

Regular Meeting of the Vestal Town Board May 7, 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 May 7, 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, 1st Deputy Town Clerk Kathie Young and approximately 10 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 Majewski, seconded by Councilwoman Messina, the following resolution was

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

Resolved the Minutes of the Regular Meeting on April 23, 2014 are approved.

PRIVILEGE OF THE FLOOR (Agenda Items Only)

A speaker complained about the Town spending money that is not budgeted, for example, the building of a new pavilion at Arnold Park. There are too many budget transfers. Additionally, he is concerned about the Town adopting a 'best value bid' law and how that will impact the awarding of contracts. Also, he feels that the policy which limits public comments at Board meetings to 3 minutes violates his freedom of speech.

The Supervisor explained that the funding for the pavilion was part of the capital budget adopted last year. The budget transfers that the speaker is referring to are year-end close outs of various lines. The 3 minute limit on public comments should be adequate if the speaker stays on message. Councilwoman Messina suggested that if the speaker wants to make the most of his 3 minutes, he should use his time for comments and not lengthy questions that could be better addressed after the meeting.

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RESOLUTIONS & MOTIONS

1708 Vestal Road Declared Dangerous and Unsafe

R117-14 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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

That pursuant to Town Code Section 5-91 et seq, and Town Law sec. 130(16), the Town Engineer has submitted to the Town Board a report that the property located at **1708 Vestal Road, Vestal New York**, owned by Marley Cohen is in danger of collapse and is in a dangerous condition; and whereby the Town Board has reviewed the Engineer's report at work session on May 5, 2014, the Town Board hereby resolves as follows:

1. That it accepts the report of the Town Engineer dated April 24, 2014 that the property at 1708 Vestal Road, Vestal NY, is dangerous and unsafe and should be demolished and;
2. That the Town Attorney is directed to send the required notice to the property owner as set forth in the above noted Code provisions.

Use of General Reserve Fund for the Purchase of 512 Front Street

Councilman Majewski stated that he will vote against this motion, calling the purchase of this property a waste of taxpayer money.

R118-14 On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 3 Fitzgerald, Messina, Schaffer
Nays 1 Majewski

Resolved, that the Town Board of the Town of Vestal, pursuant to the provisions for Section 55 of the Town Law, hereby authorizes the expenditure from the General Reserve Fund of up to \$18,000 for the purchase of real property located at **512 Front Street, Vestal, NY**. This resolution is subject to a *Permissive Referendum*, notice of which shall be posted and published in accordance with Section 90 of the Town Law.

Water/Sewer Department to Sell Generators

Town Attorney David Berger noted that these generators are deemed as obsolete and surplus. No other departments have expressed any interest in them.

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R119-14 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 Water Superintendent Scott Groats, to advertise and sell two 1990 3kw generators.

Budget Transfer for Parks Summer Labor

R120-14 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 transfer **\$10,169** in line A1010.1010 to fund Parks **Summer Labor** line A7140.1034, to hire two workers until the money is exhausted.

Broome County Chamber of Commerce Membership

R121-14 On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to appropriate \$385 to the **publicity budget line** A6410.4060 for membership in the **Broome County Chamber of Commerce**. The funds will be transferred from the contingency line A1990.4322. Membership is expected to foster economic development.

Budget Transfer for Infield Mix

Councilwoman Messina noticed that amount stated in this resolution had changed from the amount discussed at the Monday night Work Session. Supervisor Schaffer explained that there was an increase to allow a needed cushion for cost variations in the purchase of the material.

R122-14 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 transfer \$2,875 from the miscellaneous site improvements line A7140.3002 and \$1,500 from the contingency line A1990.4322 to the Field Maintenance line A7140.4090. This will provide funds for **infield mix**.

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Advertise Local Law “C” of the Year 2014

Town Attorney Berger explained that this local law will amend the Town Code to require property owners to pay the full cost of replacing sewer laterals.

R123-14 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 advertise** on May 21, 2014 for a Public Hearing on June 25, 2014 at 6 pm regarding **Local Law “C” of the Year 2014 - A Local Law Amending Chapter 18 Sewer and Disposal.**

Advertise Local Law “D” of the Year 2014

Town Attorney Berger explained that this local law will establish a fee when an existing account is change or modified.

R124-14 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 advertise** on May 21, 2014 for a Public Hearing on June 25, 2014 at 6:15 pm regarding **Local Law “D” of the Year 2014 - A Local Law Amending Chapter 23-5 Article I “Fees” of the Town Code.**

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:

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PUBLIC WORKS: Majewski/Fitzgerald

Advertise Bids for Arnold Park Pavilion

R125-14 Authorization for the **Town Attorney to advertise for bids** on May 14, 2014 with regards to the construction of a **new pavilion at Arnold Park**. All sealed proposals thus received on Monday June 9, 2014 will be publicly opened and read at the Town Clerk's Office at 2:00 PM. The funding of \$50,000 was established in the capital budget.

Advertise Bids for Sanitary Sewer Projects

R126-14 Authorization for the **Town Attorney to advertise** on May 14, 2014 for bids on the following **Sanitary Sewer Projects** to be opened at 1:00 pm on May 20, 2014: **William Street, High Avenue and Tulane Street.** (*Amended R140-14 May 21, 2014.*)

Advertise Bids for Curbs – High Avenue and Evergreen Street

R127-14 Authorization for the **Town Attorney to advertise** on May 21, 2014 for bids regarding the **Installation of Concrete Curbs at High Avenue and Evergreen Street** with the bid opening on May 27, at 2:00 PM.

FINANCE: Majewski/Messina

Receive and File:

- **Warrant Reports** – 2014-17, 2014-17E, 2014-18, 2014-18E
- **Town Clerk Monthly Report** – April 2014 – Local Shares Remitted: \$6,310.89
- **Comptroller's Monthly Reports** – January, February, March, and April

Final Budget Transfers

R128-14 Authorization for the Deputy Town Comptroller Pam Fitzgerald to make the **final budget transfers** that were needed to cover 2013 budget deficits, as per memo and attachment dated May 1, 2014 which will be filed as part of the minutes of this meeting.

Refund Utility Overpayment

R129-14 Authorization for the Business Office to submit a **refund** in the amount of \$17.00 to Gary Mosher for overpayment of his utility account at 436 Crescent Lane.

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PERSONNEL: Fitzgerald/Majewski

Hire Samuel Warner in the Water Department

R130-14 Authorization for the Water Superintendent to rehire **Samuel Warner** as summer help at a rate of \$8.50 per/hr. with a start date of May 28, 2013. The budget line for this hire will be W8340-1034.

Hire Parks Seasonal Employees

R131-14 Authorization for Parks Superintendent Jim Bukowski to establish the following pool of **seasonal employees** and hire as soon as available and within the budget set for 2014 summer help. The pay rate will be \$8.50 an hour: **Christopher Newins, Devin Mullins, and Anthony Pittari.**

In the event this pool of names is exhausted and there is need to hire from outside of this pool, the Parks Superintendent will submit such names to the Board for approval before hiring.

PLANNING & ZONING: Messina/Fitzgerald

Vestal Historical Society to Use Library Parking Lot for Fundraiser

R132-14 Approval for the **Vestal Historical Society** to use the library parking lot for a Doug's Fish Fry on June 20, 2014 and October 3, 2014 from 11am to 6pm. An Indemnification Agreement is to be signed.

PUBLIC SAFETY: Majewski/Messina

Leases for Use of Fred Singer Training Site

R133-14 **Retroactive approval** from the Board of Fire Commissioners for the following to use the Fred Singer Training site for a payment of \$100 each:
Great Eastern Balloon Association - April 25, 2014
Whitney Point Fire Department - May 3, 2014

ADMINISTRATION: Fitzgerald/Messina

Hire Summer Employees

R134-14 Authorization for the Recreation Planner to hire back the following returning staff for the 2014 summer. All employee pay rates are budgeted items in the 2014 budget and the background checks has been completed.

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A7310.1021 Labor – Playground Instructors

Courtney Cummings - Vestal as Summer Office Assistant at Pay rate \$9.50/hr.

A7180.1010 Labor – Swimming Pool Directors

Nicholas Kiser - Apalachin as Instructional Pool Director at Pay rate \$10.75/hr.

Dan MacQuarrie - Vestal as Outdoor Pool Director at Pay rate \$10.75/hr.

Chris Hoskins - Vestal as Instructional Assistant Pool Dir. at Pay rate 10.25/hr.

Samuel Schwartz - Vestal as Assistant Outdoor Pool Director at Pay rate \$10.25/hr.

RECEIVE AND FILE

- [Annual Financial Report Update Document](#) for the Town of Vestal for the Fiscal Year ended 2013 – Posted on the Town Website:
<http://www.vestalny.com/>
- Notice of Application for a Liquor License – Royal Indian Bar & Grill – 1101 Bunn Hill Road

END OF CONSENT AGENDA

ADDITIONAL PUBLIC COMMENTS

A speaker asked for clarification as to why the amounts for the purchase of infield mix for Parks had changed from what was presented at the Monday night Work Session. Supervisor Schaffer explained that \$2,875 budgeted for the purchase of new grills for the park was being transferred to purchase the infield mix.

A speaker asked how the public would be informed about the work that DOT will be doing on Route 434 (Vestal Parkway). Councilwoman Messina explained that the DOT will follow standard procedure for this type of road work: an ad will be placed in the newspaper and signs will be posted to alert people about the project. Councilman Majewski added that he is waiting for more information from DOT that was not provided at the Monday night Work Session presentation.

A speaker noted that on May 24th, the American Legion will be putting flags in a number of cemeteries in Vestal. Anyone interested in helping with this project should contact the Legion.

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SUPERVISOR'S ANNOUNCEMENTS

- Archaeology dig at Castle Gardens site will be discussed on May 21 at Vestal Library, 6-7 pm. Public is welcome.
- Vestal Museum "Archaeology in Vestal" is open Wednesday – Friday 10-5 and Saturday 10-3. Admission is free.
- 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.

OTHER NEW BUSINESS

Vilma Byrne Contributes \$1,000 for End of Summer Picnic

Vestal resident **Vilma Byrne** presented the Town with a check of \$1,000 to sponsor the ***End of Summer Picnic*** at Arnold Park, stating that she wanted the residents to attend this event without having to pay an entry fee.

The Board thanked Vilma Byrne for her generosity in support of this event.

R135-14 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 accept the contribution of \$1,000 from Vilma Byrne to be used for the ***End of Summer Picnic*** at Arnold Park.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the meeting was adjourned at **6:25 PM**. Carried unanimously.

Approved by _____

Emil J. Bielecki, Town Clerk