

**VESTAL TOWN BOARD REGULAR MEETING AGENDA  
JUNE 12, 2013**

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*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 May 22nd, 2013 Regular Town Board Meeting.**

**3. BID OPENINGS:**

**3.1** The following bids for the **FEMA Home Demolitions** were received and opened in the Town Clerk's Office on May 28th at 2:00 PM with the following results:

<u>COMPANY</u>	<u>ADDRESS</u>	<u>BID</u>	<u>BID</u>	<u>BID</u>	<u>Price for 3 groups</u>
<b>Gorick Construction Co., Inc.</b>	27 Track Drive, Binghamton, New York	\$218,440	\$197,420	\$237,350	\$ 653,210.00
<b>LCP Group - Christina Pierce</b>	633 Anderson Road, Vestal, NY	\$178,989	\$163,017	\$193,299	\$ 535,305.00
<b>Ritter &amp; Paratore Contracting</b>	2435 State Route 5, Utica, NY	\$476,400	\$372,750	\$423,450	\$1,272,600.00
<b>T&amp;M Excavating</b>	235 Nowlan Road, Binghamton, NY	\$223,100	\$169,500	\$253,300	\$ 645,900.00
<b>ZMK Construction</b>	3430 Route 434, Apalachin, New York	\$288,226	\$210,605	\$275,596	\$ 774,427.00

**4. PUBLIC HEARINGS:**

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

**6. RESOLUTIONS & MOTIONS:**

**6.1** Motion for the Town Attorney to draw the paperwork awarding the bids for the **FEMA Buyout Demolitions** to the low bidder with respect to the 59 homes in to the FEMA buyout program.

**LCP Group, Inc.**  
633 Anderson Road  
Vestal, NY 13850

The 59 homes were divided into 3 groups. LCP was low bidder on all 3 groups at total bid price of \$535,305.00.

In the bid package it was noted that one contractor could be awarded more than one group, if they provided a letter showing they can complete the work within the 90 day period set by FEMA. The Town Engineer has received that letter from LCP and concurs that they are capable of completing the work.

The Town Attorney is to include the following modifications to the contract.

- 1) Completion date revised to say the homes will be demolished within 90 days of being notified that the closing is completed.
- 2) LCP will not hold Town responsible if property owner opts out of buyout program.

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**6.2** Authorization to **re-appoint Mark Minoia as Assessor** of the Town of Vestal pursuant to RPTL Section 310 for a 6 year term beginning October 1, 2013. The 2013 base salary for this position is **\$58,083 per year**.

**6.3** Motion granting approval for the Highway Superintendent to **purchase a used bucket for the 1999 lift truck** available for purchase in Alabama for \$8,000. The total cost of the unit, which includes the outriggers and the shipping, would amount to \$10,000.

The Comptroller is to perform the following Budget Transfers:

Increase Revenue from Sale of Scrap and Increase Equipment Appropriation	<b>D2650.2650</b>	<b>D5130.2200</b>	<b>\$3,000</b>
Transfer Funds from Wages to Fund Equipment	<b>D5110.1020</b>	<b>D5130.2200</b>	<b>\$7,000</b>

**6.4** Motion approving the following **Negative Declaration of SEQR**: Concerning the request for a **Timber Harvesting Permit** applied for **John Wagner of Wagner Logging**, for 269 Ross Hill Road, B.C.T.M.P. #172.15-1-23.11, zoned RA-1, RA-2 and RR and owned by Richard Stever.

The Town Board of the Town of Vestal hereby finds and determines that:

(a) it has considered the action, reviewed the environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with the proposed project

(b) This project will not result in any large and important environmental impacts, and, therefore, is one, which will not have a significant impact on the environment, and, therefore, a negative declaration is hereby adopted.

**6.5** Motion granting a **Timber Harvest License** to **John Wagner of Wagner Logging**, for land located at 269 Ross Hill Road, BCTMP 172-15-1-23.11, owner Richard Sever and authorizing timber harvesting within the RA-1 and RA-2 zoning district and within 300 feet of these districts per the areas as shown in the attached maps of their application. Other than the harvest in the RA-1 and RA-2 zoning district and within 300 feet of these districts, all required buffers will be maintained and compliance with Chapter 6 Article V, Division 2, Section 6-168(c) of the Code of the Town of Vestal will be observed.

**6.6** Motion authorizing the **May 8<sup>th</sup>, 2013 tentative agreement** between the **Town of Vestal and CSEA Unit 6170** and authorize the Town Supervisor to sign the resulting bargaining agreement.

