

VILLAGE OF EARLVILLE

Regular Monthly Meeting
Village Hall

March 11, 2014
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 January 14, 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 Gerald Hayes, Henry Moore, Margaret Corey and Sara Chapman. Also present were Village Clerk-Treasurer Kelly Beach, Dave Bensley from the Fire Company, and one resident (with son).

Motion #1-3.11.2014

On a motion by Trustee Chapman, seconded by Trustee Corey, Regular Board Meeting Minutes for February 11, 2014 were approved unanimously.

Motion #2-3.11.2014

On a motion by Trustee Corey, seconded by Trustee Chapman, Abstract 737 which included General Fund Vouchers totaling the sum of \$21,020.06 was approved unanimously.

Motion #3-3.11.2014

On a motion by Trustee Moore, seconded by Trustee Chapman, Abstract 738 which included Water Fund Vouchers totaling \$5,399.70 was approved unanimously.

Motion #4-3.11.2014

On a motion by Trustee Moore, seconded by Trustee Corey, Abstract 739 which included Trust & Agency Fund Vouchers totaling \$10,316.00 was approved unanimously.

TOWN COUNCILMAN

Town of Sherburne Councilman Ed Meyer was not present.

TRUSTEE REPORTS

Trustee Chapman has not heard back from the representative regarding a proposal on the cost of wiring for the Municipal Building. Chapman has had no FOIL or Fair Housing requests this month.

Trustee Corey reported that the Events Committee met today. They have been working on plans for next year's Earlville Days. Corey reports that in addition to the normal activities they have every year, they are talking to a vendor about possibly supplying rides and games, etc. The Events Committee is also trying to arrange for a Horse Shoe Tournament as well as a Tractor Pull. Food vendors are being looked into. Music in the Park is also in the planning stages. Trustee Chapman asked if music in the park could be changed to a different day of the week; a resident suggested having them on Friday nights. The Trustees agreed that that may be a good idea as the Farmers Market is on Fridays and combining the two events to the same days may boost turnout for both. Corey will take the suggestion to the Events Committee.

Trustee Hayes reported a membership application was received by the Fire Company. Dave Bensley presented the name to the Village Board Members and a brief discussion followed.

Motion #7-3.11.14

On a motion by Trustee Moore, seconded by Trustee Chapman, Resolution #32-13 "AUTHORIZING ADOPTION OF LOCAL LAW # 1 of 2014" stating "that the Village Board of the Village of Earlville hereby adopts, by roll call vote, said local law and designates it as Local Law #1 of 2014 entitled " A Local Law To Override The Tax Levy Limit Established in General Municipal Law 3-c" a copy of which is attached hereto". Was approved 4-0.

The 2014-2015 Budget was discussed. Mayor Excell discussed the total expenditures, the revenues, the tax levy and the tax rates. The general fund budget carries total expenditures of \$421,984.82 and a tax levy of \$201,496.40, increases of \$14,359.86 and \$13,182.01 respectively from the 2013-2014 budget. The Water Fund budget carries total expenditures of \$167,696.00; an increase of \$0.00 from the 2013-2014 budget. Revenues include Metered Water Sales and Debt Service Charges of \$164,896.00. After a brief discussion

Motion #8-3.11.14

On a motion Trustee Moore, seconded by Trustee Corey, Resolution #32-14 "Adoption of 2014-2015 General Fund and Water Fund Budgets" stating WHEREAS a majority of said Board being present and said meeting having been duly called; and

WHEREAS the Village did prepare and file the 2014-2015 tentative general fund and water fund budgets in accordance with New York State Village Law §5; and

WHEREAS the Village did hold a Public Hearing on March 11, 2014 in accordance with New York State Village Law §5-508(3); and

WHEREAS the Village did file the Constitutional Tax Limit form with the Office of the State Comptroller at least 10 days prior to the adoption of the Village Budget;

NOW THEREFORE, on motion duly made and carried:

BE IT RESOLVED, that the Village approves the 2014-2015 General Fund Budget with total expenditures of \$421,984.82. This results in tax rates of \$7.3968 per assessed \$1,000 in Madison County and \$8.9118 per assessed \$1,000 in Chenango County.

BE IT FURTHER RESOLVED, that the 2014-2015 Water Fund was approved, with expenditures of \$167,696.00.

Resolution 32-14 was adopted unanimously 4-0.

Trustee Corey advised that the Library would like to have a Community Cleanup Day where residents went around and cleaned up the litter along the Village sidewalks. It was stressed that it would be an effort to clean up the streets, not curbside trash. The Library would like the Village to supply garbage bags as well as the Village truck. After a brief discussion, it was agreed that if the Library could coordinate the clean-up, the Village would supply what they needed.

The water account for 35 North Main Street was discussed. The water was shut off on Tuesday March 4th due to nonpayment of bill. Payment was received and water was restored to the residence on Friday March 7th before noon. After office hours (4:15pm) the tenant called and left a message on the Village answering machine complaining that his water had not been restored at that time. At 4:33pm, the tenant left another message on the Village answering machine asking for the Mayor's telephone number and stated he would be contacting his lawyer as he paid his bill and the Village failed to turn the water back on. On Saturday March 8th, the tenant left another message on the Village answering machine at 8:03pm stating that our meter had split and his basement was flooded. According to the tenant, the broken meter

Motion #5-3.11.2014

On a motion by Moore, seconded by Hayes, the following individual was approved for membership in the Earlville Fire Department- Jason Fowlston, 4-0.

Trustee Hayes reported that the Fire Department's Pancake Breakfast was successful, with a profit of \$1,100.44. Excell stated he received a complaint from someone that they were told they had to pay the \$8.00 to get the breakfast, Excell stated that it was his understanding that the breakfast was intended to be a donation basis- they should not be turning people away because they can't afford the \$8.00 fee. Hayes said he had not heard of anyone being turned away, but he will inquire; he was under the impression that the \$8.00 donation was a suggested fee. Hayes had lunch with the seniors recently. He reports that they are still active at the Legion, but do have plans to move to the Methodist Church if the Legion becomes unavailable to them. . The Opera House is busy with the Kids Art and other displays. The Museum is closed for the winter, nothing to report on. Hayes received a call from someone regarding a dog running loose in front of the bakery. He gave them Francis Hilsinger's telephone number and advised her to call him. Hilsinger did pick up and transport one other dog in the Village to the SPCA in the last month. Trustee Hayes did not attend the last Town of Hamilton meeting. He did however talk to the Codes Officer for the Town and Village of Hamilton; he is willing to pick up the Village upon permission being granted from the Village of Hamilton. The Municipal Building's basement flooded a few weeks ago. Yacono was called and they fixed the blockage where it was frozen in the drain pipe out underneath the sidewalk in front of the building. Hayes thanked three of the fire department members who helped clean up the water leak- K. Partridge, D. McGregor and J Cunningham. Excell stated that he would like the DPW to dig up the line in the summer to make sure it is not broken under the sidewalk.

Mayor Excell reported that the Earlville Free Library is no longer charging late fees for overdue books. Corey stated that at the last library Board Meeting, it was approved for the Village Office to use the shared bathroom as the primary bathroom, as long as the doors on both side were kept locked. Excell will have DPW start tearing out the old bathroom fixtures, reinforcing the floor and turning it into a lockable storage closet.

OLD BUSINESS

Mayor Excell asked the Trustees to continue thinking about how to modify the existing laws regarding animals within the Village. After the Village election, he would like to set up a meeting.

NEW BUSINESS

The 2013-2014 Sherburne Youth Recreation Contract was received. Hayes asked how many Earlville kids participate; Moore stated that the last count given by Sherburne there were one hundred and thirty-seven 13332 zip code users recorded as using the Sherburne Pool and playground.

Motion #6-3.11.14

On a motion by Chapman, seconded by Moore, Resolution #33-12 "*Sherburne Youth/Recreation Program Contract*" stating "*that the Board of Trustees hereby agrees to accept the 2014 Joint Youth/Recreation Programs contract with the Town/Village of Sherburne effective January 1 and ending December 31, 2014, in which The Sherburne Recreation Commission will be responsible for preparing and following through of all necessary paperwork regarding said Youth/Recreation Program: and the Village of Earlville will pay \$2,247.00 as their share of the adopted budget.*" Was approved unanimously, 4-0

Local Law #1-2014 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-c" was discussed. An increase of tax levy of 7% is needed to sustain the tentative 2014-2015 budget. Upon no further objections:

was the Village's fault, not his and therefore he was not responsible for the cost of the meter or the resulting water leak/flood. On Monday March 10th, DPW was sent to the home to shut the water off at the main and install a new meter. When they arrived, no one was home to let them into the home. The Clerk Treasure called the contact to arrange a time for someone to be present to replace the water meter. It was agreed that someone would be at the home on Tuesday March 11th at 11:00 am. On Tuesday morning, DPW returned to the home and were led through the house down to the basement to replace the water meter. DPW workers noted that there appeared to be no heat in the basement as it was very cold. Upon examination of the meter, they determined that the damage to the meter was caused from being frozen; the brass seal under the plastic cap was pried apart from the pressure of ice buildup. DPW workers stated that the person who granted entry to the home told them upon exiting that the owner would not install a furnace and they were trying to heat the home with kerosene heaters. DPW also noted that there was water spraying from pipes under the kitchen sink. The Board members examined the meter and agreed that it appeared the damage was indeed caused from freezing and expansion. The Trustees noted that it had been below zero for several days and with no heat in the basement, if the tenant had not drained the water from the lines when DPW shut the main off for non-payment of the bill, it would have caused said damage. The following decision was approved by all Board Members: Charge the homeowner for the cost of the new meter and charge for minimum water usage on the next water bill. As there appears to be no heat in the basement, if it happens again, DPW will need to pull the meter to prevent damage to the meter. If the tenant will not allow DPW access to the meter, then the authorities will be called to escort DPW to retrieve the meter.

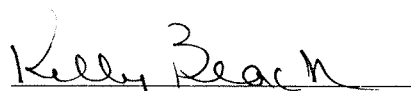
Trustee Hayes received some literature about a new loan program that is available to Madison County residents. Home Headquarters Inc. and CORE FCU have joined together to offer Madison County residents low interest rates on home repair and improvement projects. A pamphlet is available at the Village Office for anyone interested. Residents can also contact CORE Federal Credit Union in Morrisville at (315) 684-3009.

There was no public comment.

At 7:45, on a motion by Mayor Excell, seconded by Trustee Moore, Executive Session was entered to discuss "matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation." The clerk-treasurer was invited into the executive session. At 7:59 on a motion by Trustee Moore, seconded by Trustee Corey the meeting was returned to public session.

Trustee Hayes then ended the meeting by a motion to adjourn the Board Meeting at 8:02, seconded by Trustee Corey, 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 March 11, 2014."



Kelly Beach
Clerk-Treasurer
Village of Earlville

- Village Seal -

RESOLUTION 32-13 "AUTHORIZING ADOPTION OF LOCAL LAW #1 of 2014"

WHEREAS a resolution was duly adopted by the Village Board of the Village of Earlville introducing proposed Local Law #1 of 2014 entitled "A Local Law To Override The Tax Levy Limit Established in General Municipal Law 3-c" and scheduling a public hearing on said proposed local law for March 11, 2014, at 6:30 PM at the Village of Earlville Office, 8 North Main Street, Earlville, NY to hear all interested parties on said proposed local law, and

WHEREAS notice of said public hearing was duly advertised in the official newspaper of the Village, at least 5 days prior to said public hearing, and

WHEREAS notice of said public hearing was posted in the Village Clerk's office, and

WHEREAS each member of the Village Board received a copy of said proposed local law in final form in accord with the Municipal Home Rule Law, and

WHEREAS the Village Board after due deliberation finds it in the best interest of the Village to adopt said Local Law;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Earlville hereby adopts, by roll call vote, said local law and designates it as Local Law #1 of 2014 entitled "A Local Law To Override The Tax Levy Limit Established in General Municipal Law 3-c" a copy of which is attached hereto and made a part of this Resolution, and

BE IT FURTHER RESOLVED, that the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village, to give due public notice of its adoption, and to give due notice of the adoption of said Local Law to the Secretary of State.

ON MOTION OF Trustee Henry Moore,

SECONDED BY Trustee Sara Chapman

Excell yes no Hayes yes no Moore yes no

Corey yes no Chapman yes no

Dated: March 11, 2014

Attest:



Kelly Beach
Clerk-Treasurer
Village of Earlville

LOCAL LAW FILING

Village of Earlville County of Madison/Chenango

Local Law No. 1 of the year 2014

Override of the Tax Levy Limit Established in General Municipal Law 3-c for the Village of Earlville, Madison/Chenango County for Fiscal Year 2014-2015.

Be it enacted by the Town Board of the Village of Earlville as follows:

Section 1. Title

The title of this Law shall be "Override of the Tax Levy Limit Established in General Municipal Law 3-c for the Village of Earlville, Madison/Chenango County for Fiscal Year 2014."

Section 2. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Village of Earlville, County of Madison/Chenango pursuant to General Municipal Law § 3-c, and to allow the Village of Earlville, County of Madison/Chenango to adopt a village budget for (a) village purposes and (b) any other special or improvement district governed by the village board for the fiscal year 2014 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 3. Authority

This local law is adopted pursuant to Municipal Home Rule Law of the State of New York and subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the village board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 4. Tax Levy Limit Override

The Village Board of the Village of Earlville, County of Madison/Chenango is hereby authorized to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 5. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

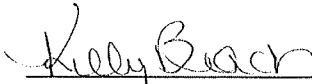
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MOTION by Trustee Henry Moore, seconded by Trustee Sara Chapman

to adopt Local Law No. 1 of 2014, "Override of the Tax Levy Limit Established in General Municipal Law 3-c for the Village of Earlville, Madison/Chenango County for Fiscal Year 2014."

Adopted by:	William Excell, Mayor	YES
	Gerald Hayes, Trustee	YES
	Henry Moore, Trustee	YES
	Margaret Corey, Trustee	YES
	Sara Chapman, Trustee	YES

Attest:



Kelly Beach, Clerk-Treasurer
Village of Earlville

-- Seal --

*Resolution 32-14
Adoption of 2014-2015 General Fund and Water Fund Budgets*

Motion made by Trustee Henry Moore

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 11th day of March 2014,

*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

WHEREAS the Village did prepare and file the 2014-2015 tentative general fund and water fund budgets in accordance with New York State Village Law §5; and

WHEREAS the Village did hold a Public Hearing on March 11, 2014 in accordance with New York State Village Law §5-508(3); and

WHEREAS the Village did file the Constitutional Tax Limit form with the Office of the State Comptroller at least 10 days prior to the adoption of the Village Budget;

NOW THEREFORE, on motion duly made and carried:

BE IT RESOLVED, that the Village approves the 2014-2015 General Fund Budget with total expenditures of \$421,984.82. This results in tax rates of \$7.3968 per assessed \$1,000 in Madison County and \$8.9118 per assessed \$1,000 in Chenango County.

BE IT FURTHER RESOLVED, that the 2014-2015 Water Fund was approved, with expenditures of \$167,696.00.

Seconded by Trustee Margaret Corey

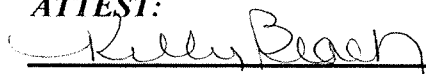
Ayes:

Nays:

Carried

Adopted this the 11th day of March, 2014.

ATTEST:



Kelly Beach

Clerk-Treasurer, Village of Earlville Board of Trustees

– Seal –

*Resolution 32-12
Sherburne Youth/Recreation Program Contract*

Motion made by Trustee Sara Chapman

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 11th day of March 2014,

*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 agrees to accept the 2014 Joint Youth/Recreation Programs contract with the Town/Village of Sherburne effective January 1 and ending December 31, 2014, in which The Sherburne Recreation Commission will be responsible for preparing and following through of all necessary paperwork regarding said Youth/Recreation Program: and the Village of Earlville will pay \$2,247.00 as their share of the adopted budget.”

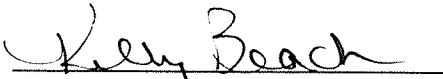
Seconded by Trustee Henry Moore

*Ayes: 4
Nays: 0
Carried 4-0*

Adopted this the 11th day of March 2014.

ATTEST:

-Seal-



Kelly Beach

Clerk-Treasurer, Village of Earlville Board of Trustees