

## Regular Meeting of the Vestal Town Board April 9, 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, New York on April 9, 2014.

### **TOWN BOARD PRESENT:**

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

**ALSO ATTENDING:** Town Attorney David Berger, Town Clerk Emil Bielecki, 1<sup>st</sup> Deputy Town Clerk Kathie Young and approximately 30 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 **March 26, 2014** are approved.

### **PUBLIC HEARINGS**

The Supervisor provided *Proof of Posting* and *Affidavit of Publication* and then opened the Public Hearing regarding proposed **Local Law “B” of the Year 2014** entitled: *A Local Law Amending Vestal Code to Permit Electronic Gateway Signs in the Town of Vestal*:

**Chapter 5, Article V, Division 1, Section 5-111 is amended to include the following definition:**

Gateway sign means a monument ground sign constructed of natural masonry or stone, located on non-public owned property for use in presenting public announcements, emergency and local government messages and limited controlled advertisement, in a format approved by the Town of Vestal.

**Chapter 5, Article V, Division 4, Section 5-127.2 is amended to include the following:**

#### **Gateway Signs**

- (a) Gateway signs shall be approved by special permit from the Town Board.

## Regular Meeting of the Vestal Town Board April 9, 2014

(1) The Town Board may request counsel and recommendations from the Town Planning Board, the Town Zoning Board of Appeals or other Town Departments

(b) Gateway signs shall be installed in locations along major thoroughfares in the Town of Vestal as approved by the Town Board. Not more than four (4) gateway signs shall be permitted within the boundaries of the town.

(c) Gateway signs shall adhere to all prescribed rules as noted on the gateway sign permit application, which may be amended from time to time as conditions warrant, and which shall be considered part of this local law for enforcement purposes.

(d) The maximum height of any gateway sign structure shall not exceed ten (10) feet above adjacent grade.

(1) The Town Board may approve other heights as deemed necessary.

(e) Any electrically activated changeable sign, incorporated into the design of a gateway sign, shall not have a display area greater than eight (8) feet by twelve (12) feet.

(f) The architectural design of the sign shall include the message, "Welcome to the Town of Vestal" or similar greeting as approved by the Town Board.

(g) Gateway signs only, may contain messages which include announcements for events, products, professions, businesses and etc. that are not located on the property on which the sign is located.

(h) Gateway signs shall be properly maintained or removed as directed by the Town in addition to other portions of this article.

The Supervisor then opened the Public Hearing.

Councilman Majewski stated his opposition to this law noting that the law is vague, the term gateway is poorly defined and there is no consideration for setbacks and size. He believes that the signs will cause additional accidents on the Parkway as people are distracted to read the advertisements and notices.

Councilwoman Messina questioned where Councilman Majewski gets his data from. She is not aware of any research that shows an increase in accidents due to these types of signs. The Parkway already has many signs and they do not seem to cause a problem. People adjust.

Councilwoman Fitzgerald expressed support for this law and thinks that garage sale signs are more distracting. She was under the impression that the Board was only going to allow 2 gateway signs instead of 4.

## Regular Meeting of the Vestal Town Board April 9, 2014

Supervisor Schaffer noted that LED signs already exist in the Town and there is no indication that these signs have caused any traffic accidents. The signs are worth it if we need to use them for Amber Alerts or other emergencies. We will control the brightness and the size of these signs. The Town Board will have the final say about these signs and will get assistance from the Planning Board and the ZBA if necessary. The specs will be based on the requests that are submitted. The law states that up to 4 signs are permitted but it could be less.

A synopsis of the comments from the public is as follows:

- These types of signs will be helpful because when driving, we can't use our cell phones to read Amber Alerts.
- This type of sign will be beneficial during a flood. It can be used to disseminate important information.
- All studies show that there are no safety issues due to the installation of these signs. In addition, many safety reminder messages can be put on these signs.
- There was an article in the Press concerning digital boards in the City of Buffalo where a fugitive turned himself in because the information about him was posted on LED signs.
- Item G allows for the signs to have announcements and sales information for outside businesses. Speaker is not keen on this provision.
- (Speaker submitted a letter with his suggestions to the Board.) The signs must be used for advertising to support their cost. We have lost a lot of business in this state. We need to be business friendly.
- These signs are good. They will make us look like a relevant town.
- This program is a win-win for the Town. The signage will be esthetically pleasing. The size of the signs should be increased to allow more versatility.
- These signs will be revenue producing and give us a more modern look.
- The signs will increase involvement in our community by posting current and relevant information.
- The Amber Alert capability is very important. LED is very *Eco* friendly.
- This is a great opportunity for small business.

Town Attorney David Berger explained that this law gives a great deal of discretion to the Town Board. The applicant for a special permit will have to be submitted directly to the Town Board.

## **Regular Meeting of the Vestal Town Board**

### **April 9, 2014**

Seeing or hearing no one else wishing to speak, the Supervisor closed this Public Hearing and stated that the Board will likely vote on this local law at the next Regular Meeting.

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

Seeing or hearing no one wishing to speak, the Supervisor closed the Privilege of the Floor.

#### **RESOLUTIONS & MOTIONS**

##### **Hire Bulman Agency LLC as Insurance Consultant**

**R098-14** 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 authorize the Supervisor to sign a Consulting Agreement between the Town of Vestal and **Douglas A. Bulman of the Bulman Agency LLC**, having offices at 317 Harding Avenue, Vestal, New York, effective the 1st day of April, 2014, for the period of two years and conditionally renewable thereafter. The fee structure is as follows:

The Town agrees to pay the Bulman Agency LLC a fee of \$20,000 year as compensation for the services described for the period starting April 1, 2014 and is to provide progress reports of the work performed on fulfillment of the terms of this agreement to the Business Office on an as needed basis.

The Town also agrees to pay the Bulman Agency LLC \$10,000 on the date contract is approved. The balance shall be paid in monthly installments of \$1,667 beginning on May 1, 2014. This fee will also cover past, present and ongoing management of the Medicare Advantage Program. Should a commission be paid to the Bulman Agency LLC by the insurance carrier for such program, the Bulman Agency LLC agrees to reimburse the Town of Vestal accordingly.

This contract will automatically renew, which will reset all terms and fees of this contract, unless notice is given either to terminate or to alter provisions contained herein.

##### **Appoint Carolyn Almy as a Full-time Clerk**

Councilman Majewski stated that he will not support this. The Town cannot afford this at this time and it will be more costly in 2015 and beyond.

**Regular Meeting of the Vestal Town Board  
April 9, 2014**

**R099-14** On a motion of Councilwoman Fitzgerald, seconded by Councilwoman Messina, the following resolution was

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

Resolved to authorize the Town Assessor Mark Minoia to appoint **Carolyn Almy as a full-time Clerk (CSEA grade 1;** hourly rate of \$9.9332 per hour) in the Assessor's Office effective April 14, 2014. This action will result from the combining of 2 part-time Clerk positions.

The business office is hereby authorized to transfer funds from the part-time wage line A1355.1030 to wage line A1355.1010 and various employee benefit lines as necessary for this appointment.

**Settlement of Article 7 Tax Certiorari – McMead Realty Coporation**

**R100-14** 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:

**McMead Realty Corporation vs. The Assessor and the Board of Assessment and Review of The Town of Vestal; The Town of Vestal, New York and the Vestal Central School District, Index Nos. 2013-1754** as follows:

For tax years 2013/2014 the total assessment on 232 Vestal Parkway West shall be reduced from \$767,800 to \$633,700.

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior	School Tax	Town / County Tax	* Town Refund
2013-14	\$767,800	\$767,800	\$633,700	-\$134,100	\$19,410.82	\$10,154.46	<u>\$574.97</u>
				* Town = General and Highway		<b>TOTALS</b>	<b>\$574.97</b>

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

**Purchase 512 Front Street Subject to Permissive Referendum**

Councilman Majewski stated that this is a complete waste of tax money and is fiscally irresponsible. There has been no study of how much in-house work needs to be done. He would like those figures. He will not support this.

## Regular Meeting of the Vestal Town Board April 9, 2014

Councilwoman Fitzgerald noted that this building was never condemned. The owners bought the property for \$21,000. Although she hoped that this property could have been purchased for less, she still supports the purchase. The Town needs the parking area to provide for the convenience and safety of the people who come to transact business in the Town offices next door.

Councilwoman Messina noted that we have regulations in the Town of Vestal requiring all businesses to provide adequate parking. It's time that we complied with the regulations that we mandate for private businesses. The people using this building are entitled to a safe place to walk and park.

Supervisor Schaffer stated that based upon recent demolitions of flood buyout homes, he has a reasonable idea of what the total cost will be to purchase and demolish this building. We have 3,000 enhanced star property owners, many of whom are elderly, who come to the Town offices next door.

**R101-14** 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 authorize the Supervisor to sign an agreement with **Susan Buchta** to purchase the real property at **512 Front Street**, Vestal, NY consisting of 1.07 acres Tax Map No. 173.21-1-6 512 for the **price of \$18,000**.

The purchase is contingent upon Town Board approval, availability of satisfactory funding, passage of the permissive referendum period required under law without petitions for permissive referendum, and all other contingencies considered necessary by the Town Attorney.

This Resolution shall be subject to a permissive referendum, as required by section 220 of Town Law.

### 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**

**Regular Meeting of the Vestal Town Board  
April 9, 2014**

**Reduce Sewer Bill 813 Taylor Drive**

**R102-14** Authorization for the Business Office to reduce the sewer bill for **813 Taylor Drive** in the amount of \$478.24 due to a broken pipe. The water did not go into the town's sanitary sewer system.

**FINANCE: Majewski/Messina**

**Receive and File: Warrant Reports – 2014 – 13, 13E, 13M, 14 and 14E**

**PLANNING & ZONING: Messina/Fitzgerald**

**Use Vestal Library Parking Lot**

**R103-14** Authorization for the **Broome County Women's Republican Club** to use the Vestal Library parking lot for their Scholarship Fund Raiser - Saturday, May 3rd, 2014 from 11:00 a.m. until 6:00 p.m. An Indemnification Agreement is to be signed.

**ADMINISTRATION: Fitzgerald/Messina**

**Hire League Employee**

**R104-14** Authorization for the Recreation Planner to hire the following employee. Pay rates are budgeted items in the 2014 budget and the background check has been completed.

**A7310.1027 Labor - Vestal Youth Basketball Organization League  
Kinser Sherman – Vestal as VYBO Referee at \$8.00/hr.**

**RECEIVE AND FILE:**

- Notice of intent from Binghamton University, dated March 18, 2014, to establish Lead Agency for SEQR – Innovative Technologies Center, Phases 4 & 5 – Binghamton University Research and Development Facilities.
- **Town of Union** - Notification of Public Hearing May 7<sup>th</sup>, 2014 at 7:30 PM regarding Modification to Chapter 300 of the Town of Union Code.

**END OF CONSENT AGENDA**

**COMMITTEE CHAIR COMMENTS AND UPDATES**

Councilman Majewski and Councilwoman Messina expressed condolences to the family of the slain Johnson City Police Officer and thanked the other police agencies, including Vestal, for providing assistance to the Johnson City Police Department during this difficult period.

**ADDITIONAL PUBLIC COMMENTS**

## Regular Meeting of the Vestal Town Board April 9, 2014

A speaker stated that he opposes paying separate commissions to the insurance consultant. Supervisor Schaffer explained that we had this policy before Excellus which required the agent to take courses and classes and then paid him no commission. The agent is disputing that and our contract states that if he receives a commission from them he will return it to the Town. This speaker also noted that he opposes the following actions taken by the Board: the hiring of the full time clerk in the Assessor's Office; the settlement of the Article 7 case for a commercial property; the Town's purchase of the property at 512 Front St.

A speaker expressed support for the Town's purchase of the Front Street property at the same time that the flood buyout properties are being demolished. He feels that purchasing this property will add value to the Assessor's building.

A speaker stated that parking is difficult at the Assessor's Office and purchasing the property next door will create a better and safer environment.

A speaker noted that the building next to the Assessor's/Recreation Building is a dump and it reflects poorly on the Town. The Town is right to demolish it.

A speaker reiterated his long standing complaint that Town Board members should not be paid when they are absent from meetings. This is our tax money.

A speaker referenced studies that show significant air pollution from gas well fracking.

### **SUPERVISOR'S ANNOUNCEMENTS:**

- The New York State Department of Environmental Conservation has issued an Open Burning Ban from March 16, 2014 to May 15, 2014. Burn permits will not be issued during this time.



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**Free Easter Egg Hunt!**  
**Co-sponsored by the Vestal Elks**  
**Saturday, April 12, 2014 - 11:00 AM**  
**Arnold Park, Andrews Rd.**  
**Ages 10 and Under**

Enjoy hunting for eggs by age group and visiting with the Easter bunny. Bags are provided. In case of inclement weather check the [Town of Vestal Recreation site](#) for any updates or call the Recreation department at 607-754-3368. Be sure to dress warm and wear boots! The park is always very wet and windy at this time of year.



**Regular Meeting of the Vestal Town Board  
April 9, 2014**

**OTHER NEW BUSINESS:**

**R105-14** On a motion of Councilwoman Fitzgerald, seconded by Councilwoman Messina, the following resolution was

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

Authorizing the **Vestal High School German Club** to use the Vestal Library parking lot on Saturday, May 3<sup>rd</sup>, 2014 for a fundraiser. An Indemnification Agreement is to be signed.

**ADJOURNMENT**

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the meeting was adjourned at 7:15 PM. Carried unanimously.

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