

## Regular Meeting of the Vestal Town Board October 24, 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 October 24, 2018.

### **TOWN BOARD PRESENT:**

**Supervisor John Schaffer**  
**Councilman Fran Majewski**  
**Councilwoman Patty Fitzgerald**  
**Councilwoman Sue Messina**  
**Councilman John Fletcher**

**ALSO ATTENDING:** Town Attorney David Berger, Town Engineer Vern Myers, Town Clerk Emil Bielecki, 1<sup>st</sup> Deputy Town Clerk Kathie Young and 8 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 Special Meeting on October 16, 2018 are approved.

### **PUBLIC HEARING**

Supervisor Schaffer offered *Proof of Posting* and *Affidavit of Publication* regarding the Public Hearing for proposed **Local Law “F” of the Year 2018** entitled: “A Local Law Rezoning 2040 New York State Route 26 from RR Rural Residence to RC Multiple Residence.” He then opened the Public Hearing.

Town Attorney Dave Berger explained that the letters sent by the applicant to the adjacent property owners had an incorrect time for the public hearing. All other notices of the public hearing were correct. In view of the error, we are going to leave this public hearing open and reconvene it on November 7<sup>th</sup> at 6:00 PM so that anyone else wishing to comment has an opportunity to do so.

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Mark Parker with Keystone Associates, representing the First Ward Action Council, gave a brief presentation of the proposed development. The rezoning is to allow the construction of the **Phase II Vestal Pines Housing Development**.

Tim and Kathy Johnston, who reside near the proposed development, asked if the rezoning would have an impact on their property taxes and the infrastructure in the area. Town Attorney David Berger explained that this rezoning would have no tax impact on any other property in the area. Mark Parker from Keystone stated that this housing development will be extending the lines to hook up to public water and sewer and there will be a new tree line that will provide a natural buffer. Most of the issues concerning the development will be addressed during the site plan review by the Planning Board.

Councilman Majewski asked if there will be a difference in elevation between the two phases of the development. Mark Parker explained that the buildings in Phase II will be a little lower in elevation. The exact differential has not been determined because additional testing needs to be completed having to do with providing adequate water pressure.

Town Engineer Vern Myers stated that we have received **239 1 & m** comments from several agencies which have been made available to the Board. He noted that there was nothing in the comments which was directly related to the rezoning.

Town Attorney asked the applicant if he submitted the affidavit of mailing. Jerry Willard of the First Ward Action Council replied that he has it but forgot to bring it this evening. He will submit it shortly. Also, he noted that if the Town approves the rezoning, the owner of this parcel of land is willing to gift over an adjoining parcel which would be used to provide additional green space.

Supervisor Schaffer announced that he would stay in the meeting room until 7:30 PM just in case anyone came in who may have received a letter with the wrong time for the public hearing. He would inform them that public hearing will resume on November 7<sup>th</sup>.

Hearing or seeing no one else wishing to speak, Supervisor Schaffer stated that this Public Hearing will resume on November 7, 2018 at 6 PM.

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### **PRIVILEGE OF THE FLOOR**

Vestal Historical Society member **Steve Jeremko** stated that he is involved with the project to move the Vestal Museum to the Rail Trail. He submitted a petition with over 300 signatures in support of moving the museum. This move would allow the Museum to remain a vital part of the community. There are precious few buildings of such historical significance left in Vestal. He noted that that in January, the Board approved the move of the Museum from its current location to the Rail Trail and authorized some in-kind support for the project. Several of the grants that are being applied for are based on breaking ground in 2019. We have established a target date of October 2019 for the move. So as to generate more visibility and support for the project, the committee would like to install a *Move the Museum* sign near the proposed new location on the Rail Trail. It would be a three-sided metal sign that the Historical Society would purchase. He is asking the Board to approve the installation of the sign and for the Parks Department to install it.

Supervisor Schaffer remarked that the sign he was shown is too big and Parks cannot install it without the Board's permission. The Board did make a commitment to support the Museum move but the project can only proceed if adequate funding is secured from private sources. Ideally, the Museum should be moved before the Emergency Squad starts to develop the site next to the existing location of the Museum. Our Museum Director and grant writer Cheresé Rosales is doing an outstanding job in trying to secure private funding for the move. The Parks Department will not be extensively involved in the project because they do not have the staff or the time. He supports the move of the Museum because it would create a Historic District which could make it eligible for additional funding.

Town Engineer Vern Myers stated that we should try to abide by our code regulations for this sign. The Board can waive the sign permit fee. As to funding opportunities, we have applied for a State grant to move the Museum that could possibly be combined with private funding to complete this project. This grant would require that some government entity, likely the Town, would have to be the lead agency. If we secured the grant, it would be managed as a reimbursement program and likely require the Town to provide some in-kind services.

A speaker stated that in conversations with many people, there is overwhelming support for moving the Museum. The Rail Trail attracts people from all over.

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**RESOLUTIONS & MOTIONS**

**Solar System Planet Signs to be Installed on Underwood Road**

Supervisor Schaffer praised Life Scout Brennan Kumpon for undertaking this project and for his excellent presentation to the Board.

**R231-18** 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 allow **Life Scout Brennan Kumpon** to install a series of road signs along Underwood Road that mark the relative distances of each of our solar system's planets from the sun. The Sun sign will be located at the entrance to the Kopernik Observatory. Both the Town Engineer and the Highway Department have been consulted and are on board with moving forward on the installation phase of this **Eagle Scout project**. All of the signs will be located in the Town's right-of-way.

**Article 7 Tax Certiorari Settlement - *Crown Atlantic Co. LLC***

**R232-18** 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 settle the outstanding Article 7 Tax Certiorari cases, *entitled Crown Atlantic Co. LLC, v Assessor of the Town of Vestal*, Broome County Index Nos, 2014-1917, 2015-2150, 2016-1737, 2018-1744 relating to property located at 3942 Gates Road, Vestal NY (159.05-1-2) on the following terms:

- The total assessment on the subject property shall be reduced for each year at issue from \$1,396,500.00 to \$1,100,000.00.
- Provided that the 2019 County/Town tax roll is modified to reflect the changes, there shall be no refunds paid to the Petitioner by the Town.
- The Town Attorney, Business office and Assessor are authorized to reflect such changes and to execute any documents necessary to carry out this resolution.

**Adopt the Vestal Fire District 5 Year Capital Plan**

**R233-18** On a motion of Councilman Majewski, seconded by Councilman Majewski, the following resolution was

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

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**Resolved** to adopt the **Vestal Fire District 5 Year Capital Plan** as follows:

**Whereas** the Vestal Fire District needs a plan for the future replacement of vehicles and apparatus and,

**Whereas** the Board of Fire Commissions of the Vestal Fire District has the financial goal to increase capital reserves in order to finance, in part, the replacement of vehicles and apparatus and to reduce the dependency on issuing debt and

**Whereas** the Vestal Fire District has developed a plan to achieve this goal with planned annual increases in the tax levy of approximately \$.0575 per \$1,000 of taxable assessed value, and

**Whereas** the provisions of this plan were discussed at the public hearing on the district's 2019 budget,

**Now therefore be it resolved** that the following be adopted to represent the district's 5 year capital plan which modifies the previous 5 year plan adopted on October 25, 2017. Material modifications to this plan may only be made by the affirmative vote of two-thirds of the Board of Fire Commissioners:

**Vestal Fire District 5 Year Capital Plan (2019 - 2023)  
2018 Shown for Information Only**

Vehicle ID	Refurb / Purchase Date	Current Age	Delivery Yr. Plan	Replacement Age	Bond / Reserve / Foam	Est. Cost Replace
Ladder	1985	33	2018	33	Bond	\$970,000
<b>Station 4 Property</b>			2018		Bond	\$612,500
Tanker 3	1989	29	2019	30	Reserve	\$399,000
Engine 4	1998	20	2019	21	Bond	\$700,000
Engine 1	1998	20	2019	21	Bond	\$700,000
Training Van	1996	22	2019	23	Reserve	\$35,000
Traffic Trailer	1990	28	2020	30	Reserve	\$15,000
Engine 2	1998	20	2020	22	Bond	\$775,000
Engine 3	1998	20	2020	22	Bond	\$775,000
CV	2000	18	2020	20	Reserve	\$155,000
<b>Station 4 Building</b>			2021		Bond	\$4,000,000
Chief 4	2008	10	2021	13	Reserve	\$60,000
Chief 2	2008	10	2021	13	Reserve	\$60,000
<b>Emergency Generators</b>			2021		Reserve	\$275,000
Chief 3	2008	10	2022	14	Reserve	\$60,000
Chief 1	2008	10	2022	14	Reserve	\$60,000
<b>SCBAs</b>	2007	11	2022	15	Bond	\$600,000
Tower 1	2002	16	2023	21	Bond	\$2,000,000
<b>New BC Radio System</b>			2023		Reserve	\$280,000

Nothing in this plan shall be construed to authorize the Vestal Fire District to incur indebtedness for which obligations may be issued except as provided by local finance law.

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**Adopt the Final 2019 Vestal Fire District Budget**

**R234-18** 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 **Final 2019 Vestal Fire District Budget** with total appropriations (including foam district) of \$1,423,514.

**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:

**FINANCE: Messina/Fletcher**

**Receive and File**

**Warrant Reports:** 2018-35F, 2018-41, 2018-41C, 2018-41D, 2018-41E, 2018-42, 2018-42E

**Renew Workers Comp. Policy with PERMA**

**R235-18** Approval for the Town Comptroller to enter into a two year agreement (1/1/2019-1/1/2021) for renewal of the workers compensation policy with **PERMA**. The Town will save 3% on the annual contribution in year one. The first year cost is approximately \$330,555.

**Budget Transfers**

**R236-18** Approval for the Deputy Comptroller to make **budget transfers** dated for 9/21/2018-10/18/2018 per his memo to the Town Board dated October 22, 2018.

**Billable Hours for Town Attorney Dave Berger**

**R237-18** Authorization to submit payment in the amount of \$162.50 to **Town Attorney David Berger** for September, 2018 billable hours.

**Reimbursement for Vehicle Damage**

**R238-18** Authorization to reimburse **James Struble** for damage done to his car in the amount of \$634.72 and for a rental car in the amount of \$82.97.

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**PERSONNEL: Majewski/Fitzgerald**

**Volunteer Board Appointments**

**R239-18** Authorization for the following Board appointments:

- Re-appointment of **Thomas Jackson** as a member of the *Zoning Board of Appeals* for a term from January 1, 2019 through December 31, 2023.
- Re-appointment of **Mary Lou Supa** as a member of the *Historic Preservation Commission* for a term from January 1, 2019 through December 31, 2022.

**R240-18** Authorization to appoint **Wendy M. Stout** as an *Alternate Member of the Board of Assessment Review* for a term from November 1, 2018 through September 30, 2023.

**PUBLIC SAFETY: Messina/Majewski**

**Hire Anthony Pittari as a Police Officer**

**R241-18** Authorization for the Police Chief to hire **Anthony Pittari** as a Police Officer effective November 12, 2018. Per the PBA Collective Bargaining Agreement his starting rate of pay will be \$58,110.00. Officer Pittari will be transferring from another police agency.

**Approval of Station 3's Ladies Auxiliary Bake Sale**

**R242-18** Approval from the Board of Fire Commissioners to hold a Vestal Fire Department Membership and **Station 3's Ladies Auxiliary Bake Sale** on Tuesday, November 6th from 6am to 6pm at Vestal Fire Department Station # 3 on Owego Road in Ross Corners. Coverage time will be from 6am to 6pm. A sign in sheet will be used to track personnel at this event.

**Award Bid for Tanker 32-3**

**R243-18** Approval from the Board of Fire Commissioners to award the bid for **Tanker 32-3** to the lowest responsible bidder: **Federal Safety Equipment**, P.O. Box 73, 23 Kinney St., Candor, NY in the amount of \$389,681.00.

**ADMINISTRATION: Majewski/Messina**

**Accept a Grant Allocation for Boat Launch Amenities at Harold Moore Park**

**R244-18** Approval for the Vestal Museum Director to accept a grant allocation from Broome County in the amount of \$14,178 to install amenities to enhance the **boat launch at Harold Moore Park**. The awarded SAM grant will fund this project and will require an Inter-municipal Agreement.

**END OF CONSENT AGENDA**

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**SUPERVISOR'S ANNOUNCEMENTS**

- The Main Street Bridge over Choconut Creek is now open. The Town Engineer and the contractor did a great job and finished the project ahead of schedule.

**OTHER NEW BUSINESS**

**Historical Society to Install 'Move the Museum' Sign on Rail Trail**

**R245-18** 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 waive the sign permit fee for the **Vestal Historical Society** for the installation of a *Move the Vestal Museum* sign on the Rail Trail. The design and location of the sign is to be approved by the Code and Engineering Departments and the Town will assist with the installation.

**2018 Vacation Carry Over for New Police Recruits**

Supervisor Schaffer stated that he has received a request from Police Lt. Stace Kintner to allow the 2018 police officer recruits to carry over additional vacation days into 2019. This request is necessary to ensure adequate staffing levels and is in the best interest of the Police Department. This authorization is non-precedent setting. Authorizing the carry-overs will also reduce overtime pay.

Councilman Fletcher asked if this has been done before. Town Attorney Berger stated that it has been done before but not specifically for this reason.

Councilwoman Messina confirmed with Lt. Kintner that if this is not granted, the overtime pay would be more than the amount that would be paid in vacation pay.

**R246-18** On a motion of Councilwoman Messina, seconded by Councilman Majewski, the following resolution was

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

Authorization to allow the 2018 Police Officer Recruits to carryover a total of up to 10 days of vacation into 2019. This authorization is non-precedent setting.

**ADJOURNMENT**

On a motion of Councilman Majewski, seconded by Councilman Fletcher, the meeting was adjourned at 6:41PM. Carried unanimously.

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