

# VILLAGE OF EARLVILLE

Regular Monthly Meeting  
Village Hall

September 18, 2012  
7:00 PM

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NOTICE: Pursuant to Article 7 of the Public Officers Law § 104-1, notice of this meeting was given to the media at least seven days in advance and the same posted on the August 14, 2012.

*Tonight's meeting minute notes: All votes by the Village of Earlville Board of Trustees (herein "Board" or "Village Board") 5-0 are to be read as "aye" votes from Village of Earlville Board of Trustees members Corey, Hayes, Moore and Chapman. The "Village Office" is the Village of Earlville Municipal Office located at 8 North Main Street. The "Planning Board" means the Village of Earlville Planning Board.*

Mayor William Excell called the meeting to order at 7:00 p.m. Board members present were Trustees Gerald Hayes, Henry Moore, Sara Chapman and Margaret Corey. Also present were Village Clerk Treasurer Kelly Beach, David Craine from Mang Ins., Pastor Mark Monroe from Lighthouse Community Church, and 5 members of the public.

David Craine was in attendance to give an update on the NYMIR policy. NYMIR did an appraisal on the replacement value of buildings owned by the Village. The policy was reviewed by the Board Members and many questions were asked and answered by Mr. Craine. He will look into adding the pavilion to the coverage. Mr. Kicinski asked if the playground equipment was included in the coverage, Craine stated that he will add it into the blanket policy to be covered. He also noted that NYMIR does have an extension for equipment if something happens to it. Excell stated that was good to know for future reference. Crain also went over the Fire Dept. insurance. Excell had a question on why the Village is paying for the Fire Co. belongings. Moore asked for a breakdown on the bill so that the Village can see what they are paying for Fire Co. property. Craine will get a breakdown to the Village. Kicinski asked if the Fire Co was double insured or if they were also carrying their own policy. Craine stated that all the entities need to be on the policy as they all have monetary interest in the property.

Mayor Excell introduced Pastor Mark Monroe from the Lighthouse Community Church. Excell had met with Pastor Mark a week ago and discussed forming a committee. Mark introduced himself and explained what he would like to do for the Skate Park. He would like to be involved in the park because he has a passion for skate boarding and the people involved in the sport. He brings his children to the skate park regularly and he himself uses it on a regular basis. Earlville is one of the few skate parks in the upstate area. He feels a lot of good can come with bringing the skate park up to its potential. Pastor Mark has made a few calls and plans to get people involved who feel the same about skating and being a part of the committee. Excell stated he went to the skate park and met a woman who was there with her child. When he asked her if she would be interested on being on a committee for the skate park, she said she would be very interested. Excell gave Pastor Mark her information and he will contact her. Excell stated there was no intention of getting rid of the skate park as taxpayers and kids worked hard to build the skate park and the village should fight to keep it open for them. Chapman asked Pastor Mark if he was aware that there was a problem with people selling drugs at the skate park. Pastor Mark said that he had heard of the problem, but he believes that once the community takes an interest in the skate park and it starts to improve, the good that is done will help alleviate the problems. Moore stated it needs to be monitored more by the community; Hayes stated that historically the Board has not wanted to shut down the skate park and that he hoped that by having someone form and head the committee who was interested in seeing it improve would make a difference. It was agreed by all that Pastor Mark could form and head the Skate Park committee. Pastor Mark left at 8:02 pm.

Mrs. Kowalski, president of the Earlville library board was in attendance to discuss the ramp to the library. Excell stated the board had talked to Taylor and had heard nothing since. Kowalski would like to know if the Village would be willing to help with the cost of repairs. The estimate given by Richard Smith was a total cost of \$10,000 with a breakdown of \$8,500 for the ramp and \$1,500 for the 10x7 piece in front of the Village Office. It was suggested that more estimates were needed before the Village could give her an

answer. Hayes offered to contact someone that he knows to get an estimate. Excell asked why the ramp needed to be ripped out completely, why could it not simply be resurfaced at less cost? The contractor who gave the original estimate stated to her that it was not sound and needed to be completely removed. Kowalski was asked if she had looked into applying for grants, she would like to look into grants but was not sure where to look for information. The clerk-treasurer gave Kowalski a print out of places to contact for information on the grants that are available. Kowalski left the meeting at 8:16.

There was an opening of sealed bids for the upstairs sheriff's office. Only one bid was received. This bid was from Bruce Jones for \$2,000.00 and included wall framing, 2 interior doors, sheet rock and paint to match existing walls. \$1,500.00 is to be paid upfront for materials with the remaining balance of \$500.00 to be paid upon completion of the room construction. Jones also offered to run 12-2 interior electric wire and cut out for electrical boxes for an additional price of \$275.00, this is to include a licensed electrician doing the work to Code Compliance. On a motion by Moore, seconded by Hayes, it was agreed to accept the sealed bid from Bruce Jones to complete the agreed upon work for the Sheriff's Office, including the extra electrical work needed for a total of 2,275.00, \$1,500 to be paid upfront for materials and \$775.00 to be paid when all work is completed. Work must be completed within 30 days of his notification of award.

Meeting minutes for August 14, 2012 were approved on a motion by Hayes, seconded by Corey, 4-0.

Meeting minutes for August 31, 2014 were approved on a motion by Trustee Hayes, seconded by Trustee Corey, 4-0.

Abstract 681 as presented for Board approval included General Fund Voucher's #7097-7123 totaling the sum of \$7,554.06. On a motion by Trustee Moore, seconded by Trustee Chapman and approved 4-0, Abstract 681 was approved for payment. Abstract 682 as presented for Board approval, included Fire Department PO's 0676-0677 totaling \$1,435.84 was approved on a motion by Trustee Moore, seconded by Trustee Chapman, 4-0. Abstract 683 as presented for Board Approval included Water Fund Vouchers W60-W67 totaling \$1,578.02 were approved on a motion by Trustee Moore, seconded by Trustee Chapman, 4-0. Abstract 684 as presented for Board Approval included General Fund Vouchers #7124-7126 totaling \$6,500.00 were approved on a motion by Trustee Moore, seconded by Trustee Corey, 4-0

In the Trustee reports, Trustee Hayes reported that the Opera House has been busy with new programs coming. The museum is having a fund raiser this Saturday. He had no report from the seniors or the Animal Control Officer. At the Town of Hamilton meeting, they reported that as far as shared services, they are still waiting for the state bid for the fuel oil; they should be hearing something this week. Hayes heard from Brindlee Mountain Fire Apparatus. Moore stated it has been such a long drawn out procedure; he is at the point where he feels we should find another fire dept. to donate it to. Excell feels we should go with the Brindlee contact. Sara suggested putting the truck on craigslist to see if anyone in the public would be interested in purchasing...Excell told Sara to list it. Excell stated that the Board had previously agreed to let Hayes sell the Fire Truck for a price that he felt was fair, that he should continue with Brindlee.

Hayes also reported that he has heard various complaints about kids hitching rides on bicycles from a "Jeep Like" vehicle on West Main Street. Excell stated they need to call 911 when this is seen.

Trustee Chapman reported that she attended the last Lebanon Town Meeting and proceeded to give an update. Chapman also attended the last Fire Company meeting. Fire prevention week is in October. A bill for polo shirts should be coming to the village soon. Pancake Day is Saturday 11/10/12. Sara questioned why money was moved from the banquet budget line to the equipment line within the Fire Department Budget. Excell explained that the Fire Company has agreed to pay for the banquet, so the money could be used on another budget line within the Fire Department Budget. Chapman asked if a report could be generated that would show every expenditure for the month coming out of the budget lines. The Clerk-Treasurer explained she did not believe the accounting software would generate that kind of report, but she would look into it. More than likely that would need to be developed using a spreadsheet and that would be very time consuming to generate every month. Chapman reported that a local church, the Fire Dept. and local businesses are researching the possibility of assisting the Legion with their current building. Seymour Ford requested that the Village be asked about repairs to the overhead doors as well as replacing ballasts in lights within the Fire House. Ford also asked if the Village could designate a place for horse parking. They also voted that the Fire Co. land at Baker's Field (including sides of driveway) cannot be used by the Amish for parking their horse and carriage.

Chapman reported that she had tripped on a brick by the gazebo asked Excell to ask DPW repair the brick walkway before someone gets hurt. Hayes stated that he had e-mailed the Fire Chief before he left on vacation to let Huff know that Sara may be attending the September meeting instead of him, but the Fire Chief did not get the message.

Trustee Moore reported that the codes enforcer has renewed one building permit and is keeping eye on a garbage issue on Preston Street. Moore stated he had asked for and received the annual report from the CEO. Excell asked if anything was happening with the well issues within the village. There are two known and one suspected wells in use within the Village. As none of them have installed backflow valves or are having the required water tests performed on a monthly basis as required, something must be done to enforce the codes laws. Moore stated he has heard nothing more from Van Huesen on the issue. Chapman brought up a complaint from Billings who stated to her that he has served Billings again and she continues to feel it is harassment. Board members stated as long as he does not represent the village while serving her, he has every right to serve her.

A representative from the United Methodist Church was present to discuss the American Legion building. They are looking into the possibility of investing in the building and are looking to see if the board would be interested in investing also. Excell advised him to them up to date when they have more information.

Mayor Excell reported that DPW will begin oil & stoning the streets this week. Yacono Paving moved the grader to Preston Street today, the work on the street should begin tomorrow. He has also contacted Sean Kelly to give an estimate for a ½ inch of asphalt to put on the Skate Park. He will keep the Board informed as he gets the information.

Trustee Corey reported that the Event Committee meets on September 26<sup>th</sup>. By the October meeting of the Village Board they will have a better schedule for the Winterfest. They are coming along very well. The Clerk Treasure reminded her that she needs all the receipts to account for the funds given to the committee.

In Old Business, Spratley and Sons out of Norwich won the Fayette Street tree removal with a bid of \$750.00. They will begin work after the oil and tar work is complete.

Mr. Kicinski spoke on the open court case, he feels that the case has gone on long enough and the Village should put an end to it.

At 9:35 Excell motioned to go into executive session to discuss issues regarding proposed, pending or current litigation, seconded by Moore. Present in the executive session were Excell, Moore, Hayes, Corey and Chapman. At 9:52 public session of the Board meeting was resumed. Excell read an e-mail from the Village Clerk-Treasurer in which the Village Attorney William Getman had advised that there was to be a court appearance on August 22, however the other attorney Mark Barnes had a death in the family and had to postpone. Mr. Barnes had asked Getman to approach the Village regarding their willingness to compromise by accepting an affidavit from Attorney Barnes stating that he had no more than the original amount of animals agreed to, as well as allow the Village CEO to go onto his property on a yearly basis to continue to verify the number of animals and the conditions.

*Original Resolution 23-30 of 10/4/2003, "it was resolved that Michael Kicinski, resident at 106 North Main Street has been granted this limited variance exclusively to properly housed chickens and rabbits on said property; the number of chickens will not exceed 60 with no more than 30 egg laying hens, the additional number of chickens would be spring time "broilers", which are raised to full growth only for 6-8 weeks. The number of rabbits will not exceed 125 between the adult breeders and various stages of litter growths. The animals will be fully housed in enclosed coops and runs at the rear of the barns and out buildings"*

Mr. Kicinski stated that the number of chickens was increased to 120.

(Reference- On February 14, 2006, Resolution 26-05 was approved on a motion by DY, seconded by KB that states "*that the Board of Trustees hereby agrees to an increase in the variance that had been granted for the number of chickens at the residence to be increased from the number of 72 hens last year to 102 this, stating that the number would only be there for a short period of time.*")

And that there was no agreement; that his attorney Mark Barnes went to Getman without his approval- he did not agree to it.

Mr. Kicinski then stated that the meeting minutes were falsified as he was never asked how many animals he had and therefore he never refused to give the information; that it never happened.

(Reference- Special Board Meeting of August 28, 2007 "As one of the two individuals in the village that would fall under article D "Existing Conditions," Trustee Clark asked Mr. Mike Kicinski how many chickens he currently had at his property. Mr. Kicinski said that information did not relate to the issue being discussed by the board. Trustee Clark asked how many rabbits he had and again he replied the same."

Chapman asked if there were any witnesses that could verify this. Trustee Chapman made a motion to repeal Local Law #1 2007. There was no second and after much discussion, Trustee Chapman rescinded the motion. On a motion by Moore, seconded by Hayes it was agreed to hold a special meeting in two weeks. A special meeting will be held October 2nd at 6pm. Village Attorney William Getman will be asked to attend so that the present members of the Board may be brought up speed on the court case and history.

Mr. Kicinski stated that he feels he should be reimbursed by the Village for the court costs. When asked by Chapman how much his court costs have been to date, Mr. Kicinski stated in the neighborhood of \$10,000. Chapman asked if he had an itemized list of costs at this time.

In new business, on a motion by Moore, seconded by Hayes Resolution 31-35 "Acceptance of Fire Protection Contracts 2013 *BE IT RESOLVED, that the Village of Earlville and the Board of Trustees hereby accept the Fire Protection contracts for 2013, between the Village of Earlville, Earlville Fire Department and the Towns of Hamilton, Lebanon and Sherburne. Upon acceptance of these agreements by the towns, payment will be made to the Village of Earlville as follows: Town of Hamilton: \$17,698.43 Town of Lebanon: \$34,959.06 Town of Sherburne: \$ 6827.00 Total \$59,484.45*" was approved, 4-0.

DPW reported that brush pick-up will end on Friday 9/28/2012; Leaf pick-up will begin on Monday 10/1/2012.

Lisa Beers from Mang Insurance Co. had dropped off information on a discount eyewear program that is now being offered. There is no charge to the Village or the employee for this benefit. It is not an Insurance program, but a discount program that Dr. Spellicy in Hamilton is now participating in. On a motion by Moore, seconded by Chapman it was agreed that the Village will participate in the program, allowing everyone, including members of the Fire Department to participate, 4-0.

The Clerk-Treasurer was contacted by Darlene from Experience Works out of Norwich and was asked if the Village would be interested in participating in the program. Experience Works is a not for profit program that helps retired seniors find employment. Currently they have a woman from Earlville who would like to be placed in the Village. There is no cost to the Village for this program, they pay the employees up to 20 hours a week and the host is the supervisor. On a motion by Chapman, seconded by Moore it was approved that the Clerk-Treasurer could conduct an interview with Darlene and the person seeking employment to see what kinds of skills she has and if she would be an asset to the Village Office. If so, it was agreed that the Clerk-Treasurer could hire the woman to assist in the Village Office, 4-0.

There was no public comment at tonight's meeting.

With nothing further to discuss, Trustee Chapman motioned to adjourn the Village of Earlville Board Meeting at 10:14pm, seconded by Trustee Moore and carried 4-0.

"I certify this document is a true and accurate description of the regular board meeting of the governing board of the Village of Earlville September 18, 2012."

Kelly Beach  
Clerk-Treasurer

Village of Earlville

- Village Seal -

*Resolution 31-35  
Acceptance of Fire Protection Contracts for 2013*

*Motion made by Trustee Moore*

*At the regular board meeting of the Village Trustees of the Village of Earlville, Counties of Madison and Chenango, State of New York held at the office of said Village Trustees in the Village of Earlville, Counties and State aforesaid, on the 18th day of September 2012,*

*Present: William Excell – Mayor  
Gerald Hayes – Trustee  
Henry Moore – Trustee  
Margaret Corey – Trustee  
Sara Chapman - Trustee  
Kelly Beach – Clerk/Treasurer*

*WHEREAS, a majority of said Board being present and said meeting having been duly called:*

*NOW THEREFORE, on motion duly made and carried:*

*BE IT RESOLVED, that the Village of Earlville and the Board of Trustees hereby accept the Fire Protection contracts for 2013, between the Village of Earlville, Earlville Fire Department and the Towns of Hamilton, Lebanon and Sherburne. Upon acceptance of these agreements by the towns, payment will be made to the Village of Earlville as follows:*

<i>Town of Hamilton:</i>	<i>\$17,698.43</i>
<i>Town of Lebanon:</i>	<i>\$34,959.06</i>
<i>Town of Sherburne:</i>	<i><u>\$ 6827.00</u></i>
<i>Total</i>	<i>\$59,484.45</i>

*Seconded by Trustee Hayes*

*Ayes: 4  
Nays: 0*

*Carried 4-0*