

Regular Meeting of the Vestal Town Board May 25, 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 25, 2016.

TOWN BOARD PRESENT:

Supervisor Schaffer
Councilman Majewski
Councilwoman Fitzgerald
Councilwoman Messina
Councilwoman Agneshwar

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young and 11 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

Councilwoman Messina stated that she was not going to vote to approve the last set of minutes because an item that was italicized for emphasis changed the text from a summary to an opinion.

Supervisor Schaffer noted that he discussed the issue with the Clerk and there is agreement that summaries of the meeting discussions are preferable to verbatim statements. Councilwoman Messina agreed.

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

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

Resolved the Minutes of the Regular Meeting on May 11, 2016 are approved.

BID OPENINGS

The Supervisor offered *Affidavit of Publication* and *Proof of Posting* regarding the bid for the **2016 Sanitary Sewer Replacements** which were received by the Town Clerk at his office until 2:10 pm on Tuesday May 17, 2016 where all proposals thus received were publicly opened and read with the following results:

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ZMK Construction – Apalachin, NY

Charleston Avenue	\$135,367.10
Glenwood Road	\$ 31,262.00
Harvard Street	\$ 97,900.00
Maplecrest Drive	\$156,200.00
Mirador Drive	\$ 60,500.00

Vacri Construction - Binghamton, NY

Charleston Avenue	\$135,300.00
Glenwood Road	\$ 33,000.00
Harvard Street	\$107,800.00
Maplecrest Drive	\$148,500.00
Mirador Drive	\$ 63,800.00

Procon - Vestal, NY

Charleston Avenue	\$199,100.00
Glenwood Road	\$ 63,800.00
Harvard Street	\$182,600.00
Maplecrest Drive	\$222,200.00
Mirador Drive	\$112,200.00

DeNinis Construction - Binghamton, NY

Charleston Avenue	\$257,180.00
Glenwood Road	\$ 65,780.00
Harvard Street	\$231,660.00
Maplecrest Drive	\$299,200.00
Mirador Drive	\$127,600.00

Allis Development - Vestal, NY

Charleston Avenue	NO BID
Glenwood Road	\$ 56,650.00
Harvard Street	NO BID
Maplecrest Drive	\$209,330.00
Mirador Drive	\$ 86,350.00

F.P. Kane Construction - Vestal, NY

Charleston Avenue	\$183,700.00
Glenwood Road	\$ 36,300.00
Harvard Street	\$139,700.00
Maplecrest Drive	\$211,200.00
Mirador Drive	\$ 81,400.00

Chicago Construction - Endicott, NY

Charleston Avenue	\$121,000.00
Glenwood Road	\$ 30,800.00
Harvard Street	\$ 78,650.00
Maplecrest Drive	\$134,145.00
Mirador Drive	\$ 52,800.00

G. DeVincentis - Binghamton, NY

Charleston Avenue	\$168,300.00
Glenwood Road	\$ 37,400.00
Harvard Street	\$128,700.00
Maplecrest Drive	\$203,500.00
Mirador Drive	\$ 80,300.00

Bid Opening for Laboratory Water Analysis

The Supervisor offered the *Affidavit of Publication* and *Proof of Posting* regarding the bid for the **Laboratory Water Analysis** which was received by the Town Clerk until 2:00 PM on Tuesday May 17, 2016. All proposals thus received were publicly opened and read with the following results: sole bid from **Microbac** - 3821 Buck Drive, Cortland, NY 13045 at **\$38,538.75**.

PRIVILEGE OF THE FLOOR

Several speakers addressed the topic of the tax exemption for solar energy systems under Section 487 of the Real Property Tax Law (RPTL). The exemption applies automatically unless the Town opts out by a local law. A summary of the comments:

- A speaker noted that she's had roof top solar panels for 15 years and sells some power back to NYSEG. She would not have installed them if they were taxed.
- A speaker stated that she was confused why the Town Assessor recommended opting out of the exemption. If you cannot put a value on solar panels why not just do nothing and address commercial solar farms if and when they become an issue.

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- A speaker stated that he sees no reason to opt out. If we do something on a commercial scale, we could tax it through a PILOT agreement.
- A speaker noted that when he was offered a gas drilling contract by Chesapeake, the contract required him to give up all rights to his land except for 300 feet around his home. Solar contracts seem to be as restrictive. These are competing industries. If the Town opts out, they will leave the land open for future gas drilling.
- A speaker noted that regardless of whether were dealing with a gas or solar, it all depends on the contract. Landowners need to protect their rights and should seek legal counsel before they sign a contract. These businesses need not be exclusive. There is no reason for a conflict between them.

A Speaker asked for an explanation of the Stipulation of Settlement for the Article 7 Tax Certiorari case regarding 500 Skyline Drive where the assessed value was reduced from \$252,400 to \$37,400. Town Attorney Berger explained that the homeowner put up a small communications tower on his property and refused to give the requested information to the Assessor. Therefore, the Assessor assessed it assuming it was a commercial tower. The owner has finally provided the requested information to the Assessor and this adjustment was made.

RESOLUTIONS & MOTIONS

Stipulation of Settlement

R130-16 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 authorize the Town Attorney to sign a **Stipulation of Settlement** for the following Article 7 Tax Certiorari case filed in Broome County entitled:

Daniel C. English v. The Assessor of the Town of Vestal, New York and the **Town of Vestal**, Broome County, New York, Index Nos. 2015-2109, as follows:

1. For tax years 2015/2016, the total assessment on 500 Skyline Drive shall be reduced from \$252,400 to \$37,400

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town / County Tax	Town Refund
2015-16	\$252,400	\$252,400	\$37,400	-\$215,000	\$5,719.77	\$3,200.31	\$970.63

* Town = General and Highway

TOTAL \$970.6

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

Bond Resolution - \$450,000 for New Communications Tower

R131-16 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 BOND RESOLUTION DATED MAY 25, 2016:

A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF A NEW COMMUNICATIONS TOWER, IN and for THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$450,000, AND AUTHORIZING THE ISSUANCE OF not exceeding \$450,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereunder described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which it has been determined pursuant to completion of a Full Environmental Assessment Form will not have any significant adverse impact on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital project, NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Vestal, Broome County, New York, as follows:

Section 1. The purchase and installation of a new communications tower at Andrews Road, in and for the Town of Vestal, Broome County, New York, for police, fire and other Town communications, including incidental improvements, including site improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$450,000.

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Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$450,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 25 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five years.

Section 4. The faith and credit of said Town of Vestal, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

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- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Vestal Historical Society to Host *Antique Car Show*

R132-16 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 authorize the Vestal Historical Society to use the parking lot adjacent to the Vestal Museum on Saturday, July 2, 2016 from 11 AM until 4:00 PM, to hold an ***Antique Car Show*** in conjunction with the ***75th Anniversary Celebration*** of the opening of the Vestal Parkway. The Town's Indemnification Agreement is to be signed.

Recreation to Accept a Donation from Calvary Baptist Tabernacle Church

Supervisor Schaffer thanked the church for the donation and acknowledged Councilwoman Fitzgerald for her involvement. A thank you letter will be sent.

R133-16 On a motion of Councilwoman Messina, seconded by Councilman Majewski, the following resolution was

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

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Resolved to authorize Recreation Planner Sue Jastran to accept a donation from **Calvary Baptist Tabernacle Church**, Main Street, Vestal NY, of three picnic tables for the Vestal Memorial Pool at the value of \$2,878.90.

CONSENT AGENDA

On a motion of Councilwoman Agneshwar, seconded by Councilman Majewski, the Consent Agenda was adopted as follows:

PUBLIC WORKS: Fitzgerald/Majewski

Award Bid for Carnegie and West Hill Storage Tank Rehabilitation

R135-16 Authorization for the Town Attorney to draw the appropriate paperwork awarding the base bid for the **Carnegie and West Hill Storage Tank Rehabilitation** to the low bidder, **World Wide Industries**, 470 Mitchell Hill Road, Butler PA 16002, in the amount of **\$349,900.00**.

Award 2016 Sanitary Sewer Replacement

R136-16 Authorization for the Town Attorney to draw the appropriate paperwork awarding the bid for the **2016 Sanitary Sewer Replacement** to low bidder **Chicago Construction**, 1788 Union Center Highway, Endicott NY 13760:

Charleston Avenue:	\$121,000.00	Glenwood Road:	\$ 30,800.00
Harvard Street:	\$ 78,650.00	Maplecrest Drive:	\$134,145.00
Mirador Drive:	\$ 52,800.00		

Parks to Hire Summer Laborers

R137-16 Authorization for Parks Superintendent Jim Bukowski to hire **Michael Tomcho, Cody James Carey, Justin Perez and Chris Dutkowsky** as Summer Laborers at the rate of \$9.00 per hour effective May 26, 2016. Background checks have been completed.

Water/Wastewater Hire to Hire Summer Laborer

R138-16 Authorization for Water/Wastewater Superintendent Scott Groats to hire **Nicholas Bartholomew** as a Summer Laborer at the rate of \$9.00 per hour effective June 20, 2016. Background checks have been completed. Money will come from budget line W8340-1034.

FINANCE: Agneshwar/Fitzgerald

Receive and File:

Warrant Reports: 2016-19, 2016-19B, 2016-19E, 2016-20, 2016-20E, 2016-20L

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Billable Hours for Town Attorney

R139-16 Authorization for the Business Office to submit payment to **Town Attorney** David Berger for **April 2016 Billable Hours** in the amount of \$825.00.

ADMINISTRATION: Majewski/Messina

Use Donation for Advertisement for Museum Events

R140-16 Authorization for Museum Director Ramona Kacyvenski to use \$150 from Donation Funds (CMO308) to **advertise for Museum events** in the *Town Crier*.

Hire Hartman as Part-Time Lifeguard

R141-16 Authorization for Recreation Planner Sue Jastran to hire **Rebeka Hartman**, Apalachin, NY as a part-time lifeguard at the 2016 budgeted rate. A background check has been completed.

Vestal United Methodist Church to Volunteer at Library

R142-16 Authorization for Library Director Carol Boyce to authorize volunteers from ***Vestal United Methodist Church*** to do various cleanup projects at the library on June 12, 2016 from 9 AM to 2 PM. Approval is contingent upon the signing of the Town's waiver forms by all of the participating volunteers.

RECEIVE AND FILE:

- 2015 Annual Water Quality Report
- 2016 04 27 – Notice of Vestal Central School District for undertaking a 2016 Small Capital project at the Clayton Avenue Elementary School.
- First Ward Action Council, Inc. – Notice of \$300,000 NYS Home LPA award to provide rehabilitation grants to income eligible homeowners.
- 2016 05 10 – Division of Alcoholic Beverage Control - Notice of Hearing for Coppertop Vestal LLC re: proposed premises at 4700 Vestal Parkway
- 2016 04 18 – Fire Advisory Board Meeting Minutes
- 2016 05 16 – BMTS – Traffic Count Program

END OF CONSENT AGENDA

COMMITTEE CHAIR COMMENTS AND UPDATES:

Councilwoman Messina noted that the final session of the Police Academy is

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tomorrow. The participants will be presented their certificates at the June 22nd Town Board meeting.

SUPERVISOR'S ANNOUNCEMENTS:

- DEC has extended the **Burn Ban** through Friday June 3rd, 2016.
- There will be a **Memorial Day Ceremony** at the Gazebo at Noon on Monday, May 30, 2016 held by the Vestal American Legion Post 89
- The **Vestal Museum Presents: "Vestal Goes to War"** - An exhibit of the Vestal Historical Society's Military collection items from local families and the families of the Vestal Historical Society.
 - ♦ **Open House Saturday June 4th, 2016** With "American War Writing" a Presentation from Wendy Galgan, sponsored by New York Council for the Humanities Public Scholar Program. 12 PM.
 - ♦ **June 18** – Sons of the Revolution Binghamton Chapter on "The American Revolution and Broome County" on Saturday, June 18 from 10:30 AM - 12 PM.
 - ♦ **July 16** – George Cummings presentation depicting one of General Clinton's Soldiers from the 1779 Sullivan Clinton Campaign 1PM.
 - ♦ Traveling exhibit "**Civil War**" from The Gilder Lehrman Institute of American History - June 4 – July 6.
 - ♦ Traveling exhibit "**War and Disability**" from The Museum of DisABILITY History July 6 - July 30.

OTHER NEW BUSINESS:

Cherese N. Weisner-Rosales Hired as Vestal Museum Director

Councilwoman Messina stated that the Administration Committee interviewed 5 candidates and is recommending Cherese Weisner-Rosales for the position.

R134-16 Motion by Councilwoman Messina and seconded by Councilman Majewski to hire Cherese N. Weisner-Rosales as Museum Director at the rate of \$13.50 per hour effective May 26, 2016.

ADJOURNMENT

On a motion of Councilwoman Agneshwar, seconded by Councilman Majewski, **the meeting was adjourned at 6:28 PM.** Carried unanimously.

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