

Village of Canton, New York

VILLAGE BOARD MEETING Meeting Minutes: November 14, 2011

Present:

Charlotte Ramsay, Mayor
Mary Ann Ashley, Trustee
Jesse Coburn, Trustee
Gerald Ducharme, Village Attorney
Alan Mulkin, Police Chief

Sylvia M. Kingston, Trustee
Joseph Frank, Trustee
Brien Hallahan, Superintendent
Sally Noble, Village Clerk
Grace Vesper, Deputy Clerk

PUBLIC HEARINGS

Open Towing Bids: One bid submitted from Johnson Towing. \$100 per car or small trucks less than one (1) ton.

Mayor Ramsay added changes to the agenda: 5f. Possible action on the DPW Contract
6d. Non-Contract Personnel Employee Policy Correction

1. ORDER OF BUSINESS:

Minutes – Trustee Coburn made a motion to accept the minutes of the October 17, 2011 Meeting(s) Trustee Ashley seconded the motion. All voted in favor. The motion carries.

2. DEPARTMENT HEADS REPORTS: – Trustee Ashley made a motion to accept the department head reports as submitted. Trustee Coburn seconded the motion. All voted in favor. The motion carries.

a. Village Supt. Report (DPW, Water & Sewer) – A written report was submitted. Nothing to add.
Supt. Hallahan reported on the water leak located on Rt 310 by the CSX tracks.

b. Code Enforcement Report – A written report was submitted. Not present
- Code Compliance Technician – A written report was submitted. Not present.

c. Police Report – A written report was submitted. Nothing to add.

d. Village Attorney Report – Attorney Ducharme's items are addressed throughout the agenda.

e. Recreation Director Report – A written report was submitted. Nothing to add.

f. Assessor Report – A written report was submitted. Not present.

g. Historian Report – A written report was submitted. Linda reported on the visit to the Morley Library with Kay Peggs, who spoke on her trip to France and showed a power point presentation, Linda, also, thanked Mayor Ramsay for her two terms of dedicated service to the Village of Canton as mayor.

h. Treasurer Report – No report submitted as she just returned from vacation. Sally reported we are still having trouble with our 2871 phone line so we are using the 2851 and 4700 lines. She contacted the Public Service Commission again this morning and told them we are not getting any response from Verizon and they are working on getting us results. Sally presented the Mayor with a fair well gift. It was a scrapbook with pictures and important events that happen during the Mayor's two terms.

i. Director of Economic Development Report – A written report was submitted. Linda reminded the Board of The St Lawrence County Rural Business Roundtable at the Human Services Building Thursday, November 17, 2011 from 10 a.m. to 12:00 noon. Anyone interested might want to attend.

Mayor Ramsay told the Board that the USDA Rural Development is a very good source of money for areas like ours. She feels this would be a very valuable educational opportunity for us.

Trustee Ashley thanked Linda McQuinn, Brien, Sally, Grace, Debbie for working so diligently on the grant Application. A lot of work went in to getting them done. Mayor Ramsay elaborated on the thank you saying Linda was involved in the United Helper Pavilion grant, Feasibility Study for Regional Water front Park, The Village of Canton Water and Sewer project, Morley Library project, and the IDA letter of support. So it was an incredibly busy 2 weeks getting in that many grants. So thank you very much on behalf of the Town and Village for getting that many grants finished.

Animal Control Officer Report – A written report was submitted. Not present.

Golf Course Manager – No report was submitted by Kevin or Skip. Neither was in attendance.

3. COMMUNICATIONS AND INFORMATION:

a. Public Comments – No public comments

Received a thank you note from Deb Lyndaker as a member of the Board of Trustees at the Canton Free Library, she wants to thank the Village for their ongoing support of the Library. She personally appreciates all that we do to help them offer good facilities, programming and computers for the kids.

b. Time Warner Cable Pricing – Mayor received a letter from Time Warner Cable announcing their price increase.

4. COMMITTEE REPORTS:

a. Planning Board – No minutes

b. Recreation – Nothing to report.

c. Ad-hoc Subcommittee – Rental Registration – The committee had a meeting. The next step is to meet with Attorney Ducharme and discuss the language of the law. We are trying to coordinate a time when we can get together.

5. OLD BUSINESS:

- a. **Jim Monroe –North Country Power Authority** – Mayor Ramsay apologized to Mr. Monroe for last month's misunderstanding. She agrees with him; he should have been on the agenda and given proper time to speak. She is glad he is back tonight to fill us in and give us some guidance as to where we go from here with North Country Power Authority.

Mr. Monroe told the Board that the area has a great opportunity to at first stabilize electricity rates and eventually lower them. Jim explained the contractual controversy involving Howery, AMP and NCPA.

Due to a misunderstanding of what by NYS Laws, constitutes a breach of confidentiality or a violation of ethics, NCPA has been put in a bad situation.

The governor has been in touch with Jim. Jim has given him some names for the Board. One name is Mr. Steven Bird and he has passed on three more names and hopes they will be appointed to the Board also.

So this is where we stand: Howrey is gone, we will have a new Board, and he is hoping we will have some sessions where we can iron all this out and move on. He is hoping to get support from the people here tonight who will be involved with the North Country Power Authority. Jim needs the support and he has great hope for the future.

- b. **Village Justice Court** – Mayor Ramsay has been trying to assess the financial impact and other considerations of consolidating the Town Village Justice Courts. She consulted with the Town members on the Justice Court Committee, Paul Backus and Jim Smith. They took it back to their Town Board and the Town Board discussed it and has no objection to the Village making the decision to dissolve Village Justice Court. If revenues and expenses continue as they have in the past there really will not be much fiscal change for the Town or Village. She undertook this study thinking it might possibly save the Village money, but also because it seemed like an unnecessary duplication of services and that it would be more efficient to have a single justice court. She still feels those are compelling reasons to consider dissolving the Village Court.

Chief Mulkin asked the Mayor if she called the DA office about this. He felt they would also be in agreement as it would mean one less day of transporting prisoners.

Trustee Ashley asked if we would have to do a referendum. Attorney Ducharme told her we would have to do a permissive referendum to abolish the Village Justice Court. Within ten days of the resolution adoption Clerk Noble would post a notice of the resolution that was passed and that it is subject to permissive referendum. The resolution would not be affective for 30 days following its adoption. In that 30 day period a petition could be circulated for a representative number of signatures (20% of the electors that were on the rolls the last general election). If a petition is duly signed and acknowledged by that number of Village residents opposing the abolition of the Village of Justice Court then the matter would be set for a vote at a special election that would be held no later than 60 days after the petition is filed. If there is no petition filed or the petition is filed but doesn't have the right number of signatures then the resolution will pass. The Justice Court would not end until the end of the term in 2012. Attorney Ducharme's understanding is the term of this justice was to fill the term of the Justice that left before the end of his term. NYCOM agrees with Attorney Ducharme.

Attorney Ducharme asked if anyone had spoken to the Attorneys involved. Mayor Ramsay told him she has discussed with them what she is doing. Trustee Ashley asked if there was a disagreement of when the term ends. Mayor Ramsay said there is. The problem is that the way the Town and the Village handle filling vacant court office vacancies is different. So there is some misunderstanding as to when the Village Court Justice's term is up. Judge Storie was under the understanding that his term was for four years and the Village put him in office for the balance of the term of the previous justice.

If we do this now we could be face with a law suit, not for dissolution but when the dissolution takes place. Mayor Ramsay felt it was something we needed to do ahead on to give the Town as much lead time as possible preparing their budget. The earliest it could be dissolved would be December 3, 2012. This would

mean it would be a minimal effect on their budget as it would only be one month. If it is challenged and a future Board decides it won't be in effect until 2014 that certainly gives them even more time.

Trustee Coburn made a motion to dissolve the Village Justice Court effective December 3, 2012. Trustee Ashley seconded the motion with the understanding there might be a challenge. All in favor. The motion Carries.

Attorney Ducharme told the Board this motion was subject to permissive referendum so Clerk Noble will within ten (10) days to post the proper notice.

- c. **Discuss and Take Action on Towing Bids** – Trustee Frank made a motion to go with Johnson Towing at \$100 a car and small truck; large trucks over one ton not covered. Trustee Kingston seconded the motion. All in favor. The motion carries.
- d. **Pocket Park Discussion (NYMIR rep concerns)** – Baylor Johnson's proposed natural park off the Remington Recreation Trail, very near where the bus garage is. It is on the other side from the trail from the bus garage. A NYMIR representative came to look at the site; her concern was it is not in sight of Sullivan Drive and it is isolated enough that she has concerns about pedophiles or predators lurking. Our local insurance agent stressed that the Village's umbrella liability coverage does cover our playgrounds and kayaks and so forth. We are free to go ahead with it if that is what we decide. Mayor Ramsay felt that before we went ahead with this the Board needed to be made aware of the concern. In her mind she felt parents would tend to be there with their children. It is not the kind of play ground that you take your kids to and leave them, not like the Bandford playground.

