

Regular Meeting of the Vestal Town Board February 14, 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 February 14, 2018.

TOWN BOARD PRESENT:

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

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young and approximately 20 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:

Noting that there continues to be a problem with how some individuals conduct themselves at Board meetings, Supervisor Schaffer read the *Rules of Conduct and Decorum* for Town Board Meetings.

APPROVAL OF MINUTES

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

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

Resolved the Minutes of the Regular Meeting on January 24, 2018 are approved.

BID OPENINGS

Bids Received for Water Appurtenances

The following bids for **Water Appurtenances** were received and opened in the Town Clerk's Office on Monday February 12, 2018 with the results sent to the Water/Wastewater Superintendent for review and recommendation:

Core and Main	\$109,297.00
183 Corporate Drive, Binghamton, NY 13904	
F.W. Webb Company	\$123,531.75
62 Griswold Street, Binghamton, NY 13904	

**Regular Meeting of the Vestal Town Board
February 14, 2018**

Fry's Plastic	\$112,965.09
560 Rabbittown Road, Pennsdale, PA 17756	
Blair Supply	Unit Cost Pricing (incomplete)
785 Beahan Road, Rochester, NY 14624	

Single Bid Received for Water Meters

The following single bid for **Water Meters** was received and opened in the Town Clerk's Office on Monday February 12, 2018 with the results sent to the Water/Wastewater Superintendent for review and recommendation:

Ti Sales Inc.	Unit Cost Pricing
36 Hudson Road Sudbury, MA 01776	

PUBLIC HEARING

Public Hearing – Local Law “C” of 2018

Supervisor Schaffer presented the *Proof of Posting and Affidavit of Publication* for the Public Hearing regarding **Local Law “C” of the Year 2018** - Rezoning 2521 Vestal Parkway West and 2608 Old Owego Road, Vestal, New York (BCTMP # 172.70-1-17 & 172.70-1-16) from Residential Single Family (RA-2) to Community Business District (C-2). He then opened the Public Hearing.

Sarah Grace Campbell, Esq., representing property owners Place LLC Creekside and Creekside Place LLC, submitted the *Affidavit of Mailing* and gave a brief presentation of the proposed development. This zoning change will allow for the expansion of the existing dental practice. Dr. Lalor owns all 3 of these parcels. One parcel holds the current offices. If the other two parcels are rezoned to C-2, they will be combined to build another office and provide additional parking. The Planning Board did a preliminary review of the project and asked for more landscaping and some drainage changes. Another review will be scheduled.

A nearby resident noted that Dr. Lalor also owns some properties on the other side of the street and asked if any changes are being proposed there. Ms. Campbell responded that there are no plans to make any changes to the other properties.

Seeing or hearing no one wishing to speak, Supervisor Schaffer closed the Public Hearing and asked the Board Members how they wished to proceed. The consensus of the Board was to proceed with a vote on the Local Law at this time.

Regular Meeting of the Vestal Town Board February 14, 2018

Adopt Local Law “C” of the Year 2018 re: zoning change

R035-18 On a motion Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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

Resolved to adopt **Local Law “C” of the Year 2018** to rezone 2521 Vestal Parkway West and 2608 Old Owego Road, Vestal, New York (BCTMP # 172.70-1-17 & 172.70-1-16) from Residential Single Family (RA-2) to Community Business District (C-2). The Board has reviewed the Short Environmental Assessment Form under SEQRA as submitted by the applicant and finds it acceptable in that no significant environmental impacts have been identified.

PRIVILEGE OF THE FLOOR

A speaker who resides on Vestal Road expressed concern about large trucks that continue to travel on Vestal Road regardless of the signs at the North Main Street and African Road intersections that restrict trucks over 5 tons. The signs are not consistent and perhaps that is adding to the problem. The large trucks, particularly from Terpening fuel delivery, create a serious hazard in the area and something has to be done. Supervisor Schaffer responded that he would take up the matter with the Police Chief and get back to the speaker by the end of the week.

A speaker reiterated comments made at previous Board meetings as follows: the Town should file an annual financial plan; the income limit to be eligible for senior exemptions on property taxes should be increased; checks for large payments issued by the Town should require 2 signatures; a summary of what was discussed in executive sessions should be made available to the public; Town Board meetings should be moved to 7:00 pm so that more people can attend; the recent election concerning the purchase of a ladder truck for the Fire Department should be invalidated; Councilman Majewski should resign due to several absences at Board meetings.

A speaker noted that Syracuse is now using beet juice salt to melt snow and ice on sidewalks and roads. Supposedly, it works better and is cheaper.

RESOLUTIONS & MOTIONS

Appointments to Advisory Boards

Councilman Majewski stated that he will not be supporting this motion because he believes that some Council members have a direct conflict of interest and they

**Regular Meeting of the Vestal Town Board
February 14, 2018**

should recuse themselves from voting. They should acknowledge the conflict to the people of the Town. Supervisor Schaffer noted that this issues were addressed in Executive Session and any additional discussion of this topic should also occur in that setting. Councilwoman Messina acknowledged that she understood why Councilman Majewski might feel this way but strongly disagrees that there is a conflict of interest in this case. The candidates that were considered are very qualified and are willing to devote the time and energy to serve on these boards.

Councilman Majewski also expressed a concern that not all of the candidates live in the Town. Town Attorney Dave Berger noted that only Planning Board and Zoning Board Members must be Town residents. Supervisor Schaffer stated that we occasionally have to appoint non-residents to the other boards when we cannot find qualified Town residents.

R036-18 On a motion of Councilwoman Messina, seconded by Councilman Fletcher the following resolution was

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

Resolved to authorize the following committee appointments:

- Authorization to appoint Alex Jablonski to the Historic Preservation Commission effective February 15, 2018 for a term expiring December 31, 2019.
- Authorization to appoint Darlene Bucinell to the Planning Board as an Alternate effective February 15, 2018 for a term expiring July 7, 2021.
- Authorization to appoint Jennifer Kakusian as Chair of the Zoning Board of Appeals effective February 15, 2018 for a term expiring December 31, 2022.
- Authorization to appoint Thomas Jackson, Jr. to the Zoning Board of Appeals effective February 15, 2018 for a term expiring December 31, 2018.

Advertise for Public Hearing re: Special Use Permit at 161 N. Jensen Rd.

R037-18 On a motion of Councilwoman Majewski, seconded by Councilwoman Messina, the following resolution was

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

Resolved to direct the Town Attorney to advertise on February 28, 2018 for a Public Hearing to be held on Wednesday, March 14, 2018 regarding the issuance of a **Special Use Permit to JMAG Associates, LLC** for the operation of the **Planet 3 Extreme Air Park** at 161 North Jensen Road, Parcel Tax Map: 158.11-1-7, 158.11-1-8, 158.11-1-9.

**Regular Meeting of the Vestal Town Board
February 14, 2018**

Amend Resolution R154-17 Regarding Purchase of American Legion

R038-18 On a motion of Councilwoman Messina, seconded by Councilman Majewski, the following resolution was

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

Resolved to adopt a Resolution amending **Resolution R154-17** as follows:

Whereas the Board of Fire Commissioners approved a resolution on July 19, 2017 authorizing the purchase of the property from American Legion Post #89 to purchase the property at 118 Jensen Road, Vestal, NY, BCTMP #s 158.15-1-5.3 and 158.15-1-5 for \$600,000.00 for relocation of the existing Station #4 and

Whereas due to the American Legion having some practical difficulties in securing financing for their proposed new facility, and

Whereas the Town is willing to increase its offer to purchase the property for an amount not to exceed \$607,000.00 in order to continue with the project, and

Whereas the increased cost is appropriate given the desirability of the location and the value of the property, it is hereby resolved

That the Town Supervisor is authorized to enter into a contract to purchase the above property, subject to the approval of the Town Attorney as to form and content and approval of the voters at a **mandatory referendum**.

CONSENT AGENDA

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

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

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

FINANCE: Messina/Fletcher

Receive and File:

Warrant Reports: 2018-04, 2018-04A, 2018-04M, 2018-05, 2018-05A, 2018-05E

Agreement for Office for the Aging use of Vestal Senior Center

R039-18 Authorization for the Town Supervisor to sign the agreement with the **Broome County Office for Aging** to use 201 Main Street for the Vestal Senior Center for the term January 1, 2018 through December 31, 2018.

Town Attorney Billable Hours

R040-18 Authorization to pay **Town Attorney David Berger \$650.00** for January 2018 billable hours.

**Regular Meeting of the Vestal Town Board
February 14, 2018**

Award Contract to Armory and Associates

R041-18 Authorization for the Town Comptroller to award the contract for actuarial evaluation of the liability for post-employment benefits other than pension costs to **Armory and Associates**.

Renewal of Emergency Services Insurance Program (ESIP)

R042-18 Authorization to renew the insurance contract for the **Fire District with Emergency Services Insurance Program (ESIP)** for one year effective March 1, 2018 at a premium of \$35,779.41.

PLANNING & ZONING: Fletcher/Fitzgerald

6th Annual Pink Elk 5K Run/Walk

R043-18 Approval for Traci's Hope and Vestal Elks Club Veterans' Committee to hold the **6th Annual Pink Elk 5K Run/Walk** on April 29th, 2018 at 10 AM on Owego Road and other surrounding roads. The event organizers are to sign the Town's Indemnification Agreement and make necessary arrangements with the appropriate public safety agencies as required in previous staging of the event.

Christmas Tree Sales in Vestal Library Parking Lot

R044-18 Approval for Boy Scout Troop 225, to hold a **Christmas Tree Sale** in the Vestal Library Parking lot November 17, 2018 thru December 24, 2018.

Southern Tier Enduro Bicycle Race

R045-18 Authorization for the Vestal Town Supervisor to sign an agreement with Anthony Folk to hold the **Southern Tier Enduro Bicycle Race** at Jones Park in mid to late June 2018. The event organizer is to provide the Board with a completed SEQR short form, a certificate of insurance naming the Town as an insured party and a signed Indemnification Agreement.

PUBLIC SAFETY: Messina/Majewski

Police Promotions

R046-18 Authorization for Police Chief John Butler to fill vacancies as follows:

- By promoting **Sgt. Stace Kintner to Lieutenant** effective February 26, 2018. As per the VPSA collective bargaining agreement Lt. Kintner's rate of pay will be \$91,320.
- By promoting **Officer Vincent Stavola to Sergeant** effective February 26, 2018. As per the VPSA collective bargaining agreement Sgt. Stavola's rate of pay will be \$79,526.

**Regular Meeting of the Vestal Town Board
February 14, 2018**

ADMINISTRATION: Majewski/Messina

Hire Andrea Husband as Dog Control Officer

R047-18 Authorization for the Town Clerk to fill a vacancy by hiring **Andrea Husband** as a provisional **Dog Control Officer** (part-time) effective February 26, 2018. Her annual salary will be \$26,000.00 per year.

Agreement with TelecomDataService (TDS)

R048-18 Approval for IT Director Dan Williams to sign an agreement and proposal from **TelecomDataService (TDS)** for negotiations of backup internet and telecom communication service costs. The funds are budgeted in the Contractor & Professional Services line.

RECEIVE AND FILE:

- 2017 Annual Report - **Town of Vestal Historian**
- Letter of Resignation from Dog Control Officer Tarah Tripp effective February 28, 2018.

END OF CONSENT AGENDA

COMMITTEE CHAIR COMMENTS AND UPDATES

Councilwoman Messina congratulated Police Officers Vincent Stavola and Stace Kintner on their promotions.

SUPERVISOR'S ANNOUNCEMENTS

- In a Special Election held on February 6th, the voters of the Vestal Fire District approved the purchase of a ladder truck (Tower 32-4) for the Vestal Fire Department.
- The Hick's trial was finally completed with the Police Officers and the Town being cleared of all charges. It was a great day for law enforcement.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilwoman Messina, **the meeting was adjourned at 6:33 PM.** Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk