



VILLAGE OF JOHNSON CITY

MUNICIPAL BUILDING
243 MAIN STREET • JOHNSON CITY, NY 13790
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Village Board

Gregory Deemie, Mayor

Richard Balles, Trustee

Deborah Fuller, Trustee

Martin Meaney, Trustee

John Walker, Trustee

Minutes of a Work Session of the Johnson City Village Board held at 5:30pm on Tuesday, September 20, 2016 in the Municipal Building, 243 Main St., Johnson City

Present: Gregory Deemie, Mayor
Richard Balles, Trustee
John Walker, Trustee
Deborah Fuller, Trustee
Martin Meaney, Trustee

Absent: None

Also Present: Cindy Kennerup, Village Clerk/Treasurer
Jeff Jacobs, Attorney for the Village

The Board met with Administrative Support Unit representatives Phillip Johnson and Diane Busko to discuss the Collective Bargaining Agreement with the Administrative Support Unit.

EXECUTIVE SESSION #1

A motion to enter into executive session at 5:31pm to discuss the Collective Bargaining Agreement with the Administrative Support Unit was made by Trustee Meaney and seconded by Trustee Walker. The motion carried with all those present voting in the affirmative.

A motion to exit the executive session at 6:01pm was made by Trustee Meaney and seconded by Trustee Fuller. The motion carried with all those present voting in the affirmative.

EXECUTIVE SESSION #2

A motion to enter into executive session at 6:02pm to discuss the Collective Bargaining Agreement with the Court Staff was made by Trustee Walker and seconded by Trustee Meaney. The motion carried with all those present voting in the affirmative.

A motion to exit the executive session at 6:03pm was made by Trustee Fuller and seconded by Trustee Meaney. The motion carried with all those present voting in the affirmative.

The Board met with Commander Thomas Nedlik from the American Legion Post 758 to discuss moving the monument at the former American Legion on Main Street. (When the recorder was turned back after the executive session the discussion was already underway.)

Mayor Deemie stated that he has spoken to Bob and can get the concrete done. Mayor Deemie stated he would reach out to Justin Marchuska to see if he is still involved in moving the monument. If he is not, Mayor Deemie stated that we will still find a way get it moved - that won't be a problem. Our biggest thing is where do we want to put it. Getting it there is not going to be the issue. Commander Nedlik stated that they went over and took a look at the spot and have it mapped out. Commander



VILLAGE OF JOHNSON CITY

Nedlik spoke about a tree that would need to be removed or cut down. Maybe it can be saved. Mayor Deemie stated that he was going to have it replanted at CFJ Park because we are missing a few trees there. Trustee Balles stated that DPW could probably move it. Mayor Deemie stated that he already spoke to Bob and he said they could. Commander Nedlik showed a picture of another location for the monument in front of the gazebo. At this location they wouldn't have to worry about moving or damaging the tree. Mayor Deemie explained that the only problem with putting it out in front there is that is it would be blocking some of the view of the rest monument that is there and the adjacent tree will be growing and getting in the way. Commander Nedlik stated that it would be good to have all of the monuments close together. Mayor Deemie explained that he would have a little sidewalk coming from the main sidewalk over to it. Depending on the base we put under it, maybe we could put something around it like it is now. For now it may have a gravel or blacktop walkway. Need to get it moved before November. Commander Nedlik asked about a time frame. Mayor Deemie stated they wanted to make sure that is where they want it moved to. Bob Bennett will go out and measure the base it sits on now and will make a base at least that big. He will get with Bob on a time frame and will reach out to Justin Marchuska to see if he is still willing to move it and if not, how we can it moved. Commander Nedlik described the dedication ceremony they would like to have. Mayor Deemie stated that the monument is important to the whole Village.

Commander Nedlik explained that they are looking for another building and asked what is available to lease or rent in Johnson City. Trustee Fuller asked if the Knights of Columbus building is still available. Trustee Walker stated it is still for sale but part of the issue is that they owe almost \$40,000.00 in back taxes. Mayor Deemie stated that he knows expenses are a concern and mentioned a vacant building near Village Hall which was a dance studio but he believes they are asking \$3,500.00/month. He and the Board will keep their ears open. Commander Nedlik stated they are looking for a place where they could generate some income. Have breakfasts, etc. They recently had a chicken BBQ at the NYPENN Trade Center.

