



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

June 2, 2021

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, June 2, 2021 at 7:00 P.M. in the Town Board Room, 3111 E. Main Street, Endwell, New York and via Zoom.

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

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

### SALUTE TO THE FLAG:

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

### PUBLIC HEARINGS:

A Public Hearing was called for on Wednesday, June 2, 2021 at 7:00 P.M. to consider a moratorium on Marijuana Retail Sales and On-Site Consumption Sales and Related Zoning Issues.

Pub. & Posted: 05/26/21

Supervisor Richard A. Materese explained that the Public Hearing is not about debating whether the Town will opt in or out of the sales of marijuana, but it is to decide if an extension of time is needed to assess our codes to make sure we are set with them when we decide what we are doing.

Town Attorney Alan J. Pope explained the moratorium would be a time period to study the code to see how it relates to a new activity or use and to make sure if we need to adjust our codes for the new activity.

Charlie Wage, 281 Twist Run Road, Endicott, asked if the Town does not go for the moratorium, when will we be able to talk about it and how is the Town going to get around the federal marijuana laws that make it a Class A felony.



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Supervisor Richard A. Materese said there will be time later to talk about it once we set up the code. He also said the Town has until the end of the year to decide if they are opting in or out.

Town Attorney Alan J. Pope said the moratorium is to look at all aspects of the code, and to see if the new activity can fit in the current zoning. It is the same as we would do for bars, if they are new to the Town we would look at the number of parking spaces, setbacks and anything related to codes. He further said there will be an informational Public Hearing at a later time for the discussion of opting in or out.

Mr. Wage asked if New York State is subject to the Federal laws and shouldn't the Town know if you want the law before they decide how to adjust the codes for it.

Town Attorney Alan J. Pope said the moratorium is the same as what they did for the solar or wind energy. He said that not having a moratorium to study the codes and zoning is not right and the Town could get overwhelmed.

Supervisor Richard A. Materese said the moratorium would give us time to have a Public Hearing to listen to the residents as to whether they want it or not.

Mr. Wage asked how much time the Town would need before they made their decision.

Town Attorney Pope said they would listen to the input from the residents and then decide. He also said there is no set time, and it could be three months, but some moratoriums like the ones for solar and wind energy, have taken longer.

Peter Shafer, 1543 Union Center Maine Highway, Endicott, said he is against holding a moratorium and that the Town is giving the wrong message to businesses. He further said there are no licenses issued or will be issued for a long time, so the Town has enough time to discuss this without a moratorium.

Carol Layton, 123 Wilson Avenue, Endicott, asked for an explanation of the moratorium and said she is against the sale of marijuana and wants to have the Town restrict it anywhere near schools. She does not want the Town to do what the Village of Endicott did for the Bryne Dairy to be able to sell cigarettes near the school.

Supervisor Richard A. Materese said these are some of the things we will be looking at.

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

BIDS:           None.



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## APPROVAL OF MINUTES:

Moved by Bertoni, seconded by Staley to approve the Minutes of the Regular Town of Union Board meeting held on Wednesday, May 19, 2021.  
Carried.

## HEARING OF VISITORS:

Charley Wage, 281 Twist Run Road, Endicott, said it was his understanding that a reassessment has not been done in the Town and that the assessment is so far out of sync now and every time you are re-levying a tax roll, you are doing so with an invalid tax rate. He said there is no way you can bring in an equalization rate that will adjust them all in any period of time. He suggests that a reassessment is done.

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

## COMMUNICATIONS FOR FILING:

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

1. Annual Water Quality Report Certification for Choconut Center Water System from Robert A. Bennett, Water Operator.
- Carried.

## COMMUNICATIONS FOR ACTION:

1. Moved by Bertoni, seconded by Bauman to refer the Email from Tom Guillon, 801 Catalina Boulevard, Endwell, requesting a 3 way stop sign be placed at the corner of Debonair Drive and Catalina Boulevard, to Commissioner of Public Works Louis V. Caforio and Highway Superintendent Chester Kupiec.
- Carried.

PETITIONS:           None.

## COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:



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(Prepared Resolution filed as part of these minutes to call for a Public Hearing to be held on Wednesday, June 16, 2021 at 7:00 P.M. to consider amending the Town of Union Code §191-14 Parking Prohibited in designated locations as follows:

Name of Street

Location

Maple Street (South Side)

From the Southwest Corner of N. Page Avenue a distance of 500 feet west.)

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

Vote: All yes.

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

Decrease:	31 5110 2500	Other Equipment	\$ 4,700.00
Increase:	31 5110 4124	Catch Basins	\$ 2,300.00
Increase:	31 5110 4154	Manhole Covers	\$ 2,400.00
Decrease:	31 5110 4126	Blacktop Repairs	\$18,925.00
Increase:	31 5110 4120	Stone	\$18,925.00.

Carried.

(Prepared Resolution filed as part of these minutes to approve a transfer of \$590,000.00 from the 2020 Highway Fund that was reduced as a consequence of the Covid19 pandemic, to the Highway Department Paving budget to fund contract paving in 2021 at various locations in the Town of Union.)

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

Vote: All yes,

(Prepared Resolution filed as part of these minutes to approve the following 2021 budget modification:

Increase:	31 5990 0000	Approp Fund Balance	\$590,000.00
Increase:	31 5110 4118	Blacktop – Summer	\$590,000.00.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to apply the 2020 Binghamton –Johnson City Sewage Board final bill credit of \$87,199.27 to the 3<sup>rd</sup> quarter estimated bill of \$127,853.00. This will leave a balance due of \$40,653.73. Notification to be sent to Chuck Shager by June 11, 2021 via email or letter.)

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

Vote: All yes.



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Moved by Staley, seconded by Bertoni to authorize the advertisement of Bids for Septic Tank Pumping and Sludge Disposal to be received by Town Clerk Leonard J. Perfetti on Thursday, June 17, 2021 at 10:00 A.M. at which time they will be opened and read aloud.

Carried.

(Prepared Resolution filed as part of these minutes authorizing the acceptance of the street deed(s) for south side of Maple Street between Mills Avenue and North Page Avenue, and west side of North Page Avenue between Maple Street and the Norfolk Southern railroad tracks.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing the acceptance of the maintenance bond for Street construction, sidewalk, curb and gutter along the south side of Maple Street between Mills Avenue and North Page Avenue, and west side of North Page Avenue between Maple Street and the Norfolk Southern railroad tracks.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing the acceptance of the maintenance agreement for the bioretention pond on 1 N. Page Avenue, and the access easement to the bioretention pond via 15 Mills Avenue and 1 N. Page Avenue.)

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

Vote: All yes.

Supervisor Richard A. Materese clarified that the last three Resolutions dealt with National Pipe and Plastics. He said he has had several residents comment that they love the change of scenery from the old Endicott Johnson Building. He thanked Mr. Culbertson on the beautiful job that was done.

Moved by Staley, seconded by Bertoni to authorize the advertisement of Bids for Patterson Creek – Sewer Line and Embankment Repair to be received by the Town Clerk at a date and time to be determined by the Commissioner of Public Works.

Carried.

(Prepared Resolution filed as part of these minutes to extend the contract completion date for FFY 2020 CDBG funded contract for the Odell/Oak Hill Avenue Design project to Delta Engineering, 860 Hooper Road, Endwell, NY 13760 from May 31, 2021 to June 29, 2021 and increase the price from \$18,994.00 to \$28,594.00. The Supervisor, Deputy Supervisor, and



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Planning Director are further authorized to execute the contract amendment and any other documentation required to complete the project.)

Res. by Bertoni, seconded by Bauman.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to call for Public Hearing on Wednesday, June 16th at 7:00 pm to hear public input on the draft version of the Federal Fiscal Year (FFY) 2021 Community Development Block Grant Annual Action Plan.)

Res. by Bertoni, seconded by Bauman.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to approve a Plan Amendment to the CDBG FFY 2020 Annual Plan to reallocate funding to the Grand Avenue Phase 4 street reconstruction project to be completed before the HUD Timeliness of Expenditure test is conducted on August 2, 2021. Approval also authorizes the Comptroller to transfer funds within the MUNIS system as directed by the Planning Director. The required Public Notice was published in the Press & Sun Bulletin on May 26<sup>th</sup>, 2021 and posted on the town web page on May 26<sup>th</sup>, 2021. No comments were received by the required comment period which ended on June 2, 2021 at 4 PM.)

Res. by Bertoni, seconded by Bauman.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to call for a Public Hearing to solicit public input on the Substantial Amendment to the CDBG FFY 2019 Annual Action Plan for the proposed use of CDBG-CV funds made available through the CARES Act for Wednesday June 16, 2021 at 7:01 PM.)

Res. by Bertoni, seconded by Bauman.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to approve and authorize the consulting agreement with Paul Nelson, who shall act as an independent contractor consultant to be paid at a rate of \$55.00 per hour.)

## 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:



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

1. Town of Union Planning Department Decision – Minor Site Plan Approval - Mr. B. Kashou, Kashou Enterprises, Inc., 1500 County Airport Road, Tax Map # 110.04-1-37.2.
2. Town of Union Planning Department Decision – Minor Site Plan Approval – Richard Rome, Rome Bath Remodeling Warehouse, Office and Showroom, 407 Airport Road, Tax Map # 172.01-1-22.
3. Town of Union Citizens Advisory Council for Community Development – Regular Meeting Minutes – September 10, 2020.  
Carried.

At this time, Councilwoman Sandra C. Bauman congratulated Supervisor Richard A. Materese on behalf of the Town Board, who was named unanimously in a Resolution last evening at the Union-Endicott School District Board Meeting. The Resolution reads as follows:

Resolved, upon the recommendation of the Superintendent of Schools, in accordance with Policy #3150 “Naming School District Facilities”, as attached hereto, that the Board of Education name the Ann G. McGuinness Elementary School Soccer Fields in honor of Rick Materese, Retired Teacher and Coach, for his years of dedication to the students at the Union-Endicott Central School District. Furthermore by this Resolution, the Board of Education and Community extend their congratulations to Rick.”

Supervisor Richard A. Materese thanked Councilwoman Sandra C. Bauman for her acknowledgement.

Supervisor Richard A. Materese said the last Town Board meeting was two weeks prior to Memorial Day and he wanted to remember and thank all who have served and are currently serving, including police, fire and first responders. He said he had the pleasure of being at Gettysburg battlefield at 3:00 P.M. on Memorial Day when a man dressed in a Union soldier’s uniform came out to play Taps. It was very moving and he will worth seeing again.

## ADJOURNMENT:

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

The meeting was adjourned at 7:38 P.M.

LJP/bk

Leonard J. Perfetti  
Town Clerk

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