

Regular Meeting of the Vestal Town Board October 24, 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 24, 2012

TOWN BOARD PRESENT:

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

ABSENT: Councilman David Marnicki (arrived at 6:30 PM)

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, Fire Chief Pat McPherson, Library Director Carol Boyce, 1st Deputy Town Clerk Kathie Young 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 Councilman Milkovich, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, and Schaffer
Nays 0
Absent 1 Marnicki

Resolved the Minutes of the Regular Meetings on October 10 and 16, 2012 are approved.

BID OPENINGS

The Supervisor *Offered Proof of Posting and Affidavit of Publication* regarding bids for **Rail Trail Section II** which were received and opened in the Town Clerk's Office on October 15, 2012 with the following results:

Procon Contracting LLC - P.O. Box 1037, Vestal, NY 13850	\$2,049,000.00
Bothar Construction LLC - 170 East Service Road, Binghamton, NY 13901	\$2,270,888.37
Broome Bituminous - 416 Vestal Road, Vestal, NY 13850	\$2,177,333.00
WM Schultz Construction - 831 State Route 67, Ballston Spa, NY	\$2,442,860.75
Gorrick Construction - 27 Track Drive, Binghamton, NY 13904	\$2,343,821.80
Tri-City Highway Products - 145 Podpadic Road, Richmondville, NY	\$2,743,359.00

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The Supervisor *Offered Proof of Posting and Affidavit of Publication* regarding bids received and opened in the Town Clerk's Office on October 23rd, 2012 for the Sewer Department **Combination Sewer Cleaner**.

Eagle Equipment \$289,208.00
3388 Route 22 West
Branchburg, NJ 08876

Joe Johnson Equipment Inc. \$288,539.00
62 LaGrange Avenue
Rochester, NY 14613

PRIVILEGE OF THE FLOOR (Agenda Items Only)

Speaker objected to closing Rail Trail for a race sponsored by a private company and that Parks employees were working near the Coal House. Supervisor Schaffer responded that we are in a partnership with the company to open the Trail for special activities and events. The Parks employees were finishing up some work that was not the responsibility of the company that leases the Coal House.

Speaker questioned the Town's involvement with a for-profit company and feels that it sets a bad precedent.

Councilman Milkovich stated that by leasing the Coal House we are putting to use a building that sat vacant for 7 years. We entered in this arrangement to do something that is positive for the community. Supervisor Schaffer added that it is better to have the building occupied.

When asked to explain the service fee for Penflex, Supervisor Schaffer stated that when you have a defined benefit plan, you need to have an actuary. It is mandated by law. The costs come from the Fire District.

Speaker stated that Board members should not be paid if they are absent.

RESOLUTIONS & MOTIONS

Advertise Public Hearing for the 2013 Town Budgets

R303-12 On a motion of Councilwoman Fitzgerald, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, and Schaffer
 Nays 0
 Absent 1 Marnicki

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Resolved to authorize the **Town Attorney to advertise on October 31, 2012 for a Public Hearing for the 2013 Town of Vestal Preliminary and Special District Budgets** on November 7th, 2012 at 6:00 PM in the Vestal Town Board Room.

Supervisor Schaffer – every year, because if we are on a 2 percent tax levy, we need to adopt this incase we cannot meet it.

Advertise Local Law to Override Tax Levy Limit

Supervisor Schaffer stated this needs to be done as a precautionary measure in the event that the Board is not able to stay below the 2% tax levy cap.

R304-12 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was
ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, and Schaffer
Nays 0
Absent 1 Marnicki

Resolved to authorize the **Town Attorney to draw a Local Law to *Override the Tax Levy Limit Established in General Municipal Law Section 3-c* and to advertise** on October 31, 2012 for a Public Hearing on November 7th, 2012.

Target Communications – Vestal Street Maps

R305-12 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was
ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, and Schaffer
Nays 0
Absent 1 Marnicki

Resolved to approve the letter, to be signed by the Supervisor, to be used by **Target Communications** in a project which will update the **street map** of the Town of Vestal and the immediate surrounding area, and make maps available for free public distribution. There is no charge to the Town.

Race on Rail Trail

R306-12 On a motion of Councilman Majewski, seconded by Councilman Milkovich the following resolution was
ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, and Schaffer
Nays 0
Absent 1 Marnicki

Resolved to authorize **M Squared** to hold a **4-mile race** on November 11, 2012 at 1:00 PM on the **Rail Trail**. In addition, they will be allowed to set up a few tables

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with canopies for use by the organizers. The Town Board approves the closure of the Trail for a couple hours for the event, and will provide some safety cones, water jugs, a bullhorn and some temporary paper laminated signage indicating the closure. The Town has no expenses in providing these items. An Indemnification Agreement with the Town is required.

Advertise Public Hearing for Local Law Amending Sewer Rents

R307-12 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, and Schaffer
Nays 0
Absent 1 Marnicki

Resolved to authorize the Town Attorney to **draw a local law amending sewer rents** and to **advertise** on October 31, 2012 for a **Public Hearing** on November 14, 2012.

Award David Avenue Water Crossing

R308-12 On a motion of Councilwoman Fitzgerald, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, Schaffer
Nays 0
Absent 1 Marnicki

Resolved the to **award the bid for the David Avenue Water Crossing** to the low bidder, Procon Contracting LLC, 100 Vestal Rd., P.O. Box 1037, Vestal NY 13850 in the amount of **\$45,650.00**.

CONSENT AGENDA

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

ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, and Schaffer
Nays 0
Absent 1 Marnicki

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

PUBLIC WORKS: Marnicki/Milkovich

Parks to Sell Boom Sprayer

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R309-12 Approval for the **Parks Department to sell**, via Auction International, one **Boom Sprayer** that is no longer needed.

Undertaking for NYS DOT

R310-12 Authorization for the Supervisor to **sign an Undertaking for the New York State DOT** in connection with all operations and/or actions undertaken within the NYSDOT ROW by the Town of Vestal Water Department.

Amendment and Notice of Grant and Agreement

R311-12 Authorization for the Supervisor to sign an **Amendment and Notice of Grant and Agreement** form regarding 3 project amendments for the work the Town is doing for the **Natural Resources Conservation Service** at Weis Market, 910 Tracy Creek and Norris area and Rayelene area.

FINANCE: Majewski/Marnicki

Receive and File

Warrant Reports – 2012 –40E 2012 -41E 2012-42L
2012 –41 2012 -42

Fees for Legal Services for Town Attorney

R312-12 Authorization to submit payment to **David Berger, Town Attorney** for **legal services** in the amount of \$1550 for the period September 1, 2012 through September 30, 2012.

Service Fee Agreement with Penflex

R313-12 Authorization for the Chairperson of the Board of Fire Commissioners to sign the Service Fee Agreement with Penflex in the amount of \$5,800, permitting them to provide the Vestal Fire District actuarial and administration services for the 2012/2013 Service Award Program (**LOSAP**).

EMPLOYEES: Fitzgerald/Marnicki

Re-Appoint Mark Johnson to the Zoning Board of Appeals (ZBA)

R314-12 Authorization to re-appoint Mark Johnson to the Zoning Board of Appeals effective January 1, 2013. This term is to expire December 31, 2017.

Conservation Advisory Commission (CAC) Appointments

R315-12 Authorization to appoint and re-appoint the following as CAC members:

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- ◆ Appoint Richard Pastore to the CAC as an alternate effective October 25, 2012. This term is to expire December 31, 2013.
- ◆ Appoint Victor Lamoureux to the CAC as a member effective October 25, 2012. This term is to expire December 31, 2013.
- ◆ Re-appoint Stephen Appel, Linda Green and Michael Restuccia to the CAC as members effective January 1, 2013. These terms are to expire December 31, 2014.
- ◆ Re-appoint Cole Moore to the CAC as an alternate effective January 1, 2013. This term is to expire December 31, 2014.

Re-Appoint Schaewe to the Library Board of Trustees

R316-12 Authorization to re-appoint Cathy Schaewe to the Library Board of Trustees effective January 1, 2013. This term is to expire December 31, 2017.

Dental Benefits

R317-12 Authorization to offer a voluntary dental benefit to eligible Town employees through Excellus with no additional cost to the Town.

PLANNING & ZONING: Milkovich/Fitzgerald

Approval for Use of Library Parking Lot

R318-12 Authorization for Middle East Cultural Foundation Inc. to use the library parking lot on October 29, 2012 for a Doug's Fish Fry fundraiser. An indemnification agreement is to be signed.

R319-12 Authorization for the Binghamton Amateur Radio Association (BARA) to use the library parking lot on May 19, 2013 for a Chicken BBQ fundraiser. An indemnification agreement is to be signed.

PUBLIC SAFETY: Majewski/Fitzgerald

Fundraisers for Fire

R320-12 Approval from the Board of Fire Commissioners for the Vestal Fire Department Membership and Auxiliary for Company # 2 and Company # 3's Bake Sale on Tuesday, November 6th from 6am to 9pm at Vestal Fire Department Station 2 at Route 26 South in Vestal Center and Station # 3, Owego Road in Ross Corners.

Additionally, approval is granted for coverage time from 6am to 9pm. A sign in sheet will be used to track personnel at this event.

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Fire Training

R321-12 Approval by the Board of Fire Commissioners for the following Fire Training:

1. Lt Andrew H Nazak III to attend NYS Outreach Course: Principals of Fire Investigation starting October 30 at Chenango Bridge Fire Department. No cost for this course.

2. Firefighter Hank Masti to attend NYS Outreach Course: Fire Police October 23rd at Endwell Fire Department. No cost for this course.

3. Lt Andrew H. Nazak to attend NYS Fire Fighters weekend at the National Fire Academy in Emmitsburg, MD March 9-10, 2013 at a cost of \$200 for meals and Lodging at the Academy. This is Budgeted for 2013 under line F3410 4030.

4. 12 members to attend “How To Nail Your First Due Strategic Responsibility”. Sponsored by the Chenango County Bureau of Fire on October 30th at Norwich High School. No cost for this course.

The Fire Department **training vehicle will be used for transportation.**

Police to Sell Vehicles

R322-12 Authorization for the **Police Department** to sell two retired police vehicles, which are no longer in service via **Auction International.**

The vehicles are as follows:

Vehicle Year & Make	Miles	VIN
2003 Chevrolet Impala	78,543	2G1WF55K439349567
2006 Dodge Durango	151,807	1D4HB48N36F177414

The vehicles will be sold in “as is”, “where is” condition.

Police to Purchase Tasers

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R323-12 Authorization for the Police Department to purchase two Taser units from Taser International for a total of \$1643.95. Funding will be taken out of the Asset Forfeiture line A3120-2626R.

RECREATION: Fitzgerald/Milkovich

Rec to Part Time Employees

R324-12 Authorization for the **Recreation Director to hire the following employees**. All employee pay rates are budgeted items in the 2012 budget and the background checks has been completed.

A7310.1022 Labor - Lifeguards for Family Swim

Elizabeth Faughnan - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.
Emily Fox - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.
Sam Gaynes - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.
Jeffrey Klein - Apalachin as Family Swim Lifeguard at pay rate \$9.25/hr.
Anthony Michaels - Apalachin as Family Swim Lifeguard at pay rate \$9.25/hr.
Cal Michaels - Apalachin as Family Swim Lifeguard at pay rate \$9.25/hr.
Hannah Mieczkowski - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.
Shane Murdock - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.
Peggy Pan - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.
Jaclyn Ruhl - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.
Catherine Spivak - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.
Derek Wang - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.
Steven Wendell - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.
Sam Yoon - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.

A7310.1025 - Teen Basketball Supervisor

Mark Prutisto - Port Crane as Teen Basketball Supervisor at pay rate \$750.00 salary.

A7310.1125 - Field Hockey League Director

Kelcy Wickman – Vestal as Field Hockey League Director at pay rate \$600.00 salary.

RECEIVE AND FILE:

- ◆ Fire Advisory Board Meeting Minutes – September 17, 2012
- ◆ Letter dated October 8th, 2012 from Richard E. Pastore, Ph.D. – CAC Member requesting appointment as an Alternate Member of CAC

END OF CONSENT AGENDA

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Supervisor Schaffer received a letter stating that the board is rude and obnoxious. He disagrees. The Board members are always respectful to the people. Everyone is welcome to come in or call. He feels that the person who wrote that letter is a liar. It is totally untrue.

ADDITIONAL PUBLIC COMMENTS

Supervisor Schaffer expressed anger about a letter that someone is circulating that characterizes the Board as rude and obnoxious. The letter is totally inaccurate.

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

- The Penn State students who were going into the road and requesting donations from drivers who are waiting for a light on Rano Boulevard are creating a dangerous situation. Councilman Majewski response: will ask the Police Chief to contact Penn State asking them to cease this activity.
- The elimination of funding for book purchases at the Library will hurt the neediest segment of our population.
- The proposed elimination of the children's librarian is a bad idea.
- The library cuts are awful and there should be an outreach to the local service organizations and to the public for support.
- You cannot totally decimate a baseline book budget because once the collection is lost it is very difficult to recover. The library needs help from both the Town and the County.

6:30 – Councilman Marnicki arrived.

Library Director Carol Boyce stated that she spoke at a meeting of County Legislators and informed them that the book budget was being cut and the children's program may be eliminated. The legislators were appalled and promised to seek additional support. She presented the Board with petitions and letters urging the Town to reinstate the funding for the library.

Supervisor Schaffer noted the County has drastically reduced funding for the Library. He has addressed the County Legislature concerning this issue. If the County would return back to the 50% split in the sales tax we would have no problem. The County put their excess in their contingency rather than share with the Towns. We are doing the best we can.

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- ◆ The Parks Department should consider going to a two-shift system to reduce overtime and the dispatcher position should go to the County.
- ◆ The Town should consider turning the Ford Tract into a nature trail
- ◆ Most Rail Trail users are not from Vestal and we have support it.
- ◆ Is there a way to get out of the Rail to Trail II? Can't we eliminate the bridge or put in a pedestrian bridge? Supervisor Schaffer responded that if we cancel the project, we would be throwing away \$275,000. He has contacted our State and Federal representative seeking assistance.

Donation from VeRSE for Library Books

A member of the **Vestal Residents for Safe Energy** announced that the organization will donate \$1,000 for books for the Library.

R325-12 On a motion of Councilman Milkovich, seconded by Councilman Marnicki, the following resolution was

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

Resolved to **accept a donation of a \$1,000 donation from VeRSE** for the purchase of Library books.

Additional comments about gas drilling

- The health issues should be resolved before gas drilling is allowed.
- The Fort Work area has been hydrofracking without major problems and the community is thriving. We are worried about finding money for our budget but gas drilling may be the answer.
- No fracking should be done under the Ford Tract.
- There is a vertical well on Echo Road. It is a test well.

Councilman Marnicki noted the New York State has control over all oil and gas exploration

Town Attorney Berger - the courts are deciding if Home Rule applies to drilling and hydrofracking.

Councilman Milkovich noted that the Vestal Beautification Program is doing a great job on the Parkway. Betty Engle is organizing the effort. They are looking at placing some trees in the medians. Those wishing to help can contact him.

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OLD BUSINESS

Adoption of the 2013 Fire District Budget will be held until the Comptroller receives the final figures from the Workman's Compensation carrier. The vote on the budget is expected to be on October 29th.

SUPERVISOR'S ANNOUNCEMENTS

- ◆ The Town of Vestal Highway Department has begun leaf pickup. Place leaves curbside. Leaves ONLY! No sticks or brush.
- ◆ **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

- ◆ **Public Hearing – October 29th, 2012** - Proposed Local Law "C" of the Year 2012 entitled: *"A Local Law repealing current Town Code sec. 16-28 and replacing it with a new sec. 16-28 entitled "Alcoholic Beverages"*.
- ◆ **GENERAL ELECTION - TUESDAY, NOVEMBER 6, 2012** - Polls are open 6:00 a.m. - 9:00 p.m. For information, call the Board of Elections at 607.778.2172. The Town of Vestal offices will be closed on Election day.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilman Marnicki, the meeting was adjourned at 7:16 PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk