



VILLAGE OF JOHNSON CITY

MUNICIPAL BUILDING

243 MAIN STREET, JOHNSON CITY, NY 13790

www.villageofjc.com

Village Board

Gregory Deemie, Mayor

Deputy Mayor Clark Giblin Trustee Martin Meaney

Trustee Benjamin Reynolds Trustee John Walker

Minutes of a Regular Meeting of the Johnson City Village Board held on Tuesday, July 21, 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
 Daria Golazeski, Town of Union Code

Mayor Deemie called the meeting to order at 7:30pm.

Mayor Deemie 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 read the Executive Order regarding holding a virtual meeting.

MAYOR'S ANNOUNCEMENTS

- [1] The next Planning Board Meeting will be Tuesday, July 28, 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, August 4, 2020 at 7:30pm with a work session at 5:00pm via Zoom Video Conference.
- [3] The next Town of Union Board Meeting will be held on Wednesday, August 5, 2020 at 7:00pm with a work session at 5:30pm.

APPROVAL OF BOARD MINUTES

- [1] June 16, 2020 Regular Meeting and Work Session Minutes

A motion to approve the minutes of June 16, 2020 Regular Meeting and Work Session Minutes 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] Local Law Amending the Village Zoning Map with regard to removing 301 and 305 Main Street from Office Overlay District.

Mayor Deemie opened the public hearing to the public and the attendees present at the Zoom meeting.

Mayor Deemie explained this is a correction to the Zoning Map. Attorney Sacco stated it will not change the uses; it is a correction, it was improperly added to the overlay.

Mayor Deemie closed the public hearing.

PETITIONS RECEIVED – None

PRIVILEGE OF THE FLOOR – VISITORS

Mayor Deemie opened the first privilege of the floor to the public.

John Musok of Xcite Wrestling explained they met with the planning Board last night and they are looking at doing a drive-in theater, drive-in wrestling shows and they have three lots they are trying to get squared off to do drive-in activities. Drive-in is the only way they can do anything with a crowd. If approved tonight, he will be the first combat sport promoter allowed to do a wrestling show. They would be the first pro wrestling drive-in show to run in the state. They went over a safety plan and it is more than what the state is requiring.

Mayor Deemie confirmed Mr. Musok is the owner of Xcite Wrestling which has a spot in the Oakdale Mall. They were doing once-a-month wrestling shows and they were bringing in 400 people a month at these events.

They were doing exhibition shows the first Saturday of the month and they also have a training school for pro wrestlers. Of course, everything was shut down because of COVID. Doing it as a drive-in is the only way wrestling, MMA or boxing are able to have an audience of any kind. They are in the old Rue 21 facility and they are trying to figure out how they can do the school around the state's guidance.

Trustee Giblin questioned if any of the food trucks will have alcohol.

Mr. Musok responded that is not something they talked about. He feels it is a bad idea and assumes if they were going to have alcohol they would have to go through and get all the permits they need to do it at the space. There is a lot of people that would have to be involved in that before the idea is approached. He stated alcohol always went with pro wrestling, but that is the least they are worried about right now.

Mayor Deemie closed the first privilege of the floor.

COMMUNICATIONS

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] Correspondence from Rajinder Rai regarding water issues at 1124 Anna Maria Drive.
- [2] Correspondence from Laurie for Frazier Vail regarding overcharge on refuse bill at 111 Riverside Drive.
- [3] Correspondence from Morgan Edmondson regarding water bill at 4119 Watson Boulevard.

COMMITTEE/BOARD REPORTS

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

- [1] Code Enforcement – *No report submitted*
- [2] Court – Nothing to report
- [3] Joint Sewage Treatment Board Reports for June 2020
- [4] Library – Nothing to report
- [5] Newsletter - *No report submitted*
- [6] Planning Board Minutes for the May 26, 2020 meeting
- [7] Public Safety - *No report submitted*
- [8] Public Works - Nothing to report
- [9] Zoning Board Minutes for the June 8, 2020 regular meeting

DEPARTMENT REPORTS

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

- [1] Town of Union Code Enforcement Department Reports for May 2020
- [2] Police Department Monthly Report for May 2020
- [3] Town of Union Board Meeting Minutes for June 3, 2020
- [4] Town of Union Board Meeting Minutes for June 17, 2020
- [5] Fire Department Overtime Report for the weeks of June 11 – June 24, 2020
- [6] Police Department Overtime Report for the weeks of June 11 – June 24, 2020
- [7] Notice of Decision of the Zoning Board of Appeals for Applicant Khamvane Pathoumvanh & New Century Real Estate JW, Inc, 177 Main Street, Johnson City, dated June 15, 2020
- [8] Fire Department Overtime Report for the weeks of June 25 – July 8, 2020
- [9] Police Department Overtime Report for the weeks of June 25 – July 8, 2020

PAYROLL AND BILLS PRESENTED

A motion to approve Abstract #2 of the 2020 – 2021 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 all those present voting in the affirmative.

Motion Carried – Vote:

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

GENERAL FUND	\$1,653,621.26
WATER FUND	\$1,468,038.39
SEWER FUND	\$2,334,858.91
REFUSE FUND	\$101,407.56
JSTP	\$196,222.42
VARPUR	\$0
CAPITAL	\$0
DEBT SERVICE	2,311,184.99

UNFINISHED BUSINESS

Resolution #2020 – 101

A motion to authorize the Mayor to sign a Supplemental Agreement with Delta Engineers, Architects & Land Surveyors to provide professional engineering services for bid phase services in the amount of \$8,000.00, to be funded through FY19-20 Budget line A1640.4.975, ‘New DPW Facility’ was made by Trustee Walker and seconded by Trustee Meaney.

Motion Tabled – Vote:

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

Resolution #2020 – 102

A motion to authorize to advertise for bids for the New DPW Facility – “Phase 1 – Sitework Package.” was made by Trustee Walker and seconded by Trustee Meaney.

Motion Tabled – Vote:

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

NEW BUSINESS

FINANCE & RULES

Resolution #2020 – 109

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

**A RESOLUTION APPROVING THE ADOPTION
OF LOCAL LAW NO. 7-2020**

WHEREAS, pursuant to an Emergency Order of the Governor of the State of New York, notice was given that the Village Board scheduled a public hearing for July 21, 2020 at 7:35 p.m. via Zoom Video Conference for Local Law No. 7 of the year 2020 entitled “A LOCAL LAW AMENDING THE VILLAGE ZONING MAP” regarding 301 and 305 Main Street; 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, the Local Law was referred to the Village Planning Board and they recommended neither approval nor denial of the law; and

WHEREAS, the Broome County Planning Department reviewed the Local Law pursuant to GML § 239-m, and found no significant county-wide impacts; and

WHEREAS, said public hearing was duly held on the 21st day of July, 2020 at 7:35 p.m. and all parties attending the videoconference were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, it has been determined by the Village Board that this is an Unlisted Action as defined under said regulations. The Village Board has considered the possible environmental impacts of the action, concluded that it will not have a significant adverse impact on the environment, and adopts a negative declaration with respect to the same; 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 of 2020 entitled “A LOCAL LAW AMENDING THE VILLAGE ZONING MAP”, 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 #2020 – 110

A motion for authorization to expand the adopted water budget line F8340.4.977 from \$68,575.00 to \$114,605.00 for the Deyo Hill Road Water Storage Tank was made by Trustee Meaney and seconded

by Trustee Giblin.

Motion Carried – Vote:

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

Discussion: Mayor Deemie explained that by doing this it will save us \$23,000.

Resolution #2020 – 111

A motion to authorize the Mayor to sign Supplemental Agreement #1 with McFarland Johnson for Construction Phase services for the Resurfacing of Reynolds Road from Overbrook Road to Deyo Hill Road, Federal-Aid/Marchiselli-Aid Project D035912, PIN 9754.17; in the amount of \$89,212, with 80 % of the cost to be reimbursed by the Federal Highway Administration and 15% by the New York State Department of Transportation was made by Trustee Meaney and seconded by Trustee Giblin.

Motion Carried – Vote:

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

Discussion: Mayor Deemie stated the other 5% is the Village’s portion.

Resolution #2020 – 112

A motion to authorize the Mayor to sign Supplemental Agreement #1 with McFarland Johnson for Construction Phase services for the Resurfacing of Harry L. Drive from Valley Plaza Drive to Oakdale Road, Federal-Aid Project D035911, PIN 9754.09; in the amount of \$44,188, with 80 % of the cost to be reimbursed by the Federal Highway Administration 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 #2020 – 113

Motion to authorize the Mayor to execute the NexGen EAP Service Agreement and related documents between the Village and ENI 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 #2020 – 114

A motion to authorize a loan of \$1,300,000 to the Sewer Fund from the Water Fund in order to pay JSTP (Sewer) debt invoices to EFC due and payable on 08/01/2020 in the total amount of \$2,311,184.79. Currently the Sewer Fund only has cash resources of approximately \$1,000,000 available in its checking

account. This loan will be repaid by the Sewer Fund to the Water Fund as soon as is possible 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 stated this has to be paid by back the end of the fiscal year which is May 2021.

Resolution #2020 – 115

In accordance with Chapter 124, motion to approve and thus grant an outdoor amusement license to Xcite Wrestling LLC and Jonathan Musok at 601 and 629 Harry L Drive (Oakdale Mall), as detailed in the application, for events on August 1, 21, 22 and 28, 2020; and September 4, and 12, 2020; subject the applicants obtaining a transient retail merchant license and complying with any local, state and federal, rules, regulations law and executive orders was made by Trustee Meaney and seconded by Trustee Walker.

Motion Carried – Vote:

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

Discussion: Mr. Musok explained they needed to adjust the dates because Code needed two weeks to approve the dates.

Resolution #2020 – 116

A motion to approve reimbursement of \$63.72 to Rajinder Rai for plumber charge for 1124 Anna Maria Drive was made by Trustee Walker and seconded by Trustee Meaney.

Motion Carried – Vote:

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

Resolution #2020 – 117

A motion to accept the retirement of Jeffery T. Clark, Assistant Water Superintendent with his last day of work being August 26, 2020 and his retirement date effective August 27, 2020 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: The Trustees and Mayor Deemie congratulate Mr. Clark on his retirement.

Resolution #2020 – 118

A motion to authorize the Mayor to sign an Agreement with Griffiths Engineering for the design of the reconstruction of Stearns Avenue in the amount of \$18,945 was made by Trustee Reynolds and seconded by Trustee Giblin.

Motion Carried – Vote:

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

Discussion: Trustee Meaney explained Mr. Bennett told them it would be paid for by multiple sources, Water, Sewer and CHIPS funds.

Resolution #2020 – 119

A motion to authorize forgiveness of \$119.00 refuse charge at 111 Riverside Drive due to no commercial business being at the property since November 2019 was made by Trustee Walker and seconded by Trustee Meaney.

Motion Failed – Vote:

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

Discussion: Mayor Deemie stated in order for us to take away a refuse charge you need to have your water meter removed. This property still has their water meter.

Resolution #2020 – 120

A motion to authorize forgiveness of the water, sewer, refuse bill in the amount of \$623.00 at 4119 Watson Boulevard due to incorrect high readings was held over by Trustee Meaney.

PUBLIC SAFETY

FIRE - No new business

POLICE - No new business

PUBLIC WORKS

Resolution #2020 – 121

A motion to appoint Tyler Cunningham to the position of DPW Probationary Laborer at a salary of \$17.97 per hour effective July 23, 2020 contingent upon the successful completion of a background investigation and the required pre-employment drug test 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 #2020 – 122

A motion to appoint Tyler Cutting to the position of DPW Probationary Laborer at a salary of \$17.97 per hour effective July 27, 2020 contingent upon the successful completion of a background investigation and the required pre-employment drug test was made by Trustee Meaney and seconded by Trustee Reynolds.

Motion Carried – Vote:

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

Resolution #2020 – 123

A motion to appoint Tyler VanTassell to the position of DPW Probationary Laborer at a salary of \$17.97 per hour effective August 10, 2020 contingent upon the successful completion of a background investigation and the required pre-employment drug test was made by Trustee Reynolds and seconded by Trustee Meaney.

Motion Carried – Vote:

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

RECREATION - No new business

PLANNING, ZONING & CODE ENFORCEMENT - No new business

JOINT SEWAGE TREATMENT BOARD

Resolution #2020 – 124

A motion to approve the Binghamton-Johnson City Joint Sewage Board’s request that the Owners pass legislation to amend the 2020 Budget to increase appropriations on the ledger account for Permits, Fees & Fines (J8130.54802) of \$15,000 due to continued DEC Phase II penalties with funds transferred out of Chemicals (J8130.54150). Also, an increase to Health Insurance (J9060.58000C) of \$25,000 due to an earlier transfer to provide for the 2020 MOU with the Hourly Employees for an increase with funds transferred out of Personal Services (J8130.51000). And a transfer of \$5,500 for Equipment Lease/Rental (J8130.54520) due to an equipment lease program to save costs compared with purchasing gas sensors with funds taken out of Equipment Repairs & Maintenance (J8130.54621A) was made by Trustee Reynolds and seconded by Trustee Meaney.

Motion Carried – Vote:

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

ADJOURNMENT

Mayor adjourned the meeting at 8:00 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.