

## **Regular Meeting of the Vestal Town Board February 10, 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 February 10, 2016.

### **TOWN BOARD PRESENT:**

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

**ALSO ATTENDING:** Town Attorney David Berger, Town Clerk Emil Bielecki, 1<sup>st</sup> Deputy Town Clerk Kathie Young, Vestal Historical Society representatives Jack McQuiston and Gordon Allen, IT Director Dan Williams and approximately 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 Councilwoman Fitzgerald, 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 January 27, 2016 are approved.

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

A resident asked for details about the agreement with the Broome County EMS and if there is anything in the agreement that includes expanding broadband coverage. It is really needed in the rural areas. Supervisor Schaffer responded the agreement with the County does not address broadband coverage, but there is a company that has asked to address the Board concerning installation of towers for expanding broadband service in the Town. He will notify the resident when the company makes its presentation. Partnering with the County will provided a much needed improvement in our communications network for emergency services. We will install one tower at Andrew Rd. and the County will install a tower near the Kopernik Observatory. The build out will increase our coverage from 60% to approximately 98%. We will also have an opportunity to lease space on the Andrews tower.

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A speaker made comments on various agenda items and received responses as follows:

- We are settling too many assessment cases indicating that we are over assessed. Supervisor Schaffer replied that assessment challenges are a routine function that the Town deals with and there is no indication of unusual activity.
- Why are we still paying legal expenses in the Hicks case and what is the payment to Woigt Engineering? Supervisor Schaffer responded that both payments are for ongoing litigation cases.
- We are wasting money by scrapping computer equipment that still has value. Supervisor Schaffer explained that the equipment is obsolete and has no value.

Vestal Historical Society member Jack McQuiston thanked the Board for the time spent in discussing their request to use the Library parking lot for a fundraiser to raise money for the Vestal Museum. It was a good discussion about the overall issue of using municipal facilities for fundraising.

### **RESOLUTIONS & MOTIONS**

#### **Stipulation of Settlement – Best Buy Stores**

**R039-16** 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 to authorize the Town Attorney to sign a *Stipulation of Settlement* for the following Article 7 Tax Certiorari cases filed in Broome County entitled:

**Best Buy Stores vs. The Assessor of the Town of Vestal; the Board of Assessment Review of The Town of Vestal; and the Town of Vestal, County of Broome, State of New York, Index Nos. 2015-2018** as follows:

1. For tax years 2015/2016 the total assessment on 133 N Jenson Road shall remain unchanged at \$5,154,200.
2. For tax years 2015/2016 the total assessment on 3200 Stewart Road shall be reduced from \$1,063,800 to zero.
3. For tax year 2015/2016, the total assessment on 3209 Vestal Parkway East shall be reduced from \$358,000 to zero.
4. For tax years 2015/2016, the total assessment on 3213 Vestal Parkway East shall be reduced from \$395,900 to zero.

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**VESTAL BEST LLC TOTAL 2015-16 TOWN REFUND**

PARCEL	Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior	School Tax Year	Town/ County Tax	Town Refund
133 N JENSEN RD	2015-16	\$5,154,200	\$5,154,200	\$5,154,200.00	\$ 0.00	\$116,801.97	\$182,702.21	\$ 0.00
3200 STEWART RD	2015-16	\$1,063,800	\$1,063,800	\$ 0.00	\$1,063,800	\$ 24,107.32	\$ 38,029.45	\$4,802.57
3209 VESTAL PKWY E	2015-16	\$ 358,000	\$ 358,000	\$ 0.00	-\$ 358,000	\$ 8,112.82	\$ 13,067.01	\$1,616.20
3213 VESTAL PKWY E	2015-16	\$ 395,900	\$ 395,900	\$ 0.00	-\$ 395,900	\$ 8,971.56	\$141,542.56	\$1,787.30
							<b>Total Refund</b>	<b>\$8,206.07</b>

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

**Agreement with Broome County Office of Emergency Services**

**R040-16** 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 to adopt the following Resolution:

Whereas the Town of Vestal has been asked by the Broome County Office of Emergency Services to participate in Phase I of the County wide project of upgrading the radio system by designing and replacing existing radio towers; and

Whereas the Town Board has considered the request to participate and finds that the Town's current facilities and system will be inadequate unless the upgrade is completed in accordance with the plan proposed by the County; and

Whereas the Town Board has determined that the expenditures to complete this upgrade are reasonable and warranted under the circumstances; and

Whereas Broome County will be the lead agency for SEQRA purposes and provide other services to the Town of Vestal as noted in the proposal under the grant, and that a sharing of services is anticipated and welcomed, and

It is anticipated that a formal memorandum of understanding will follow, outlining the rights, duties and obligations of each party, and

It is hereby

Resolved that the Town Board of the Town of Vestal agrees to participate in the plan proposed by the County regarding the upgrading/replacement of the Andrews Road Tower and the Tower for the Kopernik site and that the Town of Vestal shall take all steps to implement this resolution.

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**Purchase of Standby Generator from Emergency Power Equipment Fund**

**R041-16** 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 to authorize the Water & Wastewater Superintendent Scott Groats to use Capital Project Fund 5196 ***Emergency Power Equipment*** which is an open PO#05060048-00 to purchase a standby generator for the new Campus Water Booster Station and Fuller Hollow Lift Station upgrade and to approve the use of water fund balance to reimburse a portion of the purchase of the generator and to complete the Campus Booster Station in the amount not to exceed \$125,000.

**CONSENT AGENDA**

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 **Consent Agenda** is approved as follows:

**PUBLIC WORKS: Fitzgerald/Majewski**

**Advertise Bid for Campus Generator and Electric Installation**

**R042-16** Authorization for the Town Attorney to advertise the **Campus Generator and Electric Installation** on Wednesday, February 17, 2016 with the bids to be opened on Wednesday, March 2, 2016 at 2:00 PM in the Clerk's office.

**Sign Agreement with Hunt Engineering**

**R043-16** Authorization for the Town Supervisor to sign an agreement with **Hunt Engineering**, as amended on 4/4/16, for Engineering Services for Miscellaneous Water & Wastewater needs. Funding for the work orders would be out of budget line items W8310-4000 and S8110-4000 on a per hourly basis plus any disbursements.

**FINANCE: Agneshwar/Fitzgerald**

**Receive and File:**

- **Warrant Reports:** 2016 – 04, 2016-04A, 2016-04E, 2016-04M, 2016-05, 2016-05A, 2016-05C, 2016-05E
- **Town Clerk Monthly Report:** January 2016 – Local Share remitted: \$3,971.45.

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**Agreement with Broome County Stop DWI**

**R044-16** Authorization for the Town Supervisor to sign an agreement with **Broome County Stop DWI**. The agreement is modified to provide for a substitution of the sum of \$13,000 for \$12,000 for the term 1/1/16 through 12/31/16.

**Billable Hours for Town Attorney**

**R045-16** Approval for the Business Office to submit payment to **Town Attorney David Berger \$2042.50** for billable hours for January 2016.

**Legal Services - Greene, Hershdorfer & Sharpe**

**R046-16** Approval for the Business Office to submit payment in the amount of **\$540.00 to Greene, Hershdorfer & Sharpe** for legal services in the Hicks vs Town of Vestal case from November 3, 2015 to January 22, 2016.

**Woidt Engineering Voucher**

**R047-16** Approval for the Business Office to submit payment to **Woidt Engineering \$2,398.60** for work on the *Mooney Property Sediment Investigation* per their invoice dated February 2, 2016, WEC Project: E055.2015 Invoice # 16-035. This is a payment to an expert hired to assist in a litigation case against the Town.

**PERSONNEL: Messina/Majewski**

**207-c Benefits to Police Officer**

**R048-16** Approval to grant General Municipal Law **207-c benefits to Police Officer William T. Serkiz** as set forth in the union contract, effective retroactive to February 3, 2016.

**PLANNING & ZONING (MESSINA/Agneshwar)**

**Vestal Historical Society Fundraiser**

**R049-16** Request from Jack McQuiston of the Vestal Historical Society to hold a Doug's Fish Fry Fundraiser on June 10, 2016 and September 9, 2016 in the Library parking lot. The monies from these fundraisers will be used to support the ongoing exhibits at the Vestal Museum. An Indemnification Agreement is to be signed.

**PUBLIC SAFETY: Fitzgerald/Messina**

**Second Annual 2016 Citizens Police Academy**

**R050-16** Authorization for the Vestal Police Department to hold the **Second Annual 2016 Citizens Police Academy (CPA)**, March 24<sup>th</sup> - May 26<sup>th</sup>, on Thursday nights from 6:30 PM - 8:30 PM in the Town Board room.

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**ADMINISTRATION: Majewski/Messina**

**Scrap Computer Equipment**

**R051-16** Approval for IT Director Dan Williams to **scrap computer equipment**, as noted in his memo dated 2/4/16. These items have no value to the Town.

**END OF CONSENT AGENDA**

**CHAIR COMMENTS AND UPDATES**

- Councilwoman Fitzgerald stated she would like to bring back the request from the **Vestal Band Aids** to use the Library Parking lot for a fundraiser. Supervisor Schaffer asked that discussion of this item be held off until the Work Session on Monday February 22, 2016 when the Board takes up the Facilities Use Policy.
- Councilwoman Messina praised the **Citizens Police Academy** as an excellent program and noted that the people who participated last year were part of the focus group for this year's classes.

**OTHER NEW BUSINESS**

**Amended SAM Grant Application**

**R052-16** 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 authorize Comptroller McKane to submit the SAM grant application, as amended February 8, 2016, and to make the corresponding revisions to the 2016 operating budget:

PROJECT DESCRIPTION	ESTIMATED COST	\$ IN OPER BUDGET
Reconstruction of ballfield fencing	\$ 40,000	
Police Vehicles - Two Four Wheel Drive Tahoes	\$ 96,000	
Pave Roads	\$ 56,000	\$ 56,000
Reconstruct Pavilion at Arnold Park	\$ 75,000	
Improvements to Bathroom at Fire Station 3	\$ 8,000	\$ 8,000
<b>Total Projects</b>	<b>\$ 275,000</b>	<b>\$ 64,000</b>

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### Donation to Vestal Fire Department

**Vilma Byrne** of Vestal expressed her gratitude to the Vestal Volunteer Fire Department for the assistance they gave her when a car careened through her home last year. They responded to the accident and jacked up her home so that the foundation wouldn't cave in and create more damage. She received a \$500 allowance from the Liberty Mutual Insurance which she wants to donate to the Vestal Fire Department. We get great service and save a lot of money having a volunteer fire department.

**R053-16** 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 a donation of \$500.00 from Vilma Byrne to the Vestal Fire District.

### Donation to the Recreation Department

As she has done for the last two years, **Vilma Byrne** of Vestal presented a check for \$1,000 to allow free admission for those attending the Recreation Department's annual *End of the Season Picnic*. In return, she asks those attending to consider bringing a can of dog or cat food that can be donated to a local animal shelter.

**R054-16** On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to accept a donation from Vilma Byrne in the amount of \$1000 to be used for the Recreation Department's *End of the Season Picnic*.

### SUPERVISOR'S ANNOUNCEMENTS

- **Citizens Police Academy:** March 24th - May 26th, Thursday nights from 6:30 PM - 8:30 PM in the Town Board room. E-mail [skintner@vestalny.com](mailto:skintner@vestalny.com) to sign up.

### ADDITIONAL PUBLIC COMMENTS

A Vestal resident expressed gratitude for the aid provide to his older brother by EMS. If the new communications towers provide additional safety for rural residents, it is a justifiable expense. The Governor has a program called *Broadband for All* that might be worth investigating. The Public Service Commission is accepting comments.

A resident remarked on our mild winter and hoped that the Town is saving money from less snowplowing and reduced use of salt.

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A speaker stated that a number of street lights are out on Route 26S. He has contacted NYSEG with no response. Supervisor Schaffer noted that Route 26 is a state road but he will contact the Town Engineer about the issue.

A speaker stated that we have a large amount of unsold properties in Vestal. They are not selling because of our high assessments. He also reiterated his objection to paying Board members when they miss meetings. Board members who miss a lot of meetings should resign. In addition, he states that the Board should not be changing and times and dates of the meetings to accommodate the needs of individual members. Councilwoman Messina noted that the law concerning the scheduling Town Board meetings requires that meetings be scheduled for the convenience of the Board members so as to allow them to attend.

**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**