

VESTAL TOWN BOARD WORK SESSION MINUTES

MONDAY, MARCH 23, 2015

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

Also Attending: Town Attorney David Berger, Town Engineer Gary Campo, Human Resource Officer Nancy Olmstead, Town Clerk Emil Bielecki and 18 members of the general public.

Supervisor Schaffer convened the Work Session at 6:00 PM

6:00 PM – Conservation Advisory Committee (CAC) Chairman Curt Pueschel – Conservation Management Plan for Vestal Town Parks

In presenting the Conservation Management Plan for the Parks, CAC Chairman Curt Pueschel noted that this report was needed because the Forest Management Plan that was prepared for the Town treated the parks as a wood lot. The Management Plan prepared by the CAC inventories the forest species and invasive species in the parks and on several tracts of town owned open land and makes recommendations on how to manage these areas in a responsible way. The report represents the foundation of what the CAC hopes will become a conservation management plan for Vestal's Town parks. In preparing this report, the CAC wants to accomplish the following:

- Stabilize the stream corridor and allow vegetation to regrow.
- Lay the groundwork to apply for grants to enable collaboration with the Upper Susquehanna Coalition on stream corridor restoration in select town parks.
- Make recommendations specific to each park concerning the conservation of various species of trees and vegetation.

The CAC wants the Town Board to do the following:

- Endorse grant applications, some of which may require matching funding or in-kind contributions from the Town.
- Identify the stakeholders to work with CAC.
- Identify the Town agencies that will assist the CAC in this effort.

Supervisor Schaffer thanked the CAC for doing an excellent job in preparing this report, but noted that the Town also needs the forest management plan to deal with the ash borer infestation. Also, he is concerned that DEC may be an obstacle is trying to do any work near the streams. Councilwoman Messina agreed that the ash borer infestation is a serious issue as is the risk of Lyme disease if we expand wild buffers in the parks. Mr. Pueschel noted that he did not see many ash trees outside of Jones Park. He suggests that the ash trees be labeled as part of an overall public information initiative that also addresses the bank erosion issue.

Supervisor Schaffer and several Board members expressed a willingness to assist the CAC in these initiatives, but financial constraints will continue to hinder our ability to undertake costly projects.

6:30 PM – Town Engineer Gary Campo – Town Hall Flood Wall

Town Engineer Gary Campo reviewed the costs involved in the construction of the Town Hall flood wall. The total cost of the project will be around \$305,000. FEMA will only pay approximately \$240,000 for the project, leaving a shortfall of about \$65,000. He has tried to reduce the cost of the project through some design changes but the consulting engineering firm will not sign off on it.

Councilman Majewski noted that we have already spent about \$25,000 on preliminary work and would lose that money if we don't go ahead with the project. Supervisor Schaffer noted that we will probably have to borrow the money to go ahead with this project.

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The consensus of the Board was that it was in the Town's best interest to build the Town Hall flood wall. The Board will work with the Comptroller to secure the additional \$65,000 funding required to proceed with the construction of the flood wall. The Town Engineer will request that the bid to construct the flood wall be awarded at the next regular meeting of the Town Board.

US Environmental Protection Agency (EPA) Storm Water Audit

Town Engineer Gary Campo provided the Town Board with a report from the EPA regarding the MS4 stormwater audit that was completed in September 2014 and provided a brief description of the items that need to be corrected. This report is a Compliance Order. Therefore, it needs to be addressed to EPA's satisfaction. If the items are not addressed and corrected, fines for non-compliance could be imposed. There are 26 items listed in the Compliance Order. Most of the items are routine and are being addressed. However 3 or 4 of the items are significant and will require the Board's attention as part of the review process and will involve monetary expenditure. The significant items are: self-assessment of buildings, good-housekeeping plan and an employee training plan. He feels that when the self-assessment is done, it will expose additional problems. The EPA places a heavy focus on written documentation and that is the area where we are weak. Additionally, we were cited for washing vehicles outdoors. This is not permissible. The washing of commercial size vehicles must be done indoors with the runoff going into the sanitary sewer system. We do not have any such facility at this time and may need to explore building one central location to wash Town vehicles.

Councilman Majewski noted the onerous and costly nature of environmental regulations and reminded the Board that it should revisit his recommended plan to get rid of our underground fuel storage tanks and contract with an outside vendor for offsite fueling services.

BID OPENINGS

On Monday, March 23rd at 2:00 PM, the Town Clerk opened bids for curb installation on High Avenue and Evergreen Street. The results are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Piccirilli Construction	\$77,330.00
De Ninis Construction	\$38,720.00
Seidel Construction	\$54,939.50

The bid results were forwarded to the Town Engineer for review and recommendation.

COMMITTEES

7.1 PUBLIC WORKS (MAJEWSKI/Fitzgerald)

1. Request from Kevin Hiller to award the bid for Uniforms for the Operating Engineers to Logo Wise, the sole bidder.

Several Board members want to compare the pricing to the existing contract.

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 advertise for the Highway Materials listed below on April 8, 2015, with the bid opening to be on May 11, 2015.

- Transit Mix Concrete
- Bank Run Gravel

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- Type #4 Gravel – NYSDOT approved
- Coarse & Fine Aggregates & Road Sanding Materials
- Bituminous Concrete – Hot Mix Asphalt
- Tire Chain Material
- Plow Blades and Grader Cutting Edges
- Crusher Run Sub-base Type #2 (Item #304)
- Light and Medium Stone Fill

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

3. Request from Water Superintendent Scott Groats to advertise for a dump body to be installed on existing department vehicle on April 1, 2015, with bid opening to be on April 13, 2015.

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

7.2 **FINANCE** (AGNESHWAR/Messina)

1.Warrants: 2015-10, 2015-10A, 2015-10E, 2015-11, 2015-11E, 2015-12, 2015-12E, 2015-12L

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

2. Request to pay \$2,836.90 to Green, Hershdorfer, & Sharpe for legal services (12/19/2014 thru 3/10/2015) for the Hicks vs. Town of Vestal litigation.

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

3. Request from Town Comptroller Laura McKane to retroactively authorize the renewal of the Excellus Stop Loss Insurance Contract with \$120,000 specific deductible effective 4/1/2015-3/31/2016 at a rate of \$100.94 per contract month. The renewal is with no increase to the rate.

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

4. Request from Town Comptroller Laura McKane to retroactively authorize renewal of the Administrative Services Contract with Excellus for the contract period of 5/1/2015 – 4/30/2016 at a monthly administrative fee of \$57.07 per contract per month. This fee represents an increase of 6%, or roughly \$6,260 annually.

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

5. Request from Town Comptroller Laura McKane to authorize the Town Supervisor to sign an agreement with Fiscal Advisors for professional services.

Councilwoman Agneshwar stated that she is seeking additional information about the services that this firm provides to be comfortable that there is no duplication of services with the bond counsel law firm that we retain. She will discuss the matter further with the Comptroller 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.

7.3 **PERSONNEL** (FITZGERALD/Majewski)

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1. Request from Police Chief John Butler to fill a vacancy by hiring Vincent F. Stavola as a Police Officer, effective March 30, 2015, pending approval from Broome County Department of Personnel. Per the collective bargaining agreement, his rate of pay will be \$63,906.

Human Resource Director Nancy Olmstead noted that this rate the pay is higher than the starting salary because this is an experienced officer who will not need to go to the training academy. She also stated that the required physical was done but if the results are not available prior to Wednesday's Board meeting, the hiring date may need to be adjusted.

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 (MESSINA/Fitzgerald)

1. Request from Vestal Historical Society to use the library parking lot for a Doug's Fish Fry Fundraiser on June 17, 2015 and September 4, 2015.

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

2. Request from the Vestal High School German Club to use the library parking lot for a Doug's Fish Fry Fundraiser on May 9, 2015.

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

3. Request from Michael Del Santo, representing Nirchi's Pizza, to place one storage unit off the west rear corner of the building on 3916 Vestal Parkway East.

Supervisor Schaffer asked that this item be held while the Board completes its review of the permitting process and fee structure for the placement of outside storage containers (see Unfinished Business).

4. Request from President of Refabulous Furnishings Julie Monaco to place one outside storage container at 2231 Vestal Parkway West until July 2016.

Supervisor Schaffer asked that this item be held while the Board completes its review of the permitting process and fee structure for the placement of outside storage containers (see Unfinished Business).

5. Request from Park Outdoor Advertising for a Gateway Sign to be located at 3101 Stewart Road on property owned by NNJ LLC.

Paul Simonet from Park Outdoor Advertising expressed extreme frustration with the Town in the handling of his applications for gateway signs. He feels that his constructive advice on drafting the gateway sign ordinance was ignored and his subsequent applications have not been brought to the Board for consideration in a timely manner.

Supervisor Schaffer stated that the applicant has received plenty of attention and has been able to address the Board on a number of occasions. The delay in the review of the gateway sign applications was the result of a busy schedule which prioritized other issues, particularly budgetary issues.

Councilwoman Agneshwar noted that she is was not on the Board when the gateway sign ordinance was adopted but is troubled by the lack of a clear definition of what is considered to be a gateway

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location. Town Attorney Berger stated that the Town Board was not specific in defining gateway locations because they wanted maximum discretion as to where the place the signs.

After a lengthy general discussion about gateway signs and about this particular location, the consensus of the Board was to reject the application for the placement of a gateway sign at this location.

6. Request from Park Outdoor Advertising for a gateway sign to be located at 232 Vestal Parkway West on property owned by McMead Realty.

It was noted by the Supervisor and the Town Clerk that the Board previously rejected this application on the basis that the State would need to first give its approval. Mr. Simonet from Park Outdoor Advertising stated that the Town Board would first need to approve his application before he could go to the state for the necessary permit. He also noted that for safety reasons, this location warrants a sign that is larger than what is permitted under the Town Code. His application is for an 11' x 23' sign.

Councilman Majewski stated that even though he has consistently opposed the whole concept of electronic signs, this location is the only one submitted thus far that can truly be considered as a gateway location.

After additional discussion of the gateway sign issue, the Board decided to reconsider this application at the next Work Session on April 6th. Town Attorney Berger asked the applicant to provide a completed SEQR form prior to that meeting.

7.5 PUBLIC SAFETY (MAJEWSKI/Agneshwar)

1. Request from Police Chief John Butler to purchase 2 Lenovo laptops for a total of \$700.00. The money will come from asset forfeiture line A3120-2626R.

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

2. Request from Police Chief John Butler to sell a 2003 BMW 5 Series (VIN # WBADT43453G023104) and 2008 Dodge Charger (VIN # 2B3KA43H28H280219) via Auction International.

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

3. Request from Police Chief John Butler (as per memo dated 3/20/15) to purchase training equipment from Amchar Wholesale for a total of \$10,102.58. The money will come from forfeiture line A3120-2626R.

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

7.6 ADMINISTRATION (MESSINA/Agneshwar)

1. Request from Museum Director Ramona Kacyvenski for authorization to apply for a grant to the Community Foundation for South Central New York.

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

2. Discuss request from Broome County Election Board to use Vestal Town Hall for a polling

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site for the Primary and General Election.

Supervisor Schaffer stated that the County Elections Board is asking to use Town Hall again because the current location lacks adequate parking and is not handicapped accessible. Although several concerns were noted with using Town Hall as a polling place, the Board decided to assist the County by allowing its use as a polling 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 Museum Director Ramona Kacyvenski to use museum donation funds (CM0308-47450) in the amount of \$80 to purchase linoleum for the museum bathroom.

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

NEW BUSINESS

Councilman Majewski asked the Board, acting as the Board of Fire Commissioners, to approve the following resolution:

‘Approve Charles Paffie to travel to the Security and Emergency Response Training Center in Pueblo, Colorado for a 3 day ‘Crude by Rail’ training program from March 29, 2015 to April 2, 2015. The only out of pocket expense is for food and gasoline for a rental car. All other costs are covered.’

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

UNFINISHED BUSINESS

1. Kopernik Tower

If the Town builds a tower at Andrews Road to County specifications, the County will proceed with the construction of a tower at the Kopernik Observatory location. The Town Engineer and the IT Director is working with the County to prepare the specs for a new tower at Andrews Road.

2. Purchase of Town parks land by Vestal Veterinary Hospital

The Town Attorney is waiting for some documents from the applicant.

3. Coal House Lease

Update on 3/23/15: Town Attorney Berger asked the Board to review the draft amendment to the Coal House lease that he prepared. The amendment changes some language concerning the insurance and clarifies the responsibility for opening and maintaining the public bathroom, as agreed to.

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

4. Fees for Outside Storage Containers and ZBA applications

Update on 3/23/15: Supervisor Schaffer noted that we are seeing a sharp increase in requests from businesses for outside storage containers. He would like the Board to consider issuing permits for storage containers for a period of 3 months with an application fee of \$150 and an additional fee of \$100 for each additional 3 months. The Board also needs to revisit the recommendation to impose a fee on applications to the Zoning Board of Appeals. He will put these items on the agenda for a detailed discussion at the next Work Session on Monday, April 6th.

5. Lease Renewal for 133 Front Street

The current lease expires March 31, 2015. **Update on 3/23/15:** Town Attorney Berger noted that he is

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in negotiations with the property owner and expects to have a lease agreement soon for the Board's consideration.

6. Municipal Finance Disclosure and Continuing Disclosure Policies and Procedures

Town Comptroller Laura McKane is working with bond counsel Orrick to make necessary changes to the Municipal Finance Disclosure and Continuing Disclosure Policies and Procedures required as part of the voluntary compliance with the Municipalities Continuing Disclosure Cooperative (MCDC) Initiative of the US Securities and Exchange Commission. Comptroller McKane is working with Orrick and Fiscal Advisors to make the appropriate amendments.

Update on 3/23/15: Supervisor Schafer expects the changes to be completed for approval at the Regular Meeting on April 8th.

Status Update on Avelon Road and Seymour Road

Councilwoman Agneshwar asked the Supervisor to update the Board on any actions that may have been taken to address the issues that were raised by a number of speakers at the Board meeting on March 4th.

Supervisor Schaffer stated that the home on Avelon Road currently meets Code requirements. It is far from perfect, but the condition is much improved and the property owner is working with the Code Department to make further improvements. The trailer on Culver Parkway is abandoned and is in rough shape. It is being followed up by the Code Department. The contact person in the neighborhood has been provided this information. The Seymour Road drainage issue is a long standing problem due to the existing drainage infrastructure that cannot handle some of the more severe storms that we are getting. We do not have the resource at this time to totally fix the problem. Town officials continue to meet with the complainant and are always looking for ways to improve the situation. Councilwoman Fitzgerald noted that there are also properties on Winston Drive and Owego Road that require enforcement action from the Code Department so as not to create additional problems in these neighborhoods. She is monitoring these situations and wants the Board to be aware of them.

SUPERVISOR'S ANNOUNCEMENTS:

- Winter Parking Reminder – Parking of vehicles is prohibited on all Town and County roads in Vestal between the hours of 2:00 AM to 6:00 AM, from December 1 thru March 31.

EXECUTIVE SESSION

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

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

Resolved the Board enter into Executive Session to discuss a letter from the NYS Office of Parks, Recreation and Historic Preservation concerning potential legal actions stemming from the Town Board's decision on appeal concerning the Rivercrest historic district. The time was 8:18 PM.

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

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

Resolved the Board leave Executive Session and **adjourn the Work Session. The time was 8:27 PM.**

Respectfully submitted,
Emil Bielecki, Town Clerk