

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
September 19, 2016

ATTENDANCE:

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

Others: Edgar Countryman, DPW Superintendent; Mark Gebo, Village Attorney; Reginald Huber, Police Chief; Kathy Amyot, Tug Hill Commissions; Daniel and Patricia Smith; Marco Franchini; Shannon Margrey; Thom Sherwood; Mike O'Shaughnessy; Kylee and Tyler Pominville; Karisa Payor; Katie Clarkson; Christine Willams; and seven Participation in Government Students.

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Motion by Trustee Latremore and seconded by Trustee Vary to approve the minutes of the August 15, 2016 regular meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

Mr. O'Shaughnessy expressed he has been nominated by the Democratic Committee to run for Town of Wilna Highway Superintendent due to the passing of Pat O'Meara. Mr. O'Shaughnessy stated he has worked for the Town of Wilna Highway Department for twenty years and if elected, plans to continue the positive working relationship the Town has with the Village DPW. Mr. O'Shaughnessy further expressed he would appreciate the Board's support on November 8th. President McIlroy congratulated Mr. O'Shaughnessy, wished him good luck, and expressed he feels Mr. O'Shaughnessy will do a great job for the Town of Wilna Highway Department.

CORRESPONDENCE:

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to approve the request of Village Ecumenical Ministries to conduct their annual Crop Walk on Sunday, October 23, 2016 commencing at 2:00 p.m. to walk from the Church of the Nazarene on State Street to McDonalds on Bridge Street in West Carthage and then back to the church. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to approve the request of the Carthage Area Chamber of Commerce to hold the Annual Holiday Parade on Saturday, November 12, 2016 at 11:00 a.m. with the parade beginning in West Carthage, traveling across the bridge to State Street and concluding on North James Street at the Carthage Elks Lodge. Motion carried unanimously.

Mr. Sherwood explained the "lock in" event the Long Falls Baptist Church would like to host at the Carthage Recreation Building for elementary aged children to include music, games, Bible stories, food and movies. Mr. Sherwood further explained there will be adequate adult supervision during the event.

Motion by Trustee Latremore and seconded by Trustee Vary to permit Long Falls Baptist Church to conduct a 24 hour "lock in" event for elementary aged children from February 18, 2017 at 9:00 a.m. - February 19, 2017 at 11:00 a.m. at the Carthage Recreation Building, and further waive the rental fee of the building but require a deposit be secured. Motion carried unanimously.

President McIlroy read the correspondence received from Carthage Community Veterans Committee requesting donations for their Honor Flight Syracuse program. Attorney Gebo explained the Board

can't donate to organizations; but they can enter into contracts for services provided to Village residents. After considerable discussion, President McIlroy stated the Board can review their request during budget preparations next year.

PUBLIC HEARING:

President McIlroy called the public hearing to order at 6:15 p.m. to consider the adoption of a local law to amend Chapter 45 of the Village Code relating to brush, grass and weeds to include not only the Police Chief, but also the Code Enforcement Officer as person who can serve notices of violation. President McIlroy asked three times if there was anyone who wished to speak for or against the local law. Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to close the public hearing at 6:17 p.m. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to adopt Local Law #8 of 2016 as follows:

A LOCAL LAW TO AMEND CHAPTER 45 OF THE VILLAGE OF CARTHAGE CODE RELATED TO BRUSH, GRASS AND WEEDS.

Article 1. - Statement of Authority. The Board of Trustees of the Village of Carthage, pursuant to the authority granted 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 enforcement of the provisions of Chapter 45 of the Village Code relating to Brush, Grass and Weeds will be better served by expanding who may serve notices under that law to include not only the Police Chief, but also the Code Enforcement Officer. It is the purpose of this local law to accomplish the same.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby amends Section 45-4 of the Village of Carthage Code and as follows:

§ 45-4(A) is hereby amended and as amended restated as follows:

A. If the foregoing sections are not complied with, the Police Chief and/or the Code Enforcement Officer shall serve written notice, either personally or by certified mail or by any other method of service as provided for in the Civil Practice Law and Rules, upon the owner, lessee, or occupant or any persons having care and control of any such lot or land to comply with the provisions of this Chapter.

§ 45-4(B)

B. The first sentence is hereby amended and as amended restated as follows:

If the person upon the notice is service fails, neglects, or refuses to cut, remove, or to cause to be cut and remove such weeds, grass or other vegetation within five (5) days after receipt of such notice, or if not person can be found in the Village who either is or claims to be the owner of such lot or land or who either represents or claims to represent the owner, the Police Chief, the Code Enforcement Officer or Department of Public Works (DPW) Superintendent shall cause such weeds, grass or other vegetation on such lot to be cut and removed.

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:

Motion by Trustee Latremore and seconded by Trustee Vary to send a letter of support for the Long Pond Snow Mobile Club Tucker Sno Cat Trail Groomer. Motion carried unanimously.

President McIlroy read the correspondence received from NYSDOT regarding the availability of funding to support transportation-related projects including bicycle and pedestrian multi-use paths. President McIlroy requested the Clerk/Treasurer to forward the correspondence to the Community Development Director for her to look into funding for the trail system at the Carthage Park.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to formally approve Dustin Gentile to use the softball fields, to include the use of the Carthage Recreation Building, for softball tournament in the name of his son who passed away five days after birth to benefit the Walter G Baker Neonatal Intensive Care Unit on Saturday, October 1, 2016. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to approve the request of Cub Scout Pack 39 to use the Recreational Building on Monday and Tuesday evenings from 6:00 p.m. - 7:00 p.m. from September 2016 - June 2017. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to approve the request of the Carthage Augustinian Academy SJVO to host a one mile fun run/walk and a 5k fun run/walk on December 10, 2016 to commence at 10:00 a.m. and begin at the Augustinian Academy on West Street, to Emjay Way, to South Washington Street, to Cemetery Street and then return to the Augustinian Academy. Motion carried unanimously.

OLD BUSINESS:

President McIlroy asked if Deputy President Astafan and Trustee Smith-Spencer had developed a policy regarding hardhat use at the DPW and Water Department and Deputy President Astafan responded he anticipates having information for the Board to review at the June 6, 2016 regular meeting.

Update 06/06/16: Deputy President Astafan stated the policy is a work in progress.

Update 06/20/16: President McIlroy stated we have a policy at the DPW which addresses wearing hardhats and requested Deputy President Astafan and Trustee Smith-Spencer to review and update. President McIlroy requested the Clerk/Treasurer to hold this over until the July 18, 2016 meeting.

Update 07/20/16: Deputy President Astafan stated he has started going through the current policy which is a good template. Deputy President Astafan expressed he will meet with Mr. Prievo, Mr. Countryman, and the Clerk/Treasurer and will have a draft for review at the next meeting.

Update 08/15/16: Deputy President Astafan requested the Clerk/Treasurer to hold this over until the September 19, 2016 meeting.

Update 09/19/16: President McIlroy requested Trustee Smith-Spencer to have something for the Board to review regarding the policy regarding hardhat use at the DPW and Water Department.

At the July 18, 2016 meeting, Attorney Gebo stated the 120 day notice period for Springbrook to cancel the contract has expired. Attorney Gebo further stated the only correspondence received from Springbrook was a bill for accounting software they never delivered. Attorney Gebo stated he will proceed with collections from Springbrook.

Update 08/15/16: Attorney Gebo is proceeding with collections.

Update 09/19/16: Attorney Gebo stated that he participated in a conference call with Springbrook representatives and the Clerk/Treasurer on September 9, 2016 and is hopeful that we will have a resolution in the near future.

At the June 20, 2016 meeting, the Board set an Evidentiary Hearing regarding 780 West End Avenue on July 18, 2016 at 5:30 p.m. which the CEO deemed unsafe.

