

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
October 7, 2013

ATTENDANCE:

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

Others: Kathy Amyot, Tug Hill Commissions; Reginald Huber, Police Chief; Katrina Lusk, Girl Scouts; two parents; and twelve Participation in Government Students.

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 Smith-Spencer to approve the minutes of the September 16, 2013 special meeting as presented. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Deputy President Astafan to approve the minutes of the September 16, 2013 regular meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

Ms. Amyot stated there is a Tug Hill Commission meeting on Wednesday, October 18, 2013 from 4:00 pm. – 6:00 p.m. at the Champion Municipal Offices. Ms. Amyot expressed there will be the second annual meeting with the Tug Hill Legislative Delegation and the Supervisors and Mayors of the Tug Hill Region on Monday, October 28, 2013 at 6:30 p.m. at the Constableville Fire Hall. Ms. Amyot stated at the last follow up MS4 meeting, nine municipalities unable to opt out of the MS4 designation. The Town of Leray is applying for a grant to develop a plan for the nine municipalities and further, the municipalities must pass a resolution selecting them as the lead agent and sign a letter of intent.

CORRESPONDENCE:

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to honor the request of the Girl Scout Troop 50219 to use the Carthage Parks and Recreation building to hold various scouting events and meetings on Tuesday evenings from 5:00 p.m. – 8:00 p.m. commencing on October 8, 2013 and further wave the normal rental fee providing the days do not conflict with Village events. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to deny the request of Cynthia Kilburn for a credit to the sewer portion of her water/sewer bill due to a leaky toilet because the water went through the sewer system and the village does not give credit when water has gone through the sewer system. However, if the water leak happened outside of the residence, the board would consider a credit for the homeowner for the sewer portion. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Deputy President Astafan to accept the resignation letter from Samuel Lundy from the position of Bailiff for the Village of Carthage Justice Court with regrets. 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.

Update 09/03/13: There will be a meeting on September 5, 2013 at 10:00 a.m. at the Village of West Carthage Board Room to discuss opportunities to partner as a cooperative group in the new MS4 program.

Update 09/16/13: There will be a follow up meeting regarding the new MS4 program at the Village of West Carthage Board room on September 18, 2013 and President McIlroy encouraged board members to attend.

Update 10/07/13: President McIlroy attended the MS4 program meeting and recommended that the board adopt a resolution to partake in NYS DEC Water Quality Improvement Program Grant and hire Bernier, Carr & Associates to assist with the Notice of Intent application by NYSDEC.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to adopt Resolution 19 of 2013 as follows:

RESOLUTION REGARDING LETTER OF INTENT TO PARTAKE IN NYS DEC WATER QUALITY IMPROVEMENT PROGRAM GRANT

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has determined that the Towns of Leray, Rutland, Watertown; the Villages of Black River, Brownville, Carthage, Dexter, West Carthage; and the City of Watertown (the municipalities) are located within an urbanized area according to the 2010 U.S. Census; and

WHEREAS, the Federal Clean Water Act (Section 402) requires municipalities which operate a municipal separate storm sewer system (MS4) that is located within an urbanized area to obtain a permit to discharge storm water; and

WHEREAS, all nine municipalities have determined that working together to develop and implement a Stormwater Management Program (SWMP) to minimize the discharge of pollutants through and from their MS4 into waters of the State; and

WHEREAS, all nine municipalities have determined that working together to develop and implement their SWMP would be beneficial to all of the municipalities;

WHEREAS, the Town of Leray has agreed to be the applicant for a NYSDEC Water Quality Improvement Program grant and the Village of Carthage will be a participant in the grant application and implementation, now therefore

BE IT RESOLVED by the Board of the Village of Carthage that a letter of intent be signed by the President indicating our willingness to participate in the grant application.

The foregoing resolution was duly adopted unanimously.

Motion by Deputy President Astafan and seconded by Trustee Latremore authorizing President McIlroy to sign an agreement with Bernier, Carr & Associates to assist with the Notice of Intent application by the NYSDEC regarding the MS4 in an amount not to exceed \$2,500.00 to be transferred from Contingency G.1990.0400 to Contacts/Maintenance Agreements G.8120.0432. Motion carried unanimously.

On August 19, 2013, 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.

Update 09/03/13: No action was taken therefore President McIlroy requested the Clerk/Treasurer to hold this issue until the September 16, 2013 meeting.

Update 09/16/13: Attorney Gebo stated he has yet to receive a reply from Mr. King and today is the deadline. Attorney Gebo requested an Executive Session to discuss potential litigation.

Update 10/07/13: No action was taken therefore President McIlroy requested the Clerk/Treasurer to hold this until the October 21, 2013 regular meeting.

At the September 16, 2013 meeting, President McIlroy stated the Bids were opened for the 2006 Jeep Grand Cherokee Laredo Police vehicle. Two bids were received and the highest bid was \$2,550.00. President McIlroy stated the Kelly Blue Book fair book value is \$8,981.00. The Clerk/Treasurer stated Chief Huber is on vacation therefore his opinion on accepting the bid could not be obtained. The majority of the board preferred to wait for Chief Huber's opinion therefore President McIlroy requested the Clerk/Treasurer to hold this over until the October 7, 2013 regular meeting.

Update 10/07/13: Motion by Deputy President Astafan and seconded by Trustee Vary, based on the recommendation of Chief Huber, to accept the highest bid of \$2,550.00 from Andrew Hall for the 2006 Jeep Grand Cherokee Laredo Police vehicle providing he complies with the specifications of the bid. Motion carried unanimously.

On September 16, 2013 there was an Evidentiary Hearing in regard to 511 Adelaide Street due to the unsafe condition of the property. The Board authorized Attorney Gebo to attempt to send notice to Mr. Meyers and state he has thirty days to secure the property or the Village of Carthage intends to take the necessary steps to secure the property and the expenses attributed to securing the property will be charged back against the property as a special assessment.

Update 10/07/13: No action was taken therefore President McIlroy requested the Clerk/Treasurer to hold this until the October 21, 2013 regular meeting.

On September 16, 2013 a letter was received from Linda McCullough, Carthage Free Library Director regarding the Village parking lot adjacent to the library. She is requesting the Village designate one parking space for handicap parking and repair the entrance to the lot. President McIlroy asked the Clerk/Treasurer to review the Village Code and see if a handicap parking spot had been designated for that parking lot and will further check with the DPW Superintendent regarding the condition of the parking lot.

Update 10/07/13: The Clerk/Treasurer verified that a handicap parking spot has not been designated for the parking lot near the library. President McIlroy asked the Clerk/Treasurer to

request Attorney Gebo to prepare the applicable public hearing notice to designate a handicap parking spot. Deputy President Astafan and President McIlroy spoke with Mr. Trembley who has temporarily repaired the entrance to the parking lot. Mr. Trembley plans to do more repairs to the parking lot in the Spring. Deputy President Astafan will ask Mr. Trembley to submit measurements for the handicap parking space. No action was taken therefore President McIlroy requested the Clerk/Treasurer to hold this issue until the October 21, 2013 regular meeting.

On September 16, 2013 President McIlroy asked the Board to consider conducting one meeting per month on the third Monday of the month to begin at 6:00 p.m. and cited only three other Villages hold bi-monthly meetings. Deputy President Astafan asked the Clerk/Treasurer if she could foresee any issues with holding only one meeting and she stated that if necessary business were to arise, the board could conduct a special meeting and/or she could conduct an email poll of the board. Attorney Gebo spoke with Judge Shettleton who stated court appearances where his presence is required could be held at an earlier time to permit Attorney Gebo to accommodate the earlier meeting time. Attorney Gebo stated the board would need to conduct a public hearing to make the necessary changes in the Village Code Book to Section A 150-3.

Update 10/07/13: After considerable discussion, the majority of the Board preferred not to change the meeting schedule or meeting time.

NEW BUSINESS:

Motion by Trustee Latremore and seconded by Trustee Vary to approve CDBG 2011 Draw #22 payable to Tina & Dennis O'Neil and DLO Contracting \$24,261.20; and Hrabchak, Gebo, & Langone \$60.00. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Deputy President Astafan to approve CDBG 2011 Draw #23 payable to Elizabeth Rushlow & Painting Etc., Inc. \$9,260.00. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to approve CDBG 2012 Draw #3 payable to R-Factor Spray Foam Insulation 2012-06 \$750.00; Lead Safe, LLC \$1,200.00 and Avalon Associates, Inc. \$2,253.62. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to formally approve the request of SSgt Michael Haight USAF, which was previously approved via email poll, to have alcoholic beverages at their celebration for the promotion of one of their organizational members at the Carthage Park on Friday, September 27, 2013 provided no glass containers are used; the alcohol is consumed only in the building; and further inform SSgt Haight that he will be held responsible if underage drinking is discovered and possibly charged with a Misdemeanor. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to formally approve the request of Chief Huber, which was previously approved via email poll, to purchase two First VU Body Cameras for the Police Department in the amount of \$2,000.00 and transfer the funds from Job Supplies A.3120.0470 to Expensed Equipment A.3120.0200.2. Motion carried unanimously.

Deputy President Astafan asked Chief Huber if he planned to create a policy for using the cameras and Chief Huber stated he will after the department has had an opportunity to use the cameras.

Motion by Deputy President Astafan and seconded by Trustee Vary to adopt Resolution 17 of 2013 as follows:

RESOLUTION 17- 2013
RESOLUTION TO DECLARE LEAD AGENCY

WHEREAS the Village of Carthage proposes to undertake the following actions on the Wastewater System, located in the Villages of Carthage and West Carthage:

Replacement of equipment and architectural, structural, heating and ventilating and plumbing upgrades at the Water Pollution Control Facility

Collection System Improvements

(hereinafter referred to as “said Actions”), and;

WHEREAS said Actions require review under the New York State Environmental Quality Review Act (SEQRA), per 6NYCRR Part 617, and;

WHEREAS said Actions are defined as an Unlisted Actions under 6NYCRR Part 617 because the action is not listed under 6NYCRR Part 617.4 or 617.5.

WHEREAS multiple agencies have approval or funding authority over said Actions, and;

WHEREAS 6NYCRR Part 617.6(b)(3) calls for coordinated review of Unlisted Actions, and;

WHEREAS 6NYCRR Part 617.6(b)(2)(i) requires that a Lead Agency for a coordinated review of an Unlisted Action be established prior to a determination of significance, and;

WHEREAS 6NYCRR Part 617.2(u) defines “Lead Agency” as, “an involved agency principally responsible for undertaking funding or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection with the action, and for the preparation and filing of the statement if one is required”, and;

WHEREAS the Village of Carthage intends to act as Lead Agency in the coordinated review of said Actions as Unlisted Action under SEQRA and further intends to implement and complete all responsibilities of that office,

RESOLVED that the Village of Carthage declares itself Lead Agency, as defined in 6NYCRR Part 617.2(u), for the coordinated review of said Actions as Unlisted Actions under SEQRA.

The foregoing resolution was duly adopted unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to adopt Resolution 18 of 2013 as follows:

RESOLUTION 18- 2013
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 Poulsen & Podvin, CPA PC to examine their Village Justice Court records for fiscal year 2013 as required by the State of New York Unified Court System.

The foregoing resolution was duly adopted unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer authorizing the Clerk/Treasurer to attend the Quarterly Clerk/Treasurer meeting in Sackets Harbor on October 10, 2013 to include reimbursement for mileage. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Deputy President Astafan to decrease the Real Property Taxes Revenue A.0000.1001 in the amount of \$371.25 due to the Village Green property which was transferred to the Village. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to set the Halloween Trick or Treat hours on October 31, 2013 from 6:00 p.m. to 8:00 p.m. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to approve payment of payrolls and bills as follows: General Fund P/R 09/19/13; 09/26/13 and 10/03/13 \$53,723.50; Water Fund P/R 09/19/13; 09/26/13 and 10/03/13 \$7,841.91; Sewer Fund P/R 09/19/13; 09/26/13 and 10/03/13 \$5,630.13; Joint Fund P/R 09/19/13 and 10/03/13 \$18,403.86. General Fund Abstracts \$5,140.00; Water Fund Abstracts \$0; Sewer Fund Abstracts \$0; and Joint Fund Abstracts \$44,692.78. Motion carried unanimously.

PRESIDENT McILROY UPDATE:

President McIlroy stated there will be a Joint Utility Board meeting at the Village of Carthage on Wednesday, October 16, 2013 at 6:00 p.m. President McIlroy stated the DPW has taken care of the fence at the Skate Park and Mr. Trembley is planning to contact Nelsons Tree Service to remove to tops of the surrounding trees.

LIAISON REPORTS AND COMMENTS:

Trustee Latremore commended the DPW for how well the Village looks and stated she has received numerous complements. Trustee Smith-Spencer requested an Executive Session to discuss collective bargaining.

MEDIA QUESTIONS:

None.

EXECUTIVE SESSION:

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to enter Executive Session at 7:40 p.m. to discuss the employment history of a particular person; and collective bargaining contract negotiations and invite Chief Huber to attend. Motion carried unanimously.

Chief Huber was excused at 8:05 p.m.

Motion by Trustee Latremore and seconded by Trustee Vary to resume Regular Session at 8:20 p.m. Motion carried unanimously.

ADJOURNMENT:

Motion by Trustee Smith-Spencer and seconded by Deputy President Astafan to adjourn at 8:21 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy L. O'Shaughnessy
Village Clerk/Treasurer