

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
August 17, 2015

ATTENDANCE:

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

Others: Mark Gebo, Village Attorney; Reginald Huber, Police Chief; Kathy Amyot, Tug Hill Commissions; Robert Demars; Bruce Steenburg; and Elaine Avallone, Johnson Newspapers.

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 Deputy President Astafan and seconded by Trustee Latremore to approve the minutes of the July 20, 2015 regular meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

Mr. Demars asked when the police department began screening calls. Mr. Demars stated he called the police department and was told by Officer Smith that he did not have time to speak with him and was advised to call the State Police. The State Police stated it was a Village matter and told him to call the Sheriff's Department who called the Village Police Department. Mr. Demars stated no one responded to his concern regarding the defacing of the Cemetery. Chief Huber requested the date and time of the call so he could look into it. Mr. Demars also cited two other incidents one with dealing with him directly and the other he witnessed dealt with his neighbor. President McIlroy stated he would have Chief Huber look into Mr. Demars concerns and get back to him.

Ms. Amyot stated the joint ZBA has met several times and is working well together. Ms. Amyot stated the Twin Village Pool is closed for the season and she is coordinating a meeting to review the implementation of the policies and procedures which regulated the pool this season.

PUBLIC HEARINGS:

President McIlroy opened the Public Hearing to discuss a local law to regulate the use of generators and/or portable generators within the Village at 7:10 p.m. President McIlroy asked if there was anyone who wanted to speak for or against the local law and Mr. Steenburg stated he had some questions. Mr. Steenburg asked for the definition of a state of emergency and Attorney Gebo stated it can be declared by the federal, state, county, or local governments. President McIlroy asked about contractors and Attorney Gebo stated he would add a section to the local law stating it did not apply to temporary usage to include contractors performing work during normal business hours. Attorney Gebo stated he would add a fine section and exclusion for permanent generators running on a weekly test basis. With no one else wishing to speak, there was a motion by Trustee Latremore and seconded by Trustee Vary to close the hearing at 7:14 p.m.

Motion by Trustee Latremore and seconded by Deputy President Astafan to adopt Local Law #1 of 2015 as follows:

A local law to enact a Chapter 86 to the Village Code of the Village of Carthage with respect to permanent standby generators and portable generators.

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

Article 2. - Statement of Purpose and Findings. The Board of Trustees of the Village of Carthage hereby finds that the running of generators and/or portable generators on a continual basis within the Village presents noise issues as it disturbs the peaceful enjoyment of neighboring properties. It is the purpose of this Local Law to regulate the use of generators and/or portable generators within the Village to improve the quality of life for neighboring residents.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby enacts a new chapter 86 to the village of Carthage Code to be entitled "Generators and Portable Generators" as follows:

Section 86-1 - The use of permanent standby generators or portable generators shall be allowed in the Village of Carthage only in compliance with the Chapter.

Section 86-2 - No permanent standby generator or portable generator may be located on a property in such location as to create a noise exceeding 80 DBA at the nearest property line as measured by sound level decibel meter meeting the standards of either type 1 or 2 of the American National Standards Institute (ANSI Type 1 or ANSI Type 2 sound level meter).

Section 86-3 - Neither a permanent standby generator nor a portable generator may be utilized to provide power on an ongoing basis to a property by reason of a) the electrical service provided has terminated service provided to the property; b) by reason of the property owner having elected not to connect to the utility provider; c) Neither permanent standby generators nor portable generators may be used to provide power to a camper or other similar recreational vehicle within the Village.

Section 86-4 - Exceptions.

a) In a state of emergency, these rules shall be suspended.

b) Temporary usage by contractors during regular business hours.

Section 86-5 - Violations. Any person in violation of this Chapter shall be guilty of a violation. Upon a finding that a violation has occurred, the Court may impose a fine not to exceed \$250.00 for each and every violation. Each week a violation continues shall be considered a separate violation. The Village may also consider whether to seek injunctive relief in a Court of competent jurisdiction. Such relief shall not be precluded by the fact that fines have also been sought in local Court.

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 upon filing with the New York State Department of State.

Motion carried unanimously.

President McIlroy opened the Public Hearing to discuss a local law to regulate campers, travel trailers, motor homes or recreational vehicles and their use as extended living facilities at 7:15 p.m. President McIlroy asked three times if there was any one who wanted to speak for or against the local law. Trustee Latremore asked who is the applicant and Attorney Gebo stated the property owner. Attorney Gebo stated the Board will need to set an application fee of which he suggested \$100.00. Deputy President Astafan expressed \$100.00 was too much and the Board settled on \$50.00. With no one else wishing to speak, there was a motion by Deputy President Astafan and seconded by Trustee Latremore to close the hearing at 7:17 p.m. Motion by Trustee Latremore and seconded by Trustee Vary to set the permit fee at \$50.00. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Deputy President Astafan to adopt Local Law # 2 of 2015 as follows:

A local law to add a Chapter 59 to the Village Code of the Village of Carthage with respect to campers, travel trailers, motor homes or recreational vehicles.

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

Article 2. - Statement of Purpose and Findings. The Board of Trustees of the Village of Carthage hereby finds that the use of campers, travel trailers, motor homes or recreational vehicles as extended living facilities in the Village of Carthage is detrimental to the Village as it creates unsightly issues and issues regarding sanitary facilities as well as safety issues with respect to utility service to such campers, travel trailers, motor homes or recreational vehicles. It is the purpose of this Local Law to regulate the same.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby establishes a new Chapter 59 of the Village of Carthage Code as Campers, Travel Trailers, Motors Homes, and Recreational Vehicles as follows:

Section 59-1 - No camper, travel trailer, motor home or recreational vehicle may be used as a temporary living facility in the Village of Carthage except in accordance with this Chapter.

Section 59-2 - Any person wishing to use a camper, travel trailer, motor home or recreational vehicle as a temporary living facility within the Village of Carthage must first obtain a permit from the Village Code Officer to do so. Such permit application must demonstrate:

- a. That there will be adequate potable and sanitary water supply;

- b. That there will be adequate septic and/or sewage facilities for the actual use and demand;
- c. That the camper, travel trailer, motor home or recreational vehicle as the case may be is properly licensed and registered if required by law.
- d. That it is properly connected to electrical service if required (cannot be a generator).
- e. All campers, travel trailers, motor homes or recreational vehicles used as temporary dwellings must be located on a lot owned by the applicant and outside of any Village right-of-way such as a street or side-walk.

Section 59-3 - Any permit issued pursuant to this Chapter shall be for a period of no longer than fourteen (14) days.

Section 59-4 - The Village Board of Trustees may establish a fee for such permit from time to time by Resolution.

Section 59-5 - Violations. Any person in violation of this Chapter shall be guilty of a violation. Upon a finding that a violation has occurred, the Court may impose a fine not to exceed \$250.00 for each and every violation. Each week a violation continues shall be considered a separate violation. The Village may also consider whether to seek injunctive relief in a Court of competent jurisdiction. Such relief shall not be precluded by the fact that fines have also been sought in local Court.

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 upon filing with the New York State Department of State.

Motion carried unanimously.

CORRESPONDENCE:

President McIlroy read the correspondence received from Arthur Deren regarding an invoice he received from the DPW mowing the grass at a property he acquired through a foreclosure on June 1, 2015 at 808 West End Avenue. Mr. Deren expressed he was unaware of the violation as the notice was sent to the previous property owner.

Motion by Deputy President Astafan and seconded by Trustee Latremore to grant the request of Mr. Deren and dismiss the mowing charge in the amount of \$300.00 because he did not receive the notice due to the timing of the change of ownership and further inform Mr. Deren as such. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer, based on the recommendation of the Water Superintendent, to issue Cathy Wright a refund for a sewer charge due to a broken underground waterline in the amount of \$304.51. Motion carried unanimously.

The Water Superintendent issued a memo to the Board regarding damage to a Village water line caused by a mini excavator digging up a sewer line without calling in a UFPO ticket prior to digging. President McIlroy stated he is unsure why the Water Superintendent submitted this to the Board and did not just bill the property owner.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to authorize the Carthage YMCA to conduct their second annual Family Fun Run/Walk to begin at the Carthage Park to State Street, Hospital Drive, West Street, North James Street, Fulton Street, and back to Park Drive and further use the Recreation Building on Saturday, October 17, 2015 from 8:00 a.m. – 10:30 p.m. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to permit Walter Weaver and Cheyenne Hernandez to hold their wedding ceremony at Turning Point Park on Saturday, September 12, 2015 from 12:00 p.m. – 1:00 p.m. Motion carried unanimously.

The Wilna-Champion Transportation Association submitted an appreciation card for the support the Village provides to their association.

The Carthage Area Chamber of Commerce submitted a thank you letter for the support provided by the Village for the Fireworks Festival to include the DPW and Police Department.

Motion by Deputy President Astafan and seconded by Trustee Vary to permit Cub Scout Pack 39 of Carthage to use the Recreation Building on Monday and Thursday evenings from 5:00 p.m. – 8:00 p.m. from September 1, 2015 – June 30, 2016 and further utilize the building on February 20, 2016 and March 19, 2016 and waive the rental fee providing an application is completed for use of the building. Motion carried unanimously.

OLD BUSINESS:

At the July 20, 2015 meeting, Ms. Lawton expressed her concerns regarding the speed of traffic near the High Rise apartment building and requested the speed be reduced or signs informing elderly crossing. President McIlroy requested Chief Huber to review and forward his recommendations to the Board.

Update 08/17/15: Chief Huber forwarded his recommendations to the board as follows:

- 1) Remove the crosswalk from Long Falls apartments to Rite Aid to encourage residents to use the crosswalk at the corner of Canal Street and State Street.
- 2) Close Canal Street and make West Street a dead end street.
- 3) Do nothing; noting there is a potential for an accident but there hasn't been one in the ten years he has worked for the Carthage Police Department.

After considerable discussion, the Board decided not to act on this issue.

At the July 20, 2015 meeting, The Board reviewed the two quotes issued for the installation of a new gas water heater for the Municipal Building and Deputy President Astafan asked which brand of water heater each quote was submitted for and only one quote contained the manufacturer. President McIlroy requested the Clerk/Treasurer inquire to the contractor the brand of the water heater and further to hold this until the next regular meeting on August 20, 2015.

Update 08/17/15: Both of the quotes were for installation of a Bradford White natural gas standard vent forty gallon water heater.

Motion by Trustee Latremore and seconded by Deputy President Astafan to accept the low quote received from EMM Heating LLC in the amount of \$1,250.00 to install a Bradford White natural gas standard vent forty gallon water heater in the Municipal Building. Motion carried unanimously.

The Board reviewed the correspondence received from the Public Service Commission regarding the direct overlay of the 315 area code.

NEW BUSINESS:

Motion by Trustee Latremore and seconded by Trustee Vary to approve CDBG 2013 Draw #7 payable to Charlotte Rebb and Painting Etc Inc \$15,624.00; Danyelle Mono & Painting Etc Inc \$6,135.00; Avalon Associates, Inc. \$5,972.49. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary authorizing President McIlroy sign the letter of support for Carthage Apartments Company I to rehabilitate Washington Courts. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer authorizing the temporary employment of a DPW Laborer due to multiple medical leaves within the department, and further authorizing Deputy President Astafan to review the applications and select a candidate. Motion carried unanimously.

The Board reviewed the water shut off list and President McIlroy stated he is surprised at the number of notices which were mailed.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer authorizing President McIlroy to sign the agreement with HGAC Buy Interlocal contract for cooperative purchasing to permit the DPW to purchase a lawn mower at a discounted price. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Latremore authorizing President McIlroy to sign the agreement with PIVOT to provide employee assistance services. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Deputy President Astafan to formally approve the retirement incentive for Daniel Trembley in the amount of \$1,000.00, previously approved via email poll. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Deputy President Astafan proclaiming July 30, 2015 as "Dan Trembley Day", previously approved via email poll.

Motion by Trustee Vary and seconded by Deputy President Astafan to approve resolution 12 of 2015, previously approved via email poll as follows:

RESOLUTION WITH REFERENCE TO SUPPORT OF 2015 MAIN STREET TECHNICAL ASSISTANCE PROGRAM APPLICATION TO ASSIST IN CONTINUED RESTORATION OF DOWNTOWN CARTHAGE

WHEREAS, the Village of Carthage downtown is beginning to recover from the numerous catastrophic events that occurred over the past 17 years; and

WHEREAS, the Village of Carthage has supported and partnered in the clean-up and restoration of numerous buildings and sites downtown including the 256-262 State Street project, the YMCA project, the Buckley Building Restoration initiative, among other initiatives; and

WHEREAS, the continued and future success of the downtown renaissance is dependent in substantial part on the cooperation, assistance and participation of the CIDC, RACOG, DANC, Tug Hill, and our surrounding communities; and

WHEREAS, the NYS Homes and Community Renewal has announced a 2015 Main Street Technical Assistance Grant Program funding round for grants up to \$20,000, due July 31, 2015, which is available to study the rehabilitation or adaptive re-use of downtown buildings; and

WHEREAS, the Carthage Industrial Development Corporation desires to apply for \$20,000 to study the adaptive re-use of 0 Dock Street, Carthage;

BE IT RESOLVED as follows:

Section 1. The Village of Carthage Village Board hereby approves and endorses the submission of a 2015 Main Street Technical Assistance Program Application for assistance prepared and to be submitted by the Carthage Industrial Development Corporation.

Section 2. That the President, or in his absence, the Deputy-President, is hereby authorized to execute any and all documents, contracts, fund disbursements, and agreements necessary to effectuate this initiative.

Section 3. That the within resolution shall take effect immediately.

The foregoing resolution was duly adopted unanimously.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer authorizing the Deputy Clerk to attend the Advanced Accounting School sponsored by the NYS Comptroller in Watertown from September 1 – 3, 2015 at a cost of \$85.00 and include mileage reimbursement. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary authorizing the Clerk/Treasurer to attend the NYCOM Fall Training School in Lake Placid from September 28, 2015 – October 1, 2015 at a cost of \$285.00 and include lodging and mileage reimbursement. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to accept the monthly departmental reports from Code Enforcement, Court, DPW Department, Police Department, Water Department and Treasurer as presented. Motion carried unanimously. The Community Development report was not submitted on time to be included in the Board packet. Deputy President Astafan commended the new format of the DPW Report. The Police Department report included a request for new security cameras at the Recreational Building. Chief Huber will work with the Clerk/Treasurer to obtain a quote from NCC Systems.

Deputy President Astafan and Trustee Smith-Spencer reviewed the monthly bills and bank statements including reconciliations prior to the meeting. The documents were also available at the meeting.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to approve payment of payrolls and bills as follows: General Fund \$158,671.75; Special Grant Fund \$198.74; Water Fund \$43,260.22; Sewer Fund \$130,039.27; Joint General Fund \$15,953.65; and Joint Capital Fund \$0. Motion carried unanimously.

Deputy President Astafan stated he received a quote in the amount of \$3,700.00 for the restoration of the Gazebo and feels it should not wait until next year to be repaired. President McIlroy stated he looked into pricing at North Country Storage Barns and they cost approximately \$4,000.00 new. Deputy President Astafan stated he feels the Village should invest in a new Gazebo. President McIlroy requested the Clerk/Treasurer to include the new Gazebo in the budget next year. Attorney Gebo suggested checking the price at the end of the season as the Village may be able to get a better deal.

PRESIDENT MCILROY UPDATE:

President McIlroy stated the grass has been cut on Cemetery Street. MANRR is replacing the railroad ties on Canal Street and purchasing the blacktop of which the Village will haul and assist with paving the street. President McIlroy stated the memorial plaque for the geese has been placed at Long Falls Park. There will be a Joint Utility meeting on August 18, 2015 at 4:00 p.m. at the Village of Carthage

Municipal Building; a CIDC meeting on August 26, 2015 at 4:00 p.m.; and a Joint Utility meeting on September 16, 2015 at the Village of West Carthage Municipal Building.

LIAISON REPORTS AND COMMENTS:

Deputy President Astafan requested an Executive Session to discuss a potential arbitration.

Trustee Latremore stated she had been contacted by concerned residents regarding code violations and relayed their concerns to the CEO directly.

ATTORNEY GEBO UPDATE:

Attorney Gebo stated the majority of his items were covered throughout the meeting. Attorney Gebo requested an Executive Session to discuss the employment history of a particular police officer.

President McIlroy showed the Board the plaque he had made with the gavel and prayer received from Agnes King.

MEDIA QUESTIONS:

None.

EXECUTIVE SESSION:

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to enter Executive Session at 8:05 p.m. to discuss a potential arbitration and the employment history of a particular police officer and include Attorney Gebo and Chief Huber. Motion carried unanimously.

Chief Huber was excused 8:25 p.m.

Attorney Gebo was excused at 8:40 p.m.

Motion by Trustee Latremore and seconded by Deputy President Astafan to resume Regular Session at 8:55 p.m. Motion carried unanimously.

ADJOURNMENT:

Motion by Trustee Latremore and seconded by Deputy President Astafan to adjourn at 8:55 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
Village Clerk/Treasurer