

VILLAGE OF EARLVILLE

Regular Monthly Meeting
Village Hall

August 12, 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 seven days in advance and the same posted on the July 9, 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 7:03 p.m. Board members present were Trustees Henry Moore, Gerald Hayes, and Margaret Corey. Sara Chapman was excused. Also present were Village Clerk-Treasurer Kelly Beach, CEO Matthew VanHeusen and 9 members of the public.

Motion #1-8.12.2013

On a motion by Trustee Hayes, seconded by Trustee Moore, Regular Board Meeting Minutes for July 8, 2013 were approved 3-0.

Motion #2-8.12.2013

On a motion by Trustee Moore, seconded by Trustee Corey, Abstract 719 which included General Fund Vouchers totaling the sum of \$34,181.93 which included previously paid items was approved unanimously.

Motion #3-8.12.2013

On a motion by Trustee Moore, seconded by Trustee Corey, Abstract 720 which included Water Fund Vouchers totaling \$5,325.25 was approved unanimously.

Motion #4-8.12.2013

On a motion by Trustee Corey, seconded by Trustee Moore, Abstract 721 which included Trust & Agency Fund Vouchers totaling \$12,168.70 was approved unanimously.

TRUSTEE REPORTS

Trustee Chapman sent her trustee report by e-mail, Mayor Excell read it aloud. There was no FOIL or Fair Housing to report on. Chapman has heard nothing from the Electric Committee and is still looking into grants for the Village for building/ property in lieu of just rewiring the firehouse and village office. Chapman has noticed several sections of sidewalk that were replaced when the water project was done that now have cracks. Chapman wonders if the Board would like her to photograph them and list their location; as she is concerned that the integrity of the concrete is compromised. Chapman thanked Kelly for the ad about the tree in the Mid York as well as all the sponsors for Community days. An e-mail was received from the owner of the old school on Fayette Street in which he wrote "I am considering converting up to seven rooms to large efficiency apartments. I am wondering if you see any continuing need for housing in the village and, if so, which groups might be targeted (college students; senior citizens; low income, eg). Would there be any benefits accorded by the village for such conversion (loans, tax deferment, or the like)?" Chapman responded with "the building is full of asbestos. There is asbestos tiling, some in the gym, and wrapped around the pipes under the building, the water is only hooked up in one bathroom and the roof is leaking in all parts of the building. There is also mold growing throughout the building. It was very hard to get someone in to hook up water to the toilet in the school due to the fact that many professionals would not work at the school after not being paid. I would urge caution since the property owner owns several properties in New York that are housing items (example 47 N. Main Street).

I would suggest sending Matt over to investigate. The oil tank is still in the ground and last I knew was not inspected.”

Mayor Excell stated that the sidewalks will be looked at by the DPW; however it has been over the 2 year warranty, so the village would be liable for repairs.

Trustee Corey reported that the Events Committee met on the 7th of August. Tommy Thompson has resigned and will no longer be heading the car Cruise-In. Excell stated that the Village should be able to find someone interested in heading this. There will be a meeting on September 17th at 7pm at the Black Cat Antique store to try to find more members and volunteers for the committee. This meeting will be announced on the Village web sites. The Committee would like the Village to check into purchasing a remote PA system for use at both events to eliminate trying to borrow one from elsewhere. Mayor Excell will have this looked into, he sees no reason that this cannot be done as it has been talked about before, just never acted on. The committee was informed that the Village will no longer pay for the fireworks at Earlville Days. Mayor Excell asked who they had heard that from because neither he nor the board has stated anything to that effect. Corey was unaware of where it had come from. The committee feels there is a need for a sign that can be changed to show the Music in the Park events each week as well as announcing the Farmers Market and Earlville Days/Winterfest. There was no feedback from the Board on this. The committee would like to rename Winterfest to Christmas or Holiday Celebration and have a Winterfest in February with winter type events. This is currently in the planning stages. Corey reported that there were complaints about alcohol consumption at Earlville Days therefore they would like to make it an alcohol free event. Per the Board, if alcohol is banned, there would be no interest in the softball tournament, to which Corey replied that it was not the softball players that the complaints were regarding. Reactions by members of the community have been causing problems for the committee and they would like it to stop. There were electrical problems during the events, however the DPW were able to solve them. Corey reported that less money was raised this year than in 2012. She was not sure of the dollar amount raised. Corey attended the last Town of Sherburne Board Meeting. Ed Meyers will be back in attendance to the Earlville Board Meeting in September. Corey was questioned by a resident regarding the business sign placed in the Village Park and whether that should be allowed to be there. Excell stated that he was asked for permission to place it there and he did not see a problem, but if the board wishes, it can be moved. Excell stated that he felt that allowing them to put the sign in the park would be good advertising and entice more people to the Village's businesses. VanHeusen stated that Earlville has no zoning or regulation, so the only issue in it being there is that it is village property. Corey stated that the person who had complained suggested it be put in the front of the business between the sidewalk and the road. It was decided by all Board members to have the business owner move the sign between the sidewalk and the road.

Trustee Moore reported that the court had 8 traffic and 1 criminal citations for the month of July with total fees and fines of \$463.00, a portion of which is owed to the Office of the Comptroller. The CEO has answered more questions on a Certificate of Occupancy for the new bakery and deli on the corner of East Main Street. After the last meeting, when a resident brought up the issue of vacant buildings and how they are being dealt with, VanHeusen feels that the best way to deal with the issue is to pass a law for a Vacant Registry Program. The owner of the vacant building would have to fill out a permit application and would be charged a yearly fee that would increase every year. The building would get a placard that identified any hazards that the fire department needed to be aware of and the owner would need to provide an upkeep plan. This type of program is done to encourage owners to do something with their properties other than let them sit empty. VanHeusen is currently in charge of a similar program in Cortland and can provide examples of everything from the law to the application. Excell stated that he liked the way it used to be done, however the county will no longer allow the Village to levy the charges on the taxes. Excell advised VanHeusen to get the examples together and have them ready to be presented, reviewed and discussed at the next Board Meeting. The Codes Officer's cellphone is having issues; he is looking into replacing the cellphone in the near future. Moore reported that in Parks and Recreation he is having a hard time getting people to help and volunteer for work in the Skatepark. Until more help is received, not much is going to happen as far as the Skatepark development. Moore stated that on the good side, he has not seen too much negative actions happening at the Skatepark. Mayor Excell recommends that any ramps and equipment that is damaged at the Skatepark be pulled out and not replaced. Hayes reminded everyone

that when the Skatepark started up a few years ago, the kids and the parents got involved and did the work at the Skatepark; it started out as simply asking the Village for permission to build it and maintain it. Now it seems that most people have lost interest or are unwilling to continue involvement in the upkeep. Excell stated that there are other things that need to be dealt with and money spent on within the Village, that if no one is interested in being involved, there is not much that the Village can do to keep the Skatepark going. The Clerk-Treasurer advised the Board that Mr. Piliero has been talking to her and they have discussed some ways to raise funds for the Skatepark. Piliero has also recruited one other person to be on the Skatepark Committee. Moore stated he will get in touch with Piliero and talk to him about his efforts. Moore also requested that Mr. Piliero be invited to the next Board Meeting on the 10th of September.

Trustee Hayes started out his Trustee report by asking a resident what the electronic device was that was in his lap. The resident at first would not answer, and Hayes stated that he was going to assume that it was a tape recorder. Following a discussion between Board Members, the Village CEO and the resident, he stated that he had every right to record the meeting and that he was in fact recording the Board Meeting and that he had a camera with him and may take pictures as well. Trustee Hayes reported that the Opera House is very busy and the Museum has programs running as well. He had nothing to report for the seniors. The Fire Department had their meeting on Thursday August 1st. The Fire Chief asked if they could use the hydrants for training. Excell stated that he had spoken with Huff tonight and told him that they could coordinate with DPW and do it at the same time. Hayes stated that he received an email from the company that helped sell pumper truck 151, wishing the Village and himself well. The next benefit breakfast is the 9th of November from 7:00 am till noon. The Fire Department has implemented a Workplace Violence Prevention Policy & Incident Reporting as well as an Internet Use Policy and Theft Prevention Policy. (All three policies are attached to these minutes.) Hayes attended the last Town of Hamilton Board Meeting. They were very happy that the water shed on Borden has been cleaned up. Excell explained that the DPW had taken the advice of Rural Water to clean up the building and surrounding grounds since the Village did own the property. Hayes reported that a resolution was passed to move the Town of Hamilton Highway Superintendent and the Town Clerk position to hired positions rather than elected positions. A referendum will be held on the next official voting day. The Town of Hamilton will be installing solar energy in the Town Barn. Town Board members spoke of fuel prices; Excell mentioned that if the Town wished to join with Earlville, the two together may be able to get a better bid through Broedel Energy, which usually comes in under the state bid.

Mayor Excell reported that Wissenbach started the Water Certification class today; he will be out for this all this week. Taylor is also out this week as he is attending a training class for the Fire Department. He will be back next week, which will be his last week with the Village this summer. Excell is looking into hiring someone to push back the dump. He may contact the Town of Hamilton or Sherburne to do the work depending on the cost of hiring someone to do it or he is also thinking of renting the equipment and have the Villages' DPW perform the work.

OLD BUSINESS

In old business, two Sealed Bids were received for the Clark Street project. Both bids were opened by Mayor Excell and read out loud to the public. Yacono LLC of PO Box 1049, Norwich, NY 13815 placed a bid for \$15,818.00 to saw cut existing asphalt at ends of proposed area, remove approximately 5580 square feet of existing asphalt, install 2-4 inches of #4 gravel as needed, grade and compact, and install 2.5 inches of Type 3 Base and 1.5 inches Top asphalt to approximately 5580 square feet. The second bid was received from MRP of 6033 County Rd 32, Norwich, NY 13815 with a bid of \$18,000 to remove existing asphalt to a depth of 6 inches below finished elevation, install 3 inches of crushed gravel, install 2 inches of asphalt base and install 1 inch top asphalt. The street will be 20 feet wide by 324 feet long. Mayor Excell pointed out that MRP proposed to rebuild the street at a set width of 20 feet, where currently it is wider at the intersection of Rte. 12B and Clark Street and tapers down; it would be up to the Village to bury the existing roadway not rebuilt by MRP. It was also pointed out that MRP only proposed 2 inches of Base rather than the specified 2 ½ inches. Excell stated that there was \$17,289.15 available in CHIPS funds to cover the cost of the repaving.

Motion #5-8.12.2013

Trustee Moore motioned to approve the repaving of Clark Street this summer using the available CHIPS funds, Trustee Moore seconded. Motion was approved unanimously.

MOTION

Trustee Moore made a Motion to accept the sealed bid proposal from Yacano LLC for \$15,818.00 to repave Clark Street, Trustee Corey seconded. Motion was approved unanimously.

NEW BUSINESS

In new business, the owner of the old school building on Fayette Street had sent an e-mail in which he wrote "I am considering converting up to seven rooms to large efficiency apartments. I am wondering if you see any continuing need for housing in the village and, if so, which groups might be targeted (college students; senior citizens; low income, eg). Would there be any benefits accorded by the village for such conversion (loans, tax deferment, or the like)?" Trustee Moore stated that he doesn't feel the Village should get involved in this. Mayor Excell asked the Clerk-Treasurer to send a reply email to Mr. Wallin stating that the Village is all for him doing something with the building and that low income and senior housing would definitely be in demand, however there is no monetary funds available from the Village to assist him with this. The COE asked that information regarding THOMA be given to Mr. Wallin as they are an organization in Cortland that helps with revitalization of communities.

In other new business, the NYMIR Underwriting recommendations generated from a walk through survey completed earlier this summer were received. A brief discussion followed regarding their recommendations and the items that have already been corrected or seen to and the items that the Village needs to address.

PUBLIC COMMENT

In Public Comment, Mayor Excell explained that the DPW has been working with Rural Water to solve an issue of stagnate and black water at the end of the lines on East Main Street. DPW has hooked up a garden hose at the well house on Borden Road to let the water run at a slow pace, hoping that this will clear up the stagnation. They also opened up a hydrant on East Main Ext. that has not been opened in years. Upon opening this, thick black water was discovered, but upon letting it flush it did clear up. Excell feels that the lines outside of the village should have been replaced at the same time as the village lines however; funding was not allowed for outside of the village. Excell stated that he will have Tucker obtain a water sample of the water at the end of East Main St and have it tested for bacteria. In the meantime, DPW will continue to flush various hydrants to try to solve the issue. The next Hydrant flush will be on Tuesday August 20th at 10:00 pm. Rural Water will be consulted again if this does not correct the problem soon. It was suggested that the Dept. of Health also be contacted as they may know of emergency funding that could be available to the Village if bacteria is found.

A resident read an open letter to the Mayor and Board of the Village of Earlville in reference to "Local Law #1 of 2007" and action taken against the agreement between me and the Village of Earlville" out loud. This open letter was also printed in local papers prior to the Board Meeting. Mayor Excell interrupted the residents' comments after the reading and advised the public that the Board could not defend or comment on the residents' statements since this was an ongoing litigation case. Excell advised the resident to contact William Getman, the Village's attorney to discuss any further questions or concerns he may have.

With nothing further to discuss, Trustee Moore motioned to adjourn the Village of Earlville Board Meeting at 8:43 pm, seconded by Trustee Corey and carried 3-0.

"I certify this document is a true and accurate description of the regular board meeting of the governing board of the Village of Earlville August 12, 2013."


Kelly Beach
Clerk-Treasurer



Emergency Services Insurance Program

Earville Fire Dept. Workplace Violence Prevention Policy &
Incident Reporting

Earville Fire Dept. is committed to the safety and security of our members. Workplace violence presents a serious occupational safety hazard to our agency, staff, and the public we protect. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Earville Fire Dept. property or anywhere the Earville Fire Dept. is on duty, will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All Members are responsible for helping to create an environment of mutual respect for each other as well as the public, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy ~~is~~ highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved includes a workplace evaluation that was designed to identify the workplace violence hazards our members could be exposed to. Other tools include establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All members will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our organization. All incidents of violence or threatening behavior will be responded to immediately upon notification. Earville Fire Dept. has identified response personnel that include a member of management and a member representative. If appropriate, the Earville Fire Dept. will provide counseling services or referrals for members.

All Earville Fire Dept. personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.



Emergency Services Insurance Program

**SAMPLE POLICY
INTERNET USE**

Earlville Fire Dept.

Computers in the emergency services provide several useful benefits including training and the acquisition of useful information for the betterment of the organization as well as all members. As such, computers are available for the usage of members to that end.

The Internet is a global entity with no control of users or content. Therefore, available resources may contain material of a controversial nature. The Earlville Fire Dept. is not responsible for information found on the Internet.

Earlville Fire dept. computers and Internet connections shall not be used to violate copyrights or for any other illegal activities. No one may utilize these computers for the purposes of harassment, misrepresentation, or commercial activities. Internet activities on organization computers must be capable of withstanding public scrutiny and/or disclosure. Users must avoid accessing sites which might bring Earlville Fire Dept. into disrepute, such as those which carry offensive material.

The computers at the Earlville Fire Dept. are the property of Earlville Fire Dept. and as such may be examined for Internet usage patterns, e-mail usage, and any other items regarding the use of the computers. Members should not have any expectation of privacy as to Internet, e-mail, or other computer usage.

Inappropriate use of Earlville Fire Dept. computers may result in disciplinary actions and/or disconnection of accessible computers.

For further information on formulation of your organizational policies and procedures, please contact the ESIP Loss Control Services Division at 1-800-822-3747.



**Emergency Services Insurance Program
P.O. Box 5670 Cortland, NY 13045
800-822-3747**

Theft Prevention

1. The treasurers of the Fire Company and the members of the finance, auditing and budget committees shall take the "Preventing Theft in Your Organization" e-learning program available from ESIP annually.
2. The treasurer's of the Fire Company shall turn over their duties to another member of the fire company for two weeks each year.
3. Any check drawn against the investment checking account shall require two signatures. Checks drawn against the general checking account shall require one signature.
4. All checks received by the treasurers of the fire company shall be immediately endorsed "For Deposit Only". All cash received shall be deposited into the appropriate account within 24 hours of receipt. When this is not possible, such funds shall be stored in the safe located at the fire house.
5. Checking accounts shall be audited monthly. The results of the audits shall be reported to the Board of Directors and general membership monthly.

Reference: "Local Law #1 of 2007" and action taken against the agreement between me and the Village of Earlville

An open letter to the Mayor and Board of the Village of Earlville,

I am tired of your trickery and lies. After over 5 years of harassment, a targeted law, a lawsuit initiated and continued by 2 disgraced mayors, false promises by the present mayor, plus lies, falsehoods, and omission of facts in the village board minutes, you show your intentions, and it is time to set the record straight.

The Village of Earlville continues a violation of an agreement and granted variance for me to raise small animals. And you have chosen to misrepresent me in public meetings, public meeting minutes, and privately.

I continue to call on you to repeal the Village of Earlville "Local Law #1 of 2007," drop all charges related to my ownership, follow the agreements in place for my raising chickens and rabbits, and repair the damages done.

You have told me that the charges would be dropped if I agreed to additional conditions. (This sounds like blackmail to me.) I was told to "give a little" or "compromise." I never violated the agreement. I expect the Village to do the same. I will not negotiate any new agreement or conditions when it was the Village of Earlville, through elected, appointed, or hired persons, who created the law which in turn created the charges.

This case initiated by the Village of Earlville has cost me several thousand dollars and several hundred hours, and has stressed my personal finances, life, and family, defending my property ownership and rights - while it has cost nothing for you, in the name and immunity of the Village of Earlville.

You had a special board meeting June 25 which I could not attend, and you refused to read my statement in public session or place it in public record. Your minutes seem like an orchestrated attempt to create false evidence in public record, with a secretive executive session followed by public session filled with false, possibly slanderous and libelous, statements.

I call on you to purge lies from the June 25 meeting minutes - there are at least seven -and issue a public apology:

- 1) This case has nothing to do with "non-domestic" animals. Even New York State doesn't redefine animals under human husbandry.
- 2) It is not true that I have not been willing to end the litigation. I never initiated the litigation and only you have the power to end it.
- 3) I have never violated the agreement, though your minutes record village attorney William Getman saying this.
- 4) I have never exceeded the number of "birds" of the agreement, as Getman is recorded as stating.
- 5) As recorded as a statement from Getman, it is false for him to say I "was not in compliance with the original permit." Permission was granted, recorded in Village minutes, and has always been followed by me. There is no record or cause for suspicion of any violation. The Village of Earlville violated this contract by passing what you have acknowledged as a spite law, targeting me the only animal owner in the village.
- 6) The village omits the facts that permission was granted to me on TWO occasions for keeping my animals.
- 7) The minutes imply I am the cause others in the village cannot have animals, and hurting property sales. Blame lies with the mayor and village board. I did not violate any agreement, did not write or pass the law, and did not initiate the lawsuit.

The agreement was not with a "previous board" as your minute^s state, but between me and the Village of Earlville, the board being the representative of the Village.

You have stated to me in the meetings that you do not want to discuss this matter publicly, as you "don't want to be held liable," yet your minutes show you discuss it in public session without me present and without my permission.

William Excell, Henry Moore, Gerald Hayes, Margaret Cory, and Sara Chapman: Your stated plan to close out this case so you can make changes to the law publicly acknowledges your scheme to continue this spiteful, discriminatory attack to cause additional damage upon me before giving favor to others in the future.

You give Earlville a bad name through your unprofessionalism, your abuse of position and power against a resident. You had the chance to distance yourself from two past mayoral administrations - now you have chosen to extend the blame to yourselves. There is only one way you can come out looking good. Maybe another meeting with the village attorney is in order.

Michael Kicinski, Resident, Village of Earlville