



Town Clerk
Gail L. Springer, RMC

Town of Union

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

TOWN OF UNION BOARD MEETING

May 4, 2016

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, May 4, 2016 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. Augostini, Councilmen Frank Bertoni, Councilman Leonard J. Perfetti, Councilman Robert Mack.

TOWN OFFICIALS PRESENT: Town Attorney Alan J. Pope, Town Clerk Gail L. Springer, Deputy Town Clerk Rebecca Kruczkowski, Deputy Commissioner of Public Works—Codes & Ordinances Daria Golazeski, Code Enforcement Officer David Conklin.

Also in attendance was Johnson City Mayor Greg Deemie.

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, May 4, 2016 at 7:30 P.M. to consider to determine whether to declare the building at 211 Duke Street, Endicott, New York to be unsafe and dangerous in accordance with Chapter 88-4 of the Building Code and if so, consideration of the same being demolished.
Pub. & Posted 4/29/16.

Town Attorney Alan J. Pope explained that the procedures for the Public Hearings this evening are different from our regular Public Hearings as they will determine if the buildings are unsafe and dangerous and need to be demolished. The Town Board will act as the judge and jury for these decisions based on evidence from the Town officials, the owner and the public's input.

Town Attorney Alan J. Pope asked if the owner is present this evening. The owner is not present at this hearing.

Deputy Commissioner of Public Works for Codes & Ordinances and Building Official Daria Golazeski presented historical pictures of 211 Duke Street; dated June 2014 to present. She said she began working at the Town of Union in 2009 and the property has been vacant since that time. The property has continued to deteriorate and in her opinion is an unsafe and dangerous building. She recommends that the building be demolished.



Town of Union

Town Attorney Alan J. Pope asked if there have been any attempts to contact the owners of the property.

DCPW-Codes & Ordinances Daria Golazeski said they have presented numerous code violations to the owners; in which the owners said they would secure the property. She further said the owners came into the office on March 22, 2016 and filed an application for a variance to use the build for storage. They have not been back since. She restated that the building is unsafe and needs to be demolished.

Councilman Frank Bertoni asked in what time frame this should be done.

DCPW-Codes & Ordinances Daria Golazeski said a 30-day time frame is reasonable.

Councilman Robert Mack asked if the owner was a neighbor to the property.

DCPW-Codes & Ordinances Daria Golazeski answered he is not.

Councilman Thomas R. Augostini asked how close the neighbor's house is to this property and what the surrounding properties are like.

DCPW-Codes & Ordinances Daria Golazeski said the closest neighbor's house is 10 feet from this structure. She described the neighbor's properties and that the Town owns surrounding properties that were bought out from the flood buyout program. She stated that this property is financially beyond repair.

Councilman Thomas R. Augostini asked DCPW-Codes & Ordinances Daria Golazeski that in her capacity as Building Official, if this property has public health issues.

DCPW-Codes & Ordinances Daria Golazeski said that rodent infestation can be a problem and that it can travel to other properties.

Councilman Frank Bertoni asked if the building is demolished would the property be cleaned up also.

DPWS-Codes & Ordinances Daria Golazeski replied yes.

Code Enforcement Officer David Conklin described the property as a cluttered mess with junk all around the building. He said the building has become more unstable and is shifting more towards the neighbor's residence.

Councilman Leonard Perfetti asked if the building is on a concrete slab or has a foundation.

Code Enforcement Officer David Conklin said he does not know because has not been able to get close enough to the building to see.



Town of Union

Councilman Frank Bertoni asked if he felt the building was unsafe and if so, how long to give to proceed with demolition.

Code Enforcement Officer David Conklin said it is his opinion that the building is unsafe; should be demolished and he agrees with DCPW-Codes & Ordinances Daria Golazeski that the 30-day time period is sufficient.

At this time, Town Attorney Alan J. Pope asked if anyone in the public would like to speak.

Maryann Koffel, 216 Duke Street, Endicott, said she has lived across the street from this property since 1981 and it has been falling down since then. She said she is concerned that children will get hurt.

Town Attorney Alan J. Pope asked if she thought the building was safe.

Mrs. Koffel replied no.

Sandy Denman, Page Avenue, Endicott, said she and her husband are owners of the vacant properties at 212-214 Duke Street and she is Mrs. Koffel's daughter. She said the neighbor's children have a trampoline close to the property and is she concerned that they go onto the property. She said she is there every day to take care of her mother and she sees the deterioration of the property.

As no one else wished to speak, Town Attorney Alan J. Pope closed the first Public Hearing.

Dialog between the Town Board members was had and it was determined that 211 Duke Street, Endicott is an unsafe and dangerous building and it was also determined that a 30 day time period will be given to the owner to demolish the building and clean the property.

(Prepared Resolution filed as part of these minutes that the Town Board hereby declares 211 Duke Street, Endicott to be unsafe in accordance with the Town of Union Code.)

Res. by Augustini, seconded by Bertoni.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to order the owners of 211 Duke Street, Endicott to demolish the building within 30 days effective 5/4/16 and authorizes the Town of Union to implement the action, if not completed by the owner.)

Res. by Perfetti, seconded by Mack.

Vote: All yes.

The Resolution was adopted.



Town of Union

A Public Hearing was called for on Wednesday, May 4, 2016 at 7:30 P.M. to consider to determine whether to declare the building at 3200-3202 Wayne Street, Endwell, New York to be unsafe and dangerous in accordance with Chapter 88-4 of the Building Code and if so, consideration of the same being demolished.

Pub. & Posted 4/29/16.

Town Attorney Alan J. Pope explained that this Public Hearing is the same type as the first hearing. The difference is that the owner worked with the Code Enforcement Office to rectify the situation and has demolished the building already; a successful outcome without the Town having to do it.

Dan Loiselle, 3201 Wayne Street, Endwell, asked if the house was also going to be demolished.

DCPW for Codes & Ordinances Daria Golazeski said there have been violations on the house but it is the owner's intentions to sell the house.

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

BIDS: None.

APPROVAL OF MINUTES:

Moved by Augustini, seconded by Bertoni to approve the Minutes of the Regular Town of Union Board meeting held on Wednesday, April 20, 2016.
Carried.

HEARING OF VISITORS:

A resident of Endicott, asked if the Town has heard anything from the NYS Department of Transportation regarding the trucks turning left onto Main Street from National Pipe and Plastics.

Town Attorney Alan J. Pope said he heard that NYS Department of Transportation is looking into this. He said they only have signs that say no trucks turning – All trucks. They do not have any signs restricting tractor trailers only.

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



Town of Union

COMMUNICATIONS FOR FILING:

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

1. Copy of letter from Alex G. Czuhanych, Project Manager, NYS Department of Environmental Conservation, Division of Environmental Remediation, to Mr. Kevin Whalen, IBM Corporate Environmental Affairs, regarding, Combined Groundwater Report for 2014 , Former IBM Facility, Endicott, NY, AOC Index No. A7-0502-0104, NYSDEC Site No. 704014.
2. Minutes of the Regular Meeting of the Board of Trustees of the Village of Endicott held on March 22, 2016.
3. Minutes of the Regular Meeting and Work Session of the Board of Trustees of the Village of Johnson City held on April 5, 2016.
4. Letter from Michael Corso, Consumer Advocate and Director, Office of Consumer Services, New York State Department of Public Service in reference to Clean Energy Standard (CES) program with a list of dates, times and locations of the information sessions and public statement hearings.
5. Letter from Joseph B. Meagher, Agency Council, Broome County Industrial Development Agency to Supervisor Rose A. Sotak, regarding Broome County Industrial Development Agency Proposed Century Sunrise Development LLC Project.
6. Minutes of the Regular Meeting of the Board of Trustees of the Village of Endicott held on April 12, 2015.
7. Letter from Jack Moodie, Manager, Utility Support, Utility and Complex Properties, NYS Department of Taxation and Finance Office of Real Property Tax Services to Supervisor Rose A. Sotak regarding Certificate of Final Railroad Ceiling for city and town assessment roll to be filed in 2016.
8. Notice from Thomas King, Assistant General Counsel and certifying Officer Governor's Office of Storm Recovery - Early Notice and Public Explanation of a Proposed Activity in a 100 Year Floodplain and Wetland Town of Union Brixius Creek Streambank Restoration Project and Town of Union Patterson Creek Stream Bank Restoration Project, Broome County, New York.
9. Letter from Lisa M. Pugliese, Director, Office of Public Housing, 2CPH, US Department of Housing and Urban Development to Paul A. Nelson, Planning Director, regarding Final Score Letter for Section 8 Management Assessment Program (SEMAP) for year ending 12/31/2015. Carried.



Town of Union

COMMUNICATIONS FOR ACTION:

1. Moved by Augustini, seconded by Bertoni to refer the letter from Steven Carter requesting for residents near Highland Park to use the park on June 26, 2016 for an outside movie at sunset. At 4:00 P.M. they will have Our Combination, bounce, obstacle course and slide, The Wizards Obstacle, Giant Big Kahuna Slide a 17' tall fun machine, 15 x 15 bounce house, a face painter, balloon artist, popcorn machine and a cotton candy machine to Commissioner of Public Works Louis V. Caforio. Some of the money will go to the Saint Jukes research hospital for cancer.

Carried.

2. Moved by Augustini, seconded by Bertoni to approve the letter from O.L. Davis Fire Company, Inc. that they would like to host a 5K race on September 25th, 2016 at 10:30 A.M and refer it to Town Clerk Gail L. Springer, Commissioner of Public Works Louis V. Caforio and Highway Superintendent Chester Kupiec. The race would begin on Doyleson Avenue and end on the front apron of Station 1, Endwell Fire. A map of the proposed 5K race route is attached.

Carried.

3. Moved by Augustini, seconded by Bertoni to approve the letter from Pam Brigham, Head of West Endicott Neighborhood Watch, to the Town Board requesting use of West Endicott Park Pavilion free of charge for their Neighborhood Watch picnic on the evening of June 6, 2016 to refer it to Commissioner of Public Works Louis V. Caforio.

Carried.

4. Moved by Augustini, seconded by Bertoni to approve the letter from Suzanne Manley, 1140 Greenwood Glen, Endwell, requesting permission to close off the cul-de-sac on the top of Greenwood Glen on June 18, 2016 to hold a "cul-de-sac party" and requesting use of barricades and refer it to Town Clerk Gail L. Springer and Highway Superintendent Chester Kupiec.

Carried.

5. Moved by Augustini, seconded by Bertoni to refer the Civil Rights Complaint, Kevin Joseph Gabriel Brennan, Plaintiff vs. Lori Kennicutt and Mary Standish, Individually and in their Official Capacities as Town of Union Dog Control Officers, Defendants to Town Attorney Alan J. Pope and the Town Insurance Carrier.

Carried.

6. Moved by Augustini, seconded by Bertoni to refer the letter from Brenda I. Blask-Lewis Site Acquisition Specialist 1, Tectonic Engineering, to Commissioner of Public Works Louis Caforio regarding Potential Lease for Telecommunications Tower Facility: Binghamton MSA, LP, d/b/a Verizon Wireless at 923 Main Street, Endicott and requesting a response by Tuesday, May 17, 2016 to Commissioner of Public Works Louis V. Caforio.

Carried.



Town of Union

7. Moved by Augustini, seconded by Bertoni to refer the Summons and Notice of Foreclosure – Wells Fargo Bank, NA, Plaintiff vs. Susan Babcock and Patrick Babcock, 20 Lincoln Avenue, Johnson City, New York to Town Attorney Alan J. Pope, Comptroller Laura J. Lindsley and Planning Director Paul A. Nelson.
Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

(Prepared Resolution filed as part of these minutes to approve and authorize Supervisor Rose A. Sotak to sign, subject to approval by the Town Attorney, the one (1) year contract agreement (1/1/2016-12/31/2016) between the Town of Union and the CSEA Inc. AFSCME Local 1000, and CSEA Town of Union Support Staff 35 Hour Unit #6152-02.)
Res. by Mack, seconded by Perfetti. Vote: All yes.
The Resolution was adopted.

Moved by Augustini, seconded by Perfetti to approve the following 2016 Budget Transfers:

Decrease:	20 3620 2600	Software	\$ 473.40
Increase:	20 3620 4400	Software Maintenance	\$ 473.40

Carried.

(Prepared Resolution filed as part of these minutes to issue a Negative Declaration under SEQRA for the Town of Union Community Development Block Grant Disaster Recovery Program Endicott Storm Drainage Improvement Project (McKinley-Pine St. area). Supervisor Rose A. Sotak is further authorized to execute the short Environmental Assessment Form as well as all other required documentation.)
Res. by Bertoni, seconded by Mack. Vote: All yes.
The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to approve the combined notice of No Significant Impact On The Environment (FONSI) and Request For Release Of Funds (RROF) for the Town of Union Community Development Block Grant Disaster Recovery Program Endicott Storm Drainage Improvement Project (in and around McKinley Ave. – Pine St.). The resolution will further authorize Supervisor Rose A. Sotak to execute all documentation required for submission to HUD. The Supervisor and/or Planning Director are further authorized to prepare and submit and technical corrections to the FONSI/RROF that may be required by HUD.)
Res. by Bertoni, seconded by Mack. Vote: All yes.
The Resolution was adopted.



Town of Union

(Prepared Resolution filed as part of these minutes to authorize Supervisor Rose A. Sotak to sign Part 1 of the SEQRA Long Environmental Assessment Form as Project Sponsor for the Patterson Creek project being funded under the NY Rising program.)

Res. by Bertoni, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution was filed as part of these minutes to authorize the purchase One (1) new 2016 CAT 246D Skid Steer with 18" PC306B Cold Planer, with BA118C Power Broom, and with SR318 73" snowblower for the purchase price of \$71,638 minus trade in of F-88 (2001 Bobcat Skid Steer with bucket) of \$10,000 which brings the price to \$61,638.00 per NYS OGS contract PC66988, NJPA 03215-CAT from Milton Cat. Monies for this purchase would be paid out of the 2016 Capital Budget previously approved by the Town Board.)

Res. by Perfetti, seconded by Augustini.

Vote: All yes.

The Resolution was adopted.

HEARING OF VISITORS:

A resident of Endicott, informed that a tent will be set up at the Weis Market, Upper Front Street, Binghamton, on May 5 & 6, 2016 to promote the Honor Flight Program that flies Veterans to Washington DC.

A resident of Endwell, asked what is going in on the property next to the Marian Apartments on Hooper Road.

Supervisor Rose A. Sotak said no definite plans have been brought to the Town on that property.

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. Permits Report – March 2016.
 2. Local Development Corporation Minutes – March 17, 2016
- Carried.



Town of Union

At this time, Councilman Thomas R. Augostini recognized the life of Senator Thomas Libous and praised him for all that he did for the 52nd District and the Town of Union.

Moved by Augostini, seconded by Bertoni to go into Executive Session at 8:20 P.M. to discuss litigation
Carried.

No action was taken in Executive Session.

Moved by Augostini, seconded by Bertoni to go out of Executive Session at 9:05 P.M.
Carried.

ADJOURNMENT:

Moved by Perfetti, seconded by Mack to adjourn the meeting.
Carried.

The meeting was adjourned at 9:06 P.M.

GLS/bk

Gail L. Springer, RMC
Town Clerk