

VESTAL TOWN BOARD WORK SESSION MINUTES
MONDAY, SEPTEMBER 9, 2013

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

Also Attending: Town Attorney David Berger, Highway Superintendent Brock Leonard, Highway Mechanic Andy Gowe, Town Clerk Emil Bielecki and several members of the community.

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

Brock Leonard, Highway Department - trade a backhoe for an excavator

Highway Superintendent Brock Leonard, speaking about item 7.5-1 on this agenda, noted that this trade would be a home run for the Town. We would be trading in a machine with many hours of operation for a brand new machine with a full warranty at no additional cost to the Town. The new excavator will be much more useful to the Town.

Highway Mechanic Andy Gowe added that the new excavator will be fitted with the appropriate adjusters to allow the use of all the attachments that we already own.

6:30 pm – Paul Simonet – Park Outdoor Advertising

Mr. Simonet and Sam Salamida from Park Outdoor Advertising expressed the company's interest in working with the Town to install LED billboard type of signs. Although Park Outdoor has been an established business in this community since the 1950's, they are relatively new to the LED signage. They are willing to work with the Town to develop the proper regulations for these types of signs. Safety is their primary concern. Park Outdoor uses a company named Daktronics to provide the LED displays. They have installed LED billboards in some upstate NY areas, including the Town of Barton.

Sherrie Swanson from Daktronics noted that the company is an established expert in LED signage. They work closely with their customers to establish a responsible approach to the market. The proposed LED signs would have no movement or animation (just panel changes) and the panel lighting could be adjusted to changing conditions. These panels can incorporate various public service announcements to fit the needs of the Town.

Town Attorney Berger asked where they proposed to install these signs. Mr. Simonet replied that they would seek to find appropriate Town property and rent the land to install the LED signage, providing the Town with a steady revenue stream.

Councilman Milkovich asked Park Outdoor to provide the Board with details of what was included in the package put together for the Town of Barton so that we can have a starting point from which to consider a proposal for the Town of Vestal.

COMMITTEES

7.1 PUBLIC WORKS

1. Request from Gary Campo, Town Engineer to authorize Town Supervisor to sign the Memorandum of Understanding (MOU) with Broome County to authorize the county to provide the additional 25% for protection of bank erosion on private property.

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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2. Request from Gary Campo, Town Engineer to arrange for 14 permanent easements and 3 temporary easements for the work being done by the Natural Resources Conservation Service (NRCS) at Tracy Creek and Raylene Creek.

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

3. Request from Gary Campo, Town Engineer to approve Town Supervisor signing agreement with NYSDOT, to receive an additional 15% for the 5 roads under the FHWA jurisdiction.

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

4. Request from Gary Campo, Town Engineer for supervisor to sign agreement with NYSDOT for the Trail Section 2A

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

5. Discuss signing a support letter for Broome County to secure funding to acquire, rehabilitate, or demolish abandoned and underutilized properties in the community.

Supervisor Schaffer noted that this request came as a result of Broome County recently being designated as one of just eight land banks in New York. Broome County asked that the Town choose one of its five recommended letters of support. He wants feedback from the Board as to which letter they prefer.

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

6. Request from Brock Leonard, Highway Superintendent to trade a 2011 John Deere rubber tired backhoe for a 2013 John Deere 60G excavator 2011 310 SJ.

The Board agreed with the recommendation of the Town Attorney Berger to insert the following language into the motion authorizing this equipment trade: **The approval of this trade is subject to the review and approval of the final transaction documents by the Town Attorney.**

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

7. Request from Brock Leonard, Highway Superintendent to pay Todd Ingersoll out of title pay in the amount of \$530.86 for the dates of July 11, 2013 to August 21, 2013.

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- 35, 35E, 36, 36E

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

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2. Request from Deputy Comptroller Pam Fitzgerald for Board authorization to close the completed Capital Projects, as per her memo dated August 20, 2013, effective August 28, 2013 and to direct the transfer of these projects unexpended fund balances to the respective debt service fund and approve the attached Budget Transfers necessary to close these projects.

3. Request from Emil Bielecki, Town Clerk to sell the old dog control truck (1998 Chevrolet S-10, VIN # 1GCCS19Xowk246122) through Auction International; we will also publicize the sale through local listings.

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

4. Request to accept a \$400 grant from PERMA to be used for the health fair in October

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

5. Request to pay \$2100 to the Town Attorney for billable hours for the month of August 2013.

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

6. Discuss adding additional dates for budget review meetings

Supervisor Schaffer engaged the Board in a discussion about scheduling additional meetings to review the Town budget for 2014. To reduce the strain of having too many evening sessions, he is proposing some daytime meetings if convenient times can be agreed upon. After receiving input from the Board members, Supervisor Schaffer stated that he would announce the schedule for the additional meetings before the next Regular Board Meeting on Wednesday.

7. Request authorizing the cost of the purchase of parcels of land and the buildings thereon, in and for the Town of Vestal, Broome County, New York, at a maximum estimated cost of \$5,000,000, and Authorizing the issuance of up to \$5,000,000 Bonds of Said Town to pay the cost thereof.

