



VILLAGE OF JOHNSON CITY

MUNICIPAL BUILDING

243 MAIN STREET • JOHNSON CITY, NY 13790

www.villageofjc.com

Village Board

Martin Meaney, Mayor

Trustee John Walker

Trustee Clark Giblin

Trustee Adam Brown

Trustee Mary Jacyna

AGENDA—REGULAR MEETING OF THE VILLAGE BOARD

Tuesday, February 7, 2023 @ 7:30pm

Village Hall, 243 Main Street, 1st Floor Training Room, Johnson City, NY

ORDER OF BUSINESS

1. ***CALL TO ORDER***

2. ***PLEDGE OF ALLEGIANCE***

3. ***MAYOR'S ANNOUNCEMENTS***

- [3.1] The next Village Zoning Board Meeting will be Monday, February 13, 2023 at 7:30pm with a work session at 7:00pm.
- [3.2] The Village Offices will be closed on Monday, February 20, 2023 for President's Day.
- [3.3] The next regular Village Board Meeting will be Tuesday, February 21, 2023 at 7:30pm with a work session at 5:30pm.

4. ***APPROVAL OF BOARD MINUTES***

- [4.1] January 17, 2023 Village Board Meeting and Work Session Minutes

5. ***BIDS*** – None

6. ***PUBLIC HEARINGS*** – None

7. ***PETITIONS RECEIVED*** – None

8. ***PRIVILEGE OF THE FLOOR – VISITORS***

9. ***COMMUNICATIONS***

- [9.1] Email correspondence from Callie MacDowall of 114 Deyo Hill Rd regarding refuse bill.

10. ***COMMITTEE/BOARD REPORTS*** – None

11. ***DEPARTMENT REPORTS***

- [11.1] Fire Department Overtime Report for the weeks of January 5, 2023 – January 18, 2023
- [11.2] Police Department Overtime Report for the weeks of January 5, 2023 – January 18, 2023
- [11.3] Fire Department Overtime Report for the weeks of January 19, 2023 – February 1, 2023
- [11.4] Police Department Overtime Report for the weeks of January 19, 2023 – February 1, 2023

12. PAYROLL AND BILLS PRESENTED

Abstract #15 of the 2022 - 2023 Fiscal bills as stated and or amended and attached to the work session minutes.

GENERAL FUND	\$1,794,585.89
WATER FUND	\$143,253.06
SEWER FUND	\$77,941.55
REFUSE FUND	\$47,112.55
JSTP	\$3,688.02
VARPUR	\$558,249.99
CAPITAL	\$0
DEBT SERVICE	\$0

13. UNFINISHED BUSINESS

Resolution 24 of 2023

Untable Resolution #9 A Local Law Amending Section 300-52 of the Village Code Entitled “Sign Regulations”.

Resolution 9 of 2023

RESOLUTION INTRODUCING A PROPOSED LOCAL LAW

WHEREAS, a local law entitled “A LOCAL LAW AMENDING SECTION 300-52 OF THE VILLAGE CODE ENTITLED ‘SIGN REGULATIONS’” was introduced at this meeting; and

WHEREAS, the Village Code requires referral to the Planning Board for recommendation. The Village Board hereby refers it; and

WHEREAS, the Village Code requires referral of the proposed Local Law to the Broome County Planning Department for review. The Village Board hereby refers it; 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 7:30 p.m. on February 7, 2023; 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.

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

14. NEW BUSINESS

FINANCE & RULES (All Board Members)

Resolution 25 of 2023

Motion to hire Hancock and Estabrook LLP to handle a conflict matter; and to authorize the mayor or his designee to sign a retainer regarding the same.

Resolution 26 of 2023

Motion to hire Orrick, Herrington & Sutcliffe LLP as outside legal counsel and authorize the Mayor or his designee to sign a retainer.

Resolution 27 of 2023

A motion to authorize the Mayor to sign a Fire Protection Agreement between the Village of Johnson City and the Town of Union for calendar year 2023 for the Westover Fire Protection District #6 in a form acceptable to Counsel for the Village.

Resolution 28 of 2023

Motion to authorize the Mayor or his designee to enter into an inter-municipal agreement with Broome County for the administration of grant funds for improvements to Jenison Park.

