

Regular Meeting of the Vestal Town Board December 20, 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 December 20, 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 8 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 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved the Minutes of the Regular Meeting on December 6, 2017 are approved.

PRIVILEGE OF THE FLOOR

A speaker commented on several items on the agenda and other topics as follows:

- The February 6th date of the Fire District special election should be changed to avoid the risk that bad weather will keep voters away. Supervisor Schaffer noted that there is a schedule to get everything done in a short timeframe.
- Something should be done to address absenteeism at Board meetings and term limits should be implemented.
- How much do we receive from Auction International for sale of equipment?
- All water and sewer bills should be viewable online.
- He continues to claim that he is treated unfairly by the Assessor's office and the assessment review process.

RESOLUTIONS & MOTIONS

Insero & Co. to Perform Town Audits

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R253-17 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 award the contract for auditing the Town of Vestal's financial statements for the years ending Dec. 31, 2017, Dec. 31, 2018 and Dec. 31, 2019 to Inero & Co. at a price of \$13,000 per year plus an additional \$3,000 per year should a single audit be required. The town reserves the right to extend the contract for an additional two years.

EFPR Group to Perform Town Justice Court Audits

R254-17 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 award the contract for auditing the Town of Vestal Justice Courts to EFPR Group at a price of \$3,100 per year for the years ending December 31, 2017 and December 31, 2018.

Bonding for Fire District Ladder Truck (Tower 32-4)

R255-17 On a motion of Fire Commissioner Majewski, seconded by Fire Commissioner Agneshwar, the following resolution was

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

Resolved to adopt the following resolution:

A RESOLUTION AUTHORIZING THE PURCHASE OF A LADDER FIRE-FIGHTING TRUCK FOR THE VESTAL FIRE DISTRICT IN THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$970,000, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$970,000 SERIAL BONDS OF SAID FIRE DISTRICT TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the regulations provide will not result in any significant adverse environmental effects; and

WHEREAS, it is now desired to authorize said capital project and its financing;

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NOW, THEREFORE, BE IT RESOLVED, by the Board of Fire Commissioners of Vestal Fire District in the Town of Vestal, Broome County, New York, as follows:

Section 1. The purchase of a ladder fire-fighting truck, for the Vestal Fire District in the Town of Vestal, Broome County, New York, including original apparatus and incidental expenses in connection therewith, is hereby authorized, at a maximum estimated cost of \$970,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of not exceeding \$970,000 serial bonds of said Fire District hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law. It is hereby further determined that the financing of such maximum estimated cost may be completed pursuant to the provisions of Section 109-b of the General Municipal Law and the determination and implementation with regard thereto is hereby delegated to the Fire District Treasurer.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said Vestal Fire District in the Town of Vestal, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Fire District, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Fire District Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Fire District Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service,

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shall be determined by the Fire District Treasurer, the chief fiscal officer of such Fire District. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Fire District Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Fire District is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within ten days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Fire District for such purpose, together with a notice of the Fire District Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. This resolution is adopted subject to approval at a special election of said Fire District to be held on February 6, 2018, the details of which shall be determined by further resolution of this Board of Fire Commissioners.

Call for Fire District Special Election

R256-17 On a motion of Fire Commissioner Majewski, seconded by Fire Commissioner Messina, the following resolution was

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

Resolved to adopt a Resolution calling for a Special Election as follows:

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WHEREAS, the Board of Fire Commissioners of the Vestal Fire District in the Town of Vestal, Broome County, New York has heretofore at this meeting adopted a bond resolution authorizing the purchase of a ladder fire-fighting truck for the Vestal Fire District in the Town of Vestal, Broome County, New York, including original apparatus and incidental expenses in connection therewith, a specific object or purpose, at a maximum estimated cost of \$970,000, which is subject to the approval of the qualified voters of said Fire District, NOW, THEREFORE, BE IT RESOLVED, by the Board of Fire Commissioners of Vestal Fire District in the Town of Vestal, Broome County, New York, as follows:

Section 1. A special election of the qualified voters of Vestal Fire District in the Town of Vestal, Broome County, New York, is hereby authorized to be held on the 6th day of February, 2018, at the Town Hall, in Vestal, New York, in said Fire District, between the hours of 2:00 P.M. o'clock and 9:00 o'clock P.M., Prevailing Time, to vote by paper ballot upon the adoption or rejection of the bond resolution heretofore adopted at this meeting.

Section 2. The notice of such special election shall be in substantially the form attached hereto as Exhibit A, and hereby made a part hereof.

Section 3. The Secretary of said Fire District is hereby authorized to give notice of such special election by publication once in official newspaper having a general circulation in said Fire District, the first publication to be not less than twenty-seven (27) nor more than thirty-four (34) days prior to the date of such election, and posting on the bulletin board and website of the Fire District and of the Town at least 15 days and not more than 20 days prior to the date of such election.

Section 4. This resolution shall take effect immediately.

Designation of Election Personnel for Fire District Special Election

R257-17 On a motion of Fire Commissioner Majewski, seconded by Fire Commissioner Messina, the following resolution was

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

Resolved to adopt a Resolution Designating Election Personnel as follows:

WHEREAS, the Board of Fire Commissioners of Vestal Fire District in the Town of Vestal, Broome County, New York, has called a special election of the qualified voters of said Fire District to be held on the 6th day of February, 2018; and WHEREAS, it is now desired to provide for the appointment of a permanent chairman, inspectors of election and assistant clerks for said special election;

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NOW, THEREFORE, BE IT RESOLVED, by the Board of Fire Commissioners of the Vestal Fire District in the Town of Vestal, Broome County, New York, as follows:

Section 1. Joseph Schlitz, a duly qualified voter of said Fire District is hereby appointed as the permanent chairman of the special election referred to in the preambles hereof.

Section 2. The following named qualified voters of said Fire District are hereby appointed to act as inspectors of election of said special election, so that there shall be at least two inspectors for each ballot box to be used thereat: Julie Ekblaw, Janet Cole, John Hall, Cora Walter

Section 3. Each inspector of election appointed for said special election, as herein provided, shall be entitled to compensation at the rate of \$77 for each day actually and necessarily spent on the duties of his office; provided however, the Chairperson of the Electors shall be paid \$84. The Secretary of said Fire District is hereby authorized and directed to give written notice of appointment to the persons herein respectively appointed as permanent chairman, inspectors of election and assistant clerks for said special election.

Section 4. This resolution shall take effect immediately.

Setting Time and Place for Meeting of Fire District Election Inspectors

R258-17 On a motion of Fire Commissioner Majewski, seconded by Fire Commissioner Messina, the following resolution was

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

Resolved to adopt the following resolution:

RESOLUTION SETTING THE TIME AND PLACE OF A MEETING OF THE INSPECTORS OF ELECTION OF VESTAL FIRE DISTRICT IN THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, FOR THE PURPOSE OF PREPARATION OF THE FIRE DISTRICT ELECTION REGISTER.

WHEREAS, the Board of Fire Commissioners of Vestal Fire District in the Town of Vestal, Broome County, New York, heretofore resolved on December 20, 2017 to call a special election of said Fire District, such special election to be held at the Town Hall, in Vestal, New York, in said Fire District, on the 6th day of February, 2018, between the hours of 2:00P.M. O'clock and 9:00 o'clock P.M., Prevailing Time; and

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WHEREAS, pursuant to Section 175 a of the Town Law, only persons registered with the Broome County Board of Elections on or before the date 23 days prior to the date of the election shall be entitled to vote in such special election; and

WHEREAS, such Section 175 a requires that a resolution setting the time and place of the meeting of the election inspectors appointed by said Board of Fire Commissioners of said Fire District for the aforesaid special election be adopted at least thirty days prior to such special election; NOW, THEREFORE,

BE IT RESOLVED, by the Board of Fire Commissioners of Vestal Fire District in the Town of Vestal, Broome County, New York;

Section 1. The inspectors of election approved by resolution duly adopted by said Board of Fire Commissioners on December 20, 2017, shall meet at the Vestal Town Hall, in Vestal, New York, in said Fire District, on the 19th day of January, 2018 at 12:00 o'clock (Noon) P.M. to commence preparation of the register of those persons eligible to vote in such special election. In accordance with said Section 175 a of the Town Law, only those persons registered with the Board of Elections of Broome County on or before the date 23 days prior to the date of the election calculated in accordance with Section 20 of the General Construction Law, will be entitled to vote at such special election.