**6.7** Motion to authorize the Town Attorney to sign a **Stipulation of Settlement of the following Article 7 Tax Certiorari** case filed in Broome County **entitled Kintner**

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**Estates Enterprises LLC v Town of Vestal Assessor**, Index Nos. 2009-1831, 2010-1966, 2011-1896, 2012-1880 related to the property owned by Kintner Estates Enterprises, LLC, located at 2942 NYS Route 26S, Tax Map No. 223.01-2-28 reducing said assessment to \$1,075,000.

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

**6.8** Motion to authorize the Town Attorney to sign a **Stipulation of Settlement of the following Article 7 Tax Certiorari** case filed in Broome County entitled **Thomas Barnett v Town of Vestal Assessor**, Index No. 2012-1647, related to the property owned by Thomas Barnett, located at 577 Ross Hill Road, Tax Map No. 188.11-1-1 reducing said assessment to \$405,000.00.

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

**6.9** Motion authorizing the **Highway Superintendent to hire 3 summer employees** for 40 hours per week for approximately 10 weeks at a rate of \$8.50 per hour for returnees and \$8.25 for first timers at a cost of roughly \$10,200. These monies are available in Wages line D5110.1020 and a transfer to summer help line D5110.1034 will be performed.

**6.10** Motion authorizing the **closing of Kimble Road to thru traffic from Main Street to 145 Kimble Road** allowing the residents of Kimble Road to hold a **block party on June 28, 2013 from 6pm-9pm** in honor of John Palmiter, who recently passed away.

The road will still be accessible to emergency vehicles. Police, Fire, and Emergency to be notified.

**6.11** Motion authorizing Town Engineer Gary Campo to apply for a **permit from NYS DOT** and allowing the **Triple Cities Runners Club**, the sponsors of the *Vestal XX*, to use the Town of Vestal's present permit insurance for their June 15, 2013 event. An Indemnification Agreement is to be signed.

**7. CONSENT AGENDA**

**7.1 PUBLIC WORKS: Milkovich/Majewski**  
**7.1-1** Authorization to adopt a Resolution authorizing the Town Engineer to sign and join the **NYSDOT Equitable Business Opportunities (EBO)** system, binding the Town and the Town Engineer to the terms of the system users agreement to be used for the used for billing of the **African Road Bridge over Willow Run Creek PIN 9753.76**.

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**7.1-2** Authorization for the **Town Attorney to advertise on June 19<sup>th</sup>, 2013** for bids for the **replacement of the storm pipe on Campus Road** to be opened on **July 8<sup>th</sup>, 2013** at 2:00 PM in the Town Clerk's Office.

**7.1-3** Authorization for the Highway Superintendent to **award Highway Materials bids** to all venders that bid with the understanding that we buy from the low bidder when possible.

**7.1-4** Authorization for Scott Groats, Water & Wastewater Superintendent to submit the remaining **\$1,760 owed to the Susquehanna River Basin Commission, Harrisburg, PA** regarding **Town of Vestal (SRBC# 2011-072) Well 4-4 Withdrawal Application** and to authorize the Town Attorney to advertise in the *Press and Sun-Bulletin* the legal notice pertaining to Well 4-4 withdrawal application. The notice will be paid for from W8310-4140. Aquifer test balance of \$1,760.00 will be from line W8310-4061.

**7.2** **FINANCE: Marnicki/Fitzgerald**

**7.2-1** **Receive and File:**

- **Warrant Reports** – 2013- 21, 21E, 21H, 21L, 22, 22E, 23, 23E
- **Comptroller's Monthly Report** – May 2013
- **Town Clerk Monthly Report** - May 2013 Total Local Shares Remitted: \$6,845.86

**7.2-2** Approval for the Business Office to pay **David Berger, Town Attorney \$1800.00 for May 2013** billable hours.

**7.2-3** Approval to pay **Ahmuty, Demers and McManus** in the amount of **\$1635.20 for legal services** in the case of **Candlehouse vs. Town of Vestal** for the period ending May 23, 2013.

**7.3** **PERSONNEL: Majewski/Marnicki**

**7.3-1** Authorization to **re-appoint Delivan Gates to the Planning Board** effective July 8, 2013. This term is to expire July 7, 2018.

**7.3-2** Authorization for **Mark A. Minoia, Assessor, to hire Carolyn Almy** to the vacant **part-time clerk position in the Assessor's Office** at no more than 19.75 hours per week at the CSEA starting rate of \$8.75 per hour with a start date of July 8, 2013.

**7.3-3** Approval for the **Highway Superintendent to pay out of class pay** as follows:

Bill Garey	\$117.12	Ben Peck	\$379.20
Todd Ingersoll	\$305.44	Jeff Tomczyk	\$117.12
Matthew Millard	\$420.58	Walter Scott	\$351.36

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Don Younker                      \$557.54

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

**7.5      PUBLIC SAFETY: Marnicki/Fitzgerald**

**7.5-1** Authorization for the **Police Department** to accept a **donation from Miller Motors** in Vestal, of an **enclosed white 2004 Homes trailer**. This enclosed utility trailer will be used for storage and transportation of child safety seats, traffic cones, barricades, and other safety related items.

**7.5-2** Authorization for the Police Department to purchase **replacement parts** for the **department's body bunkers** in the amount of **\$500** from the Galls Company. Funding will be taken from the **Asset Forfeiture budget line A3120-2626R**.

**7.5-3** Request for Commissioner's approval to accept the following leases for the **Fred Singer Training Site:**

**Owego Fire Department  
Plastisol Composites North America**

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

**7.5-4** Approval from the Board of Fire Commissioners for the **Vestal Fire Department Membership and Auxiliaries for Station 1's Chicken BBQ** to be held on Saturday, June 15<sup>th</sup> from Noon till sold out at the Tractor Supply Parking Lot.

Approval is also granted for the requested coverage time for the day which includes personnel to set up the event, the event itself and clean up duties. A sign in sheet will be used to track personnel at this event.

**7.6      ADMINISTRATION: Majewski/Milkovich**

**7.6-1** Authorization for the Recreation Planner to **Hire Summer 2013** per her memo dated June 6, 2013.

All employee pay rates are budgeted items in the 2013 budget and the background checks has been completed.

**A7310.1021 Labor – Playground Instructors**

Chelsea Aiosa - Vestal as Playground Instructor at Pay rate \$7.25/hr.

Logan Calvey - Vestal as Playground Instructor at Pay rate \$7.25/hr.

Cassie Canino - Vestal as Substitute Playground Instructor at Pay rate \$7.25/hr.

Thomas Comerford - Vestal as Substitute Playground Instructor at Pay rate \$7.25/hr.

Mary Gasper - Vestal as Playground Instructor at Pay rate \$7.25/hr.

Samantha Lee - Vestal as Substitute Playground Instructor at Pay rate \$7.25/hr.

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Cole Lewis - Vestal as Substitute Playground Instructor at Pay rate \$7.25/hr.  
Philip Nedlik - Vestal as Substitute Playground Instructor at Pay rate \$7.25/hr.  
Diana Ruggiero - Vestal as Substitute Playground Instructor at Pay rate \$7.25/hr.  
Timbray Shafer - Vestal as Playground Instructor at Pay rate \$7.25/hr.  
Natsuko Suzuki - Vestal as Playground Instructor at Pay rate \$7.25/hr.  
Brittany Ann Taylor - Vestal as Playground Instructor at Pay rate \$7.25/hr.  
Marianna Wright - Vestal as Playground Instructor at Pay rate \$7.25/hr.

**A7310.1026 Labor – Tennis**

Randy Cummings –Vestal as Tennis Camp Director at Pay Rate \$425.00 Salary

**A7180.1020 Labor – Labor Lifeguards**

Thomas Carlson –Apalachin as Substitute Lifeguard at Pay rate \$7.75/hr.

Note - this Lifeguard is returning and we missed that on the last set of Board approvals.

**7.7 RECEIVE AND FILE:**

- Fire Advisory Board Meeting Minutes – April 15, 2013
- Communication from South Vestal Neighborhood Association (SWVNA) to Code Enforcement Department concerning complaints about an illegal motorcross track at 934 Tracy Creek Rd. – June 10, 2013.

**END OF CONSENT AGENDA**

**8. COMMITTEE CHAIR COMMENTS AND UPDATES:**

**9. PETITIONS & PROTESTS:**

**10. ADDITIONAL PUBLIC COMMENTS:**

**11. SUPERVISOR’S ANNOUNCEMENTS:**

Museum Events:

- ❖ Kids summer garden projects planned; July 13, Aug 10. Free

**12. OTHER NEW BUSINESS:**

**13. OLD BUSINESS:**

**14. ADJOURNMENT:**