

## Regular Meeting of the Vestal Town Board January 27, 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 27, 2016.

### **TOWN BOARD PRESENT:**

**Supervisor Schaffer**  
**Councilwoman Fitzgerald**  
**Councilwoman Messina**  
**Councilwoman Agneshwar**

**ABSENT: Councilman Majewski**

**ALSO ATTENDING:** Town Attorney David Berger, Town Engineer Vernon Myers, Water/Wastewater Superintendent Scott Groats, Town Clerk Emil Bielecki, 1<sup>st</sup> Deputy Town Clerk Kathie Young and 15 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 Councilwoman Fitzgerald, the following resolution was

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

Resolved the Minutes of the Regular Meeting on January 6, 2016 are approved.

### **PUBLIC HEARINGS**

#### **Consolidated Sewer District Proposed Increase and Improvement**

Supervisor Schaffer presented *Proof of Posting* and *Affidavit of Publication* regarding the Public Hearing on the **proposed increase and improvement of the facilities of Consolidated Sewer District** being the reconstruction of sewer lines (Phases I and II), including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$500,000, and opened the Public Hearing.

Seeing and hearing no one wishing to speak, Supervisor Schaffer closed this Public Hearing.

## Regular Meeting of the Vestal Town Board January 27, 2016

### Consolidated Water District Proposed Reconstruction

Supervisor Schaffer presented *Proof of Posting* and *Affidavit of Publication* regarding the Public Hearing on the **proposed increase and improvement of the facilities of Consolidated Water District** being the reconstruction of the water treatment facility and water tanks, including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,100,000, and opened the Public Hearing.

A resident stated that these expenses should have been planned for earlier and requested on-line access to water and sewer bills. Supervisor Schaffer replied that these projects are part of a long range plan and are part of the capital budget. If this resident wants specific information, he can file a FOIL request.

Water Superintendent Scott Groats noted that the proposed improvements and upgrades have been planned for years. Some have been put off and need to be done at this time. Superintendent Groats added the following comments:

- There are vulnerabilities in the system and it's time to start looking for another source of water. One has been identified near an existing well field. This is just the beginning phase of this development.
- Three of our water tanks are nearing the end of their useful life. We regularly inspect the inside of our tanks and some repairs are needed to extend the life of the steel tanks. The last few winters have been hard on the tanks and we take various actions to protect the tanks.
- When we bid for tank repair/replacement we try to include more than one tank because it reduces the cost of the specialized work.

A resident noted that it is important and prudent to keep up on the maintenance of the water and sewer infrastructure. Spending approximately \$1,000,000 on this type of work is not that much money.

A speaker asked what appurtenances are? Town Engineer Vern Myers replied that they are mostly *paraphernalia*, or parts for such things as pumps and other devices.

A resident noted that although he is on well water, he wishes he could connect up to the Town's water system. He appreciates that safety is the number one concern.

A resident asked if sewer lines are being replaced. Superintendent Groats replied that sewer lines are being replaced all the time. We try to coordinate our work with

## **Regular Meeting of the Vestal Town Board January 27, 2016**

the Highway Department to do replacements during road reconstruction and we try to notify residents of our plans well in advance.

### **PRIVILEGE OF THE FLOOR (Agenda Items Only)**

A speaker asked about the following items on the agenda:

- How much are we receiving in donations from the Coal House vendor?  
Supervisor's response: We receive monthly rent from the vendor but have not received any additional money. We need to audit their books.
- Why are we wasting money on a membership to the Upstate NY Towns Association? Supervisor's response: the organizations offer us a useful venue for information and training.
- The large bill for the appraisal of a NYSEG property is a waste of money.  
Supervisor's response: the appraisal was needed for a tax assessment court case.
- We hire too many people for recreation programs. We should use volunteers.  
Supervisor's response: we hire experienced people and their compensation is largely covered by the fees paid by the participants.
- What are the local laws that we are advertising for? Supervisor's response: one local law proposes to allow some residential uses in Transitional Neighborhood (TN) districts and the other local law proposed to increase fines for various parking violations. These will be discussed in the scheduled Public Hearings.

A resident asked if the Board has established a new policy concerning the use of the library parking by outside users. Supervisor Schaffer and several Board members responded that the policy is being formulated but is not yet finished.

### **RESOLUTIONS & MOTIONS**

#### **Public Interest Order - Consolidated Sewer District Expansion #22**

**R016-16** On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, the following resolution was

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

Resolved to adopt a Public Interest Order in the matter of the increase and improvement of Consolidated Sewer District Expansion #22:

WHEREAS, the Town Board of the Town of Vestal, Broome County, New York, has under consideration the increase and improvement of the facilities of the Consolidated Sewer District, in the Town of Vestal, Broome County, New York

**Regular Meeting of the Vestal Town Board  
January 27, 2016**

(the “Sewer District”), being the reconstruction of sewer lines (Phases I and II), including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$500,000; and

WHEREAS, at a meeting of said Town Board duly called and held on December 16, 2015, an Order was adopted by it and entered in the minutes specifying the said Town Board would meet to consider said increase and improvement of the Consolidated Sewer District, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Vestal, New York, in said Town, on January 27, 2016 at 6:00 o’clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT ORDERED, by the Town Board of the Town of Vestal, Broome County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make improvements to the Consolidated Sewer District, in the Town of Vestal, Broome County, New York, being the reconstruction of sewer lines (Phases I and II), including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$500,000.

Section 2. This Order shall take effect immediately.

**Issue \$500,000 Bonds for Consolidated Sewer District**

**R017-16** On a motion of Councilwoman Fitzgerald, seconded by Councilwoman Messina, the following resolution was

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

Resolved to adopt: A resolution authorizing the issuance of \$500,000 bonds of the Town of Vestal, Broome County, New York, to pay the cost of the increase and improvement of the Consolidated Sewer District, in the Town of Vestal, Broome County, New York.

**Regular Meeting of the Vestal Town Board  
January 27, 2016**

**Public Interest Order - Consolidated Water District Expansion #31**

**R018-16** On a motion of Councilwoman Agneshwar, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to adopt a **Public Interest Order** in the matter of the increase and improvement of **Consolidated Water District Expansion #31**:

WHEREAS, the Town Board of the Town of Vestal, Broome County, New York, has under consideration the increase and improvement of the facilities of the Consolidated Water District, in the Town of Vestal, Broome County, New York (the "Water District"), being the reconstruction of the water treatment facility and water tanks, including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,100,000; and

WHEREAS, at a meeting of said Town Board duly called and held on December 16, 2015, an Order was adopted by it and entered in the minutes specifying the said Town Board would meet to consider said increase and improvement of the Consolidated Water District, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Vestal, New York, in said Town, on January 27, 2016 at 6:00 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT ORDERED, by the Town Board of the Town of Vestal, Broome County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make improvements to the Consolidated Water District, in the Town of Vestal, Broome County, New York, being the reconstruction of the water treatment facility and water tanks, including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,100,000.

Section 2. This Order shall take effect immediately.

**Regular Meeting of the Vestal Town Board  
January 27, 2016**

**Issuance of \$1,100,000 Bonds - Consolidated Water District**

**R019-16** On a motion of Councilwoman Agneshwar, seconded by Councilwoman Messina, the following resolution was

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

Resolved to adopt the Resolution authorizing the issuance of \$1,100,000 Bonds of the Town of Vestal, Broome County, New York, to pay the cost of the increase and improvement of the Consolidated Water District, in the Town of Vestal, Broome County, New York.

**Advertise Public Hearing for Local Law “A” of the Year 2016**

**R020-16** On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, the following resolution was

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

Resolved to direct the Town Attorney to publish a **Notice of Public Hearing** on February 10, 2016 with the **Public Hearing on February 24, 2016 regarding Local Law “A” of the Year 2016** - A local law to amend the Code of the Town of Vestal by amending Vestal Code Motor Vehicle and Traffic Section 14-82 Article II “Penalties for Offenses.”

**Vestal Band Aides BBQ Fundraiser in Library Parking Lot- Defeated**

Councilwoman Fitzgerald noted that the Vestal Band Aides have done this every year since she was in school. This event will not hurt any of the area food establishments. Her call to the School District to ask about using their property for the fundraiser has not been returned. How can we say no to these kids?

Councilwoman Agneshwar stated that this is not a question of hurting businesses. Town property should not be used for private fundraisers. There are many private properties that can be used to host these events. She has done many school fundraisers in the past, but none on Town properties. We can easily come up with a policy and resolve this issue.

Councilwoman Messina stated that businesses in the area have complained that the vendors pay no taxes and take the majority of the profits. Only a very small fraction goes to the sponsoring local groups.

**R021-16** On a motion of Councilwoman Fitzgerald, seconded by Supervisor Schaffer, the following resolution was

**Regular Meeting of the Vestal Town Board  
January 27, 2016**

**DEFEATED**      Ayes 2      Fitzgerald, Schaffer  
                     Nays 2      Agneshwar, Messina  
                     Absent 1     Majewski

Resolved to authorize Mark Barnes and the Vestal Band Aides to hold their annual Brooks BBQ Fundraiser on May 29, 2016, 8 AM to 4 PM, at the Vestal Library parking lot.

**Authorized Spring Time 10K**

**R022-16**      On a motion of Councilwoman Fitzgerald, seconded by Councilwoman Agneshwar, the following resolution was

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

Resolved to authorize M Squared Manager Mark Mushalla, the vendor at the Coal House, to host a ***Spring Time 10K*** event that would incorporate the entire Rail Trail. The event would be staged in the late April or May timeframe under the following conditions:

1. The event sponsor will pay for the cost of the police services needed for the event.
2. The planned donation is to go to the Town General Fund.
3. The event sponsor is to sign the Town's Indemnification Agreement.

**Advertise Public Hearing and Draft Local Law To Amend TN Zoning**

**R023-16**      On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, the following resolution was

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

Resolved to authorize the Town Attorney to draft a local law to change the permitted uses for the Transitional Neighborhood District (TN). It is suggested that a line be added to read "Residential uses, including multiple residence" and make this approval contingent on a Special Permit from the Town Board. The Town Attorney shall advertise on February 10, 2016 for a Public Hearing on February 24, 2016.

**CONSENT AGENDA**

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

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

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

**Regular Meeting of the Vestal Town Board  
January 27, 2016**

**PUBLIC WORKS: Majewski/Fitzgerald**

**Bids on Uniforms for Operating Engineers**

**R024-16** Authorization for the Town Attorney to advertise on Feb. 10, 2016 for **Bids on Uniforms for Operating Engineers** to be opened on March 14, 2016 at 2:00 PM.

**FINANCE: Agneshwar/Messina**

**Receive and File:**

- **Warrant Reports:** 2016-01, 2016-01A, 2016-1EA, 2016-02, 2016-02A, 2016-2EA, 2016-03, 2016-03A, 2016-03E, 2016-03L, 2016-3LA
- **Comptroller's Monthly Report** – December 2015

**Close Completed Capital Projects and Make Transfers**

**R025-16** Authorization for the Deputy Comptroller to **close completed Capital Projects** per her memo dated January 13, 2016 and to transfer these project's unexpended fund balances to General Fund Cash and to approve the budget transfers necessary to transfer unexpended funds into the Interfund Expense line where it will be paid out to the General Fund.

**Water Refund to Paul Salamy**

**R026-16** Authorization for the Business Office to refund **Mr. Paul Salamy** the credit balance of \$116.09 remaining in his closed water/sewer account at 804 Sequoia Lane.

**Upstate New York Towns Association Inc.**

**R027-16** Authorization for the Business Office to remit \$400.00 for the annual membership renewal to the **Upstate New York Towns Association Inc.**

**Contract with Broome County for Snow and Ice Removal**

**R028-16** Authorization for the Supervisor to sign an agreement with **Broome County for Snow and Ice Removal** (CA 11-80-1) on a certain County road (Tracy Creek Road) for the year 2016. The Town shall be compensated a sum not to exceed \$3,700 per centerline mile, with a total sum not to exceed \$14,060.00.



**Regular Meeting of the Vestal Town Board  
January 27, 2016**

**Frommer - Appraisal of the NYSEG Facility**

**R029-16** Authorization for the Business Office to remit **\$12,000 to Kenneth G. Frommer** for the appraisal of the NYSEG Facility on Murray Hill Road, TM # 159.14-1-12.1 regarding an ongoing Article 7 tax assessment proceeding.

**Expense Checks for Association of Towns Conference in New York City**

**R030-16** Authorization for the Business Office to issue expense checks for Thomas Smallcomb, Joseph Meagher and John Schaffer as noted in memo dated January 19, 2016 to attend the **Association of Towns Conference in New York City**, February 14-17, 2016.

**PLANNING & ZONING: Messina/Agneshwar**

**Approved 'The Running of the Bears' 5K Road Race**

**R031-16** Approval for the Vestal High School Health Teacher Sue Darpino to hold *The Running of the Bears* 5K Road Race on April 2, 2016. The race will be held partially on Town roads. The Town's Indemnification Agreement is to be signed.

**Traci's Hope and the Vestal Elks Club Veterans' 4<sup>th</sup> Annual 5k Race/Walk**

**R032-16** Approval for *Traci's Hope and the Vestal Elks Club Veterans' Committee* to hold the 4<sup>th</sup> Annual 5k race/walk on May 15, 2016 at 9 am on Owego Road and some surrounding roads. The Town's Indemnification Agreement is to be signed.

**ADMINISTRATION: Majewski/Messina**

**Hire Part Time Employees for Recreation Programs**

**R033-16** Authorization for Recreation Planner Sue Jastran to hire the following employees as per her memo dated January 5, 2016. All employee pay rates are budgeted items in the 2016 budget and the background checks have been completed.

- Madison Card - Apalachin as Lifeguard at pay rate \$9.25/hr.
- Cameron Cook - Vestal as Lifeguard at pay rate \$9.25/hr.
- Chad Economides - Vestal as Lifeguard at pay rate \$9.25/hr.
- Chris Gardner - Vestal as Lifeguard at pay rate \$9.25/hr.
- Morgan Gaylord - Vestal as Lifeguard at pay rate \$9.25/hr.
- Rebeka Hartman - Apalachin as Lifeguard at pay rate \$9.25/hr.
- Ben Krauss - Vestal as Lifeguard at pay rate \$9.25/hr.

**Regular Meeting of the Vestal Town Board  
January 27, 2016**

Samantha Lee - Vestal as Lifeguard at pay rate \$9.25/hr.  
Sarah Mieczkowski - Vestal as Lifeguard at pay rate \$9.25/hr.  
Emma Milligan - Vestal as Lifeguard at pay rate \$9.25/hr.  
Logan Murdock - Vestal as Lifeguard at pay rate \$9.25/hr.  
Alex Pinney - Binghamton as Lifeguard at pay rate \$9.25/hr.  
Joseph Pirc - Vestal as Lifeguard at pay rate \$9.25/hr.  
Danielle Pittari - Vestal as Lifeguard at pay rate \$9.25/hr.  
Michael Spivak - Vestal as Lifeguard at pay rate \$9.25/hr.  
Andi Marie Stack - Vestal as Lifeguard at pay rate \$9.25/hr.  
Katrina Tibensky - Vestal as Lifeguard at pay rate \$9.25/hr.  
Stephen Tibensky - Vestal as Lifeguard at pay rate \$9.25/hr.  
Jeffrey Washington - Vestal as Lifeguard at pay rate \$9.25/hr.  
Sara Wendell - Vestal as Lifeguard at pay rate \$9.25/hr.  
Jeffery Zhou - Vestal as Lifeguard at pay rate \$9.25/hr.

**R034-16** Authorization for Recreation Planner Sue Jastran to hire the following employees as per her memo dated January 4, 2016. All employee pay rates are budgeted items in the 2016 budget and the background checks have been completed.

**A7310.1027 Labor - Vestal Youth Basketball Organization League**

Rob Carr - Apalachin as VYBO Director at \$1,250.00 salary  
Matthew Carr - Apalachin as VYBO Referee at \$9.00/hr.  
Connor Harding - Vestal as VYBO Referee at \$9.00/hr.  
Anthony Ivanov - Vestal as VYBO Referee at \$9.00/hr.  
Michael Kosty - Vestal as VYBO Referee at \$9.00/hr.  
James Moyer - Vestal as VYBO Referee at \$9.00/hr.  
Jared Nelson - Vestal as VYBO Referee at \$9.00/hr.  
Zach Stewart - Vestal as VYBO Referee at \$9.00/hr.  
Tyler Wegmann - Apalachin as VYBO Referee at \$9.00/hr.

**Accept Travel Grant for Museum**

**R035-16** Authorization for Museum Director Ramona Kacyvenski to accept a **Travel Grant** in the amount of **\$653.13** for the 2016 Museum Association of NY Annual Conference in Lake Placid.

**Application to Chenango Art Council for Museum Grant**

**R036-16** Approval of for Museum Director Ramona Kacyvenski to apply for the **Chenango Arts Council Grant** for 2016.

## Regular Meeting of the Vestal Town Board January 27, 2016

**R037-16** Approval for Museum Director Ramona Kacyvenski to submit a grant application to the **Broome County Arts Council** for the 2016 Musical Memories Series Project at the Vestal Museum.

### Accept 2015 Justice Court Assistance Program Grant

**R038-16** Authorization for the Vestal Town Court to accept the **2015 Justice Court Assistance Program Grant in the amount of \$800** as awarded under the 2015-16 cycle of the Justice Court Assistance Program (JCAP) to be used for the purchase of office equipment. This grant will be used to buy 2 new wireless headsets and a monitor for the court lobby.

### RECEIVE AND FILE:

- Building Department Year End Report for 2015
- Fire Advisory Board Meeting – 2015 12 07

## END OF CONSENT AGENDA

### CHAIR COMMENTS AND UPDATES

Councilwoman Agneshwar stated that yesterday she attended the Vestal Board of Education meeting to present the *Save the Public Library* agenda concerning the creation of a School District Public Library. She was accompanied by Vestal Library Board Chair Cathy Schaeve, Library Board member Gordon Allen, Library Director Carol Boyce, Town Historian Margaret Hadsell and Vestal Comptroller Laura McKane. They answered many questions and the meeting went well. All of the appropriate petitions have been submitted. There are 6 people vying for the 5 seats on the Library Board of Trustees. The goal is to establish a reliable funding source for the library. The school is not taking over the library. A School District Public Library would be established with a tax levy of approximately \$700,000. The School District will simply collect the taxes. For more information about this initiative, please go to [www.savethevestallibrary.com](http://www.savethevestallibrary.com).

Supervisor Schaffer strongly urged everyone to come out and vote on this.

### ADDITIONAL PUBLIC COMMENTS

A speaker expressed confusion as to why fundraising activity by outside groups would not be allowed on the library parking lot when the Museum is allowed to bring in a food vendor and the Rail Trail is often used for fund raising events.

**Regular Meeting of the Vestal Town Board**  
**January 27, 2016**

Councilwoman Messina noted that her plan targets 3<sup>rd</sup> party food vendors. Councilwoman Agneshwar added that the Board is still working on the issue and no final decisions have been made.

A speaker stated that he is frustrated with all this talking and no action on this issue. Union Endicott allows the use of their properties for community events. We are shutting down the Town to other people.

A speaker stated that he believes someone is living on the 2<sup>nd</sup> floor of the Coal House. He wonders how much revenue we derive from the Coal House. Additionally, he is asking that Councilman Majewski resign from the Board due to his poor attendance. Supervisor Schaffer responded that elected officials only need to be here for one day. The voters re-elected Mr. Majewski so they must want him on the Board. He works very diligently.

**ADJOURNMENT**

On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, **the meeting was adjourned at 7:12 PM.** Carried unanimously.

Approved by \_\_\_\_\_  
**Emil J. Bielecki, Town Clerk**