

## VESTAL TOWN BOARD WORK SESSION MINUTES

MONDAY, DECEMBER 7, 2015

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

Also Attending: Town Attorney David Berger, Comptroller Laura McKane, Human Resource Officer Nancy Olmstead, Town Engineer Vernon Myers, Police Chief John Butler, Vestal School District Attorney Michael Sherwood, Town Clerk Emil Bielecki and 5 members of the general public.

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

### **6:00 Library Board of Trustees President Cathy Schaewe: School District Public Library**

Library Board President Cathy Schaewe expressed concern about the misinformation that is being circulated concerning the proposed creation of a School District Public Library. She wants to answer questions that the Board may have and determine where the Board stands concerning the future of the library. Without County aid, the library will incur a substantial shortfall in its budget. The library must either count on additional support from the Town or change its structure to a School District Public Library to secure funding as a new independent municipal taxing entity. The Library Board will not proceed with the effort to convert to a School District Public Library without full support from the Town Board. The conversion to a School District Public Library would give the library access to a larger tax base and should have minimal impact on Vestal residents. There are still many details to be worked out for the conversion to become a reality, but we cannot proceed without securing general support from the Town Board. Ms. Schaewe also noted that she has reached out to the Vestal School District to discuss this issue but has not been able to schedule a presentation to the School Board.

Library Board Vice-President Gordon Allen expressed concern about additional cutbacks to the library operations. With further retrenchment, the library runs the risk of appearing useless and losing the support of the general public.

Councilwoman Agneshwar noted that the Town of Vestal has 8,915 taxable parcels and the Vestal School District has a total of 10,275 taxable parcels.

Councilman Majewski stated that he still has many concerns about the conversion of the library and would prefer that the library remain a Town owned entity. He opposes selling the library building under any circumstances.

Vestal School District Attorney Michael Sherwood stated that he would inform the School Board about the issues that were discussed at this meeting.

Supervisor Schaffer, Councilwoman Agneshwar and Councilwoman Messina agreed that the conversion to a School District Public Library would be the best way to achieve stable funding for the future and expressed their support for the Library Board to proceed with their plan. Councilman Majewski noted that during this lengthy discussion, many of his questions were answered and he also supports moving ahead with the plan as long as he is kept informed of the progress.

It was noted by Town Attorney Berger and Ms. Schaewe that many of the questions that are being raised concerning School District Public Libraries are answered on a NYS Education Department website that can be accessed by the links below:

<http://www.nysl.nysed.gov/libdev/libs/pldtools/guide/1stppsd.htm>

<http://www.nysl.nysed.gov/libdev/libs/pldtools/guide/1pldqua.htm>

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**COMMITTEES**

**7.1 PUBLIC WORKS (MAJEWSKI/Fitzgerald)**

1. Discuss request from the Quality Inn to reduce sewer bill in the amount of \$4,494.73.

Supervisor Shaffer noted that the Binghamton-Johnson City Joint Sewage Treatment Plant (JSTP) changed its policy and no longer credits the Town for water that went through the meter but may not have entered the sewer system. As a result of that change in JSTP policy, the Town no longer accepts requests to reduce sewer bills in these types of circumstances. The Town Attorney was instructed to send a letter of denial to the Quality Inn.

**7.2 FINANCE (AGNESHWAR/Messina)**

1. Warrants: 2015- 47, 2015-47E, 2015-47L, 2015-49, 2015-49E

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

2. Request to pay \$5,250.00 to Michael Heenan for depositions in the Hicks vs. TOV case.

Town Attorney Berger explained that Mr. Heenan was the Town’s expert witness.

**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 \$370.00 for the 2016 membership to the Greater Binghamton Chamber of Commerce.

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

4. Request from Deputy Town Comptroller Pam Fitzgerald to make Budget Transfers, effective 8/26/15 thru 11/18/15, as attached to her memo to the Town Board dated November 18, 2015.

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

5. Request to pay Town Attorney David Berger \$675.00 for November billable hours.

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

6. Discuss the 2016 Capital Projects Budget.

Comptroller Laura McKane presented the Board with a list of proposed capital expenditures for 2016. The list also identified the sources of funding for the expenditures and provided the approximate cost of the debt service. A number of the projects are being funded in part or wholly by the recently awarded SAM grant, however, Comptroller McKane cautioned this money cannot be spent until the grant is approved, which may take up to 6 months. She noted that the listed items were reviewed and ranked by a committee that consisted of Supervisor Schaffer, Councilwoman Agneshwar and Town Engineer Campo. She asked the Board to review the list and finalize the expenditures so that the bonding resolutions can be prepared.

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After a brief discussion of the items on the proposed capital expenditures list, it was decided that additional time was needed to review several of the items. The Board expects to complete its review and finalize the 2016 Capital Budget at the next Work Session on Monday, December 14<sup>th</sup>.

**7.3 PERSONNEL (FITZGERALD/Majewski)**

**1. Request from Tax Receiver Debra Wallace to hire staff for the Tax Office, as per her attached chart, for the period December 22, 2015 through April 17, 2016.**

NAME	TITLE	HOURLY RATE	ANTICIPATED EMPLOYMENT DATES
Debra Jennings	Deputy Receiver of Taxes	\$10.00	12/22/15—4/17/16 It is anticipated she will work 2 days in December (to get bills ready to mail) and then as needed in 2016 through 4/17/16
Christa Reese	Part Time Clerk	\$9.06	12/23/15—3/31/16 It is anticipated she will work as needed
Heather Jennings	Part Time Clerk	\$9.06	12/23/15—12/31/15 It is anticipated she will work 2 days in December 2015 (to get bills ready to mail)
Sarah Wallace	Part Time Clerk	\$9.06	12/23/15—12/31/15 It is anticipated she will work 2 days in December 2015 (to get bills ready to mail)
Rachel Wallace	Part-Time Clerk	\$9.06	12/23/15—12/31/15 It is anticipated she will work 2 days in December 2015 (to get bills ready to mail)

Human Resource Officer Nancy Olmstead noted that this special hiring is requested annually so as to get the tax bills prepared, mailed and processed during the busy tax collection period.

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

**2. Request from Comptroller Laura McKane to allow Sr. Account Clerk for Payroll Vinnie Griggs to carry over an additional 26.25 hours of vacation into 2016.**

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

**3. Request to approve the following Conservation Advisory Committee appointments:**

- Re-appoint Curt Pueschel, Cynthia Westerman and Victor Lamoureux to the Conservation Advisory Committee effective January 1, 2016 for terms to expire on December 31, 2017.
- Appoint Adam Flint to the Conservation Advisory Committee and as the Town’s representative on the Broome County Environmental Management Council effective January 1, 2016 for terms to expire on December 31, 2017.
- Appoint Philip Grayson to the Conservation Advisory Committee, effective December 14, 2015, to fill an unexpired term. This term is to expire December 31, 2016.

**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. Request authorization to re-appoint Mary Joggerst to the Recreation Commission, effective January 1, 2016, for a term to expire December 31, 2022.

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

5. Request to approve the following Historic Preservation Commission appointments:

- Appoint Paul Deeley to the Historic Preservation Commission, effective January 1, 2016, for a term to expire December 31, 2019.
- Appoint Brian Weisse to the Historic Preservation Commission, effective January 1, 2016, for a term to expire December 31, 2019.
- Re-appoint Margaret Hadsell to the Historic Preservation Commission, effective January 1, 2016, to a currently vacant position for a term to expire December 31, 2016.

Councilman Majewski expressed concern about appointing non-Vestal residents. Human Resource Officer Nancy Olmstead noted that although Mr. Deeley is not a Vestal resident, he is an architect, as is required for one of the positions on the Historic Commission. In most instances, we appoint Vestal residents to the various advisory boards and commissions, but occasionally we have to go outside when we cannot find willing and/or qualified residents to serve.

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

6. Request authorization to re-appoint Gordon Allen to the Library Board of Trustees, effective January 1, 2016, for a term to expire December 31, 2020.

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

7. Request to approve the following Zoning Board of Appeals appointments:

- Re-appoint Paul Houle as a member of the Zoning Board of Appeals, effective January 1, 2016, for a term to expire on December 31, 2020.
- Re-appoint Eugene Burns as an alternative member of the Zoning Board of Appeals, effective January 1, 2016, for a term to expire December 31, 2020.

**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 Scott Otey, Treasurer of the Iota Theta Lambda, a local chapter of the Alpha Phi Alpha Fraternity, to use the library parking lot on May 21, 2016 for a Chicken Barbeque fundraiser in support of scholarships to area high school students.

Councilwoman Messina stated that she opposes allowing food vendors to use the library parking lot because they compete unfairly with established tax paying businesses in the Town. Several other Board members expressed similar opinions.

**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. Request from William Safarik to hold the Greater Binghamton Marathon on September 18, 2016. The event will be staged on the same course as last year and will be in compliance with the submitted Operation and Safety Plan.

Several Board members admitted that they did not recollect this event taking place last year, but no one expressed oppositions to staging this event. Town Attorney Berger advised the Board that if this event is permitted to be partially staged in the Town of Vestal, the same conditions should be placed on this event that were included for the recent approval of the Herald of Victory Marathon. The Board agreed. The resolution to approve the Herald of Victory Marathon read as follows:

*Resolved to approve the request from Confluence Running/USA Track & Field, Inc. to stage the **Herald of Victory Marathon** partially within the Town of Vestal as set forth in the course map provided and revised on 10/21/15, and further provided that:*

- 1) *Confluence Running will pay for, in advance, all of the costs of police protection, including salaries and overtime for the Vestal Police Department,*
- 2) *Satisfactory liability coverage is provided naming the Town of Vestal as an additional insured.*

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

3. Request from LEAH Guardians Homeschool Soccer Program to use the library parking lot on December 23, 2015 for a Doug's Fish Fry fundraising event.

Several Board members stated that they would not support this request.

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

4. Request authorization for the Town Attorney to publish a Notice of Public Hearing for proposed Local Law D of the Year 2015, a local law to rezone 4109 Vestal Road, Vestal NY, BCTM#159.09-1-17, from Transitional Office (TO) to Multiple Residence (RC). The notice is to be published on December 9, 2015 with the Public Hearing to be held on December 16, 2015.

**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** (MAJEWSKI/Agneshwar)

1. Request from Police Chief John Butler for permission to make the intersection of Main Street and Meeker Road into a four way stop. Two stop signs would be placed stopping traffic on Main Street in addition to the two signs already in place stopping traffic on Meeker Road.

Town Attorney Berger noted that based on his conversation with Town Engineer Campo, the Binghamton Metropolitan Transportation Study (BMTS) has been asked to study this intersection. Several Board members stated that this is dangerous location and it would be prudent to go with a 4 way stop for now and perhaps do other things that may be recommended by the BMTS study.

Police Chief John Butler stated that the rationale for taking this action stems partially from the fact that we have had 14 traffic accidents at this intersection since 2012. The biggest contributing problem in this area appears to be excessive speed on Main Street.

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Incoming Town Engineer Vernon Myers noted that there are too many signs in that immediate area that may add to the confusion and perhaps limit the effectiveness of the 4 way stop. If we install signs, it is important to get the right signs. He is not sure if this intersection meets the criteria for a 4 way stop, but a study would help to determine that.

The Board agreed to proceed with the installation of the 2 stop signs as proposed by the Police Chief but asked that the signs be categorized as *temporary*.

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

2. Request authorization for Police Chief John Butler to fill a recently created vacancy by hiring Lucas Shaw, a transferring Police Officer, effective January 4, 2016, at the base rate of pay of \$68,527.00 pursuant to the PBA Collective Bargaining agreement.

Human Resource Officer Olmstead noted that this officer is transferring from the Oneonta Police Department and is Tier 5 in the NYS Retirement System.

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

### 7.6 ADMINISTRATION (MESSINA/Agneshwar)

1. Request for Town Supervisor Schaffer to sign a Travel Grant Application for Museum Director Ramona Kacyvenski to attend a Museum Association of NY Conference in 2016.

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

2. Discuss the 2016 schedule for Town Board meeting dates.

Human Resource Office Nancy Olmstead presented the Board with a proposed calendar of dates for Town Board meetings in 2016. As a general rule, the meeting schedule would continue with Work Sessions on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of the month and Regular Meetings on in the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of the month. However, the calendar of meetings will likely have many exceptions due to various scheduling conflicts and to accommodate special needs, particularly during the busy budget preparation period. **The public is advised to check the Town's website for the dates of all scheduled meetings.** She will continue to work with the Board to incorporate additional changes that may be necessary to the meeting schedule. The final 2016 Schedule of Meetings is expected to be adopted at the Organizational Meeting of the Town Board tentatively scheduled for Wednesday, January 6, 2016.

3. Request from Recreation Planner Sue Jastran to accept a \$1,000.00 donation from Saint Paul's Episcopal Church – Bernice Gould Memorial Fund. This grant is to be used for a new commercial grade hot water heater for the Vestal Memorial Pool.

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

### NEW BUSINESS

In response to some previous discussion concerning parking fines, Supervisor Schaffer asked the Board to review his recommended changes to the fee structure for various parking violations. Town Attorney Berger stated that as the Board reviews its options, he would also review other local codes

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and make suggestions. Many of the contemplated changes would have to be implemented by a local law.

**UNFINISHED BUSINESS**

**1. Wash Bay at the Highway Department** (in response to the EPA field audit)

The proposal is still under review and the Board is waiting for additional information from the Town Engineer about how other municipalities are handling this situation and about a revised cost estimate.

**Update 12/07/15:** The Town is continuing to explore its options and has asked the new Town Engineer Vernon Myers to review the matter.

**2. Community Use of Municipal Facilities Policy**

The purpose of this proposed policy is to establish the rules and regulations governing the use of Town facilities by outside users. **Update 12/07/15:** Supervisor Schaffer stated that this item will probably not be addressed until early next year.

**3. Gas Card System for the Purchase of Fuel for Town Vehicles**

As per the discussion with the representatives from the Mirabito Fuel Group, the Town will prepare the bid specifications for a contract to purchase fuel from an outside vendor through the use of a gas card system. **Update 12/07/15:** Town Comptroller Laura McKane stated that she is reviewing other contracts and is working to prepare our own bid specifications.

**4. Sale of Town Property at 310 Rayelene Drive**

Request was made by James Warneck to purchase this parcel of Town owned property for \$500.00. Several other property owners also expressed an interest in acquiring this parcel. The Town Attorney sent letters to the adjoining property owners advising any interested parties to submit sealed bids to the Town Clerk. **Update on 12/07/15:** Town Attorney Berger stated that he would review the status of this matter and provide additional information at the next Work Session.

**EXECUTIVE SESSION**

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

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

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

- Personnel matter concerning the Vestal Museum
- Litigation issue concerning a tax case re: 860 Old Vestal Road

The time was 8:36 PM.

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

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

Resolved the Board leave the Executive Session and **adjourn the meeting. The time was 8:52 PM.**

Respectfully submitted,  
Emil Bielecki, Town Clerk