Section 2. This resolution shall take effect immediately, and neither publication nor posting is required.

CONSENT AGENDA

On a motion of Councilman Majewski, seconded by Fire 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- 49, 2017-49E, 2017-50, 2017-50E, 2017-50C

2018 Chamber of Commerce Membership

R259-17 Approval for the Business Office to pay \$380.00 for the 2018 **Greater Binghamton Chamber of Commerce** annual membership dues.

2018 NYS Association of Towns Membership

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R260-17 Authorization for the Business Office to pay \$1,650.00 for the 2018 **Association of Towns of the State of New York** annual membership dues.

Billable Hours for Town Attorney

R261-17 Authorization for the Business Office to pay \$212.50 to Town Attorney David Berger for November 2017 billable hours.

Refund of Utility Bill Overpayment

R262-17 Authorization for the Business Office to **refund \$36.95 to Richard Howell** for overpayment of the water/sewer bill at 401 Colonial Avenue.

Budget Transfers

R263-17 Authorization for Deputy Comptroller Nick Angeline to make **budget transfers dated November 30, 2017 thru December 15, 2017** as attached to his memo to the Town Board dated December 14, 2017.

Renewal of Accident Insurance for Firefighters and Auxiliary

R264-17 Authorization to renew the accident insurance coverage for volunteer firefighters and auxiliary members with **Provident Insurance** for 3 years at an annual rate of \$3,716.

PERSONNEL: Fitzgerald/Agneshwar

Advisory Committee Appointments

R265-17 Authorization to re-appoint the following to various advisory boards:

- Re-appoint **Nina Versaggi to Historic Preservation** effective January 1, 2018 to December 31, 2021.
- Re-appoint **Walter Barbour to Board of Assessment Review** effective December 21, 2017 to September 30, 2022.
- Re-appoint **Curt Pueschel, Adam Flint, Cynthia Westerman and Victor Lamoureux to Conservation Advisory Committee** effective January 1, 2018 to December 31, 2019.
- Re-appoint **Adam Flint as the Conservation Advisory Committee Representative** on the Broome County Environmental Management Council
- Re-appoint **John Hroncich to the Recreation Commission** effective January 1, 2018 to December 31, 2024.

PLANNING & ZONING: Messina/Fitzgerald

Arthur Robinson Promoted to Building & Code Inspector

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R266-17 Authorization to promote **Arthur Robinson** to the position of Building & Code Inspector effective January 1, 2018. Per CSEA contract, his rate of pay will be \$27.16 per hour.

PUBLIC SAFETY: Majewski/Messina

Accept New Members to the Fire Department

R267-17 Approval from the Board of Fire Commissioners to accept the following as members of the Vestal Fire Department:

- Evan Tobler as a new member of Company 2.
- Kathleen Konen as a new member of Company 3.
- Colin Allis as a new member of Company 4.
- Matthew Lippa as a new member of Company 4.
- Jeremy Briggs as a new member of Company 4.

ADMINISTRATION: Messina/Majewski

Recreation Department to Hire Part-Time Employees

R268-17 Authorization for Recreation Planner Sue Jastran to hire family swim, weight room, and youth basketball employees as listed in her memo to the Town Board dated December 14, 2017.

RECEIVE AND FILE:

- Letter to the Town Supervisor from Town Justices Meagher & Sherwood regarding court audits.

END OF CONSENT AGENDA

SUPERVISOR'S ANNOUNCEMENTS

Supervisor Schaffer thanked Councilwoman Agneshwar for her 3 years of dedicated service to the Town as a member of the Town Board and wished her well in all future endeavors.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the **meeting was adjourned at 6:15 PM**. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk