



## 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 on Tuesday, May 5, 2020 via Zoom Video Conference**

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

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

Mayor Deemie called roll call. All Trustees confirmed their presence together with Treasurer Cindy Kennerup and Attorney Cheryl Sacco and Mayor Deemie confirmed they had a quorum.

Mayor Deemie gave a statement regarding holding a virtual meeting.

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

- [1] The next regular Zoning Board meeting will be held on Monday, May 11, 2020 at 7:30pm with a work session at 7:00pm via Zoom Video Conference.
- [2] The next regular Village Board Meeting will be Tuesday, May 21, 2020 at 7:30pm with a work session at 5:00pm via Zoom Video Conference.
- [3] DW Race scheduled for Sunday, May 19, 2020 has been canceled.

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

- [1] April 21, 2020 Regular Meeting and Work Session Minutes

A motion to approve the minutes of April 21, 2020 was made by Trustee Walker and seconded by Trustee Giblin. The motion carried with all those present voting in the affirmative.

**BIDS** – None

## **PUBLIC HEARINGS**

[1] Declare the building at 29-31 Carhart Avenue, Johnson City, NY to be unsafe and dangerous in accordance with Chapter 118 of the Village Code.

Mayor Deemie opened the public hearing.

Daria Golazeski summarized the public hearing.

- The building has been vacant for a while and is unsecured.
- There is a lot of maintenance issues and recommends resolution to secure and have the property owner start repairs or demo.

Legislator Rick Balles asked if they only have so many days to make the repairs, correct?

Attorney Sacco stated they are having a hard time tracking them down and asked Legislator Balles to contact Code if they do hear from them.

Mayor Deemie closed the public hearing.

[2] Declare the building at 156 Ackley Avenue, Johnson City, NY to be unsafe and dangerous in accordance with Chapter 118 of the Village Code.

Mayor Deemie opened the public hearing.

Daria Golazeski spoke regarding the property.

- The property was foreclosed on but the County reversed it last year. Hopefully it will be foreclosed on again.
- At this time, the property is unsecure, the lawn needs to be mowed, there is a trash issue and they cannot locate the property owner.

Legislator Rick Balles questioned the address of the property.

Mayor Deemie closed the public hearing.

**PETITIONS RECEIVED** – None

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

Mayor Deemie opened the first privilege of the floor.

*Rick Balles, Richard St* – What is Resolution #85, sale of St. Charles Street, he assumes it was Village property being sold?

- Mayor Deemie responded it is the dead-end end of St. Charles Street. Everyone thought it belonged to 184 Corliss because they parked their cars on it and threw their garbage on it. The hospital purchased 184 Corliss and they own the other property on the other side and they want to make it all into a parking lot. It would connect all their properties together. It was considered surplus because it was a road and there is no infrastructure.

With regard to Resolution #90, is there any change in salary, health insurance and anything out of the ordinary in the contract?

- Mayor Deemie answered, he was given a raise for this year and 2% a year for the next two years. It is a three-year contract and goes until 2023.
- He changed his retirement option; he has the ability to be capped out at \$1,000 a year for his health insurance costs, similar to what the Fire Chief and Fire Department has with retirement.

Shout out to Chief Dodge as he has done an outstanding job with our community as well as the police officers that are working hard with this pandemic.

Mayor Deemie thanked all the police officers, fire department, department of public works, Village Hall and the front-line workers.

Also, Resolution #95, 100 Harry L Drive, is this person a repeat offender or is this a first offense?

Mayor Deemie explained the name of the person in the resolution is the property owner who lives in Afton and he believes his tenant put the garbage out to early and they were cited for it. He does not believe they are a repeat offender. They had 24 hours to remove it, they didn't, so they got fined as is the usual process.

Mr. Balles said he does not see the zoom meetings listed on the website. Maybe put something out there? Recommends it is on the website. On the calendar it is still on 2019.

Mayor Deemie stated the numbers for the Zoom Meeting are on Facebook. The website is being revamped and we are going to a new website on June 1<sup>st</sup>. We hope that will be remedied with the new website.

Mayor Deemie closed the first privilege of the floor.

### **COMMUNICATIONS**

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

- [1] Correspondence from Raphael Palumbo regarding garbage fee at 100 Harry L Drive.

### **COMMITTEE/BOARD REPORTS**

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

- [1] Code Enforcement - Nothing to report  
 [2] Court - Nothing to report  
 [3] Joint Sewage Treatment Board Reports dated April 30, 2020  
 [4] Library – Your Home Public Library Director’s Report dated April 14, 2020  
 [5] Newsletter - *No report submitted*  
 [6] Planning Board - *No report submitted*  
 [7] Public Safety - *No report submitted*  
 [8] Public Works - *No report submitted*  
 [9] Zoning Board - *No report submitted*

### **DEPARTMENT REPORTS**

A motion to accept and file the following Department Reports was made by Trustee Walker and

seconded by Trustee Meaney. The motion carried with all those present voting in the affirmative.

- [1] Fire Department Overtime Report for the weeks of April 16 – April 29, 2020
- [2] Police Department Overtime Report for the weeks of April 16 – April 29, 2020
- [3] Police Department Monthly Report for March 2020
- [4] Town of Union Monthly Reports for March 2020

**PAYROLL AND BILLS PRESENTED**

A motion to approve Abstract #20 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 Giblin and seconded by Trustee Walker. The motion carried with all those present voting in the affirmative.

Motion Carried – Vote:

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

GENERAL FUND	\$414,023.17
WATER FUND	\$42,202.35
SEWER FUND	\$10,582.72
REFUSE FUND	\$35,533.80
JSTP	\$71,461.92
VARPUR	\$0
CAPITAL	\$0
DEBT SERVICE	\$0

**UNFINISHED BUSINESS**

**Resolution #2020 – 85**

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

Motion Carried – Vote:

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

**WHEREAS**, the Village of Johnson City, NY desires to sell the property formerly constituting the dead end section of Saint Charles Street, which is located between two formerly separate parcels that now are part of Tax Map #143.64-3-41 (please see attached for reference); and

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

**WHEREAS**, the Village Board has received an offer from United Health Services, Inc. to purchase said property; and

**WHEREAS**, said portion of land contains approximately 0.13 acres; and

**WHEREAS**, the Village Board, after due deliberation, finds it in the best interest of the Village to accept the offer for the sale of said property to United Health Services, Inc. (\$1,000 plus all legal fees associated); and

**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 sale said property is a Type II action as defined under the SEQRA regulation; and no further action is needed; and further

**RESOLVED** that the Village Board hereby declares said portion of 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 portion of property formerly constituting the dead end section of Saint Charles Street shall be sold; and that the Town of Union Assessor has confirmed that the purchase price is fair market value 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.

*Discussion:* Trustee Meaney stated he does not believe \$1,000 is in the best interest of the taxpayer and would like to table this motion until they sit down with UHS and discuss a fair price for this parcel.

### **NEW BUSINESS**

### **FINANCE & RULES**

#### **Resolution #2020 – 90**

A motion to authorize the Mayor to sign the Personal Services Agreement between the Village and Police Chief Brent Dodge for the period beginning June 1, 2020 to June 1 2023, in a form acceptable to counsel for the Village was made by Trustee Giblin and seconded by Trustee Walker.

Motion Carried – Vote:

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

*Discussion:* Trustee Meaney stated our police chief does a fine job but he cannot support a 8% pay raise at this time.

#### **Resolution #2020 – 91**

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

**WHEREAS**, the Town of Union Code Enforcement Office has issued a report determining that the building located at 29-31 Carhart Avenue, Village of Johnson City, New York, Tax Map No. 143.66-1-44 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 May 5, 2020, the Village Board held a public hearing in regard to the structure at 29-31 Carhart Avenue, 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, which is making it accessible to and an object of attraction to minors, as well as to vagrants and other trespassers.

**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 29-31 Carhart Avenue 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 29-31 Carhart Avenue, 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 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 June 6, 2020 and end it by August 6, 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 August 6, 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 – 92**

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

**WHEREAS**, the Town of Union Code Enforcement Office has issued a report determining that the building located at 156 Ackley Avenue, Village of Johnson City, New York, Tax Map No. 159.32-3-4 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 May 5, 2020, the Village Board held a public hearing in regard to the structure at 156 Ackley Avenue, 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, which is making it accessible to and an object of attraction to minors, as well as to vagrants and other trespassers.

**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 156 Ackley Avenue 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 156 Ackley Avenue, 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 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 June 6, 2020 and end it by August 6, 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 August 6, 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 – 93**

A resolution to amend Res #2020 - 83 Adoption of the 2020-21 Budget (on 04/21/2020). On the Summary Page, a clerical error was noted in the amount of assessed valuation recorded for next year's budget. The only effect of this error was a change to the tax rate per \$1000 assessed from \$361.3535 to \$362.5965. There was no change in the amount of real property taxes to be levied on June 1<sup>st</sup>, 2020 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 #2020 – 94**

A motion to authorize forgiveness in the amount of \$300-\$450 to Borys Mayba on the 416 Arthur Ave property water/refuse/sewer bill due to a water heater leak was made by Trustee Meaney and seconded by Trustee Giblin.

Motion Failed – Vote:

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

**Resolution #2020 – 95**

A motion to authorize forgiveness to Raphael Palumbo for a fee in the amount of \$105.00 for putting garbage out too early at 100 Harry L Drive was made by Trustee Walker and seconded by Trustee Giblin.

Motion Failed – Vote:

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

**PUBLIC SAFETY**

**FIRE** - No new business

**POLICE** - No new business

**PUBLIC WORKS** - No new business

**RECREATION** - No new business

**PLANNING, ZONING & CODE ENFORCEMENT** - No new business

**JOINT SEWAGE TREATMENT BOARD** - No new business

Trustee Meaney stated with this is being live streamed, he would ask that if there are any questions, that media reach out to Mayor Deemie for a statement so it is accurate.

**ADJOURNMENT**

Mayor adjourned the meeting at 7:57 pm.

\_\_\_\_\_  
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.