

Regular Meeting of the Vestal Town Board October 25, 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 October 25, 2017.

TOWN BOARD PRESENT:

Supervisor Schaffer
Councilwoman Fitzgerald
Councilwoman Messina
Councilwoman Agneshwar
Councilman Majewski

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

Supervisor Schaffer announced the passing of **Delivan “Augie” Gates** on October 21st. Augie was the owner of Broome Bituminous Products in Vestal and was a respected business and community leader. He served in numerous capacities including as the Director of the Vestal Youth Football League, as a member of the Vestal Recreation Commission and as a long-time member of the Vestal Planning Board. Augie was a generous man who regularly supported local youth sports. He was a man of honor and integrity who will be greatly missed by his family, friends and everyone who had the pleasure of knowing him. Supervisor Schaffer then asked those present to join in a *Moment of Silence* in memory of Augie Gates.

APPROVAL OF MINUTES

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

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

Resolved the Minutes of the Regular Meeting on October 11, 2017 are approved.

PUBLIC HEARINGS

Public Hearing - Special Permit for Barney & Dickinson, Inc.

Supervisor Schaffer provided the *Proof of Posting* and *Affidavit of Publication* and then opened the Public Hearing regarding the issuance of a Special Permit to **Barney &**

Regular Meeting of the Vestal Town Board
October 25, 2017

Dickenson, Inc. for the premises situate at 520 Prentice Road in the Town of Vestal and situated in an ID, Industrial Development District, in accordance with the Aquifer Zoning requirements. Purpose: installation of an above ground tank for storing and dispensing of diesel fuel.

Mary Murphy Harrison, representing Barney & Dickenson, Inc. explained that this would be 15,000 gallon above ground tanks. The tank is double walled and is completely electronically controlled. It is environmentally friendly and will allow for better monitoring of the diesel fuel. It will be positioned in an open area and will have camera security. There is a built in fire suppression system right on the tank.

A speaker asked about the old tank. Town Engineer Vern Myers explained that the DEC will overlook the removal of the old tank. There are still a number of steps that need to be taken to complete this tank replacement process, including a code review and a building permit.

Seeing or hearing no one else wishing to speak, Supervisor Schaffer closed the Public Hearing.

Public Hearing - Vehicle Service Station Permit for Vestal Auto Dealerships

Supervisor Schaffer provided the *Proof of Posting* and *Affidavit of Publication* as well as the 239 l & m review and then opened the Public Hearing regarding the issuance of a Vehicle Service Station Special Use Permit to **Vestal Auto Dealerships, LLC** for the premises situated at 1000 Vestal Parkway East in the Town of Vestal, and located in a Community Business District (C2), for the purpose of engaging in vehicle service activity associated with a new automobile dealership.

Joe Dell, the project sponsor, and Michael Haas, the project architect, presented the details regarding this application.

Submitting the *Affidavit of Mailing*, they advised the Board that they are asking for a *waiver of compliance* based on the good faith effort and due diligence that they made in trying to comply with **Section 24-385** of the Town Code.

Section 24-385 of the Town Code reads as follows:

At the time of the public hearing, the applicant must present to the town board a statement from fifty (50) percent of the owners of real property, as shown on the latest completed assessment roll, within five hundred (500) feet of the subject

Regular Meeting of the Vestal Town Board October 25, 2017

premises, that such owners are in favor of the granting of such permit to the applicant. The statement must be subscribed and sworn to by a notary public.

Mr. Haas stated they forwarded a Special Use Permit Petition to property owners within a 500 foot radius. They mailed 51 in total of which 41 were returned. Of those 6 were returned as undeliverable for various reasons. 20 letters were returned as being in favor. Of the 11 properties including this property, which were within the 100 foot radius they received 5 positive votes out of 10. One address is a deceased person and one refused delivery. In summary, there was over 50 % approval from the properties within the 500 foot radius and approximately 63% approval rating of those within the 100 foot radius. DOT made no comments under the 239 l & m review because the planned use of the property is grandfathered in.

Mr. Haas noted that the new owners will keep the building footprint and update the façade. The site plan will be submitted to the Planning Board for review. The overall site will be upgraded. Storm drainage will be improved and maintained. There will be new lighting with LED fixtures designed to focus the light directly onto the property and minimize light pollution. They will clean up the existing fencing and clean out debris near Walter Road.

A speaker stated that his business is in the vicinity of this property and he was concerned about the boundaries. Upon hearing this presentation, he now supports the project.

Another speaker expressed his support for this business and looks forward to the improvement that will be made to this property.

A speaker asked who the principal owner of this business is. Joe Dell replied that it is Mr. Domiano who owns other auto dealerships in Eyon, PA. This will be a Chrysler-Dodge-Jeep dealership.

Mr. Haas stated that there will be adequate clearance for emergency vehicles to get around the building.

Councilwoman Agneshwar asked if the landscaping and the lighting on the property will help to protect the neighbors from nuisances. Mr. Haas replied that the planned landscaping will improve what currently exist. They may add evergreens as well near Walter Road. The main lights will shut down late at night and minimal security lights

**Regular Meeting of the Vestal Town Board
October 25, 2017**

will come on. This site sits in a hollow compared to the neighbors. There should be no light shining outside of the property.

A speaker asked about possible traffic problems. Mr. Hass replied that there should be no problem with traffic or the timing on the nearby traffic signal. DOT has not asked for any changes. This type of business does not attract heavy or concentrated traffic.

Seeing or hearing no one else wishing to speak, Supervisor Schaffer closed the Public Hearing.

Negative Declaration of SEQR - Special Permit to Barney & Dickenson, Inc.

R214-17 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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

Resolved to approve a **Negative Declaration of SEQR** concerning the proposed Aquifer Permit for Barney & Dickenson, Inc. for the premises situate at 520 Prentice Road, Vestal NY and being designated as Broome County Tax Map No. 142.04-1-13.1 and situated in an Industrial Development District (ID), for the purpose of installing an above ground tank for storing and dispensing of diesel fuel.

The Town Board of the Town of Vestal hereby finds and determines that:

(a) it has considered the action, reviewed the environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with the proposed project

(b) This project will not result in any large and important environmental impacts, and, therefore, is one, which will not have a significant impact on the environment, and, therefore, a negative declaration is hereby adopted.

Special Permit to Barney & Dickenson, Inc.

R215-17 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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

Resolved to grant the issuance of a **Special Permit to Barney & Dickenson, Inc.** for the premises situated at 520 Prentice Road in the Town of Vestal, New York and

Regular Meeting of the Vestal Town Board
October 25, 2017

being designated as Broome County Tax Map No. 142.04-1-13.1 and situate in an Industrial Development District (ID), in accordance with the Aquifer Zoning requirements, for the purpose of installing a 15,000 gallon above-ground tank to store and dispense diesel fuel.

Negative Declaration of SEQR - Vestal Auto Dealerships, LLC

R216-17 On a motion of Councilwoman Agneshwar, seconded by Councilman Majewski, the following resolution was

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

Resolved to approve a **Negative Declaration of SEQR** concerning the Special Permit for a Vehicle Service Station for Vestal Auto Dealerships, LLC, under section 24-385 of the Town of Vestal Code, for a new automobile dealership at 1000 Vestal Parkway E, Vestal NY and being designated as Broome County Tax Map No. 157.19-3-2 and situated in a Community Business District (C2).

The Town Board of the Town of Vestal hereby finds and determines that:

(a) it has considered the action, reviewed the environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with the proposed project

(b) This project will not result in any large and important environmental impacts, and, therefore, is one, which will not have a significant impact on the environment, and, therefore, a negative declaration is hereby adopted.

Special Permit for a Vehicle Service Station - Vestal Auto Dealerships, LLC

Town Attorney David Berger noted that insofar as there was some ambiguity in regard to the mailings, there is a provision in the Code which allows the Board to proceed in the absence of determining that every single person within the 500 foot radius was contacted. This waiver, under Section 24-376(b) of the Code, states that the Town Board upon finding that the spirit of this chapter will be observed and subject to appropriate conditions may, in its sole discretion and judgment, waive any provisions, requirements or mixes in uses when granting a special permit. He advises that this waiver should be a part of the motion to approve this special permit. **The Board agreed unanimously.**

R217-17 On a motion of Councilwoman Agneshwar, seconded by Councilwoman Messina, the following resolution was

Regular Meeting of the Vestal Town Board
October 25, 2017

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

Resolved to approve a **Special Permit for a Vehicle Service Station to Vestal Auto Dealerships, LLC**, under section 24-385 of the Town of Vestal Code, for a new automobile dealership at 1000 Vestal Parkway East in the Town of Vestal, New York and being designated as Broome County Tax Map No. 157.19-3-2 and situated in a Community Business District (C2).

Insofar as there was some ambiguity in regard to the mailings, the Board finds that the spirit of Chapter 24 of the Town Code was observed and a waiver from the provisions of Section 24-385 is hereby granted as permitted under Section 24-376 of the Town Code.

The applicant has acknowledged that he has reviewed Section 24.385 of the Town Code concerning a **Vehicle Service Station Permit** and is in full compliance or will be in full compliance with each and every provision of that particular section and that there is nothing that needs Board attention other than what has been set forth in the statute. He has already complied or will comply with the requirements set forth by the Code Department. The Board finds that the public convenience and welfare will be substantially served by the issuance of this permit.

PRIVILEGE OF THE FLOOR

A speaker expressed a number of opinions and complaints as follows:

- The Fire District Budget has increased excessively. Will that have a negative impact on the Town Budget? Supervisor Schaffer replied that even with a larger increase in the Fire Budget, he expects that the Town tax levy will still come in below the state mandated cap. There will be a public hearing on the Town Budget.
- He is concerned that the arrangement we have with the Vestal Library does not adequately cover the Town's expenses.
- The hours for collection of the school taxes are inadequate. Supervisor Schaffer explained that the County is collecting the taxes. The Town challenged the School District to take over school tax collection, but ultimately settled on an agreement to allow the County to collect the school taxes this year. For the next two years, the Town will collect the school taxes. We expect to provide better service.
- He wants details about all of the approved budget transfers. Supervisor Schaffer responded that he does not have all of that information readily available and advised the speaker to file a FOIL request with the Town Clerk.

Regular Meeting of the Vestal Town Board October 25, 2017

- How many fire fighters are paid? Supervisor Schaffer replied that the Vestal Fire Department has about 130 volunteers and none are paid.
- Why are we getting another dog control officer? Supervisor Schaffer replied that we are not. This is backup person who is only called out to pick up dogs when the dog control officer is unavailable.
- He reiterated his complaints about the Assessor's office lack of response to his grievances, the lack of action by the Board on expanding a property tax exemption for seniors, Board absenteeism and term limits. Supervisor Schaffer noted that he has responded numerous times to all of these questions and sees no reason to continue addressing them.

A speaker asked why M & T Bank is no longer collecting school taxes. Supervisor Schaffer replied that he did not know why this arrangement between the School District and the bank was terminated but assumes that M & T no longer wanted to collect the taxes.

A speaker asked the Board to consider reinstating a second privilege of the floor so that if additional business is brought up by the Board during the meeting, the public will have an opportunity to comment on it. Supervisor Schaffer noted that the change was made in response to some abuses of the public comment segment. If circumstances warrant it, he may again adjust the agenda to allow for additional public comment.

RESOLUTIONS & MOTIONS

Governor's Office of Storm Recovery (GOSR) Application

R218-17 On a motion of Councilwoman Messina, seconded by Councilman Majewski, the following resolution was

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

Resolved to authorize the Town Board to execute and Supervisor Schaffer to sign the **Governor's Office of Storm Recovery (GOSR)** application for funding of the Vestal EMS facility, a NY Rising Project.

Adopt Fire District 5 Year Capital Plan

Supervisor Schaffer stated that he is pleased to have this in place. It shows great vision from this Board and he hopes that future Boards will follow this lead.

R219-17 On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, the following resolution was

Regular Meeting of the Vestal Town Board October 25, 2017

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

Whereas the Vestal Fire District needs a plan for the future replacement of vehicles and apparatus and,

Whereas the Board of Fire Commissions of the Vestal Fire District has the financial goal to increase capital reserves in order to finance, in part, the replacement of vehicles and apparatus and to reduce the dependency on issuing debt and

Whereas the Vestal Fire District has developed a plan to achieve this goal with planned annual increases in the tax levy of approximately \$.0575 per \$1,000 of taxable assessed value, and

Whereas the provisions of this plan were discussed at the public hearing on the district's 2018 budget,

Now therefore be it resolved that the following be adopted to represent the district's 5 year capital plan which modifies the previous 5 year plan adopted on October 26, 2016. Material modifications to this plan may only be made by the affirmative vote of two-thirds of the Board of Fire Commissioners:

VESTAL FIRE DISTRICT 5 YEAR CAPITAL PLAN

Vehicle ID	Refurb / Purchase Date	Current Age	Replacement Yr. Planned	Replacement Age	Method of Financing	Est Cost to Replace
Tanker 2	1988	29	2017	29	Reserve	\$370,000
Station 4			2019		Bond	\$4,000,000
Ladder	1985	32	2019	34	Bond	\$1,400,000
Tanker 3	1989	28	2018	29	Reserve	\$375,000
Engine 4	1998	19	2019	21	Bond	\$700,000
Engine 1	1998	19	2019	21	Bond	\$700,000
Training Van	1996	21	2019	23	Reserve	\$35,000
Traffic Trailer	1990	27	2020	30	Reserve	\$15,000
Engine 2	1998	19	2020	22	Bond	\$775,000
Engine 3	1998	19	2020	22	Bond	\$775,000
Command Vehicle	2000	17	2020	20	Reserve	\$155,000
Chief 4	2008	9	2021	13	Reserve	\$60,000
Chief 2	2008	9	2021	13	Reserve	\$60,000
Emergency Generators			2021		Reserve	\$250,000
Chief 3	2008	9	2022	14	Reserve	\$60,000
Chief 1	2008	9	2022	14	Reserve	\$60,000
SCBAs	2007	10	2022	15	Bond	\$600,000

Regular Meeting of the Vestal Town Board
October 25, 2017

Nothing in this plan shall be construed to authorize the Vestal Fire District to incur indebtedness for which obligations may be issued except as provided by local finance law.

Adopt the Final 2018 Vestal Fire District Budget

R220-17 On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

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

Resolved to adopt the Final **2018 Vestal Fire District Budget** with total appropriations (including foam district) of \$1,311,137.

CONSENT AGENDA

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

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

Resolved to approve the **Consent Agenda** as follows:

PUBLIC WORKS: Fitzgerald/Majewski

Appoint William Peltz to Maintenance Crew Chief

R221-17 Authorization to appoint **William Peltz** to the vacant position of Water/Wastewater Maintenance Crew Chief at the Operating Engineer rate of \$26.97 per hour effective October 30, 2017. Funds to pay for this position will come from line W8340-1000.

Refund a Permit Fee to Bothar Construction

R222-17 Authorization to refund a permit fee to **Bothar Construction** in the amount of 100.00 for a hydrant permit fee that was required but not used.

NYSEG Easement

R223-17 Authorization for Town Supervisor Schaffer to sign a **NYSEG Easement** across Town of Vestal property (flood buyout) at 15 Riverbank Road for gas service to 13 Riverbank Road.

**Regular Meeting of the Vestal Town Board
October 25, 2017**

FINANCE: Agneshwar/Fitzgerald

Receive and File:

- **Warrant Reports:** 2017- 41, 2017-41E

Budget Transfers

R224-17 Authorization for Deputy Comptroller Nick Angeline to perform **Budget Transfers** dated for 2017 October 1 – October 19 as attached to his memo to the Town Board dated October 20, 2017.

PUBLIC SAFETY: Majewski/Messina

Michael Eaton Accepted as Member of the Vestal Fire Department

R225-17 Approval from the Board of Fire Commissioners to accept **Michael Eaton** to become a member of the Vestal Fire Department at Company No. 1.

Fire Apparatus to Veteran's Day Parade

R227-17 Approval from the Board of Fire Commissioners to allow one piece of Station 4 apparatus and manpower to attend the Veteran's Day Parade in Binghamton on Saturday, November 11, 2017.

Running of the Bears 5K Road Race

R227-17 Approval for the Vestal High School (coordinator: Sue Darpino) to hold *The Running of the Bears* 5K Road Race on April 21, 2018. The race will be held partially on Town roads. The organizers of the event are to make the necessary arrangements with the appropriate public safety agencies as was required for the staging of the event in previous years. A representative for the event is to sign the Town's Indemnification Agreement.

Stalker Radar Units for Police Department

R228-17 Approval for the Police Department to purchase two **Stalker Radar Units** at a total cost of \$4,256.00. They will replace two outdated units. The funds are to be taken out of the asset forfeiture account A3120-2626R budget line.

ADMINISTRATION: Messina/Majewski

Dog Control Assistance

R229-17 Approval to authorize **Andrea Husband** to provide dog control assistance when the Dog Control Officer is not available at a rate of \$40.00 per call-

**Regular Meeting of the Vestal Town Board
October 25, 2017**

out. A Town vehicle, whenever available, will be used for responding to the call-outs.

RECEIVE AND FILE

- Fire Advisory Board Minutes – September 18, 2017
- Town of Vestal Justice Courts Financial Report for 2016

END OF CONSENT AGENDA

SUPERVISOR'S ANNOUNCEMENTS

- [Night at the Museum](#) - Halloween party with games and treats at the Vestal Museum. Saturday, October 28, 6 PM to 8 PM.
- After 42 years of public service, Broome County Clerk Richard Blythe is retiring. Rick has been a tremendous asset to this community and we wish him well in his retirement. A retirement party for Rick will be held on Friday, November 10th.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the meeting was adjourned at 7:09PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk