



Town Clerk
Leonard J. Perfetti

Town of Union

Town Board
Robert Mack, *Supervisor*
Thomas R. Augostini, *Councilman*
Frank J. Bertoni, *Councilman*
Joseph P. Nirchi, Sr., *Councilman*
David Kudgus, *Councilman*

TOWN OF UNION BOARD MEETING

April 19, 2023

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, April 19, 2023 at 7:00 P.M. in the Town Board Room, 3111 East Main Street, Endwell, New York.

BOARD MEMBERS PRESENT: Supervisor Robert Mack, Councilman Thomas R. Augostini, Councilman Frank J. Bertoni, Councilman Joseph P. Nirchi, Sr.

Absent: Councilman David Kudgus.

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

Also in attendance were Broome County Legislators Jason Shaw and Greg Baldwin.

Supervisor Robert Mack opened the meeting with the Pledge of Allegiance to the Flag.

PUBLIC HEARINGS:

A Public Hearing was called for on Wednesday, April 19, 2023 at 7:00 P.M. to discuss & implement revisions to the Town of Union Citizen's Participation Plan. Planning Director will work with Town Board, Citizen's Advisory Committee and seek input from the Town of Union community in order to modernize and update the current Citizen's Participation Plan, last revised: 2010.

Pub. & Posted: 03/06/2023

As no one wished to speak, Supervisor Robert Mack closed the first Public Hearing.

A Public Hearing was called for on Wednesday, 4/19/2023 at 7:00 P.M. to receive Public Comment on the proposed Substantial Amendment to the 2019 CARES ACT: CDBG-CV & CDBG-CV3 Annual Plan for the following project:

CDBG-CV & CV3: The Town will use CDBG-CV & CV3 funds to provide financial assistance to the Johnson City School Districts Wildcat Food & Clothing program. The Town of Union will use \$50,000 of unprogrammed CDBG-CV3. These funds will be moved into new project activity IDIS #1726.

Total Project Cost: \$50,000.00



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Pub. & Posted: 03/20/23

As no one wished to speak, Supervisor Robert Mack closed the second Public Hearing.

BIDS: None.

APPROVAL OF MINUTES:

Moved by Augustini, seconded by Bertoni to approve the Minutes of the Regular Town of Union Board Meeting held on Wednesday, April 5, 2023.
Carried.

HEARING OF VISITORS:

Timothy Mellander, 511 June Street, Endicott, said he was at the February meeting and spoke about the condition of 508 June Street, and was told it would be a 6 week process to get the cleanup done. He said there has been little or no feedback from the Board and the property is worse than it was before with garbage all over the property. He asked what the status is for getting this taken care of.

Councilman Frank J. Bertoni said he went past the property and saw the garbage up against the house and all around. He asked Mr. Mellander if the residents put any garbage to the curb for pickup.

Mr. Mellander said they put cans out but the refuse workers will not pick them up because they are oversized and heavy.

Supervisor Robert Mack said he sent the refuse truck back to the house on two occasions for a special pick up of the illegal cans left behind.

Town Attorney Alan J. Pope said this has been frustrating and that he has received emails saying there is a potential conflict of interest with himself and his wife Rosemarie signing petitions to the court. There is no conflict of interest because they both work at different law firms. He went on to say that there is not enough evidence to petition the court as of yet. He said he will get more information from the Code Department and the Commissioner of Public Works Louis Caforio to sign affidavits for more proof. He will drive there to check it out and will then be able to write an affidavit himself. He said the danger of going to the Supreme Court without enough evidence, is the petition would be thrown out and the case would never be heard. He explained that the strong affidavits will help get the warrant to get inside the house to take picture, along with the Code Department, the Health Department and Police to get further evidence for the Supreme Court. A court order will then be issued for the cleanup



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of the property, which probably will not be done, and then the Town can petition the court to go in to do the cleanup.

Town Attorney Alan J. Pope apologized and said it is on him for the delay, not the Board and said he will get down to the property soon.

Greg Baldwin, Broome County Legislator, 530 Paden Street, Endicott, asked how much is enough to get the Code Department to look at the situation. He asked Town Attorney Pope when he will be looking at it.

Town Attorney Alan J. Pope said the Code Department is well aware of the situation and they have been issuing violations to the home owner since 2021. The problem with that is Mr. Gonzalez, the property owner, is in an assisted living facility and his granddaughter and friends are squatting at the house, and they will not show up in Town Court to answer these violations. He said the Town Court does not have jurisdiction to make them clean up the property. He restated that they need solid, hard affidavits to take to the Supreme Court to get the search warrant. He said if they find health problems, rodents and excessive garbage causing health problems, that is solid evidence for the Court order.

Mr. Baldwin asked if the neighbors could sign the affidavits.

Town Attorney Pope said if the neighbors have videos of the activity it could help. Commissioner of Public Works drove down there; he couldn't see inside, but there are broken windows with garbage hanging out. He will get an affidavit from him.

Ariann Rockwell, 519 June Street, Endicott, thanked Town Attorney Pope for his honesty and being forthright. She said there is late night and overnight activity, with fights inside and out; even the fights inside can be heard loudly outside. She asked if keeping a log of the domestic disturbances will help.

Councilman Frank J. Bertoni asked if the police go inside the house when they are called for disturbances.

Ms. Rockwell said no and that the police will knock at the door and if someone answers, they stay on the porch. She further said her husband works nights and when he leaves for work, he circles the block to make sure there is no activity going on before he leaves her home alone.

Councilman Joseph Nirchi, Sr. said to keep calling the police when there is an incident and that the police cannot enter the house until there is a criminal problem inside.

Supervisor Robert Mack said Mr. Pope is working on this.



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John Townsend, Sr. said his 99 year old deaf mother lives at 510 June Street next door to this house and they have had to put up video cameras for her safety to record activity. He said they are putting garbage in his mother's yard and they have found hypodermic needles in front of the house. It is out of control.

Town Attorney Alan J. Pope said if the daughter does not sign the waiver, he and his wife will file the petitions. He also said if there is a problem with both of them filing, one of them will bow out and the other will proceed. He said this is on his radar screen and that this is not how he usually works.

Dan Loiselle, 3201 Wayne Street, Endwell, I asked if anyone has gone to the homeowner in assisted living to have him sign the waiver and then he could put the house up for sale. He asked if the taxes have been paid on it.

Mr. Timothy Mellander, 511 June Street, Endicott, said he checked with the County and the taxes are not paid for this year.

Town Attorney Alan J. Pope said they don't want to go on whether the taxes are paid, because it takes three consecutive years of unpaid taxes before the County will take possession of the house and he is pretty sure no one wants to wait that long for a resolution to this problem.

Bob Utter, 1728 Airport Road, Binghamton, asked if the Town knows anything yet about the IDA project on Airport Road to develop 300 acres of land into a corporate park.

Supervisor Robert Mack said the last notice he received said they were still studying it to see if it will be a feasible and viable project.

Councilman John P. Nirchi, Sr. said he was on a Zoom meeting with them and they indicated that they have a problem with access to the property.

Supervisor Robert Mack said they plan on changing the entrance to the upper end of the property by the Airport Inn.

Mr. Utter said there is no transparency with this deal and there is a conflict of interest with the property owner and the IDA, which he would not divulge at this time. He said the 300 acres is all residential properties within the Town of Union and the Town of Maine, and that the apple orchard where they want to build this corporate park was closed down in the 60's because of the lead and arsenic that is in the soil from the chemicals used in the apple orchard. He spoke of another "secret" project that involves another 44 acres of land, also on Kot Road, that is not connected to the 300 acres, which they want to build a 500 square foot warehouse on. He stated that he will continue to attend the meetings because he feels that the Town and Broome County are not giving the residents the whole information. He said Broome County



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has applied for a 10.1 million dollar grant already for the upgrade of their facilities. Is the cart before the horse here, because won't the Town have to change the zoning and won't it interrupt the Town's Comprehensive Plan? He suggested the Board take a ride up to Kot Road and see the nice houses that will be affected where the entrances are planned. He stated that the Airport Road corridor is maxed out, and making a statement that it will only affect 6 properties, is garbage. He said has a petition with 200 signatures on it that are against the project. He asked when the Town would accept it, and if the Zoning Board would get the information on these projects first.

Town Attorney Alan J. Pope said the Town Board would get the application first and then it would be sent to the Planning Board for their opinion, which would then come back to the Town Board for a decision.

Councilman Thomas R. Augostini said the Zoning Board would not get this. He said they are a grievance board that hears requests from residents to make a change or addition within their property as it relates to zoning.

Councilman Frank J. Bertoni said a Public Hearing will be held after the Planning Board's opinion and that is when the residents can talk and the petition can be accepted.

Mr. Utter asked if the 200 people could speak at the Public Hearing.

Supervisor Robert Mack said even though they have a right to speak, it is not necessary for all 200 residents to speak. He suggested an alternative would be for the group to have a spokesperson speak on all their behalf.

As no one else wished to speak, Supervisor Robert Mack closed the first Hearing of Visitors.

COMMUNICATIONS FOR FILING:

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

1. 239 Review –Town of Dickinson – to amend a Local Law Prohibiting Commercial Battery Storage Systems in the Town of Dickinson.
2. Charter Communications notice – April 14, 2023.
Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augostini, seconded by Bertoni to approve the letter from Glenn McIver, 1111 Arnold Drive, Endwell, requesting the closure of roads on June 16, 2023 from 5:00 P.M. to



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10:00 P.M. for a birthday party and requesting barricades to be placed in front of 1115 Arnold Drive and 108 Frost Road with permission from residents at those addresses, and refer it to Commissioner of Public Work Louis V. Caforio and Highway Superintendent Scott Paugh. Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

THE FOLLOWING COMMITTEE ITEMS REFERENCE A MOTION OR RESOLUTION AND ARE SIMPLY POTENTIAL ITEMS AFTER DUE CONSIDERATION:

(Prepared Resolution filed as part of these minutes to approve the NSF Union Center Maine Hwy., LLC Stormwater Maintenance Agreement and Access Easement and to authorize Supervisor Robert Mack to execute the same, subject to the Town Attorney's review.)
Res. by Bertoni, seconded by Nirchi. Vote: All yes.
The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to approve the NSF Union Center Maine Hwy., LLC Decommissioning Agreements and to authorize Supervisor Robert Mack to execute the same, subject to the Town Attorney's review.)
Res. by Bertoni, seconded by Nirchi. Vote: All yes.
The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to accept the quote from Stewart Signs for the repair of the Electronic Sign at the entrance of Highland Park for the amount of \$13,099.00 sole source quote + \$1,600.00 for the lifetime data plan and shipping, to be paid out of ARPA Lost Revenue funds and authorize Parks Manager Jay Vassil to sign the agreement.)
Res. by Bertoni, seconded by Augustini. Vote: All yes.
The Resolution was adopted.

HEARING OF VISITORS:

As no one wished to speak, Supervisor Robert Mack closed the second Hearing of Visitors.

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

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



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1. Town of Union Local Development Corporation Audited Financial Statements – Fiscal Year 2022.
Carried.

Councilman Thomas R. Augostini thanked everyone for coming tonight. He said Paul Gonzalez was a regular fixture at our meetings. He was proud of his property and his citizenship.

ADJOURNMENT:

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

The meeting was adjourned at 7:45P.M.

Leonard J. Perfetti
Town Clerk

LJP/bk