



## VILLAGE OF JOHNSON CITY

MUNICIPAL BUILDING

243 MAIN STREET, JOHNSON CITY, NY 13790

[www.villageofjc.com](http://www.villageofjc.com)

### Village Board

Gregory Deemie, Mayor

Deputy Mayor Clark Giblin     Trustee Martin Meaney

Trustee Benjamin Reynolds     Trustee John Walker

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### **Minutes of a Regular Meeting of the Johnson City Village Board held at 7:30pm on Tuesday, August 6, 2019 in the Municipal Building, 243 Main Street, Johnson City**

Present:            Gregory Deemie, Mayor  
                        Clark Giblin, Deputy Mayor  
                        Martin Meaney, Trustee  
                        Benjamin Reynolds, Trustee  
                        John Walker, Trustee

Absent:             None

Also Present: Cheryl Sacco, Legal Counsel  
                        Cindy Kennerup, Clerk/Treasurer  
                        Police Chief Brent Dodge  
                        Fire Chief Myron Jacyna

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

#### **MAYOR'S ANNOUNCEMENTS**

- [1] National Night Out is Wednesday, August 7, 2019 from 5:30pm to 7:30pm at Schorr Family Firehouse Stage parking lot, 48 Willow Street, Johnson City.
- [2] The Johnson City Zoning Board meeting is scheduled for Monday, August 12, 2019. The work session will be at 7:00pm and the meeting will be at 7:30pm in the Village Boardroom.
- [3] The next Cruze In is scheduled for Thursday, August 15, 2019 from 5:00pm – 8:00pm. Orange Blossom Special will be playing.
- [4] The next regular Village Board Meeting will be Tuesday, August 20, 2019 at 7:30pm with a work session at 5:30pm at Village Hall.
- [5] NYSEG rate increases

#### **APPROVAL OF BOARD MINUTES**

- [1] Minutes of July 16, 2019 regular meeting and work session

A motion to approve the minutes of July 16, 2019 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] A Local Law Amending Chapter 225 of the Village Code entitled “Shopping Carts”.***

The Mayor opened the public hearing.

*Don Slota, Eldredge Ave* – What is the penalty?

Mayor Deemie responded this law will give the police department more teeth with regard to shopping carts. If you have are removing, possessing or abandoning a shopping cart it will be the typical penalty, \$250 fine.

The Mayor closed the public hearing.

### ***[2] A Local Law Amending Chapter 114 of the Village Code entitled “Building Code Administration”.***

Cheryl explained it is a change in penalties and making them more civil instead of criminal. Jury trials are a big burden on the Village of Johnson City.

Mayor Deemie opened the public hearing.

*Elizabeth Budnik, Bernice St* – What does this change?

Attorney Sacco responded the \$200/day per fine will remain. The concern was with the imprisonment and maximum fine which pushed us into having a jury trials which was backing up the courts and slowing things down. Eliminating jail time and maximum fine of \$5,000 will stop jury trials from happening. Landlords were using jury trials as a weapon against the Village. Mayor Deemie closed the public hearing.

### ***[3] To solicit input regarding the Americans with Disabilities Act - ADA Transition Plan.***

Mayor Deemie explained we were required to put this in place. We have a draft copy available in the Clerk’s Office. It is something we have to follow in regards to people with disabilities to get around the Village such as curb cuts.

Cheryl explained this has to do with access for people with disabilities.

The Mayor opened the public hearing. Due to no one speaking, the Mayor closed the public hearing.

**PETITIONS RECEIVED** - None

## **PRIVILEGE OF THE FLOOR – VISITORS**

Mayor Deemie opened the first privilege of the floor.

*Corinna Johnson, Cook St* – National Night Out. If it does rain they will move as much as they can inside the Firehouse Stage.

*Don Slota, Eldredge Ave* – It is time to trim the bamboo on Boland Drive.

Mayor Deemie said the Town of Union is the one who trims that. We will contact them to take care of that.

*Elizabeth Budnik, Bernice St* – Still have concerned about vacant landlord at 126 Bernice Street. The tenant moved out. Garbage left behind by the tenant remains in the driveway and the backyard. The windows to the house are open and it has been raining. She is concerned about rodents in the house, flock of pigeons living on the front and back porch and damaging her house.

Mayor Deemie responded he will check with code and see where we are in the process.

Mayor Deemie closed the first privilege of the floor.

**COMMUNICATIONS** - None

**COMMITTEE/BOARD REPORTS**

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

- [1] Joint Sewage Treatment Board Reports dated July 31, 2019

**DEPARTMENT REPORTS**

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

- [1] Fire Department Overtime Report for the weeks of July 11 – July 24, 2019
- [2] Police Department Overtime Report for the weeks of July 11 – July 24, 2019

**PAYROLL AND BILLS PRESENTED**

A motion to approve Abstract #3 of the 2019 – 2020 fiscal bills as stated and or amended and attached to the work session minutes and recorded as part of the work session minutes, having been audited by the Board and approved, was made by Trustee Walker and seconded by Trustee Giblin. The motion carried with Trustee Reynolds, Trustee Meaney, Trustee Giblin, Trustee Walker and Mayor Deemie voting in the affirmative.

GENERAL FUND	\$ 628,173.19
WATER FUND	\$ 180,194.11
SEWER FUND	\$ 61,120.58
REFUSE FUND	\$ 28,633.03
JSTP	\$ 1,292,921.38

Motion Carried – Vote:

**Ayes** – 5 (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays** – 0      **Absent** – 0

**UNFINISHED BUSINESS** - None

**NEW BUSINESS**

**FINANCE & RULES (All Board Members)**

**Resolution #2019 – 127**

A motion to authorize the Mayor or his Designee to execute a Letter of Resolution Agreement amongst the Village; the Empire State Development; and the New York State Office of Parks, Recreation and Historic Preservation regarding the demolition of 219 Main Street was made by Trustee Giblin and seconded by Trustee Reynolds.

Motion Carried – Vote:

**Ayes – 5** (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays – 0**      **Absent – 0**

*Discussion:* Mayor Deemie explained it is a requirement needed to finish the grant and funding regarding 219 Main Street.

**Resolution #2019 – 128**

A motion to authorize the Mayor or his Designee to execute an Economic Development Service Agreement between the Village and the Broome County Industrial Development Agency regarding the provision of certain economic development services was made by Trustee Walker and seconded by Trustee Giblin.

Motion Carried – Vote:

**Ayes – 5** (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays – 0**      **Absent – 0**

*Discussion:* Mayor Deemie explained this is an Agreement with the IDA Agency with regard to providing services with grant funding and making sure our grants are taken care of.

**Resolution #2019 – 129**

A motion to approve the following resolution was made by Trustee Giblin and seconded by Trustee Meaney.

Motion Carried – Vote:

**Ayes – 5** (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays – 0**      **Absent – 0**

At a regular meeting of the Village Board of the Village of Johnson City, held at Village Hall, 243 Main Street, Johnson City, New York on the 6th day of August, 2019, the following resolution was offered and seconded:

**WHEREAS**, the Village of Johnson City scheduled a public hearing for August 6, 2019 at 7:35 p.m. for Local Law No. 6 of the year 2019 entitled “A LOCAL LAW AMENDING CHAPTER 225 OF THE VILLAGE CODE ENTITLED ‘SHOPPING CARTS’”; 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 6th day of August, 2019 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. 6-2019 entitled “A LOCAL LAW AMENDING CHAPTER 225 OF THE VILLAGE CODE ENTITLED ‘SHOPPING CARTS’”, 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 upon filing with the Department of State.

**Resolution #2019 – 130**

A motion to approve the following resolution was made by Trustee Meaney and seconded by Trustee Giblin.

Motion Carried – Vote:

**Ayes – 5** (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays – 0**      **Absent – 0**

At a regular meeting of the Village Board of the Village of Johnson City, held at Village Hall, 243 Main Street, Johnson City, New York on the 6th day of August, 2019, the following resolution was offered and seconded:

**WHEREAS**, the Village of Johnson City scheduled a public hearing for August 6, 2019 at 7:40 p.m. for Local Law No. 7 of the year 2019 entitled “A LOCAL LAW AMENDING CHAPTER 114 OF THE VILLAGE CODE ENTITLED ‘BUILDING CODE ADMINISTRATION’”; 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 6th day of August, 2019 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. 7-2019 entitled “A LOCAL LAW AMENDING CHAPTER 114 OF THE VILLAGE CODE ENTITLED ‘BUILDING CODE ADMINISTRATION’”, 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 upon filing with the Department of State.

#### **Resolution #2019 – 131**

A motion to approve the following resolution was made by Trustee Meaney and seconded by Trustee Giblin.

Motion Carried – Vote:

**Ayes – 5** (Reynolds, Meaney, Giblin, Walker, Deemie)     **Nays – 0**     **Absent – 0**

**WHEREAS**, by Memorandum, dated August 1, 2019, by the Town of Union Building & Code Inspector Gary Post, the Village Board of Trustees of the Village of Johnson City has been requested to consider declaring the structure at 59 Allen Street, Johnson City, New York unsafe and dangerous, which consideration requires a public hearing; and

**NOW, THEREFORE**, be it

**RESOLVED**, that the Village Board will hold a Public Hearing on September 17, 2019 at 7:35 p.m. to solicit public input on the issue concerning whether the structure at 59 Allen Street, Johnson City, New York should be declared unsafe and dangerous; and be it further

**RESOLVED**, that notice of this Public Hearing shall be served by mail on the record owner of 59 Allen Street, Johnson City, New York and its legal counsel, if known; and be it further

**RESOLVED**, that the Village Clerk and Counsel are authorized to take such additional and further action as is necessary to notice the Public Hearing as noted herein; and be it further

**RESOLVED** that in accordance with Section 118-9 of the Village Code, that a clear and imminent danger to life, safety and health exists for persons and property; and as such the building at 59 Allen Street, Johnson City, New York must be secured immediately, the Board hereby authorized the Building Inspector to immediately cause the securing of this building.

**Resolution #2019 – 132**

A motion to approve the following resolution was made by Trustee Meaney and seconded by Trustee Walker.

Motion Carried – Vote:

**Ayes – 5** (Reynolds, Meaney, Giblin, Walker, Deemie)     **Nays – 0**     **Absent – 0**

BOND RESOLUTION DATED AUGUST 6, 2019.

A RESOLUTION AUTHORIZING THE PURCHASE OF HEAVY EQUIPMENT IN AND FOR THE VILLAGE OF JOHNSON CITY, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$352,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$352,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Johnson City, Broome County, New York (the "Village"), as follows:

Section 1.     The purchase of heavy equipment in and for the Village of Johnson City, Broome County, New York, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$352,000.

Section 2.     The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$352,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3.     It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4.     The faith and credit of said Village of Johnson City, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5.     Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial

bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **This resolution is adopted subject to permissive referendum.**

*Discussion:* Trustee Giblin has asked for the specific list of items with regards to this bond.

### **Resolution #2019 – 133**

A motion to approve the following resolution was made by Trustee Walker and seconded by Trustee Giblin.

Motion Carried – Vote:

**Ayes – 5** (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays – 0**      **Absent – 0**



BOND RESOLUTION DATED AUGUST 6, 2019.

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE FLORAL PARK POOL IN AND FOR THE VILLAGE OF JOHNSON CITY, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$200,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$200,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Johnson City, Broome County, New York (the "Village"), as follows:

Section 1. The construction of improvements to the Floral Park Pool in and for the Village of Johnson City, Broome County, New York, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$200,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$200,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 61 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Johnson City, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **This resolution is adopted subject to permissive referendum.**

*Discussion:* Mayor Deemie question came up by Trustee Reynolds was concerned whether this locked us into a plan. This is putting the money into place for fixing or replacing the pool.

#### **Resolution #2019 – 134**

A motion to approve the following resolution was made by Trustee Meaney and seconded by Trustee Giblin.

Motion Carried – Vote:

**Ayes – 5** (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays – 0**      **Absent – 0**

BOND RESOLUTION DATED AUGUST 6, 2019.

