



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

June 15, 2022

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, June 15, 2022 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 was Village of Endicott Mayor Linda Jackson.

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

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, June 1, 2022.
Carried.

HEARING OF VISITORS:

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



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COMMUNICATIONS FOR FILING:

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

1. 239 Review Submission Form Town of Chenango Zoning Ordinance or Local Law regarding open burning.
2. Charter Communications – Programming Change – June 10, 2022.
Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augostini, seconded by Bertoni to approve upon availability the letter from Alicia Boyce requesting use of shelters 1, 2 & 3 at Highland Park on August 27, 2022 for the Annual Watch Us Change Us picnic and for the fees to be waived, and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Jay Vassil.
Carried.
2. Moved by Augostini, seconded by Bertoni to refer the Notice of Violation from the New York State Department of Environmental Conservation for untreated wastewater surface discharge - Village of Endicott and Town of Union, Broome County SPDES Permit # NY0027669 Village of Endicott) POSS/POTW ID – NYS700029, NYS700030 (Town of Union), to Town Attorney Alan J. Pope and Commissioner of Public Works Louis V. Caforio.
Carried.
3. Moved by Augostini, seconded by Bertoni to refer the Notice of Claim from Jason Sylvester, 925 Byford Blvd., Endwell, for property damage from a fallen tree in lower Highland Park onto his property, to Town Attorney Alan J. Pope, Commissioner of Public Works Louis V. Caforio, Parks Manager Jay Vassil and the Town Insurance Carrier.
Carried.
4. Moved by Augostini, seconded by Bertoni to approve the letter from Kirsten Rose requesting a street closure on July 4th 2022 for their annual Neighborhood Block Party event. The street closure request is for Country Knoll at Hillside Terrace, and at Country Knoll at Hearthstone, and refer it to Commissioner of Public Works Louis V. Caforio, Highway Superintendent Chester Kupiec and Town Clerk.
Carried.

PETITIONS: None.



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COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

(Prepared Resolution filed as part of the minutes to approve the Interoperable Communications System Memorandum of Understanding between Broome County and the Town of Union and authorize Supervisor Richard A. Materese to execute said Memorandum of Understanding, subject to Town Attorney approval.)

Res. Bertoni, seconded by Bauman.

Vote: All yes.

The Resolution was adopted.

A Proposal was received from C.T. Male Associates for a Solar Feasibility Study at Multiple Town Properties, in the amount of \$10,500.00.

(Prepared Resolution filed as part of these minutes to award the proposal for a Solar Feasibility Study at Multiple Town Properties to C.T. Male Associates for the amount of \$10,500.00, to be paid for out of Lost Revenue ARPA Funds.)

Res. by Staley, seconded by Augostini.

Vote: All yes.

The Resolution was adopted.

Moved by Bauman, seconded by Staley to appoint Francene McIver for the position of Part Time Clerk at \$17.00 per hour not to exceed 19.5 per week. Effective August 1 2022, upon successful completion of pre-employment testing.

Carried.

(Prepared Resolution filed as part of these minutes to establish standard workdays for elected and appointed officials 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.

Moved by Augostini, seconded by Bertoni to accept the Revised 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 Revised Preliminary PUD Development Plan to the Planning Board for an advisory opinion.

Vote: YES

Bauman

Staley

Materese

NO

Augostini

Bertoni

Carried.



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

Res. by Augostini, seconded by Bertoni.

Vote: YES
Bauman
Staley
Materese

NO
Augostini
Bertoni

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to call for a Public Hearing to be held on Wednesday, June 22, 2022 at a time to be determined to receive comments relative to the use of CDBG funds for Federal Fiscal Year 2022-2023.)

Res. by Augostini, seconded by Bertoni.

Vote: All yes.

(Prepared Resolution filed as part of these minutes to call for a Public Hearing to be held on Wednesday, July 13, 2022 at 7:00 P.M. to receive comments relative to the CDBG Federal Fiscal Year 2022-2023 Annual Action Plan.)

Res. by Augostini, seconded by Bertoni.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to approve an amendment to WCP Consulting's consulting contract for administration of ARPA funds to increase working hours from 27 hours to 40 hours per month effective June 15, 2022. Any additional hours requested, not to exceed 10 hours per month may be approved by the Supervisor. This increase in hours is to provide assistance in administration of Town of Union Local Development Corporation ARPA funds.)

Res. by Augostini, seconded by Bertoni.

Vote: All yes.

The Resolution was adopted.

HEARING OF VISITORS:

Jason Sylvester, 925 Byford Boulevard, Endwell, gave a scenario about Action # 3 of this meeting. He said Lower Highland Park borders Byford Boulevard and Phyllis Street and that they have had some issues with trees that are coming down from the park. He said he addressed this with the Town previously and that he has been working with Commissioner of Public Works Louis Caforio with no adequate resolution. He said there were approximately 25 trees that were taken down in 2019 but there are more that need to be addressed.



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He further said a tree fell on his house on June 1, 2022, causing damage and that there were another 5-10 trees that fell down into the park this time because of the wind direction. This is a serious concern that needs to be addressed before someone is hurt or killed. He said part of the issue is that the trees are close to maturity and they are too close to residences.

Town Attorney Alan J. Pope said the concern was addressed in 2019, and the Town hired an arborist to work with Commissioner of Public Works Louis V. Caforio. They walked the park and the arborist marked the trees he thought should come down; then the Town hired a tree company to come in to take the trees down for \$27 – 30 thousand dollars. Since then, the Parks Department and Commissioner of Public Works Louis V. Caforio have kept an eye on the perimeter trees. He said from a legal standpoint, once there is a concern about dangerous trees, the Town has to take reasonable steps regarding them, which they have by hiring the arborist to evaluate the trees, hiring the tree company to cut some down and then by monitoring the perimeter. Town Attorney Pope said the fact that healthy non-dangerous trees around the perimeter may fall down in a weather event does not mean the Town has to cut those trees. He further said this is true with anybody's neighbor, that if a healthy tree falls down on your property, there is no liability; but if you as a neighbor gave notice that there is a dangerous, a dead tree or something of that nature, and your neighbor doesn't do anything about it, then there is liability. He said that he has been working with Commissioner of Public Works Louis V. Caforio and has given him his legal guidance on it. So, we hear what you say, but the fact that a healthy tree came down in a weather event doesn't mean the Town has to do anything with it. He said if they see diseased trees that could eventually become dangerous, they are monitoring them and they would take care of those trees.

Mr. Sylvester said he would be happy to walk there with Commissioner of Public Works Louis V. Caforio or anybody else to show them what he is talking about. He said he thinks the conditions of the ground water or soil is changing in so making a lot of the roots surface, and you can see trees are dying and something is going on in there. It poses a danger. He said he understands the Town is probably not liable, but as a good neighbor, he is asking the Town to look at them and consider remediating the trees that could fall.

Town Attorney Alan J. Pope said he would email Commissioner of Public Works Louis V. Caforio and let him know that you were here tonight, so that he and the Parks Manager can take a look.

Supervisor Richard A. Materese suggested that Mr. Sylvester email Commissioner of Public Works Louis V. Caforio and invite him to walk with you to show him what you're talking about.

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



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DEPARTMENT REPORTS ON FILE IN THE TOWN CLERK'S OFFICE:

Moved by Augostini, seconded by Bertoni to receive and filed the following Department Reports:

1. Monthly Permits Report – May 2022.
2. Town Clerk's Monthly Report – May 2022.
3. Comptrollers Financial Report – March, April & May 2022.
Carried.

Councilwoman Sandra C. Bauman reminded everyone of the 4th of July Extravaganza with a chicken barbeque and vendors at Highland Park. She said it is great to see people coming out again and it's a great family event.

Councilwoman Heather R. Staley said the 1st Fitness Court is 50% installed at Floral Park in Johnson City. She said it is an outdoor facility that was funded by grant money.

Councilman Frank J. Bertoni said he is disappointed that the Village of Endicott turned down the Hockey Rink.

Councilman Thomas R. Augostini said he participated in a Make a Wish event at Traditions and that many organizations from the Town of Union donated money for this event.

Supervisor Richard A. Materese wished all graduates good luck.

ADJOURNMENT:

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

The meeting was adjourned at 7:33 P.M.

LJP/bk

Leonard J. Perfetti
Town Clerk