

VILLAGE OF EARLVILLE

Regular Monthly Meeting
Village Hall

June 8, 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 26th day of May, 2010.

Tonight's meeting minute notes: All votes by the Village of Earlville Board of Trustees (herein "Board" or "Village Board") 3-0 are to be read as "aye" votes from Village of Earlville Board of Trustees members Doeberl, Excell and Hayes. 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 Toni Campbell called the meeting to order at 7:01 p.m. Board members present were Trustees Mark Doeberl, William Excell and Gerald Hayes. Trustee Henry Moore was absent. Also present were Village Clerk-Treasurer Christian Vischi, Fire Chief Robert Tracy, Town of Sherburne Councilman Ed Meyers, Brian Skidmore of Barton & Loguidice (B&L) and five members of the community.

On a motion by Trustee Doeberl, seconded by Trustee Excell and carried 3-0, the Board accepted the minutes from the May 11, 2010 regular board meeting.

Abstract 604 (Vouchers #6363-6367) was approved 3-0 on a motion by Trustee Doeberl and a second from Trustee Excell. Abstract 605 (Vouchers #6368-6371) was approved 3-0 on a motion by Trustee Doeberl and a second from Trustee Excell.

Trustee Hayes relayed that the Quincy Square Museum was very pleased with the additional financial contribution by the Board for Quincy Square's use toward their heating system.

Trustee Excell reported that the court's fines, fees and surcharges amounted to \$2,250 being paid to the Village by Justice Hailston. Currently, Hailston is focusing on back court cases.

The Codes Enforcement Officer is: citing violations of the Property Maintenance Code of New York State, Section 302.4 and issuing an increased number of permits as the summer construction season has arrived. The DPW will be directed to mow the property at 4 Madison Street according to Board Resolution 28-50.

Councilman Meyers said the Town of Sherburne has held their final public hearing on the water district formation. Only one Town of Sherburne resident was present and Meyers said that individual was satisfied with what is going on. No petition was filed, so the Sherburne Town Council is expected to pass the resolution and finalize it at tomorrow's meeting.

The Board has had a couple of weeks to review the potential Local Law #1 of 2010, "A Local Law Imposing a Tax Equal to 1% of Gross Income On Every Utility Doing Business in the Village of Earlville". Trustee Hayes said he is not happy with it, adding that sooner or later it will be charged back to the homeowners. Mayor Campbell asked if Trustee Hayes had read the local law since Article J "Tax to be part of operating expense" notes that "The tax imposed by this Article shall be charged against and be paid by the utility and shall not be added as a separate item to bills rendered by the utility to customers or others but shall constitute a part of the operating costs of such utility." Trustee Excell said the Board lost an opportunity years ago to re-adopt the Village's ordinances and several state laws into local laws, which could have generated increased revenue

from the Village Court, and added that he did not want another opportunity to pass. An e-mail survey by Clerk-Treasurer Vischi of area village and city clerks showed that:

- The City of Norwich, and the villages of Morrisville, Canastota and Hamilton have a gross receipts tax local law;
- The villages of Sherburne, New Berlin, Afton and Oxford do not have said local law; and
- The Village of Greene has drafted one, but has not implemented the local law yet.

On a motion by Trustee Hayes, seconded by Trustee Doeberl, the Board voted 3-1 to send the law to the village's attorney for review before scheduling a public hearing. Mayor Campbell, and Trustees Doeberl and Excell voted aye; Trustee Hayes voted nay.

A town resident contacted towns of Lebanon and Smyrna Supervisors James Goldstein and James Bays about the tall grass at the "triangle" where County Route 14 (West Main Street) meets County Route 73 (River Road). Though the property is well outside the Village's boundary, Mayor Campbell will follow up with Chenango County to make sure it is addressed.

Chenango County Highway Superintendent Randy Gibbon has given permission for the closure of part of West Main Street for the Huff Brau's Earlville Days Block Party on July 9. The Madison County Sheriff's Office will take care of the detour signage before and after the event.

On a motion by Trustee Excell, seconded by Trustee Hayes and carried 3-0, the board approved changing the Earlville Softball league Playoffs from Aug. 21-22 to Aug. 14-15 so they won't conflict with the Village of Hamilton's playoff schedule.

A thank you note from the Earlville Fire Department was read aloud by Mayor Campbell citing appreciation for the Board's appropriating funds for sets of turn-out gear.

Fire Chief Tracy reported on recent fire department activity, including:

- The new sets of turn-out gear have been ordered;
- Four individuals have submitted applications for department membership and the FD is awaiting the reference letters to be submitted for those four;
- All the department's hose that has needed it has been tested;
- Foam nozzles have arrived for the new pumper truck at a cost of approximately \$1,700 which was paid for by the Sherburne Rotary Club;
- Department physicals were completed last Wednesday for all active members and to the best of the chief's knowledge all members passed;
- SCBA testing is complete;
- Fire Company Secretary Diane Bensley finished painting the sign above the bay door and it has been reinstalled;
- The department will be hosting an open house on June 23 at the Fire Hall (rain or shine) serving free hot dogs (courtesy the Big M) and soda, and offering tours of the department and trucks. The event will begin at 6 p.m.
- The department is always looking for new members and anyone age 15 and older can pick up an application at the department and during the open house.

On a motion by Trustee Hayes, seconded by Trustee Doeberl and carried 3-0, the Board approved three members into the Fire Department: Jill King, Sean Moore and Cody Webb. Trustee Excell abstained; Mayor Campbell, and Trustees Doeberl and Hayes voted aye. Members of the Earlville-Poolville United Methodist Churches, the Earlville First Baptist Church and many local organizations will be hosting a Roast Beef Dinner Fundraiser at the Earlville Fire Department from 5 to 7 p.m. June 12 to raise funds for the purchase of needed equipment.

Resident Michael Kicinski announced that the Chenango Valley Amateur Radio Association (CVARA) will host a Field Weekend June 26-27. The focus of the weekend retreat is to gauge/establish emergency preparedness for when everything is off the grid, raise public

awareness, and to offer short educational opportunities for those that attend. The event will held on Shumway Hill in Mount Upton. An announcement for the event will be posted on the Village's website. The CVARA can be found on the web at www.cvara.net.

Skidmore distributed copies of the bid tabulations to the Board and those in attendance. All bids were reviewed by B&L and none contained math errors. The low bidder, Vacri Construction Corp. of Binghamton, bid a base amount of \$2,390,000.00 and a total bid (including the three additive bids) of \$2,518,280.00. Skidmore said B&L's estimate was \$2.6M, so Vacri's bid was lower than anticipated and Vacri's referenced were checked out. No irregularities were found in the bid forms and Sherburne municipal officials gave positive comments on Vacri's work. With this background, Skidmore said it is B&L's recommendation to award the total bid to Vacri for \$2,518,280.00 contingent upon USDA RD approval. Kicinski asked if a job can come in under bid and Skidmore said that it can happen; it depends on the estimated quantities. Doeberl clarified that the contract is not a "not to exceed" contract. Trustee Excell made a motion to approve Resolution 30-17 "Approve Vacri Construction Corp. of Binghamton's 1-A General Construction Bid for Earlville's Water System Improvement Project of \$2,518,280.00 Contingent on USDA Rural Development Approval", seconded by Trustee Doeberl and carried 4-0.

With similar research performed (math calculations correct, no irregularities found and referenced checked), Skidmore said B&L makes a recommendation to approve Diekow Electric, Inc. of Marathon for the 1-B Electric bid. Skidmore said B&L has worked with Diekow on several projects and Skidmore has personally overseen projects Diekow has performed in Sanford and Whitney Point. Trustee Excell said he was surprised not one local electrician bid on the project. On a motion by Trustee Hayes, seconded by Trustee Doeberl and carried 4-0, the Board approved Resolution 30-18 "Approve Diekow Electric, Inc. of Marathon 1-B Electric Bid for Earlville's Water System Improvement Project of \$48,250.00 Contingent on USDA Rural Development Approval." Most of the cost will be going toward a new generator, but Brian said the \$48,250 bid will also be going toward items like wiring of a new fan and ventilation equipment in the pump house, installation of a generator receptacle and a switch at the pump house, and wiring of a level sensor and telemetry line at the tank site.

Ground breaking is roughly estimated to take place in mid- to late-July. Skidmore said the plan would be to get all the water mains in the ground by November so they can then focus on stabilizing the surface at that point. Although there are eight months planned for construction, Skidmore anticipates it could be accomplished in six months, with sidewalks completed in the spring. Answering a question asked, Skidmore said contractors are not allowed to stock pile soil in the road or on residents' properties; Vacri will have to identify a spoils disposal or storage area for it. Although Skidmore said the bids have come in below estimates, the Madison County Department of Health has issued their comments, and some will likely result in additional work and a change orders above and beyond the contract amount awarded tonight, though he added their comments were pretty reasonable.

On a motion by Trustee Hayes, second by Trustee Excell and carried 3-0, the third edition of the Earlville Farmers' Market was approved for 3 to 7 p.m. Fridays, from June 18 through Aug. 27 on the Village Green.

Two questions were addressed about Baker Hill and the Village Justice position.

On a motion by Trustee Excell, seconded by Trustee Doeberl and carried 3-0, the board entered executive session at 8:10 p.m. to:

- Discuss a matter relating to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation; and
- As per New York State Department of State's Committee on Open Government Advisory Opinion 16204 and 14254, the board entered executive session to discuss a

document received from the Village's attorney, which is a matter of attorney-client privilege and is therefore exempted from disclosure by state or federal statute.

With no action taken, the board reentered public session at 8:41 p.m. on a motion from Trustee Excell and a second from Trustee Hayes. The motion carried 3-0.

After having received three competitive bids for fuel oil for the coming heating season, Trustee Excell made the motion to adopt Resolution 30-19, "Approval to Purchase A Minimum of 500 Gallons of Fuel Oil From Broedel Energy at a Maximum Price of \$2.799 Per Gallon Delivered." The resolution was seconded by Trustee Hayes and carried 3-0.

The Earlville Days itinerary was recited, including: events by the Earlville Opera House; the Earlville Farmers' Market; Madison County Sheriff's Office's Operation Safe Child; the Huff Brau's Inaugural Block Party featuring live music by the band *What If?*; community-wide garage sales; the annual Earlville Days Softball Tournament; the annual Earlville Free Library Book Sale; Old Fashioned Games; a special appearance by McGruff the Crime Dog; the Chenango County Health Network; the annual Cruise-In; a Car Seat Check; the Earlville-Poolville United Methodist Churches' annual Chicken Barbecue; food concessions by the Earlville First Baptist Church; the Utica Zoo Mobile; a performance by *The Bruce Beadle Band*; and fireworks. Trustee Excell is working on having Lifenet Medivac come on July 10.

With no further business to discuss, the board adjourned at 8:49 p.m. on a motion by Trustee Hayes, seconded by Trustee Doeberl and approved 3-1, with Trustee Excell voting nay.

"I certify this document is a true and accurate description of the regular board meeting of the governing board of the Village of Earlville on June 8, 2010."



Christian L. Vischi
Clerk-Treasurer
Village of Earlville

– Village Seal –

Resolution 30-17

**Approve Vacri Construction Corp. of Binghamton's 1-A General Construction Bid
for Earlville's Water System Improvement Project of \$2,518,280.00 Contingent
Upon USDA Rural Development Approval**

Motion made by Board Member William Excell

During the regular board meeting of the Village Trustees (the "Village") 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 8th day of June 2010,

***Present: Toni Campbell – Mayor
Mark Doeberl – Trustee
William Excell – Trustee
Gerald Hayes – Trustee
Christian Vischi – Clerk/Treasurer***

Absent: Henry Moore – Trustee

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

WHEREAS the Village has agreed to undertake reconstruction and construction of improvements (herein "The Project") to the water system in and for the Village of Earlville, Madison and Chenango Counties, New York, including the replacement of water mains, construction of a new water storage tank, as well as the acquisition of equipment and improvements at the water treatment facility, including incidental costs; and

WHEREAS the Village has resolved to authorizing the issuance of serial bonds of said village to pay the cost of reconstruction and construction improvements to the Village of Earlville water system, in and for the village of Earlville, at a maximum estimated cost of \$3,485,000 through the United States Department of Agriculture Rural Development agency (herein "USDA RD"); and

WHEREAS the USDA RD and Section 103 of the General Municipal Law require all contracts in excess of \$20,000 be solicited to bid; and

WHEREAS bids were received from eight construction and the low bidder's submission was found to be without mathematical error and without omission of information according to the Village's engineering firm Barton & Loguidice; and

NOW THEREFORE, on motion duly made and carried:

BE IT RESOLVED, that the Village approves the bid presented by Vacri Construction Corp. of Binghamton in the total amount of \$2,518,280.00, which includes the three additive bid items, pending approval by USDA RD.

Seconded by Board Member Mark Doeberl

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

<i>Toni Campbell, Mayor</i>	<i>Voted Yes</i>
<i>Mark Doeberl, Trustee</i>	<i>Voted Yes</i>
<i>William Excell, Trustee</i>	<i>Voted Yes</i>
<i>Gerald Hayes, Trustee</i>	<i>Voted Yes</i>

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

I hereby certify that this resolution was adopted on June 8, 2010 and is recorded in the Meeting Minutes of the Village of Earlville Board of Trustees.

Christian L. Vischi
Village Clerk-Treasurer
Village of Earlville

- Seal -

Resolution 30-18
Approve Diekow Electric, Inc. of Marathon 1-B Electric Bid for
Earlville's Water System Improvement Project of \$48,250.00
Contingent on USDA Rural Development Approval

Motion made by Board Member Gerald Hayes

During the regular board meeting of the Village Trustees (the "Village") 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 8th day of June 2010,

Present: Toni Campbell – Mayor
Mark Doeberl – Trustee
William Excell – Trustee
Gerald Hayes – Trustee
Christian Vischi – Clerk/Treasurer

Absent: Henry Moore – Trustee

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

WHEREAS the Village has agreed to undertake reconstruction and construction of improvements (herein "The Project") to the water system in and for the Village of Earlville, Madison and Chenango Counties, New York, including the replacement of water mains, construction of a new water storage tank, as well as the acquisition of equipment and improvements at the water treatment facility, including incidental costs; and

WHEREAS the Village has resolved to authorizing the issuance of serial bonds of said village to pay the cost of reconstruction and construction improvements to the Village of Earlville water system, in and for the village of Earlville, at a maximum estimated cost of \$3,485,000 through the United States Department of Agriculture Rural Development agency (herein "USDA RD"); and

WHEREAS the USDA RD and Section 103 of the General Municipal Law require all contracts in excess of \$20,000 be solicited to bid; and

WHEREAS bids were received from nine electric contracting firms and the low bidder's submission was found to be without mathematical error and without omission of information according to the Village's engineering firm Barton & Loguidice; and

NOW THEREFORE, on motion duly made and carried:

BE IT RESOLVED, that the Village approves the bid presented by Diekow Electric, Inc. of Marathon in the total amount of \$48,250.00 pending approval by USDA RD.

Seconded by Board Member Mark Doeberl

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

<i>Toni Campbell, Mayor</i>	<i>Voted Yes</i>
<i>Mark Doeberl, Trustee</i>	<i>Voted Yes</i>
<i>William Excell, Trustee</i>	<i>Voted Yes</i>
<i>Gerald Hayes, Trustee</i>	<i>Voted Yes</i>

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

I hereby certify that this resolution was adopted on June 8, 2010 and is recorded in the Meeting Minutes of the Village of Earlville Board of Trustees.

Christian L. Vischi
Village Clerk-Treasurer
Village of Earlville

- Seal -