

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
October 15, 2012

ATTENDANCE:

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

Others: Daniel Trembley, DPW Superintendent; Ernie Prievo, Water Superintendent; Reginald Huber, Police Chief; Mark Gebo, Village Attorney; Elaine Avallone, Carthage Republican Tribune; Kathy Amyot, Tug Hill Commissions; Michael Gillette, Fuller Insurance; Sharon Connolly; and six Participation in Government students.

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 Deputy President Astafan and seconded by Trustee Latremore to approve the minutes of the October 1, 2012 special meeting as presented. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to approve the minutes of the October 1, 2012 regular meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

Ms. Connolly inquired about the status of 204/206 North Washington Street. Attorney Gebo explained the steps that have been taken and further explained he received a telephone call on October 1, 2012 from Mr. Penwarden who stated he was attempting to acquire an airplane ticket to come here to take care of his property. Attorney Gebo has not heard from Mr. Penwarden since his initial telephone call therefore he encouraged the board to take action.

Motion by Deputy President Astafan and seconded by Trustee Latremore to allow President McIlroy to take necessary action to clean up the Penwarden property.

President McIlroy asked Mr. Trembley, in conjunction with the Village police, to assess the property.

CORRESPONDENCE:

Motion by Trustee Latremore and seconded by Trustee Vary to approve the request of the Carthage Area Chamber of Commerce to conduct the annual Holiday Parade on Saturday, November 10, 2012 at 11:00 a.m. to begin on North Jefferson Street; turn left onto Bridge Street; proceed across the bridge onto State Street; turn left onto North School Street and end at the Carthage Elks Club and further to provide police assistance before, during, and after the event. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Deputy President Astafan to approve the request of the VFW Auxiliary Post 7227 to conduct their annual Poppy Drive to benefit veterans and their families on Friday, November 9, 2012 and Saturday, November 10, 2012. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Deputy President Astafan to approve the request of the Social Studies 12 Honors Spook Trail Group on Thursday, October 25, 2012 and Friday, October 26, 2012 from 5:00 p.m. till 10:00 p.m. to conduct their annual Spook Trail at the Carthage Park and further to use the Recreation Building and waive the \$50.00 Rental Fee. Motion carried unanimously.

President McIlroy read the letter received from the Tug Hill Cooperative Council which included the agenda for the Tug Hill Legislative Delegation and the Supervisors and Mayors of the Tug Hill Region meeting on Wednesday, October 24, 2012 at 6:30 p.m. at the Redfield Fire Station.

President McIlroy read the letter received from the NYS Department of Transportation in regards to closing Route 26 from Route 410 in Denmark to Route 126 in the Village of West Carthage due to an emergency replacement of a culvert.

OLD BUSINESS:

At the June 4, 2012 meeting, the board reviewed insurance proposals received by Haylor, Fryor and Coon, Inc. and Fuller Insurance Agency, Inc. and requested Michael Gillette attend the June 18, 2012 regular meeting.

Update 6-18-12: Motion by Deputy President Astafan and seconded by Trustee Latremore to accept Fuller Insurance Agency, Inc. proposal and continue to work with Mr. Gillette to insure the Village has the appropriate coverage. Mr. Gillette will provide an update to the board at the July 16, 2012 regular meeting. Motion carried unanimously.

Update 7-16-12: Mr. Gillette continues to review the Joint Waste Water Insurance policy to ensure the Village is adequately covered.

Update 8-20-12: The Village received a refund check from Fuller Insurance Agency, Inc. in the amount of \$5,136.00 citing the Village Water operations are covered by the Joint Water Policy with the Village of West Carthage. Mr. Gillette explained that the contracts with the Village of West Carthage for the Water System do not delineate where coverage begins and ends therefore it is Glatfelter insurance company's opinion that the Village of Carthage is covered by the Joint Water Policy. President McIlroy asked Mr. Gillette to work with Attorney Gebo to ensure the Village is covered. Attorney Gebo advised the Clerk/Treasurer not to cash the check.

Update 9-4-12: President McIlroy requested the Clerk/Treasurer to hold this over until the September 17, 2012 meeting when Attorney Gebo will be present.

Updated 9-17-12: Attorney Gebo advised the Clerk/Treasurer to return the refund check from Fuller Insurance Agency, Inc. in the amount of \$5,136.00 to insure the Village has adequate insurance coverage. President McIlroy requested the Clerk/Treasurer to contact Mr. Gillette and request his attendance at the October 15, 2012 meeting and to forward applicable documents to Attorney Gebo prior to the meeting.

Update 10/15/12: Attorney Gebo stated he forwarded the requested Joint Water and Sewer system addendums to the Village of West Carthage for their review and approval. Mr. Gillette distributed sample endorsement policies and stated once the Joint Water and Sewer addendums were approved by both Villages; he would create like endorsement policies to be effective retroactive to June 1, 2012. Mr. Gillette requested the Clerk/Treasurer to forward payroll figures for Village Water and Sewer. Mr. Gillette offered to prepare a quote for the Joint Sewer System and recommended the liability limits to be increased from one million to two million.

Motion by Deputy President Astafan and seconded by Trustee Latremore to approve both amendments for the joint water and sewer systems and authorize President McIlroy to sign the agreements. Motion carried unanimously.

At the September 4, 2012 meeting, Chief Huber forwarded the following Police Policies recommendations: Use of Village Vehicles; Use of Force; Use of Oleoresin Capsicum Spray; and Use of Electronic Control Device. President McIlroy requested the Clerk/Treasurer to forward the policies to Attorney Gebo for his review.

10-1-12 Hold October 15, 2012.

Update 10-15-12: Attorney Gebo reviewed the police policies and recommended changes in which Chief Huber incorporated.

Motion by Deputy President Astafan and seconded by Trustee Latremore to approve the Police Policies as revised and presented. Motion carried unanimously.

At the September 17, 2012 meeting, President McIlroy read the letter received from Raymond and Mary Connolly requesting the flood map be revised as their property on 323 South Clinton Street is considered to be in a flood zone. No action was taken therefore President McIlroy requested the Clerk/Treasurer to hold this matter until the October 1, 2012 regular meeting.

10-01-12 Hold until October 15, 2012.

10-15-12 Hold until November 5, 2012

At the September 4, 2012 meeting, President McIlroy stated is working Water Superintendent Ernie Prievo on possibly obtaining a GIS/GPS system for the Village water and sewer lines.

10-01-12 Hold until October 15, 2012.

Update 10-15-12: Mr. Prievo explained we will not be able to obtain group pricing for the equipment as two other program participants backed out. Mr. Prievo met with DANC regarding writing a grant to obtain funding to map our water and sewer systems. Mr. Prievo will participate in a meeting on Friday, October 19, 2012 with DANC and the Tug Hill Commissions to discuss this option further.

At the October 1, 2012 meeting President McIlroy read the letter received from Todd and Meggen Rogers requesting a School Bus Stop sign to be placed on the corner of Hammond and Parham Streets. President McIlroy requested the Clerk/Treasurer to have Chief Huber to research this issue and forward his recommendation to the Board on October 15, 2012.

Motion by Deputy President Astafan and seconded by Trustee Vary to have Mr. Trembley work with Chief Huber to place a sign on Hammond Street stating "Caution School bus Stop Ahead" and further to have the DPW clear any brush which may inhibit the view of the school bus stop. Motion carried unanimously.

At the October 1, 2012 meeting Ms. Amyot stated there was a NYSERDA funding opportunity for local municipalities to partake in. The funding is to purchase energy star compliant equipment and the program will reimburse up to seventy-five percent of the purchase cost. There is \$1,100,000.00 available and the funding will be awarded on a first come, first serve basis. The Clerk/Treasurer stated she is having John McHugh, Community Development Director research this funding.

Update 10-15-12: The Clerk/Treasurer submitted a memo to the board requesting to replace the current five year old copier in the Clerk's Office utilizing the NYSERDA rebate program which, if received, will contribute up to 75% of the purchase price, not to exceed \$5,000.00. The Clerk/Treasurer planned to budget for the replacement of the copier in the next fiscal year.

Motion by Deputy President Astafan and seconded by Trustee Latremore to purchase a Kyocera Mita Model Taskalpha 3550CI Color Copier for the Clerk's Office at a total cost not to exceed \$7,500.00; submit the necessary paperwork for the NYSERDA rebate program, if received would reimburse up to \$3,750.00; allocate the costs net of the rebate accordingly, 50% General Fund, 25% Water Fund, 25% Sewer Fund and perform a budget transfer for each of the funds from Contingency to Equipment; and further forward the current copier in the Clerk's Office to the Police Department. Motion carried unanimously.

NEW BUSINESS:

Motion by Trustee Latremore and seconded by Trustee Vary to approve CDBG Draw #7 in the amount of \$3,780.50 to be paid to DLO Contracting and Cheryl Graham and \$2,173.02 to be paid to Avalon Associates, Inc. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by to adopt Resolution 8 of 2012 for the Maintenance of Sidewalks on Route 3 and Route 26 as follows:

WHEREAS, the New York State Department of Transportation anticipates to reconstruct sidewalks and curb ramps along Routes 3 & 126, Village of Carthage, PIN 7805.37 and

WHEREAS, the State will include as part of the reconstruction or improvements of the above mentioned project the reconstruction of sidewalks, pursuant to Section 46, Villages of the Highway Law and

WHEREAS, the State will provide for the construction of the above mentioned work, as shown on the contract plans relating to the project.

NOW, THEREFORE,

BE IT RESOLVED: That the Village of Carthage approves the reconstruction of sidewalks and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Village of Carthage will maintain or cause to be maintained the reconstructed sidewalks performed as above stated and as shown on the contract plans, including the control of snow and ice.

BE IT FURTHER RESOLVED: That the Clerk of this Board is hereby directed to transmit four (4) certified copies of the foregoing resolution to:

New York State Department of Transportation
317 Washington Street
Watertown, New York 13601
Attn: Brian A. Baxter, P.E.

Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Vary to adopt Resolution 9 of 2012 for Conditional Waiver of 2009 CDBG Grant Obligations as follows:

WHEREAS, Tessie Adams received a 2009 CDBG grant of \$23,486 for repairs of her residence at 2 Farr Street, Carthage, NY; and

WHEREAS, Ms. Adams was obligated under the Housing Rehabilitation Program to live in the property for 5 years or be required to repay all or a portion of the grant, and

WHEREAS, The Village may waive the requirements in special circumstances where the requirements would create a hardship for the owner, provided that the circumstances are beyond the control of the owner and neither the owner nor its heirs will benefit financially from such waiver; and

WHEREAS, Ms. Adams is requesting a conditional waiver of these obligation so that she may transfer ownership of the property via a land contract to another CDBG grant qualified party, and

WHEREAS, The new owner would be obligated to reside in the property for 5 years or be required to repay all or some portion of the grant; and

WHEREAS, The Village Board has set forth its waiver test analysis which is on file with the Village Clerk and made part of the 2009 CDBG records.

BE IT RESOLVED as follows:

Section 1. The Village of Carthage Village Board hereby grants a conditional waiver, of the obligations outlined in the project agreement (form 107) dated 10-4-10 in accordance with Section V.A., to allow Tessie Adams to transfer ownership of the 2 Farr Street property via a land contract to a program qualified party.

Section 2. That such occupancy and repayment waiver shall be conditioned on the proposed new owner entering into a project agreement under the Housing Rehabilitation Program: Entering into a land contract with Tessie Adams with terms consistent with those terms proposed as part of this conditional waiver request, and complying with all rules, regulations and requirements of the Housing Rehabilitation Program.

Section 3. That in the event the property reverts back to the original owner under the Land contract; the original owner shall be obligated to repay the grant in accordance with the original project agreement dated 10-4-10.

Section 4. That the Village Attorney is authorized to prepare any and all legal documents necessary to implement this decision

Section 5. That the President, or in his absence, the Vice-President, or Treasurer is hereby authorized to execute any and all documents, contracts, fund disbursements, and agreements necessary to effectuate this decision.

Section 6. That the within resolution shall take effect immediately.

Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Latremore to adopt Resolution 10 of 2012, authorizing Village of Carthage Justice Shettleton to submit a grant application to the Justice Court Assistance Program 2012 - 2013 for \$7,476.99 and authorize President McIlroy to sign the grant application. Motion carried unanimously with Trustee Vary abstaining.

Motion by Deputy President Astafan and seconded by Trustee Latremore declaring the 2005 Jeep Grand Cherokee police vehicle surplus equipment. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Latremore to offer the Jeep for sale on a sealed bid to commence on October 22, 2012 at 9:00 a.m. through November 5, 2012 at 4:00 p.m. and for the Clerk/Treasurer, in conjunction with Chief Huber, to prepare the necessary documents for the bidding process and further for the proceeds to be placed in the Police Car Reserve, net of repairs necessary to prepare the vehicle to sell. Motion carried unanimously.

The Police Report was reviewed and there were no questions. Deputy President Astafan noted his content with receiving the reports on a regular basis.

The CEO Report was reviewed and the board requested a month and year-to-date comparison. President McIlroy requested the Clerk/Treasurer to have Mr. Ball attend the November 5, 2012 meeting.

The Treasurers Report was reviewed and there were no questions. The General Fund cash balance is \$1,627,557.50 with Reserves of \$171,189.27; Water Fund cash balance is \$253,076.98 with Reserves of \$109,661.87 and the Sewer Fund cash balance is \$50,193.52 with Reserves of \$52,547.32 the Joint Fund cash balance is \$154,546.32 with Reserves of \$387,600.71.

Deputy President Astafan and Trustee Smith-Spencer reviewed the monthly bills prior to the meeting.

Motion by Deputy President Astafan and seconded by Trustee Latremore to approve payment of payrolls and bills as follows: General Fund P/R 10/04/12 and 10/11/12 \$23,132.65; Water Fund, 10/04/12 and 10/11/12 \$4,213.33; Sewer Fund, P/R 10/04/12 and 10/11/12 \$3,506.99; Joint Fund P/R 10/03/12 \$8,662.51. General Fund Abstracts, \$103,636.12; Water Fund Abstracts, \$3,029.01; Sewer Fund Abstracts, \$2,639.20; and Joint Fund Abstracts, \$204.83. Motion carried unanimously.

PRESIDENT McILROY UPDATE:

President McIlroy stated there will be a meeting of the Joint Water/Sewer Board on Wednesday, October 17, 2012 at 4:15 p.m. at the Village of Carthage Municipal Building. President McIlroy explained he received an email from JCIDA in regards to the expired Mohawk Adirondack and Northern Rail (MANR) PILOT Agreement. Towns and Villages are not in favor of renewing the

agreement because MANR owes municipalities due to not paying the PILOT. President McIlroy stated the DPW fixed the railroad crossing on Spring Street because MANR did not have the funds to do so therefore it cost Village tax payers approximately \$7,000.00 and more crossings need to be fixed. Attorney Gebo stated the Town is unable to place the railroad back on the tax roll unless JCIDA releases the property as they are a tax exempt organization.

ATTORNEY GEBO UPDATE: Attorney Gebo continues to work with First Niagara to develop a parking lot agreement regarding snow removal. President McIlroy advised Attorney Gebo to not to continue to pursue this issue and wait for First Niagara to come to us.

LIAISON REPORTS AND COMMENTS:

Deputy President Astafan requested Executive Session to discuss a pending enforcement action.

Trustee Latremore stated she and Trustee Smith Spencer worked on a cellular phone policy for the WPCF employees and requested Attorney Gebo to review.

MEDIA QUESTIONS:

Ms. Avallone requested the name of Ms. Connolly. Ms. Avallone requested the amount spent on the railroad crossing which is approximately \$7,000.00; the net cost of the approved copier machine if NYSERDA rebate is received, \$4,000.00; and the purpose of the JCAP application, to purchase blinds and a new copier for the court room.

EXECUTIVE SESSION:

Motion by Deputy President Astafan and seconded by Trustee Latremore to enter Executive Session at 8:15 p.m. to discuss pending enforcement action. Motion carried unanimously.

Regular session resumed at 8:45 p.m.

ADJOURNMENT:

Motion by Trustee Latremore and seconded by Deputy President Astafan to adjourn at 8:46 p.m.

Respectfully Submitted,

Kristy L. O'Shaughnessy
Village Clerk/Treasurer