

Regular Meeting of the Vestal Town Board September 14, 2016

The Regular Meeting of the Town Board of the Town of Vestal, County of Broome and the State of New York was held at the Town Hall, 605 Vestal Parkway West, Vestal, NY on September 14, 2016.

TOWN BOARD PRESENT:

Supervisor Schaffer
Councilman Majewski
Councilwoman Fitzgerald
Councilwoman Messina
Councilwoman Agneshwar

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young and 7 members of the general public.

The Supervisor called the Regular Meeting to order at **6:00 PM**, welcomed everyone and asked that all present join in the PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES

On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
 Nays 0

Resolved the Minutes of the Regular Meeting on August 24, 2016 are approved.

PRIVILEGE OF THE FLOOR

A speaker stated that he warned the Town two years ago about spending money on the UHS Article 7 Tax Certiorari lawsuit. We wasted thousands of dollars on legal expenses and still lost. He also posed the following questions concerning items on the agenda:

- What was the previous assessed value of the NYSEG property on the settled case?
- What are the qualifications of the hired Fire Inspector?
- Why was the bonding amount for police cars increased?

Supervisor Schaffer noted that he would respond to these questions after the completion of the meeting.

A speaker asked where the the contaminated site referred to in motion 6.2 is located. Supervisor Schaffer responded the contamination is near our fueling station at the Water Department and it must be remediated within 30 days.

**Regular Meeting of the Vestal Town Board
September 14, 2016**

RESOLUTIONS & MOTIONS

Stipulation of Settlement for Article 7 Tax Certioraris – UHS and NYSEG

R203-16 On a motion of Councilman Majewski, seconded by Councilwoman Messina, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved to retroactively approve the following settlements reached during trial on August 9, 2016 and August 29 and 30, 2016 respectively and for the Town Attorney to sign the resulting *Stipulation of Settlement for the following Article 7 Tax Certiorari* cases filed in Broome County entitled:

1. UHS Inc. vs. The Assessor of the Town of Vestal, New York and the Town of Vestal, Broome County, New York, Index Nos. 2013-1858, 2014-1896, 2015-2108, 2016-1724, as follows:

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town / County Tax	Town Refund
2016-17	\$5,677,500	\$6,423,623	\$4,000,000	-\$1,732,373	N/A	N/A	TBA
2015-16	\$5,677,500	\$6,423,623	\$4,000,000	-\$1,732,373	\$145,569.02	\$ 93,753.96	\$ 7,820.86
2014-15	\$5,677,500	\$6,423,623	\$4,000,000	-\$1,732,373	\$146,045.08	\$ 94,196.47	\$ 7,863.02
2013-14	\$5,677,500	\$6,423,623	\$4,000,000	-\$1,732,373	\$142,175.33	\$102,438.54	\$ 7,427.85

Town = General and Highway

TOTALS \$23,111.73

2. NYSEG. vs. The Assessor of the Town of Vestal, New York and the Town of Vestal, Broome County, New York, Consolidated Index Nos. 2014-1691 (2009-1685, 2010-1745, 2011-1719, 2012-1601, 2013-1567, 2015-1853, 2016-1457) as follows:

- a) 2009, 2010, 2011 and 2012 – Proceedings discontinued;
- b) 2013, 2014, 2015 and 2016 – Assessed Value becomes \$11.5 million;
- c) No refunds required for 2013, 2014, and 2015; PROVIDED, the town agrees to prospective relief for such refunds through reduced assessments for 2017-2021 (i.e., over five years), using \$11.5 million as the base assessment and reducing from there for prospective relief (with interest at statutory rate per RPTL 716 on the reduced assessments for those years or foregone refunds); and
- d) 2016 refunds, with interest, if \$11.5 million assessed value not established for 2016-17, 2017 fiscal year taxes (basically, with respect to the school district, as presumably the Town will modify its assessment prior to the issuance of the Town/County tax bills).

Regular Meeting of the Vestal Town Board September 14, 2016

The Town Attorney and Business Office are authorized and directed to take all necessary steps to implement this resolution.

Hire Mark O'Brien as Municipal Fire Code Inspector

R204-16 On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved to retroactively hire **Mark O'Brien** as a **provisional Municipal Fire Code Inspector** to work in the Code Department effective September 12, 2016 on a full-time basis at the CSEA rate of \$16.73 per hour.

Gary Dyer, Inc. - Emergency Remediation

R205-16 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved to approve the August 31, 2016 letter to engage **Gary Dyer, Inc.** of 2198 Rt. 26, Endicott, NY to immediately remediate contaminated soil at the Town of Vestal Water Department property and to possibly remove the fuel tanks thereon, said authorization is an exception to the competitive bidding requirements of the General Municipal Law in that said situation at the Water Department consists of an emergency, precluding competitive bidding.

Bond Resolution-Police Cars

R206-16 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved to **repeal Resolution 286-15** dated December 16, 2015 and to adopt the following:

A BOND RESOLUTION DATED SEPTEMBER 14, 2016 AUTHORIZING THE COST OF THE PURCHASE OF POLICE CARS, FOR THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$105,000, AND AUTHORIZING THE ISSUANCE OF UP TO \$105,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$105,000 bonds of said Town, hereby authorized to be issued therefor

**Regular Meeting of the Vestal Town Board
September 14, 2016**

pursuant to the provisions of the Local Finance Law; **PROVIDED, HOWEVER**, that to the extent that any grants-in-aid are received for such purposes, the amount of obligations to be issued pursuant to this resolution shall be reduced dollar for dollar.

CONSENT AGENDA

On a motion of Councilwoman Agneshwar, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 5 Majewski, Fitzgerald, Agneshwar, Messina, Schaffer
Nays 0

Resolved the **Consent Agenda** is approved as follows:

FINANCE: Agneshwar/Fitzgerald

Receive and File:

- **Warrant Reports:** 2016-34, 2016-34E, 2016-34L, 2016-35, 2016-35B, 2016-35E, 2016-36, 2016-36E
- **Town Clerk's Monthly Report:** August 2016-Local Shares Remitted \$5,606.50

Town Attorney David Berger Billable Hours

R207-16 Authorization for the Business Office to pay **Town Attorney David Berger \$10,587.50** for August 2016 billable hours. Total time is 70 hours and 35 minutes.

Kenneth Frommer - United Health Services vs. Town of Vestal Litigation

R208-16 Authorization for the Business Office to pay **Kenneth Frommer \$3,136.88** for the appraisal review, trial preparation and trial services rendered in the **United Health Services vs. Town of Vestal litigation**.

Greene, Hershdorfer & Sharpe - Hicks vs. Town of Vestal Litigation

R209-16 Authorization for the Business Office to pay **Greene, Hershdorfer & Sharpe \$420.00** for legal services in the **Hicks vs. Town of Vestal litigation**.

PUBLIC SAFETY: Fitzgerald/Messina

Fire Training

R210-16 Authorization from the Board of Fire Commissioners for the 4 members of the *Ladder 32 Replacement Committee* (Chief John Paffie, Lt. Jason Stupski, Foreman Keith Chason, Assistant Foreman Vern Cambridge) to attend the **New Jersey Firemen's Convention** on September 16-17, 2016 and approval for the use of a Chief Vehicle.

**Regular Meeting of the Vestal Town Board
September 14, 2016**

Expenses are as follows:

- Fuel costs for Department Chief Tahoe
- \$ 320.00 Meal Expenses (\$40.00 per person x 4 members - \$160.00 x 2 days)
- \$ 350.00 Hotel Rooms (\$175.00 x 2 Rooms)

ADMINISTRATION: Majewski/Messina

Walter Barbour Appointed to Board of Assessment Review

R211-16 Authorization to appoint **Walter Barbour** to fill a vacancy on the **Board of Assessment Review** effective September 15, 2016. This term is to expire September 30, 2017.

END OF CONSENT AGENDA

ADJOURNMENT

On a motion of Councilman Majewski , seconded by Councilwoman Messina, the meeting was adjourned at 6:12 PM. Carried unanimously.

Approved by _____
Emil J. Bielecki, Town Clerk