Update 07/18/16: Attorney Gebo stated Ms. Mono waived her rights to the Evidential Hearing and consented to a finding that the building is unsafe. President McIlroy expressed he was informed there may be a problem with the property as the former Town of Wilna Highway Department was next door to the building and may have contaminated the surrounding soil. President McIlroy stated the CEO suggested a meeting with the Town Supervisor, CEO, and himself to discuss the issue. Attorney Gebo suggested the structure could possibly be removed without disturbing the soil. President McIlroy stated he will look into the issue.

Update 08/15/16: Attorney Gebo requested to discuss this in Executive Session as it is Client/Attorney privileged information.

Update 09/19/16: President McIlroy stated he anticipates the building being removed in the near future.

At the July 18, 2016 meeting, Ms. Price stated she received a parking ticket in front of Sew What on State Street due to the one hour parking limit. After considerable discussion, President McIlroy requested Chief Huber to look into the one hour parking limit and forward his recommendation to the Board at the next meeting on August 15, 2016.

Update 08/15/16: Ms. Price stated she was able to get local business owners to sign her petition requesting to change the parking limit on State Street from one hour to two hours. Ms. Price asked why there are two 15 minute parking signs in front of Condino Motors and what the limits are for handicap parking according to the ADA. Deputy President Astafan stated he will look into it. Deputy President Astafan accepted the petition and expressed he will forward it to President McIlroy. Ms Turner stated she would like a handicap parking spot in front of her business. Ms. Lelakowski stated she is in favor of the two hour limit and expressed sometimes it is difficult to comply during busy times at the diner and other area restaurants. Deputy President Astafan stated the Board will look into increasing the parking limit on State Street therefore he requested the Clerk/Treasurer to hold this over until September 19, 2016.

Update 09/19/16: President McIlroy read the memo submitted by Chief Huber and stated there are some businesses against changing the parking limit from one hour to two hours. President McIlroy also cited the history behind the fifteen minute parking limit in front of Condino Motors and further stated that was once a no parking zone. President McIlroy asked each Trustee their opinion regarding the parking limits on State Street. After considerable discussion, President McIlroy requested the Clerk/Treasurer to hold this over until the October 3, 2016 meeting.

At the July 18, 2016 meeting, President McIlroy read the correspondence received from Girl Scout Troop 50131 requesting the use of the Recreation Building on every other Wednesday from 5:30 p.m. - 7:00 p.m. and Trustee Latremore requested clarification from letter and dates therefore President McIlroy requested the Clerk/Treasurer to hold this over until the August 15, 2016 meeting.

Update 08/15/16: Deputy President Astafan stated the Clerk's Office has made several attempts to contact Ms. Williams, Troop Leader with no response therefore he requested the Clerk/Treasurer to remove this item from the agenda.

Update 09/19/16: Ms. Williams submitted a schedule of dates she would like to use the Recreation Building for Girl Scout meetings.

Motion by Trustee Latremore and seconded by Trustee Vary to permit Girl Scout Troop 50131 to use the Recreation Building from 5:30 p.m. – 7:00 p.m. every other week on Wednesdays commencing on September 21, 2016 until June 21, 2017 and further waive the regular fee. Motion carried unanimously.

At the July 18, 2016 meeting, President McIlroy read the correspondence received regarding a dangerous tree at 602 Alexandria Street and stated he would follow up with the CEO.

Update 08/15/16: Attorney Gebo stated a violation notice has been sent to the property owner and no response has been received therefore Deputy President Astafan requested the Clerk/Treasurer to hold this over until the September 19, 2016 meeting.

Update 09/19/16: The CEO submitted correspondence stating the property owner is looking into removing the tree and he should have an update at the October 3, 2016 meeting.

At the July 18, 2016 meeting, President McIlroy stated the JCIDA wants the Village to sign a PILOT with the Railroad and he is holding out because of the railroad crossings and the Railroad did not pay the PILOT before. According to JCIDA, the Railroad is entering an agreement with the County to pay monies owed from past PILOT.

