

**VESTAL TOWN BOARD REGULAR MEETING AGENDA
FEBRUARY 27, 2013**

We kindly request that you turn off all cell phones and pagers.

1. **PLEDGE OF ALLEGIANCE:**

2. **APPROVAL OF MINUTES:**

2.1 Motion approving the **Minutes of the February 13, 2013 Regular Town Board Meeting.**

3. **BID OPENINGS:**

4. **PUBLIC HEARINGS:**

5. **PRIVILEGE OF THE FLOOR – For Agenda Items Only:**

6. **RESOLUTIONS & MOTIONS:**

6.1 Motion **approving the 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**. In addition to signing the standard indemnification agreement, the Church is also to provide an insurance rider for this event. The Vestal Town Board Administration Committee will work with them to finalize any changes that may need to be made to ensure adequate safety at this event.

6.2 Motion authorizing the Library Board to transfer \$14,450 from line **L7410.1010** to line **L7410.1020**

6.3 Motion approving the following **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

6.4 A RESOLUTION AUTHORIZING THE PURCHASE OF A HEAVY RESCUE FIRE-FIGHTING VEHICLE FOR THE VESTAL FIRE DISTRICT IN THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$800,000, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$800,000 SERIAL BONDS OF SAID FIRE DISTRICT TO PAY THE COST THEREOF.

It is hereby further determined that the financing of such maximum estimated cost may be completed pursuant to the provisions of Section 109-b of the General Municipal Law and the determination and implementation with regard thereto is hereby delegated to the Fire District Treasurer.

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6.5 Authorization from the Board of Fire Commissioners to approve a **Resolution** calling for **Special Election as follows:**

A **special election** of the qualified voters of **Vestal Fire District** in the Town of Vestal, Broome County, New York, is hereby authorized to be held on the **9th day of April, 2013, at the Town Hall**, in Vestal, New York, in said Fire District, **between the hours of 12:00 o'clock NOON and 9:00 o'clock P.M.**, Prevailing Time, to vote by paper ballot upon the adoption or rejection of the bond resolution heretofore adopted at this meeting.

7. CONSENT AGENDA

7.1 PUBLIC WORKS: Milkovich/Majewski

7.1-1 Approval for the Supervisor to sign and then have filed at the Broome County Clerk's Office, a **Permanent Right-of-Way and Sanitary Sewer Easement** on the land owned by **Murphy LLC at 520 Prentice Road, Vestal, NY, BCTMP 158.10-1-6.1.**

7.2 FINANCE: Marnicki/Fitzgerald

**7.2-1 Receive and File:
Warrant Reports – 2013 –07, 2013 –07E, 2013-07M**

7.2-2 Authorization Board of Fire Commissioners for the **Town Attorney to publish *Notice of Special Election*** on March 6, 2013.

7.2-3 Approval from the Board of Fire Commissioners of the **resolution to appoint a Board of Election** for a Special Election.

WHEREAS, the Board of Fire Commissioners of Vestal Fire District in the Town of Vestal, Broome County, New York, has called a special election of the qualified voters of said Fire District to be held on the 9th day of April, 2013; and WHEREAS, it is now desired to provide for the appointment of a permanent chairman, inspectors of election and assistant clerks for said special election;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Fire Commissioners of the Vestal Fire District in the Town of Vestal, Broome County, New York, as follows:

Section 1. **Mary Hall**, a duly qualified voter of said Fire District is hereby appointed as the **permanent chairman of the special election** referred to in the preambles hereof.

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Section 2. The following named qualified voters of said Fire District are hereby appointed to act as **inspectors of election** of said special election, so that there shall be at least two inspectors for each ballot box to be used thereat: Lucille Giles, Janet Cole and Nancy Gregory.

Section 3. Each inspector of election appointed for said special election, as herein provided, shall be entitled to compensation for services actually and necessarily spent on the duties of his office. The rate of pay shall be \$11.00 an hour for the services of the Chairman and \$10.00 an hour for the services of the Inspectors. The Secretary of said Fire District is hereby authorized and directed to give written notice of appointment to the persons herein respectively appointed as permanent chairman, inspectors of election and assistant clerks for said special election.

7.2-4 Authorization to approve the following:

RESOLUTION SETTING THE TIME AND PLACE OF A MEETING OF
THE INSPECTORS OF ELECTION OF VESTAL FIRE DISTRICT IN
THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, FOR
THE PURPOSE OF PREPARATION OF THE FIRE DISTRICT
ELECTION REGISTER.

WHEREAS, the Board of Fire Commissioners of Vestal Fire District in the Town of Vestal, Broome County, New York, heretofore resolved on February 27, 2013 to call a special election of said Fire District, such special election to be held at the Fire Station, in Vestal, New York, in said Fire District, on the 9th day of April, 2013, between the hours of 12:00 o'clock NOON and 9:00 o'clock PM, Prevailing Time; and

WHEREAS, pursuant to Section 175-a of the Town Law, only persons registered with the Broome County Board of Elections on or before the date 23 days prior to the date of the election shall be entitled to vote in such special election; and

WHEREAS, such Section 175-a requires that a resolution setting the time and place of the meeting of the election inspectors appointed by said Board of Fire Commissioners of said Fire District for the aforesaid special election be adopted at least thirty days prior to such special election; NOW, THEREFORE,

BE IT RESOLVED, by the Board of Fire Commissioners of Vestal Fire District in the Town of Vestal, Broome County, New York;

Section 1. The inspectors of election approved by resolution duly adopted by said Board of Fire Commissioners on February 27, 2013, shall meet at the Fire District Headquarters, in Vestal, New York, in said Fire District, **the 22nd day of March, 2013 at 3:00 o'clock P.M.** to commence preparation of the register of those

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persons eligible to vote in such special election, in accordance with said Section 175-a of the Town Law, only those persons registered with the Board of Elections of Broome County on or before the date 23 days prior to the date of the election calculated in accordance with Section 20 of the General Construction Law, will be entitled to vote at such special election.

Section 2. This resolution shall take effect immediately, and neither publication nor posting is required.

7.2-5 Approval for the **Vestal Town Court** to accept a **grant from the Justice Court Assistance Program (JCAP)** in the amount of **\$5,694.00**.

7.2-6 Authorization for the Business Office to remit payment for the legal services of **Hickey & Gates LLC**, 160 Hawley Street, Binghamton, NY in the amount of **\$262.50** for the **period November 1, 2012 through February 14, 2013** regarding the matter of Williams vs Town of Vestal.

7.3 **PERSONNEL: Majewski/Marnicki**

7.3-1 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 09/11 L)*, as the Appointing Authority to certify the information provided is true and correct to the best of his knowledge.

7.4 **PLANNING & ZONING: Fitzgerald/Milkovich**

7.4-1 Approval for the **Vestal Marching Band** to use the library parking lot on May 26, 2013 for a Chicken BBQ fundraiser. An Indemnification Agreement is to be signed.

7.5 **PUBLIC SAFETY: Marnicki/Fitzgerald**

7.5-1 Authorization for the installation of an **electronically controlled gate** in the basement level of the Police Department at a cost of \$4,100.00. Funding for this project will come from the **Asset Forfeiture Budget Line A3120-2626R**.

7.5-2 Approval from the Board of Fire Commissioners for the following fire personnel to attend the following **training**:

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.

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c) FF John Musser and Michael Shea to attend **NYS Firefighter 2** starting March 4, 2013 at Endwell Fire Department. 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 **EVOC 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.

7.6 ADMINISTRATION: Majewski/Milkovich

7.7 RECEIVE AND FILE:

- **Conservation Advisory Commission** Minutes of the January 17, 2013 Meeting
- **CAC Report** - Natural Areas in Vestal Township Julian Shepherd, January 2013
- **Vestal Fire Advisory Board Meeting Minutes** – 2013 01 21
- **Vestal Volunteer Emergency Squad, Inc.** – Financial Statements – Three Months Ended March 31, 2012 and 2011.
- Letter dated February 13, 2012 from Michael J. Trudniak expressing his concerns about truck traffic on a section of Vestal Road between African Road on the east and Main Street on the west.

END OF CONSENT AGENDA

8. COMMITTEE CHAIR COMMENTS AND UPDATES:

9. PETITIONS & PROTESTS:

10. ADDITIONAL PUBLIC COMMENTS:

11. 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

12. OTHER NEW BUSINESS:

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13. OLD BUSINESS:

13.1 The Public Hearing for 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) was heard on January 23, 2013.

13.2 Tabled at the February 13th, 2013 Town Board Meeting - Motion to authorize the Highway Superintendent, to transfer a **1981 John Deere 550 Bulldozer** to the Parks Department.

13.3 The following Resolution was Adopted at the February 25th, 2013 Town Board Work Session:

R041-13 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 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.

14. ADJOURNMENT: