

VESTAL TOWN BOARD WORK SESSION MINUTES

MONDAY, FEBRUARY 9, 2015

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

Also Attending: Town Attorney David Berger, Human Resource Officer Nancy Olmstead, Town Clerk Emil Bielecki and 3 members of the general public.

Supervisor Schaffer convened the Work Session at 6:00 PM

PUBLIC HEARINGS

February 25, 2015 – Vehicle Service Station Permit: 1214 Tracy Creek Road

UPCOMING BID OPENINGS

1. Flood Wall – February 23, 2015
2. Operator Engineer Uniforms – March 12, 2015

COMMITTEES

7.1 PUBLIC WORKS (MAJEWSKI/Fitzgerald)

1. Request to publish on February 25, 2015 with a public hearing on March 11, 2015, for a Vehicle Service Station Special Permit at 245 Vestal Parkway East. A SEQR Short Environmental Assessment Form has been submitted.

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 advertise on February 25, 2015 for Concrete Curbs at High Avenue and Evergreen Street with bids to be opened on March 23, 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 Town Engineer Gary Campo to advertise on March 11, 2015 for the Two River Greenway Signage Project (PIN 9753.89) with bid opening on March 31, 2015, and authorize the Town Engineer to modify these dates subject to the timing of the approvals from DOT.

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:** 2015-05, 2015-05A, 2015-05E

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

- 2.** Request to pay \$1,237.50 to Town Attorney David Berger for January 2015 billable hours.

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

3. Request to pay \$8,664.12 to Kenney, Shelton, Liptak & Nowak LLP for work from August 2014 thru December 18, 2014 in the UHS vs. Town of Vestal litigation.

Councilwoman Shoba Agneshwar noted that the law firm presented very detailed backup information.

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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4. Discuss issues with Coal House License Agreement (M Squared).

Supervisor Schaffer informed the Board that for the last few months, M Squared, the company leasing the Rounds Coal House, has unilaterally reduced the monthly rental fee paid to the Town from \$483 to \$188. The reduction stems from a dispute concerning the opening and maintenance of the public bathroom located in the Coal House. This action is unacceptable. If there is a disagreement, they should work it out with the Board but pay the full rent until such time that any change is mutually agreed upon.

Town Attorney Berger advised the Board not to renegotiate the agreement in public because it could potentially end up in litigation.

After a brief discussion, the Board authorized the Finance Committee (Agneshwar/Messina) to meet with Mark Mushalla, the managing member of M Squared, to explore the issues and to report back to the Town Board.

7.3 PERSONNEL (FITZGERALD/Majewski)

1. Request to approve the tentative agreement between the Town of Vestal and the Vestal Police Supervisors Association reached on February 5, 2015 and authorize the Town Supervisor to sign the resulting collective bargaining agreement.

Human Resource Officer Nancy Olmstead reviewed with the Board a Summary of the Agreement between the Town and the Police Supervisors Association as follows:

Term of Agreement:	1-1-14 – 12-31-17
Salary Increases:	1-1-14 2% 1-1-15 \$800 (replaces uniform allowance) + 2% 1-1-16 2.5% 1-1-17 1% 7-1-17 2%
Longevity:	1-1-15 increase by \$50 1-1-16 increase by \$50
Shift Differential:	1-1-15 increase by \$0.10/hour 1-1-16 increase by \$0.10/hour
Health Insurance:	Employees hired before 1-1-14: 1-1-15 pay 7.5% of premium with a cap of 1.75% of pay 1-1-16 pay 12% of premium with cap of 2% of pay 1-1-17 pay 15% of premium with cap of 2.5% Employees hired on or after 1-1-14: pay 10% of premium (with no cap) while at starting rate pay 12.5% of premium (with no cap) while at increment 1 pay 15% of premium (with no cap) while at increment 2
Retiree Health Insurance:	No changes for current employees Hired after 1-1-14: pay 5% of premium; paid by automatic deduction from bank account
Comp Time:	Increase annual maximum from 140 hours to 150 hours Increase comp time carry over from 70 hours to 80 hours
Personal Leave:	Increase from 2 days to 3 days
Health & Fitness Incentive:	\$500 annually for meeting Coopers standards \$100 annually for meeting Blue4U goals

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Sick Time: Phase in of sick time accruals which will eliminate “unlimited” sick time; Maximum accumulation of 480 hours; maximum payout at retirement 140 hours
Removal of Chief from Articles 5 & 13 regarding benefits

Ms. Olmstead noted that most of the provisions in this contract are similar to the ones in the recently approved PBA Agreement. The Police Supervisors bargaining unit (which covers 7 employees) has voted to accept the agreement. There is one possible issue that has just surfaced that still needs to be clarified. If the issue is not resolved quickly, she will ask that this item be pulled from the agenda of the next Regular Meeting on Wednesday, February 11th.

7.4 **PLANNING & ZONING** (MESSINA/Fitzgerald)

1. Request from Harbor Freight Store Manager Matt Huyck to extend the Special Permit for a storage container at 124 Sycamore Road until January 31, 2016. The container is needed to store additional inventory and will remain in the previously approved location.

Councilwoman Agneshwar suggested that the Board should first resolve whether it will establish fees for these special permits. The previously considered fee structure needed clarification.

Several Board members expressed support for establishing fees on temporary storage containers, citing the additional costs involved in the processing of the permit applications and the monitoring of the locations.

Town Attorney Berger suggested that the permit for temporary storage containers could be granted for up to 3 months and any renewals would require a new application with a corresponding fee. Several Board members expressed support for this type of arrangement.

By consensus, the Board agreed **to amend the Harbor Freight request to extend the Special Permit until June 30, 2015**, and to work with the Code Department to finalize a fee structure for future special permit applications for storage containers.

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

2. Request from Matthew Husband to obtain a License for Open Storage of Unregistered Vehicles at 275 Sheedy Road.

Supervisor Schaffer noted that there are four junk vehicles on the property, one of which is operational. He feels that the owner should get some temporary relief but this should not be a permanent operation. He is recommending that the Board approve granting the License for Open Storage of Unregistered Vehicles to expire on December 31, 2015 conditional upon full compliance with the list of mandatory items that the licensee is required to abide by, as outlined in the letter from Code Officer Mark Dedrick dated January 22, 2015. The Board expressed no objection to this recommendation.

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

3. Request from the sponsors of the Seniors Running and Walking Festival to hold a wheelchair race on a stretch of the Rail Trail (starting from the Coal House) on August 15, 2015, from 10:30 AM to 11:30 AM. The race will require the closing of 0.75 mile stretch of the Rail Trail with the general public being directed to use the side grass area during the event.

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Councilwoman Messina noted that the closing of a section of the Rail Trail would not occur under normal circumstance, but this is a safety issue and such action is warranted in support of this good event. Councilman Majewski added that he is reluctant to close any section of the trail, but it would be necessary if this event is staged.

Town Attorney Berger noted that the sponsors of the event need to provide proof of insurance.

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

4. Request from Community Electronic Informational Signage (CEIS) to install a gateway sign at 912 Vestal Parkway East (Tax Map # 157.19-3-1.2). The original application was reviewed on September 22, 2014 and put on hold due to an issue with NYSDOT. NYSDOT has now accepted the amended application and Broome County has issued a Section 239 - 1 and m review.

Councilwoman Agneshwar, noting that she was not on the Board when the gateway sign ordinance was adopted, wanted the following questions answered: why do we need these signs in Vestal, where are we envisioning their placement and what controls will we have on what is being displayed?

Supervisor Schaffer stated that the Town Board had been looking at these types of signs for several years. Some Board members were strongly supportive of this concept and one member has been strongly opposing it. There were many complex issues to work through before the Board adopted the gateway sign ordinance. The primary attraction of the gateway signs is the ability of the Town to post Amber Alerts and timely public service Town information, especially during emergencies, in visible high traffic areas. Ideally, the signs would be located close to the entry points into the Town, but that is not totally realistic. The Board will approve every location.

Marcie Kretzmer, a representative from CEIS, made the following points concerning gateway signs:

- Each sign will cost approximately \$100,000 to erect, but there will be no cost to the Town
- The signs will provide small businesses with a cost effective way to advertise.
- The signs will be an invaluable tool for the Town during emergencies, like the last flood.
- The signs need to be located in visible and high traffic areas but can only be placed in areas where property owners are willing to host them.
- The signs will be tastefully designed and will not be distracting. The lighting will be muted and the signs will not be flashing but the message will rotate every 8 seconds.
- The Town will have first priority in posting messages.
- There is no evidence that these signs pose any traffic hazards.

Councilman Majewski repeated his standing opposition to these types of signs, especially on the Parkway where he feels they will pose a distraction on an already dangerous roadway.

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

Town Attorney Berger stated that the Board needs to take the following actions: approve the location of the sign; accept the SEQR form; make the approval subject to the signing of an agreement between the Town and CEIS. He will prepare the language of the motion.

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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5. Discuss renewal of a lease for 133 Front Street. The current lease expires March 31, 2015.

Supervisor Schaffer stated that he feels we are paying too much for leasing the Engineering/Code space at this location. His research indicates that the rent is higher than what is being charged for similar office space throughout the Town. In addition, we are paying the taxes, plowing the parking lot and paying a portion of the utility bills. In the least, he wants to renegotiate the lease. He has looked into several alternate locations and wants the Board to engage in further discussion about this issue.

Town Attorney Berger cautioned that with such a short time frame before the expiration of the lease, the Town is not in a good bargaining position. Generally, to get better terms on a lease, you need to be willing to extend the length of the lease, something that the Board appears hesitant to do.

After a brief discussion about possible alternate sites, the Board agreed that the best course of action at this time is to renew the lease for one year with a 3 month back-out provision and continue to explore alternate locations, preferably on Town owned property.

7.5 PUBLIC SAFETY (MAJEWSKI/Agneshwar)

7.6 ADMINISTRATION (MESSINA/Agneshwar)

1. Request from Museum Director Ramona Kacyvenski to apply for and accept up to \$5,000.00 in a grant from the Museum Association of New York to be used for a Memory Make Café.

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 Town Court to accept a grant for the amount of \$2,400 from the Justice Court Assistance Program. The grant will be used to buy a new copier and chairs for the court room.

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

3. Request from Recreation Planner Sue Jastran to hire Vestal Youth Basketball Organizational League director and referees as listed in memo dated January 27, 2015.

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**

In a meeting with the Broome County Emergency Services Director Brett Chellis (1/19/15), it was agreed that if the Town builds a tower at Andrews Road to County specifications, the County would proceed with the construction of a tower at the Kopernik Observatory location. The Town Engineer was instructed to proceed with the preparation of the specs for the Andrews Road tower.

Update on 2/9/15: A new tower at Andrews Road will likely cost more than what was originally budgeted for the project and may need to be bonded.

2. **Purchase of Town parks land by Vestal Veterinary Hospital**

The Town Attorney stated that the negotiations concerning this sale are ongoing.

3. **Appeal of a Decision from the Historic Preservation Commission (Northstar Group)**

Town Attorney Berger reviewed that written Decision on Appeal prepared for the Board. The decision

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reverses the determination of the Vestal Historic Preservation Commission and grants to the appellant (Northstar Group) Certificates of Appropriateness of demolition for the 12 properties described. He is advising the Board to adopt the Decision on Appeal as a resolution at the next Regular Meeting of the Town Board.

The Board members indicated that they have reviewed the contents of the decision and do not wish to make any changes to the document prepared by the Town Attorney.

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

4. Tax Information Mailer

Supervisor Schaffer stated that he is continuing to work on an information sheet that details how money is allocated among the taxing entities and what services the Town provides with its share. The mailer would be sent to approximately 6,500 households. Several Board members acknowledged the usefulness of disseminating such information but also expressed concern about the cost of doing it.

NEW BUSINESS

Citing a letter from the New York State Department of State, Councilman Majewski announced that the Town has been awarded \$10,000 to purchase outdoor furniture and concession building that had been damaged due to flooding. This funding was requested by Assemblywoman Donna Lupardo. The Board needs to accept the \$10,000 grant from the NY Department of State and to authorize the Town Supervisor to sign and submit the required Letter of Agreement (LOA).

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

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.
- The Vestal Police Department is inviting community members to attend the first annual 2015 Citizens Police Academy (CPA). This program will hold weekly 2 hour meetings (March 5 thru May 7) that will cover topics relevant to law enforcement and emergency services. Those interested can contact Sgt. Stace Kintner via email at skintner@vestalny.com

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 personnel issue concerning a specific Town employee and to discuss a recently filed lawsuit. The time was 8:14 PM.

On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, 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 8:25 PM.**

Respectfully submitted,
Emil Bielecki, Town Clerk