



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, May 4, 2021 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.

Mayor Deemie took roll call. All Trustees in attendance confirmed their presence, together with Treasurer Cindy Kennerup and Attorney Cheryl Sacco.

Mayor Deemie confirmed they had a quorum.

Mayor Deemie led the Pledge of Allegiance.

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

Mayor Deemie read a Proclamation to Jody Kennedy and thanked him for his service to the Village of Johnson City, what he has done for him and what he has done for the PBA.

Mayor Deemie read a Proclamation to Edward Kiluk and thanked him for his service to the community and country and thoughts and prayers go out to his family.

George Phillips thanked the Mayor for the Proclamation and spoke regarding Mr. Kiluk, his service to our country on September 11th and for giving his life for his country.

MAYOR'S ANNOUNCEMENTS

- [1] The next Town of Union Board Meeting will be held on Wednesday, May 5, 2021 at 7:00pm with a work session at 5:30pm.

- [2] The next Zoning Board Meeting is Monday, May 10, 2021 at 7:30pm, with a work session at 7:00pm.
- [3] The next regular Village Board Meeting will be Tuesday, May 18, 2021 at 7:30pm with a work session at 5:00pm.

APPROVAL OF BOARD MINUTES

- [1] April 20, 2021 Regular Meeting and Work Session Minutes

A motion to approve the minutes of April 20, 2021 Regular Meeting and Work Session Minutes and the Special Meeting Minutes of April 14, 2021 was made by Trustee Giblin and seconded by Trustee Walker. The motion carried with all those present voting in the affirmative.

BIDS

- [1] Bids were opened and read at 10:00am on Monday, April 26, 2021 at Village Hall for Stearns Ave Reconstruction as follows:

<u>Contractor</u>	<u>Bid Amount</u>
CHICAGO CONSTRUCTION CO, INC.	\$521,000.00
G. DeVINCENTIS & SON	\$527,000.00
SITEWORX, INC.	\$623,395.00
ALBERT TORTO CONSTRUCTION	\$685,934.00
DeNINIS CONSTRUCTION CO, INC.	\$773,763.00

PUBLIC HEARINGS – None

PETITIONS RECEIVED – None

PRIVILEGE OF THE FLOOR – VISITORS

Mayor Deemie opened the privilege of the floor to the public and all Zoom Conference Attendees.

Aviva Friedman, Binghamton – spoke regarding the audit of the sewage treatment plant. She encouraged people to vote no on Resolution #2021-79 for multiple reasons:

- Conflict of interest with company that did construction work and installation of equipment to then be auditing themselves
- Don't believe \$66,000 is the best use of funds right now
 - Many systems are not working online
- Press Release from Mayor David's office two or three hours before meeting saying privatization is off the table. It seems not in spirit of transparency a few hours before the meeting.

Mayor Deemie stated only one system is not working totally correctly online, but it is working.

Mayor Deemie and Ms. Friedman discussed the online system.

Trustee Meaney advised Councilwoman Friedman that representation for the City of Binghamton was at

the work session and they gave information and advised whether the Village of Johnson City approves or denies the resolution, Binghamton would be moving forward with the assessment.

Mayor Deemie closed the privilege of the floor.

COMMUNICATIONS

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

- [1] Correspondence from NYS DOT regarding Americans with Disabilities Act Accessibility Project.
- [2] Correspondence from NYS Department of Public Service regarding public statement hearings on May 12, 2021 for Gas System Planning Process Proposal and the Moratorium Management Proposal.

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 – *No report submitted*
- [2] Court – *No report submitted*
- [3] Joint Sewage Board – Nothing to Report
- [4] Library – *No report submitted*
- [5] Newsletter - *No report submitted*
- [6] Planning Board – *No report submitted*
- [7] Public Safety – Nothing to Report
- [8] Public Works – Nothing to Report
- [9] Zoning Board – *No report submitted*

DEPARTMENT REPORTS

A motion to accept and file the following Department Report was made by Trustee Meaney 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 April 15 – April 28, 2021

PAYROLL AND BILLS PRESENTED

A motion to approve Abstract #21 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	\$637,590.75
WATER FUND	\$56,903.11
SEWER FUND	\$17,874.52
REFUSE FUND	\$29,085.59

JSTP	\$64,828.63
VARPUR	\$0
CAPITAL	\$0
DEBT SERVICE	\$0

UNFINISHED BUSINESS – None

NEW BUSINESS

FINANCE & RULES

Resolution #2021 – 68

Authorize the JCCSD to have its senior parade on June 18, 2021 starting at 6 pm and to allow the route to be from Johnson City Senior High School to Northside Park including the closure of the portion of roads along the parade route; with proof of insurance and in coordination with Police and Fire departments where appropriate 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 #2021 – 69

A motion to award the bid for Stearns Avenue Reconstruction from Burbank Avenue to Margaret Street in the amount of \$521,000.00 to Chicago Construction as the lowest responsive bid Trustee Walker and seconded by Trustee Meaney.

Motion Carried – Vote:

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

Resolution #2021 – 70

A motion to authorize the Mayor or his designee to complete any and all documentation necessary to effectuate the switch from Magna 5 to All-Mode/Nextiva for Village phone service; any contracts subject to legal review and approval was made by Trustee Giblin and seconded by Trustee Meaney.

Motion Carried – Vote:

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

Discussion: Mayor Deemie explained we are doing this due to significant savings.

Resolution #2021 – 71

Upon receipt of an application from Broome County for Public Art approval, under a current Village of Johnson City local law and any future laws, motion to waive such application fee for Broome County for its application(s) for up to 8 murals or mosaics; the remainder of the Public Art approval process to proceed

in compliance with the applicable law, rules and regulations was made by Trustee Meaney and seconded by Trustee Reynolds.

Motion Carried – Vote:

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

Discussion: Mayor Deemie stated these are murals that are part of the Greater Binghamton Fund project and are funded through that.

Resolution #2021 – 72

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 Village of Johnson City has begun an improvement project (“Project”) that involves the development and renovation of a new Village of Johnson City Department of Public Works facility to be located at 60 Lester Avenue which includes an eminent domain process for completion of said Project; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to approve and implement this SEQR environmental review for the Project.

WHEREAS, the Village Board of the Village of Johnson City is the lead agency in the SEQR review for said Project as it relates to the eminent domain process; 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, including SEQR forms Part 1 and Part 2, and has concluded that the Project will not have a significant adverse impact on the environment, and as a result hereby adopts a negative declaration with respect to the same; and

NOW THEREFORE, BE IT RESOLVED that the Village Board of the Village of Johnson City hereby approves the SEQR environmental review of the proposed Project for the eminent domain process as it relates to the property located at 60 Lester Avenue; and be it further

RESOLVED that based on the Village Board’s discussion and consideration of all factors in Part 1 and Part 2 of the SEQR forms, the Village Board hereby concludes that the Project has no significant adverse impact on the environment, and accordingly adopts and approves Part 3 of the SEQR form so stating; and be it further

RESOLVED that the Mayor, Village Clerk, Village Attorney, Village Eminent Domain Attorney or other Village official or employee so designated by the Village Board of the Village of Johnson City are hereby authorized to take such additional and further action to implement this Resolution as may be necessary.

Mayor Deemie advised the public hearing for the Eminent Domain at 60 Lester Avenue was left open until April 27, 2021. We did not receive any other written statements for or against the project.

Resolution #2021 – 73

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

Motion Carried – Vote:

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

WHEREAS, the Village of Johnson City has begun an improvement project (“Project”) that involves the development and renovation of a new Village of Johnson City Department of Public Works facility to be located at 60 Lester Avenue which includes an eminent domain process for completion of said Project; and

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 April 20, 2021 at 7:35 p.m. via Zoom Video Conference to outline the Project purpose related to public need and public safety, its proposed location, and to provide other pertinent information, including sketches/maps and property descriptions of the property interest to be acquired and relationship to the adjacent parcels; 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 for five (5) consecutive weeks, and signs were posted at the right of way of the property for ten (10) days prior to said hearing; and

WHEREAS, said public hearing was duly held on the 20th day of April, 2021 at 7:35 p.m. and additional written public comments were left open to be received until April 27, 2021, regarding the Project or any part thereof and the eminent domain process; and no additional statements were received; and

WHEREAS, at said public hearing proof or evidence of the details and public need for said Project including the eminent domain process was presented, and Exhibits 1- 5 were introduced into the Record; and

WHEREAS, the 60 Lester Avenue property owner’s agent submitted a letter of opposition which was read into the Record; and

WHEREAS, the Village Board of the Village of Johnson City has determined that it is appropriate to issue a Determination and Findings pursuant to Section 204 of the Eminent Domain Procedure Law all of which were discussed at said public hearing; and

NOW THEREFORE, BE IT RESOLVED that the Village Board of the Village of Johnson City hereby approves the attached Determination and Findings pursuant to Section 204 of the Eminent Domain Procedure Law; and be it further

RESOLVED that the Mayor, Village Clerk, Village Attorney, Village Eminent Domain Attorney or other Village official or employee so designated by the Village Board of the Village of Johnson City are hereby authorized to take such additional and further action to implement this Resolution as may be necessary.

Resolution #2021 – 74

A motion to authorize the Mayor to execute the Collective Bargaining Agreement between the Village of Johnson City New York and the Johnson City Professional Fire Fighters Local 921 was made by Trustee Giblin and seconded by Trustee Walker.

Motion Carried – Vote:

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

Discussion: Mayor Deemie confirmed this is for a one-year agreement. Trustee Giblin said there was a 2% increase in salaries and no change in the health insurance.

PUBLIC SAFETY

FIRE (Trustees Walker & Reynolds)

Resolution #2021 – 75

A motion to declare 45 SCBA (air tank) cylinders that have passed their 15-year service life as allowed by DOT and to dispose of at Weitsman Recycling was made by Trustee Reynolds and seconded by Trustee Walker.

Motion Carried – Vote:

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

Discussion: Mayor Deemie stated SCBA is Self-Contained Breathing Apparatus.

Resolution #2021-76

A motion to declare surplus and to auction off the Fire Chief's vehicle VIN 3GCGK26UX1G286807 was made by Trustee Meaney and seconded by Trustee Giblin.

Motion Carried – Vote:

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

POLICE (Trustees Walker & Reynolds)

Resolution #2021 – 77

A motion to approve travel request for Dan VanWie, Mike Hepler, Dustin Klinko and Matt Kushner to attend SWAT Conference from August 24 – August 27, 2021 in Verona, NY at a cost of \$2,410.98 from budget line A3120.4.930 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 #2021 – 78

A motion to authorize auction of Car 744 (parking enforcement vehicle), 2010 Chevrolet Impala VIN 2G1WD5EM1A1250837, 92,139 miles was made by Trustee Giblin and seconded by Trustee Meaney.

Motion Carried – Vote:

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

PUBLIC WORKS – No new business

RECREATION - No new business

PLANNING, ZONING & CODE ENFORCEMENT - No new business

JOINT SEWAGE TREATMENT BOARD

Resolution #2021 –79

A motion to approve the Binghamton-Johnson City Joint Sewage Board's request that the Owners pass legislation to amend the 2021 Budget to transfer from (decrease) J8130.55000 (Contingency) \$66,300.00 and transfer to (increase) J8130.54418 (Phase 3 Clerk of the Works) \$66,300.00 was made by Trustee Giblin and seconded by Trustee Walker.

Motion Failed – Vote:

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

Discussion: Trustee Meaney stated he thinks an audit assessment is being deemed as necessary, but he doesn't think it is a good time. Trustee Reynolds said he believes an audit of the plant is 100% called for when everything is running at 100%. Trustee Walker agreed with Trustee Meaney. Trustee Giblin agreed with the other Trustees.

Mayor Deemie called for adjournment, thanked everyone for attending and told attendees to take care and have a good evening.

ADJOURNMENT

Mayor adjourned the meeting at 8:08 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