

**VESTAL TOWN BOARD REGULAR MEETING AGENDA
MARCH 13, 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 27, 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 to declare the following 17 buildings unsafe and to direct the Town Engineer to arrange for their demolition as required by New York State Department of Labor.

220 Crest St	Urban, Gloria	172.11-2-5	Unsafe
224 Crest St.	Rando, Jean E.	172.11-2-6	Unsafe
205 Greenlawn Rd.	Shephard, Robert E.	172.11-2-14	Unsafe
212 Westview Dr.	Watson, Bree A.	172.11-2-19	Unsafe
368 First Ave.	Graham Lyttle, Shirley	157.52-3-43	Unsafe
372 First Ave.	Schwarz, Jeffrey L.	157.52-3-44	Unsafe
373 First Ave.	Deshane, Barbara A.	157.52-3-17	Unsafe
381 First Ave.	Watson, Josephine	157.52-3-15	Unsafe
373 Oak St.	Hughes Oliver, Barbara A	157.52-3-36	Unsafe
1613 Pearl St.	Peris, Edward	157.52-1-6	Unsafe
345 Second Ave.	Proudman, Charles G.	157.60-1-3	Unsafe
332 Third Ave.	Farley, Betty	157.59-2-30	Unsafe
336 Third Ave.	Moody, Mary R.	157.59-2-29	Unsafe
360 Third Ave.	Nelli, Osee & Joseph	157.51-3-14.1	Unsafe
1529 Vestal Rd.	Munley, Jason	157.52-1-51	Unsafe
1533 Vestal Rd.	Jones, Wayne C.	157.52-1-50	Unsafe
1704 Vestal Rd.	Nogaret, Aldo F.	157.52-2-2	Unsafe

6.2 Motion to compensate the following **Highway employees for Out of Class Pay per Union contract:**

Donnie Younker a Medium Equipment Operator, for the period January 3rd, 2013 to February 19th, 2013 - 60 hours straight time and 51 hours of overtime out of class in heavy equipment rate. Donnie should be paid the difference between medium and heavy for a total of \$333.06.

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Todd Ingersoll a Mechanic I, for the period July 13th, 2012 to February 22, 2013 - 109 hours out of class in Mechanic II. Todd should be paid the difference between Mechanic I and Mechanic II for a total of \$276.86.

All employees had previously worked the mandatory 30 days.

6.3 Motion approving the following **Negative Declaration of SEQR:**

Concerning the request by **Ryan G. Titchen** of **Solid State Crossfit**, for a **Special Use Permit in an ID Zone**, to occupy 604 Vestal Parkway West, BCTMP 173.21-1-3, (across from the Town Hall) for use as a gym/fitness center.

The Town Board of the Town of Vestal hereby finds and determines that:

(a) it has considered the action, reviewed the environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with the proposed project

(b) This project will not result in any large and important environmental impacts, and, therefore, is one, which will not have a significant impact on the environment, and, therefore, a negative declaration is hereby adopted.

6.4 Motion to issue a **Special Use Permit in an ID Zone** to **Solid State Crossfit**, to occupy 604 Vestal Parkway West, BCTMP 173.21-1-3, for use as a gym/fitness center.

7. CONSENT AGENDA

7.1 PUBLIC WORKS: Milkovich/Majewski

7.1-1 Motion approving the following **Negative Declaration of SEQR:**

Concerning the construction of **Vestal Rail Trail Section 2, Town of Vestal, Broome County, PIN 9009.29.**

The Town Board of the Town of Vestal hereby finds and determines that:

(a) it has considered the action, reviewed the environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with the proposed project

(b) This project will not result in any large and important environmental impacts, and, therefore, is one, which will not have a significant impact on the environment, and, therefore, a negative declaration is hereby adopted.

**VESTAL TOWN BOARD MEETING AGENDA
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7.1-2 Authorization to adopt a **Resolution** and **authorize Supervisor to sign the agreement** for the **Rail Trail Section 2, Town of Vestal, Broome County, PIN 9009.29**, Economic Recovery Project (hereinafter the “the Project”) in the **Town of Vestal**, (hereinafter ‘the Municipality/Sponsor’) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of **100%** Federal funds and **0%** non-Federal funds for Design, Construction and Construction Supervision and Inspection (PIN extensions .321 and .322), and at the ratio of **80%** Federal funds and **20%** non-Federal funds for Construction and Construction Supervision and Inspection (PIN extension .323).

7.1-3 Authorization to **adopt a resolution** and grant authorization for the **Supervisor to sign the Supplemental Agreement #2, with NYSDOT** for the construction and inspection of the **African Road Bridge**. The agreement is in the amount of \$738,000, of which \$590,400 is reimbursed by the Federal Funds and \$106,000 is reimbursed by the State, leaving \$41,600 to be paid by the Town of Vestal.

WHEREAS, a Project for the replacement of the **African Road Bridge over Willow Creek, BIN 2225980, in the Town of Vestal, Broome County, P.I.N. 9753.76** (“the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds.

7.1-4 Authorization for the Town Attorney to **advertise for sealed bids for the African Road Bridge over Willow Run Creek PIN 9753.76** in the Town of Vestal, New York, to be received by the Town Clerk at his office until 2:00 p.m. on Thursday, the 11th day of April, 2013 at which time they will be publicly opened and read aloud.

7.2 **FINANCE: Marnicki/Fitzgerald**

7.2-1 Receive and File:

- **Warrants -**
2013 – 09 2013 – 10 2013 – 09A 2013 - 10E 2013 - 09E 2013 – 6VP
- **Town Clerk Monthly Report – February 2013 – Total Local Revenues \$2,559.00**

7.2-2 Authorization for the **Business Office** to pay an invoice from **Ahmuty, Demers & McManus \$20,645.06** for legal services from January to February 2013 in the case **Candlehouse vs. the Town of Vestal**.

7.2-3 Approval for the **Business Office** to pay **David Berger, Town Attorney \$1237.50 for February 2013 billable hours**.

7.2-4 Approval for the **Business Office** to schedule a **Defensive Driving Course** on April 10, 2013, Cost is free for employees and volunteer firefighters and \$22 per person.

7.3 **PERSONNEL: Majewski/Marnicki**

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7.4 PLANNING & ZONING: Fitzgerald/Milkovich

7.4-1 Approval for **Reality Check Broome-Tioga** to use the Library Parking Lot on March 20, 2013 from 5-6 pm to create a visual display for **Kick Butts Day**. An Indemnification Agreement is to be signed.

7.5 PUBLIC SAFETY: Marnicki/Fitzgerald

7.5-1 Authorization from the Board of Fire Commissioners authorizing **Assistant Chief David Harrington** to attend *Refresher Training* of ICS 300 at the Chenango County Emergency Management Office in Norwich, New York on April 16th, 2013.

There is no cost for this course. A fire department vehicle will be used for travel.

7.5-2 Approval to **accept the following as members of the Vestal Volunteer Fire Department:**

- Robert Warner as a returning member of Vestal Fire Station 2
- Daryl Frisbie as a returning member of Vestal Fire Station 2
- Timothy Zimmer as a junior member of Vestal Fire Station 1

7.6 ADMINISTRATION: Majewski/Milkovich

7.6-1 Approval for **Historian, Margaret Hadsell** to attend the *Annual Association of Public Historians of NYS Conference* April 17 – April 19, 2013 at the cost of \$542.49. Expenses will be covered from line A7510-4030.

7.7 RECEIVE AND FILE:

END OF CONSENT AGENDA

8. COMMITTEE CHAIR COMMENTS AND UPDATES:

9. PETITIONS & PROTESTS:

10. ADDITIONAL PUBLIC COMMENTS:

11. SUPERVISOR'S ANNOUNCEMENTS:

- **Museum Exhibits** March 6 - May 25
The Mighty Susquehanna: Friend and Foe
 - A. Natural History
 - B. History of Exploration/Settlement
 - C. History of Use through today
 - D. The Floods

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- **Winter Parking Hours** – December 1st - March 31st - 2:00 AM to 6:00 AM
- Vestal Fire Department Auxiliary Membership Station #2 will host a **Soup and Salad** – Saturday March 16, 2013 - Time: 4:00 pm till gone
- **Vestal Fire Department Information Session** –
 Thursday, March 28th at 7:00 pm at the Vestal Public Library
concerning the upcoming **Mandatory Referendum Special Fire District Election on April 9th** regarding the purchase of a Heavy Rescue Fire-Fighting Vehicle for the Vestal Fire Department.

12. **OTHER NEW BUSINESS:**

13. **OLD BUSINESS:**

14. **ADJOURNMENT:**

