

**Regular Meeting of the Vestal Town Board
February 13, 2013**

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 February 13, 2013.

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, 1st Deputy Town Clerk Kathie Young, Vestal Fire Department Chief Pat McPherson and approximately 25 members of the community.

The Supervisor 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 Councilman Marnicki, seconded by Councilman Majewski, the following resolution was

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

Resolved the Minutes of the Regular Meeting on January 23, 2013 are approved.

PRIVILEGE OF THE FLOOR (Agenda Items Only)

Speaker asked the Supervisor why he felt the need to go to this year's New York State Association of Towns annual meeting.

Supervisor Schaffer responded that he received calls about an item that was placed on the NYS Association of Town's agenda regarding support for the Towns of Caroline and Middletown position in a legal case in front of the Appellate Court. We object to the Association of Towns involvement in this legal case and want to make sure that it stays off the agenda at this meeting. We do not want the Association of Towns to speak for us on this issue. While we support home rule, we believe that the State preempts local governments on the issue of gas drilling. Although this item has now been removed from the agenda, there is some concern that it may be brought back up. Our position continues to be that we are waiting for the State to make the decision on fracking. We

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would have liked our Board members to attend this training meeting, but in this difficult fiscal environment, we did not budget for it.

Councilman Majewski noted that these meetings are also training seminars for all new officials. We haven't attended for four years. We have been waiving the training. We are not getting the training and would like to budget this for next year.

RESOLUTIONS & MOTIONS

Budget Transfer for attendance to NYS Association of Towns Meeting

R028-13 On a motion of Councilman Marnicki, seconded by Councilman Majewski, the following resolution was

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

Resolved to transfer **\$1,450** from the contingency line A1990.4322 to line A1220.4030 to allow the **Town Supervisor** to attend the **NYS Association of Towns Training School & Annual Meeting**, February 17-20, 2013.

Motion to Transfer Highway Bulldozer Tabled

Regarding motion authorizing the Highway Superintendent to transfer a **1981 John Deer 550 Bulldozer** to the Parks Department:

Councilman Milkovich explained that the bulldozer is no longer need by the Highway Department. The value is between 7 and 10 thousand dollars. In response to a suggestion of splitting the cost of operation between Parks and Water, the Water Superintendent indicated that he is not interested in such an arrangement. There is a legitimate question as to whether Parks needs to have this piece of equipment.

On a motion of Councilman Majewski, seconded by Councilman Milkovich, the motion to transfer the bulldozer was

TABLED Ayes 4 Majewski, Fitzgerald, Milkovich, Schaffer
Nays 1 Marnicki

PEO to Use Vestal Library Parking Lot

Councilwoman Fitzgerald explained that this organization raises money for scholarships for women and have given scholarships to Vestal students. There a number of Vestal residents who are members of PEO.

R029-13 On a motion of Councilman Marnicki, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to authorize the organization **P.E.O.** to use the **Vestal Library parking lot** on Wednesday April 24, 2013 from 11 am until 6 pm for a fundraiser. An **indemnification agreement** is to be signed.

Resolution in support of Susquehanna River Rain and Stream Gages

R030-13 On a motion of Councilman Majewski, seconded by Councilman Marnicki, the following resolution was

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

WHEREAS, the Town of Vestal is located within Broome County;

WHEREAS, there are currently a series of sixteen rain gages and eighteen stream gages in the Susquehanna River Basin all of which are federally funded;

WHEREAS, one of the rain gages and three of the stream gages are in Broome County;

WHEREAS, the stream and river gages are maintained and operated by the US Geological Survey and generate real-time data needed by the National Weather Service to forecast river levels and to issue timely, accurate early flood warnings;

WHEREAS, this information is used by emergency managers, local officials, and citizens to make critical decisions to protect life and property;

WHEREAS, the Susquehanna River is one of the most flood prone portions of the country, with more than 80 percent of the over 1,400 municipalities in the region including areas that are flood prone;

WHEREAS, Broome County was subject to a devastating record flood in 2006;

WHEREAS, the 2006 record flood was exceeded by a more damaging flood in 2011;

WHEREAS, the 2011 flood event alone caused hundreds of millions in damage due to property loss, economic impacts, and infrastructure damage;

WHEREAS, the community is still recovering from the 2011 flood;

WHEREAS, we were fortunate not to have experienced loss of life during the 2011 flooding, due in substantial part to have sufficient advance warning to allow for orderly evacuations;

WHEREAS, according to our recently drafted Hazard Mitigation Plan there is the potential for \$1 billion in damage in Broome County alone from a future flood event;

WHEREAS, the annual cost to the Federal government to maintain this vital gage system for the entire Susquehanna River is approximately \$215,000;

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WHEREAS, the funding of these vital gages is uncertain from year to year;

NOW, THEREFORE, BE IT RESOLVED, that we, the undersigned, urgently call for the Federal government make a firm, long-term commitment to funding this critical rain and stream gage system.

