

## **Regular Meeting of the Vestal Town Board December 18, 2019**

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 December 18, 2019.

### **TOWN BOARD PRESENT:**

**Supervisor John Schaffer  
Councilman Fran Majewski  
Councilwoman Patty Fitzgerald  
Councilwoman Sue Messina  
Councilman John Fletcher**

**ALSO ATTENDING:** Town Attorney David Berger, Director of Human Resources Nancy Olmstead, Town Clerk Emil Bielecki, and 6 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:

On the eve of their retirement from Town government, Supervisor Schaffer recognized and thanked **Councilman Fran Majewski, Town Clerk Emil Bielecki** and **1<sup>st</sup> Deputy Town Clerk Kathie Young** for their many years of service and dedication to the Town.

### **APPROVAL OF MINUTES**

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

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

**Resolved** the Minutes of the Regular Meeting on December 4, 2019 are approved.

### **PRIVILEGE OF THE FLOOR**

A speaker reiterated a litany of complaints and allegations against virtually all of Town government demanding that the Board launch an investigation into the alleged corruption and abuse of power. Supervisor Schaffer thanked the speaker for his comments but refused to respond due to the outrageously erroneous, inflammatory and slanderous nature of the accusations.

A speaker asked for an update on the requirement for Warren Realty to install fencing and other natural buffers at the rear of their property on the Parkway.

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Supervisor Shaffer noted that the company has ordered the materials and that they are working with the Town Engineer on the timeline to complete the project.

A speaker stated that on his way to tonight’s meeting, he noticed that a number of street lights were out in the areas of the shopping malls on the Parkway.

Supervisor Schaffer responded that most of these lights are either on private property of are under the control of the State. We routinely notify the State if we are made aware of lights that are not working.

**RESOLUTIONS & MOTIONS**

**Stipulation of Settlement for Tax Certiorari Case: 3803 Vestal Parkway E**

**R224-19** On a motion of Councilwoman Messina, seconded by Councilman Fletcher, the following resolution was

**ADOPTED** Ayes 5 Majewski, Fitzgerald, Fletcher, 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:

***Penfield Hotel L.P. & EJ Del Monte vs. The Assessor of the Town of Vestal***, New York and the Town of Vestal, Broome County, New York, Index Nos. 2014-1920, 2015-1680, 2016-1517, 2017-1556, as follows:

1. For tax years 2014/2015 the total assessment on 3803 Vestal Parkway East shall be reduced from \$4,300,000 to \$4,000,000
2. For tax years 2015/2016 the total assessment on 3803 Vestal Parkway East shall be reduced from \$4,300,000 to \$4,000,000
3. For tax year 2016/2017 the total assessment on 3803 Vestal Parkway East shall be reduced from \$4,300,000 to \$4,000,000

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town / County Tax	Town Refund
2016-17	\$4,300,000	\$4,300,000	\$4,000,000	-\$300,000	\$95,817.02	\$55,643.22	\$1,316.74
2015-16	\$4,300,000	\$4,300,000	\$4,000,000	-\$300,000	\$97,444.51	\$55,315.46	\$1,354.37
2014-15	\$4,300,000	\$4,300,000	\$4,000,000	-\$300,000	\$97,763.19	\$55,593.42	\$1,361.66

\* Town = General and Highway  
\$4,032.77

**TOTALS**

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

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**Appointment of Debra Wallace as Acting Receiver of Taxes**

Councilman Majewski asked if there would be an additional payment involved with this appointment. Supervisor Schaffer responded that additional monetary compensation has not been considered. Such an issue would be taken up by the new Town Board.

**R225-19** On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following resolution was

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

**Resolved** to adopt the following resolution:

WHEREAS, due to the resignation of the Receiver of Taxes effective at the close of business on December 31, 2019, there is a vacancy in the position of Town of Vestal Receiver of Taxes; and

WHEREAS, there is an immediate need for a qualified individual to fill that vacancy; and

WHEREAS, Town Law Section 64(5) authorizes the appointment of an Acting Receiver of Taxes; and

WHEREAS, the Town Board is now desirous of appointing **Debra Wallace** as Acting Receiver of Taxes; now, therefore, be it

RESOLVED, that the appointment of Debra Wallace, as Acting Receiver of Taxes, will expire upon the commencement of the calendar year next succeeding the first annual election at which the vacancy may be filled; and be it further

RESOLVED, that the Town Board of the Town of Vestal hereby appoints Debra Wallace as Acting Receiver of Taxes for a period commencing on January 1, 2020 and ending no later than December 31, 2020; and be it further

RESOLVED, that the Town Supervisor and the Town Clerk are authorized and directed to execute any documents necessary to comply with the intent of this resolution; and be it further

RESOLVED, that this resolution take effect immediately.

**Acceptance of Conservation Easement from Northstar Group Inc.**

**R226-19** On a motion of Councilwoman Messina, seconded by Councilman Fletcher, the following resolution was

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

**Resolved** authorizing the Town Supervisor to sign an agreement with **Northstar Group, LLC** to accept a *Conservation Easement* subject to approval of the final agreement by the Town Attorney.

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**CONSENT AGENDA**

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

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

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

**PUBLIC WORKS: Fitzgerald/Fletcher**

**Advertise for Public Hearing on Special Use Permit at 161 N. Jensen Rd.**

**R227-19**      Authorization for the Town Attorney to advertise for a Public Hearing for a **Special Use Permit** for a Commercial Recreation Facility in an Industrial District at 161 North Jensen Road, BCTMP# 158.11-1-9, with the publication date of January 8, 2020, and a Public Hearing to be held on January 22, 2020.

**FINANCE: Messina/Majewski**

**Receive and File**

**Warrant Reports:** 2019-48, 2019-48E, 2019-49, 2019-49E, 2019-50, 2019-50C, 2019-50E

**Payment for Appraisal of Vestal Park and Rehabilitation Center**

**R228-19**      Authorization to submit a payment in the amount of \$11,500.00 to Kenneth Frommer for his appraisal of 105 Sheedy Road (**Vestal Park Rehabilitation and Nursing Center**), BCTMP #189.12-1-41.22

**Dues for Membership to the Association of Towns of the State of NY**

**R229-19**      Authorization to submit payment to *The Association of Towns of the State of NY* in the amount of \$1,650.00 for the 2020 membership dues.

**Dues for Membership to the Greater Binghamton Chamber of Commerce**

**R230-19**      Authorization to submit payment to *The Greater Binghamton Chamber of Commerce* in the amount of \$390.00 for 2020 membership dues.

**Contract Renewal for Vestal Senior Center**

**R231-19** Authorization for the Town Supervisor to sign a contract renewal agreement with the **Broome County Office for the Aging** for lease of space for the *Vestal Senior Center* from January 1, 2020 to December 31, 2020.

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**Billable Hours for Town Attorney**

**R232-19** Authorization for a payment of \$525.00 to **Town Attorney David Berger** for billable hours for the period October – December 11, 2019.

**Budget Transfers**

**R233-19** Authorization for the Deputy Comptroller to make **budget transfers** as attached to his memo to the Town Board dated December 16, 2019.

**Budget Transfer for Boiler at Highway Garage**

**R234-19** Authorization for the **Town Comptroller to transfer** \$7,350 from line A1620.4080 (building and grounds maintenance) and \$10,000 from line A1990.4322 (contingency) to line A5132.2100 (highway garage equipment and capital outlay) for the purchase of a boiler for the Highway Garage.

**PUBLIC SAFETY: Messina/Fletcher**

**Vacation Carryover for Employees**

**R235-19** Approval for **Police Officer Ryan Franz** to carryover 5 days of vacation and for **Police Officer Steven Will** to carryover 3 days of vacation in addition to the 5 days of carryover that each is allowed by the PBA contract.

**Joseph Petrielle Hired as Police Officer**

**R236-19** Authorization for Police Chief John Butler to hire **Joseph Petrielle** as a Police Officer effective January 6, 2020. His pay rate will be \$52,976.00. Such authorization is conditioned upon meeting all civil service requirements as well as a satisfactory pre-employment background check and drug test.

**New Members of Vestal Fire Department**

**R237-19** Authorization from the Board of Fire Commissioners approving the following individuals as members of the Vestal Fire Department:

- **Derek Calcaine** as a new member of Company No. 2
- **Joel Darkwah** as a new member of Company No. 4

**Use of Fred Singer Training Site**

**R238-19** Authorization from the Board of Fire Commissioners to accept the \$700.00 payments and signed 3-year license agreements from **West Endicott Fire Department, Endwell Fire Department, West Corners Fire Department, Apalachin Fire Department, Union Center Fire Department and Broome County Fire Chief's Association** for use of the Fred Singer Training Site.

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**ADMINISTRATION: Fitzgerald/Messina**

**Appointment of Jeffery Merrill to Conservation Advisory Commission**

**R239-19** Authorization approving the appointment of **Jeffrey Merrill** to the *Conservation Advisory Commission* as an alternate member for a term of January 1, 2020 to December 31, 2020.

**RECEIVE AND FILE**

- December 5, 2019 - Request to waive the 30-day waiting period for an alcoholic beverage license application filing by JE Future Inc. (Red Chili Restaurant) at 4700 Vestal Parkway E., Suite 7.
- December 16, 2019 – Request to waive the 30-day waiting period for an alcoholic beverage license application filing by Moghul Indian Cuisine Inc. at 4700 Vestal Parkway E., Suite 5.

**END OF CONSENT AGENDA**

**SUPERVISOR'S ANNOUNCEMENTS**

- **Winter Parking Hours** are in effect from December 1 thru March 31. No parking of vehicles on any town streets and roads from 2:00 AM to 6:00 AM.
- The tentative date for the **2020 Organizational Meeting of the Town Board** is Wednesday, January 8, 2020 at 6:00 PM. Check the Town website for updates.
- There will be a **swearing-in ceremony** for newly elected Town Officials at noon on January 1st. The public is welcome and refreshments will be served following the ceremony.
- Wishing Town employees and all Town residents a Merry Christmas, an enjoyable Holiday Season and a Happy New Year!

**ADJOURNMENT**

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

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