



Town Clerk
Leonard J. Perfetti

Town of Union

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

TOWN OF UNION BOARD MEETING

May 3, 2023

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, May 3, 2023 at 7:00 P.M. in the Town Board Room, 3111 East Main Street, Endwell, New York.

TOWN BOARD MEMBERS PRESENT: Supervisor Robert Mack, Councilman Thomas R. Augustini, Councilman Joseph P. Nirchi, Sr., Councilman David Kudgus.
Absent: Councilman Frank J. Bertoni.

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 was Village of Endicott Mayor Linda Jackson.

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

At this time, Supervisor Robert Mack read the following Proclamations:

In Recognition of Officer Trevor Stiles

WHEREAS, Officer Trevor Stiles is a member of the Endicott Police Department; and

WHEREAS, Officer Stiles is a dedicated public servant who has sworn to protect public safety at any time and place; and

WHEREAS, Officer Stiles, while on night duty on April 2, 2023, did view a Fire Assist call for an address outside of his area and did immediately respond to the call to see if he could be of assistance, and did contain a porch fire long enough to awaken and evacuate the residents; and

WHEREAS, Officer Stiles' quick response did save the residents from serious injury and their residence from significant damage.

Now, therefore, the Town of Union Board wishes to recognize Officer Stiles for his outstanding dedication and commitment to the community. We thank him for his service, for the example he has set, and the standard he has upheld.



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In Recognition of Officer Christopher Lewis

WHEREAS, Officer Christopher Lewis is a member of the Endicott Police Department; and

WHEREAS, Officer Lewis is a dedicated public servant who has sworn to protect public safety at any time and place; and

WHEREAS, Officer Lewis, while on night duty on April 2, 2023, did respond to a Fire Assist call and did assist Officer Trevor Stiles in keeping a porch fire under control until fire crews arrived; and

WHEREAS, Officer Lewis' quick response did help save the residents from serious injury and their residence from significant damage.

Now, therefore, the Town of Union Board wishes to recognize Officer Lewis for his outstanding dedication and commitment to the community. We thank him for his service, for the example he has set, and the standard he has upheld.

PUBLIC HEARINGS: None.

BIDS:

Bids were received on Thursday, April 27, 2023 at 10:00 AM for Adams Avenue Street Reconstruction.

Bids were received as follows:

| | |
|--------------------------------|---------------|
| Hurd Development, LLC | \$ 133,574.00 |
| Chicago Construction Co., Inc. | \$ 184,000.00 |

Moved by Augustini, seconded by Nirchi to receive and file the Bids for Adams Avenue Street Reconstruction.

Carried.

Bids were received on Wednesday, May 2, 2023 at 10:00 A.M. for Town of Union Building Egress Stairs Replacement.

Bids were received as follows:

| | |
|---------------------------|---------------|
| ProCon Contracting | \$ 131,000.00 |
| Rock Boulder, Inc. | \$ 143,800.00 |
| First General of So. Tier | \$ 152,412.00 |
| Marchuska Companies | \$ 158,057.35 |



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Senco Metals, LLC

\$ 225,000.00

Moved by Augustini, seconded by Nirchi to receive and file the Bids for Town of Union Building Egress Stairs Replacement.
Carried.

APPROVAL OF MINUTES:

Moved by Augustini, seconded by Nirchi to approve the Minutes of the Regular Town of Union Board Meeting held on Wednesday, April 19, 2023.
Carried.

HEARING OF VISITORS:

Timothy Mellander, 511 June Street, Endicott, said he came to the last meeting; asked for a status update on the condition of 508 June Street and was told Mr. Pope was going to drive by and also work on getting affidavits. Since the last meeting, he has seen Dog Control and a Code Enforcement Officer there taking pictures of the property, which was accessed from the neighbor's yards. He said right now, there are five overfilled garbage cans on the curb that have been there for two weeks that were not picked by the garbage men. He said he knows the Town wants to make a point to them, but, how many more are going to be put out there before it is picked up.

Supervisor Robert Mack said he will talk to Public Works regarding that issue.

Town Attorney Alan J. Pope gave an update: we are close to filing the court order, but we are not there just yet. He said we did get the waiver back. We had a revision to the affidavit that goes with the petition. He said we had to go back to Code for the updated information for the revision. Deputy Town Attorney Rosemarie Pope, revised the paperwork and got it back to him this morning. He said there is still the issue of how we will serve the owner, Mr. Gonzalez. He has a guardian of his property and now we are trying to find out who the guardian of person is. We believe somebody at the Department of Social Services knows the information, but it is not open to the public. The guardian of his property is a local attorney, who we know and have worked with before. The attorney is trying to find out who the guardian of person is for Mr. Gonzalez. When we go to court to get the order, the court will give us a number of days to serve the property owner. The Court won't hear our proceeding if we don't have that information.

Mr. Mellander said that it would be helpful if you sent the group an e-mail to inform us as to what is happening. He said from their side of view, it looks like there is no progress and that is why are we coming to the meetings.



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Town Attorney Alan J. Pope said the group has his e-mail address and if anyone in the group has not heard from him, they should e-mail him, and he or his Paralegal will answer it.

Supervisor Robert Mack said he did see the pictures that Code Enforcement took and it does look pretty rough.

Bob Utter, 1728 Airport Road, Binghamton, asked if the Town has any new information regarding the IDA project on Airport Road. He asked if the Town has a Comprehensive Plan.

Supervisor Robert Mack said we do not have any information. He said the Town's Comprehensive Plan is outdated and is out for RFPs right now.

Mr. Utter asked if Attorney Thomas Dellapenna, Zoning Board of Appeals Attorney, has any input on this project. He said Mr. Dellapenna is the owner of the 300 acres and it would be a conflict of interest if he had any input on it. He also said there are 55 gallon barrels on the property where the apple orchard was; we don't know what's in them and we can't go on the property and someone from the Town could go look. He said he put a flyer out to the residents in the area for them to be aware of the project and has more to deliver. He said he has worked hard for the last 6 months gathering information. Town of Maine is in the same boat as you, they don't have the information he has either.

Town Attorney Alan J. Pope said we are a government and we cannot go on to anyone's property.

Mr. Utter also said the IDA will get a standard PILOT for this and it's all about money and not the taxpayers. He explained that the entrance on Kot Road is supposed to be for employees only. He was on the phone with the gas company because there is a 1000 PSI gas line that goes right through the property and he remembers the gas line explosion that happened in the 90's. Many of people have lived up there from 10 to 60 years and we do not want to change our quality of life.

Supervisor Robert Mack said we have nothing to make any decisions on. We are the Town, not the County or the IDA and there is a pecking order in government with towns at the bottom. I was on the Board 6 years ago when we voted 5-0 against an IDA project and they still overruled us and did the project. We do not have information. You have told us you have insiders at the County giving you the information; we do not have that and I do not know how to get that information.

Councilman Thomas R. Augostini said now that you have heard a lot of what Mr. Utter has said, we have told you everything the IDA has told us so far. The IDA has told us that they have an option on the property and during that option period that is from now until the end of the year, they are going to hire consultants/engineers to scope the land to see what it can be used for, of which we have no information of the results. He said they have already ruled out any logistic or storage companies, such as XPO, Fed Ex and UPS. What they think might go



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there, and they are even sure of it, is office buildings. That is what they are studying with that option. There are no conclusions and we have not been shared any results from any of their consulting work on where on that land could something go, where on the land is totally off limits, and that's what we know so far. So, if you say that the employees are going to enter in by East Maine Road and Kot Road, we don't even know what is going in up there, let alone where they are going to enter, because the IDA doesn't have it figured out yet, and if there is going to be an entrance way, it would be above the dome, in the Town of Maine.

Mr. Utter said he has Stacy Duncan on tape saying "it could be a battery recycling facility or a chip manufacturing facility". Those were her words stated at a Town of Maine meeting. He heard it could be Amazon.

Councilman Thomas R. Augostini said he said it would not be a logistics company, meaning high truck traffic, like UPS or XPO and Amazon.

Olenda Schrem, 1320 Airport Road, Binghamton, said she went to the Town Maine meeting and got a lot more information than this. We came with questions, the Town Board had questions and the IDA gave them answers to some of them. She said she was here tonight because she lives by the dome, her father and brother have hunting land with cabins there, which is across from the cemetery. It is all rocky and hills and not feasible, but that is one of the properties where they want to come in. She said they asked the IDA if they went out to look at the land and the IDA said they did not. She said they want the 300 acres of property and want to buy the properties in the way. She said the property is worth \$1000.00 an acre and they offered Dellapenna \$5000.00 an acre. She said they have come a long way in six months of that year option. The mob came with signatures and the attorney said they didn't even matter now. The IDA said it would be like FedEx, UPS and companies like that which is exactly opposite of what you said tonight. They want it to be like the Corporate Park in Kirkwood. She said the traffic is already busy on Airport Road with people going to the landfill and airport. The residents want to keep it residential and you say you have no control what they can do. We are not in support of it.

Supervisor Robert Mack said we do have some control, but we can be overruled. He said we are not that far along and apparently you have more information than us. We have nothing here to offer you. It has not even come to the Town yet, so we cannot say we are in agreement with it or not.

Councilman Joseph P. Nirchi, Sr. said we were told differently in the ZOOM meeting with IDA. They said they looked at freight & logistics companies and they didn't think they could do that. They then said they are looking at chip manufacturing or recycling, but they have not presented clear cut plans to us. He said he is in agreement with the residents and would not be for this. He also said we do not have a say yet, because they have not presented anything to us.



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Councilman Thomas R. Augostini said solar companies want to go into the property if this falls through, and that is why the IDA has the option to hold the land up for one year to do their research and due diligence on the feasibility of the property.

Another Airport Road resident asked if there is anything else they could do, who to write to.

Councilman Joseph P. Nirchi said it is an IDA project so the County is where they need to go.

Councilman Thomas R. Augostini said he would gladly get Stacey Duncan to come to a Board meeting to explain their plan.

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

COMMUNICATIONS FOR FILING:

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

1. Charter Communications Notice – April 24, 2023.
2. Letter from Bob Utter, 1728 Airport Road, Binghamton, with information regarding the Broome County IDA project on Airport Road that is being distributed to neighbors in that area and to all Town of Union Board, Zoning Board and Planning Board members.
3. 239 Review from Village of Johnson City regarding a Proposed 27,700 sf 3 story self-storage building at an existing storage facility plus associated site improvements at 660-662 Riverside Drive.
Carried.

COMMUNICATIONS FOR ACTION:

1. Moved by Augostini, seconded Nirchi to approve the Email from Lisa Rosa, Provider Collaboration Network for Family Enrichment Network, requesting use of a pavilion at Highland Park on July 16, 2023 and waiver of fees for an event to honor their child care providers in Broome and Tioga Counties, and refer it to Commissioner of Public Works Louis V. Caforio and Parks Manager Jay Vassil.
Carried.
2. Moved by Augostini, seconded by Nirchi to approve the letter from Michelle Beatty, Secretary/Treasurer of Park Manor Homeowners Association, requesting to close Parkwood Drive, barricades to block the street on Saturday, June 17, 2023 from 4:00 PM to 8:00 PM, for their annual Block Party, and for the Town to notify the appropriate emergency services for



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this event, and refer it to Commissioner of Public Works Louis V. Caforio and Highway Superintendent Scott Paugh.
Carried.

3. Moved by Augostini, seconded by Nirchi to refer the letter from Daniel Eaton, 2601 Smith Drive, Endicott, requesting reimbursement for damage caused by a sewer backup in his basements (Duplex) on April 21, 2023 from a clog in the public sewer line to Town Attorney Alan J. Pope, Commissioner of Public Works Louis V. Caforio, Deputy Commissioner of Public Works – Environmental Services Daniel Schofield and the Town’s Insurance Carrier.
Carried.

4. Moved by Augostini, seconded by Nirchi to refer the letter from Tom Meade, 611 Jeanette Road, Endicott, requesting a “Children at Play” sign be attached to the existing “Curve” sign located at 613 Jeanette Road, or reduce the speed from 30 MPH to 15 MPH and refer to Commissioner of Public Works Louis V. Caforio and Highway Superintendent Scott Paugh.
Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

Moved by Augostini, seconded by Kudgus to approve the following 2023 Budget Transfers:

| | | | |
|-----------|--------------|-------------------------------|--------------|
| Decrease: | 20 1990 4611 | P/T Miscellaneous Contingency | \$ 350.00 |
| Increase: | 20 7411 4040 | Culture – BC Open | \$ 350.00 |
| Decrease: | 31 5110 2500 | Equipment | \$ 17,000.00 |
| Increase: | 31 5110 4107 | Lubricants | \$ 17,000.00 |
| Decrease: | 31 5110 4122 | Sluice Pipe | \$ 5,000.00 |
| Increase: | 31 5110 4154 | Manhole Covers | \$ 5,000.00 |

Carried.

(Prepared Resolution filed as part of these minutes to approve the following 2023 Budget Modifications:

| | | | |
|-----------|-------------------|----------------------|----------------|
| Increase: | 10 4089 0000 ARPA | ARPA Lost Revenue | \$ 15,299.00 |
| Increase: | 10 9901 9040 ARPA | Transfer to Parks | \$ 15,299.00 |
| Increase: | 40 5031 0000 | Inter-Fund Transfers | \$ 15,299.00 |
| Increase: | 40 7110 4413 ARPA | B&G Services | \$ 15,299.00.) |

Res. by Augostini, seconded by Kudgus.

Vote: All yes.

The Resolution was adopted.



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(Prepared Resolution filed as part of these minutes for the Town Board to approve the increase fees for Highland Associates for the Justice Building Renovation/Flood Proofing and Town Hall Flood Proofing project by \$7,500 for programming and for a fixed fee of \$36,000 for Construction Administration paid out of ARPA Lost Revenue Funds and for the Supervisor and such other employees are authorized to take such additional and further action to implement the Resolution as may be necessary.)

Res. by Nirchi, seconded by Kudgus.
The Resolution was adopted.

Vote: All yes.

(Prepared Resolution filed as part of these minutes to award the Bid for Town of Union Building Egress Stairs Replacement to ProCon Contracting for their low bid price of \$131,000.00.)

Res. by Nirchi, seconded by Kudgus.

Vote: All yes.

(Prepared Resolution filed as part of these minutes to award the Village of Endicott, North Adams Street Reconstruction project to Hurd Development for their low project bid of \$133,574.00.)

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

Vote: All yes.

HEARING OF VISITORS:

As no one else 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 Nirchi to receive and file the following Department Reports.

1. Town of Union Local Development Corporation minutes – March 23, 2023.
 2. Town Clerk Report – March 2023.
- Carried.

Councilman Joseph P. Nirchi, Sr. congratulated the two officers that were recognized tonight. He thanked the Board for recognizing them.

Councilman David Kudgus agreed with Councilman Nirchi and thanked them for being a part of that call and both were very professional.



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ADJOURNMENT:

Moved by Augostini, seconded by Nirchi to adjourn the meeting.

Carried.

The meeting was adjourned at 7:47 P.M.P.M.

LJP/bk

Leonard J. Perfetti
Town Clerk