



Town Clerk  
Leonard J. Perfetti

# Town of Union

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

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## TOWN OF UNION BOARD MEETING

September 4, 2019

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, September 4, 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 Thomas R. Augustini, Councilman Frank J. Bertoni, Councilwoman Sandra C. Bauman, Councilwoman Heather R. Staley.

TOWN OFFICIALS PRESENT: Town Attorney Alan J. Pope, Town Clerk Leonard J. Perfetti, Deputy Town Clerk Rebecca Kruczkowski, Planning Director Sara Zubalsky-Peer, Zoning Board member Giuseppe Roberto, Village of Endicott Trustee Linda Jackson.

### PUBLIC HEARINGS:

Town Attorney Alan J. Pope explained the process for Eminent Domain and how tonight's Public Hearings will run. He said the Town Clerk will read the Public Hearing notices, then Planning Director Sara Zubalsky-Peer will explain the Barton Avenue Levee extension project and why the properties are needed to proceed. The property owners will then have a chance to speak, in favor or against and why, and finally, the public will be able to speak.

A Public Hearing was called for on Wednesday, September 4, 2019 at 7:00 P.M. in accordance with Article 2, Section 202 of the New York State Eminent Domain Procedure Law, to consider public comments for the proposed Eminent Domain taking of an easement interest in property owned by Homestead Village Dev Grp. LLC located at 4311 Watson Blvd, Johnson City, NY 13790, Tax Map number 126.04-1-10.111, for a Town of Union Public Safety and Improvement Project known as the Town of Union Barton Avenue Levee Project. Pub. & Posted: 08/23/2019

A Public Hearing was called for on Wednesday, September 4, 2019 at 7:00 P.M. in accordance with Article 2, Section 202 of the New York State Eminent Domain Procedure Law, to consider public comments for the proposed Eminent Domain taking of an easement interest in property owned by Paul Darpino located at 4301 Watson Blvd, Johnson City, NY 13790, Tax Map number 142.02-1-19, for a Town of Union Public Safety and Improvement Project known as the Town of Union Barton Avenue Levee Project. Pub. & Posted: 08/23/2019



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At this time, Town Attorney Alan J. Pope made note that the public hearing notice in the newspaper indicated that at the close of the Public Hearings this evening, the public would have 7 days to send in written comments regarding these hearings. He said the Town is extending this comment period to 14 days, which would be until September 18, 2019 at 12:00 noon; this giving the Town Board time to review the comments at the work session prior to the Town Board meeting that evening.

Planning Director Sara Zubalsky-Peer explained that the proposed Barton Avenue Levee Extension project will modify and extend an existing earthen levee located along Barton Avenue in the Town of Union, NY to provide to the residents of the Fairmont Park neighborhood the public benefit of increased flood protection. (Exhibit #1) She presented Acquisition Map #1 for a portion of Tax Map #142.02-1-19 – Paul Darpino (Reputed Owner) (Exhibit #2) and Acquisition Map #2 for a portion of Tax Map #126.04-1-10.111 – The Homestead Village Development Group, LLC (Reputed Owner) (Exhibit #3); and by using these maps, she explained the need to obtain these properties for the levee project.

Jim Walsh, 3859 Pembroke Drive, Vestal, Member of Homestead Village Development Group, LLC and Traditions at the Glen, who is the owner of (Exhibit #3) said they do not have a concern with the easement and agree that there is a necessity for it for the protection of Fairmont Park. He said they have two different concerns, the first being the valuation of the property. He said that once the Town takes the property as a permanent easement, Traditions will own it, but will not be allowed to do anything to the property. He said that the property has frontage on the back of the golf course and they feel it has more value than what was provided by the appraiser. He said the second concern is that the cart path and tee box of their 17<sup>th</sup> hole of the golf course will be on part of the new floodwall. They are worried that down the road there may be issues with the Army Corps of Engineers who will make them remove them, as they did with a row of trees on the existing floodwall on the opposite side of Fairmont Park when it was built. They are asking for assurance from the Town that the Army Corps of Engineers will not force them to relocate the cart path and tee box and thus eliminate those functions on the golf course. Mr. Walsh presented a statement to the Board (Exhibit #4).

Councilman Frank J. Bertoni asked Mr. Walsh if the properties on Barton Avenue listed on his statement used for comparisons were occupied houses or vacant lots.

Mr. Walsh said they were land values for those properties with houses on them. He said his company purchased 27 Barton Avenue in 2014 for \$12,000.00, and paid \$10,000.00 to have the house taken down. He feels that this also gives an indication that the appraisal on their property was undervalued for what the Town is looking to take over.

Supervisor Richard A. Materese asked Town Attorney Pope to explain how this procedure has come to this point.



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Town Attorney Alan J. Pope said that during the discussions with Mr. Walsh and Mr. Darpino, the Town hired an appraiser that came up with the values of their properties. The offers were presented to both property owners, who came back saying the amounts were not quite enough. The Town checked into whether or not they could negotiate these offers and pay more, but by law, the Town does not have the ability to increase the offers. This is what has forced the Town into the Eminent Domain procedure. He said assuming the Town Board wants to proceed with this process, they will have to vote at the next meeting to go to Supreme Court to get the easements. The property owners will then have to get their own appraisers to determine the values of their properties and present their findings to the court, and through litigation, the amounts will be set by the Supreme Court. These amounts could be determined to be more or less, and will be the final amounts paid for the easements.

Carol Laskoski, 37 Edwards Street, Johnson City, asked if the taking of the properties for the permanent easements would allow the owners to pay less in taxes, since they will be deprived of the use of their properties.

Town Attorney Alan J. Pope said it is through a tax assessment Article 7 process that the owners would be able to grieve their assessment for next year (2020-2021), if they feel the value of the properties have decreased due to the permanent easements. He further said, even if the owners take the agreements, it does not deny them the right to file an Article 7 grievance to grieve their property's valuation.

Michael Fitzpatrick, 517 Verna Drive, Endwell, asked for the valuations of the appraisals and said it is his understanding, that once the Eminent Domain hearing was held, the Town could go directly to the County Clerk's Office, file the papers and the process would be complete.

Planning Director Sara Zubalsky-Peer said the offer to Mr. Walsh was \$35,300.00 and \$26,900.00 to Mr. Darpino.

Town Attorney Alan J. Pope said that the Town does not have the authority to take the properties by a Board order, but has to get a court order to take them. He explained the first process was to offer the property owners money in exchange for the permanent easements, which both owners exerted their rights not to accept. This has forced the Town to go to the next step, which is to have these Public Hearings. He then said, part two of this process, if the Board determines to proceed with the Eminent Domain process, is to go to the Supreme Court to file for the easements.

Nathaniel Robertson, 309 W. Main Street, Endicott, asked if it was going to cost the Town to take this to the Supreme Court.



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Supervisor Richard A. Materese said yes it would cost the Town, but explained that by law the Town cannot change the appraisal values offered to the property owners, so they must go through the process.

Richard Jones, 7 Woodland Avenue, Johnson City, asked who the grant money is coming from and if this levee project will affect the housing project that is going to be built in Fairmont Park.

Planning Director Sara Zubalsky-Peer said the money is coming from three sources, Town funds; Community Development Block Grant- Disaster Recovery Funds, which is federal funding; and Empire Development funds, which is New York State funding.

Town Attorney Alan J. Pope said this has nothing to do with the housing project, and it will be built even if the houses are not.

Mr. Pope said as a reminder, that written comments whether they be in support of, against or just a concern regarding these Public Hearings, will be accepted until 12:00 Noon on September 18, 2019.

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

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, August 7, 2019 and the work session meeting held on August 14, 2019.  
Carried.

## HEARING OF VISITORS:

Linda Jackson, Village of Endicott Trustee, 209 E. Franklin Street, Endicott, spoke in regards to an upcoming Zoning Amendment Proposal in the Village of Endicott that will affect all of their neighborhood commercial properties to allow special permits for industry. She said Trustee Larry Coppola proposed this change and she disagrees with it, because she feels it is being proposed to accommodate one specific developer and project.



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Michael Fitzpatrick, 517 Verna Drive, Endwell, spoke in regards to the No Parking signs on Winston Drive (Action # 3 of this meeting). He wants to see the signs changed to the same No Parking signs that were put up last year on Pruyne Street.

Jean Chapin, 8 Woodland Avenue, Johnson City, spoke about her FOIL request she presented to the Town of Union Planning Board on August 13, 2019, for which she has not gotten a response for yet. She presented a copy of the request to the Board.

Diane Hunter, 519 ½ East Main Street, Endicott, said she supports Linda Jackson in opposing the proposed zoning amendments in the Village. She asked Mr. Coppola to recuse himself from voting on it. He refused and she called it unethical because he would benefit from the zoning change. Ms. Hunter asked about the resolution to refer the Scanlon Report to the Ethics Committee. She spoke in favor of Heather Staley and said she feels this report is harassment and an attack on her. Lastly, she spoke about the Boys and Girls Club of Western Broome's closing, and said at a rally this past weekend, someone in the community is willing to step up and run it as a community center, after reviewing their operating budget. She said this is not a political ploy for her, but an important issue since she worked at the Boys and Girls Club in Binghamton and has volunteered at the Western Broome facility. She further said that there will be a community meeting on September 14, 2019 to discuss this.

Nathaniel Robertson, 309 West Main Street, Endicott, asked about the Town of Union's health insurance that is through Haylor, Freyer & Coon. He asked Councilman Thomas R. Augustini if he works at the firm and if he voted on the health insurance resolution or abstained. He asked him if any of the money from this transaction goes into his 401K. He then asked Councilman Augustini about the Binghamton/Johnson City Water Treatment Plant and if he is on their board and who sold them their health insurance policy.

Councilman Thomas R. Augustini said he does not get any money for the Town's Insurance policy with Haylor, Freyer & Coon and he is not on the Board of the Binghamton-Johnson City Water Treatment Plant. He also said Haylor, Freyer and Coon sold them their insurance policy, not Tom Augustini.

Supervisor Richard A. Materese cautioned Mr. Robertson about throwing accusations about the Board with his statements.

Mr. Robertson asked if there have been any meetings for the Planning, Zoning and Economic Development Committee, that Councilwoman Heather R. Staley was not told about.

Supervisor Richard A. Materese said that anything that has needed to be discussed, has been discussed at the work sessions prior to the meetings, and Councilwoman Staley is at the work sessions. He also said the work sessions are considered committee meetings.



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Richard Jones, 7 Woodland Avenue, Johnson City, asked if there are any plans to update the sewer system in Fairmont Park. He said with the building of the new two-family homes, the system will not be able to handle the extra usage and that his wife has sent emails to the Town when sewage was percolating out of the manholes that has happened many times, as far back as 2004.

Supervisor Richard A. Materese said there has been no indication to our Commissioner of Public Works that there was a problem in Fairmont Park with the sewers other than during a catastrophic flood, which wasn't the only area that had a problem. He also said that unless the Town is made aware of problems, they cannot do anything about them. He said he knows that there was a blockage in the sanitary sewer in that area that was fixed, but is not sure when.

Councilman Thomas R. Augostini said that not only is there grant money, there is money in the budget to correct these types of problems, and now it is in discussion to fix the sanitary systems throughout the Town.

Mr. Jones suggested that the grant money for the levee be used for the sanitary sewer instead.

Supervisor Richard A. Materese said the grant money cannot be used for anything other than the levee. He asked Mr. Jones if he would be willing to come in and talk with Commissioner of Public Works Louis Caforio and pinpoint where the problems are.

Mr. Jones agreed.

Mrs. Jean Chapin, 8 Woodland Avenue, Johnson City, supported Mr. Jones's comments and said that there is a manhole at the end of her street that sewage bubbles up through.

John Jones, 23 Beech Street, Johnson City, asked if there are plans in the future to build the levee on the west side of Fairmont Park that also floods, and will flood more now that the east side will be raised higher. He also said there are two pumps and one does not run all of the time. He asked how often they are tested.

Supervisor Richard A. Materese said after attending the Planning Board meeting, he asked Commissioner of Public Works Louis V. Caforio about the pumps and their maintenance. He said Mr. Caforio had no knowledge of the pumps not working and said they are tested at least once a year.

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



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## COMMUNICATIONS FOR FILING:

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

1. Charter Communications Notices – August 10 & 15, 2019.
2. Letter from New York State Department of State that Local Law #8 for 2019 (Smoking Ban in all Town of Union Parks) was filed on August 5, 2019.
3. Notice of Intent to File a Claim – Yammick D. Martinez vs. State of New York and Johnson City Police.
4. Petitions and Small Claims Petitions from July 8, 2019 to August 12, 2019 regarding reassessments filed with the Town Attorney, Town Clerk and Assessor.
5. Letter from Jackie Pangilinan, Executive Director, Meals on Wheels of Western Broome, thanking the Town Board for past and continued support of Meals on Wheels through the Community Development Block Grant and asking that Meals on Wheels of Western Broome not be used as a pawn for any other agenda other than their own mission.  
Carried.

## COMMUNICATIONS FOR ACTION:

1. Moved by Augustini, seconded by Bertoni to approve the letter from Deacon Hogan, President, Maine Endwell High School Student Council, requesting permission for the annual Homecoming Parade on Saturday, September 28, 2019, beginning at approximately 11:00 A.M. and ending at approximately 12:30 P.M. and refer it to Commissioner of Public Works Louis V. Caforio and Highway Superintendent Chester Kupiec. The route will be as follows: beginning at the Riverdale Banquet Hall extra parking lot on North Knight Avenue, going down North Knight Avenue toward Watson Boulevard, turning left onto Watson, turning left onto Beckwith Avenue, turning right onto Country Club Road, turning left onto Hooper Road, turning right onto Farm-to-Market Road and ending at Maine-Endwell High School.  
Carried.
2. Moved by Augustini, seconded by Bertoni to refer the Notice of Foreclosure of Tax Liens Pursuant to Article 11 Title 3 of the Real Property Tax Law by the County of Broome, List of Delinquent Taxes vs. Valerie and Luke Mandyck, 1713 Riverview Drive (Tax Map # 157.11-5-17) and 2115 Riverview Drive (Tax Map # 157.12-1-1) to Town Attorney Alan J. Pope and comptroller Laura J. Lindsley.  
Carried.
3. Moved by Augustini, seconded by Bertoni to refer the Email from a resident (Michael) asking that the Town change the No Parking signs on Winston Drive to be similar to the signs



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placed on Pruyn Street near Homer Brink last year by the Town, to Commissioner of Public Works Louis V. Caforio and Highway Superintendent Chester Kupiec.  
Carried.

4. Moved by Augostini, seconded by Bertoni to approve the Email from Tom Carter, Seton Catholic Central School, requesting the use of Pavilion #7 in Highland Park on October 12, 2019 for their Oktoberfest Race, to waive the \$100.00 fee, and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Ray Vanderpoel.  
Carried.

5. Moved by Augostini, seconded by Bertoni to refer the Union Center Fire Company proposed 2020 Annual Budget to Comptroller Laura J. Lindsley.  
Carried.

6. Moved by Augostini, seconded by Bertoni to approve the Email from Kent Sisco, Financial Advisor, Edward Jones requesting the use of Highland Park upper parking lot on a Saturday in October to offer free shredding in exchange for charitable donations to the American Cancer Society's "Real Men Wear Pink" fund raising campaign and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Ray Vanderpoel.  
Carried.

PETITIONS:           None.

## COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

(Prepared Resolution filed as part of these minutes to refer the Paul Sweeney Report dated July 8, 2019 to the Ethics Committee for consideration and any necessary action and determination as it relates to issues involving Councilwoman Staley.)

Res. by Augostini, seconded by Bauman.

Vote: Yes  
Augostini  
Bauman  
Bertoni  
Materese  
No  
Staley

The Resolution was adopted.

Moved by Augostini, seconded by Bauman to reappoint Assessor Joseph Cook for a new term to run from October 1, 2019 through September 30, 2025 (this is a six-year term as required by the New York State Real Property Tax Law (RPTL), §310.)

Carried.



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Moved by Augostini, seconded by Staley to approve the following 2019 Budget Transfer:

Decrease:	40 7110 2502	Grounds Equip.	\$ 750.00
Decrease:	40 7110-4101	Office Supplies	\$ 100.00
Increase:	40 7110 4167	Boots, Gloves & Gear	\$ 850.00
Decrease:	40 71102502	Grounds Equipment	\$ 2,000.00
Increase:	40 7110 4109	Chemicals	\$ 2,000.00

Carried.

(Prepared Resolution filed as part of these minutes approving Hon. Gregory P. Thomas permission to apply for the 2019-2020 Justice Court Assistance Program (JCAP) Grant through the New York State Unified Court System at the maximum amount of \$30,000. The grant will be used to obtain and replace aged furniture and equipment improving the efficiency of the Court.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes adopting the 2019 Broome County Hazard Mitigation Plan update as the Town of Union's Natural Hazard Jurisdiction Plan and authorizing Supervisor Richard A. Materese to execute the actions identified in the Plan that pertain to this jurisdiction.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve a minor plan amendment to the CDBG FFY 2018 Annual Plan to reallocate \$16,500.00 from the CDBG salaries to Economic Development OTPS to cover the cost of purchasing a new vehicle and authorize the Comptroller to transfer funds within the MUNIS system as directed by the Planning Director. The required Public Notice was posted on the town web page and was published in the Press & Sun Bulletin on August 18<sup>th</sup>, 2019. No comments have been received to date. Any comments received by the end of the 10-day comment period (August 28<sup>th</sup>, 2019) will be considered prior to approval of the amendment.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve \$2,741.00 to be transferred from the line items salary for bookkeeper to salary for Executive Director (\$1,918.70) and to salary for Child Care Director (\$822.30) in their FFY 2018 CDBG contract with the Johnson City Community Action Team and authorize the Supervisor, Deputy Supervisor, or other Town official so designated by the Town Board to sign all documentation required to implement this contract amendment. The bookkeeper position has been vacant and both the Executive Director and Child Care Director have been doing the bookkeeping work. This transfer will



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exceed the 5% amount of the contract that can be authorized by the Planning Director. The Planning Department has no objection to this line item amendment.)

Res. by Bertoni, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to approve Change Order 1 for the CDBG funded Exchange Avenue street reconstruction project. The final contract amount with Albert Torto Construction Corporation will increase by \$8,775.00 to \$260,298.00. The original contract amount was \$251,523.00. The amendment as due to work related to water services that were inadvertently omitted in the original contract quantities.)

Res. by Bertoni, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

### HEARING OF VISITORS:

Susan Lupo-Schofield, 2032 Felicia Boulevard, Endwell, said she was curious about the ethics violation. She asked who Paul Sweeney is, what the Ethics violations against Councilwoman Heather R. Staley are and where the report is.

Town Attorney Alan J. Pope said the report is filed in Town Clerk's Office and is available to anyone who files a Freedom of Information request for it. He also said Paul Sweeney is an attorney with Coughlin and Gerhart who specializes in Labor Management.

Councilwoman Heather R. Staley said Paul Sweeney is the attorney who investigated Rose Sotak last year.

Mrs. Lupo-Schofield asked who is on the Ethics Committee, what happens during this process, what the committee decides on and what the outcome will be.

Supervisor Richard A. Materese said Town Clerk Leonard Perfetti, Paul Burnett, Rev. Barry Downing and James Santacrose are on the committee.

Town Attorney Alan J. Pope said as per the Resolution, the Town Board is not making any determinations, but simply referring the report to the Ethics Committee, who will then decide as a committee what process or procedure to use, whether it be further investigated or should they interview more people. They can do whatever they want to ultimately decide if there were one or more Ethics violations or no violations. They will then put their determination in writing.

Mrs. Lupo-Schofield went on to ask if this puts a black mark on a resume or work records, could remove Councilwoman Heather R. Staley from the Board, or when she runs next year it could be used against her and be said that she had an ethics violation. She said she feels it is sad that the Town is going through this again, after the debacle last year with Rose Sotak.



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Carol Howell, 605 Carl Street, Endicott, asked for the names of the Ethics Committee members again. She spoke about the horrible condition of Carl Street and if it would be paved after all the construction is finished on Glendale Drive. She also asked if there were weight restrictions on the roads in the Town.

Supervisor Richard A. Materese said yes there are weight restrictions in the Town of Union, but the problem is the Town does not have a police force to monitor this. He said Carl Street will be repaved.

Nathaniel Robertson, 309 West Main Street, Endicott, asked one more time who wrote the resolution in 2018 for the Health Care plan for the Town of Union.

Town Clerk Leonard J. Perfetti said Comptroller Laura J. Lindsley gave guidance to the resolution, and that Board members do not write resolutions.

Councilwoman Heather Staley said the minutes indicated that it was resolved by Councilman Thomas R. Augostini and all the Board members voted on it.

Supervisor Richard A. Materese said Councilman Augostini may have read it, but he did not write it.

Nathaniel Robertson asked if it is a conflict of interest for Councilman Augostini to vote on it since he works at Haylor, Freyer & Coon and would be benefitting from it. He also said he is going to send this information to the Attorney General's Office so they can determine if it is a conflict of interest, and whether any money has changed hands.

Dr. Matthew Wahila, 2722 Robins Street, Endwell, questioned how the Paul Sweeney report happened, and how someone could get a copy of it if they requested it. He also asked if a citizen could request to have an investigation done.

Town Attorney Alan J. Pope explained the process started with a complaint from an employee to the Employees Committee, who then with legal advice from himself, and approval of the Board, referred it to outside counsel Mr. Sweeney to investigate. He said one of Mr. Sweeney's recommendations in his report was to refer it to the Ethics Committee to evaluate and proceed from there. He said it is a confidential employee matter, so the name of the employee is unavailable.

Lori Wahila, 2722 Robins Street, Endwell, asked what the expertise of this Ethics Committee on Ethics is, or are they just individuals who will give opinions on the report. She also asked if their determination will be made public.



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Town Attorney Alan J. Pope explained again that the Ethics Committee will review the report, discuss it and then determine if they have the expertise to proceed with this, or if they will have to refer it back to outside sources for help. He said there are many sources of Ethics opinions they can refer to, from the Attorney General's Office, the Comptroller's Office and the Association of Towns. He expects the Committee will give due diligence to this task and their determination will be made public.

Maria Walensky-Medina, 423 Arthur Avenue, Endicott, asked how much the fees for Mr. Sweeney's work were and who paid for it. She said she doesn't understand the motivation behind an ethics issue with Councilwoman Heather R. Staley, but she feels the money spent on this should be used for other issues in the Town such as the drug problems and the homeless in Endicott.

Councilwoman Heather R. Staley gave an overview of what the supposed Ethics violations are against her. She went on to say that in her opinion, there are other people who were and are on the Board that are unethical in their business with the Town and should have been investigated. She also said she is not Rose Sotak and she will not stand for this treatment.

Supervisor Richard A. Materese said these were unfounded accusations and they are not going to be brought up.

Diane Hunter, 519 ½ East Main Street, Endicott, asked why it isn't a conflict of interest to have Records Management Officer Leonard J. Perfetti as head of the Ethics Committee.

Supervisor Richard A. Materese said he is not the head of the committee and the State said we have to have a Town employee on the committee.

Councilman Frank J. Bertoni said the Board decided to put Mr. Perfetti on the Ethics Committee not only as an employee of the Town, but also because he is an elected official and doesn't answer to anyone; therefore the Board or employees cannot put any pressure on him or influence him in his decisions.

Ms. Hunter then said all the members on that committee are Republican and it looks like they are all against one Democrat. She also said Town Attorney Alan J. Pope said in all the years he has been with the Town, he has not seen diversity on the committees. She feels the Town needs training on diversity.

Supervisor Richard A. Materese said he does not know the political parties of the members and they do not investigate party affiliations of prospective members to be on any committee.

Town Attorney Alan J. Pope said he never said that.



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Supervisor Richard A. Materese said Town Attorney Alan J. Pope said he has never seen political party issues with these committee appointments.

Ms. Hunter asked about the Resolution regarding Judge Gregory Thomas receiving a grant. She said he is judge for three jurisdictions and asked if this grant applies to all three courts or just to the Town of Union

Supervisor Richard A. Materese said it applies only to the Town of Union.

Susan Lupo-Schofield, 2032 Felicia Boulevard, Endwell, asked if there is an Ethics policy manual to follow and asked if anyone on this committee has an ethics background as far as education, lawyering or anything that would give them their expertise to be able to make these decisions.

Town Attorney Alan J. Pope said there is not a manual, but an Ethics section in the Town Code. He also said he disagrees with Ms. Lupo-Schofield that it can be said that nobody on this committee has ethics. He further said that everyone in this room has ethics and knows what is right or wrong; and you have to let the committee do their job.

Mrs. Lupo-Schofield said she is not questioning that the committee members have ethics, or know right from wrong; she is questioning if they have expertise or a background in Ethics. She said she would hate for it to come down to republicans against democrats.

