

VESTAL TOWN BOARD WORK SESSION MINUTES

MONDAY, MAY 04, 2015

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

Absent: 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

COMMITTEES

7.1 PUBLIC WORKS (MAJEWSKI/Fitzgerald)

1. Discuss request from Ruben Manso for reimbursement from a sewage back up in his home.

Supervisor Schaffer asked that the discussion of this item be done in Executive Session due to potential litigation.

2. Request from Town Engineer Gary Campo to approve and file the street deed for Pine Meadow Road.

Councilwoman Fitzgerald noted that this retroactive action is necessary to correct an oversight.

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 remove structure at 2300 Old Owego Road which has been deemed unsafe.

Councilwoman Fitzgerald feels that the owner of this property is ignoring the problem. At the recommendation of Supervisor Schaffer, the Board agreed to have the Town Attorney send a letter to the property owner to take corrective action or face potential legal action.

4. Request from Town Engineer Gary Campo to remove structure at 349 Second Ave which has been deemed unsafe.

Supervisor Schaffer stated that the owner of this property has been located and can be contacted. He recommends that the Town Attorney send a letter to the property owner to take corrective action or face potential legal action. The Board agreed.

7.2 FINANCE (AGNESHWAR/Messina)

1. **Warrants:** 2015-17, 2015-17E, 2015-17L, 2015-18, 2015-18E

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

2. Request to pay \$1,620.89 to The Law Office of Alfred Paniccia for work from February 2015 through March 2015 on the Town of Vestal vs. Tyrell case.

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 to pay \$6,804.62 to Kenny, Shelton, Liptak & Nowak, LLP for work from January 2015 through March 2015 on the Town of Vestal vs. UHS case.

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

4. Request to pay \$689.75 to U. S. Legal Support for deposition in Wayne Hicks vs. Town of Vestal case.

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

5. Request from Deputy Comptroller Pam Fitzgerald to make the budget transfers effective 11/26/2014 through 12/31/2014 needed to close 2014, as per memo dated April 22, 2015.

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

6. Request to pay \$737.50 to Town Attorney David Berger for April 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 Water Superintendent Scott Groats to hire Samuel Warner as seasonal labor in the Water/Sewer Department at the rate of \$8.75 per hour effective May 18, 2015 and to authorize the transfer of approximately \$5,500 to line W8340-1034 for the ability to hire a second seasonal employee to be determined at a future date.

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

2. Request from Water Superintendent Scott Groats to approve the posting of the title Water Meter Reader and Repair person. The budget line item for this position will be W8340-1020.

Human Resource Officer Nancy Olmstead stated that the Operating Engineers contract requires this posting for 10 days.

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. Request from Vestal Marching Band "Band Aides" to use the library parking lot on May 24, 2015 for a Brooks Chicken BBQ fundraiser.

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

2. Request from LEAH (Loving Education at Home) Guardians Homeschool Soccer Program to use the library parking lot on July 2, 2015 for a Doug's Fish Fry fundraiser.

Supervisor Schaffer noted that this group is based in Vestal and meets the criteria for the kind of organization that the Board routinely allows to use the library lot for fundraisers. However, he is concerned that these events compete unfairly with nearby tax paying businesses that sell food.

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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 start a Twitter account for the Vestal Museum.

Councilwomen Messina and Agneshwar requested that this item be tabled until the next Work Session so that they can get additional information.

NEW BUSINESS

Councilwoman Agneshwar stated that the gateway sign ordinance continues to be a source of confusion and feels that the Board should consider devoting a meeting to discussing possible changes to address some of the items that were perhaps overlooked when the regulations were initially written. For example, the ordinance does not even define what a *gateway* is. Additionally, she would like the signs to be available for promoting Town events.

Councilwoman Messina noted that these signs will be beneficial to the Town but to her the major selling point was the ability to display the Amber Alerts.

Town Attorney Berger noted that the word *gateway* was purposely left undefined so as to give the Board total flexibility as to the placement of these signs. As to adding promotional displays for Town events, it can be incorporated into the contracts between the Town and the sign owners.

Supervisor Schaffer stated that the flexibility that has been incorporated into the gateway sign ordinance will allow the Board to incorporate terms that are in the best interest of the Town. As we learn more about the technology and the industry standards, we can apply this knowledge to the benefit of the Town.

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.

Update on 5/4/15: The County has not provided us with all of the information required for this project to move forward.

2. Purchase of Town parks land by Vestal Veterinary Hospital

Update on 5/4/15: Town Attorney Berger noted that he has received the required documents from the Vestal Veterinary Hospital and has prepared a letters to the NYS Park & Recreation Commission and to our State elected officials to get the process moving.

3. Lease Renewal for 133 Front Street

The current lease expired on 3/31/15. **Update on 5/4/15:** Town Attorney Berger noted that he has new information that should be discussed in Executive Session.

4. Municipal Finance Disclosure and Continuing Disclosure Policies and Procedures

Town Comptroller Laura McKane is working with bond counsel Orrick to make necessary changes to

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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 4/20/15:** Comptroller Laura McKane expects the re-draft of the document done by our bond counsel to be available shortly.

5. Park Outdoor application for Gateway Sign at 232 Vestal Parkway West on property owned by McMead Realty. The applicant was instructed to provide a letter stating what variances from the gateway sign ordinance are being sought. This would serve as a starting point for drafting an agreement. **Update on 5/4/15:** The requested letter has not yet been submitted by the applicant.

6. Town of Vestal Fats, Oil and Grease (FOG) Control Program. Town Attorney stated that more time is needed to review it before it is ready to be presented as a local law. **Update on 5/4/15:** Town Attorney noted that he and the Town Engineer have made several changes which need to be reviewed by the Water/Sewer Superintendent.

7. Good Samaritan Resolution Town Attorney is researching the State law and will advise the Board accordingly. **Update on 5/4/15:** Town Attorney Berger stated that the Board can adopt this resolution to expand protection for our volunteers but it will increase the potential exposure of the Town. Councilwoman Agneshwar asked for additional time to review this resolution and discuss it with the Fire Chief.

SUPERVISOR'S ANNOUNCEMENTS:

- The NYS Department of Environmental Conservation (DEC) has an open burning ban policy in place until May 15th. Burn permits will not be issued during this time.
- American Legion Post 89 (Vestal) will hold a Memorial Day Ceremony at the four corners Gazebo at Noon on Monday, May 25th. The public is invited to attend.

EXECUTIVE SESSION

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

ADOPTED Ayes 4 Agneshwar, Fitzgerald, Messina, Schaffer
Nays 0 Absent 1 Majewski

Resolved the Board enter into Executive Session to discuss the following:

- Labor negotiations with the Library CSEA bargaining unit.
- Potential litigation concerning a sewer backup.
- Litigation issues concerning the UHS case and the Mooney case.
- Lease renewal negotiations concerning 133 Front Street

The time was 6:54 PM.

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

ADOPTED Ayes 4 Agneshwar, Fitzgerald, Messina, Schaffer
Nays 0 Absent 1 Majewski

Resolved the Board leave Executive Session and **adjourn the Work Session. The time was 7:40 PM.**

Respectfully submitted,
Emil Bielecki, Town Clerk