

## Regular Meeting of the Vestal Town Board July 9, 2014

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 July 9, 2014.

### **TOWN BOARD PRESENT:**

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

**ALSO ATTENDING:** Town Attorney David Berger, Town Clerk Emil Bielecki, 1<sup>st</sup> Deputy Town Clerk Kathie Young, and approximately 40 members of the community.

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 Messina, seconded by Councilman Majewski, the following resolution was

**ADOPTED** Ayes 4      Majewski, Fitzgerald, Messina, Schaffer  
Nays 0

Resolved the Minutes of the Regular Meeting on June 25, 2014 are approved.

### **PRIVILEGE OF THE FLOOR (Agenda Items Only)**

A speaker asked about the status of the litigation with UHS. Town Attorney David Berger responded that he expects the appeal to be heard by late summer or early fall.

A speaker asked about the type of chemicals the Town was purchasing under the bid that was opened this week. Supervisor Schaffer replied that these chemicals were used in treating our water supply and the public pool.

### **BID OPENINGS:**

The Supervisor offered *Proof of Posting* and *Affidavit of Publication* regarding the following bids which were received and opened in the Town Clerk's Office on June 30<sup>th</sup> with the bid results being forwarded to the Water Superintendent for review and recommendations.

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- **Water Appurtenances**
- **Chlorine, Sodium Hypochlorite Solution and Hydrofluorosilicic Acid**
- **Liquid Polymeric Phosphate**

**CONSENT AGENDA**

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

**ADOPTED** Ayes 4      Majewski, Fitzgerald, Messina, Schaffer  
Nays 0

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

**FINANCE: Messina/ Majewski**

**Receive and File:**

- **Warrants** – 2014-26, 2014-26E, 2014-26F, 2014-27, 2014-27E
- **Town Clerk Monthly Report** – June 2014 – Total Local Shares Remitted: \$5,737.95
- **Comptroller's Monthly Report** - June 2014

**Legal Fees for Kenney, Shelton, Liptak & Nowak LLP – UHS vs Town**

**R177-14** Authorization for the Business Office to submit payment for the quarterly bill dated June 24, 2014 in the amount of \$3675.00 to **Kenney, Shelton, Liptak & Nowak LLP** for work on United Health Services vs Town of Vestal appeal litigation.

**Billable Hours for Town Attorney**

**R178-14** Authorization for the Business Office to make payment in the amount of \$1,107.50 to Town Attorney David Berger for June 2014 billable hours.

**PLANNING & ZONING: Messina/Fitzgerald**

**Binghamton-La Teste Sister Cities Program to Use Library Parking Lot**

**R179-14** Authorization for the **Binghamton-La Teste Sister Cities Program** to hold a fundraiser for the benefit of the Vestal Community Band at the library parking lot on September 26, 2014 from 12-6pm. An Indemnification Agreement is to be signed.

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### PUBLIC SAFETY: Majewski/Messina

#### Police to Purchase Tasers and Equipment

**R180-14** Authorization for John Butler, Chief of Police to spend \$3,147.35 from A3120-2626R- assets forfeiture line, to **purchase 3 Tasers and supplemental equipment.**

### END OF CONSENT AGENDA

#### ADDITIONAL PUBLIC COMMENTS

Supervisor Schaffer acknowledged that many people in the room wish to speak about the gas drilling issue and read the following statement:

*We are aware of the recent court of Appeals decision regarding Home Rule. While this decision permits a town to enact legislation that would ban fracking it does not require that a town do so. Accordingly the Town Board will continue to carefully monitor the issue and will act when and if there is a consensus to do so; meanwhile the NYS moratorium is still in effect and the town board will not be taking any action at this time.*

Approximately 15 speakers addressed the Board concerning the issue of gas drilling and the recent Court decision affirming certain Home Rule powers of municipalities as it pertains to land use. A synopsis of the comments is as follows:

- According to one study, newer and unconventional gas wells in Pennsylvania leak far more often than traditional ones and a coalition of health experts have asked NY to place a moratorium on hydraulic fracking for up to 5 years. Vestal should now also consider a moratorium and defend the safety of the Town.
- A state of moratorium is only good as long as it is in effect. The state can lift it at any moment and then it will be too late for the Town to react. The Board should act now. If not, tell us how you are going to protect us.
- Many people would like fracking allowed in Vestal. Our energy prices keep going up. The last election showed that not one candidate who was opposed to gas drilling was voted into office. If there is a moratorium, our land values will go down and the tax dollars will be re-proportioned to all other properties. The ad valorem taxes on gas drilling would help the community.
- The state is going full bore with solar energy. Alternate energy is the future. This will create many jobs for our area. We won't need the gas.
- The tide is turning against gas as an energy source.
- The recent Court ruling assures that the Town will not be sued if it imposes a moratorium on fracking. The Board needs to act now.
- The Board should investigate the effects of fracking on our health.

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- It is not true that if the State lifts the moratorium, it will be too late for the Town to act on its own moratorium. The economic aspects of gas drilling are important. The royalties can provide an economic boost. The Board has struggled to keep taxes below the cap. It is difficult for everyone and will become more difficult. An ad valorem tax will be a boon to the Town.
- The Board should clarify whether the Town can adopt a moratorium if the State lifts its ban. The procedure to do that should be discussed in public.
- Town Attorney Berger stated he would respond to individual questions concerning a moratorium but may need time to research some items.
- The Supervisor and the Board have been asked numerous questions and they have not had a single answer. The people have been polite and non-confrontational but they want answers to these straightforward questions. Over 2500 people have signed a petition in favor of a moratorium. Why isn't the Board prepared to answer basic questions?
- Supervisor Schaffer stated that he will address these issues with the Board. There is no solid proof at this time that fracking has created problems. Even professors can't agree. If people have legitimate questions he is here every day and will be happy to answer questions. 2500 signatures are only 8 percent of the Town. This Town will not give up its home rule powers.
- A speaker stated that he does not appreciate being categorized by the Supervisor as an activist when he just came to the meeting to get some information.
- People have received money for illnesses caused by fracking but that information is not easily available due to gag orders. The local jobs created because of fracking are not high paying jobs. Most of the expertise is brought in from out of state for a short time and then leaves. Gas employees know that the fracking fluid is not safe.
- The major concern with fracking is the threat to our drinking water.
- Crime has gone up in areas with fracking. A home that was rented to people employed by the gas companies was destroyed. They ruined their neighborhood.
- A speaker with knowledge of a community in Pennsylvania stated that there are no water issues there as a result of the gas drilling in the area.
- Hydraulic fracking is a gamble and we should not be gambling with our Town.
- If not at the Board meetings, when and where is the forum to advise the residents of the Town's position on fracking? We should have a referendum.

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- A speaker who has a cottage in Pennsylvania noted that his water was tested before and after fracking occurred in the area and he has experienced no problems: There are wells on four sides of the lake. The roads have been improved as well. A road ordinance for Vestal would be appropriate. The town should not take property rights away by banning gas drilling.
- The water may not be affected in every instance, but it does happen. The Town can enact a ban regarding the type of extracting that will be allowed.
- The Supervisor continues to state that they have seen no solid proof to connect the problem to hydro fracking. What exactly is the Supervisor and the Board reading on the fracking issue to come to that conclusion? We have police and fire to provide for us in anticipation that something may go wrong. The court decision has given each town the power to provide a level of protection similar to the police and fire department. A moratorium will provide a level of protection for all the residents while the Board continues to study the issue.
- Since water is a major concern, the Town should seek funding to upgrade our facilities and extend water and sewer lines. There is a revolving fund for clean water projects so municipalities can upgrade their water facilities. The EPA gives the state \$150 million per year and the money that is not being used for water projects is being redirected for other uses, such as the Tappan Zee Bridge. No one asked for it so it went to the Tappan Zee Bridge. The Town should look into this and apply for the grants.

### **SUPERVISOR'S ANNOUNCEMENTS**

- Vestal residents are reminded that the Town does not pick up lawn clippings. It is a violation of the Town Code and the NYS Vehicle & Traffic Law to deposit such items at the curbside and on the street. Tickets with fines will be issued for violations.

### **OTHER NEW BUSINESS**

#### **Award Bid for Purchase of Chemicals**

**R181-14** On a motion of Councilman Majewski, seconded Councilwoman Messina, the following resolution was

**ADOPTED** Ayes 4 Majewski, Fitzgerald, Messina, Schaffer  
Nays 0

Resolved to authorize the **Town Attorney to draw the paperwork awarding chemical bids** to the following low bidders:

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**Item #1 Chlorine 150 lb. cylinder at:           \$0.5333 per pound, \$53.33 CWT.**

**Item #2 Chlorine 2,000 lb. cylinder at:       \$0.35 per pound, \$35.00 CWT.**

To: **JCI Jones Chemicals, Inc.**, 103 River Street, Warwick, NY

**Item #3 Chlorine Hypochlorite Solution at:     \$1.74 per gallon**

**Item #4 Hydrofluosilicic Acid at:             \$6.649 per gallon**

To: **Slack Chemical Co.**, 465 South Clinton Street, Carthage, NY

The budget lines for these chemicals are W8330-4303 and W8330-4313.

**Special Permit for Storage Trailers - American Freight**

**R182-14**     On a motion of Councilwoman Fitzgerald, seconded Councilman Majewski, the following resolution was

**ADOPTED** Ayes 4     Majewski, Fitzgerald, Messina, Schaffer  
              Nays 0

Resolved to issue a Special Permit to American Freight, **1000 Front Street, BCTMP #172.36-1-19 to locate 40 foot storage trailers in the parking lot** was approved as follows:

- One (1) trailer to be in place from August 15<sup>th</sup> through September 15<sup>th</sup> and eight (8) to ten (10) trailers to be in place from January 15<sup>th</sup> through April 15<sup>th</sup> annually.
- That the location of the trailers be consolidated to the northeast of the parking area, with not less than a fifteen foot clear buffer between the back of a trailer and the property boundary to the east.
- That at least one 5lb 2A 10BC fire extinguisher be mounted immediately inside each unit.
- That this permit be immediately rescinded if the specified conditions are not adhered to.

**ADJOURNMENT**

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the meeting was adjourned at 7:03 PM. Carried unanimously.

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