

**REGULAR MEETING AGENDA OF THE VESTAL TOWN BOARD**  
**August 13, 2014**

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**1. PLEDGE OF ALLEGIANCE:**

**2. APPROVAL OF MINUTES:**

**2.1** Motion approving the **July 23, 2014 Minutes of the Regular Meeting of the Town Board.**

**3. BID OPENINGS:**

**3.1** The bids for the **Widening of Dodd Road and Guide-Rail Replacement Project** were opened in the Town Clerk's Office on Monday August 11, 2014 at 2:00PM with the bid results forwarded to the Town Engineer for review and recommendation.

Pro Con Contracting           \$58,190.00  
PO Box 1037 Vestal, New York 13850

**ZMK Construction           \$48,989.60**  
3430 Route 434, Apalachin, NY 13732

Bothar Construction, LLC   \$62,575.15  
170 East Service Road, Binghamton, New York 13901

**4. PUBLIC HEARINGS:**

**4.1** Public Hearing regarding an application for a **Vehicle Service Station Permit**, under Section 24-385 of the Town of Vestal Code, by Dino Martone, *Wreckz 2 Rodz* for the location at 305 Vestal Parkway East, BCTMP# 157.18-1-18.1, for an automotive detailing business.

**4.2** Public Hearing for proposed **Local Law "E" of the Year 2014** - Entitled *Contracts Awarded to Best Value Bidders, Amending Chapter 2 Article I by including new sections 2-5 through 2-8.*

**Section 2-5 General Provisions**

**Section 2-5.1 Purpose**

This local law provides for the Vestal Town Board to exercise their local option from § 103, Subdivision 1 of the New York Municipal Law, as amended by Chapter 608 of the Laws of 2011 and Chapter 2 of the Laws of 2012. This amendment authorizes Towns to award purchase and service contracts subject to competitive bidding under General Municipal Law § 103 based on either lowest responsible bidder or "best value," as defined in § 163 of the New York State Finance Law. This "best value" option may be, but is not required to be, used to award an applicable purchase contract to optimize quality, cost, and efficiency among responsive and responsible offers instead of the lowest responsible bidder.

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## **Section 2-5.2 Basis for award**

In accordance with § 103, Subdivision 1 of the New York General Municipal Law, as amended by Chapter 608 of the Laws of 2011 and Chapter 2 of the Laws of 2012, Town Boards may award contracts, including both purchase contracts and those contracts for service work, that have been procured pursuant to competitive bidding under General Municipal Law § 103 by either lowest responsible bidder or “best value”.

Goods and services procured and awarded on the basis of best value are those that the Town Board determines will be of the highest quality while being the most cost efficient. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria, which may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the end user if distance or response time is a significant term; durability; availability of replacement parts or maintenance contractors; and longer product life; product performance criteria; and quality of craftsmanship.

## **Section 2-5.3 Applicable Contracts**

These sections apply only to purchase contracts involving an expenditure of more than \$20,000 including contracts for service work (ie building services under Article 9 of the Labor Law and utility services), but excluding any purchase contract necessary for the completion of a public works contract pursuant to Article 8 of the State Labor Law as well as excluding any other contracts in accordance with future state law. If the dollar thresholds of General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.

## **Section 2-5.4 Documentation**

A quote or proposal received pursuant to standard bidding procedures, may be awarded on either a best value or lowest responsible bidder standard. All information gathered in the course of the bidding procedures of this section shall be filed with the documentation supporting the subsequent purchase or public works contract. When a contract is awarded on the basis of best value rather than a lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

## **Section 2-5.5 Procurement Policy**

Any inconsistent provision of the Town's procurement policy, as adopted prior to the effective date of this chapter by resolution of the Town Board, or as amended thereafter, shall be deemed superseded by the provisions of this chapter.

## **Section 2-6**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or

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impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Vestal hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 2-7**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**Section 2-8**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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

**6. RESOLUTIONS & MOTIONS:**

**6.1** Motion authorizing the Town Attorney to draw the appropriate paperwork **awarding the bid** for the **Dodd Road Slope Project** to low bidder

**ZMK Construction, Inc.**  
3430 SR 434  
Apalachin, NY 13732

At the bid price of **\$48,989.60**. The funding of the project will be thru CHIPS (Consolidated Local Street and Highway Improvement Program).

**6.2** 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:

**W.W. Grainger** vs. The Board of Assessors and/or the Assessor of the Town of Vestal and the Board of Assessment Review, Index Nos. 2010-1887, 2011-1791, 2012-1767, 2013-1718, 2014-1745, as follows:

1. For tax years 2009/2010 the total assessment on 2809 Vestal Road shall be reduced from \$807,200 to \$716,456
2. For tax years 2010/2011 the total assessment on 2809 Vestal Road shall be reduced from \$807,200 to \$716,456
3. For tax year 2011/2012, the total assessment on 2809 Vestal Road shall be reduced from \$807,200 to \$716,456
4. For tax years 2012/2013, the total assessment on 2809 Vestal Road shall be reduced from \$807,200 to \$716,456
5. For tax years 2013/2014, the total assessment on 2809 Vestal Road shall be reduced from \$807,200 to \$716,456

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Roll Year	Assessment	FMV	STIP AV	Change in AV From Prior Year	School Tax	Town / County Tax	Town Refund
2013-14	\$807,200	\$807,200	\$716,456	-\$90,744	TBA	TBA	N/A
2012-13	\$807,200	\$807,200	\$716,456	-\$90,744	\$17,865.92	\$10,300.24	\$389.08
2011-12	\$807,200	\$807,200	\$716,456	-\$90,744	\$17,160.91	\$10,102.45	\$380.45
2010-11	\$807,200	\$807,200	\$716,456	-\$90,744	\$16,490.20	\$9,816.19	\$361.75
2009	\$807,200	\$807,200	\$716,456	-\$90,744	\$15,848.81	\$9,484.30	\$350.45

\* Town = General and Highway

TOTALS \$1,481.73

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

**6.3** Motion granting a **Timber Harvesting Permit** applied for by **Mike Blasko of South Central Forest Products, LLC**, for land located at **931 Cherry Lane, BCTMP#157.20-1-35, owners Richard Welch & Charles Baker, and 498 Skyline Drive, BCTMP#157.20-1-55, owner John Schultz** and authorizing timber harvesting within the RR zoning district and within 300 feet of this district per the areas as shown in the attached maps of their application. Other than the harvest in the RR zoning district and within 300 feet of this district, 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.

The granting of the timber permit is conditional upon the Board's review of a report to be provided by the applicant showing the number and location of the trees slated to be cut within the buffer areas.

The Board has reviewed the submitted Short Environmental Assessment Form under SEQRA and finds it acceptable.

**7. CONSENT AGENDA**

**7.1 PUBLIC WORKS: Majewski/Fitzgerald**

**7.1-1** Authorization to for the Supervisor to sign and the Town Attorney to file with the Broome County Clerk a **Permanent Easement** at 139 Nelson Road, BCTMP#205.04-2-15, owned by Suzanne M. Evans allowing for storm drainage work addressing run-off issues.

**7.1-2** Authorization for **Town Engineer** Gary Campo to **dispose** of Highway boiler #3 which was replaced with a new one.

**7.1-3** Authorization for **Water Superintendent** Scott Groats to **dispose** of the following assets:

Asset	Disposal Method
Valve Turner Hydraulic Portable	Sold with old Service Truck
Castle Gardens Sewer Grinder	Replaced with new unit

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**7.2 FINANCE: Messina/ Majewski**

**7.2-1 Receive and File:**

- **Warrant Reports** – 2014 – 2014-30, 2014-30E, 2014-31, 2014-31E, 2014-32, 2014-32E
- **Town Clerk Monthly Report** – July 2014 – Local Sharers Remitted \$6,412.85
- **Comptroller’s Monthly Report** – July 2014

**7.2-2** Authorization for the **Business Office** to reimburse **Town Attorney David Berger** for **billable hours** for July 2014 in the amount of \$812.50. (5 hours and 25 minutes at \$150 per hour.)

**7.2-3** Authorization to adopt a Resolution, effective August 13, 2014, for Pam Fitzgerald, **Deputy Comptroller** to **close the completed Capital Projects** below and to direct the transfer of these projects unexpended fund balances to the respective debt service fund to be used towards reducing the Town’s outstanding debt service obligations or future reliance on debt.

Additionally, the **Budget Transfers necessary** to transfer unexpended funds into the **Interfund Expense line** where it will be paid out to the specified Reserve fund and projects will be closed are also granted.

**Town of Vestal Capital Projects to Close @ 8/15/2014**

Project Name - General Fund	Org./Object	Unexpended Funds	Fund to receive Unexpended \$	Total Reserves by Fund
2006 Coal House	H0506	\$0.00	General Fund & GRF	
<b>Total to General Fund</b>				<b>\$0.00</b>

Project Name - Highway Fund	Org./Object	Unexpended Funds	Reserve Fund to receive Unexpended \$	Total Reserves by Fund
2013 Road Improvements	H0413.25100	\$1,154.42	Highway, Reserves	
2014 Large Equip.	H0414.25100	\$654.87	Highway, Reserves	
<b>Total to Highway Fund, Res.</b>				<b>\$1,809.29</b>

Project Name - Special Districts Fund	Org./Object	Unexpended Funds	Reserve Fund to receive Unexpended \$	Total Reserves by Fund
CW1P30, Water Main Replacement	H0809.28300	\$15,384.41	CW1, Reserves	
Debt Serv. Water 7 P2, former Cap.	H2005	\$70.56		
<b>Total to CW1, Res.</b>				<b>\$15,454.97</b>
Debt Serv. CS1T47, former Cap.	H0291	\$2.88	CS1, Reserves	
<b>Total to CS1, Res.</b>				<b>\$2.88</b>

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**7.3 PERSONNEL: Fitzgerald/Majewski**

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

**7.5 PUBLIC SAFETY: Majewski/Messina**

**7.5-1** Authorization to accept the following new members to the Vestal Volunteer Fire Department:

- a) Jaiden Brink – Station 3 (Junior Firefighter)
- b) Elias Cadorette – Station 3 (Junior Firefighter)
- c) Nicholas Rotella – Station 4 (Returning Firefighter)

**7.6 ADMINISTRATION: Fitzgerald/Messina**

**7.6-1** Authorization for the Recreation Planner to **hire the following summer employees**. All employee pay rates are budgeted items in the 2014 budget and the background checks has been completed.

**A7310.1131 - Volleyball Camp Employees**

Erica Barney - Vestal as Volleyball Camp Instructor at pay rate \$125.00/camp (1 camp)  
Amanda DeAngelo - Vestal as Volleyball Camp Instructor at pay rate \$125.00/camp (3 camps)  
Rachel Mattson - Apalachin as Volleyball Camp Instructor at pay rate \$125.00/camp (1 camp)  
Joseph Nemecek - Apalachin as Volleyball Camp Director at pay rate \$600.00/camp (3 camps)  
Katie Rogan - Vestal as Volleyball Camp Assistant Dir. at pay rate \$250.00/camp (1 camp)  
Monica Wassel - Vestal as Volleyball Camp Instructor at pay rate \$125.00/camp (2 camps)

**A7310.1040 Labor – Girl's Advanced Soccer Camp Employees**

Robert Dickenson - Endicott as Girls Soccer Camp Coach at pay rate \$250.00 salary  
Edward Hudock - Vestal as Girls Soccer Camp Coach at pay rate \$300.00 salary  
David Kendall - Endicott as Girls Soccer Camp Coach at pay rate \$250.00 salary  
Bill Stepanovsky - Endicott as Girls Soccer Camp Director at pay rate \$650.00 salary  
Brittain Wagner - Endicott as Girls Soccer Camp Coach at pay rate \$250.00 salary

**A7310.1022 Labor – Family Swim Employees**

Cassandra Canino - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.  
Thomas Carlson - , Apalachin as Family Swim Lifeguard at pay rate \$9.25/hr.  
Jenny Comency - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.  
Morgan Gaylord - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.  
Sam Gaynes - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.  
Samantha Lee - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.  
Sarah Mieczkowski - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.  
Emma Milligan - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.  
Logan Murdock - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.  
Peggy Pan - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.  
Danielle Pittari - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.  
Derek Ruggiero - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.  
Michael Spivak - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.  
Andi Stack - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.  
Jeffery Washington - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.  
Sara Wendell - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.  
Ariana Wilkie - Apalachin as Family Swim Lifeguard at pay rate \$9.25/hr.  
Jeff Zhou - Vestal as Family Swim Lifeguard at pay rate \$9.25/hr.



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**A7310.1122 Labor – Lacrosse Camp Employees**

Cole Lewis - Vestal as Lacrosse Camp Coach at pay rate \$200.00 salary

Gordon Pollard - Vestal as Lacrosse Camp Director at pay rate \$460.00 salary

Eamon Reynolds - Vestal as Lacrosse Camp Instructor at pay rate \$130.00 salary

Martin Reynolds - Vestal as Lacrosse Camp Coach at pay rate \$280.00 salary

Mark Robinson - Johnson City as Lacrosse Camp Coach at pay rate \$300.00 salary

Cheyne Teed - Vestal as Lacrosse Camp Instructor at pay rate \$130.00 Salary

**7.6-2** Authorization to approve a short parade to kick-off the **Vestal Center Community Picnic** at noon on Saturday, August 16, 2014. Emergency Services are to be notified.

**7.6-3** Authorization for **Library Director Carol Boyce**, to **dispose** of a **Canon copier** which was replaced with a new one.

**7.6-4** Authorization for the Town Court Justices to submit a grant to the **Justice Court Assistance Program** requesting up to the maximum amount available to fund the following: air conditioning unit, copier and chairs for the court room.

**7.6-5** Authorization for Bruce Gurney, President/Chairman and the Vestal Center Cemetery Restoration Committee, to provide, on a volunteer basis, maintenance services at the **Vestal Center Cemetery** located on NYS Route 26 S (an abandoned cemetery). Anyone volunteering at the cemetery **must** sign the **Town's Volunteer Release form** before working at this site. Maintenance may include the following:

- Removal of debris, tree branches and vegetation.
- Probing for and excavating buried grave markers.
- Repair/reset markers located within the cemetery.
- Clean-up of debris outside the circumference of the cemetery.
- Painting of the existing fence.

**7.7** **RECEIVE AND FILE:**

- Letter from Bruce Gurney, Vestal Center Cemetery Restoration Committee, requesting permission to provide maintenance to the Vestal Center Cemetery.
- Letter from Sheryl Brumer, Executive Director of the Jewish Community Center of Binghamton regarding a Town Easement for sewer and water services.
- Executive Department Office of General Services - Federal Surplus Property Assistance Program approval letter for Town of Vestal.
- Vestal Fire Department – Fire Advisory Board Meeting Minutes – June 16, 2014.

**END OF CONSENT AGENDA**

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

**9. PETITIONS & PROTESTS:**

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**10. ADDITIONAL PUBLIC COMMENTS:**

**11. SUPERVISOR'S ANNOUNCEMENTS:**

- The **Vestal Center Community Picnic** will be held at noon to 4 pm on Saturday, August 16, 2014 at the Vestal Center Fireman's Hall.

**12. OTHER NEW BUSINESS:**

**12.1** Motion to accept **Jordon Barnes** as a Junior Firefighter in the Vestal Fire Department Company #1.

**12.2** Authorization for the Board to appoint Ramona Kacyvenski of Vestal to the part-time position of Museum Director at the 2014 rate of \$10.2332/hour effective August 18, 2014. A background check was completed and results satisfactory.

**13. OLD BUSINESS:**

**14. ADJOURNMENT:**

