

VILLAGE OF EARLVILLE

Regular Monthly Meeting  
Village Hall

January 11, 2017  
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 January 7, 2017.

*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 6:03 p.m. Board members present were Trustees Margaret Corey, Nicholas French, Henry Moore and Daniel Piliero. Also present was Village Clerk-Treasurer Kelly Beach and 3 Town of Hamilton Justice Donald Haight.

The meeting was called to discuss the appointment of a fill-in Justice as the Village Justice Ronald Hailston recently passed away. Mr. Haight, who is the elected Town of Hamilton Justice as well as the appointed Justice for the Village of Hamilton, has graciously offered to fill in for the Village of Earlville Justice position until a qualified Justice can be duly appointed or elected. After a lengthy discussion between the Board, which included a discussion for the need of a Justice Clerk position to be created,

Motion #1-1.11.2017

*Resolution 33-4, "Appointment of Donald Haight to Village Justice until a qualified Justice can be duly appointed or elected." Which states*

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

*WHEREAS the current Village Justice Ronald Hailston has passed away; and*

*WHEREAS Village Law § 3-312 prescribes the process of filling vacancies in village office that are not caused by expiration of the term of office as being filled by a mayoral appointment; and*

*WHEREAS when a vacancy occurs in an elective office less than 75 days prior to the third Tuesday of the month preceding the end of the current official year, then the mayoral appointment to fill the vacancy is for the balance of the official year; and*

*On motion duly made and carried:*

*BE IT RESOLVED, that the Board of Trustees adopts the appointment of Justice Donald Haight of Hamilton to fill the Village of Earlville Justice position until a new qualified Justice can be duly appointed or elected.*

Was approved unanimously 5,0 on a motion by Trustee Moore, seconded by Trustee Cory; Mayor William Excell appointed and gave the oath of office to Justice Haight.

*Resolution 33-5 “Approval for Creation of Part-time Justice Court Clerk Position”* which states;

*WHEREAS, a majority of said Board is being present and said meeting having been duly called:*

*WHEREAS, a New Position of Duties Statement was filed with the Madison County Department of Human Resources requesting the creation of a Part-time Clerk to the Village Justice position, which shall be exempt of Civil Service per Civil Service Law §41;*

*WHEREAS, the Village Board understands the need for a Part-Time Justice Clerk position to assist future Village Justices with clerical duties and reports; and understands that per Village Law §4-400 (i) ( c ) (ii) Justice Court Clerks may be employed and discharged by a Village Mayor only upon the advice and consent of the Justice. While the village mayor ultimately makes the appointments (or termination), this power cannot be exercised over the justice’s objection: a town or village may not hire or fire a court clerk over the objection of the justices. Likewise, because the locality and not the Justice Court formally appoints or terminates a court clerk, Justice Courts may not hire or fire a clerk over the objection of the town board or village mayor.*

*WHEREAS, the incoming Village Justice has asked that part of the salary for the Village Justice Clerk be moved from their Budget Line and added to a new budget line for a Justice Clerk position salary;*

*WHEREAS, a fair annual salary of \$1,299.36 (\$108.28 per month) has been determined by the Village Justice and the Village Board;*

*NOW THEREFORE BE IT RESOLVED, the Village of Earlville Board does hereby approve: 1). the creation of a part-time Justice Clerk position with an annual salary of \$1,299.36; and 2). a new budget line shall be created titled A11102 Justice Clerk PS and*  
*3). \$541.40 shall be moved from A11101Justice PS to A11102 Justice Clerk PS to cover the salary of the new position from January thru May of 2017 and*  
*4.) An annual salary be budgeted beginning with the 2017-2018 Budget year and going forward.*

*NOW THEREFORE, on motion duly made and carried:*

*BE IT RESOLVED, that the Board of Trustees hereby gives its approval for*  
*1). the creation of a part-time Justice Clerk position with an annual salary of \$1,299.36; and 2.) a new budget line shall be created titled A11102 Justice Clerk PS and*  
*3.) \$541.40 shall be moved from A11101Justice PS to A11102 Justice Clerk PS to cover the salary of the new position from January thru May of 2017 and*  
*4.) An annual salary be budgeted beginning with the 2017-2018 Budget year and going forward.*

Was approved unanimously 5,0 on a motion by Trustee Moore, seconded by Trustee Cory.

TOWN COUNCILMAN REPORT

No report.

TRUSTEE REPORTS

No report

## NEW BUSINESS

Mayor Excell explained that the Tank Level Recorder at the treatment plant is having problems. Marc Tucker has contacted AquaLogics and obtained a price for the equipment. The Tank Level Recorder is the piece of machinery that tells the water pumps when to turn on and off based on the level of water in the tanks. The cost for the equipment is \$4,800.00. On a motion by Trustee Moore, seconded by Trustee French, agreed unanimously, 5-0, it was agreed to have Tucker place the order and get the equipment replaced.

## PUBLIC COMMENT

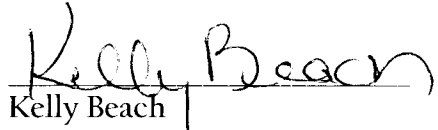
No public comment.

## EXECUTIVE

No executive session.

With nothing further to discuss, Trustee Moore then ended the meeting by a motion to adjourn the Board Meeting at 7:28 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 January 11, 2017.”



