



Town Clerk
Leonard J. Perfetti

Town of Union

Town Board
Robert Mack, *Supervisor*
Thomas R. Augostini, *Councilman*
Frank J. Bertoni, *Councilman*
Joseph P. Nirchi, Sr., *Councilman*
David Kudgus, *Councilman*

TOWN OF UNION BOARD MEETING

April 5, 2023

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, April 5, 2023 at 7:00 P.M. in the Town Board Room, 3111 East Main Street, Endwell, New York.

BOARD MEMBERS PRESENT: Supervisor Robert Mack, Councilman Thomas R. Augostini, Councilman Frank J. Bertoni, Councilman Joseph P. Nirchi, Sr., Councilman David Kudgus.

TOWN OFFICIALS PRESENT: Town Attorney Alan J. Pope, Deputy Town Attorney Rosemarie Pope, Town Clerk Leonard J. Perfetti, Deputy Town Clerk Rebecca Kruczkowski.

Also in attendance was Village of Endicott Mayor Linda Jackson.

PUBLIC HEARINGS:

A Public Hearing was called for on Wednesday, April 5th, 2023 at 7:00 PM to solicit public input for inclusion in the FFY 2024-2028 Consolidated Plan and FFY 2023 Community Development Block Grant (CDBG) Annual Action Plan.

Pub. & Posted: 03/06/2023

As no one wished to speak, Supervisor Robert Mack closed the Public Hearing.

BIDS:

Bids were called for on Tuesday, April 4, 2023 at 10:00 A.M. for Glendale Park Walking Path – ARPA Lost Revenue project. Bids were received as follows:

Broome Bituminous Products	\$223,870.00
Byler Excavating	\$255,900.00
Pro-Con Contracting	\$259,000.00
ZMK Construction, Inc.	\$269,000.00
Hurd Development	\$295,858.00
G. DeVincentis & Son Construction	\$299,000.00
Thompson Brothers, Inc.	\$319,199.00
F.P. Kane Construction	\$349,000.00

Moved by Augostini, seconded by Bertoni to receive and file the Bids for Glendale Park Walking Path – ARPA project.

Carried.



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APPROVAL OF MINUTES:

Moved by Augustini, seconded by Bertoni to approve the Minutes of the Regular Town of Union Board Meeting held on Wednesday, March 15, 2023 and the Special Meeting held on Wednesday, March 29, 2023 at 3:00 PM.
Carried.

HEARING OF VISITORS:

Carol Laskoski, 37 Edward Street, Johnson City, New York, said on a radio news show she heard a discussion regarding the motel across from En-Joie Golf Course, and the newscaster acted like they did not know what was going to be done with it. She asked if that means that the people who gave the presentation a few months ago at the Board meeting are not going through with the project.

Supervisor Robert Mack said yes that is what it means. He said the deal fell through and there is not anything happening there right now. He said the last group of people that were interested in the property had a deadline to meet for a grant for funding, and because the owner of the property was out of the country, they did not meet the deadline. He further said he had a conversation with County Executive Jason Garner a few weeks ago, and hopefully something can happen on that property in the near future.

Village of Endicott Mayor Linda Jackson told Councilman Frank J. Bertoni that she had an issue to resolve, and that his son Joe Bertoni helped her and was very knowledgeable and respectful.

Councilman Frank J. Bertoni thanked Mayor Jackson for saying that.

Dan Loiselle, 3201 Wayne Street, Endwell, said there are a lot of homeless people hanging around his neighborhood since the new Byrne Dairy opened. He commented that at a previous meeting, County Executive Jason Garner said they are housing people. He said he hopes they do more than that and that they need help to get off drugs and alcohol. He asked if the Town is housing the homeless people also.

Supervisor Robert Mack said the Town is not at this time. He said it is everywhere; there are two people that are hanging around the Town building, sleeping on the bench in the front; and they scared an employee that was working late when she came out the door by the bench.

Mr. Loiselle said he is finding syringes all the time and since there is no other public bathroom available other than the Byrne Dairy at that time of night, that is where they are hanging out.



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Supervisor Robert Mack spoke about a property he owns in Binghamton by the Mirabito gas station that has the same problem.

As no one else wished to speak, Supervisor Robert Mack closed the first Hearing of Visitors.

COMMUNICATIONS FOR FILING:

Moved by Augostini, seconded by Bertoni to receive and file the following Communication:

1. Notice of Concurrence by NYS DEC of Broome County's Intent to serve as Lead Agency for the Grippen-Roundtop-Waterfront-Improvements project.
Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augostini, seconded by Bertoni to approve the Email from Rob Weinberger requesting use of Glendale Park to hold his Music in the Parks series on Tuesdays and Saturdays during the summer months, and to have the fees waived or reduced as was done last year, at a rate of \$100.00 per Saturday with a Tuesday included 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 the letter from Jeffrey Smith, Secretary, Endwell Rotary, requesting fees be waived for the use of Highland Park for their two day Band Organ Rally sponsored by the Endwell, Endicott and Johnson City Rotary Clubs on July 22 & 23, 2023 that was previously approved at the February 15, 2023 meeting, and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Jay Vassil.
Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

Moved by Augostini, seconded by Kudgus authorizing Comptroller Karen Signs to attend the New York State Association of Towns 2023 Town Finance School on May 8 & 9, 2023 in Geneva, New York. Approval to include \$250.00 registration fee, hotel for 2 nights at \$98.00 per night, dinner for 2 meals and mileage.
Carried.



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Moved by Augostini, seconded by Kudgus to approve the following 2023 budget transfer:

Decrease:	20 5010 4401	Equipment Maintenance	\$150.00
Increase:	20 5010 4601	Travel & Expense	\$150.00

Carried.

(Prepared Resolution filed as part of these minutes to award the Bids for Justice Building and Town Hall Renovations/Flood Proofing – ARPA Lost Revenue Project as follows:

GC – First General of Southern NY, Inc.	\$1,526,412.71
Mechanical – J& K Plumbing & Heating Co., Inc.	\$ 188,000.00
Plumbing – Slavik and Co., Inc.	\$ 263,000.00
Electrical – E.J. Electric, LLC	\$ 184,900.00.)

Res. by Bertoni, seconded by Nirchi.

Vote: Yes
Augostini
Bertoni
Nirchi
Kudgus
Abstain
Mack

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to award the Bid for Underdrain Installation and Connections at Miscellaneous Locations to Tre-Gen Concrete, Corporation for their low bid price of \$61,962.34.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to award the Bid for Curb and Gutter/Sidewalk Replacement to Tre-Gen Concrete, Corporation for their low bid price of \$350,458.09.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authoring Griffiths Engineering to provide Part-Time Construction Observation for the Drainage Improvements project at a fee of \$35,700.00 and authorize Supervisor Robert Mack to sign all necessary documents. This project will be paid with ARPA Funds.)

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

Vote: All yes.



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Moved by Bertoni, seconded by Nirchi authorizing Scott Paugh and Mark Fotusky to attend the 2023 Highway School at Ithaca College on June 5-7, 2023 with a registration fee of \$125.00 per person. The approval would include the registration fee, use of a Town Vehicle and all related expenses.

Carried.

(Prepared Resolution filed as part of these minutes authorizing the purchase of a roof for the salt shed from Britespan Building Systems, Inc. which is through an awarded contract from Sourcewell Contract #091319-BRT. The original approved amount from Capital Improvements was for \$100,000.00 and the price is now \$116,897.11 which is a difference of \$16,897.11.)

Res. by Bertoni, seconded by Nirchi.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to approve the Maintenance Agreement between the Town of Union and Bell Atlantic Mobile Systems, LLC dba Verizon, subject to final approval by the Town Attorney, and authorization for Supervisor Robert Mack to execute the same.)

Res. by Bertoni, seconded by Nirchi.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to award the Bid for Glendale Park Walking Path – ARPA Lost Revenue project to Broome Bituminous Products, Inc. for their low bid of \$223,870.00.)

Res. by Bertoni, seconded by Nirchi.

Vote: All yes.

The Resolution was adopted.

Councilman Frank J. Bertoni said this will be a great addition to Glendale Park.

Moved by Bertoni, seconded by Nirchi to advertise Bids for Valley View Drive Reconstruction at a date and time to be determined by the Commissioner of Public Works.

Carried.

(Prepared Resolution filed as part of these minutes to approve the rate of pay increase for Dog Control Officer Mary Poklemba to the correct 2023 hourly wage of \$20.17, retroactive to 01/01/23. Mary has been reinstated as Dog Control Officer by Broome County Personnel and Civil Service.)

Res. by Augustini, seconded by Nirchi.

Vote: All yes.

The Resolution was adopted.



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(Prepared Resolution filed as part of these minutes to eliminate two (2) part time positions from the Refuse/Recycling Department and create one (1) part time driver position at a rate of \$20.60 per hour.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve certain changes to the Town of Union Drug Testing Policy in accordance to New York State Law with respect to only exempt employees, Breath Alcohol Testing shall be removed from the Town of Union Testing Policy with the exception of federally regulated employees and in instances of reasonable suspicion. THC shall be removed from random drug testing for said exempt employees. The exempt employee titles applicable to this policy change adoption are as follows: Assessor, Deputy Assessor, Comptroller, Deputy Commissioner of Public Works – Code & Ordinances, Economic Development Director, Director of Town Planning, Deputy Comptroller, Deputy Town Clerk, Senior Planner, Personnel Specialist, Clerk to Justice, Secretary to Supervisor, Account Clerk/Typist for Public Works Administration.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to accept the “Fireworks Exhibition Agreement” with Young’s Explosives Corporation at a cost of \$19,999.00 and authorize Supervisor Robert Mack to execute said agreement.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to authorize Supervisor Robert Mack to execute Cooperation Agreements with the Villages of Endicott and Johnson City to qualify for CDBG funding for Federal Fiscal Years 2023 through 2025.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to call for a Public Hearing on 5/17/2023 at 7:00 P.M. to receive Public Comment on the proposed Substantial Amendment to the 2019 CARES ACT: CDBG-CV & CDBG-CV3 Annual Plan for the following projects:

CDBG-CV & CV3: The Town will increase the current allocated funds for CDBG-CV & CV3 projects: SEPP Nichols Notch Generator & SEPP Harry L Apartments.

The Town of Union will use \$11,400 of unobligated funds, \$19,000 from IDIS #1511, \$8,000 from IDIS #1512, \$13,000 from IDIS #1513, \$6,000 from IDIS #1514 of CDBG-CV funds to increase IDIS #1723 Harry L Apartments Emergency Generator project



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from \$85,000 to \$119,500 (increase of \$34,900) & IDIS #1724 Nichols Notch Apartments Emergency Generator project from \$90,000 to \$112,500 (increase of \$22,500)

Obligate -	\$11,400	Increase IDIS #1724 -	\$22,500
Decrease IDIS #1511 -	\$11,100		
Decrease IDIS #1511 -	\$ 7,900		
Decrease IDIS #1512 -	\$ 8,000	Increase IDIS #1723 -	\$34,900
Decrease IDIS #1513 -	\$13,000		
Decrease IDIS #1514 -	\$ 6,000		
Total Nichols Notch Project Cost:		<u>\$112,500.00</u>	
Total Harry L Apts. Project Cost:		<u>\$119,500.00</u>	

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

Vote: All yes.

Moved by Kudgus, seconded by Augustini to allow the Planning Director to place a request for Public Comment in the local paper for a 15-day comment period then follow up with a 7-day period for Projects Located In The 500-Year Floodplain.
Carried.

HEARING OF VISITORS:

Carol Laskoski, 37 Edward Street, Johnson City, asked for a clarification of the Resolution about the Drug Testing.

Supervisor Robert Mack explained that New York State laws have changed since last year and we cannot test anyone over the age of 21 because it is legal in New York. We can test employees under the age of 21 because it is illegal for anyone under 21 to use or possess it.

Rob Weinberger, 417 Western Heights Boulevard, Endicott, thanked the Board for approving the concerts in the park that he promotes. He said he tries to have a variety of music presented and said that the program is run mostly on donations. He is trying to get sponsorships to be able to increase the music acts; and said he advertises the concerts by posting flyers throughout the community.

Supervisor Robert Mack said he can advertise on WBNG, WSKG TV and WNBF on the radio to get the information out and Town Clerk Leonard J. Perfetti can post it on the website when the dates are finalized.

As no one else wished to speak Supervisor Robert Mack closed the second Hearing of Visitors.



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DEPARTMENT REPORTS ON FILE IN THE TOWN CLERK'S OFFICE:

Moved by Augostini, seconded by Bertoni to receive and file the following Department Reports:

1. Town of Union Planning Board Decision – Site Plan Review for Retail Business - Application # PB-2023-10, Cloud Kings Vape Shop, 53 N. Kelly Avenue, Endwell, Tax Map #141.20-4-17.
2. Town of Union Planning Board Decision – Site Plan Review for Addition, Application # 2023-08, Samaritan Counseling Center, 3001 E. Main Street, Endwell, Tax Map # 157.08-2-22.
3. Town of Union Local Development Corporation Special Meeting Minutes – February 23, 2023.
4. Permits Report – March 2023.
Carried.

Councilman Frank J. Bertoni wished everyone a Happy Easter and said to the students, enjoy their time off.

Councilman Thomas R. Augostini gave his condolences to John Freer, Deputy Commissioner of Public Works - Code Enforcement, on the passing of his father. He also mentioned the passing of a long time Town of Union employee Angelo Roma and gave condolences to his family.

ADJOURNMENT:

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

The meeting was adjourned at 7:42 P.M.

Leonard J. Perfetti
Town Clerk

LJP/bk