



Town Clerk
Leonard J. Perfetti

Town of Union

Town Board
Richard A. Materese, *Supervisor*
Thomas R. Augostini, *Councilman*
Frank J. Bertoni, *Councilman*
Sandra C. Bauman, *Councilwoman*
Heather R. Staley, *Councilwoman*

TOWN OF UNION BOARD MEETING

July 10, 2019

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, July 10, 2019 at 7:00 P.M. in the Town Board Room, 3111 East Main Street, Endwell, New York.

BOARD MEMBERS PRESENT: Supervisor Richard A. Materese, Councilman Frank J. Bertoni, Councilwoman Sandra C. Bauman, Councilwoman Heather R. Staley.
Absent: Councilman Thomas R. Augostini.

TOWN OFFICIALS PRESENT: Town Attorney Alan J. Pope, Town Clerk Leonard J. Perfetti, Deputy Town Clerk Rebecca Kruczkowski.

Also in attendance was Village of Johnson City Trustee Benjamin Reynolds.

Supervisor Richard A. Materese opened the meeting with the Pledge of Allegiance to the Flag.

PUBLIC HEARINGS:

A Public Hearing was called for Wednesday, July 10, 2019 at 7:00 P.M. to adopt the proposed amendments to the CDBG Citizen Participation Plan.
Pub. & Posted 6/19/19.

As no one wished to speak, Supervisor Richard A. Materese closed the first Public Hearing.

A Public Hearing was called for Wednesday, July 10, 2019 at 7:00 P.M. for input and comments regarding the Town instituting a twelve (12) month moratorium on wind turbine installations, to allow the Town sufficient time to determine the appropriate code and land use laws, and to complete the drafting of a wind turbine ordinance.
Pub. & Posted 6/23/19.

As no one wished to speak, Supervisor Richard A. Materese closed the second Public Hearing.

A Public Hearing to be held on Wednesday, July 10, 2019 at 7:00 P.M. to solicit public input to consider an amendment to Chapter 169-1 "Smoking" to include all areas of the Parks, including all indoor and outdoor facilities, prohibiting the use of Tobacco, Vaping & other



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similar tobacco based products that either produce smoke or vapors, or is taken or used orally. This would include the general public as well as employees of the Town.
Pub. & Posted 06/30/19.

Kaitlyn Harasta, 3102 Andover Road, Endwell, spoke in favor of a complete smoking ban.

Joanne Lettis, 3637 Pheasant Lane, Endwell, supports the smoking ban and said she feels that parks are no place for smoking with young children around.

Brent Bryson, 3637 Pheasant Lane, Endwell, supports the smoking ban.

Kristopher Bryson, 2609 Columbia Drive, Endwell, supports the smoking ban. He relayed a message from his wife that research shows that 2nd and 3rd hand smoke can cause Sudden Infant Death syndrome and that with two small children, they vacate the park when there are people smoking.

Bonita Graham, 618 Pheasant Lane, Endwell, supports the smoking ban and said she has two young children who love to go to the park and would support the ban also.

As no one else wished to speak, Supervisor Richard A. Materese closed the third Public Hearing.

BIDS:

Bids were called for on Wednesday, July 3, 2019 at 10:00 A.M. for Exchange Avenue Reconstruction – West Edwards Street to West Valley Street – Village of Endicott, Town of Union CDBG Program.

Bids were received as follows:

Albert Torto Construction Corp.	\$251,523.00
Chicago Construction Co., Inc.	\$324,000.00

Moved by Bertoni, seconded by Staley to receive and file the bids for Exchange Avenue Reconstruction – West Edwards Street to West Valley Street – Village of Endicott, Town of Union CDBG Program.

Carried.

APPROVAL OF MINUTES:

Moved by Bertoni, seconded by Bauman to approve the Minutes of the Regular Town of Union Board meeting held on Wednesday, June 19, 2019.

Carried.



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HEARING OF VISITORS:

Jackie Pangilinan, Executive Director of Meals on Wheels of Western Broome, asked the Board to please reconsider their decision to apply a 10% penalty to the Community Development Block Grant application that was due on Friday, April 26, 2019. She explained that she became Executive Director in December 2018 and that the circumstances of her hiring did not allow any training or transfer of information from the former director, which caused her to be completely caught off guard when she received an email from the Town of Union on April 29, 2019 stating that she missed the application deadline. She completed the application, and submitted it on April 30, 2019 with her amended Board Minutes from Meals on Wheels. She invited whoever was to review the application to contact her if they had any questions, but unfortunately, she was not offered an opportunity to explain the circumstances of the late submission and to assure them she was not being deceitful about not knowing of the deadline. Mrs. Pangilinan went on to explain that Meals on Wheels relies on the \$24,000.00 that they have received for many years to serve the 200 + clients in Western Broome County, many of whom reside in the Town of Union and that the \$2,400.00 (10%) can pay for 500 hot meals, or three months of packaging, or weeks of the better quality meat for the senior to better chew and digest. She encouraged the Board to tour the Meals on Wheels facility, deliver a route and talk to the volunteers and clients to help them make their decision.

Supervisor Richard A. Materese asked for a clarification on how this happened.

Mrs. Pangilinan explained it again.

Diane Hunter, 519 ½ East Main Street, Endicott, spoke in support of Meals on Wheels and asked if there was an appeal process for the agencies to discuss their awards. She said she is aware that the court systems have appeal processes to try to change decisions handed down. She also spoke about her elderly friend who relies on the services of Meals on Wheels and she encouraged everyone to tour the facility, to understand what they do, because lives depend on it. .

Nathaniel Robertson, 309 W. Main Street, Endicott, said he visited the Meals on Wheels facility today and was impressed with their program and facility. He also said his mother died of cancer and if he was not there to cook for her while she was ill, she would have needed a service like Meals on Wheels. He further said he was surprised the decision was made to add the penalty to the grant they received; and recommended the Board reevaluate the decision.

Councilwoman Heather R. Staley asked if she could make a motion to revisit the May 1st decision on cutting the funding.

Town Attorney Alan J. Pope said she could put it on the next agenda and it could be discussed at the next work session.

Mr. Robertson asked Councilman Frank J. Bertoni why he voted for the penalty.



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Councilman Frank J. Bertoni explained that the documents that were submitted late indicated that they knew about the filing date, and until Mrs. Pangilinan spoke this evening, he and the rest of the Board did not know the circumstances of the late filing. He further said the filing policy has always been that if an application was late, the 10% penalty is deducted from the grant money awarded. He also said this could be revisited, but he cannot guarantee the decision will change.

Diane Hunter, 519 ½ East Main Street, Endicott, asked that this issue be revisited.

Town Attorney Alan J. Pope said that Mrs. Pangilinan referenced that she heard the Board thought she was being dishonest about knowing the filing date. He said that nobody on the Board thought that. He further said there is not an appeal process, but the Board has an informal and more efficient process of review and they will revisit this issue.

Amanda Durell, 115 Patio Drive, Endwell, was at the last meeting regarding the early hours of garbage pickup near her. She gave an update and said the garbage companies are still coming as early as 3:30 AM. She asked the Board if they can work with Code to get this problem taken care of.

Supervisor Richard A. Materese said there is an agreement with Weis Markets and they are trying to convince the other businesses to also have pickup done at a decent hour.

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

COMMUNICATIONS FOR FILING:

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

1. 239 Review Submission form from Schmidt Baking Company, 7801 Fitch Lane, Baltimore, Maryland for 100 Oakdale Road, Johnson City, Tax Map # 143.45-1-16.
2. Minutes of the Regular Meetings Village of Endicott Board of Trustees – May 14, 2019 and May 28, 2019.
3. Charter Communications Notice – July 3, 2019.
Carried.

