

Regular Meeting of the Vestal Town Board July 19, 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 July 19, 2017.

TOWN BOARD PRESENT:

Supervisor Schaffer
Councilman Majewski
Councilwoman Messina
Councilwoman Agneshwar

ABSENT: Councilwoman Fitzgerald

ALSO ATTENDING: Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young and 9 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 Messina, the following resolution was

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

Resolved the Minutes of the Regular Meeting on July 5, 2017 are approved.

BID OPENINGS

Supervisor Schaffer offered *Proof of Posting* and *Affidavit of Publication* for the following bids which were received and opened in the Town Clerk's Office on July 11, 2017:

Water – Chemicals - Opened July 11, 2017 2:00pm

NAME	ADDRESS	Item #	\$ BID
Thatcher Company of New York, Inc.	Salt Lake City, UT 84127	1	NO BID
		2	NO BID
		3	NO BID
		4	\$6.59/Gal
Slack Chemical Company	465 Clinton Street Carthage, NY 13619-0030	1	\$.839/lb \$83.90/CWT
		2	\$.557/lb \$55.70/CWT
		3	\$1.544/Gal
		4	\$5.321/Gal

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Shannon Chemical Corporation	Po Box 376, Malvern, PA 19355	1	NO BID
		2	NO BID
		3	NO BID
		4	6.59/Gal.
JCI Jones Chemical	Warwick, NY 10990	1	\$.60/lb. \$60.00/CWT
		2	\$.435/lb. \$43.50/CWT
		3	NO BID
		4	NO BID
Kuehne Chemical	86 N Hackensack Avenue South Kearney, NJ 07032	1	NO BID
		2	\$1.50/lb. \$150.00/CWT
		3	NO BID
		4	NO BID

Third Avenue Sanitary Sewer Replacement - Opened July 11, 2017 2:30pm

NAME	ADDRESS	\$ BID
Vacri Construction	1 Brick Avenue Binghamton, New York 13901	\$117,000
Procon	PO Box 1037, Vestal, NY 13850	\$132,770
Chicago Construction Co., Inc.	1788 Union Center Hwy Endicott, NY 13760	\$187,000
G. DeVincentis	7 Belden Street, Binghamton, New York 13903	\$110,770

Pipebursting - Opened July 11, 2017 2:10pm

NAME	ADDRESS	\$ BID
Jones Specialty Services Group	PO Box 170, Corbettsville, NY 13749	\$ 548,530.00
PIM Corporation	201 Circle Drive North S. 105 Piscataway, NJ 08854	\$1,045,360.00
Skanex Pipe Services, Inc.	753 Rowley Rd, Victor, NY 14564	\$ 732,825.00

PRIVILEGE OF THE FLOOR

A speaker asked if the Board will take up any new business other than what's on the agenda and for clarification about the Town's relationship with Communication Management Associates (CMA). Supervisor Schaffer replied that he does not expect to take up any new business at this meeting. As to our relationship with CMA, we have been working with them for over two years. We are now expanding our relationship with CMA so as to realize additional revenue opportunities from our new cell tower at Andrews Road.

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Donald Westcott submitted to the Town Clerk a petition with over 50 signatures in opposition to the proposed VINES community garden on North Road in Castle Gardens. He and several other residents from the Castle Gardens area made comments as follows:

- Has the Board made any decision concerning this project?
- They have polled the residents and found no one in support of this project.
- They hope that the Board and the VINES organization will respect the wishes of the residents of Castle Gardens and not put the garden in their community.
- Many users of the Rail Trail already treat their community as if it was an extension of the Rail Trail. This is no longer the quiet residential area that it used to be.
- The history of VINES gardens in other locations is mixed. Not all gardens have worked and the community is left with an unkempt site.

Supervisor Schaffer reiterated to the Castle Gardens residents that the Board has made no decision on the VINES community garden proposal. They merely allowed VINES to do a community outreach so as to disseminate information and gauge community interest. The proposed use generated some interest because it is very low impact and could benefit some of the residents in the areas. Years ago, this area had much more activity with youth sports and there were few complaints. The Town maintains their vacant lots and although no decision has been made on the potential use of these properties, it would be nice to put them to some low impact use. Additionally, he resents allegations that the Town is not doing anything for this area. He intervened to have some road repairs done earlier than scheduled. That work will be completed after NYSEG repairs the gas lines. He urged the residents of Castle Gardens to attend the upcoming VINES meeting and asked them to keep an open mind because the Town would try to put some of these flooded vacant lots to good use.

A speaker thanked Lowes for selecting the Vestal Police Department as their Lowes Hero Program organization of the year and for its continuing support of the Vestal Fire Department.

