

# VILLAGE OF EARLVILLE

Regular Monthly Meeting  
Village Hall

October 12, 2010  
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 27<sup>th</sup> day of September, 2010.

*Tonight's meeting minute notes: All votes by the Village of Earlville Board of Trustees (herein "Board" or "Village Board") 4-0 are to be read as "aye" votes from Village of Earlville Board of Trustees members Excell, Hayes, Moore and Taylor. 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.*

Village Mayor Mark Doeberl called the meeting to order at 7:00 p.m. Board members present were Trustees William Excell, Gerald Hayes, Henry Moore and Tom Taylor. Also present were Village Clerk-Treasurer Christian Vischi, Town of Sherburne Councilman Ed Meyers and seven members of the public.

Abstract 617 (Vouchers #6505-6514 with General Fund expenditures of \$6,560.82 and Water Fund expenditures of \$348.20) was approved 4-0 on a motion by Trustee Moore and a second from Trustee Excell. Abstract 618 (Vouchers #6515-6534, PO562-566 with General Fund expenditures of \$11,762.12 and Water Fund expenditures of \$5.70) was approved 4-0 on a motion by Trustee Taylor and a second from Trustee Moore pending the change of Voucher 6516 from \$1,110 in Sheriff's fees to \$990 and the withholding of Voucher 6522 until clarification of the mileage breakdown can be given by the Codes Enforcement Officer (CEO). Abstract 619 (Capital Fund Vouchers #CP10-CP11 in the amount of \$19,558.12) was approved 4-0 on a motion by Trustee Moore and a second from Trustee Taylor.

Trustee Moore reported that the Fire Department's semi-annual Pancake Day will be held from 7 a.m. to Noon on Nov. 13 at the fire hall. A motion to approve the event was made by Trustee Moore, with a second from Trustee Hayes, and it carried 4-0 (Trustee Excell abstained). There have been no FOIL requests.

One building permit has been issued by the CEO and he has attended an eight-hour codes update course. The new New York State Codes books have arrived and soon new building permits will be required, though most will not have a fee.

The Quincy Square Museum has an antique's appraisal fundraiser planned for this Saturday as their final event of the season. Keith Rifenburg will be on hand for the appraising. Trustee Hayes also relayed that at the August meeting with Madison County Sheriff Allen Riley, he was invited to come to tonight's meeting but Hayes did not hear from Riley. William Excell Sr. had reported at last month's Board meeting that a follow-up meeting will be held with Sheriff Riley to get answers to the Village's concerns, but no date had been set. Trustee Hayes has spoke with Associate Examiner Jerry Jadowski, CPA, of the New York State Division of Local Government and School Accountability and told the Board that Jadowski had a recommendation that he wanted Trustee Hayes to bring to the Board's attention: that the Board look into an improved accounting system. Jadowski also told Trustee Hayes that it will be difficult for the Board to find a new clerk to replace the current that will be capable of performing the job functions that are currently handled by the clerk-treasurer. He strongly recommended that training will be vital.

Mayor Doeberl said DPW has been focused on street cleaning, leaf pick-up, vehicle maintenance and mowing. Though brush pick-up is still an issue, no brush will be picked up until the conclusion of the leaf pick-up period. The Planning Board is working on the Winterfest schedule and financial donations for prizes have been gifted by M. Burton Marshall Insurance and Computel Consultants, Mountain Top Golf Course and a village resident.

Under old business, the Board had previously discussed extending the Board terms from two-year to four-year terms. The Board requested the clerk get the proper wording for a referendum on the March 2011 ballot. Village resident Michael Kicinski said that for a municipality the size of Earlville there was no reason to have four-year terms. Without a date in Resolution 30-26, it has been amended to read (the new section is in italics):

“...notice shall state that water service will be suspended on such a date.

*BE IT FURTHER RESOLVED that this policy shall go into effect Jan. 1, 2011 and shall remain in place until amended or repealed by the Village of Earlville Board of Trustees.”*

The motion to adopt Resolution 30-32 “Amending Resolution 30-26 to include effective date” was made by Trustee Moore, seconded by Trustee Hayes and carried 5-0.

On a motion by Trustee Taylor, seconded by Trustee Moore and carried 4-0, the Board accepted the minutes from the Aug. 23, 2010 regular board meeting. Then on a motion by Trustee Taylor, seconded by Trustee Excell and carried 4-0, the Board accepted the minutes from the Sept. 9, 2010 regular board meeting.

As the Village plans to apply for New York State Environmental Facilities Corporation (EFC) Green Innovation Grant Program funding for the purchase of new digital water meters with Automated Meter Reading (AMR) equipment and software, the GIGP requires the Board to name a Minority Business Officer to administer and oversee a Comprehensive Minority and Women’s Business - Equal Employment Opportunity/Disadvantaged Business Enterprise Program Work Plan. On a motion by Trustee Moore, seconded by Trustee Taylor and carried 5-0, Resolution 30-33 “Appointment of Trustee Gerald Hayes as Minority Business Officer” was adopted.

As the official depository of Village funds, NBT Bank is required by General Municipal Law, Article 2, Section 10 to provide the Village with eligible collateral having an adjusted market value equal to the collateral requirement by the pledging of appropriate securities or other instruments (i.e. surety bonds, letters of credit, etc.). NBT Bank currently collateralizes funds on a monthly basis. On a motion by Trustee Moore, seconded by Trustee Excell and carried 4-0, the Board adopted Resolution 30-34 “Third Party Custodian Agreement – Collateralized Municipal Deposits” which will authorize the Bank of New York to collateralize Village funds on a daily basis. Hard copies of said collateralization will be mailed to the Village on a weekly basis.

Mayor Doeberl relayed to the Board that the most recently negotiated Bond Anticipation Note by Municipal Solutions on the Water Project is for \$1,877,000.00 with an interest rate of 1.53%, which will be purchased by NBT Bank.

On a motion by Trustee Hayes, seconded by Trustee Taylor and carried 4-0, the Board approved Resolution 30-35 “Return of Unpaid Village Taxes to Chenango County”. The return includes 18 parcels with a base amount of \$8,431.17, total mailing remuneration fees of \$36.00 and eight (8) percent interest of \$677.37 for a total return of \$9,144.54.

On a motion by Trustee Hayes, seconded by Trustee Taylor and carried 4-0, the Board approved Resolution 30-36 “Return of Unpaid Village Taxes to Madison County”. The return includes 27 parcels with a base amount of \$11,377.90, total mailing remuneration fees of \$54.00 and eight (8) percent interest of \$914.55 for a total return of \$12,346.45.

Due to a conflict with the existing water main on Greene Street - the old main is right where the new one is supposed to go, it has been proposed that the new main go on the east side of Greene St. There is an issue at 31 Greene Street with four trees. The options are to bore under or

remove them. There would be no cost to bore under as the price per foot of ductile is exactly the same as the per foot price for HDPE. The cost to remove them would be approximately \$6,000. On a motion by Trustee Moore, seconded by Trustee Excell and carried 5-0, the Board unanimously decided to have Vacri bore under the four trees at 31 Greene Street.

Councilman Meyers relayed news from the Town of Sherburne, including their upcoming budget hearings; their progress on the Intermunicipal Agreement; the selling of their voting machines; and reviews of their local law for animal control and their franchise agreement with Time Warner.

Village Resident Kicinski said the Quincy Square Museum was surprised to get the news about the 2011-2012 fiscal year funding cut in a recent letter. He said they would have expected to hear something in a meeting first. Trustee Moore said the Village was trying to give the area organizations that received a letter stating that water rents would be charged going forward and/or that gifts of village funds would no longer be in practice. Village Resident Kicinski had spoken with Associate Examiner Jadowski on the legality of the gifts, and the Village received a publication from NYCOM citing New York State Comptroller Opinions 396 (1969), 613 (1966) and 632 (1946). Associate Examiner Jadowski also pointed out to Kicinski that Article 8 of the New York State Financial Law prohibits gifts to individuals or organizations. Mayor Doeberl read the state law aloud. Village of Sherburne Mayor William Acee was contacted about Sherburne's policy on financial contributions or gifts of services to Sherburne's non-profit organizations, and Acee said the Village of Sherburne does not do such offerings. Kicinski and Trustee Hayes suggested the Village should take more time to research the issue. Trustee Moore said the State Comptroller's Office and NYCOM concur, there is nothing further to look into. With the Village currently undergoing an audit of finances, Mayor Doeberl said there is no reason to look into ways to get around a state law. A question was raised asking if non-profits would be charged commercial or residential rates for water. They would be charged the commercial rate.

Village Resident Richard Pancoe had a question about a message he received from the Village's attorney about a permanent easement granted at the tank site. On a motion by Trustee Moore, seconded by Trustee Taylor and approved 4-0 at 7:57 p.m., the Board entered executive session to discuss a proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, and to discuss a document received from the village's attorney in relation to the proposed acquisition, which is a matter of attorney-client privilege and is therefore exempted from disclosure by state or federal statute. Invited into the executive session were Clerk-Treasurer Vischi and Resident Pancoe. On a motion by Trustee Moore, seconded by Trustee Hayes and carried 4-0 at 8:07 p.m. the Board reentered public session. There was no action taken in executive session.

Resident Pancoe said he had not been on the tank access road following the Sept. 30-Oct. 1 storm, but said he was concerned that the improvements to the road did not include water divergence by way of cross-sloping or broad-based dips. Pancoe estimated that six or seven broad-based dips would be sufficient to divert the water to the west, helping to maintain the integrity of the road. Mayor Doeberl said the Village would look into it. The Village will also look into purchasing two gates for the roadway.

Trustee Excell aired concern with *The Evening Sun's* lack of coverage of the Village's water project groundbreaking. He said the Village could look into possibly utilizing the Madison County Courier as its official publication at the April 2011 reorganization meeting.

With the changes in the Board membership and roles over the past several months, Mayor Doeberl reassigned the Board liaison duties with the following notations:

- Youth Recreation has been renamed Parks & Recreation;
- There is no need for an adult recreation (softball) liaison or for a water committee; and
- New positions/duties of Events Coordinator and Water Project have been created.

The new department liaisons are:

Mark Doeberl - Personnel, Water Project

William Excell - Parks & Recreation, Codes Enforcement and Village Justice

Gerald Hayes - Adult Recreation (Seniors), Civic Organizations (Cultural),  
Police Committee, Minority Business Officer, Fair Housing and Animal Control

Henry Moore - FOIL Officer, Monthly Bank Reconciliation Officer, Police  
Committee and Fire Department

Tom Taylor - DPW, Auditing, Planning Board and Events Coordination

Job descriptions for the positions and related material were handed out to the Board.

Currently the Village has an interest-bearing savings account named Municipal Savings II with a balance of \$9,260.78. As the Village will need a new fuel oil in-ground tank likely before 2013, the Board voted to approve the renaming of the capital fund account "Buildings & Grounds Maintenance" on a motion by Trustee Moore with a second from Trustee Taylor. Resolution 30-37 "Change Municipal Savings II to Buildings & Grounds Maintenance Capital Fund" was approved 4-0.

The snowmobile prohibition signs will be posted before snowfall, but have been on hold because of the water project.

The Village received letters of thanks from the Earlville Free Library's Afterschool Program and they were given to the Board to peruse.

On a motion by Trustee Excell, seconded by Trustee Moore and approved 4-0, the Board authorized the purchase of hot dogs, buns, cider and donuts for the annual Halloween event at the Fire Hall.

Trustee Hayes told the Board that at the November meeting he will make a motion to repeal Local Law #1 of 2007 and that he would like the rest of the Board to think about it. He said he believes it would more friendly for village residents and that the local law should be more lenient.

With no further business, the meeting was adjourned at 8:26 p.m. on a motion by Trustee Excell, with a second from Trustee Moore and a vote of 4-0.