



Town Clerk
Gail L. Springer, RMC

Town of Union

Town Board
Rose A. Sotak, *Supervisor*
Thomas R. Augostini, *Councilman*
Frank J. Bertoni, *Councilman*
Leonard J. Perfetti, *Councilman*
Robert Mack, *Councilman*

TOWN OF UNION BOARD MEETING

February 15, 2017

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, February 15, 2017 at 7:30 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 Leonard J. Perfetti, Councilman Robert Mack.

TOWN OFFICIALS PRESENT: Deputy Town Attorney Kurt D. Schrader, Town Clerk Gail L. Springer, Deputy Town Clerk Rebecca Kruczkowski.
Absent: Town Attorney Alan J. Pope.

Also in attendance were Zoning Board of Appeals member Giuseppe Roberto, Former Town Supervisor John Bernardo, Village of Johnson City Mayor Greg Deemie, Village of Endicott Trustees David Baker and Eileen Konecny.

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

PUBLIC HEARINGS: None.

BIDS:

Bids were called for on Monday, February 6, 2017 at 10:00 A.M. for Concession Supplies – Food Items.

No bids were received.

Bids were called for on Monday, February 6, 2017 at 10:00 A.M. for Concession Supplies – Ice Cream.

No bids were received.

Bids were called for on Monday, February 6, 2017 at 10:00 A.M. for Concession Supplies – Soda/Water/Sports Drinks/Juice.



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No bids were received.

Bids were called for on Monday, February 6, 2017 at 10:00 A.M. for Pool Supplies – Dry Chlorine Tablets.

Bids were received as follows:

Amrex Chemical Co., Inc. \$ 118.85 per 55 Lb. Container Delivered
No bid - per 100 Lb. Container Delivered

21st Century Pools \$ 130.50 per 55 Lb. Container Delivered
No bid - per 100 Lb. Container Delivered

Moved by Augustini, seconded by Mack to receive and file the bids for Pool Supplies – Dry Chlorine Tablets.
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, February 1, 2017.
Carried.

HEARING OF VISITORS:

David Baker, Village of Endicott Trustee, congratulated the Board on getting the grant for the LED street lighting project. He said the Village of Endicott wants to be involved in the review of the bids that were received and in the awarding decision because some of the lights involved are owned by the Village of Endicott.

Supervisor Rose A. Sotak said Councilman Augustini has worked long and hard on this project.

Councilman Thomas R. Augustini said they are a long way away from awarding this project.

Paul Gonzalez, 508 June Street, Endicott, said many thanks goes out to the Union Endicott High School students who put on a spaghetti dinner fundraiser for Veterans at the American Legion Post 82. He said they did a great job.

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



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COMMUNICATIONS FOR FILING:

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

1. Letter from Joan K. Spilman, Field Office Director U.S. Department of Housing and Urban Development in reference to the Single Audit Report for the Fiscal Year Ended December 31, 2015, CDBG Program, Section 8 Housing Choice Vouchers.
2. Letter from Gerry Geist, Executive Director, The Association of Towns of the State of New York regarding the Governor's new "Countywide Shared Services Property Tax Savings Plans" and encouraging the State Legislature and Governor of the importance and value of towns and home rule.
3. Letter from Kevin McLaughlin, Executive Director, The Agency Broome County IDA/LDC, to Supervisor Rose A. Sotak, in regards to a check in the amount of \$39,033.69 received by the Town of Union under the PILOT Agreement with the Millennium Pipeline Company, LLC dated September 6, 2007, which included the County's portion of \$27,291.19.
4. Minutes of the Regular Meeting and Work Session of the Board of Trustees of the Village of Johnson City held on January 17, 2017.
Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augustini, seconded by Bertoni to refer the Notice of Foreclosure – Bank of America, N.A., Plaintiff, vs Debra George, aka Debra J. George, 203 Bermond Avenue, Endicott to Town Attorney Alan J. Pope and Planning Director Paul A. Nelson.
Carried.
2. Moved by Augustini, seconded by Bertoni to refer the letter from Cheryl Sacco, Binghamton, and Davis Vallone, Endicott, to the Town Board requesting authorization to restore the Amos Patterson Cemetery near Washingtonian Hall on River Road, Endicott. It is their intention to raise funds and volunteers to restore and preserve this cemetery and they have no expectation that this project will require any funds from the Town to Commissioner of Public Works Louis V. Caforio.
Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:



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(Prepared Resolution filed as part of these minutes to approve the Town of Union Drug and Alcohol Testing Policy revised to current 49 CFR Part 40, DOT-wide regulations. The Town attorney has reviewed the policy.)

Res. by Mack, seconded by Bertoni.

Vote: All yes.

The Resolution was adopted.

Moved Mack, seconded by Bertoni to approve the attendance of Rebecca Kruczkowski, Deputy Town Clerk, at the New York State Town Clerks Association Conference; April 23 - 26, 2017 in Rochester, New York; approval is for registration, accommodations, meals and estimated shared mileage in accordance with Town approved guidelines not to exceed \$945.00.

Carried.

Moved by Mack, seconded by Bertoni to approve the following employees, who expressed an interest, for CPR AED Training by the Union Volunteer Emergency Squad with the \$30.00 per person cost paid by the Town. The first of three classes is scheduled to begin on 2/16/17 from 12:30-2:30 PM with subsequent classes scheduled on 2/23/17 and 3/2/17. Employees will be notified of their scheduled class.

Justin Hoover, Bryan Mastroianni, Tyler Maguire, William Maguire, Nick Bidwell, Tim Bidwell, Arlene Green, Stephen Lerche, Grayson Burlingame, Sara Zubalsky-Peer, Jim Hunsinger, Ralph Stephens, Ray Vanderpoel, Michael Burlingame, Paul Thompson, Philip Rea, Sr., William Armstrong, Scott Cramer, Marina Lane, Barb Powell, Veronica Gorman, Kenneth Jennison, Philip Rea, Jr., Jim Covello, David Kirch, and Sheila Daino.

Carried.

Resolution to accept and place on file at the Clerk's Office the Executive Summary Report of Investigation of Supervisor Rose A. Sotak dated February 7, 2017 prepared by Special Counsel Paul J. Sweeney.

This Resolution was held over under the rule by Supervisor Rose A. Sotak.

Resolution to self-report and to forward to the Town's insurance carrier the Executive Summary Report of Investigation of Supervisor Rose A. Sotak dated February 7, 2017 prepared by Special Counsel Paul J. Sweeney.

This Resolution was held over under the rule by Supervisor Rose A. Sotak.

Resolution to confirm the prior confidential memo to department heads and to continue with the directive that department heads will have a Council Member, or a Council Member's



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designee, present for any meetings the department heads may have with Supervisor Rose A. Sotak.

This Resolution was held over under the rule by Supervisor Rose A. Sotak.

Resolution to approve the retention of the law firm of Coughlin & Gerhart, LLP (Paul J. Sweeney, Esq.) as separate legal counsel to perform legal research and to report on the legal issues involved in a potential proceeding to remove Supervisor Rose A. Sotak as the Supervisor of the Town of Union pursuant to Public Officers Law section 36, and for Town Attorney Alan J. Pope to execute said retainer agreement.

This Resolution was held over under the rule by Supervisor Rose A. Sotak.

(Prepared Resolution filed as part of these minutes to institute a new complaint reporting system utilizing an outside HR consultant to investigate and respond to future personnel complaints against any elected officials, which reporting system will be developed by the Town Attorney and presented to the Town Board.)

Res. by Mack, seconded by Bertoni.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to implement and provide anti-harassment workplace training to the Supervisor, Town Council and other Town Employees at dates and times to be determined by the Employees Committee.)

Res. by Mack, seconded by Bertoni.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to re-affirm the Town Council's commitment to anti-harassment of all Town employees and commitment for workplace respect for all Town employees, and to have the Town Attorney review and update all policies regarding the same.)

Res. by Mack, seconded by Bertoni.

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, March 1, 2017 at 7:30 P.M. to consider Proposed Changes to Chapter 300 – Zoning, and refer it to the Code Enforcement Office to make all necessary referrals to the Broome County Planning Department under General Municipal Law Section 239-l and –m, and to the Planning Board for an advisory opinion.)

Res. by Bertoni, seconded by Perfetti.

Vote: All yes.

The Resolution was adopted.



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(Prepared Resolution filed as part of these minutes to award the bid for Pool Supplies - Dry Chlorine Tablets to Amrex Chemical Co., Inc., Binghamton, for their low bid price of \$118.85 per 55 lb. container delivered.)

Res. by Perfetti, seconded by Augustini.

Vote: All yes.

The Resolution was adopted

(Prepared Resolution filed as part of these minutes authorizing the Town of Union Supervisor to sign a Memorandum of Understanding regarding a \$25,000.00 cash contribution from Broome County to be applied toward the local share of the \$75,000.00 cash match for the NYSDOS Chugnut Trail Extension Architectural Design Services \$150,000.00 project; subject to approval by Town Attorney Alan J. Pope.)

Res. by Bertoni, seconded by Augustini.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to amend the contract with Boland's Excavating & Topsoil, Inc. for the Patterson Creek Stream Bank Restoration project through September 29, 2017. This extension is necessary due to the expected delay in issuance of the Notice to Proceed from the Governor's Office of Storm Recovery. The contractor has not been able to start the work due to high volume of water currently flowing through the creek. Authorization to include Supervisor Rose A. Sotak to sign agreement; subject to approval by Town Attorney Alan J. Pope.)

Res. by Bertoni, seconded by Augustini.

Vote: All yes.

The Resolution was adopted.

Moved by Augustini, seconded by Mack to authorize the attendance of Chester Kupiec, Highway Superintendent, to the 2017 Grass Roots Advocacy Campaign for Local Roads and Bridges through the NYS Association of Town Superintendents of Highways on March 8, 2017 in Albany, New York. Authorization to include use of a Town vehicle.
Carried.

(Prepared Resolution to notice and serve a Notice of Hearing pursuant to the Eminent Domain Law for property located at 4301 Watson Boulevard (portion of Tax Map # 142.02-1-19) of approximately 5,600 square feet at and along Watson Boulevard, Endwell, New York, which said Hearing shall be scheduled for March 15, 2017 at 7:30 P.M. at the Town of Union Town Hall, and to authorize the Town Attorney to serve all required notices.)

Res. by Augustini, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

Councilman Thomas R. Augustini explained that this is for the extension of the floodwall in Fairmont Park.



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(Prepared Resolution filed as part of these minutes to authorize the Town of Union Supervisor to sign the Empire State Development Southern Tier Regional Office \$368,632.00 Grant Incentive Award Letter for the flood gate closure and flood wall extension project for the estimated \$994,847.00 project located at 4301 Watson Boulevard, Johnson City, NY. Subject to approval of Town Attorney Alan J. Pope.)

Res. by Augustini, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

HEARING OF VISITORS:

Heather Staley, 309 W. Main Street, Endicott, asked where the money is coming from to pay for the attorney in this lawsuit, how long will he be retained and how she could obtain a copy of the summary report.

Deputy Town Attorney Kurt D. Schrader said there is not a lawsuit filed as of now, but an investigation has been done and it is undetermined how long the attorney will be on retainer. He also said she should file a Freedom of Information request for the record.

Supervisor Rose A. Sotak said tax payer's money is being used.

Debra Guerin, 107 N. Wills Avenue, Endwell, asked for help from the Board to clean up a house at 2803 Watson Boulevard, Endwell that has had numerous drug overdoses. She presented pictures and a video to the Board for review.

Councilman Robert Mack said they are looking into this property under the Town's new Lock Down Law.

Todd McCarthy, 602 Ventura Boulevard, Endwell, asked about the timeline of this investigation - how and when it started and when Supervisor Rose A. Sotak was notified of the investigation.

Deputy Town Attorney Kurt D. Schrader explained the process.

Councilman Frank J. Bertoni explained that a complaint was received by the Employee's Committee which was then referred to Town Attorney Alan J. Pope. The Town Attorney may have been a possible witness to a situation or been involved in the investigation which then determined that an outside firm should be attained for an unbiased review for the report.

Kenneth Del Bianco, 3622 Matthews Drive, Endwell, asked how board meetings, work sessions and executive sessions are advertised. He further said the last three Resolutions on tonight's meeting should be already in place and ongoing annually.



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Town Clerk Gail L. Springer said all meetings are advertised on the bulletin board and the Town website.

Councilman Thomas R. Augostini said the workplace violence training is done annually by the Deputy Commissioner of Public Works for Environmental Services.

Bridget Kane, 39 Jane Lacey Drive, Endicott, asked for an explanation on how the hold process works and how the person the Resolution pertains to can be the one requesting the hold.

Councilman Thomas R. Augostini said that the Town follows the Robert Rule of Order that is adopted at the Reorganizational Meeting. He explained that under the rules, any Board member can hold over any item, at which time, it will be automatically carried over the next Board meeting. The item held over cannot be held over again, but it can be tabled. He further explained that if the item is tabled, an explicit length of time must be determined for the table and it must be by a majority agreement.

Heather Staley, 309 W. Main Street, Endicott, asked Supervisor Rose A. Sotak if she was responsible for her own attorney fees.

Supervisor Rose A. Sotak said this was undetermined at this time.

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 Clerk Monthly Report – January 2017.
2. Building and Code Enforcement Annual Report to New York State - 2016
3. Permits Report – January 2017.

Carried.

At this time, Councilman Frank R. Bertoni stated he wanted it to be on record that he is opposed to the Resolutions being held over and that the Board has an obligation to protect the employees.



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ADJOURNMENT:

Motion by Perfetti, seconded by Augostini to adjourn the meeting.
Carried.

The meeting was adjourned at 8:18 P.M.

GLS/bk

Gail L. Springer, RMC
Town Clerk