COMMUNICATIONS FOR ACTION:



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1. Moved by Bertoni, seconded by Staley to refer the Email from Paul Lo Presto and Margherita Calcagnini, 1503 Newell Road, Endicott, to Supervisor Richard Materese regarding parking on the cul' de' sac by employees and customers of Casa De'Bella Salon, located on 1504 Pine Street; and requesting that No Parking signs be installed on the cul' de' sac to Commissioner of Public Works Louis V. Caforio and Highway Superintendent Chester Kupiec.

Carried.

2. Moved by Bertoni seconded by Staley to approve the letter from Kashif Summers, Site Supervisor of Boys and Girls Club of Western Broome, requesting use of West Endicott Park basketball courts for a summer youth basketball league from July 6 to August 17, 2019 from 1:00 PM to 4:00 PM; and the use of Glendale Park on August 17, 2019 for the Championship Game; authorization to also include the use of the two pavilions for a BBQ on August 17, 2019 and waiver of all fees required and refer it Commissioner of Public Works Louis V. Caforio and Parks Manager Ray Vanderpoel.

Carried.

3. Moved by Bertoni, seconded by Staley to approve the request letter from Jean Golembeski, Bazaar Co-Chairperson, St. Joseph's Church, Endicott, requesting snow fencing, poles and saw horses for use at their Annual Parish Bazaar on September 6-9, 2019, and requesting all items be delivered by September 3, 2019 and refer it to Commissioner of Public Works Louis V. Caforio and Highway Superintendent Chester Kupiec.

Carried.

4. Moved by Bertoni, seconded by Staley to refer the letter from Richard Smith, 17 Oak Street, Johnson City, asking that warning signs be placed in the neighborhood alerting drivers that children are at play to Commissioner of Public Work Louis V. Caforio and Highway Superintendent Chester Kupiec.

Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

(Prepared Resolution filed as part of these minutes to establish standard workdays for elected and appointed officials and to report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by elected and appointed officials to the Town Clerk.)

Res. by Bertoni, seconded by Bauman.

Vote: All yes.

The Resolution was adopted.



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Moved by Bertoni, seconded by Bauman to authorize the attendance of Comptroller Laura J. Lindsley to the New York Government Finance Officers' Association Central Summer Seminar in Syracuse, New York on August 7, 2019. Authorization to include registration fee of \$75.00. The seminar is to address accounting and auditing standards update, bond issues, health insurance and accounts payable.
Carried.

(Prepared Resolution filed as part of these minutes to approve the Final Collective Bargaining Agreement between the Town of Union and the CSEA White Collar Unit #6152-01 for the years 2019 - 2021 and to authorize Supervisor Materese and Town Attorney Pope to execute the same.)

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

Vote: All yes.

At this time, Councilman Frank J, Bertoni held the following Resolution over under the rule.

Prepared Resolution filed as part of these minutes to approve an amendment to Chapter 169-1 entitled "Smoking" to prohibit the use of Tobacco, Vaping and Other Similar Tobacco Based Products at all Parks, including all indoor and outdoor Park facilities, except as may be otherwise set forth in an applicable collective bargaining agreement.

Supervisor Richard A. Materese said a Special Meeting will be held on Thursday, July 18, 2019 at 5:30 P.M. to vote on this Resolution.

(Prepared Resolution filed as part of these minutes to accept and place on file the Report of Paul Sweeney dated July 8, 2019 regarding an Employee Complaint.)

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

Vote: All yes.

Moved by Bertoni, seconded by Staley to approve the following 2019 budget transfers:

Decrease:	10 3510 4516	Internet Services	\$ 60.00
Increase:	10 3510 2600	Software	\$ 60.00
Decrease:	20 3620 4601	Travel & Expense	\$600.00
Increase:	20 3620 4401	Equip. Maintenance	\$600.00

Carried.

(Prepared Resolution filed as part of these minutes to approve and authorize Supervisor Richard A. Materese to sign the Certificate of Approval for the Bank of Greene County



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regarding the Choconut Center Volunteer Fire Company, Inc. purchase of a Sutphen Pumper.)

Res. Bertoni, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

Moved by Bertoni, seconded by Staley to approve the attendance of Randy Shear at the NYS Fire Academy in Montour Falls for the following dates: August 5-8, 2019, September 30-October 3, 2019 and December 2-5, 2019. Authorization to include registration fee of \$25.00 per session, room and board of \$111.00 per session and use of a Town vehicle. The basic training classes are required for certification as a Building Safety Inspector.

Carried.

(Prepared Resolution filed as part of these minutes to call for a Public Hearing to be held on Wednesday, September 18, 2019 at 7:00 P.M. to receive comments relative to the draft version of the Town of Union's 2020-2024, 5 year PHA Plan for the Housing Choice Voucher Program.)

Res. by Bertoni, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to approve the Community Development Block Grant Federal Fiscal Year 2019 Annual Action Plan as recommended by the Citizens Advisory Council for Community Development and authorize the Supervisor to execute the grant application (SF-424) required annual certifications, and any other documentation required for the Planning Director to submit said plan to HUD. The Planning Director is further authorized to issue bids and/or Requests for Proposals (RFPs) for construction related projects identified in the plan. Said bids and/or RFPs shall be returnable at dates and times established by the Planning Director.)

Res. by Bertoni, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to call for a Public Hearing to be held on Wednesday, August 7, 2019 at 7:00 P.M. on the Change of Zone request for the rear portion of 1553 Union Center Maine Highway from Rural residential (RR) to General Commercial (GC).)

Res. by Bertoni, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to award the Bid for Exchange Avenue Reconstruction – West Edward Street to West Valley Street, Village of Endicott, Town of Union CDBG Project to Albert Torto Construction Corporation for their bid price of



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\$251,523.00; and authorize Supervisor Richard A. Materese to execute the contract and any other documentation required to complete the project.)

Res. by Bertoni, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes authorizing a match requirement contribution in an amount not to exceed \$62,000.00 for the Climate Smart Communities Grant to update the Comprehensive Plan and to appropriate the funds from Part-Town fund balance to Planning Administration - Professional Services (20-8021-4512).)

Res. by Bertoni, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to reaffirm the Town Board as Lead Agency for the Chugnut Trail Extension project and issue a Negative Declaration for the Chugnut Trail Extension project under the State Environmental Quality Review Act (SEQRA). The Supervisor shall be authorized to sign the required SEQRA forms.)

Res. by Bertoni, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

Moved by Bertoni, seconded by Staley to appoint Jeffrey J. Garrison to the Town Planning Board as an Alternate Member with the term expiring 12/31/19.

Vote: Yes

Materese

Staley

No

Bauman

Bertoni

The Motion was defeated.

Carried.

Councilman Frank J. Bertoni said he is not in favor of having a second alternate member and that further discussion was needed.

Councilwoman Sandra C. Bauman said she concurs with Councilman Bertoni.

Councilwoman Heather R. Staley said that Mr. Garrison should have the same courtesy of a vote as the other alternate position voted on at the last meeting and asked if this motion can be revisited in the future.

Town Attorney Alan J. Pope said another motion can be made in the future but at this time it is defeated.



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(Prepared Resolution filed as part of these minutes authorizing Town Board to appropriate \$32,016.00 (including up to 6 permanent/temporary easements) in funds from the Part-Town fund balance to Planning Administration- Professional Services (20-8021-4512) to pay Hulbert Engineering & Land Surveying, DPC for the base design of the Fairmont Park Water Distribution System Improvement project.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes approving the change from hourly rate of pay to a salary for the Town of Union Senior Planner at \$50,000.00, which is inclusive of all hours worked in excess of the normal 8 AM to 4PM, 35 hours per week and prohibits any accumulation of compensation time.)

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

Vote: All yes.

HEARING OF VISITORS:

Nathaniel Robertson, 309 W. Main Street, Endicott, said he was in work session tonight and there was a heated discussion between Councilman Frank J. Bertoni and Councilwoman Heather R. Staley about the disproportion of the number of Republicans versus Democrats on the Boards and Committees in the Town of Union. He said he had a listing of all the members on the boards and committees that shows all but one person is a Republican. He also said he was told that political parties are not considered for these positions, and yet a Democrat who was recommended by members of the Board for the position was denied the position. He thinks Mr. Garrison should have the opportunity to be heard.

Town Attorney Alan J. Pope clarified that he said in the work session that in the 15 years as the town attorney, politics have never been infused by a councilperson into any discussions.

Councilwoman Heather R. Staley said she feels politics has to be infused into these discussions, because the Town is made up of 1/3 Republican, 1/3 Democrats and 1/3 of other various parties, and yet the positions are all filled by Republicans who are either friends of Board members, involved in the Republican party or a high value donor to the Republican party. She said in all fairness, the interested people who are from the other political parties will never have a chance to serve their government unless they fall into one of those categories.

Supervisor Richard A. Materese said that it's quite possible that so many Republicans are on the Boards and Committees because representation of the Town Board has been Republican for a long time and when they needed a position filled, they asked their friends who may have been Republicans. He also said he sits on many of these Boards and he has not seen any



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politics on these boards. Although it would be nice to have new blood, the Boards as they currently sit, have not done anything detrimental to anyone else.

Councilwoman Heather R. Staley said she believes the Board owes Mr. Garrison an apology for the way he has been treated, and she feels he would have served the community well if given the opportunity.

Matthew Wahila, 2722 Robins Street, Endwell, asked for clarification on the Resolution calling for a Public Hearing regarding amendments of the Town of Union Code – Chapter 46-1 Planning Board, Alternate Members that was withdrawn from the agenda this evening by Councilman Frank J. Bertoni.

Supervisor Richard A. Materese said it is not over and there are a number of things that need to be discussed on this Resolution before they can vote on it. He said the Town Board wants to make the best version of the Resolution before they come back for a Public Hearing on it.

Bridget Kane, 39 Jane Lacey Drive, Endicott, read the code as it is now, “There shall be two alternate Planning Board Members who shall be appointed by Resolution of the Town Board for terms established by the Town Board.” She said while attending the work session this evening, her understanding is in addition to this change of code, the Town Board wants to reduce it down to 1 alternate position. She asked why the Board would not appoint him this evening and then take him off the Board if the code changes.

As no one else wished to speak, Supervisor Richard A. Materese closed the second Hearing of Visitors.

DEPARTMENT REPORTS ON FILE IN THE TOWN CLERK'S OFFICE:

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

1. Permits Monthly Report – May 2019.
2. Zoning Board of Appeals Decision – Iliya Honovich, Application # 2019-003, 737 W. Main Street, Tax Map # 156.15-2-20.
Carried.

ADJOURNMENT:

Councilman Frank J. Bertoni thanked Councilwoman Sandra C. Bauman for her 20 years as a volunteer at Meals on Wheels.



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Councilwoman Sandra C. Bauman clarified that the Town Board looked at the Meals on Wheels application very carefully and that the deciding factor for the cut was that the application was late, not that anyone was being deceitful about not knowing about the filing date; and the Board felt that if an exception was made for one organization, they would have to do it for everyone. She said she has been a volunteer for over 20 years and has also been on the Board for Meals on Wheels and it is a very good organization.

Councilwoman Heather R. Staley thanked Mrs. Pangilinan for the tour of Meals on Wheels and wanted to let her know she did not vote for the cut and hopes they can find the money somewhere to replace the \$2400.00.

Supervisor Richard A. Materese reminded everyone they still have time to support the O.L. Davis Ice Cream Social this evening at the Endwell Fire Station on Country Club Road.

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

The meeting was adjourned at 8:04 P.M.

Leonard J. Perfetti
Town Clerk

LJP/bk