

**VESTAL TOWN BOARD WORK SESSION AGENDA**  
**MONDAY, JUNE 9, 2014**

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

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

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

**6:00 PM Terry Ross – Request to use Arnold Park for yoga classes**

Mr. Ross, a trained yoga instructor, is proposing to offer yoga classes at Arnold Park each Saturday at 8:00 AM. The classes would run between 60 and 75 minutes. His intention is to charge for these classes and donate a portion of the proceeds to charity. He wants the Town to authorize and sanction this activity.

Councilman Majewski stated that he opposed the idea of sanctioning this activity because it would set a bad precedent of allowing a section of a park to be closed off for a private profit making activity.

Town Attorney Dave Berger affirmed that the Town should not carve out a section of a park for a private activity. It should not sanction a for-profit business in a Town park. This arrangement would also pose some liability issues.

The Board unanimously agreed that it would not officially sanction this activity, but it was noted that there is nothing prohibiting a group of people from gathering in the park to practice yoga.

**6:15 PM Museum Director Virginia Wood – Day of Activities, August 2, 2014**

Museum Director Virginia Wood, Curator Kate Ellenberger and Library Board Chairman Gordon Allen laid out the details for staging a Museum sponsored Day of Activities at the Vestal Library Campus. This event will run in conjunction the Farmers Market, a Library sponsored book sale and several activities sponsored by the Historical Society. The Museum sponsored event will include the following: archeology exhibits and demonstrations (including spear throwing), folk art demos, food vendors, music and historic games and kids crafts. All the sponsors are working together to coordinate the use of the available space and an effort will be made manage the available parking so as to accommodate all the activity at the location. The Museum is excited to stage this event to offer a venue of fun and educational activities free of charge. Because this is a new event, and it is being held on the same weekend as the Spiedie Fest, it is not expected to draw a huge crowd. It is hoped that the event generates a positive vibe which can be built upon in future years.

Several Board members expressed concern about the staging of the spear throwing event but were mostly concerned about the parking situation. After a lengthy discussion, the Board expressed satisfaction with the steps being taken by the sponsors to create a safe environment for those who come to the Library Campus that day. The majority of the Board members agreed that the positive aspects of staging this event outweigh the concerns about the potential parking issues.

Councilman Majewski arranged to meet with the Museum Director at the Library location to review the parking situation (Wednesday at 9:30 AM).

Town Attorney Berger asked that all outside vendors who will participate in the event be required to sign the Town's Indemnification Agreement.

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**6:30 PM Kopernik Observatory – grant for children’s science park**

Emil Bielecki, Vice-President of the Kopernik Observatory and Science Center Board of Directors, explained that the organization has a long range plan to construct a science themed park to further enhance the educational and entertainment opportunities available to our young people. The Observatory is submitting a grant request to the Regional Economic Development Council for the funding of a Master Plan for the Kopernik Science Park. One of the requirements of the submission is a Resolution of Approval by the municipality where the project will reside. As the Science Park will reside in Vestal, we are asking the Town Board to adopt the resolution of support for the project.

All Board member expressed support for adopting the resolution as requested.

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

**6:45 PM Letter supporting the Vestal Rail Trail behind Town Square Mall**

Supervisor Schaffer stated that Newman Development is prepared to donate to the Town a section of the former rail bed behind Town Square Mall to be used as an extension of the Rail Trail. According the Town Engineer Gary Campo, the grant application to the NYS Department of Transportation for the extension of the Rail Trail requires a letter of support from the Town Board. The funding for this project would be split on an 80-20 basis between the State and the Town. However, the value of the donated land could largely cover the Town’s 20% obligation. If approved, it is conceivable that this project could be done with minimal cost to the Town. On a separate note, Supervisor Schaffer noted that the construction of the Section 2 of the Rail Trail is progressing nicely and he expects it to be officially opened in July.

The Board expressed unanimous approval of sending a letter of support to DOT for the grant application to extend the Rail Trail.

**UPCOMING PUBLIC HEARING**

June 11 – 1708 Old Vestal Road – Demolition of Unsafe Structure

Town Attorney David Berger stated that the property owner has communicated to him that a contractor has been hired to demolish the structure. In view of that development, he will advise the Board to postpone the hearing in anticipation of the demolition being completed to the satisfaction of the Town.

June 25 – Local Law C – Amending Chapter 18 Sewer and Sewage Disposal

June 25 – Local Law D – Amending Chapter 23-5 Article I “Fees” of the Town Code

**UPCOMING BID OPENINGS**

**COMMITTEES**

**7.1 PUBLIC WORKS**

**1.** Request from Carrie Rizzi to reduce sewage bill at 417 Rayelene Drive in the amount of \$169.60. The consumption was due to a burst pipe.

Councilman Majewski noted that the Binghamton-Johnson City Joint Sewage Treatment Plant has recently adopted a new policy where they will no longer give the Town credit for these

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reimbursements. This will be costing the Town money and we can't keep absorbing these costs. We need to change our policy in the near future and communicate it to the public.

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

**2.** Request from Susan Falcone to refund \$83.00 for an overpayment on the water/sewer bill at 4724 Deerfield Place.

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

**3.** Request from Earle Reome to reduce sewage bill at 2221 Kathleen Drive in the amount of \$95.40. The consumption was due to a burst garden hose.

**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 Superintendent Scott Groats to award sanitary sewer projects for William St., High St., and Tulane St. to ZMK, the lowest bidder, in the total amount of \$175,780.00.

**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 advertise for water chemical bids on June 18, 2014, with bid opening on June 30, 2014 at 2pm.

- Liquid Polymeric Phosphate and
- Chlorine, Sodium Hypochlorite Solution, and Hydrofluorosilicic Acid
- 

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

**6.** Request from Water Superintendent Scott Groats to advertise for water appurtenances bids on June 18, 2014, with bid opening on June 30, 2014 at 2:10pm.

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

**7.** Request from Town Engineer Gary Campo to increase the bid amount for ProCon Contracting work on Tracy Creek repair by \$673.38 (total contract price to \$199,423.38). The amount of rock needed was increased.

Supervisor Schaffer noted that he is generally reluctant to permit such a change, however; in this case it is justified because the error in the calculation of the needed material was made by the Town.

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

**8.** Request from Town Engineer Gary Campo to award placement of curbs on High Ave. and Evergreen St. to the low bidder, DeNinis Construction, 138 Burr Ave, Binghamton, NY 13903 at a price of \$29,673.60.

Responding to a question as to why this low bid was significantly below the other submitted bids, Supervisor Schaffer noted that this contractor has a specialized machine used in curb installations that

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saves a lot in labor costs.

**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- 21, 21X, 21E, 21L, 23, 23E

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

**2. Request to pay Hickey & Gates \$1592.50 for invoice 1319 and \$1102.50 for invoice 1300. Total payment is \$2695.00 for Williams's vs Town of Vestal litigation.**

Town Attorney Berger noted that this is an old item from last year and these payments are being made now to correct a billing error.

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

**7.3**    **PERSONNEL**

**1. Discussion of possible changes to the Employee Handbook.**

Human Resource Officer Nancy Olmstead presented the Board with a list of items that need to be addressed to bring the Town's Employee Handbook up to date. Many of the required amendments are needed to comply with various changes to State and Federal laws. Other changes are necessary to update some of the benefits available to the employees. Nancy asked the Board members to review the Employee Handbook and let her know of any other changes that may need to be made in addition to the items that she will be proposing.

**2. Request from Human Resource Office Nancy Olmstead to discuss NYS Retirement System Timekeeping.**

Human Resource Office Nancy Olmstead provided background information on the required filing with the NYS Comptroller of the Standard Work Day and Reporting Resolution for Elected and Appointed Officials and asked that it be adopted by the Board.

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

**3. Request from Human Resource Officer Nancy Olmstead for her and Town Attorney Berger to attend the NYS Public Employer Labor Relations Association Annual Training Conference on July 15-18, 2014. The cost will be covered from A1430 4030 (HR) and A1420 4030 (Town Attorney).**

Several Board members expressed support for providing this training opportunity in view of the fact that it has been a number of years since they last attended this Conference.

**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 Officer Mark Detrick to begin advertising and interviewing to hire a Fire Code Inspector, a position that Kayley Morgan will be vacating June 18, 2014.**

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Human Resource Officer Nancy Olmstead stated that there is currently a civil service list for the position with 2 people on it. The Town can choose to hire off that list or hire a provisional appointment of someone not on the list.

Code Officer Mark Dedrick stressed the importance of refilling that position and promised a thorough search to find the right qualified person.

Supervisor Schaffer noted that we should move on filling this vacancy because we have a lot of important projects that will need the oversight to ensure public safety.

Councilwomen Messina and Fitzgerald expressed support for starting the hiring process. Councilman Majewski stated that he is still undecided and will meet with Code Officer Dedrick to discuss the issue 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.

**7.4 PLANNING & ZONING**

**1.** Request from American Freight for a special permit to allow storage trailers at the 1000 Front Street location: Two trailers from August 1 to September 15, and 10 trailers from January 1 to April 15 annually.

Code Officer Dedrick noted that the parking lot of the business is large enough to accommodate some storage trailers but there are other issues that the Board will need to address in the review of this request.

After a brief discussion, the Board determined that the applicant should be invited to attend the next Work Session on Monday, June 23<sup>rd</sup> to provide additional information about the request.

**2.** Request from Community Electronic Informational Signs, LLC for a permit to install a Gateway Sign at 965 Vestal Parkway West.

**3.** Request from Community Electronic Informational Signs, LLC for a permit to install a Gateway Sign at 3469 Vestal Parkway West.

Code Officer Mark Dedrick stated that the applications to install the two gateway signs are incomplete and the proposed signs do not comply with all of the provisions of the Code as to size and setbacks.

After a brief discussion, the Board decided to put the review of gateway sign requests on hold until the applicant provides the following: drawings to scale, elevation drawings and drawings that show a perspective view. The Board will review the completed applications and forward them to the Planning Board and the Zoning Board of Appeals (ZBA) for advisory opinions.

**7.5 PUBLIC SAFETY** - no items were brought for consideration by the Board

**7.6 ADMINISTRATION**

**1.** Request from Museum Director Virginia Wood to authorize Supervisor to sign to accept a grant from Chenango Arts Council in the amount of \$3669.00.

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**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 hire playground instructors, tennis camp workers, and lifeguards as stated in her memo dated June 5, 2014.

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

**3.** Request from Museum Director Virginia Wood to hold a Day of Activities on August 2, 2014, from 9 AM – 7 PM at the Museum/Library location.

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

**UNFINISHED BUSINESS**

**1. Local Law “E” regarding Best Value Bidders (advertise date).**

Supervisor Schaffer asked the Board to review the draft of the local law for discussion at the Work Session on June 23<sup>rd</sup>.

**2. Removal of “no parking” signs from Vandervort Avenue**

The Board asked that the motion to remove the “no parking signs” on Vandervort Avenue be placed on the agenda for a vote at the next Regular Meeting of the Town Board.

**3. Town of Vestal FOG Control Program (Fats, Oils and Grease)**

The Town Attorney is still working on this item

**4. The California Grill Hill Thrill Charity Run**

A new coordinator from California Grill is working with Councilwoman Messina to finalize the details of this event for approval by the Town Board.

**5. Kopernik Tower**

The Town is waiting to hear from County Emergency Services Coordinator Brett Chellis concerning their plans to install a larger tower to also accommodate the County’s needs.

**6. 1708 Old Vestal Road – Hearing on unsafe structure.**

The Town Attorney noted that the hearing may be adjourned in anticipation of the property’s owners stated intention to demolish the structure.

**7. Vestal Junior Fire Fighter Camp**

The Board is awaiting additional information about this item from Fire Fighter Ken Fortier.

**8. Purchase of 512 Front Street**

The deadline for the permissive referendum ended on June 7<sup>th</sup> allowing the Town Attorney to now proceed with the closing.

**9. Vestal Beautification Group to hang banners on NYSEG Poles on Route 434, from exit ramp by Vestal library and Main Street to Vestal/Binghamton line.**

The Board determined that this is not a Town issue and asked that the group be advised to contact the State DOT and NYSEG.

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**NEW BUSINESS**

Supervisor Schaffer asked that the following item be placed on the agenda for approval at the Regular Meeting: A motion to approve Fire Fighters Kahl Miller, Brian Terrell, Justin Petcosky, Chuck Paffie and Andrew Leslie to participate in the 5<sup>th</sup> Annual Water Workout Weekend (water rescue training) at Dorchester Park in Whitney Point on June 21-22, 2014. Transportation will be in a Chief vehicle.

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

**SUPERVISOR'S ANNOUNCEMENTS:**

- Vestal Museum - June 14, 2014 - Folk Art Demo, 9am-12pm: Willow Weaving By Bonnie Gale.
- The Vestal Elks will be holding a Flag Day Ceremony at the Gazebo on Saturday, June 14 at 1:00 PM. The public is also invited to attend a luncheon at the Elks Club immediately following the ceremony.
- Station 1 of the Vestal Fire Department will be holding a Chicken Barbeque on Saturday, June 14, noon – 4 pm, at the Tractor Supply parking lot, catered by Phil's Chicken House.
- Residents are reminded that the Town does not pick up lawn clippings and it is a violation of the Town Code and the NYS Vehicle and Traffic Law to deposit such items at the curbside and on the street.

**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 labor negotiations with the Operating Engineers and the PBA, and to review a PBA litigation matter. The time was 8:15 PM.

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

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

Resolved the Board leave Executive Session and **adjourn the Work Session. The time was 8:35 PM.**

Respectfully submitted,  
Emil Bielecki, Town Clerk