



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

May 18, 2016

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, May 18, 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. Augustini, Councilman Frank J. Bertoni, Councilman Leonard R. Perfetti, Councilman Robert Mack.

TOWN OFFICIALS PRESENT: Town Attorney Alan J. Pope, Deputy Town Attorney Kurt D. Schrader, Town Clerk Gail L. Springer, Deputy Town Clerk Rebecca Kruczkowski.

Also in attendance was Broome County Legislator Ron Heebner.

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

PUBLIC HEARINGS: None.

BIDS:

Bids were called for on Monday, May 9, 2016 at 10:00 A.M. for Installation of Concrete Flooring for Shelters 6 & 7 at Highland Park.

Bids were received as follows:

R. B. Magliocca General Contracting	\$28,350.00
Tre-Gen Concrete Corporation	\$28,815.00
Albert Torto Construction	\$30,000.00
DeNinis Construction Co., Inc.	\$44,880.00

Moved by Augustini, seconded by Bertoni to receive and file the bids for Installation of Concrete Flooring for Shelters 6 & 7 at Highland Park.
Carried.

Bids were called for on Monday May 16, 2016 for Sandra Drive - Dead End to Leon Drive and Ellen Drive - Sandra Drive to Leon Drive Curb and Gutter and Storm Sewer Replacement.

Bids were received as follows:

DeNinis Construction Co., Inc.	\$206,735.00
R.B. Magliocca General Contracting	\$212,602.00
Chicago Construction Co., Inc.	\$242,000.00
Albert Torto Construction	\$282,995.00

Moved by Augustini, seconded by Bertoni to receive and file the bids for Sandra Drive - Dead End to Leon Drive and Ellen Drive - Sandra Drive to Leon Drive Curb and Gutter and Storm Sewer Replacement.
Carried.



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APPROVAL OF MINUTES:

Moved by Augustini, seconded by Bertoni to approve the Minutes of the Regular Town of Union Board meeting held on Wednesday, May 4, 2016.
Carried.

HEARING OF VISITORS:

Philip Rea, Newark Valley, Town of Union employee for 30 years, asked if a defibrillator could be put in the building next door as there is not one close to them if there was an emergency.

Councilman Robert Mack said he will look into getting one and he will take care of setting up training with UVES when it is received.

A resident of Endicott, said they are having a bad mosquito problem in the storm drains around his house. He said he contacted the Town, Broome County Health and New York State DEC without much success. He asked the Board to treat the drain to kill the mosquitoes.

Supervisor Rose A. Sotak said she will have Deputy Commissioner of Public Works Daria Golazeski look into this.

Councilman Robert Mack said chlorine tablets will take care of this and that a few years ago Broome County Health Department treated all the drains when the West Nile Virus was bad.

A resident of Endicott, asked what the status is on the trucks from National Pipe and Plastics turning left onto Main Street.

Town Attorney Alan J. Pope said an email has been sent to National Pipe and Plastics and they are waiting for a response.

Jim Baker, 1838 Union Center Maine Highway, Endicott, thanked the Board for all their help in securing the land for the Tractor Club to plant their community garden. He asked if the Town has heard anything about the bats and if they can cut the trees down yet.

Supervisor Rose A. Sotak said they received a letter that stated the trees cannot come down until bat mating season is over. She thanked Mr. Baker and his group for all their hard work with their planting to feed others project.



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Ron Heebner, Broome County Legislator, said he will take the information from him and work with the County Health Department to try to resolve the mosquito problem. He also spoke about the lighting problems on and around the 201 bridge and ramps.

Councilman Thomas R. Augustini said the New York State Department of Transportation is responsible for these lights and is working on fixing them. He explained that the DOT wants the surrounding municipalities to take over the ownership of these lights, but said there are many problems with the lighting systems and the Town is not interested in taking them over.

Councilman Frank Bertoni said that as government officials the Board has to weigh out each situation and decide where the money is best spent and said there are many problems other than the lights than need to be addressed.

Councilman Robert Mack said Mr. Heebner should call Jim Thomas at NYS DOT.

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. 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, Semiannual Groundwater Data Summary Report, 2015, Former IBM Facility, Endicott, NY, AOC Index No. A7-0502-0104, NYSDEC Site No. 704014.
2. Time Warner Programming Notices dated May 4 and May 18, 2016.
3. Letter from Kerry A. Delaney, Acting Commissioner, NYS Office for People with Developmental Disabilities to Supervisor Rose A. Sotak regarding the closure of Broome Developmental Center and their continued partnership with the Town of Union to ensure the needs of individuals with developmental disabilities and their families are addressed.
4. Letter from Lenny Perfetti, Supervisor – Damage Prevention, New York State Electric and Gas regarding steps to ensure public works projects are completed safely and offering public meetings to help ensure contractors and municipal crews work safety around our neighborhoods.
5. Invitation to The Broome County Association of Towns & Villages Meeting on Thursday, May 26, 2016 at The Spot Restaurant. CANCELED on May 17, 2016.



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6. Fact Sheet from New York State Department of Environmental Conservation – NYSDEC Certifies Cleanup Requirements Achieved at Municipal Brownfield Site; Final Engineering Report Approved.
7. Minutes of the Budget Meetings of the Board of Trustees of the Village of Johnson City held on March 28, April 7, April 12, April 18, 2016, Work Session and Regular Board Meeting held on April 19, 2016.
8. Copy of letters from Alex G. Czuhanich, Project Manager, NYS Department of Environmental Conservation, Division of Environmental Remediation, to Mr. Kevin Whalen, IBM Corporate Environmental Affairs, regarding, Proposed Test Boring in Vicinity of Well EN-34 and Semiannual Data Report – Soil Vapor Monitoring Through February 2015 Comprehensive Operations, Maintenance, and Monitoring Program, Former IBM Facility, Endicott, NY, AOC Index No. A7-0502-0104, NYSDEC Site No. 704014.
9. Letter from Thomas J. King, Assistant General Counsel, New York State Governor's Office of Storm Recovery in reference to them being Lead Agency Designation for Environmental Review of Town of Union Brixius Creek Stream Bank Restoration Project.
10. Letter from Thomas J. King, Assistant General Counsel, New York State Governor's Office of Storm Recovery in reference to them being Lead Agency Designation for Environmental Review of Town of Union Patterson Creek Stream Bank Restoration Project.
11. Letter from Insero & Co. CPAs, LLP, Certified Public Accountants in reference to their auditing the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of Town of Union for the year ended December 31, 2015, beginning May 16, 2016.
Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augostini, seconded by Bertoni to refer the Judgment of Foreclosure and Sale – HSBC Bank USA, N.A., Plaintiff for 38 North Arch Street, Johnson City to Town Attorney Alan J. Pope, Comptroller Laura J. Lindsley and Planning Director Paul A. Nelson.
Carried.
2. Moved by Augostini, seconded by Bertoni to refer the letter from Michael Holmes, 996-998 Taft Avenue, Endicott, to Supervisor Rose A. Sotak regarding a storm drainage problem on his property to Town Attorney Alan J. Pope and Commissioner of Public Works Louis V. Caforio.
Carried.



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3. Moved by Augustini, seconded by Bertoni to refer the Judgment of Foreclosure and Sale – Wells Fargo Bank N.A., Plaintiff for 122 Sergeant Street, Johnson City to Town Attorney Alan J. Pope, Comptroller Laura J. Lindsley and Planning Director Paul A. Nelson.

Carried.

4. Moved by Augustini, seconded by Bertoni to refer the letter from Christine Brown, 407 June St., Endicott, in reference to a water problem in the area behind the 400 block of June Street to Commissioner of Public Works Louis V. Caforio.

Carried.

5. Moved by Augustini, seconded by Bertoni to refer the email from Dane Saunders, requesting to use Highland Park gymnasium to hold a show/concert for a local band and to split revenue 50/50 with the Town and the band to Commissioner of Public Works Louis V. Caforio.

Carried.

6. Moved by Augustini, seconded by Bertoni to refer the email from Marc J. Ketchum, Brookcrest Drive, Endwell, in reference to the despair of his street and the need to have it repaved to Commissioner of Public Works Louis V. Caforio.

Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

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

Decrease:	20 3310 4401	Equip. Maintenance	\$ 1,000.00
Increase:	20 3310 4146	Fixtures	\$ 1,000.00
Decrease:	20 1440 1010	Salaries	\$ 11,000.00
Increase:	20 1440 1040	Overtime	\$ 1,000.00
Increase:	20 1440 4512	Professional Services	\$ 10,000.00

Carried.

(Prepared Resolution filed as part of these minutes to award the bid for Installation of Concrete Flooring for Shelter 6 & 7 at Highland Park to R. B. Magliocca General Contracting, Endicott, NY for their low bid price of \$28,350.00.)

Res. by Perfetti, seconded by Mack.

Vote: All yes.

The Resolution was adopted.



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(Prepared Resolution filed as part of these minutes to authorize Supervisor Rose A. Sotak to execute the contract with Binghamton Philharmonic for "Pops in the Park" on Sunday, July 3, 2016.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to authorize the Submission of NYSDEC-USACE Joint Permit Application and related paperwork for the Patterson Creek NY-Rising Bank Repair/Stabilization Project.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to authorize Supervisor Rose A. Sotak to sign the amended Subrecipient Agreement for The Brixius Creek and Patterson Creek NY-Rising Bank Repair/Stabilization Projects with the Governor's Office of Storm Recovery to reflect the total of the original budgets.)

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

Vote: All yes.

The Town received two proposals by the May 10th bid date for an RFP that was issued for appraisal services:

PATJO Appraisal Services, Inc., 245 Park Ave., 39th Fl., New York, NY

\$1,500 per temporary easement

Congdon & Company, 10 Madison Ave., Endicott, NY

\$475 per temporary easement (\$575 per permanent easement)

(Prepared Resolution filed as part of these minutes to award the contract for appraisal services to Congdon & Company, Inc., 10 Madison Ave., Endicott, NY and authorize the Supervisor to sign the agreement in a format provided by the Governor's Office of Storm Recovery. The fees for the temporary appraisals are eligible costs under the NY Rising program. Two permanent easements are needed for the McKinley Ave. - Pine St. project and will be paid from the town's CDBG-DR grant.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to authorize to sign and execute the "Right of Entry" agreement with Time Warner Cable. This agreement allows time Warner Cable access to 3121 E. Main St., specifically the State Police Offices, to install fiber optic cabling equipment as part of a statewide project.)

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

Vote: All yes.



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(Prepared Resolution filed as part of these minutes to award the bid for Sandra Drive - Dead End to Leon Drive and Ellen Drive - Sandra Drive to Leon Drive Curb and Gutter and Storm Sewer Replacement to DeNinis Construction Co., Inc., Binghamton for their low bid price of \$206,735.00.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve for and authorizing Supervisor Rose A. Sotak to sign the Energy Efficiency Services Agreement between the Power Authority of the State of New York and Town of Union; agreement subject to final approval by the Town Attorney and Commissioner of Public Works.)

Res. by Augustini, seconded by Mack.

Vote: Yes

Sotak

Augustini

Bertoni

Mack

Abstain

Perfetti

The Resolution was adopted.

HEARING OF VISITORS:

A resident of Endicott, thanked the Town for taking down the trees in front of his house. He asked if the board knows how many truck loads of sewage is being brought into the Clark Street plant.

Councilman Frank Bertoni said the New York State Department of Environmental Conservation issued the permits and they determined the amounts brought in.

A resident of Endwell, said there are many homes with high grass and wanted to know if they are being issued violations notices.

Supervisor Rose A. Sotak said Deputy Commissioner of Public Works for Codes and Ordinances reported tonight that 210 citations have been issued.

A resident of Johnson City, said as a resident for 31 years in Johnson City that she disagreed with Mr. Bertoni on the importance of the street lights and the safety of that area.

Councilman Thomas R. Augustini informed her that the problem house on Riverside Drive was foreclosed on by Broome County and the residents have to be out of the house by July 1, 2016.



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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 LDC Audited Financial Statements – FY 2015.
2. Town Clerk's Monthly Report – April 2016.
3. Town of Union Planning Board Decision – Special Use Permit Approval – Brian Wallenbeck, Mattress by Appointment of Binghamton, 323, 327 & 331 Chaumont Drive, Tax Map #157.08-3-46, 157.08-3-71 and 157.08-3-72.
4. Town of Union Planning Board Decision – Site Plan Review Approval – Brian Wallenbeck – Mattress by Appointment of Binghamton, 323, 327, 331 Chaumont Drive, Tax Map #157.08-3-46, 157.08-3-71 and 157.08-3-72.
5. Comptroller's Monthly Financial Reports – March and April 2016.
Carried.

Moved by Mack, seconded by Augustini to go into Executive Session at 8:12 P.M. to discuss personnel. Councilman Leonard J. Perfetti did not attend the Executive Session.
Carried.

No action was taken in Executive Session.

Moved by Augustini, seconded by Bertoni to go out of Executive Session at 9:11 P.M.
Carried.

ADJOURNMENT:

Moved by Augustini, seconded by Bertoni to adjourn the meeting.
Carried.

The meeting was adjourned at 9:12 P.M.

GLS/bk

Gail L. Springer, RMC
Town Clerk