

Regular Meeting of the Vestal Town Board August 14, 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 August 14, 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 and approximately 20 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 July 24, 2013 are approved.

PUBLIC HEARINGS

Public Hearing for a **Special Permit for a Vehicle Service Station for Superior Shine Auto Spa**, an auto detailing business, to occupy the basement of 2401 Vestal Parkway East. The Supervisor offered Proof of Posting and Affidavit of Publication and Affidavit of Mailing. He then opened the Public Hearing.

Joseph Christoff owner of ***Superior Shine Auto Spa*** was present to answer questions. He is looking to expand his business.

Councilman Majewski explained that this business would like to occupy the basement floor of 2401 Vestal Parkway East, to provide customer vehicle detailing/cleaning. No vehicle repair will be done. This is the same site that was previously occupied by *Mr. Bubbles*, doing the same type of work.

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Councilman Marnicki noted that he had never received the application for this Special Permit and therefore had not seen the SEQR forms that were done for this project. The Town Clerk provided same for his review.

Adopt Negative Declaration of SEQR re: Vehicle Service Station Permit

R217-13 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to approve the following **Negative Declaration of SEQR**:

Concerning the request for a **Vehicle Service Station Permit** from Joseph Christoff of ***Superior Shine Auto Spa*** for a special permit under section 24-385 of the Town of Vestal Code, to occupy the basement floor of 2401 Vestal Parkway East, B.C.T.M.P # 158.13-1-27:

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.

Issue Vehicle Service Station Permit - *Superior Shine Auto Spa*

R217-13 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to grant the issuance of a **Vehicle Service Station Permit** as requested by Joseph Christoff of ***Superior Shine Auto Spa*** for a special permit under section 24-385 of the Town of Vestal Code, to occupy the basement floor of 2401 Vestal Parkway East, B.C.T.M.P # 158.13-1-27, to provide customer vehicle detailing/cleaning. No vehicle repair is permitted.

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Public Hearing Local Law “E” of the Year 2013–Rezone 3005 Vestal Road
Public Hearing regarding proposed Local Law “E” of the Year 2013 – to amend the Vestal Zoning Map by changing the premises located at **3005 Vestal Road**, BCTMP #158.06-1-27 from **Industrial District (ID) to Community Business (C-2)**, owner Matthews Development. The Supervisor offered *Proof of Posting, Affidavit of Publication* and *Affidavit of Mailing*. He then opened the Public Hearing.

Eric Webb, property manager for Matthews Development, stated that this lot is adjacent to the land that Matthews already owns. It will be used to store vehicles at this time. They have no long term plans for the property.

Negative Declaration of SEQR re: Local Law “E”

Councilman Marnicki stated that he will abstain from voting on this motion because he surveyed this property for the owner.

R218-13 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

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

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

Concerning proposed **Local Law “E” of the Year 2013 Entitled: *A Local Law Amending*** the zoning map by changing premises located at 3005 Vestal Road, Vestal, New York BCTMP # 158.06-1-27 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.

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Adopt Local Law “E” of the Year 2013

R218-13 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to adopt **Local Law “E” of the Year 2013** – A Local Law Rezoning the Vestal Zoning Map by changing the premises located at 3005 Vestal Road, Vestal, New York BCTMP # 158.06-1-27, from Industrial District (I) to Community Business (C-2).

PRIVILEGE OF THE FLOOR (Agenda Items Only)

A speaker stated that he applied for a position on the Board of Assessment Review and feels that the process was manipulated to keep him from getting an appointment. Among other things, the number of alternates was reduced.

Supervisor Schaffer responded that he was given the same opportunity as everyone else and simply was not selected by the Board.

Councilman Marnicki noted that the Board of Assessment Review still has five members but the alternates were reduced because they are not needed.

RESOLUTIONS & MOTIONS

Agreement with EnerPath – Re-lamp Highway Garage

R219-13 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 3 Majewski, Fitzgerald, Marnicki,
Nays 2 Milkovich, Schaffer

Resolved to authorize the **Town Engineer to sign an agreement with EnerPath**, 300 Main Street, East Rochester, NY for re-lamping the Highway garage and for the **transfer of \$4,563.59 from A5132.4111 and A5130.2100**. This relates to a NYSEG program to re-lamp lighting fixtures to energy saving bulbs and ballasts. There are 124 fixtures at Highway that will have work done on them at a cost of \$10,578.95, of which the Town will have to pay \$4,563.59. These changes in fixtures will save about \$2,000 a year in electric cost.

Appointments to the Board of Assessment Review

R220-13 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

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

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Resolved to approve the following appointments and re-appointments to the **Board of Assessment Review**:

- Re-appoint **Robert Flanders** to the Board of Assessment Review effective October 1, 2013. This term is to expire September 30, 2018.
- Appoint **Deborah Gruver** to the Board of Assessment Review effective October 1, 2013 to fill an unexpired term. This term is to expire September 30, 2016.
- Re-appoint **Asif Shaikh** to the Board of Assessment Review as an Alternate effective October 1, 2013. This term is to expire September 30, 2018.
- Re-appoint **Walter Barbour** to the Board of Assessment Review as an Alternate effective October 1, 2013. This term is to expire September 30, 2018.

Authorize Excellus Blue4U Wellness Program

R221-13 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 authorize the following regarding the **Excellus Blue4U** wellness program:

- Authorize the Town Comptroller to complete any paperwork necessary to begin offering the Excellus Blue4U wellness program.
- Authorize this program to be available effective on or about October 24, 2013 (date of health fair).
- Authorize participation in the program be offered to the following:
 - _ Active employees eligible for the health plan.
 - _ Adult covered dependents of active employees.
 - _ Retirees covered on the health plan that are not Medicare eligible.
 - _ Adult covered dependents of retirees that are not Medicare eligible.
- Grant permission to apply for a wellness grant from PERMA (Workers' Compensation insurance carrier) to be used to provide prizes, as determined by the Health Care Oversight Committee, to those that join.

Capital Program Policy – Audit Response

R222-13 On a motion of Councilman Majewski, seconded by Councilman Milkovich the following resolution was

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

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Resolved to adopt the **Capital Program Policy** as proposed by the Town Comptroller in a memo dated 7/3/13. This is in response to the recommendations of the NYS Office of the State Comptroller.

Stipulation of Settlement of Article 7 Cases

R223-13 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 authorize the Town Attorney to sign a **Stipulation of Settlement** for the following **Article 7 Tax Certiorari** cases filed in Broome County entitled:

Sunbriar Estates, LLC, E&B Kradjian, LLC and IVEST, LLC v. The Assessor of the Town of Vestal, New York, and the Town of Vestal, New York, Index Nos. 2009-1983 and 2010-2037, and

Sunbriar Estates, LLC, E&B Kradjian, LLC, and Stable Pond, LLC v. The Assessor of the Town of Vestal, New York, and the Town of Vestal, New York, Index Nos. 2011-1932 and 2012-1859, as follows:

1. For tax year 2009/2010, there will be no reductions in the assessments on Subject Parcels.
2. For tax years 2010/2011 and 2011/2012, the total assessment on 85 Dodd Road (Tax Map No. 158.16-1-28.111) shall remain at \$61,400.
3. For tax year 2012/2013, the total assessment on 85 Dodd Road shall remain at \$58,400.
4. For tax years 2010/2011, 2011/2012, and 2012/2013, the total assessment on 51 Ararat Drive (Tax Map No. 158.20-1-47.11) shall be reduced from \$209,500 to \$164,300.
5. On the 2013 final assessment roll, the total assessment on 51 Ararat Drive shall be reduced from \$199,100 to \$164,300.
6. For tax years 2010/2011, 2011/2012, and 2012/2013, the total assessment on 217 Bunn Hill Road (Tax Map No. 159.13-2-13) shall be reduced from \$84,600 to \$65,000.
7. On the 2013 final assessment roll, the total assessment on 127 Bunn Hill Road shall be reduced from \$80,400 to \$65,000.
8. For tax years 2010/2011, 2011/2012, and 2012/2013, and on the 2013 final assessment roll, the combined total assessment of 325 Bunn Hill Road (Tax Map No. 159.13-2-18), 1038 Bunn Hill Road (Tax Map No. 159.13-2-15) and 1052 Bunn

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Hill Road (Tax Map No. 159.13-2-16) shall be reduced from \$119,400 to \$85,000, allocated as follows: (a) 325 Bunn Hill Road from \$6,400 to \$5,000; (b) 1038 Bunn Hill Road from \$22,300 to \$15,000; and (c) 1058 Bunn Hill Road from \$90,700 to \$65,000.

9. On the 2014 assessment roll, 325 Bunn Hill Road, 1038 Bunn Hill Road and 1058 Bunn Hill Road shall be combined into a single tax map parcel (hereinafter referred to as "New Stable Pond Parcel").

10. On the 2014 assessment roll, the total assessment on the New Stable Pond Parcel shall be \$85,000.

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

CONSENT AGENDA

On a motion of Councilman Majewski, seconded by Councilman Milkovich 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

Out of Title Pay for Highway Employees

R224-13 Authorization for the Highway Superintendent to pay for out of title work for the period April to July 2013 to:

Scott Walter - \$872.30

Jeff Tomczyk - \$348.31

Highway Asset Disposal

R225-13 Retroactive approval to remove these assets from the asset record for the following Highway Equipment:

<u>Asset</u>	<u>Disposal Method</u>
1997 International Dump Truck VIN#0548	Auctions International
1997 International Dump Truck VIN#0549	Auctions International
2001 Ingersoll Rand DD 24 Roller	Auctions International
1997 Morbark Brush Chipper	Auctions International
1987 Caterpillar Wheel Loader IT28B	Auctions International

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The Highway Department placed these items on Auctions International on/or around May 26, 2013. These vehicles and equipment were sold and have been picked up by the buyers. The total amount received was \$44,000.

FINANCE: Marnicki/Fitzgerald

Receive and File:

- **Warrant Reports** – 2013 – 30, 30E, 31, 31E, 31R, 32, 32E, 32T
- **Town Clerk Monthly Report** – July 2013 – Total Local Shares Remitted \$7,206.95
- **Comptroller's Monthly Report** – July 2013

2013 Broome/Tioga County Auction

R226-13 A RESOLUTION of Vestal Town Council approving the authorization of the Town of Vestal to send **surplus equipment to the Broome/Tioga County Auction** to be held on Saturday September 28th, 2013.

NOW, THEREFORE, the Vestal Town Council, duly convened at a regularly scheduled meeting, does hereby,

RESOLVE, to grant permission to the Town of Vestal to send equipment to the **Broome County Auction**.

Legal Fees to Town Attorney

R227-13 Authorization to pay **Legal Fees to Town Attorney, David Berger** for the Month of July, 2013 in the amount of **\$4280.00**.

Budget Transfers

R228-13 Authorization for the Comptroller to perform the Budget Transfers for the period January 15, 2013 through August 8, 2013 per the Deputy Comptroller's memo dated August 8, 2013.

PERSONNEL: Majewski/Marnicki

Hire Summer Employees

R229-13 Approval for the **Recreation Planner to hire the following employees** per her memo dated August 8, 2013. All employee pay rates are budgeted items in the 2013 budget and the background checks have been completed.

A7310.1127 Labor – Baseball Camp Employees

Shawn May –McGraw as Baseball Camp Director at pay rate \$650.00 Salary

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Kevin Franz - Vestal as Baseball Camp Instructor at pay rate \$100.00 Salary
Ryan Franz - Vestal as Baseball Camp Instructor at pay rate \$100.00 Salary
Sean Mullins –Vestal as Baseball Camp Instructor at pay rate \$100.00 Salary
Lawrence Williams –Endwell as Baseball Camp Assistant Director at pay rate \$425.00 Salary

A7310.1122 Labor – Lacrosse Camp Employees

Martin Reynolds - Vestal as Boys Lacrosse Camp Coach at pay rate \$310.00 salary
Cole Lewis - Vestal as Boys Lacrosse Camp Coach at pay rate \$230.00 salary
Gordon Pollard - Vestal as Boys Lacrosse Camp Director at pay rate \$620.00 salary
Mark Robinson - Johnson City as Boys Lacrosse Camp Coach at pay rate \$340.00 salary

A7310.1129 Labor – Field Hockey Camp Employee

Kelcy Wickman - Vestal as Field Hockey Camp Director at pay rate \$600.00 Salary

A7310.1125 – Fall - Field Hockey League Director

Kelcy Wickman –Vestal as Field Hockey League Director at pay rate \$600.00 salary.

A7310.1131 Volleyball Camp Employees – (Three Camps)

Amanda Buchta –Vestal as Volleyball Camp Instructor at pay rate \$125.00/camp (2 camps)
Amanda DeAngelo –Vestal as Volleyball Camp Instructor at pay rate \$125.00/camp (3 camps)
Lindsey Marsh –Vestal as Volleyball Camp Instructor at pay rate \$125.00/camp (1 camp)
Joseph Nemecek –Apalachin as Volleyball Camp Director at pay rate \$500.00/camp (3 camps)
Katie Rogan –Vestal as Volleyball Camp Instructor at pay rate \$125.00 (1 camp)
Katie Rogan –Vestal as Volleyball Camp Assistant Dir. at pay rate \$250.00/camp (1 camp)
Ashleen Speen –Vestal as Volleyball Camp Instructor at pay rate \$125.00/camp (2 camps)

A7310.1040 Labor – Girl’s Advanced Soccer Camp Employees

Edward Hudock – Vestal as Girls Soccer Camp Instructor at pay rate \$250.00 salary
Bill Stepanovsky –Endicott as Girls Soccer Camp Co-Director at pay rate \$650.00 salary
Kyle Stepanovsky –Endicott as Girls Soccer Camp Co-Director at pay rate \$650.00 salary
Brittain Wagner –Endicott as Girls Soccer Camp Coach at pay rate \$200.00 salary

Intern for Vestal Police – Maureen Eberly

R230-13 Authorization to grant an **unpaid internship in the Vestal Police Department to Maureen Eberly** of Harpursville NY. She is a student in the Criminal Justice Program at Broome Community College. Her internship will begin in September of 2013 and will be completed by December of 2013. As part of the internship, Ms. Eberly will be riding with patrols, assisting with records retention, work with detectives, observe K-9 and SWAT training, and learn other aspects of Law Enforcement. A background check has been completed.

PUBLIC SAFETY: Marnicki/Fitzgerald

R231-13 Authorization for the **Vestal Center Community Picnic to hold a parade** on Saturday, August 24, 2013 that begins at noon at the Vestal Center United Methodist Church on West Hill Road and ends at the Fireman's Hall on Coleman Street. Emergency Services will be notified.

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ADMINISTRATION: Majewski/Milkovich

Asset Disposal

R232-13 Authorization for the Receiver of Taxes to dispose of a broken Pitney Bowes Folding Machine.

R233-13 Authorization for Dan Williams, IT Director to scrap 8 Dell GX280 Computers that have been replaced with upgraded hardware.

RECEIVE AND FILE

- Petition filed on August 2, 2013 for **Children at Play** signs – Juneberry Road and Juneberry Court Residents
- Richard E. Pastore, PH.D. - Letter of resignation as an Alternate Member of Vestal's Conservation Advisory Committee (40 years of service).

END OF CONSENT AGENDA

ADDITIONAL PUBLIC COMMENTS

A speaker stated that he applied for an open storage of vehicles permit and wanted to know why the Board is denying it. These cars were damaged in the flood and he does not have the money to restore them at this time. Everything works on the vehicles but the engines need to be rebuilt. They are his hobby. He has had them there for over 20 years. These vehicles are in good condition and do not fit the description of a *junk vehicle*. He will do what he needs to do to keep these vehicles.

Supervisor Schaffer stated that the Code Officer has been after him for a long time to do something with these vehicles. The Court determined that they are junk vehicles and ordered them to be removed.

Town Attorney Berger advised the applicant that he needs to meet certain requirements to apply for an open storage permit. He needs to discuss this with the Code Department.

A speaker who is with Park Outdoor Advertising stated that his company has expertise in signage regulations and safety. They are willing to assist the Town in writing an ordinance to regulate the new type of LED signage. In return, he would like an opportunity to compete for the placement of some signs. Supervisor Schaffer suggested they make an appointment to come in and present their plan.

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A speaker asked to be provided with figures on the current level of Town indebtedness. Supervisor Schaffer stated that he would have them by the next day.

A speaker praised the Town for doing a nice job on the End of the Season Picnic. He has also heard positive comments about the repair work that was done on the creek in the Tracy Creek Road area. He also noted an article about a vertical gas well that was drilled in Owego that is leaking methane gas at the well head.

A speaker expressed concern about the deficiencies cited in the State Comptroller's audit, especially in view of the fact that the Town has over \$20 million in debt. Supervisor Schaffer responded that we have taken corrective actions in response to the audit. We just adopted a Capital Program Policy which will improve the budgetary process. We had a plan in place but we didn't have a five year program. Our borrowing is being done according to the law and we have no deficiencies. Our house is in order.

SUPERVISOR'S ANNOUNCEMENTS

- **Vestal Center Community Picnic** - Saturday, August 24, 2013 - begins at noon at the Fireman's Hall on Coleman Street.

EXECUTIVE SESSION

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

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

Resolved the Board enter into Executive Session for the purpose of discussing an employee issue. The time was 6:53 PM.

On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following was

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

Resolved the Board **leave the Executive Session and adjourn the Regular Meeting.** The time was 7:16 PM.

Approved by _____
Emil J. Bielecki, Town Clerk