

Minutes of a Regular Meeting
of the
Board of Trustees of the Village of Johnson City, New York,
held in the
George Korutz Justice Building at 7:30 PM on October 20, 2009

Present: Mayor Dennis F. Hannon

Deputy Mayor Richard Balles
Trustee Bruce King
Trustee Monica Silas
Trustee Ronald Davis

Jeff Jacobs Village Attorney
Chief Doug Potts Johnson City Police Department
Chief Stephen Hrustich Johnson City Fire 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

Mayor Hannon noted that the fliers outlining the Proposition for Dissolution were mailed today.

4. APPROVAL OF BOARD MINUTES

Work Session and the Regular Board Meeting minutes of October 6, 2009

Motion made by Trustee Davis – seconded by Trustee King
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

Mayor Hannon asked that Meryl Deemie and Paul Burnett speak to the following:

Meryl Deemie, Johnson City Lion's Club and Paul Burnett, Johnson City Police Department gave an AED to the Board and audience. Meryl Deemie requested that the gift of two [2] AED's from The Johnson City Lion's Club be given to the Village for use at the at the Village Hall and for the Youth Programs..

Officer Paul Burnett demonstrated the AED.

Meryl Deemie and Paul Burnett formally presented the AED's to the Board.

Mayor Hannon formally thanked Meryl Deemie and Paul Burnett.

George Kolba – 26 Ackley Avenue – noted that there is a meeting Thursday, October 22, concerning matters with Broome County.

George Kolba inquired as to the pension rates/costs for the Village.

Mayor Hannon noted the increase 171% to ERS and the 31% increase to PFBS.

George Kolba inquired as to the sales tax revenue.

Mayor Hannon noted that the sales tax numbers quarterly payment is \$128,000 less than the same period one year ago.

Cindy Novobilski – 2 Myrtle Avenue – addressed Trustee Silas and a comment she had made relative to Budget proceedings. She inquired as to the ethics code.

Trustee Silas noted she would need more detail as to what Cindy Novobilski was referring to.

Mayor Hannon referred Cindy Novobilski to the Village Code of Ethics and noted that the Board Meetings was not the forum for this type of discussion. He encouraged Cindy Novobilski to make an appointment with him the following morning to discuss her concerns.

Marty Meaney – 41 Weymouth Lane – inquired as to Resolution #181, noting this could be deemed as an extra service as the Village is already in the Town of Union.

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Mayor Hannon explained the Board's position.

Marty Meaney inquired as to the MOU's need and purpose if the dissolution of the Village does not occur.

Mayor Hannon deferred to Jeff Jacobs.

Marty Meaney asked if the MOU's are a binding agreement.

Jeff Jacobs answered that the MOU's are binding agreements.

Bob Alcott – 15 Avenue B – inquired as to if there is more detail for the MOU's.

Mayor Hannon noted that they are available by FOIL.

Bob Alcott expressed a concern that he have these documents before the vote.

Marty Meaney – 41 Weymouth Lane – inquired as to if there is a cost to the attorney for drawing up the MOU's.

Mayor Hannon answered in the affirmative. Mayor Hannon stated that he will get these on the web-site.

Mike Tugwell- 127 Greenridge Street – inquired as to Resolution #183.

Mayor Hannon expressed his concern that patrons have to pay to do business at Village Hall.

Bob Hunt – 94 Endicott Avenue – expressed concern about the proposition letter.

Mayor Hannon explained the plan, in brief.

Bob Carr – Anna Maria Drive – explained his interpretation of the Dissolution Plan.

Steven Sees – 45 Richard Street - attempted to explain the Dissolution Plan.

Carol Laskowski – 37 Edward Street – expressed concern with the Dissolution Plan.

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9. COMMUNICATIONS

Mayor Hannon directed to receive and file:

- a) Freschott Pizza, Inc. – Liquor License Renewal – 10/14/09
- b) Liquor License Renewal [Amended & Resubmitted] – Cosmo’s Restaurant – 10/16/09
- c) Town of Union – Special Board Meeting – 9/28/09

10. COMMITTEE/ BOARD REPORTS (none)

11. DEPARTMENT REPORTS

- a) Code Enforcement – September 2009 Monthly Report
- b) Police Department – August 2009 Monthly Report
- c) Fire Department – 2008 Year End Report

Motion made by Trustee Davis – seconded by Trustee Balles.

Board members polled.

Motion carried.

Ayes 5

Nays 0

12. PAYROLL AND BILLS PRESENTED

Motion made by Trustee Balles - seconded by Trustee King Abstract #7 for the Fiscal Year 2009-2010, having been audited by the Board and approved, be ordered paid as follows:

Abstract #7

GENERAL	\$122,967.67
WATER	\$ 13,510.80
SEWER	\$190,165.46
REFUSE	\$ 49,909.17
LIBRARY	\$ 10,227.41

Board members polled.

Motion carried.

Ayes 5

Nays 0

13. UNFINISHED BUSINESS (none)

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14. NEW BUSINESS

FINANCE: ALL BOARD MEMBERS

Resolution #179 – Authorization to approve Bond Anticipation Note [Renewal] of October 6, 2009 at 11:30AM to First Niagara Bank in the amount of \$2,928,698.00 with an interest rate of 1.590%.

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

Motion carried. Ayes 5 Nays 0

Resolution #180 – Resolution authorizing the Mayor to execute an agreement with Delta Engineers for Construction Inspection Services not to exceed \$12,000.00 for the Carousel Project, in a form acceptable to counsel to the Village.

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

Motion carried. Ayes 5 Nays 0

Resolution #181 – Authorization to enter into an Inter-Municipal Agreement with the Town of Union relative to providing for Planning Services [Exhibit A] effective as of June 1, 2009, at a sum of \$15, 000.00 a year, in a form acceptable to counsel to the Village.

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

Motion carried. Ayes 5 Nays 0

Resolution #182 – Resolution Introducing Local Law No. 5 of 2009, amending Chapter 200 of the Village Code entitled "Plumbing Code", Section 29 (Expiration and renewal of licenses and certificates), paragraph B, increasing the fee for renewal from \$35.00 to \$50.00, and providing that failure to renew the proceeding year(s) license(s) requires full payment of the previous license fee(s), and to schedule a public hearing on said local law on November 17, 2009 at 7:30PM and to authorize publication of notice of said public hearing.

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

Motion carried. Ayes 5 Nays 0

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RULES: ALL BOARD MEMBERS

Resolution #183 – Authorization for the two parking spots to the immediate left and to the immediate right of the steps from the Parking Lot up to Village Hall shall be designated as non-metered spots for use by persons conducting business at Village Hall; and be it

FURTHER RESOLVED, that the four (4) non-metered spots shall have a parking limit of 30 minutes and be appropriately posted with a sign limiting the parking to 30 minutes for Village Hall business only; and be it

FURTHER RESOLVED, that the Mayor, Department of Public Works and / or Police department be and hereby is authorized and directed to take any steps and actions necessary to implement this resolution.

Motion made by Trustee King – seconded by Trustee Balles.

Board members polled.

Motion carried.

Ayes 5

Nays 0

Resolution #184 - Resolution authorizing and directing the Mayor to execute a memorandum of understanding agreement in a form acceptable to counsel for the village between and among the Village of Johnson City and Town of Union regarding delivery of public works services in the event of dissolution.

Motion made by Trustee Balles – seconded by Trustee Silas.

Board members polled.

Motion carried.

Ayes 4

Nays 1

Trustee Davis Aye

Trustee Balles Aye

Trustee King Nay

Trustee Silas Aye

Mayor Hannon Aye

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Resolution #185 - Resolution authorizing and directing the Mayor to execute a memorandum of understanding agreement in a form acceptable to counsel for the village between and among the Village of Johnson City and Town of Union regarding continuation of certain Village Codes in the event of dissolution.

Motion made by Trustee Silas – seconded by Trustee Davis.
Board members polled.
Motion carried. Ayes 4 Nays 1
Trustee Davis Aye
Trustee Balles Aye
Trustee King Nay
Trustee Silas Aye
Mayor Hannon Aye

Resolution #186 - Resolution authorizing and directing the Mayor to execute a memorandum of understanding agreement in a form acceptable to counsel for the village between and among the Village of Johnson City and Town of Union regarding the existence of certain agreements and contracts between the Village and third parties in the event of dissolution.

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

Resolution #187 - Resolution authorizing and directing the Mayor to execute a memorandum of understanding agreement in a form acceptable to counsel for the village between and among the Village of Johnson City, Town of Union and Village of Endicott regarding Fire and EMS services in the event of dissolution.

Motion made by Trustee Davis – seconded by Trustee Silas.
Board members polled.
Motion carried. Ayes 4 Nays 1
Trustee Davis Aye
Trustee Balles Aye
Trustee King Nay
Trustee Silas Aye
Mayor Hannon Aye

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Resolution #188 - Resolution authorizing and directing the Mayor to execute a memorandum of understanding agreement in a form acceptable to counsel for the village between and among the Village of Johnson City, Town of Union and County of Broome regarding Police services in the event of dissolution.

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

Motion carried.		Ayes 4	Nays 1
Trustee Davis	Aye		
Trustee Balles	Aye		
Trustee King	Nay		
Trustee Silas	Aye		
Mayor Hannon	Aye		

Resolution #189– Authorization to discharge the Dissolution Study Committee members.

Motion made by Trustee Davis – seconded by Trustee Balles.

Trustee King thanked the Committee for their efforts.

Mayor Hannon read from the following prepared statement:

I would like to take this opportunity to thank Mr. Klish and all of the members of the Dissolution Study Committee for their tireless efforts for the past 23 months. The Committee was presented with a very arduous task and proceeded to go about their duties diligently and professionally. We will probably never know the many sacrifices made by committee members in fulfilling their responsibilities; the nights, weekends, the numerous meetings, the time away from their families, as well as the stress and other difficulties associated with such an undertaking. Ladies and gentlemen of the committee, on behalf of the Village Board, I truly thank you for your service to this community. You have our respect and gratitude for a job well done.

Mayor Hannon presented each member with a certificate of appreciation.

Bill Klish thanked the Village Board and the members of the Dissolution Committee. He continued to thank the Department Heads.

Board members polled.
Motion carried.

Ayes 5 Nays 0

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JOINT SEWAGE TREATMENT BOARD: BALLEES & KING

Resolution #191 – Authorization to approve Change Order 3B-0010 to the Phase III Contract 3B for a credit in the amount of \$219,209.40. [Flood Related Equipment Repair/Replacement \$210,952.40 (credit) and Methanol Tank System \$8257.00 (credit) = \$219,209.40 Total].

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

Motion carried. Ayes 5 Nays 0

RECREATION/SUMMER PROGRAMS: BALLEES & KING

15. PRIVILEGE OF THE FLOOR – VISITORS

Liz Johnson – Myrtle Avenue – inquired as to the status of the WalMart project.

Mayor Hannon noted there were delays but it will be proceeding as planned.

Carol Laskowski – 37 Edward Street – noted that Proposition #1 is truly listed as #3 on the Ballot.

Jeff Jacobs noted that it is Question #3 on the ballot, but Proposition number # 1 for the Village.

Ann Davis interjected and provided direction.

Greg Deemie – Zoa Avenue – raised MOU concerns. He also inquired as to the function of the members of dissolution committee and if they can continue to represent the Village.

Jeff Jacobs noted that they are now “former” members of the Village Dissolution Committee.

Greg Deemie offered suggestions for handicapped parking, noting use of the through lane adjacent to the Village Municipal Offices.

Mayor Hannon thanked Greg Deemie for this suggestion.

Greg Deemie inquired as to the \$12,000.00 for the Delta Engineer Carousel bid.

Mayor Hannon and Trustee King noted that this money was coming from the grant.

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Ron Heebner – Riverside Drive – spoke to the hopes of a New York Yankees and a Philadelphia Phillies World Series.

Meryl Deemie – Placek Drive - expressed concern that due to construction, there is no voting at the high school. She suggested that notification should be made to the residents in the voting district to this effect.

Marty Meaney – 41 Weymouth Lane – inquired as to if the Village is on the verge of bankruptcy.

Mayor Hannon answered in the negative.

Marty Meaney continued the topic that began with Cindy Novobilski and Trustee Silas, that is can Trustees be related to Village employees and vote on the budget. He cited current and past cases of this instance.

Mayor Hannon noted that conflicts of interest are declared in January at the first Board meeting.

Cindy Novobilski – 2 Myrtle Avenue – inquired as to the constitutional debt limit.

Mayor Hannon noted that the Clerk/Treasurer and he are discussing that very topic and an answer can be provided at the next Board meeting.

16. ADJOURNMENT

The meeting was adjourned at 8:46PM.

Jennifer Kakusian, Village Clerk/Treasurer