

**Regular Meeting of the Vestal Town Board
JULY 10, 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 W, Vestal NY on July 10, 2013

TOWN BOARD PRESENT:

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

ABSENT: Supervisor John Schaffer

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young, Fire Chief Pat McPherson and approximately 20 members of the community.

The Deputy 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 Marnicki, seconded by Councilman Milkovich, the following resolution was

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

Resolved the **Minutes of the June 26 and June 28, 2013 Town Board Meetings** are approved.

BID OPENINGS

Replacement of the Storm Pipe on Campus Road

The **Deputy Supervisor offered Proof of Posting and Affidavit of Publication** regarding the request for bids for the **Replacement of the Storm Pipe on Campus Road** which were received and opened on July 8th, 2013 at 2:00 PM in the Town Clerk's Office.

Pro Con Contracting
PO Box 1037
Vestal, New York
\$94,600.00

Allis Development
136 Ridge Road
Vestal, New York
\$88,000.00

ZMK Construction
3430 Route 434
Apalachin, NY
\$76,956.00

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Fire Rescue 32-1 Project

The Deputy Supervisor offered **Proof of Posting and Affidavit of Publication** regarding the bids which were received and opened for the **Fire Rescue 32-1 Project** on July 9th, 2013 at 2 pm in the Town Clerk's Office.

La France Equipment Corporation	\$714,231.00
2062 Lake Road, Elmira, NY	

JPB Fire Services	\$737,925.00
4736 Onondaga Boulevard, Syracuse, NY	Less trade-in \$ 50,000.00
	\$687,925.00

KME Fire Apparatus	
One Industrial Complex, Nesquehoning, PA	
	\$606,525.00

Specialty Vehicles	
60 Engineers Lane	
East Farmingdale, NY	Less Trade In \$ 10,000.00
	\$682,172.00

Plastisol Composites, LLC	
101 Gerald L. Moses Drive	
Groton, NY	\$810,000.00

Fort Garry Fire Trucks	
RR #2	
Winnipeg, MB	\$486,082.00

Vander Molen Fire Apparatus	
224 Willington Road	
DeWitt, NY	\$683,484.00

Har-Rob Fire Apparatus	
5089 Whirlybird Lane	
East Syracuse, NY	Trade-In \$ 5000.00
	\$714,999.00

Emerald Fire Equipment, Inc.	
5157 Meshoppen Creek Road	
Montrose, PA	Trade-In \$ 10,000.00
	\$637,614.00

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PRIVILEGE OF THE FLOOR (Agenda Items Only)

A speaker stated that she unclear as to who is sponsoring the Property Rights Day Proclamation. What affiliation do they have? Adopting this proclamation would set a bad precedent.

RESOLUTIONS & MOTIONS

Designating the Secretary of State as Agent for Service of Notice of Claim

R196-13 On a motion of Councilman Marnicki, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to adopt the following resolution in regards to designating the **Secretary of State as agent for Service of Notice of Claim**

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

Now therefore Be It

RESOLVED, that the Town Board of the Town of Vestal, County of Broome designates Emil Bielecki, in his capacity as Town Clerk, to receive notices of claims served upon the Secretary of State by mail at 605 Vestal Parkway West, Vestal, NY 13850 and email at ebielecki@vestalny.com.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

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Property Rights Day Proclamation

The request for the Town of Vestal to adopt a **Property Rights Day Proclamation** died for the lack of a motion.

Accept Pomeroy Foundation Grants

Councilman Marnicki explained that these grants are for the blue and yellow markers that designate historical properties.

R197-13 On a motion of Councilman Marnicki, seconded by Councilman Milkovich, the following resolution was

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

Resolved for the Town to **accept four grants from the Pomeroy Foundation**, each for \$1,050.00 for a total of \$4,200.00, to purchase historical markers for the following locations: Rounds Cemetery, Drovers Inn, Mersereau House and Cold Spring Farm. Town Historian Margaret Hadsell is authorized to complete and sign all paperwork to release the funds.

CONSENT AGENDA

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

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

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

FINANCE: Marnicki/Fitzgerald

Receive and File:

- **Warrant Reports** – 2013 - 2013- 26, 26E, 27, 27E
- **Town Clerk Monthly Report** – June 2013 – Total Local Shares Remitted \$5,019.95
- **Comptroller's Monthly Report** – June 2013
- **Vestal Volunteer Emergency Squad** – Financial Statements – six Months Ended June 30, 2012 and 2011

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Justice Court – Dispose of Office Furniture

R198-13 Authorization for the **Justice Court** to discard used office furniture which was replaced with new furniture obtained through a New York State Grant and is unneeded and unwanted by any other Town Department.

PERSONNEL: Majewski/Marnicki

Recreation Department Hires Employees

R199-13 Authorization for Sue Jastran, **Recreation Planner to hire the employees** listed in her July 1, 2013 memo.

All employee pay rates are budgeted items in the 2013 budget and the background checks has been completed.

A7310.1028 Labor – Softball Camp

Kristen Hickling - Vestal as Softball Camp Instructor at pay rate \$90.00 salary
Michelle Chisdak – Vestal as Softball Camp Instructor at pay rate \$150.00 salary
Brian Donlin - Vestal as Softball Camp Director at pay rate \$420.00 salary
Sarah Kelly - Vestal as Softball Camp Instructor at pay rate \$150.00 salary
Jen Phillips - Vestal as Softball Camp Assistant Director at pay rate \$240.00 salary
Katherine Festa - Vestal as Softball Camp Instructor at pay rate \$150.00 salary

A7310.1026 Labor – Labor – Tennis

Luke Ingardia – Apalachin as Tennis Instructor at pay rate \$7.50/hr.
Margaret Reynolds – Vestal as Tennis Instructor at pay rate \$7.50/hr.
Kevin VanHine – n as Tennis Instructor at pay rate \$7.50/hr.
Jared Vargason – Vestal as Tennis Instructor at pay rate \$7.50/hr.

A7310.1121 Labor – Labor - Soccer Camp

Logan Calvey - Vestal as Soccer Camp Instructor at pay rate \$125.00 salary
Jaisen Clark - Vestal as Soccer Camp Instructor at pay rate \$125.00 salary
Nicholas Pittari - Vestal as Soccer Camp Instructor at pay rate \$125.00 salary
Kaitlin Regan - Vestal as Soccer Camp Instructor at pay rate \$125.00 salary
Samuel Scelsi - Vestal as Assistant Soccer Coach at pay rate \$500.00 salary
Ashley Tabuntschikow – Vestal as Soccer Camp Instructor at pay rate \$125.00 salary
Rachel Terry - Vestal as Soccer Camp Instructor at pay rate \$125.00 salary
Josh Wlostowski - Vestal as Soccer Camp Instructor at pay rate \$125.00 salary
Matthew Wood - Endicott as Girls Soccer Camp Director at pay rate \$650.00 salary

A7310.1130 Basketball Shooting and Conditioning

Kyle Skinner – Binghamton as Basketball Shooting & Conditioning Dir. at pay rate \$500.00 salary

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PLANNING & ZONING: Fitzgerald/ Milkovich

Public Hearing to Rezone 3005 Vestal Road

R200-13 Authorization for the **Town Attorney to draw a local law** to change the Vestal Zoning Map by changing the premises located at 3005 Vestal Road BCTMP #158.06-1-27 from Industrial District (D) to Community Business (C-2) and to **advertise on July 31, 2013** for a **Public Hearing on August 14, 2013**.

END OF CONSENT AGENDA

ADDITIONAL PUBLIC COMMENTS

A speaker expressed concern that the Town is not proceeding with the timber harvesting at Jones Park. Although the hemlock trees in Jones Park are not infected, trees in surrounding areas have been. If the hemlocks in Jones Park become infected they will have no value and could become a safety issue. Other parks have been closed when the trees became brittle and unsafe. The Town should have a plan to deal with potential infestation from the ash borer.

A speaker is concerned about a potential health problem in Vestal from ticks. There are increasing incidents where ticks are being found on people and pets. The Town should consider culling the deer at Arnold Park to reduce the risks.

A speaker is concerned about the effects of drilling on our water supply. She thinks there should be pre-drilling water testing done for a baseline. These tests are very expensive (\$880) and she is concerned that neither the State nor the Town has the money to do them, placing the burden on the residents.

A speaker, who lives on Drexel Drive, stated that this is the 4th summer that water from a creek bed across the street has overflowed onto her property. She has been promised by a number of Town officials that corrective action would be taken, but nothing has been done. People are not returning her calls. During the last storm, they had to call 911. The Fire and Police were there all night long --- they found that the drainage has been clogged with debris. She would like a letter sent out to the neighbors who are affected telling them what is going to be done and what to do if it overflows again. The Town is not doing the necessary maintenance and she wants the Town to be held accountable for future damage.

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Councilman Milkovich responded that he did return her calls and that he has spoken with Supervisor Schaffer about this problem. There is a plan to replace a drainage pipe with a larger one this year. He will arrange a meeting for the residents of the area to meet with him, Supervisor Schaffer, the Town Engineer and the Highway Superintendent.

In a lengthy commentary, a speaker expressed anger and dissatisfaction with the Town Board for the following actions:

- Adopting a Hazard Mitigation Plan in a rushed special meeting.
- Reappointing the Town Assessor, who he accuses of various illegalities.
- Failing to end the Candlehouse lawsuit.
- Giving excessive assessment reductions to settle commercial property cases.
- Spending money on the Rail to Trail extension.
- Appointing the Secretary of State as agent for receiving notices of claim.
- Disposing of used office furniture that may have some value.

A speaker noted that many people are having drainage problems since the flood of 2006. Our water table is higher on average since then. The river is higher. He lives at the east end of Owego Road and is having drainage issues.

SUPERVISOR'S ANNOUNCEMENTS

Deputy Supervisor Majewski announced that he attended the opening of a new restaurant in Vestal: the Hibachi Grill and Sushi Supreme Buffet in the Town Square Plaza. The food was delicious, and the décor is impressive. The owner of the restaurant has generously donated \$1000 to the Vestal PBA.

ADJOURNMENT

On a motion of Councilman Marnicki, seconded by Councilman Milkovich, the meeting was adjourned at 6:44 PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk