

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Village of Carthage Municipal Building
December 17, 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; Edgar Countryman, DPW Superintendent; Reginald Huber, Police Chief; Elaine Avallone, Johnson Newspapers; Bill Tehonica; Brian Draper; Norman Barkley Jr. and Donald Spence.

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 Trustee Franchini to approve the minutes of the November 26, 2018 regular meeting as presented. Motion carried unanimously.

Motion by Trustee Vary and seconded by Deputy President Astafan to approve the minutes of the December 3, 2018 organizational meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

Mr. Tehonica stated he had a complaint against Officer Higman for not having his headlights on at the entrance to the Carthage Park. Mr. Tehonica expressed that he almost hit Officer Higman because he did not see headlights as he was entering the park at 5:10 a.m. to walk his dog. President McIlroy explained that police vehicles are exempt from the law regarding headlights. Mr. Tehonica asked who is liable if he hit the police car because he didn't see it and President McIlroy stated he did not know and informed Mr. Tehonica that the Park is closed until dawn. Mr. Tehonica left at 6:04 p.m.

Mr. Draper expressed his concerns over fire hydrants not being cleared of snow as it is a safety issue. Mr. Draper explained that fire department volunteers have declined and their training requirements have increased. Mr. Draper feels that clearing snow from fire hydrants is not a priority for the Village. President McIlroy stated the Village has multiple responsibilities throughout the Village regarding snow removal and agrees that helping to keep fire hydrants clear should be one of them. After considerable discussion, President McIlroy stated he will have Trustee Smith-Spencer speak with the Water Superintendent to ensure clearing snow from fire hydrants is a priority.

Mr. Barkley stated he and his wife are extremely grateful for the assistance they received from the Village Police Department over the summer regarding issues they encountered with a neighbor.

Mr. Barkley left at 6:19 p.m.

PUBLIC HEARINGS:

President McIlroy called the public hearing to order at 6:19 p.m. to hear comments regarding the Carthage/West Carthage Wastewater Treatment Improvement Community Development Block Grant (CDBG) Project #185PR36-14. President McIlroy explained that the Village of Carthage received a CDBG grant to assist with capital improvements for the Carthage/West Carthage Wastewater Treatment Plant in the amount of \$900,000 and the project is close to completion. President McIlroy asked two times if anyone had any comments regarding the CDBG project. With no comments received, there

was a motion by Trustee Smith-Spencer and seconded by Trustee Franchini to close the hearing at 6:20 p.m.

President McIlroy called the public hearing to order to consider the adoption of a local law to amend Chapter A150 of the code of the Village of Carthage with respect to harassment as it is necessary to be revised to comply with current state wide requirements at 6:20 p.m. President McIlroy asked two times if anyone wished to speak for or against the local law. With no one speaking, there was a motion by Deputy President Astafan and seconded by Trustee Vary to close the hearing at 6:21 p.m. Deputy President Astafan stated the proposed local law includes examples of touching and hugging and expressed what may offend one person, may not offend another. Attorney Russell stated New York State is imposing strict requirements in regard to harassment and you have to use common sense and be careful how you interact with people.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to adopt Local Law #3 of 2018 as follows:

Section A150-43.1(A) shall be amended and restated as follows:

Introduction

Village of Carthage is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Village of Carthage's commitment to a discrimination-free work environment. Sexual harassment is against the law' and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Village of Carthage. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. Village of Carthage's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Village of Carthage. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Village of Carthage will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Village of Carthage who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a President or Deputy President, Board Member or the Village Clerk. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Village of Carthage to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and President or Deputy Presidents who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. Village of Carthage will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Village of Carthage will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and President or Deputy Presidents, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. Village of Carthage will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and President or Deputy Presidents are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Village President or Deputy President.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is "Sexual Harassment"?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:

- Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
- Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
- Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
- Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
- Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
- Sabotaging an individual's work;
- Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a President or Deputy President or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful.

However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility.

Village of Carthage cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a President or Deputy President, Board Member or the Village Clerk. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a President or Deputy President, Board Member or the Village Clerk.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form.

Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

President or Deputy President Responsibilities

All President or Deputy Presidents and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Village President or Deputy President.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, President or Deputy Presidents and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. President or Deputy Presidents and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Village of Carthage will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Village President or Deputy President will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;

- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections And External Remedies.

Sexual harassment is not only prohibited by *Village of Carthage* but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Village of Carthage, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to *Village of Carthage* does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from

the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or Village in which they live to find out if such a law exists.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Motion carried unanimously.

CORRESPONDENCE:

President McIlroy read the correspondence received from National Grid regarding replacing existing HID National Grid-owned roadway street lights to efficient LED roadway street lights at minimal cost as part of National Grid's Outdoor Street Lighting LED Conversion Program. President McIlroy stated he contacted Mr. Haenlin at National Grid to set up a meeting to discuss our options. President McIlroy requested the Clerk/Treasurer to hold this over until the January 22, 2019 meeting.

President McIlroy read the correspondence received from Jim Yuhas, Town of Wilna regarding their billing for 2018 Code Enforcement Officer (CEO) services. According to Mr. Yuhas, the Town billed the Village incorrectly for 2018 and the Village owes an additional \$1,200.00 to the Town for calendar year 2018. President McIlroy read the second correspondence from Mr. Yuhas stating CEO services will increase to \$1,525.00 per month effective January 1, 2019. President McIlroy asked the Clerk/Treasurer if she received correspondence prior to 2018 from the Town requesting a meeting to discuss increasing the contracted amount and she answered no. President McIlroy stated per the agreement between the Town and Village for CEO services, the compensation paid to the Town by the Village may be modified each year by agreement of the parties to allow the Village to budget for the additional expense. President McIlroy stated he will contact Paul Smith, Town of Wilna Supervisor to discuss this issue.

President McIlroy read the correspondence received from the Augustinian Academy thanking the Village Police Department for their assistance with their annual Jingle Bell Run and Walk on December 8, 2018.

President McIlroy stated the Notice of Foreclosure and Petition of Foreclosure received from the Supreme Court of the State of New York County of Jefferson is included for the Boards information.

President McIlroy stated the minutes from the Town of Wilna Joint Planning Board for December 5, 2018 are included for the Boards information.

OLD BUSINESS:

At the October 15, 2018 meeting, the Board made a motion 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 to be opened at the November 19, 2018 meeting.

Update 11/26/18: No bids were received and the Board decided to re-advertise for bids for the sale of 302-306 North Mechanic Street to be opened at the December 17, 2018 meeting with no minimum bid requirement.

Update 12/17/18: Attorney Russell state two bids were received; but only one bid was received on time and could be considered. Attorney Russell opened the bid received by Donald Spence which included the bid amount of \$10.00.

Motion by Deputy President Astafan and seconded by Trustee Franchini to reject the bid received from Donald Spence in the amount of \$10.00 and further to re-advertise for bids for the sale of 302-306 North Mechanic Street to be opened at the January 22, 2019 meeting at 6:10 p.m. Motion carried unanimously.

Mr. Spence objected to the Board's decision as there was not language contained in the bid advertisement stating the Village can reject bids. Deputy President Astafan expressed that by law, the Village can reject any and all bids received and further expressed that it was stated at the last Board meeting in which Mr. Spence was in attendance.

At the October 15, 2018 meeting, 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.

Update 11/26/18: The Clerk/Treasurer researched the minutes and discovered that the road was abandoned but there was no record of the property being transferred. Attorney Gebro stated they researched the records at Jefferson County and did not find a deed from the Village conveying Water Street. President McIlroy stated he spoke with Ms. Ablan, the adjacent property owner, who stated she has documentation that proves she owns the property and will forwarded it to the Village when time permits. President McIlroy requested the Clerk/Treasurer to hold this over until the December 17, 2018 meeting.

Update 12/17/18: President McIlroy requested Attorney Russell to contact Ms. Ablan's attorney to see if he has documents regarding ownership of Water Street. President McIlroy requested the Clerk/Treasurer to hold this over until the January 22, 2019 meeting.

At the November 26, 2018 meeting, the Board reviewed the proposed parking lot agreement with the Carthage Free Library and asked Attorney Gebro to include language regarding capital improvements to the lot and further requested the Clerk/Treasurer to hold this over until the December 17, 2018 meeting.

Motion by Deputy President Astafan and seconded by Trustee Franchini to sign an agreement with the Carthage Free Library to undertake a capital project on Church Street to improve on the Village parcel 86.41-1-43.2 in conjunction with the construction of a parking lot on the Library parcel 86.41-1-40 such that when complete there shall be a single parking lot for use by the general public on the combined parcels. Motion carried unanimously.

NEW BUSINESS:

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to adopt Resolution 10 of 2018 as follows:

Resolution to Consent to Payment in Lieu of Taxes Agreement with Turning Point LLC

WHEREAS, the Jefferson County Industrial Development Agency (the “Agency”) was created by Chapter 369 of the Laws of 1971 of the State of New York pursuant to Title 1 of Article 18-A of the General Municipal Law of the State of New York (collectively, the “Act”), and

WHEREAS, the Agency has agreed to acquire from Turning Point LLC (the “Company”), an interest in a parcel of land in the Village of Carthage (Tax Parcel No. 86.49-2-1) (the “Land”), together with the building located thereon, and

WHEREAS, the Agency has agreed to lease the property to the Company pursuant to a lease agreement by and between the Agency and the Company, and the Company intends to renovate and modernize the existing building for use as a restaurant and banquet hall (the “Project”), and

WHEREAS, pursuant to Section 874(1) of the Act, and Section 412(A) of the Real Property Tax Law of the State of New York, the Agency is exempt from the payment of taxes and assessments imposed upon real property and improvements in which it has a leasehold interest other than special ad valorem levies, special assessments and services charged against real property located in Jefferson County which are or may be imposed for special improvements or special district improvements, and

WHEREAS, the Village of Carthage has determined that the Project is in the best interest of the Village and deems it appropriate for the Agency to enter into the Payment in Lieu of Taxes Agreement making provision for payments in lieu of taxes by the Company to the Agency for the benefit of the respective taxing jurisdictions within which the property is located.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Carthage hereby consents to the Agency entering into a Payment in Lieu of Taxes Agreement with Turning Point LLC, with a payment schedule pursuant to Exhibit “A” attached hereto.

The foregoing resolution was duly adopted upon a roll call vote of the Board as follows:

President	<u>G. Wayne McIlroy</u>	yes <u>X</u> no ___
Deputy Pres.	<u>Michael F. Astafan</u>	yes ___ no <u>X</u>
Trustee	<u>Linda Smith-Spencer</u>	yes <u>X</u> no ___
Trustee	<u>Rebecca Vary</u>	yes <u>X</u> no ___
Trustee	<u>Marco Franchini</u>	yes <u>X</u> no ___

EXHIBIT "A"

DOCK STREET BUILDING PILOT PROFORMAS

11/21/2018

10 Years 50%

Estimated Assessed Value (New) \$750,000

Current Assessment \$99,800

Total Tax at current assessment (2018) \$1,727

2018 County Town School

	\$ 715	\$ 274	\$ 738	<u>\$ 1,727</u>	
Estimated Tax at new assessment					\$18,557
Tax Rates / M				Rates	
County				<u>7.161199</u>	
Village				7.44	
School				7.392809	
Town				2.748309	

	Exempt	Pay	County Net	Village Net	School Net	Town Net	Total Net
Year 1	80%	20%	1,074	1,116	1,109	412	3,711
Year 2	80%	20%	1,074	1,116	1,109	412	3,711
Year 3	65%	35%	1,880	1,953	1,941	721	6,495
Year 4	65%	35%	1,880	1,953	1,941	721	6,495
Year 5	50%	50%	2,685	2,790	2,772	1,031	9,278
Year 6	50%	50%	2,685	2,790	2,772	1,031	9,278
Year 7	40%	60%	3,223	3,348	3,327	1,237	11,135
Year 8	40%	60%	3,223	3,348	3,327	1,237	11,135
Year 9	20%	80%	4,297	4,464	4,436	1,649	14,846
Year 10	10%	90%	4,834	5,022	4,990	1,855	16,701
Total			26,855	27,900	27,724	10,306	92,785
Year 11(Full Taxes}			5,371	5,580	5,545	2,061	18,557
Full Taxation		187,393					
PILOT Payments		93,696					
% Paid		50.00%					
Savings		93,697	50.00%				

Motion by Trustee Smith-Spencer and seconded by Trustee Franchini authorizing the purchase of gift certificates at the Carthage Market for employees in the amount of \$50.00 each for a total of \$900.00. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to declare the 2014 Ford Utility Police vehicle surplus equipment effective December 22, 2018 and further list the vehicle on Auctions International. Motion carried unanimously.

President McIlroy stated Chief Huber sent correspondence regarding a potential complaint against the police department but the person did not show up for the meeting therefore no action was taken.

Motion by Trustee Franchini and seconded by Trustee Smith-Spencer to accept the monthly Departmental Reports as presented by the CEO, DPW, Police, Treasurer, and Water. The Court report was 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 Smith-Spencer to approve payment of payrolls and bills as follows: General Fund \$297,544.27; Special Grant Fund \$198.74; Water Fund \$17,395.01; and Sewer Fund \$14,046.89. Motion carried unanimously.

ATTORNEY RUSSELL:

Attorney Russell requested an Executive Session to discuss an ongoing litigation.

PRESIDENT McILROY UPDATE:

President McIlroy stated there will be a CIDC meeting on December 19, 2018 at 4:00 p.m. at the Town of Wilna Municipal Building; Zoning Board of Appeals meeting on January 9, 2019 at 7:00 p.m. at the Town of Champion Municipal Building; Joint Utility meetings on January 16, 2019 at 4:00 p.m. at the Village of West Carthage Municipal Building.

LIAISON REPORTS AND COMMENTS:

Trustee Smith-Spencer and President McIlroy wished everyone a Merry Christmas and thanked the DPW/Water Departments for their hard work.

President McIlroy asked to move the Memorandum of Understanding (MOU) agreement regarding parking for Turning Point LLC from the executive session file to open session. Deputy President Astafan suggested specifying the amount of liability insurance Mr. Sauer should carry and Attorney Russell stated that will be specified in the revocable license agreement. Attorney Russell suggested asking the ZBA to condition the parking variance based on Mr. Sauer conforming to the terms within the MOU. President McIlroy is concerned because Mr. Sauer has not submitted the request to build a deck off the side of the building. President McIlroy and Trustee Smith-Spencer stated they are planning to attend the ZBA meeting in January.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary authorizing President McIlroy to sign the MOU between the Village of Carthage and Scott Sauer which identifies the parking areas Mr. Sauer will be able to use for his business and the conditions for using those parking areas. Motion carried with Deputy President Astafan opposed.

MEDIA QUESTIONS:

Ms. Avallone requested a copy of the MOU.

EXECUTIVE SESSION:

Motion by Trustee Franchini and seconded by Trustee Smith-Spencer to discuss a current litigation to include Chief Huber at 7:00 p.m. Motion carried unanimously.

Motion by Trustee Franchini and seconded by Deputy President Astafan to accept Attorney Walsh's recommendation as written to the Board. Motion carried unanimously.

Motion by Trustee Franchini and seconded by Deputy President Astafan to resume Regular Session at 7:08 p.m.

Chief Huber stated that he partook in a chase of a motorcycle on Friday, December 14, 2018 which resulted in the sixteen year old driver receiving eleven tickets. During that time he backed into another police car and caused approximately \$100.00 damage to our car.

The Clerk/Treasurer stated that Aarika Borisevic is resigning from her position of part-time Clerk effective January 4, 2019 as she has been hired full-time at the school. The Clerk/Treasurer requested permission to hire someone prior to the next Board meeting on January 22, 2019 and the Board granted the permission providing President McIlroy reviewed the applications and agrees with her choice.

ADJOURNMENT:

Motion by Trustee Smith-Spencer and seconded by Deputy President Astafan to adjourn at 7:15 p.m.
Motion carried unanimously.

Respectfully Submitted,
Kristy O'Shaughnessy Village Clerk/Treasurer