

Regular Meeting of the Vestal Town Board September 11, 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 September 11, 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 Engineer Vern Myers, Town Clerk Emil Bielecki, and 5 members of the general public.

The Supervisor called the Regular Meeting to order at **6:00 PM**, welcomed everyone and asked that all present join in the PLEDGE OF ALLEGIANCE:

Remembering 9/11

Supervisor Schaffer stated that the response to the tragic events on September 11, 2001 revealed heroism and resolve in ordinary people. While thousands were fleeing the area around the twin towers, there was a line of first responders heading directly toward the area. He asked for a moment of silence to reflect on the events of that tragic day and to honor those who responded so bravely.

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 Regular Meeting on August 28, 2019 are approved.

PUBLIC HEARINGS

Reopening of Public Hearing on Local Law “C” of the Year 2019

Supervisor Schaffer reopened the Public Hearing on Local Law “C” of the Year 2019 entitled “A Local Law rezoning 113 Brooks Avenue, Vestal NY”. He stated that BMTS and NYS DOT had no comments but that Broome County has not yet issued a response.

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Hearing or seeing no one else wishing to speak, Supervisor Schaffer closed the Public Hearing and asked the Board members how they wished to proceed. The consensus was to vote on it at this meeting.

Reopening of Public Hearing on Local Law “D” of the Year 2019

Supervisor Schaffer reopened the Public Hearing on Local Law “D” of the Year 2019 entitled “A Local Law rezoning 136 Vestal Parkway East, Vestal, NY”. He stated that the 239 l & m comments were received and reviewed.

Hearing or seeing no one else wishing to speak, Supervisor Schaffer closed the Public Hearing and asked the Board members how they wished to proceed. The consensus was to vote on it at this meeting.

PRIVILEGE OF THE FLOOR

Seeing or hearing no one wishing to speak, Supervisor Schaffer closed the Privilege of the Floor.

RESOLUTIONS & MOTIONS

Adopt Local Law “C” of the Year 2019

R161-19 On a motion of Councilwoman Messina, seconded by Councilman Fletcher, the following resolution was

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

Resolved to adopt Local Law “C” of the Year 2019, contingent on the receipt of the 239 l & m from Broome County:

The Town of Vestal Zoning Map is hereby amended by changing 113 Brooks Avenue, Vestal, NY (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.

Moreover, the Town Board has reviewed the Short Environmental Assessment Form under SEQRA as submitted by the applicant and determines that this action will not result in any significant environmental impacts and a negative declaration is adopted.

Adopt Local Law “D” of the Year 2019

R162-19 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 “D” of the Year 2019:

The Town of Vestal Zoning Map is hereby amended by changing 136 Vestal Parkway East Vestal, NY (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.

Moreover, the Town Board has reviewed the Short Environmental Assessment Form under SEQRA as submitted by the applicant and determines that this action will not result in any significant environmental impacts and a negative declaration is adopted.

Fire Department to Participate in Broome County Fire Mutual Aid Plan

R163-19 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 by the Board of Fire Commissioners to adopt a resolution authorizing the Vestal Fire Department to participate in the **Broome County Fire Mutual Aid Plan**, as updated and amended.

Advertise for Public Hearing re: Special Permits for Enterprise Rent-A-Car

R164-19 On a motion of Councilwoman Messina, seconded by Councilwoman Patty Fitzgerald, the following resolution was

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

Resolved to authorize the Town Attorney to advertise on October 9, 2019 for a Public Hearing on October 23, 2019 regarding permits, as described below, for **Enterprise Rent-A-Car** at 2909-3001 Vestal Road, BCTMP #158.10-1-6.11, zoned Industrial(I):

- Special Use Permit for a vehicle service station or a business dispensing gasoline.
- Vehicle Service Station Special Use Permit for a business with fuel storage.
- Aquifer Permit.

Inter-Municipal Agreement for Shared Equipment Program

A motion was made by Councilwoman Messina, seconded by Councilwoman Fitzgerald, to authorize the Town Supervisor to sign an Inter-Municipal Agreement with Broome County for the Shared Equipment Program.

Councilman Majewski stated that the Agreement does not spell out the pay rate if our equipment operators are used to operate the shared piece of equipment. If one

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of our employees is used to operate the borrowed equipment, the Town should be compensated at their current rate of pay including benefits.

A subsequent motion to amend was made by Councilman Majewski, seconded by Supervisor Schaffer, to authorize the signing of the Agreement with the condition that if a Town employee is used to operate a piece of equipment while on loan to another municipality, the Town will be compensated at the current rate of pay plus benefits of that employee. **The motion to amend passed unanimously.**

R165-19 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 authorize the Town Supervisor to sign an **Inter-Municipal Agreement** with Broome County for the **Shared Equipment Program** with the understanding that if a Town employee is used to operate a piece of equipment while on loan to another municipality, the Town will be compensated at the current rate of pay plus benefits of that employee.

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

Refund of Credit on Utility Account

R166-19 Authorization to refund **Lori Ann Curtis** \$75.93 for a credit balance on her utility account at 420 LaGrange Street.

FINANCE: Messina/Majewski

Receive and File

- **Warrant Reports:** 2019-35, 2019-35E, 2019-36, 2019-36E
- **Town Clerk Monthly Report,** August 2019 - Local Shares Remitted: \$5,610.21

PUBLIC SAFETY: Messina/Fletcher

Stop DWI Overtime Patrol Agreement with Broome County

R167-19 Authorization for the Town Supervisor to sign the **Stop DWI**

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Overtime Patrol Agreement with Broome County for the period January 1, 2019 to December 31, 2019.

Wenzel Memorial Spring Triathlon

R168-19 Authorization to hold the Binghamton University sponsored Wenzel Memorial Sprint Triathlon on October 6, 2019, partially on Town roadways, as identified on the provided map with the following conditions:

- The Town is named as an indemnified party on the waiver form signed by the participants.
- Proof of liability insurance naming the Town as an insured party is provided.
- Meet all conditions set forth by the NYS DOT and the Vestal Police Department for the bike portion of the event.
- Notify all residents on Lehigh Avenue about the bike portion of the event.

RECEIVE AND FILE

- **Vestal Lodging Ventures LLC**, 3512 Vestal Parkway East - 30 Day Advance Notice for a Liquor License application.

END OF CONSENT AGENDA

COMMITTEE CHAIR COMMENTS AND UPDATES

Councilwoman Messina announced that Town Supervisor John Schaffer, the Town of Vestal, and the Vestal Police Department are offering a Citizens Police Academy for community members this fall. The course will be free of charge and will be offered on Thursday evenings from 6 p.m. – 8 p.m. for 10 weeks to begin in the middle of October. Topics covered will include Patrol, Use of Force, Civilian Response to Active Shooter, Drug Recognition, Self Defense, Fire Arm Safety and SWAT, and Prep for Volunteer Emergency Squad and Vestal Fire Department. To register for the course, please e-mail rgorman@vestalny.com

SUPERVISOR'S ANNOUNCEMENTS

VESTAL FIRE DEPARTMENT COMMUNITY FIRE EXPO

Saturday, October 5, 2019, 10:00 AM - 2:00 PM at *Lowe's Home Improvement* - See the fire trucks and apparatus, demonstrations, fire prevention activities, etc.

ADJOURNMENT

On a motion of Councilwoman Messina, seconded by Councilman Majewski, **the meeting was adjourned at 6:18 PM.** Carried unanimously.

Approved by _____ **Emil J. Bielecki, Town Clerk**