

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
June 17, 2013

ATTENDANCE:

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

Others: Samuel Capone, Village Police Officer; and Elaine Avallone, Johnsons Newspapers.

CALL TO ORDER:

President McIlroy called the meeting to order at 7:05 p.m. followed by the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES:

Motion by Trustee Latremore and seconded by Deputy President Astafan to approve the minutes of the June 3, 2013 regular meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

None.

CORRESPONDENCE:

President McIlroy read the letter received from Community Action Planning Council of Jefferson County, Inc. regarding the Summer Food Service Program Kickoff on Wednesday, June 26, 2013 from 10:00 a.m. until 2:00 p.m. at the Carthage Recreation Park and encouraged the Trustees to attend.

President McIlroy read the correspondence from NYS Tug Hill Commission regarding the meeting on Tuesday, June 18, 2013 at 6:30 p.m. at the Lowville Town Offices in Lowville to discuss a possible project regarding the railroad from Lyons Falls to Glenfield, and from Lowville to Croghan and Carthage, as well as sidewalks in Lyons Falls and some trail improvements at the Lewis County Fairgrounds. Due to a conflict, President McIlroy is unable to attend but encouraged the Trustees to attend.

President McIlroy read the invitation from MRB Group to partake in a Luncheon roundtable discussion titled "Staying One Step Ahead: Capitalizing on Municipal Efficiency", on June 20, 2013 at 12:30 p.m., at Savory Downtown in Watertown.

President McIlroy read the notice from the State of New York Public Service Commission who is seeking additional comments regarding area code relief for the 315 area code.

OLD BUSINESS:

On January 7, 2012, President McIlroy requested the Clerk/Treasurer to add the Water Superintendent Report regarding Village forest property.

Update 01/22/13: President McIlroy requested that the Trustees review the material and decide if they are interested in leasing the property.

Update 02/19/13: After considerable discussion regarding the potential liability to the Village of Carthage regarding leasing the Village forest property;

Motion by Trustee Latremore and seconded by Trustee Vary to have Mr. Prievo proceed with his research of the pros and cons to leasing the Village forest property. Motion carried unanimously.

Update 03/04/13: No action was taken therefore President McIlroy requested the Clerk/Treasurer to hold this until the March 18, 2013 regular meeting.

Update 03/18/13: Deputy President Astafan showed the board members the maps of the Village forest property and requested the Clerk/Treasurer to email the directions provided by Mr. Prievo to all of the board members. No action was taken therefore President McIlroy requested the Clerk/Treasurer to hold this until the April 1, 2013 regular meeting.

Update 04/01/13: No action was taken therefore President McIlroy requested the Clerk/Treasurer to hold this until the April 15, 2013 regular meeting.

Update 04/15/13: No action was taken therefore President McIlroy requested the Clerk/Treasurer to hold this until the May 6, 2013 regular meeting.

Update 05/06/13: President McIlroy requested the Clerk/Treasurer to have Mr. Prievo attend the May 20, 2013 regular meeting to resolve this matter.

Update 05/20/13: Mr. Prievo stated he continues to research this issue and is in the process of drafting a lease document to present to Attorney Gebo. No action was taken therefore President McIlroy requested the Clerk/Treasurer to hold this until the June 3, 2013 regular meeting.

Update 06/03/13: No action was taken therefore President McIlroy requested the Clerk/Treasurer to hold this until the June 17, 2013 regular meeting.

Update 06/17/13: Deputy President Astafan asked if there was a timeline of when the board would receive information from Mr. Prievo as this has been on the agenda for quite sometime. President McIlroy asked Trustee Smith-Spencer to speak with Mr. Prievo to see if he had the property lease document drafted.

On April 17, 2013, at the Joint Utility meeting, The Village of West Carthage Mayor, Scott Burto, forwarded a letter to the Village of Carthage members of the Joint Utility Board requesting to re-evaluate the existing Wastewater IMA between the two Villages. The letter stated that the original agreement was based on percentage of use and since the closing of Fort James, the users have dramatically changed and requested that the composition of the Wastewater Board members change to increase the representation of the Village of West Carthage members.

Update 05/06/13: After a general discussion, the consensus of the board was to hold this issue until the next Joint Utility meeting on May 15, 2013 to discuss the proposition with the Village of West Carthage members.

Update 05/20/13: Only one West Carthage member was available to discuss this issue at the Joint Utility meeting on May 15, 2013 so no action was taken therefore President McIlroy requested the Clerk/Treasurer to hold this issue until the next Joint Utility meeting on June 19, 2013.

Update 06/17/13: President McIlroy stated he reviewed past WPCF minutes which state Climax was denied voting rights on the board. President McIlroy stated he doesn't feel we need to change the IMA at this time and Deputy President Astafan is doing an excellent job as Chairman of the Wastewater Board and he is confident in his abilities. Deputy President Astafan had Attorney Gebo review the agreement and shared his legal opinion with all Wastewater Board members which stated there was no legal reason to change the current set up. President McIlroy stated that he could not remember a time when the Village of Carthage used their extra person to out vote the Village of West Carthage. Trustee Smith-Spencer and Trustee Vary stated they were not in favor of a change and West Carthage Members typically do not all attend and have a tendency to leave the meetings early.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to request the Clerk/Treasurer to send a letter to Mayor Burto stating after reviewing and discussing the IMA that there is no need to change the agreement at this time. Motion carried unanimously.

On June 3, 2013, Erik Thorsteen stated he resides in an apartment complex at 620 South Washington Street and it has several structural, electrical, and mold issues. He contacted Robert Ball, CEO who did an inspection of the property in June of 2012 and Mr. Thorsteen stated Mr. Ball has not addressed the above listed issues. Mr. Thorsteen read the letter sent to him by Mr. Ball dated May 29, 2013 which stated he did not find any major structural damages but he did notice that repairs could have been completed in a more professional manner. Mr. Thorsteen has contacted other agencies which includes the NYS Codes Division, USDA, and Congressman Bill Owens office and stated no one is responding to his concerns. President McIlroy stated Mr. Ball and the USDA both responded to his concerns in writing to him. After considerable discussion, President McIlroy stated he would go to the apartment complex with Mr. Ball to view the issues brought by Mr. Thorsteen. Mr. Thorsteen stated he received a letter from management at the apartment complex which stated there will be an inspection of the property and President McIlroy requested a copy of the letter.

Update 06/17/13: President McIlroy stated that he and Robert Ball, CEO were unable to set up a time to view the apartment complex due to multiple conflicts. The Clerk/Treasurer spoke with the management company, Two Plus Four Management, who stated the inspection of the property is to assess the capital improvement needs of the property due to their receipt of a USDA Grant for capital improvements. Deputy President Astafan stated he reviewed the photos provided by Mr. Thorsteen and did see evidence of mold but could not confirm if it had been removed. Two Plus Four Management stated they intend to conduct a mold inspection of Mr. Thorsteen's apartment in the future. President McIlroy requested the Clerk/Treasurer to remove this item from the agenda.

On June 3, 2013, President McIlroy read the letter from NYSDEC regarding the Municipal Separate Storm Sewer System Automatic Designation which requires a response from the Village by November 18, 2013. President McIlroy hopes to learn more about the designation at the Watershed Conference on June 4, 2013 and requested the Clerk/Treasurer to hold this issue until the June 17, 2013 regular meeting.

Update 06/17/13: President McIlroy stated the response to the Separate Storm System Automatic Designation needs to include how the Village will notify the public of the Storm Sewers to include marking the storm drains and mapping the system using the GPS. President McIlroy requested the Clerk/Treasurer to hold this issue until the next regular meeting to allow time to learn more information regarding this requirement.

Motion by Trustee Latremore and seconded by Trustee Vary to authorize payment to Jeff's Landscaping in the amount of \$228.00 to replace the GPS motors in the Village clock on State Street. Motion carried unanimously.

NEW BUSINESS:

Motion by Trustee Latremore and seconded by Trustee Vary to approve CDBG 2011 Draw #17 payable to Rose Bezanilla and DLO Contracting \$15,365.00; Romona Heesh and J. Scoville S.J.S. Builders \$5,025.00; and Joanne Dickinson and ACES Archers Contracting and Electric Service \$6,930.00. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to approve CDBG 2012 Draw #1 payable to Avalon Associates, Inc. \$15,000.00.

Motion by Trustee Vary and seconded by Deputy President Astafan the foregoing resolution number 9 of 2013 was duly adopted:

**RESOLUTION WITH REFERENCE TO AUTHORIZING A CONTRACT WITH
R-FACTOR SPRAY FOAM INSULATION FOR HOUSING REHABILITATION
PROGRAM ENERGY AUDIT SERVICES**

WHEREAS, the Village of Carthage 2012 CDBG Program includes a Green Rehabilitation Plan that outlines actions to be taken to improve energy efficiency as part of the Village's housing rehabilitation program; and

WHEREAS, an "energy audit" must be conducted by a contractor who has been certified by the Building Performance Institute (BPI); and

WHEREAS, Avalon Associates plans to contract with a private company that is qualified to perform these energy audits which will be paid for with funds that are available in the Village's CDBG; and

WHEREAS, a Request for Proposals (RFP) was prepared in March and distributed to twelve companies that were identified from the BPI web site and three Companies submitted proposals including R-Factor Spray Insulation of Chaumont, Energy & Insulation Solutions of Fineview, and Action Energy Consultants of Syracuse; and

WHEREAS, Avalon Associates, Inc has completed its review of the proposals (which is on file in the Village Clerks Office) and has recommended selection of R-Factor Spray Foam Insulation to provide these services.

BE IT RESOLVED as follows:

SECTION 1. R-Factor Spray Foam Insulation is hereby selected to perform energy audit services for the rehabilitation activities that will be completed with the CDBG funding from Program Year 2012.

SECTION 2. That the Village of Carthage President, or in his absence, the Deputy President is hereby authorized to make, execute, seal and deliver, any and all contracts, certifications, administrative documents, and agreements necessary to effectuate this action.

SECTION 3. That the within resolution shall take effect immediately.

Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer the foregoing resolution number 10 of 2013 was duly adopted:

**RESOLUTION WITH REFERENCE TO AUTHORIZING A CONTRACT WITH LEAD
SAFE, LLC. FOR HOUSING REHABILITATION PROGRAM LEAD-BASED PAINT
RISK ASSESSMENT SERVICES**

WHEREAS, the U. S. Department of Housing and Urban Development (HUD) requires that lead-based paint hazards found in homes must be addressed as part of CDBG housing rehabilitation assistance; and

WHEREAS, a “risk assessment” must be conducted by a certified risk assessor who has been licensed by the U. S. Environmental Protection Agency to identify lead-based paint hazards that will be addressed as part of each project; and

WHEREAS, Avalon Associates plans to contract with a private company that is qualified to perform these risk assessments which will be paid for with funds that are available in the Village’s CDBG; and

WHEREAS, a Request for Proposals (RFP) was prepared in March and distributed to four companies and individuals in the area who are qualified to provide the lead-based paint “risk assessments” and two Companies submitted proposals including Lead Safe LLC and GYMO, P.C.; and

WHEREAS, Avalon Associates, Inc has completed its review of the proposals (which is on file in the Village Clerks Office) and has recommended selection of Lead Safe, LLC to provide these services.

BE IT RESOLVED as follows:

SECTION 1. Lead Safe LLC is hereby selected to perform lead-based paint risk assessments for the rehabilitation activities that will be completed with the CDBG funding from Program Year 2012.

SECTION 2. That the Village of Carthage President, or in his absence, the Vice-President is hereby authorized to make, execute, seal and deliver, any and all contracts, certifications, administrative documents, and agreements necessary to effectuate this action.

SECTION 3. That the within resolution shall take effect immediately.

Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Latremore to set a public hearing on July 15, 2013 at 7:10 p.m. to consider an application for CDBG 2013 joint with the Village of West Carthage and the Towns of Wilna and Champion. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary authorizing President McIlroy to sign the Worksite Sponsor Agency agreement with Jefferson County Department of Social Services to provide work experience activities to recipients of TANF, Safety Net, and/or SNAP programs. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to authorize Computel Consultants to proceed with the Electric Utility Audit and file a claim with National Grid on behalf of the Village of Carthage. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to authorize Computel Consultants to proceed with the Cable Utility Audit and file a claim with Time Warner Cable on behalf of the Village of Carthage. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Deputy President Astafan to forward the request for a zoning amendment for the Braman property from industrial to R-3 to the Planning Board. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary to authorize payment for unused sick time as follows: Samuel Capone \$281.25; Reginald Huber \$225.00; Ernest Priervo \$210.00; Daniel Trembley \$180.00; and Wendy Oliver \$144.45. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Deputy President Astafan to permit Daniel Trembley, DPW Superintendent to use half of the funds allocated for new trash cans and liners \$1,336.50, to purchase new tables and chairs for the Recreation Building. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Deputy President Astafan to close the Clerk's Office on Friday, July 5, 2013 and permit the employees to use personal and/or vacation time to account for the day. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Latremore to authorize the Clerk/Treasurer to change all Village accounts from US Gas and Electric to National Grid if the rates are more favorable. Motion carried unanimously.

The CEO report was reviewed and there were no questions.

The Treasurers Report was reviewed and there were no questions. The General Fund cash balance is \$1,298,947.35 with Reserves of \$164,113.66; Water Fund cash balance is \$244,379.67 with Reserves of \$172,466.73 and the Sewer Fund cash balance is \$128,656.33 with Reserves of \$74,592.96 the Joint Fund cash balance is \$111,461.91 with Reserves of \$381,025.97.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to approve payment of payrolls and bills as follows: General Fund P/R 06/06/13 and 06/13/13 \$24,679.10; Water Fund P/R 06/06/13 and 06/13/13 \$3,889.32; Sewer Fund P/R 06/06/13 and 06/13/13 \$74,793.00; Joint Fund P/R 06/13/13 \$9,103.36. General Fund Abstracts \$13,094.33; Water Fund Abstracts \$0; Sewer Fund Abstracts \$74,793.00; and Joint Fund Abstracts \$0. Motion carried unanimously.

PRESIDENT McILROY UPDATE:

President McIlroy asked Attorney Gebo if the EDCC was dissolved yet and Attorney Gebo stated there were some complications but it should be dissolved in the near future. President McIlroy stated the DPW is still working on the lights at Monument Park and he is working with the DPW Superintendent regarding sewer hookups on West End Avenue. President McIlroy asked Attorney Gebo if residents are required to hook into the Village sewer system if they have a private septic system and Attorney Gebo responded that according to the Village Sewer Use Law that all residents are required to connect if it is available to them. President McIlroy stated Village residents now have the ability to view the status of their tax bills back to the 2006 tax year at www.egov.basgov.com/carthage. The Clerk/Treasurer provided the board with the website link and a brief overview of the web page. President McIlroy was approached by the Pop Warner Football organization and they were very upset that they were not included in the Village budget.

After considerable discussion there was a motion by President McIlroy and seconded by Deputy President Astafan to donate \$500.00 to the Carthage Bears Pop Warner Football organization to be used for safety equipment. Motion carried unanimously.

President McIlroy stated there will be a Joint Utility Board meeting on June 19, 2013 at 4:15 p.m. at the Village of Carthage Municipal Building. President McIlroy reminded the board that the next regular board meeting will be July 15, 2013 as they only meet once in July and August.

ATTORNEY GEBO UPDATE:

Attorney Gebo stated he will need an Executive Session to discuss a collective bargaining agreement. Attorney Gebo stated he received notice from NYCOM regarding the requirement from the Secretary of State to appoint a designee for Notice of Claims of which needs to be completed by July 15, 2013.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer the foregoing resolution number 11 of 2013 was duly adopted:

RECEIVER OF NOTICE OF CLAIMS

WHEREAS, General Municipal Law, §53 requires Villages to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the Village's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for filing of a notice of claim upon a Village is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Carthage, County of Jefferson designates Kristy O'Shaughnessy, Village Clerk/Treasurer in her capacity as Village Clerk/Treasurer to receive notices of claims served upon the Secretary of State by mail at 120 South Mechanic Street, Carthage, New York 13619 and email at cny13619@nynymail.com.

BE IT FURTHER RESOLVED, that the Village Board hereby directs the Village Clerk/Treasurer to file the required certificate with the Secretary of State informing him or her of the Village's designation and applicable time limitation for filing a notice of claim with the Village on or before July 14, 2013.

Motion carried unanimously.

LIAISON REPORTS AND COMMENTS:

Deputy President Astafan requested an Executive Session to discuss the employment history of a particular person.

Trustee Vary stated she will be unable to attend the Joint Utility meeting due to a doctor's appointment.

MEDIA QUESTIONS:

Ms. Avallone requested clarification for items discussed throughout the meeting.

EXECUTIVE SESSION:

Motion by Trustee Latremore and seconded by Trustee Vary to enter Executive Session at 8:10 p.m. to discuss one collective bargaining unit and the employment history of a particular person. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to resume Regular Session at 8:40 p.m. Motion carried unanimously.

ADJOURNMENT:

Motion by Trustee Vary and seconded by Deputy President Astafan to adjourn at 8:40 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy L. O'Shaughnessy
Village Clerk/Treasurer