

Regular Meeting Minutes of the Vestal Town Board
April 27th, 2022

TOWN BOARD PRESENT:

Supervisor John Schaffer
Councilwoman Patty Fitzgerald
Councilwoman Sue Messina
Councilman Jason Ellis
Councilman Stephen Donnelly

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Debra Wallace, 1st Deputy Town Clerk Heather Webster, Town Engineer Vern Myers, Supervisor and Town Attorney Secretary Andria Kintner.

Ten members of the public attended in person. Town Employees graciously stood in the hallway to allow more members of the public to attend in person. Supervisor Schaffer convened the meeting at 6:00 PM.

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

On a motion by Councilman Donnelly, seconded by Councilwoman Messina, the following was

ADOPTED Schaffer, Messina, Ellis, Fitzgerald, Donnelly

Ayes 5

Nays 0

- 2.1 Motion approving the April 13th, 2022 Draft Minutes of the Regular Meeting of the Town Board.

3. BID OPENINGS

Third Ave /Myrtle Pump Package Bids were opened 04.21.2022 at 2:00P.M. in the Town Board Room with Water Superintendent Scott Groats and 1st Deputy Town Clerk Heather Webster.

4. PUBLIC HEARINGS

04/27/22: Local Law "A" of 2022

833 Bunn Hill Road, Vestal, New York (BCTMP # 174.12-1-4) +/- 16.59a

817 Bunn Hill Road, Vestal, New York (BCTMP # 174.12-1-5) .95a

813 Bunn Hill Road, Vestal, New York (BCTMP # 174.12-1-6) 4.74a

Regular Meeting Minutes of the Vestal Town Board
April 27th, 2022

803 Bunn Hill Road, Vestal, New York (BCTMP # 174.12-1-7) 3.04a
791 Bunn Hill Road, Vestal, New York (BCTMP # 174.12-1-8) 7.97a
765B Jensen Road, Vestal, New York (BCTMP # 174.12-1-10) 8.08a

At this time Councilman Donnelly recused himself from the vote stating that not being on the Town Board at the onset of this item, he felt it best to remove himself from the vote. Councilman Donnelly left the Public Hearing Portion of the Meeting.

Town Attorney Dave Berger stated for the record that the purpose of this Public Hearing is to correct a procedural issue recognized by the Supreme Court in the prior proceeding. He went on to state that Local Law "A" includes a small change to the SEQW Wetland Mitigation. The Town Board has been in possession of Local Law "A" draft for two weeks, and shall herein after refer to such as the record. In addition, the Town Board is the only Board qualified to accept the site plan on this project. Town Attorney Berger then requested that Supervisor Schaffer ask for a motion to accept the foregoing as still accurate and all prior proceedings and hearings should be considered as part of this record and tonight's meeting as well.

On a motion by Councilman Ellis, seconded by Councilwoman Messina, the above was

ADOPTED Schaffer, Messina, Ellis, Fitzgerald, (Donnelly recused)

Ayes 4

Nays 0

Attorney Sarah Campbell from Hinman Howard & Kattell spoke on behalf of the applicant reiterating their continued interest in this project. Campbell stated that this Public Hearing involves an update with response to the Wetland Mitigation. The applicant will purchase one Wetland credit, there will be no mitigation on site. There are no changes to the actual plan.

Attorney Meave Tooher from Tooher & Barone spoke on behalf of Friends for Responsible Vestal Zoning. She spoke against the Planned Development District, citing the need for an Environmental Impact Statement to answer some of the public's concerns. In addition, she stated this Public Hearing was procedurally incorrect and subject to challenge again.

Seventeen members of the Public spoke in regards to Local Law "A".

Regular Meeting Minutes of the Vestal Town Board
April 27th, 2022

At this time Town Attorney Berger reviewed the SEQR in detail. (This document can be found on the Town Website)

Supervisor Schaffer then asked for a motion to accept the Negative Declaration.

On a motion by Councilman Ellis, seconded by Councilwoman Messina, the above was

ADOPTED Schaffer, Messina, Ellis, Fitzgerald, (Donnelly recused)

Ayes 4

Nays 0

Supervisor Schaffer in a roll call asked the Board Members to approve or deny Local Law "A" 2022 PDD.

