

VESTAL TOWN BOARD WORK SESSION MINUTES

MONDAY, JUNE 22, 2015

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

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 meeting at 6:00 PM.**

COMMITTEES

7.1 PUBLIC WORKS (MAJEWSKI/Fitzgerald)

1. Request from Town Engineer Gary Campo to complete the forms, review and adopt a Grievance Procedure and Affirmative Action Plan related to the NY Rising funds.

After a brief discussion, the Board agreed to designate the Town Supervisor as the official who will coordinate compliance with all important state and federal regulations addressed in these documents.

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 advertise for bids on the Third Avenue Sanitary Sewer Line replacement on July 1, 2015 with opening on July 13, 2015 at 2:00 pm.

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

3. Authorization for the Town Attorney to advertise on July 8, 2015 for a Public Hearing on July 22, 2015 for the following:

Consolidated Sewer District No. 1, Extension No. 157
1021 Main St., B.C. T. M. T.: 173.15-1-44
Petitioner: Rodney A. Imler

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

7.2 FINANCE (AGNESHWAR/Messina)

1. Warrants: 2015-24, 2015-24E, 2015-25, 2015-25E, 2015-25L

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

2. Request from Museum Director Ramona Kacyvenski to use line CM0308 to pay the invoice from Gannett Newspaper in the amount of \$200 for an advertisement in the summer planner for summer events at the museum.

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 \$256.00 to Czerenda Court Reporting for a deposition in the Ulrich 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.

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7.3 PERSONNEL (FITZGERALD/Majewski)

1. Discussion of communication from the International Union of Operating Engineers concerning overtime.

Councilman Majewski asked the Board to hold-off discussing this communication until he has a chance to meet and get input from the department heads that have employees covered by the Operating Engineers contract (Highway, Water & Sewer and Parks). The Board agreed with that approach.

7.4 PLANNING & ZONING (MESSINA/Fitzgerald)

1. Request from Patsy Thatcher from Wendy's Kids to hold a Doug's Fish Fry Fundraiser on July 22, 2015 in the Library parking lot.

Councilwoman Messina stated that she does not support this request because the food vendors who use the library parking lot compete unfairly with the restaurants and other food service establishments in the area. These sponsoring organizations can go to private businesses to secure locations for their fundraising events.

Supervisor Schaffer acknowledged that a new policy needs to be established concerning the use of Town property for food serving events. He thinks that the best time to address this issue would be at year-end when the organizational agenda is being prepared.

Councilman Majewski noted that it is unfair to deny current applicants just because we may be considering a new policy in the future. We routinely allow the use of the library lot if the events have some benefit to Vestal residents or Vestal organizations. In this case, the Kopernik Observatory in Vestal would be one of the beneficiaries.

Councilwoman Fitzgerald and Councilwoman Agneshwar also stated that they opposed allowing food vendors to use the library parking lot. However, both agreed that until a new policy is put in place, the Board should consider each request on its own merits.

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 to sell retired Police Department vehicles via Auction International.

2006 Dodge Durango VIN 1D8HB48N97F512627

2011 Chevrolet Impala VIN 2G1WD5EM4B1232088

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

2. Request from Police Chief John Butler for approval to scrap a retired Police Department vehicle which is no longer in service via Schultz Auto. The vehicle does not have a transmission and has body rust:

2004 Ford Taurus 1FAFP52U04A178211

Supervisor Schaffer noted that the transmission was used in another police vehicle.

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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7.6 ADMINISTRATION (MESSINA/Agneshwar)

1. Request from Recreation Planner Sue Jastran to approve hiring of playground instructors, Tennis Director and instructors as listed in her memo dated June 17, 2015.

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

NEW BUSINESS

1. Councilwoman Agneshwar stated that she has asked Town Comptroller Laura McKane about conducting internal audits, particularly as a tool to protect against vendor fraud. In an e-mail response, Comptroller McKane noted that she has extensively researched audit procedures to detect vendor fraud and asked our independent auditors to suggest additional procedures. We need to do some housekeeping on our vendor files and additional maintenance will be done with the next upgrade of our software. However, she feels comfortable that our audit steps and the standard procedures used when we set up vendors and audit bills are adequate and there would be little value in hiring an outside audit firm to do the same. Nothing has come to her attention to indicate payments have been made or are likely to be made to fictitious vendors.

2. Town Attorney David Berger updated the Board on the following:

- The final appeal on the UHS litigation was denied which effectively closes the case.
- One of the causes of action in the Hicks case will likely be dismissed due to the fact that he lost his criminal appeal.
- We have found a local expert witness for the Mooney property damage case who we can hire for substantially less money than it would have cost us to bring in someone from out of the area. Unless instructed otherwise, he will start to work with this individual.

3. Supervisor Schaffer announced that he has received a letter from the Comptroller of the City of Binghamton stating that the Town of Vestal has been allocated \$469,316.44 from a reduction of Capital Funds of the Binghamton-Johnson City Joint Sewage Board. The letter requests the Town to choose an option for receiving its net refund distribution. The Town Board agreed with Supervisor Schaffer to opt for receiving the full payment by check as a refund of prior year expense.

UNFINISHED BUSINESS

1. **Kopernik Tower**

This project was to be part of an overall plan to upgrade the communications facilities in the Town. The County has not provided us with all of the information required to move this project forward.

Update on 6/22/15: Supervisor Schaffer noted that the County's Director of Emergency Services has resigned and his duties are currently being assigned to several other people. The status of this project is now uncertain and he will update the Board as new information becomes available.

2. **Park Outdoor application for Gateway Sign at 232 Vestal Parkway West**

The applicant was instructed to provide a letter stating what variances from the gateway sign ordinance are being sought. **Update on 6/22/15:** Supervisor Schaffer stated that several months have passed since the Board asked for the letter. The lack of response leads him to conclude that the applicant has lost interest. In view of that, he is removing this item from the 'unfinished business' agenda.

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

Councilman Majewski met with a representative from the Mirabito Fuel Group to explore the

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feasibility of going to a gas card system to purchase fuel for Town vehicles at Mirabito stations. The Vestal Fire Department is already doing this. In his opinion, the services offered by Mirabito are attractive enough to warrant going with them to fuel all Town vehicles except Highway. Mirabito offers 24 hour a day service in Vestal and the clearance is adequate at their facilities to accommodate all of our vehicles. **Update on 6/22/15:** Councilman Majewski stated that the Mirabito representative had to cancel his scheduled attendance at the June 22nd Work Session due to an emergency. The meeting will be rescheduled.

7. Proposed changes to the Employee Handbook.

At the Work Session on May 18th, Human Resource Officer Nancy Olmstead identified the following changes to the Employee Handbook that she would like the Board to consider:

- Change of the definition of *spouse* to comply with the Federal Family and Medical Leave Act.
- Adjust the longevity pay levels (starting in 2016) to the same level as in the CSEA contract. This change would currently affect 11 of the 14 full time non-union positions.
- Amend the *sick leave* language to the same language as in the Police Supervisors contract.
- Increase the reimbursement amount for employees who participate in the approved weight loss programs. We have had some success with this program and it should result in savings to our health insurance costs.

Human Resource Officer Nancy Olmstead noted that the estimated 10 year cost of adjusting the longevity pay would be about \$5,000 assuming that all affected employees were still here.

Update on 6/22/15: Supervisor Schaffer noted that the Board will be discussing a negotiating strategy on longevity pay in Executive Session. When that discussion is completed, the Board can act on all of the proposed changes to the Employee Handbook at the same time.

EXECUTIVE SESSION

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

ADOPTED Ayes 5 Majewski, Agneshwar, Fitzgerald, Messina, Schaffer
Nays 0

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

- Performance issue concerning a specific employee
- Labor negotiating strategy concerning longevity pay.

The time was 6:40 PM.

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

ADOPTED Ayes 5 Majewski, Agneshwar, Fitzgerald, Messina, Schaffer
Nays 0

Resolved the Board leave Executive Session and **adjourn the Work Session. The time was 8:00 PM.**

Respectfully submitted,
Emil Bielecki, Town Clerk