

## **Regular Meeting of the Vestal Town Board October 12, 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 October 12, 2016.

### **TOWN BOARD PRESENT:**

**Supervisor Schaffer  
Councilwoman Fitzgerald  
Councilwoman Messina  
Councilwoman Agneshwar**

**ABSENT: Councilman Majewski**

**ALSO ATTENDING:** Town Attorney David Berger, Town Clerk Emil Bielecki, 1<sup>st</sup> Deputy Town Clerk Kathie Young and approximately 30 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 Agneshwar, seconded by Councilwoman Fitzgerald, the following resolution was

**ADOPTED** Ayes 4     Fitzgerald, Agneshwar, Messina, Schaffer  
              Nays 0     Absent 1     Majewski

Resolved the Minutes of the Regular Meeting on September 28, 2016 are approved.

### **PUBLIC HEARING**

Supervisor Schaffer offered *Proof of Posting* and *Affidavit of Publication* regarding the Public Hearing for **Local Law “E” of the Year 2016**: A local law “Amending Sections of Town of Vestal Code Article 24”. He then opened the Public Hearing.

Several speakers who reside in the vicinity of 934 Tracy Creek Road spoke concerning the proposed changes to the Code regarding the use of ATV’s and other off-road vehicles. A summary of their comments is as follows:

- Who is sponsoring these changes? Supervisor Schaffer replied that the changes were proposed by the Code Department in response to a recent legal decision concerning the use of recreational vehicles and noise levels.
- No one is being harmed by leaving the sections of the Code concerning recreational vehicle use as is. Section 1 and that portion of Section 6 regarding

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the use of ATV's and off-road vehicles should be removed from the proposed local law.

- Noise decibel limits are also spelled out in the Code. We applaud the previous town leader who wrote these regulations.
- This discussion is focused on the activities of one individual. We should not make changes to the law to accommodate one individual. People come to Vestal because of attractive neighborhoods and schools. We need to protect the quality of life in the Town.
- If Code changes are proposed concerning ATV's and off-road vehicles, the Board should get citizens involved. Supervisor Schaffer assured the group that they would be involved.
- The Board needs to be careful in adopting regulations that overly restrict the rights of individuals to the use of their property.
- Most residents in this Rural Residential area ride ATV's. These vehicles are muffled and do not cause problems. The problem is with loud unmuffled motorcycles and the concentration of such vehicles on constructed tracks.
- This race track in the Tracy Creek Road area was opened in 2009. The track is being used by loud racing bikes. Despite numerous complaints over the years, there have been no citations written since 2009. If the current regulations are not being enforced, there is no reason to expect that new regulations will make any difference. In fact, it appears that the new regulations will be harder to enforce.

Supervisor Schaffer acknowledged that there are no easy answers to deal with this issue of off-road vehicle use. However, if we leave it vague, we will have no control. We are trying to establish reasonable rules that can be enforced. It is a work in progress and will involve the input from the residents.

A speaker noted that measuring noise levels of off-road vehicles has been discussed for a long time. The problem came down to police not having the equipment or training. Supervisor Schaffer noted that you need to be certified to operate the equipment. We don't have the time or the expertise to do all of this.

A speaker asked for a definition of what an *accessory use tower* is and why there are distinctions in the height. He is concerned whether these uses can be tied to regulation of oil and gas rigs. Councilwoman Agneshwar stated that she believes the changes are being proposed to make the current towers compliant. Supervisor

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Schaffer stated that he does not think this section has anything to do with gas drilling towers and this activity is not permitted.

A speaker stated that the police department did the training on the decibel reading equipment. The code is fine. What we need is enforcement.

Upon closing of the Public Hearing, Supervisor Schaffer asked the Board if it wished to vote on Local Law "E" at this time. The consensus of the Board was to remove Section 1 and that portion of Section 6 concerning the use of ATV's and off-road vehicles from proposed Local Law E and vote to approve it at this time.

### **Adopt Local Law E of the Year 2016 Adopted as Amended**

**R222-16** On a motion of Councilwoman Agneshwar, seconded by Councilwoman Messina, the following resolution was

**ADOPTED** Ayes 4 Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0 Absent 1 Majewski

Resolved to approve **Local Law E of the Year 2016**: A local law "Amending Sections of Town of Vestal Code Article 24" in its entirety except for Section 1 and that portion of Section 6 of the proposed law that references Article IV Division (2) Section 24-151 subparagraph (a) that sets forth residential recreational activity regarding the use of ATVs. It is noted that **Local Law E is a Type II action for SEQRA** purposes and does not require further environmental review.

### **PRIVILEGE OF THE FLOOR**

Councilwoman Fitzgerald stated that over the summer she visited one of the neighbors near the motocross riding area. She was told that the Code Department had the property owner remove some of the jumps but not on the upper track where the woods are. The summer has been relatively quiet. We are not against ATV's as long as people respect their neighbors and abide by the regulations.

A speaker questioned the motive behind the proposed changes concerning ATV's and off-road vehicles. The proposed changes would be more difficult to enforce than the current regulations.

A speaker expressed concern that this meeting was scheduled on Yom Kippur perhaps reducing resident participation this evening.

A speaker asked how the neighbors of the Tracy Creek Road motocross activity will be notified about any changes to the Code. Supervisor Schaffer designated

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Tom Murphy as the liaison for the neighborhood and for any committee that may be formed to deal with this issue. Another speaker noted that other areas of Vestal also need to be included in the discussion.

A speaker stated that he was pleased to see that the Environmental Protection Agency (EPA) has finalized its \$14 million plan for cleanup of the groundwater contamination at the Vestal Water Supply Well 1-1 Superfund site.

### **RESOLUTIONS & MOTIONS**

#### **Standardization of Fire Hose to All-American Hose**

**R223-16** On a motion of Councilwoman Agneshwar, seconded by Councilwoman Messina, the following resolution was

**ADOPTED** Ayes 4 Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0 Absent 1 Majewski

Resolved by the Board of Fire Commissioners to update the **standardization of Fire Hose to All-American Hose** (to include all brand/models under the All-American name including Snap-tite, Ponn and National hose). This would be for any size with Storz and/or NST connections.

### **CONSENT AGENDA**

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

**ADOPTED** Ayes 4 Fitzgerald, Agneshwar, Messina, Schaffer  
Nays 0 Absent 1 Majewski

Resolved that the **Consent Agenda** is approved as follows:

#### **PUBLIC WORKS: Fitzgerald/Majewski**

##### **Budget Transfer for Highway**

**R224-16** Authorization to transfer \$21,890 from line D5142-4006 (Salt) to line D5130-2200 (Purchase of Machinery) for the **replacement of hydraulic truck lifts**, as per request from Highway Superintendent Rocco Turdo in a memo dated 9/23/16.

#### **FINANCE: Agneshwar/Fitzgerald**

##### **Receive and File:**

- **Warrant Reports:** 2016-39, 2016-39E, 2016-40, 2016-40E
- **Town Clerk Monthly Report:** September 2016 – Total Local Shares Remitted: \$5,747.42

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**\$500.00 Donation from Citgo Petroleum Corporation**

**R225-16** Approval to accept a **donation of \$500.00 from Citgo Petroleum Corporation** for fire equipment for the Vestal Fire District.

**Budget Line Transfer for IT Overtime**

**R226-16** Authorization to transfer \$800 from line A1680.4000 (contractual and professional services) to line A1680.1033 (overtime) to cover **overtime work to rewire and reconfigure the computer network** in the Police Department and the Library, as per request from IT Director Dan Williams.

**Town Attorney Billable Hours**

**R227-16** Authorization to pay **Town Attorney David Berger \$1,187.50 for billable hours** for the month of September (7 hours and 55 minutes).

**Budget Transfers for Fire**

**R228-16** Authorization from the Board of Fire Commissioners to make **budget transfers** as requested by Fire Chief David Harrington:

- \$12,200 to cover cost of Air Bags for Extrication. This is a 2017 purchase in 2016.
- \$1,501 to cover the cost of a Laptop for the Fire Admin and purchase of replacement Training Desktop for Station 2. Note: The Fire Admin Laptop went to the Department Training Officer for administration work.
- \$2,900 to cover the cost to update the Fire Department Website.
- \$9,500 to cover the cost of new front windows at Station 2. This is a 2017 purchase in 2016.
- \$2,000 to cover addition costs associated with Fire Prevention Activities for the rest of the year.

**PLANNING & ZONING: Messina/Agneshwar**

**Vestal Field Hockey Booster Club to Use Library Parking Lot**

**R229-16** Authorization for the **Vestal Field Hockey Booster Club** to use the Library parking lot on October 23, 2016 for a fundraiser with Smokey Legend BBQ.

**Boy Scout Troop 225 to Use Library Parking Lot**

**R230-16** Authorization for **Boy Scout Troop 225** to use the front portion of the Library parking lot for the Troop's annual Christmas tree sale from November 19, 2016 thru January 3, 2017, including setup and cleanup.

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**PUBLIC SAFETY: Fitzgerald/Messina**

**Fire Department Ladies Auxiliary Bake Sale**

**R231-16** Approval for the Vestal Fire Department Membership and Stations 2 & 3 *Ladies Auxiliary Bake Sale* on November 8, 2016, 6am – 6pm at Station # 2 and Station # 3. A sign in sheet will be used to track personnel at this event.

**New Members of Fire Company # 1 Approved**

**R232-16** Authorization from the Board of Fire Commissioners to approve Jason Ellis, Brennan Leslie, and Bryant Mabee as new members of Fire Company # 1.

**ADMINISTRATION: Majewski/Messina**

**Museum to Use Donation for Lighting Purchase**

**R233-16** Approval for Vestal Museum Director Chereese Wiesner-Rosales to use \$178.48 from the donation fund (jar) for reimbursement of track lighting purchased for the Museum.

**RECEIVE AND FILE:**

- **EPA Finalizes \$14 Million Plan to Improve Groundwater Cleanup** in Vestal, N.Y. (New York, N.Y. – Oct. 4, 2016) The U.S. Environmental Protection Agency has finalized its plan to thermally treat, move and capture volatile organic compounds that are contaminating soil that is a source of groundwater contamination at the Vestal Water Supply Well 1-1 Superfund site in Vestal NY. To view the final cleanup plan, visit: [www.epa.gov/superfund/vestal-well-1-1](http://www.epa.gov/superfund/vestal-well-1-1) .
- October 7, 2016 - Notice that the **Governor's Office of Storm Recovery** has been designated as Lead Agency for the Environmental Review of the Roberts Street Storm Water Pump Station Upgrade Project in the Town of Vestal.

**END OF CONSENT AGENDA**

**SUPERVISOR'S ANNOUNCEMENTS**

- **PUBLIC HEARING** regarding the [2017 Proposed Budget of the Town of Vestal Fire District](#). Tuesday, October 18, 2016 at 6:00 PM – Vestal Town Hall.
- **PUBLIC HEARING** regarding the [Proposed Local Law "F" of the year 2016 entitled: "A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-c"](#) – Wednesday, November 9, 2016 at 6:00 PM - Vestal Town Hall.

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**ADJOURNMENT**

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

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