

Regular Meeting of the Vestal Town Board January 6, 2016

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 January 6, 2016.

TOWN BOARD PRESENT:

**Supervisor John Schaffer
Councilman Majewski
Councilwoman Fitzgerald
Councilwoman Messina**

ABSENT: Councilwoman Agneshwar

ALSO ATTENDING: Town Attorney David Berger, Town Engineer Vern Myers, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young and 13 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 4 Majewski, Fitzgerald, Messina, Schaffer
 Nays 0 Absent 1 Agneshwar

Resolved the Minutes of the Regular Meeting on December 16, 2015 are approved.

PRIVILEGE OF THE FLOOR (Agenda Items Only)

A speaker commented on and asked questions about the following items:

- What was the Tyrell lawsuit settlement about? Supervisor Schaffer's response: this was a police dog bite incident and we determined that the settlement was in the best interest of the Town. The money came from the insurance reserve, which is in place for these types of unanticipated occurrences.
- Why are we bonding for water and sewer work? Supervisor Schaffer's response: the bonding is for capital projects to maintain our water & sewer infrastructure.
- Why are we hiring an additional IT employee (Network Specialist)? Supervisor's response: this position replaces a part-time technician. The complexity of the work requires a full time employee with specific skills.

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- Why is the contract for the greenway signs being amended? Supervisor's response: the lowest bid for the project came in above estimate and all participants will share in the increase.
- We should not renew our membership to the NYS Association of Towns. Supervisor's response: we continue to benefit from the training and the other services that the organization provides.
- He wants to review the Court audit. Supervisor's response: the audit did not identify any significant problems but the speaker can FOIL the document.

RESOLUTIONS & MOTIONS

2016 Organizational Appointments, Authorizations and Meetings Calendar

A Motion was made by Councilwoman Messina, seconded by Councilwoman Fitzgerald, to amend Part B to read as follows: *Appointment of Town Attorney: David Berger (a two year appointment from January 1, 2016 – December 31, 2017)*

The motion to amend passed: 4 Ayes (Majewski, Fitzgerald, Messina, Schaffer), 0 Nays, 1 Absent (Agneshwar).

R001-16 On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution, as amended, was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0 Absent 1 Agneshwar

Resolved to adopt the **2016 Organizational Appointments, Authorizations and Calendar of Town Board Meetings** as follows:

A. Town Board Committees:

PUBLIC WORKS: FITZGERALD /Majewski
(Utility, Highway, Water, Parks, Building Maintenance)

FINANCE: AGNESHWAR/Fitzgerald

PERSONNEL: MESSINA/Majewski

PLANNING & ZONING: MESSINA/Agneshwar
(Code Dept., Planning and Zoning, Engineering)

PUBLIC SAFETY: FITZGERALD/ Messina
(Fire, Police, Emergency Services, Courts)

ADMINISTRATION: MAJEWSKI/Messina
(Assessment, Tax Collector Clerk, Library, IT,
Recreation, Historian, Museum)

B. Appointment of Town Attorney: David Berger (a two year appointment from

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C. Appointment of Comptroller/Director of Finance: Laura McKane (a two year appointment from January 1, 2016 – December 31, 2017)

D. Appointment of Town Engineer: Vernon Myers (a two year appointment from January 1, 2016 – December 31, 2017)

E. Town Board Meeting Schedule:

2016 WORK SESSIONS	2016 BOARD MEETINGS
Meetings at 6:00 p.m. <i>unless otherwise indicated</i>	Meetings at 6:00 p.m. <i>unless otherwise indicated</i>
1/4/16	1/6/16
1/25/16	1/27/16
2/8/16	2/10/16
2/22/16	2/24/16
3/7/16	3/9/16
3/21/16	3/23/16
4/11/16	4/13/16
4/25/16	4/27/16
5/9/16	5/11/16
5/23/16	5/25/16
6/6/16	6/8/16
6/20/16	6/22/16
7/11/16	7/13/16
7/25/16	7/27/16
8/8/16	8/10/16
8/22/16	8/24/16
9/12/16	9/14/16
9/26/16	9/28/16
10/3/16	
10/10/16	10/12/16
10/17/16	10/18/16 FIRE BUDGET HEARING

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10/24/16	10/26/16
10/31/16	
11/7/16	11/9/16 TOWN BUDGET HEARING
11/14/16	11/16/16
12/5/16	12/7/16
12/19/16	12/21/16

TOV Holidays for 2016:

New Year's – TOV CLOSED 1/1/16 (Friday)	
Good Friday – TOV CLOSED 3/25/16 (Friday)	Veteran's Day – TOV CLOSED 11/11/16 (Friday)
Memorial Day – TOV CLOSED 5/30/16 (Monday)	Thanksgiving – TOV CLOSED 11/24/16 (Thursday)
Independence Day – TOV CLOSED 7/4/16 (Monday)	Day After Thanksgiving – TOV CLOSED 11/25/16 (Friday)
Labor Day – TOV CLOSED 9/5/16 (Monday)	Christmas – TOV CLOSED 12/26/16 (Monday)

Library, Parks, Highway & Water holidays vary. Police Department Open 24/7

F. Establish salary and wage rates for Town employees as stated in the 2016 salary schedule filed with the Town Clerk.

G. Approval of the form, manner and sufficiency of the Employee Surety Bond.

H. \$100 for clothing and boot allowance for:

- Water Superintendent – Scott Groats
- Parks Superintendent – Jim Bukowski
- Highway Superintendent – Rocco Turdo
- Deputy Highway Superintendent – Craig Hiller
- Town Engineer – Vernon Myers
- Deputy Water Superintendent – Bill Peltz
- Code Officer – Mark Dedrick

I. Attendance to budgeted association meetings as follows:

- Monthly:* Broome County Association of Municipal Court Clerks
- Broome County Association of Towns and Villages
- Broome County Municipal Clerks Association
- Association of Assessors

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Quarterly: Broome County Association of Receivers and Tax Collector's
Building Officials

Annual: NYS GFOA Annual Conference
PERMA Conference
NYS Town Clerks Association Annual Conference
NYS PELRA Conference

Other Training: NYS GFOA meetings and seminars
PERMA

Education Seminars for Building and Code

Winter/Spring STBOA Seminar
Northern Adirondack BOA
NY Planning Federation
Finger Lakes BOA
Central Chapter BOA
NY Firefighters Association
Fall ICC Conference
STBOA Seminars Fall/Early Winter
Fire Marshall's & Inspectors Seminar
Spring or Fall: NYS Fire Academy Misc. Workshops

J. Under Section 77-b of General Municipal Law, the Board delegates department heads to authorize training within the limits of the department budget.

K. Appointment of Fire Marshall: Carl Truman
Deputy Fire Marshall: Christopher S. Lupold

L. Authorization from the Board of Fire Commissioners for Assistant Fire Chief Douglas Rose and Assistant Fire Chief John Paffie to sign vouchers in the 2016 fiscal year.

M. Authorization from the Board of Fire Commissioners to send one piece of fire apparatus and personnel to parades in 2016 as follows:

<u>Parade</u>	<u>Location</u>	<u>Month</u>	<u>Station Apparatus</u>
St. Patrick's	Binghamton	March	Station 4
Memorial Day	Endicott	May	Station 1
Apalachin Firemen's Field Day	Apalachin	June	Station 3
Owego Strawberry Festival	Owego	June	Station 3
Veteran's Day	Endicott	November	Station 1
Johnson City Holiday	Johnson City	December	Station 4
Endicott Holiday	Endicott	December	Station 1

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N. Acknowledgement and acceptance by the Board of Fire Commissioners of the following station representatives to the LOSAP committee:

Station 1 - Eugene Wagner	Station 3 – Chris E. Lupold
Station 2 – Vincent Colling	Station 4 – Richard Devine
Station 4 – Joseph Gallagher (Dept. at large member)	

O. Acknowledgement and acceptance by the Board of Fire Commissioners of the 2016 Station Chiefs as elected by the members of the Fire Department on December 21, 2015:

Station 1 Chief: Douglas Rose	Station 3 Chief: Ronald Birdsall
Station 2 Chief: William Stout	Station 4 Chief: John Paffie

P. Appointment of Marriage Officer: Emil J. Bielecki

Q. Appointment of Registrar of Vital Statistics: Emil J. Bielecki
Deputy Registrar of Vital Statistics: Kathie S. Young
Sub Registrar of Vital Statistics: Susan M. Bailey

R. Adopt Procurement Policy (*unchanged*) and list of authorized purchasers, as amended.

S. Adopt Scrap Metal Policy.

T. Mileage Reimbursement for the use of a personal vehicle on Town Business will be based on the Federal Government guidelines.

U. Designate Depositories for Town Funds: M & T - \$15,000,000
J. P. Morgan Chase - \$20,000,000 Tioga State Bank - \$15,000,000

V. Designate the Delegate for the NYS Association of Towns Meeting as John Schaffer with the alternative being Fran Majewski.

W. Designate the official Town newspaper as the *Vestal Town Crier*.

Advertise for Public Hearings on Sewer Improvements

R002-16 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
 Nays 0 Absent 1 Agneshwar

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Resolved to authorize the Town Attorney to advertise on January 13, 2016 for a Public Hearing to be held at 6:00 PM on January 27, 2016 on the question of **the Increase and Improvement of Facilities of the Consolidated Sewer District** at a Maximum Estimated Cost of \$500,000.

Advertise for Public Hearing on Water Improvements

R003-16 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0 Absent 1 Agneshwar

Resolved to authorize the Town Attorney to advertise on January 13, 2016 for a Public Hearing to be held at 6:00 PM on January 27, 2016 on the question of the **Increase and Improvement of Facilities of the Consolidated Water District** at a Maximum Estimated cost of \$1,100,000.

Appoint Francesco Pizzuti - Network Specialist

R004-16 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0 Absent 1 Agneshwar

Resolved to authorize IT Director Williams to appoint **Francesco Pizzuti** as a **Network Specialist** (CSEA grade 5) at the rate of \$19.66/hour effective January 25, 2016. Background check and pre-employment drug test were completed.

2015 LOSAP Membership Certification List

R005-16 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0 Absent 1 Agneshwar

Resolved by the Board of Fire Commissioners to approve the Vestal Fire District Length of Service Awards Program (**LOSAP**) **2015 Membership Certification List**, as submitted on January 4, 2016.

Settlement - Anita Tyrell v. Town of Vestal, et al

R006-16 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0 Absent 1 Agneshwar

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Resolved to approve a settlement reached in the matter of **Anita Tyrell v. Town of Vestal, et al.** filed in the Broome County Supreme Court bearing Index no. 2015-0155 for the sum of \$42,500.00 in full satisfaction of all claims and authorizing attorney Alfred Paniccia, Jr. to sign the Stipulation of Discontinuance on behalf of the Town and for the Town Comptroller to process said payment. Said settlement is just, reasonable and in the best interests of the Town. Payment will be made from the Insurance Reserve Fund.

Special Permit – 3100 Vestal Road

R007-16 On a motion of Councilwoman Messina, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0 Absent 1 Agneshwar

Resolved to approve a **Special Permit** application made by TGS Holding, Inc. for their property located at **3100 Vestal Road, Vestal, NY Tax Map # 158.07-2-12** to renovate 4,600 square feet of said building into professional office space. The Town Code requires that property zoned I-Industrial obtain a special permit from the Town Board for such use. The short form SEQR has been reviewed and does not reveal any significant environmental concerns.

CONSENT AGENDA

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

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0 Absent: Agneshwar

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

PUBLIC WORKS: Majewski/Fitzgerald

Sign Revised Two Rivers Greenway Signage Project Agreement

R008-16 Authorization for the Town Supervisor to sign the revised municipal agreement regarding the **Two Rivers Greenway Signage Project** (PIN 9753.89).

FINANCE: Agneshwar/Messina

Receive and File:

- **Warrant Reports:** 2015-51, 2015-51L, 2015-51E, 2015-52, 2015E
- **Town Clerk Monthly Report:** December 2015 - Local Shares Remitted: \$4,768.43.
- **Town Clerk Annual Report 2015:** Local Shares Remitted - \$61,236.33

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Billable Hours for Town Attorney

R009-16 Authorization for the Business Office to remit \$1,045.00 to **Town Attorney David Berger** for **December 2015 billable hours** (6 hrs. and 58 min.).

NYS Association of Towns 2016 Annual Membership Dues

R010-16 Authorization for the Business Office to remit \$1,650.00 for the **2016 Annual Membership Dues** to the NYS Association of Towns.

Budget Transfer for Water Department

R011-16 Authorization for Comptroller McKane to make a **budget transfer** of \$9,500 for the Water Department from budget line W8330 3009 to budget line W8330 4303 (chlorine and chemicals) to cover additional cost of chemicals.

Town of Vestal Justice Courts Audit Received

R012-16 Adopt a Resolution acknowledging that the CPA firm of **Ciaschi, Dietershagen, Little, Michelson & Co., LLP** has audited the books and records of the Town of Vestal Justice Courts for the calendar year of 2014.

PUBLIC SAFETY: Majewski/Agneshwar

Accept Francis Lamphere Fire Company #3

R013-16 Authorization from the Board of Fire Commissioners to accept **Francis Lamphere** as a member of the Vestal Fire Department at Company # 3.

ADMINISTRATION: Messina/Agneshwar

Reimbursement for Museum Director

R014-16 Approval for Museum Director Ramona Kacyvenski to use donated funds (CM0308) for the **reimbursement of purchased items** for the *Christmas at the Museum* event in the amount of \$132.57 and for an **application fee of \$100.00** for a grant received to have a *Public Scholar* event in June on “War Writing”.

Meals on Wheels Agreement

R015-16 Authorization for the Town Supervisor to sign a *Letter of Agreement* from Deputy County Executive John Bernardo, dated 12/21/15, concerning the renewal of contract for the Broome County Office for Aging lease of space for **Meals on Wheels** (CA292-145) for the term of 1/1/16-12/31/16.

RECEIVE AND FILE:

- Fire Advisory Board Meeting Minutes – November 16, 2015

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END OF CONSENT AGENDA

SUPERVISOR'S ANNOUNCEMENTS

There will soon be a vote concerning changing the Vestal Library to a School District Public Library. Residents need to stay informed on this topic and vote.

CHAIR COMMENTS AND UPDATES

Councilman Majewski informed the public that there has been a rash of vehicle break-ins in the Town and advises everyone to keep their vehicles locked.

ADDITIONAL PUBLIC COMMENTS

A speaker noted that the removal of the vegetation at the intersection of Meeker and Main has improved the traffic safety. He suggests that it might also be prudent to remove some of the saplings.

A speaker asked why environmental conditions were a concern for office space in an Industrial zone. Supervisor Schaffer replied that the law requires the review.

A speaker stated that two concrete abutments that were placed on Myrtle Street (near the Rail Trail) are ugly and should be removed. Supervisor Schaffer replied that the blocks were placed there to resolve a parking issue on green space. The placement of the blocks was not authorized and he will look into the matter.

A speaker is pleased that the Town uses at least one local bank as a depository.

A speaker stated that he was insulted by the Police Chief's response to several of his complaints and he is considering filing a lawsuit against the Town.

A speaker stated that the County should give us an itemized tax bill like the Town.

A speaker stated that his property was grossly over-assessed in the 2009 revaluation but was recently able to get some relief. He is grateful for the assistance of this Supervisor and the Board.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the **meeting was adjourned at 6:38PM.** Carried unanimously.

Approved by _____ **Emil J. Bielecki, Town Clerk**