

VILLAGE OF EARLVILLE

Regular Monthly Meeting
Village Hall

August 23, 2010
7:00 PM

.....

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 28th day of July, 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 7:03 p.m. Board members present were Trustees William Excell, Gerald Hayes, Henry Moore and Tom Taylor. Also present were Village Clerk-Treasurer Christian Vischi and approximately four members of the public. Four additional members of the public arrived at 7:14 p.m.

Abstract 615 (Vouchers #6468, 6470-6483) was approved 4-0 on a motion by Trustee Moore, seconded by Trustee Taylor.

The minutes from the Aug. 9 regular board meeting were approved 4-0 on a motion by Trustee Hayes and a second from Trustee Moore.

Trustee Moore would like to combine the Water Committee with the Planning Board as there is little need for input on the project as it has eclipsed the pre-construction phase.

Trustee Excell's report from the Code Enforcement Officer noted that the property at 4 Madison Street is again in violation of Resolution 28-50. A letter has been sent and returned, and the CEO recommends that DPW mow the lawn there. On a motion by Trustee Excell, seconded by Trustee Moore and carried 4-0, the board approved DPW performing the lawn maintenance. The CEO will also be enforcing a new painting permit. There is no cost for the permit, which is required by the new EPA regulations specifically geared toward lead paint abatement. The CEO is also working with the village justice to bring closure to older violations.

The Quincy Square Museum will feature a program on Earlville businesses from 1910 to present at 2 p.m. the third Saturday of September. The program is free and open to the community. The committee created to address issues with the Sheriff's coverage of the Village had a preliminary meeting. Committee members Brian Holt, William Excell Sr., and Trustees Moore and Hayes will next meet with Madison County Sheriff Allen Riley to fine-tune police coverage instead of looking at going in a different direction, said Trustee Hayes.

There was no Planning Board meeting last month as there was not enough turn out.

Having held a public hearing on the establishment of new water rates and policies, the Board adopted Resolution 30-25 "Modification and Establishment of Rates for Water Service" on a motion by Trustee Moore, seconded by Trustee Excell and carried 5-0. The Board then adopted 5-0 Resolution 30-26 "Notice of Discontinuation of Water Service" on a motion by Trustee Excell and a second by Trustee Moore. As per recommendations from Village Attorney William Getman, the Village will post a notice on the doors of properties that are not occupied by the owner in the event that a water bill has not been paid and that water service will be suspended on such a date. On a motion by Trustee Moore, seconded by Trustee Taylor and carried 5-0, the Board approved

using a *Statement of Authorization for Water Account Billing*. This authorization puts in writing a property owner's request to have the water bills directed to a tenant or property manager.

After discussing the change orders to date on the water project, Trustee Taylor made a motion to authorize Mayor Doeberl to execute Change Order #1 totaling \$34,017.42. The motion was seconded by Trustee Hayes and carried 5-0. The trees to be removed as part of the water project could begin coming down Wednesday this week, with actual construction slated to start next week.

For all organized events that occur more than once at the Village's ballfields – this excludes one-time events like reunions, weddings, graduations and the like – the Board requires the organizers to carry \$1,000,000 in liability coverage, naming the Village as additionally insured. This motion was approved 5-0 on a motion by Trustee Moore and a second by Trustee Taylor.

As Article 10, Section 3: Permits of the Village's Ordinances and Local Laws published May 16, 1963 inadequately addresses concerns with concessions on public property in the Village, the Board adopted Resolution 30-27 "Regulation of Concessions in the Village of Earlville." The motion was approved 5-0 with Trustee Moore making the motion and Trustee Taylor seconding it. It states that permits for concessionaires to operate on public property in the Village will be granted when the following conditions are met:

- The appropriate permit(s) from the Madison or Chenango County Departments of Health are secured;
- A Certificate of Insurance naming the Village of Earlville as additionally insured in the amount of \$100,000 has been secured;
- A \$15.00 fee per event has been paid (there are no exemptions as this is prohibited by the state's constitution against gifts and loans); and
- The Board has been given 30 days advanced notice for deliberation.

J.J. Smith asked for permission to host a double elimination softball tournament Sept. 25-26 with a couple of games possible on Friday. Smith said he anticipates 10-12 teams, with a majority of them local. New Life Christian School will be contacted for their soccer schedule and Attorney Getman will be contacted for an insurance recommendation as the Village would not be sponsoring this tournament. On a motion by Trustee Moore, seconded by Trustee Excell and carried 5-0, the Board approved the tournament subject to NLCS's needs and Getman's recommendation. Resident Michael Kicinski asked about police coverage for the event. Mayor Doeberl said the Sheriff's Department has traditionally made their presence visible during previous tournaments; the majority of complaints come from the evening practices and the hour following.

On a motion by Trustee Moore, seconded by Trustee Hayes and carried 4-0, the Board approved the 2011-2012 Fire Protection Contract with the Towns of Hamilton, Lebanon and Sherburne. Trustee Excell abstained. The contract includes an increase of 1.991% or \$1,572.29, the smallest increase in over three years. Based on the taxable values provided by the Madison and Chenango Offices of Real Property and Equalization Rates established by the state, the costs to each municipality are: Sherburne \$6,491.59, Hamilton \$15,610.84, Earlville \$22,485.91 and Lebanon \$35,951.66.

On a motion by Trustee Taylor, seconded by Trustee Moore and carried 5-0, the Board adopted Resolution 30-28 "Application to Participate in the National Flood Insurance Program". This resolution is a preliminary step to comply with the floodplain management requirements of the National Flood Insurance Program. To participate in the program, the Village must adopt a local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas of the Village. To address this, the Board will hold a public hearing at 6:30 p.m. Sept. 7.

The Earlville Fire Department will hold a Roast Pork Dinner this Saturday from noon until sold out at the Fire House. The event will be by free will donation and delivery will be available.

The Village received a letter and check from Energy Cooperative of America for a cost rebate for electric load from 2009.

The Board adopted Resolution 30-29 "Deputy Mayor William Excell Jr. Added to Banking Accounts" on a motion by Trustee Moore, seconded by Trustee Hayes and carried 5-0.

Trustee Excell will perform the annual justice court audit as required by § 2019-a of the Uniform Justice Court Act.

With a significant branch having broken off and several other branches dead, a tree at 20 West Main Street was trimmed by David Swenson at a cost of \$300. This tree was not one of the trees formerly identified as needing to be cut down. Two estimates were received – one each from David Swenson and Howard Palmer – with the low bid being \$850. With the shade trees budget line trimmed this year in anticipation of the water project, no action was taken on the tree's removal.

Kicinski asked about trimming the overhanging branches on the sidewalks, especially North Main Street. Mayor Doeberl said he would address it with DPW.

At 8:44 p.m., Trustee Moore made a motion to go into executive session to discuss a matter relating to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. The motion was seconded by Trustee Taylor and approved 4-1 with Trustee Excell voting nay. With no action taken, Trustee Excell made a motion to reenter public session at 8:55 p.m., seconded by Trustee Moore and approved 4-0.

Mayor Doeberl said CHIPs funds can be used to replace sidewalks and with approximately \$30,000 in available CHIPs reimbursement, Trustee Excell recommended the Board use that funding to replace those that will not be done through the water project or the recently finished NYSDOT work on the west side of North Main.

Trustee Hayes clarified the length of term for Trustee Taylor, which is until March 31, 2011. The Madison County Board of Elections (BOE) will be contacted about the proper procedure for extending the Board terms from two years to four. Trustee Hayes also reminded the public that the BOE is still looking for election inspectors.

On a motion by Trustee Excell, seconded by Trustee Moore and approved 4-0, the board meeting was adjourned at 9:04 p.m.

The next Board meeting will be held at 7 p.m. Tuesday, Sept. 7 in the Village Office.