

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

Mayor Lewis led a moment of silence for the victims of the American Civic Association who passed on April 3, 2009. The Mayor noted that Flags on all Municipal and State Buildings will be lowered to half mast in honor of the victims. Mayor Lewis expressed his sorrow for the victims and their families and stated his concerns at the lack of media scrutiny. Mayor Lewis praised the Police, and Emergency Responders for their efforts.

4. APPROVAL OF BOARD MINUTES

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

- a) Work Session and the Regular Board Meeting minutes of March 17, 2009.
- b) Special Work Session March 18, 2009.
- c) Special Work Session March 25, 2009.
- d) Special Work Session March 27, 2009.
- e) Special Work Session April 1, 2009.

Motion made.
Board polled.

Ayes 5 Nays 0

5. BIDS (none)

6. PUBLIC HEARINGS

- a) Local Law No. 1 of 2009 Proposes to Amend Section 274-133.1.B of the Village Code by Clarifying when Permanent Signs Applicable to a Business are Deemed Abandoned Due to a Change in Ownership or Management.

Mayor Lewis opened this portion of the Public Hearing:

Jean Frear – 112 Virginia Avenue – inquired as to the consequences and the responsibility of abandoned signs as it related to the new proposed Local Law.

Mayor Lewis answered these concerns and explained the law.

Attorney Jeff Jacobs spoke to the fines that would be imposed.

Julie Deemie – 153 Zoa Ave – inquired as to the time limit outlined in transfer of ownership.

Daria Golazaski, Director of Planning, answered the specifics of all time limits.

With no one else wishing to speak Mayor Lewis closed this portion of the Public Hearing.

- b) Comprehensive Plan of the Planning Board of the Village of Johnson City.

Mayor Lewis opened this portion of the Public Hearing:

Trustee Silas inquired as to when the Town Union would be holding their Public Hearing in regards to the Comprehensive Plan.

Paul Nelson, Town of Union, noted that the Town of Union Board of Trustees will likely set the Public Hearing in May 2009.

With no one else wishing to speak Mayor Lewis closed this portion of the Public Hearing.

7. PETITIONS RECEIVED (none)

8. PRIVILEGE OF THE FLOOR – VISITORS

Cindy Novobilski – 2 Myrtle Ave – inquired as to Resolution#68. She provided the Clerk/Treasurer with questions and notes.

Jennifer Kakusian stated that Cindy Novobilski could e-mail her the statements/notes and that answers would be provided.

Cindy Novobilski agreed and provided a hard copy to the Clerk/Treasurer.

Jane Frear – 112 Virginia Avenue – inquired as to Resolution #67.

Mayor Lewis noted this was just a letter of consideration.

Jane Frear inquired as to Resolution #74.

Mayor Lewis noted that the property was formally a dental office and is remaining a new dental office, therefore it is a “same use” property; however, a special permit is still required.

Bill Klish – 260 Zoa Ave – inquired as to Resolution #67 asking for details of the addendum and memo specifications.

Mayor Lewis provided Bill Klish with the details of the memo of understanding.

Julie Deemie – 153 Zoa Avenue – inquired as to Resolution #73; specifically how much was to be allocated for the web-site, and how much was to be considered for the Police and Fire substance.

Bill Klish stated that the cost of the web-site was \$2000. CGR will do additional work beyond the scope to look into Police and Fire Department alternatives, rather than hiring additional consultants.

Greg Deemie – 153 Zoa Avenue – regarding Resolution #73; expressed concern that this was outside the scope of Mr. Zettek’s duties.

Bill Klish defined Mr. Zettek’s duties. He noted that this was not outlined as part of his scope of work and not a part of the original contract.

Mayor Lewis greeted addressed students in the audience.

Liz Johnson – 122 Myrtle Ave – inquired as to if CGR was grant money.

Mayor Lewis answered in the affirmative.

9. COMMUNICATIONS

Mayor Lewis directed to receive and file:

- a) Town of Union – Receipt of Request Letter Requesting Funding to Cover Cost for Fire District – March 20, 2009
- b) Johnson City Central School District – Regular Board Meeting – March 10, 2009
- c) Binghamton-Johnson City Joint Sewage Treatment Plant – Regular Board Meeting February 12, 2008
- d) Broome County Legislature – Standing Committees/Regular Session
- e) Town of Union – Regular Board Meeting – April 1, 2009
- f) Manley’s - Liquor License Renewal – 3/28/09

10. COMMITTEE/ BOARD REPORTS

Trustee King updated the audience and Board on the Insurance Committee. He stated that there is an anticipated 1.74% increase for the upcoming year.

