

**REGULAR MEETING OF THE VESTAL TOWN BOARD
NOVEMBER 18, 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 November 18, 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, Comptroller Laura McKane, Human Resource Officer Nancy Olmstead and 10 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 Messina, 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 November 4, 2015 are approved.

Supervisor Schaffer introduced **Vernon Myers** who will be appointed as Town Engineer this evening. Mr. Myers will replace Gary Campo who is retiring after serving the Town for 28 years.

PUBLIC HEARINGS

Public Hearing on the 2016 Preliminary Budget of the Town of Vestal

Supervisor Schaffer presented the *Proof of Posting* and the *Affidavit of Publication* regarding the 2016 Preliminary Budget of the Town of Vestal.

Hearing or seeing no one wishing to speak, Supervisor Schaffer closed the Public Hearing.

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Public Hearing on the Proposed Local Law “C” of the Year 2015

Supervisor Scafffer presented the *Proof of Posting* and the *Affidavit of Publication* regarding the **Proposed Local Law “C” of the Year 2015** - *A local law to amend the Code of the Town of Vestal by amending Vestal Code Section 18-24 and 23-42 and 23-45.*

Hearing or seeing no one wishing to speak, Supervisor Schafer closed the Public Hearing and asked the Board if it wished to vote on the local law at this time.

Adopt Local Law C of the Year 2015

R247-15 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 adopt **Local Law “C” of the Year 2015** - *A local law to amend the Code of the Town of Vestal by amending Vestal Code Section 18-24 and 23-42 and 23-45:*

Section 1.

A local law to amend the Code of the Town of Vestal by amending Vestal Code Section 18-24 and 23-42 and 23-45.

Whereas previously the New York State Building Code required new residential homes within 100 feet or commercial buildings within 500 feet of a public utility to make such connection to the municipal water and/or sewer service and

Whereas the New York State Building Code has been amended to remove this requirement and

Whereas the Town of Vestal finds it to be in the best interest of the Town to have this requirement in place; therefore

Be it enacted that:

1. Section 18-24 of the Town of Vestal Code is amended to include a new paragraph (e) to read as follows:
All new residential structures within 100 feet and all new commercial structures within 500 feet of a public sewer shall extend the Town’s Utility across their frontage
2. Section 23-42 is amended to include a new paragraph (b) to read as follows:
All new residential structures within 100 feet of public water shall extend the Town’s Utility across their frontage

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3. Section 23-45 is amended to include a new paragraph (b) to read as follows:
All new commercial structures within 500 feet of public water shall extend the Town's Utility across their frontage

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

Amend the 2016 Preliminary Budget

Supervisor Schaffer noted that these budget amendments were reviewed by the Board at the last Work Session. They reflect the partial application of the State-Municipal Grant (SAM) to the operating budget. Approximately \$90,000 of the \$290,000 is being applied to bring the tax levy under the state tax cap. Most of the remaining funds are being used for various capital items. The \$15,000 from Assemblywoman Lupardo went to the Parks Department. The impact of these funds on next year's budget will be minor. We are happy to get this free money.

Councilwoman Messina noted that the grant is tax money that we already gave to the State. It is not free money. Nonetheless, it's good to get some share of it back.

R248-15 On a motion of Councilwoman Agneshwar, seconded by Councilwoman Messina, the following resolution was

ADOPTED Ayes 5 Fitzgerald, Agneshwar, Messina, Schaffer
Nays 1 Majewski

Resolved to **amend the 2016 Preliminary Budget** as follows:

CHANGES PRELIMINARY BUDGET TO FINAL BUDGET 2016 AS OF 11-17-15					
Revenue:					
ORG	OBJ	DESCRIPTION	PRELIM	FINAL	Difference
A1001	1001	Real Property Taxes	\$ (5,212,176.00)	\$ (5,186,080.00)	\$ (26,096.00)
A2812	2812	Interfund Revenues	\$ (12,000.00)	\$ (21,900.00)	\$ 9,900.00
A3388	3388	State Aid - Misc.	\$ -	\$ (13,650.00)	\$ 13,650.00
					\$ (2,546.00)
D1001	1001	Real Property Taxes	\$ (2,483,970.00)	\$ (2,411,552.00)	\$ (72,418.00)
D3591	3593	SAM Grant	\$ -	\$ (74,000.00)	\$ 74,000.00
					\$ 1,582.00
L1001	1001	Real Property Taxes	\$ (570,702.00)	\$ (564,248.00)	\$ (6,454.00)
L1011	1011	Approp. Fund Balance	\$ -	\$ (8,050.00)	\$ 8,050.00
					\$ 1,596.00
W1011	1011	Approp. Fund Balance	(99,051.00)	(101,364.00)	2,313.00
MS1011	1011	Approp. Fund Balance	\$100,279.00	\$190,853.00	(90,574.00)
MS2801	2801	Interfund Revenues	\$7,845.00	\$7,885.00	(40.00)
MS5031	5031D	Dental Premiums	\$30,325.00	\$30,200.00	125.00
MS5031	5031M	Medical Premiums	\$3,225,560.00	\$3,198,500.00	27,060.00
					(63,429.00)

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CHANGES PRELIMINARY BUDGET TO FINAL BUDGET 2016 - AS OF 11-17-2015

APPROPRIATIONS:

ORG	OBJ	DESCRIPTION	PRELIM	FINAL	DIFFERENCE
A1110	1060	Taxable Fringe Benefits	400.00	3,400.00	(3,000.00)
A1220	1010	Salaries	50,129.00	50,313.00	(184.00)
A1310	1010	Salaries	70,798.00	71,131.00	(333.00)
A1310	1030	PT Labor	28,664.00	28,924.00	(260.00)
A1315	1010	Salaries	130,344.00	131,156.00	(812.00)
A1355	1010	Salaries	135,570.00	136,189.00	(619.00)
A1410	1010	Salaries	131,433.00	132,024.00	(591.00)
A1420	1010	Salaries	64,827.00	65,467.00	(640.00)
A1430	1010	Salaries	32,035.00	32,352.00	(317.00)
A1440	1010	Salaries	233,997.00	234,890.00	(893.00)
A1450	4000	Contr. & Prof. Services	89,746.00	69,746.00	20,000.00
A1680	1010	Salaries	58,126.00	58,702.00	(576.00)
A1990	4322	Contingent Account	60,000.00	59,288.00	712.00
A3120	1060	Taxable Fringe Benefits	9,000.00	19,500.00	(10,500.00)
A3120	4051	Cellular Telephone Expense	4,900.00	5,500.00	(600.00)
A3510	8400	Fringe Benefits	7,865.00	7,905.00	(40.00)
A3620	1010	Salaries	251,145.00	251,762.00	(617.00)
A7140	1010	Salary (JB)	67,040.00	67,691.00	(651.00)
A7310	1010	Salaries (Full time)	151,732.00	152,313.00	(581.00)
A8010	1030	Part-Time Labor	4,162.00	4,204.00	(42.00)
A9901	9002	Transfer to Health Ins. Fund	2,108,000.00	2,104,910.00	3,090.00
					2,546.00
D5110	1020	Labor	1,217,749.00	1,201,331.00	16,418.00
D5130	2200	Purchase of Machinery etc	4,000.00	19,000.00	(15,000.00)
D5130	2201	Federal Surplus Equipment	4,000.00	-	4,000.00
D9901	9002	Transfer to Health Ins Fund	733,000.00	740,000.00	(7,000.00)
					(1,582.00)
L7410	1010	Salaries	156,298.00	156,919.00	(621.00)
L7410	1020	Labor & PT Assistance	237,200.00	238,000.00	(800.00)
L9901	9002	Transfer to Health Ins Fund	48,500.00	48,675.00	(175.00)
					(1,596.00)
W8310	1010	Salaries-Foreman (SG)(WP)(DS)	175,325.00	176,565.00	(1,240.00)
W9901	9002	Transfer to Health Ins Fund	317,000.00	318,073.00	(1,073.00)
					(2,313.00)
MS1710	4804	Reinsurance Contrib. Fees	30,000.00	18,304.00	11,696.00
MS1720	4805	Medicare B Reimb.	94,100.00	102,300.00	(8,200.00)
MS9060	8010	Medical Claims	2,600,000.00	2,645,000.00	(45,000.00)
MS9060	8020	Medicare Health Plan Premiums	388,175.00	401,200.00	(13,025.00)
MS9060	9000	Medical Premiums	0.00	8,900.00	(8,900.00)
					(63,429.00)

Adopt the 2016 Preliminary Budget

Supervisor Schaffer noted that the tax levy for this final budget is under the state tax cap by \$18.00 or 0.2 %. This budget is a product of many hours of hard work by the Board.

Councilman Majewski feels that we are doing a disservice to our residents by cowering down to Gov. Andrew Cuomo and the tax cap. This is not in the best interest of the Town of Vestal. Our roads, bridges, water and sewer systems are very old and in need of repairs. A small but responsible increase in the budget would have been the right thing to do for the Town of Vestal at this point. The Town received a grant for \$275,000 to bring us below the cap. It was a one-shot deal. Next year, we won't get this grant, and we will be fighting three times as hard to try to get down below the cap.

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Councilwoman Fitzgerald noted that the Board spent many nights working on this budget and if Councilman Majewski had these concerns he should have brought them up previously. Do we think that we will have a problem next year? Perhaps, but who knows. We did the best with what we had to work with.

Councilwoman Agneshwar noted that they have gone through every budget line with the Comptroller. Every department was asked to justify each line. Is it the ideal budget when facing the state mandated tax cap? We are forced to come to a number and we are held accountable to come to that number. We vetted this budget as well as can be done. Maybe next year will be more difficult, but we don't know. Many things can change.

Councilwoman Messina stated that this budget has been discussed at great length and it meets the needs of the Town. The last minute grant is money that we already paid in as tax payers. It was fiscally responsible to accept this money and apply it to the benefit of the Town.

Supervisor Schaffer stated that perhaps he announced the grant prematurely. Assemblywoman Lupardo did not want the grant to become a partisan issue. Everyone will not be happy with this budget but in his opinion, this is the best budget that any Board has put together in recent years. We worked hard and kept the taxes down.

R249-15 On a motion of Councilwoman Agneshwar, seconded by Councilwoman Messina, the following resolution was

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

Resolved to adopt the 2016 Preliminary Budget, including Special Districts, as amended on November 18, 2015, as the **Final 2016 Town of Vestal Budget** with a tax levy in the amount of **\$10,458,137.00** and appropriations in the amount of **\$25,990,499.00**.

Promote Police Officer Jon Atkinson to Police Sergeant

R250-15 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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

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Resolved to **promote Police Officer Jon Atkinson to the newly vacant position of Police Sergeant** effective November 28, 2015. Pursuant to the Vestal Police Supervisor's Association agreement his probationary rate of pay will be \$73,475.

Hire Vernon Myers of Vestal as the Town Engineer

R251-15 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 **hire Vernon Myers of Vestal as the Town Engineer** effective December 7, 2015. This position is non-union. Mr. Myers' annual salary will be \$89,365 and there will be no increase on January 1, 2016. Mr. Myers' benefits will be pursuant to the Employee Handbook with the exception that upon hire he will be eligible for 1 ¼ days per month of vacation accrual for a total of 15 days per year. After 5 years of employment he will be eligible for 1 2/3 days per month of vacation accrual for a total of 20 days per year. After 20 years of employment he will be eligible for 2 1/12 days per month of vacation accrual for a total of 25 days per year. Back ground and reference checks have been completed. This appointment is contingent upon receipt of a negative pre-employment drug screen.

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:

PUBLIC WORKS: Majewski/Fitzgerald

Award Water Meter Bid

R252-15 Authorization for Water Superintendent Scott Groats to award the Water Meter bid to **Ti-Sales Inc.**, the sole bidder. The Ti-Sales bid meets all specifications for water meters and supplemental companion hardware. This vendor has a history of being very reliable. The various components are to be purchased on an as needed basis from budget line W8240-4304.

FINANCE: Agneshwar/Messina

Receive and File:

Warrant Reports: 2015-45, 2015-45E, 2015-46, 2015-46B, 2015-46E

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Billable Hours for Town Attorney Berger

R253-15 Authorization for the Business Office to submit payment in the amount of \$1,005 to **Town Attorney David Berger** for his October 2015 billable hours – 6 hours 42 minutes.

Payment for Legal Services to Greene, Hershdorfer & Sharpe

R254-15 Authorization for the Business Office to submit payment of \$2,266.04 to **Greene, Hershdorfer & Sharpe** for legal services rendered from September 1, 2015 to October 31, 2015 in the **Hicks vs. Town of Vestal** case.

Contract Renewal with the Vestal Veterinary Hospital

R255-15 Authorization for the Town Supervisor to sign a renewal contract with the **Vestal Veterinary Hospital** for the period of January 1, 2016 through December 31, 2016 with the same terms as the current 2015 contract.

PUBLIC SAFETY: Majewski/Agneshwar

Advertise Bid for Paving of Parking Lots at Fire Stations 1, 2 and 3

R256-15 Approval by the Board of Fire Commissioners to **advertising on November 25, 2015** with the bid opening on December 9, 2015 at 2:00 PM seeking bids for the paving of Fire Stations 1, 2 and 3 parking lots.

Station #2 Firemen Breakfast

R257-15 Approval by the Board of Fire Commissioners for the **Station #2 Firemen Breakfast** to be held on December 13, 2015 at 7:30 until 11:30 am. Coverage time for the day includes personnel to set up, the event itself and clean up. A sign in sheet is to be used to track personnel at this event.

Accept Underwood and Soden as Fire Members

R258-15 Approval by the Board of Fire Commissioners to accept **Andrew Underwood** to Station 2 and **Irving Soden** to Station 4 as new members.

ADMINISTRATION: Messina/Agneshwar

Reimburse Museum Director

R259-15 Approval to **reimburse** Museum Director Ramona Kacyvenski \$166.41 from donation funds for items purchased for Night at the Museum event.

Advance Payment to All-Mode Communications

R260-15 Authorization for the release of funds from the approved Phone Upgrade Capitals project to **partially pay in advance for the new phone system**

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as requested from the vendor, **All-Mode Communications**. They require a deposit of \$34,061.60.

RECEIVE AND FILE:

- Minutes of the Fire Advisory Board Meeting on September 21, 2015.

END OF CONSENT AGENDA

SUPERVISOR'S ANNOUNCEMENTS

Supervisor Schaffer read a letter from resident Neil Payne praising the Town for reciting the *Pledge of Allegiance* before Board meetings and for rebuilding a holiday season nativity display that was vandalized two years ago.

- **Winter Parking Notice:** Parking of vehicles is prohibited on all town and county roads in the Town of Vestal between the hours of 2:00 AM to 6:00 AM from December 1st through March 31st.

- **Christmas Tree Lighting & Family Sing- A-Long**

Friday, December 4th at 6:30 PM - Vestal Memorial Park Gazebo

Have fun singing with the Vestal Community Chorus and the Vestal High School Band. The Vestal Service Organization will be serving free hot cocoa, cider and doughnuts. The evening will end with a special visit from Mr. and Mrs. Santa Claus at 7:00 PM.



- **The Vestal Community Chorus** - Presents its annual winter concert:
Holiday Harmony 2015 - Saturday, December 12 at 7:00 PM
Vestal United Methodist Church, 328 Main St., Vestal

Director: Barbara Press

Emcees: Wally and Mary Roper

Pianist: Gail Jones

Donations Appreciated!

- **Station #2 Firemen Breakfast** - December 13, 2015 at 7:30 until 11:30 am

ADDITIONAL PUBLIC COMMENTS

A speaker stated that it is unfair that the Town charges fees for family and children oriented events such as the Pool Carnival and Town Picnic when we subsidize trips for the Vestal Senior Center. There are 297 members of the Vestal Senior Citizens Club, not all Vestal residents, and we subsidize their trips. We should not be subsidizing trips for seniors while charging the children to use our pool.

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A speaker expressed concern about the corner of Meeker and Main. Is anything being done to improve the safety at that location? There is a restricted view and the signage is very poor. Supervisor Schaffer responded that he would ask the Town Engineer to look into the situation.

Two residents whose properties are abutting the Town owned parcel at 310 Rayelene Drive expressed an interest in purchasing the parcel from the Town. There used to be a pump station on the site that has since been removed. This is a circular parcel that touches several properties. One of their neighbors has already offered to purchase this land. Throughout the years, the neighbors have maintained this parcel and have enjoyed its use. Rather than selling the parcel to one owner, they would prefer that either the Town retain ownership of the parcel or subdivide it equally among the neighbors. The speakers were told that the Board will discuss this issue at the next Work Session.

Several speakers praised the Town Board for their hard work in adopting a responsible budget that controlled spending and taxes.

A speaker noted that if the State permitted gas hydro-fracking, we would not be experiencing this constant struggle with our finances. The additional revenue from the gas drilling could have substantially improved our financial situation.

A speaker disagreed with Councilman Majewski's comments concerning the budget and the allegation of using a short term fix to keep the budget under the tax cap during an election year. She recalls that in previous years some Board members, including Mr. Majewski, were absent during some of the budget deliberation process and were not available to vote on the final budget. She believes that the Board has worked hard on this budget and appreciates the work of the members who were here for all of the meetings.

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