



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, March 21, 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 upcoming budget meetings for the Village Board will be held on Wednesday, March 22, 2023 at 5:15pm and Thursday, March 23, 2023 at 5:15pm.
- [3.2] The next Village Planning Board Meeting will be Tuesday, March 28, 2023 at 7:30pm with a work session at 7:00pm.
- [3.3] Yard waste pickup begins Monday, April 3, 2023, weather dependent.
- [3.4] The next regular Village Board Meeting will be Tuesday, April 4, 2023 at 7:30pm with a work session at 5:30pm.

4. **APPROVAL OF BOARD MINUTES**

- [4.1] March 7, 2023 Village Board Meeting and Work Session Minutes
- [4.2] March 13, 2023 Johnson City Village Board Budget Meeting #1
- [4.3] March 14, 2023 Johnson City Village Board Budget Meeting #2
- [4.4] March 15, 2023 Johnson City Village Board Budget Meeting #3
- [4.5] March 16, 2023 Johnson City Village Board Budget Meeting #4

5. **BIDS** – None

6. **PUBLIC HEARINGS**

- [6.1] A Local Law amending Section 300-52 of the Village Code entitled “Sign Regulations”
- [6.2] A Local Law amending Chapter 164 of the Village Code entitled “Historic Protection Districts”
- [6.3] 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.

7. **PETITIONS RECEIVED** – None

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

9. COMMUNICATIONS

- [9.1] Correspondence from Jay Olsien, Director of Finance Broome County YMCA regarding late fee.
- [9.2] Correspondence from Shari Silvestri, owner of 91 Endicott Avenue regarding violation bill.
- [9.3] Correspondence from Mark Grohman, owner of 264 Grand Ave regarding garbage violation.
- [9.4] Correspondence from Brian Kasmarcik, owner of 133-135 Grand Ave regarding violation.

10. COMMITTEE/BOARD REPORTS – None

11. DEPARTMENT REPORTS

- [11.1] Police Department Overtime Report for the weeks of March 2, 2023 – March 15, 2023.
- [11.2] Fire Department Overtime Report for the weeks of March 2, 2023 – March 15, 2023.
- [11.3] Police Department Monthly Report for December 2022
- [11.4] Police Department Monthly Report for January 2023
- [11.5] Police Department Monthly Report for February 2023

12. PAYROLL AND BILLS PRESENTED

Abstract #18 of the 2022 - 2023 Fiscal bills as stated and or amended and attached to the work session minutes.

GENERAL FUND	\$197,596.52
WATER FUND	\$58,628.77
SEWER FUND	\$51,680.29
REFUSE FUND	\$47,106.72
JSTP	\$1,780.24
VARPUR	\$0
CAPITAL	\$0
DEBT SERVICE	\$41,779.44

13. UNFINISHED BUSINESS – None

14. NEW BUSINESS

FINANCE & RULES (All Board Members)

Resolution 55 of 2023

A RESOLUTION APPROVING THE ADOPTION OF LOCAL LAW NO. 1-2023

WHEREAS, notice was given that the Village Board scheduled a public hearing for March 21, 2023 at 7:30 p.m. for Local Law No. 1 of the year 2023 entitled “A LOCAL LAW AMENDING SECTION 300-52 OF THE VILLAGE CODE ENTITLED ‘SIGN REGULATIONS’”; 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 it recommended approval 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 March, 2023 at 7:30 p.m. and all parties in attendance 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 adoption of said Local Law constitutes a Type I 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. 1 of 2023 entitled “A LOCAL LAW AMENDING SECTION 300-52 OF THE VILLAGE CODE ENTITLED ‘SIGN REGULATIONS’”, 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 56 of 2023

A RESOLUTION APPROVING THE ADOPTION OF LOCAL LAW NO. 2-2023

WHEREAS, notice was given that the Village Board scheduled a public hearing for March 21, 2023 at 7:30 p.m. for Local Law No. 3 of the year 2023 entitled “A LOCAL LAW AMENDING CHAPTER 164 OF THE VILLAGE CODE ENTITLED ‘HISTORIC PROTECTION DISTRICTS’”; 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, said public hearing was duly held on the 21st day of March, 2023 at 7:30 p.m. and all parties in attendance 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 the State Environmental Quality Review Act (“SEQRA”), it has been determined by the Village Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5 (26) and (33); 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. 3 of 2023 entitled “A LOCAL LAW AMENDING CHAPTER 164 OF THE VILLAGE CODE ENTITLED ‘HISTORIC PROTECTION DISTRICTS’”, 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 57 of 2023

A RESOLUTION APPROVING THE ADOPTION OF LOCAL LAW NO. 3-2023

WHEREAS, notice was given that the Village Board scheduled a public hearing for March 21, 2023 at 7:30 p.m. for Local Law No. 3 of the year 2023 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”; 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 it recommended approval 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 March, 2023 at 7:30 p.m. and all parties in attendance 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 adoption of said Local Law constitutes a Type I 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. 3 of 2023 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”, 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 58 of 2023

Reimbursement of \$130.00 late fee for Binghamton Broome County YMCA, 740 Main Street.

Resolution 59 of 2023

Forgiveness of refuse disposal fee in the amount of \$250.00 to Shari Silvestri, owner of 91 Endicott Avenue.

Resolution 60 of 2023

Waiver of the refuse disposal fee in the amount of \$250.00 to Mark Grohman, owner of 264 Grand Avenue.

Resolution 61 of 2023

Forgiveness of refuse disposal fee in the amount of \$250.00 to Brian Kasmarcik, owner of 133-135 Grand Ave.

PUBLIC SAFETY

FIRE – No new business

POLICE – No new business

PUBLIC WORKS

Resolution 62 of 2023

Authorize the Director of Public Services to execute a contract with McFarland Johnson for Construction Management & Inspection for the Rehabilitation of the Lester Avenue Bridge over Norfolk Southern Railroad in an amount not to exceed \$392,879.00.

RECREATION – No new business

PLANNING, ZONING & CODE ENFORCEMENT – No new business

JOINT SEWAGE TREATMENT BOARD

Repeal the following resolution:

Resolution 45 of 2023

Approve the Binghamton-Johnson City Joint Sewage Board's request that the Owners pass legislation to amend the 2023 Budget to increase Equipment and Capital Outlay - ES8130.52000. CNBAF by \$100,000.00 and increase Insurance Recoveries - ES.42680.CNBAF by \$100,000.00.

Resolution 63 of 2023

Approve the Binghamton-Johnson City Joint Sewage Board's request that the Owners pass legislation to amend the 2022 Budget to increase Equipment and Capital Outlay - ES8130.52000. CNBAF by \$100,000.00 and increase Insurance Recoveries - ES.42680.CNBAF by \$100,000.00.

Resolution 64 of 2023

Approve the Binghamton-Johnson City Joint Sewage Board's request that the Owners pass legislation to amend the 2022 Budget to increase Personal Services by \$9,376, increase State Retirement by \$1,033.00, Social Security by \$718.00 and reduce Salary Adjustment by \$11,127.00 (Attached).

Resolution 65 of 2023

A RESOLUTION TO ESTABLISH CAPITAL RESERVE FUNDS IN THE INITIAL AMOUNT OF \$1,384,773.06

WHEREAS, pursuant to General Municipal Law ("GML") § 6-c, the Common Council of the City of Binghamton ("City Council") and the Village of Johnson City Board of Trustees ("Trustees"), wish to establish a capital reserve fund to finance a Capital Reserve for improvements for the City of Binghamton and Johnson City Sewer Board plant.

WHEREAS the Mayors of City of Binghamton, and Johnson City, City Council, Trustees, and Fiscal Officer of the Joint Sewage Board have proposed to finance the reserve fund establish herein in the amount of \$1,384,773.06 from any unappropriated unreserved Fund Balance.

NOW, THEREFORE, the Common Council of the City of Binghamton ("City Council") and the Village of Johnson City Board of Trustees ("Trustees"), duly convened in regular Session, do hereby ordain/resolve as follows:

Section 1. That pursuant to GML § 6-c, as amended, there is hereby established a capital reserve fund to be known as the "Capital Reserve" for the Binghamton-Johnson City Joint Sewage Project. The purpose of this reserve is to accumulate moneys to finance the cost of capital improvements and equipment that may be required for the Joint Sewage Treatment Plant. The type of capital improvements and equipment to be financed from the reserve is the engineering, reconstruction, construction, and acquisition or replacement of capital equipment.

Section 2. That the chief fiscal officer, *i.e.*, Fiscal Officer, Comptroller of the City of Binghamton, is directed to transfer and fund this Capital Reserve Fund in the amount of \$1,084,773.06 from any unappropriated unreserved fund balance.

Section 3. The chief fiscal officer is hereby directed to deposit and secure the moneys of this Capital Reserve Fund in the manner provided by GML § 10. The chief fiscal officer may invest the moneys in the Capital Reserve Fund in the manner provided by GML § 11, and consistent with the investment policy of the Common Council of the City of Binghamton ("City Council") and the Village of Johnson City Board of Trustees ("Trustees"). Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Capital Reserve Fund.

Section 4. That the chief fiscal officer shall account for the Capital Reserve Fund in accordance with subdivision 10 of GML § 6-c in a manner which maintains the separate identity of the Capital Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal

from the fund and the total assets of the fund, showing cash balance and a schedule of investments. The chief fiscal officer, within ninety days of the end of each fiscal year, shall furnish a detailed report of the operation and condition of this Capital Reserve Fund to the Mayors, City Council, Village Trustees, and the Joint Sewage Board.

Section 5. That except as otherwise provided by law, expenditures from this Capital Reserve Fund shall be made only for the purpose for which the Capital Reserve Fund is established. No expenditure shall be made from the Capital Reserve Fund without a request for legislation to the Common Council of the City of Binghamton (“City Council”) and the Village of Johnson City Board of Trustees (“Trustees”), written confirmation from the chief fiscal officer and corporation counsel of the City of Binghamton that such expenditure is for a purpose authorized by the Capital Reserve Fund and GML § 6-c, and approval by a majority of Common Council of the City of Binghamton (“City Council”) and a majority of the Johnson City Village Board of Trustees (“Trustees”), and such additional actions or proceedings as may be required by GML § 6-c or any other law, including a permissive referendum, if required, by subdivision 4 of GML § 6-c.

Section 6. From time to time, as approved by a majority of Common Council of the City of Binghamton (“City Council”) and a majority of the Johnson City Village Board of Trustees (“Trustees”), additional monies may be added to the “Capital Reserve” for the Binghamton-Johnson City Joint Sewage Project in such amounts and for such purposes as the City Council and Trustees may deem appropriate.

Section 7. That the members of Common Council of the City of Binghamton (“City Council”) and Village of Johnson City Village Board of Trustees (“Trustees”) are hereby declared Trustees of such funds and shall be subject to all the duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by the City, the Village, or by any board, Commission, agency, officer or taxpayer thereof.

Section 8. That this Resolution shall take effect immediately.

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. 1 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.

**VILLAGE OF JOHNSON CITY
LOCAL LAW NO. 2 FOR THE YEAR 2023**

**A LOCAL LAW AMENDING CHAPTER 164 OF THE VILLAGE CODE
ENTITLED “HISTORIC PROTECTION DISTRICTS”**

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

Section 1. Section 164-2B entitled “Definitions” shall hereby be amended as follows:

HISTORIC DISTRICT OR AREA

An area which contains improvements which:

- (1) Are located in the Johnson City National Historic District;
- (2) Have special character or special or aesthetic interest or value;
- (3) Represent one or more periods or styles of architecture, typical of one or more eras in the history of the Village of Johnson City; and
- (4) Cause such an area, by reason of such factors, to be a visibly perceptible and definable section of 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.

**VILLAGE OF JOHNSON CITY
LOCAL LAW NO. 3 FOR THE YEAR 2023**

**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.