

VESTAL TOWN BOARD WORK SESSION MINUTES

MONDAY, MARCH 02, 2015

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

Also Attending: Town Attorney David Berger, Comptroller Laura McKane, 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

6:00 PM – Mark Mushalla from M Squared to discuss Coal House Lease

Councilwoman Agneshwar noted that she had a productive meeting with Mr. Mushalla on February 19th and will now turn it over to Town Attorney David Berger to present a plan stemming from that meeting and from further deliberations by the Board concerning the dispute over the opening and maintenance of the public bathroom at the Coal House location.

Town Attorney Berger presented a plan to Mr. Mushalla to resolve the current dispute. Under the proposed plan, M Squared would make the Town whole on all of the rent that was withheld. Starting on March 1, 2015, M Squared would be responsible for maintaining the bathroom during the hours that the Coal House is open. The Town would be responsible for the maintenance of the bathroom during the hours when the Coal House is closed.

M Squared managing member Mark Mushalla noted that from day one of the lease agreement, it was never his understanding that they would be responsible for opening, closing and maintaining a public bathroom. The agreement to open the bathroom for longer hours will cost him additional money. However, he will accept this amendment to the lease agreement because he wants to have a good relationship with the Town. Town Attorney Berger stated that he will draft the amendment to the lease agreement.

Councilwoman Agneshwar suggested that the amendment to the lease agreement should specify the hours of operation at the Coal House so as to eliminate any misunderstanding. Town Attorney Berger advised against doing that because of the need to be flexible in the operations of the Coal House.

Councilman Majewski asked about the problems that were cited with the locking mechanism on the bathroom door and was told that the issue has been resolved.

By consensus, the Board authorized the Town Attorney to draft the amendment to the Coal House lease agreement with M Squared for review and approval.

6:15 PM – Town Comptroller Laura McKane to discuss Government Efficiency Plan

Comptroller McKane engaged the Board in a discussion of the requirements that the Town must fulfill 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. For year one (2015), the Town only needed to comply with the tax cap. In the second year, beginning in 2016, the Town must comply with the tax cap and must also develop and implement a Government Efficiency Plan to reduce costs by consolidating services. This plan must be submitted to the State by June 1, 2015. The Town can develop the efficiency plan either by itself, or in conjunction with the County. The Efficiency Plan would identify savings incurred after 1/1/12 or future savings that are projected to result in at least 1% on the tax levy each year. If the Town develops its own Efficiency Plan, we would need to show savings of about \$101,000 each year. If we work with the County, the plan must show cumulative savings of about \$1,000,000 per year. She is looking to the Department

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heads and the Board to help identify existing or future savings that could be incorporated into either our own plan or added to the County plan.

This is a complex assignment to be completed in such a short time frame. A number of local officials have met several times concerning this issue but thus far has not produced much in terms of a plan. They will meet again on March 12th and she is encouraging the Board members to attend this meeting to get a better sense of the direction that the Town should go in to comply with this program.

Checking account for CDBG/NY Rising expenditures

Comptroller McKane noted that projects that will be funded through the NY Rising initiative require that a separate checking account be opened. She is asking the Board for authorization to open the checking account at M& T Bank for such purposes.

Post Work Session Update from the Comptroller: "I don't think the board needs to take additional action in order to open the bank account for NY Rising. The items in the document that M & T wants signed are covered by the investment policy, the organizational meeting and my appointment as Director of Finance. John (Supervisor Schaffer) agreed and signed off on it."

PUBLIC HEARINGS

March 4, 2015 – Vehicle Service Station Permit: 245 Vestal Parkway East

UPCOMING BID OPENINGS

1. Operator Engineer Uniforms – March 12, 2015

COMMITTEES

7.1 PUBLIC WORKS (MAJEWSKI/Fitzgerald)

1. As per memo from Town Engineer Gary Campo dated 2/27/15, discuss the shortfall of funding for the Town Hall Flood Wall Project.

Councilman Majewski, referencing the memo from Town Engineer Campo, stated that there is a funding shortfall of approximately \$65,000 to complete the Town Hall Floodwall project. Our choices are to redesign and rebid the project, drop it completely or find an additional source of financing to complete the project.

Supervisor Schaffer expressed doubt as to whether the flood wall will work as planned, but feels that we probably need to find a way to complete the project.

Councilwoman Agneshwar asked what the downside is if we abandoned the project. Comptroller McKane replied that if we do not complete the project and another flood event hits the Town Hall location, we would not be reimbursed for any of the damage.

After a brief discussion, the Board determined that it needs to have additional information from the Town Engineer before making a decision on this project.

7.2 FINANCE (AGNESHWAR/Messina)

1. Warrants: 2015-09, 2015-09A, 2015-09E

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

2. Request to pay \$787.50 to Town Attorney David Berger for billable hours for the month of

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February, 2015.

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 Water Superintendent Scott Groats to hire two Water Department employees: a full time labor position (replacing a retired employee) and a part time clerk.

Human Resource Officer Nancy Olmstead explained that, to her knowledge, the part time clerk position would be used to fill in at times that the full time Sr. Account Clerk in the Water & Sewer Department is not available. The request for a full time employee to replace a retired employee needs additional clarification. The position made vacant by the retirement is a meter reader position, not a laborer position. At this point, she can only guess as to what needs to be done to address the needs of the Department because this request did not come through her.

The Board engaged Ms. Olmstead in a discussion about the civil service requirements that may be required for the proposed positions. There were also questions about how the proposed part time clerk position would fit into the reorganization plan being discussed as a result of personnel changes in the Business Office.

Councilwoman Agneshwar noted that this hiring request should have come through the Human Resource Officer. The Board agreed and delayed taking further action until some of the issues are clarified. While acknowledging that this request was not processed properly, Supervisor Schaffer asked the Board to act quickly because the need for a laborer is possibly urgent.

7.4 PLANNING & ZONING (MESSINA/Fitzgerald) – no items were brought for consideration.

7.5 PUBLIC SAFETY (MAJEWSKI/Agneshwar) – no items were brought for consideration

7.6 ADMINISTRATION (MESSINA/Agneshwar)

1. Request from Museum Director Ramona Kacyvenski to accept 2015 United Cultural Fund Project Grant in the amount of \$1000.00 to be used to pay musicians' fees for the Vestal Museum Summer Bluegrass Concert Series.

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 was instructed to proceed with the preparation of the specs for the Andrews Road tower. **Update on 3/2/15:** none

2. Purchase of Town parks land by Vestal Veterinary Hospital

The Town Attorney is waiting for some documents from the applicant. **Update on 3/2/15:** none

3. Coal House Lease

Mark Mushalla, the managing member of M Squared, will meet with the Town Board at the Work Session on Monday, March 2nd to explore the issues with the existing Coal House lease.

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Update on 3/2/15: Issues resolved as described in the text of these minutes.

4. Fees for Outside Storage Containers and ZBA applications

The Board is continuing to explore various fee options and has asked the Code Department to submit recommendations. **Update on 3/2/15:** none

5. Lease Renewal for 133 Front Street

The current lease expires March 31, 2015. 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. **Update on 3/2/15:** Town Attorney is working on the lease renewal.

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.

Update on 3/2/15: Comptroller McKane is working with Orrick and Fiscal Advisors to make the appropriate amendments. She wants this completed before we go out for the May borrowing.

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, 6:30 PM to 8:30 PM) that will cover topics relevant to law enforcement and emergency services. Those interested can contact Sgt. Stace Kintner via email at skintner@vestalny.com
- Please assist our Fire Department by shoveling snow away from the fire hydrants.

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 the following:

- A personnel issue concerning a specific Town employee
- Labor negotiations with the Police Supervisors bargaining unit
- Litigation with United Health Services

The time was 7:17 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 7:42 PM.**

Respectfully submitted,
Emil Bielecki, Town Clerk