

VESTAL TOWN BOARD WORK SESSION MINUTES
MONDAY, JULY 22, 2013

In Attendance: Supervisor Schaffer, Board Members Marnicki, Fitzgerald, Milkovich and Majewski

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

WORK SESSION – Supervisor Schaffer convened the meeting at 6:00 PM and asked for a motion to enter into Executive Session so as to interview the following prospective appointments to the Board of Assessment Review (BAR): Robert Flanders, Asif Shaikh, Debbie Gruver, Walter Barbour, Matthew Butler and John Filip.

EXECUTIVE SESSION

On a motion of Councilman Majewski, seconded by Councilman Milkovich, the following was
ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer
Nays 0

Resolved the Board enter into Executive Session for the purpose of:

1. Interviewing prospective appointments to the Board of Assessment Review (BAR).
2. Discussing a litigation matter (Williams vs. Town of Vestal).
3. Discussing labor negotiations concerning: Police Benevolent Association (PBA), Vestal Police Supervisors Association (VPSA) and the Operating Engineers.

The time was 6:01 PM.

On a motion of Councilman Marnicki, seconded by Councilwoman Fitzgerald, the following was
ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer
Nays 0

Resolved the Board leave the Executive Session and resume the open Work Session. The time was 6:59 PM.

7:00 Broome County Commissioner of Public Works Dan Schofield – Road Use Agreement

Broome County Commissioner of Public Works, Dan Schofield, gave a brief presentation about the status of the proposed Broome County Road Use and Preservation Law. The following items were highlighted in the presentation:

- The previous attempt to manage trucking at the County level proved to be an administrative nightmare.
- This law will create a baseline for the conditions of the roads. Existing businesses will be grandfathered.
- Regulation will now be **project driven**. It will be invoked if it upsets more than 1 acre of land.
- The developer/contractor would submit a truck plan which would be reviewed by the Town to determine if the project is deemed to be regulated.
- If a project is deemed as regulated, a road use agreement would need to be negotiated and a bond would need to be posted.
- Delta Engineering would do the baseline road inventory and maintain the manuals that establish the road standards.
- The County law would be the umbrella under which the Towns regulate road usage on a project by project basis.
- A number of towns in Broome County have already adopted the Local Road Use Preservation Law.

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- Countywide adoption at this stage is a money issue so that the County can allocate adequate resources for the baseline study.

Town Attorney David Berger suggested that the County should be the adjudicating body for reasons of consistency.

Councilman Marnicki noted that the baseline study is perhaps being done too early. Road conditions can change dramatically over time and the timeframe for gas drilling is still unsettled.

Commissioner Schofield encouraged the Board to carefully review the draft local road use law and turn to him with any questions that may arise. If necessary, he would also come back to a Board Meeting with Delta Engineers to answer additional questions.

COMMITTEES

7.1 PUBLIC WORKS

1. Request to retroactively approve Flood Wall Feasibility Study to be done by Keystone Associates

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 to hire Woit Engineering to help with designing of 3 creek repairs, made necessary from the 2011 storm, our contract with NRCS allows for \$56,450 to be spent on engineering; Woit Engineering's cost is \$31,500

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 to award the replacement of storm pipe on Campus Drive to ZMK Construction.

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

4. Request to advertise for bid on Section 2a of the Trail, this section is for the work originally to be done by TOV forces, but now will be done by contractor, advertise on 8/7/13 with bid opening on 8/28/2013.

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** - 2013- 29, 29E, 29L

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

2. Request to pay \$1485.00 to the Town Attorney for billable hours of June 2013

Councilman Majewski asked why some of the tasks completed were listed at the same time. Town Attorney Berger replied that it was due to a quirk in the billing software.

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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3. Request from Chief Butler, to use \$300 out of CM0301.43120 to pay for various items associated with the yearly Vestal Police sponsored National Night Out; this line is funded by Target Company to be used for National Night Out

Councilman Majewski expressed support for this event and noted that this line was funded by the Target Co. for various programs such as the National Night Out.

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. Request for authorization for Highway Superintendent, Brock Leonard, to promote Bradley Scovell to the vacant position of Foreman effective July 29, 2013 at the 2013 Operating Engineer rate of \$25.37.

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

2. Request from Sue Jastran, Recreation Planner to hire lifeguards, girls lacrosse, basketball, cheerleading camp per her memo dated 7/15/13

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

3. Request to revise the Workplace Violence Prevention Program

Human Resource Director Nancy Olmstead explained that, as required by State law, the Town has adopted a Workplace Violence Prevention Program and has done the risk assessment and the training. However, we recently learned that PESH, the regulating state agency, is citing employers if they do not like the wording in their Program documents. In order to avoid a similar citation, she is proposing some new language in our Program, as highlighted in the amended document that was provided to the Board on July 18, 2013. This new language should be acceptable to PESH.

No Board member expressed any concern with adopting the revisions as proposed.

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 Superintendent, Brock Leonard to pay out of class pay as per memo dated 7/11/13.

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 Joe Christoff of Superior Shine Auto Spa for a special permit to occupy the basement of 2401 Vestal Parkway East for his auto detailing business, please advertise on 7/31/13 with a public hearing on 8/14/13

Councilwoman Fitzgerald noted that this work will be the same as was done by the previous tenant. The new tenant has an existing business in Endicott and wants to expand. It should be stressed to the applicant that no sale of vehicles is to occur at this location.

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2. Request from Richard Hanna's office to use the Town Board Room to conduct office hours on August 21, 2013 from 1:30-2:30

Supervisor Schaffer noted that Congressman Hanna has been very responsive to constituent needs and sees no problem with granting this request.

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 to the Board of Fire Commissioners to approve the following training request

- a. FireFighters Paul Goon, and Jason Stupski to the Town of Binghamton Fire department for NYS Outreach Course Rescue Tech Basic start September 7th. No cost for this course.
- b. Lieutenant Charles Paffie to attend the NYS Fire Academy 8/22-23 Emergency Response to Ethanol Incidents. The Cost of this course is \$25 and commuter fee of \$16 and will come from Line 3410 4030.

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

7.6 ADMINISTRATION

1. Request from Garet Bleir (Vestal High Senior) to organize C.H.O.W. Festival on September 29, 2013 at Arnold Park and for the pavilion rental fee to be waived.

Councilman Majewski expressed some concern about setting a precedent and the potential of traffic issues arising from a large event. Several Board members expressed their support for the project and stated that they did not anticipate problems with this event being scheduled on a Sunday. Town Attorney Berger advised that the applicant be required to sign the Town's Indemnification Agreement.

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

NEW BUSINESS

Potential acquisition of OLS property

Councilman Marnicki presented the Board with estimates of the costs associated with the potential purchase and renovation of the Our Lady of Sorrows Church (OLS) campus for conversion to Town offices. For the last few months, he has engaged various experts to determine the feasibility of acquiring the OLS property to convert to office space for the bulk of the Town's operations. While the layout of the site is still in a preliminary stage, the cost estimates generated for the whole project should provide enough information for the Board to determine if it wants proceed. The estimate of the total cost to purchase and renovate of the OLS property (25,000 square feet) is \$1,950,000. This equates to \$78 a square foot. The new construction cost for 25,000 square feet is estimated at \$5,600,000 or \$224/s.f. The information packet provided also includes several debt service schedules prepared by the Comptroller.

Councilman Marnicki asked the Board to carefully review the information that he has provided. He is looking for consensus from the Board to determine whether to continue negotiations with the Church.

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Summer help for the Parks Department

Supervisor Schaffer acknowledged that fiscal constraints have left some departments with less manpower than may be needed to get the work done. Due to an employee illness, the Parks Department has about \$7,800 in savings which could be used for hiring summer help. This amount equates to about 850 summer help hours). He is asking the Board if there is support to allow the use of some or all of this money to hire summer help for the Parks Department.

After a brief discussion, it was agreed that Councilman Milkovich would contact the Parks Superintendent to determine when and where he needs the most help and report back to the Board prior to the Regular Meeting on July 24th. If the Board approves some hiring, the Comptroller will be asked to prepare the appropriate budget transfer information.

UNFINISHED BUSINESS

1. Review changes to Scrap Metal Policy – on hold

2. Discuss the Resource Officer contract

Councilman Majewski and Supervisor Schaffer noted that the SRO Program is very beneficial to the School District and the Town and that the cost sharing formula is equitable.

Councilman Marnicki noted that he also supports the program but that the School District is not paying its fair share because it is not sharing proportionately the cost of the officer's benefits which amounts to about 66% of his salary.

Councilman Milkovich asked Councilman Marnicki to provide the Board with the actual cost of the benefits that he feels should be allocated to the School District.

3. Community Electronic Information Signage

Supervisor Schaffer stated that CEIS has identified some potential locations for the proposed signs. As requested by Councilman Majewski, he is providing that information to the Public Works Committee for further review.

SUPERVISOR'S ANNOUNCEMENTS

Museum Events

- Kids summer garden projects planned; Aug 10. Free

The Work Session adjourned at 8:28 PM.

Respectfully submitted,
Emil Bielecki, Town Clerk