



VILLAGE OF JOHNSON CITY

MUNICIPAL BUILDING
243 MAIN STREET • JOHNSON CITY, NY 13790
www.villageofjc.com

Village Board

Gregory Deemie, Mayor
Deputy Mayor Clark Giblin
Trustee Martin Meaney Trustee John Walker Trustee Adam Brown

AGENDA—REGULAR MEETING OF THE VILLAGE BOARD

Tuesday, September 7, 2021 @ 7:30pm at Village Hall, 243 Main St., 1st Floor, Johnson City, NY
Work Session @ 5:00pm

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. FIRE EXITS

3. MAYOR'S ANNOUNCEMENTS

- [3.1] The next Town of Union Board Meeting will be held on Wednesday, September 15, 2021 at 7:00pm with a work session at 5:00pm.
- [3.2] The next regular Village Board Meeting will be Tuesday, September 21, 2021 at 7:30pm with a work session at 5:00pm with the option of going virtual.

4. APPROVAL OF BOARD MINUTES

- [4.1] August 17, 2021 Village Board Meeting Minutes

5. BIDS – None

6. PUBLIC HEARINGS – None

7. PETITIONS RECEIVED – None

8. PRIVILEGE OF THE FLOOR – VISITORS

9. COMMUNICATIONS

- [9.1] Correspondence dated August 16, 2021 from Ronald Gonzalez regarding dog attacks at his Johnson City residence.
- [9.2] Notice of application for liquor license for E Lavin Inc., dba Deacons Bench, 227 Oakdale Road, Johnson City.
- [9.3] Email correspondence dated August 27, 2021 from Raheel Khan of 20 Mildred Avenue regarding water bill.

10. COMMITTEE/BOARD REPORTS

- [10.1] Code Enforcement – No report submitted
- [10.2] Court – No report submitted
- [10.3] Joint Sewage Treatment Plant Reports dated August 31, 2021
- [10.4] Library – No report submitted
- [10.5] Newsletter - No report submitted
- [10.6] Planning Board – July 27, 2021 Meeting Minutes
- [10.7] Public Safety – Nothing to Report
- [10.8] Public Works – Nothing to Report
- [10.9] Zoning Board – Nothing to Report

11. DEPARTMENT REPORTS

- [11.1] Police Department Overtime Report for the weeks of August 5 – August 18, 2021
- [11.2] Fire Department Overtime Report for the weeks of August 5 – August 18, 2021
- [11.3] Fire Department Overtime Report for the weeks of August 19 – September 1, 2021
- [11.4] Police Department Overtime Report for the weeks of August 19 – September 1, 2021

12. PAYROLL AND BILLS PRESENTED

Abstract #5 of the 2021 - 2022 Fiscal bills as stated and or amended and attached to the work session minutes.

GENERAL FUND	\$659,243.86
WATER FUND	\$56,193.05
SEWER FUND	\$13,121.87
REFUSE FUND	\$31,006.11
JSTP	\$19,995.46
VARPUR	\$0
SESAME STREET	\$1,183.95
CAPITAL	\$0
DEBT SERVICE	\$0

13. UNFINISHED BUSINESS

Resolution #2021 – 100

Authorize reduction of water bill for Jenna Mauro and Kyle McKillop, 197/201 Zoa Avenue due to continuing water issues.

14. NEW BUSINESS

FINANCE & RULES (All Board Members)

Resolution #2021 – 124

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 September 21, 2021; 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 #2021 – 125

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 September 21, 2021; 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 #2021 – 126

RESOLUTION INTRODUCING A PROPOSED LOCAL LAW

WHEREAS, a local law entitled “A LOCAL LAW AMENDING CHAPTER 108 OF THE VILLAGE CODE ENTITLED “BICYCLES, ROLLERBLADES, AND SKATEBOARDS” 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 September 21, 2021; 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 #2021 – 127

A motion to authorize the acceptance of the Department of Homeland Security Federal Emergency Management Agency FY 2020 Staffing for Adequate Fire and Emergency Response (“SAFER”) Grant Program (Application No: EMW-2020-FF-01512) and directing the Mayor or his designee to sign any

forms, submit any information or take any and all action to accept the same; contingent upon and provided that the Johnson City Professional Firefighters Association, Local 921 execute a non-precedent setting Memorandum of Agreement with the Village of Johnson City regarding the SAFER Grant that is in a form acceptable to Labor Counsel for the Village.

Resolution #2021 – 128

Authorize the Director of Public Services or his designee to sign a Master Services Agreement with Fisher Associates for Professional Engineering Services in the Village. Task Orders will be added to the Master Services Agreement on an as-needed basis and authorized by the Village Board of Trustees.

Resolution #2021 – 129

Authorize the Director of Public Services or his designee to sign an Agreement with North Point Technology, LLC for Professional Services for the CSO-1 and CSO-2 Computer System Upgrades in the amount of \$13,500.

Resolution #2021 – 130

Authorize the Director of Public Services or his designee to sign an Agreement with Griffiths Engineering for Civil Engineering Services for the Davis Avenue Reconstruction Project in the amount of \$18,945.

Resolution #2021 – 131

Authorize the expansion for the following adopted water budget lines for unforeseen, necessary system repairs:

<u>F8340.4.615</u>	High Lift Building Roof/Building	\$50,000
<u>F8340.4.663</u>	Fairview Booster Station	\$50,000
<u>F8340.4.682</u>	Avenue A Water Main	\$150,000

Resolution #2021 – 132

Authorize the Director of Public Services or his designee to sign an Agreement with Delta Engineers, Architects, & Surveyors for Civil Engineering Services for the North Broad Street Water Line Replacement Project in the amount of \$15,595.

Resolution #2021 – 133

The Board of Trustees has previously agreed to several memorandums of agreement with the Johnson City Police Benevolent Association to extend and modify the collective bargaining agreement between the PBA and the Village. The Village hereby authorizes Mayor Deemie to execute the final, comprehensive agreement between the PBA and Village, which incorporates all of the prior negotiated agreements and modifications of the CBA from 2013 through 2020. As such, the Village agrees to ratify Mayor Deemie's execution of the complete CBA which consolidates all prior agreements between the Village and PBA into a single comprehensive document.

Resolution #2021 – 134

Motion to appoint Stephanie Yezzi to the position of Senior Planner for the Village of Johnson City with a starting date of Thursday, October 7th at a salary of \$55,000.

Resolution #2021 – 135

Motion to appoint Randy Shear to the position of Code Officer for the Village of Johnson City with a starting date of Thursday, September 9th at a salary of \$45,000.

Resolution #2021 – 136

Waive the 30-Day Notice period to E Lavin Inc, d/b/a Deacons Bench, 227 Oakdale Road, for a liquor license with a letter of authorization from the Mayor.

Resolution #2021 – 137

Appoint Jason T Ellis to the position of part-time Village Court Bailiff with a salary of \$20.00 per hour effective Thursday, September 9, 2021. The appointment is contingent upon the completion of a background check.

Resolution #2021 – 138

Approve a request from William Giblin, Owner of Giblin's, 256 Main Street to close Wilbrow Alley on Sunday, September 12, 2021 from 10:00am – 7:00pm as part of the 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 #2021 – 139

WHEREAS, the Village of Johnson City, NY desires to sell the real property located at 333 Grand Avenue and the adjacent parcel located at 154 Allen Street, which are more specifically located at Tax Map #143.71-2-13 and 143.72-1-29, (hereinafter the "Premises"); and

WHEREAS, pursuant to Village Law § 1-102 (1) a village board of trustees may, by resolution, sell real property; and

WHEREAS, the Village Board of Trustees wishes to solicit proposals for the purchase of the Premises, said Request For Proposals ("RFP") is attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the Village Board of Trustees has set forth the terms for such proposals in said RFP; and

WHEREAS, said Premise contains approximately 3.96 and 0.16 acres; and

NOW, THEREFORE, BE IT RESOLVED, that the Village Board hereby authorizes the publication of said RFP for the purposes of soliciting proposals to sell the Premises; and further

RESOLVED that the Village Board hereby authorizes the Mayor and/or Village Clerk to execute any and all documents that are necessary and proper to publish the RFP and solicit proposals as outlined therein; and further

RESOLVED that this Resolution shall take effect immediately.

PUBLIC SAFETY

FIRE (Trustees Giblin & Meaney)

Resolution #2021 – 140

Approve a travel request from Fire Marshal Robert Blakeslee for four attendees at the Recruit Firefighter Training from February 2022 – April/May 2022 at the NYS Academy in Montour Falls, NY at a cost of \$16,000.00 from budget line A3410.4.930.

POLICE (Trustees Giblin & Meaney) – No new business

PUBLIC WORKS (Trustees Walker & Giblin) – No new business

RECREATION (Trustees Walker & Giblin) – No new business

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

JOINT SEWAGE TREATMENT BOARD (Trustees Giblin & Reynolds) – No new business

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 John Walker - jwalker@villageofjc.com

Trustee Adam Brown – abrown@villageofjc.com

**VILLAGE OF JOHNSON CITY
LOCAL LAW NO. ____ FOR THE YEAR 2021**

**A LOCAL LAW AMENDING CHAPTER 264 OF THE VILLAGE CODE
ENTITLED “VEHICLES AND TRAFFIC”**

Section 1. Section 264-61 of the Village Code entitled “Storage and charges” shall hereby be amended as follows:

Add:

- E. If a vehicle has been impounded or immobilized pursuant to any section of this chapter or any other legal authority, and if the vehicle is being stored at a public location, the Village has the ability to set storage fees and charges pursuant to a resolution; which can be changed from time to time. Additionally if a vehicle has been impounded or immobilized pursuant to any section of this chapter or any other legal authority and if the vehicle is being stored a site other than a public location, the village has the ability to set additional administrative fees and charges pursuant to a resolution; which can be changed from time to time. These administrative fees and charges are additional to those already in place.

[The remainder of this section remains the same]

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. Severability

The provisions of this Local Law are severable 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 2021**

**A LOCAL LAW AMENDING CHAPTER 264 OF THE VILLAGE CODE
ENTITLED “VEHICLES AND TRAFFIC”**

Section 1. Chapter 264 of the Village Code shall be amended as follows:

Insert new Article VIII as follows:

Article VIII All-terrain vehicles

§ 264-106 Definitions.

As used in this Article VIII, the following terms shall have the meanings indicated:

ATV

Any all-terrain vehicle as defined under Vehicle and Traffic Law §2281.

PERSONAL VEHICLE

A personal vehicle for purposes of this Article VIII shall be any motorized or otherwise self-propelled vehicle, including but not limited to scooters, minibikes and other motorized bikes and vehicles that are intended to be for the transport of either one or two individuals. For purposes of this Article VIII a personal vehicle does not include a motorcycle which is properly registered with the New York State Department of Motor Vehicles and is operated in accordance with the Vehicle and Traffic Law of the State of New York.

§ 264-107 Prohibited acts.

It shall be unlawful to operate an ATV or personal vehicle in the following locations and/or manner:

- A. Upon public property at any time without express written consent or permit issued by the government agency owning or controlling said property. Any such consent or permit must be filed with the Village Clerk.
- B. In violation of the requirements and regulations of the Department of Motor Vehicles of the State of New York. Should the Department of Motor Vehicles require registration or licensing of said vehicles, it shall be unlawful to operate said vehicle without proper registration, licensing and insurance.
- C. In a careless, reckless or negligent manner so as to endanger the safety of any person, including the operator, or the property of any person.
- D. In a manner that is disturbing and bothersome to adjoining property owners, by reason of resulting noise, dust or other condition arising from the operation of such vehicles.
- E. Without an operable muffler to reduce the sound emitted from the vehicle at a noise level of 75 decibels or below at a property or street boundary line.
- F. On any public roadway.

G. While under the influence of alcohol or drugs as defined in the Vehicle and Traffic Law.

H. Between the hours of 9:00 p.m. and 7:00 a.m., prevailing time.

§ 264-108 Impoundment; Redemption.

- A. A police officer may impound any ATV or personal vehicle upon notice to the owner and operator if:
1. The operator of the ATV or personal vehicle has no evidence of permission to operate the ATV or personal vehicle on private property not owned by the operator or operator's immediate family; or
 2. The ATV or personal vehicle was operated in violation of any provision of this Article or of any state law or regulation.
- B. The Village shall store any ATV or personal vehicle which is impounded in a suitable place at the expense of the owner.
- C. The Village shall, to the extent possible, ascertain the identity of the owner and custodian of the ATV or personal vehicle and notify the owner of the impoundment and the requirements to redeem the same.
- D. The owner may redeem the ATV or personal vehicle from impoundment upon production of proof of ownership, payment of any fines imposed under § 264-110, and payment of all removal and storage fees as may be set from time to time by resolution of the Village Board of Trustees to cover the costs to the Village of the removal and storage.
- E. Any ATV or personal vehicle which is not redeemed within 10 business days of notification to the owner of the impoundment if the owner can be identified, or within 10 business days of the impoundment if the owner or the owner's address are not known, shall be treated as an abandoned vehicle under § 1224 of the Vehicle and Traffic Law.

§ 264-109 Enforcement.

- A. This Article VIII shall be enforced by the Village Police Department and any other police agency with jurisdiction. The Police Department or other such police agency shall have the right and authority to issue an appearance ticket or simplified appearance ticket pursuant to law.
- B. A declaration signed by an owner of private property and filed with the Village Clerk, stating that operation of ATVs on the property is not permitted or that such operation is a trespass, shall be prima facie evidence of a violation of this Article VIII by any person operating an ATV or personal vehicle on such property.

§ 264-110 Penalties for offenses.

- A. A violation of this Article VIII shall be an offense. Upon conviction of an offense, the offender shall be subject to a fine not to exceed \$500 for a first offense and \$750 for a second offense and each subsequent offense committed within a twelve-month period measured from the date of the first offense. Each violation of any provision of this Article VIII shall be deemed a separate and distinct

offense. A person may be charged with more than one offense and shall be subject to imposition of a fine for each such offense.

- B. Aggravated offense. It shall be an aggravated offense if the use of an ATV or personal vehicle in violation of this Article VIII results in injury to any person. The person found to have committed an aggravated offense shall be subject to doubling of the fines set forth in this Article VIII.

§ 264-111 Exclusions.

This Article VIII shall not apply to the operation of any ATV or personal vehicle in the regular course of a lawful business or to the operation of the ATV or personal vehicle under circumstances regulated by any agency of the State of New York, or to any ATV or personal vehicle operated by a public official or public employee in his official capacity for a public purpose, including emergency service, police protection, fire protection and public works activity.

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. Severability

The provisions of this Local Law are severable 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 2021**

**A LOCAL LAW AMENDING CHAPTER 108 OF THE VILLAGE CODE
ENTITLED “BICYCLES, ROLLERBLADES, AND SKATEBOARDS”**

Section 1. Chapter 108 of the Village Code shall be amended as follows:

§ 108-1. Applicability of traffic regulations.

Insert the following after the word “bicycle”: ,bicycle with electric assist, electric scooter.

§ 108-2. Obedience to police officers, traffic-control devices.

Insert the following after the word “bicycle”: ,bicycle with electric assist, electric scooter.

§ 108-3. Operations generally.

Insert the following after the word “bicycle”: ,bicycle with electric assist, electric scooter.

§ 108-4. Speed.

Insert the following after the word “bicycle”: ,bicycle with electric assist, electric scooter.

[§ 108-5. Riding on bicycles generally.](#)

A. *Insert the following after the word “bicycle”:* ,bicycle with electric assist, or electric scooter.

B. *Insert the following after the word “bicycle”:* ,bicycle with electric assist, or electric scooter.

[§ 108-6. Riding on right; care to be used in passing.](#)

Insert the following after the word “bicycle”: ,bicycle with electric assist, electric scooter.

[§ 108-7. Emerging from alley or driveway; duty to yield right-of-way.](#)

Insert the following after the word “bicycle”: ,bicycle with electric assist, or electric scooter.

[§ 108-8. Parking.](#)

Insert the following after each use of the word “bicycle”: ,bicycle with electric assist, or electric scooter.

[§ 108-9. Clinging to vehicles.](#)

Insert the following after the word “bicycle”: ,bicycle with electric assist, electric scooter.

[§ 108-10. Riding in groups.](#)

Insert the following after the word “bicycle”: ,bicycle with electric assist, electric scooter.

[§ 108-11. Carrying packages, etc.](#)

Insert the following after the word “bicycle”: ,bicycle with electric assist, electric scooter.

[§ 108-12. Riding on sidewalks.](#)

A. *Insert the following after the word “bicycle”:* ,bicycle with electric assist, electric scooter.

B. *Insert the following after the word “bicycle”:* ,bicycle with electric assist, electric scooter.

C. *Insert the following after the word “bicycle”:* ,bicycle with electric assist, electric scooter.

§ 108-13. Riding in public parks, playgrounds.

Insert the following after the word "bicycle": ,bicycle with electric assist, electric scooter.

§ 108-14. Authority to impound.

When any bicycle, bicycle with electric assist, or electric scooter is parked, abandoned or kept motionless on any sidewalk, not in accordance with § 108-8 hereinabove described, said bicycle, bicycle with electric assist, or electric scooter may be removed by the Village of Johnson City Police.

- A. When any bicycle, bicycle with electric assist, or electric scooter is found unattended on any public highway in the Village of Johnson City where such bicycle constitutes an obstruction of traffic, such bicycle, bicycle with electric assist, or electric scooter may be removed by the Village of Johnson City Police.
- B. When any bicycle, bicycle with electric assist, or electric scooter is parked or abandoned within the Village of Johnson City where parking, stopping or standing is prohibited or said bicycle, bicycle with electric assist, or electric scooter is parked upon private property without the consent of the owner of such property, such bicycle, bicycle with electric assist, or electric scooter may be removed by the Village of Johnson City Police.
- C. Any bicycle, bicycle with electric assist, or electric scooter operated or possessed in violation of this chapter may be removed by the Village of Johnson City Police.

§ 108-15. Redemption.

- A. Prior to releasing any bicycle, bicycle with electric assist, or electric scooter removed by the Village of Johnson City Police under the authority of the preceding sections, the alleged owner of the bicycle, bicycle with electric assist, or electric scooter shall execute a sworn affidavit, under penalty of perjury, describing the bicycle, bicycle with electric assist, or electric scooter and alleging ownership of the bicycle, bicycle with electric assist, or electric scooter by the affiant. Such sworn statements shall be a record kept and maintained by the Village of Johnson City Police Department.
- B. The owner of the impounded bicycle, bicycle with electric assist, or electric scooter shall also be required to pay an impound charge for the removal, a charge for attempting to notify the owner and a storage fee for every day after removed, such total amount to be paid to the desk sergeant before release of the bicycle, bicycle with electric assist, or electric scooter. Such charges and fees shall be set by resolution of the Village of Johnson City Board of Trustees.
- C. An impound form shall be used by the Village of Johnson City Police for each removal.
- D. Redemption of any bicycle, bicycle with electric assist, or electric scooter shall be made from the Village of Johnson City Police Department during the hours of 8:30 a.m. to 3:30 p.m., Monday through Friday, excluding holidays.

§ 108-16. Disposition of any unclaimed bicycle, bicycle with electric assist, or electric scooter.

The disposition of any unclaimed bicycle, bicycle with electric assist, or electric scooter shall be governed by Article 7-B of the Personal Property Law as may be modified by resolution of the Village of Johnson City Board of Trustees pursuant to General Municipal Law § 250.

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.