

**REGULAR MEETING AGENDA OF THE VESTAL TOWN BOARD
DECEMBER 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 November 20, 2013 Regular Meeting of the Town Board.**

3. BID OPENINGS:

4. PUBLIC HEARINGS:

4.1 Public Hearing regarding the request for the Establishment of an Extension of Consolidated Water District No. 1, Extension No. 195 and described as portion of B.C.T.M.P. #205.02-1-10, **2108 Glenwood Road Vestal**, New York, property of the petitioners Stephen and Brenda Wayman.

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

6. RESOLUTIONS & MOTIONS:

6.1 Motion acknowledging that the CPA firm of **Ciaschi, Dietershagen, Little, Michelson & Co., LLC** has audited the books and records of the Town of Vestal Justice Courts for the period of January 1, 2012 and ending December 31, 2012.

6.2 Motion to adopt a Resolution to approve the hiring of Kenney, Shelton, Liptak and Nowak, LLP, as attorneys for the Town of Vestal in connection with the preparation, drafting and argument of the appeal pending in the Appellate Division, Third Department entitled *UHS Inc. v Town of Vestal*, Index # 2012-1855, at the rate of \$175.00/hr.

6.3 Resolution to approve the **proposed Consent Decree** in *Candlehouse Inc. v Town of Vestal*, Civil Action # 3:11-cv-00093, in the Federal District Court, Northern District, on the terms set forth therein, a copy of which is on file with the Vestal Town Clerk. This Decree will resolve all remaining issues in the case upon passage.

6.4 Motion to approve settlement of the following Article 7 Tax Certiorari cases pending in Broome County Supreme Court.

<u>Bay Street Associates LLC</u>		<u>Index Numbers:</u>		
2009-1893	2009-1912	2009-1914	2010-1936	2010-1937
2011-1838	2011-1839	2011-1840	2012-1610	2012-1611
2012-1612	2013-1674	2013-1687		

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3733 Vest							
Roll Year	Assessment	FMV	STIP AV	Change in AV Frd	School Tax	Town/County Tax	Town Refund
2013-14	\$1,442,600	\$1,442,600	\$1,360,000	-\$82,600	\$31,929.35	TBA	TBA
2012-13	\$1,442,600	\$1,442,600	\$1,360,000	-\$82,600	\$30,669.39	\$19,438.40	\$348.65
2011-12	\$1,442,600	\$1,442,600	\$1,360,000	-\$82,600	\$29,470.73	\$18,605.47	\$329.29
2010-11	\$1,442,600	\$1,442,600	\$1,442,600	\$0			\$0.00
2009-10	\$1,442,600	\$1,443,600	\$1,442,600	\$0			\$0.00
						TOTALS	\$677.94

3717 Vest							
Roll Year	Assessment	FMV	STIP AV	Change in AV Frd	School Tax	Town/County Tax	Town Refund
2013-14	\$2,253,000	\$2,253,000	\$2,040,000	-\$213,000	\$49,866.10	TBA	TBA
2012-13	\$2,253,000	\$2,253,000	\$2,040,000	-\$213,000	\$47,898.33	\$27,859.52	\$894.20
2011-12	\$2,253,000	\$2,253,000	\$2,040,000	-\$213,000	\$46,026.31	\$27,063.08	\$849.15
2010-11	\$2,253,000	\$2,253,000	\$2,253,000	\$0			\$0.00
2009-10	\$2,253,000	\$2,253,000	\$2,253,000	\$0			\$0.00
						TOTALS	\$1,743.35

The Town Attorney and Comptroller are directed to take all steps necessary to implement this resolution.

6.5 Motion to approve settlement of the following Article 7 Certiorari case pending in Broome County Supreme Court.

Vestal Jensen Development LLC Index Numbers:

2009-1913 2010-1940 2011-1837 2012-1613 2013-1684

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Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town/County Tax	Town Refund
2013-14	\$3,132,300	\$3,132,300	\$2,550,000	-\$582,300	\$69,327.82	TBA	TBA
2012-13	\$3,132,300	\$3,132,300	\$2,700,000	-\$432,300	\$66,592.07	\$40,013.89	\$1,810.07
2011-12	\$3,132,300	\$3,132,300	\$2,800,000	-\$332,300	\$63,989.44	\$38,895.24	\$1,324.76
2010-11	\$3,132,300	\$3,132,300	\$3,132,300	\$0			\$0.00
2009-10	\$3,132,300	\$3,132,300	\$3,132,300	\$0			\$0.00
						TOTALS	\$3,134.83

The Town Attorney and Comptroller are directed to take all steps necessary to implement this resolution.

6.6 Motion to approve settlement of the following Article 7 Certiorari case pending in Broome County Supreme Court.

Shippers Road Management LLC

Index Number: 2013-1698

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town/County Tax	Town Refund
2013-14	\$3,410,000	\$3,410,000	\$2,016,000	-\$1,394,000	\$75,474.21	TBA	TBA
						TOTALS	\$0.00

Vestal Ridge LLC

Index Numbers: 2011-1844 2012-1615 2013-1686

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town/County Tax	Town Refund
2013-14	\$1,100,000	\$1,100,000	\$890,000	-\$210,000	\$24,346.52	TBA	TBA
2012-13	\$1,100,000	\$1,100,000	\$890,000	-\$210,000	\$23,385.78	\$13,564.05	\$877.90
2011-12	\$1,100,000	\$1,100,000	\$1,100,000	\$0	N/A	N/A	\$0.00
						TOTALS	\$877.90

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Sound Management LLC

Index Number:

2013-1676

441 Commerce Rd (TM# 142.04-1-29)							
Roll Year	Assessment	FMV	STIP AV	Change in AV From Pri	School Tax	Town/County Tax	Town Refund
2013-14	\$1,300,000	\$1,300,000	\$1,000,000	-\$300,000	\$28,773.16	TBA	TBA
						TOTALS	\$0.00

The Town Attorney and Comptroller are directed to take all steps necessary to implement this resolution.

6.7 Motion to approve settlement of the following Article 7 Tax Certiorari cases pending in Broome County Supreme Court.

United Parcel Service

Index Numbers:

2009-1801

2010-1797

2011-1688

2012-1637

2013-1599

432 Comn							
Roll Year	Assessment	FMV	STIP AV	Change in AV From Pri	School Tax	Town/County Tax	Est Town Refund
2013-14	\$830,000	\$830,000	\$750,000	-\$80,000	\$18,370.56	TBA	TBA
2012-13	\$830,000	\$830,000	\$750,000	-\$80,000	\$17,645.63	\$10,795.00	\$335.79
2011-12	\$830,000	\$830,000	\$750,000	-\$80,000	\$16,955.98	\$10,497.09	\$318.92
2010-11	\$830,000	\$830,000	\$830,000	\$0			\$0.00
2009-10	\$830,000	\$830,000	\$830,000	\$0			\$0.00
						TOTALS	\$654.72

The Town Attorney and Comptroller are directed to take all steps necessary to implement this resolution.

7. CONSENT AGENDA

7.1 PUBLIC WORKS: Milkovich/Majewski

7.1-1 Authorization to accept a check in the amount of **\$1,250.00** from Sandra Barrett for the purchase and installation of a **park bench** in memory of Joyce Greame, on Section 2 of the Rail Trail. This cost covers the purchase of the bench,

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the concrete pad, and the labor and equipment costs for the Parks Department for its installation.

7.1-2 Authorization to increase the contract amount to **ZMK Construction** for the **Campus Drive Storm Pipe Replacement Project** in the amount of **\$3,232.45**, reflecting the increase in quantity of rip rap needed for this project, for a total of \$80,188.45.

This project was identified and funded with \$100,000 in 2010 capitals, due to a January storm event.

7.1-3 Motion to dispose of the following fixed assets and remove them from the Town's Asset Record:

Asset	Disposal Method
1955 African Road Bridge	Removed and replaced with new one
1994 Town Hall Surveillance TV System	Removed and replaced with new system
1977 Town Hall Closed Circuit TV system	Removed and replaced with new system

7.1-4 Authorization for Brock Leonard, Highway Superintendent to pay **Out of Title Pay** as follows:

Jeffrey Tomczyk	October 3, 7, 9, 10, 2013	\$100.04
Todd Ingersoll	August 22 – November 21, 2013	\$849.00
Donnie Younker	September 26 – November 15, 2013	\$375.76
Scott Walter	October 23 – November 22, 2013	\$409.92
William Garey	October 22 – November 5, 2013	\$ 58.56

7.1-5 Resolved to authorize the Supervisor to sign a **Contract with Broome County for Snow & Ice Control CA 11-80-1** for the term 1/1/14 - 12/31/14 at **\$3700.00** per centerline mile of Tracy Creek Road - CR No. 005 - for a total of 3.8 miles.

7.1-6 Authorization for the Highway Department to **transfer \$30,000 out of D5112.2151** (spec. paving) to **D5142.4006** (ice and snow control) to ensure our supply of sand and salt to the end of the year.

7.2 **FINANCE: Fitzgerald**

7.2-1 Receive and File:

- **Warrant Reports** – 2013 – 47, 47E, 47L, 48, 48E, 49, and 49E
- **Town Clerk's Monthly Report** – November 2013 – Total Local Shares Remitted \$4,773.88.

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- **Comptroller's Monthly Report** – November 2013

7.2-2 Authorization to pay **legal fees** to the **Town Attorney for billable hours** for the period November 1, 2013 through November 30th, 2013 for a **total of \$4740** for 31 hours & 36 minutes.

7.2-3 Authorization to pay **\$30,769.51** to **Ahmuty, Demers & McManus** for the ***Candlehouse vs. Town of Vestal*** matter for the period ending November 12, 2013. (This bill has been reduced by 15% from \$36,199.42 as a courtesy.)

7.2-4 Authorization to pay **Cassandra L. Bransford, PhD** in the amount of **\$1350.00** for expert testimony for ***Candlehouse vs Town of Vestal***.

7.2-5 Authorization to authorize the Supervisor to sign the **Contract Renewal Agreement with Broome County Office for the Aging** to lease of space for an additional one year term (January 1 – December 31, 2014) for the Vestal Senior Center – CA 292-145.

7.4 **PERSONNEL: Majewski**

7.4-1 **PLANNING & ZONING: Fitzgerald/ Milkovich**

7.4-1 Authorization for the *Learning Disabilities Association of the Southern Tier* to use the Library Parking Lot on January 8, 2014. An **Indemnification Agreement** is to be signed.

7.4-2 Authorization for the *Vestal High School* to hold their 5K Road Race, *The Running of the Bear*, on March 29, 2014. School Resource Officer Corey Shirley will coordinate with the Vestal Police Department for assistance with managing intersections and other safety issues. An **Indemnification Agreement** is to be signed.

7.4-3 Authorization for *Alpha Phi Alpha Fraternity, Inc.*, to use the parking lot at the Vestal Public Library on May 17, 2014. An **Indemnification Agreement** is to be signed.

7.4-4 Authorization for Mark Dedrick, Code Enforcement Officer to dispose for salvage, a 2000 Chevrolet Impala VIN# 2G1WF55K9Y9367862.

This vehicle is not operational and repairs would not be cost effective due to age and mechanical problems.

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7.5 PUBLIC SAFETY: Fitzgerald

7.5-1 Authorization for the Police Department to sell their retired police vehicles which are no longer in service via *Auction International*. The vehicles are as follows

:

Vehicle Year & Make	Miles	VIN
2010 Chevrolet Impala	99,056	2G1WD5EM6A1193048
2010 Chevrolet Impala	115,202	2G1WD5EM2A1191992

The vehicles will be sold in “as is”, “where is” condition.

7.5-2 Authorization from the Board of Fire Commissioners retroactively approving the Vestal Fire Department Membership for Station 2’s *Firemen Family style breakfast* at Vestal Fire Department Station #2, Route 26 South, Vestal Center.

December 8th, 2013 Time: 7:00 am till 11:30 am

Coverage time is all day which includes personnel to set up, the event itself and clean up. A sign in sheet will be used to track personnel at this event.

7.5-3 Approval from the Board of Fire Commissioners for the following **fire training**:

- 1) FF Phillip W Walter to attend Basic Structural Collapse Operations February 10 & 12, 2014 at West Corners Fire Department.
- 2) Lt Phil R. Walter and FF Paul Goon to attend Live Fire Training January 13, 2014 at the Broome Public Safety Building
- 3) Lt Phil R. Walter and FF Paul Goon to attend Conducting Live Fire Training January 20, 2014 at the Broome Public Safety Building.

There is no cost to these courses as they are offered through NYS Outreach Program.

7.5-4 Authorization from the Board of Fire Commissioners, in accordance with NFPA1851 and having surpassed the 10 year life expectancy, approving the disposal of Turnout Gear from the years 2002 and 2003 and removing such from the Town’s Asset list.

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7.6 ADMINISTRATION: Majewski/Milkovich

7.6-1 Authorization for the Tax Receiver to hire 3 part time clerks at a pay rate of \$9.06 per hour as follows:

- **Debra Jennings** – It is anticipated she will work 2 days in December (to get bills ready to mail) and then as needed in 2014 through 4/18/14.
- **Jennifer Almy**- It is anticipated she will work 2 days in December 2013 to get bills ready to mail.
- **Sarah Wallace** – It is anticipated she will work 2 days in December 2013 to get bills ready to mail.

RECEIVE AND FILE:

- Fire Advisory Board Meeting Minutes – October 21 and November 18, 2013
- Communications from the NYS Comptroller regarding Audit of Elected and Appointed Officials Retirement Reporting – November 25, 2013

END OF CONSENT AGENDA

COMMITTEE CHAIR COMMENTS AND UPDATES:

PETITIONS & PROTESTS:

ADDITIONAL PUBLIC COMMENTS:

SUPERVISOR’S ANNOUNCEMENTS:

OTHER NEW BUSINESS:

OLD BUSINESS:

13.1 (Public Hearing was held on October 23, 2013)

Local Law “F” of the Year 2013 Entitled: A Local Law to change the zoning map of the Town of Vestal regarding 4696 Vestal Parkway East within the University Plaza, BCTMP #159.2-21.1 from Community Business (C-2) to Planned Development District (PDD) (Metroplex Student Housing, Vestal Park, LLC).

13.2 Public Hearing Suspended: November 20, 2013 - Public Hearing for Proposed Local Law “G” of the year 2013 entitled: “A Local Law Amending Sewer Rents in the Town of Vestal.”

ADJOURNMENT: