

**Regular Meeting of the Vestal Town Board
November 20, 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 November 20, 2013.

TOWN BOARD PRESENT:

**Supervisor John Schaffer
Councilwoman Patty Fitzgerald
Councilman David Marnicki**

**ABSENT: Councilman Fran Majewski
Councilman Steve Milkovich**

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young, Comptroller Laura McKane, Highway Superintendent Brock Leonard, Fire Chief Pat McPherson, Station Fire Chief Doug Rose, Human Resource Officer Nancy Olmstead and 13 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 Marnicki, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer
 Nays 0 Absent 2 Majewski, Milkovich

Resolved the Minutes of the Regular Meeting on November 6, 2013 are approved.

BID OPENINGS:

The sealed proposals for the **Tracy Creek Bank Slope Repair** were received by the Town Clerk at 2:00 PM on Monday, November 18, 2013 and all sealed proposals thus received were publicly opened with the following results:

Boland's Excavating & Topsoil Inc.	\$288,652
Pro Con Contracting	\$198,750
ZMK Construction	\$275,275
All Around Excavating	\$361,475
JB Excavation	\$266,000

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This project involves the reconstruction of the creek banks and placement of rip rap protection at 2 locations along Tracy Creek. Approx. total distance: 1,215 feet.

PUBLIC HEARINGS

1. Public Hearing on 2014 Special Districts Budget

Supervisor Schaffer offered the *Proof of Posting and Affidavit of Publication* regarding the Public Hearing for the Special Districts Budget.

Comptroller Laura McKane gave a PowerPoint presentation concerning the 2014 Special District Budget which includes the Water Districts, Sewer Districts, Drainage Districts and Lighting Districts. She highlighted the following:

- Water District spending is stable (1.5% increase). No rate increase is needed.
- In the last few years, we have made some major improvement to our water infrastructure.
- The Light District rate remains unchanged.
- Approximately 75% of Sewer District costs are charges from outside sewer plants. We are awaiting more information about the charges from the Joint Sewage Treatment Plant (JSTP), but it is anticipated that sewer rents will have to be increased significantly in 2014. The lack of timely information from the JSTP continues to be a problem.
- The Sewer District budget will have projected \$450,000 deficit for 2013 and the fund balance is estimated to decline significantly by year end.
- The Flow Management Plan for all Joint Plant users will continue impacting costs.
- We expect continued sewer rent increases to comply with new regulations and to keep our infrastructure updated.

A speaker asked the Board to consider implementing a two-tier rate structure for water usage to provide some relief for one to two person households.

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

2. Public Hearing on Proposed Local Law “G” of the Year 2013

Proposed Local Law “G” of the Year 2013 entitled: “A Local Law Amending Sewer Rents in the Town of Vestal” as follows:

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Section 1. Chapter 18, Article V, Section 18-202 of the Code of the Town of Vestal is hereby amended to provide as follows:

(a) Sec.18-202(b)(1) is amended by deleting "...four dollars and eighty eight cents (\$4.88)..." and inserting in its place "five dollars and twenty-five cents (\$5.25)" and further amended by deleting "...forty nine dollars and zero cents (\$49.00)..." and inserting in its place "fifty two dollars and fifty cents (\$52.50)".

Public Hearing on Proposed Local Law "G" is suspended

Supervisor Schaffer stated that at this time we cannot consider a new sewer rate because of the lack of current billing data from the Binghamton-Johnson City Joint Sewage Treatment Plant. He asked for a motion to suspend the Public Hearing.

R314-13 On a motion of Councilwoman Fitzgerald, seconded by Councilman Marnicki, the following resolution was

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer
 Nays 0 Absent 2 Majewski, Milkovich

Resolved to suspend the Public Hearing on the Proposed Local Law "G" of the Year 2013.

PRIVILEGE OF THE FLOOR (Agenda Items Only)

A speaker noted that the residents near the Tracy Creek repair project will be grateful to see this project completed.

RESOLUTIONS & MOTIONS

PUBLIC WORKS: Milkovich/Majewski

Fill Highway Mechanic I Position

R315-13 On a motion of Councilwoman Fitzgerald, seconded by Councilman Marnicki, the following resolution was

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer
 Nays 0 Absent 2 Majewski, Milkovich

Resolved to authorize Brock Leonard, Highway Superintendent to **fill the vacant Mechanic I position** which been funded in the Highway budget.

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Out of Title Pay for Burd

R316-13 On a motion Councilwoman Fitzgerald, seconded by Councilman Marnicki, the following resolution was

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer
Nays 0 Absent 2 Majewski, Milkovich

Resolved to authorize Brock Leonard, Highway Superintendent to **pay Gregory Burd** out of title pay in the amount of \$361.44, for the period September 30, 2013 to November 8, 2013.

Out of Title Pay for Flint

R317-13 On a motion of Councilwoman Fitzgerald, seconded by Councilman Marnicki, the following resolution was

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer
Nays 0 Absent 2 Majewski, Milkovich

Resolved to authorize Scott Groats, Water Superintendent to pay **Robert Flint** out of title pay for 39 days in the amount of \$492.96, for the period July 3, 2013 to October 29, 2013.

Reduce Sewer Utility Bill

R318-13 On a motion of Councilwoman Fitzgerald, seconded by Councilman Marnicki, the following resolution was

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer
Nays 0 Absent 2 Majewski, Milkovich

Resolved to authorize the Business Office to reduce the sewer portion of a utility bill for 136 Chalburn Road in the amount of \$229, due to a leaking pool. The water did not go into town sewer.

Advertise Bids for Operating Engineers Uniforms

R319-13 On a motion of Councilwoman Fitzgerald, seconded by Councilman Marnicki, the following resolution was

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer
Nays 0 Absent 2 Majewski, Milkovich

Resolved to authorize the **Town Attorney to advertise** on December 4, 2013 for **bids for Operating Engineer Uniforms** to be opened on January 13, 2014.

Water Service Agreement for Binghamton University

R320-13 On a motion of Councilwoman Fitzgerald, seconded by Councilman Marnicki, the following resolution was

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ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer
 Nays 0 Absent 2 Majewski, Milkovich

Resolved to authorize the Supervisor to sign **Renewal, Extension and Modification of Water Service Agreement with Binghamton University** for the period January 1, 2014 through December 31, 2019.

R321-13 On a motion Councilwoman Fitzgerald, seconded by Councilman Marnicki, the following resolution was

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer
 Nays 0 Absent 2 Majewski, Milkovich

Resolved to **award the bid** for the Tracy Creek Bank Repair to: **Procon Contracting**, PO Box 1037, Vestal, NY 13851 at the low bid price of **\$198,750.00**.

This project is funded by NRCS at 75% and NY State via Broome County at 25%.

FINANCE: Marnicki/Fitzgerald

Receive and File:

Warrant Reports – 2013 - 45, 45E, 46, 46E

Amendments to 2014 Preliminary Budget

R322-13 On a motion of Councilwoman Fitzgerald, seconded by Councilman Marnicki, the following resolution was

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer
 Nays 0 Absent 2 Majewski, Milkovich

Resolved the to amend the appropriations in the 2014 Preliminary Budget as follows:

<u>ORG</u>	<u>OBJ</u>	<u>DESCRIPTION</u>	<u>PRELIM</u>	<u>FINAL</u>	<u>CHANGE</u>
A1110	1060	Taxable Fringe Benefits	\$200.00	\$3,200.00	\$3,000.00
A3120	1060	Taxable Fringe Benefits	\$0.00	\$9,000.00	\$9,000.00
A3620	1060	Taxable Fringe Benefits	\$1,200.00	\$4,200.00	\$3,000.00
A5010	1060	Taxable Fringe Benefits	\$0.00	\$3,000.00	\$3,000.00
A9030	8403	FICA	\$390,075.00	\$387,645.00	(\$2,430.00)
A9050	8407	NYS Unemployment	\$6,000.00	\$3,000.00	(\$3,000.00)
A9089	8000	Flex Admin	\$26,400.00	\$2,400.00	(\$24,000.00)
		Transfer to Health Ins.			
A9901	9002	Fund	\$1,921,570.00	\$1,933,000.00	\$11,430.00
		TOTAL	\$2,345,445.00	\$2,345,445.00	\$0.00

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Motion to Adopt the Final 2014 Budget is tabled

A motion was made by Councilwoman Fitzgerald, seconded by Supervisor Schaffer, to adopt the 2014 Preliminary Budget, as amended, as the Final 2014 Budget.

Supervisor Schaffer noted that this is a good budget. We cut many items. In an expression of concern about the outcome of the vote due to the absence of two Board members, he asked for a motion table this resolution.

R323-13 On a motion of Councilwoman Fitzgerald, seconded by Councilman Marnicki, the resolution to adopt the 2014 Preliminary Budget, as amended, as the 2014 Final Budget was

TABLED Ayes 3 Fitzgerald, Marnicki, Schaffer
Nays 0 Absent 2 Majewski, Milkovich

Pay 2014 NYS Association of Towns Dues

R324-13 On a motion of Councilwoman Fitzgerald, seconded by Councilman Marnicki, the following resolution was

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer
Nays 0 Absent 2 Majewski, Milkovich

Resolved to authorize the Business Office to pay \$1650.00 for **the New York State Association of Towns 2014 Membership dues.**

PERSONNEL: Majewski/Marnicki

Vacation Carry Over Requests

R325-13 On a motion of Councilwoman Fitzgerald, seconded by Councilman Marnicki, the following resolution was

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer
Nays 0 Absent 2 Majewski, Milkovich

Resolved to approve the following **vacation requests to be carried over to 2014:**

a. Authorization pursuant to Employee Handbook Section 802 for Town Engineer Gary Campo to carryover five (5) additional vacation days into 2014. His total carryover will be 10 days.

b. Authorization pursuant to Employee Handbook Section 802 for Town Comptroller Laura McKane to carryover up to five (5) additional vacation days into 2014. Her total carryover will be **up to** 10 days.

c. Authorization for Donna Carlini, Secretary to the Highway Superintendent, to carryover **up to** 14.75 additional vacation hours into 2014. Her

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total carryover will be **up to** 94.75 hours.

d. Authorization for employees in the Highway Department to carryover vacation as outlined in the November 12, 2013 memo from the Director of Human Resources.

