

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Village of Carthage Municipal Building
August 20, 2018

ATTENDANCE:

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

Others: Joseph Russell, Village Attorney; Reginald Huber, Police Chief; Edgar Countryman, DPW Superintendent; Elaine Avallone, Johnson Newspapers; Raymond Williams and Barry Cummings, Cub Scout Pack 39; Tom and Sabra Atkins; and Tamara Miller.

CALL TO ORDER:

President McIlroy called the meeting to order at 6:00 p.m. followed 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 July 16, 2018 regular meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

Mr. Williams explained the correspondence submitted requesting use of the Recreation Building on Monday and Tuesday evenings from September 2018 through June 2019. President McIlroy expressed there was some confusion when the Scouts requested to use the building for an overnight camp out as the building was rented during the time period the Scouts wanted to use it. Mr. Williams expressed that a Scout leader approached the building renters and requested to use the bathrooms of which they were given permission. Mr. Williams further expressed that they did not end up using the bathrooms because the event was cancelled because no one showed up. President McIlroy told Mr. Williams that they will need to obtain a key to the Recreation Building from the Clerk's Office in the future to avoid any future scheduling conflicts.

Motion by Deputy President Astafan and seconded by Trustee Vary to permit Cub Scout Pack 39 to use the Recreation Building at no charge, to hold their meetings on Monday and Tuesday evenings from September 11, 2018 through June 18, 2019. Motion carried unanimously.

Mr. Williams and Mr. Cummings left at 6:05 p.m.

Ms. Miller expressed that her taxes are too high. President McIlroy expressed that Village taxes are comparable with other surrounding villages. Ms. Miller stated she is not just talking about Village taxes, she mentioned school taxes and town, county and fire district taxes. President McIlroy stated the Village Board works very hard to keep Village tax rates down. Mr. Atkins explained that he feels his neighbor is referring to her property assessment. President McIlroy stated property assessments are set by the Town of Wilna and she will need to address her concerns with the Town Assessor.

CORRESPONDENCE:

Mr. Atkins explained the letter he submitted regarding his property at 509 John Street. Mr. Atkins concerns are: unregistered vehicles at 617 Alexandria Street; property is over assessed by thirty percent; no laws on books for running loud ATVs, dirt bikes, and go carts in yard and Village Streets; fines not high enough to deter unlicensed ATVs from driving on Village Streets; and an abundance of feral cats throughout the neighborhood. Mr. Atkins also read and submitted letters from prior renters of his property who moved from his property due to the issues Mr. Atkins expressed. President McIlroy reiterated that the Village Board does not set nor control property assessments. President McIlroy

agreed that ATVs and feral cats have been an issue throughout the Village from time to time. Deputy President Astafan stated he has experienced the same issues at his property. Chief Huber encouraged residents to call the police when they experience an issue with an ATV and further requested the Board to send a letter to the Jefferson County District Attorney's office requesting they no longer plea bargaining tickets written by police for ATV infractions.

After considerable discussion, there was a motion by Deputy President Astafan and seconded by Trustee Vary to send a letter to the Jefferson County District Attorney's Office requesting that they no longer plea bargain tickets written by Village Police Officers for ATV infractions. Motion carried unanimously.

Mr. Atkins, Ms. Atkins, and Ms. Miller left at 6:50 p.m.

President McIlroy read the correspondence submitted by Becky Marine regarding the condition of two trees at her residence at 305 South Clinton Street.

Motion by Trustee Franchini and seconded by Trustee Vary, based on the recommendation of the DPW Superintendent, to have a contractor remove one tree and trim another at 305 South Clinton Street. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Vary to approve the request of Cindy Trombly to have alcohol at her event at the Recreation Building on Saturday, September 8, 2018 providing no glass containers are used. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Vary to deny the request from Carthage Pop Warner Football for sponsorship for the 2018 season as the item was not included in the budget and further, in the past, the Village budgeted and paid for equipment for the kids not a sponsorship for advertising. Motion carried unanimously.

President McIlroy read the correspondence from Jefferson County Fire and Emergency Management regarding a new Interoperable Public Safety Radio system for Jefferson County. Jefferson County will furnish the Village with two patrol car radios and two portable radios to include installation. Chief Huber stated he would like three more portable radios and will need a new radio for the police station. Chief Huber called Mr. Plummer who stated the Village will receive a fifteen to twenty-five percent discount if we order prior to December 1, 2018. President McIlroy asked Chief Huber to obtain a price quote for the equipment and further requested the Clerk/Treasurer to hold this over until the September 17, 2018 meeting.

President McIlroy read the thank you card received from the Carthage Area Chamber of Commerce for the Village's assistance with the Fireworks Festival.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to accept Carthage Lodge No 1762 BPOE liquor license renew form received via certified mail on July 17, 2018. Motion carried unanimously.

President McIlroy read the correspondence received from American Legion Unit 789 highlighting the accomplishments of the Honor Flight Program.

President McIlroy read the correspondence received from the Carthage Area Chamber of Commerce which summarized Chamber activities for 2017.

President McIlroy stated the RACOG minutes from the August 2, 2018 meeting are included in the meeting packet for the Boards information.

OLD BUSINESS:

At the March 19, 2018 meeting the Board requested Deputy President Astafan to appraise 302-306 North Mechanic Street at no charge to the Village.

Update 04/19/18: President McIlroy requested the Clerk/Treasurer to hold this over until the May 21, 2018 meeting.

Update 05/21/18: President McIlroy requested the Clerk/Treasurer to hold this over until the June 18, 2018 meeting.

Update 06/18/18: President McIlroy requested the Clerk/Treasurer to hold this over until the July 16, 2018 meeting.

Update 07/16/18: President McIlroy requested the Clerk/Treasurer to hold this over until the August 20, 2018 meeting.

Update 08/20/18: President McIlroy requested the Clerk/Treasurer to hold this over until the September 17, 2018 meeting.

At the May 21, 2018 meeting, the Board requested that Attorney Gebo send correspondence to Metro Paper Industries of NY, Inc. requesting that they block the industrial sewer line to stop the inflow and infiltration from going to the sewer treatment plant.

Update 06/18/18: President McIlroy stated a response has not been received from Metro Paper Industries of NY, Inc. and he intends to discuss this at the WPCF meeting on Wednesday.

Update 07/16/18: President McIlroy requested the Clerk/Treasurer to hold this over until the August 20, 2018 meeting.

Update 08/20/18: President McIlroy requested the Clerk/Treasurer to remove this item from the agenda.

At the July 16, 2018 meeting, the Board read the memo from the DPW Superintending regarding an eighteen inch galvanized drain pipe which runs under a driveway and garage on 309 South Washington Street. The property owners contacted the DPW Superintendent and asked if he could remove the drain pipe and repair their driveway and garage floor and Attorney Russell stated he does not believe that it is the Villages responsibility as the garage and driveway was built over the pipe. President McIlroy requested the Clerk/Treasurer to contact the CEO to see if a building permit was obtained to build the garage in 1976 and further to hold this over until the August 20, 2018 meeting.

Update 08/20/18: President McIlroy stated the CEO researched his records and discovered the garage was built in 1976 which was prior to zoning and code enforcement was adopted and enforced in the Village of Carthage.

Motion by Trustee Franchini and seconded by Deputy President Astafan to send a letter to the property owners at 309 South Washington Street informing them that the DPW will re-route the drainage pipe around their property and further inform them that the Village is not responsible to repair driveway and garage floor. Motion carried unanimously.

At the July 16, 2018 meeting, Attorney Russell stated he was working on agreements for the Buckley Building parking and sewer use by Whispering Woods and should have them available at the next meeting.

Update 08/20/18: Attorney Russell forwarded the agreements to the Board for their consideration.

Motion by Deputy President Astafan and seconded by Trustee Vary authorizing President McIlroy to sign the Parking Agreement with North Country Apartments LLC for twenty-four reserved parking spaces the Buckley Building at an annual cost of \$1,730.00 plus an annual adjustment based on the

previous year Consumer Price Index to commence August 1, 2018 for a period of twenty years with the option to renew for an additional twenty years. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Vary authorizing President McIlroy to sign an agreement with Theodore Freund to accept wastewater from Whispering Woods LP at the Village's outside sewer user rate to commence August 20, 2018 for a period of five years with the option of the agreement automatically renewing for an additional five year period. Motion carried unanimously.

At the July 16, 2018 meeting, the Board authorized Chief Huber to arrest Arthur McCall for taking down a tree in front of his residence at 516 Francis Street and further charge him for cleanup of the brush.

Update 08/20/18: Chief Huber consulted with Attorney Russell and felt it was not in the Village's best interest to arrest Mr. McCall. President McIlroy showed the Board a picture of gravel which was placed in place of the tree of which Mr. McCall referred to as landscaping. President McIlroy requested Attorney Russell to contact the CEO and pursue a lawsuit against Mr. McCall to seek damages for the tree removal.

NEW BUSINESS:

Motion by Trustee Smith-Spencer and seconded by Trustee Franchini authorizing President McIlroy to sign the annual agreement for the period June 1, 2018 – May 31, 2019 with the Carthage Food Pantry in the amount of \$1,000.00 to provide food services to the community. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer authorizing President McIlroy to sign the annual agreement for the period August 1, 2018 – July 31, 2019 with the Carthage Free Library in the amount of \$6,000.00 to provide library privileges to the community. Motion carried unanimously.

Motion by Trustee Franchini and seconded by Trustee Vary authorizing President McIlroy to sign the annual agreement for the period July 1, 2018 – June 30, 2019 with the Wilna-Champion Transportation Association, Inc. in the amount of \$6,000.00 to provide shuttle bus services to the community. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer authorizing payment from the Village Loan Fund in the amount of \$5,000.00 to the Carthage Area Chamber of Commerce to fund 2018 activities as listed in the agreement. Motion carried unanimously.

Motion by Trustee Franchini and seconded by Trustee Vary authorizing President McIlroy to sign the annual agreement for the period June 1, 2018 – May 31, 2019 with the Basset-Baxter American Legion Auxiliary in the amount of \$700.00 to assist in offsetting costs of Honor Flights for veterans of the greater Carthage area. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Vary authorizing President McIlroy to sign the annual agreement for the period September 1, 2018 - August 31, 2019 with PIVOT to provide employee assistance services to employees in the amount of \$400.00. Motion carried unanimously.

President McIlroy stated the water shut off list as of August 1, 2018 is included for the Boards information.

Motion by Trustee Smith-Spencer and seconded by Deputy President Astafan to approve the annual Agreed Upon Procedures for the fiscal year June 1, 2017 - May 31, 2018 as presented by Stackel & Navarra, CPA, PC. Motion carried unanimously.

Motion by Trustee Franchini and seconded by Deputy President Astafan to acknowledge filing the Annual Update Document for the fiscal year June 1, 2017 - May 31, 2018 with the Office of the State Comptroller on July 27, 2018. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to adopt Resolution 4 of 2018 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 2018 as required by the State of New York Unified Court System.

The foregoing resolution was duly adopted unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer authorizing the Clerk/Treasurer to attend New York Conference of Mayors Fall Training School in Lake Placid from September 25, 2018 - September 27, 2018 to include conference, lodging, meals and mileage expense costs and reimbursements not to exceed \$1,100.00. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Vary authorizing Nathan Eisel and Michael Higman to attend a Sexual Assault Conference in Albany from October 15, 2018 - October 17, 2018 to include lodging, meals and mileage expense costs and reimbursements not to exceed \$600.00. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary authorizing Samuel Capone and Nathan Eisel to attend DWI Documentation and Testimony course in Cortland County on October 25, 2018 to include meal expense costs not to exceed \$150.00. Motion carried unanimously.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer authorizing to send Reginald Huber and Michael Mullins to Oneida County to attend New York Law Enforcement Officers and the Law seminar on November 7, 2018 to include meal expense costs not to exceed \$150.00. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Deputy President Astafan to have Attorney Russell draft a local law to not permit parking between the curb and sidewalks throughout the Village. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Vary to accept the monthly Departmental Reports as presented by the DPW, Police, Treasurer, and Water. The CEO and Court reports were not submitted. Motion carried unanimously.

Deputy President Astafan and Trustee Smith-Spencer reviewed the monthly bills and bank statements including reconciliations prior to the meeting. The documents were available at the meeting.

Motion by Deputy President Astafan and seconded by Trustee Vary to approve payment of payrolls and bills as follows: General Fund \$199,275.85; Special Grant Fund \$5,323.46; Water Fund \$42,166.00; and Sewer Fund \$111,370.82. Motion carried unanimously.

ATTORNEY RUSSELL:

Attorney Russell requested an Executive Session to discuss a potential litigation.

PRESIDENT MCILROY UPDATE:

President McIlroy asked Attorney Russell if the CIDC attorney contacted him regarding the fuel spill at 252 State Street and Attorney Russell stated he has not. President McIlroy stated the Democratic Caucus will be at the American Legion on August 23, 2018 at 6:00 p.m.; CIDC meeting on August 29, 2018 at 4:00 p.m. at the Town of Wilna; and the Primary is September 13, 2018. President McIlroy requested an Executive Session to discuss the employment history of two particular DPW employees.

LIAISON REPORTS AND COMMENTS:

Deputy President Astafan requested an Executive Session to discuss one particular DPW employee and expressed that it may be the same employee President McIlroy referenced.

MEDIA QUESTIONS:

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

EXECUTIVE SESSION:

Motion by Trustee Franchini and seconded by Trustee Smith-Spencer to enter Executive Session at 7:20 p.m. to discuss a potential litigation and the employment history of two particular DPW employees to include Mr. Countryman. Motion carried unanimously.

Motion by Trustee Franchini and seconded by Trustee Smith-Spencer to resume Regular Session at 7:44 p.m. Motion carried unanimously.

Motion by Trustee Franchini and seconded by Trustee Smith-Spencer to give Brian Johnson one day off without pay as a form of disciplinary action due to an event which occurred on August 15, 2018. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to appoint Mark Oliver to Working Foreperson effective August 20, 2018, to include a six month probationary period at a rate of \$18.33 which will increase to \$18.83 following a favorable evaluation. Motion carried unanimously.

ADJOURNMENT:

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to adjourn at 7:45 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
Village Clerk/Treasurer