

Regular Meeting of the Vestal Town Board October 9, 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 October 9, 2013.

TOWN BOARD PRESENT:

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

ABSENT: Councilman Fran Majewski

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young and 18 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 Councilwoman Fitzgerald, seconded by Councilman Milkovich, the following resolution was

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

Resolved the Minutes of the Regular Meeting on September 25, 2013 are approved.

BID OPENINGS

The following bids were received and opened in the Office of the Town Clerk at 2:00 p.m. on Thursday, September 26, 2013 for **Vestal Rail Trail Section II, PHASE 2A - PIN 9009.30.**

Bothar Construction LLC	170 East Service Road, Binghamton, NY	\$415,447.00
Broome Bituminous	416 Vestal Road, Vestal, NY	\$359,500.00
Dycon Construction	1841 Pennsylvania Avenue, Pine City, NY	\$364,857.00
H2H Associates	179 River Street, Troy, NY	\$634,570.00
Procon Contracting LLC	P.O. Box 1037, Vestal, NY	\$343,000.00
ZMK Construction	3430 Route 434, Apalachin, NY	\$377,775.00

PRIVILEGE OF THE FLOOR (Agenda Items Only)

A speaker asked about the funding for the Rail Trail extension. Supervisor Schaffer responded that it is coming from federal and state grants.

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A speaker stated that Procon Contracting should not have been awarded the bid for the Rail Trail work. He questions the bidding process that constantly awards the bids to this company. They don't even have an engineer. The Supervisor explained that they are a very reputable contractor. The bids go out and come in sealed. He sees nothing out of the ordinary.

RESOLUTIONS & MOTIONS

Award Bid for Vestal Rail Trail Section II, PHASE 2A - PIN 9009.30 to Procon Contracting

R275-13 On a motion of Councilman Milkovich, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to authorize the Town Attorney to draw and the Supervisor to sign the paperwork awarding the bid for **Vestal Rail Trail Section II, PHASE 2A - PIN 9009.30 to Procon Contracting**, Vestal, NY at the low bid of **\$343,000.00**.

Award Town Hall Generator Bid to Matco Electric

R276-13 On a motion of Councilman Milkovich, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to authorize the Town Attorney to draw the necessary paperwork awarding the bid for the **Town Hall Generator** to low bidder **Matco Electric**, 3913 Gates Road, Vestal, NY at a price of **\$ 156,200**.

Fire to Purchase Heavy Rescue Vehicle subject to Public Referendum

R277-13 On a motion of Fire Commissioner Fitzgerald, seconded by Fire Commissioner Milkovich, the following resolution was

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

Resolved by the Board of Fire Commissioners to adopt a resolution authorizing the purchase of a **Heavy Rescue Fire-Fighting Vehicle** for the Vestal Fire District in the Town of Vestal, Broome County, New York, at a maximum estimated cost of **\$699,000**, and authorizing the issuance of not exceeding \$699,000 serial bonds of said fire district to pay the cost thereof, subject to the passage of a public referendum.

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Authorize Fire District Special Election

R278-13 On a motion of Fire Commissioner Milkovich, seconded by Fire Commissioner Fitzgerald, the following resolution was

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

Resolved by the Board of Fire Commissioners to adopt the following **resolution authorizing a special election on November 19, 2013:**

BE IT RESOLVED, by the Board of Fire Commissioners of Vestal Fire District in the Town of Vestal, Broome County, New York, as follows:

Section 1. A special election of the qualified voters of Vestal Fire District in the Town of Vestal, Broome County, New York, is hereby authorized to be held on the 19th day of November, 2013, at the Town Hall, in Vestal, New York, in said Fire District, between the hours of 12:00 o'clock Noon and 9:00 o'clock P.M., Prevailing Time, to vote by paper ballot upon the adoption or rejection of the bond resolution heretofore adopted at this meeting.

Section 2. The notice of such special election shall be in substantially the form attached hereto as Exhibit A, and hereby made a part hereof.

Section 3. The Secretary of said Fire District is hereby authorized to give notice of such special election by publication once in official newspaper having a general circulation in said Fire District, the first publication to be not less than twenty-seven (9) nor more than thirty-four (34) days prior to the date of such election, and posting on the bulletin board and website of the Fire District and of the Town at least 15 days and not more than 20 days prior to the date of such election.

Section 4. This resolution shall take effect immediately.

Appoint Board of Election for Special Election

R279-13 On a motion of Fire Commissioner Fitzgerald, seconded by Fire Commissioner Milkovich, the following resolution was

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

Resolved by the Board of Fire Commissioners to adopt a Resolution **appointing a Board of Election for the Special Election:**

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WHEREAS, the Board of Fire Commissioners of Vestal Fire District in the Town of Vestal, Broome County, New York, has called a special election of the qualified voters of said Fire District to be held on the 19th day of November, 2013; and

WHEREAS, it is now desired to provide for the appointment of a permanent chairman, inspectors of election and assistant clerks for said special election; NOW, THEREFORE, BE IT

RESOLVED, by the Board of Fire Commissioners of the Vestal Fire District in the Town of Vestal, Broome County, New York, as follows:

Section 1. Lucille Giles, a duly qualified voter of said Fire District is hereby appointed as the permanent chairman of the special election referred to in the preambles hereof.

Section 2. The following named qualified voters of said Fire District are hereby appointed to act as inspectors of election of said special election, so that there shall be at least two inspectors for each ballot box to be used thereat:

Inspectors: Marlene Arnold, Janet Cole, Nancy Gregory

Section 3. Each inspector of election appointed for said special election, as herein provided, shall be entitled to compensation at the rate of \$11.00 an hour for the services for the Chairman and \$10.00 an hour for the services for the Inspectors. The Secretary of said Fire District is hereby authorized and directed to give written notice of appointment to the persons herein respectively appointed as permanent chairman, inspectors of election and assistant clerks for said special election.

