

## **Regular Meeting of the Vestal Town Board April 8, 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 April 8, 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, 1<sup>st</sup> Deputy Town Clerk Kathie Young and 12 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 Agneshwar, seconded by Councilwoman Messina, the following resolution was

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

Resolved the Minutes of the Regular Meeting on March 25, 2015 are approved.

### **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**

#### **Procedure and Policies Resolution re: NY Rising Funds**

**R086-15**      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 to adopt the **Procedure and Policies Resolution** as related to the NY Rising program:

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A RESOLUTION ADOPTING THE PROCEDURES AND POLICIES FOR THE TOWN OF VESTAL FOR THE PROCUREMENT OF GOODS AND SERVICES NECESSARY FOR THE IMPLEMENTATION OF PROJECTS FUNDED BY THE GOVERNOR'S OFFICE OF STORM RECOVERY OF THE NEW YORK STATE HOUSING TRUST FUND CORPORATION

**Citizen Participation Plan re: NY Rising Funds**

**R087-15** On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to adopt the **Citizen Participation Plan** as related to the NY Rising program:

A RESOLUTION TO ADOPT A CITIZEN PARTICIPATION PLAN AS REQUIRED UNDER THE NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY (CDBG-DR) PROGRAM.

**Residential Anti- Displacement and Relocation Assistance Certification**

**R088-15** 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 to approve and the Supervisor to sign the New York State Housing Trust Fund Corporation (HTFC) Governor's Office of Storm Recovery (GOSR) Community Development Block Grant-Disaster Recovery Program (CDBG-DR Program) **Residential Anti- Displacement and Relocation Assistance Certification** as related to the NY Rising program.

**Bid Award: Floodwall Project to Mancini Associates**

**R089-15** 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 to authorize the Town Attorney to draw the appropriate paperwork awarding the **Floodwall Project to Mancini Associates** at the low bid price of \$263,700. Sufficient funds remain within the 2011 Flood Project to absorb the cost of the floodwall in excess of what the state and federal government will reimburse.

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**Town Code - Appendix B Schedule of Fees Amendments**

**R090-15** 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 adopt the following Resolution:

A. The Town Board has been advised that the request for and use of storage trailers on a temporary basis has become a more frequent need for commercial businesses in the Town and

That the Town of Vestal Code Department is increasingly being called upon to review, analyze and report on the desirability and safety of the use of said trailers, the Town Board hereby resolves,

That pursuant to the Town of Vestal Code, Chapter 24 Article II, Division 5, Part A Section 24-73(b) the Town Board is authorized to change Appendix B- "Schedule of Fees" by resolution; that Appendix B is hereby amended to include a new fee under OTHER MISCELLANEOUS FEES "Temporary Storage Trailers" as follows: **\$50.00 per trailer per month for up to six (6) months in any twelve (12) month period.**

B. That the Town Board has delegated to the Zoning Board of Appeals of the Town of Vestal, the authority to review applications for variances to the Town sign ordinance; said variance requests require additional time and resources to be dedicated to their appropriate review.

Accordingly, it is hereby resolved that the Town Code Appendix B Schedule of Fees – All Signs is hereby amended to include:  
**Sign Variance applications \$50.00 per sign.**

**Gateway Sign Special Permit Agreement – CEIS**

Stating that the Board did not receive the policy and procedures manual from CEIS prior to this meeting, Councilman Majewski made a **motion to table** this resolution, seconded by Councilwoman Agneshwar. **The motion to table failed.**

**Vote-** Ayes: Majewski, Agneshwar Nays: Fitzgerald, Messina, Schaffer

Councilwoman Agneshwar stated that the agreement should include language that specifies the Town officials who are authorized and responsible for posting on the sign. She wants to make sure that the policy is clear in the event of an emergency.

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Supervisor Schaffer stated that the normal chain of command in emergency situations would be applicable --Supervisor, Deputy Supervisor, Police and anyone specifically designated to fulfill the responsibilities. As a general rule, the Supervisor would compose the message and the IT Department would post it.

Town Attorney Dave Berger explained that such a policy need not be in the sign agreement but rather developed separately for the Town by the Town Board. The statute that authorizes this sign is in the Code Book. This agreement will govern our relationship with this company for the next 15 years. The Town Board will work with CEIS decide on other specific procedures concerning the sign.

Councilwoman Messina noted that the National Transportation Safety Board (NTSB) recommends the rotation of sign displays of between 4 to 10 seconds. The State recommends 8 to 10 seconds. We will have 10 seconds in this agreement. Councilman Majewski responded that the State recommendations apply to highway signs with larger writing. The traffic patterns on the Parkway are much more dangerous and these signs will create an additional distraction for motorists.

**R091-15** On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

**ADOPTED** Ayes 3 Fitzgerald, Messina, Schaffer  
Nays 2 Majewski, Agneshwar

Resolved to enter into a **Gateway Sign Special Permit Agreement** with **Community Electronic Informational Signage** regarding a Special Permit as approved on February 10<sup>th</sup>, 2015 R039-15 for a gateway sign located at **912 Vestal Parkway East, BCTMP #157.19-3-1.2.**

### Special Permit for Storage Trailer- Nirchi's Restaurant

**R092-15** 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 to issue a **Special Permit**, as required by Chapter 24, Article V, Division 3, Section 24-387, allowing **Nirchi's Restaurant**, 3916 Vestal Parkway East, BCTMP #159.09-2-21, to place one storage trailer at the store location (as shown on the submitted map) from now until October 2015. At least one hand-held 2 1/2 pound fire extinguisher is to be mounted in the box. The Board has reviewed the submitted Short Environmental Assessment Form under SEQRA and finds it

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acceptable. This permit will be immediately rescinded if the specified conditions are not adhered to.

**Special Permit for Storage Trailer - Refabulous Furnishings**

Councilwoman Agneshwar noted that this request is to keep a storage container on the site until July 2016. However, to comply with the newly adopted changes concerning storage containers, the maximum time should be reduced to 6 months.

A **motion to amend** this resolution to read **“for a period of 6 months”** was made by Councilwoman Agneshwar, seconded by Councilman Majewski. **The motion to amend passed.**

**Vote-** Ayes: Majewski, Agneshwar, Fitzgerald, Messina, Schaffer Nays: none

**R093-15** 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 to issue a **Special Permit**, as required by Chapter 24, Article V, Division 3, Section 24-387, allowing **Refabulous Furnishings**, 2231 Vestal Parkway West, BCTMP #172.14-1-5, to place one storage trailer at the store location (as shown on the submitted map) **for a period of 6 months**. At least one hand-held 2 1/2 pound fire extinguisher is to be mounted in the box. The Board has reviewed the submitted Short Environmental Assessment Form under SEQRA and finds it acceptable. This permit will be immediately rescinded if the specified conditions are not adhered to.

**CONSENT AGENDA**

On a motion of Councilwoman Agneshwar, seconded by Councilwoman Messina, 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 for Highway Department Truck Equipment**

**R094-15** Authorization for the **Town Attorney to advertise** on April 15, 2015 for **Highway Department Truck Equipment** with the bid opening to be Tuesday April 21, 2015 at 2:00 PM in the Town Clerk's Office.

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**FINANCE: Agneshwar/Messina**

**Receive and File:**

- **Warrant Reports:** 2015-13, 2015-13M, 2015-14, 2015-14A, 2015-14E
- **Town Clerk Monthly Report, March 2015** – Local Shares Remitted \$5,372.40

**Billable Hours for Town Attorney**

**R095-15** Authorization to pay **\$2,450.00 to Town Attorney David Berger for Billable Hours** for the period March 1, 2015 through March 31, 2015. Tax Cases were 8 hours/55 minutes and other cases were 7 hours/25 minutes.

**PERSONNEL: Fitzgerald/Majewski**

**Pension Waiver to Section 211**

**R096-15** Authorization for the Town Supervisor to sign the Section 211 Application, application for Pension Waiver to Section 211 of the New York State Retirement and Social Security Law (CSC-1 2/13L), as the Appointing Authority to certify the information provided is true and correct to the best of his knowledge.

**ADMINISTRATION: Messina/Agneshwar**

**R097-15** Authorization for Museum Director Ramona Kacyvenski to accept the 2015 Broome, Chenango, & Otsego Decentralization grant in the amount of \$2000.00 and an additional \$500 from the Stewart W. & Willma C. Hoyt Foundation to be used toward the *Vestal Museum Summer Bluegrass Series*.

**RECEIVE AND FILE:**

- NOTICE that a Public Hearing will be held on April 16, 2015 at 5:00 p.m. in the Broome County Legislative Chambers, 6<sup>th</sup> Floor, Edwin L. Crawford County Office Building, Binghamton NY pursuant to Section 303 of Article 25-M of the New York State Agriculture and Markets Law, on the question of including agricultural parcels in certified Broome County Agricultural Districts in various towns in Broome County NY, by the Broome County Legislature.

**END OF CONSENT AGENDA**

**NEW BUSINESS**

**Southern Tier Bicycle Club donates Bike Rack**

**R098-15** On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, the following resolution was

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

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Resolved to accept a donation from the **Southern Tier Bicycle Club** of a bike rack to be installed near the Coal House on the Rail Trail, subject to final approval of the location by the Parks Superintendent and the Town Board.

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

- The NYS Department of Environmental Conservation (DEC) has an open burning ban policy in place until May 14th. Burn permits will not be issued during this time

#### **ADDITIONAL PUBLIC COMMENTS**

A speaker stated that he was surprised that the gateway sign agreement was voted on tonight. He had hoped to comment on it prior to the vote.

A speaker asked why the fee structure for storage containers was changed and was not left at the \$150 that was previously discussed. Also, she expressed concern that the Board chose to grant so many variances to the newly adopted gateway sign law. We should establish sound regulations and stick by them. Supervisor Schaffer responded that the Board chose to go with a \$50 per container fee instead of the \$150 per application fee. As to the variances, the Board did the best it could with a new and complex set of regulations but adjustments are necessary as we learn more about the industry standards.

A speaker stated that storage trailers are probably used by some businesses to avoid paying additional real property tax. If these trailers increase the useable space for a business, shouldn't they pay more real property tax?

A speaker reiterated his ongoing request for the Town to investigate a deliberate act by a plow truck driver to block his driveway with snow and ice and the two times that the tires on his vehicle were punctured while he was attending a Board Meeting. He will not let this go. Also, he continues to feel that we are not following the state law concerning property assessments and that the Board members who miss meeting should not be paid and should resign.

#### **ADJOURNMENT**

On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, the meeting was adjourned at 6:49PM. Carried unanimously.

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