



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

July 13, 2016

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, July 13, 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, Councilman Frank Bertoni, Councilman Leonard J. Perfetti, Councilman Robert Mack.

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

Also in attendance were Broome County Executive Debra A. Preston, Deputy Broome County Executive John Bernardo, Broome County Planning Director Frank J. Evangelisti, Carole Cassidy, Director of The Broome Opioid Abuse Council (BOAC), Broome County Legislators Ron Heebner and Jason Shaw, Johnson City Mayor Greg Deemie and Zoning Board of Appeals member Giuseppe Roberto.

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

At this time Supervisor Rose A. Sotak welcomed the distinguished guests and invited Broome County Executive Debra A. Preston to speak.

Broome County Executive Debra Preston introduced her team that came with her this evening. She said they are traveling to different towns and municipalities to inform the residents of what is happening in the County and what projects they are currently working on.

Mrs. Preston said the water and sewer installation project on Airport Road going to the Broome County airport and landfill is going well and should be finished soon.

She said they are currently working on developing a solar farm, the largest in New York State to generate income to use towards utility bills of some of the largest utility users in the County; such as emergency services and Department of Social Services.

She spoke about the Upstate Revitalization Initiatives projects – Pharmacy School in Johnson City, Decker School of Nursing and housing developments; all projects that will bring income to the area. She also said Consolidated Funding Applications from all municipalities for projects to be considered are due this month.

Mrs. Preston spoke on the Landbank funding being used to demolish and refurbish properties in Binghamton and that they are looking to expand to the Endwell, Endicott and Johnson City areas. She said that the funding is from grants through the Attorney General's Office.

She asked if any of the Board members had anything they were concerned about or wanted updates on.

Councilman Frank Bertoni asked for an update on the Grippen Park Ice Rink.

County Executive Preston said they are looking for grant money to help bring the rink back.

She said that even though good things are happening in the County, she is concerned that the heroin and opioid usage is on the rise, as it is all over the country. The County implemented the Broome Opioid Abuse Council (BOAC) to help combat the problem.

Broome County Executive Preston introduced Carole Cassidy, Director, BOAC to speak.



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Carole Cassidy explained that BOAC is a collaboration of public and private members focusing on developing solutions to the increase of prescription drugs and heroin abuse in our community and that it has resources to hook the people up with the right help that they need.

Frank Evangelisti, Broome County Planning Director, spoke on the environmental investigations they do to properties to get them ready to renew and fix for redevelopment. He said the tenth anniversary of the 2006 flood is approaching and they will have a report on work that has been done since to repair and prevent further damage. He said Town of Union Planning Director Paul A. Nelson should be congratulated for the work he has done for the Town.

At this time, Supervisor Rose A. Sotak congratulated Broome County Executive Debra Preston and her late husband Paul on the Conklin Fair Grounds being named in his honor and she thanked the guests for speaking to the Board and the residents.

PUBLIC HEARINGS:

A Public Hearing was called for on Wednesday, July 13, 2016 at 7:30 P.M. to consider the Change of Zone request for 499 Taft Avenue (tax map #141.58-1-1.2) from Suburban Single Family (SSF) to Open Space (OS).
Pub. & Posted 7/1/16.

Father Michael Kleban, St. Mary's Orthodox Church, Endicott, spoke on the need for this zoning change to expand their cemetery. He said that there are only 20 available plots left in the current cemetery and there are 140 parishioners who are eligible to use them. He thanked the Board for their consideration.

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

(Prepared Resolution filed as part of these minutes to declare Petition to Rezone 499 Taft Avenue from Suburban Single Family to Open Space an Unlisted Action under SEQRA; and to make a Negative Declaration under SEQRA, per evaluation of the submitted short Environmental Assessment Form and Planning Board's Advisory Opinion and to authorize Supervisor Rose A. Sotak to execute all documentation necessary.)

Res. by Augustini, seconded by Bertoni.

Vote: All yes.

The Resolution was adopted.

A Public Hearing was called for on Wednesday, July 13, 201 at 7:30 P.M. to solicit public input for the Draft Version of the Federal Fiscal Year (FFY) 2016 CDBG Annual Action Plan.
Pub. & Posted 7/8/16.

Cassandra Hamilton, Program Coordinator for Action for Older Persons, explained the need for increased funding from the Community Development Block Grant due to the elimination of grant money and programs from the federal budget; and asked for consideration for increased assistance

As no one 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, June 15, 2016.
Carried.



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HEARING OF VISITORS:

A resident of Endwell, complained about the property at 2706 Williams Street. He said he is aware that code violations have been issued, but the owner did not comply and was issued an extension to get the work done. He presented pictures to the Board and asked what can be done and when to expect it to be completed.

Town Attorney Alan J. Pope said the owner is complying with the violation notices, but has asked for an extension due to health issues. He further said that as long as the property owner was working with Code Enforcement to remedy the violations, he would be granted the extension.

The resident also complained about a dead tree on the property of 2711 Williams Street that leaves a mess on his property after storms and on windy days. He said Commissioner of Public Works Louis Caforio has looked at the tree and said it is a “dirty tree”, not a dead one.

Town Attorney Alan J. Pope said this is a civil matter between the neighbors.

The resident said he worked for the Village of Endicott for 30 years and was President of their employee’s union for 6 years and that he knows what the town employees are going through without a contract. He said they are hard workers and asked the Board to support them.

A resident of Endicott, spoke on the traffic situation at the National Pipe and Plastics entrance on Main Street. He also said what a horrible sight the old EJ factory building in West Endicott is.

A resident of Endicott, said he was at a recent Town of Union Planning Board meeting and said he is opposed to any new commercial development on Route 26 as is being discussed, without water and sewer being extended to this area. He said the businesses currently on Route 26 wash and detail their cars and all the solvents go into the ground affecting personal wells. Mr. Colley also spoke about three houses on Nanticoke Drive that are condemned and should be taken down due to the creek being moved and flooding them

He also said he is a past employee and former CSEA representative of the Town of Union and he supports the workers.

A Highway Department employee, said salary levels for employees are up to \$12.00 an hour less than surrounding municipalities and that he is making below poverty level income for his family of five. He said something has to change.

A Westover resident for 60 years, said his property taxes keep going up and he is two years in arrears on his properties. He said he can’t keep up with the interest charges of 14% and is in danger of losing the properties.

The CSEA Labor Union Representative for the 40 Hour Bargaining Unit, Town of Union employees, said they have been in negotiations since last August and there is a serious problem with retaining employees, either by them leaving or retiring. She said the average salary of these employees is less than \$30,000 a year and these employees are dedicated and hard working. She said they will be at an impasse soon and is asking the Board to please look at everything, listen and work with them.

A Highway Department employee, said he services the equipment for the Town and said it is in very bad shape. He asked why they are not rolling over the equipment. He further said that inexperienced workers are working with the equipment and it is dangerous.



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A Parks Department employee, asked if the board enjoyed the 4th of July Celebration at Highland Park and said a lot of hard work went into it to make it a success. He said he has seven employees under him at the parks and he is not even making the national minimum wage. He asked if Councilman Robert Mack looked into this as they discussed.

Councilman Robert Mack said he has not had a chance yet.

A Town of Union employee, said he has made the same salary for the last 4 years. He further said during the floods, the employees were praised for their work and now they are not appreciated. He said he has to work extra to get by and he asked the Board to look at the faces of the employees and see them.

A 17-year Refuse Department employee, said the employees just want an average wage as the other municipalities.

A 24-year Highway Department employee, said they have heard "We will make it up to you" and they just want to be shown they are appreciated.

A resident of Endwell, asked who is responsible for the ponds on Watson Boulevard and the cleanup of the algae. He is concerned about mosquitoes and the spread of viruses.

Councilman Leonard Perfetti said this is private property and the owners would have to clean it.

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 and Work Session of the Board of Trustees of the Village of Johnson City held on May 17, 2016 and Special Meeting held on May 24, 2016.
2. Minutes of the Broome County Association of Towns and Villages Meeting held on June 23, 2016.
3. Letter from Eric T. Schneiderman, State of New York Office Of The Attorney General to Supervisor Rose A. Sotak in reference to a pamphlet intended to help New Yorkers make an informed decision if and when they choose to go solar.
4. 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, Annual Report – Soil Vapor Monitoring through August 2015, Former IBM Facility, Endicott, NY, AOC Index No. A7-0502-0104, NYSDEC Site No. 704014.
5. Charter Communications Notice dated July 6, 2016, email from Susan M. Eckhardt informing of her retirement and new contact information.
6. Public Notice from Thomas J. King, Esq., Certifying Officer, New York State Governor's Office of Storm Recovery, regarding Combined Notice of Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds for Patterson Creek Stream Bank Restoration Project – Dated June 30, 2016.



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7. Copy of letter from John Bertoni, Village of Endicott Mayor, informing that he is asking Broome County Legislature to “forgive” the taxes on the property located at 215 Bermond Avenue, Endicott that was recently demolished.
8. Copies of letters from David Kellam, 27 Berkley Street, Johnson City to Code Enforcement Officer Tony Silvestri and Johnson City Police Chief Brent Dodge in regards to ongoing code enforcement violations at his property.
9. Copy of letter from David A. Heckman, Field Representative, Insurance Services Office, Inc. (ISO), to Daria Golazeski, Deputy Commissioner of Public Works for Codes & Ordinances regarding Building Code Effectiveness Grading Schedule Union TS, Broome County, New York.
Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augustini, seconded by Bertoni to approve the email from Julie Barnes asking for the use of Glendale Park field on August 20, 2016 for a company (Endwell Family Physicians) softball tournament and BBQ and refer it to Commissioner of Public Works Louis V. Caforio.
Carried.
2. Moved by Augustini, seconded by Bertoni to approve the email from Darryl Jenson, Director of Youth Operations, Boys and Girls Club of Western Broome Family Center to Supervisor Rose A. Sotak requesting to have their program for summer kids to swim at Highland Park pool on Friday, July 15th for free and refer it to Commissioner of Public Works Louis V. Caforio. This request was pre-approved by the Town Board on June 17, 2016.
Carried.
3. Moved by Augustini, seconded by Bertoni to refer the email from John Chanitz asking to consider putting an ordinance in place that prohibits garbage pickup before 6 AM to Town Attorney Alan J. Pope, Commissioner of Public Works Louis V. Caforio and Deputy Commissioner of Public Works–Codes & Ordinances Daria Golazeski.
Carried.
4. Moved by Augustini, seconded by Bertoni to approve 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 13, 2016 at 9:00 A.M. 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, Commissioner of Public Works Louis V. Caforio and Highway Superintendent Chester Kupiec.
Carried.
5. Moved by Augustini seconded by Bertoni to approve the letter from Rebecca Kennis, Chair, Buddy Walk Committee, DSINSTNY, to Supervisor Rose A. Sotak requesting road closures for the Down Syndrome Information Network of the Southern Tier of NY 19th Annual Buddy Walk at Highland Park on September 17, 2016. The walk will begin at 12 Noon at Lower Highland Park, proceed to Alexander St., turn onto Southern Pines, continue to Park Manor Boulevard and return to Highland Park and also requesting the rental fees for pavilions # 6 & 7 be waived in exchange for sponsorship status for the Town of Union and refer it to Town Clerk Gail L. Springer, Commissioner of Public Works Louis V. Caforio and Highway Superintendent Chester Kupiec.
Carried.
6. Moved by Augustini, seconded by Bertoni to refer the letter from Richard Safari, 60 Grand Avenue, Johnson City, to Supervisor Rose A. Sotak and the Town Board asking for help in obtaining authorization to start a “Direct Connection Buy-Sell, LLC” business at 724 Main Street, Johnson City to Town Attorney Alan J. Pope, Planning Director Paul A. Nelson and Deputy Commissioner of Public Works-Codes & Ordinances Daria Golazeski.
Carried.



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7. Moved by Augustini, seconded by Bertoni to approve the letter from Sarah Grace Campbell, Hinman, Howard & Kattell, LLP to Town Clerk Gail L. Springer requesting to waive the thirty day waiting period for the application to New York State Liquor Authority for Good Shepherd Village at Endwell, Inc.; to change their liquor license class from an on premises liquor license to a club liquor license and refer it Town Clerk Gail L. Springer and Deputy Commissioner of Public Works-Codes and Ordinances Daria Golazeski.
Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

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

Decrease:	10 7145 4162	Special Event Supplies	\$ 1,100.00
Decrease:	10 7145 4159	Recreation Supplies	\$ 1,200.00
Increase:	10 7145 4462	Special Event Services	\$ 2,300.00

Carried.

(Prepared Resolution filed as part of these minutes to approve the Westlaw On-Line Legal Research Contract and the Westlaw Print Contract effective June 30, 2016 and authorization for Supervisor Rose A. Sotak to execute the same.)

Res. by Augustini, seconded by Perfetti.

Vote: All yes.

The Resolution was adopted.

Moved by Perfetti, seconded by Mack to advertise for bids for the Recreation Center Floor Resurfacing and Line Repainting. Bids to be received by Town Clerk Gail L. Springer until 10:00 A.M. on Monday, August 1, 2016 at which time they will be opened and read aloud.
Carried.

(Prepared Resolution filed as part of these minutes to approve the Community Development Block Grant Disaster Recovery (CDBG-DR) Program Action Plan Amendment Number 17, West Creek and Grand Avenue. Storm/Sanitary Separation and authorize the commitment and transfer of funds as indicated in the public notice and authorize Supervisor Rose A. Sotak to execute all contracts and related documentation to implement the projects.)

Res. by Bertoni, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to authorize Supervisor Rose A. Sotak to execute all documentation required to acquire 407 and 409 N. Rogers Ave., Endicott from Broome County.)

Res. by Bertoni, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

Moved by Bertoni, seconded by Mack to retroactively approve the attendance of Paul Nelson and Sara Zubalsky to the HUD Buffalo Grantee Conference – Sustainable Communities: Placemaking & Food Systems in Ithaca, NY on Tuesday, July 12, 2016. Said approval will include the use of a town vehicle, reimbursement for lunch at the per diem rate and parking at Cornell University where the conference is being held.
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



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Program JC Sanitary Sewer Interceptor B. Project. 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 Then Environment (FONSI) and Request For Release Of Funds (RROF) for the Town of Union Community Development Block Grant Disaster Recovery Program JC Sanitary Sewer Interceptor B Project 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 any 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.

Moved by Bertoni, seconded by Mack to appoint Julie Deemie to fill the unexpired term through 12/31/17 of Citizens Advisory Council for Community Development board member John Walker.

Carried.

(Prepared Resolution filed as part of these minutes to retroactively (to July 5, 2016) approve change Order #1 with Keystone Associates Architects, Engineers and Surveyors, LLC, 58 Exchange Street, Binghamton, New York in an amount not to exceed \$3,900.00 for the Brixius Creek Design Contract NY Rising Program Project; authorize Planning Director Paul A. Nelson to sign and deliver the Additional Service Authorization Form and Supervisor Rose A. Sotak to execute all documentation necessary to undertake the change order, including any such documentation required by the Governor's Office of Storm Recovery. The Change Order is required in order to prepare up to 15 temporary easement maps and legal descriptions at a cost of \$260.00 per parcel. These costs were not included in the original bid. The easements are required in order to undertake the creek bank repair/stabilization measures along Brixius Creek. Funding for this project is available in the NY Rising budget on a reimbursement basis)

Res. by Bertoni, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

Moved by Bertoni, seconded by Mack to authorize the attendance of Scott Cramer, Housing Rehabilitation Coordinator to the Housing Quality Standards training class in Albany, New York from August 2, 2016 to August 4, 2016. Authorization to include registration fee of \$742.50, hotel (3 nights @ \$156.00 each) parking, tolls, per diem meals and use of a Town vehicle. Estimated cost is \$1500.00 and funds are available in the Section 8 budget.

Carried.

(Prepared Resolution filed as part of these minutes to approve the Change of Zone request for 499 Taft Avenue (Tax Map # 141.58-1-1.2) from Suburban Single Family (SSF) to Open Space (OS).)

Res. by Bertoni, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to retroactively approve submitting a "Intent to Apply" form to Empire State Development Corporation for the Restore NY Communities Initiative Municipal Grant Program in order to seek grant funding for the demolition of 1 North Page Avenue, Endicott, NY and to authorize Supervisor Rose A Sotak to execute.)

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 the purchase of a new 2016 Caterpillar 420F2 IT Backhoe through a Buy Back Program from CAT for a price of \$98,758.00 minus trade in \$93,573.00 net difference being \$5,185.00 per NYS OGS contract PC66988NJPA-032515CAT. The new backhoe would be paid out of the Highway Equipment Account.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minute authorizing the purchase a new 2016 Caterpillar 305.5E2 CR mini Excavator through a Buy Back Program from CAT for a price of \$69,451.00 minus trade in \$64,375.00 net difference being \$5,076.00.00 per NYS OGS contract PC66988NJPA-032515CAT. The new mini excavator would be paid out of the Highway Equipment Account.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing the purchase a new 2016 Caterpillar 938M 3V model loader through a Buy Back Program from CAT for a price of \$163,286.00 minus trade in \$156,286.00 difference being \$7,000.00 per NYS OGS contract PC66988NJPA-032515CAT. The new loader would be paid out of the Highway Equipment Account.)

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

Vote: All yes.

HEARING OF VISITORS:

A Highway Department employee, spoke of an incident where he was called in during a snow storm to assist with plowing. He said an inexperienced driver refused to drive the snow plow down a hill and he had to do it. He wanted to bring up a point that as a mechanic, he should not have been called in to plow or be questioned about it.

Town Attorney Alan J. Pope spoke of the Town's stance on the situation.

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

1. Planning Board Decision – Site Plan Approval 728 Riverside Drive, Johnson City, Tax Map # 143.62-1-21 Jerry Einhorn – Endicott Properties, LLC.
2. Town of Union Planning Board Decision – Minor Site Plan Review – Mr. Vincent Porto, Endwell Plaza, 2801 E. Main Street, Tax Map # 157.08-2-9.
3. Town Clerk Report – June 2016.

Carried.

ADJOURNMENT:

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

The meeting was adjourned at 8:59 P.M.

GLS/bk

Gail L. Springer, RMC
Town Clerk