Trustee Ashley made a motion to approve the idea of a Pocket Park located off the Remington Recreation Trail opposite from the bus garage. Trustee Coburn seconded the motion. All in favor. The motion carries.

- e. **Discussion of possible purchase of Asphalt Reclaiming Machine** – Supt. Hallahan reported that six months ago at the Board meeting he mentioned an asphalt ore claiming machine. DPW had a demonstration done around the same time. The machine takes old asphalt or millings and overnight turns it into asphalt that can be used to fill pot holes. He has been looking at his budget to see what he can do without to put the money into this and he thinks they can do it. He can get this machine for \$14,500. So he and Sally will have to look at the budget for another \$6400. He has tried to get two other bids, but has been unsuccessful. It is specialized equipment.

Trustee Ashley made a motion to approve the purchase of the asphalt reclaiming machine for no more than \$14500, and Supt. Hallahan has agreed to try and get two more bids. Trustee Coburn seconds the motion. All in favor. The motion Carries.

f. Possible discussion of DPW Contract – Take action after executive session.

6. NEW BUSINESS:

- a. Authorize payment of vouchers & transfer of funds** – Trustee Frank made a motion to authorize payment of vouchers, transfer of funds with addition of J & B Installations in the amount of \$126,373.75 for the pavilion roof. Trustee Coburn seconded the motion. All in favor. The motion carries.
- b. Kayak Storage Shed Allocation (\$800-\$1000)** – Trustee Ashley reported that the kayak rentals brought in revenue of a little over \$1,000 and they have an opportunity for the Multi-Occupation Program at Seaway Tech to provide the labor to build a storage shed. They would like with the support of the recreation committee, to build a storage shed that would be put on skids so it could be moved and brought up to the beach house during the winter months to store in.

Trustee Ashley made a motion that we allocate \$800, not to exceed \$1,000, for materials to build a shed to store the Kayaks. The work will be done through the Multi-Occupation Seaway Tech program. Trustee Coburn seconded the motion. All in favor. The motion carries.

- a. Mercy Flight Central Request** – Attorney Ducharme reminded the Board Municipalities should not donate To not-for-profits.
- d. Correction to the Non-Contract Employees Contract Health Insurance Buy-Out** – The amount for the two person buyout in the policy is an incorrect amount. It is in the contract for \$382.26 and it should be \$450.48.

Trustee Coburn made a motion to change the dollar amount buy-out for two-person from \$382.26 to \$450.48. Trustee Frank seconded the motion. All in favor. The motion carries.

By-Back Time – Page 3, Section 10 – There was some confusion about the example. The example contradicted the written description above the example. After some discussion it was decided in the last paragraph, the last sentence was not needed.

Trustee Ashley made a motion to remove the last sentence of the last paragraph on Page 3, Section 10. Trustee Frank seconded the motion. All in favor. The motion Carries.

Trustee Frank made a motion to go into executive session at 8:36 pm. Trustee Coburn seconded the motion. All in favor. The motion carries.

Trustee Frank made a motion to come out of executive session at 9:40 pm. Trustee Coburn seconded the motion. All in favor. The motion carries

Trustee Ashley made a motion to authorize the Mayor to write a letter to the CSEA representative, Bud Mulchy. The letter should include the Board's position that CSEA agreed to eliminate the side letter in their correspondence to the Board dated 10/14/11. A copy of this correspondence will be attached to the Mayor's letter. Also the Mayor is to include the reworded Article 13 to reflect the agreed upon changes. The motion included setting a legislative hearing for 11/28/11 @ 7:00 pm should the CSEA members choose to no longer honor the agreement contained in the 10/14/11 letter. Trustee Kingston seconded the motion. The motion carries 4 to 1. Trustee Frank voted No.

Trustee Frank made a motion to adjourn the meeting at 9:45 pm. Trustee Kingston seconded the motion. All in favor. The motion carries.

Respectfully submitted,

Grace E. Vesper
Deputy Clerk