Town Clerk Leonard J. Perfetti defended himself by giving a background on his work history. He said he has worked for over 35 years for two major companies, worked 3 years in Human Resources, took a lot of ethics training, was a manager and supervisor and had to deal with many issues over the years. He said don't say it's a republican against a democrat issue, and that he is very offended by Mr. Robertson's comment that he would be pressured by the Board into making a decision.

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

1. Town of Union Planning Board Decision–Special overnight event Family Sports Complex.1500 Country Airport Road-Tax Map # 110.04-1-26.11.
2. Comptroller's Monthly Report – July 31, 2019.



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3. Permits Monthly Report – July 2019.
4. Town of Union Planning Board Decision – Site Plan – Insurance Agency Office – Kevin Valenta, 593 Hooper Road, Endwell, Tax map # 142.05-1-51.
5. Town of Union Planning Board Decision – Site Plan Approval – Heritage Self Storage, LLC 301 Glendale Drive, Endicott, Tax map # 156.11-1-1.
6. Town of Union Planning Board Decision – Special Permit Approval – Outdoor Storage, Heritage Self Storage, LLC 301 Glendale Drive, Endicott, Tax map #156.11-1-1.
7. Town of Union Planning Board Minutes – June 11, 2019.
8. Town of Union Planning Board Decision – Special Overnight Event- Family Sports Complex – 1500 County Airport Road, Tax map # 110.04-1-26.11.  
Carried.

Councilman Thomas R. Augostini recognized the life of Jim O'Connor, New York State Department of Health, Vital Records Department senior administrative analyst for over 40 years. He was a friend and a mentor to Clerks throughout the State and will be missed.

Councilman Frank R. Bertoni asked the Supervisor to ask the attendees to follow a certain level of decorum at the meetings. He said the clapping and booing and speaking from the chairs is inappropriate and distracting. He said it is also intimidating for one person to say something and get applause; then the next person may not get up to speak if it is against the previous speaker and they may get booed.

At this time Supervisor Richard A. Materese read the following statement:

I have been sitting in this seat since January 1<sup>st</sup>. I have witnessed many things and learned much about how the Town operates and how this board should operate. I have seen passionate people argue their points, I have seen misrepresentations of the truth and I have seen employees attacked for doing their jobs.

My background has been such that I have worked for and been in decision-making roles for three levels of government – village, county and town. I taught for 33 years and coached four sports over 40 years. In every one of those jobs, I saw that there are at least two sides to every issue. While not perfect, I have gotten better and pretty good at not judging events too quickly, not jumping to conclusions and trying to see all sides of an argument. Many times, personalities get in the way of clear vision and/or past perceived injustices cloud our thinking. At every juncture, I have witnessed that more things can be accomplished by working



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together. If everybody involved would take a step back and put away fears, more hurdles would be overcome.

I used to share an adage with my teams – “Some of us are better than others of us but none of us is better than all of us.” So it is with governing. We should be not here for individual glory; we should be here for success of our town.

We cannot rewrite the past. Having said that, I would like to clear up a few misconceptions that I have heard out in the community and here in the boardroom.

First, our employees and in particular, department heads, do not act on their own. They have Board approval and oversight. Some of them are subject to other citizen’s boards directives. Being attacked, in public or on social media, for doing their job is misdirected anger. If there is a perceived problem with one or more of our employees, that should be brought to the attention of this board. And it is this board’s duty to defend our employees when wrongfully attacked.

Second, I have heard that the Town is engaging in “wage theft” with some of our employees; that the Town is not paying employees “what they deserve.” Most of our employees are part of CSEA, a labor union. If employees truly believe that they are not being paid accurately, they have the option of going to their union representatives and filing a grievance. The Board welcomes that approach as we believe that our employees are important and we want to follow their contracts properly as we and they negotiated and agreed to do. There are no such grievances.

Third, there is a belief that CDBG money is available to anyone that asks for it and that an applicant will get all that they asked. Applications are submitted to a citizen’s board to be reviewed. It clearly states on the application that late applications will not be accepted. The Citizen’s Board decided to waive the “will not be accepted” rule and grant money to Meals on Wheels because of its important mission. As a penalty, a 10% reduction of the requested amount was made rather than give them nothing. Remember, there is no guarantee of getting anything or any amount. In fact, this letter arrived today.

Dear Town of Union Board and community members,

On behalf of Meals on Wheels of Western Broome I want to express our appreciation for the Community Development Block Grant that we’ve received every year since before 1996. This grant has made it possible for our organization to continue to serve our aging population for almost 50 years. We’ve received between \$15,000 and \$24,000 each year from the Town of Union to help with our food, packaging, and rent expenses. Without this grant, we’d not only have to raise our meal prices but we’d be forced to serve less seniors. Plainly said, its likely Meals on Wheels of Western Broome would cease to exist if it weren’t for gifts such as these.

Our organization was recently penalized for submitting our 2019-2020 application two days late, due to circumstances already discussed at the town meeting a few months ago. Because of this, an automatic 10% penalty was applied for the late submission. I spoke at that meeting to ask the board to reconsider applying this penalty.



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I did not realize until the meeting at which I spoke that I, and Meals on Wheels, was being used as a way to publicly shame a board that has only been fair and generous to us throughout the years. It became clear to me that this group cared less about our organization and more about how they could use it for their own personal gain.

My purpose in speaking at the meeting was to plead our case to have that 10% penalty waived. As Director, it is my job to fight for Meals on Wheels and that is what I did. But I in no way intended to chastise the board or to imply that we were ungrateful for our grant application being accepted and approved. Because it was submitted late, the board could have refused it altogether, but it did not.

Meals on Wheels is happy to accept any support, whether it comes in the form of volunteering, community outreach, or donations. In fact, to deny that support would be a disservice to our clients. But we do NOT want to be used as a pawn for any agenda other than our own mission of keeping seniors healthy and at home for as long as possible.

Thank you,

Jackie Pangilinan  
Executive Director  
Meals on Wheels of Western Broome

Fourth, a passionate plea was made to speed up the application process for the electronic sign for the fire department, claiming that our code department was delaying the project with a slow process as well as trashing the department. Well, the truth of the matter is that we had not processed their application because they had never made an application. So our code department could not process a permit for something we knew nothing about. After informing the fire department of the lack of an application, it still took two weeks to receive it. It was processed in two days.

Fifth, at our last meeting, a resident complained that the town should be fixing a problem on his property, claiming that he had paper work stamped by the Town and therefore it was the Town's responsibility. He did have blueprints that the developer had presented to the Town that showed his intention. The project, once completed, was never brought back to the Town for acceptance. There was no Town easement. Think of it this way; the DMV issues you a learner's permit. It is not a driver's license and it will not be legal for you to drive on your own until you have come back to be tested. The Town cannot go on to any resident's property and do work with taxpayer dollars, unless the Town somehow caused the problem. It is against the law. This Board will not break the law. We did, however, go to his house and offer suggestions. I believe he has or is now taking care of the situation.

Sixth, there is another misrepresentation out there that one of our Board members is profiting somewhere in the neighborhood of \$86K because the company he works for, which is employee owned, does business with the Town. If this were true, the State Comptroller would have issued criticism, warnings and threats to the Town. None of that has happened.



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Finally, the people sitting up here are elected officials or employees. Some people believe that they have a right to badger and berate them, calling them liars, cheats or whatever. Please remember that they are people also and they get bruised, hurt and defensive when insults, slurs and misrepresentations are thrown at them. Their responses sometimes translate their anger and frustration. I am not condoning retaliation by them, just explaining. Perception is key. No one wants to be judged without all of the facts being presented instead of just one side's version. I personally don't buy into the national level of politics and alternate facts. I don't buy into unverified accusations. It does not serve "We, the people" at all. As elected officials we are going to disagree on issues. Disagreements may occur but our goal should be common, serve the people to the best of our ability.

It is my hope that moving forward we will put the past behind us. Argue and win our arguments with good points rather than raised voices, name-calling, character assassination and misrepresentations. As George Bernard Shaw wrote "**Be aware of false knowledge; it is more dangerous than ignorance.**" Agree to disagree politely, courteously, respectfully and set an appropriate model for those watching and those who come follow in our footsteps.

### ADJOURNMENT:

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

The meeting was adjourned at 8:54 P.M.

Leonard J. Perfetti  
Town Clerk

LJP/bk