



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

October 16, 2019

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, October 16, 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. Augostini, 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.

Also in attendance was Village of Endicott Trustee Linda Jackson, Zoning Board of Appeals Member Giuseppe Roberto, and Marissa Knapp, Opioid Overdose Prevention Coordinator, Broome County Health Department.

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

PUBLIC HEARINGS: None.

BIDS: None.

APPROVAL OF MINUTES:

Moved by Augostini, seconded by Bertoni to approve the Minutes of the Regular Town of Union Board meeting held on Wednesday, October 2, 2019.
Carried.

HEARING OF VISITORS:

Marissa Knapp, Opioid Overdose Prevention Coordinator, Broome County Health Department, spoke on the proposed Broome County budget. She said the budget will have no change in sales taxes, will include a tax cut for the second year in a row and that the County now has a fund balance of 6.5 million dollars and an A+ bond rating. She also said funding will be used on infrastructure, renovations of two of the oldest buildings at SUNY



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Broome, and the expansion of the Nursing program due to a huge shortage of nurses in our area. Additionally, there will be an increase in public safety by adding 3 new deputies with the Broome County Sheriff's Department and 2 security officers with Broome County Security. Lastly, she highlighted the new Workplace Development Facility at the Oakdale Mall, with hopes of filling the 3000 jobs available in Broome County, and the new Veterans Resource Center at the Vestal Hills Country Club.

Councilman Frank J. Bertoni said the State cut \$350,000 in AIM funding and said it was going to be made up in sales taxes. He asked if the municipalities should be anticipating the sales tax going up \$350,000 or are they going to subtract it out of the AIM funding. He said that this would be a huge impact on our budget.

Town Attorney Alan J. Pope asked about the status of the Broome County Airport and if more air carriers will be added.

Mrs. Knapp said she did not know the answers to those questions, but she will find out the answers.

Councilman Frank J. Bertoni asked Mrs. Knapp what her position with the Department of Health entails.

Mrs. Knapp explained her position with the County, gave statistics on the drug death rate for 2019 and said although there was an epidemic number of deaths in March, the statistics for Broome County are on the same level as 2018.

Councilman Frank J. Bertoni said the bureaucracy shows they are doing a great job, but, he asked, how many lives are actually being saved, how far down does the assistance go and if it just treats the people on an immediate need or does it actually get them further long-term help. He said 30 days in rehab is not enough: they need longer care and to be trained on how to break the cycles of addiction.

Mrs. Knapp said that she works closely with the Drug Free Community Coordinator Marie Fabrizi going to the schools to educate the students on drug usage. She went on to say that the HelioHealth Center at the Binghamton Psychiatric Center has expanded their services from being a detox center where people stayed 3 to 5 days, to a longer term care center for up to 30 days.

Councilman Thomas R. Augostini asked if the amount of Narcan administered is based on how much drugs are in the patient's system.

Mrs. Knapp said that Narcan only works on opioids and Fentanyl was found mixed in with drugs in March which caused the increased number of deaths. She further said that Narcan



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and Naloxone are now available in the private sector, so it is hard to tell how many lives are being saved that don't involve first responder's assistance.

Supervisor Richard A. Materese said the numbers in March were astronomical, but they have been brought down and regardless of who is administering the Narcan, lives are being saved.

Councilwoman Sandra C. Bauman asked where someone would get Narcan and where the nearest long term facility is located.

Mrs. Knapp said currently in Broome County, you can go to S.T.A.P. (Southern Tier AIDS Program), Addictions Center of Broome County and Truth Pharm, and they will give a 10 minute training on the administration of Narcan. She also said the majority of the pharmacies in Broome County participate in the EndCap Program, which is the Naloxone Copayment Assistance Program that has a standing order for all insurance companies to cover the drug for the co-pay amount. She further said the nearest long term facilities are in the Tully Hill/Syracuse area, and some nearby Pennsylvania facilities. She also said that she is in contact with Dr. Gary Smith, Professor at Davis College, SUNY Binghamton and SUNY Broome, who is involved with a program called Habilitate that is located in Hawaii and that they have scholarships for this program. She said this is a 3 year program that has a 100% success rate.

Councilman Frank J. Bertoni said the County needs to focus on the long term treatment programs.

At this time, Town Attorney Alan J. Pope explained to the students in attendance the difference between motions and resolutions.

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

COMMUNICATIONS FOR FILING:

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

1. Charter Communications Notice – September 30, 2019.
2. Email notification from Broome County on upcoming training for local officials & municipal boards.
3. Western Broome Veterans Memorial Parade Committee Invitation.
Carried.



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COMMUNICATIONS FOR ACTION:

1. Moved by Augustini, seconded by Bertoni to refer the East Maine Fire Company, Inc. 2020 Proposed Budget to Comptroller Laura J. Lindsley.
Carried.

2. Moved by Augustini, seconded by Bertoni to refer the letter from Paul T. Sheppard, Hinman, Howard & Kattell, LLP regarding Andrea Rotella-Lamb, SCAR Proceeding SMAC001678, Tax Map # 125.20-4-31, to Town Assessor Joseph Cook and Comptroller Laura J. Lindsley.
Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

Moved by Augustini, seconded by Bauman to approve Assessor Joe Cook to enroll in a course for credit toward the Assessor continuing education requirement set by New York State. The course, Administration of Property Tax Exemptions, is given by the NYS Assessor’s Association on November 8, 2019 at the Ward O’Hara Museum and Joseph F. Karpinski Senior Education Center, 6880 East Lake Road, Auburn, NY. Authorization to include \$110.00 tuition, use of a town vehicle, and per diem in accordance with Town approved guidelines.
Carried.

(Prepared Resolution filed as part of these minutes to call for a Public Hearing on December 4, 2019 for public comments on the new solar law and authorizing it to be submitted to Broome County for a 239 review.)

Res. by Augustini, seconded by Bauman.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to enter into an agreement with VINES Garden effective September 1, 2019 for lease of 1701 Davis Avenue and 520 Fairmont Avenue and authorize the Supervisor and/or Town Attorney to execute the lease agreement.)

Res. by Augustini, seconded by Bauman.

Vote: All yes.

The Resolution was adopted.

Moved by Augustini, seconded by Staley to approve the following 2019 Budget Transfers:

Decrease:	31 5110 4120	Stone	\$ 2,600.00
Increase:	31 5110 4167	Gloves, Boots, Gear	\$ 2,600.00



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Decrease:	20 3310 4401	Equip. Maintenance	\$ 900.00
Increase:	20 3310 4147	Street Sign Facing	\$ 900.00.
Carried.			

(Prepared Resolution filed as part of these minutes authorizing the Supervisor to sign the Online Contract from Auctions International.)

Res. by Augustini, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes authorizing the Supervisor to sign the agreement with Broome County Division of Information Technology for the term January 1, 2020 through December 31, 2020. The cost is \$150.00 per year.)

Res. by Augustini, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to declare A-93, a 2006 Ford Taurus, as surplus to be sold at auction at a date to be determined.)

Res. by Augustini, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to approve the subject agreement with NYSDOT for intersection improvements of Hooper Road (CR 33) at Watson Blvd. This is a locally Administered Project. The estimated cost of the Preliminary Engineering/Design work is \$92,000. The Town will be reimbursed 80% of the \$92,000, or \$73,600, with Federal funds. In addition, the Town will be reimbursed 15% of the \$92,000, up to \$13,800, with State Marchiselli funds, and to authorize the Supervisor to execute all such project related documents subject to review and approval of the Town Attorney.)

Res. by Augustini, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to authorize Supervisor Richard A. Materese to sign and execute upon Town Attorney approval the Cerity Partners LLC Retirement Plan Advisors 3(38) Services Agreement with the Deferred Compensation Plan for Employees of Town of Union. The Deferred Compensation Plan is responsible for the annual investment advisory service fee of 25 basis points subject to \$10,000 minimum fee.)

Res. by Augustini, seconded by Staley.

Vote: All yes.

The Resolution was adopted.



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(Prepared Resolution filed as part of these minutes to call for a Public Hearing to be held on Wednesday, November 6, 2019 at 7:00 P.M. to consider amending the Town of Union Code Section 199-47 Meter service rates.)

Res. by Augustini, 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, November 6, 2019 at 7:00 P.M. to consider amending the Town of Union Code Section 165-43 Sewer user fee for Choconut Center, Fairmont Park and Westover.)

Res. by Augustini, 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, November 6, 2019 at 7:00 P.M. to consider the 2020 Preliminary Budget including the Annual Water Fund, Annual Sewer Fund, and Annual Fire Contracts for the Fire Protection Districts, and proposed Tax Cap Override local law.)

Res. by Augustini, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to declare the following vehicles surplus and to be sold at Auction's International at a later date:

D11 Freightliner

D12 Freightliner

D13 Freightliner

D45 MACK

D47 MACK

Res. by Augustini, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to amend the September 4, 2019 Resolution approving Hon. Gregory P. Thomas permission to apply for the 2019-2020 Justice Court Assistance Program (JCAP) for the Town of Union Court through the New York State Unified Court System.)

Res. by Augustini, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to award Trux Outfitter for their low quote for two truck plows of \$5,175.00 per plow for a total of \$10,350.00. A second quote was received from Binghamton Truck Body for \$5,375.00 per plow for a total of \$10,750.00. A third quote was requested from Connors Automotive and they declined.)



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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to declare the following items as surplus to be sold at auction at a later date:

F45 – Utility Trailer
B67 Van
B70 Dodge Pickup with Plow
B77 Dodge Pickup
Hell Hound Halloween Prop.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to declare the following items as surplus and authorize the Planning Director and Supervisor to complete any documentation necessary to send the vehicles & machines to auction. Proceeds to be allocated to funds as required:

Vehicles A87 and A85
Konica Minolta bizhub C353 copy machine
HP DesignJet 500 plotter.)

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

Vote: All yes.

Moved by Bertoni, seconded by Staley authorizing the attendance of Planning Director Sara Zubalsky-Peer and Community Development Coordinator Amber Jacobson to attend the LGRMIF Grant Application Information Session at the Cortland County Chamber of Commerce, 37 Church Street, Cortland, NY 13045 on November 14, 2019. Authorization to include use of a town vehicle for travel to and from the session.
Carried.

HEARING OF VISITORS:

Lori Wahila, 2722 Robins Street, Endwell, asked if the Town put out to bid or shopped around for a better price on health insurance for this budget year.

Supervisor Richard A. Materese said for the current year we have not because the Town is under contract with the labor unions to provide the same services. He also said that he has had a person ask him for the ability to come in and review the Town's policies and have him sign paperwork making that person the sole representative of the Town of Union. Supervisor Materese said he will not do that and he will take any bids from anyone who wants to give the Town a quote.



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Mrs. Wahila asked if the health insurance will go out to bid at some point.

Supervisor Richard A. Materese said changes cannot be made until negotiations for the union contracts are up.

Town Attorney Alan J. Pope said that at the last set of negotiations, the Town proposed to the union workers to look into more economical insurance policies in exchange for more money in salaries. The union workers reviewed the offers with their CSEA Union Representative and agreed to take a new insurance policy, which allowed the Town to put the money that was saved toward wages.

Jean Chapin, 8 Woodland Avenue, Johnson City, read the Resolution for the Permissive Referendum put in the paper for the Fairmont Park development, and a law in regards to a permissive referendum that she found on line. She said she presented a petition to the Board last month with signatures of 96% of the residents in Fairmont Park that are against the development.

Town Attorney Alan J. Pope explained the difference between a Permissive Referendum and a Mandatory Referendum.

Supervisor Richard A. Materese said the law that she quoted refers to the County not the Town, and that the petition she turned in is not sufficient enough to have the project denied under Town Law. He said the petitions for a Permissive Referendum have to be signed by a majority of the residents throughout the whole town and is based on the number of voters from the last gubernatorial election.

Mrs. Chapin complained that the houses to be built are monstrosities and would not beautify her neighborhood. She asked why the duplexes have to be three stories high and not like the houses that are already there. She further asked why the Town doesn't build the houses on Mr. Darpino's property.

Paul Darpino, 22 Lori Drive, Apalachin, spoke on an option of the Town buying his property and building the duplexes there. He also said the duplexes would be easier to accept if they were built all together, not sporadically throughout the neighborhood.

Supervisor Richard A. Materese said the houses were taken down and the properties sold to the Town with the idea of the Town rebuilding the area.

Mrs. Chapin said that she wrote a letter to the Town requesting to buy the property next to her and was told that she could not build on it because it is in a flood zone. She also said that it isn't right that the Town can build on it now.

Supervisor Richard A. Materese explained that buildings can be built in the flood zone if they are raised.



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Monica Becker, 11 Woodland Avenue, Johnson City, said the petition presented had 96% of the residents in Fairmont Park that signed are against the development and that they should be the ones to have a say in what goes on in their neighborhood, not anyone else in the Town. She also said that people in Fairmont Park are being pushed out by the construction of these giant buildings.

Lori Wahila, 2722 Robins Street, Endwell asked where in the Law it references referendums and how long do they have to get the petitions signed. She said she could only imagine how she would feel if this was being built next to her.

Town Attorney Alan J. Pope said it is in the Town Law of New York State and the time period is 30 days after the published date of the legal notice, so, until November 6, 2019.

Joan Zopp, 4119 Watson Boulevard, Johnson City, agrees with her neighbors that they want to keep their neighborhood as it is. She feels that building these duplexes will change the dynamics of the neighborhood by bring in renters who will come and go, not permanent neighbors. She asked why the houses being built cannot be like the ones on Franklin Street at Skye Island.

Paul Darpino, 22 Lori Drive, Apalachin, said the Town should auction off the lots and people can build their own homes. He said there is more value in single homes. He asked the Town to work with these people to keep their neighborhood.

Matthew Wahila, 2722 Robins Street, Endwell, asked if the solar law is available to read now. He also asked what was being changed on the Resolution regarding Judge Thomas.

Supervisor Richard A. Materese said the solar law is not complete and will be available before the December meeting. He also said the resolution for Judge Thomas was missing some information.

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

1. Town of Union Planning Board Decision – Fairmont Park Duplex Project, Special Use Permit for Floodplain Development, Fairmont Park Subdivision.
2. Town of Union Planning Board Decision – Fairmont Park Duplex Project, Special Use Permit for Two-Family Use, Fairmont Park Subdivision.



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3. Town of Union Planning Board Decision – Fairmont Park Duplex Project, Site Plan Approval, Fairmont Park Subdivision.
4. Town Clerks Monthly Report - September 2019.
5. Town of Union Planning Board Decision – Beards & Shears Site Plan Approval, 3102-3104 E. Main Street, Endwell.
6. Permits Monthly Report – September 2019
7. Zoning Board of Appeals Decision – Sue Kimmel, Lakewood Development LLC, and Application #2019 – 005 (12 Oak St.), 006 (14 Oak St.), 007 (25 Poplar St.), 008 (10 Woodland Ave.), 009 (30 Woodland Ave.), 010 (12 Woodland Ave.), 011 (28 Birch St.), and 012 (37 Poplar St.).
Carried.

ADJOURNMENT:

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

The meeting was adjourned at 8:33 P.M.

Leonard J. Perfetti
Town Clerk

LJP/bk