

## **Regular Meeting of the Vestal Town Board June 26, 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, New York on June 26, 2013

### **TOWN BOARD PRESENT:**

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

**ALSO ATTENDING:** Town Attorney David Berger, 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:

### **APPROVAL OF MINUTES**

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

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

Resolved the **Minutes of the Regular Meeting** on June 12, 2013 are approved.

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

Several speakers inquired as to why Shumaker Engineers was being hired to develop plans for Section 2 of the Rail Trail expansion when it was stated that no additional Town money would be expended on that project.

Councilman Marnicki explained that when the first portion of the Rail Trail was built, we used Highway and Parks labor. This was considered as our 20% in-kind contribution. We do not have the manpower to do that now due to budgetary cutbacks. We are proceeding with the Trail extension so that at least we get something for the money that we have already spent. If we drop the project, we will have to reimburse that money to the State. The \$79,000 expense was included in the money that we borrowed. We will bid out that portion of the Trail which we originally planned to do ourselves.

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A speaker questioned why Procon, who was awarded the contract for the Trail extension, is not doing this work. Supervisor Schaffer responded that this work was separate from the portion that Procom bid on.

A speaker noted that borrowing the \$250,000 to avoid reimbursing the money already spent on the Rail Trail extensions was a good decision. At least this way, we are getting something for it and we are putting people to work.

A speaker expressed concern that certain language was eliminated in the updated **Broome County Mitigation Plan**. Specifically, Objective 1-6, which stated: *Incorporate hazard considerations into land-use planning and natural resource management*, was eliminated. Supervisor Schaffer responded that he did not know why the County removed that language but that he would ask the Town Engineer to look into it.

A speaker noted that the Town accepted only one estimate for repairs to a vehicle damaged by a Town mower. Additional estimates should have been required. Councilman Majewski responded that the repair estimate appears to be reasonable and we don't need to drag this on.

A speaker expressed concern about the cost of maintaining a sewer line on private property if the Town accepts an easement. Supervisor Schaffer responded that this line will become part of the Town's existing sewer infrastructure and the property owner will pay the same flow rate as everyone else on the system.

A speaker stated that the Town should hire a local company to do the Court audit. Supervisor Schaffer responded that the State recommends the use of any outside auditor and the contract is awarded to the successful bidder.

A speaker questioned the voucher to Hueber-Breuer. Supervisor Schaffer noted that the study to rehab/replace Fire Station 4 ran into some cost overruns due to flood related items.

A speaker asked why we are receiving **Notices of Intention to Commence Natural Gas Well Drilling Operations** from Pennsylvania. Supervisor Schaffer replied that gas drilling activity must be reported to the bordering municipality.

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**RESOLUTIONS & MOTIONS**

**Donation to Recreation Department R184-13** 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 Recreation Department **accept a donation of \$150.00** in memory of **Vernon W. Hockenberry**, one of the founders of the Vestal Town Band. The donation is from his daughter Melanie Collis and her husband Richard Collis.

**Grant for Vestal Museum**

**R185-13** 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 to accept a **grant in the amount of \$2,000** for the **Vestal Museum** from the *Chenango County Council on the Arts*.

**Tabled: Adoption of the Broome County All-Hazard Mitigation Plan**

In response to questions concerning changes in the wording of this document, the Board voted to table the resolution to allow more time to review this document.

On a motion of Councilman Marnicki, seconded by Councilman Milkovich, the resolution to adopt the Broome County Multi-Jurisdictional All-Hazard Mitigation Plan was brought to the floor.

On a subsequent motion of Councilman Marnicki, seconded by Councilwoman Fitzgerald, the following resolution was  
**TABLED** Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer  
Nays 0

**A RESOLUTION OF THE TOWN VESTAL OF THE COUNTY OF BROOME AUTHORIZING THE ADOPTION OF THE BROOME COUNTY MULTI-JURISDICTIONAL ALL-HAZARD MITIGATION PLAN**

**Agreement - Shumaker Engineers**

**R186-13** On a motion of Councilman Marnicki, seconded by Councilman Majewski, the following resolution was  
**ADOPTED** Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer  
Nays 0

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Resolved to adopt a Resolution authorizing the Supervisor to sign the agreement with **Shumaker Engineers** for developing the plans, estimates, develop bid documents and the construction inspection for the **Vestal Trail Section 2a, PIN 9009.30** – (TOV portion) at a total price of \$79,200 (with the 80/20 split).

The Town was originally going to build this portion of the trail (about 0.7 miles). Since that is not going to happen, it needs to be bid to a contractor, which requires plans and bid documents plus construction inspection.

### Martin Vehicle Damage Claim

**R187-13** On a motion of Councilman Marnicki, seconded by Councilman Majewski, the following resolution was

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

Resolved to authorize the Business Office to satisfy the claim of Brett Martin, 2020 Carrie Ann Drive, Endicott, NY in the amount of **\$467.21 to cover repairs to his vehicle** damaged on June 6, 2013 by a Highway Department mower.

### Hueber-Breuer Invoice

**R188-13** 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 to authorize the Business Office to **pay Hueber-Breuer Invoice #11221-05** in the amount of \$16,430, less \$2,225 retainage, and to make the requested **budget transfers** (\$10,000 from F3410.8404 and \$2,530 from F3410.2100 to line F3410.2225).

### Sanitary Sewer Easement – 3005 Vestal Road

**R189-13** 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 to authorize the Town Supervisor to sign and the Town Attorney to have filed at BC Clerk's Office a **Sanitary Sewer Easement, 3005 Vestal Road, BCTMP #158.06-1-27**, owner **Matthews Development**.

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**Contract with Ciaschi, Dietershagen, Little, Michelson & Company, LLP**

**R190-13** 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 to authorize the **Comptroller to enter into a contract with Ciaschi, Dietershagen, Little, Michelson & Company, LLP** to audit the justice courts at a cost not to exceed \$3,500 and for \$3,100 to be transferred from the Contingency line A1990.4322 to the line for Audit Services A1320.4000 since the 2013 budget does include adequate funds for auditing services. If contracted, the firm expects to begin work in July 2013.

**CONSENT AGENDA**

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 **Consent Agenda** is approved as follows:

**FINANCE:** Marnicki/Fitzgerald

**Warrant Reports** –2013-24, 24E, 24B, 24R, 25, 25E, 25S, 25L

**Refunds for Sewer/Water Bills**

**R191-13** Authorization for the Business Office to issue a **refund of \$110.09** to **104 Susan Court** due to an overpayment of their water and sewer bill.

**R192-13** Authorization for the Business Office to issue a **refund of \$212.78** to **New Holland of Binghamton**, Old Vestal Road for overpayment of their closed water and sewer account.

**PLANNING & ZONING:** Fitzgerald/Milkovich

**Use Library Parking Lot**

**R193-13** Authorization for the **Binghamton Amateur Radio Association (BARA)** to use the Vestal Library parking lot for a BARA Chicken BBQ Fundraiser on October 13, 2013 from 10:00 AM to approximately 3:00 PM. An indemnification agreement is to be signed.

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**PUBLIC SAFETY:** Marnicki/Fitzgerald

### **Accept Fire Members**

**R194-13** Authorization from the Board of Fire Commissioners approving the following as **members of the Vestal Fire Department.**

Eric Gottschall - Company No. 4.

Joseph Kulp Jr. - Company No. 4.

Christian Steenstrup - Company No. 4

### **RECEIVE AND FILE**

- **Notices of Intention to Commence Natural Gas Well Drilling Operations**, Apolacon Township, Susquehanna County, Pennsylvania: two dated May 14, 2013 and one dated June 18, 2013.
- **Vestal Fire Advisory Board Meeting Minutes** – May 20, 2013
- Notice from **Broome County Industrial Development Agency** of Public Hearing on July 2, 2013 at 7:00 P.M., at the Town Hall, 605 Vestal Parkway West, Vestal NY 13850 in connection with the Vestal Park Rehabilitation and Nursing Center.

## **END OF CONSENT AGENDA**

### **ADDITIONAL PUBLIC COMMENTS**

Approximately 8 speakers addressed the Board. A synopsis of the comments is as follows:

- Vestal's debt exceeds \$18 million and we need to curb our borrowing. We need to stop using credit cards and listen more to what the people want.
- A petition requesting the Board to declare a *Property Rights Day* in the Town of Vestal was submitted to the Clerk.
- Asked to respond to a Press article about the Town's audit, Supervisor Schaffer expressed frustration with the reporter for sensationalizing. We spent the money on what the people wanted - our roads and infrastructure. Our debt limit is \$72 or \$79 million – we are nowhere near that level even with the constraints imposed by the 2% cap. Several Board members expressed dissatisfaction with how the audit was done.
- Supervisor Schaffer further noted other problematic issues: the State wants to give away our valuable taxable land near the University, the Sewage Plant is sharply raising fees and numerous State mandates cost us money to implement.

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- The Town has budgeted revenue from logging on park land, ignoring a letter from the State that prohibited it without the approval of the State Legislature. Will the Town equally ignore the State when it comes to gas drilling? Supervisor Schaffer replied that the effort was made to improve the situation at Jones Park. The Board will act within the law.
- In response to the escalating fees imposed by the Joint Sewage Treatment Plant, the Board should insist on greater involvement and oversight.
- A speaker stated that the Town should not allow the company leasing the Coal House to close the Trail and to use additional Town land to hold events. Several Board members noted that the Town shares in the profit generated by Coal House activities and the money goes to a dedicated account for the maintenance of the Coal House.
- The settlement of Article 7 cases for commercial properties means that the rest of us have to pick up the shortfall in taxes.
- The Board should not have reappointed the Town Assessor when the public opposed it. Our assessments are unfair.
- A speaker asked if the PILOT agreement for the Vestal Park Nursing Center fell through, and if so, could the now rezoned land be used for gas drilling operations? The Supervisor responded that to his knowledge, the nursing home project will go through. Town Attorney Berger noted that the Town Board would have to approve any other use for that property.

### **SUPERVISOR'S ANNOUNCEMENTS**

- [Notice of Public Hearing](#) – July 2, 2013 at 7:00 P.M. at the Town Hall, 605 Vestal Parkway West, Vestal NY in connection with the Vestal Park Rehabilitation and Nursing Center.
- Museum Events: Kids summer garden projects planned: July 13, Aug 10. Free

### **ADJOURNMENT**

On a motion of Councilman Majewski, seconded by Councilwoman Patty Fitzgerald, the meeting was adjourned at 7:28 PM. Carried unanimously.

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