

## **Regular Meeting of the Vestal Town Board September 28, 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 September 28, 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, Assistant Fire Chief Doug Rose and 15 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 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 September 14, 2016 are approved.

### **PRIVILEGE OF THE FLOOR**

A resident of Winans Avenue complained about the condition of the property on the corner of Winans Ave. and Vestal Rd. The grass is overgrown and the whole area needs to be cleaned up. He has contacted the Code Department but nothing has been done. Supervisor Schaffer stated that he would look into it.

Several residents of the neighborhood near the Hayes Manor housing complex (lower Murray Hill Rd area) expressed their opposition to the proposed expansion of the complex. A summary of their concerns is as follows:

- The proposed expansion of Hayes Manor is breaking the codes in seeking 6 variances.
- The whole area around Hayes Manor is in danger from the increased traffic and from the density of the development. There is a concern about the increasing number of students who are walking in an area of high traffic and no sidewalks.

## Regular Meeting of the Vestal Town Board September 28, 2016

- The proposed development will change the character of a neighborhood made up mostly of single family homes.
- They want to put up a 3 story building literally in the back yards of some single family homes.
- It appears that the original development in the 1970's exceeded the maximum allowed density, although the records don't seem to exist. The current proposal is far in excess of the density permitted under the Code. The Zoning Code is there to protect the character of the neighborhood.
- Asking for additional variances from the Zoning Board of Appeals is wrong when the existing complex is already out of compliance.
- The request to reduce the size of the parking spaces should be denied. Our parking space regulations are not antiquated.
- It is important for the Board to protect the residents and the quality of life in residential neighborhoods.
- The expansion of student housing can be done in other areas that will not have such a detrimental effect on a quality residential area of mostly single family homes.

A speaker asked about the Town's comprehensive plan. Supervisor Schaffer responded that considerable work was done to develop a comprehensive plan, but it was never adopted. Another speaker noted that the Zoning Ordinance is the Town's comprehensive plan and is there to protect the neighborhoods.

### **RESOLUTIONS & MOTIONS**

#### **Advertise Notice of Public Hearing on Proposed Local Law "F" of the Year 2016**

**R213-16** 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 **Town Attorney to publish, on October 19, 2016, a notice regarding Proposed Local Law "F" of the Year 2016**, a local law to override the limit on the amount of real property taxes that may be levied by the Town of Vestal, for a Public Hearing on November 9, 2016.

#### **Advertise Notice of Public Hearing on Proposed Local Law "E" of the Year 2016**

**R214-16** On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

**Regular Meeting of the Vestal Town Board  
September 28, 2016**

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

Resolved to **rescind Resolution 202-16** dated August 24, 2016 and retroactively approve the Town Attorney to publish on September 28, 2016, **Proposed Local Law “E” of the Year 2016**, a local law amending Sections of the Town of Vestal Code, Article 24 with a Public Hearing set for October 12, 2016.

**Book Enjoyment Box on the Rail Trail**

**R215-16**      On a motion of Councilwoman Agneshwar, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to approve the installation of a **Book Enjoyment Box** on the Rail to Trail subject to the Board’s review and approval of the box design. This request was submitted by Debbie Stevenson and her daughter Jackie as a Girl Scout Silver Award project which they will construct and maintain for books to be used and borrowed by children. The box will be located near the Myrtle Street playground and mounted on a post which the Town will install.

**CONSENT AGENDA**

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 the Consent Agenda is approved as follows:

**FINANCE: Agneshwar/Fitzgerald**

**Receive and File**

- **Warrant Reports:** 2016-37, 2016-37E, 2016-38, 2016-38E, 2016-38L
- **Comptroller’s Report:** August 2016

**Close Capital Projects**

**R216-16**      Approval for Town Comptroller Laura McKane, **to close the following capital projects;** 2014 Computer Upgrades, 2015 Highway Two Dump trucks and 2015 Highway Road Improvement and to transfer unused money to the General Fund’s Reserved Cash:

**Regular Meeting of the Vestal Town Board  
September 28, 2016**

**Town of Vestal Capital Projects to Close @ 9/12/2016**

<b>Project Name - General Fund</b>	<b>Org./Object</b>	<b>Unexpended Funds</b>	<b>Fund to Receive Unexpended \$</b>	<b>Total by Fund</b>
2014 Computer Upgrades	H0314.21600	\$46.92	General Fund Reserves Total to General Fund Reserves	<u>\$46.92</u> \$46.92

  

<b>Project Name - Highway Fund</b>	<b>Org./Object</b>	<b>Unexpended Funds</b>	<b>Reserve Fund to Receive Unexpended \$</b>	<b>Total By Fund</b>
2015 Highway Two Dump Trucks	H0415.25100	\$191 .71	Highway Fund Reserves	\$191.71
2015 Highway Road Improvements	H0915.25100	\$105.43	Highway Fund Reserves	<u>\$105.43</u>
			Total to Highway Fund Reserves	\$297.14

**Penflex Agreement for LOSAP**

**R217-16** Approval for Town Comptroller Laura McKane to have the **Town Supervisor sign a contract with Penflex, Inc.** for actuarial and administration services for 2016-2017 Service Award Program (LOSAP). The total estimated standard and distribution service fees are \$6,800.

**Budget Transfers Dated 8/19/16 Through 9/23/16**

**R218-16** Authorization for Assistant Comptroller Nick Angeline to make **budget transfers** dated 8/19/16 through 9/23/16 as attached to his memo to the Town Board dated 9/23/16.

**PUBLIC SAFETY: Fitzgerald/Messina**

**Station # 1 Firefighters 5K Challenge**

**R219-16** Approval by the Board of Fire Commissioners for Fire Chief David Harrington to approve **Station 1's Firefighters 5K Challenge** being held on October 2, 2016 from 11 am-2pm at the Vestal Rail Trail. Coverage time to be from 9 am to 5 pm.

**ADMINISTRATION: Majewski/Messina**

**Town Court to Apply for Grant**

**R220-16** Authorization for the **Town Court to apply for a grant** from the *Justice Court Assistance Program* for up to maximum available amount of \$30,000 to purchase all-in-one computer, wall mounts for monitor and locking cash drawers.

**RECEIVE AND FILE:**

- Fire Advisory Board Meeting Minutes - August 15, 2016
- Buckeye Partners, LP – Notification of upcoming routine survey along the pipeline to

## Regular Meeting of the Vestal Town Board September 28, 2016

ensure pipeline integrity and safety.

- Town of Union – Notification of Local Law amending Chapter 300-21.3 of their Town Code

### **END OF CONSENT AGENDA**

#### **Remove Fire Department Assets from Inventory**

Councilman Majewski noted that he was not at the Work Session on Monday and wants to make sure that none of the items being removed from the asset inventory have any value. Assistant Fire Chief Doug Rose gave a brief description of the items and both he and Supervisor Schaffer agree that none of the listed items have any value.

**R221-16** 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 authorizing Fire Chief David Harrington to remove from the asset inventory and dispose of items listed in a memo to the Board of Fire Commissioners dated September 15, 2016. These items are no longer being used by the Fire Department.

#### **CHAIR COMMENTS AND UPDATES**

- Councilwoman Messina announced that volunteer graduates of the Citizens Police Academy and the Youth Academy assisted Sgt. Stace Kintner in planning a ***First Responders Appreciation Day*** on Saturday, September 17, 2016, which was held in conjunction with the Fire Department's Memorial Service. The event was paid for by donations from organizations such as the Cider Mill, Lowe's and Butler and Butler Law Offices. The families enjoyed the game activities and having an opportunity to sit and visit.
- Councilwoman Agneshwar stated that consideration is being given to possibly moving the location of the Zoning Board of Appeals (ZBA) hearing on the requested variances for the proposed expansion of the Hayes Manor complex located at 500 Plaza Drive and 600 Country Club Road to a larger venue. The tentative date of the hearing is November 10th. The official notice of the hearing will be published at a later date and the announcement will also be made on the Town's website.

**Regular Meeting of the Vestal Town Board  
September 28, 2016**

**SUPERVISOR'S ANNOUNCEMENTS**

- **VESTAL FIRE SAFETY EXPO 2016 - *Come Out and Meet Your First-Responders***

**Saturday October 1, 2016    Vestal Lowes Parking Lot    10:00 - 2:00 PM**

In conjunction with the Expo, **Vestal Lowes** will be celebrating their 20th year with customer Appreciation Day - Free hot dogs, popcorn, and kids Build 'n Grow wooden project.

- **Night at the Museum** – October 30<sup>th</sup>, 2016 6PM – 8 PM  
Treats, crafts and games! - Wear your costume! - Free and open to the Public  
328 Vestal Parkway East - 607 748-1432

**OLD BUSINESS**

**Resolution Adopted at the Town Board Work Session on September 24, 2016**

**R212-16**    On a motion by Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following was

**ADOPTED**    **Ayes 4**    Agneshwar, Fitzgerald, Messina, Schaffer

**Nays 0**    **Absent 1**    Majewski

Resolved the Board **adopt the Proposed 2017 Vestal Fire District Budget** with total appropriations of \$1,202,064.

**ADJOURNMENT**

On a motion of Councilwoman Messina, seconded by Councilman Majewski, the **meeting was adjourned at 6:36 PM.** Carried unanimously.

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