



VILLAGE OF JOHNSON CITY

MUNICIPAL BUILDING
243 MAIN STREET • JOHNSON CITY, NY 13790
www.villageofjc.com

Village Board

Gregory Deemie, Mayor
Bruce King, Deputy Mayor
Richard Balles, Trustee Martin Meaney, Trustee John Walker, Trustee

Minutes of a Regular Meeting of the Johnson City Village Board held on Tuesday, April 4, 2017 in the Municipal Building, 243 Main St., Johnson City

Present: Gregory Deemie, Mayor
 Richard Balles, Trustee
 John Walker, Trustee
 Martin Meaney, Trustee

Absent: Bruce King, Deputy Mayor

Also Present: Cindy Kennerup, Village Clerk/Treasurer
 Jeff Jacobs, Attorney for the Village

Mayor Deemie called the meeting to order at 7:30pm, led the Pledge of Allegiance and noted the fire exits.

Mayor Deemie presented the members of the JCHS Boys Varsity Basketball Team with Certificates of Recognition as New York State Section 4 Class A Champions and also presented Patrick Garey with a special certificate in recognition of reaching 1,061 career points as a JC Boys Varsity Basketball Player.

MAYOR'S ANNOUNCEMENTS

- [1] The next regular Village Board Meeting will be Tuesday, April 18, 2017 at 7:30pm with a work session at 5:30pm.
- [2] Village Offices will be closed on Friday, April 14, 2017 in observance of Good Friday. There will be no changes to the refuse collection schedule.
- [3] Luncheon at the Library in honor of 100th Anniversary will be on Sat., April 8th at 12pm at the library. Tickets must be purchased in advance at the front desk at the library.
- [4] JC Police Assoc. is holding a pasta dinner on April 11th from 4:30 – 7pm at the Sons of Italy in Endicott to benefit the D.W. Smith Memorial Fund. Tickets available at the Police Station.
- [5] Budget Meeting #6 will be held at 6pm on Wed, April 5, 2017 in the 1st floor training room. Budget Meeting #7 will be held at 6pm on Mon., April 10, 2017 in the 1st floor training room.

APPROVAL OF BOARD MINUTES

A motion to approve the minutes of March 21, 2017 regular meeting and work session was made by Trustee Meaney and seconded by Trustee Walker. The motion carried with all those present voting in the affirmative.

BIDS - None

PUBLIC HEARINGS - None

PETITIONS RECEIVED - None



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PRIVILEGE OF THE FLOOR – VISITORS

Mayor Deemie opened the first privilege of the floor.

Corinna Johnson, Cook Street – The legion will be holding a breakfast on Saturday from 8am – 11am at Sarah Jane Church.

Mayor Deemie closed the first privilege of the floor.

COMMUNICATIONS

A motion to accept and file the following Communications was made by Trustee Walker and seconded by Trustee Balles. The motion carried with all those present voting in the affirmative.

- [1] Notice of the April 11, 2017 meeting of the Joint Sewage Board
- [2] NYS DEC Inspection report - Johnson City CSO's
- [3] NYS DEC Inspection report – Binghamton – Johnson City JSTP
- [4] Letter from DASNY regarding \$125,000 SAM grant for the pagoda

COMMITTEE/BOARD REPORTS

A motion to accept and file the following Committee/Board Reports was made by Trustee Meaney and seconded by Trustee Balles. The motion carried with all those present voting in the affirmative.

- [1] Minutes of the February 28, 2017 regular meeting of the JC Planning Board
- [2] Minutes of the March 9, 2017 work session of the Town of Union Board
- [3] Minutes of the March 15, 2017 regular meeting of the Town of Union Board

DEPARTMENT REPORTS

A motion to accept and file the following Department Reports was made by Trustee Meaney and seconded by Trustee Walker. The motion carried with all those present voting in the affirmative.

- [1] Fire Department Overtime Report for the week of March 9 - March 22, 2017
- [2] Code Enforcement Monthly Report - February 2017
- [3] Public Works Overtime Report for the month of March 2017
- [4] Police Department Overtime Report for the week of March 9 - March 22, 2017

PAYROLL AND BILLS PRESENTED

A motion to approve abstract #18 of the 2016 - 2017 fiscal bills, having been audited by the Board and approved, was made by Trustee Balles and seconded by Trustee Walker.

Motion Carried - Vote:

Ayes – 4 (*Meaney, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 1 (*King*)

GENERAL FUND	\$452,995.29
WATER FUND	\$ 52,252.89
SEWER FUND	\$ 7,546.86
REFUSE FUND	\$ 37,618.63
JSTP	\$1,317,998.15
VARPUR	\$1,317,998.15



UNFINISHED BUSINESS

Resolution #2016 – 99

Amend the Binghamton –Johnson City Joint Sewage Treatment Plant Facilities Intermunicipal Agreement X (Master IMA) to share expenses for project management service, project analyst, and project assistant services.

WHEREAS, the City of Binghamton (the "City") is a joint owner of the Binghamton- Johnson City Joint Sewage Treatment Facilities (the "JSTF") with the Village of Johnson City (the "Village"); and

WHEREAS, the City and the Village adopted a "Master IMA" (Intermunicipal Agreement X) organizing the original agreement and all amendments into a single document and exhibits; and

WHEREAS, by Permanent Ordinance 15-34, the City and Village amended the Master IMA, Exhibit IMA No. VIII, paragraph 6 as to include the costs of a Project Manager to be included in the Phase III Remediation Project; and

WHEREAS, the City and Village wish to further amend Master IMA, Exhibit IMA No. VIII, paragraph 6 to include the costs of Project Management Services, Project Analyst, and Project Assistant Services to be included in the Phase III Remediation Project costs.

NOW, THEREFORE, the Board of Trustees of the Village of Johnson City, duly convened does hereby ordain as follows:

Section 1. Pursuant to the Master IMA, Section 31. Modifications, the Council of the City of Binghamton hereby agrees to amend the Master IMA, Exhibit IMA No. VIII, paragraph 6, as follows: ADD: Notwithstanding the forgoing, the City may retain services for Project Management Services, Project Analyst, and Project Assistant Services, as employees of the City of Binghamton for the Phase III Remediation Project. The cost of such employee services may be paid by the City in the first instance, but will be included in the project budget for the Phase III Remediation Project, budget lines HX8150.500100.JIIF (Flood) and HX8150.500100.JIIN (Non- Flood) or charged back to the Joint Sewage Treatment Facility at the year-end reconciliation billing. The Owners agree to amend the authorizing Bond Ordinances for this purpose, if necessary.

Section 2. That this Ordinance shall become effective after approval by a three-fourths vote of the voting strength of the Common Council of the City of Binghamton and the Board of Trustees of the Village of Johnson City.

This resolution was pulled from the agenda.

Resolution #2017 - 48

A motion to accept the resignation of Sean Fitzgerald, Plumbing Board member, effective immediately was made by Trustee Walker and seconded by Trustee Meaney.

Motion Carried - Vote:

Ayes – 4 (Meaney, Walker, Balles, Deemie) Nays – 0 Absent – 1 (King)



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Resolution #2017 - 49

A motion to accept the resignation of Frederick Kocan, Plumbing Board member, effective immediately was made by Trustee Meaney and seconded by Trustee Walker.

Motion Carried - Vote:

Ayes – 4 (*Meaney, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 1 (*King*)

NEW BUSINESS

FINANCE & RULES (All Board Members)

Resolution #2017 - 53

A motion to introduce Local Law #3-2017 was made by Trustee Walker and seconded by Trustee Meaney.

Motion Carried - Vote:

Ayes – 4 (*Meaney, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 1 (*King*)

WHEREAS, a local law, being proposed as Local Law No. 3 of 2017, entitled “A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c” a copy of which is attached hereto, was introduced at this meeting, and

WHEREAS, the Village Board desires to hold a public hearing with respect to the adoption of said Local Law.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held by the Village Board of the Village of Johnson City with respect to the adoption of the aforesaid Local Law at 7:35 p.m. on April 18, 2017, at the Village Hall, 243 Main Street, Johnson City, New York, and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Resolution #2017 - 54

A motion to introduce Local Law #4-2017 was made by Trustee Meaney and seconded by Trustee Walker.

Motion Carried - Vote:

Ayes – 4 (*Meaney, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 1 (*King*)

WHEREAS, a local law, being proposed as Local Law No. 4 of 2017, entitled “A LOCAL LAW AMENDING CHAPTER 256 OF THE VILLAGE CODE ENTITLED ‘TELECOMMUNICATIONS FACILITIES’” a copy of which is attached hereto, was introduced at this meeting, and

WHEREAS, the Village Board desires to hold a public hearing with respect to the adoption of said Local Law.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held by the Village Board of the Village of Johnson City with respect to the adoption of the aforesaid Local Law at 7:35 p.m. on April 18, 2017, at the Village Hall, 243 Main Street, Johnson City, New York, and it is further



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RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Resolution #2017 - 55

A motion to introduce Local Law #5-2017 was made by Trustee Walker and seconded by Trustee Meaney.

Motion Carried - Vote:

Ayes – 4 (*Meaney, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 1 (*King*)

WHEREAS, a local law, being proposed as Local Law No. 5 of 2017, entitled “A LOCAL LAW AMENDING CHAPTER 240 OF THE VILLAGE CODE ENTITLED ‘STREETS AND SIDEWALKS’” a copy of which is attached hereto, was introduced at this meeting, and

WHEREAS, the Village Board desires to hold a public hearing with respect to the adoption of said Local Law.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held by the Village Board of the Village of Johnson City with respect to the adoption of the aforesaid Local Law at 7:35 p.m. on April 18, 2017, at the Village Hall, 243 Main Street, Johnson City, New York, and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Resolution #2017 - 56

A motion to accept a Broome County Health Department’s Creating Healthy Schools and Communities grant in the amount of \$2,638.00 and authorize the Mayor to sign an agreement with a County for the same was made by Trustee Meaney and seconded by Trustee Balles.

Motion Carried - Vote:

Ayes – 4 (*Meaney, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 1 (*King*)

Resolution #2017 - 57

A motion to authorize and direct the Village to wire HMGP funds in the amount of \$4,350 to Coughlin & Gerhart, LLP in connection with the potential acquisition of an HMGP property was made by Trustee Walker and seconded by Trustee Balles.

Motion Carried - Vote:

Ayes – 4 (*Meaney, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 1 (*King*)

Resolution #2017 - 58

A motion to authorize the Johnson City Elks to utilize the Johnson City Court Room and Atrium area in the George Korutz Justice Building, 31 Avenue C, on Saturday, May 6, 2017 from 8:30am – 3:00pm contingent upon proof of liability insurance being provided with the Village of Johnson City been named as an additional insured and further requiring the Elks to contact the Town of Union for permission for the use of the Town of Union Court room also located in the Village’s Building was made by Trustee Meaney and seconded by Trustee Walker.

Motion Carried - Vote:

Ayes – 4 (*Meaney, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 1 (*King*)



PUBLIC SAFETY

FIRE (Trustees Balles & Walker) – No new business

POLICE (Trustees Balles & Walker) – No new business

PUBLIC WORKS (Trustees Balles & King) – No new business

RECREATION (Trustees Balles & King) – No new business

PLANNING, ZONING & CODE ENFORCEMENT (Trustees Balles & Walker) – No new business

JOINT SEWAGE TREATMENT BOARD (Trustees Meaney & King) – No new business

PRIVILEGE OF THE FLOOR – VISITORS

Mayor Deemie opened the second privilege of the floor.

Corinna Johnson, Cook St. – Commented on the Drug Quiz Show and stated that the group had met with the Promise Zone in an effort to get JC people involved. Asked what Res. #2017 – 56 was regarding. Mayor Deemie explained that it is through complete streets and it is funding to put some bike lanes in and we are looking at eliminating on street parking on Floral Avenue. It is to help with our street striping.

Rob Egan, Plymouth St. – Noticed that Trustee King is now the Deputy Mayor and asked Trustee Balles if he stepped down from that position or if not, why was there a change. Trustee Balles referred this question to the Mayor. Mayor Deemie explained that Trustee Balles announced his intentions to run against him so he decided that it would probably not be in his best interests to have him as his Deputy Mayor so he decided to make Trustee King the Deputy Mayor. Mayor Deemie stated that he had spoken to Trustee Balles before that and he knew that there was a possibility that he would change the position.

Mayor Deemie stated that at the last meeting, Trustee Meaney had asked him to look into the hotel/motel tax, sales tax exemption and fees for services and he provided updates:

Hotel/Motel Tax – that was a resounding no. He received a call from Senator Akshar who said he would not be able to support that. He did not hear back from Assemblywoman Lupardo yet on this issue. He did receive some letters from the Greater Binghamton Chamber of Commerce and the Convention Bureau stating that they are adamantly against anything like that. They consider it a tax against small businesses. Mayor Deemie tried to explain it to Senator Akshar and Jennifer Conway they type of revenue it could bring in to the Village. Ms. Conway pointed out that we are only one of three counties that are allowed to use our hotel/motel tax because the county has a Hotel/Motel tax, he thinks it is 1% that they charge, and it goes to the land bank. Typically you are not allowed to use that money for anything but tourism and that is what they are working towards having happen with the county's money. Trustee Meaney stated that it is not a tax on the business. Mayor Deemie stated that they look at it as another regulation or fee and as Trustee Meaney said, it doesn't come from the business, it comes from the person using the room and they feel it is detrimental to the



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area. Trustee Meaney stated that he still feels that it was a good idea on the Mayor's part.

Sales Tax Exemption – Mayor Deemie explained that he sent a letter to Senator Akshar and Assemblywoman Lupardo stating that we would like to enact home rule legislation to make the Village tax exempt where we would receive 100% of all sales tax in the Village. He also sent them home rule legislation in regards to charging a fee for service that Trustee Meaney had sent him and asked them to look at that. Assemblywoman Lupardo didn't receive the attachment for the home rule legislation for the fee for service so he resent it. She did say that she cannot imagine a scenario she would be able to pass a bill allowing you to keep all of your sales tax. I can see every municipality wanting to do the same thing which clearly won't fly. Trustee Meaney stated that they do it now. If the City of Binghamton wants to keep all its sales tax it can. Mayor Deemie stated that a City can do that. Binghamton doesn't but they could. Trustee Meaney stated that all we want to do is level the playing field.

Fee for Services – Both Senator Akshar and Assemblywoman Lupardo stated that they would review it after they are done with the State budget. Senator Akshar stated that he will reach out to counsel to see if there is any precedent for this type of arrangements.

Trustee Meaney asked if the Mayor doesn't mind, could he reach out to Assemblywoman Lupardo because maybe she is not aware that a City can pre-empt their sales tax. That there is a mechanism already in place for this. Mayor Deemie stated that he will send a note to both of them regarding this.

Mayor Deemie closed the second privilege of the floor.

ADJOURNMENT

Mayor Deemie adjourned the meeting at 7:56pm.

Cindy Kennerup
Clerk/Treasurer

CK/db

Recordings of the Village Board meetings and work sessions are available for review through the Village Clerk/Treasurer's Office.



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VILLAGE OF JOHNSON CITY - LOCAL LAW NO. 3 FOR THE YEAR 2017

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C – FISCAL YEAR 2017/2018

Be it enacted by the Village Board of Trustees of the Village of Johnson City as follows:

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Village of Johnson City pursuant to General Municipal Law §3-c, and to allow the Village of Johnson City to adopt a budget for the fiscal year beginning June 1, 2017 and ending May 31, 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Village Board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the Village Board.

Section 3. Tax Levy Limit Override: The Village Board of Trustees of the Village of Johnson City, County of Broome is hereby authorized to adopt a budget for the 2017/2018 fiscal year that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State.

VILLAGE OF JOHNSON CITY - LOCAL LAW NO. 4 FOR THE YEAR 2017

A LOCAL LAW OF THE VILLAGE OF JOHNSON CITY AMENDING CHAPTER 256 OF THE VILLAGE CODE ENTITLED “TELECOMMUNICATIONS FACILITIES.”

Be it enacted by the Board of Trustees of the Village of Johnson City as follows:

SECTION 1.

Chapter 256 of the Village Code entitled “Telecommunications Facilities” is hereby amended as follows:

§ 256-1. Statutory authority and legislative intent.

Renumbered as §256-1.1, and otherwise remains the same.



New §256-1.2 – Definitions.

For purposes of this chapter, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

ACCESSORY FACILITY or STRUCTURE

An accessory facility or structure serving or being used in conjunction with wireless telecommunications facilities, and located on the same property or lot as the wireless telecommunications facilities, including but not limited to utility or transmission equipment storage sheds or cabinets.

APPLICANT

Any wireless service provider submitting an application for a special use permit for wireless telecommunications facilities.

APPLICATION

All necessary and appropriate documentation that an applicant submits in order to receive a special use permit for wireless telecommunications facilities.

ANTENNA

A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

ANTENNA SPECIAL USE PERMIT

The official document or permit by which an applicant is allowed to file for a building permit to construct and use a DAS or microcell as granted or issued by the Village.

CO-LOCATION

The use of an existing tower or structure to support antennas for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no taller than the old tower and that the old tower is removed within 180 days after the new tower is constructed.

COLLOCATED/EXISTING STRUCTURE ANTENNAS

Any antenna that is attached to an existing telecommunications tower.

COMMERCIAL IMPRACTICABILITY or COMMERCIALLY IMPRACTICABLE

The inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be "commercially impracticable" and shall not render an act or the terms of an agreement "commercially impracticable."

COMPLETED APPLICATION

An application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.



DISTRIBUTED ANTENNA SYSTEM (DAS)

A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. DAS antenna elevations are generally at or below the clutter level and node installations are compact.

FAA

The Federal Aviation Administration, or its duly designated and authorized successor agency.

FCC

The Federal Communications Commission, or its duly designated and authorized successor agency.

HEIGHT

When referring to a tower or structure, the distance measured from the preexisting grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightning protection device.

MICROCELL

A microcell is a cell in a mobile phone network served by a low power cellular base station (tower), covering a limited area such as a mall, hotel, school or transportation hub.

MODIFICATION or MODIFY

The addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or changeout of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a telecommunications tower or telecommunications site as a co-location is a modification. A modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.

NIER

Non-ionizing electromagnetic radiation.

NONCOLLOCATED/NEW STRUCTURE ANTENNAS

An antenna that will not be mounted on an existing structure as defined herein or that is located 15 feet higher than the existing structure on which it is mounted. These antennas are permitted in accordance with the requirements set forth in this chapter.

PERSON

Any individual, corporation, estate, trust, partnership, joint stock company, association of two or more persons having a joint common interest, or any other entity.

PERSONAL WIRELESS FACILITY

See definition for "wireless telecommunications facilities."

PERSONAL WIRELESS SERVICES or PWS or PERSONAL TELECOMMUNICATIONS SERVICE or PCS

The same meaning as defined and used in the 1996 Telecommunications Act.



PLANNING BOARD

The Planning Board of the Village of Johnson City.

REPAIRS AND MAINTENANCE

The replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.

STATE

The State of New York.

STEALTH or STEALTH TECHNOLOGY

To minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

TELECOMMUNICATIONS

The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

TELECOMMUNICATION SITE

See definition for "wireless telecommunications facilities."

TELECOMMUNICATIONS STRUCTURE

A structure used in the provision of services described in the definition of "wireless telecommunications facilities."

TEMPORARY

Temporary in relation to all aspects and components of this chapter, something intended to, or that does not exist for more than 90 days.

TOWER

Any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

TOWER SPECIAL USE PERMIT

The official document or permit by which an applicant is allowed to file for a building permit to construct and use wireless telecommunications facilities as granted or issued by the Village.

VILLAGE BOARD

The Village Board of the Village of Johnson City.

WIRELESS TELECOMMUNICATIONS FACILITIES

Includes a "telecommunications site" and "personal wireless facility." It means a structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes, without limit, towers of all types and kinds and structures, including but not limited to buildings, church steeples, silos, water towers, signs or



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other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal communications services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

§ 256-2. Permitted locations; approvals and bulk requirements.

- A. Collocated/existing structure antennas and modifications to existing towers/antennas, approvals, submittal and requirements.
- (1) Approvals. A collocated or existing structure antenna is permitted without a tower special use permit upon issuance of site plan approval and a building permit. DAS/Microcell applications that also meet the definition of a collocated/existing structure antenna shall only require minor site plan approval and a building permit. The applicant shall also be responsible for all reasonable costs incurred by the Village in reviewing and analyzing an application, including but not limited to, any engineering or technical reports or studies submitted by the applicant relative to its application and any legal fees related thereto. As a condition of approval, the approving department or board may require a removal bond.
 - (2) Submittal and bulk requirements. The site plan and building permit application shall include the following:
 - (a) and (b) remain the same.
 - (c) The height of the new antenna shall extend no more than 15 feet above the height of the existing structure. Antennas projecting over walkways or sidewalks must have a minimum clearance between the bottom of the equipment and the ground of nine feet. Antennas projecting over a traffic area, such as a driveway or parking lot aisle must have a minimum clearance between the bottom of the equipment and the ground of 15 feet.
 - (d) remains the same.
- B. Noncollocated/new structure antennas, approvals and bulk requirements.
- (1) Requirements for approval. No application for a noncollocated or new structure antenna, regardless of whether such antenna is a DAS/Microcell, shall be considered complete unless and until the applicant shall have submitted a report that establishes to the satisfaction of the Village of Johnson City Planning Board the following:
 - (a) That the applicant is required to provide service to locations which it is not able to serve through existing facilities which are located either within or outside of the Village, showing the specific locations and/or areas the applicant is seeking to serve.
 - (b) The report shall set forth an inventory of existing facilities and/or structures, within or outside of the Village, which might be utilized or



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modified in order to provide coverage to the locations the applicant is seeking to serve and shall include a report on the possibilities and opportunities for collocation as an alternative to a new site.

- (c) The applicant must demonstrate that the proposed facility cannot be accommodated on any such existing facility or structure either within or outside of the Village due to one or more of the following reasons:
 - [1] The proposed equipment would exceed the existing reasonable potential structural capacity of existing facilities or structures within or outside of the Village, considering existing and planned use for those facilities or structures.
 - [2] The existing or proposed equipment would cause interference with other existing or proposed equipment that could not reasonably be mitigated or prevented.
 - [3] Said existing facilities or structures do not have space on which the proposed equipment can be placed so it can function effectively and reasonably, and/or the applicant has not been able, following good faith efforts, to reach an agreement with the owner(s) of such facilities or structures.
 - [4] Other reasons which make it impractical to locate or place the proposed equipment on said facilities or structures.
- (2) Bulk requirements.
 - (a) Noncollocated or new structure antennas, other than DAS/Microcells. In all residential zoning districts, including the PUD District, new or relocated towers and antennas shall be set back from all property lines a minimum distance equal to their height (measured from their base) plus 100 feet and in all other zoning districts a minimum distance equal to their height (measured from their base). The towers shall also be set back a minimum distance equal to their height from all power lines. The Planning Board may require an additional setback area in the case of guy wires, taking into consideration the length of the guy wires and the location of ground anchors.
 - (b) DAS/Microcells. In residential districts, setbacks from all property lines should be equal to $\frac{1}{2}$ the height of the structure. In commercial and industrial districts the setbacks from all property lines shall be $\frac{1}{3}$ the height of the structure. If placed within a public right of way, setback of structure should be determined by acceptable engineering practices. The Planning Board may require an additional setback area in the case of guy wires, taking into consideration the length of the guy wires and the location of ground anchors.
- (3) Tower special use permit required. For all new, relocated or replacement towers and antennas, including DAS/Microcells that do not meet the definition of a collocated/existing structure antenna, a tower special use permit shall be required.



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- (4) The applicant shall also be responsible for all reasonable costs incurred by the Village in reviewing and analyzing an application, including but not limited to, any engineering or technical reports or studies submitted by the applicant relative to its application and any legal fees related thereto.

§ 256-3 through § 256-6 remain the same.

SECTION 2. SEPARABILITY

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

SECTION 3. REPEALER

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 4. EFFECTIVE DATE

This local law shall take effect upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

VILLAGE OF JOHNSON CITY - LOCAL LAW NO. 5 FOR THE YEAR 2017

A LOCAL LAW OF THE VILLAGE OF JOHNSON CITY AMENDING CHAPTER 240 OF THE VILLAGE CODE ENTITLED "STREETS AND SIDEWALKS" REGARDING THE REMOVAL OF SNOW AND ICE

Be it enacted by the Board of Trustees of the Village of Johnson City as follows:

SECTION 1.

Chapter 240 of the Village Code, entitled "Streets and Sidewalks", is hereby amended as follows:

§ 240-1 through § 240-9 remain the same.

§ 240-10 Depositing snow on streets and sidewalks.

A. Remains the same.

B. Removal; costs. In case any person shall violate the provisions hereinabove set forth and shall fail to remove any snow piled or plowed up within five (5) hours after demand so to do by either the Superintendent of Public Works, Code Enforcement Officer of the Village, or his, her or their designee, the same may be removed under the supervisions



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of said Superintendent of Public Works, Code Enforcement Officer of the Village, or his, her or their designee, and such person or owner or occupant of such premises shall be responsible for the entire cost of removal.

§ 240-11 Removal of snow, ice and other substances on sidewalks.

- A. Remains the same.
- B. Failure to remove. In the event that the owner or occupant of such adjoining premises fails to remove such snow, ice or other substance within five (5) hours from the time when said snow, ice or other substance shall have been deposited or within one (1) hour after the giving of notice by either the Superintendent of Public Works, Code Enforcement Officer of the Village, or his, her or their designee, such owner or occupant shall be guilty of disorderly conduct. Such notice shall be deemed given upon affixing a notice to any building located on the property or, in the case of vacant land, upon the nearest utility pole. In addition, in the case of vacant land, the Village officer or designee giving notice shall make a good faith effort to notify the owner of vacant land by telephone or by affixing the notice to the residence of the owner. Each twenty-four hour period that the accumulation of snow and/or ice shall exist shall be a separate violation of this article.
- C. Authority of village. It is further provided that whenever any owner or occupant of adjoining land shall fail to comply with the provisions of Subsection A, it shall be the duty of the Village officer or designee directing removal to cause said sidewalk to be cleaned, and the expense thereof shall become a lien upon said adjoining premises and shall be assessed against the same.

D. Remains the same.

§ 240-12 through § 240-43 remain the same.

SECTION 2. SEPARABILITY

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

SECTION 3. REPEALER

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 4. EFFECTIVE DATE

This local law shall take effect upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.