

Regular Meeting of the Vestal Town Board May 20, 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 May 20, 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 and approximately 60 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:

2015 Citizens Police Academy Awards

On behalf of the **2015 Citizens Police Academy**, Sgt. Stace Kintner recognized those who participated in this first 10 week academy and thanked the instructors who made this a successful program. Police Chief John Butler noted that the officers who participated in this course did so on their own time. The following citizens were recognized: Shoba Agneshwar, Deborah Borrelli, Darlene Bucinell, Mark Dedrick, Brandon Dickerson, Patty Fitzgerald, John Fletcher, Anthony Fletcher, Jack Gutshall, Debra Hogan, Linda Knight, Scott Kurey, Stacie Kurey, Suzanne Messina, Joe Opper, Marsha Pulz, Robert Pulz, Steve Reynolds, Ginny Rober, Mary Sayman, Peg Sever, Shawn Shumsky, Marlene Steenburg, Greg Stevens, Elaine Stuart, Dale Walter, Angie Weheliye.

A speaker on behalf of the graduating class stated that the course was extremely informative and gave the participants a better understanding of what the Police Department does in the community. In appreciation for his work, Sgt. Kinter was presented with a paperweight inscribed with the following: *Police heart of courage, spirit of dedication, heart of service.*

Police Achievement Awards

As part of Police Week, Police Chief John Butler and Lt. Ed Golluscio recognized the following individuals for various acts of quality work, valor and good

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citizenship: Police Officers Shane Rollison, Craig Angeline, Chris Cardarelli and Jared Fiacco; Police Sergeants Chris Streno, Stace Kintner and Ben Hettinger; Amigo Search and Rescue Dogs team member Pat Thompson.

Mark Thomas from the Vestal Volunteer Emergency Squad presented certificates to individuals who completed the CPR class.

On behalf of the Town Board, Supervisor Schaffer thanked everyone for their involvement in making Vestal a better community.

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 May 6, 2015 are approved.

BID OPENINGS

The sealed proposals for the following **Highway Materials** were received by the Town Clerk and then opened at 2:00 PM on May 11, 2015: **Transit Mix Concrete, Bank Run Gravel, Type #4 Gravel – NYSDOT approved, Coarse & Fine Aggregates & Road Sanding Materials, Bituminous Concrete – Hot Mix Asphalt, Plow Blades, Grader Cutting Edges and Tire Chain Material, Crusher Run Sub-base Type #2 (Item#304), Light and Medium Stone Fill**

The results were forwarded to the Highway Superintendent for review.

PRIVILEGE OF THE FLOOR (Agenda Items Only)

A speaker expressed opposition to spending additional money on the UHS lawsuit and complained that the Town does not advertise vacancies on volunteer boards. Supervisor Schaffer noted that we use several sources to solicit applications for volunteer advisory boards.

RESOLUTIONS & MOTIONS

Food Vendor at Summer Sunday's Bluegrass Series

Supervisor Schaffer and Councilwoman Fitzgerald stated opposition to having a food vendor for that many days competing with established food businesses nearby. Councilwoman Agneshwar indicated that she will support this application

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because it is part of a worthwhile Town event but that the Board needs to take a hard look at the overall policies concerning temporary food vendors.

Councilwoman Messina noted that this is a Town sponsored event. The food truck will be next to the Museum and will only serve during the concerts. This is no different than if this event was catered. This is for the people coming to the concert, not a fund raiser. Councilman Majewski agrees that we should support this request because it adds to the attractiveness of a Town sponsored event but in the future he would like to see the Town reaching out to the nearby food establishments to work out some cooperative arrangement.

R119-15 On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

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

Resolved to authorize Museum Director Ramona Kacyvenski to use the parking lot adjacent to the Vestal Museum to have **Smokey Legend BBQ** provide food for the *Summer Sunday's Bluegrass Series*, June 28 thru August 30, 2015 and to waive the peddler's fee for Smokey Legend BBQ.

Amend Gateway Sign Contract With CEIS

Councilwoman Messina noted that she checked with Code Enforcement and was told that the changed location of the sign will not affect the number of parking places needed for the restaurant on this property.

R120-15 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 following Resolution:

Whereas, the Town Board of the Town of Vestal has been asked by CEIS to amend the contract approved on April 8, 2015 (R091-15), and

Whereas, the Town Board has reviewed the request to change the location of the gateway sign at 912 Vestal Parkway East, Tax Map # 157.19-3-1.2 by relocating the sign seventy (70) feet east of the original location, as shown on the map attached to the request herein, now

The Town Board hereby resolves that it consents to the request by CEIS to change the sign location as set forth above and that it consents to the amendment of the agreement to incorporate the approved change, and that a copy of this Resolution shall be attached to and made a part of the contract.

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Volunteer Ambulance Workers Benefit Law – Good Samaritan Resolution

R121-15 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 following Resolution:

Whereas, the Town Board of the Town of Vestal has reviewed the request to adopt a change to the **Volunteer Ambulance Workers Benefit** law, sec. 5-1; and

Whereas, the Board has agreed that the change would be of benefit to the members of the Vestal Fire District, it is hereby resolved that:

Whenever a volunteer firefighter of the Town of Vestal Fire District provides services under General Municipal Law Section 209-I (Volunteer Ambulance Workers' Benefit Law Section 5) when there is no jurisdictional officer in command present, such volunteer firefighter shall be entitled to coverage under the VFBL (VAWBL) coverage provided by the Town of Vestal Fire District for the provision of such services. Upon the arrival of a jurisdictional officer in command, such volunteer firefighter shall report to such officer and offer his/her services to assist such fire company or fire department. If such offer of assistance is not accepted, then the volunteer firefighter of the Town of Vestal Fire District must immediately cease providing any additional service at the scene of the emergency.

Highway to Sell Surplus Items and Use Proceeds

R122-15 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 authorize the Highway Superintendent to sell the surplus items listed on the 2015 Auction List, as submitted for review to the Town Board, and to retain the auction proceeds (less \$5,000 revenue budgeted) not to exceed \$35,000, to be used for repairing a catch basin cleaner and for up-fitting 2 existing trucks with snow removal equipment. Such excess proceeds will be added to line D5130.4230.

Adopt the Municipal Finance Disclosure Policies and Procedures

R123-15 On a motion of Councilwoman Agneshwar, seconded by Councilman Majewski, the following resolution was

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

Resolved to adopt the **Municipal Finance Disclosure and Continuing Disclosure Policies and Procedures**, required as part of the voluntary

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compliance with the Municipalities Continuing Disclosure Cooperative (MCDC) Initiative of the US Securities and Exchange Commission.

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 Bids for Sewer Line Replacement

R124-15 Authorization for the Town Attorney to advertise for bids for a **Sewer Line Replacement** on May 27, 2015 to be opened on June 4, 2015 at 2:00pm in the Town Clerk's office for the following projects: **Hazel Drive, Harvard Street and Keenan Drive.**

Supervisor Signs Municipal Compliance Certification Form

R125-15 Authorization to retroactively approve the Town Supervisor signing of the **Municipal Compliance Certification Form (MCC)** for the **MS4 Stormwater Annual Report** relating the Town of Vestal sections to be included in the 2015 submittal to DEC through the Broome Tioga Stormwater Coalition.

FINANCE: Agneshwar/Messina

Receive and File - Warrant Reports: 2015-19, 2015-19E, 2015-20, 2015-20B, 2015-20E.

Payment to Counsel Press LLC for Legal Services

R126-15 Approval to pay \$1,018.99 to **Counsel Press LLC** for *Motion for Leave to Appeal* regarding the Town of Vestal vs. UHS litigation.

PERSONNEL: Fitzgerald/Majewski

R127-15 Authorization to re-appoint **Robert Bennett** to the **Planning Board** effective July 8, 2015. This term is to expire July 7, 2020.

R128-15 Authorization to appoint **John Donlin** to the **Recreation Commission** effective May 21, 2015. This term is to expire December 31, 2021.

PLANNING & ZONING: Messina/Fitzgerald

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PUBLIC SAFETY: Majewski/Agneshwar

R129-15 Request from Fire Chief David Harrington to approve Alexandra Moehring to intern in the Fire Department Administration Office for the month of June, 2015.

ADMINISTRATION: Messina/Agneshwar

Hiring of Summer Employees in Recreation Department

R130-15 Authorization for Recreation Planner Sue Jastran to hire the following summer employees (memo dated 5/13/15). All employee pay rates are budgeted items in the 2015 budget and the background checks have been completed.

A7180.1010 Labor – Swimming Pool Director

Anthony Michaels - as Assistant Instructional Pool Director at Pay rate \$10.75/hr.

A7180.1020 Labor – Labor Lifeguards

(There are three Lifeguards who are working as Part Time Lifeguards and they are also certified in WSI and may substitute in the swimming Instruction program, so they have two pay rates.)

Madison Card - Apalachin as Part Time Lifeguard at Pay rate \$8.75/hr. & \$9.75/hr.

Thomas Carlson - Apalachin as Full Time Lifeguard at Pay rate \$9.75/hr.

Cameron Cook - Vestal as Part Time Lifeguard at Pay rate \$8.75/hr.

Chad Economides - Vestal as Part Time Lifeguard at Pay rate \$8.75/hr.

Chris Gardner - Vestal as Part Time Lifeguard at Pay rate \$8.75/hr.

Joseph Haefner - Apalachin as Part Time Lifeguard at Pay rate \$8.75/hr.

Cherri Hanakovic - Vestal as Part Time Lifeguard at Pay rate \$8.75/hr.

Rebeka Hartman - Apalachin as Part Time Lifeguard at Pay rate \$8.75/hr.

Alexandra Kiser – Apalachin as Part Time Lifeguard at Pay rate \$8.75/hr. & \$9.75/hr.

Rachel Kosty - Vestal as Part Time Lifeguard at Pay rate \$8.75/hr. & \$9.75/hr.

Hannah Mieczkowski - Vestal as Full Time Lifeguard at Pay rate \$9.75/hr.

Danielle Pittari - Vestal as Part Time Lifeguard at Pay rate \$8.75/hr. & \$9.75/hr.

Alex Pinney - Binghamton as Part Time Lifeguard at Pay rate \$8.75/hr.

Joseph Pirc - Vestal as Part Time Lifeguard at Pay rate \$8.75/hr.

Katrina Tibensky - Vestal as Part Time Lifeguard at Pay rate \$8.75/hr.

Stephen Tibensky - Vestal as Part Time Lifeguard at Pay rate \$8.75/hr.

Jeffrey Washington - Vestal as Full Time Lifeguard at Pay rate \$9.75/hr.

Matthew Whiteman - Vestal as Part Time Lifeguard at Pay rate \$8.75/hr.

A7310.1021 Labor – Playground Instructors - Note we are still interviewing for openings.

Lyndsey Ackerman - Vestal as Playground Instructor at Pay rate \$9.25/hr.

Jennifer Almy - Vestal as Playground Instructor at Pay rate \$9.25/hr.

Thomas Commerford - Vestal as Playground Instructor at Pay rate \$9.25/hr.

Savanna Connolly - Vestal as Playground Instructor at Pay rate \$9.25/hr.

Cole Lewis - Vestal as Playground Instructor at Pay rate \$9.25/hr.

Jackie Rice - Vestal as Playground Instructor at Pay rate \$9.25/hr.

Ashley Tabuntschikow - Vestal as Playground Instructor at Pay rate \$9.25/hr.

Cheyne Teed - Vestal as Substitute Playground Instructor at Pay rate \$8.75/hr.

Spencer Teed - Vestal as Substitute Playground Instructor at Pay rate \$9.25/hr.

Emily West – Vestal as Playground Instructor at Pay rate \$9.25/hr.

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RECEIVE AND FILE:

- Annual Water Quality Report-2014

END OF CONSENT AGENDA

PETITIONS AND PROTESTS

A neighborhood group presented the Board with a petition (25 signatures) objecting to the alleged violations of the Vestal Zoning Ordinance by Warren Realty at 3456 Vestal Parkway East. The group claims that the installation of a parking lot at the rear of the property violates sections of the Code regulating set-backs, lighting and drainage. The residents of the neighborhood are asking the Board to intervene to correct the violations. **Supervisor Schaffer** stated that the Town Board cannot do anything at this time because this issue is being addressed by the Planning Board and the Zoning Board of Appeals.

SUPERVISOR'S ANNOUNCEMENTS

- **Open burning ban extended to May 21st, 2015.** The Department of Environmental Conservation has an Open Burning Ban from March 16th to May 21st. Burn Permits will not be issued during this time.
- **American Legion Post 89** (Vestal) will hold a **Memorial Day Ceremony** at the four corners Gazebo at Noon on Monday, May 25th. The public is invited.
- **Fire at Grace Lutheran Church** – The Town Board praises our Fire Department for successfully battling this fire and thanks Endwell and Endicott for providing mutual aid assistance. The professionalism exhibited in fighting this fire confined the damage to the church structure and saved nearby structures from involvement. Former Fire Chief Bob Nasiatka noted that 300 parish families have been affected but hopes that they can rebuild in Vestal.

ADDITIONAL PUBLIC COMMENTS

A speaker reiterated his ongoing concerns about the drainage problems on Seymour Road. When other streets in Town are getting sewer line replacements and infrastructure upgrades, the problems on his street are being ignored. **Supervisor Schaffer** explained that when this subdivision was built, the sewer and drainage infrastructure was installed to Code specifications at that time. We recognize that the system is not adequate to handle some of the more severe storm events that we experience today, but we do not have adequate resources to fix all of the problems of this nature throughout the Town.

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A speaker asked if the Town gets reimbursed for the hundreds of fire alarm calls from Binghamton University. Supervisor Schaffer replied that we get no assistance from the University for all of this additional work. Their unwillingness to work with the Town to address this issue is a continuing source of frustration. We have colleges and hospitals coming here tax free. We are 60 percent tax exempt in this Town. We are providing additional services to these entities without adequate funding. Our Fire Department is exhausted responding to the false alarms from the University.

Several residents from Landon Road spoke concerning the erosion of their properties from the Choconut Creek. Although the erosion has been ongoing for a number of years, it has now escalated into an emergency situation that requires immediate attention. Several large trees have careened over the creek and there is now a shed in the creek. These items are creating a dam. The work that has been done upstream over the years has increased the velocity of the water thus increasing the erosion of their properties. They have contacted the DEC and the Town and are not getting any advice as to how the dangerous situation can be fixed. The erosion problem will be exacerbated further with the construction of the new nursing home facility on Sheedy Road.

Supervisor Schaffer stated that the DEC tightly controls the Town's ability to access Choconut Creek. We have occasionally been permitted to do work to protect the Town's infrastructure but we cannot go in to fix problems affecting several private properties. The drainage plan for new nursing home facility was designed so as not to have a negative impact on the downstream properties. Although he cannot promise any results, he has reached out to a representative from the Governor's office to explore potential state assistance for addressing this problem. Perhaps a new drainage district can be established to help fund the needed repairs. He will keep the residents informed of any potential assistance that may become available. In the meantime, he recommends that the residents continue to engage DEC about ways to address the erosion issue impacting their properties.

ADJOURNMENT

On a motion of Councilwoman Messina, seconded by Councilman Majewski, the **meeting was adjourned at 7:36 PM.** Carried unanimously.

Approved by _____ **Emil J. Bielecki, Town Clerk**