

Regular Meeting of the Vestal Town Board April 12, 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 April 12, 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 11 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 March 22, 2017 are approved.

PRIVILEGE OF THE FLOOR

A speaker asked if there is a possibility that FEMA might be providing funding to improve flood levies. Supervisor Schaffer replied that FEMA wants localities to pay for the certification of the levies even though they are their levies.

A speaker asked if the Town was in any danger of flooding during the rain storms last week. Supervisor Schaffer responded that other than minor flooding in several low lying areas, the Town was not in danger of any major flood event.

A speaker made comments concerning a number of issues as follows:

- The costs for the real estate appraisal services we are approving for Kenneth G. Frommer seems excessive. Did we ask for other pricing? Supervisor Schaffer stated that this appraisal service is needed for a court case.

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- The tax reduction in the Stipulation of Settlement for the Article 7 case on the agenda appears to be too large. We need to do a revaluation. Supervisor Schaffer noted that we are at 100% of full value and do not need a revaluation.
- Why are we purchasing another dump truck when we just got rid of one? Supervisor Schaffer replied that this is a replacement for a vehicle that was totaled. The replacement vehicle can also be used for other purposes.
- He is asking again for the Town to adjust the income eligibility levels for senior citizen property tax reduction to the higher levels approved by the State.
- There should be term limits for Town Boards members and absenteeism should be addressed.
- He has received no response to his complaint concerning intentional dumping of snow in front of his house by a Town plow truck. Supervisor Schaffer responded that he looked into this complaint and it is without merit.

RESOLUTIONS & MOTIONS

Automated Pump Dispensing Service Fleet Card Program

Supervisor Schaffer noted that we do have the letter of commitment to provide fueling services at agreed upon service stations on a 24/7 basis as needed for this award. He thanked Councilman Majewski for all of his work on this issue.

R078-17 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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

Resolved to authorize the Town Attorney to draw the appropriate paperwork to award the **Automated Pump Dispensing Service Fleet Card Program** for fueling services to Mirabito Energy Products of Binghamton NY.

Hire Daniel Barta as Police Officer

R079-17 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 Police Chief John Butler to fill a vacancy by **hiring Daniel Barta as a Police Officer** effective May 8, 2017. Officer Barta will be transferring from the City of Binghamton and as per the PBA collective bargaining agreement his hiring rate of pay will be \$66,159.00. All necessary pre-employment testing has been successfully completed.

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Hire Kenneth G. Frommer Appraisal Services

R080-17 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 approve the hiring of **Kenneth G. Frommer** to provide expert real estate appraisal services for the Town in the matter of **Muench Realty Co. vs Assessor of the Town of Vestal** in the amount of \$2250.00, not including court time. Broome County Index No 2014-1848

Article 7 Settlement - Southern Tier Sports Center and Kashou Enterprises

R081-17 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 Attorney to sign a Stipulation of Settlement for the following Article 7 Tax Certiorari cases filed in Broome County entitled:

Southern Tier Sports Center and Kashou Enterprises Inc. vs. The Assessor of the Town of Vestal, New York and the Town of Vestal, Broome County, New York, Index Nos. 2012- 1892, 2013-1821, 2014-1892, 2015-2104, 2016-1091 as follows:

1. For tax years 2012/2013 the total assessment on 2220 Vestal Road shall be reduced from \$900,000 to \$825,000
2. For tax years 2013/2014 the total assessment on 2220 Vestal Road shall be reduced from \$900,000 to \$825,000
3. For tax year 2014/2015, the total assessment on 2220 Vestal Road shall be reduced from \$900,000 to \$825,000
4. For tax years 2015/2016, the total assessment on 2220 Vestal Road shall be reduced from \$900,000 to \$825,000
5. For tax years 2016/2017, the total assessment on 2220 Vestal Road shall be reduced from \$900,000 to \$825,000

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town / County Tax	Town Refund
2012-13	\$900,000	\$900,000	\$825,000	-\$75,000	\$19,133.82	\$12,635.40	\$315.21
2013-14	\$900,000	\$900,000	\$825,000	-\$75,000	\$19,919.88	\$12,739.24	\$321.58
2014-15	\$900,000	\$900,000	\$825,000	-\$75,000	\$20,462.06	\$15,886.38	\$340.42
2015-16	\$900,000	\$900,000	\$825,000	-\$75,000	\$20,395.36	\$17,541.77	\$338.59
2016-17	\$900,000	\$900,000	\$825,000	-\$75,000	\$33,731.00	\$13,372.03	\$329.19
* Town = General and Highway						TOTALS	\$1,644.99

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The Town Attorney and Business Office are authorized and directed to take all necessary steps to implement this resolution.

Bond for Purchase of Highway Dump Truck

R082-17 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 adopt a bond resolution dated April 12, 2017 titled as follows:

A RESOLUTION AUTHORIZING THE **PURCHASE OF A DUMP TRUCK**, FOR THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$195,000, AND AUTHORIZING THE ISSUANCE OF \$110,000 BONDS OF SAID TOWN TO PAY PART OF THE COST THEREOF.

CONSENT AGENDA

On a motion of Councilwoman Messina, 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 the Jones Road Sanitary Sewer Replacement Project

R083-17 Authorization for the Town Attorney to advertise the **Jones Road Sanitary Sewer Replacement** project on April 19, 2017 to be opened on Thursday May 4, 2017 at 2:00pm in the Town Clerk's office.

Replace the Dump Box on Truck #78

R084-17 Authorization for Parks Department to **replace the dump box on Truck #78**, a 2002 F550 dump truck. The funds to pay for this replacement (\$2,511.00) are to come out of the *Surplus Equipment Sale* fund line.

Hire Margaret Flint as a part-time Account Clerk

R085-17 Authorization for Scott Groats, Water and Wastewater Superintendent to hire **Margaret Flint as a part-time Account Clerk** effective April 17, 2017. Per the CSEA collective bargaining agreement the rate of pay will be \$12.36 per hour. Pre-employment background check and drug testing have been successfully completed.

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Approve BMTS To Draw ADA Transition Plan for Town

R086-17 Approval by the Town Board for the **Binghamton Metropolitan Transportation Study (BMTS)** to develop a conforming **American with Disabilities Act (ADA) Transition Plan** for the Town of Vestal. This free service will be managed by the Town Engineer who will supply BMTS with the required information.

Emergency Repair for Castle Gardens Pumphouse

R087-17 Motion authorizing the Water Superintendent to proceed with the emergency repair of the concrete floor slab at the Castle Gardens Pumphouse at a cost of \$2,430.56 to be done by **21st Century Concrete Leveling**.

Rescind Resolution R067-17 and Adopt New Resolution re: DOT land

R088-17 Motion to rescind Resolution **R067-17** as adopted on March 22, 2017 and to adopt the following resolution:

It is hereby resolved that the Town Board of the Town of Vestal has been advised by the NYS Department of Transportation that the land next to the Vestal Public Library may be made available to the Town of Vestal for the purpose of a new Vestal Emergency Squad Building, subject to the following conditions:

- No access would be allowed on the Route 26 ramp
- The Right-of-Way fence would need to be moved along the new property boundary line to ensure no encroachments.
- All ingress/egress would only be allowed through the current library driveway. (Right Out Only.)

That the Town Board is interested in pursuing this transfer of the land subject to the conditions noted above.

Nothing in this resolution requires the Town to accept the proposed transfer and reserves the right to alter, change or revoke this resolution at any time prior to the actual transfer of the property.

That Town of Vestal Supervisor W. John Schaffer is authorized to execute any agreements or other documents necessary to effectuate the conveyance of the property from the State of New York to the Town of Vestal.

FINANCE: Agneshwar/Fitzgerald

Receive and File:

- **Warrant Reports:** 2017-12, 2017-12E, 2017-14, 2017-14E

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- **Town Clerk Monthly Report:** March 2017 – Local Share Remitted: \$5628.18

Remit Payment for Town Attorney Legal Services

R089-17 Authorization to pay **\$487.50** to **Town Attorney David Berger** for legal services for the period February 1, 2017 through March 31, 2017.

PLANNING & ZONING: Messina/Agneshwar

Letter re: Levee Analysis and Mapping Procedure

R090-17 Retroactive approval for Town Supervisor John Schaffer to sign a letter drafted by Broome County to FEMA urging them to slow the timeline associated with the *Levee Analysis and Mapping Procedure* (LAMP) process.

Vestal Historical Society to Use Library Parking Lot for Fund Raiser

R091-17 Authorization for Jack McQuiston of the **Vestal Historical Society** to hold Doug's Fish Fry Fundraisers in the library parking lot on June 9, 2017 and September 1, 2017. The monies from these fundraisers will be used to support the Museum and its' ongoing exhibits. The applicant is to sign the Town's Indemnification Agreement.

PUBLIC SAFETY: Fitzgerald/Messina

Police to Buy Photographic Equipment

R092-17 Approval for the Vestal Police Department to purchase photographic equipment in the amount of \$1,235.17 to be used by the department's investigative unit. The current equipment is aged and not acceptable for modern evidentiary use. The funds will be taken out of the asset forfeiture line A3120-2626R.

Use of Fred Singer Training Site

R093-17 Approval by the Fire Commissioners to accept the following Departments for usage of the **Fred Singer Training Site** at a cost of \$100 per day:
Five Mile Point Fire Company - April 8th (or makeup day) and May 13th
Chenango Bridge Fire Company - May 6th
North Towanda Fire Department - May 7th
Sayre Fire Department - May 21st
Tioga County, PA Fire Department - June 11th, 2017

ADMINISTRATION: Majewski/Messina

R094-17 Motion to accept a \$1,000.00 donation from **Vilma Byrne**. This donation is to cover the gate cost for the Vestal Recreation Department's Town Picnic, on Wednesday, August 2, 2017.

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RECEIVE AND FILE

- **2016 Vestal Police Department Report**
- **NYS Department of Transportation** – Construction Update - PIN 903808
NYS Route 434 Greenway: South Washington Street Bridge to Pennsylvania Avenue City of Binghamton, Broome County date March 22, 2017

***** END OF CONSENT AGENDA *****

CHAIR COMMENTS AND UPDATES

On behalf of the Vestal Town Board, Councilwoman Messina thanked Velma Byrne for her generous donation of \$1000 to defray the admission cost for everyone who attends the annual Town Picnic in August. Velma has been doing this for a number of years and it has allowed thousands of children to enjoy this popular summer event at no cost.

SUPERVISOR'S ANNOUNCEMENTS

- The NY Department of Environmental Conservation has an [OPEN BURNING BAN](#) policy in place from March 16th to May 14th. Burn Permits will not be issued during this time.
- [BRUSH PICK UP FOR 2017](#)
First Monday of Each Month: May 1, June 5, July 5th, August 7, Sept. 5
Pick-up will be done by two teams with each team starting at the opposite ends of the Town.
- Thank you to all departments for their help during the recent heavy rain storms.

NEW BUSINESS

Memorandums of Agreement – Town of Vestal, PBA and VPSA

The Memorandums of Agreement concern the use of military time credited by the NYS Retirement System for the purpose of satisfying the years of Town service needed to be eligible for health insurance after retirement.

Councilman Majewski stated that this issue should be held over for additional discussion. He feels that the agreement should include contributions for health insurance for the years in question.

A motion to table this resolution was made by Councilman Majewski and seconded by Councilwoman Agneshwar. The **motion to table was defeated.**

Ayes: Majewski **Nays:** Fitzgerald, Agneshwar, Messina, Schaffer

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Supervisor Schaffer noted that there is an \$18,000 savings per officer. If they have served on the force for a long time it can add up to as much as \$50,000 in savings.

Councilwoman Messina stated that she is proud of this legislation. The men and women serve this country and leave their families. She applauds Police Chief Butler for fighting for this.

Councilwoman Fitzgerald stated that we were provided the information we were asking for and she is satisfied.

Councilwoman Agneshwar stated that she supports this agreement but wanted clarification on exactly the section that is being removed. Town Attorney David Berger explained that the last full paragraph of section 2 on page two of the MOA is being removed. The memorandums with the PBA and the VPSA are identical.

R095-17 On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

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

Authorization for the Town Supervisor to sign **Memorandums of Agreement** between the **Town of Vestal and the Vestal Police Benevolent Association (PBA)** and the **Vestal Police Supervisors Association (VPSA)** as attached to the letter from the PBA to Supervisor Schaffer dated April 12, 2017 and amended with the removal of the last full paragraph of section 2 on page 2 of the said agreement.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilman Messina, the **meeting was adjourned at 6:27 PM.** Carried unanimously.

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