

REGULAR MEETING OF THE VESTAL TOWN BOARD
SEPTEMBER 30, 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 September 30, 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 11 members of the general public.

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 Councilwoman Messina, the following resolution was

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

Resolved the Minutes of the Regular Meeting on **September 16th, 2015 Minutes of the Regular Meeting of the Town Board** are approved.

PUBLIC HEARING ON PROPOSED LOCAL LAW “B”:

Supervisor Schaffer offered the *Proof of Posting* and *Affidavit of Publication* for the Public Hearing regarding **Local Law “B” of the Year 2015** entitled “*A Local Law to override the tax levy limit established in General Municipal Law 3-C.*” and opened the Public Hearing.

A speaker stated that there is no reason to go over the tax levy limit. Supervisor Schaffer noted that this needs to be in place in case it is needed. If the override is not needed, the local law will be rescinded. The 2016 Tentative Budget has the lowest increase in the tax levy in recent memory. We have made good progress in reducing the budget and we will do more. However, there needs to be recognition of how much we do with limited resources. We only get 13% of the local dollar and we provide a lot of services. The rest goes to the County and the School District, yet no one goes to the School District and the County to complain with

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the same level of intensity. To come in under the tax cap would require drastic measures such as employee buyout and possible layoffs. We are looking at everything.

When asked to comment about the School District budget, Councilwoman Agneshwar noted it may not be appropriate to compare the Town budget with the School District. The School District is a labor driven institute and they have their own obligations and challenges. There is no magic solution. Enrollment is declining but expenses are going up. No one seems to address the meat of the budget. People need to ask the School Board the difficult questions.

A speaker stated that it is incorrect to say that no one is complaining at school board meetings. When she attended the meetings, she witnessed a lot of complaints. She doesn't like being told to *look at the school*. The Town needs to focus on its own budget and not compare ourselves to other entities. We need to 'do good' all by ourselves. Supervisor Schaffer noted that he was merely trying to point out that we do a lot with a relatively small portion of the local tax dollar.

When asked about the consequences of going over the tax levy limit, Supervisor Schaffer stated that the Town residents would not get the small refund checks that the State sends out.

Councilman Majewski stated that all costs are going up and yet everyone expects us to keep taxes below the cap. It may be necessary to go over the cap to provide the services that people want and keep our employees working. We have 27 parks and no one wants their parks closed. We have only closed 2 parks and one of them was in his neighborhood. It's hard to try to stay within a budget when the mandated costs are out of control.

Councilwoman Fitzgerald stated that from her conversations with residents she realizes that many people simply don't know what services the Town provides and what they cost. When the cable bill or the cell phone bill goes up, people don't generally cancel their subscriptions. They know that costs go up. The Town's costs also go up and we have to help the residents understand what it costs to provide the services.

Councilwoman Messina explained that the Board has devoted many hours working on this budget but there are only so many places where you can cut. Insurance and wages have gone up. People don't want to close parks or reduce the police

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department. Ultimately, you get what you pay for and we are doing the best we can with the available resources. Even though we are not required to provide a public forum for people to speak, we do so. We want to hear the people.

In response to a question about the staffing level in the police department, Supervisor Schaffer stated that he expects that it will be kept at 34 as it is now.

Upon closing of the Public Hearing, the Board expressed a desire to vote on Local Law "B" at this time.

Adopt Local Law "B" of the Year 2015

Town Attorney David Berger noted that this is a Type II action and requires no SEQR review.

R217-15 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 adopt **Local Law "B" of the Year 2015** entitled *A Local Law to override the tax levy limit established in General Municipal Law 3-C*, as follows:

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Vestal pursuant to General Municipal Law § 3-c, and to allow the Town of Vestal to adopt a budget for the fiscal year 2016 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax cap by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Vestal, County of Broome is hereby authorized to adopt a budget for the fiscal year 2016 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law § 3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

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PRIVILEGE OF THE FLOOR (Agenda Items Only)

A speaker noted that we keep doing budget transfers, which indicates that we are not following the budget as adopted. He asks why we need to hire two new people in the Water Department and why we are reappointing someone to the Board of Assessment Review. This board is corrupt and should be disbanded. Supervisor Schaffer responded that the two new hires in the Water Department are replacing employees that have retired. The comment concerning the Board of Assessment Review is totally inaccurate and off base.

A speaker applauded the Board for proposing a budget with a 1.5% increase especially if it means no major cuts in police and fire.

RESOLUTIONS & MOTIONS

Budget Transfer

R218-15 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 authorize the Comptroller to transfer \$20,000 from Special Paving D5112.2151 to Black Top and Road Patch Material D5110.4317.

Hire Casey Roberts and Andrew Deer as Laborers

R219-15 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 to authorize the Water & Wastewater Superintendent Scott Groats to hire **Casey Roberts** and **Andrew Deer** as Laborers in the Water & Wastewater Dept. effective October 5, 2015 at the Operating Engineer rate of \$14.22/hour.

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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PUBLIC WORKS: Majewski/Fitzgerald

R220-15 Authorization for the **Town Attorney to advertise** on October 21, 2015 seeking bids for **Water Meters** for the Water Department to be opened on November 2, 2015 at 2:00 PM in the Town Clerks office.

FINANCE: Agneshwar/Messina

Receive and File **Warrant Reports:** 2015-38, 2015-38E, 2015-38L

Close Capital Projects

R221-15 Authorization for the Town Comptroller to **close the completed capital projects** effective October 14, 2015 and transfer unexpended fund balances to the respective debt service fund (ref. memo dated 9/24/15).

Renew Agreement with Lifetime Benefits

R222-15 Authorization to execute a renewal agreement with **Lifetime Benefits** for basic dental coverage. On October 1, 2015, the administrative fee on the plan will increase by 2.5% to \$2.82 per subscriber per month.

PERSONNEL: Fitzgerald/Majewski

Re-appoint Carl Winterberger to the Board of Assessment Review

R223-15 Re-appointment of **Carl Winterberger** to the **Board of Assessment Review** effective October 1, 2015. This term is to expire September 30, 2020.

PUBLIC SAFETY: Majewski/Agneshwar

Golden Circle of Bands to Use the Library Parking Lot

R224-15 Authorization for the **Golden Circle of Bands** to use the library parking lot for additional parking on October 17, 2015 from 2:00 PM until midnight, for the **3rd Golden Circle of Bands**. In addition, the request is for parking lot lights to remain on from dusk until midnight to allow for event cleanup. An Indemnification Agreement is to be signed.

RECEIVE AND FILE:

- Communication from Kerri Petrzala - Received September 29, 2015, regarding issue with Code Enforcement
- Fire Advisory Board Meeting Minutes – August 17, 2015

END OF CONSENT AGENDA

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OLD BUSINESS

Adopt the 2016 Proposed Vestal Fire District Budget

At the Work Session on Monday, September 28, 2015, a resolution was adopted as follows:

R216-15 On a motion of Fire Commissioner Messina, seconded by Fire Commissioner Agneshwar, the following resolution was

ADOPTED Ayes 4 Agneshwar, Fitzgerald, Messina, Schaffer
Nays 1 Majewski

Resolved to **adopt the 2016 Proposed Vestal Fire District Budget** (including the Foam District) with total appropriations of \$1,200,887.00.

SUPERVISOR'S ANNOUNCEMENTS

- **Vestal Fire Expo**: Saturday October 3, 2015, 10:00 am – 2:00 pm at the Lowes Parking Lot.
- **Traci's Hope 12th Annual Barbeque**: Saturday, October 10, 2015, 12:00 pm to 6:00 pm at the Apalachin Fireman's Field Day Site.

ADDITIONAL PUBLIC COMMENTS

A speaker expressed appreciation for the Board's work on the budget and the services that the Town offers.

A speaker reiterated his contention that the Town spends money recklessly, particularly on lawsuits that we end up losing. The audits show that the Town is in financial trouble. Supervisor Schaffer noted that audit reference is totally false.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the meeting was adjourned at 6:51 PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk