



Town Clerk  
Leonard J. Perfetti

# Town of Union

**Town Board**  
Richard A. Materese, *Supervisor*  
Thomas R. Augustini, *Councilman*  
Frank J. Bertoni, *Councilman*  
Sandra C. Bauman, *Councilwoman*  
Heather R. Staley, *Councilwoman*

## TOWN OF UNION BOARD MEETING

February 6, 2019

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, February 6, 2019 at 7:00 P.M. in the Town Board Room, 3111 East Main Street, Endwell, New York.

BOARD MEMBERS PRESENT: Supervisor Richard A. Materese, Councilman Thomas R. Augustini, Councilman Frank J. Bertoni, Councilwoman Sandra C. Bauman, Councilwoman Heather R. Staley.

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

Also in attendance was Johnson City Mayor Greg Deemie and Zoning Board of Appeals member Giuseppe Roberto.

Supervisor Richard A. Materese opened the meeting with the Pledge of Allegiance to the Flag.

### PUBLIC HEARINGS:

A Public Hearing on February 6, 2019 at 7:00 P.M. to consider amending Section 191-11.A Speed Regulations as follows:

Existing:

| <u>NAME OF STREET</u> | <u>SPEED LIMIT (MPH)</u> | <u>LOCATION</u>                         |
|-----------------------|--------------------------|---|
| Nanticoke Drive       | 40                       | NYS Route 26<br>North to Twist Run Road |

Proposed Change:

| <u>NAME OF STREET</u> | <u>SPEED LIMIT (MPH)</u> | <u>LOCATION</u>                          |
|-----------------------|--------------------------|--|
| Nanticoke Drive       | 30                       | NYS Route 26<br>North to Twist Run Road. |

Pub. & Posted: January 27, 2019



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John Visser, 111 Prospect Street, Endicott, said he travels Nanticoke Drive frequently and is in favor of the speed reduction. He also said the road is very dangerous with pedestrians walking along it and nowhere to pull over. He further said that the speed reduction will not be effective without enforcement.

Cheryl Poyneer, 1475 Nanticoke Drive, Endicott, said she has witnessed many accidents, some fatal, by her house and agrees that the current speed limit is too high. She said she has offered the State Police to use her driveway to sit for enforcement.

Supervisor Richard A. Materese said that the Town would ask for extra patrols on Nanticoke Drive if the speed reduction is approved.

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

A Public Hearing was called for on February 6, 2019 at 7:00 P.M. for input and comments regarding the Town instituting a three (3) month moratorium on solar installations, excepting residential roof installations, to allow the Town sufficient time to determine the appropriate revisions and amendments to its code and land use laws, and to complete the drafting of a solar ordinance.

Pub. & Posted: January 27, 2019

Bob Scepaniak, EMT Solar Works, 300 North Street, Endicott, said they are waiting to apply for a building permit on behalf of Traditions at the Glen to build a solar supply that will power all of Traditions. He said he was at the meeting to answer any questions anyone might have regarding the project.

Martin Patchett, 927 Farm to Market Road, Endwell, asked if the new ordinance includes regulations for roof installations.

Supervisor Richard A. Materese said the current code only includes roof installation regulations and that the new ordinance will include parameters for ground installations also.

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

BIDS:           None.

APPROVAL OF MINUTES:



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Moved by Augustini, seconded by Bertoni to approve the Minutes of the Regular Town of Union Board meeting held on Wednesday, January 16, 2019.  
Carried.

## HEARING OF VISITORS:

Roger Faling, 106 Bernetta Street, Endicott, asked the Board how they felt about the new legislations passed by the New York State Government regarding the budget, pay raises and the new abortion law.

Town Attorney Alan J. Pope said the Hearing of Visitors is not a place for debate, but a place to point out a concern involving the Town.

Martin Patchett, 927 Farm to Market Road, Endwell, said he supports the former BAE site or any other town owned property that is not in use, as a solar farm. He further said the use of electricity for cars and other forms of transportation is on the rise and will only increase in the future.

Mary Lesko, 50 Lewis Road, Binghamton, asked about the cost of \$500.00 for the new water meters to be installed in Choconut Center and why the Village of Endicott paid \$200.00 for the same meters. She also asked if Corporate Park has to pay for a new meter and if their water rates have also increased.

Supervisor Richard A. Materese said the price of \$500.00 would include the installation of the meters and it is not a set price.

Councilman Thomas R. Augustini said the final price will be determined after bids are received for the project. He also said the difference of price for the Village of Endicott has two factors; first, the numbers of meters they are purchasing is approximately 14,000 compared to the Town's 190, and second, their capability to use their own Water department employees to do the installations, whereas the Town must have others do the installations. He further said that Corporate Park will also be purchasing a new meter and their rates have increased just as everyone else in Choconut Center has.

Carol Laskoski, 37 Edwards Street, Johnson City, asked for clarification on the Resolution in this meeting calling for a Public Hearing regarding changes to the Nuisance Law; and what the definition of a nuisance is.

Town Attorney Alan J. Pope explained the Resolution pertains to the need to amend the Lockdown Law to make it constitutional. He further explained that the original law was patterned after the City of Ithaca that had a case against them that was deemed



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unconstitutional and thrown out. He said the Town is being proactive by changing the law to get ahead of any problems before any case goes to court.

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

## COMMUNICATIONS FOR FILING:

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

1. Charter Communications Notices – January 15 & 21, 2019.
2. Minutes of the Regular Meeting of the Board of Trustees of the Village of Endicott on January 8, 2019.  
Carried.

## COMMUNICATIONS FOR ACTION:

1. Moved by Augostini, seconded by Bertoni to refer the Notice of Foreclosure – JP Morgan Chase Bank, N.A. S/B/M Chase Home Finance, LLC, S/B/M to Chase Manhattan Mortgage Corporation vs. Douglas M. Lippy (deceased), Jeffrey Lippy, United States of America, New York State Department of Taxation and Finance; Town of Union; John Doe and Jane Doe – 2810 Yale Street, Endwell, New York, to Town Attorney Alan J. Pope, Comptroller Laura J. Lindsley and Planning Director Sara Zubalsky-Peer.  
Carried.

PETITIONS:           None.

## COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

Moved by Augostini, seconded by Bauman to appoint Melissa Opeka as Personnel Specialist effective 2/11/19 at an annual salary of \$31,000.00, upon successful completion of pre-employment testing.  
Carried.

(Prepared Resolution filed as part of these minutes authorizing the Town of Union to accept the transfer of the properties at 13 Birch Street-Tax ID #142.11-1-37, and 15 Oakdale Road-Tax ID #143.53-1-8 from the Broome County Land Bank Corporation, at zero cost to the Town of Union, except for any recording fees if applicable.)



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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to call for a Public Hearing on Wednesday, February 20, 2019 at 7:00 P.M. to consider the proposed amendments to the Public Nuisance Law of Chapter 141 – Nuisances.)

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

Vote: All yes.

Moved by Augustini, seconded by Staley to authorize the attendance of DCPW-Codes & Ordinances Daria Golazeski, Gary Post, Ken Jennison and David Conklin to the Erosion and Sediment Control Training on February 13, 2019 at the Chenango Town Hall from 8:30 AM to 1:00 PM. The training is good for three years and is required as part of the NYS DEC Stormwater Permit. Authorization to include registration fee of \$75.00 per person and use of a Town vehicle.

Carried.

Moved by Augustini, seconded by Staley to authorize the attendance of Chet Kupiec, Highway Superintendent and 10 Highway Employees to attend the Dig Safely NY Excavator Safety Seminar - Southern Tier Region at Greater Binghamton Sports Complex, 1500 Airport Road, Binghamton, NY on Tuesday, March 5, 2019 from 7:00am to 2:00pm. The approval would include the use of Town Vehicles and there is no fee for the training.

Carried.

(Prepared Resolution filed as part of these minutes to request that AIM funding be restored in the New York State's 2019 and 2020 Budgets.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing the purchase of two (2) Kubota ZD1200 series mowers from Goodrich Implements at a cost of \$26,727.08 through New York State Contract PC#67693. Monies for this purchase would be paid from Fund Balance as stated in the December 5, 2018 permissive referendum.)

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

Vote: All yes.



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Moved Bertoni, seconded by Bauman to authorize the advertisement of Bids for Pool Supplies – Accu-Tabs. Bids to be received by Town Clerk Leonard J. Perfetti on Monday, February 25, 2019 at 10:00 A.M. at which time they will be opened and read aloud.  
Carried.

Moved by Bertoni, seconded by Bauman authorizing the attendance of Ray Vanderpoel and John “Jay” Vassil to the Certified Pool Operation training in Binghamton, New York, on March 7-8, 2019. Authorization to include registration fee of \$305.00 per person and use of a Town vehicle or mileage reimbursement.  
Carried.

(Prepared Resolution filed as part of these Minutes authorizing the Town of Union to enter into a sponsorship agreement for the 2019 Dick’s Sporting Goods Open in the amount of \$3,500.00, and to authorize the Town Supervisor to execute such contract. The 2019 Part-Town Budget includes funding to cover the cost of the Sponsorship.)

Res. by Bertoni, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes authorizing the Planning Director to issue bids and/or Requests for Proposals (RFPs) for construction related projects identified in the CDBG FFY 2018 annual plan approved at the August 8, 2018 meeting. Said bids and/or RFPs shall be returnable at dates and times established by the Planning Director.)

Res. by Bertoni, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

### HEARING OF VISITORS:

John Visser, 111 Prospect Street, Endicott, asked if the Resolution to restore the AIM funding is a collective effort or if the Town is requesting this on their own.

Supervisor Richard A. Materese said this is a collective request from municipalities across New York State. He also said Senator Fred Akshar and Assemblywoman Donna Lupardo are continuing to fight for us to get this funding restored.

Roger Faling, 106 Bernetta Street, Endicott, said he hopes Highway Superintendent Chester Kupiec and the 10 men attending the schooling that was approved, learn the specs for manholes when paving, as he has complained about numerous times.

Councilman Frank J. Bertoni said he spoke to Commissioner of Public Works Louis V. Caforio regarding this issue.



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As no one else wished to speak, Supervisor Richard A. Materese 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. 2018 Annual Town Clerk's Report.
2. Monthly Permit Report – November & December 2018.
3. Zoning Board of Appeals Decision – Application # 2018-01 - Yorktown Apts. #2, LLC, 220 Airport Road.
4. Zoning Board of Appeals Decision – Application # 2018-09 – Steven Harter, 3550 George F. Highway.
5. Zoning Board of Appeals Decision – Application # 2016-10 – John Witinski – 513 & 515 Fairmont Avenue, 310 Kent Avenue.
6. Zoning Board of Appeals Decision – Application # 2018-02 – Jax Signs, 3128 Watson Boulevard.
7. Zoning Board of Appeals Decision – Application # 2016-09 – Bradley Naylor, 501 N. Page Avenue.
8. Zoning Board of Appeals Decision – Application # 2017-05 – Missything, LLC/Eileen Uhlig, 3300 E. Main Street.
9. Zoning Board of Appeals Decision – Application # 2018-07 – Michael & Diana Rozboril, 3723 Maplehurst Drive.
10. Zoning Board of Appeals Decision – Application # 2017-04 – Grace Cotroneo & Paul Mancini, 2204 North Street.
11. Zoning Board of Appeals Decision – Application # 2018-04- Deborah Roehm, 614 Marcella Street.
12. Zoning Board of Appeals Decision – Application # 2018-06 – Lee Morris/LM Morris Property, LLC, 1339 Campville Road.
13. Zoning Board of Appeals Decision – Application # 2018-08 – Alicja Kosiba, 3115 Wayne Street.



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14. Comptroller's Monthly Report – December 31, 2018.  
Carried.

At this time, Councilman Thomas R. Augostini recognized Ronald Heebner, past Broome County Legislator, who passed away unexpectedly. He also said the Parks Department did a fantastic job on the Father/Daughter Dance held this past weekend at the Riverdale.

Councilwoman Heather R. Staley thanked the students for attending the meeting.

### ADJOURNMENT:

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

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

Leonard J. Perfetti  
Town Clerk

LJP/bk