

REGULAR MEETING AGENDA OF THE VESTAL TOWN BOARD
February 11, 2015

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 January 28, 2015 **Minutes of the Regular Meeting of the Town Board.**

3. **BID OPENINGS:**

4. **PUBLIC HEARINGS:**

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

6. **RESOLUTIONS & MOTIONS:**

6.1 Resolution approving the Special Permit request from **Community Electronic Information Signage, LLC (CEIS)** pursuant to Vestal Town Code Section 5-127.2 for a Gateway Sign (Monument Style-LED Digital) to be placed at **912 Vestal Parkway East**, Vestal, NY. Said permit is expressly conditioned upon the Town and CEIS entering into an acceptable agreement that provides the Town the ability to submit Town-related messages for no fee and including any other provisions required of the Applicant under the Town Code and,

That the Town Board has reviewed the Short Environmental Assessment Form and other information provided by the applicant and the Determination of the Broome County Department of Planning and Economic Development indicating that there are not any significant county wide or inter-community impacts and has determined that the proposed action will not result in any significant adverse environmental impacts.

6.2 Resolution approving the **Law Office of Alfred Paniccia, Jr.**, 53 Chenango Street, Suite 400, Binghamton, NY, to represent the Defendants in Supreme Court Action Index No.2015-155 entitled Tyrrell v Town of Vestal, et al. at the rate of \$150.00/hour and that the Supervisor may execute a retainer agreement.

6.3 Motion to extend the **Special Permit** as noted in Chapter 24, Article V, division 3, Section 24-387 of the Code of the Town of Vestal, allowing a storage trailer at **Harbor Freight Tools, 124 Sycamore Road BCTMP # 158.10-2-3** until June 30th, 2015 for additional inventory storage. The container is to remain in its previously approved current location and subject to the conditions previously set by the Vestal Town Board December 10, 2014 R294-14.

The Town Board has reviewed the submitted Short Environmental Assessment Form under SEQRA and has determined that the proposed action will not result in any significant adverse environmental impacts.

6.4 Resolved to adopt, and authorize the Town Supervisor to sign, the following Decision on Appeal:

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The Town Board of the Town of Vestal, pursuant to Town of Vestal Code §5-183, has been presented upon appeal the determination of the Town of Vestal Historic Preservation Commission to deny certificates of appropriateness for the NorthStar Group for the following properties:

- 4721 Vestal Parkway E, Vestal, New York 13850
- 4717 Vestal Parkway E, Vestal, New York 13850
- 4713 Vestal Parkway E, Vestal, New York 13850
- 4709 Vestal Parkway E, Vestal, New York 13850
- 4705 Vestal Parkway E, Vestal, New York 13850
- 4701 Vestal Parkway E, Vestal, New York 13850
- 4681 Vestal Parkway E, Vestal, New York 13850
- 4677 Vestal Parkway E, Vestal, New York 13850
- 4673 Vestal Parkway E, Vestal, New York 13850
- 4669 Vestal Parkway E, Vestal, New York 13850
- 4665 Vestal Parkway E, Vestal, New York 13850
- 4661 Vestal Parkway E, Vestal, New York 13850

In reviewing the January 21, 2015 determination, the Board has been provided the following documentation:

- Appeal letter dated January 23, 2015 from Eric Webb
- Certificates of appropriateness for each of the above listed properties, each dated December 5, 2014
- Letter from Margaret Hadsell dated January 13, 2015
- Criteria and NorthStar responses dated January 19, 2015
- NorthStar Spreadsheet for period January 1989 – December 2014
- Letter from Pyramid Brokerage Company dated January 16, 2015
- Vestal Historic Preservation Commission determination dated January 21, 2015

In addition the Board has also heard from Eric Webb, a representative for the Appellant, at a work session of the Town Board held on January 26, 2015.

Now upon review of all the foregoing and upon careful consideration of the factors set forth in §5-177 finds as follows:

The properties have surpassed their economic usefulness and are incapable of earning a reasonable return based upon their location and condition.

That the current zoning (RA-2) does not permit any reasonable use of the property and based upon the location and condition of the neighborhood it is not in the best interest of the Town or the property owner to maintain the current status.

It is a matter of record that the former property owners sold to the Appellant recognizing that significant issues existed as to the continued viability of the properties as a single family neighborhood.

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Therefore, based upon the foregoing, the Town Board hereby reverses the determination of the Town of Vestal Historic Preservation Commission and grants to the Appellant Certificates of Appropriateness of demolition for the above described properties.

This resolution is to be passed at a Regular meeting of the Town Board and shall be filed in the Office of the Town Clerk upon adoption.

6.5 Motion to authorize the Town Supervisor to complete, sign and submit a Letter of Agreement to the Department of State regarding the Town's **award of \$10,000** for the purpose of purchasing outdoor furniture and a concession building that had been damaged due to flooding as requested by NYS Assemblywoman Donna A. Lupardo.

6.6 Motion to grant Matthew Husband, 275 Sheedy Road, BCTMP 190.01-1-19, a **License for Open Storage of Unregistered Vehicles** to expire on December 31, 2015 conditional upon full compliance with the list of mandatory items that the licensee is required to abide by, as outlined in the letter from Code Officer Mark Detrick dated January 22, 2015.

The Town Board has reviewed the submitted Short Environmental Assessment Form under SEQRA and has determined that the proposed action will not result in any significant adverse environmental impacts.

7. CONSENT AGENDA



7.1 PUBLIC WORKS: Majewski/Fitzgerald

7.1-1 Authorization for the **Town Attorney to advertise on March 11, 2015** for the **Two River Greenway Signage Project (PIN 9753.89)** with bid opening on March 31, 2015 at 2:00 PM, and authorize the Town Engineer to modify these dates subject to the timing of the approvals from DOT.

7.1-2 Authorization for the **Town Attorney to advertise on February 25, 2015 with Bid opening on March 23, 2015 at 2:00 PM** for the installation of **Concrete Curbs at High Ave. and Evergreen St.** These roads will have existing curbs removed by Highway and reinstalled by contractor, then the roads will be repaved.

7.1-3 Authorization for the **Town Attorney to advertise** on February 25, 2015 for a Public Hearing on March 11, 2015 for a **Vehicle Service Station Permit for 245 Vestal Parkway East, BCTMP# 157.18-1-21.**

7.2 FINANCE: Messina/Majewski

7.2-1 Receive and File: Warrant Reports: 2015-05, 2015-05A, 2015-05E

7.2-2 Authorization to remit payment to **David Berger**, Town Attorney in the amount of **\$1237.50** for January 2015 billable hours.

7.2-3 Authorization to remit payment to **Kenney, Shelton, Liptak & Nowak**

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L.L.P. in the amount of **\$8,664.12** for legal work from August 2014 through December 18, 2014 in the UHS v Town of Vestal litigation.

7.3 PERSONNEL: Fitzgerald/Majewski

7.4 PLANNING & ZONING: Messina/Fitzgerald

7.5 PUBLIC SAFETY: Majewski/Messina

7.5-1 Authorization to close a 0.75 mile stretch of the Rail Trail pavement (starting at the Coal House) for one hour to hold a wheelchair race in conjunction with the *Seniors Running and Walking Festival* on August 15, 2015 from 10:30-11:30. During the race, the general public will be directed to use the grassy area. An Indemnification Agreement and Proof of Insurance will be required.

7.6 ADMINISTRATION: Fitzgerald/Messina

7.6-1 Authorization for Museum Director Ramona Kacyvenski to **apply for and accept up to \$5,000.00 in a grant** from the Museum Association of New York to be used for *The Memory Maker Café*.

7.6-2 Authorization for the **Vestal Town Court** to **accept the grant** awarded under the 2014-15 cycle of the Justice Court Assistance Program (JCAP) in the amount of **\$ 2,400**. This grant will be used to buy a new copier and chairs for the court room.

7.6-3 Authorization for Recreation Planner Sue Jastran to hire the following:

A7310.1027 Labor - Vestal Youth Basketball Organization League

Rob Carr - Apalachin as VYBO Director at \$1,250.00 salary

Peyton Alig - Vestal as VYBO Referee at \$8.75/hr.

John Andrews - Apalachin as VYBO Referee at \$8.75/hr.

Justin Dennis - Vestal as VYBO Referee at \$8.75/hr.

Joe D'Esti - Vestal as VYBO Referee at \$8.75/hr.

Chad Economides - Vestal as VYBO Referee at \$8.75/hr.

Anthony Ivanov - Vestal as VYBO Referee at \$8.75/hr.

Mike Kosty - Vestal as VYBO Referee at \$8.75/hr.

Charlie Lanfranchi - Vestal as VYBO Referee at \$8.75

Jake Nelson - Vestal as VYBO Referee at \$8.75/hr.

Andrew O'Hara - Vestal as VYBO Referee at \$8.75/hr.

Zach Stewart - Vestal as VYBO Referee at \$8.75/hr.

Tyler Wegmann - Apalachin as VYBO Referee at \$8.75/hr.

All employee pay rates are budgeted items in the 2015 budget and the background checks have been completed.

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7.7 RECEIVE AND FILE:

- Notification that **Paul Gursky** is the new **President of the Vestal Senior Citizens Club**, effective January 27, 2015.
- **2014 Annual Report** – Town of Vestal Historian Margaret Hadsell

END OF CONSENT AGENDA

8. COMMITTEE CHAIR COMMENTS AND UPDATES:

9. PETITIONS & PROTESTS:

10. SUPERVISOR'S ANNOUNCEMENTS:

- Bid Opening for Town Hall Flood Wall: Town Clerk's office, February 23, 2015.
- Bid Opening for Operating Engineers Uniforms: Town Clerk's office, March 12, 2015.
- **Winter Parking Reminder** – Parking of vehicles is prohibited on all Town and County roads in Vestal between the hours of 2:00 AM to 6:00 AM, from December 1 thru March 31.
- The Vestal Police Department is inviting community members to attend the first annual 2015 Citizens Police Academy (CPA). This program will hold weekly 2 hour meetings (March 5 thru May 7) that will cover topics relevant to law enforcement and emergency services. Those interested can contact Sgt. Stace Kintner via email at skintner@vestalny.com

11. OTHER NEW BUSINESS:

12. OLD BUSINESS:

13. ADDITIONAL PUBLIC COMMENTS:

14. ADJOURNMENT: