



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

June 1, 2022

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, June 1, 2022 at 7:00 P.M. in the Town Board Room, 3111 East Main Street, Endicott, New York 13760.

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.

Also in attendance was Broome County Legislator Jason Shaw and Village of Endicott Mayor Linda Jackson.

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

PUBLIC HEARINGS: None.

BIDS: None.

APPROVAL OF MINUTES:

Moved by Augustini, seconded by Bertoni to approve the Minutes of the Regular Town of Union Board Meeting held on Wednesday, May 18, 2022.
Carried.

HEARING OF VISITORS:

Bert McCullough, 2625 Daren Drive, Endwell, said after five minutes of rain today, his backyard is half full of water due to the drainage ditch in back of his house that is filled with silt and cattails. He said it is a very simple project that a couple of men can take care of. He asked if the paperwork is completed and thanked Councilman Frank J. Bertoni for offering to follow up on the status of it.



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Councilman Frank J, Bertoni apologized that he did not follow up from the last Board meeting. He will do it and get back to him.

Village of Endicott Mayor Linda Jackson said she has great news. Per Stromhaug, Associate Vice President, Innovation and Economic Development, Binghamton University, is putting in a Start New York office in Building 48 of the Huron Campus and he is working with Empire State Development to establish this. She said Empire State Development is working with the Village now to develop properties that they are interested in, some of which are in the Village along with other properties in the Town such as the old BAE Site and 100 Oakdale Road. She suggested that the Town reach out to them if there are any other properties in the Town that you want redeveloped.

Supervisor Richard A. Materese asked if they are looking at vacant lots or buildings.

Mayor Jackson said they are looking at anything that can be made into industrial properties.

Supervisor Materese and Councilwoman Heather R. Staley asked for Mayor Jackson to forward the information to them.

Paul Litynski, 3620 Rath Avenue, Endwell, presented pictures of 3623 Rath Avenue to the Board. He said this property has had code violations for 20 years with hoarding both inside and out. He said a Thanksgiving Day fire left the house uninhabitable and a hazard to their neighborhood. He said that before the court order to stop clearing the property was issued, 5 dumpsters full of junk were removed. He said the property is unhealthy and an embarrassment to the neighbors. He asked for the Board to do something to stop this blight and invited them to come out and look at the property.

Town Attorney Alan J. Pope explained that the Town went to the Supreme Court and received a court order for the owner to clean up the property in 30 days, and if he did not, the Town had the right to go in and clean it up and charge the homeowner for the expenses of doing so. Mr. Pado went past the 30 days and filed an application with the court to modify the order by asking for more time. Mr. Pope said he asked Code Enforcement Officer John Freer to go to see if Mr. Pado had done the work that he told the judge he did. He did not do the work, so I asked the court to deny the extension request. The court has not ruled on this yet, one way or the other. If the judge denies the application, the Town already has the court order to go in and clean up the property, and we will. We can hire contractors to do the work.

Supervisor Richard A. Materese said this is on our radar, but we can't break the laws to get it done sooner. Our Town Attorney has been working on it with the State Court.

Councilman Thomas R. Augostini said our Town Attorney was successful in getting the Town Court to fine Mr. Pado thousands of dollars for the code violations over the years. Mr. Pado refused to pay the fines and said he would rather go to jail, so Town Attorney Pope was able



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to get the fines converted to a civil lien against him and he cannot sell the property without that being paid.

Town Attorney Alan J. Pope said that isn't helping the neighbors now, and that is why the Town agreed to spend the money to go to the State Court, and not back to the Town Court, where we were successful in getting the court order.

Supervisor Richard A. Materese said if the judge rules in our favor, we can hire contractors to clean it up and we'll charge the homeowner. He said this will not be an extra charge to the taxpayers.

Mr. Litynski asked who would determine that it is uninhabitable and needs to be condemned.

Supervisor Richard A. Materese said the Code Department would determine that once it is cleaned up.

County Legislator Jason Shaw, 400 Corey Avenue, Endwell, said he went to the Health Department to see what they could do to get the property condemned and was told it is a code issue and they can't do anything until someone is living there.

Councilman Thomas R. Augostini said Legislator Jason Shaw could check on the taxes on the property, if they are paid up or behind.

County Legislator Shaw said the taxes are paid up. He also said he and Councilwoman Sandra C. Bauman went over to look at this property from the neighbor's house. He further said he is confident to say we are all here in support of the neighbors and that we just want to make sure that this issue is on the top of your minds.

Town Attorney Alan J. Pope said that it's more than just on our radar, we have gone further with Mr. Pado than any other code violation case. We are almost there, we were successful in getting the court order, now we just have to stop his application for the time extension.

Councilman Thomas R. Augostini said the reason we went to the Supreme Court was because the Town court could not grant us permission to go on Mr. Pado's property to clean it up, only the State court could give us that court order.

County Legislator Shaw said having been to town board meetings, he said that this is a good discussion, it really does appear to him that the Town Board knows about this.

Chris Munoz, 3625 Rath Avenue, Endwell, said he moved into his house in February of this year and he has seen the town come in to clean up the property and said that Mr. Pado called the State Police and the Broome County Sheriff saying that the Town was stealing from him.



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He further said the Sheriff came to his door asking him if he knew anything about this and they told him Mr. Pado said he did not know anything about the court order. Mr. Pado has been making false accusations and he just wanted the Town to know that this happened. Mr. Munoz presented pictures to the Board of Mr. Pado's property.

Councilwoman Sandra C. Bauman said she has pictures of Mr. Pado's property on her phone that was taken from Mr. Munoz's property before he owned it.

Town Attorney Alan J. Pope said they used similar pictures when they went to Supreme Court.

Derek Lee, 3619 Rath Avenue, Endwell, said he and his girlfriend are the new owners of this house. He said her parents owned the house previously, so he was somewhat aware of the situation before they moved in. He said his dog got loose and ran into Mr. Pado's yard that is literally a junkyard. He also said he has three boys under the age of eight and is concerned they might go over there. He further said the smell is very bad. He thanked the Board for listening.

Supervisor Richard A. Materese said while we do not live under those conditions, we understand them. We don't like it any more than you do, but we have to follow the procedures. He said our attorney has done a good job with this case and we just have to make it to the finish line.

Carol Litynski, 3620 Rath Avenue, Endwell, said when they open their blinds and door, this property is what they see. They have been dealing with this for 20 years with the code department. She said they have heard every excuse that they have to go slow with this to make sure everything is done properly to protect the rights of Mr. Pado. She asked what about their rights. She said they can't even have company over; they think we live in the slums. She also said Endwell is a beautiful part of the Town and they work very hard at keeping their properties nice. She wants the Board to come up with a plan to take care of situations like this, so it does not take 20 years to get something done with unfavorable properties. She said this one is not the only property that looks like this, and that they are just fortunate enough to look at the worst one every day. She commented that David Conklin from Code Enforcement has bent over backward to help us since the fire and she feels really bad for him, because he takes 5 steps forward and then the owner does some tactical move, and he is then 10 steps back. We are desperate, we need to get control of our neighborhood again.

Councilman Frank J. Bertoni said he personally believes this Board has made every commitment we can to get rid of these properties. We did it for 1 North Page Avenue to get the factory down, it takes a long time. We don't turn a blind eye to these situations and our Code Department does a great job and we don't quit until they are taken care of.



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Town Attorney Alan J. Pope said he is the one that goes to court for the Town when it is authorized by the Board and he echoed what Councilman Bertoni said, that in the last 6 to 8 years, we have been the most aggressive in going after these properties. He said it takes a long time to go to court and get a court order. He said he thinks we are seeing a turn in getting these jobs done.

Councilman Thomas R. Augostini said even with 99% success rate, we will have a small amount of properties that aren't good.

Supervisor Richard A. Materese said our hands are tied, but we are doing what we can. He said if the people weren't paying their taxes, we could go a different way. We can't feel your pain, but we do understand it.

Alan Stephens, 1203 Catherine Avenue, Endicott, thanked Councilman Bertoni and Councilwoman Staley for helping him get a tree taken care of that fell during a storm. He also thanked the Board for finally getting the paperwork together so he can buy the property. He said it would be helpful if we didn't have to go to the top to get things done. He also suggested that the Emails for officials should be on the website.

Town Attorney Alan J. Pope apologized for the delay in the paperwork. He takes the blame for that pile of papers being not attended to in a timely manner. He said the Supervisor signed the contract today.

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. Charter Communications Notice – May 11, 2022 & May 27, 2022.
2. Village of Endicott Board Meeting Minutes – 04/04/22 & 04/18/22.
Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augostini, seconded by Bertoni to approve based on availability, the Email from Shannon Price, CTRS, Chief Recreation Therapist, NYS Office for People with Developmental Disabilities, Broome Developmental Center, requesting use of Pavilion #7 at



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Highland Park from 8:30 A.M. to 3:30 P.M. on July 5, 6, 7 & 8, 2022 for their annual summer day camp for adults with developmental disabilities, with the request for no fees to be charged and permission to leave their box truck with supplies parked at the pavilion during the duration of the camp times, and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Jay Vassil.

Carried.

2. Moved by Augostini, seconded by Bertoni to approve based on availability, the Email from Meg Giris, President of DSIN of STNY, requesting permission to hold their annual Buddy Walk at Highland Park, and reserve pavilions 6 & 7 for the event on Saturday, September 24, 2022, and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Jay Vassil.

Carried.

3. Moved by Augostini, seconded by Bertoni to refer the Email from Amber Coyne, Community Relations Specialist, Fidelis Care New York, working with New York State of Health Marketplace, to help community members sign up for free to low cost health insurance, and requesting the Fidelis Care RV to be parked at West Endicott Park and Highland Park, on alternating days, Tuesdays and Thursdays from 9:30 A.M. to 2:30 P.M. throughout the summer to Town Attorney Alan J. Pope, Commissioner of Public Works Louis V. Caforio and Parks Manager Jay Vassil.

Carried.

4. Moved by Augostini, seconded by Bertoni to approve based on availability, the letter from Kelly Mabee, Cornell Cooperative Extension Broome County, requesting the use of West Endicott Park on Thursday, July 21, and Thursday, August 4, 2022 from 2:00 PM to 8:00 PM, to host two Community events led by UNITY (Urban Neighborhood Improved Through Youth), a 4-H civic engagement after school program that works with Union Endicott High School students to complete community improvement projects, and for waiver of fees for the use, and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Jay Vassil.

Carried.

5. Moved by Augostini, seconded by Bertoni to approve the E-mail Proposal from Race Director Kristina Albrecht, Visions Federal Credit Union, requesting to hold the annual 4th on the 4th Road Race, with road closures from 7:00 AM to 11:30 A.M. on July 4th, 2022, and refer it to Commissioner of Public Works Louis V. Caforio, Parks Manager Jay Vassil and the Town Clerk.

Carried.

PETITIONS: None.



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COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

(Prepared Resolution filed as part of these minutes to approve giving NYSEG easements to three (3) locations on Oakdale Road for extending its pole guying facility and authorize Supervisor Richard A, Materese to execute the easements, upon approval of the Town Attorney.)

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

Vote: All yes.

Quotes were received for the Bathroom Remodel of the Highway Garage on May 10, 2022 from the following contractors:

KC Construction	Declined
J.K.S. Home Improvement	Declined
1 st General of Southern Tier, Inc.	\$20,760.92.

(Prepared Resolution filed as part of these minutes to award the quote for the Bathroom Remodel of the Highway Garage to First General of Southern Tier, Inc. for their quote of \$20,760.92 and will be paid out of ARPA Funds)

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

Vote: All yes.

Moved by Staley, seconded by Augostini to receive bids for the following projects, date and time to be determined by the Commissioner of Public Works. All projects will be paid from the APRA funds.

- Pearl Street Sanitary Pump Station
- Airport Road Sanitary Pump Station
- Fairmont Park Flood Pumping Station
- Rt. 17C Flood Pumping Station
- Choconut Sanitary Pumping Station
- Watson Blvd. Sanitary Pumping Station
- Reynolds Road Pump Station
- Scarborough Drive Pump Station
- Westover Flood Pumping Station
- Isolated Drainage Improvements at Various Locations.

Carried.

Quotes were received from Clark Patterson Engineering on May 27, 2022 for the following projects:

1. Town of Union Office Building Emergency Egress Stair Replacement Proposal for Design Services - \$ 14,600.00



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2. Town of Union Office Building HVAC Concept Design Proposal for Engineering Services - \$ 6,300.00
3. Town of Union Complex Roof Replacements Proposal for Architectural & Engineering Services - \$ 66,540.00
4. Town of Union Office Building Standby Emergency Generator System Proposal for Engineering Services - \$ 32,730.00

(Prepared Resolution filed as part of these minutes to award the proposals to Clark Patterson Engineering for the following projects that will be paid out of ARPA Loss Revenue Funds:

Town of Union Office Building Emergency Egress Stair Replacement Proposal for Design Services - \$ 14,600.00

Town of Union Office Building HVAC Concept Design Proposal for Engineering Services \$ 6,300.00

Town of Union Complex Roof Replacements Proposal for Architectural & Engineering Services - \$ 66,540.00

Town of Union Office Building Standby Emergency Generator System Proposal for Engineering Services - \$ 32,730.00.)

Res. by Staley, seconded by Augustini.

Vote: All yes.

The Resolution was adopted.

Supervisor Richard A. Materese explained that the roof replacements are for several buildings.

Moved by Augustini, seconded by Bertoni to approve the Planning Department to send out a RFP for the following Town of Union surplus properties:

43 Endicott, Avenue, Johnson City
618 Zimmer Avenue, Endicott
303 Oakdale Road, Johnson City
194 St. Charles Street, Johnson City
56 Cherry Street, Johnson City
68 Roberts Street, Johnson City
147 Hudson Street, Johnson City
1709 Nanticoke Drive, Endicott.

Carried

Moved by Augustini, seconded by Bertoni to recall the Resolution authorizing the Town of Union to transfer One Million Dollars (\$1, 00,000.00) to the Town of Union Local Development Corporation in American Rescue Plan Act (ARPA) Non-Revenue Replacement funds, all of



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which shall be administered by the Local Development Corporation in the form of grants and/or loans for economic recovery and/or COVID related projects.
Carried.

Supervisor Richard A. Materese explained why it was recalled.

(Prepared Resolution filed as part of these minutes authorizing the Town of Union to transfer One Million Dollars (\$1, 00,000.00) to the Town of Union Local Development Corporation in American Rescue Plan Act (ARPA) Loss-Revenue Replacement funds, all of which shall be administered by the Local Development Corporation in the form of grants and/or loans for economic recovery and/or COVID related projects.)

Res. by Augustini, seconded by Bertoni.

Vote: All yes.

The Resolution was adopted.

HEARING OF VISITORS:

Chloe Rudder, a student visiting with her cousin in the audience who lives at 270 River Terrace, Endicott, spoke about the poor conditions of the streets around River Terrace.

Supervisor Richard A. Materese said River Terrace is in the Village of Endicott and she will have to talk to them about it.

Carol Litynski, 3620 Rath Avenue, Endwell, responded to Councilman Frank R. Bertoni's comment from the first Hearing of Visitors and said she is aware that things take a long time to be done, but nobody did anything until the house caught on fire.

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 Planning Department Decision – Minor Site Plan Review, Application # PD-2022-020, Brickyard Endwell: Outdoor Seating, 800 Hooper Road, Suite 320, Endwell, Tax Map # 125.20-4-3.1.



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2. Town of Union Planning Board Decision – Approval of Special Use Permit – Application # PB-2022-02-A, RESunance, LLC -Endicott NY Solar Farm, 525 Boswell Hill Road, Endicott, Tax Map # 124.03-1-3.

3. Town of Union Planning Board Decision – Site Plan Approval – Application # PB-2022-02-B, RESunance, LLC – Endicott NY Solar Farm, 525 Boswell Hill Road, Endicott, Tax Map # 124.03-1-3.
Carried.

Councilwoman Sandra C. Bauman explained difference between a pump station and a pumping station.

Supervisor Richard A. Materese congratulated all collegiate students that graduated. He also congratulated Commissioner of Public Works Louis V. Caforio and his wife on their 20th wedding anniversary.

Councilwoman Heather A. Staley said the concrete pad is in for the fitness court.

Councilwoman Sandra C. Bauman said the fitness court will installed June 13 -17th, 2022.

ADJOURNMENT:

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

The meeting was adjourned at 7:54 PM,

Leonard J. Perfetti
Town Clerk

LJP/bk