



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 Benjamin Reynolds Trustee John Walker

Minutes of a Regular Meeting of the Johnson City Village Board held on Tuesday, May 7, 2019 in the Municipal Building, 243 Main Street, Johnson City

Present: Gregory Deemie, Mayor
 Clark Giblin, Deputy Mayor
 Martin Meaney, Trustee
 Benjamin Reynolds, Trustee
 John Walker, Trustee

Absent: None

Also Present: Cheryl Sacco, Legal Counsel
 Cindy Kennerup, Clerk/Treasurer

Mayor Deemie called the meeting to order at 7:30pm, led the Pledge of Allegiance.

MAYOR'S ANNOUNCEMENTS

- [1] The next Binghamton-Johnson City Joint Sewage Board Meeting will be Tuesday, May 14, 2019 at 3:30pm at the JSTP Administration Office Building, Main Conference Room.
- [2] The Town of Union Board Meeting will be held Wednesday, May 15, 2019 at 7:00pm at 3111 E. Main Street, Endicott, NY 13760.
- [3] The next regular Village Board Meeting will be Tuesday, May 21, 2019 at 7:30pm with a work session at 5:30pm at Village Hall.
- [4] The first Cruze In is scheduled for May 16, 2019 from 5:00pm – 8:00pm. Ricky and the Blue Shadows will be playing.

APPROVAL OF BOARD MINUTES

- [1] Minutes of April 16, 2019 regular meeting and work session
- [2] Minutes of April 23, 2019 Special Meeting

A motion to approve the minutes was made by Trustee Meaney and seconded by Trustee Walker. The motion carried with all those present voting in the affirmative.

BIDS

[5.1] Bids were opened and read at 10:00am on Thursday, May 2, 2019 at Village Hall for the Demolition Removal of the structure at 219 Main Street as follows:

<u>Contractor</u>	<u>Bid Amount</u>
All Around Excavating	\$ 94,750.00
Empire Dismantlement	\$147,000.00
LCP Group	\$ 58,000.00

PUBLIC HEARINGS

[1] Local Law Amending Chapter 300 of the Village Code entitled Zoning

Mayor Deemie opened the public hearing.

Carol Laskowski, Edward St – Asked for a description.

The Mayor explained it is with regard to fencing and the materials you can use to put fences up.

Dee further explained that people have used old furniture, pallets that had graffiti, wire and string so we are trying to make sure it is fences not a hodgepodge.

Mayor Deemie closed the public hearing.

[2] Local Law Amending Chapter 200 of the Village Code entitled Plumbing Code

Mayor Deemie opened the public hearing.

Carol Laskowski, Edward St – Asked for a description.

Mayor Deemie explained we are changing the way our plumbing licensing is being done in the Village. They need to have proper qualifications for a plumbing license and take a Prometrics test in Binghamton. If they take a test somewhere else in New York, they need to come before the Village Plumbing Board who will review their qualifications and Prometrics testing before being approved.

Mayor Deemie closed the public hearing.

[3] To solicit input on the issue concerning whether the structure at 303 Oakdale Rd should be declared unsafe and dangerous

Mayor Deemie opened the public hearing.

Dee explained the structure at 303 Oakdale Road has become a nuisance, an eyesore and a danger to the public. The owners of the property cannot be found. It was an LLC out of Florida. In the last 6-7 months we have had several issues with the property. Dee submitted pictures to the Board.

Attorney Sacco explained the process.

Don Slota, Eldredge Ave – Can we board up the residence?

Mayor Deemie closed the public hearing.

PETITIONS RECEIVED – None

PRIVILEGE OF THE FLOOR – VISITORS

Mayor Deemie opened the first privilege of the floor.

Julie Deemie, Zoa Ave – 19 Avenue B – Has been unsecured for weeks and totally accessible for anything to go in. Very concerned.

Don Slota, Eldredge Ave – Blessed Sacrament Church – trailers being stored in parking lot.

Dee will look into this.

Karen Beebe – Asked for an explanation of the privatization of the JSTP and how it could affect rates for outlying municipalities.

Mayor Deemie responded we can't speak on anything until we see numbers that come back on RFQ until a decision can be made. Article was misleading, it should have said may have not will have.

Rick Balles, Richard St. –

- Resolution #80 – Glad 219 Main Street is going to be demolished.
- Resolution #81 – Service Agreement with the Fire Chief. Are you able to disclose details?

Mayor Deemie responded it was discussed in executive session tonight. It is for one year and there was an increase in salary and the health insurance was changed to match what is in the IAFF Agreement.

- Budget – Regarding tax increase - % increase in tax rate what is going to affect us on June 1st is 3.8%? 1.6 is tax levy, 3.8 is increase in tax rate.

Mayor Deemie and Ms. Kennerup responded, 1.6%. Ms. Kennerup explained our tax levy from Broome County is \$600,000 lower this year and that is why there is a big difference. What are the taxpayers looking at for their increase? It is 1.6%. Mayor Deemie explains 3.8% is difference in the amount we had to raise from year to year.

- APP Surplus and General Fund went up \$472,000?

Ms. Kennerup explained Appropriated Surplus. It was money from the prior year.

- \$7,200 in salary line for code enforcement and \$150,000 for IMA. What is \$7,200 for? The \$7,200 should be included in the \$150,000.

Trustee Meaney responded it is for the stipends for the Code to sit on the Planning, Zoning and Electrical boards. Mayor Deemie stated we will take a look at it.

- \$70,000 in budget - \$20,000 on code study and the \$50,000 for new code officer. Looks like we had \$10,000 expense and \$60,000 for demo.

Mayor Deemie confirmed we spent \$20,000 for code study. We are looking at the whole code situation again.

- Code Study – suggests asking for a report from the Court regarding Code
 - High Grass

Mayor Deemie stated Dee has reviewed the study and the Board discussed this at the work session.

Mayor Deemie closed the first privilege of the floor.

COMMUNICATIONS – None

COMMITTEE/BOARD REPORTS

A motion to accept and file the following Committee and Board Reports was made by Trustee Giblin and seconded by Trustee Walker. The motion carried with all those present voting in the affirmative.

- [1] Minutes of the April 3, 2019 Town of Union Board Meeting
- [2] Minutes of the April 8, 2019 Broome County Safe Housing Task Force Meeting
- [3] Minutes of the April 17, 2019 Town of Union Board Meeting
- [4] Joint Sewage Treatment Board Reports dated April 30, 2019

DEPARTMENT REPORTS

A motion to accept and file the following Department Reports was made by Trustee Walker and seconded by Trustee Giblin. The motion carried with all those present voting in the affirmative.

- [1] Fire Department Overtime Report for the weeks of April 4 – April 17, 2019
- [2] Fire Department Overtime Report for the weeks of April 18 – May 1, 2019
- [3] Police Department Overtime Report for the weeks of April 4 – April 17, 2019
- [4] Police Department Overtime Report for the weeks of April 18 – May 1, 2019
- [5] DPW & Water Department Monthly Report for April 2019
- [6] Town Of Union Code Enforcement March and April 2019 Monthly Reports

PAYROLL AND BILLS PRESENTED

A motion to approve Abstract #19 of the 2018 – 2019 fiscal bills as stated and or amended and recorded as part of the work session minutes, having been audited by the Board and approved, was made by Trustee Giblin and seconded by Trustee Walker. The motion carried with Trustee Meaney, Trustee Giblin, Trustee Walker and Mayor Deemie voting in the affirmative.

GENERAL FUND	\$ 864,517.85
WATER FUND	\$ 247,609.95
SEWER FUND	\$ 92,267.64
REFUSE FUND	\$ 205,578.34
JSTP	\$ 669,447.46
DEBT SERVICE	\$ 427,356.25

Motion Carried – Vote:

Ayes – 4 (Meaney, Giblin, Walker, Deemie) **Nays** – 1 (Reynolds) **Absent** – 0

Discussion: Mayor Deemie questions Trustee Reynolds voting no on the bills and whether he reviewed all the bills. Trustee Reynolds did not get through all the bills, but most of them. Mayor Deemie states all bills must be reviewed and questions presented by Noon on Monday.

UNFINISHED BUSINESS – None

NEW BUSINESS

FINANCE & RULES (All Board Members)

Resolution #2019 – 77

A motion to approve the following resolution was made by Trustee Giblin and seconded by Trustee Walker.

Motion Carried – Vote:

Ayes – 5 (Reynolds, Meaney, Giblin, Walker, Deemie) **Nays** – 0 **Absent** – 0

WHEREAS, the Village of Johnson City scheduled a public hearing for May 7, 2019 at 7:35 p.m. for Local Law No. 3 of the year 2019 entitled “A LOCAL LAW AMENDING CHAPTER 300 OF THE VILLAGE CODE ENTITLED ‘ZONING’”; 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 7th day of May, 2019 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. 3-2019 entitled “A LOCAL LAW AMENDING CHAPTER 300 OF THE VILLAGE CODE ENTITLED ‘ZONING’”, a copy of which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State; and

BE IT FURTHER RESOLVED that this resolution will take effect immediately upon filing with the Department of State.

Resolution #2019 – 78

A motion to approve the following resolution was made by Trustee Meaney and seconded by Trustee Giblin.

Motion Carried – Vote:

Ayes – 5 (Reynolds, Meaney, Giblin, Walker, Deemie) **Nays** – 0 **Absent** – 0

WHEREAS, the Village of Johnson City scheduled a public hearing for May 7, 2019 at 7:40 p.m. for Local Law No. 4 of the year 2019 entitled “A LOCAL LAW AMENDING CHAPTER 200 OF THE VILLAGE CODE ENTITLED ‘PLUMBING CODE’”; and

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

WHEREAS, said public hearing was duly held at Village Hall, 243 Main Street, Johnson City, New York on the 7th day of May, 2019 at 7:40 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 of the Village of Johnson City that adoption of the proposed Local Law does not constitute an “action” as defined and can be considered without further regard to SEQRA; 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. 4-2019 entitled “A LOCAL LAW AMENDING CHAPTER 200 OF THE

VILLAGE CODE ENTITLED ‘PLUMBING CODE’”, a copy of which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State; and

BE IT FURTHER RESOLVED that this resolution will take effect immediately upon filing with the Department of State.

Resolution #2019 – 79

A motion to approve the following resolution was made by Trustee Giblin and seconded by Trustee Meaney.

Motion Carried – Vote:

Ayes – 5 (Reynolds, Meaney, Giblin, Walker, Deemie) **Nays** – 0 **Absent** – 0

WHEREAS, the Town of Union has issued a report determining that the building located at 303 Oakdale Road, Village of Johnson City, New York, Tax Map No. 143.21-1-27 is unsafe or dangerous to the public, pursuant to § 118-3 of the Village Code of the Village of Johnson City, and has ordered it to be made safe and secure; and

WHEREAS, on May 7, 2019, the Village Board held a public hearing in regard to the structure at 303 Oakdale Road, Johnson City, NY; and

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

WHEREAS, after due deliberation, the Village Board finds that the building is unsafe to the general public, has open doorways and windows making it easily accessible, and is an object of attraction to minors, vagrants, and trespassers. Additionally, there is a large pile of debris on the property that needs to be removed.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act, it has been determined by the Village Board that securing the building at 303 Oakdale Road does not constitute an “action” as defined under the SEQRA regulations. Said action will not have a significant adverse impact on the environment and the Village Board adopts a negative declaration with respect to the same; and further

RESOLVED that the Village Board of the Village of Johnson City hereby determines that the building at 303 Oakdale Road, Johnson City, NY is unsafe or dangerous to the public and orders it to be immediately secured; and further

RESOLVED that in the event of refusal or neglect of the property owner to repair, clean, and secure and to comply with this Resolution and the prior notices, the owner must start the actions required by the Code Department by June 1, 2019 and complete all work by July 1, 2019, and if

upon inspection of the structure(s) by the Code Enforcement Officer there is confirmation that the actions have not been completed within the time provided as ordered by the Village Board, that the Village shall take such actions necessary and shall assess all costs and expenses incurred by the Village of Johnson City and/or the Town of Union in connection with securing the building, against the land on which said building is located; and further;

RESOLVED that this Resolution shall take effect immediately.

Resolution #2019 – 80

A motion to award the bid for the Demolition Removal of the Structure at 219 Main Street in the amount of \$58,000 to LCP Group as the lowest responsive bid was made by Trustee Meaney and seconded by Trustee Walker.

Motion Carried – Vote:

Ayes – 5 (Reynolds, Meaney, Giblin, Walker, Deemie) **Nays** – 0 **Absent** – 0

Discussion: Mayor Deemie explained we had grant money and still have grant money for this so it will move forward quickly.

Resolution #2019 – 81

A motion to authorize the Mayor to sign the Personal Services Agreement between the Village and the Fire Chief for the period of June 1, 2019 through June 1, 2020, as reviewed during executive session, in a form acceptable to counsel for the Village was made by Trustee Walker and seconded by Trustee Meaney.

Motion Carried – Vote:

Ayes – 4 (Meaney, Giblin, Walker, Deemie) **Nays** – 0 **Abstain** – (Reynolds) **Absent** – 0

Resolution #2019 – 82

A motion to authorize a parade permit to be issued to the VFW Alfred & Henry Michalovic Post 2332 and the Frank A. Johnson American Legion Post 758 to hold a Memorial Day Parade on May 27, 2019 starting at 10:00am at Ozalid Road to Main Street traveling west to the Gazebo for a formal ceremony subject to providing the appropriate liability insurance and coordination with the Village Police Department and the Department of Public Works was made by Trustee Walker and seconded by Trustee Meaney.

Motion Carried – Vote:

Ayes – 5 (Reynolds, Meaney, Giblin, Walker, Deemie) **Nays** – 0 **Absent** – 0

Discussion: Mayor Deemie stated you can also come to Calvary Cemetery at 7:30am and Floral Ave at 8:45am for ceremonies.

PUBLIC SAFETY

FIRE (Trustees Balles & Walker) - No new business

POLICE (Trustees Balles & Walker) - No new business

PUBLIC WORKS (Trustees Balles & King)

Resolution #2019 – 83

A motion to approve Plumbing Change Order #1 for 2 additional roof drains, pipe insulation and drain bodies for the Water Department Maintenance Building project, in the amount of \$13,043.00 was made by Trustee Meaney and seconded by Trustee Giblin.

Motion Carried – Vote:

Ayes – 5 (Reynolds, Meaney, Giblin, Walker, Deemie) **Nays** – 0 **Absent** – 0

RECREATION (Trustees Balles & King) - No new business

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

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

PRIVILEGE OF THE FLOOR – VISITORS

Mayor Deemie opened the second privilege of the floor.

Corinna Johnson, Cook Street – Update on the new DPW home. She is opposed to Grand Ave

Mayor Deemie responded no update at the moment. It is still waiting to see what we can do moving forward. There have been discussions with the hospital regarding Grand Ave.

Richard Balles, Richard St – Budget vote was 4 to 1, why did Trustee Reynolds vote no? 1.6 is very low rate. Questions why Trustee Reynolds voted no.

Trustee Reynolds responded there are a few reasons.

- If he was in position of Mayor going through budget process, and we don't have money to spend willy-nilly, he would want to do his best job to not have a tax increase at all. At the beginning of budget season he would say to the departments we are expecting to raise rates on number of things in the future and don't submit budget unless there is zero % increase and keep as last year.
- Previous to 2017 water sewer refuse rate increase there hadn't been one. He doesn't think it's fair to demand more from our aging and young population working on a fixed income.
- He doesn't think continual process of bonding for money is financially responsible. Will be a more vocal advocate against bonding.

Trustee Balles questioned Trustee Reynolds on knowledge that refuse sewer and water are separate from the general fund. Water Refuse and Sewer are separate funds, they are self-sufficient. Trustee Reynolds agreed.

Mayor Deemie stated some of Trustee Reynolds comments are incorrect. He sends out a letter in February every year to the Department heads to come back with a budget that is cut to the bone. The cost of doing business goes up every year, things that we do to keep the Village in check and to keep it running smoothly.

Trustee Reynolds' letter asked for a 5-10% decrease, but nowhere did he give ideas.

Mayor Deemie responded to Trustee's Reynolds comments:

- You were sitting and discussing the budget with the rest of the Board. You didn't put much into it. A 10% decrease is \$1 million. Where are we going to cut \$1 million? 1.6 % is a pretty good number to come back at. We would have to take away services; not fix roads, not do concrete or water mains.
- Discerning to see this letter and why you voted no. You voted no for borrowing. You do not want to fix the pool? Everyone is financially stressed, not just the old or young. You have to be careful on what you put out there and how you say things.
- We worked very hard on the budget and even you said thank you to the department heads for the job they did. It was one of the best budgets we had in a long time.

Trustee Meaney responded to Trustee Reynolds comments:

- Trustee Meaney doesn't think anyone on the board wants to spend "willy-nilly".
- Do you know what the average increase is for taxes? \$.88 per week to taxpayers. Is it more than they are paying last year? Not out of line or exorbitant. There has been 42-48 % tax increases in the past.
- We also have to do business. If we see a tax increase of 1, 2 or 3% a year vs. 3 or 4 years with a 0 based increase, year 5 we may have to see a 20-25% tax increase to do business. That is an injustice to people.
- We have done our due diligence to make sure this is not happening now and hopefully is not happening in the future.

Trustee Giblin discussed stance on bonding:

- Allows us a long period of time to pay back for necessary items that we need.
- School loans exact same course of action that you are taking for college loans.

Trustee Walker explained the vehicles and equipment needed to run the Village. We have to bond for these or we would have a 40% tax increase.

Mayor Deemie stated, the main focus of the Village Board other than financial is the public safety for the residents of the Village. We have to make sure we have the means to safely protect the residents of the Village.

Julie Deemie, Zoa Ave – The water tanks on Wren Street consumed a lot of borrowing over the last few years – if we did not maintain the water tanks we would be in a sorry state. A lot of communities are without drinking water.

Mayor Deemie closed the second privilege of the floor.

ADJOURNMENT

Mayor adjourned the meeting at 8:18 pm.

Cindy Kennerup
Village Clerk/Treasurer

CK/kc

Recordings of the Village Board meetings and work sessions
are available for review through the Village Clerk/Treasurer's Office.