

VESTAL TOWNBOARD WORK SESSION MINUTES

MONDAY MAY 6, 2019

Board Attendance: Supervisor Schaffer; Board Members: Fletcher, Messina, Fitzgerald, Majewski

Also Attending: Town Attorney David Berger, Director of Human Resources Nancy Olmstead, Town Comptroller Laura McKane, 1st Deputy Town Clerk Kathie Young, Victor Lamoureux, CAC Member

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

6:00 PM – Victor Lamoureux – CAC (Conservation Advisory Committee) update on Hemlock Tree Spraying:

He has estimated costs from Hillside Gardens:

- For Stair Park - 53 trees 3-24" diameter - the price for this will be \$435.00
- For Middendorf Park - 393 trees 3-34" - the price for this will be \$1,750.00

They are being selective. The current total is \$2185, but they would like 50 more trees in Jones Park to be sprayed which he has marked. Adding another 4 or \$500.

There are some trees along the road edge at Jones that may need to be done. He was told it was a great time to spray.

Lamoureux spoke with Jerry Kimmel of the DEC who advised that the CAC would be the lead agency for this.

Per Berger we will need short for SEQR. The Town will do this. The Town Attorney will need more information including the type of ingredients being used. Lamoureux will provide this information. He doesn't think a respirator is required during the application. The product, he believes is called Bandit. It should last 7 to nine years.

Councilman Majewski asked if this is the only vendor. Has he spoken to the Parks superintendent?

Supervisor Schaffer the Parks Superintendent is irrelevant. He is too busy. Lamoureux will only need the keys for access. We own the park. He will get him the keys.

The Comptroller stated we can waive the procurement policy. The Board concurred it would on approval.

The CAC would like to spray by the end of May of beginning of June.

If the Town Attorney can get the SEQR it can be on the Agenda on this Wednesday otherwise it will be on the 22nd of May.

OK: The Town Attorney will supply the motion to the Clerk's Office when it is complete.

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COMMITTEES

7.1 PUBLIC WORKS (FITZGERALD/Fletcher)

7.2 FINANCE (MESSINA /Majewski)

1. **Warrants:** 2019-15, 2019-15C, 2019-15E, 2019-16, 2019-16E –

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

2. Request Town Board approval, effective immediately, to accept a \$1,807.98 donation from the Vestal Elks for the Easter Egg Hunt supplies. The check needs to be deposited into line item A7310.4333 for reimbursement for the purchases made for the community Easter Egg Hunt on April 13, 2019. The Vestal Elks check is # 8153 and it is dated April 19, 2019

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

3. Approval to sign the new rental agreement for use as our Senior Center - Central Junior High School, Vestal, New York consisting of approximately 2,491 square feet for a total area of 3,517 square feet.

The lease term shall commence March 1, 2019 and shall terminate February 28, 2020.

Base rent during the lease term shall be \$814.77 per month. This rent figure is calculated based on 3,517 square feet multiplied by \$2.78 per square foot.

Laura did not budget an increase for this. We will need a transfer in this motion.

OK- The Comptroller will provide the necessary motion for budget transfers. This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

4. Based on our **capital project** meeting on 4/15 - adoption of the following capital projects and funding:

We can use fund balance for Parks and our balance will be just at or slightly about the amount set in our policy. She is comfortable with this. We are not getting our A funding because of the change in sales tax. She feels this is safe. There is no need to borrow.

The larger project of \$925,000 for Highway road reconstruction can use their accumulated CHIPS fund.

We need to replace Rano and Dodd Road partly out of the capital reserve and partly out of a transfer that was budgeted. We don't know if we will receive a grant. This should be it for the rest of the year.

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Councilman Fletcher –

We didn't budget for this in the operating budget? The Comptroller said no. Can we sell old equipment and use it towards this? It was stated that this equipment is very old. The sweeper is 20 years old and beyond repair.

Councilman Majewski –

Didn't we plan on replacement and repairs of these tanks in the past?

The Comptroller stated that some tanks were inspected and will need to be replaced. There is a 20 year replacement plan in place. There is 1.3 million in the Reserve.

PARKS

Equipment:

3/4 Ton Pick up	Cash – Appropriate Fund Balance	\$ 58,000
Baseball Field Groomer	Cash – Appropriate Fund Balance	\$ 28,000
Trailer Replacement	Cash – Appropriate Fund Balance	\$ 18,500

Capital Construction Plan:

Playground Bedding	Cash – Appropriate Fund Balance	\$ 31,200
Infield Mix	Cash – Appropriate Fund Balance	\$ 16,200

HIGHWAY

Mobile Street Sweeper	Bond	\$ 255,000
Wheel Loader	Bond	\$ 238,000
Road Reconstruction	Bond	\$ 525,000
	CHIPS	\$ 400,000

WATER

Meters	Cap Reserve – subject to Perm. Ref.	\$ 250,000
Refurbish Rano, West Hill & Dodd Rd Water Tanks	Cap Reserve – subject to Perm. Ref.	\$ 440,000
Refurbish Tanks – continued	Transfer per Budget*	\$ 560,000

*The board had budgeted to transfer \$560,000 for the town's match for a grant but as the grant was denied, I am suggesting we apply the money toward the tank refurbish project. This is the quickest way to have the Funding available for the water projects so Scott can start them.

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

5. BOND RESOLUTION DATED MAY 8, 2019. - A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE PURCHASE OF HIGHWAY EQUIPMENT, IN AND FOR THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$495,000, AND AUTHORIZING THE ISSUANCE OF \$495,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

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6. BOND RESOLUTION DATED MAY 8, 2019.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$525,000 BONDS OF THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, TO PAY THE COST OF THE **RECONSTRUCTION AND RESURFACING OF VARIOUS ROADS** THROUGHOUT AND IN AND FOR SAID TOWN.

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

7.3 PERSONNEL (MAJEWSKI/Fitzgerald)

1. Scott Groats, Water/Waste Water Superintendent, to appoint Dakota Nelson as a Laborer at the Operating Engineer rate of \$15.47 per hour with an effective date of June 3, 2019.

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

2. Scott Groats, Water Wastewater Superintendent, to hire Sean DeGroat as a seasonal Laborer effective May 28, 2019 at the rate of \$11.10 per hour. Such hire is contingent on a successful background check.

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

3. Request from Nancy Olmstead, Director for Human Resources, to approve Standard Work Day and Reporting Resolution.

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

4. Request from Sue Jastran, Recreation Director to hire pool director, lifeguards, swim instructors, and playground instructors as indicated in memo date May 2, 2019

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 (FLETCHER/Fitzgerald)

7.5 PUBLIC SAFETY (MESSINA/Fletcher)

1. Request from the residents of Hemlock Lane for a permit for a block party to be held between East Benita and Acorn Dr. - Date of party is Sunday July 14th 2019. They are requesting the street to be closed from noon - 6pm. There will be music by a 3 person Band, games and food.

The Supervisor believes they have applied for a permit.

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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2. Memo Town Engineer Vern Myers regarding several residential structures which remain from the 2011 flood.

The properties in question are as follows:

- 1625 Vestal Rd. BCTM#157.52-1-43
- 1725 Vestal Rd. BCTM#157.52-1-18.1
- 385 First Ave. BCTM#157.52-3-14
- 1944 North Rd. BCTM#172.11-1-29

Years of inaction, in connection with these properties, has further damaged these properties. All four properties noted have significant structural foundation damage, including collapse of some sections of foundation wall.

He would like the Town Board visit the properties and move forward with the resolution to proceed per the Code of the Town of Vestal.

Supervisor Schaffer assumes the Board has looked at these properties. These owners opted out of the buyout and have deserted them.

Supervisor Schaffer is going to the **Land Bank** and see if they can assist us.

Town Attorney David Berger – What is the plan? We have nothing budgeted. We have been through this before. This is the first he has heard of this. Our ability to reclaim the money to tear down these houses is in having them available to go back on the tax rolls.

Supervisor Schaffer will look into this and report back.

7.6 ADMINISTRATION (FITZGERALD/Messina)

NEW BUSINESS

1. Nancy Olmstead, Human Resources – There are several positions in the Town which seem to need be restructured such as the dispatcher position and a code position. We have individuals who are in competitive titles and we don't want to reclassify a person out of a position by having the person not on the eligible list. Additionally it would be improper practice to pay someone more. She is researching a resolution.

Supervisor Schaffer disagrees with the policy.

Councilman Majewski asked if we have any other full time people working for minimum wage.

Nancy Olmstead – not at the moment.

2. Town Attorney David Berger – We have been getting numerous calls about political signs. The US Supreme Court has ruled we cannot regulate political signs. It is a violation of the 1st amendment. Our Code Book regulation is not permissible – We may control all *temporary signs* but Code enforcement does not have the staff or time to police this. The right thing to do is to delete this section. Commercial advertising is not protected speech. Political speech is protected by the 1st amendment.

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Supervisor Schaffer stated we need to do something.

Berger - we need to change our sign code. We can put a temporary sign statute in our Code but we can't enforce it. It is toothless.

Supervisor Schaffer – We need to sub out lawn mowing for those breaking our code concerning grass height.

- The Board was asked to give any ideas to Lincoln Ellis.

UNFINISHED BUSINESS:

- 1. Tabled until June 12, 2019** -- Request to authorize the Town Attorney to advertise on April 24, 2019 for a Public Hearing on May 8, 2019 on a request by *LCD Acquisitions, LLC* to enact a local law establishing an overlay Planned Development District (PDD) for 5 properties on Bunn Hill Road and 1 property on Jensen Road currently zoned Rural Residential (RR).

UPDATE: The following was received from Sarah Grace Campbell, *Hinman, Howard & Kattell, LLP* – regarding the request from LCD Acquisitions, LLC for PDD Designation for Property Located on Bunn Hill Road and dated May 3, 2019:

Notice of Withdrawal of Application as submitted on March 27, 2019.

NEW BUSINESS:

ADJOURNMENT:

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

ADOPTED Ayes 5 Fletcher, Fitzgerald, Messina, Majewski, Schaffer

Nays 0

Resolved the Board adjourn the meeting. The time was 6:47 PM.

Respectfully submitted,
Kathie S Young, 1st Deputy Town Clerk