

OFFICE OF THE CLERK/TREASURER
VILLAGE OF JOHNSON CITY

MUNICIPAL BUILDING
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RESOLUTION NO. 167

**RESOLUTION ADOPTING A PLAN OF DISSOLUTION AND A PROPOSITION
FOR DISSOLUTION OF THE VILLAGE OF JOHNSON CITY.**

WHEREAS, on January 30, 2007, the Board of Trustees of the Village of Johnson City (“Board”) received a petition requesting the Board adopt a resolution submitting a proposition for the dissolution of the Village to the voters of the Village of Johnson City; and

WHEREAS, the Village reviewed the petition and by resolution dated March 6, 2007, determined that the petition did not meet the requirements of the law and, therefore, rejected the petition; and

WHEREAS, the rejection of the petition was challenged in New York State Supreme Court and by decision and order of the Honorable Jeffrey Tait issued on September 27, 2007, the Court determined that the petition was valid; and

WHEREAS, the Board previously resolved to submit a proposition to the voters of the Village of Johnson City for the dissolution of the Village, in accordance with § 19-1900 of the New York State Village Law and to appoint a study committee to commence the process, pursuant to § 19-1901 of the Village law; and

WHEREAS, the Board previously appointed a dissolution study committee (the “Committee”) to study dissolution of the Village and to prepare a study report for the Village Board as required under § 19-1901 of the Village Law; and

WHEREAS, the Committee prepared a Dissolution Report and Plan dated 7/20/09 (“Dissolution Report”); and

WHEREAS, the Committee, pursuant to Village Law § 19-1901, held a public hearing on August 10, 2009; and

WHEREAS, prior to the public hearing the Dissolution Report was available online at www.cgr.org/johnsoncity, at Village Hall, 243 Main Street, Johnson City, NY 13790, Town of

Union, Town Hall, 3111 E. Main Street, Endwell, NY 13760, Your Home Public Library, 107 Main Street, Johnson City, NY 13790 and George F. Johnson Memorial Library, 1001 Park Street, Endicott, NY 13760 and copies were available at the public hearing; and

WHEREAS, the Committee submitted the Dissolution Report to the Board on August 18, 2009; and

WHEREAS, the Committee also prepared an Addendum to the Report dated 8/31/09 (“Addendum”); and

WHEREAS, the Committee submitted the Addendum to the Board on September 1, 2009; and

WHEREAS, the Board held a public hearing September 2, 2009, pursuant to Village Law § 19-1902; and

WHEREAS, prior to the public hearing the Addendum was available online at www.cgr.org/johnsoncity, at Village Hall, 243 Main Street, Johnson City, NY 13790, Town of Union, Town Hall, 3111 E. Main Street, Endwell, NY 13760, Your Home Public Library, 107 Main Street, Johnson City, NY 13790 and George F. Johnson Memorial Library, 1001 Park Street, Endicott, NY 13760 and copies were available at the public hearing; and

WHEREAS, the Board determines that this action is an unlisted action pursuant to the New York State Environmental Quality Review Act and its implementing regulations (6 NYCRR Part 617) (“SEQR”), that it is lead agency and the only involved agency, and that the action will not have a significant adverse environmental impact; and

WHEREAS, pursuant to § 19-1900 of the New York State Village Law and said Court decision, the Board is obligated to adopt a plan for dissolution and a resolution submitting a proposition for the dissolution of the Village to the Village voters; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

RESOLVED, that the Board, as lead agency, hereby determines that this action is an unlisted action pursuant to SEQR, and hereby adopts a negative declaration pursuant to 6 NYCRR section 617.7 with respect to the action after reviewing the short environmental assessment form and thoroughly analyzing the relevant areas of potential environmental concern and authorizes the Mayor to sign a negative declaration determination of non-significance; and

RESOLVED, that the Board, pursuant to Village Law § 19-1900, hereby adopts the Committee’s Dissolution Report and Addendum thereto dated 8/31/09 but with the addition of four patrol officers, for a total of no less than 22 patrol officers; and be it further

RESOLVED, that the Board adopts the proposition prepared in accordance with Village Law § 19-1904 attached hereto as Exhibit A (the “Proposition”); and be it further

RESOLVED, that the Clerk of the Village of Johnson City is hereby authorized and directed to submit the Proposition to the Broome County Board of Elections to be placed on the November 3, 2009, general election ballot; and be it further

RESOLVED, that the Clerk of the Village of Johnson City is hereby authorized and directed, pursuant to Village Law § 19-1904, to mail by certified or registered mail, the Proposition to the Supervisor of the Town of Union, and publish the Proposition in The Press & Sun Bulletin, the official newspaper of the Village of Johnson City.

The question of the adoption of the foregoing resolution was moved by Trustee R. Davis and seconded by Trustee R. Balles and was duly put to a vote on roll call which resulted as follows:

Mayor Hannon voted Yes

Trustee Balles voted Yes

Trustee King voted No

Trustee Silas voted No

Trustee Davis voted Yes

The resolution was adopted.

Dated: September 15, 2009.

EXHIBIT A
PROPOSITION

PROPOSITION NO. 1: PROPOSITION FOR THE DISSOLUTION OF THE VILLAGE OF JOHNSON CITY, INCLUDING DISPOSITION OF VILLAGE PROPERTY; PAYMENT OF OUTSTANDING VILLAGE OBLIGATIONS; ESTABLISHMENT OF A SPECIAL POLICE DISTRICT; ESTABLISHMENT OF A FIRE PROTECTION DISTRICT.

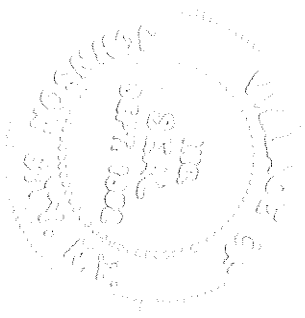
Shall the Village of Johnson City, Broome County, New York be dissolved pursuant to Article 19 of the Village Law of the State of New York as described in the Dissolution Report and Plan dated 7/20/09 and an addendum thereto dated 8/31/09 (collectively referred to as the "Dissolution Report"):

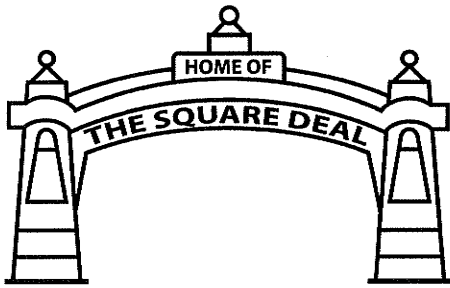
1. **Effective Date:** The Village of Johnson City ("Village") will dissolve at midnight on December 31, 2010.
2. **Employees:** All Village employees will be terminated and all positions will be abolished as detailed in the Dissolution Report.
3. **Retired Employees:** There will be no change to the retirement benefits or health insurance of any current Village retirees or their beneficiaries, in effect at the time of dissolution, as detailed in the Dissolution Report.
4. **General Government Services:** In accordance with Village Law §19-1914, the legislative and administrative functions of Village government will be provided by the Town of Union ("Town") as detailed in the Dissolution Report. Except as detailed in the Dissolution Report where the costs of certain services are allocated Town-wide or to the Town outside the Village of Endicott (TOVE), the cost of such services will be met by taxes levied upon the taxable real property within the boundaries of the Village. The offices of Mayor, Board of Trustees, Clerk/Treasurer, Deputy Clerk/Treasurer, and Village Justice and Acting Village Justice will be eliminated. The Town will provide planning, zoning code enforcement, recreation and judicial services.
5. **Fire Services:** The Town will create a fire protection district and contract with the Village of Endicott to provide fire services within the areas currently served by the Village Fire Department, as detailed in the Dissolution Report. All costs associated with fire services would be assessed as a property tax levy on the properties within the fire protection district.
6. **Police Services:** The Town will create a special police district and contract with Broome County to provide police services within the areas currently served by the Village Police Department, as detailed in the Dissolution Report, but with the addition of four patrol officers, for a total of no less than 22 patrol officers. The Sheriff will operate from a substation in the Village justice building. All costs associated with police services would be assessed as a property tax levy on the properties within the special police district.
7. **Public Works Services:** The Town will assume operations of all public work functions, including but not limited to, water, sewer, refuse, street administration, street maintenance, traffic control, snow removal, sidewalks, curbs, central garage, storm sewer, street cleaning and on and off-street parking as detailed in the Dissolution Report. The Town will create a water district and a sewer district to provide water and sewer services. The costs of general public works services will be allocated and taxable Town-wide or to the Town outside the Village of Endicott (TOVE), except for the cost of water and sewer services, which will be met by user fees levied on real property within the water and sewer districts.
8. **Land, Buildings and Related Assets:** In accordance with Village Law §19-1916, all Village land, buildings and related assets will vest in the Town of Union, as detailed in the Dissolution Report.
9. **Debt:** In accordance with Village Law §19-1912, the Town will assume any and all outstanding debts and obligations of the Village. Except as detailed in the Dissolution Report, where certain debt is allocated Town-wide or to the Town outside the Village of Endicott (TOVE), the debt will be met by taxes levied upon the taxable real property within the boundaries of the Village.
10. **Village Codes and Laws:** In accordance with Village Law §19-1910, all Local Laws, Ordinances, Rules and Regulations of the Village in effect on the date of the dissolution shall be enforced and administered by the Town for

a period of two (2) years from the date of dissolution, unless the Town amends the Local Laws, Ordinances, Rules and Regulations, as detailed in the Dissolution Report.

11. **Agreements Between the Village and Third Parties:** In accordance with Village Law Section 19-1912, all existing agreements with the Village shall become obligations of the Town as detailed in the Dissolution Report.
12. **Village Books and Records:** In accordance with Village Law §19-1906, upon dissolution of the Village, all of its records, books and papers shall be deposited with the Clerk of the Town and shall thereupon become part of the Town records.

Dated: September 15, 2009
Village of Johnson City, New York
Jennifer Kakusian, Village Clerk/ Treasurer





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Resolution #167

Authorization adopting a plan of dissolution and a proposition for dissolution of the Village of Johnson City.

Motion made by Trustee Davis – seconded by Trustee Balles.

Board members polled.
Motion carried.

Ayes 3 Nays 2

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

(SEAL)

STATE OF NEW YORK)

COUNTY OF BROOME)

I, Jennifer Kakusian, Clerk of the Village of Johnson City, Broome County, New York, DO HEREBY CERTIFY, that I have compared the above Motion duly adopted at a Special Meeting of the Board held on September 15, 2009, with the original said Resolution on file in my office as Clerk/Treasurer of said Village and that the same is true and exact copy thereof and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Johnson City, New York, as Clerk/Treasurer this 16th day of September, 2009.

