

Regular Meeting of the Vestal Town Board September 25, 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 September 25, 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, Station 1 Fire Chief Doug Rose, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young and 13 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 Milkovich, the following resolution was

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

Resolved the Minutes of the **Regular Meeting on September 11, 2013** are approved.

BID OPENINGS

Bid Results for Water Meters

The single bid from **Ti Sales Inc.**, 36 Hudson Road, Sudbury, MA, for **Water Meters** was received and opened at 1:30 pm on September 23, 2013 in the Town Clerk's Office. The results were forwarded to the Water Superintendent for review and recommendation.

Bid Results for Generator at Town Hall

The following bids for the replacement of the **Generator at Town Hall** were received and opened at 2:00 pm on September 23, 2013 in the Town Clerk's Office. This project was identified and funded in 2013 capitals. The results were forwarded to the Town Engineer for review and recommendation.

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<u>Turn Key Control Solutions</u>	<u>Amount</u>
101-109 Main Street, Endicott, NY 13760	\$179,891.80
<u>Matco Electric Co.</u>	
3913 Gates Road, Vestal, NY 13850	\$156,200.00

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

Award Water Meter Bid

R264-13 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 **award the bid for water meters** to single bidder:

Ti-Sales Inc., 36 Hudson Road, Sudbury, MA 01776

Funds to be paid from line W8340-4304.

Legal Services for Candlehouse vs Town of Vestal

Councilman Marnicki noted that after paying this invoice we will have spent about \$136,000 on an issue with a building that we could have purchased for \$300,000.

Councilman Milkovich noted that the sale figure cited by the Councilman was not documented.

R265-13 On a motion of Councilman Majewski, seconded by Councilman Milkovich, the following resolution was

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

Resolved to authorize the Comptroller to pay an invoice for the services of **Ahmuty, Demers & McManus** for the period ending September 9, 2013 in connection with **Candlehouse vs Town of Vestal** in the amount of **\$10,550.10**.

Award the Bid for the Fire Rescue One

Town Attorney David Berger explained that in this resolution, a *special election* and a *referendum* have the same meaning.

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R266-13 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 by the Board of Fire Commissioners to:

- **Award the bid for the Rescue One** fire vehicle to the lowest responsive and responsible bidder meeting the specifications, **Specialty Vehicle Sales Corp.** of Farmingdale, NY in the amount of **\$675,717** (includes the trade-in and removal of certain equipment options), subject to voter approval in a special election.
- Authorize the Comptroller to prepare the paperwork for the financing and the public referendum.

CONSENT AGENDA

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

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

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

FINANCE: Marnicki/Fitzgerald

Receive and File:

Warrant Reports – 2013 – 37, 37E, 38, 38E, 38L

PERSONNEL: Majewski/Marnicki

Contract for Hearing Testing

R267-13 Authorization for the Town to contract with **Industrial Hearing Testing**, 19 Midstate Drive, Suite 220, Auburn, MA 01501 to provide the required annual hearing testing for Town employees at the cost of \$1000.00 for the first 30 tests and \$15.00 for each test over 30. Authorization for the Town Comptroller to transfer money as needed from the workers compensation lines to the professional services lines to pay for this service.

Contract for Vaccines

R268-13 Authorization to have United Health Services Occupational Medicine **provide flu and pneumonia vaccines** on October 24, 2013 at the Town of Vestal Health Fair as follows:

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Full and Part-time Employees: \$25/flu vaccine \$46/ pneumococcal polysaccharide vaccine. Paid by Town

Retirees with health benefits: \$25/flu vaccine \$46/ pneumococcal polysaccharide vaccine. Paid by Town

Adult dependents (age 18 & over) insured by the Town's health insurance plan: \$25/flu vaccine \$46/pneumococcal polysaccharide vaccine. Paid by Town

Adult dependents (age 18 & over) not insured by the Town's health insurance plan: \$25 for flu vaccine \$46 for pneumococcal polysaccharide vaccine Payable to the Town of Vestal.

In addition, authorization for **United Health Services Occupational Medicine** to provide biometrics on October 24, 2013 at the Town of Vestal Health Fair as follows:

Glucose Test \$7/test paid by Town
Cholesterol Test \$10/test paid by Town
Blood Pressure/ No Charge
BMI/No Charge

The Town will pay \$80 hour for the 2 staff needed to conduct the above testing. The money to pay for these services will come from the health insurance line.

Contract UHS Occupational Medicine

R269-13 Authorization for the Town of Vestal to receive services from **United Health Services, Occupational Medicine** as follows:

Hearing Tests - \$22/test Workers Comp PPO annual fee - \$10,000.00
Hep. B Shots - \$52/shot and \$40/Titer

	<u>DOT</u>	<u>Non DOT</u>
Drug Test	\$40	\$35
Alcohol Test	\$28	\$28

Payment for these services will be made from the appropriate departmental budget lines.

PUBLIC SAFETY: Marnicki/Fitzgerald

Fire Training

R270-13 Board of Fire Commissioners to approve the following request:

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- 1) FF Harold Weaver, Gary Singer and Wayne Dakin for NYS Fire Police Course to be held at Endwell Fire Department starting October 1st .
- 2) Brush Truck 32-2 and ATV 32 to NYS Rescue Tech Basic at Town of Binghamton Fire Department on Saturday September 21st and 28th
- 3) Up to 12 members and Foam 32-4 to attend the Fighting Flammable Liquid Fires fir the First Due Engine at East Maine Fire Department on October 4th and the BC Airport on October 5 & 6. The cost of this course is \$25 per firefighter.

Singer Training Site Leases

R271-13 Authorization from the Board of Fire Commissioners to Commissioner's to accept the following **daily leases for the Fred Singer Training Site:**

**Sayre Fire Department
Athens Township Fire Department
South Waverly Fire Department**

These Leases shall be for the 6th, 13th and 27th day of October of 2013 in order respectfully at the amount of \$100 each.

Accept Donation of Gator from BAE

R272-13 Authorization for the Town of Vestal to accept a donation **from BAE Systems for a Gator** utility vehicle.

Advertise Public Hearing for Rezoning

R273-13 Town Attorney to **draw a local law** and to **advertise on October 9th, 2013** for a **public hearing on October 23, 2013** regarding the request by ***Vestal Park, LLC*** to rezone 4696 Vestal Parkway East BCTMP #159.15-2-21.1, within the University Plaza from Community Business (C-2) to Planned Development District (PDD).

ADMINISTRATION: Majewski/Milkovich

R274-13 Authorization to submit a grant to the **2013 Justice Court Assistance Program** requesting up to the maximum amount available. This request includes funding for: Fax machine, copier, desktop scanners, furniture for the Judge's office and security cameras and monitors.

RECEIVE AND FILE

- **Fire Advisory Board Meeting** – August 13, 2013

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- **Vestal Volunteer Emergency Squad, Inc.** – Financial Statements – Nine Months ended September 30, 2011 and 2010
- **Town of Vestal Financial Report** – December 31, 2012 – Ciaschi – Dietershagen – Little – Mickelson & Company, LLP

END OF CONSENT AGENDA

ADDITIONAL PUBLIC COMMENTS

A speaker wanted clarification as to whether the Town signed the County Road Use Agreement. The Supervisor explained that we are still reviewing the agreement and have not signed it.

A speaker handed out an illustration showing how vertical gas wells are drilled which helps to explain why the wells leak methane. He claims that there is proof that methane migration comes from the fracking process. Councilman Marnicki asked the speaker to show him the studies that show the high methane leak rates.

Several residents living near a vacant home on Marshal Drive West expressed concern about its condition. The owners died in the home and were not discovered for days, creating a potential health hazard. Code sent someone to mow the lawn and it needs it again. This property is a health hazard and something needs to be done. Supervisor Schaffer indicated that he is aware of the problem and will check with Code for an update.

Several speakers thanked the Town Board for addressing the issue of the motocross track on Tracy Creek Road. However, they continue to be dissatisfied with the Town's interpretation of the laws regulating such activity. They feel that the Town officials at the meeting made many erroneous statements and continue to refuse enforcing the laws that prohibit the use of this track. They claim that:

- The ZBA interpretation of the situation is not correct.
- There are racing bikes using the site. They are being operated at full throttle and use resonators which create a great deal of noise. Resonators should be made illegal.
- The Town Engineer and the Code Department were aware of the track being built in the early stages but chose to do nothing about it. They also ignored the high decibel readings that were registered at the location and misrepresented the neighborhood logs on usage time of the track.

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- The neighborhood association is demanding enforcement of the laws to stop the illegal operation of this motocross track.

Supervisor Schafer stated that the Town will continue to monitor the situation and is waiting to hear what the ZBA determines when it discusses the issue at the next meeting. The Town will look into taking additional decibel readings at different property line locations.

SUPERVISOR'S ANNOUNCEMENTS

- Leaf pick-up is expected to begin October 18, 2013 until it snows.
- **Museum "The Wheel Spins 'Round" - September 7- November 22**

Open House September 7, 10-12 noon

Fiber arts exhibits and demonstrations by Lamb to Loom Fiber Guild
Demonstrations by Guild members select Saturdays during Vestal Farmers Market Exhibit includes: brief history of spinning and yarn textiles, old and new fiber arts equipment, natural dye exhibit, step by step process, handmade articles.

Museum Open Wed - Sat 10-3 pm. Public Welcome - Free Admission

OLD BUSINESS:

At the Town Board Work Session September 23, 2013, the following resolution was adopted:

Adopt 2014 Proposed Vestal Fire District Budget

R263-13 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 adopt the **2014 Proposed Vestal Fire District Budget** totaling \$1,218,231 and to authorize the publishing of the notice of a budget hearing on October 9, 2013 for a budget hearing to be held on October 15, 2013.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilman Milkovich, the meeting was adjourned at 6:40 PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk