



VILLAGE OF JOHNSON CITY

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

Village Board

Gregory Deemie, Mayor

Clark Giblin, Deputy Mayor

Martin Meaney, Trustee

Benjamin Reynolds, Trustee

John Walker, Trustee

AGENDA - REGULAR MEETING OF THE VILLAGE BOARD

Tuesday, January 21, 2020 @ 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] The Association of Towns & Villages monthly meeting is on Thursday, January 23, 2020 at 6:00pm at Atrio, 409 Hooper Road, Endwell. Broome County Executive Jason Garnar will be the guest speaker.
- [3.2] The Village of Johnson City Planning Board meeting will be held on Tuesday, January 28, 2020 at 7:30pm with a work session as 7:00pm.
- [3.3] The next regular Village Board Meeting will be Tuesday, February 4, 2020 at 7:30pm with a work session at 5:00pm.

4. APPROVAL OF BOARD MINUTES

- [4.1] Minutes of January 7, 2020 regular meeting and work session.

5. BIDS – None

6. PUBLIC HEARINGS

- [6.1] Declaring 191 Baldwin Street, Johnson City, NY to be unsafe and dangerous in accordance with Chapter 118 of the Village Code.

7. PETITIONS RECEIVED – None

8. PRIVILEGE OF THE FLOOR – VISITORS

9. COMMUNICATIONS

- [9.1] Correspondence from Deborah Kovarik regarding 19 Burbank Ave refuse charges.

10. COMMITTEE/BOARD REPORTS

- [10.1] Joint Sewage Treatment Plant Reports dated January 10, 2020
- [10.2] Minutes of December 10, 2019 Your Home Public Library meeting
- [10.3] Library Board Agenda and Director’s Report dated January 14, 2020
- [10.4] Court – Nothing to report
- [10.5] Planning – Nothing to report
- [10.6] Zoning – the public hearing for the parking variance and height variance to 19 Arch Street was closed. The board has not taken any action on those variances at this time.
- [10.8] Code Enforcement - *No report submitted*
- [10.9] Public Safety - *No report submitted*
- [10.10] Public Works – *No report submitted*
- [10.11] Minutes of the January 2, 2020 Town of Union Board Meeting
- [10.12] Minutes of the January 2, 2020 Town of Union Reorganizational Meeting

11. DEPARTMENT REPORTS

- [11.1] Fire Department Overtime Report for the weeks of December 26, 2019 – January 8, 2020
- [11.2] Village of Johnson City’s 2019 Combined Sewer Overflows best Management Practices Annual Report
- [11.3] Police Department Monthly Report for November 2019
- [11.4] Planning Update dated January 21, 2020

12. PAYROLL AND BILLS PRESENTED

Abstract #13 of the 2019 - 2020 Fiscal bills

GENERAL FUND	\$321,328.12
WATER FUND	\$8,702.15
SEWER FUND	\$1,365,939.18
REFUSE FUND	\$137,282.66
JSTP	\$179,626.79
VARPUR	\$0
CAPITAL	\$0
DEBT SERVICE	\$855,783.91

13. UNFINISHED BUSINESS

Resolution #2020 - 11

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO SUPPLEMENTAL AGREEMENT NO. 4 WITH JACOBS PROJECT MANAGEMENT CO. TO EXTEND THE CONSTRUCTION MANAGEMENT SERVICE AGREEMENT THROUGH DECEMBER 31, 2021

WHEREAS, the Village of Johnson City (“Village”) is a joint owner of the Binghamton-Johnson City Joint Sewage Treatment Facility (BJCJSTF) with the City of Binghamton (“City”); and

WHEREAS, previously, the Village authorized the Mayor to enter into an agreement with Jacobs Project Management Co. for BAF Restoration and Rehabilitation Construction Management Services of the BJCJSTF; and

WHEREAS, previously, the Village authorized Supplemental Agreement No. 1; Supplemental Agreement No. 2; Supplemental Agreement No. 3; and an amendment to Supplemental Agreement Nos. 1 and 3; and

WHEREAS, the Project Manager has recommended Supplemental Agreement No. 4 with Jacobs Project Management Co. to extend the construction management contract to December 31, 2021, at an additional estimated cost not to exceed \$1,900,000; and

WHEREAS, the City has indicated that funding is available for this purpose.

NOW, THEREFORE, the Board of Trustees of the Village of Johnson City, duly convened in regular session, does hereby:

RESOLVE that the Mayor, or his designee, is hereby authorized to enter into Supplemental Agreement No. 4 with Jacobs Project Management Co. to extend the construction management contract to December 31, 2021, at an additional estimated cost not to exceed \$1,900,000; and be it further

RESOLVED that this Resolution shall be effective upon approval of the City Council of the City of Binghamton.

Resolution #2020 – 13

Authorize the Mayor to sign an agreement with the Johnson City School District to for the police department to provide a School Resource Officer to the high school, the cost of which will be reimbursed by the school.

14. NEW BUSINESS

FINANCE & RULES (All Board Members)

Resolution #2020 – 10A

RESOLUTION RATIFYING THE AMENDMENT OF SUPPLEMENTAL AGREEMENTS NOS. 1 AND 3 WITH JACOBS PROJECT MANAGEMENT CO. TO EXTEND THE CONSTRUCTION MANAGEMENT SERVICE AGREEMENT THROUGH NOVEMBER 30, 2019

WHEREAS, the Village of Johnson City (“Village”) is a joint owner of the Binghamton-Johnson City Joint Sewage Treatment Facility (BJCJSTF) with the City of Binghamton (“City”); and

WHEREAS, previously, the Village authorized Supplemental Agreement No. 1; Supplemental Agreement No. 2; and Supplemental Agreement No. 3;

WHEREAS, the Project Manager has recommended an amendment to Supplemental Agreement No. 1 to reallocate funds for material testing to be applied to services provided by Jacobs Project Management Co. and an amendment to Supplemental Agreement No. 3 to extend the term of the existing contract with Jacobs Project Management Co. to November 30, 2019; and

WHEREAS, there is no additional cost associated with these amendments or the extension.

NOW, THEREFORE, the Village of Johnson City Board of Trustees, duly convened in regular session, does hereby:

RESOLVE that the Mayor, or his designee, is hereby authorized to (i) amend Supplemental Agreement No. 1 to reallocate funds for material testing to be applied to services provided by Jacobs Project Management Co., and (ii) amend Supplemental Agreement No. 3 to extend the term of the existing contract with Jacobs Project Management Co. to November 30, 2019, both amendments as may be approved as to form and content by legal counsel; and be it further

RESOLVED that there are no additional costs associated with these amendments or the extension.

Resolution #2020 – 15

WHEREAS, NAPOLI SHKOLNIK PLLC, attorneys at law, are uniquely familiar with the effects of perfluorinated compounds (PFCs) or any unregulated contaminants in the water supply wells, and the ability to recover for damages in the event of its presence within the Village’s water supply wells; and

WHEREAS, NAPOLI SHKOLNIK PLLC, made a proposal to the Village Board on; now therefore be it

RESOLVED that:

1. The Village Board hereby authorizes the retention of the services of Legal counsel, pursuant to the terms of the fee proposal offered to the Village, (copies attached), as more fully set forth therein.
2. That the Village Board hereby authorizes the Mayor or his designee to execute the retainer agreement and take any other actions necessary related to the same.

Resolution #2020 – 16

RESOLUTION INTRODUCING A PROPOSED LOCAL LAW

WHEREAS, a local law entitled “A LOCAL LAW AMENDING CHAPTER 264 OF THE VILLAGE CODE ENTITLED ‘VEHICLES AND TRAFFIC’” 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 February 4, 2020, at 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 #2020 – 17

RESOLUTION INTRODUCING A PROPOSED LOCAL LAW

WHEREAS, a local law entitled “A LOCAL LAW AMENDING CHAPTER 196 OF THE VILLAGE CODE ENTITLED ‘TRANSIENT RETAIL BUSINESSES AND VENDORS’” 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 February 4, 2020, at 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 #2020 – 18

A RESOLUTION APPROVING THE SALE
OF REAL PROPERTY LOCATED AT 38 SAINT CHARLES STREET

WHEREAS, the Village of Johnson City, NY desires to sell the property consisting of .12 acres located at 38 Saint Charles Street, Tax Map # 143.64-2-2; and

WHEREAS, pursuant to Village Law § 1-102 a village board of trustees may, by resolution, sell real property; and

WHEREAS, the value of said property has been assessed at a value of \$1,500.00; and

