

**Regular Meeting of the Vestal Town Board  
April 13, 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 April 13, 2016.

**TOWN BOARD PRESENT:**

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

**ALSO ATTENDING:** Town Clerk Emil Bielecki, 1<sup>st</sup> Deputy Town Clerk Kathie Young and 10 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 March 23, 2016 are approved.

**BID OPENINGS**

The Supervisor offered *Proof of Posting* and *Affidavit of Publication* for the request for bids **Campus Booster Pump** which were received in the Town Clerks Office on Wednesday March 29, 2016 until 2:00 pm. All sealed proposals thus received were publicly opened and read with the following results:

<b><u>NAME</u></b>	<b><u>ADDRESS</u></b>	<b><u>\$ BID</u></b>
Evans Mechanical	314 Maple St., Endicott, NY	\$109,000.00
Fluid Kinetics, Inc.	11 Barker Road, Whitney Point, NY	\$ 82,150.00
Siewert Equipment	175 Akron Street, Rochester, NY	\$ 66,415.00

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

A speaker commented on the following agenda items:

- Why was the Campus Booster Pump not awarded to the lowest bidder? Supervisor Schaffer: the lowest bidder did not meet the specifications so we awarded the contract to the second lowest bidder.

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- We are again reaching unfavorable settlements with certain property owners but refuse to address the overassessment throughout the whole Town.
- We are spending \$25,000 for another vehicle just to sell it at auction a short time later at a loss.
- We are selling another police vehicle that we should be keeping. Where are the maintenance records for this vehicle?
- Where are we getting the money to pave the Little League parking lot? We did not budget for it.

**RESOLUTIONS & MOTIONS**

**Award Campus Drive Booster Pump to Fluid Kinetics, Inc.**

**R092-16** 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 Town Attorney to draw the appropriate paperwork awarding the **Campus Drive Booster Pump** the lowest bidder meeting specifications:

**Fluid Kinetics, Inc.** \$82,150.00  
11 Barker Road  
Whitney Point, NY 13862

**Stipulation of Settlement - Article 7 Tax Certiorari - Vestal Parkway Plaza LLC**

**R093-16** 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 Town Attorney to sign a **Stipulation of Settlement for the following Article 7 Tax Certiorari** cases filed in Broome County entitled:

**Vestal Parkway Plaza LLC v. The Assessor of the Town of Vestal**, New York and the Town of Vestal, Broome County, New York, Index Nos.2011-1781, 2012-1644, 2013-1603, 2013-1604, 2014-1764, 2014-1765, 2015-1868, 2015-1869 as follows:

1. For tax years 2011/2012 the total assessment on 3124 Vestal Parkway East shall be reduced from \$4,332,000 to \$3,200,000
2. For tax years 2012/2013 the total assessment on 3124 Vestal Parkway East shall be reduced from \$4,332,000 to \$3,400,000
3. For tax year 2013/2014 the total assessment on 3124 Vestal Parkway East shall be reduced from \$4,332,000 to \$3,200,000

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4. For tax years 2014/2015 the total assessment on 3124 Vestal Parkway East shall be reduced from \$4,332,000 to \$3,100,000
5. For tax years 2015/2016, the total assessment on 3124 Vestal Parkway East shall be reduced from \$4,332,000 to \$2,750,000

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town*/County Tax	Town Refund
2015-16	\$4,332,000	\$4,332,000	\$2,750,000	-\$1,582,000	\$98,169.67	\$ 56,522.71	\$ 7,142.00
2014-15	\$4,332,000	\$4,332,000	\$3,100,000	-\$1,232,000	\$98,490.73	\$ 56,807.73	\$ 5,591.89
2013-14	\$4,332,000	\$4,332,000	\$3,200,000	-\$1,132,000	\$95,881.02	\$160,031.18	\$ 4,853.65
2012-13	\$4,332,000	\$4,332,000	\$3,400,000	-\$ 932,000	\$92,097.45	\$ 54,326.11	\$ 3,894.36
2011-12	\$4,332,000	\$4,332,000	\$3,200,000	-\$1,132,000	\$88,497.99	\$ 52,787.94	\$ 4,512.89

\* Town = General and Highway TOTALS **\$25,994.79**

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

**Budget Transfers from Fund Balance of the General Fund**

Supervisor Schaffer noted that need to fix some of our parking lots. We have been patching them for a long time and at some point a reconstruction becomes necessary.

Councilwoman Agneshwar noted that the Recreation Department needs a minivan because of the type and size of items they need to haul between various locations.

