

VESTAL TOWN BOARD REGULAR MEETING AGENDA
May 8, 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 April 24, 2013 Regular Town Board Meeting.**

3. BID OPENINGS

3.1 Bids for Highway Materials were opened on April 25th, 2013 in the Town Clerk's Office where they are on file.

3.2 Bids for water and wastewater line replacement projects were opened on May 2nd, 2013 in the Town Clerk's Office with the following results:

VESTAL PARKWAY EAST – WATER MAIN REPLACEMENT

Parmenter, Inc.	Horseheads, NY	\$90,007.50
ZMK Construction	Apalachin, NY	\$65,967.00
Drilling Technologies, Inc.	Wyanantskill, NY	\$86,815.96
Vacri Construction	Binghamton,	\$42,900.00
Procon	Vestal, NY	\$66,605.00

GEORGE STREET – WATER MAIN REPLACEMENT

Parmenter, Inc.	Horseheads, NY	\$90,007.50
ZMK Construction	Apalachin, NY	\$41,228.00
Drilling Technologies, Inc.	Wyanantskill, NY	\$35,290.64
Vacri Construction	Binghamton, NY	\$25,300.00
Procon 100 Vestal Road	Vestal, NY	\$33,550.00

LEWIS STREET – WATER MAIN REPLACEMENT

Parmenter, Inc.	Horseheads, NY	\$96,008.00
ZMK Construction	Apalachin, NY	\$40,700.00
Drilling Technologies, Inc.	Wyanantskill, NY	\$35,290.64
Vacri Construction	Binghamton, NY	\$30,800.00
Procon	Vestal, NY	\$34,210.00

KATHERINE LANE – WATER MAIN REPLACEMENT

Parmenter, Inc.	Horseheads, NY	\$114,009.00
ZMK Construction	Apalachin, NY	\$36,850.00
Drilling Technologies, Inc.	Wyanantskill, NY	\$37,050.64
Vacri Construction	Binghamton, NY	\$30,800.00
Procon	Vestal, NY	\$34,210.00

CORTLAND DRIVE – WASTEWATER LINE REPLACEMENT

Parmenter, Inc.	Horseheads, NY	\$108,094.00
ZMK Construction	Apalachin, NY	\$75,130.00

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Drilling Technologies, Inc.	Wyanantskill, NY	\$164,450.00
Vacri Construction	Binghamton, NY	\$37,400.00
Procon	Vestal, NY	\$55,850.00

4. PUBLIC HEARINGS

4.1 Public Hearing - Local Law “D” of the Year 2013 to *amend Chapter 18* of the Town Code, amending the rules and regulation relating to the use of the Binghamton-Johnson City Joint Sewage Treatment Plant.

4.2 Public Hearing – Local Law “C” of the Year 2013 to rezone **2100 Owego Road**, BCTMP # 172.14-1-26.1 plus remaining CD portion of 172.14-1-27 (2016 Owego Road) from CD (Commercial District) to RA-2 (Residential). (Harrington).

5. PRIVILEGE OF THE FLOOR – For Agenda Items Only

6. RESOLUTIONS & MOTIONS

6.1 Motion to accept, from the **Friends of the Vestal Public Library** a contribution in the amount of **\$4,359.93** to purchase seven (7) computer systems (**Inspiron One 2020**). The computers will be installed by the Information Technology staff of the Town of Vestal at the Vestal Public Library.

6.2 Motion to award the bid for replacement of the **African Road Bridge over Willow Creek** to **Gorick Construction Company**, 27 Track Drive, Binghamton, NY 13904, per the low bid of **\$573,375.00** which we opened April 11, 2013. This project is an 80% Federal, 15% State and 5% Town cost share type project.

6.3 Motion authorizing the Town Attorney to sign a **Stipulation of Settlement of the following Article 7 Tax Certiorari** case filed in Broome County entitled **Crawford v Town of Vestal Assessor**, Index No. 2012-1726 related to the property owned by Dean Crawford, located at 433 Brook Hill Avenue, Tax Map No. 189.16-3-30 reducing said assessment to \$414,000.00.

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

6.4 Motion authorizing the Town Attorney to sign a **settlement agreement** of the following **Civil Action** filed in Broome County:
Richard Baron, Susan Baron, Walter Byrnes, and Frances Byrnes vs. Town of Vestal and Town of Vestal Consolidated Sewer Districts #1; Broome County Supreme Court File No. 2011-2323, for the total sum of \$9,000.00.

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

6.5 Motion to authorize the **closing of the Town Offices on Friday, July 5, 2013**. All employees impacted by this closing will be required to use vacation time, other available paid time off, make up time or go without pay on this day. In no way should this closing be construed as the granting of additional paid time off to employees or of the granting of additional holiday time.

6.6 Motion by the Board of Fire Commissioners to reduce the 2013 contribution to the **Length of Service Award Program (LOSAP)** contribution from the budgeted amount of **\$118,000 to \$50,202.51** for 2013 and to **transfer** to the **Fire District Capital Reserve Fund** the difference between the 2013 amount budgeted and the actual contribution.

6.7 Motion authorizing the **Americans for Restoring the Constitution (AFRTC)** to have the rental fee waived for Arnold Park Pavilion on June 17, 2013 for their annual picnic. Evidence of insurance will be required.

6.8 Motion to adopt a Resolution supplementing the **Bond Resolution (R365-12)** dated December 12, 2012 authorizing, **subject to Permissive Referendum**, the issuance of an additional \$150,000 bonds of the Town of Vestal, Broome County, New York, to pay a portion of the cost of the purchase of **equipment for construction and maintenance** purposes, in and for said Town.

This supplement to the Bond Resolution dated December 12, 2012, will allow us to finance the **purchase of the loader and roller** that the Board approved for the Highway Department on April 24, 2013 (**R110-13**).

7. CONSENT AGENDA

7.1 PUBLIC WORKS: Milkovich/Majewski

7.1-1 Authorization for the Water/Sewer Department to list with Auction International to accept bids for the sale of the following department trucks:

Water: 1999 Ford E-350

Miles 44,857

VIN # 1FDWE37FXXHB12190

Sewer: 2003 Sterling L7501

Miles 23,224

VIN # 2FZAATAK73AL90884

7.2 FINANCE: Marnicki/Fitzgerald

7.2-1 Receive and File:

- **Warrant Reports** –2013-17, 17E
- **Town Clerk Monthly Report** -
April – Local Shares Remitted - \$5,879.16
- **Comptrollers Monthly Report** – April 2013

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7.2-2 Approval for the Business Office to pay **\$1050.00 for Legal Services** rendered by **David Berger, Town Attorney** for the billable hours in **April 2013**.

7.3 **PERSONNEL: Majewski/Marnicki**

7.3-1 Authorization to reimburse **Robert Flint for Out of Title Pay for the period** January 1, 2013 to April 22, 2013 (36 days). The difference in his hourly wage and Meter reader wage is \$1.58 per/hr. The total for this time is \$455.04 per Union agreement.

7.3-2 Authorization for **Nancy Olmstead, Director of Human Resources** and **David Berger, Town Attorney** to attend the **PERMA Workers' Compensation** annual conference in Lake George May 22, 2013 through May 24, 2013. There will be **no cost** to the Town except for transportation. A Town car will be used if available. If no car is available mileage will be paid.

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

7.4-1 Approval for the **League of Woman Voters of Broome and Tioga Counties** to use the Library parking lot on September 14, 2013. An Indemnification Agreement is to be signed.

7.4-2 Authorization to change the advertising date (approved on April 10, 2013 R105-13), for the **FEMA Buy-Out Program – Home Demolitions bid**, to May 8th, 2013 and the bid opening date to May 28th, 2013.

7.5 **PUBLIC SAFETY: Marnicki/Fitzgerald**

7.5-1 Authorization for the Police Department to advertise the sale of its **retired SWAT/Command vehicle** on Auction International. This vehicle is no longer feasible to maintain and has been replaced.

The vehicle is as follows:

Year	Make/Model	Mileage	VIN Number
1994	Ford E350	183,524	1FDJE30M5RHB01961

These leases shall be for a period of 3 years at the amount of **\$600 per year**.

7.5-2 Authorization for the **Police Department** to allocate **\$2,812 for the purchase of training simmunitions** (non-lethal training ammunition) from Atlantic Tactical Co. The funds will be used from the asset forfeiture budget line A3120-2626R.

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7.5-3 Authorization from the Board of Fire Commissioners to accept the following leases for the **Fred Singer Training Site:**

**Prospect Terrace Fire Department
Apalachin Fire District**

7.5-4 Authorization from the Board of Fire Commissioners approving the following:

Midi 32-2 to be used to go to the EVOC Training, May 4, 2013 and May 11, 2013 at the Town of Binghamton Fire Department with FF Dusty McCartney, Paul Goon, Phil R. Walter, Phillip W. Walter and Sacha Sigleman Schwartz.

(Please note that the firefighters were approved February 27, 2013- R056-13.)

7.6 **ADMINISTRATION: Majewski/Milkovich**

7.6-1 Authorization for **Power of One** and **The PRIDE Program** to utilize two pavilions at Arnold Park to run a camp from June 25 – July 3, 2013.

7.7 **RECEIVE AND FILE**

END OF CONSENT AGENDA

8. **COMMITTEE CHAIR COMMENTS AND UPDATES**

9. **PETITIONS & PROTESTS**

10. **ADDITIONAL PUBLIC COMMENTS**

11. **SUPERVISOR'S ANNOUNCEMENTS**

- **BRUSH PICK UP - April to September – Branch Pickup will be 3rd Friday of the month.** Branches must be piled neatly at curb/roadside all in one direction facing the road - NOT in the street. Leave branches as long as possible better to feed into the machine. Branch diameter is up to 6 inches. (Pine needles are ok.) NO tomato vines, NO vegetable plant waste - it plugs up the leaf machine.

12. **OTHER NEW BUSINESS**

13. **OLD BUSINESS**

14. **ADJOURNMENT**