

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
March 21, 2016

ATTENDANCE:

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

Others: Reginald Huber, Village Police Chief; Elaine Avallone, Johnson Newspapers; and three Participation in Government Students. Mark Gebo, Village Attorney; Robert Ball, Village Code Enforcement Officer; and Greg Millard at 6:05 p.m. Richard Simmons at 6:30 p.m.

CALL TO ORDER:

President McIlroy called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance to the Flag.

BUDGET WORKSHOP:

March 10, 2016.

APPROVAL OF MINUTES:

Motion by Trustee Latremore and seconded by Trustee Vary to approve the minutes of the March 7, 2016 regular meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

None.

CORRESPONDENCE:

Motion by Deputy President Astafan and seconded by Trustee Latremore to permit the Carthage American Legion Post 789 to conduct their annual "Cruise-in" on Wednesday nights from 6:00 p.m. - 8:00 p.m. at Turning Point Park from May 18, 2016 - August 31, 2016. Motion carried unanimously.

President McIlroy read the correspondence received from NYS Department of Health regarding the 2016 monitoring requirements for the public water system.

Motion by Trustee Latremore and seconded by Deputy President Astafan to permit the Carthage Area Chamber of Commerce to host an outdoor Business After Hours event on Thursday, May 19, 2016 from 4:00 p.m. - 8:00 p.m. in the vicinity of Fuller Insurance and the American Legion providing South School Street is blocked off and further to permit alcohol to be consumed within the boundaries of the sidewalk of the shared parking lot. Motion carried unanimously.

OLD BUSINESS:

At the December 7, 2015 meeting, President McIlroy stated he spoke with the Town of Wilna Supervisor regarding the Village Planning Board and asked if the Town would be interested in taking it over. President McIlroy explained to Mr. Smith that the Village Planning Board rarely meets and is not qualified as the majority of them do not attend required training. Mr. Smith stated he will discuss the issue with the Town Board and Town Planning Board.

Update 12/21/15: President McIlroy stated the Village of Deferiet is also interested in the Town taking over their planning board. Attorney Gebo expressed the Town contacted Tug Hill Commissions for their assistance with the potential transition. President McIlroy stated he has a call into the Village planning board chairperson to get his input. Deputy President Astafan feels a Village resident should be on the Town planning board if they were to take it over.

Update 01/04/16: Attorney Gebo stated Tug Hill Commissions is working with the Town of Wilna on the transition.

Update 01/19/16: Ms. Amyot stated the Tug Hill Commissions is still working on the transition with the Town.

Update 02/01/16: President McIlroy stated there is nothing new to report.

Update 02/16/16: Attorney Gebo stated Tug Hill Commissions verified the current terms of the Town of Wilna Planning Board members. He further stated Tug Hill Commissions is working on a model to propose to both the Village and the Town of Wilna.

Update 03/07/16: Ms. Amyot will coordinate a meeting with the Town and Villages.

Update 03/21/16: President McIlroy stated the Town and Villages intend to meet in April.

At the February 16, 2016 meeting, the Board authorized Attorney Gebo to send a letter to Ablans Business Center regarding their Village Loan Fund loan.

Update 03/07/16: The Board has not received a response from Ablans Business Center therefore President McIlroy requested the Clerk/Treasurer to hold this over until the March 21, 2016 meeting.

Update 03/21/16: Attorney Gebo requested an Executive Session to discuss this matter.

At the February 16, 2016 meeting, there was a public hearing to discuss overriding the property tax cap for the upcoming fiscal year. President McIlroy requested the Clerk/Treasurer to hold this over until the budget has been reviewed.

Update 03/07/16: The budget has not been reviewed yet therefore President McIlroy requested the Clerk/Treasurer to hold this over until the March 21, 2016 meeting.

Update 03/21/16: President McIlroy stated the Board reviewed the budget and concluded they will not be able to stay within the property tax cap this year.

Motion by Deputy President Astafan and seconded by Trustee Vary to authorize Local Law #4 of 2016 as follows:

A local law to override the tax levy limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Carthage to adopt a budget for the fiscal year commencing June 1, 2016 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Carthage, County of Jefferson, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2016 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.
Motion carried unanimously.

NEW BUSINESS:

Motion by Trustee Latremore and seconded by Trustee Vary to approve CDBG Draw #13 payable to Lead Safe, LLC \$450.00; R Factor \$250.00; Painting Etc. Inc. and Case #2013-31 \$11,610.00; M&M Contracting and Case 2013-17 \$22,900.00; and Avalon Associates \$10,710.21. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to set a public hearing to review the tentative budgets for the fiscal year June 1, 2016 - May 31, 2017 on April 4, 2016 at 6:10 p.m.
Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Latremore authorizing the Village Police Department to prosecute their own parking tickets in Village Court instead of the Village Attorney.
Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer authorizing the Village of Carthage Code Enforcement Officer to issue court appearance tickets for code violations which will speed up the process of rectifying code issues. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Vary to approve the Part-Time Police Program policy issued by Chief Huber. Motion carried unanimously.

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

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 \$233,480.52; Special Grant Fund \$27,798.11; Water Fund \$22,919.59; Sewer Fund \$77,863.56; Joint General Fund \$143,792.89; and Joint Capital Fund \$68,470.39. Motion carried unanimously.

ATTORNEY GEBO UPDATE:

Attorney Gebo explained he just came from Court regarding code violations at 520 Budd Street again. The property owner requested an attorney so the case was postponed. Mr. Millard stated he owns a property adjacent to 520 Budd Street which he is currently trying to sell. Mr. Millard feels he has lost two sales due to the garbage and junk around 520 Budd Street. Mr. Millard asked the Board if the Village would clean up the property again and fears it is a health issue. After considerable discussion, Mr. Ball stated he will contact the Health Officer who can give the Village authorization to clean up the property again if she feels it poses a health risk.

Motion by Deputy President Astafan and seconded by Trustee Latremore to set an Evidentiary Hearing on April 4, 2016 at 5:00 p.m. to review the code violations evidence for 520 Budd Street providing the Health Officer does not deem the property as a health risk prior to the date. Motion carried unanimously.

Attorney Gebo requested an Executive Session to discuss a collective bargaining issue; two legal claim issues; and the employment history of a particular employee.

PRESIDENT MCILROY UPDATE:

President McIlroy stated Robert Sturtz contacted him and is interested in purchasing Cemetery Street Extension from the Village. Deputy President Astafan offered to conduct the appraisal at no cost to the Village.

Motion by Trustee Latremore and seconded by Trustee Vary authorizing Deputy President Astafan to appraise the small piece of property referred to as Cemetery Street Extension at no cost to the Village. Motion carried unanimously.

President McIlroy asked Attorney Gebo about the Co-Gen PILOT and Attorney Gebo stated he is still looking into it but the Village may be able to file an omitted tax bill for the current tax year. President McIlroy asked Attorney Gebo if he heard from Springbrook software company regarding his request for a refund of money paid for software the Village did not receive. Attorney Gebo responded he has yet to hear from the company and when the time elapses when he can file a legal claim for the money paid; he will. President McIlroy stated there will be a CIDC meeting March 30, 2016 at 4:00 p.m. and the Tug Hill Government Conference is on March 31, 2016 at Jefferson Community College.

Mr. Simmons asked if the Board will take a look at the telephone pole by Turning Point Park as he does not feel it is safe. President McIlroy reminded Mr. Simmons that the Water Street Pump Station will be under construction during the Summer but hopes it will not interfere with their "Cruise-in".

LIAISON REPORTS AND COMMENTS:

Trustee Vary will not be able to attend the meeting on April 4, 2016 as she will be out of town. Trustee Latremore stated she has been contacted by residents who are concerned about the garbage throughout the Village and she is working with Mr. Ball to remedy the situation.

MEDIA QUESTIONS:

Ms. Avallone requested clarification on items discussed throughout the meeting.

EXECUTIVE SESSION:

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to enter Executive Session at 6:40 p.m. to discuss the employment history of a particular employee; collective bargaining issue; and two legal claims. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to resume Regular Session at 6:59 p.m. Motion carried unanimously.

ADJOURNMENT:

Motion by Trustee Latremore and seconded by Trustee Vary to adjourn at 7:00 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
Village Clerk/Treasurer