

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Village of Carthage Municipal Building
October 15, 2018

ATTENDANCE:

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

Others: Joseph Russell, Village Attorney; Reginald Huber, Police Chief; Edgar Countryman, DPW Superintendent; Elaine Avallone, Johnson Newspapers; Mickey Dietrich, Tug Hill Commissions; Dan McBride, Jefferson County Legislators; Bill and Barbara Blunden, George McBride, Mary Sherman and three Participation in Government students.

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 Franchini and seconded by Trustee Smith-Spencer to approve the minutes of the September 17, 2018 regular meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

Ms. Sherman voiced her flooding concerns due to the creek which runs near her property. She stated that it is over grown and a downed tree is in it. Ms. Sherman feels the creek should be dredged out and asked whose responsibility is it to maintain the creek. Mr. Countryman stated, to his knowledge, the DPW hasn't dredged out the creek. Mr. Countryman stated the DPW takes care of the brush and removes debris but does not dredge the creek due to all of the tree roots. Mr. Countryman stated he will look into the condition of the creek.

Mr. G. McBride stated he is concerned with the quality of life for Carthage residents. Mr. G. McBride expressed when he moved here in the 1970's; the Village had lots of stores and restaurants. Mr. G. McBride has heard rumors that the hospital may leave the Village and wants to know what has changed and what can we do to make adding businesses a priority. President McIlroy stated the close of the mills made a huge impact on our area. President McIlroy stated he is currently working with the Sauer's to obtain parking for the restaurant they want to open and individuals looking to buy the Metro Paper building and Carthage Specialty Paperboard. A considerable discussion ensued.

Mr. Blunden stated he is upset about the roadblocks which have been put up for Scott and Shannon Sauer to build their restaurant. Mr. Blunden asked how the restaurant went so far without the planning board being involved. President McIlroy stated he has been working with Mr. Sauer to solve their parking issues which will be discussed later in the meeting.

Mr. Dietrich reviewed the monthly announcements for RACOG and forwarded a copy of the announcements to the Clerk/Treasurer.

PUBLIC HEARING:

President McIlroy called the public hearing to order to consider a local law to amend Chapter 135-20 of the Code of the Village of Carthage to prohibit the parking, placing leaving or stationing motor vehicles and other apparatus between the curb and sidewalk within the Village of Carthage at 6:41 p.m.

President McIlroy asked two times if there was anyone to speak either for or against the local law. Mr. D. McBride asked for clarification on the local law and Chief Huber stated if passed, the police will be able to enforce the law along with the CEO. President McIlroy asked one more time if there was

anyone to speak either for or against the local law. With no one else speaking for or against the proposed local law, there was a motion by Trustee Franchini and seconded by Trustee Vary to close the public hearing at 6:43 p.m.

Motion by Trustee Vary and seconded by Trustee Franchini to adopt Local Law #2 of 2018 to amend Chapter 135-20 of the Code of the Village of Carthage as follows:

Section 3.

§ 135-20 of the Code of the Village of Carthage shall be amended by adding the following subsection thereto:

Chapter 135.20 Parking Between Curb and Sidewalk or on Sidewalk

No person or entity shall leave, place, park or station or cause to be left, placed, parked or stationed any motor vehicle or other vehicle between the curbing of any street in the Village of Carthage, New York and the sidewalk of such street or upon the sidewalks on any street in the Village of Carthage.

Motion carried unanimously.

CORRESPONDENCE:

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to permit the Carthage Area Chamber of Commerce to host a memorial service to support cancer survivors and remember those who lost their battle to cancer in the Village Green Park on Wednesday, October 24, 2018 at 6:30 p.m. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to approve the request of the Carthage Lions Club and Carthage Elks Lodge to host a "Walk for Diabetes" on Saturday, October 27, 2018 to commence at 10:00 a.m. at the Carthage Elks Lodge, proceed onto State Street and then through to the Village of West Carthage and end at the Carthage Elks Lodge. Motion carried unanimously.

Motion by Trustee Franchini and seconded by Trustee Vary to approve the request of Carthage High School 12 Honors Class on Friday, October 26, 2018 and Saturday, October 27, 2018 to conduct their annual Spook Trail Event at the Carthage Park and further to use the Recreation Building and waive the \$50.00 Rental Fee. Motion carried unanimously.

Motion by Trustee Franchini and seconded by Trustee Vary to approve the request of Julie Johnson on Saturday, November 3, 2018 from 9:00 a.m. – 12:00 p.m. to conduct their annual Operation Joy Event for family members of deployed soldiers at the Carthage Park and further to use the Recreation Building and waive the \$50.00 Rental Fee. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to permit the VFW to hold a wreath laying ceremony at Monument Park on December 15, 2018 at 12:00 p.m. to coincide with the wreath laying at the Tomb of the Unknown Soldier at Arlington Cemetery. Motion carried unanimously.

President McIlroy read the correspondence received from Rick and Ellen Bush which included a check in memory of Joe Brady for Monument Park. President McIlroy requested the Clerk/Treasurer to send Mr. and Mrs. Bush a letter thanking them for their contribution and further requested the Clerk/Treasurer to transfer the funds from the General Fund to Monument Park Reserve fund.

Motion by Trustee Vary and seconded by Trustee Franchini to consider supporting a PILOT for the Dock Street project as presented by the Jefferson County Industrial Development Agency. Motion carried unanimously.

President McIlroy stated the RACOG minutes from the September 18, 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.

Update 09/17/18: President McIlroy requested the Clerk/Treasurer to hold this over until the October 15, 2018 meeting.

Update 10/15/18: President McIlroy publically thanked Deputy President Astafan for the appraisal of 302-306 North Mechanic Street which was prepared at no charge to the Village. Attorney Russell stated per the agreement with Jefferson County, ten percent of the proceeds from the sale of the property, up to \$1,000.00 will need to be sent to them at the time of sale.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to advertise for bids for the sale of the 302-306 North Mechanic Street with a minimum bid at the appraised price of \$12,000.00 plus the closing costs. Motion carried unanimously.

At the September 17, 2018 meeting, the Board authorized Chief Huber to purchase three portable radios and one radio for the police station at a cost not to exceed \$9,000.00.

Update 10/15/18: Jefferson County recommended an antennae change which increased the price by \$319.75.

Motion by Trustee Franchini and seconded by Trustee Smith-Spencer authorizing the Clerk/Treasurer to transfer funds from AA.1990.4000 Contingencies to AA.3120.2000 Police Equipment the amount of \$500.00 to cover the extra cost of the antennae. Motion carried unanimously.

At the September 17, 2018 meeting, President McIlroy asked Attorney Russell to look into using parking areas at Turning Point Park in the business plans for Scott Sauer's business on Dock Street as there are restrictions typically placed on designated parklands. President McIlroy requested the Clerk/Treasurer to hold this over until the October 15, 2018 meeting.

Update 10/15/18: Attorney Russell stated Mr. Sauer will need to go to the Zoning Board of Appeals ZBA to obtain a variance to meet the parking requirements for his business as parklands can't be alienated for private use. President McIlroy asked Attorney Russell if Water Street was abandoned and Attorney Russell suggested researching the minutes to see the Board's decision at that time. President McIlroy requested the Clerk/Treasurer to research the minutes during the 1960's regarding the abandonment of Water Street by the Board. President McIlroy stated he will contact Mr. Sauer tomorrow to inform him of Attorney Russell's recommendation to file an application with the ZBA.

NEW BUSINESS:

Motion by Trustee Smith-Spencer and seconded by Trustee Franchini to set Trick or Treat hours from 6:00 p.m. – 8:00 p.m. on October 31, 2018. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Franchini authorizing President McIlroy to sign the RACOG IMA to include the Town of Denmark. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Franchini to adopt Resolution 5 of 2018 as follows:

RESOLUTION WITH REFERENCE TO DESIGNATING ACTING SUPERINTENDENT IN THE ABSENCE OF THE DPW SUPERINTENDENT

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

WHEREAS, the agreement refers to the designation of "Acting Superintendent" should a Superintendent be away from the facility shall receive half the difference between the Superintendent's pay and their own wage rate; and

WHEREAS, the Village of Carthage has historically paid an "Acting Superintendent" when the DPW Superintendent has been on vacation for at least one week; and

WHEREAS, the Village of Carthage, based on the recommendation of the Superintendent, desires to formally designate an "Acting Superintendent" for the DPW Superintendent when the Superintendent is on vacation for at least one week;

BE IT RESOLVED as follows:

Acting DPW Superintendent - Mark Oliver retroactive to September 17, 2018.

The foregoing resolution was duly adopted unanimously.

Motion by Trustee Franchini and seconded by Trustee Vary to approve the application submitted for Hen Chickens and/or Ducks by Kathy Finley at 935 West Street. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary authorizing President McIlroy to sign the consent to transfer certain real property know as 253 State Street and 255 State Street in the Village of Carthage, from TLC Real Estate, LLC to Tania Lori Properties, LLC. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Franchini, based on the recommendation of the Water Superintendent, to issue a credit to 25 Norris Avenue for 10,068 cubic feet which equates to \$489.30 water and \$614.15 sewer due to a one inch meter being installed in error instead of a three quarter inch meter on January 3, 2018 which caused meter readings to be incorrect. Motion carried unanimously.

Motion by Trustee Franchini and seconded by Trustee Smith-Spencer 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.

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 Trustee Smith-Spencer and seconded by Trustee Vary to approve payment of payrolls and bills as follows: General Fund \$98,630.52; Special Grant Fund \$6,465.15; Water Fund \$15,240.44; and Sewer Fund \$12,421.35. Motion carried unanimously.

ATTORNEY RUSSELL:

Attorney Russell stated he spoke with the attorney for 524 Francis Street regarding the condition of the building after the fire. The attorney reported that the claim for the property was denied but the property owners are appealing the decision. President McIlroy stated the structure is unsafe and should be taken down.

Motion by Trustee Franchini and seconded by Trustee Vary to declare an emergency at 524 Francis Street due to the unsafe condition of the structure which was damaged by fire and contract with Independent Commercial Contractors to remedy the situation immediately and further, authorize the

use of Blight funds from the Village Loan Fund to be repaid over a five year period. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Franchini to have Attorney Russell proceed with legal action against the owners of 524 Francis Street to seek reimbursement of funds utilized from blight funds to remedy the unsafe conditions of the property. Motion carried unanimously.

Attorney Russell requested an Executive Session to discuss a pending litigation with a particular individual.

PRESIDENT McILROY UPDATE:

President McIlroy stated there will be a CIDC meeting regarding the oil spill on State Street tomorrow at 9:30 a.m.; RACOG meeting on October 16, 2018 at 6:00 p.m. at the Village of Carthage Municipal Building; Joint Utility meetings on October 17, 2018 at 4:00 p.m. at the Village of Carthage Municipal Building; Carthage Area Chamber Business Awards Dinner on October 23, 2018 at the Sahara Restaurant at 5:30 p.m.; and a CIDC meeting on October 24, 2018 at 4:00 p.m. at the Town of Wilna Municipal Building.

LIAISON REPORTS AND COMMENTS:

None.

MEDIA QUESTIONS:

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

EXECUTIVE SESSION:

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to discuss a pending litigation with a particular individual at 7:20 p.m. Motion carried unanimously.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to resume Regular Session at 7:35 p.m.

ADJOURNMENT:

Motion by Trustee Franchini and seconded by Trustee Smith-Spencer to adjourn at 7:35 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
Village Clerk/Treasurer