



Town Clerk
Leonard J. Perfetti

Town of Union

Town Board
Rose A. Sotak, *Supervisor*
Thomas R. Augostini, *Councilman*
Frank J. Bertoni, *Councilman*
Robert Mack, *Councilman*
John M. Bernardo, *Councilman*

TOWN OF UNION BOARD MEETING

June 6, 2018

The Regular meeting of the Town Board of the Town of Union was held on Wednesday, June 6, 2018 at 7:00 P.M. in the Town Board Room, 3111 East Main Street, Endwell, New York.

BOARD MEMBERS PRESENT: Supervisor Rose A. Sotak, Councilman Thomas R. Augostini, Councilman Frank J. Bertoni, Councilman Robert Mack, Councilman John M. Bernardo.

TOWN OFFICIALS PRESENT: Town Attorney Alan J. Pope, Deputy Town Attorney Kurt Schrader, Town Clerk Leonard J. Perfetti, Deputy Town Clerk Rebecca Kruczkowski.

Also in attendance was Giuseppe Roberto, Zoning Board of Appeals member.

Supervisor Rose A. Sotak opened the meeting with the Pledge of Allegiance to the Flag.

BIDS:

Bids were called for on Wednesday, June 6, 2018 at 10:00 AM for Demolition and Site Clearance – 29 Fifth Street, Johnson City and 1205 Catherine Avenue, Endicott – Town of Union FFY2017 CDBG Program.

Bids were received as follows:

	<u>29 Fifth Street, JC</u>	<u>1205 Catherine Ave., Endicott</u>
LCP Group, Inc.	\$ 9,400.00	\$ 9,400.00
Dan's Hauling & Demo.	\$19,900.00	\$18,000.00
Gorick Construction Co.	\$22,748.00	\$18,448.00

Moved by Augostini, seconded by Bertoni to receive and file the bids for Demolition and Site Clearance – 29 Fifth Street, Johnson City and 1205 Catherine Avenue, Endicott – Town of Union FFY2017 CDBG Program.
Carried.

Bids were called for on Wednesday, June 6, 2018 at 10:15 AM for West Creek Bank Stabilization – Town of Union CDBG-DR Program.



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Bids were received as follows:

ProCon Contracting	\$325,000.00
Gorick Construction Co.	\$388,650.00
Bothar Construction	\$497,065.00
Upstate Companies I, LLC	\$498,059.72
Boland's Excavating	\$583,755.00

Moved by Augustini, seconded by Bertoni to receive and file the bids for West Creek Bank Stabilization – Town of Union CDBG-DR Program.
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, May 16, 2018.
Carried.

HEARING OF VISITORS:

Dave McDonough, owner, Country Pines Pavilion, 1660 Union Center Maine Highway, Endicott, spoke on the Zoning Board of Appeals' decision regarding concerts being held at his facility and asked what is allowed or not. He stated that he has a number of events scheduled for this summer and needs to know if he should proceed with them or cancel them. He further stated he felt that there was a conflict of interest in the decision as the person complaining about the noise, Stephen Trichka, is a member the Town of Union Local Development Corporation and therefore, an employee of the Town.

Town Attorney Alan J. Pope said that he and Board members tried to meet with him previously to remedy this situation, without success. He told Mr. McDonough that he has 30 days to appeal the ZBA decision and that the Town Board could not give him any advice on what to do. He said that Mr. Trichka is not an employee of the Town of Union and there isn't a conflict of interest.

Councilman Frank J. Bertoni said that the rules and regulations regarding noise ordinances pertain to everyone and that he was not singled out by anyone. He further said that if someone is in violation of the codes, the Town goes out and takes care of those situations.

Councilman Thomas R. Augustini said that the perimeter of six concerts was set in the meeting and Mr. McDonough had said he couldn't live with that. He was instructed to come back with a number of concerts and he never came back. He further stated that the issue he has is now between him and the Zoning Board of Appeals.



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As no one else wished to speak, Supervisor Rose A. Sotak closed the first Hearing of Visitors.

COMMUNICATIONS FOR FILING:

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

1. Village of Endicott Board of Trustees Minutes - April, 24, 2018.
 2. Letter from Neal J. Rackleff, Assistant Secretary, US Department of Housing and Urban Development, to Supervisor Rose A. Sotak, approving the Fiscal Year 2018 allocations for the Office of Community Planning and Development's (CPD) formula programs.
 3. Letter from Rev. Clarence F. Rumble, Founder, Mercy House of the Southern Tier, thanking the Parks Department for holding the "Hop into Highland" event.
 4. Letter from Joseph B. Meagher, Attorney, Broome County Industrial Development Agency, to Supervisor Rose A. Sotak, regarding the Proposed AOM 128 Grand Avenue LLC Project.
 5. Copy of letter from Alan J. Pope, Attorney to Maria Mastriano, Barclay Damon, Barclay Damon Tower, regarding the court decision on Upstate Tower Company, LLC, et al. v. The Town of Union, et al.
 6. Complaint letter to the Town Board regarding numerous code violations on N. Baldwin Street, Johnson City, and Daisy Drive, Binghamton.
 7. Notice from New York State Department of Taxation and Finance Office of Real Property Tax Service – Notice of Tentative State Equalization Rate for the 2018 Assessment Roll.
 8. Copy of a 239 Review Submission Form sent to Broome County Department of Planning and Economic Development – Housing Visions – 23 Jackson Avenue & 26 Kentucky Avenue, Endicott.
- Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augustini, seconded by Bertoni to refer the letter from Victoria Mancini, 601 Milan Ave, Endicott, regarding the multiple sewer backups in her and her neighbor's homes; and asking if the Town could take some kind of preventive action to stop this from occurring to Commissioner of Public Works Louis V. Caforio and Deputy Commissioner of Public Works for Environmental Services Daniel A. Schofield.
- Carried.



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2. Moved by Augustini, seconded by Bertoni to refer the letters from students at Maine Endwell High School (Hayden Smith, Jason Bertoni, Erik Roma, and unsigned student) in reference to various concerns in the Town of Union to Commissioner of Public Works Louis V. Caforio.

Carried

3. Moved by Augustini, seconded by Bertoni to refer the letters from Town of Union Parks employees to Supervisor Rose A. Sotak asking for an increase in wages for the summer Parks Department employees to Comptroller Laura J. Lindsley.

Carried.

4. Moved by Augustini, seconded by Bertoni to approve the letter from Gary W. Becker, Church Council President, Our Savior Lutheran Church, 731 Hooper Road, Endwell, asking the Town to allow them to use the Highland Park parking lot for additional parking on July 1, 2018 due to a concert at the church; and on August 5, 2018, if needed, due to resurfacing of their parking lot, and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Ray Vanderpoel.

Carried.

5. Moved by Augustini, seconded by Bertoni to refer the letter from Paul A. Karas, Acting Commissioner, New York State Department of Transportation, regarding the \$100 million funding available through the Transportation Alternatives Program (TAP) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ); and information on how to register and apply for the grants to Commissioner of Public Works Louis V. Caforio, Highway Superintendent Chester Kupiec, and Deputy Commissioner of Public Works for Environmental Services Daniel A. Schofield.

Carried.

6. Moved by Augustini, seconded by Bertoni to approve the E-mail from Mark Goldman, American Cruisers Car Club Committee Member, requesting use of Highland Park and waiver of fees for their Annual "Cars at Highland Park" custom car show benefitting local Veterans and their families; to be held on June 9, 2018 from 8:00 AM to 4:30 PM and refer it to Town Attorney Alan J. Pope, Commissioner of Public Works Louis V. Caforio and Parks Manager Ray Vanderpoel.

Carried.

7. Moved by Augustini, seconded by Bertoni to approve the E-mail from Darryl Jensen, The Boys & Girls Club of Western Broome Family Center, requesting free swimming for 30 children on July 13, 2018 due to the closure of George F. Johnson Park for the Sertoma Swim meet and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Ray Vanderpoel.

Carried.

8. Moved by Augustini, seconded by Bertoni to approve the E-mail from Jeffrey Hontz, Assistant Fire Chief 29B, West Corners Fire District, outlining the plan for their 100th



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Anniversary celebration to be held on August 25, 2018 and requesting road closures for a parade and permission to use town property for a firework display and refer it to Town Attorney Alan J. Pope, Commissioner of Public Works Louis V. Caforio and Town Clerk Leonard J. Perfetti.

Carried.

9. Moved by Augostini, seconded by Bertoni to refer the E-mail from Broome County Sheriff David Harder regarding a complaint received regarding the condition of Choconut Center Park, due to poor maintenance to Commissioner of Public Works Louis V. Caforio and Parks Manager Ray Vanderpoel.

Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

(Prepared Resolution filed as part of these minutes authorizing a change in the date for the Town Board meeting of July 11, 2018 to July 18, 2018 at 7:00 P.M. Work Session will be at 5:30 P.M.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing the Town of Union to enter into a grant writing agreement with Elan Planning/Design/Landscape Architecture, PLLC, in an amount not to exceed \$2,500.00 to complete and submit the CFA to NYS for the construction of the 17C Sports Complex/ Glendale Park Pedestrian Access Bridge; and to authorize Economic Development Director Joseph Moody, and/or Thomas Augostini, as Parks, Recreation & Environmental Committee Chairperson, to sign all necessary documents in accordance with the proposal and in submission of the grant application to NYS. Funding for grant writing services and matching funds would come from the Part-Town fund.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing the Supervisor to execute the following updated document for the NY Rising program:

Refuse Garage Project – Updated Duplication of Benefits Form to reflect the addition of \$450,000.00 of Town of Union CDBG-DR funding to support the project.)

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

Vote: All yes.



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(Prepared Resolution filed as part of these minutes to award the contract for Demolition and Site Clearance – 29 Fifth Street, Johnson City and 1205 Catherine Avenue, Endicott – Town of Union FFY2017 CDBG Program to LCP Group, Inc. for their low bid prices of \$9,400.00 for 29 Fifth Street, Johnson City and \$9,400.00 for 1205 Catherine Street, Endicott; and authorize the Supervisor to execute the said contract.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing the purchase of a new 2018 Caterpillar Weiler W330 Road Widener from Milton CAT for a price of \$123,500.00 per NJPA052417-WLR.)

Res. by Bernardo, seconded by Mack.
The Resolution was adopted.

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing the purchase of a new 2018 Caterpillar 320 Excavator from CAT for a price of \$209,923.00 minus trade in \$70,000.00 net difference being \$139,923.00 per NY OGS contract PC66988 NJPA-032515 CAT. Trade in will be F-121, a 2007 Caterpillar 320D Excavator.)

Res. by Bernardo, seconded by Mack.
The Resolution was adopted.

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing the purchase of a new 2018 Caterpillar CW16 Pneumatic Compactor Rubber Tire Roller from CAT for a price of \$94,840.00 minus trade in \$12,000.00 net difference being \$82,840.00 per NY OGS contract PC66988 NJPA Group 40625 – award 22792. Trade in will be F-120, a 2007 Ingersoll Rand PT125 Rubber Tire Roller.)

Res. by Bernardo, seconded by Mack.
The Resolution was adopted.

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing the Town of Union to enter into an agreement with Century Link (One Connect) to upgrade Phone & IT Equipment; and authorize Supervisor Rose A. Sotak to execute the said agreement, decreasing the monthly payment from \$1,444.69 to \$977.56 for a total monthly savings of \$467.13.)

Res. by Bernardo, seconded by Mack.
The Resolution was adopted.

Vote: All yes.

HEARING OF VISITORS:

Paul Gonzalez, 508 June Street, Endicott, said he was happy that there is finally good news regarding the EJ building at 1 N. Page Avenue.



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Councilman Frank J. Bertoni said it was a long process, but the County finally has a Resolution on their agenda to sell the property to National Pipe and Plastics. He spoke about the demolition and the forthcoming project to be built by National Pipe and Plastics.

Councilman Thomas R. Augostini said the biggest hurdle was the court battle and he applauds Town Attorney Alan J. Pope and Deputy Town Attorney Kurt D. Schrader for the great work done on this project.

Bob Oppici, American Cruiser Car Club, spoke on the upcoming event this weekend at Highland Park and the success they have had over the last two years raising money for our local veterans. He presented the certificate of insurance to Town Clerk Leonard J. Perfetti

As no one else wished to speak, Supervisor Rose A. Sotak 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 LCD Minutes – April 19, 2018.
 2. Permits Report – April 2018.
 3. Town of Union Zoning Board of Appeals Decision – David McDonough, 1660 Union Center Maine Highway, Endicott. Application # 2017-019.
 4. Town of Union Planning Department Decision – Site Plan Approval – Centerline Communications LLC, T-Mobile Generator T-Mobile Site 2EA2095A, 1190 Robinson Hill Road, Endwell, Tax Map # 126.04-1-5.
 5. Town of Union Planning Department Decision – Site Plan Approval – T-Mobile Microwave Dish Installation Site ID Number: 3BRS009C, 7 N. Seward Avenue, Endwell, Tax Map # 141.20-8-8.2.
- Carried.

Councilman Thomas R. Augostini congratulated Robert Brady, who was in attendance this evening, on receiving the Sertoma Service of Mankind Award from the Endicott Sertoma Club, recognizing him for his involvement with many community services.



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ADJOURNMENT:

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

The meeting was adjourned at 7:45 P.M.

LJP/bk

Leonard J. Perfetti,
Town Clerk