

Village of Endicott Linda Jackson, Mayor Nicholas Burlingame, Trustee

R. Ted Warner, Trustee

Patrick Dorner, Trustee

Timothy P. Wright, Deputy Mayor

A Quality Community

Anthony Bates, Village Manager

**Board Meeting**

**February 6, 2023**

**6:00pm**

**Order of Business**

**1. Pledge of Allegiance – Moment of Silence**

**2. Fire and ADA Compliance Announcement**

**3. Mayor Announcements**

We are now hiring out the water meter change outs. Hydro Utilities will be doing all the work of making appointments, etc. On the Village web site, at the black banner on the top of the page, is a link for information regarding this change out program.

The third-grade students from all Saints school came for a visit.

Had a meeting with Julie Sweet from the Department of State. We went over the DRI projects and which agencies are now in charge of getting them started.

Discussed the Art Park with Broome County and Labella. The plans look fantastic. I did receive the petitions and letter from the church, but we need more information.

Met with the holiday parade committee. This was a fantastic parade. Went over things we can do even better next year. Lynn Orlando will now be helping Darlene on running this parade.

Our code advisory committee is now working on a complex local law involving vacant and abandoned properties. General code and five different municipal local laws are being considered. A special, personal, thank you to Justin Marchuska for demolishing the two houses on E. Franklin Street that were an eyesore. He is really cleaning up our Village!

Met with Harris Weis from Governor Hochul’s office. He wanted to know how the Governor could assist the Village. Of course, I was prepared for this question. We are requesting money for our water main from our new well, a generator for our Rainey well of one million dollars, and more assistance for the water filter for the Rainey well.

Participated in a ribbon cutting event at the Community Center. This is such a vital part of our Village.

Had a meeting with Doug Courtright, chairman of the water board. Needed to compare notes on progress with the new well, water main, Johnson city rate increase, and the many projects the water department is working on.

Attended Kirk Rapp’s retirement party. He does so much for the Village. We will really miss him. But we are fortunate to now have Jessica in this position.

Gave a speech at the Endicott Rotary club. They are very interested in the progress happening in the Village.

Participated in a conference on ‘Disaster management, Global epidemic, and its impact’. Johnson City Mayor Meaney and I mainly told them how our Municipalities handled this situation. Chief Garey is also working on finishing our new, written, emergency plan.

The Agency approved the PILOT for the Kmart Plaza. A 15-year tax reduction. As Trustee Warner’s email reminded us, this property is still over a dump. If for any reason the DEC decides to have it cleaned up, we do not want the Village to be on the deed and held responsible for the cost.

We all received a message from our police chief on recent incidents and arrests in the Village, and the difficulties with staff and the new discovery laws. I contacted our District Attorney, Michael Korchak, and asked to schedule a meeting with him, Assemblywoman Lupardo and Chief Garey in the near future to discuss revisions needed in this new law. Assemblywoman has been discussing these problems with chief Garey, and agrees a revision is needed. Assemblywoman Lupardo can then take our suggestions directly to the governor.

An FYI. I received a letter from Hunt engineering. They have acquired Schumacher land surveyor’s company.

Spoke at Endicott Proud on progress the Village. The high school gave out surveys to the Participation in government classes. For the very first time, the majority of the students said they would return to this area to live. With all they have seen in town and in the media, they feel hopeful for our Village’s future. The main thing they feel we lack is more cultural and diversity. At a NYCOM conference, two Trustees from Long Island suggested holding an ethnic festival. With education on traditions, holidays, beliefs, and food!

**4. Trustees**

**Burlingame**-Met with Stephen Donnelly re: his Proposed Professional Housing Complex. He attended Congressman Marc Molinaro’s Swearing-In Ceremony as well as the Police Auxiliary meeting. He tuned into the Endicott Proud Meeting. There was a discussion regarding SEPP Project being fully funded. Village Manager stated that they were still working with the State. Questions re: communications from the Mayor’s office re: Green Mountain property and that the Village was not interested in the land for a Park. Mayor Jackson stated she did not send a letter or an email nor has she spoken with anyone at Green Mountain. She has spoken about it publicly. He spoke of Sungeel and the continual issue being brought up although this has been

Resolved.

**Wright-**Comments re: several issues involving Facebook responses, refuse, Kmart. Comments re: the VOE Street dept and their efforts re: pot holes. Spoke of the proposed park at Kmart. Mayor Jackson stated she was not against having a park there, she does not want the Village’s name on the deed and the liability. He suggested having the DEC do a presentation. He is in favor of a park.

A motion was made by Trustee Wright to authorize Village Manager Bates to pursue Village options for public use regarding the parcel ID, 157.10-6-25/ 216 Harrison Ave and parcel ID 157.10-6.36/ 219 Vestal Ave. and seconded by Trustee Burlingame

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes

**Dorner**-Comments re: Facebook comments from the Mayor regarding Ethnic Festivals to Sungeel to prejudiced comments. He stated that he would appreciate if the Mayor retracted these statements off her Facebook page. He commented on public questions re: raising the Village water rates and tax increases. Spoke of his concerns regarding the Art Park and the parking spaces being taken away from the Church.

**Warner**- Comments regarding the Kmart property and noted he is in favor of a park being placed there, providing it is handled the correct way. Questioned as to whether we have a Deputy Mayor. Trustee Wright stated he received the request through email. Spoke of the Village’s Code committee, the Mayor has an advisory code committee.

He spoke of the lithium ion battery company that came into Town in 2020, Sungeel and the petitions against this incinerator as well as the Mayor’s comments regarding prejudiced remarks on her Facebook page. Mayor Jackson responded by saying we have no authority to tell any company that they can come into the Village or not. She stated that she never told them to come, because she does not have the legal authority. He suggested she may be very careful with her wording on her Facebook page.

Trustee Warner mentioned the Mayor hand picked him, Pat, and Nick. Pat agreed that she did hand pick him. Trustee Burlingame’s response was that the Mayor did not hand pick him, he is running because of a law she was involved with when she was a Trustee regarding trucks in the village.

**5. Village Manager**

Continuing to work on many projects such as the Restore NY and the Green Mountain Supply Co. Trustee Wright asked if he could explain to the public that this money was not officially used but reapplied. Manager Bates stated we originally had it slated for a demo but informed them things had changed and reapplied for rehab which will go to the Green Mountain project.

He also informed everyone that although you receive a grant, you do not receive the monies upfront, due to meeting all the requirements first. He stated that we have applied for another Round 7 grant involving Watson Blvd. He met with the owners of the Crooked Mouth Brewery and answered some questions they had.

**6. Attorney for the Village**

Attorney McKertich spoke of the updates of the NYS Uniform Building Code which requires certain changes at the local law so he has drafted this law and Fire Marshal Brian Botsford is reviewing. He suggested we take a look at the fees we charge for various permits such as building permits, special use and variances. He mentioned that Chief Garey brought up a minor change to the Lockdown law and he should have this drafted for the board meeting. He spoke of the Green Mountain Project and is concerned about several conditions such as the timing of the project and whether the Village or the County or someone will be acquiring a portion of this property for the Park. We need to know exactly what we will be doing with this project by October 2023. Trustee Warner asked if we need something written in law re: the Avenue, such as loading docks and bus zones. Attorney McKertich stated these items would be done through a Local Law. Trustee Warner noted that he is favor of the meeting with DA Korchak and Donna Lupardo involving the Discovery Law.

**7. Special Presentations**

Chris Pelto- Phoenix Investors- requested a vote of street closures between building buildings 41 and 18 at the old IBM buildings.

A motion to close a portion of McKinley Ave from North St and Watson Blvd between March 13th and March 24th, 2023 in accordance with all requirements with the Code, Street and Police departments was made by Trustee Wright and seconded by Trustee Burlingame

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- No

Dorner- Yes Wright-Yes

Trustee Warner asked Mr. Pelto if Phoenix was available to see any of their properties to anyone? Mr. Pelto responded saying it is not a likely scenario.

**8. Public Hearings**

a. LL# 01- 2023-Public Comment re: a proposed local law amending the zoning code re: Cannabis Sales establishments and onsite consumption sales

As no one wished to speak, Mayor Jackson closed the public hearing

**9. Resolutions/Local Laws**

a. SEQR parts 1-3- Cannabis law

A motion to approve a negative declaration for Local Law 01-2023 Cannabis law. Cannabis Sales establishments and onsite consumption sales under SEQR was made by Trustee Burlingame and seconded by Trustee Wright

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes

b. R#05-2023 to approve LL#01-2023- re: a proposed local law amending the zoning code re: Cannabis Sales establishments and onsite consumption sales

A motion to approve the resolution amending the local law amending the local law zoning code re: Cannabis Sales establishments and onsite consumption sales was made by Trustee Burlingame and seconded by Trustee Wright

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes

c. R#03-2023- Engineering Consultant- McFarland Johnson

A motion to approve McFarland Johnson as consultants providing professional airport engineering services to the Tri-Cities Airport for a 5yr term beginning August 16, 2022 and ending 8/15/2027 was made by Trustee Burlingame and seconded by Trustee Dorner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes

d. R# 04-2023- Pavement Management Study

A motion to approve the grant application and acceptance from the Federal Aviation Commission and the NYSDOT for a Pavement Management Study at the Tri-Cities Airport with a local share of $3,950.00 was made by Trustee Burlingame and seconded by Trustee Dorner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes

**10. 1st Hearing of Visitors**

Susan Reardon- comments re: the proposed Art Park

Carol Layton, 122 Wilson Ave- comments re: the proposed Art Park

Mark Ponzi, 101 Cornell Ave- Question re: the reassessment of the Phoenix properties and wondering if we have a plan moving forward to deal with this loss of tax revenue.

He commented on the dilapidated buildings and homes throughout the Village.

Luke Pylypciw- Comments re: the Tri-Cities Airport, self serve fuel farms and competitive prices. Manager Bates referred him to Gerard Corprew

George Fiedler-comments re: communication with residents and what the board members are actually posting on public sites. He requested from the board that a specific prejudiced post be removed.

Melody ?- comments re: the proposed Art Park

Sharon ?- comments re: the proposed Art Park

Mike ?- comments re: the proposed Art Park

Francine Butler- comments re: the proposed Art Park and asked when the formal hearing will be. The Trustees responded there is nothing set up at this time. She also spoke of the noise ordinance, concerts and music and selling of liquor near a church is prohibited

Hall Groat- comments re: the proposed Art Park

Trustee Dorner asked who owns the lot located at North St and Garfield, Manager Bates believes it is Phoenix. Attorney McKertich stated there is no law that states the Village has to hold a public hearing if they wanted to place a park on their own property but said there may be grant requirements that require one. Attorney McKertich suggested holding a work session for the residents concerned re: the Art Park.

As no else wished to speak, Mayor Jackson closed the 1st hearing of visitors

**11. Approval of Minutes**

a. VOE 12/19/2022

A motion to approve the minutes for 12/19/2022 was made by Trustee Burlingame and seconded by Trustee Wright

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes

b. VOE 1/5/2023

A motion to approve the minutes for 1/5/2023 was made by Trustee Burlingame and seconded by Trustee Dorner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes

c. VOE Special Meeting 1/26/2023

A motion to approve the special meeting minutes for 1/26/2023 was made by Trustee Burlingame and seconded by Trustee Dorner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes

**12. Communications for Filing**

a. Official Resignation of Catherine Bracken-EPD

b. Notice from Charter Communications- 1/30/23

c. Notice of a Public Hearing to be held by the Agency re: Broome County Industrial Development Agency- 219 Vestal Ave. Endicott

d. Letters re: Restore NY- Kmart Plaza Redevelopment & IBM North St Demolition Project

A motion to accept all filing communicatios was made by Trustee Burlingame and seconded by Trustee Wright

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes

**13. Communications for Action**

a. Bandshell Use Request- 6/11/2023

A motion to approve this request contingent on receiving the insurance certificate was made by Trustee Burlingame and seconded by Trustee Warner

(as of 2/28/23, they are not sure this event will happen due to not receiving the insurance certificate)

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes

b. NYSDEC Consent Order

A motion to accept the NYSDEC Consent Order #R7-20230111-1and pay the penalty of $6,817.00 was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes

c. VOE Employee Handbook- avail in the Managers office

A motion to approve and accept the VOE Employee Handbook was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes

d.Café Permit Fee Waiver

A motion to approve the Café Permit Fee Waiver for the year 2023 with fees to resume in 2024 was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes

e. Summer Concerts Agreement- Little Italy

A motion to approve the Village of Endicott Summer Concerts Series Agreement with the Oak Hill Ave Improvement Corporation in the amount of $3,000.00 was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes

f. Donation of Property to the Village of Endicott- Skye Island

A motion to allow Attorney McKertich to work on and explore the donation of the Skye Island Property to the Village of Endicott was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes

g. NYS Pesticide Certification Approval- Request from the Street dept

A motion to approve 2 VOE Street dept employees to obtain NYS Pesticide Certifications was made by Trustee Burlingame and seconded by Trustee Dorner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes

**14. Bid(s)- None**

**15. Accounts Payable for Action 1/16/2023 $387,358.91**

|  |  |
| --- | --- |
| **GENERAL** | **$150,022.74** |
| **LIGHT** | **$41,553.53** |
| **WATER** | **$92,807.32** |
| **WASTEWATER** | **$93,150.09** |
| **CAPITAL** | **$0.00** |
| **LIBRARY** | **$8,923.24** |
| **PARKING** | **$901.99** |
| **TRUST & AGENCY** | **$0.00** |
| **TOTAL** | **$387,358.91** |

A motion to approve was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes

**16. Unfinished Business- None**

**17. New Business- None**

**18. 2nd Hearing of Visitors**

As no one else wished to speak, Mayor Jackson closed the 2nd hearing of visitors

**19. Board Comments**

**Burlingame**- Jenkins St parking issues, to be discussed at the next board meeting (church side and preschool side). Spoke of the Washington Ave project and asked if it was to be delayed. Mayor Jackson stated it should start sometime this year. She also stated she is reaching out to Donna Lupardo re: cameras

**Wright-** asked about the sub-contractors replacing the water meters not having names on their vehicles. Trustee Wright to contact them. He publicly apologized to the St. Ambrose parishioners for his prior comments re: the taxes and the Art Park

Dorner-comments re: Kmart and suggested the Delta Attorney to speak with Attorney McKertich to discuss liability, etc. Attorney McKertich stated he would give a legal opinion during executive session. He asked on an update with DiNapoli. Attorney McKertich stated he was to come in on the next meeting but not sure if this will happen.

**20. Executive Session- None**

**21. Adjournment**

A motion to adjourn at 9:13pm was made by Trustee Burlingame and seconded by Trustee Dorner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Yes Wright-Yes