

1Regular meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
November 17, 2008

Present: President G. Wayne McIlroy, Trustees, Michael Astafan, Rebecca Vary, Kathleen Latremore and Bernard Frezza. Also attending; Attorney Mark Gebo.

Guests: Kelly Warth, WDT, John McHugh, EDC, Phil Smith, Avalon Associates and 12 Participation in Government Students (PIGS).

President McIlroy called the meeting to order at 7:00P.M. followed by the Pledge of Allegiance to the Flag.

Motion by Rebecca Vary and Seconded by Bernard Frezza to approve the minutes of the November 3, 2008 meeting as presented by the Clerk. Motion carried unanimously.

PUBLIC FORUM:

John McHugh introduced members to Phil Smith of Avalon Associates, who will be working on the CDBG Housing Rehab grant the Village received this year. Mr. Smith said once a rehab grant is received, it should be kept going year after year. This year we will be improving 19 units and the program should be completed by September 2010. He is currently working to set up the program, guidelines and procedures. Next will be the structures and people to do the work. Once in place, someone will be needed to do the day by day work with the homeowners and contractors. Brian Draper is being considered for that position and would work for Avalon Associates. Support is also needed for paperwork and the Chamber has shown an interest in doing that. Trustee Astafan asked about liability insurance for Mr. Draper. Mr. Smith stated that if there is a lawsuit all involved will be a part of it, but the overall responsibility lies with the Village. President McIlroy asked if the 19 units are all lined up and Mr. Smith responded no, none formally. It is hoped that there are more than 19 applicants with some being held over for the next round.

Motion by Michael Astafan and Seconded by Kathleen Latremore to adopt the following Resolution relating to the guidelines and procedures for administration of the Home Preservation Program Using Small Cities CDBG Funding.

WHEREAS, Small Cities Community Development Block Grant (CDBG) funding has been received from the NYS Office of Community Renewal to implement housing rehabilitation activities for qualified residential properties in the Village of Carthage; and

WHEREAS, detailed Guidelines and Administrative Procedures have been drafted to govern the housing rehabilitation activities under the Home Preservation program in compliance with applicable federal, state and local regulations: now therefore

BE IT RESOLVED, that proposed Guidelines and Administrative Procedures for the Home Preservation Program are hereby adopted and shall become effective

immediately for all local housing rehabilitation activities conducted with Small Cities Community Development Blok Grant funding in the Village of Carthage.

Motion carried unanimously.

PUBLIC HEARING:

Proof of notice having been provided, the public hearing on proposed Local Law #3, a law extending the responsibility for cutting grass through November 1st of each year was called to order by President McIlroy at 7:14P.M.

President McIlroy explained the law and opened the hearing to the public for comment. No one wished to address the Board on this law and the hearing was closed at 7:16P.M.

Motion by Bernard Frezza and Seconded by Kathleen Latremore to adopt Local Law #3 of 2008, extending the responsibility for cutting grass through November 1st of each year. Motion carried unanimously.

The public hearing on proposed Local Law #4, amending the Zoning Map of the Village of Carthage, was called to order at 7:17P.M.

President McIlroy explained that the purpose of this Local Law is to amend Section 146-4 (B) of the Village of Carthage Code to amend the Zoning Map of the Village of Carthage to include Village of Carthage Tax Map Parcel Numbers 86.41-4-18 (234 Spring Street) and 86.41-4-47.2 (236 - 240 Spring Street) to the Downtown Historic Business District. The hearing was opened to the public for comment.

No one wished to address the Board on this law and the hearing was closed at 7:18P.M.

Motion by Rebecca Vary and Seconded by Kathleen Latremore to adopt Local Law #4, amending the Zoning Map of the Village of Carthage as proposed. Motion carried 4 – 0 with Trustee Astafan abstaining.

The public hearing on proposed Local Law #5, a law providing additional clarity and definition to Chapter 84 of the Village Code with respect to accumulation of garbage, refuse and debris on private properties was called to order at 7:20P.M.

President McIlroy explained the changes to be made and the need for clarity and definition to Chapter 84 and opened the hearing to the public for comment.

No one wished to address the Board on this law and the hearing was closed at 7:22P.M.

Motion by Michael Astafan, and Seconded by Kathleen Latremore to adopt Local law #5 of 2008, providing clarity and definition to Chapter 84 of the Village Code as it relates to

the accumulation of garbage, refuse and debris on private property. Motion carried unanimously.

CORRESPONDENCE:

NEW BUSINESS:

Motion by Rebecca Vary and Seconded by Bernard Frezza to hire Sherry Sears as Deputy Clerk and as Village Clerk/Treasurer upon the retirement of the current Clerk/Treasurer Linda M. Weir. Motion carried 4 – 0 with Trustee Astafan abstaining.

Discussion on the hiring of a new Police Officer was tabled to Executive Session.

Motion by Bernard Frezza and Seconded by Rebecca Vary to accept the letter of resignation/retirement of Police Sergeant David Gunderson, with regrets. Motion carried unanimously.

Motion by Rebecca Vary and Seconded by Bernard Frezza to authorize the Clerk to renew the DPW BAN in the amount of \$99,344 with an interest rate of 3.26% at HSBC Bank, November 21, 2008. Motion carried unanimously.

Motion by Kathleen Latremore and Seconded by Bernard Frezza to advertise for a public hearing on Monday, December 15, 2008 at 7:10P.M. for the purpose of discussing a Proposed Local Law amending Section 135-27.3 of the Village Code as it relates to parking of trailers, campers, storage dumpsters and other storage containers on Village Streets. Motion carried unanimously.

Motion by Bernard Frezza and Seconded by Kathleen Latremore to approve the Change Orders as presented by Bernier, Carr & Associates in the amount of \$34,057.00, to remove one Overhead Door and replace it with a window and masonry; add countertop and sink in the kitchen area and add two sets of new aluminum entrance doors all at the Recreation Facility and further, add the countertop and sink in the new court room. Motion carried unanimously.

President McIlroy informed members that the Village Offices will be closed Friday, November 21st due to the power being off to the Building for electrical repairs and changes. Also the Clerks Office is requesting the closure of the Village Offices on Friday, November 28th for a long weekend following Thanksgiving Day. A personal day will be used for this day. Members approved both closures.

Motion by Kathleen Latremore and Seconded by Bernard Frezza to approve payment of payrolls as follows: Payrolls, General Fund, A28, 29 & 30 \$33,806.90 Water Fund, F28, 29, & 30 \$3,798.51; Sewer Fund #G29 & 30, \$1,889.14 and Joint Fund J12,12a, \$7,635.89. Motion carried unanimously.

ATTORNEY GEBO'S UPDATE:

Attorney Gebo presented members with the new agreement on the North Mechanic Street parking lots and stated that it is acceptable.

Motion by Michael Astafan and Seconded by Kathleen Latremore to accept the November 17, 2008 Parking Agreement with the Buckley Realty, LLC as approved by Attorney Gebo and authorize President McIlroy to sign same on behalf of the Village. Motion carried unanimously.

Attorney Gebo presented members with two proposed Local Laws as requested:

Motion by Michael Astafan and Seconded by Bernard Frezza to advertise for a public hearing on Monday, December 15th, following the previously scheduled Public Hearing to amend Chapter 100 of the Village Code on the Notice of Defects. Motion carried unanimously.

Motion by Michael Astafan and Seconded by Rebecca Vary to advertise for a public hearing on Monday, December 15th, to follow the prior two Public Hearings, enacting a new Chapter for the Village Code regarding Defense and Indemnification for Officers and employees of the Village of Carthage. Motion carried unanimously.

The previously discussed Skateboard law changes have been tabled. President McIlroy asked Attorney Gebo what the Village could do regarding violators on private parking lots. Attorney Gebo responded that the Village cannot legislate Private Property. The private owner could file charges under the penal law.

Discussion followed on the Church Street, Crosby property. Attorney Gebo will prepare a 10 day notice to the owner giving them until the 28th of December to respond. On December 1st at 4PM a hearing can be held.

Motion by Michael Astafan and Seconded by Rebecca Vary to establish an evidentiary hearing for Monday, December 1, 2008 at 4PM regarding the unsafe building on Church Street owned by Mrs. Crosby. Motion carried unanimously.

Attorney Gebo informed members that he has received a copy of a proposed agreement between the Village and the Chamber of Commerce for services performed by the Chamber on the CDBG grant. Attorney Gebo would like to add some necessary wording.

Motion by Michael Astafan and Seconded by Kathleen Latremore and carried that President McIlroy be authorized to sign the agreement between the Chamber and Village as it regards paperwork for the Small Cities Grant upon receipt of said agreement from Attorney Gebo. Motion carried unanimously.

Motion by Michael Astafan and Seconded by Bernard Frezza to approve the new contract for new Police Department hires as it relates to cost expended by the Village for

schooling and training in the event the Officer leaves employment. Motion carried unanimously.

Attorney Gebo also informed members that WDC Associates challenged their assessment and has had it reduced from \$5,783,400 to \$4,032,000. There are no refunds due to them but next year our Village taxes will show the new assessment.

PRESIDENT MCILROY'S UPDATE:

President McIlroy reminded members of the Utility Board meeting Wednesday at West Carthage and asked Trustee Astafan to chair the Sewer Meeting as he is unable to attend.

LIAISON REPORTS AND COMMENTS:

Trustee Latremore publicly thanked the DPW for a great job putting up the holiday decorations.

Trustee Latremore also informed the Board that Superintendent Dan Trembley has been contacted by the railroad regarding two trees on State Street prohibiting their visibility; Condino Motors and the Superintendent agree. The trees were planted during the State Street project but became the property of the Village. Attorney Gebo added that it's a safety issue. Members agreed to have the trees removed.

Motion by Kathleen Latremore and Seconded by Rebecca Vary to enter Executive Session at 8:02P.M. for the purpose of discussing personnel; a specific person. Motion carried unanimously.

EXECUTIVE SESSION:

Regular session resumed at 8:45P.M.

Motion by Bernard Frezza and Seconded by Rebecca Vary to hire Samuel Capone as a Carthage Police Officer following the successful completion of his physical and agility test as required by Civil Service. Further, Mr. Capone will be on a 1 year probationary period and is required to sign the Village agreement for newly hired Police Officers. Motion carried unanimously.

ADJOURNMENT:

Motion carried to adjourn at 8:46P.M.

Linda M. Weir, Village Clerk