



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*

TOWN OF UNION BOARD MEETING

August 4, 2021

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, August 4, 2021 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: Deputy Town Attorney Rosemarie Pope, Town Clerk Leonard J. Perfetti, Deputy Town Clerk Rebecca Kruczkowski.
Absent: Town Attorney Alan J. Pope.

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, August 4, 2021 at 7:00 P.M. to consider amending the local law of the Town of Union Code §191-14 Parking Prohibited in designated locations as follows:

<u>Name of Street</u>	<u>Location</u>
Valley Street (North Side)	Beginning at a point 344 feet west of the intersection of Circle Drive, to the dead end.
Valley Street (South Side)	Beginning at a point 344 feet west of the intersection of Circle Drive, to the dead end.

Pub. & Posted: 7/25/21

Dan Brown, 2 & 10 Valley Street, Endwell, spoke in favor of the parking restriction. He said the man at 1 Valley Street parks various vehicles – camper, trailer, plow truck on the street, blocks a fire hydrant and works on the vehicles in the street. He said the Town garbage truck can barely get around them and has to turn around in his parking lot to be able to service the street. Mr. Brown said he purchased the warehouse at 10 Valley Street from Amphenol for his construction company and that he cannot access his property with his trucks and equipment because of the trucks and junk that are blocking the street. He also said his



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employee had lost a finger in an accident while unloading heavy equipment from the trucks in the street instead of at their loading dock, because they couldn't access them. He asked that the Town please consider passing this parking restriction so he can access his property and try to prevent any more accidents from happening. He presented pictures to the Board.

Councilman Thomas R. Augostini asked Mr. Brown if this is a 7 day a week problem or just during the week.

Mr. Brown said this is a 7 day a week problem and that at various times a monster truck with a horse trailer is also parked there. He also said the previous owner had troubles and that he doesn't want to label it a junkyard, but that is what it is becoming. He further said the police had the resident remove a vehicle because it was blocking the fire hydrant, but 15 minutes after they left, he moved the vehicle right back.

Councilman Thomas R. Augostini said that based on your description, he is using the street as his own.

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

A Public Hearing was called for on Wednesday, August 4, 2021 at 7:00 P.M. to consider amending Town of Union Code Article VIII Speed Regulations Section 191-11. A. The maximum speed limit on all highways within the Town of Union is hereby designated as 30 miles per hour except as hereinafter designated:

Name of Street	Speed Limit	Location
Dickson Street	15	From the intersection of S. Grippen Ave, a distance of 1,320 feet west.

Pub. & Posted: 7/25/21

Linda Jackson, 765 Dickson Street, Endicott, asked if the speed restriction would go all the way to Main Street. She said her house is one of the last ones on Dickson Street and it was hit by a speeding car in the past. She is concerned it will happen again if the speed is not reduced.

Supervisor Richard A. Materese said it does not go to Main Street; it only goes to Mersereau Street.

Councilman Frank J. Bertoni said even if the speed zone ends short of Main Street, there is only a short distance to the stop sign.



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Supervisor Richard A. Materese said he would find out the exact end of the speed zone and get back to Mrs. Jackson.

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

BIDS:

Bids were called for on Tuesday, July 27, 2021 at 10:00 A.M. for Demolition and Site Clearance – 303 Oakdale Road, Johnson City and 43 Endicott Avenue, Johnson City, Town of Union FFY2020 CDBG Program.

Bids were received as follows:

Gorick Construction Co., Inc.	\$ 37,654.00
Bronze Contracting, LLC	\$ 40,700.00

Moved by Augustini, seconded by Bertoni to receive and file the Bids for Demolition and Site Clearance – 303 Oakdale Road, Johnson City and 43 Endicott Avenue, Johnson City, Town of Union FFY2020 CDBG Program.

Carried.

APPROVAL OF MINUTES:

Moved by Augustini, seconded by Bertoni to approve the Minutes of the Regular Town of Union Board Meeting held on Wednesday, July 14, 2021, Work Session held on Wednesday, July 21, 2021 and the Special Town of Union Board Meeting held on Wednesday, July 28, 2021.

Carried.

HEARING OF VISITORS:

Jacque Scoff, 10 Carol Court, Endicott, spoke about a flooding and code issue. She said they did not have any issues with the 2006 & 2011 floods, but with the heavy rains in July, they now have flooding caused by the deliberate direction of runoff water from two adjacent properties at 6 Carol Court and 927 Farm to Market Road. She is asking the Town to consider a new code ordinance to halt this process.

Dan Scoff, 10 Carol Court, Endicott, said that 6 Carol Court had excavation on their property in 2019 to re-slope their backyard and when we have heavy rains, it becomes a little creek that drains into his yard. He went on to say that upstream from 6 Carol Court is 927 to 937 Farm to Market Road that have a French drain that runs parallel to the properties along their



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back yards, that empties into 6 Carol Court, which in turn, drains into his property at 10 Carol Court. He said he understands that there is no ordinance in the Town of Union for this, but he also understands that other Towns do have ordinances to stop this kind of thing.

Supervisor Richard A. Materese asked for clarification as to where the French drain is.

Bert McCulloch, 2629 Daren Drive, Endicott, asked where the Board stands on looking into funds to help their situation. He said that over 25 years the ditch has filled up with 2 feet of silt and cattails. He also said the right-of-way easement was deeded to the Town, which had mostly wetlands, and the Town of Union sold the property to the Ashton Court owner, so he wants to know where they stand with that wetland situation.

Brandon Young, 2617 Daren Drive, said he bought his house in 2019 and would not have bought it if he knew about the flooding. He said that it is pretty clear that the houses built 30 years ago with basements, would not have been built if there was a flooding issue.

Susan Burnham, 2625 Daren Drive, said they built their house in 1993, which was approved by the Town of Union. She said prior to developing the land, the developer sold land to the Town of Union with the understanding that it would be maintained. She stated that she has been flooded 3 times and has spent \$90,000.00 in repairs and replacements from the floods. They built a bridge over the creek to access their second property that they used constantly, and now they cannot use the bridge because the creek is level with the land. She said they put in 2 industrial sump pumps after the 2006 flood to prevent flooding, which did not work. Mrs. Burnham said there were engineering studies done regarding the creek, one by all of the neighbors done by Keystone Engineers regarding the blockage of creek and that pipes needed to be installed under Taft Avenue, which Broome County has taken care of; and one done by the Town of Union about 4 years ago that also showed a blockage in the creek. She said the Town and the Army Corp of Engineers has approved Phase 1 and 2 regarding maintenance of the creek behind our houses. Phase 1 was completed last fall; can you tell us when phase 2 will be done.

Supervisor Richard A. Materese said the Board is still investigating the use of the federal funds. He also said he did receive the deed and there is a question from our legal department as to what it really says, but we are working on it.

Michael Holmes, 996 Taft Avenue, said Mr. Pope reviewed the paperwork 3 years ago and said it does not define what maintenance means. It was a very upsetting response and my response to Mr. Pope was what could it mean other than to maintain the drainage. He also said they have tried to keep this cordial and keep legal action out of it, and they just want it resolved.

Linda Jackson, 765 Dickson Street, asked who maintains the motel on Main Street across from the golf course.



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Supervisor Richard A. Materese said someone from out of state purchased it and is supposed to have someone maintaining it, and when it doesn't happen, the owner is cited and then the work gets done.

Ms. Jackson said there is an issue with a white birch tree with the branches on the wires. She said she called NYSEG, and they told her to call the Town of Union. She further said she called the Town and left a message and has not gotten a response. She also said it is very dark at the motel and she is concerned about the second shift walkers going by the supposedly empty building. She said they hear a lot of noises coming from the motel and recently they had a fire there.

Supervisor Richard A. Materese said he would send someone out to look at it. He also said, we are still in hope that something will come from that motel.

Bert McCulloch, 2629 Daren Drive, asked again, when will the Town let them know the answer regarding their issue.

Supervisor Richard A. Materese said the Town would get back to them as soon as they had an answer to give.

Jacque Scoff, 10 Carol Court, Endicott said other areas have ordinances to block runoff problems and asked if the Town would have a problem adopting one.

Councilman Thomas R. Augostini said they will have to research the Town Code and defer this to the Town Attorney. He said if there are damages, it would be between the owners to settle.

Mrs. Scoff said her interest is to get them to move their water flow away from her property, preferably into the storm sewers. She also said their properties were changed and their drainage is not natural. She asked if the owners of the properties had to have permits to make the drainage changes.

Councilman Frank J. Bertoni said, in all fairness, no one wants water going into their basements, so ditches to direct water away from their homes are made. We had the same type of issue last year and the neighbors had to work it out, and every situation is different.

Councilman Thomas R. Augostini said it depends on the job whether they need a permit or not.

Supervisor Richard A. Materese said if it is your land and you operate the machinery, you do not need a permit, but if you have a contractor do the work, you do need a permit. He said he



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would have the Public Works Department look at the issue to see if there is anything the Town can do or what they can do about it.

Councilman Frank J. Bertoni said to the people on Daren Drive that when one person tells one thing to someone and it is passed on to next and to the next, such as nothing is ever done and the Town is not responding, this is not true. He said he has responded to everyone and the Town is trying to work on this.

Supervisor Richard A. Materese said he vouches that Councilman Bertoni has brought this back to the Board.

Jessica Coney, 518 Dickson Street, Endicott, said she was the one who initially called the Town regarding the speed limit on Dickson Street. She asked if this change passes this evening, would the signs be put up before school starts in September. She also said with all the businesses on Dickson Street, the cars fly down the road and she concerned for the kids' safety

Supervisor Richard A. Materese said that if it passes this evening, it is the plan to have the signs up before school.

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. Letter from Susan Reif, District Clerk, Union Endicott Central School District, with the 2021 Union Endicott Board of Education Member Listing.
2. Charter Communications Notice – July 23, 2021.
3. Notice of Continuation of Public Hearing – Village of Endicott on August 16, 2021 at 6:00 P.M. regarding rezoning Tax map # 157.05-5-12.
Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augostini, seconded by Bertoni to approve on condition of availability the letter from Deborah Jones-Bolan, Broome-Tioga Special Olympics Board Member, 2922 Ricky



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Drive, Endwell, New York, requesting use of Glendale Park (both shelters and 4 softball fields) on September 18, 2021 from 7:00 AM to 3:00 PM to hold a Super Regional Softball Tournament for local Special Olympic athletes and from throughout New York State, and requesting all fees to be waived for this event, and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Ray Vanderpoel.
Carried.

2. Moved by Augustini, seconded by Bertoni to refer the Notice of Foreclosure – Manufacturers and Traders Trust Company vs. June E. Rice, individually, and as surviving spouse of James C. Rice, et al. – 101 Zoa Avenue, Johnson City, New York, to Town Attorney Alan J. Pope, Comptroller Gretchen Uhler and the Planning Director.
Carried.

3. Moved by Augustini, seconded by Bertoni to refer the letter from Jeff and Katy Repetto, 3612 Kemp Drive, Endwell, New York, regarding a sewer backup in their basement on June 22, 2021, and requesting reimbursement for damages caused from the backup, to Deputy Commissioner of Public Works – Environmental Services Daniel A. Schofield.
Carried.

4. Moved by Augustini, seconded by Bertoni to approve the letter from Nicole Johnson, West Endicott Fire Department Company President, requesting the closure of Jennings Street, from North Page Avenue to Mills Avenue, on August 7, 2021 from approximately 1:00 P.M. to 6:00 P.M., and use of a Town garbage truck for their 100th Anniversary Community Cookout and Celebration, and refer it to Commissioner of Public Works Louis v. Caforio and Deputy Commissioner of Public Works – Environmental Services Daniel A. Schofield.
Carried.

5. Moved by Augustini, seconded by Bertoni to approve the letter from Karen Kuzel, 851 Rosewood Terrace, Endwell requesting permission to hold a Block/Street Party on Saturday, September 11, 2021 from 5:00 P.M. to 8:00 P.M., authorization to include the use of barricades to block off Rosewood Terrace at the corners of Rosewood Terrace and Catalina Boulevard, and Rosewood Terrace and Debonair Drive, and refer it to Commissioner of Public Works Louis V. Caforio, Highway Superintendent Chester Kupiec and Town Clerk Leonard J. Perfetti.
Carried.

6. Moved by Augustini, seconded by Bertoni to approve the Email from Jamie Brink, Girl Scout Troop 60195, requesting use of and waiver of fees for a Highland Park pavilion shelter on Sunday, August 22, 2021 for their Bridging Ceremony and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Ray Vanderpoel.
Carried.

PETITIONS: None.



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COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

(Prepared Resolution filed as part of these minutes amending the local law of the Town of Union Code §191-14 Parking Prohibited in designated locations as follows:

<u>Name of Street</u>	<u>Location</u>
Valley Street (North Side)	Beginning at a point 344 feet west of the intersection of Circle Drive, to the dead end.
Valley Street (South Side)	Beginning at a point 344 feet west of the intersection of Circle Drive, to the dead end.)

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

Councilman Frank J. Bertoni said Mr. Brown makes a good point that the code says you can't park an unlicensed vehicle on your property, but doesn't say anything about parking it in the street. He said it then becomes a police issue.

Councilman Thomas R. Augostini asked if the code could be changed to include no parking on the street also to eliminate people from using the street to not be out of code.

(Prepared Resolution filed as part of these minutes amending Town of Union Code Article VIII Speed Regulations Section 191-11. A. The maximum speed limit on all highways within the Town of Union is hereby designated as 30 miles per hour except as hereinafter designated:

<u>Name of Street</u>	<u>Speed Limit</u>	<u>Location</u>
Dickson Street	15	From the intersection of S. Grippen Ave, a distance of 1,320 feet west.)

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

Resolution to approve a five year renewal agreement with Broome County beginning January 1, 2022 and ending December 31, 2027 for the use of the Broome County Dog Shelter at a proposed rate of \$60,776.39 and authorize Supervisor Richard A. Materese to execute the said agreement and further authorize any other Town officials as may be necessary to take such additional and further action to implement this Resolution.

This Resolution was held over under the rule by Councilman Frank J. Bertoni.



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

Decrease:	20 1490 4601	Travel & Expense Reimb	\$ 500.00
Increase:	20 1490 4603	Legal Notices	\$ 500.00
Decrease:	31 5130 4111	Parts	\$ 5,292.00
Increase:	31 5130 4400	Software Maintenance	\$ 5,292.00
Decrease:	31 5110 2500	Other Equipment	\$ 8,000.00
Increase:	31 5110 4124	Catch Basins	\$ 4,000.00
Increase:	31 5110 4154	Manhole Covers	\$ 4,000.00
Decrease:	31 5110 2500	Other Equipment	\$10,000.00
Increase:	31 5110 4408	Tree Removal	\$10,000.00
Decrease:	31 5110 2500	Other Equipment	\$ 3,000.00
Increase:	31 5110 4100	Misc. Operational Supplies	\$ 3,000.00.

Carried.

Moved by Staley, seconded by Augostini to approve the following 2021 Budget Transfers - 6/30/21 Budget Reconciliations:

Org	Object	Description	Increase (Decrease)
10 1315	4620	Education	70.00
10 1315	1090	Health Insurance Buy Out	(70.00)
10 1410	1030	Temporary	3,100.00
10 1410	1010	Salary Base	(3,100.00)
10 1640	4111	Parts	300.00
10 1640	4113	Batteries	(300.00)
10 1680	1010	Salaries	4,462.00
10 1680	4138	Checks	1,500.00
10 1680	4512	Professional Services	(5,962.00)
10 1989	4805	Audit & Accounting	2,500.00
10 1989	4412	Copier	(1,970.00)
10 1989	4425	General Town Code Book	(430.00)
10 1989	4424	Interest, Penalties & Fees	(100.00)
10 1989	4516	Inter-net Services	180.00
10 1989	4605	Dues & Memberships	(180.00)
10 6989	1010	Salary Base	20,000.00
10 5182	4401	Equipment Maintenance	(20,000.00)
10 7145	1030	Temporary	25,500.00
10 7145	1010	Salary Base	(25,500.00)
10 7145	4516	Inter-net Services	3,450.00
10 7145	4403	Printing	(3,450.00)
10 7145	4162 FD104	Father Daughter Ball Supplies	828.38



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Org	Object	Description	Increase (Decrease)
10 7145	4462 FD104	Father Daughter Ball Special	750.00
10 7145	4159 SF111	Summer Fun Rec Supplies	1,463.09
10 7145	4159	Recreational Supplies	(1,463.09)
10 7145	4162	Special Event Supplies	(828.38)
10 7145	4462	Special Event Service	(750.00)
20 1490	4603	Legal Notices	600.00
20 1490	4601	Travel & Expense Reimb	(600.00)
20 5010	4516	Cable/Inter-net Services	400.00
20 5010	4401	Equipment Maintenance	(400.00)
20 8020	1010	Salary Base	4,960.00
20 8020	1030	Temporary	(4,960.00)
20 8120	4000	Miscellaneous Bond Exp	1,631.04
20 8120	4202	Electricity	(1,631.04)
20 8160	4616	Freight & Expense	150.00
20 8160	4626	CDL Reimbursement	7.00
20 8160	4512	Professional Services	(157.00)
20 8540	2050	Capital Improvements	3,600.00
20 8540	4401	Equipment Maintenance	(3,600.00)
31 5110	4100	Misc. Operational Supplies	5,614.45
31 5110	4106	Diesel Fuel	(5,614.45)
40 7110	1056	Seasonal - Pools	10,500.00
40 7110	1031	Seasonal - Highland	(10,500.00)
40 7110	1010	Salary Base	9.00
40 7110	1020	Hourly Base	(9.00)
40 7110	4109	Chemicals	1,860.00
40 7110	4111	Parts	(1,860.00)
40 7110	4011	OSHA	76.84
40 7110	4309	Miscellaneous Insurance	1,993.00
40 7110	4512	Professional Services	1,070.42
40 7110	2500	Other Equipment	(3,140.26)

Carried.

(Prepared Resolution to accept the donation of \$900.00 from the family of John and Ardene Richardson for a memorial bench installed at Highland Park.)

Res. by Staley, seconded by Augustini.

Vote: All yes.

The Resolution was adopted.



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Supervisor Richard A. Materese clarified that the bench is already installed and that the Town built it with material paid for by the family.

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

Increase:	40 7110 4149	Building & Grounds Supplies	\$ 900.00
Increase:	40 2705 0000	Grants & Donations	\$ 900.00.)

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

Resolution authorizing Supervisor Richard A. Materese to sign and execute upon the Town Attorney's approval the Services Engagement Agreement with Danziger & Markhoff LLP in the amount of \$3,550 for the full valuation and report for fiscal year ending 12/31/21 and \$3,550 for the fiscal year ending 12/31/23.

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

Moved by Bauman, seconded by Staley to appoint Margaret Scarinzi as Planning Director, effective 8/9/2021 at an annual salary of \$70,000.00 upon successful completion of pre-employment testing.
Carried.

Moved by Bauman, seconded by Staley to approve Judge Gregory P. Thomas' request for approval of travel expenses and attendance at the Magistrate's Association Annual Conference consistent with his memo dated August 4, 2021.
Carried.

(Prepared Resolution filed as part of these minutes to award the Bid for Demolition and Site Clearance – 303 Oakdale Road, Johnson City and 43 Endicott Avenue, Johnson City, Town of Union FFY2020 CDBG Program, to Gorick Construction Co., Inc., Binghamton, New York for their low bid price of \$37,654.00.)

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

Moved by Augustini, seconded by Bertoni to accept the Endwell Storage Preliminary PUD Development Plan, 3901 Watson Boulevard, and to refer it to the Planning Department to make all necessary referrals under Section 239-l and -m, and to forward the Preliminary PUD Development Plan to the Planning Board for an advisory opinion.
Carried.



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Supervisor Richard A. Materese clarified that they are accepting the PUD to send to the Planning Board, and this is not an acceptance of the plan itself.

(Prepared Resolution filed as part of these minutes to declare Lead Agency for the application for the Endwell Storage Preliminary PUD Development Plan, and to declare the project a Type 1 Action under SEQRA.)

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

Vote: All yes.

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 Department Reports:

1. Town Clerk Monthly Report – June 2021.
2. Comptroller Monthly Report for May 2021.
3. Comptroller Monthly Report for June 2021.
4. Town of Union Planning Board Decision – Site Plan Approval – All Good Auto Vehicle Repair Business, 3217 Pearl Street and 3217 Pearl Street Rear, Tax Map #s 142.17-7-11 and 142.17-7-33.
5. Town of Union Planning Board Decision – Site Plan Approval – Himanshu Patel Convenience Store & Apartment, 518 Hooper Road, Tax Map # 142.09-6-36.
6. Zoning Board of Appeals Decision – Application 2018-005, Russian Ukrainian Baptist Church, 751 Farm to Market Road, Tax Map #14.08-2-65.
7. Zoning Board of Appeals Decision – Application 2021-005, Jax Signs, 3400 E. Main Street, Tax Map # 158.05-3-4.22.
8. Zoning Board of Appeals Decision – Application # 2021-006, Daniel Flynn, 490 Boswell Hill Road, Tax Map # 124.03-1-31.



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9. Town of Union Local Development Corporation Minutes – March 18, 2021 and April 22, 2021.

10. Permits Report – July 29, 2021 for April, May and June 2021.
Carried.

Supervisor Richard A. Materese said he is continuing to get phone calls at work and at home regarding the outstanding job our workers have done during the storms. He thanked them all from the Board.

ADJOURNMENT:

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

The meeting was adjourned at 8:22 P.M.

Leonard J. Perfetti
Town Clerk

LJP/bk