

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
December 15, 2014

ATTENDANCE:

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

Others: Mark Gebo, Village Attorney; Michael Gillette, Fuller Insurance; Kathy Amyot, Tug Hill Commissions; Charles Prior GHD; Elaine Avallone, Johnson Newspapers.

CALL TO ORDER:

President McIlroy called the meeting to order at 7:00 p.m. and requested a moment of silence for the anniversary of the victims of Newtown, Connecticut 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 1, 2014 evidentiary hearing meeting as presented. Motion carried unanimously.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to approve the minutes of the December 1, 2014 organizational meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

Ms. Amyot stated she attended the solar workshop at Jefferson Community College and the Towns of Wilna and Champion are exploring solar energy options. President McIlroy stated the Village is contracting with Bernier, Carr, and Associates to explore solar options for the Village of Carthage and the Village of West Carthage. Ms. Amyot suggested the four communities may want to explore the possibility of solar energy options together.

PUBLIC HEARINGS:

President McIlroy called the public hearing to order at 7:10 p.m. to amend Chapter 135 Section 135-58 of the Village Code to establish no parking on the West side of South Clinton Street between State Street and West Street. President McIlroy asked twice if there was anyone who wished to speak for or against the local law. With no one wishing to comment there was motion by Trustee Latremore and seconded by Deputy President Astafan to close the public hearing at 7:12 p.m.

Motion by Trustee Vary and seconded by Trustee Latremore to adopt Local Law #10 of 2014 as follows:

A local law to amend Chapter 135 of the Village 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, 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 Findings and Purpose. The Board of Trustees of the Village of Carthage hereby finds that parking on the west side on South Clinton Street between State Street and West Street presents problems with traffic flow, particularly in the winter when the street narrows due to snow plowing. It is the purpose of this local law to establish no parking on the west side of South Clinton Street between State Street and West Street.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby amends Section 135-58 of the Village of Carthage Code as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
South Clinton Street	West	From State Street to 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 upon filing with the New York State Department of State.

Motion carried unanimously.

President McIlroy called the second public hearing to order at 7:13 p.m. to amend Chapter 146 Section 146-3 to add a definition of Manufactured Housing. President McIlroy asked twice if there was anyone who wished to speak for or against the local law. Attorney Gebo explained the proposed law clarifies the current zoning regulations as they relate to mobile and modular homes. With no one wishing to comment there was motion by Trustee Latremore and seconded by Trustee Smith-Spencer to close the public hearing at 7:15 p.m. Deputy President Astafan asked if new modular homes can be placed in the Village and Attorney Gebo stated they could.

Motion by Trustee Latremore and seconded by Trustee Vary to adopt Local Law #11 of 2014 as follows:

A local law to amend Chapter 146 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 Article 7 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 zoning regulations as they relate to mobile and modular homes are lacking clarity. It is the purpose of this local law to provide additional clarity with respect to the regulations of modular and mobile homes.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby amends Chapter 146 of the Village of Carthage Code as follows:

A. Section 146-3 is amended as follows:

1. To add a definition of Manufactured Housing

Manufactured Housing shall consist of housing which is manufactured off site and then transported to its ultimate location to be located. It shall include among other things mobile homes including single and double-wide mobile homes as well as modular homes as defined herein.

2. The definition of Mobile Home is hereby amended to add at the end, "Mobile Homes are considered Manufactured Housing.

3. The definition of Modular Home is hereby amended to add at the end, "Modular Homes are considered Manufactured Housing.

B. The Table of Uses Schedule I shall be amended under Uses Requiring Special Use Permits in Residential R-1 and Residential R-2 will be added Single and Double-wide Mobile Homes.

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 third public hearing to order at 7:17 p.m. to establish a new Article 4 to Chapter 69 of the Village Code prohibiting the keeping of farm animals in the Village, with the

exception of hen chickens and ducks. President McIlroy asked twice if there was anyone who wished to speak for or against the local law. With no one wishing to comment there was motion by Trustee Latremore and seconded by Trustee Vary to close the public hearing at 7:18 p.m. Motion by Deputy President Astafan and seconded by Trustee Latremore to bring the local law to the floor. President McIlroy asked Attorney Gebo for clarification of Section 69.21 if a new permit will be necessary annually and Attorney Gebo stated it will need to be renewed. President McIlroy asked the Clerk/Treasurer if the \$5.00 fee will cover the cost to produce the permits and she stated the gaming permits are \$25.00. Attorney Gebo stated he will update the local law and change the permit fee from \$5.00 to \$25.00.

Local Law #12 of 2014 was adopted as follows:

A local law to establish a new Article 4 to Chapter 69 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 Sections 10 and 20 of the Municipal Home Rule Law of the State of New York hereby enact as follows:

Article 2. - Statement of Findings and Purpose. The Village of Carthage hereby finds that the keeping of farm animals, with the exception of hen chickens and ducks should be prohibited to prevent nuisances to occupants of nearby properties and prevent conditions that are unsanitary or unsafe. The Board also fines that chickens can play a role in developing a suitable urban environment.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby adds a new Article 4

Article 4
§69.18. No person shall breed, raise, harbor or maintain any farm animal including but not limited to horses, ponies, goats, cows, sheep, llamas, alpacas, pigs, donkeys or any other animal commonly considered a farm animal. This section shall not apply to domesticated pets which are defined as dogs, cats, fish, reptiles, rabbits and caged birds customarily kept in the home.

§69.19. Permit required for keeping hen chickens or ducks.

It shall be unlawful for any person, firm or corporation to own, harbor, keep, raise or maintain any hen chickens or ducks within the limits of the Village of Carthage without first obtaining a permit, subject to the approval of the Board of Trustees of the Village of Carthage.

§69.20. Application for permit fee.

Each application shall be submitted on an official Village form and accompanied by a permit fee of \$25.00 which shall not be refundable and may be amended by the Board of Trustees from time to time. One application will cover all such allowed hen chickens or ducks at a certain residence.

§69.21. Duration of permit.

A permit issued as provided in this article shall expire on December 31st on the year in which the same was issued. A permit issued as provided in this article shall not be transferable.

§69.22 Permits for the purposes contained in §69.19 shall be uniform and may, in the discretion of the Board of Trustees, contain provisions and conditions, which, in their judgment, may be essential for the welfare and benefit of the people of the Village.

§69.23. Revocation of permit.

- A. Any permit for the purposes contained in §69.19 and annulled by the Board of Trustees upon proof of a violation of any provision of this article.
- B. The proof shall be taken before the Board of Trustees upon notice of not less than two days to show cause why such a permit should not be revoked. It shall hear the proofs and allegations of the case and determine the same summarily and no appeal shall be taken from their determination.
- C. Any person whose permit shall have been revoked or annulled shall not thereafter be entitled to a permit under any provisions of this article.
- D. On an examination pursuant to notice to show cause, as aforesaid, the permittee may be a witness in his own behalf.

§69.24 Criteria for permit issuance.

- A. No more than six (6) hen chickens or ducks shall be allowed for each single-family dwelling or multifamily dwelling.
- B. No chicken hens or ducks shall be allowed in multifamily or duplex dwellings without the written consent of the property owner and all tenants.
- C. No roosters shall be allowed.
- D. The coops or cages housing such chicken hens or ducks may not be located in front yard or side street yard areas and coops or cages must be located a minimum 10' from any side or back property line and at least 20' from the nearest dwelling not owned by applicant.
- E. A separate zoning permit must be approved for any fence or cages, coops and enclosures that are not permanently attached to the ground or to another structure and do not exceed thirty-two (32) square feet in area nor five (5) feet in height. Any cage, coops or enclosure of larger dimensions must submit an application to Jefferson County for a building permit, in addition to the Village of Carthage zoning permit.
- F. Chicken hens and ducks shall be kept as pets and for personal use only; no person shall sell eggs or meat or engage in breeding or fertilizer production for any commercial purpose. Slaughtering of any hen chicken or duck must be performed within an enclosed structure and not visible to other residents or passersby.

