



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 18, 2017 in the Municipal Building, 243 Main St., Johnson City

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

Absent: None

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'S ANNOUNCEMENTS

- [1] The next regular Village Board Meeting will be Tuesday, May 2, 2017 at 7:30pm with a work session at 5:30pm.
- [2] Free Electronics collection for Village residents will be held on Saturday, May 20th from 7am – 11am at the DPW garage, 124 Brown Street.
- [3] Johnson City School District school budget vote - May 16. The school district will use the Chrisfield Campus (formerly Blessed Sacrament Church) on Chrisfield Ave. as a voting location for everyone who lives in District 1. Residents will no longer vote at the Family Enrichment Network location on Cherry St. The Chrisfield Campus will provide better parking, lighting and handicapped accessibility for residents. Residents who live in District 2 will continue to vote at the high school, 666 Reynolds Road.
- [4] Congratulations to the JCHS Girls Softball team, especially pitcher Mackenzie Carlin who pitched a no hitter in a 22-0 STAC softball game.
- [5] The next budget meeting will be held on April 24, 2017 at 6:00pm.
- [6] There will be a special meeting to vote on the budget on April 25, 2017 at 7:30pm.

APPROVAL OF BOARD MINUTES

A motion to approve the minutes of April 4, 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

- [1] Local Law No. 3 of 2017, entitled “A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c”

Mayor Deemie opened the public hearing.

Unknown speaker (Name & address not provided) - Asked what this means? Does it give you the ability to exceed the cap? Mayor Deemie explained that this gives us the ability, if we override the cap we won't be penalized. If you don't put this into place and then you exceed the cap, the amount you exceed it by, you have to put that aside towards your cap next year. If we are not going to exceed the cap, right now it looks pretty close, we will rescind this resolution before we vote on the budget. Our cap right now is 1%. We are at ½% right now.

Rob Egan, Plymouth Street – Urged the Board to not pass this resolution. He believes that it is their job and their fiscal responsibility to make sure that we are under that cap. Yes, there is a chance you can rescind it. Part of you being in elected office is to do your job for the taxpayers and keep it well below what that cap should be. He thinks that if you pass the resolution you are guys are letting yourselves off the hook and not being responsible to the taxpayers. Mayor Deemie stated that we have always been responsible to the taxpayers because, ever since it came into place except for last year, we have been under the cap and we have passed this resolution in all those years. Last year we were over by \$180,000 – \$200,000. Their goal is to be under the cap.

Julie Deemie, Zoa Avenue – Stated that, as far as the override, she has been attending meetings for at least 12 years and since this has been enacted, every administration has enacted this as a safety net. It is truly a safety net and as she sees it, it is part of being fiscally responsible.

Mayor Deemie closed the public hearing.

- [2] Local Law No. 4 of 2017, entitled “A Local Law Amending Chapter 256 of the Village Code Entitled ‘Telecommunications Facilities’”

Mayor Deemie opened the public hearing. There being no one wishing to speak, Mayor Deemie closed the public hearing.

- [3] Local Law No. 5 of 2017, entitled “A Local Law Amending Chapter 240 of the Village Code Entitled ‘Streets and Sidewalks’”

Mayor Deemie opened the public hearing.

Donald Slota, Eldredge Avenue – Asked about the 5 hour time limit for snow removal. Attorney Jacobs explained that is currently what is in the Code now – it is 5 hours from when you have been notified by Code or DPW, not 5 hours from the end of the storm.

Pat McNamara, Jay Street – Asked what the dollar amount for the ticket is. Attorney Jacobs explained that code violation amounts are between \$25.00 - \$250.00 per violation.



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David Kellam, Berkley Street – Asked if this pertains to cars that get plowed in on the streets. Mayor Deemie stated that this is for sidewalks. Bob Bennett has the authority to have cars ticketed and towed.

Julie Deemie, Zoa Avenue – Asked for clarification on the new verbiage of the section. Attorney Jacobs provided clarification. Mrs. Deemie stated that the wording is wrong between section 10 and section 11. Attorney Jacobs stated that they will look at the full code.

Mayor Deemie closed the public hearing.

PETITIONS RECEIVED - None

PRIVILEGE OF THE FLOOR – VISITORS

Mayor Deemie opened the first privilege of the floor.

Pat McNamara, Jay Street – Stated that she presented a petition last year for road repairs on Jay Street. Stated that she spoke to Mike Sherba last week and he explained that the Board is in the planning phase and the budget was being put together and she assuming Jay Street is on the list. Mayor Deemie stated that it was on the list they gave them of possible streets for repair this year. She asked the Board to please take care of repairing Jay Street. Village trucks are still using Jay Street to get to the water tanks.

David Kellam, Berkley St. – Asked if there are any secret projects going on in the Village that BU had to put a by-plane with high tech equipment to map Johnson City. Mayor Deemie stated not that he knows of and asked why? He did see a plane today that had a banner on it. Mr. Kellam stated that he is trying to inject levity into the meeting. Mr. Kellam stated that, at 186 Baldwin Street, there has been a silver Lincoln Town Car with New Jersey Plates parked in front of that house since March 13th. It hasn't moved. Mr. Slota stated that he should call the police. Mr. Kellam stated that it is his understanding from the officer that he can't complain about it. Mayor Deemie explained that there is an 8 hour ordinance for parking on the street. Mayor Deemie stated that he will address it with the Police.

Phyllis Smith, Concord Street – Stated that the properties at 155 and 167 Lester Avenue are in deplorable shape. Nothing is being done with these properties. She has reported them to code but she has not heard back. Trustee King asked the Mayor to let them know what Code says.

David Kellam, Berkley Street – Stated that it is his understanding that the owner lives on Reynolds Road.

Julie Deemie, Zoa Avenue – Happy that Chief Jacyna is here. She would like to hear firsthand from him the condition of the ladder truck - The condition of the frame and its longevity expectation and the engine of the vehicle and how long he thinks it is going to last. Chief Jacyna explained that the truck is 30 years old. The NFPA rates them at under 20 years. A five year inspection was done 3 years ago. The frame is rusted and once that fails, they won't pass it again. As for the engine, it needs to be rebuilt. The Mayor asked if there is a ladder test being done on it this year. Chief Jacyna stated that there is a ladder test every year. The last one was done 4 years ago. That is not part of the frame. The average age of a vehicle in the fire department is from 1999. In Broome County we own the oldest equipment. Mrs. Deemie asked



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if the 5 year inspection included the frame and at the time what was the recommendation. Chief Jacyna explained that the recommendation was to get a new one because the frame was going and there is no repair to the frame. Mrs. Deemie asked who does these types of inspections. Chief Jacyna stated that it is an independent inspection. They come here to us. It is a private company.

Don Slota, Eldredge Avenue – Asked, with the new pharmacy school, are we going to need something more enhanced than we have now. Chief Jacyna stated that ours was state of the art in 1987. Ours is 100 ft now. Mr. Slota asked if one ladder truck is enough. Chief Jacyna stated yes, per the standards you have to have one. Trustee Walker stated that it is his understanding that if we do not have a ladder truck, then the ISO ratings for insurance go up for the Village so everyone's fire insurance will go up. Mayor Deemie stated that we need it for the towers at the hospital and the pharmacy school. Mr. Slota asked if the Fire Department needs more equipment with the new developments in the Village. Chief Jacyna stated that the amount we have now is fine. It is just old. Chief Jacyna stated that he has applied for a grant. Trustee Balles stated that in the work sessions they have discussed many ideas for payment options and other ideas, such as replacing the engine. This truck will cost \$1.2 million. Trustee Balles stated that he thinks we need to explore all options before we spend this kind of money.

Julie Deemie, Zoa Avenue – Stated that she supports what Trustee Balles is saying and she has done some research. \$1.2 million in bonding would result in (at 1.5% interest for 10 years) over \$129,000 in repayment per year by the taxpayers.

Attorney Jacobs clarified the section of the Code regarding snow removal. The 5 hours refer to people depositing snow from their private property onto the public street.

Mayor Deemie closed the first privilege of the floor.

COMMUNICATIONS

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

- [1] Letter received from William Wallick regarding a bill for excessive refuse
- [2] Notice of the April 27, 2017 meeting of the Br. County Assoc. of Towns & Villages
- [3] Notice of the April 20, 2017 meeting of the Broome Co. Assoc. of Municipal Clerks

COMMITTEE/BOARD REPORTS

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

- [1] Minutes of the April 5, 2017 regular meeting of the Town of Union Board
- [2] Minutes of the April 5, 2017 work session of the Town of Union Board
- [3] Minutes of the March 13, 2017 meeting of the JC Zoning Board of Appeals
- [4] Minutes of the March 16, 2017 meeting of the Broome Co. Assoc. of Municipal Clerks
- [5] Minutes of the February 14, 2017 meeting of the Village of Endicott Board



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DEPARTMENT REPORTS

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

- [1] Code Enforcement Monthly Report – March 2017
- [2] Police Department Overtime report for the week of March 23 – April 5, 2017
- [3] Fire Department Overtime report for the week of March 23 – April 5, 2017
- [4] Department of Public Works Monthly Report – March 2017

PAYROLL AND BILLS PRESENTED

A motion to approve abstract #19 of the 2016 - 2017 fiscal bills, having been audited by the Board and approved, was made by Trustee Walker and seconded by Trustee King.

Motion Carried - Vote:

Ayes – 5 (*Meaney, King, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 0

GENERAL FUND	\$ 56,210.32
WATER FUND	\$ 45,634.72
SEWER FUND	\$ 1,124.29
REFUSE FUND	\$ 37,029.88
JSTP	\$1,158,570.91

UNFINISHED BUSINESS - None

NEW BUSINESS

FINANCE & RULES (All Board Members)

Resolution #2017 - 60

A motion to ratify the acquisition of 16 N. Harrison for the bid amount of \$31,133.00, plus usual and customary adjustments, utilizing HMGP funds and ratify the execution of the Memorandum of Sale by Counsel for the Village on behalf of the Village of Johnson City was made by Trustee King and seconded by Trustee Walker.

Motion Carried - Vote:

Ayes – 5 (*Meaney, King, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 0

Resolution #2017 - 61

A motion to approve a request from William Giblin, Owner of Giblin’s, 256 Main St., to close Wilbrow Alley on May 7, 2107 to hold a fund raiser for Rob Rieger for medical expenses contingent upon supplying the Village with proper insurance coverage and naming the Village as additional insured for this event was made by Trustee Walker and seconded by Trustee King.

Motion Carried - Vote:

Ayes – 5 (*Meaney, King, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 0



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Resolution #2017 - 62

A motion to authorize a Municipal Cleanup Day, free to Village residents, on Saturday, May 20, 2017 from 7:00am to 11:00am at the Public Works Garage, 124 Brown Street for collection of electronics only was made by Trustee King and seconded by Trustee Walker.

Motion Carried - Vote:

Ayes – 5 (*Meaney, King, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 0

Resolution #2017 - 63

A motion to adopt Local Law No. 3 of 2017, entitled “A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-C” was made by Trustee Meaney and seconded by Trustee Walker.

Motion Carried - Vote:

Ayes – 5 (*Meaney, King, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 0

WHEREAS, the Village of Johnson City scheduled a public hearing for April 18, 2017 at 7:35 p.m. for Local Law No. 3 of the year 2017 entitled “A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village and posted on the Village Clerk’s sign board; and

WHEREAS, said public hearing was duly held at the Village Hall, 243 Main Street, Johnson City, New York on the 18th day of April, 2017 at 7:35 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, it has been determined by the Village Board of the Village of Johnson City that adoption of the proposed Local Law does not constitute an “action” as defined and can be considered without further regard to SEQRA; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED that the Village Board hereby adopts said Local Law as Local Law No. 3-2017 entitled “A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C”, a copy of which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State.

BE IT FURTHER RESOLVED that this resolution will take effect immediately.

Resolution #2017 - 64

A motion to adopt Local Law No. 4 of 2017, Entitled “A Local Law Amending Chapter 256 of the Village Code Entitled ‘Telecommunications Facilities’” was made by Trustee Walker and seconded by Trustee King.



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Motion Carried - Vote:

Ayes – 5 (*Meaney, King, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 0

WHEREAS, the Village of Johnson City scheduled a public hearing for April 18, 2017 at 7:35 p.m. for Local Law No. 4 of the year 2017 entitled “A LOCAL LAW AMENDING CHAPTER 256 OF THE VILLAGE CODE ENTITLED “TELECOMMUNICATIONS FACILITIES””; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village and posted on the Village Clerk’s sign board; and

WHEREAS, said public hearing was duly held at the Village Hall, 243 Main Street, Johnson City, New York on the 18th day of April, 2017 at 7:35 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, it has been determined by the Village Board that adoption of the proposed Local Law constitutes an Unlisted Action, as defined under said regulations. The Village Board has considered the possible environmental impacts of the Local Law. The adoption of said Local Law will not have a significant adverse impact on the environment and the Village Board adopts a negative declaration with respect to the Local Law; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED that the Village Board hereby adopts said Local Law as Local Law No. 4-2017 entitled “A LOCAL LAW AMENDING CHAPTER 256 OF THE VILLAGE CODE ENTITLED “TELECOMMUNICATIONS FACILITIES””, a copy of which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State.

BE IT FURTHER RESOLVED that this resolution will take effect immediately.

Resolution #2017 - 65

A motion to adopt Local Law No. 5 of 2017, Entitled “A Local Law Amending Chapter 240 of the Village Code Entitled ‘Streets and Sidewalks’” was made by Trustee Meaney and seconded by Trustee Walker.

Motion Carried - Vote:

Ayes – 5 (*Meaney, King, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 0

WHEREAS, the Village of Johnson City scheduled a public hearing for April 18, 2017 at 7:35 p.m. for Local Law No. 5 of the year 2017 entitled “A LOCAL LAW AMENDING CHAPTER 240 OF THE VILLAGE CODE ENTITLED ‘STREETS AND SIDEWALKS’ REGARDING THE REMOVAL OF SNOW AND ICE””; and



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WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village and posted on the Village Clerk's sign board; and

WHEREAS, said public hearing was duly held at the Village Hall, 243 Main Street, Johnson City, New York on the 18th day of April, 2017 at 7:35 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, it has been determined by the Village Board of the Village of Johnson City that adoption of the proposed Local Law does not constitute an "action" as defined and can be considered without further regard to SEQRA; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED that the Village Board hereby adopts said Local Law as Local Law No. 5-2017 entitled "A LOCAL LAW AMENDING CHAPTER 240 OF THE VILLAGE CODE ENTITLED 'STREETS AND SIDEWALKS' REGARDING THE REMOVAL OF SNOW AND ICE", a copy of which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State; and

BE IT FURTHER RESOLVED that this resolution will take effect immediately.

PUBLIC SAFETY

FIRE (Trustees Balles & Walker) – No new business

POLICE (Trustees Balles & Walker) – No new business

PUBLIC WORKS (Trustees Balles & King)

Resolution #2017 - 66

A motion to authorize the Mayor to sign a revised proposal with Keystone Associates Architects, Engineers and Surveyors, LLC for Architectural and Engineering Services for roof, door, and window repairs and miscellaneous items for the Pagoda Building with the funds being reimbursed through a DASNY (Dormitory Authority of the State of New York) grant was made by Trustee King and seconded by Trustee Walker.

Motion Carried - Vote:

Ayes – 5 (Meaney, King, Walker, Balles, Deemie) **Nays** – 0 **Absent** – 0

RECREATION (Trustees Balles & King) – No new business

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



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

PRIVILEGE OF THE FLOOR – VISITORS

Mayor Deemie opened the second privilege of the floor. There being no one wishing to speak, Mayor Deemie closed the second privilege of the floor.

ADJOURNMENT

Mayor Deemie adjourned the meeting at 8:11 pm.

Cindy Kennerup

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 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.



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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 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



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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.
- (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. Application for tower special use permit.

A. remains the same.

B. Said application shall include:

- (1) A complete tower special use permit application form. In addition to the requirements set forth herein, all applications shall be processed in accordance with the requirements of §300-66 of the Code of Johnson City generally applicable to special use permits. The application shall be accompanied by the payment of the tower special use permit application fee of \$2,500 for non-DAS/Microcell towers, and \$75 for DAS/Microcell towers, or such other fee as determined by resolution of the Board of Trustees from time to time. In addition to the tower special use permit application fee, 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.

All remaining portions of §256-3 remain the same.

§ 256-4 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 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.



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- 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.