

Regular Meeting of the Vestal Town Board June 22, 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 22, 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, Police Sgt. Stace Kintner, Mark Thomas Vestal Volunteer Emergency Squad, Town of Owego, Supervisor Don Castalucci and approximately 40 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:

Citizens Police Academy Recognition Ceremony

Sgt. Stace Kintner of the Vestal Police Department and Director of the Academy thanked the participants for their dedication and enthusiasm. This program is great for the community and he hopes that it continues to grow. He then presented the Vestal Police Department Award of Recognition certificates to all participants.

Mark Thomas, Emergency Management Services Manager of the Vestal Volunteer Emergency Services and instructor for the CPR, AED and Basic First Aid training recognized and thanked the participants in his segment and encouraged them to become certified. Trained citizens can be of great help to our first responders.

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 June 8, 2016 are approved.

PRIVILEGE OF THE FLOOR

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Supervisor Schaffer announced that due to some unruly conduct from a person in the audience at the previous meeting, he has no choice but to strictly adhere to the posted Rules of Conduct and warned that anyone who breaks the rules of decorum will be removed from the meeting.

A number of speakers from the Rita Road neighborhood addressed the Board concerning the deplorable conditions of the property at 1648 Rita Road. The owner of the property passed away several years ago and the property continues to deteriorate. The lawn is not mowed, the house is vacant and not secured and there are several junk vehicles in the yard. The conditions pose a safety and health risk to the neighborhood and they claim that the Town is not doing anything to solve the problem. All efforts by the neighbors to help out have been ignored. Supervisor Schaffer explained that we are all aware of the problem but are somewhat constrained by legal limitations. We will see that the lawn is mowed. He has heard that there may be a buyer for the property. If a sale does not materialize, we may initiate the process to condemn this property and demolish it if necessary. He will again check with Code to see whether there is a legal way for us to remove the junk vehicles.

When asked to comment about the situation at 1648 Rita Road, all Board members agreed that the situation is deplorable and the Town should do everything that can be done within the limits of the laws to improve the situation. When you have an unresponsive and unreachable property owner, it is difficult to get anything done. We are limited as to what we can do on private property and need to be careful to avoid frivolous lawsuits. We will continue to work through Code and Police to get something done.

A speaker asked that a second public comment section be reinstated at the Board meetings. Supervisor Schaffer replied that he will take that under consideration if certain individuals in the audience stop being disruptive.

A speaker asked about which Town owned locations are covered under the new Facility Use Policy. Supervisor Schaffer responded that the policy is mostly relevant to the Library parking lot.

A speaker asked if he could poll the Board concerning the issue of opting out of the tax exemption for solar energy systems stating that this was allowed during a discussion of another topic. Supervisor Schaffer denied the request and advised the speaker to file a FOIL request for any additional information that he wants.

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A speaker noted the Board's expressed concern about disposal of abandoned solar panels and offered his services to handle the disposal. He could provide a list of others who will take the solar panels as well. Also, he stated that he sees no benefit to Town residents if the Board opts out of the tax exemption provision.

RESOLUTIONS & MOTIONS

Town of Vestal Community Use of Municipal Facility Policy

Councilman Majewski stated that he opposes this policy because it needs additional work particularly as it concerns events that benefit youth groups.

Supervisor Schaffer noted that there are only minor changes from the way we are doing things today. Board approval will now be required if an activity competes with a local business.

R157-16 On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, the following resolution was

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

Resolved to adopt the **Town of Vestal Community Use of Municipal Facility Policy** as follows:

The Primary function of municipal facilities is to serve the needs of municipal government. The Town wishes to make facilities available for broader community use when not in use for municipal purposes. The Town Board retains the right at all times to make individual decisions regarding use of municipal facilities, but generally facilities will be made available in accordance with this policy.

The Town Board shall be responsible for the overall implementation of this policy and for developing any necessary administrative procedures concerning facility use as long as they are consistent with this policy. The Secretary to the Town Supervisor is responsible for administering this policy and shall report to the Town Supervisor.

A. Priority Order of Municipal Facilities Use

1. Municipal government activities take precedence over all other uses
2. Community groups and non-profit organizations will also be granted reasonable use of municipal facilities per board approval.
3. Private groups and local citizens who reside in the Town of Vestal will always have preference. Per board approval.

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4. Profit making businesses or groups shall not be granted use of Municipal facilities that would compete with local businesses.

Exceptions to this priority order may be made in the event of weather or civil emergency use.

B. Prohibited Activities

The following general prohibitions apply to all outside uses of Municipal facilities. Other activities may be prohibited on a case by case basis at the discretion of the Town Board.

1. No municipal facility shall be made available to any group or individual advocating unconstitutional or illegal acts.
2. No municipal facility shall be made available for any activities that are, in the opinion of the Town Supervisor, contrary to the best interest of the municipality or the welfare of its employees.
3. No municipal facility shall be made available in violation of any local, state or federal laws.
4. No municipal facility shall be made available for any purpose that may present a risk of damage to municipal buildings, grounds or equipment.
5. Possession or consumption of alcohol or illegal drugs on municipal property is prohibited.
6. Use or sale of tobacco products is prohibited in municipal facilities.
7. Preparation, cooking and/or serving food in municipal meeting room is prohibited.

C. Conditions of Use

1. The municipality assumes no liability for any damage or loss to non-municipal property resulting from the use of municipal facilities.
2. Proof of adequate liability insurance or financial resources may be required, depending upon the particular use.
3. Applicants must complete a Facility Use Application and Agreement 14 days prior to the date of use, which contains a release and indemnity provision and comply with all administrative procedures for reserving municipal facilities.
4. Organizations and groups must designate a specific person responsible for the event. The person responsible for any facility must be over the age of 21.
5. Facilities must be used for the approved purpose.
6. Any event advertising must make clear that the event is not municipally sponsored and will include the disclaimer stated on the Facility Use

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Agreement form in all advertising. If this disclaimer is not included in advertising, the event will be cancelled.

7. Users must comply with all life safety code requirements and municipality safety rules.
8. All Board policies, procedures and municipality rules remain in effect during any facility use.
9. The Town Board reserves the right to require that municipal personnel (such as Police or Public Works) be present during an event. Any such costs shall be borne by the user.
10. Users are responsible for maintaining appropriate supervision, order and security during the event. The Board/Town Supervisor reserves the right to require that police, maintenance or public works personnel be present during an event. Any such costs shall be borne by the user.
11. Authorized municipal staff retains the right to access all facilities during all events.
12. All facilities and equipment must be left in the condition in which they were received. The user shall be responsible for any clean up and/ or equipment repair or replacement costs incurred as a result of the facility use.

D. Policy Violations

Users who violate this policy may be required to vacate the facility immediately and may, at the discretion of the Town Supervisor, be barred from future facility use.

E. Appeals

In the event that use of municipal facilities is denied or revoked, the applicant or user may appeal the decision in writing to the Town Board. The Town Board's decision is final.

Re-Appointments to Planning Board

R158-16 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 reappoint the following:

- **Edward Zimmer** as a member of the Planning Board effective July 8, 2016. This term is to expire July 7, 2021.
- **Madeleine Cotts** as an alternate member of the Planning Board effective July 8, 2016. This term is to expire July 7, 2021.

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Budget Transfer – Highway

Councilwoman Agneshwar stated that she inspected the hydraulic lift and agrees that it will be cheaper to replace than to repair.

R159-16 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 Comptroller to perform a **budget transfer** from the Highway Wage line (D5130.1020) to Highway Purchase of Machinery line D5130.2200. The unexpended funds in the Highway Wage line are to be used towards the purchase of a new hydraulic lift as a replacement for their broken lift. The final amount will be determined by the low quote received and estimated to be between \$6,000 and \$7,000. This is not a budgeted item.

ZMK Construction - Emergency Repair On King Street

R160-16 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 authorize the Business Office to pay **ZMK Construction**, Apalachin, NY the sum of \$38,958.16 for emergency repair work to sewer lines conducted from April 28 – May 9, 2016 on **King Street**. The events leading to this repair constituted a public emergency exempting this work from the competitive bidding requirements in accordance with Section 103(4) of the General Municipal Law.

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:

FINANCE: Agneshwar/Fitzgerald

Receive and File

- **Warrant Reports:** 2016-23, 2016-23B, 2016-23E, 2016-24, 2016-24E
- **Comptroller's Monthly Report:** December 2015, January 2016, February 2016, March 2016, April 2016
- **Town of Vestal Investment Reports:** December 2015 – April 2016

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Billable Hours For Town Attorney

R161-16 Authorization for the Business Office to submit payment in the amount of **\$712.50 to Town Attorney David Berger** for billable hours for the month of May 2016.

ADMINISTRATION: Majewski/Messina

Hire Tracy Hanna As Part Time Clerk in Museum

R162-16 Approval for Museum Director Cherese Wiesner-Rosales to hire **Tracy Hanna** as part time clerk starting on June 18, 2016 at a rate of \$9.00/hour.

Vestal/Conklin Intermunicipal Agreement for Dog Control Services

R163-16 Approval to amend the **Vestal/Conklin Intermunicipal Agreement for Dog Control Services** by adding a new Section 7 reading as follows: "Within thirty (30) days written notice, either party may terminate this agreement."

RECEIVE AND FILE

- **Fire Advisory Board Minutes** – May 16, 2016

END OF CONSENT AGENDA

COMMITTEE CHAIR COMMENTS AND UPDATES

- Councilwoman Agneshwar stated that she met with Tom McCartney, Emergency Management Coordinator of the Vestal Fire Department and is asking that the following comments in praise of the Fire Department be reflected in the minutes:

"The Vestal Fire Department sponsored a NYS fire training course in June 2016 where 20 members learned the advanced tactics of fighting a flammable liquid fire using foam. The course was 12 hours taught by the state Division of Homeland Security & Emergency Services - Office of Fire Prevention and Control (DHSES OFPC).

The lead instructor from DHSES OFPC - Deputy Chief Daniel Baker commented to me on the outstanding participation and professionalism of the members and officers of the Vestal FD. Deputy Chief Baker delivers this course all over NY State and said he was very impressed by our members, equipment, and leadership of the Vestal Volunteer Fire Department.

Also, Mirabito Energy donated several thousand gallons of propane for use in the firefighting prop used to demonstrate live fire scenarios. This is also commendable support to the community and fire service.

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This training is very valuable and critical when our members are called to handle a high risk incident at the petroleum tank farms or transportation crash involving a flammable liquids cargo vehicle.”

- Supervisor Schaffer stated that a thank you letter would be sent to Mirabito Energy for their donation.
- Councilwoman Messina stated that at this time she is requesting the Town Attorney to draft a local law for the Town Board’s review to determine the impacts of exercising , or not exercising, the opt out option of the NYS Solar Tax Exemption Statute, Section 487 of the Real Property Law. This will open the door for a discussion of this topic.
- Councilwoman Fitzgerald stated that a recent letter in the Town Crier implied that the Town Board will not allow anyone to put solar panels on their property. This is a lie.
- Supervisor Schaffer stated that he too has been falsely accused of being influenced by a union that he used to work for noting that he retired from the position several years ago and no longer has any affiliation with the organization. These accusations are baseless and untrue.

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.
 - ♦ **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.
- Residents are reminded to place brush on their property near the curb, not in the road. The Highway Dept. will not pick up brush that is left in the road.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the **meeting was adjourned at 7:12 PM.** Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk