

**Regular Vestal Town Board Meeting
MAY 9TH, 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:

**Councilman Fran Majewski
Councilman David Marnicki
Councilman Steve Milkovich**

**ABSENT: Supervisor John Schaffer
Councilwoman Patty Fitzgerald**

TOWN OFFICIALS PRESENT:

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

The Deputy 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 Marnicki and seconded by Councilman Milkovich to accept the **Minutes of the April 25, 2012 Regular Town Board Meeting.**

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

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PRIVILEGE OF THE FLOOR (Agenda Items Only):

Speaker: He would like the agenda changed. He has issues with the agenda and claims the agendas and minutes are not posted online.

Councilman Majewski would like him to address changes to the agenda with the Supervisor when he returns.

Speaker: Agenda is on line and he printed it at 5 pm this evening.

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

RESOLUTIONS & MOTIONS:

Award Highway Materials:

**Award
Highway
Materials
Bids**

R115-12 Motion by Councilman Marnicki and seconded by Councilman Milkovich to award of the bids for **Highway Materials** as follows:

Transit Concrete:

Barney & Dickenson and C&C Ready Mix
(Buy from lowest bid when possible.)

Bank Run Gravel:

F.S. Lopke

Type #4 NYSDOT Approved:

F.S. Lopke

Coarse & Fine Aggregates & Road Sanding Materials:

F.S. Lopke and Barrett Paving
(Buy from lowest bid when possible.)

Crusher Run Sub-Base #2 (item #304):

F.S. Lopke

Light & Medium Stone Fill:

F.S. Lopke

Bituminous Concrete – Hot Mix Asphalt:

Broome Bituminous and Barrett Paving
(Buy from lowest bid when possible.)

Tire Chain Materials:

Chemung Supply and Wayne's Welding
(Buy from lowest bid when possible.)

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Snow Plow Blades & Grader Cutting Edges:
Chemung Supply, Monroe Tractor and Wayne's Welding
(Buy from lowest bid when possible.)

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

Voucher – Hickey & Gates re Testa v TOV

R116-12 Motion by Councilman Marnicki and seconded by Councilman Milkovich authorizing the Business Office to pay **Hickey & Gates**, 160 Hawley Street, Binghamton, NY for legal services in the amount of **\$297.50** regarding **Testa vs TOV**. (Previously paid to date: \$9304.53.)

**Hickey &
Gates re
Testa**

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

Turnkey Control Systems – Amend Contract

R117-12 Motion by Councilman Marnicki and seconded by Councilman Milkovich to amend the original contract with **Turnkey Control Systems Solutions, Inc** as adopted (February 8th, 2012 **R46-12**) to provide professional expertise and services to maintain computer hardware and software systems unique to the Town of Vestal at the maximum amount of \$34,000 (an addition of \$30,800).

**Turnkey
Control
Systems –
Amend
Contract**

In addition, the Town Attorney is directed to prepare a contract in conformance with this resolution to amend it.

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

Leases for Singer Training Site

R118-12 Motion by Councilman Marnicki and seconded by Councilman Milkovich to accept the following **leases** for the Fred Singer Training Site for a one-year period effective on the 1st day of April of 2012 at a cost of \$600.00 each:

**Fire –
Leases for
Training
Site**

- Apalachin Fire District
- Town of Owego Fire District
- Endwell Fire District
- Lockheed Martin MS2 Owego

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- Owego Fire Department
- Prospect Terrace Fire Department
- West Corners Fire District

Approval is also granted to accept the following checks received for the Fred Singer Training Site with signed leases forth coming:

- Broome County Fire Chief Association
- Union Center Fire Department

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

Retired 2004 Expedition to Code

Retire
Police
Vehicle

R119-12 Motion by Councilman Marnicki and seconded by Councilman Milkovich to transfer **retired Police Vehicle - 2004 Expedition – 1FMPU16L74LB63982** - with current mileage 87,946, to the Code Enforcement Department.

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

NYSDOT Agreement - Sheedy Road - \$27,977.00

NYSDOT
Agreement
Sheedy
Road

R120-12 Motion by Councilman Marnicki and seconded by Councilman Milkovich to authorize the Supervisor to sign the **NYSDOT** agreement for the **Construction and Construction Supervision and Inspection**, of the damage on FHWA (Federal Highway Association) roads providing the Town 100% reimbursement of the \$27,977.00 for work done on Sheedy Road after the flood.

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

Resolution Adopted for Storm of April 27-May 8, 2011 - Sheedy Road - PIN 989070, Contract D033825

Resolution
– Sheedy
Road PIN
989070

R121-12 Motion by Councilman Marnicki and seconded by Councilman Milkovich to approve the Resolution regarding the implementation, and funding of the Federal aid-eligible costs, of a transportation Federal-aid emergency relief project, regarding the **Project for the Storm of April 27-May 8, 2011, Sheedy Road in the Town of Vestal, PIN 989070, Contract D033825** (the "Project")

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eligible for funding under Title 23 U.S. Code, as amended, for Federal emergency relief that calls for the apportionment of the costs of such project to be borne at the ratio of 100% Federal funds; and that the sum of **\$27,977.00** is hereby appropriated from Capital Projects and made available to cover the cost of participation in the Project; and it is further

RESOLVED, that the Town Supervisor of the **Town of Vestal** be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the **Town of Vestal** with the New York State Department of Transportation in connection with the advancement or approval of the Project.

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

Consulting Agreement - Bulman Agency LLC - Consulting Services
R122-12 Motion by Councilman Marnicki and seconded by Councilman Milkovich authorizing the Supervisor to sign the Consulting Agreement between Town of Vestal and Douglas A. Bulman of the **Bulman Agency LLC**, Vestal, New York providing **Employee Benefit Analysis and Insurance-related consulting services**. This agreement is effective the 1st day of April 2012, for the period of two years at \$15,000 per year or \$30,000 total. The town will pay \$5,000 upfront and 24 equal payments of \$1,041.67 due at the end of each month. The agreement supersedes the prior agreement approved December 14th, 2011 (R374-11).

**Bulman
Agency
Agreement**

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

RFP for Coal House on the Rail to Trail
R123-12 Motion by Councilman Marnicki and seconded by Councilman Milkovich authorizing the **issuance** of an **RFP (Request for Proposal)** related to a concession license at the **Coal House on the Rail to Trail** with a **submission deadline of May 29th, 2012**. The information packet will be made available at the Town Clerk's Office.

**RFP Coal
House**

Councilman Milkovich – This is great news. This is a total team effort and a positive move for our residents. It is a win win for the Town.

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Councilman Majewski thanked Councilman Marnicki and Councilman Milkovich for all of there hard work toward this accomplishment.

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

Funds for Coal House

**Funds for
Coal
House**

R124-12 Motion by Councilman Marnicki and seconded by Councilman Milkovich authorizing the expenditure of funds from the fund balance, not to **exceed \$5,000**, to complete the work that needs to be done prior to the opening of the **Coal House** for vending services:

- ◆ window trim
- ◆ floor grates
- ◆ stone steps
- ◆ security system installation

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

**Article 7
Settle-
ments**

Settle Article 7 Lawsuits – Gruber and United Refining

R125-12 Motion by Councilman Marnicki and seconded by Councilman Milkovich approving the settlements, upon recommendation of Town Attorney and Assessor, in the following Article 7 lawsuits filed in Broome County Supreme Court

United Refining v Town of Vestal 401 Main Street-2009-2011-Estimated total cost to Town of \$2,156.00

Gruber v Town of Vestal 2011 534 Bunn Hill Road- 2011-Estimated total cost to Town of \$258.72

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

CONSENT AGENDA

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

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

PUBLIC WORKS: Marnicki/Milkovich

Advertise Public Hearing – CWD Ext. 190 - Milton

R126-12 Approval to amend **Resolution 095-12** to read: Authorization for the **Town Attorney to advertise on May 30th, 2012 for a Public Hearing on June 13th, 2012** regarding the *Petition for the Establishment of Consolidated Water District Extension 190*–

**Advertise
PH CWD
Ext. 190**

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

Advertise Cured in Place, Point Repair, Resin Kits – Bids - Sewer

R127-12 Approval to amend **Resolution R110-12** to read: Authorization for the **Town Attorney to advertise on May 23, 2012** with a bid opening at 2 pm on June 7, 2012 for the bids for *Cured in Place, Point Repair, Resin Kits* for the Vestal Water Department.

**Advert.
Bids Sewer**

FINANCE: Majewski/Marnicki

Receive and File:

- ◆ **Warrants:** - 2012- 17, 17F, 17R
- ◆ **Town Clerk Monthly Report – April 2012 – Local Shares Remitted:**
\$4,692.74
- ◆ **Comptroller’s Monthly Report – April 2012**
- ◆ **Annual Financial Report Update Document for the Fiscal Year Ended**
- December 31, 2011.

**Designate
First
Niagara
Bank**

Designate First Niagara Bank

R128-12 Authorization to designate **First Niagara Bank** as an authorized depository of up to \$12,000,000.

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Accept Grant for Safety and Health Training

OSHA
Grant

R129-12 Authorization for the Comptroller to **accept a grant** in the amount of **\$5,870** from the **NYS Occupational Safety and Health Hazard Abatement Board** for the purpose of conducting safety and health training.

EMPLOYEES: Fitzgerald/Marnicki

Highway
Out of
Class Pay

Out of Class Pay for Highway Employees

R130-12 Approval to pay the following Highway employees ***Out of Class Pay***.

- ◆ **Matt Millard** – light equipment operator - for the period November 7th, 2011 through November 11th, 2012 — to be paid medium rate for 31 days (248 hours).
- ◆ **Bill Garey** – medium equipment operator – for the period January 27th, 2010 to April 23, 2012 – to be paid heavy rate for 12 day (96 hours).
- ◆ **Donnie Younker** – medium equipment operator – to be paid heavy rate for 16 days (128 hours).

PLANNING & ZONING: Milkovich/Fitzgerald

Advert. PH
Rezone

Advertise Public Hearing 3401 Shippers Road to C-2

R131-12 Authorization for the **Town Attorney to advertise on May 30th, 2012** for a **Public Hearing on June 13, 2012** for the regarding the request to rezone the present Newman building at **3401 Shippers Road to C-2**. BCTMP # 158.10-2-9 and 158.10-2-29.111 (portion of).

Library
Parking
Lot for
Fund-
raisers

Fundraisers at Vestal Library Parking Lot

R132-12 Authorization granting the ***Cabot Crusaders*** of the *American Cancer Society*, ***Relay for Life Team***, the use of the Vestal Library Parking lot on June 8, 2012 for a fundraiser.

R133-12 Authorization granting the ***Vestal Historical Society*** the use of the Vestal Library Parking lot on June 28, and September 26, 2012 for fundraisers and to waive any permit fees.

R134-12 Authorization granting the ***Walk-a-Lot*** of the *American Cancer Society*, ***Relay for Life Team***, the use of the Vestal Library Parking lot on May 14, 2012 for a fundraiser.

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PUBLIC SAFETY: Majewski/Fitzgerald

Firefighters to Fire Expo

R135-12 Authorization from the Board of Fire Commissioners approving up to 16 firefighters to travel to the *Lancaster County Fireman's Association Fire Expo Show* in Harrisburg, PA that will be held May 18, 19, 20, 2012.

- ◆ Round Trip Mileage: approximately 378 miles for those driving personal vehicles. **
- ◆ Parking Fee: \$8.00 per day (only to affect the Drivers of the Car Pool).
- ◆ Admission Fee: \$7.00 per day

** To help offset this cost, the Fire Chiefs would like to use the Chief Vehicles for transportation when members are car-pooling in a group; those members staying for a longer period or traveling on a different day than the group will be using personal vehicles.

Fire Training

R136-12 Retroactive approval from the Board of Fire Commissioners authorizing the following:

- ◆ **FF Jordan Rogers** to attend a 4-week NYS Outreach Course: *Truck Company Operations* starting April 30th at West Corners.

There is no cost associated with the above class. Approval only for VFBL Coverage.

Advertise Bids for Firefighter Protective Clothing

R137-12 Approval to amend **Resolution R112-12** to read: Authorization for the **Town Attorney to advertise on May 23, 2012** with a bid opening at 1 pm on June 7, 2012 for the bids for **Lion Apparel's Janeville V-Force Firefighter Protective Clothing** for the Vestal Fire Department.

RECEIVE AND FILE:

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- ◆ Letter from U.S. Representative Richard Hanna in response to Councilman Majewski letter regarding National Oceanic Atmospheric Administration (NOAA) funding for flood gauges in Broome County.
- ◆ December 31, 2011 **Annual Report for the Vestal Fire District Service Award Program** (LOSAP).
- ◆ Letter from Greg and Christine Catarella requesting a ban on gas drilling in Vestal.

END OF CONSENT AGENDA

COMMITTEE CHAIR COMMENTS AND UPDATES:

Councilman Milkovich expressed his appreciation for the terrific job done by Mark Dedrick, Code Enforcement and Mark Minoia, Town Assessor, for our flood victims for phase one of the buyout. He also thanked Councilman Marnicki for all of his support and hard work.

Councilman Marnicki – Vestal has 4 million dollars of flood damage and only 75 percent of this will be funded by FEMA at this time.

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.
- ◆ **Vestal Brush Pickup – 3rd Fridays of the Month**

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- 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 1** to hold a fundraising **Chicken BBQ on Saturday June 2, 2012** from 12:00 until sold out at the Tractor Supply Parking lot.
- ◆ **Broome County Legislative Session** is scheduled for May 17, 2012 at 4:30 PM for the Veterans of Distinction Awards Ceremony with Regular Session following at 5:30.

PETITIONS AND PROTESTS:

- ◆ **Petition from VerSE (Vestal Residents for Safe Energy) bearing 575 signatures from Vestal residents opposed to hydrofracking in Vestal**

VerSE
Petitions

ADDITIONAL PUBLIC COMMENTS:

Speaker – Thanked Councilman Milkovich and Councilman Marnicki for their work toward the completion of the Coal House. This means a lot to our community.

Coal
House
Discussion

Speaker – The last administration stated that there was no audit of the expenditures on the Coal House and that one would cost about \$3,000. He has been told that the Attorney NY State Comptroller will do an audit for nothing. Also, he does not think that the Coal House passes code to be opened for public use.

Councilman Milkovich – Code Enforcement has verified that the Coal House is ready to be occupied.

Councilman Marnicki – The Coal House expenditures have been audited.

Councilman Milkovich – The \$5,000 being allocated to complete some items at the Coal House is coming from the sale of scrap metal salvaged on park land in

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Castle Gardens. When it comes to the Coal House, we need to let go of the emotions and move forward.

Gas Drilling – Comments

- ◆ Speaker spoke with several gas companies and feels that they will be very responsible when drilling. He will be withdrawing his name from the VerSE petition.
- ◆ Speaker feels that we should put more focus on geothermal heating rather than gas drilling.
- ◆ Broome County has gas leases on file in the Broome County Clerk's Office.
- ◆ Speaker wants to be sure that nothing is passed concerning drilling without it being on the agenda.
- ◆ There is concerned about noise and traffic on Route 26 because of the increased traffic brought about by drilling.
- ◆ There are over 1500 signed petitions that have been presented to the Board. The signers have done their due diligence and do not want fracking in Vestal.
- ◆ Property owners do not get to choose where and what size a well will be. The state decides that.
- ◆ The fracking process can't be done safely. The majority of people are against this. The DEC won't protect us. A local ban or moratorium should be passed in Vestal.
- ◆ Why don't the drillers give presentations to educate the people?
- ◆ Speaker asks what the chemicals are that will be used for fracking and how much? We need more information and we need a moratorium.
- ◆ There is no such thing as safe mining. Wherever those industries are, there is always waste. Due to the higher natural gas prices in other parts of the, we will export much of the gas. You can govern with us or we will govern with out you.
- ◆ Speaker from Pennsylvania encourages people to go to the DEP site for violations in Susquehanna County, PA. WPX Energy has 20 pages of violations. It can take over a year to finish a site. Compressor stations need to be installed every 2 to 4 miles. They are a source of constant noise and constant emissions.

Speaker asked when will the traffic light on Main Street (where the road was washed out) be fixed?

**Main
Street
Repairs**

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Councilman Majewski will bring it up with the NYS Department of Transportation (DOT). Residents can also speak with Jack Williams, the regional head of DOT. Our Town Engineer thinks that the repairs should be completed by September.

Speaker – How many dollars have we spent on Candlehouse? We are going overboard in our spending. We shouldn't be buying trucks. We have done nothing to cut our budget. We haven't reduced our employees. We are borrowing too much. He believes that the Town is insolvent. Why we hiring new Police Officers at the highest rate? He is against drilling. We need a municipal law against drilling.

Speaker – What the Board has been subjected to tonight is outrageous. The Board addresses the issues and they have anguished over their decisions. Anyone can say anything at these meeting and not back it up with facts. The Board is doing a great job and he is sorry that they are subjected to so much unfair criticism.

ADJOURNMENT:

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

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

The time was 8:39 PM.

Approved by _____
Emil Bielecki, Town Clerk