

Regular Meeting of the Vestal Town Board August 22, 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 August 22, 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, Town Attorney Vern Myers 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 Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved the Minutes of the Regular Meeting on August 8, 2018 are approved.

PRIVILEGE OF THE FLOOR

Approximately a dozen Town residents who were affected by the recent flooding along Choconut Creek (Tharp St., Richards St., Stateline Rd., Juneberry Rd and others) addressed the Board with various concerns. A summary of their comments is as follows:

- A number of homes are getting flooded out with increasing frequency. We need the Town and/or any other government agencies to clean out the creeks and provide maintenance so as to reduce the risks of repeated flooding.
- One of the residents received a permit from DEC to go into the creek. Why can't the Town also get the required permits and do some work in the creeks?
- One of the residents is giving the Town permission to go on his land to access the creek. The Town should go in there and clear out the trees that have already fallen and other that will be falling into the creek.

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- One resident stated that the Town promised to do some work in the creek but nothing was ever done.
- How is it that people were allowed to build in these areas that flood continuously?
- There are trees and other debris at various sections of the creek that will exacerbate the flooding conditions in the future if not cleared out.
- NYSEG has been cutting trees along the creek but has not been clearing the debris.

In response to these comments and questions, Supervisor Schaffer stated that he and the Board cares very much about these problems, but we are limited in what we can do. We are only one of many communities that have incurred damage. Conklin is still under water and already has \$6 million in damage. We do not have final figures yet but we will be submitting them to apply for aid. Finances are always an issue. We do not have the resources to do all that needs to be done. Our first priority is to repair the Town's infrastructure. We are doing all that we can to assist in the clean-up but the Town can't go on private property to remove trees and debris.

Town Engineer Vern Myers stated that we want to do all we can to assist our residents but he must deliver the worst message. The Choconut has 12 miles of stream (24 miles of bank) in Vestal and just bulldozing it doesn't fix the problem. There are bigger solutions but it requires Federal and State resources. Even if the resources were available, it would not address your private property. My primary responsibility is the Town's infrastructure (water, sewer, roads, bridges) and we are stretched just to maintain those critical functions. We are a watershed and will continue to experience problems during heavy storm events. Perhaps a mass retaining pond would help but that would be up to the Army Corps of Engineer and DEC and we aren't even on their radar. He already has a list of 27 property owners who have asked for help. We'll help where we can but our first priority is to repair the damage to our infrastructure. If you need a tree cut on your property, cut it. It's your tree. As to the actions taken by NYSEG, there is nothing he can do. They are regulated by the Public Service Commission and his voice carries no more weight than anyone else's in this room. He encourages the public to contact the PSC.

Town Attorney David Berger noted that many of the homes that are affected by the flooding were probably built at a time when there were no flood maps and the codes were not as stringent.

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Former Town Supervisor Bob Nasiatka stated that he has been here since 1954 and this story just repeats itself. The Town has neither the equipment nor the resources to fix all the problems. When you clean out the creek, you disturb the hardpan and the gravel. The creeks are moving and you cannot control it or the water that comes from Pennsylvania. If you stir it up, it just causes more problems later.

RESOLUTIONS & MOTIONS

Press & Sun Bulletin Designated As Additional Official Legal Newspaper

R182-18 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

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

Motion to adopt a Resolution designating the **Press & Sun Bulletin** as an additional official legal newspaper for the Town of Vestal:

Whereas, pursuant to Town Law 64 (11) the Town of Vestal is empowered to designate a legal newspaper to publish all matters as may be necessary according to law, and

The Town of Vestal finds it necessary to have a second official newspaper who meets the criteria set forth in General Construction Law 60(a) and Public Officers Law 70-a,

Now therefore the Town of Vestal resolves that the Press and Sun Bulletin is hereby designated as an additional legal newspaper for publication of any and all matters as may be necessary according to law, along with the Vestal Town Crier which had been previously designated and remains so designated.

Advertise for Public Hearing re: Water Mains - Old Vestal and Bunn Hill

R183-18 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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

Motion to adopt the Order calling for a Public Hearing on the question of the increase and improvements of the facilities of Consolidated Water District No. 1 in the Town of Vestal consisting of the construction of improvements to and reconstruction of the water mains on Old Vestal Road and Bunn Hill Road and expenses in connection therewith at a maximum estimated cost of \$1,350,411. The

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Order calling for the Public Hearing shall be advertised on August 24, 2018 with the Public Hearing to be held on September 5, 2018 at 5:00 PM.

Install Four-Way Stop Signs – Horan and Gardner at Powderhouse

R184-18 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 to adopt the following resolution:

RESOLUTION ADOPTING AN ORDER ESTABLISHING TRAFFIC REGULATIONS PURSUANT TO SECTION 1660 OF THE NEW YORK STATE VEHICLE & TRAFFIC LAW.

Whereas, the Town of Vestal has some safety concerns with the intersection of Powderhouse/Horan and Gardner Roads; and

Whereas, the Town of Vestal has determined that placing four-way stop signs at this intersection would slow down the traffic and prevent further accidents;

Now therefore, stop signs shall be erected east bound on Powderhouse at Gardner and west bound on Powderhouse at Horan.

Advertise Bids for Tanker 32-3 Project

R185-18 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 to authorize the Town Attorney to advertise on September 5, 2018 requesting for bids for the **Tanker 32-3 Project** with the opening of the bid to be on September 18, 2018 at 2:00 pm.

