

VESTAL TOWN BOARD WORK SESSION MINUTES
MONDAY, JANUARY 6, 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, Fire Chief Pat McPherson and 4 members of the community.

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

6:00 PM – Review the 2014 Organizational Appointments, Authorizations and Calendar of Board Meetings.

Supervisor Schaffer noted that the Committee assignments on the Board may change when the vacant position on the Board is filled.

After a brief discussion of the proposed Procurement Policy, the Board members agreed that all public works contracts should have written quotes, with two written quotes for contracts under \$15,000 and 3 written quotes for contracts between \$15,000 and \$35,000. Supervisor Schaffer stated that he would instruct the Comptroller to make the appropriate changes to the Procurement Policy prior to approval by the Board at the Regular Meeting.

UPCOMING PUBLIC HEARINGS

Wednesday, January 8, 2014 re: **Local Law A of the Year 2014 amending sewer rents**

Section 1. Chapter 18, Article V of the Code of the Town of Vestal is hereby amended to provide as follows:

(a) Sec. 18-201 Definitions is amended by modifying the term “Sewer Rents” to read as follows: “Means a scale of charges established and imposed by the sewer district pursuant to this article for the use by a property of a sewer system or any part or parts thereof including charges to cover the cost of operation, maintenance, replacement and capital costs, bond and interest redemption and other authorized expenditures.”

(b) Sec.18-202(b) (1) Imposition and Computation is amended by deleting “...four dollars and eighty eight cents (\$4.88)...” and inserting in its place “five dollars and thirty cents (\$5.30)” and further amended by deleting “...forty nine dollars and zero cents (\$49.00)...” and inserting in its place “fifty three dollars (\$53.00)”.

(c) Sec. 18-202 is further amended by adding a new provision as follows: “(b)(4) The quarterly capital cost charge for each property within the sewer district is \$5.00 per account. Said monies collected shall be deposited in the Reserve Fund established for these purposes and no expenditure shall be made from this fund except pursuant to Section 6-C of the General Municipal Law or by resolution of the Town Board as applicable.

Town Attorney David Berger noted that in addition to the increases in the sewer rents, the local law is adding a capital charge as a new item.

COMMITTEES

7.1 PUBLIC WORKS

1. Request for the Town Engineer to sign the necessary paperwork to enter into an agreement with **Troy & Banks Consultants**, Buffalo, NY, to perform a utility accounts audit.

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They will receive no payment unless they find billing errors.

Electric and Gas – will go back 6 years and receive 40 % of the monies relating to billing mistakes they find (this will include street lighting)

Telephone – they will go back 6 months with payment of 20% of future saving for the next 18 months(6 months is all that is allowed by Public Service Commission)

Cable – they will review the cable franchise fees to determine if accurate franchise fees are submitted to the Town at a rate of 50%.

Councilwoman Fitzgerald noted that the Town did this 10 to 12 years ago and it did result in some savings. This audit will not cost us anything.

Town Attorney Berger expressed some concern about the lack of information about this company and indicated that he would get more information prior to the Regular Meeting.

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 **out of class pay** for:

Greg Burd	\$348.00	240.00 hours (November 11 – December 31, 2013)
Todd Ingersoll	\$287.66	108.50 hours (November 22 – December 16, 2013)
Donnie Younker	\$380.34	125.25 hours (November 24 – December 23, 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 Highway Superintendent Brock Leonard for the following highway employees to carry over amounts of **vacation over 40 hours into 2014**:

Greg Burd	21.25 hours over 40	Richard Cady	10.50 hours over 40
Louise Smith	9.75 hours over 40	Rocco Turdo	7.75 hours over 40

Several Board members questioned why this item came in so late. Human Resource Officer Nancy Olmstead replied that this request was actually submitted in November, however, it did not get put on the agenda because she incorrectly thought that the times requested only required approval by the Highway Superintendent.

Councilman Majewski stated that the Town should keep tighter control on vacation carryovers because it could cost us additional money in overtime expense.

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

4. Discuss the reimbursement of an **insurance claim** for a vehicle that hit a temporary gas pipe installed during construction of the African Road Bridge project, as per memo from Town Engineer Gary Campo dated 12/26/13.

Supervisor Schaffer noted that this property owner was compensated for the temporary use of his property and that reimbursing him for an accident that was not the Town's fault would be setting a bad precedent. Several Board members agreed that the Town should not reimburse this expense. The consensus of the Board was to take no further action on this item.

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5. Request from Town Engineer Gary Campo to accept a donation in the amount **\$1,250.00 for the purchase and installation of a park bench on Section 2 of the Trail**. This cost covers to purchase of the bench, install a concrete pad, plus Park's Department labor and equipment for the new bench.

The family would like to have a plaque, landscape and roof structure. Normally we do not allow these, especially since we may have to maintain. Please advise.

Maybe as a possibility the plaque could be purchased and installed by the family with the understanding that if it gets damaged/stolen, they would have to arrange replacement.

After a brief discussion, the Board decided that it would accept the donation to install the bench but without any of the other stipulations. Councilman Majewski suggested that the Town could work with the family to consider other options in place of a plaque.

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

6. Discuss placing a weight limit for State Line Road, as per memo from Highway Superintendent Brock Leonard dated 12/5/13.

He would like the Board to make a local law regarding the weight limit on State Line Rd. The sign would read - **10 ton weight limit unless local delivery** - this will permit garbage trucks, moving trucks and other local delivery vehicles access to the road.

Councilwoman Fitzgerald stated that the gas drilling companies are using State Line Rd. and could be posing a problem.

Town Attorney Berger suggested that if this is part of an overall problem that the Town needs to address, the Board should consider adopting a town-wide road use law. If the Board only wants to address State Line Rd., he needs to look into the mechanics of doing this. He will discuss the matter in more detail with the Highway Superintendent and report back to the Board.

7.2 FINANCE

1. **Warrants** - 2013-50, 50E, 51, 51E, 51L, 51M, 52, 52E, 2014-01

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

2. Request from Deputy Comptroller Pam Fitzgerald for approval of Budget Transfers, effective dates 8/9/13 thru 12/30/2013, as attached to her memo dated 12/30/13. These transfers were needed to cover 2013 budget deficits for a variety of reasons.

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 from Town Engineer Gary Campo to amend the Zoning Code to permit a contractor's yard in the ID districts.

In a memo dated 12/23/12, Mr. Campo states that an applicant to the Planning Board wishes to use a portion of an existing building on Commerce Road for his contractors' yard. The lot is zoned ID which does not allow this use. The code should be changed to also allow a contractor's yard in the ID zoned areas.

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The area of I and ID is limited in the Town. 2 maps showing the present zoning were provided (light brown is I and dark brown is ID). The lots are in well-established industrial areas and the addition of the permitted contractor's yard should not adversely affect the area.

After a brief discussion, the Board determined that it would not initiate the broad rezoning action at this time, but would entertain a request from the applicant to rezone a specific parcel of land.

2. Request from Town Engineer Gary Campo, in a memo dated 12/18/13, to review the NYSDOT's plans to eliminate most right turn lanes from SR 434 into Town roads. NYSDOT will be repaving all of SR 434 in 2014 and will include changes to the pavement stripping. Please advise the Town Engineer of any concerns with these plans.

Several Board members expressed concern about eliminating any of the right hand turn lanes, noting that it would hold-up traffic. The Board will convey its opposition to this plan through the Town Engineer.

3. Request for a Vehicle Service Station Special Permit to reoccupy the old Hess gas station/convenience store at 3151 Vestal Parkway East, BCTMP# 158.11-1-19. The station would reopen under a new name, not yet determined.

Please arrange for advertisement for the public hearing, or if you wish, the applicant can attend a Monday night Work Session prior to setting public hearing date.

The Board agreed to proceed with the authorization to advertise on January 29, 2014, with a Public Hearing in February 12, 2014.

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 Patrick McPherson, in a memo dated 12/12/13, for approval from the Board of Fire Commissioners to move \$12,225.11 of the Fire District Insurance reimbursement to the Station #1 account (for losses during the 2011 flood); the amount of \$20,000 to be re-encumbered for use in 2014, with the remaining funds being put into the Fire District General Fund Balance. This will close out the flood insurance balance.

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 accept the results of the **Fire Chief elections** and to appoint **Christopher S. Lupold** as Deputy Fire Marshall. The established positions are as follows:

Fire Chief: Patrick McPherson (second year of his 2 year term)

Elected Station Chiefs for 2014

Station 1: Douglas Rose

Station 2: William Stout

Station 3: David Harrington

Station 4: John Paffie

Fire Marshall: Carle Truman

Deputy Fire Marshall: Brian Mather

Deputy Fire Marshall: Christopher S. Lupold

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

UNFINISHED BUSINESS

1. **Local Law to Rezone of 4696 Vestal Parkway East** (Metroplex Student Housing) to Planned Development District (PDD). Public Hearing was held on October, 23, 2013.

Town Attorney Berger noted that the Town must first rezone the property before the Industrial Development Agency (IDA) considers a PILOT agreement. If the PILOT agreement is a non-standard agreement, it would have to be approved by the Town Board.

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

2. **Community electronic signs**** – Code Department directed to draft change to sign ordinance for consideration by the Board.

** There was no additional information provided concerning this topic.

NEW BUSINESS

1. In a memo dated 1/6/13, Code Director Mark Dedrick is recommending that the Town install some sort of permanent signs at all properties that we are buying in this acquisition (flood buy-outs properties). He suggests that a sign be placed at each property, near the street, on a post, stating the address and the fact that the property is owned by the Town.

After a brief discussion, the consensus of the Board was to authorize the Code Department to proceed with the implementation of this project as recommended and report back to the Board with the details.

SUPERVISOR'S ANNOUNCEMENTS:

Winter Parking Hours – December 1st - March 31st – No Parking on Town roads between 2:00 AM and 6:00 AM.

EXECUTIVE SESSION

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

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

Resolved the Board enter into Executive Session for the purpose of discussing the following: labor negotiations with the Operating Engineers and the PBA; review of the water analysis contract. The time was 7:32 PM.

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

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

Resolved the Board leave the Executive Session and adjourn the Work Session. The time was 8:00 PM.

Respectfully submitted,
Emil Bielecki, Town Clerk