

Regular Meeting of the Vestal Town Board September 16, 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 September 16, 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 19 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 Councilman Majewski, the following resolution was

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

Resolved the Minutes of the Regular Meeting on August 26, 2015 are approved.

BID OPENINGS

Supervisor Schaffer provided *Affidavit of Publication* and *Proof of Posting* regarding the request for bids for **Water Appurtenances** which were opened in the Town Clerk's office at 2:00 pm on Wednesday September 9, 2015. The results were:

<u>HD Supply Waterworks</u> \$ 83,253.40	<u>Everett J. Prescott, Inc.</u> \$ 96,575.00
183 Corporate Drive	241 Farrell Road
Binghamton, NY 13904	Syracuse, NY 13209

Ferguson Waterworks \$108,921.94
6050 Drott Drive
East Syracuse, NY 13057

PRIVILEGE OF THE FLOOR (Agenda Items Only)

A speaker asked for an explanation of *Water Appurtenances*. Supervisor Schaffer explained that they are various supplies needed for the Water Department.

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A speaker asked for details regarding money for the greenway signage and for the Robert Street storm water pump station. Supervisor Schaffer explained that the money for the Robert Street pump station comes from federal and state sources for flood mitigation. This project was one of the top ones identified by FEMA, the other being the Town Hall flood wall. The greenway signage project will install signs on the regional network of trails. Vestal is coordinating the project and will be reimbursed accordingly by the State and the participating municipalities.

RESOLUTIONS & MOTIONS

Award Bid for Water Appurtenances

R204-15 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 for the Town Attorney to draw the appropriate paperwork awarding the bid for **Water Appurtenances** to the low bidder **HD Supply of Binghamton, NY** at the low bid price of **\$83,252.40**. The bid will be for one year from the date of the contract. It is not anticipated that the whole amount will be used.

Advertise Public Hearing for Local Law to Override the Tax Levy Limit

R205-15 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 Town Attorney to **advertise on September 23, 2015** for a **Public Hearing on September 30th** regarding a Local Law entitled "*A Local Law to override the tax levy limit established in General Municipal Law 3-C.*"

2nd Annual Firefighter 5K Challenge on the Rail Trail

R206-15 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to authorize the Vestal Fire Department to hold the **2nd Annual Firefighter 5k Challenge on the Rail Trail** (Coal House) on Saturday, September 26, 2015 at 11:00 AM. This 5k run is a fundraiser to benefit Vestal Fire Company 1.

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On-Site Flu and Pneumonia Vaccine Clinics

R207-15 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 Director of Human Resources Nancy Olmstead to schedule **on-site flu and pneumonia vaccine clinics** for Town employees and pre-Medicare eligible retirees with Town health benefits and adult dependents who participate in the Town health benefits program. Adult dependents who are not insured by the Town health plan may obtain the vaccines at the same rate and are responsible for paying at the time of receipt. Retirees/spouses who have the Town's Medicare Advantage health plan are not eligible to participate in these clinics and are encouraged to obtain their vaccines from their health care provider.

Such clinics are to be provided by Lourdes Hospital at a rate of \$22 per flu vaccine and \$78 per pneumonia vaccine. Charges for eligible participants will be paid from the health insurance fund.

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

Subrecipient Agreement - Robert Street Storm Water Pump Project

R208-15 Authorization to adopt and the Supervisor to sign the *first amendment* to the original **Subrecipient Agreement** which relates to the NY Rising Funds for the **Robert Street Project**. The agreement is for \$130,076.00 of CDBG-DR Grant Funds in order to implement the Robert Street Storm Water Pump Station Conversion Project.

Supplemental Agreement No. 1 with NYSDOT

R209-15 Authorization for the Supervisor to sign the **Supplemental Agreement No. 1 with NYSDOT** regarding the *Two Rivers Greenway Signage Project* at a cost of \$275,416.00 and to retro-actively authorize the **advertisement of the Notice to Bidders** for this project on September 16, 2015, with bid opening on October 13, 2015 at 2 PM in the Town Clerk's Office. The Town

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Engineer is the coordinator for this project. The State will reimburse the Town 80% and each involved municipality will reimburse the Town their 20% share.

FINANCE: Agneshwar/Messina

Receive and File:

- **Warrant Reports:** 2015-35, 2015-35E, 2015-36, 2015-36E, 2015-37, 2015-37E
- Town Clerk Monthly Report – August 2015 – Total Local Shares Remitted: \$4,913.65
- Comptroller's Monthly Report – August 2015

Billable Hours for Town Attorney

R210-15 Authorization for the Business Office to remit **\$1,597.50 to Town Attorney David Berger** for billable hours for the month of August, 2015. Total time is 10 hours & 39 minutes.

LOSAP Service Fee Agreement with Penflex

R211-15 Authorization from the Board of Fire Commissioners for the Chairperson to sign the 2015/2016 **Service Fee Agreement** with **Penflex** permitting them to provide the Vestal Fire District actuarial and administration services for the **Service Award Program (LOSAP)**. The base fee is \$3,100 (a \$100 increase from last year) and the total estimated fees are \$6,500.

PUBLIC SAFETY: Majewski/Agneshwar

Fire to Sell 2000 Ford Excursion at Auction

R212-15 Authorization from the Board of Fire Commissioners for the Vestal Fire Department, Inc. to sell at auction a **2000 Ford Excursion**, VIN #1FMNU43S7YEB17485, with 69,658 miles.

Lauren Eaton Approved as Fire Department Member at Company No. 1

R213-15 Approval from the Board of Fire Commissioners for the acceptance of **Lauren Eaton** as a new member of Fire Department at Company No. 1.

ADMINISTRATION: Messina/Agneshwar

Court to Submit Grant Application

R214-15 Authorization for the **Vestal Town Court** to submit an application for a grant to the **2015 Justice Court Assistance Program** for the maximum

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amount available. This request includes monies for the purchase of: Air Conditioning unit, TV Monitor for the lobby and new wireless headsets.

Recreation to Hire for Fall Programs

R215-15 Authorization for Recreation Planner Sue Jastran to hire staff for **Fall Teen Basketball and Family Swim** as listed in her memo dated September 2, 2015. All employee pay rates are budgeted items in the 2015 budget and background checks have been completed.

A7310.1025 - Fall - Teen Basketball Labor

Rob Carr - Apalachin as Director of Teen Basketball at \$750.00 salary

A7310.1022 Labor – Family Swim Employee

Jenny Comency - Vestal as Lifeguard at pay rate \$9.25/hr.

RECEIVE AND FILE:

- **Clyde E. Wolf, Vestal, NY** – Received September 10, 2015 - Notice of Defect – Castle Gardens Road to Vivian Lane.
- **Kerri Petrzala, Apalachin, NY** – Received August 27, 2015 - Complaint regarding Code Enforcement.

END OF CONSENT AGENDA

CHAIR COMMENTS AND UPDATES

PETITIONS AND PROTESTS

SUPERVISOR'S ANNOUNCEMENTS

- **FINAL Brush Pick Up** for the 2015 Season is Friday, September 18, 2015.
- Vestal Fire Department to hold the **2nd Annual Firefighter 5k Challenge on the Rail Trail** (Coal House) on Saturday, September 26, 2015 at 11:00 AM. This 5k run is a fundraiser to benefit Vestal Fire Company # 1.
- We are again seeing an increase in dog owners failing to clean up on the Rail Trail. If this problem persists, it may result in banning of dogs on the Trail.
- The Fire Department Annual Memorial Service and Inspection will take place at Four Corners on Saturday September 19th from 10:00AM to 11:00AM. Each

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station will be bringing one piece of apparatus to display, and the fire fighters will be in Class A Dress Blues uniforms. This is a great opportunity to see our Fire Department at its best.

- **Art of Taxidermy At the Vestal Museum** - On exhibit September 5th to November 14th - Featuring works by: Joe Havel, Mike Macey, Kyle Konecny
 - Pieces from the Roberson Museum Collection – Lee Loomis
And personal pieces from Vestal residents: Russ Avery and Harold Farr
Open house Saturday September 5th 10-2pm
 - Children’s Crafts are Free! Please call and register in advance 748-1432 to be sure we have supplies for all!
 - September 26th - Stuffed Animals!
 - October 24th - Duct Tape Top Hats!

ADDITIONAL PUBLIC COMMENTS

A speaker congratulated the Board on its effort to keep expenditures down. However, he wonders why the Town continues to pay for a membership to the Upstate Association of Towns when it’s obvious that the organization’s main objectives are hydraulic ‘fracking in upstate NY and secession from the State. Supervisor Schaffer replied that the organization does address some very useful topics and we need to be engaged with our neighboring towns to stay abreast of the issues. Nonetheless, he will monitor the situation and discuss it with the Board.

Another speaker stated that it is an embarrassment that the Town is paying dues to an organization that supports secession. Supervisor Schaffer responded that there are other groups that do embarrassing things but we don’t always dismiss them. We do pick up useful information from the Upstate Towns group. These meetings are open to the public and he encourages people to attend. He will inform interested people when the meetings are scheduled.

A speaker praised the Highway Department for the work they did on Seymour Road. The Acting Highway Superintendent Rocco Turdo and Deputy Craig Hiller were very helpful and answered all of his questions. Also, he would like the Water & Sewer Department to provide notification when they do the smoke tests on the sewer lines in his area.

A speaker expressed concern about the dangerous situation created when high school students cross the Vestal Parkway during lunchtime. This problem

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would be exacerbated if trucks carrying frozen propane begin to appear on the Parkway. Supervisor Schaffer noted that it is not likely at this point that trucks carrying frozen propane will be coming through this area and less likely that they will be using that part of the Parkway.

Several residents of Lehigh Avenue spoke about the dangerous conditions created by the erosion of the Fuller Hollow Creek that runs behind their properties. They are wondering why no one is assisting them, especially in light of the fact that work is being done to fix the erosion problem in the Choconut Creek behind Landon Road. How did Landon Road get this funding?

Supervisor Schaffer responded that the Choconut Creek work near Landon Road was the result of Town Gary Campo working with the Broome County Soil and Water Conservation District. The funding was secured through Senator Libous who is no longer in office. His recommendation is for the residents of Lehigh Avenue to contact the Soil and Water Conservation District and work with them to identify potential solutions to the problem and try to secure sources of funding. The Town will not do work on private property.

Conservation Advisory Committee (CAC) member Cynthia Westerman noted the problem with Fuller Hollow Creek has been going on a long time. This problem can no longer be ignored and the NY Department of Environmental Conservation needs to help. The CAC has written a report concerning this topic. It is available on their website.

Councilman Majewski expressed frustration at the lack of response from Federal and State leaders concerning the flooding and erosion issues that we are experiencing in this area. We need to get them on board to help the local municipalities deal with these problems.

A speaker noted that there are a number of vacant homes on his rural road and he is concerned about crime. He is wondering if the Town has any figures that show a pick-up of crime activity. Supervisor Schaffer stated that he will have the Chair of the Public Safety Committee look into this.

Another speaker who is concerned about potential pick-up of criminal activity feels that people maybe casing some homes.

A speaker stated that there is a property Lehigh Avenue that is in a state of disrepair and appears to be abandoned. This house is infested with vermin creating

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a health hazard and needs to be torn down. Supervisor Schaffer thinks that this house has been repossessed by a bank. A recently passed law holds banks responsible for maintaining such properties so hopefully some action will be taken.

A speaker made the following comments:

- The Town's last property reassessment was a failure. They did not follow the NYS guidelines.
- The audits of the Town's fiscal condition show that we are short of money and the numerous budget transfers are adding to the problems. Supervisor Schaffer response: This statement is totally incorrect.
- The Board should stick to the meeting schedule on the 2nd and 4th Wednesday of the month and absent members should not get paid.

ADJOURNMENT

On a motion of Councilwoman Messina, seconded by Councilman Majewski, the meeting was adjourned at 7:02 PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk