



VILLAGE OF JOHNSON CITY

MUNICIPAL BUILDING
243 MAIN STREET • JOHNSON CITY, NY 13790

www.villageofjc.com

Village Board

Gregory Deemie, Mayor
Luke Slota, Deputy Mayor

Richard Balles, Trustee Bruce King, Trustee Deborah Fuller, Trustee

Minutes of a Special Meeting of the Johnson City Village Board held on Tuesday, April 28, 2015 in the Municipal Building, 243 Main St., Johnson City

Present: Gregory Deemie, Mayor
 Luke Slota, Deputy Mayor
 Richard Balles, Trustee
 Bruce King, Trustee
 Deborah Fuller, Trustee

Absent: None

Also Present: Thomas Johnson, Village Clerk/Treasurer
 Jeffrey Jacobs, Attorney for the Village

Mayor Deemie called the meeting to order at 7:00pm, led the Pledge of Allegiance and noted the fire exits.

ORDER OF BUSINESS:

OLD BUSINESS

Resolution #83

A motion to approve the following resolution was made by Trustee Slota and seconded by Trustee King.

Whereas, the Village Board of Trustees of the Village of Johnson City having, on the 21st day of April, 2015 commencing at 7:30pm, duly held a public hearing on the tentative budget filed with the Village Clerk for the fiscal year commencing on June 1, 2015 and having heard all persons desiring to be heard in the matter of the budget for this Village for such fiscal year having been fully discussed and considered, it is Resolved, that the said tentative budget, with such modifications and adjustments as approved by the Board of Trustees, is approved and established as the budget for the Village for the fiscal year beginning June 1, 2015 and that such budget as so adopted be included and attached to the minutes of the proceedings of this Board of Trustees.

Motion Carried - Vote:

Ayes – 4 (*Fuller, Slota, King, Balles*) **Nays** – 1 (*Deemie*) **Absent** – 0

Discussion - Trustee Balles made a statement pertaining to the Budget. Mayor Deemie stated that he supported the budget, but did not support the amount of borrowing, therefore his vote was a no vote on the budget.



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NEW BUSINESS

Resolution #92

A motion to approve the following resolution was made by Trustee King and seconded by Trustee Slota.

Motion Carried - Vote:

Ayes – 5 (*Fuller, Slota, King, Balles, Deemie*) **Nays** – 0 **Absent** – 0

Whereas, Resolution No. 68 introduced a proposed local law entitled “A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3 – C – Fiscal Year 2015/16” and

Whereas, the Village held and closed a public hearing on said Local Law April 21, 2015; and

Whereas, Resolution No. 82 adopting said Local Law was held over for consideration until April 28, 2015; and

Whereas, the Village has determined that it will not need to exceed the tax levy limit for the fiscal year 2015/2016; and

Now therefore be it Resolved, that Resolution No. 82, be and hereby, is withdrawn and rescinded in its entirety.

Resolution #93

A motion to adopt the following procedures and policies for the Village of Johnson City for the procurement of goods and services necessary for the implementation of projects funded by the governor’s office of storm recovery of the New York State Housing Trust Fund Corporation was made by Trustee Slota and seconded by Trustee King.

Motion Carried - Vote:

Ayes – 5 (*Fuller, Slota, King, Balles, Deemie*) **Nays** – 0 **Absent** – 0

WHEREAS, in the aftermath of Superstorm Sandy, the United States Congress, through Public Law passed the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013), as amended (the “Act”), appropriating \$16 billion, later reduced to \$15.18 billion, to the U.S. Department of Housing and Urban Development (“HUD”) for Community Development Block Grant Disaster Recovery (“CDBG-DR”) funds for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure, and housing and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared due to Superstorm Sandy and other eligible events, including Hurricane Irene and Tropical Storm Lee, in calendar years 2011, 2012, and 2013 (the “Storms”), subject to the Federal statutes and regulations governing CDBG grants, as modified by exceptions and waivers previously granted and which may hereafter be granted by HUD; and,

WHEREAS, pursuant to the CDBG-DR Grant Program and Federal Register Notice (78 Fed. Reg. 14,329), published March 5, 2013, titled, “*Allocations, Common Applications, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended),” the State has received an allocation of CDBG-DR funds from HUD in the amount of \$1,713,960,000; and



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WHEREAS, pursuant to the CDBG-DR Grant Program and Federal Register Notice (78 Fed. Reg. 69,104), entitled *Second Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended),” the State has received a second allocation of CDBG-DR funds from HUD in the amount of \$2,097,000,000; and

WHEREAS, pursuant to the CDBG-DR Grant Program and Federal Register Notice (79 Fed. Reg. 62,183), entitled *Third Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended),” the State has received a third allocation of CDBG-DR funds from HUD in the amount of \$605,922,000 (of which \$185,000,000 has been allocated towards the proposals developed through the Rebuild by Design competition); and

WHEREAS, the Village of Johnson City has entered into a subrecipient agreement with the Governor’s Office of Storm Recovery of the New York State Housing Trust Fund Corporation.

NOW, THEREFORE BE IT RESOLVED by the Village of Johnson City Village Board, on behalf of the Village of Johnson City that the Village of Johnson City shall follow these policies and procedures in the procurement of goods and services necessary for the implementation of projects funded by the Governor’s Office of Storm Recovery of the New York State Housing Trust Fund Corporation:

PROCUREMENT PROCEDURES

The Village of Johnson City will comply with the procurement standards required under 24 CFR 85.36 for all procurement activities utilizing CDBG-DR funds granted by the Governor’s Office of Storm Recovery of the New York State Housing Trust Fund Corporation.

AVOIDING PROCUREMENT OF UNNECESSARY OR DUPLICATIVE ITEMS OR SERVICES

The director or supervisor of each department or agency of the Village of Johnson City responsible for procurement of services, supplies, equipment, or construction obtained with Federal, State or Local funds shall review all proposed procurement actions to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider consolidation or breaking out to obtain a more economical purchase. When determined appropriate by the director or supervisor, an analysis should be made of lease versus purchase alternatives and any other analysis to determine the most economical approach.

PROCUREMENT AND CONTRACT PROTEST PROCEDURES

Any actual or prospective contractor may protest the solicitation or award of a contract for serious violations of the principles of this Statement. Any protest against solicitations must be received before the due date for receipt of bids or proposals, and any protest against the award of a contract must be received within ten calendar days after contract award, or the protest will not be considered. All bid protests shall be in writing, submitted to Purchasing Agent or Mayor. The Purchasing Agent or Mayor may, at his/her discretion, suspend the procurement pending resolution of the protest, if warranted by the facts presented.



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Resolution #94

A motion to adopt a Citizen Participation Plan as required under the New York State Community Development Block Grant-Disaster Recovery (CDGB-DR) Program was made by Trustee Slota and seconded by Trustee Fuller.

Motion Carried - Vote:

Ayes – 5 (*Fuller, Slota, King, Balles, Deemie*) **Nays** – 0 **Absent** – 0

WHEREAS, the Village of Johnson City is a subrecipient receiving New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) funds, as administered by the Housing Trust Fund Corporation, Governor's Office of Storm Recovery (GOSR) to assist in addressing unmet needs from either Hurricane Irene, Tropical Storm Lee, or Superstorm Sandy; and,

WHEREAS, participation in the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program requires the adoption and implementation of a Citizen Participation Plan to comply with Section 508 of the Housing and Community Development Act of 1974, as amended; and,

WHEREAS, the purpose of this plan is to provide for and encourage citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used.

NOW, THEREFORE, BE IT RESOLVED by the Village of Johnson City Village Board that the attached New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Citizen Participation Plan be hereby officially adopted for implementation in the Village of Johnson City's New York State CDBG-DR Program.

Resolution #95

A motion authorizing and directing the Mayor to execute the attached Residential Anti-Displacement Certification in connection with the CDBG-DR Grant Program funded and implemented by the Governor's Office of Storm Recovery of the New York State Housing Trust Fund Corporation was made by Trustee King and seconded by Trustee Slota.

Motion Carried - Vote:

Ayes – 5 (*Fuller, Slota, King, Balles, Deemie*) **Nays** – 0 **Absent** – 0

ADJOURNMENT

Mayor Deemie adjourned the meeting at 7:13pm.

Thomas A. Johnson
Village Clerk/Treasurer

TAJ/ds



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**New York State
Housing Trust Fund Corporation (HTFC)
Governor's Office of Storm Recovery (GOSR)**

**Community Development Block Grant-Disaster Recovery Program
(CDBG-DR Program)**

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE CERTIFICATION

The Village of Johnson City hereby certifies that it is following a residential anti-displacement and relocation assistance plan and that it will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under 24 CFR 570.606(b)(1) governing the residential anti-displacement and relocation assistance under Section 104(d) of the Housing and Community Development Act of 1974.

The Village Clerk has been designated as the Village of Johnson City anti-displacement and relocation officer for the New York State CDBG-DR program.



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**THE VILLAGE OF JOHNSON CITY
NEW YORK STATE
GOVERNOR'S OFFICE OF STORM RECOVERY (GOSR)
COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY PROGRAM**

CITIZEN PARTICIPATION PLAN

The Village of Johnson City has adopted the following Citizen Participation Plan to meet the citizen participation requirements of Section 508 of the Housing and Community Development Act of 1974, as amended, and the program policies of the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program.

The Village of Johnson City is committed through adoption of this plan to the full and total involvement of all residents of the community in the composition, implementation, and assessment of its Community Development Block Grant-Disaster Recovery (CDBG-DR) Program. Attempts will be made to reach all citizens, with particular emphasis on participation by persons of low and moderate income, residents of slum and blighted areas, and of areas in which funds are proposed to be used. A copy of this plan will be made available to the public upon request.

As part of the citizen participation requirements and to maximize citizen interaction, the Village of Johnson City shall:

- 1) Provide citizens with reasonable and timely access to local meetings, information, and records relating to the State's proposed method of distribution, as required by the Secretary of Housing and Urban Development, and relating to the actual use of funds under Title I of the Housing and Community Development Act of 1974, as amended;
- 2) When applicable, provide for public hearings and respond to proposals and questions at all stages of the community development program. These hearings will consist of the development of needs and proposed activities and review of program performance. These hearings will be held after adequate notice, a minimum of five (5) calendar days, at times and locations convenient to potential or actual beneficiaries with accommodations for persons with disabilities;
- 3) Provide for and encourage citizen participation with particular emphasis on participation by persons of low and moderate income and residents of slum and blighted areas as well as those affected by the proposed project;
- 4) Provide technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals;
- 5) Where applicable, identify how the needs of non-English speaking residents will be met in the case of public hearings; and
- 6) Provide for a formal written procedure that will accommodate a timely written response, within fifteen (15) days where practicable, to written complaints and grievances.



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I. PUBLIC HEARINGS

If a public hearing is held to obtain citizen input, notices informing citizens of any public hearings will appear in the official newspaper or in a newspaper having general circulation within the municipality, of the Village of Johnson City a minimum of five (5) calendar days prior to the hearing. In addition, notices will also be posted publicly in municipal office buildings and the hearing will be publicized through local community organizations, and/or posting of information in LMI areas. Hearings will be held at times and locations convenient to potential or actual beneficiaries with accommodations for individuals with disabilities and non-English speaking persons. Whenever possible, these hearings will be held within or near the LMI areas, at times affording participation by the most affected residents.

Written minutes of the hearings and an attendance roster will be maintained by the Village of Johnson City.

II. APPLICATION

1. Seven (7) calendar days, at a minimum, prior to the scheduled submittal of the application for project funding through the NY Rising Community Reconstruction Program or Infrastructure Program, a notice shall appear in the official newspaper, if applicable, or in a newspaper having general circulation within the municipality, informing the citizens of the following:
 - a. Proposed submittal date of the application;
 - b. Proposed objectives;
 - c. Proposed activities;
 - d. Location of proposed activities;
 - e. Dollar amount of proposed activities; and
 - f. Location and hours the application is available for review.

In addition, the notice shall state "all citizens, particularly persons of low and moderate income and residents of slum and blighted areas as well as those affected by the proposed project, are encouraged to review the proposed application and submit any written comments on the application to:

Village of Johnson City
243 Main Street
Johnson City, New York 13790"

2. The public notice will also state that the following information is available:
 - a. The amount of funds, including program income, available for proposed community development disaster recovery activities for the current fiscal year;



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- b. The range of CDBG-DR activities that may be undertaken,
 - c. The estimated amount of CDBG-DR funds proposed to be used for activities that will meet the national objective of benefitting low and moderate income persons; and
 - d. The plan(s) designated for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided by the Village of Johnson City to persons actually displaced as a result of such activities.
3. In addition, the application will be published on the Village of Johnson City's website.

Comments received, along with the response, will be incorporated in the application to the New York State Governor's Office of Storm Recovery (GOSR) or the application will be withdrawn if necessary.

III. AMENDMENTS

Program amendments, which substantially alter the CDBG-DR project from that approved in the original application, shall not be submitted to the State without publication of notice in the official newspaper, if applicable, or in a newspaper having general circulation within the municipality, informing citizens of the following:

- a. Proposed submittal date of the amendment;
- b. Proposed objectives;
- c. Proposed activities;
- d. Location of proposed activities;
- e. Dollar amount of proposed activities; and
- f. Location and hours the application is available for review.

In addition, the notice shall state "all citizens, particularly persons of low and moderate income and residents of slum and blighted areas as well as those affected by the proposed project, are encouraged to review the proposed application and submit any written comments on the application to:

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Any comments received including the responses will be submitted with the request for the amendment.

Citizens may, at any time, contact GOSR directly to register comments, objections, or complaints



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concerning the subrecipient's CDBG-DR application(s), amendment(s), and/or performance. Citizens are encouraged, however, to attempt to resolve any complaints at the local level as outlined above prior to contacting GOSR.

IV. CONSIDERATION OF OBJECTION TO APPLICATION OR AMENDMENT

Persons wishing to object to approval of an application or amendment by the State may make such objection known to:

New York State
Governor's Office of Storm Recovery
25 Beaver Street
Post Office Box 230
New York, New York 10004
Email: citizenparticipation@stormrecovery.ny.gov

V. LIMITED ENGLISH PROFICIENCY

Whenever a significant number of persons and/or residents of blighted neighborhoods communicate with a primary language other than English attend public hearings, the Village of Johnson City will provide an interpreter for dissemination of information to them provided the Village of Johnson City is given sufficient notification of three (3) calendar day(s). Documents will be available in the appropriate languages for the geographic area served by the Village of Johnson City.

VI. TECHNICAL ASSISTANCE

Technical assistance may be provided directly by the Village of Johnson City to any citizen, particularly to low and moderate income persons, residents of blighted neighborhoods and minorities, who request assistance in the development of proposals and statement of views concerning the CDBG-DR Program. Local officials will conduct informational meetings with the residents of the low to moderate income areas if a written request is received by the Village of Johnson City with at least a one (1) week notification. The persons who conduct the technical assistance meetings will disseminate information on the program and answer all pertinent questions.

VII. TIMELY ACCESS AND ADEQUATE INFORMATION

The Village of Johnson City shall provide timely disclosure of records, information and documents related to the CDBG-DR program activities. Documents will be made available for copying upon request at the Village of Johnson City Offices, Monday thru Friday, 8:00 a.m. thru 4:00 p.m. Such documents may include the following:

1. All meetings and promotional materials;
2. Records of hearings and meetings;
3. All key documents, including prior applications, letters, grant agreements, citizen participation plans, and proposed applications;
4. Copies of the regulations (final statements) concerning the program; and,
5. Documents regarding other important requirements, such as Procurement Procedures, Fair



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Housing, Equal Employment Opportunity, Uniform Act, Labor Provisions, and Environmental Procedures.

VIII. CITIZEN COMPLAINT PROCEDURE

SECTION 1

It is the policy of the Village of Johnson City to review all complaints received.

SECTION 2

The following procedures will be followed on all complaints received by the Village of Johnson City:

1. The complainant shall notify the Village Clerk of the complaint. The initial complaint may be expressed orally or by written correspondence.
2. The Village Clerk will notify the Chief Elected Official or designated representative of the complaint within three (3) working days.
3. The Chief Elected Official or designated representative will investigate the complaint and will report the findings to the Village Clerk within five (5) working days.
4. The Village Clerk will notify the complainant of the findings of the Chief Elected Official or designated representative in writing or by telephone within five (5) working days.
5. If the complainant is aggrieved by the decision, he must forward the complaint in writing (if previously submitted orally) to the Village Clerk who will forward the complaint and all actions taken by the Chief Elected Official or designated representative to the appropriate committee for its review. This will be accomplished within thirty (30) working days of receipt of the written complaint.
6. The reviewing committee will have fifteen (15) working days to review the complaint and forward its decision to the complainant in writing.
7. If the complainant is aggrieved with the decision of the committee, he must notify the Village Clerk in writing that he desires to be afforded a hearing by the Village Board. The complainant will be placed on the next regularly scheduled agenda. The Village Clerk will notify the complainant in writing of the date of the hearing.
8. The complainant must bring all relevant data, witnesses, etc., to the hearing. The Village Board, at the hearing, will review the complaint and forward within fifteen (15) days a certified copy of the minutes of the meeting at which the hearing was conducted and a decision was rendered to the complainant. If a decision is not reached at the hearing, the Village Clerk will inform complainant of an appropriate date to expect a response. Within five (5) working days of reaching a decision, the complainant will be notified in writing of the decision.

SECTION 3

All citizen complaints relative to Fair Housing/Equal Opportunity violations alleging



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discrimination shall be forwarded for disposition to the:

Fair Housing Complaints

New York State
Office of the Attorney General
Civil Rights Bureau
120 Broadway
New York, New York 10271
(212) 416-8250 (Voice)
(800) 788-9898 (TDD)
Email: civil.rights@ag.ny.gov
Website: www.ag.ny.gov

Complaints of Discrimination

New York State
Division of Human Rights
One Fordham Plaza, 4th Floor
Bronx, New York 10458
(718) 741-8300 (Voice & TDD)
Website: www.dhr.state.ny.us

SECTION 4

The Village of Johnson City will maintain a file for the purpose of keeping reports of complaints.

SECTION 5

This policy does not invalidate nor supersede the personnel or other policies of the Village of Johnson City which are currently adopted, but is intended to serve as a guide for complaints.

SECTION 6

This policy may be amended by a majority vote at any of the Village of Johnson City's regularly scheduled meetings.