Kelly Beach  
Clerk-Treasurer  
Village of Earlville

- Village Seal -

**Resolution 33-5**  
**Approval for Creation of Part-time Justice Court Clerk Position**

*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 January 2017,*

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

*WHEREAS, a majority of said Board is being present and said meeting having been duly called:*

*WHEREAS, a New Position of Duties Statement was filed with the Madison County Department of Human Resources requesting the creation of a Part-time Clerk to the Village Justice position, which shall be exempt of Civil Service per Civil Service Law §41;*

*WHEREAS, the Village Board understands the need for a Part-Time Justice Clerk position to assist future Village Justices with clerical duties and reports; and understands that per Village Law §4-400 (i) ( c ) (ii) Justice Court Clerks may be employed and discharged by a Village Mayor only upon the advice and consent of the Justice. While the village mayor ultimately makes the appointments (or termination), this power cannot be exercised over the justice's objection: a town or village may not hire or fire a court clerk over the objection of the justices. Likewise, because the locality and not the Justice Court formally appoints or terminates a court clerk, Justice Courts may not hire or fire a clerk over the objection of the town board or village mayor.*

*WHEREAS, the incoming Village Justice has asked that part of the salary for the Village Justice Clerk be moved from their Budget Line and added to a new budget line for a Justice Clerk position salary;*

*WHEREAS, a fair annual salary of \$1,299.36 (\$108.28 per month) has been determined by the Village Justice and the Village Board;*

*NOW THEREFORE BE IT RESOLVED, the Village of Earlville Board does hereby approve:*

- 1). the creation of a part-time Justice Clerk position with an annual salary of \$1,299.36; and*
- 2). a new budget line shall be created titled A11102 Justice Clerk PS and*
- 3). \$541.40 shall be moved from A11101Justice PS to A11102 Justice Clerk PS to cover the salary of the new position from January thru May of 2017 and*
- 4.) An annual salary be budgeted beginning with the 2017-2018 Budget year and going forward.*

*NOW THEREFORE, on motion duly made and carried:*

*BE IT RESOLVED, that the Board of Trustees hereby gives its approval for*

- 1.) the creation of a part-time Justice Clerk position with an annual salary of \$1,299.36; and*
- 2.) a new budget line shall be created titled A11102 Justice Clerk PS and*
- 3.) \$541.40 shall be moved from A11101 Justice PS to A11102 Justice Clerk PS to cover the salary of the new position from January thru May of 2017 and*
- 4.) An annual salary be budgeted beginning with the 2017-2018 Budget year and going forward.*

*Seconded by Board Member Margaret Corey*

<i>Mayor William Excell</i>	<i>Voted</i>	<i>Yes</i>
<i>Trustee Henry Moore</i>	<i>Voted</i>	<i>Yes</i>
<i>Trustee Margaret Corey</i>	<i>Voted</i>	<i>Yes</i>
<i>Trustee Nicholas French</i>	<i>Voted</i>	<i>Yes</i>
<i>Trustee Daniel Piliero</i>	<i>Voted</i>	<i>Yes</i>

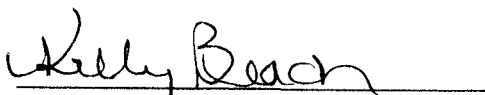
*Ayes:*

*Nays:*

*Carried:*

*Adopted this the 10th day of January 2017*

*"I certify this document is a true and accurate description of the resolution adopted during the regular board meeting of the governing board of the Village of Earlville on January 10, 2017."*



*Kelly Beach*  
*Village Clerk-Treasurer*  
*Village of Earlville*

*Village Seal*

**Mayor**

**William Excell**

**Trustees**

**Margaret Corey**

**Henry Moore**

**Nicholas French**

**Daniel Piliero**

**Village Justice**

**CEO**

**Lloyd Sutton**

**Clerk / Treasurer**

**Kelly Beach**

**Resolution 33-4**

**Appointment of Donald Haight to Village Justice until a qualified Justice can be duly appointed or elected.**

**Motion made by Trustee Henry Moore**

**During the regular board meeting 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 11<sup>th</sup> day of January 2017,**

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

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

**WHEREAS the current Village Justice Ronald Hailston has passed away; and**

**WHEREAS Village Law § 3-312 prescribes the process of filling vacancies in village office that are not caused by expiration of the term of office as being filled by a mayoral appointment; and**

**WHEREAS when a vacancy occurs in an elective office less than 75 days prior to the third Tuesday of the month preceding the end of the current official year, then the mayoral appointment to fill the vacancy is for the balance of the official year; and**

**On motion duly made and carried:**

**BE IT RESOLVED, that the Board of Trustees adopts the appointment of Justice Donald Haight of Hamilton to fill the Village of Earlville Justice position until a new qualified Justice can be duly appointed or elected.**

Seconded by Trustee Margaret Corey

Ayes: 5  
Nays: 0  
Carried 5,0

Adopted this the 11<sup>th</sup> day of January, 2017.

ATTEST:

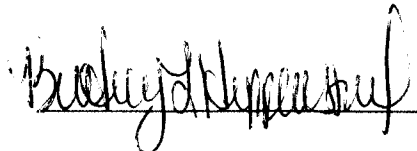
– Seal –



**Kelly Beach**  
Clerk-Treasurer, Village of Earlville Board of Trustees

State of New York  
County of Chenango

On this, the 12<sup>th</sup> day of January, 2017, before me a notary public, the undersigned officer, personally appeared Kelly Beach, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained. In witness hereof, I hereunto set my hand and official seal.

 Notary Public

BRITTANY L. HIPPENSTIEL  
Notary Public, State of New York  
No. 01HI6295608  
Qualified in Chenango County  
My Commission Expires Jan. 6, 2018

---

**Village of Earlville, PO Box 88 - 8 North Main St., Earlville, New York 13332**  
Phone (315) 691-2121 • (TDD) 1-800-662-1220 • Fax (315) 691-5504

VILLAGE OF EARLVILLE  
GENERAL FUND  
1/11/2017

A11101 Justice PS	541.4	3458.6
A11102 Justice Clerk PS	541.4	541.4

To adjust funds from Justice Salry to new Justice Clerk Salary  
per Resolution 33-5