

Regular Meeting of the Vestal Town Board July 11, 2012

The Regular Meeting of the Town Board of the Town of Vestal, County of Broome and the State of New York was held at the Town Hall, 605 Vestal Parkway W, Vestal, NY on July 11, 2012 at 6:00 PM

TOWN BOARD PRESENT:

Supervisor John Schaffer
Councilman Fran Majewski
Councilwoman Patty Fitzgerald
Councilman David Marnicki
Councilman Steve Milkovich

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young and approximately 70 members of the community.

The Supervisor called the Regular Meeting of the Vestal Town Board to order at 6:00 PM, welcomed everyone and asked that all present join in the PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES

On a motion of Councilman Marnicki, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer
Nays 0

Resolved the **Minutes of the Regular Meeting on June 27, 2012** are approved.

BID OPENING

The following bids for the **Two - 10' 304 Stainless Steel Dump Bodies** were opened in the Town Clerk's on June 28, 2012 and then forwarded to the Highway Superintendent for review and recommendation:

Henderson Truck Equipment **\$35,678.00**
22686 Fisher Road, Watertown, NY 13601

Chenango Truck **\$30,716.04**
PO Box 920, Oxford, NY 13830

Councilman Marnicki explained that going to stainless steel dump bodies saves money in the long run because they do not rust.

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PUBLIC HEARINGS

Public Hearing - Local Law “B” of the Year 2012 regarding the request to amend the zoning map of the Town of Vestal by rezoning 3456 Vestal Parkway East B.C.T.M.P #158.12-3-2 from RA-One Family to TO (Transitional Office).

- *Proof of Posting* and *Affidavit of Publication* was offered.
- The 239 l and m was received by BC Department of Planning & Economic Development. Their review identified no significant countywide or inter-community impact associated with the proposed rezoning to Transitional Office.
- The *Affidavit of Mailing* from applicants: Lanny Kipp/Myrna E. Kipp was received.

Supervisor Schaffer opened the hearing at 7:05 PM and asked if anyone wished to comment on the proposed local law.

Sara Campbell, an attorney representing the Kipp family, stated the following:

- There is a buyer for this property who is interested in putting a Real Estate Office on this site. This type of business requires a zoning change.
- It is clear that the existing residential structures on the Parkway will not be viable as residential properties in the future.
- The setback requirements will not be changed should the structure be demolished in the future. The new owner however will be using the existing the structure. A real-estate office will be a perfect fit.
- John Miller is the owner of the SEFCU property to the east and Picciano is the owner of the residential property on the west.

Councilman Marnicki stated that he is upset that several years back, when the owner of the property to the east went through the rezoning process, the owners of this very property were vehemently opposed a TO rezoning for their property. Now these very people are asking for this same change.

Councilman Majewski – The current owner has spoken with the property owners in this area and they have no problem.

Supervisor Schaffer stated that the Board will not vote tonight because this needs to be heard by the Planning Board, and hearing no one else wishing to speak, closed the Public Hearing.

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PRIVILEGE OF THE FLOOR (Agenda Items Only)

A speaker expressed general dissatisfaction with the conduct of Town government. He resents paying legal fees for the Candlehouse litigation and other cases that are lost causes. Those that are approving spending money that we don't have should resign. Wants to know why the warrants are not discussed and what is done with the local share of revenue brought in by the Clerk's office. Also, feels that Police Department should be buying less expensive vehicles and should not be spending additional money on accessories.

Supervisor Schaffer welcomed the speaker to attend Work Sessions to get more detailed information about Town activity or to file a FOIL request for specific items. The warrants are a part of doing business.

Councilman Majewski noted that police vehicles do not come with accessories and there is an additional cost to install such items as sirens and light bars.

RESOLUTIONS & MOTIONS

Award Highway Bid for Two - 10' 304 Stainless Steel Dump Bodies

R190-12 On a motion of Councilman Marnicki, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer
Nays 0

Resolved to authorize the Highway Superintendent to award the bid and draw the appropriate paperwork for **Two - 10' 304 Stainless Steel Dump Bodies** at **\$30,716.04** to lowest bidder **Chenango Truck**, 36 S Canal Street Oxford, NY.

FEMA Reimbursement Town of Lisle Fire Department

Supervisor Schaffer will ask the Lisle Fire Department to come in to be recognized.

R191-12 On a motion of Councilman Marnicki seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer
Nays 0

Resolved to forward a **FEMA reimbursement** in the amount of **\$1500.24** to the **Town of Lisle Fire Department** for assisting in the pumping efforts and use of their equipment in the September 2011 Flood.

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Hire Engineer - NYS Office of Emergency Management Elevation Assistance

Councilman Marnicki – Hiring an engineer will cost about \$1,000 and be reimbursed by FEMA.

R192-12 On a motion of Councilman Marnicki, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer
Nays 0

Resolved to hire, as the sponsoring local agency, an engineer to provide the information as required in the NYS Office of Emergency Management elevation assistance application to elevate structures at the following addresses: **1712 Vestal Road, 1716 Vestal Road and 1721 Vestal Road.**

The application requires a letter from a licensed engineer or architect confirming that it is structurally feasible to raise each structure and provide preliminary cost estimates on a structure-by-structure basis. These fees for this elevation project for mitigation are reimbursable through FEMA.

Fire to Attend BC Fire Police Meeting

R193-12 On a motion of Councilman Marnicki, seconded by Councilman Milkovich, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer
Nays 0

Resolved the Board of Fire Commissioners approve **Fire Police Members and Vehicles (Brush 32-1, Brush 32-2, Utility 32-3 and Utility 32-4)** to attend the **Broome County Fire Police Meeting** on Thursday, July 12 at 6:30 pm at the Triangle Fire Station. There is no cost associated with the above class, only for VFBL Coverage.

CONSENT AGENDA

On a motion of Councilman Marnicki, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer
Nays 0

Resolved the **Consent Agenda** is approved as follows:

PUBLIC WORKS - Marnicki/Milkovich

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Advertise Public Hearing for Water/Sewer Extensions

R194-12 Authorization for the **Town Attorney** to advertise on **July 18, 2012** for a **Public Hearing** on **July 25, 2012** regarding the *Petition for the Establishment of:*

Consolidated Sewer District No. 1 Extension 153

Petitioner: Robert Walsh
B.C.T.M.P.: Portion of 158.16-1-35.2
Address: 3520 Almar Drive

Consolidated Water District No. 1 Extension 191

Petitioner: Robert Walsh
B.C.T.M.P.: Portion of 158.16-1-35.2
Address: 3520 Almar Drive

Consolidated Water District No. 1 Extension 192

Petitioner: Arthur G. and Ashley M. Hurst
B.C.T.M.P.: 206.03-1-36
Address: 2425 Glenwood Road

FINANCE – Majewski/Marnicki

Receive and File

- **Warrants:** 2012-26 2012-26E 2012-27
- **Comptroller's Monthly Report** – June 2012
- **Town Clerk Monthly Report** – June 2012 – Local Shares Remitted: \$7,209.56

Voucher – Legal Fees for Candlehouse

R195-12 Authorization to pay a voucher from **Ahmuty, Demers & McManus** in the amount of **\$15,350.20** for the period ending June 6, 2012 in the case **Candlehouse vs Town of Vestal**.

Voucher for Court Reporting for Candlehouse

R196-12 Authorization to pay a voucher from **Czerenda Court Reporting** in the amount of **\$713.00** for **Candlehouse v Town of Vestal** depositions.

Voucher for Town Attorney Billable Hours

R197-12 Authorization to pay a voucher to the **Town Attorney** in the amount of **\$1412.50** for billable hours for the month of June, 2012.

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EMPLOYEES – Fitzgerald/Marnicki

NYS Retirement System Reporting

R198-12 Authorization to amend **R147-12** as adopted on May 23, 2012, for **elected and appointed officials' time keeping** as required for NYS Retirement System Reporting and to adopt the corrected time keeping data per the memo from Nancy Olmstead, Director of Human Resources dated July 3, 2012.

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)
ELECTED OFFICIALS						
Town Supervisor	W. John Schaffer	41765017	6	1/1/12-12/31/15	N	31.69
Councilperson	Francis Majewski	37146818	6	1/1/12-12/31/15	N	6.57
Councilperson	Patricia Fitzgerald	42653618	6	1/1/12-12/31/15	N	3.55
Councilperson	Steve Milkovich	50594688	6	1/26/12-12/31/12	N	9.58
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	22.81
APPOINTED OFFICIALS						
Town Attorney	David Berger	41402629	6	1/1/12-12/31/13	N	6.36
Director of Human Resources	Nancy Olmstead Berger	35354166	6	1/1/12-12/31/15	N	14.61

*Tier One Participant

PUBLIC SAFETY – Fitzgerald/Milkovich

Police Transfer for New Vehicles Packages

R199-12 Authorization for the **Police Department** to transfer **\$1560.00** from their Asset Forfeiture line to cover stripe packages for the three new Chevy Tahoes as well as **\$266.70** for three base kits for center consoles for the Tahoes - Total = \$1826.70.

RECREATION – Fitzgerald/Milkovich

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Hire Summer Recreation Employees

R200-12 Approval to hire the following **Summer Recreation Employees**. All employee pay rates are budgeted items in the 2012 budget and the background checks completed.

A7310.1028 Labor – Softball Camp

Savonna Connolly – 228 N Jenson Rd., Vestal - Softball Camp Instructor at pay rate \$200.00 salary

Amanda DeAngelo – Vestal - Softball Camp Instructor at pay rate \$40.00 salary

Brian Donlin – Vestal - Softball Camp Director at pay rate \$475.00 salary

Sarah Kelly – Vestal - Softball Camp Instructor at pay rate \$60.00 salary

Jen Phillips – Vestal - Softball Camp Assistant Director at pay rate \$300.00 salary

Delaney Zizak – Vestal - Softball Camp Instructor at pay rate \$125.00 salary

A7310.1026 Labor – Labor – Tennis

Randy Cummings – Vestal - Tennis Director at pay rate \$425.00/Session

Margaret Reynolds – Vestal - Tennis Instructor at pay rate \$7.50/hr.

Kevin VanHine – Apalachin - Tennis Instructor at pay rate \$7.50/hr.

Jared Vargason – Vestal - Tennis Instructor at pay rate \$7.50/hr.

Troy Vargason – Vestal - Tennis Instructor at pay rate \$7.50/hr.

A7310.1121 Labor – Labor - Soccer Camp

Julia Dorber – Vestal - Soccer Camp Instructor at pay rate \$150.00 salary

Anna Kuchera – Apalachin - Soccer Camp Instructor at pay rate \$150.00 salary

Melanie Patterson – Vestal - Soccer Camp Instructor at pay rate \$150.00 salary

Ellen Rogan – Vestal - Soccer Camp Instructor at pay rate \$150.00 salary

Samantha Rogan – Vestal - Soccer Camp Instructor at pay rate \$150.00 salary

Samuel Scelsi – Vestal - Assistant Soccer Coach at pay rate \$500.00 salary

Sara Vasisko – Apalachin - Soccer Camp Instructor at pay rate \$150.00 salary

Matt Wood - Endicott - Girls Soccer Camp Director at pay rate \$650.00 salary

A7310.1130 Basketball Shooting and Conditioning

Ryan Hayes - Port Crane - Basketball Shooting & Conditioning Director at pay rate \$500.00 salary

RECEIVE AND FILE

- Notification from the Town of Union dated July 2, 2012 - Public Hearing on July 18, 2012 at 7:30 – Proposed Adoption of Modifications to Chapter 300, Chapter 83, Chapter 178 and Chapter 151 of the Town of Union Code or Ordinances.

END OF CONSENT AGENDA

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PETITIONS AND PROTESTS

A petition with 500 additional signatures requesting that the Town Board pass a moratorium on gas drilling (bringing the number of signatures to 2,000) was submitted.

A member of a group that opposes gas drilling in Vestal stated that she resents being criticized for going door to door to get petitions signed when the same thing is being done by politicians who seek election.

Councilman Marnicki asked for information and documentation on the toxic chemicals consistently referred to when discussing hydro fracking. The speaker will provide this to him.

SUPERVISOR'S ANNOUNCEMENTS

- ◆ For the months of **July, August and September:**
 - **Town Board Work Sessions will begin at 5:30 PM**
 - **Town Board Regular Sessions will begin at 6:00 PM**
- ◆ BC Public Works Meeting – July 2012 at 3:20 pm
- ◆ BC Legislature Meeting July 19, 2012 at 4:00 PM

NEW BUSINESS

Councilman Milkovich is exploring creating a volunteer program and is looking for people who would like to donate their time to the Town of Vestal. He can be contacted at smilkovich@vestalny.com or at 786-5729.

ADDITIONAL PUBLIC COMMENTS

About 15 speakers addressed the Board with comments as follows:

- Expressed concern about the salaries for camps being offered by the Recreation Department. Councilman Marnicki responded that the fees charged for the camps cover the expenses.
- The reminder on the Agenda for people to turn off *cell phones* should also include a reminder that there is to be *no applause* during the meeting.
- Read comment in the Press that Supervisor Schaffer made. The taxpayer is frustrated that the Press reports events 12 days after the fact.
- Asked if the Town inspects private wells. Councilman Marnicki responded that we do not monitor private wells.

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- A well test costs between 600 and 800 dollars.
- Congratulated Councilman Milkovich for starting a volunteer program.
- Has proof that brine can come to the surface and contaminate wells.
- Believes that Well I may contribute to cancer in this area. It was polluted with benzene.
- We need to protect our water supply like New York City and Syracuse are doing. We should pass a resolution that any drillers be bonded.
- OSHA has issued a warning about silica used during the drilling process.
- People who don't want gas drilling should turn off the gas going to their homes.
- Questions whether the benefits of drilling are worth the risks.
- Claims there is no such thing as clean energy. Ban drilling.
- Believes drilling will bring opportunities here.
- Even medications have chemicals in them that can cause damage. People opposed to drilling are using scare tactics.
- The decision to drill should be based on scientific analysis.
- Complained that the election did not produce the change that was promised in Vestal. This government is not serving the interests of the people and should be recalled. The people should have the right to hold a referendum.

Responding to a question about what action the Town will take regarding gas drilling, Supervisor Schaffer stated that the Governor has not spoken to the Towns about his plans and the Board is waiting for a final report on drilling from the NYS Department of Environmental Conservation.

ADJOURNMENT

On a motion of Councilman Marnicki, seconded by Councilman Majewski, the meeting was adjourned at 7:40 PM. Carried unanimously.

Approved by _____
Emil Bielecki, Town Clerk