

Regular Meeting of the Vestal Town Board June 8, 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 June 8, 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 17 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 May 25, 2016 are approved.

PUBLIC HEARING

Supervisor Schaffer offered the Proof of Posting and Affidavit of Publication regarding the Public Hearing for proposed **Local Law “C” of 2016**, a Local Law Rezoning a portion of 200 African Road, Vestal, NY (BCTMP # 158.14-4-1) from Residential Single Family (RA-1) to Community Business District (C-2). He noted that the 239 l & m has been received from the County and there are no issues. He then opened the Public Hearing.

A resident expressed concern about the trees by the stream and the fact that this is currently Park land. Town Attorney Berger explained that this is a very small parcel and is of no value to the Town. The sale has been approved by the State.

Local Law “C” of 2016

R143-16 On a motion of Councilwoman Agneshwar, seconded by Councilwoman Messina, the following resolution was

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

Resolved to adopt proposed **Local Law “C” of 2016**, a Local Law Rezoning a portion of 200 African Road, Vestal, NY (BCTMP # 158.14-4-1) from Residential Single Family (RA-1) to Community Business District (C-2).”

PRIVILEGE OF THE FLOOR

A speaker thanked the 3 members of the board who attended the NYSERDA seminar concerning the solar energy program. There is another work shop on June 29th at Chenango Town Hall that deals with zoning.

A speaker noted that only one town (Sanford) in Broome County has thus far opted out of the tax exemption provision for solar energy systems. None have opted out in Tioga County and only several in Tompkins County. Supervisor Schaffer stated that there are a number of towns in our area that are contemplating to opt out. To his knowledge, opting out would not impact residential installations. Our Assessor doesn't feel that solar panels have any impact on the value of residential properties.

Several residents complained about the conditions of the property at 1648 Rita Road and asked the Board to do something about it. The home is in disrepair and there are junk vehicles in the yard. The conditions attract wild animals and create a safety and health hazard. Councilwoman Fitzgerald noted that the owner of the property is deceased and a son now has control. The son is not taking care of the property and has refused assistance from a neighbor. It is unfortunate that we cannot resolve this. Supervisor Schaffer noted that the Town has been trying to serve legal papers on the son. For now, the Code Department has its hands tied. We have several homes that we would like to see razed, but unlike the City of Binghamton, we do not qualify for CDBG funding to pay for it.

A speaker stated that playground equipment that was removed from Middendorf Park several years ago has yet to be replaced. Barlow Park is also in need of upgrading.

A speaker asked for an explanation of the \$3,000 settlement agreement with Dorothy Wagar. Town Attorney Berger explained that this was an action in bankruptcy court brought against the Town related to a violation of an *automatic stay* by the tax collector having to do with a refusal to allow the payment of taxes in arrears. That was technically a violation of the *automatic stay*. The settlement is reasonable in light of the claims made.

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A speaker asked about the \$83,000 for the Communication Tower Capital Project. Supervisor Schaffer explained that this money was set aside and the project was not completed. We are simply getting it off the books. This speaker further stated that Vestal should have term limits and should not pay Board members when absent from meetings. Also, he stated that the Town should do a property revaluation because too many homes are being sold below their assessed values.

A speaker stated that the Town should not charge residents who are senior citizens to use the Vestal Pool. Supervisor Schaffer responded that he would speak to the Recreation Department about this matter.

A speaker stated that perhaps the local law concerning junk vehicles should be changed to give it some teeth.

A speaker commented about the Town's plan to enter into an agreement with the Town of Conklin for dog control services to replace retiring Dog Control Officer John Lenox. He feels that we are now overpaying for dog control and we will be overpaying with this agreement. We should be able to find a Vestal resident to do this on a part time basis for less money. Was this position advertised?

Town Clerk Emil Bielecki stated that about 15 people were interviewed but he did not find anyone who was willing to take a part time position with no benefits and be available for 24/7 coverage. We have been spoiled with exceptional service from John Lenox and it will be difficult to replace him within the existing budgetary parameters. The agreement with Conklin gives us an opportunity to share the services of an experienced dog control officer who is dedicated to doing this type of work and will provide us with 24/7 coverage. This Intermunicipal Agreement should enable us to come close to maintaining our current level of service and should save us about \$4,000 to \$5,000 per year. This agreement will renew on an annual basis and we can easily opt out if it is not meeting our expectations.

Speaking on behalf of the Town Board, Supervisor Schaffer called Dog Control Officer John Lenox a unique individual and thanked him for his many years of service (41 ½ years) to the Town. "He has been a dedicated employee and is going to be sorely missed."

RESOLUTIONS & MOTIONS

Settlement Agreement with Dorothy Wagar

R144-16 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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

Resolved to approve the **settlement agreement between the Town of Vestal and Dorothy Wagar** brought in the US Bankruptcy Court - Northern District of New York, Case #15-61444 for the total sum of \$3000.00. Said settlement fully resolves the claims brought against the Town and does not contain an admission of liability. The Town Attorney is authorized to sign the agreement and the Business office to pay as indicated.

Intermunicipal Agreement for Dog Control Services

R145-16 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 Supervisor and the Town Clerk to sign an **Intermunicipal Agreement for Dog Control Services** between the Town of Vestal and the Town of Conklin, effective June 20, 2016. This agreement is renewable on an annual basis.

Signs for Four Shelters at Arnold Park

Supervisor Schaffer stated that people come to Arnold Park, take over the shelters, and will not leave when the permit holder arrives. These signs should help.

R146-16 On a motion of Councilwoman Agneshwar, seconded by Councilman Majewski, the following resolution was

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

Resolved to authorize the Recreation Department to hang 8½ x 11 inch **signs at each of the four shelters at Arnold Park** informing the public that pavilion use is by reservation only.

Vestal Elks Lodge BPOE #2508 Donation Accepted

On behalf of the Board, Councilwoman Agneshwar expressed appreciation to the Vestal Elks for this generous donation.

R147-16 On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

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

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Resolved to authorize the Recreation Department to accept a donation of **\$1,800.00** from the **Vestal Elks Lodge BPOE #2508**, to be reflected in line item A7310.4333. This donation is for expenses incurred to run the annual Easter Egg Hunt held on March 19, 2016.

CONSENT AGENDA

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 **Consent Agenda** is approved as follows:

PUBLIC WORKS: Fitzgerald/Majewski

Advertise for Petition for Establishment of CSD No. 1, Extension No. 158

R148-16 Approval for the Town Attorney to advertise on June 29, 2015 for a Public Hearing on July 13, 2016 regarding the **Petition for Establishment of Consolidated Sewer District No. 1, Extension No. 158.**

PETITIONER: Timothy & Nancy Stephenson

BCTMP: 173.19-2-18, ADDRESS: 1236 Main Street

Scope of Services and Fees with Delta Engineers

R149-16 Approval for Town Engineer Vern Myers to sign a **contract for Scope of Services and Fees** with Delta Engineers, Architects and Land Surveyors in connection with the Construction Inspection Consultant Contract for the *Two Rivers Greenway Sign Project*. The compensation for the services is not to exceed \$22,150.00 Vestal's portion of the cost is prorated among all of the participating municipalities.

FINANCE: Agneshwar/Fitzgerald

Receive and File

- **Warrant Reports:** 2016-21, 2016-21E, 2016-22, 2016-22E
- **Town Clerk Monthly Report:** May 2016 - Local Shares Remitted: \$6,960

Close 2011 Capital Project and Transfer Unexpended Fund Balance

R150-16 Authorization for Deputy Comptroller Nick Angeline to **close the 2011 Communications Tower Capital Project** and to direct the transfer of this project's unexpended fund balance of **\$83,113.03** to the General Fund's Reserved Cash Capital Projects to be closed and transfer of unexpended funds into the Interfund Expense line where it will be paid out to the General Fund effective Wednesday, June 8, 2016.

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Execute Budget Transfers

R151-16 Approval for Deputy Comptroller Nick Angeline to execute **budget transfers** for the month of May, 2016, as attached to his memo dated May 31, 2016.

School Resource Officer Agreement

R152-16 Authorization for the Town Supervisor to sign the **School Resource Officer Agreement** (SRO) for the period September 1, 2016 to June 30, 2017. The changes reflect the changes in salary.

PUBLIC SAFETY: Fitzgerald/Messina

Vestal Fire Station #1 Membership and Auxiliaries Fundraiser

R153-16 Authorization from the Board of Fire Commissions for **Fire Station #1 Membership and Auxiliaries** to hold a Chicken Barbeque Fundraiser (Phil's Chicken House) at the Tractor Supply parking lot (Four Corners) on Saturday, June 18, 2016 from 11 am to 3 pm. Coverage time will be from 9 am to 5 pm to include set up and clean up. A sign in sheet will be used to track personnel at this event.

Tanker 32-2 Project Bid Opening Extended

R154-16 Approval for Fire Chief David Harrington to extend the advertisement for bids on the **Tanker 32-2 Project** from June 14, 2016 to June 28, 2016. The extension is necessary due to the delay in the dissemination of the bid packets electronically. The large file caused an unanticipated computer problem.

ADMINISTRATION: Majewski/Messina

Accept Donation from the Pomeroy Foundation

R155-16 Authorization for Historian Margaret Hadsell to accept a **\$2,000.00** donation from the **Pomeroy Foundation** for the 2016 Historical Marker Program.

Hire Summer 2016 Staff

R156-16 Authorization for the Recreation Director to hire the following Summer 2016 staff. All employee pay rates are budgeted in the 2016 budget and the background checks have been completed:

- Ryan Cummings - Johnson City as Tennis Camp Director at Pay Rate \$575.00 salary
- Jessica Goon - Vestal as Tennis Instructor at pay rate \$9.00/hr.
- Dena Iandanza - Vestal as Substitute Tennis Instructor at pay rate \$9.00/hr.
- Tyler Klossner - Vestal as Tennis Instructor at pay rate \$9.00/hr.
- Ethan Willis - Vestal as Tennis Instructor at pay rate of \$9.00/hr
- Morgan Baker - Vestal as Substitute Playground Instructor at Pay rate \$9.00/hr.
- Corey Choberka - Vestal as Substitute Playground Instructor at Pay rate \$9.00/hr.
- Shannon Fitzpatrick - Vestal as Substitute Playground Instructor at Pay rate \$9.00/hr.

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Hannah Hayford - Vestal as Substitute Playground Instructor at Pay rate \$9.00/hr.
Chloe Kurst - Vestal as Substitute Playground Instructor at Pay rate \$9.00/hr.
Allison Sinicki - Vestal as Playground Instructor at Pay rate \$9.00/hr.

RECEIVE AND FILE

- 2016 05 07- Public Hearing Notice from Town of Binghamton Planning Board re: permit application to erect a tower at 123 Ingraham Hill Rd., Binghamton NY.

END OF CONSENT AGENDA

CHAIR COMMENTS AND UPDATES

Councilwoman Fitzgerald announced that the Vestal Elks will hold a Flag Day ceremony at the Gazebo on Sunday June 12 at 11 am followed by a luncheon at the Vestal Elks Club.

SUPERVISOR'S ANNOUNCEMENTS

- 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.
 - **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.

NEW BUSINESS

Councilwoman Messina stated that the Board has been engaged for several months in a discussion concerning property tax exemptions for solar energy systems and Board members have attended various presentations on solar energy. The Board also received an opinion from the Town Assessor advising opting out of the tax exemption. She feels that the Board should take action to opt out of the tax exemption.

A motion was made by Councilwoman Messina to authorize the Town Attorney to prepare a local law and to advertise for a Public Hearing to have the Town of Vestal "opt out" of the NYS Tax exemption for solar energy systems per Section 487

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of the Real Property Law. The **motion was seconded by Councilwoman Fitzgerald.**

Councilwoman Fitzgerald stated that according to Town Assessor Mark Minoia, if we opt out, we can change it at a later time if circumstance change. It is wrong to assume that this action would prevent people from installing solar panels on their homes. The installation of solar panels on residential homes will not increase the assessed value of the property.

Councilwoman Agneshwar stated that she is quite surprised that this is springing up as a motion especially since there was no discussion of it at the Work Session on Monday. She wonders what the rush is especially since there are a number of scheduled presentations that could provide useful additional information. Taking action at this time is going to preempt the gathering of this additional information.

Councilwoman Messina responded that we have already been exposed to a lot of information about solar energy and much more is coming. However, this motion is more about tax fairness and Home Rule. The Town Assessor is advising us to opt out. What the State is doing is a violation of our Home Rule. The State is making a judgement about whether we are going to tax something or not.

Several Board members stated that some of the upcoming meetings will focus on important planning and zoning issues. Councilwoman Messina responded that one of the meetings she attended was a municipal meeting that did include officials who were directly involved with or overseeing planning and zoning functions.

While the Board was discussing the motion, a member of the audience interrupted the meeting by shouting at Councilwoman Messina with an accusation that the meeting she attended was held by the Joint Land Owners Coalition and her comments and actions were dishonest and underhanded. He added that Councilwoman Messina is a landowner and promised to recuse herself and she is violating that promise.

Supervisor Schaffer advised the speaker that he was out of order and warned him that if he did not stop his commentary, he would be removed from the Board room. When the speaker refused to leave and continued to interrupt the meeting with additional commentary, Supervisor Schaffer called for the meeting to be adjourned.

Hearing no objection from the Board, **the meeting was adjourned at 6:52 PM.**

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