

## Regular Meeting of the Vestal Town Board May 22, 2013

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 May 22, 2013

### **TOWN BOARD PRESENT:**

**Supervisor John Schaffer**  
**Councilman Fran Majewski**  
**Councilwoman Patty Fitzgerald**  
**Councilman David Marnicki**  
**Councilman Steve Milkovich**

**ALSO ATTENDING:** Town Clerk Emil Bielecki, 1<sup>st</sup> Deputy Town Clerk Kathie Young and approximately 25 members of the community.

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:

Supervisor Schaffer welcomed Library Representative **Jim Love** who explained that the *Friends of the Vestal Public Library* have made a **contribution in the amount of \$4,359.93** to purchase seven (7) computer systems. The computers will be installed in the library by the Town's IT staff. He also encouraged everyone to come to the Book Sale at the Library on Saturday, June 1, 2013. The proceeds from the sale are an important source of income to support the library.

Supervisor Schaffer also welcomed **Vilma Byrne** and thanked her for her earlier gift of \$1,000 to the Town's Recreation Department.

### **APPROVAL OF MINUTES**

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

**ADOPTED** Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer  
Nays 0

Resolved the Minutes of the Regular Meeting on May 8, 2013 are approved.

### **PUBLIC HEARINGS**

The Supervisor offered *Proof of Posting* and *Affidavit of Publication* regarding the Public Hearing for the **Petitions for the Establishment of Consolidated Water District No. 1, Extension No. 194 and Consolidated Sewer District No. 1, Extension**

**Regular Meeting of the Vestal Town Board**  
**May 22, 2013**

**No. 155. Petitioner: Tari L. Grant, B.C.T.M.P.: 175.15-2-12.11, 1405 Campus Drive.** He then opened the public hearing.

Seeing or hearing no one wishing to speak, the Supervisor closed this Public Hearing.

**Establish CWD No. 1, Ext. 194 and CSD No. 1, Ext. No. 155**

**R146-13** On a motion of Councilman Marnicki, seconded by Councilman Milkovich, the following resolution was

**ADOPTED** Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer  
Nays 0

Resolved the **Establishment of Consolidated Water District No. 1, Extension No. 194 and Consolidated Sewer District No. 1, Extension No. 155 –**

Petitioner: Tari L. Grant, B.C.T.M.P.: 175.15-2-12.11, 1405 Campus Drive. The Town Attorney is directed for file such with Broome County.

**PRIVILEGE OF THE FLOOR (Agenda Items Only)**

A speaker stated that a few months ago he addressed the Board on behalf of the Vestal Service Organization to ask that a bench be purchased and installed at the library location. As of yet, they have not yet received a bill for its purchase and installation. Councilman Majewski responded that he would take care of this.

A speaker expressed concern about closing the Rail Trail for an event sponsored by a private entity on public property.

A speaker feels that the two easements being granted to Cerasaro Roma and Roma are allowing free use of Town property. Supervisor Schaffer explained that their use of the land started years ago as a result of an unclear property line. This will allow the business to continue as usual and avoid hardship.

A speaker noted that the bidding process is resulting in some unusual awards and feels that it should be closely scrutinized.

**RESOLUTIONS & MOTIONS**

**Negative Declaration of SEQR Declared for Easements**

**R147-13** On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

**ADOPTED** Ayes 4 Majewski, Fitzgerald, Milkovich, Schaffer  
Nays 0 Abstain 1 Marnicki

**Regular Meeting of the Vestal Town Board**  
**May 22, 2013**

Approval for the following **Negative Declaration of SEQR**:

Concerning the motion to adopt a Resolution authorizing the granting of two easements, one permanent and one temporary to Cerasaro Roma & Roma, LLC on the property located at Castle Gardens Road, Tax Map #172.08-1-10, the Town Board of the Town of Vestal hereby finds and determines that:

(a) it has considered the action, reviewed the environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with the proposed project

(b) This project will not result in any large and important environmental impacts, and, therefore, is one, which will not have a significant impact on the environment, and, therefore, a negative declaration is hereby adopted.

**Grant Easements to Cerasaro Roma & Roma LLC**

**R148-13** On a motion of Councilman Marnicki, seconded by Councilman Majewski, the following resolution was

**ADOPTED** Ayes 4 Majewski, Fitzgerald, Milkovich, Schaffer  
Nays 0 Abstain 1 Marnicki

Whereas the owners of property located at Castle Gardens Road, Tax Map #172.08-1-10 has prepared two easements to clarify placement of property lines between the Town and Cerasaro Roma & Roma, LLC.

Whereas the Town Board has examined said instruments and finds the consideration described therein to be fair and reasonable.

**It is resolved** that the Town does hereby grant two easements, one permanent and one temporary, to Cerasaro Roma & Roma, LLC, in accordance with terms and conditions contained in said instruments and directs that the same be recorded with the Broome County Clerk at the expense of Cerasaro Roma and Roma, LLC.

**M Squared, LLC to Hold Rail Trail Event**

**R149-13** On a motion of Councilman Marnicki, seconded by Councilman Majewski, the following resolution was

**ADOPTED** Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer  
Nays 0

## Regular Meeting of the Vestal Town Board May 22, 2013

Resolved the approval for **M Squared, LLC** to hold an event at the Vestal Rail Trail called *The Vestal Festival* on July 19, 2013 at 5:00 pm to July 20, 2013 at 5 pm.

This approval shall include the closing of the Rail Trail for the evening of July 19, 2013 for a relay race and/or possibly a pony/horse riding attraction.

This approval is subject to the following conditions:

1. Liability Insurance in a form acceptable to the Town in an amount of not less than \$1,000,000 naming the Town, its employees, agents and servants as insured parties against personal injuries, including public liability.
2. An Emergency Services plan to be approved by the Town Board Public Safety Committee.
3. MSquared, LLC shall be responsible for any and all damages or losses to any Town property and will keep the Rail Trail free of litter and must check and clean the area following the event.
4. Any vendors who are approved to participate in this event must obtain all of the required permits from the Town Clerk and/or other regulating agencies.

### **Advertise Bids for Fire Rescue 32-1 Project**

**R150-13** On a motion of Councilman Marnicki, seconded by Councilman Majewski, the following resolution was

**ADOPTED** Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer  
Nays 0

The Board of Fire Commissioners authorizes the Town Attorney to advertise on June 5, 2013 for bids to be received for the Rescue 32-1 Project to be opened on June 28, 2013 at 2 pm in the Town Clerk's office.

### **Motion Tabled**

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

**TABLED** Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer  
Nays 0

Authorization to **issue keys to our remote site locations to Plexicomm** allowing them to service the communication towers at the following sites:

**Andrews Tower Coal House Castle Gardens Well 42  
Sheedy Booster West Hill Ross Hill**

**Regular Meeting of the Vestal Town Board  
May 22, 2013**

**CONSENT AGENDA**

On a motion of Councilman Marnicki, seconded by Councilwoman Fitzgerald, the following resolution was

**ADOPTED** Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer  
Nays 0

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

**PUBLIC WORKS: Milkovich/Majewski**

**Award Bids**

**R151-13** Authorization to award the bid for **Water Analysis** (laboratory testing) to the lowest bidder as follows:

**Benchmark Analytics, Inc.**

2566 Pennsylvania Ave.

Sayre, PA. 18840

Bid Price: \$40,102.17

**R152-13** Authorization to award the bid for **Pipe Bursting** as follows:

**Jones Specialty Services Group**

183 Corporate Drive

Binghamton, N.Y. 13904

Bid amount \$383,830.00

The contract shall be for one year with the option to extend an additional 3 years.

**R153-13** Authorization to award the following projects to the lowest bidders:

**Cortland Drive Sanitary Sewer Replacement to**

**Vacri Construction**

1 Brick Avenue

Binghamton, N.Y. 13901

Total: \$37,400.00

**Vestal Parkway East Water Main Replacement to**

**Vacri Construction**

1 Brick Avenue

Binghamton, N.Y. 13901

Total: \$42,900.00

**George Street Water Main Replacement to**

**Vacri Construction**

1 Brick Avenue

Binghamton, N.Y.

Total: \$25,300.00

**Regular Meeting of the Vestal Town Board  
MAY 22, 2013**

**Lewis Street Water Main Replacement to  
Vacri Construction**

1 Brick Avenue  
Binghamton, N.Y. 13901                      Total: \$30,800.00

**Katherine Lane Water Main Replacement to  
Vacri Construction**

1 Brick Avenue  
Binghamton, N.Y. 13901                      Total: \$30,800.00

**Approval to Reduce Sewer Portion of Utility Bills**

**R154-13**      Authorization to reduce the **sewer portion of utility bill of 349 Birch Street** in the amount of **\$507.52 (104,000 gal.)**. This residence was broken into on April 10, 2013 while the owner of the property was in Florida and the copper pipes were stolen but the water was left on causing significant water damage and high water consumption. The water did not go into the town's sanitary sewer system.

**R155-13**      Authorization to reduce the **sewer portion of utility bill** for the residence at **323 Torrance Avenue** in the amount of **867,000 gallons**. The cause of the high water/sewer consumption was a ruptured solder joint in an upstairs bathroom. The amount of the sewer reduction is **\$4230.96**. The water did not go into the town's sanitary sewer system.

**FINANCE: Marnicki/Fitzgerald**

**Receive and File: Warrant Reports – 2013- 18, 18E, 19, 19E, 20, 20B, 20E**

**PERSONNEL: Majewski/Marnicki**

**Hire Warner – Summer Help – Water Department**

**R156-13**      Authorization for the Water Superintendent to approve the **hiring of Samuel Warner as summer help** at a rate of \$8.25 per/hour with a start date of May 28, 2013. The budget line to be used is W8340-1034. Additionally, a budget transfer of \$5000.00 from W8310-2240 is approved.

**PUBLIC SAFETY: Marnicki/Fitzgerald**

**Fire Member Approved.**

**R157-13**      Approval to accept **Michael Behr** as a member of the Vestal Fire Department at Company #4.

**Regular Meeting of the Vestal Town Board**  
**MAY 22, 2013**

**ADMINISTRATION: Majewski/Milkovich**

**R158-13** Authorization for the **Comptroller to transfer \$5752.97** from **contingency line** to **A5132.2100 line** to purchase the Highway Department Security Camera System as approved for purchase on April 24, 2013 (R112-13).

**RECEIVE AND FILE**

❖ MS4 Stormwater Annual Report – MS4 Municipal Compliance Certification (MCC) Form for Period Ending March 9, 2013.

**END OF CONSENT AGENDA**

**ADDITIONAL PUBLIC COMMENTS**

A speaker, referencing a recent newspaper article, stated that there has been an increase in water contamination cases in Pennsylvania as a result of the gas drilling boom. According to information provided by the Department of Environmental Protection, there have been over 160 incidences where gas drilling activity possibly damaged water supplies during the period between 2008 and 2012.

A speaker asked when the State DOT will be doing work at the intersection of Sheedy Rd. and Route 26. Supervisor Schaffer said that he would look into it.

A speaker, noting that a recent court ruling upheld the right of municipalities to use home rule powers to ban gas drilling, asked why Vestal is not taking any action on this issue.

Supervisor Schaffer explained that the Board is keeping informed about the gas drilling developments and will react after the State issues their final rulings.

A speaker asked why his application for appointment to the Board of Assessment Review is not being considered in view of existing vacancy and the Supervisor's stated dissatisfaction with the current review board. Supervisor Schaffer responded that the application is on file and that Personnel Committee will be conducting interviews at a later time.

**SUPERVISOR'S ANNOUNCEMENTS**

Museum Events:

- ❖ Kids summer garden projects planned; June 8, July 13, Aug 10. Free
- ❖ Museum doing NY State "Pathways through History" June 1, 2, 8, 9. Special hours. Free

**Regular Meeting of the Vestal Town Board**  
**MAY 22, 2013**

**Friends of the Vestal Public Library**

**Book Sale**

Saturday, June 1, 2013 - From 9:00 am to 2:00 pm  
The \$3.00 bag sale starts at 1:00 pm.

**FRIENDS YOGA @ the Library**

Every Friday Evening - 5:00-6:00 pm - Chair yoga - Donations accepted  
6:00-7:30 pm - Yoga class - \$5.00

**OLD BUSINESS**

At the Town Board Work Session on May 20, 2013 the following action was taken:

**R145-13** On a motion of Councilman Majewski, seconded by Councilman Marnicki, the following resolution was

**ADOPTED** Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer  
Nays 0

Resolved to **rescind Resolution 133-13\*** and adopt a Resolution supplementing the Bond Resolution (R365-12) dated December 12, 2012 authorizing, subject to **Permissive Referendum**, the issuance of an **additional \$150,000 bonds** of the Town of Vestal, Broome County, New York, to pay a portion of the cost of the purchase of equipment for construction and maintenance purposes, in and for said Town.

\*(R133-13 was approved on May 8, 2013 but was not advertised within a required deadline.)

**ADJOURNMENT**

On a motion of Councilman Marnicki, seconded by Councilman Majewski, the meeting was adjourned at 6:47 PM. Carried unanimously.

Approved by \_\_\_\_\_  
**Emil J. Bielecki, Town Clerk**