



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

September 6, 2017

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, September 6, 2017 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, Town Clerk Leonard J. Perfetti, Deputy Town Clerk Rebecca Kruczkowski.

PUBLIC HEARINGS: NONE.

BIDS: NONE.

APPROVAL OF MINUTES:

Moved by Augostini, seconded by Bertoni to approve the Minutes of the Regular Town of Union Board meeting held on Wednesday August 9, 2017 and Special Board meeting held on Wednesday, August 23, 2017.

Vote: Yes

Sotak

Augostini

Bertoni

Mack

Abstain

Bernardo

Carried.

HEARING OF VISITORS:

Paul Gonzalez, 508 June Street, Endicott, said he has heard that the airport will be closing and will be made into an industrial park.



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Mike Holmes, 996 Taft Avenue, Endicott, spoke about his property that he purchased in 2005 that is now a wetland due to a drainage easement that has not been maintained by the Town. He asked where the Town stands on this and what is going to be done to help him and his neighbors with this problem.

Councilman Frank J. Bertoni said the Town has reached out to engineering firms to try to develop a plan for a solution to the problem. He further said that plans would be reviewed, and if acceptable, be submitted to the Army Corp of Engineers for approval.

Frank Roma, 327 Oak Hill Avenue, Endicott, spoke for his mother who resides at 620 N. Rogers Avenue, Endicott, regarding a tree problem she has with a neighbor and asked how the Town determines it is an ordinance issue.

Town Attorney Alan J. Pope explained that trees hanging over properties are a neighbor to neighbor issue and the Town does not get involved with that. He explained that the Town will only take care of the problem if it is a public nuisance; such as a tree hanging over a sidewalk or blocking a roadway.

Councilman Robert Mack said the home owner would have to put the neighbor on written notice that the trees are a problem and if the trees fall or damage your property, the neighbors would be responsible for the damages.

Mitch Curatolo, 1010 Autumn Drive, Endwell, reported that the hole on Northwood Drive has been filled and thanked the Board for staying on top of it. He also congratulated Councilman John M. Bernardo and welcomed him back.

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 James Gill, 425 Payne Road, Endicott, New York, commending Town Parks Department employee, Julie Beavers and Commissioner of Public Works Louis V. Caforio for their dedication and service to the Town and community.
2. Letters from Lora Zier, Senior Planner Broome County Department of Planning, and Donald L. Phillips, Chairman Zoning Board of Appeals of the Town of Chenango, in reference to Review Pursuant to Section 239-I & m of the General Municipal Law for 180 Dimmock Hill Road, Town of Chenango.



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3. Notification from Anthony Signorelli, P.E., New York State Department of Transportation Regional Traffic Engineer, regarding the addition of a traffic control device on Watson Boulevard, CR 56 from the north.
4. Notification from Scott Mastin, E.I.T., Engineer 1, Broome County Department of Public Works, regarding road closure due to Slope Stabilization Project on Middle Stella Ireland Road in the Town of Union from August 28, 2017 through October 31, 2017.
5. Notice from Brian F. Moon, Real Property Analyst 2, New York State Department. of Taxation & Finance, Office of Real Property Tax Services - Certificate of the Final State Equalization Rate for the 2017 Assessment Roll.
6. Email from Barbara K. West, Broome County Focus Group, regarding Notes & Summaries from the Health Starts at Home Summit on held August 15, 2017.
7. Letter from Alex Shubert, Manager-National Processing Center, ISO, Mt. Laurel, New Jersey, regarding Choconut Center Fpsa, Broome County, New York Upstate Public Protection Classification: 02/2X, Effective date: December 1, 2017.
8. Letter from Debra Toth, Animal Health Inspector, New York State Department of Agriculture and Markets, in reference to the satisfactory Dog Control Officer Inspection Report completed on August 17, 2017.
9. Petitions and Small Claims Petitions from July 17, 2017 to August 17, 2017 regarding reassessments filed with the Town Attorney, Town Clerk and Assessor.
10. Letter from Linda Holmes, 914 Vidka Lane, Endwell, NY commending two of the Town Highway employees, Chet Kupiec & Don Eskra on their excellent service.
11. Charter Communications Notice – August 31, 2017.
12. Union Center Fire Company, Inc. – Financial Statement – February 28, 2017.
13. Copy of a letter from Joe Chesna, Maine Endwell Little League President, to Broome County Executive, Jason Garner seeking assistance with expanded parking and upgrading the facilities at the Struble Road complex.
Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augostini, seconded by Bertoni to refer the Notice of Foreclosure – M&T Bank, Plaintiff, vs JEWELS OF JAVA, LLC, 400 North Street, Endicott, New York 13760 to Town Attorney Alan J. Pope, Comptroller Laura J. Lindsley and Planning Director Paul A. Nelson.
Carried.



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2. Moved by Augostini, seconded by Bertoni to refer the e-mail from Nick DiNunzio requesting a law be made forbidding vehicles over 5 tons from using Page Avenue to go to the National Pipe and Plastics entrance on Maple Street to Deputy Town Attorney Kurt Schrader and Commissioner of Public Works Louis V. Caforio.

Carried.

3. Moved by Augostini, seconded by Bertoni to refer the Notice of Claim - Antonio Lambiase, Plaintiff, vs Town of Union regarding an injury sustained on July 21, 2016 while working on Catherine Street, Endicott, New York to Town Attorney Alan J. Pope and the Town Insurance Carrier.

Carried.

4. Moved by Augostini, seconded by Bertoni to refer the 2018 Proposed Budget for the Choconut Center Volunteer Fire Company, Inc. to Comptroller Laura J. Lindsley.

Carried.

5. Moved by Augostini, seconded by Bertoni to refer the letter from Joseph Schaefer, 2800 Crescent Drive, Endwell, NY regarding damages resulting from a flooded basement from sewer backup on July 23, 2017 to Town Attorney Alan J. Pope and the Town Insurance Carrier.

Carried.

6. Moved by Augostini, seconded by Bertoni to approve the letter from Casey Adrian and Zoe Murray, Maine-Endwell High School Student Council Co- Presidents, requesting permission for the annual Homecoming Parade on Saturday, September 30, 2017, beginning at approximately 11:00 A.M. and ending at about 12:30 P.M. The route will be as follows: beginning at Brother's 2 Restaurant extra parking lot on North Knight Avenue, going down North Knight Avenue toward Watson Boulevard, turning left onto Watson, turning left onto Beckwith Avenue, turning right onto Country Club Road, turning left onto Hooper Road, turning right onto Farm-to-Market Road and ending at Maine-Endwell High School and refer it to Town Clerk Leonard J. Perfetti and Highway Superintendent Chester Kupiec.

Carried.

7. Moved by Augostini, seconded by Bertoni to approve the letter from Our Saviour Lutheran Church President, Gary W. Becker, requesting overflow parking at Highland Park on September 23, 2017 for their Mercy House Fundraiser and refer it to Commissioner of Public Works Louis V. Caforio.

Carried.

PETITIONS: NONE.



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COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

(Prepared Resolution filed as part of these minutes to approve the Supervisor's following Committee appointments:

Appoint John M. Bernardo to Chair the Parks, Recreation & Environmental Committee and appoint John M. Bernardo to the Laws & Legislation Committee.)

Res. by Mack, seconded by Bertoni.

Vote: Yes

Sotak

Augustini

Bertoni

Mack

Abstain

Bernardo

The Resolution was adopted.

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

Decrease:	31 5142 1040	Snow Overtime	\$ 200.00
Increase:	31 5142 4129	Salt	\$ 200.00
Decrease:	20 8120 2100	Office Furniture	\$ 250.00
Increase:	20 8120 4225	Cell Telephone	\$ 250.00

Carried.

(Prepared Resolution filed as part of these minutes to approve Change Order #1 in the amount of \$9,330.00 to the contract with G. DeVincentis & Son Construction for the Broad St. reconstruction contract and authorize the Supervisor or Deputy Supervisor to execute any and all documentation required to process said payment. This change was due to actual versus estimated quantities of various line items. The new contract amount is \$254,330.00. Funds are available in the CDBG FFY 2016 Village of Endicott Capital Improvement line.)

Res. by Bertoni, seconded by Augustini.

Vote: All yes.

The Resolution was adopted.

Moved by Bertoni, seconded by Augustini to authorize the attendance of Planning Director Paul A. Nelson to attend a HUD sponsored Section 8 Regional Roundtable meeting on September 19, 2017 in Syracuse; authorization to include lunch at the per diem town rate and use of a town vehicle.

Carried.

(Prepared Resolution filed as part of these minutes to approve Amendment #19 to the CDBG-DR Action Plan for Disaster Recovery which establishes a Program Income account and



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allocates program income generated by the CDBG-DR grant to various infrastructure projects and potential housing development activities on an as needed basis. The amendment also authorizes the transfer of funds from various budget lines to the N. Loder Ave. Drainage Improvement Project for Phase 2 construction.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to call for a Public Hearing on Wednesday, October 4, 2017 at 7:00 PM in order to receive comments on the town's Public Housing Agency (PHA) Annual Certification submission for "Qualified" PHAs for Fiscal Year beginning January 1, 2018.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve an extension of the construction contract with Vacri Construction through October 20, 2017. This extension is required due to weather and material testing delays.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing Supervisor Rose A. Sotak to sign the contracts and closing documents for the surplus property sales of 194 St. Charles Street, Johnson City, 68 Roberts Street, Johnson City, and 56 Cherry Street, Johnson City to Rajat Saha.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to authorize the purchase of One (1) new 2017 CAT 305.5E2 CR Mini Excavator through a Buy Back Program from CAT for a price of \$73,601.00 minus trade in \$68,201.00 net difference being \$5,400.00 per NYS OGS contract PC66988 NJPA-032515 CAT. F156 will be declared surplus for trade-in purposes. The new mini excavator would be paid out of the Highway Equipment Account.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve the Online Auction Contract from Auctions International and authorize Supervisor Rose A. Sotak to execute said contract.)

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

Vote: All yes.



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(Prepared Resolution filed as part of these minutes to approve the agreement with Broome County for the hosting of the Integrated Property System (IPS) (code enforcement software) on the Broome County System and authorization Supervisor Rose A. Sotak to execute the said agreement after review by the Town Attorney.)

Res. by Augustini, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to authorize the purchase of One (1) new 2017 CAT 938M 3V model Loader through a Buy Back Program from CAT for a price of \$168,500.00 minus trade in \$156,786.00, net difference being \$11,714.00 per NYS OGS contract PC66988 NJPA-032515 CAT. F155 will be declared surplus for trade-in purposes. The new Loader would be paid out of the Highway Equipment Account.)

Res. by Augustini, seconded by Mack.

Vote: All yes.

The Resolution was adopted.

HEARING OF VISITORS:

Heather Staley, 309 W. Main Street, Endicott, asked for clarification on the Town's code for business signs. She said she was cited for having a feather sign up one day longer than the 10 days allowed. She feels that the rules are inconsistent and unclear.

Councilman Frank J. Bertoni said the law is the law and it pertains to everyone.

Councilman Robert Mack said the Zoning and Planning Departments are who she should talk with to try to change the requirements for the rules. He further said he would talk to them to try to see if the 10 day rule could be extended for new businesses.

Supervisor Rose A. Sotak said she should also speak to Deputy Commissioner of Public Works for Codes Daria Golazeski.

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

1. Town of Union Planning Board Site Plan Approval -Taylor's Pizza & Sandwich Shoppe 3017 Watson Boulevard, Endwell, Tax Map # 141.20-3-46.



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2. Town of Union Planning Board Special Use Permit Approval - Taylor's Pizza & Sandwich Shoppe, 3017 Watson Boulevard, Endwell, Tax Map # 141.20-3-46.
3. Town of Union Planning Department Minor Site Plan Review - T-Mobile Temporary Microwave Dish, Site ID # 3BRS009C, 7 North Seward Avenue, Endicott, Tax Map # 141.20-8-8.2.
4. Town Clerk Monthly Report - July 2017.
5. Permits Reports - July 2017.
Carried.

At this time, the Town Board welcomed Councilman John R. Bernardo onboard.

ADJOURNMENT:

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

The meeting was adjourned at 7:52 P.M.

LJP/bk

Leonard J. Perfetti
Town Clerk