



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*

AMENDED

TOWN OF UNION BOARD MEETING

September 16, 2020

The Regular Meeting of the Town Board of the Town of Union was on Wednesday, September 16, 2020, at 7:00 P.M. in the Town Board Room, 3111 East Main Street, Endwell, New York 13760.

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.

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

Councilman Thomas R. Augostini read a Proclamation honoring Joseph and Debra Coppola for their 50th Wedding Anniversary.

Councilman Frank J. Bertoni read a Proclamation honoring Vincenzo and Judy Tanzini for their 50th Wedding Anniversary.

Supervisor Richard A. Materese read a Proclamation honoring Michael and Marilyn Schafer for their 67th Wedding Anniversary.

PUBLIC HEARINGS: None

BIDS: None.

APPROVAL OF MINUTES:

Moved by Augostini, seconded by Bertoni to approve the Minutes of the Regular Town of Union Board Meeting held on Wednesday, September 2, 2020 and the Special Board Meeting held on Friday, September 4, 2020.
Carried.



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HEARING OF VISITORS:

Pam Memos, 349 Twist Run Road, Endwell, spoke about the property at 347 Twist Run Road, owned by Nick Cataldo, who is a landlord that does not monitor his property. She said Mr. Cataldo does nothing about the issues that she, **her husband and neighbors notified him by letter and phone conversations** about. She said the property has been nothing but a problem and every time he rents the property it gets worse and worse. She said she wants the property to be declared a nuisance property and asked what the specific guidelines are that she needs to follow to get this done.

Paul Memos, 349 Twist Run Road, Endwell, said this property has been a problem for years with trash all around it, drug activity and the police there all the time. He said Mr. Cataldo claims he can't do anything about it. He said the neighbors are afraid to walk past the property and asked to have it declared as a nuisance property.

Marie Monaco, 3116 Robins Street, Endwell, spoke about a neighbor's boy that rides his 4-wheeler around his backyard continuously. She said the noise is excessive and the dust storm from it covers her pool. She further said that she been trying for three weeks to get the silt out from the bottom of her pool.

Supervisor Richard A. Materese asked her if this has continued since last week when someone from Code was sent out to the property.

Marie Monaco said he starts it and runs it but there has not been a cloud of dust or the noise since last week.

Michael Nagorny, 3118 Robins Street, Endwell, also spoke about the 4-wheeler. He said there is a smoke cloud that rises 70 to 80 feet in the air and he has experienced the same problem with the dust, not in a pool, but on his skylights that they cannot open because of the dust. He said he has been back teaching this past week, so he does not know if it has been happening during the day. He also said they have a 55 gallon drum in their yard that they burn garbage and plastic in and it is a nuisance for the neighborhood.

Gary Hamelin, 19 Beech Street, Johnson City, spoke about the development project across the street from him at 16 Beech Street. He said the project is to build a 17,000 square foot light manufacturing plant that is currently located in the industrial park on Glendale Drive. He said that Beech Street is two blocks long and that the amount of traffic in the neighborhood will be difficult to deal with. He stated that the existing PUD has townhouses, the Traditions Hotel, a dentist office and the former American Cancer Society building in it. He is not against all development and he is sure this business, CSI, is very successful, but it does not belong in a residential area. He also said he had the opportunity to meet with Councilwoman Bauman



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and Councilman Bertoni, as well as the engineer and attorney for CSI on the site and said he was glad that it happened because it enforced his belief that the business does not belong in a residential area. He said he is concerned about safety, noise and that their property values will be diminished from this. He stressed his opposition to this project and encouraged the Board to vote against it.

Brenda Morgan, 353 Twist Run Road, Endwell, spoke about the nuisance property. She said she has lived in the Town of Union for 31 years, of which the last 17 years are at this current address. She said since day one, there have been problems, but they have gotten progressively worse over the years. She has seen the police there with guns drawn trying to serve warrants and said something has to be done with this nuisance property.

Sarah Campbell, Attorney from Hinman, Howard & Kattell, representing Homestead Village PUD and CSI project, said they did meet with the Planning Board after the last meeting and discussed the project. She said the Planning Board did ask for additional landscaping but were not too concerned with the building, although no vote has been made on the final site plans yet before the Town Board's decision. She said they did submit a new site plan with the new landscaping. She spoke about the PUD process and the Town Board's opportunity to access site specific viability of the project, including no undue burden on drainage, bulk regulations, utilities, water and sewer, schools or parking. She further said the PUD process specifically calls for the site plan review to be done by the Planning Board and that the Town does not have architectural or development standards for an applicant to conform to. She said her client has made every effort to make it more appealable with a mixture of brick and stone and earth tone colors, with a landscaping plan calling for more trees at 8 feet to make it more appealing. She stated the property is in a PUD district, not residential. She also said the business is an engineering firm with light assembly component and is emphatically not a manufacturing plant and that it is consistent with the Town's Comprehensive Plan for various uses in this location. This project meets and exceeds all the definitions of the PUD and is entirely consistent with the Town's Comprehensive Plan. She also commented that the Town's Planning Board is by no means inconsiderate of the concerns of others and they are not an easy Planning Board; they require a lot of landscaping, lighting and things like that.

Dave Jones, 12 Nadine Way, Johnson City, and owner of CSI, explained what his business is and said that there would not be a lot of traffic throughout the day. He said there is only one shift and there would be little impact to the area. He further said they are committed to make the company fit in the area and that they are green minded and plan to put solar panels on the roof and add more trees to the landscaping design. He said it is zoned for business and someone will move there if he doesn't. He said he is local and plans to use local and stay local.

Sarah Campbell, Attorney from Hinman, Howard & Kattell, said the Broome County Planning Board reviewed the project and found no countywide impact; and the Town Board at the last



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meeting made a negative declaration under SEQRA review for no significant impacts for the project. She said Dave Jones and his company, CSI, are a real asset to the Town.

Pam Memos, 349 Twist Run Road, Endicott, spoke again regarding the nuisance property. She said that comments have been made that this is a law enforcement problem and the police have told them this is a civil matter and it is truly a Town problem to remedy.

Supervisor Richard A. Materese read the following letter from Village of Endicott Mayor Linda Jackson in its entirety:

Letter to the Town of Union

This is in response to the letter we received from the Town of Union. I appreciate this opportunity to address the Town of Union, and their audiences, on this important issue.

The PFAS are being addressed by the DEC. That is their job to regulate this aspect of a business. That is why they are the lead agency. They have held up this process until the PFAS are addressed. This project will not move forward until this is satisfactorily remedied. We plan on having our own independent company review this DEC report. Please note – no additional chemicals will be used.

Nanoparticles are not currently a regulated pollutant; there is no test method. We were exposed to nanoparticles long before the word was coined. We may find that the installation of a lithium battery recycling plant will reduce our reliance on internal combustion engines, and thus reduce nanoparticles, and other pollutants, overall.

FYI – The EPA has determined that this process is not regulated by their rules. So, any concerns brought up on this process are not from this agency.

The Village is working on a split sampling of groundwater with the contractors of the IBM spill, DEC and Health Department. We want a confirmation that this contamination reporting is correct. We feel more confident that we can now trust the DEC to look out for our interests.

All manufacturing, and even of our vehicles, have emissions. The key is to use our new technology to promote clean energy guidelines. That is what our goal is. We must learn from our past contaminations, and make our Village safe and secure. We are hoping our clean energy technology will reduce our reliance on fossil fuels altogether!

The Village has been industrial for over 100 years. Long before most houses, ball fields, parks, etc. this is not something new. I live near here, and my grandson has played baseball at those fields for years. I am invested in this safety. That is why we have taken this project so seriously.



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I have been researching this process and company since I first too office in January. (See my channel 12 interview in January!) I took residents' concerns to the State Office Building in Binghamton in February. (The Villages opposes any company who will harm our Village!) There, I was told this was already welcomed by the former Mayor and Union Endicott School Board in May of 2019. I still demanded answers, and was finally granted a meeting with this company, the DEC, other politicians, and from the Strategic Business development – in March. Equipped with questions from Dr. Upreti, protégé of Dr. Whittingham, I gathered information on this process and batteries in general. When I returned with my answers, I was told these answers match the safe recycling plant in Toronto, Canada. I did not stop there. I have continued to bring resident's concerns to the company, the DEC, and other experts who are actually working in these related fields. We have done our due diligence, and reported the same.

We contacted an independent source, Barton and Lodigdice. The company called in Cornell and Montana Universities for additional studies. I have not received any actual facts to the contrary of what I have learned.

I have made attempts to educate the Residents on the research I have done, but many are still confused. With so much misinformation and misplaced fear constantly circulated, I am sure it is overwhelming.

All the misinformation is coming from social media, especially face book. People are seeing things on the internet, and applying them to this facility. However, their Internet stories have nothing to do with this facility! And, people's personal opinions are not fact. A lot of this is just to cause fear, and it is unfounded.

The acquisitions that we have not listened to our residents is false. We listen to all our residents, not just the special interest group. This group does not believe our answers because the answers did not go along with their agenda. Some keep hammering us with the same misinformation, and get angry we do not agree with them.

Many people against the project have also said they do not care how safe it is. They do not any industry in Endicott at all. However, none of them has found any alternative businesses since IBM left. Some say they are for business, but have provided no proof or ideas! They just complain about this project, yet offer nothing constructive.

Some of us, on the board, do not have the luxury of concentrating on just our own agenda. We have many other projects to take care of for the Village. We do not have the time to correct all the misinformation regarding this process.

Corrections: This is NOT an incinerator! No hazmat suits will be required, only steel toed shoes and hard hats. This storage building will not just be sheet metal. Wall will be cement blocks, a foot thick, with a fire suppression system, and inferred alert system – verified by our Village Fire Department.



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Everything I have found is on our Village Web site. I have sent much evidence to the Town by way of Councilman Augustini. We have been researching this company for nine months now, and have no facts to cause alarm. But I do not work for this company, and am not an expert in this field. I suggest you contact the DEC, or battery experts working in this field, directly for facts.

FYI – Hearing of Visitors is not a requirement of any Municipality. We could get rid of this Hearing of Visitors all together like the Broome County Legislature. We choose to compromise.

But, we cannot devote a lot of Village Business time on one subject. One that has previously been discussed repeatedly, with nothing new or constructive to add, or is just one group's agenda. We put Hearing of Visitors at the end of our meeting, for now, because we need to take care of Village business first. We are still available by phone or email, etc. if people are really interested in talking to us. An audience is not necessary.

Our area has spiraled downward since IBM left. These good paying jobs can help families and businesses. Getting rid of all industry will destroy our economy. Nothing has been brought in to replace it! Endicott will end up being a "ghost town" like the steel factory towns!

We in the Village would never do anything, intentionally, that would cause harm to our residents. That is why we have spent so much time investigating this one issue. Clean energy is the way of our future!

Thank you for your concerns. We look forward to a long, and beneficial, working relationship with the Town of Union.

Village of Endicott Mayor, Linda Jackson.

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. West Corners Fire District – Financial Statements Year Ended – 12/31/2019.
2. Letter from New York State Department of State, State Records & Law Bureau, notifying that Local Laws 2020-1 thru 2020-3 were filed in their office.
3. Minutes of Town of Union Citizens Advisory Council for Community Development Meeting – August 25, 2020.



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4. Letter from Village of Endicott Mayor Linda Jackson in response to the September 2, 2020 Resolution passed by the board pertaining to the SungEel Battery Recycling Plant.

Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augostini, seconded by Bertoni to refer the Proposed 2021 Budget for the East Maine Fire Company, Inc., to Comptroller Laura J. Lindsley.

Carried.

2. Moved by Augostini, seconded by Bertoni to refer the Proposed 2021 Budget for the Choconut Center Volunteer Fire Company, Inc., to Comptroller Laura J. Lindsley.

Carried.

3. Moved by Augostini, seconded by Bertoni to approve the letter from Robert O. Brady, Fire Company President, O.L. Davis Fire Company, Inc., announcing their 100th Anniversary in 2021 and requesting permission for the following activities on September 19, 2021: road closure from 1:00 P.M. to 3:00 P.M. Hooper Road and Country Club Road – from Taft Avenue to their fire station for a parade; road closure of Country Club Road from Doyleson Avenue to Hooper Road for a block party from 3:00 P.M. to 8:00 P.M.; and fireworks at Highland Park at approximately 8:30 P.M., and refer it to Commissioner of Public Works Louis V. Caforio, Highway Superintendent Chester Kupiec and Parks Manager Ray Vanderpoel.

Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

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

Decrease:	20 8160 4175	Equip Rehab Parts	\$ 10,000.00
Increase:	20 8160 4099	Temp Non-Payroll	\$ 10,000.00
Decrease:	31 5110 2500	Other Equipment	\$ 1,584.00
Increase:	31 5110 4100	Misc. Operational Supplies	\$ 1,584.00.

Carried.

Moved by Staley, seconded by Augostini to authorize the advertisement of Bids for Hooper Road at Watson Boulevard – Intersection Improvements PIN 9754.55. Bids to be received by Town Clerk Leonard J. Perfetti on Thursday, October 15, 2020 at 10:00 A.M. at which time they will be opened and read aloud.

Carried.



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(Prepared Resolution filed as part of these minutes to authorize Supervisor Richard A. Materese to sign the Depository Placement Agreement and other required paperwork necessary to place funds into deposit accounts with Tioga State Bank and to add Tioga State Bank as an official depository for the Town of Union.)

Res. by Staley, seconded by Augustini.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes authorizing Supervisor Richard A. Materese to sign and execute the UHS Workers' Compensation PPO agreement, PPO Employer Affirmation CSEA Blue Collar (40 hour group) and PPO Employer Affirmation CSEA White Collar (35 hour group) in accordance with Article 16.2 of the respective collective bargaining agreements and Article 10-A of the Workers' Compensation Law and 12 NYCRR 325-8.2. There is no increase to the annual service cost of \$9,000 with the duration of 10/1/20 to 9/30/21.)

Res. by Bauman, seconded by Staley.

Vote: All no.

The Resolution was not adopted.

(Prepared Resolution filed as part of these minutes to approve the Homestead Village PUD Preliminary Development Plan.)

Res. by Augustini, seconded by Bertoni.

Vote: Yes
Augustini
Bauman
Staley
Materese
No
Bertoni

The Resolution was adopted.

Councilman Frank J. Bertoni spoke about why he is against this project. He said he feels this project does not appear to be an alternative development pattern in harmony with the objective of the Town. He feels it is not a creative use of land or an orderly transition from one land use to another. He said there are six requirements for a PUD to be approved and feels this project does not meet any of them.

Supervisor Richard A. Materese said he is torn with this decision, but he doesn't agree with everything Councilman Bertoni said. He stated that it is not the Town Board's prerogative to talk about the aesthetics of the building; it's the Planning Board's decision. He also said the building may not be perfect, but he feels that Mr. Jones is willing to take steps to do what he can to make this a presentable spot for Mr. Hamelin.

Councilwoman Heather R. Staley said that this is a Planning Board issue and they have the expertise in figuring out placement of the trees and if the building is unattractive or not. She further said that in her view, this property is already in the PUD and that CSI fits within the



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requirements of it. She also said that she would rather have a stable and growing business that has been around for 20 years in there instead of a startup company.

Councilman Frank J. Bertoni said that whatever company goes in there, they have to meet the requirements of the PUD. He said because it is a modification of an existing approved PUD, this is why it is a Town Board issue.

Town Attorney Alan J. Pope explained that under the code, a modification to an existing PUD would come to the Town Board if it is for a different use. He said if the use was for an office, it would never have come to the Town Board, but because it is for a different use, now for assembly, the Town Board must focus on that. He said it is pretty clear that this not a manufacturing facility, but an office with light assembly done internally inside the building. He said there are no air, noise or waste emissions that would be associated with a manufacturing facility.

Attorney Alan J. Pope read through all six requirements and gave arguments for and against each.

Councilman Thomas R. Augostini said there are two individuals who are articulate and caring about both their properties. He said Mr. Hamelin's property is well maintained, nicely kept and he wants to protect what he has built up over the years. He also said Mr. Jones has a very nice personal property and his business is successful, so, that being said, he appreciates the conversation and discussions between the two and how they conducted themselves with civil discourse throughout this process.

Councilwoman Sandra C. Bauman said she came in here torn with the decision, but looking at it as an approved PUD, she feels this project does fit within it. She also said the Mr. Jones has made a lot of effort to alter the plans to please Mr. Hamelin and that she feels in good conscience that the Board could deny the project.

(Prepared Resolution filed as part of these minutes to call for a Special Board Meeting to be held on Monday, September 28, 2020 at 7:00 P.M. to close the Jones' eminent domain Public Hearing, hear the findings of fact and determination and vote on proceeding with eminent domain.)

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

Vote: All yes.

HEARING OF VISITORS:

Robert Brady, president of Endwell Fire Company, spoke about the 100th Anniversary of the Fire Company next September and asked if the Board had any questions. He explained about the Block Party, the fireworks and barricades and cones that will be requested. He said the celebration will be similar to West Corner's Fire District's 100 year celebration that was held 2 years ago.



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Councilman Frank J. Bertoni asked if alternate routes will be set up for traffic. Mr. Brady said there will be alternate routes set up.

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 of Union Local Development Corporation Meeting Minutes – June 18, 2020.
 2. Town of Union Zoning Board of Appeals Decision – Application 2020-002, John Lobevero, 4203 Watson Boulevard, Tax Map # 142.11-2-18.
 3. Town Clerk Report – August 2020.
 4. Town of Union Planning Board Decision – Final Subdivision Plans – Leisure Village Subdivision, 1908 Newell Road, Tax Map # 141.11-4-50.
 5. Town of Union Planning Board Minutes – July 14, 2020 and August 11, 2020.
 6. Comptroller's Monthly Report – August 2020.
- Carried.

Councilwoman Sandra C. Bauman said volunteers from Tioga State Bank came to Highland Park and cleaned it up and she wants to write a letter from the Board thanking them for the work that was done.

Supervisor Richard A. Materese thanked the Triple Cities Garden Club for the 9/11 remembrance they held at Highland Park.

ADJOURNMENT:

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

The meeting was adjourned at 8:33 P.M.



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LJP/bk

Leonard J. Perfetti
Town Clerk