



VILLAGE OF JOHNSON CITY

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

Village Board

Gregory Deemie, Mayor
Bruce King, Deputy Mayor

Richard Balles, Trustee Martin Meaney, Trustee John Walker, Trustee

AGENDA - REGULAR MEETING OF THE VILLAGE BOARD

Tuesday, May 2, 2017 @ 7:30pm • Village Hall, 243 Main St., 2nd fl, Johnson City, NY

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**

- [1] The next regular Village Board Meeting will be Tuesday, May 16, 2017 at 7:30pm with a work session at 5:30pm.
- [2] Certificate of Recognition from the Broome County Legislature for the JC Highway Department for their work during winter storm Stella.
- [3] Thank you to Dai Korba and BU Alumni for cleaning the Harry L. Johnson Monument

4. **APPROVAL OF BOARD MINUTES**

Minutes of April 18, 2017 regular meeting and work session, the minutes of the budget meetings held on March 22, 2017, March 27, 2017, March 28, 2017, March 30, 2017, April 1, 2017, April 5, 2017, April 10, 2017, April 13, 2017 budget public hearing), April 17, 2017, April 24, 2017 and April 25, 2017 (budget adoption).

5. **BIDS**

- [1] Bids were opened and read at 10:00am on Tuesday, April 25, 2017 at Village Hall for the Baldwin Street Water and Sewer Improvements as follows:

<u>Contractor</u>	<u>Bid Amount</u>
G. DeVincentis & Son	\$372,000.00
Vacri	\$559,000.00

Engineer's Estimate - \$405,000.00

- [2] Bids were opened and read at 10:00am on Thursday, April 27, 2017 at Village Hall for the Reconstruction of Arch Street and Faatz Alley as follows:

<u>Contractor</u>	<u>Bid Amount</u>
G. DeVincentis & Son	\$214,000.00
Torto	\$249,703.00
DeNinis	\$253,450.00

Engineer's Estimate - \$212,416.00



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Note - Upon review of the submitted bids there was an error in G. DeVincentis & Son's bid. The actual bid amount is \$213,500.00. This correction does not change the award.

- [3] Bids were opened and read at 10:00am on Thursday, April 27, 2017 at Village Hall for the Reconstruction of New York Avenue from Clarendon Street to Arlington Street as follows:

<u>Contractor</u>	<u>Bid Amount</u>
G. DeVincentis & Son	\$458,000.00
DeNinis	\$521,156.75
Torto	\$538,093.50

Engineer's Estimate - \$460,410.00

Note - Upon review of the submitted bids there was an error in Torto's bid. The actual bid amount is \$529,093.50. This correction does not change the award.

6. **PUBLIC HEARINGS** - None

7. **PETITIONS RECEIVED**

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

9. **COMMUNICATIONS**

- [9.1] Notice of the May 9, 2017 meeting of the Joint Sewage Board

10. **COMMITTEE/BOARD REPORTS**

- [10.1] Minutes of the April 19, 2017 work session of the Town of Union Board
- [10.2] Minutes of the April 19, 2017 regular meeting of the Town of Union Board
- [10.3] Minutes of the March 28, 2017 regular meeting of the Village of Endicott Board
- [10.4] Minutes of the April 20, 2017 meeting of the Broome Co. Assoc. of Municipal Clerks

11. **DEPARTMENT REPORTS**

- [11.1] Fire Department Overtime Report for the week of April 6 – 19, 2017
- [11.2] Police Department Overtime Report for the week of April 6 – 19, 2017

12. **PAYROLL AND BILLS PRESENTED**

Abstract #20 of the 2016 - 2017 Fiscal bills

GENERAL FUND	\$ 474,913.30
WATER FUND	\$ 48,594.50
SEWER FUND	\$ 617,218.45
REFUSE FUND	\$ 38,213.40
JSTP	\$1,241,306.86
VARPUR	\$1,241,306.86

13. **UNFINISHED BUSINESS** – None



14. NEW BUSINESS

FINANCE & RULES (All Board Members)

Resolution #2017 - 69

Authorize the Clerk/Treasurer to remove excess charges in the amount of \$804.83 from the April 2017 utility bill for 108 Zoa Avenue and make such adjustments as are necessary in the Village accounting records

Resolution #2017 - 70

Authorize the Johnson City Rotary to host the 7th annual “Carousel Day” on Saturday, July 29, 2017 from 10am - 6pm at CFJ Park with the Johnson City Rotary being responsible for the parks facility use application and fees, naming the Village as an additional insured for events on their liability insurance, providing the Village with a copy of same and if there are traffic control issues and/or police officers are needed they will be the responsibility of the Village.

Resolution #2017 - 71

Authorize the Mayor to sign an agreement with Haylor, Freyer & Coon, Inc. for the Health Care Benefits Renewal with Excellus.

Resolution #2017 - 72

Authorize the granting of a parade permit to the Binghamton Health Campaign to hold the Herald of Victory Marathon which will travel through parts of the Village on Sunday, May 28, 2017 contingent upon proof of liability insurance being provided with the Village of Johnson City been named as an additional insured and further contingent upon receiving the necessary approvals from the NYS DOT, and coordination with the JC Police and JC DPW for road closures.

Resolution #2017 - 73

Support the efforts of the Johnson City Rotary in partnering with the Village in the care of Jennison Park.

Resolution #2017 - 74

Support the Department of Public Arts application for Community Development Block Grant funding for Mural Fest 2018.

Resolution #2017 - 75

Authorize and direct the Mayor to execute a non-exclusive license agreement between the Village and Cornerstone Family Healthcare for their mobile health center to utilize the Isabelle Parking Lot every Tuesday from 1:00pm to 5:00pm, in a form acceptable to Counsel for the Village.

Resolution #2017 - 76

Authorize the establishment of Energy Benchmarking Requirements for Certain Municipal Buildings.

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and



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WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Village of Johnson City is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Village of Johnson City's Village Board desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Village of Johnson City; and

WHEREAS, the Village of Johnson City's Village Board desires to establish procedure or guideline for Johnson City staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

- (1) *“Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.*
- (2) *“Building Energy Benchmarking” shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.*
- (3) *“Commissioner” shall mean the head of the Department.*
- (4) *“Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Village of Johnson City that is 1,000 square feet or larger in size.*
- (5) *“Department” shall mean the Mayor's Office Administrative Staff.*
- (6) *“Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.*
- (7) *“Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.*
- (8) *“Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.*
- (9) *“Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.*
- (10) *“Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States*



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Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

- (11) *“Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.*
- (12) *“Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.*

§2. APPLICABILITY

- (1) *This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.*
- (2) *The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.*

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

- (1) *No later than June 1, 2017, and no later than June 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.*
- (2) *For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.*

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

- (1) *The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:*
 - (a) *no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and*
- (2) *The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:*
 - (a) *Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and*
 - (b) *For each Covered Municipal Building individually:*
 - (i) *The status of compliance with the requirements of this Policy; and*
 - (ii) *The building address, primary use type, and gross floor area; and*
 - (iii) *Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and*
 - (iv) *A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.*



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§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

- (1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.*
- (2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.*
- (3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Village Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.*

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

PUBLIC SAFETY

FIRE (Trustees Balles & Walker) – No new business

POLICE (Trustees Balles & Walker) – No new business

PUBLIC WORKS (Trustees Balles & King)

Resolution #2017 - 77

Award the bid for the Baldwin Street Water and Sewer Improvements in the amount of \$372,000.00 to G. DeVincentis & Son as the lowest responsive bid.

Resolution #2017 - 78

Award the bid for the Reconstruction of Arch Street and Faatz Alley in the amount of \$213,500.00 to G. DeVincentis & Son as the lowest responsive bid.

Resolution #2017 - 79

Award the bid for the Reconstruction of New York Avenue from Clarendon Street to Arlington Street in the amount of \$458,000.00 to G. DeVincentis & Son as the lowest responsive bid.



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Resolution #2017 - 80

Authorize the advertisement of bids for the purchase of hydrants and gate valves.

Resolution #2017 - 81

Approve a request for Calvary's Love Church to have their annual FUN FEST community event at Floral Park from 7am – 6pm on Saturday, July 22, 2017 contingent upon the submittal of the required proof of insurance and security details and the completion of a parks reservation form.

Resolution #2017 - 82

Authorize the Drug Free Communities with support from the Broome County Promise Zone to hold their annual "Family Nights In The Park" event at CFJ Park on Wednesday, August 30, 2017 from 5:00 – 8:00pm, contingent upon the submittal of the appropriate liability insurance, security details and the completion of a parks reservation form.

RECREATION (Trustees Balles & King) – No new business

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

JOINT SEWAGE TREATMENT BOARD (Trustees Meaney & King)

Resolution #2017 - 83

Approve an Ordinance Amending the Binghamton Johnson City Joint Sewage Treatment Plant Facilities Intermunicipal Agreement X (Master IMA).

WHEREAS, the City of Binghamton ("City") and the Village of Johnson City ("Village") adopted a "Master IMA" (Intermunicipal Agreement X) organizing the original agreement and all amendments into a single document and exhibits; and

WHEREAS, pursuant to Permanent Resolution R15-54, dated May 20, 2015, the City approved an amendment to the Master IMA, Exhibit IMA No. VIII, paragraph 6 to "ADD" a paragraph to provide for certain management expenses; and

WHEREAS, the City and Village wish to delete the paragraph added by Permanent Resolution R15-54 and to insert a new "ADD" paragraph to Master IMA, Exhibit IMA No. VIII, paragraph 6, to account for additional management and administrative expenses.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular does hereby ordain as follows:

Section 1. That the "ADD" paragraph in Permanent Resolution R15-54 is hereby deleted.

Section 2. That Pursuant to the Master IMA, Section 31. Modifications, the Council of the City of Binghamton hereby agrees to amend the Master IMA, Exhibit IMA No. VIII, paragraph 6, as follows:

6. There is no compensation for being Lead Agency. Any other costs incurred for service as Lead Agency cannot be charged to the Phase III Remedial Project, the Sewage Board, or the Village of Johnson City. This would not preclude the City from



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applying for and accepting grant funds to offset the administrative costs incurred by it as Lead Agency, or from pursuing claims for recovery of such costs from appropriate parties other than the Village and the Sewage Board, including through litigation.

ADD: Notwithstanding the forgoing, the City may retain the services of a Lead Agency Project Manager (f/k/a Project Manager) at an annual salary not to exceed \$78,000 (\$75 per hour), plus benefits (see note below defining benefits); Project Management Services at an annual consulting fee not to exceed \$90,000 (\$50 per hour) inclusive of benefits; Project Analyst at an annual not to exceed \$41,600 (\$23 per hour) plus benefits; and Project Assistant Services an annual consulting fee not to exceed \$45,000 (\$35 per hour) inclusive of benefits, to provide management and administrative services for the Phase III Remediation Project. If an employee selects to obtain benefits, they will include Health Insurance, Retirement, FICA, and Worker's Compensation. Health Insurance will be based off of the City's cost of their PPO policy set annually; Retirement will be based off of the Tier each employee falls under and the State's final percent for each given year; FICA will be based of the federal rate; and Worker's Compensation will be based off of the State Funds rate for said titles. Said personnel will maintain hourly time records. The cost of said personnel will be paid by the City in the first instance, in its General or Sewer Fund, and will be allocated back in the annual final bill reconciliation to all users of the Binghamton-Johnson City Joint Sewage Treatment Facilities based on their flow percentage for each year it is in place. The Lead Agency Project Manager was allocated back effective in the 2015 final bill and going forward all others will be allocated back effective in the 2016 final bill. These expenses shall end at the completion of the Project, i.e., when the New York State Department of Environmental Conservation determines construction is complete in compliance with the existing Consent Order, which may be amended from time to time.

Section 3. That this Resolution will take effect immediately upon the approval of Village of Johnson City.

15. PRIVILEGE OF THE FLOOR – VISITORS

16. ADJOURNMENT

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

Mayor Gregory Deemie - jcmayor@villageoffjc.com

Deputy Mayor Bruce King - bking@villageoffjc.com

Trustee Richard Balles - rballes@villageoffjc.com

Trustee Martin Meaney - mmeaney@villageoffjc.com

Trustee John Walker - jwalker@villageoffjc.com