

## Regular Meeting of the Vestal Town Board January 28, 2015

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 January 28, 2015.

### **TOWN BOARD PRESENT:**

**Supervisor John Schaffer**  
**Councilwoman Fitzgerald**  
**Councilwoman Messina**  
**Councilwoman Agneshwar**

### **ABSENT:**

**Councilman Majewski**

**ALSO ATTENDING:** Town Attorney David Berger, Town Clerk Emil Bielecki, 1<sup>st</sup> Deputy Town Clerk Kathie Young and approximately 20 members of the general public.

Supervisor Schaffer 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 Agneshwar, seconded by Councilwoman Messina, the following resolution was

**ADOPTED** Ayes 4      Fitzgerald, Agneshwar, Messina, Schaffer  
                  Nays 0      Absent 1      Majewski

Resolved the Minutes of the Regular Meeting on January 7, 2015 are approved.

### **PRIVILEGE OF THE FLOOR (Agenda Items Only)**

A speaker expressed opposition to charging a fee for appeal applications to the Zoning Board of Appeals (ZBA) noting that the ZBA is a paid board and hearing appeals is a routine part of their duties. Supervisor Schaffer agreed that some people should not pay for appealing to the ZBA, especially if their homes were built prior to the Town's adoption of zoning regulations.

A speaker expressed the following comments about items on the agenda:

- Objects to all the capital project bonding resolutions. This is reckless spending and we are leaving a burden to the younger generation.
- Feels that the Board is showing favoritism to a neighbor of the Supervisor by reviewing a request for a sewer bill reduction that was previously denied.

## Regular Meeting of the Vestal Town Board January 28, 2015

- Objects to hiring a landscaper for the signage on the Rail Trail.
- Objects to paying the County to have Tracy Creek Road plowed and salted.
- Objects to being time restricted during privilege of the floor.
- Recommends not paying Board members when they are absent from meetings.
- We should not be paying \$15,000 for a mower.
- Objects to the plan to provide water to the Village of Endicott.

In response to the speaker above, Supervisor Schaffer noted the following:

- The Board denied the request for a reduction in the sewer bill
- The County pays the Town to plow Tracy Creek Road and we benefit financially from the agreement.
- There is an existing water connection with the Village of Endicott but it was damaged by the floods. The repair is at no cost to the Town and we get paid for any water that we send.
- The signs on the Rail Trail are part of the multi-community Greenway Project which we coordinate. Our cost is only a small portion of the total and the signs are primarily directional and will not replace our existing Rail Trail signage.
- As to the need for bonding, we have to do it. We don't have large sums of money on hand to pay upfront for major projects. We are trying to keep up with an aging infrastructure and equipment wears out and must be replaced. We are changing brands on police vehicles to get the best value. Large mowers do cost \$15,000. We are putting in an additional bathroom at Arnold Park to accommodate the elderly.

### **RESOLUTIONS & MOTIONS**

#### **Establish Building and Code Fees**

On a motion of Councilwoman Fitzgerald, seconded by Councilwoman Messina the following resolution was brought to the floor for discussion:

Resolved that pursuant to the **Town of Vestal Code, Sections 5-36, 5-118 and 24-73(b)**, the Town of Vestal does hereby **establish the following fees** to be charged by the Town Building and Code Department:

1. \$125.00 Application Fee for Special Permits for storage container units.
2. \$500.00 Application Fee for Gateway Sign Applications.
3. \$ 50.00 Application Fee for submission of a variance/appeal with the Zoning Board of Appeals or the Town Board.

**Regular Meeting of the Vestal Town Board**  
**January 28, 2015**

Councilwoman Agneshwar stated that she opposes the fee for storage containers because it penalizes businesses for doing well. She is not convinced that the gateway signs are even appropriate for the Town. This resolution should be tabled to clarify a number of issues.

Supervisor Schaffer stated that he has concerns with the fee for ZBA appeals but that the storage container fee is reasonable to compensate for the additional work.

The motion to table this resolution was made by Councilwoman Agneshwar and seconded by Councilwoman Fitzgerald. **The motion to table failed.**

**Vote -** Ayes: Agneshwar, Fitzgerald Nays: Messina, Schaffer Absent: Majewski

A motion was made by Councilwoman Messina, seconded by Councilwoman Fitzgerald, amending the resolution to exclude the fees for the storage containers and for the appeals to the ZBA. **The motion to amend passed.**

**Vote -** Ayes: Fitzgerald, Agneshwar, Messina, Schaffer Nays: 0 Absent: Majewski

**R017-15** On a motion of Councilwoman Messina, second by Councilwoman Fitzgerald, the following resolution was

**ADOPTED** Ayes 3 Fitzgerald, Messina, Schaffer  
Nays 1 Agneshwar Absent 1 Majewski

Resolved that pursuant to the Town of Vestal Code, Section 5-118, the Town of Vestal does hereby establish the following fee to be charged by the Town Building and Code Department:

- **\$500.00 Application Fee for Gateway Sign Applications**

It is further resolved that the Fee Schedule established be amended to reflect the above noted change.

**Kimble Road (a/k/a Kimball Road)**

**R018-15** On a motion of Councilwoman Fitzgerald, seconded by Councilwoman Messina, the following resolution was

**ADOPTED** Ayes 4 Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0 Absent - Majewski

Resolved that the Town Board of the Town of Vestal does hereby resolve that the Town road known as Kimble Road shall be known as **Kimble Road (a/k/a Kimball Road)** for all purposes.

**Regular Meeting of the Vestal Town Board  
January 28, 2015**

**Capital Improvement Projects Budget for 2015**

**R019-15** On a motion of Councilwoman Agneshwar, seconded by Councilwoman Messina, the following resolution was

**ADOPTED** Ayes 4 Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0 Absent 1 Majewski

Resolved to adopt the **Capital Improvement Projects Budget for 2015** as follows:

<b>Police Cars:</b>	<b>\$150,000</b>	<b>Equipment:</b>	
		Dump trucks/plow/sander (2)	
		\$488,000	
<b>Voiceover IP Phone System and Telephone System and Computer Equipment:</b>	<b>\$152,000</b>	Large Volume Mower	\$ 82,000
		Maintenance Dept. Vehicle	\$ 36,000
		Pick Up Truck with Plow	<u>\$ 56,000</u>
		Total	<b>\$662,000</b>
<b>Park Improvements:</b>		<b>Road Construction :</b>	<b>\$750,000</b>
Sportside Bathroom	\$ 50,000	<b>Library Roof:</b>	<b>\$100,000</b>
Park Shop Improvements	<u>\$ 10,000</u>	<b>Zero Turn Mower:</b>	<b>\$ 15,000</b>
Total	<b>\$ 60,000</b>		

**Bond Resolution – Police Cars**

**R020-15** On a motion of Councilwoman Fitzgerald, seconded by Councilwoman Agneshwar, the following resolution was

**ADOPTED** Ayes 4 Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0 Absent 1 Majewski

Resolved to adopt a resolution authorizing the cost of the purchase of **police cars**, in and for the Town of Vestal, Broome County, New York. At Maximum estimated cost of \$150,000 and authorizing the issuance of up to **\$150,000** Bonds of said Town to pay the cost thereof.

**Bond Resolution – Telephone System and Computer Equipment**

**R021-15** On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, the following resolution was

**ADOPTED** Ayes 4 Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0 Absent 1 Majewski

Resolved to adopt a resolution authorizing the cost of the purchase and installation of a new **telephone system and computer equipment**, for the Town of Vestal, Broome County, New York. At Maximum estimated cost of **\$152,000** and authorizing the issuance of up to \$152,000 Bonds of said Town to pay the cost thereof.

**Regular Meeting of the Vestal Town Board  
January 28, 2015**

**Bond Resolution – Town Park Facilities and Buildings**

**R022-15** On a motion of Councilwoman Agneshwar, seconded by Councilwoman Messina the following resolution was

**ADOPTED** Ayes 4 Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0 Absent 1 Majewski

Resolved to adopt a resolution authorizing, subject to permissive referendum, the issuance of **\$60,000** Bonds of the Town of Vestal, Broome County, New York, to pay the cost of the reconstruction of **Town Park Facilities and Buildings**, in and for said Town.

