

VESTAL TOWN BOARD WORK SESSION MINUTES
MONDAY, JULY 8, 2013

In Attendance: Board Members Majewski, Marnicki and Fitzgerald
Absent: Supervisor Schaffer, Councilman Milkovich

Also Attending: Town Attorney David Berger, Town Clerk Emil Bielecki, Fire Chief Pat McPherson and several members of the community.

WORK SESSION – Deputy Supervisor Majewski convened the meeting at 6:00 PM and noted that Supervisor Schaffer is on vacation and Councilman Milkovich is out of town on business.

6:00 PM: Erick Webb – Matthews Group to discuss rezoning of 3005 Vestal Road

Eric Webb, a representative from the Mathews Group, stated that the Mathews Group purchased 6 acres of the Murphy property and wants to rezone it from Industrial (I) to Community Business (C-2) use. This land is adjacent to the parcel that the Matthews Group had rezoned earlier to open a car dealership. The immediate use of this property is for overflow parking of vehicles from the dealership. There are currently no firm long term plans for this parcel.

Town Attorney Berger and Councilman Marnicki noted that any new uses of the parcel would need to be approved by the Planning Board.

There being no objection from the Board, Deputy Supervisor Majewski recommended that the Public Hearing on the Local Law to rezone this property be scheduled for August 14, 2013. The Notice of this Public Hearing is to be advertised on July 31, 2013.

COMMITTEES

7.1 PUBLIC WORKS - no items were brought for the Board's consideration

7.2 FINANCE

1. **Warrants** - 2013- 26, 26E, 27, 27E

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

7.3 PERSONNEL

1. Request from Sue Jastran, Recreation Planner, to hire for softball, tennis, soccer and basketball camps listed on her memo dated July 1, 2013.

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

7.4 PLANNING & ZONING – no items were brought for the Board's consideration.

7.5 PUBLIC SAFETY

1. Request from Andrea Bird, Court Clerk to discard old office furniture that was replaced with new furniture obtained through a NY State Grant.

Councilman Marnicki stated that he has not had a chance to speak to the Court Clerks about this old furniture but that a memo should be put out to all Town departments to see if anyone has a use for any of these items. Councilman Majewski noted that someone should check if any of the items could be sold at the Broome County auction.

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

2. Request from Pat McPherson, Fire Chief, to approve Firefighters William Maguire, Tyler Maguire, Phillip Walter, Paul Goon, James Duquella, Kahl Miller, Jason Stupski, Keith Chason, Capt Richard Birdsall and Capt Andrew Nazak and LT Charles Paffie to attend NYS AFC Flashover Hands-On Training July 12-14, 2013 Cost is \$105 per member and will be paid with line F3410 4030

Deputy Supervisor Majewski stated that at the request of Fire Chief McPherson, this item is being pulled from consideration at this time.

3. Request from Vestal Residents for Safe Energy (VERSE) to have a table at the July 19 Festival being sponsored by M Squared at the Coal House.

Councilman Marnicki noted that the festival is being held by M Squared and is on the footprint of the Coal House area which it leases from the Town. This request is for use of space on Town property that is not being leased to M Squared. The Town has rarely allowed such private use of the Rail Trail. If the Town is going to routinely allow private groups to use space on the Rail Trail, it first needs to develop a plan with specific procedures.

The consensus of the Board is not to consider this request until the Board determines if it wants to develop a plan to accommodate such uses in the future.

ADMINISTRATION

Request from David Berger, Town Attorney to adopt the following resolution in regards to designating the Secretary of State as agent for Service of Notice of Claim

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

Now therefore Be It

RESOLVED, that the Town Board of the Town of Vestal, County of Broome designates Emil Bielecki, in his/her capacity as Town Clerk, to receive notices of claims served upon the Secretary of State by mail at 605 Vestal Parkway West, Vestal, NY 13850 and email at ebielecki@vestalny.com.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

Town Attorney David Berger explained that this is an administrative designation to receive notices of claims that are filed with the NYS Secretary of State. Since the Town Clerk already receives the bulk of the notices served on the Town, the designation here is logical. The designation is also necessary so that the Town can receive a portion of the filing fee which is collected by the Secretary of State.

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NEW BUSINESS

At the Regular Meeting of the Town Board on June 26, 2013, a petition was presented to the Board requesting the adoption of a **Property Rights Day Proclamation**. Deputy Supervisor Majewski asked the Board members if they wanted to act on this request.

Councilman Marnicki and Councilwoman Fitzgerald expressed general reluctance about getting involved with passing such resolutions but agreed to place the item on the agenda for consideration by the full Board at the next Regular Meeting on July 10, 2013.

UNFINISHED BUSINESS

1. **Review changes to Scrap Metal Policy** – on hold
2. **Discuss the Resource Officer contract** – on hold

Councilman Marnicki noted that cost of the benefits associated with this position is approximately 66% of the salary. This cost is not adequately reflected in this contract and is not being equally shared.

3. **South Jensen Road Sewage Hook Up** – on hold
4. **Community Electronic Information Signage** – on hold
5. **Rezoning of 3005 Vestal Road** – scheduled for a Public Hearing as noted in these minutes.

SUPERVISOR'S ANNOUNCEMENTS

Museum Events

Kids summer garden projects planned; July 13, Aug 10. Free

ADJOURNMENT

On a motion of Councilman Marnicki, seconded by Councilwoman Fitzgerald, the meeting was adjourned at 6:22 PM. Carried unanimously.

Respectfully submitted,
Emil Bielecki, Town Clerk