11. DEPARTMENT REPORTS (none)

12. PAYROLL AND BILLS PRESENTED

Motion made by Trustee Balles - seconded by Trustee Hannon that Abstract #17 for the Fiscal Year 2008-2009, having been audited by the Board and approved, be ordered paid as follows:

Abstract #17

GENERAL	\$365,375.46
WATER	\$ 37,260.89
SEWER	\$ 17,692.98
REFUSE	\$ 77,859.84
LIBRARY	\$ 15,084.79
J S T P	\$ 70,372.27
VARPUR	\$992,102.00

Board Polled.
 Motion Carried. Ayes 5 Nays 0

13. UNFINISHED BUSINESS

Resolution #61 – Authorize an application for a vendor’s license to Steven J. Disbro of Steve’s Frozen Treats [NYS OP 352 193 731] – to sell bottled water, soda and frozen treats in CFJ Park and Floral Avenue Park.

Motion made by Trustee King to DENY – seconded by Trustee Balles.
 Board members polled.
 Motion carried. Ayes 5 Nays 0

14. NEW BUSINESS

Resolution #67 – Authorization to accept and authorize the Mayor to execute a Memorandum of Understanding with the Johnson City Professional Fire Fighters, Local 921 regarding a proposed addendum to the Johnson City Fire Fighters Collective Bargaining Agreement which expires May 31, 2011.

FAILED FOR LACK OF MOTION

Resolution #68 – Authorization to increase estimated revenues A2725 Proceeds from BAN by \$830,975.00 and increase A9521.6 Variable Purpose BAN Principle \$154,531.56 and increase A3410.1 Fire Personal Service \$676,443.44.

Motion made by Trustee King – seconded by Mayor Lewis.

Board members polled.

Motion carried.

Ayes 5

Nays 0

Resolution #69A – Authorization to Declare SEQR Negative Declaration Notice of Determination of Non-Significance.

Lead Agency: Board of Trustees of the Village of Johnson City
Johnson City Village Office
243 Main Street
Johnson City, NY 13790

Project: This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

Date: April 7, 2009

The lead agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

NAME OF ACTION: Village of Johnson City Unified Comprehensive Plan

APPLICANT: Village of Johnson City

SEQR STATUS: Type 1

CONDITIONED NEGATIVE DECLARATION: No

Minutes of a Regular Meeting of the Board of Trustees of the Village of Johnson City, New York, held at 7:35 PM in the Municipal Building on April 7, 2009

DESCRIPTION OF ACTION: The Village of Johnson City Board of Trustees is preparing to adopt a Unified Comprehensive Plan for the Village of Johnson City that was prepared in cooperation with the Town of Union and the Village of Endicott. The Village of Johnson City is an incorporated Village within the Town of Union. The Plan is proposed to promote the and protect the health, safety, general welfare and historic integrity of the Village by establishing recommendations for regulations and standards to guide and control land development and land use. The plan does not change zoning or recommend or undertake specific development/construction projects.

NOTICE OF PUBLIC HEARING:

Published in Official Newspaper: 3/25/2009

Posted on Village Clerk's Sign Board: 3/23/2009

Public Hearing Held: 4/07/2009 at 7:35PM

LOCATION:

Village wide, County of Broome

REASONS SUPPORTING THIS DETERMINATION:

See Attached

FOR FURTHER INFORMATION:

CONTACT PERSON: Daria M. Golazeski

ADDRESS: 243 Main Street, Johnson City, NY

TELEPHONE: 607-797-9098

ATTACHMENT TO NEGATIVE DECLARATION

Unified Comprehensive Plan

The Village of Johnson City Board of Trustees is preparing to adopt a Unified Comprehensive Plan for the Village of Johnson City that was prepared in cooperation with the Town of Union and the Village of Endicott. The Village of Johnson City is an incorporated Village within the Town of Union. The Plan is proposed to promote the and protect the health, safety, general welfare and historic integrity of the Village by establishing recommendations for regulations and standards to guide and control land development and land use. The plan does not change zoning or recommend or undertake specific development/construction projects.

The Plan was referred to the Broome County Department of Planning and Economic Development, Binghamton Metropolitan Transportation Study, and the New York State Department of Transportation. The Village Planning Department received written comments which are incorporated herein by reference and attached hereto as Exhibit A.

Based upon the complete record the Village Board of Trustees as Lead Agency has determined that the Plan will not have a significant environmental impact and a Draft Environmental Impact Statement [DEIS] will not be prepared. The reasons supporting this decision are as follows:

Impact on Land

The Plan will not result in a physical change to the Village because specific construction activities are not proposed nor undertaken by the adoption of the Plan.

There are no unique or unusual land forms found in the Village.

Impact on Water

The Village contains some wetlands that are zoned for development. Any future proposed development must comply with federal and state regulations and will be reviewed at the time to ensure minimal impacts to any wetland.

Any future developments will be reviewed for compliance to Stormwater and Sedimentation Control requirements because the Village is located within an MS4.

Impact on Air Quality

The Plan will not exceed any of the examples set forth in item 7 of Part II of the EAF, therefore the Village Board determined there will be no significant impacts to air quality as a result of the adoption of the Plan.

Impact on Plants and Animals

The Village does not contain any threatened or endangered plant or animal species nor will the Plan affect any non-threatened species or fish, shellfish or migratory bird.

Impact on Agriculture Land Resources

The Village does not contain an agricultural district and will not affect any agricultural land resources.

Impact on Aesthetic Resources

The Plan will not impact any aesthetic resources whether man-made or natural. There is no impact to any scenic views.

Impact of Archeological and Historic Resources

The Village of Johnson City contains five buildings listed on the National Register of Historic Places, many buildings identified as historic or potentially eligible for listing and a couple of locally designated buildings. In addition, there are a few areas listed in an area designated as sensitive for archeological sites on the New York State Site Inventory. Any future development in these areas will comply with the applicable state or federal laws.

Therefore, the Village Board determined that the Plan will not have a significant impact on any structure of historic importance.

Impact on Open Space and Recreation

The Plan will not significantly affect the quantity or quality of existing or future open spaces or recreational opportunities.

Impact on Critical Environmental Areas

There are no Critical Environmental Area(s) established within the Village.

Impact on Transportation

The Plan proposes the redevelopment of vacant industrial sites into mixed uses. Any transportation impacts will need to be reviewed at the time the redevelopment of these sites are proposed.

Impact on Energy

The Plan will not significantly affect the community's sources of fuel or energy supply.

Impact of Noise and Odor

The Plan will not produce objectionable odors, noise or vibrations.

Impact on Public Health

The Plan will not impact public health and safety.

Impact on Growth and Community Character

The Plan proposes slight changes to the density of land use. Some of the changes proposed are to protect the integrity of the existing residential neighborhoods and to encourage the redevelopment of vacant sites. The Plan will set an important precedent for future projects which is the purpose of a Comprehensive Plan.

There may be some disagreement from some property owners who feel that they cannot maximize their potential profitability with respect to the proposed Future Land Use recommendations. Great care was taken to achieve a balance between protecting existing residential areas from commercial intrusion with the need for reasonable high quality development opportunities that will allow the Village to grow.

Motion made by Trustee King – seconded by Trustee Silas.

Board members polled.

Motion carried. Ayes 5 Nays 0

Resolution #69B – Resolution adopting Local Law No. 1 of 2009, amending section 274.133.1 B. of the Village Code.

Motion made by Trustee King – seconded by Trustee Hannon.

Board members polled.

Motion carried. Ayes 5 Nays 0

Minutes of a Regular Meeting of the Board of Trustees of the Village of Johnson City, New York, held at 7:35 PM in the Municipal Building on April 7, 2009

Resolution #70A – Authorization to Declare Negative Declaration Comprehensive Plan of the Planning Board of the Village of Johnson City.

Lead Agency: Board of Trustees of the Village of Johnson City
Johnson City Village Office
243 Main Street
Johnson City, NY 13790

Project: Abandoned Signs Local Law

Date: April 7, 2009

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The lead agency has determined that the proposed action described below will not have a significant effect on the environment.

APPLICANT: Village of Johnson City
LOCATION: Village wide
SEQR STATUS: Unlisted

DESCRIPTION OF STATUS: Adoption of a local law amending Section 274.1333.1B of the Code of Ordinance regarding abandoned signs to clarify when permanent signs applicable to a business are deemed abandoned by adding that “permanent signs applicable to a business temporarily suspended because of a change in ownership or management of the business shall not be deemed abandoned” unless the property remains vacant for a period of one year.

NOTICE OF PUBLIC HEARING:
Published in Official Newspaper: 3/25/2009
Posted on Village Clerk’s Sign Board: 3/23/2009
Public Hearing Held: 4/07/2009 at 7:35PM

REASONS SUPPORTING THIS DETERMINATION:
The following criteria have been considered with the possible long term, short term and cumulative effects which may be reasonably expected to result from the proposed action being noted for each:

POSSIBLE ADVERSE IMPACT

<u>CRITERION</u>	<u>NONE</u>	<u>SMALL TO MODERATE ABATED UPON COMPLETION OF PROJECT</u>	<u>LARGE (WILL REQUIRE EIS OR CONDITIONAL NEGATIVE DECLARATION</u>	<u>COMMENTS</u>
(1) A substantial adverse change in existing: (a) air quality	x			

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- (b) ground or surface water quality or quantity x
- (c) traffic or noise levels x
- (2) A substantial increase in:
 - (a) solid waste production x
 - (b) potential for erosion, flooding, leaching, or drainage problems x
- (3) The removal or destruction of large quantities of vegetation or fauna x
- (4) Substantial interference with the movement of any resident or migratory fish or wildlife species x
- (5) Impacts on a significant habitat area x
- (6) Substantial adverse effects on a threatened or endangered species of animal or plant, or the habitat of such a species x
- (7) Other significant adverse effects to natural resources x
- (8) The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action x
- (9) The creation of a material conflict with a community's current plans or goals as officially approves or adopted x
- (10) The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character x
- (11) A major change in the use of either the quantity or type of energy x
- (12) The creation of a hazard to human health x
- (13) A substantial change in the use, or intensity of use, of land including agricultural, open space to recreational resources, or in its capacity to support existing uses x
- (14) The creation of a material demand for other actions which result in one of the above consequences x

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(15) Changes in two or more elements to the environment, no one of which has a significant effect on the environment, but when considered together can result in a substantial adverse impact on the environment; or x

(16) Two or more related actions undertaken, funded to approved by an agency, none of which has or would have a significant effect on the environment, but when considered cumulatively, would meet one or more of the criteria in this section. x

Motion made by Trustee King – seconded by Trustee Hannon.

Board members polled.

Motion carried. Ayes 5 Nays 0

Resolution #70B - Adopting the Comprehensive Plan of the Planning Board of the Village of Johnson City.

Motion made by Trustee King – seconded by Trustee Silas.

Board members polled.

Motion carried. Ayes 5 Nays 0

Resolution #71 - Authorization to accept and authorize the Mayor to execute an Escrow Agreement regarding the clean-up of the property at 25 Carhart Avenue.

Jeff Jacobs provided explanation of the Resolution.

Motion made by Trustee Balles – seconded by Trustee Hannon.

Board members polled.

Motion carried. Ayes 5 Nays 0

Resolution #72 – Authorization to schedule and publish a notice of Public Hearing on April 21, 2009 at 7:30PM to discuss the Restore NY Application and the Property Assessment List.

Motion made by Trustee King – seconded by Trustee Silas.

Board members polled.

Motion carried. Ayes 5 Nays 0

Resolution #73 - Resolution to amend the agreement with the Center for Governmental Research to add \$8000 to the consultant's fee for development of website and consideration of options for police and fire protection.

Motion made by Trustee Silas – seconded by Trustee Hannon.

Board members polled.

Motion carried. Ayes 5 Nays 0

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Resolution #74 - Authorizing the re-issuance of a special permit pursuant to section 274-23 of the Village Code to Dr. John Benware, Jr. for a medical office at 260 Riverside Drive due to the change of ownership of the property. There are no changes from the original special permit as to use and size of building.

Motion made by Trustee Balles – seconded by Trustee Hannon.

Board members polled.

Motion carried. Ayes 5 Nays 0

Resolution #75 – Authorization to approve Supplemental Agreement #3 with Delta Engineers for the Arch Street Bridge Rehabilitation Project in the amount of \$1,873.00.

Motion made by Trustee King – seconded by Trustee Hannon.

Board members polled.

Motion carried. Ayes 5 Nays 0

Resolution #76 – Authorization to approve Supplemental Agreement #4 with Delta Engineers for the Arch Street Bridge Rehabilitation Project in the amount of \$13,355.00.

Motion made by Trustee King – seconded by Trustee Silas.

Board members polled.

Motion carried. Ayes 5 Nays 0

Resolution #77 – Authorization to approve Force Account Agreement for the Arch Street Bridge Rehabilitation Project in the amount Not to Exceed \$31,500.00.

Motion made by Trustee King – seconded by Trustee Hannon.

Board members polled.

Motion carried. Ayes 5 Nays 0

Resolution #78 – Authorization for Cruisin’ Buddies Car Club Inc., Binghamton, NY, to use North Side Park and parking areas to hold a car cruise-in and charity fund raiser event on the evening of September 11, 2009 5:00PM – 9:30PM. [Cardiovascular Facio Cutaneous Syndrome; CFC Family Network, Vestal, NY]

Motion made by Trustee Silas – seconded by Trustee King.

Board members polled.

Motion carried. Ayes 5 Nays 0

Resolution #79 – Authorization to Execute a Fifth Modification Consent Order with the New York State Department of Environmental Conservation.

Motion made with Modification by Trustee King – seconded by Trustee Silas.

Board members polled.

Motion carried. Ayes 5 Nays 0

Resolution #80 – Authorization to advertise repainting and rehabilitation of the Deyo Hill Water Tank.

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Motion made by Trustee Hannon – seconded by Trustee King.
Board members polled.

Motion carried.

Ayes 5

Nays 0

15. PRIVILEGE OF THE FLOOR – VISITORS

Liz Johnson – 122 Myrtle Avenue – inquired about specific questions regarding Abstract #17.

Jennifer Kakusian answered these questions

Liz Johnson inquired as to Resolution #67 and the impact of the lack of motion.

Mayor Lewis explained Resolution #67 and result of the lack of motion on the resolution.

Greg Deemie – 153 Zoa Avenue – explained his position relative to Resolution #73 whereby he is in agreement with Trustee Hannon in wanting a fair study by the Dissolution Committee. Mr. Deemie expressed concern in expending additional funds for scope outside of work.

Bob Bevin – 39 Banks Avenue – read from the following prepared statement:

February 20, 2009

From: Residents of Banks Avenue
To: Johnson City Budget Committee Members
Re: Repaving of Banks Avenue

Over the years the residents of Banks Avenue have patiently waited for our street to be repaved, only to learn that the cost of repaving it was not included in the budget. We feel that this year should be our year for getting this much needed job done. As a result we are asking those of you involved in the budgetary process to make this project a priority and include it in the new budget.

The homeowners take pride in their properties which makes it difficult to tolerate the deteriorating condition of our street. Banks Avenue has been patched and re-patched over and over again which have been a series of temporary fixes at best.

We would encourage all of you who have not recently driven our street to do so because we are sure your conclusions, regarding the condition, will be the same as ours.

We have many residents who have lived on Banks Avenue for a long time saying they have never seen the street in such bad condition.

In conclusion we are asking all of you to support, in the new budget, the repaving of Banks Avenue bringing it back to a level of appearance and function that we can all be proud of.

Respectfully Submitted by the Residents of Banks Avenue

Trustee King spoke to Mr. Bevin's concerns, noting that Banks Avenue is currently on the list for paving in 2009-2010.

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Trustee Hannon – spoke to Liz Johnson’s concerns regarding Resolution #67, noting that the resolution could potentially limit future options. Trustee Hannon emphasized that he did want to keep the dialogue open with the Fire Fighters as there remained issues with the contract that the Board is acting on but there remain several concerns.

Mayor Lewis wished everyone a Happy Easter and reminded the audience of the Special Work Session April 8, 2009.

16. ADJOURNMENT

The meeting was adjourned at 8:31PM.

Jennifer Kakusian, Village Clerk/Treasurer