

Minutes of a Regular Meeting  
of the  
Board of Trustees of the Village of Johnson City, New York,  
Held in the Municipal Building  
at 7:30 PM on February 3, 2009

Mayor Harry G. Lewis

Trustees: Richard Balles  
Dennis Hannon  
Bruce King  
Monica Silas

Jeff Jacobs      Attorney

ORDER OF BUSINESS:

1. PLEDGE OF ALLEGIANCE

The Mayor led the Pledge of Allegiance.

2. FIRE EXITS

The Mayor noted the fire exits.

3. MISCELLANEOUS

Various documents received from Marty Meaney – 41 Weymouth Lane

Cell Phone Do Not Call Registry 888-382-1222

4. APPROVAL OF BOARD MINUTES

Motion made by Trustee King – seconded by Trustee Hannon to accept and place on file:

Work Session and the Regular Board Meeting minutes of January 22, 2009.

Motion            made.  
Board polled.

Ayes 5   Nays 0

5. BIDS \_\_\_\_\_ (none)

6. PUBLIC HEARINGS \_\_\_\_\_ (none)

7. PETITIONS RECEIVED \_\_\_\_\_ (none)

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8. PRIVILEGE OF THE FLOOR – VISITORS

The Mayor reminded visitors of the following: First, when speaking the visitor must address the chair. The decision to reply to the visitor will rest with the chair, the person being addressed or the Board. Second, The Board will not tolerate inappropriate demeanor and derogatory opinions directed at specific members of the Board.

Ann Davis – 63 St. Charles St. – inquired as to why the parking meters were placed on Park Place, expressing her dissatisfaction.

Mayor Lewis referred to a petition that was received at the January 20th Board meeting. He stated that the Johnson City Police Department had begun re-canvassing and re-interviewing names on that petition in order to submit to the Mayor. Subsequent action will be taken based on the results of the report.

Ann Davis expressed concern about her property being lit up 24/7 by UHS property and the ambivalence of the property owner not caring for the neighborhood in this and other regards.

Mayor Lewis stated he would contact UHS about the lighting situation. Ann Davis inquired as to if the Village is in the process of renting out the old bank at 243 Main Street (Front).

Mayor Lewis stated that he is talking to potential renters but there have been no serious negotiations.

Jean Frear – 112 Virginia Ave – inquired as to Resolution #33 and whether it is a budgeted expense.

Mayor Lewis answered in the affirmative and that this is done yearly.

Jean Frear inquired as to Resolution #36.

Mayor Lewis explained that this appointment was canvassed by advertisement in the newspaper. He continued to explain the procedures and policies of the canvassing policy.

Trustee Silas, speaking as a representative of the Library Board, spoke to this appointment.

Jane Frear inquired as to Resolution #39.

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Mayor Lewis explained the specifics of the resolution and the history of the property as it pertained to the previous owner and the current owner.

Lurline Crampton - 52 Baker – speaking as a member of the Sarah Jane Johnson Church congregation, expressed concern that the church parking lots are being taken over by UHS employees.

Mayor Lewis expressed thanks that she is handling the situation in a dignified manner by placing notes on the windshields of the offending vehicles.

John Sullivan – 701 Marian Drive – asked for clarification of the “manning clause.” He inquired as to if it were in fact true that one of the firefighters was not allowed to enter a fire due to a doctor’s order, this specifically due to a weight issue. Mr. Sullivan noted that this is a potential hazard and jeopardizes the safety of fellow firefighters. He expressed concern in the irony that this lack of safety issue was never raised by the firefighters. Mr. Sullivan inquired as to the number of alcohol related incidences there have been in the last six (6) months in the Fire Department.

Mayor Lewis declined comment.

John Sullivan indicated that this was not an isolated experience. He questioned whether the firefighters feel that their safety is in jeopardy under these circumstances. Mr. Sullivan stated that the firefighter in question admitted to the JCPD he was under influence. Mr. Sullivan noted that being under the influence is not good for drivers and it is not good for a firefighter. He felt that the manning clause is a ploy for more overtime, noting that as a taxpayer, it would be nice to know the Village is getting its moneys worth and is safe.

Mr. Sullivan formally requested a resolution that Village firefighters retake their physical fitness test, the object being to see if the Village is as safe as the firefighters claim. He made mention of the \$300.00 physical fitness pay. He emphasized the need for firefighters to handle themselves in a fire, stressing that the firefighters should be safe in a fire, and the residents should be safe in a fire.

Mayor Lewis stated that a physical fitness agility test is required and administered every year by the Fire Chief. He continued to state that there are specific requirements to this agility test.

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Leo Meaney – 35 Greenridge Street – emphasized with great exuberance that the Johnson City Fire Department and the Johnson City Police Department are the greatest agencies in the Triple Cities.

Mayor Lewis thanked Mr. Meaney for his comments.

Marty Meaney - 41 Weymouth Lane – inquired as to Resolution #38.

Mayor Lewis explained the details of Resolution #38

Marty Meaney explained the firefighter physical fitness test and the agility test. He took exception to John Sullivan’s calling the Johnson City Fire Department an “army.”

Chet Lowrie – 424 Fernwood Ave - inquired as to Resolution #32.

Mayor Lewis explained the details of Resolution #32 and the transfer.

9. COMMUNICATIONS

Mayor Lewis directed to receive and file:

- a) Town of Union – Regular Board Meeting – 1/21/08
- b) Johnson City Central School District – Regular Board Meeting – 12/9/08
- c) Johnson City Central School District – Regular Board Meeting – 1/13/09
- d) Broome County Legislature – 2/12/09
- e) Broome County Economic Development & Planning Committee – 1/22/09
- f) Broome County Health Department – Tobacco Free Broome – 12/17/09
- g) Broome County Transportation & Rural Development Committee – 2/4/09
- h) Time Warner Cable – Rate Changes – January 27, 2009
- i) Village of Endicott – Regular Board Meeting – 11/25/08
- j) Village of Endicott – Regular Board Meeting – 12/9/08
- k) Village of Endicott – Regular Board Meeting – 1/13/09

10. COMMITTEE/ BOARD REPORTS

Motion made by Trustee Balles– seconded by Trustee King to accept and place on file:

- a) Your Home Public Library Board of Trustees – 12/8/08
- b) Village of Johnson City Alarm Review Board – 1/16/09
- c) Village of Johnson City Planning Board – 12/17/08

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11. DEPARTMENT REPORTS \_\_\_\_\_ (none)

Trustee Balles stated that the Gazebo Beautification project was active again and had received \$20,000.00 in donations to date. These donations will be received in the name of deceased veterans.

12. PAYROLL AND BILLS PRESENTED

Motion made by Trustee Hannon- seconded by Trustee Silas that Abstract #13 for the Fiscal Year 2008-2009, having been audited by the Board and approved, be ordered paid as follows:

Abstract #13

GENERAL	\$360,767.44
WATER	\$ 47,096.72
SEWER	\$ 5,747.99
REFUSE	\$ 20,366.30
LIBRARY	\$ 14,071.44
JSTP	\$ 5,335.00

Board Polled.  
Motion Carried.

Ayes 5      Nays 0

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13. UNFINISHED BUSINESS

Trustee Balles read from the following prepared statement:

Property/casualty insurance companies have long supported the efforts of individual communities to maintain and improve their fire-protection services. Fire Departments are classified by Classes. Insurance Service Office's (ISO) Public Protection Classification (PPCTM) program helps insurance companies measure and evaluate the effectiveness of fire-mitigation services throughout the country. The PPC program also offers economic benefits — in the form of lower insurance premiums — for communities that invest in their firefighting services. In addition, the program helps fire departments and other public officials as they plan for, budget, and justify improvements. One point to make is that insurance companies, not ISO, establish the premiums they charge to policyholders. The Johnson City Fire Department is classified as a rating of 4; 1 being the best and 10 the worst. Class 1 represents exemplary public protection, and class 10 indicates that an area's fire suppression program doesn't meet ISO's minimum criteria. Beyond keeping people safe, an improved ISO rating generally results in lowered property insurance premiums. As far as I could research there is no mention of class ratings that effect having a minimum staffing number of fire fighters required to be at the Fire Station on any given day. I also talked with an All State Representative who serves many households in Johnson City and Broome County. The representative stated they obtain the class rating for Fire Districts through ISO services, but the classification of risk falls mainly with the proximity of your home to a fire station. He also stated that class ratings between 1 and 7 are very close in terms of insurance premiums, but any ratings higher than 7 could result in higher insurance premiums to the homeowner.

14. NEW BUSINESS

Resolution #32 – Authorization to transfer from A9521.6 Variable Purpose BAN Principle to A3410.1 Fire Personal Service \$25,028.00.

Motion made by Trustee King – seconded by Trustee Balles.

Board members polled.

Motion carried. Ayes 5      Nays 0

Resolution #33 – Authorization to hire Ray Ivan to perform an audit of the Village's financial statement for the period ending May 31, 2008 at the cost of \$6,000.00.

Motion made by Trustee Balles – seconded by Trustee Hannon.

Board members polled.

Motion carried. Ayes 5      Nays 0

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Resolution #34 - Authorization to transfer from A9521.6 Variable Purpose BAN Principle to A5142.4 Snow Removal Contractual \$45,750.00 in order offset over expenditures relative to the purchase of salt.

Motion made by Trustee King – seconded by Trustee Hannon.

Board members polled.

Motion carried.

Ayes 5

Nays 0

Resolution #35 -The Village of Johnson City hereby acknowledges and supports the First Ward Action Council's submission of a proposal to the NYS Housing Finance Agency for a grant for the betterment of neighborhoods in Broome County.

Motion made by Trustee King – seconded by Trustee Silas

Motion carried.

Ayes 5

Nays 0

Resolution #36 – Appoint Lynnette Bryan to the Your Home Public Library Board of Trustees. [Term January 1, 2009 – December 31, 2013]

Motion made by Trustee King – seconded by Trustee Balles.

Motion carried.

Ayes 5

Nays 0

Resolution #37 – Addendum to Resolution #8 – 2009 - Authorization to enter into an Inter-municipal Agreement with Broome County to negotiate with the bargaining units recognized by the Village of Johnson City.

Motion made by Trustee Hannon – seconded by Trustee Balles.

Board members polled.

Motion carried.

Ayes 5

Nays 0

Resolution #38 – Authorization to Enter into a Remedial Consent Order with the NYS DEC. Approve Consent Order Resolving Alleged Incidents Occurring on July 23, 2008 and September 14-15, 2008 on Terms More Favorable than Might be Imposed through Consented Litigation. [See Proposed Consent Order and Schedule A Responses Attached].

Motion made by Trustee Balles – seconded by Trustee Hannon.

Board members polled.

Motion carried.

Ayes 5

Nays 0

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Resolution #39 – Authorization to forgive penalty for Gertrude Walter - 777 Harry L Drive Johnson City Florist, on the January 2009 Water/Sewer Bill [\$2029.79]

Motion made by Trustee Balles – seconded by Trustee Hannon.

Board members polled.

Motion carried.

Ayes 5

Nays 0

Resolution #40 – Authorization for the Police Department to send Patrolmen Dodge, Agati, White and Cioci to the Aggressive Dog Handling Training, Ithaca Police Station, Ithaca, NY on March 30, 2009 – with the Village to reimburse all customary and reasonable expenses with an estimated cost of \$300.00 [A889 Drug Seizure].

Motion made by Trustee Balles – seconded by Trustee Hannon.

Board members polled.

Motion carried.

Ayes 4

Nays 1

Trustee Hannon     Aye

Trustee Balles     Aye

Trustee King       Aye

Trustee Silas      Nay

Mayor Lewis       Aye

Resolution #41 - Authorization to Support the Reduction of Point of Purchase Tobacco Advertising

WHEREAS, according to information provided by Services for Youth and Broome County Health Department, each day more than 4000 youths try smoking for the first time and another 2000 youths become regular daily smokers; and

WHEREAS, the tobacco industry spends an estimated \$444 million dollars in New York State annually on tobacco advertising; and

WHEREAS, the 2006 Surgeon General Report states that tobacco companies have purposefully marketed to children as young as 14 years of age; and

WHEREAS; Tobacco Free Broome & Tioga and Reality Check work to reduce the amount of tobacco advertising in New York State, especially marketing to children.

NOW THEREFORE, the Village of Johnson City, duly convened in regular session, does hereby:

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RESOLVE, that the Village of Johnson City hereby supports the efforts of Tobacco Free Broome & Tioga and Reality Check and encourages retailers to decrease overall tobacco advertising in their places of business and to eliminate tobacco advertising from areas likely to be seen by youth, including wall space below 4 feet, near candy and toy displays, and on counter tops; and be it further

RESOLVED, that a copy of this resolution be sent to Governor David A. Paterson, New York State Speaker Sheldon Silver, New York State Senator Thomas Libous, New York State Assemblywoman Donna Lupardo, New York State Assemblyman Clifford Crouch, and New York State Assemblyman Gary Finch.

Motion made by Trustee King – seconded by Trustee Hannon.

Motion carried.

Ayes 5

Nays 0

15. PRIVILEGE OF THE FLOOR – VISITORS

Leo Meaney – 35 Greenridge St – asked that the lights in the Board Room be fixed.

Chet Lowrie – 424 Fernwood Ave – inquired as to the research that Trustee Balles did regarding ISO.

Jennifer Kakusian provided Chet Lowrie with the name of her contact at ISO: Mr. Joe Pasco (315) 751-0137.

Bill Klish – 260 Zoa Ave – inquired as to Trustee King’s referenced \$1,039,000.00 savings workup relative to the firefighter contract referenced at the January 20th Board Meeting. He inquired as to if this savings is factual and if there is supporting documentation.

Mayor Lewis conferred with Jennifer Kakusian who noted that nothing to date had been received from Trustee King other than his statements in the minutes.

John Sullivan - 701 Marian Drive – spoke to many budgetary concerns, hypotheses and assumptions. He then projected a 15-20% tax increase.

Mayor Lewis noted that John Sullivan was hypothesizing and that the he would not comment as the Village was not into the budget process for the upcoming fiscal year.

Jean Frear – 112 Virginia Ave – inquired as to why no department reports were listed on the agenda. She inquired as to if monthly and reports were required. She inquired as to if all yearly reports had been turned in.

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Mayor Lewis stated that JCPD 2008 and JCFD 2008 had not been turned in. He noted that the year end reports for these departments typically arrive in April as the paperwork due to and returned to them arrives from Broome County late.

Motion made by Trustee Balles – seconded by Trustee Hannon to enter into Executive Session @ 8:30 PM to discuss a personnel matters.

16. ADJOURNMENT

The meeting was adjourned at 8:30PM.

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Jennifer Kakusian, Village Clerk/Treasurer