

## **Regular Meeting of the Vestal Town Board June 14, 2017**

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 West, Vestal, NY on June 14, 2017.

### **TOWN BOARD PRESENT:**

**Supervisor Schaffer**  
**Councilman Majewski**  
**Councilwoman Fitzgerald**  
**Councilwoman Messina**  
**Councilwoman Agneshwar**

**ALSO ATTENDING:** Town Attorney David Berger, Town Clerk Emil Bielecki, 1<sup>st</sup> Deputy Town Clerk Kathie Young, Human Resource Director Nancy Olmstead and 5 members of the general public.

Supervisor Schaffer called the Regular Meeting to order at **5:00 PM**, welcomed everyone and asked that all present join in the PLEDGE OF ALLEGIANCE. He noted that the time of this meeting was changed to 5:00 PM to accommodate those wishing to attend the 6:00 PM Flag Day Ceremony at the Vestal Memorial Park.

### **APPROVAL OF MINUTES**

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

**ADOPTED** Ayes 5      Majewski, Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0

Resolved the Minutes of the Regular Meeting on May 24, 2017 are approved.

### **PRIVILEGE OF THE FLOOR**

A speaker asked the Supervisor if he followed up on getting more information about XNG Natural Gas which is operating on Prentice Road. Supervisor Schaffer responded the he and Police Chief Butler have completed an inspection of the site and found everything to be legal. This company uses the site to drop off and pick-up trucks that carry compressed natural gas. They take a short route to come in and out of the area which is permissible for this type of commercial traffic. There are no issues that he is aware of and our Fire Department is trained to handle any emergencies.

A speaker stated that in 2015, she purchased a home at 301 Edgewood Road and discovered a serious water backup problem in the basement that was not disclosed by

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the seller. She solved that problem with costly installation of sump pumps but her basement still flooded for an unknown reason. On May 6<sup>th</sup> she had 3 pumps going for 8 hours. She contacted Town Engineer Vern Myers and wants to publicly thank him for his diligence in helping her identify the problem. The Town discovered that her home and other homes are attached to an abandoned sanitary line that fills up with storm water and backs-up into her home. She thanked the Highway and Water Departments who upon learning this, cleaned out the lines. She has a nonconforming issue regarding the sewer and storm lines and wants the Town to assist her in disconnecting from the line that is causing the problem. Supervisor Schaffer stated that this is the first time that he has heard about this and that he would discuss it with the Town Engineer tomorrow morning and get back with a response.

A speaker stated that the Jensen Road Cemetery is in need of some work. The graves are sinking and the trees need trimming. He would like to gather some volunteers to do some of the repairs and wants to know how to proceed. Town Clerk Emil Bielecki responded that the Jensen Road Cemetery is an abandoned cemetery and his office oversees the maintenance of abandoned cemeteries. Since there are potential liability issues in allowing volunteers to work in abandoned cemeteries, the Town Clerk advised the speaker to present his plan for review by the Town Clerk's office and the Town Attorney.

### RESOLUTIONS & MOTIONS

#### Re-Appoint Robert Warner to the Planning Board

**R122-17** On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

**ADOPTED** Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0

Resolved to re-appoint **Robert Warner** to the Planning Board effective July 8, 2017. This term is to expire July 7, 2022.

#### Settlement of Mooney vs Town of Vestal case

**R123-17** On a motion of Councilwoman Fitzgerald, seconded by Councilwoman Agneshwar, the following resolution was

**ADOPTED** Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0

Resolved to approve the settlement in Broome County Index 2012-1840 between **Thomas Mooney** and the Town of Vestal. The Town will pay to plaintiff the sum of **\$40,000 from the Insurance Reserve** in satisfaction of all claims. The action

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involved property damage and represents a fair and equitable resolution of the case. The proposed settlement has been approved by Honorable Molly Fitzgerald in anticipation of the Board approval.

**Emergency Expenditure for Fencing at Harold Moore Park**

**R124-17** On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

**ADOPTED** Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0

Resolved to retroactively approve the transfer of \$6,880.00 from the Contingency budget line A1990.4322 to the Parks and Playground –Sundry budget line A7140.2050 for the **purchase and installation of ten-foot high aluminized chain link fencing at Harold Moore Park.** This fencing installation constituted an emergency and the expenditure was waived from adhering to the Town’s Procurement Policy.

**CONSENT AGENDA**

On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar

**ADOPTED** Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0

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

**PUBLIC WORKS: Fitzgerald/Majewski**

**Advertise Requests for Bids - Water/Wastewater Department**

**R125-17** Authorization for the Town Attorney to advertise on June 21, 2017 for the following bids for the Water/Wastewater Department to be opened in the Town Clerk’s office on July 11, 2017 at 2:00 pm, 2:10 pm and 2:30 pm respectively:

**Water Chemicals; Pipebursting; Third Avenue Sanitary Sewer Replacement**

**Award Storm Drainage Rehabilitation Projects**

**R126-17** Authorization to award two storm drainage rehabilitation projects to be paid for through the Consolidated Highway Improvement Program (CHIPS) reimbursement program as follows:

- 1) Storm Drainage Rehabilitation - 2261 Kathleen Drive to low bidder **Allis Development Corporation** in the amount of \$5,200.00.
- 2) Storm Drainage Rehabilitation - 4025 Drexel Drive to low bidder **Allis Development Corporation** in the amount of \$13,000.00.

