

Regular Meeting of the Vestal Town Board

August 28, 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 August 28, 2019.

TOWN BOARD PRESENT:

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

ABSENT: Councilman John Fletcher

ALSO ATTENDING: Town Attorney David Berger, Town Engineer Vern Myers, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young and 11 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:

Proclamation Presented to Al Hamme

On behalf of the Town Board, Supervisor Schaffer and Councilman Majewski presented a Proclamation to Vestal resident **Al Hamme**, honoring him for his many years of service to the community as a dedicated music teacher, a mentor and an accomplished local musician. Al has recorded and played with some of the world's greatest artists and jazz groups and continues to perform locally and throughout the country. We are proud and grateful that he chose to make Vestal his home.

APPROVAL OF MINUTES

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

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0 Absent 1 Fletcher

Resolved the Minutes of the **Regular Meeting on August 14, 2019** are approved.

BID OPENINGS

Bids for the **Rano Water Storage Tank Repainting** project were opened in Town Clerk's Office on August 21, 2019 at 2:00 p.m. The *base* bid results are as follows:

World Wide Industries **\$141,144.00**
470 Mitchel Hill Road, Butler, PA
Atlas Painting **\$240,000.00**
465 Creekside Drive, Amherst, NY
R DeVincentis **\$375,000.00**
Brick Avenue, Binghamton, NY

MGM Insulation **\$159,000.00**
3 Sherer Street, Rochester, NY
Amstar **\$140,000.00**
825 Rein Road Cheektowaga, NY
Pittsburg Tank & Tower **\$247,425.00**
1 Water Tank Place, Henderson, KY

Regular Meeting of the Vestal Town Board August 28, 2019

Bids for the **Library Roof Improvements** were opened in the Town Clerk's Office on August 21, 2019 at 2:00 p.m. The bid results, as listed below, were forwarded to the Town Engineer for review and recommendation:

Tower Roofing	PO Box 169, Johnson City, NY	\$175,000.00
Patterson - Stevens, Inc.	400 Sawyer Avenue Tonawanda, NY	\$160,785.00
John Stilloe Construction	2502 North Street Endicott, NY	\$ 92,500.00
S & L Roofing & Sheetmetal, Inc.	2706 New Scotland Road Voorheesville, NY	\$169,900.00

PUBLIC HEARINGS

Local Law "C" of the Year 2019

The Town of Vestal Zoning Map would be amended by changing 113 Brooks Ave Vestal, New York (BCTMP # 158.13-3-25) from C-1 General Shopping District to RA-1 One Family Residential District in accordance with Section 24-127 of the Code of the Town of Vestal.

Supervisor Schaffer offered *Proof of Posting* and *Affidavit of Publication* regarding the Public Hearing for proposed **Local Law "C" of the Year 2019** and opened the Public Hearing. Seeing or hearing no one wishing to speak, Supervisor Schaffer stated that this Public Hearing will be adjourned and reopened on September 11, 2019 because the Board has not yet received and reviewed the 239 l & m reports from Broome County.

Local Law "D" of the Year 2019

The Town of Vestal Zoning Map would be amended by changing 136 Vestal Parkway East Vestal, New York (BCTMP # 157.79-1-20) from RR – Rural Residential to C-1 General Shopping in accordance with Section 24-127 of the Code of the Town of Vestal.

Supervisor Schaffer offered *Proof of Posting* and *Affidavit of Publication* regarding the Public Hearing for proposed **Local Law "D" of the Year 2019** and opened the Public Hearing.

Sarah Campbell from Hinman, Howard and Kattell, representing the Fishs Eddy, the owner of the property, submitted the affidavit of mailing to the Town Clerk Ms. Campbell stated that the requested zoning change would allow for future commercial development, which is more in line with the area. There is no specific development proposal at this time.

Seeing or hearing no one else wishing to speak, Supervisor Schaffer stated that this Public Hearing will be adjourned and reopened on September 11, 2019 because the

Regular Meeting of the Vestal Town Board August 28, 2019

Board has not yet received and reviewed the 239 l & m reports from Broome County.

Local Law “E” of the Year 2019

Local Law “E” of the Year 2019, entitled “A Local Law Abolishing the Elected Office of Receiver of Taxes for the Town of Vestal.”

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

Adopted Local Law “E” of the Year 2019

R151-19 On a motion of Councilwoman Messina, seconded by Councilman Councilwoman Fitzgerald, the following Local Law was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0 Absent 1 Fletcher

Resolved to adopt proposed **Local Law “E” of the Year 2019** entitled “A Local Law Abolishing the Elected Office of Receiver of Taxes for the Town of Vestal” as follows:

Section I. A local Law abolishing the elected Office of Receiver of Taxes for the Town of Vestal

Section II. Authority: This law is adopted pursuant to municipal Home Rule Law § 10 [1] [ii] [a] [1] that grants local governments the authority to enact local laws regarding the qualifications of local officers.

Section III. Supersession: This local law shall supersede Town Law § 20 [1] [a], which provides for an elected position for Receiver of Taxes in the Town of Vestal

Section IV. The Town of Vestal hereby abolishes the elected position of Receiver of Taxes in the Town of Vestal, **subject to mandatory referendum** as provided in Section VI herein.

Section V. Upon the approval of said referendum, The Town Board of the Town of Vestal may by resolution appoint a Receiver of Taxes to serve at the pleasure of the Town Board or in the alternative, transfer said duties to the Town Clerk's office. The Town Clerk shall have all the powers and be subject to all the duties of Collector with respect to the collection of taxes, the deposit of receipts and the return of unpaid taxes. Any such appointment shall be made annually.

Section VI. This Local Law shall be submitted for approval to the electors of the Town of Vestal at the next general Town election to be held on November 5, 2019.

**Regular Meeting of the Vestal Town Board
August 28, 2019**

PRIVILEGE OF THE FLOOR

A speaker stated that she was recently pulled over for turning right at a red light. She was in the wrong but wanted to tell the story of the incident because the policeman who pulled her over, Vestal Police Officer Colin White, was so professional and kind in his handling of the stop. Also, in an effort to pull over far enough to ensure a safe stop, she ended up on a sidewalk. Councilman Majewski noted that the concern about stopped police vehicles is warranted because many motorists do not move over to the left, as the law requires. Perhaps we should have Binghamton University notify students of this law.

RESOLUTIONS & MOTIONS

Bid Awarded for Library Roof Improvement

R152-19 On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0 Absent 1 Fletcher

Resolved to award the **Library Roof Improvement** project to the low bidder, **John Stilloe Construction** of 2502 North St., Endicott, NY 13760, for a lump sum base bid of \$92,500.00.

Bid Awarded for Rano Tank Rehabilitation/Repainting

R153-19 On a motion of Councilwoman Messina, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0 Absent 1 Fletcher

Resolved to award the **Rano Tank Rehabilitation/Repainting, West Hill & Carnegie Project** to the lowest qualified bidder, **MGM Insulation Inc.** of 3 Sherer St., Rochester, NY 14611 as follows:

Base Bid: \$159,000.00; Alt #1: \$15,000.00; Alt #2: \$121,500.00; Alt #3: \$121,500.00; Alt #4: \$4,000.00; Alt #5: \$12,000.00. Total Price: **\$433,000.00**.

The Board also accepts the provided unit price for Weld at \$50/inch but rejects the unit price for steel repair of \$1,500.00.

R154-19 On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0 Absent 1 Fletcher

**Regular Meeting of the Vestal Town Board
August 28, 2019**

Resolved to authorize the Town Attorney to advertise on September 11, 2019 for a Local Law to rezone the properties listed below, with a Public Hearing on September 25, 2019:

- 2500 Vestal Parkway E-Residential Office (RO) to Community Business (C2)
- 2508 Vestal Parkway E-Transitional Neighborhood (TN) to Community Business (C2)
- 2512 Vestal Parkway E-Multiple Residence (RC) to Community Business (C2)
- 2520 Vestal Parkway E-Transitional Neighborhood (TN) to Community Business (C2)

CONSENT AGENDA

On a motion of Councilman Majewski, seconded by Supervisor Schaffer, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
 Nays 0 Absent 1 Fletcher

Resolved the **Consent Agenda** is approved as follows:

PUBLIC WORKS: Fitzgerald/Fletcher

R155-19 Authorization for the Town Supervisor to sign and return the acknowledgment page for the receipt of the **Administrative Compliance Order CWA-02-2019-3039** received from the US Environmental Protection Agency.

FINANCE: Messina/Majewski

Receive and File

- **Warrant Reports:** 2019-33, 2019-33A, 2019-33E, 2019-34, 2019-34E
- **Town Clerk Monthly Report – July 2019:** Local Shares Remitted: \$7,229.54

Town Attorney Billable Hours

R156-19 Authorization for the Business office to submit payment to Town Attorney David Berger in the amount of \$687.50 for the June-July 2019 billable hours.

Open LOSAP Account with Excel Securities with Emil Bielecki as Advisor

R157-19 Authorization from the Board of Fire Commissioners to accept the recommendation of the Vestal Fire District LOSAP Advisory Committee to migrate the **LOSAP** Investment Account to a professional money management platform with **Excel Securities** and retain **Emil Bielecki** as the Investment Advisor.

Regular Meeting of the Vestal Town Board
August 28, 2019

Adopted Procurement Policy and Financial Policies and Procedures

R158-19 Approval to adopt the *Procurement Policies and Procedures for the Town of Vestal*, as amended on August 27, 2019, and an additional policy titled *Policies and Procedures with Respect to Federal Awards*.

PUBLIC SAFETY: Messina/Fletcher

Amended School Resource Officer (SRO) Agreement with School District

R159-19 Authorization for the Town Supervisor to sign the amended **School Resource Officer (SRO) Agreement** with the Vestal School District.

ADMINISTRATION: Fitzgerald/Messina

Waiver of 30 Day Notice for Quality Inn Liquor License

R160-19 Resolved to adopt the following resolution:

WHEREAS, Gokulesh Hospitality NY, LLC doing business at 4105 Vestal Parkway East, Vestal, NY 13850, under the name **Quality Inn & Suites**, intends to file for a New York State Liquor License; and

WHEREAS, pursuant to Alcohol Beverage Law Control Law § 64 (2A), an applicant must give the municipality thirty (30) days' notice of the pending liquor license application unless the municipality consents to waive the thirty (30) day requirement; now therefore be it

RESOLVED, that the Town Board of the Town of Vestal hereby waives the thirty (30) days' notice period in regard to allowing Gokulesh Hospitality NY, LLC, doing business as Quality Inn & Suites, an earlier submission of the liquor license application.

RECEIVE AND FILE

- **Fire Advisory Board Meeting Minutes - July 15, 2019**

END OF CONSENT AGENDA

COMMITTEE CHAIR COMMENTS AND UPDATES

- Councilwoman Messina announced that she attended the Station 4 Building Project Committee meeting to discuss the plans for the new Fire Station 4 building on Jensen Road.

SUPERVISOR'S ANNOUNCEMENTS

- We again remind the residents to avoid putting out items other than brush and small branches for Town pickup and to place the items at the curb, not in the road.

**Regular Meeting of the Vestal Town Board
August 28, 2019**

PRIVILEGE OF THE FLOOR

A coordinator of the **Dicks Greater Binghamton Marathon 2019** scheduled for September 22nd, stated that they need a permit to sell alcohol at Harold Moore Park, the staging area for the race. Town Attorney David Berger explained that alcohol is not allowed in Moore Park and changing that policy would could only be done through a local law amending the Town Code. The only Town park that allows alcohol at this time (by permit with a pavilion rental) is Arnold Park.

A speaker thanked the Highway Department for cleaning up the drainage ditches on the rural roads and asked if the Town has any plans to remove the dead trees in the Town's right-of-way. Supervisor Schaffer stated that we are continuing to assess the tree situation and have already taken down a number of trees. They looked at his property and the trees on not on the Town's right-of-way.

A speaker suggested that the Town post the rules for placing brush and branches at the curb for pick-up by the Highway Department. It was noted that the detailed information is already posted on the Town's website.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the meeting was adjourned at 6:26 PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk