

Regular Meeting of the Vestal Town Board  
JANUARY 22, 2014

1. **PLEDGE OF ALLEGIANCE:**

2. **APPROVAL OF MINUTES:**

2.1 Motion approving the **Minutes of the January 8, 2014 Regular Town Board Meeting.**

3. **BID OPENINGS:**

The bids for **Rayelene Creek Bank Slope Repair** were received and opened by the Town Clerk in his office on Wednesday, January 15, 2014 and all sealed proposals thus received were publicly opened and read.

This project involves the reconstruction of the creek banks and placement of rip rap protection, at 2 locations along Rayelene Creek, approximate total distance of 826 feet.

**JB Excavation**

2213 Longcreek Road  
Apalachin, NY \$136,932.00

**ZMK Construction**

3430 Route 434 687-0981  
Apalachin, NY 13732 \$224,660.00

**Pro Con Contracting**

PO Box 1037  
Vestal, New York \$232,000.00

**Boland's Excavating & Topsoil Inc.**

1403 Millburn Drive  
Conklin NY \$220,138.00

**All Around Excavating**

660 Riverside Drive  
Johnson City, NY 13790 \$188,203.00

**Gorick Construction, Inc.**

27 Track Drive  
Binghamton, NY 13904 \$258,800.00

**Barret Paving**

4530 Wetzel Road  
Liverpool, NY 13090 \$393,981.00

**R. B Robinson Contracting**

PO Box 121  
Candor, NY 13847 \$290,555.50

4. **PUBLIC HEARINGS:**

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

6. **RESOLUTIONS & MOTIONS:**

6.1 A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$155,000 BONDS OF THE TOWN OF vestal, broome COUNTY, NEW YORK, TO PAY THE COST OF the purchase of a material screen with stacking conveyor, IN AND FOR SAID TOWN.

6.2 A RESOLUTION AUTHORIZING THE COST OF THE PURCHASE OF police cars, in and FOR THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$100,000, AND

# REGULAR MEETING AGENDA OF THE VESTAL TOWN BOARD

## JANUARY 22, 2014

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AUTHORIZING THE ISSUANCE OF UP TO \$100,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

**6.3** A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$50,000 BONDS OF THE TOWN OF vestal, broome COUNTY, NEW YORK, TO PAY THE COST OF the reconstruction of town park facilities and buildings, IN AND FOR SAID TOWN.

**6.4** A RESOLUTION AUTHORIZING THE COST OF THE PURCHASE and installation of computer hardware and related equipment, FOR THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$143,000, AND AUTHORIZING THE ISSUANCE OF UP TO \$143,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

**6.5** Motion to approve the proposed deviated PILOT agreement regarding the **University Plaza Project**, Vestal Plaza, Vestal, New York. Said approval is conditioned upon a satisfactory final PILOT Agreement containing the provisions set forth by the applicant at the Town Board Work Session on January 20th 2014 including, but not limited to the following fixed payment schedule:

PRELIMINARY DRAFT

Broome County Industrial Development Agency  
Payment in Lieu of Tax Schedule  
University Plaza, Vestal Parkway, Vestal, New York

Year	University Plaza (UP-1)				Metroplex at UP (UP-2)				TOTAL			
	Town	County	School District	Total	Town	County	School District	Total	Town	County	School District	Total
1. 2014	57,899	100,665	295,436	454,000	71,927	125,055	367,017	564,000	129,826	225,720	662,453	1,018,000
2. 2015	59,684	103,769	304,546	468,000	74,095	128,825	378,080	581,000	133,780	232,594	682,626	1,049,000
3. 2016	61,470	106,873	313,657	482,000	76,263	132,594	389,143	598,000	137,733	239,468	707,299	1,080,000
4. 2017	66,444	115,521	339,036	521,000	82,512	143,459	421,029	647,000	148,956	258,980	763,064	1,168,000
5. 2018	71,672	124,612	365,716	562,000	89,016	154,767	454,217	698,000	160,689	279,379	813,932	1,260,000
6. 2019	77,284	134,368	394,348	606,000	95,776	166,519	488,706	751,000	173,059	300,887	883,054	1,357,000
7. 2020	83,072	144,316	423,632	651,000	103,045	179,157	525,798	808,000	186,057	323,503	944,430	1,459,000
8. 2021	89,016	154,767	454,217	698,000	110,569	192,239	564,191	867,000	199,586	347,006	1,018,408	1,565,000
9. 2022	95,393	165,853	486,754	748,000	118,348	205,765	603,887	928,000	213,741	371,618	1,090,640	1,676,000
10. 2023	102,075	177,343	520,582	800,000	126,638	220,177	646,185	993,000	228,663	397,561	1,166,777	1,793,000
11. 2024	109,039	189,579	556,383	855,000	135,183	235,033	689,784	1,060,000	244,221	424,612	1,246,167	1,915,000
12. 2025	116,308	202,217	593,175	912,000	144,237	250,776	735,987	1,131,000	260,545	452,993	1,329,462	2,043,000
13. 2026	123,960	215,521	632,519	972,000	153,675	267,184	784,142	1,205,000	277,634	482,705	1,416,661	2,177,000
14. 2027	131,867	229,268	672,865	1,034,000	163,622	284,479	834,899	1,283,000	295,489	513,747	1,507,765	2,317,000
15. 2028	140,156	243,680	715,163	1,099,000	173,952	302,439	887,609	1,364,000	314,108	546,119	1,602,773	2,463,000
16. 2029	148,956	258,980	760,064	1,168,000	184,792	321,286	942,922	1,449,000	333,748	580,265	1,702,087	2,617,000
17. 2030	158,011	274,723	806,267	1,239,000	196,142	341,020	1,000,838	1,538,000	354,153	615,742	1,807,105	2,777,000
18. 2031	167,575	291,352	855,072	1,314,000	207,875	361,419	1,060,706	1,630,000	375,150	652,771	1,915,779	2,944,000
19. 2032	177,523	308,647	905,830	1,392,000	220,246	382,926	1,123,828	1,727,000	397,768	691,574	2,029,658	3,119,000
20. 2033	187,980	326,829	959,191	1,474,000	233,126	405,121	1,189,553	1,828,000	421,106	732,150	2,148,744	3,302,000
21. 2034	198,820	345,676	1,014,504	1,559,000	246,644	428,824	1,258,531	1,934,000	445,455	774,500	2,273,035	3,453,000
22. 2035	210,171	365,410	1,072,420	1,648,000	260,800	453,436	1,330,763	2,045,000	470,971	818,846	2,403,183	3,693,000

**REGULAR MEETING AGENDA OF THE VESTAL TOWN BOARD  
JANUARY 22, 2014**

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This approval is further conditioned on approval by the Broome County Industrial Development Agency of the final PILOT agreement. It is noted that this action has been identified as a Type II action and therefore is not subject to review under SEQRA.

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

**Penfield Hotel, LP & E. J DelMonte Corp v. Mark Minoia, Assessor , and the Town Board of Assessment Review, the Assessor of the Town of Vestal, and the Town of Vestal, Broome County, New York, Index Nos. 2009-1942, 2010-1731, 2011-1776, 2012-1588, 2013-1651, as follows:**

1. For tax year 2009/2010, there will be no reduction in the assessment on Subject Parcel.
2. For tax years 2010/2011 the total assessment on 3803 Vestal Parkway East shall be reduced from \$4,701,000 to \$4,300,000
3. For tax year 2011/2012, the total assessment on 3803 Vestal Parkway East shall be reduced from \$4,701,000 to \$4,300,000
4. For tax years 2012/2013, the total assessment on 3803 Vestal Parkway East shall be reduced from \$4,701,000 to \$4,300,000
5. For tax years 2013/2014, the total assessment on 2443 Vestal Parkway East shall be \$4,300,000

Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town / County Tax	Town Refund
2013-14	\$4,300,000	\$4,300,000	\$4,300,000	0	\$104,048.17	\$54,964.10	\$ 0.00
2012-13	\$4,701,000	\$4,300,000	\$4,300,000	-\$401,000	\$ 99,942.32	\$58,066.08	\$1,684.97
2011-12	\$4,701,000	\$4,300,000	\$4,300,000	-\$401,000	\$ 96,036.25	\$56,404.59	\$1,598.64
2010-11	\$4,701,000	\$4,300,000	\$4,300,000	-\$401,000	\$ 92,300.84	\$54,472.30	\$1,548.63

\* Town = General and Highway

TOTALS      \$4,832.24

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

**7.      CONSENT AGENDA**

**7.1      PUBLIC WORKS: Majewski/Fitzgerald**

**7.1-1** Authorization for the **Town Attorney to draw the necessary paperwork awarding**, to the low bidder, **JB Excavation**, the **Rayelene Creek project** in the amount of \$136,932. This project is being funded as follows: 75% by NRCS and 25% by a State grant being managed through Broome County.

**REGULAR MEETING AGENDA OF THE VESTAL TOWN BOARD**  
**JANUARY 22, 2014**

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**7.1-2** Authorization for Highway Superintendent Brock Leonard, to **pay Todd Ingersoll Out of Class** pay in the amount of \$345.44 for the period December 17 – January 6, 2014.

**7.1-3** Authorization approving payment to **Acorn-Environmental** in the amount of **\$9,208.50** for water analysis from budget line W8310-4000 (professional services).

**7.1-4** Retro authorization assigning the **Benchmark Analytics** contract for water analysis to **Microbac**, 3821 Buck Drive, Cortland, NY 13045 and for Town Attorney David Berger to do necessary paperwork.

**7.2** **FINANCE: Majewski/Messina**

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

- **Warrant Reports** – 2014- 02A, 02AE, 02, 02PD, 2013(AP Invoices), 03, 03A, 03E, 03LC
- **Comptroller's Monthly Report** – December 2013

**7.2-2** Authorization for the Business Office to **remit \$850.00 for billable hours** for December 2013 to **Town Attorney David Berger**.

**7.2-3** Authorization for the Supervisor to sign an agreement with Vestal School District for the area occupied by the **Vestal Senior Citizens at 201 Main Street** effective March 1, 2014 and terminates February 28, 2015 in the amount of **\$759.00 per month**.

**7.2-4** Authorization for the following employees and elected officials to attend the **New York Association of Towns Annual Conference in New York City** February 16 through February 19, 2014:

Town Supervisor, John Schaffer  
Councilperson, Suzanne Messina  
Councilperson, Fran Majewski  
Planning Board Chair, Joyce Majewski

Town Attorney, David Berger  
Director of Human Resources, Nancy Olmstead  
Code Enforcement Officer, Mark Dedrick  
Town Justice, Joseph Meagher

ZBA Chair, Mark Johnson

The Town will pay as follows: \$100 registration fee; meal allowance of \$216; travel allowance of \$70 (cost of bus provided by Town of Union) per person; \$256 for single occupancy and the additional \$20 per night for those listed above who are sharing a room. The Business Office is authorized to issue a travel advance in the amount of **\$286 (meal and travel allowance)** to each individual.

**7.2-5** Approval for the Comptroller to **transfer the necessary funds (\$446)** from the Councilperson budget line A1010.4030 (education and travel) to the

**REGULAR MEETING AGENDA OF THE VESTAL TOWN BOARD**  
**JANUARY 22, 2014**

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Human Resources budget line A1430.4030 for attendance to the NYS Association of Towns Conference.

**7.2-6** Authorization for the Town of Vestal to join the **Upstate New York Towns Association** and to pay \$400 for yearly membership.

**7.3** **PERSONNEL: Fitzgerald/Majewski**

**7.3-1** Authorization to appoint **Adam Flint as alternate member to the Conservation Advisory Commission (CAC)**, effective immediately. Such term to expire December 31, 2015.

**7.3-2** Retro-active authorization for **Tax Collector Debra Wallace**, to hire the following individuals to work on December 30, 2013 to prepare **corrected tax bills** for mailing. These costs for extra labor needed will be billed to the printing company responsible for the error.

- a. Francis Morris as a Clerk Part Time at the rate of \$9.06 per hour
- b. Leela Mahon as a Clerk Part Time at the rate of \$9.06 per hour
- c. Heather Jennings as a Clerk Part Time at the rate of \$9.06 per hour

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

**7.4-1** Authorization for *Traci's Hope* and *Vestal Elks Club Veteran Committee* to hold a **5K Run/Walk** on April 27, 2014 along Owego Road. All proceeds benefit Traci's Hope and Vestal Elks Club Veteran Committee.

**7.5** **PUBLIC SAFETY: Majewski/Messina**

**7.5-1** Authorization to send one piece of fire apparatus and personnel to the following **parades in 2014**:

<u>Parade</u>	<u>Location</u>	<u>Month</u>	<u>Station Apparatus</u>
St. Patrick's	Binghamton	March	Station 4
Memorial Day	Endicott	May	Station 1
Apalachin Firemen's Field Day	Apalachin	June	Station 3
Owego Strawberry Festival	Owego	June	Station 3
Rush Community Parade	Lawton, PA	July/August	Station 2
Halloween Parade	West Endicott	October	Station 1
Veteran's Day	Endicott	November	Station 1
Johnson City Holiday	Johnson City	December	Station 4
Endicott Holiday	Endicott	December	Station 1

**7.5-2** Authorization from the Board of Fire Commissioners approving the Town of Vestal **Fire District Length of Service Awards Program (LOSAP)** certification list as submitted January 17, 2014.

**7.5-3** Approval from the Board of Fire Commissioners **authorizing Chief John Paffie to sign vouchers** in the absence of Fire Chief Pat McPherson for the 2014 fiscal year.

**REGULAR MEETING AGENDA OF THE VESTAL TOWN BOARD  
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**7.5-4** Authorization from the Board of Fire Commissioners granting approval to **send Engine 32-1 to Endwell Station 1** on Saturday, January 25, 2014, from 5:00-11:30 PM, with an engine crew of 4, to cover their District while their members attend their Annual Installation Banquet.

**7.5-5** Authorization from the Board of Fire Commissioners granting approval to send **2<sup>nd</sup> Lieutenant Jason Stupski to Kidde Fire Fighting / National Foam's Flammable Liquid Firefighting School** at the Brayton Firemen Training Center at Texas A & M, February 18 – 21, 2014. The cost of this course comes from the F3410 4034R Line. Total Cost of the trip not to exceed \$3400. This includes Course Fee, Air Fare (Round Trip), Car Rental, Lodging, and Meals (which will be based on the Metropolitan area).

**7.6 ADMINISTRATION: Fitzgerald/Messina**

**7.7 RECEIVE AND FILE:**

- CAC Minute – November 21 and December 19, 2013 Meeting
- Letter of Resignation from former Vestal Town Councilman Steve Milkovich, dated December 23, 2013.

**END OF CONSENT AGENDA**

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

**9. PETITIONS & PROTESTS:**

**10. ADDITIONAL PUBLIC COMMENTS:**

**11. SUPERVISOR'S ANNOUNCEMENTS:**

- **Winter Parking Hours** – December 1st - March 31st – No parking on Town and County streets and highways between the hours of 2:00 AM and 6:00 AM
- The Town has an ordinance requiring property owners to **remove snow and ice from sidewalks adjacent to their properties**. Compliance continues to be a problem in some areas of the Town. If this problem persists, the Town will issue appearance tickets for these violations.

**12. OTHER NEW BUSINESS:**

**13. OLD BUSINESS:**

**14. ADJOURNMENT:**