

Regular Meeting of the Vestal Town Board October 10, 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 October 10th, 2012

TOWN BOARD PRESENT:

**Supervisor John Schaffer
Councilwoman Patty Fitzgerald
Councilman David Marnicki**

**Absent: Councilman Fran Majewski
Councilman Steve Milkovich**

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young, Recreation Director Sue Jastran, Fire Department President Hugh Reynolds and approximately 20 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:

Presentation from the Vestal Elks to Fund the Town of Vestal Annual Easter Egg Hunt

Vestal Elks Exalted Ruler Jim Sicignano was joined by Vestal Elks Past Exalted Ruler John Gardner in presenting a donation in the amount of \$2,000 to the Town of Vestal Recreation Director Sue Jastran to help the Town to bring back the Annual Easter Egg Hunt. This yearly tradition, normally attended by over 800 children, was eliminated in 2009 do to budget cuts.

Jim Sicignano explained that Promise Grants offer Lodges a chance to be a positive influence in their communities by hosting events that builds the character and competence of local youth. Promise Grants encourage Elks to actively engage with youth. The Elks hope to use this grant to sponsor the Annual Easter Egg Hunt for years to come in an effort to help our Town and our community.

The Elks National Foundation Community Investments Program invests \$6.5 million in Elks communities through Lodge grants that help Elks meet local needs. These grants offer the Lodge an opportunity to serve their community and

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hopefully be better for it. The Town of Vestal is encouraged to apply for more grant money for other activities and unmet needs.

Councilwoman Fitzgerald, who also serves as the treasurer for the Vestal Elks, noted that for the last 15 years, the Vestal Elks have distributed dictionaries to third graders. She thanked the Elks for their community service.

APPROVAL OF MINUTES

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

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer
Nays 0
Absent 0 Majewski, Milkovich

Resolved the Resolved the Minutes of the Regular Meeting on September 26, 2012 are approved.

BID OPENINGS none

PRIVILEGE OF THE FLOOR (Agenda Items Only)

Speaker asked who was responsible for finishing the second floor of the Coalhouse and noted that some exterior items need repair. Supervisor's response: the lessee will finish it.

Supervisor Schaffer stated that the Town Parks Department was instructed not to work at the Coal House other than to finish the lawn and the railing for the bathroom. The Parks Superintendent wants the work to be completed and does much of this work on his own time.

Speaker objected to the hiring of a grant writer and to paying Town Board members when they are absent at meetings. Supervisor's response: the grant writer is coming back to complete some work so that the Town can get reimbursed. Elected officials are not required to attend meetings—they put in a lot of time.

RESOLUTIONS & MOTIONS

R294-12 On a motion of Councilman Marnicki, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer
Nays 0
Absent 2 Majewski, Milkovich

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Resolved to hire **Ruth Lewis** for grant work at the rate of **\$19.95 per hour with a maximum of \$2000** (the amount of the budget transfer approved on September 26, 2012).

CONSENT AGENDA

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

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer
Nays 0
Absent 2 Majewski, Milkovich

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

PUBLIC WORKS: Marnicki/Milkovich

Agreement for NYSDOT - SR 434/Rano/Sycamore

R295-12 Authorization to **adopt a Resolution** and **authorize the Supervisor to sign an agreement** regarding the intersection of **SR 434/Rano/Sycamore reconstruction by NYSDOT** as follows:

Resolution Granting the State of New York Authority to Perform the Adjustment for the Owner and Agreeing to Maintain Facilities Adjusted Via State-let Contract **WHEREAS**, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of "NYS Route 434/Rano Boulevard/Sycamore Road Interchange Improvement." in the Town of Vestal located in Broome County, PIN 9038.16, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the relocation and adjustment to sanitary lines, water mains and appurtenances, pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plan sheets UDT-01. UDT-02. DRUP-02. DRUP-03, DRUP-04 & Special Note for Owner Water Requirements and Sewer Manhole & relating to the above mentioned project.

NOW, THEREFORE, BE IT RESOLVED: That the Town of Vestal approves of the relocation and adjustment to their sanitation line, water mains and appurtenances and the above mentioned work performed on the project and

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shown on the contract plans relating to the project and that the Town of Vestal will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED that the Town of Vestal, Supervisor, has the authority to sign, with the concurrence of the board, any and all documentation that may become necessary as a result of this project as it relates to the Town of Vestal, and

BE IT FURTHER RESOLVED: That the clerk of the Town of Vestal is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

This agreement allows the DOT to relocate a hydrant and replace a sanitary manhole, plus some miscellaneous items relating to water and sewer. The planned scope of work has been reviewed by the Water Superintendent.

Town Attorney to Advertise Bids

R296-12 Authorization to reject all bids received for the Combination Sewer Cleaner and for the Town Attorney to re-advertise on October 17, 2012 with bid openings on October 23, 2012 at 2:00pm.

FINANCE: Majewski/Marnicki

Receive and File:

- ◆ Warrant Reports – 2012–38E 2012-39E 2012-40F 2012–39 and 2012-40
- ◆ Town Clerk Monthly Report – September 2012 - \$5,732.69
- ◆ Comptroller’s Monthly Report - September

Voucher Legal Services – Hickey & Gates

R297-12 Authorization for the Business Office to pay a voucher for the legal service of Hickey & Gates in the amount of \$350.50 for Williams vs. Town of Vestal.

PLANNING & ZONING: Milkovich/Fitzgerald

Vestal Sertoma to Use Vestal Library Parking Lot

R298-12 Authorization for the Vestal Sertoma Club, pending the signing of an Indemnification Agreement, to use the Vestal Library parking lot on November 11, 2012 to the park cars of those taking part in a bus trip to Mohegan Sun at Pocono Downs.

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Vestal Sertoma to Use Vestal Library Parking Lot

R299-12 Authorization for the **Vestal Sertoma Club**, pending the signing of an **Indemnification Agreement**, to use the Vestal Library parking lot on December 8, 2012 for a chicken BBQ fundraiser.

PUBLIC SAFETY: Majewski/Fitzgerald

Approval for Fire Station 2's Fundraisers

R300-12 Approval from the Board of Fire Commissioners for the Vestal Fire Department Membership for **Station 2's Firemen Breakfasts and Station 2's Ladies Auxiliary Soup and Salad Dinners** being held on following dates at Vestal Fire Department Station #2.

Auxiliary Soup and Salad

10/27, 11/17, 1/26, 2/23, 3/16 - Time: 4:00 pm till gone

Firemen's Breakfast

12/9, 2/10, 4/14 - Time 7:00 am till 11:30 am

Additionally, approval is given for coverage time for the entire day which includes personnel to set up, the event itself and clean up. A sign in sheet will be used to track personnel at this event.

RECREATION: Fitzgerald/Milkovich

Town Attorney to Draft Local Law and Advertise Public Hearing

R301-12 Authorization for the **Town Attorney to draft a local law permitting the use of alcohol in the pavilions at Arnold Park** and to **advertise on October 17, 2012 for a public hearing** to be held at a Special Meeting of the Town Board to be scheduled for Monday, October 29, 2012.

RECEIVE AND FILE

- ◆ Letter dated October 3, 2012 from **Vestal Fire Chief McPherson** declining the transfer of the retired Durango from the Police Department.
- ◆ Liquor License – New Application – *Thailianos* - 1708 Vestal Parkway East

END OF CONSENT AGENDA

ADDITIONAL PUBLIC COMMENTS

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Speaker thanked Councilwoman Fitzgerald and Councilman Marnicki for attending a meeting concerning the affects of gas drilling on the tax base. She also noted that FEMA will not buy-out properties to have gas leases and insurance companies will not pay for damages caused by gas drilling. 1.86% of the increase in the Town 2013 budget is the result of the homes lost during the flood. The Town may experience more tax losses because of gas drilling.

Councilman Marnicki – The insurance companies are private and their activity has nothing to do with the Town. To get an idea about the impact of these issues, we can see what is going on Pennsylvania.

A synopsis of other comments is as follows:

- Referenced article from Bloomberg: Cabot Oil hired scientists from Duke University who found that Dimmock Hill, PA water had a chemical fingerprint that proved that contamination was from fracking.
- Ethylene glycol is being found among the chemicals in contaminated water wells.
- The DEC regulates but they don't have the resources to enforce.
- If drilling is allowed in Vestal, the property taxes will decrease.
- Referenced article in the Press and Sun Bulletin: Windsor is getting tax assistance from drilling activity, in this case a gas pipeline. As a result of built pipeline, the land value increased by \$29 million dollars. Windsor's tax levy went up, but they paid 5.8 percent less in the property tax bills. Drilling in the town of Vestal will mean increased valuations and lower taxes.
- There have been many health scares throughout the years. In the early 90's, electric magnetic fields (EMF's) were the concern. People living under power lines were concerned about their health. Nothing has come of it.
- Raising taxes by \$50.00 dollars is not a problem. If we cut too much we will suffer for it. We have good services. We need to maintain what we have. Don't cut the budget so much that it hurts us in the future.
- Please come up with ideas for grants from the Elks Club. They really want to help.

Supervisor Schaffer – We are working on the budget. The tentative budget has a 9.28% increase. The County will not be raising our sales tax share to 50% as promised. We would be fine if they did.

SUPERVISOR'S ANNOUNCEMENTS

**Regular Meeting of the Vestal Town Board
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- ◆ **DEC** burn ban will expire on October 11, 2012 if you have questions call the Fire Department at 748-1514 Ext. 383
- ◆ The Vestal Highway Department will begin **Leaf Pick Up** on Monday October 15, 2012 – Place leaves curbside. Leaves **ONLY!** No sticks or brush.
- ◆ **Public Hearing on proposed Fire Department 2013 Budget** on October 16, 2012 at 6:00pm. A copy of the proposed budget is available on the Town Website: vestalny.com and also at the Office of the Town Clerk of the Town of Vestal at 605 Vestal Parkway West and Fire District Secretary at 605 Vestal Parkway West where it may be inspected by any interested person during office hours 8:00am to 4:30pm.
- ◆ **Broome County Legislature Meeting** – October 18, 2012.

OTHER NEW BUSINESS

Reimbursement of Expenses to Fire Chief Rose

R302-12 On a motion of Fire Commissioner Fitzgerald, seconded by Fire Commissioner Marnicki, the following resolution

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer

Nays 0

Absent 2 Majewski, Milkovich

Resolved by Board of Fire Commissioners to approve, with proper documentation, the reimbursement of \$147.96 to Assistant Chief Rose for meal expenses that were incurred by several members assigned to look at various different kinds of rescue vehicles at different Fire Departments. The reimbursement rate is as per 506 Expense Reimbursement of the Employee Handbook. This will come from line F3410 4030.

ADJOURNMENT

On a motion of Councilman Marnicki, seconded by Councilwoman Fitzgerald, the meeting was adjourned at 6:55 PM. Carried unanimously.

Approved by _____
Emil Bielecki, Town Clerk