**R094-16** On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to adopt the following Resolution: Whereas the unexpended proceeds from closing the 2011 Flood Project are sufficient to fund several necessary capital expenditures, the following budget amendments are hereby authorized transferring a total of **\$86,500 from fund balance of the general fund (A1011.1011)** to:

- A7310.2230 **Recreation Vehicle** - not to exceed \$24,500
- A7140.2050 Parks and Playgrounds Sundry Capital Exp. (**repaving little league parking lot**) - not to exceed \$38,500
- A1680.2100 Central Data Processing Operational Equipment - **Timekeeping System Hardware and Software** \$23,500

**New Timekeeping System – Novatime from Andrews Technology**

**R095-16** On a motion of Councilwoman Agneshwar, seconded by Councilman Majewski Councilwoman Fitzgerald, the following resolution was

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

Resolved Town Comptroller Laura McKane to contract with **Andrews Technology** (through Software House International, the state contract reseller) to purchase new timeclocks and time and attendance software package (*Novatime*). The total cost of the project including implementation services and annual support is \$28,990. This project is expected to save the Town approximately \$18,000 over a 5 year period compared to our current time and attendance system.

**Timber Harvesting Permit**

**R096-16**      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 grant a **Timber Harvesting Permit** applied for by **Carl Drake Sr.** for the following named parcel in the Town of Vestal: **BCTMP #175.10-1-13, 4225 Fuller Hollow Road owned by Mohamad Abdelazim** and authorize timber harvesting within the RR zoning district and within 300 feet of this district per the areas as shown in the attached maps of their application. Other than the harvest in the RR zoning district and within 300 feet of this district, all required buffers will be maintained and compliance with Chapter 6 Article V, Division 2, Section 6-168(c) of the Code of the Town of Vestal will be observed.

The granting of the timber permit is conditional upon the Board's review of a report to be provided by the applicant showing the number and location of the trees slated to be cut within the buffer areas.

The Board has reviewed the submitted Short Environmental Assessment Form under SEQRA as submitted by the applicant and finds it acceptable. This project will not result in any large and important environmental impacts, and, therefore, is one, which will not have a significant impact on the environment, and, therefore, a negative declaration is hereby adopted.

**Administrative Services Contract with Excellus**

**R097-16**      On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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

Resolved authorization for the Town Comptroller Laura McKane to renew the **Administrative Services Contract with Excellus** for the contract period of

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5/1/2016 – 4/30/2017 at a monthly administrative fee of \$59.06 per contract per month. This fee represents an increase of 3.5%, or roughly \$3,940 annually.

**Gateway Sign - Community Electronic Information Signage, LLC (CEIS)**

Councilman Majewski and Councilwoman Agneshwar stated that they would vote no on this resolution noting that the location of the sign is not a gateway to the Town.

Supervisor Schaffer admitted that the law should have provided a better definition of what is a *gateway*, but this is an excellent spot for disseminating information and for amber alerts. Some of our bordering towns have also expressed interest in these signs.

Councilwoman Agneshwar would like clarification of the portion of this motion which states: . . . *upon the Town and CEIS entering into an acceptable agreement*. Supervisor Schaffer explained that this is the first step and an agreement still has to be signed before the project can proceed.

**R098-16** On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

**ADOPTED** Ayes 3 Fitzgerald, Messina, Schaffer  
Nays 2 Majewski, Agneshwar

Resolved to approve the **Special Permit** request from **Community Electronic Information Signage, LLC (CEIS)** pursuant to Vestal Town Code Section 5-127.2 for a Gateway Sign (2 panel monument style-LED digital) to be placed at 2401 Vestal Parkway East, Tax Map #158.13-1-27. The property is currently zoned C-2 (Community Business).

Said permit is expressly conditioned upon the Town and CEIS entering into an acceptable agreement that provides the Town the ability to submit Town-related messages for no fee and including any other provisions required of the Applicant under the Town Code and,

That the Town Board has reviewed the Short Environmental Assessment Form and other information provided by the applicant and the Determination of the Broome County Department of Planning and Economic Development indicating that there are not any significant county wide or inter-community impacts and has determined that the proposed action will not result in any significant adverse environmental impacts.

**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

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

**PUBLIC WORKS: Fitzgerald/Majewski**

**Advertise for Water/Sewer Bids**

**R099-16** Authorization for the Town Attorney to **advertise for bids** for the following sanitary sewer projects and laboratory services on Wednesday April 27, 2016.

- Laboratory Services – To open on Tuesday May 17, 2016 at 2:00 pm.
- Sanitary Sewer Projects – To open on Tuesday May 17, 2016 at 2:10 pm
  - ◆ Harvard Street Sanitary Sewer Replacement
  - ◆ Maplecrest Drive Sanitary Sewer Replacement
  - ◆ Belmont Avenue Sanitary Sewer Replacement
  - ◆ Glenwood Sanitary Sewer Replacement

**FINANCE: Agneshwar/Fitzgerald**

**Receive and File**

- **Warrant Reports:** 2016-12, 2016-12E, 2016-13, 2016-13E, 2016-14, 2016-14E
- **Town Clerk Monthly Report** – Local Shares Remitted: \$6,432.26

**Town Attorney David Berger - Billable Hours**

**R100-16** Authorization for the Business Office to remit payment to **Town Attorney David Berger for billable hours** for the month of March. Total time is 9 hours/40 minutes for a total amount of \$1,450.00.

**PUBLIC SAFETY: Fitzgerald/Messina**

**Annual Lease agreements for the Fred Singer Training Site**

**R101-16** Authorization from the Board of Fire Commissioners to enter into **Annual Lease agreements** for the *Fred Singer Training Site* with the following departments for a total of \$600 each:

**Apalachin Fire Department Town of Owego Fire District - Campville Fire  
Endwell Fire Department Owego Fire Department  
Susquehanna County Fireman's Association  
Union Center Fire Department  
West Endicott Fire Department**

as well as the following Department at a cost of \$100 per day:

**Athens Township Fire Department - April 23rd**

**Retired Vehicle to Auction International**

**R102-16** Approval to sell the retired Police Department vehicle as described below, via **Auction International**. Vehicle description:

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<b>Vehicle Year &amp; Make</b>	<b>Miles</b>	<b>VIN</b>
2006 Ford Taurus	73,246	1FAFP53076A124096

This vehicle, which is no longer in service, is rusting around all door frames and the rear wheel well. It also has engine/ transmission issues. Our past Ford vehicles of similar age and mileage have required entire new transmissions.

**ADMINISTRATION: Majewski/Messina**

**Museum to Accept Grant**

**R103-16** Vestal Museum to accept a check for \$1000.00 from the **2016 UCF Project Grant** received for their *Musical Memories Series*.

**RECEIVE AND FILE:**

- 2016 02 15 - **Fire Advisory Board Meeting Minutes**
- 2016 04 13 - **2016-284 Agreement** for the Expenditure of Highway Moneys
- 2016 04 01 - **Broome County Legislature Resolution 2016-113:** Modification of Broome County Agricultural Districts to include viable land in certified agricultural district pursuant to Section 303-b of the Agriculture and Markets law.

**END OF CONSENT AGENDA**

**CHAIR COMMENTS AND UPDATES**

Councilwoman Agneshwar noted that 1,249 people turned out to vote on the conversion of the Vestal Library to a School District Public Library. The measure passed overwhelmingly and this is a wonderful result.

Supervisor Schaffer wishes them many years of success.

**SUPERVISOR'S ANNOUNCEMENTS**

- **Citizens Police Academy:** 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. Email [skintner@vestalny.com](mailto:skintner@vestalny.com) to sign up. Councilwoman Messina – we welcome everyone. Please join us.
- **Fireman's Assoc. of New York and Broome County Fire Fighters Association** - Fire Fighters Recruitment Day on Saturday April 23, 2016 from 12:00 to 3:00 PM. All four Vestal Fire Stations will be open.
- Supervisor Schaffer noted the passing of Frank Hoyt, a respected community oriented resident of Vestal, and asked for a moment of silence in his memory.

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**ADDITIONAL PUBLIC COMMENTS**

A speaker asked if the Town had a list of the roads that are scheduled to be resurfaced this year. Supervisor Schaffer responded that there is a list of roads and that he would provide it the speaker.

A speaker stated that he attended a presentation by NOVIS Solar where it was mentioned that of the thousands of solar panels installed by the company, only two have broken (one because of a gunshot). They are strong enough to withstand hail and harsh weather. Property owners can now install solar panel farms which can be hooked up to the electric grid. The panels are guaranteed for 25 years and only lose 1/2 a percent of output per year. They are paid off in 8 to 10 years. Supervisor Schaffer noted that there is still a problem with the disposal of solar panels that has to be addressed. He has heard that no one will take them.

A speaker stated that he has turned in Application 467 for a property tax age exemption and still has not received a response. He is again asking the Board to increase the income limit to the maximum level allowed by the State. Also, the Town should do a reassessment before the next tax roll. Supervisor Schaffer noted that our assessments are up to date and the speaker has already received several reductions in the last few years. Another speaker added that the age exemption has a very low income threshold and is perhaps the reason for not qualifying.

**ADJOURNMENT**

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

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