

Regular Meeting of the Vestal Town Board April 24, 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 April 24, 2013

TOWN BOARD PRESENT:

Supervisor John Schaffer
Councilman Fran Majewski
Councilwoman Patty Fitzgerald
Councilman David Marnicki

ABSENT: Councilman Steve Milkovich

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young, Fire Chief Pat McPherson, Vestal Museum Director Virginia Wood and approximately 40 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.

CUB SCOUT PACK #3221

Presentation to the Vestal Museum

All attending members of Cub Scout Pack were invited to the front of the room for the presentation of their donation to the Museum Director, Virginia Wood. Their leader explained that they visited the Vestal Library as well as the Vestal Museum and greatly enjoyed their experience. They then presented their donation. They want to keep the Museum running and this is their contribution.

Several Board members expressed their appreciation for the donation.

APPROVAL OF MINUTES

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

ADOPTED Ayes 4 Majewski, Fitzgerald, Marnicki, Schaffer
 Nays 0 Absent: 1 Milkovich

Resolved the **Minutes** of the **April 10, 2013 Regular Town Board Meeting** were approved.

BID OPENINGS

Pipe Bursting Bid Results

The following bids for **Pipe Bursting** on behalf of the Water/Sewer Department were received and opened on April 18th, 2013 at 2:00 pm in the Town Clerk's office:

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| | | |
|---------------------------------------|-------------------|----------------|
| Jones Specialty Services Group | Corbettsville, NY | \$ 383,830.00 |
| PIM Corporation | Piscataway, NJ | \$1,585,900.00 |
| Drilling Technologies, Inc. | Wynantskill, NY | \$1,293,875.00 |

Laboratory Water Analysis Bid Results

The following bids for **Laboratory Water Analysis** on behalf of the Water/Sewer Department were received and opened on April 18th, 2013 at 2:30 pm in the Town Clerk’s Office:

| | | |
|-----------------------------------|---------------------|-------------|
| Benchmark | Pennsylvania Avenue | \$40,102.17 |
| Acorn Vestal Environmental | Vestal, NY | \$40,825.60 |

The following bids for the **African Road Bridge Replacement** – PIN # 9753.76, were received and opened on April 11th, 2013 at 2:00 pm in the Town Clerk’s Office:

| | |
|---|--------------|
| R. DeVincentis Construction , Binghamton, NY | \$655,000.00 |
| Procon Contracting LLC , Vestal NY | \$606,000.00 |
| Gorick Construction Co., Inc. , Binghamton, NY | \$573,375.00 |
| ZMK Construction , Apalachin, NY..... | \$649,900.00 |
| Fahs Construction , Binghamton, NY | \$787,033.00 |
| Bothar Construction , Binghamton, NY..... | \$763,762.65 |

PUBLIC HEARING

Public Hearing regarding Local Law “B” - rezoning request by **Creekside Dental**

Local Law “B” of the Year 2013 – A Local Law Rezoning the Vestal Zoning Map by changing a portion of the premises located at 2611 Owego Road, Vestal, New York BCTMP # 172.70-1-15, from I Industrial District (I) to Community Business (C-2).

The site is adjacent to the existing business and the rezoning is to permit the construction of another dental building.

The Supervisor offered *Proof of Posting* and *Affidavit of Publication* along with the *Affidavit of Mailing* submitted by the applicant and opened the Public Hearing.

Todd Anderson of Chianis and Anderson Architects, representing the owner, Creekside Place LLC, displayed the plans for this site. Their intention is to construct a pediatric dental office as well as to add more office space.

A speaker expressed support for the rezoning, noting that Creekside Dental offers free dental work to those who are in need.

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The Supervisor also noted that we are in receipt of the Review Pursuant to Section 239-1 & m

- Broome County Department of Planning and Economic Development
- BMTS
- NYS Department of Transportation

All have reviewed the proposed rezoning request and have not identified any significant countywide or inter-community impacts associated with it.

The Supervisor closed the public hearing and determined that the Board was prepared to vote on Local Law "B".

Negative Declaration of SEQR re: Local Law "B"

R107-13 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Marnicki, Schaffer
Nays 0 Absent 1 Milkovich

Resolved the following ***Negative Declaration of SEQR*** is approved:

Concerning proposed **Local Law "B" of the Year 2013** Entitled: A Local Law Amending the zoning map by changing the premises located at 2611 Owego Road, Vestal, New York BCTMP # 172.70-1-15, from I Industrial District to C-2 Community Business.

The Town Board of the Town of Vestal hereby finds and determines that:

(a) it has considered the action, reviewed the environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with the proposed project

(b) This project will not result in any large and important environmental impacts, and, therefore, is one, which will not have a significant impact on the environment, and, therefore, a negative declaration is hereby adopted.

Adopt Local Law "B" of the Year 2013

R108-13 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Marnicki, Schaffer
Nays 0 Absent 1 Milkovich

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Resolved to adopt **Local Law “B” of the Year 2013** – A Local Law Rezoning the Vestal Zoning Map by changing the premises located at 2611 Owego Road, Vestal, New York BCTMP # 172.70-1-15, from Industrial District (I) to Community Business (C-2).

PRIVILEGE OF THE FLOOR – For Agenda Items Only

Speaker questioned the budget transfers being made to cover the shortfall in the estimated revenue from the sale of forest products. Why was this revenue put into the budget when the public was opposed to cutting down of the trees?

Supervisor Schaffer responded that the project ran into a few regulatory road blocks but that he still expects the Town to proceed with the forest clean-up.

Speaker expressed concern about the logging, noting that people petitioned against this. That money should not have been budgeted in the first place.

Councilman Marnicki responded that nothing has been cut, but the decision to do so will be made by the Board not by public sentiment comments.

Speaker stated that about a year or so ago, a paid consultant examined the trees and determined that there was no ash borer issue in our wooded areas and therefore no need to do any cutting.

Supervisor Schaffer stated the ash borer is probably coming and, by waiting, we may risk losing the revenue which could be going back into the parks.

RESOLUTIONS & MOTIONS

Advertise Public Hearing for CWD No. 1, Ext. 194 and CSD No. 1, Ext. 155

R109-13 On a motion of Councilman Marnicki, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Marnicki, Schaffer

Nays 0 Absent 1 Milkovich

Resolved to grant authorization for the **Town Attorney to advertise on May 8th, 2013** for the **Public Hearings on May 22, 2013** regarding the Petitions for the Establishment of **Consolidated Water District No. 1, Extension No. 194** and **Consolidated Sewer District No. 1, Extension No. 155**

PETITIONER: **Tari L. Grant**

B.C.T.M.P.: 175.15-2-12.11

ADDRESS: 1405 Campus Drive

Highway to Purchase Used Double Drum Roller

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R110-13 On a motion of Councilman Marnicki, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Marnicki, Schaffer
Nays 0 Absent 1 Milkovich

Resolved to adopt a Resolution approving the purchase of a **used double drum roller** for the **Highway Department** to be **financed by bonds and/or bond anticipation notes** authorized by Resolution **R365-12** adopted on December 12, 2012, and for the **Town Attorney to prepare the necessary paper work** for its purchase:

2008 Dynapac Asphalt Roller, MDL CC424FH Serial #384500149, Tandem 12-13 Ton, at the purchase price of \$60,000.00, from the Town of Newfane, 2896 Transit Road, Newfane, NY. This is a used roller with 372 hours in like new condition and has been well maintained and has no known mechanical issues.

New Loader for Highway

Councilman Marnicki noted that this is to replace a piece of equipment that has mechanical problems. The Highway Department provided figures on repairs vs. purchasing. It is more cost effective to purchase a new loader.

R111-13 On a motion of Councilman Marnicki, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Marnicki, Schaffer
Nays 0 Absent 1 Milkovich

Resolved to adopt a Resolution authorizing the Town Comptroller to **contact bond counsel to draft a bond resolution for the purchase of equipment for construction and maintenance purposes.** The intent of the resolution is to provide funds to finance the purchase of a **new loader for the Highway Department** at a cost **not to exceed \$230,000.** Bond counsel will determine if this will be a separate resolution or an amendment to resolution R365-12.