WHEREAS, the Village Board has received an offer of \$1,500.00 from Colin Higgins to purchase said property; and

WHEREAS, Colin Higgins has offered to pay the closing costs in connection with the purchase of said property; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to accept the offer of \$1,500.00 and sell said property to Colin Higgins.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (“SEQRA”), it has been

determined by the Village Board that the sale said property is a Type II action as defined under the SEQRA regulations and no further action is needed; and further

RESOLVED that the Village Board hereby declares said property to be surplus property and no longer needed for municipal purposes; and further

RESOLVED that the Village Board hereby determines that the above-referenced of property located at 38 Saint Charles Street shall be sold to Colin Higgins for the amount of \$1,500.00 on the condition that he pay for the closing costs in connection with the purchase of said property; and further

RESOLVED that the Village Board hereby authorizes the Mayor to execute any and all documents that are necessary and proper to finalize the real property transaction; and further

RESOLVED that this Resolution shall take effect immediately.

Resolution #2020 – 19

**VILLAGE OF JOHNSON CITY
A RESOLUTION APPROVING THE PURCHASE
OF REAL PROPERTY LOCATED AT 154 ALLEN STREET.**

At a meeting of the Village Board of the Village of Johnson City, held at Village Hall, 243 Main Street, 2nd Floor Board Room, Johnson City New York at 7:30 p.m. on the 21st day of January 2020, the following resolution was offered and seconded:

WHEREAS, the real property located at 154 Allen Street, Johnson City, NY, tax map number 143.72-1-29, being approximately 85 x 84 feet of vacant land, is owned by United Health Services (hereinafter the “Premises”); and

WHEREAS, the Village has entered into negotiations with United Health Services, the owners of the Premises, for purchase of property located at 333 Grand Avenue, Johnson City, NY as authorized in September of 2019 in the amount of \$200,000, a copy of such resolution is attached hereto as **Exhibit A**; and

WHEREAS, United Health Services has offered to include the Premises, 154 Allen Street, a contiguous parcel with 333 Grand Ave in the contract for no additional cost to the Village; and

WHEREAS, the total assessed value of the Premises \$600 the projected Full Market Value of the Premises is \$ \$14,118, according to the Broome County GIS; and

WHEREAS, the Village has a public interest in the Premises; and

NOW THEREFORE, BE IT RESOLVED, that the Mayor of the Village of Johnson City be and hereby is authorized to execute a contract and all necessary legal documents to purchase the aforementioned Premises, together with all improvements, personalty, and fixtures, from United Health Services for no additional cost from the purchase authorized in September of 2019; and

RESOLVED, that pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, it has been determined by the Village Board of Trustees that purchase and use of the Premises constitutes a Type II Action; and

RESOLVED, that this resolution shall take effect immediately.

Resolution #2020 – 20

Motion by the Village of Johnson City Board of Trustees, effective immediately to set the fee for licenses for Transient Retail Businesses and Vendors, in accordance with Chapter 196, section 4; such license fee is set at \$300.

Resolution #2020 – 21

WHEREAS, the Town of Union Code Enforcement Office has issued a report determining that the building located at 191 Baldwin Street, Village of Johnson City, New York, Tax Map No. 143.73-4-21 is unsafe or dangerous to the public, pursuant to § 118-3 of the Village Code of the Village of Johnson City, and has ordered it to be made safe and secure; and

WHEREAS, on January 21, 2020, the Village Board held a public hearing in regard to the structure at 191 Baldwin Street, Johnson City, NY; and

WHEREAS, notice of said public hearing has been published, filed at the County Clerk’s Office, and served in accordance with the Village Code; and

WHEREAS, after due deliberation, the Village Board finds that the building is unsafe to the general public, as the building has open doorways and windows making it accessible to and an object of attraction to minors, vagrants, and other trespassers. There are also violations for excessive garbage accumulation.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act, it has been determined by the Village Board that securing the building at 191 Baldwin Street does not constitute an “action” as defined under the SEQRA regulations. Said action will not have a significant adverse impact on the environment and the Village Board adopts a negative declaration with respect to the same; and further

RESOLVED that the Village Board of the Village of Johnson City hereby determines that the building at 191 Baldwin Street, Johnson City, NY is unsafe or dangerous to the public and orders it to be immediately secured. Because the property owner has neglected or refused to repair, clean, and secure the same within the time provided, the Village Board hereby determines said building may be secured by whatever means it deems appropriate and may assess all costs and expenses incurred by the Village of Johnson City and/or the Town of Union in connection with securing the building, against the land on which said building is located; and further

RESOLVED that in the event of refusal or neglect of the owner to comply with this Resolution and the prior notices, the owner must start the actions required by the Code Department by January 22, 2020 and end it by March 23, 2020, and if upon inspection of the structure(s) by the Code Enforcement Officer there is confirmation that the actions have not been completion by March 23, 2020 as ordered by the Village Board and set forth in the notice and herein, that the Village shall take such actions necessary and shall assess such expenses to the property; and further

RESOLVED that this Resolution shall take effect immediately.

Resolution #2020 – 22

Motion to Refer application to rezone 400 Riverside Drive to the Planning Board for recommendation.

Resolution #2020 – 23

Motion, in accordance with Public Health Law § 4138-E to set the fee for Pre-adoption (birth) certificates “PAC” at \$22.00; effective upon law institution of January 15, 2020.

Resolution #2020 – 24

Authorize forgiveness of \$105.00 to Kovka Realty LLC for excessive refuse charges incurred on September 20, 2019 at 19 Burbank Avenue, Johnson City.

Resolution #2020 – 25

Authorize the Mayor to sign a supplemental Agreement with Delta Engineer’s for additional survey and Ground penetrating radar location of underground utilities in the amount of \$13,337.00.

PUBLIC SAFETY

FIRE (Trustees Walker & Reynolds) – No new business

POLICE (Trustees Walker & Reynolds)

Resolution #2020 – 26

Approve travel request for Dan VanWie, Mike Hepler, Dustin Klinko and Matt Kushner of the Police Department to attend NYTOA Conference and Expo April 21 – April 24, 2020 in Verona, NY at a cost of \$2,970.00 from budget line A3120.4.930.

Resolution #2020 – 27

Authorize the Police Department to auction the WhisperWatt 7000 generator/light tower due to infrequent use, repair costs and ability to borrow towers from NYS DOT.

Resolution #2020 – 28

Authorize JCPD to auction Car 732, 1998 Toyota Camry VIN 4T1BG22K4WU297446 with 195,469 miles. The vehicle has exceeded life expectancy and we no longer have a use for it.

PUBLIC WORKS (Trustees Walker & Giblin)

RECREATION (Trustees Walker & Giblin) – No new business

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

JOINT SEWAGE TREATMENT BOARD (Trustees Giblin & Reynolds)

Resolution #2020 – 29

Authorize the Binghamton-Johnson City Joint Sewage Board's request that the Owners pass legislation to amend the 2019 Budget to increase appropriations for Water expense (J8130.54221) in the amount of \$40,000.00 and transfer the necessary funds from the Chemicals expense line (J8130.54150).

Resolution #2020 – 30

Authorize the Binghamton-Johnson City Joint Sewage Board's request that the Owners pass the Owners pass legislation to amend the 2019 Capital Budget to increase appropriations and create a new Capital ledger account for Grit Removal before the Fine-Screen Compactors (JH8130.554xxx) in the amount of \$185,000.00 and instruct the City Comptroller perform the requisite inter-fund accounting to reduce the Personnel Services budget line (J8130.51000) by that amount.

Resolution #2020 – 31

Authorize the Binghamton-Johnson City Joint Sewage Board's request that the Owners pass the Owners pass legislation to amend the 2019 Capital Budget to increase appropriations and create a new Capital ledger account for remedial work on the six settling basins (JH8130.554xxx) in the amount of \$120,000.00 and instruct the City Comptroller perform the requisite inter-fund accounting to reduce the Personnel Services budget line (J8130.51000) by that amount.

Resolution #2020 – 32

Authorize the Binghamton-Johnson City Joint Sewage Board's request that the Owners pass that the Owners pass legislation to amend the 2020 Budget to increase appropriations on the ledger account for Unemployment Insurance (J9050.58000E) by \$26,500.00 with offsetting funds transferred from Personnel Services (J8130.51000).

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 Clark Giblin – cgiblin@villageofjc.com Trustee Martin Meaney – mmeaney@villageofjc.com

Trustee Benjamin Reynolds - breyolds@villageofjc.com Trustee John Walker - jwalker@villageofjc.com