

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
August 19, 2013

ATTENDANCE:

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

Others: Reginald Huber, Village Police Chief; Elaine Avallone, Johnsons Newspapers; Thomas Dick, Amateur Radio NNY; Dr. Thomas Sherwood, Brookhaven House; Chris Ayers, Jonathon McIlroy, and Tim Cook, Carthage Ryders Edge; and Richard Duvall, Part-time Village Police Officer.

CALL TO ORDER:

President McIlroy called the meeting to order at 7:10 p.m. followed by the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES:

Motion by Trustee Vary and seconded by Deputy President Astafan to approve the minutes of the July 15, 2013 regular meeting as presented. Motion carried unanimously.

PUBLIC HEARING:

President McIlroy called the public hearing to order at 7:15 p.m. He explained the proposed Local Law to amend the Zoning Map of the Village of Carthage to include Village of Carthage Tax Map Parcel Numbers 86.24-1-33.2 and 86.24-1-33.1 in the R-3 Residential District. Mr. Dick asked if the zoning change would affect radio towers. Attorney Gebo explained only two parcels will be effected and it is not a widespread area. Mr. Dick proceeded to explain the importance of Amateur Radio. No one else wished to comment on the local law therefore motion by Trustee Vary and seconded by Trustee Smith-Spencer to close the hearing at 7:20 p.m.

Motion by Deputy President Astafan and seconded by Trustee Vary to adopt Resolution 14 of 2013 as follows:

**RESOLUTION WITH REFERENCE TO NEW YORK STATE SEQRA REVIEW OF
ZONING MAP AMENDMENT TO INCLUDE TAX MAP PARCELS 86.24-1-33.2 AND
86.24-1-33.1 IN THE R-3 RESIDENTIAL DISTRICT**

WHEREAS, the Village of Carthage Village Board of Trustees is considering the adoption of a local law to amend the Zoning Map of the Village of Carthage to include Village of Carthage Tax Map Parcel Numbers 86.24-1-33.2 and 86.24-1-33.1 in the R-3 Residential District; and

WHEREAS, this action requires a State Environmental Quality Review (SEQR) and is considered unlisted according to 6NYCRR Part 617; and

WHEREAS, there are no other involved agencies regarding this action; and

WHEREAS, an environmental assessment has been prepared, which is on file at the Carthage Village Clerk's Office at 120 South Mechanic Street; and

WHEREAS, the assessment supports the fact that there are not likely to be significant environmental impacts associated with the action and supports the issuance of a negative declaration.

BE IT RESOLVED, as follows:

SECTION 1. That this board hereby issues a SEQR Negative Declaration for this unlisted action.

SECTION 2. That the within 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 15 of 2013 as follows:

**RESOLUTION WITH REFERENCE TO ADOPTION OF LOCAL LAW No. 2
REGARDING ZONING MAP AMENDMENT TO INCLUDE TAX MAP PARCELS 86.24-
1-33.2 AND 86.24-1-33.1 IN THE R-3 RESIDENTIAL DISTRICT**

WHEREAS, the Village of Carthage Village Board of Trustees is considering the adoption of a local law to amend the Zoning Map of the Village of Carthage to include Village of Carthage Tax Map Parcel Numbers 86.24-1-33.2 and 86.24-1-33.1 in the R-3 Residential District; and

WHEREAS, the board has issued a negative declaration of this unlisted action in accordance with 6NYCRR Part 617, which is on file at the Carthage Village Clerk's Office at 120 South Mechanic Street; and

WHEREAS, the Village Planning Board has indicated their support of this amendment; and

WHEREAS, a public hearing has been conducted with regard to the proposed amendment

BE IT RESOLVED, as follows:

SECTION 1. That this board hereby adopts said Local Law No. 2 to amend the Zoning Map of the Village of Carthage to include Tax Map Parcel Numbers 86.24-1-33.2 and 86.24-1-33.1 in the R-3 Residential District.

SECTION 2. That the Village Clerk is hereby directed to complete and file any and all documents necessary to effectuate this action and as required by law.

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

The foregoing resolution was duly adopted unanimously.

PUBLIC FORUM:

Mr. Ayers, Mr. McIlroy, and Mr. Cook distributed a written proposition for refurbishment and supervision of the Ryder's Edge Skate Park. As members of the committee they are proposing to refurbish, provide possible supervision, and continued maintenance of the skate park. They are concerned with the current state of the park to include safety concerns. Chief Huber stated he has paint and sealer at the police station which is to be used at the skate park. President McIlroy stated he will form a committee to assess the skate park.

Dr. Sherwood stated that a resident at the Brookhaven House was parked in the parking spot in front of the house and received a ticket from one of the new police officers. Dr. Sherwood stated he understands that the police are doing their job but would like the board to consider making an exception for the parking spot in front of the house. The board offered other alternatives and suggestions to request use of surrounding parking areas. After considerable discussion President McIlroy stated the board would be unable to make an exception for the Brookhaven House as other businesses have asked for the same privilege and been denied.

CORRESPONDENCE:

Motion by Deputy President Astafan and seconded by Trustee Vary to designate September 7, 2013 as Carthage Nursery School Day in the Village in honor of the forty-five years the Nursery School has been in existence under the supervision of Jean Haverstock, and recognize their closing. Motion carried unanimously.

President McIlroy read the thank you card provided by the Carthage Area Chamber of Commerce for the Village's participation in their Annual Fireworks Festival.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to formally approve the request from Mary LaPlatney and Dustin Marley to use Long Falls Park on August 8, 2013 at one in the afternoon for a wedding ceremony which was previously approved via email poll. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to send a letter of support for expanding the Black River Trail an additional mile toward the City of Watertown to the Office of Parks, Recreation and Historic Preservation in the Thousand Islands Region. Motion carried unanimously.

President McIlroy read the flyer regarding the grand opening celebration at Ablans Business Center, Inc. and AT&T on August 24, 2013 from 11:00 a.m. to 3:00 p.m. and encouraged board members to attend.

Motion by Deputy President Astafan and seconded by Trustee Vary to allow Cub Scout Pack 39 to use the Carthage Parks and Recreation building to hold various scouting events and meetings on Monday and Thursday evenings from September 10, 2013 through June 20, 2014 and additionally to reserve the building on Saturday, February 22, 2014 and March 22, 2014 for their additional annual special events, and further waive the normal rental fee providing the days do not conflict with Village events. Motion carried unanimously.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to permit the Carthage Annual CROP Hunger Walk on Sunday, October 20, 2013 from 2:00 p.m. till 5:00 p.m. to walk from the Church of the Nazarene on State Street to McDonalds on Bridge Street in West Carthage, possibly throughout the Village of Carthage and then back to the church.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to approve the request for the Annual Elm Street Block Party on Saturday, August 24, 2013 from 2:00 p.m. until 12:00 a.m. and further provide barricades to close off Elm Street during that time period. Motion carried unanimously.

OLD BUSINESS:

On June 3, 2013, President McIlroy read the letter from NYSDEC regarding the Municipal Separate Storm Sewer System Automatic Designation which requires a response from the Village by November 18, 2013. President McIlroy hopes to learn more about the designation at the Watershed Conference on June 4, 2013 and requested the Clerk/Treasurer to hold this issue until the June 17, 2013 regular meeting.

Update 06/17/13: President McIlroy stated the response to the Separate Storm System Automatic Designation needs to include how the Village will notify the public of the Storm Sewers to include marking the storm drains and mapping the system using the GPS. President McIlroy requested the Clerk/Treasurer to hold this issue until the next regular meeting to allow time to learn more information regarding this requirement.

Update 07/15/13: President McIlroy and possibly Deputy President Astafan will attend an information session regarding the Village's participation in the new MS4 program on July 17, 2013 at the Town of Brownville Offices.

Update 08/19/13: President McIlroy attended the informational session on July 17, 2013 which outlined how specific communities could obtain a waiver from the MS4 program. The Village of Carthage is not eligible for the waiver and President McIlroy stated Scott Burto, West Carthage Mayor offered to obtain more information regarding the program.

Computel Consultants has been working with the Village to obtain underpaid franchise fees from Time Warner Cable in the amount of \$13,408.77.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer authorizing President McIlroy to sign the letter provided by Computel Consultants to Time Warner Cable to request payment of the franchise fees. Motion carried unanimously.

Attorney Gebo sent a letter to Charles King, 771 and 773 West End Avenue, regarding connecting his properties to the village sewer system. Attorney Gebo also provided a summary of a phone conversation he had with Mr. King. Attorney Gebo requested an Executive Session to further discuss this property due to potential litigation.

President McIlroy read the response received from Congressman Bill Owens thanking the Village for the letter of support they sent for the St. Lawrence Psychiatric Center.

NEW BUSINESS:

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to approve CDBG 2011 Draw #19 payable to Donna Hallenbeck and DLO Contracting \$11,942.00; Hrabchack, Gebo & Langone, PC \$125.00; Avalon and Associates, Inc. \$5,050.00. Motion carried unanimously.

Motion by Trustee Vary and seconded Trustee Smith-Spencer to approve CDBG 2012 Draw #2 payable to Lead Safe, LLC \$800.00. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee to adopt Resolution 16 of 2013 as follows:

RESOLUTION WITH REFERENCE TO APPROVING PARTIAL WAIVER OF 2009 CDBG GRANT REPAYMENT OBLIGATIONS-EDIE MARTIN, 3 HIGH STREET

WHEREAS, Edie Martin received a 2009 CDBG grant of \$22,400 for repairs of her residence at 3 High Street, West Carthage, NY; and

WHEREAS, Ms. Martin was obligated under the Housing Rehabilitation Program to live in the property for 5 years or be required to repay all or a portion of the grant, and

WHEREAS, The Village may waive the requirements in special circumstances where the requirements would create a hardship for the owner, provided that the circumstances are beyond the control of the owner and neither the owner nor its heirs will benefit financially from such waiver; and

WHEREAS, Ms. Martin is requesting consideration of reduction of the repayment obligation of the program resulting from her moving into a senior citizens housing complex after June 1st of 2013, and

WHEREAS, The Village Board has set forth its waiver test analysis which is on file with the Village Clerk and made part of the 2009 CDBG records, and

WHEREAS, The request has been forwarded to the Carthage Area Project Review Committee for a recommendation regarding repayment of some or all of the CDBG grant awarded to Ms. Martin, and

WHEREAS, The committee met on 8-13-13 and is recommending that Ms. Martin's repayment obligation be reduced from \$13,440 to \$9,450 and has provided a summary of its recommendation to this Board.

BE IT RESOLVED as follows:

Section 1. The Village of Carthage Village Board hereby grants a reduction in the repayment obligations outlined in the project agreement (form 107) dated 6-25-10 in accordance with Section V.A., to allow Ms. Martin a reduction in repayment from \$13,440 to \$9,450.

Section 2. That the Village Clerk is hereby directed to reimburse to Ms. Martin \$3,990 of the \$13,440 paid to settle the Note and Mortgage executed by Ms. Martin as a result of the 2009 CDBG Twin Villages Housing Rehabilitation Program.

Section 3. That the President, or in his absence, the Deputy President, or Treasurer is hereby authorized to execute any and all documents, contracts, fund disbursements, and agreements necessary to effectuate this decision.

Section 4. 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 to send a certificate of appreciation to Stephanie Hall, Summer Recreation employee for her quick reaction which potentially saved the life of a child at the Thompson Park Swimming Pool on July 18, 2013. Motion carried unanimously.

The Water Superintendent report stated a gate was installed on the Village's 550 acre parcel in Belfort and the adjoining property owner will be provided with his own lock and key. The Water Superintendent provided photos of the gate and the board was very pleased with the results.

Motion by Deputy President Astafan and seconded by Trustee Vary to formally authorize Chief Huber to hire retired police Sergeant David Gunderson as a part-time police officer. The board previously approved this request via email poll on July 23, 2013. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Vary authorizing Officer Higman and Officer Smith to attend a free two day Search Warrant Training in Schenectady County, New York from September 25, 2013 through September 26, 2013 to include mileage reimbursement, meals and lodging at a cost not to exceed \$900.00. Motion carried unanimously.

The Police Chief's report was reviewed and there were no questions. The police department responded to 94% of calls and created a Facebook page which is managed by Officer Higman.

Chief Huber stated the new 2014 Ford Police Interceptor Utility Vehicle is now in service. Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to declare the 2006 Jeep Grand Cherokee police vehicle as surplus and advertise for bids effective August 26, 2013 through September 16, 2013 at 3:30 p.m. Motion carried unanimously.

The CEO reports which included two Complaint Action Reports, Permit Monthly Report, and Permit Status Report were reviewed and there were no questions.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary authorizing the Clerk/Treasurer to attend the Annual NYCOM Fall Training in Saratoga Springs, New York from September 9, 2013 through September 12, 2013 to include the training, mileage reimbursement, meals, and lodging at cost not to exceed \$850.00. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary authorizing the Clerk/Treasurer to attend the 2013 Advanced Accounting School training in Canton, New York from October 1, 2013 through October 3, 2013 to include the training, mileage reimbursement, meals, and lodging at a cost not to exceed \$300.00. Motion carried unanimously.

The Treasurers Report was reviewed and there were no questions. The General Fund cash balance is \$1,908,968.80 with Reserves of \$164,127.78; Water Fund cash balance is \$300,395.76 with Reserves of \$172,481.55 and the Sewer Fund cash balance is \$192,350.20 with Reserves of \$74,599.37 the Joint Fund cash balance is \$111,876.14 with Reserves of \$381,058.31.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to approve payment of payrolls and bills as follows: General Fund P/R 07/18/13, 07/25/13, 08/01/13, 08/08/13 and 08/15/13 \$77,226.99; Water Fund P/R 07/18/13, 07/25/13, 08/01/13, 08/08/13 and 08/15/13 \$10,993.16; Sewer Fund P/R 07/18/13, 07/25/13, 08/01/13, 08/08/13 and 08/15/13 \$8,967.58; Joint Fund P/R 07/25/13 and 08/08/13 \$18,105.59. General Fund Abstracts \$26,319.07; Water Fund Abstracts \$803.18; Sewer Fund Abstracts \$75,602.71; and Joint Fund Abstracts \$60,507.43. Motion carried unanimously.

PRESIDENT McILROY UPDATE:

President McIlroy stated he is expecting a letter from NYSDOT regarding the crosswalk by the Chatterbox on State Street. The State is planning to take 1 parking spot on each side of the street. The State is also considering removing the cross walk by the YMCA. President McIlroy stated he approached the Carthage Area Chamber of Commerce about managing the decorative flags by potentially offering flags to local businesses on the utility poles on State Street after Carthage Savings and Loan removes theirs. Carthage Savings and Loan purchased the hardware to secure the flags and plans to donate it to the Village. Attorney Gebo advised to check the local zoning regarding advertising privately on Village property. Attorney Gebo further suggested having the Chamber check with the City of Watertown and the Village of Chaumont to see how they manage theirs. Attorney Gebo was advised by the CEO of a vacant property on 511 Adelaide Street which is open and windows and doors need to be boarded up. The CEO sent a letter via certified mail to the property owner which was returned to him unopened.

Motion by Deputy President Astafan and seconded by Trustee Vary to set an Evidentiary Hearing on September 16, 2013 at 5:00 p.m. at the Village of Carthage Municipal Building regarding and unsafe structure on 511 Adelaide Street.

President McIlroy stated there will be a Joint Utility Board meeting at the Village of Carthage Municipal Building on August 21, 2013 at 6:00 p.m. The next regular board meeting will be Tuesday, September 3, 2013 at 7:00 p.m. President McIlroy requested an Executive Session to discuss the employment history of a police officer and a collective bargaining agreement.

ATTORNEY GEBO UPDATE:

Attorney Gebo stated he will need an Executive Session to discuss a collective bargaining agreement and a potential litigation.

LIAISON REPORTS AND COMMENTS:

Deputy President Astafan requested an Executive Session to discuss a collective bargaining agreement.

MEDIA QUESTIONS:

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

EXECUTIVE SESSION:

Motion by Deputy President Astafan and seconded by Trustee Vary to enter Executive Session at 8:30 p.m. to discuss the employment history of a particular police officer, one collective bargaining unit, and potential litigation and invite Chief Huber, Mr. Duvall, and Attorney Gebo to attend. Motion carried unanimously.

Mr. Duvall was excused at 8:45 p.m. Chief Huber was excused at 9:00 p.m. Trustee Smith-Spencer was excused at 9:15 p.m.

Motion by Trustee Vary and seconded by Deputy President Astafan to resume Regular Session at 9:23 p.m. Motion carried unanimously.

ADJOURNMENT:

Motion by Deputy President Astafan and seconded by Trustee Vary to adjourn at 9:24 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy L. O'Shaughnessy
Village Clerk/Treasurer