Tabled - Motion to Close Town Offices

A motion was made by Councilman Majewski, seconded by Councilwoman Fitzgerald, to authorize the **closing of the Town Offices** on Friday, July 5, 2013. All employees impacted by this closing will be required to use vacation time, other available paid time off, make up time or go without pay on this day. In no way should this closing be construed as the granting of additional paid time off to employees or of the granting of additional holiday time.

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Councilman Majewski feels that the Town should not be closed for 4 consecutive days. If employees want to take a vacation day, they can. The closing may also affect the labor contracts. He would like to discuss it at the next work session.

A **motion to table** was made by Councilman Majewski, seconded by Councilwoman Fitzgerald

TABLED Ayes 3 Majewski, Fitzgerald, Schaffer
Nays 1 Marnicki Absent 1 Milkovich

CONSENT AGENDA

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

ADOPTED Ayes 4 Majewski, Fitzgerald, Marnicki, Schaffer
Nays 0 Absent 1 Milkovich

Resolved to approve the Consent Agenda as follows:

PUBLIC WORKS: Milkovich/Majewski

Purchase Imaging Surveillance for Highway

R112-13 Authorization for **Daniel Williams, I.T. Director**, to purchase for installation at the Highway Department, a high quality **imaging surveillance** with recording capability at a price not to exceed **\$5,752.97**.

FINANCE: Marnicki/Fitzgerald

Receive and File: Warrant Reports –2013-15, 2013-15E, 2013-15X, 2013–16, 2013-16E, 2013-16L, 2013-16X

Billable Hours For Town Attorney

R113-13 Authorization to pay the **Town Attorney \$1572.50** for billable hours of March 2013.

Budget Transfers

R114-13 Authorization for the Deputy Comptroller to perform the **Budget Transfers** as per her memo dated April 11, 2013, and the **transfers necessary to cover the shortfall in the estimated revenue from the sale of forest products** per the Comptroller's *Budget Transfer Request* form dated April 19, 2013.

Close Capital Projects and Budget Transfers

R115-13 Authorization for the Deputy Comptroller, effective April 22, 2013 to

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close the completed **Capital Projects** per her memo dated April 11, 2013 and to direct the **transfer of the projects unexpended fund balances to the respective debt service or capital reserve funds** in order to be used towards reducing the Town's outstanding debt service obligations or future reliance on debt.

In addition approval is granted for the **Budget Transfers** necessary to transfer unexpended funds into the Interfund Expense line where it will be paid out to the specified Reserve fund and projects will be closed.

Transfer of Police Vehicles

R116-13 Authorization to transfer from Police Department to Dog Control a **2009 Dodge Durango** VIN# 1D8HB38P19F712660 and to transfer from the Police Department to the IT Department a **2009 Dodge Durango** VIN# 1D8HB38P89F712655.

PLANNING & ZONING: Fitzgerald/Milkovich

Use Vestal Library Parking Lot for Fundraisers

R117-13 Authorization for the following organizations to use the Vestal Library lot pending the signing of an Indemnification Agreement:

- **Vestal Sertoma Club** to use the **Vestal Library** parking lot for a fundraiser on July 19, 2013.
- **Vestal High School French Club** to use the **Vestal Library** parking lot for fundraiser on May 10, 2013.

PUBLIC SAFETY: Marnicki/Fitzgerald

Fire Training

R118-13 Approval from the Board of Fire Commissioners to authorizing the following fire personnel to attend the following **trainings**:

- Firefighter's Andy Leslie, Jason Stupski, Justin Petcosky, and Brian Terrell to attend Rescue 3 International Swift Water Rescue Training May 3-5 at Harpursville Fire. Cost is \$425 per member to come from Line F3410 4030.
- Firefighter Deron Biechele to attend Truck Company Operations starting May 6, 2013 at West Colesville. No cost for this course.
- Jason Stupski to attend Fire Officer I class at the Fire Academy June 3-8. Cost is \$25 fee plus \$48 for meals and mileage if a Fire Department Vehicle is not available.

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- 13 FAB members and Station 4 members to attend a Pipeline Safety class Monday May 13 at the Holiday Inn Arena in Binghamton. No cost for this training.

Leases for Singer Training Site

R119-13 Approval from the Board of Fire Commissioners to authorizing to accept the following leases for the Fred Singer Training Site:

**Endwell Fire District
Broome County Fire Chief's Association
West Corners Fire District**

These Leases shall be for a period of 3 years at the amount of \$600 per year.

Accept New Junior Firefighter Applicants

R120-13 Authorization from the Board of Fire Commissioners to accepting the following new Junior Firefighter applicants:

- **Christian Schrader** to become a member of the Vestal Fire Department at Company No. 1.
- **Lance Gates** to become a member of the Vestal Fire Department at Company No. 1.

ADMINISTRATION: Majewski/Milkovich

Hire Recreation Department Staff

R121-13 Authorization for the Recreation Director to hire back the following returning staff. All employee pay rates are budgeted items in the 2013 budget and the background checks have been completed.

A7310.1021 Labor – Playground Instructors

Casey Bulman Vestal as Summer Office Assistant at Pay rate \$9.50/hr.

Loryn Chase 413 Torrance Ave., Vestal as Playground Instructor at Pay rate \$8.00/hr.

Jaisen Clark Vestal as Playground Instructor at Pay rate \$8.00/hr.

Savanna Connolly Vestal as Playground Instructor at Pay rate \$8.00/hr.

Lauren Cook Vestal as Playground Instructor at Pay rate \$8.00/hr.

Abigail Eckert Vestal as Playground Instructor at Pay rate \$8.00/hr.

Jonathan Edwards Vestal as Playground Instructor at Pay rate \$8.00/hr.

Meagan Edwards Vestal as Playground Instructor at Pay rate \$8.00/hr.

Kelly Gerner Vestal as Playground Instructor at Pay rate \$8.00/hr.

Derek Grinnell Vestal as Playground Instructor at Pay rate \$8.00/hr.

Jeremy Liss Vestal as Playground Instructor at Pay rate \$8.00/hr.

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Martin Reynolds Vestal as Playground Instructor at Pay rate \$8.00/hr.

Jackie Rice Vestal as Playground Instructor at Pay rate \$8.00/hr.

Danielle Ruggiero Vestal as Playground Instructor at Pay rate \$8.00/hr.

A7180.1010 Labor – Swimming Pool Directors

Sean Hogan Vestal as Instructional Pool Director at Pay rate \$10.25/hr.

Dan MacQuarrie Vestal as Outdoor Pool Director at Pay rate \$10.25/hr.

Nicholas Montesano Apalachin as Instructional Assistant Pool Dir. at Pay rate \$9.75/hr.

Samuel Schwartz Vestal as Assistant Outdoor Pool Director at Pay rate \$9.75/hr.

A7180.1020 Labor – Labor Lifeguards

Sarah Berger Vestal as Full Time Lifeguard at Pay rate \$8.75/hr.

Austin Case Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.

Catherine Faughnan Vestal as Full Time Lifeguard at Pay rate \$8.75/hr.

William Ferrante Vestal as Full Time Lifeguard at Pay rate \$8.75/hr.

Emily Fox Vestal as Full Time Lifeguard at Pay rate \$8.75/hr.

Joanna Gaynes Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.

Sam Gaynes Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.

Cheri Hanakovic Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.

Ashley Hodge Vestal as Full Time Lifeguard at Pay rate \$8.75/hr.

Chris Hoskins Vestal as Full Time Lifeguard at Pay rate \$8.75/hr.

Alexander Kiser Apalachin as Full Time Lifeguard at Pay rate \$8.75/hr.

Nicholas Kiser Apalachin as Full Time Lifeguard at Pay rate \$8.75/hr.

Jeffrey Klein Apalachin as Full Time Lifeguard at Pay rate \$8.75/hr.

Taylor Lansing Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.

Anthony Michaels Apalachin as Full Time Lifeguard at Pay rate \$8.75/hr.

Cal Michaels Apalachin as Full Time Lifeguard at Pay rate \$8.75/hr.

Hannah Mieczkowski Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.

Shane Murdock Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.

Chris Newins Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.

John Osiecki Apalachin as Part Time Lifeguard at Pay rate \$7.75/hr.

Margaret Pan Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.

Peggy Pan Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.

Jaclyn Ruhl Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.

Catherine Spivak Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.

Joseph Spivak Vestal as Full Time Lifeguard at Pay rate \$8.75/hr.

Derek Wang Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.

Jeffrey Washington 2101 Clover Dr., Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.

Steven Wendell Vestal Part as Time Lifeguard at Pay rate \$7.75/hr.

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Sierra Elizabeth Wilkie Apalachin as Part Time Lifeguard at Pay rate \$7.75/hr.
Heather Wimmer Brackney, PA as Part Time Lifeguard at Pay rate \$7.75/hr.
Sam Yoon Vestal as Part Time Lifeguard at Pay rate \$7.75/hr.

Maintenance Contracts for Cemeteries

R122-13 Authorization to approve the following people to provide maintenance for the abandoned cemeteries in the Town of Vestal for the year 2013 and for the **Town Attorney to draw the contracts:**

Scott Coleman

| | | |
|------------------|---------------------|-------------------|
| 367 Crumm Road | Rounds Cemetery | \$ 300.00 |
| Vestal, NY 13850 | Crumm Rd. Cemetery | \$ 425.00 |
| | Vestal Rd. Cemetery | \$ 300.00 |
| | | \$1,025.00 |

Patrick Milkovich

| | | |
|-------------------|------------------------|-------------------|
| 520 Castleman Rd. | Jensen Rd. Cemetery | \$ 475.00 |
| Vestal, NY 13850 | Vestal Center Cemetery | \$1,100.00 |
| | | \$1,575.00 |

The maintenance of abandoned cemeteries is a statutory obligation of the Town and this is a budgeted item under line A8810-4060.

RECEIVE AND FILE

- Water Testing Performed in 2012 - Annual Water Quality Report
- Fire Advisory Board Meeting Minutes – February 18, 2013
- Inactive Hazardous Waste Disposal Site Classification Notice – Robintech Site – Commerce Road BCTMP 158.07-2-15

END OF CONSENT AGENDA

ADDITIONAL PUBLIC COMMENTS

A speaker noted that a recent referendum to purchase a fire truck did not pass. If New York allows high volume gas drilling, the gas companies should be required to pay for the new fire trucks. Also, he would like the Board to consider sharing the dog control functions with other municipalities. In addition, he is concerned that the Parks Department is still doing work at the Coal House – the work should be done by the company that leases the building.

A speaker commented about the sales tax revenue sharing formula and noted that the County Executive did promise to return back to the 50/50 sharing formula.

SUPERVISOR'S ANNOUNCEMENTS:

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- **Public Hearing on May 8, 2013 - Local Law “D” of 2013** 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.
- **Public Hearing on May 8, 2013 – Local Law “C” of 2013** to rezone **2100 Owego Road**, BCTMP # 72.14-1-26.1 plus remaining CD portion of 172.14-1-27 (2016 Owego Road) from CD to RA-2. (Harrington)
- **Bids for Highway Materials** to be opened **April 25th** at 2:00 pm.
- **Bids for water and wastewater line replacement projects** with openings on May 2nd, 2013 beginning at 2:00 pm.
- **Bids for the FEMA home demolitions** - opening on May 20, 2013 at 2:00
- **BRUSH PICK UP - Pickup will be 3rd Friday of the month, April to September.** Branches must be piled neatly at curb/roadside all in one direction facing the road, not in the street. Leave branches as long as possible better to feed into the machine. Branch diameter is up to 6 inches. (Pine needles are ok.) No tomato vines. No vegetable plant waste - it plugs up the leaf machine.
- In conjunction with the **Fireman’s Association of the State of New York (FASNY)**, Saturday, April 27, 2013 is **Open House Recruitment Day.** All **Vestal Fire Stations will be open to the public from noon until 3:00 PM to recruit new members.**

OLD BUSINESS:

The following motion was passed at the April 22, 2013 Town Board Work Session:

R106-13 On a motion of Councilman Marnicki, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Fitzgerald, Milkovich, Marnicki, Schaffer
Nays 0 Absent 1 Majewski

Resolved 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.

ADJOURNMENT

On a motion of Councilman Marnicki, seconded by Councilman Majewski, the meeting was adjourned at 6:52PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk