

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
January 17, 2017

ATTENDANCE:

Members: President G. Wayne McIlroy and Deputy President Michael Astafan and Trustees Rebecca Vary, Linda Smith-Spencer and Marco Franchini.

Others: Edgar Countryman, DPW Superintendent; Reginald Huber, Police Chief; Mark Gebo, Village Attorney; Elaine Avallone, Johnson Newspapers; Valerie Snyder; Ken Phillips, CARS.

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 Vary and seconded by Deputy President Astafan to approve the minutes of the December 19, 2016 regular meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

Mr. Phillips stated the Carthage Area Rescue Squad is requesting a letter of support to include with their application to access the Federal Surplus Property Program.

Motion by Deputy President Astafan and seconded by Trustee Franchini authorizing President McIlroy to sign a letter of support for the Carthage Area Rescue Squad to submit with their application to access the Federal Surplus Property Program. Motion carried unanimously.

President McIlroy asked Ms. Snyder if she would like to address the Board regarding the letter she submitted last month regarding a dog park within the Village. Ms. Snyder stated she is responding to the correspondence she received from the Village requesting for her to attend the meeting. President McIlroy suggested that Ms. Snyder form a committee; define the location of the park, keeping in mind the Village has restrictions on dogs in certain areas. Deputy President Astafan expressed the DPW is stretched too thin, therefore there should be a maintenance plan for the area to keep it clean. Ms. Snyder thanked the Board and stated she will get back to them.

President McIlroy asked Mr. Countryman if he was satisfied with the bids received through Auctions International for the surplus equipment. Mr. Countryman stated he was satisfied with the auction results. There was a motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to accept the bids received from Auctions International as follows:

1993 International 4X2 Dump Truck	\$3,550.00
2004 ODB LCT-60C Leaf Collector	\$5,100.00
Tarco Stainless Steel Spreader	\$1,375.00
Viking One Way Plow	\$ 350.00

Motion carried unanimously.

PUBLIC HEARINGS:

President McIlroy called the first public hearing to order to consider an amendment to Chapter A-150 of the Village Code, Village Policies under Article 4, Personnel to add clarification as to entitlement to paid holidays and longevity benefits for full time employees to order at 6:10 p.m. President McIlroy asked three times if there was anyone to speak either for or against the local law. With no one speaking, there was a motion by Trustee Vary and seconded by Trustee Franchini to close the hearing at 6:10 p.m.

Motion by Deputy President Astafan and seconded by Trustee Vary to adopt Local Law #1 of 2017 as follows:

Article 1. - Statement of Authority. The Board of Trustees of the Village of Carthage, pursuant to the authority granted it under Article 4 of the Village 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 Chapter A-150, Article IV of the Village Code as it relates to Personnel Policies needs clarification as to entitlement to paid holidays and longevity benefits for full time employees. It is the purpose of this local law to accomplish the same.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby amends Chapter A150 Article IV, Personnel, and as amended restates the same as follows:

Chapter A150. Village Policies Article IV. Personnel

§ A150-28. Paid holidays.

A. Full-time employees will be paid for the following eight holidays: New Year's Day, Labor Day, Columbus Day, Fourth of July, Memorial Day, Veteran's Day, Thanksgiving Day, and Christmas Day. In addition, the DPW Superintendent, Water Superintendent, Village Clerk's office and the Community Development Director all receive Good Friday afternoon off, beginning at 12:00 p.m., as a paid holiday, the Chief of Police and Sergeant receive the full day off on Good Friday and Easter as paid holidays. When a paid holiday occurs on a Saturday, the previous day (Friday) will be treated as the paid holiday. When a paid holiday occurs on a Sunday, the following day (Monday) will be treated as the paid holiday.

B. In addition, three personal days, selected by the full-time employee, will be paid for. In the event the employee is unable to use any portion of the three days by the end of the current fiscal year, they may be added to his or her accumulation of sick days at the beginning of the new fiscal year.

§ A150- 29. Longevity benefits.

Longevity pay shall be separate and distinct from the full-time employee's regular salary and paid to the employee in a lump sum payment annually with the first payroll in June.

Length of Service With Village	Annual Longevity Payment
o to end of 5th year inclusive	\$0
6th to end of 10th year inclusive	\$350
11th to end of 15th year inclusive	\$700
Over 15 years	\$1,050

A. Longevity payments enjoyed by employees prior to this amendment (January 2, 2001), are to continue. If the level of longevity thus preserved exceeds that as specified above, the longevity level shall remain frozen until such time as the above schedule results in a payment that exceeds the employee's level currently enjoyed. At that time, the employee's longevity payment shall be in accordance with the above-specified schedule.

B. The Chief of Police and Sergeant shall be allowed the same longevity benefits and payment terms offered to union members under the police contract.

C. The DPW Superintendent and Water Superintendent shall be allowed the same benefits and payment terms offered to union members under the DPW Labor Contract.

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.

President McIlroy called the second public hearing to order to consider an amendment to Chapter A-150-3 of the Village Code, to provide for a single meeting of the Village Board each month on the third Monday at 6:12 p.m. President McIlroy asked three times if there was anyone to speak either for or against the local law. With no one speaking, there was a motion by Trustee Vary and seconded by Deputy President Astafan to close the hearing at 6:12 p.m.

Motion by Trustee Vary and seconded by Deputy President Astafan to adopt Local Law #2 of 2017 as follows:

A Local Law to Amend Chapter A150 of the Village Code as it Related to
Board Meeting

Article 1. - Statement of Authority. The Board of Trustees of the Village of Carthage, pursuant to the authority granted it Article 4 of the Village Law and Section 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 the necessity of two meetings a month no longer exists. It is the purpose of this local law to amend Section A150-3 of the Village Code to provide for a single meeting each month.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby amends Section A150-3(a) of the Village of Carthage Code, and as amended restates the same as follows:

A. Regular Meetings of the Village Board will be at six o'clock p.m. on the third Monday of each month, unless waived by resolution the Village Board. In the case of a Monday holiday, the meeting will be held on the next evening, Tuesday.

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.

Mr. Countryman, Mr. Phillips, Ms. Snyder and Ms. Avallone were excused at 6:13 p.m..

EXECUTIVE SESSION:

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to enter Executive Session at 6:13 p.m. to discuss collective bargaining to include Attorney Gebo and Chief Huber.

Motion carried unanimously.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to resume Regular Session at 6:24 p.m. Motion carried unanimously.

Ms. Avallone re-entered the meeting.

Motion by Deputy President Astafan and seconded by Trustee Franchini authorizing President McIlroy to sign the agreement between the Teamsters Local 687 for the Police Department and the Village of Carthage as presented for the June 1, 2016 - May 31, 2019 period. Motion carried unanimously.

Attorney Gebo was excused at 6:25 p.m.

CORRESPONDENCE:

Motion by Deputy President Astafan and seconded by Trustee Franchini to approve the request of Anna Runge to conduct their 33rd Annual *Walk for Life* on Sunday, January, 22, 2017 at 2:00 p.m. following the usual route of the eastbound lane from the Knights of Columbus Hall, West Carthage to St. James Church on State Street in Carthage. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to approve the request for the Carthage Little League to use the Carthage park baseball fields for practice from April 1, 2017 - June 30, 2017 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 Smith-Spencer and seconded by Trustee Franchini to allow the Carthage Area Chamber of Commerce to use the Carthage Park and Recreation Building to set up on Friday, February 10, 2017 for the Annual Winterfest Celebration on Saturday, February 11, 2017 and waive the rental fee. Motion carried unanimously. A certificate of insurance was submitted with the request to use the building.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to appoint G. Wayne McIlroy as the Village of Carthage representative to the Carthage Industrial Development Corporation Board for the three year term January 1, 2017 - December 31, 2020. Motion carried unanimously.

President McIlroy read the correspondence received from NYS Tug Hill Commissions regarding their next meeting at the Constantia Town Hall on Monday, January 23, 2017 at 10:00 a.m. to 11:30 a.m.

President McIlroy stated the correspondence received from the Federal Energy Regulatory Commission regarding Black River Hydro project No. 2569 is for the Boards information.

OLD BUSINESS:

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.

Update 09/19/16: The CEO submitted correspondence stating the property owner is looking into removing the tree and he should have an update at the October 3, 2016 meeting.

Update 10/03/16: President McIlroy stated the CEO informed him that National Grid and Eager Beaver plan to remove the tree on Friday.

Update 10/17/16: President McIlroy asked the Clerk/Treasurer if she spoke with the CEO. The Clerk/Treasurer stated she spoke with the CEO and a portion of the tree has been removed by National Grid and the CEO left a message for the property owner requesting the status of the remaining portion of the tree.

Update 11/07/16: President McIlroy requested the Clerk/Treasurer to hold this over until Attorney Gebo is present at the November 21, 2016 meeting.

Update 11/21/16: President McIlroy expressed that it has been over a month since the CEO has heard from the property owner regarding the removal of the tree. President McIlroy asked Attorney Gebo what the Board's options are and Attorney Gebo expressed they should have an Evidentiary Hearing to give the property owner a chance to voice his concerns. President McIlroy expressed he will get back to Attorney Gebo set a date and time for the hearing.

Update 12/05/16: President McIlroy stated Mr. Countryman contacted Glen Rogers who is an Arborist, to check the health of the tree and he will have a report by the end of the week.

Update 12/19/16: President McIlroy read the report received from Mr. Rogers regarding the health of the tree which he stated is in fair to poor condition. Mr. Ball stated he considers the tree to be dangerous and should be removed immediately. President McIlroy signed an emergency order to remove the dangerous tree.

Update 01/17/17: President McIlroy stated half of the tree has been removed and the contractor anticipates that it will take three more days to completely remove the tree.

At the November 7, 2016 meeting, President McIlroy stated he spoke with the CEO regarding the highlighted changes he would like the Village to make in regard to the Village Code, Chapter 59. Campers, Travel Trailer, Motor Homes, and Recreational Vehicles. President McIlroy requested the Trustees to look it over and further requested the Clerk/Treasurer to hold this over until the November 21, 2016 meeting.

Update 11/21/16: Deputy President Astafan voiced his concerns regarding restricting a permit for campers, travel trailers, motor homes, and recreational vehicles to one per year. President McIlroy requested the Clerk/Treasurer to contact the CEO and request his presence at the next meeting so he can explain his concerns with the current Village Code and answer any of the Board's questions.

Update 12/05/16: Mr. Ball explained the changes he would like the Board to make to Village Code, Chapter 59 which includes limiting the amount of permits granted annually and increasing the penalties for violating the permit. After considerable discussion, the Board requested the Clerk/Treasurer to hold this over until December 19, 2016 when Attorney Gebo is present.

Update 12/19/16: After considerable discussion, Attorney Gebo suggested allowing three permits per year, per parcel, with a limit of one permit per property owner. Attorney Gebo stated he will present a draft of the revised law at the January 17, 2016 meeting.

Update 01/17/17: Deputy President Astafan expressed that the revised law doesn't specify the number of permits each resident is allotted annually and President McIlroy stated he will forward it to Attorney Gebo to include the number of permits to be issued annually.

Motion by Deputy President Astafan and seconded by Trustee Franchini to set a public hearing on February 21, 2017 at 6:10 p.m. to consider the adoption of a local law to amend Chapter 59 of the Village of Carthage Code as the same relates campers, travel trailers, motor homes or recreational vehicles and using the same as long term residences. Motion carried unanimously.

At the December 19, 2016 meeting, the Board declared an emergency to remove the building at 302-306 North Mechanic Street as the structure is severely damaged and unsafe.

Update 01/17/17: President McIlroy stated the building has been knocked down and the debris is currently being removed.

Motion by Trustee Vary and seconded by Deputy President Astafan authorizing the Clerk/Treasurer to transfer funds from the Village Loan Fund to the General Fund for blight for 780 West End Avenue in the amount of \$42,150.00 and further authorize the Clerk/Treasurer to set up the repayment schedule to the Village Loan Fund over the next five years. Motion carried unanimously.

NEW BUSINESS:

Motion by Trustee Franchini and seconded by Trustee Smith-Spencer authorizing the Clerk/Treasurer to close the CDBG checking account at Key Bank which has a zero balance, as the Town of Wilna will be administering the CDBG grants in the future. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to set public hearings on February 21, 2017 at 6:10 p.m. to discuss the Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer System and immediately following, discuss a Local Law regarding Storm Water Management and Erosion and Sediment Control. Motion carried unanimously.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to accept the monthly departmental reports from CEO, Community Development, Court, DPW, Police Department, Water Department, and Treasurer as presented. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Vary to accept the resignation of Brennan Ordway, a part-time Police Officer effective January 22, 2017 with regrets. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer authorizing the Clerk/Treasurer to request a certified list of police officers from Jefferson County Human Resources as the Village has a full-time vacancy and further send the selected candidate to the next police academy which will be offered by the Broome County Sheriff's Department at a cost of \$900.00 to include lodging. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to adopt Resolution 1 of 2017 as follows:

**RESOLUTION WITH REFERENCE TO DESIGNATING ACTING POLICE CHIEF IN THE
ABSENCE OF THE POLICE CHIEF**

WHEREAS, the Village of Carthage has an agreement with the Teamsters Local 687 on behalf of the Police Department employees; and

WHEREAS, the agreement refers to the designation of "Acting Police Chief" should the Police Chief be out on vacation and out of the Village for five (5) or more consecutive days; and

WHEREAS, the agreement states that the "Acting Police Chief" shall be entitled to one half of the difference between the Police Chief's pay and their own wage rate; and

WHEREAS, the Village of Carthage, based on the recommendation of the Police Chief, desires to formally designate an "Acting Police Chief" for the Police Department when the Police Chief is on vacation and out of the Village for five (5) consecutive days;

BE IT RESOLVED as follows:

Acting Police Chief - Samuel Capone

The foregoing resolution was duly adopted unanimously.

President McIlroy requested the Clerk/Treasurer to forward Chief Huber's concerns regarding ATV use in the Village to Attorney Gebo for his recommendation.

Deputy President Astafan and 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 Deputy President Astafan and seconded by Trustee Smith-Spencer to approve payment of payrolls and bills as follows: General Fund \$205,187.19; Special Grant Fund \$6,214.27; Water Fund \$15,554.66; and Sewer Fund \$10,216.69. Motion carried unanimously.

ATTORNEY GEBO:

None.

PRESIDENT MCILROY UPDATE:

President McIlroy stated there will be a meeting tomorrow to provide an update regarding the water infiltration study conducted by BC&A for Metro Paper. President McIlroy stated there will be a Joint Utility Board meeting tomorrow at West Carthage at 4:15 p.m.; a CIDC meeting at the Carthage Municipal Building on January 25, 2017 at 4:00 p.m.; and the Carthage Area Chamber of Commerce will host their annual Winterfest at the Carthage Park on February 11, 2017.

LIAISON REPORTS AND COMMENTS:

None.

MEDIA QUESTIONS:

None.

ADJOURNMENT:

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to adjourn at 6:45 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
Village Clerk/Treasurer