

# VILLAGE OF EARLVILLE

Special Monthly Meeting  
Village Hall

June 25, 2013  
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 three days in advance and the same posted on the June 18, 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 Henry Moore, Gerald Hayes, Margaret Corey and Sara Chapman. Also present were Village Clerk-Treasurer Kelly Beach, Village Attorney William Getman, CEO Matthew VanHeusen, and 7 members of the public.

The Special Meeting was called to discuss Local Law 1-2007, A Local Law Prohibiting Non-Domestic Animals within the Village of Earlville.

Trustee Moore motioned to enter Executive Session to discuss "matters regarding ongoing litigation". Trustee Chapman second, the motion was approved 4-0. Invited into the Executive Session were Village Attorney William Getman, Village CEO Matt VanHeusen and the Village Clerk-Treasurer Kelly Beach. No motions, proposals or other voting occurred during the Executive Session. At 8:08pm, Trustee Moore motioned to exit Executive Session and return to Public Session, Trustee Corey seconded, approved 4-0.

Mayor Excell reported that Dale Wissenbach will be attending the Grade "C" Water Operators Certification course on August 12<sup>th</sup> through August 16<sup>th</sup>. Excell stated that he had received complaints regarding pot holes around the Village. Cold patch was purchased and the holes are being repaired. Excell asked everyone present if they had seen the tree planted in the Village Square. He stated that it is not 20 feet as was originally planned, however he thought that the tree looked very nice and he was pleased. Trustee Moore stated that Jerry & Sons had a 20 foot Blue Spruce tree picked out for the Village, but as Blue Spruce has been having trouble with disease this year, he gave the Village a White Spruce instead. A resident commented that she thought the tree looked great and she loved it.

Trustee Chapman asked if it was okay for the DPW workers to trim tree branches along the sidewalks. Excell stated that yes, DPW can trim these and he would talk to DPW regarding this. CEO Van Heusen asked whether the Village was responsible for mowing from the sidewalk to the curb or the homeowners, Excell stated that it was the homeowner's responsibility to maintain the upkeep of the area between the curb and the sidewalk. VanHeusen commented on the lack of recourse that can be taken by the Village for violation issues. As explained in last month's meeting, the village can no longer add mowing charges or violations to the Village Tax bills; therefore there currently is no recourse for the violations issued. Van Heusen would like the Board to start considering ways for the Village to enforce the Building and Code Laws that are in effect.

In Public Comment, Trustee Hayes explained that no motions were made in the Executive Session and that on the advice of the Village Attorney, William Getman; the Village is moving ahead with ongoing litigation regarding the non-domestic animal case. Mayor Excell stated that the village must take care of one problem and look towards the future. The village has tried to end the litigation in the past, but the other party was not willing. Excell mentioned that a resident lost the sale of their property due in part to the Village Law and he knows that there are many properties in Earlville that are large enough to have a considerable amount of animals, but the village has to take care of the present litigation case before they can look towards other requests.

Mrs. Eades asked about horses being legal within the village. Moore stated horses are legal according to the Village Law, Trustee Moore pointed out that donkeys are also legal. She asked that if they had someone interested in purchasing the property, could she have them call the CEO with any questions.

VanHeusen stated that it was fine to contact him with questions. Eades asked about zoning laws or codes in respect to turning the house and outbuildings into apartments or a gift shop. The CEO stated that as far as he knew, there were no zoning or laws forbidding either.

One resident stated he did not understand how or why the chickens were legally allowed to begin with; he then asked what the ongoing litigation actually was about. Attorney Getman explained that it started when a resident violated an agreement between a previous Board and a resident over the number of birds he was granted permission to keep and the number of birds that he actually had; he was not in compliance with the original permit. The resident stated that if he wanted to have one chicken, according to the current law, he would be in violation; yet if he lived in New York City, it is permissible to own chickens. Excell stated that he understood and agrees that the present law does need to be changed, however the Village needs to close out the litigation issue before they can make changes to the existing law. Another resident asked if the party involved understood how much of a problem he is causing for other residents that may want to have animals or landowners who are trying to sell their property. Excell stated that he hopes the litigation does not take much longer, as everyone would like to move past this. Moore stated that he is in the same position as many other residents who do not wish to have non domestic animals next to them as the house next to him has a barn with land and thereby has the potential for the next owners to have horses or donkeys as well.

Trustee Hayes advised the Board Members that the Mayor of Hamilton has extended an invitation to the Trustees and Mayor of Earlville to participate in the 4<sup>th</sup> of July parade in Hamilton. Trustee Hayes is waiting to hear from the Hamilton Mayor regarding the time of the parade.

With nothing further to discuss, Trustee Moore motioned to adjourn the Village of Earlville Board Meeting at 8:29 pm, 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 June 25, 2013.”



Kelly Beach  
Clerk-Treasurer

Village of Earlville

- Village Seal -