

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
October 21, 2013

ATTENDANCE:

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

Others: Reginald Huber, Police Chief; Elaine Avallone, Johnsons Newspapers; two parents; and five Participation in Government Students.

CALL TO ORDER:

President McIlroy called the meeting to order at 7:00 p.m. followed by 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 October 7, 2013 regular meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

None.

CORRESPONDENCE:

Motion by Deputy President Astafan and seconded by Trustee Vary to approve the request of the VFW Auxiliary Post 7227 to conduct their annual Poppy Drive to benefit veterans and their families on Friday, November 8, 2013 and Saturday, November 9, 2013. Motion carried unanimously.

OLD BUSINESS:

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.

Update 07/15/13: President McIlroy and possibly Deputy President Astafan will attend an information session regarding the Village's participation in the new MS4 program on July 17, 2013 at the Town of Brownville Offices.

Update 08/19/13: President McIlroy attended the informational session on July 17, 2013 which outlined how specific communities could obtain a waiver from the MS4 program. The Village of Carthage is not eligible for the waiver and President McIlroy stated Scott Burto, West Carthage Mayor offered to obtain more information regarding the program.

Update 09/03/13: There will be a meeting on September 5, 2013 at 10:00 a.m. at the Village of West Carthage Board Room to discuss opportunities to partner as a cooperative group in the new MS4 program.

Update 09/16/13: There will be a follow up meeting regarding the new MS4 program at the Village of West Carthage Board room on September 18, 2013 and President McIlroy encouraged board members to attend.

Update 10/07/13: The board adopted a resolution to partake in NYS DEC Water Quality Improvement Program Grant and hired Bernier, Carr & Associates to assist with the Notice of Intent application by NYSDEC.

Update 10/21/13: There will be a follow up meeting regarding the new MS4 program at the Village of Black River on October 22, 2013 at 1:00 p.m.

On August 19, 2013, Attorney Gebo sent a letter to Charles King, 771 and 773 West End Avenue, regarding connecting his properties to the village sewer system. Attorney Gebo also provided a summary of a phone conversation he had with Mr. King. Attorney Gebo requested an Executive Session to further discuss this property due to potential litigation.

Update 09/03/13: No action was taken therefore President McIlroy requested the Clerk/Treasurer to hold this issue until the September 16, 2013 meeting.

Update 09/16/13: Attorney Gebo stated he has yet to receive a reply from Mr. King and today is the deadline. Attorney Gebo requested an Executive Session to discuss potential litigation.

Update 10/07/13: No action was taken therefore President McIlroy requested the Clerk/Treasurer to hold this until the October 21, 2013 regular meeting.

Update 10/21/13: Attorney Gebo presented an agreement to Mr. King prior to the meeting regarding the DPW providing the outside infrastructure to connect Mr. King's property to the Village sewer collection system of which he signed.

Motion by Trustee Vary and seconded by Deputy President Astafan authorizing President McIlroy to sign the agreement with Mr. King to connect his properties at 771 and 773 West End Avenue to the Village's sewer collection system. Motion carried unanimously.

On September 16, 2013 there was an Evidentiary Hearing in regard to 511 Adelaide Street due to the unsafe condition of the property. The Board authorized Attorney Gebo to attempt to send notice to Mr. Meyers and state he has thirty days to secure the property or the Village of Carthage intends to take the necessary steps to secure the property and the expenses attributed to securing the property will be charged back against the property as a special assessment.

Update 10/07/13: No action was taken therefore President McIlroy requested the Clerk/Treasurer to hold this until the October 21, 2013 regular meeting.

Update 10/21/13: The CEO did not receive a response from Mr. Meyers to secure his property.

Motion by Trustee Vary and seconded by Deputy President Astafan authorizing the DPW to secure the property of Ricky Meyers at 511 Adelaide Street and charge the necessary expenses back against the property as a special assessment. Motion carried unanimously.

On September 16, 2013 a letter was received from Linda McCullough, Carthage Free Library Director regarding the Village parking lot adjacent to the library. She is requesting the Village designate one parking space for handicap parking and repair the entrance to the lot. President McIlroy asked the Clerk/Treasurer to review the Village Code and see if a handicap parking spot had been designated for that parking lot and will further check with the DPW Superintendent regarding the condition of the parking lot.

Update 10/07/13: The Clerk/Treasurer verified that a handicap parking spot has not been designated for the parking lot near the library. President McIlroy asked the Clerk/Treasurer to request Attorney Gebo to prepare the applicable public hearing notice to designate a handicap parking spot. Deputy President Astafan and President McIlroy spoke with Mr. Trembley who

has temporarily repaired the entrance to the parking lot. Mr. Trembley plans to do more repairs to the parking lot in the Spring. Deputy President Astafan will ask Mr. Trembley to submit measurements for the handicap parking space. No action was taken therefore President McIlroy requested the Clerk/Treasurer to hold this issue until the October 21, 2013 regular meeting.

Update 10/21/13: Mr. Trembley provided a map of the parking lot near the library and indicated where he felt a handicap space should be designated.

Motion by Trustee Vary and seconded by Deputy President Astafan to conduct a Public Hearing on November 18, 2013 at 7:10 p.m. to consider amending Chapter 135-65 of the Village of Carthage Code Book to include a new handicap parking space in the Village parking lot located off Church Street, behind the Carthage Free Library and further for the handicap parking space to be located in the northeast corner of the lot. Motion carried unanimously.

At the October 7, 2013 meeting the board accepted the resignation letter from Samuel Lundy from the position of Bailiff for the Village of Carthage Justice Court with regrets.

Update 10/21/13: Judge Shettleton stated that Chief Huber has been supplying her with a Police Officer while her court is in session but stated she is unsure how long Chief Huber can continue supplying an Officer due to possible staffing issues. Chief Huber stated he is working on a solution but will continue to provide an Officer in the interim.

Over the past several months, Computel Consultants has been working with National Grid and conducting a utility audit of which is complete.

Motion by Trustee Vary and seconded by Deputy President Astafan authorizing President McIlroy to sign the Settlement Agreement and Mutual Release Document with National Grid which resulted in a refund of \$5,760.95 of which \$2,304.38 is due to Computel Consultants. Motion carried unanimously.

NEW BUSINESS:

Motion by Deputy President Astafan and seconded by Trustee Vary to approve CDBG 2011 Draw #24 payable to Tina & Dennis O'Neil and DLO Contracting \$14,599.80. Motion carried unanimously.

Motion by Trustee Vary and seconded by Deputy President Astafan to formally approve the request of the 12 Honors Spook Trail Group, which was previously approved via email poll, to conduct their annual Spook Trail at the Carthage Park and further to use the Recreation Building and waive the \$50.00 Rental Fee on Saturday, October 26, 2013 and Sunday, October 27, 2013 from 7:00 p.m. till 10:00 p.m. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Vary to publish the following legal notice in the Carthage Republican Tribune:

NOTICE TO RESIDENTS VILLAGE OF CARTHAGE

The All Night Parking Ban in the Village of Carthage becomes effective November 1, 2013 and runs to April 1, 2014 from

2:00 a.m. – 6:00 a.m. Vehicles left on Village streets overnight during this period will receive a parking ticket and/or be towed away.

All night parking will be allowed in the following places ONLY, during this time:

1. The Municipal parking lot behind the Municipal Building by Permit Only, FOR THE RESIDENTS of 260 State Street apartments - by agreement between the Village and the Carthage Development Group, L.P.
 2. On the left hand side of the Municipal parking lot on West Street, directly across from the Municipal Building.
 3. The North Mechanic Street Parking Lot both the permitted spaces and public spaces.
 4. The Municipal parking lot located behind the Carthage Free Library.
 5. The twenty parking spaces on the former “fire site”.
- ALL vehicles must be removed daily for snow removal.
NO vehicle is to be left in a parking space for more than (24) twenty-four hours.

Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Vary to authorize President McIlroy to sign the Missing Link Snowmobile Club agreement indicating the Village of Carthage does not object to the Missing Link Snowmobile Club having a trail through Niagara Mohawk Power Corporation’s land. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Vary to adopt Resolution 20 of 2013 as follows:

**AUTHORIZATION OF 2013-2014 JUSTICE COURT ASSISTANCE PROGRAM GRANT
APPLICATION FOR COURTROOM ENHANCEMENTS**

WHEREAS, Justice Court Assistance Program (JCAP) funding is available through the New York State Unified Court System to assist Town and Village Court Rooms; and
WHEREAS, the Village of Carthage has received JCAP funding for the 2011-2012 and 2012-2013 funding cycles for courtroom enhancements; now therefore
BE IT RESOLVED as follows:

Section 1. The Village of Carthage Board hereby authorizes the preparation and submission of a JCAP Application to request up to the maximum amount available.

Section 2. That the President, or in his absence, the Deputy President, is hereby authorized to execute any and all documents, contracts, fund disbursements, and agreements necessary to effectuate this initiative.

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

The foregoing resolution was duly adopted unanimously.

Motion by Deputy President Astafan and seconded by Trustee Vary to adopt Resolution 21 of 2013 as follows:

DECLARING NOVEMBER 2, 2013 OFFICIAL TURKEY BOWL DAY

WHEREAS, of the Village of Carthage Board of Trustees wishes to recognize the 30th Anniversary of the Turkey Bowl on November 2nd, 2013; and
WHEREAS, the Board also wishes to acknowledge the good sportsmanship and entertainment that takes place during this annual contest between players on the Village of Carthage and Village of West Carthage and the teams; and

WHEREAS, this year's game will raise funds for the Lewis-Jefferson Counties Cancer Services and the Gouverneur Business Women (Breast Cancer fund) and in past years has raised \$50,000 to assist families stricken with cancer; and

WHEREAS, 6 cancer survivors will be honored during the Turkey Bowl events: Bill Nier, Jana Patchen, Nancy Hall, Barbara Webber, Betty Stiles and Shelley Stevens; therefore

BE IT RESOLVED by the board of the Village of Carthage that we hereby declare November 2nd, 2013 official Turkey Bowl Day.

The foregoing resolution was duly adopted unanimously.

Motion by Trustee Vary and seconded by Deputy President Astafan to accept the monthly departmental reports from the CEO, Community Development, Court, DPW, Police, Treasurer, and Water as presented. Motion carried unanimously. Deputy President Astafan was pleased with the reports and commended the individual departments for their efforts.

Attorney Gebo provided examples of "Best Value" local laws for the Board's review and consideration. Attorney Gebo explained that by enacting a local law to use "Best Value" the Village will no longer have to award bids to the "lowest responsible bidder" the board can consider other factors such as lower maintenance costs, durability, higher quality, and longer product life.

Motion by Deputy President Astafan and seconded by Trustee Vary to authorize Attorney Gebo to draft a local law authorizing the use of Best Value Procurement Standards and further conduct a public hearing to consider the local law on November 18, 2013 immediately following the public hearing to consider amending Chapter 135-65 of the Village of Carthage Code Book to include a new handicap parking space which commences at 7:10. Motion carried unanimously.

Deputy President Astafan and Trustee Smith-Spencer reviewed the monthly bills prior to the meeting.

Motion by Deputy President Astafan and seconded by Trustee Vary to approve payment of payrolls and bills as follows: General Fund P/R 10/10/13 and 10/17/13 \$27,665.13; Water Fund P/R 10/10/13 and 10/17/13 \$4,612.09; Sewer Fund P/R 10/10/13 and 10/17/13 \$3,436.93; Joint Fund P/R 10/17/13 \$8,734.12. General Fund Abstracts \$131,394.72; Water Fund Abstracts \$3,198.06; Sewer Fund Abstracts \$2,639.20; and Joint Fund Abstracts \$43,143.97. Motion carried unanimously.

PRESIDENT McILROY UPDATE:

President McIlroy asked Attorney Gebo about the status of dissolving the former EDCC. Attorney Gebo stated the accountants prepared the required IRS documents which President McIlroy signed last week which should allow the organization to be dissolved. President McIlroy stated there will be a MS4 update meeting on October 22, 2013 at 1:00 p.m. at the Village of Black River Municipal Building. President McIlroy stated there will be an AdHoc Committee meeting with members from the WPCF Board and Carthage Specialty Paperboard on October 23, 2013 at 11:00 a.m. There will be WPCF Teamsters negotiation meeting on October 28, 2013.

ATTORNEY GEBO UPDATE:

Attorney Gebo stated he is still waiting for a signed contract with Carthage Energy and further stated his additional business was discussed throughout the meeting.

LIAISON REPORTS AND COMMENTS:

None.

MEDIA QUESTIONS:

Ms. Avallone requested clarification for items discussed throughout the meeting. Ms. Avallone requested copies of the departmental reports of which the Clerk/Treasurer stated she would email to her. Ms. Avallone requested future copies of the reports be emailed to her prior to the meeting.

Chief Huber requested an Executive Session to discuss the employment history of a particular Police Officer.

EXECUTIVE SESSION:

Motion by Deputy President Astafan and seconded by Trustee Vary to enter Executive Session at 7:35 p.m. to discuss the employment history of a particular Police Officer and invite Attorney Gebo and Chief Huber to attend. Motion carried unanimously.

Chief Huber was excused at 7:53 p.m.

Motion by Trustee Vary and seconded by Deputy President Astafan to resume Regular Session at 8:04 p.m. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Vary to remove Richard Duvall as a part time Police Officer effective immediately. Motion carried unanimously.

ADJOURNMENT:

Motion by Trustee Vary and seconded by Deputy President Astafan to adjourn at 8:06 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy L. O'Shaughnessy
Village Clerk/Treasurer