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**Hiring of Austin Beck Parks as Summer Laborer in Parks**

**R127-17** Authorization for Parks Superintendent Jim Bukowski to hire **Austin Beck** as a Summer Laborer effective June 13, 2017 at the rate of \$9.70 per hour.

**Donation of Memorial Bench and Tree on Rail Trail**

**R128-17** Authorization for the Parks Department to install a memorial bench and plant a tree on the new section of the Vestal Rail Trail in honor of **Sara Snyder**. There will be no cost to the Town other than in-kind services. Parks Superintendent Jim Bukowski will work out the details with Joseph Eaton.

**FINANCE: Agneshwar/Fitzgerald**

**Receive and File:**

- **Warrant Reports:** 2017-21, 2017-21E, 2017-22, 2017-22E, 2017-23, 2017-23E
- **Town Clerk Monthly Report – April 2017** - \$5944.70 Local Shares Remitted
- **Town Clerk Monthly Report – May 2017** - \$6854.68 Local Shares Remitted

**Proceeds from Sale of Fire Vehicle to Fire District Capital Reserve Fund**

**R129-17** Approval for the Town Comptroller to put the \$4,440 proceeds from the sale of the Fire District 2000 Ford Excursion (VIN #1FMNU43S7YEB17485) into the **Fire District Capital Reserve Fund**.

**Billable Hours for Town Attorney**

**R130-17** Authorization to pay **Town Attorney David Berger** \$787.50 for May 2017 billable hours.

**PERSONNEL: Fitzgerald/Agneshwar**

**Intern for Code Enforcement**

**R131-17** Authorization to grant an unpaid internship in the Town of Vestal Code Department for the summer of 2017 to **John Miller**, a student at Binghamton University. He will work on a special project creating an inventory and information on vacant and abandoned property in the Town.

**PUBLIC SAFETY: Majewski/Messina**

**Fundraiser for Fire Station #1**

**R132-17** Authorization from the Board of Fire Commissioners approving Fire Station #1's Membership and Auxiliaries to hold a **Phil's Chicken BBQ Fundraiser** at the Tractor Supply parking lot on June 17, 2017. The requested coverage time is from 9:00 AM to 5:00 PM and a sign in sheet will be used to track personnel at this event.

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**Warner Appointed as LOSAP Department at Large Representative**

**R133-17** Authorization from the Board of Fire Commissioners retroactively approving **Robert Warner** as the Department at Large Representative to the LOSAP Committee, effective June 5, 2017.

**Police to Apply for Grant**

**R134-17** Approval for Police Chief John Butler to apply for the *Community Oriented Policing Services Grant*. This authorization is strictly to apply for the grant and does not obligate the Town to accept the grant if awarded.

**ADMINISTRATION: Messina/Majewski**

**Recreation to Hire Summer Employees**

**R135-17** Authorization for **Recreation Planner** Sue Jastran to hire **summer 2017 employees** as per her memo to the Town Board dated May 31, 2017. Pay rates are budgeted items in the 2017 budget and background checks have been completed.

**Vestal Historical Preservation Commission to Accept Grant**

**R136-17** Authorization for the Vestal Historical Preservation Commission to accept a grant from the **William G. Pomeroy Foundation** in the amount of \$2,120.00 to cover the cost and delivery of two historical markers; one for *Clark's Tannery* and one for the *Choconut Mill*.

**RECEIVE AND FILE:**

- **Town of Vestal Annual Financial Update** as of December 31, 2016.

**END OF CONSENT AGENDA**

**SUPERVISOR'S ANNOUNCEMENTS**

- The Vestal Memorial Pool is closed due to a broken pump. We are approximately two weeks away from opening.
- Fire Station 1 will be holding a Phil's Chicken BBQ Fundraiser this weekend, Saturday June 17, 11 am to 2 pm at the Tractor Supply parking lot in Four Corners.

**OTHER NEW BUSINESS**

**Appoint Lincoln Ellis as Code Enforcement Officer**

**R137-17** On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

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ADOPTED Ayes 5      Majewski, Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0

Resolved to appoint **Lincoln Ellis** of Vestal as Code Enforcement Officer effective July 10, 2017 with a base salary of \$64,207. Mr. Ellis will be replacing Mark Dedrick who will be retiring. This position is non-union.

**R138-17**      On a motion of Councilwoman Agneshwar, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 5      Majewski, Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0

Resolved to authorize making a conditional offer of employment to **Steven Cortright** as a Building & Code Inspector.

**ADJOURNMENT**

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the **meeting was adjourned at 5:22 PM.** Carried unanimously.

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