Councilwoman Messina Aye, Councilman Ellis Aye, Councilwoman Fitzgerald Aye, Supervisor Schaffer, Aye. (Councilman Donnelly recused). Local Law "A" 2022 was approved.

Councilman Donnelly returned to the Regular Meeting.

3. PRIVILEGE OF THE FLOOR

One member of the Public voiced his concerns about building a shed on his current property that contains no primary residence. Supervisor Schaffer stated that he or Councilwoman Fitzgerald would be in contact with them tomorrow to review the situation.

4. RESOLUTIONS & MOTIONS

CONSENT AGENDA

5. PUBLIC WORKS (ELLIS/Messina)

R088-2022 Authorization to Advertise

Authorization for Craig Hiller, Highway Superintendent, to advertise May 4, 2022 for bids to purchase an enclosed trailer for the Parks Department. Bids

Regular Meeting Minutes of the Vestal Town Board
April 27th, 2022

will be opened on Thursday, May 12, 2022 at 2:00 pm in the Town Clerk's Office.

6.FINANCE (MESSINA /Donnelly)

R089-2022 Approval for Town Attorney to Sign Stipulation

Authorization for Town Attorney Dave Berger to sign a Stipulation of Settlement for the following Article 7 Tax Certiorari case filed in Supreme Court of the State of New York, County of Broome: Orograin Bakeries Sales, Inc. against the Assessor and the Board of Assessment Review of the Town of Vestal and the Town of Vestal, Broome County, New York. Index Numbers - EFCA 2017-1543 / 2018-1855 / 2019-2111 / 2020-1289 / 2021-1709 and the Business office is authorized to process any refunds.

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town/County Tax	Est Town Refund
2021-22	\$770,000	\$770,000	\$693,000	-\$77,000	\$16,873.67	\$10,029.43	\$332.62
2020-21	\$770,000	\$770,000	\$693,000	-\$77,000	\$17,822.27	\$10,299.39	\$349.51
2019-20	\$770,000	\$770,000	\$693,000	-\$77,000	\$17,612.21	\$10,437.92	\$347.27
2018-19	\$770,000	\$770,000	\$693,000	-\$77,000	\$17,740.36	\$10,562.21	\$344.02
2017-18	\$770,000	\$770,000	\$693,000	-\$77,000	\$17,707.11	\$10,557.32	\$340.16
						TOTALS	\$1,029.39

7.PERSONNEL (FITZGERALD/Donnelly)

R090-2022 Approval to create Safety Committee

Authorization to create a Town of Vestal Safety Committee.

R091-2022 Authorization of Theo Donacik Appointment

Authorization for Chereese Wiesner-Rosales, Museum Director, to appoint Theo Donacik as a Clerk (PT) at \$13.20 per hour for the period July 1, 2022 through August 31, 2022. It is estimated he will work approximately 10 hours per week to allow the Museum to be open to the public for additional hours.

8.PLANNING & ZONING (FITZGERALD/Ellis)

Regular Meeting Minutes of the Vestal Town Board
April 27th, 2022

9.PUBLIC SAFETY (MESSINA/Ellis)

R92-2022 Authorization to Transfer Asset Forfeiture Funds

Authorization to transfer asset forfeiture funds to the department training line. This is to cover the cost of recent narcotics training.

R093-2022 Approval to Donate Expired Ballistic Vests

Approval to donate expired Ballistic Vests that will be given to those people fighting to defend Ukraine. Historically, these vests would be discarded as they are no longer useful after five years.

R094-2022 Radio Maintenance BID Award

Approval to Award the Radio Maintenance Bid as follows:

- Labor for Radio Maintenance to Wirsig Electronics
- Labor for Radio Maintenance to Bush Electronics for the programming of the P25 Radios.

R095-2022 Approval of new Fire Member Anthony Mazzeo

Approval of New Fire Member Anthony Mazzeo at Company No. 1

R096-2022 Approval of New Fire Member Joseph Seif

Approval of New Fire Member Joseph Seif Company No. 1

R097-2022 Approval of New Fire Member Robert Brocious

Approval of New Fire Member Robert Brocious Company No. 2

R098-2022 Approval of New Fire Member Molly Hubbard

Approval of New Fire Member Molly Hubbard Company No. 2

R099-2022 Approval to Accept Payments

Approval to Accept Payments from Broome County Fire Chief's Association Owego Fire District, and Endwell Fire District all in the amount of \$750.00.

10.ADMINISTRATION (ELLIS/Messina)

R100-2022 Acceptance of Broome County Arts Council Grant

Regular Meeting Minutes of the Vestal Town Board
April 27th, 2022

Approval to accept the grant of \$1000 from the Broome County Arts Council to the Vestal Museum for the 2022 Haudenosaunee festival. The festival will take place on the rail trail on September 17th from 10-5 pm.

R101-2022 Acceptance of Earlville Opera House Grant

Approval to accept the grant of \$4000 from the Earlville Opera House to the Vestal Museum for the 2022 Second Saturday Music Series.

RECEIVE AND FILE:

- Warrants: 2022: 114,14E,16,16A,16E
- Fire Advisory Board Meeting Minutes 03.21.2022

END OF CONSENT AGENDA

On a motion by Councilman Donnelly, seconded by Councilwoman Messina, the above Consent Agenda was ADOPTED as written.

Schaffer, Messina, Ellis, Fitzgerald, Donnelly

Ayes 5

Nays 0

PETITIONS & PROTESTS

OLD BUSINESS

OTHER NEW BUSINESS

R102-2022 Approval to Hire Summer Help

Request from Highway Superintendent Craig Hiller to hire Summer help to begin on May 9th, 2022 at the Hourly Rate of \$13.20

On a motion by Councilwoman Messina, seconded by Councilwoman Fitzgerald, the above was ADOPTED.

Schaffer, Messina, Ellis, Fitzgerald, Donnelly

Ayes 5

Nays 0

Regular Meeting Minutes of the Vestal Town Board
April 27th, 2022

SUPERVISORS ANNOUNCEMENTS

The Town Board would like to thank the Vestal Fire, Police, Highway and Water Departments for the amazing work that was done throughout the storm last week.

Thank you to those who joined me to distribute water and dry ice to residents in need after last week's storm: Jason Ellis, Patty Fitzgerald, Sue Messina, Andria Kintner, Samantha Kintner, Heather Webster, Vern Myers, Charlene Schaffer, Nancy Olmstead, Deb Wallace and employees of NYSEG.

The Highway Department is continuing its work with storm control and clean up. Please continue to be patient as they will get to each Vestal neighborhood. I would also like to remind Town residents brush season is coming. **The Town does NOT pick up any contractors brush so if you hire a contractor they must take the tree and all the brush.**

Front Street Day:

• The Town Board is bringing back Front Street Day. It will be held on Saturday June 4th with a rain date of Saturday June 11th. We feel that this is important to the Vestal Community. There will be Craft and Food Vendors, Activities & Town Vehicles for all to enjoy. Visit the Town website for more information and how to participate.

200th Anniversary:

• 2023 will be the 200th anniversary of the Town of Vestal. Plans and ideas are being worked out so that the entire community can be a part of this great celebration.

Message from Carl Truman, Fire Marshall: reminding residents that there is a Burn Ban in effect from March 16 through May 14.

COMMITTEE CHAIR COMMENTS AND UPDATES

Councilwoman Patty Fitzgerald thanked everyone for attending the Public Hearing. Councilwoman Fitzgerald expressed her concern in regards to all of the misinformation that was included in much of the literature she received in regards to Local Law "A".

Regular Meeting Minutes of the Vestal Town Board
April 27th, 2022

Councilwoman Suzanne Messina stated that the flyer she received was inaccurate. She went on to state that the bar is high in regards to defamation of an Elected Official, but does exist and at some point, it will be explored. Councilwoman Messina then urged the Public to not believe everything you read. She closed by thanking the public for their attendance.

Supervisor Schaffer reminded the Public that we all live here in the Town and we all have families. This type of Hearing should not be a hate contest.

ADJOURNMENT

On a motion by Councilman Messina, seconded by Councilman Ellis, the meeting was adjourned at 7:37 P.M. Carried unanimously.

Approved by _____
Debra Wallace, Town Clerk

