

Regular Meeting of the Village of Carthage Board of Trustees  
Held in the Board Room of the Village of Carthage Municipal Building  
August 21, 2017

**ATTENDANCE:**

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

**Others:** Reginald Huber, Police Chief; Edgar Countryman, DPW Superintendent; Mark Gebo, Village Attorney; David Wolf, DANC; Daniel McBride, Legislator, Kathleen Latremore, Patrick Malowski, WWNY TV; Elaine Avallone, CRT; and twenty-seven fire department representatives.

**CALL TO ORDER:**

President McIlroy called the meeting to order at 6:05 p.m. followed by the Pledge of Allegiance to the Flag.

**APPROVAL OF MINUTES:**

Motion by Trustee Franchini and seconded by Trustee Vary to approve the minutes of the July 17, 2017 regular meeting as presented. Motion carried unanimously.

**PUBLIC FORUM:**

Ms. Latremore complimented the DPW for the trees planted at Long Falls Park. Ms. Latremore expressed her concern for the buildup of trees and debris on the dam by Long Falls Park. President McIlroy stated a letter has been sent to Carthage Specialty Paperboard in the past to clean up the debris and they have not responded. President McIlroy stated he asked the DPW Superintendent to contact a local contractor and obtain a quote to remove the debris in the river.

**CORRESPONDENCE:**

Brian Draper, Assistant Chief of the Carthage Fire Department submitted correspondence stating he wanted to discuss a fire department issue. Mr. Draper introduced representatives from the Carthage Fire Department and surrounding Fire Department organizations. Mr. Draper expressed that he was upset when he read the article in the newspaper that the Village sent a letter to Governor Cuomo requesting him to veto the firefighter's cancer bill. President McIlroy stated the Village received correspondence from the New York Conference of Mayors (NYCOM) who urged municipalities to ask Governor Cuomo veto the bill as it is another unfunded mandate placed upon local municipalities. President McIlroy stated NYCOM is not opposed to the bill, only the unfunded mandates. President McIlroy expressed the Village is not against the Fire Department; only the unfunded mandates placed upon them by the State government and that was the reason for the resolution sent to NYCOM.

After considerable discussion, and testimony from several fire department representatives, there was a motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to rescind Resolution 6 of 2017 In Support of Governor Vetoing Legislation Mandating Local Governments to Provide Volunteer Firefighter Enhanced Cancer Disability Benefits and further send a letter to the Governor stating the Village is in favor of the Volunteer Fire Fighter Enhanced Cancer Disability Benefits but is not in favor of more state unfunded mandates. Motion carried unanimously.

The fire department representatives left the meeting at 6:50 p.m.

**PUBLIC HEARING:**

President McIlroy called the public hearing to order at 6:50 p.m. to consider the adoption of a local law to place a Yield sign at the southwest corner of West End Avenue where it intersects with Alexandria Street. President McIlroy asked three times if there was anyone to speak for or against the local law.

Motion by Trustee Franchini and seconded by Trustee Smith-Spencer to close the hearing at 6:51 p.m.  
Motion carried unanimously.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to adopt Local Law #6 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 the Vehicle and Traffic Law of the State of New York, Article 3 of the Village Law and Sections 10 and 20 of the Municipal Home Rule Law hereby enact as follows:

Article 2. - Statement of Purpose and Findings. The Board of Trustees of the Village of Carthage hereby finds that the intersection of West End Avenue with Alexandria Street in the Village of Carthage has created certain traffic issues. In order to clarify responsibilities of drivers at such intersection, the Board of Trustees feels it would be in the best interest to place a Yield sign on the south-end corner of West End Avenue as it intersects Alexandria Street in the Village of Carthage. It is the purpose of this local to do so.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby amends Section 135-54 of the Village of Carthage Code follows:

	Direction of Travel	Location
Yield Sign on West Avenue	East	At intersection with Alexandria Street

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 affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5. Effective Date. This local law shall take effect upon filing with the New York State Department of State.

Motion carried unanimously.

#### **CORRESPONDENCE:**

Motion by Trustee Franchini and seconded by Deputy President Astafan to approve the request of the request of Cub Scout Pack 39 to use the Carthage Recreation Building free of charge on Monday and Tuesday evenings from September 11, 2017 – June 19, 2018 to hold their meetings. Motion carried unanimously.

Motion by Trustee Franchini and seconded by Trustee Vary to approve the request of Cindy Trombley to have alcoholic beverages at her family reunion at the Carthage Park on Saturday, September 9, 2017 provided no glass containers are used. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Vary to deny the request of Antonucci Law Firm LLP for a waiver of fees for expenses incurred due to a FOIL request because the Board does not feel the information you are requesting will contribute significantly to public understanding of operations of activities of government as the information you requested is for a private individual. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to formally approve the request of Jennie Busch, which was approved via email poll, to host their Annual Block Party on Elm Street on Saturday, August 19, 2017 to include blocking off the street. Motion carried unanimously.

President McIlroy read the thank you card from the Carthage Area Chamber of Commerce regarding the assistance and support received for their Fireworks Festival.

President McIlroy read the correspondence received from Attorney Gebo regarding his intent to close his office on June 30, 2018. President McIlroy stated he is happy for Mark that he is retiring but the Village will miss him.

President McIlroy read the correspondence received from Robert Sligar regarding the Little League Tournament which occurred on July 29, 2017 and July 30, 2017 which was a great success.

President McIlroy stated the Town of Wilna Joint Planning Board minutes dated July 12, 2017 were submitted for the Boards information.

Attorney Gebo stated the petitions to review the tax assessments for Carthage Energy, LLC and Hallmark Operating were submitted to the Board for their information.

The Clerk/Treasurer expressed the Chamber of Commerce submitted a memo regarding vandalism which occurred at the Farmers Market Pavilion. The DPW Superintendent is obtaining quotes to replace the light fixtures which were broken with LED fixtures as the lights can no longer be purchased.

### **OLD BUSINESS:**

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.

Update 02/21/17: President McIlroy stated we are still waiting for the bill from GYMO for the removal of 302-306 North Mechanic Street. Deputy President Astafan stated the vacant property maybe marketable to the surrounding property owners. Attorney Gebo expressed if the costs to remove the building were re-levied on the Village taxes; the new owner would need to negotiate with the Village to remove the lien on the property.

Update 03/20/17: President McIlroy stated all of the expenses have been received and paid for this property in the amount of \$60,932.00. President McIlroy asked Attorney Gebo if he spoke with Jefferson County about the Village acquiring the property and Attorney Gebo stated he will check with the County and report back to the Board. The Board authorized the Clerk/Treasurer to transfer funds from the Village Blight Fund in the amount of \$60,932.00 and further set up a repayment schedule of five years.

Update 04/17/17: Attorney Gebo stated he spoke with the County attorney and a letter was sent requesting the property be turned over to the Village. Since the last meeting, a bill was received from DANC to dispose of the construction debris at the Rodman Landfill in the amount of \$9,743.97 and the Board revised the previous resolution for 302-306 North Mechanic Street to include the additional \$9,743.97 for a total of \$70,675.97 and further authorizes the Clerk/Treasurer to transfer funds from the Village Blight Fund to the General Fund and further set up a repayment schedule of five years.

Update 05/15/17: Attorney Gebo stated Jefferson County removed the property from the tax auction with the intent of turning the property over to the Village. Attorney Gebo further stated that any proceeds received over what the Village spent to remove the buildings on the property need to be turned over to the County.

Update 06/20/17: Attorney Gebo expressed that he is waiting for the paperwork from the County attorney for the property transfer.

Update 07/17/17: Attorney Gebo stated he is still waiting for the paperwork from the County attorney.

Update 08/21/17: Attorney Gebo state he will contact the County attorney regarding the status of this property.

At the June 19, 2017 meeting, the Board reviewed the receipt from the New York State Office of the State Comptroller acknowledging the receipt of the application for the Exclusion of Indebtedness for the Village portion of the sewer treatment project.

Update 08/21/17: The Certificate of Exclusion of the State Comptroller, dated August 2, 2017 and filed in the office of the chief fiscal officer on August 7, 2017 was included for the Boards information.

At the July 17, 2017 meeting, the Board authorized President McIlroy to sign a contract with VEM Food Pantry to provide food items to Village resident so long as they report the number of individuals served.

Update 08/21/17: The VEM Food Pantry Report dated August 14, 2017 was included in the Board packet for the Boards information.

At the July 17, 2017 meeting, the Board approved the request of the Carthage Area Chamber of Commerce for the Holiday Parade to take place on November 11, 2017.

Update 08/21/17: The Village of West Carthage denied the request to host the Holiday Parade on November 11, 2017 as it conflicts with Veterans Day.

Motion by Deputy President Astafan and seconded by Trustee Franchini to host the Annual Holiday Parade on Friday, December 8, 2017 at 6:00 p.m. to commence in the Village of Carthage on Church Street, proceed West onto State Street through to Bridge Street in West Carthage, turning onto South Jefferson Street and ending at Riverbend Park and further authorize the display of fireworks after the parade to include the assistance of the DPW and Police Departments contingent upon receipt of a certificate of insurance for the event. Motion carried unanimously.

#### **NEW BUSINESS:**

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer authorizing President McIlroy to sign an Access and License Agreement with the Development Authority of the North Country to construct a central office within the Municipal Building to provide Fiber Optic services throughout the Carthage community. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Franchini authorizing President McIlroy to sign an agreement with Pivot Employee Assistance Services to provide various employee services to employees and their families. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to approve the Annual Update Document submitted to the New York State Office of the State Comptroller on July 28, 2017. Motion carried unanimously.

Motion by Trustee Franchini and seconded by Deputy President Astafan to approve the Agreed Upon Procedures performed by Stackel & Navarra, CPA. Motion carried unanimously

The Board reviewed the water shut off list dated August 3, 2017.

Motion by Trustee Franchini and seconded by Trustee Smith-Spencer to approve a budget transfer from AA.8170.4720 Dirt, Clay, Sandmix to AA.8170.2000 Equipment Over \$2,500.00 to cover the additional amount needed to cover the cost of the 20 Foot Deck Over Trailer for the DPW. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to adopt Resolution 7 of 2017 as follows:

## **RESOLUTION FOR REVIEW OF VILLAGE JUSTICE COURT RECORDS**

**WHEREAS**, Section 2019-a of the Uniform Justice Court Act requires that Village Justices annually provide their court records and dockets to their respective Village auditing boards and that such records then be examined or audited and that fact be entered into the minutes of the board's proceedings; and

**WHEREAS**, the Unified Court System's *Action Plan for the Justice Courts*, announced November 2006, includes initiatives to improve accountability and controls over Justice Court finances and records to include increased monitoring of Village Board compliance with Section 2019-a;

**NOW THEREFORE BE IT RESOLVED**, the Village of Carthage enlisted Stackel & Navarra, CPA PC to examine their Village Justice Court records for fiscal year 2017 as required by the State of New York Unified Court System.

The foregoing resolution was duly adopted unanimously.

The Clerk/Treasurer stated only one bid was received on time for the main entrance replacements for the Municipal Building and it exceeded the budget amount.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to reject the bid received for the main entrance replacements for the Municipal Building and further, authorize the Clerk/Treasurer to re-bid the project. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Franchini authorizing the Clerk/Treasurer to advertise for bids to repair Guyot's Island banks which were damaged during the 2014 floods. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Franchini, based on the recommendation of the Clerk/Treasurer, to hire Aarika Borisevic as a part-time Front Desk Clerk at the rate of \$10.50 per hour effective August 22, 2017, and further increase the hourly rate to \$11.00 per hour after a favorable evaluation. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Deputy President Astafan to accept the Monthly Departmental Reports as presented by the Court, DPW, Treasurer, and Water. Motion carried unanimously. The CEO, Community Development, and Police reports were not submitted.

Deputy President Astafan and Trustee Smith-Spencer reviewed the monthly bills and bank statements including reconciliations prior to the meeting. Deputy President Astafan expressed there is over \$6,000.00 of bills for busing for the Summer Recreation Program. The Clerk/Treasurer expressed Pratt Northam provided a grant to the Village for transportation for the Summer Recreation Program and the Assistant Recreation Director position in the amount of \$8,000.00. The documents were available at the meeting.

Motion by Trustee Smith-Spencer and seconded by Deputy President Astafan to approve payment of payrolls and bills as follows: General Fund \$141,988.37; Special Grant Fund \$198.74; Water Fund \$19,567.77; and Sewer Fund \$71,269.81. Motion carried unanimously.

### **ATTORNEY GEBO:**

Attorney Gebo requested an Executive Session to discuss a pending litigation.

### **PRESIDENT MCILROY UPDATE:**

None.

### **LIAISON REPORTS AND COMMENTS:**

None.

**MEDIA QUESTIONS:**

Ms. Avallone stated she will follow up with the Clerk/Treasurer tomorrow for clarification on items discussed throughout the meeting.

**EXECUTIVE SESSION:**

Motion by Trustee Franchini and seconded by Trustee Smith-Spencer to enter Executive Session at 7:43 p.m. to discuss a pending litigation to include Chief Huber. Motion carried unanimously.

Motion by Trustee Franchini and seconded by Trustee Smith-Spencer to resume Regular Session at 8:00 p.m. Motion carried unanimously.

**ADJOURNMENT:**

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to adjourn at 8:00 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy  
Village Clerk/Treasurer