

Village of Endicott Linda Jackson, Mayor

Timothy P. Wright, Deputy Mayor

Nicholas Burlingame, Trustee

R. Ted Warner, Trustee

Patrick Dorner, Trustee- Absent

A Quality Community

Anthony Bates, Village Manager

**Board Meeting**

**June 19, 2023**

**6:00pm**

**Order of Business**

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

**2. Fire and ADA Compliance Announcement**

**3. Mayor Announcements**

Found out some important information. The parking lot grass complaints are areas that are on private property. Up against the buildings of the New Yorker, McCoy Chop House, and the Chinese Restaurant. Anthony, Deputy Mayor Wright, and I met with real estate developer Bram Berg regarding his newly purchased properties on the Avenue and close vicinity. The Broome County Association of Towns and Villages gave out our first award to a Binghamton High school student who is going to Suny Broome for criminal justice. Congratulations Domenico Emilio! I was included in a zoom meeting the Governor convened regarding immigration and homelessness.

Attended a BMTS meeting as well as a light commission meeting and attended a water board meeting. We have two more light commissioners to approve tonight. This will complete our commissioner seats.

Jason Garner posted that work is under way for the transformation of Grippen Park.

Crane’s Cleveland business magazine called. They are doing a story about a large property that Phoenix Investors just purchased for GE electric. They wanted to include a story about our campus that Phoenix purchased and our local history.

At the last meeting there was some talk about iM3 and safety. In our folders today is a copy of iM3’s - 3 stage fire safety plan. Attended a water board meeting. It appears that because of the work being done in Endwell, and part of Endicott that is in the Town, some water bills did not get to these residents. The water board voted to delete these late fees for these customers. We talked about many projects and the enormous costs involved. Our guests realized the complexity of this water system. On June 222nd, Deputy mayor Wright, Anthony, and I will be going to Johnson City to discuss the water main we want to purchase from them for our new well.

The bids came in way too high for the Washington Avenue project. Anthony and Delta are discussing the next plan. I attended a planning board meeting as a resident. Mr. Haynes, the person wo is proposing the cannabis dispensary, was in attendance. This project was approved.

The other item on the planning board agenda was the proposed O’Reilly car parts place for 1405 Main Street. This property plan is beautiful and will make a great gateway impression to our Village.

**4. Trustees**

**Burlingame-**Attended the 2nd half of the water board meeting. He represented the Village at the opening of the Concerts in the park. He noted it would be nice to see more wood chips around the playground. Attended the Feast Days. Commented on a positive note re: the EPD. He reached out to Congressman Molinaro’s office re: infrastructure, water, economic development and revitalization issues in which the Congressman met with Trustee Burlingame. He also met with a representative from Phoenix re: future developments. He noted they need to schedule a refuse committee meeting.

**Wright-**touched on comments re: Village parking lots and their upkeep. Suggested for next years budget to possibly purchase a tank to stay ahead of the weed situation. Spoke with VOE water Chief Operator, Jeff Cheney re: the water drought. He asked the Mayor to forward some contacts from EnJoie to discuss their use of the water.

He made a motion to add to New Business the Land Purchase Contract. Mayor Jackson stated she has it and is taking it to the Town of Union on Wednesday.

**Warner-**comments re: the EnJoie Golf Contract. Brought up last board meetings comments re: the Mayor stating that many jobs were going to be available. Mayor Jackson responded by saying he could come and see her at her office to discuss this.

**5. Village Manager –** comments re: the RFP that is on the agenda tonight. This is to find a consultant to help administer the program. He also stated we will be doing another RFP next month re: the Brownfield Opportunity Grant. Negotiations were held re: CSEA Clerical Contract. He met with the PBA re: the SRO Agreement. He noted the Village liability carrier will be increasing their fees. The bids from Washington Ave are still being reviewed. He contacted the Broome County Planning dept re: the Art Park. The Mayor asked the Village Manager for the timeline of the designs for the Avenue.

**6. Attorney for the Village –**Attorney McKertich updated all on the lockdown process. He stated the proposal for the horses at Chugnut Trail has been withdrawn. He spoke of the Village permits and asked the board to review this process. The Village Manager is to review and approve all permits and the board will approve or deny any appeals.

Attorney McKertich will make some changes to the law and will discuss at the next meeting.

**7. Special Presentations- None**

**8. Public Hearings**

a. Call for a Public Hearing on 7/17/2023 re: LL#08 -2023-Four Way Stop/Loder & Edward St

A motion to call for the public hearing on 7/17/23 was made by Trustee Burlingame and seconded by Trustee Wright

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes

**9. Resolutions/Local Laws**

a. R#19 -2023- Property at 1000 Monroe St

A motion to approve authorizing legal action against the owner was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes

**VILLAGE OF ENDICOTT**

**A RESOLUTION AUTHORIZING LEGAL ACTION AGAINST THE**

**PROPERTY OWNER OF 1000 MONROE STREET**

At a meeting of the Board of Trustees of the Village of Endicott, held at the Municipal Building, 1009 E Main Street, Endicott, New York on the 19th day of June, 2023, the following resolution was offered and seconded:

**WHEREAS**, property located at 1000 Monroe Street has been determined by the Village of Endicott to have multiple violations of Chapter 190 of the Village Code, Property and Building Nuisances; and

**WHEREAS**, upon following the procedures set forth in Chapter 190, the property owner has failed or refused to abide by the Code requirements.

**NOW, THEREFORE, BE IT RESOLVED** that the Village Board of the Village of Endicott hereby authorizes the attorneys for the Village to proceed with legal action under Chapter 190 of the Village Code, Property and Building Nuisances, and any other applicable cause of action, with respect to the above-referenced property; and be it further

**RESOLVED** that this resolution will take effect immediately.

b. R#20 -2023-Wastewater Treatment Plant Improvements - $3,300,000 Additional Bonds

A motion to approve and authorize subject to permissive referendum the issuance of additional $3,300,000.00 bonds for the Village of Endicott to pay part of the costs of the WWTP Improvements was made by Trustee Burlingame and seconded by Trustee Wright

Roll Call

Mayor Jackson- Yes Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes

BOND RESOLUTION DATED JUNE 19, 2023.

R#18-2023

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM**,** THE ISSUANCE OF AN ADDITIONAL $3,300,000 BONDS OF THE VILLAGE OF ENDICOTT, BROOME COUNTY, NEW YORK, TO PAY PART OF THE COST OF wastewater treatment plant improvements, in and for said VILLAGE.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, the Board of Trustees of the Village of Endicott, Broome County, New York (the “Village”), on March 13, 2018, duly adopted a bond resolution authorizing the issuance of up to $6,000,000 bonds of said Village to pay the cost of the wastewater treatment plant improvements, in and for said Village of Endicott, Broome County, New York; and

WHEREAS, it has now been determined that the maximum estimated cost of such object or purpose is $9,300,000, an increase of $3,300,000 over that previously authorized; and

WHEREAS, it is now desired to authorize the issuance of an additional $3,300,000 bonds of said Village for such specific object or purpose to pay a portion of the cost thereof; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Endicott, Broome County, New York, as follows:

Section 1. For the object or purpose of paying additional costs of wastewater treatment plant improvements, including biosolids handling upgrades, and including costs incidental thereto, there are hereby authorized to be issued an additional $3,300,000 bonds of the Village of Endicott, Broome County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is now determined to be $9,300,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is as follows:

a) By the issuance of the $6,000,000 bonds of said Village authorized to be issued pursuant to bond resolution dated and duly adopted March 13, 2018; and

b) By the issuance of the additional $3,300,000 bonds of said Village authorized to be issued pursuant to this bond resolution; provided, however, that the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law, calculated from the date of issuance of the first obligations therefor.

Section 4. The faith and credit of said Village of Endicott, Broome County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The Village Treasurer is hereby further authorized, at his sole discretion, to execute a project finance agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof and of the bond resolution dated March 13, 2018, or a portion thereof, by a bond, and/or note issue of said Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. Upon this resolution taking effect, a summary thereof shall be published in the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. **This resolution is adopted subject to permissive referendum**.

**10. 1st Hearing of Visitors**

Mark Ponzi, Cornell Ave-comments re: decorum of Village board meetings and his passion for Village projects

Alberta Fiori-Gazda, 527 W Main St- questions re: Washington Ave bids and the cost of the project

Heather Bub, 227 Oak Hill Ave- comments re: the water bills and the new parking signs that were placed. Asked why she had not received a card in the mail re: a level 3 sex offender living nearby, Trustee Burlingame suggested speaking with Chief Garey.

She spoke of enforcing tickets more and discussion was had whether or not the Parking attendant person is still needed at court or should we hire another part time parking person. The Trustees suggested meeting with the Chief re: the parking attendant.

Bob Campbell, 3 Lincoln Ave- comments re: 1000 Monroe St. Mentioned 1002 Monroe St is not any better.

Carl Baumann, 227 Oak Hill Ave-questions re: Phoenix project

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

**11. Approval of Minutes- None**

**12. Communications for Filing**

a. Maine Fire District Agreement

b. Pamphlet from iM3NY

c.Town of Union Planning Board Meeting Agenda - 6/13/2023, Planning Board Minutes 5/9/2023 & Public Hearing

d. Notice from the Dept. of State re: local laws #4 and 5, received and filed

A motion to approve filing a-d was made by Trustee Burlingame and seconded by Trustee Wright

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes

**13. Communications for Action**

a PawFest Event & Open Container Request

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

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes

b. PawFest- Banner Request

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

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes

c. A Request to nominate John Visser & Jim McCabe for a position on the Light Commission board- Held Over

d.Phoenix request to block off Oak Hill Ave from Clark St. to Watson Blvd on Tuesday, June 20th for approximately 6 hours.

1st motion withdrawn due to incorrect street

A motion to approve Phoenix request to block off Oak Hill Ave from Clark St. to Watson Blvd on Tuesday, June 20th for approximately 6 hours.

was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes

e. VOE WTR dept-Request to approve 2 change orders- Pheasant Tank Welding

A motion to approve the change order for Pheasant Tank in the amount of $5,500.00 was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes

f. A motion to approve the change order for Pheasant Tank repair with Procure for corrosion in the amount of $23,160.00 was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes

g.VOE WW dept-Request to approve a change order- Solids Handling Project

A motion to approve the change order for engineering on the Solids Handling Project with Wendell Engineering was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes

**14. Bid(s)**

a. Request to go out to bid for RFP- Downtown Improvement Fund

A motion to receive bids with a deadline of 7/21/23 at 2:00pm was made by Trustee Burlingame and seconded by Trustee Wright

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes

**15. Accounts Payable for Action** **$590,724.63**

|  |  |
| --- | --- |
| **GENERAL** | **$187,168.57** |
| **LIGHT** | **$20,289.45** |
| **WATER** | **$43,857.57** |
| **WASTEWATER** | **$72,314.61** |
| **CAPITAL** | **$247,605.16** |
| **LIBRARY** | **$19,029.55** |
| **PARKING** | **$459.72** |
| **TRUST & AGENCY** | **$0.00** |
| **TOTAL** | **$590,724.63** |

A motion to approve the accounts payables for 6/19/23 in the amount of $590,724.63 was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes

**15a.** ACH’s for 6/19/2023- $349,507.88

A motion to approve the ACH’s for 6/19/2023- $349,507.88was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes

**15b.** Pre-Paids for 6/19/2023-$727,641.32

A motion to approve the Pre-Paids for 6/19/2023-$727,641.32was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes

**16. Unfinished Business**

a. Chugnut Trail/horses- No action

**17. New Business**

a. July 3, 2023 Board Meeting

A motion to cancel the 7/3/23 board meeting due to the 7/4 Holiday was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes

b FunFlicks- Movie Night- No action

**18. 2nd Hearing of Visitors**

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

**19. Board Comments- None**

**20. Executive Session**

Discussion re: proposed, pending or current litigation

A motion to enter into executive session at 7:45pm to discuss the proposed litigation and the employment history of a particular person was made by Trustee Burlingame and seconded by Trustee Warner

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner-Yes

Dorner-Yes Wright-Yes

A motion to exit executive session at 9:06pm was made by Trustee Burlingame and seconded by Trustee Wright

A motion to approve a salary increase for Dominic Spinelli at a rate of $ 14.50/hrly effective 6/20/23 was made by Trustee Burlingame and seconded by Trustee Wright

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes

A motion to approve the retainer agreement with Napoli and to authorize the Mayor to execute the agreement was made by Trustee Burlingame and seconded by Trustee Wright

Roll Call

Mayor Jackson- Abstain Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes

**21. Adjournment**

A motion to adjourn at 9:08pm was made by Trustee Burlingame and seconded by Mayor Jackson

Roll Call

Mayor Jackson- Yes Burlingame-Yes Warner- Yes

Dorner- Absent Wright- Yes