Zoning Board of Appeals appointment is not approved

R326-13 On a motion of Councilwoman Fitzgerald, seconded by Supervisor Schaffer the following resolution was

DEFEATED Ayes 2 Fitzgerald, Schaffer

Nays 1 Marnicki Absent 2 Majewski, Milkovich

Resolved to re-appoint **Ross Geoghegan to the Zoning Board of Appeals** effective January 1, 2014. This term is to expire December 31, 2018.

PUBLIC SAFETY: Marnicki/Fitzgerald

Accept New Fire Members

R327-13 On a motion Councilwoman Fitzgerald, seconded by Councilman Marnicki, the following resolution was

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer

Nays 0 Absent 2 Majewski, Milkovich

Resolved to accept the following **new members to the Vestal Volunteer Fire Department:**

Larry Dailey – Station 1

Austin Lavin – Station 4

Brett Noonan – Station 1

Paul Atherton – Station 4

Jason Steenburg – Station 4

Patrick LaBuff – Station 4

Bradford County to Leave Singer Training Site

R328-13 On a motion of Councilwoman Fitzgerald, seconded by Councilman Marnicki, the following resolution was

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer

Nays 0 Absent 2 Majewski, Milkovich

Resolved to **retroactively** accept a daily lease for the **Fred Singer Training site** for **Bradford County Fireman's Association** on November 16, 2013 for \$100.00.

ADDITIONAL PUBLIC COMMENTS

A speaker asked about the level of indebtedness by the Town, expressing a concern that we are spending more than we are taking in. Comptroller McKane responded that the Town's debt level is about \$16 million, but that level has temporarily

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increased to about \$19 million due to short term borrowing for flood related buyouts. This money will be reimbursed by the Federal Government. Supervisor Schaffer advised the speaker that if he had additional questions he should schedule an appointment with the Comptroller.

In response to a question about the verdict in the Candlehouse lawsuit, Town Attorney Berger responded that the Town has been found guilty of discrimination and the Court imposed a small fine. The questioner criticized the Town's decision to spend the money on this lawsuit.

Several speakers expressed support for the decision to fight the Candlehouse case in court citing the need to protect our neighborhoods and to preserve home rule rights. Unfortunately, we did not prevail and we need to move on.

A speaker expressed support for the Museum and urged the Town to do some needed repairs as soon as possible. Additionally, she would like the Town to hire more summer employees and to provide more funding for the Library and less for trips sponsored by the Senior Citizens Center.

Fire Chief Patrick McPherson thanked the Board and the public for passing the Resolution to purchase a heavy rescue vehicle for the Fire Department.

SUPERVISOR'S ANNOUNCEMENTS

- **The Wheel Spins Round** Exhibit thru Nov 22: Museum open Wed - Sat 10am - 3pm. Free Admission
- At the **Special Election** for a *Fire Rescue Vehicle* held on November 19, 2013, the voters, by a margin of 805-240:
 - Approved the purchase of a heavy rescue fire-fighting vehicle, including original apparatus, and incidental expenses in connection therewith at a maximum estimated cost of \$699,000, with a period of probable usefulness of twenty years and of the issuance of \$699,000 serial bonds or lease purchase financing therefor.

OLD BUSINESS

(The Public Hearing was held on October 23, 2013.)

Local Law "F" of the Year 2013 Entitled: A Local Law to change the zoning map of the Town of Vestal regarding 4696 Vestal Parkway East within the University Plaza, BCTMP #159.2-21.1 from Community Business (C-2) to Planned Development District (PDD) (Metroplex Student Housing, Vestal Park, LLC).

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EXECUTIVE SESSION

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

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer
 Nays 0 Absent 2 Milkovich, Majewski

Resolved the Board enter into Executive Session for the purpose of discussing the PBA labor negotiations, the Candlehouse litigation and several Article 7 cases. The time was 6:50 PM.

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

ADOPTED Ayes 3 Fitzgerald, Marnicki, Schaffer
 Nays 0 Absent 2 Majewski, Milkovich

Resolved the Board leave the Executive Session and adjourn the Regular Meeting. The time of **adjournment was 7:43 PM.**

Approved by _____

Emil J. Bielecki, Town Clerk