

Regular Meeting of the Vestal Town Board August 9, 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 August 9, 2017.

TOWN BOARD PRESENT:

**Supervisor Schaffer
Councilman Majewski
Councilwoman Fitzgerald
Councilwoman Messina
Councilwoman Agneshwar**

ALSO ATTENDING: Town Attorney David Berger, Town Engineer Vern Myers, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young and approximately 25 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 July 19, 2017 are approved.

PRIVILEGE OF THE FLOOR

Several residents from the areas that were impacted by the recent flooding of Choconut Creek expressed a number of concerns and requested assistance to recover from the damage. A summary of their comments is as follows:

- This flooding was partially caused by a failure to clean the debris out of the creek. The residents are asking that DEC allow this to be done to mitigate some of the problems.
- Some properties have been flooded 6 times. Is there a possibility of a buy out?
- Home values of the flooded properties have declined. Will the flooded properties be reassessed?
- The residents thank Taylor Garbage for providing the dumpsters.
- There is still a lot of debris on their roads. They would like Highway to come up with a sweeper and a water truck.

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- Pennsylvania has released more water downstream and this has exacerbated the flooding of Choconut Creek in our area.
- The watershed on the Choconut Creek is tremendous. It starts about 18 miles away. These problems won't be resolved overnight. The Town needs to look at our bridges. The West Hill Bridge acts like a damn.
- A member of the Conservation Advisory Committee (CAC) stated that they did a study of the creeks several years ago and the report is available online for review. A retention pond has been talked about for years.
- We need better routine maintenance of the creek. It can prevent some of this destruction. We need a plan.
- Powerhouse Road (Sugar Creek) was affected in 2011. It was fixed with rip rap. Can we do the same at Richards Avenue?
- A Tharp Street resident stated that her garage is in the flood zone but she has never had water in her house previous to this incident. This time the water came into her house. She has no flood insurance.

Supervisor Schaffer stated that he and the Board understand the seriousness of this flooding problem and are working hard to provide immediate assistance as well as a longer term solution. However, our options are limited. The creeks are not a part of the Town's infrastructure. FEMA will not buy the home owners out. This event was not declared a Federal disaster and does not qualify for direct Federal Aid although some FEMA money may come to us through the State. He is meeting next week with a number of State and Federal elected officials to discuss solutions to the flooding problem. The Town Engineer has been meeting with DEC. They have thought about a retention pond being a part of the solution. He had the Town clean out trees near the Meeker Road Bridge. 43 properties and one business were affected. He is hoping for more answers within the next few weeks. The Town Assessor will be out there reviewing the assessments on the affected properties but any changes will not take effect until next year.

Town Engineer Vern Myers explained that we have 5 major water sheds. There are many approaches to try to fix this. We are trying to gauge water releases from Pennsylvania so we are better prepared. One solution is to *impound* the water. It will involve a land purchase. It would be difficult but worth the discussion. Dredging the Choconut Creek is not a long term answer. For now, we can only work on the areas where the Town owns the land or has easements. As we explore longer term solutions, we will need advocates from the Town to work with us.

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Although the Town is limited in what it can do to protect the flooded properties, residents who own the land under which the water flows can take some actions to protect their properties but it has to be done in a way so as not to negatively impact other properties. Rip rap can help but rock is not a long term solution. It's not just Choconut Creek. We are in a cycle of more intense short duration storms. While the Town would like to do more, we can only protect Town infrastructure at this time.

A speaker stated that the *full-time* Building & Code Inspector position that is being approved tonight was advertised initially as a *part time* position. Under CSEA rules, any change in an open position requires a new posting. Was this done? Supervisor Schaffer replied that he did not know the answer but that he would look into it.

RESOLUTIONS & MOTIONS

Supplemental Agreement #1 - Washington Drive Bridge Rehabilitation

R166-17 On a motion of Councilwoman Messina, seconded by Councilwoman Messina, the following resolution was

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

Resolved to adopt the **Supplemental Agreement #1** to the Master Federal-Aid Local Project Agreement (D035498) re: a **Washington Drive over Fuller Hollow Creek Bridge Rehabilitation**, Project ID No. 9754.00 and to authorize the Vestal Town Supervisor to sign the revised agreement.

These revisions are required because the State is now asking that a higher amount (\$4,000) be appropriated to cover both the preliminary and the final engineering/design work for the project. The Town will be reimbursed 100% with Federal and State funds.

Approve Vestal Police Benevolent Association (PBA) Tentative Agreement

R167-17 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 Tentative Agreement between the Town of Vestal and the **Vestal Police Benevolent Association (PBA)** reached on July 18, 2017 and to authorize the Town Supervisor to sign the resulting collective bargaining agreement.

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Hire Brian Christophersen as a full-time Building & Code Inspector

R168-17 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 authorize Code Enforcement Officer Lincoln Ellis to appoint **Brian Christophersen** as a full-time Building & Code Inspector (provisional) effective August 28, 2017 at the CSEA rate of \$20.05 per hour. The background check and pre-employment drug test have been successfully completed.

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** 2017-29, 2017-29E, 2017-30, 2017-30E, 2017-31, 2017-31E
- **Town Clerk Monthly Report July 2017** – Local Shares Remitted: \$4909.33

Hire Real Estate Appraisal Consultant Kenneth Frommer

R169-17 Authorization for the Town Attorney to hire Real Estate Appraisal Consultant **Kenneth G. Frommer** to undertake and complete an appraisal of the property at 112 Clayton Avenue, BCTMP 157.18-2-8, at a cost of \$2,950.00.

