

## **Regular Meeting of the Vestal Town Board May 11, 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 May 11, 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, Town Engineer Vern Myers and 11 members of the general public.

Supervisor Schaffer called the Regular Meeting to order at **6:00 PM**, welcomed everyone and asked that all present join in the PLEDGE OF ALLEGIANCE:

Supervisor Schaffer noted the passing of **Pat Roberts**, calling her a great and valuable member of our community. On behalf of the Town Board, he expressed condolences to her family and asked for a moment of silence. Councilwoman Fitzgerald added that Pat was a remarkable individual and she has fond memories of her.

### **APPROVAL OF MINUTES**

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 Minutes of the Regular Meeting on April 27, 2016 are approved.

### **PRIVILEGE OF THE FLOOR**

Several speakers commented about the ongoing Town Board discussion of property tax breaks for solar farms. A synopsis of the comments is as follows:

- If the Town opts out of the tax exemption, it will also have a negative impact on home roof-mounted solar systems which are not connected to the grid.
- Supervisor Schaffer stated that many municipalities in our area are opting out of granting tax exemptions for solar farms. We already have a high percentage of tax exempt properties and solar farms should pay taxes.

## **Regular Meeting of the Vestal Town Board May 11, 2016**

- If the concern about solar farms is taxation, it would be unfortunate to use it as an excuse to opt out and forgo the many other benefits. If the Town wants to tax solar farms, it should also write legislation which imposes additional taxes on other sources of energy production.
- Town Attorney Berger noted that there is a provision in state law that allows us to tax gas production facilities.
- It has been expressed that there is a problem with getting rid of the solar panels but the Broome County landfill accepts them.
- The best way that we can honor Pat Roberts is by taking an even handed approach to energy development.
- Councilwoman Messina stated that the recent training session at the County emphasized the need to create new regulations concerning solar energy systems. The tax issue was not addressed, although she considers the specific tax exemption for solar farms to be an anomaly.
- When gas drilling was being discussed, it was clear that the operations would be taxable and the Towns increased assessed valuation would help fund the operations of the Town. If we want equity, then solar farms should provide additional taxes as well.
- The elephant in the room is that landowners object to providing tax breaks to solar farms because of the possibility that the land can't be leased for gas production if the ban is eventually overturned.
- Town Engineer Myers noted that there is no reason that both energy sources can't be developed simultaneously.
- A speaker stated that there is no reason why land owners can't lease their land for both gas drilling as well as solar farms.

A speaker asked about the road construction activity on the corner of Route 26 and Sheedy Road and wonders if a traffic signal will be installed. Town Engineer Myers explained that the NYS Department of Transportation (DOT) is improving the safety of the intersection by adding turning lanes but that there are no plans to install a traffic signal.

A speaker noted that the City of Binghamton has been installing LED street lighting and has saved over \$120,000 in utility fees in a short period of time. Supervisor Schaffer stated that Binghamton used Community Development Block Grant (CDBG) funding to replace the street lighting. We are not eligible for this funding because our income levels are too high.

**Regular Meeting of the Vestal Town Board  
May 11, 2016**

**RESOLUTIONS & MOTIONS**

**Lease Agreement with Verizon Wireless for mini Cell Tower**

**R112-16** 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 approve a lease agreement with **Binghamton MSA Limited Partnership** d/b/a *Verizon Wireless* (“VZW”) at 540-600 South Benita Boulevard, Vestal, NY for an initial term of 5 years at an annual rental of \$3,600 per year for 48 square feet to erect a 40 foot wooden utility pole in the Town’s Right-of-Way. The Board has reviewed the submitted Short Environmental Assessment Form under SEQRA as submitted by the applicant and finds it acceptable as no significant issues were presented.

**Construction Inspection Contract for Two Rivers Greenway Sign Project**

**R113-16** 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 draw the appropriate paperwork awarding the **Construction Inspection Consultant Contract** for the **Two Rivers Greenway Sign Project** - PIN 9753.89, to **Delta Engineers, Architects & Land Surveyors, P.C. of Endwell New York** as recommended by the selection committee.

Once awarded the Town Engineer shall request a scope of services and fee from the selected consultant in conformance with the Locally Administered Federal Aid Manual.

**Advertise for Public Hearing on Tanker 32-2 Project**

**R114-16** 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 by the Board of Fire Commissioners to direct the **Town Attorney to advertise for bids on the Tanker 32-2 Project** on Wednesday, May 25, 2015 to be opened on June 14, 2016 at 2pm in the Town Clerk's office.

## Regular Meeting of the Vestal Town Board May 11, 2016

### Harbor Freight Storage Containers

Councilman Majewski stated that he does not support the granting of this request. Their history shows they were not in compliance with previous permits.

Supervisor Schaffer believes that they are in compliance but that our current code regulations need to better define the meaning of *temporary*.

Councilwoman Messina stated that she will not support this request because the period should be no more than 6 months, not for an 18 month period.

Councilwoman Agneshwar stated that the code reads *for no more than 6 months in any 12 month period*. One and one half years is not temporary.

Town Attorney Berger suggested that the Board should revisit the regulations in the code perhaps to allow for a longer period but require upfront payment.

**R115-16** On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

**DEFEATED** Ayes 0

Nays 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer

Resolved to **deny** authorization for **Harbor Freight**, 124 Sycamore Road, BCTMP #158.10-2-3 to use two “sea box” type and one tractor trailer type storage containers for 18 months (until December 2017) for a total of \$1800.

### Cover Overage on the Angelo Field Paving Project

Councilman Majewski explained that this project ran over because of the amount of materials that were needed. We probably should have done a 10% contingency.

Councilwoman Agneshwar noted that this project was approved with the understanding that it would come back to the Board if it went over budget.

Supervisor Schaffer agreed that we should have put a 10% contingency on this. It is difficult to know exactly what will be needed on these projects until all of the preparation work is completed.

**R116-16** On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

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

Nays 0

**Regular Meeting of the Vestal Town Board  
May 11, 2016**

Resolved to **expend \$1,879.96 to cover the overage on the Angelo Field paving project** which ran over the approved amount due to the use of additional material. These monies are to be paid from the contingency account

**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: Fitzgerald/Majewski**

**Award Two Rivers Greenway Sign Project**

**R117-16** Authorization for the Town Attorney to draw the appropriate paperwork awarding the **Two Rivers Greenway Sign Project** to the low bidder, **Procon Contracting**, PO Box 1037, Vestal, NY 13850, who met all of the specifications of the bid with a bid amount of **\$388,000.00**.

Vestal's portion of the cost is approximately \$12,500 plus a relatively small addition for inspection services. The funds for this project have been escrowed.

**Award Bids for Highway Materials**

**R118-16** Authorization for the **Highway Superintendent to draw the appropriate paperwork** awarding the following bids for **Highway Materials**:

- **Barney & Dickinson** - Transit Mix
- **F.S. Lopke**: Bank Run Gravel, Type #4 NYSDOT Approved, Coarse & Fine Aggregates & Road Sanding Material, Crusher Run Sub-base Type #2 & Item #304, Light and Medium Stone Fill.
- **Chemung Supply and Northern Supply and Crossroads Highway Supply**: Plow Blades, Grader Cutting Edges, Tire Chain Material & Steel and Cast Iron Plow Shoes with the understanding that we buy from the lowest bidder when possible

**FINANCE: Agneshwar/Fitzgerald**

**Receive and File:**

- **Warrant Reports**: 2016-17, 2016-17E, 2016-18, 2016-18E
- **Town Clerk Monthly Report**: April 2016 - Total Local Shares Remitted: \$5,775.53

**Budget Transfers**

**R119-16** Authorization for Deputy Comptroller Nick Angeline to perform the

**Regular Meeting of the Vestal Town Board  
May 11, 2016**

**Budget Transfers** dated March 16, 2016 – March 31, 2016 as attached to his memo dated May 4, 2016.

**Maintenance for the Abandoned Cemeteries**

**R120-16** Authorization to approve the following people to provide **maintenance for the abandoned cemeteries** in the Town of Vestal for the year 2016, and for the Town Attorney to prepare the contracts:

**John Donlin**

|                                     |                   |
|-------------------------------------|-------------------|
| 412 Delano Ave. Rounds Cemetery     | \$325.00          |
| Vestal, NY 13850 Crumm Rd. Cemetery | \$425.00          |
| Vestal Rd. Cemetery                 | <u>\$325.00</u>   |
|                                     | <b>\$1,075.00</b> |

**Richard Chase**

|   |                   |
|---|-------------------|
| 413 Torrance Ave. Jensen Rd. Cemetery   | \$ 475.00         |
| Vestal, NY 13850 Vestal Center Cemetery | <u>\$1,125.00</u> |
|   | <b>\$1,600.00</b> |

The amounts are unchanged from last year. The maintenance of abandoned cemeteries is a statutory obligation of the Town and this is a budgeted item under line A8810-4060.

**Payment to Precision Reporters**

**R121-16** Authorization for the Business Office to remit **\$279.00** to **Precision Reporters** for a deposition in the *Hicks vs Town of Vestal* case – Invoice 26804.

**Contract Renewal for Overdose Prevention Program**

**R122-16** Authorization for the Supervisor to sign a contract renewal with Broome County for the ***Department of Health Opioid Overdose Prevention Program*** (CA 10-1043-6).

**Policy Renewal of Provident Accident Insurance for Fire District**

**R123-16** Authorization for the renewal of the expired **Fire District Provident Accident Insurance Policy** with enhanced coverage identified as Plan 5 on the quote dated May 1, 2016 at a two-year rate guarantee of \$3,579 per year. The savings of \$255 per year over the one year rate saved 6.65% which was deemed significant and justified staying with the vendor the additional year.

**PERSONNEL: Messina/Majewski**

**Standard Work Days for Elected and Appointed Officials**

**Regular Meeting of the Vestal Town Board  
May 11, 2016**

**R124-16** Motion to adopt the following Resolution:

BE IT RESOLVED, that the **Town of Vestal** hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

| <b>TITLE</b>                      | <b>Standard Work Day (Hours/day)<br/>Min. 6 Hours<br/>Max. 8 Hours</b> | <b>NAME</b>           | <b>TERM BEGINS/<br/>ENDS</b> | <b>Check Only if Official did not submit their Record of Activities</b> | <b>Record of Activities Result*</b> |
|-----------------------------------|--|-----------------------|------------------------------|---|-------------------------------------|
| <b>ELECTED OFFICIALS</b>          |  |                       |                              |   |                                     |
| Town Supervisor                   | 6  | W. John Schaffer      | 01/01/16 - 12/31/19          |   | 31.69                               |
| Councilperson                     | 6  | Patricia A Fitzgerald | 01/01/16 - 12/31/19          |   | 4.99                                |
| Highway Superintendent            | 8  | Rocco Turdo           | 01/01/16 - 12/31/17          |   | 23.07                               |
| Town Clerk                        | 8  | Emil Bielecki         | 01/01/16 – 12/31/19          |   | 22.28                               |
| Town Justice                      | 6  | Joseph B. Meagher     | 01/01/16 – 12/31/19          | ✓   | N/A                                 |
| <b>APPOINTED OFFICIALS</b>        |  |                       |                              |   |                                     |
| Town Attorney                     | 6  | David Berger          | 01/01/16 - 12/31/17          |   | 4.01                                |
| 1 <sup>st</sup> Deputy Town Clerk | 7.5  | Kathie S. Young       | 01/01/16 – 12/31/19          |   | 21.67                               |
| Town Comptroller                  | 7.5  | Laura McKane          | 01/01/16 - 12/31/17          |   | 21.67                               |
| Director of Human Resources       | 6  | Nancy Olmstead Berger | 01/01/16 – 12/31/19          |   | 13.59                               |

**PLANNING & ZONING: Messina/Agneswar**

**Draft Local Law and Advertise Public Hearing for Rezoning of Land Parcel**

**R125-16** Authorization for the **Town Attorney to draft a local law** to rezone property that **Vestal Veterinary Hospital** is seeking to purchase from the Town (portion of African Road Park) from Residential Single Family(RA-1) to Community Business District (C-2) and to **advertise for a Public Hearing** on May 25, 2016 to be held on June 8, 2016 at 6:00 PM.

**Regular Meeting of the Vestal Town Board  
May 11, 2016**

**PUBLIC SAFETY: Fitzgerald/Messina**

**Use of Fred Singer Training Site- Chenango Bridge Fire Dept.**

**R126-16** Retroactive authorization from the Board of Fire Commissioners for the approval to accept the following Department for usage at the Fred Singer Training Site at a cost of \$100 per day: **Chenango Bridge Fire Department - April 30<sup>th</sup>**.

**Use of Fred Singer Training Site- West Corner Fire Dept.**

**R127-16** Authorization from the Board of Fire Commissioners to accept a payment of \$600 and Annual Lease agreements for use of the Fred Singer Training Site by the **West Corner Fire Department**.

**Sean Fitzpatrick – Fire Department Member**

**R128-16** Authorization from the Board of Fire Commissioners to approve **Sean Fitzpatrick as a member** of the Vestal Fire Department at Company No.1.

**ADMINISTRATION: Majewski/Messina**

**Hire Recreation Employees**

**R129-16** Authorization for the Recreation Director to hire the following staff: All employee pay rates are budgeted items in the 2016 budget and the background checks have been completed.

**A7310.1021 Labor – Playground Instructors**

Timbray Shafer - Vestal as Summer Office Assistant at Pay rate \$10.25/hr.

**A7180.1010 Labor – Labor Swimming Pool Directors**

Anthony Michaels - Apalachin as Instructional Pool Director at Pay rate \$11.50/hr.  
Hannah Mieczkowski - Vestal as Instructional Assistant Pool Director at Pay rate \$11.00/hr.  
Samuel Schwartz - Vestal as Outdoor Pool Director at Pay rate \$11.50/hr.  
Steven Wendell - Vestal as Assistant Outdoor Pool Director at Pay rate \$11.00/hr.

**A7180.1020 Labor – Labor Lifeguards & Swimming Instructors**

Note – There are seven Lifeguards who are working as Part Time Lifeguards and they are also certified in WSI and may substitute in the swimming Instruction program, so they have two pay rates.

Cassandra Canino - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr. & \$10.00/hr.  
Madison Card - Apalachin as Part Time Lifeguard at Pay rate \$9.00/hr. & \$10.00/hr.  
Kelsey Cherevko - Vestal as Full Time Lifeguard at Pay rate \$10.00/hr.  
Jenny Comency - Vestal as Full Time Lifeguard at Pay rate \$10.00/hr.  
Cameron Cook - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr.



## **Regular Meeting of the Vestal Town Board May 11, 2016**

Luke DeHart - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr.  
Chad Economides - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr.  
Emily Fox - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr. & \$10.00/hr.  
Chris Gardner - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr.  
Morgan Gaylord - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr.  
Jordan Gresham - Apalachin as Full Time Lifeguard at Pay rate \$10.00/hr.  
Joseph Haefner - Apalachin as Part Time Lifeguard at Pay rate \$9.00/hr.  
Cherri Hanakovic - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr.  
Megan Horbey - Endicott as Full Time Lifeguard at Pay rate \$10.00/hr.  
Lexie Johnson - Apalachin as Full Time Lifeguard at Pay rate \$10.00/hr.  
Rachel Kosty - Vestal as Full Time Lifeguard at Pay rate \$10.00/hr.  
Ben Krauss - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr.  
Jana Loso - Vestal as Full Time Lifeguard at Pay Rate \$10.00/hr.  
Jessica Luo - Vestal as Part Time Lifeguard at Pay Rate \$9.00/hr.  
Sarah Mieczkowski - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr.  
Emma Milligan - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr. & \$10.00/hr.  
Logan Murdock - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr. & \$10.00/hr.  
Shane Murdock - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr.  
Hanna O'Donnell - Apalachin as Part Time Lifeguard at Pay rate \$9.00/hr.  
Angelo Petrilli - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr.  
Alex Pinney - Binghamton as Part Time Lifeguard at Pay rate \$9.00/hr.  
Joseph Pirc - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr.  
Danielle Pittari - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr. & \$10.00/hr.  
Jacob Pompeii - Apalachin as Part Time Lifeguard at Pay rate \$9.00/hr.  
Jaclyn Ruhl - Vestal as Full Time Lifeguard at Pay rate \$10.00/hr.  
Michael Spivak - Vestal as Full Time Lifeguard at Pay rate \$10.00/hr.  
Andi Marie Stack - Vestal as Full Time Lifeguard at Pay rate \$9.00/hr. & 10.00/hr.  
Katrina Tibensky - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr.  
Stephen Tibensky - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr.  
Jeffrey Washington - Vestal as Full Time Lifeguard at Pay rate \$10.00/hr.  
Sara Wendell - Vestal as Full Time Lifeguard at Pay rate \$10.00/hr.  
Kalina Yadlosky - Vestal as Part Time Lifeguard at Pay rate \$9.00/hr.

### **A7310.1021 Labor – Playground Instructors - Note we are still interviewing for openings.**

Lyndsey Ackerman - Vestal, as Playground Instructor at Pay rate \$9.50/hr.  
Mira Agneshwar - Vestal as Playground Instructor at Pay rate \$9.50/hr.  
Jennifer Almy - Vestal, as Playground Instructor at Pay rate \$9.50/hr.  
Emily Brennan - Vestal as Playground Instructor at Pay rate \$9.50/hr.  
Patrick Commerford - Vestal as Playground Instructor at Pay rate \$9.50/hr.  
Thomas Commerford - Vestal as Playground Instructor at Pay rate \$9.50/hr.  
Julia Ferrante - Vestal as Playground Instructor at Pay rate \$9.50/hr.  
Kelsie Lane - Vestal as Playground Instructor at Pay rate \$9.50/hr.  
Johauna Morlando - Vestal as Playground Instructor at Pay rate \$9.50/hr.  
Annie Murphy - Vestal as Playground Instructor at Pay rate \$9.50/hr.

## Regular Meeting of the Vestal Town Board May 11, 2016

Abby Silverman - Hrubes - Vestal as Playground Instructor at Pay rate \$9.50/hr.  
Swako Suzuki - Vestal as Playground Instructor at Pay rate \$9.50/hr.  
Ashley Tabuntschikow - Vestal as Playground Instructor at Pay rate \$9.50/hr.  
Cheyne Teed - Vestal as Playground Instructor at Pay rate \$9.50/hr.  
Spencer Teed - Vestal as Playground Instructor at Pay rate \$9.50/hr.  
Erin Willis - Vestal as Playground Instructor at Pay rate \$9.50/hr.

### **RECEIVE AND FILE:**

- 2016 06 01 - NYS DOT: Public Meeting, June 1, 2016 re: NYS Route 434 Greenway: South Washington Street Bridge to Rush Avenue City of Binghamton, Broome County – 7:00 PM – MacArthur Elementary School, 11234 Vestal Avenue, Binghamton, NY.

Town Engineer Vern Myers noted that this is a two phase project going from Rush Avenue to Murray Hill Road. The Town will inherit the upkeep of this.

### **END OF CONSENT AGENDA**

### **CHAIR COMMENTS AND UPDATES**

### **SUPERVISOR'S ANNOUNCEMENTS**

- Citizens Police Academy: Classes end May 26<sup>th</sup> and are held 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.
- Department of Environmental Conservation (DEC) has an OPEN BURNING BAN policy in place from March 16th to May 14th. Burn Permits will not be issued during this time.

### **ADJOURNMENT**

On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, **the meeting was adjourned at 6:50 PM.** Carried unanimously.

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