CONSENT AGENDA

On a motion of Councilman Fletcher, 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:

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FINANCE: Messina/Fletcher

Receive and File:

Warrant Reports: 2018-32, 2018-32C, 2018-32E, 2018-33, 2018-33E

Accept Grant from BC District Attorney's Office

R186-18 Authorization for Police Lieutenant Christopher Streno to accept a grant in the amount of **\$5,000 from the Broome County District Attorney's office** to be used for drug enforcement operations.

Budget Transfers

R187-18 Approval for Deputy Comptroller Nick Angeline to make **budget transfers** dated for the period August 6, 2018 – August 16, 2018 as attached to his memo to the Town Board dated August 16, 2018.

PERSONNEL: Majewski/Fitzgerald

Re-Appoint Flanders and Shaikh to Board of Assessment Review

R188-18 Authorization to make the following appointments:

- Re-appoint **Robert Flanders** as a member of the Board of Assessment Review for the term of October 1, 2018 thru September 30, 2023.
- Re-appoint **Asif Shaikh** as an alternate member of the Board of Assessment Review for the term of October 1, 2018 thru September 30, 2023.

PLANNING & ZONING: Fletcher/Fitzgerald

Public Hearing For Vehicle Service Station Special Permit

R189-18 Approval for the Town Attorney to advertise on August 29, 2018 for a Public Hearing regarding a **Vehicle Service Station Special Use Permit** for Superior Shine Auto Spa at 404 Front Street, Tax Map 173.22-1-25, to be held on September 12, 2018.

PUBLIC SAFETY: Messina/Majewski

Hire Dennis Hardy as a Police Officer

R190-18 Authorization for Police Chief John Butler to hire **Dennis Hardy** as a Police Officer effective September 17, 2018. Per the PBA Collective Bargaining Agreement, his starting rate of pay will be \$69,169.00. Officer Hardy will be transferring from another police agency and has satisfactorily completed his pre-employment drug test.

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15 MPH Speed Signs for African Road

R191-18 Approval for Police Chief John Butler to place **15 MPH speed signs** on African Road (north and south of Benita Boulevard) to slow down traffic allowing students to cross safely.

Police to Sell Vehicles Via Auction International

R192-18 Approval for Police Chief John Butler to sell via Auction International the following vehicles:

- **2004 Ford Expedition** VIN# 1FMPU16L74LB63982 - 93,819 Miles - Former Patrol Vehicle
- **2009 Dodge Durango** VIN# 1D8HB38P89F712655 - 68,843 Miles - Former Patrol Vehicle
- **2012 Chevrolet Tahoe** VIN# 1GNSK2E07CR285651 - 115,417 Miles - Former Patrol Vehicle
- **2013 Chevrolet Tahoe** VIN# 1GNLC2E08DR293079 - 150,450 Miles - Former Patrol Vehicle
- **2007 Ford Taurus** VIN# 1FAFP53U27A164135 - 63,148 Miles - Former Detective Vehicle

Police to Seek Bids for Police Vehicle

R193-18 Approval for Police Chief John Butler to **purchase an unmarked police vehicle** from the remaining balance in the Police vehicle budget lines for 2017 and 2018 which total \$29,973 in the two current balances. Bidding will be via either the *Town Crier* publication or the *NYS Mini Bid* process. The Town Attorney is authorized to advertise the request for bids for the police vehicle with the advertisement and bid opening dates to be determined.

ADMINISTRATION: Majewski/Messina

Hire Patrick Harnan as Pool Director

R194-18 Approval for Recreation Planner Sue Jastran to hire **Patrick Harnan** as a pool director (for the remainder of the summer season) starting August 23, 2018 at a rate of \$12.90/hour. The employee pay rate is a budgeted item in the 2018 budget and the background check has been completed.

RECEIVE AND FILE

- **Fire Advisory Board Meeting Minutes** July 16, 2018

END OF CONSENT AGENDA

SUPERVISOR'S ANNOUNCEMENTS

- **Broome County Landfill is Waiving Tipping Fees for Residential Storm Damage Waste** - The waiver period is from August 15th to August 29th, 2018. Applications for the storm debris tipping fee waiver are available in the Town Clerk's office.

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- **NYSDOT is Seeking Input on 434 Greenway Project** - As part of the 434 Greenway Project design process, NYSDOT is seeking public input through a Visual Preference Survey. The survey deadline is August 31st. For details on how to participate: [NYSDOT VISUAL IMPACT SURVEY](#)
- **Broome County Seeking Public Input for Development of the County-wide Hazard Mitigation Plan** (currently being updated). The goal of the plan is to lessen the impact of disasters in our community and ensure the County and its municipalities remain eligible to apply for and receive federal grant funding for mitigation projects. As part of this process, a survey is being conducted to receive feedback about local disaster issues and gather information about areas vulnerable to disaster. The information provided through the survey will help us coordinate activities to reduce the risk of future injury or property damages during hazard events, such as floods, severe storms, winter storms, and others. The survey can be found through our project website at <http://www.gobroomecounty.com/planning/hazardmitigation/> or directly at <https://www.surveymonkey.com/r/BroomeHMPSurvey>

[2018 Broome County Hazard Mitigation Plan Info Brochure](#)

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilman Fletcher, **the meeting was adjourned at 6:46PM.** Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk