



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*

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## TOWN OF UNION BOARD MEETING

January 20, 2021

The Regular Meeting of the Town Board of the Town Of Union was held on Wednesday, January 20, 2021 at 7:00 P.M. in the Town Board Room, 3111 East Main Street, Endwell, New York and via Zoom.

TOWN 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 via Zoom: Village of Endicott Mayor Linda Jackson, Zoning Board of Appeals Alternate Member Amanda Dorrell.

Town 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 Reorganizational Meeting and Regular Town of Union Board Meeting held on Wednesday, January 6, 2021 with the following correction:

Remove Julie Deemie from Citizens Advisory Council for Community Development on Reorganizational Meeting and replace her with Kristen M. Tocheny.  
Carried.

### HEARING OF VISITORS:



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Amanda Dorrell, 115 Patio Drive, Endwell, Board member of the Highland Greens Homeowners Association, said she's glad to see that their petition was included on the agenda for this evening's meeting. She said she experienced a sewage backup in her basement on Christmas Day that has affected her mentally, physically, with which she is still having issues, and financially. She hopes that the Town of Union can come to a resolution with the complex to resolve this ongoing issue.

Tom Fabrizio, 213 Patio Drive, Endwell, said he appreciates the Board for taking the time to listen to them. He said that there were 14 people affected that day, with half of them being senior citizens who live in their retirement homes. He said this has taken a toll on their community and this is not the first time this has happened. He, himself, was affected with a \$25,000 bill for damages and said they are asking the Town to devote some resources to determine the source of the problem. He also said they are getting waste from Weis in their basements; and that if they can find out the source of the problem, this may lead them to a conclusion to fix it.

Maryann Harkness, 201 Patio Drive, Endwell, also a Board member of the Highland Greens Homeowners Association, said they have heard by several people including your Attorney that our sewer backup flooding problem might not be the responsibility of the Town of Union because our sewer system is private. She said this statement is completely untrue. She referred to a document from 1984 that was presented to the Town from Hinman, Howard & Kattell. She pointed out the section of the letter on sanitary sewer and storm sewers indicating that their entire sewer system was installed, tested and approved by the Town of Union. She said it further stated that the developer was required by the Town to install a specific size and type of piping, and to maintain the system for one year of operation after which the Town accepted the system and took over responsibility to maintain it. Mrs. Harkness additionally asked if they had a private sewer system, why all 49 homeowners receive a bill for water and sewer usage. She further said she and her husband have experienced 7 sewer backups in their home that have required professional cleanup crews to remove the toxic waste, tear out everything that was touched by the waste and clean up their home. She said this could happen anytime again because the Town has not fixed this 30 year old problem and the owners feel ignored and not represented.

Steve Mahonski, 111 Patio Drive, Endwell, said he has been a resident for a few years at this address, and said he heard rumblings before he purchased the property, but made the purchase anyway. He said he has experienced a couple of backups and the sewage has affected his health, not a pleasant situation for him. He said he saw things coming out of his toilet that he never would have expected, lettuce butts, jelled grease, product labels and vegetables, not the normal sewage. He further said it seems to be coming from the Park Manor Plaza, not sure how it is getting there, but it is very concerning. He thanked the Board for their time and consideration in this matter.

Sandy Johnson, 313 Plaza Drive, Endwell, said she has been a resident in the development since it was built 35 years ago. She said the most pertinent issues the Board should be listening to is the investments that they all have put into their homes and the losses they have



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experienced. She said they have lost others in the development that have moved away because of this problem. Mrs. Johnson said she and her husband have experienced many losses in their home from the backups and since the first backup, they have not been able to use their basement. She also said all of their belongings are in their first floor and their garage. She asked the Town to please do something to correct this problem. She thanked the Board for listening.

Jim Lozzi, 308 Patio Drive, Endwell, President of the Highland Greens Homeowners Association, said there is a simple fix to this problem. He said Patterson Creek runs along the western and southern borders of their development, which separates them from Park Manor Plaza. He explained that this swale, along with the one at Patio Drive and Pleasant Drive, flow into Patterson Creek and when it reaches at certain height from rain, overflow or snow melts, it mitigates to a sewer manhole at the southeast corner of their property, adjacent to the Ukrainian and Presbyterian churches on Farm to Market Road. The reason for the increase of flow is that we have 2 storm sewer drains located on Pleasant Drive that flow into this swale and then into Patterson Creek. As a result, the water level in the creek rises. He said the elevation maps show the manholes in the development are at a difference of 3 feet from the creek. In the past, the Association has used Cervoni Brothers Construction to dredge the creek, because Mr. Akel/Park Manor Plaza was experiencing flooding too. They removed in areas 3-5 feet of the creek bed and could not go any deeper because a sanitary sewer line is there through an easement, which takes care of Park Manor and the Park Manor Plaza. He said Town of Union officials came to look at and scoped their sanitary sewer system, finding it in perfect condition, which he agrees with since he was there when they did it. He said the problem is a certain manhole cover on their property, and maybe others on their street, that are bolted manhole covers and over 50 years old. The seal is broken and needs to be replaced; a simple gasket would fix the problem. He also said it's a backflow problem caused because of the difference of the 3 feet from their storm sewer influx and the creek. He said that Mr. Akel put in a 6 inch PCV check valve on the Plaza side to prevent this backflow into his property. Mr. Lozzi said he would be happy to meet with anyone to discuss the issue.

