



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

December 18, 2019

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, December 18, 2019 at 7:00 P.M. in the Town Board Room, 3111 East Main Street, Endwell, New York.

BOARD MEMBERS PRESENT: Town 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, Deputy Town Attorney Rosemarie Pope, Town Clerk Leonard J. Perfetti, Deputy Town Clerk Rebecca Kruczkowski.

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, December 4, 2019.
Carried.

HEARING OF VISITORS:

John Solak, 8 Lathrop Avenue, Binghamton, spoke on the operation of unlicensed massage parlors in the Town of Union, of which, two are on Main Street and one has already been raided. He said the State Education Law forbids the operation of unlicensed massage parlors, and it is a felony charge to do so. He asked the Town to do something to shut them down.



Town of Union

Mr. Solak also spoke on the lack of street lighting on the 201 Bridge. He said he wrote a letter to Press Connects four years ago entitled "Turn on the Lights," requesting the street lights be fixed and turned on.

Lori Wahila, 721 Monforte Drive, Endwell, said she was at a Town Board meeting a few months ago when the budget was being discussed and she asked if the Town would be going out to bid for health insurance for the 2020 budget. She implied that the Town is not transparent on this procedure and that there is a no bid contract with the current insurance company that covers the plan.

Councilman Thomas R. Augostini asked if she has this no bid contract to show the Board.

Mrs. Wahila said she did not have the contract and will try to produce it for the next meeting.

Supervisor Richard A. Materese said he disagrees with the no bid contract statement. He said the Town is entertaining a motion from an outside group to look into our insurance policies to be able to reach out to other agencies and try to match or better our current polices, since the Town cannot go lower on the coverage from what it now has due to the current contract.

Town Attorney Alan J. Pope said there is not an insurance policy in place for the 2021 negotiations. He said he is looking at the letter from the Board to allow another agency to look at the policies and that the Town Board will have to vote on this letter at another meeting. He stressed that there is transparency in these actions and nothing is closed.

Mrs. Wahila asked that due diligence is done to go out and get the best insurance for the money and that she feels there are plenty of companies to get quotes from. She said it raises questions if a member of the council's company gets the account.

Councilman Thomas R, Augostini said each collective bargaining agreement states that the Town will supply a specific policy from Excellus Blue Cross & Blue Shield and it is not available from any other company.

Councilman Frank J. Bertoni said the Town does not pay the Broker and if there was a conflict of interest, the Town has a procedure in place to cover that.

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

COMMUNICATIONS FOR FILING:

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



Town of Union

1. Letter from Nancy M. Sunukjian, New York State Unified Court System, with a copy of Certificate of Completion Continuing Judicial Education Program for Honorable Veronica M. Gorman.
2. Letter from Frank Evangelisti, Director, Broome County Department of Planning and Economic Development, regarding Review Pursuant to 239-l and -m of the General Municipal Law – Project: Other: Local law establishing a Renewable Energy Systems Chapter for solar.
3. Charter Communications – December 9, 2019.
4. Town of Union Planning Board Minutes – November 12, 2019.
5. Certificate of Inspectors of Election for West Corners Fire District held on December 10, 2019.
6. Endwell Fire District Election results held on December 10, 2019.
Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augustini, seconded by Bertoni to refer the letter from Ann Murtha, 170 Hillside Terrace, Endwell, to the Town Board and Sewer Department, requesting reimbursement for property damage to her residence due to a sewer backup on November 1, 2019, to Town Attorney Alan J. Pope, Deputy Commissioner of Public Works for Environmental Services Daniel J. Schofield and the Town Insurance Company.
Carried.
2. Moved by Augustini, seconded by Bertoni to refer the letter from Marilyn Horvath, 838 N. McKinley Avenue, Endicott, to the Town Board requesting the Town to look into a sewer backup on December 4, 2019 at 7:00 P.M. at her residence and several other homes in the 800 block of N. McKinley Avenue to Town Attorney Alan J. Pope, Deputy Commissioner of Public Works for Environmental Services Daniel J. Schofield and the Town's Insurance Company.
Carried.
3. Moved by Augustini, seconded by Bertoni to refer the Notice of Claim – Paul Mueller vs. Town of Union for injuries sustained at 265 Main Street, Johnson City, on September 15, 2019 to Town Attorney Alan J. Pope, Deputy Commissioner of Public Works for Codes Daria Golazeski and the Town's Insurance Company.
Carried.
4. Moved by Augustini, seconded by Bertoni to refer the Notice of Appearance – Centurylink Communications, LLC; Broadwing Communications, LLC; Global Crossing North America,



Town of Union

Inc.; Global Crossing Telecommunications, Inc.; Level 3 Communications, LLC; Level 3 Communications, LLC, as successor-in-Interest to the assets of Genuity Solutions, Inc.; Level 3 Telecom of New York, LP; and Telcove Operations, LLC vs. Town of Union and other municipalities throughout New York State to Town Attorney Alan J. Pope and Town Assessor Joseph Cook.

Carried.

5. Moved by Augostini, seconded by Bertoni to refer the Notice of Claim – John Rozzoni vs. Town of Union for injuries sustained at 265 Main Street, Johnson City, on September 15, 2019 to Town Attorney Alan J. Pope, Deputy Commissioner of Public Works for Codes Daria Golazeski and the Town's Insurance Company.

Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

(Prepared Resolution filed as part of these minutes authorizing Supervisor Richard A. Materese to sign and execute the agreement between United Health Services Hospitals, Inc. and the Town of Union for Employee Assistance Program (EAP) services effective 1/1/20 through 12/31/20 for the annual amount of \$3,328.00. The Town Attorney has approved the agreement.)

Res. Augostini, seconded by Bauman.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes authorizing Supervisor Richard A. Materese to sign and execute, upon Town Attorney approval, the pricing proposal between Inflections Risk Solutions, LLC d/b/a GoodHire and the Town of Union for pre-employment screening services effective immediately at a cost of \$15.00 per background check. The estimated annual cost is \$3,150.00, providing a \$1,050.00 savings to the Town.)

Res. by Augostini, seconded by Bauman.

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve the retainer agreement for legal services based on the Town's RFQ for Legal Services, with Town Attorney Alan J. Pope, Deputy Town Attorney Rosemarie Pope, and Coughlin & Gerhart, LLP and authorize the Supervisor to execute the same, wherein the salary for Town Attorney Alan J. Pope shall be \$50,000.00; the salary for Deputy Town Attorney shall be \$55,000.00, and the non-retainer billable legal work shall be at an hourly rate of \$200.00 per hour for attorneys and \$100.00 per hour for paralegals.)

Res. by Augostini, seconded by Bauman.

Vote: All yes.

The Resolution was adopted.



Town of Union

(Prepared Resolution filed as party of these minutes to adopt the Town of Union Renewable Energy Systems Law as it pertains to Solar. This was the subject of a public hearing on December 4, 2019 and to authorize the Town Clerk and Town Attorney to attend to all necessary filings.)

Res. by Augustini, seconded by Bauman. Vote: All yes.
The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to amend the Town of Union Code, Section 199-47 – Meter Service Rates.)

Res. by Augustini, seconded by Bauman. Vote: All yes.

(Prepared Resolution filed as part of these minutes to amend the Town of Union Code, Section 165-43 – Sewer User Fee for Choconut Center, Fairmont Park, and Westover.)

Res. by Augustini, seconded by Bauman. Vote: All yes.
The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to approve the Intermunicipal Agreement with the Towns of Binghamton and Conklin regarding the shared Assessor services effective January 1, 2020 and to authorize Supervisor Richard A. Materese to execute the same. The Town of Binghamton shall pay \$20,000.00 to the Town of Union and the Town of Conklin shall pay \$26,000.00 to the Town of Union for 2020. There shall be an increase to Joseph Cook’s salary for the month of December 2019 in the amount of \$2,555.55 which will be billed to both municipalities. Joseph Cook’s salary shall be increased by \$30,360.00 for 2020.)

Res. by Augustini, seconded by Bauman. Vote: All yes.
The Resolution was adopted.

