

Regular Meeting of the Vestal Town Board December 16, 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 16, 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 12 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 Agneshwar, the following resolution was

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

Resolved the Minutes of the Regular Meeting on December 9, 2015 are approved.

PUBLIC HEARING

The Supervisor offered *Proof of Posting*, *Affidavit of Publication* and *Affidavit of Mailing* regarding the Public Hearing of proposed **Local Law “D” of the Year 2015** entitled: “A Local Law Rezoning 4109 Vestal Road, Vestal, NY (BCTMP#159.09-1-17) from TO “Transitional Office” to RC “Multiple Residence.”

The Town Board has reviewed Short Environmental Assessment Form and is in receipt of the 239- 1 and m response from Broome County Department of Planning and Economic Development with comments from:

- Binghamton Metropolitan Transportation Study (BMTS)
- New York State Department of Transportation (NYSDOT)
- Broome County Department of Public Works (DPW)
- Broome County Health Department (BCHD)

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James Walsh, representing the owners of the property, stated that this is a vacant lot east of Bunn Hill Road. This parcel was rezoned to Transitional Office (TO) about 8 years ago but they have not had any success in developing it for uses allowed under that designation. Instead, they would like to build two apartment buildings with a total of 12 rental units. It will be a better use for the parcel

A speaker noted that this is a heavy traffic area and asked if the traffic pattern has been looked at for this development. Jim Walsh responded that the timing of the traffic from the apartments should be different than from the nearby offices.

Mr. Walsh stated that these will be upscale apartments that will likely appeal to international students. These will be 2 story buildings and will have 2 and 3 bedroom apartments. There will be 24 parking spaces. They have not sent plans to the Planning board at this time.

Councilman Majewski stated that a lot of thought went into zoning this area as Transitional Office and he is reluctant to rezone the parcel but he understands that it may be necessary. He is concerned about making a left turn from this location and asked if it could be restricted to right turn only. Jim Walsh responded that it has been difficult to find a tenant interested in office space at that location. The Binghamton Metropolitan Transportation Study (BMITS) has also suggested a right turn only. If there is a safety issue, that will be taken into consideration.

Accept SEQR Short Form and Adopt Local Law “D” of the Year 2015

Town Attorney David Berger advised that the Board do a combined action to also accept the Short Environment Assessment Form under SEQR.

R281-15 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 accept the SEQR Short Environmental Assessment Form and to adopt **Local Law “D” of the Year 2015** entitled: “A Local Law Rezoning 4109 Vestal Road, Vestal, NY (BCTMP#159.09-1-17) from TO “Transitional Office” to RC “Multiple Residence.”

PRIVILEGE OF THE FLOOR (Agenda Items Only)

A speaker commented on the following items on the agenda:

- Feels that the cost of paving the Fire Station parking lots is too high.

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- Why are we buying more salt? We purchased additional salt earlier this year and the weather has been mild.
- Our legal bills for litigation are out of control.
- The software purchase for the Fire Department is unnecessary and too costly.
- We are relying too much on bonding and with will have trouble paying off the debt with rising interest rates.

In response to the above speaker, Supervisor Schaffer stated that as any other business, the Town needs to borrow money for some the large capital expenditures. It is very manageable because as we take on new debt, we are also paying off old bonds. We have the lowest fiscal stress level of any town in the County. He is proud of our budget this year. The software system for the Fire Department is necessary and improves the safety of the Town. The cost of the lawsuits is unavoidable --- we must defend the Town.

RESOLUTIONS & MOTIONS

Endorsement of Special School District Public Library

R282-15 On a motion of Councilwoman Messina, seconded by Councilman Majewski, the following resolution was

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

Whereas, the Town Board of the Town of Vestal has been asked by the Vestal Library Board of Trustees to support the formation of a **Special School District Public Library** to take over the management and operation of the Vestal Public Library, and

Whereas the Town Board recognizes that:

1. Library services have fluctuated and/or decreased over the last 10 years, even as demand for library services continues to grow.
2. Library positions have either not been filled or reduced
3. The Library is paid for by the residents of the Town through property taxes paid to the Town's general fund budget. Libraries compete for support with other important Town services such as Police, Highways and Water.
4. A School District Public Library would provide a stable source of funding that is only for libraries, and would no longer have to compete with other essential services.

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5. All residents of the Southern Tier are presently allowed to use the Library, even if they do not provide any support for this service. This results in a high use of the library, but a low level of support.
6. A School District Public Library would spread the cost of supporting this county-wide service.
7. A School District Public Library would take on the responsibility for all costs related to the Library including personnel, books, and materials and services.

Therefore, based upon the foregoing, the **Town Board of the Town of Vestal hereby endorses the formation of a School District Public Library** to take over the operation of the Vestal Public Library.

Award Bid to Pave Fire Dept. Parking Lots to Broome Bituminous Products

R283-15 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 by the Board of Fire Commissioners to authorize Fire Chief David Harrington to award the bid for the paving of the parking lots at Fire Stations 1, 2 and 3 to low bidder **Broome Bituminous Products**, in the amount of \$184,740 and to authorize the transfer of \$9,740.00 from budget line F3410 8404 to budget line F3410 2255 to cover the shortfall between the bid amount and the \$175,000 in the permissive referendum.

Bond for Purchase of Equipment for Maintenance Purposes - \$505,000

R284-15 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE PURCHASE OF **EQUIPMENT FOR MAINTENANCE PURPOSES**, IN AND FOR THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF **\$505,000**, AND AUTHORIZING THE ISSUANCE OF \$505,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

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Bond for Improvements to Town Park Facilities - \$75,000

R285-15 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF **\$75,000** BONDS OF THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, TO PAY THE COST OF **IMPROVEMENTS TO TOWN PARK FACILITIES AND BUILDINGS**, IN AND FOR SAID TOWN.

Bond for Purchase of Police Cars - \$82,000

R286-15 On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

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

A RESOLUTION AUTHORIZING THE COST OF THE PURCHASE OF **POLICE CARS**, FOR THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF **\$82,000**, AND AUTHORIZING THE ISSUANCE OF UP TO \$82,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

R287-15 On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

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

A RESOLUTION AUTHORIZING THE COST OF THE PURCHASE AND **INSTALLATION OF COMPUTER EQUIPMENT**, FOR THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF **\$156,000**, AND AUTHORIZING THE ISSUANCE OF UP TO \$156,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

Bond for Reconstruction and Resurfacing of Various Roads - \$780,000

R288-15 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF **\$780,000** BONDS OF THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, TO PAY

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THE COST OF THE **RECONSTRUCTION AND RESURFACING OF VARIOUS ROADS** THROUGHOUT AND IN AND FOR SAID TOWN.

Tabled Motion for Budget Transfer to Pay for Chemicals

On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was brought to the floor:

Authorization for the Comptroller to make a **budget transfer of \$17,000** for the Water Department from budget line W8330 3009 to budget line W8330 4303 (chlorine and chemicals) to cover the additional cost for chemicals.

On a subsequent **motion to table**, made by Councilwoman Agneshwar, seconded by Councilman Majewski, the above resolution was

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

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

Highway Budget Transfer – Salt Purchase

R289-15 Approval for Highway Superintendent Rocco Turdo to transfer \$25,000 from budget line D5110-4190 (fuel) to budget line D5142-4006 (snow & ice control) to **purchase 600 tons of salt.**

FINANCE: Agneshwar/Messina

Receive and File:

Warrant Reports: 2015-50, 2015-50E

Payment for Legal Services to Alfred Paniccia

R290-15 Authorization to submit payment in the amount of **\$3,706.40** to The Law Office of **Alfred Paniccia** for legal services on the **Tyrrell vs. Town of Vestal** litigation through August 31, 2015.

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Budget Transfers

R291-15 Approval for the Comptroller to make the following **Budget Transfers:**

<u>From Line Item</u>	<u>To Line Item</u>	<u>Amount Requested</u>
F3410 4034R	F3410 2034R	\$ 450.00
F3410 4010	F3410 4308	\$ 15.00
F3410 4190	F3410 4499	\$ 5,900.00
F3410 4190	F34104611	\$ 225.00
F3410 4190	F3410 4612	\$ 350.00
F3410 4190	F3410 4615	\$ 1,000.00
F3410 4040	F3410 2220	\$ 3,000.00
F3410 4040	F3410 2230	\$ 752.00
F3410 4040	F3410 4210	\$ 12,000.00
F3410 4040	F3410 4060	\$ 20,000.00
F3410 4010	F3410 4490	\$ 100.00
A1620 4000	A1620 4080	\$ 3,600.00
A1620 4110	A1620 4080	\$ 2,000.00
A1680 1030	A1680 4064	\$ 9,600.00
A1680 1030	A1680 4051	\$ 150.00
A1680 1030	A1680 4060	\$ 2,900.00
W8330 3009	W8310 2240	\$ 20,000.00
A3120 4190	A3020 4210	\$ 4,472.00

PERSONNEL: Fitzgerald/Majewski

Deputy Highway Superintendent Craig Hiller to Carry Over Vacation

R292-15 Authorization for **Deputy Highway Superintendent Craig Hiller** to carryover an additional 30 hours of vacation into 2016. The employee moved into a managerial position later in the year and found it difficult to use all of his vacation time this year.

PUBLIC SAFETY: Majewski/Agneshwar

Purchase of RedNMX Systems

R293-15 Authorization to approve the purchase of **RedNMX Systems** through **Alpine Software** for a total cost of \$20,095.00 and a down payment of \$5,023.75 from budget line F3410-4499. This software system was approved in the 2016 Fire District Budget.

RECEIVE AND FILE:

- **NYS DOT Notice of Order** – CR 44, Vestal Road, at CR 53, Bunn Hill Road, Signal #167.

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- Notice from **Talisman Energy USA Inc.**, as required by the Pennsylvania Department of Environmental Protection of intention to commence the drilling of 4 natural gas wells on properties located in Apolacon Township, Susquehanna County, PA. Dated December 10, 2015.
- Letter from **Town of Orchard Park Supervisor Dr. Patrick J. Keem**, dated December 8, 2016, requesting Local Officials to sign letters to Governor Cuomo asking to revisit and amend the current Tax Cap Legislation.

END OF CONSENT AGENDA

SUPERVISOR'S ANNOUNCEMENTS

- **Christmas at the Vestal Museum! Sunday December 20th, 2015, 10-2pm**
Free family portraits with Santa, vintage sled, beautiful green and red museum, food, drinks and Christmas goodies, holiday decorations and our Members showcase! 328 Vestal Parkway East, (607)748-1432 vmuseum@vestalny.com
- The intersection of **Main Street and Meeker Road** is now a 4-Way Stop.

ADDITIONAL PUBLIC COMMENTS

A speaker asked for more information about what is included in the \$505,000 Bond Resolution for *Equipment for Maintenance Purposes* and in the \$75,000 for *Improvements to the Town Park Facilities and Buildings*. Additionally, he feels that the Parks Department has too many vehicles and the Board should learn to say no. Rather than buying new equipment, Parks can use some of the used vehicles and equipment from Highway. Supervisor Schaffer explained that most of the bond is for Highway vehicles and equipment. The *Park Facilities* bond is for a new pavilion at Arnold Park. We have been reducing the size of the vehicle fleet in Parks.

A speaker stated that the Town needs to follow the operating budget as adopted and avoid constant budget transfers. Also, we need to reduce our borrowing. Supervisor Schaffer replied we have 5 and 20 year capital plans and we are disciplined in our spending.

ADJOURNMENT

On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, the meeting was adjourned at 6:42 PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk