

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
July 21, 2014

ATTENDANCE:

Members: President G. Wayne McIlroy; and Trustees Linda Smith-Spencer and Rebecca Vary. Deputy President Astafan and Trustee Kathleen Latremore were excused.

Others: Mark Gebo, Village Attorney; Reginald Huber, Police Chief; Kathy Amyot, Tug Hill Commission; Matt Gump; Barb Allington, and Brianna McDonald.

CALL TO ORDER:

President McIlroy called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES:

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to approve the minutes of the June 16, 2014 regular meeting as presented. Motion carried unanimously.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to approve the minutes of the Evidentiary Hearing on July 15, 2014. Motion carried unanimously.

PUBLIC FORUM:

Ms. Amyot stated the Village will be receiving a letter from Ft. Drum requesting a letter of support as they have been targeted for military cut backs.

Mr. Gump stated Williamson Trash Service will be donating a dumpster for the Christmas in August event on August 30, 2014 and Mr. Gump requested a key to the electrical box in case they trip breakers during their event. President McIlroy stated he would have Daniel Trembley, DPW Superintendent call him to make arrangements for placement of the dumpster and keys to the electrical box.

CORRESPONDENCE:

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to allow Cub Scout Pack 39 to use the Carthage Parks and Recreation building to hold various scouting events and meetings on Monday and Thursday evenings from September 8, 2014 through June 15, 2015 and additionally to reserve the building on Saturday, February 21, 2015 and March 21, 2015 for additional annual special events, and further wave the normal rental fee providing the days do not conflict with Village events. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to allow the Carthage Fire Department Auxiliary to use the Carthage Parks and Recreation building to hold a "Family Fund Day" on August 24, 2014 from 11:00 a.m. until 4:00 p.m. and wave the normal rental fee for the building but require the \$50.00 deposit which has been received. Motion carried unanimously.

Taxconnex sent a request to change their filing frequency for their utility tax return from monthly to annually due to their \$0.00 returns which is permitted in the Village Code.

PUBLIC HEARINGS:

President McIlroy called the first public hearing to order at 7:10 p.m. President McIlroy explained the proposed local law to consider a local law to add No Stopping or Standing on the south side of West Street from South Mechanic Street to where it would otherwise intersect with South School Street. Ms. McDonald asked how parents were suppose to drop their children off for school and President McIlroy

explained the parents would have to drop their children off on the same side of the street as the school. With no other comments on the local law there was motion by Trustee Vary and seconded by Trustee Smith-Spencer to close the hearing at 7:12 p.m. Motion by Trustee Vary and seconded by Trustee Smith-Spencer to adopt Local Law #2 of 2014 as follows:

A Local Law to amend Chapter 135-58 of the Village of Carthage Code to prohibit stopping and standing on certain portions of the 300 block of the south side of West Street.

Article 1. - Statement of Authority. The Board of Trustees of the Village of Carthage, pursuant to the authority granted under the Vehicle and Traffic Law State of New York Article 4 of the Village Law and Sections 10 and 20 of the Municipal Home Rule Law hereby enact as follows:

Article 2. - Statement of Findings and Purpose. The Board of Trustees of the Village of Carthage hereby finds that the drop off and pick up of students attending the Augustinian Academy on the south side of the 300 block of West Street presents certain traffic hazards. It is the purpose of this local law in addition to the current No Parking regulations, to add No Stopping or Standing on the south side of West Street from South Mechanic Street to where it would otherwise intersect with School Street.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby amends Article 135 of the Village Code as follows:

- A. Section 135-61 is amended to prohibit standing on West Street south side, all day from South Mechanic Street to South School Street.
- B. Section 135-62 is amended to prohibit stopping on West Street south side, all day, from South Mechanic Street to South School Street.

Article 4. Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

Motion carried unanimously.

President McIlroy called the second public hearing to order at 7:14 p.m. President McIlroy explained the proposed local law to establish a School Zone in the vicinity of Augustinian Academy along South Mechanic Street and West Street and on Beaver Lane for the Carthage Elementary School. No one wished to comment on the local law therefore motion by Trustee Smith-Spencer and seconded by Trustee Vary to close the hearing at 7:16 p.m. Motion by Trustee Vary and seconded by Trustee Smith-Spencer to adopt Local Law #3 of 2014 as follows:

A local law to amend Chapter 135 of the Village Code as the same relates to School Zones.

Article 1. - Statement of Authority. The Board of Trustees of the Village of Carthage, pursuant to the authority granted it under the Vehicle and Traffic Law, Article 9 of the Village Law and Sections 10 and 20 of the Municipal Home Rule Law hereby enact as follows:

Article 2. - Statement of Findings and Purpose. The Board of Trustees of the Village of Carthage previously established authority to regulate traffic in School Zones under Chapter 135-17 of its Code by limiting speed to 15 mph in School Zones. It is the purpose to establish a School Zone in the vicinity of Augustinian Academy in the Village of Carthage along South Mechanic Street and West Street.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby enacts a new Section 135-67 of the Village of Carthage Code to be known as XX – School Zone as follows:

- A. "From the Intersection of South Mechanic Street and West Street, East along West Street a distance of 435.6 feet
- B. "From the intersection of West Street and South Mechanic Street, north a distance of 133 feet along South Mechanic Street."

Article 4. Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

This local law shall take effect upon filing with the filing with the Secretary of State.

Motion carried unanimously.

OLD BUSINESS:

At the June 21, 2014 meeting, Ms. Ablan-Woodrow, owner of Ablans Business Center, Inc. at 264 State Street, submitted a letter to the Board requesting two parking spaces in the Village parking lot to be assigned to the businesses near her store. The letter explained that she was parked at the loading dock behind her business to bring in supplies, got busy, forgot to move her car, and was issued a parking ticket. Ms. Ablan-Woodrow explained the reason for her letter and requested three parking spaces for the business only and to not permit tenants who live in the building to park there. After considerable discussion, Chief Huber stated he would research the issue and forward his recommendation to the Board.

Update 7/21/14: Chief Huber submitted his recommendations to the Board for their review and President McIlroy requested the Clerk/Treasurer to hold this issue until the August 18, 2014 regular meeting when the full Board is present.

At the June 21, 2014 meeting, David and Krissi Elshaug who reside at 1102 Alexandria Street, submitted a request to annex their property from the Village of Carthage into the Town of Wilna. After considerable discussion, the board requested the Clerk/Treasurer to provide a better map of the property and to hold this issue until the July 21, 2014 regular meeting.

Update 7/21/14: President McIlroy requested the Clerk/Treasurer to contact Mr. Ball, CEO and request a detailed map with names of surrounding property owners and include Route 3 in the map. Attorney Gebo suggested reviewing what services are currently provided by the Village; suggested speaking with the Town of Wilna due to the water service; and stated the property is surrounded by other Village property on three sides. President McIlroy requested the Clerk/Treasurer to hold this over until the August 18, 2014 regular meeting when the full Board is present.

At the June 21, 2014 meeting, Ernie Prievo, Water Superintendent explained the letter he submitted to the board regarding the Village filling swimming pools. He suggested increasing the cost from \$25.00 plus the cost of water to \$75.00 plus the cost of water and have the resident complete a standardized form. Trustee Latremore suggested including a hold harmless clause on the form to protect the Village and Attorney Gebo stated he would forward the language to Mr. Prievo. Mr. Prievo provided an example of a form for residents to complete if they are filling their pool from their garden hose and suggested the board only give credit if amount of water used exceeded 2 billing units (1,500 gallons). Mr. Prievo asked the Board to consider if they want to give residents more than one credit per year. Mr. Prievo will work with Attorney Gebo to reform the pool filling policies which will require a public hearing to change.

Update 7/21/14: Mr. Prievo submitted a proposed swimming pool filling policy along with corresponding standardized forms. President McIlroy requested the Clerk/Treasurer to hold this over until the August 18, 2014 regular meeting when the full Board is present.

At the June 21, 2014 meeting, the Board authorized North Country Forestry Services, LLC to send out bid packets for timber harvesting on the Village Watershed property in the Town of Croghan to be submitted to the board for their consideration on July 21, 2014.

Update 7/21/14: The bids will be opened at 9:00 a.m. on August 15, 2014 and submitted to the Board at the August 18, 2014 regular meeting for their consideration.

NEW BUSINESS:

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to approve CDBG 2012 Draw #13 payable to DLO Contracting and Alice Burrell \$12,191.40; Painting Etc, Inc. and Delmar House \$17,145.00; Jon Schoville S.J.S. Builders and Kelly Raap \$6,480.00; Lead Safe LLC \$750.00; and Avalon and Associates, Inc. \$8,099.90. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to formally approve Proclamations for Father George Maroun and Sister Annunciata Collins dedicating July 13, 2014 to them due to their dedicated service to our community and to the Catholic Parish which were previously approved via email poll on July 10, 2014. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to formally approve hiring Matthew Draper to work as a summer employee in the Water Department for \$8.00 per hour for 40 hours per week until August 8, 2014 which was previously approved via email poll on June 27, 2014. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to formally approve the Carthage Area Chamber of Commerce posting their banner at the base of the bridge on State Street to advertise for the Fireworks Festival which was previously approved via email poll. Motion carried unanimously.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to formally approve the purchase of chips for the Carthage Park; and use Contingency Funds for the balance not to exceed \$2,135.00, which was previously approved via email poll on July 10, 2014. Motion carried unanimously.

The Board reviewed the 2013 Carthage Free Library Annual Report.

Chief Huber submitted a draft of a revision to the Village Code regarding Dogs and Other Animals, §69-6 Licenses, registration and rabies required which mirrors the Village Code to the State Agriculture and Markets Law. Attorney Gebo stated it would ease prosecution of a case regarding non-licensed dogs and dogs without rabies tags.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to set a Public Hearing on August 18, 2014 at 7:10 p.m. to adopt a local law to revise the Village Code regarding Dogs and Other Animals, §69-6 Licenses, registration and rabies required. Motion carried unanimously.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to approve the final distribution of Restore New York grant funds, which were received by NYS on June 6, 2014, payable to Carthage Area Hospital \$36,475.87 and the CIDC \$31,443.33. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary authorizing President McIlroy to sign an agreement for Library services effective August 1, 2014 – July 31, 2015 with the Carthage Free Library in the amount of \$6, 000.00. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary authorizing President McIlroy to sign an agreement for transportation services with the Wilna-Champion Transportation Association, Inc. effective July 1, 2014 – June 30, 2015 in the amount of \$5,000.00. Motion carried unanimously.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer authorizing President McIlroy to sign an agreement for employee assistance services with Northern Employee Assistance Services effective September 1, 2014 – August 31, 2015 in the amount of \$400.00. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary authorizing President McIlroy to sign a Memorandum of Understanding with the New York State Teamsters Council Health and Hospital Fund for the Police Department to amend Section 8. of the current agreement as follows:

When an employee who is absent because of non-occupational or occupational illness, injury or disease, or leave of absence, has notified the Employer of such absence, the Employer will make required contributions, to include Benefit Premiums and HRA Contributions, for a period of four weeks. It is understood the Fund will make payments for Benefit Premiums and the Employer will make payments for HRA Contributions for weeks five through twenty-six.

Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary authorizing President McIlroy to sign a Memorandum of Understanding with the New York State Teamsters Council Health and Hospital Fund for the Department of Public Works to amend Section 8. of the current agreement as follows:

When an employee who is absent because of non-occupational or occupational illness, injury or disease, or leave of absence, has notified the Employer of such absence, the Employer will make required contributions for a period of four weeks. It is understood the Fund will make payments for weeks five through twenty-six.

Motion carried unanimously.

The Board reviewed examples provided by JR Associate of agreements they currently have with other organizations regarding the placement of an ATM machine in the Village Municipal Building. The agreement stated the Village would need to provide an internet connection and the Village would receive 30% of the surcharge fees collected from the machine. Chief Huber stated it would benefit the Court, Police, and Clerks Offices as we do not take credit or debit cards. Attorney Gebo stated we will need to find out if the machine is insured and if vandalized; who is responsible. President McIlroy requested the Clerk/Treasurer hold this issue over until the next regular meeting.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to hire Jordan McLane as a part-time police officer and send him to the police academy in Watertown, pending the revision of the police agreement to state he must work a minimum amount of shifts scheduled by the Police Chief. Motion carried unanimously.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to accept the quote from Greg's Handyman Service to fix and paint the ceiling in the hall outside the Clerk's Office damaged by a leak in the roof; replace the window in the Clerk's Office which is rotted; and renovate the entrance of the Clerk's Office to allow for more room for patrons in an amount not to exceed \$5,000.00.

Motion by Trustee Smith-Spencer and seconded by President McIlroy to approve the training requests for the Village Justice and Court Clerk for training at SUNY Potsdam on July 29, 2014 and July 30, 2014 to include lodging, mileage, and meals not to exceed \$550.00 and attendance at the NYS Magistrates Association's conference in Syracuse from September 21, 2014 – September 24, 2014 to include the inclusive conference fee and mileage not to exceed \$800.00. Motion carried unanimously with Trustee Vary abstaining.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to authorize President McIlroy to sign the discharge of mortgages for Caskinette Realty LLC and Carthage Fibre Drum as they have fulfilled their commitments to the Village Loan Fund. Motion carried unanimously.

The Clerk/Treasurer submitted a memo to the Board notifying them that Elaine Brouty, who cleans the Municipal Building has given her notice. The Deputy Clerk contacted Kimple Property Services and requested a quote to clean the Municipal Building. The Clerk/Treasurer explained the differences between a contracted service and a Village employee performing the service and expressed they will be

required to pass an FBI background check. President McIlroy requested the Clerk/Treasurer to advertise for the position in the Carthage Republican Tribune for both contracted services and an employee of the Village.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to accept the monthly departmental reports from the CEO, Community Development, Police Department, Water Department, and Treasurer as presented. Motion carried unanimously. The Court and DPW departmental reports were not submitted.

Trustee Smith-Spencer reviewed the monthly bills prior to the meeting.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to approve payment of payrolls and bills as follows: General Fund P/R 06/19/14, 06/26/14, 07/03/14, 07/10/14, and 07/17/14 \$76,500.78; Special Grant Fund P/R 06/26/14 and 07/10/14 \$198.74; Water Fund P/R 06/26/14, 07/03/14, and 07/10/14 \$7,108.89; Sewer Fund P/R 06/19/14, 06/26/14, 07/03/14, 07/10/14, and 07/17/14 \$9,836.63; Joint Fund P/R 06/26/14, and 07/10/14 \$15,476.62. General Fund Abstracts \$95,920.05; Special Grant Fund Abstracts \$0; Water Fund Abstracts \$6,537.80; Sewer Fund Abstracts \$82,741.94; and Joint Fund Abstracts \$113,943.38. Motion carried unanimously.

PRESIDENT MCILROY UPDATE:

President McIlroy asked Attorney Gebo if there has been any progress regarding the judgment against 511 Adelaide Street. Attorney Gebo stated they are attempting to locate Mr. Meyers to serve him court appearance papers.

ATTORNEY GEBO UPDATE:

Attorney Gebo stated he has researched NYS Law regarding railroad crossings and in Section 91, the Village can petition the Commission of the Department of Transportation and they may mediate between the railroad and the Village regarding fixing the railroad crossings. President McIlroy stated a meeting will be set up between the Village and the Railroad and would like Attorney Gebo to attend.

Attorney Gebo stated he has been speaking with the Clerk/Treasurer regarding the Property Tax Freeze law which in the first year if the Village exceeds the tax cap, residents will not be eligible for a tax rebate. In the second year, the Village must engage in inner municipal cooperation with other governments and the initiatives which are in place, the joint water and sewer systems, do not count as they were implemented prior to the year 2012. Attorney Gebo stated the rebates the residents will receive if the Village complies will be very low and it will cost more for the State to process the checks.

LIAISON REPORTS AND COMMENTS:

None.

MEDIA QUESTIONS:

None.

EXECUTIVE SESSION:

None.

ADJOURNMENT:

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to adjourn at 8:25 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy L. O'Shaughnessy
Village Clerk/Treasurer