

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

ATTENDANCE:

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

Others: Edgar Countryman, DPW Superintendent; Mark Gebo, Village Attorney; Robert Ball, CEO; Elaine Avallone, Johnson Newspapers; Kathy Amyot, Tug Hill Commissions; and Alma Price.

CALL TO ORDER:

President McIlroy called the meeting to order at 6:00 p.m., requested a moment of silence in remembrance of the anniversary of the victims of Newtown, Connecticut massacre, 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 December 5, 2016 regular meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

President McIlroy asked Ms. Amyot if she had anything to report to the Board and she stated she did not.

CORRESPONDENCE:

Motion by Deputy President Astafan and seconded by Trustee Vary to approve the request of Cub Scout Pack 39 to use the Recreation Building from Saturday, January 14, 2017 through Sunday, January 15, 2017 for an overnight camp-in. Motion carried unanimously.

President McIlroy read the request of Valerie Snyder for the Board to consider a dog park within the Village and asked the Clerk/Treasurer to send Ms. Snyder a letter requesting she attend the next Board meeting on Tuesday, January 17, 2017 at 6:00 p.m. to be available to answer any questions the Board has regarding her request.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer, based on the recommendation of the Water Superintendent, to approve the request for a sewer credit at 598 South James Street due to a water pipe leaking into the cellar in the amount of \$237.90. Motion carried unanimously.

President McIlroy read the request received regarding National School Choice Week Proclamation. Attorney Gebo stated the Town of Wilna received the same request and contacted the Carthage Central School District who were not aware of the program therefore recommended the Board not to respond to the request.

President McIlroy read the Certificate of Appreciation received from the Carthage Elks Lodge #1762 and the Carthage Lions Club for the Villages contribution to the Eight Annual Free Thanksgiving Dinner on November 24, 2016.

President McIlroy read the correspondence from JCIDA regarding a proposed amendment to the Uniform Tax Exemption Policy and Guidelines. Attorney Gebo stated the correspondence is in regard to renewable energy in which the Village would have limited application. Attorney Gebo also stated he is not aware of any movement within the Village to renewable energy in the near future. Attorney Gebo

stated there is an opportunity for affected tax jurisdictions to provide written comments and/or attend meetings on February 2, 2017 and March 2, 2017.

PUBLIC HEARING:

President McIlroy called the public hearing to order at 6:13 p.m. to consider the adoption of a local law to amend Chapter 135-60 of the Village Code to expand parking on side streets in the Business District off of State Street from one hour to two hours on Church Street from State Street to Budd Street, on North Mechanic Street from State Street to Spring Street, on South Mechanic Street from State Street to West Street and on South School Street from State Street to West Street. President McIlroy asked if there was anyone who wished to speak for or against the change from one hour to two hour parking limit. Ms. Price thanked the Board for responding to the concerns of the business owners in Carthage. Motion by Trustee Smith-Spencer and seconded by Deputy President Astafan to close the public hearing at 6:16 p.m.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to bring it to the floor to discuss changing the parking limit from one hour to two hours. President McIlroy stated Fuller Insurance Agency is not in favor of changing the limit on South School Street. The Board adopted Local Law #10 of 2016 as follows:

A local law to amend Chapter 135 of the Village Code as the same relates to parking in the Business District.

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 Purpose and Findings. The Board of Trustees of the Village of Carthage hereby finds that the limitation of one (1) hour parking on certain streets adjacent to State Street in the Village of Carthage has caused problems for certain merchants. It is the purpose of this local law to expand parking on side streets in the Business District off of State Street from one (1) hour to two (2) hours.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby amends Section 135-60 of the Village of Carthage Code to change the designation from what is currently as follows:

A. Church Street:

Both Sides

Time Limit

One hour parking,
9:00 a.m. to 5:00 p.m.

Except Sundays and
Holidays

Location

From State Street to Budd Street

B. North Mechanic Street:

Both Sides

Time Limit

Two hour parking,
9:00 a.m. to 5:00 p.m.

Except Sundays and
Holidays

Location

From State Street to Spring Street

C. South Mechanic Street:

Both Sides

Time Limit

Two hour parking,
9:00 a.m. to 5:00 p.m.

Except Sundays and
Holidays

Location

From State Street to West Street
Except for 15 minute in front of the Municipal Building
from 8:00 a.m. to 5:00 p.m. Monday through Friday.

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 the NYS Department of Health regarding public water system inspections for the Village of Carthage and the Village of West Carthage. President McIlroy stated the unaccounted for water is less than ten percent which is great considering the age of our system.

President McIlroy stated the Town of Wilna Joint Planning Board minutes were included for the Board to review.

OLD BUSINESS:

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.

Update 10/03/16: President McIlroy requested the Clerk/Treasurer to hold this over until the October 17, 2016 regular meeting when Attorney Gebo is present.

Update 10/17/16: Attorney Gebo stated he thinks Springbrook is waiting for confirmation from their legal department and he will follow up with them.

Update 11/7/16: The Clerk/Treasurer stated she received a phone call from Springbrook who stated the Village should receive a refund check within the next few weeks.

Update 11/21/16: Attorney Gebo expressed that he feels Springbrook is working through their administrative process in order to forward a check to the Village for amounts owed.

Update 12/05/16: President McIlroy stated Attorney Gebo sent Springbrook another email and is awaiting their response.

Update 12/19/16: President McIlroy stated a check has been received from Springbrook in the amount requested of \$12,152.00 and commended Attorney Gebo for his efforts who commended the Clerk/Treasurer for her efforts.

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.

Update 10/03/16: President McIlroy stated the CEO informed him that National Grid and Eager Beaver plan to remove the tree on Friday.

Update 10/17/16: President McIlroy asked the Clerk/Treasurer if she spoke with the CEO. The Clerk/Treasurer stated she spoke with the CEO and a portion of the tree has been removed by National

Grid and the CEO left a message for the property owner requesting the status of the remaining portion of the tree.

Update 11/07/16: President McIlroy requested the Clerk/Treasurer to hold this over until Attorney Gebo is present at the November 21, 2016 meeting.

Update 11/21/16: President McIlroy expressed that it has been over a month since the CEO has heard from the property owner regarding the removal of the tree. President McIlroy asked Attorney Gebo what the Board's options are and Attorney Gebo expressed they should have an Evidentiary Hearing to give the property owner a chance to voice his concerns. President McIlroy expressed he will get back to Attorney Gebo set a date and time for the hearing.

Update 12/05/16: President McIlroy stated Mr. Countryman contacted Glen Rogers who is an Arborist, to check the health of the tree and he will have a report by the end of the week.

Update 12/19/16: President McIlroy read the report received from Mr. Rogers regarding the health of the tree which he stated is in fair to poor condition. Mr. Ball stated he considers the tree to be dangerous and should be removed immediately.

Motion by Deputy President McIlroy and seconded by Trustee Vary authorizing President McIlroy to sign the emergency declaration as follows:

EMERGENCY ORDER

G. Wayne McIlroy, President of the Village of Carthage, pursuant to the authority granted to him under Section 24 of the Executive Law of the State of New York hereby declares an emergency condition to exist within the Village of Carthage relative to a dangerous tree located at 602 Alexandria Street (Tax Map Parcel No: 86.33-5-41) Carthage, New York. This declaration is made based upon an inspection of the tree as documented by a report from Glen Roberts, Senior Forester New York State Department of Environmental Conservation, that the health of the tree is fair to poor, it is over-mature and its ability to slow advancing decay is much reduced. Based upon the inspection and report, it appears that the tree presents significant, immediate issues regarding public safety and the safety of neighboring residents. Pursuant to this emergency declaration, the Village of Carthage hereby directs the removal of the tree and declares that work be commenced immediately to remove the tree located at 602 Alexandria Street (Tax Map Parcel No: 86.33.-5-41) Carthage, New York.

Motion carried unanimously.

At the November 7, 2016 meeting, President McIlroy stated he spoke with the CEO regarding the highlighted changes he would like the Village to make in regard to the Village Code, Chapter 59. Campers, Travel Trailer, Motor Homes, and Recreational Vehicles. President McIlroy requested the Trustees to look it over and further requested the Clerk/Treasurer to hold this over until the November 21, 2016 meeting.

Update 11/21/16: Deputy President Astafan voiced his concerns regarding restricting a permit for campers, travel trailers, motor homes, and recreational vehicles to one per year. President McIlroy requested the Clerk/Treasurer to contact the CEO and request his presence at the next meeting so he can explain his concerns with the current Village Code and answer any of the Board's questions.

Update 12/05/16: Mr. Ball explained the changes he would like the Board to make to Village Code, Chapter 59 which includes limiting the amount of permits granted annually and increasing the penalties for violating the permit. After considerable discussion, the Board requested the Clerk/Treasurer to hold this over until December 19, 2016 when Attorney Gebo is present.

Update 12/19/16: Deputy President Astafan stated he does not want to change the law and make it impossible for families to pay, nor does he want to infringe upon property owners with campers having the ability to use them for personal use. Mr. Ball recommended allowing only one permit per property owner per time period. Attorney Gebo stated he will rewrite the law however the Board wants but suggested it be clearly written so the Code Enforcement Officer can enforce it. After considerable discussion, Attorney Gebo suggested allowing three permits per year, per parcel, with a limit of one

permit per property owner. Attorney Gebo stated he will present a draft of the revised law at the January 17, 2016 meeting.

At the December 5, 2016 meeting, the Board agreed to change from two meetings per month to one meeting per month to commence on the third Monday of every month and further have the Clerk/Treasurer revise the meeting schedule.

Update 12/19/16: The Clerk/Treasurer provided the revised meeting schedule with one meeting per month to occur on the third Monday of each month unless there is a national holiday and the meeting will occur on the third Tuesday of each month. The annual organizational meeting will occur on the first Monday in December. Attorney Gebo stated the Village Code Chapter 150-3 Board meetings will need to be revised to reflect the new meeting schedule.

Motion by Deputy President Astafan and seconded by Trustee Vary to approve the revised meeting schedule for 2017 as follows:

Village of Carthage Regular Meeting Schedule 2017

Meeting Date	Variances
Tuesday, January 17, 2017	Dr. Martin Luther King, Jr. Day
Tuesday, February 21, 2017	Presidents' Day
Monday, March 20, 2017	
Monday, April 17, 2017	
Monday, May 15, 2017	
Monday, June 19, 2017	
Monday, July 17, 2017	
Monday, August 21, 2017	
Monday, September 18, 2017	
Monday, October 16, 2017	
Monday, November 20, 2017	
Monday, December 04, 2017	Organizational Meeting
Monday, December 18, 2017	

*Village Board Meetings begin at **6:00 p.m.** and typically occur on the **3rd Monday** of the month. Exceptions are highlighted above or otherwise approved and posted by the Village Board at a later date. Please contact the Village Clerk's Office during normal business hours if you have questions or concerns.*

Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to set a public hearing to revise Village Code Chapter 150-3 Board Meetings to reflect the meeting schedule immediately following the first public hearing set to commence at 6:10 p.m. Motion carried unanimously.

NEW BUSINESS:

Mr. Ball provided documentation regarding condemning 302-305 North Mechanic Street. Mr. Ball stated he obtained a search warrant and he and Chief Huber inspected the property. Mr. Ball stated in

sections of the building, the first floor has collapsed; there is severe water and structural damage and rot. Mr. Ball stated he has been in contact with the owner who claims he does not own the building. The tax records show the property is owned by Deep Pockets LLC. Mr. Ball stated he would like to declare an emergency and have the property removed. President McIlroy asked Attorney Gebo if the cost of the demolition can be recovered and Attorney Gebo stated it is unlikely because it is owned by a Limited Liability Company (LLC). President McIlroy asked the Clerk/Treasurer how much is left of the Blight Fund in the Village Loan Fund and the Clerk/Treasurer stated she will look into it.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to sign the emergency declaration as follows:

G. Wayne McIlroy, President of the Village of Carthage, pursuant to the authority granted to him under Section 24 of the Executive Law of the State of New York hereby declares an emergency condition to exist within the Village of Carthage relative to the building located on 302-306 North Mechanic Street (Tax Map Parcel No: 86.40-2-23) Carthage, New York. This declaration is made based upon an inspection of the interior/exterior of the building as documented by a report from Robert Ball, Code Enforcement Officer, that the structure is severely damaged and unsafe. Based upon the inspection and report, it appears that the building presents significant, immediate issues regarding public safety both in terms of occupancy and structural integrity of the building and the safety of neighboring residents. Pursuant to this emergency declaration, the Village of Carthage hereby declares that all occupancy of the structure located at 302-306 North Mechanic Street (Tax Map Parcel No: 86.40-2-23) Carthage, New York to be terminated immediately and directs the removal of the structure and declares that work be commenced immediately to remove the structure.

Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer authorizing President McIlroy to sign the agreement with Missing Link Snowmobile Club stating the Village has no objections for snowmobiles to operate on Niagara Mohawk's land within the Village. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary authorizing President McIlroy to sign the Municipal Snow and Ice Agreement with NYS Department of Transportation for the 2018/19 season to extend the agreement for one year to expire on June 30, 2019 in the amount of \$54,675.39. Motion carried unanimously.

Motion by Trustee Vary and seconded by Deputy President Astafan to send a letter of support for the Carthage Free Library to apply for funding to purchase a house and land on Church Street adjoining the library property to create a parking lot for their patrons. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary authorizing the purchase of gift certificates at the Carthage Market and JB Meats for employees in the amount of \$50.00 each for a total of \$900.00. Motion carried unanimously.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to accept the monthly departmental reports from CEO, Court, DPW, Police Department, Water Department, and Treasurer as presented. Motion carried unanimously. The Community Development report was 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 \$254,985.48; Special Grant Fund \$198.74; Water Fund \$155,396.06; and Sewer Fund \$13,145.91. Motion carried unanimously.

ATTORNEY GEBO:

Attorney Gebo requested an Executive Session to discuss collective bargaining and a potential litigation.

PRESIDENT MCILROY UPDATE:

President McIlroy informed the Board that the water was shut off at Metro Paper for nonpayment which affected the Hydro Facility. President McIlroy stated Metro Paper paid their bill but still owe the late fees and the turn off and turn on fees of which they will be sending. President McIlroy is concerned when the water gets turned back on there may be issues as he is not sure the building is being heated. President McIlroy stated there is a Joint Utility meeting on Wednesday, December 21, 2016 at 4:15 p.m. at the Village of Carthage; a WPCF Committee meeting to review the new bid packet for the Capital project on Thursday, December 22, 2016 and the Clerk/Treasurer will let them know the time when she is informed. President McIlroy wished everyone a Merry Christmas and a Happy New Year.

LIAISON REPORTS AND COMMENTS:

Deputy President Astafan, Trustee Smith-Spencer, and Trustee Vary wished everyone Happy Holidays and a safe New Year.

MEDIA QUESTIONS:

None.

EXECUTIVE SESSION:

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to enter Executive Session at 6:45 p.m. to discuss collective bargaining and a potential litigation. Motion carried unanimously.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to resume Regular Session at 7:03 p.m. Motion carried unanimously.

ADJOURNMENT:

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to adjourn at 7:06 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
Village Clerk/Treasurer