

Regular Meeting of the Vestal Town Board July 8, 2015

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 July 8, 2015.

TOWN BOARD PRESENT:

**Supervisor John Schaffer
Councilman Majewski
Councilwoman Fitzgerald
Councilwoman Agneshwar**

ABSENT: Councilwoman Messina

ALSO ATTENDING: Town Attorney David Berger, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young and 8 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 Councilwoman Fitzgerald, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Agneshwar, Schaffer
 Nays 0 Absent 1 Messina

Resolved the Minutes of the Regular Meeting on June 24, 2015 are approved.

PUBLIC HEARINGS

Supervisor Schaffer offered *Proof of Posting* and *Affidavit of Publication* regarding **Proposed Local Law “A” of the Year 2015:** A local law to amend the Code of the Town of Vestal by adding new Chapter 18-29 entitled *Town of Vestal Fats, Oil and Grease Control Program* and opened the Public Hearing. He also noted that the Board would not be incorporating the fee structure at this time.

Seeing or hearing no one wishing to speak, Supervisor Schaffer closed this Public Hearing.

Adopt Proposed Local Law “A” of the Year 2015

R162-15 On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Agneshwar, Schaffer
 Nays 0 Absent 1 Messina

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Resolved to adopt **Local Law “A” of the Year 2015:** A local law to amend the Code of the Town of Vestal by adding new Chapter 18-29 entitled *Town of Vestal Fats, Oil and Grease Control Program*. This proposed activity has been identified as a Type II action and therefore is not subject to review under SEQRA.

PRIVILEGE OF THE FLOOR (Agenda Items Only)

No one asked to speak during this portion of the *Privilege of the Floor*.

RESOLUTIONS & MOTIONS

Stipulation of Settlement Re: 1250 Vestal Parkway East

R163-15 On a motion of Councilwoman Agneshwar, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Agneshwar, Schaffer
Nays 0 Absent Messina

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

Monarco J. DiFrancesco and DiFrancesco Development Group LLC vs. The Assessor of the Town of Vestal, New York, and the Town of Vestal, New York Index No. 2013-1848, and 2014-1894 as follows:

1. For tax year 2012/2013, the total assessment on 1250 Vestal Parkway East (157.16-1-10) shall be reduced from \$827,000 to \$675,000.
2. For tax year 2013/2014, the total assessment on 1250 Vestal Parkway East (157.16-1-10) shall be reduced from \$827,000 to \$675,000.

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town / County Tax	Town Refund
2015-16	\$675,000	\$675,000	\$675,000	0	N/A	N/A	
2014-15	\$827,000	\$827,000	\$675,000	-\$152,000	\$18,802.36	\$10,584.96	\$689.91
2013-14	\$827,000	\$827,000	\$675,000	-\$152,000	\$18,304.16	\$10,846.48	\$651.72
TOTALS							\$1,341.63

* Town = General and Highway

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

Stipulation of Settlement Re: 1708 Vestal Parkway East

Supervisor Schaffer noted that it was in our interest to settle these cases because the adjustments were less than what it would have cost us to do outside appraisals.

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R164-15 On a motion of Councilman Majewski , Councilwoman Agneshwar seconded by, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Agneshwar, Schaffer
Nays 0 Absent 1 Messina

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

Monarco J. DiFrancesco and DiFrancesco Development Group LLC vs. The Assessor of the Town of Vestal, New York, and the Town of Vestal, New York Index No. 2013-1848, and 2014-1894 as follows:

1. For tax year 2012/2013, the total assessment on 1708 Vestal Parkway East (TM# 157.16-1-16) shall be reduced from \$1,861,000 to \$1,650,000.
2. For tax year 2013/2014, the total assessment on 1708 Vestal Parkway East (TM# 157.16-1-16) shall be reduced from \$1,861,000 to \$1,650,000.

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town / County Tax	Town Refund
2015-16	\$1,650,000	\$1,650,000	\$1,650,000	0	N/A	N/A	
2014-15	\$1,861,000	\$1,650,000	\$1,650,000	-\$211,000	\$42,311.00	\$24,692.47	\$957.70
2013-14	\$1,861,000	\$1,650,000	\$1,650,000	-\$211,000	\$41,189.89	\$23,817.74	\$904.70

* Town = General and Highway

TOTALS \$1,862.40

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

Employee Handbook Amendments

R165-15 On a motion of Councilwoman Agneshwar , seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Agneshwar, Schaffer
Nays 0 Absent 1 Messina

Resolved to **adopt the Employee Handbook** with all amendments made through July 6, 2015 and outlined in the memo with attachment from Director of Human Resources, Nancy Olmstead dated June 30, 2015.

207-c Benefits to Police Officer Vincent Stavola

R166-15 On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Agneshwar, Schaffer
Nays 0 Absent 1 Messina

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Resolved to grant General Municipal Law 207-c benefits to **Police Officer Vincent Stavola** as set forth in the collective bargaining agreement, effective retroactive to the date of his injury June 24, 2015.

Vestal Field Hockey Booster Club to Use Library Parking

R167-15 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 3 Majewski, Fitzgerald, Schaffer

Nays 1 Agneshwar Absent 1 Messina

Resolved to authorize the **Vestal Field Hockey Booster Club** to hold a *Smoky Legend BBQ* fundraiser in the Library parking lot on October 25, 2015. An Indemnification Agreement is to be signed.

CONSENT AGENDA

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

ADOPTED Ayes 4 Majewski, Fitzgerald, Agneshwar, Schaffer

Nays 0 Absent 1 Messina

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

FINANCE: Agneshwar/Messina

Receive and File:

- **Warrant Reports:** 2015-26, 2015-26E, 2015-27, 2015-27E
- **Town Clerk Monthly Report:** June 2015; Local Shares Remitted: \$4,867.52
- **Comptroller's Monthly Report:** June 2015

Billable Hours for Town Attorney

R168-15 Authorization for the Business Office to submit payment for **Town Attorney David Berger's billable hours** for the period June 1 – June 30, 2015. Total hours are 7 hours 12 minutes and total amount is **\$1,080**.

Payment for legal costs to Hinman, Howard and Kattell

R169-15 Authorization for the Business Office to remit \$506.52 to **Hinman, Howard and Kattell** for the costs in conjunction with the Town's motion for leave to appeal to the Court of Appeals in the **UHS vs. Town of Vestal** litigation.

Ciaschi, Dietershagen, Little, Mickelson & Company, LLP to Audit Court

R170-15 Authorization for Comptroller Laura McKane to sign an agreement with **Ciaschi, Dietershagen, Little, Mickelson & Co., LLP** to perform audit

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services for the Town of Vestal Justice Courts for the years ending December 31, 2014 and 2015. The cost of these services shall not exceed \$3,700 per year.

Payment for Legal Services to Greene, Hershdorfer & Sharpe

R171-15 Authorization for the Business Office to remit \$2,139.32 to **Greene, Hershdorfer & Sharpe** regarding the Hicks vs. Town of Vestal case from the period May 26, 2015 to June 26, 2015.

ADMINISTRATION: Messina/Agneshwar

Harriet Ford Dickenson Fund Grant for Museum

R172-15 Authorization for the Town Supervisor to sign the **Harriet Ford Dickenson Fund Grant** contract and to accept the receipt of a grant awarded by the *Community Foundation Fund* to the Vestal Museum (#20150192) in the amount of up to \$1,365 to be used towards the 21st Century Historical Museum project.

Hire Cheerleading Camp and Softball Camp Labor for Recreation

R173-15 Authorization for Recreation Planner Sue Jastran to hire labor for the **Cheerleading Camp** and the **Softball Camp** as listed in her memo dated July 1, 2015. All employee pay rates are budgeted items in the 2015 budget and the background checks has been completed.

7310.1024 - Cheerleading Camp Labor

Renee Anderson - Vestal as Cheerleading Camp Instructor at pay rate \$200.00 salary

Katie Donlin - Vestal as Cheerleading Camp Director at pay rate \$500.00 salary

Kristin Fuller - Vestal as Cheerleading Camp Instructor at pay rate \$150.00 salary

Shanel Ginyard - Vestal as Cheerleading Camp Instructor at pay rate \$200.00 salary

Erin Schultz - Vestal as Cheerleading Camp Instructor at pay rate \$150.00 salary

Brooke Traver - Vestal as Cheerleading Camp Instructor at pay rate \$150.00 salary

7310.1028 Labor - Softball Camp Labor

Brian Donlin - Vestal as Softball Camp Director at pay rate \$550.00 salary

Jessica Duff - Apalachin as Softball Camp Instructor at pay rate \$150.00 salary

Kristen Hickling - Vestal as Softball Camp Coach at pay rate \$110.00 salary

Karissa Kohlman - Vestal as Softball Camp Instructor at pay rate \$90.00 salary

Mackenzie Poulton - Apalachin as Softball Camp Instructor at pay rate \$150.00 salary

Natalie Poulton - Apalachin as Softball Camp Instructor at pay rate \$150.00 salary

END OF CONSENT AGENDA

SUPERVISOR'S ANNOUNCEMENTS

- Thank you to the public for keeping the dog feces cleaned up on the Railtrail
- We have recently had an incident of a police officer being bitten by a rabid fox. The public is advised to exercise proper caution with wild animals.

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Fire Department #1 to Hold BBQ Fundraiser

R174-15 On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Agneshwar, Schaffer
Nays 0 Absent Messina

Resolved to authorize the Vestal Fire Department Company #1 and Auxiliaries to hold a chicken BBQ fundraiser on July 18, 2015 at Tractor Supply Parking Lot. Coverage time is from 9:00 am to 5:00 pm which includes personnel to set up, the event itself and clean up. A sign in sheet is to be used to track personnel.

ADDITIONAL PUBLIC COMMENTS: no one asked to speak

EXECUTIVE SESSION

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

ADOPTED Ayes 4 Majewski, Fitzgerald, Agneshwar, Schaffer
Nays 0 Absent 1 Messina

Resolved the Board enter into Executive Session to discuss a personnel matter concerning a specific employee. The time was 6:15 PM.

Appointment of Rocco Turdo as Acting Highway Superintendent

R175-15 On a motion of Councilman Majewski, seconded by Councilwoman Agneshwar, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Agneshwar, Schaffer
Nays 0 Absent 1 Messina

Resolved to appoint **Rocco Turdo** (current Deputy Highway Superintendent) as **Acting Highway Superintendent** effective July 31, 2015 with wages based on the 2015 salary of the current Highway Superintendent.

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

ADOPTED Ayes 4 Majewski, Fitzgerald, Agneshwar, Schaffer
Nays 0 Absent 1 Messina

Resolved the Board leave the Executive Session and adjourn the Regular Meeting. The time was 6:36 PM.

Approved by _____
Emil J. Bielecki, Town Clerk