§69.25. Sanitation and nuisances.

- A. The chicken hens or ducks shall be kept within both a coop and fenced outdoor enclosure.
- B. The chicken or duck coop must be covered, predator resistant, well ventilated and provide a minimum of two square feet per bird. The outdoor enclosure shall be adequately fenced to contain the chickens or ducks and to protect them from predators and shall provide at least ten (10) square feet of area for each bird.
- C. The coop, cage and/or outdoor enclosure shall be cleaned on a regular basis to prevent the accumulation of animal waste. Such waste, pending disposal, shall be kept or stored in tightly covered metal containers, or in such a manner as shall be approved by the Board of Trustees so as not to create a nuisance.
- D. Chicken hens and ducks shall be kept only in conditions that limit odors and noise so as not to cause a nuisance to occupants of nearby buildings or properties and to comply with applicable provisions of both the New York State and Jefferson County sanitary codes.
- E. Chicken hens and ducks shall not be kept in a manner that is injurious or unhealthful to them.

§69.26.

- A. Village of Carthage Code Enforcement, Animal Control, Zoning Enforcement and/or Police Department personnel shall have the authority to inspect any property housing permitted hen chickens or ducks to determine compliance regarding this Chapter.

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.

CORRESPONDENCE:

President McIlroy read the letter received from Hrabchak, Gebo, & Langone, PC notifying the Village of the name change of their firm to Hrabchack & Gebo, PC due to the successful appointment of Eugene Langone to Jefferson County Family Court Judge effective January 1, 2015. President McIlroy requested the Clerk/Treasurer to send a letter to Mr. Langone expressing the Village's gratitude for the years of services he contributed to the Village and further to congratulate Mr. Langone regarding his new position of Family Court Judge.

President McIlroy read the correspondence received from the Carthage Area Chamber of Commerce thanking the Village and the DPW crew for their assistance with the Memory Tree.

President McIlroy read the correspondence received from Greg McBride requesting a reduction in their water/sewer bill due to a broken washing machine which was running water continuously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer, based on the recommendation of the Water Superintendent, Ernie Prievo, to deny the request for a reduction in the water/sewer bill due to excessive usage at 521 Francis Street because the water went through the sewer system. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to accept the resignation of Joseph Archer from the Planning Board with regrets. Motion carried unanimously.

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.

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.

Update 12/1/14: President McIlroy stated the building should be removed in the next few days.

Update 12/15/14: The building has been removed.

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.

Update 12/1/14: The Clerk/Treasurer requested to hold this discussion until the December 15, 2014 meeting.

Update 12/15/14: The Clerk/Treasurer requested Michael Gillette from Fuller Insurance to attend the meeting to answer questions the Board have in regard to data breach insurance. Mr. Gillette explained the Village's current insurance carrier, Trident does not have an exclusion for electronic data regarding liability coverage therefore the Village is covered. Mr. Gillette stated the Village could purchase computer fraud property coverage for \$50.00 per \$100,000 of monetary coverage; typically bank accounts. The Clerk/Treasurer stated she will be implementing positive pay with First Niagara for the main checking accounts for added protection.

Motion by Deputy President Astafan and seconded by Trustee Vary to purchase computer fraud coverage in the amount of \$500,000 which is estimated to annually cost \$250.00. Motion carried unanimously.

The Board reviewed the updated water shut off register which includes thirteen accounts disconnected on December 3, 2014.