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

8. Request Town Board authorization to pay all fees as set forth above in furtherance of the Hazard Mitigation Grant Program (HMGP) and that the Supervisor, Town Attorney and other offices of the Town are authorized to take such actions as may be necessary to carry out the Town of Vestal Buyout Project.

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

7.3 PERSONNEL – no items were brought for consideration

7.4 PLANNING & ZONING

1. Request from Vestal Sertoma Club to hold a Doug's Fish Fry on October 7, 2013 at the library parking lot.

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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2. Request to rezone 4696 Vestal Parkway East within the University Plaza from Community Business (C-2) to Planned Development District (PDD) to advertise on September 25, 2013 with a public hearing on October 9, 2013

Town Attorney David Berger noted that a PDD zoning category is somewhat open-ended and has few rules. The Town can place restrictions and demands as it sees fit. Before scheduling a public hearing, he recommends that the Board invite the developer to a meeting for a more detailed presentation of the proposed project.

Supervisor Schaffer stated that the scheduling of the public hearing will be put on hold and that he will invite the property owner/developer to attend the Work Session on Monday, September 23rd.

7.5 PUBLIC SAFETY

1. Request approval for Samuel Drexler to do an unpaid internship in the Fire Department Administration Office, starting September 12, 2013. Mr. Drexler is a SUNY student and will be working for 15 weeks during his first semester.

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 Sue Jastran, Recreation Director to hire family swim lifeguards, and a teen basketball supervisor, as per her memo dated September 4, 2013.

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

2. Request to authorize the Supervisor to sign a professional services contract with Dataflow Inc. of Binghamton, NY to scan and index selected Town Court case files and docket books at a total cost not to exceed \$6,200.

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

NEW BUSINESS

1. Hiring of an Appraiser

Town Attorney Dave Berger stated that the Town needs to hire an appraiser for an assessment case where the Town and the property owner are too far apart to reach an agreement. He requests Board approval of the following resolution:

Resolution approving the hiring of Kenneth G. Frommer to provide a court ready appraisal report for the property owned by the THG Clayton Village Apartments, LLC and Wiesner Clayton Village Apartments, LLC and located at Tax Map # 159.19-1-10 at a cost of \$3,750 and for such other costs/fees as may be applicable.

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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2. Upstate Association of Towns

Supervisor Schaffer announced that a new Upstate Association of Towns is forming and already has towns that have committed to joining. The annual membership fee is \$400. Upstate towns have issues that are different from the rest of the state. He recommends that we join this new association and is asking the Board members to look into it.

3. Softball Special Olympics

Supervisor Schaffer stated that there has been a request submitted to use Harold Moore Park for a Softball Special Olympics on October 6, 2013. The group will do all of the work to prepare the fields.

Town Attorney Berger stated that signing the Town's **Facility Use Agreement** should be included as a condition of the approval.

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

4. Appeal of United Health Services (UHS) Court Decision

Town Attorney Berger requested the Board to approve the following resolution:

Resolution Authorizing Appeal of Court Decision

Whereas a Decision and Judgment of the Supreme Court of Broome County was issued on August 12, 2013 against the Town of Vestal in the matter of UHS vs. the Town of Vestal (Index No. 2012-1855) and

Whereas, the Town Board of the Town of Vestal wishes to appeal that Decision and Judgment,

Now Therefore, be it resolved that the Town of Vestal hereby authorizes David S. Berger, Esq. to commence an appeal and proceed at all levels necessary in connection with the above mentioned matter and seek any lawful remedies under State and Town Law.

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

5. Sidewalks in front of Target Plaza

Supervisor Schaffer announced that the NYS Department of Transportation (DOT) is installing sidewalks in front of the Target Plaza on the Vestal Parkway.

UNFINISHED BUSINESS

1. Scrap Metal Policy

Supervisor Schaffer noted that Comptroller McKane has made some amendments to the Town's Scrap Metal Policy for consideration by the Board. He asked the Board members to review the amendments for discussion at a later time.

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SUPERVISOR'S ANNOUNCEMENTS

Museum "The Wheel Spins 'Round'" Sept 7- Nov 22

Fiber arts exhibits and demonstrations by Lamb to Loom Fiber Guild

Demonstrations by Guild members select Saturdays during Vestal Farmers Market

Exhibit includes: brief history of spinning and yarn textiles, old and new fiber arts equipment, natural dye exhibit, step by step process, hand-made articles.

EXECUTIVE SESSION

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

ADOPTED Ayes 3 Fitzgerald, Milkovich, Schaffer

 Nays 0 Absent 2 Majewski, Marnicki

Resolved the Board enter into Executive Session for the purpose of being updated on the Candlehouse litigation and discussion of a potential settlement of an Article 7 case. The time was 7:28 PM.

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

ADOPTED Ayes 3 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer

 Nays 0 Absent 2 Majewski, Marnicki

Resolved the Board leave the Executive Session and adjourn the Work Session. The time was 7:45 PM.

Respectfully submitted,
Emil Bielecki, Town Clerk