



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

June 7, 2023

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, June 7, 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, Town Clerk Leonard J. Perfetti, Deputy Town Clerk Rebecca Kruczkowski.

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

At this time, Supervisor Robert Mack presented the following Proclamation:

In Recognition of Diane Julian

WHEREAS, Ms. Diane Julian has been a Board member and Vice President of the Local Development Corporation of the Town of Union for over 30 years; and

WHEREAS, Ms. Julian has also served as a Town Zoning Board Member for several years; and

WHEREAS, Ms. Julian has been assisting with economic development efforts in the Town of Union since the infancy of the LDC.

Now, therefore, the Town of Union Board wishes to recognize Ms. Julian for her outstanding dedication and unwavering service to the Town of Union. We thank her for her guidance, knowledge, professionalism, and commitment.

Diane Julian said it has been a pleasure to serve on these Boards.

PUBLIC HEARINGS:

A Public Hearing was called for 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.

Pub. & Posted: 5/28/2023



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

BIDS:

Bids were called for on Tuesday, May 23, 2023 at 10:00 A.M. for Valleyview Drive Reconstruction – Biscayne Terrace to Pheasant Lane.

Bids were received as follows:

Barrett Paving Materials, Inc.	\$1,031,773.15
L & T Construction	\$1,199,489.08

Moved by Augostini, seconded by Bertoni to receive and file the Bids for Valleyview Drive Reconstruction – Biscayne Terrace to Pheasant Lane.
Carried.

Bids were called for on Tuesday, June 6, 2023 at 10:00 A.M. for the Office Building Generator System.

Bids were received as follows:

Nelcorp Electric	\$ 146,199.00
Blanding Electric	\$ 181,350.00
Matco Electric	\$ 193,200.00
John Mills Electric	\$ 195,500.00
Upstate Companies	\$ 200,000.00

Moved by Augostini, seconded by Bertoni to receive and file the Bids for Office Building Generator System.
Carried.

APPROVAL OF MINUTES:

Moved by Augostini, seconded by Bertoni to approve the Minutes of the Regular Town of Union Board Meeting held on Wednesday, May 17, 2023.
Carried.

HEARING OF VISITORS:

Deanna Caiati, 608 Anson Road, Endicott, said she is the new chairperson for the National Night Out Committee and she gave an overview of the event to take place at the West Endicott Park on August 1, 2023. She invited the Board members to attend.



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Mary Beth Townsend spoke on behalf of her grandmother who lives at 510 June Street, Endicott, next door to the problem house and is requesting this be escalated. She said her sister, Karen Mitolka sent a note and video to Councilman Nirchi showing the rats that are running all over. It has become a health hazard and she is afraid the rats will start coming onto her 99 year old deaf grandmother's property. She said there is a hearing on June 12, 2023 for Mr. Gonzalez, assuming that it is to get the eviction process going and asked what kind of an impact this will have on the cleanup before, during and after the hearing. She asked what kind of timeline they are looking at.

Town Attorney Alan J. Pope said the hearing on the 12th is for two things, first, the Town is asking for an administrative search warrant of the property to be able to assess it with Code, Engineering, Department of Health, and because there are some issues with dogs, the Humane Society will be involved. Judge McBride is going to have to decide if we have proved that we put together enough probable cause for him to issue a search warrant to allow a government to go inside. He said the second part is we are asking the court for an order that makes the owner, Mr. Gonzalez, who we know is in a nursing home and won't be able to do it, clean up the property within a certain amount of time. We have suggested a couple different time lines such as 30 days to clean up the outside of the property and 60 days to clean up the inside, That is only a suggestion because we haven't been inside, although, we have a pretty good idea of what it's going to look like. If Mr. Gonzalez, the owner, or the occupants do not do it, then the Town will be able to come in with their forces or hire contractors to take care of things. Those are the two points for the application to the judge and only the judge can approve what happens. Mr. Pope further said that he does not think the judge will deny the search warrant, but he may say for the Town to hold off the cleanup until our people go inside and come back and tell him what we found and how bad it was. Then he'll talk about a time frame for us to be able to do it.

Ms. Townsend asked if there is an adjournment what the time frame the judge will give for the cleanup.

Town Attorney Pope said this particular judge, if he is going to issue a warrant, has been setting short time periods for us to go in the properties. On the last Town of Union property I had with him, he set a three day period, so we assembled State Police, Humane Society, Department of Health, everybody and got in there within the three days and we gave him a full report of everything we saw inside and outside. He scheduled another hearing and the owner didn't show up, so the Judge delayed for a short period of time – 5 days for the defendant to come in and he did not come in again. The Judge then issued an order to let us do the cleanup and ordered it to be done in 30 days. A lot depends on what the judge does on the 12th. He said, the video she sent in about the rats going in and out was helpful, but we already have an affidavit from the Code official who personally saw the rats going in and out included in the two applications to the judge.

Ms. Townsend asked if there was anything else they could be doing to document more.



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Town Attorney Pope said there really wasn't anything more and that everyone has been cooperative. He also said that he knows that Judge McBride is very sensitive to any property owner that wants to be represented. He said this is not being critical of Judge McBride, he just wanted to warn them that if the home owner or anybody who is a party to this, shows up and says they want an attorney, Judge McBride will adjourn the hearing and give the person that opportunity. He also said Deputy Town Attorney Rosemarie Pope will be handling things on Monday and she will email whomever she has been corresponding with to let them know what happened, so you will at least know what the next step is. He said the hope is to be able to get inside and that our Code and Engineer are very good. We will photograph everything and report back to the judge. He will see what we are talking about. Town Attorney Pope said Ms. Townsend mentioned eviction. He said the Town has no jurisdiction to do evictions and that it's done privately. He said as the neighbors know, Mr. Gonzalez has a guardian for his property and a guardian for his person and they would be the ones to do the civil matter.

Ms. Townsend asked if they could talk to those attorneys.

Town Attorney Pope said they could try to reach them but since they are appointed by the court they are pretty closemouthed about these guardianships.

Ms. Townsend thanked Mr. Pope and said they appreciate all he has done to help them.

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 – Special Election West Endicott Fire District – 05/16/23.
2. Charter Communication Notice of Program Changes – 05/30/23.
3. Copy of Letter of Notice from Annamary Zappia, 1127 Elton Drive, Endicott, to Fasih Arshad regarding dead trees and tree limbs hanging over her property.
Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augustini, seconded by Bertoni to approve the Email from Darlene Leonard, President of West Corners Fire Auxiliary, requesting use of a shelter at Glendale Park on Monday, June 19, 2023, for their annual appreciation picnic and requesting the fees to be waived and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Jay Vassil
Carried.



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2. Moved by Augostini, seconded by Bertoni to refer the letter from Suzanne Lombado, 612 Anson Road, Endicott, requesting reimbursement for damages to her house that her insurance carrier did not cover due to a sewer back up on April 30, 2023, to Town Attorney Alan J. Pope, Commissioner of Public Works Louis V. Caforio, and the Town's Insurance Carrier.
Carried.
3. Moved by Augostini, seconded by Bertoni to approve the Email from Deanna Caiati, West Endicott National Night Out, requesting use of West Endicott Park on August 1, 2023 from 4:00 P.M. to 7:00 P.M. to hold their annual event and for the fees to be waived and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Jay Vassil.
Carried.
4. Moved by Augostini, seconded by Bertoni to refer the Email from Philip J. Artz, Esq. representing Grant and Maria Lanterman, 868 Rosewood Terrace, Endwell, requesting reimbursement for a sewer backup in their house on April 30, 2023 due to a damaged pipe from a water main repair in front of their house to Town Attorney Alan J. Pope, Commissioner of Public Works Louis V. Caforio, and the Town's Insurance Carrier.
Carried.
5. Moved by Augostini, seconded by Bertoni to approve the letter from Suzanne Carroll, School Counselor, New Visions, Broome-Tioga BOCES, requesting use of Pavilion #2 at Highland Park (Recreation Center if it rains) on September 8, 2023 from 8:00 AM to 11:00 AM with fees waived for their opening day of Broome-Tioga BOCES, New Vision Class of 2024 and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Jay Vassil.
Carried.
6. Moved by Augostini, seconded by Bertoni to refer the letter from Errol Trudeaux, regarding 801 & 803 N. Rogers Avenue, Endicott, requesting waiver of fees for fines issued to him for the lack of upkeep to his properties that he was not able to do because of a heart attack and stroke to Commissioner of Public Works Louis V. Caforio and Deputy Commissioner of Public Works for Codes John Freer.
Carried.
7. Moved by Augostini, seconded by Bertoni to approve the letter from Kirsten Rose, 432 Country Knoll Drive, Endwell, requesting permission for street closure on Tuesday, July 4, 2023 for their annual neighborhood block party and whiffle ball tournament, with request to include barricades to be placed at Country Knoll and Hillside Terrance and Country Knoll and Hearthstone and refer it to Commissioner of Public Works Louis V. Caforio and Highway Superintendent Scott Paugh.
Carried.
8. Moved by Augostini, seconded by Bertoni to approve the letter from Robert O. Brady, President, O.L. Davis Fire Company, Inc., requesting use of a garbage truck on July 12, 2023 from 5:00 P.M. to 9:00 P.M. for their annual Ice Cream Social at the Country Club Road fire



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station and refer it to Commissioner of Public Works Louis V. Caforio and Deputy Commissioner of Public Works for Environmental Services Daniel Schofield.
Carried.

9. Moved by Augustini, seconded by Bertoni to approve the letter from Annie DePugh, UHS System Director, Population Health Management, requesting use of Shelter 2 and field 2A at Glendale Park on July 28, 2023 from 10:00 A.M. to 3:00 P.M. with fees waived for a UHS Population Health Department meeting and team building session and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Jay Vassil.
Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

(Prepared Resolution filed as part of these minutes to approve the following 2023 budget modification:

Increase 10 4048 0000	ARPA Revenue	\$ 7,285.65
Increase 10 1989 4512 ARPA	Professional Services ARPA	\$ 7,285.65
Increase 40 7110 0000	Grant Revenue	\$ 4,750.00
Increase 40 7110 2050	Capital Improvements	\$ 4,500.00
Increase 40 7110 4512	Professional Services	\$ 250.00.)
Res. by Augustini, seconded by Kudgus.		Vote: All yes.
The Resolution was adopted.		

Moved by Augustini, seconded by Kudgus to approve the following 2023 Budget Transfers:

Decrease: 20 3310 4176	Maintenance Parts	\$ 1,500.00
Decrease: 20 3310 4401	Equipment Maintenance	\$ 1,900.00
Increase: 20 3310 4148	Paint & Powder	\$ 3,400.00
Decrease 31 5110 2500	Other Equipment	\$25,000.00
Increase 31 5110 4154	Manhole Covers	\$25,000.00.
Carried.		

(Prepared Resolution filed as part of these minute to reject the Bids for the Valleyview Drive Reconstruction – Biscayne Terrace to Pheasant Lane as the project is over budget.)

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 approve Change Order #1 (one) for the Glendale Park Walking Path for \$71,000.00 thus increasing the project total to \$294,870.00. The project increase is due to widening of the previously proposed 6' wide walking path to an 8' width.)

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 Office Building Generator System to Nelcorp Electrical Contracting Corporation for their low bid price of \$146,199.00.)

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

Vote: All yes.

Moved by Kudgus, seconded by Augustini to authorize the Planning Department to send out a RFP for the following Town of Union Surplus Properties:

- 618 Zimmer Avenue, Endicott
- 1709 Nanticoke Drive, Endicott
- 3117 Malverne Road, Endwell
- 3115 Malverne Road, Endwell
- 194 St. Charles Street, Johnson City
- 56 Cherry Street, Johnson City
- 68 Roberts Street, Johnson City
- 147 Hudson Street, Johnson City.

Carried.

(Prepared Resolution filed as part of these minutes to accept and approve the recommendations and changes by the Town Board, for the Citizen's Advisory Committee for the FFY 23-24 CDBG Annual Action Plan.)

Res. by Kudgus, seconded by Augustini.

Vote: Yes
Augustini
Kudgus
Nirchi
Mack
No
Bertoni

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to authorize the Supervisor to execute an agreement between the Town of Union and Broome County to participate in the 2024 Hazard Mitigation Plan update.)



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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to authorize the Supervisor to appoint a Town of Union representative as the main point of contact for the 2024 Hazard Mitigation Plan update.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to authorize the Planning Director to submit an executed Letter of Intent to participate in the 2024 Hazard Mitigation Plan update to Broome County Planning by June 12, 2023.)

Res. by 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 Wednesday July 12th, 2023 at 7:00 PM to solicit public input for inclusion in the FFY 2023 - 2024 Community Development Block Grant (CDBG) Annual Action Plan.)

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

Vote: All yes.

HEARING OF VISITORS:

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

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 Department Decision – Minor Site Plan Approval- Addition to Office Building and Approval of Replacement Emergency Generator, Application # PD-2023-014, Town of Union - 3121 East Main Street, Tax Map # 141.20-6-13.
2. Town of Union Planning Department Decision – Minor Site Plan Approval – Hustle Fitness, LLC, 3220 Watson Boulevard, Tax Map # 142.17-5-1.1.
3. Town of Union Planning Department Decision – Minor Site Plan Approval – Grass to Turf Expansion, Kashou Enterprise, Inc., 1500 County Airport Road, Tax Map # 110.04-1-37.2. Carried.



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Councilman Thomas R. Augostini said he attended two positive events recently – the Senior Scholarships night at Johnson City where over 60 seniors were recipients of over \$318,000.00 in scholarships. He congratulated all the recipients and gave a big thank you to all the sponsors of these scholarships and all who are supportive of them. He also attended the Inaugural Ceremony for Distinguished Alumni at Johnson City. The 6 recipients were: Class of 1950 - Dr. Peter Hatala, Dentist, who passed a few months ago and his family was there to represent him; Class of 1969 – Bob Egan - former Mayor of Johnson City and former President of JC School Board; Class of 1978 – Renee James – Distinguished Lawyer in Central New York/Syracuse area; Class of 1987 – Melissa Klish-Dino – who won 16 Emmy Awards for producing Sesame Street shows. She donated one of her Emmy Awards to JC to display; Class of 1997 – Dr. Deidre Blake, Orthopedic Surgeon in the Ithaca area, and Class of 2000 - Calvin Heinle – Distinguished Family Law Attorney in Massachusetts. He said to remember Calvin's name.

He also had some sad news - Death of Robert Watson, a resident of West Corners and 30 year math teacher at Johnson City. He said they thought Mr. Watson was cool because of the cars he drove and that he would shoot hoops with them; death of Mary Pertolli, a North side of Endicott resident. Her husband Dave said she was hired at the bank only because she could speak Italian and all the Italians banked with her; death of Pauline Peretta, 98 years old. We celebrated her husband's 100th birthday not too long ago and the family said she died of a broken heart. They were married for 76 years. And finally the death of Dave Zelesnikar, 71 years old. His family is here tonight. He was very active in the community, coaching and took great pride in Johnson City. Councilman Augostini said the reason he said to remember Calvin's name was because when he was inducted in the Alumni Hall of Fame – he gave his acceptance speech and mentioned the Zelesnikar family. He said when Calvin and his single parent family moved to Johnson City, the night before he was to start school in JC, the Johnson City neighbors went to his house and gave him clothes and school items, knowing that the single parent family didn't have a whole lot. Councilman Augostini said Calvin took special comments to say it was really the Zelesnikar family, who with their open door policy at their house all through his school age years, that he remembers the most and he thinks that is what drives him to give back so much to his community in Massachusetts, but also as a regular benefactor to people in need in Johnson City. Councilman Augostini said it was a good connection and it couldn't be truer that the Zelesnikar family are very popular, welcoming and active in their community. He said if you listened to Calvin about his upbringing, Calvin said he could have easily gone down the wrong path, but with a strong support system – a determined Mother and a family like the Zelesnikars, he was able to stay on the right path, go to college and law school. Calvin had a lot of unconditional help along the way, so to see him be inducted and have the Zelesnikar family here tonight is special. Councilman Augostini gave his condolences to all the families and said there are a lot of great losses but the memories are very fond. He said it is like George Baily from It's a wonderful Life – you never know how many lives you touch until you are gone and the stories are told.

Councilman Joseph P. Nirchi, Sr. said Pauline Peretta was his Mom's cousin and she was the last Cerasaro of her generation.



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ADJOURNMENT:

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

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

LJP/bk

Leonard J. Perfetti
Town Clerk