



**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*

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## TOWN OF UNION BOARD MEETING

February 7, 2024

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, February 7, 2024 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 Attorney Ryan R. Matt, Town Clerk Leonard J. Perfetti, Deputy Town Clerk Rebecca Kruczkowski.  
Absent: Town Attorneys Alan & Rose Pope.

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

### PUBLIC HEARINGS:

A Public Hearing was called for on Wednesday February 7, 2024 to solicit public input for the proposed Natural Gas CCA Program for the Town of Union.  
Pub. & Posted: January 28, 2024

John Berg, Regional Sales Director, Good Energy, gave a presentation on the Community Choice Aggregation Opt-Out Program. He said that on April 21, 2016, the NYS Public Service Commission enabled Community Choice Aggregation (CCA) Opt-Out Programs, which offer residential and small-commercial customers an opportunity to receive more attractive energy supply terms through the bargaining power that aggregation provides. He also said that the residents in the Town of Union must opt-out of the program to not be involved, otherwise they are automatically enrolled.

Supervisor Robert Mack said the gas rates are at their lowest price now.

Councilman Thomas R. Augostini said this affects the gas supply part of your bill only and NYSEG is in control of the distribution.

The audience asked many questions to Mr. Anderson including - what is stopping NYSEG from adding extra rate charges and does the Public Services Commission have any control over your company.



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Mr. Anderson said yes they absolutely are involved with their business. He said there are many reports to file and many regulations to follow.

Supervisor Robert Mack said this offer does not include the Villages of Endicott and Johnson City, they must opt in to this for themselves.

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

Supervisor Robert Mack said Public Hearing on the Titan Preliminary PUD Development Plan is still open and will be addressed at the end of this meeting.

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, January 17, 2024.  
Carried.

### HEARING OF VISITORS:

Charles Colley, 1641 Nanticoke Drive, Endicott, and part time Parks Department employee, said the three way stop at the intersection of Glendale Drive and Carl Street is very dangerous. He said the property owner on the corner of Glendale Drive was allowed to plant a row of trees that now block the view in the intersection. He also said in order to see past the trees, you have to go past the stop sign into the intersection, which is against the law and will cost you a \$150.00 fine and three points on your license as he showed the Board. He requested that something be done about it. .

Supervisor Robert Mack said we have a new Deputy Commissioner of Public Works for Code Enforcement and he will talk to and have him look at it. He also said he would drive out to see the problem for himself.

Councilman Frank J. Bertoni asked how the stop signs are positioned and said that at one time a mirror was going to be tried for sight clearance.

Mr. Colley said no mirrors needed, just have him trim his trees. Mr. Colley gave pictures of the intersection to the Board.



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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. Charter Communications Notice – January 26, 2024 & February 2, 2024.
2. Letter from NYS Department of State – re: Local Law # 1 of 2024 was filed on January 24, 2024.
3. 239 Review – Village of Johnson City for Proposed development of a 4,800 sf building for dental offices – 759, 761 & 765 Harry L. Drive, 142.12-1-4, 142.12-1-5, 142.12-1-6.  
Carried.

## COMMUNICATIONS FOR ACTION:

1. Moved by Augustini, seconded by Bertoni to refer the Notice of Foreclosure – Midstate Bank vs. Rachel L. DiOrio; Joseph D. DiOrio a/k/a Joey J. DiOrio; First Niagara Bank; Town of Union for mortgaged premises - 99 Albert Street, Johnson City, New York, to Town Attorney Alan J. Pope, Comptroller Jennifer Lindsay and Planning Director Christopher Kylor.  
Carried.
2. Moved by Augustini, seconded by Bertoni to refer the Email from James Head, Soccer Shots Regional Director, requesting use of a small field on Thursdays, from April 11, 2024 to October 24, 2024 with a week off here and there for weather makeups to Commissioner of Public Works Louis V. Caforio and Parks Manager Jay Vassil.  
Carried.
3. Moved by Augustini, seconded by Bertoni to refer the Email from Maggie Hopersberger, The Moss House, requesting use of Lower Highland Park and trails and playgrounds to host their Forest School Program during the summer months to Commissioner of Public Works Louis V. Caforio and Parks Manager Jay Vassil.  
Carried.
4. Moved by Augustini, seconded by Bertoni to refer the letter from Dr. David M. Chico, Veterinarian 3, New York State Department of Agriculture and Markets, regarding Municipal Shelter Inspection Report for January 22, 2024 to Commissioner of Public Works Louis V. Caforio and Deputy Commissioner of Public Works for Code Enforcement Brian Lucas.  
Carried.
5. Moved by Augustini, seconded by Bertoni to approve the Email from Kimberly Broderick, Fund Development Coordinator, Broome County Humane Society, requesting permission the



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use of the recreation center at Highland Park on Monday, August 12, 2024 for their annual Duck Tagging party and the Park on August 17, 2023 for their annual Duck Derby and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Jay Vassil.  
Carried.

6. Moved by Augustini, seconded by Bertoni to approve the Email from Ron Materese, Treasurer, South Central Fire Police Association of New York, requesting use of pavilion #1 at Highland Park on 7/21/2024 and waiver of the rental fee and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Jay Vassil.  
Carried.

7. Moved by Augustini, seconded by Bertoni to refer the Email from Lou Bishop, Tournament Director for the STOP-DWI Tournament of Champions, requesting use of the 17C fields for their tournament on July 12 – 14 2024 to Commissioner of Public Works Louis V. Caforio and Parks Manager Jay Vassil.  
Carried.

PETITIONS:           None.

### COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

A single proposal was received to provide Professional Architectural and Engineering Services for Town of Union Fairview Street Pump Street Rehabilitation from Delta Engineering in the amount of \$56,522.00.

(Prepared Resolution filed as part of these minutes to award the proposal to Delta Engineering for the Professional Architectural and Engineering Services for Town of Union Fairview Street Pump Street Rehabilitation in the amount of \$56,522.00.)

Res. by Bertoni, seconded by Nirchi.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes authorizing the purchase of a new 2024 Caterpillar 420 XE BHL model Backhoe Loader through a Buy Back Program from CAT for a price of \$ 141,468.00 minus trade in \$100,000.00 net difference being \$41,468.00 per NYS OGS contract PC69406. F-193 to be declared surplus for trade-in purposes. The new Loader would be paid out of the Highway Equipment Account.

\$141,468.00 (New)      2024 CAT 420 XE BHL

\$100,000.00 (Trade-In) 2022 CAT 420-07XE

\$ 41,468.00 Total Net Difference.)

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 authorizing the purchase of a new 2024 Caterpillar 938 3V Wheel Loader through a Buy Back Program from CAT for a price of \$ 234,759.00 minus trade in \$192,000.00 net difference being \$ 42,759.00 per NYS OGS contract PC69406. F-194 to be declared surplus for trade-in purposes. The new Wheel Loader would be paid out of the Highway Equipment Account.

\$234,759.00 (New) 2024 CAT 938 3V Wheel Loader  
\$192,000.00 (Trade-In) 2022 CAT 938M Wheel Loader  
\$ 42,759.00 Total Net Difference.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing the purchase of a new 2024 Caterpillar 306 EXC Mini Excavator through a Buy Back Program from CAT for a price of \$ 91,976.00 minus trade in \$75,000.00 net difference being \$ 16,976.00 per NYS OGS contract PC69406. F-190 to be declared surplus for trade-in purposes. The new Mini Excavator would be paid out of the Highway Equipment Account.

\$ 91,976.00 (New) 2024 CAT 306 EXC Mini Excavator  
\$ 75,000.00 (Trade-In) 2022 CAT 306-07CR Mini Excavator  
\$ 16,976.00 Total Net Difference.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing the purchase of a new 2024 Caterpillar 259D 3 CTL Track Loader through a Buy Back Program from CAT for a price of \$ 72,611.00 minus trade in \$52,000.00 net difference being \$ 22,611.00 per NYS OGS contract PC69406. F-198 to be declared surplus for trade-in purposes. The new Track Loader would be paid out of the Highway Equipment Account.

\$ 72,611.00 (New) 2024 CAT 259D 3 CTL Track Loader  
\$ 52,000.00 (Trade-In) 2023 CAT 246D Track Loader  
\$ 22,611.00 Total Net Difference.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing the purchase of two (2) new 2025 Model Year Tandem Axle Mack Granite with 30 Yard Pak Mor R300C Refuse Body from Conway Beam Mack Truck Group, Inc. through the Onondaga County Heavy Truck Class 8 Statewide Contract # 10914. Monies for this purchase will be paid from 2024 Capital Budget.

Purchase Price: \$ 318,353.36 each  
Total Price: \$ 636,706.72.)

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

Vote: All yes.



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Moved by Augostini, seconded by Nirchi authorizing the hiring of Joanna Darrow, as a Full-Time Account Clerk for the Planning Department, at an annual salary of \$33,579.00 as defined in the CSEA White Collar Contract with an immediate effective start date following successful completion of pre-employment testing.  
Carried.

Moved by Bertoni, seconded by Kudgus to authorize Jay Vassil to attend the Certified Pool Operation training in Binghamton on March 7-8, 2024. Authorization to include the fee of \$380.00 and the use of a Town vehicle or mileage reimbursement.  
Carried.

(Prepared Resolution filed as part of these minutes to authorize the Planning Department to Create and Administer Social Media Accounts for the Housing Choice Voucher (HCV) and Community Development Block Grant (CDBG) Programs on various pre-approved platforms. Social Media Accounts will be used for Public outreach, sharing of Town Planning Department events, activities, projects and general Department information. In order to safeguard Town information and systems, access will only be granted to Town employees with prior Board and Department authorizations.)

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 the 2023 Section Eight Management and Assessment Program (SEMAP) certification to HUD, and for approval for the Planning Director, Deputy Planning Director, Supervisor and/or Deputy Supervisor to execute any documentation necessary for 2023 SEMAP submission.

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 2025 - 2029 Community Development Block Grant (CDBG) 5-year Consolidated Plan & 2024 Annual Action Plan for Wednesday April 3rd, 2024 at 7:00 PM.)

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

Vote: All yes.

### HEARING OF VISITORS:



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Carol Laskoski, 37 Edward Street, Johnson City, asked for clarification of Filing #3 of tonight's meeting. She asked if they are tearing down a building and building a new one or is it an addition to a current building.

Councilman Thomas R. Augostini said the building has already been built and it is located in the back of an existing building on the left side of the Mirabito Gas Station.

Supervisor Robert Mack said it is in the back parking lot of the Yoga building.

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

1. Town of Union Zoning Board of Appeals Decision – Application # 2022-006, Delaware River Solar, LLC, 4311 Watson Boulevard, Tax Map # 126.04-1-10.111.
2. Town of Union Zoning Board of Appeals Decision – Application # 2022-007, Robin Tanzini, 136 Twist Run Road, Tax Map # 125.09-1-40.
3. Town of Union Zoning Board of Appeals Decision – Application # 2022-009, Justin Buck, 961 Dante Drive, Tax Map # 125.18-1-38.
4. Town of Union Zoning Board of Appeals Decision – Application # 2022-014, Johnson City Elks Club, 4212 Watson Boulevard, Tax Map # 142.11-2-48.12.
5. Town of Union Zoning Board of Appeals Decision – Application # 2022-019, Elyse Gibb, 929 Douglas Drive, Tax Map # 141.08-2-27.
6. Town of Union Zoning Board of Appeals Decision – Application # 2023-001, Conifer Development, 4301 Watson Boulevard, Tax Map # 142.02-1-19.
7. Town of Union Zoning Board of Appeals Decision – Application # 2023-002, Alan Stephens/Nicholas Conzola, 1205 Catherine Avenue, Tax Map # 140.20-2-22.
8. Town of Union Zoning Board of Appeals Decision – Application # 2023-003, Michael Pisani, 2320 Lewis Street, uit G, Tax Map # 157.07-2-37.
9. Town of Union Zoning Board of Appeals Decision – Application # 2023-004, Michael Weisberg, 1054 Taft Avenue, Tax Map # 125.9-3-51.112.



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10. Town of Union Zoning Board of Appeals Decision – Application # 2023-005, NYSEG, 1195 Reynolds Road, Tax Map # 127.01-01-06.0.

11. Town Clerk's Monthly Report – January 2024.

At this time, the Public Hearing regarding 10 Kot Road Planned Unit Development was open for discussion.

Erik Anderson, Lode Star Energy, and Websly Darbouze, Engineer for the Titan Agrivoltaic PUD, gave a formal presentation on the project and answered questions from the audience. Mr. Anderson spoke about the solar project, the apiary and the sheep. He said his company is committed to getting things done right the first time in this project and to be part of this community for years to come. He also said the "sheep company owner" will hopefully be at the next meeting to answer questions regarding the sheep.

Mr. Darbouze presented on the technical aspects of the project such as: the entrance road, fencing around the project site, wetlands, erosion and stormwater control, grading to be conducive to solar panels, a phasing plan to ensure the project doesn't have many parts going at the same time, tree trimming and 2 electrical panels for the solar panels.

Mr. Anderson gave an update on the process so far and where they are going next in the process. He said based on the comments in this open Public Hearing, the materials submitted with the Environmental Review (SEQR) and the PUD proposal with the three uses given, in the event Town Board approves the concept/proposal, we are not done. The Board will be basically given us permission to move to the Planning Board with our proposal. At this stage the Planning Board will do a technical review of our technical documents with a consulting engineer representing the Town, the work that Mr. Darbouze's firm has done on our site plan, storm water documents and all the documents submitted as part of our application. He said there will be another comment period where we are working with the Planning Board to meet the concerns of the Town and also enable the process to move forward to reach a viable site. If there is no further comment, there will be another Public Hearing at the Planning Board to discuss the nitty gritty solar project and the overall project we are pitching here and enable us to receive a special permit to move forward.

### ADJOURNMENT:

Leonard J. Perfetti  
Town Clerk

LJP/bk