

TOWN OF UNION BOARD MEETING

June 3, 2020

In Attendance:

Supervisor Richard A. Materese

Councilperson Frank J. Bertoni

Councilperson Sandra C. Bauman

Councilperson Heather R. Staley

Councilperson Tom Augustini

Alan Pope, Town Attorney

Leonard Perfetti, Town Clerk

TRANSCRIBED BY:

Sally Omar

Czerenda Court Reporting

71 State Street, Suite 101

Binghamton, New York 13901

1 SUPERVISOR MATERESE: Okay. We welcome everyone
2 to this Regular Meeting of the Town of Union, June 3rd,
3 2020. (Inaudible) were provided on the website. so that
4 you may follow along with us. Recite the Pledge of
5 Allegiance.

6 I pledge allegiance to the flag of the United
7 States of America --

8 ALL BOARD MEMBERS: I pledge allegiance to the
9 flag of the United States of America --

10 ALL MEMBERS: -- and to the Republic --

11 SUPERVISOR MATERESE: -- for which it stands --

12 ALL BOARD MEMBERS: -- for which it stands --

13 SUPERVISOR MATERESE: -- indivisible --

14 ALL BOARD MEMBERS: -- indivisible --

15 SUPERVISOR MATERESE: -- with liberty and
16 justice --

17 ALL BOARD MEMBERS: -- with liberty and
18 justice --

19 SUPERVISOR MATERESE: -- for all.

20 ALL BOARD MEMBERS: -- for all.

21 SUPERVISOR MATERESE: That worked. Okay. I
22 believe there are no public hearings.

23 MR. PERFETTI: Roll call.

24 SUPERVISOR MATERESE: Mr. Perfetti, will you
25 call the roll, please?

1 MR. PERFETTI: Yeah, I'm here. Staley?

2 COUNCILPERSON STALEY: Here.

3 MR. PERFETTI: Bauman?

4 COUNCILPERSON BAUMAN: I'm present.

5 MR. PERFETTI: Bertoni?

6 COUNCILPERSON BERTONI: Here.

7 MR. PERFETTI: Augostini?

8 COUNCILPERSON AUGOSTINI: Present.

9 MR. PERFETTI: And the attorneys, Mr. Pope?

10 MR. POPE: I am present. And the Deputy

11 Attorney is just off camera.

12 MR. PERFETTI: So, she's present, okay. And

13 the Deputy -- Deputy?

14 MR. POPE: She was here somewhere?

15 SUPERVISOR MATERESE: She's fed up with us? So,
16 no public hearings? Bids? No bids. No bids. Let's have
17 our approval of the minutes. Mr. Augostini?

18 COUNCILPERSON AUGOSTINI: I'm sorry. Motion to
19 approve the minutes of the Regular Town of Union Board
20 Meeting, held on Wednesday, May 20th, 2020, and the
21 Special Town of Union Board Meeting, held on Thursday, May
22 28th. Are there any additions, deletions, or corrections?

23 Hearing none, I'll call for a vote. All those
24 in favor, say aye.

25 COUNCILPERSON BAUMAN: Aye.

1 COUNCILPERSON STALEY: Aye.

2 COUNCILPERSON AUGOSTINI: Aye.

3 SUPERVISOR MATERESE: The minutes are approved.

4 We now come to our part of the meeting where we have our
5 hearing of visitors. Do we have anybody else on with us,
6 Lenny?

7 MR. PERFETTI: Nobody else.

8 MALE SPEAKER: Rick, if I could, and maybe
9 you've already heard this, but the Department of State has
10 come out with an interpretation that is going to extend,
11 you know, the use of these virtuals soon meetings until
12 June 26, so that took the pressure off what we were
13 talking about before. You know, what are we going to do
14 come June 7? What are we going to do next week? So that,
15 like I said, took the pressure off and we can continue
16 with this process at least until the end of the month.

17 SUPERVISOR MATERESE: Yeah, and then we'll still
18 have clarification once that ends to how many people can
19 show up at a meeting.

20 MR. PERFETTI: Yeah, hopefully it will be better
21 than their roughly 10 person rule right now, so --

22 SUPERVISOR MATERESE: Right.

23 MR. PERFETTI: -- but we'll see. There's only
24 two meetings this summer; right?

25 SUPERVISOR MATERESE: Yeah. Well, we have three

1 meetings left until September; one in June, one in July,
2 and one in August, and not barring any special meetings we
3 have.

4 MR. PERFETTI: Right now, we could have 10
5 people?

6 MR. BERTONI: I believe so, yes.

7 MR. PERFETTI: Well, no, but the problem though,
8 Frank, is if all of us is there, that takes most of the
9 people up to, so we can allow --

10 MR. BERTONI: Four.

11 MR. MATERESE: Three.

12 MR. BERTONI: So, we have three with Alan.

13 SUPERVISOR MATERESE: Yeah, we could only have
14 three people who could -- who could come. Yeah, I know
15 it's nuts.

16 Okay. So, we won't have any visitors tonight
17 because we have no visitors participating. We bring that
18 thing to a close. Communications for filing. Mr.
19 Augostini?

20 MR. AUGOSTINI: Make a motion that
21 communications for filing one and two be accepted and
22 placed on file.

23 MR. BERTONI: Second.

24 SUPERVISOR MATERESE: A motion has been made by
25 Mr. Augostini, seconded by Mr. Bertoni to receive and file

1 communications for filing numbers one and two. Are there
2 any comments? Hearing none. I call for a vote. All
3 those in favor, say aye.

4 MALE SPEAKER: Aye.

5 MALE SPEAKER: Aye.

6 FEMALE SPEAKER: Aye.

7 MR. MATERESE: Any opposed? Communications have
8 been filed -- received and filed. Communications for
9 action, Mr. Augostini?

10 MR. AUGOSTINI: Make a motion that
11 communications for action number one be approved, moved,
12 and referred to the Town Clerk and the Deputy Commissioner
13 for Code Enforcement.

14 I had talked to -- I had sent a text message to
15 Bea, and she said there are no outstanding code issues.
16 So --

17 MR. MATERESE: Why don't we just approve it,
18 make it contingent upon that?

19 MR. AUGOSTINI: All right. So, then -- and then
20 we'll approve it at -- the resolution at the next
21 meeting?

22 MR. MATERESE: No, it's approved.

23 MR. AUGOSTINI: Oh, it's approved right now,
24 okay. We vote on it?

25 MR. MATERESE: The motion has been made by Mr.

1 Augostini.

2 MR. BERTONI: Second.

3 MR. MATERESE: Seconded by Mr. Bertoni. I
4 didn't hear you second it. After -- take action number
5 one, directed to the Town Clerk and our Code Enforcement.
6 Are there any comments? Hearing none, I call for a vote,
7 all those in favor say aye.

8 MALE SPEAKER: Aye.

9 FEMALE SPEAKER: Aye.

10 FEMALE SPEAKER: Aye.

11 MR. MATERESE: Opposed? None. It is referred.
12 So, I'm correct in assuming that the approval is based
13 that there are no code violations; right?

14 MR. AUGOSTINI: Correct.

15 MR. MATERESE: Technically, our referral
16 (inaudible) said it was going to be good, but Sheila has
17 the final approval. Okay.

18 Mr. Augostini, make a motion that communications
19 for action number two be referred to the Town Assessor,
20 the Town Comptroller, and the Town Attorney.

21 MR. BERTONI: Second.

22 MR. MATERESE: The motion has been made by Mr.
23 Augostini, seconded by Mr. Bertoni, to refer action number
24 two to Town Assessor, the Town Comptroller, and to the
25 Town Attorney. Are there any comments? Hearing none, I

1 call for a vote. All those in favor, say aye.

2 MALE SPEAKER: Aye.

3 FEMALE SPEAKER: Aye.

4 FEMALE SPEAKER: Aye.

5 MALE SPEAKER: Aye.

6 SUPERVISOR MATERESE: Opposed? None. It is
7 referred.

8 Mr. Augostini, Petitions.

9 MR. AUGOSITINI: No Petitions tonight.

10 SUPERVISOR MATERESE: No Petitions tonight.

11 We are now at our Committee Reports, recommendations,
12 resolutions. Following Committee Item referenced a motion
13 or resolution that are simply potential items after due
14 consideration. Was legislation in the Government
15 Committee, Mr. Bertoni?

16 MR. BERTONI: None. None seen tonight.

17 SUPERVISOR MATERESE: I thank you, sir.
18 Finance/Capital Projects and Public Works, Ms. Staley?

19 MS. STALEY: Well, I have a motion to approve
20 the following 2020 Budget Transfers. They're listed there
21 on the Agenda, and since it's a long list, I will not read
22 the list tonight.

23 MR. AUGOSTINI: Second.

24 SUPERVISOR MATERESE: The proposed Resolution is
25 presented by Ms. Staley, and seconded by Mr. Augostini.

1 Are there any comments? All right. I just have one for
2 clarification. The increases in the budget are more
3 imposed reductions to try and meet our current fiscal
4 situation. So, I just want to be sure people know we are
5 not doing what we can do, save money in Town.

6 All right, anybody else?

7 COUNCILPERSON BERTONI: Rick, as I'd say it's a
8 motion rather than a resolution. I think it only involves
9 transfers.

10 SUPERVISOR MATERESE: You're right. Sorry.
11 It's a motion, thank you. So, having heard that motion
12 and that correction there, anybody else have any comments?
13 Hearing none, we'll call for a vote. All those in favor
14 say Aye.

15 FEMALE SPEAKER: Aye.

16 MALE SPEAKER: Aye.

17 FEMALE SPEAKER: Aye.

18 SUPERVISOR MATERESE: Opposed? Done. The
19 motion is approved.

20 I have a question. Where it says catch basins,
21 that does not mean that we're not clearing our catch
22 basins, Frank? I mean weren't we supposed to be going
23 full steam ahead in preparing our catch basins, I think.

24 COUNCILPERSON BERTONI: We are preparing. I
25 believe they have been prioritized. (Inaudible) -- So

1 the most needing repair will be repaired. Others are
2 being put off, I believe.

3 SUPERVISOR MATERESE: That wasn't my
4 understanding.

5 COUNCILPERSON BERTONI: That's because we went
6 to a blacktop. We were trying to find other areas where we
7 could we caught up on our work and I think catch basins
8 were one of them.

9 SUPERVISOR MATERESE: Well, we are at -- I think
10 that number telling represent a couple of catch basins.

11 SUPERVISOR MATERESE: I think that's for
12 (inaudible) or something or --

13 COUNCILPERSON BERTONI: I would say now that --
14 now that the attention can be focused on catch basins,
15 they can probably do most of the work in-house rather than
16 before where they would -- they would buy a precast catch
17 basin.

18 SUPERVISOR MATERESE: Okay. So, that's the
19 precast ones?

20 COUNCILPERSON BERTONI: Yeah.

21 SUPERVISOR MATERESE: Okay.

22 COUNCILPERSON BERTONI: All right. It's okay?

23 SUPERVISOR MATERESE: Okay. Yeah, thank you.

24 SUPERVISOR MATERESE: No problem. Ms. Staley?

25 COUNCILPERSON STALEY: Okay. I have a

1 resolution to award the bid for rehabilitation of Country
2 Trail Road Culvert to Siteworx Incorporated, 55 Page Off
3 Road, Whitney Point, New York for their low bid of
4 \$136,148.

5 SUPERVISOR MATERESE: Is there a second, Tom?

6 COUNCILPERSON AUGOSTINI: Yeah, I'm sorry,
7 second.

8 SUPERVISOR MATERESE: You heard the proposed
9 resolution as presented by Ms. Staley, and seconded by Mr.
10 Augustini. Are there any comments? Hearing none, now
11 we'll have a roll call vote. Mr. Perfetti?

12 MR. PERFETTI: Staley?

13 COUNCILPERSON STALEY: Aye.

14 MR. PERFETTI: Bauman?

15 COUNCILPERSON BAUMAN: Aye.

16 MR. PERFETTI: Bertoni?

17 COUNCILPERSON BERTONI: Aye.

18 MR. PERFETTI: Augustini?

19 COUNCILPERSON AUGOSTINI: Aye.

20 MR. PERFETTI: Materese?

21 SUPERVISOR MATERESE: Aye.

22 The resolution is adopted. The Employees Park
23 Recreation and Environmental Committee, Ms. Bauman.

24 COUNCILPERSON BAUMAN: Nothing today, sir.

25 SUPERVISOR MATERESE: Planning, Zoning, Economic

1 Development Committee, Mr. Augostini.

2 COUNCILPERSON AUGOSTINI: Resolution authorizing
3 the Planning Director, Supervisor, and Deputy Supervisor,
4 to complete all documentation for Change Order Number One
5 for the Park Avenue, New Fairmont Park Levee Repair and
6 Extension Contract with Gord (ph) Construction, approving
7 an additional \$3082 for additional material, testing
8 services.

9 MR. BERTONI: Second.

10 SUPERVISOR MATERESE: You've heard the proposed
11 resolution as presented by Mr. Augostini, and seconded by
12 Mr. Bertoni. Are there any comments? Hearing none, the
13 roll call, please, Mr. Perfetti.

14 MR. PERFETTI: Staley?

15 COUNCILPERSON STALEY: Aye.

16 MR. PERFETTI: Bauman?

17 COUNCILPERSON BAUMAN: Aye.

18 MR. PERFETTI: Bertoni?

19 COUNCILPERSON BERTONI: Aye.

20 MR. PERFETTI: Augostini?

21 COUNCILPERSON AUGOSTINI: Aye.

22 MR. PERFETTI: Materese?

23 SUPERVISOR MATERESE: Aye.

24 The resolution is adopted. We will forego our

1 second hearing of visitors as, I believe, we still have no
2 one else out there. Mr. Perfetti?

3 MR. PERFETTI: That's correct.

4 SUPERVISOR MATERESE: Okay. Department reports
5 on file in the Town Clerk's Office, Mr. Augostini, make
6 the motion that Department reports -- once report be
7 accepted and placed on file in the Town Clerk's Office.

8 MR. BERTONI: Second.

9 SUPERVISOR MATERESE: You heard a motion by Mr.
10 Augostini, seconded by Mr. Bertoni, to receive and file
11 Department reports one through four. Are there any
12 comments? Hearing none, we'll call for a vote. All those
13 in favor say aye.

14 COUNCILPERSON STALEY: Aye.

15 COUNCILPERSON BAUMAN: Aye.

16 COUNCILPERSON BERTONI: Aye.

17 COUNCILPERSON AUGOSTINI: Aye.

18 SUPERVISOR MATERESE: Aye.

19 All those opposed say nay. The motion is
20 approved.

21 I would come to the point of our meeting now,
22 Council comments. Anyone have comments they'd like to
23 make?

24 MALE SPEAKER: Mr. Augostini goes first.

25 MR. AUGOSTINI: Do you want me to go first?

1 MALE SPEAKER: He doesn't have to. You've
2 usually been -- letting him go last, but go ahead.

3 COUNCILPERSON AUGOSTINI: I just want to
4 recognize John Nezlick's terrific life, north sider
5 resident life long, Northside John City Resident. Maybe
6 some people know his son, Jack, Jr., who's the Safety
7 Manager for Broome County, so condolences to all the
8 Nezlicks a very tight knit group, a very well-known family
9 in Johnson City. I've been talking to his son, his wife,
10 his sister. Mr. Nezlick is in a better place right now.

11 SUPERVISOR MATERESE: Tom, is that a relation to
12 Andy Nezlick?

13 MR. AUGOSTINI: So, that's a good question,
14 because there are so many Nezlicks in Johnson City. I
15 don't know who's related to who.

16 SUPERVISOR MATERESE: Andy was an Endicott
17 family. He was a baseball pitcher.

18 MR. AUTOSTINI: Right, for the Braves.

19 SUPERVISOR MATERESE: Andy's grandfather played
20 for the Triplets and lived in Johnson City.

21 MR. AUTOSTINI: Okay.

22 SUPERVISOR MATERESE: Curley Nezlick, but I
23 don't -- I don't think -- I don't think that they were
24 related, so this John Nezlick who passed away, his wife,
25 Joan, is Rich Kublick's sister.

1 MR. AUGOSTINI: Okay.

2 SUPERVISOR MATERESE: (Inaudible) --

3 MALE SPEAKER: John Nezlick, the builder.

4 COUNCILPERSON AUGOSTINI: I'm not sure.

5 SUPERVISOR MATERESE: Anyone else?

6 COUNCILPERSON BERTONI: Yes, it is my
7 understanding that the Village of Endicott has promised to
8 rescind the permit to allow the battery recycling place
9 to locate in Endicott.

10 SUPERVISOR MATERESE: As far as I understand,
11 they rescinded the (inaudible) that they had to their code
12 but it just opens up the thing for another review. So, it
13 hasn't officially ended the debate. Go ahead.

14 COUNCILPERSON BERTONI: The information I had
15 was at the next meeting, they were going to rescind it,
16 but I'm not sure (inaudible) --

17 SUPERVISOR MATERESE: Okay. I don't believe
18 they finished the debate. I think they continued the
19 debate after they rescind that last code thing.

20 COUNCILPERSON BERTONI: Yeah, and they're going
21 to form -- some of the recommendations are that they form
22 an oversight committee and that they do a joint task force
23 of some sort to debate the issues in front of the Board, I
24 guess.

25 SUPERVISOR MATERESE: (Inaudible) --

1 COUNCILPERSON BERTONI: So, it was my
2 understanding that the Mayor and two of the other people
3 that voted to pass it have now promised that at the next
4 meeting to rescind that change in the code.

5 SUPERVISOR MATERESE: Correct.

6 COUNCILPERSON BERTONI: That's what I
7 understood.

8 SUPERVISOR MATERESE: Correct. Anyone else?

9 MALE SPEAKER: Yeah, if anyone is willing to
10 explain that process to me, it's like the who's on first
11 routine, because I am completely lost at what they're
12 doing on that subject.

13 SUPERVISOR MATERESE: So, it's easy to get lost,
14 huh?

15 Well, as far as I understand, they passed this
16 -- this new code, but then some new information came to
17 light that some chemical was not accounted for by D.E.C.
18 The D.E.C. then wrote back to the company and said, you
19 need to pass some further tests before we're going to
20 allow this (inaudible) process, and so the Village then
21 rescinded, or is going to rescind, I'm not sure exactly
22 where that is. This new code and then as Frank said
23 they're going to create this group and debate the issues
24 at another point in time.

25 MALE SPEAKER: My confusion comes in when -- and

1 this is just based on media reports is when the Village of
2 Endicott says there's nothing we need to do because
3 everything was based upon the D.E.C. permit that was
4 approved. So, was the D.E.C. permit, did we send it?

5 SUPERVISOR MATERESE: I believe we did -- they
6 did, they did.

7 MALE SPEAKER: So, there's no approval for them
8 to operate, so if the D.E.C. refused it and says, oh, we
9 have our answers now, here's your permit back, can they
10 operate, because statements have been made that the
11 Village doesn't even do anything as long as the D.E.C.
12 approves the air permit, the company can operate out of
13 either -- 1 Clark Street.

14 SUPERVISOR MATERESE: Well, the lady was at our
15 last meeting. The letters that she read to us said that
16 the D.E.C. has given them a couple of options. One is to
17 get companies to certify that none of the (inaudible)
18 reached (inaudible) providing -- have this chemical in
19 them or this company has to do something to haul those
20 batteries out of the waste (inaudible) -- So, in order for
21 them to do that, it's going to take probably months or
22 years, I would think, to try to work all that through and
23 get those batteries -- they're going to have to take those
24 batteries at a time. I don't know how they would have a
25 process that promises that none of those batteries are in

1 there. You know, so they have to have some process in
2 place, and then these, I'm not sure what they're called,
3 they're not (inaudible) but they're some -- some chemical
4 that gets released -- there are provisions by the State
5 now, you're not allowed to -- exist by the State that are
6 -- that now have contaminated wells, I think, from burning
7 these chemicals. One of them was in a burning vat that
8 firefighters use (inaudible) -- so as far as I know this
9 whole process has been (inaudible) for an extended period
10 of time until they can get all of these companies to
11 certify that the batteries they are assessing are not --
12 don't have these chemicals in them, which could take a
13 long, long time.

14 SUPERVISOR AUGOSTINI: But -- but if the village
15 is positioned is they didn't need to take any action in
16 order for that company to begin operation, what are they
17 rescinding?

18 SUPERVISOR MATERESE: I don't know. I mean if
19 you are looking -- if you go on the assumption that people
20 are telling the truth, that's (inaudible) -- but then if
21 people are not telling the truth, that's different, right?
22 So, if they were saying that the change in the code didn't
23 give them permission, when it actually did, you know, I
24 mean that would be the problem.

25 MR. AUGOSTINI: Okay. That's a good question,

1 you would just hope that the truth doesn't need a footnote
2 somewhere. That it's the truth.

3 SUPERVISOR MATERESE: Anyone else? Oh, I'm
4 sorry, Tom.

5 MR. AUGOSTINI: No, no. I'm just very confused,
6 Tom about everything that is occurring.

7 SUPERVISOR MATERESE: You should call the Mayor.

8 MR. AUGOSTINI: I would. I just have something
9 in my mind that says I would be even further confused.

10 SUPERVISOR MATERESE: Okay. Anyone else have
11 anything else to comment on. (Inaudible) -- You know
12 what, let me just say this. I forgot this. It was before
13 in our work session. I let you guys know that I called
14 Peter Potter (ph), I called Pat Geary (ph) and I called
15 Jeff Vanauken (ph) and asked them to put on extra patrols
16 going around our parks, particularly our carousels to be
17 safe during this time of confusion going on right now.
18 They were willing -- they were very willing to assist us
19 and make sure that they could do this by protecting
20 (inaudible) so I want to thank them for doing that. I
21 asked them to continue through the week here. Hopefully,
22 that will happen, and I just hope and pray that the
23 country will calm down and we can get back to just
24 worrying about the Coronavirus, and not have to worry
25 about our people -- protestors being shot at or police

1 being shot at. So, let's just pray for peace.

2 MALE SPEAKER: So, is Island Park closed at a
3 certain hour. It's not needed, right?

4 SUPERVISOR MATERESE: No, but theoretically, I
5 believe the rules are Park Committee can -- I think it's
6 at dark, doesn't it say on the sign that the park closes
7 at dark?

8 MALE SPEAKER: Yeah.

9 MR. AUGOSTINI: So, are we allowed to drive up
10 in there after hours if we're going by the area to check
11 it out?

12 SUPERVISOR MATERESE: Yes. You can -- if
13 somebody stops you, you just identify yourself as the Town
14 person. Okay? Mr. Augostini, motion to adjourn at 7:30.

15 MR. BERTONI: Second.

16 SUPERVISOR MATERESE: The motion to adjourn by
17 Mr. Augostini, seconded by Mr. Bertoni, any discussion?

18 All those in favor say aye.

19 FEMALE SPEAKER: Aye.

20 MALE SPEAKER: Aye.

21 FEMALE SPEAKER: Aye.

22 All those opposed, say nay.

23 SUPERVISOR MATERESE: All right, we're done.

24 COUNCILMAN BERTOLI: See you Friday.

25 SUPERVISOR MATERESE: I have the information.

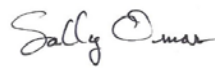
1 We'll have a meeting Friday. We'll see you at the office
2 on Friday.

3 CERTIFICATION

4 I, SALLY OMAR, certify that the foregoing Transcript of
5 the Town of Union Board Meeting, held on June 3, 2020, was
6 prepared using electronic transcription equipment and is a
7 true and accurate record of the proceedings.

8 Date: June 14, 2020

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