Section 4. This resolution shall take effect immediately.

Public Notice of Special Election

R280-13 On a motion of Fire Commissioner Milkovich, seconded by Fire Commissioner Fitzgerald, the following resolution was

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

Resolved by the Board of Fire Commissioners for the Town Attorney to publish, on **October 16th, 2013**, a ***Notice of Special Election*** to be held on the **19th day of November, 2013**.

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CONSENT AGENDA

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

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

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

PUBLIC WORKS: Milkovich/Majewski

Advertise Bids for NRCS Creek Projects

R281-13 Authorization for the **Town Attorney to advertise on October 23, 2013 for bids of the NRCS Creek Projects** being funded by Natural Resources Conservation Services, to be opened at on November 12, 2013 at 2:00 PM. (Date is subject to change at the request of the Town Engineer.)

Advertise Public Hearing for Service Station Permit – New Holland

R282-13 Authorization for the **Town Attorney to advertise on October 16, 2013 for a Public Hearing on November 6, 2013** regarding the request of Michael Mastro of *New Holland Equipment*, for a **vehicle service station permit** for their relocation to 2807 Vestal Road (Airgas Building).

FINANCE: Marnicki/Fitzgerald

Receive and File:

- **Warrant Reports** – 2013 - 39, 39E, 40, 40E
- **Town Clerk Monthly Report** – October 2013 – Local Shares Remitted \$5,833.72
- **Comptroller's Monthly Report** – September 2013

Legal Fees for Town Attorney

R283-13 Authorization to **pay legal fees** in the amount of **\$1512.50** to **David Berger Town Attorney** for the period September 1 through September 30, 2013.

PLANNING & ZONING: Fitzgerald/Milkovich

Vestal Band Aids to Use Library Parking Lot

R284-13 Authorization for the ***Vestal Band Aides*** to have **use of the library parking lot** on October 12, 2013 for bands to warm up for the New York State Field Band Conference. An Indemnification Agreement is to be signed.

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PUBLIC SAFETY: Marnicki/Fitzgerald

Accept Fire Fighters

R285-13 Approval from the Board of Fire Commissioners to accept:

- Junior Firefighter applicant **Adam Norovich** as a member of Company No. 1.
- Firefighter applicant **William Spangenburg** as a member of Company No. 1.

Fire to Use Capital Reserve for Building Improvements

R286-13 Authorization from the Board of Fire Commissioners to **release \$16,000 from the Capital Reserve and transfer it to F3410 2255 - Building Capital Improvements** pending a permissive referendum to replace the roof over the apparatus bay at Station 3. This amount has been removed from the 2014 Fire Budget.

END OF CONSENT AGENDA

COMMITTEE CHAIR COMMENTS AND UPDATES

Councilman Milkovich thanked the Vestal Fire Department and the Police Department for their presentations at the Fire Expo at Lowes.

ADDITIONAL PUBLIC COMMENTS

A speaker asked why we wouldn't have the fire district special elections held on Election Day to save money and why we are bringing back something that was defeated last spring. He thinks this is being done so that fewer people show up to vote it down. Also, the price of the vehicle is too high. Supervisor Schaffer explained that the vehicle price was from the lowest responsible bidder in competitive bid process. This will not cost the taxpayer additional money or result in a tax increase because other debt is being paid off. The Board of Elections advised against holding the special election on Election Day.

A speaker recommended that the money Vestal is getting for flood remediation should be used to eliminate the islands from the river.

A speaker expressed concern about the flooding at the Airborne intersection and feels that something should be done. The Supervisor responded that we have adequate pipes to handle normal flow but the system cannot cope with the kind of heavy storm event that we recently experienced.

A speaker objected to the legal expenses of the Candlehouse lawsuit feeling that it is throwing money away. The Town Attorney noted that the trial is scheduled for the end of the month.

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A speaker expressed opposition to the escalating charges imposed by the Joint Sewage Treatment Plant. Supervisor Schaffer noted that we are only paying the minimum rate to the Plant until things change. He is working with other outside users to gain a greater voice in how the plant is operated.

A speaker stated that there should be no increase in taxes in the 2014 budget. Supervisor Schaffer noted that we are under the state cap right now and he is hoping that with additional work we can reduce the budget further.

A speaker referred the Board to an article about methane gas leakage in Pennsylvania gas wells. Also, he feels that the EPA is doing a poor job in monitoring air emissions connected to the gas drilling operations. The Supervisor noted that he read an article from Cornell that contradicted his information.

Councilman Marnicki stated that there is too much junk science being used by both sides of the gas drilling debate. He wants to see information that is independently done.

A speaker objected to what he considered to be an effort by Councilman Marnicki to belittle a person and to dismiss all of the information that he was trying to provide to the Board. He challenged Councilman Marnicki to explain how he gets his information. Councilman Marnicki responded that he primarily relies on his 40 years on experience in analyzing problems. He also does a lot of reading and attends seminars that present both sides. At this time, he doesn't feel that he has enough information to make any decisions about hydro-fracking.

SUPERVISOR'S ANNOUNCEMENTS

- The Highway Department has begun leaf pick up.
- **NY Rising – Public Information Meeting** – October 15, 2013 at 6:30 – 8pm
–Broome County Public Library, Decker Room, 1st floor.

ADJOURNMENT

On a motion of Councilman Milkovich, seconded by Councilwoman Fitzgerald, the meeting was adjourned at 7:02 PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk