

Regular Meeting of the Vestal Town Board March 8, 2017

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 March 8, 2017.

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 approximately 30 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.

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 February 15, 2017 are approved.

BID OPENINGS

Highway Truck Accessories

Supervisor Schaffer offered *Proof of Posting and Affidavit of Publication* re: the **Highway Truck Accessories** bids opened on February 23, 2017 at 2:00 pm in the Town Clerk's Office. A single bid was received and opened as follows:

Henderson Products **\$137,000.00**
22686 Fisher Road, Watertown, NY 13601

This is a portion of the capital truck purchase that was approved for 2017. These accessories will be installed in-house.

King Street Sanitary Sewer Replacement

Supervisor Schaffer offered *Proof of Posting and Affidavit of Publication* re: the **King Street Sanitary Sewer Replacement** bids requested which were received and opened by the Town Clerk, Tuesday March 2, 2017 with the following results:

**Regular Meeting of the Vestal Town Board
March 8, 2017**

Vacri Construction	1 Brick Avenue, Binghamton, NY 13901	\$196,000.00
ZMK Construction	3430 Route 434, Apalachin, NY 13732	\$194,700.00
Pro Con Contracting	PO Box 1037, Vestal, New York 13850	\$233,200.00

Operating Engineers Uniforms

Supervisor Schaffer offered *Proof of Posting and Affidavit of Publication* re: the request for **Operating Engineers Uniforms**. The **single bid** received from **Logowise LLC** of Binghamton, NY was opened on March 7, 2017 with results sent to the Operating Engineers for review and recommendation.

PUBLIC HEARINGS

Supervisor Schaffer offered *Proof of Posting and Affidavit of Publication* regarding Public Hearing on **Proposed Local Law “D” of the Year 2017**, a local law ***Prohibiting Smoking in any Town Park***, and opened the Public Hearing.

9 Members of Girl Scout Troop #30245 read brief statements in support of the Local Law citing various well documented health and environmental benefits. It was also noted that this scout troop lobbied initially for the local law and would now like to see positive results from their participation in this civic process.

Sharon Fischer, a Public Health Educator with the Broome County Tobacco Control Program, displayed various signs designating the smoke free areas that the Town could obtain free of charge if it adopts this Local Law.

Adoption of Proposed Local Law “D” Prohibiting Smoking in Town Parks

Councilman Majewski stated that although he agrees with the reasons for this local law, he will not vote for it because its enforcement could pull police officers from doing much more critical work. Supervisor Schaffer stated that he disagreed with that concern noting that people will police themselves. He hopes that common courtesy will prevail and congratulated the girl scouts for their persistence.

Councilwoman Messina applauded the girl scouts for all of their hard work. Second hand smoke endangers lives. She is in favor of this local law.

R054-17 On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, the following resolution was

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

Regular Meeting of the Vestal Town Board March 8, 2017

Resolved to adopt **Proposed Local Law “D” of the Year 2017** a local law “Prohibiting Smoking in any Town Park”. This is a Type II action under **SEQR** and no further review is necessary.

Section 1.

A local law to add Chapter 16 Section 43 to the Code of the Town of Vestal “Prohibiting Smoking in any Town Park”

Section 2.

WHEREAS, the Surgeon General of the United States has declared:

- that there is no safe level of secondhand smoke
- Persons who already have heart disease and respiratory conditions are at an especially high risk of suffering adverse effects from breathing secondhand smoke, and should take *special precautions* to avoid even brief exposure;
- Children exposed to secondhand smoke are more likely to have reduced lung function such as Asthma and symptoms of respiratory irritation, like coughing, excess phlegm and wheezing and suffer from Sudden Infant Death Syndrome (SIDS); and

WHEREAS, the U.S. Environmental Protection Agency has classified secondhand smoke as a Class A Carcinogen, placing it in the same category as radon, benzene, and asbestos; and

WHEREAS, in 2004, American Poison Control Centers received nearly 8,000 reports of children poisoned by ingesting cigarette butts, and children who ingest cigarette butts can experience vomiting, nausea, lethargy, and gagging.

WHEREAS, cigarette butts take approximately 15 years to decompose; and are the most littered item in the United States and the world.

WHEREAS, The Town of Vestal finds that it is in the public interest to role model non-smoking behavior to children and youth; to provide children and their families with a safe, tobacco-free environment; and

WHEREAS, the Town of Vestal believes that it is in the public interest and more specifically the health and welfare interests of children and adolescents to prohibit the use of tobacco products within public places where citizens are likely to congregate, gather, play and/or engage in athletic competitions; and

WHEREAS, the Town of Vestal has determined that public parks, playgrounds, ball fields, publicly owned or leased swimming pools and all other recreational areas leased or owned by the town are public places where children congregate, gather, play and/or engage in athletic competitions; and

WHEREAS, it is the intent of the Town of Vestal to prohibit the use of tobacco products within public parks, playgrounds, athletic fields, spectator areas, publicly owned or leased swimming pools and all other recreational areas leased or owned by the town; and

WHEREAS, it is the intent of the Town of Vestal to refer to these areas as “Tobacco-Free Zones”; and will, therefore, have appropriate, permanent posting of signs; and

WHEREAS, the Town of Vestal Council seeks to provide a legal means for official intervention to discourage the use of tobacco products by our youth; and protect the health of our citizens.

NOW THEREFORE, BE IT ORDAINED by the Town Board of the Town of Vestal, Broome County, New York, as follows:

Section 3.

Regular Meeting of the Vestal Town Board

March 8, 2017

1. Prohibition Against the use of Tobacco Products

Use of tobacco products within all publicly owned or leased swimming pools and pool grounds, public parks, playgrounds, ball fields, spectator areas and all other recreational areas leased or owned by the town shall be prohibited within the Town of Vestal, except in any specifically designated "Smoking Area" the location of said area to be determined in accordance with the purposes of this local law.

2. Definitions

- a) Publicly owned or leased swimming pools and pool grounds, public parks, playgrounds, ball fields, and all other recreational areas leased or owned by the town shall mean any place or area within the Town upon which the public is invited or upon which the public is permitted and where children gather for recreational activities.
- b) Tobacco is defined as all tobacco and tobacco-derived products intended for human consumption, including but not limited to, cigarettes, electronic nicotine delivery systems, cigars, hookah-smoked products, clove cigarettes, bidis, kreteks, smokeless tobacco and snus. This definition does not include any product that has been approved by the U.S. Food and Drug Administration for sale as tobacco use cessation product.

3. Penalties

Any person who has been found to have violated this Ordinance shall be subject to the following:

- a) For an offense by any, a fine of no less than fifty dollars (\$50) and a maximum of \$1,000 per offense will be issued
- b) Or at the judge's discretion, the judge may suspend the fine in lieu of attendance by the offender, at his or her own expense, in a smoking cessation program recommended by the local health department including the dangers of smoking, tobacco use and secondhand smoke.

4. Signage

The town will attach permanent signage indicating "Tobacco-Free Zone" at all such publicly owned or leased playgrounds, athletic fields and spectator areas, swimming pools and pool grounds, and all other public parks and recreation areas leased or owned by the town.

Section 4

I. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Town which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

II. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

III. ENFORCEMENT PROVISION

This Ordinance shall be enforced by the police force and his/her designee. Any citizen may initiate enforcement by registering a complaint with the Police Department or Health Department.

Any citizen may inform any person perceived to be violating this Ordinance of the provisions of this ordinance.

IV. EFFECTIVE DATE

This Ordinance shall take effect upon final adoption and publication in accordance with the law.

Regular Meeting of the Vestal Town Board March 8, 2017

PRIVILEGE OF THE FLOOR

A resident on the corner of River Rd. and Old Vestal Lane asked the Board to consider installing 'no parking' signs in the area. Old Vestal Lane is a very narrow road and people are constantly blocking his access by careless and illegal parking. Supervisor Schaffer stated that he would ask the Police Dept. to look into this.

The manager of Anthos, a Vestal apartment complex on Rano Blvd., asked the Board for a reduction of \$2,400 on the water bill/sewer bill due to a water issue that has since been resolved. Supervisor Schaffer explained that the Town used to allow such reductions when it was determined that the water did not go into the sewer. However, when the Binghamton-Johnson City Joint Sewage Treatment Plant stopped giving the Town credit to offset the bill reductions, we had no choice but to change our policy to no longer grant such reductions. He will further review this request with the Water/Sewer Department but advised the speaker to also write a letter of protest to the Joint Sewage Plant.

A speaker expressed support for the State project to install additional sidewalks on the Vestal Parkway. It will improve the nightmare conditions that now exist.

A speaker asked about a conversation at a Work Session concerning the use of road brine. Supervisor Schaffer stated that the Town explores various options but that no decisions have been made. Another speaker noted that fracking fluids cannot be used on roads because it has to be sent for processing.

Several speakers expressed support for the parks smoking ban law and for the installation of additional sidewalks on the Vestal Parkway. Councilman Majewski noted that the Town will have to maintain sidewalks on our property when our limited manpower and resources are more needed for road and bridge repair.

A speaker stated that Binghamton University should do a better job in reaching out to the Town of Vestal. We provide them with many critical and expensive services but are rarely asked for our input or other involvement. Moreover, the Governor should be told that we have been studying local consolidation for many years and have reports dating back to the 1960's.

RESOLUTIONS & MOTIONS

Letter of Support to NYS DOT for Sidewalk Installation in Memorial Park

R055-17 On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

**Regular Meeting of the Vestal Town Board
March 8, 2017**

ADOPTED Ayes 3 Fitzgerald, Messina, Schaffer
 Nays 2 Majewski, Agneshwar

Resolved to authorize the **Town Supervisor** to sign a letter in **support of the New York State Department of Transportation proposal** to install a new sidewalk at Vestal's Memorial Park as part of a broader project to improve pedestrian mobility and safety on Route 434 (Vestal Parkway) under Project Identification Number 903823.

Renew Stop Loss Insurance Contract with Excellus Health Plan

R056-17 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to authorize the Town Comptroller Laura McKane to **renew the stop loss insurance contract with Excellus Health Plan** for the period 4/1/17 – 3/31/18 at a rate of \$92.51 per employee/composite covered unit per month.

Vestal Senior Center Lease Agreement

Councilwoman Messina stated that she supports the Senior Center and that the \$5 increase in the lease is inconsequential.

R057-17 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved for the Town Supervisor to sign the **Lease Agreement with the Vestal Central School District** for leasing of space at the Central Junior High for the Vestal Senior Center. The term of the agreement is 3/1/17 – 2/28/18. The base rent during the lease term shall be \$788.00 per month.

Donation Agreement with NYSE&G

Supervisor Schaffer stated that these poles will be installed at the Glenwood Road baseball field to hold nets that will guard against balls going into the road.

R058-17 On a motion of Councilwoman Agneshwar, seconded by Supervisor Schaffer, the following resolution was

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

**Regular Meeting of the Vestal Town Board
March 8, 2017**

Motion authorizing the Town Supervisor to sign a **Donation Agreement, Liability Release and Express Assumption of Risk with New York State Electric and Gas (NYSEG)** accepting a donation of up to sixteen (16) used telephone poles.

CONSENT AGENDA

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 **Consent Agenda** is approved as follows:

PUBLIC WORKS: Fitzgerald/Majewski

Highway Superintendent to Sign Title for Totaled Plow Truck

R059-17 Retroactive approval for Highway Superintendent Rocco Turdo to sign the title of the totaled plow truck (**VIN# 1HTWZAHR27J412159**) to the insurance company and accept **\$120,814** for payment of the truck.

FINANCE: Agneshwar/Fitzgerald

Receive and File:

- **Warrant Reports** – 2017-07, 2017-07E, 2017-08, 2017-08A, 2017-08E, 2017-09, 2017 09A, 2017-09E
- **Town Clerk Monthly Report – January 2017 – Local Share: \$5,045.78**
- **Town Clerk Monthly Report – February 2017 – Local Share: \$3,228.16**

Budget Transfers

R060-17 Authorization for Deputy Comptroller Nick Angeline to perform **Budget Transfers** dated 1/20/2017-3/2/2017 as attached to his memo to the Town Board dated March 2, 2017.

Budget Correction for Support Contract

R061-17 Authorization for Town Comptroller Laura McKane to **transfer \$5,010.00 from budget line A1990 4322 (Contingent Account) to budget line A1680 4440 (Central Data Processing/Phone System Support)**. This action is necessary to correct an oversight in not budgeting for the support contract for the new phone system which began on 2/1/17. An additional \$470.40 will be charged to the library.

**Regular Meeting of the Vestal Town Board
March 8, 2017**

PUBLIC SAFETY: Fitzgerald/Messina

Receive Grant From the NYS DCJS - \$13,960

R062-17 Approval for the Police Department to receive a **grant from the New York State Division of Criminal Justice Services in the amount of \$13,960** to be used for the purchase of replacement patrol rifles as well as equipping our patrol officers with Active Shooter Ballistic Kits. This grant is being provided in an effort to support the purchase of protective equipment and DCJS approved patrol rifles to provide the greatest level of protection and effectiveness to local police agencies combating active shooter incidents, terrorist attacks, and other criminal events.

Purchase of Equipment for Automated External Defibrillators

R063-17 Authorization for **Police Chief John Butler** to purchase equipment for the **Automated External Defibrillators (AED)** in the amount of \$1682.00. This will be taken out of budget line 2626R which is the *asset forfeiture line*.

RECEIVE AND FILE:

- **Vestal Fire Department Fire Advisory Board Meeting Minutes** – January 16, 2017
- **Letter from Marina Lane** regarding setback variance for proposed Digital Monument Sign request at 400 North Main Street.

END OF CONSENT AGENDA

CHAIR COMMENTS AND UPDATES

Councilwoman Messina announced that the Citizens Police Academy starts on Thursday, March 9th at the Emergency Squad Building in Twin Orchards. For more information, contact Sgt. Stace Kintner at skintner@vestalny.com.

SUPERVISOR'S ANNOUNCEMENTS

Supervisor Schaffer thanked Councilwoman Fitzgerald and Councilman Majewski for their assistance during his recent absence.

ADJOURNMENT

On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the **meeting was adjourned at 6:47 PM**. Carried unanimously.

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