Update 08/15/16: Deputy President Astafan requested the Clerk/Treasurer to hold this over until the September 19, 2016 meeting.

Update 09/19/16: President McIlroy stated he has attended every possible meeting regarding granting the Railroad a PILOT and expressed his discontent for the disrepair of the crossings. President McIlroy further stated we are the only municipality who has not agreed to the PILOT which will save the Railroad in sales tax of which they have agreed to set aside to repair the crossings.

Motion by Trustee Latremore and seconded by Trustee Vary to adopt Resolution 3 of 2016 as follows:

Villages consent to JCIDA entering PILOT Agreement with MANRR

WHEREAS, the Jefferson County Industrial Development Agency (the “Agency”) was created by Chapter 369 of the Laws of 1971 of the State of New York pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York (collectively, the “Act”), and

WHEREAS, the Agency has agreed to acquire from Mohawk, Adirondack & Northern Railroad Corporation (the “Company”), an interest in a strip of land (being a railroad line) in the Village of Carthage (Tax Parcel No. 86.40-2-37.51) (the “Land”), more particularly described in the PILOT Agreement, and

WHEREAS, the Agency has agreed to lease the property to the Company pursuant to a lease agreement by and between the Agency and the Company, and the Company intends to renovate and modernize the existing commercial railroad line (the “Improvements”), and

WHEREAS, pursuant to Section 874(1) of the Act, and Section 412(A) of the Real Property Tax Law of the State of New York, the Agency is exempt from the payment of taxes and assessments imposed upon real property and improvements in which it has a leasehold interest other than special ad valorem levies, special assessments and services charged against real property located in Jefferson County which are or may be imposed for special improvements or special district improvements, and

WHEREAS, the Village of Carthage has determined that the Project is in the best interest of the Village and deems it appropriate for the Agency to enter into the Payment in Lieu of Taxes Agreement making provision for payments in lieu of taxes by the Company to the Agency for the benefit of the respective taxing jurisdictions within which the property is located in substantially the same form as presented at this meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Carthage hereby consents to entering into a Payment in Lieu of Taxes Agreement with Mohawk, Adirondack & Northern Railroad Corporation in substantially the same form as presented at this meeting and which is attached to this resolution as **Exhibit “A”**.

Upon a roll call vote of the Board as follows, the above resolution was duly adopted:

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|-----------|----------------------------|--------------|--------|
| President | <u>G. Wayne McIlroy</u> | yes <u>X</u> | no ___ |
| Trustee | <u>Linda Smith-Spencer</u> | yes <u>X</u> | no ___ |
| Trustee | <u>Rebecca Vary</u> | yes <u>X</u> | no ___ |
| Trustee | <u>Kathleen Latremore</u> | yes <u>X</u> | no ___ |

At the July 18, 2016 meeting the Board authorized the Clerk/Treasurer to advertise in the Carthage Tribune for a full-time DPW Laborer.

Update 08/15/16: Deputy President Astafan requested the Clerk/Treasurer to hold this over until the September 19, 2016 meeting.

Update 09/19/16: President McIlroy requested to hold this over until Executive Session to discuss the potential employment of a particular DPW Laborer.

At the August 15 meeting Michael Trieu, KC Nails & Spa owner, expressed his discontent about the Joint ZBA denying a variance for the sign on the side of his building.

Update 09/19/16: President McIlroy stated the CEO spoke with Mr. Trieu and he is having a decorative sign made for the side of his building and will remove the current sign when it is complete.

At the August 15, 2016 meeting, Deputy President Astafan stated there are 212 customers on the Water/Sewer Shut Off register as of August 2, 2016.

Update 09/19/16: President McIlroy stated there were sixteen residents whose water service was shut off on September 7, 2016.

NEW BUSINESS:

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer authorizing President McIlroy to sign the Depository Collateral Pledge Agreement with Key Bank. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer approving the Officers Certification for business credit cards with Key Bank. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to adopt Resolution 4 of 2016 for review of Village Justice Court Records as follows:

RESOLUTION FOR REVIEW OF VILLAGE JUSTICE COURT RECORDS

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Village Justices annually provide their court records and dockets to their respective Village auditing boards and that such records then be examined or audited and that fact be entered into the minutes of the board's proceedings; and

WHEREAS, the Unified Court System's *Action Plan for the Justice Courts*, announced November 2006, includes initiatives to improve accountability and controls over Justice Court finances and records to include increased monitoring of Village Board compliance with Section 2019-a;

NOW THEREFORE BE IT RESOLVED, the Village of Carthage enlisted Stackel & Navarra, CPA PC to examine their Village Justice Court records for fiscal year 2016 as required by the State of New York Unified Court System.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer, the foregoing resolution was duly adopted unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to accept the Annual Report to Our Community from the Carthage Free Library. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to accept the monthly departmental reports from CEO, Community Development, DPW, Police Department, Water

Department, and Treasurer as presented. Motion carried unanimously. The Court report was not submitted.

Motion by Trustee Vary and seconded by Trustee Latremore to send a letter to the Joint ZBA expressing the Village has received complaints regarding the storage containers on Mr. Johnson's property on West End Avenue. Motion carried unanimously.

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 Trustee Smith-Spencer and seconded by Trustee Latremore to approve payment of payrolls and bills as follows: General Fund \$155,023.17; Special Grant Fund \$298.11; Water Fund \$61,821.53; and Sewer Fund \$131,448.64. Motion carried unanimously.

ATTORNEY GEBO UPDATE:

Attorney Gebo requested an Executive Session to discuss a collective bargaining issue with the Police Department and a potential loan modification which includes personal information.

Ms. Amyot stated Tug Hill Commissions toured River Bend Park, conducted a meeting at the Town of Wilna Municipal Building, and had lunch at Stefanos today. Ms. Amyot stated there will be a Super Cog meeting in Boonville on October 27, 2016. Ms. Amyot expressed the Joint ZBA has a new member from the Village of Deferiet, Bridget Fetterly.

PRESIDENT MCILROY UPDATE:

President McIlroy requested a judgment be placed against Mary Mono for the cost to remove her abandoned property at 780 West End Avenue. Attorney Gebo suggested waiting until all of the bills come in and we have a final total. President McIlroy asked Attorney Gebo if Lewis County is granting the request of Village of Lowville to have their water shed exempt from taxes and Attorney Gebo stated Lewis County will need to change their policy if they do. President McIlroy stated there will be a Joint Utility meeting on September 21, 2016 at 4:00 p.m. at the West Carthage Municipal Building; CIDC meeting on September 28, 2016 at 4:00 p.m.; and the next Board meeting will be October 3, 2016 at 6:00 p.m.

LIAISON REPORTS AND COMMENTS:

Trustee Latremore stated she would like to publically acknowledge Edgar Countryman and the DPW for the great job they do throughout the Village.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to accept the bids received from Auctions International for surplus equipment as follows:

2001 Dodge Ram 2500 Pickup Truck \$3,700.00

1996 Case 621B Loader \$26,100.00

2006 Trailer Cable Machine \$760.00

2002 Zero Turn Ezmark Lazer Z Ultra Cut Riding Lawn Mower \$3,050.00

Motion carried unanimously.

MEDIA QUESTIONS:

None.

EXECUTIVE SESSION:

Motion by Trustee Vary and seconded by Trustee Latremore to enter Executive Session at 7:00 p.m. to discuss the potential employment of a particular DPW Laborer and collective bargaining for the Police Department to include Chief Huber and Mr. Countryman. Motion carried unanimously.

Chief Huber was excused at 7:14 p.m. and Mr. Countryman was excused at 7:24 p.m.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to resume Regular Session at 7:28 p.m. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to hire Derrik Lamanteer as a full time DPW Laborer at \$14.91 per hour and per the terms of the DPW Teamsters Union contract. Motion carried unanimously.

ADJOURNMENT:

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to adjourn at 7:30 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
Village Clerk/Treasurer