Billable for Town Attorney

R170-17 Authorization for the Business Office to submit payment in the amount of \$800.00 to **Town Attorney David Berger** for July 2017 billable hours. Time: 5 hours 20 minutes.

PLANNING & ZONING: Messina/Fitzgerald

Building & Code Inspector Steve Cortright to Training

R171-17 Authorization for **Steve Cortright, Building & Code Inspector** to attend a 2 day training class (Course: #01-10-0017) at the NYS Fire Academy in Montour Falls, NY. This class will cover the design and plan review for the installation of fire sprinkler systems under the National Fire Prevention Assoc. 13 (NFPA13) Standard. This 2-day class runs from September 6 – 7, 2017 at a cost of

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\$41.00 with 4 meals included. Mr. Cortright will be commuting from home, so there are no accommodation expenses or use of a town vehicle.

PUBLIC SAFETY: Majewski/Messina
Police Vehicle to Broome-Tioga Auction

R172-17 Approval to sell via the September 2017 Broome-Tioga Auction the following retired Police Department vehicle which is no longer in service: 2005 Ford Taurus (VIN#1FAFP53U45A165901) with approximately 60,000 miles.

ADMINISTRATION: Messina/Majewski
Hire Summer Labor

R173-17 Authorization for Recreational Planner Sue Jastran to **hire employees for various camps and organized activities** as detailed in her memo to the Town Board dated July 31, 2017. All employee pay rates are budget items in the 2017 budget and the background checks have been completed.

Grant from William G. Pomeroy for Willis Cemetery Historical Marker

R174-17 Approval for the Vestal Historic Preservation Commission member Margaret Hadsell to accept a grant from the *William G Pomeroy Foundation* in the amount of \$1,060.00 to cover the cost and delivery of a historical marker for the Willis Cemetery on Vestal Road.

RECEIVE AND FILE:

July 28, 2017: Notification from the Empire State Development (EDS) of a Public Hearing to consider the General Project Plan for the Flex Tech Alliance Capital Project in Broome County (EDS has granted up to \$20,000,000 for the project). The Public Hearing is on August 15, 2017 at 2:00 PM in the Broome County Legislative Chambers.

END OF CONSENT AGENDA

SUPERVISOR'S ANNOUNCEMENTS

- Next week, he will meet with State and Federal elected officials to discuss long term solutions to the flooding problems along the creeks in Vestal.
- **2nd Saturday & Cocktail Party with Devinne Myers:** Saturday, August 12th, 8-10 PM. Come listen to the powerful voice of Devinne Myers while sipping a cocktail, cup of coffee, wine or tea in the intimate Vestal Museum.

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OTHER NEW BUSINESS

Kopernik Observatory 5k Road Race

Councilman Majewski stated that although most issues have been adequately addressed at the Work Session, the Police Chief has expressed some concerns about this event. We should authorize this event contingent upon satisfactorily addressing the concerns of the Police Chief.

R175-17 On a motion of Councilman Majewski, seconded Councilwoman Messina, the following resolution was

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

Resolved to approve the **Kopernik Observatory & Science Center** to hold the ***Race to the Stars*** 5k road race on September 16, 2017. The race will begin at the corner of West Hill Rd. and Glenwood Rd. and will end at the Kopernik Observatory on Underwood Road. Emergency services have been contacted and will be available for the event. Race participants will sign waivers. A Certificate of Liability Insurance rider naming the Town as an insured party has been provided. This approval is contingent upon satisfactorily addressing the concerns of the Vestal Police Chief.

Emergency Repairs to Storm Damaged Road Slopes and Stream Banks

R176-17 On a motion of Councilman Majewski, seconded Councilwoman Messina the following resolution was

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

Resolved to authorize Town Engineer Vernon Myers to contract with **JB Excavation** of Apalachin, NY to perform emergency work at a total cost of \$67,800.00 as follows:

- Repair of slope failure on Stateline Road
- Repair of stream bank protection on David Street and Meeker Road

The emergency resulted from a storm event that prompted Broome County and the Town of Vestal to declare a State of Emergency. This expenditure is authorized under GML 103 (4) in that the emergency was an unforeseen occurrence affecting public property and the life, health and safety of the residents of the Town of Vestal requiring immediate action which cannot await competitive bidding or competitive offering.

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Budget Transfer to Cover State Grant Reduction for Recreation Programs

R177-17 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 to amend the 2017 budget by reducing the budgeted revenue from State Aid and reducing an expenditure line (contingency A1990.4322) in the amount of \$2,060.00. This revenue shortfall is due to a reduction in a grant for the Youth Bureau's Youth Development Programs. The budget adjustment will allow the Recreation Department to carry out the planned activities for 2017. These programs will be revisited for the 2018 budget.

Installation of Sign for Farmer's Market

R178-17 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 Linda Kuzawinski to install a sign at the Farmer's Market reading *Farmer's Market - Saturday & Wednesday 9:00 – 1:00*. This sign will be added to an existing sign at the front of the Vestal Library and its installation will be inspected by the Town Engineer.

EXECUTIVE SESSION

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

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

Resolved the Board enter into Executive Session to discuss the School District Article 78 litigation. The time was 6:53 PM.

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

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

Resolved the Board leave the Executive Session and **adjourn the Regular Meeting at 7:04 PM.**

Approved by _____
Emil J. Bielecki, Town Clerk