

Regular Meeting of the Vestal Town Board

January 22, 2014

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 January 22, 2014

TOWN BOARD PRESENT:

Supervisor John Schaffer
Councilman Fran Majewski
Councilwoman Patty Fitzgerald
Councilwoman Sue Messina

ALSO ATTENDING: Town Attorney David Berger, Town Justice Michael Sherwood, Town Clerk Emil Bielecki, 1st 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 Councilwoman Messina, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0

Resolved the Minutes of the Regular Meeting of the Town Board on January 8, 2014 on are approved.

BID OPENINGS

The sealed bids for **Rayelene Creek Bank Slope Repair** were received in the Town Clerk's office and were publicly opened and read by the Town Clerk in his office on Wednesday, January 15, 2014 at 2:00 PM.

This project involves the reconstruction of the creek banks and placement of rip rap protection, at 2 locations along Rayelene Creek, approximate total distance of 826 feet.

JB Excavation \$136,932.00
2213 Longcreek Road, Apalachin, NY
ZMK Construction \$224,660.00
3430 Route 434 , Apalachin, NY
Pro Con Contracting \$232,000.00
PO Box 1037, Vestal, New York
Boland's Excavating \$220,138.00
1403 Millburn Drive, Conklin NY

All Around Excavating \$188,203.00
660 Riverside Drive, Johnson City, NY
Gorick Construction, Inc. \$258,800.00
27 Track Drive, Binghamton, NY
Barrett Paving \$393,981.00
4530 Wetzels Road, Liverpool, NY
R. B Robinson Contracting \$290,555.50
PO Box 121, Candor, NY

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PRIVILEGE OF THE FLOOR (Agenda Items Only)

A speaker expressed opposition to the Town joining the Upstate NY Towns Association, questioning the Board whether they even looked at the by-laws of this new organization and their position on Home Rule.

Supervisor Schaffer responded that he and the Board support Home Rule. This is a fast growing organization that he feels will better represent the needs of the upstate towns.

Kim Myers, President of the Vestal School Board, thanked the Board for keeping the School District informed and involved in the proposed PILOT agreement for the Metroplex Student Housing project at University Plaza. She feels that the project will be a plus for the Town and supports the PILOT agreement. The active involvement assists the School District in its budgeting process.

A speaker expressed opposition to the proposed PILOT agreement and asked that the Board hold off on its approval. He questioned whether the fixed schedule of payments is guaranteed and enforceable. The developer's promise to drop any litigation on the existing PILOT sounds like a threat. At the Work Session, the Board expressed some unhappiness with past PILOT agreements. That should be a reason to do a more thorough review of this agreement.

A speaker stated that she is pleased that the Highway Superintendent and Councilwoman Fitzgerald are concerned about the impact of gas drilling vehicles on the Town's roads and bridges and hopes that the Board takes some action soon to address it. In addition, she also expressed concern that there will be additional costs to the Town in joining the Upstate NY Towns Association.

RESOLUTIONS & MOTIONS

Bonding for purchase of Material Screen with Stacking Conveyor

R012-14 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0

A Resolution authorizing, subject to Permissive Referendum, the issuance of **\$155,000 bonds** of the Town of Vestal, Broome County, New York, to pay the cost of the purchase of a **Material Screen with Stacking Conveyor**, in and for said town.

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Bonding for the purchase of Police Cars

R013-14 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0

A resolution authorizing the cost of the **Purchase of Police Cars**, in and for the Town of Vestal, Broome County, New York, at a maximum estimated cost of \$100,000, and authorizing the issuance of up to **\$100,000 bonds** of said town to pay the cost thereof.

Bonding for the Reconstruction of Park Facilities and Buildings

R014-14 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0

A Resolution authorizing, subject to Permissive Referendum, the issuance of **\$50,000 bond** of the Town of Vestal, Broome County, to pay the cost of the Reconstruction of Town Park Facilities and Buildings, in and for said town.

Bonding for the purchase of Computer Hardware and Related Equipment

R015-14 On a motion of Councilwoman Messina, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0

A Resolution authorizing the cost of the **Purchase and Installation of Computer Hardware and Related Equipment**, for the Town of Vestal, Broome County, New York at a maximum estimated cost of \$143,000, and authorizing the issuance of up to \$143,000 bonds of said Town to pay the cost thereof.

PILOT Agreement for Metroplex at University Plaza project

R016-14 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0

Resolved to approve the proposed deviated PILOT agreement regarding the **University Plaza Project**, Vestal Plaza, Vestal, New York. Said approval is conditioned upon a satisfactory final PILOT Agreement containing the provisions

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set forth by the applicant at the Town Board Work Session on January 20, 2014 including, but not limited to the following fixed payment schedule:

PRELIMINARY DRAFT

Broome County Industrial Development Agency
Payment in Lieu of Tax Schedule
University Plaza, Vestal Parkway, Vestal, New York

Year	University Plaza (UP-1)				Metroplex at UP (UP-2)				TOTAL			
	Town	County	School District	Total	Town	County	School District	Total	Town	County	School District	Total
1. 2014	57,899	100,665	295,436	454,000	71,927	125,055	367,017	564,000	129,826	225,720	662,453	1,018,000
2. 2015	59,684	103,769	304,546	468,000	74,095	128,825	378,080	581,000	133,780	232,594	682,626	1,049,000
3. 2016	61,470	106,873	313,657	482,000	76,263	132,594	389,143	598,000	137,733	239,468	702,799	1,080,000
4. 2017	66,444	115,521	339,036	521,000	82,512	143,459	421,029	647,000	148,956	258,980	769,064	1,168,000
5. 2018	71,672	124,612	365,716	562,000	89,036	154,767	454,217	698,000	160,689	279,379	813,932	1,260,000
6. 2019	77,284	134,368	394,348	606,000	95,775	166,519	488,706	751,000	173,059	300,887	883,054	1,357,000
7. 2020	83,072	144,346	423,632	651,000	103,045	179,157	525,798	808,000	186,067	323,503	949,430	1,459,000
8. 2021	89,016	154,767	454,317	698,000	110,569	192,239	564,192	867,000	199,586	347,006	1,018,408	1,565,000
9. 2022	95,393	165,853	486,754	748,000	118,348	205,765	603,887	928,000	213,741	371,618	1,090,640	1,676,000
10. 2023	102,075	177,343	520,592	800,000	126,638	220,177	646,185	993,000	228,663	397,561	1,166,777	1,793,000
11. 2024	109,039	189,579	556,383	855,000	135,183	235,033	689,784	1,060,000	244,221	424,612	1,246,167	1,915,000
12. 2025	116,308	202,217	593,175	912,000	144,287	250,776	735,987	1,131,000	260,545	452,593	1,329,462	2,043,000
13. 2026	123,960	215,521	632,519	972,000	153,675	267,184	784,142	1,205,000	277,634	482,705	1,416,661	2,177,000
14. 2027	131,867	229,268	672,865	1,034,000	163,622	284,479	834,899	1,283,000	295,489	513,747	1,507,765	2,317,000
15. 2028	140,156	243,680	715,163	1,099,000	173,952	302,439	887,609	1,364,000	314,108	546,119	1,602,773	2,463,000
16. 2029	148,956	258,980	760,064	1,168,000	184,792	321,286	942,922	1,449,000	333,748	580,265	1,702,587	2,617,000
17. 2030	158,011	274,723	806,267	1,239,000	196,142	341,020	1,000,838	1,538,000	354,153	615,742	1,807,105	2,777,000
18. 2031	167,575	291,352	855,072	1,314,000	207,875	361,419	1,060,706	1,630,000	375,450	652,771	1,915,779	2,944,000
19. 2032	177,533	308,647	905,830	1,392,000	220,246	382,826	1,123,828	1,727,000	397,768	691,574	2,029,658	3,119,000
20. 2033	187,980	326,829	959,191	1,474,000	233,126	405,321	1,189,553	1,828,000	421,106	732,150	2,148,744	3,302,000
21. 2034	198,820	345,876	1,014,904	1,559,000	246,644	428,824	1,258,531	1,934,000	445,455	774,500	2,273,035	3,453,000
22. 2035	210,171	365,410	1,072,120	1,648,000	260,800	453,436	1,330,763	2,045,000	470,971	818,846	2,403,183	3,693,000

UP-11-2014-01-15-11-15 | PILOT E-16

1/20/2014

This approval is further conditioned on approval by the Broome County Industrial Development Agency of the final PILOT agreement. It is noted that this action has been identified as a Type II action and therefore is not subject to review under SEQRA.

Settlement of Article 7 Tax Certiorari - Penfield Hotel, LP & E. J DelMonte Corp

R017-14 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0

Resolved to authorize the Town Attorney to sign a *Stipulation of Settlement* for the following *Article 7 Tax Certiorari* cases filed in Broome County entitled:

Penfield Hotel, LP & E. J DelMonte Corp v. Mark Minoia, Assessor, and the Town Board of Assessment Review, the Assessor of the Town of Vestal, and the Town of Vestal, Broome County, New York, Index Nos. 2009-1942, 2010-1731, 2011-1776, 2012-1588, 2013-1651, as follows:

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1. For tax year 2009/2010, there will be no reduction in the assessment on Subject Parcel.
2. For tax years 2010/2011 the total assessment on 3803 Vestal Parkway East shall be reduced from \$4,701,000 to \$4,300,000
3. For tax year 2011/2012, the total assessment on 3803 Vestal Parkway East shall be reduced from \$4,701,000 to \$4,300,000
4. For tax years 2012/2013, the total assessment on 3803 Vestal Parkway East shall be reduced from \$4,701,000 to \$4,300,000
5. For tax years 2013/2014, the total assessment on 3803 Vestal Parkway East shall be \$4,300,000

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town / County Tax	Town Refund
2013-14	\$4,300,000	\$4,300,000	\$4,300,000	0	\$104,048.17	\$54,964.10	\$ 0.00
2012-13	\$4,701,000	\$4,300,000	\$4,300,000	-\$401,000	\$ 99,942.32	\$58,066.08	\$1,684.97
2011-12	\$4,701,000	\$4,300,000	\$4,300,000	-\$401,000	\$ 96,036.25	\$56,404.59	\$1,598.64
2010-11	\$4,701,000	\$4,300,000	\$4,300,000	-\$401,000	\$ 92,300.84	\$54,472.30	\$1,548.63

* **Town = General and Highway**
\$4,832.24

TOTALS

The Town Attorney and Business Office are authorized and directed to take all necessary steps to implement this resolution.

CONSENT AGENDA

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

ADOPTED Ayes 4 Majewski, Fitzgerald, Messina, Schaffer
Nays 0

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

PUBLIC WORKS: Majewski/Fitzgerald

Award Rayelene Creek Project

R018-14 Authorization for the Town Attorney to draw up the necessary paperwork awarding, to the low bidder, **JB Excavation**, the **Rayelene Creek project** in the amount of \$136,932. This project is being funded as follows: 75% by NRCS and 25% by a State grant being managed through Broome County.

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Out of Class Pay for Ingersoll

R019-14 Authorization for Highway Superintendent Brock Leonard, to **pay Todd Ingersoll Out of Class** pay in the amount of \$345.44 for the period December 17 – January 6, 2014.

Payment to Acorn-Environmental for Water Analysis

R020-14 Authorization approving payment to **Acorn-Environmental** in the amount of **\$9,208.50** for water analysis from budget line W8310-4000 (professional services).

Water Analysis Contract to Microbac

R021-14 Retro authorization assigning the **Benchmark Analytics** contract for water analysis to **Microbac**, 3821 Buck Drive, Cortland, NY 13045 and for Town Attorney David Berger to do necessary paperwork.

FINANCE: Majewski/Messina

Receive and File:

- **Warrant Reports** – 2014- 02A, 02AE, 02, 02PD, 2013(AP Invoices), 03, 03A, 03E, 03LC
- **Comptroller's Monthly Report** – December 2013

Town Attorney Billable Hours

R022-14 Authorization for the Business Office to **remit \$850.00 for billable hours** for December 2013 to **Town Attorney David Berger**.

Sign Lease for Vestal Senior Citizens

R023-14 Authorization for the Supervisor to sign an agreement with Vestal School District for the area occupied by the **Vestal Senior Citizens** at **201 Main Street**, effective March 1, 2014 and terminates February 28, 2015 in the amount of **\$759.00 per month**.

Approval for Attendance to NY Association of Towns Annual Conference

R024-14 Authorization for the following employees and elected officials to attend the **New York Association of Towns Annual Conference** in New York City, February 16 through February 19, 2014:

Town Supervisor, John Schaffer
Councilperson, Suzanne Messina

Town Attorney, David Berger
Human Resource Officer, Nancy Olmstead

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Councilman, Fran Majewski Code Enforcement Officer, Mark Dedrick
Planning Board Chair, Joyce Majewski Town Justice, Joseph Meagher
ZBA Chair, Mark Johnson

The Town will pay as follows: \$100 registration fee; meal allowance of \$216; travel allowance of \$70 (cost of bus provided by Town of Union) per person; \$256 for single occupancy and the additional \$20 per night for those listed above who are sharing a room. The Business Office is authorized to issue a travel advance in the amount of **\$286 (meal and travel allowance)** to each individual.

Budget Transfers for NYS Association of Towns Conference

R025-14 Approval for the Comptroller to **transfer the necessary funds (\$446)** from the Councilperson budget line A1010.4030 (education and travel) to the Human Resources budget line A1430.4030 for attendance to the NYS Association of Towns Conference.

R026-14 Authorization for the Town of Vestal to join the **Upstate New York Towns Association** and to pay \$400 for yearly membership.

PERSONNEL: Fitzgerald/Majewski

Adam Flint – Alternate Member to the CAC

R027-14 Authorization to appoint **Adam Flint as alternate member to the Conservation Advisory Commission (CAC)**, effective immediately. This term to expire December 31, 2015.

Tax Collector to Hire Extra Labor

R028-14 Retro-active authorization for Tax Collector Debra Wallace, to hire the following individuals to work on December 30, 2013 **to prepare corrected tax bills** for mailing. These costs for extra labor needed will be billed to the printing company responsible for the error.

- a. Francis Morris as a Clerk Part Time at the rate of \$9.06 per hour
- b. Leela Mahon as a Clerk Part Time at the rate of \$9.06 per hour
- c. Heather Jennings as a Clerk Part Time at the rate of \$9.06 per hour

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PLANNING & ZONING: Messina/Fitzgerald

Walk/Run Approved

R029-14 Authorization for *Traci's Hope* and *Vestal Elks Club Veteran Committee* to hold a **5K Run/Walk** on April 27, 2014 along Owego Road. All proceeds benefit Traci's Hope and Vestal Elks Club Veteran Committee.

PUBLIC SAFETY: Majewski/Messina

2014 Fire Parades Approved

R030-14 Authorization to send one piece of fire apparatus and personnel to the following **parades in 2014**:

<u>Parade</u>	<u>Location</u>	<u>Month</u>	<u>Station Apparatus</u>
St. Patrick's	Binghamton	March	Station 4
Memorial Day	Endicott	May	Station 1
Apalachin Firemen's Field Day	Apalachin	June	Station 3
Owego Strawberry Festival	Owego	June	Station 3
Rush Community Parade	Lawton, PA	July/August	Station 2
Halloween Parade	West Endicott	October	Station 1
Veteran's Day	Endicott	November	Station 1
Johnson City Holiday	Johnson City	December	Station 4
Endicott Holiday	Endicott	December	Station 1

LOSAP Certification List Approved

R031-14 Authorization from the Board of Fire Commissioners approving the Town of **Vestal Fire District Length of Service Awards Program (LOSAP)** certification list as submitted January 17, 2014.

Chief Paffie to Sign Vouchers

R032-14 Approval from the Board of Fire Commissioners **authorizing Chief John Paffie to sign vouchers** in the absence of Fire Chief Pat McPherson for the 2014 fiscal year.

Approval to Send Fire Engine to Endwell

R033-14 Authorization from the Board of Fire Commissioners granting approval to **send Engine 32-1 to Endwell Station 1** on Saturday, January 25, 2014, from 5:00-11:30 PM, with an engine crew of 4, to cover their District while their members attend their Annual Installation Banquet.

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Stupski to Kidde Fire Training

R034-14 Authorization from the Board of Fire Commissioners granting approval to send 2nd Lieutenant Jason Stupski to Kidde Fire Fighting/National Foam's Flammable Liquid Firefighting School at the Brayton Firemen Training Center at Texas A & M, February 18 – 21, 2014. The cost of this course comes from the F3410 4034R Line. Total Cost of the trip not to exceed \$3400. This includes Course Fee, Air Fare (Round Trip), Car Rental, Lodging, and Meals (which will be based on the Metropolitan area).

RECEIVE AND FILE:

- **CAC Minutes** – November 21 and December 19, 2013 Meeting
- Letter of Resignation from former Vestal Town Councilman **Steve Milkovich**, dated December 23, 2013.

END OF CONSENT AGENDA

ADDITIONAL PUBLIC COMMENTS

Approximately 10 speakers addressed the Board. A synopsis of the comments is as follows:

- Route 267 in Pennsylvania has construction going on that will affect the Choconut Creek. There is a concern that it will affect flooding in this area.
- If there is an assumption of conflicts between upstate and downstate, what are those conflicts? The Board should have done more research into the Upstate NY Towns Association before voting to join the organization.
- Home Rule does not always prevail. There are many limitations and occasions where a higher level of law supersedes it. The Candlehouse loss is an example.
- There is concern about the number of Town Officials going to the Association of Towns Conference in NYC. It would seem that with today's technology, we would be able to get this information on-line and through conference calls. We are paying for out of town trips that are not necessary. The Town is sending 9 people to the conference but the total cost has not been revealed.
- Supervisor Schaffer noted that the Town has not sent people to these training meetings for a number of years. For many officials, this conference is the only place they can get the required training.
- The person that the Board appoints to fill the vacancy on the Town Board should have knowledge of the Town. Supervisor Schaffer response: we have received expression of interest from 16 people. The Board will review the

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applications and hopefully choose the best qualified person. He would like the position to be filled before the end of February.

- The Town should stop appealing court cases because we end up spending large amounts of money on legal expenses and still lose the cases. The lawsuits confirm the fact that the re-assessment of properties was flawed. The Police Department is purchasing too many vehicles.
- The PILOT agreement at the University Plaza is a good deal because this property will not be tax exempt and we will benefit from the growth of Binghamton University.
- There will be a meeting about shale gas drilling at the Binghamton University campus on January 31, 2014. Everyone is encouraged to attend to stay informed about this important topic.

SUPERVISOR'S ANNOUNCEMENTS

- **Winter Parking Hours** – December 1st - March 31st – No parking on Town and County streets and highways between the hours of 2:00 AM and 6:00 AM.
- The Town has an ordinance requiring property owners to [remove snow and ice from sidewalks adjacent to their properties](#). Compliance continues to be a problem in some areas of the Town. If this problem persists, the Town will issue appearance tickets for these violations.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the meeting was adjourned at 6:51 PM. Carried unanimously.

Approved by _____

Emil J. Bielecki, Town Clerk