

Regular Meeting of the Vestal Town Board February 25, 2015

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 25, 2015.

TOWN BOARD PRESENT:

**Supervisor John Schaffer
Councilman Majewski
Councilwoman Fitzgerald
Councilwoman Messina
Councilwoman Agneshwar**

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young, Code Enforcement Officer Lincoln Ellis and 18 members of the general public.

Supervisor Schaffer 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 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
 Nays 0

Resolved the Minutes of the Regular Meeting on February 11, 2015 are approved.

BID OPENINGS

Bids for the **Town Hall Flood Wall** were received and opened at 2PM on Monday, February 23, 2015 in the Vestal Town Clerk's Office with the results forwarded to the Town Engineer for review and recommendation:

R. DeVincentis Construction	1 Brick Ave., Binghamton, NY 13901	\$297,000
Procon Contracting LLC	P.O. Box 1037, Vestal, NY 13850	\$303,000
Andrew R. Mancini Assoc.	129 O'Dell Avenue, Endicott, NY 13760	\$263,700
Allis Development	136 Ridge Road Vestal, NY 13732	\$311,000

PUBLIC HEARINGS

Public Hearing regarding a **Special Permit** for a **Vehicle Service Station to Lawrence J. Carasea Jr.**, for the property located at 1214 Tracy Creek Road, BCTMP 204.19-1-17 in a RR (Rural Residential) zoning district. We are in receipt of the 239 l & m review.

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Supervisor Schaffer offered the *Proof of Posting* and *Affidavit of Publication* for the Public Hearing. He then opened the Public Hearing:

Larry Carasea, the owner of the property and the business, submitted the proof of mailing to the Town Clerk. He wants to use the existing building to operate a low volume auto body restoration shop. He wishes to downsize his current business at 2706 NYS Route 26 in Vestal and would like to continue some of his dealer work at this address. He has received a use variance from the ZBA and the site plan has been approved by the Planning Board. There is a spill plan in place and he will adhere to all laws. The hours of operation will be Monday through Friday 8 am to 5 pm, by appointment only. No weekends.

Hearing or seeing no one else wishing to speak, Supervisor Schaffer closed the Public Hearing and asked the Board if they wished to vote on this request at this meeting. The Board consensus was to act on it at this time.

Adopt SEQR - Special Permit a Vehicle Service Station

R054-15 On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved concerning a **Special Permit** for a **Vehicle Service Station to Lawrence J. Carasea Jr.**, for the property located at 1214 Tracy Creek Road, BCTMP 204.19-1-17 in a RR (Rural Residential) zoning district. The Town Board of the Town of Vestal hereby finds and determines that:

(a) it has considered the action, reviewed the environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with the proposed project

(b) This project will not result in any large and important environmental impacts, and, therefore, is one, which will not have a significant impact on the environment, and, therefore, a negative declaration is hereby adopted.

That pursuant to section 24-385(7) of the Town of Vestal Code the Town Board also finds that the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be injured thereby, and that the granting of such permit is in the best interest of the community and its inhabitants.

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Approval Special Permit a Vehicle Service Station

Town Attorney Berger stated that the applicant has reviewed Section 24.385 of the Town Code concerning a Vehicle Service Station Permit) and is in full compliance or will be in full compliance of each and every provision of that particular section and that there is nothing that needs Board attention other than what has been set forth in the statute. He has already complied or will comply with the requirements set forth by the Code Department. The Board finds that the public convenience and welfare will be substantially served by the issuance of this permit.

R054-15 On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved to approve a **Special Permit** for a **Vehicle Service Station to Lawrence J. Carasea Jr.**, for the property located at 1214 Tracy Creek Road, BCTMP 204.19-1-17 in a RR (Rural Residential) zoning district.

PRIVILEGE OF THE FLOOR (Agenda Items Only)

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

RESOLUTIONS & MOTIONS

Lease Agreement with Vestal Central School District-Senior Citizens Center

Supervisor Schaffer noted that this is a good price per square foot.

R055-15 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved to authorize the Town Supervisor to sign a **lease agreement with the Vestal Central School District** for the area occupied by the **Vestal Senior Citizens Center**. The lease will run from March 1, 2015 thru February 28, 2016. The base rent during the lease term shall be \$770.00 per month (3517 square feet multiplied by \$2.63 per square foot).

Defensive Driving Course

R056-15 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

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ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved to authorize the Comptroller to hold a **Defensive Driving Course** on March 18, 2015 with the following fee schedule:

Employees	\$12.50
Volunteer Firefighters	Free (This training relates directly to the service they provide to the Town. Fire Firefighters take this course on their personal time.)
All Others, Including Retirees	\$25 per Participant

CONSENT AGENDA

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

ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved the **Consent Agenda** is approved as follows:

PUBLIC WORKS: Majewski/Fitzgerald

Advertise RFQ for Roberts Street Pump Station

R057-15 Retroactive authorization for Town Engineer Gary Campo to advertise on February 25, 2015 (to be returned by 3 PM on 3/25/15) for **Request for Qualifications** (RFQ) for design services at **Roberts Street Pump Station**, a selected project for *NY Rising Funds*.

FINANCE: Agneshwar/Messina

Receive and File: Warrant Reports: 2015-06, 2015-06A, 2015-06E, 2015-06P, 2015-07, 2015-07A, 2015-07E, 2015-07R, 2015-08, 2015-08A, 2015-08L, 2015-08E

\$549 Travel Grant for Museum Director

R058-15 Approval for **Museum Director Ramona Kacyvenski** to accept a **\$549 Travel Grant** from the *Museum Association of New York* to attend the 2015 Museums in Action Conference.

PERSONNEL: Fitzgerald/Majewski

Promotion of Ed Hildebrand to Sr. Account Clerk

R059-15 Authorization to promote **Ed Hildebrand** to the vacant position of **Sr. Account Clerk** effective March 2, 2015 at the CSEA rate of \$18.87. The position is a civil service competitive position in the Business Office.

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PUBLIC SAFETY: Majewski/Agneshwar

Appointment of Richard Devine – LOSAP Representative

R060-15 Approval from the Board of Fire Commissioners to appoint **Richard Devine as the Station 4** representative to the Length of Service Award Program (LOSAP) Committee, effective January 7, 2015, replacing Hugh Reynolds.

Fire Parade Participation

R061-15 Authorization for Fire Chief David Harrington to send one piece of fire apparatus and personnel to the following parades in 2015:

Parade	Location	Month	Station Apparatus
St. Patrick's	Binghamton	March	Station 4
Memorial Day	Endicott	May	Station 1
Apalachin Firemen's Field Day	Apalachin	June	Station 3
Owego Strawberry Festival	Owego	June	Station 3
Halloween Parade	West Endicott	October	Station 1
Veteran's Day	Endicott	November	Station 1
Johnson City Holiday	Johnson City	December	Station 4
Endicott Holiday	Endicott	December	Station 1

RECEIVE AND FILE:

- Vestal Fire Department Fire Advisory Board Meeting Minutes-Jan. 19, 2015.
- Vestal Volunteer Emergency Squad, Inc. – Financial Statements for the Three Months Ended March 31, 2014 and 2013.
- Vestal Volunteer Emergency Squad, Inc. – Financial Statements for the Six Months Ended June 30, 2014 and 2013.

END OF CONSENT AGENDA

SUPERVISOR'S ANNOUNCEMENTS

- 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 1 thru March 31.
- The Vestal Police Department is inviting community members to attend the first annual 2015 Citizens Police Academy (CPA). This program will hold weekly 2 hour meetings (March 5 thru May 7 from 6:30 pm to 8:30 pm) that will cover topics relevant to law enforcement and emergency services. Those interested can contact Sgt. Stace Kintner via email at skintner@vestalny.com
- Please assist our Fire Department by shoveling snow away from the hydrants.

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ADDITIONAL PUBLIC COMMENTS

A speaker wanted to acknowledge the great job done by our Highway and Water Departments during the very cold, snowy and icy month of February. Councilwoman Fitzgerald noted that last week alone we had 11 water main breaks. These departments are putting in a tremendous amount of time.

A speaker noted that we have high sewer fees primarily because since the flood of 2011, the Binghamton/ Johnson City Joint Sewage Treatment Plant (JSTP) has been trucking secondary waste to the land fill. They have a deadline to get the repairs done so that the plant can handle this secondary treatment. Hopefully, the rates will decline when the secondary treatment comes back online. Supervisor Schaffer added that he continues to be frustrated with how the JSTP is being operated. We receive no taxes from the plant and we have no say in how it is being operated. If the resources become available, the Town should look into building its own sewage treatment plant.

A speaker apologized that she came late and missed the public hearing for the vehicle service station permit. Although she lives near the property in question, she was not notified of the public hearing. She pays high taxes and wants to make sure that the operation of this vehicle service station will not affect her property value and what happens if they don't follow the rules. Town Attorney Berger explained that the special permit is rescinded after this business closes or the property is sold. They must follow the rules and regulations that apply. Another speaker noted that there was a vehicle body shop at this location for many years and no one complained.

ADJOURNMENT

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the meeting was adjourned at 6:20PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk