

**REGULAR MEETING AGENDA OF THE VESTAL TOWN BOARD  
OCTOBER 23, 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 October 9<sup>th</sup>, 2013 Regular Meeting of the Town Board.**

**3.** Motion for **Police Chief John Butler** to promote **Police Officer Stace Kintner** to the recently vacated position of **Police Sergeant effective October 24, 2013** at the Vestal Police Supervisors' Agreement collective bargaining agreement entry rate of \$69,837.

***SWEARING IN OF POLICE SERGEANT STACE KINTNER***

**4. PUBLIC HEARINGS:**

**4.1** Public Hearing regarding proposed Local Law "F" of the year 2013 entitled: "A Local Law Rezoning 4696 Vestal Parkway East, Vestal, New York (BCTMP # 159.15-2-21.1) from C-2 (Community Business District) to PDD (Planned Development District)".

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

**6. RESOLUTIONS & MOTIONS:**

**6.1** Motion to authorize the Town Attorney to sign a *Stipulation of Settlement* for the following **Article 7 Tax Certiorari** cases filed in Broome County entitled:

**Barnes and Noble #2981 v. The Assessor and the Board of Assessment Review of the Town of Vestal and the Town of Vestal**, Index Nos. 2009-1802, 2010-1801, 2011-1683, 2012-1636 and 2013-1598, as follows:

1. For tax year 2009/2010, there will be no reduction in the assessment on Subject Parcel.
2. For tax years 2010/2011, there will be no reduction in the assessment on Subject Parcel.
3. For tax year 2011/2012, the total assessment on 2443 Vestal Parkway East shall be reduced from \$3,023,000 to \$2,700,000.
4. For tax years 2012/2013, the total assessment on 2443 Vestal Parkway East shall be reduced from \$3,023,000 to \$2,600,000.
5. For tax years 2013/2014, the total assessment on 2443 Vestal Parkway East shall be reduced from \$3,023,000 to \$2,500,000.
6. On the 2013 final assessment roll, the total assessment on 2443 Vestal Parkway East shall be reduced from \$3,023,000 to \$2,500,000.

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town / County Tax	Town Refund
2013-14	\$3,023,000	\$3,023,000	\$2,500,000	-\$523,000	\$66,908.66	TBA	TBA
2012-13	\$3,023,000	\$3,023,000	\$2,600,000	-\$423,000	\$64,268.38	\$ 37,863.60	\$1,771.00
2011-12	\$3,023,000	\$3,023,000	\$2,700,000	-\$323,000	\$61,756.56	\$106,720.58	\$1,287.68
2010-11	\$3,023,000	\$3,023,000	\$3,023,000	\$0			\$0.00
2009-10	\$3,023,000	\$3,023,000	\$3,023,000	\$0			\$0.00

**TOTALS                      \$3,058.69**

\* Town = General and Highway

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 approve settlement in **NES Equipment Services Corporation DBA NES Rentals, and NES Rentals Holdings Inc. v Town of Vestal**, United States District Court for the Northern District of New York, Case No. 3:10–CV-01380 for the total sum of \$18,000. The Town Supervisor and Town Attorney are authorized to take any and all steps to implement this resolution.

**6.3** Motion for the **Town Attorney to draw a local law amending the sewer rents** and to **advertise on November 6, 2013**, for a **Public Hearing on November 20, 2013**.

**6.4** **Town Attorney to advertise on October 30, 2013 a Notice of Public Hearing on the 2014 Preliminary Budget** with the **Public Hearing** being held on **November 6, 2013** at 6:00 pm.

**7. CONSENT AGENDA**

**7.1 PUBLIC WORKS: Milkovich/Majewski**

**7.1.1** Authorization for the **Highway Department** to remove saw TS-700 from the asset inventory. This saw was not able to be repaired and was used for a trade-in in the amount of \$71.96 on September 11, 2013 to purchase a new Stihl T5-420 Saw for \$953. Final cost for new Stihl T5-420 Saw was \$881.99. The new Stihl T5-420 saw will be tracked in asset inventory.

**7.2 FINANCE: Marnicki/Fitzgerald**

**7.2-1 Receive and File: Warrant Reports – 2013 - 41, 41E, 42, 42B, 42E, 42L**

**7.2-2** Authorization for the Comptroller to perform the following **Budget Transfers** dated October 11, 2013 to make up the shortfall for the Town Hall Generator.

<u>From Line</u>	<u>Item To Line</u>	<u>Item Amount</u>	<u>Requested Explanation</u>
A9010.8401	A9950.9000	\$ 25,000.00	Transfer from Retirement expense to cover generator.
A9050.8407	A9950.9000	\$ 4,000.00	Transfer from Unemployment Insurance to cover generator.
A1990.4322	A9950.9000	\$ 2,200.00	Transfer from contingency to cover cost of generator.

**7.2-3** Authorization for the Chairman of the Board of Fire Commissioners to sign the **Service Fee Agreement with Penflex** in the amount of **\$6,200**, permitting them to provide the Vestal Fire District actuarial and administration services for the Service Award Program (**LOSAP**) in 2013/2014.

**7.2-4** Authorization for the **Business Office** to pay an invoice for the **legal work of Hickey & Gates** in the amount of **\$2921.72** for work from June to August 2013 in regards to the *Williams vs. Town of Vestal* legal matter.

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**7.3 PERSONNEL: Majewski/Marnicki**

**7.3-1** Authorization to **re-appoint Robin Oggins** to the **Library Board of Trustees** effective January 1, 2014. This term is to expire December 31, 2018.

**7.3-2** Authorization to **re-appoint Mary Ann Wilcox** to the **Recreation Commission** effective January 1, 2014. This term is to expire December 31, 2020.

**7.3-3** Authorization to pay the following **Out of Title wages** for the following **Highway Employees**:

<b>Matt Millard</b>	- \$1,361.60	May 13, 2013 to September 27, 2013
<b>Bill Garey</b>	- \$1,112.64	June 3, 2013 to October 15, 2013
<b>Greg Burd</b>	- \$1,007.26	August 19, 2013 to September 27, 2013
	- \$ 836.90	Light Equip July 16, 2013 to Aug 16, 2013 & Medium Equip May 31, 2013 & July 24 & 25 <sup>th</sup>
<b>Donnie Younker</b>	- \$ 917.44	May 6, 2013 to September 25, 2013
<b>Eric Van Fossen</b>	- \$ 936.96	June 12, 2013 to September 24, 2013
<b>Walter Scott</b>	- \$ 895.79	July 31, 2013 to October 21, 2013
<b>Chris Lupold</b>	- \$ 727.12	January 2013 to September 26, 2013
<b>Jeff Tomczyk</b>	- \$ 408.70	August 1, 2013 to September 26, 2013
<b>Todd Ingersoll</b>	- \$ 389.89	September 17, 2013 to October 15, 2013
<b>John Angelo</b>	- \$ 547.78	July and August, 2013
<b>Ben Peck</b>	- \$ 459.04	Mech 1 March 20 to August 12 MEO/Med June 5 to September 25 MEO/Heavy April 19 to September 6
<b>Richard Martin</b>	- \$1,482.91	January through August 27, 2013

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

**7.4-1** Authorization for the **Vestal Sertoma Club** to hold its annual Chicken BBQ on **December 7, 2013 in the parking lot of the Vestal Public Library**. An indemnification agreement is to be signed.

**7.5 PUBLIC SAFETY: Marnicki/Fitzgerald**

**7.5-1** Authorization from the Board of Fire Commissioners to approve the Vestal Fire Department Membership and Station 2's **Ladies Auxiliary Bake Sale** being held on Tuesday, November 5th from 6am to 9pm at Vestal Fire Department Station # 2, Route 26 South in Vestal Center. Coverage time will be from 6am to 9pm and a sign in sheet will be used to track personnel at this event.

**7.6 ADMINISTRATION: Majewski/Milkovich**

**7.7 RECEIVE AND FILE:**

- Thank you letter from Coreen Sines at Hillel Academy regarding Vestal Firefighters coming to her school for the Vestal Fire Safety Program.
- Fire Advisory Board Minutes for September 16, 2013

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- Notices of Intention from Talisman Energy dated October 9 and October 16, 2013 to commence natural gas drilling operations in Susquehanna County, PA.
- Notice of Issuance of Magazine Certificate for Home Central issued 10/15/2013
- 2013 Continuing Judicial Education Certification for Justice Michael D. Sherwood

**END OF CONSENT AGENDA**

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

**9. PETITIONS & PROTESTS:**

**10. ADDITIONAL PUBLIC COMMENTS:**

**11. SUPERVISOR'S ANNOUNCEMENTS:**

- The Highway Department has begun leaf pick up.
- Public Hearing for the [2014 Vestal Town Budget](#) will be held November 6, 2013.
- [Fire District Special Election](#) to be held on November 19, 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.
- **Events at the Vestal Museum**  
**The Wheel Spins Round** - Exhibit thru November 22, 2013  
Open Wednesday - Saturday 10am - 3pm. Museum exhibit is Free Admission  
**November 2:** Felted beads and book marks, a family event by Lamb to Loom Fiber Guild. All welcome.  
**Saturdays:** Kids crafts
- **MONSTER MASH HALLOWEEN PARTY**  
**Saturday, October 26 - 1:00 PM - 3:30 PM**  
**Arnold Park, Andrews Road**  
Rain date – Sunday, Oct. 27 – 1:00 PM – 3:30 PM  
In case of bad weather go to [www.vestalny.com](http://www.vestalny.com) under [Town Calendar](#) or call 754-3368

**12. OTHER NEW BUSINESS:**

**13. OLD BUSINESS:**

**14. ADJOURNMENT:**