



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

October 18, 2023

The Regular Meeting of the Town Board of the Town of Union was held on Wednesday, October 18, 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., Councilman David Kudgus.

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

Also in attendance was Village of Endicott Mayor Linda Jackson.

Supervisor Robert Mack 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, October 4, 2023.
Carried.

HEARING OF VISITORS:

Steven Ferrant, 3110 Robins Street, Endwell, said that NYSEG replaced a pole on his property and an additional pole was left that he thinks may be for internet wires. He asked who he would talk to about this. He also said he wants to see easements or agreements for the use of his property.



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Supervisor Robert Mack said it is probably NYSEG or Verizon's pole. He said for him to call Lou Caforio and he may be able to give him the answer.

Bob Utter, 1728 Airport Road, Binghamton, said he thought the IDA was supposed to be at this meeting. He asked Councilman Thomas R. Augostini if he shared the 250 page Shumaker' survey report that he forwarded to him. He asked if the Board could tell him what the meeting on Monday with the IDA was about. He said the Town of Maine will fight the IDA as the lead agency and that this is a bad project all the way around.

Deputy Town Attorney Rosemarie Pope explained that the meeting was about the IDA wanting to be lead agency. They will send notices to both towns, who will have thirty days to respond. She said if someone else wants to be lead agency, this decision will be decided by the DEC and she also said we are not there yet in that process.

Councilman Thomas R. Augostini said the thirty days starts with the notifications of their intent. We are not there yet. He also said, if the Town of Maine wants to be lead agency, they will have to make arguments as to why they should be and DEC will decide.

Deputy Town Attorney Rosemarie Pope said the IDA should consider if the Town doesn't want or are not open to them as lead agency.

Mr. Utter said the neighbor, Mr. Bestruck (?) is a retired engineer from Rochester, who read the Shumaker Survey report thoroughly pointed out many problems that he saw. He asked the Board to go home, read the report and think about it before there are any decisions made.

Supervisor Robert Mack said we are not even close to seeing if this project will work or not. He said that if the IDA wants to be the lead agency, that's fine. The Town will not be lead agency because it is too expensive and we do not have the manpower for a SEQRA process that big.

Councilman Joseph P. Nirchi, Jr. read the email he received today at 3:24 P.M. from Stacy Duncan saying "the IDA voted today to exercise their option to purchase 306 acres". He said that is as much as we know.

Olenda Schram, 1320 Airport Road, Binghamton, said her brother lives on the Town of Maine side of this project. His property is part of their eminent domain plan. She said for six months they have been coming to meetings that the IDA is supposed to be at, but they cancel at the last minute. She is concerned about Staci Duncan is writing articles on this project and basically saying it's a done deal. Where are the papers proving that?

Supervisor Robert Mack said it's a pipedream. We can't control what she says or thinks.



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Councilman Frank J. Bertoni said there other properties, for instance, the old BAE site that the Town has received proposals for and plans submitted by companies that nothing has happened to yet. We have nothing to go on without the papers.

Town Attorney Alan J. Pope said we are not in the dark on this. We get emails with some information and they come to the meetings, but there are no deals from the Town of Union.

Councilman Frank J. Bertoni and Councilman David Kudgus said they did not receive the email today. Councilman Thomas R. Augostini looked at the email and said both Councilman's email addresses said they were with Town of Maine.com not the Town of Union.

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

COMMUNICATIONS FOR FILING: None.

COMMUNICATIONS FOR ACTION:

1. Moved by Augostini, seconded by Bertoni to approve the letter from Ashley Culver, Administrative Assistant, National Pipe & Plastics, requesting permission to block Maple Street from Page Avenue to Mills Street to hold their first Annual Trunk or Treat from 5:00 P.M. to 7:00 P.M on Saturday, October 21, 2023. The will have employees at each end of the block to allow cars that are participating to use the parking spaces in front of the park and to restrict through traffic. The letter was referred to Commissioner of Public Works Louis V. Caforio, Highway Superintendent Scott Paugh and the Town Clerk.
Carried.

PETITIONS: None.

COMMITTEE REPORTS, RECOMMENDATIONS AND RESOLUTIONS:

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

Decrease	31-5110-4123	Guard Rails	\$10,000.00
Increase	31-5110-4110	Small Tools	\$10,000.00
Decrease	20-8120-2050	Capital Improvement	\$ 3,000.00
Decrease	20-8120-2500	Other Equipment	\$ 5,000.00
Increase	20-8120-4430	Sewer Line Repairs	\$ 4,400.00
Increase	20-8120-4111	Parts	\$ 3,600.00
Carried.			



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(Prepared Resolution filed as part of these minutes to call for a Public Hearing to be held on Wednesday, November 1, 2023 at 7:00 P.M. to consider the 2024 Preliminary Budget including the Annual Water Fund, Annual Sewer Fund, Annual Fire Contracts for the Fire Protection Districts, and proposed Tax Cap Override local law.)

Res. Augostini, seconded by Kudgus.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to purchase one High-Capacity Lexmark MS823 printer from TechMD for the cost of \$1,695.20, to replace the HPM9050 printer in the Personnel Office, and to be paid from Other Equipment Budget Line. The repair parts can no longer be purchased for the HPM9050 printer.)

Res. by Augostini, seconded by Kudgus.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes to purchase one Lexmark LX7222ade printer from TechMD for the cost of \$2,888.00 to replace the Canon IRV 4035 printer in the Assessor's Office, and to be paid from the Assessor's Budget. The repair parts can no longer be purchased for the Canon IRV 4035 printer.)

Res. by Augostini, seconded by Kudgus.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes authorizing the purchase of a new 2024 Mack Granite 64FR Dump Truck off of the Onondaga County Heavy Truck Class 8 Statewide Contract #8996 from Conway Beam Truck Group, Inc. The purchase price is \$308,721.08. Monies for this purchase will come out of the Capital Line.)

Res. by Bertoni, seconded by Nirchi.

Vote: All yes.

The Resolution was adopted.

(Prepared Resolution filed as part of these minutes authorizing the purchase of a new 2025 Mack Granite GR42F Dump Truck off of the Onondaga County Heavy Truck Class 8 Statewide Contract #10914 from Conway Beam Truck Group, Inc. The purchase price is \$293,204.62. The price of \$283,106.28 will be paid out of the Capital Line and the overage amount of \$10,098.34 will come out of the Highway Department's other equipment line.)

Res. by Bertoni, seconded by Nirchi.

Vote: All yes.

The Resolution was adopted.

Moved by Kudgus, seconded by Augostini to accept the Preliminary Titan Agrivoltaic Planned Unit Development (PUD) Plan, including the petition to rezone a portion of 1215 Rhodes Road, and to refer it to the Planning Department to make all necessary referrals under



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Section 239-l and -m, and to forward the Preliminary PUD Development Plan to the Planning Board for an advisory opinion.
Carried.

(Prepared Resolution filed as part of these minutes for the Town of Union Town Board to declare Intent to be Lead Agency for the application for the Preliminary Titan Agrivoltaic PUD Development Plan, including the petition to rezone 8.83-acres of 1215 Rhodes Road.)
Res. by Kudgus, seconded by Augostini. Vote: All yes.
The Resolution was adopted.

HEARING OF VISITORS:

Carol Laskoski, 37 Edwards Street, Johnson City, said her brother lives at 1215 Rhodes Road and asked how the Titan Agrivoltaic Planned Unit Development project would affect other properties around it.

Supervisor Robert Mack said this project is a solar farm that will be fenced in and will have sheep living there to eat the grass, so they don't have to mow it. He said it is an interesting concept and there are two built already in Lansing and Ithaca, New York.

John Solak, 8 Lathrop Street, Binghamton, said he believes this is the first time in history that two brothers serve on two government boards at the same time – Councilman Thomas R. Augostini on the Town Board and Louis Augostini on Broome County Legislative Board. He believes this could cause a conflict of interest with both brothers having to vote at some time on this project. He said any matter that would come down from the county, one of them would have to refrain from voting.

Town Attorney Alan J. Pope said it would depend on the circumstances.

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

1. Town Clerk Monthly Report – September 2023.
2. Permits Monthly Report – September 2023.



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3. Town of Union Planning Department Minor Site Plan Review – Application # PD-2023-027, Clothing Collection Bin – Northminster Presbyterian Church, 711 Farm to Market Road, Tax Map #141.08-2-64.
Carried.

ADJOURNMENT:

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

The Meeting was adjourned at 7:40 P.M.

RMK/bk

Rebecca Kruckowski
Deputy Town Clerk