

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
September 15, 2014

ATTENDANCE:

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

Others: Mark Gebo, Village Attorney; Reginald Huber Jr., Village Police Chief; Kathy Amyot, Tug Hill Commissions; Elaine Avallone, Johnson Newspapers, David Elshaug; Carol Anne Stenstrom; Darcia Bailey; Dimitri Jones; and 10 Participation in Government Students.

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 Latremore and seconded by Deputy President Astafan to approve the minutes of the August 18, 2014 special meeting as presented. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to approve the minutes of the August 18, 2014 regular meeting as presented. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to approve the minutes of the September 9, 2014 special meeting, joint with the Town of Wilna, as presented. Motion carried unanimously.

PUBLIC FORUM:

Ms. Bailey stated her son received a \$25.00 ticket for skateboarding on the sidewalk and feels the Village needs to post more signs to warn people of the law disallowing skateboarding and bicycling on sidewalks. President McIlroy stated he would look into it.

Ms. Amyot stated there will be a Stormwater meeting at the Village of Black River on Wednesday, September 18, 2014 at 1:00 p.m.; a RACOG meeting at the Village of Carthage on September 16, 2014 at 7:00 p.m.; and reminded the Board of the Tug Hill Commissions community work session at the Redwood Fire Hall on September 30, 2014 at 6:00 p.m.

Ms. Avallone stated she feels directional signs should be posted at the Carthage Elementary School as she was almost in an accident while there attending an event. President McIlroy stated he would speak to Chief Huber and render his opinion.

PUBLIC HEARING:

President McIlroy called the public hearing to order at 7:10 p.m. to discuss housing and community development needs in the Village and outline the program that will be administered with funding that has been received from the New York State Office of Community Renewal. President McIlroy asked twice if there was anyone wishing to discuss housing and community needs. With no one wishing to comment on housing and community needs there was motion by Deputy President Astafan and seconded by Trustee Latremore to close the hearing at 7:12 p.m.

President McIlroy explained the proposed local law to establish a moratorium with respect to raising farm animals within the Village of Carthage. President McIlroy asked twice if there was anyone wishing to speak for or against the local law. With no one wishing to comment on the local law there was motion by Trustee Latremore and seconded by Trustee Vary to close the hearing at 7:14 p.m.

Motion by Deputy President Astafan and seconded by Trustee Latremore to adopt Local Law #5 of 2014 as follows:

Article 1. - Statement of Authority. The Village Board of the Village of Carthage, pursuant to the authority granted it under Article 7 of the Village Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Village Board of the Village of Carthage hereby finds that there is a trend of citizens raising farm animals in urban areas. It is the purpose of this local law to establish a moratorium for six (6) months with respect to raising farm animals within the Village of Carthage. Currently, the Village of Carthage Code does not contain provisions regulating the raising of farm animals within the Village. It is the purpose of this local law to establish a moratorium for a period of six months on applications to allow the raising of farm animals within the Village of Carthage to allow the Village Board to consider and implement sufficient regulations.

Article 3. - Enactment. The Village Board of the Village of Carthage does hereby enact as follows:

Section 1. Definitions

Farm Animals – animals typically raised on a farm including, but limited to, cows, swine, chickens or other domestic fowl, goats, sheep, horses, llamas and alpacas.

Section 2.

Commencing with the effective date of this local law and for a period of six (6) months thereafter, no person shall be allowed to raise farm animals as defined in this law within the Village of Carthage.

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.

CORRESPONDENCE:

President McIlroy stated Carthage Specialty Paperboard will be hosting an Open House on Thursday, September 25, 2014 from 1:00 p.m. until 4:00 p.m. to celebrate the successful startup of their newly rebuilt paper machine.

Motion by Deputy President Astafan and seconded by Trustee Vary to honor the request of Roberta Faul for a sewer credit, based on the recommendation of Ernie Prievo, Water Superintendent, due to a broken pipe on 422 North Clinton Street, for 2539 cubic feet in the amount of \$152.50. Motion carried unanimously.

President McIlroy stated the NYS Tug Hill Commission will be hosting a Community Work Session on Tuesday, September 30, 2014 at 6:00 p.m. at the Redfield Fire Hall.

Motion by Trustee Latremore and seconded by Trustee Vary to waive the \$225.00 Farmer's Market Pavilion rental fee for the free gospel concert sponsored by Pastor Robert Sly which is open to the public on Saturday, October 4, 2014. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to permit Simpson Fuels to rescind their Fuel Bid for regular unleaded gasoline and ultra low sulfur diesel submitted on Monday, June 16, 2014 due to their misunderstanding of the sealed bid specifications. Motion carried with Deputy President Astafan opposed.

Motion by Trustee Latremore and seconded by Trustee Vary to permit the Clerk/Treasurer to request sealed bids for regular unleaded gasoline and ultra low sulfur diesel to be reviewed by the Board at the regular meeting on October 20, 2014. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Deputy President Astafan to place caution signs on both sides of Slack Chemical Company, Inc. on South Washington Street to encourage motorists to proceed slowly due to trucks entering and leaving the facility. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to permit the Carthage Area Chamber of Commerce to hold the Annual Holiday Parade on Saturday, November 8, 2014 at 11:00 a.m. to begin in West Carthage, traveling across the bridge to State Street and concluding on North James Street, per the recommendation of Chief Huber, at the Carthage Elks Lodge. 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.

Update 8/19/14: Chief Huber's recommendations were discussed in length and the Board members had mixed opinions about them so President McIlroy put the options up for a vote of which Deputy President Astafan abstained and the rest of the Board was divided and no action was taken.

Update 9/15/14: Chief Huber stated he is in favor of doing nothing or making two parking spaces handicap accessible.

Motion by Trustee Latremore to choose Option #4- make two spaces in the Village parking lot handicap parking only with no time limit. Motion not carried with no second to the motion.

Motion by Trustee Vary to choose Option #1- Do nothing with the Village parking lot. Motion not carried with no second to the motion.

Attorney Gebo advised the Board did not need to take action on this issue and President McIlroy requested it be removed from the agenda.

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.

Update 8/18/14: President McIlroy listed the hardship reasons within the request as to why the property owners want to be annexed out of the Village which include inability to use existing well on property; inability to use existing barn for livestock that is not allowed within the Village; lack of Village services such as snow plowing the road leaving a snow bank at the end of driveway or not plowing road and not picking up yard debris. President McIlroy stated currently there is no law within the Village Code which prohibits livestock as long they are within a well fenced area; DPW Superintendent, Dan Trembley confirmed the road is plowed and debris is pickup if placed in the proper area. Attorney Gebo advised for the Village to conduct a joint hearing with the Town of Wilna which he will schedule tentatively on September 10, 2014 at the Town of Wilna.

Update 09/15/14: A public hearing was held on September 15, 2014 at the Town of Wilna regarding de-annexing the property from the Village into the Town and no action was taken by the Village of Carthage. Mr. Elshaug stated he still feels he does not receive services from the Village and President McIlroy encouraged Mr. Elshaug to call him personally. President McIlroy asked to hold this over until the moratorium period expires in six months.

At the June 21, 2014 meeting, Ernie Priervo, 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. Priervo. Mr. Priervo 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. Priervo asked the Board to consider if they want to give residents more than one credit per year. Mr. Priervo will work with Attorney Gebo to reform the pool filling policies which will require a public hearing to change.

Update 7/21/14: Mr. Priervo 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.

Update 8/18/14: The pool filling policies and forms as presented by the Water Superintendent were approved by the Board.

Motion by Trustee Latremore and seconded by Deputy President Astafan to set a public hearing to incorporate the pool filling policies into the Village Code on October 20, 2014 at 7:10 p.m. Motion carried unanimously.

There was an Evidentiary Hearing on July 15, 2014 regarding the unsafe condition of 208 North Mechanic Street.

Update 8/18/14: The property on 208 North Mechanic Street is still unsafe. The Board authorized Attorney Gebo send a letter to Mr. Trombley, 208 North Mechanic Street, informing him the Village intends to demolish the building.

Update 9/15/14: Attorney Gebo sent the letter to Mr. Trombley but referenced the wrong address. Attorney Gebo stated he would re-send the letter with the correct address and give Mr. Trombley an additional week of notification of the Village's intent to demolish the building.

The Board reviewed the updated water shutoff register which consisted of fourteen residences.

At the August 18, 2014 meeting, Mr. Haverstock stated he recently fell in front of a property he owns on 217 North Washington Street and he feels the Village is liable as he brought the hazard to the attention of the DPW three or four times prior to the incident.

Update 9/15/14: President McIlroy stated the sidewalk will be fixed after the paving is completed on North Washington Street.

President McIlroy read the letter received from Mohawk Railroad regarding their proposed agreement, in conjunction with the Village, to fix the railroad crossing on Canal Street. The letter summarized the duties each party will perform and further stated the work could not commence until Spring 2015 due to the priority of other projects.

Motion by Deputy President Astafan and seconded by Trustee Latremore to accept the proposal as presenting providing Mohawk Railroad provides funding in advance for the project. Motion carried unanimously.

President McIlroy provided a list of monthly meeting dates Villages in Jefferson County currently partake in and stated out of twenty Villages; only three other Villages hold bi-monthly meetings.

Motion by Trustee Latremore and seconded by Deputy President Astafan for the Village of Carthage to continue with bi-monthly meetings with the exception of July, August, and September. Motion carried unanimously.

NEW BUSINESS:

Motion by Trustee Latremore and seconded by Deputy President Astafan to approve CDBG 2012 Draw #17 payable to M&M Contracting and Cyndie Steria \$15,700.00. Motion carried unanimously.

President McIlroy read the memo provided by the Clerk/Treasurer regarding her recommendation to transfer funds from the Capital Fund to the General Fund to clear the liability in the Capital Fund since the final payment was received for the Guyot's Island grant.

Motion by Trustee Latremore and seconded by Deputy President Astafan to authorize the Clerk/Treasurer to transfer \$19,367.84 from the Capital Fund to the General Fund to clear the liability in the Capital Fund. Motion carried unanimously.

President McIlroy read the memo provided by the Clerk/Treasurer regarding her recommendation to pay off the DPW BAN in the amount of \$129,500.00 because First Niagara stated they did not intend to renew the BAN which was not due to be repaid for two more years. The current budget included a payment of \$44,000.00 leaving the balance of \$85,500.00 to be paid using funds from the Assigned Unappropriated Fund Balance in the General Fund. The Clerk/Treasurer further recommended appropriating in DPW Reserves, the amount equal to the payment in the next two budget years to decrease the amount the Village will need to borrow to purchase equipment for the DPW.

Motion by Trustee Latremore and seconded by Deputy President Astafan to pay off the DPW BAN in the amount of \$129,000.00 utilizing \$85,500.00 from the Unappropriated Fund Balance in the General Fund. Motion carried unanimously.

The Board reviewed the accident report provided by Chief Huber regarding the accident with the Police Vehicle.

Motion by Trustee Latremore and seconded by Deputy President Astafan to approve the following budget transfers/adjustments:

A.3120.04		
60	Police Vehicle Repair & Maint	2,101.98
A.1990.04		
00	Contingencies	1,000.00
A.0000.26	Insurance Recoveries	

80			1,101.98
	Repair police car due to accident		
F.8340.04			
60	Vehicle/Equipment Maint/Repair	2,748.20	
F.8340.02			
00	Water trans & Dist. Equipment		2,748.20
	Repair Case Loader Budgeted Item		
A.9710.06			
00	Debt Principal Bond	70,000.00	
A.9730.06			
00	Debt Principal BAN		70,000.00
	Allocate Court/Rec debt exps. to Bonds		
A.9730.06			
00	Debt Principal BAN	85,500.00	
	Pay off DPW BAN utilizing Assigned Unappropriated Fund Balance		

Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Latremore to adopt Resolution 7 of 2014 as follows:

RESOLUTION WITH REFERENCE TO AUTHORIZING LUMP SUM MUNICIPAL SNOW & ICE AGREEMENT EXTENSION FOR 2015/16 SEASON WITH STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION

WHEREAS, The Village of Carthage has previously entered into a Lump Sum Municipal Snow and Ice Agreement with NYSDOT, and

WHEREAS, the existing agreement expires June 30th of 2015 and the Village wishes to enter into an agreement to extend the fixed sum municipal snow and ice agreement for 2015/2016, and

WHEREAS, The NYSDOT has provided a draft agreement for consideration by the Village setting forth the lump sum payment amount including dollars./lane mile, the number of lane miles and the contract adjustment worksheet.

BE IT RESOLVED AS FOLLOWS:

1. The Village of Carthage Village Board hereby authorizes extending the existing Lump Sum Municipal Snow and Ice Agreement for the 2015/2016 season with the NYSDOT.
2. That the President, or in his absence, Deputy President, is hereby authorized to enter into such extension, and to execute any and all documents, contract, funding disbursements, agreements and instruments necessary to bring about this action.
3. That this resolution shall take effect immediately

The foregoing resolution was duly adopted unanimously.

Motion by Deputy President Astafan and seconded by Trustee Vary to adopt Resolution 8 of 2014 as follows:

RESOLUTION TO ADOPT THE GUIDELINES AND PROCEDURES FOR ADMINISTRATION OF THE LOCAL HOUSING REHABILITATION PROGRAM USING 2013 NYS CDBG FUNDING

WHEREAS, Community Development Block Grant (CDBG) funding has been received from the NYS Office of

Community Renewal from their 2013 grant program to implement housing rehabilitation activities for qualified residential properties in the towns of Champion and Wilna, including the villages of Carthage and West Carthage; and

WHEREAS, the village of West Carthage and the towns of Champion and Wilna have entered into a Cooperation Agreement designating the village of Carthage as the lead applicant for preparation of the CDBG application and administration of the housing rehabilitation program in compliance with federal and state regulations; and

WHEREAS, detailed Guidelines and Administrative Procedures have been drafted to govern all activities under the Housing Rehabilitation Program in compliance with applicable federal, state, and local regulations; now therefore

BE IT RESOLVED AS FOLLOWS:

- 1 The proposed Guidelines and Administrative Procedures for the Carthage Area Housing Rehabilitation Program are hereby adopted and shall become effective immediately for all local housing rehabilitation activities conducted with Community Development Block Grant funding in the towns of Champion and Wilna, including the villages of Carthage and West Carthage.
- 2 That the President, or in his absence, Deputy President, is hereby authorized to enter into and to execute any and all documents, contract, funding disbursements, agreements and instruments necessary to implement this program.
- 3 That this resolution shall take effect immediately

The foregoing resolution was duly adopted unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to authorize the request for Sealed Bids for a Trailer Mounted Sewer Cleaner to be due at the Clerk's Office by Wednesday, October 15, 2014 and considered at the October 20, 2014 regular meeting. Motion carried unanimously.

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

Deputy President Astafan reviewed the monthly bills prior to the meeting.

Motion by Deputy President Astafan and seconded by Trustee Vary to approve payment of payrolls and bills as follows: General Fund P/R 08/21/14, 08/28/14, 09/02/14, 09/04/14, and 09/11/14 \$69,583.15; Special Grant Fund P/R 08/21/14 and 09/04/14 \$198.74; Water Fund P/R 08/21/14, 08/28/14, 09/04/14, and 09/11/14 \$9,480.25; Sewer Fund P/R 08/21/14, 08/28/14, 09/04/14, and 09/11/14 \$7,250.28; Joint Fund P/R 08/21/14 and 09/04/14 \$15,583.95. General Fund Abstracts \$237,546.35; Special Grant Fund Abstracts \$2,460.00; Water Fund Abstracts \$73,121.64; Sewer Fund Abstracts \$61,372.70; and Joint Fund Abstracts \$82,559.23. Motion carried unanimously.

PRESIDENT MCILROY UPDATE:

President McIlroy stated the CEO received a request to place a trailer in the Village and President McIlroy asked Attorney Gebo if it was permitted. Attorney Gebo stated he would research the issue and get back to the CEO. President McIlroy stated there will be a Joint Utility meeting on September 24, 2014 at 6:00 p.m. at the Village of West Carthage.

ATTORNEY GEBO UPDATE:

Attorney Gebo stated the Planning Board will need to review the laws regarding animals in the Village during the moratorium period.

LIAISON REPORTS AND COMMENTS:

Trustee Latremore asked if Elm Street could be resurfaced while the Village is paving North Clinton and North Washington Streets. President McIlroy stated Elm Street was not included in the paving budget this year.

MEDIA QUESTIONS:

Ms. Avallone asked for clarification of items discussed throughout the meeting.

EXECUTIVE SESSION:

None.

ADJOURNMENT:

Motion by Trustee Latremore and seconded by Trustee Vary to adjourn at 8:10 p.m. Motion carried unanimously.

Respectfully Submitted,

Wendy C. Oliver
Village Deputy Clerk