



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

Clark Giblin, Trustee

John Walker, Trustee

AGENDA - REGULAR MEETING OF THE VILLAGE BOARD

Tuesday, April 17, 2018 @ 7:30pm • Village Hall, 243 Main St., 2nd Floor, Johnson City, NY

We kindly request that you turn off or mute all cell phones and pagers.

We kindly request that if anyone wishes to read from a prepared statement, please provide the Clerk with a copy so that the minutes can be as accurate as possible.

ORDER OF BUSINESS:

1. ***PLEDGE OF ALLEGIANCE***

2. ***FIRE EXITS***

3. **MAYOR'S ANNOUNCEMENTS**

- [3.1] Special Meetings in regard to the budget will be held on Thursday, April 19th at 6pm, Tuesday, April 24th at 6pm and Wednesday, April 25th at 6:00pm at Village Hall, First Floor Training Room.
- [3.2] The next regular Village Board Meeting will be Tuesday, May 1, 2018 at 7:30pm with a work session at 5:30pm.
- [3.3] The next Binghamton-Johnson City Joint Sewage Board Meeting will be Tuesday, May 8, 2018 at 3:00pm at Johnson City Village Hall.

4. **APPROVAL OF BOARD MINUTES**

- [4.1] Minutes of April 3, 2018 regular meeting and work session.
- [4.2] Minutes of April 5, 2018 budget meeting #1.
- [4.3] Minutes of April 7, 2018 budget meeting #2.
- [4.4] Minutes of April 9, 2018 budget meeting #3.
- [4.5] Minutes of April 10, 2018 budget meeting #4.
- [4.6] Minutes of April 12, 2018 budget meeting #5.

5. **BIDS** – None

6. **PUBLIC HEARINGS**

- [6.1] Tentative 2018-2019 Budget of the Village of Johnson City.
- [6.2] Local Law #3-2018 entitled "SOLAR ENERGY SYSTEMS LOCAL LAW"
- [6.3] Local Law #4-2018 entitled "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C – FISCAL YEAR 2018/2019"

7. PETITIONS RECEIVED– None

8. PRIVILEGE OF THE FLOOR – VISITORS

9. COMMUNICATIONS– None

10. COMMITTEE/BOARD REPORTS

[10.1] Minutes of the April 4, 2018 Town of Union Board Meeting.

11. DEPARTMENT REPORTS

[11.1] Fire Department Overtime Report for the weeks of March 22 – April 4, 2018

[11.2] Police Department Overtime Report for the weeks of March 22 – April 4, 2018

[11.3] DPW Overtime Report for March 2018

[11.4] DPW & Water Monthly Report – March 2018

12. PAYROLL AND BILLS PRESENTED

Abstract #19 of the 2017 - 2018 Fiscal bills

GENERAL FUND	\$ 116,128.99
WATER FUND	\$ 24,162.03
SEWER FUND	\$ 620,312.04
REFUSE FUND	\$ 20,218.58
JSTP	\$ 174,321.74

13. UNFINISHED BUSINESS - None

14. NEW BUSINESS

Resolution #2018 – 64

WHEREAS, the Village of Johnson City scheduled a public hearing for April 17, 2018 at 7:35 p.m. for Local Law No. 3 of the year 2018 entitled “SOLAR ENERGY SYSTEMS LOCAL LAW”; 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 Village Hall, 243 Main Street, Johnson City, New York on the 17th day of April, 2018 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. 3-2018 entitled “SOLAR ENERGY SYSTEMS LOCAL LAW”, 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.

Resolution #2018 – 65

WHEREAS, the Village of Johnson City scheduled a public hearing for April 17, 2018 at 7:40 p.m. for Local Law No. 4 of the year 2018 entitled “A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C – FISCAL YEAR 2018/2019”; 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 Village Hall, 243 Main Street, Johnson City, New York on the 17th day of April, 2018 at 7:40 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. 4-2018 entitled “A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C – FISCAL YEAR 2018/2019”, 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.

Resolution #2018 – 66

WHEREAS, a local law, being proposed as Local Law No. 5 of 2018, entitled “A LOCAL LAW AMENDING CHAPTER 200 OF THE VILLAGE CODE ENTITLED ‘PLUMBING CODE’” 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 May 1, 2018, 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 #2018 – 67

Authorize motion to declare the Village’s metal detector as surplus with no market value; and to sell said metal detector to the Town of Vestal for \$1, as is; so long as the Town of Vestal removes and transports the metal detector and agrees to indemnify and defend the Village of Johnson City regarding the metal detector, its use and condition.

Resolution #2018 – 68

Authorize reduction of November-February water bill in the amount of \$213.72 to Catherine Kocich at 17 Berwin Street.

FINANCE & RULES (All Board Members) – No new business

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 Walker & Giblin) – No new business

JOINT SEWAGE TREATMENT BOARD (Trustees King & Giblin)

Resolution #2018 – 69

Authorize the enactment of legislation to accept FEMA settlements relating to 4031-PW2504v0 & v1, 2507, 2512, 2555, 2268 and 2573 in the amounts of \$1,888,662.23 (Check No. 06233779) and \$1,353,231.13 (Check No. 06237760) for a total of \$3,241,893.36 and increasing 2017 Budget appropriations to allow payment of the full \$3,241,893.36 to the Owners.

15. **PRIVILEGE OF THE FLOOR – VISITORS**

16. **ADJOURNMENT**

To contact Village Board members via e-mail please use the following addresses:

Mayor Gregory Deemie - jcmayor@villageofjc.com

Deputy Mayor Bruce King - bking@villageofjc.com

Trustee Richard Balles - rballes@villageofjc.com

Trustee Clark Giblin - cgiblin@villageofjc.com

Trustee John Walker - jwalker@villageofjc.com

**VILLAGE OF JOHNSON CITY
LOCAL LAW NO. 3 FOR THE YEAR 2018**

SOLAR ENERGY SYSTEMS LOCAL LAW

Section 1. Chapter 300 of the Village Code shall be amended as follows:

Insert:

Article 58: Solar Energy Systems

§ 300-58.1 Purpose.

The purpose of this Article is to facilitate the development and operation of solar energy systems. Solar energy systems may be appropriate in all zoning districts when measures are taken, as provided in this chapter, to minimize adverse impacts on neighboring properties and protect the public health, safety and welfare.

§ 300-58.2 General Requirements.

- A. Where applicable, and unless more restrictive regulations also apply, the requirements of this chapter shall apply to all solar energy systems.
- B. Where site plan review and approval is required elsewhere in the regulations of the Village for a development or activity, the review shall include a determination of the adequacy, location, arrangement, size, design, and general site compatibility of any proposed solar energy system.
- C. All solar energy system installations must be performed by a qualified installer, in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards. Prior to operation all electrical connections must be inspected by the Village Code Enforcement Officer, or by an appropriate electrical inspector or agency, as determined by the Village. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.
- D. If batteries are included as part of the solar energy system, then, when in use, they must be placed in a secure container or enclosure meeting New York State Building Code requirements and, when no longer used, shall be disposed of in accordance with the laws and regulations of Broome County and other applicable laws and regulations.
- E. If a solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the solar energy system no later than 90 days after the end of such twelve-month period.

§ 300-58.3 Minor Solar Energy Systems.

- A. Minor solar energy systems are permitted in all zoning districts in the Village as an accessory use. Building permits shall be required for installation of minor solar energy systems. All minor solar energy systems shall be designed and located in order to prevent reflective glare toward any roads and buildings on neighboring properties. All minor solar energy systems sited at grade shall also be located in a side or rear yard.

§ 300-58.4 Major Solar Energy Systems.

- A. Major solar energy systems are prohibited in the following districts: NC, USF, SSF, UTF, UMF, and SMF.
- B. In all other districts, major solar energy systems are permitted by special permit pursuant to Chapter 66 of the Zoning Code, subject to site plan approval from the Village Planning Board and the granting of all other necessary approvals. Each system, along with its site and storm water management plan, shall be reviewed by the Village Engineer prior to final system and plan approval.
- C. In addition to those requirements set forth in Chapters 63 and 66 of the Zoning Code, governing site plan and special permit approval, the following terms and conditions apply to all major solar energy systems:
 - 1. Lot Coverage. The total coverage of all buildings and structures on a lot shall not exceed the lesser of that allowed in the district, or 75% of the total parcel area.
 - 2. Height and setback restrictions.
 - a. The maximum height for system components located on the ground or attached to a framework located on the ground shall not exceed 15 feet in height above ground. The maximum height for system components located on a roof or attached to a framework located on the roof shall not exceed the maximum building height allowed in the district.
 - b. All system components shall have a fifty (50) foot setback from any property line or, if the parcel adjoins a residential use, a setback of 200 feet from the property line adjoining the residential use, unless, in either case, the district's regulations require a greater setback.
 - c. The owner or operator shall provide a landscaped buffer around all system components to provide year round screening from neighboring properties and roads.
 - 3. Design standards.
 - a. Removal of trees and other existing vegetation shall be minimized or offset with planting elsewhere on the property.
 - b. Roadways within the site shall be constructed of impervious materials and shall

be designed to meet the requirements for a Fire Access Road as detailed in the Fire Code of New York State.

- c. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- d. All components shall be designed and located in order to prevent reflective glare toward any roads or buildings on neighboring properties.
- e. All mechanical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six-foot-high fence with a self-locking gate, and provided with landscape screening.
- f. Each system shall be designed to minimize the total acreage of developed land.
- g. There shall be a minimum of one (1) parking space to be used in connection with the maintenance of the system. Such parking space shall not be used for the permanent storage of vehicles.

4. Other criteria.

- a. A major solar energy system to be connected to the utility grid shall provide a "proof of concept" letter from the utility company acknowledging the solar farm will be connected to the utility grid in order to sell electricity to the public utility.
- b. Signs.
 - i. A sign not to exceed 8 square feet shall be displayed on or near the main access point and shall list the facility name, owner and with an emergency phone number where the owner and operator can be reached on a 24 hour basis.
 - ii. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- c. A system owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to painting, structural repairs, and integrity of security measures. The owner or operator shall be responsible for the cost of maintaining the major solar energy system and any access road(s), unless accepted as a public way.

5. Abandonment.

- a. All applications for a major solar energy system shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the facility, prior to issuance of a building permit.

- b. An applicant's failure to begin and make substantial steps towards completion of the project within 18 months after receiving final site plan approval may be deemed abandonment of the project and require implementation of the decommissioning plan to the extent applicable.
- c. The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following:
 - i. Removal of aboveground and belowground equipment, structures and foundations.
 - ii. Restoration of the surface grade and soil after removal of equipment.
 - iii. Re-vegetation of restored soil areas with native seed mixes, excluding any invasive species.
 - iv. The plan shall include a period for the completion of site restoration work.
- d. In the event the facility is not completed and functioning within 18 months of the issuance of the final site plan approval, the Village may notify the operator and/or the owner to complete construction and installation of the facility within 180 days. If the owner and/or operator fails to perform, then, absent good cause shown, the Village may notify the owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of notification by the Village.
- e. Upon cessation of activity of a constructed facility for a period of one year, the Village may notify the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity, or implement the decommissioning plan.
- f. If the owner and/or operator fails to fully implement the decommissioning plan within the 180-day time period, the Village may, at its discretion, provide for the restoration of the site in accordance with the decommissioning plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Village shall be assessed against the property, shall become a lien and tax upon the property, and enforced and collected with interest by the same officer and in the same manner as other taxes.
- g. The site developer shall purchase a bond equal to 20% of the project installation cost prior to permits being issued for any major solar energy system project. The bond shall be in place for the life of the facility and shall be used to fund the decommissioning of the facility in the event it is abandoned. The bond shall be reviewed and approved by the Village attorney prior to the issuance of any

project-related building permit.

Add:

Article 70: General Terms

§ 300-58.4 Definitions.

SOLAR ENERGY SYSTEM, MINOR

A solar energy system that is secondary to a lawful primary use of the premises, where the total surface area of all system components on the lot does not increase lot coverage by more than 1,000 square feet in the USF, SSF, UTF, UMF, and SMF districts or, in all other districts, 4,000 square feet.

SOLAR ENERGY SYSTEM, MAJOR

All solar energy systems other than a minor solar energy system.

Section 2. Remainder

Except as hereinabove amended, the remainder of the Code of the Village of Johnson City shall remain in full force and effect.

Section 3. 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 4. Effective Date

This Local Law shall take effect immediately 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. 4 FOR THE YEAR 2018**

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C – FISCAL YEAR 2018/2019**

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, 2018 and ending May 31, 2019 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 2018/2019 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.