

TOWN OF UNION
UNION, NEW YORK

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In the Matter of:

Town Board
Special Board Meeting

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April 29, 2020
3111 East Main Street
Endwell, New York 13760

APPEARANCES:

FOR THE TOWN OF UNION

RICHARD A. MATERESE
Town Supervisor

THOMAS R. AUGOSTINI
FRANK J. BERTONI
SANDRA C. BAUMAN
HEATHER R. STALEY
Board Members

SARA ZUBALSKY-PEER
Planning Director

ALAN POPE
Town Attorney

ROSEMARIE POPE
Deputy Town Attorney

LEONARD PERFETTI
Town Clerk

Digitally recorded proceeding,
Transcribed by: Ria Jara
Czerenda Court Reporting
71 State St.
Binghamton, NY 13901

1 (On the record)

2 MR. RICHARD MATERESE: Let's begin our special
3 meeting. Mr. Perfetti, if you will take a roll call
4 please?

5 MR. LEONARD PERFETTI: Staley?

6 MS. HEATHER STALEY: Here.

7 MR. PERFETTI: Bauman?

8 MS. SANDRA BAUMAN: Present.

9 MR. PERFETTI: Bertoni?

10 MR. FRANK BERTONI: Present.

11 MR. PERFETTI: Augostini?

12 MR. THOMAS AUGOSTINI: Present.

13 MR. PERFETTI: Materese?

14 MR. MATERESE: Present.

15 MR. PERFETTI: And our attorneys.

16 MR. ALAN POPE: Present.

17 MR. PERFETTI: Thank you. Go ahead, Rick.

18 MR. MATERESE: Okay. Let's start the meeting
19 with the Pledge of Allegiance.

20 ALL: I pledge allegiance to the Flag of the
21 United States of America and to the Republic for which it
22 stands, one Nation under God, indivisible, with liberty
23 and justice for all.

24 MR. MATERESE: Okay. We're having this special
25 meeting April 29th to consider a few resolutions. Let's go
26 right to committee reports, Mr. Augostini. Planning,

1 Zoning & Economic Development Committee.

2 MR. AUGOSTINI: Can you hear me okay?

3 MR. MATERESE: I can't. No.

4 MR. AUGOSTINI: Okay. Give me one sec. I have
5 a resolution to call for a public hearing to solicit
6 public input on the proposed CDBG Citizen Participation
7 Plan amendments for Wednesday, March (sic) 6, 2020, at
8 7:00 PM.

9 MR. POPE: Shouldn't that be May?

10 MR. AUGOSTINI: I'm sorry. Yes. For Wednesday,
11 May 6, 2020, at 7:00 PM.

12 MR. BERTONI: You know, for those of us who have
13 no idea what month or day or week is this, that would put
14 me off. I'm thinking it's - are we not in March yet?
15 Okay. All right.

16 MR. MATERESE: You got to second, Frank.

17 MR. BERTONI: I second.

18 MR. MATERESE: Okay. You've heard the proposed
19 resolution as presented by Mr. Augostini and seconded by
20 Mr. Bertoni. Are there any comments? Anyone? All right.
21 I just have one comment. So from what I understand,
22 people will be allowed to Zoom in and make comments on
23 Zoom or write in their proposals for a certain amount of
24 time. Alan, I guess that's for you.

25 MR. POPE: That's correct. And Jen (phonetic)
26 is working with Sara because, once Lenny has the May 6

1 Zoom information, we're going to insert that in the draft
2 notice that Sara has already done just so that it's in two
3 places. But anybody that is zeroing in on Sara's
4 particular issue, they'll find the Zoom information to be
5 able to join the meeting.

6 MR. MATERESE: Okay. Any other comments?
7 Hearing none, we'll have a roll call vote. Please, Mr.
8 Perfetti.

9 MR. PERFETTI: Staley?

10 MS. STALEY: Aye.

11 MR. PERFETTI: Bauman?

12 MS. BAUMAN: Aye.

13 MR. PERFETTI: Bertoni?

14 MR. BERTONI: Aye.

15 MR. PERFETTI: Augostini?

16 MR. AUGOSTINI: Aye.

17 MR. PERFETTI: Materese?

18 MR. MATERESE: Aye. The resolution is adopted.
19 Mr. Augostini.

20 MR. AUGOSTINI: A resolution to call for a
21 Public Hearing to solicit public input for use of CDBG-CV
22 funds for Wednesday, May 6, 2020, at 7:00 PM.

23 MR. BERTONI: I second.

24 MR. MATERESE: You've heard the proposed
25 resolution as presented by Mr. Augostini and seconded by
26 Mr. Bertoni. Are there any comments? Okay. Again, I

1 would say that we have the same situation as the last
2 resolution. So, I just want to make sure everybody
3 understands that. Hearing no other comments, we'll have a
4 roll call vote. Please, Mr. Perfetti.

5 MR. PERFETTI: Staley?

6 MS. STALEY: Aye.

7 MR. PERFETTI: Bauman?

8 MS. BAUMAN: Aye.

9 MR. PERFETTI: Bertoni?

10 MR. BERTONI: Aye.

11 MR. PERFETTI: Augostini?

12 MR. AUGOSTINI: Aye.

13 MR. PERFETTI: Materese?

14 MR. MATERESE: Aye. The resolution is adopted.
15 Mr. Augostini.

16 MR. AUGOSTINI: The next resolution is in
17 regards to the Fairmont Park water line. So do you want
18 me to list every funding source?

19 MR. MATERESE: Well, to be clear, since we did
20 not get that last piece of the puzzle, are we -- I guess
21 we should. Unless, Alan, is that a problem, doing that?

22 MR. POPE: Did we hear back from the school or
23 we didn't?

24 MR. AUGOSTINI: I have not heard anything yet.

25 MR. POPE: Okay. So I think the Board just has
26 to, if they're going to pass this resolution, they just

1 have to make sure that there is sufficient funding sources
2 in order to make the payment. And by listing things,
3 you're approving that those sources can and will be used.
4 So I don't think what you want to do is just list
5 everything unless you're committed that you're going to be
6 able to tap into those sources.

7 MR. AUGOSTINI: I can read it in an itemized
8 fashion then.

9 MR. BERTONI: Do we want to read them
10 individually until one of them passes? Then, when that
11 one passes, you don't have to read the others anymore? Is
12 that what we're trying to do?

13 MR. AUGOSTINI: No. I think I can just read the
14 source and the amount that will get it to the estimated
15 project cost.

16 MR. BERTONI: Okay.

17 MR. AUGOSTINI: Does that sound reasonable?

18 MR. BERTONI: Yes.

19 MR. AUGOSTINI: Okay. So a resolution to
20 approve the payment of the, I'm not going to say new, I'm
21 going to say upgraded Fairmont Park water line with
22 funding from the following sources: Town of Union
23 Community Development Block Grant, \$90,000; Broome County
24 hotel/motel funds, \$100,000; Town of Union Community
25 Development Block Grant transfer of elevator funds from --

26 MR. BERTONI: Previously funded project?

1 MR. AUGOSTINI: Yes. It was a previously funded
2 project to Wells Apartment on Floral Avenue, \$30,000; 2 +
3 4 Development Connection Fee, \$170,000; Town of Union UDAG
4 funds, \$145,000. Do you want me to repeat those?

5 MR. BERTONI: No.

6 MR. AUGOSTINI: Or was that sufficient?

7 MR. MATERESE: We have them on tape.

8 MR. AUGOSTINI: Okay.

9 MR. BERTONI: That was good for me.

10 MR. AUGOSTINI: Okay.

11 MR. BERTONI: Tom, if any of those fell short by
12 - I don't know - \$100 or some other money, do we just then
13 go find another source for that other \$100 or something or
14 does that make this an (inaudible)?

15 MR. AUGOSTINI: So the way I envision it is that
16 there is still additional town UDAG funds that can be
17 pursued or there are the CDBG CARES Act funds that can be
18 used if it exceeds the estimated project cost.

19 MR. MATERESE: Do we have a second on that
20 motion?

21 MR. BERTONI: I'm sorry. I second. I'm sorry.

22 MR. MATERESE: Okay. Now you've heard the
23 proposed resolution as presented by Mr. Augostini and
24 seconded by Mr. Bertoni. Now are there comments?

25 MR. POPE: I just have a comment quick. I think
26 Tom is correct that if for some reason, let's say the

1 project cost go up by a hundred or a thousand or
2 something, you could come back later to modify the
3 resolution to provide for an additional source. But
4 you're agreeing and committing to these particular sources
5 up to the amount that Tom read.

6 MR. AUGOSTINI: And then, on the flipside,
7 anything over \$390,000 up until the estimated project cost
8 will be bridged with the Town of Union UDAG funds. But if
9 it's less than the amount that I read, the \$145,000, then
10 it's going to lower those Town of Union UDAG funds.

11 MR. BERTONI: Yes. Okay.

12 MR. POPE: That's correct.

13 MR. MATERESE: Okay. And I just want to make
14 sure that everybody has seen the notice from Joe Moody
15 that some UDAG funds are currently being used now for this
16 recovery.

17 MR. AUGOSTINI: Yes. So those are not Town of
18 Union UDAG funds. Those are CDBG UDAG funds that have
19 been earmarked for that loan program. That's really
20 within the loan portfolio that the LDC controlled.

21 MR. MATERESE: Okay. So it's not the same --

22 MR. AUGOSTINI: Not the same, correct, not the
23 same monies or funds.

24 MR. MATERESE: Okay. Anybody else have
25 anything?

26 MR. BERTONI: What?

1 MR. MATERESE: I'm sorry, Frank?

2 MR. BERTONI: I didn't hear what you said.

3 MR. MATERESE: I said does anybody else have
4 anything? All right. Hearing none, let's have a roll
5 call vote. Please, Mr. Perfetti.

6 MR. PERFETTI: Staley?

7 MS. STALEY: Aye.

8 MR. PERFETTI: Bauman?

9 MS. BAUMAN: Aye.

10 MR. PERFETTI: Bertoni?

11 MR. BERTONI: Aye.

12 MR. PERFETTI: Augostini?

13 MR. AUGOSTINI: Aye.

14 MR. PERFETTI: Materese?

15 MR. MATERESE: Aye. The resolution is adopted.
16 Mr. Augostini.

17 MR. AUGOSTINI: Resolution authorizing the
18 supervisor to execute approval of the formation of the FHD
19 entity we already -- so just a point of order. Shall we
20 deal with the next resolution first and then that
21 resolution?

22 MR. POPE: Yeah, I think that would be a good
23 idea. And I think on the next one, the PILOT, seeing that
24 we don't actually have an agreement with the School
25 District yet, we have to make it subject to coming to an
26 agreement with the School District I think. But that's

1 worthy of discussion.

2 MR. AUGOSTINI: Okay. I cannot read that fourth
3 resolution, take that one off, and just change the order.
4 Then put in the amounts as we have proposed to the School
5 District. Does that sound reasonable?

6 MR. POPE: Yes. I think that would be.

7 MR. AUGOSTINI: Okay. So, resolution to approve
8 the PILOT agreement subject to Town Attorney approval and
9 conditioned on a side impact agreement with the School
10 District to provide the School District with \$20,000
11 annually from the PILOT monies for a period of 15 years at
12 which time the impact agreement with the School District
13 would be re-negotiated as to payments, but absent
14 agreement would remain the same payments.

15 MR. BERTONI: I second.

16 MR. MATERESE: You've heard the proposed
17 resolution as presented by Mr. Augostini and seconded by
18 Mr. Bertoni. Are there any comments?

19 MR. AUGOSTINI: So just to expand on that, if it
20 was a traditional allocated percentage PILOT, that JC
21 School District would get \$27,163. This proposal asks
22 them to take \$20,000 with increases proportionately shared
23 between the school, the county, and the town because there
24 will be 5 percent increases in the PILOT funds every three
25 years.

26 MR. MATERESE: And that would be for a period of

1 15 years and then we renegotiate at that time?

2 MR. AUGOSTINI: Yes. Correct.

3 MR. BERTONI: Do you need a second for that or
4 is that I suppose information on second?

5 MR. MATERESE: That was just so one knew kind of
6 the difference between a traditional allocated PILOT
7 versus what we're requesting from the School District.

8 MR. BERTONI: Okay.

9 MR. MATERESE: Any other comments? Hearing
10 none, we'll have a roll call vote. Please, Mr. Perfetti.

11 MR. PERFETTI: Staley?

12 MS. STALEY: Aye.

13 MR. PERFETTI: Bauman?

14 MS. BAUMAN: Aye.

15 MR. PERFETTI: Bertoni?

16 MR. BERTONI: Aye.

17 MR. PERFETTI: Augostini?

18 MR. AUGOSTINI: Aye.

19 MR. PERFETTI: Materese?

20 MR. MATERESE: Aye. The resolution is adopted.

21 MR. AUGOSTINI: So then I'll revert back to the
22 resolution on the agenda before that one. The resolution
23 authorizing the Supervisor to execute approval of the
24 formation of the FHD entity.

25 MR. BERTONI: I second.

26 MR. MATERESE: You've heard the proposed

1 resolution as presented by Mr. Augostini and seconded by
2 Mr. Bertoni. Are there any comments?

3 MR. POPE: Yes. If I could just propose an
4 amendment to that to read as follows: Resolution
5 authorizing the Supervisor to execute approval of the
6 formation of the FHD entity conditioned on a side impact
7 agreement with the School District as provided in the
8 previous resolution.

9 MS. STALEY: I'm sorry. Can I make one more
10 correction to that? It should be HDFC, not the FHD
11 entity.

12 MR. BERTONI: Can you say it again, sir?

13 MR. AUGOSTINI: Yes. So if you want me, I'll
14 read that again, if everyone doesn't mind.

15 MS. STALEY: Yes.

16 MR. AUGOSTINI: The resolution authorizing the
17 Supervisor to execute approval of the formation of the
18 HDFC conditioned upon a restructured PILOT agreement with
19 the Johnson City School District and approval from the
20 Town Attorney.

21 MR. BERTONI: I second.

22 MR. MATERESE: Okay. You've heard the proposed
23 resolution as presented by Mr. Augostini and seconded by
24 Mr. Bertoni. Are there any comments? Hearing none, we'll
25 have a roll call vote. Please, Mr. Perfetti.

26 MR. PERFETTI: Staley.

1 MS. STALEY: Aye.

2 MR. PERFETTI: Bauman.

3 MS. BAUMAN: Aye.

4 MR. PERFETTI: Bertoni.

5 MR. BERTONI: Aye.

6 MR. PERFETTI: Augostini.

7 MR. AUGOSTINI: Aye.

8 MR. PERFETTI: Materese.

9 MR. MATERESE: Aye. The resolution is adopted.

10 Mr. Augostini.

11 MR. AUGOSTINI: Resolution authorizing the
12 Supervisor to execute the deeds and other necessary
13 closing documents subject to approval by the Town Attorney
14 or Deputy Town Attorney related to the parcels in Fairmont
15 Park. Can we add that?

16 MR. POPE: Yes, we should.

17 MS. STALEY: Yes. We need to identify what the
18 deeds are for.

19 MR. AUGOSTINI: Yes.

20 MR. BERTONI: I second.

21 MR. MATERESE: You've heard the proposed
22 resolution as presented by Mr. Augostini and seconded by
23 Mr. Bertoni. Are there any comments? Hearing none -- any
24 from the disembodied attorney?

25 MS. ROSEMARIE POPE: No.

26 MR. MATERESE: Hearing none, we'll have a roll

1 call vote. Please, Mr. Perfetti.

2 MR. PERFETTI: Staley?

3 MS. STALEY: Aye.

4 MR. PERFETTI: Bauman?

5 MS. BAUMAN: Aye.

6 MR. PERFETTI: Bertoni?

7 MR. BERTONI: Aye.

8 MR. PERFETTI: Augostini?

9 MR. AUGOSTINI: Aye.

10 MR. PERFETTI: Materese?

11 MR. MATERESE: Aye. The resolution is adopted.

12 I believe that concludes our business for this special
13 meeting. Does anyone else have anything else that they'd
14 like to bring up at this point?

15 MR. POPE: I've got a couple of items. If
16 that's okay with the Board.

17 MR. MATERESE: Fine with me.

18 MR. POPE: The first one, without again naming
19 names because we don't want to go into an executive
20 session, but the last chance agreement that we talked
21 about a meeting or two ago has been prepared. It's been
22 circulated. It has not been executed, but we have no
23 reason to doubt that it will be executed. So just more of
24 a for your information on that. If something changes in
25 that, I'll let everybody know. But I don't suspect there
26 will be a problem with that.

1 Then the other issue is related to the Levee
2 Project. So Sara and Lou and I have been working with our
3 engineers, John (indiscernible) in particular, to come up
4 with a temporary construction easement around the toe
5 (sounds like) of the levee on the Darpino (phonetic)
6 property that Gorick has advised they will need in order
7 to haul up their work on the levee. We've just seen the
8 construction easement prepared. We got a sketch from the
9 engineers. So I plan to send that proposed construction
10 easement to Darpino's attorney, Mike Fossi (phonetic),
11 tomorrow. Then the process after that is if it's not
12 agreed to -- and of course this is an essential project
13 related to public safety. If we cannot get voluntary
14 consent, then the only course is to make basically an
15 emergency application to the Supreme Court in order for
16 them to order that we'll have that temporary easement,
17 that temporary construction easement.

18 So that's in process. I'm not sure how much
19 everybody was aware that we had that particular
20 difficulty, but it certainly is well in hand with Sara and
21 Lou and I guess me, to some degree.

22 MR. MATERESE: Okay. Two things, Alan. First,
23 go back to the first thing you talked about. You said it
24 won't be executed. It will be executed, isn't that
25 correct, so that it's in place?

26 MR. POPE: I said it hasn't been yet, but it

1 will be.

2 MR. MATERESE: Okay. All right. That's it. I
3 thought you said that you didn't think it was going to be.
4 I just wanted to make sure.

5 MR. POPE: No. I expect it will be, but it just
6 hasn't been yet.

7 MR. MATERESE: Okay. And then the second thing,
8 if Darpino's attorney will not agree to our use, then how
9 long a delay is that for going to the Supreme Court?

10 MR. POPE: I talked to the administrative judge
11 earlier this week and we can file most of the filings --
12 I'm going to back up a little bit. Most of the filings to
13 the Supreme Court we cannot do. But under the cover page
14 for filing, if it's an essential matter, that essential
15 project is of an emergency nature, we can file it. It
16 goes to the court clerk. The court clerk will then most
17 likely take it to the administrative judge, discuss it,
18 make sure that it is actually involving an essential
19 project and then assign it to a judge. And then from
20 there, because we're going to proceed by an order to show
21 cause, it will come on very quickly.

22 I think Sara has worked with Gorick. I think
23 we're talking a matter of only a few short weeks until
24 Gorick is going to need access to that temporary
25 construction easement space. Sara, is that right, three
26 to four weeks?

1 MS. SARA ZUBALSKY-PEER: Yeah. That's last I
2 heard when I spoke to Matt Gorick.

3 MR. POPE: So we believe that's why we're going
4 to have to give Darpino's attorney a little bit of a short
5 leash than maybe we will otherwise do. But we've got to
6 be able to get into court and get that court order so we
7 don't have Gorick come to a halt in their work.

8 MR. MATERESE: Okay. Does anybody else have
9 anything else? All right. Then Mr. Augostini.

10 MR. AUGOSTINI: I make a motion to adjourn at
11 1:27 PM.

12 MR. BERTONI: I second.

13 MR. MATERESE: You heard the motion by Mr.
14 Augostini and seconded by Mr. Bertoni, any comments? All
15 right. Not hearing any, let's vote. All in favor, say
16 aye.

17 ALL: Aye.

18 MR. MATERESE: The motion passes. We are
19 adjourned.

20 (Off the record)

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C E R T I F I C A T E

I, Ria Jara, certify that the foregoing transcript of proceedings in the Union Town Board Meeting, Union, State of New York, was prepared using digital transcription software and is a true and accurate record of the proceedings.

Ria Jara

Signature _____

Date: May 18, 2020