

Regular Meeting of the Vestal Town Board June 28, 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 28, 2017.

TOWN BOARD PRESENT:

**Deputy Supervisor Majewski
Councilwoman Fitzgerald
Councilwoman Messina
Councilwoman Agneshwar**

ABSENT: Supervisor Schaffer

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young, Town Engineer Vern Myers, Director of Human Resources Nancy Olmstead and approximately 25 members of the general public.

Deputy Supervisor Majewski called the Regular Meeting 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 Councilwoman Messina, seconded by Councilwoman Agneshwar, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Agneshwar, Messina
 Nays 0 Absent 1 Schaffer

Resolved the Minutes of the Regular Meeting on June 14, 2017 are approved.

PRIVILEGE OF THE FLOOR

Several residents in the Castle Gardens area expressed their opposition to the proposed VINES Community Garden on North Road. A summary of their comments is as follows:

- They contacted most residents in the area and found that no one was aware of this project and no one supported it.
- The residents of the area who would be most impacted by this project were not given any information.
- This is a quiet residential area and we don't want an additional influx of traffic. The Rail Trail expansion has already brought additional people into the area.
- The residents enjoy the open green spaces. Adding these gardens will not help with their property values.

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- The flooding in the area has already exacerbated the problems facing this area.
- In the event of another flood event, the gardens will potentially increase the risk of erosion.
- The residents resent that they were not consulted earlier about this proposed project.
- The parking in this area of the proposed garden is very limited and the access roads are in bad shape.
- The residents of the Castle Gardens area trust that the Town Board will respect their wishes.

Kaitlyn Sirna, a Garden Coordinator for VINES announced that the group is planning a meeting in the neighborhood on Thursday July 27th at 5:30 pm. She can be reached at 607 323-3171. Additionally, residents may also contact Amelia LoDolce, Executive Director at 607 205-8108. A venue has not been set but the Board and the neighborhood representative will be contacted.

A Castle Gardens resident stated that the roads in their neighborhood are in bad shape and asked when they will be fixed. Deputy Supervisor Majewski replied that he would ask the Highway Superintendent about the road repair schedule.

Deputy Supervisor Majewski reminded the residents that the Town has not made a final decision on the VINES Community Garden and will take up the matter again after the organization completes the community outreach.

A speaker who resides on West Circle Drive spoke at length about the continuing problems in his neighborhood with young people accessing the area near the creek for various activities. The problems subsided in the past when the Town cut the brush and restricted access but now that has changed and the problems are resurfacing. He also has a problem with getting his driveway repaired from damage that was done by a contractor doing some work for the Town. Now the problems have returned and various Town personnel have not been responsive to his complaints. There are parties in the area. Fires are being built and various motorized vehicles are being brought in. The Police Department appears to have decriminalized all activity at this location. The site is also being used as a dumping area. Deputy Supervisor Majewski responded that he would talk to the Police Department tomorrow and get back to the speaker.

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RESOLUTIONS & MOTIONS

Steven Cortright Hired as Provisional Building & Code Inspector

R139-17 On a motion of Councilwoman Agneshwar, seconded by Councilwoman Messina, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Agneshwar, Messina
Nays 0 Absent 1 Schaffer

Resolved to hire **Steven Cortright as a provisional Building & Code Inspector** to work in the Code Department effective July 10, 2017 on a full-time basis at the **CSEA rate of \$20.05** per hour. Such appointment is conditional on satisfactory results of the background check and pre-employment drug test.

Fleet Fuel Card Agreement with Mirabito Energy Products

Deputy Supervisor Majewski stated that we have been working on this for many years. The Town has been cited a number of times and has paid fines for spills connected with our underground fuel tanks. By going with an outside vendor fuel card system, we will eliminate the environmental problems. Longer term, we should realize some savings by eliminating the maintenance costs of the tanks.

R140-17 On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Agneshwar, Messina
Nays 0 Absent 1 Schaffer

WHEREAS the Town of Vestal has determined that going to a gas card system for the purchasing of fuel is the most economical and safest method of maintaining Town Vehicles; and

WHEREAS Mirabito Holdings Inc. dba Mirabito Energy Products was selected as the provider after the Town conducted an extensive request for proposals, it is hereby

RESOLVED that the Town Supervisor is authorized to sign the Fleet Fuel Card Agreement with **Mirabito Energy Products**, attached to this resolution and to take any other action(s) to implement this resolution.

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Town Receiver of Taxes to Collect School Taxes

Councilwoman Fitzgerald asked why the School District did not come to the Town first before going to the County and whether the County will reimburse the School for the penalties they will be collecting. Deputy Supervisor Majewski explained that if the County accepts it, they will receive a flat fee of \$25,500 and the remaining money will go back to the school. Town Attorney Berger noted that if the County collects the taxes, paying in person would involve going to the County offices.

Councilwoman Messina stated that she does not support this resolution because the agreement with the County is in place and changing it would create confusion for the taxpayers and cause problems with the School District's revenue stream.

Councilwoman Agneshwar noted that if the Town collects the school taxes, it would be more convenient for the public and would save some money.

Councilwoman Messina stated that there would be additional cost for manpower if the Town takes over the school tax collection. We should not be jumping into this and should evaluate it more closely.

Councilman Majewski stated that if the Town takes over the school tax collection, it would waive the 1% fee for the first thirty days and impose late fees of not more than 2% after that.

R141-17 On a motion of Councilwoman Agneshwar, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 3 Majewski, Fitzgerald, Agneshwar
Nays 1 Messina Absent 1 Schaffer

WHEREAS Town Law Sec. 37 provides that in First Class Towns the Receiver of Taxes has the duty to collect school district taxes unless the Town and School Board agree otherwise, and

WHEREAS the agreement between the Town and School district that the school taxes may be collected by M&T Bank (formerly Endicott Trust) has expired and

WHEREAS the Town believes that it is in the best interest of the residents of the School District to be able to pay the taxes locally at the office of the Town Tax receiver, it is hereby

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RESOLVED that Debra Wallace, Town of Vestal Receiver of Taxes, shall collect the 2017-2018 Town of Vestal School District taxes and each year thereafter, at her office at 516 Front Street, Vestal NY and it is further

RESOLVED that the Receiver of Taxes shall receive taxes for thirty days after the first day specified in the notice for the payment of such taxes without additional charge and it is further

RESOLVED that the Receiver of Taxes shall receive taxes after the expiration of such thirty days at a charge of not more than two per centum upon such taxes.

CONSENT AGENDA

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

ADOPTED Ayes 4 Majewski, Fitzgerald, Agneshwar, Messina
 Nays 0 Absent 1 Schaffer

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

PUBLIC WORKS: Fitzgerald/Majewski

Book Enjoyment Box on the Rail Trail

R142-17 Authorization for the Parks Department to mount a *Book Enjoyment Box* on the Rail Trail with a design as submitted by Jackie Stevenson as a Girl Scout Silver Award project. The box will be located near the Myrtle Street Playground and Pavilion.

FINANCE: Agneshwar/Fitzgerald

Receive and File:

- **Warrant Reports** –2017-24, 2017-24E, 2017-25, 2017-25E

PUBLIC SAFETY: Majewski/Messina

Transfer Police Vehicles to Code Department

R143-17 Approval for Chief of Police John Butler to **transfer** a **2007 Ford Taurus** (VIN#1FAFP53U27A164135) with 60,000 miles (formerly #320) and a **2013 Chevrolet Tahoe** (VIN#1GNLC2E01DR292968) with 172,000 miles to the Code Department. The 2007 Ford Taurus has already been replaced in the fleet and the vehicle has surface rust and needs some maintenance. The 2013 Tahoe is a two-wheel drive and is not conducive to winter driving.

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ADMINISTRATION: Messina/Majewski

Vestal Museum Accepts a Grant from The Community Foundation

R144-17 Authorization for Vestal Museum Director Cheresse Wiesner-Rosales to accept a grant in the amount of \$1,100.00 from **The Community Foundation of South Central NY**. This grant is for a Native American Festival in conjunction with the Vestal Public Library to run on September 16, 2017.

RECEIVE AND FILE:

- **Vestal Fire Advisory Board** Meeting Minutes – May 15, 2017
- Communication dated June 8, 2017 from **Eric Angelo**, Pinecrest Road regarding Old Vestal Road: poor condition; excessive use by heavy trucks most of which are not local traffic; excessive speed and use of jake brakes.

END OF CONSENT AGENDA

SUPERVISOR'S ANNOUNCEMENTS

- The Town of Vestal Offices will be closed on Tuesday July 4th, 2017 in observance of Independence Day.

ADJOURNMENT

On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, **the meeting was adjourned at 6:50PM**. Carried unanimously.

Approved by _____ **Emil J. Bielecki, Town Clerk**