

## VESTAL TOWN BOARD WORK SESSION MINUTES

MONDAY, APRIL 6, 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 6 members of the general public.

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

#### **6:00 PM – Town Engineer Gary Campo to discuss the Town of Vestal Fats, Oil and Grease (FOG) Control Program.**

Town Engineer Gary Campo stated that all restaurants are required to have grease separators. State regulations now require the Town to adopt a Fats, Oil and Grease (FOG) Control Program that would cover any establishments that prepare food on a commercial scale and regulate them through a permitting and inspection process. He estimates that over 200 establishments will likely need to get permits. If the permit process is not adhered to, the Town can bill a violating establishment for the cost of cleaning out a sewer blockage and can have the Court levy fines for violations. The onus will be on the property owners to maintain the records of compliance with the provisions specific to their permits. By regulating these establishments through a permitting process, we can reduce our sewer maintenance costs and reduce the occurrences of discharge in the street. When there is a discharge into the street, the State DEC comes after the Town.

Councilwoman Agneshwar questioned Mr. Campo about whether the permitting process will be handled in an electronic format so as to allow for good record keeping and enforcement. Mr. Campo acknowledged that there is still a lot of work that needs to be done in implementing this new program.

Town Attorney David Berger noted that program would need to be adopted by local law. The program is fine, but it will be an administrative nightmare to implement, especially for existing establishments. He has done a preliminary review of the draft but needs additional time to review it before it is ready to be presented as a local law. He advises the Board to carefully review the provisions of proposed FOG program.

### **COMMITTEES**

#### **7.1 PUBLIC WORKS (MAJEWSKI/Fitzgerald)**

1. Request from Town Engineer Gary Campo for the Board to adopt the Procedure and Policies Resolution related to the NY Rising funds.

**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 Gary Campo for the Board to adopt the Citizens Participation Plan related to the NY Rising Funds, as provided.

**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 Engineer Gary Campo for authorization for the Town Supervisor to sign the Residential Anti- Displacement and Relocation Assistance Certification as related to the NY Rising funds.

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

4. Request from Highway Supervisor Brock Leonard to advertise on April 15, 2015 for truck equipment with bid opening to be on April 24, 2015 at 2:00 PM.

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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.

5. Request from Town Engineer Gary Campo to award the Town Hall floodwall project to Mancini Associates, the low bidder, at the price of \$263,700.

Councilwoman Agneshwar inquired about the status of the \$65,000 funding shortfall for the construction of the floodwall. In response, it was noted that Comptroller Laura McKane reviewed the financial position of the 2011 flood project and stated that sufficient funds remain within the project to absorb the cost of the floodwall in excess of the amount that the state or federal government will reimburse. There is no need to authorize the issuance of notes or bonds.

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

### **Committee Chair Update Re: Proposal to contract with an outside vendor to fuel Town vehicles**

Councilman Majewski stated that he met with a representative from the Mirabito Fuel Group to explore the feasibility of going to gas card system to purchase fuel for Town vehicles at Mirabito stations. The Vestal Fire Department is already doing this. In his opinion, the services offered by Mirabito are attractive enough to warrant going with them to fuel all Town vehicles except Highway. Mirabito offers 24 hour a day service in Vestal and the clearance is adequate at their facilities to accommodate all of our vehicles. The gas card system is more secure than what we are currently using and will provide better record keeping. Most importantly, it will allow us to start getting out of the fuel storage business. Maintaining underground fuel tanks is a risky business and subjects the Town to ever increasing liability in the event of an accident. The Mirabito Group now has the state contract so it appears that we could make the switch without having to go out with an RFP.

Supervisor Schaffer agreed that this is the way to go. The system would cut down on abuse and eliminate the many problems that go along with using the antiquated system at the Water Department location. Town Engineer Gary Campo noted that if the Board decides to make the change, it should factor in the cost of removing the fuel tanks.

Councilwoman Agneshwar asked if the change would save the Town any money. Councilman Majewski replied that he was not certain if there would be any immediate savings but longer term, we would likely achieve savings by avoiding escalating maintenance costs and potential fines.

The Board agreed to study this proposal in more detail.

### **7.2 FINANCE (AGNESHWAR/Messina)**

- 1.Warrants:** 2015-13, 2015-13M, 2015-4, 2015-14A, 2015-14E

Councilwoman Agneshwar noted she has reviewed all of the above warrants and found nothing out of the ordinary.

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

2. Request to pay \$2450.00 to Town Attorney David Berger for March 2015 billable hours.

**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)**

1. Request from Human Resource Officer Nancy Olmstead to authorize the Town Supervisor to sign the SECTION 211 APPLICATION, Application for Pension Waiver to Section 211 of the New

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York State Retirement and Social Security Law (CSC-1 2/13L), as the Appointing Authority to certify the information provided is true and correct to the best of his knowledge.

Human Resource Officer Nancy Olmstead stated that this resolution is required to be filed as part of the application requesting a pension waiver for Police Chief John Butler. All previous waiver requests concerning Police Chief Butler have been granted.

**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. Discuss agreement with Community Electronic Informational Signage for gateway sign at 912 Vestal Parkway East.

Town Attorney Berger asked the Board to review his draft of the Gateway Sign Special Permit Agreement for this approved location. It appears that there are 3 main issues that the Board will need to address:

1. Paragraph 7(b) - Leaving the minimum time that a display can be shown at 10 seconds or reducing it to 8 seconds, as allowed by NYS regulations.
2. Paragraph 10 – Leave the length of the special permit period at 10 years (our Code) or extend it to 15 years (the industry standard) as requested by CEIS.
3. Paragraph 14 – Agreement states that an insurance policy of not less than \$3million is to be established. The applicant (CEIS) wants that to be \$1 million.

Several Board members expressed concern that we are immediately resorting to granting variances from a law that was just adopted. Supervisor Schaffer and Councilwoman Messina noted that such corrections are not unusual as we learn more about the industry standards in this relatively new field.

Several Board members asked questions about how the gateway sign will be managed and controlled. Town Attorney Berger noted that CEIS will provide written manuals and training to the Town personnel who will have access to programming the sign.

After a lengthy discussion, the consensus of the Board was to leave paragraph 7(b) as is and change paragraphs 10 and 14 as requested by CEIS. The Town Attorney was instructed to make these changes to the agreement. The agreement will be voted on at the next 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 the Code Department to establish a fee for permits for storage containers.

The consensus of the Board was to establish a new fee structure for storage containers permits as follows: **A fee of \$50.00 per storage container per month for up to 6 months in any 12 month period.**

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

4. Request from the Code Department to establish an application fee of \$50.00 for applications to any appeals board for sign variances.

It was noted that this fee for sign variances applications will be the same as the fee that is currently

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applied for all other variance applications to the Zoning Board of Appeals.

**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** (MAJEWSKI/Agneshwar)

1. Request from PERMA to discuss “Good Samaritan” Legislation and Resolution. It is the intent of the Resolution to make available the coverage provided by General Municipal Law Section 209-il-b (Volunteer Ambulance Workers’ Benefit Law Section 5-1). A sample of this Resolution is as follows:

Whenever a volunteer firefighter (ambulance worker) of the Town of Vestal Fire District (Ambulance Corps) provides services under General Municipal Law Section 209-I (Volunteer Ambulance Workers’ Benefit Law Section 5) when there is no jurisdictional officer in command present, such volunteer firefighter (ambulance worker) shall be entitled to coverage under the VFBL (VAWBL) coverage provided by the Town of Vestal Fire District (Ambulance Corps) for the provision of such services. Upon the arrival of a jurisdictional officer in command, such volunteer firefighter (ambulance worker) shall report to such officer and offer his/her services to assist such fire (ambulance) company or fire (ambulance) department. If such offer of assistance is not accepted, then the volunteer firefighter (ambulance worker) of the Town of Vestal Fire District (Ambulance Corps) must immediately cease providing any additional service at the scene of the emergency.

Town Attorney Berger stated that he will research the state law to determine if the Board needs to adopt such a resolution, and if so, draft it with language that is consistent with the intentions of the Board.

### 7.6 **ADMINISTRATION** (MESSINA/Agneshwar)

1. Request from Museum Director Ramona Kacyvenski for the Board to approve the acceptance of the 2015 Broome, Chenango, & Otsego Decentralization (DEC) grant in the amount of \$2500.00.

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

2. Discuss the potential donation from the Southern Tier Bicycle Club of a bike rack and/or a bench for the Rail Trail.

During the discussion of the above topic, it was apparent that the Board was not provided enough detailed information about where the bike rack and/or bench would be placed. Councilwoman Messina stated that she would contact the relevant parties (donor, Park Superintendent, Coal House manager, etc.) to get the necessary details so that the Board can make an informed decision.

## **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. Requests for Outside Storage Containers**

- Nirchi’s Pizza (Michael Del Santo), to place one storage unit off the west rear corner of the building on 3916 Vestal Parkway East.
- Refabulous Furnishings (Julie Monaco) to place one outside storage container at 2231 Vestal

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Parkway West until July 2016.

**OK-** These items will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board (after the Board votes on the new fee structure for storage containers).

**4. Lease Renewal for 133 Front Street**

The current lease expired on March 31, 2015. **Update on 4/6/15:** Town Attorney Berger stated that the negotiations are ongoing and he expects to have a lease agreement for Board review shortly.

**5. 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 4/6/15:** Supervisor Schafer noted that the changes are still not completed.

**6. Park Outdoor application for Gateway Sign at 232 Vestal Parkway West**

on property owned by McMead Realty. The applicant was asked to complete a SEQR. **Update on 4/6/15:** The completed SEQR has not been submitted.

**NEW BUSINESS**

Councilwoman Agneshwar informed the Board that she and Comptroller McKane attended a Broome County sponsored meeting concerning the requirements that must be fulfilled to participate in the State Property Tax Freeze Credit, a two-year tax relief program that reimburses qualifying homeowners for increases in local property taxes on their primary residences. She thought that the meeting was very productive. The Town can develop its own efficiency plan to submit to the State or do it in conjunction with the County. From what she has heard thus far, it appears that going in with the County would be preferable. Another meeting of the group has been scheduled for next Thursday.

**SUPERVISOR'S ANNOUNCEMENTS:**

- The NYS Department of Environmental Conservation (DEC) has an open burning ban policy in place until May 14<sup>th</sup>. Burn permits will not be issued during this time

**EXECUTIVE SESSION**

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

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

Resolved the Board enter into Executive Session to discuss labor negotiations with the Library CSEA bargaining unit. The time was 8:04 PM.

On a motion of Councilwoman Agneshwar, 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 8:22 PM.**

Respectfully submitted,  
Emil Bielecki, Town Clerk