

# REGULAR MEETING AGENDA OF THE VESTAL TOWN BOARD

## June 10, 2020

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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 June 10, 2020.

### **TOWN BOARD PRESENT:**

Supervisor John Schaffer  
Councilwoman Patty Fitzgerald  
Councilwoman Sue Messina  
Councilman John Fletcher  
Councilman Jason Ellis

**ALSO ATTENDING:** Town Engineer Vern Myers, Town Attorney David Berger, Deputy Town Comptroller Nicholas Angeline, Director of Human Resources Nancy Olmstead, Town Clerk Debra Wallace

Supervisor Schaffer called the Regular Meeting to order at **6:01 PM**, welcomed everyone and asked that all present join in the PLEDGE OF ALLEGIANCE.

### **APPROVAL OF MINUTES**

On a motion by Councilwoman Fitzgerald, seconded by Councilwoman Messina, the following was **ADOPTED** Ayes 5 Fitzgerald, Messina, Fletcher, Ellis, Schaffer  
Nays 0

**Resolved** the Minutes of the Regular Meeting on May 20, 2020 are approved.

### **RESOLUTIONS & MOTIONS**

#### **PUBLIC WORKS** (ELLIS/Messina)



#### **Two River Greenway Signage Project Amended Agreement**

**R082-20** On a motion by Councilwoman Messina, seconded by Councilman Fletcher, the following was

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

**Resolved** to authorize Supervisor John Schaffer to sign the Two River Greenway Signage Project Amended Agreement.

*Councilman Ellis asked why there was an increase in our costs. Town Engineer Vern Myers stated that Broome County is to pay Vestal the increase, it is not an expense to the Town of Vestal.*

#### **Delta Engineers to Address Yellow Structural Flags**

**R083-20** On a motion by Councilman Ellis, seconded by Councilwoman Fitzgerald, the following was

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

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**Resolved** to approve Delta Engineers to address Yellow Structural Flags that were issued as a result of the NYSDOT Bridge Inspection of 2019 with the cost to be covered under the NYS CHIPs funds.

*Town Engineer Vern Meyers stated that we have 1 year to repair. Sidewalk will be closed for a couple of weeks. Councilwoman Fitzgerald asked if the bridge will be closed. Vern stated that it may need to be for a short period of time.*

**TABLED - \$1 Fee Waived Acquisition for Plaza Service Road**

On a motion by Councilwoman Messina, seconded by Councilman Fletcher, the following was **TABLED:**

Approve \$1 fee waived acquisition for the Plaza Service Road for the NYSDOT Trail project from Binghamton to Vestal.

Ayes 5            Fitzgerald, Messina, Fletcher, Ellis, Schaffer  
Nays 0

*Motion tabled to renegotiate terms of contract.*

**Motion to Renegotiate Plaza Service Road for NYSDOT Trail Project**

**R084-20**        On a motion by Councilwoman Messina, second by Councilman Fletcher, the following was

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

**Resolved** to renegotiate contract terms for the Plaza Service Road for NYSDOT Trail Project \$1 for \$1 for the Greenway Project in lieu of them agreeing to give us the EMT site for \$1.



**Advertise for Bids for Water Department**

**R085-20**        On a motion by Councilwoman Fitzgerald, seconded by Councilwoman Messina, the following was

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

**Resolved** to authorize Scott Groats, Water/Wastewater Superintendent to advertise for bids for Water Chemicals and Sanitary Sewer Replacement on June 17, 2020 with bid opening on June 30, 2020.

**FINANCE (MESSINA/Fletcher)**

**Budget Amendments**

**R086-20**        On a motion by Councilwoman Fitzgerald, seconded by Councilwoman Messina, the following was

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

**Resolved** to approve Budget Amendments outlined in 6/8/2020 Memo.

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**PERSONNEL (FLETCHER/Fitzgerald)**

**NYS Retirement System Timekeeping Resolution**

**R087-20** On a motion by Councilman Fletcher, seconded by Councilwoman Fitzgerald, the following was

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

**Resolved** to approve the NYS Retirement System timekeeping resolution as it appears in the addendum.

**Amended Retirement Incentive to All Non-Union Employees**

**R088-20** On a motion by Councilman Fletcher, seconded by Councilwoman Messina, the following was

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

**Resolved** to amend Retirement Incentive to All Non-Union Employees who are Eligible to Retirement (R082-20). To read as follows:

*RETIREMENT INCENTIVE FOR NON-UNION EMPLOYEES*

*This retirement incentive is offered to all non-union employees with the Town of Vestal who are eligible to retire and maintain health insurance in retirement as defined in the Employee Handbook.*



*This incentive is NOT available to elected officials.*

*This retirement incentive, if accepted by an employee is entirely voluntary on the part of the individual.*

*To receive this incentive the individual must file papers with the NYS Retirement System, notify the Comptroller in writing of this action and have his or her retirement date be no later than 7/1/2020.*

*If the individual qualifies for retiree health insurance, the Town agrees to:*

*Waive the individual's health insurance contribution for the period beginning July 1, 2020 and ending in the month the individual becomes Medicare eligible. The individual will begin making retiree health insurance contributions beginning when Medicare plan coverage begins. Retiree contributions and coverage will be dictated by the terms of the employee handbook in effect at that time.*

*Maintain the individual's level of coverage at the same level the individual had upon retirement. For example, if upon retirement the individual has individual coverage this level of coverage will continue to be available until becoming Medicare eligible. If upon retirement the individual has family coverage this level of coverage will continue to be available until becoming Medicare eligible.*

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*Maintain the benefits at least at the level in place at retirement until the individual becomes Medicare eligible. For example, if in the future a plan change were made to remove or decrease the level of a benefit said benefit would remain intact for the individual retiring with this incentive until the individual becomes Medicare eligible.*

*In addition the Town agrees to:*

*Waive the requirement that an employee with 25 years of service retire after July 1 to receive a full year of vacation time payout. Currently employees with 25 years of service who retire after July 1 in any year may receive cash payment for the full years' worth of vacation time. Employees with 25 years of service who retire under this incentive will receive the full years' worth of vacation time.*

**Fire Department New Members**

**R089-20** On a motion by Councilwoman Messina, seconded by Councilman Fletcher, the following was

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

**Resolved** to approve Thomas Bowen (Station 3), (Nick) Fnu Nakalunk (Station 4) and Ethan Clark (Station 4) as new members of the Fire Department.

**PLANNING & ZONING (FITZGERALD/Messina)**

**Outdoor Seating for Restaurants**

**R090-20** On a motion by Councilwoman Fitzgerald, seconded by Councilman Ellis, the following was

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



**Resolved** to approve outdoor seating for restaurants until indoor seating is again permitted. The Town Board agrees to suspend current regulations in light of COVID-19 and implement these interim regulations.

*Councilwoman Fitzgerald asked about places like the Coal House being able to put seats outside, but Town Code Enforcement stated that bathrooms must be available. Bathrooms must be cleaned 3 times a day to meet the requirements from NYS. The Town is not in a position to do that at this point.*

**TABLED - Local Law "A" Advertising**

On a motion by Councilwoman Messina, seconded by Councilman Fletcher, the following was **TABLED:**

Approve to Approve Local Law "A" Amending the Code of the Town of Vestal Chapter 5 "signs" to be advertised on July 22, 2020 with the public hearing on August 12, 2020.

Ayes 5                    Fitzgerald, Messina, Fletcher, Ellis, Schaffer  
Nays 0

*Tabled until next meeting to include a time frame that signs may be posted. Attorney David Berger will meet with Code Enforcement to work on the wording for the law.*

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**PUBLIC SAFETY (MESSINA/Fletcher)**

**Police Department to Auction SWAT Vehicle**

**R091-20** On a motion by Councilwoman Fitzgerald, seconded by Councilman Fletcher, the follow was

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

**Resolved** to Approve the police department to Auction the retired SWAT vehicle via Auction International 2005 Ford E350 (VIN 1FDXE45P86HA32519)

**ADMINISTRATION: (ELLIS/Fletcher)**

**Town to Print Tax Bills**

**R092-20** On a motion by Councilwoman Fitzgerald, seconded by Councilwoman Messina, the follow was

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

**Resolved** to approve Debra Wallace, Town Clerk to pay \$1500.00 to Allen Tunnel for software to allow the Town to print tax bills instead of BC Printing and Graphics.

**Museum to Accept Grant**

**R093-20** On a motion by Councilwoman Messina, seconded by Councilman Fletcher, the follow was

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



**Resolved** to approve Chereese Weisner-Rosales, Museum Director accepting a grant for \$350 from the Broome County Arts Council.

**Local Law “B” Advertising**

**R094-20** On a motion by Councilwoman Messina, seconded by Councilwoman Fitzgerald, the follow was

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

**Resolved** to Approve Local Law “B” to “Abolish Elected Tax Receiver Position” to be advertised on July 1, 2020 with the public hearing on July 22, 2020.

**July Pavilion Rentals**

**R095-20** On a motion by Councilwoman Messina, seconded by Councilwoman Fitzgerald, the follow was

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

**Resolved** to approve pavilion reservations to be received after the Phase 4 opening.

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**RECEIVE AND FILE**

- Warrants: 2020 –21, 21E, 22, 22E, 23, 23E
- Town Clerk Monthly Report
- VVES Financial Statements Dec. 31, 2018 – 2017, Dec. 31, 2017 – 2016
- COVID-19 Reopening Safety Plan
- Change of Tenant - 2505 Vestal Parkway East

**COMMITTEE CHAIR COMMENTS AND UPDATES**

The next Work Session will be held June 22<sup>nd</sup> and Board Meeting will be June 24<sup>th</sup>.

**SUPERVISOR'S ANNOUNCEMENTS**

Town Hall Building continues to be closed to the public until further notice.

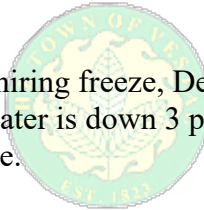
**OTHER NEW BUSINESS**

**Meeting with Recreation Department**

John Schaffer, Jason Ellis, Laura McKane and Nancy Olmstead will be meeting with the Recreation Department to see what the next steps are as things start to open up in the future.

**Highway & Water Employee Shortage**

Supervisor Schaffer stated that due to the hiring freeze, Departments are becoming short on employees. Highway is down 5 people, Water is down 3 people so the Town is going to have to take a look at what the next steps should be.



**Water Bill from City of Binghamton**

Councilman Ellis stated that the City of Binghamton sent us a late notice for a water bill for the time period when we had to shut down at Bunn Hill and had water come in from the City. There is an agreement in place with the Sewage Treatment Plant that we do not bill each other for water. Scott Groats is going to write a letter to the city to see if we can come up with a compromise.

**Removal of Planning Board Chair**

**R096-20** On a motion by Councilman Ellis, seconded by Councilman Fletcher, the follow was

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

**Resolved** to remove the Chair of the Planning Board to a regular Board Member due to lack of responsiveness to Town Board and lack of availability.

*Supervisor Schaffer stated that there is concern about the attendance and responsiveness from the Chair of the Planning Board. Town Attorney David Berger stated that we can remove the current Chair and have them remain a member of the Planning Board. A letter will be sent to inform them of the change.*

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**Advertising of Town Volunteer Boards**

Director of Human Resources Nancy Olmstead stated that a Planning Board Member's term expires July 7<sup>th</sup> and does not wish to be reappointed. Nancy Olmstead stated that it has been a while since we advertised for members of our volunteer boards. She will contact Rosemary at the Town Crier to advertise for our boards.

**Fields at Vestal Center Park**

**R097-20** On a motion by Councilwoman Fitzgerald, seconded by Councilman Fletcher, the follow was

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

**Resolved** to not renew the contract with Station 2 to maintain the fields at the Vestal Center Park. *The Town pays Fire Station 2 \$1250 to rent fields in Vestal Center. Town will not renew the contract and maintain the fields anymore. A letter will be sent to Station 2.*

**EXECUTIVE SESSION**

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

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

**Resolved** for the Board to enter into Executive Session to discuss the following items:  
Contract Negotiations



The time was 7:12 PM.

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

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

**Resolved** the Board to leave the Executive Session. The time was 7:45 PM.

Approved by \_\_\_\_\_  
**Debra Wallace, Town Clerk**