

VILLAGE OF EARLVILLE

Regular Monthly Meeting
Village Hall

March 10, 2015
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 February 10, 2015.

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 Piliero. 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 was Trustees Margaret Corey, Gerald Hayes, Henry Moore and Daniel Piliero. Also present was Village Clerk-Treasurer Kelly Beach, Sam Reeder from the Salvation Army, Patrick Murphy from ION Communications, Fire Chief John Fontaine and 8 member of the public. Two more residents arrived at 7:07pm.

Mayor Excell started the meeting off by thanking Trustee Hayes for his many years of service to the Village

Motion #1-3.10.2015

On a motion by Moore, seconded by Corey, the Meeting Minutes from the February 10, 2015 Regular Board Meeting was approved unanimously 4-0.

Motion #2- 3.10.2015

On a motion by Moore, seconded by Corey, Abstract 773 General Fund Vouchers totaling \$32,079.98 were approved unanimously, 4-0.

MOTION # 3-3.10.2015

On a motion by Moore, seconded by Corey, Abstract 774 Water Fund Vouchers totaling \$5,104.87 were approved unanimously, 4-0.

MOTION #4-3.10.2015

On a motion by Moore, seconded by Corey, Abstract 775 Trust & Agency Vouchers totaling \$12,678.67 were approved unanimously, 4-0.

TOWN COUNCILMAN REPORT

No Councilman Report.

TRUSTEE REPORTS

Trustee Hayes reported that the Fire Department's meeting was held on March 5, 2015. Hayes reported that Dave Bensley is going to inactive membership. There were two fires in the last month that the Fire Department responded to; Chief Fontaine commended everyone on a good job at both fires. Election of officers will be held in April. Trustee Hayes also attended the last Town of Hamilton's Board Meeting. He reports that they are working towards reducing the deer population in the Village of Hamilton. Hayes stated that the Quincy Square Museum is still looking for new members. Hayes had nothing to report from the Senior Citizens and the Opera House is very busy.

Trustee Corey reported on the Events Committee, they are working on plans for the Earlville Days in July. Music in the Park is scheduled for four weeks in July. The Events Committee would like to do a Brochure on

Earlville, and are looking for help in getting organized with that. Mayor Excell stated that he is working on special bands throughout the summer. Excell explained that he and Dale Holden would like to do raffles to pay for 2 bands; the events committee would not have to pay for these events. Excell would also like to organize a community wide picnic at the pavilion. There would be no cost to the Village or the Events Committee and it would be a dish to pass event, with BBQ provided.

Trustee Moore reported that the court had 9 traffic violations and 2 criminal violations in the past month. Moore received an e-mail regarding Code enforcement and will pass in information to Codes Office Lloyd Sutton.

NEW BUSINESS

Mayor Excell stated that he had a resident call the Village Office regarding frozen water at his residence, stating it was in the line running under the road to the shut off on his lawn. The resident wanted the Village to pay a person to unfreeze the water line. Excell spoke to DPW workers who advised him that the resident had cleared snow off his lawn to bank against his home to act as insulation, that that is where the water was frozen- from the shut off on his lawn to his home. Excell stated that if a resident's waterline is frozen from the shut off to the resident's home, our job is to find the shut off only; the Village cannot hire contractors to unfreeze residence water lines. It is only the Villages responsibility to thaw water lines if it is in a Village Main or a line running from a Water Main across the road to a shut off.

Sam Reeder from the Salvation Army spoke of forming a Service Union in Earlville. A Service Union is designed to provide comprehensive emergency assistance for individuals and families in the community it is set up in. Money raised in the Sherburne-Earlville area would stay in the same area. Mayor Excell thinks it would be an excellent idea to set it up and would like to appoint a trustee as a representative on the Board.

Patrick Murphy from ION Communication recently brought high speed fiber optic internet through the Village and is now offering services to municipalities. Some services they would like to offer the Village are point to point internet access, as well as regular high speed internet access. Patrick gave a presentation and will work up some numbers on costs and forward to the Village.

The Town of Hamilton will be having an Ambulance District Vote at the Village Office on Tuesday, April 28th. Excell explained what has been going on with the District. If the Village were to start its own ambulance the cost would be extremely high. Kicinski asked who would be servicing the Southern half of Earlville, Excell explained that the Town of Sherburne Village residents are covered by the Sherburne Ambulance system. Kicinski commented on the increase in Town taxes for the District and the funding. Hayes explained that it depended on the amount of funding received from other sources as to how much the Town taxes will be raised to cover the costs. A lengthy discussion on the Ambulance District followed.

The Village received a new contract from Municipal Solutions. After a brief discussion on the contract,

Motion #5- 3.10.2015

Resolution 32-23 "Agreement to Enter Into Contract with Municipal Solutions for Accounting Support and Services" was approved on a motion by Trustee Moore, seconded by Trustee Piliero, was approved unanimously, 5-0.

OLD BUSINESS

As discussed in previous month's Board Meetings, forms were received from the Farmer's Market Nutritional Program that Mrs. Peirce from Vital Vittles, Inc., a not-for-profit corporation dedicated to addressing local food issues, had asked the Village to participate in. This program will allow the programs approved vendors to participate in accepting coupons, vouchers and SNAP as forms of payment. The program

has its own regulations as well as requiring participating Farmer's Markets to have their own rules and regulations in effect. Currently, the Village Farmers Market does not have formal rules established; therefore Ms. Fuller has come up with a rough draft of rules and regulations based on surrounding Farmers Markets. Board Members were asked to review and discuss said rules. This was previously tabled and was up for review again tonight. After a lengthy discussion, Board members decided that as small as the Farmers Market is, and the fact that a vendor fee would need to be charged to cover the costs of these new programs, the Village will not be participating in these programs, therefore rules and regulations would not be needed. The only thing that Trustee Moore felt should be changed was that the gazebo should not be used by vendors; it should be left open for individuals to be able to get out of the elements and sit in to enjoy. All Board Members agreed with this, therefore, the gazebo will no longer be used by vendors to display their merchandise.

A Public Hearing was held March 10, 2015 at 6:30 to discuss the proposed Local Law #1 of the Year 2015 "A Local Law Providing for the Administration and Enforcement of Animal Control. At this meeting a few concerns from one resident were addressed; why so many restrictions on owning non-domestic animals are needed in such a small village and the fees and inspections are unreasonable; he did not feel that residents should have to allow Village officials on their personal property. Board Members have worked very hard to accommodate everyone as much as possible; they feel they are trying to help every Village Resident, as well as protect them. Trustee Moore pointed out that not everyone can be pleased, he believes that there needs to be restrictions and some sort of animal control. Moore pointed out that there was barely any input from village residents regarding this, so the board was put in the position to make the decisions. Trustee Piliero noted that Earlville is a Village, and if people wanted animals they should live outside of a village. Trustee Corey noted that the Board tried very hard to make the law fair to all residents. Trustee Hayes explained that the 1963 Law was replaced by the 2007 Law, which prohibited non domestic animals. He further explained that the new proposed law is much more open. After a brief discussion between Board Members regarding the a fore mentioned issues, all Board Members agreed that Local Law #1 of the Year 2015 was acceptable and needed.

Motion #6-3.10.2015

On a motion by Trustee Hayes, seconded by Trustee Moore, Resolution 32-24 to approve and enact Local Law No. 1 of the year 2015 "A LOCAL LAW PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF ANIMAL CONTROL" was approved unanimously, 5-0.

A Public Hearing was held March 10, 2015 on the proposed budgets for 2015-2016. After a brief discussion,

Motion #7-3.10.2015

On a motion by Trustee Moore, seconded by Trustee Hayes, Resolution 32-25 "Adoption of 2015-2016 General Fund and Water Fund Budgets" was approved unanimously, 5-0

PUBLIC COMMENT

No public comment.

EXECUTIVE

No Executive Session.

With nothing further to discuss, Trustee Moore then ended the meeting by a motion to adjourn the Board Meeting at 8:03pm, seconded by Trustee Hayes, 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 10, 2015."



