

**Regular Meeting of the Vestal Town Board
April 10, 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 April 10, 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, Fire Chief Pat McPherson and approximately 15 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 Councilwoman Fitzgerald, the following resolution was

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

Resolved the Minutes of the Regular Meeting on March 27, 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

Josh Lagerwall - Eagle Scout Project Approved

Councilman Milkovich praised Josh Lagerwall for choosing this work as his Eagle Scout project as well the foresight of Town Engineer Gary Campo in recommending and directing this project. This will benefit the Town of Vestal.

R089-13 On a motion of Councilman Milkovich, seconded by Councilman Majewski, the following resolution was

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

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Resolved to authorize **Josh Lagerwall**, a Vestal resident and member of Boy Scout Troop 225 at Memorial Park Baptist Church, to **install storm drain markers** through Vestal neighborhoods under the direction of Gary Campo, Town Engineer, as an Eagle Scout project.

This project that will take place on May 11th and Arnold Park Shelter #3 has been reserved as a meeting place for volunteers to pick up their supplies -drills, rivets, drain markers, adhesive, fluorescent vests, and hammers. The **\$50 shelter usage fee is to be waived.**

Indemnification agreements are to be signed by all participants.

Comptroller to Close Parks Improvements Projects

R090-13 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 the following Resolution authorizing the Comptroller to:

Close the 2008 Parks Improvements project (H0908.27100) and apply unexpended funds of approximately \$46,691 to the payment of the balance of outstanding note in the amount of \$70,000.

Close the 2004 Parks Improvements project (H0504.7100) and apply the unexpended funds of approximately \$49,945 to the remaining balance of the \$70,000 note related to the 2008 Parks Improvement Project and to cover any unfunded bills related to the Coal House project (currently about \$12,370). Any remaining funds would be reserved for the payment of debt.

Close 2007 Parks Improvements project (H0207.27100) and return to the general fund the \$50,000 it transferred to fund the project. Any funds remaining balance will be reserved for the payment of debt.

Local Law to Amend Chapter 18 of Town Code

R091-13 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 direct the **Town Attorney draw a local law to amend Chapter 18** of the Town Code, amending the rules and regulation relating to the use of the Binghamton-Johnson City Joint Sewage Treatment Plant and to **advertise on April 24, 2013 for a public hearing on May 8th, 2013.**

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Motion to Pay for Grant Writer Tabled

A motion was made by Councilman Marnicki, seconded by Councilwoman Fitzgerald, to pay **Ruth Lewis, Grant Writer**, an additional **\$1012.46** for grant work performed and to authorize the Comptroller to transfer that amount from the contingency budget line.

A **Motion to Table** was made by Councilman Majewski, seconded by Councilman Milkovich

VOTE: Ayes 4 Majewski, Fitzgerald, Milkovich, Schaffer
 Nays 1 Marnicki

Motion was tabled.

Article 7 Tax Certiorari Case Settlements Approved

R092-13 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 grant approval of the settlements of the following Article 7 Tax Certiorari cases filed in Broome County:

- 1) Property owned by **Buckeye Terminals LLC** located at 3301 Vestal Road, Tax map #158.07-2-14; 3113 Shippers Road, Tax Map #158.10-2-10; 3115 Shippers Road, Tax Map #158.06-1-23 and 3121 Shippers Road, Tax Map # 158.07-2-17 in accordance with the schedules on file in the Town Clerk's office.
- 2) Property owned by **Miller Associates, LLC** located at 412 Old Lane Road, Tax Map # 159.10-1-3 in accordance with the schedules on file in the Town Clerk's office.
- 3) Property owned by **VPE 2100**, located at 2100 Vestal Parkway E, Tax Map # 158.13-3-26.11 and property located at 2020 Vestal Parkway East, Tax Map # 158.13-3-26.2 in accordance with the schedules on file in the Town Clerk's office.
- 4) Property owned by **Vestal Retail Center LLC**, located at 221 Sycamore Road, Tax Map # 158.10-2-13 in accordance with the schedules on file in the Town Clerk's office.

The Town Attorney and Business office are authorized and directed to take all necessary steps to implement this resolution.

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National Volunteer Week

Supervisor Schaffer noted that we need to acknowledge those who volunteer.

R093-13 On a motion of Councilman Majewski, seconded by Councilman Marnicki, the following resolution was

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

Resolved to adopt a Resolution to join the **Southern Tier Volunteer Center**, based at the United Way of Broome County, and declare **National Volunteer Week** in the Town of Vestal for the week April 20-27, 2013.

Special Permit for Hertz Car Rental

A motion was made by Councilman Majewski to authorize the **Town Attorney to advertise for a public hearing** to consider the request for a **Special Permit for Hertz Car Rental**, 2520 Vestal Parkway East, BCTMP #158.14-1-9, allowing them to have 16 rental vehicles on the property. **No one seconded to the motion.**

Motion died for lack of a second

Out of Class Wages for Highway Employees

R094-13 On a motion of Councilman Marnicki, seconded by Councilman Milkovich, the following resolution was

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

Resolved to reimburse Highway employees for **Out of Class** wages as follows:

Out of class pay for Matt Millard, MEO/Lt:

February 13 th to the 28 th -	Mechanic I	96 hours
	MEO/Medium	16 hours plus
Jan. 16 th to Feb. 19 th	overtime	33.5 hours

To be paid the difference between MEO/Light and Mechanic I for 96 hours and MEO/Light and MEO/Medium for 33.5 hours overtime and 16 hours regular time for a total of \$262.98.

Out of class pay for Ben Peck, MEO/Lt:

Jan. 3 rd to March 13 th	Mechanic I	64 hours
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He had previously worked the mandatory 30 days and should be paid the difference between MEO/Lt and Mechanic II rate for a Total of \$101.12.

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Declare 1716 Pearl Street Unsafe

R098-13 Authorization to declare **1716 Pearl Street** unsafe and to order the **Engineering Department** to arrange for its **demolition** as required by New York State Department of Labor.

FINANCE: Marnicki/Fitzgerald

Receive and File:

- **Warrants** - 2013 – 13 2013 – 13E, 2013 –14, 2013 –14E
- **Town Clerk Monthly Report** – March 2013 – Local Shares Remitted:
\$5,523.52
- **Comptroller's Monthly Reports** – January 2013, February 2013, March 2013

Comptroller to Sign Agreements with Excellus

R099-13 Authorization for the **Town Comptroller to sign agreements** to renew the contracts with **Excellus** for stop loss protection at a cost of \$98 per contact per month, a 6% increase, effective 4/1/2012 - 3/1/2014 and the contract for the PPO H plan effective 5/1/2013 - 4/30/2014. The PPO H plan administrative fee is increasing by 5% to \$58.07 per contract per month and additional fees are also added for fees added under the Affordable Care Act. The required letter of credit also increases from \$210,900 to \$233,900.

PLANNING & ZONING: Fitzgerald/Milkovich

Vestal Girls Softball to Use Vestal Library Parking Lot

R100-13 Authorization for the **Vestal Girls Softball** to hold a fundraiser on Thursday, May 23rd from 11 am to 6 pm in the Vestal Library parking lot. An Indemnification Agreement is to be signed.

Attorney to Advertise Local Law

R101-13 Authorization for the **Town Attorney to draw a Local Law** regarding the request from owner Jack Harrington to rezone **2100 Owego Road**, BCTMP # 172.14-1-26.1 plus remaining CD portion of 172.14-1-27 (2016 Owego Road) from CD to RA-2 and to **advertise on April 24, 2013** for a **Public Hearing on May 8th, 2013**.

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PUBLIC SAFETY: Marnicki/Fitzgerald

Fire Training

R102-13 Approval from Board of Fire Commissioners for the following fire personnel to attend the following training:

- Firefighter **Kenneth Fortier to attend the NY Public Fire Safety Educator's Conference**, May 3rd through May 5th at the NYS Fire Academy in Montour Falls. Cost for this conference is \$109.00 to come from line F3410 4030 plus mileage if a fire department vehicle is unavailable.

Engine 32-1 to Endwell Station 1

R103-13 Approval from Board of Fire Commissioners for the following:

1) To **send Engine 32-1 to Endwell Station 1 Saturday, April 20th 17:30-23:30** with an engine crew of 6 to cover their District while their members attend their Annual Installation Banquet.

Each year Endwell Fire Department comes over and covers our department while our members attend our Annual Banquet and we do the same when it comes time for their Annual Banquet.

ADMINISTRATION: Majewski/Milkovich

IT to Dispose of Hardware:

R104-13 Authorization for Dan Williams, IT Director to dispose of the following worthless or damaged hardware:

Make	Model	Serial	Town Tag
Dell	Latitude XT	J8Z9MG1	3442
Dell	Latitude XT	1NHH7G1	3428
Dell	Latitude D620	C8G2KC1	3359
Dell	Latitude D520	3579LB1	3357
Dell	Latitude D520	4CC8LB1	3361
Dell	PowerEdge 2800	GWSSW61	3297
Dell	OptiPlex GX110	3464C01	None
HP	Procurve 2610-24	CN810ZT2LH	None

END OF CONSENT AGENDA

Advertise Bids for FEMA - 59 Home Demolitions

The Town Board would like the specs for the demolition bids to be broken out

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into four or five different bids or perhaps as 2 options - one breaking out certain properties and one as a whole. The Town Board will discuss this with the Town Engineer.

R105-13 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 direct the **Town Attorney to advertise on May 1, 2013** with bid openings on **May 20th, 2013 at 2:00 PM** for the **FEMA 59 home demolitions**.

New York State Department of Labor has given the Town a waiver on the notification fees required for asbestos related project.

ADDITIONAL PUBLIC COMMENTS

A speaker wondered why no one seconded the motion concerning the special permit for the Hertz Car Rental. Supervisor Schaffer advised that he would be happy to discuss this matter with him after the meeting.

A speaker reiterated a warning about the dangers of using diesel fuel in the gas hydrofracking process.

A speaker complained that the Highway snow plows damaged his front lawn. He filed a police report. Also, he expressed opposition to what he considers to be excessive payments for the Candlehouse lawsuit. Thirdly, he expressed opposition to the settlements of the Article 7 cases, noting that these are commercial properties that are already paying less. The revaluation in 2008 was done poorly and the residents are forced to make up the taxes. Lastly he expressed frustration that his questions are not being answered.

Supervisor Schaffer noted that some problems have developed with the way the Privilege of the Floor portion of the meeting was being conducted. As a result he is making some changes. He will no longer allow a few individuals to dominate the meetings with persistent back and forth squabbling often with questions that are repetitive and not relevant to Town Board business. The Privilege of the Floor is to be used for speakers to make comments. It is not a question and answer session. If someone wants answers to specific questions, they are encouraged to

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contact any of the Board members. As Supervisor, he is available to meet with people during business hours and encourages people to contact him. If someone has a request for records or documents, a FOIL request can be filed with the Town Clerk.

A speaker inquired about the status of the Rail Trail extension. Supervisor Schaffer asked that she speak with the Town Attorney after the meeting.

SUPERVISOR'S ANNOUNCEMENTS

- **Public Hearing** – April 24, 2013 – **Proposed Local Law “B” of the Year 2013** - A Local Law Rezoning 2611 Owego Road, Vestal, New York (BCTMP # 172.70-1-15) from I Industrial District to C-2 Community Business.
- In a **special election of the Vestal Fire District** held on Tuesday, April 9, 2013, the voters defeated the resolution authorizing the purchase of a heavy rescue fire-fighting vehicle for the Vestal Volunteer Fire Department at a cost not to exceed \$800,000.00. The final tally of the ballots is as follows:
Yes: 182 No: 189
- **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

Councilman Milkovich noted that attendance at the Museum is 37% above last year. More publicity has had a positive affect.

ADJOURNMENT

On a motion of Councilman Marnicki, seconded by Councilman Majewski, the meeting was adjourned at 6:30 PM. Carried unanimously.

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