

## **Regular Meeting of the Vestal Town Board May 9, 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 May 9, 2018.

### **TOWN BOARD PRESENT:**

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

**ALSO ATTENDING:** Town Attorney David Berger, Town Clerk Emil Bielecki, 1<sup>st</sup> Deputy Town Clerk Kathie Young and 5 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 Messina, seconded by Councilman Fletcher, the following resolution was

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

Resolved the Minutes of the Regular Meeting on April 25, 2018 are approved.

### **PRIVILEGE OF THE FLOOR**

A speaker asked what the acronym *NYSAMCC* stood for in the training request on the agenda. The Town Clerk answered that it stood for the *New York State Association of Magistrates Court Clerks*. Town Attorney Berger explained that magistrates are civil officers or lay judges who administer the law.

A speaker asked what will be voted on in the Special Election that is being scheduled for June 12<sup>th</sup>. Supervisor Schaffer responded that it will be a vote to authorize the acquisition of 118 Jensen Road for the Vestal Fire District.

### **RESOLUTIONS & MOTIONS**

#### **Accept \$40,000 Grant from Senator Fred Akshar for Body Cameras & Tasers**

Supervisor Schaffer thanked Senator Fred Akshar for this generous grant.

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**R100-18** On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to accept a **\$40,000 grant** from NYS Senator Fred Akshar for the purchase of body cameras and seven Tasers.

**Police to Purchase Body Camera System from Axon Enterprise, Inc.**

**R101-18** 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 to authorize the procurement of a body camera system from **Axon Enterprise, Inc.**, as a sole source provider, over a five year program as submitted in a quote that was attached to the memo from Police Chief John Butler to the Town Board dated April 20, 2018. The sole source justification was provided to the Board and a copy is included as part of the backup material to the minutes.

**Sign Collective Bargaining Agreement with CSEA Unit 6170**

**R102-18** On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to approve the tentative agreement between the **Town of Vestal and CSEA Unit 6170** and authorize the Town Supervisor to sign the resulting collective bargaining agreement.

**SEQRA Resolution re: Acquisition of 118 Jensen Road**

**R103-18** On a motion of Fire Commissioner Messina, seconded by Fire Commissioner Fitzgerald, the following resolution was

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

Resolved to adopt the following **SEQRA** Resolution:

WHEREAS, in consideration of the land acquisition of the property located at 118 Jensen Road, Vestal, NY; and

WHEREAS, this is an unlisted action for which the Board of Fire Commissioners is acting in this uncoordinated environmental review with respect to the land acquisition; and

WHEREAS, the Board of Fire Commissioners has reviewed and accepted as adequate a short Environmental Assessment Form (EAF) prepared by the Town Engineer,

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NOW, THEREFORE, BE IT RESOLVED, that the Board of Fire Commissioners hereby makes a negative determination of environmental significance for the reasons set forth in the EAF in accordance with the SEQRA Act and therefore no Environmental Impact Statement is required.

### **Bond Resolution re: Acquisition of 118 Jensen Road**

**R104-18** 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 to adopt the following Bond Resolution Dated May 9, 2018:

A RESOLUTION AUTHORIZING THE ACQUISITION OF A PARCEL OF LAND LOCATED AT 118 JENSEN ROAD IN AND FOR THE VESTAL FIRE DISTRICT IN THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$612,500, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$612,500 SERIAL BONDS OF SAID FIRE DISTRICT TO PAY THE COST THEREOF.

### **Special Election re: Acquisition of 118 Jensen Road**

**R105-18** On a motion Fire Commissioner Messina, seconded by Fire Commissioner Fletcher, the following resolution was

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

Resolved the Board of Fire Commissioners adopts a Resolution calling for a **Special Election** as follows:

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 acquisition of a parcel of land of approximately 3.47 acres located at 118 Jensen Road in Vestal, New York for use as the site of a future fire station, in and for the Vestal Fire District in the Town of Vestal, Broome County, New York (the "Fire District"), for Fire District purposes including incidental expenses in connection therewith, a specific object or purpose, at a maximum estimated cost of \$612,500, 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 12th day of June 2018, at the Town Hall located at 605 Vestal Parkway West, in Vestal, New York, in said Fire District, between the hours of 2:00 o'clock P.M. 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.

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Section 3. The Secretary of said Fire District is hereby authorized to give notice of such special election by publication once in Vestal Town Crier, a 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 website of the Fire District and 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.

### CONSENT AGENDA

On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, 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

**R106-18** Authorization for the Town Attorney to draw the paperwork awarding the following bids for **Highway Materials** that were opened on April 4, 2018. The low bidders will be utilized when possible.

<p><b>2018 Bank Run Gravel</b> - F.S. Lopke - <b>REJECT</b> <b>2018 Bituminous Concrete</b> - Hot Mix Asphalt - Broome Bituminous Products - <b>REJECT</b> <b>2018 Coarse and Fine Aggregates &amp; Road Sanding Materials</b> - F.S. Lopke - <b>REJECT</b> <b>2018 Crusher Run Sub-Base Type #2 Item #304</b> - F.S. Lopke - ACCEPT <b>2018 Light and Medium Stone Fill</b> - F.S. Lopke - ACCEPT <b>2018 Manhole Covers and Frame Assemblies</b> – Crossroads - ACCEPT <b>2018 NYS DOT Approved Type 4 Gravel</b> - F.S. Lopke - ACCEPT <b>2018 Snow Plow Blades etc.</b> - Chemung Supply Corp - ACCEPT <b>2018 Snow Plow Blades etc.</b> - Northern Supply - ACCEPT <b>2018 Street Sweeping Brooms</b> - Northern Supply - ACCEPT <b>2018 Tires and Retreading</b> - Tallmadge Tire Service - ACCEPT <b>2018 Transit Mix Concrete</b> - Barney &amp; Dickenson, Inc. - ACCEPT <b>2018 Transit Mix Concrete</b> - C&amp;C Ready Mix Corp - ACCEPT</p>
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### Architectural Agreement with Bergman Associates Pending GOSR Approval

**R107-18** Authorization for the Town Supervisor to sign the architectural agreement for Architectural/Engineering Services with **Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.** for the **Vestal EMS Relocation Project** (NY Rising Community Reconstruction Program) pending final review and approval by the Governor's Office of Storm Recovery (GOSR). The agreement includes: Schematic Design Phase, Design Development Phase, Construction Document Phase, Bidding & Award Phase,

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Construction Administration Phase and Building Commissioning per the requirement of the funding agency. The contract fee for all services is \$457,348.00.

### FINANCE: Messina/Fletcher

#### Receive and File:

- **Warrant Reports:** 2018-17, 2018-17B, 2018-17E, 2018-18, 2018-18E, 2018-18S
- **Town Clerk's Monthly Report:** April 2018 - Total Local Shares Remitted \$6,187.95

### Town Attorney Billable Hours

**R108-18** Authorization for the Business Office to pay \$1,250.00 to **Town Attorney David Berger** for April 2018 billable hours.

### PERSONNEL: Majewski/Fitzgerald

#### Section 41-j Pension Benefits for CSEA Agreement

**R109-18** Authorization to adopt the following resolution as required by the State retirement system to make the agreed change in the tentative agreement with CSEA to provide the additional pension benefits of *section 41-j*:

**Be it Resolved** that the Town Board of the Town of Vestal does hereby elect to provide the additional pension benefits of **section 41-j** of the retirement and Social Security Law as presently or hereafter amended, and;

**Be it Further Resolved** that the effective date of such shall be the 10<sup>th</sup> day of May, 2018.

### Amend Sections 805 and 807 of the Employee Handbook

**R110-18** Authorizations to amend **Sections 805** and **807** of the Employee Handbook as submitted to the Town Board at the Work Session on May 7, 2018.

### PLANNING & ZONING: Fletcher/Fitzgerald

**R111-18** Approval for the **Hampton Inn**, located at 3708 Vestal Parkway East, to have up to 10 storage containers from March 1 – September 1, 2018 for construction materials as shown on the site plan attached to the memo from Code Enforcement Officer Lincoln Ellis dated April 30, 2018.

### PUBLIC SAFETY: Messina/Majewski

**R112-18** Approval for Town Supervisor John Schaffer to purchase for \$1.00, a **surplus used metal detector**, as authorized by the Village of Johnson City Board of Trustees.

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### **Authorization for P-T Clerk to Attend NYSAMCC Conference**

**R113-18** Authorization for part-time clerk **Heather Webster** to attend the NYSAMCC, Inc. Annual Fall Conference in Lake Placid from September 16 thru September 19, 2018. The cost of this conference will be approximately \$800.

### **Designate Election Personnel and Compensation for Special Election**

**R114-18** Authorization from the Board of Fire Commissioner to adopt a Resolution designating election personnel and their compensation 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 12th day of June, 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; 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 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: Cora Walter, Janet Cole, Joyce Ellis, and Keith Green

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

### **Schedule Meeting of Election Inspectors to Prepare Election Register**

**R115-18** Authorization from the Board of Fire Commissioners to adopt a Resolution setting the time and place of a meeting of the inspectors of election of the Vestal Fire District in the Town of Vestal for the purpose of preparation of the Fire District election register as follows:

WHEREAS, the Board of Fire Commissioners of Vestal Fire District in the Town of Vestal, Broome County, New York, heretofore resolved on May 9, 2018 to call a special election of said Fire District, such special election to be held at the Vestal Town Hall, in Town of Vestal, New York, in said Fire District, on the 12th day of June, 2018, between the hours of 2:00 o'clock P.M., and 9:00 o'clock P.M., Prevailing Time; and

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

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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 May 9, 2018, shall meet at the Vestal Town Hall located at 605 Vestal Parkway West, in Town of Vestal, New York, in said Fire District, on the 24<sup>th</sup> day of May, 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.

### **ADMINISTRATION: Majewski/Messina** **Recreation Department to Hire Summer Labor**

**R116-18** Authorization for Recreation Planner Sue Jastran to hire Pool Directors, lifeguards, swim instructors and playground labor as indicated in a memo to the Town Board dated May 1, 2018.

### **Accept Vestal Elks Donation**

**R117-18** Authorization for the Recreation Department to accept a \$1,737.01 donation from the *Vestal Elks* for the Easter Egg Hunt supplies - line item A7310.4333, for reimbursement for the purchases made for the community Easter Egg Hunt on March 24, 2018.

### **Maintenance of Abandoned Cemeteries**

**R118-18** Authorization for the following people to provide maintenance of abandoned cemeteries in the Town of Vestal for the year 2018, and for the Town Attorney to prepare the contracts:

**John Donlin**

412 Delano Ave.	Rounds Cemetery	\$ 325.00
Vestal, NY 13850	Crumm Rd. Cemetery	\$ 425.00
	Vestal Rd. Cemetery	<u>\$ 325.00</u>
		<b>\$1,075.00</b>

**Richard Chase**

413 Torrance Ave.	Jensen Rd. Cemetery	\$ 475.00
Vestal, NY 13850	Vestal Center Cemetery	<u>\$1,525.00</u>
		<b>\$2,000.00</b>

Total for all abandoned cemeteries **\$3,075.00.**

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The maintenance of abandoned cemeteries is a statutory obligation of the Town and is budgeted under line item A8810-4060.

**END OF CONSENT AGENDA**

**SUPERVISOR'S ANNOUNCEMENTS**

- The Highway Department is picking up brush in the first week of each month from May to September.
  - ✓ Branches must be piled neatly at curb/roadside all in one direction *parallel* with the road, not in the street.
  - ✓ Leave branches as long as possible. Branch diameter limit is 6"
  - ✓ NOT ACCEPTABLE: Tree trunks, vines (they plug our chippers), lot clearings, or work done from a contractor.
  - ✓ ABSOLUTELY NO LAWN CLIPPINGS OR THORNY BRUSH  
**Please** - No vines - No thorns - We recycle our wood chips to residents of Vestal, who often use them in play areas for children.
  
- There will be a Public Information Meeting regarding the purchase of 118 Jensen Road (American Legion) for the Vestal Fire District. The meeting will be in the Town Hall Boardroom on Tuesday, May 22<sup>nd</sup> at 6:30 PM.

**ADJOURNMENT**

On a motion of Councilman Majewski, seconded by Councilman Fletcher, the meeting was adjourned at 6:11 PM. Carried unanimously.

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