Kelly Beach
Clerk-Treasurer
Village of Earlville

- Village Seal -

Resolution 32-23
“Agreement to Enter Into Contract with Municipal Solutions for Accounting Support and Services”

Motion made by Board Member 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 10th day of March, 2015,

*Present: William Excell – Mayor
Gerald Hayes – Trustee
Henry Moore – Trustee
Margaret Corey – Trustee
Daniel Piliero- Trustee
Kelly Beach – Clerk/Treasurer*

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

WHEREAS it is hereby determined that the Village requires Accounting Support and Services to assist in the timely financial filing of required Government reports as well as assistance in setting up Payroll and Accounting in QuickBooks;

NOW THEREFORE, on motion duly made and carried:

BE IT RESOLVED, that the Board of Trustees approves the contract presented by Municipal Solutions, that outlines services to the Village for Accounting Support and Services to assist in the timely financial filing of required Government reports as well as assistance in setting up Payroll and Accounting in QuickBooks.

Seconded by Board Member Daniel Piliero

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

*William Excell, Mayor Voted Yes
Gerald Hayes, Trustee Voted Yes
Henry Moore, Trustee Voted Yes
Margaret Corey, Trustee Voted Yes
Daniel Piliero, Trustee Voted Yes*

The foregoing resolution was thereupon declared duly adopted, 5-0.

I hereby certify that this resolution was adopted on March 10, 2015 and is recorded in the Meeting Minutes of the Village of Earlville Board of Trustees.

A handwritten signature in cursive script that reads "Kelly Beach". The signature is written over a horizontal line.

Kelly Beach
Village Clerk-Treasurer
Village of Earlville

- Seal -

Resolution 32-24
Local Law 1-2015 A LOCAL LAW PROVIDING FOR THE ADMINISTRATION AND
ENFORCEMENT OF ANIMAL CONTROL

Motion made by Board Member Gerald Hayes

At the regular session 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 10th day of March 2015,

Present: *William Excell – Mayor*
 Gerald Hayes – Trustee
 Henry Moore – Trustee
 Margaret Corey – Trustee
 Daniel Piliero – Trustee
 Kelly Beach – Clerk/Treasurer

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

WHEREAS Article 20, Section 2000 of the Laws of New York reads that a village board of trustees may enact: “An order, rule or regulation which contains a penalty therein... by local law”;

NOW THEREFORE, on motion duly made and carried:

BE IT RESOLVED, that the Board of Trustees enacts Local Law 1-2015, titled A LOCAL LAW PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF ANIMAL CONTROL

Seconded by Board Member Henry Moore

Ayes: 5

Nays: 0

Carried 5-0

Adopted this the 10th day of March 2015.

ATTEST:


Kelly Beach

Clerk-Treasurer, Village of Earlville Board of Trustees

-SEAL-

LOCAL LAW FILING

Village of Earlville

County of

Madison/Chenango

Local Law No. 1 of the year 2015

A LOCAL LAW PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF ANIMAL CONTROL

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

SECTION 1. PURPOSE AND INTENT

This local law provides for the administration and enforcement as a safeguard to the health of the inhabitants of the Village, to prevent nuisances. The village has the right to restrict the number of animals and the type of animal to protect the health, welfare and well-being of the public.

SECTION 2. DEFINITIONS

For the purpose of this local law, the following words and phrases shall have the meaning ascribed to them in this article:

"Swine" shall mean the entire super family of suidoidae, both feral and domestic.

"Cattle" shall mean the entire family of bovidae.

"Poultry" shall mean chickens, turkeys, guinea fowl and game birds.

"Goat" shall mean any member of the genus capra.

"Sheep" mean any member of the genus ovis.

"Livestock" shall mean swine – as defined above; cattle – as defined above; poultry – as defined above; goat – as defined above; sheep – as defined above; rabbits and ferrets.

"Exotics" shall mean any mammal or reptile that has now been domesticated or must be caged or restrained or which is classified by the State of New York Department of Environmental Conservation as **"Dangerous Wildlife"**.

"Waterfowl" shall mean any member of the family Anatidae, including, but not limited to ducks, geese and swans.

"Non-Domestic Animals" shall mean **"livestock," "exotics"** and **"waterfowl"** as defined above.

"Person" shall mean any person, firm, corporation, partnership or association.

"Nuisance Situations" shall mean noise complaints, odor complaints and the attraction of vermin.

"Possess" shall mean housing; holding for sale or auction; the action of an agent or servant to the owner of said non-domestic animals; or temporary tenancy for owner of said non-domestic animals.

"Owner" shall mean any person owning, keeping harboring, feeding, boarding or having the care, custody or control of any domestic or exotic animal, and when such owner shall be a child under the age of 18 years, the parent(s) or guardians of such child shall be deemed to be the owner of such domestic or exotic animal for all purposes of this article.

SECTION 3. ENFORCEMENT

The animal control officer, Codes Enforcement Officer (CEO), or a police officer shall have authority, pursuant to Article 150 of the New York Criminal Procedure Law, to issue appearance tickets as defined therein for the purpose of enforcing this Chapter.

SECTION 4. REQUIREMENTS

A. Permit required to keep certain animals.

It shall be unlawful to harbor, house, keep, maintain, care for or stable any horse, mare, donkey, mule, cattle, sheep, swine, mink, goat, poultry, pheasant, or any other barnyard animal within the limits of the Village without first having obtained and having in full force and effect a written permit therefore.

B. Application for operating permit.

Any person desiring to procure a permit under this article shall make application to the CEO upon a form furnished by the Village and grant to the Village, its officers, servants, agents and employees the right to enter in and upon the premises

and place designed in said application for the purpose of making an inspection at any time.

C. Inspection required.

Upon filing of the application and the granting of the right of entry for inspection at any time, it shall be the duty of the Code Enforcement Officer, or whoever the Board of Trustees shall designate, to make an inspection of the premises and place for which the permit is requested and file his report and recommendation with the Board of Trustees as to the approval or rejection of said application.

D. Issuance of permit; fee.

Upon said approval of said application by the Board of Trustees, the CEO shall, upon payment by the applicant of a fee as set from time to time by resolution of the Board of Trustees, issue a permit good until revoked or otherwise terminated as hereinafter provided. No permit shall be assignable or transferable.

E. Inspections after issuance of permit.

It shall also be the duty of the Code Enforcement Officer, or whoever the Village Board of Trustees shall designate, to make inspections from time to time, and such other inspections as he may be directed by the Board of Trustees, of the premises and place for which permits have been issued to ascertain whether or not said premises or places are maintained in accordance with the provisions of this article. It shall also be the Code Enforcement Officer's duty to report all violations of the article and other provisions of this article and other provisions of the Code, the Public Health Law of the state, and the rules and regulations of all departments of the Village to the proper authorities.

F. Revocation and cancellation of permits.

The Board of Trustees or the Code Enforcement Officer shall have full power to revoke and cancel any permit issued hereunder for the holder's failure to comply with any of the provisions of this article and of any and all other provisions of the Code, ordinances, rules and regulations now existing or as may be hereafter enacted or promulgated in any manner affecting the health, comfort and welfare of the public and citizens of the Village.

G. Maintenance of premises in sanitary condition.

The premises and place where any horse, mare, donkey, mule, cattle, sheep, swine, mink, goat, poultry, pheasant, or any other barnyard animal are housed must be kept at all times in a clean, wholesome, sanitary condition and reasonably free from

offensive odors. All accumulation or collection of manure and other refuse derived from the keeping of said animals, swine and fowl (including removal of deceased animals) must be disposed of in a sanitary and legal manner.

H. Minimal space

Based on the size of the lot, the village reserves the right to limit the number of animals. Any animal or structure housing animals must have a minimum setback of 30 feet from any property line, 50 feet from the lot frontage, and 50 feet from adjacent or adjoining residences.

I. Roosters

The ownership or keeping of roosters is PROHIBITED with-in the village limits.

J. Animals prohibited from running at large.

No owner of, or other person having the custody of, any horse, mare, donkey, mule, cattle, sheep, swine, mink, goat, poultry, pheasant, or any other barnyard animal shall suffer or permit any of such animals to run at large on any public street or public place in the Village.

K. Annoyance

No person shall keep any animal which by continual barking, howling, whining or other frequent or long continued noise or behavior which shall cause annoyance or discomfort (to a reasonable person of normal sensitivity).

L. Exempted premises

The provisions of this article shall not apply to premises owned or operated by the Village of Earlville, provided said premises are used for fair, carnival, or agricultural-related purposes.

Keeping and raising wild or exotic animals

No person shall within the Village of Earlville offer for sale, bring into, keep, house, breed or raise or permit to be kept any wild or exotic animal irrespective of their actual or asserted state of docility, tameness or domestication and without regard to whether a specific animal is considered a pet or domesticated by its keeper or possessor. "Wild or exotic animals" shall mean any animal, including those animal that are captive-bred, cross-bred or raised, which can normally be found in the wild state, including but not limited to any live monkey (nonhuman primate), raccoon, skunk, wolf, wolf dog, bear, coy dog, squirrel, fox, leopard, lion, ostrich, panther, tiger, llama, alpaca, lynx, any

member of the crocodilian family, including but not limited to alligators, crocodiles, caimans, gavials, all species of snakes.

Specially declared not to be wild or exotic animals subject to regulation are tropical birds, such as canaries, parakeets, parrots, and myna birds; guinea pigs; hamsters; white mice; turtles other than snapping turtles; and ferrets under license issued by New York State Department of Environmental Conservation. All persons keeping ferrets shall keep on file with the Village Clerk a copy of a valid license.

The provisions of this section shall not apply to premises owned or operated by the Village of Earlville or the successors, provided said premises are used for farm carnival or agricultural-related purposes.

SECTION 5. PENALTIES FOR OFFENSES.

- A. Any owner, person, corporation, association or other organization or entity that violates any applicable provision of this chapter, shall severally be guilty of a violation punishable as follows:**
 - 1. For conviction of a first offense, a fine not exceeding \$175.00.**
 - 2. For conviction of a second offense both of which were committed within a period of five years, a fine of not less than \$175.00 nor more than \$350.00 or imprisonment for a period not to exceed six months, or both.**
 - 3. For a third or subsequent offense, all of which were committed within a period of five years, a fine of not less than \$350.00 nor more than \$500.00 or imprisonment for a period not to exceed six months, or both.**
 - 4. Each week that the prohibited condition(s) or violation continues shall constitute a separate offense.**
- C. The imposition of one penalty for any violation shall not excuse the violation nor permit it to continue. The imposition of any such penalty shall not be held to prohibit the enforced removal of prohibited conditions by any appropriate remedy, including immediate application for an injunction.**
- D. An action or proceeding in the name of the Village of Earlville, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Uniform Code, this chapter, any rule or regulation adopted pursuant to this chapter or any order issued pursuant to this chapter. Such remedy shall be in addition to penalties otherwise prescribed by law.**

E. Nothing in this chapter shall preclude any action or proceeding based upon any other remedies or penalties provided under state or other laws, ordinances or regulations, including but not limited to new York State Executive Law § 382.

F. For purposes of conferring jurisdiction upon courts and judicial officers generally, violation of those provisions which reference penalties for a knowing violation shall be deemed violations; and for such purpose only, all provisions of law relating to violations shall apply.

SECTION 6. PREVIOUS LAW

On the date this local law takes effect, Local Law #1 of 2007 is hereby repealed.


SECTION 7. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

MOTION by _____, seconded by Trustee
to adopt Local Law No. 1 of 2015, "A LOCAL LAW PROVIDING FOR THE
ADMINISTRATION AND ENFORCEMENT OF ANIMAL CONTROL"

William Excell	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Gerald Hayes	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Henry Moore	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Margaret Corey	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Daniel Piliero	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>

Attest:


Kelly Beach, Clerk-Treasurer
Village of Earlville

-- Seal --

*Resolution 32-25
Adoption of 2015-2015 General Fund and Water Fund Budgets*

Motion made by Trustee Henry Moore

During the special 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 10th day of March 2015,

*Present: William Excell – Mayor
Gerald Hayes – Trustee
Henry Moore – Trustee
Margaret Corey – Trustee
Daniel Piliero – 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 2015-2016 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 10 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 2015-2016 General Fund Budget with total expenditures of \$421,984.82. This results in tax rates of \$7.248548 per assessed \$1,000 in Madison County and \$9.2254525 per assessed \$1,000 in Chenango County.

BE IT FURTHER RESOLVED, that the 2015-2016 Water Fund was approved, with expenditures of \$167,016.00.

Seconded by Trustee Gerald Hayes

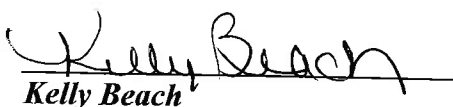
Ayes: 5

Nays: 0

Carried 5-0

Adopted this the 10th day of March, 2015.

ATTEST:


Kelly Beach

Clerk-Treasurer, Village of Earlville Board of Trustees

– Seal –