

**VESTAL TOWN BOARD WORK SESSION MINUTES**  
**MONDAY, JUNE 24, 2013**

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

Also Attending: Town Attorney David Berger, Human Resource Director Nancy Olmstead, Town Engineer Gary Campo, Museum Director Virginia Wood, Town Clerk Emil Bielecki, Fire Chief Pat McPherson and approximately ten members of the community.

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

**6:00 pm Brock Leonard (Highway Superintendent) and Gary Campo (Town Engineer) to discuss flooding on State Line Road**

Town Engineer Gary Campo noted that the Highway Superintendent will not be able to attend. The problem concerns 5 driveways on the south side of State Line Road. There are crossover pipes on private properties (crossing over a creek) that are too small and get clogged up with debris during major storm resulting in the road getting washed out and damage to other properties. This has been a longstanding problem. The solution would be to install larger crossover pipes on these properties. Since this is a Town flooding problem, he recommends that we file a Notice of Intent under FEMA to upgrade the pipes as part of a flood mitigation program. If approved, FEMA would pick-up 75% of the cost. The remaining 25% would have to be paid for locally, most likely by the property owners.

The Board agreed to authorize the Town Engineer to file the Notice of Intent with FEMA and, if approved, resolve the 25% funding portion at a later time.

**6:15 pm Vestal Museum Director Virginia Wood to discuss the Curator position.**

Museum Director Virginia Wood announced to the Board that the \$2,000 grant that was anticipated has been awarded. Earlier today she met with Comptroller McKane and prepared a budget for the remainder of 2013 that would allow her to hire a new curator and keep the museum open 4 days a week.

Supervisor Schaffer and the Board reviewed the presented budget information and authorized the Museum Director to proceed with hiring a curator.

Human Resource Director Nancy Olmstead noted that there is currently no civil service list for the curator position so the person hired would be a provisional appointment.

**BID OPENINGS**

1. 7/8/13 – Campus Drive Pipe Replacement

**COMMITTEES**

**7.1 PUBLIC WORKS**

1. Request to authorize the John Schaffer, Supervisor to sign the agreement with Shumaker Engineers for developing the plans, estimates, develop bid documents and the construction inspection for the second section of the Trail. At a total price of \$79,200 (with the 80/20 split).

Supervisor Schaffer noted that the Town portion of the cost would be \$15,800.

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Councilman Marnicki expressed concern that cost of this work seemed excessive and asked to put this item on hold until the Board gets more detailed answers from the Town Engineer. No one expressed an objection to the hold.

2. Request the Board to approve the following resolution for the BC Hazard Mitigation Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the **Town of Vestal:**

- 1) Adopts in its entirety, the Broome County Multi-Jurisdictional All-Hazard Mitigation Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

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

3. Request for John Schaffer, Supervisor to sign and file easement for a sewer line installed thru the Matthews parcel of the Murphy property on Vestal Road

Councilman Marnicki noted that if we get the easement, we are responsible for the maintenance of the line. He asked if the sewer line was inspected and if it met our standards.

Supervisor Schaffer indicated that he would have the Water & Sewer Superintendent answer those questions prior to the Regular Meeting on Wednesday.

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

4. Request to issue a refund in the amount of \$110.09 to JoAnne Rowan at 104 Susan Court, she over paid her account.

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

5. Request to issue refund in the amount of \$212.78 to New Holland for 3104 Vestal Road, they have closed and sold the building.

**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** - 2013-24, 24E, 24B, 24R, 25, 25E, 25S, 25L

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

2. Request to accept grant in the amount of \$2,000 for the Museum from the Chenango County Council of the Arts.

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

3. Request to accept donation in the amount of \$150.00 for the Recreation Department in the memory of Vernon Hockenberry, one of the gentlemen that started the Town Band.

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

4. Discuss hiring a firm to audit the Town Court

Several Board members asked about the details of this request and Councilman Marnicki recommended that this be put on hold until the Comptroller provides additional information.

5. Request from Brett Martin to cover repairs to his vehicle after it was hit with a rock from the highway department mowing the side of the road.

Town Attorney David Berger noted that the Town is self-insured for these types of accidents.

Councilman Majewski stated that the estimate for the repairs of the vehicle seemed too high. He would get more information about the extent of the damage from the police officer who prepared the report.

**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. Discuss the vacancy on the Assessment Review Board

Human Resource Director Nancy Olmstead updated the Town Board on the current status of the Board of Assessment Review (BAR) and asked that a plan of action be put in place to fill the vacancies. The BAR currently has:

- One board member vacancy as a result of a serving member having moved out of Town.
- One board member whose term expires on 9/30/13.
- Three alternate members whose terms expire on 9/30/13.

Two new applicants, and all three of the alternate members, have expressed an interest in being appointed to fill the vacant member position. Also, Mr. Flanders has indicated that he would like to be reappointed.

After a brief discussion, the Board determined that it will seek to fill the two regular member vacancies but only appoint one alternate member. The Board will schedule to interview all of the applicants at the Work Session on July 22, 2013.

2. Request to approve new contract for the School Resource Officer for the 2014 school year.

Town Attorney Berger, noting that the PBA contract expires at the end of the year, advised the Board to consider adding language to the Resource Officer contract which would allow for the incorporation of any adjustments which may be necessary as a result of a new PBA agreement.

Councilman Marnicki stated that he continues to object to the funding formula for the Resource

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Officer program because, when all costs are factored in, it shortchanges the Town. Moreover, he feels that the non-Vestal taxpayers of the Vestal School District do not pay their fair share for this program. He asked that this item be held over until more detailed information is provided about all of the overhead costs associated with this program. No one expressed an objection to the hold.

**7.4 PLANNING & ZONING**

1. Discuss request for modification of Special Permit for Cornelius Enterprises at 2520 Vestal Parkway East.

Sarah Campbell, an attorney representing Cornelius Enterprises, stated that her client is requesting a modification to a Special Permit that was granted on 1/23/08. This Special Permit allowed Hertz Car Rental to operate a retail business in a Transitional Neighborhood (TN) zoned area with the condition that no more than eight Hertz Rental cars be parked at the property at any given time. The modification request is to add 12 parking spaces for a total of 20 spaces for Hertz Rental use. Two additional spaces would be provided in front of the building in an area that is somewhat remote for other uses and 10 spaces would be provided in the rear of the building. These spaces are not utilized by customers and will have no impact to the site operations. The modification to the Special Permit will allow this quality national tenant to remain in the Town of Vestal.

Several Board members cited a history of problems at this location including the use of unauthorized parking spaces by Hertz.

Supervisor Schaffer stated that an on- site inspection of the location does not show the spaces that are identified in the provided drawing. He is suggesting that Cornelius Enterprises consider the purchase the small abutting parcel of land to provide the needed additional parking.

Councilman Marnicki stated that Board need to see a professionally prepared site plan to determine if the parking spaces exist.

The Board instructed Cornelius Enterprises to submit a site plan and return to the Work Session on July 22<sup>nd</sup> for further discussion.

2. Request to rezone 3505 Vestal Road from Industrial to Community Business for automotive sales, with advertising date of July 10, 2013 and a public hearing on July 24, 2013.

Town Attorney Berger cautioned the Board to take into consideration the fact that the new zoning would be less restrictive and allow other uses (by right) that may not be desirable.

Councilman Majewski recommended that the Board ask representatives from Mathews Development to attend the Work Session on July 8<sup>th</sup> to explain in more detail their long term objectives at this location. The Board agreed.

3. Request from BARA (Binghamton Amateur Radio Association) to use library parking lot on October 13, 2013 for a Brook's BBQ fundraiser.

**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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**7.5 PUBLIC SAFETY**

1. Request to approve Joseph Kulp Jr., Christian Steenstrup and Eric Gottschall to become members of the Vestal Fire Department at Company 4.

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

4. Budget transfer for Fire District regarding Station 4 study

Councilman Marnicki stated that the Fire District Station 4 study ran into some cost overruns and there was an expansion of the scope as a result of flood related changes made to the project. This additional work was not authorized by the Board of Fire Commissioners.

Fire Chief Pat McPherson stated that the work invoiced by Hueber-Breuer was in fact done. The changing of the guard in the Fire Department resulted in some confusion as to what work was actually approved.

**7.6 ADMINISTRATION** - no items were brought for consideration.

**NEW BUSINESS**

1. Feasibility study for building town's own sewage treatment plant\*

\*Supervisor Schaffer removed this item from consideration at this time.

**UNFINISHED BUSINESS**

**1. Review changes to Scrap Metal Policy** – on hold

**2. South Jensen Road Sewer Hook Up**

Supervisor Schaffer stated that the existence of the rock bed at the front of the property makes it prohibitive to extend the sewer line. The property owner has a scheduled meeting with the Zoning Board of Appeals (ZBA) concerning an alternate plan. He recommends that this item be kept on hold until the Board has an opportunity to review decision of the ZBA.

**3. Purchase of ambulance from Emergency Squad**

Town Attorney Berger stated that this item is connected with potential litigation and advised the Board to discuss it in Executive Session.

**4. Community Electronic Information Signage**

Supervisor Schaffer stated that if the Board wishes to continue with this project without the fear of opening the door to expanding this type signage throughout the Town, this can be done by categorizing the signs as special signs for emergencies. The Board can pass the appropriate changes to the local ordinances to protect the Town.

Councilman Majewski expressed his overall opposition to LED signage and noted that if the Board pursues this project, it should be done via requests for proposals (RFP).

Councilman Marnicki opposes any proposal by a profit making business to place the signage on Town property. If the signs are placed on private property, their size should be calculated as part of the

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overall permitted amount for that property.

The majority of the Board expressed an interest in continuing to evaluate the feasibility of implementing this signage project.

**SUPERVISOR'S ANNOUNCEMENTS**

Museum Events

- Kids summer garden projects planned; July 13, Aug 10. Free

**EXECUTIVE SESSION**

On a motion of Councilman Marnicki, seconded by Councilman Majewki, 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 an item of potential litigation. The time was 7:21 PM.

On a motion of Councilman Milkovich, seconded by Councilwoman Fitzgerald, 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 8:16 PM.

Respectfully submitted,  
Emil Bielecki, Town Clerk