

Regular Meeting of the Vestal Town Board DECEMBER 12, 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 December 12, 2012.

TOWN BOARD PRESENT:

**Supervisor John Schaffer
Councilman Fran Majewski
Councilman David Marnicki
Councilman Steve Milkovich**

ABSENT: Councilwoman Patty Fitzgerald

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young and approximately 45 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:

Certificates of Appreciation to Firemen

Supervisor Schaffer thanked the Fire Department for all the work they have done for *Super Storm Sandy* victims. They raised much money and gathered and delivered two tractor trailer loads of supplies.

Councilman Majewki and Fire Station 3 Chief Ron Birdsall presented Certificates of Appreciation to the following volunteers who were present at the meeting: William McGuire, Jane Foland, Dustin McCartney, Mike Petcosky, Justin Petcosky, Kevin White, Hugh Reynolds, Walter Rochester, Kahl Miller and those who were absent: Scott Orcutt, Sacha Singleman-Schwartz, Derek Waddell, Brian Dunham and Robert Hamilton.

Brian Tyrell donated the tractors and Roger's Trucking donated trailers to haul the donated items to the Super Storm Sandy victims in Oceanside, New York.

It was noted that in the course of their work downstate, our volunteers were directly involved in saving a life. We are extremely proud of our volunteers.

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APPROVAL OF MINUTES

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

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

Resolved the Minutes of the Regular Meeting on November 28th, 2012 are approved.

PRIVILEGE OF THE FLOOR (Agenda Items Only)

Seeing or hearing no one wishing to speak the Supervisor closed the Privilege of the Floor.

RESOLUTIONS & MOTIONS

Sale of Bond Anticipation Note

R363-12 On a motion of Councilman Majewski, seconded by Councilman Marnicki, the following resolution was

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

Resolved to authorize the sale of a **Bond Anticipation Note** in the amount of **\$546,000** to the **Insurance Reserve Fund** at an interest rate of .65% per annum. Such notes shall be dated December 20, 2012 and mature on May 17, 2013.

Bond Resolutions Adopted

R364-12 On a motion of Councilman Majewski, seconded by Councilman Marnicki, the following resolution was

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

A RESOLUTION AUTHORIZING, SUBJECT TO **PERMISSIVE REFERENDUM**, THE **RECONSTRUCTION OF ROADS THROUGHOUT AND IN AND FOR THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,300,000, AND AUTHORIZING THE ISSUANCE OF \$1,300,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.**

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R365-12 On a motion of Councilman Majewski, seconded by Councilman Milkovich, the following resolution was

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

A RESOLUTION AUTHORIZING, SUBJECT TO **PERMISSIVE REFERENDUM**, THE **PURCHASE OF EQUIPMENT FOR CONSTRUCTION AND MAINTENANCE PURPOSES**, IN AND FOR THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF **\$140,000**, AND AUTHORIZING THE ISSUANCE OF **\$140,000 BONDS** OF SAID TOWN TO PAY THE COST THEREOF.

R366-12 On a motion of Councilman Majewski, seconded by Councilman Marnicki, the following resolution was

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

A RESOLUTION AUTHORIZING THE COST OF THE PURCHASE OF A **NEW GENERATOR FOR TOWN HALL**, FOR THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF **\$125,000**, AND AUTHORIZING THE ISSUANCE OF UP TO **\$125,000 BONDS** OF SAID TOWN TO PAY THE COST THEREOF

R367-12 On a motion of Councilman Majewski, seconded by Councilman Marnicki, the following resolution was

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

A RESOLUTION AUTHORIZING THE COST OF **THE PURCHASE AND INSTALLATION OF COMPUTER SOFTWARE, HARDWARE AND OTHER RELATED EQUIPMENT**, FOR THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF **\$95,000**, AND AUTHORIZING THE ISSUANCE OF UP TO **\$95,000 BONDS** OF SAID TOWN TO PAY THE COST THEREOF.

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Hire Mark Johnson – Building Maintenance Man

R371-12 Authorization for **Town Engineer, Gary Campo**, to hire, **Mark Johnson**, of Vestal, to the position of *Building Maintenance Man* to work part-time with no benefits at the rate of \$19.00 per hour beginning January 2, 2013.

Approvals of Vacation Carry Over for Employees

R372-12 Authorization for the following **Highway Employees** to **roll over vacation over and above the 5 allowed days** to 2013: Roger Burd (10 days), John Cederborg (5 days), Charles Martens Jr. (7 hours), Greg Burd (1.5 days), Brock Leonard Jr. (1.5 days)

R373-12 Authorization for **Park's Department** employee **Kevin Hiller** to roll over 50 hours of vacation to 2013.

Reimburse Town Attorney for Legal Services

R374-12 Authorization for the **Business Office** to pay David Berger, **Town Attorney** for **legal services** for the month of November totaling 15 hours and 45 minutes for a total of **\$2512.50**.

PLANNING & ZONING: Milkovich/Fitzgerald

Boy Scouts to Use Library Parking Lot

R375-12 Retroactive authorization for **Boy Scout Troop #225** to use the library parking lot December 1– December 24, 2012 to sell Christmas Trees. Indemnification Agreement is to be signed.

Relay for Life to Hold 5K Run/Walk

R376-12 Authorization for **Relay for Life Western Broome** to use Owego Road and some of the surrounding roadways on April 28, 2013 for the ***Pink Elk 5K Run/Walk*** of 3.1 miles. This event is being held as a fundraiser for Tracy's Hope and the Relay for Life. An Indemnification Agreement is to be signed.

M Squared to Hold 5K Run

R377-12 Authorization for **M Squared** to use the *Vestal Rail Trail* on April 21, 2013, for the ***Run For Your Heart Coal House 5K*** and to close the trail from 12:30 to 2:00pm. Indemnification Agreement is to be signed.

PUBLIC SAFETY: Majewski/Fitzgerald

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Lease for Fred Sing Training Site

R378-12 Authorization from the Board of Fire Commissioners to accept the payment for the following leases of the Fred Singer Training Site:

**Athens Borough Fire Department – \$100.00 for one day rental
Endicott Fire Department – \$300.00 for three day rental**

Training for Fire

R379-12 Authorization from the Board of Fire Commissioners approving up to 12 **Fire Department members to attend the NYS Association of Fire Chiefs class** - Modern House Fires: Strategic & Tactical Consideration November 27 at Johnson City High School, \$15 for members and \$25 for non-members. Funds for this will come from Line F3410 4030.

RECREATION: Fitzgerald/Milkovich

Reappoint Greg Papa to Recreation Commission

R380-12 Authorization to **re-appoint Greg Papa** to the **Recreation Commission** effective January 1, 2013 to expire December 31, 2019.

RECEIVE AND FILE:

- **Vestal Fire Advisory Board Meeting Minutes – November 19th, 2012**
- **Office of the Broome County Legislature - Notice of a 30-day Period for Inclusion of Agricultural Parcels in a Certified Agricultural District**
- **Broome County Health Department – Water System Inspection – 2012**

END OF CONSENT AGENDA

Vestal High School to Hold 5K Road Race

Councilman Marnicki would like this run to take a course somewhere other than down Front Street. Closing Front Street is a great inconvenience to the businesses.

Councilman Majewski noted that the police have volunteered for this event and will take care of the traffic.

Councilman Milkovich will communicate with the school about the possibility of changing the route for future running events.

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R381-12 On a motion of Councilman Marnicki, seconded by Councilman Majewski, the following resolution was

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

Resolved to authorize the **Vestal High School** to hold a 5K road race on March 23, 2013, to begin and end in the front of Vestal High School. This event is being held as a fundraiser for the **Prader-Willi Alliance of New York**.

ADDITIONAL PUBLIC COMMENTS

Several speakers expressed opposition to the recently adopted local law that permits alcohol use in the rented pavilions at Arnold Park citing concern about allowing alcohol consumption in an area heavily used by children. It was suggested that background checks be done on people applying for the permits and that the permits be posted prominently.

Speaker stated that the US Department of Energy has issued regulations on exporting of Liquefied Natural Gas. This means that local gas will not be used domestically but will be exported. Also, there is a confirmed case of an aquifer being contaminated by hydro-fracking in Louisiana.

Two speakers cited a DEC report showing that a spill on Collins Road in Vestal was from a gas drilling truck coming from Pennsylvania. The spill may have been fracking fluid and they want to know what the Town is doing about it and what actions will be taken in the future to protect the Town from such activity.

Supervisor Schaffer responded that the incident was thoroughly investigated and it was determined that the wet road was from the Town's water tanker cleaning salt off the road. The brine was actually salt from our road. If hydro-fracking comes to New York, the Town will likely adopt a road use law.

Vestal Police Lt Golluscio stated that he spoke with the DEC officer at the scene and was told that the liquid was water with salt mixed in it.

Councilman Marnicki noted that the DEC report makes no reference to a hazardous fluid being spilled. The reference to fracking fluid was made by the person who called DEC.

Bob Nasiatka, a member of the Vestal Fire Department, stated that the University is our biggest producer of spills. We are running the wheels off of our equipment

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because we have to respond to all of these emergency calls. Something needs to be done.

A speaker noted that it is very common to see street cleaners on the back roads because they are heavily salted and must be cleaned.

PETITIONS and PROTESTS

A Petition to Repeal Local Law C, Section 1628 (Local Law #3) bearing 145 signatures was submitted to the Clerk to be Received and Filed. This law allows alcohol use at Arnold Park with an appropriate pavilion rental permit.

SUPERVISOR'S ANNOUNCEMENTS

- ◆ 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

1/26, 2/23, 3/16 –

Time: 4:00 pm till gone

Firemen's Breakfast

2/10, 4/14 –

Time: 7:00 am till 11:30 am

ADJOURNMENT

On a motion of Councilman Marnicki, seconded by Councilman Majewski, the meeting was adjourned at 7:04 PM. Carried unanimously.

Approved by _____
Emil Bielecki, Town Clerk