



**Town Clerk**  
Gail L. Springer, RMC

# Town of Union

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

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## TOWN OF UNION BOARD MEETING

March 1, 2017

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, March 1, 2017 at 7:30 P.M. in the Town Board Room, 3111 East Main Street, Endwell, New York.

**BOARD MEMBERS PRESENT:** Town Supervisor Rose A. Sotak, Councilman Thomas R. Augustini, Councilman Frank J. Bertoni, Councilman Leonard J. Perfetti, Councilman Robert Mack.

**TOWN OF PRESENT:** Town Attorney Alan J. Pope, Deputy Town Attorney Rosemarie Pope, Town Clerk Gail L. Springer, Deputy Town Clerk Rebecca Kruczkowski, Deputy Commissioner of Public Works for Safety & Environmental Services Daniel Schofield.

Also in attendance were Broome County Executive Jason Garner, Deputy County Executive Kevin M. McManus, County Chief of Staff Ben Lainhart, Johnson City Village Clerk Cindy Kennerup, Village of Endicott Trustee Eileen Konecny, Zoning Board of Appeals member Giuseppe Roberto.

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

At this time, Supervisor Rose A. Sotak welcomed Broome County Executive Jason Garner and his staff members to the meeting and invited him to speak.

Broome County Executive Jason Garner introduced his team and stated that they are visiting municipalities in the County and recapping his State of the County address. He gave an overview of his four major concerns in the County – Finances, Heroin/Opioid epidemic, the Airport and jobs.

Finance – He is worried about fund balance. The County is under a strict hiring freeze unless it is for a safety reason. He further said there are no approvals for travel, unless mandated by the State.

Heroin/Opioid Epidemic - He said his team is diligently addressing this problem. The Public Health Director is now in charge of the Drug Task Force and they are advocating with the State for establishing long-term drug treatment facilities and programs. He said Broome County has the highest property theft crime rate in the State and relates 75% percent of the overall crimes in Broome County to drugs.



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Airport - He stated that the ability to shop around for flights at a better price; the lack of businesses traveling to and from Broome County, along with the shortage of pilots has taken a toll on the airport. He said they are working on developing the land around the airport as an industrial park, thus bringing in jobs and uses for flights. He also said they are working on replacing the carriers with different kinds of services, such as what Allegiant Air provides out of the Elmira Airport.

Jobs - He said they are working with Broome County IDA on bringing Dick's Sporting Goods in. He further said that there are 1500 jobs in Broome County to be filled, but no skilled workers to fill them. He is working on developing workforce training to link employees to the skills to fill these jobs. He suggested looking at vocations instead of college degrees.

Broome County Executive Jason Garner took questions from the audience and thanked the Board for allowing him to come to the meeting this evening.

### PUBLIC HEARINGS:

A Public Hearing was called for on Wednesday, March 1, 2017 at 7:30 P.M. to consider amending Chapter 88 – Unsafe Buildings and Chapter 155 – Property Maintenance. Pub. & Posted 2/24/17.

Town Attorney Alan J. Pope explained the Public Hearing and the need for these changes.

Fred Montebone, 405 N. Page Avenue, Endicott, asked if the changes would help in tearing down the Endicott Johnson building on Page Avenue.

Town Attorney Alan J. Pope explained the status of the building.

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

(Prepared Resolution filed as part of these minutes to declare the local law amending Sections 60.6.1, 60.7 and 69.3 of Chapter 300 of the Town of Union Code of Ordinances, an Unlisted Action under SEQRA; and to make a Negative Declaration under SEQRA, per evaluation of submitted short Environmental Assessment Form, Broome County's 239-Review recommendation, and the Planning Board's Advisory Opinion.)

Res. by Bertoni, seconded by Augustini.

Vote: All yes.

The Resolution was adopted.

A Public Hearing was called for on Wednesday, March 1, 2017 at 7:30 P.M. to solicit public input to amend Sections 60.6.1, 60.7 and 69.3 of Chapter 300 of the Town Code of Ordinances.

Pub. & Posted 2/23/17.



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Town Attorney Alan J. Pope explained why the Resolution was voted on prior to the Public Hearing.

As no one else wished to speak, Supervisor Rose A. Sotak closed the second Public Hearing.

### BIDS:

Bids were called for on Wednesday, February 15, 2017 at 10:00 A.M. for Town of Union Street Lighting Replacement Project.

Bids were received as follows:

Diekow Electric, Inc.	\$3,227,500.00
Power Line Constructors, Inc.	\$3,475,185.00
NELCORP Electrical Contracting Corp.	\$3,540,375.00
Stilsing Electric, Inc.	\$4,308,974.00
Binghamton Road Electric, LLC	\$5,079,166.00

Moved by Augostini, seconded by Bertoni to receive and file the Bids for Town of Union Street Lighting Replacement Project.  
Carried.

Bids were called for on Wednesday, February 22, 2017 at 10:00 A.M. for Logan Field Improvements, 900 Watson Boulevard, Village of Endicott, New York, Town of Union CDBG Program.

Bids were received as follows:

Whitmore Fence Company	\$ 38,729.00
Budget Fence Inc.	\$ 46,420.00
New York State Fence, Inc.	\$ 47,314.00
Reliance Fence Company, Inc.	\$ 54,900.00
Nelson & Streeter Construction Co. Inc.	\$115,318.00

Moved by Augostini, seconded by Bertoni to receive and file the Bids for Logan Field Improvements, 900 Watson Boulevard, Village of Endicott, New York, Town of Union CDBG Program.  
Carried.

### APPROVAL OF MINUTES:

Moved by Augostini, seconded by Bertoni to approve the Minutes of the Regular Town of Union Board meeting held on Wednesday, February 15, 2017 and the Work Session held on Friday, February 17, 2017.



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Vote: Yes  
Augostini  
Perfetti  
Mack  
Sotak  
No  
Bertoni

Carried.

Supervisor Rose A. Sotak wants it to be noted that under the second Hearing of Visitors she asked "can taxpayer money be spent, and before Deputy Kurt Schrader said to Heather Staley to file a Freedom of Information request for the record, he said it was a public record".

### HEARING OF VISITORS:

Todd McCarthy, 602 Ventura Boulevard, Endwell, spoke on executive sessions and the New York State Open Meetings Law.

Town Attorney Alan J. Pope said the Hearing of Visitors is not a time for debates but a time to bring up issues to the Board to be discussed and then directed to the correct departments to remedy.

Mark Jaros, 701 Paden Street, Endicott, presented pictures to the Board of National Pipe and Plastics and complained about the order and storage of pipes.

Town Attorney Alan J. Pope suggested Mr. Jaros highlight the area in question on the site plan map and we will have Deputy Commissioner of Public Work for Codes and Ordinances Daria Golazeski or Senior Planner Marina Lane look at it.

Heather Staley, 309 Main Street, Endicott, asked questions regarding the payment for the investigation of Supervisor Sotak.

Town Attorney Alan J. Pope said the Retainer Agreement is a public record and can be obtained by filing a Freedom of Information request.

Tom Latini, 3117 Robins Street, Endwell, asked if tickets are issued when people park on the streets with more than 2 inches of snow.

Town Attorney Alan J. Pope explained the procedure of ticketing after 2 inches of snow and who is authorized to do the ticketing. He also said the tickets go to the Town Court and they are non-negotiable.



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Councilman Robert Mack said he will discuss the ticketing with the Highway Superintendent.

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. Letter from Chester Socha, Jr., Johnson City, to Chet Kupiec, Highway Superintendent, thanking him for a job well done in removing tree branches from Kot Road after a recent storm.
2. Email from Adrian Arnold, Newell Rd., Endicott, commenting how pleased she was to see the Town street sweeper come by.
3. Letter from Frank Evangelisti, Director, Broome County Department of Planning and Economic Development, regarding Review Pursuant to 239-l and -m of the General Municipal Law – Project: Zoning Text to amend Sections 60.6.1, 60.7 and 69.3 of Chapter 300 of the Town Code of Ordinances and the recommendation from the Town of Union Planning Board.
4. Minutes of the Regular Meeting and Work Session of the Board of Trustees of the Village of Johnson City held on February 7, 2017.  
Carried.

### COMMUNICATIONS FOR ACTION:

1. Moved by Augustini, seconded by Bertoni to refer the letter from Thomas D. Seaman, Lippman O'Connor, Staff Counsel Office of Selective Insurance Company of America to Supervisor Rose A. Sotak in reference to claimant – Antonio Lambiase for an accident on 7/21/2016 to Town Attorney Alan J. Pope and Commissioner of Public Work Louis V. Caforio.  
Carried.
2. Moved by Augustini, seconded by Bertoni to refer the Notice of Decision & Order – Town of Union and Village of Johnson City, vs. Time Warner Entertainment – Advance/Newhouse Partnership d/b/a Time Warner Cable to the Town Board and Town Attorney Alan J. Pope.  
Carried.

PETITIONS:           None.



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## COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

(Prepared Resolution filed as part of these minutes 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.)  
Res. by Mack, seconded by Bertoni.

Vote: Yes.  
Augustini  
Bertoni  
Mack  
Perfetti  
Vote: No.  
Sotak

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes 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.)  
Res. by Mack, seconded by Bertoni.  
The Resolution was adopted.

Vote: All yes.

(Prepared Resolution filed as part of these minutes 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 designee, present for any meetings the department heads may have with Supervisor Rose A. Sotak.)  
Res. by Mack, seconded by Bertoni.

Vote: Yes.  
Augustini  
Bertoni  
Mack  
Perfetti  
Vote: No.  
Sotak

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes 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.)  
Res. by Mack, seconded by Bertoni.

Vote: Yes.  
Augustini  
Bertoni



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Mack  
Perfetti  
Vote: No.  
Sotak

The Resolution was adopted.

Moved by Augustini, seconded by Mack to approve the following 2017 Budget Transfers:

Decrease:	31 5142 4128	Calcium Chloride	\$12,000.00
Increase:	31 5142 4129	Rock Salt	\$12,000.00
Decrease:	10 1990 4611	Miscellaneous Contingency	\$ 3,936.00
Increase:	10 8745 4512	Flood & Erosion Control Prof. Services	\$ 3,936.00

Carried.

(Prepared Resolution filed as part of these minutes to approve the following alternate signatures to the Town of Union checking accounts at JPMorgan Chase Bank, Key Bank, and M&T Bank and approve the digitalization of such through Broome-Tioga BOCES at the cost of \$450.00.

Leonard J. Perfetti, Deputy Supervisor  
Gretchen Uhler, Deputy Comptroller)

Res. by Augustini, seconded by Mack.

Vote: Yes.  
Augustini  
Bertoni  
Mack  
Perfetti  
No.  
Sotak

The Resolution was adopted.

(PREPARED RESOLUTION FILED AS PART OF THESE MINUTES AUTHORIZING THE RESURFACING OF PARKING LOTS IN AND FOR THE TOWN OF UNION, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$36,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$36,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.)

Res. by Augustini, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

(PREPARED RESOLUTION FILED AS PART OF THESE MINUTES AUTHORIZING THE PURCHASE OF REFUSE TRUCKS FOR THE TOWN OF UNION, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$449,380 AND AUTHORIZING, SUBJECT



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TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$449,380 BONDS OF SAID TOWN TO PAY THE COST THEREOF.)

Res. by Augustini, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

(PREPARED RESOLUTION FILED AS PART OF THESE MINUTES AUTHORIZING THE PURCHASE OF HEAVY EQUIPMENT AND MACHINERY IN AND FOR THE TOWN OF UNION, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$445,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$445,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.)

Res. by Augustini, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

(PREPARED RESOLUTION FILED AS PART OF THESE MINUTES AUTHORIZING THE RECONSTRUCTION AND RESURFACING OF ROADS IN AND FOR THE TOWN OF UNION, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$600,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$600,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.)

Res. by Augustini, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

(PREPARED RESOLUTION FILED AS PART OF THESE MINUTES AUTHORIZING DRAINAGE IMPROVEMENTS IN AND FOR THE TOWN OF UNION, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$50,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$50,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.)

Res. by Augustini, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

(PREPARED RESOLUTION FILED AS PART OF THESE MINUTES AUTHORIZING IMPROVEMENTS TO CURBS, GUTTERS AND SIDEWALKS, IN AND FOR THE TOWN OF UNION, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$275,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$275,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.)

Res. by Augustini, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

(PREPARED RESOLUTION FILED AUTHORIZING THE ISSUANCE OF \$116,599 BONDS OF THE TOWN OF UNION, BROOME COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS PURPOSES IN AND FOR SAID TOWN.)





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

Vote: All yes.

(PREPARED RESOLUTION FILED AS PART OF THESE MINUTES TO CALL FOR A PUBLIC HEARING TO BE HELD ON WEDNESDAY, MARCH 15, 2017 at 7:30 PM FOR THE PROPOSED TOWN OF UNION, BROOME COUNTY, NEW YORK SEWER SYSTEM IMPROVEMENTS.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to authorize Supervisor Rose A. Sotak to sign the Office of the State Comptroller, Justice Court Fund Certification Form to certify that the report of Justice John A. Black for the month of January 2017 transmitted electronically on 2/22/17 is a true and complete record of the activity of the court for that period. A check for the amount of \$1,342.00 has been received by the Comptroller's Office of the Town of Union on 2/17/17.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to amend Chapter 88 – Unsafe Buildings and Chapter 155 – Property Maintenance of the Town of Union Code.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to award the contract for the Logan Field fencing replacement project to the low bidder Whitmore Fence Co., Inc., 126 North St., Dryden, NY, in an amount not to exceed \$38,729.00. Final payment will be based upon material placed and measured.)

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

Vote: All yes.

Moved by Bertoni, seconded by Augostini to authorize the attendance of Section 8 caseworkers Linda Hrostowski and Michele Bennett at the Housing Pro software training conference in Saratoga Springs, New York from June 5-7, 2017. Authorization to include registration fees of \$495.00 per attendee, per diem meals, 2 nights (per person) hotel at \$199.00 and use of a Town vehicle. This software is used to track all of the Section 8 Housing Choice Voucher Program clients. Funding for this training is available through the Section 8 program Administrative Fee reserve fund and will have no impact on the Town general fund.

Carried.



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(Prepared Resolution filed as part of these minutes to approve Change Order #1, North Loder Avenue Drainage Improvements Design Contract with Hulbert Engineering in an amount of \$10,712.00 and authorize Supervisor Rose A. Sotak to execute the Change Order. The new contract amount shall be \$53,617.00. Funds for this Change Order are available in the CDBG-DR budget.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to authorize the sale of the following properties, subject to a permissive referendum as follows:

26 Main St. Terrace, Johnson City

Crescent Academy, 1 Endicott Ave., Johnson City, NY 13790 – Sale Price - \$5,000

3799 Sally Piper Rd., Endwell

Dick and Jenna Dino, 3785 Sally Piper Rd., Endwell, NY 13760 – Sale Price \$8,000

The Supervisor or Town Attorney are authorized to execute contracts and any other documentation required for the sale of said properties.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to award the Bid for Town of Union Street Lighting Replacement Project to Diekow Electric, Inc. for their bid price of \$3,227,500.00.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to authorize the use of (\$3,936.00) from budget line item #10-8745-4512 Flood & Erosion Control Professional Services to pay the (\$250.00) grant application fee, and (\$3,686.00) 1% commitment fee, for the \$368,632.00 grant awarded to the Town of Union by Empire State Development Southern Tier Regional Office for the floodgate closure and floodwall extension project for the estimated \$994,847.00 project located at 4301 Watson Boulevard, Johnson City, NY.)

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

Vote: All yes.

### HEARING OF VISITORS:

Todd McCarthy, 602 Ventura Boulevard, Endwell, spoke again on the Open Government Law.

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



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## 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 Planning Board Minutes and Testimonies – January 17, 2017.
2. Union Volunteer Emergency Squad 2016 4th Quarter Reports.  
Carried.

At this time, Councilman Robert Mack apologized for not recognizing the employees who signed up for the AED/CPR training at the last Board meeting. He said this is a testament of the good employees we have here at the Town.

## ADJOURNMENT:

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

The meeting was adjourned at 8:55 P.M.

GLS/bk

Gail L. Springer, RMC  
Town Clerk