

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
August 15, 2016

ATTENDANCE:

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

Others: Edgar Countryman, DPW Superintendent; Mark Gebo, Village Attorney; Elaine Avallone, Johnsons Newspapers; Alma Price; J. Michael Rodierick; Dawn Lelakowski; Francis Dutch; Jeanette Turner; Michael Trieu; and four Participation in Government Students.

CALL TO ORDER:

Deputy President Astafan called the meeting to order at 6:00 p.m., asked the audience to silence their phones and requested a moment of silence due the death of the Town of Wilna Highway Superintendent, Patrick O'Meara. Deputy President Astafan requested Trustee Latremore to lead 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 July 18, 2016 regular meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

Ms. Price stated she was able to get local business owners to sign her petition requesting to change the parking limit on State Street from one hour to two hours. Ms. Price asked why there are two 15 minute parking signs in front of Condino Motors and what the limits are for handicap parking according to the ADA. Deputy President Astafan stated he will look into it. Deputy President Astafan accepted the petition and expressed he will forward it to President McIlroy. Ms Turner stated she would like a handicap parking spot in front of her business. Ms. Lelakowski stated she is in favor of the two hour limit and expressed sometimes it is difficult to comply during busy times at the diner and other area restaurants. Deputy President Astafan stated the Board will look into increasing the parking limit on State Street.

CORRESPONDENCE:

Motion by Trustee Vary and seconded by Trustee Latremore to permit Cindy Trombley to use alcohol at their family reunion at the Recreation Building on Saturday, September 10, 2016, providing they follow the Village Code governing the use of alcoholic beverages. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to permit Jeanette Turner to run horse and wagon rides on Village streets on Saturday, December 10, 2016 from 11:00 a.m. - 6:30 p.m. during the Twin Villages Christmas event and further require a certificate of liability insurance for the activity. Motion carried unanimously.

PUBLIC HEARING:

Deputy President Astafan called the public hearing to order at 6:10 p.m. to consider the amendment of Section 6-3 (a) of the Village of Carthage code as it relates to gifts to employees to make such section consistent with the Village's Personnel Policy and article 18 of General Municipal Law. Deputy President Astafan asked if there was anyone who wished to speak regarding the local law.

Motion by Trustee Latremore and seconded by Trustee Vary to close the public hearing at 6:11 p.m. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to adopt Local Law #7 of 2016 as follows:

Amend Section 6-3 (a) of the Village Code

Article 1. - Statement of Authority. The Board of Trustees of the Village of Carthage, pursuant to the authority granted it Section 806 of the General Municipal Law and 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, hereby finds that there is an inconsistency between the Village's personnel policy and its Code of Ethics. The personnel policy reflects more modern standards set forth in Article 18 of the General Municipal Law as it relates to gifts whereas Chapter 6 of the Village Code reflects an older standard. It is the purpose of this law to update Article 6 to reflect the more modern standard and to be consistent with the Village's personnel policy.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby amends section 6-3 (a) of the Village of Carthage Code, and as amended restates the same as follows:

A. Gifts

He shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$75 or more whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances under which it could reasonable be inferred that the gift was intended to influence him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part.

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 effect the validity or enforceability of any remaining section or provision of this chapter.

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

Motion carried unanimously.

CORRESPONDENCE:

Deputy President Astafan read the correspondence received from Pla Mor Lanes stating Joanne Lazore represents the Village very well when she brings the Summer Recreation children to their establishment for a bowling fun day and further stated the Village is fortunate to have Ms. Lazore run the summer program. Deputy President Astafan stated the Village is grateful to Joanne for all she does for the children.

Deputy President Astafan read the correspondence from Robert Sturtz, Slack Chemical Company requesting the Village to approve the PILOT program for the railroad.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to not send a letter of support for Neighbors of Watertown, Inc. for their CDBG housing application as the Town of Wilna intends to submit an application to include the Village. Motion carried unanimously.

Deputy President Astafan summarized the correspondence received from KC Nail and Spa, Inc. who was denied a sign size variance by the Zoning Board of Appeals. Mr. Trieu stated he is very unhappy with the result and feels he is being singled out. After considerable discussion, Deputy President Astafan requested to hold this until he gets more information from the CEO.

Deputy President Astafan summarized the correspondence received from NYSDOH regarding NYSDEC issuing a Drought Watch. Deputy President Astafan assured the Board that Mr. Prievo is monitoring our water system and we do not have any concerns at this time.

Deputy President Astafan read the correspondence regarding the public hearing held by the Jefferson County Industrial Development Agency scheduled for August 31, 2016 at 10:00 a.m. at the Town of Wilna Board Room regarding Mohawk, Adirondack and Northern Railroad Corporation PILOT program and encouraged Trustees to attend.

OLD BUSINESS:

At the February 16, 2016 meeting, the Board authorized Attorney Gebo to send a letter to Ablans Business Center regarding their Village Loan Fund loan.

Update 03/07/16: The Board has not received a response from Ablans Business Center therefore President McIlroy requested the Clerk/Treasurer to hold this over until the March 21, 2016 meeting.

Update 03/21/16: Attorney Gebo requested an Executive Session to discuss this matter.

Update 04/04/16: The Clerk/Treasurer stated Ms. Ablan has yet to respond. President McIlroy requested the Clerk/Treasurer to hold this over until the April 18, 2016 when Attorney Gebo is present.

Update 04/18/16: Attorney Gebo stated he has yet to receive a response from Ms. Ablan. Attorney Gebo stated the board has two choices; to accept the \$100.00 monthly payments, which does not cover interest on the loan or return the checks received and sue for the monthly payments. President McIlroy requested Attorney Gebo to return the checks and pursue court proceedings.

Update 05/02/16: President McIlroy stated the Board will continue with legal proceeding and will discuss the progress at the next meeting when Attorney Gebo is present.

Update 05/16/16: Attorney Gebo requested an Executive Session to discuss the financial history of a particular business. The Board authorized the Clerk/Treasurer to accept \$100.00 monthly payments.

Update 06/06/16: President McIlroy stated there is correspondence in an Executive Session file provided by Attorney Gebo.

Update 06/20/16: Attorney Gebo requested an Executive Session to discuss the employment history of a particular business. The Board authorized Attorney Gebo to send correspondence to Ms. Ablan.

Update 07/20/16: Attorney Gebo stated he sent correspondence to Ms. Ablan-Woodrow and has not received a response so he will follow up with another letter.

Update 08/15/16: Ms. Ablan signed the agreement to pay \$100.00 per month until September 2016 and further agreed to submit an update of her ability to increase to regular payments therefore Deputy President Astafan requested the Clerk/Treasurer to remove this item from the agenda.

President McIlroy asked if Deputy President Astafan and Trustee Smith-Spencer had developed a policy regarding hardhat use at the DPW and Water Department and Deputy President Astafan responded he anticipates having information for the Board to review at the June 6, 2016 regular meeting.

Update 06/06/16: Deputy President Astafan stated the policy is a work in progress.

Update 06/20/16: President McIlroy stated we have a policy at the DPW which addresses wearing hardhats and requested Deputy President Astafan and Trustee Smith-Spencer to review and update. President McIlroy requested the Clerk/Treasurer to hold this over until the July 18, 2016 meeting.

Update 07/20/16: Deputy President Astafan stated he has started going through the current policy which is a good template. Deputy President Astafan expressed he will meet with Mr. Prievo, Mr. Countryman, and the Clerk/Treasurer and will have a draft for review at the next meeting.

Update 08/15/16: Deputy President Astafan requested the Clerk/Treasurer to hold this over until the September 19, 2016 meeting.

At the July 18, 2016 meeting, Attorney Gebo stated the 120 day notice period for Springbrook to cancel the contract has expired. Attorney Gebo further stated the only correspondence received from Springbrook was a bill for accounting software they never delivered. Attorney Gebo stated he will proceed with collections from Springbrook.

Update 08/15/16: Attorney Gebo is proceeding with collections.

At the June 6, 2016 meeting, President McIlroy encouraged Trustees to review the correspondence provided to them at the meeting regarding the report for the timber trespass on the Village Watershed Property and requested the Clerk/Treasurer to forward it to Attorney Gebo. Mr. Prievo stated Erik Hirschey will make himself available to speak with the Board and the Attorney regarding the trespass incident. Mr. Prievo stated Mr. Hirschey estimates approximately 135 trees have been cut which include 29 which were cut after Attorney Gebo sent Mrs. Lyndaker a letter informing her of their encroachment on Village property. Mr. Prievo stated he met with Mrs. Lyndaker's son who admitted cutting down the trees. Trustee Latremore suggested calling the Sherriff's Department and President McIlroy suggested seeking advice from Attorney Gebo.

Update 06/20/16: Attorney Gebo stated he received a telephone call from Mrs. Lyndaker regarding the cutting of the trees and stated she is in the audience with her son Chet. Mrs. Lyndaker expressed she read the article in the newspaper again and the allegations are not true. Mrs. Lyndaker stated no further trees were cut after they were notified. Mr. Lyndaker expressed he thought he could cut every other tree along the property line and he further stated he only cut every forth tree. Mrs. Lyndaker state they did not deliberately cut trees on Village property. President McIlroy stated Mr. Prievo and a Village employee walked the line and found more trees cut. After considerable discussion, President McIlroy requested Mr. Prievo and Mr. Hirschey to walk the borderline with the Lyndaker's. No action was taken therefore President McIlroy requested the Clerk/Treasurer to hold this over until the July 18, 2016 meeting.

Update 07/20/16: Attorney Gebo was authorized to send a bill to Mrs. Lyndaker based on the assessment of the timber removed from the Village Watershed provided by Mr. Hirschey, to include payment for North Country Forestry Services, and attorney fees.

Update 08/15/16: A check was received by Chet Lyndaker for the balance due to the Village \$6,859.00 therefore Deputy President Astafan requested the Clerk/Treasurer to remove this item from the agenda.

At the July 18, 2016 meeting, the Board declared the 2001 Dodge 2500 4X4 surplus equipment and further to requested sealed bids for the vehicle to be considered at the August 15, 2016 meeting.

Update 08/15/16: No bids were received for the truck therefore Deputy President Astafan authorized Mr. Countryman to advertise the vehicle with Auctions International.

At the June 20, 2016 meeting, the Board asked why the Police Department address garbage and lawns not mowed throughout the Village as they feel it is a Code Enforcement Officer issue. Chief Huber suggested a part-time position for property maintenance and Trustee Smith-Spencer agreed. President McIlroy stated he will look into it and to hold the discussion over until the July 18, 2016 meeting.

Update 07/18/16: President McIlroy spoke with the CEO who is willing to address property maintenance codes. Attorney Gebo stated he will submit a draft of the amended law for review at the August 15, 2016 meeting.

Update 08/15/16: The Board reviewed the draft of the local law.

Motion by Trustee Latremore and seconded by Trustee Vary to set a public hearing on September 19, 2016 at 6:10 p.m. to discuss a local law to include the CEO with the enforcement relating to brush, grass and weeds. Motion carried unanimously.

At the June 20, 2016 meeting, the Board set an Evidentiary Hearing regarding 780 West End Avenue on July 18, 2016 at 5:30 p.m. which the CEO deemed unsafe.

Update 07/18/16: Attorney Gebo stated Ms. Mono waived her rights to the Evidential Hearing and consented to a finding that the building is unsafe. President McIlroy expressed he was informed there may be a problem with the property as the former Town of Wilna Highway Department was next door to the building and may have contaminated the surrounding soil. President McIlroy stated the CEO suggested a meeting with the Town Supervisor, CEO, and himself to discuss the issue. Attorney Gebo suggested the structure could possibly be removed without disturbing the soil. President McIlroy stated he will look into the issue.

Update 08/15/16: Attorney Gebo requested to discuss this in Executive Session as it is Client/Attorney privileged information.

At the July 18, 2016 meeting, Ms. Price stated she received a parking ticket in front of Sew What on State Street due to the one hour parking limit. After considerable discussion, President McIlroy requested Chief Huber to look into the one hour parking limit and forward his recommendation to the Board at the next meeting on August 15, 2016.

Update 08/015/16: Hold this over until September 19, 2016.

At the July 18, 2016 meeting, President McIlroy read the correspondence received from Girl Scout Troop 50131 requesting the use of the Recreation Building on every other Wednesday from 5:30 p.m. - 7:00 p.m. and Trustee Latremore requested clarification from letter and dates therefore President McIlroy requested the Clerk/Treasurer to hold this over until the August 15, 2016 meeting.

Update 08/15/16: Deputy President Astafan stated the Clerk's Office has made several attempts to contact Ms. Williams, Troop Leader with no response therefore he requested the Clerk/Treasurer to remove this item from the agenda.

At the July 18, 2016 meeting, President McIlroy read the correspondence received regarding a dangerous tree at 602 Alexandria Street and stated he would follow up with the CEO.

Update 08/15/16: Attorney Gebo stated a violation notice has been sent to the property owner and no response has been received therefore Deputy President Astafan requested the Clerk/Treasurer to hold this over until the September 19, 2016 meeting.

At the July 18, 2016 meeting, President McIlroy stated the JCIDA wants the Village to sign a PILOT with the Railroad and he is holding out because of the railroad crossings and the Railroad did not pay the PILOT before. According to JCIDA, the Railroad is entering an agreement with the County to pay monies owed from past PILOT.

Update 08/15/16: Deputy President Astafan requested the Clerk/Treasurer to hold this over until the September 19, 2016 meeting.

At the July 18, 2016 meeting the Board authorized the Clerk/Treasurer to advertise in the Carthage Tribune for a full-time DPW Laborer.

Update 08/15/16: Deputy President Astafan requested the Clerk/Treasurer to hold this over until the September 19, 2016 meeting.

NEW BUSINESS:

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to declare the 1995 Case Loader; 2006 Cable Machine; and 2002 Zero Turn Riding Lawn Mower as surplus equipment and further authorize Mr. Countryman to advertise the equipment on Auctions International. Motion carried unanimously.

Deputy President Astafan stated there are 212 customers on the Water/Sewer Shut Off register as of August 2, 2016.

Deputy President Astafan stated the Carthage Lodge No 1762 BPOE submitted their standardized notice form for providing 30-day advanced notice to a local municipality for the Boards information.

Deputy President Astafan stated the Annual Agreed Upon Procedures for the year ended May 31, 2016 was submitted to the Board for their information and the Clerk/Treasurer stated there were no findings or adjustments necessary.

Deputy President Astafan stated the Annual Financial Report Update Document for the year ended May 31, 2016 was submitted to NYSOSC on July 28, 2016 and was submitted to the Board for their information.

Motion by Trustee Smith-Spencer and seconded by Trustee Latremore to approve Judge Lucille Shettleton to attend the NYS Magistrates Annual Conference in Lake Placid from September 25, 2016 - September 28, 2016 to include conference registration, lodging, meals and mileage not to exceed \$1,100.00. Motion carried with Trustee Vary abstaining.

Motion by Trustee Latremore and seconded by Trustee Vary to approve the Clerk/Treasurer to attend the NYCOM Annual Fall Training School in Saratoga Springs from September 12, 2016 - September 15, 2016 to include conference registration, lodging, meals and mileage not to exceed \$1,200.00. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer authorizing President McIlroy to sign the PIVOT Employee Assistance Program contract for September 1, 2016 - August 31, 2017 in the amount of \$400.00. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary authorizing Matthew Draper to work an additional two weeks in the Water Department as there are Summer hours left over. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer authorizing Cole Pacella and Michael Nevills to work an additional two weeks at the DPW as there are Summer hours left over. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to approve the following budget transfers and adjustments:

Budget Transfers

A.1325.0421	Treasurer - Insurance	275.00	
A.1620.0421	Building - Insurance	1,825.00	
A.3120.0421	Police-Insurance		2,127.00
A.8170.0421	Street - Insurance	27.00	
A.5110.0491	Street Maint	620.00	
A.5110.0492	Street Maint Cold Patch		620.00
A.7140.0460	Park Vehicle/Equip Maint Repair	120.00	
A.7140.0462	Park Equip Rental		120.00

Budget Adjustments

CD.0000.2705	Special Grant Fund Donations		1,000.00
CD.6410.0400	Special Grant Fund Publicity	1,000.00	

Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to accept the monthly departmental reports from CEO, Community Development, DPW, 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 Latremore to approve payment of payrolls and bills as follows: General Fund \$147,392.04; Special Grant Fund \$4,078.06; Water Fund \$19,840.68; and Sewer Fund \$134,728.16. Motion carried unanimously.

ATTORNEY GEBO UPDATE:

Attorney Gebo requested an Executive Session to discuss a claim issue and client/attorney privilege information regarding 780 West End Avenue.

PRESIDENT MCILROY UPDATE:

None.

LIAISON REPORTS AND COMMENTS:

Trustee Latremore stated she would like to publically acknowledge Edgar Countryman and Joanne Lazore for all they do for the Village.

MEDIA QUESTIONS:

None.

EXECUTIVE SESSION:

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to enter Executive Session at 6:35 p.m. to discuss a potential litigation and client/attorney privilege information regarding 780 West End Avenue. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to resume Regular Session at 7:02 p.m. Motion carried unanimously.

With the Board in favor, Deputy President Astafan declared the following on August 15, 2016:

Emergency Order

Michael Astafan, Deputy President of the Village of Carthage, pursuant to the authority granted to him under Section 24 of the Executive Law of the State of New York hereby declares an emergency condition to exist within the Village of Carthage relative to the building located on 780 West End Avenue (Tax Map Parcel No: 86.23-1-26) Carthage, New York. This declaration is made based upon observation and a report from Robert Ball, Code Officer that the structure is severely damaged and unsafe. Based upon the observation and report, it appears that the building presents significant, immediate issues regarding public safety both in terms of occupancy and structural integrity of the building and the safety of neighboring residents. Pursuant to this emergency declaration, the Village of Carthage hereby declares that all

occupancy of the structure located at 780 West End Avenue (Tax Map Parcel No: 86.23-1-26), Carthage, New York to be terminated immediately and directs the removal of the structure and declares that work be commenced immediately to remove the structure.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary authorizing Deputy President Astafan to sign the contract proposal with Independent Commercial Contractors, Inc. for abatement/demolition of 780 West End Avenue in the proposed amount of \$34,900.00 which does not include project/air monitoring firm - GYMO P.C. Motion carried unanimously.

Motion by Trustee Vary and seconded by Trustee Latremore to access the Blight Fund in the Village Loan Fund to cover the costs of the demolition of 780 West End Avenue. Motion carried unanimously.

ADJOURNMENT:

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to adjourn at 7:02 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
Village Clerk/Treasurer