

## VESTAL TOWN BOARD WORK SESSION MINUTES

MONDAY, JANUARY 20, 2014

In Attendance: Supervisor Schaffer; Board Members Fitzgerald and Messina

Absent: Councilman Majewski

Also Attending: Town Attorney David Berger, Human Resource Officer Nancy Olmstead, Town Engineer Gary Campo, Town Assessor Mark Minoia, Deputy Assessor Colleen Zube, 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** – Mark Newman to discuss Metroplex Student Housing (4696 Vestal Parkway East).

Mark Newman, Howard Rittburg, Esq. and Jeff Smetana, representing the Newman Development Group, presented the Board with a modified Payment in-lieu of Taxes (PILOT) agreement for the proposed student housing complex. The following points were highlighted:

- Two large tenants are leaving the plaza (NCI and AIG) presenting a need to redevelop the area.
- The expansion of student housing is synergistic and consistent with the existing plaza and fits in well with the planned expansion of Binghamton University.
- The proposed PILOT agreement would result in payments to the taxing entities that will be larger than the current payments right from the start and will increase significantly over time. Over the term of the PILOT, the payments will be more than twice the amount that the existing agreement would generate.
- The PILOT is structured as a Fixed Payment Schedule, providing a stable stream of payments.
- If for some unanticipated reason, the project is not completed, the developer will continue with payments on the PILOT agreement currently in place.
- A 'no litigation' clause will be included in the PILOT agreement, protecting the Town from future actions to reduce the assessed value of the property.
- The developer is working on a number of ideas to improve the overall attractiveness of the plaza.

All of the Board members noted that they do not like the standard PILOT agreements from the Industrial Development Agency (IDA) but support this modified PILOT agreement because it is designed to be mutually beneficial for the developer and the Town.

By consensus, the Board agreed to vote on the approval of the modified PILOT agreement, as presented, at the next Regular Meeting, and asked the Town Attorney to provide the proper language for the resolution.

**6:30 PM** - Town Engineer Gary Campo to discuss NY Rising Community Reconstruction Program project selection.

Town Engineer Gary Campo informed the Board that the Town was allotted up to \$3 million to spend on flood related projects under the NY Rising program. Of the 25 projects that were submitted for consideration, 3 were deemed to be eligible for funding. The projects that were identified as eligible were as follows: **Storm water detention on Fuller Hollow Creek; flood-proofing Fire Station 1; relocation of Emergency Squad out of flood zone.** The projects were selected on the basis that they were deemed to have a regional impact. He indicated that he will continue to push for these and other projects at a meeting scheduled for this Wednesday, but wanted some direction from the Board.

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Supervisor Schaffer expressed frustration that none of our pump station upgrades were selected when similar projects in other communities made the cut. We are being shortchanged. On the EMS project, he would want to proceed only if paying off the bonds for the existing building is included.

By Board consensus, the Town Engineer was given the authority to pursue maximum funding for all of the identified projects in a manner that was consistent with the selection process.

### UPCOMING PUBLIC HEARINGS

2/12/14: Special Permit for Vehicle Service Station 3151 Vestal Parkway East (Hess Station)

### COMMITTEES

#### 7.1 PUBLIC WORKS

1. Request from Town Engineer Gary Campo to award the Rayelene Creek project to the low bidder, JB Excavation, in the amount of \$136,932.

Councilwoman Fitzgerald noted that this project is fully funded by non-town external sources.

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

2. Request from Highway Superintendent Brock Leonard, to pay Todd Ingersoll out of class pay in the amount of \$345.44 for work from December 17 – January 6, 2014.

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

3. Request from Water Superintendent Scott Groats to pay Acorn-Environmental \$9,208.50 for water analysis from budge line W8310-4000.

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

4. Discuss Resolution to temporarily exclude trucks and other similar vehicles exceeding a certain designated gross weight from Town roads and highways.

Town Attorney Berger noted that in response to the Highway Superintendent's expressed concern about State Line Road, he has prepared a draft resolution that would authorize the Highway Superintendent, pursuant to the authority granted by Vehicle and Traffic Law, to temporarily exclude trucks and other similar vehicles exceeding certain weight from town roads. The other approach to the problem would be by drafting a local law where the Board would designate specific postings. He would like the Board and the Highway Superintendent to review the draft resolution and advise him as to what direction they want to go.

Supervisor Schaffer asked the Board to review the draft resolution and stated that he will place this item on the agenda for additional discussion at the next Work Session.

5. Request to retro-approve assigning Benchmark Contract to Microbac and Town Attorney David Berger to do necessary paperwork.

Town Attorney Berger stated that this action is required for the water testing contract to be assigned to the new company.

**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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### 7.2 FINANCE

1. **Warrants** – 2014- 02A, 02AE, 02, 02PD, 2013(AP Invoices), 03, 03A, 03E, 03LC

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

2. Request to pay Town Attorney David Berger \$850.00 for billable hours for December 2013.

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

3. Request for Supervisor to sign agreement with Vestal School District for the Senior Center effective March 1, 2014.

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

4. Request to authorize the following employees and elected officials to attend the New York Association of Towns Annual Conference in New York City February 16 through February 19, 2014 and pay the expenses as follows:

Town Supervisor, John Schaffer  
Town Attorney, David Berger  
Councilperson, Suzanne Messina  
Director of Human Resources, Nancy Olmstead  
Councilperson, Fran Majewski  
Code Enforcement Officer, Mark Dedrick  
Planning Board Chair, Joyce Majewski  
Town Justice, Joseph Meagher  
ZBA Chair, Mark Johnson

\$100 registration fee; meal allowance of \$216; travel allowance of \$70 per person (cost of bus provided by Town of Union); \$256 for single occupancy and the additional \$20 per night for those listed above who are sharing a room. The Business Office is authorized to issue a travel advance \$286 (meal and travel allowance) to each individual.

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

6. Request to authorize the Comptroller to transfer the necessary funds (\$446) from the Councilperson budget line A1010.4030 (education and travel) to the Human Resources budget line A1430.4030 for attendance to the NYS Association of Towns Conference.

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

7. Request authorization for the Town of Vestal to join the Upstate New York Towns Association and to pay \$400 for yearly membership.

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

### 7.3 PERSONNEL

1. Discuss NYS Timekeeping Requirements for Elected Officials.

Human Resource Director Nancy Olmstead stated that this requirement is applicable to those elected officials who are beginning new terms. She will help the elected officials work through the complicated process and keep the Board updated about the progress.

2. Request to appoint George Gerner to the vacancy on the Zoning Board of Appeals (ZBA), effective immediately. He is currently serving as the alternate member on the ZBA.

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Human Resource Officer Nancy Olmstead indicated that Mr.Gerner is interested in moving up from being an alternate. If the Board selects him, it will open up the alternate slot. \*\*

3. Discuss the alternate member opening on the Zoning Board of Appeals (ZBA).

\*\*After a brief discussion, the Board determined that the opening for the alternate member slot should be advertised to generate additional names and the appointments of both positions (ZBA member & Alternate) should be made at a later time.

4. Request to appoint Adam Flint as alternate member to the Conservation Advisory Commission (CAC), effective immediately. Such term to expire December 31, 2015.

In responding to a question from Councilwoman Messina, Human Resource Officer Olmstead noted that this position has not been advertised. It has been difficult to generate interest in serving on the CAC. Traditionally, the CAC has put forth names of those who have been appointed. Adam Flint has been recommended by the CAC and is very enthusiastic about taking this position.

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

5. Discuss appointing one of the CAC members to the Broome County Environmental Management Council.

It is not clear whether the Town Board or the CAC should be making this appointment. This item is being held for further review.

6. Request for retro-active authorization for Tax Collector Debra Wallace, to hire the following individuals to work on December 30, 2013 to prepare corrected tax bills for mailing:

- a. Francis Morris as a Clerk Part Time at the rate of \$9.06 per hour
- b. Leela Mahon as a Clerk Part Time at the rate of \$9.06 per hour
- c. Heather Jennings as a Clerk Part Time at the rate of \$9.06 per hour

Human Resource Officer Olmstead stated that the tax bills had to be reprinted due to an error by the County hired printing contractor. The Town will be billing the printing company for this extra labor that was needed to prepare the corrected tax bills for mailing.

**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**

1. Request from Barb Taggart to hold a 5K Run/Walk on April 27, 2014 along Owego Road. All proceeds benefit Traci's Hope and Vestal Elks Club Veteran Committee.

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

2. Request for a Special Permit for the lot across from Town Hall (604 Vestal Parkway West, BCTMP # 173.21-1-3) to operate a fitness center within an ID zoning.

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Town Attorney Berger noted that although a public hearing is not required for the granting of this special permit, the Board should review the application carefully. The Board has the authority to set conditions on the special permit if warranted.

The Board decided to hold this item to provide additional time for the review of this application.

**7.5 PUBLIC SAFETY**

**1. Request for approval to send one piece of fire apparatus and personnel to the following parades in 2014:**

<b>Parade</b>	<b>Location</b>	<b>Month</b>	<b>Station Apparatus</b>
St. Patrick's	Binghamton	March	Station 4
Memorial Day	Endicott	May	Station 1
Apalachin Firemen's Field Day	Apalachin	June	Station 3
Owego Strawberry Festival	Owego	June	Station 3
Rush Community Parade	Lawton, PA	July/August	Station 2
Halloween Parade	West Endicott	October	Station 1
Veteran's Day	Endicott	November	Station 1
Johnson City Holiday	Johnson City	December	Station 4
Endicott Holiday	Endicott	December	Station 1

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

**2. Request for the Board of Fire Commissioners to approve the Town of Vestal Fire District Length of Service Awards Program (LOSAP) certification list.**

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

**3. Request to authorize Assistant Fire Chief John Paffie to sign vouchers in the absence of Fire Chief Pat McPherson for the 2014 fiscal year.**

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

**4. Request from Fire Chief Pat McPherson to approve sending Engine 32-1 to Endwell Station 1 on Saturday, January 25, 2014, from 5:00-11:30 PM, with an engine crew of 4, to cover their District while their members attend their Annual Installation Banquet.**

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

**5. Request from Fire Chief Pat McPherson to approve sending 2<sup>nd</sup> Lieutenant Jason Stupski to Kidde Fire Fighting / National Foam's Flammable Liquid Firefighting School at the Brayton Firemen Training Center at Texas A & M, February 18 – 21. The cost of this course comes from the F3410 4034R Line. Total Cost of the trip not to exceed \$3400. This includes Course Fee, Air Fare (Round Trip), Car Rental, Lodging, and Meals (which will Based on the Metropolitan area).**

Fire Chief Pat McPherson noted that the cost of this training is paid for by the Foam District, which is funded by the companies that operate the fuel/chemical facilities.

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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.

7.6 **ADMINISTRATION** - no items were brought for consideration by the Board.

**UNFINISHED BUSINESS**

**1. Community electronic signs**

The Town Attorney is reviewing the information provided to him by the Code Director concerning the placement of such signs in the Town.

**NEW BUSINESS**

Supervisor Schaffer noted that review and final authorization of the 2014 capital projects was not completed last year due to some scheduling issues. However, the emerging consensus was to fund certain projects. He is asking the Board to vote at the next Regular Meeting on the resolutions authorizing the issuance of bonds to pay for the cost of those projects:

- \$155,000 for purchase of material screen with stacking conveyor for the Highway Department.
- \$100,000 for the purchase of police cars.
- \$ 50,000 for the cost of reconstruction of Town park facilities and buildings.
- \$143,000 for the purchase and installation of computer hardware and related equipment.

The Board agreed to place the above noted bonding resolutions on the agenda for a vote at the next Regular Meeting of the Town Board.

**SUPERVISOR'S ANNOUNCEMENTS**

1. **Winter Parking Hours** – December 1st - March 31st - 2:00 AM to 6:00 AM
2. The Town has an ordinance requiring property owners to remove snow and ice from sidewalks adjacent to their properties. Compliance continues to be a problem in some areas of the Town. If this problem persists, the Town will issue appearance tickets for these violations.

**EXECUTIVE SESSION**

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

**ADOPTED** Ayes 3 Fitzgerald, Messina, Schaffer  
Nays 0 Absent 1 Majewki

Resolved the Board enter into Executive Session for the purpose of discussing the following: labor negotiations with the Operating Engineers and PBA; an Article 7 litigation case. The time was 7:28 PM.

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

**ADOPTED** Ayes 3 Fitzgerald, Messina, Schaffer  
Nays 0 Absent 1 Majewski

Resolved the Board leave the Executive Session and adjourn the Work Session. The time was 7:51 PM.

Respectfully submitted,  
Emil Bielecki, Town Clerk