

VESTAL TOWN BOARD WORK SESSION MINUTES

MONDAY, APRIL 11, 2016

Board Attendance: Supervisor Schaffer; Board Members: Messina, Agneshwar, Majewski, Fitzgerald

Also Attending: Town Attorney David Berger, Comptroller Laura McKane, Fire Chief Harrington and Ron Birdsall, John Paffie, Town Engineer Vern Myers, Human Resource Officer Nancy Olmstead, 1st Deputy Town Clerk Kathie Young and 3 members of the general public.

Supervisor Schaffer **convened the Work Session at 6:00 PM.**

Capital Projects and 2016 Spring Borrowing

Laura McKane, Town Comptroller: We are getting ready for our May bond anticipation note issuance. We will renew about \$8,000,000 in town notes and issue new debt of \$3,041,000 for projects authorized in December 2015 and January 2016.

There is a request from the recreation department to purchase a van; code enforcement is also requesting a vehicle replacement.

We are not renewing the old 2011 communication tower project. It has taken a new direction. There is more money in the bank than we owe on it and she will be paying it off. The new tower project will not be included at this time.

Town Attorney David Berger is waiting to receive the MOU with the County. He has not seen it yet. In order to keep with project moving we need an agreement.

McKane: There is not enough time to include this in the May borrowing. We can borrow later in the year.

The Supervisor will let us know the status of the NYS rising projects. The town engineer feels that there is plenty of time.

Comptroller McKane noted that we need to revisit the vehicle for the code department. If the transfer from police to code is pending the purchase of police cars under the SAM grant, she feels that Code may need to wait until September or later.

Councilwoman Agneshwar noted that the dog control vehicle will be used by the new DCO, however, if we merge with another town we won't need that vehicle.

Councilman Majewski asked why we continue to buy cars for Code Enforcement. He doesn't feel they need another vehicle. Why don't we just pay the employees mileage for using their own vehicle? Consensus was that this is to be discussed at another time.

Comptroller Mc Kane: Vehicle for Recreation - We have a nice surplus from 2015 - \$578,000 mostly from the flood projects and higher mortgage tax. We are using some for the purchase of bleachers and the balance can be used for the recreation vehicle. The consensus is that we can use this for a new Recreation van. Laura will prepare a budget transfer.

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Supervisor Schaffer feels we need to repave the little league parking lot. He has looked at the costs. Highway suggests that it be milled and topped. We have this money from 2015.

Councilwoman Agneshwar doesn't feel that it needs to be milled. It doesn't look at bad as many roads in this Town and the library parking lot.

Supervisor Schaffer – this is not a road project. This is a part of our Parks– this project will not cost the tax payers. He would like it to be fixed with the extra money.

Councilwoman Agneshwar would like the same energy put in the library parking lot.

Town Engineer Vern Myers noted that the Library Parking lot is a very expensive project. He would suggest that it be a *cold in place* or *hot in place* method and put on an overlay. The price of asphalt has dropped dramatically. Moore Park will need some work soon. We cannot use CHIPS for these parking lots. Work also needs to be done on the guide rails in the Library which he will address with the Highway Superintendent.

Comptroller McKane said she will see if the library parking is on the 5 year plan.

Schaffer will speak to the Highway Superintendent tomorrow.

By consensus the Comptroller will **prepare a resolution concerning the Little League parking lot.**

Accident Insurance for Fire Volunteers:

Comptroller: The fire department is looking to improve the benefit for the auxiliary. This is to raise the maximum wage replacement benefit.

Regular fire fighters hurt in the line of duty receive \$400 per week from the State. Under this accident policy they would get \$100. This proposal is for volunteer as well as auxiliary. Currently the auxiliary would only get a medical benefit of up to \$5000 of medical costs incurred from the comp carrier and \$100/week from this current accident policy.

The workers compensation benefits are provided to paid personnel only. Volunteer firefighters receive workers compensation benefits at the 2007 level of \$400 per week and did not benefit from the increase in wage replacement that paid workers received under the 2007 reforms. The proposed accident policy would bring the volunteers closer to the full level of benefits provided to paid personnel. The coverage only provides benefits for line of duty injuries.

Fire fighters and auxiliary get death, medical etc. This will provide the auxiliary with some wage benefits. The cost of this benefit will increase from \$1,370.00 to \$4,043.00 - roughly \$2700 annually. Benefits are provided for injuries related to the line of duty.

Assistant Fire Chief Birdsall noted that the benefits for volunteer fire fighters have not been increased since the '70's.

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Councilman Majewski asked if the Fire Department becomes its own district, will we still pay this.

Comptroller Laura McKane - We would be out of it completely. They would be their own district with their own board. The Town would just collect the tax levy.

Councilwoman Fitzgerald: the ladies auxiliary – they do a good job. But how many times in the last two years has the ladies auxiliary been called out?

Assistant Fire Chief Ron Birdsall – at least three time in the past year. There are nine other local fire companies covered by this insurance. The last increase for insurance was in 1974.

Comptroller McKane noted that when the auxiliary holds a fund raising dinner and are injured their medical benefits are covered up to \$5,000.

Councilwoman Agneshwar has concerns about these additional costs.

Councilwoman Fitzgerald asked for the number of claims filed under these policies?
Comptroller McKane will ask for the claims records.

Fire Chief Harrington – they brought in the insurance agent and he was there to answer all these questions. They brought it to the public safety committee and the comptroller.

Councilwoman Agneshwar would like the agent to be brought to a meeting. She would like claims data. Is there room for negotiation?

Comptroller McKane will schedule a meeting with the insurance agent and advise the board.

Fire Chief Harrington – we are doing this for first responders and volunteers. We are looking out for what is best for our volunteers. This is a needed and overdue change. The auxiliary is an integral support team. He is going with the recommendation of the experts at the current standard level.

Patty has already spoken to the insurance agent and he answered her questions. If the board has questions you can just give him a call.

Town Engineer Vern Myers – have we been with the same insurance company since 1970? You may see some reduced fees if you look at other companies. You need to establish the levels of insurance that you want.

Comptroller McKane – we shop most policies as a whole.

Supervisor Schaffer feels that we need to compare with other fire companies of our size like Cortland.

Fire Chief Harrington – This is clearly a broken process. If the Board is not ready to make a decision we should not be here. It is clearly a waste of all of our time.

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Councilman Majewski – if these are the lowest rates that they can get then we should move ahead.

This will be put back on for the April 25th Town Board Work Session. Comptroller McKane will find out answers for the Board.

Health Insurance Renewal –

Comptroller McKane - Excellus dropped administration fee increases but there was an increase in volume of claims. We have a letter of credit that we need to buy from the bank which is a guarantee that we will pay claims. They will maintain the same level of the letter of credit which will save some money. The administration fee is \$59.06 per contract per month - effective May 1, 2016 - no changes in benefits. **She will draft the resolution and pdf the amended agreement to the board.**

Time Keeping System

Comptroller McKane: IT can get the data exported to the current software and can keep the software up and running to keep the history open and available. There is 6-year retention for these records. Some reports will be PDF'd. She can appropriate from the fund balance for this project. We are short around \$24,000. She will put the motion together.

Community Electronic Informational Signage, LLC, for a Gateway Sign. The changes to the sign ordinance were made to allow for this type of sign upon special permit from the Town Board alone.

These proposed signs to be located at 2401 Vestal Parkway East, Tax Map # 158.13-1-27 - **EAST BOUND SIGN #1** - and **WEST BOUND SIGN #2**/on property owned by WLF Enterprises LLC. The property is currently zoned C-2 - Community Business.

One sign would face the traffic going east and one facing traffic going west. The two signs are placed to form a "V" and are proposed to be installed on the east boundary.

Currently, there are two businesses that share the building and parking, Oreck, (sales of vacuums and related products) is on the upper floor and Superior Shine. (Automotive cleaning / detail operation) works out of the lower level. Superior Shine will typically have numerous vehicles on site. At times in the past, these have remained for a number of days in a row. Oreck traffic is routinely minor.

The Town Board may request input from other boards or individuals as desired or necessary. It appears that parking spaces will be eliminated. Due to this, it is recommended that the Planning Board review the impact on the parking, internal vehicle movement and storage of vehicles at this site. The elevation changes associated with this property create some issues for the movement and currently the parking includes paved areas an adjacent property owned by another entity.

Confirmation of an acceptable contract between the Town and CEIS for usage and availability should be finalized during the review time.

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These proposed signs comply with the requirements of the Gateway sign section and the application.

The 239-L and M responses have been received:

The Broome County Department of Planning and Economic Development has reviewed this matter:

The Planning Department has reviewed the above-cited case. We recommend withholding your decision on the project unless the comments provided below are addressed:

- The project must meet New York State Department of Transportation (NYSDOT) regulations for off premises signs and obtain the required NYSDOT sign permit. See enclosed comments from NYSDOT.
- The site plan should be drawn to scale and provide sufficient detail to determine whether the sign would obstruct sight distances.
- The project must not create sight distance issues.
- The site plan should show the required parking spaces before and after the project, any required parking variances and any required parking easements or agreements. Adequate onsite parking should be provided for the project to ensure that vehicles do not encroach on the public right-of-way.
- The site plan should show the required and proposed setbacks.
- The site plan should include landscaping.
- Is the applicant acquiring this hatched area?
- How many parking spaces are required?
- How many parking spaces will the project provide after removal of the parking spaces?
- Does this project require an area variance like the project did two years ago or just SP and SUP?
- Does the sign meet the setback requirements?
- Does this project go before the TB and PB or just the PB?
- Binghamton Metropolitan Transportation Study - It's hard to tell from the site plan but it seems like the sign location will block some of the parking to the east of the proposed location. As long as the sign doesn't create any site distance issues for cars exiting the property onto 434 then BMTS has no issues.

Town Engineer Vern Myers - Has reviewed the parking needs per Town code; a sketch provided by the sign proposer and visited the site where the proposed gateway sign would be located on the corner of African Road and NYS Route 434. Even with the loss of 4 or 5 parking spaces the remaining parking area can accommodate enough parking spaces to meet Town code for the building size and type of business.

Councilwoman Agneshwar would like the Zoning Board to look at it.

Town Attorney – if the board would like input from Planning or Zoning Board they may. It would be advisory.

Councilwoman Agneshwar is concerned with this placement.

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Town Engineer Vern Myers - these signs are not meant to be emergency signs. Variable message signs are. Gateway signs are for information and advertising. This vendor has are hooked up to amber alerts.

Councilman Majewski – This is not a gateway sign.

This will be placed on the Agenda (Special Permit between the Town and CEIS and SEQR).

COMMITTEES

7.1 PUBLIC WORKS (FITZGERALD/Majewski)

1. Request from Joseph Roberto at 3852 Pembroke Lane for a reduction on water bill from October 2015 to January 2016.

The consensus is that the board will take no action on this matter.

2. Request from Scott Groats Water Superintendent to advertise on April 27, 2016 for Laboratory Services and Sewer Projects listed on memo dated 4/6/16.

Ok to put on agenda.

3. Request from Water Superintendent Scott Groats to award Campus Drive Booster Pump Package to Fluid Kinetics, they were the lowest bidder who met all the specifications of the bid.

Ok to put on the agenda.

7.2 FINANCE (AGNESHWAR/Fitzgerald)

1. Warrants: 2016-12, 2-16-12E, 2016-13, 2016-13E, 2016-14, 2016-14E

2. Discuss letter from Chris Harvey, Main Street, Vestal, NY regarding damage to his vehicle and his request for reimbursement for damages.

Councilwoman Agneshwar contacted the Water Superintendent – these issues have been approved previously. We cannot submit to our insurance.

Town Attorney David Berger – if there is concern we should consider reimbursing him.

The Board would like more than one estimate.

The Town Engineer will look into why this has happened.

Councilwoman Agneshwar will direct the Water Superintendent to have him obtain another estimate.

This will be delayed until the April 25th Town board Work Session.

3. Discuss memo from Town Comptroller McKane re: Capital Projects and 2016 Spring

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Borrowing; and the request for recreation department to purchase a van; Code Enforcement is also requesting a vehicle replacement. See Above.

4. Request to pay \$1450.00 to David Berger, Town Attorney for billable hours for the month of March 2016.

OK to place on agenda.

7.3 PERSONNEL (MESSINA/Majewski)

1. Request to discuss Town's smoking policy. Human Resource Officer Nancy Berger - Does town policy precludes E cigarettes? Our policy says *prohibits smoking in all town buildings and vehicles*. Broome County says 20 feet from public or employee entrance, but they revised to specifically include electronic cigarettes. A lot of places comply with the indoor air act. State law specifically defines smoking as the burning of tobacco. Does the Board want to revise the policy to include the use of electronic cigarettes and add to prohibit the use within so many feet of entrances?

Supervisor Schaffer - Can we include Parks? There will be a meeting at 10:30 am, May 17, 2016 at the Vestal Elks regarding smoking.

Town Attorney Berger - if we want to include Parks we need a local law.

This will be held over until everything is considered.

7.4 PLANNING & ZONING (MESSINA/Agneshwar)

1. Request from Broome County Humane Society to put up two "Goal Thermometers" one on the North Star Group property across from University Plaza and one at 3005 Vestal Road.

We don't own these properties. This will not be entertained by the Board.

2. Request from Carl Drake Sr. to Harvest Timber at 4225 Fuller Hollow Road

A permit to harvest timber has been applied for by Carl Drake Sr., for the following named parcel in the Town of Vestal:

BCTM#175.10-1-13 4225 Fuller Hollow Rd. Mohamad Abdelazim, owner - zoned RR.

The Code of the Town of Vestal prohibits timber harvesting within 300 ft. of an RA-1, RA-2 and RC zoning district. The owners and applicant are requesting permission from the Town Board to harvest within this 300 ft. setback to these districts. The parcel and harvest areas are shown on the attached maps of the area.

The Code of the Town of Vestal Chapter 6, Article V, Division 2, Section 6-168(c) specifically allows for town board review of harvesting permit applications in conflict with the code requirements.

The harvest is being conducted on a selective cutting basis, with trees being cut chosen by the logger. The application indicates that all trees being cut are approximately 14+" in diameter. No

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"clear cutting" is being performed. Other than the harvest within 300 ft. of the RA-1, no other items are of concern.

Councilwoman Agneshwar – Code has no problems with this. **A SEQR needs to be submitted.**

This will be **put on agenda if the SEQR is available.**

3. Request from John & Doreen Tillman to sell fermented vegetables and Kombucha Tea at the Vestal Farm Market. The Town Attorney will contact them and have them ask for a clearance from the Health Department. There is a concern that through the fermentation process of some of these products may contain alcohol which is not allowed on Town property.

This will be held.

7.5 PUBLIC SAFETY (FITZGERALD/Messina)

1. Request to increase coverage for accident insurance policy for volunteer firefighters
See above.

2. Discuss approval to sell the below retired police department vehicle, which is no longer in service, via Auction International. Vehicle description:

Vehicle Year & Make	Miles	VIN
2006 Ford Taurus	73,246	1FAFP53076A124096

This vehicle is rusting around all door frames and the rear wheel well. It also has engine/transmission issues. Our past Ford vehicles of similar age and mileage have required entire new transmissions.

Ok to put on agenda.

3. Discuss transferring a 4 wheel drive Tahoe with 112,000 miles from the Police Department to the Code Department **HOLD**

4. Request to approval to accept the following payment of \$600 and Annual Lease Agreements for the Fred Singer Training Site:

- | | |
|-----------------------------|--|
| Apalachin Fire Department | Susquehanna County Fireman Association |
| Town of Owego Fire District | Union Center Fire Department |
| Endwell Fire Department | West Endicott Fire Department |
| Owego Fire Department | |

Athens Fire Department at the cost of \$100 per day

OK to put on Agenda.

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7.6 ADMINISTRATION (MAJEWSKI/Messina)

1. Request for the Vestal Museum to accept a check for \$1000.00 from the 2016 UCF Project Grant received for their *Musical Memories Series*.

OK to put on agenda.

2. Request from Paul Rooney, Owner of Edge Sports Complex to use Harold Moore Park for softball camp June, July and August of 2016. Ideally, the camps would run on Monday through Thursday from 9:00 am through 12:00 noon and the camp participants would be between 8 and 14 years old June 23rd through August 18.

Councilman Majewski - This is a for-profit organization and not a habit we should get into. Who will maintain these fields? He is not in favor of this.

Supervisor Schaffer noted that the Parks Superintendent is against this or charge \$85 dollars per hour.

Councilwoman Agneshwar - There is no fee schedule - this is a gray area. It would take a great deal of policy making.

This will not be addressed by the Board.

UNFINISHED BUSINESS

1. Wash Bay at the Highway Department (in response to the EPA field audit)

Update on 03/02/16: Town Engineer Vern Myers is working with the Highway Department on a plan to install a vehicle washing unit in the far bay of the Highway garage. – **Update on 04/11/16:** Vern Myers will ask a few engineers for a price.

2. Community Use of Municipal Facilities Policy

Update 03/21/16: Supervisor Schaffer is reviewing the comments from the Board and expects to have a draft policy in the near future. – **Update on 04/11/16:** The supervisor will have this ready next week.

3. Proposed Gas Card System for the Purchase of Fuel for Town Vehicles

Update on 3/21/16: Supervisor Schaffer directed the Town Engineer to prepare a cost benefit analysis of upgrading our system vs. going with an outside fuel vendor. – **Update on 04/11/16:** Town Engineer Vern Myers is waiting for an evaluation from Hunt Engineering. He is concerned about maneuvering of large vehicles at gas stations. Also, Mirabito Group will come, if asked, to discuss running satellite stations.

SUPERVISOR ANNOUNCEMENTS:

- **Citizens Police Academy:** March 24th-May 26th, on Thursday nights from 6:30 pm-8:30 pm, in the Town Board room. Email skintner@vestalny.com to sign up.

EXECUTIVE SESSION

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

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ADOPTED Ayes 5 Agneshwar, Messina, Majewski, Schaffer, Fitzgerald
Nays 0

Resolved the Board enter into Executive Session to discuss the following:

- Litigation regarding 3124 Vestal Parkway East – Vestal Parkway Plaza
- Personnel Issue

The time was 8:26 PM.

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

ADOPTED Ayes 5 Agneshwar, Messina, Majewski, Schaffer, Fitzgerald
Nays 0

Resolved the Board leave the Executive Session and **adjourn the Work Session. The time was 9:00 PM.**

Respectfully submitted,
Kathie S. Young, 1st Deputy Town Clerk