

## **Regular Meeting of the Vestal Town Board June 25, 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 June 25, 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, Planning Board Chairwoman Joyce Majewski and approximately 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 June 11, 2014 are approved.

### **Majewski Re-appointed to Planning Board**

A brief ceremony was held to honor Joyce Majewski, Chairwoman of the Planning Board, for her many years of service to the Town of Vestal. In the presence of her family, Joyce Majewski was sworn in for her new term on the Planning Board. Supervisor Schaffer presented a proclamation which acknowledged Joyce's work on various boards, particularly her service on the Planning Board since 1987. He then declared this to be *Joyce Majewski Day in the Town of Vestal*.

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

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

**R165-14**     Resolved to **reappoint Joyce Majewski to the Planning Board** effective July 8, 2014 with this term to expire on July 7, 2019.

**Regular Meeting of the Vestal Town Board  
June 25, 2014**

**PUBLIC HEARINGS**

**Public Hearing Regarding Proposed Local Law “C” of the Year 2014**

After offering *Proof of Posting* and *Affidavit of Publication* the Supervisor opened the Public Hearing regarding Proposed Local Law “C” of the Year 2014 entitled: *A Local Law Amending Chapter 18 Sewer and Sewage Disposal*.

Section 1. Chapter 18, Article V of the Code of the Town of Vestal is hereby amended by deleting sec 18-25 (i) as written and replacing with the following:

(i) Maintenance of Building Sewers

All costs and expenses incident to the installation, connection, repair, and maintenance of the building sewer shall be borne by the owner, and for such purposes, the owner is granted permission to excavate in the public right of way subject to the regulations of the Water & Sewer Superintendent. The connection to the main is typically a tee or wye which is considered part of the public sanitary sewer and thus the Town’s responsibility to maintain.

A resident asked who will regulate the installation of these connections. Town Attorney Berger responded that all work will be done according to the standards established by the Water & Sewer Department.

Seeing no one else wishing to speak, the Supervisor closed this Public Hearing.

**Adopt Local Law “C” of the Year 2014**

**R166-14** 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 **Local Law “C” of the Year 2014** entitled: *A Local Law Amending Chapter 18 Sewer and Sewage Disposal*. It is noted that this proposed activity has been identified as a Type II action and therefore is not subject to review under SEQRA.

**Public Hearing Regarding Proposed Local Law “D” of the Year 2014**

After Offering *Proof of Posting* and *Affidavit of Publication* the Supervisor opened the Public Hearing regarding Proposed Local Law “D” of the Year 2014 entitled: *A Local Law Amending Chapter 23-5 Article I “Fees” of the Town Code*.

## Regular Meeting of the Vestal Town Board June 25, 2014

Section 1. Chapter 23-5 of Article I, of the Code of the Town of Vestal is hereby amended to include the following:

1. Schedule A is amended to include a new fee as follows: “Account change/modification \$25.00.<sup>4</sup>”

<sup>4</sup> “All fees generated by this charge shall be divided equally between the water and sewer funds.”

A speaker stated that the \$25.00 fee is unjustified after a recent rise in water and sewer fees. Supervisor Schaffer explained that this fee will cover the cost of the paperwork and man hours incurred when an account is changed. This is done by most municipalities.

Seeing no one else wishing to speak, the Supervisor closed this Public Hearing.

### **Adopt Local Law “D” of the Year 2014 as Amended**

A motion was made by Councilman Majewski, seconded by Councilwoman Messina to amend the last sentence of the proposed Local Law “D” to read as follows:

<sup>4</sup> “***Where the customer has both services***, all fees generated by this charge shall be divided equally between the water and sewer funds.”

The **motion to amend passed unanimously.**

**R167-14** 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, as amended, Proposed Local Law “D” of the Year 2014** entitled: *A Local Law Amending Chapter 23-5 Article I “Fees” of the Town Code.*

Section 1. Chapter 23-5 of Article I, of the Code of the Town of Vestal is hereby amended to include the following:

1. Schedule A is amended to include a new fee as follows: “Account change/modification \$25.00.<sup>4</sup>”

<sup>4</sup> “Where the customer has both services, all fees generated by this charge shall be divided equally between the water and sewer funds.”

## Regular Meeting of the Vestal Town Board June 25, 2014

It is noted that this proposed activity has been identified as a Type II action and therefore is not subject to review under SEQRA.

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

A speaker expressed reservations concerning Local Law "E" stating that it could give the Board an excuse to select a particular favorite bidder. Supervisor Schaffer explained that the *best value bidder law* will allow the Town to use criteria other than just price to select the best responsible bid.

A speaker would like more information on how grant money is being spent when it is received by the Town. Supervisor Schaffer explained that the grants are for specific items and proof of the proper use of the funds must be documented.

A speaker asked why we received a notice from another town concerning some changes in their codes. Town Attorney Berger explained that state laws require that such notifications be sent to adjoining municipalities.

### **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**

#### **Advertise Bids for Storm Pipe On Ross Hill Road**

**R168-14**      Authorization for the **Town Attorney to advertise** on July 9, 2014 for **Replacement of Storm Pipe on Ross Hill Road**, with the opening of the bids on July 21, 2014 at 2:00 pm.

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

#### **Receive and File:**

- **Warrant Reports** – 2014 – 24, 24B, 24E, 25, 25E, 25L, 25P

#### **Town Attorney Billable Hours**

**R169-14**      Authorization for the Business Office to pay an invoice in the amount

## Regular Meeting of the Vestal Town Board June 25, 2014

of \$625.00 to **Town Attorney** David Berger for **May 2014 billable hours**.

### Advertise Local Law "E"

**R170-14** Authorization for the **Town Attorney to advertise** for a Public Hearing on July 9, 2014 to hear proposed **Local Law "E"** (Best Value Bidders) on August 13, 2014.

### Credit Car Accounts With Key Bank

**R171-14** Approval from the Town Board authorizing the **Police Department** to continue its **credit card accounts with Key Bank** and further agrees to the provisions outlined in the *Officers Certification* and designating Chief John Butler, Police Lieutenant Gerald Mullins and Lieutenant Edward Golluscio as authorized officers.

### PERSONNEL: Fitzgerald/Majewski

### Parks to Hire Summer Help

**R172-14** Authorization for Parks Superintendent Jim Bukowski to hire **Dan Lamberti** as a summer worker to start on June 26, 2014.

### ADMINISTRATION: Fitzgerald/Messina

### Museum to Accept Grant Money

**R173-14** Authorization for the Vestal Museum to accept the grant monies received from the Community Foundation for SCNY- Broome Library Foundation Fund in the amount of \$613.00 as awarded in spring 2014.

This grant provides funds for the Vestal Museum to provide materials for programs held at the Vestal Library and strengthens public information of the Museum's 2014 exhibits:

- **Archaeology** - Museum staff and Library Youth Services Director collaborate on Family Fun Day.
- **Railroads** - Museum staff and RR Historical Society collaborate for public speaker programs.

### Recreation to Hire Summer Labor

**R174-14** Approval to hire the following **Recreation Staff**. All employee pay rates are budgeted items in the 2014 budget and the background checks has been completed.

## **Regular Meeting of the Vestal Town Board June 25, 2014**

### **A7180.1020 Labor – Labor Lifeguards**

Emily Kisloski – 8 Fieldstone Lane, Owego as Part Time Lifeguard at Pay rate \$8.25/hr.

### **Historical Society to Use Library Parking Lot**

**R175-14** Authorization for the **Vestal Historical Society** to use the parking lot adjacent to the Vestal Museum to hold that concert on **Saturday, July 12, 2014 between the hours of 1 pm – 3 pm.** A 15' x 25' tent will be erected on the grassy area between the museum and the library to provide shade or rain protection for the audience. Tent will be set up on Friday, July 11, and taken down Monday, July 14. Members of the Vestal Historical Society will be on location throughout the setup/teardown and concert hours. The Museum and Library have given permission to use the parking lot nearest the Museum. An **Indemnification Agreement** is to be signed.

### **Historic Committee to Accept Grants**

**R176-14** Approval for the Historic Committee to accept two grants from the W.G.P. Foundation in the amount of \$2100 for the purchase of two historical markers that will designate the Chugnut Village and the Rounds House. These funds will be placed into budget line item (A7510-2100) so that signs can be ordered.

### **RECEIVE AND FILE:**

- Letters of appreciation to the Vestal Museum from the Clayton Avenue Elementary 5<sup>th</sup> Grade regarding their field trip to the Museum on 6/5/14.
- Fire Advisory Board Meeting Minutes – May 19, 2014
- New Application for a Liquor License - Lemongrass of Broome, 1550 Vestal Parkway East.
- 239 Review Submission Form from the Town of Binghamton re: modification of the Comprehensive Plan and of a number of the Town Local Codes.

**END OF CONSENT AGENDA**

**Regular Meeting of the Vestal Town Board**  
**June 25, 2014**

**ADDITIONAL PUBLIC COMMENTS**

A speaker thanked the Highway Superintendent for his quick response concerning the resurfacing of the shoulders on Main Street and about adding oil and stone to some roads. He also thanked the Parks Superintendent for his quick action in cleaning up a site at Arnold Park that was left a mess by an outside group.

A speaker noted that there are documented health problems in Pennsylvania resulting from gas well fracking but their Health Department is turning a blind eye.

A speaker complained that he has been denied an appointment with the Assessment Board of Review for two years in a row. He feels that they should serve the residents better by scheduling evening appointment times to make it more convenient for people who work during the day. Supervisor Schaffer explained that they cannot carve out a specific time just for him. He will check on this, however, the meetings are over for this year.

The above speaker also complained about surface water that accumulates on the corner of Airborne and the Parkway during heavy rainstorms. He thinks that the drains are not being maintained. In addition, he opposes spending the money to send the Town Attorney and his wife to a training conference. Supervisor Schaffer responded that he has spoken with the Town Engineer concerning the drainage at that location and it meets code standards. They will continue to monitor this area.

**ADJOURNMENT**

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the meeting was adjourned at 6:33PM. Carried unanimously.

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