

## **Regular Meeting of the Vestal Town Board March 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 March 14, 2018.

### **TOWN BOARD PRESENT:**

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

**ABSENT: Councilwoman Fitzgerald**

**ALSO ATTENDING:** Town Attorney David Berger, Town Engineer Vern Myers, Town Clerk Emil Bielecki, 1<sup>st</sup> Deputy Town Clerk Kathie Young and 11 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.

Supervisor Schaffer acknowledged the recent death of Frank Valetta and asked for a moment of silence in his honor. Frank served on the Vestal Town Board for 28 years and was a respected community leader.

### **APPROVAL OF MINUTES**

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

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

Resolved the Minutes of the Regular Meeting on February 28, 2018 are approved.

### **PUBLIC HEARINGS**

#### **Public Hearing Re: Special Use Permit to JMAG Associates, LLC**

The Supervisor offered *Proof of Posting and Affidavit of Publication* regarding a request for a **Special Use Permit to JMAG Associates, LLC** to operate the Planet 3 Extreme Air Park at 161 North Jensen Road.

Matt Napierala, P.E. and Mike Maciak, the co-owner of the property, submitted the *Affidavit of Mailing* to the Town Clerk and gave a brief presentation on the planned use of the property. The Planet 3 Park will occupy a 20,237 square feet of an existing building. The parking requirement will be fully met with the repaving and

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striping of an existing parking lot. They met with the Fire Department at the site and reviewed the location for access to emergency vehicles. Some adjustments were made to the parking configuration to improve the turning radius. The interior of the building is protected with a sprinkler system.

John Dowd, Esq., representing Midway Lanes, which adjoins this property, highlighted several concerns about the proposed plan as follows:

- Lack of a comprehensive plan for the 3 parcels on the site, including parking.
- The need for a traffic analysis which would include the impact of the proposed use on the intersections at Old Vestal Road and the Vestal Parkway.
- Is there adequate parking to accommodate the potential expansion of the other occupants in the building? Traffic flow on Jensen Road is also a concern.

Matt Napierala responded that they have 226 parking spaces which accommodate their needs. The rest of the building is to be used for warehousing which requires fewer parking spaces. A pylon sign off Jensen Road will be installed. The Town has not requested a traffic study. Their business in general is during off-peak times - evenings and weekends. It will be similar to Midway Lanes traffic.

A speaker who lives across the street from this property on Jensen Road expressed concern about the potential for additional traffic problems with the addition of this business. She often has to wait to back-out of her driveway during weekday hours and wonders whether a traffic light could be installed at this location. There is also concern about pedestrian traffic. There are no sidewalks and pedestrians coming from the nearby neighborhood are walking to the bus stop, the bowling alley and the corner store on Jensen Road. Now, *Planet 3* will become another destination. Perhaps additional police presence may also be needed in this area.

Matt Napierala responded that a *warrant analysis*\* must occur before a traffic light can be put in. This traffic generated by this business would not pass a *warrant analysis* to justify the traffic signal.

Seeing or hearing no one else from the public wishing to speak the Supervisor closed the Public Hearing and asked the Board how they wished to proceed.

Councilman Majewski and Councilman Fletcher stated that perhaps the Board should delay voting on granting the Special Use Permit so as to do additional review of the items that were brought up at this hearing.

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Town Attorney Dave Berger noted that the Board will still retain jurisdiction should any problems arise. If the Board is satisfied with the plans presented they can vote at this time. If they feel they need more information, they can wait.

Supervisor Schaffer noted that we do control this and if additional issues arise, we will work Town Engineer Vern Myers to address them.

Town Engineer Vern Myers acknowledged that there are traffic issues on this section of Jensen Road and some mitigating measures can be taken if necessary. The Town did ask him to initiate a review of the traffic flow on Jensen Road and his professional opinion is that it does not meet *warrants* for traffic volume at this time. It is counterintuitive, but adding more traffic to an already busy area does not necessarily increase the volume. There is a concern with sight distance and with left turns at the peak of the incline. Warning signs could be added on the road itself. More traffic could actually reduce the chance of accidents. A traffic study would not be useful at this time. There is no simple answer to the site distance issues. He will do some additional assessment of the road and work with the Highway Department to add warning signs for blind driveways and other potential hazards.

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\*Note per Town Engineer Vern Myers: Definition of the *warrant* with respect to traffic control: A warrant is a set of criteria used to define the relative need for, and appropriateness of, a particular traffic control device (e.g., STOP or YIELD sign, traffic signal, etc.). Warrants are usually expressed in the form of numerical requirements such as the volume of vehicular or pedestrian traffic. A warrant normally carries with it a means of assigning priorities among several alternative choices. There are two fundamental concepts involved in this determination:

(a) The most effective traffic control device is the least restrictive while still accomplishing the intended purpose. For instance, geometric changes alone may negate the need for a traffic signal.

(b) Driver response to the influences of a traffic control device has been previously identified by observation, field experience, and laboratory tests under a variety of traffic and driver conditions.

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### **Special Use Permit Granted to JMAG Associates LLC- 161 Jensen Road**

**R062-18** On a motion of Councilman Fletcher, seconded by Councilwoman Messina, the following resolution was

**ADOPTED** Ayes 3 Fletcher, Messina, Schaffer

Nays 1 Majewski Absent 1 Fitzgerald

Resolved to grant approval of a **Special Use Permit for JMAG Associates LLC** to open/operate *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. The applicant has presented to the Board that the granting of the permit will be in the best interests of the public and that the use of neighboring property will not be injured thereby and that the granting of the permit is appropriate and that the SEQR submitted does not reveal any significant or important environmental impacts and is accepted.

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### Public Hearing Local Law “A” of the Year 2018

Supervisor Schaffer offered *Proof of Posting and Affidavit of Publication* regarding proposed **Local Law “A” of the Year 2018**, a “Local Law repealing and replacing portions of Article 24-1 ‘Definitions’ and repealing and replacing the entire section 24-387 ‘Container Storage’ of the Code of the Town of Vestal.”

Town Attorney Dave Berger explained that this is a revision to our Code to better regulate storage containers which are becoming more of a problem in the Town and to transfer the permitting process from the Board to the Code Department.

### Adopt Local Law “A” of the Year 2018

**R063-18** On a motion of Councilman Fletcher, seconded by Councilwoman Messina, the following resolution was

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

Resolved to **adopt Local Law “A” of the Year 2018**, a “Local Law repealing and replacing portions of Article 24-1 ‘Definitions’ and repealing and replacing the entire section 24-387 ‘Container Storage’ of the Code of the Town of Vestal”.

### PRIVILEGE OF THE FLOOR

A speaker expressed concern about the shrubbery that was removed from the front of the Vestal Library and the big maple trees at the end of Main Street. Town Engineer Vern Myers explained that the maple trees were in a triangle on an island. One tree was dead, one was dying and a third tree needed to go to make way for replacements. The shrubbery at the Library had to be removed to do some repair work on the drainage system. We expect to redo the landscaping once the repair work is completed. Supervisor Schaffer also noted that the Town put additional money in the capital budget to paint the building and to do some maintenance.

### RESOLUTIONS & MOTIONS

**R064-18** On a motion of Councilwoman Messina, seconded by Councilman Fletcher, the following resolution was

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

Resolved to approve the following budget transfers as requested by Town Comptroller Laura McKane.

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From Line Item	To Line Item	Amount Requested	Explanation
A1011.1011		\$ 500,000.00	From Fund Balance
	A7140.4131	\$ 6,000.00	Repair Large Mower
	A1680.2220	\$ 45,000.00	IT Capital Requests
	A9950.9000	\$ 360,000.00	To Capital Fund for Paver
	A9950.9000	\$ 57,600.00	To Capital for Parks Improvement
	A7140.2100	\$ 10,800.00	Parks – Operating Equipment
	A1620.2255	\$ 6,400.00	Painting Library Exterior
	A3020.2101	\$ 4,000.00	Radio Equipment (Engineering)
	A3020.2101	\$ 10,200.00	Police Portable Radios

**Deer and Taylor Hired as Police Officers**

Supervisor Schaffer noted that we now employ three of the top scoring officers.

**R065-18** On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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

Resolved to authorize Police Chief John Butler to fill dept. vacancies as follows:

- Fill a vacancy by hiring **Andrew Deer** as a Police Officer effective March 19, 2018. As per the PBA collective bargaining agreement, Officer Deer’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.
- Fill a vacancy by hiring **Corey Taylor** as a Police Officer effective March 19, 2018. As per the PBA collective bargaining agreement, Officer Taylor’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.

**Water/Wastewater Maintenance Crew Chief – Temporary Appointees**

**R066-18** On a motion of Councilwoman Messina, seconded by Councilman Fletcher, the following resolution was

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

Resolved to authorize the following appointments:

- Appoint **Patrick Williams** temporary as Water/Wastewater Maintenance Crew Chief at the Operating Engineer rate of \$26.97 per hour effective March 17, 2018 through April 13, 2018.
- Appoint **David Kilmer** temporary as Water/Wastewater Maintenance Crew Chief at the Operating Engineer rate of \$26.97 per hour effective April 14, 2018 through May 11, 2018.

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**Additional Compensation to Police Officer Taber During Active Duty**

**R067-18** On a motion of Councilwoman Messina, seconded by Councilman Fletcher, the following resolution was

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

Resolved to pay **Police Officer Colby Taber** \$1,550.00 in additional compensation as a result of his active duty service from September 30, 2017 through November 21, 2017. This action is not to be considered precedent setting and it should not be expected that similar action will be taken in the future.

**CONSENT AGENDA**

On a motion of Councilwoman Messina, seconded by Supervisor Schaffer, the following resolution was

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

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

**PUBLIC WORKS: Fitzgerald/Majewski**

**Advertise Bids for Highway Materials**

**R068-18** Authorization for the Town Attorney to advertise on March 21, 2018 seeking bids for **Highway Materials** with bid openings on Tuesday, April 3, 2018.

**Tentative Award of Architectural/Engineering Services-Bergman Associates**

**R069-18** Authorization to accept all proposals for the NY Rising Town of Vestal EMS Relocation Project and tentatively award the Architectural/Engineering Services to **Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.** pending contract negotiations, as well as funding agency review and approval.

**FINANCE: Messina/Fletcher**

**Receive and File:**

- **Warrant Reports** –2018-09, 2018-09E, 2018-10, 2018-10E, 2018-10C

**Town Attorney Billable Hours**

**R070-18** Authorization for the Business Office to pay in the amount of \$5,212.50 to Town Attorney David for February 2018 billable hours.

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**Budget Transfers**

**R071-18** Approval for Town Comptroller Laura McKane to make **budget transfers** as follows:

- \$42,000 from line item A1990.4322 to A3120.1010 (To hire new police officer)
- \$1,400 from line item A3120.4033 to A3120.4031 (Funds for Police Academy)
- \$800 from line item A7140.4060 to A7140-4010 (Parks: toner purchase)
- \$1,000 from line item A1990.4322 to A7510.4060 (Historic plaques per VHC)

**Annual Membership-Broome County Association of Towns and Villages**

**R072-18** Authorization for the Business Office to pay in the amount of \$30.00 to the **Broome County Association of Towns and Villages** for the 2018 Annual Membership dues.

**PERSONNEL: Majewski/Fitzgerald**

**Hire Referees for Recreation**

**R073-18** Retroactive approval for the Recreation Planner to hire referees for the *Vestal Youth Basketball Organization League* (from 1/6/18 thru 2/25/18) as requested in her memo to the Town Board dated March 6, 2018.

**END OF CONSENT AGENDA**

**COMMITTEE CHAIR COMMENTS AND UPDATES**

In response to a question asked by Councilman Majewski at a previous meeting, Councilwoman Messina stated that the payments to Gorick Construction that appeared in the warrants were for sand used for snow and ice control. The purchase was done using the County bid pricing. Councilman Majewski noted that his main issue was with the vendor delivery of the materials rather than using our own trucks to perhaps save money.

**SUPERVISOR'S ANNOUNCEMENTS**

**FREE EASTER EGG HUNT!** Saturday, March 24, 2018 - 11:00 AM

Ages 10 Years & Younger ~~ [Arnold Park, Andrews Road](#)

**ADJOURNMENT**

On a motion of Councilwoman Messina, seconded by Councilman Fletcher, the meeting was adjourned at 6:47 PM. Carried unanimously.

Approved by \_\_\_\_\_ **Emil J. Bielecki, Town Clerk**