

Regular Meeting of the Vestal Town Board March 27, 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, New York on March 27, 2013

TOWN BOARD PRESENT:

**Supervisor John Schaffer
Councilman Fran Majewski
Councilwoman Patty Fitzgerald
Councilman David Marnicki
Councilman Steve Milkovich**

ALSO ATTENDING: Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young 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 Majewski, seconded by Councilman Marnicki, the following resolution was

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

Resolved the Minutes of the Regular Meeting on March 13, 2013 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

Bonds Resolution for Rail Trail Project

Councilman Marnicki explained that we are bonding for the Town's share of this money because of the agreement we made for this project. We could either pay back the State and have no Rail Trail extension, or borrow this money and build the Rail Trail.

R073-13 On a motion of Councilman Marnicki, seconded by Councilman Marnicki, the following resolution was

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

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Resolved to adopt a Resolution authorizing, subject to *Permissive Referendum*, the Town's share of a **Rail Trail Project**, in and for the Town of Vestal, Broome County, New York, at a maximum estimated cost of \$225,000, and authorizing the **issuance of \$225,000 bonds** of said Town to pay part of the cost thereof.

Milkovich to Town Finance School

Supervisor Schaffer noted that this is training for our new Councilman. New officials need this training. We will set aside money in the next budget to send our people to next year's Association of Towns meeting.

R074-13 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to adopt a Resolution authorizing Councilman Milkovich to attend the ***Thirteenth Annual Town Finance School*** in Saratoga Springs on May 1-3, 2013 and authorize the Comptroller to **transfer** from the contingency account to cover the cost of the training school.

CONSENT AGENDA

On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, 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

NYSDOT Equitable Business Opportunities Agreement

R075-13 Authorization to adopt a Resolution authorizing the Town Engineer to sign and join the **NYSDOT Equitable Business Opportunities (EBO)** system, binding the Town and the Town Engineer to the terms of the system users agreement to be used for the used for billing of the **Rail Trail Section 2, Town of Vestal, Broome County, PIN 9009.29**.

Advertise Bids for Pipe Bursting

R076-13 Authorization for the **Town Attorney** to **advertise for bids for Pipe Bursting for the Sewer Department on April 3rd, 2013** and be opened on **April 18th, 2013 at 2:00 pm** in the Town Clerk's office.

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Advertise Bids for Laboratory Water Analysis

R077-13 Authorization for the **Town Attorney** to **advertise for bids** on **April 3rd, 2013** for **Laboratory Water Analysis** with bids to be opened on Thursday April 18th, 2013 at 2:30 pm in the Town Clerk's office.

Budget Transfers for Salt/Sand and Snow & Ice Removal Overtime

R078-13 Authorization for the Comptroller to perform the following the following budget transfers needed to cover salt and sand needs and snow overtime for the Highway Department:

To	D5142 4006 Snow & Ice Control	\$15,000
From	D5110 1020 General Repairs – Labor	-\$15,000
To	D5142 1033 Overtime - Snow and Ice	\$10,000
From	D9901 9002 Health Ins. Fund	-\$10,000

Water Vehicle to be sold on Auction International

R079-13 Authorization for the Water Superintendent to list the following with **Auction International** and to accept bids for the sale of the following water department truck:

1999 Chevy 3500 4X4 - Miles - 40,677
Vin # 1GBJK34F8XF096289

FINANCE: Marnicki/Fitzgerald

Receive and File:

Warrants - 2013 -12 2013 -12E 2013 -12L 2013 - 11 2013 - 11E

PLANNING & ZONING: Fitzgerald/Milkovich

Creekside Dental – Rezone Request

R080-13 Authorization for the **Town Attorney** to **draw a local law** for a rezoning at the request of **Creekside Dental**, of 2611 Old Owego Road, BCTMP# 172.70-2-25, from ID to C-2 and to advertise on April 10, 2013 for a Public Hearing on April 24, 2013. The site is adjacent to the existing business and the rezoning is to permit the construction of another dental building.

Use of Library Parking Lot – Boy Scout Troop 221

R081-13 Authorization for **Boy Scout Troop 221**, chartered out of the **Vestal United Methodist Church** on Main Street in Vestal, to use the **Vestal Public**

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Library Parking Lot on Saturday, September 7, 2013, from 11-7 for a fundraiser. An Indemnification Agreement is to be signed.

Use of Library Parking Lot – Vestal Historical Society

R082-13 Authorization for the **Vestal Historical Society** to use the parking lot adjacent to the Vestal Museum to hold fundraisers on

- Friday, May 10th, 2013 between the hours of 11 am – 6 pm.
- Friday, September 27, 2013 between the hours of 11 am – 6 pm.

An Indemnification Agreement is to be signed.

Use of Library Parking Lot - Broome County Women’s Republican Club

R083-13 Authorization for the **Broome County Women’s Republican Club** to use the Vestal Library parking lot May 3, 2013 for a fundraising event. An Indemnification Agreement is to be signed.

PUBLIC SAFETY: Marnicki/Fitzgerald

Fred Singer Training Site

R084-13 Authorization from the Board of Fire Commissioners to accept the following leases for the Fred Singer Training Site:

- A.** Chenango Bridge Fire Department - This Lease shall be for the 4th day of May of 2013 at the amount of \$100.
- B.** The following leases shall be for a period of 3 years at the rate of \$600 per year.
 - Lockheed Martin
 - Union Center Fire Department
 - West Endicott Fire Department
 - Newark Valley Fire Department

Fire Training

R085-13 Authorization from the Board of Fire Commissioners approving the following fire personnel to attend the following trainings:

- Firefighter Justin Petcosky and Firefighter Brian Terrell to attend NYS Outreach Course Fire Officer I at Endwell Fire Department starting April 15th.
- Firefighter Justin Petcosky and Firefighter Brian Terrell to attend NYS Outreach Course Rescue Tech Basic at Town of Binghamton Fire Department starting September 7th.

There is no cost to attend these courses; approval necessary for VFBL Coverage.

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ADMINISTRATION: Majewski/Milkovich

Call-Out Rate for Dog Control Assistance

R086-13 Approval to establish the call-out rate for dog control assistance at \$40.00 per call-out and to add Clifford L. Miller to the pool of individuals eligible for dog control call-outs in the event the Dog Control Officer is unavailable. A Town vehicle, whenever available, will be used for responding to the calls.

Recreation Department to Hire League Employees

R087-13 Authorization for the Recreation Director to hire the following employees per her memo dated March 21, 2013. All employee pay rates are budgeted items in the 2013 budget and the background checks have been completed.

A7310.1027 Labor - Vestal Youth Basketball Organization League

(Note - the Director is from Apalachin and has been running this league for seven years.)

Rob Carr - Apalachin as VYBO Director at \$1,250.00 salary

Troy Aikey - Vestal as VYBO Referee at \$7.25/hr.

Frank D'Esti - Vestal as VYBO Referee at \$7.25/hr.

Kevin Franz - Vestal as VYBO Referee at \$7.25/hr.

Ryan Franz - Vestal as VYBO Referee at \$7.25/hr.

Ben Kerns - Apalachin as VYBO Referee at \$7.25/hr.

Josh Lewis - Apalachin as VYBO Referee at \$7.25/hr.

Elijah Mushalla - Vestal as VYBO Referee at \$7.25/hr.

Nick Mushalla - Vestal as VYBO Referee at \$7.25/hr.

Andrew O'Hara - Vestal as VYBO Referee at \$7.25/hr.

Luke Riesbeck - Vestal as VYBO Referee at \$7.25/hr.

Noah Smothers - Vestal as VYBO Referee at \$7.25/hr.

Jake Spellane - Vestal as VYBO Referee at \$7.25/hr.

Nick Wegman - Apalachin as VYBO Referee at \$7.25/hr.

Troy Wilson - Vestal as VYBO Referee at \$7.25/hr.

END OF CONSENT AGENDA

ADDITIONAL PUBLIC COMMENTS

A speaker noticed that the town has been cutting the branches and cleaning up the easements on Horan and other country roads. Cutting the branches allows the

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sunlight in to help melt the snow. It also helps with driver visibility. The Town workers have done a great job.

A speaker noted that diesel and other chemicals used in fracking are dangerous and hopes that the fracking companies follow the EPA guidelines. He is impressed that the Vestal Landowner's Coalition has prohibited the use of diesel fuel by any companies who lease their lands and applauds their forward thinking.

A speaker was hoping to get additional information about the huge bills for legal services for the Candlehouse lawsuit. Last month, the bill was for over \$20,000. He questions who is checking on the accuracy of those bills and why we are continuing to pour money into a losing effort.

Supervisor Schaffer responded that the speaker can file a FOIL request for details about the payments and that he can contact any Board member to discuss this issue. The privilege of the floor is reserved for public comment, not public debate.

SUPERVISOR'S ANNOUNCEMENTS

- **Museum Exhibits** March 6 - May 25 - **The Mighty Susquehanna: Friend and Foe**
 - A. Natural History
 - B. History of Exploration/ Settlement
 - C. History of Use through today
 - D. The Floods
- **Winter Parking Hours** – December 1st - March 31st - 2:00 AM to 6:00 AM
- **Vestal Fire Department Information Session -Thursday, March 28th at 7:00 pm at the Vestal Public Library** concerning the upcoming Mandatory Referendum Special Fire District Election on April 9th regarding the purchase of a Heavy Rescue Fire-Fighting Vehicle for the Vestal Fire Department.
- A special election of the qualified voters of Vestal Fire District in the Town of Vestal, Broome County, New York, to be held on April 9, 2013, at the Town Hall, between the hours of 12:00 PM and 9:00 P.M., to vote by paper ballot upon the adoption or rejection of the bond resolution adopted regarding the purchase of a Heavy Rescue Fire-Fighting Vehicle for the Vestal Fire Department.

COMMITTEE CHAIR COMMENTS AND UPDATES

Two events held last Saturday were well received and well attended. The Vestal School road race was a success. The Easter Egg Hunt, sponsored by the Vestal Elks, was attended by over 500 people. We thank the Vestal Elks for all their hard work and the generous donation that made this event possible.

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OLD BUSINESS

(Tabled at the February 13th, 2013 Town Board Meeting)

R088-13 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 Highway Superintendent to transfer a **1981 John Deere 550 Bulldozer** to the Parks Department.

ADJOURNMENT

On a motion of Councilman Marnicki, seconded by Councilman Milkovich, the meeting was adjourned at 6:18PM. Carried unanimously.

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