



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

September 1, 2021

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, September 1, 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: Town Attorney Alan J. Pope, Town Clerk Leonard J. Perfetti, Deputy Town Clerk Rebecca Kruczkowski, Comptroller Gretchen Uhler.

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

PUBLIC HEARINGS:

A Public Hearing was called on Wednesday, September 1, 2021 at 7:00 PM to hear public comment on the proposed allocation of \$30,477,638 in funding received under the American Rescue Plan Act (ARPA).

Published & Posted August 22, 2021

Eric Emerick, Wayne Street, Endwell, spoke on behalf of the Endwell Rotary. He said that before the pandemic, he presented plans for walking trails and trail repairs at Highland Park. He stated that he is now involved with Michael Haas of Delta Engineering who has made improvements to the original plans. He said he is having a presentation on Thursday, September 2, 2021 at Jonathan's starting at 5:30 P.M. to present the new plans. He further stated that there are 4 phases to these plans, and that the Town has already completed phase 1 of them. He estimates \$130,000.00 is needed to continue with these plans. He is asking the Board to consider spending some of this money on this cause.

Michael Haas, Landscape Architect with Delta Engineering, said they are providing pro bono services to the Endwell Rotary for this project. He said the intent of the meeting tomorrow is to get into the details of this project and to see where the Town can get involved. He also said the project improvements fall under the criteria of the ARPA funds, such as public works – storm water drainage, Economic Development and climate change. He asked if the Town



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has a master plan for improvements of the park that needs ADA safety issues corrected and to bring it up to a 21st century Class A park for the community.

Supervisor Richard A. Materese asked if the \$130,000 is for all of the phases or just phase 2.

Mr. Haas said it is for all phases and that some money might be soft in light of their assumption of how much the Town would put in for items such as wood chips.

Bob Potochniak, Exit Realty, said he gets asked two questions – why is there no bridge to Vestal and what is there to do around this area. He further said people are looking for outdoor activities like walking trails and zero entry pools. He said a lot can be done to highlight Highland Park and that he supports the group. He mentioned projects that Vestal and Binghamton have done and are doing.

Burt McCullough, 2629 Daren Drive, Endwell, said the drainage problem on Daren Drive would not take a lot of money to fix and asked the Board where they are on this issue.

Supervisor Richard A. Materese said they are still discussing it as a possible part of the ARPA money, but there is no decision yet.

Valdi Weiderpass, 809 Madeline Drive, Endicott, said we are coming up on the anniversary of Tropical Storm Lee, and we know the devastation a storm event like that did. A storm event like that could happen at any time and the community needs to do adaption and mitigation to be ready for it. He said that means drainage, pumping stations and road drainage culverts cleaned. He also suggested having charging stations for electric vehicles put in especially by apartment buildings street side or at existing gas stations. He said we need to do whatever we can to have and use renewable energy.

Councilwoman Heather R. Staley read an email to her from Joanne Baker of Endwell, saying we are in dire need of solar power, infrastructure of roads, bridges and water. She also said we could use single floor senior housing and housing for the low income, and flood mitigation.

Deanna Caiati, 608 Anson Road, Endicott, asked where the Town stands with the dredging of Bosket Lake in West Corners and asked if ARPA funds could be used for this.

Supervisor Richard A. Materese said that Bosket Lake is private property and the town cannot expend public money on private property.



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Councilman Frank J. Bertoni said he agrees with some of the statements on the walking trails but he said the Parks Committee has spent significant money on upgrading the park listed projects. We are proud of the work done at the parks, Highland especially. He said people speak highly of our parks and we work hard to make improvements directed by park employees.

Bob Potochniak, Exit Realty, said he appreciates all the things done, maintenance issues mainly. He said he grew up in Pleasant Acres and feels the park hasn't changed, He said the park needs more of a direction to assist people in their daily lives

Supervisor Richard A. Materese said the infrastructure is a big thing they are looking into – storm water, sewers and a lot of things are being looked at.

Councilwoman Heather R. Staley said she and Councilwoman Bauman are looking at a company to do a feasibility study to put solar panels on the roofs of our Town Buildings, not this one because of the mechanicals and air conditioners. They are looking at the building next door where there could potentially be 100's of panels. They will let us know what kind of savings we could get and how much energy we can generate. She said they are also looking into a free outdoor fitness facility where people could work out for free. She said it is just a potential idea we are working on if we can acquire the proper funding for it.

Deanna Caiati, 608 Anson Road, Endicott, asked if the trees damaged in the storms at Glendale Park will be replaced. She also asked about the swings that were along the edge of the park that were taken down and the landscaping that has not been maintained.

Marty Knapik, West Corners, said that businesses have lost a lot of business because of COVID and asked if the money could be used to help the small businesses get back on track.

Supervisor Richard A. Materese said yes, Economic Development will try to use some of the ARPA money. We need to do a better job to get the news out to people. He further said there are public notices on the website that we are looking into spending money to see if we can waterproof this building and also looking to team up with Broome County to do some projects in the Town of Union

Mr. Knapik also asked if there any plans for the hotel across from the golf course.

Supervisor Richard A. Materese said the owner was planning to have everything done in 2020, but his loan has been held up. He said he is moving forward to make it a hotel again.

Mr. Knapik further asked about some streets that flood off of Nanticoke Drive.



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Councilman Frank J. Bertoni said the streets off Nanticoke are in the Village of Endicott.

Deanna Caiati, 608 Anson Road, Endicott, asked if the outdoor fitness park could be married into the project with the Rotarians at Highland Park.

Supervisor Richard A. Materese said the original intention was to expand into areas that don't have park facilities, but we are going to discuss this.

Councilman Frank J. Bertoni said to go to the Town website to see what we have looked at so far. He said the Board's job is to give the money to the departments such as Economic Development, for example, and then the department head would be in charge of allocating the money where the need is, and not just in the part town area.

Councilwoman Sandra C. Bauman said, thanks to the Comptroller, there is a great power point on the website to see where money can be used and to get ideas for the use.

Supervisor Richard A. Materese said nothing is set in stone yet because the parameters are really general now and we are waiting for them to be clear cut from the Federal Government. We have to be very careful not to spend money in something the Federal Government could say it isn't good and we get stuck paying for it.

Mike Haas, Delta Engineering, said since 1999 all 17 municipalities have been involved with the Two Rivers Greenway Project. He said he has designed many trails for Binghamton and they are a great amenity for communities to attract quality people to quality jobs; you need to offer these kind of things to the people. He said that Endwell is the missing link and that the section of green space on Argonne Avenue would offer a great opportunity to connect to the Chugnut Trail to expand the current system.

Supervisor Richard A. Materese said they are still working on the Chugnut Trail and the Endwell Argonne Avenue area, and it is not a dead issue.

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

BIDS: None.

APPROVAL OF MINUTES:



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Moved by Augostini, seconded by Bertoni to approve the Minutes of the Regular Town of Union Board Meeting held on Wednesday, August 4, 2021, Work Session held on Thursday, August 12, 2021, and Work Session held on Tuesday, August 24, 2021.
Carried.

HEARING OF VISITORS:

Valdi Weiderpass, 809 Madeline Drive, Endicott, said the Chugnut Trail should go westward to Roundtop Park.

Supervisor Richard A. Materese said it is already in the works to build a path around Roundtop Park to go to Grippen Park; once it leaves Grippen Park, they wanted to try to put a trail to the area at the confluence of Nanticoke Creek and the Susquehanna River, where the eagles congregate, but that was nixed, so the trail will go to Main Street, cross it and go 17C Ball fields, along the floodwall to where a bridge could be built to go to Glendale Park. He said it would be nice to connect all the parks by walking trails.

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 Justin A. Marchuska, II, Marchuska Brothers Construction, LLC congratulating the Town on their 15+ Anniversary with the Greater Binghamton Chamber of Commerce and informing the Town of their services available.
2. Village of Endicott Minutes – 6/7 & 21, 2021 Meetings.
3. Village of Endicott Notice of Public Hearing of the Planning Board to be held on September 9, 2021 at 5:00 P.M. regarding the Byrne Dairy, Inc. project at 301 East Main Street, Endicott.
4. Charter Communications Notice – August 27, 2021.
5. West Corners Fire District Financial Statement – Year Ended December 31, 2020.
Carried.

COMMUNICATIONS FOR ACTION:



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1. Moved by Augostini, seconded by Bertoni to refer the Notice of Foreclosure – Broome County Habitat for Humanity, Inc. vs. Joanna Gumedily, Acceptance Corporation, Town of Union, Portfolio Recovery Associates, LLC and John Doe 1 and John Doe 2 for 23 Arthur Avenue, Endicott, to Town Attorney Alan J. Pope, Comptroller Gretchen Uhler and Planning Director Margaret Scarinzi.

Carried.

2. Moved by Augostini, seconded by Bertoni to refer the Email from Bess Greenberg, The Bundy Museum, Binghamton, New York, requesting unused picnic tables to be donated to the museum to Commissioner of Public Works Louis V. Caforio and Parks Manager Ray Vanderpoel.

Carried.

Councilman Frank J. Bertoni emailed Ms. Greenberg to inform her that we do not have any extra tables, and that he was at the Ross Park Zoo where there were 20 to 30 not used tables. He suggested she contact them.

3. Moved by Augostini, seconded by Bertoni to approve the letter from Roxanne Duncan, 1408 Davis Avenue, Endwell, New York, requesting to hold an Annual Block Party around the Stack Avenue area on September 25, 2021 from 1:00 P.M. to 6:30 P.M., and requesting barricades to block off the intersections at Stack Avenue and Shady Drive, and Stack Avenue and Davis Avenue and refer it to Commissioner of Public Works Louis V. Caforio, Town Clerk Leonard J. Perfetti and Highway Superintendent Chester Kupiec.

Carried.

4. Moved by Augostini, seconded by Bertoni to refer the Notice of Successful Decision and Order dismissing the case of Rose A. Sotak, Plaintiff vs. Frank Bertoni, Robert Mack, Thomas R. Augostini, Leonard J. Perfetti, John Doe No. 1, John Doe No. 2, John Doe No. 3, and John Doe No. 4 to the Town Board, Town Attorney Alan J. Pope and Town Clerk Leonard J. Perfetti.

Councilman Thomas R. Augostini said “This took a lot of time. It started in 2017 and fast forward 4 1/2 years later, we have had two decisions, one by a Federal judge and one by a New York State Supreme Court judge that said essentially the Town Board at that time, Mr. Perfetti, myself, Mr. Bertoni and Rob Mack, did everything exactly the way it was supposed to be done. I’d like to thank Town Attorney Alan Pope and Crystal Peck, the attorney assigned to the case on behalf of the Town, for all their hard work, diligence and the protection of every Town employee that went through a miserable period of time, through harassment, intimidation, that this is a great decision and I’m glad we were exonerated, that we protected our employees as the law states. I think in today’s environment, you can see by recent actions of certain higher government officials, that what we did should have been done by other levels of government. So very proud of the fellow Board members that were sued and exonerated, and very happy with Mr. Pope and Ms. Peck’s diligence and just hard work in getting this dismissed.”

Carried.



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5. Moved by Augostini, seconded by Bertoni to refer the Email from Daniel Griffiths, West Corners Fire District, requesting use of a Town garbage truck for their Ice Cream Social held on August 19, 2021 at West Corners Station #1. (This request was verbally approved at the time of the event) to Deputy Commissioner of Public Works-Environmental Services Daniel A. Schofield.
Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

(Prepared Resolution filed as part of these minutes 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.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes 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.)

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

Vote: All yes.

Moved by Bauman, seconded by Staley to approve the hiring of Ann Kachmar as a part time Assessor's Aide effective September 14, 2021 contingent on successful pre-employment testing and screening at a salary of \$14.95 per hour.
Carried.

(Prepared Resolution filed as part of these minutes to amend the salary of the Personnel Specialist/Payroll position to \$36,000.00 effective payroll week beginning 8/30/2021.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing Supervisor Richard A. Materese to sign the Humana Proposal – Group Medicare Advantage plan for the contract



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period January 1, 2022 through December 31, 2022 at the following rate: Humana Medicare Employer Plan Individual -\$207.52/month.)

Res. by Bauman, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to increase the part time pay of Barbara Powell from \$29.9574 to \$35.00 per hour effective payroll period beginning 8/30/21 not to exceed 30 hours.)

Res. by Bauman, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

Moved by Bauman, seconded by Staley to approve the hiring of Jason T. Ellis to the position of Part-Time Town Court Bailiff with a salary of \$20.00 per hour effective September 7, 2021. This appointment would be contingent upon the completion pre-employment testing and screening.

Carried.

Moved by Augustini, seconded by Bertoni to appoint James P. Morris to the Zoning Board of Appeals to fill the unexpired term of Michael Schafer.

Carried.

Moved by Augustini, seconded by Bertoni to appoint Colleen Curtin to the Alternate Member position on the Planning Board to fill the unexpired term of Kirsten Rose.

Carried.

(Prepared Resolution filed as part of these minutes to approve an agreement with Highland Associates in the amount of \$1,500.00 and an agreement with Streeter Associates, Inc. in the amount of \$5,300.00 to review and update for the flood proofing project for the 2021/22 construction costs, related to the Town Building and the Annex Building.)

Res. by Augustini, seconded by Bertoni.

Vote: All yes.

The Resolution was adopted.

HEARING OF VISITORS:

Valdi Weiderpass, 809 Madeline Drive, Endicott, said that any place the Town mows grass they should not hurtle the trees with grass cuttings. He also said if the bark gets scraped, you could lose the tree, so leave a buffer by the tree trunk.



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Councilwoman Heather R. Staley commented that the Arbor Day trees were hit; one was damaged really badly.

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 Report – July 2021.
2. Town of Union LDC Minutes – July 22, 2021.
Carried.

Councilman Frank J. Bertoni said the Gusto Festival was a lot of fun and a good time.

Councilman Thomas Augustini said Michael Schafer was a long time member of the Zoning Board of Appeals and he gave his condolences to the family.

Supervisor Richard A. Materese also recognized Michael Schafer's passing. He said Mike was a long time Principal at Maine Endwell Schools and that the Board just recently celebrated Mike and his wife, Marilyn, for their 67th Anniversary. He was very dedicated.

Supervisor Materese also corrected a statement he made at the last meeting regarding not needing a permit if you worked on your own property. He said he misspoke.

Supervisor Materese said there will be a Celebration of the 101 Anniversary of the EJ Arch, Endicott on Thursday, September 9, 2021 at 6:30 PM. He also reminded everyone about the 9/11 Memorial to be held on September 11, 2021 at 6:30 P.M. at Highland Park.

Moved by Bauman, seconded by Staley to call for an Executive Session for Personnel at 8:24 P.M.
Carried.

There was no action in the Executive Session.

Moved by Bertoni, seconded by Staley to go out of Executive Session at 8:27 P.M.
Carried.



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ADJOURNMENT:

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

Carried.

The meeting was adjourned at 8:28 P.M.

Leonard J. Perfetti
Town Clerk

LJP/bk