Councilman Frank J. Bertoni asked if the Board was allowed to meet with Mr. Lozzi to see the manhole and what's going on.

Town Attorney Alan J. Pope said that certainly as elected officials you can meet with anyone, but said there was a threat of litigation from them and that is why he is requesting that any meetings be funneled through the Town Attorney first, so there is no misunderstanding. He also said to communicate with the group to meet together.

Tom Fabrizio, Highland Green Homeowners Association, said they are not threatening litigation; they just want to meet to discuss what can be done.

Attorney Alan J. Pope said on January 15, 2021, he received from Mrs. Harkness a single screen shot of a document or agreement. He asked Mrs. Harkness on January 16, 2021 to send him the complete document. He said a search in the Town of Union has not uncovered



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any easement document or agreement. He asked again if someone could please make a copy and get it to him.

Mr. Fabrizio said he would send it as soon as possible.

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:

1. Notice from Charter Communications – December 31, 2020.
2. Certificate of Destruction from Confidential Data Management (ConfiData) for records received in October 2020.
3. 239 review Submission Form – Village of Endicott for Local Law Prohibiting Recycling Facilities in Industrial Zones.
4. Email from Bill Hartman, 327 Stein Drive, Endicott, thanking the Town employees for helping clean up the tree limbs that were cut down by NYSEG on their property after a line outage.  
Carried.

## COMMUNICATIONS FOR ACTION:

1. Moved by Augostini, seconded by Bertoni to refer the Email from Patrick Townsend, 719 Martin Street, Endicott, notifying the Town about damage to his fence on December 16, 2020 by a snow plow, and requesting reimbursement for the repair or replacement of the fence, with an estimate from Budget Fence attached, to Town Attorney Alan J. Pope, Commissioner of Public Works Louis V. Caforio, Highway Superintendent Chester Kupiec and the Town's Insurance Carrier.  
Carried.
2. Moved by Augostini, seconded by Bertoni to refer the letter from Pastor James H. Walck, 303 Hillside Terrace, Endwell, requesting Hillside Terrace to be put on the list of streets in need of repaving, to Commissioner of Public Works Louis V. Caforio and Highway Superintendent Chester Kupiec.  
Carried.



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3. Moved by Augostini, seconded by Bertoni to refer the letter from Larry and Nancy Coon, 600 Church Street, Endicott, regarding a serious problem with water runoff from a property next to their house which is causing a potential hazard from the water freezing on the sidewalk, and water in their basement after every heavy rain, to Commissioner of Public Works Louis V. Caforio, Deputy Commissioner of Public Works for Codes Daria Golazeski and Town Attorney Alan J. Pope.  
Carried.

4. Moved by Augostini, seconded by Bertoni to refer the Email from Natalie Stuart, with receipts, regarding an accident on December 9, 2020 with a Town Plow truck resulting in damage to her vehicle, and requesting reimbursement for the repair of her vehicle, to Town Attorney Alan J. Pope, Commissioner of Public Works Louis V. Caforio, Highway Superintendent Chester Kupiec and the Town's Insurance Carrier.  
Carried.

5. Moved by Augostini, seconded by Bertoni to refer the letter from the Town of Union Ethics Committee with recommendations from the NYS Ethics Oversight Report to the Town Board.

Vote: Yes  
Augostini  
Bauman  
Staley  
Materese  
Vote: No  
Bertoni.

Carried.

## PETITIONS:

1. Moved by Augostini, seconded by Bauman to receive and file the petition from Highland Green Townhouse Complex requesting assistance in stopping the sewer backup flooding in their complex.  
Carried.

## COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

Resolution to approve the Public Employer Health Emergency Plan for the Town of Union.

This Resolution was held over under the rule by Supervisor Richard A. Materese.

Supervisor Richard A. Materese said the employees Union has not seen the Plan yet and that is why he is holding it over.

Town Attorney Alan J. Pope said it was forwarded to the Union Representative today.



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(Prepared Resolution filed as part of these minutes to approve the following 2021 Budget Modification:

Increase:	40 7110 2500	Other Equipment	\$ 30,800.00
Increase:	40 0000 910	Appropriated Fund Balance	\$ 30,800.00.)

Res. by Staley, seconded by Augostini. Vote: Yes  
Augostini  
Bauman  
Staley  
Materese

Councilman Frank J. Bertoni refused to vote.

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

Moved by Staley, seconded by Augostini to approve the following 2021 Budget Transfer:

Decrease:	31 5110 4118	Blacktop Summer	\$ 300,000.00
Increase:	31 5110 4126	Blacktop Repairs	\$ 300,000.00
Decrease:	10 1620 4201	Telephone	\$ 35.54
Increase:	10 1620 4225	Cell Phone	\$ 35.54.

Vote: Yes  
Augostini  
Bauman  
Staley  
Materese  
No  
Bertoni.

Carried.

(Prepared Resolution filed as part of these minutes to approve the following proposed base insurance premiums for 1/1/21-1/1/22:

Argonaut Group Trident Insurance	\$238,126.49	Property, Inland Marine, General Liability, Automotive, Public Officials, Excess Liability, OCP Policy Hauling & Work Permit
Chubb (ACE American Insurance)	\$ 7,954.00	Cyber
National Grange Mutual Insurance	\$ 1,907.00	Crime
PERMA	\$231,775.00	Workers Compensation, \$26,779 billable to Union Center Fire Company.)

Res. by Staley, seconded by Augostini. Vote: All yes.  
The Resolution was adopted.



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(Prepared Resolution filed as part of these minutes authorizing the purchase a new 2021 Caterpillar 938M 3V model Loader through a Buy Back Program from CAT for a price of \$174,867.00 minus trade in \$157,567.00 net difference being \$17,300 per NYS OGS contract PC66988 Sourcewell 032515 CAT. F-184 to be declared surplus for trade-in purposes. The new Loader would be paid out of the Highway Equipment Account.

\$174,867.00 (New) 2021 CAT 938M 3V Loader  
\$157,567.00 (Trade-In) 2019 CAT 938M 3V Loader  
\$ 17,300.00 Total Net Difference.)Res. by Staley, seconded by Augustini.

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to amend the salary of the Personnel Specialist/Payroll position to \$38,619 effective payroll week beginning 1/23/2021 in recognition the position is significantly underpaid given the position responsibilities, increasing federal and NYS regulation requirements, and required commitment to the deadlines for payroll, accounts payable, and Section 8 processing.)

Councilman Frank J. Bertoni asked where the money was coming from for this increase.

Supervisor Richard A. Materese said the money is available in the salary line item.

Councilman Thomas R. Augustini explained where the money is coming from and that there is money there now to cover this increase. He said a transfer could be made if needed in the future to cover this.

Town Attorney Alan J. Pope said the money in the salary budget line can be transferred from one salary to another, and if the line is depleted or not available, a budget modification can be made. He said the Town is doing everything right and the action is entirely proper.

Res. by Bauman, seconded by Staley.

Vote: Yes  
Augustini  
Bauman  
Staley  
Materese  
No  
Bertoni.

The Resolution was adopted.

Moved by Bauman, seconded by Staley to approve the Town of Union Parks and Recreation Park Use Agreement with Mark Goldman, American Cruisers, requesting to hold the American Cruisers Car/Motorcycle show on Sunday, June 13, 2021 from 7AM to 6PM at



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Highland Park (Entire Park), subject to any current Government COVID or other restrictions that are applicable at that time.  
Carried.

(Prepared Resolution filed as part of these minutes to call for a Public Hearing to be held on Wednesday, February 3<sup>rd</sup>, 2021 at 7:00 P.M. for the draft version of the FFY 2019 Consolidated Annual Performance and Evaluation Report (CAPER).)

Res. by Augustini, seconded by Bertoni.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes authorizing the Planning Director, Supervisor, and Deputy Supervisor to execute contracts for the CDBG-CV Emergency Non-profit Assistance program for not-to-exceed amounts for the following organizations: Johnson City Community Action Team: NTE \$10,000; YMCA West Family Branch: NTE \$10,000; Goodwill Theater: NTE \$10,000; Johnson City Senior Citizen Center: NTE \$10,000; Oak Hill Improvement Corp (Little Italy): NTE \$10,000.)

Res. by Augustini, seconded by Bertoni.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to authorize the Planning Director to sign an agreement with HAPPY/MRI Software, Inc. for the purchase of Direct Deposit service module.)

Res. by Augustini, seconded by Bertoni.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to authorize Planning Director to execute the linkage agreement with Endicott Square LLC for the Section 8 Rental Assistance Program on behalf of the Town of Union.)

Res. by Augustini, seconded by Bertoni.

Vote: All yes.

The Resolution was adopted.

## HEARING OF VISITORS:

As no one 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 Reports:



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1. Town of Union Ethics Committee Report – March 10, 2020.
2. Permit Report – December 2020.
3. Comptroller's Monthly Report – December 2020.
4. Town Clerk's Monthly Report – December 2020.  
Carried.

Councilwoman Heather R. Staley said today will go down in our nation's history with the inauguration of the first female Vice President, Kamala Harris.

Councilwoman Sandra C. Bauman seconded Councilwoman Staley's comment and said this is a milestone in our history.

Supervisor Richard A. Materese said his former Executive Assistant Marie Ciotoli passed away today. He gave the Board's condolences to the family.

## ADJOURNMENT:

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

The Meeting was adjourned at 8:11 P.M.

Leonard J. Perfetti  
Town Clerk

LJP/bk