



Town Clerk
Gail L. Springer, RMC

Town of Union

Town Board
Rose A. Sotak, *Supervisor*
Thomas R. Augustini, *Councilman*
Frank J. Bertoni, *Councilman*
Leonard J. Perfetti, *Councilman*
Robert Mack, *Councilman*

TOWN OF UNION BOARD MEETING

July 15, 2015

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, July 15, 2015, at 7:30 P.M. in the Town Board Room, 3111 East Main Street, Endwell, New York.

BOARD MEMBERS PRESENT: Supervisor Rose A. Sotak, Councilman Thomas R. Augustini, Councilman Frank R. Bertoni, Councilman Leonard J. Perfetti, Councilman Robert Mack.

TOWN OFFICIALS PRESENT: Deputy Town Attorney Rosemarie Pope, Town Clerk Gail L. Springer, Deputy Town Clerk Rebecca Kruczkowski.
Absent: Town Attorney Alan J. Pope.

Also in attendance was Planning Board Member Ada Elwood.

Supervisor Rose A. Sotak opened the meeting with the Pledge of Allegiance to the Flag.

PUBLIC HEARINGS:

A Public Hearing was called for on Wednesday, July 15, 2015 at 7:30 P.M. to solicit public input for the final draft versions of the 2015 – 2019 Community Development Block Grant Consolidated Plan and Federal Fiscal Year (FFY) Annual Action Plan.
Pub. & Posted 7/10/15.

A resident of Endicott, asked what the grant monies could be used for.

Supervisor Rose A. Sotak gave examples of past recipients of the funds.

Councilman Frank Bertoni said the villages get a portion of the money to be used how they decide to use it.

As no one else wished to speak, Supervisor Rose A. Sotak closed the Public Hearing.

BIDS:

Bids were called for on Wednesday, July 1, 2015 at 10:00 A.M. for Two (2) New and Unused 2016 Chevrolet Silverado's 2500HD ¾ Ton 4WD Double Cab Pickup Truck W/Snowplows.



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A resident of Johnson City, thanked the Town Board for the use of a carousel horse for their display at the three day New York State Good Sam SAMBOREE at the Herkimer County Fairgrounds. She presented pictures to the Town Board of their booth that won third place in the competition.

A resident of Endicott, said she heard that a solar farm was going into the BAE property and asked if this is true.

Supervisor Rose A. Sotak said nothing has been finalized for the property.

A resident of Endicott, said the waste processing plant on Clark Street in Endicott smells really bad and he asked how the Town could have approved that plant.

Councilman Thomas Augustini said the New York State Department of Environmental Conservation issued the permits to them, not the Town of Union. He also told him that we have no jurisdiction as this is in the Village of Endicott.

A resident of Endwell, spoke on two properties with code violations that need to be addressed.

As no one else wished to speak, Supervisor Rose A. Sotak closed the first Hearing of Visitors.

COMMUNICATIONS FOR FILING:

Moved by Augustini, seconded by Bertoni to receive and file the following Communications:

1. Minutes of the Regular Meeting of the Board of Trustees of the Village of Endicott held on May 12, 2015.
2. Minutes of the Regular Meeting and Work Session of the Board of Trustees of the Village of Johnson City held on May 19, 2015.
3. Time Warner Programming Notices dated June 17, 2015, July 1, 2015 and July 15, 2015.
4. Letter from Frederick F. Shantz, Shantz & Belkin, Attorneys at Law, to Town Clerk Gail L. Springer with enclosed Answer to Defendant's The Town of Union Cross-Claim regarding Beatty vs. Town of Union. et al, Date of Loss 05/31/14.
5. Copy of letter from Alex G. Czuhanych, Project Manager, NYS Department of Environmental Conservation, Division of Environmental Remediation, to Kevin Whalen, IBM Corporate Environmental Affairs, Manassas, Virginia, regarding, Annual Report – Ventilation



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System O&M, 2013 and 2014 Heating Season, Former IBM Facility, Endicott, New York, AOC Index No. A7-0502-0104, NYSDEC Site No. 704014.

6. Letter from Bob and Jackie Balsie, Carl Street, Endicott to Chester Kupiec, Highway Superintendent thanking all the people, including Mary Bricker, for helping to get the sink hole on Carl Street resolved.

