

VESTAL TOWN BOARD WORK SESSION MINUTES
MONDAY, SEPTEMBER 23, 2013

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

Also Attending: Comptroller Laura McKane, Town Attorney David Berger, Town Engineer Gary Campo, Code Director Mark Dedrick, ZBA Chairman Mark Johnson, ZBA Attorney Matt Butler, Station 1 Fire Chief Doug Rose, Police Lieutenant Gerry Mullins, Human Resource Director Nancy Olmstead, Town Clerk Emil Bielecki and approximately 15 members of the community.

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

WORK SESSION

6:00 pm - **Vestal Park, LLC re: rezoning of 4696 Vestal Parkway East**

Mark Newman and a group of employees and hired professionals (including an attorney, an architect and an engineer) presented the Board with the details of a plan to turn what is now University Plaza into a transformative student housing community. Two large commercial tenants are leaving the plaza in the near future and this proposed project is, in their opinion, the best use-and perhaps the only realistic use-of the property. They are seeking to rezone certain sections of the plaza from Community Business (C-2) to a Planned Development District (PDD). Some of the more significant points of the presentation are as follows:

- The rezoning is requested to make the new development consistent with what is already there and to make it more practical to address some potential building height and setback issues.
- Prior to the first development of student housing in 2003, the area was an abandoned shopping plaza with a string of business failures.
- The new project will upgrade the entire retail center and add a 750 bed student housing complex. The development will create a sense of community. It will be a secure community.
- The parking for the whole area will be reconfigured but will be more than adequate to meet the code requirements-about 1500 parking spaces are anticipated for the whole site.
- The new student housing complex is expected to be 4 stories. The buildings would be about 45 feet tall with perhaps some designed protrusions exceeding that height.
- The company has already reached out to the Fire Department to address and improve fire safety at the site.
- The new development will create more green space than currently exists and should reduce the runoff from the site.
- The company is requesting to simultaneously pursue the rezoning, the area variance and the site plan review. One long Environmental Assessment Form will be prepared.
- The company will be seeking a deviated pilot program from the Broome County Industrial Development Agency (IDA). It is anticipated that the tax revenue from the project will be higher under the pilot program than what is currently being generated at the site.

After a brief question and answer period, the Board agreed to proceed with the authorization to advertise for and schedule a public hearing on a local law to rezone this property. The anticipated advertising date is October 9, 2013 with a public hearing on October 23, 2013.

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

VESTAL TOWN BOARD WORK SESSION MINUTES
MONDAY, SEPTEMBER 23, 2013

6:30 pm - Discuss Tracy Creek Road Motor Cross Issue

Supervisor Schaffer noted that this long-running controversial issue continues to generate complaints and confusion. He asked the various Town officials involved with this issue to update the Board on the current status of the controversy. The following individuals made comments:

Code Director Mark Dedrick - the ZBA prohibited the use of the property as a recreational facility but he has asked the ZBA for a clarifications of its ruling as it relates to its current use. He has reviewed the recent complaints and does not feel that the current use constitutes a violations of that ruling. The noise level readings taken at the property line generally do not exceed the legal limit, however, the topography of the land complicates the situation.

ZBA Chairman Mark Johnson – the ZBA ruling looked at the difference between using the property as a recreational facility as opposed to the use of the property for recreational purposes by family and friends. The former is not permitted and the latter is. The ZBA looked at the use of the property, not how many people were using it.

Town Engineer Gary Campo – the track was built before the Town realized that there were any issues. When the issue surfaced, DEC was contacted and did get involved in the erosion and runoff issue. The appropriate permits were issued. There was a period of time that an agreement between the neighbors was being contemplated but that did not happen.

Police Lieutenant Gerald Mullins - the Police Department is focused on enforcing clear cut violations of the criminal code. It is ill equipped to handle the complaints in a situation where there is no clear violation. The Department recently acquired a decibel meter but he doubts that it can be used to charge anyone with violating the Town's noise ordinance. Decibel reading is outside the scope of police work.

Town Attorney Dave Berger – Noise level enforcement is very difficult. Do we want to devote the resources to enforce this? It does not appear that the current use is in violation of the code. Unless the Board wants to change the code, this is primarily a neighborhood problem. There are perhaps some civil issues that the neighbors could pursue privately to address this problem.

Several Board members stated that noise from the four wheelers and motorcycles continues to be the main source of complaint from the neighbors. The Board wants to review the Code Department's recommendations on potential changes in the code to regulate the use of these types of vehicles.

7:00 pm - Fire Department - Rescue Truck

Station 1 Fire Chief Doug Rose announced to the Board that nine bids were returned in response to the proposed purchase of a fire rescue vehicle. After a thorough review, 3 of the lowest bids were rejected for failing to meet the specifications. The committee decided to select the lowest qualified bid from Specialty Vehicles Inc. With some anticipated adjustments, the purchase amount would be approximately \$675,000. He is asking the Board of Fire Commissioners to authorize going to a public referendum on November 19, 2013 seeking voter approval to purchase the rescue vehicle.

VESTAL TOWN BOARD WORK SESSION MINUTES
MONDAY, SEPTEMBER 23, 2013

The Board engaged Doug Rose in a lengthy discussion (approx. 1 ½ hours) about the specifics of the request to purchase a new rescue vehicle as well as the overall policy issues connected with the procurement of fire equipment. In response to numerous questions from the Board members, Chief Rose made the following comments:

- The rescue vehicle is a rolling toolbox that is an essential piece of equipment for the Fire Department. It will replace an existing vehicle that is no longer reliable and has outlived its useful life. Not replacing this vehicle would diminish the level of service to the community.
- Station 2 also has a rescue vehicle. It is a smaller vehicle. The Department needs two rescue vehicles to handle the workload requirements and specialized needs.
- The Department will do a better job in communicating with the public about the importance of this project.
- This is the first front line piece of equipment that the Department would be purchasing in over 10 years. He is very concerned about falling behind in the replacement cycle for the major pieces of equipment that the Department needs to operate.

Comptroller Laura McKane indicated that she is still in the early stages of reviewing other financing options and also needs to review this request to determine the appropriate language, funding amount and procedure for moving ahead with this project.

The consensus of the Board is that the Fire Department has made a solid case for moving this proposal to a public referendum on November 19, 2013.

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

BID OPENINGS

The **bids** for the **Town Hall Generator** and the **Water Meters** were opened in the Clerk's office on September 23, 2013. The results have been provided to the appropriate Town officials and will be listed on the agenda for the next Regular Session of the Town Board.

UPCOMING BID OPENINGS

1. September 26, 2013 – Rail Trail Phase 2

COMMITTEES

7.1 PUBLIC WORKS

1. Request from Gary Campo, Town Engineer to go forward with obtaining a storm easement on Juneberry Road.

Several Board member expressed doubt whether this proposed solution would solve the problems in that area. The Board decided to delay action on this item and asked that Town Engineer Campo provide a design plan of the proposed work.

7.2 FINANCE

1. **Warrants** - 2013- 37, 37E

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

VESTAL TOWN BOARD WORK SESSION MINUTES
MONDAY, SEPTEMBER 23, 2013

2. Request to pay \$10,550.10 to Ahmuty, Demers & McManus for Candlehouse vs Town of Vestal from August 2013 to September 9, 2013.

Councilman Marnicki asked the Comptroller to provide the Board with the total amount paid to date to this firm in defending against this lawsuit.

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 to authorize the Town to contract with Industrial Hearing Testing to provide the required annual hearing testing for Town employees at the cost of \$1000 for the first 30 tests and \$15 for each test over 30, and to authorize the Town Comptroller to transfer money as needed from the workers compensation lines to the profession services lines to pay for the service (as per the memo from Human Resource Director Nancy Olmstead dated September 12, 2013).

Human Resource Director Olmstead indicated that it is anticipated that 54 employees will be tested.

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

2. Request from Nancy Olmstead, Director of Human Resources to authorize the paying of flu, pneumonia vaccines, glucose test, and cholesterol tests as outlined in her memo dated September 19, 2013, also the two UHS staff people conducting the tests will charge \$80 per hour.

Human Resource Director Olmstead indicated that all of these services will be available at the Town's Health Fair scheduled for Thursday, October 24, 2013.

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

3. Request for authorization to receive services from UHS Occupation medicine as follows, Hearing Tests (\$22) done on an as needed basis, Workers Comp PPO annual fee \$10,000, Hep B shots \$52, \$40 Titer, Drug Testing: DOT \$40, Non DOT \$35, Alcohol Test: DOT \$28, Non DOT \$28 (as per memo from Human Resource Director Nancy Olmstead dated September 19, 2013).

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 Accord (A Center for Dispute Resolution) to hold a Gance's fundraiser on October 4, 2013 in the library parking lot

****2.** Request from the Rescue Mission Whitney Point to use the Rail Trail for a 5K run on January 25, 2014 for a fundraiser

****3.** Request from Greater Binghamton Football Club (GBFC) U13 soccer club to have to Can/Bottle Drive on October 19, 2013 in the library parking lot

VESTAL TOWN BOARD WORK SESSION MINUTES
MONDAY, SEPTEMBER 23, 2013

****4.** Request from Temple Concord's Sisterhood to hold a Doug's Fish Fry on December 23, 2013 in the library parking lot

** The consensus of the Board was to reject all 4 of the above applications from consideration for approval, citing a long standing general policy of allowing only Vestal based organizations to use Town property or facilities for fundraising purposes.

7.5 PUBLIC SAFETY

1. Request to accept leases for the Fred Singer Training Site: Sayre Fire Department, Athens Township Fire Department, and South Waverly Fire Department.

Councilman Marnicki stated that the amounts charged for these leases are too low.

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

2. Request from Patrick McPherson, Fire Chief to approve the following training:

- FF Harold Weaver, Gary Singer and Wayne Dakin for NYS Fire Police Course to be held at Endwell Fire Dept. starting October 1st
- Brush Truck 32-2 and ATV 32 to NYS Rescue Tech Basic at Town of Binghamton Fire Department on Saturday September 21st and 28th
- Up to 12 members and Foam 32-4 to attend the Fighting Flammable Liquid Fires for the First Due Engine at East Maine Fire Department on October 4th and the BC Airport on October 5 & 6. The cost of this course is \$25 per firefighter.

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

3. Request from Police Chief John Butler to accept a donation of a Gator from BAE Systems

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

4. Fire Budget – final review and acceptance

Comptroller Laura McKane stated that, as per the Board's request, the Fire Department has submitted a list of reductions and adjustments to the proposed 2014 budget so that the tentative 2014 Fire District Budget would not require an increase in the tax levy. Although the budget shows no increase in the tax levy, it does show increase of 1.17% in the tax rate due to the decline in the Town's total assessed value. She recommends that the Board, acting as the Board of Fire Commissioners, accept the revised tentative budget as the 2014 Proposed Fire District Budget (including fund balance estimate) and authorize the advertising for the required public hearing.

Adopt 2014 Proposed Vestal Fire District Budget and Publish the Notice for a Public Hearing

R263-13 On a motion of Councilman Marnicki, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Milkovich, Marnicki, Schaffer
Nays 0

VESTAL TOWN BOARD WORK SESSION MINUTES
MONDAY, SEPTEMBER 23, 2013

Resolved to adopt the **2014 Proposed Vestal Fire District Budget** totaling \$1,218,231 and to authorize the publishing of the notice of a budget hearing on October 9, 2013 for a budget hearing to be held on October 15, 2013.

5. Request from Town Justices Meagher and Sherwood to submit for a grant from the Justice Court Assistance Program for items including a fax machine, copier, desktop scanners, furniture and security cameras and monitors (as per memo dated 09/23/13)

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

7.6 **ADMINISTRATION** - no item were brought for consideration by the Board.

UNFINISHED BUSINESS

1. **Scrap Metal Policy Amendments** – this item was not addressed at this meeting

SUPERVISOR'S ANNOUNCEMENTS

Museum "The Wheel Spins 'Round" Sept 7- Nov 22

Supervisor Schaffer noted that many residents are not following the rules concerning the proper placement of brush for pick-up by the Highway Department. He asked Town Clerk Bielecki to add the notice about brush pickup under the **Supervisor's Announcements** on the agenda for the next Regular Meeting so that he could remind the public about the rules.

**** A MOTION WILL BE MADE TO ENTER INTO AN EXECUTIVE SESSION FOR THE PURPOSE OF:** Contract Negotiations

** Due to the fact that this meeting had already been in session for nearly 3 1/2 hours, the Board, upon the recommendation of the Human Resource Director, decided to reschedule the Executive Session for contract negotiations to another date.

The Work Session was adjourned at 9:19 PM.

Respectfully submitted,
Emil Bielecki, Town Clerk