



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

November 1, 2023

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, November 1, 2023 at 7:00 P.M. in the Town Board Room, 3111 East Main Street. Endwell, New York 13760.

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, Comptroller Jennifer Lindsay.

Also in attendance is Village of Endicott Mayor Linda Jackson.

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

PUBLIC HEARINGS:

A Public Hearing was called for on Wednesday, November 1, 2023 at 7:00 P.M. to solicit public input for an Amendment to the FFY 2022 – 2023 CDBG Annual Action Plan to move funds from unused Administrative lines as follows:

From: General Admin IDIS #1699: -\$90,000.00

To: Town of Union Street Reconstruction IDIS #1715: +\$90,000.00

A 30-day Public Comment period beginning on September 24, 2023 followed by a subsequent Public Hearing on November 1st, 2023.

Pub. & Posted: September 24, 2023.

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

A Public Hearing was called for on Wednesday, November 1, 2023 at 7:00 P.M. to solicit public input for the 2024 Preliminary Budget including the Annual Water Fund, Annual Sewer Fund, Annual Fire Contracts for the Fire Protection Districts, and proposed Tax Cap Override Local Law.



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The following are the proposed 2024 annual salaries for certain elected officials of the Town of Union: Supervisor - \$24,000; each Councilperson (4 total) - \$12,000; Town Clerk - \$56,650. Pub. & Posted: October 26, 2023.

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

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, October 18, 2023 and a Special Board Meeting held on Wednesday, October 25, 2023.
Carried.

HEARING OF VISITORS:

Holly Greski, volunteer for New York Citizens Audit Group, said six weeks ago her group presented a Resolution to the Board for consideration and discussion. She wanted to know if the Board was ready to vote on it or did they need to do another presentation tonight.

Town Attorney Alan J. Pope asked her what the Resolution was regarding.

Ms. Greski said it is about the end to end election audit in the State of New York. She asked if there was any interest on it and if it was being tabled to a later date?

Town Attorney Alan J. Pope said it is not being tabled; it is being declined by the Board and they are not going to act on it.

Stacey Duncan, Executive Director of Broome County IDA said she was there to provide an update on the ongoing research and development of our efforts to build a new development park in Broome County on behalf of the residents and to bring new development into Broome County. She said as the Board already knows, on October 18, 2023 the Board of Directors of the Agency voted to exercise an option that they currently have for purchase of approximately 306 acres and are in the process to continue the steps needed to close that agreement. She said they will begin a title survey on the three parcels in total of that area. She further said they would like to engage with five additional landowners for a one year option for purchase, while they continue their due diligence on the environmental and engineering of the development. She said they have sent some correspondences to those additional landowners that they were able to locate and will continue to engage with the residents to know more about our plans. The next significant step in the process is to issue an RFQ on



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Friday, November 3rd for architectural and engineering firms. We don't have any formal rendering at this stage, so we need an engineering firm to do our formal design. She said they had one in Phase 1 to do the environmental analysis on the subject properties we currently have the option on, but we do not have anyone for design work or engineering work. This will begin with whomever we select from the RFQs received on the 3rd. We will review them and probably select someone in December. She said for the Town not to expect an SEQRA notice until sometime in January 2024. They plan to update the Town of Maine very soon and said at this point, they do not have any formal applications. She thanked the Board for their continued patience.

Supervisor Robert Mack said he may have misunderstood, but did you say you already have options on the 5 additional properties?

Stacey Duncan said they do not have the options yet and they are pursuing them. She said ideally they would like a year so they can get on site to do all the necessary environmental and engineering reviews and said that some of the properties are not the full parcel but a portion of them.

Supervisor Robert Mack asked what is the Town of Maine's opinion about them being lead agency.

Ms. Duncan said as far as she is aware, they had a positive meeting regarding lead agency status and given that there are multiple agencies that will be noticed for SEQRA, we believe, given the fact that we have the grant dollars from New York State specifically for pre-development costs, that this grant will be funded, and given the challenge that this plan covers two municipalities, it makes sense that the IDA be lead agency.

Councilman Frank J. Bertoni said that sometimes when things are moving along, we'll get a phone call from a resident and they'll ask us questions and whenever we are in the dark, this is not a good thing. I am requesting a copy of everything that comes to be copied, so we can know what's going on and be able to tell our residents.

Ms. Duncan apologized for using the wrong email addresses for Councilman Bertoni and Councilman Kudgus.

Supervisor Robert Mack said on another note, we did get your letter of support on the IBM Country Club project. We approved that also.

Bob Utter, 1728 Airport Road, Binghamton, asked if Ms. Duncan could answer some yes or no questions from them now.

Town Attorney Alan J. Pope said that this is not the purpose of a Hearing of Visitors. He said he is sure Ms. Duncan would speak with them outside of this meeting.



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Mr. Utter said that at the October IDA meeting, Ms. Duncan said she would talk to anyone who had questions.

Supervisor Robert Mack said this is a Town Board meeting, not an IDA meeting.

Mr. Utter asked the Board if they reviewed the Schumacher report and Mr. Bystrak's response to the report that was submitted to them to review. He said there are many problems with this report on the property. He also stated that the FAST grant that the IDA received from New York State specifically says that the Town Supervisors have to be on board with this project or they would not get the funding. He said there are no site plans and there is nothing showing their intentions. He urged the Board to watch the October 18, 2023 IDA meeting before any decisions are made.

Olga Bystrak, Town of Union resident, said they wait for the IDA to be at these meetings so we can get answers and now we can't even ask questions. She said her brother is one of the five landowners they want to talk to. He has not been notified or received anything yet about these options. She is concerned about her and her family's properties.

Holly Greski, volunteer for New York Citizens Audit Group, said she moved up here with a long history (35 years), of selling large real estate in New York City and was a property manager for properties like Verizon and GTU Hunts Mountain. She said the Town should have a notebook about the property being proposed, list of meetings with people, plans and all the details regarding it. It should not be a mystery and people should not be saying we don't know anything about the project.

Stacey Duncan, Executive Director of the Broome County IDA, said you do not have any documents because we haven't supplied any permits to the Town. She said they are in the preliminary analysis stage to see if they are going to go forward and these reports will be coming in the future. She also said the IDA would love to speak to the landowners. We want to get this right and are being intentionally slow in the process, because we don't want to screw this up. She went on to say that she has not received any letters from Mr. Bystryk.

Bob Utter, 1728 Airport Road, Binghamton, said he has pictures of the 55 gallon drums left on the property and said there should be all kinds of reports as of now. He restated the fact that no landowners have been notified except for M. James and all the truth has not been said tonight.

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

COMMUNICATIONS FOR FILING:



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

1. Charter Communications Notice – October 27, 2023
Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augustini, seconded by Bertoni to refer the West Corners Fire District 2024 Final Budget to Comptroller Jennifer Lindsay.
Carried.
2. Moved by Augustini, seconded by Bertoni to refer the Notice of Claim – NYSEG vs. Town of Union regarding damage to 1" PE service at 2722 Robins Street, Endwell on September 11, 2023 to Town Attorney Alan J. Pope and Commissioner of Public Works Louis V. Caforio.
Carried.
3. Moved by Augustini, seconded by Bertoni to refer the letter from Diane Ryan, 2939 Northwood Drive, Endwell, regarding damage to her property due to a sewer lateral break done by contractor hired by the Town to the Town's Insurance carrier.
Carried.
4. Moved by Augustini, seconded by Bertoni to refer the Endwell Fire District 2024 Final Budget to Comptroller Jennifer Lindsay.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

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

Decrease:	10-1355-4099	Temp Grievance Fee	\$ 800.00
Decrease:	10-1355-4601	Travel	\$ 500.00
Decrease:	10-1355-4603	Legal Notices	\$ 75.00
Decrease:	10-1355-4620	Education	\$ 500.00
Decrease:	10 -1355-4101	Equipment Maintenance	\$ 625.00
Increase:	10- 1355-4101	Office Supplies	\$ 2,500.00
Decrease:	10 7145 4159	Recreational Supplies	\$ 8,432.29
Increase:	10 7145 4159 FS116	Supplies - Fall Soccer	\$ 484.75
	10 7145 4159 SF111	Supplies – Summer Fun	\$ 6,343.72
	10 7145 4159 SS108	Supplies – Spring Soccer	\$ 80.97
	10- 7145 4159 TB107	Supplies – T-Ball	\$ 1,524.85



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Decrease:	10 7145 4162	Special Event Supplies	\$ 4,406.74
Increase:	10 7145 4162 CIPK	Supplies – Christmas	\$ 2,078.92
	10 7145 4162 EE109	Supplies – Easter	\$ 484.49
	10 7145 4162 JULY4	Supplies – July 4 th	\$ 719.00
	10 7145 4162 PKHIP	Supplies – Halloween	\$ 1,124.33
Decrease:	10 7145 4403	Printing	\$ 736.00
Increase:	10 7145 4403 EE109	Printing – Easter	\$ 392.00
	10 7145 4403 SF111	Printing – Summer Fun	\$ 344.00
Decrease:	10 7145 4459	Rec Program Services	\$29,541.03
Increase:	10 7145 4459 BB103	Services - Bumper Bowling	\$ 2,744.00
	10 7145 4459 CC113	Services -- Cheer Camp	\$ 245.00
	10 7145 4459 DC114	Services – Dance Camp	\$ 450.00
	10 7145 4459 IB105	Services - Instruct Bowl	\$ 1,488.00
	10 7145 4459 JGC	Services – Golf Camp	\$ 1,590.00
	10 7145 4459 SBL	Services -- Softball	\$ 6,376.00
	10 7145 4459 SF111	Services - Summer Fun	\$1,3695.53
	10 7145 4459 TL115	Services – Tennis	\$ 2,602.50
	10 7145 4459 VB102	Services -- Volleyball	\$ 350.00
Decrease:	10 7145 4462	Special Event Services	\$22,716.35
Increase:	10 7145 4462 CIPK	Special. Event - Christmas	\$ 7,952.70
	10 7145 4462 EE109	Special Event – Easter	\$ 1,074.00
	10 7145 4462 FD104	Special Event Father/Daughter	\$ 5,475.00
	10 7145 4462 JULY4	Special Event July 4 th	\$ 7,114.65
	10 7145 4462 HIP	Special Event–Halloween	\$ 1,100.00
Decrease:	10 7145 1038	Summer – Seasonal	\$ 1,200.00
	10 7145 4100	Misc. Operational	\$ 1,000.00
	10 7145 4159	Rec Program Services	\$ 2,500.00
	10 7145 4401	Equipment Maintenance	\$ 1,500.00
Increase:	10 7145 4162 FD104	Spec. Event Supplies FD	\$ 1,500.00
	10 7145 4459 SF111	Rec Program Serv SF	\$ 1,850.00
	10 7145 4462 CIPK	Special Event Serv CIPK	\$ 2,850.00
Decrease:	20-5010-2100	Office Furniture	\$ 73.04
Decrease:	20-5010-4101	Office Supplies	\$ 100.00
Decrease:	20-5010-4104	Books	\$ 400.00
Increase:	20-5010-4516	Internet	\$ 573.04
Decrease	20-8160-4111	Parts	\$ 2,000.00
Increase	20-8160-4112	Tires	\$ 2,000.00
Decrease:	20-8160-4513	Tipping Fee	\$10,000.00
Increase:	20-8160-4099	Temporary Non Payroll	\$10,000.00



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Decrease	31-5110-2500	Other Equipment	\$25,000.00
Increase	31-5130-4111	Parts	\$25,000.00
Carried.			

Moved by Augostini, seconded by Nirchi to approve the hiring of Sandra Cragle as a vendor to provide stenographer services to the Town of Union Planning Board at \$20.00 an hour, not to exceed 20 hours per month, appointment effective November 13, 2023.
Carried.

(Prepared Resolution filed as part of these minutes to authorize Supervisor Robert Mack to sign the contract with Young's Explosives for fireworks at the Christmas in the Park event on Sunday, December 10, 2023.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing Supervisor Robert Mack to sign a Contract with Park Outdoor Advertising for advertising of our Christmas in the Park event on the electronic billboard on the George F Highway, for the amount of \$525.00.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve a 12 month moratorium for new battery storage facilities, to be allowed or permitted in the Town of Union, including implementation of any necessary Local Law, to allow sufficient time for the Town of Union to study and enact zoning codes for such new battery storage facilities.)

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 to solicit public input for inclusion in the FFY 2024 - 2029 Community Development Block Grant (CDBG) Consolidated Plan for Wednesday, December 6th, 2023 at 7:00 PM.)

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 Department in concert with the Town Attorney to create an Emergency Housing Repair program using CDBG Home Improvement Program Clearing Account funds.)

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

Vote: All yes.



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HEARING OF VISITORS:

John Solak, Binghamton, asked for a definition of a battery storage facility.

Supervisor Robert Mack said we had a Public Hearing about this a couple weeks ago. He said we are mainly talking about large scale battery storage, not homeowner storage. So if you have panels on your roof and put your battery in the garage, that's not what we are looking at. He said some of the large solar farms coming into the area want storage facilities on site. We feel we don't know enough about it and our Planning Department feels that we want a moratorium to provide time to study it and make sure we get the zoning, laws and everything correct.

Mr. Solak said then you are not talking about manufactured batteries that are stored before they are shipped.

The Board collectively said no.

Town Attorney Alan J. Pope said there is an existing project on Robinson Hill Road that was approved by the Planning Board that is in a PUD, so they set the parameters for that one. It is a good example of a large scale development that told the Planning Department what they wanted. The Town Board and Town Attorney agreed that we need to have a Local Law if anyone else wants to come in and develop a similar project elsewhere in the Town of Union.

Mr. Solak asked if it would it be a safe assumption that no one can compete with IM3 because they would have to store batteries.

Town Attorney Pope said to think of terms of the Robinson Hill project, that's what we are talking about.

Councilman Joseph P. Nirchi said that BAE is storing batteries to use on buses and it is not a competition of manufacturing.

Mr. Solak asked then was it just for solar panels?

Councilman Nirchi said, if he understands it correctly, it is the storage of energy from solar and wind to be able to distribute it at lesser times.

Supervisor Mack said IM3 is a battery manufacturing company and they are not charging and storing them. We are talking about places that are charging, storing and selling it back to energy companies or wherever.

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. Town of Union Local Development Corporation Regular Meeting minutes held on September 21, 2023.
2. Town of Union Planning Board Decision – Special Use Permit – Agri-Business, Application # PB-2023-24, Carol A. Clark Farm, LLC, 1838 Nanticoke Drive, Endicott, Tax Map # 125.05-1-29.
3. Town of Union Planning Board Decision – Site Plan Approval – Meeting Hall, Application # PB-2023-28, Johnson City Unity Masonic Lodge #970, 711 Main Street, Johnson City, Tax Map # 143.53-1-20.
4. Town of Union Planning Board Decision – Special Use Permit- Personal Services, Application # PB-2023-30A, KL Photography, 1320 Campville Road, Tax Map # 156.18-2-49.
5. Town of Union Planning Board Decision – Site Plan Approval – Application # PB-2023-30B, Kasey's Cabinets and KL Photography, 1320 Campville Road, Endicott Tax Map # 156.18-2-49.
6. Town of Union Planning Department Decision – Minor Site Plan Approval – Application # PD-2023-032, Binghamton Jellystone Park, 600 Boswell Hill Road, Tax Map # 124.02-1-5.
7. Zoning Board of Appeals Decision – Application # 2023-006, Mary Beth Millard, 204 Beckwith Avenue, Endwell, Tax Map # 142.13-8-51.
Carried.

ADJOURNMENT:

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

The meeting was adjourned at 7:46 P.M.

Leonard J. Perfetti
Town Clerk

LJP/bk