

VESTAL TOWN BOARD WORK SESSION MINUTES
MONDAY, FEBRUARY 25, 2013

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

Also Attending: Town Comptroller Laura McKane, Town Attorney David Berger, Human Resource Director Nancy Olmstead, Town Engineer Gary Campo, Recreation Director Sue Jastran, Fire Chief Pat McPherson, Assistant Fire Chief Doug Rose, Town Clerk Emil Bielecki, and about 15 members of the community.

WORK SESSION – Supervisor Schaffer convened the meeting at 6:00 PM

1. Town Engineer Gary Campo – Rail Trail Section 2

Town Engineer Gary Campo updated the Board on the status of Vestal Rail Trail-Section 2 project. The transfer of funding from Sections 3 and 4 to Section 2 has been authorized. If the Town is to proceed with Section 2, the decision has to be made immediately. The facts are as follows:

- The amount spent to date on Section 2 is \$221,000. This money would have to be reimbursed to the Federal government if the project is cancelled.
- The transfer of funding from Sections 3 and 4 to Section 2 has been approved, however this is 80-20 money, meaning the Town has to provide 20% of the funding.
- According to the Federal regulations, the Section 2 money has to be expended by August 15, 2013.
- The alternate bridge (a pre-manufactured truss bridge) is now the only option if this project is to get completed on time. The decision has to be made quickly. There is a deadline to get the manufacturer to guarantee delivery.
- Everybody involved with this project is making adjustments and sacrifices to make this project a go.
- The Town's portion of the funding will be \$225,000 in cash and would be used to bid out the remaining work on the project.

According to Mr. Campo, the situation that we are in is difficult, especially in view of the fiscal constraints. However, we need to understand that we will be getting a tremendous benefit for the \$225,000 investment. The Rail Trail in Vestal is extremely popular and widely used and the extension of the network is important to this community.

Comptroller McKane stated that if the project is going ahead, the Board will also need to adopt a bond resolution.

After an ensuing discussion about the various aspects of the project, four of the Board members expressed support in going ahead with the project. The Board members expressed a general unwillingness to reimburse the money spent to date and getting nothing for it. Supervisor Schaffer indicated that he would not support going ahead with the project.

Award Bid for the Rail Trail-Section 2 to Procon Contracting LLC

On a motion of Councilman Marnicki, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Milkovich, Marnicki
 Nays 1 Schaffer

Resolved the Board award the bid for the Rail Trail-Section 2 project (including a new pedestrian

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bridge over Choconut Creek) to Procon Contracting LLC, the low bidder, in the amount of \$2,049,000.00 with a revised completion date of December 1, 2013, and authorize the Supervisor to sign all agreements connected with the completion of this project.

2. Vestal Senior League proposal

Jeff Valent, the Treasurer of the Vestal Senior League, appealed to the Board to assist the Senior League in getting compensated for the maintenance work they are doing on the Arnold Park field and the Dave Leonard field at Highway. Due to the budget cuts in the Parks Department, the Senior League had taken over the responsibility of maintaining these fields at a cost that exceeds \$9,000 per year. While the Senior League has all of the expense, the Town is allowing other teams to use the fields at no cost. The Senior League is asking for an arrangement that all teams who use these fields be required to pay field maintenance and usage fees. One possible solution would be to mandate that any team that wants to play on these fields be required to be a part of the Vestal Senior League.

Town Attorney David Berger noted that the Town cannot enter into a lease agreement for a third party to manage park property and cannot compel any team to join the Senior League as a condition to use the Town's fields.

Recreation Planner Sue Jastran noted that last year she had two teams that requested to play on the Highway field. One was a NYS Public High School that asked to use it for practices for a tournament and the other was to help out the Owego Free Academy School team whose field was flooded – which was the right thing to do since they lost everything. She would like direction from the Board if they want things done differently. We do not charge fees for field usage. The fields are parceled out and the leagues do their own scheduling. We do not get into league politics, fee structures or any of that. Because budgets are tight and the Town has cut the maintenance we may need to look to charge in the future.

Supervisor Schaffer stated that he wants all of the teams who use these fields to get together to work out a reasonable arrangement to share the costs associated with the maintenance of the fields. The Town will continue to work with the teams in scheduling field usage but will not get involved with the internal affairs of the leagues.

COMMITTEES

7.1 PUBLIC WORKS

1. Request for authorization to have Supervisor sign easement paperwork for a sewer line that was installed through the Murphy property near Vestal Road and Sycamore Road a couple years ago. The land is being divided and sold so an easement has become necessary

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 –07 2013 – 07E 2013 – 07M

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

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2. Request to approve Bond Resolution authorizing the purchase of a heavy rescue fire-fighting vehicle

Comptroller McKane noted that she will be submitting a change to the resolution that will include required language to allow for a lease purchase. She does not feel that this is a workable option given the 15 year useful life assigned to this equipment.

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 Resolution calling for Special Election
4. Request to publish notice of special election on March 6, 2013
5. Request to approve the resolution to appoint a Board of Election for a special election,
Chairman of Election: Mary Hall
Inspectors: Lucille Giles, Janet Cole, Nancy Gregory
6. Request to approve resolution setting time and place of meeting of Election Inspectors

The above requests are for necessary items that need to be approved by the Board to proceed with the scheduling of a Special Election to vote on a resolution authorizing the purchase of a heavy rescue fire-fighting vehicle at a maximum estimated cost of \$800,000.

OK- Items 3, 4, 5 and 6 (as listed above) will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

7. Request to approve Refunding Bond Resolution

A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 OR SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS," AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY

Comptroller Laura McKane stated that the market is available to refinance these bonds. Fiscal Advisors sent out an RFP and Roosevelt and Cross responded with the best proposal. It is estimated that the refinancing will save the Town over \$160,000.

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

8. Request from Library Board to transfer \$14,450 from line L7410.1010 to line L7410.1020

Comptroller McKane stated that the savings achieved from the retirement of 2 employees will provide enough funding to hire a part-time Children's Librarian at a lower rate. ***

***Clerk's note: As per communication from the Library Director, the **Children's Librarian is a full time position.**

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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9. Request from the court to accept a grant from the Justice Court Assistance Program (JCAP) in the amount of \$5,694.00

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

10. Request to pay Hickey & Gates LLC \$262.50 in the Williams vs Town of Vestal.

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 the Town Supervisor to sign the Section 211 Application, Application for Pension Waiver to Section 211 of the New York State Retirement and Social Security Law (CSC-1 09/11L), as the Appointing Authority to certify the information provided is true and correct to the best of his knowledge

Human Resource Director Nancy Olmstead explained that when we hired Police Chief Butler, he was already retired from another police department. This waiver will allow him to continue to collect his full state pension while working for the Town of Vestal. Waivers are granted for a maximum of 2 years, although they can be for shorter terms. Since the Town of Vestal does not have to contribute to the retirement system for Chief Butler, it saves significant money. This year, the savings will amount to over \$29,000.

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 Vestal Marching Band to use the library parking lot on May 26, 2013 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. Memo from Gary Campo about the DOT decision to not install a light at State Route 26 and Sheedy Road

Town Engineer Campo stated that the State has reviewed the Nursing Home project traffic study and found no need for a light at this intersection. However, they are going ahead with planned alterations at this intersection in 2014.

Councilman Milkovich again requested that a State Department of Transportation (DOT) representative be asked to come to a meeting to explain to the public the rationale for their decision on the light and their plans for modifications at the intersection.

Mr. Campo noted that DOT already held a public hearing a few years ago concerning the planned modifications at the intersection but that he would ask if they would consider doing another public hearing or some type of public presentation.

7.5 PUBLIC SAFETY

1. Request from Police Department to install an electronically controlled gate at \$4100, funding will be taken from the Asset Forfeiture Budget Line number A3120-2626R

Councilman Marnicki stated that this installation is needed to prevent the reoccurrence of escapes by

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people held in temporary custody by the Police Department.

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

2. Request for the Board of Fire Commissioners to approve the following fire personnel to attend the following trainings

a) Up to 16 Members of the Fire Police Squad and apparatus (Brush 32-1, Brush 32-2, Utility 32-3 and Utility 32-4) to attend NYS DOT Highway Closure Training in Kirkwood on March 11, 2013. There is no cost for this class.

b) FF Jordan Rogers to attend Accident Victim Extrication at Prospect Terrace Fire Dept. starting July 22, 2013. There is no cost for this class.

c) FF John Musser and Michael Shea to attend NYS Firefighter 2 starting March 4, 2013 at Endwell Fire Dept. There is no cost for this class.

d) FF Dusty McCartney, Paul Goon, Phil R. Walter, Phillip W. Walter and Sacha Sigleman Schwartz to attend EVOG Training, May 4, 2013 at Town of Binghamton Fire Dept.

e) FF Richard Austin and Phillip W. Walter to attend NYS Fire Officer 1 starting April 5, 2013 at Endwell Fire Dept.

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

7.6 ADMINISTRATION

Councilman Majewski stated that Ruth Lewis has submitted a letter of resignation, effective September 1, 2013. Ruth Lewis is currently completing a project to secure reimbursement of funding from state grants provided to restore and renovate the Coal House.

NEW BUSINESS

1. Supervisor Schaffer stated that the Town is looking into complaints that heavy trucks, possibly connected with the gas drilling industry, are driving on Stateline Road. If it is determined that this is the case, the Town will need to take steps to protect our roads from potential damage.

2. Supervisor Schaffer announced that he attended the annual meeting of the NY State Association of Towns in New York City and gave a brief outline of the training sessions that he participated in. He also noted that the Association passed a resolution in support of granting more home rule control to the Towns but this resolution made no reference to the gas drilling issue.

Councilman Majewski expressed concern about the need to provide training opportunities to Town Officials and members of the volunteer boards. We have been waiving these requirements for the last few years.

Supervisor Schaffer stated that he would like to see more people attend these meetings and is appointing Councilman Majewski to work out a plan to increase training opportunities for the volunteer boards.

3. Supervisor Schaffer stated that he attended a meeting with representatives from the NYS Office of Emergency Management and is pleased with the progress that is being made in the flood buy-out program. Property appraisers have been hired and other work is proceeding as planned.

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UNFINISHED BUSINESS

1. Procurement Policy – no new discussion occurred to address this item.

2. Cold Storage Facility

Councilman Milkovich stated that Station 2 of the Vestal Fire Department has expressed to him and to Councilwoman Fitzgerald their willingness to donate the Fire Hall in Vestal Center to the Town. He thinks that this offer should be given careful consideration with the possibility of using the building for records storage as part of an overall plan that would move the Code and Engineering Departments from the leased Front St. location back into the Old Engineering Building.

3. Light District

Town Engineer Gary Campo stated that there are 91 properties that should not be in the Lighting District and their total assessed cost is approximately \$2,700 per year. They should be removed from the District or another solution needs to be considered to resolve this issue.

4. Hazard Mitigation Plan

Town Engineer Campo reiterated that this plan is prepared by Broome County and must be updated every five years. This plan needs to be in place if we apply for Federal funding.

5. Proposed Local Law “A” of the year 2013 entitled: “A Local Law Rezoning BCTMP# 189.12-1-41.2 on West Sheedy Road from C-2 to PDD (Planned Development District). The Public Hearing was held on January 23, 2013. The Planning Board has approved the site plan conditioned on the Town Board’s approval of the rezoning.

Supervisor Schaffer stated that all of the issues that the Town Board identified for the developer to address have been resolved. While there are still additional issues that need to be addressed with the proposed development, they are out of the control of the Town Board. He is asking the Board to vote on the rezoning at the next regular meeting.

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

6. Request from Tracy Creek Memorial Church to use the library parking lot on May 4, 2013 for a Phil’s Chicken BBQ fundraiser and other activities to celebrate their 175th Anniversary.

Reverend John Lucas noted that their church is the second oldest in Vestal. The use of the library site is being requested because of its central (visible) location and additional space.

Councilman Majewski expressed concern that the planned activities may draw a large crowd which could create traffic problems and other safety issues, particularly for the children.

Town Attorney Berger also expressed concern about safety and requested that in addition to signing the standard indemnification agreement, the Church also provide an insurance rider for this event.

During a lengthy discussion about the safety issues that may arise at this event, several Board members offered various suggestions. Councilman Majewski exchanged contact information and asked that the

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Church work with him and the Administration (Recreation) Committee to finalize any changes that may need to be made to ensure adequate safety at this event.

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 Hours – December 1st - March 31st - 2:00 AM to 6:00 AM

Vestal Fire Department Membership for **Station 2's Firemen Breakfasts and Station 2's Ladies Auxiliary Soup and Salad Dinners** being held on following dates at Vestal Fire Department Station #2.

Auxiliary Soup and Salad - 3/16 - Time: 4:00 pm till gone

Firemen's Breakfast - 4/14 - Time: 7:00 am till 11:30 am

EXECUTIVE SESSION

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

ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer

Nays 0

Resolved the Board enter into Executive Session for the purpose of discussing arbitration of a contract dispute and a litigation matter concerning the Vestal Emergency Squad. The time was 8:09 PM.

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

ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer

Nays 0

Resolved the Board leave the Executive Session and adjourn the Work Session. The time was 8:47 PM.

Respectfully submitted,

Emil Bielecki, Town Clerk