

Regular Meeting of the Village of Carthage Board of Trustees  
Held in the Board Room of the Carthage Municipal Building  
October 20, 2014

**ATTENDANCE:**

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

**Others:** Ernie Prievo, Water Superintendent; Kathy Amyot, Tug Hill Commissions; Elaine Avallone, Johnson Newspapers; and three 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 Trustee Latremore and seconded by Trustee Smith-Spencer to approve the minutes of the October 5, 2014 regular meeting with a minor correction as presented by President McIlroy. Motion carried unanimously.

**CORRESPONDENCE:**

President McIlroy read the correspondence received from Sibley Nursing Personnel Service, Inc. requesting reasonable accommodations be provided to Sheena Palmer who is being served by the Commission for the Blind and Visually Impaired as well as the TBI Waiver Program. The request includes placing two signs on West Street for Children at Play and Blind Person Area; truncated domes to warn of the street in front; brightly lining crossways noticeable for drivers; and repairing the sidewalks in front of Ms. Palmer's home and the routes she would normally take. The Board was not in favor of posting Children at Play signs as the request has been denied in the past. The sidewalk repair request will be considered in the Spring as the Village has exhausted their sidewalk repair budget for the year.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to hold a public hearing on November 17, 2014 at 7:10 p.m. to consider posting two signs on the 800 block of West Street regarding Blind Person in Area. Motion carried unanimously.

**PUBLIC HEARING:**

President McIlroy called the public hearing to order at 7:10 p.m. to consider the adoption of a local law to amend the current policy regarding the filling of swimming pools. President McIlroy asked twice if there was anyone wishing to discuss the amendment of the current policy regarding the filling of swimming pools. With no one wishing to comment there was motion by Trustee Latremore and seconded by Trustee Vary to close the hearing at 7:12 p.m.

Motion by Trustee Vary and seconded by Trustee Latremore to adopt Local Law #6 of 2014 as follows:

A local law to amend Section A150-54 of the Village of Carthage Code as the same relates to pools

Article 1. - Statement of Authority. The Board of Trustees of the Village of Carthage, pursuant to the authority granted it under 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 current policy as it relates to the filling of swimming pools has been difficult to administer and has created certain problem. It is the purpose of this local law to revise those policies to add ease to administration and greater clarity.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby amends Section A150-54 of the Village Code and as amended restates the same as follows:

Swimming Pools.

- A. Village Residents that request to have their swimming pool filled from a fire hydrant must direct their request to the Village Clerk's Office. A minimum of three (3) days notice is required; unless the Water Department schedule can accommodate the request sooner. The Village Clerk's Office will refer the request to the Water Department for compliance. If in the judgment of the Water Superintendent it is deemed unsafe to fill from a fire hydrant than the property owner will have to make other arrangements.
- B. Charges for such service will be based on the current rate for metered water, to which a \$100.00 labor charge will be added.
- C. The property owner must sign a form indicating the metered amount of water that was used along with the labor charge, which will be given to the Village Clerk's Office for billing.
- D. The property for which the request is being made must have a "Zero Balance" account prior to having this service provided.
- E. There will be no swimming pools filled by the Village of Carthage for properties outside the Village.
- F. Residents that fill their own swimming pools through their home meter can receive a credit on their sewer portion of water/sewer bill for the billing period which the water was used, providing they complete the Pool Filling Credit Request. The forms are available at the Village Clerk's Office. The amount of credit will be calculated based on the size of the pool and height of water added to it. No credit is given when "Topping Off" the pool requires less than 2 billing units (1,500 gallons)
- G. The property for which the credit is being requested must have a "Zero Balance" account at the time of the request.

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.

#### **PUBLIC FORUM:**

Ms. Amyot stated the IMA for the MS4 program is expected to be signed by the City of Watertown this evening. Ms. Amyot expressed the Joint ZBA intends to include the Village of West Carthage in the IMA when it renews on April 1, 2015 and the Village of Carthage will give up one of it's two members. Attorney Gebo stated they are still working out the details of the IMA to include the Village of West Carthage.

#### **CORRESPONDENCE:**

Motion by Trustee Latremore and seconded by Trustee Vary to approve the Carthage Lions Club and Carthage Elks Lodge request for a \$100.00 contribution toward the Fifth Annual Community Thanksgiving Feast Celebration that will take place on Thursday, November 27, 2014 at the Carthage Elks Lodge. Motion carried unanimously.

Teri Ellis, on behalf of the Carthage Federal Savings and Loan parade float, emailed President McIlroy requesting having a leashed dog on their float during the holiday parade. Attorney Gebo advised the current dog law does not include exceptions for such events. President McIlroy will inform Ms. Ellis the Village cannot make any exceptions to their dog law.

#### **OLD BUSINESS:**

There was an Evidentiary Hearing on July 15, 2014 regarding the unsafe condition of 208 North Mechanic Street.

Update 8/18/14: The property on 208 North Mechanic Street is still unsafe. The Board authorized Attorney Gebo send a letter to Mr. Trombley, 208 North Mechanic Street, informing him the Village intends to demolish the building.

Update 9/15/14: Attorney Gebo sent the letter to Mr. Trombley but referenced the wrong address. Attorney Gebo stated he would re-send the letter with the correct address and give Mr. Trombley an additional week of notification of the Village's intent to demolish the building.

Update 10/6/14: President McIlroy stated he and the Community Development Coordinator have been working on obtaining permits to remove the building which they anticipate to cost around \$10,000.00.

Update 10/20/14: President McIlroy stated they are working on disconnecting the services to the residence.

At the June 21, 2014 meeting, David and Krissi Elshaug who reside at 1102 Alexandria Street, submitted a request to annex their property from the Village of Carthage into the Town of Wilna. After considerable discussion, the board requested the Clerk/Treasurer to provide a better map of the property and to hold this issue until the July 21, 2014 regular meeting.

Update 7/21/14: President McIlroy requested the Clerk/Treasurer to contact Mr. Ball, CEO and request a detailed map with names of surrounding property owners and include Route 3 in the map. Attorney Gebo suggested reviewing what services are currently provided by the Village; suggested speaking with the Town of Wilna due to the water service; and stated the property is surrounded by other Village property on three sides. President McIlroy requested the Clerk/Treasurer to hold this over until the August 18, 2014 regular meeting when the full Board is present.

Update 8/18/14: President McIlroy listed the hardship reasons within the request as to why the property owners want to be annexed out of the Village which include inability to use existing well on property; inability to use existing barn for livestock that is not allowed within the Village; lack of Village services such as snow plowing the road leaving a snow bank at the end of driveway or not plowing road and not picking up yard debris. President McIlroy stated currently there is no law within the Village Code which prohibits livestock as long they are within a well fenced area; DPW Superintendent, Dan Trembley confirmed the road is plowed and debris is pickup if placed in the proper area. Attorney Gebo advised for the Village to conduct a joint hearing with the Town of Wilna which he will schedule tentatively on September 10, 2014 at the Town of Wilna.

Update 09/15/14: A public hearing was held on September 15, 2014 at the Town of Wilna regarding de-annexing the property from the Village into the Town and no action was taken by the Village of Carthage. Mr. Elshaug stated he still feels he does not receive services from the Village and President McIlroy encouraged Mr. Elshaug to call him personally. President McIlroy asked to hold this over until the moratorium period expires in six months.

Update 10/20/14: Attorney Gebo advised to consider the annexation in the interest of the property not necessarily the property owner as the Village provides services to the property. Attorney Gebo also advised the Town of Wilna is in favor of the annexation. President McIlroy requested the Clerk/Treasurer to notify Mr. and Mrs. Elshaug that the Village will discuss the annexation at the November 17, 2014 meeting.

Motion by Trustee Latremore and seconded by Trustee Vary to set a public hearing on December 15, 2014 at 7:10 p.m. to discuss farm animals in the Village of Carthage.

At the October 6, 2014 meeting Mr. Phillips, on behalf of the Carthage Area Rescue Squad, Inc., stated they would like the Village to consider changing the speed limit on Riverside Drive from thirty miles per hour to fifteen miles per hour. He expressed there have been several occasions when they have almost been struck by other vehicles when responding to ambulance calls. President McIlroy stated they would hold this issue over until the October 20, 2014 meeting when the Village attorney is present.

Update 10/20/14: Attorney Gebo advised the speed limit can be decreased to fifteen miles per hour on Riverside Drive.

Motion by Trustee Latremore and seconded by Trustee Vary to set a public hearing on November 17, 2014 following the hearing regarding signage, to discuss adding the speed limit change to fifteen miles per hour on Riverside Drive to the Village Code Book. Motion carried unanimously.

At the October 6, 2014 meeting President McIlroy read the memo submitted by Chief Huber suggesting the Village place a large sign at each entrance of the Village as follows:

VILLAGE LAWS  
STRICTLY ENFORCED  
[WWW.ECODE360.COM/CA0146](http://WWW.ECODE360.COM/CA0146)

President McIlroy requested the Clerk/Treasurer to forward the memo to Attorney Gebo and hold this issue over until the October 20, 2014 meeting.

Update 10/20/14: Attorney Gebo stated posting a sign at all Village entrances is a good way to inform the public where they can obtain information governing Village laws.

Motion by Trustee Latremore and seconded by Trustee Vary to place a sign, as presented by Chief Huber, at all entrances of the Village. Motion carried unanimously.

At the October 6, 2014 meeting, President McIlroy read the memo submitted by Daniel Trembley, DPW Superintendent requesting a temporary employee due to the medical leave of an employee. President McIlroy requested to hold this issue over until Executive Session to discuss the application received and the potential employment of a temporary DPW Laborer.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to formally approve hiring Donald LaParr, as a temporary DPW Laborer which was previously approved via email poll on October 9, 2014. Motion carried unanimously.

At the September 15, 2014 meeting the Board authorized the request for Sealed Bids for a Trailer Mounted Sewer Cleaner to be due at the Clerk's Office by Wednesday, October 15, 2014 and considered at the October 20, 2014 regular meeting.

Update 10/20/14: Five sealed bids were open on October 15, 2014 and the results are as follows:

- |    |                            |             |
|----|----------------------------|-------------|
| 1) | Cyncon Equipment, Inc.     | \$55,742.00 |
| 2) | J&J Equipment              | \$50,803.70 |
| 3) | Tracey Road Equipment, Inc | \$59,352.00 |
| 4) | Eagle Equipment, Inc.      | \$56,622.00 |
| 5) | Joe Johnson Equipment      | \$47,769.00 |

Motion by Trustee Latremore and seconded by Trustee Vary to award the bid to Cyncon Equipment, Inc. \$55,742.00 as recommended by the DPW Superintendent because they were the lowest bidder who met all of the specifications of the bid. Motion carried unanimously.

At the September 15, 2014 meeting there was a motion to permit Simpson Fuels to rescind their Fuel Bid submitted on Monday, June 16, 2014 due to their misunderstanding of the sealed bid specifications. The Board authorized the Clerk/Treasurer to request sealed bids for regular unleaded gasoline and ultra low sulfur diesel to be reviewed at the regular meeting on October 20, 2014.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to accept the only bid received from Simpson Fuel, Inc. for regular unleaded gasoline and ultra low sulfur diesel to be invoiced at \$0.15 above their cost through December 31, 2015. Motion carried unanimously.

**NEW BUSINESS:**

Motion by Trustee Latremore and seconded by Trustee Vary to approve CDBG 2012 Draw #19 payable to Rose Maine and Painting Etc, Inc \$8,890.00; Ricky Hartle and Painting Etc, Inc. \$16,470.00; and Avalon Associates, Inc. \$2,600.00. Motion carried unanimously.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer formally authorizing President McIlroy to sign an agreement with Mohawk, Adirondack and Northern Railroad Corporation and Slack Chemical, Inc. to repair the railroad crossing on South Washington Street which was previously approved via email poll on October 16, 2014. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to set a public hearing on November 17, 2014, following the speed limit change hearing, in regard to electronic payments and credit cards. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer authorizing President McIlroy to sign an agreement with the Village of West Carthage and Bernier, Carr and Associates to research Solar Power options for the Twin Villages not to exceed \$500.00.

The Clerk/Treasurer submitted a memo regarding the replacement of the rooftop heat exchanger due to holes in the current system as discovered during the annual inspection by Hyde Stone Mechanicals. The heating system is a supplement heating system for the Clerk's office side and level of the building with an estimated cost of \$5,200.00 and the Clerk/Treasurer is not recommending replacing the unit at this time. President McIlroy requested the Clerk/Treasurer to obtain more information regarding the heating unit and to hold this issue over until the November 3, 2014 meeting.

The Clerk/Treasurer submitted a memo regarding the progress of the Springbrook Software implementation. Originally we were to have a premised based system to be hosted on the server in the Clerk's Office due to the annual maintenance costs being less. Our current server and networking system will not work with the Springbrook Software therefore I am recommending we switch to the cloud option offered by Springbrook with an additional cumulative cost over four years of \$2,400.00.

Motion by Trustee Smith-Spencer and seconded by Trustee Latremore to permit President McIlroy to sign a change order with Springbrook to switch to their cloud option providing Attorney Gebo reviews the contract regarding indemnification if there is a data breach of their system. Motion carried unanimously.

President McIlroy stated there is lights out at the Recreation Building and stated the Deputy Clerk should notify the DPW when she checks the building after it is used.

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

Trustee Smith-Spencer reviewed the monthly bills prior to the meeting.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to approve payment of payrolls and bills as follows: General Fund P/R 09/25/14, 10/02/14, 10/09/14, and 10/16/14 \$57,293.61; Special Grant Fund 10/02/14 and 10/16/14 \$198.74; Water Fund P/R 09/25/14, 10/02/14, 10/09/14, and 10/16/14 \$8,363.44; Sewer Fund P/R 09/25/14, 10/02/14, 10/09/14, and 10/16/14 \$6,118.94; Joint Fund P/R 10/02/14 and 10/16/14 \$13,544.68. General Fund Abstracts \$52,530.06; Special Grant Fund

Abstracts \$32,859.00; Water Fund Abstracts \$8,226.62; Sewer Fund Abstracts \$2,869.74; and Joint Fund Abstracts \$47,587.58. Motion carried unanimously.

**PRESIDENT MCILROY UPDATE:**

President McIlroy asked Attorney Gebo if he has made progress regarding regulating trailers in the Village and Attorney Gebo stated he is waiting for information from the CEO. President McIlroy stated he will contact him tomorrow. President McIlroy stated he will need an Executive Session regarding the employment history of a particular Water Department employee.

**ATTORNEY GEBO UPDATE:**

Attorney Gebo stated he made contact with Ricky Meyers regarding 511 Adelaide Street who stated it was not his residence. After researching further, Attorney Gebo discovered there is a son named Ricky Meyers and he is the individual to be served regarding 511 Adelaide Street.

**LIAISON REPORTS AND COMMENTS:**

Trustee Smith-Spencer stated the fifteen mile per hour sign on South Mechanic Street should state only during school hours. Attorney Gebo stated the law does not state certain times.

**MEDIA QUESTIONS:**

None.

**EXECUTIVE SESSION:**

Motion by Trustee Latremore and seconded by Trustee Vary to enter Executive Session at 8:02 p.m. to discuss the employment history of a Water Department employee and request Mr. Prieto to attend. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Latremore to resume Regular Session at 8:28 p.m.

**ADJOURNMENT:**

Motion by Trustee Latremore and seconded by Trustee Vary to adjourn at 8:29 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy  
Village Clerk/Treasurer