

VESTAL TOWN BOARD WORK SESSION MINUTES

MONDAY, APRIL 8, 2013

In Attendance: Supervisor Schaffer, Board Members Fitzgerald, Milkovich, Majewski & Marnicki

Also Attending: Town Engineer Gary Campo, Town Comptroller Laura McKane, Town Attorney David Berger, Water/Sewer Superintendent Scott Groats, Human Resource Director Nancy Olmstead, Highway Superintendent Brock Leonard, Highway Mechanic Andy Gowe, Town Clerk Emil Bielecki, Fire Chief Pat McPherson and several members of the community.

WORK SESSION – Supervisor Schaffer convened the meeting at 6:00 PM

6:00 PM Jennifer Stuckert – Interactive Health Services

Ms. Stuckert, a representative from Interactive Health Solution (IHS) presented an outline of a health wellness program called **Blue4u** which is available through Excellus in conjunction with IHS. This program was recently presented to the Town's Health Care Oversight Committee.

According to Ms. Stucker, the major purpose of the program is to increase employee awareness of chronic conditions which are 70% preventable. The following program highlights and statistical figures were mentioned in the presentation:

- The Blue4u program shows a 54-65% reduced claims trend over 2 ½ years documented
- Studies show that with the IHS program, both workers comp and STD claims are lower.
- This is a turnkey program – no additional work load for the participating organization
- Program can be implemented so that it is **funding neutral**.
- Program starts with on-site health assessments and a wide variety of health resources are provided throughout the year, including coaching
- The wellness program can be designed to provide incentives for employees to participate or it can be done on a totally volunteer basis.

Comptroller Laura McKane stated that this program could help us contain our health care costs. She and the Human Resource Director will come back to the Board to talk about how, and to whom, we can offer this program.

6:30 PM Gary Campo & Scott Groats -- New Joint Sewage Treatment Plant Regulations

Town Engineer Gary Campo and Water/Sewer Superintendent Scott Groats discussed the new regulations developed by the Binghamton-Johnson City Joint Sewage Treatment Board that we must adopt as part of our Code. The purpose of the new regulations is to control sewer flow to the plant requiring the Town to make applications to the Joint Sewage Treatment Plant for new/modified connections to our sewer system that connects to the plant. Anything over 2500 gallons of flow will now have to go the Joint Sewage Treatment Plant for approval.

The implementation of the new regulations is complex and potentially costly. Data on inflow and infiltration (I & I) work will have to be documented and managed. Credits will be created through projects which reduce the amount of I & I. These credits could be applied to offset the inflow to the plant from new hook-ups. The credits will have a monetary value and could be bought and sold among the users of the plant. Developers could be required to do the I & I work to get the credits.

According to Scott Groats, we now have close to 40,000 offset flow credits which gives us some cushion. However, these credits need to be carefully managed so as not to have problems that could potentially hinder future development.

The Board instructed the Town Attorney to advertise for and schedule a public hearing on a local law

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to amend Chapter 18 of the Town Code amending the rules and regulation relating to use of the Binghamton-Johnson City Joint Sewage Treatment Plant.

6:45 PM Brock Leonard and Andy Gowe (Highway Dept.) ---Discussion about equipment needs

Highway Superintendent Brock Leonard and Head Mechanic Andy Gowe presented the Board with the rationale and justification to replace/acquire 3 pieces of equipment that are needed in the Highway Department: **front end loader, large roller and a screener/stacker**. These items were previously requested during the capital projects review process. Brock Leonard stressed that with these pieces of equipment, we are talking about needs, not wants.

Andy Gowe stated that the loader that was slated to be replaced is about to fail. An analysis of the oil sample indicates that there is a problem with the transmission. The loader has over 9,400 hours of operation and is past the point of a quick fix me up. It is at a stage where various components can start to fail. Fixing the machine risks throwing good money after bad. A new loader will cost approximately \$240,000. He is looking to the Board for direction.

Brock Leonard stated that a large roller is absolutely necessary if the Highway Department is to continue to do paving. He can purchase a used one that is in great condition for about \$60,000. In making a case for a screener/stacker, Brock noted that this new piece of equipment would save time and money and conserve equipment.

After a brief discussion, the Board requested Andy Gowe to present a work-up of the estimated costs for repairing and maintaining the loader. The Board will take up these issues at the next Work Session.

COMMITTEES

7.1 PUBLIC WORKS

1. Authorize the Town Attorney to advertise on April 17th, 2013 for **bids on all Highway Materials** to be opened **April 25th** at 2:00 pm in the Town Clerk's Office.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

2. **EAGLE SCOUT PROJECT** - Drain markers

Josh Lagerwall, a Vestal resident and member of Boy Scout Troop 225 is requesting to undertake a storm drain marker installation project as an Eagle Scout project. This would be done on May 11th in cooperation with Town Engineer Gary Campo.

This project would take place throughout Vestal neighborhoods by 5 teams of 5 adults and youth beginning at 8 am and ending at 1 pm.

It is being request that the Town waive the \$50 shelter usage fee. Arnold Park shelter #3 has been reserved as a meeting place for volunteers to pick up their supplies. Volunteers will return to the shelter at 1 pm to return unused supplies and a lunch will be provided.

Town Engineer Gary Campo indicated that he will closely supervise this project and that Josh has a detailed plan that will be reviewed and approved by the Scouting Council ensuring that the necessary safety precautions are being taken.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

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3. Request to go to bid and for the advertisement on April 17th, 2013 of the following water and wastewater line replacement projects with openings on May 2nd, 2013 starting at 2:00 pm.

Water Line Replacement

- 1) Vestal Parkway East
- 2) George Street
- 3) Katherine Lane
- 4) Lewis St.

Wastewater Line Replacement

- 1) Cortland Drive

Councilman Majewski asked which portion of Vestal Parkway would be done. Councilman Milkovich said that he would have an answer before the meeting.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board

4. As per communication from Town Engineer Gary Campo, one more home was found that is deemed as unsafe to enter. This will allow for the structure to be demolished without the benefit of an asbestos survey.

1716 Pearl Street, Colleen Anderson

Arrange for Town Board authorization to declare this building unsafe and to order the Engineering Dept to arrange for its demolition.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

5. **FEMA demolitions-** Arrange for Town Board authorization to advertise May 1 with bid opening on May 20 at 2:00 PM for the FEMA home demolitions.

NYSDOL has given the Town a waiver on the notification fees required for asbestos related project. The fees depend on the amount of asbestos in the building, but the high limit is a \$4,000 savings on each home, (the actual savings will be determined once the studies are done).

Several Board members indicated a desire to seek bids for the demolitions in two ways: in pieces or as a whole. The Town Engineer will be asked to incorporate that request into the bidding process.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

7.2 FINANCE –

1. **Warrants** - 2013 –13, 13E, 14, 14E

OK - This item will be placed on the Agenda as a Receive and File item at the next Regular Meeting.

2. Request from Comptroller, Laura McKane to revise the scrap material security and sales policy as stated in memo dated 3/26/13.

Comptroller McKane noted that the changes to the policy are to clean up some of the language. Also, some changes are being made concerning the way revenue is dealt with so as to properly record it in the budget. It will result in some adjustments to how departments manage proceeds from scrap metal sales.

The Board members felt they needed more time to review the scrap metal policy and to discuss it in a future work session.

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3. Request to authorize Laura McKane, the Town Comptroller to sign agreements to renew the contracts with Excellus for stop loss protection at a cost of \$98 per contact per month, a 6% increase, effective 4/1/2012 - 3/1/2014 and the contract for the PPO H plan effective 5/1/2013 - 4/30/2014. The PPO H plan administrative fee is increasing by 5% to \$58.07 per contract per month and additional fees are also added for fees added under the Affordable Care Act. The required letter of credit also increases from \$210,900 to \$233,900.