Resolution 29 of 2023

RESOLUTION INTRODUCING A PROPOSED LOCAL LAW

WHEREAS, a local law entitled “A LOCAL LAW IMPLEMENTING ARTICLE 35 OF CHAPTER 300 AUTHORIZING THE CREATION OF THE ZONING DISTRICT KNOWN AS THE COMMERCIAL ADVERTISING OVERLAY DISTRICT AND AMENDING THE ZONING MAP” was introduced at this meeting; and

WHEREAS, the Village Code requires referral to the Planning Board for recommendation. The Village Board hereby refers it; and

WHEREAS, the Village Code requires referral of the proposed Local Law to the Broome County Planning Department for review. The Village Board hereby refers it; 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 **7:30 p.m. on March 21, 2023**; 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 30 of 2023

WHEREAS, on January 1, 2023 a large fire caused severe damage to the premises located at 10-12 Dartmouth Street, Tax Map No. 159.24-2-51 (the “subject property”), permanently displacing nine people from their residences; and

WHEREAS, on January 4, 2023, the Village of Johnson City Code Enforcement Officer performed a site inspection of the premises as required to assess and evaluate the structural integrity of the building. The Code Enforcement Officer deemed the building to be unsafe for occupancy and condemned the building. The Code Enforcement Officer’s findings were provided in writing to the property owner by letter dated January 9, 2023; and

WHEREAS, pursuant to General Municipal Law § 22, the Village of Johnson City, as the tax district of the subject property, is authorized to claim against the proceeds of fire insurance issued on real property located therein to the extent of any lien thereon which claim, when made and perfected in the manner provided in this section, shall further constitute a lien against such proceeds and which shall, as to such proceeds, be prior to all other liens and claims except the claim of a mortgagee of record named in such policy.

NOW THEREFORE, BE IT RESOLVED that the Village Board of the Village of Johnson City hereby intends to exercise its authority to claim against the proceeds of a policy of fire insurance on the subject property; and

BE IT FURTHER RESOLVED that the enforcing officer of the Village shall cause a notice of intention to claim against proceeds to be served upon the State Superintendent of Financial Services for entry in the index of tax districts as provided in Insurance Law § 331; and

BE IT FURTHER RESOLVED that the enforcing officer shall render to any insurer the certificate required and in the manner prescribed by such section and the amounts stated in such certificate shall be a lien on the proceeds of the insurance policy until paid; and

BE IT FURTHER RESOLVED that any other notice or actions necessary to proceed with a lien against the fire insurance proceeds is hereby authorized; and

AND BE IT FINALLY RESOLVED that this Resolution shall take effect immediately.

Resolution 31 of 2023

A motion to Authorize the Mayor, or his designee, to sign and execute the Grant Disbursement Agreement from Empire State Development for the Facelift Program which includes the renovation of 11 properties in an amount not to exceed \$165,696.

Resolution 32 of 2023

A motion to pay Empire State Development \$1,806.40 for the commitment fee and reimbursement for out-of-pocket expenses in relation to the Facelift Program.

Resolution 33 of 2023

Forgive refuse bill for disposal and code violation in the amount of \$500.00 to Callie MacDowall, 114 Deyo Hill Road.

PUBLIC SAFETY

FIRE – No new business

POLICE – No new business

PUBLIC WORKS – No new business

RECREATION

Resolution 34 of 2023

Authorize the Johnson City Rotary to host “Carousel Day” on Saturday, July 22, 2023 from 7am - 6pm at CFJ Park with the Johnson City Rotary being responsible for the park’s facility use application and fees, naming the Village as an additional insured for events on their liability insurance, providing the Village with a copy of same and if there are traffic control issues and/or police officers are needed they will be the responsibility of the Johnson City Rotary.

PLANNING, ZONING & CODE ENFORCEMENT

JOINT SEWAGE TREATMENT BOARD

Resolution 35 of 2023

Approve the Binghamton-Johnson City Joint Sewage Board’s request that the Owners pass legislation to amend the 2022 Budget to increase to increase the Capital Reserve by \$300,000 for Asset Management Plan and reduce J8130.55000 Contingency.

Resolution 36 of 2023

Approve the Binghamton-Johnson City Joint Sewage Board’s request that the Owners pass legislation to amend the 2022 Budget to increase the Digester 5yr Cycl Cl by \$8,000 and reduce J8130.55000 Contingency by \$8,000.

15. ADJOURNMENT

To contact Village Board members via e-mail please use the following addresses:

Mayor Martin Meaney - jcmayor@villageofjc.com

Trustee John Walker - jwalker@villageofjc.com

Trustee Clark Giblin – cgiblin@villageofjc.com

Trustee Adam Brown – abrown@villageofjc.com

Trustee Mary Jacyna – mjacyna@villageofjc.com

**VILLAGE OF JOHNSON CITY
LOCAL LAW NO. ____ FOR THE YEAR 2023**

**A LOCAL LAW AMENDING SECTION 300-52 OF
THE VILLAGE CODE ENTITLED “SIGN REGULATIONS”**

Be it enacted by the Village Board of the Village of Johnson City as follows:

Section 1. Section 300-52 of the Village Code entitled “Sign Regulations” is amended as follows:

Repeal the following subsections:

§ 300-52.3 . Signs authorized without permit.

- S. Temporary Signs
- T. Political Signs
- U. Long Term Temporary Signs.

Add the following, all other subsection are unchanged:

§ 300-52.3 . Signs authorized without permit.

S. Temporary Signs

- (1) No temporary sign is allowed for more than thirty days with no more than one thirty-day extension.
- (2) Any temporary sign that advertises for an event/happening at a specific date in time, must be removed within ten days following such date. The ten days removal period is not included within the thirty- day or any thirty- day extension.
- (3) Each property location is limited to three temporary signs at one time.
- (4) The size of each temporary sign is regulated by the provisions in these regulations, but shall not be in excess of the size permitted for any permanent sign of similar type or configuration within the specific zones.
- (5) Any temporary sign requiring electricity must conform to requirements for permanent signs requiring electricity under this chapter.
- (6) No temporary sign is allowed to be erected in such a manner as to constitute a roof sign.
- (7) No sign is authorized on Village property or in the public right-of-way.
- (8) A temporary sign may be placed upon any legally existing off-premises sign structure, but not so as to add another face to the already existing sign.
- (9) If any a property owner, tenant or other party wishes to install more than 10 temporary signs during the same 30-day period within the boundaries of the Village, a security deposit of \$350 for each 30- day period must be submitted to the Village Clerk’s office. Failure to pay such security deposit is a violation of this Chapter. Failure to comply with provisions of this Chapter including but not limited to timely removal shall result in the Security Deposit being forfeited to the Village and removal of signs.
- (10) Violations of this chapter are subject to any and all enforcement proceedings and all other civil and criminal remedies available to the Village.

Section 2. Remainder

Except as hereinabove amended, the remainder of the Code of the Village of Johnson City shall remain in full force and effect.

Section 3. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**A LOCAL LAW IMPLEMENTING ARTICLE 35 OF CHAPTER 300 AUTHORIZING THE
CREATION OF THE ZONING DISTRICT KNOWN AS THE COMMERCIAL ADVERTISING
OVERLAY DISTRICT AND AMENDING THE ZONING MAP**

Be it enacted by the Board of Trustees of the Village of Johnson City as follows:

Section 1. Article 35

§300-35.1 Purpose.

The Commercial Advertising Overlay (CAO) District preserves and enhances the Village's open spaces by protecting these areas through restricting digital advertising signs to only the CAO District. The CAO District is to be overlaid upon the Open Space District, Article 32 of Chapter 300.

§300-35.2 Permitted uses.

The only permitted use in a CAO District is Digital Message Signs. All other uses are prohibited.

§300.35.3 Procedures and requirements for applicants.

The application process shall be as follows:

1. The applicant submits a rezoning petition to the Village Clerk.
2. The applicant submits preliminary plans to the Planning Board.
3. Upon approval of the preliminary plans by the Planning Board, the plans will be sent to the Village Board. The Village Board will then consider the request to rezone to CAO District.
4. Provided that the Village Board approves the change of zone request, final plans shall be submitted to the Planning Board.

§300-35.4 Additional requirements.

Digital Message Signs in a CAO District shall comply with Article 52 of Chapter 300 of this Code.

Section 2. Remainder

Except as hereinabove implemented, the remainder of the Code of the Village of Johnson City shall remain in full force and effect.

Section 3. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.