

Regular Meeting of the Vestal Town Board December 9, 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 December 9, 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 14 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 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 November 18, 2015 are approved.

BID OPENINGS

Supervisor Schaffer offered *Proof of Posting* and *Affidavit of Publication* regarding the request for sealed bids for **Paving of Parking Lots of Fire Stations 1, 2 and 3**. The bids were opened in the Town Clerk's Office on Wednesday December 9, 2015 at 2:00 PM and the results were forwarded to the Fire Department for review and recommendation.

PRIVILEGE OF THE FLOOR (Agenda Items Only)

A speaker asked for explanations about the following items on the agenda:

- Would like more information about the newly hired police officer.
- Would like to know why the Hicks lawsuit has been going so long.
- Would like to know why we agreed to lower the assessed value on 860 Old Vestal Rd. when we take a hard-nosed attitude toward most residents.
- Would like to know why we allow vacation carryovers.

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Supervisor Schaffer provided the following responses to the above speaker:

- The police officer transferred from the Oneonta Police Department. He has had 5 years of experience and is a Tier 5 employee for retirement benefits.
- The vacation carryover is for a new employee who accrued the time but was unable to use it earlier due to employee policy restrictions.
- The Hicks case has to be defended until completion of the court proceedings.
- The reduction in assessed value is for the former Vestal Nursing Home which was damaged during the last flood and will likely be torn down.

RESOLUTIONS & MOTIONS

Hiring Lucas Shaw, Transferring Police Officer

R261-15 On a motion of Councilwoman Agneshwar, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to authorize Police Chief Butler to fill a recently created vacancy by hiring **Lucas Shaw**, a transferring Police Officer, effective January 4, 2016, at the base rate of pay of \$68,527.00 pursuant to the PBA Collective Bargaining agreement.

Installation of STOP Signs at Intersection of Meeker and Main

R262-15 On a motion of Councilwoman Majewski, seconded by Councilwoman Messina, the following resolution was

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

RESOLUTION ADOPTING AN ORDER ESTABLISHING TRAFFIC REGULATIONS PURSUANT TO SECTION 1660 (a) 1. OF THE NEW YORK STATE VEHICLE & TRAFFIC LAW.

NOW, THEREFORE, BE IT RESOLVED that the following regulation is hereby established:

Two '**STOP**' signs shall be erected at the **intersection of Main Street and Meeker Road** on a temporary basis.

One on the North East corner and one on the South West corner making this a 4-way stop.

Greater Binghamton Marathon

R263-15 On a motion of Councilwoman Messina, seconded by Councilman Majewski, the following resolution was

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

Resolved to approve the request from William Safarik, Race Director of Dick's Sporting Goods Greater Binghamton Marathon, to stage the **Greater Binghamton Marathon** on **September 18, 2016** partially within the Town of Vestal as set forth in the course map provided in his memo of November 24, 2015, and further provided that:

- 1) The Greater Binghamton Marathon will pay for all of the costs of police protection, including salaries and overtime for the Vestal Police Department,
- 2) Satisfactory liability coverage is provided naming the Town of Vestal as an additional insured.

Requests to Use the Library Parking Lot for Fundraising Event

Councilwoman Messina stated that she opposes food vendors using the library parking lot because they compete unfairly with established tax paying businesses.

R264-15 On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

DEFEATED Ayes 2 Majewski, Fitzgerald
Nays 3 Agneshwar, Messina, Schaffer

Resolved to **deny** authorization for **Iota Theta Lambda**, a local chapter of Alpha Phi Alpha Fraternity, to use the library parking lot on May 21, 2016 for a Chicken Barbeque fundraiser in support of scholarships to area high school students.

Requests to Use the Library Parking Lot for Fundraising Event

Councilman Majewski stated that he supports this because it would be helping children and is good for the community.

R265-15 On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

DEFEATED Ayes 3 Majewski, Fitzgerald
Nays 2 Agneshwar, Messina, Schaffer

Resolved to **deny** authorization for **LEAH Guardians Homeschool Soccer Program** to use the library parking lot on December 23, 2015 for a Doug's Fish Fry fundraising event.

Stipulation of Settlement for Tax Certiorari Cases re: 860 Old Vestal Road

R266-15 On a motion of Councilwoman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

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

Resolved to authorize the Town Attorney to sign a Stipulation of Settlement for the following Article 7 Tax Certiorari cases filed in Broome County entitled:

860 Old Vestal Road LLC vs. The Assessor of the Town of Vestal, New York, and the Town of Vestal, New York Index No. 2011-1928 and 2012-1890 and 2013-1804, and 2014-1897 and 2015-2101 as follows:

1. For tax year 2011/2012, the total assessment on VJNH at 860 Old Vestal Road (157.58-2-6) shall remain unchanged at \$2,627,300
2. For tax year 2012/2013, the total assessment on 860 Old Vestal Road (157.58-2-6) shall be reduced from \$2,627,300 to \$300,000
3. For tax year 2013/2014, the total assessment on 860 Old Vestal Road (157.58-2-6) shall be reduced from \$2,627,300 to \$300,000
4. For tax year 2014/2015, the total assessment on 860 Old Vestal Road (157.58-2-6) shall be reduced from \$2,627,300 to \$250,000
5. For tax year 2015/2016, the total assessment on 860 Old Vestal Road (157.58-2-6) shall be reduced from \$2,627,300 to \$200,000

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town / County Tax	Town Refund
2015-16	\$2,627,300	\$2,627,300	\$200,000	-\$2,427,300	\$59,538.59	N/A	N/A
2014-15	\$2,627,300	\$2,627,300	\$250,000	-\$2,377,300	\$59,733.31	\$35,743.35	\$10,790.24
2013-14	\$2,627,300	\$2,627,300	\$300,000	-\$2,327,300	\$58,150.56	\$34,895.21	\$ 9,978.71
2012-13	\$2,627,300	\$2,627,300	\$300,000	-\$2,327,300	\$55,855.87	\$34,255.41	\$ 9,696.50
2011-12	\$2,627,300	\$2,627,300	\$2,627,300	0	0	0	0
TOTALS							\$30,465.45

* Town = General and Highway

The Town Attorney and Business Office are authorized and directed to take all necessary steps to implement this resolution.

CONSENT AGENDA

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 **Consent Agenda** is approved as follows:

FINANCE: Agneshwar/Messina

- **Receive and File:**
- **Warrants:** 2015- 47, 2015-47E, 2015-47L, 2015-49, 2015-49E

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- **Town Clerk Monthly Report:** November 2015 Local Shares Remitted-\$4,405.83
- **Comptroller's Monthly Report:** November 2015

Payment to Michael Heenan re: Hicks vs TOV Case

R267-15 Authorization for the Business Office to remit **\$5,250.00** to **Michael Heenan**, Liverpool, NY, for depositions regarding the **Hicks vs. TOV** case.

2016 Membership Fee to Greater Binghamton Chamber of Commerce

R268-15 Authorization for the Business Office to remit **\$370.00** for the 2016 membership to the **Greater Binghamton Chamber of Commerce**.

Budget Transfers

R269-15 Authorization for Deputy Town Comptroller Pam Fitzgerald to make **Budget Transfers**, effective 8/26/15 thru 11/18/15, as attached to her memo to the Town Board dated November 18, 2015.

Billable Hours for Town Attorney

R270-15 Authorization for the Business Office to remit **\$675.00** to **Town Attorney David Berger** for November billable hours: 4.5 hours at \$150/hour.

PERSONNEL: Fitzgerald/Majewski

Tax Receiver To Hire Staff

R271-15 Authorization for **Tax Receiver Debra Wallace** to hire staff for the Tax Office, as per her attached chart, for the period December 22, 2015 through April 17, 2016.

NAME	TITLE	HOURLY RATE	ANTICIPATED EMPLOYMENT DATES
Debra Jennings	Deputy Receiver of Taxes	\$10.00	12/22/15—4/17/16 It is anticipated she will work 2 days in December (to get bills ready to mail) and then as needed in 2016 through 4/17/16
Christa Reese	Part Time Clerk	\$9.06	12/23/15—3/31/16 It is anticipated she will work as needed
Heather Jennings	Part Time Clerk	\$9.06	12/23/15—12/31/15 It is anticipated she will work 2 days in December 2015 (to get bills ready to mail)
Sarah Wallace	Part Time Clerk	\$9.06	12/23/15—12/31/15 It is anticipated she will work 2 days in December 2015 (to get bills ready to mail)
Rachel Wallace	Part-Time Clerk	\$9.06	12/23/15—12/31/15 It is anticipated she will work 2 days in December 2015 (to get bills ready to mail)

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Vacation Carry-over for Vinnie Griggs

R272-15 Authorization for Comptroller Laura McKane to allow Sr. Account Clerk for Payroll **Vinnie Griggs** to carry over an additional 26.25 hours of vacation into 2016.

Conservation Advisory Committee Appointments

R273-15 Approval of the following **Conservation Advisory Committee** appointments:

- Re-appoint **Curt Pueschel, Cynthia Westerman and Victor Lamoureux** to the Conservation Advisory Committee effective January 1, 2016 for terms to expire on December 31, 2017.
- Appoint **Philip Grayson** to the Conservation Advisory Committee, effective December 14, 2015, to fill an unexpired term. This term is to expire December 31, 2016.
- Appoint **Adam Flint** to the Conservation Advisory Committee and as the Town's representative on the Broome County Environmental Management Council effective January 1, 2016 for terms to expire on December 31, 2017.

Mary Joggerst to the Recreation Commission

R274-15 Authorization to re-appoint **Mary Joggerst** to the **Recreation Commission**, effective January 1, 2016, for a term to expire December 31, 2022.

Historic Preservation Commission Appointments

R275-15 Approval of the following **Historic Preservation Commission** appointments:

- Appoint **Paul Deeley** to the Historic Preservation Commission, effective January 1, 2016, for a term to expire December 31, 2019.
- Appoint **Brian Weisse** to the Historic Preservation Commission, effective January 1, 2016, for a term to expire December 31, 2019.
- Re-appoint **Margaret Hadsell** to the Historic Preservation Commission, effective January 1, 2016, to a currently vacant position for a term to expire December 31, 2016.

Re-Appoint Gordon Allen to the Library Board of Trustees

R276-15 Authorization to re-appoint **Gordon Allen** to the **Library Board of Trustees**, effective January 1, 2016, for a term to expire December 31, 2020.

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Zoning Board of Appeals Appointments

R277-15 Approval of the following **Zoning Board of Appeals** appointments:

- Re-appoint **Paul Houle** as a member of the Zoning Board of Appeals, effective January 1, 2016, for a term to expire on December 31, 2020.
- Re-appoint **Eugene Burns** as an alternative member of the Zoning Board of Appeals, effective January 1, 2016, for a term to expire December 31, 2020.

PLANNING & ZONING: Messina/Fitzgerald

Advertise Proposed Local Law D of the Year 2015

R278-15 Authorization for the Town Attorney to publish a *Notice of Public Hearing* for proposed **Local Law D of the Year 2015**, a local law to rezone **4109 Vestal Road, Vestal NY, BCTM#159.09-1-17**, from Transitional Office (TO) to Multiple Residence (RC). The notice is to be published on December 9, 2015 with the Public Hearing to be held on December 16, 2015. This resolution rescinds R236-15 of October 28, 2015.

ADMINISTRATION: Messina/Agneshwar

Travel Grant Application for Museum Director

R279-15 Authorization for Town Supervisor Schaffer to sign a Travel Grant Application for **Museum Director Ramona Kacyvenski** to attend a Museum Association of NY Conferences in 2016.

Donation: Saint Paul's Episcopal Church - Bernice Gould Memorial Fund

R280-15 Request from Recreation Planner Sue Jastran to **accept a \$1,000.00 donation from Saint Paul's Episcopal Church – Bernice Gould Memorial Fund**. This grant is to be used for a new commercial grade hot water heater for the Vestal Memorial Pool.

RECEIVE AND FILE:

- Notice that **CopperTop (Tavern) Vestal, LLC** will be applying for a liquor license at 4700 Vestal Parkway, Vestal, New York.
- Request from **James Moronski** for him and other adjacent property owners to purchase and divide a Town owned parcel located at 310 Rayelene Drive.

END OF CONSENT AGENDA

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SUPERVISOR'S ANNOUNCEMENTS

- The annual Christmas Tree Lighting event went well. A note of thanks is due to Neil Payne for organizing volunteers to repair the vandalized manger scene.
- **Christmas at the Vestal Museum! Sunday December 20th, 2015, 10-2pm**
Free family portraits with Santa, our vintage sled, and the beautiful green and red museum! Food, drinks and Christmas goodies! Free! Enjoy the holiday decorations at the museum and our Members showcase! 328 Vestal Parkway East, (607)748-1432 vmuseum@vestalny.com
- **December 16, 2015** – Public Hearing regarding proposed **Local Law “D” of the Year 2015** entitled: “A Local Law Rezoning 4109 Vestal Parkway East, Vestal, NY from TO “Transitional Office” to RC “Multiple Residence.”
- **Breakfast with Santa** - Fire Station #2, Route 26, Sunday, December 13th, from 7 am to 11 am.



ADDITIONAL PUBLIC COMMENTS

A resident of Rayelene Drive filed a letter with the Town Clerk in which he asks the Town Board to subdivide and sell the Town owned parcel at 310 Reyelene Drive to property owners adjoining this parcel. Supervisor Schaffer stated that this topic will be discussed by the Board at the next Work Session on December 14th.

A speaker suggested that groups seeking to use the library parking lot to sell food should perhaps be required to ask the nearby food serving establishments if they object to the fund raisers.

A speaker noted that Iota Theta Lambda, a local chapter of Alpha Phi Alpha Fraternity, is an engineering fraternity that raises funds to give scholarships. This is a good cause and they should have been granted permission to use the library parking lot for a fundraiser.

A speaker noted that these food vending activities do compete unfairly with established businesses and Town property should not be used for such activity. They can do these fundraisers on private properties. Supervisor Schaffer stated that the Board needs to establish a clear policy.

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A speaker expressed concern that some members of *Vestal Residents for Safe Energy* (VRSE) who signed a petition against gas drilling are getting phone calls from unidentified people who seem to have a lot of information about them. He was wondering if anyone got any information from the Town via a Freedom of Information request. Supervisor Schaffer advised the speaker to check with the Town Clerk concerning any FOIL requests. Several other speakers noted that in today's digital world, no information is sacred or secure. There are numerous websites that can be used to access such personal information.

A speaker asked why a decision was made to turn the intersection of Meeker Rd. and Main St. into a 4-way stop. Supervisor Schaffer responded that the main reason was the large number of accidents at that location.

A speaker stated that the Town Assessor should not have been allowed to set up a separate assessment data input and management system that used to be provided by Broome County. This requires additional employees and expenses. The Assessor is not following the NYS guidelines and shows favoritism in reducing assessments for certain influential people while no adjustment are being made to reflect plummeting home prices throughout the Town.

Supervisor Schaffer noted that, unlike the speaker, he has never received a reduction in his assessment. The record management changeover in the Assessor's office has not resulted in an increase in employees. The Vestal real estate market is stable and since the last revaluation, we have been able to keep the assessment roll at a 100% of market value. Our Assessor does a good job.

A speaker stated that at a recent *League of Women Voters* meeting, presenters discussed the growth of hops and hemp in New York as a way to enhance and strengthen the State's status in agriculture.

ADJOURNMENT

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

Approved by _____
Emil J. Bielecki, Town Clerk