

Regular Meeting of the Vestal Town Board September 25, 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 25, 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, 1st Deputy Town Clerk Kathie Young, Fire Chief David Harrington, Assistant Fire Chief Doug Rose and approximately 25 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 Fitzgerald, seconded by Councilwoman Messina, the following resolution was

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

Resolved the Minutes of the Regular Meeting on **September 11, 2019** are approved.

BID OPENINGS

The following bids for the **Repair of the Fire Department Burn Building** were opened at 2:00 PM on September 11, 2019:

- | | | |
|--------------------------------------|-----------------------|---|
| • William H. Lane Inc. | base bid \$54,380.00 | alternate add on (stairs) = \$27,300.00 |
| • Marchuska Bros. Construction | base bid \$95,500.00 | alternate add on (stairs) = \$32,500.00 |
| • Andrew R. Mancini Associates, Inc. | base bid \$130,700.00 | alternate add on (stairs) = \$20,700.00 |

PUBLIC HEARINGS

Public Hearing regarding proposed **Local Law “G” of the Year 2019** entitled:
A Local Law Rezoning 2500-2520 Vestal Parkway East Vestal, New York to C2 (Commercial Development)

- **2500 Vestal Parkway East** BCTMP # 158.14-1-4 RO (Residential Office) to C2 (Commercial Development)

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- **2508 Vestal Parkway East** BCTMP # 158.14-1-5 TN (Transitional Neighborhood) to C2 (Commercial Development)
- **2512 Vestal Parkway East** BCTMP # 158.14-1-6 RC (Multiple Residence) to C2 (Commercial Development)
- **2520 Vestal Parkway East** BCTMP # 158.14-1-9 TN (Transitional Neighborhood) to C2 (Commercial Development)

The Supervisor opened the Public Hearing and asked the applicant's representative for an *Affidavit of Mailing*. An electronic copy of the affidavit was shown to the Town Attorney who, upon review, deemed it to be incomplete. The applicant's representative stated that a hard copy of the affidavit would be delivered shortly. Supervisor Schaffer agreed to postpone the public hearing until the hard copy of the *Affidavit of Mailing* arrived.

Public Hearing on Local Law "G" Suspended

Supervisor Schaffer resumed the public hearing at 6:38 PM and upon being informed that the hard copy of the *Affidavit of Mailing* has not arrived, suspended the public hearing and stated that the Town Board will review the status of this application at the next Work Session on October 7th.

PRIVILEGE OF THE FLOOR

A resident in the Lynnhurst neighborhood stated that the area between African Road and Holly Hill Road has some serious drainage issues causing flooding in basements and creating financial hardship for many home owners. Another resident stated that the area between Stonehedge Drive and Lynnhurst Drive is also experiencing problems with drainage. Several other speakers also made comments sharing their concerns about the drainage issues in this neighborhood.

Town Engineer Vern Myers acknowledged that this area has some drainage problems, some of which is the Town's responsibility. In fact, there is a capital project for drainage pond work in the Stonehedge Drive area.

Supervisor Schaffer stated that he would ask the Town Engineer, the Highway Department and NYSEG to look into the drainage problems that were identified this evening. He asked all of the people who came to speak about the drainage issues in the Lynnhurst neighborhood to leave their names and contact information and he would get back to them with some answers.

A speaker stated that she has had problems with tree roots that have grown into her sewer line from a neighbor's tree planted at the property line. She called the

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Code Department and was told that there are no regulations concerning this problem. She feels that there should be some regulations on where trees can be planted to avoid the problems that she is experiencing. Supervisor Schaffer acknowledged that tree roots cause problems with sewers but is not sure if there is an easy solution. This is something that will need to be discussed.

RESOLUTIONS & MOTIONS

Broome County Hazard Mitigation Plan Update

R169-19 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 the 2019 **Broome County Hazard Mitigation Plan Update** as follows:

WHEREAS, the TOWN OF VESTAL is exposed to natural hazards that increase the risk to life, property, environment, and the local economy, and pro-active mitigation of known hazards before a disaster can reduce or eliminate long-term risk; and

WHEREAS, the TOWN OF VESTAL in coordination with Broome County and other municipal partners, with assistance from TetraTech, has gathered information and prepared the 2019 Broome County Hazard Mitigation Plan Update (the "Plan"); and

WHEREAS, the Plan has been prepared in accordance with the Disaster Mitigation Act of 2000 (Public Law 106-390) that established requirements for pre and post disaster hazard mitigation programs; and

WHEREAS, the planning process included engaging the public, assessing the risk and vulnerability to the impacts of natural hazards, developing a mitigation strategy consistent with a set of uniform goals and objectives, and creating a plan for implementing, evaluating and revising this strategy;

WHEREAS, the TOWN OF VESTAL, in coordination with Broome County, is a local unit of government that has afforded the public an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the TOWN OF VESTAL has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by that the TOWN OF VESTAL:

1. Adopts in its entirety, the 2019 Broome County Hazard Mitigation Plan Update as the jurisdiction's Natural Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
2. Will use the adopted and approved portions of the Plan to guide disaster mitigation for the hazards identified, coordinate the strategies identified in the Plan with other programs under its jurisdictional authority, and incorporate mitigation planning as an integral component of government operations.
3. Will continue its support of the Mitigation Planning Committee as described within the Plan and support the continued mitigation efforts of the participants in the Plan.
4. Will provide an update of the Plan in conjunction with the County no less than every five years.

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Proposed 2020 Vestal Fire District Budget

R170-19 On a motion of Fire Commissioner Messina, seconded by Fire Commissioner Fitzgerald, the following resolution was

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

Resolved to adopt the **Proposed 2020 Vestal Fire District Budget** with total appropriations, including the foam district, in the amount of \$1,547,837.

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:

PUBLIC WORKS: Fitzgerald/Fletcher

Bid for Burn Building Repair Awarded to William H. Lane Inc.

R171-19 Authorization to award the bid for the *Burn Building Repair* to **William H. Lane Inc.** at the base bid amount of \$54,380.00.

FINANCE: Messina/Majewski

Receive and File

Warrant Reports: 2019-37, 2019-37C, 2019-37E, 2019-38, 2019-38E

Dues for 2020 Membership to NYS Association of Towns

R172-19 Authorization to submit payment for dues in the amount of \$1,650.00 for 2020 membership in to the **NYS Association of Towns**.

August 2019 Billable Hours for Legal Services

R173-19 Authorization to submit payment in the amount of \$600.00 to **Town Attorney David Berger** for August 2019 billable hours.

R173b-19 Authorization for Deputy Comptroller Nick Angeline to execute the **budget transfers** dated September 23, 2019, as attached to his memo to the Town Board dated September 19, 2019.

PERSONNEL: Majewski/Fitzgerald

Health Care Oversight Committee to Schedule a Health Fair

R174-19 Authorization for the Health Care Oversight Committee to schedule a

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Health Fair to be held on Wednesday, October 23 in the meeting room of the Vestal Public Library. This fair is for the benefit of Town of Vestal employees and their families for the purpose of maintaining and improving their quality of life and therefore their committed service to the residents of the town and for the benefit of Town of Vestal retirees to foster a community of valued service. Employees are encouraged to attend during their regular work hours. Hours for the Health Fair will be determined.

Flu and Pneumonia Vaccines Offered at Health Fair

R175-19 Approval for **flu and pneumonia vaccines** to be provided at the Health Fair. Eligible participants are Town employees, pre-Medicare eligible retirees with Town health insurance benefits and adult dependents who participate in the Town health insurance program. Charges for these vaccines will be paid from the health insurance fund. Also eligible will be Medicare eligible retirees who show a picture ID AND health insurance card. The Medicare health plan will be billed for these vaccines. The vaccines will be provided by Lourdes Occupational Health at a rate of \$25 per flu vaccine and \$112 per pneumonia vaccine.

Grant Application to PERMA for Health Fair

R176-19 Authorization for Town Comptroller Laura McKane, to apply for a **PERMA** grant to be used for the Town's Employee and Retiree Health Fair.

Hired Dawn Vosburg as a Crossing Guard

R177-19 Retroactive authorization for the Police Department to hire **Dawn Vosburg** as a Crossing Guard effective September 12, 2019 at the hourly rate of \$11.10.

PUBLIC SAFETY (MESSINA/Fletcher)

Firefighter 5K Challenge Fundraiser

R178-19 Authorization from the Board of Fire Commissioners approving Station 1's **Firefighter 5K Challenge** to be held on November 3, 2019, from 11 am to 1 pm, on the Rail Trail. The requested coverage time is 9 am to 5 pm which includes personnel to set up before and clean up after the event.

Approved Matthew Howard as Member of Fire Dept. at Company No. 4

R179-19 Authorization from the Board of Fire Commissioners to approve **Matthew Howard** as a member of the Vestal Fire Department at Company No. 4.

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Approved New Singer Site License Agreement

R180-19 Approval from the Board of Fire Commissioners of the new *Fred Singer Training Site License Agreement*.

Intermunicipal Agreement between Water District and Fire District

R181-19 Authorization for Town Supervisor John Schaffer and Fire District Secretary Emil Bielecki to sign an **Intermunicipal Agreement** between the Town of Vestal (on behalf of the Vestal Water District) and the Vestal Fire District.

ADMINISTRATION: Fitzgerald/Messina

Grant Application to the Justice Court Assistance Program

R182-19 Authorization for Town Court Justices Joseph Meagher and Michael Sherwood to apply for a **Justice Court Assistance Program (JCAP)** grant in the **2019-20 grant cycle** up to \$30,000, or the exact amount being requested for equipment including, but not limited to, a security system, office chairs and other supplies.

RECEIVE AND FILE

- **Fire Advisory Board Meeting Minutes – 2019 08 19**
- September 9, 2019: **Governor’s Office of Storm Recovery – Public Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds for the Vestal EMS Relocation Project, 320 Vestal Parkway East.**

END OF CONSENT AGENDA

Approval of Budget Transfers dated 9/23/19 (pulled from Consent Agenda)

Councilman Majewski asked why there is a budget transfer to pay for an additional day for Supervisor Schaffer to attend the NYS Association of Towns Conference when it was not in his budget and was not approved by the Board. We have never authorized an extra day to attend this Conference.

Supervisor Schaffer explained that he went a day early so as to be able to attend a special meeting at which he was asked to participate. He went a day early because he was concerned that he may miss the meeting if he encountered problems with travel or hotel check-in as has occurred in past years. However, so as to avoid any

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appearance of impropriety, he will reimburse the Town for the extra day and will make sure that in the future it is in the Supervisor's budget line.

Councilwomen Fitzgerald and Messina both expressed support for this budget transfer noting that this action is routine because we don't know exactly who will be attending this Conference and what the cost will be at the time that the budget is prepared. This has not been an issue in the past. Councilman Fletcher stated that he does not recall specific dates being outlined for this budget line so past precedent should be considered. Being relatively new to the Board, he wants to learn more about the budget transfer process.

R183-19 On a motion of Councilman Majewski, seconded by Supervisor Schaffer, the following resolution was

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

Resolved to authorize Deputy Comptroller Nick Angeline to execute the **budget transfers** dated September 23, 2019, as attached to his memo to the Town Board dated September 19, 2019.

SUPERVISOR'S ANNOUNCEMENTS

The Binghamton Metropolitan Transportation Study (BMTS) will be conducting traffic counts at intersections and roadway segments throughout the BMTS Planning Area, which includes Vestal. Video technology will be installed at intersections and tubes will be laid across roadways. We are providing this information so that our residents understand the reasons for this activity.

Town Engineer Vern Myers noted that this study has already begun. It is not clear exactly how long it will go on but clearly it will end before winter sets in. Route 434 has 43,000 plus cars daily in both directions, the highest in our region. BMTS is a federally sponsored regional transportation planning agency that does the traffic modeling for this area and this study will help our community get funding for transportation projects.

ADJOURNMENT

On a motion of Councilwoman Messina, seconded by Councilman Majewski, the **meeting was adjourned at 6:40 PM.** Carried unanimously.

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