

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
February 16, 2016

ATTENDANCE:

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

Others: Mark Gebo, Village Attorney and Elaine Avallone, Johnson Newspapers.

CALL TO ORDER:

President McIlroy called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES:

Motion by Trustee Latremore and seconded by Trustee Vary to approve the minutes of the February 1, 2016 regular meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

None.

CORRESPONDENCE:

Motion by Deputy President Astafan and seconded by Trustee Vary authorizing the Carthage Little League to use the Carthage Park baseball fields for practice from April 1, 2016 - June 30, 2016 contingent upon receipt of a certificate of insurance and providing they do not conflict with any other events previously scheduled at the Park. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary authorizing the Church of Latter-day Saints in Carthage to use the Carthage Park baseball fields on Saturdays from May 2016 - August 2016 contingent upon receipt of certificate of insurance and Church League Softball schedule. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to approve the request of Jeanette Turner to use the Village Green Park on Saturday, March 26, 2016 for approximately five hours for an Easter Egg Hunt as a fundraiser to help support our local VEM Food Pantry. The Clerk/Treasurer stated a certificate of insurance from the Carthage Area Chamber of Commerce for the event has been received. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee to approve the Carthage YMCA request to host their Family Fun run/walk on Saturday, May 21, 2016 from 9:00 a.m. - 10:00 a.m. to commence at the Carthage Park, proceed to State Street, then Hospital Drive, to West Street, to North James, to Fulton Street and back to the Carthage Park to include use of the restrooms and pavilion areas providing they forward a certificate of liability insurance to the Village. Motion carried unanimously.

Attorney Gebo explained the Village Loan Fund granted a loan to IMEC, Inc. and secured the second position on the loan. Watertown Savings Bank contacted the Village and would like the Village to subordinate their position as IMEC, Inc. has applied for a working capital loan with Watertown Savings Bank.

Motion by Trustee Latremore and seconded by Trustee Vary authorizing President McIlroy to sign the Subordination Agreement for the IMEC, Inc. loan. Motion carried unanimously.

President McIlroy read the correspondence received from National Grid regarding an updated list of emergency contacts and requested the Clerk/Treasurer to forward the information to the Police Chief and DPW Superintendent.

President McIlroy read the thank you card received from the Carthage Area Chamber of Commerce for their assistance with the Winterfest activities.

PUBLIC HEARINGS:

President McIlroy called the first public hearing to order at 6:10 p.m. to discuss the adoption of a local law to do a comprehensive amendment of Chapter 69 of the Village of Carthage Code regarding Dog Control to provide for consistent enforcement. Attorney Gebo explained the revisions to dog control is an attempt to be consistent with the Town of Wilna dog control law with a few exceptions. President McIlroy asked two times if anyone wished to comment either for or against the local law. No one wished to comment therefore there was a motion by Trustee Vary and seconded by Trustee Latremore to close the hearing at 6:12 p.m. Motion carried unanimously. Motion by Trustee Latremore and seconded by Trustee Vary to adopt Local Law #1 of 2016 as follows:

A local law to amend Chapter 69 of the Village of Carthage Code as it relates to Dogs.

Article 1. - Statement of Authority. The Board of Trustees of the Village of Carthage, pursuant to the authority granted it under the Article 3 of the Village Law, Article 7 Agricultural and Markets Law of the State of New York, Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Board of Trustees of the Village of Carthage has previously enacted regulations regarding the regulation of dogs in the Village under Article 2 of Chapter 69 of the Village Code. Since Code Enforcement for the Village of Carthage is conducted by the Town of Wilna, there is efficiency in having the Village Code match as nearly as possible the provisions in the Town Code so the Code Officer will have consistency in enforcement. It is the purpose of this law to amend Article 2 of Chapter 69 of the Village Code to make it consistent with the Town of Wilna Code to aid in enforcement of Dog Control issues.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby amends Article 2 of Chapter 69 by adding a new subdivision 13 of the Village of Carthage Code and as amended restates the same as follows:

- A. Section 69-3. Definition of Terms: As used in this Local Law the following words shall have the following respective meanings:
 - (a) "Dog" means male and female, licensed and unlicensed, members of the species *canis familiaris*.
 - (b) "Owner" means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, firm, association, or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Village. Any person owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter shall be under 18 years of age, the head of the household in which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law.
 - (c) "Town" means the Town of Wilna.

- (d) “Dangerous Dog”, as also defined in Article 7 of the NYS Agriculture and Markets Law, means any dog which without justification
 1. Attacks a person, companion, and causes physical injury, or death, or
 2. Behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals, or domestic animals, or
 3. Without justification attacks a service dog, guide dog, or hearing dog and causes physical injury or death.
 - (e) “Village” shall mean the Village of Carthage.
- B. Section 69-4 Restrictions: It shall be unlawful for any owner of any dog in the Village to permit or allow such dog to:
- (a) Be at large in the Village of Carthage or elsewhere than on the premise of the Owner.
 - (b) Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.
 - (c) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner.
 - (d) Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.
- C. Section 69-5: Licensing:
- (a) All dogs in the Village will be licensed by the Town.
 - (b) Any dog harbored within the Village which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of thirty (30) days be exempt from the licensing and identification provisions of this local law.
 - (c) Fees for Licensing of Dogs: Will be set by the Town and will be payable to the Town Clerk.
 - (d) Enumeration Fee: Enumeration fees may be charged by the Town and will be payable to the Town Clerk.
 - (e) Service Dogs: The Town will require a license for any guide dog, service dog, hearing dog, detection dog, wolves, search dog, working dog or therapy dog, but will not require a fee be paid.
- D. Section 69-6: Procedure for Seizure of Dogs:
- (a) The Dog Control Officer or Village Police Officer shall seize:
 - 1) Any unlicensed dog whether on or off the owner’s premises;
 - 2) Any dog not wearing a tag, and after June 15, 1985, not identified, and which is not on the owner’s premises, and
 - 3) Any dog found in violation of Section 4 of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law, and see that the order of the Village Justice of the Village.
 - (b) The Dog Control Officer or Police Officer observing a violation of this Law in his presence shall issue and serve an appearance ticket for such violation.
 - (c) Any person who observes a dog in violation of this Local Law may file a complaint with the Dog Control Officer, Village Police, or the Village Justice of the Village specifying the nature of the violation, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.
- E. 69-7 Penalties:
- (a) For a first violation a fine of no less than \$25.00 nor more than \$100.00.

- (b) For a second offense within a one-year period, a fine of no less than \$50.00 nor more than \$150.00.
 - (c) For a third or subsequent offense within a one-year period, a fine of no less than \$75.00 nor more than \$200.00.
 - (d) Any costs incurred by the Village pursuant to any section of this article may be recovered from the owner. Dogs seized shall be returned only after payment of all boarding and other fees as may be established from time to time. In the event that a court rules that an animal has to be destroyed or the owner does not want to accept the return of a captured dog and the animal must be destroyed, or where the owner fails to adhere to the provisions of this law and the steps the Village must take to destroy the animal, the owner shall be responsible to reimburse the Village all costs and expenses incurred in the destruction of the animal.
- F. Sections 69-8 through Section 69-16 are hereby intentionally omitted.

Article 5 – 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 6. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

Motion carried unanimously.

President McIlroy called the second public hearing to order at 6:13 p.m. to discuss overriding the property tax cap for the coming fiscal year. Attorney Gebo explained the property tax cap for the fiscal year commencing June 1, 2016 is 0.12% of the current tax levy. President McIlroy asked two times if anyone wished to comment either for or against the local law. No one wished to comment therefore there was a motion by Trustee Latremore and seconded by Trustee Vary to close the hearing at 6:14 p.m. Motion carried unanimously.

President McIlroy requested the Clerk/Treasurer to hold this over until we review the budget. Attorney Gebo advised the Village has sixty days to adopt the local law from today's date.

OLD BUSINESS:

At the December 21, 2015 meeting, the Board agreed 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.

Update 01/04/16: Attorney Gebo expressed he received an email from the NYS Teamsters stating they now oppose Chief Huber conducting bargaining unit work. Attorney Gebo stated he will set up a meeting with the NYS Teamsters representative to discuss the issue.

Update 01/19/16: President McIlroy stated Attorney Gebo is drafting an agreement for the NYS Teamsters consideration.

Update 02/01/16: President McIlroy stated the NYS Teamsters has yet to sign the agreement.

President McIlroy further stated he will be meeting with them on February 10, 2016 for police department negotiations and will address it with them at that time.

Update 02/16/16: Attorney Gebo stated he sent a revised agreement to the Union regarding the Chief working the open shifts. President McIlroy asked Attorney Gebo if it was alright to allow the Chief to work the extra shifts if he wasn't taking work from bargaining employees. Deputy President Astafan stated he is in favor of allowing the Chief to work the extra shifts as long as the open shifts are offered to the Union employees first.

Motion by Deputy President Astafan and seconded by Trustee Latremore to permit Chief Huber to work extra shifts if he is not able to get anyone else to fill them at a rate of \$341.40 per ten hour shift. 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.

Update 01/04/16: Attorney Gebo stated Tug Hill Commissions is working with the Town of Wilna on the transition.

Update 01/19/16: Ms. Amyot stated the Tug Hill Commissions is still working on the transition with the Town.

Update 02/01/16: President McIlroy stated there is nothing new to report.

Update 02/16/16: Attorney Gebo stated Tug Hill Commissions verified the current terms of the Town of Wilna Planning Board members. He further stated Tug Hill Commissions is working on a model to propose to both the Village and the Town of Wilna.

At the February 1, 2016 meeting, the Board requested to send the information to Attorney Gebo and ask that he address with Linda Lyndaker, the adjoining property owner of reservoir property the encroachment on the reservoir property during logging operations on her property.

Update 02/16/16: Attorney Gebo stated he mailed a letter to Ms. Lyndaker last week and has not received a response yet.

NEW BUSINESS:

President McIlroy reviewed the water/sewer shut off register.

Attorney Gebo stated the Village received a letter from Ablans Business Center regarding repayment of the loan she has with the Village Loan Fund. Attorney Gebo requested to discuss this issue in Executive Session due to the financial history of a particular individual.

Attorney Gebo stated he has court proceeding documents for the CEO to sign regarding code violations at 520 Budd Street.

Attorney Gebo stated the CEO contacted him regarding a leaning chimney at 124 Church Street. The CEO stated the property is currently in foreclosure but the bank does not own it yet.

Motion by Deputy President Astafan and seconded by Trustee Vary to declare an emergency repair be made by the Village at 124 Church Street to repair the chimney as it is a public safety issue and further authorize President McIlroy to take the necessary action for the repair to be made. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary authorizing the Clerk/Treasurer to attend the quarterly North Country Clerk/Treasurer Association meeting on March 17, 2016 in Pulaski to include mileage reimbursement. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to accept the monthly departmental reports from Code Enforcement, Court, DPW Department, Police Department, Water Department, and

Treasurer as presented. Motion carried unanimously. The Community Development report was not submitted.

Deputy President Astafan reviewed the monthly bills and bank statements including reconciliations prior to the meeting. The documents were also available at the meeting.

Motion by Deputy President Astafan and seconded by Trustee Vary to approve payment of payrolls and bills as follows: General Fund \$117,509.88; Special Grant Fund \$198.74; Water Fund \$40,620.73; Sewer Fund \$14,426.96; Joint General Fund \$111,110.77; and Joint Capital Fund \$1,534.50. Motion carried unanimously.

ATTORNEY GEBO UPDATE:

Attorney Gebo requested an Executive Session to discuss a collective bargaining issue and the employment history of a particular employee.

PRESIDENT MCILROY UPDATE:

President McIlroy stated there is a water/sewer board meeting tomorrow at 4:00 p.m. and a CIDC meeting on February 25, 2016 at 4:00 p.m. at the Village of Carthage Municipal Building.

LIAISON REPORTS AND COMMENTS:

Deputy President Astafan stated he spoke with Trustee Smith-Spencer and she is reviewing the Board information from home and she stated to contact her if you need anything.

MEDIA QUESTIONS:

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

EXECUTIVE SESSION:

Motion by Trustee Latremore and seconded by Trustee Vary to enter Executive Session at 6:41 p.m. to discuss a collective bargaining agreement; employment history of a particular employee and the financial histories of two particular businesses. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to resume Regular Session at 7:40 p.m. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Latremore authorizing President McIlroy sign the subordination agreement for IMEC, Inc. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary authorizing Attorney Gebo to send a letter to Ablans Business Center regarding their Village Loan Fund loan. Motion carried unanimously.

ADJOURNMENT:

Motion by Trustee Vary and seconded by Trustee Latremore to adjourn at 7:41 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
Village Clerk/Treasurer