

REGULAR MEETING AGENDA OF THE VESTAL TOWN BOARD
September 11, 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 August 28, 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 adopt a **Bond Resolution** dated September 11, 2013 authorizing the **cost of the purchase of parcels of land and the buildings** thereon, in and for the town of Vestal, Broome County, New York, at a maximum estimated cost of **\$5,000,000**, and authorizing the issuance of up to **\$5,000,000 bonds** of said Town to pay the cost thereof.

6.2 Motion to adopt the following Resolution:

Be it resolved that the Town Board of the Town of Vestal, Broome County, New York as follows:

Section 1

The **Federal Emergency Management Agency (FEMA)** has approved grant funding through the **State Emergency Management Office (SEMO) Hazard Mitigation Grant Program (HMGP)** for the acquisition and demolition of fifty nine (59) flood damaged residential properties throughout the Town. Specifically \$5,746,044 in Federal Funds is granted for the acquisition. The non-federal 25% cost share is to be provided by and through the State of New York. The Town has executed SEMO's HMGP Funding approval and grant agreement forms.

Section 2

The Town does hereby provided the necessary assurance that restrictive covenant shall be conveyed in the deed to any acquisition as set forth in the HMGP and the code of Federal Regulations, as applicable.

Section 3

That in furtherance of the Town's responsibility under the HMGP; the Town has engaged the following professionals to provide services for the acquisition of said properties:

Legal and Title: David S. Berger @ \$1500.00 per parcel

Stephen B. Atkinson @ \$1500.00 per parcel

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Appraisal: Upstate Group @ \$250 per parcel
Ryder Appraisals @ \$250 per parcel

Surveying: Whistle Design @ \$300 per parcel
David Marnicki @ \$300 per parcel

And that the Town Board authorizes the payment of all fees as set forth above in furtherance of the HMGP and that the Supervisor, Town Attorney and other offices of the Town are authorized to take such actions as may be necessary to carry out the Town of Vestal Buyout Project.

6.3 Resolution authorizing **settlement** of the following **Article 7 Tax Certiorari** case entitled *Orograin Bakery Sales, Inc. v Town of Vestal*, 1632 Castle Gardens Road, Broome County Index Numbers:

2009 – 1812	<u>As follows:</u>	2009 – Dismissed
2010 – 1800		2010 – Dismissed
2011 – 1682		2011 – Reduction from \$877,000 to \$770,000
2012 – 1642		2012 – Reduction from \$877,000 to \$770,000
2013 – 1601		<u>2013 – \$770,000</u>

Total Town Refund estimated at \$874.92

The Town Attorney and Comptroller are authorized to take all measures to implement this resolution.

6.4 Motion to adopt the following **schedule for Town Board Work Session meetings** for the purpose of reviewing the Tentative 2014 Town Budget:

Thursday, September 12, 2013 @ 11:30 AM
Monday, September 16, 2013 @ 11:30 AM
Monday, September 16, 2013 @ 6:00 PM
Tuesday, September 17, 2013 @ 11:30 AM
Thursday, September 19, 2013 @ 11:30 AM
Tuesday, September 24, 2013 @ 11:30 AM
Wednesday, September 25, 2013 @ 11:30 AM
Thursday, September 26, 2013 @ 11:30 AM

6.5 Motion authorizing Brock Leonard, Highway Superintendent to **trade a 2011 John Deere 310SJ Loader Backhoe** (s/n: 1T0310SJPBD203009 with approximately 1,500 hours and includes: 1 General Purpose Bucket, 1 Scrap Handler Bucket with Top Bales, No Backhoe Attachment - valued at **\$62,900** for a **new and unused 2013 John Deere 60G Compact Excavator** equipped with: Cab with Heat & A/C, Rubber Tracks, 6' 11" Arm, Hydraulic Thumb, Wedge Style Coupler, 24" Excavating Bucket, 36 month Full Machine Warranty up to 1,500 hours **at no cost to the Town.**

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The approval of this trade is **subject to the review and approval of the final transaction documents by the Town Attorney.**

6.6 Motion authorizing the **Supervisor and Town Attorney** to select from the sample letters provided, and for the **Supervisor to sign** such letter of support for Broome County, recently designated as one of just eight land banks in New York, to secure funding to acquire, rehabilitate, or demolish abandoned and underutilized properties in the community.

6.7 Motion to adopt a Resolution approving the hiring of **Kenneth G. Frommer**, 1432 Carnegie Drive, Vestal, to provide a court ready **appraisal report** for the property owned by the **THG Clayton Village Apartments, LLC and Wiesner Clayton Village Apartments, LLC** and located at Tax Map # 159.19-1-10 at a cost of \$3,750 and for such other costs/fees as may be applicable.

6.8 Motion authorizing Broome-Tioga Special Olympics Region 14 to use Harold Moore Park for a **Softball Special Olympics** on October 6, 2013. The group will do all field preparation and cleanup necessary. A Facility Agreement is to be signed.

6.9 Motion to adopt a **Resolution Authorizing Appeal of Court Decision:**

Whereas a Decision and Judgment of the Supreme Court of Broome County was issued on August 12, 2013 against the Town of Vestal in the matter of **UHS vs. the Town of Vestal** (Index No. 2012-1855) and

Whereas, the Town Board of the Town of Vestal wishes to appeal that Decision and Judgment,

Now therefore, be it resolved that the Town of Vestal hereby authorizes David S. Berger, Esq. to commence an appeal and proceed at all levels necessary in connection with the above mentioned matter and seek any lawful remedies under State and Town Law.

7. CONSENT AGENDA

7.1 PUBLIC WORKS: Milkovich/Majewski

7.1-1 Authorization for the **Town Supervisor to sign the Memorandum of Understanding (MOU) with Broome County** relating to the **September 2011 storm event** which will authorize the 25% reimbursement that the property owners were expected to provide, to be paid through a grant obtained by Broome County which will provide the property owner's 25% share, at a cost not to exceed **\$281,018.71.**

7.1-2 Authorization to **accept and file the 14 permanent easements and 3 temporary easements**, as listed below, related to creek work being done by the town for Natural Resources Conservation Service (NRCS) at Tracy Creek and

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Raylene Creek. The projects are being funded with 75% funds from NRCS and 25% funds from the State of New York, via Broome County Planning.

Site #1a – **Eastland Road on Tracy Creek** - 4 permanent and 1 temporary easement

Site #1b – **Norris Ave on Tracy Creek** - 6 permanent and 1 temporary easement

Site # 2 – **Raylene Drive on Raylene Creek** - 4 permanent and 1 temporary easement

In addition, the Town Attorney is to approve and sign the *Assurances Relating to Real Property Acquisition* form and the accompanying attorney's assurance letter.

7.1-3 Authorization for the **Town Supervisor to sign an agreement with NYSDOT** relating to the September 2011 storm event. There were **5 roads in Vestal under the Federal Highway Administration (FHWA) jurisdictions** which were damaged. At the time permanent restoration was reimbursed by the Feds at 80%. This supplemental agreement is to receive an additional 15%, in the amount of **\$146,026.00**.

7.1-4 Authorization for the **Supervisor to sign an agreement with NYSDOT PIN 9009.30, D034218 for the Rail Trail Section 2A** authorizing the implementation, and funding in the first instance 100% of the Federal-aid and State "Marchiselli" program-aid eligible costs, of a transportation Federal-aid project, and appropriating funds therefore. The agreement is to reimburse the Town at 80% of the estimated \$387,000 needed for Construction and Construction Supervision and Inspection. This does not increase the estimated Town share that was mentioned early in 2013.

7.1-5 Authorization for Brock Leonard, Highway Superintendent to pay **Todd Ingersoll Out-of-Title** pay in the amount of **\$530.86** for the dates of July 11, 2013 to August 21, 2013. (209 hours x \$2.54)

7.2 **FINANCE: Marnicki/Fitzgerald**

7.2-1 **Receive and File:**

- **Warrant Reports** – 2013 - 35, 35E, 36, 36E
- **Town Clerk Monthly Report** – August 2013 – Local Share Remitted \$5,857.41
- **Comptroller's Report** – August 2013

7.2-2 Authorization for Deputy Comptroller Pam Fitzgerald to **close the completed Capital Projects**, as per her memo dated August 20, 2013, effective August 28, 2013 and to direct the transfer of these projects unexpended fund balances to the respective debt service fund and approve the attached Budget

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Transfers necessary to close these projects.

7.2-3 Authorization for Emil Bielecki, Town Clerk to **sell** the old dog control truck (**1998 Chevrolet S-10, VIN # 1GCCS19XOWK246122**) through *Auction International* and to publicize the sale through local listings.

7.2-4 Authorization for the Business Office to accept a **\$400 PERMA Wellness Grant** to be used for used for wellness activities and incentives.

7.2-5 Approval to pay the **legal services of David Berger, Town Attorney for billable hours** in the amount of **\$2100** for the month of August 2013.

7.3 **PERSONNEL: Majewski/Marnicki**

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

7.4-1 Authorization for the **Vestal Sertoma Club** to hold a fund raiser at the Vestal Library Parking lot on October 7, 2013. An Indemnification Agreement is to be signed.

7.5 **PUBLIC SAFETY: Marnicki/Fitzgerald**

7.5-1 Authorization from the Fire Board of Commissioners approving the **unpaid internship** of Binghamton University student **Samuel Drexler in the Fire Department Administration Office** for a period of 15 weeks beginning September 12, 2013.

7.6 **ADMINISTRATION: Majewski/Milkovich**

7.6-1 Authorization for Sue Jastran, **Recreation Director to hire family swim lifeguards**, and a teen basketball supervisor, as noted on her memo dated September 4, 2013.

7.6-2 Authorization for the Supervisor to sign a professional services contract with **Dataflow Inc. of Binghamton, NY** to scan and index selected Town Court case files and docket books at a total cost not to exceed \$6,200. All of the records to be scanned and indexed have retention periods of over 20 years and most are permanent.

This project will be paid for with a combination of encumbered funds (\$3,000 from PO 00120147-00) and funds available in the current budget year (not to exceed \$3,200 from the Contractual and Professional Services line A1460-4000).

7.7 **RECEIVE AND FILE:**

- Fire Advisory Board Meeting Minutes – July 15, 2013

END OF CONSENT AGENDA

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

9. **PETITIONS & PROTESTS:**

10. **ADDITIONAL PUBLIC COMMENTS:**

11. **SUPERVISOR'S ANNOUNCEMENTS:**

- **BRUSH PICK UP WILL END ON FRIDAY SEPTEMBER 20TH, 2013**

- Leaf Pick-Up Is expected to begin October 18th, 2013 until it snows.

- **Museum "The Wheel Spins 'Round" - September 7- November 22**

- Open House September 7, 10-12 noon*

- Fiber arts exhibits and demonstrations by Lamb to Loom Fiber Guild
Demonstrations by Guild members select Saturdays during Vestal Farmers Market
Exhibit includes: brief history of spinning and yarn textiles, old and new fiber arts
equipment, natural dye exhibit, step by step process, handmade articles.

- Museum Open Wed - Sat 10-3 pm.**

- Public Welcome - Free Admission**

- Today, we sent out 59 letters offering to purchasing properties under our Phase 1 Mitigation Plan. This is an acquisition project. FEMA and New York State have agreed to fund 100% of the project. If the offers are accepted, a formal closing will be scheduled and the Town will purchase the properties, demolish the building and maintain the properties forever "green".

12. **OTHER NEW BUSINESS:**

13. **OLD BUSINESS:**

14. **ADJOURNMENT:**