RESOLUTIONS & MOTIONS

Town Attorney to Draw Paperwork to Award Bids

R151-17 On a motion of Councilwoman Agneshwar, seconded by Councilman Majewski, the following resolution was

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

Resolved to authorize the Town Attorney to draw the appropriate paperwork to award to the low bidders as follows:

Pipebursting: **Jones Specialty Group Bid Price: \$548,530.00**
 PO Box 170, Corbettsville, NY 13749

Water Chemicals: Slack Chemical Company

465 Clinton Street, Carthage, NY 13619-0030

Hydrofluosilicic Acid (Fluorosilicic Acid) **Bid Price: \$5.32 per Gallon**

Sodium Hypochlorite **Bid Price: \$1.54 per Gallon**

Water Chemicals: JCI Jones Chemical

103 River Street, Warwick, NY 10990

Chlorine 150# **Bid Price: \$0.60 per pound**

Chlorine 2000# **Bid Price: \$0.435 per pound**

Third Avenue Sanitary Sewer: **G. DeVincentis Bid Price: \$110,770**
 7 Belden Street, Binghamton, NY 13903

Special Permit for Gateway Sign at 4729 Vestal Parkway East

Councilman Majewski stated that he has always opposed these types of electronic signs and will vote against this one but noted that this is a good gateway location.

Supervisor Schaffer stated that, as per the discussion during the July 17, 2017 Work Session, the Town Board has agreed that it will not entertain any additional requests for gateway signs.

R152-17 On a motion of Councilwoman Agneshwar, seconded by Councilwoman Messina, the following resolution was

ADOPTED Ayes 3 Agneshwar, Messina, Schaffer

Nays 1 Majewski Absent 1 Fitzgerald

Resolved to adopt a Resolution approving the Special Permit request from **Jax Signs, Inc.** pursuant to Vestal Town Code Section 5-127.2 for a **Gateway Sign (Monument Style-LED Digital) to be placed at 4729 Vestal Parkway East, Vestal, NY (Tax ID 159.15-1-34).** Said permit is expressly conditioned upon the Town and Jax Signs Inc. entering into an acceptable agreement that provides the

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Town the ability to submit Town-related messages for no fee and including any other provisions required of the Applicant under the Town Code and,

That the Town Board has reviewed the Short Environmental Assessment Form and other information provided by the applicant and finds that there are not any significant inter-community impacts and has determined that the proposed action will not result in any significant adverse environmental impacts.

That this resolution is conditioned upon receiving an amended GML-239 report from Broome County that there are no additional concerns as to this project.

Temporary Expenditure of General Fund Monies for New Fire Station # 4

R153-17 On a motion of Councilwoman Messina, seconded by Councilman Majewski, the following resolution was

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

Resolved to adopt the following:

RESOLUTION OF INTENT REGARDING THE TEMPORARY EXPENDITURE OF GENERAL FUND MONIES PRIOR TO THE PROPOSED SALE AND ISSUANCE OF GENERAL OBLIGATION BONDS AND/OR NOTES OF THE VESTAL FIRE DISTRICT IN THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, IN THE AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$250,000 IN CONNECTION WITH PLANNING THE CONSTRUCTION OF A NEW FIRE STATION, IN AND FOR SAID FIRE DISTRICT.

Letter of Intent and/or Contract to Purchase Properties at 118 Jensen Road

R154-17 On a motion of Councilwoman Agneshwar, seconded by Councilwoman Messina, the following resolution was

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

Resolved to adopt a Resolution authorizing the Town Supervisor, acting as Town of Vestal Fire Commissioner, to enter into a letter of intent/and or contract with the American Legion Post #89 to purchase the properties located at **118 Jensen Road**, Vestal NY, BCTMP # [158.15-1-5.3](#) and [158.15-1-5](#) for the purpose of the relocation of **Vestal Fire Station 4** in an **amount not to exceed \$600,000**. Said contract will be contingent upon passage of a referendum for the purchase price and renovations to be made thereon, and a contract acceptable to the Town Attorney.

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Addendum to Agreement with Communication Management Associates

R155-17 On a motion of Councilwoman Messina, seconded by Councilman Majewski, the following resolution was

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

Resolved to adopt an Addendum to the Agreement between **Communication Management Associates (CMA)** and the Town of Vestal as follows:

The intent of this addendum is to clarify that CMA, Inc. is in a position to investigate additional revenue opportunities for the Town of Vestal relative to its new telecommunications tower; Therefore, it is further agreed that:

1. CMA, at its sole expense, shall investigate for the benefit of the Town, opportunities for subleasing components of the Town's tower to third parties. Any such opportunity is expressly subject to Town approval by the Code and Engineering departments and the Vestal Town Board.
2. CMA, at its sole expense, will bring all opportunities to the Board for its review and if the Board should approve and accept any of these opportunities, CMA shall be entitled to receive 20% of the gross receipts for the duration of the agreement and 5% if a capital opportunity should exist in the sale of the tower or any tower in the town's inventory.
3. CMA understands that any opportunity shall not interfere with any 911, police, fire or emergency services or any other equipment associated with such services located on the tower.
4. CMA agrees that the Town is under no obligation to accept any of CMA's recommendations or opportunities presented under this agreement and that the Town remains free to seek and accept other opportunities that may be offered, whether or not CMA procures the same, and that CMA is not entitled to any fees related to such opportunities.
5. Both parties agree that the terms and conditions of the underlying agreement remain in full force and effect.

CONSENT AGENDA

On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

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

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

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PUBLIC WORKS: Fitzgerald/Majewski

R156-17 Authorization for the Town Attorney to make the necessary paperwork awarding the following bids:

- A) Pipebursting: Jones Specialty Group –**
PO Box 170, Corbettsville, NY 13749 **Bid Price: \$548,530.00**
- B) Water Chemicals: Slack Chemical Company –**
465 Clinton Street, Carthage, NY 13619-0030
Hydrofluosilicic Acid (Fluorosilicic Acid) **Bid Price: \$5.32 per Gallon**
Sodium Hypochlorite **Bid Price: \$1.54 per Gallon**
- C) Water Chemicals: JCI Jones Chemical –**
103 River Street, Warwick, NY 10990
Chlorine 150# **Bid Price: \$0.60 per pound**
Chlorine 2000# **Bid Price: \$0.435 per**
pound
- D) Third Avenue Sanitary Sewer: G. DeVincentis –**
7 Belden Street, Binghamton, NY 13903
Bid Price: \$110,770

Advertise Bids for Fluoride Equipment and Liquid Polymeric Phosphate

R157-17 Authorization for the Town Attorney to advertise on July 26, 2017 for the request for bids for the Water & Wastewater Superintendent Scott Groats for **Fluoride Equipment Project and Liquid Polymeric Phosphate**. The bids are to be opened on August 15, 2017 at 2:00 pm and 2:10 pm respectively.

FINANCE: Agneshwar/Fitzgerald

Receive and File:

- **Warrant Reports:** 2017-27, 2017-27E, 2017-28, 2017-28E
- **Town Clerk's Monthly Report –** June 2017 - \$5,122.44 Local Shares Remitted

Town Attorney Billable Hours

R158-17 Approval for the Business Office to pay **Town Attorney David Berger** in the amount of \$1,062.50 for the June 2017 billable hours.

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Budget Transfers

R159-17 Authorization to complete **Budget Transfers** dated January to June 2017 as attached to the memo from Deputy Comptroller Nick Angeline to the Town Board dated 7/12/17.

PUBLIC SAFETY: Majewski/Messina

Accept Grant for Police Traffic Service Program

R160-17 Authorization to accept a grant from the Governor's Traffic Safety Committee in the amount of \$5,000 to participate in the statewide ***Police Traffic Service Program***. The goal of the grant is to increase seat belt usage and reduce dangerous driving behaviors.

Approve Thomas Risoli as a Member of the Vestal Fire Company # 2

R161-17 Authorization from the Board of Fire Commissioners to approve **Thomas Risoli** as a member of the Vestal Fire Department at Company # 2.

ADMINISTRATION: Messina/Majewski

Recreation to Hire 2017 Summer Labor

R162-17 Authorization for Recreation Planner Sue Jastran to hire 2017 Summer Labor for Summer Camps as per her memo to the Town Board dated July 13, 2017:

A7310.1128 - Girls Lacrosse Camp Labor - Start Date, July 10

A7310.1028 - Softball Camp Labor - Start Date, July 17

A7310.1131 - Volleyball Camp Employees - 3 camps

All employee pay rates are budgeted items in the 2017 budget and the background check has been completed.

R163-17 Approval for Recreation Planner Sue Jastran to hire **Joseph D'Esti** as Basketball Camp Instructor at a pay rate of \$180.00 salary. A7310.1123 - Basketball Camp Labor - Ran July 10, 2017.

Donation of \$1,000 from the Vestal Youth Lacrosse League

R164-17 Authorization to accept a donation of \$1,000 from the **Vestal Youth Lacrosse League**. This donation is to be used for activities at the *Fall Festivals on the Rail Trail*, Saturday, September 23, 2017.

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Scrap Various IT Hardware and Equipment

R165-17 Approval for Director of Information Technology Dan Williams to scrap various hardware equipment as identified in the list attached to his memo to the Town Board dated 7/11/17. The list contains computers, printers, backup hardware, kvm switch and the old phone equipment. The items have no value to the Town and will be taken to a local scrap recycler for proper disposal.

RECEIVE AND FILE:

- Letter from Donald & Theresa Westcott congratulating the performance of the Vestal Community Band at the Oakdale Mall. The letter noted that the Vestal Community Band is wonderful ambassador for our Town and that the funds to support this group are well invested.
- Letter of Resignation from Mark L. Dedrick, Code Enforcement Officer, dated July 18, 2017.

END OF CONSENT AGENDA

PETITIONS & PROTESTS

A petition with over 50 signatures in opposition to the proposed VINES community garden on North Road in Castle Gardens was received and filed.

SUPERVISOR'S ANNOUNCEMENTS

- **VINES**, a local non-profit organization, will hold a meeting concerning the proposed community garden in the Castle Gardens area. The meeting will be held at the Vestal Public Library on Thursday, July 27th, 5pm to 6pm.
- The Youth Police Academy is underway with a record 42 participants. Special thanks to Sergeant Kintner and Officer Talbut for their time and devotion.

ADJOURNMENT

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

Approved by _____
Emil J. Bielecki, Town Clerk