

VILLAGE OF EARLVILLE

Special Monthly Meeting
Village Hall

October 15, 2013
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 October 15, 2013.

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 Henry Moore, Gerald Hayes, Margaret Corey and Sara Chapman. Also present were Village Clerk-Treasurer Kelly Beach, and Village Attorney William Getman.

To start, Mayor Excell stated that there would not be any discussion of the pending litigation in the public session of the Board Meeting; if there were any other questions, they would be addressed at the end of the meeting and they would be given five minutes to speak.

NEW BUSINESS

Return of unpaid Village taxes to respective Counties.

On a motion by Hayes, seconded by Moore, Resolution 32-4 "A Return of Unpaid Taxes to Chenango County" stating that "the Board of Trustees hereby approves the return of unpaid Village taxes to Chenango County, including 21 parcels with a base amount of \$7,591.56, total mailing remuneration fees of \$42.00 and eight (8) percent interest of \$607.32 for a total return of \$8,240.88." was approved unanimously.

On a motion by Hayes, seconded by Moore, Resolution 32-5 "A Return of Unpaid Taxes to Madison County" stating that "the Board of Trustees hereby approves the return of unpaid Village taxes to Madison County, including 30 parcels with a base amount of \$16,301.80, total mailing remuneration fees of \$60.00 and eight (8) percent interest of \$1,141.133 for a total return of \$17,502.93." was approved unanimously.

EXECUTIVE SESSION

Motion #1-10.15-2013

On a motion by Moore seconded by Chapman, 4-0, at 7:03 p.m. it was approved to enter into Executive Session to discuss "matters regarding ongoing litigation". Invited into the session were Village Attorney William Getman and Clerk-Treasurer Kelly Beach.

Motion #2-10.15.2013

After a lengthy discussion regarding the recent hearing, a motion was made by Moore, seconded by Cory for attorney William Getman to propose an offer through the resident's attorney, Mark Barnes. The offer is as follows: The Village will stop the legal action against the resident if he will allow a current count of chickens by Mr. Barnes or the Village Codes Enforcement Officer verifying that there are no more than 72 chickens on the premises, as per a previous agreement reached prior to the current livestock law. The resident would also have to consent to an annual verification inspection to make sure that the number of chickens is maintained. Also required would be the stipulation that if the resident did not allow an annual verification by either Barnes or the Village Code Enforcement Officer he would be subject to a minimum \$150.00 fine. The Board requires an answer on or before November 1, 2013. If the resident does not accept

the proposal, the trial set for December 2013 will proceed. Motion was approved- Moore- yes Corey- yes Hayes- yes Chapman- yes Excell- yes.

Mayor Excell had questions for Attorney Getman regarding the recording of Board meetings. Excell stated that he understood that by law (Public Offices Law §103(d)) the public session of the meeting may be recorded by anyone; however he was unsure whether the Executive Sessions could be recorded as well. Per Getman, there is no law that states that someone invited into Executive Session could not record the session; however there is an ethical and moral responsibility that the information gathered in those sessions not be disclosed or discussed with anyone not physically present during the executive session. *(At the time of this writing, it has been found in the NYCOM handbook Chapter 5, "Meeting Procedures" page 5.8 heading "Guidelines for use of recording equipment", bullet #2..."Recording is not allowed during executive sessions.")*

Motion #3-10.15.2013

On a motion by Moore, seconded by Corey, 4-0 it was agreed to exit executive session and re-enter public session at 7:51 p.m.

With nothing further to discuss, Trustee Moore motioned to adjourn the Village of Earlville Board Meeting at 7:51 pm, seconded by Trustee Hayes 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 October 15, 2013."



Kelly Beach
Clerk-Treasurer

Village of Earlville

- Village Seal -

*Resolution 32-4
Return of Unpaid Village Taxes to Chenango County*

Motion made by Trustee Gerald Hayes

During 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 15th day of October 2013,

*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; and

NOW THEREFORE, on motion duly made and carried:

BE IT RESOLVED, that the Board of Trustees hereby approves the return of unpaid Village taxes to Chenango County, including 21 parcels with a base amount of \$7,591.56, total mailing remuneration fees of \$42.00 and eight (8) percent interest of \$607.32 for a total return of \$8,240.88.

Seconded by Trustee Henry Moore


The question of adoption of the foregoing resolution was duly put to vote; and upon role call, the vote was as follows:

<i>Henry Moore, Trustee</i>	<i>Voted</i>	<i>Yes</i>
<i>Gerald Hayes, Trustee</i>	<i>Voted</i>	<i>Yes</i>
<i>Margaret Corey, Trustee</i>	<i>Voted</i>	<i>Yes</i>
<i>Sara Chapman, Trustee</i>	<i>Voted</i>	<i>Yes</i>

The foregoing resolution was thereupon declared duly adopted 4-0.

Dated: October 15, 2013

I hereby certify that this resolution was adopted on October 15, 2013 and is recorded in the Meeting Minutes of the Village of Earlville Board of Trustees.



Kelly Beach

Village Clerk-Treasurer

– Seal –

*Resolution 32-5
Return of Unpaid Village Taxes to Madison County*

Motion made by Trustee Gerald Hayes

During 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 15th day of October 2013,

*Present: William Excell – Mayor
Henry Moore – Trustee
Gerald Hayes – 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; and

NOW THEREFORE, on motion duly made and carried:

BE IT RESOLVED, that the Board of Trustees hereby approves the return of unpaid Village taxes to Madison County, including 30 parcels with a base amount of \$16,301.80, total mailing remuneration fees of \$60.00 and eight (8) percent interest of \$1,141.133 for a total return of \$17,502.93.

Seconded by Trustee Henry Moore

The question of adoption of the foregoing resolution was duly put to vote; and upon roll call, the vote was as follows:

<i>Gerald Hayes, Trustee</i>	<i>Voted Yes</i>
<i>Henry Moore, Trustee</i>	<i>Voted Yes</i>
<i>Margaret Corey, Trustee</i>	<i>Voted Yes</i>
<i>Sara Chapman, Trustee</i>	<i>Voted Yes</i>

The foregoing resolution was thereupon declared duly adopted 4-0.

Dated: October 15, 2013

I hereby certify that this resolution was adopted on October 15, 2013 and is recorded in the Meeting Minutes of the Village of Earlville Board of Trustees.



Kelly Beach

Village Clerk-Treasurer

– Seal –