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO SIDEWALKS AND CURBS IN AND FOR THE VILLAGE OF JOHNSON CITY, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$120,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$120,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Johnson City, Broome County, New York (the "Village"), as follows:

Section 1. The construction of improvements to sidewalks and curbs, including costs incidental thereto, in and for the Village of Johnson City, Broome County, New York, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$120,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$120,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision 24 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Johnson City, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or

are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **This resolution is adopted subject to permissive referendum.**

### **Resolution #2019 – 135**

A motion to approve the following resolution was made by Trustee Giblin and seconded by Trustee Walker.

Motion Carried – Vote:

**Ayes – 5** (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays – 0**      **Absent – 0**

BOND RESOLUTION DATED AUGUST 6, 2019.

A RESOLUTION AUTHORIZING THE PURCHASE OF POLICE VEHICLES AND DESIGN COSTS FOR A NEW DPW FACILITY, IN AND FOR THE VILLAGE OF JOHNSON CITY, BROOME COUNTY, NEW YORK, AT A TOTAL MAXIMUM ESTIMATED COST OF \$799,580, AND AUTHORIZING THE ISSUANCE OF \$799,580 BONDS OF SAID VILLAGE TO PAY THE COSTS THEREOF.

BE IT RESOLVED by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Johnson City, Broome County, New York, as follows:

Section 1. The purchase of police vehicles in and for the Village of Johnson City, Broome County, New York is hereby authorized at a total maximum estimated cost of \$99,580 and the plan of financing thereof is by the issuance of \$99,580 bonds of said Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 2. Design costs in connection with a new DPW Facility in and for the Village of Johnson City, Broome County, New York is hereby authorized at a total maximum estimated cost of \$700,000 and the plan of financing thereof is by the issuance of \$700,000 bonds of said Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid (i) police vehicles, being a class of objects or purposes, is three years pursuant to subdivision 77 of paragraph a of Section 11.00 of the Local Finance Law, and (ii) design costs, being a specific object or purpose, is five years pursuant to subdivision 62(2<sup>nd</sup>) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 3. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the

bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 4. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said Village, provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 5. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said Village of Johnson City, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with as the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Village hereby designated for such purpose, together with a notice of the Village Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

### **Resolution #2019 – 136**

A motion to approve the following resolution was made by Trustee Meaney and seconded by Trustee Giblin.

Motion Carried – Vote:

**Ayes** – 5 (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays** – 0      **Absent** – 0

BOND RESOLUTION DATED AUGUST 6, 2019.

A RESOLUTION AUTHORIZING THE REPLACEMENT OF THE ROOF AT THE LIBRARY IN AND FOR THE VILLAGE OF JOHNSON CITY, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$60,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$60,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Johnson City, Broome County, New York (the "Village"), as follows:

Section 1. The replacement of the roof at the library in and for the Village of Johnson City, Broome County, New York, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$60,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$60,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Johnson City, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village

Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **This resolution is adopted subject to permissive referendum.**

*Discussion:* Trustee Giblin confirmed the bid is being worked on.

### **Resolution #2019 – 137**

A motion to approve the following resolution was made by Trustee Meaney and seconded by Trustee Giblin.

Motion Carried – Vote:

**Ayes** – 5 (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays** – 0      **Absent** – 0

BOND RESOLUTION DATED AUGUST 6, 2019.

A RESOLUTION AUTHORIZING IMPROVEMENTS TO VARIOUS WATER TANKS IN AND FOR THE VILLAGE OF JOHNSON CITY, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,090,910 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$1,090,910 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Johnson City, Broome County, New York (the "Village"), as follows:

Section 1. Improvements to various water tanks, including costs incidental thereto, in and for the Village of Johnson City, Broome County, New York, are hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$1,090,910.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,090,910 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Johnson City, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.



Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **This resolution is adopted subject to permissive referendum.**

#### **Resolution #2019 – 138**

A motion to approve travel request for Village Justice Gregory Thomas for registration and attendance at the New York State Magistrates Association annual conference September 15 – September 18, 2019 in Lake Placid, New York at a cost of \$1003.15 less New York State reimbursement of \$541.65 for a total of \$461.50 from budget line A1110.4.930 was made by Trustee Giblin and seconded by Trustee Reynolds.

Motion Carried – Vote:

**Ayes – 5** (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays – 0**      **Absent – 0**

#### **Resolution #2019 – 139**

A motion to approve travel request for Village Justice Thomas Dellapenna for registration and attendance at the New York State Magistrates Association annual conference September 15 – September 18, 2019 in Lake Placid, New York at a cost of \$1003.15 less New York State reimbursement of \$541.65 for a total of \$461.50 from budget line A1110.4.930 was made by Trustee Giblin and seconded by Trustee Walker.

Motion Carried – Vote:

**Ayes – 5** (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays – 0**      **Absent – 0**

#### **Resolution #2019 – 140**

A motion to appoint Erin Bilek to the position of Part Time Clerk in the Village Court at the

rate of \$12.50/hour effective August 7, 2019 not to exceed 19.5 hours/week with a performance evaluation after 6 months and contingent upon a successful completion of a background check was made by Trustee Giblin and seconded by Trustee Meaney.

Motion Carried – Vote:

**Ayes** – 5 (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays** – 0      **Absent** – 0

**Resolution #2019 – 141**

A motion to authorize an increase of .50 per hour for Margaret McCann, Part Time Clerk in the Village Court effective August 8, 2019 not to exceed 19.5 hours/week with a performance evaluation after 6 months was made by Trustee Giblin and seconded by Trustee Walker.

Motion Carried – Vote:

**Ayes** – 5 (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays** – 0      **Absent** – 0

**Resolution #2019 – 142**

A motion to approve Village Justice Gregory Thomas’ request for permission to apply for the 2019-2020 Justice Court Assistance Program (JCAP) Grant through the New York State Unified Court System was made by Trustee Meaney and seconded by Trustee Walker.

Motion Carried – Vote:

**Ayes** – 5 (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays** – 0      **Absent** – 0

**Resolution #2019 – 143**

A motion to approve forgiveness of \$105 for TV removal at 67 Jay Street due to lack of notification and fact that she would have been pulled TV back had she been notified was made by Trustee Giblin and seconded by Trustee Walker.

Motion Failed – Vote:

**Ayes** – 0      **Nays** – 5 (Reynolds, Meaney, Giblin, Walker, Deemie)      **Absent** – 0

**Resolution #2019 – 144**

A motion to authorize reimbursement of \$70 to Gansen Leung for overpayment of refuse fees for 28 Brown Street paying two-family residence charges instead of a single family residence fees was made by Trustee Walker and seconded by Trustee Giblin.

Motion Carried – Vote:

**Ayes** – 5 (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays** – 0      **Absent** – 0

**Resolution #2019 – 145**

A motion to approve the following resolution was made by Trustee Giblin and seconded by Trustee Meaney.

Motion Carried – Vote:

**Ayes** – 4 (Reynolds, Meaney, Giblin, Deemie)      **Nays** – 1 (Walker)    **Absent** – 0

Whereas, at a public hearing on August 6, 2019, comments and suggestions regarding the plan were sought; and

As such, the Village Board, hereby has reviewed all comments and suggestions received; and authorizes the Mayor to execute and take any actions necessary to effectuate the ADA Transition Plan.

**PUBLIC SAFETY**

**FIRE (Trustees Balles & Walker)**

**Resolution #2019 – 146**

A motion to appoint Noah A. Maney to the position of Fire Fighter from Broome County Certified List #63-336, on a probationary basis, at a salary in accordance with the Collective Bargaining Agreement, effective August 15, 2019 contingent upon the successful completion of a background investigation, required pre-employment drug test and medical exam was made by Trustee Meaney and seconded by Trustee Walker.

Motion Carried – Vote:

**Ayes** – 5 (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays** – 0    **Absent** – 0

**Resolution #2019 – 147**

A motion to appoint Philip S. Palmer to the position of Fire Fighter from Broome County Certified List #63-336, on a probationary basis, at a salary in accordance with the Collective Bargaining Agreement, effective August 15, 2019 contingent upon the successful completion of a background investigation, required pre-employment drug test and medical exam was made by Trustee Meaney and seconded by Trustee Giblin.

Motion Carried – Vote:

**Ayes** – 5 (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays** – 0    **Absent** – 0

**Resolution #2019 – 148**

A motion to appoint Leigh J. Tobias to the position of Fire Fighter from Broome County Certified List #63-336, on a probationary basis, at a salary in accordance with the Collective Bargaining Agreement, effective August 15, 2019 contingent upon the successful completion of a

background investigation, required pre-employment drug test and medical exam was made by Trustee Walker and seconded by Trustee Meaney.

Motion Carried – Vote:

**Ayes** – 5 (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays** – 0    **Absent** – 0

*Discussion:* Mayor Deemie explained there were promotions at the last meeting which moved guys up and left availability of positions. Trustee Meaney looked at numbers and we were able to fund three firefighters at this time.

**POLICE (Trustees Balles & Walker)** - No new business

**PUBLIC WORKS (Trustees Balles & King)**

**Resolution #2019 – 149**

A motion to appoint Larry Rozelle to the position of Auto Mechanic at a salary of \$23.32 per hour, in accordance with the Collective Bargaining Agreement, effective August 22, 2019 contingent upon the successful completion of a background investigation and the required pre-employment drug test was made by Trustee Giblin and seconded by Trustee Meaney.

Motion Carried – Vote:

**Ayes** – 5 (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays** – 0    **Absent** – 0

**RECREATION (Trustees Balles & King)** - No new business

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

**JOINT SEWAGE TREATMENT BOARD (Trustees Giblin & King)**

**Resolution #2019 – 150**

A motion to approve the Binghamton-Johnson City Joint Sewage Board request to pass legislation to increase appropriations of Insurance Recoveries J.42680 and increase Transfers to Owners J8130.54899 by the same to allow City Controller to offset cost of new Krüger K5 Media was made by Trustee Giblin and seconded by Trustee Meaney.

Motion Carried – Vote:

**Ayes** – 5 (Reynolds, Meaney, Giblin, Walker, Deemie)      **Nays** – 0    **Absent** – 0

## **Resolution #2019 – 151**

A motion to authorize the Mayor or his designee to execute an addendum to the Intermunicipal Agreement between the City of Binghamton and the Village of Johnson City, as to the salary of the Project Analysis was held over by Trustee Meaney.

### **PRIVILEGE OF THE FLOOR – VISITORS**

Mayor Deemie opened the second privilege of the floor.

*Corinna Johnson, Cook St* – What is the grant the Judge is applying for?

Mayor Deemie explained he wanted permission to move forward to get grant. We will find out more once paperwork is in place.

*Don Slota, Eldredge Ave* – People are grumbling about the pool being closed this year. Could that have been done last year so it could have been open this year? Is there any grants we could get?

Mayor Deemie responded the pool was open last year. It was not budgeted for last year. It looks we will get a pool because cost-wise the pool will be a lot less than a spray park. It was unsafe, the chlorination system kept going down. It will be up and going next year. We need the engineering plan and specifications in place.

*Lurline Crampton, Riverside Dr* – What is going on with the construction of Riverside Drive?

Mayor Deemie responded it is being done by the State. It is a Department of Transportation project.

*Delores Plain, Jay St* – I wrote two letters about the TV and want to know what the decision was?

Mayor Deemie responded you need to pay the \$105.

*Karen Beebe* - Where is the bidding process on JSTP?

The Committee met, spent the day listening to the proposals from the bidders and we are waiting to hear the scores to see where the bidders stand. Whoever comes out on top will come in and do a presentation to both boards.

*Elizabeth Budnik, Bernice St* – Is there any plans for the Boland Park tennis courts? If money is not there to maintain, is it worth replacing them? Consideration to eliminate the tennis courts? Youth baseball and football uses the fields.

Mayor Deemie responded there are talks about doing something different. There is not a plan to rebuild the tennis courts. They are in horrible condition and we are hoping to get money to do something with them.

What would you like to see in place of the tennis courts? Maybe Trustee Reynolds will be willing to do a survey to see what the public would like.

*Don Slota, Eldredge Ave* – There were always a drainage problem and the courts were never right.

Mayor Deemie stated we will look at CDBG funding for Boland Park.

*Trustee Walker* – Has raised concerns about the condition of Lincoln Ave. Can the pot holes on Lincoln Ave be taken care of?

Mayor Deemie will get with Bob Bennett.

Mayor Deemie closed the second privilege of the floor.

### **ADJOURNMENT**

Mayor adjourned the meeting at 8:25 pm.

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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.