



Town Clerk
Leonard J. Perfetti

Town of Union

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

TOWN OF UNION BOARD MEETING

February 20, 2019

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, February 20, 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. Augostini, 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 were Broome County Legislator Jason Shaw, Johnson City Mayor Greg Deemie, 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 was called for on Wednesday, February 20, 2019 at 7:00 P.M. to consider amending Chapter 141 of the Public Nuisance Law.
Pub. & Posted: February 14, 2019

Town Attorney Alan J. Pope explained the Public Nuisance Law and gave examples under the old law as to why there was a need for the changes. He said the new law revamps the points system to try to make it as constitutional and tight as possible to be the best defensible lockdown law we can have. He also said these changes are the most up to date in the Southern Tier and possibly all of upstate New York, but, at this point, the Town Board is not ready to act on this law yet.

Jason Shaw, Broome County Legislator, 400 Corey Avenue, Endwell, said he and his constituents want this lockdown law to be as tight as possible to be able close up the alleged drug house on Autumn Drive that they have been working on for many years.



Town of Union

Pam Brigham, 409 N. Page Avenue, Endicott, complained about a house on N. Page Avenue that is a problem with an absentee landlord who is allowing at least 15 people to live in the single family home. She said there have been multiple code violations that the code department has been called on, such as scrapping of junk cars. She also said a police presence is there at least twice a week for many complaints varying from threatening notes, harassing neighbors with yelling and verbal threats, working on cars with impact tools late at night and brandishing guns out in the open. She asked that this house be locked down under the law.

Supervisor Richard A. Materese said he and the Board are frustrated with the situation but unfortunately, without there being evidence of criminal activity, the lockdown law will not work. He also said affidavits from the neighbors are needed to help build the case.

Town Attorney Alan J. Pope said that under the new proposed law, the Town has to prove a problem by a preponderance of evidence to warrant bringing this to a judge for a lockdown order. He said he has to have firsthand evidence of criminal activity, not hearsay, and enough points accumulated within the designated time period to pursue court action.

Carol Laskoski, 37 Edwards Street, Johnson City, asked for a definition of public nuisance and if brandishing guns would be considered a criminal action.

Town Attorney Alan J. Pope gave the definition and also said if a video is obtained of that action being done, it could be used towards compiling points.

Tim Brigham, 409 N. Page Avenue, Endicott, said that people are afraid to go out of their houses because of the harassment and threats and asked what rights the neighbors have in these situations. He said he has lived in his house for 23 years and that West Endicott has been a nice area to live in, but because of the slumlords taking over, people are leaving.

Councilman Frank J. Bertoni said the home owners have been cited for code violations.

Councilman Thomas R. Augostini said the owners will have to pay the fines or go to jail if the violations are not remedied.

Councilwoman Heather R. Staley said she lives in West Endicott and has had issues with similar problems. She also said it is frustrating, but the Board cannot vote on this right now.

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

BIDS: None.

APPROVAL OF MINUTES:



Town of Union

Moved by Augustini, seconded by Bertoni to approve the Minutes of the Regular Town of Union Board meeting held on Wednesday, February 6, 2019 with the following change:

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 **March 27, 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. (The February 13, 2019 class was full.)
Carried.

HEARING OF VISITORS:

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

COMMUNICATIONS FOR FILING:

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

1. Notice from State of New York Department of State acknowledging the filing of Local Law 2019-01 (Chapter 191-15 – Parking Time Limited in Designated Locations – White Birch Lane) filed on February 4, 2019.
Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augustini, seconded by Bertoni to refer the Notice of Intent to File Claim – Debra Heggelke vs- Town of Union, for damage to parked vehicle on White Birch Lane by Town of Union 2018 Ford F550 on January 8, 2019, to Town Attorney Alan J. Pope and the Town Insurance Carrier.
Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

Moved by Augustini, seconded by Bauman to approve the attendance of Leonard J. Perfetti, Town Clerk, at the New York State Town Clerks Association Conference, May 5 - 8, 2019 in



Town of Union

Syracuse, New York; approval is for registration, accommodations, meals and estimated mileage in accordance with Town approved guidelines, not to exceed \$980.00.
Carried.

(Prepared Resolution filed as part of these minutes to approve the change of speed on Nanticoke Drive from 40 MPH to 30 MPH between the intersection of NYS Route 26 North and the intersection of Twist Run Road.)

Res. by Augustini, seconded by Bauman.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to approve the three (3) month moratorium on solar development, excepting residential rooftop units, to allow the Town of Union to implement codes and regulations.)

Res. by Augustini, seconded by Bauman.

Vote: All yes.

The Resolution was adopted.

Moved by Augustini, seconded by Staley to approve the following 2019 Budget Transfer:

Decrease:	10 1355	4620 Education	\$500.00
Increase:	10 1355	4225 Cell Phones	\$500.00.

Carried.

Moved by Augustini, seconded by Staley approving the attendance of Highway Superintendent Chester Kupiec at the 2019 Grass Roots Advocacy Campaign for Local Roads and Bridges through the NYS Association of Town Superintendent of Highways, on Wednesday, March 6, 2019 in Albany, New York. There is no registration fee for this program and no request for use of a Town vehicle.

Carried.

(Prepared Resolution filed as part of these minutes to approve retroactive to February 6, 2019 the DEC agreement for the investigation into the inactive June Street Landfill and the 709 Wendell Street Property, which said agreement shall provide that the Town will permit the DEC staff and/or DEC's contractors to access the site to conduct an investigation, including walking the property, taking photographs, confirming GPS coordinates, documenting site conditions, installing monitoring wells and sampling existing and new monitoring wells.)

Res. by Augustini, second by Staley.

Vote: All yes.

The Resolution was adopted.



Town of Union

(Prepared Resolution filed as part of these minutes to approve the Construction Support and Construction Inspection Agreement between the Town of Union and Delta Engineering, effective February 11, 2019, for the Country Club Road over Patterson Creek Bridge Project and authorize Supervisor Richard A. Materese to execute the necessary documents after the Town Attorney reviews the contract.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve the Architectural/Engineering Consultant Agreement between the Town of Union and Shumaker Engineering, for the Hooper Road at Watson Blvd. Intersection Improvements Project and authorize Supervisor Richard A. Materese to execute the necessary documents after the Town Attorney reviews the contract.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing Fancher Appliance, Inc. to install Heating and Air Conditioning units in the Recreation Center at a cost of \$7,946.00. This was the lowest of three quotes received and 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.

(Prepared Resolution filed as part of these minutes authorizing Fancher Appliance, Inc. to install Heating and Air Conditioning units in the HLA building at a cost of \$14,982.00. This was the lowest of three quotes received and 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.

(Prepared Resolution filed as part of these minutes authorizing U & W Fence Company, Inc. to install fencing for the Little League fields at Glendale Park, at a cost of \$29,755.00. This was the lowest of three quotes received and 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.

HEARING OF VISITORS:



Town of Union

As no one 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. Town Clerk Monthly Report – January 2019.
2. Town of Union Permits Reports – January 2019.
Carried.

ADJOURNMENT:

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

The Meeting was adjourned at 7:57 P.M.

Leonard J. Perfetti
Town Clerk

LJP/bk