Councilman Thomas R. Augustini said he gives the Towns of Binghamton and Conklin credit for sitting down with the Town of Union to work out a tremendous amount of details for this agreement to have one Assessor for three municipalities.

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

Decrease:	31 5142 4128	Calcium Chloride	\$12,000.00
Decrease:	31 9060 8004	Health Insurance	\$18,000.00
Increase:	31 5142 4129	Salt	\$30,000.00
Decrease:	10 1620 4149	Supplies	\$ 4,414.60
Increase:	10 1620 2500	Other Equipment	\$ 4,414.60
Decrease:	20 8160 4167	Gloves, Boots	\$ 501.00
Increase:	20 8160 4099	Temporary Non-PR	\$ 501.00
Decrease:	20 8120 2200	Office Equip	\$ 155.01



Town of Union

Increase:	20 8120 4225	Cell Phones	\$ 71.40
Increase:	20 8120 4167	Gloves, Boots	\$ 83.61
Decrease:	20 8160 4513	Tipping Fee	\$ 9,143.00
Increase:	20 8160 4112	Tires	\$ 3,518.00
Increase:	20 8120 4428	Septic Tank Cleaning	\$ 5,625.00
Decrease:	31 5110 4120	Stone	\$ 2,100.00
Increase:	31 5110 4154	Manhole Covers	\$ 2,100.00
Decrease:	10 1620 4149	Supplies	\$ 100.00
Increase:	10 1620 2500	Other Equip.	\$ 100.00
Decrease:	31 5110 4120	Stone	\$ 400.00
Decrease:	31 5110 2500	Other Equip.	\$ 400.00
Decrease:	20 8160 4513	Tipping Fee	\$ 1,975.00
Increase:	20 8120 2500	Other Equipment	\$ 1,975.00
Decrease:	20 8160 4111	Parts	\$ 6,928.10
Increase:	20 8160 4112	Tires	\$ 6,928.10.

Carried.

(Prepared Resolution filed as part of these minutes to approve the following 2019 Budget Modification:

Increase:	20 5990 0000	Appropriated Fund Balance	\$ 294,906.00
Increase:	20 8989 2050	Home & Community Capital	\$ 294,906.00.

Appropriate fund balance to cover the cost of the Watson Blvd. floodgate closure.)
Res. by Augustini, seconded by Staley. Vote: All yes.
The Resolution was adopted.

Moved by Augustini, seconded by Staley to approve the attendance of David Conklin and Ken Jennison, Code Enforcement Officers, to the Finger Lakes Building Officials Education Conference, March 8-11, 2020 at the RIT Inn and Conference Center in West Henrietta, New York. The Educational Conference accounts for all of the required 24 hours of training. Authorization to include registration fee of \$390.00 per person, use of a Town vehicle, meals not covered in registration from dinner on March 8 through lunch on March 11, 2020 and hotel fees of \$94.00 per person, per night for 3 nights.
Carried.

Moved by Augustini, seconded by Staley to approve the attendance of Randy Shear at the basic training classes required for certification as a Code Enforcement Officer. A Code Enforcement Officer Certificate is required for the issuance of appearance tickets. Classes are being held at the NYS Fire Academy in Montour Falls on January 27-30, 2020; March 16-19, 2020; and April 13-16, 2020. Authorization to include \$25.00 registration fee per class, \$111.00 for room and board, and use of a Town vehicle.)
Carried.



Town of Union

(Prepared Resolution filed as part of these minutes to approve Change Order #1 with Louis Picciano & Son Inc. for the Johnson City Water Treatment Plant Maintenance Building Replacement Plumbing contract to increase in an amount of \$13,043.00 for a total contract amount of \$148,943.00. The Supervisor, Deputy Supervisor or other town official so designated by the Town Board, shall be authorized to sign all documentation required to implement the change order.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve Change Order #2 with Louis Picciano & Son, Inc. for the Johnson City Water Treatment Plant Maintenance Building Replacement contract to increase in an amount of \$1,988.00 for a total contract amount of \$150,931.00. The Supervisor, Deputy Supervisor or other town official so designated by the Town Board, shall be authorized to sign all documentation required to implement the change order.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve a time extension of the contract with Bionco Builders Company, Inc. through February 29, 2020. The Supervisor, Deputy Supervisor or other town official so designated by the Town Board, shall be authorized to sign all documentation required to implement this contract amendment.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve a time extension of the contract with Nelcorp Electrical Contracting Corporation through February 29, 2020. The Supervisor, Deputy Supervisor or other town official so designated by the Town Board, shall be authorized to sign all documentation required to implement this contract amendment.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve a time extension of the contract with J & K Plumbing and Heating Company, Inc. through February 29, 2020. The Supervisor, Deputy Supervisor or other town official so designated by the Town Board, shall be authorized to sign all documentation required to implement this contract amendment.)

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

Vote: All yes.



Town of Union

(Prepared Resolution filed as part of these minutes to approve a time extension of the contract with Louis Picciano & Son, Inc. through February 29, 2020. The Supervisor, Deputy Supervisor or other town official so designated by the Town Board, shall be authorized to sign all documentation required to implement this contract amendment.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve a time extension of the contract with Keystone Associates, Architects, Engineers & Land Surveyors DPC. through February 29, 2020. The Supervisor, Deputy Supervisor or other town official so designated by the Town Board, shall be authorized to sign all documentation required to implement this contract amendment.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve the Federal Fiscal Year 2018 Consolidated Annual Performance and Evaluation Report (CAPER) and authorize the Supervisor and Planning Director to sign any and all documentation required for submission of the CAPER to HUD.)

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

Vote: All yes.

HEARING OF VISITORS:

John Solak, 8 Lathrop Avenue, Binghamton, said the closure and sale of Bible School Park is taking place this month and said the new owner told the Village of Johnson City that the facility would be used for an educational or healthcare institution. He said the new owner is now planning to use it as a basketball camp. He asked that the Town Assessor and public be aware of what it is really being used for and to get it back on the tax roll.

Supervisor Richard A. Materese said the assessment of the property is public information and can be researched through the Assessor's office.

Mr. Solak also commented on Communications for Action #3 of tonight's meeting and asked for full disclosure on the claim.

Town Attorney Alan J. Pope and Deputy Town Attorney Rosemarie Pope thanked the Board for allowing them to be the Town's attorneys for 2020.



Town of Union

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 Clerk Monthly Report – November 2019.
2. Permits Report – November 2019.
3. Town of Union Planning Board Decision – Modification of Special Permit, B. Kashou, Greater Binghamton Sports Complex, 1500 County Airport Road, Tax Map#110.04-1-26.11.
4. Town of Union Planning Board Decision – Site Plan Approval: Cycle 3 Studio, Abby Hanselman, 327 Chaumont Drive, Endwell, Tax Map # 157.08-3-72.
5. Town of Union Planning Board Decision – Special Permit for Floodplain Development – Lohmeyer Snow Removal Business with Salt Storage – 408, 412, 416 & 420 Scarborough Drive and 2278 1/2 William Street-Rear, Tax Map # 157.08-9-40, 43-46.
6. Town of Union Planning Board Decision – Special Permit Approval: Outdoor Operations and Storage – Lohmeyer Snow Removal Business with Salt Storage - 408, 412, 416 & 420 Scarborough Drive and 2278 1/2 William Street-Rear, Tax Map # 157.08-9-40, 43-46.
7. Town of Union Planning Board Decision – Site Plan Approval - Lohmeyer Snow Removal Business with Salt Storage - 408, 412, 416 & 420 Scarborough Drive and 2278 1/2 William Street-Rear, Tax Map # 157.08-9-40, 43-46.
8. Town of Union Comptroller's Monthly Report – November 30, 2019.
Carried.

Supervisor Richard A. Materese thanked the students from Union Endicott's Participation in Government Class for attending the meeting. He said the next meeting will be held on Thursday, January 2, 2020 not on Wednesday and wished Happy Holidays to all.

ADJOURNMENT:

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



Town of Union

The meeting was adjourned at 7:53 P.M.

Leonard J. Perfetti
Town Clerk

LJP/bk