



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

September 2, 2020

The Regular meeting of the Town Board of the Town of Union was held on Wednesday, September 2, 2020, 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 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 was Village of Endicott Trustee Ted Warner.

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

### PUBLIC HEARINGS:

A Public Hearing of the Town of Union was called for on Wednesday, September 2, 2020 at 7:00 p.m. via Zoom Video Conference, to consider input to extend the Wind Energy Moratorium for an additional six (6) months with any resulting local law as necessary.  
Pub. & Posted: August 11, 2020

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

A Public Hearing of the Town of Union was called for on Wednesday, September 2, 2020 at 7:00 p.m. via Zoom Video Conference, to consider input concerning:

1. The addition of 12 Beech Street (#142.07-1-6.2) into the Homestead Village PUD as it should have originally been included;
2. Consideration of a new Homestead Village Planned Unit Development (PUD) incorporating the above referenced parcel into the previously approved PUD Development Plan for the Homestead Village Planned Unit Development. The new PUD is proposed for the following mixed uses: a townhouse residential development, hotel and conference center



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including a golf course, office use, and an engineering office use with accessory light assembly.

Gary Hamelin, 19 Beech Street, Johnson City, said he lives across the street from the proposed light industry factory. He feels the project is inappropriate for a residential area; will decrease his property value, and that the aesthetics of the building is not consistent with the other commercial buildings on Beech Street. He further said there are many vacant buildings in the Town of Union that could house this business.

Kamel Levi, 9 Barton Avenue, Johnson City, is opposed to a monstrosity of a building for a manufacturing facility being built in a residential neighborhood. He said the Town should not let this happen.

Richard Jones, 7 Woodland Avenue, Johnson City, said the sewage system should be taken into consideration if new construction is added. He said there have been sewage backups in the area before under certain circumstances.

Thomas Kerwin, 21 Poplar Street, Johnson City, is concerned about the speeding traffic from the construction workers that are building the town homes for the Town. He said he has three kids who cannot play outside with them working from 6:00 A.M. to 8:00 P.M.

Sara Campbell, Attorney from Hinman, Howard and Kattell, representing CSI, the project applicant, assured the residents that this is not a manufacturing facility, but a light engineering firm. She said that they are following all regulations for the construction of the building and surrounding areas. She also said the Planning Board gave them a unanimous approval, and Broome County Planning said there are no adverse impacts on the area and they would advise them of any conditions that need to be corrected. She further said that the aesthetics of the building has not been approved by the Planning Board yet, but they will respect the neighborhood.

Alex Urda, Engineer for the Walsh, said the project includes the cleanup of 12 Beech Street, along with the building on 16 Beech Street. He also said the design of the buking will be benign and will fit within the PUD.

Dave Jones, owner of Custom System Integration – CSI, said his business has been at the IBM Glendale facility for 19 years and for 6 years before that at another facility down the road. He explained what his business does and said that he will work with the residents to make it fit in the area. He also said the traffic should not be a problem as there are only 19 employees.

Sara Campbell, Attorney, presented the plans to review that were submitted to the Planning Board. She said it is not a large project, and they will make every effort to work with the neighborhood.



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Kamel Levi, 9 Barton Avenue, Johnson City, said that it does not make sense to build this in a residential area.

Gary Hamelin, 19 Beech Street, Johnson City, said there a dozens of acres of land within the PUD and asked why they don't build it over by the \$500,000.00 town houses instead. He also said a 17,000 square foot building is more suitable for a strip mall, not in a residential area.

Richard Jones, 7 Woodland Avenue, Johnson City, said there is no access to this property from Watson Boulevard if it floods in Fairmont Park, unless they go through Traditions property.

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

BIDS:           None.

## APPROVAL OF MINUTES:

Moved by Augostini, seconded by Bertoni to approve the Minutes of the Regular Board Meeting of the Town of Union Board held on Wednesday, August 5, 2020 and the Minutes of a Special Work Session of the Town of Union Board, held on Friday, August 14, 2020. Carried.

## HEARING OF VISITORS:

William Huston, Village of Endicott resident, had three issues that he spoke about. First, he opposes 5G cell towers going up in our area due to there isn't enough data on the health impact from the high density/high frequency waves. Next, he said the masks required for the meetings are ineffective, unnecessary and unsafe. Lastly, he said he is unhappy with the SungEel resolution being put forth this evening on the agenda.

Paul Connett, 104 Walnut Street, Binghamton, retired Professor of Chemistry and science advisor to the No Burn Broome group, said they issued a 48 page statement regarding SungEel that was sent to the Town Board and hoped it was able to be reviewed. He said this facility is not in the interest of Endicott or our country; and that the metals recovered are very important to our energy industries and defense industries, and they will be sent to S. Korea not kept here. He further said the facility is not right for the area and is in violation to the Towns' Comprehensive Plan. He explained the high temperature burn process, its dangers, and said there are better alternatives to this process.



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Supervisor Richard A. Materese said the Board has not received the 48 page statement and that you are comparing the Town of Union's regulations over the Village of Endicott's and that the Board can make suggestions to the Village of Endicott, but they do not have to follow them. He said the Resolution is non-binding to the Village, and the Board is trying to help.

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

## COMMUNICATIONS FOR FILING:

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

1. Letter from Susan E. Reif, District Clerk, Union Endicott Central School District, notifying of the names and addresses of the 2020-2021 Union Endicott Board of Education members.
2. Notice from Charter Communications of upcoming changes – August 4, 2020.
3. Letter from Joann Linstrom, MPA, Planning and Zoning Administrator, Town of Owego, regarding a 239nn Referral Appeal # 2074 – Special Use Permit at 267 Cafferty Hill Road.
4. Letter from Suzanne Warren, P.O. Box 6223, Columbia, Maryland, 21045, regarding the Donation of a memorial bench to be located at Highland Park.
5. Union Center Fire Company, Inc. Financial Statements – February 28, 2019.  
Carried.

## COMMUNICATIONS FOR ACTION:

1. Letter from Joseph Christoff, Excite Motorsports, 20 Onondaga Street, Johnson City, requesting permission to hold a small private car show on his street on August 29, 2020 from 5:00 P.M. to 8:00 P.M. The time of this request has expired. Request removed.
2. Moved by Augustini, seconded by Bertoni to refer the letter from Rakesh Shroff, 749 W. Main Street, Endicott, requesting the fees be waived for violations at his address, to Town Attorney Alan J. Pope and Deputy Commissioner of Public Works for Codes and Ordinances Daria Golazeski.  
Carried.
3. Moved by Augustini, seconded by Bertoni to refer the letter from Rev. Fr. Nathaniel J. Choma, St. Mary's Orthodox Church, 1907 Jenkins Street, Endicott, to Town of Union Code & Zoning Office, contesting the fees charged to them in regards to violations for 1908 Newell Road, Endicott, to Town Attorney Alan J. Pope and Deputy Commissioner of Public Works for Codes and Ordinances Daria Golazeski.  
Carried.



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4. Moved by Augostini, seconded by Bertoni to approve the Email from Dorothy Bachman, GFWC Tri-Cities Women's Club, requesting permission to hold a small gathering at the 9/11 Monument in Highland Park, for Remembering the Victims of 9/11 and requesting 20 folding chairs for participants and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Ray Vanderpoel.  
Carried.

5. Moved by Augostini, seconded by Bertoni to refer the letter from Judith Hawkins, 207 Beckwith Avenue, Endwell, asking the Town to consider amending the Code regarding ATV operations to Town Attorney Alan J. Pope and Deputy Commissioner of Public Works for Codes and Ordinances Daria Golazeski.  
Carried.

6. Moved by Augostini, seconded by Bertoni to refer the Proposed 2021 Budget for the Union Center Fire Company, Inc. to Comptroller Laura J. Lindsley.  
Carried.

PETITIONS:           None.

## COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

Resolution of opposition to the proposed SungEel Lithium-ion Battery Recycling Facility project located in the Village of Endicott and a formal request to the Village of Endicott Board to take into consideration various facts and issues of impact on the Town of Union residents related to said proposed project.

The Resolution was held over under the rule by Councilwoman Sandra C. Bauman at the August 5, 2020 Board Meeting.

Councilman Thomas R. Augostini withdrew his second on this Resolution.  
Councilman Frank J. Bertoni withdrew this Resolution.

Resolution to formally request the Village of Endicott Board to take into consideration various facts and issues of impact on the Town of Union residents related to the proposed SungEel Lithium-ion Battery Recycling Facility project proposed to be located in the Village of Endicott.

The Resolution was held over under the rule by Supervisor Richard A. Materese at the August 5, 2020 Board Meeting.

Councilwoman Sandra C. Bauman withdrew her second on this Resolution.  
Councilman Frank J. Bertoni withdrew this Resolution.



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Councilman Frank J. Bertoni read the following Resolution in its entirety.

(Prepared Resolution filed as part of these minutes requesting that the Village of Endicott not move forward with the proposed SungEel Lithium-ion Battery Recycling Facility project until documented credible science and health related evidence is confirmed by the NYSDEC, the State and local Health Departments, and by one or more mutually agreed upon independent third parties (namely, an agreement by the Village of Endicott and representatives of the opponents of the project), and is placed in evidence as part of the public record, all of which evidence is requested to be analyzed by the Village Board, with continued input and comment by all interested parties.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve entering into a Shared Service Agreement for Emergency Assistance between the New York State Department of Transportation and the Town of Union and authorize Supervisor Richard A. Materese to execute the necessary documents.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to accept a donation from the family of Richard and Virginia Warren in the amount of \$871.49 for a memorial bench to be installed at Highland Park.)

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

Vote: All yes.

Moved by Staley, seconded by Augostini to approve the following 2020 budget transfers:

Decrease:	31 5110 4120	Stone	\$ 5,000.00
Increase:	31 5110 4124	Catch Basins	\$ 5,000.00
Decrease:	20 8160 4175	Equip Rehab Parts	\$ 7,000.00
Increase:	20 8160 4099	Temporary Non Payroll	\$ 7,000.00
Decrease:	20 3310 4146	Sign Fixtures	\$ 1,800.00
Increase:	20 3310 4401	Equip. Maintenance	\$ 1,800.00.

Carried.

Moved by Staley, seconded by Augostini to authorize the advertisement of Bids for Generator Replacement at the Oakdale Pump Station. Bids to be received by Town Clerk Leonard J. Perfetti at a date and time to be determined by the Department Head.

Carried.



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(Prepared Resolution filed as part of these minutes approving the following IT policies that have been reviewed by the Town Attorney and IT Vendor:

- Town of Union, NY Department of Planning & Community Development Telecommuting Policy and Procedure
- Town of Union Data Security Policy
- Town of Union Password Policy – Amended
- Town of Union Breach Notification Policy – Amended.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes accepting the proposal from Standard Security for New York State Disability (DBL) coverage retroactive to August 1, 2020 at the rate of 0.44% of 50% of covered payroll to a maximum of \$340 weekly providing a 15.0% savings to the Town.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing Supervisor, Deputy Supervisor, and Planning Director to execute an addendum to the Town of Union contract with Fairview Recovery Services in regard to a shared caseworker which shall indemnify the Town of Union from all actions or situations involving Fairview Recovery Services in regard to City of Binghamton residents; subject to approval by the Town Attorney.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve the request from Catholic Charities RSVP to reallocate \$1,550.00 in FFY 2019 CDBG funding originally allocated to Telecommunications, Occupancy & Liability Insurance, to \$1,418.00 to Salary for Field Coordinator, \$104.00 for FICA/Disability/Unemployment, and \$28.00 to Worker's Compensation.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing the Planning Director, Supervisor and Deputy Supervisor to complete all documentations for Change Order 1 for the Fairmont Park Water Main Improvement project with Vacri Construction approving an additional \$54,400.00 for additional fill material for a total contract cost of \$520,400.00.)

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

Vote: All yes.



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(Prepared Resolution filed as part of these minutes to make a Negative Declaration under SEQRA per evaluation of the submitted short Environmental Assessment Form, Broome County 239-Review comments, and the Planning Board's Advisory Opinion for the Homestead Village Preliminary PUD Development Plan.)

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

Vote: All yes.

Resolution at the Board's discretion to approve, approve with conditions, or deny the Homestead Village PUD Preliminary Development Plan.

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

(Prepared Resolution filed as part of these minutes to call for a Public Hearing on Wednesday, September 16, 2020 at 7:00 P.M. in accordance with Article 2, Section 202 of the New York State Eminent Domain Procedure Law to consider public comments for the proposed Eminent Domain taking of an easement interest in properties owned by Richard and Laurie Jones, located at 5 Woodland Avenue, Johnson City, NY 13790, Tax Map number 142.11-1-52, and 7 Woodland Avenue, Johnson City, New York, 13790, Tax Map number 142.11-1-28 for a Town of Union Public Safety and Improvement Project known as the Town of Union Fairmont Park Water Main Project.)

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

Vote: All yes.

### HEARING OF VISITORS:

Richard Jones, 7 Woodland Avenue, Johnson City, spoke against the taking of his properties at 5 & 7 Woodland Avenue by eminent domain. He said he did not get a notification about this until Monday of this week. He also said there is a 100 year old tree on 7 Woodland that he does not want to be disturbed by this easement and said he is ok with them going on 5 Woodland Avenue only.

Supervisor Richard A. Materese said they will look into this, and said Monday's notification was not the first time they tried to notify him about the procedure.

Lori Jones, 7 Woodland Avenue, Jonson City, spoke against the eminent domain procedure and said if the easement goes through both properties, it will decrease the value of their home.

Supervisor Richard A. Materese said they will attempt to have a meeting with Mr. & Mrs. Jones to discuss their concerns.





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Nicki Post, Director of the Southern Tier Community Center, formerly the Boys and Girls Club of Western Broome, spoke about the current programs available and the future programs they are working on.

Councilman Frank J. Bertoni asked if their goal is to be like the Boys and Girls Club and offer many of the same programs.

Nicki Post replied that their goal is to be like the Boys and Girls Club; to be open to the public and offer new programs.

Supervisor Richard A. Materese wished her the best of luck.

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. Permits Report – July 2020.
2. Town of Union Planning Board Decision – Site Plan Approval - Dunkin' Fast- Food Restaurant with Drive Through. 712, 720 and 724 Main Street, Tax Map #'s 143.553-4-39, 143.53-4-38 and 143.53-4-37.
3. Town of Union Planning Board Decision – Special Permit Approval - Floodplain Development Split Rail Fence in Floodplain, 1420 Union Center Main Highway, Tax Map # 125.12-2-51.2.
4. Town of Union Planning Board Decision – Preliminary Subdivision Approval - Leisure Village Subdivision, 1908 Newell Road, Tax Map 141.11-4-50.
5. Town of Union Planning Board Decision – Site Plan Approval CDS Senior Housing, 609 Hooper Road, Tax Map # 141.08-2-5.
6. Town of Union Planning Board Decision – Special Permit for Floodplain Development, 328 and 332 Scarborough Drive, Tax Map #s 157.08-7-17, 157.08-7-18.
7. Town Clerk Report – July 2020.
8. Town of Union Citizens Advisory Council for Community Development Regular Meeting Minutes – July 8, 2020 & July 30, 2020.



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9. Town Comptroller's Monthly Report – July 2020.

10. Town of Union Planning Department Decision – Site Plan Approval- T-Mobile Telecommunications Facility, 1190 Robinson Hill Road, Tax Map # 126.04-1-5.  
Carried.

Councilman Frank J. Bertoni asked that a copy of the Resolution for SungEel be sent to the Village of Endicott's Mayor, Attorney, Planning Board, Zoning Board; New York State's Depts. of Health and Environmental Conservation; Broome County Executive Jason Garner and Department of Health; Senator Fred Akshar and Assemblywoman Donna Lupardo.

Councilwoman Sandra C. Bauman commended and thanked the employees for all the hard work they have been doing over the last few months, especially the Town Clerk's Office who has to answer the phone and open the doors for the constituents.

Councilwoman Heather R. Staley commented that she is glad they are able to work together to help the Village residents with this issue with SungEel.

Councilman Thomas R. Augostini recognized the lives of individuals who have passed away including the father of Planning Board member Leonard J. Cicciarelli and the mother of Deputy Town Clerk Rebecca Kruczkowski.

Supervisor Richard A. Materese wished the teachers and students returning to school best wishes.

## ADJOURNMENT:

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

The meeting was adjourned at 8:29 P.M.

Leonard J. Perfetti  
Town Clerk

LJP/bk