

VILLAGE OF EARLVILLE

Regular Monthly Meeting
Village Hall

July 12, 2016
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 June 21, 2016.

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, French, Moore and Piliero. The "Village Office" is the Village of Earlville Municipal Office located at 8 North Main Street.

Mayor William Excell called the meeting to order at 7:00 p.m. Board members present were Trustees Margaret Corey, Nicholas French, Daniel Piliero and Henry Moore. Also present was Village Clerk-Treasurer Kelly Beach, five members of the Fire Department and two village residents.

Motion #1-7.12.2016

On a motion by Moore, seconded by Corey, the Meeting Minutes from the June 21, 2016 Regular Board Meeting was approved unanimously 4-0.

Motion #2- 7.12.2016

On a motion by Moore, seconded by Corey, Abstract 823 General Fund Vouchers totaling \$23,259.16 were approved unanimously, 4-0.

MOTION # 3-7.12.2016

On a motion by Moore, seconded by Corey, Abstract 824 Water Fund Vouchers totaling \$5,691.55 were approved unanimously, 4-0.

MOTION # 4-7.12.2016

On a motion by Moore, seconded by Corey, Abstract 825 Trust & Agency Fund Vouchers totaling \$11,066.75 were approved unanimously, 4-0.

TOWN COUNCILMAN REPORT

Town of Sherburne Councilman Edward Meyers reported that the last Town meeting was held on June 8, 2016. Mayor Excell explained that he had a meeting with Chenango and Madison County Highway supervisors and would like to set up a meeting with Mr. Mastro and Meyers to discuss highway maintenance. Meyers will try to set up a time when the three of them can meet.

TRUSTEE REPORTS

Trustee Nicholas French reported that the Skatepark Half-Pipe ramp should be here in about three and a half weeks. Excell asked if DPW was going to have to build it, French noted that they did have some volunteers to put it together.

Trustee Moore reported that the Codes Officer has been busy working on unmowed properties and various other complaints. Excell asked how the Code Enforcer was doing; Moore stated that he has received no complaints. Moore reported on the Court; he is in the process of doing the annual judicial audit. It is almost finished.

Trustee Piliero had nothing to report on.

Trustee Corey reported that the Events Committee is working on Earlville Days activities. Everything is coming together nicely; she requested that the signs be brought out of bus garage before 8am on Saturday. Corey asked about the damage to the bus garage parking lot- Madison County is repairing it this week. Request to have sheriff at each end directing traffic at the time of; they used the parking lot to store asphalt at while they repaved East Main St., and the heavy equipment damaged the parking lot. D & D Power wheels have cancelled the kid's demolition derby- they were unable to get insurance for the event. Mayor Excell asked Corey to look into the insurance issue as D&D has been doing this event at other fairs locally with no insurance, yet David Craine, the Village Insurance Rep, stated that the Village could not host the demolition derby unless D&D could supply a certificate of insurance. The Madison and Chenango Co. Sheriffs will be present at the Block party.

NEW BUSINESS

The Fire Company is looking into purchasing a new security system for the building. Key coded doors would offer more control of entries into fire house. They would like the Village to fund some of the \$6,069.00 cost. Mayor Excel recommended that they contact homeland security to secure funds for this. New members Billy Unger, James Gaff, Erica Baker were introduced to the Board. After a brief discussion with all of them the board approved all three individuals as new members of the Earlville Fire Department.

Resident Heidi Marcellus was present to discuss the conditions on Madison Street. There is an abandoned home next to her residence that is creating an issue with cats, rats and bats. Mayor Excell noted that the Madison County Health Dept. was notified by the Village Codes Enforcer and they have been down to investigate. However, they found nothing that they could do about the property; at the time there were no cats (feral or otherwise) or rodents visible. Excel explained that there is nothing the Village can do about the property, it is private property and it would be illegal for the Village to go on the land or in house. Trustee French explained that he has been in contact with Madison County Health Dept. also and there is nothing that they can do. In response to Heidi's question of why can't the Village burn down or tear down the house, French explained that it is private property; the Village has no right to do that as it would be illegal. The bank has stepped out of the picture; they no longer have ownership of the property. The taxes have been paid up to 2015, so unless the owner comes back or sells, the property will set vacant at least until the property taxes are two years past due. Marcellus asked about feral cats on her porch - what can the village do about that? Excel advised her to call a trapper to capture the animals. It would then be up to her as to what was done with the captured animals. She asked if she could just shoot the cats; the Board reminded her that that would be cruelty to animals as well as illegal. Across the road from her house there is a jungle of bushes and bird ox in which an albino skunk is making its home. She stated that if she let her lawn grow up that high she would get a violation. Mayor Excell will ask the Code Enforcer to look into the overgrown bushes. Marcellus also stated that the sidewalk in front of her home needs repair; tree roots are pushing up the sidewalk, making it a walking hazard. She does not feel that she should be responsible for removing the tree and repairing the sidewalk. Excel explained that the homeowner is responsible for sidewalks on their property and that any

tree that is on the property owners land is the owner's responsibility as well. However, the Village has been replacing sidewalks that were put in when the water project was done, due to faulty cement. Excell will have the DPW check out the tree and the sidewalk. Marcellus then stated that the tree closer to the café also needs attention as it has a lot of dead branches. NYSEG was called, but they only trimmed the branches that were in the electrical lines, not the whole tree. Excell will have DPW look at this tree also. Mayor Excell stated that he had heard from a third party that Heidi was concerned about the crematory and chemicals being emitted from it. Excell spoke with Burgess who assured him that the crematory was safe and in fact they had recently completed repairs and service costing thousands of dollars to make sure that the operation was safe for the Village residents and the funeral home. An owner of the business was present and offered to show her the invoice and description of the work completed to ease her mind. Heidi stated that she had not been trying to make trouble, it was just that she had been outside doing work in her garden one day and had looked up and seen fire coming out of the chimney, she had been afraid that there was a fire at the funeral home.

A Public Hearing was approved and scheduled for 6:30 p.m. on Tuesday August 9, 2016 to discuss the proposed Local Law #1 "A Local Law to Override the Tax Levy Limit" as well as to discuss setting up a Reserve Fund for Street Maintenance.

OLD BUSINESS

Jeremy O'Dell was on the agenda to discuss his Tax Bill and the Water Levy included on the bill. Mr. O'Dell was not present. At last month's meeting Mr. Odell stated that he had just bought the property and did not feel he should be liable for the back water account levy, since he says a tax search was done by his attorney and the back water bill did not show up in it. Mayor Excell told him to contact his attorney, Mr. Taylor, to verify that a Village Tax search was done and bring a copy of such to this month's meeting. Since last month's meeting, the Village Office had been in touch with James Taylor to verify whether a Tax Search was in fact done on this property, as no record could be found in the Village Office. According to Mr. Taylor, this was a foreclosure purchase, for which a tax search is not generally done for foreclosures and there was no Tax Search on file. Mr. Taylor stated that a Village Tax Search was not requested and he would talk to his client about the water levy on the tax bill. After a lengthy discussion, it was decided by the Board that Mr. O'Dell would be liable for the Water Levy on the Tax Bill, as well as any late fees.

Mayor Excell stated that he received a call from Mr. Hedges regarding a water emergency. The DPW had turned his water line back on at his request as he was having his water lines repaired. After several hours his line had burst and he needed the water shut back off. Excel was upset since Hedges has been disputing water usage since June of 2015 and the Board had agreed to adjust his water bill several times based on Mr. Hedges stating that there was no leak and no water was used; the village was at fault for incorrect readings. Excel was upset since this proved that there has been a leak at Mr. Hedges all this time.

Margaret Corey has received complaints about not being able to see around the flowers on the curb on South Main Street. Excel will speak with the homeowner about trimming them back. The Fire Company asked for people to help direct traffic/parking during Earlville Days. Mayor Excell asked Chief Fontaine if someone could go over and wet down the track for the Tractor Pull; Fontaine stated it was already arranged.

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 8:14 pm, 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 July 12, 2016."



Kelly Beach
Clerk-Treasurer
Village of Earlville

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