



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

May 17, 2023

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, May 17, 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: Deputy Town Attorney Rosemarie Pope, Town Clerk Leonard J. Perfetti, Deputy Town Clerk Rebecca Kruczkowski.
Absent: Town Attorney Alan J. Pope.

Also in attendance was Broome County Legislator Louis Augostini.

Supervisor Robert Mack opened the meeting with the Pledge of Allegiance to the Flag.

PUBLIC HEARINGS: **This Public Hearing was canceled.**

A Public Hearing was called for 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 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)

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|--------------------------------|--------------------------------|
| 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 | |



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|-----------------------------------|----------------------|
| Total Nichols Notch Project Cost: | <u>\$112,500.00</u> |
| Total Harry L Apts. Project Cost: | <u>\$119,500.00.</u> |

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 3, 2023.
Carried.

HEARING OF VISITORS:

Stacy Duncan, Executive Director, Broome County IDA - Industrial Development Agency, provided a brief update on the proposed development of a corporate park that would cross over both the Town of Union and the Town of Maine. She said as when she met with the Board earlier this year, the IDA does have a purchase offer agreement for roughly 300 acres, with a sole ownership of the three parcels, crosses over Airport Road and East Maine Road. They have recently extended the option for an additional six months to continue to do their due diligence on that land. A preliminary engineering analysis completed by Hunt Engineering has given them cause to continue to pursue the 300 acres and, potentially, additional acreage for development. She said because the ground was too hard to previously do it, additional geographical boring at the site may be done. She said it is important to say that everything they are doing now is preliminary and subject to review, as they continue to do research on the site. She said a road analysis to see where a potential ingress and egress would be located was completed. The analysis did shift some of the proposed site area further North on Airport Road because the topographical study showed some slope degrading. They will continue to look at it and see how additional parcels may play into it. They have not currently reached out to additional land owners, but expect that to start in a couple of weeks. The IDA is also waiting for the land use and zoning analysis from their counsel that will provide them with the background that they need to understand what local and state agencies will be involved with permitting, what permits may or may not be needed, what zoning requirements and potentially any inter-municipal agreements that may be needed to pursue this project. We are trying to do this in a deliberate and thoughtful manner; and want to make sure this is a viable site. We are very optimistic about it currently. The additional parcels that we may or not be interested in are vacant green-field sites, and she restated that they have not made any formal outreach as of yet. She said at this stage, they have the option with the landowner until the end of November and she feels competent that they will be at a position to have more formal go or no go if they plan to pursue this. She also stated that they have not made any formal applications to the Towns of Union and Maine, nor have acquired any additional land or purchase options at this time.



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Councilman Frank J. Bertoni said he is concerned and doesn't understand how you would determine ahead of time what type of business is going in there before you purchase it? If you say it will be office space and if they don't come in, other businesses might come along, you may think afterwards that they would be a good idea to have in there. How would you hold that commitment? For an example, in Endicott, they had a huge issue with a battery recycling company coming in, so if you say you won't have any battery recycling companies there and one comes along, then what.

Ms. Duncan said that is a valid point and that part of the process at this stage is to have those collective and collaborative conversations with the Towns to see what they would like to see and what we think is reasonable, viable and realistic to attract to the location. She said if you look at the blend of businesses in the Conklin Corporate Park, you have corporate headquarters for manufacturing, such as Universal Instruments, and there are small to mid-sized manufacturing offices and small logistics companies, such as Behlog & Sons. We are certainly looking at high value technology companies potentially in the supply chains of things that are happening throughout the State. We think Broome County is ideally located near the highway. They are looking at the Life Science as well as food manufacturing companies, like Coca Cola Company that just invested \$650,000,000.00 for a dairy brand of their company in Monroe County. She said she does not want to say never, but she does not believe they would be successful in attracting a very high volume truck user there. She said historically, they have not had any luck doing that. They brought Dick's Sporting Goods and a number of high traffic logistic companies up there and they just do not like the transportation infrastructure there. That being said, you can see a 70,000 square foot facility in Kirkwood that Amazon, a small facility for their small box vans, not 18 wheelers. She thinks that would be something to discuss in these collective conversations with the Towns. In addition, any company going in there, it would go through the process for the Town's site plan approval and the IDA does not have the authority to do a site plan approval. When the Conklin Corporate Park was built, the IDA superseded the Town's decision on it. We do not want to do that with this park, we want to work with the Towns.

Councilman Frank J. Bertoni said if the Town decides that something is good, what will happen if the Town of Maine does not want it? Is this all one parcel or does each Town decide if they approve it or not?

Stacey Duncan said that is one of the things they are waiting for their attorneys to look at the land use and zoning analysis. Both Towns would have a voice in it and an inter-municipal agreement between the Towns would be needed to make it an entity. She said the Millennium Pipeline runs through the middle of the property.

Supervisor Robert Mack said it is about 50/50.

Councilman Thomas R. Augostini asked Ms. Duncan if the IDA owned the corporate park in Conklin.



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Ms. Duncan said it was originally all owned by the IDA and over time most of the parcels were sold off. There are only 25 - 35 acres of land left open, but the pieces are not congruent so we really don't have any significant acreage to offer.

Councilman Thomas R. Augostini said other than the option on the 300 acres, there are no other deals out there. Is that correct?

Ms. Duncan said not currently.

Councilman Joseph P. Nirchi, Sr. said there is a lot of concern about the traffic on Airport Road; in your discussions are there any plans to widen it?

Ms. Duncan said that right now they only have a preliminary road analysis with Hunt Engineers to help identify where the most appropriate entry points would be and one of the next steps would be to complete a State Environmental Quality Review- a SEQRA, which would involve a comprehensive traffic impact analysis. That would be their next step in the process while they are in this period of research, and also to have a visibility analysis and additional environmental hydro analysis as well. She went on to say that the only funding they plan to seek at this time is a \$500,000.00 Pre-Development Grant through New York State, a new program called FAST, which is a shovel ready fund that many communities are looking at for additional land to develop. This would enable us to do a deeper engineering analysis if we decide to continue to go forward. She said every other expenditure has been out of IDA funds.

Councilman David Kudgus said he understands that this is all preliminary and asked about the frequency of traffic with trucks vs. cars.

Ms. Duncan said they do not expect to locate any significant entrance on Reynolds Road, which has come up and with this preliminary analysis, the entrance points on Airport Road, which would be similar to the Conklin Corporate Park with the ideal goal of an enclosed parkway, and the actual development site will be set back behind that to provide buffering. She said she would be happy to come back when they have the land use and zoning analysis.

Bob Utter, 1728 Airport Road, Binghamton, said he has some questions for Ms. Duncan. He asked if the IDA would be the lead agency on this project. He also asked why Broome County is already applying for grants for this project when a SEQRA or 239 Review is not done yet.

Ms. Duncan replied yes they will be the lead agency and the SEQRE will be the next step, and it will be a full extensive review.

Mr. Utter said Ms. Duncan was on the radio and said they will be trying to fast track this process. Is this the SEQRA process you are trying to fast track? He said he has already made the statement that the property is contaminated from the apple orchard in the 60's because of



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lead and arsine. There is already an environmental problem there. He said there was a topographical study 10-20 years ago by Delta Engineering and over 100 acres of that property is not usable for any kind of development. Are you aware of that? He asked who he would FOIL for this report or any other information regarding this project and when the IDA meets.

Ms. Duncan said to FOIL the IDA directly and they meet every 3rd Wednesday of the month at 12:00 PM.

Mr. Utter then asked what would happen if the Town of Maine says no and the Town of Union says yes to the project.

Councilman Nirchi explained Ms. Duncan said that FAST is a State program for a shovel ready grant and it was possible that was what she was talking about on the radio.

Olenda Schrem, 1320 Airport Road, Binghamton, asked how far up Airport Road the entrance will be.

Ms. Duncan said it would be closer to the Airport Inn.

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

COMMUNICATIONS FOR FILING:

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

1. Certificate of Election Inspectors – Endwell Fire District Special Election - 5/2/23.
 2. Card of Appreciation from Colleen Renda, 6 S. Seward Avenue, Endwell, thanking the men of the Highway Department for doing a beautiful job on her road.
 3. Union Volunteer Emergency Squad, Inc. Monthly Report – March 2023.
- Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augustini, seconded by Bertoni to refer the letter from Alan G. Spence requesting reimbursement for damage to his car in October of 2022 when the bike lane was painted on the road to Town Attorney Alan J. Pope, Commissioner of Public Works Louis V. Caforio, and the Town's insurance carrier.
- Carried.



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2. Moved by Augostini, seconded by Bertoni to retroactively approve the E-mail from Nicole Johnson, President of West Endicott Fire District, requesting a garbage truck for their annual Chicken BBQ on Saturday, May 13, 2023 and refer it to Commissioner of Public Works Louis V. Caforio and Deputy Commissioner of Public Works-Environmental Services Daniel Schofield.

Carried.

3. Moved by Augostini, seconded by Bertoni to refer 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, 2023 to Commissioner of Public Works Louis V. Caforio and Highway Superintendent Scott Paugh.

Carried.

4. Moved by Augostini, seconded by Bertoni to refer the E-mail from Annette Blake, 407 Maple Street, Endicott, requesting a four way stop or a crosswalk be installed at the intersection of Page Avenue and Maple Street to Commissioner of Public Works Louis V. Caforio and Highway Superintendent Scott Paugh.

Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

(Prepared Resolution filed as part of these minutes to call for a Public Hearing on June 7, 2023 at 7:00 P.M. to consider adopting a Local Law consistent with the Town of Union previously adopted Tree Policy.)

Res. by Nirchi, seconded by Bertoni.

Vote: All yes.

The Resolution was adopted.

Moved by Augostini, seconded by Kudgus authorizing Heidi Ranger to attend the Accounting Principles and Procedures (Advanced) Online Class for local governments on June 15-16, 2023, at a cost of \$85, and to attend the Governmental Accounting in NYS: Journal Entry Reinforcement Class, to be held at the Utica State Office Building on June 28, 2023, including lodging for one night, meals, and mileage reimbursement in accordance with Town Policy.

Carried.

(Prepared Resolution filed as part of these minutes to approve retaining GAR Associates, LLC for professional services related to a preliminary appraisal valuation report for valuation



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of a commercial parcel for a fee of \$3500.00 and for authorization for the Supervisor or Assessor to execute the retainer agreement.)

Res. by Augustini, seconded by Kudgus.

Vote: All yes.

The Resolution was adopted.

Councilman Thomas R. Augustini said this is for the former Toys R' Us on Harry L. Drive.

Moved by Augustini, seconded by Kudgus to approve the following Budget Transfer:

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| Decrease: | 10 1420 4601 | Attorney Travel & Reimbursement | \$332.58 |
| Increase: | 10 1315 4601 | Comptroller Travel & Reimbursement | \$332.58 |
| Carried. | | | |

(Prepared Resolution filed as part of these minutes to approve the cost control associates proposal for an audit of certain expenses and revenue related to town operations and subject to review by town attorney and approval and authorize the Supervisor, Town Attorney and such other employees to take such additional and further action to implement this Resolution as may be necessary.)

Res. by Augustini, seconded by Kudgus.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes authorizing the Town Board to approve an addendum that NYSEG is seeking for the NYSEG gas easement on the property at 1441 Farm to Market Road, subject to Town Attorney approval. The purpose of the easement is to serve the Town's pump house generator.)

Res. by Bertoni, seconded by Nirchi.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to approve the NY Union I, LLC; and NY Union II, LLC (Delaware River Solar, LLC) Stormwater Maintenance Agreement and Access Easement and to authorize Supervisor Robert Mack to execute the same, subject to the Town Attorney's review.)

Res. by Bertoni, seconded by Nirchi.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to approve the NY Union I, LLC; and NY Union II, LLC (Delaware River Solar, LLC) Decommissioning Agreements and to authorize Supervisor Robert Mack to execute the same, subject to the Town Attorney's review.)

Res. by Bertoni, seconded by Nirchi.

Vote: All yes.

The Resolution was adopted.



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(Prepared Resolution filed as part of these minutes to authorize the hiring of Jennifer Lindsay as the Town of Union Comptroller at a salary of \$85,000.00 with all normal benefits of a full time position, effective on June 5, 2023, pending completion of all post-offer testing.)

Res.by Augostini, seconded by Nirchi.

Vote: All yes.

The Resolution was adopted.

Moved by Kudgus, seconded by Augostini to accept the resignation of Mario Salati of the Citizens Advisory Committee and appoint John Bertoni of Endicott to carry out the rest of the existing term of Mr. Salati.

Carried.

HEARING OF VISITORS:

Carol Laskoski, 37 Edward Street, Johnson City asked if the 300 acres that Stacy Duncan was talking about is owned by one person and why is it in two different municipalities.

Councilman Joseph P. Nirchi, Sr. said it is just where the property lines lay. He said a house in West Endicott has the village line through the middle of it.

Supervisor Robert Mack said his in laws owned two lots; one was in the Maine Endwell School District and the other was in Union Endicott and they built their house right in the middle of them. They were given a choice as to what district there kids would go to. He further said the 300 acres are a triangle shaped property that touches East Maine Road, Airport Road and it doesn't touch Reynolds Road but affects the traffic on Reynolds Road.

Ms. Laskoski said she was at the meeting when Broome County Executive stated there is choice property up on Airport Road for development. Is there other property than this 300 acres?

Supervisor Robert Mack said there is no other property with 300 acres and close to the highway.

June Leonard, 3611 Pruyne Street, Endwell, asked if there was anything new on the status of the Mitchell property on Pruyne Street.

Deputy Attorney Rosemarie Pope said she was not part of the tour of the property, so she can't give any updates on the physical state of it. She said she believes that they are still working on it and there has been nothing from the judge yet.

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

1. Permits Monthly Report – April 2023.
2. Town Clerk Monthly Report – April 2023.
3. Town of Union Planning Department Decision - Minor Site Plan Approval – Application # PD-2023-009, Equipment Upgrade – AT&T Site ID UNEN002134 - 7 N. Seward Avenue, Endwell, Tax Map # 141.20-8-8.2
4. Town of Union Planning Board Decision – Special Permit for Development in a Floodplain- Application # PB-2023-07A, Muammar Hermanstyne, Conifer LLC, 4301 Watson Boulevard, Johnson City, Tax Map #142.02-1-19.
5. Town of Union Planning Board Decision – Site Plan Approval - Application # PB-2023-07B Muammar Hermanstyne, Conifer LLC, 4301 Watson Boulevard, Johnson City, Tax Map #142.02-1-19.
6. Town of Union Planning Board Decision: Special Permit Approval Revised: Outdoor Seating and Cooking, Application #PB2022-25 The Fairways, 511 Hooper Road, Endwell, Tax Map #142.13-1-12.
Carried.

Councilman Frank J. Bertoni said he attended the demolition of the house on Oak Hill Avenue. He said it brought mixed emotions, but it is nice to see the blight gone.

Councilman Joseph P. Nirchi, Sr. said he was also at the demolition and said he also had mixed emotions since he grew up across the street from it.

Councilman Thomas R. Augustini welcomed Broome County Legislator Louis Augustini to the meeting.

ADJOURNMENT:

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

The meeting was adjourned at 7:43 P.M...

LJP/bk

Leonard J. Perfetti
Town Clerk