

## Regular Meeting of the Vestal Town Board October 26, 2016

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 October 26, 2016.

### **TOWN BOARD PRESENT:**

**Supervisor 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, Recreation Planner Sue Jastran 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:

### **Recognition of Dora Donacik and Cathy Deskur - Girl Scout Troop #30919**

Supervisor Schaffer recognized and thanked **Cathy Deskur** and **Dora Donacik** of Girl Scout Troop **30919** of Vestal for completing their *Girl Scout Silver Award*. The Girl Scout Silver Award is the highest honor a Girl Scout Cadette can earn. They were required to spend a minimum of 50 hours working on a sustainable project that would impact their community for many years. Their project included the artistic design and painting of a mural at the entrance of the Vestal Memorial Pool. The mural consists of a beautiful sunset scene and underwater aquatic wonderland. The mural is bright and cheerful and has turned the pool entrance into a very welcoming atmosphere! On behalf of the Town of Vestal Town Board and the Vestal community, we thank Cathy and Dora, for all their time, creativity and wonderful community spirit!

### **APPROVAL OF MINUTES**

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 the Minutes of the Regular Meeting on October 12, 2016 are approved.

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### PRIVILEGE OF THE FLOOR

A speaker stated that she likes the activities at the Coal House but questions whether they should be promoted on the Town's website. It give the impression that the Town supports and sponsors all of these activities and events when in fact this is done by a private company that leases space from the Town.

At the previous Regular Meeting, a speaker asked for additional details and clarification on several sections of Proposed Local Law E of the Year 2016, specifically with respect to the provisions limiting towers to 50 feet in Sec. 5 and 30 feet in Section 6. Both are described as accessory use towers. He wanted to know what *accessory use* means and why these changes are being made?

Supervisor Schaffer, quoting from a memo provided by the Code Department, explained that *accessory use* means a use customarily incidental and subordinate to the principal use and located on the same lot with the principle use. Accessory use towers (Sec 24-151) other than buildings require Zoning Board of Appeals (ZBA) special permit approval. The purpose of establishing separate height limitations is to coincide with the various building height limitations. Essentially, taller buildings are allowed taller accessory towers. All require ZBA approval. These provisions are meant to address the issues that will arise with new forms of providing power and electricity "on-site." This trend is being encouraged and may eventually be mandated by New York State. Various alternate energy technologies are improving and the Town Code needs to address their potential use for personal power generation. These changes to the Code will assist in controlling the impact on neighborhoods.

### RESOLUTIONS & MOTIONS

#### Police to Hire Two Officers

**R234-16** 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 for the Police Chief John Butler to fill two (2) vacancies by hiring two Police Officers who will transfer from the City of Binghamton.

**Daniel Burch** will be appointed as a Police Officer effective November 28, 2016. Per the collective bargaining agreement his rate of pay will be \$65,504. Such appointment is contingent upon satisfactory completion of background checks,

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psychological testing, drug testing, finger printing, civil service transfer approval and Town Board approval.

**Patrick Giblin** will be appointed as a Police Officer effective November 28, 2016. Per the collective bargaining agreement his rate of pay will be \$68,527. Such appointment is contingent upon satisfactory completion of background checks, psychological testing, drug testing, finger printing, civil service transfer approval and Town Board approval

**Adopt 2017 Vestal Fire District Budget**

**R235-16** 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 final **2017 Vestal Fire District Budget** with total appropriations (including foam district) of \$1,202,064.

**Special Permit to Scorpion Security Products**

**R236-16** 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 issuance of a **Special Permit to Scorpion Security Products** to locate a light manufacturing business in a Community Business District (C-2) at 330 Jensen Road. The Board has reviewed the submitted SEQRA Short Environmental Assessment Form and finds is acceptable as no significant issues were identified.

**Adopt Vestal Fire District 5 Year Capital Plan**

**R237-16** On a motion of Councilwoman Agneshwar, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to adopt the **Vestal Fire District 5 Year Capital Plan** as follows:

**Whereas** the Vestal Fire District needs a plan for the future replacement of vehicles and apparatus and

**Whereas** the Board of Fire Commissions of the Vestal Fire District has the financial goal to increase capital reserves in order to finance, in part, the

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replacement of vehicles and apparatus and to reduce the dependency on issuing debt and

**Whereas** the Vestal Fire District has developed a plan to achieve this goal with planned annual increases in the tax levy, and

**Whereas** the provisions of this plan were discussed at the public hearing on the district's 2017 budget

**Now therefore** be it resolved that the following be adopted to represent the district's 5 year capital plan and that material modifications to this plan may only be made by the affirmative vote of two-thirds of the Board of Fire Commissioners:

**VESTAL FIRE DISTRICT 5 YEAR CAPITAL PLAN**

<i>Vehicle ID</i>	<i>Refurb / Purchase Date</i>	<i>Current Age</i>	<i>Replacement Yr Planned</i>	<i>Replacement Age</i>	<i>Method of Financing</i>	<i>Est Cost to Replace</i>
<i>Tanker 2</i>	<i>1988</i>	<i>28</i>	<i>2017</i>	<i>29</i>	<i>Reserve</i>	<i>\$375,000</i>
<i>Station 4</i>			<i>2017</i>		<i>Bond</i>	<i>\$4,500,000</i>
<i>Ladder</i>	<i>1985</i>	<i>31</i>	<i>2017</i>	<i>32</i>	<i>Bond</i>	<i>\$1,400,000</i>
<i>Tanker 3</i>	<i>1989</i>	<i>27</i>	<i>2018</i>	<i>29</i>	<i>Reserve</i>	<i>\$375,000</i>
<i>Engine 4</i>	<i>1998</i>	<i>18</i>	<i>2018</i>	<i>20</i>	<i>Bond</i>	<i>\$700,000</i>
<i>Engine 1</i>	<i>1998</i>	<i>18</i>	<i>2018</i>	<i>20</i>	<i>Bond</i>	<i>\$700,000</i>
<i>New BC Radio System</i>			<i>2019</i>		<i>Reserve</i>	<i>\$150,000</i>
<i>Training Van</i>	<i>1996</i>	<i>20</i>	<i>2019</i>	<i>23</i>	<i>Reserve</i>	<i>\$35,000</i>
<i>Engine 2</i>	<i>1998</i>	<i>18</i>	<i>2020</i>	<i>22</i>	<i>Bond</i>	<i>\$775,000</i>
<i>Engine 3</i>	<i>1998</i>	<i>18</i>	<i>2020</i>	<i>22</i>	<i>Bond</i>	<i>\$775,000</i>
<i>Traffic Trailer</i>	<i>1990</i>	<i>26</i>	<i>2021</i>	<i>31</i>	<i>Reserve</i>	<i>\$15,000</i>
<i>Chief 4</i>	<i>2008</i>	<i>8</i>	<i>2021</i>	<i>13</i>	<i>Reserve</i>	<i>\$60,000</i>
<i>Chief 2</i>	<i>2008</i>	<i>8</i>	<i>2021</i>	<i>13</i>	<i>Reserve</i>	<i>\$60,000</i>

Nothing in this plan shall be construed to authorize the Vestal Fire District to incur indebtedness for which obligations may be issued except as provided by local finance law.

### **Stipulation of Settlement - Bryon and Eleanor Moore**

**R238-16** 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 sign a **Stipulation of Settlement** for the following Article 7 Tax Certiorari cases filed in Broome County entitled:

**Bryon and Eleanor Moore** vs. The Assessor of the Town of Vestal, New York and the Town of Vestal, Broome County, New York, Index Nos. 2016-1073, 2012-1897, as follows:

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1. For tax years 2012/2013 the total assessment on 124 S Meadowbrook Lane (Tax ID 158.16-1-1.1) shall be reduced from \$177,400 to \$147,500
2. For tax year 2016/2017, the total assessment on 124 S Meadowbrook Lane (Tax ID 158.16-1-1.1) shall be reduced from \$172,100 to \$147,500

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town / County Tax	Town Refund
2012-13	\$177,400	\$177,400	\$147,500	-\$29,900	\$3,771.49	\$2,296.82	\$125.06
2016-17	\$172,100	\$172,100	\$147,500	-\$24,600	\$3,834.91	\$ N/A	\$ 0.00

\* Town = General and Highway

**TOTALS      \$125.06**

### Stipulation of Settlement - Belgray Ventures

**R239-16** On a motion of Councilwoman Agneshwar, seconded by Councilwoman Fitzgerald, the following resolution was

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

Resolved to authorize the Town Attorney to sign a Stipulation of Settlement for the following Article 7 Tax Certiorari cases filed in Broome County entitled:

**Belgray Ventures** vs. The Assessor of the Town of Vestal, New York and the Town of Vestal, Broome County, New York, Index Nos. 2016-1073, 2012-1897, as follows:

1. For tax years 2012/2013 the total assessment on 341 Front Street (Tax ID 173.22-1-16) shall be reduced from \$68,000 to \$20,500

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town / County Tax	Town Refund
2012-13	\$68,000	\$68,000	\$20,500	-\$47,500	\$1,445.67	\$889.47	\$197.97

\* Town = General and Highway

**TOTAL      \$197.97**

The Town Attorney and Business Office are authorized and directed to take all necessary steps to implement this resolution.

### CONSENT AGENDA

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 **Consent Agenda** is approved as follows:

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**FINANCE: Agneshwar/Fitzgerald**

**Receive and File:**

- Warrant Reports: 2016- 41, 2016-41E, 2016-42, 2016-42E
- Comptroller's Monthly Report – September, 2016

**Invoices for Legal Services:**

**R240-16** Authorization to pay \$286.40 to **Czerenda Court Reporting** for depositions in the Mooney vs. Town of Vestal case.

**R241-16** Authorization to pay \$7,768.50 to **Kenneth Frommer** for services in the NYSEG vs. Town of Vestal case.

**R242-16** Authorization to pay \$73.25 to **Avalon Document Services** for services in the Hicks vs. Town of Vestal case.

**R243-16** Authorization to pay \$4,004.08 to **Pappas, Cox, Kimpel, Dodd & Levine** for legal services for the Hicks vs. Town of Vestal case.

**R244-16** Authorization to pay a total of \$565.24 to **D&M Litigation Services** for subpoena services in the Hicks vs Town of Vestal case.

**Budget Transfers**

**R245-16** Authorization to make **budget transfers** as per the request from Deputy Comptroller Nick Angeline attached to his memo to the Town Board dated 10/20/16 for dates 9/24/16-10/20/16.

**PLANNING & ZONING: Messina/Agneshwar**

**Agreement with TuWay Communications**

**R246-16** Authorization for Town Supervisor John Schaffer to sign an agreement with **TuWay Communications** for Antenna Installation Services at the Andrews and Kopernik Tower sites.

**RECEIVE AND FILE:**

- Vestal Fire Department Fire Advisory Board Meeting Minutes, Sept. 19, 2016.
- 30-day Municipal Notice regarding the application for a NYSLA liquor license by Chili's Grill & Bar, 2553 Vestal Parkway East, Vestal NY.

**END OF CONSENT AGENDA**

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**SUPERVISOR'S ANNOUNCEMENTS**

- **Public Hearing** regarding the Proposed Local Law "F" of the year 2016 entitled: "A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-c" – Wednesday, November 9, 2016 at 6:00 PM - Vestal Town Hall Board Room.
- The time of the Town Board Work Session (budget review) on **Monday, October 31st** has been changed from **6:00 pm to 5:15 pm. Happy Halloween!**

**OTHER NEW BUSINESS**

**Community Projects Appropriation Grant For Arnold Park Bathroom**

Supervisor Schaffer stated that in 2006, there was money appropriated from a State grant for a bathroom at Moore Park. The grant money was not used because FEMA payed for that project after the flood. We resubmitted the grant application to instead use the funding for the bathroom at Arnold Park. It was approved and the Board needs to authorize the Supervisor to accept the grant for \$15,000.

**R247(A)-16** 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 authorize Supervisor Schaffer to sign and accept a \$15,000 grant for **Community Projects Appropriation** Contract # TM61467 for the Arnold Park bathroom.

**ADJOURNMENT**

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the **meeting was adjourned at 6:18 PM.** Carried unanimously.

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