Commander Nedlik updated the Board on plans for their annual Memorial Day parade. They are coordinating with Corinna Johnson. Commander Nedlik asked about a staging area for the parade. Mayor Deemie suggested using the library like they do for the Holiday Parade or maybe by Country Valley Industries. Mayor Deemie stated the Village will support whatever they want. Commander Nedlik explained other changes to the Memorial Day festivities. Trustee Balles asked if they had thought of having chicken BBQ's at the BBQ Pit at Northside Park. Commander Nedlik explained that they have held them there too in the past but they were told they can't put a sign up. Mayor Deemie stated that we need to review the sign code and possibly change that.

Trustee Balles asked about electrical bills and suggest perhaps looking at other providers. Clerk/Treasurer Kennerup stated that we are under contract and are with Constellation. Trustee Balles pointed out the name on the bill and Clerk/Treasurer Kennerup explained that they change their name constantly. Attorney Jacobs asked if we are part of the municipal alliance. Clerk/Treasurer Kennerup stated yes. Trustee Balles stated that if we are not under a contract then start looking at other service providers. Trustee Meaney asked about MEGA (Municipal Electric and Gas Alliance, Inc.) Mayor Deemie explained that MEGA does things a little differently and wants to come talk to us. Trustee Meaney stated that they came to the sewage board last week.

The Board set a special meeting for Wednesday, September 28th at 6pm to discuss the sewage treatment plant.



VILLAGE OF JOHNSON CITY

The Board reviewed the agenda and discussed the resolutions.

- The Mayor added a few items under Mayor's announcements.
- Trustee Walker asked if we had to go with the low bidder for the Village Hall roof and asked if we knew if this was a reputable company. Mayor Deemie explained that the low bidder is working Fred Mirabito with the Garland Co. who has been taking care of our roofs. Attorney Jacobs stated that the low bidder is a known company. Trustee Meaney asked what we budgeted for that. Trustee Walker stated \$200,000.00. Mayor Deemie explained that we are borrowing \$200,000.00. The Mayor explained that with what this is coming in at, the money that is left over he will hopefully use to fix the HVAC in the rest of this building because it is totally screwed up. We are actually getting some quotes to see if we have to go out for formal bid. They are coming in at \$35 – 50,000.00.
- Regarding Res. # 2016-160 which was held over - the proposed IMA with Endicott for the use of the sewer vacuum truck. Mayor Deemie stated that it is in the agreement that Johnson City takes priority over anything that needs to get done. Trustee Meaney asked if the Mayor got a cost for him for the wear and tear to the machinery and the useful life of it and how it's going to be reduced and where we stand with having all of our storm sewers done. Mayor Deemie stated that he asked. For the repair – that is part of the cost in there, for upkeep and repairs. The storm sewers – there are about 2,500 catch basins in the Village that we take care of. Trustee Meaney asked if they have all been cleaned. Mayor Deemie stated that they haven't said they have all been cleaned. Trustee Meaney asked about the sewer department downtime. Mayor Deemie stated he doesn't know about their downtime but he will ask. This is some of the things that the Governor has been asking for when it comes to consolidating services and working together. Trustee Meaney said he wants the information that shows that we are going to get the money that we are due back. We are going to reduce the useful life of this machinery because we are using it more often. Are we getting a fair trade for that? Mayor Deemie explained that was figured out and was figured into this. Trustee Meaney asked who figured it out. Mayor stated Mike (Sherba) and Bob (Bennett). Trustee Meaney asked if it is commiserate with the out lay and the reduction in the useful life of that piece of machinery. Mayor Deemie stated that he will verify that. Trustee Meaney stated that he asked 2 weeks ago. That is why he held this over, so they would have that information. Attorney Jacobs explained that when this was put together, they were utilizing a FEMA factor rate of \$64.00 for the sewer truck, that's just the truck, not the personnel. The \$64.00 includes maintenance costs. Trustee Fuller asked if that was per hour or per day. Attorney Jacobs stated that he believes it is per roll out. He thinks it is \$64.00/hour. Trustee Walker asked if the \$64.00 include fuel. \$64.00 for an hour, mileage, fuel and everything else, that doesn't seem like a lot of money for an hourly rate for a piece of equipment that is expensive. Mayor Deemie explained that we are charging them per FEMA he believes, for the cost of the hourly rate for the guys. Everything is based on FEMA rates. Trustee Meaney asked if that is commensurate with what our benefit and salary packages are? Trustee Walker stated no it's much lower. Attorney Jacobs stated no we have regular rates in there. Overtime rate would be \$181.56/hour for actual time worked. Punch in, punch out. The contract has a minimum 4 hour show up time for all overtime call outs. Attorney Jacobs stated that usually they draft these things so that it is at our discretion so you are able to assist if you want to. Trustee Meaney stated, so theoretically the Director of Public Works in Endicott could call Bob Bennett up on Monday and say, listen if you aren't busy on Thursday can you send it to Endicott and they could spend the day in Endicott. Mayor Deemie stated yes. Trustee Walker asked if there is



VILLAGE OF JOHNSON CITY

a service that Endicott has that we might utilize as a reciprocation that way it's truly shared services. Attorney Jacobs states that it happens all the time. The answer is probably yes. But in general, most of the DPW highway departments, Towns, Villages, countywide, are pretty good about helping each other out. Trustee Walker asked if we had something like this with the Town of Dickinson of Port Dickinson. Mayor Deemie stated yes. Attorney Jacobs explained that that was a kind of emergency situation. Mayor Deemie stated that they can table this. He will discuss it with Bob and Mike and if he has to he will get them in here to discuss it at the work session.

- Village Hall roof replacement – Mayor Deemie explained that we always go with the lowest responsible bid. Trustee Meaney asked isn't that state law? Attorney Jacobs explained yes, lowest responsible bid and/or bidder. If you had an issue with AB and they had done a prior roof and you have a reason to reject them then we certainly can. Typically what happens is Bob and these engineers will be looking at these bids as they come in and identify any concerns.
- Regarding Justice Thomas's request to apply for a Unified Justice Court grant – Attorney Jacobs explained that the JCAP grants are typically facility improvement funds. Mayor Deemie stated yes that is what he is looking to do. He is looking to add a doorway and some security and so forth to the court.
- Village's application for New York Main Street Technical Assistance Project – Mayor Deemie explained that this is the grant they spoke with Dai last time about. We have to go out to get quotes to create this design guidelines. That's the \$3,600.00. Trustee Meaney asked what's the other board the Mayor sits on with Tom Sheredy. Mayor Deemie explained it's the Brownfield Opportunities. Trustee Meaney asked if this would compete with any of the stuff that is going through that. Mayor Deemie stated that is shouldn't, no, not at all. This is totally separate. Trustee Meaney stated as long as there is not any competition between the 2 initiatives. Mayor Deemie stated this is all Main Street specifically. The brownfield may even help it.
- Resolution for new water department hire – Trustee Walker asked the Mayor if he interviewed this candidate. Mayor Deemie explained that no he did not. He typically does not interview the Water Dept. people. Bob and Jeff Clark usually do that and it's off a list as usual. They still have to do a background check and pre-employment drug testing, all typical.
- Agreement with Shumaker Consulting, Engineering and Land Surveying, D.P.C. for engineering services for the Arch Street and Faatz Alley Reconstruction – Trustee Walker asked if this money was appropriated. Mayor Deemie stated that Bob explained to him what it was is this is coming out of our concrete money and so forth. Trustee Fuller said she thought the pharmacy school was taking care of that area. Mayor Deemie stated part of it. This is our part of it. Trustee Fuller stated so we are paying for half and they are paying for half. Mayor Deemie stated that is the understanding.
- Binghamton-Johnson City Joint Sewage Board Fiscal Officer to transfer \$2,641,283.81 from the Flood Capital Fund and \$3,917,240.86 from the Capital Fund to be returned to the users – Attorney Jacobs asked if they knew how much was coming back to the Village. Mayor Deemie stated he hasn't figured that out yet. Trustee Meaney stated that there is some. They are just saying it's quite substantial. They are looking to take seven million dollars out of the sewer fund. That seven million is based on – they are going to give back a million to the sewage treatment plant and an equitable split - the percentage that the owners have. That's how they would divide it up.



The Board also discussed the following:

- Parking tickets – Mayor Deemie explained that the Police need to order parking tickets before winter hits, before alternate street parking hits. Mayor asked if anybody has looked at those, decide what kind of numbers we want to put on those fees, to up them, because they order 2 years worth of tickets. Trustee Meaney stated that he doesn't think we should be any different than the Village of Endicott and the City of Binghamton. Mayor Deemie said he would go down through it and look at it compared to Binghamton and Endicott and come up with numbers and send them out to everybody. Mayor Deemie stated he will sit with the Chief and go through the numbers but he agrees with everybody. We need to bump it up significantly.
- Library Lease – Mayor Deemie asked if everybody has looked that over. Mayor Deemie explained that what brought this whole thing on is, more than a year ago the library came over to us, the Library Director came over and brought the all green bars over and said she has over \$500,000 and she wants to fix all of the piping and everything in the library. She was told no, your fund balance is \$500,000.00, you don't have \$500,000.00, in fact you are actually \$100,000.00 short in being able to make payroll so we are going to loan you \$100,000.00. Attorney Jacobs explained that just to be clear, it was an inter fund transfer which is permissible under current municipal law. Trustee Meaney asked about an audit. Mayor Deemie explained that they were just audited by the state and we are waiting for the report to come out. In the meantime it was brought to our attention that actually we can charge them for using the library because they are not really a Village entity. They separated themselves from us. We take care of a few maintenance things because it's our building. Mayor Deemie explained that they get over \$700,000/year from the Town of Union for the library district. What happened is, Tom (Johnson) didn't realize that when the check comes in February that it goes to the library. He thought it came to the Village and we gave them their money so we were going to take our 100k out at the time. Attorney Jacobs stated that he thinks that is what had happened historically. Attorney Jacobs explained they opened their own bank account and told the Town to send it to them. Mayor Deemie stated we decided we needed to look into a lease for this library then. Attorney Jacobs said that the Village has not waived any of its legal rights. He explained the Board has to decide what they want to charge. There is 18,500 sq. ft. in the library. Trustee Balles asked why we just don't get a hold of a real estate agent. The way the lease is written, they are basically on the hook for everything over there. Attorney Jacobs listed maintenance, upkeep of the building. Mayor Deemie stated that it is still our building. Trustee Walker asked if it was large enough to rent to the Cider Mill. Mayor Deemie said no and it's not handicap accessible either. Trustee Meaney thought there was access to the basement of the building from the back. Mayor Deemie stated there are steps so they say there is no handicap access. Trustee Fuller said that she would recommend, before you determine a figure, that maybe we contact a real estate agent and find out what the going rate is per sq. ft. Mayor Deemie stated that was what happened with the courts last time. They just came up with a number. He did go to a realtor buy they didn't want to go with that number when we leased out the court. Trustee Meaney asked when that lease is up. Mayor Deemie said soon. Attorney Jacobs said it was a five year initial term. Mayor Deemie said he believes it is next year. Trustee Fuller said we have to be reasonable. Mayor Deemie asked Trustee Fuller to take that on. Clerk/Treasurer Kennerup asked that when we do the lease for the



VILLAGE OF JOHNSON CITY

library, can we mandate that they pay us our \$100,000.00. Mayor Deemie said he doesn't know, that's a legal question.

- Trustee Fuller stated that there is a man she works with who has a lot of memorabilia, EJ stuff, Johnson City stuff, he would consider donating if it was going to be on display. She asked if there would be a place to accommodate that. Mayor Deemie said yes, it's a goal to have a display of some sort. Trustee Walker suggested the pump house. Mayor Deemie stated that would be replicas if anything not the real stuff. They do sometimes display that stuff at the library. They have display cases. His goal is to get something here at Village Hall, get display cases for here. Trustee Fuller pointed out the secure doors. Mayor Deemie suggested maybe we could do something upstairs.
- Trustee Balles stated that he was talking to Diane Marusich the other day and she wanted to know if anything was going on with the house on Deborah Drive were there was a fire back in May. Mayor Deemie stated he just spoke to Dee tonight. She is going to push forward. Trustee Walker asked if the home is secured. Mayor Deemie said as far as he knows. The last time he was up there it was. Trustee Balles said he was up there a few days ago and there were a couple of windows that were open and Diane Marusich said she saw some birds fly in there so obviously the owner has vacated the building. The Board discussed other properties in the Village where there are similar concerns.
- Trustee Meaney asked for a more accurate portrayal of the work session minutes. Mayor Deemie said he will talk to Diane.
- Trustee Meaney asked about the door at the top of the stairs being locked. Mayor Deemie explained that before he was on the board the Village had a security audit done and that was one of the things. You come up the elevator and there is usually someone there that sees you coming off the elevator. The stairs – people can come up without them knowing that they are there. The other thing that he has a problem with is the basement is supposed to be locked out on the elevator so people can't go into the basement but a lot of times it's not. Otherwise you can just go up to the first and second floors. Locking these doors here, putting the bell in that was all part of it. Trustee Meaney asked why the doors to the firehouse are wide open. Mayor Deemie said he has talked to them about that because when you go into that main lobby – you can't go in from the side door with the key pad but if the front doors are open anyone can go in.

The Board also discussed the level of confidentiality of items discussed in the work sessions and the procedure to use when they have questions about certain bills and vouchers.

ADJOURNMENT

The work session was adjourned at 7:25pm.

Cindy Kennerup
Village Clerk/Treasurer

CK/db