

**REGULAR MEETING AGENDA OF THE VESTAL TOWN BOARD  
SEPTEMBER 14, 2016**

*We kindly request that you turn off all cell phones.*

**1. PLEDGE OF ALLEGIANCE:**

**2. APPROVAL OF MINUTES:**

**2.1** Motion approving the **August 24, 2016 Minutes of the Regular Meeting of the Town Board.**

**3. BID OPENINGS:**

**4. PUBLIC HEARINGS:**

**5. PRIVILEGE OF THE FLOOR**

**6. RESOLUTIONS & MOTIONS:**

**6.1** Motion to retroactively approve the following settlements reached during trial on August 9, 2016 and August 29 and 30, 2016 respectively and for the Town Attorney to sign a the resulting *Stipulation of Settlement for the following Article 7 Tax Certiorari* cases filed in Broome County entitled:

**1. UHS Inc. vs. The Assessor of the Town of Vestal, New York and the Town of Vestal, Broome County, New York, Index Nos. 2013-1858, 2014-1896,2015-2108, 2016-1724, as follows:**

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town / County Tax	Town Refund
2016-17	\$5,677,500	\$6,423,623	\$4,000,000	-\$1,732,373	N/A	N/A	TBA
2015-16	\$5,677,500	\$6,423,623	\$4,000,000	-\$1,732,373	\$145,569.02	\$ 93,753.96	\$ 7,820.86
2014-15	\$5,677,500	\$6,423,623	\$4,000,000	-\$1,732,373	\$146,045.08	\$ 94,196.47	\$ 7,863.02
2013-14	\$5,677,500	\$6,423,623	\$4,000,000	-\$1,732,373	\$142,175.33	\$102,438.54	\$ 7,427.85

Town = General and Highway

**TOTALS            \$23,111.73**

**2. NYSEG. vs. The Assessor of the Town of Vestal, New York and the Town of Vestal, Broome County, New York, Consolidated Index Nos. 2014-1691 (2009-1685, 2010-1745, 2011-1719, 2012-1601, 2013-1567, 2015-1853, 2016-1457) as follows:**

- a) 2009, 2010, 2011 and 2012 – Proceedings discontinued;
- b) 2013, 2014, 2015 and 2016 – Assessed Value becomes \$11.5 million;
- c) No refunds required for 2013, 2014, and 2015; PROVIDED, the town agrees to prospective relief for such refunds through reduced assessments for 2017-2021 (i.e., over five years), using \$11.5 million as the base assessment and reducing from there for prospective relief (with interest at statutory rate per RPTL 716 on the reduced assessments for those years or foregone refunds); and
- d) 2016 refunds, with interest, if \$11.5 million assessed value not established for 2016-17, 2017 fiscal year taxes (basically, with respect to the school district, as presumably the Town will modify its assessment prior to the issuance of the Town/County tax bills).

The Town Attorney and Business Office are authorized and directed to take all necessary steps to implement this resolution.

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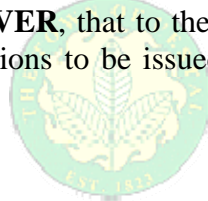
**6.2** Motion to retroactively hire **Mark O'Brien as a provisional Municipal Fire Code Inspector** to work in the Code Department effective September 12, 2016 on a full-time basis at the CSEA rate of \$16.73 per hour.

**6.3** Motion to approve the August 31, 2016 letter to engage **Gary Dyer, Inc.** of 2198 Rt. 26, Endicott, NY to immediately remediate contaminated soil at the Town of Vestal Water Department property and to possibly remove the fuel tanks thereon, said authorization is an exception to the competitive bidding requirements of the General Municipal Law in that said situation at the Water Department consists of an emergency, precluding competitive bidding.

**6.4** Motion to **repeal Resolution 286-15** dated December 16, 2015 and to adopt the following:

A BOND RESOLUTION DATED SEPTEMBER 14, 2016 AUTHORIZING THE COST OF THE PURCHASE OF POLICE CARS, FOR THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$105,000, AND AUTHORIZING THE ISSUANCE OF UP TO \$105,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$105,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; **PROVIDED, HOWEVER**, that to the extent that any grants-in-aid are received for such purposes, the amount of obligations to be issued pursuant to this resolution shall be reduced dollar for dollar.



**7. CONSENT AGENDA**

**7.1 PUBLIC WORKS: Fitzgerald/Majewski**

**7.2 FINANCE: Agneshwar/Fitzgerald**

**7.2-1 Receive and File:**

- **Warrant Reports:** 2016-34, 2016-34E, 2016-34L, 2016-35, 2016-35B, 2016-35E, 2016-36, 2016-36E
- **Town Clerk's Monthly Report:** August 2016 - Local Shares Remitted \$5,606.50

**7.2-2** Authorization for the Business Office to pay **Town Attorney David Berger \$10,587.50** for August 2016 billable hours. Total time is (70 hours and 35 minutes).

**7.2-3** Authorization for the Business Office to pay **Kenneth Frommer \$3,136.88** for the appraisal review, trial preparation and trial services rendered in the **United Health Services vs. Town of Vestal litigation**.

**7.2-4** Authorization for the Business Office to pay **Greene, Hershendorfer & Sharpe \$420.00** for legal services in the **Hicks vs. Town of Vestal litigation**.

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**7.3 PERSONNEL: Messina/Majewski**

**7.4 PLANNING & ZONING: Messina/Agneshwar**

**7.5 PUBLIC SAFETY: Fitzgerald/Messina**

**7.5-1** Authorization from the Board of Fire Commissioners for the 4 members of the *Ladder 32 Replacement Committee* (Chief John Paffie, Lt. Jason Stupski, Foreman Keith Chason, Assistant Foreman Vern Cambridge) to attend the **New Jersey Firemen's Convention** on September 16-17, 2016 and approval for the use of a Chief Vehicle.

Expenses are as follows:

- Fuel costs for Department Chief Tahoe
- \$ 320.00 Meal Expenses (\$40.00 per person x 4 members - \$160.00 x 2 days)
- \$ 350.00 Hotel Rooms (\$175.00 x 2 Rooms)

**7.6 ADMINISTRATION: Majewski/Messina**

**7.6-1** Authorization to appoint **Walter Barbour** to fill a vacancy on the **Board of Assessment Review** effective September 15, 2016. This term is to expire September 30, 2017.

**7.7 RECEIVE AND FILE:**

**END OF CONSENT AGENDA**



**8. COMMITTEE CHAIR COMMENTS AND UPDATES:**

**9. PETITIONS & PROTESTS:**

**10. SUPERVISOR'S ANNOUNCEMENTS:**

**11. OTHER NEW BUSINESS:**

**12. OLD BUSINESS:**

**13. ADJOURNMENT:**