At the December 1, 2014 meeting President McIlroy asked the Clerk/Treasurer if she received a response from the NYSDOT regarding posting rough railroad crossing signs on South James Street of which she answered no. President McIlroy requested she send a second letter to NYSDOT requesting a response and further to send a letter to the Mohawk Adirondack & Northern Railroad.

Update 12/15/14: President McIlroy stated NYSDOT sent the request to the Department of Traffic & Safety for their review and are awaiting their response.

NEW BUSINESS:

Motion by Trustee Latremore and seconded by Deputy President Astafan to approve CDBG 2012 Draw #21 payable to Hrabchak, Gebo & Langone, PC \$480.00; Ruth Sly & Jon Scoville SJS Builders \$16,200.00; and Avalone and Associates, Inc. \$3,527.37. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to authorize President McIlroy to sign the contract with GHD for the Water Street Pump Station Improvements project approved by the WPCF Board with the changes recommended by Attorney Gebo. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Deputy President Astafan to authorize payment in the amount of \$3,750.00 to the Carthage YMCA to provide recreational programs to Village residents. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to authorize the Clerk's Office to close at 1:00 p.m. on December 24, 2014 and the entire day on December 26, 2014 and for employees to use vacation or personal time to account for the day. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to accept the monthly departmental reports from Code Enforcement, Community Development, Court, Police Department, Water Department and Treasurer as presented. Motion carried unanimously. The DPW Department report was 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 11/20/14, 11/26/14, 12/03/14, 12/04/14, and 12/11/14 \$69,802.82; Special Grant Fund P/R 11/26/14 and 12/11/14 \$198.74; Water Fund P/R 11/20/14, 11/26/14, 12/04/14, and 12/11/14 \$12,663.11; Sewer Fund P/R 11/20/14, 11/26/14, 12/04/14, and 12/11/14 \$6,900.15; Joint Fund P/R 11/26/14 and 12/11/14 \$14,959.98. General Fund Abstracts \$55,104.50; Special Grant Fund Abstracts \$180,870.00; Water Fund Abstracts \$140,779.14; Sewer Fund Abstracts \$6,360.46; and Joint Fund Abstracts \$116,653.89. Motion carried unanimously.

PRESIDENT MCILROY UPDATE:

President McIlroy stated there will be Joint Utility meetings on Wednesday, December 17, 2014 at 6:00 p.m. President McIlroy wished everyone a Merry Christmas and Happy New Year and reminded everyone that it is Christ's birthday. He also stated to let your family know you love them. President McIlroy requested an Executive Session to discuss the employment history of a particular DPW employee and contract negotiations.

ATTORNEY GEBO UPDATE:

Attorney Gebo stated his items were covered throughout the meeting.

LIAISON REPORTS AND COMMENTS:

Trustee Latremore wished everyone Happy Holidays and expressed her gratitude to the Village employees for all that they do.

MEDIA QUESTIONS:

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

Mr. Prior explained the USDA application is almost completed and stated he will need President McIlroy's signature to submit the application.

Motion by Trustee Latremore and seconded by Trustee Vary authorizing President McIlroy to sign the USDA application for the improvements to the WPCF which was previously approved by the WPCF Board. Motion carried unanimously.

EXECUTIVE SESSION:

Motion by Trustee Latremore and seconded by Trustee Vary to enter Executive Session at 7:50 p.m. to discuss the employment history of a particular DPW employee and contract negotiations. Motion carried.

Motion by Trustee Smith-Spencer and seconded by Trustee Latremore to resume Regular Session at 8:25 p.m.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to send a letter to the DPW Superintendent and Water Superintendent to include copies for all of the DPW employees and Mickey Smith, NYS Teamsters representative reminding employees of Section A150-48 of the Village Code, all employees of the Village of Carthage are expected to report to work neatly attired and be presentable as representative of the Village of Carthage while at work. Motion carried unanimously.

ADJOURNMENT:

Motion by Trustee Latremore and seconded by Trustee Vary to adjourn at 8:26 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
Village Clerk/Treasurer