



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, October 17, 2017 in the Municipal Building, 243 Main Street, Johnson City

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

Absent: None

Also Present: Cheryl Sacco, Legal Counsel
 Cindy Kennerup, Clerk/Treasurer

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, November 21, 2017 at 7:30pm with a work session at 5:30pm.
- [2] Village Offices will be closed November 10, 2017 for Veteran's Day. There WILL BE regular refuse collection Friday, November 10th.
- [3] Village Offices will be closed on Thursday, November 23rd and Friday, November 24th for Thanksgiving. Refuse collections will be as follows: Garbage normally collected on Thursday, November 23rd will be collected on Friday, November 24th. Garbage normally collected on Friday, Nov. 24th will be collected on Monday, November 27th. There will be no yardwaste on Monday, November 27th.
- [4] Saturday, November 11, 2017 at 11:00 am there will be a rededication ceremony for the monument.
- [5] Rotary has taken over Jennison Park as their adopted park. Richard Matsushima Owner of Kampai brought two master peony gardeners and two other people that came over from Japan to plant the peonies. Trustee Balles was involved in this as a member of the Rotary. Good example of community development, organizations working together to fix

up neglected properties. They will be doing more work and refurbishments over the next year or so. Dai Korba worked with Trustee Balles and has been instrumental in this project. Any time you see renderings from BU or pictures of the school, you will see pictures of Jennison Park. It is a very prominent park and will be in years to come.

APPROVAL OF BOARD MINUTES - NONE

BIDS- NONE

PUBLIC HEARINGS- NONE

PETITIONS RECEIVED- NONE

PRIVILEGE OF THE FLOOR – VISITORS

Mayor Deemie opened the first privilege of the floor.

Reverend David Gray, Johnson City Church of Christ, Baker Street – Stated that he wrote a request to board with regards to refuse charge for church. Anything produced was either recycle through combustion or composted. They have produced no refuse since July 15 and since then there has not been any pickup from the property. He is asking that the \$115 charge be waived. Mayor Deemie explained that we will not change the code to waive the fee. As long as there is a meter, there is a minimum charge for each property. The \$115 is the commercial base fee. We have the letter to the board, but it did not make the agenda this month. Depending on how they look at it, I don't think they will waive the fee, but they may lessen it to the residential fee of \$66. When the meter is removed there is a minimal fee to the property owner. Reverend David stated \$115 becomes a bit of a burden with only 9 members and a reduction would be appreciated. The matter was discussed in the work session and will be on the agenda for the November 21, 2017 board meeting.

Julie Deemie, Zoa Avenue – Questions the Resolution 180, NFC (National Fitness Campaign) Grant. Mayor Deemie explained that the funds are to build a fitness trail which will be an outdoor fitness trail at Northside park. We are hoping the school will use for their athletes or the seniors may come from the housing and use. Dai Korba is working on this. It won't come to fruition until later in 2018.

Someone who serves on the board who needs to be recognized and Julie Deemie would like to recognize Trustee Rick Balles for his soft heart for our Veterans and that he has gone above and beyond the call of duty. Hats off to Trustee Balles and the Rotary Club at Jennison Park, and to Dai for what she is doing with the park. And also Trustee Balles single handedly for his work at Jennison Park as he did some much needed trimming. Thank you very much Trustee Balles.

Janet Brown – She was walking through CFJ park in the dark and came across Mayor Deemie and his wife who were watering the trees in the dark with little milk jugs. In process of talking

to them, they said they go up and down Main Street and clean up dog feces and it is pretty impressive since it is not their dog doing it.

Don Slota, Eldredge Avenue – He is looking at resolutions 176 and 177. He lives in the general area and gets feedback from people who live in that area and was told by many people that there are undesireables living/hanging out there. If you put a lock on that they will be hanging out there because no one will be able to get down there. At least now off road or pick up trucks can get down there behind the power station. Mayor Deemie stated that these resolutions have been held over and will be tabled tonight because we still have more questions ourselves.

Loraline Crampton – Asked who is in charge of the sign at People’s Park and wonders why when the Fire Dept wanted to put up notification a few years ago they were voted down/refused. Mayor Deemie explains that DPW is in charge of the sign and they get the requests and change the sign. The Fire Department wanted to put their own sign up and you can’t put up your own sign in the park.

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 Balles. The motion carried with all those present voting in the affirmative.

- [9-1] Notice of the October 19, 2017 meeting of the Broome Co. Assoc. of Municipal Clerks
- [9-2] Notice of the October 26, 2017 meeting of the Broome Co. Assoc. of Towns & Villages

COMMITTEE/BOARD REPORTS

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

- [10.1] Minutes of the October 4, 2017 regular meeting of the Town of Union Board
- [10.2] Minutes of the Sept. 21, 2017 meeting of the Broome Co. Assoc. of Municipal Clerks
- [10.3] Minutes of the October 11, 2017 work session of the Town of Union Board
- [10.4] Minutes of the August 8, 2017 regular meeting of the Village of Endicott Board
- [10.5] Minutes of the September 12, 2017 regular meeting of the Village of Endicott Board

DEPARTMENT REPORTS

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

- [11.1] DPW Overtime Report – September 2017
- [11.2] Police Overtime Report for the week of September 21, 2017 – October 4, 2017
- [11.3] Fire Overtime Report for the week of September 21, 2017 – October 10, 2017
- [11.4] Police Department Monthly Report – May 2017 *
- [11.5] Police Department Monthly Report – June 2017

PAYROLL AND BILLS PRESENTED

A motion to approve abstract #8 of the 2017 – 2018 fiscal bills, having been audited by the Board and approved, was made by Trustee Walker and seconded by Trustee King. The motion carried with all those present voting in the affirmative.

Motion Carried – Vote:

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

GENERAL FUND	\$537,889.43
WATER FUND	\$18,750.62
SEWER FUND	\$193,091.35
REFUSE FUND	\$209,634.96
JSTP	\$902,759.07
VARPUR	\$3,544,766.00

UNFINISHED BUSINESS

Resolution #2017 – 176

Authorize the Mayor to sign an agreement with New York State Electric & Gas to allow them to install a gate at the boundary of Boland Park to access the licensee’s Electric Substation at 726 Riverside Drive.

The resolution was held over by Trustee Walker and seconded by Trustee King.

Resolution #2017 – 177

Authorize the Mayor to sign an agreement with New York State Electric & Gas to allow them to use the premises of Boland Park for an access road to property owned by the licensee only until the termination of this license.

The resolution was held over by Trustee Walker and seconded by Trustee King.

NEW BUSINESS

FINANCE & RULES (All Board Members)

Resolution #2017 – 179

A motion to authorize the Village, in partnership with Walmart and the Johnson City Celebration Committee, Inc. to hold the eighth annual Lights on the Carousel at the CFJ Carousel from 5pm – 8pm on December 1st & 2nd, December 8th & 9th and December 15th & 16th. was made by Trustee Walker and seconded by Trustee King. The motion carried with all those present voting in the affirmative.

Motion Carried – Vote:

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

Resolution #2017 – 180

A motion to accept a NFC Fitness Grant in the amount of \$10,000.00 towards building an NFC Fitness Court was made by Trustee Balles and seconded by Trustee Meaney. The motion carried with all those present voting in the affirmative.

Motion Carried – Vote:

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

Resolution #2017 – 181

Authorize the forgiveness of a \$67.20 charge for excess refuse collected at 56 Sherman Street was made by Trustee King and seconded by Trustee Meaney.

Motion Failed – Vote:

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

Resolution #2017 – 182

Authorize the forgiveness of a \$60.00 charge for uncontained yard waste that was tagged by the DPW, remained at the curb and was subsequently collected at 64 Allen Street was made by Trustee Meaney and seconded by Trustee King.

Motion Failed – Vote:

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

Resolution #2017 – 183

Authorize the forgiveness of the \$78.60 charge for the installation of a different type of water meter at 170 Myrtle Avenue was made by Trustee King and seconded by Trustee Meaney.

Motion Failed – Vote:

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

Resolution #2017 – 184

Appoint June Adamek as a Library Board Trustee, replacing Lynette Bryan who has resigned, effective immediately for a term ending December 31, 2018 was made by Trustee King and seconded by Trustee Walker. The motion carried with four present voting in the affirmative.

Motion Carried – Vote:

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

Resolution #2017 – 185

A motion to adopt a resolution requesting Senator Akshar and Assemblyperson Lupardo to sponsor home rule legislation to empower and authorize the Village of Johnson City to pass a local law creating a tax or fee on certain tax exempt properties within the Village was made by Trustee Meaney and seconded by Trustee King. The motion carried with all those present voting in the affirmative.

Motion Carried – Vote:

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

WHEREAS, the tax base of the Village of Johnson City is shrinking; and

WHEREAS, 3.14% of properties in the Village are currently tax exempt, representing 40.76% of the total assessed value of the Village; and

WHEREAS, taxable property is still being removed from the tax rolls; and

WHEREAS, the New York State mandated property tax cap hinders the Village’s ability to generate revenue to provide essential services; and

WHEREAS, that Home Rule Legislation enables the Village of Johnson City to seek and impose a tax or fee for service on certain tax exempt properties.

NOW, THEREFORE, BE IT RESOLVED the Board of Trustee of the Village of Johnson City duly convened in regular session hereby request that Senator Akshar and Assemblyperson Lupardo sponsor home rule legislation to empower and authorize the Village of Johnson City to pass a local law creating a tax or fee on certain tax exempt properties within the Village and

BE IT RESOLVED that the fee for service includes all current and future tax exempt properties within the Village of Johnson City, with the exception of Houses of Worship and Schools that instruct children in grades twelve and under; and

BE IT RESOLVED that the Village Board finds and determines that it does not have the legal authority to adopt a local law relating to the proposed legislation or enact the legislation it is requesting; and

BE IT RESOLVED, that the Village Clerk-Treasurer shall send certified copies of this Resolution to Senator Akshar and Assemblyperson Lupardo; and

BE IT RESOLVED, that the Mayor is authorized to execute paperwork related to this home rule request; and

BE IT RESOLVED, that this resolution shall be effective immediately.

Resolution #2017 – 186

A motion to adopt a resolution requesting Senator Akshar and Assemblyperson Lupardo to sponsor home rule legislation to empower and authorize the Village of Johnson City to pass a local law creating a Hotel/Motel occupancy tax on hotel/motel properties within the Village was made by Trustee Meaney and seconded by Trustee Walker. The motion carried with all those present voting in the affirmative.

Motion Carried – Vote:

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

WHEREAS, economic times are difficult; and municipalities need additional nonproperty tax sources of revenue to fund basic services to keep their communities safe and properly serviced.

WHEREAS, the New York State mandated property tax cap hinders the Village's ability to generate revenue to provide essential services; this legislation will assist the Village of Johnson City to fund necessary services.

WHEREAS, that Home Rule Legislation enables the Village of Johnson City to seek and impose a an occupancy tax on hotel/motel properties within the Village

NOW, THEREFORE, BE IT RESOLVED the Board of Trustee of the Village of Johnson City duly convened in regular session hereby request that Senator Akshar and Assemblyperson Lupardo sponsor home rule legislation to empower and authorize the Village of Johnson City to pass a local law creating a occupancy tax on hotel/motel properties within the Village and

BE IT RESOLVED WHEREAS, the Village desires that the home rule legislation include a requirement that the municipality levying the tax set aside one sixth of the taxes collected to promote economic development and tourism within the respective municipality; and

BE IT RESOLVED that the Village Board finds and determines that it does not have the legal authority to adopt a local law relating to the proposed legislation or enact the legislation it is requesting; and

BE IT RESOLVED, that the Village Clerk-Treasurer shall send certified copies of this Resolution to Senator Akshar and Assemblyperson Lupardo; and

BE IT RESOLVED, that the Mayor is authorized to execute paperwork related to this home rule request; and

BE IT RESOLVED, that this resolution shall be effective immediately.

PUBLIC SAFETY

FIRE (Trustees Balles & Walker)

Resolution #2017 – 187

Motion to adopt the following resolution contracting for the purchase of an aerial truck without competitive bids from a sole source supplier was made by Trustee Meaney and seconded by Trustee King.

The resolution was held over by Trustee Balles.

WHEREAS, the Village of Johnson City desires to contract for the purchase of an aerial truck without competitive bids from a sole source supplier because of unique circumstances; and

WHEREAS, the Village of Johnson City and its Fire Chief have investigated various options with its current aging aerial truck; but have determined that the Village current aerial truck must be replaced; and

WHEREAS, through the investigation, it has become clear that the Village has a valid public interest in a light weight truck with the specific requirements of ample turning radius, an aerial apparatus with a 100 foot aluminum mid mounted aerial platform, a stainless steel body, a single pair of outriggers and a huck bolted aluminum box boom aerial; and

WHEREAS, the Trustees have discussed the justification for this specific requirements as they specifically relate to the Village and the Fire Chief has provide sufficient factual and technical support via a memorandum; and

WHEREAS, the Trustees, upon the recommendation of the Fire Chief, find that the truck is uniquely required for the Village and that the specific requirements are uniquely required in the public interest for the Village;

WHEREAS, this specific truck, with these specific requirements, is only available from Sutphen Fire Apparatus; they are the sole source; and

WHEREAS, therefore there is no substantial equivalent and thus there is no competition for it; and

NOW, THEREFORE, BE IT RESOLVED the Board of Trustees of the Village of Johnson City duly convened in regular session hereby authorize the purchase of this aerial truck and authorize the Mayor to enter into agreement with Sutphen Fire Apparatus for the purchase of a Sutphen SPH 100 Stock Aerial truck 387 for a total amount of \$997,500, delivery and warranties included; all without advertising for sealed bids as authorized by State Comptroller Opinion 67-558 in situations where items can be purchased from only one source; and

BE IT RESOLVED, that this resolution shall be effective immediately.

POLICE (Trustees Balles & Walker)

Resolution #2017 – 188

A motion to accept a grant from Broome County District Attorney Steve Cornwell's Aid to Police Grant in the amount of \$10,000.00 to be used to purchase updated patrol car computers was made by Trustee Meaney and seconded by Trustee King. The motion carried with all those present voting in the affirmative.

Motion Carried – Vote:

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

Resolution #2017 – 189

A motion to appoint Justin Davy to the position of Police Officer in the Johnson City Police Department as a lateral transfer at the Grade 2 salary of \$47,226, to be effective November 2, 2017 contingent upon the successful completion of a background investigation and physical exam was made by Trustee Walker and seconded by Trustee King. The motion carried with all those present voting in the affirmative.

Motion Carried – Vote:

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

Resolution #2017 – 190

A motion to approve a travel request for Dan VanWie, Matthew Kushner, and Mike Hepler to attend SWAT team Special Training from November 13 – November 17, 2017 at Fort Drum, NY at a cost of \$1,765.00 from budget line A3120.4.551 was made by Trustee King and seconded by Trustee Meaney. The motion carried with all those present voting in the affirmative.

Motion Carried – Vote:

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

Resolution #2017 – 191

A motion to declare the following items as surplus equipment: 1) 5 tires w/rims that have no useful purpose to the Village (1 Eagle P225/50 R16 - Fair condition, 4 Eagle P225/60 R16 - 2 fair and 2 poor), 2) Patrol vehicle #742 VIN# 1J4GR48K35L685757 (a 2005 Jeep Laredo, currently a K9 vehicle, with high mileage around 153,000 and will be decommissioned in the near future), 3) 2007 Ford Taurus VIN# 1FAHP53U87A185791, (JCPD Det. white car, vehicle has a rotted floor, service issues, and it is not cost effective to repair) and authorize the Police Department to dispose of these items via AuctionsInternational.com at no cost to the Village and further authorizing the Police Department to properly discard these items if they do not sell after the auction was made by Trustee Balles and seconded by Trustee Walker. The motion carried with all those present voting in the affirmative.

Motion Carried – Vote:

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

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)

Resolution #2017 – 192

Motion to authorize the acceptance of a FEMA settlement relating to 4031-PW2504v1 in the amount of \$2,501,820.69 and further authorize the Binghamton-Johnson City Joint Sewage Board Fiscal Officer to modify the 2017 Budget appropriations as follows (J.44960 (Federal Aid – Emergency) be increased by \$2,501,820.69, JF.45031 (Flood Fund - Interfund Transfer) be credited/increased by \$45,589.51, J8130.54899 (Reimburse Owners for Rec) be increased by \$2,456,231.18, J9950.59000 (Transfer to Capital) be increased by \$45,589.51 and JF8130.559105 (Flood Capital Fund – Professional Services) be increased by \$45,589.51 to allow payment of \$2,456,231.18 to the Owners (City of Binghamton (54.8%) in the amount of \$1,346,014.69 and the Village of Johnson City (45.2%) of \$1,110,216.49) was made by Trustee King and seconded by Trustee Meaney. The motion carried with all those present voting in the affirmative.

Motion Carried – Vote:

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

Resolution #2017 – 193

Motion to authorize the Binghamton-Johnson City Joint Sewage Board Fiscal Officer to transfer \$6,000.00 from Sludge and Waste Disposal (line J8130.54804) and increase Vehicle Repairs (line J8130.54450) to allow for the repair and maintenance of plant vehicles was made by Trustee King and seconded by Trustee Meaney. The motion carried with all those present voting in the affirmative.

Motion Carried – Vote:

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

PRIVILEGE OF THE FLOOR – VISITORS

Mayor Deemie opened the second privilege of the floor.

Chris Waters, Adams Ave – The Joint Sewage Treatment Plant is way over budget. Anticipating at some point sewer is going to go up. Any idea of how much rates are going up? Mayor stated that the board needs to sit down and look at rates, but it is on our schedule to be done. We don't know how much rates will go up. We are working on getting money to pay, but do not know what the rates will be. There is a meeting scheduled for October 18, 2017 with Binghamton City Counsel and people running treatment plant.

Corinna Johnson, Cook Street – There is a trunk or treat on October 31, 2017 from 5:30-7:30 at Goodwill Theater with JCPD. Haunted house – there is a not so scary and scary and a light show. Spread the word so the kids will come. Focus is on JC kids and flyers are being sent home with each kid at JC school. Also, she spoke with Diane Busko regarding Lights on the Carousel and they need volunteers for crowd control.

Janet Brown – Who is in charge of Code Enforcement? She has been dealing with a code enforcement officer who doesn't seem to be able to enforce code. Mayor stated Daria Golazeski is in charge. Ms. Brown stated there is graffiti under the Lester Ave bridge and wonders if there is someone who paints over graffiti. The Mayor explained there is an ordinance that the property owner has a certain length of time to get rid of graffiti. If it is village property, the village does it. She stated she will paint it so she doesn't have to wait for whoever is supposed to paint over it. Julie Deemie explains that it depends on who owns the property. She is aware of an individual who painted over some not too nice artwork directed toward ethnic/religious group which was on state property/structure and they got in trouble. Mrs. Deemie cautioned the public even though they were doing the right thing, they could get in trouble.

The Mayor welcomes County Legislature Ron Heebner who is present. Ron helped the Rotary crawled around, was covered in dirt, and helped plant the peonies. Thank you, Ron.

Mayor Deemie closed the second privilege of the floor.


ADJOURNMENT

Mayor adjourned the meeting at 8:23pm.

EXECUTIVE SESSION #1

A motion to enter executive session at 8:24pm to discuss the police contract was made by Trustee Meaney and seconded by Trustee Walker.

A motion to exit the executive session at 8:33pm was made by Trustee Meaney and seconded by Trustee King.



Cindy Kennerup
Village Clerk/Treasurer

CK/kc

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