



VILLAGE OF JOHNSON CITY

MUNICIPAL BUILDING

243 MAIN STREET • JOHNSON CITY, NY 13790

www.villageofjc.com

Village Board

Gregory Deemie, Mayor

Clark Giblin, Deputy Mayor

Martin Meaney, Trustee Benjamin

Reynolds, Trustee

John Walker, Trustee

AGENDA - REGULAR MEETING OF THE VILLAGE BOARD

Tuesday, November 17, 2020 @ 7:30pm via Zoom Video Conference

Work Session @ 5:00pm via Zoom Video Conference

Join Zoom Meeting

Meeting URL <https://us02web.zoom.us/j/4847347242?pwd=MzZPSDdtZllozR2NqaHJWd253OFh3QT09>

Meeting ID: 484 734 7242

Passcode: 416871

Dial by phone +1 646 558 8656

We kindly request that you turn off or mute all cell phones and pagers. We kindly request that if anyone wishes to read from a prepared statement, please provide the Clerk with a copy so that the minutes can be as accurate as possible.

ORDER OF BUSINESS:

1. PLEDGE OF ALLEGIANCE

2. STATEMENT REGARDING ZOOM VIDEO CONFERENCE

3. MAYOR'S ANNOUNCEMENTS

- [3.1] The next Town of Union Board Meeting will be held on Wednesday, November 18, 2020 at 7:00pm with a work session at 5:30pm.
- [3.2] The Broome County Association of Towns and Villages meeting will be held on Thursday, November 19, at 6:30 p.m. via Zoom.
- [3.3] The next Planning Board Meeting will be Tuesday, November 24, 2020 at 7:30pm, with a work session at 7:00pm.
- [3.4] The next regular Village Board Meeting will be Tuesday, December 1, 2020 at 7:30pm with a work session at 5:00pm.
- [3.5] Alternate Street Parking begins on December 1, 2020.
- [3.6] The proposed last date of yard waste pickup is December 7, 2020, weather permitting.
- [3.7] The Lights on the Carousel has been canceled for this year.
- [3.8] The Professional and Business Women's Holiday parade is canceled for this year.

4. APPROVAL OF BOARD MINUTES

- [4.1] October 20, 2020 Regular Meeting and Work Session Minutes

5. BIDS – None

6. PUBLIC HEARINGS

- [6.1] Local Law Amending Ch. 300 of the Village Code entitled “Zoning” regarding the Domesticated Chickens Local Law

7. PETITIONS RECEIVED – None

8. PRIVILEGE OF THE FLOOR – VISITORS

9. COMMUNICATIONS

- [9.1] Correspondence from Jared Mack at Levene, Gouldin & Thompson regarding the Red Roof Inn
- [9.2] Correspondence from Jeffery Boemer and Jeri Stead regarding water/sewer usage at 42 Martin Avenue
- [9.3] Memorandum from Marina Lane, Senior Planner regarding Advisory Opinion from the Planning Board regarding removing Domestic Chicken Regulations.
- [9.4] Correspondence from Daria Golazeski, Town of Union Codes and Ordinances regarding 6 Main St. Terrace.
- [9.5] Correspondence from Thomas Steyer of TNN Properties regarding refuse bill for 136 Lester Ave.

10. COMMITTEE/BOARD REPORTS

- [10.1] Code Enforcement – *No report submitted*
- [10.2] Court – No reports to submit
- [10.3] Joint Sewage Treatment Board Reports dated October 31, 2020
- [10.4] Library – No reports to submit
- [10.5] Newsletter - *No report submitted*
- [10.6] Planning Board – Minutes of September 17, 2020 Regular Meeting
- [10.7] Public Safety – *No report submitted*
- [10.8] Public Works – No reports to submit
- [10.9] Zoning Board – Minutes of September 14, 2020 Regular Meeting and Minutes of October 5, 2020 Special Meeting
- [10.10] Town of Union Board Meeting Minutes of October 7, 2020
- [10.11] Notice of Decision of the Zoning Board of Appeals regarding 207 Virginia Ave

11. DEPARTMENT REPORTS

- [11.1] Fire Department Overtime Report for the weeks of October 15 – October 28, 2020
- [11.2] Police Department Overtime Report for the weeks of October 15 – October 28, 2020
- [11.3] Fire Department Overtime Report for the weeks of October 29 – November 11, 2020
- [11.4] Town of Union Code Enforcement Reports for September and October, 2020
- [11.5] Police Department Overtime Report for the weeks of October 29 – November 11, 2020

12. PAYROLL AND BILLS PRESENTED

Abstract #9 of the 2020 - 2021 Fiscal bills as stated and or amended and attached to the work session minutes.

GENERAL FUND	\$1,107,240.12
WATER FUND	\$112,536.39
SEWER FUND	\$29,479.65
REFUSE FUND	\$66,662.29
JSTP	\$269,541.65
VARPUR	\$0
CAPITAL	\$0
DEBT SERVICE	\$231,877.10

13. UNFINISHED BUSINESS – None

14. NEW BUSINESS

FINANCE & RULES (All Board Members)

Resolution #2020 – 166

A motion to authorize the Village Treasurer to forward the 2020-2021 Unpaid Village Property Taxes (levied on June 1, 2020) to the Broome County Commissioner of Finance in the amount of: Real Property Taxes - \$466,437.49, Interest & Penalties - \$37,315.25, 2nd Notices Mail Charges - \$385 for a Total Amount Relieved - \$504,137.74.

Resolution #2020 – 167

RESOLUTION INTRODUCING A PROPOSED LOCAL LAW

WHEREAS, a local law entitled “A LOCAL LAW AMENDING CHAPTER 264 OF THE VILLAGE CODE ENTITLED ‘VEHICLES AND TRAFFIC’” was introduced at this meeting; 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 7:35 p.m. on December 1, 2020; 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 #2020 – 168

WHEREAS, the State of New York has introduced a new *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*; therefore

IT IS HEREBY RESOLVED by the Village Board of the Village of Johnson City that *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of

the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) Only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Resolution #2020 – 169

RESOLUTION INTRODUCING A PROPOSED LOCAL LAW

WHEREAS, a local law entitled “A LOCAL LAW REPEALING AND REPLACING CHAPTER 206 OF THE VILLAGE CODE ENTITLED “PROPERTY AND BUILDING NUISANCES”” was introduced at this meeting; 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 7:35 p.m. on December 1, 2020; 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 #2020 – 170

A RESOLUTION APPROVING THE ADOPTION OF LOCAL LAW NO. 9-2020

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 November 17, 2020 at 7:35 p.m. via Zoom Video Conference for Local Law No. 9 of the year 2020 entitled “A LOCAL LAW AMENDING CHAPTER 300 OF THE VILLAGE CODE ENTITLED ‘ZONING’”; 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 17th day of November, 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 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. 9 of 2020 entitled “A LOCAL LAW AMENDING CHAPTER 300 OF THE VILLAGE CODE ENTITLED ‘ZONING’”, 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 – 171

Motion to authorize the purchase of 149 Endwell Street, Johnson City NY from the Broome County Land Bank Corporation, for \$1.00 plus routine closing costs and fees, subject to permissive referendum; and authorize the Mayor to sign the necessary documents for such transfer.

Resolution #2020 – 172

Motion to authorize and accept the Agreement made by and between the Village and Local 3718 of the American Federation of State, County and Municipal Employees, AFL-CIO, Council 66 regarding accruals; and authorize the Mayor to sign the necessary documents for such agreement.

Resolution #2020 – 173

Motion to authorize the defense of the Century Link litigation appeal with Coughlin & Gerhart LLP.

Resolution #2020 – 174

WHEREAS, by Memorandum, dated November 10, 2020, by the Town of Union DCPW Codes and Ordinances Official Daria Golazeski, the Village of Johnson City, Village Board of Trustees has been requested to consider declaring unsafe and dangerous the structure at 6 Main Street Terrace, Johnson City, New York, which consideration requires a public hearing; and

NOW, THEREFORE, be it

RESOLVED, that the Village Board will hold a Public Hearing on January 5, 2021, at 7:35 p.m. to solicit public input on the issue concerning whether the structure at 6 Main Street Terrace, Johnson City, New York should be declared unsafe and dangerous; and be it further

RESOLVED, that notice of this Public Hearing shall be served by mail on the record owner of 6 Main Street Terrace, Johnson City, New York and its legal counsel, if known; and be it further

RESOLVED, that the Village Clerk and Counsel are authorized to take such additional and further action as is necessary to notice the Public Hearing as noted herein; and be it further

RESOLVED that in accordance with Section 118-9 of the Village Code, that a clear and imminent danger to life, safety and health exists for persons and property; and as such the building at 6 Main Street Terrace, Johnson City, New York must be secured immediately, the Board hereby authorized the Building Inspector to immediately cause the securing of this building.

Resolution #2020 – 175

WHEREAS, by Memorandum, dated November 10, 2020, by the Town of Union DCPW Codes and Ordinances Official Daria Golazeski, the Village of Johnson City, Village Board of Trustees has been requested to consider declaring unsafe and dangerous the structure at 78 Main Street, Johnson City, New York, which consideration requires a public hearing; and

NOW, THEREFORE, be it

RESOLVED, that the Village Board will hold a Public Hearing on January 5, 2021, at 7:35 p.m. to solicit public input on the issue concerning whether the structure at 78 Main Street, Johnson City, New York should be declared unsafe and dangerous; and be it further

RESOLVED, that notice of this Public Hearing shall be served by mail on the record owner of 78 Main Street, Johnson City, New York and its legal counsel, if known; and be it further

RESOLVED, that the Village Clerk and Counsel are authorized to take such additional and further action as is necessary to notice the Public Hearing as noted herein; and be it further

RESOLVED that in accordance with Section 118-9 of the Village Code, that a clear and imminent danger to life, safety and health exists for persons and property; and as such the building at 78 Main Street, Johnson City, New York must be secured immediately, the Board hereby authorized the Building Inspector to immediately cause the securing of this building.

Resolution #2020 – 176

Authorize forgiveness of water/sewer bill for 42 Martin Avenue to Joan Snyder in the amount of \$7,624.71.

Resolution #2020 – 177

Authorize forgiveness of refuse bill for 136 Lester Avenue to Thomas Steyer of TNN Properties, LLC in the amount of \$420.00.

Resolution #2020 – 178

Appoint Terry Barnum to the position of Senior Account Clerk at the negotiated salary per the Collective Bargaining Agreement, effective November 18, 2020 from Broome County Civil Service List #69-307.

Resolution #2020 – 179

Authorize forgiveness of the sewer portion of the water, sewer, refuse bill for 501 Reynolds Road to Spark Broome LLC in the amount of \$32,897.68.

PUBLIC SAFETY

FIRE (Trustees Walker & Reynolds) – No new business

POLICE (Trustees Walker & Reynolds) – No new business

PUBLIC WORKS (Trustees Walker & Giblin)

Resolution #2020 – 180

Appoint Deborah Osenni to the position of Senior Account Clerk, Promotional at the negotiated salary per the Collective Bargaining Agreement, effective November 18, 2020 from Broome County Civil Service List #71-387C.

RECREATION (Trustees Walker & Giblin) – No new business

PLANNING, ZONING & CODE ENFORCEMENT (Trustees Walker & Meaney) – No new business

JOINT SEWAGE TREATMENT BOARD (Trustees Giblin & Reynolds)

Resolution #2020 – 181

Authorize 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 Laboratory Supplies (J8130.54149) by \$3,000 with funds transferred out of Chemicals (J8130.54150).

Resolution #2020 – 182

Authorize the Binghamton-Johnson City Joint Sewage Board's request that the Owners pass legislation to amend the 2020 Capital Budget to create a new capital line (JH8130.55407?) for use in procuring a spare Flygt Pump to be used if one of the four in place fails or must be taken off-line. Funds of \$95,000 to be transferred from Capital Contingency (JH8130.554040).

15. ADJOURNMENT

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

Mayor Gregory Deemie - jcmayor@villageofjc.com

Deputy Mayor Clark Giblin - cgiblin@villageofjc.com Trustee Martin Meaney - mmeaney@villageofjc.com

Trustee Benjamin Reynolds - breynolds@villageofjc.com Trustee John Walker - jwalker@villageofjc.com

**VILLAGE OF JOHNSON CITY
LOCAL LAW NO. 9 FOR THE YEAR 2020**

**A LOCAL LAW AMENDING CHAPTER 300 OF THE VILLAGE CODE
ENTITLED ZONING**

Section 1. Section 300-40.10.1 of the Village Code entitled “Domesticated Chickens” shall be repealed and deleted in its entirety.

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.