**Bond Resolution – Equipment for Construction and Maintenance Purposes**

**R023-15** On a motion of Councilwoman Agneshwar, seconded by Councilwoman Fitzgerald, the following resolution was

**ADOPTED** Ayes 4 Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0 Absent 1 Majewski

Resolved to adopt a Resolution authorizing, subject to permissive referendum, the purchase of **equipment for construction and maintenance purposes**, in and from the Town of Vestal, Broome County, New York, at a maximum estimated cost of **\$662,000**, and authorizing the issuance of \$662,000 Bonds of said Town to pay the cost thereof.

**Bond Resolution – Reconstruction of Roads**

**R024-15** On a motion of Councilwoman Agneshwar, seconded by Councilwoman Messina, the following resolution was

**ADOPTED** Ayes 4 Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0 Absent 1 Majewski

Resolved to adopt a resolution authorizing, subject to permissive referendum, the **reconstruction of roads** throughout and in and for the Town of Vestal, Broome County, New York, at a maximum estimated cost of **\$750,000**, and authorizing the issuance of \$750,000 Bonds of said Town to pay the cost thereof.

**Bond Resolution – Town Library Roof**

**R025-15** On a motion of Councilwoman Agneshwar, seconded by Councilwoman Messina, the following resolution was

**ADOPTED** Ayes 4 Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0 Absent - Majewski

Resolved to adopt a resolution authorizing, subject to permissive referendum, the issuance of **\$100,000** Bonds of the Town of Vestal, Broome County, New York, to pay the cost of the reconstruction of **Town Library Roof**, in and for said Town.

## Regular Meeting of the Vestal Town Board January 28, 2015

### Bond Resolution – Purchase of a Mower

**R026-15** On a motion of Councilwoman Fitzgerald, seconded by Councilwoman Agneshwar, the following resolution was

**ADOPTED** Ayes 4 Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0 Absent 1 Majewski

Resolved to adopt a resolution authorizing, the cost of the **purchase of a mower**, for the Town of Vestal, Broome County, New York, at a maximum estimated cost of **\$15,000**, and authorizing the issuance of up to \$15,000 bonds of said Town to pay the cost thereof.

### HAAS Landscaping Architects - Two Rivers Greenway Signage Project

**R027-15** On a motion of Councilwoman Agneshwar, seconded by Councilwoman Messina, the following resolution was

**ADOPTED** Ayes 4 Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0 Absent 1 Majewski

Resolved to authorize the Town Supervisor to sign a supplemental agreement with **HAAS Landscaping Architects**, one of the original consultants that developed the Greenway Plan for the County, regarding the **Two Rivers Greenway Signage Project (PIN 9753.89)** at a cost not to exceed \$9,600. This cost will be divided between each of the 9 municipalities involved and their 20% share will be figured as a function of the number of signs being installed within their jurisdiction. This supplemental agreement will increase the HAAS contract to \$24,550.

### Letter of Intent to Village of Endicott

**R028-15** On a motion of Councilwoman Agneshwar, seconded by Councilwoman Messina, the following resolution was

**ADOPTED** Ayes 4 Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0 Absent 1 Majewski

Resolved to authorize the Town Supervisor to sign a **Letter of Intent** stating that the Town of Vestal supports entering into an agreement with the Village of Endicott to supply water between our municipalities in emergency situations.

### CONSENT AGENDA

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

**ADOPTED** Ayes 4 Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0 Absent 1 Majewski

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

## **Regular Meeting of the Vestal Town Board January 28, 2015**

### **SPEDES Permit – Arnold Park**

**R029-15** Approval for Town Supervisor John Schaffer to sign a **SPEDES** (State Pollutant Discharge Elimination System) permit from DEC for the septic system at **Arnold Park**.

