



**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*

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## TOWN OF UNION BOARD MEETING

July 14, 2021

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, July 14, 2021 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.

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

PUBLIC HEARINGS: None.

### BIDS:

Bids were called for on Thursday, June 17, 2021 at 10:00 A.M. for Septic Tank Pumping and Septage Disposal.

A single Bid was received as follows:

Drain Masters, LLC

1. Pumping of a 1,000 gallon septic tank,  
Hauling, and disposal .....\$ 250.00
2. Pumping of a 2,000 gallon septic tank,  
Hauling, and disposal .....\$ 300.00

Moved by Augostini, seconded by Bertoni to receive and file the single Bid for Septic Tank Pumping and Septage Disposal.  
Carried.

Bids were called for on Monday, July 12, 2021 at 10:00 A.M. for Embankment Failure & Sanitary Sewer Repairs – 904 Farm to Market Road.



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Bids were received as follows:

Hurd Development LLC	\$141,117.00
Siteworx, Inc.	\$143,425.00

Moved by Augostini, seconded by Bertoni to receive and file the Bids for Embankment Failure & Sanitary Sewer Repairs – 904 Farm to Market Road.  
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, June 16, 2021.  
Carried.

## HEARING OF VISITORS:

Mike Holmes, 996 Taft Avenue, Endwell, spoke about the drainage issue on Daren Drive that they have been addressing for the last 5 years. He said Phase 2 and 3 of the Army Corps of Engineers plan has to be started now to eliminate the drainage problem. He said that Daren Drive and Ashton Court drain directly into his back yard and asked the Board to find a way to solve this issue before more property is destroyed.

Councilman Frank J. Bertoni said historically, the Army Corp of Engineers would not let the Town proceed with all the phases at once. He asked if the current problem is because of a failure of phase 1, or that phase 2 and 3 have not been completed yet.

Mr. Holmes said the problem is that the Army Corp of Engineers wants \$50,000 to do the next two phases of wetlands and the Town has stalled this process.

Councilman Bertoni again, asked if the water is flowing the way it is supposed to be with phase 1 completed, and if we do phase 2 and 3 the same way, will it be corrected.

Mr. Holmes said the water is flowing the way it is supposed to be from phase 1, but we need phase 2 and 3 to be done. He also said the problem is that the Town did not maintain the drainage ditch from the beginning of the development in the area according to the easement and now it is a wetland.

Supervisor Richard A. Materese asked for a copy of the easement that the Town has with the property owners. He said it would make it easier for the Town to honor a commitment if we had a copy of it to review.



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Mr. Holmes said the copy of the easement had been previously presented to the Town after the Town had denied there was one.

Supervisor Richard A. Materese said he has never seen an easement and would like a copy of it.

Councilman Frank J. Bertoni proposed that these additional phases be added to the list of potential projects to do with the federal money the Town has received.

Supervisor Richard A. Materese said that Councilman Bertoni could add this request to the list at their next work session.

Councilman Frank J. Bertoni said that storm water issues appear to be a project that the federal monies could be used on. He also said they would add it to the list to be seen if it qualifies, then discuss if the Board is in favor of spending money on this project.

Bert McCulloch, 2629 Daren Drive, Endwell, said that this problem goes back to at least 2006 when he had \$30,000.00 worth of damage to his basement. He said some of the problem was rectified when they put in a bigger outlet on Taft Avenue and a rectangular outlet on Buffalo, but the small stream and drainage ditch in the back of their houses was not touched. He further said that phases 2 & 3 would not be that big of a deal to do and that the silt just needs to be cleaned out of the ditch and drainage pipe on Daren Drive. He said the drainage ditch on Daren Drive runs into Tom Gazdik's backyard, which used to be above the drainage ditch and is now below it from the silt that runs off Daren Drive, Ashton Court and wherever else, and deposits in Tom's backyard. He gave the Board pictures of the backyard. He said he is not sure when it was made a wetland, but in 1993 when they built their house, the Town only had 5 houses being built that year, which gave the Engineering Department plenty of time to review the plans and determine if houses with basements shouldn't be built because of the wetland.

Supervisor Richard A. Materese asked for clarification that the silt running off the road is blocking the drainage ditch.

Mr. McCulloch said it is going into the backyards because there is not enough elevation from the silt buildup to get it to the drainage ditch. He further said he has 3 sump pumps and 4 ft. barriers up so the water does not come into his basement.

Mary & Tom Gazdik, 2630 Daren Drive, Endwell, said their property is the source of all run off from not only Ashton Court, but also from the apartments; where the parking lot run off goes directly into their backyard. She said they are not listed on the GIS Map as a DEC wetland, but as a NWI wetland. She is not sure what the difference is, but either way, they were never notified they were in a wetland area. She also said the property behind them was Town owned and then was sold to Michael Maione on Ashton Court, and is now is part of the



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wetland. She said with the 18 years of silt buildup in the backyard, we need to have that drainage ditch cleaned out.

Supervisor Richard A. Materese asked for clarification about them being the source of the runoff. He also said the DEC Wetland is a State recognition and the NWI Wetland is a Federal recognition.

Mrs. Gazdik clarified that they are not the source as she misspoke, but the recipient of the silt where Phase 1 goes over their backyard.

Mr. Gazdik said they moved into their house in 2002 and they did not have the problems then as they do now. He said the ditch has not been cleaned out in over 19 years.

Victoria Croce, 988 Taft Avenue, Endwell, said as of now, her shed still stands in water and Phase 1 has done nothing to help them. She said their taxes keep going up and their property value keeps decreasing. She said there are three options at this point; 1) is to fix it, 2) houses will become abandoned, and 3) go to court to resolve the issue.

Vincent Croce, 988 Taft Avenue, Endwell, said when they first moved to their property, there was a nice little pond in the back; now the water has gone over the bank to become part of the wetland. He said he can't mow the lawn because his lawn mower sits in mud in his shed. He said the slabs between the apartment building is now 3 inches down in the middle from the water and he had to shim the walls. He said the tenants are moving out because of the flooding and he is trying to hold onto the property. He is confused about the wetlands and why they have never been told about them and asked if the Town was notified of the wetlands. He filed for a grievance because the property is now a wetland and got nowhere. He is hoping that the next phase takes care of the problem. He said it really isn't a big project and it will only take a couple of trucks full to be dug out.

Supervisor Richard A. Materese said you are probably right that it will not be a big problem to take care of, but with all the wetland regulations, it makes it difficult. He also said he can't speak for anything that was discussed before he came on, but send him the information and he will look at it.

Councilman Frank J. Bertoni restated that this should be added to their list to see if the project can be done.

Tom Gazdik, 2630 Daren Drive, Endwell, said he had an engineering firm look at his house to assess what could be done to resurrect his property. He was told barriers could be put in to prevent flooding in his house. He said every side of the property is a standalone problem and all parts must be done to correct the problems.



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Mrs. Gazdik said we need to have the beautiful rock edging on the ditch like it is on Ashton Court.

Mike Holmes said the developer left access to this ditch through an easement. He said a bigger pipe won't get rid of the 19 years of the silt problem. We need to have it dredged.

Supervisor Richard A. Materese said he looked forward to hearing from Mr. Holmes.

As no one else 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 Communications:

1. 239 Review Submission Form – Town of Chenango to amend Local Law Chapter 73 “Zoning” increasing allowable square footage of accessory buildings.
2. Notice from The Pinsky Law Group regarding an online seminar titled “Legalized Marijuana and Municipal Employees” to be held on September 28 & 29, 2021.
3. Resignation letter from Deputy Assessor Cindy Mills effective August 2, 2021.
4. Resignation letter from Planning Director Sara Zubalsky-Peer effective July 9, 2021.
5. Charter Communications Notice – July 7, 2021.
6. Email from Marcia Monforte praising the Sewer Department for their fast response to an emergency call in June for a water backup in her basement floor drain.  
Carried.

### COMMUNICATIONS FOR ACTION:

1. Moved by Augustini, seconded by Bertoni to approve the letter from Kashif Summers, Watch Us Change Us Organization, requesting donation of pavilions for their Community BBQ on 28, 2021 at Highland Park, and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Ray Vanderpoel.  
Carried.
2. Moved by Augustini, seconded by Bertoni to refer the letter from Matt Schroedel, 914 Wallace Street, Endicott, regarding the poor condition of Wallace Street and asking if the



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Town has plans to re-mill and pave it, to Commissioner of Public Works Louis V. Caforio and Highway Superintendent Chester Kupiec.  
Carried.

3. Moved by Augustini, seconded by Bertoni to approve the Standardized Notice Form for Providing 30 Day Waiver for an On-Premises Alcoholic Beverage License Advance Notice to a Local Municipality from Fairways Indoor Golf, LLC. 511 Hooper Road, Endwell, New York, contingent upon indication from Deputy Commissioner of Public Works for Codes & Ordinances Gary Post that there are no violations, and refer it to Deputy Commissioner of Public Works for Codes & Ordinances Gary Post, Town Clerk Leonard J. Perfetti.  
Carried.

4. Moved by Augustini, seconded by Bertoni to approve the letter from Nicole Wolfe, Superintendent, Union Endicott School District, requesting a reduced school zone speed limit in the area of Charles F. Johnson Elementary School on Dickson Street, Endicott, and refer it to Commissioner of Public Works Louis V. Caforio and Highway Superintendent Chester Kupiec.  
Carried.

Supervisor Richard A. Materese said this is to create a safety area around the school, as it already has been done on Main Street by the U-E High School and by Jennie F. Snapp Middle School on Loder Avenue.

5. Moved by Augustini, seconded by Bertoni to refer the Email from Connie Allis regarding her interest in purchasing the Town owned properties at 215 & 219 Ardmore Street, Endicott, to Supervisor Richard A. Materese and Town Attorney Alan J. Pope.  
Carried.

Town Attorney Alan J. Pope spoke about these properties.

PETITIONS:           None.

### COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

(Prepared Resolution filed as part of these minutes to award the Bid for Septic Tank Pumping and Septage Disposal to Drain Masters LLC, P.O. Box 271, Munnsville, NY for their bid price of :

Pumping of a 1,000 gallon septic tank,	
Hauling, and disposal .....	\$ 250.00
Pumping of a 2,000 gallon septic tank,	
Hauling, and disposal .....	\$ 300.00

They have met or exceeded all specifications.)



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

Vote: All yes.

Moved by Staley, seconded by Augustini to approve the following 2021 Budget Transfer.

Decrease:	31 5110 2500	Other Equipment	\$1,900.00
Increase:	31 5110 4110	Small Tools & Imp	\$1,900.00
Decrease:	10 1640 4113	Batteries	\$ 300.00
Increase:	10 1640 4111	Parts	\$ 300.00
Decrease:	20 1490 4601	Travel & Expense Reimb.	\$ 500.00
Increase:	20 1490 4603	Legal Notices	\$ 500.00

Carried.

(Prepared Resolution filed a part of these minute authorizing Assessor, Joseph Cook, to execute the Fee Proposal & Assignment Agreement with CNY Pomeroy Appraisers, Inc., dated June 9, 2021 for valuation services in the amount of \$7,500.00. The fee will be paid in two parts, \$3,750.00 upon execution and \$3,750.00 upon completion.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve the prepared quote from ICS for the upgrade to five (5) switches in the Main Building for a onetime fee of \$6,433.00, which would be funded with capital projects monies currently available. The switches are required to be replaced every 5 years and the current ones are out of date.)

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

Vote: All yes.

Councilman Frank J. Bertoni asked why capital monies are being used.

Supervisor Richard A. Materese and Town Attorney Alan J. Pope explained the reasoning.

(Prepared Resolution filed as part of these minutes to call for a Public Hearing on Wednesday, August 4, 2021 at 7:00 P.M. to consider amending the local law of the Town of Union Code §191-14 Parking Prohibited in designated locations as follows:

Name of Street

Location

Valley Street (North Side)

Beginning at a point 344 feet west of the intersection of Circle Drive, to the dead end.



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Valley Street (South Side) Beginning at a point 344 feet west of the intersection of Circle Drive, to the dead end.)

Res. by Staley, seconded by Augustini.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to call a Public Hearing on Wednesday, August 4, 2021 at 7:00 P.M. to consider amending Town of Union Code Article VIII Speed Regulations Section 191-11. A. The maximum speed limit on all highways within the Town of Union is hereby designated as 30 miles per hour except as hereinafter designated:

Name of Street	Speed Limit	Location
Dickson Street	15	From the intersection of S. Grippen Ave, a distance of 1,320 feet west.)

Res. by Staley, seconded by Augustini.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to award the Bid for Embankment Failure & Sanitary Sewer Repairs – 904 Farm to Market Road to Hurd Development LLC, 22 N. Brookside Avenue, Endwell, for their low bid price of \$141,117.00.)

Res. by Staley, seconded by Augustini.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to establish standard workdays for elected and appointed officials (Joseph Cook, Leonard J. Perfetti, Chester Kupiec, Christopher Grace & Gary Post) and to report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by elected and appointed officials to the Town Clerk.)

Res. by Bauman, seconded by Staley.

Vote: All yes.

The Resolution was adopted.

Supervisor Richard A. Materese clarified the reporting process for this Resolution.

(Prepared Resolution as part of these minute to approve the Amendment to Town of Union Employee Handbook – Part-Time Employee Classification and the Amendment to Town of Union Temp-Part-Time-Seasonal Handbook – Part-Time Employee Classification.)

Res. by Bauman, seconded by Staley.

Vote: All yes.

The Resolution was adopted.





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Moved by Bauman, seconded by Staley to approve the hiring of Jo-Ann Burlingame as full time Assessor's Aide to start on Monday July 26, 2021. The hiring approval will be contingent on pre-employment testing and screening. The starting salary will be consistent with the terms of the Collective Bargaining Agreement.  
Carried.

(Prepared Resolution filed as part of these minutes to approve the hiring of Cindy Mills, retired Deputy Assessor, to return as a part time employee at a rate of \$25.16 an hour, effective August 2, 2021.)  
Res. by Bauman, seconded by Staley. Vote: All yes.  
The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to approve entering into an independent contracting agreement with Sara Zubalsky-Peer at \$40.00 per hour to provide Planning and Section 8 Services retroactive to July 12, 2021, and at the discretion of the Planning Director and/or Supervisor.)  
Res. by Bauman, seconded by Staley. Vote: All yes.  
The Resolution was adopted.

Moved by Bauman, seconded by Staley to appoint Kirsten Rose to the Planning Board to fill the remainder of the unexpired term of Leonard Ciccirelli.  
Carried.

(Prepared Resolution filed as part of these minutes to approve the Community Development Block Grant Federal Fiscal Year 2021 Annual Action Plan as recommended by the Citizens Advisory Council for Community Development and authorize the Supervisor or Deputy Supervisor to execute the grant application (SF-424) required annual certifications, and any other documentation required to submit said plan to HUD. The Supervisor and/or Deputy Supervisor are further authorized to execute all sub recipient agreements with public service providers as outlined in the Annual Action Plan. The Planning Director is further authorized to issue bids and/or Requests for Proposals (RFPs) for construction related projects identified in the plan. Said bids and/or RFPs shall be returnable at dates and times established by the Planning Director.)  
Res. by Augustini, seconded by Bertoni. Vote: All yes.  
The Resolution was adopted.

Moved by Augustini, second by Bertoni to accept the Preliminary Homestead Village PUD Development Plan, and to refer it to the Planning Department to make all necessary referrals under Section 239-l and -m, and to forward the Preliminary PUD Development Plan to the Planning Board for an advisory opinion.



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Carried.

(Prepared Resolution filed as part of these minutes to declare Lead Agency for the application for the Preliminary Homestead Village PUD Development Plan, and to declare the project a Type 1 Action under SEQRA.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes to approve the amendment to the Grant Disbursement Agreement for Empire State Development for the Town of Union Floodwall Capital Project # AB700. The Supervisor and/or the Deputy Supervisor, Planning Director, Comptroller and Commissioner of Public Works are authorized to execute all documents required to complete the amendment to the EDS grant disbursement agreement.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing the agreements with THOMA Development Consultants to complete Regional Development Council Grant Applications for Argonne Avenue/Shady Drive walking trails/storm water detention facility and Comprehensive Plan update; and authorizing the Supervisor, Deputy Supervisor, and Planning Director to prepare and execute all documents associated with the agreements.)

Res. by Augustini, seconded by Bauman.

Vote: Yes  
Augustini  
Bauman  
Staley  
Materese  
No  
Bertoni.

The Resolution was adopted.

### HEARING OF VISITORS:

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: None.

Councilwoman Sandra C. Bauman said the 4<sup>th</sup> of July Extravaganza at Highland Park was very nice and in her opinion, the best fireworks they have ever had. She thanked Ray



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Vanderpoel, Park Manager and Julie Reynolds for their hard work in putting this together. She also thanked the EMS, Fire Department, and State Police, plus vendors for their support and Mr. Akel for allowing the parking area for the residents to view the firework display.

Councilwoman Heather R. Staley dittoed Councilwoman Bauman's statement and said her daughter Natalie was there for seven hours doing face paintings and glitter designs. Supervisor Richard A. Materese echoed these comments and also thanked the Town Refuse and Highway Departments for all their hard work cleaning up after the storms over the last couple weeks.

### ADJOURNMENT:

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

The meeting was adjourned at 8:20 P.M.

Leonard J. Perfetti  
Town Clerk

LJP/bk