

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
November 17, 2014

ATTENDANCE:

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

Others: Norman Barkley, Jr; Randy Imhoff; Paul Clarke; Elaine Clarke; Ken Phillips; David Tanner; David Elshaug; Allie Kratzat; Elaine Avallone, Johnson Newspapers; Mark Gebo, Village Attorney.

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 Vary and seconded by Trustee Latremore to approve the minutes of the November 3, 2014 regular meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

Mr. Barkley stated he was representing the residents of South James Street near the railroad crossing. Mr. Barkley expressed their concerns regarding the poor condition of the crossing and the safety of pedestrians, property owners, and individuals driving across the tracks. Mr. Barkley stated there was a recent accident due to the crossing where a car blew a tire, was thrown in the oncoming lane in front of a tractor trailer, and ended up on his lawn. Mr. Barkley contacted the railroad who stated they do not have the funds to repair the crossing and he also contacted New York State Department of Transportation (NYSDOT) who stated the crossing is the responsibility of the railroad. Mr. Barkley requested the Village to post signs on either side of the crossing to alert traffic of the rough crossing. Attorney Gebo stated NYSDOT needs to be contacted regarding signage. President McIlroy requested the Clerk/Treasurer to send a letter to our regional representative at NYSDOT to place signage on either side of the railroad crossing on South James Street.

PUBLIC HEARING:

President McIlroy called the public hearing to order at 7:10 p.m. to add a new Section to Chapter 135 of the Village Code to install traffic control devices and/or signs or markings to provide adequate safety in areas where individuals who are blind reside. President McIlroy asked if there was anyone who wished to speak for or against the local law. Mr. Imhoff stated his daughter is blind and the area where she lives on West Street is frequently traveled and it is difficult to see for long distances. Mr. Phillips agreed with Mr. Imhoff and expressed he was in favor of the signage. President McIlroy asked twice more if there was anyone else who wished to discuss the potential local law. With no one else wishing to comment there was motion by Trustee Latremore and seconded by Trustee Smith-Spencer to close the hearing at 7:12 p.m.

Motion by Deputy President Astafan and seconded by Trustee Vary to adopt Local Law #7 of 2014 as follows:

A local law to amend Chapter 135 of the Village of Carthage Code.

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 State of New York Article 6 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 Village of Carthage has been advised that there is a blind and/or visually impaired person residing in the 800 block of West Street. To provide for adequate safety for such individual, it is the desire of the Board to place warning signs in the 800 block north of West Street to warn people that there is a blind and/or visually impaired person in the area. It is the purpose of this local law to establish signage for the same.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby amends Chapter 135 of the Village of Carthage Code as follow:

A. To add a new Section 135-29
Blind Person Signs.

Traffic control device either by signs or markings or both may be installed at location described in Schedule XX of Section 135-67 designating areas in which a blind person may reside.

B. Chapter 135 shall be further amended to establish a Schedule XX, Blind Person Areas known as 135-67.

Two signs shall be placed in the 800 block of West Street.

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

Motion carried unanimously.

President McIlroy called the public hearing to order at 7:12 p.m. to establish a speed limit of 15 mph on a discontinued portion of Furnace Street from Riverside Drive to North Mechanic Street as the same proceeds through the Park and past the Carthage Area Rescue Squad Building to the Farmer's Market. President McIlroy asked if there was anyone who wished to speak for or against the local law. Mr. Phillips stated there was a near accident in front of the rescue squad yesterday and feels the 15 mph speed limit will help. President McIlroy asked twice more if there was anyone else who wished to discuss the potential local law. With no one else wishing to comment there was motion by Trustee Latremore and seconded by Trustee Smith-Spencer to close the hearing at 7:14 p.m.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to adopt Local Law #8 of 2014 as follows:

A local law to amend Chapter 135 of the Village of Carthage Code.

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 State of New York Article 6 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 purpose of this local law is to establish a speed limit on a discontinued portion of Furnace Street from Riverside Drive to North Mechanic Street as the same proceeds through the Park and past the Carthage Area Rescue Squad Building to the Farmer's Market. This will provide protection for the heavy pedestrian traffic in that area as well as ease for the Rescue Squad to enter and exit its property.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby amends Section 135-57 of the Village of Carthage Code to add the following provision:

<u>STREET NAME</u>	<u>SPEED LIMIT</u>	<u>Location</u>
Furnace Street (discontinued Portion)	15 m.p.h.	From Riverside Drive to North Mechanic Street

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.

President McIlroy called the public hearing to order at 7:14 p.m. to establish a policy with respect to credit cards and electronic financial transactions. President McIlroy asked twice if there was anyone who wished to speak for or against the local law. With no one else wishing to comment there was motion by Trustee Latremore and seconded by Trustee Smith-Spencer to close the hearing at 7:15 p.m.

Motion by Trustee Latremore and seconded by Trustee Vary to adopt Local Law #9 as follows:

A local law to amend Section A150 of the Village Code to establish a policy with respect to credit cards and electronic financial transactions.

Article 1. - Statement of Authority. The Board of Trustees of the Village of Carthage, pursuant to the authority granted it under Sections 5, 5-a and 5-b of the General Municipal 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 in certain circumstances, the allowance of payments by credit cards or other electronic means may be appropriate to further efficiency of governmental operations. It is the purpose of this local law to establish a policy for the same.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby enacts a new Article X of Chapter A150 of the Village Code and as follows:

Article X. Credit Cards and Electronic Financial Transactions.

Section A150-92

1. Definitions – Definitions under General Municipal Law Section 5 and Section 5(b) for terms of credit card issuer or financing agency are hereby incorporated by reference.
2. Payment to Village by Credit Card.
 - a. The Board of Trustees hereby authorizes the Village of Carthage Court to accept the payment of fines, penalties, surcharges and fees by credit card.
 - b. All such transactions shall provide that the person making payment by credit card must process two transactions, one for the fine, penalties, surcharges for the Court and one for the fee to process the transaction. The transaction is not considered complete until the credit card has been credited for both.
3. Electronic Payment to the Village. The Village Clerk's Office is authorized to collect civil penalties, taxes, fees, charges, special assessments, including penalties and interest by means of electronic payment via the internet provided, however, that the internet is not the sole method of payment. Such internet payments must comply with State Technology Law Article 3 and at a minimum authenticate the identity of the sender and insure the security of the information transmitted.
4. Payments Conditional – Payments by credit card or by electronic means shall be considered conditional and will not be considered final until the underlying obligation is satisfied. Payment shall be considered received at the time the transaction is completed and sent.
5. Receipts – Any payment by credit card and/or by electronic means over the internet shall require the Village to provide a confirmation of such payment which will include the transaction date, the amount paid and a confirmation number.
6. The provision of credit card services or electronic payment services shall be pursuant to contract in compliance with the Village's procurement policy.

7. Use of Credit Cards by Village

- a. The Village Board by resolution may contract to have credit cards available for the purchase of goods and services by various Village Departments.
- b. The use of credit cards shall be limited to those officials designated by the Village Board by resolution to use the same.
- c. All credit card purchases must be audited before payment is made on the credit card. Such audit of bills should be done in a timely manner to avoid the late payment penalties.
- d. Unauthorized use of the credit card use shall subject the user to personal liability.
- e. Village credit cards shall be kept with the Village Clerk/Treasurer who shall provide them to authorized Municipal Officers and employees when necessary to comply with this policy.

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.

PUBLIC FORUM:

Mr. Clarke stated he was available to answer any questions in regard to the VFW request which is on the agenda.

Mr. Tanner stated he represented the Wilna/Champion Transportation and expressed their gratitude for the Village's support of the bus.

CORRESPONDENCE:

Ms. Kratzat explained the correspondence she submitted to the Board requesting share the road signs to be posted in the Village as she was recently struck by a car on State Street while riding her bicycle. Ms. Kratzat feels the signs will remind motorists that it is the law to share the road with bicycles. President McIlroy advised Ms. Kratzat to review the Village Code Section 40 which refers to riding bicycles in the Village. Attorney Gebo advised the Board they would have to have a public hearing to place the signs throughout the Village. President McIlroy requested Attorney Gebo to provide a local law regarding share the road signage for the board to review.

President McIlroy read the letter from Habitat for Humanity thanking the Village for their support of their mission to help low-income families attain decent affordable homes.

President McIlroy read the letter received from Laban and Jean Haverstock for repairing the sidewalks in front of 213 and 217 North Washington Street.

Mr. and Mrs. Clarke explained the written request they submitted requesting permission to hold a wreath laying at Monument Park to coincide with the wreath laying at the Tomb of the Unknown Soldier at Arlington National Cemetery on December 13, 2014 at 12:00 p.m.

Motion by Trustee Latremore and seconded by Deputy President Astafan to permit the VFW to conduct their wreath laying ceremony on December 13, 2014 at 12:00 p.m. at Monument Park. Motion carried unanimously.

President McIlroy read the correspondence received from NYS Attorney General regarding the recently adopted "puppy mill" legislation which included local laws several municipalities have chosen to enact. Attorney Gebo stated he does not think this is an issue in the Village.

President McIlroy stated there is training sponsored by Jefferson County Economic Development regarding Solar Energy on November 18, 2014 at 10:00 a.m. at Jefferson Community College.

President McIlroy stated there will be a Citizen Preparedness Training Program on November 20, 2014 at Carthage Central High School at 6:00 p.m. and further stated you must register for the event online at www.prepare.ny.gov.

OLD BUSINESS:

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: President McIlroy requested the Clerk/Treasurer to send a letter to Mr. and Mrs. Elshaug informing them the Village intends to discuss their petition for annexation at the November 17, 2014 meeting.

Update 11/17/14: Mr. Elshaug informed the Board there is a working well on the property he intends to use if the property is de-annexed from the Village. President McIlroy stated by disconnecting from the public water supply, it may negatively affect their property value and the Board needs to look beyond six years as the next owner may want to annex back to the Village. Deputy President Astafan stated he would be in favor of exempting the property from a restriction on farm animals due to the vicinity of the property. Mr. Elshaug stated his taxes are astronomical which may affect the sale of his property in the future and further he was not aware the property was included in the Village when he purchased it.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to deny the de-annexation request for 1102 Alexandria Street. Motion carried unanimously.

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.

Update 11/03/14: President McIlroy stated he hopes the building will be removed by the November 17, 2014 meeting.

Update 11/17/14: President McIlroy stated they are still working on removing the building.

The Board reviewed and discussed the two examples of local laws from the Village of Lacona and the Village of West Carthage regulating farm animals. President McIlroy encouraged the Board to review the examples and be prepared to discuss them at the November 17, 2014 meeting.

Update 11/17/14: President McIlroy stated he did not like the example provided by the Village of Lacona as he preferred the West Carthage example and the Board agreed. President McIlroy requested Attorney Gebo to draft the local law using the example provided by the Village of West Carthage.

At the November 3, 2014 meeting, the Board made a motion to permit the Clerk/Treasurer to meet with Fuller Insurance to review data breach indemnification insurance policies.

Update 11/17/14: The Clerk/Treasurer is still discussing insurance options with Fuller Insurance.

At the October 20, 2014 meeting President McIlroy stated the lights at the Recreation Building are not working.

Update 11/03/14: The DPW fixed the lights at the Recreation Building and Chief Huber told the Clerk/Treasurer he feels they do not adequately light the area and suggested installing motion lights. President McIlroy will speak with Chief Huber regarding the lighting at the Recreation Building.

Update 11/17/14: President McIlroy stated more lighting would be beneficial to the Recreation Building and will discuss various options with Chief Huber.

At the November 3, 2014 meeting President McIlroy researched the new school zone signs posted for the Augustine Academy and other various schools. The other schools posted the school speed limit during specified school hours. President McIlroy requested the Clerk/Treasurer to hold this issue over until the November 17, 2014 meeting when Attorney Gebo is present.

Update 11/17/14: Attorney Gebo stated the Village could place specified hours for the school zone speed limit. President McIlroy stated he would contact the DPW Superintendent and have him add school times from 7:00 a.m. until 6:00 p.m. to the speed limit signs.

At the November 3, 2014 meeting Deputy President Astafan stated he was approached by a resident due to a minimum water/sewer bill being charged twice during one billing cycle due to the sale of the house as they feel the Village is double dipping. The Clerk/Treasurer explained when a home is sold, an attorney requests a final reading which triggers one bill and when the billing cycle ends, another bill is produced and sent to the new property owner. After considerable discussion, President McIlroy asked Trustee Smith-Spencer to research the policy, discuss the issue with the Water Superintendent, and report back to the Board at the November 17, 2014 meeting.

Update 11/17/14: Trustee Smith-Spencer has not met with the Water Superintendent due to his vacation. She will meet with him and report back to the Board at the December 1, 2014 meeting.

At the November 3, 2014 meeting the Board permitted the Clerk/Treasurer to hire a part-time temporary Clerk, at her discretion, with a rate of \$9.00 per hour for twenty hours per week.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to hire S. Lucille Shettleton as a part-time temporary Clerk with a rate of \$9.00 per hour for twenty hours per week. Motion carried with Trustee Vary abstaining.

At the November 3, 2014 meeting the Board permitted the DPW Superintendent to hire a full time temporary DPW Laborer to replace Donald LaParr who was hired as a full time temporary DPW Laborer but is unable to work due to medical leave at a rate of \$14.60 per hour. Motion carried unanimously.

Update 11/17/14: President McIlroy requested to hold this over for Executive Session to discuss the potential employment of a particular DPW employee.

NEW BUSINESS:

Motion by Trustee Latremore and seconded by Trustee Vary to approve CDBG Draw #20 payable to Constance Peck and John Scoville SJS Builders \$12,400.00; and Ellen P. Hall and M&M Contracting \$23,100.00. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to approve Home Recapture Draw #2 payable to Kelly Raap and John Scoville SJS Builders \$5,870.00. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Deputy President Astafan authorizing President McIlroy to sign the Snowmobile Trail permission form provided by National Grid on behalf of the Missing Link Snowmobile Club. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Deputy President Astafan to permit the Clerk/Treasurer to attend the quarterly Clerk's meeting on December 12, 2014 in Clayton to include mileage reimbursement. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to approve the following budget transfers for account balancing:

A.1110.0442	Building Maint	2,500.00	
A.1110.0441	Utilities		2,500.00
A.5010.0446	Safety	150.00	
A.5010.0431	Postage	100.00	
A.5010.0430	Office Supplies		250.00
	Economic Dev Cont.		
A.6989.0004	Exps	1,000.00	
A.1990.0400	Contingencies		1,000.00
A.7110.0495	Village Green	1,100.00	
A.1990.0400	Contingencies		1,100.00
	Contracts/Maint		
A.7140.0432	Agreements	100.00	
A.7140.0435	Special Items to Dept	1,000.00	
A.7140.0460	Vehicle/Equip		

	Maint/Repair		1,100.00
	State Employee		
A.9010.0800	Retirement	13,433.00	
A.9015.0800	Police & Fire Retirement		13,433.00
	Debt Interest, Serial		
A.9710.0700	Bonds	8,850.00	
A.9730.0700	Debt Interest BANS		8,850.00
	State Employee		
F.9010.0800	Retirement	1,565.00	
F.1990.0400	Contingencies		1,565.00
G.9010.080	State Employee		
0	Retirement	1,940.00	
G.1990.040			
0	Contingencies		1,940.00

Motion carried unanimously.

The Board reviewed the water shut off register and President McIlroy stated he has an updated list as of 11/17/14.

President McIlroy read the memo submitted from the DPW Superintendent to place no parking signs on the 100 block of South Clinton Street as it is very difficult to get a plow truck through the area when cars are parked on both sides of the street.

Motion by Trustee Vary and seconded by Trustee Smith Spencer to have Attorney Gebo prepare a local law to place no parking signs on the 100 block of South Clinton Street. Motion carried unanimously.

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

Deputy President Astafan and Trustee Smith-Spencer reviewed the monthly bills and bank statements including reconciliations prior to the meeting and Deputy President Astafan stated everything looks to be in order. 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 P/R 10/23/14, 10/30/14, 11/06/14 and 11/13/14 \$59,669.64; Special Grant Fund P/R 10/30/14 and 11/13/14 \$198.74; Water Fund P/R 10/23/14, 10/30/14, 11/06/14 and 11/13/14 \$10,176.89; Sewer Fund P/R 10/23/14, 10/30/14, 11/06/14 and 11/13/14 \$8,337.22 Joint Fund P/R 10/30/14 and 11/13/14 \$11,204.84. General Fund Abstracts \$255,708.18; Special Grant Fund Abstracts \$0; Water Fund Abstracts \$44,618.38; Sewer Fund Abstracts \$107,797.09; and Joint Fund Abstracts \$62.20. Motion carried unanimously.

PRESIDENT MCILROY UPDATE:

President McIlroy asked Attorney Gebo if the CEO had discussed regulations regarding trailers and Attorney Gebo stated he would forward the drafted local law to the Board for their review. President McIlroy wished everyone a Happy Thanksgiving. President McIlroy requested an Executive Session to discuss the employment history of a particular police department employee.

ATTORNEY GEBO UPDATE:

Attorney Gebo stated 230 North James Street has been cited several times due to garbage at his property. Attorney Gebo requested an Evidentiary Hearing on December 1, 2014 at 4:15 p.m. to discuss the property. Attorney Gebo stated Jefferson County Dog Control has not responded to calls within the Village which is part of the Town of Wilna who pays for their services and taxes Village residents for this service. Attorney Gebo stated Jefferson County Association of Town Supervisors is drafting a new agreement with Jefferson County to provide dog control services to Towns which include Villages. President McIlroy stated he has discussed this issue with the Town of Wilna Supervisor, Paul Smith.

LIAISON REPORTS AND COMMENTS:

Trustee Latremore wished everyone a Happy Thanksgiving.

MEDIA QUESTIONS:

Ms Avallone requested clarification of items discussed throughout the meeting and further stated she will contact the Clerk/Treasurer regarding any action which occurred after Executive Session.

Motion by Trustee Latremore and seconded by Deputy President Astafan to set a public hearing on December 15, 2014 to discuss placement of no parking signs in the 100 block of South Clinton Street. Motion carried unanimously.

EXECUTIVE SESSION:

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to enter Executive Session at 8:25 p.m. to discuss the potential employment of a DPW Laborer and the employment history of a particular police officer. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to resume Regular Session at 9:02 p.m.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to terminate the temporary employment of Donald LaParr. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to permit the DPW Superintendent to hire Tyler Pominville as a full time temporary DPW Laborer contingent upon successfully completing an agility test and physical at a rate of \$14.60 per hour. Motion carried unanimously.

ADJOURNMENT:

Motion by Trustee Latremore and seconded by Trustee Vary to adjourn at 9:04 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
Village Clerk/Treasurer