### **Uniforms for Operating Engineers Advertise Bids**

**R030-15** Authorization for the Town Attorney to advertise for bids for **Uniforms for Operating Engineers** on February 11, 2015, with bids to be opened on March 12, 2015 at 2:00 PM.

### **Snow and Ice Agreement with Broome County DPW**

**R031-15** Authorization for Town Supervisor to sign contract renewal of the **Snow and Ice Agreement with Broome County DPW - CA 11-80-1** for **Tracy Creek Rd.** at a rate of \$3,700 per centerline mile (3.8 miles total), total amount not to exceed \$14,060 for the term January 1, 2015 thru December 31, 2015.

### **Fund Balance Transfer for Water Hydrant Purchase**

**R032-15** Authorization for the Business Office to perform a **fund balance transfer** to W8340-4060 (Operating expense and supplies) of the current 2015 budget in the amount of \$20,000.00 which will allow the Water Superintendent to receive a lower price for **water hydrants** when ordering a larger quantity.

### **FINANCE: Agneshwar/Messina**

#### **Receive and File:**

1. **Warrant Reports:** 2015-02, 2015-02A, 2015-2EA, 2015-03, 2015-03A, 2015-03E, 2015-4LA, 2-15-04L, 2015-04E, 2015-04, 2015-04A, 2015-04M
2. **Comptroller's Monthly Report** - December 2014

### **Membership Dues for Chamber of Commerce and Budget Transfer**

**R033-15** Authorization to renew the Town's membership in the **Greater Binghamton Chamber of Commerce** for 2015 and to transfer \$210 from Contingency line A1990.4322 to A6410.4060 for payment of the dues.

### **PLANNING & ZONING: Messina/Fitzgerald**

#### **Use of Vestal Library Parking Lot for Fundraising Event**

**R034-15** Authorization for the **Vestal French Exchange Club** to hold a Doug's Fish Fry Fundraiser on February 28, 2015 in the Library parking lot. An Indemnification Agreement is to be signed.

**Regular Meeting of the Vestal Town Board  
January 28, 2015**

**Pink Elk 5K Run/Walk**

**R035-15** Authorization to hold **The Pink Elk 5K Run/Walk** on April 19, 2015 on Owego Road. Proceeds will go to Traci's Hope and The Vestal Elks Veterans' Committee. The event organizers shall sign the Town's Indemnification Agreement and all of the Town's public safety agencies are to be consulted in the staging of this event.

**Advertise Public Hearing – Special permit: 1214 Tracy Creek Road**

**R036-15** Authorization for the Town Attorney to publish on February 11, 2015, a Notice of Public Hearing for a **Vehicle Service Station Permit Public at 1214 Tracy Creek Road**, BCTMP 204.19-1-17, with hearing to be held on February 25, 2015.

**PUBLIC SAFETY: Majewski/Agneshwar**

**Intermunicipal Police Tactical Team Cooperation Agreement**

**R037-15** Authorization for the Town Supervisor to sign an **Intermunicipal Police Tactical Team Cooperation Agreement** with the Village of Johnson City and the City of Binghamton.

**ADMINISTRATION: Messina/Agneshwar**

**Museum Grant for Bluegrass Concern Series**

**R038-15** Authorization for Museum Director Ramona Kacyvenski to apply for and accept up to **\$1,000.00 in a grant from Broome County Arts Council** to be used for a Bluegrass Concert Series this summer.

**RECEIVE AND FILE:**

- Building Department Year End Report for 2014
- Fire Advisory Board Meeting Minutes - December 1, 2014

**END OF CONSENT AGENDA**

**ADDITIONAL PUBLIC COMMENTS**

Referencing the Supervisor's plan to prepare a tax information sheet for mailing to the Town's residents, a speaker cautioned about comparing our taxes to other municipalities. Each municipality provides different services and that needs to be shown. For example, the Town of Vestal doesn't collect refuse. The comparison should be apples to apples. Supervisor Schaffer responded that the information will provide an accurate comparison. The Town's portion of the total property tax levy is only 13%. The rest goes to the County and the School District. We want

## Regular Meeting of the Vestal Town Board January 28, 2015

people to know about the many valuable services that we provide from that relatively small portion of the overall tax bill.

Two residents of Mansfield Road submitted a petition requesting the removal of the *No Parking* signs on Mansfield Road except in front of the two corner properties at 4500 and 4501, where there is a legitimate need. The total parking ban is creating problems for the neighborhood. Supervisor Schaffer explained that the parking ban stemmed from concern that the new parking restriction at the bottom of Murray Hill Road would result in more cars parking on nearby streets. The Town's parking ban was made temporary to gauge the impact and to get additional feedback from the residents. He will discuss this with the Board and the Police Department and recommend that the *no parking* signs are removed as requested, leaving only the ones on the corner. Councilwoman Messina agreed that this effort to help apparently made things worse. Councilwoman Agneshwar feels that the parking problem in this area is a Binghamton University issue. The inability or unwillingness of BU to solve their parking issues has made this a Town of Vestal problem. She recommends that people contact the University and ask them to address the parking issues.

A speaker asked Supervisor Schaffer if he attended the recent meeting of the Upstate NY Towns Association and what was discussed. Supervisor Schaffer responded that the main topic was about how to improve IT infrastructure in the upstate area. Councilwoman Messina noted that she reviewed the information available on this Association's website and it appears that the organization is trying to address many issues that are important to upstate town, such as gaining access to broadband internet in rural areas. The recent accusations that this Association is solely preoccupied with fracking and secession appear to be inaccurate.

A speaker stated that he appreciates the convenience of the new parking lot that the Town built next to the building on Front Street where taxes are paid.

A speaker reiterated some of the same complaints that he has addressed at previous Town Board meetings. He wants the Town to allow paying the tax bill in two increments. He feels that the Assessor discriminates against him and is making illegal selective changes in assessments. He wants online public access to all water bill accounts. He wants the Board to keep a consistent meeting schedule and not make changes to suit their own needs. Board members who are absent from meetings should not be paid and should consider resigning. The Town should not waste money by sending people to the Association of Towns Conference in New

## **Regular Meeting of the Vestal Town Board January 28, 2015**

York City. He resents the use of a clock to limit his speaking time at Board meetings. **Supervisor Schaffer replied** that he has already answered most of these questions in previous meetings but this speaker continues to repeat the same issues in a manner that is rude, accusatory and belligerent. The statements made by this speaker are often purposely untruthful. The rules of conduct are enforced so as to control this kind of unruly behavior.

### **OTHER NEW BUSINESS**

Councilwoman Messina noted that at the last Work Session, the Town Board deliberated an appeal (from the Northstar Group) of a decision by the Vestal Historic Preservation Commission (VHPC) not to grant 12 Certificates of Appropriateness to demolish 12 homes in the Rivercrest area. The Board agreed, by consensus, to grant the appeal and override the decision of the VHPC. She feels that the Board should formally vote on this decision at this meeting.

Supervisor Schaffer stated that the Town Attorney advised the Board to issue a written decision (which he will prepare) that the Board can review and approve at the next Regular Meeting.

Several Board members expressed the need to act quickly to demolish these homes but agreed that the proper course of action is to follow the advice of the Town Attorney.

### **SUPERVISOR'S ANNOUNCEMENTS**

- Parking of vehicles is prohibited on all Town and County roads in Vestal between the hours of 2:00 AM to 6:00 AM, from December 1 thru March 31.
- The Vestal Police Department is inviting community members to attend the first annual **2015 Citizens Police Academy** (CPA). This program will hold weekly 2 hour meetings (March 5 thru May 7) that will cover topics relevant to law enforcement and emergency services. Those interested can contact Sgt. Stace Kintner via email at [skintner@vestalny.com](mailto:skintner@vestalny.com)

### **ADJOURNMENT**

On a motion of Councilwoman Fitzgerald, seconded by Councilwoman Agneshwar, the meeting was adjourned at 7:20 PM. Carried unanimously.

**Approved by** \_\_\_\_\_  
**Emil J. Bielecki, Town Clerk**