7. State Farm Notice of Intention to File a Claim for Susan Ackerman, 3610 Lyndale Dr., Endwell, NY for damages sustained to property.

8. Letter from JoAnne M. Ryan, President & CEO, Volunteers of America, Upstate New York, to Supervisor Rose A. Sotak informing of the closure of their thrift store at 519 Hooper Road at the end of September 2015.

9. Notice from New York State Department of State of the filing of Local Law No. 1 of 2015 – Amending Chapter 83 – Brush, Grass & Weeds.

10. Notice from New York State Department of Transportation regarding PIN 904129 Bridge Replacement Project State Route 17C over Patterson Creek, Town of Union.

11. Notice from New York State Department of Public Service in reference to Case 14-C-0370 – In the Matter of a Study on the State of Telecommunications in New York State.

12. Letter of appreciation from Dr. Leslie F. Distin, Johnson City, to Supervisor Rose A. Sotak, for the Certificate of Recognition he received upon retiring from the Town of Union Local Development Corporation after more than 30 years of service.
Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augostini, seconded by Bertoni to refer the email from Nancy Kothandapany, Education Coordinator, Mental Health Association of the Southern Tier to Tom Cassin, DCPW Recreation requesting that a picnic shelter at Highland Park be donated July 25, 2015 for their program FOCUS-CCSI to Deputy Commissioner of Public Works for Recreation Tom Cassin.
Carried.

2. Moved by Perfetti, seconded by Mack to approve contingent on approval of Ray Vanderpoel, Park Manager; the email from Mark Goldman, representative of the American Cruisers, a local NFP Car Club, to Supervisor Rose A. Sotak requesting to have a car show at Highland Park June 25, 2016.
Carried.

3. Moved by Augostini, seconded by Bertoni to refer the letter from Chuck Shager, City of Binghamton Comptroller to Supervisor Rose A. Sotak in reference to electing a method of



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distribution for net refund allocation resulting from reduction of capital funds of the Binghamton-Johnson City Joint Sewage Board to Town Comptroller Laura J. Lindsley. Carried.

4. Moved by Augustini, seconded by Bertoni to refer the Notice of Claim – Allstate Insurance Company as Subrogee of Donald and Bernadette Repetto, 3603 Lyndale Dr., Endwell, NY for damages sustained to property on June 12, 2015 to Town Attorney Alan J. Pope and the Town Insurance Carrier.

Carried.

5. Moved by Augustini, seconded by Bertoni to refer the letter from Brian Jacobs, 24-26 Taylor St., Johnson City, requesting a variance to allow chickens (4) on his property to Deputy Commissioner of Public Work for Codes and Ordinances Daria Golazeski.

Carried.

6. Moved by Augustini, seconded by Bertoni to refer the letter from Elisa Roma, 3612 Alameda Lane, Endwell, requesting reimbursement for a replacement of a tire due to damages from a pothole to Town Attorney Alan J. Pope and the Town Insurance Carrier.

Carried.

7. Moved by Augustini, seconded by Bertoni to refer the letter from Doris M. Fiorelli, 300 Doyleson Avenue, Endwell, requesting reconsideration for compensation on material loss at her property due to a sewer backup to Town Attorney Alan J. Pope and the Town Insurance Carrier.

Carried.

8. Moved by Augustini, seconded by Bertoni to approve the letter from Kathy LaShier, 729 Monforte Drive, Endwell, requesting approval for a block party to be held on Saturday, August 8, 2015 with a possible rain date of August 9, 2015, with closure of Monforte Drive from Prescott Avenue to Leroy Street and refer it to Town Clerk Gail L. Springer and Highway Superintendent Chester Kupiec.

Carried.

9. Moved by Augustini, seconded by Bertoni to approve the letter from Rick Materese, Executive Director, Boys & Girls Club of Western Broome Family Center, to Supervisor Rose A. Sotak, informing of the 4th Annual Boys & Girls Club of Western Broome 5K Invictus Run/Walk that will take place on Saturday, August 8, 2015 and requesting approval for the use of some roads in the Town of Union for this event and refer it to Town Clerk Gail L. Springer and Highway Superintendent Chester Kupiec.

Carried.

