

**Regular Meeting of the Vestal Town Board
February 28, 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 28, 2018.

TOWN BOARD PRESENT:

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

ALSO ATTENDING: Town Attorney David Berger, 1st Deputy Town Clerk Kathie Young, Deputy Town Clerk Susan Bailey, Police Chief John Butler, Police Lt. Chris Streno, Police Officer Jack Burkhard and approximately 30 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:

<p><u>Recognition of Recent Promotions</u> Sergeant Stace Kintner Promoted to Lieutenant Officer Vincent Stavola Promoted to Sergeant Sergeant Jeff Helms Promoted from Patrol to Detective Supervisor</p>
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Police Chief John Butler introduced Police Officers **Jeff Helms, Stace Kintner and Vince Stavola** and congratulated them on their recent promotions.

In the presence of family and friends, Sergeant Vincent Stavola and Lieutenant Stace Kintner were sworn in by 1st Deputy Town Clerk Kathie Young.

Supervisor Schaffer congratulated the Police Officers on their promotions.

Supervisor Schaffer read the *Rules of Conduct and Decorum* for Town Board Meetings.

APPROVAL OF MINUTES

Councilwoman Messina stated that she will vote against the approval of these minutes in objection to some comments made at that meeting by Councilman Majewski concerning appointments to volunteer boards.

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Town Clerk's Note: Councilwoman Messina's written statement addressing this issue can be found under the *Committee Chair Comments and Updates* section of these minutes.

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

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

Resolved the Minutes of the Regular Meeting on February 14, 2018 are approved.

PRIVILEGE OF THE FLOOR

A speaker residing at 216 Edgewood Road was here a month ago to inform the Board that a storm sewer cover had broken and then was negligently left off resulting in the backup washing down and into her basement through the lateral line. This caused damage to her home and she has asked the Town to assume responsibility for that damage. The Town has responded that it was not responsible because the backup was into the lateral line. She acknowledges that it did backup into the lateral because how else would it get into her basement. The center of the street was flushed but the lateral line never was flushed. The clogged lateral line was due to the Town's negligence. She is also aware that a number of her neighbors have had a problem as well. She will likely speak with an engineer and a lawyer and engage her neighbors. Until this incident, she has had a dry basement for 35 years. This is a small claim and she is very disappointed with the Town's response.

Another speaker noted that he has been a party to many discussions with Town employees who openly admitted that they left that cover off the storm sewer. The rains followed in the next couple of days putting all kinds of debris down it and it backed up. The Town came and partially cleaned up the backup but did not completely alleviate the remaining problems including the backup into the lateral line. It is plain as day that negligence caused the backup and clogged the line. He further stated that it is unconscionable that the Town will not accept responsibility for its negligence and will not reimburse a resident for the damage that occurred as a result of that negligence. If this matter is not resolved properly by the Town, they will seek other avenues to resolve it.

A speaker expressed interest in getting more information about the Dollar General that is planned to be built on Sheedy Road. Town Attorney Dave Berger noted that it is in the Planning Board phase.

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A speaker commented on several topics as follows:

- Opposes the annual NY State Association of Towns trip to New York City. That money could have been used to reimburse the resident on Edgewood Rd.
- If the Town is now hiring the law firm of Levene Gouldin and Thompson, who is very expensive, it should follow that now we don't need a Town Attorney.
- He is having trouble resolving an error in his land assessment that has resulted in overcharges for years and wants it addressed as soon as possible.
- We have a franchise agreement with Spectrum Cable and they are not abiding by it. The entire area is suffering because of their business practices.

RESOLUTIONS & MOTIONS

Amendments to Fire Department By-Laws regarding LOSAP

R049-18 On a motion of Councilwoman Messina, seconded by Councilman Fletcher, the following resolution was

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

Resolved by the Board of Fire Commissions to grant approval of the requested By-law change to update the language and program to Article 24 Length of Service Awards Program (LOSAP) as well as the addition of Article 39 to the Vestal Fire Department By-laws allowing the addition of the approval date by the Board of Fire Commissioners.

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:

PUBLIC WORKS (FITZGERALD/Majewski)

Award Water Appurtenances Bid

R050-18 Authorization for the Town Attorney to draw the appropriate paperwork awarding the **Water Appurtenances** bid to the low bidder **Core & Main** of Binghamton, in the amount of \$109,297.00.

Award Water Meter Bid

R051-18 Authorization for the Town Attorney to draw the appropriate paperwork awarding the **Water Meters** bid to the sole bidder **Ti-Sales Inc.** of

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Sudbury, MA. The funds will be used from line W8340-4304.

Intermunicipal Agreement with the Vestal School District re: TAP Grant R052-18 Approval for the Town Supervisor to sign an **Intermunicipal Agreement with the Vestal School District** to share the local cost associated with the *Transportation Alternative Program (TAP) grant*.

Washington Street Bridge Rehabilitation Agreement with Delta Engineers R053-18 Authorization for the Town Supervisor to sign the Washington Street Bridge Rehabilitation Agreement with **Delta Engineers** for engineering, environmental and right-of way services in the amount of \$141,543.00.

FINANCE (MESSINA/Fletcher)

Receive and File:

Warrant Reports –2018-04, 2018-04A, 2018-04M, 2018-05, 2018-05A, 2018-05E, 2018-06, 2018-06A, 2018-06C, 2018-06E, 2018-07, 2018-07A, 2018-07E, 2018-07M, 2018-08, 2018-08A, 2018-08E

Payment to 360 Accident Investigations, LLC

R054-18 Authorization for the Business Office to submit payment in the amount of \$517.00 to **360 Accident Investigations, LLC** for their work on the *Hicks vs. Town of Vestal* litigation.

Payment to Pappas, Cox, Kimpel, Dodd & Levine, P.C.

R055-18 Authorization for the Business Office to submit payment in the amount of \$14,422.57 to **Pappas, Cox, Kimpel, Dodd & Levine, P.C.** for work on the *Hicks vs. Town of Vestal* case from October 2017 to February 2018.

Budget Transfer to Vestal Historical Preservation Commission

R056-18 Authorization for the Business Office to transfer \$1,000.00 to the **Vestal Historical Preservation Commission** for the purchase of bronze plaques for our locally designated historic homes.

Lease Agreement for Senior Citizens Center

R057-18 Authorization for the Town Supervisor to sign a lease agreement with the Vestal School District for the rental of space at the Central Junior High School for the **Senior Citizens Center** from March 1, 2018 thru February 28, 2019. The base rent shall be \$797.19 per month.

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Budget Transfers Dated 12/31/2017-02/14/18

R058-18 Authorization for Deputy Comptroller Nick Angeline to execute the **Budget Transfers** dated 12/31/2017-02/14/18 as submitted with his memo to the Town Board on February 22, 2018.

PERSONNEL (MAJEWSKI/Fitzgerald)

Susan Griffiths Hired as Provisional Account Clerk part-time

R059-18 Authorization for the Water/Wastewater Superintendent to fill a vacancy by hiring **Susan Griffiths** as a provisional Account Clerk part-time effective March 5, 2018. Per the 2017 CSEA collective bargaining agreement, her rate of pay will be \$12.36 per hour from budget line item 8310-1030.

PLANNING & ZONING (FLETCHER/Fitzgerald)

Advertise Local Law to Amend Chapter 24 of the Vestal Town Code

R060-18 Approval for the Town Attorney to advertise on March 7, 2018 for a Public Hearing on March 14, 2018 for a Local Law to amend Chapter 24 Article V, Division 3, Section 24-387, Container Storage, of the Vestal Town Code.

ADMINISTRATION (MAJEWSKI/Messina)

Approval to Apply for Grant to Broome County Arts Council

R061-18 Authorization for Museum Director/Grant Writer Cheresse Wiesner-Rosales to apply for a \$1,000.00 grant from the **Broome County Arts Council**.

RECEIVE AND FILE:

- 2017 Annual Report - Town of Vestal Historian
- Fire Advisory Board Meeting Minutes – 2018 01 15

END OF CONSENT AGENDA

COMMITTEE CHAIR COMMENTS AND UPDATES

Councilwoman Messina read the following and asked that it be placed in the minutes of this meeting:

On Wednesday, February 14, 2018, Councilman Majewski stated that he would not be supporting the Resolution Appointing individuals to Advisory Boards to fill vacancies that have occurred because he believes that some Council members have a direct conflict of interest and they should recuse themselves from voting. They should acknowledge the conflict to the people of the Town.

In light of Councilman Majewski's public statement regarding Executive Session proceedings, I would like to relate facts, rather than the conjectures that he put forth regarding the appointments.

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Mr. Majewski claimed that individuals on the Board would have to recuse themselves because applicants helped with political campaigns and could have been "promised" a position on one of the lay boards if the election campaigns were successful. These statements were not true and are unrealistic, as each board member only has one vote. The appointments were not the result of an impermissible conflict but based on the quality of the candidates. The allegation of impropriety in their selection without proof casts a cloud on these candidates that is unwarranted and politics at its worst.

There are facts, however, that Mr. Majewski did not mention. The Chairman of the Planning Board-who is also Mr. Majewski's spouse-sent an e-mail to the members of the Vestal Town Board on November 16 asking the Board to consider appointing one of the applicants for the Planning Board position. After the candidates interviewed for the position, Mr. Majewski voted on who would fill the position rather than recusing himself-in spite of the fact that his wife is Chair of the Committee and had sent a letter requesting one particular applicant be selected. These facts certainly present a conflict interest.

Recusal would not have changed the outcome of the vote, as the candidates were selected on the quality of their interviews (Planning and ZBA), as well as materials that they brought with them to share with the Board.

Thank you for affording me the opportunity to provide clarification to the public on this issue. I am providing the Clerk with these comments at this time to have them become part of the record of the meeting minutes.

SUPERVISOR'S ANNOUNCEMENTS

- Due to a roof leak and plumbing issues, the Library was forced to close on Saturday February 24th. A storm drainage was blocked and water was backing up into the building. Immediate corrective measures and repairs have been made and additional work will be done in the spring. Updates for this site have been budgeted. The Library is a tenant and they are responsible to keep the inside of the building maintained. Volunteers have come forward and several interior rooms will be painted and some planters will be installed. They will now have an outdoor spot for the children's program and some of the new planting will be done around this spot.
- A reminder that Winter Parking restrictions are in effect until March 31st. We are still issuing tickets for violations. Additional storms are expected. Please keep your cars off the road.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the meeting was adjourned at 6:30 PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk