

Regular Meeting of the Vestal Town Board January 24, 2018

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 January 24, 2018.

TOWN BOARD PRESENT:

Supervisor Schaffer
Councilwoman Fitzgerald
Councilwoman Messina
Councilman Fletcher

ABSENT: Councilman Majewski

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young and 14 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 Councilwoman Fitzgerald, seconded by Councilman Fletcher, the following resolution was

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

Resolved to approve the January 8th, 2018 Minutes of the Regular Meeting of the Town Board.

PRIVILEGE OF THE FLOOR

A speaker who resides on Edgewood Road praised the Town for providing great services. However, she is now disappointed with the Town's handling of a problem with a storm sewer backup into her basement. She claims that a lateral going into her house was clogged when the Town cleaned out the main. The response from the Town was that it was her problem. She is submitting a letter asking the Town to reimburse her \$942.72 for the cost of hiring a plumber and replacing a sump pump to fix the problem. Supervisor Schaffer responded that he would look into the matter and have someone contact her by the end of the week.

A speaker questioned the proposal to move the Vestal Museum to the Rail Trail citing the lack of fire protection. Supervisor Schaffer noted that we are in early stages of this plan and many things can change but there is some merit to moving the Museum. We do not have a historic district and placing the Museum near the

**Regular Meeting of the Vestal Town Board
January 24, 2018**

Coal House would move us in that direction. Councilwoman Messina noted that this resolution simply states that we support the move to enable our grant writer to seek funding for the project.

RESOLUTIONS & MOTIONS

Hire Police Officers Sherba and White

R005-18 On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to authorize Police Chief John Butler to hire the following:

- Hire **Joseph Sherba** as a Police Officer effective January 29, 2018. Officer Sherba will be transferring from the City of Binghamton Police Department. As per the PBA collective bargaining agreement Officer Sherba's rate of pay will be \$69,169.00. Such appointment is conditional on the satisfactory completion of all civil service requirements and drug testing.
- Hire **Colin White** as a Police Officer effective February 5, 2018. As per the PBA collective bargaining agreement Officer White's rate of pay will be \$50,300.00. Such appointment is conditional on the satisfactory completion of all civil service requirements and drug testing.

Special Use Permit to American Freight

Councilwoman Messina stated that she will vote against this request. This is an ongoing request and not a temporary situation. These stores are doing this to avoid building additional structures.

R006-18 On a motion of Councilwoman Fitzgerald, seconded by Councilman Fletcher, the following resolution was

ADOPTED Ayes 3 Fitzgerald, Fletcher, Schaffer
Nays 1 Messina Absent 1 Majewski

Resolved to grant a **Special Use Permit** under Chapter 24, Article V, Division 3, Section 24-387 of the Code of the Town of Vestal allowing **American Freight** to place ten 40 foot storage trailers in the parking lot of at 1000 Front Street, BCTMP #172.36-1-19 as follows:

- Ten (10) trailers to be in place from January 1, 2018 through May 31, 2018.
- The location of the trailers is to be consolidated to the northeast of the parking area, with not less than a fifteen foot clear buffer between the back of a trailer and the property boundary to the east.

Regular Meeting of the Vestal Town Board January 24, 2018

- At least one 5lb 2A 10BC fire extinguisher is mounted immediately inside each unit.
- This permit to be immediately rescinded if the specified conditions are not adhered to.

Special Use Permit to Rock Solid Landscaping

Councilwoman Messina stated that she will vote against this request. This plaza already received a parking variance and has a questionable amount of parking as it is. The need for this should have been anticipated and handled with a storage shed.

R007-18 On a motion of Councilwoman Fitzgerald, seconded by Councilman Fletcher, the following resolution was

ADOPTED Ayes 3 Fitzgerald, Fletcher, Schaffer
Nays 1 Messina Absent 1 Majewski

Resolved to grant a Special Use Permit under Chapter 24, Article V, division 3, Section 24-387 of the Code of the Town of Vestal, allowing **Rock Solid**

Landscaping to place a storage container at *Chili-s/ Red Robin Plaza*, 2549 Vestal Parkway BCTMP #158.10-2-6.2, to store rock salt for parking lot maintenance from January 10, 2018 thru April 10, 2018 as follows:

- Location as submitted on site plan.
- At least one 5lb 2A 10BC fire extinguisher is mounted immediately inside each unit.
- This permit to be immediately rescinded if the specified conditions are not adhered to.

Special Use Permit to CR Land LLC

Supervisor Schaffer noted that this is a construction site and the request for temporary storage is reasonable. Councilwoman Messina agreed.

R008-18 On a motion of Councilwoman Fitzgerald, seconded by Councilman Fletcher, the following resolution was

ADOPTED Ayes 4 Messina, Fitzgerald, Fletcher, Schaffer
Nays 0 Absent: Majewski

Resolved to grant a **Special Use Permit** under Chapter 24, Article V, Division 3, Section 24-387 of the Code of the Town of Vestal allowing **CR Land LLC** to place 4 storage containers at 1915 Vestal Parkway, #BCTMP 172.11-3-115.1, from January 16, 2018 thru March 16, 2018 as follows:

- Location as submitted on site plan.

**Regular Meeting of the Vestal Town Board
January 24, 2018**

- At least one 5lb 2A 10BC fire extinguisher is mounted inside each unit.
- This permit to be immediately rescinded if the specified conditions are not adhered to.

Award Bid for Tanker 32-3 to Custom Fab & Body LLC

Councilwoman Messina praised the Fire Department for the quality of the research that was done on this project and for keeping the Board informed through the selection process. We will benefit with improved safety. Supervisor Schaffer noted that we now have a 5 and 20 year plan in place which includes a capital reserve so that we will not be in a position to have to buy several pieces of expensive apparatus all at once and will reduce our need for bonding.

R009-18 On a motion of Fire Commissioner John Fletcher seconded by Fire Commissioner Messina, the following resolution was

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

Resolved by the Board of Fire Commissioners to award the bid for **Tanker 32-3** to low bidder **Custom Fab & Body LLC**, 158 US Highway 45, Marion, WI 54950, in the amount of \$365,809.00.

Approve Moving of the Vestal Museum to the Rail Trail

Supervisor Schaffer noted that this resolution was necessary to enable the Museum Director/Grant Writer to raise funds for the project.

R010-18 On a motion of Councilwoman Messina, seconded by Councilman Fletcher, the following resolution was

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

Resolved to approve the moving of the **Vestal Museum** from its current location to the Rail Trail, and approve in-kind services laid out in the move's budget proposal.

Stipulation of Settlement with Clayton Avenue LLC

R011-18 On a motion of Councilwoman Fitzgerald, seconded by Councilman Fletcher, the following resolution was

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

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:

Regular Meeting of the Vestal Town Board January 24, 2018

Clayton Avenue LLC vs. The Town of Vestal Board of Assessment Review, the Assessor of the Town of Vestal, Broome County, New York, Index Nos., 2015-1066, 2016-1083, 2017-0955 as follows: Tax ID 157.18-2-8

1. For tax years 2015/2016, the total assessment on 112 Clayton Ave from \$655,200 to \$500,000
2. For tax years 2016/2017, the total assessment on 112 Clayton Ave from \$655,200 to \$500,000
3. For tax years 2017/2018, the total assessment on 112 Clayton Ave from \$655,200 to \$500,000

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town/County Tax	Town Refund
2017-18	\$655,200	\$655,200	\$500,000	-\$155,200	\$15,067.14	\$8,733.59	\$685.62
2016-17	\$655,200	\$655,200	\$500,000	-\$155,200	\$14,821.12	\$8,650.98	\$681.19
2015-16	\$655,200	\$655,200	\$500,000	-\$155,200	\$14,847.82	\$8,594.32	\$700.66
						TOTALS	\$2,067.47
						TOTALS	\$2,067.47

* Town = General and Highway

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

CONSENT AGENDA

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

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

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

PUBLIC WORKS: Fitzgerald/Majewski

Snow and Ice Agreement with Broome County

R012-18 Authorization for the Town Supervisor to sign agreement with Broome County for the **removal of snow and control of ice** on certain county highways and roads within the Town of Vestal for the year 2018.

Agreement With Vestal Central Schools for the TAP Program

R013-18 Approval for the Town Supervisor to sign an *Intermunicipal Agreement* with the Vestal Central Schools for the Transportation Alternative Program (TAP). Total cost of the project is \$656,500.00. The local portion is 20%, which is \$131,300.00 and this will be divided equally between the Town and the School District. The project will include the installation of new sidewalks, some safety improvements on a portion of Clayton Avenue and a pedestrian signal near the Library on the Vestal Parkway.

**Regular Meeting of the Vestal Town Board
January 24, 2018**

Agreement with NYSDOT re: Vestal High School Pedestrian Improvement

R014-18 Authorization for the Town Supervisor to sign the NYSDOT Agreement for the Locally Administered Federal Aid Project, PIN 9009.43; **Vestal High School Pedestrian Improvement (TAP 2016)** Federal Aid Local Project Agreement and to authorize \$104,500 for the Preliminary/Design work and Right-of-Way Incidental Phase.

Advertise for Bids – Water Meters and Water Appurtenances

R015-18 Authorization for the Town Attorney to advertise for **bids for Water Meters** on January 31, 2018 with bid opening on February 12, 2018 at 2:00 PM.

R016-18 Authorization for the Town Attorney to advertise for **bids for Water Appurtenances** on Jan. 31, 2018 with bid opening on Feb. 12, 2018 at 2:10PM.

FINANCE: Messina/Fletcher

Receive and File:

- **Warrant Reports:** 2017-52, 2017-52E, 2018-01, 2018-01A, 2018-1EA, 2018-02, 2018-02A, 2018-2CA, 2018-2EA, 2018-03, 2018-03A, 2018-03E
- **Town Clerk Monthly Report November 2017** – Total Local Shares Remitted: \$4,832.06
- **Town Clerk Monthly Report December 2017** – Total Local Shares Remitted: \$2,829.15
- **Town Clerk Annual Report 2017** – Total Local Shares Remitted \$60,252.39.

Membership to Upstate New York Towns Association

R017-18 Approval for the Business Office to remit payment in the amount of \$400.00 for the annual membership to the **Upstate New York Towns Association**.

Utility Billing Refunds

R018-18 Authorization for the Business Office to remit refunds as follows:

- \$81.90 to **Dylan Maerkl** for a credit remaining after a final bill at 125 Eldredge Drive.
- \$154.11 to **Robert Snyder** for overpayment on a closed utility bill at 3213 Briarcliff Ave.

Regular Meeting of the Vestal Town Board January 24, 2018

Expenses for Association of Towns Meeting

R019-18 Authorization for the Business Office to pay the following individuals for transportation and meals while attending the **Association of Towns Meeting**, February 18 -21, 2018:

John Schaffer - \$461.74; Fran Majewski - \$339.00; Laura McKane - \$339.00; Joyce Majewski - \$339.00; Joseph Meagher - \$461.74.

Town Attorney Billable Hours

R020-18 Authorization for the Business Office to pay \$537.50 to Town Attorney David Berger for the December 2017 billable hours of 3 hours 35 minutes.

Interactive Health for Blue4U Wellness Services

R021-18 Authorization for the Town Supervisor to sign the *Client Terms and Conditions* with **Interactive Health for Blue4U** to offer health wellness services to employees, spouses and adult dependents under the Town health insurance plan on February 22, 2018 at a fee of \$150 per participant. This fee is paid for out of the health insurance fund.

Purchase of a Large Document Plotter

R022-18 Authorization for the Town Engineer to purchase a **large document plotter** (printer, scanner/copier) at a price of \$15,200 plus \$215 for dry ink and a maintenance agreement of \$83 per month and make the **budget transfers** as per the Comptroller's memo to Councilwoman Messina dated January 17, 2018.

PERSONNEL: Majewski/Fitzgerald

Hiring of Staff for Tax Collection

R023-18 Authorization for the Receiver of Taxes to appoint the following:

- Debra Jennings as Deputy Receiver of Taxes \$11.00 12/20/17—4/17/18
- Thomas Keegan as Clerk PT \$9.70 * 12/20/17—1/5/18 & 1/17/18—4/2/18 as needed
- Sarah Wallace as Clerk PT \$9.70 * 12/20/17—1/5/18
- Rachel Wallace as Clerk PT \$9.70 * 12/20/17—1/5/18

*Minimum wage increases to \$10.40 on 12/31/17

Hiring of Employees for Recreation Department

R024-18 Authorization for the Recreation Planner to retroactively approve **Anthony Michaels** and **Jenny Comency** working due to an emergency in

**Regular Meeting of the Vestal Town Board
January 24, 2018**

December as Family Swim Lifeguards as noted in her memo dated January 2, 2018 and to hire **Vestal Youth Basketball labor** as listed in her memo to the Town Board dated January 11, 2018.

Casey Peck Appointed as Water/Wastewater Maintenance Crew Chief

R025-18 Authorization for the Water/Waste Water Superintendent to appoint **Casey Peck** provisionally to the vacant position of Water/Wastewater Maintenance Crew Chief at the Operating Engineer rate of \$26.97 per hour effective January 27, 2018. Funds to pay for this position will come from line W8340-1020.

PLANNING & ZONING: Fletcher/Fitzgerald

Agreement with Levine Gouldin & Thompson LLC for legal services to ZBA

R026-18 Authorization for the Town Supervisor to sign an agreement with **Levine Gouldin and Thompson LLC, Attorneys at Law**, to perform legal services relating to the Zoning Board of Appeals (ZBA) for the year 2018.

Public Hearing for Local Law “C” of the Year 2018

R027-18 Authorization for Town Attorney to advertise for a **Public Hearing on Local Law “C” of the Year 2018** amending the zoning of 2521 Vestal Parkway West (BCTMP #172.70-1-17) and 2608 Old Owego Road (BCTMP #172.70-1-16) from Residential Family (RA-2) to Community Business District (C-2) with publication of on January 31, 2018 for the Public Hearing on February 14, 2018.

PUBLIC SAFETY: Messina/Majewski

Herald of Victory Marathon

R028-18 Approval of the **Herald of Victory Marathon** course for May 28, 2018. This race is sponsored by the Binghamton Health Campaign and will support the Southern Tier Veterans Support Group. A Certificate of Insurance for the event, naming the Town of Vestal as an insured party has been submitted. The applicant is to make the necessary arrangements with the appropriate public safety agencies as was required for the staging of the event last year.

STOP DWI Overtime Patrol Funding

R029-18 Authorization for Town Supervisor to sign a agreement with Broome County for the **STOP DWI Overtime Patrol** funding in the amount of \$9,000.00.

Regular Meeting of the Vestal Town Board January 24, 2018

Interlocal Agreement with Neighboring Fire Departments

R030-18 Adoption by the Board of Fire Commissioners of the resolution as follows:

Resolved that the Town of Vestal Fire District elects to participate in an inter-local agreement with neighboring fire departments/companies in the State of Pennsylvania in accordance with New York State General Municipal Law Article 14G, and will agree to recognize a call for assistance through the Broome County Communications Center and will comply with the provisions of such as now in force and as amended from time to time.

And be it further resolved that a copy of this resolution be filed with the Broome County Fire Coordinator.

Donations to Fire Department

R031-18 Approval by the Board of Fire Commissioners to accept the following:

- Donation from Kathleen Farrell in the amount of \$250 to go towards Water Rescue Equipment.
- Donation from Citgo Petroleum Corp. in the amount of \$500 for equipment purchases.

Both donations go to Line 3410 4060.

Accept Fire Members

R032-18 Approval by the Board of Fire Commissioners to accept the following:

- **Ashley Rucky** as a member of the Vestal Fire Department at Company No. 1.
- **Christopher Thomas** as a member of the Vestal Fire Department at Company No. 3.

ADMINISTRATION: Majewski/Messina

Donations to Recreation

R033-18 Authorization for the Recreation Planner to accept the following donations:

- \$800 from **Vestal Urgent Care** sponsoring the 2017 Water Carnival.
- \$200 from **Melanie and Richard Collis**
- \$200 from **Timothy Donlin**
- \$50 from **United Methodist Homes**

**Regular Meeting of the Vestal Town Board
January 24, 2018**

Switch to Charter/Spectrum as Telecommunications Carrier

R034-18 Authorization for IT Director Dan Williams to switch telecommunication carriers from our current provider to **Charter/Spectrum** and to sign the service orders.

RECEIVE AND FILE:

- Vestal Fire Advisory Board Meeting Minutes – December 4, 2017
- Take-a-Break Restaurant Notice of License to Sell Liquor – January 12, 2018

END OF CONSENT AGENDA

COMMITTEE CHAIR COMMENTS AND UPDATES

Councilwoman Messina welcomed the newly appointed Police Officers and issued a reminder of a Special Election (referendum) to be held on February 6th, 2:00 PM-9:00 PM at the Town Hall concerning the purchase of a ladder fire-fighting truck (Tower 32-4).

SUPERVISOR'S ANNOUNCEMENTS

- Winter Parking rules are in affect thru the end of March – no parking on Town roads from 2:00 AM to 6:00 PM.
- **A Colorful History** - The Vestal Museum will have a display of retouched photos of Vestal and the surrounding area from February 2nd thru March 31st with an opening reception on Saturday, February 3rd, 1:00 PM-3:00 PM.
- **Rick Iacovelli**, a local singer and songwriter, will perform at the Vestal Museum on Saturday, February 10th, 8:00 PM – 10:00 PM. Come and listen while sipping coffee, tea or hot chocolate and enjoying some snacks. A suggested donation of \$10.00 and generous donations for the musician encouraged.

ADJOURNMENT

On a motion of Councilwoman Messina, seconded by Councilman Fletcher, the meeting was adjourned at **6:25PM**. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk