

Regular Meeting of the Vestal Town Board October 23, 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 October 23, 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, Fire Chief David Harrington, Assistant Fire Chief Ron Birdsall, Town Clerk Emil Bielecki, and 10 members of the general public.

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

APPROVAL OF MINUTES

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 the Minutes of the Regular Meeting of the Town Board on October 15, 2019 are approved.

PUBLIC HEARING

Public Hearing on the issuance of a Vehicle Service Station Special Use Permit for a new rental car business and a Special Permit to allow General Office use in an Industrial Zone to **Enterprise Rent A Car/SNORAC, LLC** for the premises situated at 2909-3001 Vestal Road, in the Town of Vestal, NY, Broome County Tax Map No. 158.10-1-6.111, situated in an ID-Industrial Development District.

Supervisor Schaffer offered the *Proof of Posting* and the *Affidavit of Publication* and opened the Public Hearing.

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Aimee Gallipeau, Facilities Coordinator for Enterprise Holdings, presented the Town Clerk with the *Affidavit of Mailing* and the *Letters of Consent* from neighboring property owners. She noted that the two fuel tanks which will be installed will be single chamber, double walled units to be used only for internal fleet fueling.

A speaker complained that a veterans group to which he belongs was recently denied a vehicle rental by Enterprise and wonders if the Town wants to do business with this kind of company. Ms. Gallipeau replied that she was not familiar with this specific incident but asked the speaker to provide his contact information so that she could look into it and get back with an answer.

Hearing or seeing no one else wishing to speak, Supervisor Schaffer closed the Public Hearing and asked the Board if it wished to vote on this item.

Approval of Special Permits for Enterprise Rent a Car

R191-19 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 approve the issuance of a Vehicle Service Station Special Use Permit for a new rental car business and a Special Permit to allow General Office use in an Industrial Zone to **Enterprise Rent A Car/SNORAC, LLC** for the premises situated at 2909-3001 Vestal Road, in the Town of Vestal, NY, Broome County Tax Map No. 158.10-1-6.111, situated in an ID-Industrial Development District.

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. The Town Board finds that the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be injured thereby, and that the granting of such permit is in the best interest of the community and its inhabitants.

PUBLIC HEARING

Public Hearing on the issuance of a Special Permit to **Enterprise Rent A Car/SNORAC, LLC, Inc.** regarding premises situated at 2909-3001 Vestal Road, in the Town of Vestal, NY, Broome County Tax Map No. 158.10-1-

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6.111, and situated in an ID-Industrial Development District, in accordance with the Aquifer Zoning requirements for the purpose of new diesel and gasoline storage and dispensing in above ground tanks.

Supervisor Schaffer offered the *Proof of Posting* and the *Affidavit of Publication* and opened the Public Hearing.

A speaker asked if the move to this new location will create any new jobs. Aimee Gallipeau, Facilities Coordinator for Enterprise Holdings responded that the move will probably not create any new jobs but this larger facility will allow them to better serve the public.

Hearing or seeing no one else wishing to speak, Supervisor Schaffer closed the Public Hearing and asked the Board if it wished to vote on this item.

Approval of Special Permit (Aquifer) for Enterprise Rent a Car

R192-19 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 approve the issuance of a Special Permit to **Enterprise Rent A Car/SNORAC, LLC, Inc.** for the premises situated at 2909-3001 Vestal Road, in the Town of Vestal, NY, Broome County Tax Map No. 158.10-1-6.111, and situated in an ID-Industrial Development District, in accordance with the Aquifer Zoning requirements for the purpose of new diesel and gasoline storage and dispensing in above ground tanks.

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. It shall be a requirement that the applicant shall use the best available means to prevent contamination of the aquifer district. This requirement shall be a continuing requirement, and the Town Board shall have the power to make such provisions as are necessary to update the development or facilities in order that it may be used in accordance with the then prevailing state of technology.

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PRIVILEGE OF THE FLOOR

A speaker expressed concern that the Rail Trail has become so popular that maybe some of the uses should be restricted or consideration should be given to widen the Trail. Supervisor Schaffer replied that placing restrictions on current uses would not be well received by the public. The police do patrol the Trail to monitor bike speeds. He also announced that the Newman Corporation will be donating an additional $\frac{3}{4}$ mile of rail-bed land which will enable us to extend the Rail Trail. This should help ease some of the congestion on the other parts of the Trail. Longer term, there are plans to extend our Rail Trail through to Johnson City.

A speaker, noting that the election is near, asked each Board member if they would commit to reducing property taxes. Each Board member responded that it would be unrealistic and disingenuous to make such a promise. It was noted that we are a full service town and the cost of maintaining quality services is always going up but we have done very well over the last few years in controlling spending and staying under the state mandated tax levy limits. The Town has been recognized by the State for its solid financial condition and we continue to have lower taxes compared to other surrounding full service municipalities.

A speaker stated that that he was pleased to have recently received an unexpectedly large refund from the State on the school taxes. Supervisor Schaffer noted that our residents were eligible for the refund because both the School District and the Town budgets were under the State's tax levy cap.

RESOLUTIONS & MOTIONS

Adopted Changes to the 2020 Tentative Town Budget

R193-19 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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

Resolved to authorize the Town Comptroller to make changes in appropriations and revenues from the 2020 Tentative Budget to the 2020 Preliminary Town Budget which will be filed with the Town Clerk. The changes are attached hereto and made a part of the minutes of this meeting.

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Adopted Changes to the 2020 Proposed Fire District Budget

R194-19 On a motion of Fire Commissioner Messina, seconded by Fire Commissioner Fletcher, the following resolution was

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

Resolved to adopt the following changes to the 2020 Proposed Fire District Budget:

CHANGES TO PROPOSED FIRE DISTRICT BUDGET						
APPROPRIATIONS						
			2020	2020		
Fire General Fund			PROPOSED	FINAL	CHANGE	EXPLANATION
F9901	9003	Transfer to TE (SAP)	\$65,000	\$64,296	-\$704	Per Actuaries Report
F9730	6452	Principal on BANS	\$141,892	\$139,592	-\$2,300	Use reserves for debt payment
F9730	6452R	BAN Principal pd.from Reserves	\$0	\$2,300	\$2,300	Use reserves for debt payment
F3410	4010	Office Exp. & Supplies	\$6,500	\$5,400	-\$1,100	Discussed with Fire Chief
F3410	4080	Bldg./Grounds Maint.& Repairs	\$54,175	\$63,279	\$9,104	Toward seal coating driveways
F3410	4111	Heat Expense	\$25,000	\$20,000	-\$5,000	Low fixed contract price
GRAND TOTAL					\$2,300	
ESTIMATED REVENUES						
			2020	2020		
Fire General Fund			PROPOSED	FINAL	CHANGE	EXPLANATION
F1001	1001	Real Property Taxes	-\$1,055,722	-\$1,055,422	-\$300	Correction
F1001	1001R	Real Property Taxes Reserved	-\$442,115	-\$442,415	\$300	Correction
F1012	1012R	Approp. Fund Balance- Reserve	\$0	-\$2,300	\$2,300	Use reserves for debt payment
GRAND TOTAL					\$2,300	

Adopted the Final 2020 Fire District Budget

R195-19 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 the 2020 Proposed Fire District Budget, as amended, as the **Final 2020 Fire District Budget** with total appropriations (including the Foam District) of \$1,526,137.

Emergency Purchase of 2 Pumps for Imperial Woods Pump Station

R196-19 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 the Water/Wastewater Superintendent Scott Groats to make an emergency purchase of 2 replacement pumps for the Imperial Woods

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Pump Station. The Town Board of Vestal finds that a public emergency has arisen with regard to the failure of 2 pump motors for the Imperial Woods Pump Station and is an unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding or competitive offering, contracts for public work or the purchase of supplies, material or equipment.

CONSENT AGENDA

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

PUBLIC WORKS: Fitzgerald/Fletcher

Letter of Support for Mixed Use Development

R197-19 Authorization for the Town Attorney to draft a letter to JFM Real Estate (River's Edge Development Project) stating that the Town Board supports the mixed use development of the parcels from 4629 to 4729 Vestal Parkway East.

Advertise for Public Hearing re: Special Use Permit-408 Commerce Rd.

R198-19 Authorization for the Town Attorney to advertise on November 6, 2019 for a Public Hearing on November 20, 2019 for a Special Use Permit for 408 Commerce Road authorizing the operation of a General Office in an Industrial Development District.

FINANCE: Messina/Majewski

Receive and File

- **Warrant Reports:** 2019-41, 2019-41C, 2019-41E, 2019-42, 2019-42E

PUBLIC SAFETY: Messina/Fletcher

Services Agreement with Penflex, Inc. for LOCAP Program

R199-19 Authorization for Fire Commissioner John Schaffer to sign an agreement with Penflex, Inc. to provide actuarial and administrative services for the **Service Award Program (LOSAP)** for the period of 11/1/19 – 10/31/20.

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Bake Sale at Fire Station #3

R200-19 Approval from the Board of Fire Commissioners for the **Vestal Fire Department Membership and Ladies Auxiliary** to hold a bake sale on November 5, 2019 at Fire Station # 3. Coverage time is from 6:00 am to 6:00 pm.

RECEIVE AND FILE

- Minutes of the Vestal Fire Department **Fire Advisory Board** Meeting, September 16, 2019.

END OF CONSENT AGENDA

COMMITTEE CHAIR COMMENTS AND UPDATES

Councilman Majewski recommended that the following two individuals should be recognized with a proclamation from the Town:

- Distinguished Professor **M. Stanley Whittingham** at Binghamton University for being awarded the 2019 Nobel Prize in Chemistry. Professor Whittingham pioneered research leading to the development of the lithium-ion battery.
- Fire Safety Prevention Officer **Ken Fortier** for his 23 years of selfless dedication to the Vestal Fire Department and 19 years as a Fire Safety Officer.

The Board approved by consensus the issuance of the proclamations.

SUPERVISOR'S ANNOUNCEMENTS

- The Highway Department has started leaf pickup. We ask that residents do not put out lawn clippings or other yard waste and keep the leaves off the roadway.

ADJOURNMENT

On a motion of Councilwoman Messina, seconded by Councilman Fletcher, **the meeting was adjourned at 6:33 PM.** Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk