

**Regular Vestal Town Board Meeting  
MAY 23, 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  
1<sup>st</sup> Deputy Town Clerk Kathie Young  
Human Resources Director Nancy Olmstead  
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:

**Supervisor Schaffer** stated that he will request an executive session after this meeting regarding a confidential personnel issue covered under HIPPA.

**APPROVAL OF MINUTES:**

Motion by Councilman Majewski and seconded by Councilman Milkovich to accept the **Minutes of the May 9<sup>th</sup>, 2012 Regular Town Board Meeting.**

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

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

Speaker: Regarding Assessment Board of Review - He feels that the board is biased. He would like this looked into.

Supervisor Schaffer will check into this but need to be given examples.

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

**RESOLUTIONS & MOTIONS:**

**Revise Payment Rate for Assessment Review Board:**

Motion by Councilman Marnicki and seconded by Councilwoman Fitzgerald to rescind **Resolution R093-09**, which authorized payments for members of the Assessment Review Board and establish a new payment rate of \$100 per year for each member serving in that capacity. To be eligible for the payment, a member of the Assessment Review Board must have attended a minimum of 50% of the meetings in a given year.

Councilman Majewski does not feel it is fair to change the payment now. This should be done before next year.

Councilman Marnicki noted there are several hundred cases to be reviewed this year.

Supervisor Schaffer feels that the payment should be reduced.

**Motion to Amend:**

Motion by Councilman Majewski and seconded by Councilman Marnicki to **amend this motion to become *effective January 1<sup>st</sup>, 2013.***

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

**Adopt Assessment Review Board Payment Rate as Amended:**

**R138-12** Motion by Councilman Marnicki and seconded by Councilwoman Fitzgerald to adopt the **motion as amended:**

Motion to **rescind Resolution R093-09**, which authorized payments for members of the Assessment Review Board and establish a new payment rate, ***effective***

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*January 1<sup>st</sup>, 2013*, of \$100 per year for each member serving in that capacity. To be eligible for the payment, a member of the Assessment Review Board must have attended a minimum of 50% of the meetings in a given year.

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

### **Twin Orchards Block Party:**

**R139-12** Motion by Councilman Marnicki and seconded by Councilman Milkovich to accept the petition and authorize residents to hold a neighborhood **Block Party in the Twin Orchards** area on **June 30, 2012** from 2:00 PM to approximately 10:00 PM. The Block Party will be on Valley Road with access blocked off at the south end of Third Avenue and (half way up Valley Road) before Second Avenue. Contacts for the event are Cindy Place and Kelly Wilcox who will be required to advise EMS, Fire and Police of the event.

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

### **Tire Drop Off:**

**R140-12** Motion by Councilman Marnicki and seconded by Councilman Majewski for the **Engineering Department** to hold a **Tire Drop Off** on Saturday June 9th – 9:00 AM to 12:00 noon at the Water Barn parking lot. Vehicle tires may be with or without rims. There is no size limit. On Monday June 11th, a delivery of tires will be made by Taylor Garbage to the Broome County landfill and the material will be vehicle tires with or without rims.

Charges to the Town will be:

- 1) 1 Taylor dumpster, no fuel surcharge for a total of \$400.00.
- 2) No landfill fee, unless the \$30,000.00 countywide budget item is exceeded.
- 3) Flex time is to be used for 3 summer employees from Water or Parks and comp time for the 2 engineering techs per CSEA agreement.

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

## **CONSENT AGENDA**

Motion by Councilman Majewski and seconded by Councilman Marnicki to approve the Consent Agenda as follows.

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

**FINANCE: Majewski/Marnicki**

**Receive and File:**

**Warrant Reports**

- 2012-18      - 2012 -20B  
- 2012-19      - 2012 -20I  
- 2012-20      - 2012 -20L

**End of Year Budget Transfers:**

**R141-12**      Authorization for the Comptroller to perform the **Budget Transfers** as attached to the Deputy Comptroller's memo dated May 4<sup>th</sup>, 2012 to closeout the 2011 budget.

**Readopt Bond Resolution:**

**R142-12**      Approval to readopt a **Bond Resolution** for the purchase of **machinery/apparatus** (Highway/Parks Department) in the amount of **\$516,000**, to allow the necessary advertisement to be done within the time frame mandated by bond counsel. (Previously adopted on April 25, 2012 as **R105-12**.)

**Town Attorney Billable Hours:**

**R143-12**      Approval to pay the **Town Attorney billable hours** for April 2012 in the amount of **\$1412.50**.

**Invoice for Ahmuty, Demer & McManus:**

**R144-12**      Authorization to pay **Ahmuty, Demer & McManus \$2958.18** for legal services regarding Candlehouse vs TOV for the period ending May 10, 2012. (Running total for legal services rendered after paying this invoice - \$42,770.94.)

**Invoice for Ciaschi, Dietershagen, Little, Mickelson & Company, LLP:**

**R145-12**      Authorization for **Comptroller** Laura McKane to sign the audit engagement letter, which specifies the services and fees for the firm Ciaschi, Dietershagen, Little, Mickelson & Company, LLP to conduct an audit of the town's books and records for the year ended December 31, 2011. The audit is required by the federal **Single Audit Act**, as the town spent in excess of \$500,000 in federal funds in 2011.

Of the \$10,600 cost, \$2,600 is attributable to the *single audit* and will be charged to the flood project, which may possibly be reimbursed by FEMA.

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**EMPLOYEES: Fitzgerald/Marnicki**

**Reappoint Warner to Planning Board:**

**R146-12** Authorization for the re-appointment of **Robert Warner** to the Planning Board effective July 8, 2012. This term is to expire July 7, 2017.

**Adopt Standard Work Days for Elected and Appointed Officials:**

**R147-12** Motion to adopt the following Resolution:

BE IT RESOLVED, that the **Town of Vestal** hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

TITLE	NAME	REGISTRATION NUMBER	STANDARD WORK DAY (HRS/DAY)	TERM BEGINS/ENDS	PARTICIPATES IN EMPLOYER'S TIME KEEPING SYSTEM (Y/N)	DAYS/MONTH (BASED ON RECORD OF ACTIVITIES)
<b>ELECTED OFFICIALS</b>						
Town Supervisor	John Schaffer	41765017	6	1/1/12-12/31/15	N	29.25
Councilperson	Francis Majewski	37146818	6	1/1/12-12/31/15	N	6.07
Councilperson	Patricia Fitzgerald	42653618	6	1/1/12-12/31/15	N	3.27
Councilperson	Steve Milkovich	50594688	6	1/26/12-12/31/12	N	8.85
Justice of the Peace	Joseph Meagher	33498767	6	1/1/12-12/31/15	N	NA
Town Clerk	Emil Bielecki	35661156	8	1/1/12-12/31/15	N	21.05
<b>APPOINTED OFFICIALS</b>						
Town Attorney	David Berger	41402629	6	1/1/12-12/31/13	N	5.87
Director of Human Resources	Nancy Olmstead Berger	35354166	6	1/1/12-12/31/15	N	13.49

**PLANNING & ZONING: Marnicki/Fitzgerald**

**PUBLIC SAFETY: Majewski**

**R147-12** Approval for the Recreation Director to hire the following employees at the pay rates budgeted for 2012. Background checks have been completed.

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### **A7310.1021 Labor – Playground Instructors**

These are the returning Playground Instructor staff; we are currently interviewing for the four Playground Instructor openings and the five Substitute Playground openings, out of twenty-one applicants.

Casey Bulman, Vestal as Playground Instructor at Pay rate \$8.00/hr.  
Loryn Chase, Vestal as Playground Instructor at Pay rate \$8.00/hr.  
Savanna Connolly, Vestal as Playground Instructor at Pay rate \$8.00/hr.  
Lauren Cook, Vestal as Playground Instructor at Pay rate \$8.00/hr.  
Courtney Cummings, Vestal as Playground Instructor at Pay rate 8.00/hr.  
Madison Davis, Vestal as Playground Instructor at Pay rate \$8.00/hr.  
Meagan Edwards, Vestal as Playground Instructor at Pay rate \$8.00/hr.  
Kelly Gerner, Vestal as Playground Instructor at Pay rate \$8.00/hr.  
Derek Grinnell, Vestal as Playground Instructor at Pay rate \$8.00/hr.  
Jeremy Liss, Vestal as Playground Instructor at Pay rate \$8.00/hr.  
Thomas Keegan, Vestal as Playground Instructor at Pay rate \$8.00/hr.  
Martin Reynolds, Vestal as Playground Instructor at Pay rate \$7.25/hr.  
Patrick Scannell, Vestal as Playground Instructor at Pay rate \$8.00/hr.  
Hannah Thierfelder, Vestal as Playground Instructor at Pay rate \$8.00/hr.

### **A7180.1010 Labor – Swimming Pool Directors**

Sean Hogan, Vestal as Instructional Pool Director at Pay rate \$10.25/hr.  
Dan MacQuarrie, Vestal as Outdoor Pool Director at Pay rate \$10.25/hr.  
Nicholas Montesano, Apalachin as Instructional Assistant Pool Dir. at Pay rate \$9.75/hr.  
Samuel Schwartz, Vestal as Assistant Outdoor Pool Director at Pay rate \$9.75/hr.

### **A7180.1020 Labor – Labor Lifeguards**

Caitlin Barrett, Vestal as Full Time Lifeguard at Pay rate \$8.75/hr.  
Sarah Berger, Vestal as Full Time Lifeguard at Pay rate \$8.75/hr.  
Austin Case, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
Alec Cohen, Apalachin as Full Time Lifeguard at Pay rate \$8.75/hr.  
Catherine Faughnan, Vestal as Full Time Lifeguard at Pay rate \$8.75/hr.  
William Ferrante, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
Emily Fox, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
Sam Gaynes, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
Joanna Gaynes, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
Cheri Hanakovic, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
Ashley Hodge, Vestal as Full Time Lifeguard at Pay rate \$8.75/hr.

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Chris Hoskins, Vestal as Full Time Lifeguard at Pay rate \$8.75/hr.  
Lexi Kiser, Apalachin as Full Time Lifeguard at Pay rate \$8.75/hr.  
Nicholas Kiser, Apalachin as Full Time Lifeguard at Pay rate \$8.75/hr.  
Jeffrey Klein, Apalachin as Part Time Lifeguard at Pay rate \$7.75/hr.  
Taylor Lansing, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
Anthony Michaels, Apalachin as Full Time Lifeguard at Pay rate \$8.75/hr.  
Cal Michaels, Apalachin as Full Time Lifeguard at Pay rate \$8.75/hr.  
Hannah Mieczkowski, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
Shane Murdock, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
Chris Newins, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
John Osiecki, Apalachin as Part Time Lifeguard at Pay rate \$7.75/hr.  
Margaret Pan, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
Peggy Pan, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
Chelsea Porter, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
Jaclyn Ruhl, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
Catherine Spivakr, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
Joseph Spivak, Vestal as Full Time Lifeguard at Pay rate \$8.75/hr.  
Melissa Tokarz, Vestal as Part Time Lifeguard at Pay Rate \$7.75/hr.  
Derek Wang, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
Jeffrey Washington., Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
Steven Wendel, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.  
Sierra Elizabeth, Apalachin as Part Time Lifeguard at Pay rate \$7.75/hr.  
Heather Wimmer, Brackney, PA as Part Time Lifeguard at Pay rate \$7.75/hr.  
Sam Yoon, Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.

### **RECEIVE AND FILE:**

- ◆ Notice from the Vestal Historic Preservation Commission of a public hearing on Tuesday June 12, 2012 at 6pm at the Vestal Public Library Meeting Room consider the local landmark designation for 144 Front Street (BCTMP 157.79-1-35 Rounds Cemetery).
- ◆ Notice from the Vestal Historic Preservation Commission of a public hearing on Tuesday June 12, 2012 at 6pm at the Vestal Public Library Meeting Room to consider the local landmark designation for 328 Vestal Parkway East (The Train Depot).
- ◆ New Application for Liquor License Permit for Chipotle Mexican Grill #1869, 4692 Vestal Parkway East, Suite 2.
- ◆ Town of Vestal Water Department - *Annual Water Quality Report 2011*

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- ◆ Town of Vestal Board of Assessment Review Organization Meeting Minutes – May 8<sup>th</sup>, 2012.
- ◆ Two Pro Gas Drilling Letters – Received May 14<sup>th</sup>, 2012.
- ◆ Association of Fire Districts of the State of New York Certificates for the Satisfactory Completion of On-Line Commissioner Training During the first 270 Days of 2012:  
Fran Majewski     Patty Fitzgerald  
Steve Milkovich     John Schaffer

### **END OF CONSENT AGENDA**

#### **COMMITTEE CHAIR COMMENTS AND UPDATES:**

Councilman Marnicki – At the last meeting a gentleman stated that the Coal House would not meet code. He was wrong. In addition, an audit was done on the Coal House. We are 100 percent compliant.

Supervisor Schaffer stated that the audits were done to be compliant on the grants. To the best of his knowledge there has never been a complete audit done. We are beyond that now. Councilman Marnicki and Councilman Milkovich are handling this and reporting this back to the Board. Our Council people are running their committees. It is working. If you have a complaint call my office.

Councilman Marnicki – Councilman Milkovich and I will be meeting with three potential vendors at the Coal House tomorrow. We want them to be successful. People are very interested.

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

- ◆ **Vestal Brush Pickup – 3<sup>rd</sup> 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 1** to hold a fundraising **Chicken BBQ on Saturday June 2, 2012** from 12:00 until sold out at the Tractor Supply Parking lot.
- ◆ Bids available in the Town Clerk's Office for **Cured in Place, Point Repair, Pipe Repair (CIPP) Resin Kits** - Bid Opening June 7th 2:00 PM



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- ◆ Bid Specs available in the Town Clerk's Office for **Lion Apparel's Janeville V-Force Firefighter Protective Clothing** - OPEN 1:00 pm on June 7, 2012
- ◆ **RFPs** (Request for Proposals) are being sought by the Town Board of the Town of Vestal, New York, Broome County, New York, for and on behalf of the Vestal Police Department **Air Circulation System** instructions, specifications and all other necessary information may be obtained from the Vestal Town Clerk during regular business hours – 8:00 am to 4:30 pm Monday through Friday, 605 Vestal Parkway West, Vestal, New York and will receive sealed proposals at his office until **2:00 pm on June 4th, 2012.**
- ◆ **RFPs** (Request for Proposals) are being sought by the Town Board of the Town of Vestal, Broome County, New York, for a **Concession License** at the **Coal House On The Rail Trail.** The submission deadline is 4:30 PM – May 29<sup>TH</sup>, 2012. A copy of the general information for the Rounds Coal House Proposal and Proposal Form to operate food and beverage concession at the Rounds Coal House, Vestal, New York may be obtained at the Office of the Vestal Town Clerk, 605 Vestal Parkway West Vestal, New York 8:00 am - 4:30 pm Monday through Friday.

### **ADDITIONAL PUBLIC COMMENTS:**

Speaker: The budget has been overspent. We are the only Town which has 374 employees and have made no cuts or adjustments. It is not sustainable. We are bonding too much. He wants an audit on the Coal House. We are spending too much on lawsuits. He also believes that Council people should not get paid if they are not in attendance.

Speaker – Is the *single audit* being done only for FEMA money?

Councilman Majewski – The audit is being done because we spent over \$500,000 in federal funds.

Speaker – Are we doing **Rail Trail II** and building a bridge?

Supervisor Schaffer – There is no cost to the Town for Rail Trail II. It is grant money. We are committed to Rail Trail II. We cannot back out. There is also grant money for a boat launch in Castle Gardens. There will also be a bath room. If it floods there won't be damage. We don't know when the work will begin.

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Speaker – She supports the **Rail Trail II**. She enjoys using the Trail and looks forward to it being extended.

**Eric Webb from the North Star Group** – They are opposed to a historic designation for homes in River Crest. They would like a meeting with the Historic Commission. The commission is not an objective group. These members were chosen by design.

Speaker: The VerSA group is not coercing people to sign their petitions against fracking. They would not do that. They are sincere in their efforts. There are many rumors that they are funded by the Park Foundation. This is untrue. They are pro Vestal.

Speaker: He is concerned about who is liable for contamination brought about by drilling. Could the Town be sued?

Speaker – She would like the master plan or a portion of it adopted. This will help us control drilling in the Town. She would like a moratorium done. There are two sensitive areas: the French Tract and the aquifers.

**EXECUTIVE SESSION:**

At 7:51 PM, a motion was made by Councilman Marnicki and seconded by Councilman Majewski to move into **Executive Session** for a personnel medical issue, which falls under HIPPA.

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

**ADJOURNMENT**

At 8:18 PM, a motion was made by Councilman Majewski and seconded by Councilman Milkovich to leave Executive Session and adjourn the meeting.

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

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