



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

September 6, 2023

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, September 6, 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.

Also in attendance was Endicott Mayor Linda Jackson.

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

PUBLIC HEARINGS: None.

BIDS:

Bids were called for on Tuesday, August 15, 2023 at 10:00 A.M. for LED Lighting Replacement – Main Town Building.

Bids were received as follow:

Upstate Companies 1 LLC	\$46,900.00
Diekow Electric, Inc.	\$49,800.00
Matco Electric Corporation	\$77,000.00

Moved by Augostini, seconded by Bertoni to receive and file the bids for LED Lighting Replacement – Main Town Building.
Carried.

Bids were called for on Thursday, August 31, 2023 at 10:00 A.M. for Town of Union Office Complex Roof Replacement.

Bids were received as follows:

New Britain Roofing Company	\$ 853,600.00	(Inclusive of Add Alternate No's 1-4)
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Titan Roofing, Incorporated

\$1,003,500.00

(Inclusive of Add Alternate No's 1-4)

Moved by Augustini, seconded by Bertoni to receive and file the Bids for Town of Union Office Complex Roof Replacement.
Carried.

APPROVAL OF MINUTES:

Moved by Augustini, seconded by Bertoni to approve the Minutes of the Regular Town of Union Board Meeting held on Wednesday, August 9, 2023 and the Special Work Session held on Wednesday, August 16, 2023.
Carried.

HEARING OF VISITORS:

Burt McCullough, 2629 Daren Drive, Endicott, spoke about the drainage problem on Daren Drive and asked when the cleanup process will be done. He said the Town approved funds for this to be done last year and it has not been completed. He further said the vegetation is growing again and is blocking the creek at a bridge that goes across it, causing flooding to the backyards.

Councilman Frank J, Bertoni said the creek report is done traditionally in August or September and that the work is scheduled to be done in September. He reminded Mr. McCullough that the work is being done in three phases and that phase 1 was done last year, which leaves phases 2 and 3 to be completed. He explained that work like this is done after the roads are taken care of, before the blacktop facilities close.

Mr. McCullough said if they can't get through all the phases, then at least clean up around that bridge. He also commented that they are not being kept up to date on when the work will be done.

Supervisor Robert Mack asked Mr. McCullough for his name and address and he would speak with the Commissioner of Public Works and get back to him.

Town Attorney Alan J. Pope said the residents there hired an attorney and sued the Town, which caused a hold up until we could get the case thrown out, before we could do anything there. He told Mr. McCullough to do what the Supervisor said, to leave his name and number and the Supervisor would call him.

Stacey Duncan, Executive Director, Broome County IDA – Industrial Development Agency, provided an update on their research and due diligence on the proposed corporate park that would cross both the Towns of Maine and Union. She said the good news is that the IDA was



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awarded the \$500,000.00 grant from New York State through the FAST Program (Focused Attraction Strategic Tracts) that is essentially a Pre-Development grant that will support the next steps. She gave a rundown of what to expect between now and the end of the year. She said first and foremost, they will continue to work with the current landowner of the estate to renew their option for the 300 acres and they are in the process of talking to 6 landowners that have adjacent properties nearby and will be done within the next 60 days. The \$500,000.00 grant is significant as it will enable them the opportunity to complete the State Environmental Quality Review (SEQR) process, request for qualifications from qualified engineering and design firms to overcome the frustrations of the residents by showing what it is going to look like, the parameters of the project and where the buffers will be. We will do a complete SEQR process with all the necessary requirements that will include a comprehensive traffic impact analysis and environmental assessment. She said by engaging with engineering and designs firms, it will allow them to have public and community involvement which we feel is very important, by having Public Hearings to get public input and to invite the community to continue to dialogue with them about what we are thinking of doing as this goes on farther. Ms. Duncan said they just got the grant so they are doing all the necessary steps for the State requirements to maintain the grant. She said their plans are to begin the process around the beginning of October and to issue a notice that they want to be the lead agency on the SEQR process, and will notify all the necessary stakeholders involved. We think this is the most prudent step we have to take to continue along the process by serving as lead agency in the SEQR process especially since there are multiple Towns involved. In addition to completing SEQR, we also expect that through the next several months we will have recommendations to you as we intend to do a zoning change. I know you received some information from a concerned resident, there was a lot of accurate information on zoning as it currently stands. We do intend to do a zoning change, to what, we are not sure yet and we will be filing for whatever permits are needed.

Town Attorney Alan J. Pope asked Ms. Duncan where the Public Hearings on the SEQR would be held, if they would be at both towns.

Ms. Duncan replied that they will probably want to do them together, but will have separate ones if needed.

Town Attorney Pope said that we get conflicting reports from a certain gentleman on what was said at the other Town's meetings and suggested that if it was a joint meeting, then interested residents from both Towns would hear the same information at the same time.

Ms. Duncan said that is a good idea. She also said that a question arose about the expenditures so far, and reminded everyone that they have not received any monies from the County, only from the NY State FAST Grant, that is all reimbursable. She said they will be looking into any possible sources of funding in the future, whether it be from Federal to any other possible source if they move forward. She said the expenditures of \$180,000.00 so far are related to securing option agreements and renewing them for additional time, to appraisals, to the work of Hunt Engineering for doing the preliminary analysis and to planning done by Elan Planning, which is now EDR of Syracuse.



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Councilman Thomas R. Augostini asked if the options were based off of the appraisal work.

Ms. Duncan said the option was part of their initial discussion and felt for a lot of reasons, given the market, the different kinds of markets, and the value, that the price they agreed to was reasonable. She said they did receive the appraisals and sub comps for the area to use as a baseline to start negotiations, and they would seek appraisals of the additional landowners' properties for the same process.

Councilman Thomas R. Augostini said part of the conversation that the gentleman Attorney Pope referenced, said that the number was just picked out of somewhere and that it was so high for that area that there was no basis for it. He said at some point if you exercise the option, there has to be some basis for it.

Ms. Duncan said that they did secure the appraisal and through continued conversations and what we know of the area, comparable properties sought out by solar and other companies seeking land, we felt the \$5000.00 option was fair for the area.

Carol Laskoski, 37 Edwards Street, Johnson City, asked if any company has committed to putting their business on their property and if the properties would be taken by eminent domain like her house was when they put in the traffic circle.

Ms. Duncan said they have not actively sought out anyone yet. She also said there are numerous companies looking at our county for land.

Councilman Thomas R. Augostini said they are not taking properties by eminent domain and that just maybe, the owners are looking to be involved.

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 Communications:

1. Endwell Fire District Financial Statements – Year ended 12/31/2022.
2. Charter Communications Notice – 09/01/23
Carried.



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COMMUNICATIONS FOR ACTION:

1. Moved by Augustini, seconded by Bertoni to approve the letter from Karen Kuzel, 851 Rosewood Terrace, Endwell, requesting permission to hold a block party on Saturday September 9, 2023, from 5:00 P.M to 8:00 P.M., with a rain date of Sunday September 10, 2023 and barricades to be placed at the corners of Catalina Boulevard and Rosewood Terrace, and Debonair Road and Rosewood Terrace. Request to include the use of an additional 10-15 traffic cones to create a 'Kid Zone' for the safety of the children during activities, and refer it to Commissioner of Public Works Louis V. Caforio, Highway Superintendent Scott Paugh and the Town Clerk.
Carried.

2. Moved by Augustini, seconded by Bertoni to approve the email from Olivia Catalano, Stack Avenue, Endwell, requesting permission to hold a block party on Saturday, September 30, 2023 and the use of barricades to block off both ends of Stack Avenue, and refer it to Commissioner of Public Works Louis V. Caforio, Highway Superintendent Scott Paugh and the Town Clerk.
Carried.

3. Moved by Augustini, seconded by Bertoni to approve the letter from Olivia Porcari, Maine-Endwell High School Student Council Advisor, requesting permission to hold their Homecoming Parade on Saturday, October 14, 2023 from 11:00 A.M. to approximately 12:30P.M., with the parade starting at Riverdale's extra parking lot on N. Knight Avenue, continue to Watson Boulevard, left on to Beckwith, right on to Country Club Road, left on Hooper Road, right on to Farm to Market and ending at Maine-Endwell High School, and refer it to Commissioner of Public Works Louis V. Caforio, Highway Superintendent Scott Paugh and the Town Clerk.
Carried.

4. Moved by Augustini, seconded by Bertoni to refer the letter from Frank A. Maddi, Jr, 800 Shale Drive, Endicott, requesting the Town have a professional road survey done to determine the exact location of the Town of Union's Right of Way Easement on Shale Drive to Town Attorney Alan J. Pope and Commissioner of Public Works Louis V. Caforio.
Carried.

5. Moved by Augustini, seconded by Bertoni to refer the Email from Cindy Bedford, 6 Eagle Drive, Endwell, requesting reimbursement for the two storage bins for yard waste that were taken by the recycling men that were collecting yard waste on August 21, 2023 and that the containers were part of a special set that she purchased for yard waste to Commissioner of Public Works Louis V. Caforio and Deputy Commissioner of Public Works for Environmental Services Daniel Schofield.
Carried.



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PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS

(Prepared Resolution filed as part of these minutes to approve the modification of the 2020 Easement between NYSEG and Town of Union and authorize Supervisor Mack to execute the same, and any related documents to record the same.)

Res. by Nirchi, seconded by Bertoni.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to approve the following new IT Policies as recommended by the Town Attorney, Integer Security and TechMD:

Audit Log Management Policy and Disaster Recovery Policy.)

Res. by Nirchi, seconded y Bertoni.

Vote: All yes.

The Resolution was adopted.

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

Increase	10 1680 4101	Office Supplies	\$ 1,000.00
Decrease	10 1680 1080	Compensated Absences	\$ 1,000.00
Increase	20-3620-4413	Permits Property Repair	\$26,783.78
Decrease	20-3620-1010	Permits Salary	\$26,783.78
Increase	20-8160-4112	Tires	\$15,000.00
Decrease	20-8160-4513	Tipping Fees	\$15,000.00
Increase	20-1620-4203	Water	\$ 1,500.00
Decrease	20-1620-4423	Property Repairs	\$ 1,500.00
Increase	31-5110-4153	Brick & Block	\$15,000.00
Increase	31-5110-4154	Manhole Covers	\$15,000.00
Decrease	31-5110-4126	Maintenance Parts	\$30,000.00
Carried.			

(Prepared Resolution to file as part of these minutes to approve the MUNIS Software Upgrade Agreement that will occur on September 28th and 29th, 2023, and make a payment of \$21,840.00 prior to that time as requested. Funds for this upgrade will be from the ARPA Lost Revenue funds contingency line:

10-1989-4512 ARPA Professional Services \$21,840.00.

Res. by Augostini, seconded by Kudgus.

Vote: All yes.

The Resolution was adopted.



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(Prepared Resolution filed as part of these minutes to award the Bid for LED Lighting Replacement – Main Town Building to Upstate Companies 1, LLC, Mount Upton, New York, for their low bid price of \$46,900.00 funded by ARPA Lost Revenue funds.)
Res. by Bertoni, seconded by Nirchi. Vote: All yes.
The Resolution was adopted.

A proposal was received for Highland Park Gym AC System from Smith Site Development, LLC for the Voluntary Cost Estimate Total of \$172,524.33.

(Prepared Resolution filed as part of these minutes to accept and award the Proposal for Highland Park Gym AC System from Smith Site Development, LLC for their price of \$172,524.33 generated through TIPS RCSP-230104 Trades, Labor and Materials Contract and funded by ARPA Lost Revenue funds.)
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 Town of Union Office Complex Roof Replacement to New Britain Roofing for their bid price of \$853,600.00 funded by ARPA Lost Revenue funds.)
Res. by Bertoni, seconded by Nirchi. Vote: All yes.
The Resolution was adopted.

Moved by Augustini, seconded by Nirchi to authorize Melissa Opeka, Personnel Specialist, to become a member of the Public Sector Human Resources Association in order to obtain training towards her IMPA-CP Certification to expand her knowledge of human resources management, become a better leader and provide the Town with extensive resources for HR-related matters. The overall cost of this certification is outlined as follows:

-Annual Professional Membership fee	\$ 175.00
-2023 Public Sector HR Essentials (Session 10: 9/19/23-12/19/23	\$ 999.00
-IPMA-CP Study Guide	<u>\$ 100.00</u>
	\$1,274.00.)

Carried.

Moved by Augustini, seconded by Nirchi to approve the attendance of Alicia Pettit at the NYSLRS Employment Education Seminar on October 5 or 6, 2023 at Homer Town Hall and use of a Town vehicle.
Carried

(Prepared Resolution filed as part of these minutes to authorize Supervisor Robert Mack sign the contract with Ed & Ed for the printer/copier/scanner in the Parks/Highway Office for an



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amount of \$5299.29. Monies for this piece of equipment will be split between line items of the Parks Department and the Highway Department, each responsible for \$2649.65.)

Res. by Bertoni, seconded by Kudgus.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to call for a Public Hearing to be held on Wednesday, October 4, 2023 at 7:00 P.M. for input and comments regarding the Town instituting a twelve (12) month moratorium on battery energy storage installations, to allow the Town sufficient time to determine the appropriate code and land use laws, and to complete the drafting of a battery energy storage system ordinance.)

Res. by Kudgus, seconded by Augustini.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to approve the Comptroller & Deputy Comptroller to have HUD Financial & Management system access for the CDBG & Housing Choice Voucher Program/Program(s).)

Res. by Kudgus, seconded by Augustini.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part to approve the Deputy Planning Director to have HUD Financial & Management system access for the CDBG & Housing Choice Voucher Programs/Program(s).)

Res. by Kudgus, seconded by Augustini.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to authorize the Planning Director to submit the 2023 Section Eight Management and Assessment Program (SEMAP) certification to HUD, and for approval for the Planning Director, Supervisor and/or Deputy Supervisor to execute any documentation necessary for 2023 SEMAP submission.)

Res. by Kudgus, seconded by Augustini.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to authorize the Town of Union Supervisor, Deputy Supervisor, Comptroller, Planning Director & Deputy Planning Director to execute and submit any and all required documentation for the FFY 22-23 CAPER to HUD. This report is due December 31, 2023. The CAPER also requires a 15-day comment period which will begin on Sunday, December 10, 2023.)

Res. by Kudgus, seconded by Bertoni.

Vote: All yes.

The Resolution was adopted.



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Moved by Kudgus, seconded by Augustini to approve Change Order #1 from Delta Engineers for the West Corners Fire District Generator Project, conditional on the Fire District Board Approval:

Contract Price prior to this Change Order: \$ 95,500.00
Increase this Change Order: \$ 9,045.23
Contract Price incorporating this Change Order: \$104,545.23.

Carried.

HEARING OF VISITORS:

Carol Laskoski, 37 Edwards Street, Johnson City, asked if the rezoning or redistricting that Ms. Duncan spoke about affects only the one property.

Supervisor Robert Mack said it is usually for the one property.

Councilman Thomas R. Augustini said that anyone who wants to rezone a property must submit an application to list the property locations and what zoning classification they are currently in and what they want to change it to.

As no one else wished to speak, Supervisor Robert Mack 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. Permits Monthly Report – July 2023.
2. Town Clerk Monthly Report – July 2023.
3. Town of Union Planning Board Decision – Application # PB-2023-15A, Approval of Special Use Permit - Expansion of Training Facilities for a Public Utility – NYSEG, 1195 Reynolds Road, Tax Map # 127.01-1-6.
4. Town of Union Planning Board Decision – Application # PB-2023-15B, Site Plan Approval - Expansion of Training Facilities for a Public Utility – NYSEG, 1195 Reynolds Road, Tax Map # 127.01-1-6.
5. Town of Union Planning Board Decision – Application # PB-2023-21, Approval of Special Use Permit – Cannabis Retail – Shafer Brothers, LLC, Nanticoke Gardens, 1543 Union Center Maine Highway, Endicott, Tax Map # 141.05-1-23.



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6. Town of Union Local Development Corporation Meeting Minutes – June 22, 2023.

Carried.

Councilman Joseph P. Nirchi, Sr., said he has a complaint for the County. He went to the Mall to pay his taxes and there are no directions as to where to go. He said they should put the directions in the letter.

Councilman Thomas R. Augostini thanked Councilman Frank J. Bertoni for his hard work on the Gusto Festival. He said it was a terrific event. He also said it was a nice night at Mirabito Stadium for Endicott night. He gave condolences to our Deputy Dog Control Officer Bill Holmes and family on the death of his father Willard Holmes. He said Mr. Holmes was very involved with hunting classes and ran an annual fishing derby at Cole Park; they are having the derby in his name next week.

ADJOURNMENT:

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

Carried.

The meeting was adjourned at 7:51 P.M.

Leonard J. Perfetti
Town Clerk

LJP/bk