



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

April 20, 2022

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, April 20, 2022 at 7:00 P.M. in the Town of Union Board Room, 3111 East Main Street, Endwell, New York 13760.

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

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 was Village of Endicott Mayor Linda Jackson.

PUBLIC HEARINGS:

A Public Hearing was called for on Wednesday, April 20, 2022 at 7:00 P.M. to consider input concerning a new Homestead Village Preliminary PUD Development Plan incorporating the solar power renewable energy project into the previously approved PUD Development Plan. The new PUD includes the following mixed uses: a townhouse residential development, a hotel and conference center including a golf course, dental office use, a public utility facility, and the renewable energy facility.

Pub. & Posted: 03/02/22.

Kelly Sullivan, Bergmann Engineering, gave a presentation of the proposed Homestead Village Preliminary Planned Unit Development Plan and Delaware River Solar Facility project.

Martin Patchett, 927 Farm to Market Road, Endwell, spoke in favor of the project and asked if it was a community solar project that residents can join. He also asked how many houses would benefit from the solar farm and suggested another solar farm should be built on the old BAE site. He said he wants the Town to advertise this project.

Ms. Sullivan said 1600 houses would benefit from this project.



Town of Union

Peter Dolgos, Delaware River Solar project, said there would be discounted rates on utilities for those who join.

Supervisor Richard A. Materese clarified that this is not a Town of Union project, that it is on private property and is a private business deal.

Gary Diehl, Waterman Conservation Center representative for the Glen, said they are not opposed to the project as long as their concerns are addressed, such as planting trees and shrubs along the walking path to hide the panels from walkers, and that the water runoff from the project does not affect The Glen.

Kelly Sullivan said they will add a landscaping plan as soon as they receive a list of requests from the Waterman Conservation Center.

Councilman Thomas R. Augostini asked how much the total cost of the project will be and if the 10% savings would be from the supply or delivery side.

Peter Dolgos said it will be approximately a \$10 million project and the savings would be from the supply side.

Councilman Augostini also questioned if they will have a labor agreement with union contractors to build the project and why are there two separate projects for this plan.

Mr. Dolgos said they are not required to contract with union contractors, but plan on using local labor. He also said there are two projects because each project cannot be over 5 megawatts each.

Councilman Augostini asked if they are planning on approaching the IDA for an abatement on the property.

Mr. Dolgos said they haven't gotten that far, but yes, they plan on approaching the IDA.

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

A Public Hearing was called for on Wednesday, April 20, 2022 at 7:00 P.M. to consider adoption of a proposed new zoning local law, namely a proposed amendment to the Town of Union Zoning Chapter 300, Part 3, Overlay and Special Purpose Districts, to include Article 35 Cannabis Business Overlay (CBO) District for retail sales/dispensary of Cannabis products. A public hearing will be held at the Town Hall, 3111 East Main Street, Endwell, New York on Wednesday, April 20, 2022 at 7:00 P.M., at which time all persons interested in the



Town of Union

subject matter thereof will be heard. The purpose of the public hearing shall be to receive public input and to evaluate and consider adoption of the foregoing
Pub. & Posted: 3/2/22.

Carol Laskoski, 37 Edwards Street, Johnson City, said she is not happy that marijuana was legalized in New York State. She feels it will create more accidents and problems with marijuana along with alcohol problems. She asked where in New York State marijuana is not being sold.

Ryan Agnew, 719 Marjorie Lane, Endicott, said he owns property on Route 26 in the zoned area and wants to know what this local law means. He asked if it means that marijuana can only be sold in these areas and if it would affect his assessment on the property.

Supervisor Richard A. Materese explained that CDB oils can be sold anywhere, and this law will allow marijuana (THC) to be sold in the designated areas. He said the Board worked with the Planning and Code departments and decided on the areas which are zoned general commercial & industrial to specifically make it a smaller area where we would allow it. He further stated that the State will probably only give one license to someone in the Town and possibly one each to Endicott, Vestal and Johnson City.

Matt Smith, 3720 Frazier Drive, Endicott, asked how the Town decided on these areas.

Supervisor Richard A. Materese said there are three cannabis overlay zones and business will be regulated by laws under the independent Office of Cannabis Management within the New York State Liquor Authority.

David McDonough, owns property on Route 26 in the one area and asked where the other areas are.

Councilman Frank J. Bertoni said they are on Airport Road, Endicott, and on the George F. Highway.

Mr. McDonough said they are out of site, so out of mind and asked why not put it in a downtown area. He also asked how it would be determined which area would be chosen for the one license.

Supervisor Richard A. Materese explained that they are not in condensed areas and we took as many precautions as possible to decide where they would be. He said it would be determined where it would go when someone applies for a license and where they want it to be.



Town of Union

Matt Smith, 3720 Frazier Drive, Endicott, asked why they chose not to have a dispensary by a school, for example and yet bars are allowed near them. He also asked why there will not be more than one license if there are many places that sell alcohol and cigarettes.

Supervisor Richard A. Materese said it is not up to us as to how many licenses there will be. The State decides that.

Councilman Thomas R. Augostini said those places for the bars were already there and are grandfathered in, so you can't change their locations because of zoning changes.

Supervisor Richard A. Materese said we are dealing with today's knowledge of hazards, therefore we want to accommodate dispensaries, but also be careful.

Martin Patchett, 927 Farm to Market Road, Endwell, asked how long these licenses will be approved for and what the expected revenue intake for the Town will be.

Town Attorney Alan J. Pope said the license approval will be forever.

Supervisor Richard A. Materese said the dollar amount intake remains to be seen. He said we did not opt in for the consumption area, so the buyers would have to purchase the marijuana and go somewhere else to consume it. He also said that the sales will be highly regulated and there will be different levels of marijuana for different things.

Martin Patchett asked if there is an increase in marijuana traffic problems, can the approvals be changed or revoked; and if we are going to approve it, there should be monitoring of who buys, and how much. He said they must identify themselves when buying.

Town Attorney Alan J. Pope said they could be changed at some time.

Councilman Thomas R. Augostini said we would not be able to do that as long as the Town is opted in, we have to have the area available.

Councilwoman Heather R. Staley said there will be a limit to the amount they can buy; by scanning their driver's license it is recorded, so they cannot go from place to place to buy more.

Supervisor Richard A. Materese said it is fair to say the demon is out of the box already and with the dispensary, we would be guaranteeing the pot is not laced with fentanyl and right now, the pot here would be rejected in regulated areas. He said it is proven the number of deaths have gone down in the dispensary areas. He also said a person cannot just walk in and say they want to be a seller; there are regulations that must be followed.



Town of Union

Councilman Frank J. Bertoni said it is worth noting that some of the Board members voted no for this.

Councilwoman Heather R. Staley said she voted yes because it will be safer to purchase marijuana from a regulated source than from off the streets or in a back alley.

Councilman Frank J. Bertoni said he would be interested in what Mayor Jackson has to say about this.

Village of Endicott Mayor Linda Jackson said the Mayor's Advisory Code Committee made up a zoning law and local law, but, they have to redo some of the law regarding tobacco to include marijuana. She said General Code sent them laws from four other areas, which were dissected and reviewed by the Committee, Code Department, Police Department and their Attorney who will then make up the law from there. She said they do not have the space to do an overlay area like the Town, so they are doing a zoning and local law to cover the whole Village where they do not want any tobacco products or marijuana sold in these areas. She explained that cannabis cannot be raised to sell in the Village because they do not have an agricultural zone. She is waiting for the attorney to put it all together for the Board to review and then present to the public for comments. She also said if they don't have at least one store in the Village of Endicott, they will go other places to purchase it and bring it back to the Village. She said her Police Chief warned that there will still be black market sales even with the dispensaries.

Councilman Frank J. Bertoni asked what she means by regulating it through zoning and does this mean that you will be able to sell marijuana throughout the Village.

Mayor Jackson said they do not want it grown indoors in certain areas or near schools, churches, and playgrounds.

Councilman Thomas R. Augostini explained the tax revenue the towns and villages would get would be 13% from these sales.

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

BIDS: None.

APPROVAL OF MINUTES:



Town of Union

Moved by Augostini, seconded by Bertoni to approve the Minutes of the Regular Town of Union Board Meeting held on Wednesday, April 6, 2022.
Carried.

HEARING OF VISITORS:

Martin Patchett, 927 Farm to Market Road, Endwell, said he is concerned with the resolution regarding the speed limit change on Farm to Market Road. He said he doesn't see anything in the change regarding traffic control devices and that there should be only one speed limit for the distance from Hooper Road to Hillside Terrace.

Councilman Thomas R. Augostini said this resolution is only to call for a public hearing on the subject.

Supervisor Richard A. Materese said this is plan was created by Broome County since this is a county road and he recommends Mr. Patchett come back for the public hearing.

Supervisor Richard A. Materese asked Village of Endicott Mayor Linda Jackson about an email she sent to him and the Board regarding the changing of refuse collection on West Franklin Street and Zimmer Avenue that is supposed to start on Monday.

Mayor Jackson said it was a misunderstanding on her part regarding this. She was unaware of the agreement the Town has with the Village for these collections. There will be no changes until after we meet, if any.

Supervisor Materese said they have not heard of any complaints from the residents.

Mayor Jackson said that when a complaint comes in, her guys go and take care of it so, that is why you haven't heard of any. She said she will bring the complaints from the Street Department when they meet.

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 Communication Notices of Programming Change – March 31, 2022 & April 1, 2022.



Town of Union

2. Village of Endicott Board Minutes – March 21, 2022.
3. Letter from Beth Lucas, Director of Broome County Planning and Economic Development regarding review per Section 239 l and m – Town of Union Zoning Local Law amendment, Chapter 300, Part 3 Overlay and Special Purpose Districts: Addition of Article 35, Cannabis Business Overlay (CBO) District in the Part-Town of Union (excludes the Villages of Endicott and Johnson City) citing they have not identified any significant countywide or inter-community impacts associated with the proposed project.
4. Union Volunteer Emergency Squad – March Monthly and 1st Quarterly Reports for 2022. Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augustini, seconded by Bertoni to approve the letter from Robert Brady, O.L. Davis Fire Company, President, requesting road closure on part of Taft Avenue and Country Club Road to Taft Avenue from 3:00 P.M. to approximately 4:40 P.M. for a parade from Taft Avenue to the fire station on Country Club Road, road closure of Country Club Road from Doyleson Avenue to Hooper Road for a block party from 3:00 P.M. to 8:00 P.M., and a fireworks display at 8:30 P.M. at Highland Park on Saturday, September 18, 2022 to celebrate their 100th Anniversary Celebration that was postponed in 2021 due to Covid, and refer it to Commissioner of Public Works Louis V. Caforio and Highway Superintendent Chester Kupiec. Carried.
2. Moved by Augustini, seconded by Bertoni to approve the letter from Amanda Bamberg, Secretary for Service Unit 313 of Girl Scouts of NYPENN Pathways, requesting the use of two adjacent picnic shelters and waiver of fees at Highland Park on Sunday, May 22, 2022 for our Service Unit's Ice Cream Social and World Thinking Day Event and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager John Vassil. Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

(Prepared Resolution filed as part of these minutes to call for a Public Hearing to be held on Wednesday, May 4, 2022 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
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Town of Union

Farm to Market Road

20

Maine-Endwell High School

From 150 linear feet north of the intersection of Farm to Market Road and Hooper Road a distance of 1,320 linear feet to the north (ending 150 linear feet south of the intersection of Pleasant Drive and Farm to Market Road). 7:00 a.m. to 4:00 p.m. when school is in session.

Maine-Endwell Middle School

From 250 linear feet south of the intersection of Farm to Market Road and Struble Road a distance of 1,000 linear feet to the north (ending 100 linear feet north of the intersection of Hillside Terrace and Farm to Market Road). 7:00 a.m. to 4:00 p.m. when school is in session.)

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

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing Supervisor Richard A. Materese or Deputy Supervisor Thomas R. Augostini to sign the agreement from GHD Consulting Services, Inc. to provide Professional Services related to evaluating and identifying capacity limitations in other areas of the Collection System.
The areas to be evaluated and identified for capacity limitations are:

- Farm to Market Pump Station
- West Corners Pump Station
- S. Seward Avenue

Projects Fees are as follows:

Task 1: Flow Metering Allowance	\$175,000.00
Task 2: Sewer Capacity Evaluation	<u>\$ 61,000.00</u>
TOTAL:	\$236,000.00

Payment will be from the ARPA Funds.)
Res. by Staley, seconded by Augostini.
The Resolution was adopted.

Vote: All yes.

(Prepared Resolution filed as part of these minutes authorizing Supervisor Richard A. Materese or Deputy Supervisor Thomas R. Augostini to sign the proposal from Delta



Town of Union

Engineering to provide Professional Engineering Services for Oakdale Road Sanitary Pump Station for a total fee of \$24,600.00 that will be paid from the ARPA Funds.)

Res. by Staley, seconded by Augostini.

Vote: All yes.

The Resolution was adopted.

Moved by Staley, seconded by Augostini to approve the following 2022 budget transfer:

Decrease:	20 5010 4104	Books	\$ 110.00
Increase:	20 5010 4601	Travel	\$ 110.00
Decrease:	20 8021 4603	Legal Notices	\$ 300.00
Decrease:	20 8120 4603	Legal Notices	\$ 100.00
Decrease:	20 8540 4603	Legal Notices	\$ 150.00
Decrease:	20 8989 4603	Legal Notices	\$ 500.00
Decrease:	20 8020 4603	Legal Notices	\$ 800.00
Increase:	20 1490 4603	Legal Notices	\$1,850.00.

Carried.

(Prepared Resolution filed as part of these minutes to make a Negative Declaration under SEQRA per evaluation of the submitted Full Environmental Assessment Form, Broome County 239-Review comments, and the Planning Board's Advisory Opinion regarding the Homestead Village PUD Preliminary Development Plan.)

Res. by Augostini, seconded by Bertoni.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to at the Board's discretion to approve, the Homestead Village PUD Preliminary Development Plan with the condition that this approval is only for two proposed solar developments and existing uses, expressly excludes any other future developments or modifications of the development plan.)

Res. by Augostini, seconded by Bertoni.

Councilman Thomas R. Augostini said he likes the project, but does not like PILOTS at all, so he said he will be voting no on this resolution.

Vote: Yes
Staley
Bauman
Materese

Vote: No
Bertoni
Augostini

The Resolution was adopted.



Town of Union

(Prepared Resolution filed as part of these minutes to make a Negative Declaration under SEQRA per evaluation of the submitted Full Environmental Assessment Form, Broome County 239-Review comments, and the Planning Board's Advisory Opinion regarding the proposed amendment to the Town of Union Zoning Chapter 300, Part 3, Overlay and Special Purpose Districts, to include Article 35 Cannabis Business Overlay (CBO) District.)
Res. by Augustini, seconded by Bertoni. Vote: All yes.
The Resolution was adopted.

(Prepared Resolution filed as part of these minutes at the Board's discretion to approve, the Town of Union Zoning Chapter 300, Part 3, Overlay and Special Purpose Districts, to include Article 35 Cannabis Business Overlay (CBO) District, related to the George F. Highway Cannabis Overlay District.)
Res. by Augustini, seconded by Bertoni. Vote: Yes
Staley
Materese
No
Bauman
Bertoni
Augustini

The Resolution was not adopted.

(Prepared Resolution filed as part of these minutes at the Board's discretion to approve, the Town of Union Zoning Chapter 300, Part 3, Overlay and Special Purpose Districts, to include Article 35 Cannabis Business Overlay (CBO) District, related to the Union Center Maine Highway Cannabis Overlay District.)
Res. by Augustini, seconded by Bertoni. Vote: All yes.
The Resolution was adopted.

(Prepared Resolution filed as part of these minutes at the Board's discretion to approve, the Town of Union Zoning Chapter 300, Part 3, Overlay and Special Purpose Districts, to include Article 35 Cannabis Business Overlay (CBO) District, related to the Airport Road Cannabis Overlay District.)
Res. by Augustini, seconded by Bertoni. Vote: All yes.
The Resolution was adopted.

HEARING OF VISITORS:

Dan Loiselle, 3201 Wayne Street, Endwell, asked for clarification of the 30 MPH speed limit on all Town roads as stated in the first resolution.



Town of Union

Councilman Thomas R. Augostini said the 30 MPH is standard on all roads in the Town unless it says differently and the Town cannot change the speed on a County Road. He said if the County wants to change the speed on their roads in the Town, because of the population of the Town, they have to come to us for approval.

Supervisor Richard A. Materese said the Vehicle & Traffic Law states how far we can change the distance to 20 MPH. He said that 1320 feet is the distance, so we cannot go all the way up the street. He also said the distance is based on the school property lines and we can't shift the start lines.

Councilman Thomas R. Augostini also agreed that you have to follow the State law for the maximum distance you can change the speed limit in front of schools.

Supervisor Richard A. Materese said for anyone with comments to put them all in writing and send them to the Town and the County.

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. Town of Union Planning Department Decision – Application #PD-2022-01, Site Plan Approval – Parking Lot Expansion, Taylor's Pizzeria/Restaurant, 3003 Watson Boulevard, Endwell, Tax Map #141.20-3-52.
2. Town of Union Planning Department Decision – Application #PD-2022-012, Minor Site Plan Review, T-Mobile Site Number UP30757A, Crown Castle Site #816785, 331 Skye Island Drive, Endicott, Tax Map #141.13-1-14.1.
3. Monthly Permits Report – March 2022.
4. Town Clerk's Monthly Report – March 2022.
Carried.

Supervisor Richard A. Materese read the following Proclamation:

**A Proclamation by the Town of Union
JOINT BOARD AND TOWN SUPERVISOR RESOLUTION**



Town of Union

WHEREAS, all residents regardless of race, creed, or ethnicity deserve to be treated with dignity, respect, compassion, and justice; and

WHEREAS, Town of Union, New York residents value initiatives that will end race-based disparities and make the world a more equitable, inclusive, and dignified place for all to live; and

WHEREAS, the elimination of racism can be achieved only with the participation of all residents in dialogue, reflection, and action; and

WHEREAS, the Town Board of Union, New York supports YWCA in its praiseworthy mission to eliminate racism, empower women, stand up for social justice, help families, and strengthen communities; and

WHEREAS, the Town Board of Union, New York proudly supports the YWCA Binghamton and Broome County in celebration of Stand Against Racism, a signature campaign of YWCA USA to build community among those who work for racial justice and to raise awareness about the negative impact of institutional and structural racism in our communities.

BE IT RESOLVED, that the Town Board of Union, New York hereby declares April 28th - May 1st as YWCA Stand Against Racism Day and encourages residents, local businesses, educators, and community and faith-based organizations to celebrate diversity and advocate for the elimination of racism.

BE IT FURTHER RESOLVED, that April 28th-May 1st is declared as YWCA Stand Against Racism Weekend.

Councilwoman Sandra C. Bauman complimented the Town employees that made a quick response and did a great job with the snow removal from Tuesday's storm. She also invited everyone to the Town of Union Arbor Day celebration at Highland Park on April 30, 2022.

Councilwoman Heather R. Staley described the Arbor Day event and said it will go on rain or shine.



Town of Union

Supervisor Richard A. Materese thanked the Town worker & snow crews. He thanked NYSEG that normally has 40 workers and has called in 400 workers from all over to help, and Broome County Emergency Services for providing water and dry ice at several locations for residents, some who won't have power until Friday. He also hoped everyone had a nice Easter, Ramadan and Passover.

ADJOURNMENT:

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

The meeting was adjourned at 8:31 P.M.

Leonard J. Perfetti
Town Clerk

LJP/bk