

Regular Meeting of the Vestal Town Board August 22, 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 West, Vestal, NY on August 22, 2012.

TOWN BOARD PRESENT:

**Deputy Supervisor Fran Majewski
Councilwoman Patty Fitzgerald
Councilman David Marnicki
Councilman Steve Milkovich**

ABSENT: Supervisor John Schaffer

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young and approximately 75 members of the community.

Deputy Supervisor Majewski 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:

Deputy Supervisor Majewski made the following comment:

The Town Clerk has been receiving calls from people stating they have received phones messages asking them to come to a Town Board meeting because of an important item on the Agenda. The messages do not identify on whose behalf the calls are being made or specify what item on the Agenda they are referring to. To avoid needless confusion and concern, we ask anyone who may be involved in making these calls, to identify themselves and the topic on the agenda they are referring to when calling or leaving messages.

APPROVAL OF MINUTES

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

ADOPTED	Ayes	4	Majewski, Fitzgerald, Milkovich, Marnicki
	Nays	0	
	Absent	1	Schaffer

Resolved the Minutes of the Regular Meeting on August 8th, 2012 are approved.

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PRIVILEGE OF THE FLOOR (Agenda Items Only):

Speaker: Commends the Town for its maintenance on rural roads however, the Highway Department is using a *grader* instead of a paver and it does not put a good finish on them. He is concerned that we are only doing this on the rural roads and would not use this type of workmanship on any other Town roads. Valuable material is being used with a second grade application process. The surface finish is horrible. To see what he is referring to, Ridge Road and West Hill are good examples.

Councilwoman Fitzgerald – This came up at the last meeting. This happened on Grippen Hill Road as well. The roads must set for a year before they can be completed. Noyes road is complete if he would like to see an example.

Councilman Milkovich stated that he will look into this.

Speaker: There is still a lot of gravel on the roads as well --- Meeker Rd. in particular. He saw Noyes Road and is not impressed.

Speaker: Asked if our attorney is drawing a salary plus being paid for billable hours. We are doing too many budget transfers. The motions on spending for lawsuits should provide a running total of expenditures. When capital projects are being closed, the motions should state how much money is involved. Why do we need more money to pay our retirement bill? He is still expecting information that was promised to him by the Supervisor. What happened to the 3 million dollars that we just borrowed?

Councilman Marnicki – The 3 million that we borrowed was to clean up from the flood. We will be reimbursed by FEMA. The shortfall for the NYS Retirement bill was due an extra pay period and more money spent on labor.

RESOLUTIONS & MOTIONS

Hiring of crossing guards

R228-12 On a motion of Councilman Marnicki, seconded by Councilman Milkovich, the following was

ADOPTED	Ayes	4	Majewski, Fitzgerald, Milkovich, Marnicki
	Nays	0	
	Absent	1	Schaffer

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Resolved to **hire as crossing guards** Richard Meade of 932 Lehigh Street, Vestal and Robert Searing of 336 Oak Street, Vestal. One will assume the fill-in position and the other will fill a vacated position. Background checks have been completed.

Special Meeting on August 27, 2012

Councilman Milkovich – This lease agreement is a win/win for the Town and is the result of a team effort by the Town. The soft opening date is October 1, 2012 and the official opening is planned for April 1, 2013.

R229-12 On a motion of Councilman Marnicki, seconded by Councilman Milkovich, the following was

ADOPTED Ayes 4 Majewski, Fitzgerald, Milkovich, Marnicki
 Nays 0
 Absent 1 Schaffer

Resolved to schedule a **Special Meeting** for 5:30 PM on Monday, August 27, 2012 for the purpose of authorizing the **Coal House lease agreement** with M Squared.

Lease Agreement – NYSDOT – Vestal Trail Section 2 Project

R230-12 On a motion of Councilman Marnicki, seconded by Councilman Milkovich, the following was

ADOPTED Ayes 4 Majewski, Fitzgerald, Milkovich, Marnicki
 Nays 0
 Absent 1 Schaffer

Resolved to authorize the Supervisor to sign a **lease agreement with NYSDOT**, for the area north of SR 17, between the Choconut and Castle Gardens Road for use in the Vestal Trail Section 2 project. This agreement replaces R015-11 of January 26, 2011.

Pelletier Appointed as Court Attendant

R231-12 On a motion of Councilman Marnicki, seconded by Councilwoman Fitzgerald, the following was

ADOPTED Ayes 4 Majewski, Fitzgerald, Milkovich, Marnicki
 Nays 0
 Absent 1 Schaffer

Resolved to authorize the Court to appoint **John Pelletier as Court Attendant**, at \$40.00 per session effective immediately. Since John Pelletier is currently a police officer, a background check and drug test are not necessary.

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Close Capital Projects

R232-12 On a motion of Councilman Marnicki, seconded by Councilwoman Fitzgerald, the following was

ADOPTED Ayes 4 Majewski, Fitzgerald, Milkovich, Marnicki
 Nays 0
 Absent 1 Schaffer

Resolved to close the following **capital projects**:

- 2005 Field Improvements (H0305.27100)
- 2005 Ford Tract Park Study (H2205.27100)
- 2005 Castle Gardens Park Study (H2305.27100)

Funds will be transferred to the appropriate reserve funds, as required by statute.

Close Capital Project

R233-12 On a motion of Councilman Marnicki, seconded by Councilman Milkovich, the following was

ADOPTED Ayes 4 Majewski, Fitzgerald, Milkovich, Marnicki
 Nays 0
 Absent 1 Schaffer

Resolved to adopt a Resolution to close the **2006 Town Hall Improvement Study** (H1206.21900). Unexpended funds will be returned to the general fund, as there are no reserve requirements on these funds.

CONSENT AGENDA

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

ADOPTED Ayes 4 Majewski, Fitzgerald, Milkovich, Marnicki
 Nays 0
 Absent 1 Schaffer

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

PUBLIC WORKS - Marnicki/Milkovich

Easements for Creek Bank Slope Repair

R234-12 Authorization to **accept two permanent easements and one temporary easement** for Weis Market and 910 Tracy Creek Road locations.

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Advertise Bids for Creek Bank Slope Repair

R235-12 Authorization to approve **advertising** for **Weis Market and 910 Tracy Creek Road Creek Bank Slope Repair** on August 29, 2012 with bid opening on September 10, 2012.

Reject Bids and Re-Advertise Bids for Combination Sewer Cleaner

R236-12 Authorization for the Town Attorney to reject all bids received for **Combination Sewer Cleaner** and for the **Town Attorney to re-advertise** on August 29th, 2012 for bids on a Combination Sewer Cleaner with a bid opening on September 6, 2012 at 2:00 PM in the Town Clerk's Office.

Budget Transfers for Highway to Special Paving Line

R237-12 Authorization for the **Comptroller** to perform a **budget transfer** of \$7,416.00 from the stone line and \$110,000.00 from the oil line to the **special paving line** for the Highway Department allowing them to continue using their grader to patch and pave our country roads and to seal those roads in 2013.

Out of Title Wages for Scott Walter – Highway Department

R238-12 Approval to pay Out of Title wages to **Scott Walter**, Highway Department Medium Equipment Operator, the difference between medium and heavy rate for 47 days (376 hours).

Establish Consolidated Extensions

R239-12 Approval of the establishment of the following extensions: (The Public Hearing was held on August 8th, 2012.)

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

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FINANCE – Majewski/Marnicki

Receive and File

Warrants: 2012 – 2012 –32 2012-33 2012 -32E

Billable Hours for Town Attorney

R240-12 Authorization for the Business Office to pay a voucher for the **Town Attorney billable hours** for the period ending July 2012 in the amount of **\$1987.50** (\$1287.50 is for tax cases and \$700 is non tax cases).

Transfer Funds to cover shortfall in amount due for 2012 NYS Retirement

R241-12 Authorization for the Comptroller to **transfer funds** as follows to cover the shortfall in the 2012 bill for **NYS Retirement**:

FUND	NYS 2012 Projection @ 9/1/2011	NYS 2012 Projection @ 8/2/2012	SHORTFALL in 2012 Budget	Budget Transfers to cover Shortfall
General	\$337,500	\$379,926	-\$42,426	Contingency, A1990.4322 = \$12,013 Fund Balance, A1011.1011 = \$31,000
General - Police	\$545,000	\$560,196	-\$15,196	Police Salaries, A3120.1010 = \$8,600 School Guards, A3120.1031 = \$4,000 Spec.Off, Emerg. A3120.1032 = \$2,700
Library	\$51,500	\$50,010	\$1,490	
Highway	\$238,000	\$248,671	-\$10,671	Hwy. Labor, D5110.1020 = \$11,000
Fire	\$5,200	\$5,672	-\$472	Health Ins., F9901.9002 = \$475
Water	\$126,500	\$140,332	-\$13,832	Insurance, W8310.4070 = \$10,000 Summer Labor, W8340.1034 = \$4,000
	\$1,303,700	\$1,384,807	-\$81,107	

Ahmuty, Demers & McManus – Legal Services re Candlehouse vs TOV

R242-12 Approval to pay an invoice for legal services rendered to **Ahmuty, Demers & McManus** in the amount of **\$10,242.61** in the **Candlehouse vs Town of Vestal** for services to August 9, 2012.

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PUBLIC SAFETY – Fitzgerald/Milkovich

Approval of Fire Members

R243-12 Authorization by the Board of Fire Commissioners approving the following **three new members** to the Vestal Fire Department:

Station 1 - Tyler Hinds

Station 2 - Timothy Carden

Station 4 - Deron Biechele

Approval of Stop Sign – Country Club and Deerfield

R244-12 Approval to install a **STOP** sign on the southern corner of **Country Club Road & Deerfield Place**.

Approval of No Parking Signs – Edward Street

R245-12 Approval to install **NO PARKING** signs (8:00 am to 4:00 pm Monday-Friday) on the east end of **Edwards Street** adjacent to the cul-de-sac to allow the Broome County handicapped bus the space to turn around without having to back up.

RECREATION – Fitzgerald/Milkovich

Hire Recreation Part-Time Employees and Perform Budget Transfer

R246-12 Authorization for the **Recreation Planner** to **hire** the following employees at the pay rates budgeted in the 2012 budget, for baseball camp and field hockey camp and to approve the **transfer of \$300 from A2007.2007 (revenue) to A7310.1127 (baseball camp labor)** to bring on one additional employee to accommodate a larger camp than was anticipated.

A7310.1127 Labor – Baseball Camp Employees

Nicholas Anderson – Vestal as Baseball Camp Instructor at pay rate \$200.00 Salary

Shawn May – McGraw as Baseball Camp Director at pay rate \$650.00 Salary

Sean Mullins – Vestal as Baseball Camp Instructor at pay rate \$125.00 Salary

Lawrence Williams –Endwell as Baseball Camp Assistant Director at pay rate \$425.00 Salary

Troy Wilson – Vestal as Baseball Camp Instructor at pay rate \$100.00 Salary

A7310.1129 Labor – Field Hockey Camp Employee

Brianna Yetsko – 518 S. Jensen Rd., Vestal as Field Hockey Camp Director at pay rate \$600.00 Salary

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RECEIVE AND FILE

- ★ **Fire Advisory Board Meeting Minutes** – July 16, 2012
- ★ **New York State DEC** – Notification dated July 31, 2012, of deletion of Site -2, 517 Prentice Road from the NYS Registry of Inactive Hazardous Waste Disposal Sites.

END OF CONSENT AGENDA ADDITIONAL PUBLIC COMMENTS

Approximately 20 speakers addressed the Board. A synopsis of the comments is as follows:

- Speaker: Lives on Old Vestal Road and was a victim of the September 2011 flood. He has been working with Chip McElwee of the Broome County Soil & Water Conservation Districts and with business and community members to make improvements to protect us from future flood events. He wants to do debris removal and possibly put in retention ponds. He is very much upset at the fact that the Town of Vestal is not permitting them access to certain areas. He was told by the Town Engineer that he cannot cross Vestal property. Congressman Schumer says he will get involved if needed. This work is being paid for by donations coming from local businesses. He has had no problem with the officials in Endicott to do this work. He needs to begin working in Vestal now and feels that he is being obstructed. Response: Councilman Majewski stated that he wants to be sure that he has applied for and received all of the necessary permits. Councilman Milkovich stated that he would speak with the Town Engineer and set up a meeting to work through the issues.
- Several members of the Broome County Medical Society voiced their concerns about drilling and fracking. Many physicians in Broome County believe that we need a moratorium on gas drilling.
- The medical community would like more data concerning the chemicals being used in hydrofracking. Data collection from the Department of Health should not take long to attain. It is prudent to study this matter before we allow drilling and fracking. We should have a moratorium while data is being collected.
- Speakers who comment on gas drilling should disclose if they have a financial interest.
- There has been a moratorium on hydrofracking for the last four years in NY State. We can obtain much of the data from DEC. Too many statements on drilling are based on fear. The existing research should be utilized and we should follow the guidelines of the State DEC.

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- Fresh water is rare and precious resource. Climate change is already having an affect on our water. We cannot take the chance of contaminating our area's fresh water.
- The DEC study does not include a health impact assessment. We should do a health impact study in New York or at least wait while Guthrie and Geisinger finish theirs in Pennsylvania.
- Requesting a moratorium is not a political issue, it is a health issue.
- Hydrofracking has been used in the United States for over 60 years. There is a long term evidence path if anyone wants to investigate. The health agencies have nothing to report.
- Gas drilling presents significant liability and health issues. The State will not adequately protect us during the drilling process.
- If the Federal government took over the control of gas drilling, they wouldn't have to follow any regulations.
- There are many doctors in local gas coalitions who support safe drilling.
- The Town should hold informational meetings concerning this issue. We can't afford to defer to other authorities.
- There are many for sale signs in rural Vestal. Perhaps it is because of the reassessment. The new assessments are based on highest and best use rather than the current use. The sharp increase in taxes is forcing people to sell land. Drilling is a way for landowners to be able to pay these new taxes. It is unfair of people not living in the rural areas to try to prevent rural property owners from leasing their land for gas drilling.
- Maybe people are selling *before* the drilling begins. Maybe they are afraid of what may come.
- Our geology is different than that of other states like Texas. We have many fault lines.
- Hydraulic drilling is different from conventional drilling. This is a more dangerous form of drilling. The DEC's mission is not to declare drilling safe.
- There is concern about reports around the country of illnesses and various health symptoms near drilling locations. We need a health impact assessment from the Government.
- The Town should pass a moratorium on things which current data proves are dangerous to your health like cigarettes, chewing tobacco and vehicles. There is no data determining that gas drilling is a dangerous activity so why pass a moratorium on it?

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- Summer baseball report – the leagues are volunteer organizations and over 8,000 hours of community service went into it. We appreciate what the Town does for us.
- In-ground pools in Vestal require fences around them and the Town needs to enforce that requirement uniformly.
- An individual expressing an interest in building a commercial wind farm was directed to contact Code Director Mark Dedrick.
- There are unreasonable restrictions being imposed on people wishing to address the Board at the meetings. Also, the time change for the Board meetings should not have been done without taking into consideration how it would affect the people. Response: Councilman Milkovich expressed strong disagreement with the allegations, noting that everyone who wished to speak at this meeting was allowed to do so.

SUPERVISOR'S ANNOUNCEMENTS

- DEC still has in effect a no burning ban through October if you have questions call the Fire Department at 748-1514 Ext 383.
- 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**

ADJOURNMENT

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

Approved by _____
Emil Bielecki, Town Clerk