March 2012 – Total Local Shares Remitted: \$6,176.57

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Invoice for Hickey & Gates – Testa v Town of Vestal Legal Fees:

Invoice
for
Hickey &
Gates

R096-12 Authorization for the **Business Office** to pay **Hickey & Gates LLC** the amount of **\$3,320** for the period November 2011 – March 26, 2012 for legal services regarding the claim of Carl A. Testa Jr., as Executor of the Estate of **Nellie Testa V Town of Vestal**. (Previously paid for legal fees regarding this claim - \$5,984.53.)

Billable Hours for Town Attorney:

Town
Attorney
Billable
Hours

R097-12 Approval for the Business Office to pay **Town Attorney David Berger** for **Billable** hours for the period ending March 2012 in the amount of **\$1610.00** for 10 hours and 44 minutes.

Bielecki to Perform Dog Control Call-Out Duties:

Bielecki
to
Perform
Dog
Control
Call-Out

R098-12 Authorization for **Emil Bielecki** to be compensated at the call-out rate of **\$30.00 per call**, for the performance of dog control call-out duties, effective immediately. A Town vehicle, whenever available, shall be used for responding to the calls.

PLANNING & ZONING: Milkovich/Fitzgerald

Use of Library Parking Lot:

Use of
Library
Parking
Lot

R099-12 Approval for **Alpha Phi Alpha Fraternity, Inc.**, to use the Library parking lot on May 12, 2012 for a Chicken BBQ conditional on the signing of an **Indemnification Agreement** and obtaining a **Peddler's Permit** from the Town Clerk's Office.

R100-12 Approval for the **Vestal Historical Society** to waive the Peddler's Permit for the assorted vendors, artists and educators attending the **Heritage Weekend Festival** on May 19, 2012.

PUBLIC SAFETY: Majewski/Fitzgerald

Fire Training:

R101-12 Authorization from the Board of Fire Commissioners approving the following **training** courses:

**Fire
Training**

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- 1) Lt Andy Nazak to attend NYS Victim Extrication Class on Tues March 20 at Five Mile Point Fire Department.
- 2) FF Sacha Singleman-Schwartz and FF Dustin McCartney to attend Trench Rescue Monday June 11 at Chenango Fire Company.
- 3) Capt. Dan Coleman, FF Laura Coleman, FF Sacha Singleman-Schwartz, FF Dustin McCartney, Chief Pat McPherson, FF Rich Austin to attend Wildland Fire Suppression at Port Dickinson Fire Company Monday June 4.
- 4) Capt. Dan Coleman and FF Laura Coleman to Wildland Search training Saturday March 17 at Endwell Fire Department.
- 5) Capt. Dan Coleman to attend Trench Rescue Sunday March 4 at Deposit.

There are no costs associated with the above class only for VFBL Coverage.

- 6) FF Laura Coleman and Chris Forsythe to attend Fire Fighter 1 boot camp starting July 9 at Endwell Fire Department. Associated fees will be provided later but should not be no more than \$80 – these fees cover the cost of meals, water, and training materials needed for this course. The funds will come from F3410 4030 and requesting VFBL Coverage.

Fire Companies to Hold Fund Raisers:

R102-12 Authorization from the Board of Fire Commissioners for **Station 3** to hold a fundraising **Chicken BBQ on Saturday April 21, 2012** from 12:00 till gone at the Station on Owego Road, Ross Corners.

R103-12 Authorization from the Board of Fire Commissioners for **Station 1** to hold a fundraising **Chicken BBQ on Saturday June 2, 2012** from 12:00 until sold out at the Tractor Supply Parking lot.

Choconut Center Fire to Lease Singer Training Site:

R104-12 Authorization from the Board of Fire Commissioners to accept, and Fire Commissioner Schaffer to sign, the lease for the **Fred Singer Training Site** with the **Choconut Center Fire Department** for its use on April 7, 2012.

Choco-
nut to
Lease
Singer
Site

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RECREATION: Fitzgerald/Milkovich

RECEIVE AND FILE:

- ◆ Vestal Volunteer emergency Squad, Inc. – Financial Statements – Six Months Ended June 30, 2011 and 2010
- ◆ Letter from Fire Chief Patrick S. McPherson to BC Board of Elections regarding use of Fire Stations as Polling Places.
- ◆ Aaron M. Martin, Clerk of the Broome County Legislature – **Resolution No. 2012-81** – Plan for the modification of Broome County Agricultural Districts to include viable land in a certified agricultural district pursuant to Section 303-b of the Agriculture and Markets Law.

END OF CONSENT AGENDA

COMMITTEE CHAIR COMMENTS AND UPDATES:

Councilman Majewski noted that there was an announcement by Governor Cuomo stating that the State will be contributing an additional 12.5% to local governments for flood relief.

Supervisor Schaffer spoke with Senator Libous and Assemblywoman Lupardo they are working on getting additional money to apply to the buyouts.

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 12th

WEST of 26 and All of Vestal Road - May 19th

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 16th to May 14th. Burn permits will not be issued during this time.

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- ◆ **Vestal Brush Pickup – 3rd Fridays of the Month**
 - Branches must be piled neatly at curb/roadside all in one direction facing the road, not in the street.
 - Leave branches as long as possible
 - Branch diameter limit is 6”
 - NOT ACCEPTABLE: Tree trunks, vines, lot clearings, or work done from a contractor.
 - ABSOLUTELY NO LAWN CLIPPINGS OR THORNY BRUSH.
- ◆ **Fire Station 3 to hold a fundraising Chicken BBQ on Saturday April 21, 2012** from 12:00 till gone at the Station on Owego Road, Ross Corners.
- ◆ **Fire Station 1 to hold a fundraising Chicken BBQ on Saturday June 2, 2012** from 12:00 until sold out at the Tractor Supply Parking lot.
- ◆ **RECRUITMENT DAY!** As part of National Volunteer Week, April 15th – 21st, FASNY encourages Fire Departments to open their doors this April 21st and 22nd for our annual RecruitNY recruitment-based open house event. Let's work together to make RecruitNY 2012 a success by educating and drawing in more members, and showing the public just what it means to volunteer. Vestal Fire Department will have their doors open on April 21st from 12 pm to 3 pm.

OLD BUSINESS:

At the April 9th, 2012 Town Board Work Session the following motion was acted upon:

HOME
DEPOT
Donation
of labor
and
Materials
for Coal
House
Land-
scaping

HOME DEPOT DONATION:

R087-12 Motion by Councilman Marnicki and seconded by Councilman Majewski to accept from *Home Depot*, the *donation of labor and materials to landscape the area around the Coal House* and to sign the Town's Indemnification Agreement if the work is to be done by volunteers.

Vote Ayes: Marnicki, Milkovich, Fitzgerald & Majewski. Nays: Schaffer.

ADDITIONAL PUBLIC COMMENTS:

Anti Drilling/Anti Fracking:

- ◆ Not adopting a moratorium for gas drilling is irresponsible and dereliction of duty. We are a Home Rule State.

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- ◆ The people want a moratorium adopted for the safety of our Town and its residents.
- ◆ There is worry about long-term affects on our environment.
- ◆ There is said to be more than 400 leaks and spills from previous vertical drilling throughout NYS, of which many have not been cleaned up.
- ◆ Over 100 Towns and municipalities have adopted bans or moratoriums.
- ◆ Gas fracking has issues that may limit its role as a substitute technology.
- ◆ We cannot pass a moratorium after the DEC begins issuing permits.
- ◆ A moratorium will not hurt profits because the price of gas is at its lowest.
- ◆ The Town Board should put the gas drilling issue on the agenda for more open deliberation.

Pro Drilling:

- ◆ Over 17,000 acres of Vestal land has already been leased in Vestal. These property owners number significantly more people than the 1,500 signatures that VERSE has on their petitions. These property owners want drilling. They are against a moratorium.
- ◆ Many towns have passed positive resolutions concerning drilling.
- ◆ The Board should not respond to a door-to-door petitions. Most people who are educated about natural gas development know that there is nothing to fear.
- ◆ There are over 13,000 wells producing in New York State now. The DEC has put in very strict rules and the new rules will be stricter. If PA had these in place they would not have had so many problems. The Board should adopt a positive Resolution as many other Towns have adopted.
- ◆ There was concern about pumping stations catching fire. The ones that had caught fire were old and did not have the safety gear on them are required by code.
- ◆ The Town Board is doing a good job in keeping informed about the gas drilling issues.
- ◆ Town should wait until the NYS DEC issues it's rulings before reacting.

Supervisor Schaffer – We are taking a reactive stand. We are not hiding anything. There was never a meeting regarding gas drilling scheduled. There was never one cancelled. He said he would meet with the principles. It is not the Towns job to have a meeting for everyone to debate this project. We have other things to work on as well. Either side is welcome to have their own meetings.

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Councilman Marnicki was in favor of a session for public education presented by both sides. The Town's involvement would have only been as moderators. Our water department tests are mandated by the State. If and when fracking begins we will test for chemicals that will be used for the fracking.

Councilman Marnicki – Other towns are being sued because they have adopted gas drilling restrictions. There are major expenses for the Towns to defend this. He doesn't want to put our residents in this position or expose us to this kind of liability.

Speaker: At the Monday Night Work Session a person came to speak to the Board about having a flea market on Vestal Road. There are other business allowed to be on this same industrial site. Why not a flea market?

Town Attorney – Zoning provides for those other uses. A flea market is not one of them.

Speaker – We are 21 million dollars in debt right now. In 2002 it was 7 million. We just bonded for \$1.3 million. We need a new fire station and equipment. What are we going to do? We have more to do than deal with fracking. This Board is open and always has been.

Speaker: Total Home Improvement – He would like their operating permit revoked in the Town due to shoddy work.

Councilman Majewski – We have had IT issues and have had issues with emails so bear with us.

ADJOURNMENT:

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

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

The meeting adjourned at 8:04 PM.

Approved by _____
Emil Bielecki, Town Clerk