

Regular Meeting of the Vestal Town Board January 8, 2014

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 January 8th, 2014.

TOWN BOARD PRESENT:

Supervisor John Schaffer
Councilman Fran Majewski
Councilwoman Patty Fitzgerald
Councilwoman Sue Messina

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young, Comptroller Laura McKane, Water Superintendent Scott Groats 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 4 Majewski, Fitzgerald, Messina, Schaffer
 Nays 0

Resolved the Minutes of the Regular Meeting on December 18, 2013 are approved.

PUBLIC HEARINGS

Supervisor Schaffer offered *Proof of Posting* and *Affidavit of Publication* regarding the Public Hearing for **Local Law A of the Year 2014 Amending Sewer Rents**

Section 1. Chapter 18, Article V of the Code of the Town of Vestal is hereby amended to provide as follows:

(a) Sec. 18-201 Definitions is amended by modifying the term “Sewer Rents” to read as follows: “Means a scale of charges established and imposed by the sewer district pursuant to this article for the use by a property of a sewer system or any part or parts thereof including charges to cover the cost of operation, maintenance, replacement and capital costs, bond and interest redemption and other authorized expenditures.”

(b) Sec.18-202(b) (1) Imposition and Computation is amended by deleting “...four dollars and eighty eight cents (\$4.88)...” and inserting in its place “five dollars and thirty cents (\$5.30)” and further amended by deleting “...forty nine dollars

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and zero cents (\$49.00)...” and inserting in its place “fifty three dollars (\$53.00)”.

(c) Sec. 18-202 is further amended by adding a new provision as follows:

“(b)(4) The quarterly capital cost charge for each property within the sewer district is \$5.00 per account. Said monies collected shall be deposited in the Reserve Fund established for these purposes and no expenditure shall be made from this fund except pursuant to Section 6-C of the General Municipal Law or by resolution of the Town Board as applicable.

Comptroller Laura McKane and Superintendent Scott Groats presented the details of the proposed sewer rents increase in a PowerPoint presentation. It was noted that the increases are necessary to balance the budget and we were caught off guard by the size of the increase imposed by the Binghamton –Johnson City Treatment Plant.

Our Sewer Rate is comprised of the costs associated with collection and treatment. Treatment costs are set by either Village of Endicott or the Binghamton-Johnson City Joint Sewer Board.

Sewer District Costs

Charges from Outside Sewer Plants	75%
Vestal’s Collection System	16%
Administration	8%
Debit Service	1%

Current Financial Status

- Projected \$230,000 operating deficit for 2013
- \$163,000 due for 2012 actual vs. estimate
- Fund balance is estimated to be \$73,000 down from \$750,000 at the end of 2011
- Additional \$152,000 is needed in rents to fund 2014 budget

Reasons for Decline

Revenue Shortfall for 2013: \$70,000

Treatment Cost: \$500,000 higher than anticipated (2012-2013)

Significant Factors

- Improving but continued communication problems with the Treatment Plant Owners– Budget & Billing Reconciliation
- Flow Management Plan for all Joint Plant Users will continue impacting costs
- DEC Consent Order Received in 2011
 - Remove I & I (Inflow & Infiltration)
 - Gives timeline for compliance

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Vestal's Collection System

Plans to:

- replace sewer pipe to actively reduce I & I per the Flow Management Plan; this allows for future residential / commercial development
- Allocated more current staff time to sewer work

Rate Perspective

- The NYS Comptroller's Office deemed a single family residence can afford a sewer cost of \$774 per year
- A rate study, completed by Hunt Engineers, Architects & Surveyors, PC found an average rate for several upstate communities to be \$374
- The Town of Vestal proposed rate for a similar single family dwelling is \$359 per year

Proposed Rate Increase

- Minimum charge increased \$4.00 from \$49.00 to \$53.00 (first 10,000 gallons) per quarter
- Rate per additional 1,000 gallons used increased \$.42 from \$4.88 to \$5.30
- Non-metered customers no change \$66.00
- New Capital Charge \$5.00 per quarter to fund infrastructure improvements
* Average residential bill will increase from \$63.64 to \$73.90 per quarter (13,000 gallon usage)

Outlook

- Expect continued rate increases to fund Vestal's compliance with Flow Management requirements.
- Failure to fund improvements and compliance matters will:
 - restrict development potential,
 - minimize future funding opportunities
 - allow our infrastructure to age to a point that requiring replacement in lieu of repair.

Infrastructure Improvements

Complete or in Progress:

Sewer System Hydraulic Model

Engineering complete

Video and Repair Sewer Trunk Lines – on going

Emergency Power Equipment

Replaced Over 2 Miles of Sanitary Sewer Lines

Flow Study Complete

Point Repairing

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The Supervisor opened the Public Hearing and comments were made as follows:

In response to a question about whether improvements to our infrastructure will be paid for from these increases, Superintendent Scott Groats replied that he is hoping to build revenues and increase our fund balance. He is trying to use his budget for improvements, although all except 15% of his budget goes to the treatment plants.

In response to a question about how the shortfall is projected, Comptroller McKane stated that the most current figures provided by the Joint Sewage Treatment Plant are used in the estimate.

A speaker stated the treatment plant expenses are adjusted without basis. Why don't we have exact numbers? Supervisor Schaffer noted that we have no say in determining how much we are charged by the treatment plant. We have tried to work with other outside users to gain some influence. There is still ongoing litigation.

The Water and Sewer Superintendent Scott Groats noted that much of the costs stem from mandates imposed by the Chesapeake Bay Authority.

Councilwoman Fitzgerald asked how our costs compare to the other municipalities. Comptroller McKane responded that, based upon a study of several upstate communities, our rate is still lower than the average.

The Water and Sewer Superintendent noted that all towns are affected and they are dealing with their own separate issues. He would like to see a non-political governing board established to make decisions and oversee water and sewer issues.

Seeing or hearing no one else wishing to speak, Supervisor Schaffer closed this Public Hearing. The consensus of the Board was to vote on this Local Law at this time.

Adopt Local Law A of the Year 2014 – Amending Sewer Rents

Supervisor Schaffer stated that this action has been identified as a Type II action and therefore is not subject to review under SEQRA.

R001-14 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0

Resolved to adopt **Local Law A of the Year 2014** Amending Sewer Rents, Chapter

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18, Article V of the Code of the Town of Vestal.

PRIVILEGE OF THE FLOOR (Agenda Items Only)

A speaker expressed his views on the agenda items as follows: opposes granting of the \$100 clothing and boot allowance to department heads; opposes out of class pay and vacation carryovers; opposes hiring of out of town auditors; opposes passage of Local Law F (rezoning for student housing complex) based on general opposition expressed at the public hearing in October.

RESOLUTIONS & MOTIONS

Adopt 2014 Town of Vestal Organizational Appointments and Authorizations

R002-14 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0

Resolved to adopt the **2014 Town of Vestal Organizational Appointments and Authorizations** as follows:

A. Town Board Committees:

PUBLIC WORKS: FITZGERALD /Messina

(Utility, Highway, Water, Parks, Building Maintenance)

FINANCE: MESSINA/Majewski

PERSONNEL: FITZGERALD/Majewski

PLANNING & ZONING: MESSINA/Fitzgerald

(Code Department, Planning and Zoning, Engineering)

PUBLIC SAFETY: MAJEWSKI/ Messina

(Fire, Police, Emergency Services, Courts)

ADMINISTRATION: MAJEWSKI/Messina

(Assessment, Tax Collector, Clerk, Library, IT,
Recreation, Historian, Museum)

B. Appointment of Town Attorney: David Berger (a two year appointment from January 1, 2014 – December 31, 2015)

C. Appointment of Comptroller/Director of Finance: Laura McKane (a two year appointment from January 1, 2014 – December 31, 2015)

D. Appointment of Town Engineer: Gary Campo (a two year appointment from

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January 1, 2014 – December 31, 2015)

E. Town Board Meeting Schedule

2014 WORK SESSIONS	2014 BOARD MEETINGS
Monday before the 1st, 2nd & 4th Wednesdays of the month at 6:00 p.m. unless otherwise indicated	2nd & 4th Wednesdays of the month at 6:00 p.m. unless otherwise indicated
1/06/14	1/08/14
1/20/14 <i>Martin Luther King Day - TOV Open</i>	1/22/14
2/10/14	2/12/14
2/24/14	2/26/14
3/03/14	
3/10/14	3/12/14
3/24/14	3/26/14
4/07/14	4/09/14
4/21/14	4/23/14
5/05/14	5/07/14
5/19/14	5/21/14
6/02/14	
6/09/14	6/11/14
6/23/14	6/25/14
7/07/14	7/09/14
7/21/14	7/23/14
8/4/14	
8/11/14	8/13/14
8/25/14	8/27/14
9/08/14 <i>No 1st Mon due to Labor Day</i>	9/10/14
9/22/14	9/24/14 ADOPT FIRE DEPT PROPOSED BUDGET
	NO LATER THAN 9/30/14 TENTATIVE BUDGET FILED WITH TOWN CLERK
***TOWN CLERK PRESENT TENTATIVE BUDGET TO BOARD ON	

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OR BEFORE 10/5/14****	
10/06/14	10/08/14
10/20/14	
****10/21/14 FIRE DEPT PUBLIC HEARING****	10/22/14 ADOPT FIRE DEPT BUDGET
****PUBLISH NOTICE OF PUBLIC HEARING ON TOWN BUDGET AT LEAST BY 10/29/14	
11/03/14	11/05/14 TOWN BUDGET PUBLIC HEARING
11/17/14	11/19/14 ADOPT TOWN BUDGET
12/01/14	
12/08/14	12/10/14
12/15/14 3 rd week due to Christmas	12/17/14 3 rd week due to Christmas

F. Establish salary and wage rates for town employees as stated in the 2014 salary schedule on file in the Town Clerk's office.

G. Approval of the form, manner and sufficiency of the Employee Surety Bond.

H. \$100 for clothing and boot allowance for:

Water Superintendent – Scott Groats
Parks Superintendent – Jim Bukowski
Highway Superintendent – Brock Leonard
Deputy Highway Superintendent – Rocco Turdo
Town Engineer – Gary Campo
Deputy Water Superintendent – Bill Peltz
Code Officer – Mark Dedrick

I. Attendance to budgeted association meetings as follows:

Monthly:

Broome County Association of Municipal Court Clerks
Broome County Association of Towns and Villages
Broome County Municipal Clerks Association
Association of Assessors

Quarterly:

Broome County Association of Receivers and Tax Collector's
Building Officials
NYS GFOA Board of Governors

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Annual:

NYS GFOA Annual Conference
PERMA Conference
NYS Town Clerks Association Annual Conference

Other Training:

NYS GFOA meetings and seminars

Education Seminars for Building and Code

Winter/Spring STBOA One Day Seminar

Northern Adirondack BOA

Finger Lakes BOA 4 days

Summer STBOA One Day Seminar

NY Firefighters Association

Fall ICC Conference

STBOA One Day Seminar

Fire Inspectors Seminar

Spring or Fall NYS Fire Academy Sprinkler Workshop

J. Under Section 77-b of General Municipal Law, the Board delegates department heads to authorize training within the limits of the department budget.

K. Adopt **Procurement Policy** and list of authorized purchasers as amended 1/7/2014.

L. Adopt **Scrap Metal Policy** as amended 1/7/2014.

M. Mileage Reimbursement for the use of a personal vehicle on Town Business will be based on the Federal Government guidelines

N. Designate Depositories for Town Funds:

M & T \$12,000,000 J. P. Morgan Chase \$20,000,000

Tioga State Bank \$12,000,000 First Niagara \$ 2,000,000

O. Designate the Delegate for Association of Town Meeting as John Schaffer with the alternative being Fran Majewski

P. Designate the official Town newspaper as the *Vestal Town Crier*

Adopt Negative Declaration of SEQR Local Law “F” of the Year 2013

(Public Hearing was held on October 23, 2013.)

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R003-14 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0

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

Concerning proposed a **Local Law “F” of the Year 2013** Entitled: A Local Law to change the zoning map of the Town of Vestal regarding 4696 Vestal Parkway East within the University Plaza, BCTMP #159.15-2-21.1 from Community Business (C-2) to Planned Development District (PDD) (Metroplex Student Housing, Vestal Park, LLC).

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 Proposed Local Law “F” of the Year 2013

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

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0

R003-14 Resolved to **adopt proposed Local Law “F” of the Year 2013** Entitled: A Local Law to change the zoning map of the Town of Vestal regarding 4696 Vestal Parkway East within the University Plaza, BCTMP #159.15-2-21.1 from Community Business (C-2) to Planned Development District (PDD) (Metroplex Student Housing, Vestal Park, LLC).

CONSENT AGENDA

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

ADOPTED Ayes 5 Majewski, Fitzgerald, Messina, Schaffer
Nays 0

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

PUBLIC WORKS: Fitzgerald/Messina

Troy & Banks Consultants to Audit Utility Accounts

R004-14 Authorization for the Town Engineer to sign the necessary paperwork to enter into an agreement with **Troy & Banks Consultants**, Buffalo, NY, to perform a utility accounts audit. They will receive no payment unless they find billing errors.

Electric and Gas – will go back 6 years and receive 40 % of the monies relating to billing mistakes they find (this will include street lighting)

Telephone – they will go back 6 months with payment of 20% of future saving for the next 18 months(6 months is all that is allowed by Public Service Commission)

Cable – they will review the cable franchise fees to determine if accurate franchise fees are submitted to the Town at a rate of 50%.

Out of Class Pay for Highway Employees

R005-14 Authorization for Highway Superintendent Brock Leonard to pay **out of class pay** as follows:

Greg Burd	\$348.00	240.00 hours (November 11 – December 31, 2013)
Todd Ingersoll	\$287.66	108.50 hours (November 22 – December 16, 2013)
Donnie Younker	\$380.34	125.25 hours (November 24 – December 23, 2013)

Carry Over Vacation for Highway Employees

R006-14 Authorization for the following highway employees to carry over amounts of **vacation over 40 hours into 2014:**

Greg Burd	21.25 hours over 40	Richard Cady	10.50 hours over 40
Louise Smith	9.75 hours over 40	Rocco Turdo	7.75 hours over 40

Accept Donation for Park Bench on Section 2 of the Rail Trail

R007-14 Authorization for Town Engineer Gary Campo to accept a donation in the amount **\$1,250.00 for the purchase and installation of a park bench on Section 2 of the Rail Trail**. This cost covers to purchase the bench, install a concrete pad, plus Park's Department labor and equipment for the new bench.

FINANCE: Messina/Majewski

Receive and File:

- **Warrant Reports** – 2014 - 2013-50, 50E, 51, 51E, 51L, 51M, 52, 52E, 2014-01
- **Town Clerk Annual Report 2013**
- **Town Clerk Monthly Report - December, 2013** – Total Local Share Remitted \$5,207.29

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Budget Transfers

R008-14 Authorization for the Deputy Comptroller Pam Fitzgerald to perform **Budget Transfers**, as attached to her memo dated 12/30/13 for the effective dates 8/9/13 thru 12/30/2013. These transfers were needed to cover 2013 budget deficits for a variety of reasons.

PLANNING & ZONING: Messina/Fitzgerald

Advertise Public Hearing – Vehicle Service Station Special Permit

R009-14 Authorization for the Town Attorney to advertise on January 29, 2014, for a Public Hearing on February 12, 2014 regarding a request for a Vehicle Service Station **Special Permit** to reoccupy the old Hess gas station/convenience store at 3151 Vestal Parkway East, BCTMP# 158.11-1-19.

PUBLIC SAFETY: Majewski/Messina

Transfer of Fire District Insurance Balance

R010-14 Authorization from the Board of Fire Commissioners to move **\$12,225.11 of the Fire District Insurance reimbursement** to the Station #1 account (for losses during the 2011 flood); the amount of \$20,000 to be re-encumbered for use in 2014, with the remaining funds being put into the Fire District General Fund Balance. This will close out the flood insurance balance.

Fire Election Results and Appointment of Deputy Fire Marshall

R011-14 Approval from the Board of Fire Commissioners to accept the results of the **Fire Chief elections** and to appoint **Christopher S. Lupold** as Deputy Fire Marshall. The established positions are as follows:

Fire Chief: Patrick McPherson (second year of his 2 year term)

Fire Marshall: Carle Truman **Deputy Fire Marshall:** Brian Mather

Deputy Fire Marshall: Christopher S. Lupold

Elected Station Chiefs for 2014

Station 1: Douglas Rose **Station 2:** William Stout

Station 3: David Harrington **Station 4:** John Paffie

RECEIVE AND FILE:

- Memo dated December 18, 2013 from Town Engineer Gary Campo regarding NYSDOT Repaving of SR 434.

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- Notices dated December 16 and 17, 2014 – **Talisman Energy** Notices of Intention to Commence Natural Gas Well Drilling Operations in the Choconut and Apolacon Townships.

END OF CONSENT AGENDA

ADDITIONAL PUBLIC COMMENTS

A speaker expressed opposition to appealing the court decision concerning the tax status of a UHS property. Also, he objects to the payments previous given to members of the Board of Assessment Review and feels they should be returned.

A speaker stated that one of the criteria in filling the vacant position on the Town Board should be that the person has attended at least one Board meeting.

A speaker stated that the Candlehouse and UHS lawsuits are completely different. He is in favor of appealing the UHS court decision.

A speaker asked where the Board stood on consolidation. Supervisor Schaffer responded that the Board is always looking at ways to consolidate. We have stayed under the state imposed tax cap for the last two years.

A speaker asked about the Time Warner franchise agreement and stated that the Town Board has a say in the pricing. Supervisor Schaffer noted that Time Warner is regulated by the NYS Public Service Commission but that we did just hire a firm to audit them as it pertains to their payments to the Town.

SUPERVISOR'S ANNOUNCEMENTS

- Applications for appointment to fill the vacancy on the Town Board will be accepted until January 14, 2014.
- **Winter Parking Hours** – December 1st - March 31st – No Parking on Town roads between 2:00 AM and 6:00 AM.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the meeting was adjourned at 6:56PM. Carried unanimously.

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