



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
Clark Giblin, Trustee

Richard Balles, Trustee
John Walker, Trustee

AGENDA - REGULAR MEETING OF THE VILLAGE BOARD

Tuesday, March 6, 2018 @ 7:30pm • Village Hall, 243 Main St., 2nd Floor, 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**

[3.1] The next regular Village Board Meeting will be Tuesday, March 20, 2018 at 7:30pm with a work session at 5:30pm.

[3.2] The next Binghamton-Johnson City Joint Sewage Board Meeting will be Tuesday, March 13, 2018 at 3:00pm at Johnson City Village Hall.

4. **APPROVAL OF BOARD MINUTES**

[4.1] Minutes of February 20, 2018 regular meeting and work session.

[4.2] Minutes of February 21, 2018 special meeting.

5. **BIDS** – None

6. **PUBLIC HEARINGS**

Public Hearing #1

LOCAL LAW 2 FOR THE YEAR 2018

A LOCAL LAW AMENDING ARTICLE 69 OF CHAPTER 300 OF THE VILLAGE CODE ENTITLED 'REVIEW AND DECISIONMAKING BODIES'

WHEREAS, the Village of Johnson City scheduled a public hearing for March 6, 2018 at 7:35 p.m. for Local Law No. 2 of the year 2018 entitled "A LOCAL LAW AMENDING ARTICLE 69 OF CHAPTER 300 OF THE VILLAGE CODE ENTITLED 'REVIEW AND DECISIONMAKING BODIES'"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village and posted on the Village Clerk's sign board; and

WHEREAS, said public hearing was duly held at Village Hall, 243 Main Street, Johnson City, New York on the 6th day of March, 2018 at 7:35 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 the proposed Local Law constitutes an Unlisted Action, as defined under said regulations. The Village Board has considered the possible environmental impacts of the Local Law. The adoption of said Local Law will not have a significant adverse impact on the environment and the Village Board adopts a negative declaration with respect to the Local Law; 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. 2-2018 entitled "A LOCAL LAW AMENDING ARTICLE 69 OF CHAPTER 300 OF THE VILLAGE CODE ENTITLED 'REVIEW AND DECISIONMAKING BODIES'", 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.

7. **PETITIONS RECEIVED**

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

9. **COMMUNICATIONS**

[9.1] Correspondence from Town of Union dated January 24, 2018 regarding Joint Code Enforcement Committee.

10. **COMMITTEE/BOARD REPORTS**

[10.1] Minutes of the February 21, 2018 Town of Union Board Meeting.

11. **DEPARTMENT REPORTS**

[11.1] Fire Department Overtime Report for the weeks of February 8 – February 21, 2018

[11.2] Police Department Overtime Report for the weeks of February 8 – February 21, 2018

[11.3] Department of Public Works Overtime Report - February 2018

12. PAYROLL AND BILLS PRESENTED

Abstract #16 of the 2017 - 2018 Fiscal bills

GENERAL FUND	\$ 549,041.05
WATER FUND	\$ 60,613.58
SEWER FUND	\$ 9,420.38
REFUSE FUND	\$ 29,571.82
JSTP	\$ 2,332,836.95

13. UNFINISHED BUSINESS - None

14. NEW BUSINESS

FINANCE & RULES (All Board Members)

Resolution #2018 – 46

Approve Local Law No. 2 of 2018, entitled “A Local Law amending Article 69 of Chapter 300 of the Village Code entitled ‘REVIEW AND DECISIONMAKING BODIES’” the purpose of this Local Law is to allow the appointment of two alternate members to the Planning Board and to the Zoning Board of Appeals.

Resolution #2018 – 47 RESOLUTION INTRODUCING A PROPOSED LOCAL LAW

WHEREAS, a local law, being proposed as Local Law No. 3 of 2018, entitled “SOLAR ENERGY SYSTEMS LOCAL LAW” a copy of which is attached hereto, 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 April 17, 2018, at the Village Hall, 243 Main Street, Johnson City, New York, 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.

PUBLIC SAFETY

FIRE (Trustees Balles & Walker) – No new business

POLICE (Trustees Balles & Walker)

Resolution #2018 – 48

Appoint Aaron Smith to the position of Police Officer, filling a vacancy created through the COPS grant, at the salary of Grade 3 as determined by the CBA, effective March 15th, 2018.

Resolution #2018 – 49

Appoint Darren Hannon to the part-time position of Desk Clerk for the Johnson City Police Department at a starting salary of \$16.25/hour to be effective on March 8th, 2018.

PUBLIC WORKS (Trustees Balles & King)

Resolution #2018 – 50

Authorizing the implementation, and funding in the first instance 100% of the Federal-aid and State “Marchiselli” Program-aid eligible costs, of a transportation Federal-aid project; and appropriating funds therefore.

WHEREAS, a Project of **the resurfacing of Harry L. Drive from Valley plaza Drive to Oakdale Road, PIN 9754.09** (“the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of **80%** Federal funds and **20%** non-Federal funds; and

WHEREAS, the **Village of Johnson City** desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the costs of the **Preliminary Engineering/Design and Right-of-Way Incidentals** work.

NOW, THEREFORE, the **Village of Johnson City Board**, duly convened does hereby

RESOLVE, that the **Village of Johnson City Board** hereby approves the above subject project; and it is hereby further

RESOLVED, that the **Village of Johnson City Board** hereby authorizes the **Village of Johnson City** to pay in the first instance 100% of the Federal and non-Federal share of the costs of the **Preliminary Engineering/Design and Right-of-Way Incidentals** work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$54,000** is hereby appropriated from the Village of Johnson City budget line A5112.2 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the **Village of Johnson City Board** shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the **Mayor** of the **Village of Johnson City** be and is hereby authorized to execute all necessary Agreements, certifications of reimbursement requests for Federal-aid and/or Marchiselli-aid on behalf of the **Village of Johnson City** with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality’s first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it

is further

RESOLVED, this Resolution shall take effect immediately.

Resolution #2018 – 51

Authorizing the implementation, and funding in the first instance 100% of the Federal-aid and State “Marchiselli” Program-aid eligible costs, of a transportation Federal-aid project; and appropriating funds therefore.

WHEREAS, a Project of **the resurfacing of Reynolds Road from Overbrook Road to Deyo Hill Road, PIN 9754.17** (“the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of **80%** Federal funds and **20%** non-Federal funds; and

WHEREAS, the **Village of Johnson City** desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the costs of the **Preliminary Engineering/Design and Right-of-Way Incidentals** work.

NOW, THEREFORE, the **Village of Johnson City Board**, duly convened does hereby

RESOLVE, that the **Village of Johnson City Board** hereby approves the above subject project; and it is hereby further

RESOLVED, that the **Village of Johnson City Board** hereby authorizes the **Village of Johnson City** to pay in the first instance 100% of the Federal and non-Federal share of the costs of the **Preliminary Engineering/Design and Right-of-Way Incidentals** work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$135,000** is hereby appropriated from the Village of Johnson City budget line A5112.2 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the **Village of Johnson City Board** shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the **Mayor** of the **Village of Johnson City** be and is hereby authorized to execute all necessary Agreements, certifications of reimbursement requests for Federal-aid and/or Marchiselli-aid on behalf of the **Village of Johnson City** with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality’s first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

RECREATION (Trustees Balles & King) – No new business

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

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

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@villageofjc.com

Deputy Mayor Bruce King - bking@villageofjc.com

Trustee Richard Balles - rballes@villageofjc.com

Trustee Clark Giblin - cgiblin@villageofjc.com

Trustee John Walker - jwalker@villageofjc.com

VILLAGE OF JOHNSON CITY

**A RESOLUTION APPROVING THE ADOPTION
OF LOCAL LAW No. 2-2018**

At a regular meeting of the Village Board of the Village of Johnson City, held at Village Hall, 243 Main Street, Johnson City, New York on the 6th day of March, 2018, the following resolution was offered and seconded:

WHEREAS, the Village of Johnson City scheduled a public hearing for March 6, 2018 at 7:35 p.m. for Local Law No. 2 of the year 2018 entitled "A LOCAL LAW AMENDING ARTICLE 69 OF CHAPTER 300 OF THE VILLAGE CODE ENTITLED 'REVIEW AND DECISIONMAKING BODIES'"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village and posted on the Village Clerk's sign board; and

WHEREAS, said public hearing was duly held at Village Hall, 243 Main Street, Johnson City, New York on the 6th day of March, 2018 at 7:35 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 the proposed Local Law constitutes an Unlisted Action, as defined under said regulations. The Village Board has considered the possible environmental impacts of the Local Law. The adoption of said Local Law will not have a significant adverse impact on the environment and the Village Board adopts a negative declaration with respect to the Local Law; 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. 2-2018 entitled "A LOCAL LAW AMENDING ARTICLE 69 OF CHAPTER 300 OF THE VILLAGE CODE ENTITLED 'REVIEW AND DECISIONMAKING BODIES'", 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.

CERTIFICATION

I, Cindy Kennerup, do hereby certify that I am the Village Clerk of the Village of Johnson City and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted

by the Village Board of the Village of Johnson City at a meeting thereof held at the Village Hall, 243 Main Street, Johnson City, New York on March 6, 2018. Said resolution was adopted by the following roll call vote:

Mayor Greg Deemie _____
Trustee Richard Balles _____
Trustee Bruce King _____
Trustee Martin Meaney _____
Trustee John Walker _____

Dated: March 6, 2018

Village of Johnson City Seal

Cindy Kennerup, Village Clerk/Treasurer
Village of Johnson City

VILLAGE OF JOHNSON CITY
LOCAL LAW NO. 3 FOR THE YEAR 2018

SOLAR ENERGY SYSTEMS LOCAL LAW

Section 1. Chapter 300 of the Village Code shall be amended as follows:

Insert:

Article 58: Solar Energy Systems

§ 300-58.1 Purpose.

The purpose of this Article is to facilitate the development and operation of solar energy systems. Solar energy systems may be appropriate in all zoning districts when measures are taken, as provided in this chapter, to minimize adverse impacts on neighboring properties and protect the public health, safety and welfare.

§ 300-58.2 General Requirements.

- A. Where applicable, and unless more restrictive regulations also apply, the requirements of this chapter shall apply to all solar energy systems.
- B. Where site plan review and approval is required elsewhere in the regulations of the Village for a development or activity, the review shall include a determination of the adequacy, location, arrangement, size, design, and general site compatibility of any proposed solar energy system.
- C. All solar energy system installations must be performed by a qualified installer, in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards. Prior to operation all electrical connections must be inspected by the Village Code Enforcement Officer, or by an appropriate electrical inspector or agency, as determined by the Village. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.
- D. If batteries are included as part of the solar energy system, then, when in use, they must be placed in a secure container or enclosure meeting New York State Building Code requirements and, when no longer used, shall be disposed of in accordance with the laws and regulations of Broome County and other applicable laws and regulations.
- E. If a solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the solar energy system no later than 90 days after the end of such twelve-month period.

§ 300-58.3 Minor Solar Energy Systems.

- A. Minor solar energy systems are permitted in all zoning districts in the Village as an accessory use. Building permits shall be required for installation of minor solar energy systems. All minor solar energy systems shall be designed and located in order to prevent reflective glare toward any roads and buildings on neighboring properties. All minor solar energy systems sited at grade shall also be located in a side or rear yard.

§ 300-58.4 **Major Solar Energy Systems.**

- A. Major solar energy systems are prohibited in the following districts: NC, USF, SSF, UTF, UMF, and SMF.
- B. In all other districts, major solar energy systems are permitted by special permit pursuant to Chapter 66 of the Zoning Code, subject to site plan approval from the Village Planning Board and the granting of all other necessary approvals. Each system, along with its site and storm water management plan, shall be reviewed by the Village Engineer prior to final system and plan approval.
- C. In addition to those requirements set forth in Chapters 63 and 66 of the Zoning Code, governing site plan and special permit approval, the following terms and conditions apply to all major solar energy systems:
 - 1. Lot Coverage. The total coverage of all buildings and structures on a lot shall not exceed the lesser of that allowed in the district, or 75% of the total parcel area.
 - 2. Height and setback restrictions.
 - a. The maximum height for system components located on the ground or attached to a framework located on the ground shall not exceed 15 feet in height above ground. The maximum height for system components located on a roof or attached to a framework located on the roof shall not exceed the maximum building height allowed in the district.
 - b. All system components shall have a fifty (50) foot setback from any property line or, if the parcel adjoins a residential use, a setback of 200 feet from the property line adjoining the residential use, unless, in either case, the district's regulations require a greater setback.
 - c. The owner or operator shall provide a landscaped buffer around all system components to provide year round screening from neighboring properties and roads.
 - 3. Design standards.
 - a. Removal of trees and other existing vegetation shall be minimized or offset with planting elsewhere on the property.
 - b. Roadways within the site shall be constructed of impervious materials and shall

be designed to meet the requirements for a Fire Access Road as detailed in the Fire Code of New York State.

- c. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- d. All components shall be designed and located in order to prevent reflective glare toward any roads or buildings on neighboring properties.
- e. All mechanical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six-foot-high fence with a self-locking gate, and provided with landscape screening.
- f. Each system shall be designed to minimize the total acreage of developed land.
- g. There shall be a minimum of one (1) parking space to be used in connection with the maintenance of the system. Such parking space shall not be used for the permanent storage of vehicles.

4. Other criteria.

- a. A major solar energy system to be connected to the utility grid shall provide a "proof of concept" letter from the utility company acknowledging the solar farm will be connected to the utility grid in order to sell electricity to the public utility.
- b. Signs.
 - i. A sign not to exceed 8 square feet shall be displayed on or near the main access point and shall list the facility name, owner and with an emergency phone number where the owner and operator can be reached on a 24 hour basis.
 - ii. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- c. A system owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to painting, structural repairs, and integrity of security measures. The owner or operator shall be responsible for the cost of maintaining the major solar energy system and any access road(s), unless accepted as a public way.

5. Abandonment.

- a. All applications for a major solar energy system shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the facility, prior to issuance of a building permit.

- b. An applicant's failure to begin and make substantial steps towards completion of the project within 18 months after receiving final site plan approval may be deemed abandonment of the project and require implementation of the decommissioning plan to the extent applicable.
- c. The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following:
 - i. Removal of aboveground and belowground equipment, structures and foundations.
 - ii. Restoration of the surface grade and soil after removal of equipment.
 - iii. Re-vegetation of restored soil areas with native seed mixes, excluding any invasive species.
 - iv. The plan shall include a period for the completion of site restoration work.
- d. In the event the facility is not completed and functioning within 18 months of the issuance of the final site plan approval, the Village may notify the operator and/or the owner to complete construction and installation of the facility within 180 days. If the owner and/or operator fails to perform, then, absent good cause shown, the Village may notify the owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of notification by the Village.
- e. Upon cessation of activity of a constructed facility for a period of one year, the Village may notify the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity, or implement the decommissioning plan.
- f. If the owner and/or operator fails to fully implement the decommissioning plan within the 180-day time period, the Village may, at its discretion, provide for the restoration of the site in accordance with the decommissioning plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Village shall be assessed against the property, shall become a lien and tax upon the property, and enforced and collected with interest by the same officer and in the same manner as other taxes.
- g. The site developer shall purchase a bond equal to 20% of the project installation cost prior to permits being issued for any major solar energy system project. The bond shall be in place for the life of the facility and shall be used to fund the decommissioning of the facility in the event it is abandoned. The bond shall be reviewed and approved by the Village attorney prior to the issuance of any

project-related building permit.

Add:

Article 70: General Terms

§ 300-58.4 **Definitions.**

SOLAR ENERGY SYSTEM, MINOR

A solar energy system that is secondary to a lawful primary use of the premises, where the total surface area of all system components on the lot does not increase lot coverage by more than 1,000 square feet in the USF, SSF, UTF, UMF, and SMF districts or, in all other districts, 4,000 square feet.

SOLAR ENERGY SYSTEM, MAJOR

All solar energy systems other than a minor solar energy system.

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.