

Regular Meeting of the Vestal Town Board July 25, 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 25, 2012.

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, Vestal Fire Department President Hugh Reynolds, and approximately 50 members of the community.

The Supervisor called the Regular Meeting in the Vestal Town Board Room 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 Majewski, 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 of July 11, 2012 are approved.

BID OPENINGS

The following bids were received and publicly opened in the Town Clerk's Office on Monday July 23 with the bid results and the supporting documents forwarded to the Water & Sewer Superintendent for review and recommendation.

Water Department - Service Truck Utility Body

Wayne's Welding	66 Calder Avenue Yorkville, NY 13495	\$45,491.00
Kurtz Truck Equipment	1085 McGraw-Marathon Road Marathon, NY 13803	NO BID

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Ferrario Auto Team Elmira/Towanda	102 Spring Street Sayre, Pennsylvania 18840	NO BID
Drivers Village Fleet and Commercial Division	5885 East Circle Drive. Cicero, NY 13088	NO BID
Binghamton Truck Body & Equipment	25 Alice Street Binghamton, New York 13904	\$37,400.00

Water Department - Clarkson Drive Sanitary Sewer Replacement

Procon Construction	100 Vestal Road PO Box 1037, Vestal, NY	\$25,300.00
ZMK	3430 Route 434 Apalachin, New York 13732	\$80,437.50
Piccirilli Construction	32 Hall Street Binghamton, New York	NO BID

Water Department - Combination Sewer Cleaner

Eagle Equipment	3388 Route 22 West Branchburg, NJ 08876	\$309,851.00 \$59,000.00 Trade In
Joe Johnson Equipment Inc.	62 LaGrange Avenue Rochester, NY 14613	\$271,852.00 \$40,000.00 Trade In

PRIVILEGE OF THE FLOOR – For Agenda Items Only

Speaker: How far are we going to defend the Candlehouse lawsuit? We are spending a lot of money to satisfy a few residents. We are spending too much money on this litigation.

Supervisor Schaffer – The town will pursue this as far as we need to satisfy our residents. The neighbors oppose the use of the property as proposed.

Councilman Majewski – This is important to our town because there are town-wide ramifications. If Candlehouse is allowed to succeed then homes throughout the town could be rented out to many unrelated tenants.

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RESOLUTIONS & MOTIONS

Negative Declaration of SEQR for Local Law “B”

R201-12 On a motion of Councilwoman Fitzgerald seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Milkovich, Schaffer
Nays 1 Marnicki

Resolved to adopt the following *Negative Declaration of SEQR*:

Concerning proposed Local Law “B” of the Year 2012 Entitled: *A Local Law Amending the zoning map of the Town of Vestal* by changing the premises 3456 Vestal Parkway East, Vestal, New York BCTMP #158.12-3-2 from RA-1 (One Family Residence) to TO (Transitional Office).

The Town Board of the Town of Vestal hereby finds and determines that:

(a) it has considered the action, reviewed the environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with the proposed project

(b) This project will not result in any large and important environmental impacts, and, therefore, is one, which will not have a significant impact on the environment, and, therefore, a negative declaration is hereby adopted.

Adopt Local Law “B” of the Year 2012

Councilman Marnicki will vote no on the adoption of this Local Law. A few years ago, the owner of this property opposed a similar rezoning for an adjoining property resulting in unnecessary hardship and cost.

Councilman Majewski stated that he supports the rezoning because it is consistent with the type of development the Town is looking for in that area.

R202-12 On a motion of Councilwoman Fitzgerald, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Milkovich, Schaffer
Nays 1 Marnicki

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Resolved to **adopt Local Law “B” of the Year 2012** Entitled: *A Local Law Amending the zoning map of the Town of Vestal* by changing the premises **3456 Vestal Parkway East, Vestal, New York BCTMP #158.12-3-2** from **RA-1** (One Family Residence) to **TO** (Transitional Office).

Adopt Changes to the By-laws of the Vestal Fire Department

Supervisor Schaffer stated that he is happy that the Fire Department is rewriting the by-laws. Having a fourth Assistant Fire Chief will make things run easier. 90% of the Fire Department voted for this. We appreciate all that they do.

Councilman Milkovich – Our area has changed over the years and this will keep us up to date with the changes in Vestal. We have one of the highest volunteer rates in all of Broome County.

Councilwoman Fitzgerald praised the Fire Department for their response to a fire at the Willow Point Nursing Home. They did an outstanding job. Look at your tax bill and see what you pay each year for our fire district. It is very low and reasonable --- hats off to our volunteers. They do a super job.

Hugh Reynolds, Fire Department President, was in attendance and stated that he would pass on the comments to the Fire Department.

R203-12 On a motion of Councilwoman Fitzgerald, seconded by Councilman Majewski, the following resolution was

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

Resolved that the Board of Fire Commissioners **adopts the changes to the by-laws of the Vestal Fire Department** as approved by a vote of Fire Department membership on June 4th, 2012.

CONSENT AGENDA

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

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

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

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PUBLIC WORKS – Marnicki/Milkovich

Amend Advertising Date for Public Hearing

R204-12 Authorization to amend **R194-12** by changing the dates for the advertising and of the Public Hearing as follows:

Town Attorney to **advertise on July 25, 2012** for a **Public Hearing on August 8, 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:** 2012-29 2012-29S 2012-29L

Retainer Agreement for C. L. Bransford – Candlehouse Litigation

R205-12 Resolution approving the **retainer agreement with Cassandra L. Bransford, PhD**, 487 Ridge Rd, Vestal, NY and authorizing the business office to pay 50% of the anticipated cost, to wit **\$6,750.00**, in connection with the **Candlehouse v Town of Vestal** litigation.

PLANNING & ZONING – Milkovich/Fitzgerald

Broome County Senior Games Fundraiser at Library

R206-12 Authorization for the **Broome County Office for Aging** to use the Vestal Library parking lot on October 6, 2012 for a Doug's Fish Fry Fundraiser

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benefiting the **Broome County Senior Games** pending the signing of an Indemnification with the Town.

PUBLIC SAFETY – Fitzgerald/Milkovich

Fire Department Training

R207-12 Approval by the Board of Fire Commissioners for the following:

- Reimburse **Josh Owen** \$40 for NYS Boater Class taken June 1st, 2012.
- Training of **Lt. Andy Nazak** to attend **NYS Outreach Course - Rescue Tech Basic** starting July 23 at Union Center Fire Department, at no cost.

Acorn Drive Block Party

R208-12 Authorization the **closing of Acorn Drive to thru traffic** allowing the residents of to hold a **Block Party** on Saturday, August 4th, 2012 at 3 pm until dark. (Rain Date: Monday, August 6th at 5:30 pm.) The road will still be accessible to emergency vehicles. Police, Fire, and Emergency Services to be notified.

RECREATION – Fitzgerald/Milkovich

Summer Recreation Employees

R209-12 Approval to hire the following **Summer Recreation Employees**. All employee pay rates are budgeted items in the 2012 budget and the background checks completed.

A7310.1128 Labor – Girl's Lacrosse Camp Employees

Heidi Lott –Apalachin as Girl's Lacrosse Camp Director at pay rate \$400.00 salary
Melanie Patterson –Vestal as Girl's Lacrosse Camp Instructor at pay rate \$100.00 salary
Dave Williams - Vestal as Girl's Lacrosse Camp Director at pay rate \$550.00 salary

A7310.1024 Girl's Cheerleading Camp Employees

Renee Anderson –Vestal as Cheerleading Camp Instructor at pay rate \$160.00 salary
Brooke Bucinell –Vestal as Cheerleading Camp Instructor at pay rate \$160.00 salary
Katherine Donlin –Vestal as Cheerleading Camp Director at pay rate \$600.00 Salary
Jessica Feldman –Vestal as Cheerleading Camp Instructor at pay rate \$160.00 salary

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Shanel Ginyard – Vestal, as Cheerleading Camp Instructor at pay rate \$110.00 salary

Maggie Sullivan –Vestal Cheerleading Camp Instructor at pay rate \$160.00 salary

A7310.1123 Basketball Camp Employees

Rob Carr - Apalachin as Basketball Camp Coach at pay rate \$410.00 salary

Jesse Fey – Binghamton as Girls Basketball Camp Coach at pay rate \$410.00 salary

Patrick Gray - Vestal as Assistant Basketball Camp Director at pay rate \$410.00 salary

Ryan Hayes - Port Crane as Basketball Camp Director at pay rate \$650.00 salary

Mark Prutisto - Port Crane as Basketball Camp Coach at pay rate \$410.00 salary

Claude Sharpe - Brooklyn as Girls Basketball Camp Coach at pay rate \$410.00 salary

A7310.1131 Volleyball Camp Employees – (Three Camps)

Amanda Buchta –Vestal as Volleyball Camp Instructor at pay rate \$125.00/camp - one camp

Amanda DeAngelo – 1105 Vestal Rd., Vestal as Volleyball Camp Instructor at pay rate \$125.00/camp - two camps

Lindsey Marsh – Vestal as Volleyball Camp Instructor at pay rate \$125.00/camp - two camps

Joseph Nemecek –Apalachin as Volleyball Camp Director at pay rate \$500.00/camp - 3 camps

Katie Rogan –Vestal as Volleyball Camp Assistant Dir. at pay rate \$250.00/camp - one camp

Katie Rogan – Vestal as Volleyball Instructor at pay rate \$125.00/camp - one camp

Ashleen Speen –Vestal as Volleyball Camp Instructor at pay rate \$75.00/camp – one camp

Kristen Willets – Apalachin as Volleyball Camp Instructor at pay rate \$125.00/camp – one camp

RECEIVE AND FILE –

- **Minutes of Vestal Fire Advisory Board Meeting** – June 18, 2012
- Letter dated July 11, 2012 from **Cynthia S. Westerman** regarding Hydrofracking in Vestal
- **Vestal Historic Preservation Commission** – July 9, 2012 – Current list of designated local landmarks.

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END OF CONSENT AGENDA

COMMITTEE CHAIR COMMENTS AND UPDATES

Councilman Marnicki – NYS will be spending millions on flood related projects. They will be building a permanent pumping station on Pumphouse Road. We don't know how big it will be. They will not be doing anything in Twin Orchards or Pearl Street. He is very sorry about this.

Supervisor Schaffer – We are trying to get pumps installed in the Twin Orchards area in the next phase of the FEMA mitigation program.

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**

ADDITIONAL PUBLIC COMMENTS

Speaker: Congratulates the Town for a job well done in completing the Main Street construction project.

Approximately 15 speakers addressed the Board. A synopsis of the comments is as follows:

- DEC should address the issue of dredging the river
- The Town and School District should convert their vehicles to compressed natural gas. They will save money and it is good for the environment.
- Councilman Majewski -- just begun looking into this. Compressed gas is two dollars less per gallon than gasoline. Also, has asked the Town Attorney to look into the removal of the islands in the river.
- Barron's had an article concerning energy production in the United States. As of April, natural gas has tied with coal at 38% of power production.
- Corning has a natural gas pipeline from Pennsylvania that is delivering gas at a price that is equivalent to 28 cents a gallon of gasoline, delivered at the gasoline equivalent price of \$1.40 per gallon.
- There is a meeting on August 8th from 7 – 9 pm at the Owego Free Academy Auditorium concerning drilling and its potential threat to our aquifers.

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- Many of the statements made about fracking chemicals lack facts. Halliburton has been fracking since 1947. They use 99.5 % water and sand and .5% of other chemicals.
- There are concerns about chemicals being illegally dumped by truckers.
- While one percent of chemicals seems like it is a small amount, each well can use 2.5 million gallons of water per day. One percent is 25,000 gallons of chemicals per day per well.
- Many chemicals are dangerous even if the concentration is small. The fracking industry is exempt from the Clean Water Act reporting of chemicals
- Most gas pads are permitted at 4 million gallons of water per day (there are 6 to 8 wells per pad). The Susquehanna Basin Commission estimates that the total number of gallons of water used in Pennsylvania on average is 3.82 million (+ 530,000 gallons of used water) per pad. These facts contradict the previous speaker's comments about the amount of water being used at the gas well sites.

ADJOURNMENT

On a motion of Councilman Marnicki, seconded by Councilman Majewski, the meeting was adjourned at 6:58 PM. Carried unanimously.

Approved by _____
Emil Bielecki, Town Clerk