

Minutes of a Regular Meeting
Of the
Board of Trustees of the Village of Johnson City, New York
Held in the Justice Building at 7:30 PM on March 16, 2010

Present: Mayor Dennis F. Hannon

Deputy Mayor Monica Silas
Trustee Richard Balles
Trustee Ronald Davis
Trustee Cindy Novobilski

Jeff Jacobs
Chief Stephen Hrustich
Thomas A. Johnson
Robert Bennett
Dee Golazeski

Village Attorney
Johnson City Fire Department
Village Clerk/Treasurer
Director of Services - Public Works
Planning Consultant

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

Reminder that yard waste pick-up will resume Monday April 5, 2010. 2010 Refuse pick-up will be posted on the web-site as well as at Village Hall.

4. APPROVAL OF BOARD MINUTES

Motion made by Trustee Silas - Seconded by Trustee Novobilski to accept and place on file:

Work Session and the Regular Board Meeting minutes of March 6, 2010.

Motion made.

Board polled.

Ayes 5

Nays 0

5. BIDS (none)

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6. PUBLIC HEARINGS

For a request from David Cooley and the Binghamton-Johnson City Monument Co., for a special permit to expand a non-conforming use at 103 Burbank Avenue.

Dept. Head Comments as submitted by JC Planning – Secretary

The Mayor opened the public Hearing.

As no one wished to speak. The Mayor closed the Public Hearing.

7. PETITIONS RECEIVED (none)

8. PRIVILEGE OF THE FLOOR – VISITORS

Greg Deemie – Zoa Ave., JC – JC Partners will be meeting on March 18, 2010 at 7 at Gander Mountain. He then asked Clerk/Treasurer Johnson if the Village accepts FOIL requests by e-mails. He asked regarding resolution #49 if it has gone thru the legal system at all, or if it has been taken care of thru the Board or the Mayor or what avenue?

Clerk/Treasurer Johnson stated that the Village does accept FOIL via e-mail.

Mayor Hannon stated that he is not at liberty to discuss the situation with Chief Potts.

Greg Deemie asked if the Board had full disclosure of the situation so that they could appraise the issue.

The Mayor stated that with all personnel matters the Board is made aware of the situation.

Merle Deemie – Placek Dr., JC - President of the Johnson City Lions Club, is a public service organization trying to make life easier for the people of Johnson City. They have assisted with a room at the Library, at Mom's House, S.O.S. Shelter, a Barbeque for the Knights, a picnic for DARE (200-300 students). Do you realize how important this program is for the students? The Village will no longer fund this program after this year, so the JC Lions, and the other service organizations Sertoma, Elks, Kuwanis, DPW, Lions, Rotary and JC are trying to raise money to continue to vital program. Saving the youth of our Village is critical. To date, the Lions Club has donated 5 AED's to the Village. Three to police for the police cars, one to Village Hall and one to the Sport's program. Today we are again donating 5 more AED's to be used for the youth sport's programs for the Village of Johnson City. The total cost of all the AED's for supplies, training, and so forth is well over \$30,000.00. Our one caveat before turning these over to the Village is that anyone signing out an AED is certified to use them and that no coach will take them and keep it for the season, these are to be shared by all. This is just one project, by one group. You can't put a dollar amount on most projects from service organizations. The service organizations are the quiet hero's of our community.

Mayor Hannon thanked Merle Deemie and the organization.

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Carol Laskowski – Edwards St., JC – Sorry to hear that the DARE program was being discontinued and she had also heard that the neighborhood watch officer might be retiring and was wondering regarding both.

Mayor Hannon stated that he was looking into what could be done, since there has not been anyone doing that position since Officer Parkison retired.

Dorothy Pobocek – Virginia Ave., JC – Regarding animal regulation. Dog feces on the sidewalk. She stated that she doesn't feel that this problem is being properly handled.

Mayor Hannon stated that complaints should be made to the Town of Union as they are the Dog Control Office.

Ron Davis stated that one the items on the tax bill from the Town is for the Dog Catcher.

Ann Davis – St. Charles St., JC – There is a problem in the neighborhood regarding basketball in the street. Could you please get an officer to explain to these people how dangerous this is and they need to stop. People are afraid to park their cars for fear of damage. Secondly, I want to thank DPW they are always great when I call them. They really do a great job.

Mayor Hannon stated that regarding the basketball situation and cars, etc. Please do not hesitate to call the police dept. and file a complaint.

Bill Klish – Zoa Ave., JC – Regarding the article in the morning paper. Could you explain as I don't understand why the Police Chief is covered under some civil rights protections, but yet the fire department didn't seem to have that same protection.

Mayor Hannon stated that they being "Legal Counsel" chose to release information pertaining to the fire department, which they have every right to do. The village did not release that information. As it pertains to the Police Chief, if the Police Chief wants to hold a press conference and release the details, he has every right to do that. However, I cannot and the Board cannot release that information. In the firefighter case, they released the information.

Attorney Jeff Jacobs explained that there is a distinction that there is a civil rights law section 58 which is only applicable to police officer personnel records, so there is a statutory difference.

Bill Klish – Zoa Ave., JC – Resolution #47, what is the status and what is the reason since he is a retiree of the State.

Mayor Hannon stated that because of the status of dissolution we were hard pressed to find a qualified candidate in such a short period of time. We were very lucky to have someone with his credentials willing to come on board. We needed someone that could hit the ground running and get our financial house in order.

Dick Paden – Riverside Dr., JC – The DPW needs to be complimented for doing a very good job. Would like to post a League of women Voters Session at Village Hall.

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Dorothy Pobocek – Virginia Ave., JC - Why are the Firemen and Police in Johnson City getting suspended?

Bruce King – First St., JC – The acoustics are hard to hear in the work sessions. Was wondering if anyone in the room had a copy of the 2007-2008 budget as he was particularly interested in the legal costs. He thought that 2008-2009 was \$150,000.00 and now bumping the figure to \$200,000.00 and thought that the prior year was around \$75,000.00. He stated that he was trying to get a handle on how quickly that was going.

The Mayor closed this portion of the Privilege of the floor.

9. COMMUNICATIONS

Mayor Hannon directed to receive and file:

Motion made by Trustee Balles – Seconded by Trustee Silas that the following Communications be accepted and filed:

- a) NYSDEC Division of Water, Region 7 – Dated 3/5/10, Regarding revised monitoring Plan and Quality Assurance Project Plan for Combined Sewer overflow Post Construction Monitoring for the Village of Johnson City and the City of Binghamton.
- b) JSTP – dated 2/24/10 - regarding NYS Dept of Transportation request for Temporary Easement acquisition.
- c) Office of the State Comptroller dated 3/3/10 - authorizing the exclusion of indebtedness.
- d) Office of the State Comptroller- NYS news – dated 3/5/10.
- e) JSTP-dated 3/5/10 – regarding joint meeting potential JSTP – BU-Subsea Renewable Energy Partnership.
- f) Broome County Association of Municipal Clerks Meeting -3/18/10 at Cortese Restaurant.
- g) Town of Union-3/8/10 – Fire Study communication
- h) Coughlin & Gerhart, LLP-3/20/10 – 17th Annual Municipal Law Seminar.
- i) Announcement from M. Marinaccio - Association of Town & Villages – Regarding Association of Towns Power Point.
- j) Office of Broome County Legislature – Eric Denk, Clerk – Special Meeting to be Held on Thursday, 3/18/10 at 4:30PM – Re: Resolution #47 amendment to agreement with (DASNY) for the Greater Binghamton Health Center Site Study (Phase II) for the Department of Public Works. #1 Resolution adopting Local Law 03-2010 –regarding Taxicab regulations. #2 Resolution authorizing the collection of fees pursuant to chapter 85 of the administrative Local Laws for the regulation of the Taxicab industry by the Department of Public Works Division of Security Services.
- k) Broome County Legislature Agenda-Regular Session 3/18/10.

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Board members polled.
Motion Carried

Ayes 5 Nays 0

10. COMMITTEE/BOARD REPORTS

Mayor Hannon directed to receive and file:

Motion made by Trustee Davis – Seconded by Trustee Silas that the following Communications be accepted and filed:

- a) JSTP- Minutes of a Regular Meeting 1/12/10.
- b) JSTP – Minutes of a Regular Meeting 1/26/10.
- c) Broome County Association of Municipal Clerks – Regular Meeting 2/18/10.
- d) Town of Union - Regular Board Meeting 3/3/10.
- e) Johnson City Central School District – Regular Board Meeting 2/23/10.
- f) Johnson City Central School District – Regular Board Meeting 3/9/10
- g) Zoning Board Minutes – Approved minutes of the 11/9/09.
- h) Library Board of Trustee Meeting Minutes of 2/8/10.

Board members polled.
Motion Carried

Ayes 5 Nays 0

11. DEPARTMENT REPORTS

12. PAYROLL AND BILLS PRESENTED

Mayor Hannon directed to receive and file:

Motion made by Trustee Balles - seconded by Trustee Davis Abstract #16 for the Fiscal Year 2009-2010, having been audited by the Board and approved, be ordered paid as follows:

Abstract #16

GENERAL	\$116,861.15
WATER	\$11,890.23
SEWER	\$17,125.25
REFUSE	\$17,393.48
LIBRARY	\$9,235.52
JSTP	\$200,811.30
VARPUR	\$101,783.00

Board members polled.
Motion carried.

Ayes 5 Nays 0

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13. UNFINISHED BUSINESS

14. NEW BUSINESS

FINANCE: ALL BOARD MEMBERS

Resolution #47- Motion made by Trustee Silas - seconded by Trustee Novobilski to complete all necessary documentation and submit Section 211 Waiver. Whereas the new policy of the State Civil Service Commission requires submissions for approval under section 211 are accompanied by authorization from the lawful appointing authority. The authorization should provide Village Board approval for the Mayor to submit the section 211 waiver request to the State Civil Service Commission. This may be accomplished by sending a copy of the minutes from a Board meeting indicating that approval was granted or by adopting and forwarding a Board Resolution authorizing the same.

Be it now resolved that the Board of Trustees of the Village of Johnson City hereby authorizes the Mayor to complete and submit a 211 waiver request to the State Civil Service Commission for Thomas A. Johnson, who was appointed to the position of Village Clerk-Treasurer effective January 1st, 2010 for a two year term.

Board members polled
Motion Carried

Ayes 5 Nays 0

RULES: ALL BOARD MEMBERS

HUMAN SERVICE & GOV'T AFFAIRS: DAVIS & SILAS

Resolution #48 - Motion made by Trustee Balles - seconded by Trustee Davis to hire Karen Gottschall as a permanent part-time clerk with an effective date of April 5, 2010 at a rate of \$10.00 per hour.

Board members polled:
Motion Carried

Ayes 5 Nays 0

Trustee Balles stated that this position is to fill a position in the police department.

LIBRARY: NOVOBILSKI

PUBLIC SAFETY

FIRE: BALLEES & SILAS

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POLICE: SILAS & DAVIS

Resolution #49 - Motion made by Trustee Silas - seconded by Trustee Balles authorizing and directing the Mayor to execute an agreement with Chief Douglas Potts regarding certain disputed claims in a form acceptable to counsel for the Village of Johnson City.

Board members polled:
Motion Carried

Ayes 5 Nays 0

PUBLIC WORKS/PARKS: BALLEES & DAVIS

Resolution #50 - Motion made by Trustee Silas - seconded by Trustee Balles

ECONOMIC RECOVERY PROJECTS

MUNICIPAL/SPONSOR RESOLUTION

RESOLUTION NUMBER: 50

WHEREAS, The Arch Street Bridge over the Norfolk Railroad, BIN3349850, Village of Johnson City, Broome County, PIN 9753.42, Economic Recovery Project (hereinafter "the Project") in the Village of Johnson City (hereinafter "the Municipality/Sponsor") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-Federal funds.

NOW, THEREFORE, the Village of Johnson City Board, duly convened does hereby:

RESOLVE, that the Village of Johnson City Board hereby approves the above Project; and it is hereby further

RESOLVED, that the Village of Johnson City Board agrees to advance the Project through the Village of Johnson City's resources and agrees that the Village of Johnson City Board hereby authorizes the Village of Johnson City to pay in the first instance the full Federal and non-Federal costs of any and all phase(s) or portions thereof and it is further hereby appropriates from Village of Johnson City budget line A5110.4 the funds necessary to complete the Project including all phases(s) or portions thereof

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RESOLVED, that the Village of Johnson City Board makes a 100% commitment of the Federal and non-Federal share (if any) of the costs of the Construction and Construction Supervision and Inspection phase of work for the Project or portions thereof, with the Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Agreement; and it is hereby further

RESOLVED, the Village of Johnson City has previously executed Federal –Aid Highway and Marchiselli-Aid Local Project Agreement (D031973) for the Construction and Construction Inspection Supervision and Inspection work and appropriated \$61,000; and it is hereby further

RESOLVED, that the sum of \$12,000 is hereby appropriated from the Village of Johnson City budget line A5110.4 and made available to cover the cost increase of participation in the above phase of the Project; and hereby appropriates from Village of Johnson City budget line A5110.4 the funds necessary to complete the Project including all phases or portions thereof and it is further

RESOLVED, that upon completion of the construction of the Project, or fully usable portion thereof, the Village of Johnson City agrees to maintain the Project or fully usable portion thereof, at their sole cost and expense; and it is hereby further

RESOLVED, that in the event the full Federal and non-Federal share of the Projects exceeds the amount appropriated above, the Village of Johnson City shall convene as soon as possible to appropriate said excess amount immediately; and it is hereby further

RESOLVED, that the Mayor of the Village of Johnson City is hereby authorized to execute all necessary Agreements or certifications on behalf of the Village of Johnson City, (subject to the Municipal/Sponsor Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in State/Local agreement; and providing for the administration of the Project and the Village of Johnson City's first instance funding of the Federal and non-Federal share of project costs and permanent funding of the Local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

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RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Board members polled

Motion Carried

Ayes 5

Nays 0

Resolution #51 - Authorization to reimburse Ronald Brzozowy, 349 Andrews St., Johnson City, for the cost \$366.09 for repairs incurred due to a water main break near his residence.

No Motion made.

Failed for lack of motion.

PLANNING & ZONING: SILAS & NOVOBILSKI

Resolution #52- Motion made by Trustee Silas - seconded by Trustee Novobilski to approve a request from David Cooley and the Binghamton-Johnson City Monument Co., for a special permit to expand a non-conforming use at 103 Burbank Avenue.

Board members polled:

Motion Carried

Ayes 5

Nays 0

Trustee Silas stated that they worked well with the planning board and agreed to make the changes.

Resolution #53- Motion made by Trustee Balles - seconded by Trustee Davis to authorization for the 2010 Southern Tier Start Heart Walk (American Heart Association – American Stroke Association), on Sunday April 25, 2010, to extend 1.0 miles starting in front of the Johnson City Elementary-Middle School to a 2.0 mile by crossing over Columbia onto Nadine Way continuing up to the Cul-de-sac returning back to Columbia Drive back in front of school. The group would depart at 12:30PM and the walkers would return at approximately at 1:15PM.

Board members polled

Motion Carried

Ayes 5

Nays 0

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Mayor Hannon stated that there have been many personnel matters over the years that the public is not aware of, because they are personnel matters. These things do occur and most of the time, the public is not aware. Unfortunately, this situation, someone saw fit to contact the press. Most personnel matters are kept where they should be, and the public is not aware things are being addressed.

Greg Deemie – Zoa Ave., JC – Resolution #48 – I thought I heard in the work session that this person would be used in other departments other than the police departments.

Mayor Hannon stated that what he said was that there is a need for some cross training within the village so that when people are on vacation there is coverage.

Greg Deemie – Zoa Ave., JC – Asked when is the first budget meeting, was the notice posted and was it published?

The Mayor stated that the first budget work session will be on March 18, 2010 at 6pm at Village Hall. He also stated that he had personally seen the notice on the board.

Clerk/Treasurer Johnson stated that the notice was published in the press. The Press had put it under legal notices.

Ann Davis – St. Charles St., JC – Commended Chief Potts and the Village for handling and settling his matter in house.

Ron Hebner – Riverside Dr., JC - Commented on the dog feces on the sidewalks. He stated that it is a real problem.

Mike Tugwell – Greenridge St., JC - Asked if Officer Burnett is retiring? What is happening to the DARE Program.

Mayor Hannon stated that at this point he really doesn't feel it appropriate to discuss Officer Burnett's plans. He also stated that the board has not made a decision regarding the DARE program but that everything is part of the budget process.

Dorothy Pobocek – Virginia Ave., JC - Could you tell us good news? Positive things regarding Wal-mart. When will Wal-Mart be opening?

Mayor Hannon stated that they are slated for June.

Trustee Davis stated that it is not just the downtown that is revitalizing but all of Johnson City. Julie Deemie heads the committee, JC Partners and they are really planning some things.

Ann Davis – St. Charles St., JC - Would like to see someone stop by the businesses on Main St., and introduce themselves and try to welcome new comers on Main St.

Trustee Silas stated that she does that, as she feels that is the right thing to do.

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Mayor Hannon stated that he had proposed that some of the businesses utilize pictures from the school for display.

Greg Deemie – Zoa Ave., JC – stated that they are currently doing that thru the school and that there is a lot more to get.

Carol Laskowski – Edwards St., JC – asked regarding the Gazebo project.

Trustee Balles stated that they are plaques for deceased veterans. The plan is to get it done this year.

Greg Deemie – Zoa Ave., JC – asked regarding the fire committee progress.

Mayor stated that they are hopeful to appoint members at the next board meeting. There was an application made to the State to help support the committee. There will be 8 total. The two trustees, the Fire Chief and 5 additional.

Bruce King – First St., JC – Over the last two and half months you have been working on this issue with Chief Potts, and you were able to come to an agreement. Did you use an attorney for that or did you and the board resolve the issue without the Attorney. My point being that earlier you mentioned that somebody leaked this information to the press. So did you think you could settle this in-house and suspend a department head and have it go unnoticed?

Mayor Hannon stated that he was choosing not to respond to that.

Maryann Hebner – Riverside Dr., JC – Commended the DPW workers.

The Mayor closed this portion of the privilege of the floor.

16. ADJOURNMENT

The meeting was adjourned at 8:32PM.

Thomas A. Johnson, Village Clerk/Treasurer

TAJ/ck