

VESTAL TOWN BOARD WORK SESSION MINUTES
MONDAY, OCTOBER 7, 2013

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

Also Attending: Town Attorney David Berger, 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.

COMMITTEES

7.1 PUBLIC WORKS

1. Request from Michael Mastro, of New Holland Equipment, for a vehicle service station permit to move the business from 3104 Vestal Road to 2807 Vestal Road (Airgas Building) request to advertise on October 16, 2013 with a public hearing on November 6, 2013.

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, to award the generator bid to Matco Electric at the price of \$156,200.

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 award the bid to ProCon Contracting for Section 2A of the rail trail.

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

4. Discuss request from Gary Campo, Town Engineer to go forward with obtaining a storm easement on Juneberry Road (from September 23, 2013 work session)

Several Board members objected to the \$5,000 that the property owner is asking to grant the easement noting that the project will be helpful to the neighborhood but will not have a negative impact on this property. The consensus of the Board was to instruct the Town Engineer to negotiate the easement at a price not to exceed \$1,000.

5. Request from Gary Campo, Town Engineer to advertise on October 23, 2013 with bid opening on November 12, 2013 for Creek projects which will be funded by Natural Resources Conservation Services (NRCS) at 75% with the remaining 25% being handled thru Broome County, the advertising dates may need to change due to NRCS being in a lock-out.

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 pay out of class pay as per the memo dated October 2, 2013.

Supervisor Schaffer noted that there is an employee performance issue connected with this item that needs to be addressed and asked the Board to discuss it later in an Executive Session.

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7. Discuss possible options for sewage rate increase due to the unexpected charges by the Joint Sewage Treatment Plant.

Councilman Majewski noted that if we don't increase the sewer rates, we will have to close a \$100,000 revenue hole.

Supervisor Schaffer noted that we just recently raised the sewer rents by 26%, but the significant increases in fees imposed by the Joint Sewage Treatment Plant leaves us no choice but to raise the rates again. We can use reserves to try to keep the rent increase at a reasonable level. He asked the Board members to review the rate increase options outlined by Comptroller Laura McKane (memo dated 10/3/13) and discuss the matter with Water and Sewer Superintendent Scott Groats. The issue will be back on the agenda for the next Work Session on October 21st.

7.2 FINANCE

1. Warrants - 2013- 39, 39E, 40, 40E

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

2. Request to pay \$1512.50 to the Town Attorney for billable hours for the month of September 2013.

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

3. Request from Jerri Schutt to pay the amount of \$688.89 for damage and mileage to her vehicle from construction on Main Street.

Several Board members expressed skepticism about this claim citing a general lack of information and a failure by the claimant to file a police report. The Board decided to reject the claim and asked that the Supervisor's assistant notify the claimant of the decision.

Councilman Marnicki recused himself from the discussion but did not state the reason.

7.3 PERSONNEL – no item were brought for discussion

7.4 PLANNING & ZONING

1. Request from Gary Van Driesen to obtain a license for open storage at 1520 and 1524 Pearl Street. The Board had requested more information about the specifics of the fence that is a required component.

Councilwoman Fitzgerald stated that she looked at the property and the owner would need to get an 8' fence. There is a long history with this property owner of non-compliance with Code citations. She would be reluctant to approve this permit in a residential area. It would set a bad precedent. Several other Board members expressed concern about the property owner's lack of compliance in the past and wanted more information from the Code Department about the history of this property.

Supervisor Schaffer stated that he will put this item on hold and take it up again at the Work Session on October 21st.

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2. Request from Vestal Band Aides to use the library parking lot on October 12, 2013 for bands to warm up for the NY State Field Band Conference.

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 for Adam Norovich to become a member of the Vestal Fire Department at Company No. 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 William Spangenburg to become a member of the Vestal Fire Department at Company No. 1.

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

3. Request to release \$16,000 from the Capital Reserve and transfer it to F3410 2255 Building Capital Improvements pending permissive referendum to replace the roof over the apparatus bay at Station 3. This was brought up and tentatively agreed upon at the budget work session to complete this project. Also, this amount was removed from the 2014 budget.

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

4. Request to approve the following resolution for the purchase of a heavy rescue vehicle:

A resolution authorizing the purchase of a heavy rescue Fire-Fighting vehicle for the Vestal Fire District in the town of Vestal, Broome County, New York, at a maximum estimated cost of \$699,000, and authorizing the issuance of not exceeding \$699,000 serial bonds of said fire district to pay the cost thereof

Supervisor Schaffer noted that this item, and the two below, are the procedural steps required to move ahead with the referendum seeking to authorize the purchase of a new heavy rescue vehicle for the Fire Department.

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

5. Request to approve the following resolution authorizing a special election on November 19, 2013:

BE IT RESOLVED, by the Board of Fire Commissioners of Vestal Fire District in the Town of Vestal, Broome County, New York, as follows:

Section 1. A special election of the qualified voters of Vestal Fire District in the Town of Vestal, Broome County, New York, is hereby authorized to be held on the 19th day of November, 2013, at the Town Hall, in Vestal, New York, in said Fire District, between the hours of 12:00 o'clock Noon and 9:00 o'clock P.M., Prevailing Time, to vote by paper ballot upon the adoption or rejection of the bond resolution heretofore adopted at this meeting.

Section 2. The notice of such special election shall be in substantially the form attached hereto as Exhibit A, and hereby made a part hereof.

Section 3. The Secretary of said Fire District is hereby authorized to give notice of such special election by publication once in official newspaper having a general circulation in said Fire District, the first publication to be not less than twenty-seven (9) nor more than thirty-four (34) days prior to the

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date of such election, and posting on the bulletin board and website of the Fire District and of the Town at least 15 days and not more than 20 days prior to the date of such election.

Section 4. This resolution shall take effect immediately.

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

6. Request to publish notice of special election on October 16, 2013.

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

7. Request to approve the resolution to appoint a Board of Election for the special election:

WHEREAS, the Board of Fire Commissioners of Vestal Fire District in the Town of Vestal, Broome County, New York, has called a special election of the qualified voters of said Fire District to be held on the 19th day of November, 2013; and

WHEREAS, it is now desired to provide for the appointment of a permanent chairman, inspectors of election and assistant clerks for said special election; NOW, THEREFORE, BE IT

RESOLVED, by the Board of Fire Commissioners of the Vestal Fire District in the Town of Vestal, Broome County, New York, as follows:

Section 1. Lucille Giles, a duly qualified voter of said Fire District is hereby appointed as the permanent chairman of the special election referred to in the preambles hereof.

Section 2. The following named qualified voters of said Fire District are hereby appointed to act as inspectors of election of said special election, so that there shall be at least two inspectors for each ballot box to be used thereat:

Inspectors: Marlene Arnold, Janet Cole, Nancy Gregory

Section 3. Each inspector of election appointed for said special election, as herein provided, shall be entitled to compensation at the rate of \$11.00 an hour for the services for the Chairman and \$10.00 an hour for the services for the Inspectors. The Secretary of said Fire District is hereby authorized and directed to give written notice of appointment to the persons herein respectively appointed as permanent chairman, inspectors of election and assistant clerks for said special election.

Section 4. This resolution shall take effect immediately.

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 discussion

NEW BUSINESS

1. Resolution in Support of Proposition #1, Authorizing Casino Gaming

Supervisor Schaffer stated that he received a request from the Tioga Downs Proposition #1 Committee requesting the Board adopt a resolution in support of a proposition on the State-wide ballot that would expand full gaming licenses to various areas of the State. The group claims that the passage of this proposition would allow our region to share in the economic benefits of Casino gaming.

Councilman Majewski expressed hesitation about supporting the Governor's intention to meet budget shortfalls with gambling revenue.

After a brief discussion, the consensus of the Board was to take no action on this request.

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2. Authorization to appoint a Sergeant in the Police Department

Supervisor Schaffer stated that a recent retirement of a Sergeant in the Police Department has created a command issue. Police Chief Butler is asking for Board authorization to appoint a new sergeant through an internal promotion. Supervisor Schaffer noted that he supports the appointment of a new sergeant and the replacement of the open position created by the retirement.

The consensus of the Board was to authorize the Police Chief to appoint a new Police Sergeant.

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

3. Review of the 2014 Tentative Budget

Supervisor Schaffer noted that he is satisfied with where we are at this stage of the budget preparation process but that much more work needs to be done before the Preliminary Budget is adopted and presented at the public hearing. He is asking for input as to when to schedule additional meetings for continuing the budget review process. In the absence of any strong opinions from the Board, he stated that he would propose a schedule of daytime budget meetings.

UNFINISHED BUSINESS

1. Scrap Metal Policy – this item was not addressed at this meeting.

2. Request to modify Special Permit at 2520 Vestal Parkway East (Cornelius)

Councilman Marnicki noted that contrary to what was represented at the last Work Session, one tenant at the location vehemently opposes the expansion of the parking spaces for Hertz Car Rental. Moreover, an inspection of the location reveals that three of the parking spaces (shown in a site map presented to the Board) are not usable. Supervisor Schaffer recommended that this item be left as unfinished business until the Board gets more honest answers.

EXECUTIVE SESSION

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

ADOPTED Ayes 4 Majewski, Fitzgerald, Marnicki, Schaffer
 Nays 0 Absent 1 Milkovich

Resolved the Board enter into Executive Session for the purpose of discussing a performance issue of a particular employee. The time was 6:38 PM.

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

ADOPTED Ayes 4 Majewski, Fitzgerald, Marnicki, Schaffer
 Nays 0 Absent 1 Milkovich

Resolved the Board leave the Executive Session and adjourn the Work Session. The time was 6:55 PM.

Respectfully submitted,
Emil Bielecki, Town Clerk