



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, September 6, 2022 @ 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] There will be no change in refuse collection for Labor Day week.
- [3.2] The Village Zoning Board Meeting will be held Monday, September 12, 2022 at 7:30pm with a work session at 7:00pm
- [3.3] The next regular Village Board Meeting will be Tuesday, September 20, 2022 at 7:30pm with a work session at 5:30pm.

4. *APPROVAL OF BOARD MINUTES*

- [4.1] August 16, 2022 Village Board Regular Meeting Minutes
- [4.2] August 29, 2022 Village Board Special Meeting Minutes

5. *BIDS*

- [5.1] Request for Quotes for Lawn Cutting Services
- [5.2] Request for Quotes for Tree, Limb and Brush Removal Services

6. *PUBLIC HEARINGS*

- [6.1] A Local Law Adding Overdose Prevention Centers, Heroin Safe Zones, Supervised Consumption Facilities or Supervised Injection Sites to the Village Code.
- [6.2] Unsafe Structure 5-11 Avenue C.

7. *PETITIONS RECEIVED* – None

8. *PRIVILEGE OF THE FLOOR – VISITORS*

9. *COMMUNICATIONS*

- [9.1] Correspondence from Hanoach Feldman of Binghamton Associates NY LLC regarding waiver of penalties for 57 Miriam Street.
- [9.2] Correspondence from Erin Kelly of FOF Property Group regarding forgiveness of code enforcement and refuse violation fees.

- [9.3] Correspondence from Gladys Gonzalez of 207 Floral Avenue regarding waiver of code violation fee.

10. COMMITTEE/BOARD REPORTS – None

11. DEPARTMENT REPORTS

- [11.1] Johnson City Police Department Overtime Report dated August 4 – August 17, 2022
[11.2] Johnson City Fire Department Overtime Report dated August 4 – August 17, 2022

12. PAYROLL AND BILLS PRESENTED

Abstract #5 of the 2022 - 2023 Fiscal bills as stated and or amended and attached to the work session minutes.

GENERAL FUND	\$1,234,246.98
WATER FUND	\$66,038.63
SEWER FUND	\$73,737.87
REFUSE FUND	\$36,882.97
JSTP	\$3,840.19
VARPUR	\$0
CAPITAL	\$0
DEBT SERVICE	\$0

13. UNFINISHED BUSINESS – None

14. NEW BUSINESS

FINANCE & RULES (All Board Members)

Resolution 249 of 2022

A RESOLUTION APPROVING THE ADOPTION OF LOCAL LAW NO. 15-2022

WHEREAS, notice was given that the Village Board scheduled a public hearing for September 6, 2022 at 7:30 p.m. for Local Law No. 15 of the year 2022 entitled “A LOCAL LAW ADDING ‘OVERDOSE PREVENTION CENTERS, HEROIN SAFE ZONES, SUPERVISED CONSUMPTION FACILITIES OR SUPERVISED INJECTION SITES’ TO THE VILLAGE CODE”; 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 6th day of September, 2022 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. 15 of 2022 entitled “A LOCAL LAW ADDING ‘OVERDOSE PREVENTION CENTERS, HEROIN SAFE ZONES, SUPERVISED CONSUMPTION FACILITIES OR SUPERVISED INJECTION SITES’ TO THE VILLAGE CODE”, 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 250 of 2022

WHEREAS, the Village of Johnson City Code Enforcement Officer issued a report determining that the building located at 5-11 Avenue C, Village of Johnson City, New York, Tax Map No. 143.57-2-25, is unsafe or dangerous to the public, pursuant to § 118-3 of the Village Code of the Village of Johnson City, and has ordered it to be made safe and secure; and

WHEREAS, on September 6, 2022, the Village Board held a public hearing in regard to the structure at 5-11 Avenue C, Johnson City, NY; and

WHEREAS, notice of said public hearing has been published, filed at the Broome County Clerk’s Office, and served in accordance with the Village Code; and

WHEREAS, after due deliberation, the Village Board finds that the building is unsafe and dangerous to the public. The structure is causing water runoff to adjacent structures, and portions of the structure appear to be dilapidated to the point of potential failure. The structure is also posted unfit for human occupancy by both the village of Johnson City Code Enforcement Office and the Broome County Health Department. Additionally, the property has several code violations including grass and garbage notices.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act, it has been determined by the Village Board that securing the building at 5-11 Avenue C does not constitute an “action” as defined under the SEQRA regulations. Said action will not have a significant adverse impact on the environment and the Village Board adopts a negative declaration with respect to the same; and further

RESOLVED that the Village Board of the Village of Johnson City hereby determines that the building at 5-11 Avenue C, Johnson City, NY is unsafe or dangerous to the public and orders it to be immediately secured. Because the property owner has neglected or refused to repair and secure the same within the time provided, the Village Board hereby determines said building may be secured by whatever means it deems appropriate and may assess all costs and expenses incurred by the Village of Johnson City in connection with securing the building, against the land on which said building is located; and further

RESOLVED that in the event of refusal or neglect of the owner to comply with this Resolution and the prior notices, the owner must start the actions required by the Code Department by October 6, 2026 and complete them by December 6, 2022, and if upon inspection of the structure by the Code Enforcement Officer there is confirmation that the actions have not been completed by December 6, 2022 as ordered by the Village Board and set forth in the notice and herein, that the Village shall take such actions necessary and shall assess such expenses to the property; and further

RESOLVED that this Resolution shall take effect immediately.

Resolution 251 of 2022

A motion to authorize the Mayor, or his designee, to sign the Memorandum of Understanding with exhibits with the Broome County Office of Emergency Services for installing the new Public Safety radio system with subscriber equipment.

Resolution 252 of 2022

A motion to approve a request from Charles Stuck on behalf of the residents of Orchard Avenue to close the road on Sunday, September 11, 2022 from 4:00pm to 6:00pm for a neighborhood block party.

Resolution 253 of 2022

A motion to approve a request from William Giblin, Owner of Giblin's, 256 Main Street to close Wilbrow Alley on Sunday, September 11, 2022 from 10:00am – 7:00pm as part of Giblin's Annual Golf Tournament contingent upon supplying the Village with proper insurance coverage and naming the Village as an additional insured for the event.

Resolution 254 of 2022

Waive penalties in the amount of \$200.00 for Binghamton Associates NY LLC for 57 Miriam Street.

Resolution 255 of 2022

A motion to forgive Code Enforcement and Refuse violation fees in the amount of \$750.00 for TinyHomes, LLC at 463 Main Street.

Resolution 256 of 2022

Waive code violation fee in the amount of \$250.00 for Gladys Gonzalez, 207 Floral Avenue.

Resolution 257 of 2022

RESOLUTION INTRODUCING A PROPOSED LOCAL LAW

WHEREAS, a local law entitled "A LOCAL LAW AMENDING CHAPTER 300 OF THE VILLAGE CODE ENTITLED 'ZONING' REGARDING SIGNS AUTHORIZED WITHOUT A PERMIT" 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 October 4, 2022; 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 258 of 2022

Approve travel request for Village Justice Gregory Thomas for registration and attendance at the New York State Magistrates Association annual conference October 30, 2022 – November 2, 2022 in Saratoga Springs, New York at a cost of \$1,098.01 less New York State reimbursement of \$342.75 for a total \$773.26 from budget line A1110.4.930.

Resolution 259 of 2022

A RESOLUTION APPROVING AGREEMENT WATER MAIN CONSTRUCTION

WHEREAS, the Village of Johnson City and Spark JC, LLC have jointly determined that the construction of and repair of the drainage infrastructure on 601 Harry L. Drive, Johnson City, NY 13790, more particularly described as Tax Map No. 127.77-2-36 is required to support the Spark JC LLC development; and

WHEREAS, Village Law §§11-1108 and 22-2200 outline the procedure by which costs of improvements such as those to be built may be assessed against the owners of the property benefitted by the improvements; and

WHEREAS, to expedite the construction and repair of the drainage infrastructure the Village and Spark JC LLC have entered into negotiations whereby Spark JC LLC will construct certain the infrastructure as further outlined in the attached and incorporated herein as Exhibit A Development Agreement; and

WHEREAS, the Village Board of the Village of Johnson City desire to authorize Mayor of the Village of Johnson City to enter into an agreement with Spark JC LLC for such gift of infrastructure and construction work.

NOW, THEREFORE, BE IT RESOLVED pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (“SEQRA”), it has been determined by the Village Board that the sale said property is a Type II action as defined under the SEQRA regulations and no further action is needed; and further

BE IT FURTHER RESOLVED that the Village Board hereby authorize the Mayor or his Designee to execute the Development Agreement, for the construction and repair of the drainage infrastructure between the Village and Spark JC LLC regarding the construction in a form acceptable to counsel.

BE IT FURTHER RESOLVED that this resolution will take effect immediately.

Resolution 260 of 2022

Authorize the Mayor to sign the collective bargaining agreement with the Johnson City Police Benevolent Association.

Resolution 261 of 2022

BOND RESOLUTION DATED SEPTEMBER 6, 2022.

A RESOLUTION AUTHORIZING VARIOUS CAPITAL ITEMS IN AND FOR THE VILLAGE OF JOHNSON CITY, BROOME COUNTY, NEW YORK, AT A TOTAL MAXIMUM ESTIMATED COST OF \$233,362, AND AUTHORIZING THE ISSUANCE OF \$233,362 BONDS OF SAID VILLAGE TO PAY THE COSTS THEREOF.

BE IT RESOLVED by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Johnson City, Broome County, New York, as follows:

Section 1. The following are hereby authorized in and for the Village of Johnson City, Broome County, New York:

- a) New pavement of municipal parking lots, at a maximum estimated cost of \$60,000, being a specific object or purpose having a period of probable usefulness of five years, pursuant to subdivision 20 of paragraph a of Section 11.00 of the Local Finance Law;
- b) Purchase of police vehicles, at a maximum estimated cost of \$93,362, being a class of objects or purposes having a period of probable usefulness of three years, pursuant to subdivision 77 of paragraph a of Section 11.00 of the Local Finance Law; and
- c) Purchase and installation of the new parking kiosks, at a maximum estimated cost of \$80,000 being a class of objects or purposes having a period of probable usefulness of five years, pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The total maximum estimated cost of the aforesaid objects or purposes is \$233,362 and the plan for the financing thereof is by the issuance of \$233,362 bonds of said Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, to be allocated in accordance with the maximum estimated costs set forth in Section 1 hereof.

Section 3. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said Village, provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided

for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The faith and credit of said Village of Johnson City, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with as the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Village hereby designated for such purpose, together with a notice of the Village Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

Resolution 262 of 2022

BOND RESOLUTION DATED SEPTEMBER 6, 2022.

A RESOLUTION AUTHORIZING THE PURCHASE OF TRUCKS AND HEAVY EQUIPMENT IN AND FOR THE VILLAGE OF JOHNSON CITY, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$770,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$770,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Johnson City, Broome County, New York (the "Village"), as follows:

Section 1. The purchase of trucks and heavy equipment in and for the Village of Johnson City, Broome County, New York, including costs incidental thereto, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$770,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$770,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Johnson City, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of

and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **This resolution is adopted subject to permissive referendum.**

Resolution 263 of 2022

BOND RESOLUTION DATED SEPTEMBER 6, 2022.

A RESOLUTION AUTHORIZING THE RECONSTRUCTION AND RESURFACING OF NORTH BROAD STREET IN AND FOR THE VILLAGE OF JOHNSON CITY, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,750,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$550,000 SERIAL BONDS OF SAID VILLAGE TO PAY PART OF THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Johnson City, Broome County, New York (the "Village"), as follows:

Section 1. The reconstruction and resurfacing of North Broad Street in and for the Village of Johnson City, Broome County, New York, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving rights-of-way and sewer and water improvements and costs incidental thereto, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$1,750,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is (i) by the issuance of \$550,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, and (ii) by the application of \$1,200,000 current available funds.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Johnson City, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,
and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **This resolution is adopted subject to permissive referendum.**

Resolution 264 of 2022

BOND RESOLUTION DATED SEPTEMBER 6, 2022.

A RESOLUTION AUTHORIZING THE RECONSTRUCTION AND RESURFACING OF DAVIS AVENUE IN AND FOR THE VILLAGE OF JOHNSON CITY, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,200,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE

REFERENDUM, THE ISSUANCE OF \$800,000 SERIAL BONDS OF SAID VILLAGE TO PAY PART OF THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Johnson City, Broome County, New York (the "Village"), as follows:

Section 1. The reconstruction and resurfacing of Davis Avenue in and for the Village of Johnson City, Broome County, New York, including sidewalks, curbs, gutters, drainage, landscaping, grading or improving rights-of-way and sewer and water improvements and costs incidental thereto, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$1,200,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is (i) by the issuance of \$800,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, and (ii) by the application of \$400,000 from the sewer fund.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Johnson City, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Resolution 265 of 2022

BOND RESOLUTION DATED SEPTEMBER 6, 2022.

A RESOLUTION AUTHORIZING IMPROVEMENTS TO SIDEWALKS AND CURBS IN AND FOR THE VILLAGE OF JOHNSON CITY, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$200,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$200,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Johnson City, Broome County, New York (the "Village"), as follows:

Section 1. Improvements to sidewalks and curbs in and for the Village of Johnson City, Broome County, New York, including other improvements and costs incidental thereto, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$200,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$200,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision 24 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Johnson City, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **This resolution is adopted subject to permissive referendum.**

Resolution 266 of 2022

BOND RESOLUTION DATED SEPTEMBER 6, 2022.

A RESOLUTION AUTHORIZING THE REHABILITATION OF THE LESTER AVENUE BRIDGE IN AND FOR THE VILLAGE OF JOHNSON CITY, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$3,220,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$3,220,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Johnson City, Broome County, New York (the "Village"), as follows:

Section 1. The rehabilitation of the Lester Avenue Bridge in and for the Village of Johnson City, Broome County, New York, including costs incidental thereto, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$3,220,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$3,220,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 10 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Johnson City, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **This resolution is adopted subject to permissive referendum.**

Resolution 267 of 2022

BOND RESOLUTION DATED SEPTEMBER 6, 2022.

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A DPW FACILITY AT 60 LESTER AVENUE IN AND FOR THE VILLAGE OF JOHNSON CITY, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$12,000,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$12,000,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Johnson City, Broome County, New York (the "Village"), as follows:

Section 1. The construction of a DPW facility at 60 Lester Avenue in and for the Village of Johnson City, Broome County, New York, including costs incidental thereto, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$12,000,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$12,000,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 11 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Johnson City, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **This resolution is adopted subject to permissive referendum.**

Resolution 268 of 2022

BOND RESOLUTION DATED SEPTEMBER 6, 2022.

A RESOLUTION AUTHORIZING THE FLORAL AVENUE PAVEMENT PROJECT IN AND FOR THE VILLAGE OF JOHNSON CITY, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$224,790 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$224,790 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Johnson City, Broome County, New York (the "Village"), as follows:

Section 1. The Floral Avenue Pavement Project in and for the Village of Johnson City, Broome County, New York, including costs incidental thereto, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$224,790.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$224,790 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Johnson City, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the

taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **This resolution is adopted subject to permissive referendum.**

Resolution 276 of 2022

BOND RESOLUTION DATED SEPTEMBER 6, 2022.

A RESOLUTION AUTHORIZING JOHNSON CITY DISTRICT IMPROVEMENTS IN AND FOR THE VILLAGE OF JOHNSON CITY, BROOME COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,024,650 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$1,024,650 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Johnson City, Broome County, New York (the "Village"), as follows:

Section 1. Johnson City District improvements in and for the Village of Johnson City, Broome County, New York, consisting of improvements to streetscapes, gateways, parks and stormwater mitigation, as well as costs incidental thereto, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$1,024,650.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,024,650 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 91 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Johnson City, Broome County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **This resolution is adopted subject to permissive referendum.**

PUBLIC SAFETY

FIRE

Resolution 269 of 2022

Accept FEMA AFG grant EMW-2021-FG-10262 in the award amount of \$11,857.14, federal funding for the purpose of purchasing turnout gear.

POLICE – No new business

PUBLIC WORKS

Resolution 270 of 2022

Authorize the Mayor to sign a PSA with Timothy Sherman Supervisor of Public Works.

Resolution 271 of 2022

Authorize the Director of Public Services to sign the proposal from Atlantic Testing Laboratories for Special Inspection and Construction Materials Testing on the 60 Lester Ave Construction project.

Resolution 272 of 2022

A motion to amend the salary of Timothy Sherman, provisional Supervisor of Public Works to a rate of \$32.37 per hour, effective September 1, 2022.

RECREATION – No new business

PLANNING, ZONING & CODE ENFORCEMENT

Resolution 273 of 2022

Motion to award the lawn cutting services contract for the Code Department to the lowest responsible bidder, TLC Landscaping and Lawn Services; and motion to authorize the Fire Marshal or his designee to execute any documents necessary to effectuate the same.

Resolution 274 of 2022

Motion to award the tree, limb, and brush removal services contract for the Code Department to the lowest responsible bidder, TLC Landscaping and Lawn Services; and motion to authorize the Fire Marshal or his designee to execute any documents necessary to effectuate the same.

Resolution 275 of 2022

A motion to set a public hearing to consider Broome County's Restore NY grant application for Oakdale Commons (601 Harry L Drive, Johnson City NY; tax map No: 127.77-2-36 owned by Spark JC LLC) on September 20, 2022 at 7:30 PM at Village Hall, 243 Main Street, Johnson City, NY.

JOINT SEWAGE TREATMENT BOARD – No new business

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. 15 FOR THE YEAR 2022**

**A LOCAL LAW ADDING “OVERDOSE PREVENTION CENTERS,
HEROIN SAFE ZONES, SUPERVISED CONSUMPTION FACILITIES
OR SUPERVISED INJECTION SITES” TO THE VILLAGE CODE**

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

Section 1. A new Section 300-40.22 shall be added to the Village Code as follows:

300-40.22 Overdose Prevention Centers, Heroin Safe Zones, Supervised Consumption Facilities or Supervised Injection Sites.

- A. Definition: Overdose Prevention Centers, Heroin Safe Zones, Supervised Consumption Facilities or Supervised Injection Sites (hereinafter OPC) are medically supervised facilities designed to provide an environment in which people are able to consume, ingest, inject or otherwise use illicit recreational drugs; intravenously or otherwise. OPC does not include facilities with harm reduction programs (e.g. syringe exchange programs) unless the programs include the supervised consumption, ingestion, injection or use of an illicit recreation drug.
- B. Prohibition: No person shall cause or permit the establishment of any type of OPC within the I-District overlay or within 250 feet of any building containing residential dwelling or rooming units or within 500 feet of any church, school, park, playground, amusement arcade or existing OPC.
- C. Where allowed, an OPC will only be allowed by special use permit, provided the following:
- (1) Compliance with applicable Articles of the Code, including but not limited to: Special Use Permit obligations (Article 66), Landscaping (Article 54), signage (Article 53), and lighting (Article 55).
 - (2) Such OPC shall in all cases comply fully with any licensing requirements of New York State (and any State Department), the County (and any County Department), all other applicable designated authorities; and comply with all local, state and federal rules, laws and regulations.
 - (3) In order to prevent concentration of OPCs and to lessen the impact on a neighborhood, the Planning Board shall exercise discretion in considering such special permit application in order that the facilities have a minimal and reasonable impact. This impact will consider amongst other factors, hours of operation, storage of controlled substances, traffic, parking, and safety for both the proposed served population and the neighborhood.
 - (4) The Planning Board may require as a condition of approval any safeguards necessary to protect the character and value of lands in the area, including requirements for reservation of lands or funds to increase public recreational facilities supportive of such facilities. Additionally, where such facilities are eligible for tax exemption, the Planning Board is encouraged to request an equitable payment of fees in lieu of taxes or Host Community Agreement to offset the costs of public services to such facilities.
 - (5) No offensive, noise, vibration, smoke, dust, odors, heat, light, or glare shall be produced.

Section 2. Section 300-70.2 shall be amended as follows:

Add alphabetically under “Definitions”:

OVERDOSE PREVENTION CENTERS, HEROIN SAFE ZONES, SUPERVISED CONSUMPTION FACILITIES OR SUPERVISED INJECTION SITES (OPC)

Medically supervised facilities designed to provide an environment in which people are able to consume, ingest, inject or otherwise use illicit recreational drugs; intravenously or otherwise. OPC does not include facilities with harm reduction programs (e.g. syringe exchange programs) unless the programs include the supervised consumption, ingestion, injection or use of an illicit recreation drug.

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. ____ FOR THE YEAR 2022

A LOCAL LAW AMENDING CHAPTER 300 OF THE VILLAGE CODE
ENTITLED ‘ZONING’ REGARDING SIGNS AUTHORIZED WITHOUT A PERMIT

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

Section 1. Section 300-52.3D of the Village Code entitled “Signs authorized without a permit” shall hereby be repealed and replaced with:

D.

- (1) Works of art not displaying a commercial message in all areas, except those owned by the Village: Such works of art are subject to size regulations via wall signs as detailed in Tables 52-5 and 52-6.
- (2) Works of art not displaying a commercial message on Village-owned property: Upon recommendation of Planning and Zoning staff, such works of art are permitted with Village Board approval and are exempt from size regulations.

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.

THIS DEVELOPMENT AGREEMENT (the “**Agreement**”) is made and entered into this ____ day of September 2022, by and between the **VILLAGE OF JOHNSON CITY**, a municipal corporation of the State of New York, situate in Broome County (the “**Village**”), having offices at 243 Main Street, Johnson City, NY and **SPARK JC LLC** (“**Developer**”), having offices at 320 N. Jensen Road, Vestal, NY.

RECITALS

WHEREAS, Developer is the fee owner of certain land and buildings located in the Village of Johnson City, Town of Union, County of Broome, State of New York, designated as Tax Map No. 127.77-2-36 of Broome County, hereinafter referred to as the “**Premises**”; and

WHEREAS, Developer is undertaking the redevelopment of a shopping mall on the Premises (the “**Project**”); and

WHEREAS, the Village owns and is responsible for the maintenance and repair of storm water drainage system currently located on and under the Premises (the “**System**”), in light of the expanded improvements nearby the System as part of the Project, the Village is requiring that the System be repaired; and

WHEREAS, the parties wish to set forth their understanding with respect to the repair of the System;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto agree as follows:

AGREEMENT

1. **Recitals.** The parties hereto adopt the terms and conditions of the Recitals clauses set forth above.

2. **Improvements.** The parties hereby agree that the specifications for the required repair of the System are set forth on **Exhibit “A”** annexed hereto and made a part hereof (the “**Improvements**”). Within 30 days from September 7, 2022, the Developer shall provide any and all additional specifications and construction details for the Improvements as may be required, which shall be subject to the review and approval of the Village. The Village shall respond in approval or disapproval of the specifications and details within ten (10) days of receipt. If either party disapproves the specifications and details, such party shall detail the reasons for such disapproval with sufficient particularity to allow the Developer to revise and resubmit same for approval. The re-submission and approval process shall continue with the same time constraints until approved by the Village.

3. **Cooperative Effort:** The parties shall mutually cooperate in connection with the design, permitting and construction of the Improvements in a manner that will not delay Developer’s construction of the Project.

4. **Development Approvals:** The parties understand and agree that the Developer shall have no obligation under this Agreement if it is unable to obtain all appropriate permits and approvals for the Project. In such an event, this Agreement shall be terminated, and all approvals voided.

5. **Construction of Improvements.** The Developer agrees that upon receipt of all permits and approvals for the Project from all affected governmental entities, it shall cause a licensed and insured contractor to complete the construction of the Improvements. Developer shall be responsible for bidding the project and supervising the work in connection with the construction of the Improvements. Developer’s obligations as to the Improvements shall terminate on completion of the Improvements.

6. **Costs of Development.** The Developer shall share all costs associated with the design and construction of the Improvements, including all costs to acquire all necessary permits and approvals for the Improvements (the “**Costs**”). Developer shall be responsible for the Costs of the Improvements to the System. The Village shall contribute to the Costs of the Improvements via the purchase of certain materials, specifically, the purchase of rebar, and pipe material for the Improvements in the amount of \$81,920.05. Additionally, the Village shall contribute approximately \$63,079.85 worth of crusher run to be utilized in the Improvements of the System.

7. **Limitation of Liability:**

a. Except for the construction of and its obligation to bid out the project and thereafter cause a licensed and insured contractor to complete the Improvements in accordance with this Agreement, the parties acknowledge that Developer shall have absolutely no obligation or liability whatsoever with respect to or arising from the design, construction, installation, use, maintenance, repair or replacement of the Improvements. Once the Improvements are complete, Developer shall have absolutely no obligation or liability whatsoever with respect to or arising from the design, construction, installation, use, maintenance, repair or replacement of the Improvements.

b. As part of the development of the Improvements, Developer shall obtain from the contractor hired to complete the construction of the Improvements a limited warranty with respect to the Improvements. Developer shall assign to the Village all of its rights under such warranty solely as they relate to the Improvements.

c. The Village agrees to look solely to the estate and property of the Developer, its successors and assigns, for the collection of any judgment (or other judicial process) requiring the payment of money by the Developer or requiring the performance by Developer of any obligation of this Agreement in the event of any default or breach by Developer with respect to any of the terms covenants or conditions of the Agreement to be observed or performed by Developer (subject always, however, to the prior rights of any mortgagees of the Premises).

d. No officer, director or shareholder of Developer shall have any personal or individual liability pursuant to this Agreement. If the Project, or the Developer rights to this Project or the Premises, are sold or transferred, the Developer shall not transfer any obligations under this Agreement without the express written consent of the Village, whose consent shall not be unreasonably withheld, delayed or conditioned.

e. In addition to the indemnity obligations of the Village under the Permanent Easements, Village agrees to indemnify, defend and hold harmless Developer and its partners, members, managers, shareholders, directors, officers, employees, servants, representatives and agents to the fullest extent permitted by law from and against any and all claims, loss (including attorneys' fees, witnesses' fees and court costs), damages, expense and liability resulting from, or arising out of or in connection with the Improvements. The foregoing indemnity shall not include the amount to be paid by Developer under Section 6 of this Agreement. The Developer agrees to indemnify, defend and hold harmless the Village and its employees, officers, agents, successors and assigns to the fullest extent permitted by law from and against any and all claims, losses (including attorneys' fees, witnesses' fees and court costs), damages, expense and liability resulting from, or arising out of or in connection with the construction of the Improvements, including but not limited to any and all obligations of the Developer to comply with NYS labor laws.

f. This entire Section 7 shall survive the expiration or early termination of this Agreement.

8. Termination. This Agreement shall expire and/or terminate as provided below:

a. This Agreement shall expire and be of no further force and effect if the development of the Project and all of the permits and/or approvals required to be issued by the Village for the development of the Project are not issued on or before _____.

b. This Agreement shall terminate when the Improvements have been fully completed and all of the obligations of the Developer are satisfied. It is the intent of the parties that any warranty assigned to the Village shall survive this Agreement pursuant to the terms of the warranty.

9. Specific Performance. The parties specifically agree that damages are not an adequate remedy for breach of this Agreement, and that the parties are entitled to compel specific performance of all material terms of this Agreement by any party in default hereof.

10. Notices. Notices, demands, correspondence to a party shall be sufficiently given if sent pre-paid by certified mail-return receipt requested or reputable overnight courier to the addresses of the parties designated in the beginning of this Agreement. The parties hereto may, from time to time, advise the other of new addresses for such notices, demands or correspondence.

11. Applicable Law. This Agreement shall be construed and enforced in accordance with the laws of the State of New York without regard to any conflicts of law principles.

12. Attorneys' Fees. In the event of any dispute between the parties regarding the enforcement or effect of this Agreement, including one subject to arbitration, the non-prevailing party in any such dispute shall pay the prevailing party's reasonable attorneys' fees and costs incurred. In the event of arbitration, the fees of the arbitrator and the cost of the arbitration shall be paid by the non-prevailing party. In the event that neither party wholly prevails, the court or arbitrator, as applicable, may apportion the costs or fees as the court or arbitrator deems appropriate.

13. Waiver. No waiver by any party of any of the provisions hereof shall be effective unless explicitly set forth in writing and signed by the party so waiving. No waiver by any party shall operate or be construed as a waiver in respect of any failure, breach, or default not expressly identified by such written waiver, whether of a similar or different character, and whether occurring before or after that waiver. No failure to exercise, or delay in exercising, any right, remedy, power, or privilege arising from this Agreement shall operate or be construed as a waiver thereof; nor shall any single or partial exercise of any right, remedy, power, or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, remedy, power, or privilege.

14. General Interpretation. For purposes of this Agreement, (a) the words "include," "includes," and "including" are deemed to be followed by the words "without limitation"; (b) the word "or" is not exclusive; and (c) the words "herein," "hereof," "hereby," "hereto," and "hereunder" refer to this Agreement as a whole. Unless the context otherwise requires, references herein: (x) to sections, schedules, and exhibits mean the sections of, and schedules and exhibits attached to, this

Agreement; (y) to an agreement, instrument, or other document means such agreement, instrument, or other document as amended, supplemented, and modified from time to time to the extent permitted by the provisions thereof; and (z) to a statute means such statute as amended from time to time and includes any successor legislation thereto and any regulations promulgated thereunder. This Agreement shall be construed without regard to any presumption or rule requiring construction or interpretation against the party drafting an instrument or causing any instrument to be drafted. The schedules and exhibits referred to herein shall be construed with, and as an integral part of, this Agreement to the same extent as if they were set forth verbatim herein.

15. Severability: In the event that any term of this Agreement is deemed to be invalid, illegal, or otherwise unenforceable (1) the parties shall use all reasonable efforts to negotiate in good faith to amend the term to eliminate any such invalidity, illegality, or unenforceability to the extent practically possible, taking into full account their original intent when entering into this Agreement in the first instance, and (2) the remaining provisions hereof shall continue in full force and effect.

16. Amendment. This Agreement may not be modified, amended, or terminated except in a writing signed by each party hereto.

17. Counterparts. This Agreement may be executed by the parties hereto in separate counterparts, each of which when so executed and delivered shall be deemed an original for all purposes, and all such counterparts shall together constitute but one and the same instrument. A signed copy of this Agreement delivered by email shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

18. Authority. Both parties represent and warrant that they have the authority to execute this Agreement and each individual signing on behalf of a party to this Agreement states that he or she is the duly authorized representative of the signing party and that his or her signature on this Agreement has been duly authorized by, and creates the binding and enforceable obligation of, the party on whose behalf the representative is signing.

19. Further Cooperation. Each of the signatories to this Agreement agree to execute such other documents and to perform such other acts as may be reasonably necessary or desirable to further the expressed intent and purpose of this Agreement.

20. Entire Agreement. This Agreement constitutes the sole and entire agreement of the parties to this Agreement with respect to the subject matter contained herein. This Agreement supersedes all prior and contemporaneous understandings, agreements, representations, and warranties, both written and oral, with respect to such subject matter; provided that nothing in this Agreement shall eliminate or alter the rights or obligations of Developer or the Village under the Permanent Easements recorded on January 16, 1974 in the office of the Broome County Clerk in Liber of Deeds book 1210, Page 415, as same is being modified on this date.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the dates set forth below:

SPARK JC LLC

VILLAGE OF JOHNSON CITY

By: _____
Name:
Title:

By: _____
Name:
Title:

STATE OF NEW YORK

ss:
COUNTY OF _____

On the ____ day of September in the year 2022, before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK

ss:
COUNTY OF _____

On the ____ day of September in the year 2022, before me, the undersigned, personally appeared _____,
personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the
within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument,
the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

DuroMaxx® Specification Sheet

Scope

This specification describes DuroMaxx® pipe for use such as storm sewers, sanitary sewers, industrial waste applications, drainage pipes, underground detention, infiltration, cistern or rainwater harvesting systems in 30" (750 mm) through 120" (3000 mm) nominal diameters.

Description

DuroMaxx is a reinforced polyethylene pipe with a smooth waterway wall and exterior profile that is reinforced with high strength galvanized steel ribs. The continuous reinforcing ribs are completely encased within the polyethylene profile. DuroMaxx is manufactured using a helical winding process that results in a continuously fusion welded lap seam. The pipe profile is manufactured using high-quality stress-rated thermoplastic meeting the requirements of ASTM F2562 "Standard Specification for Steel Reinforced Thermoplastic Ribbed Pipe and Fittings for Non-Pressure Drainage and Sewerage" or AASHTO Designation M335 and MP-40. For the purpose of hydraulic design, the recommended Manning's "n" value shall be 0.012 for pipe diameters included within this specification.

Material Properties

Virgin high density polyethylene stress-rated resins are used to manufacture DuroMaxx pipe and complimentary fabricated fittings. Resins shall conform to the minimum requirements of cell classification 345464C as defined and described in the latest version of ASTM D3350 "Standard Specification for Polyethylene Plastics Pipe and Fittings Materials".

Joint Performance

Pipe lengths shall be joined on site using coupling bands, bell & spigots or welded couplers especially designed for DuroMaxx pipe. Joints shall meet one of the performance levels as required and specified:

- **Soil Tight Joints** (30" – 120"") shall be plain ended DuroMaxx pipe with Aluminized Type 2 (or optional Polymeric coated) CMP coupling bands and elastomeric gaskets (see Standard Drawings 1012802).
- **High Performance (HP) Joints** (30" – 72") shall be gasketed, bell and spigot joints where both the bell and spigot are reinforced with steel that is fully encased in stress-rated high density polyethylene (meeting the requirements set forth in the above Material Properties paragraph) and that have been laboratory tested to 10.8 psi in accordance with ASTM D3212 "Standard Specification for Joints for Drain and Sewer Plastic Pipes Using Flexible Elastomeric Seals" (see Standard Drawing 1012804).
- **Welded Joints** (36" – 120") shall utilize plain ended DuroMaxx pipe welded together utilizing exclusive pressure testable extrusion welded (WC) couplers. Field welding to be performed by DVS or AWS certified HDPE welding technician with a minimum of two years HDPE pipe welding experiences.

Fittings

Only those fittings supplied by or recommended by the manufacturer shall be used.

Installation

Installation shall be in accordance with ASTM D2321 "Practice for Underground Installation of Thermoplastic Pipe for Sewers and Other Gravity-Flow Applications" along with product-specific recommendations contained in Contech Installation Guidelines for DuroMaxx pipe, available from local Contech representatives or from www.conteches.com.

Pipe Dimensions and Cover Limits

Nominal Pipe Size	Outside Diameter	Unit Weight*	Minimum Waterway Wall Thickness (t ₁)	Minimum Cover**	Maximum Cover
-------------------	------------------	--------------	---	-----------------	---------------

inch	in. [mm]	lbs./ft	in.	[mm]	ft.	[m]	ft.	[m]
30	30.9 [785]	15.5	.082	[2.08]	1	[.305]	50	[15.2]
36	37.1 [942]	20.8	.082	[2.08]	1	[.305]	50	[15.2]
42	43.2 [1097]	26.5	.082	[2.08]	1	[.305]	50	[15.2]
48	49.5 [1257]	29.1	.130	[3.30]	1	[.305]	30	[9.1]
54	55.5 [1410]	34.7	.130	[3.30]	1	[.305]	30	[9.1]
60	61.4 [1560]	41.6	.130	[3.30]	1	[.305]	30	[9.1]
66	67.8 [1722]	56.9	.220	[5.58]	1.5	{.457}	30	[9.1]
72	74.1[1882]	65.6	.220	[5.58]	1.5	[.457]	30	[9.1]
84	85.9 [2182]	76.3	.220	[5.58]	2	[.610]	30	[9.1]
96	98.3 [2497]	87.0	.220	[5.58]	2	[.610]	30	[9.1]
108	111.3 [2827]	99.7	.220	[5.58]	2.5	[.762]	25	[7.6]
120	121.9 [3097]	109.0	.220	[5.58]	3	[.914]	25	[7.6]

* Approximate weights. Actual weight will vary with length and joint type.

** Minimum and maximum cover limits are for H20/H25 loading.

The Contech Environmental Commitment

Contech is an environmentally conscious company committed to shaping the future of green building and design. DuroMaxx is Contech's newest contribution to our ecofriendly portfolio of civil engineering solutions. Starting with the manufacturing process, DuroMaxx consumes less than 35% of natural resources to produce AASHTO M294 HDPE pipe. The green design continues with DuroMaxx's steel reinforced ribs which are made of recycled steel in content levels ranging from 55-80%. Plus, when utilized appropriately, it can contribute to a variety of the U.S. Green Building Council's LEED credits in the categories for sustainable sites, water efficiency and landscaping, and materials and resources.



Contech® Engineered Solutions LLC • 9025 Centre Pointe Drive, Suite 400 West Chester, OH 45069 • 1-800-338-1122