

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
December 21, 2015

ATTENDANCE:

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

Others: Mark Gebo, Village Attorney; Kristy Keller; Christina Illingworth and Star Carter, DANC; and 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 Smith-Spencer and seconded by Trustee Vary to approve the minutes of the December 7, 2015 regular meeting as presented. Motion carried unanimously.

NEW BUSINESS:

President McIlroy requested to proceed to New Business to hear the presentation from DANC. Ms. Carter explained the New York State Archives' Local Government Records Management Improvement Fund (LGRMIF) for regional Geographic Information Systems (GIS) which DANC has helped to facilitate. The funding is a shared services grant which the Village of Lowville will be the lead applicant and will be at no cost to the Village.

Motion by Deputy President Astafan and seconded by Trustee Latremore to adopt Resolution 20 of 2015 as follows:

APPROVING PARTICIPATION IN SHARED SERVICES
NYS ARCHIVES LGRMIF APPLICATION

Whereas, the Village desires to partner with the Village of Lowville and other communities for a shared services grant application for Geographic Information System (GIS) Implementation to the New York State Archives Local Government Records Management Fund (LGRMIF), and

Whereas, pursuant to the LGRMIF application guidelines, it is necessary that each partner formally appoint a Records Management Officer (RMO); formally adopt the appropriate records retention and disposition schedule; and execute a cooperative agreement, and

Whereas, the project requires a permanent commitment from partnering communities to sustain the results of the project,

Now, Therefore, Be it Resolved, that the Village of Carthage does hereby authorize and direct its President to appoint Kristy O'Shaughnessy, Clerk/Treasurer as its RMO, adopt the MU-1 Records Retention and Disposition schedule for municipal governments, execute the LGRMIF Grant Cooperative/Shared Services Agreement and Letter of Intent, and asserts a permanent commitment to work with the Village of Lowville and partnering communities to sustain the results of the GIS project.

The foregoing resolution was duly adopted unanimously.

PUBLIC HEARING:

President McIlroy opened the Public Hearing at 7:20 p.m. to consider the adoption of a local law to amend Chapter A150 of the Village Code to establish a policy for the maintenance of a fund balance to preserve the financial integrity of the Village. President McIlroy asked the Clerk/Treasurer to explain the policy and then asked two times if anyone wished to comment. No one wished to comment therefore there was a motion by Trustee Latremore and seconded by Trustee Vary to close the hearing at 7:22 p.m. Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to adopt Local Law #4 of 2015 as follows:

Article 1. - Statement of Authority. The Board of Trustees of the Village of Carthage, pursuant to the authority granted it under 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 Board of Trustees of the Village of Carthage hereby finds that it is in the best interest of the Village and its tax payers to establish a fund balance policy to maintain the financial integrity of the Village by maintaining appropriate fund balances thus providing the Village with appropriate reserves to meet unexpected contingencies and maintain the credit rating of the Village. It is the purpose of this local law to establish a policy to meet these goals.

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

Article II: Village Board

Chapter A150: Village Policies

§ 150-17.1- Fund Balance Policy.

- A. Purpose. The Village Board recognizes that the maintenance of a fund balance is essential to the preservation of the financial integrity of the Village and is fiscally advantageous for the Village and the taxpayer. This policy establishes goals to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and similar circumstances.
- B. Definitions. Fund balance is a measurement of available financial resources and is the difference between total assets and total liabilities in each fund. GASB Statement 54 distinguishes fund balance classified based on the relative strength of the constraints that control the purposes for which specified amounts can be spent. Beginning with the most restrictive constraints, the fund balance consists of restricted and unrestricted classifications further broken down in individual components:

Restricted Fund Balance Components:

- 1) Nonspendable – amounts that are not in a spendable form (e.g., inventory) or are legally or contractually required to be maintained intact (e.g., permanent fund principal).
- 2) Restricted – amounts that can be spent only for the specific purposes stipulated by external parties either constitutionally or through enabling legislation (e.g., grants, donations, or reserves).
- 3) Committed – amounts that can be used only for the specific purposes determined by a formal action of the Board of Trustees. Commitments may be changed or lifted only by referring to the formal action that imposed the constraint originally (e.g., the board's commitment in connection with future construction projects).

Unrestricted Fund Balance Components:

- 4) Assigned – amounts intended to be used by the government for specific purposes. Intent can be expressed by the Village Board or by a designee to whom the governing body delegates the authority. In governmental funds other than the general fund,

assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be used for the purpose of that fund.

5) Unassigned – includes all amounts not contained in other classifications and is the residual classification of the general fund only. Unassigned amounts are available for any legal purpose.

D. Policy. It is the policy of the Village of Carthage to achieve and maintain an unassigned fund balance in the general fund of not less than three months worth of expenditures. In conjunction with the budget process, the minimum unassigned fund balance for the forthcoming fiscal year is calculated as follows:

(Total Expenses - Contingencies - Reserves - Debt) X 3 months = Unassigned Fund Balance

E. Policy administration.

1) If the unassigned fund balance falls below the goal, the Village Board shall develop a restoration plan to achieve and maintain the minimum unassigned fund balance using the following guidelines:

- a) Replenish the desired levels in the following fiscal year budget.
- b) When not possible, develop a plan to replenish the desired level not to exceed three fiscal years.

2) If the unassigned fund balance exceeds the goal, the Village Board shall reduce the excessive unassigned fund balance using the following guidelines:

- a) Purchase necessary equipment and capital outlay expenditures or other one time expenditures.
- b) Reduce debt principal if permitted by funding source ahead of schedule.
- c) Finance reserve funds.

F. Annual review. The Village Board will annually review all restricted and unrestricted fund balance components in conjunction with budget preparations. This policy will be reviewed during the annual meeting.

Motion carried unanimously.

PUBLIC FORUM:

Ms. Keller stated she went to the Long Falls Park and picked up bricks at the river front. Her husband called and stated Chief Huber was at their house and asked that she return the bricks and seek permission from the Village Board prior to taking them. Ms. Keller asked if it was illegal to take the bricks and President McIlroy stated he would confer with Chief Huber and get back to her.

Ms. Amyot stated the NYSOSC released the tax cap for the Village fiscal year beginning June 1, 2016 will be 0.12%. If the Village plans to override the tax cap, they will need 60% of the Board to vote.

CORRESPONDENCE:

Motion by Trustee Latremore and seconded by Trustee Vary to permit the Carthage Area Chamber of Commerce to use the recreation building and park to set up on Friday, February 5, 2016 for their annual Winterfest Celebration on February 6, 2016 and further waive the rental fee contingent upon receipt of a Certificate of Liability Insurance. Motion carried unanimously.

President McIlroy read the certificate of appreciation for the Village contribution to the annual thanksgiving feast provided by the Carthage Lions Club and the Carthage Elks Lodge.

OLD BUSINESS:

At the October 19, 2015 meeting, the Board adopted a local law to establish fees to cover administrative expenses involved in turning on and turning off water and in handling delinquent accounts as well as special readings on water meters. The Clerk/Treasurer requested to hold over establishing the fees until the next regular meeting on November 2, 2015.

Update 11/16/15: Deputy President Astafan has information regarding testing sprinkler systems of which he would like to discuss with the Water Superintendent. Deputy President Astafan requested the Clerk/Treasurer to hold this over until the December 7, 2015 meeting.

Update 12/7/15: Mr. Prieto stated he is opposed to fees to turn water on and turn water off as contractors request that he do so often. Trustee Smith-Spencer asked if residents are gone for months, should we charge fees? Mr. Prieto stated that it will come into effect when we implement an EDU charge. Mr. Prieto stated we currently have sixty-six homes water shut off and seventy homes have not used water in seventy-five days. Mr. Prieto feels the \$25.00 fee to turn water on and \$25.00 fee to turn water off is too much. Deputy President Astafan stated he feels \$100.00 is too much for an annual sprinkler system connection fee. Mr. Prieto stated the water connected to a sprinkler system is not metered and the Village does not have a way of charging for water used. Mr. Prieto stated most establishments with sprinkler systems test them annually and receive a discount on their insurance premium. Trustee Latremore suggested implementing a scale based on the size of the water pipe to the sprinkler system. After considerable discussion, President McIlroy requested the Clerk/Treasurer to hold this over until the December 21, 2015 meeting.

Update 12/21/15: President McIlroy stated that he met with the Clerk/Treasurer earlier today and they believe the fees are representative of the costs to the Village.

After considerable discussion there was a motion by Trustee Latremore and seconded by Trustee Vary to set the fees at \$25.00 to turn water on and turn water off; \$10.00 final reading; and \$100.00 annual sprinkler system connection fee. The motion was not carried with only President McIlroy in favor.

Motion by Deputy President Astafan and seconded by Trustee Smith Spencer to adopt Resolution 21 of 2015 as follows:

RESOLUTION TO ESTABLISH ADDITIONAL FEES FOR WATER ACCOUNTS

WHEREAS, the Village of Carthage Board of Trustees recognize there is a certain amount of additional administrative work involved with water accounts not currently charged to customers; and
WHEREAS, the Village of Carthage Board of Trustees realize there are cost involved with respect to sprinkler systems as the water used in a sprinkler system does not flow through a water meter; and
WHEREAS, the Village of Carthage Board of Trustees adopted a local law to establish fees by resolution to cover additional expenses in regard to water accounts; and
WHEREAS, the fees to be established include turning on and turning off of water service; any special readings on water meters; and annual testing of sprinkler systems;

BE IT RESOLVED the fees to be established are as follows:

<u>Turning On Water Service</u>	\$10.00
<u>Turning Off Water Service</u>	\$10.00
<u>Final Reading of Water Meter</u>	\$10.00
<u>Annual Sprinkler System Connection Fee</u>	\$50.00

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer, the foregoing resolution was duly adopted with Deputy President Astafan, Trustee Smith-Spencer, and Trustee Latremore in favor.

At the October 19, 2015 meeting, President McIlroy asked Attorney Gebo if Timothy Steiner, Laborer could be designated as Acting Water Superintendent without a water license and Attorney Gebo stated Mr. Steiner is not qualified for the position without the license. After considerable discussion President McIlroy requested the Clerk/Treasurer to hold designating an Acting Water Superintendent over until the November 2, 2015 meeting.

Update 11/16/15: Trustee Smith-Spencer thought Mr. Prievo, Water Superintendent was going to attend the meeting as she wished to discuss the Acting Water Superintendent with him. Deputy President Astafan requested the Clerk/Treasurer to hold this over until the December 7, 2015 regular meeting.

Update 12/7/15: President McIlroy stated a IIA water license is required for the Water Superintendent position and Mr. Steiner does not have a license. Mr. Prievo stated Mr. Steiner does anything he does for the water distribution system, except without the license, he is unable to make operational changes without a license. Mr. Prievo stated Mr. Steiner not receiving the extra pay while he was on vacation was ludicrous as he did everything he does and more. President McIlroy asked Mr. Prievo why he did not send Mr. Steiner and Mr. Pominville to classes offered in October. Mr. Prievo stated the classes in October were continuing education courses not courses to obtain the IIA license. Mr. Prievo stated the Clerk/Treasurer faxed the paperwork to NYS Rural Water to register Mr. Steiner and Mr. Pominville for the home study course for their IIA license. After considerable discussion, President McIlroy requested the Clerk/Treasurer to check with Jefferson County Human Resources to see if an Acting Water Superintendent has to meet all of the qualifications of the Water Superintendent. President McIlroy requested the Clerk/Treasurer hold this issue over until the December 21, 2015 meeting.

Update 12/21/15: President McIlroy read the response from Jefferson County Human Resources stating anyone being employed in the classified service needs to meet the Civil Service qualifications, for any title, even on a temporary basis. President McIlroy stated Mr. Steiner is not qualified because he does not have a water license which is a requirement of the Water Superintendent.

At the October 19, 2015 meeting, the Board tabled the Chief working additional shifts and receiving additional compensation until further documentation was received from Attorney Gebo. Deputy President Astafan asked the Clerk/Treasurer to hold this over until the December 7, 2015 regular meeting and further to calculate the difference between the additional compensation the Chief is requesting and the compensation received by a part-time officer.

Update 12/7/15: The consensus of the Board is they are in favor of allowing Chief Huber to work additional shifts and receiving compensation for them. President McIlroy asked the Clerk/Treasurer to have Attorney Gebo contact the Teamsters Union to see if they have any concerns. President McIlroy requested the Clerk/Treasurer hold this issue over until the December 21, 2015 meeting.

Update 12/21/15: Attorney Gebo stated he spoke with NYS Teamsters business agent regarding Chief Huber working additional shifts and got the impression they would not have an issue with it.

Motion by Trustee Latremore and seconded by Deputy President Astafan to permit Chief Huber to work additional ten hour shifts at a rate of \$341.40 per shift, only if the shifts are first offered to full time police officers first. Motion carried unanimously.

At the December 7, 2015, President McIlroy read the correspondence received from Casey Pfannenstiel regarding a systemic issue with the sewage line at 302 North James Street. President McIlroy further stated he spoke with the DPW Superintendent who plans to dig up the line next week and put in a cleanout therefore he requested the Clerk/Treasurer to hold this over until the December 21, 2015 regular meeting.

Update 12/21/15: President McIlroy explained the memo submitted by the DPW Superintendent regarding 302 North James Street. The DPW dug up and placed the sewer camera in the line and did not find a problem with the main line. The DPW was unable to tell where the problem was and spoke to neighbors who did not experience any issues. As a preventative, the DPW placed a four inch

blowhole in the main line and will continue to track the sewer line on an ongoing basis. President McIlroy stated the Village is not responsible for the expense incurred by Mr. Pfannenstiel and requested the Clerk/Treasurer to send him a letter informing him.

At the December 7, 2015 meeting, President McIlroy read the memo the DPW Superintendent submitted to the Board requesting to hire Cole Pacella, who worked temporarily in the summer, during his winter break from December 21, 2015 - January 19, 2016 to assist with snow removal. Trustee Latremore requested Deputy President Astafan to check with the DPW Superintendent to see if there are other duties Mr. Pacella can perform if the weather stays mild. President McIlroy requested the Clerk/Treasurer hold this issue over until the December 21, 2015 meeting.

Update 12/21/15: The DPW Superintendent submitted a memo stating he has plenty of other duties to keep Mr. Pacella busy because of two vacancies due to medical leave.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to hire Cole Pacella on a temporary basis from December 22, 2015 - January 19, 2016 at the rate of \$9.00 per hour. Motion carried unanimously.

At the December 7, 2015 meeting, President McIlroy stated he spoke with the Town of Wilna Supervisor regarding the Village Planning Board and asked if the Town would be interested in taking it over. President McIlroy explained to Mr. Smith that the Village Planning Board rarely meets and is not qualified as the majority of them do not attend required training. Mr. Smith stated he will discuss the issue with the Town Board and Town Planning Board.

Update 12/21/15: President McIlroy stated the Village of Deferiet is also interested in the Town taking over their planning board. Attorney Gebo expressed the Town contacted Tug Hill Commissions for their assistance with the potential transition. President McIlroy stated he has a call into the Village planning board chairperson to get his input. Deputy President Astafan feels a Village resident should be on the Town planning board if they were to take it over.

At the December 7, 2015 meeting, President McIlroy stated he had a meeting at the Town of Wilna regarding dog control.

Update 12/21/15: Attorney Gebo expressed the Town of Wilna hired a contractor from Croghan and also contracted with the Lewis County Human Society to handle dog control in the Town to include the Village of Carthage which is a significant savings to the Town. The new dog control officer asked if the Town and Village could harmonize their dog control laws. Attorney Gebo stated the Town is holding a public hearing regarding their dog control law and he intends to work on the Village's law in the near future.

NEW BUSINESS:

Motion by Trustee Latremore and seconded by Deputy President Astafan to approve CDBG 2013 Draw #12 payable to SJS Builders & Project 2013-14 \$8,910.00; Painting Etc, Inc & Project 2013-36 \$11,049.00; Painting Etc, Inc \$9,630.00; and Avalon Associates \$800.00. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer authorizing President McIlroy to sign an agreement with DANC for water and sewer infrastructure improvements to the former Braman Manufacturing site not to exceed \$25,000.00. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to set a public hearing on January 19, 2016, immediately following the public hearing regarding designating parking in the municipal parking lot, to increase the parking fines, based on the recommendation of Chief Huber, from \$20.00 to \$25.00 and the handicap parking fine from \$25.00 to \$50.00. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to accept the monthly departmental reports from Code Enforcement, Community Development, DPW Department, Police Department, Water Department, and Treasurer as presented. Motion carried unanimously. The Court report was not submitted.

Trustee Smith-Spencer reviewed the monthly bills and bank statements including reconciliations prior to the meeting. The documents were also available at the meeting.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to approve payment of payrolls and bills as follows: General Fund \$182,836.18; Special Grant Fund \$198.74; Water Fund \$153,873.50; Sewer Fund \$12,747.29; Joint General Fund \$139,941.74; and Joint Capital Fund \$66,715.92. Motion carried unanimously.

PRESIDENT MCILROY UPDATE:

President McIlroy stated we received grants; \$9,000.00 Dock Street reuse study; \$20,000.00 Metro Paper infiltration study; and \$107,000.00 Main Street Grant for improvements to 111 Riverside Drive and 318 State Street. President McIlroy stated the next regular meeting will be January 4, 2016 at 6:00 p.m.

LIAISON REPORTS AND COMMENTS:

Deputy President Astafan wished everyone Happy Holidays. Trustee Smith-Spencer wished everyone a Merry Christmas. Trustee Vary hoped everyone enjoyed the cookies provided by her family. Trustee Latremore wished everyone a Merry Christmas.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to approve gift certificates to employees for the Carthage Market for \$50.00 each for a total of \$950.00. Motion carried unanimously.

ATTORNEY GEBO UPDATE:

Attorney Gebo thanked the Board for changing the time of the meetings to 6:00 p.m. Attorney Gebo stated due to changing the second meeting days in January and February to Tuesday, he may be late. President McIlroy stated he can come to the first meetings for January and February. Attorney Gebo requested an Executive Session to discuss the employment history of two particular employees.

MEDIA QUESTIONS:

Ms. Avallone expressed even though the Carthage Tribune Office is closed, she will still be present throughout the community and there will still be a newspaper published. Ms. Avallone requested clarification on items discussed throughout the meeting.

President McIlroy wished everyone a Merry Christmas and thanked the Board for their patience during his wife's illness. President McIlroy encouraged everyone to go home and tell their families they love them and to remember god during this season.

EXECUTIVE SESSION:

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to enter Executive Session at 8:07 p.m. to discuss the employment history of two particular employees. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to resume Regular Session at 8:22 p.m. Motion carried unanimously.

ADJOURNMENT:

Motion by Trustee Smith-Spencer and seconded by Trustee Latremore to adjourn at 8:23 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
Village Clerk/Treasurer