

## VESTAL TOWN BOARD WORK SESSION MINUTES

MONDAY, JANUARY 22, 2018

Board Attendance: Supervisor Schaffer; Board Members: Fletcher, Messina, Fitzgerald

Absent: Majewski

Also Attending: Town Attorney David Berger, Town Engineer Vern Myers, Director of Human Resources Nancy Olmstead, Fire Chief David Harrington, Assistant Fire Chiefs Doug Rose and John Paffie, Town Clerk Emil Bielecki and 12 people from the general public.

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

### **6:00 PM - Fire District to discuss award of Tanker 32-3**

Fire Chief Harrington stated that the internal review committee is recommending that the bid for the Tanker 32-3 project be awarded to the low bidder, Custom Fab & Body LLC in the amount of \$365,809.00. Assistant Fire Chief noted that this is a relatively small shop but they have a good reputation. The Margaretville Fire Department has purchased several pieces of equipment from this company and they are very satisfied with their work.

Supervisor Schaffer asked for an update on the sale of Tanker 32-2. Assistant Fire Chief Rose stated that they are in regular communication with the fire department in the state of Maine that is purchasing the tanker and expect that it will be picked up by next week.

Supervisor Schaffer noted that there will be a Public Information Session in support of the February 6<sup>th</sup> Special Election for the purchase of a new tower apparatus for Station 4 (Tower 32-4) at 6:00 PM on Tuesday, January 23<sup>rd</sup> at the Town Hall.

## **COMMITTEES**

### **7.1 PUBLIC WORKS (FITZGERALD/Majewski)**

**1.** Request from Town Engineer Vern Myers to authorize the Town Supervisor to sign an Intermunicipal Agreement with the Vestal Central Schools for the Transportation Alternative Program (TAP).

Town Engineer Vern Myers stated that total cost of the project is approximately \$656,000. The local portion (20%) is approximately \$65,000 and will be divided equally between the Town and the School District. The project will include the installation of new sidewalks, some safety improvements on a portion of Clayton Avenue and a pedestrian signal near the Library on the Vestal Parkway.

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

**2.** Request from Town Engineer Vern Myers to authorize Town Supervisor John Schaffer to sign the NYSDOT Agreement for the Locally Administered Federal Aid Project, PIN 9009.43; Vestal High School Pedestrian Improvement (TAP 2016).

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

**3.** Request from Highway Superintendent Rocco Turdo to authorize the Town Supervisor to sign agreement with Broome County for the removal of snow and control of ice on certain county highways and roads within the Town of Vestal for the year 2018.

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Councilwoman Fitzgerald stated that this agreement is for Tracy Creek Road.

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

4. Request from Water/Wastewater Superintendent Scott Groats to approve advertising for water meters on January 31, 2018 with bid opening on February 12, 2018 at 2:00 PM.

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

5. Request from Place LLC Creekside and Creekside Place LLC to rezone 2521 Vestal Parkway and 2608 Old Owego Road from Residential Single Family (RA-2) to Community Business District (C-2) and to authorize the publication of the Local Law on February 14, 2018 with the public hearing on February 28, 2018.

Attorney Sarah Campbell, representing the applicant, displayed several exhibits and explained that the purpose for the rezoning request is to expand the existing dental practice. She noted that the preliminary review of the project will be done by the Planning Board on February 13<sup>th</sup>. Also, she asked that the Board **change the publication date to January 31<sup>st</sup> and the Public Hearing to February 14<sup>th</sup>**. The Board agreed to the recommended date changes.

Councilwoman Fitzgerald expressed concern about the proposed change of the exit from the property noting that it abuts several residential properties. Ms. Campbell responded that it would be reviewed by the Planning Board and if there are any issues, the location of the exit can be modified so as to minimize any negative impact on the neighboring properties.

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

6. Request from Bill Hall to rezone the following from Residential Office (RO), Transitional Neighborhood (TN) and Multiple Residence (RC) to C-2 Community Business (C-2). A local law will be required with a possible publication date of February 14, 2018 and a public hearing on February 28, 2018.

<b>Tax ID</b>	<b>Street #</b>
158.14-1-4	2500 VPE
158.14-1-5	2508 VPE
158.14-1-6	2512 VPE
158.14-1-9	2520 VPE

Representing the Beck Group, Bill Hall displayed several exhibits showing a plan to locate a new restaurant at the proposed location. The zoning change is required to proceed with this development because the four parcels, as currently zoned, do not permit restaurants.

Supervisor Schaffer noted that a parking variance has already been granted for the other business in that plaza and he has serious doubts whether there is adequate room to meet the parking requirement for the new restaurant. He suggested that the Beck Group should give serious consideration to buying the small parcel that adjoins this property.

After a brief discussion, the Board decided not to take any action on this request until the Town

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Engineer has reviewed the proposed parking plan to determine if it meets the Code requirements.

7. Request from Water/Wastewater Superintendent Scott Groats to approve advertising for Water Appurtenances on January 31, 2018 with bid opening on February 12, 2018.

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

**7.2 FINANCE (MESSINA/Fletcher)**

1. Warrants: 2017-52, 2017-52E, 2018-01, 2018-01A, 2018-1EA, 2018-02, 2018-02A, 2018-2CA, 2018-2EA, 2018-03, 2018-03A, 2018-03E

**OK** – This item will be placed as a ‘Receive and File’ on the Agenda for the next Regular Meeting.

2. Request to pay \$400.00 for the annual membership to the Upstate New York Towns Association.

Supervisor Schaffer stated that this organization continues to meet regularly and offers discussion and training on topics that are relevant and important to the Town. In fact, they may well be the only viable organization that serves the towns because the BC Association of Towns is struggling to stay in existence.

3. Request from Water/Wastewater Superintendent Scott Groats to issue a refund in the amount of \$81.90 to Dylan Maerkl for a credit remaining after a final bill at 125 Eldredge Dr.

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

4. Request from Water/Wastewater Superintendent Scott Groats to pay \$154.11 to Robert Snyder for overpayment on a closed utility bill at 3213 Briarcliff Ave.

**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 the following individuals for transportation and meals while attending the Association of Towns Meeting, February 18 -21, 2018, at a rate calculated by the Director of Human Resources Nancy Olmstead in a memo dated January 4, 2018:

John Schaffer, Fran Majewski, Laura McKane, Joyce Majewski, Joseph Meagher

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

6. Request to pay \$537.50 to Town Attorney David Berger for December 2017 billable hours.

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

7. Request for Town Supervisor John Schaffer to sign the *Client Terms and Conditions* with Interactive Health for Blue4U to offer health wellness services to employees, spouses and adult dependents on the Town Health Insurance on February 22, 2018 at a fee of \$150 per participants. This fee is paid for out of the health insurance fund.

**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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8. Request from Town Comptroller Laura McKane to authorize Town Engineer Vern Myers to purchase a large document plotter (printer, scanner/copier) and to make budget transfers as noted in her memo to Councilwoman Messina dated January 17, 2018.

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

### **7.3 PERSONNEL (MAJEWSKI/Fitzgerald)**

1. Request to authorize Receiver of Taxes Debra Wallace to appoint the following:

- Debra Jennings as Deputy Receiver of Taxes \$11.00 12/20/17—4/17/18
- Thomas Keegan as Clerk PT \$9.70 \* 12/20/17—1/5/18 & 1/17/18—4/2/18 as needed
- Sarah Wallace as Clerk PT \$9.70 \* 12/20/17—1/5/18
- Rachel Wallace as Clerk PT \$9.70 \* 12/20/17—1/5/18

\*Minimum wage increases to \$10.40 on 12/31/17

Human Resource Director Nancy Olmstead noted that the Board has already approved these appointments; however, some of the dates of employment have changed largely to accommodate the early payment of property taxes as enabled by an Executive Order from Governor Cuomo.

Supervisor Schaffer stated that he would like to send the bill for the additional cost of collecting the taxes to Governor Cuomo because this looks like just another unfunded mandate.

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

2. Request from Recreation Planner Sue Jastran to retroactively approve Anthony Michaels and Jenny Comency working due to an emergency in December as family swim lifeguards as noted in her memo dated January 2, 2018 and to hire Vestal Youth Basketball labor as noted in her memo to the Town Board dated January 11, 2018.

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

3. Request authorization for Police Chief John Butler to hire police officers as follows:

- Hire Joseph Sherba as a Police Officer effective January 29, 2018. Officer Sherba will be transferring from the City of Binghamton Police Department. As per the PBA collective bargaining agreement Officer Sherba's rate of pay will be \$69,169.00. Such appointment is conditional on the satisfactory completion of all civil service requirements and drug testing.
- Hire Colin White as a Police Officer effective February 5, 2018. As per the PBA collective bargaining agreement Officer White's rate of pay will be \$50,300.00. Such appointment is conditional on the satisfactory completion of all civil service requirements and drug testing.

Councilwoman Fitzgerald noted that Officer Sherba is a fully trained transfer from another police department and does not have to attend the Police Academy. Officer White would be attending the Police Academy which starts in April. Supervisor Schaffer stated that he expects another opening for a police officer in the near future and if a qualified candidate is found, perhaps we can send two officers to the Police Academy at the same time.

**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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4. Request authorization for Water/Waste Water Superintendent Scott Groats to appoint Casey Peck provisionally to the vacant position of Water/Wastewater Maintenance Crew Chief at the Operating Engineer rate of \$26.97 per hour effective January 27, 2018. Funds to pay for this position will come from line W8340-1020.

**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** (FLETCHER/Fitzgerald)

1. Discuss Zoning Board of Appeals (ZBA) attorney for 2018.

Town Attorney David Berger stated that the contract renewal for legal services to the ZBA with the law firm of Levine Gouldin & Thomson is requesting an increase in the hourly rate from \$180 to \$195. The Board agreed to vote on granting authorization for the Town Supervisor to sign an agreement with Levine Gouldin and Thompson LLC, Attorneys at Law, to perform legal services relating to the Zoning Board of Appeals (ZBA).

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

2. Request from Matthew Gawors of Binghamton Health Campaign to approve the Herald of Victory Marathon Course for May 28, 2018. The race will support Southern Tier Veterans Support Group.

Jenna Jenks from the Binghamton Health Campaign stated that this is the 3<sup>rd</sup> year of this event and she expects things to run smoothly as they have in the past. There is some expectation that we may see a small increase in participation. Upon request from the Town Attorney, Ms. Jenks provided a Certificate of Insurance for the event, naming the Town of Vestal as an insured party.

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

3. Request from Code Enforcement Officer Lincoln Ellis to authorize American Freight at 1000 Front Street to place 10 storage containers on their property from January 1, 2018 – May 31, 2018 as detailed in his memo to the Town Board dated January 4, 2018.

Town Engineer Vern Myers and several Board members expressed concern that too many storage containers are being permitted resulting in unsightly and unsafe conditions. It is believed that some of the businesses resort to using storage containers to avoid the additional cost of adding permanent building space. Also, it is very difficult to enforce the time restrictions placed on the storage containers. The consensus of the Board is that additional restrictions on storage containers should be added to the Code.

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

4. Request from Code Enforcement Officer Lincoln Ellis to authorize Rock Solid Landscaping to place a storage container at 2549 Vestal Parkway to store rock salt for parking lot maintenance from January 10, 2018 – April 10, 2018 as detailed in his memo to the Town Board dated January 10, 2018.

**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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**6.** Request from Code Enforcement Officer Lincoln Ellis to authorize Chris Riley of CR Land LLC to place 4 storage containers at 1915 Vestal Parkway from January 16, 2018-March 16, 2018 as detailed in a memo to the Town Board dated January 18, 2018.

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

**5.** Request from Code Enforcement Officer Lincoln Ellis to make changes to Code of Town of Vestal Chapter 24 regarding container storage. A local law will be required with a possible publication date of February 14, 2018 for a public hearing on February 28, 2018.

After a brief discussion, the Board determined that additional work needs to be done on the proposed changes to the Code regarding storage containers. Several Board members and other Town officials feel that additional restrictions and perhaps higher fees should be imposed on storage containers. The proposed local law will be put on hold for further review.

**7.5    PUBLIC SAFETY (MESSINA/Majewski)**

**1.** Request from Police Chief John Butler to authorize the Town Supervisor to sign an agreement with Broome County for the STOP DWI Overtime Patrol funding in the amount of \$9,000.00.

It was noted that the funding was cut from the \$13,000 granted last year.

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

**2.** Request from Fire Chief David Harrington for the Board of Fire Commissioners to adopt the following resolution:

*Resolved that the Town of Vestal Fire District elects to participate in an interlocal agreement with neighboring fire departments/companies in the State of Pennsylvania in accordance with New York State General Municipal Law Article 14G, and will agree to recognize a call for assistance through the Broome County Communications Center and will comply with the provisions of such as now in force and as amended from time to time.*

*And be it further resolved that a copy of this resolution be filed with the Broome County Fire Coordinator.*

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

**3.** Request from Fire Chief David Harrington to award the bid for Tanker 32-3 to Custom Fab & Body LLC, 158 US Highway 45, Marion, WI 54950, in the amount of \$365,809.00.

**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 David Harrington to accept the following donations:

- Donation from Kathleen Farrell in the amount of \$250 to go towards Water Rescue Equipment.
- Donation from Citgo Petroleum Corp. in the amount of \$500 to equipment purchases.

Both donations would go to Line 3410 4060.

**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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5. Request from Fire Chief David Harrington for the Board of Fire Commissioners to approve the following as members of the Vestal Fire Department:

- Ashley Rucky as a member of the Vestal Fire Department at Company No. 1.
- Christopher Thomas as a member of the Vestal Fire Department at Company No. 3.

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

### 7.6 ADMINISTRATION (MAJEWSKI/Messina)

1. Request from Sue Jastran, Recreation Planner to accept the following donations:

- \$800 from Vestal Urgent Care sponsoring the 2017 water carnival.
- \$200 from Melanie and Richard Collis
- \$200 from Timothy Donlin
- \$50 from United Methodist Homes

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

2. Request from IT Director Dan Williams for approval to switch telecommunication carriers from our current provider to Charter/Spectrum and authorization to sign the service orders.

In a memo to the Town Board, IT Director Dan Williams states that the Town can save approximately \$3,100 a year by switching.

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

3. Request from Vestal Museum Director Cherese Wiesner-Rosales to approve the moving of the Vestal Museum from its current location to the Rail Trail, and approve in-kind services laid out in the move's budget proposal.

Museum Director Cherese Rosales provided the Board with an estimated budget for the move of the Museum to the Rail Trail which includes in-kind services. Since many of the grants that are potentially available for this project are matching grants, the in-kind services could serve at the Town's contribution to the project. However, the first step that needs to be taken is for the Board to approve the project. Many grants cannot be submitted prior to the Town's approval of the project. Currently, the largest pending grant is from the Hoyt Foundation, which is a matching grant.

Supervisor Schaffer expressed concern about the estimated in-kind services. Some of the estimates appear to be inflated and there is always the question of availability of Parks Department workers to devote to this project.

Town Engineer Vern Myers noted that the estimated budget references Town employees, not necessarily from the Parks Department. He stressed that at this time, the Board is being asked to approve the move of the Museum. The level of commitment to in-kind services is likely to be adjusted as we get better information about the scope of the project. Ultimately, the goal is to secure as much private funding as possible so as to minimize the need for Town resources.

**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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**EXECUTIVE SESSION**

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

**ADOPTED** Ayes 4           Fitzgerald, Messina, Fletcher, Schaffer  
              Nays 0           Absent 1       Majewski

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

- Litigation – Article 7 tax certiorari case
- CSEA & Operating Engineer negotiations
- Review of applicants for various volunteer boards
- A PBA negotiations issue

The time was 7:47 PM.

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

**ADOPTED** Ayes 4           Fitzgerald, Messina, Fletcher, Schaffer  
              Nays 0           Absent 1       Majewski

Resolved the Board leave the Executive Session and **adjourn the meeting. The time was 8:57 PM.**

Respectfully submitted,  
Emil Bielecki, Town Clerk