

## **Regular Meeting of the Vestal Town Board September 26, 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 September 26, 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, 1<sup>st</sup> Deputy Town Clerk Kathie Young and approximately 40 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 Marnicki, seconded by Councilman Majewski, the following resolution was

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

Resolved the Minutes of the Regular Meeting on September 12, 2012 are approved.

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

Speaker asked about the location of the Rail Trail Section II. Response: it stretches from Castle Gardens entrance to Main St.

Speaker expressed opposition to spending money on an expert witness for the Candlehouse lawsuit. Supervisor Schaffer responded that this is the price of litigation on an issue that is important to the Town.

Speaker questioned budget transfer of \$3,800. Supervisor's response: money was moved from other areas to the IT Department to purchase warranty extensions on computers and for various software updates. Supervisor Schaffer again reminded the speaker that if he wants more detail he needs to come in during work hours and not grandstand at the meetings.

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**RESOLUTIONS & MOTIONS**

**Speed Signs on Rail Trail**

Councilman Majewski explained that this motion was prompted by an accident on the Rail Trail in which a woman was hurt by a bicyclist. This was a very serious accident. We are trying to protect the people walking on the trail.

**R276-12** On a motion of Councilman Majewski, seconded by Councilman Marnicki, the following resolution was

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

Resolved to grant retroactive approval authorizing the Parks Superintendent to install **10 MPH speed limit signs on the Rail Trail.**

**Accept 2013 Proposed Vestal Fire District Budget**

Councilwoman Fitzgerald stated that we are lucky to have these volunteer firefighters. They do a good job.

Supervisor Schaffer stated that the Fire Department budget has a 0% increase.

**R277-12** 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 to adopt a Resolution accepting the **2013 Proposed Vestal Fire District Budget** dated September 25, 2012 and totaling \$1,223,495.00.

**Hire Debra Wallace Part-Time Clerical Position in Assessor's Office**

Councilman Majewski was reassured that there is still a 0% increase in Assessor's budget. Filling this position is important to the Assessor's Office and this Town. Debra Wallace, who is also the Town Tax Collector, is highly knowledgeable with the functions of the Assessor's office.

**R278-12** 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 to authorize **Mark A. Minoia, Assessor** to hire **Debra Wallace** to the vacant part-time clerical position in the Assessor's Office at 20 hours per week at a

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starting rate of \$8.66 per hour Monday through Friday 8 a.m. to 12 p.m. with a start date of October 1, 2012.

This position is clerical in support of daily assessment operations, exemption reporting, data entry and continuation of annual revaluation program.

### **NYS Department of Financial Services to Use Library Parking Lot**

**R279-12** On a motion of Councilman Majewski, seconded by Councilman Milkovich, the following resolution was

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

Resolved to authorize the **NYS Department of Financial Services** to use the Vestal Library parking lot on Thursday, October 4<sup>th</sup>, 2012 from 8:30 am to 6 pm when they will hold a **Foreclosure Assistance Program** which will run 10 am through 6 pm. An *Indemnification Agreement* is to be signed.

### **Advertise Bid for Vestal Trail Section 2**

**R280-12** 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 to give retroactive authorization to advertise to bid the **Vestal Trail Section 2** as authorized by the FHWA (Federal Highway Administration) on September 12<sup>th</sup>, 2012 and by NYSDOT on September 14<sup>th</sup>, 2012.

The advertisement was placed within the NYS contract reporter on 9/24/12 and the Town Crier on 9/26/12 with bid opening on Monday, October 15, 2012 at 2:00 pm in the Town Clerk's Office.

This will add 1.46 miles to the present 2.1 miles of Section #1. We have \$1,803,000 within the ARRA (American Recovery Reinvestment Act) funding agreement with NYSDOT.

### **Vestal Youth Football League to Hold Night Games at Arnold Park**

Councilman Milkovich - this will be the first time that the children in this league have played under the lights.

**R281-12** On a motion of Councilman Marnicki, seconded by Councilman Milkovich, the following resolution was

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

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Resolved to authorize the **Vestal Youth Football League** to use the baseball field at Arnold Park to play under the lights for four football games with the condition that repairs for any damage done to the field, as determined by the Parks Superintendent Jim Bukowski, will be paid for by the Vestal Youth Football League.

- ◆ Saturday October 21 – Lower Division Consolation game at 2 PM and Superbowl at 5pm under the lights.
- ◆ Sunday October 22 – Middle Division Consolation game at 2 pm and Superbowl at 5pm under the lights.

### **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**

##### **Easements for African Road Bridge Replacement**

**R282-12** Motion authorizing the Town Engineer to notify the property owners of 401 African Road and 317 African Road of the Town's wish to compensate the owners the two values noted by the appraiser as follows:

\$300 for 401 African Road

\$600 for 317 African Road

for the **temporary easements** needed during the construction for the **African Road Bridge Replacement, PIN 9753.76**. It is noted that the Town Board concurs with the value placed by the appraisals received.

##### **Award Bid for Creek Bank Slope Repair - 910 Tracy Creek and 925 Main Street (Weis Market)**

**R283-12** Authorization for the Town Attorney to draw the appropriate paperwork **awarding** to the low bidder **JB Excavating**, 2213 Long Creek Road, Apalachin, NY the bid for the **Creek Bank Slope Repair - 910 Tracy Creek and 925 Main Street (Weis Market)** at bid price of **\$97,350.00**. These are funded by NRSC at 75% and Broome County Soils at 25%.

#### **FINANCE – Majewski/Marnicki**

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### Receive and File:

- Warrants: 2012-37E, 2012-38L, and 2012-38

### Services for Cassandra Bransford for Candlehouse v TOV

**R284-12** Approval for the Business Office to pay the balance for the services of **Cassandra Bransford, PhD**, in the amount of **\$2300** for expert time and costs re: Candlehouse vs. Town of Vestal.

### Budget Transfers - IT Department for 2012

**R285-12** Authorization for the **Deputy Comptroller** to perform the **Budget Transfers** as needed for the **IT Department for 2012** as noted in her memo dated September 21, 2012.

<b>From Line Item</b>	<b>To Line Item</b>	<b>Amount Requested</b>	<b>Explanation</b>
1010	4499	\$2,925	Partial Migration to Windows 7
1010	4440	\$3,493	Warranty Extension 24 PC
1010	4499	\$3,800	Munis Informix Conv SQL

### Town of Vestal 2013 Dog Shelter Agreement

**R286-12** Authorization for the Supervisor to sign the **Town of Vestal 2013 Shelter Agreement** for with the **Vestal Veterinary Hospital**, 2316 Vestal Parkway East, Vestal, New York under the same terms as the 2013 Agreement.

### Approval to Submit Justice Court Assistance Program Grant (JCAP)

**R287-12** Authorization for the **Justice Court** to submit the appropriate paperwork for a **Justice Court Assistance Program Grant (JCAP)** in an amount up to the maximum available for the purchase of new workstations and cabinets and authorization for the Supervisor to sign.

### EMPLOYEES – Fitzgerald/Marnicki

#### Out of Title Pay for Highway Employees

**R288-12** Approval to reimburse **Donnie Younker** for **Out of Title Pay** – Medium Equipment Operator as Heavy Rate (128 days) and **Matt Millard** Light Equipment Operator as Medium Rate.

#### Budget Transfers for Grant Work

**R289-12** Approval to transfer **\$2,000** from **A1620.4000** to payroll line **A1460.1030** for Ruth Lewis to finish **Coal House grants**.

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### Town Engineer to Attend Classes

**R290-12** Authorization for the **Town Engineer** to attend classes at Binghamton Holiday Inn on October 16, 2012 from 8:30 am to 4:00 pm. The classes provide for **6 credit hours toward his PE license requirement** of 12 per year at a cost of \$100.00. Additionally, the Business Office is authorized to reimburse him if he pays early to avoid late registration fee of \$20.

### PUBLIC SAFETY – Fitzgerald/Milkovich

#### Fire Training

**R291-12** Approval by the Board of Fire Commissioners of the following:

1) Lt. Andy Nazak to attend NYS Outreach Course - Rescue Tech Basic starting October 2nd at West Windsor Fire Department. There is no cost associated with this class only for VFBL Coverage.

2) Sacha Sigelman-Schwartz to attend NYS Outreach Course - Fire Police October 23rd at Endwell Fire Department. There is no cost associated with this class only for VFBL Coverage.

3) Philip W. Walter to attend NYS Outreach Course - Rescue Tech Basic starting October 2nd at West Windsor Fire Department, NYS Outreach Course – Fire Officer I starting November 12<sup>th</sup> at West Corners Fire Department, NYS Outreach Course - Confined Space Awareness starting January 28, 2013 at Port Crane Fire Station.

#### Award the Bid for Firefighter Protective Clothing

**R292-12** Approval by the Board of Fire Commissioners authorizing the Town Attorney to **award the bid for Firefighter Protective Clothing to Fire-End and Crocker for the amount of \$2053.80 for each set.**

#### Fireworks Permit to the Student Association of Binghamton University

**R293-12** Authorization on the recommendation the **Code Enforcement Office** to grant a conditional (retro) **Fireworks Permit** to the **Student Association of Binghamton University** at Binghamton University Campus on Saturday October 13, 2012. A final permit will be issued only after a satisfactory site approval inspection, performed prior to the actual event, finds the applicants are in compliance. Police, Fire and EMS will be notified.

### RECEIVE AND FILE

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- ◆ Letter from Town Engineer, Gary Campo, dated 9/21/12, to Pam Eshbaugh, PE, Regional Planning and Program Manager NYSDOT – Re: PIN 989070, Contract D033825, April 27-May 8, 2011 Storm, Sheedy Road
- ◆ Fire Advisory Board Meeting Minutes – August 20, 2012

### **END OF CONSENT AGENDA**

#### **ADDITIONAL PUBLIC COMMENTS**

Approximately 10 speakers addressed the Board. A synopsis of the comments is as follows:

- How will the 10 MPH speed limit on the Rail Trail be monitored? Supervisor Schaffer explained that the police will monitor and we will rely on citizens. We can't have anyone hurt.
- The Coalhouse lease agreement is not clear concerning timeframe of rental payments. Town Attorney Berger response: the contract is clear.
- \$483 per month for the rent at the Coalhouse is very low and we should have asked for 30 percent of the net profits not the gross profit. There is no security deposit. The out clause is great for the Lessor but not for the Town. We are locked in to 10 years. The space was to be used for town offices, instead we're paying \$25,000/year for leased property. The Town got the short end of both sides of these leases.
- Signs should be installed to keep people from parking on the side of the Parkway for the Farmer's Market at the Library location.
- During the road construction on Carol Avenue, the highway employees were kind to a fault but a better effort should be made to keep residents informed about road projects in their neighborhood.
- The Fire Department responded to over 60 calls for Binghamton University this year. We are running the wheels off our equipment. In addition, we cover NYSE&G emergency calls. Something must be done. Councilman Marnicki noted that we cover the University because a mandate from the County.
- The change of times for the Town Board meeting should not have been made without input from the residents. Supervisor Schaffer replied that the change was well received during trial period with only 2 complaints.
- In response to a question about the transfer of a police vehicle to the Fire Department, Supervisor Schaffer explained that the vehicle had 150,000 miles and has a bad transmission. No money changed hands. Each department filled a need.

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- The Town does too many budget transfers meaning that departments are not staying within their budgets.
- In response to a statement that the Town is borrowing too much, Supervisor Schaffer responded that the debt payments are spread out over time and manageable. We are only at about 1/10<sup>th</sup> of our borrowing limit.
- When will Hawthorne Street be repaired? Supervisor Schaffer -- there are no plans to repair this street until the drainage is fixed. That problem needs to be resolved first.
- The lighting in the Town Board Room need to be fixed.

### Drilling and Fracking:

- Speaker referenced an article from *Radioactive Waste Management Associates* citing instances of high radioactive and chemical readings attributed to drilling and fracking.
- References made about a doctor leaving the area due to concerns about gas drilling have been refuted by that person. Others disagreed.
- A referenced study done by Dr. Walter Hang, President of an Ithaca-based environmental database firm Toxics Targeting claims that the DEC itself reported billions of gallons of brine and waste water was dumped illegally in fields, pits and streams. Many abandoned gas and oil wells continue to pose environmental risks. DEC's own records contradict their public assertions about their oversight. These facts are in the DEC's annual reports of over 2 decades. With that kind of a track record in the past, we cannot count on this agency to protect us.
- Speaker noted that the Vestal Conservation Advisory Report on gas drilling has good recommendations. The report is on the Town's website at [vestalny.com](http://vestalny.com). Supervisor Schaffer's comment: the Town Board has made decision to wait for the State to act and then respond accordingly to protect the interests of the Town.
- A resident with a family history in Vestal dating back to 1870's commends the Board for managing the budget well during a difficult time, but with taxes being so high, cannot imagine why the Board would not be looking for new sources of revenue.
- Our problems are not on the cost side. It is on the revenue side.
- A member of the Conservation Advisory Committee (CAC) urged the Town Board to become more familiar with their work.
- What will happen to property taxes if we have drilling? Councilman Marnicki stated that according to the Assessor, gas drilling will have no



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impact on property assessments. Drilling revenue will be derived from an ad valorem tax based on the production of the wells.

Supervisor Schaffer noted that the DEC monitors all kinds of drilling including geothermal heating for two new school buildings.

### **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 remainder of 2012:
  - **Town Board Work Sessions will begin at 6:00 PM**
  - **Town Board Regular Sessions will begin at 6:00 PM**

### **ADJOURNMENT**

On a motion of Councilman Marnicki, seconded by Councilman Majewski, the meeting was adjourned at 7:25 PM. Carried unanimously.

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