BE IT FURTHER RESOLVED, that it is requested that the Clerk send a certified copy of this resolution to:

Frank Evangelisti, Chief Planner
Broome County Department of Planning
P.O. Box 1766
Binghamton, NY 13902

LASTLY BE IT RESOLVED, that this resolution shall take effect immediately.

CONSENT AGENDA

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

PUBLIC WORKS: Milkovich/Majewski

Sewer Bill Reduction

R031-13 Authorization for the Business Office to **reduce the sewer portion** of the Water/Sewer bill of George VerWys for **112 Mary Street** in the **amount of \$57.63** (17,000 gallons) due to a water pipe break that did not enter into the sanitary sewer system.

FINANCE: Marnicki/Fitzgerald

Receive and File:

- **Warrant Reports** – 2013 –04 2013 – 05 2013– 05M
 2013 –04A 2013 – 05A 2013– 06A
 2013 –04E 2013 - 05E 2013– 06
- **Town Clerk Monthly Report** – January 2013 Local Shares Remitted:
\$5,911.45

Inventory Adjustments

R032-13 Approval to remove the following assets from the asset record and to approve the transfer of asset.

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The following assets have been designated to be **disposed** of:

<u>Asset</u>	<u>Location</u>	<u>Disposal Method</u>
Air Condition Unit	IT Building	- junked, replaced with new unit
Twin Orchards Building (old squad)	Twin Orchards Park	- demolished, flood damaged
Twin Orchards Building roof	Twin Orchards Park	- demolished, flood damaged
Hot Water Heater	Fire Station #2	- junked, replaced with new unit

The following asset has been designated for **transfer** between departments:

<u>Asset</u>	<u>Location</u>	<u>Disposal Method</u>
Exhaust -Twin Orchards Building	Twin Orchards Park	- Exhaust removal transferred to Highway Garage

Amend Resolution 014-13 – Appropriate Fund Balance

R033-13 Authorization to **amend Resolution 014-13** approved on January 23, 2013 for **Appropriate Fund Balance A1012** in the amount of \$24,300 to allow the **IT Director** to make needed upgrades. The revision would be increasing appropriated fund balance by \$24,300 (same) and increasing budget lines as follows:

- **A1680.2220 \$ 5,000** UPS Rack 5600W w/ External Module, Net Manage Card, Enviro Sensor
- **A1680.4060 \$ 2,775** Neat Patch Cable Management, Switch Replacement Sites
- **A1680.4064 \$ 2,825** Remote Location UPS Replacements
- **A1680.4499 \$13,700** Windows Server 2012 DataCenter 2 CPU, What's Up Gold w/ WhatsConnected Plugin 100 Dev, Windows Server 2012 DataCenter 2 CPU

Billable Hours for Town Attorney

R034-13 Authorization for the **Business Office** to issue payment to **Town Attorney David Berger** for January 2013 billable hours. Total hours are 17 hours, 40 minutes totaling \$2650.

Award Uniform Bid to Logo Wise

R035-13 Authorization for the **Town Attorney** to draw the appropriate paper work to award the **Operating Engineers Uniform** bid to **Logo Wise**, 49 Court Street Binghamton, New York.

PERSONNEL: Majewski/Marnicki

Amend Employee Handbook - Holidays

R036-13 Authorization to adopt the following Designated Holidays and to amend the **Employee Handbook - Section #801 – Holidays** as follows:

Designated Holidays - The Town of Vestal will observe the following holidays:

1. New Year's Day
2. Good Friday
3. Memorial Day
4. Independence Day

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| 5. Labor Day | 8. Day after Thanksgiving |
| 6. Veterans' Day | 9. Christmas Day |
| 7. Thanksgiving Day | |

Floating Holidays - the designated holidays, an eligible employee, as defined below is credited with three floating holidays on January 1st to be used during the calendar year. New employees hired on or after April 1st will only be entitled to one floating holiday during that calendar year. An employee must receive prior approval from the employee's Department Head to take the floating holiday. If required by another governmental entity to grant a mandatory holiday, the floating holiday shall be used for such date.

PLANNING & ZONING: Fitzgerald/Milkovich

Use of Library Parking Lot

R037-13 Approval for the **Vestal Central School District 10th Grade Class** to use the Vestal Library parking lot March 1, 2013. An indemnification agreement is to be signed.

PUBLIC SAFETY: Marnicki/Fitzgerald

Police to Dispose of Assets

R038-13 Authorization for the **Vestal Police Department** for the disposal of the following items that are inoperable and beyond reasonable cost to repair.

2 - Kustom Silver Eagle radar units that are unable to pass calibration inspections by NYS Division of Criminal Justice Services due to repairs needed. These units have been replaced by radar units provided by STOP DWI grant funding.

2 - Zetron radio communications consoles that became inoperable after a lightning strike and subsequent power surge to the communications area of the police station. These units have been replaced through an insurance claim.

1 - Image Mate identification card printer and adapters that have not been in use since 2006. This printer has been replaced.

Fire Training

R039-13 Authorization from the Board of Fire Commissioners approving the following **fire personnel** to attend the following **training**

- **Keith Chason** and **Ben Schwartz** to attend *Fire Fighter I* at West Corners Fire Dept that started January 3.

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- **Tyler Vandervort** and **Sacha Sigleman Schwartz** to attend *Conducting Live Fire Training* February 7 at the Broome County Public Safety Building.

There is no cost for these NYS Outreach Courses.

- **Hugh Reynolds** and **Susan Bowen** to attend *Legal Issues of the Volunteer Fire Service* at NYS Fire Academy in Montour Falls February 9th and 10th.

The cost of this course is \$41.00 each which includes Registration and Meals plus mileage if a Fire Department vehicle is unavailable.

Fire to Hold Defensive Driving Course

R040-13 Approval from the Board of Fire Commissioners to hold a **Defensive Driving Course on Tuesday and Thursday, March 5th and 7th** from 6pm to 9pm and Saturday March 16th from 8:30am to 3:30pm at Vestal Station #1.

The cost of the course is \$25 for Department, Auxiliary Members and Town Employees which will come out of each respective budget line. For family and non Fire Department Members the cost is \$30.00.

RECEIVE AND FILE:

- Acknowledgment of *Notice of Intent* for **Vestal Park Rehabilitation & Nursing Center** – SPDES Permit
- Resignation letter from **Jeffrey Smith**, Volunteer Member and Chairman of the **Vestal Historic Preservation Commission** dated January 31, 2013.
- **2012 Annual Report – Historian** – Margaret Hadsell (available for review in the Clerk's office)
- Update from Town Engineer, Gary Campo dated January 31, 2013.
On January 31, 2012 the **solar panels at the Vestal Library** were placed in service. As of today they have generate 36,500 kWh of energy which roughly saved the Town \$3,000 in electricity cost. The 31.68 kW system was 100% paid for thru NYSERDA with the use of ARRA funding.
- **Fire Advisory Board Meeting Minutes** dated December 10, 2012.
- Letter from **Stephen Bezek** dated February 1, 2013 expressing his thanks to the Town Engineer, Water Superintendent Scott Groats and Water employee Rick Paglia for solving his issue concerning his water reading.

END OF CONSENT AGENDA

PETITIONS AND PROTESTS

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- Petition asking for **redress and enforcement** of the **applicable zoning laws and regulations** that apply concerning the operation of a commercial contracting/home improvement business, JKS Home Improvement LLC, being headquartered on Third Avenue in the **Twin Orchards neighborhood**. This has been forwarded to the Town Attorney and the Code Department for review.

ADDITIONAL PUBLIC COMMENTS

Speaker: Diesel Fuel is one of the ideal additives for hydro-fracking. It is commonly used and can easily pollute an aquifer. Hydraulic fracking is exempt from the Drinking Water Act. We will be at great risk if it is allowed in Vestal.

OLD BUSINESS

The Public Hearing for **Proposed Local Law “A” of the Year 2013** entitled: “A Local Law Rezoning BCTMP# 189.12-1-41.2 on West Sheedy Road from C-2 to PDD (Planned Development District) was heard on January 23, 2013.

SUPERVISOR’S ANNOUNCEMENTS

- **Winter Parking Hours** – December 1st - March 31st - 2:00 AM to 6:00 AM
- 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** - 2/23, 3/16 - Time: 4:00 pm till gone
 - Firemen’s Breakfast** - 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 6:32PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk