

**Regular Meeting of the Vestal Town Board
March 27, 2019**

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 27, 2019.

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 Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young and 6 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 Fletcher, seconded by Councilman Majewski, the following resolution was

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

Resolved the Minutes of the Regular Meeting on March 13, 2019 are approved.

PUBLIC HEARINGS

Supervisor Schaffer offered *Proof of Posting* and *Affidavit of Publication* regarding the Public Hearing for Local Law A of 2019 - "A local law amending Chapter 24, Sec. 24-387. - Container storage, of the Town Code of the Town of Vestal" and then opened the Public Hearing.

Seeing or hearing no one wishing to speak, Supervisor Schaffer closed this Public Hearing and asked the Board if it wished to vote on this Local Law.

Local Law A of the Year 2019 re: Container Storage

R047-19 On a motion of Councilwoman Messina, seconded by Councilman Fletcher, the following resolution was

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

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Resolved to adopt Local Law A of 2019 “A local law amending Chapter 24, Sec. 24-387 – Container Storage of the Town Code of the Town of Vestal” as follows:
Sec. 24-387. - Container storage.

(a) *Residential zoning districts.*

- (1) The placement or use of storage containers, for permanent use as an accessory storage building, in residential zoning districts shall be prohibited.
- (2) The placement or use of storage containers, as temporary storage, shall be permitted under the following circumstances:
 - a. A structure is undergoing construction, repair, alteration, or reconstruction, for which a building permit has been issued. The storage container shall be removed from the premises upon issuance of a Certificate of Occupancy or a Certificate of Compliance, or such time as the Code Enforcement Officer deems the project complete.
 - b. The storage container is being used to store household belongings in connection with a disaster, i.e., fire, flood, etc. The storage container shall be removed from the premises upon issuance of a Certificate of Compliance, demolition of the structure, or such time as the Code Enforcement Officer deems the project complete.
 - c. At the discretion of the Code Enforcement Officer, for extenuating circumstances, and/or limited time periods.
 - d. Placement of storage container(s) in a residential zoning district shall be at the discretion of the Code Enforcement Officer.

(b) *Commercial and Industrial zoning districts.*

- (1) The following provisions shall apply to the use of storage containers for the purpose of storing materials, supplies, inventory or products:
 - a. Permit applications for the placement of storage containers shall contain the following information:
 1. Name, address and phone number of property owner(s).
 2. Name, address and phone number of applicant.
 3. A detailed list of all material and amounts of materials to be stored in the containers and the material data sheets applicable to any materials to be stored.
 4. A site plan, drawn to scale, of the entire parcel showing all existing structures and the location of the proposed container storage giving the distances to all property lines and existing structures.
 5. A listing of the number, type and size of the containers being requested for storage.
 6. A statement as to the amount of time the containers will be utilized and the expected date as to when the containers will be removed from the site.
 7. An application fee of one hundred dollars (\$100.00) per container, per thirty (30) day period or portion thereof, shall be submitted at the time of application.

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- (2) A maximum of ten (10) storage containers shall be permitted at any one (1) time.
 - (3) Permit applications will be reviewed by the town Building and Code Department. Permit applications for greater than ten (10) storage containers, or requests for permanent placement of a storage container(s), will be reviewed by the Town Board who shall direct the Code Officer accordingly as to its determination.
 - (4) Storage containers may be placed for not more than six (6) months in any twelve (12) month period.
 - (5) A portable fire extinguisher is required to be mounted in each storage container on site. The minimum size extinguisher shall be a two and one-half (2½) pound, hand held extinguisher, compatible with the materials or products being stored.
 - (6) Storage containers shall not be placed so as to pose a fire hazard to a permanent structure, restrict exit discharge or access to the public way, or restrict fire department access to the perimeter of the structure where storage containers are located.
 - (7) Storage containers shall meet the setback requirements for accessory structures, for the zoning district in which they are being placed.
 - (8) Storage containers shall not be stacked above the height of a single container.
 - (9) Storage containers shall not be used for the placement of signage or advertising purposes.
 - (10) Storage containers shall not occupy required off-street parking spaces, loading spaces, or landscape areas.
 - (11) Storage containers shall not be placed in the floodway or "100-year floodplain."
- (c) ***Existing storage containers.***
- (1) Existing unpermitted storage containers, located in any zoning district, shall have one hundred eighty (180) days from adoption of this local law to remove the storage container from the parcel, or obtain a valid permit per the above regulations.

(L.L. No. 4 of 1996, § 3; L.L. No. 2(A) of 2018)

PRIVILEGE OF THE FLOOR

A speaker stated that he was a student in the MPA program at Binghamton University and asked the Board's opinion on term limits. Supervisor Schaffer replied that he supports term limits in principle but has not found it to be much of an issue at the Town. Perhaps future Boards will feel the need to address this. Councilman Fletcher stated that he supports term limits for all levels of government to bring in fresh ideas and new opinions. It was not intended for elected officials to make a career out of government service.

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RESOLUTIONS & MOTIONS

Bonding for Town Share of New Emergency Squad Building

R048-19 On a motion of Councilwoman Messina, seconded by Councilman Majewski, the following resolution was

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

Resolved to authorize, subject to Permissive Referendum, the Town's share of the cost of the construction of a **New Emergency Squad building**, in and for the Town of Vestal, Broome County, New York, at a maximum estimated cost of \$850,000, and authorizing the issuance of \$850,000 bonds of said Town to pay the cost thereof.

Spending for Engineering/Design Work: Meeker Road Bridge Rehab.

R049-19 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 adopt a resolution authorizing the spending of \$131,000 for the Preliminary Engineering/Design Work for the **Meeker Road Bridge Rehabilitation Project** as follows:

Whereas, the Town of Vestal is entering into an agreement with State and Federal agencies for the rehabilitation of the Meeker Road Bridge, and

Whereas, a stipulation of the agreement is that the town must authorize the total expenditures of each phase of the project and expend such moneys pending reimbursement from funding agencies,

Now Resolve that the Town of Vestal hereby authorizes the expenditure of \$131,000 for the Preliminary Engineering/Design phase of the project.

Implementation and Funding for Meeker Road Bridge Rehabilitation

R050-19 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 implementation, and funding in the first instance 100% of the Federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation Federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the **Meeker Road Bridge Rehabilitation over Big Choconut Creek**, P.I.N. 9754.06 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

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WHEREAS, the Town of Vestal desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the costs of the **Preliminary Engineering/Design** work.

NOW, THEREFORE, the Vestal Town Board, duly convened does hereby

RESOLVED, that the Vestal Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Vestal Town Board hereby authorizes the Town of Vestal to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Preliminary Engineering/Design work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$131,000** is hereby appropriated pursuant to **Resolution R049-19** and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Vestal Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Vestal be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Vestal with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Disposal of Fire Department Surplus Vehicle by Sale

Supervisor Schaffer noted this is a good sale price for this piece of equipment since the highest bid on Auctions International was only about \$5,500.

R051-19 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 adopt a Resolution to Dispose of Surplus Vehicle by Sale:

WHEREAS, pursuant to Section 176 (23) of the Town Law, the Vestal Fire District, Town of Vestal, County of Broome, State of NY, does hereby declare that its **1985 Spartan LTI aerial truck, Ladder 32**, with associated equipment and apparatus with the VIN # S29RT6C08FC423849 is no longer necessary for the uses and purposes of the Vestal Fire District; and

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WHEREAS, the Fire District has advertised the sale of the vehicle and has received 1 offer to sell the vehicle; and

WHEREAS, the Fire District proposes to accept the proposal from Paul Conti and dispose of said vehicle by accepting the offer of \$10,000 from Paul Conti; and

WHEREAS, the Board of Fire Commissioners believes that such offer will achieve the best reasonable value for this vehicle;

NOW THEREFORE BE IT RESOLVED that the Vestal Fire District is authorized to dispose of its 1985 Spartan LTI aerial truck, Ladder 32 with associated equipment and apparatus of the Vestal Fire District according to the proposal from Paul Conti and dispose of said vehicle by accepting the offer of \$10,000 from Paul Conti ; and

IT IS FURTHER RESOLVED that the acceptance of this proposal for sale will achieve the best reasonable value for this vehicle.

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/Fletcher

Bid Awarded for Purchase of 35 Ton Trailer for Highway Department

R052-19 Authorization for the Highway Department to award the bid for the *2019 Eager-Beaver 35 ton trailer*, opened on March 13th 2019, to sole bidder **Five Star Equipment, Inc.**, Kirkwood, NY in the amount of \$62,620.

FINANCE: Messina/Majewski

Receive and File

Warrant Reports: 2019-11, 2019-11C, 2019-11E, 2019-12, 2019-12A, 2019-12E

Billable Hours for Town Attorney

R053-19 Authorization to pay \$125.00 to Town Attorney David Berger for February, 2019 billable hours.

Budget Transfers

R054-19 Authorization for the Business Office to execute budget transfers dated 12/31/2018 as attached to the memo from Deputy Town Comptroller Nick Angeline dated 3/22/19.

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Agreement with Douglas Bulman: Benefit and Risk Management Services

R055-19 Authorization for the Town Supervisor to sign of an agreement with **Douglas A. Bulman** of the Bulman Agency, LLC and Premier Consulting Associates, LLC to provide the Town with various benefit management and risk management services from April 1, 2019 thru March 31, 2020.

ADMINISTRATION: Fitzgerald/Messina

Acceptance of Grants for Vestal Museum

R056-19 Approval for Museum Director Cheresse Wiesner-Rosales to accept the following grants: \$1,000 grant from the **Broome County Arts Council** to put on a historic play at the Museum; \$1,000 grant from the **William Pomeroy Foundation** to attend the Museum Association of NY Conference.

RECEIVE AND FILE

- Fire Advisory Board Meeting Minutes: Jan. 21, 2019 and Feb. 18, 2019

END OF CONSENT AGENDA

COMMITTEE CHAIR COMMENTS AND UPDATES

Councilwoman Messina asked if there was any new information about the lighting situation near a bus stop location on Rano Boulevard. Supervisor Schaffer stated that there is adequate lighting for the bus stop, however the benches in question near that location are on private property and are not part of the Broome Transit bus stop.

SUPERVISOR'S ANNOUNCEMENTS

- The Department of Environmental Conservation has an OPEN BURNING BAN policy in place from March 16th to May 14th. Burn Permits will not be issued during this time.
- Winter Parking restrictions end on March 31, 2019.

ADJOURNMENT

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

Approved by _____

Emil J. Bielecki, Town Clerk