

VILLAGE OF EARLVILLE

Special Monthly Meeting
Village Hall

October 2, 2012
6:00 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 September 19, 2012.

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 6:00 p.m. Board members present were Trustees Gerald Hayes, Henry Moore, Sara Chapman and Margaret Corey. Also present were Village Clerk Treasurer Kelly Beach, Codes Enforcement Officer Matthew Van Heusen, Village Attorney William Getman and 1 member of the public.

In new business the Water Account for 12 South Main Street was discussed. This issue goes back to the April 2012 water billing when the residence had the water shut off for non-payment. It was found out by the DPW that the homeowner had taken it upon himself to turn his own water back on at the Main. The homeowners then disputed the \$50.00 reconnection fee, stating that they turned the water on themselves; they should not have to pay a reconnect fee. The issue was discussed at a previous Board Meeting and it was decided the homeowners did in fact owe the reconnection fee and a letter was sent to the homeowner stating same. The homeowner sent in a letter from her physician stating that she requires water service in her home as part of her medical treatment as well as a handwritten note stating that she hopes the attached letter will prevent the Village Board from shutting off service to her residence for non-payment of bill. The homeowner owes the \$50.00 reconnect fee even though the homeowners turned the water back on without the village's approval. The decision needs to be made whether to turn the water off over the \$50.00 owed. Moore feels that she provided a doctor's note, that the Village should consider overlooking the fee. Chapman stated they should hold everyone up to the same expectations, and Excell recommends that they let it go, if they do not pay it, it will go on the next levy. It was stated that if her next bill is not paid, the water will be shut off, regardless of the doctor's note. Moore motioned, with no second. After much discussion, Hayes felt that the fee should be excused and make it clear that it will not happen again. Corey seconded Moore's motion. Hayes voted no, 4-0. A letter will be sent to the homeowner explaining that

- the \$49.50 owed towards the reconnection fee of May 2012 is due and payable
- The water will not be shut off due to the \$49.50 owed. The charge will continue to be added to the bill until such time that it is paid in full, or is levied on the 2013 Village Tax.
- The Village will not in future accept your medical excuse as a means to avoid having the water shut off at 12 South Main Street for non-payment.
- Turning his/her own water back on after it has been shut off by the Village is considered theft of services, which is a criminal misdemeanor and can involve an arrest and hefty fines
- Anyone who makes the decision to turn on his/her own water service in the future will be prosecuted to the full extent of the law.

Water Account for 34 Clyde Street was also discussed. This is a tenant house, in which one tenant moved out and a new one moved in. The village office was not notified of the previous tenant moving out in the middle of a billing cycle or the new tenant moving in on 7/1/12. The bill was sent to the tenant house in the previous tenants name for the full billing cycle. The new tenant and the landlord received a shut off notice and both disputed the charges. The new tenant did not feel they were responsible for the full bill when they had only been in the home for one month of the billing cycle. The landlord did not feel they

were responsible to pay the bill- a final bill should have been sent to the previous tenant. The Clerk-Treasurer explained to both that ultimately the bill was the responsibility of the landlord and the service was scheduled for shut off on the 1st of October if it was not paid. The Board referred to Mr. Getman who advised that the landlord is ultimately responsible for paying the bill. Getman advised that the Village send out a new 5 day shut off notice and uphold it. It was agreed by all Trustees to send out a 5 day shut off notice to the tenant and the landlord.

In Public comment, a resident commented on the issue with the landlord at 34 Clyde Street.

At 6:25 Trustee Moore, motioned to go into executive session "to discuss matters regarding proposed, pending or current litigation" seconded by Hayes, 4-0. Attorney Getman, codes enforcement officer Matthew Van Heusan and the Clerk-Treasurer were invited into executive session. Mr. Kicinski arrived at the meeting at 6:55 during Executive Session. He was asked to wait outside until Executive Session ended. No decisions or actions were taken and at 7:08 the meeting returned to public session.

With nothing further to discuss, Trustee Hayes motioned to adjourn the Village of Earlville Board Meeting at 7:08pm, seconded by Trustee Moore 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 on October 2, 2012."



Kelly Beach
Clerk-Treasurer

Village of Earlville

- Village Seal -