



**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*

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## TOWN OF UNION BOARD MEETING

October 4, 2023

The Regular Meeting of the Town Board of the Town of Union was held in the Town Board Room, 3111 E. Main Street, Endwell, New York

BOARD MEMBERS PRESENT: Supervisor Robert Mack, Councilman Thomas R. Augostini, Councilman Frank J. Bertoni, Councilman David Kudgus.

Absent: Councilman Joseph P. Nirchi, Sr.

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.

Town Clerk Leonard J. Perfetti presented the 2024 Tentative Budget to the Town Board.

### PUBLIC HEARINGS:

A Public Hearing was called for on Wednesday, October 4, 2023 at 7:00 P.M. for input and comments regarding the Town instituting a twelve (12) month moratorium on battery energy storage installations, to allow the Town sufficient time to determine the appropriate code and land use laws, and to complete the drafting of a battery energy storage system ordinance.

Pub. & Posted: 09/24/23

Gay Canough, Endicott, said she ran a solar energy company for 34 years and in that time the installed capacity of solar grew immensely. She said NY State has taken the leadership position on the deployment of solar and wind power, and now another opportunity has come to Endicott: battery manufacturing. We cannot afford to dither around; the technology and know-how is in place to make a fast transaction away from fossil fuels. She urged the Town when they are deciding the rules for battery deployment, to consider the NYSERDA "model law" for such rules and that the time period should be two to three months, not a year.

Leo Pavlovich (?) Johnson City resident, said power companies have a vested interest in trying to balance the load on the grid. He said they are using smart meters and the next step



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will be time of day billing. NYSEG pays for electricity as it is generated so the price changes all the time. With battery storage they will be able to buy at night when it is less expensive and store it to sell it back during the day. He said it makes sense from an economic point of view.

Supervisor Robert Mack said he didn't know if Mr. Pavlovich realized we are not talking about residential storage, but about large commercial – mega storage facilities.

Mr. Pavlovich said on a utility scale, you have big facilities with a lot of energy stored in them and that is what the concern is. He pointed out that the NYSEDA model law has addressed all the technical issues and what standards you have to look at. He also pointed out that there are 21 local governments in Broome County and there is a lot of overlap. He suggested that the Town talk to County Executive Jason Garner to sponsor a working group from the towns to come up with a uniform law which would be a great opportunity to work together and with NYSEDA.

Supervisor Robert Mack said they had a meeting yesterday with villages and towns regarding shared services. We are trying.

Valdi Weiderpass, 809 Madeline Drive, Endicott, said he is a retired engineer from BAE and worked with battery energy storage systems on the Broome County Transit buses. He has researched renewable energy and battery storage for many years, especially in saving a habitable climate. He commented that to his understanding, the Town of Union Planning Department has received a new proposal for an energy storage system that is a grid scale system and are worried that they currently don't have appropriate code and land use laws. He said that they told him they are shorthanded, have about a dozen proposed planning projects to review and don't have time to create the needed ordinance. He said the point is those other typical planning projects should not take priority over this because the Town has known about the existence of grid scale storage systems for at least two and a half years. He said he doesn't believe 12 months is warranted or justified for a moratorium because the NYSEDA law has the instructions embedded into it to follow and two to three months at most is justified for the delay. He also said battery based energy storage systems will be a vital part of the growing needs in order for the Town of Union to support the goals of the New York State Climate Leadership and Community Protection Act, which includes the mandated goal of 70% of our electricity coming from renewal energy by 2030.

Martin Patchett, 927 Farm to Market Road, Endwell, said he has a 5.8K Solar generator system on his house that runs on net metering. If NY State takes away net metering, he would essentially be giving away his energy surplus in the summer and not getting paid for it like now, one to one.

Supervisor Robert Mack reminded them that we are not talking about residential.



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Mr. Patchett said the Tier 1 systems include the 5.8 kw like his. This means he couldn't store the energy and use it in his house instead of giving it away to NYSEG. He said grid stabilization and smoothing out the flow are the real goals with the batteries and we are going to have to build more fossil fuel generating plants to stabilize the grid if we don't have some type of storage for renewable energy from wind, hydro or solar. He said that power should take priority over the other projects.

Supervisor Robert Mack said most of the Board is pretty educated on this and that our Planning Department has told us that they need some time to develop good laws and good zoning. We need to listen to what the internal department tells us. He said a Planning position has been advertised for a long time and no one is applying, so unfortunately that is why the Planning Department is struggling.

Mr. Patchett asked if contractors could do the job for short term.

Town Attorney Alan J. Pope said we recognize that the Planning Department needs assistance and we have already met internally and Planning, Code, Town Attorney, Deputy Town Attorney and probably someone from the Laws & Legislation Committee are going to be the committee that moves forward on this.

Supervisor Robert Mack said we will take this under evaluation and try to speed this up as fast as we can.

Leo Pavlorich, Johnson City resident, said the real problem is that the Town is a small town with a small staff. He encouraged the Town to escalate this to the County level so that the best leverage and technical assistance from NYSERDA could be used.

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

### BIDS:

Bids were called for Wednesday, September 27, 2023 at 10:00 A.M. for Professional Engineering Services for Street Reconstruction – 300 Block N. Arthur Avenue – Jenkins Street to Pine Street.

Bids were received as follows:

Delta Engineers, Architects & Surveyors	\$12,682.00.
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Moved by Augostini, seconded by Bertoni to receive and file the Bids for Professional Engineering Services for Street Reconstruction – 300 Block N. Arthur Avenue – Jenkins Street to Pine Street.

Carried.



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## APPROVAL OF MINUTES:

Moved by Augustini, seconded by Bertoni to approve the Minutes of the Regular Town of Union Board Meeting held on Wednesday, September 20, 2023.  
Carried.

## HEARING OF VISITORS:

Mike Bonkiewicz, a member of the Glendale Lake Association (Action #4 of this meeting), asked for No Parking or Standing signs to be erected on all of Glendale Drive, including the part by Bosket Lake. He said this would keep people from parking on both sides of the road, which makes it difficult to pass through and would help limit people from fishing illegally in their private lake. He said their Association feels the No Parking or Standing signs would help.

Supervisor Robert Mack said the action will be referred to Commissioner of Public Work Louis V. Caforio to respond to.

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

## COMMUNICATIONS FOR FILING:

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

1. Charter Communications Notice – September 15 & 19, 2023.  
Carried.

## COMMUNICATIONS FOR ACTION:

1. Moved by Augustini, seconded by Bertoni to refer the Choconut Center Volunteer Fire Co. Inc. Proposed 2024 Budget to Comptroller Jennifer Lindsay.  
Carried.

2. Moved by Augustini, seconded by Bertoni to approve the Email from Michelle Beatty, Park Manor Homeowners Association, requesting permission to hold their annual Halloween Parade on Saturday, October 28, 2023, starting at 11:00 A.M. and authorizing the use of barricades to block off Parkwood Drive be delivered on Friday, October 27, 2023 to Commissioner of Public Works Louis V. Caforio, Highway Superintendent Scott Paugh and Town Clerk Leonard J. Perfetti.  
Carried.



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3. Moved by Augustini, seconded by Bertoni to refer the West Corners Fire District Proposed 2024 Budget to Comptroller Jennifer Lindsay.

Carried.

4. Moved by Augustini, seconded by Bertoni to refer the Email from Mike Bonkiewicz, West Corners resident, requesting No Standing/Parking signs be put on both sides of Glendale Drive, West Corners by Bosket Lake (privately owned), to eliminate the congestion on Glendale Drive and to deter people from fishing and littering on their private property to Town Attorney Alan J. Pope, Commissioner of Public Works Louis V. Caforio, and Highway Superintendent Scott Paugh.

Carried.

5. Moved by Augustini, seconded by Bertoni to refer the Endwell Fire District Proposed 2024 Budget to Comptroller Jennifer Lindsay.

Carried.

6. Moved by Augustini, seconded by Bertoni to refer the West Endicott Fire District Proposed 2024 Budget to Comptroller Jennifer Lindsay.

Carried.

7. Moved by Augustini, seconded by Bertoni to refer the Notice of Foreclosure – Lakeview Loan Servicing, LLC vs Danielle Viraphong – 302 Squires Avenue, Endicott, New York to Town Attorney Alan j. Pope and Planning Director Christopher Kylor.

Carried.

PETITIONS: None.

### COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

Moved by Augustini, seconded by Kudgus to approve the following 2023 Budget Transfer:

Decrease	20-8160-4513	County Tipping Fee	\$1,500.00
Increase	20-8160-4201	Telephone	\$1,500.00

Carried.

(Prepared Resolution filed as part of these minutes to award the Town of Union Website Design to Revize -The Government Website Experts for their bid price of \$28,900.00 and to be paid out of ARPA-Lost Revenue Funds.)

Res. by Augustini, seconded by Kudgus.

Vote: All yes.

The Resolution was adopted.



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A single Proposal was received for Heating System Main Town Building – Heating Conversion from Smith Site Development LLC. The Voluntary Cost Estimate is in the amount of \$1,105,121.15.

(Prepared Resolution filed as part of these minutes to award the contract for Heating System Main Town Building – Heating Conversion generated through TIPS RCSP 230104 Trades, Labor and Materials to Smith Site Development, LLC for their proposed price of \$1,105,121.15 and to be paid out of ARPA Lost Revenue Funds.)

Res. by Bertoni, seconded by Kudgus.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to approve the CCA Agreement with Good Energy to allow Good Energy as the Town of Union Administrator for natural gas and electricity procurement subject to the approval of the Town Attorney and for the Supervisor to execute the same.)

Res. by Bertoni, seconded by Kudgus.

Vote: All yes.

The Resolution was adopted.

Quotes were received for Crack Seal, Sealcoat and Striping of Basketball/Tennis Courts at Highland Park.

Two quotes and one refusal were received and are as follows:

Pavlovich Pavement Markings, LLC.	\$ 23,639.00
B&G Sealcoating Striping	\$137,000.00
Battaglini Sealcoating	Declined to quote.

(Prepared Resolution filed as part of these minutes to accept the quote from Pavlovich Pavement Markings, LLC for Crack Seal, Sealcoat and Striping of Basketball/Tennis Courts at Highland Park for their quote price of \$23,639.00.)

Res. by Bertoni, seconded by Kudgus.

Vote: All yes.

The Resolution was adopted.

Mike Bonkiewicz commented about the large discrepancy in fees and asked if we are going to get what we paid for.

Councilman Thomas Augustini said Pavlovich Pavement has worked with the Town in the past and has good references.

(Prepared Resolution filed as part of these minutes to accept and award Delta Engineers, Architects & Surveyors as the sole bidder for the FFY 23-24 CDBG Village of Endicott: N. Arthur Ave Engineering Services reconstruction project for no more than \$12,682.00. Contract



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will include the following services: surveying, construction documents and monitoring services during the construction phase of the project.)

Res. by Kudgus, seconded by Augustini.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to grant permission to waive handicap ramp fees for Broome County Council of Churches Ramp It Up program in the Town of Union.)

Res. by Kudgus, seconded by Augustini.

Vote: All yes.

The Resolution was adopted.

### HEARING OF VISITORS:

Mike Bonkiewicz, West Corners resident, said that after looking at the Town's structure, he asked what the Town Constables do.

Supervisor Robert Mack said they serve evictions, warrants, subpoenas, those types of things. He said they are not paid by the Town of Union.

Valdi Weiderpass, 809 Madeline Drive, Endicott asked about the complete heating system project and if they are heat pumps.

Councilman Thomas R. Augustini said there is only one thermostat to regulate this whole building which is extremely ineffective. He also said there are radiators and ductwork throughout the building to be replaced.

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:

1. Town of Union Planning Board Decision – Clothing Collection Bin Special Permit for Development in a Floodplain - Alex Hillis, St. Pauly Textiles, Application # PB-2023-27 – 4212 Watson Blvd. Tax Map # 142.11-2-48.12.
2. Town of Union Planning Board Decision - Special Overnight Event – Family Sports Complex, Application # PB-2023-25, 1500 County Airport Road, Binghamton, Tax Map # 110.04-1-37.2.
3. Town of Union Local Development Corporation Regular Meeting minutes for 8/24/23.



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4. Town of Union Planning Board Decision – Special Use Permit Approval: Outdoor Seating and Cooking at a Tavern, The Fairways Indoor Golf Company, Application # PB-2022-25, 511 Hooper Road, Tax Map # 142.13-1-12.

Councilman Frank J, Bertoni said he is pleased to announce the Highway Department is doing the milling and repaving of June Street and hopefully Pine Street will be next. He also said the Parks Department is tearing up all the blacktop walkways and widening the paths at West Endicott Park.

### ADJOURNMENT:

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

The meeting was adjourned at 7:42 P.M.

Leonard J. Perfetti  
Town Clerk

LJP/bk