

VILLAGE OF EARLVILLE

Regular Monthly Meeting
Village Hall

December 10, 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 November 12, 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, Ford Seymour and 5 members of the public.

Motion #1-12.10.2013

On a motion by Trustee Moore, seconded by Trustee Chapman, Regular Board Meeting Minutes for November 12, 2013 were approved unanimously.

Motion #2-12.10.2013

On a motion by Trustee Moore, seconded by Trustee Chapman, Abstract 728 which included General Fund Vouchers totaling the sum of \$34,290.28 was approved unanimously.

Motion #3-12.10.2013

On a motion by Trustee Chapman, seconded by Trustee Moore, Abstract 729 which included Water Fund Vouchers totaling \$93,255.91 was approved unanimously.

Motion #4-12.10.2013

On a motion by Trustee Hayes, seconded by Trustee Chapman, Abstract 730 which included Trust & Agency Fund Vouchers totaling \$10,081.09 was approved unanimously.

TOWN COUNCILMAN

There was no Town Councilman report as Mr. Meyers was not present.

TRUSTEE REPORTS

Trustee Chapman had one FOIL request from Mr. Kicinski and no Fair Housing issues to report. Chapman will be establishing a meeting with a representative on public no smoking laws. Excell stated that he believed a judge had overruled the no smoking ban in public parks (not including public playgrounds where children under 12 are present) and questioned whether the Trustees still needed a presentation. Board Members stated that they were fine with having a presentation; Chapman will set it up for the next Regular Board Meeting which is scheduled for January 14th at 7:00pm.

Trustee Corey reported that Christmas Celebration went very well this past weekend. Corey listed the events that occurred over the weekend and stated that overall participation seemed to be down this year. Excell stated that he thought that the Village should invite other fire departments to participate in the Fruit Cake Curling event to compete against the Earlville Fire Department team. Corey stated that one thing that she felt should be done differently next year is to allow people to practice before the event. A comment was made that the craft fair had poor attendance since Hamilton and Morrisville held craft fairs at the same time. It was also mentioned that Sherburne had their Annual Christmas Parade on Saturday as

well, which could also account for a slightly lower attendance. Trustee Chapman suggested having the events spread out over a couple of weekends, as this may boost participation. Mayor Excell has received several compliments on the tree in the park. He feels that after trimming next year and a couple years growth, the tree will be well on its way to looking as good as Hamilton's Christmas tree. Corey reported that there were some complaints that the tree lighting and awards presentation in the park lasted too long for the low temperatures. The Events Committee will be meeting in January to discuss the Winterfest Celebration in February.

Trustee Moore reported that he has spoken with Pastor Mark who was confident that his schedule will be more open come next spring, allowing him to spend the needed time working on the Skatepark. Mark had questioned Moore about what the village wanted to do with the half pipe. Mayor Excell stated that the Board had previously decided to follow Pastor Mark's advice on matters of the ramps placement and what should be maintained versus removed. Moore gave the Justice report of a total of 9 cases seen in the last month. There was no report from the CEO.

Trustee Hayes reported that the Fire Dept. will be holding a pancake breakfast on February 15, 2013. There may be some changes in the cost of breakfast; the event has been a free will donation, however the Fire Company feels that they may need to start charging a fee to help with costs. The Opera House Holiday Sale is still being held on the weekends. Hayes had no report from the seniors. The Animal control officer Francis Hilsinger has been in the hospital; he is out now, but has had no report on his condition. The Town of Hamilton has a new bookkeeper. Madison County and the Town of Hamilton are both going to be overriding the tax cap this year- look for an increase in the Town of Hamilton and Madison County taxes. In the future, Town of Hamilton and Madison County taxes can be paid at both the Town of Hamilton and at the County Office Building in Wampsville. Hayes attended a meeting at the Hamilton School about the deer over-population in the Town of Hamilton. Colgate students have completed a survey on deer population; at this time, nothing was decided on how to handle the over-population issue. An agreement with Delta to examine road use in Brookfield, Hamilton and Lebanon has been made. Tomorrow, Trustee Hayes will be going to Norwich to meet with the Chenango County Department of Planning & Development of the Muti-Jurisdictional Hazard Mitigation Plan and fill out paperwork with them. Excell explained again for the public that if the Village does not join with the county on this, then in the case of an emergency situation, the Village cannot file for FEMA on its own.

OLD BUSINESS

In old business, Mayor Excell stated that the Village has been looking into purchasing a PA system for use at special events. Ford Seymour was asked at last month's Board Meeting to check into prices for a new system. Seymour handed out packets with information and prices on PA systems that he had researched for the Village. The one system that Seymour recommends is an 800 Watt Pyle-Pro VHF Wireless Battery Powered with Echo, iPod and MP-3 input jack for \$223.99. Seymour also recommends a 6.5 foot Tripod Speaker Stand for \$28.36 and a Lavalier Wireless Microphone System for \$14.09. A brief discussion followed with questions about the system; Trustee Chapman stated it should be good enough for what the village needs it for. Mayor Excell suggested that the Board members table any decision making regarding purchase until next month to give them more time to review the product. Seymour stated that he is still looking into an LED sign for the Fire Department.

NEW BUSINESS

In new business, a Budget Workshop was scheduled for Wednesday December 18th at 6:00pm.

With the court litigation regarding non domestic animals now being settled by the Village dropping charges against Mr. Kicinski after a search warrant was executed, and having determined that Mr. Kicinski is at least in compliance with the initial agreement that he had reached with the Village Board; Mayor Excell would like to review the Local Law 1-2007 and go back to an updated version of the original

ordinance of 1963. Many residents have approached the Board regarding the possibility of having non-domesticated animals on their property. Board Members feel that there are properties within the Village that could feasibly house and maintain various farm animals, however; they also feel that guidelines need to be established and followed when allowing said animals within the Village limits. Excell would like to have Getman put together some guidelines that the Village could use to establish new laws for non-domesticated animal ownership. Mr. Kicinski stated that Municipalities regularly put limits on non-domestic animals but there are no such limits imposed in New York City. He also stated that the Health Department kept track of complaints and noncompliance reports in New York City, not the City. A lengthy discussion followed on the merits of basing the number of animals allowed on the size of the piece of property as well as the guidelines that need to be addressed. Mayor Excell would like Village Attorney William Getman to be contacted and consulted. After Getman's suggestions are received and reviewed, a public hearing will be scheduled.

Mr. Kicinski asked that the Village wave the \$17.25 fee for his FOIL request of November 20, 2013 based on the fact that he is a resident of the village and pays village taxes, etc. Excell stated that he feels that since the charges have been dropped and the goal from this point forward is to move past all of the difficulties of the past years regarding this case, the village should drop the \$17.25 fee.

Motion #5-12.10.2013

On a motion by Trustee Chapman, seconded by Trustee Moore, it was approved to wave the \$17.25 November 20, 2013 FOIL fee of \$17.25. Motion approved 3-2. Hayes- no Moore- no Chapman- yes Corey- yes Excell- yes.

Mr. Kicinski stated that he has concerns regarding Board Meeting Minutes being falsified and feels that he has been put through 5 ½ years of litigation, which has cost him thousands of dollars in legal fees and years of suffering. Mayor Excell stated that all Mr. Kicinski had to do was allow the village to count the chickens and the litigation could have ended years ago. Mr. Kicinski wants the Meeting Minutes corrected and a public apology issued by the Village. A heated discussion between Board members and Mr. Kicinski followed, in which Mr. Kicinski stated that if the Village will not work with him to try to come to an agreement (correcting the falsified Meeting Minutes and issuing a public apology), he will settle it in a different way; a \$20,000 Civil lawsuit against the Village.

Trustee Moore then ended the discussion by a motion to adjourn the Board Meeting at 7:48, seconded by Trustee Chapman, 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 December 10, 2013."

Kelly Beach
Clerk-Treasurer

Village of Earlville

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