

VILLAGE OF JOHNSON CITY
REGULAR BOARD MEETING
George Korutz Justice Building
Aug 18, 2009 7:30 PM

Mayor Dennis Hannon

Trustees: Monica Silas
Richard Balles
Ronald Davis
Cindy Novobilski

**Minutes of a Regular Meeting
George Korutz Justice Building**

Present: Mayor Dennis F. Hannon

Deputy Mayor Richard Balles

Trustee Bruce King

Trustee Monica Silas

Trustee Ronald Davis

Jeff Jacobs

Village Attorney

Bob Bennett

Director of Public Services

Chief Doug Potts

Johnson City Police Department

Jennifer Kakusian

Village Clerk/Treasurer

ORDER OF BUSINESS:

1. PLEDGE OF ALLEGIANCE

The Mayor led the Pledge of Allegiance.

2. FIRE EXITS

The Mayor noted the fire exits.

3. MAYOR'S ANNOUNCEMENTS (none)

4. APPROVAL OF BOARD MINUTES

Motion made by Trustee Silas - seconded by Trustee King to accept and place on file:

Work Session and the Regular Board Meeting minutes of July 21, 2009.

Motion made.

Board polled.

Ayes 5 Nays 0

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5. BIDS (none)

6. PUBLIC HEARINGS (none)

7. PETITIONS RECEIVED

Mayor Hannon directed to receive and file:

- a) Macy's [143.05-1-1] v. Town of Union – 7/27/09
- b) JC Penney [143.21-3-21] v. Town of Union – 7/27/09
- c) Colleen Crandella & Curt Fenkl [127.19-1-21] v. Town of Union – 8/5/09
- d) Payam Goudarzi [127.18-1-25] v. Town of Union – 8/5/09
- e) MSF Riverside, LLC. [159.42-1-50] v. Town of Union – 8/6/09
- f) 233-235 Main Street, LLC [143.57-2-26] and 257 Main Street, LLC [143.57-2-33] v. Town of Union – 8/12/09
- g) Mineola Mack Distributor, Inc [126.01-1-24] v. Town of Union – 8/12/09
- h) Kashou Enterprises, Inc [110.04-1-37.2] v. Town of Union – 8/12/09
- i) Pat Cornell Properties, LLC [143.34-1-28] v. Town of Union – 8/12/09
- j) 240 Riverside LLC [159.41-3-1] v. Town of Union – 8/12/09
- k) RJ Development, LLC [143.70-1-2] v. Town of Union – 8/12/09
- l) West Vest, LLC Melbog Inc and Hannah Enterprises, LLC [143.54-1-34] v. Town of Union – 8/12/09
- m) Riverview Apartments for Seniors, LLC and Susquehanna Realty Holdings, LLC [159.40-1-20.2] v. Town of Union – 8/12/09
- n) Petition of Farrell, et al. [various] - v. Town of Union – 8/12/09

8. PRIVILEGE OF THE FLOOR – VISITORS

George Kolba – 26 Ackley Avenue – expressed concern relative to the Dissolution Report and inquired if Mayor Hannon felt the same.

Mayor Hannon stated he had concerns relative to the Dissolution Report with respect to Police and Fire safety.

Jeff Jacobs advised Mr. Kolba that the Committee is still reviewing and revising responses and will be providing a written response.

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Mr. Kolba expressed concern that the citizens of Johnson City do not have enough time to make an educated decision on the Dissolution vote.

Mayor Hannon reminded the audience of the Village of Johnson City Public Hearing on September 2nd.

Mr. Kolba inquired as to why Binghamton Mayoral signs are in the Village of Johnson City.

Jeff Jacobs noted that concerns should be addressed to the Code Department.

Mr. Kolba inquired as to when the Village indebtedness, referenced on the Dissolution chart, will be paid back.

Jeff Jacobs noted that nothing with the Dissolution will modify or impact the timelines.

Trustee Davis noted that \$16 million of the indebtedness is attributed to the Joint Sewage Treatment Plant.

Trustee King noted that the indebtedness schedule is listed in the study.

Julie Deemie – 153 Zoa Avenue – expressed concerns with the condition of Zoa Avenue during rainstorms.

Mayor Hannon deferred to Bob Bennett, Director of Public Services, who noted the many properties in proximity above Julie Deemie's property and the difficulty this creates during a rain event as individuals may be diverting water illegally to her property.

Julie Deemie noted that the situation has deteriorated over the years.

Mayor Hannon noted his appreciation for her problem.

Marty Meaney – 41 Weymouth Lane – inquired as to the petitions on the agenda.

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Jeff Jacobs explained the petitions as SCARs received from the Town of Union.

Marty Meaney inquired as to Resolution #137.

Mayor Hannon noted that the new agreement with CITGO/Buckeye would be \$14,000.

Marty Meaney inquired as to Resolution #153.

Mayor Hannon explained the reason for adopting the resolution.

Marty Meaney inquired as to how much the Board has expended relative to Firefighter issues.

Mayor Hannon suggested he file a FOIL for this information.

Marty Meaney inquired as to if the Dissolution Committee had filed addendums for the Village Public Hearing.

Mayor Hannon answered in the negative.

Marty Meaney inquired as to how the questions that were submitted to the Dissolution Committee will be processed.

Mayor Hannon noted that he will defer to the committee as he is not representing the committee.

Marty Meaney noted the overtime in the Fire Department versus the Police Department, stating he has FOILED for the information and found that the Fire Department was under budget for 2008-2009 and the Police Department was over budget for 2008-2009.

Mayor Hannon noted these comparisons should not be made as the Police Department costs driven by the crimes that are committed. Mayor Hannon noted that there are vast differences in the departments.

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Mike Tugwell – Greenridge Street – expressed concern relative to the Joint-Sewage Treatment Plant.

Mayor Hannon explained Amendment VII relative to Mr. Tugwell’s concerns.

Jeff Jacobs explained Amendment VII relative to Mr. Tugwell’s concerns.

Mike Tugwell inquired as if the Town of Union Board and the Village of Johnson City Board have met formally relative to Dissolution.

Mayor Hannon answered in the negative.

Carol Laskowski – 37 Edward Street – expressed concern relative to Dissolution and that the vote should not be made solely based on eliminating the Fire Department. She expressed her gratitude to the other departments in the Village, as well as the Fire Department for their service to the Village.

Carol Laskowski expressed concern that the Department of Public Works and the Police Department employees would have to reapply and be rehired for lesser rates and is very appalled by this.

Carol Laskowski expressed her pro-Village and anti-Dissolution views.

Mayor Hannon reminded Carol Laskowski and the audience of the Public Hearing on September 2nd.

Carol Laskowski expressed concern as it if the Village were to dissolve, and the “promises” of the report are not met, can the Village be reinstated.

Jeff Jacobs noted that a petition would have to be brought forth for incorporation.

Marty Meaney – 41 Weymouth Lane – expressed concerns about re-incorporation and those current Village of Johnson City employees seeking employment in the Town of Union who would be laid off if the Village dissolves.

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9. COMMUNICATIONS

Mayor Hannon directed to receive and file:

- a) City of Binghamton – Amended City Council Calendar – 7/20/09
- b) Town of Union – Regular Board Meeting – 7/15/09
- c) Binghamton-Johnson City Joint Sewage Treatment Board – 2010 Adopted Budget – 7/20/09
- d) Binghamton-Johnson City Joint Sewage Treatment Board – 2010 Adopted Budget/Budget
- e) Review Process – 7/22/09
- f) Patrolmen Eric Zenzel – Expired Meter Fines – 7/16/09
- g) Village of Endicott – Regular Board Meeting – 6/9/09
- h) Village of Endicott – Regular Board Meeting – 6/9/09
- i) Town of Union – Rezoning Petition Tax Map #143.54-2-5 -7; 585 Main Street, 20 & 24 Irving
- j) Place - received 7/21/09; forwarded documentation to VJC Planning Department on 7/23/09
- k) Red's Kettle Inn – Liquor License Renewal – 8/6/09
- l) Town of Union – Regular Board Meeting – 8/5/09
- m) Comments for Public Hearing from Ed Crumb Amendment VII – 8/17/08

10. COMMITTEE/ BOARD REPORTS

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

Johnson City Planning Board – Regular Meeting – 6/23/09

Dissolution Committee Report – Official receipt 8:12PM by Jerry Putman

11. DEPARTMENT REPORTS

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

Code Enforcement – Monthly Report July 2009

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12. PAYROLL AND BILLS PRESENTED

Motion made by Trustee Davis - seconded by Trustee Silas Abstract #3 for the Fiscal Year 2009-2010, having been audited by the Board and approved, be ordered paid as follows:

Abstract #3

| | |
|---------|--------------|
| GENERAL | \$451,485.63 |
| WATER | \$84,587.37 |
| SEWER | \$10,135.49 |
| REFUSE | \$50,640.44 |
| LIBRARY | \$22,268.94 |
| JSTP #8 | \$3,833.50 |

Board Polled.

Motion Carried.

Ayes 4

Nays 1

Trustee Davis Aye
 Trustee Balles Aye
 Trustee King Nay
 Trustee Silas Aye
 Mayor Hannon Aye

13. UNFINISHED BUSINESS

PUBLIC SAFETY

FIRE: BALLEES & SILAS

Resolution #137 - Authorizing an agreement between the Village of Johnson City and Citgo Petroleum Corporation and Buckeye Terminals for "on-river" spill response and confinement assistance effective October 1, 2009 and directing the Mayor to execute the same in a form acceptable to counsel for the Village of Johnson City.

Motion made by Trustee Balles – seconded by Trustee King.

Board members polled.

Motion carried

Ayes 5

Nays 0

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POLICE: SILAS & DAVIS

Resolution #142 - Authorization for Sergeant Mark R. Wallikas to be promoted to the rank of Lieutenant with the Johnson City Police Department effective August 20, 2009, at the negotiated salary set by the Collective Bargaining Agreement. Sergeant Wallikas will be promoted from Broome County Personnel eligible list #71-690 and he will fill the Lieutenant's position previously held by Lieutenant Hannon.

Motion made by Trustee King – seconded by Trustee Davis.

Board members polled.

Motion carried.

Ayes 3

Nays 2

Trustee Davis Aye

Trustee Balles Aye

Trustee King Aye

Trustee Silas Nay

Mayor Hannon Nay

PLANNING & ZONING: KING & SILAS

Resolution #147 – Authorization to issue a special permit to increase the number of dwelling units from a two-family to a four-family at 80 Pratt Avenue, conditioned upon filing a written lease agreement for parking at the nearby parcel and compliance with applicable NYS Building and Fire Codes.

Motion made by Trustee King – seconded by Trustee Balles.

Board members polled.

Motion carried.

Ayes 5

Nays 0

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RULES: ALL BOARD MEMBERS

Resolution #153 – Authorization to adopt Board Room Decorum Policy.

Motion made by Trustee Davis – seconded by Trustee Silas.
Trustee Balles read selected content of the Policy into the Record.
Board members polled.
Motion carried.

Ayes 5 Nays 0

HUMAN SERVICE & GOV'T AFFAIRS: DAVIS & SILAS

Resolution #154 – Authorization for the residents of Martin Avenue to hold a Block Party on Thursday September 3, 2009, 6:00PM to 11:00PM. Both ends of Martin Avenue will be blocked off from Union Street to Riverside Drive, making the street accessible to emergency traffic.

Motion made by Trustee Silas – seconded by Trustee Balles.
Board members polled.
Motion carried.

Ayes 5 Nays 0

LIBRARY: KING

PUBLIC SAFETY

FIRE: BALLEES & SILAS

POLICE: SILAS & DAVIS

Resolution #155 – Authorization for the Police Department to send David W. Smith and Greg Saroka to the Advanced Issues in Child Abuse: Investigation and Intervention Seminar; Binghamton Regency & Conference Center, Binghamton, NY, 9/16/09 with the Village to reimburse all customary and reasonable expenses with an estimated cost of \$80.00. [Drug Seizure Account A889]

Motion made by Trustee Balles – seconded by Trustee Silas.
Board members polled.
Motion carried.

Ayes 5 Nays 0

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PUBLIC WORKS/PARKS: BALLEES & KING

Resolution #156 – Authorization to approve Change Order #1 to the Deyo Hill Tank Rehabilitation Project in the amount of \$8700.00.

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

Motion carried. Ayes 5 Nays 0

Resolution #157 – Authorization to transfer funds from A1640.4[15] Fuel, Oil, Diesel to A7140.4[25] Parks Contractual. Fuel Reimbursement in the amount of \$495.00.

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

Motion carried. Ayes 4 Nays 0

| | |
|----------------|-----|
| Trustee Davis | Aye |
| Trustee Balles | Aye |
| Trustee King | Aye |
| Trustee Silas | Nay |
| Mayor Hannon | Aye |

PLANNING & ZONING: KING & SILAS

JOINT SEWAGE TREATMENT BOARD: BALLEES & KING

Resolution #158 – Authorization directing the Mayor to execute an amendment to the Intermunicipal Agreement between the City of Binghamton and the Village of Johnson City related to the Joint Sewage Treatment Plant, Agreement No. 7, a copy of which is attached hereto as Exhibit A and in a form that is acceptable to form of the Village of Johnson City counsel.

HELD OVER

RECREATION/SUMMER PROGRAMS: BALLEES & KING

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15. PRIVILEGE OF THE FLOOR – VISITORS

George Kolba – 26 Ackley Avenue – inquired as to when Resolution #153 goes into effect.

Mayor Hannon Resolution#153 goes into effect immediately.

George Kolba expressed concern that the abstract may not be looked over by each of the Trustees.

Ed Crumb – Chairman Joint Sewage Treatment Board – spoke to Resolution #158 and Mike Tugwell's concerns, which were raised in the first portion of the Privilege of the Floor. Ed Crumb for twenty minutes.

Carol Laskowski – 37 Edward Street – as to the re-incorporation process for the "Village."

Jeff Jacobs referred to and cited 2-200 Village Incorporation Laws.

Barb Thompson – 94 Marian Street – inquired as to the petition process for the re-incorporation process for the "Village."

George Kolba – 26 Ackley Avenue – spoke to the Village budget and the Dissolution vote.

Marty Meaney – 41 Weymouth Lane – spoke to Citgo/Buckeye Agreement. He inquired about the justification for Captain Wallikas' promotion.

Mayor Hannon spoke to the budgetary savings of the promotion.

16. ADJOURNMENT

The meeting was adjourned at 8:58PM.

Jennifer Kakusian, Village Clerk/Treasurer