

## VESTAL TOWN BOARD WORK SESSION MINUTES

MONDAY, MARCH 10, 2014

In Attendance: Supervisor Schaffer; Board Members Fitzgerald, Majewski and Messina

Also Attending: Town Attorney David Berger, Human Resource Officer Nancy Olmstead, Town Clerk Emil Bielecki and eight members of the community.

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

Town Attorney David Berger asked the Board to review a letter being circulated by Kirkwood Town Attorney Herb Kline. The letter is addressed to the Mayors of the City of Binghamton and the Village of Johnson City requesting the amending of the municipal cooperation agreement so as to allow the outside users of the Joint Sewage Treatment Plant to appoint a non-voting member to the Joint Sewage Treatment Plant Board. If Vestal wishes to join in this request, the Town Board would need to authorize the Supervisor to sign such a letter.

Town Attorney David Berger stated that there has been an amendment in the State law which permits the awarding of certain contracts to the best value bidders rather than the lowest responsible bidders. There are circumstances where this could be a useful tool but it would require the Town to approve this by local law. He is asking the Board to review a sample local law that would authorize the awarding of contracts to the best value bidders.

Councilman Majewski and Supervisor Schaffer expressed some concern about awarding contracts on any criteria other than the lowest responsible bid. Mr. Berger noted that the lowest responsible bid would still be the applicable criteria in most cases. However, there are situations where awarding a contract to the best value bidder would be in the best interest of the Town. If the Board awarded a contract to the best value bidder, it would have to justify the reasons for going in that direction.

### **UPCOMING BID OPENINGS**

3/11/2014 Uniform Bids

3/11/2014 Tracked Conveyor (Highway)

### **COMMITTEES**

#### **7.1 PUBLIC WORKS**

1. Request from Gary Campo, Town Engineer for the Town Supervisor to sign the DEC annual report relating to storm water.

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

2. Request from Gary Campo, Town Engineer for the Town Supervisor to sign agreement for Two River Greenway Signage Project.

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

3. Request to pass resolution to temporarily exclude trucks and other similar vehicles exceeding a certain designated gross weight from town roads.

Town Attorney Berger noted that he is still waiting for the Highway Superintendent to provide the list of roads that he is recommending for weight restrictions at this time. The list of roads would have to be filed with the Town Clerk and published in the official newspaper.

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Supervisor Schaffer stated that he would contact the Highway Superintendent to determine if the road list is ready. If the list is ready, the Board will vote on the Resolution at the next Regular Meeting.

4. Request from Gary Campo, Town Engineer for the Town Supervisor to sign agreement for Broome Tioga Storm Water Coalition.

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

5. Request from Water Superintendent Scott Groats to approve advertising on March 19<sup>th</sup>, 2014 for SCADA hardware. Bids will be opened on March 25, 2014.

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** – 2014 08, 08E, 08L, 09, 09A, 09E, 10, 10E

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

2. Request to pay Kenney, Shelton, Liptak & Nowak, LLP \$10,461.90 for work on UHS vs Town of Vestal litigation.

Town Attorney David Berger noted that the Vestal School District has offered to pay a portion of the bills connected with this lawsuit. It is his belief that they will pay 1/3 of the expenses.

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

3. Request to pay an invoice for \$3,635.89 from Counsel Press LLC for services connected with the UHS vs Town of Vestal litigation.

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 by the Board.

### 7.4 PLANNING & ZONING

1. Request for Local Law "B" of the Year 2014 to be published on March 26, 2014 with a public hearing to be held on April 9, 2014 at 6pm: A Local Law Amending the Town of Vestal Code to Permit Electronic Gateway Signs in the Town of Vestal.

Councilman Majewski asked where these signs will be permitted. Town Attorney Berger responded that the local law, as proposed, would permit these signs only on private property and at locations (up to 4) approved by the Board.

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

### 7.5 PUBLIC SAFETY

1. Request from Fire Chief Pat McPherson for approval to expend an additional \$300 to cover the cost of Lodging and Airfare for Jason Stupski who attended Kiddie Fire Fighting/Nation Foam's Flammable Liquid February 18-21 2014. The funding will come from line F3410 4034R.

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 Recreation Planner Sue Jastran to accept a donation of \$2000.00 from the Vestal Elks for the 2014 Easter Egg Hunt.

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 Recreation Planner Sue Jastran to hire Elisabeth Gray to supervise the weight room at the Vestal High School.

Human Resource Officer Nancy Olmstead noted that this person will serve as a backup to someone already hired for this job. She has worked for the Town in various capacities.

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

### **UNFINISHED BUSINESS**

1. **Renewal of Lease for 133 Front Street.** – Town Attorney David Berger stated that he has had some discussion with the property owner and asked to discuss the details of the negotiations in Executive Session.

2. **Roots Trail Development to organize a bike race on June 15, 2014 at Jones Park** – Councilwoman Fitzgerald stated that Anthony Folk, the organizer of the event, has contacted the Fire Chief, as requested by the Board. The agreement is that there will be no open fires if a burn ban is on at the time of the event. Otherwise, one open fire would be allowed with a couple of fire extinguishers on hand. The Police Department has been contacted and there are no outstanding issues. Arrangements have been made for the Emergency Squad to provide the necessary support. Fire Company 2 has also offered some assistance to support the event. The SEQR Short Form has been submitted to the Board. Councilwoman Fitzgerald feels that this organization has done everything asked of them and asks that the Board approve this event.

Councilman Majewski asked about the vendors at the event and whether a peddler's permit should be obtained. Town Clerk Emil Bielecki responded that the proposed activity did not appear to require any permits from his office.

Town Attorney Berger noted that approval of the event should be conditional upon the receipt of an acceptable insurance binder and satisfactory release forms from the participants.

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

3. **Request from M Squared to host the “Paws for a Cause” event in September 2014 on the Rail to Trail** – Councilwoman Messina noted that in addition to the information that has been provided through e-mail communication, she has spoken to Mark Mushalla of M Squared about the this event. He stressed that the proposed event will not block the trail in any way and that he has arranged to provide additional parking at a nearby private location. He anticipates that most of the activity and displays will be on the leased Coal House area but is not certain how much additional space on the sides of the trail will be needed. The purpose of this event is to raise funds and awareness for the ‘Encore Plus’ program which provides breast/cervical cancer health outreach, education and advocacy to women.

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

4. **Discuss proposal to purchase property at 512 Front Street.** Supervisor Schaffer stated that the Town should purchase this property to provide needed off-street parking for the Town offices next door (assessor/tax collector/recreation). The current owner is not keeping the sidewalks clean and

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is not maintaining the property. If we purchase the property, we would demolish the structure and put in an adequate surface to accommodate parking. The parking area could also have access to Robert Street through abutting vacant land created by the flood buyout. The total cost of the project is anticipated to be about \$33,000. According to a preliminary review by the Assessor, the value of this property would increase meaningfully if the Town proceeds with this plan.

Councilwomen Fitzgerald and Messina expressed support for acquiring this property. Councilman Majewski stated that he opposes the purchase of this property. Instead of spending money on a parking lot, we should be looking for a better location and better accommodations for the Assessor/Tax Collector offices.

The Board requested the Town Attorney to prepare a motion authorizing him to enter into negotiations for the purchase of this property.

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

**5. Update on filling the vacancy on the Town Board.** Supervisor Schaffer stated that after a lengthy process of reviewing and ranking the applicants, it appears that the Board will not be able to reach consensus on appointing anyone to fill the vacancy for the remainder of this year. Under these circumstances, he feels that the selection process should be abandoned. This will free up the Board's time to work on other important issues and will allow those highly qualified applicants who planned to run for the position to prepare their campaigns for the fall elections.

Councilwoman Messina stated the importance of filling this vacant position. However, no Board member expressed opposition to Supervisor Schaffer's recommendation to terminate the process.

### **SUPERVISOR'S ANNOUNCEMENTS:**

- **Winter Parking Hours** – December 1st - March 31st. No parking on Town and County streets and highways between the hours of 2:00 AM and 6:00 AM.
- 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 Councilman Majewski, seconded by Councilwoman Messina, the following was

**ADOPTED** Ayes 4 Fitzgerald, Majewski, Messina, Schaffer  
Nays 0

Resolved the Board enter into Executive Session to discuss the following: labor negotiations with the Operating Engineers and PBA; negotiations of a lease for 133 Front Street. The time was 7:13 PM.

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

**ADOPTED** Ayes 4 Fitzgerald, Majewski, Messina, Schaffer  
Nays 0

Resolved the Board leave the Executive Session and adjourn the Work Session. The time was 7:50 PM.

Respectfully submitted,  
Emil Bielecki, Town Clerk