

## **Regular Meeting of the Vestal Town Board February 11, 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 February 11, 2015.

### **TOWN BOARD PRESENT:**

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

**ALSO ATTENDING:** Town Attorney David Berger, Town Clerk Emil Bielecki, 1<sup>st</sup> Deputy Town Clerk Kathie Young and approximately 12 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 Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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

**Resolved** the Minutes of the Regular Meeting on January 28<sup>th</sup>, 2015 are approved.

### **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**

#### **Gateway Sign Approval- Community Electronic Information Signage(CEIS)**

Councilman Majewski stated that he opposes this resolution. The sign will be a distraction and will create a safety hazard for the drivers. The company is promoting the sign as an avenue to display emergency information but in reality this is nothing more than lucrative money venture for them. Recently, DOT removed many turn lanes along Route 434. Buses now have to stop and make right hand turns from the driving lane. They are not allowed to make right hand turns on red and other drivers are creeping to their right to make a turn. This just adds to

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the difficult traffic patterns on the Parkway. He wants to table this resolution to get more information about the impact of this sign.

A Motion to Table this resolution was made by Councilman Majewski and was seconded by Councilwoman Agneshwar. The **Motion to Table failed.**

**Vote –** Ayes: Majewski, Agneshwar      Nays: Fitzgerald, Messina, Schaffer

Councilwoman Agneshwar noted that, being a new Board member, she has no history of the earlier discussions concerning gateway signs, but does share some of Councilman of Majewski's concerns. The few seconds to read the signs takes a drivers' attention away from what is in front of them. She would hate to think these signs could be the cause of any accidents. While she is not in favor of these types of electronic signs, she recognizes that they could be helpful to get information out during emergencies and would provide a venue for small businesses to advertise. Only time will tell if these signs will be an asset to the Town, but she is cautiously optimistic.

Councilwoman Messina noted that the impact of these signs on traffic has been addressed numerous times and there is no evidence to warrant the concern. The National Transportation and Safety Board has studied the matter and concluded that these signs do not impact accidents one way or the other. These signs can be found along many highways with speed limits of 65-70 mph. By the time these signs go up, people will be used to having no turning lanes. Those who speed, text and not pay attention will continue to do so in spite of these signs. During the flooding and various emergency situations, this signage would have been very helpful. A public service announcement board is valuable to any community. Amber alerts will take priority over advertising and the positives will far outweigh the negatives. Yes, the sign owners benefit financially from the sale of the advertising but these signs are expensive and they have to recoup their investment.

Councilman Majewski noted that it will be easy to go through a red light while reading a sign. Major highways don't have red lights every 300-400 feet like on the Parkway. He does not want to be responsible if person gets hurt or there is an accident with a school bus as a result of the electronic sign.

Supervisor Schaffer stated that all the statistics have been discussed previously. The details of the agreement will be worked out. The Town Board can approve up to four gateway signs. These signs represent the latest technology and we need to

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keep up with the times. The signs cost over \$100,000 apiece. They need to sell ads to afford these signs. It is a business.

**R039-15** On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

**ADOPTED** Ayes 3 Fitzgerald, Messina, Schaffer  
Nays 2 Majewski, Agneshwar,

**Resolved** to approve the **Special Permit** request from **Community Electronic Information Signage, LLC (CEIS)** pursuant to Vestal Town Code Section 5-127.2 for a Gateway Sign (Monument Style-LED Digital) to be placed at **912 Vestal Parkway East**, Vestal, NY. Said permit is expressly conditioned upon the Town and CEIS entering into an acceptable agreement that provides the Town the ability to submit Town-related messages for no fee and including any other provisions required of the Applicant under the Town Code and,

That the Town Board has reviewed the Short Environmental Assessment Form and other information provided by the applicant and the Determination of the Broome County Department of Planning and Economic Development indicating that there are not any significant county wide or inter-community impacts and has determined that the proposed action will not result in any significant adverse environmental impacts.

### **Retain Law Office of Alfred Paniccia, Jr**

**R040-15** On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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

**Resolved** to authorize the **Law Office of Alfred Paniccia, Jr.**, 53 Chenango Street, Suite 400, Binghamton, NY, to represent the Defendants in Supreme Court Action Index No.2015-155 entitled Tyrrell v Town of Vestal, et al. at the rate of \$150.00/hour and that the Supervisor may execute a retainer agreement.

### **Extend the Harbor Freight Tools Special Permit**

**R041-15** On a motion of Councilwoman Agneshwar, seconded by Councilman Majewski, the following resolution was

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

**Resolved** to extend the **Special Permit** as noted in Chapter 24, Article V, division 3, Section 24-387 of the Code of the Town of Vestal, allowing a storage trailer at

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**Harbor Freight Tools, 124 Sycamore Road BCTMP # 158.10-2-3** until June 30<sup>th</sup>, 2015 for additional inventory storage. The container is to remain in its previously approved current location and subject to the conditions previously set by the Vestal Town Board December 10, 2014 R294-14.

The Town Board has reviewed the submitted Short Environmental Assessment Form under SEQRA and has determined that the proposed action will not result in any significant adverse environmental impacts.

### **Decision on Appeal of Determination of the Town of Vestal Historic Preservation Commission re: Rivercrest Historic District**

Councilman Majewski stated that he is glad to see this resolved. The Rivercrest properties have been a blight to Vestal for quite some time.

Councilwoman Messina noted that this area is a gateway to the Town and the rundown appearance is undesirable. Even greenspace is better than what is currently there.

**R042-15** On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

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

**Resolved** to adopt, and authorize the Town Supervisor to sign, the following Decision on Appeal:

The Town Board of the Town of Vestal, pursuant to Town of Vestal Code §5-183, has been presented upon appeal the determination of the Town of Vestal Historic Preservation Commission to deny certificates of appropriateness for the NorthStar Group for the following properties:

- 4721 Vestal Parkway E, Vestal, New York 13850
- 4717 Vestal Parkway E, Vestal, New York 13850
- 4713 Vestal Parkway E, Vestal, New York 13850
- 4709 Vestal Parkway E, Vestal, New York 13850
- 4705 Vestal Parkway E, Vestal, New York 13850
- 4701 Vestal Parkway E, Vestal, New York 13850
- 4681 Vestal Parkway E, Vestal, New York 13850
- 4677 Vestal Parkway E, Vestal, New York 13850
- 4673 Vestal Parkway E, Vestal, New York 13850

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- 4669 Vestal Parkway E, Vestal, New York 13850
- 4665 Vestal Parkway E, Vestal, New York 13850
- 4661 Vestal Parkway E, Vestal, New York 13850

In reviewing the January 21, 2015 determination, the Board has been provided the following documentation:

- Appeal letter dated January 23, 2015 from Eric Webb
- Certificates of appropriateness for each of the above listed properties, each dated December 5, 2014
- Letter from Margaret Hadsell dated January 13, 2015
- Criteria and NorthStar responses dated January 19, 2015
- NorthStar Spreadsheet for period January 1989 – December 2014
- Letter from Pyramid Brokerage Company dated January 16, 2015
- Vestal Historic Preservation Commission determination dated January 21, 2015

In addition the Board has also heard from Eric Webb, a representative for the Appellant, at a work session of the Town Board held on January 26, 2015.

Now upon review of all the foregoing and upon careful consideration of the factors set forth in §5-177 finds as follows:

The properties have surpassed their economic usefulness and are incapable of earning a reasonable return based upon their location and condition.

That the current zoning (RA-2) does not permit any reasonable use of the property and based upon the location and condition of the neighborhood it is not in the best interest of the Town or the property owner to maintain the current status.

It is a matter of record that the former property owners sold to the Appellant recognizing that significant issues existed as to the continued viability of the properties as a single family neighborhood.

Therefore, based upon the foregoing, the Town Board hereby reverses the determination of the Town of Vestal Historic Preservation Commission and grants to the Appellant Certificates of Appropriateness of demolition for the above described properties.

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This resolution is to be passed at a Regular meeting of the Town Board and shall be filed in the Office of the Town Clerk upon adoption.

### **Accept grant from NYS Department of State and sign Letter of Agreement**

**R043-15** On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, the following resolution was

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

**Resolved** to authorize the Town Supervisor to complete, sign and submit a Letter of Agreement to the Department of State regarding the Town's **award of \$10,000** for the purpose of purchasing outdoor furniture and a concession building that had been damaged due to flooding as requested by NYS Assemblywoman Donna A. Lupardo.

### **License for Open Storage of Unregistered Vehicles**

**R044-15** On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

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

**Resolved** to grant Matthew Husband, 275 Sheedy Road, BCTMP 190.01-1-19, a **License for Open Storage of Unregistered Vehicles** to expire on December 31, 2015 conditional upon full compliance with the list of mandatory items that the licensee is required to abide by, as outlined in the letter from Code Officer Mark Dedrick dated January 22, 2015.

The Town Board has reviewed the submitted Short Environmental Assessment Form under SEQRA and has determined that the proposed action will not result in any significant adverse environmental impacts.

### **CONSENT AGENDA**

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

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

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

### **PUBLIC WORKS: Majewski/Fitzgerald**

### **Advertise Bid - Two River Greenway Signage Project**

**R045-15** Authorization for the **Town Attorney** to **advertise on March 11,**

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**2015** for the **Two River Greenway Signage Project (PIN 9753.89)** with bid opening on March 31, 2015 at 2:00 PM, and authorize the Town Engineer to modify these dates subject to the timing of the approvals from DOT.

### **Advertise Bid - Concrete Curbs at High Avenue and Evergreen Street**

**R046-15** Authorization for the **Town Attorney to advertise on February 25, 2015 with Bid opening on March 23, 2015 at 2:00 PM** for the installation of **Concrete Curbs at High Avenue and Evergreen Street**. These roads will have existing curbs removed by Highway and reinstalled by contractor, and then the roads will be repaved.

### **Advertise Public Hearing – Vehicle Service Station Permit**

**R047-15** Authorization for the **Town Attorney to advertise** on February 25, 2015 for a Public Hearing on March 4, 2015 for a **Vehicle Service Station Permit for 245 Vestal Parkway East, BCTMP# 157.18-1-21**.

### **FINANCE: Messina/ Majewski**

**Receive and File: Warrant Reports:** 2015-05, 2015-05A, 2015-05E

### **Billable Hours for Town Attorney**

**R048-15** Authorization to remit payment to **David Berger**, Town Attorney in the amount of **\$1237.50** for January 2015 billable hours.

### **Remit Payment to Kenney, Shelton, Liptak & Nowak L.L.P.**

**R049-15** Authorization to remit payment to **Kenney, Shelton, Liptak & Nowak L.L.P.** in the amount of **\$8,664.12** for legal work from August 2014 through December 18, 2014 in the UHS vs. Town of Vestal litigation.

### **PUBLIC SAFETY: Majewski/Messina**

### **Wheelchair Race - Seniors Running and Walking Festival**

**R050-15** Authorization to close a 0.75 mile stretch of the Rail Trail pavement (starting at the Coal House) for one hour to hold a wheelchair race in conjunction with the *Seniors Running and Walking Festival* on August 15, 2015 from 10:30-11:30. During the race, the general public will be directed to use the grassy area. An Indemnification Agreement and Proof of Insurance will be required.

### **ADMINISTRATION: Fitzgerald/Messina**

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**Museum to Apply for Grant**

**R051-15** Authorization for Museum Director Ramona Kacyvenski to **apply for and accept up to \$5,000.00 in a grant** from the Museum Association of New York to be used for *The Memory Maker Café*.

**Vestal Town Court to Accept the Grant**

**R052-15** Authorization for the **Vestal Town Court to accept the grant** awarded under the 2014-15 cycle of the Justice Court Assistance Program (JCAP) in the amount of **\$ 2,400**. This grant will be used to buy a new copier and chairs for the court room.

**Recreation to Hire for Vestal Youth Basketball**

**R053-15** Authorization for Recreation Planner Sue Jastran to hire the following:

**A7310.1027 Labor - Vestal Youth Basketball Organization League**

Rob Carr - Apalachin as VYBO Director at \$1,250.00 salary

Peyton Alig - Vestal as VYBO Referee at \$8.75/hr.

John Andrews - Apalachin as VYBO Referee at \$8.75/hr.

Justin Dennis –Vestal as VYBO Referee at \$8.75/hr.

Joe D’Esti - Vestal as VYBO Referee at \$8.75/hr.

Chad Economides - Vestal as VYBO Referee at \$8.75/hr.

Anthony Ivanov - Vestal as VYBO Referee at \$8.75/hr.

Mike Kosty - Vestal as VYBO Referee at \$8.75/hr.

Charlie Lanfranchi –Vestal as VYBO Referee at \$8.75

Jake Nelson - Vestal as VYBO Referee at \$8.75/hr.

Andrew O’Hara - Vestal as VYBO Referee at \$8.75/hr.

Zach Stewart - Vestal as VYBO Referee at \$8.75/hr.

Tyler Wegmann - Apalachin as VYBO Referee at \$8.75/hr.

All employee pay rates are budgeted items in the 2015 budget and the background checks have been completed.

**RECEIVE AND FILE:**

- Notification that **Paul Gursky** is the new **President of the Vestal Senior Citizens Club**, effective January 27, 2015.
- **2014 Annual Report** – Town of Vestal Historian Margaret Hadsell

**END OF CONSENT AGENDA**



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### SUPERVISOR'S ANNOUNCEMENTS

- Bid Opening - Town Hall Flood Wall: Town Clerk's office, February 23, 2015.
- Bid Opening - Operating Engineers Uniforms: Town Clerk's office, March 12, 2015.
- **Winter Parking Reminder** – 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)
- There is a Winter Freeze Alert for this weekend.

### ADDITIONAL PUBLIC COMMENTS

A speaker agrees that the benefits of the gateway sign outweigh the risks. This is not a rolling or flashing sign, it changes in 8 second increments. These signs will benefit the community.

A speaker objected to the State's decision to eliminate the turning lanes on Route 434 and asked why the Town did not intervene. Supervisor Schaffer explained that we tried to fight this but the State has the control. The Town Engineer also met with the DOT representatives to express our concerns. Councilman Majewski noted that the reason they took out the turning lanes was because the Federal government mandated bicycle/walkway paths on state roads so as to better accommodate bicycles and pedestrian traffic.

### ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the meeting was **adjourned at 6:24 PM**. Carried unanimously.

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