

## **Regular Meeting of the Vestal Town Board November 7<sup>th</sup>, 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 November 7<sup>th</sup>, 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, Secretary to the Supervisor Tonya Pinney, Comptroller Laura McKane, Town Historian Margaret Hadsell, President of the Library Board Gordon Allen 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:

### **APPROVAL OF MINUTES**

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 the Minutes of the Regular Meeting on October 24 and October 31<sup>st</sup> of 2012 are approved.

### **PUBLIC HEARINGS**

#### **2013 Town of Vestal Preliminary Budget**

The Supervisor offered *Proof of Posting* and *Affidavit of Publication* regarding the Public Hearing for the 2013 Town of Vestal Preliminary Budget. He then opened the hearing with the following PowerPoint presentation:

#### **Tax Levy Cap Summary**

- The tax levy cap is determined by a complex formula.
- Tax Cap limits total levy set by local government, not tax rate.

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- Local governments may not adopt a budget that requires a tax levy that exceeds the cap unless the governing board first adopts a local law (or resolution) to override the tax levy limit
- However, the formula can result in a levy that exceeds the prior year's levy by more than 2 percent
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### **Other Factors**

- Exclusions for Pension Contributions (adds over \$26,000 to our cap)
- Tax Base Growth Factor, determined by NYS (adds over \$74,000 to our cap)
- Given these factors, Vestal's Levy Limit is 3 percent higher than the 2012 Levy

### **Town of Vestal Tax Cap**

Tax Levy Limit	\$10,068,761
Special District & DS Fund Proposed Tax Levy 2013	<u>\$ 2,338,979</u>
Balance of Levy Limited Available for General, Library & Highway Funds	\$ 7,729,782
Levy Per 2013 Preliminary Budget	<u>\$ 7,630,630</u>
Difference between Levy Limit & Proposed Levy	<b>\$ 99,152</b>

**Preliminary Budget is within the levy limit**

### **2013 ENVIRONMENT**

#### **Slow Growing or Declining Funding Sources**

- Decline in Fund Balances and Reserves
- Loss of Assessments
- Sales Tax Capped by Broome County
- Loss of State Aid
- Low Interest Rates

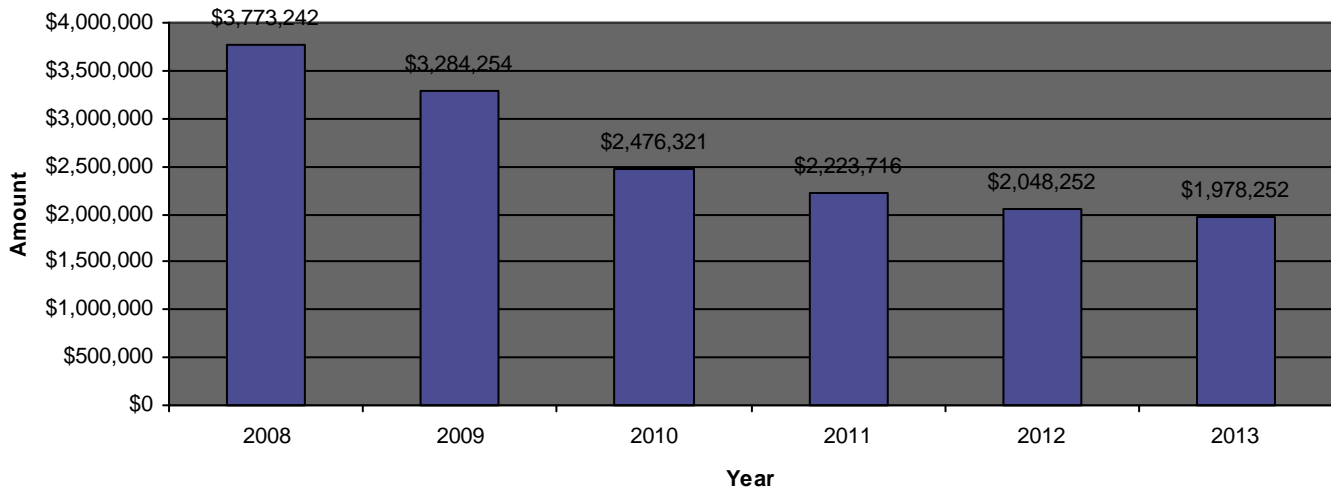
#### **Higher Costs – Over \$500,000**

- Mandated Pension Contributions
- Contractual Obligations
- Debt Service
- Fuel
- Health Insurance

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**Fund Balance History  
(2012 and 2013 Estimated)**

**Balances will be at or below Recommended Best Practices**



**What Actions Did We Take?**

- Cut Spending
- Conservation Land Management of Parks
- Used Some Fund Balance and Reserves

**Major Cuts to Mitigate Tax Increase**

Unfilled Vacancies	(\$ 81,500)
Contingency	(\$ 15,000)
Library Books and Periodicals	(\$ 10,000)
Library Part Time Labor	(\$ 29,000)
Cuts to Seasonal & Part Time Labor	(\$ 58,500)
Parks Field Maintenance, Topsoil and Grass Seed	(\$ 4,000)
Closed Museum	(\$ 18,000)
School Guards Reduced	(\$ 21,000)
Road Materials and Paving	(\$ 142,500)
	<u>(\$ 379,500)</u>

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**SUMMARY OF BUDGET**

Non Property Tax Revenue (Sales Tax and Land Management)	↑	\$ 280,640
Fund Balance and Reserves Available	↓	( <u>\$328,446</u> )
Total Change in Funding	↓	(\$ 47,806)
Costs	↑	( <u>\$146,924</u> )
Shortfall = Tax Increase		(\$194,730)

**TOWN WIDE FUNDS**  
**(General, Library, Highway)**  
**COMPARISON**

	2013	2012	DIFF	% Change
Total Spending	\$16,177,679	\$16,030,755	\$146,924	.9%
Non Property Tax Revenue	\$8,373,093	\$8,092,453	\$280,640	3.5%
Fund Balance & Reserves	\$173,956	\$502,402	(\$328,446)	(65.4%)
Real Property Taxes	\$7,630,630	\$7,435,900	\$194,730	2.62%
Tax Rate Per \$1,000	\$4.1664	\$3.9867	\$.1797	4.51%

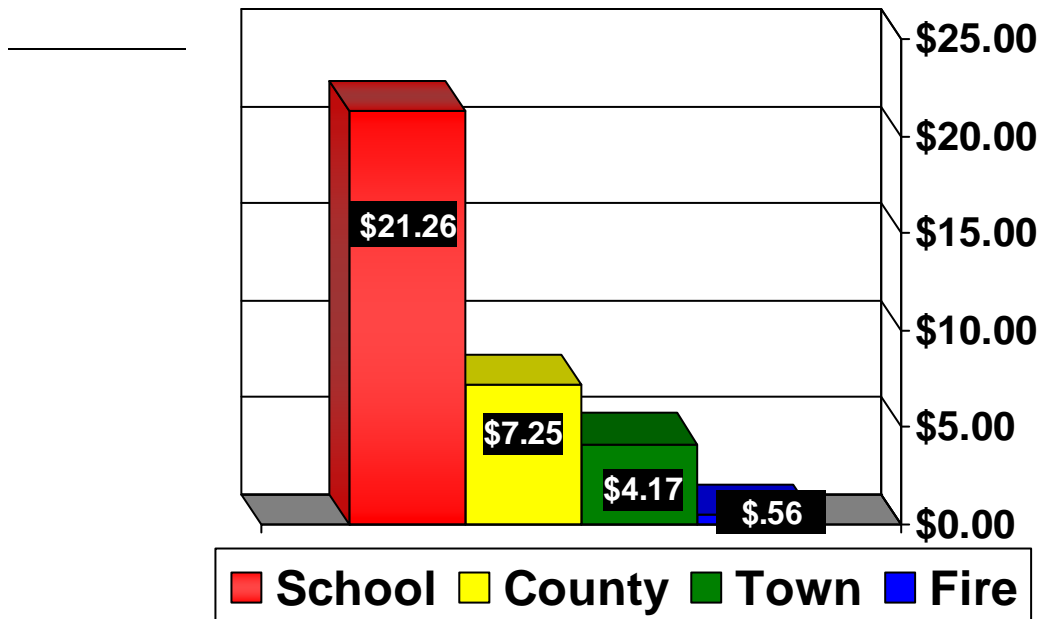
**PRELIMINARY BUDGET TAX RATE**

	Change per
<b><u>4.51% Rate Change</u></b>	<u>\$1,000 of Assessment</u>
General Fund	\$ .1863
Library Fund	\$ (.0136)
Highway Fund	<u>\$ .0070</u>
	\$ .1797

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Tax increase with a median assessment of \$150,000 would be:  
\$26.96 annually or \$.51 per week

### Summary of Your Tax Bills Per Thousand of Assessment



#### Tax Dollar Break Down

- Vestal School \$ .63
- Broome County \$ .22
- Town of Vestal \$ .13
- Vestal Fire Department \$ .02

Total \$1.00

Consistent ratio for last three years or more

#### Actions Being Considered

Reduce Recreation Events

Closing of Parks

Layoffs

Increase Fees

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The Supervisor stated that we will receive an extra \$61,100 from the County but if the County returned to the 50/50 sales tax split as promised, we would not have a fiscal shortfall in this budget. Instead, we needed to make some difficult cuts.

The Comptroller explained that if we were to go back to a 50/50 split of sales tax revenues we would have an additional \$500,000 in revenue.

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

- A senior citizen and a retiree and is against the increases tax as well as fees that we are being charged. We went through a revaluation to help balance the tax load. We cannot continue funding things as we are. We need to do with less. He wants a zero tax increase.
- Gordon Allen – Member of Vestal Historical Society expressed support of keeping open the Vestal Museum. To keep it open will only cost residents one one-thousandth of one percent. The Museum is a vital part of our community. He is asking to keep the two part time positions to keep the Museum open. We can cut the Museum and other things out but soon we will have no community - no parks, no library and no museum. If the town can provide \$13000 to \$20,000 they could keep the museum open 3 days a week. The Depot is a symbol of Vestal. He asks the Board to reconsider.
- There is concern about the \$150,000 being taken from the Highway Funds as well as what will happen to the artifacts at the Museum if it closes.
- The things that the Supervisor refers to as LUXURIES are the things that bring people to our area. These are the things that define a community.
- A librarian suggested that the Town hire a grant writer and aggressively pursue grants to fund the library. Councilman Marnicki noted that because we are considered a wealthy town, grant funding sources are limited.
- Home schooling is prevalent in this area and new books are important. *Googling* is no substitute for a Library. In 2010, the Town budgeted a little over \$741,000 for the Library. The 2013 budget shows only \$599,000.
- The library or Town should solicit service organizations for donations.

Supervisor Schaffer stated that in 2009 the County gave us \$242,000. This year they gave us \$64,000. This is a four County Library and 50 percent of the people who use it are not Vestal residents. Yet everyone wants Vestal to carry the burden. You need to call your County Legislators.

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- Jones Park should not be logged. The project should be abandoned. Donations for use of the trails should be considered for a revenue source. Supervisor Schaffer response- management of our forest areas has been recommended by professionals.
- Jones Park is a real gem and logging in it would be destructive.
- Town should be careful not overdue it with the budget cuts. We are going to get hurt if we do not keep up with our capital projects.
- The assessor and tax offices should be moved to the Library building.
- We should, as in the past, include revenue from the sale of scrap metal. This money could be used for the Library and the Museum. Supervisor Schaffer responded that he is not aware of any scrap metal that could be sold at this time.
- The money that would be spent on an environmental study of Jones Park should instead be used to fund the Library.
- The Broome County Executive did not return to the 50/50 sales tax split as promised. People should attend her open meetings and start asking her about it. She says she listens to the people.
- At the recent Association of Towns Meeting, Supervisor Schaffer asked for the 50/50 split of sales tax money.

Councilman Marnicki stated that he voted against the preliminary budget because we are cutting too much. We are cutting the amenities. They are the reasons that people come to live in Vestal.

Seeing or hearing no one else wishing to speak, the Supervisor closed this Public Hearing.

### **Proposed Local Law “D” of the Year 2012**

The Supervisor offered *Proof of Posting* and *Affidavit of Publication* regarding **Proposed Local Law “D” of the Year 2012** - A Local Law to Override the Tax Levy Limit Established in General Municipal Law Section 3-c.

**Section 1. Legislative Intent.** It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Vestal pursuant to General Municipal Law, Section 3-c, and to allow the Town of Vestal to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

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**Section 2. Authority.** This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorized the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

**Section 3. Tax Levy Limit Override.** The Town Board of the Town of Vestal, County of Broome is hereby authorized to adopt a budget for the fiscal year of 2013 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law. Section 3-c.

**Section 4. Severability.** If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

The Supervisor opened the Public Hearing and seeing or hearing no one wishing to speak, he closed this Public Hearing.

### **RESOLUTIONS & MOTIONS**

#### **Town Hall offices to close on December 24<sup>th</sup> and December 31<sup>st</sup>, 2012**

**R332-12** 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 authorize the **closing of the Town Offices on Monday, December 24<sup>th</sup>, 2012 and Monday, December 31<sup>st</sup>, 2012.** All employees impacted by this closing will be required to use vacation time, other available paid time off, make up time or go without pay on these days. In no way should this closing be construed as the granting of additional paid time off to employees or of the granting of additional holiday time.

### **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



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Station 2's Ladies Auxiliary Soup and Salad Dinners being held on following dates at Vestal Fire Department Station #2.

### Auxiliary Soup and Salad

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 until 11:30 am

- ◆ **Public Hearing for the Special Districts Budget** will be held on November 14<sup>th</sup>, 2012 at 6:00 PM in the Vestal Town Board Room.
- ◆ **Public Hearing regarding Local Law "E" of the Year 2012** - Amending Sewer Rents will be held on November 14<sup>th</sup>, 2012.
- ◆ **Public Hearing regarding 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" will be held on November 14<sup>th</sup>.
- ◆ The Vestal Fire Department will be collecting items this weekend to donate to the victims of the recent storm in downstate New York and New Jersey.

### NEW BUSINESS

#### Additional Fire crew sent to assist in storm damaged downstate area

Councilman Majewski stated that the first crew that was sent to the area was credited with saving 2 lives. He applauds them for their hard work and supports providing additional assistance.

**R333-12** 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 permission to send a second Fire Department crew to provide assistance to the storm damaged New York City area.

### ADJOURNMENT

On a motion of Councilman Marnicki, seconded by Councilman Majewski, the meeting was adjourned at 7:08 PM. Carried unanimously.

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