



## 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 Work Session of the Johnson City Village Board held at 5:00pm on Tuesday, March 3, 2020 in the Municipal Building, 243 Main Street, Johnson City**

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

Absent:             None

Also Present: Cheryl Sacco, Legal Counsel  
                        Cindy Kennerup, Clerk/Treasurer  
                        Thomas Johnson, Deputy Treasurer  
                        Robert Bennett, Director of Public Services  
                        Michael Sherba, Supervisor of Public Works  
                        Bob Mihok, President of Union  
                        Steve Salva, Vice President of Union

Mayor Deemie called the meeting to order at 5:30 p.m.

Robert Bennett, Director of Public Services gave the Board an update on the Public Works Facility.

- Progress meetings trying to develop site plans for the new facility
- Estimates
- Need to decide how to proceed in the next couple weeks
- Canopy for gasoline vehicles
- 20% Construction Buffer
- Square footage of building changed
- Exhaust for building

Michael Sherba discusses costs associated with the facility.

- Comparison to Town of Union Garage – only houses 11 refuse department vehicles
  - Nothing in the building besides vehicles, no storage facility
  - Offices are on the other side
  - Cost expected to be \$4.5 million
- Our facility will include storage for 59 vehicles, offices, on-site storage

Mr. Bennett stated that going forward we need to:

- Come to a consensus on a plan layout to submit to the Planning Board for approval in April 2020. Finalize sitework in May or June.
- Have work done in July, August, September
  - Storm drainage
  - Retaining wall along western wall
  - Concrete pads need to be removed
- Issue with not doing it:
  - The site now needs to be rehabilitated because it is in a flood zone
  - Will cost a lot more to bring the existing building up to code

Mayor Deemie explained with the budget we would be looking at borrowing site work money for this year's budget and borrowing building money for next year's budget.

Mayor Deemie said we tried working with FEMA and at the end they said no. They were going to give us \$50,000 to redo the offices.

Mr. Bennett stated they had a report to lift the offices and floodproof the building was \$500,000. There was a \$1 million cost to give the mechanics a separate garage.

Mayor Deemie is going to reach out to elected officials to see if they can find some funding to help us.

Mr. Bennett, Mr. Sherba, Mayor Deemie and the Board discussed:

- Wash bay, including drainage
- Salt storage building location
- Lifts for vehicles
- Parking for visitors

Attorney Sacco spoke regarding:

- Code Enforcement
  - Code Court – fines
    - People are not showing up to court
  - Supreme Court – injunctive relief
    - Expensive
  - Unfit structure – cleanup and make property safe
    - Mail letter to last know address
    - Not going to bring people into court
    - Not going to force people to fix problem areas
- Delinquent property owners
  - Suggested spending money on process servers to serve out of town owners
  - If they don't appear with personal service, they issue a warrant

Court Committee – Trustee Meaney and Trustee Giblin spoke regarding 3-5-20 meeting with Judge Thomas.

- Judge is frustrated people are not showing up
- Trustee Meaney stated the Judge would like more continuity with people working together.
- Wednesday, 3-4-20 Court was a debacle – Day court ended when night court began

Attorney Sacco and Mike Pehinec of Coughlin & Gerhart discussed jurisdiction and appearance.

- We cannot issue warrant unless we have a birthday
- LLC properties – some based in NYC
  - They play with bankruptcy
  - Play with not paying county taxes
- Tenant eviction law – tenants not leaving so we have holdovers and squatters
- Thirty cases on Wednesday, March 4<sup>th</sup> and a quarter to a half did not show.
- Vacant Registry
- Local Law

Attorney Sacco questioned if the Board is opposed to:

- hiring process servers to find the people to serve them
  - Trustee Meaney questioned cost
    - Depends where they need to serve, Sheriff's Dept is less expensive, how many times they go before service
- asking for warrants when they have a date of birth or sufficient information

Attorney Sacco asked the Board, what is the result you want?

- Compliance
- Fine and fees
- Both

Daria Golazeski of Town of Union Code Enforcement explained they do charge repeat offender fees for garbage, mowing and snow removal.

- Within a 12-month period – they bill and it goes to taxes if unpaid with surcharge on top.
  - 1<sup>st</sup> offense within a 12-month period is free
  - 2<sup>nd</sup> offense - \$100
  - 3<sup>rd</sup> offense - \$150
  - 4<sup>th</sup> offense - \$200
  - 5<sup>th</sup> offense - \$500
- Some people pay, some don't care and some let it roll to taxes and they try to write it off on business taxes
- About 75 repeat offenders – 10 that own several properties in a horrible state.
- Initial fine recommendation for some is \$250 per violation

Attorney Pehinec discussed the following:

- Judgment
  - when they get a judgment, they file the transcript in the County Clerk's office and it becomes a lien on the property.
  - They will not be able to transfer good title until that gets cleared.
- Code Court Day
  - Speaks with Ms. Golazeski and code to find out about the case and they give him a recommendation.
  - He, Jill and Randy of code let them know their recommendation
  - They can plead guilty to this; they can present a receipt of how much they have paid.
  - The recommendation is not followed every time nor is it expected to be.
  - The Judge has the jurisdiction to set sentencing for anything and it is clearly up to him.

- The majority of people they deal with are repeat offenders.
- They are setting more trial dates and that is the goal
- Attorney Sacco questioned if we can violate them if they don't give us a local property manager

Attorney Sacco suggests when they are in front of the judge with the affidavit of service, they tell the Judge they hired a process server, this is the cost and he is aware we had to do this, he may be less lenient and take into account that this person is evading us. We want the Judge to know we are taking the steps to find these people.

Trustee Walker questioned if we take our top 3 or 4 offenders, go the process server route, getting compliance and recouping what we need to, we further use it.

Attorney Sacco, Mayor Deemie and the Board agreed they should take the top three offenders, that are not physically showing up, not in bankruptcy, not somebody who hasn't paid Broome County, someone we can legitimately get jurisdiction over and see how it works. We make sure the fines we request are fairly representative of the time and effort and present to the Court the following:

- Code expense
- Process server
- Legal expense
- Cost of the village for having Attorney Pehinec handle this and appear in court

Daria Golazeski spoke regarding the following:

- Home Occupation – clarification on law
  - Attorney Sacco stated we got a 239 back from the County they found no significant or countywide or intercommunity impacts.
  - Planning Board recommended approval.
  - We are recommending this be an unlisted action.
  - Recommending they are all small impacts.
  - Recommending negative declaration.
- 400 Riverside Dr – as soon as the property sold the taxable status changed.
  - Dormitories on site
  - Apartments on site
  - Wants to split off Mason Hall that faces Riale
  - Attorney Sacco discussed 239 from Broome County
  - Unlisted action
  - Recommending negative declaration
  - Minor impacts
- Electrical Board
  - Board has been dysfunctional for last couple years
  - Work well with Binghamton
  - No referrals, no SEQRA

- 183 Marie Street
  - Do not have a final site plan
  - Variances are needed
  - Traffic concerns
  - Did not require 239 Review
  - Planning Board unanimously recommended approval
  - Questioned ATMs proposed
  
- 47 Riverside Dr
  - Could be considered a private club
  - special permit use because it is members only
  - Board will let Dee use her discretion

Mayor Deemie, Attorney Sacco and the Village Board discussed the following:

- Website – moving forward with Ben from FreshySites
- Electronics pick-up early spring
- Tire collection in September
- Budget schedule will be out by the end of the week
- JC School solar farm
  - Possible change to the code
- Water shut-off
- Account Clerk upstairs
  - Approval of Board to move forward
- \$10,000 grant
- Fire Department graduates

Thomas Johnson, Mayor Deemie and the Village Board discussed the sewer rates and proposed increases.

Mayor Deemie, Attorney Sacco and the Village Board reviewed the Agenda and Resolutions.

Trustee Meaney questioned if there have been any more interaction with Mayor David regarding a joint fire district.

Mayor Deemie responded he spoke to the Board about that at the last meeting, but Trustee Meaney wasn't there. He stated he spoke with Mayor David and he talked with his Chief and he was gathering information. Mayor Deemie clarified to Mayor David it would be the Binghamton-Johnson City Fire Department with Binghamton's Fire Chief. We are waiting to hear back from them. Trustee Meaney stated he would reach out to Binghamton's Fire Chief.

### **EXECUTIVE SESSION #1**

A motion to enter executive session at 7:16 pm to discuss the Clerk Treasurer's contract was made by Trustee Meaney and seconded by Trustee Giblin. The motion carried with all those present voting in the affirmative.

A motion to exit executive session at 7:27 pm was made by Trustee Meaney and seconded by Trustee Giblin. The motion carried with all those present voting in the affirmative.

**ADJOURNMENT**

Mayor adjourned the meeting at 7:29 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.

03032020 ABSTRACT QUESTIONS

1) The Fire departments utility bill seems to be running higher than normal, why? **The bills are in line with the last couple of months and even in comparison to the last year.**

2) What is Century Link on the C&G bill for? **Century Link is a pending litigation matter. We made a motion to dismiss and are awaiting a decision or direction from the Court. I can go into more detail in Executive Session, if there are more detailed questions on the pending litigation.**

3) Why are we paying a Parts Plus bill from the police department from December in March for? This seems to be a pattern. **Parts Plus – IEH has always been a problem with their in-house bookkeeping and it seems to result in this cycle of old billed/catch-up on a continual basis. The Police Department cannot process the invoices for payment until they are received.**

I respectfully request the following bills are removed:

- 1). BCATOV for \$22.00
- 2) Broome County Highway Association dues for \$260.00.
- 3) NACP Police Chiefs dues for \$190.00

I don't believe the taxpayers should be responsible for meals and association dues for employees and elected officials.

I respectfully request that these questions and comments are added to the minutes of the work session.

Thank you,  
Trustee Meaney