Comptroller McKane indicated that these are renewals that we have no choice but to approve as part of the existing health care program. We expect our Insurance Consultant to shop these items prior to next year's contract renewals.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

4. Discuss Budget transfer to pay Ruth Lewis, an additional \$1012.46 owed for grant work she has preformed

Councilman Marnicki noted that the work was required to complete the documentation necessary for submission to the State for reimbursement from 2 Coal House grants. The time needed to complete the work was more than anticipated when the Board approved the initial amount of \$2,000.

Several Board members objected to paying this additional amount on the premise that it was not pre-approved by anyone. There appeared to be a total lack of oversight on this project.

Comptroller McKane stated that she did not realize that the \$2,000 expense was exceeded but that it should be paid because the additional work was necessary to complete the project.

Human Resource Director added that Ruth Lewis was hired as an employee, not as an independent contractor. That being the case, she felt that the Town should pay for the additional hours. Failure to do so would likely result in a violation filing with the Labor Department.

After a lengthy debate on the matter, a narrow majority of the Board agreed to approve the payment of the additional amount out of the contingency budget line.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

5. Discussion of closing and/or altering parks improvement capital projects.
Recommended actions are as follows:

2008 Parks Improvements (H0908.27100) - close the project and apply unexpended funds of approximately \$46,691 to the payment of the balance of outstanding note in the amount of \$70,000.

2004 Parks Improvements (H0504.7100) - close the project and apply the unexpended funds of approximately \$49,945 to the remaining balance of the \$70,000 note related to the 2008 Parks Improvement Project and to cover any unfunded bills related to the Coal House project (currently about \$12,370). Any remaining funds would be reserved for the payment of debt.

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2007 Parks Improvements Project (H0207.27100) - this project was funded in part by a transfer of \$50,000 from the general fund. These funds can be returned to the general fund and any remaining balance (approximately \$63,000) can either be used for parks improvements such as the pavilion at Arnold Park, or reserved for the payment of debt. Based on a review of the bond resolution, I don't believe the funds can be used for improvements to the parks shop.

Comptroller McKane stated that funds left over from unfinished capital projects should be closed. The Parks Superintendent agrees with this plan citing a lack of manpower to complete some of the remaining projects. If the 2008 project is not closed the money would have to be rolled into a bond. The proceeds from these closed capital projects would go back to the general fund and could be applied to reduce the outstanding debt.

7.3 PERSONNEL

1. Highway - Out of class pay from February 13th to the 28th Matt Millard worked as a Mechanic I for 96 hours and as a MEO/Medium for 16 hours plus 33.5 hours overtime from Jan. 16th to Feb. 19th. He needs to be Paid the difference between MEO/Light and Mechanic I for 96 hours and MEO/Light and MEO/Medium for 33.5 hours overtime and 16 hours regular time.

From Jan. 3rd to March 13th Ben Peck worked as a Mechanic I for 64 hours. Both Matt and Ben worked the mandatory 30 days prior to these hours. From February 25th to March 22nd Todd Ingersoll A mechanic I worked 223.45 hours out of class, plus 12.5 hours over time. He had previously worked the mandatory 30 days. Todd should be paid the difference between Mechanic I and Mechanic II rate for those hours.

Councilman Majewski stated that, from the information provided, he cannot easily figure out how these hours were calculated. He will be asking the Comptroller and the Highway Superintendent to provide additional information about this request prior to approving it.

7.4 PLANNING & ZONING

1. Request from **Vestal Girls Softball** to hold a Doug's Fish Fry fundraiser on Thursday, May 23rd from 11-6 in the Vestal Library parking lot.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

2. **Rezone request, 2100 Owego Road**, BCTMP# 172.14-1-26.1 plus remaining CD portion of 172.14-1-27 (2016 Owego Road) – Draw Local Law – Advertise – 4/24/12 – Public Hearing on 5/8/13. Please advise if applicant is to attend Work Session.

The property is located just west of the Vestal Elks. The owner wishes to re-mortgage but he is having issues because the residential used home is located within a CD zoning.

In Oct 2010, Mr. Harrington was granted a similar rezoning on the adjacent parcel (172.14-1-27) because of the same bank issue. I have added a portion of this to the rezoning application to have a continuous zoning area of RA-2. A 60 foot lot sale was added to this parcel since the rezoning and it only makes sense to add the CD vacant lot to the zoning application. This has been reviewed with the applicant.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

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3. Special permit - Hertz Car Rental, 2520 Vestal Parkway East, BCTMP# 158.14-1-9 - Request to revise the present special permit granted on 1/23/2008 to Hertz Rental to have 8 rental cars on the property. They wish to revise to allow 16 vehicles on the site.

6 spaces in front of the building will be used for customers of Hertz that are stopping by to arrange the rentals. This area is supposed to be kept free of rental storage.

After a discussion about the history of this property, the Board determined that the terms and conditions of the special permit have not been complied with. In addition, there is possibly a conflict between the terms of the special permit and the private agreements between the property owner and the lessees of the building. This is a private matter. Given these circumstances, the Board has determined not to entertain this request at this time.

7.5 PUBLIC SAFETY –

1. Board of Fire Commissioners to approve the following fire personnel to attend the following training:

Firefighter Kenneth Fortier to attend the NY Public Fire Safety Educator's Conference, May 3rd through May 5th at the NYS Fire Academy in Montour Falls. Cost for this conference is \$109.00 to come from line F3410 4030 plus mileage if a fire department vehicle is unavailable.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

2. Requesting approval from the Board of Fire Commissioners to approve the following:

Send Engine 32-1 to Endwell Station 1 Saturday, April 20th 17:30-23:30 with an engine crew of 6 to cover their District while their members attend their Annual Installation Banquet.

Each year Endwell Fire Department comes over and covers our department while our members attend our Annual Banquet and we do the same when it comes time for their Annual Banquet.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board

7.6 ADMINISTRATION –

1. Request from Dan Williams, IT Director to dispose of items listed on email from March 26, 2013, these items are no longer useful for the Town.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

2. Approval to join the Southern Tier Volunteer Center, based at the United Way of Broome County, and declare a *National Volunteer Week* in the Town of Vestal for the week April 20-27, 2013.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

3. The Vestal Museum has received a **2013 UCF Project Grant** for the *2013 Exhibit Series* from the **Broome County Arts Council** in the amount of \$1,000. Board acceptance is requested.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

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NEW BUSINESS

1. Supervisor Schaffer read a thank you note from The Running of the Bears Committee for the Town's support and assistance in the 5K run. They had 299 participants.
2. Supervisor Schaffer read a thank you note from New Life for extending a warm welcome as the church looks for a Vestal location. Councilwoman Fitzgerald also noted that the members plan to participate in various community projects in Vestal.

UNFINISHED BUSINESS

1. Procurement Policy
2. Cold Storage Facility
3. Light District
4. Hazard Mitigation Plan
5. Highway Reorganization

The Board took no action at this meeting on any of the above items

SUPERVISOR'S ANNOUNCEMENTS:

A special election of the qualified voters of Vestal Fire District in the Town of Vestal, Broome County, New York, to be held on April 9, 2013, at the Town Hall, between the hours of 12:00 PM and 9:00 P.M., to vote by paper ballot upon the adoption or rejection of the bond resolution adopted regarding the purchase of a Heavy Rescue Fire-Fighting Vehicle for the Vestal Fire Department.

EXECUTIVE SESSION

On a motion of Councilman Majewski, seconded by Councilman Milkovich, the following was

ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, Schaffer, Marnicki
Nays 0

Resolved the Board enter into Executive Session for the purpose of discussing Article 7 litigation and a personnel disciplinary action. The time was 8:45 PM.

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

ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer
Nays 0

Resolved the Board leave the Executive Session and adjourn the Work Session. The time was 9:11 PM.

Respectfully submitted,
Emil Bielecki, Town Clerk