10. Moved by Augustini, seconded by Bertoni to refer the email from Sue Ackerman, Lyndale Drive resident, to Gail L. Springer, Town Clerk, requesting reimbursement for damage to her residence caused by a sewer back up on June 12, 2015 to Town Attorney Alan J. Pope and the Town Insurance Carrier.



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Carried.

11. Moved by Augostini, seconded by Bertoni to refer the Notice of Claim for Property Damage – Edward M. & Cathleen M. Ranucci, 3612 Lyndale Drive, Endwell, NY for damages sustained to their property on June 12-13, 2015 to Town Attorney Alan J. Pope and the Town Insurance Carrier.

Carried.

12. Moved by Augostini, seconded by Bertoni to refer the Notice of Claim for Property Damage – Rodney & Mary Outman, 3614 Lyndale Drive, Endwell, NY for damages sustained to their property on June 12-13, 2015 to Town Attorney Alan J. Pope and the Town Insurance Carrier.

Carried.

13. Moved by Augostini, seconded by Bertoni to refer the email from Jeff Poulin, 11 Denver Court West, Endicott, to Commissioner of Public Works Louis V. Caforio requesting something done to prevent a streetlight from shining directly into his bedroom window to Commissioner of Public Works Louis V. Caforio.

Carried.

14. Moved by Augostini, seconded by Bertoni to refer the letter from Kenneth P. Stanford, 932 Oxford Street, Endicott, regarding the donation of this property to the Town of Union to be used as green space to Town Attorney Alan J. Pope.

Carried.

15. Moved by Augostini, seconded by Bertoni to refer the Notice of Pendency – M & T Bank, 1 M & T Plaza, Buffalo, New York regarding mortgaged premises at 3006 Wayne Street, Endicott, tax map # 141.20-5-12 to Town Attorney Alan J. Pope, Comptroller Laura J. Lindsley and Planning Director Paul A. Nelson.

Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

Moved by Perfetti, seconded by Mack to reinstate one (1) day of sick time for Tyler Maguire in the Highway Department.

Carried.

Moved by Perfetti, seconded by Mack to authorize the attendance of Senior Planner Marina Lane and another employee to represent the Town of Union at the annual American Cancer Society's Making Strides Against Breast Cancer of Binghamton Kick-off Breakfast to be held



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at the Doubletree by Hilton, Binghamton, New York on Wednesday, August 26, 2015 from 7:30 A.M. to 8:30 A.M.

Carried.

Moved by Perfetti, seconded by Bertoni to approve the Revised 2015 Seasonal Hourly Rate Schedule. The rates will become effective with payroll week ending 7/17/15 check date 7/24/15.

Carried.

(Prepared Resolution filed as part of these minutes to establish the 2015 Town of Union standard workdays for elected officials (Robert Mack and Michael A. Korchak), and to report the days worked to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by the officials to the Town.)

Res. by Augustini, seconded by Perfetti.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to authorize Supervisor Rose A. Sotak to execute all documents for the NYS Consolidated Funding Application through the NYS Empire State Development and any other applicable related government grant sources for replacement of traditional light bulbs from Town-owned street lights with energy-efficient LED lighting.)

Res. by Augustini, seconded by Mack.

Vote: Yes

Mack

Bertoni

Augustini

Sotak

Abstain

Perfetti

The Resolution was adopted.

(Resolution filed as part of these minutes to authorize Supervisor Rose A. Sotak to execute all documents for the NYS Consolidated Funding Application through the NYS Empire State Development and any other applicable related government grant sources for completion of the existing levee system in the Fairmont Park area, including construction of the proposed Watson Boulevard Floodwall.)

Res. by Augustini, seconded by Perfetti.

Vote: All yes.

The Resolution was adopted.



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(Prepared Resolution filed as part of these minutes calling for a Public Hearing to be held on August 5, 2015 at 7:30 P.M. to amend Sections of Chapter 186 – Telecommunications Facilities and Chapter 83 – Brush, Grass and Weeds of the Town Code of Ordinances.)
Res. by Bertoni, seconded by Mack. Vote: All yes.
The Resolution was adopted.

Proposals were called for on Friday, June 19, 2015 at 10:00 A.M. for Professional Engineering Services for Drainage Repair/Improvement Project – Pine Street – North Adams Avenue to McKinley Avenue Town of Union/Village of Endicott Town of Union CDBG-DR Program.

Proposals were received as follows:

Keystone Associates	\$20,950.00
Griffiths Engineering, LLC	\$21,736.00

Moved by Bertoni, seconded by Mack to receive and file the proposals for Professional Engineering Services for Drainage Repair/Improvement Project – Pine Street – North Adams Avenue to McKinley Avenue Town of Union/Village of Endicott Town of Union CDBG-DR Program.
Carried.

(Prepared Resolution filed as part of these minutes to retroactively award the Professional Engineering Services contract for Drainage Repair/Improvement Project – Pine Street – North Adams Avenue to McKinley Avenue Town of Union/Village of Endicott Town of Union CDBG-DR Program to Keystone Associates Architects, Engineers and Surveyors, LLC, Binghamton, New York in the amount of \$20,950.00 and authorize Supervisor Rose A. Sotak to execute all documentation necessary to undertake the project and make payments for costs incurred beginning on June 26, 2015 pursuant to the terms of the agreement.)
Res. by Bertoni, seconded by Mack. Vote: All yes.
The Resolution was adopted.

Designation of Town Officials for Financial and Grant Administration Activities Relating To The New York Rising Community Reconstruction Program:

(Prepared Resolution filed as part of these minutes designating Comptroller Laura J. Lindsley and Deputy Comptroller Gretchen Uhler as Town officials to sign and submit Requests for Funds under the NY Rising Community Reconstruction Program and authorize Supervisor Rose A. Sotak to sign the Authorized Signature Form issued by the Governor's Office of Storm Recovery. Payment Request Forms cannot be signed by Chief Elected Officials.)
Res. by Bertoni, seconded by Mack. Vote: All yes.
The Resolution was adopted.



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(Prepared Resolution filed as part of these minutes authorizing Supervisor Rose A. Sotak and Comptroller Laura J. Lindsley to execute all documentation required to establish a separate bank account to receive funds electronically including but not limited to the ACH/Direct Deposit Form and the Designation of Depository Form.)

Res. by Bertoni, seconded by Mack.
The Resolution was adopted.

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing Comptroller Laura J. Lindsley to execute the Subrecipient OMB Circular A-133 Compliance Monitoring Form.)

Res. by Bertoni, seconded by Mack.
The Resolution was adopted.

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing Supervisor Rose A. Sotak to sign and submit the required W-9 Form, Subrecipient Compliance Monitoring Form and Financial Management Questionnaire.)

Res. by Bertoni, seconded by Mack.
The Resolution was adopted.

Vote: All yes.

(Prepared Resolution filed as part of these minutes designating Paul A. Nelson, Planning Director, as the Grant Administrator for the NY Rising Program.)

Res. by Bertoni, seconded by Mack.
The Resolution was adopted.

Vote: All yes.

(Prepared Resolution filed as part of these minutes designating Paul A. Nelson, Planning Director, as the Anti-Displacement and Relocation Officer for the NY Rising Program.)

Res. by Bertoni, seconded by Mack.
The Resolution was adopted.

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing Supervisor Rose A. Sotak and Planning Director Paul A. Nelson to sign all documentation required for the submission of the Federal Emergency Management Agency 2015 Community Rating System program application in September.)

Res. by Bertoni, seconded by Mack.
The Resolution was adopted.

Vote: All yes.

(Prepared Resolution filed as part of these minutes to adopt the procurement policy for the NY Rising CDBG-DR funding.)

Res. by Bertoni, seconded by Mack.
The Resolution was adopted.

Vote: All yes.



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(Prepared Resolution filed as part of these minutes to adopt the Citizen Participation Plan for the NY Rising CDBG-DR funding.)

Res. by Bertoni, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to adopt the Affirmative Action Plan for the NY Rising CDBG-DR funding.)

Res. by Bertoni, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to adopt the Section 504 Policies and Grievance Procedures for the NY Rising CDBG-DR funding.)

Res. by Bertoni, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to declare vehicles A86 (Blue Ford Taurus) and A88 (Black Ford Taurus) as surplus and authorize sale of each by auction. Both vehicles are model year 2001 and require extensive repairs that are not justified given the age and mileage of the vehicles. Proceeds from the sale of vehicle A86 shall be returned to the General Fund. Proceeds from the sale of vehicle A88 shall be returned to the CDBG program fund.)

Res. by Bertoni, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to award the single bid for Two (2) New and Unused 2015 Chevrolet Silverado's 2500HD ¾ Ton 4WD Double Cab Pickup Truck W/Snowplows to Eagle Auto Mall Sales, Inc. for their bid price of \$35,828.00. The 2016 model trucks will not be available until October with a delivery date of January or February 2016. The 2015 models are available now. One truck would be for the Highway Department and the other would be for the Parks Department.)

Res. by Perfetti, seconded by Augostini.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes authorizing the procurement of a new 2015 CAT 420F2 IT Backhoe Loader w/24" Digging Bucket to be purchased utilizing National IPA Contract #120377 which is open to all municipalities from Milton CAT in the amount of \$111,868.00 as follows:

\$103,095.00	(New) 2015 CAT Backhoe Loader
\$ 1,330.00	12" Trench



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\$ 1,836.00	36" Ditching
\$ 2,875.00	Swing Coupler
<u>\$ 2,732.00</u>	Lines Kit
\$111,868.00	Total Delivered

Balance due to be paid out of the 2015 Capital Budget previously approved by the Town Board.)

Res. by Perfetti, seconded by Augostini.
The Resolution was adopted.

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing to deem as surplus (F-145) 2014 CAT 305.5 ECR Mini Excavator; and utilizing the CAT Buy Back Program to trade in the 2014 CAT Mini Excavator for a new 2015 CAT 305.5 E2CR Mini Excavator. Procurement will be through the National IPA Contract #120377. The amount after trade in is as follows:

\$ 65,785.00	(New) 2015 CAT Mini Excavator
<u>\$ 60,885.00</u>	Trade-In F-145
\$ 4,900.00	Total Net Difference

Balance due to be paid out of the Highway Department's operating budget.)

Res. by Perfetti, seconded by Augostini.
The Resolution was adopted.

Vote: All yes.

HEARING OF VISITORS:

A representative of American Cruisers, a local NFP Car Club, said the approval for the proposed car show on June 25, 2016 (Action #2 of this meeting) at Highland Park is imperative tonight because they want to start advertising it at the Syracuse Nationals Car Show this weekend. He said they anticipate 200 to 300 cars in this show and want to make this an annual event in the Town of Union.

Councilman Robert Mack said he was concerned that if it rained the park could be damaged from the cars parked on the lawns.

The representative said the plan would be to park the cars on the pavement if it rained.

A resident of Endicott, thanked the Town Board for the pay raises for the seasonal employees and asked how the rate scale would work.

Councilman Leonard Perfetti said the raises are not a flat rate increase; they are based on the employee's position.

Councilman Robert Mack said they worked very hard and put a lot of time into this effort. He also said that every seasonal position rate has been increased.



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As no one else wished to speak, Supervisor Rose A. Sotak closed the second Hearing of Visitors.

DEPARTMENT REPORTS ON FILE IN THE TOWN CLERK'S OFFICE:

Moved by Augustini, seconded by Bertoni to receive and file the following Department Reports:

1. Town of Union Local Development Corporation Meeting Minutes for May 21, 2015.
2. Town of Union Planning Review Team Minor Site Plan Review Decision – Approval – John Miller, Fishs Eddy VI, LLC, Auto Window Repair Business, 3200 Watson Boulevard, Endicott, Tax Map #142.17-5-1.2.
3. Town of Union Planning Review Team Minor Site Plan Review Decision – Approval – Ronald Smith, Operations, YMCA of Western Broome County, Accessory Building, 740 Main Street, Johnson City, Tax Map #143.53-4-36.
4. Town of Union Citizens Advisory Council for Community Development Minutes for May 27, 2015, June 18, 2014 and July 28, 2014.
Carried.

At this time, Supervisor Rose A. Sotak said the Binghamton Philharmonic at Highland Park was a huge success and she announced that they will be back next year.

Moved by Bertoni, seconded by Perfetti to go into Executive Session to discuss a personnel issue at 8:50 P.M.
Carried.

No action was taken in Executive Session.

Moved by Mack, seconded by Bertoni to go out of Executive Session at 9:16 P.M.
Carried.

ADJOURNMENT:

Moved by Mack, seconded by Bertoni to adjourn the meeting.
Carried.
The meeting was adjourned at 9:17 P.M.

GLS/bk

Gail L. Springer, RMC
Town Clerk