

## **Regular Meeting of the Vestal Town Board February 26, 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 February 26, 2014.

### **TOWN BOARD PRESENT:**

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

**ALSO ATTENDING:** Town Attorney David Berger, Fire Chief Pat McPherson, Town Clerk Emil Bielecki, 1<sup>st</sup> Deputy Town Clerk Kathie Young and 15 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 on February 12, 2014 are approved.

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

A speaker hopes that we never use salt brine that comes from hydro-fracking waste water on our roads. It contains many harmful chemicals. Supervisor Schaffer agreed that this would not be a good use.

In response to a question about the need to alter the health benefit plan into an Administrative Services Contract, Supervisor Schaffer explained that we are staying with the same company but the changes that are being made will benefit the Town.

A speaker noted that there have been several explosions at gas drilling well sites in Pennsylvania where it was necessary to import fire fighters. He wonders what specifically our local first responders have done to prepare for events like this. Supervisor Schaffer noted that one of the explosions was caused by human error and the gas company was in charge of putting out the fire. Fire Chief McPherson noted that we now have 96 fire fighters trained in first response for these types of

## Regular Meeting of the Vestal Town Board February 26, 2014

events and he expects that all of our firefighters will receive the training. The training is provided primarily by the gas companies. The first responders set up a containment area and the gas companies personnel come in to fight the fire. Another speaker added that the gas well sites are designed to reduce the dangers of explosions and fires.

### RESOLUTIONS & MOTIONS

#### Funding for Salt Purchase

**R054-14** On a motion of Councilwoman Messina, seconded by Councilman Majewski, the following resolution was

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

Resolved to appropriate \$100,000 of fund balance of the highway fund (D1011.1011) to increase the appropriations for salt and sand (D5142.4006) due to the shortage of material on hand and extraordinary usage this winter.

#### Payment for Clayton Village Apartments Appraisal

Councilman Majewski feels that this appraisal was contracted for at a set price and that is what we should pay.

Councilwoman Messina noted that we provided the appraiser with the information which he used to arrive at the amount of his bid. However, our information was not complete as to the full scope of the job.

**R055-14** On a motion of Councilwoman Fitzgerald, seconded by Councilwoman Messina, the following resolution was

**ADOPTED** Ayes 3 Fitzgerald, Messina, Schaffer  
Nays 1 Majewski

Resolved authorizing payment to **Kenneth Frommer** in the amount of **\$4256.00** for appraisal of *Clayton Village Apartments*. This amount is \$506 more than the Board originally approved due to the unforeseen difficulty of this project.

#### Gerner Appointed as Member of the Zoning Board of Appeals

**R056-14** 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 appoint **George Gerner** to the **Zoning Board of Appeals** effective immediately. This term is to expire December 31, 2018.

**Regular Meeting of the Vestal Town Board  
February 26, 2014**

**Burns Appointed as Alternate Member on the Zoning Board of Appeals**

Councilman Majewski stated that he will not support this appointment because he does not know this person and has never seen him at a Town Board meeting. There are others who have shown more involvement who could fill this position. Supervisor Schaffer noted that Mr. Burns has attended a number of meetings.

**R057-14** On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was  
**ADOPTED** Ayes 3 Fitzgerald, Messina, Schaffer  
Nays 1 Majewski

Resolved to appoint **Eugene W. Burns** to the **Zoning Board of Appeals** to fill the **alternate** vacancy created by the appointment of Mr. Gerner as a regular member, effective immediately. This term is to expire December 31, 2015.

**Amend Employee Handbook Sections 805 and 807**

**R058-14** 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 amend the **Employee Handbook Sections 805 and 807**, as amended by the Town Board at the work session of February 24, 2014.

**Grant Awarded to the Vestal Town Court**

**R059-14** On a motion of Councilwoman Fitzgerald, seconded by Councilman Majewski, the following resolution was  
**ADOPTED** Ayes 4 Majewski, Fitzgerald, Messina, Schaffer  
Nays 0

Resolved to accept the **grant awarded to the Vestal Town Court** under the 2013-14 cycle of the Justice Court Assistance Program (JCAP) in the amount of \$ 5,711.95. This grant will be used to purchase scanners, new fax machine, new printer, security equipment and new furniture for the Judges' office.

**Administrative Services and Stop Loss Insurance Contracts**

**R060-14** 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 adopt the following Resolution:

**Regular Meeting of the Vestal Town Board**  
**February 26, 2014**

*Whereas* the Town of Vestal provides health insurance to its employees and early retirees under contract with *Excellus Blue Cross Blue Shield* under a Minimum Premium financing arrangement and also purchases stop loss insurance from Excellus, and

*Whereas* such contracts expire on April 30, 2014 and April 1, 2014, respectively, and

*Whereas* the town desires to continue the same level of employee benefits but to change its financing arrangement, and

*Whereas* Excellus offers an Administrative Services Contract financing plan (self-insuring) in lieu of the Minimum Premium arrangement, and

*Whereas* entering into such an arrangement will not alter employee benefits but provides various advantages to improve the management of the plan, and

*Whereas* the town in entering into such an arrangement agrees to continue to comply with all state mandates with regard to benefits,

*Now be it Resolved* that, subject to final analysis and recommendation of Douglas Bulman, consultant, the town supervisor is hereby authorized to execute the **Administrative Services** and **stop loss insurance contracts** with *Excellus Blue Cross Blue Shield*.

**CONSENT AGENDA**

On a motion of Councilman Majewski, seconded by Councilwoman Messina, 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**

**Sewer Bill Reductions**

**R061-14**      Approval for Business Office to make adjustments for the following sewer bill reductions

- 329 Main Street in the amount of 19,000 gallons. The cause of the high water/sewer consumption was a broken pipe supplying their washing

## **Regular Meeting of the Vestal Town Board February 26, 2014**

machine. The amount of the sewer reduction is \$92.72. The water did not go into the town's sanitary sewer system.

- 317 Rayelene Drive in the amount of 5,000 gallons. The cause of the high water/sewer consumption was a burst outside hose. The amount of the sewer reduction is \$24.40. The water did not go into the town's sanitary sewer system.
- 224 Reese Avenue in the amount of 16,000 gallons. The cause of the high water/sewer consumption was a burst outside hose. The amount of the sewer reduction is \$78.08. The water did not go into the town's sanitary sewer system.

### **Highway Bid for Tracked Conveyor**

**R062-14** Authorization for the **Town Attorney** to advertise on March 5, 2014 for bids on a **Material Screen /Tracked Conveyor** for the Highway Department, to be opened March 11, 2014 at 2:00 pm in the Vestal Town Clerk's Office.

### **Donation of Truss System**

**R063-14** Authorization for the Parks Department to accept a donation of a truss system from Jared Fiacco.

### **FINANCE: Majewski/Messina**

**Receive and File: Warrant Reports – 2014 – 07, 07A, 07E, 08, 08-E, 08-L**

### **PLANNING & ZONING: Messina/Fitzgerald**

### **Use of Vestal Library Parking Lot for Fundraiser**

**R064-14** Authorization for **BARA** (Binghamton Amateur Radio Association Inc.) to hold a fundraiser on May 18, 2014 in the Vestal Library parking lot. An **Indemnification Agreement** is to be signed.

### **PUBLIC SAFETY: Majewski/Messina**

### **Fire Police Training and Education Seminar**

**R065-14** Authorization from the Board of Fire Commissioners to approve the following **Fire Police** members to attend **Fire Police Training and Education Seminar** on March 15, 2014 at the NYS Fire Academy in Montour Falls:

Donald Leip, Mark Sanford, Eugene Wagner and Harold Weaver.

## **Regular Meeting of the Vestal Town Board February 26, 2014**

The cost of this course is \$25.00 per person which includes registration and meals plus mileage if a Fire Department Vehicle is unavailable.

### **Repairs to SWAT Truck**

**R067-14** Approval for the Business Office to make a payment of **\$5,548.38** from the **Asset Forfeiture Line** (A3120-2626R) to cover the repairs to vehicle #311 (SWAT truck) to Royal Ford Motors in Owego.

### **RECEIVE AND FILE:**

- **Fire Advisory Board Minutes** – January 20, 2014
- List of **2014 Officers** of the Vestal Fire Department

## **END OF CONSENT AGENDA**

### **ADDITIONAL PUBLIC COMMENTS**

A speaker asked about the status of the legislation to give authority to the Highway Superintendent to impose vehicle weight limits on certain town roads. Supervisor Schaffer responded that the legislation should be ready for the next meeting.

A speaker noted that the CEO of Exxon Mobil has signed on to a class action suit to prevent a water tower from being installed for the use of fracking near his home. What is it that he knows that we don't know? Another speaker, having looked at the text of the lawsuit, thought that the main objection to the water tower was the truck traffic. A third speaker thought that the objection to the water tower was because it was deemed to be an eyesore in an exclusive neighborhood.

Supervisor Schaffer stated he watched the video of the recent presentation at Binghamton University concerning gas drilling.

In response to a question about the status of filling the vacant Town Board seat, Supervisor Schaffer stated that the Board members submitted their choices to him and the review process is ongoing. One Board member does not want to make an appointment. Supervisor Schaffer thinks it is essential to have a fifth person on the Board but is uncertain if the Board will reach consensus on making an appointment. He wonders how we got 16 requests to fill this position but only 2 people ran for the Board in the most recent election.

## **Regular Meeting of the Vestal Town Board February 26, 2014**

A speaker discussed the use of *depleted uranium* in gas drilling noting that it is very dangerous.

A speaker expressed being unhappy with our assessments, believing that they should be lowered to reflect current sale values. Many properties have gone down in value and need to be adjusted to today's market value. Supervisor Schaffer explained that this is the time of the year when our Assessor makes adjustments to the assessments.

### **OTHER NEW BUSINESS**

#### **Resolution of Support for a Casino in Broome County**

Councilman Majewski expressed support for adopting the following resolution in support of building a new casino in Broome County. This will bring revenue to the Town and the County.

**R066-14** 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 adopt the following **Resolution of Support for a Casino in Broome County**

WHEREAS, the citizens of the State of New York overwhelmingly voted in the affirmative to § 9 of Article 1 of the Constitution to allow the authorization for up to seven Class III casinos in New York State, and

WHEREAS, the Governor announced that the first four casinos will be built in Upstate New including at least one in the Southern Tier/Central Region, which includes Broome County, and

WHEREAS, it is projected that the construction of these Class III casinos will promote significant job growth, increase aid to schools, and permit local governments to lower property taxes through revenues generated for the host communities, which would accordingly inure to the benefit of Broome County in the event that a Broome County site was selected, now, therefore be it

RESOLVED, that in furtherance of the above goals, the Town of Vestal hereby declares its support for locating one of the proposed casinos within Broome County, and be it

## Regular Meeting of the Vestal Town Board February 26, 2014

FURTHER RESOLVED, that a copy of this Resolution shall be sent to the New York State Gaming Commission, Governor Andrew Cuomo, New York State Senator Thomas Libous, New State Assemblywoman Donna Lupardo, New York State Assemblyman Clifford Crouch and York State Assemblyman Christopher Friend.

### **Broome County Emergency Shelter**

Councilwoman Messina read a resolution drafted by Broome County asking the Town to agree to pay the County \$100,000 as its contribution towards the cost of the feasibility study to acquire a portion of the Depot Site in Hillcrest for use as a regional emergency shelter during states of emergency.

Councilman Majewski stated that he is not in favor of this. We don't have \$100,000 to give to the study. Supervisor Schaffer stated that this money would come out of the NY Rising Funds.

After a brief discussion, the consensus of the Board was **not** to take any further action on this resolution.

### **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.**
- The March 3<sup>rd</sup>, 2014 Vestal Town Board Work Session has been **cancelled**.

### **ADJOURNMENT**

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the meeting was adjourned at 6:45 PM. Carried unanimously.

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