

Regular Meeting of the Vestal Town Board May 23, 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 23, 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:

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 May 9, 2018 are approved.

PUBLIC HEARINGS

Supervisor Schaffer offered the *Proof of Posting* and *Affidavit of Publication* regarding the Public Hearing for proposed **Local Law “D”** of the Year 2018, a local law repealing and replacing Chapter 24, Article IV, Division 1, Section 24-154. *Customary Home Occupations* in its entirety and opened the Public Hearing.

Seeing or hearing no one wishing to speak Supervisor Schaffer closed the Public Hearing and asked the Board how it wished to proceed.

Adopt Proposed Local Law “D” of the Year 2018

R119-18 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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

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Resolved to adopt proposed **Local Law “D” of the Year 2018**, a local law repealing and replacing Chapter 24, Article IV, Division 1, Section 24-154, “Customary Home Occupations” in its entirety:

The following provisions shall apply to customary home occupations:

(A) Permitted uses

(1) Permitted customary home occupations are: office for attorney, insurance agent, engineer, architect, surveyor, accountant, or real estate; dressmaker, seamstress, or tailor; music teacher limited to a single pupil at a time; photo studio; furniture restoration and upholstery; radio and television repair; printing shop; dancing instructor limited to three (3) pupils at a time; notary public; watch and clock repair; clerical and office type work; telemarketing; tax preparation; answering service; home crafts; tutoring; travel agent; internet sales; computer programming; barber, beautician or hair dresser limited to one (1) client at a time.

(2) Non-permitted home occupations are: animal training, boarding and care; sale and repair of gasoline or electric motors or vehicles of any description; machine shop; tool rental; lawn mower sales, service and repair; sign company; art dealers and antique shops; teaching of ceramics; dog daycare; boat, motor or trailer sales, service, or repair; convalescent home.

(3) Home occupations not specifically allowed in paragraph (1) above nor specifically disallowed in paragraph (2) above, shall be allowed only by special permit by the zoning board of appeals after a public hearing at which all interested citizens shall be afforded an opportunity to be heard. The special permit shall be issued by the zoning board of appeals upon its being satisfied that the public convenience and welfare will be substantially served and that the appropriate use of the neighboring property will not be injured thereby.

(4) Local construction contractors shall be permitted to operate their company office in their primary place of residence. One (1) company logoed motor vehicle is permitted at the residence. No other exterior evidence of the company office is allowed, i.e. signs, trailers, construction materials or debris, etc.

(5) Family day care homes and group family day care homes, licensed by New York State, shall be allowed in any residential zoning district, without requiring a home occupation permit or a special permit from the zoning board of appeals, as outlined in New York State statute.

(B) General provisions

(1) Home occupations shall only be permitted in the zoning districts outlined in Sections 24-151 and 24-152 of this code.

(2) The home occupation shall be conducted and operated by members of the immediate family residing in the premises.

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- (3) Not more than one-quarter (1/4) of the gross floor area of the structure, including basement area, is to be utilized for the home occupation.
- (4) The owner must provide ingress and egress of the area used as a home occupation by an entrance from the front or side of the principal structure, and not from the rear thereof.
- (5) No external evidence of such occupation shall be permitted, except signs as permitted by law. There shall be no outdoor operations or outdoor storage of materials, products or equipment.
- (6) No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, glare, or electrical, radio, or electromagnetic interference beyond the boundaries of the property. Only general types and sizes of machinery or equipment that are typically found in dwellings for hobby or domestic purposes shall be permitted. No use shall generate noise or glare in excess of what is typical for a residential neighborhood.
- (7) The occupation shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and quantities commonly found in a residence. The occupation shall not involve the use of toxic substances. No materials or process shall be stored or utilized which is hazardous to the public health, safety and welfare.
- (8) The exterior of the building and the parcel shall not be changed in such a way as to decrease its residential appearance.
- (9) An occupation shall not be conducted in a manner that is perceptible in external effects (noise, odor, traffic, etc.) from beyond the property boundary between the hours of 8:00 pm and 8:00 am. This limit shall also apply to any loading or unloading of vehicles on the property or on the adjacent street which causes noise to the adjoining residential properties.
- (10) The home occupation shall generate no additional traffic than can be accommodated by the existing residential driveway.

Section 3. Effective Date

This Law shall become effective upon filing in the office of the Secretary of State of the State of New York.

PRIVILEGE OF THE FLOOR

A speaker commented on the various topics as follows:

- There should be more information disclosed from Executive Sessions.
- Wants to see figures for sales done through Auctions International.
- Term limits for Town elected officials should be considered.
- Town is paying an employee to write grants but he has seen no results.

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- There are errors in how his land is being assessed and no one is fixing it. The Board of Assessment Review should schedule an evening session to accommodate the working public.

Several members of Vestal based baseball leagues spoke in opposition to a proposal to remove the baseball field next to the Highway Department for use as a dumping area for highway materials. A summary of the comments is as follows:

- The field is used by many leagues and they should have been included in any discussion concerning it.
- The Town's baseball fields are not adequately maintained and should have been ready to use earlier.
- The dugout roofs were built as an Eagle Scout project with considerable expenditure of time and money.
- Drainage problems continue to hinder the usability of the Arnold Park fields.
- If the Supervisor is not proposing to close this field, the minutes of the Town Board Work Session Meeting should be amended.

Supervisor Schaffer noted that the issue of the baseball field next to the Highway Garage (referred to as the Dave Leonard Field) arose as a request from the Highway Department. Some of the outside information that is being disseminated about this issue is wrong and he has asked for a retraction. At this time, he and the Board have no intention of removing this field. No vote has been taken concerning this field. Although it has been a wet season, the Parks Department is working hard to get the playing fields into good condition. We put a lot of money into our fields and park programs. We employ 50 to 60 in the Recreation Department and 6 full time and 6 part time Parks employees. The Parks Department is under a lot of pressure.

Councilman Fletcher confirmed that a department head brought this forward for discussion. As someone who has been involved with youth sports for a long time, he understands the frustration of the leagues concerning playing fields. He has bumped heads many times with the Parks Superintendent. However, now that he is here on the Board, he sees that there are two sides to this. There are budgetary limitations. Our fields are difficult and expensive to maintain. The new drainage for the football field at Arnold Park has helped. He sympathizes, but he knows that from a fiduciary perspective we are doing well and he is not embarrassed at all by how we manage our parks and recreation programs.

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A speaker asked for an additional explanation of Local Law “D” that was adopted this evening. Town Attorney David Berger explained that it is an update of the section of the Town Code Book that deals with home occupations. It updates and expands the types of occupations and businesses that fall under the home occupation definition.

RESOLUTIONS & MOTIONS

Memorandum of Understanding with Broome County re: Email Services

R120-18 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 authorize the Town Supervisor to sign a Memorandum of Understanding (MOU) with Broome County to provide the Town of Vestal with hosted Exchange email services from January 1, 2019 through December 31, 2020.

CONSENT AGENDA

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 **Consent Agenda** is approved as follows:

PUBLIC WORKS: Fitzgerald/Majewski

R121-18 Authorization for Parks Superintendent Jim Bukowski to hire the following laborers:

- **Andrew Gleason** as a seasonal Laborer effective May 15, 2018 at the rate of pay of \$10.40 per hour.
- **Jason Katsares** as a seasonal Laborer effective May 22, 2018 at the rate of pay of \$10.40 per hour.
- **Austin Beck** and **Jacob Spellane** as seasonal Laborers effective as soon as they can begin work at the rate of pay of \$10.40 per hour.

Sean DeGroat Hired as Seasonal Laborer in Water/Wastewater Department

R122-18 Authorization for Water/Wastewater Superintendent Scott Groats to hire **Sean DeGroat** as a seasonal laborer at a rate of \$10.40 per/hour with a start date of May 29, 2018 from budget line W8340-1034.

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McFarland Johnson Selected for Engineering/Consultant Services

R123-18 Authorize Town Engineer Vern Myers to select **McFarland Johnson**, 49 Court Street, Binghamton NY, to provide engineering and consultant services for *the Vestal High School Pedestrian Improvement Project* - Locally Administered Federal Aid Project (PIN 9009.43). This consultant will work to develop the scope of services and consultant fee in accordance with NYSDOT Locally Administered Federal Aid project guidance. When this is complete, the agreement will be submitted to the Town Board for review and approval.

FINANCE: Messina/Fletcher

Receive and File

Warrant Reports: 2018-19, 2018-19B, 2018-19C, 2018-19E, 2018-20, 2018-20E

Kenneth Frommer Paid \$6,500 for Appraisal Work

R124-18 Approval for the Business Office to remit to **Kenneth Frommer** \$6,500.00 for appraisal work on the Community Shopping Plaza owned by Vestal Property LLC (Tax Map # 157.79-1-1 and 157.17-1-5).

PLANNING & ZONING: Fletcher/Fitzgerald

Kopernik Observatory to Hold “Race to the Stars” 5k

R125-18 Authorization for Kopernik Observatory & Science Center to hold a 5k race “**Race to the Stars**” on September 22, 2018. A Certificate of Insurance, naming the Town as an additional insured party has been provided. All race participants will sign waivers and two off-duty police officers to work the event to assist with public safety.

PUBLIC SAFETY: Messina/Majewski

Accept New Fire Department Members

R126-18 Approval for Fire Chief David Harrington to accept the following individuals as new members of the Vestal Fire Department:

- Samuel Leslie as a member at Company No. 1.
- Brandon Reid as a member at Company No. 4.

END OF CONSENT AGENDA

SUPERVISOR’S ANNOUNCEMENTS

- A **Special Election** of the qualified voters of Vestal Fire District will be held on Tuesday, June 12, 2018, at the Vestal Town Hall between the hours of 2:00 P.M. and 9:00 P.M., to vote for or against the acquisition of approximately 3.47

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acres located at 118 Jensen Road at a maximum estimated cost of \$612,500 for use as the site of a future fire station.

- 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.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the meeting was adjourned at 6:37PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk