

Regular Meeting of the Vestal Town Board March 4, 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 March 4, 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, 1st Deputy Town Clerk Kathie Young and 17 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 Fitzgerald, seconded by Councilman Majewski, the following resolution was

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

Resolved the Minutes of the Regular Meeting on **February 25, 2015** are approved.

PUBLIC HEARING

Special Permit for a Vehicle Service Station Jack's Auto Detailing

Public hearing regarding the request from John Burkhard Jr. of **Jack's Auto Detailing**, for a **Special Permit for a Vehicle Service Station** under section 24-385 of the Town of Vestal Code, for an auto detailing business to occupy 245 Vestal Parkway East, B.C.T.M.P # 157.18-1-21.

The applicant plans on using 464 SF of the basement area of the building for his auto detailing business. There will be no mechanical work on the vehicles. The 239 l&m review has been received.

Supervisor Schaffer offered the *Proof of Posting* and *Affidavit of Publication* for the Public Hearing. He then opened the Public Hearing:

John Burkhard Jr. of **Jack's Auto Detailing** provided the Affidavit of Mailing and

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Special Use Permit Petition. He stated that he has been in business for 5 years and has had no issues. He hopes to have a successful business in Vestal. This business involves only auto cleaning. It does no repairs, mechanical work or oil changes.

Hearing or seeing no one else wishing to speak, Supervisor Schaffer closed the Public Hearing and asked the Board if they wished to vote on this request at this meeting. The Board consensus was to act on it at this time.

Adopt SEQR - Special Permit for a Vehicle Service Station

R062-15 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 that in granting a **Special Permit** for a **Vehicle Service Station** to John Burkhard Jr. of **Jack's Auto Detailing**, under section 24-385 of the Town of Vestal Code, for an auto detailing business at 245 Vestal Parkway East, B.C.T.M.P # 157.18-1-21, 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.

Approval of Special Permit for a Vehicle Service Station

R062-15 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 approve a **Special Permit** for a **Vehicle Service Station** to John Burkhard Jr. of **Jack's Auto Detailing**, under section 24-385 of the Town of Vestal Code, for an auto detailing business to occupy 245 Vestal Parkway East, B.C.T.M.P # 157.18-1-21.

The applicant has acknowledged that he has reviewed Section 24.385 of the Town Code concerning a Vehicle Service Station Permit and is in full compliance or will be in full compliance with each and every provision of that particular section and that

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there is nothing that needs Board attention other than what has been set forth in the statute. He has already complied or will comply with the requirements set forth by the Code Department. The Board finds that the public convenience and welfare will be substantially served by the issuance of this permit.

PRIVILEGE OF THE FLOOR (Agenda Items Only)

Seeing or hearing no one wishing to speak, Supervisor Schaffer closed the Privilege of the Floor.

RESOLUTIONS & MOTIONS

Approval of Vestal Police Supervisors' Association Agreement:

R063-15 On a motion of Councilwoman Fitzgerald, seconded by Councilman Majewski, the following resolution was

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

Resolved to approve the tentative **agreement between the Town of Vestal and the Vestal Police Supervisors' Association** reached on February 5, 2015, amended on March 3, 2015, and authorize the Town Supervisor to sign the resulting collective bargaining agreement.

Vestal High School German Club to Use Vestal Library Parking Lot

R064-15 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 **Vestal High School German Club** to use the **Vestal Library parking lot** for a fundraiser on Saturday, March 21, 2015. An Indemnification Agreement is to be signed.

CONSENT AGENDA

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

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FINANCE: Agneshwar/Messina

Receive and File:

- **Warrant Reports:** 2015 -09, 2015-09A, 2015-09E
- **Town Clerk Monthly Report** February 2015 – Total Local Shares Remitted: **\$4019.85**

Billable Hours for Town Attorney

R065-15 Authorization to pay the **Town Attorney David Berger** for billable hours in the amount of **\$787.50** for the month of February, 2015.

ADMINISTRATION: Messina/Agneshwar

2015 United Cultural Fund Project Grant

R066-15 Authorization for Museum Director Ramona Kacyvenski to accept the *2015 United Cultural Fund Project Grant* in the amount of \$1000.00 to be used to pay musicians' fees for the **Vestal Museum Summer Bluegrass Concert Series**.

END OF CONSENT AGENDA

SUPERVISOR'S ANNOUNCEMENTS

- 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, 6:30 PM to 8:30 PM) that will cover topics relevant to law enforcement and emergency services. Those interested can contact Sgt. Stace Kintner via email at skintner@vestalny.com
- Please assist our Fire Department by shoveling snow away from the fire hydrants.
- Daylight Savings Hours begins this Sunday, March 8, 2015. (Spring Forward!)

ADDITIONAL PUBLIC COMMENTS

Several speakers addressed the Board concerning the dilapidated conditions of some properties on Avelon Drive and Culver Parkway. A synopsis of the comments is as follows:

- The repairs to the trailer on Avelon Drive, as directed by the Town years ago, are unfinished. The property continues to be an eyesore as is a nearby trailer on Culver Parkway. The Code Enforcement office has not been responsive to addressing the violations.

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- An owner of a home that recently had a fire is reluctant to rebuild because of concern about the rundown conditions in this area. The bad conditions in the neighborhood will drive down property values for everyone.
- In addition to the rundown properties, there are also unregistered vehicles being stored in the area.
- The neighborhood has been complaining to the Board for 5 years with little to show for it. The neighbors have even offered to assist the owner of the trailer on Avalon Drive with some of the repairs.
- The property owners are grateful to the Town for the assistance after the fire but they are reluctant to rebuild because nothing is being done to address the problems in the neighborhood.

Supervisor Schaffer stated that he visits this area often and is in regular communication with the Code Department concerning the issues in this area. The referenced vehicles are licensed. He will ask the Board's Planning and Zoning Committee to look into all of these issues in more detail and he will report back to the concerned residents.

A speaker asked how often the water tanks are checked. Supervisor Schaffer replied that they are checked on a regular basis. Divers are hired to inspect inside of the tanks as well.

A speaker is upset that the drainage problems on Seymour Road are not being addressed by the Town. There are no storm sewers on the street. The homes on the road have had recurring flooding in the basements. He has had clear water back-up through his sewer line. The Town Engineer wants him to put in a check valve to his sewer line but this will increase pressure on the pipe. How will water get out of the house? He has spent over \$40,000 in repairs to his basement. It would solve a lot of problems if we dredged the river. Twin Orchards and Castle Gardens would no longer flood. He wonders if all of the residents of Seymour Road should be coming to Board meetings on a regular basis to demand some action from the Board.

Supervisor Schaffer noted there is an eight inch sewer line in the Seymour Road neighborhood. It was up to Code at the time of installation. The Town doesn't have the money to replace all of the storm sewers but he will continue to explore possible solutions to the drainage problems in the area. Councilman Majewski noted that he has spoken with Congressman Hanna and the Lt. Governor regarding dredging of the river and the removal of the islands that have formed. They will not take any action because of concern about issues in the Chesapeake Bay.

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A speaker stated that on February 15th, a day with a minor snowfall, a Highway plow truck deliberately singled out his home to push snow and ice onto this property, effectively blocking him in his driveway. Additionally, the tires on his vehicle had been punctured when he was attending a Board meeting. There are no security cameras that cover the front of the building. He wants an investigation into these matters. He continues to object to the changes that the Board keeps making to the meeting schedule simply to accommodate their own needs. Also, he claims that the Town Supervisor is not submitting annual financial reports as required. Lastly, he feels that Board members should not be paid when they are absent from meetings.

Supervisor Schaffer noted that he presents the financial information at the public hearings on the budget.

ADJOURNMENT

On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, the meeting was adjourned at 6:45 PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk