

Regular Meeting of the Vestal Town Board November 19, 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 November 19, 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, Comptroller Laura McKane, Water Superintendent Scott Groats and approximately 30 members of the general public.

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 November 5, 2014 are approved.

PUBLIC HEARINGS

Supervisor Schaffer offered the Proof of Posting and Affidavit of Publication regarding the Public Hearing about the 2015 Preliminary Special District Budget.

Comptroller Laura McKane gave the following *Powerpoint* presentation:



2015 Special District Budget WATER, SEWER, LIGHTS & DRAINAGE

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WATER DISTRICT TOTAL SPENDING STABLE .7% INCREASE

* TOTAL SPENDING IN PERCENTAGES

Administration and Operating Overhead	27%	Water Transmission and Distribution	41%
Source Supply, Power and Pumping	8%	Debt Principal and Interest	16%
Water Purification	7%	Contribution to Reserve Funds	1%

No Rate Increase Needed

* With benefits factored into cost centers.

INFRASTRUCTURE IMPROVEMENTS

Completed From 2005 - 2009:

Improvements costing over \$7 million

Replaced Cherry Lane Tank	Construction of Foster Road Tank
Replaced Doris Avenue Tank	Replaced Ross Hill Tank
Purchased and Install Emergency Power Equipment	Locate Additional Water Supply – 3 Wells

For Completion in Future:

Replace 4" Water Mains & Improve System	\$ 75,000 - annually
Replace Dodd Road Tank	\$1,250,000 – on hold
Replace Rano Blvd. Tank	\$1,250,000 – on hold
2015 - Paint and/or improve tanks using Reserve Funds to extend useful life - Dodd, Carnegie and Rano Tanks	

LIGHTING DISTRICT

No Change in Appropriations
\$133 Increase in the Tax Levy

DRAINAGE DISTRICT

Appropriations and Tax Levy Increased by \$3 over 18 Districts

SEWER DISTRICT OVERVIEW

- Sewer Rate is comprised of costs associated with collection and treatment
- Treatment costs are set by either Village of Endicott or the Binghamton Johnson City Joint Sewer Board

Sewer District Costs

Charges from Outside Sewer Plants	77%
Vestal's Collection System	14%
Administration	8%
Debit Service	1%

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Current Financial Status

- Projected year end cash deficit of as much as \$200,000. Largely due to timing of payments for treatment costs and billing and collection of rents.
- Estimate operating surplus of \$6,400 for 2014.

Significant Factors

- Flow Management Plan for all Joint Plant Users will continue impacting costs
- DEC Consent Order Received in 2011
 - Remove I & I (Inflow & Infiltration)
 - Gives timeline for compliance

Vestal's Collection System

Plans to:

- Replace sewer pipe to actively reduce I & I per the Flow Management Plan; this allows for future residential/commercial development.

RATE PERSPECTIVE

- A rate study, completed by Hunt Engineers, Architects & Surveyors, PC found an average rate for several upstate communities to be \$374.
- The Town of Vestal rate for a similar single family dwelling is \$336 per year.
- A typical Town of Vestal residential user pays \$276 annually (13,000 gal. user).

Proposed Rate Increase

None currently proposed for 2015

OUTLOOK

- Expect continued rate increases to fund compliance with Flow Management requirements.
- Failure to fund improvements and compliance matters will:
 - restrict development potential
 - minimize future funding opportunities
 - allow infrastructure to age to a point that requires replacement in lieu of repair.

INFRASTRUCTURE IMPROVEMENTS

Complete or in Progress:

Sewer System Hydraulic Model Engineering - Complete	Emergency Power Equipment Replacing Sanitary Sewer Lines
Video and Repair Sewer Trunk Lines – On going	Flow Study - Complete Point Repairing

Public Comments on Special District Budget:

A speaker complained about the mismanagement at the Binghamton-Johnson City Joint Sewage Treatment Plant. We are paying high rates due to the shoddy construction work at the plant. When is the JSTP going to pay us what they owe?

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Supervisor Schaffer responded that as an outside user of the treatment plant, we have no control over it. The books are being reconciled slowly.

A speaker asked when the Town may be building new water tanks. Water Superintendent Scott Groats explained that several tanks are at the end of their useful lives. We perform inspections on them on a regular basis to determine if we can extend their useful lives through repairs. Perhaps, our bigger problem at this time is finding new sources of water.

Hearing or seeing no one else wishing to speak, Supervisor Schaffer closed this public hearing.

PRIVILEGE OF THE FLOOR (Agenda Items Only)

A speaker objected to the Town's involvement in another lawsuit and to the swap of an emergency squad vehicle against debt owed to the Town. This vehicle is not worth what we are paying for it. Supervisor Schaffer explained that the lawsuit was brought against the Town and we have no choice but to defend ourselves. As to the vehicle, it was appraised at higher value than what the Town is paying and it will save us money by replacing a Town salt vehicle at a lower cost.

A speaker asked if the additional employees being hired during the tax collection season have been budgeted. Supervisor Schaffer responded with a yes.

RESOLUTIONS & MOTIONS

Vestal PBA Agreement

R271-14 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 approve the Tentative **Agreement between the Town of Vestal and the Vestal PBA** reached on October 30, 2014 and authorizing the Town Supervisor to sign the resulting collective bargaining agreement.

Purchase of a 1997 GMC Suburban from Vestal Emergency Squad

R272-14 On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

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

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Resolved to authorize the **purchase of a 1997 GMC Suburban pick-up truck** from the Vestal Volunteer Emergency Squad (VVES, Inc.) for the amount of \$12,000. This sum will be subtracted from interest payments due from the squad for debt service on the Myrtle Street building in which they are housed.

Gift of Land from DiRienzo Brothers Bakery

Supervisor Schaffer explained that we will put a pumping station near this land.

R273-14 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 accept from DiRienzo Brothers Bakery, a **gift of the land parcel known as 561 Vestal Parkway West**, Tax Map #173.21-1-4, containing approximately 0.16 acres of land.

Accept Independent Audit of Town of Vestal

R274-14 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 accept the independent audit of the Town of Vestal for the year ended December 31, 2013.

Submit a Voluntary Questionnaire Under a SEC Initiative

R275-14 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 Supervisor to **submit a voluntary questionnaire** under the U. S. Securities and Exchange Commission's MCDC (Municipalities Continuing Disclosure Cooperation) Initiative.

Adopt the 2015 Final Town Budget

Supervisor Schaffer noted that this Board worked extremely hard to get this budget under the tax cap. Spending increased by 1.7%. He thanked the Board, the Comptroller and all the Departments for their work on this budget.

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R276-14 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 2015 Preliminary Budget, including Special Districts, as amended on November 17, 2014, as the **Final 2015 Town of Vestal Budget** with a tax levy in the amount of \$10,480,681.00 and appropriations in the amount of \$25,398,779.00.

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:

FINANCE: Messina/ Majewski

Receive and File:

- **Warrant Reports:** 2014 – 2014-39, 2014-39E, 2014-41, 2014-41E, 2014-45, 2014-45E, 2014-46, 2014-46D, 2014-46E
- **Town Clerk Monthly Report** – October 2014 – Local Share Remitted: \$7,377.76
- **Comptroller's Monthly Report** – October 2014

Billable Hours for Town Attorney

R277-14 Authorization for the Business Office to pay **Town Attorney David Berger \$3087.50 for billable hours** for the month of October, 2014.

Retain law firm of Greene, Hershdorfer & Sharpe

R278-14 Authorization for Town Attorney David Berger to sign a **retainer agreement with the law firm of Greene, Hershdorfer & Sharpe** for the Wayne Hicks vs. Town of Vestal lawsuit. This action is in response to a recently filed Federal lawsuit against the Town.

PERSONNEL: Fitzgerald/Majewski

Tax Receiver to Hire Employees

R279-14 Authorization for Tax Receiver Debra Wallace to employ the following:

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Debra Jennings - Deputy Receiver of Taxes \$10.00 12/22/14—4/17/15

It is anticipated she will work 2 days in December (to get bills ready to mail) and then as needed in 2015 through 4/17/15.

Becky Pineau Part-time Clerk \$9.06 12/23/14—3/31/15

It is anticipated she will work as needed.

Jennifer Almy Part-time Clerk \$9.06 12/23/14—12/31/14

It is anticipated she will work 2 days in December 2014 (to get bills ready to mail)

Sarah Wallace Part-time Clerk \$9.06 12/23/14—12/31/14

It is anticipated she will work 2 days in December 2014 (to get bills ready to mail)

Rachel Wallace Part-time Clerk \$9.06 12/23/14—12/31/14

It is anticipated she will work 2 days in December 2014 (to get bills ready to mail)

PLANNING & ZONING: Messina/Fitzgerald

Permanent Easement for 493 Echo Road

R280-14 Authorization for the Supervisor to sign a **Permanent Easement for 493 Echo Road** BCTMP # 173.18-2-15. This deals with a pre-existing condition and will have no negative impact on the Town.

END OF CONSENT AGENDA

CHAIR COMMENTS AND UPDATES

Councilman Majewski asked if the Board will address the proposed local law to exempt certain generators from the noise ordinance, as discussed in the previous Work Session.

Councilwoman Messina stated that, as requested by the Board, she spoke to the Town Engineer concerning this issue and feels that we do need to adopt this local law. It will be put back on the agenda for the next meeting.

ADDITIONAL PUBLIC COMMENTS

A speaker commented on the following issues:

- Why we are spending money on repairs to Fire Station 4 if we are going to be building a new building?
- Why is the Town's insurance consultant being paid by the Town and also collecting commissions from the insurance company?
- Why are we hiring part-time employees for work that should be done by the existing full-time employees?

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- The Parks and Recreation programs should be run by volunteers.
- Most properties in the Town are selling below assessed value and something needs to be done to correct this problem.

Supervisor Schaffer noted that the Town's full-time workforce cannot handle all of the work and we save money by using part-time help. They receive no benefits. The insurance consultant is not receiving commissions from Blue Cross/Blue Shield, our health insurance carrier.

A speaker thanked the Board for purchasing the property next to the Assessor/Tax Receiver building to provide a parking lot. This cleans up an eyesore and provides convenient parking for seniors who come to pay their taxes.

A speaker noted that parts of Pennsylvania are experiencing small earthquakes that are being caused by gas well hydro-fracking.

SUPERVISOR'S ANNOUNCEMENTS

- **Leaf Pick Up** – Until snow falls. Place leaves along the curb but AWAY FROM STORM DRAINS! No yard waste or branches. For more information contact Highway Department 607-785-4616.
- **Winter Parking Reminder** – Parking of vehicles is prohibited on all Town and County roads in Vestal between the hours of 2:00 AM TO 6:00 AM from December 1st through March 31st.
- Effective December 2014, all Town of Vestal **Planning Board Meetings shall begin at 6:00 PM** on the second Tuesday of the month, as needed.
- The **December 1st Town Board Work Session has been cancelled.**

OLD BUSINESS:

Local Law "F" of the Year 2014 - A Local Law to Override the Tax Levy Limit.

Supervisor Schaffer stated that this local law will not be acted on because the 2015 tax levy is below the state tax cap.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the meeting was adjourned at 6:39 PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk