

VILLAGE OF EARLVILLE

Regular Monthly Meeting
Village Hall

Jan. 12, 2010
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 27th day of December, 2009.

Village Mayor Toni Campbell called the meeting to order at 7:00 p.m. Board members present were Trustees Mark Doeberl, Gerald Hayes, Henry Moore and William Excell. Also present were Brian Skidmore of Barton & Loguidice, Fire Chief David Baird, Assistant Fire Chiefs, Town of Sherburne Councilman Ed Meyers, Justices James Peptis and Frank Faulkner, Village Clerk-Treasurer Christian Vischi and four members of the public.

With Justice Faulkner's retirement effective Jan. 3, the board thanked him for his time served with a certificate of appreciation and swore in Justice Peptis in temporary capacity as village justice for 60 days.

On a motion by Trustee Doeberl, seconded by Trustee Moore and carried 4-0, the board accepted the minutes from the Dec. 8, 2009 regular board meeting. Then on a motion by Trustee Moore, seconded by Trustee Doeberl and carried 4-0, the board accepted the minutes from the Dec. 28, 2009 special board meeting.

Abstract 588 (Vouchers #6191-6206) was approved 4-0 on a motion by Trustee Moore and a second from Trustee Doeberl. Abstract 589 (Vouchers #6207-6229) was approved 4-0 on a motion by Trustee Moore with a second from Trustee Excell. The Capital Project Abstract 590 (Voucher CP-1) was approved 4-0 on a motion by Trustee Moore and a second from Trustee Excell.

Trustee Hayes relayed to the board that FD Engine 152 will be out of service this evening and 151 will be in service tomorrow. On a motion by Trustee Hayes, seconded by Trustee Moore and approved 3-0 with Trustee Excell abstaining, the membership of Jacob Sweet of Sherburne to the Earlville FD was accepted. With 3-0 approval, the EFD will be holding a bowling tournament on March 6-7 and 13-14 headed by the committee of Ford Seymour, Russell Chase, David Bensley, Mike Doyle, Elaine Mason and Sue Huff. The motion was made by Trustee Hayes and seconded by Trustee Moore, with Trustee Excell abstaining. The proceeds from the tournament will be used to balance the fire company's general fund budget. A final FD event for approval was the annual Pancake Day to be held from 7 a.m. to Noon Feb. 13 at the Fire Hall. On a motion by Trustee Hayes, seconded by Trustee Moore and carried 3-0, the Pancake Day was approved. Trustee Excell abstained. The proceeds from the breakfast will be also used to balance the fire company's general fund budget.

After brief discussion, Trustee Hayes made a motion to allow up to \$500 to be spent on repairing or replacing the fan on one of the three heating units in the Fire Hall. The motion was seconded by Trustee Moore and carried 4-0.

The Holiday House Decorating winners – chosen by the Planning Board – were:

- First Place – Beverly Welch of East Main Street
- Second Place – Brian & Jackie Holt of Fayette Street
- Third Place – Margaret Buckingham of South Main Street
- Honorable Mention – Richard & Jeanne MaCumber of Fayette Street

Trustee Doeberl met with the Fire Department on behalf of the Planning Board to request the use of Baker Field for Earlville Days 2010, with the aim of bringing more events downtown. The department approved the request. An outdoor community bulletin board will be discussed at the March board meeting.

Trustees Excell and Moore will look into complaints from tenants in the apartments above the Douglas Block about the area between the back of the building and the former pizzeria possibly having the designation of a fire lane. Trustee Excell said he believes it is a Right of Way. Trustee Moore said he has witnessed the Little M delivery tractor trailer having to park facing south in the north-bound lane. Wissenbach Land Surveying will be contacted to locate a Right of Way deed on the property.

Mayor Campbell will be meeting with Trooper Place about a potential speed study for the village.

Trustee Doeberl will make sure DPW is more diligent about shoveling and salting the brick walkway through the park as Trustee Moore has had three residents discuss this issue with him.

The CEO has been busy with electrical and septic complaints and has issued violation notices. Trustee Excell has talked with Jeff Beaver and he is willing to be commissioner for the Earlville Softball League this summer. On a motion by Trustee Excell, seconded by Trustee Hayes and carried 4-0, the board reappointed Beaver to the commissioner's role for 2010.

Trustee Hayes said he and Trustee Excell will be meeting with New Life Christian School in the spring. The final monthly court report from Justice Faulkner included fines, fees and surcharges of \$1,535. This represented his presiding over 24 individuals with 28 statute violations.

The 2010 Animal Shelter Agreement with the Chenango County SPCA has two paragraph additions verses last year's contract. These include 24-hour access to the facility for the village's Animal Control Officer and that the CCSPCA will "make every effort to contact the DCO [sic] and municipality staff prior to taking in a 'good Samaritan' stray dog." As the contract, excluding those two items, is verbatim to last year's, Trustee Moore made a motion to accept the contract. The motion was seconded by Trustee Doeberl and carried 4-0.

Trustees Excell and Hayes will meet with New Life Christian School before the meeting in March.

Trustees Hayes asked if there was any recent interest on 152. Mayor Campbell said fire department member A.J. Scheve has contacts, so Trustee Doeberl will work with him on trying to identify a buyer.

On a motion by Trustee Moore, seconded by Trustee Hayes and carried 4-0, the Board adopted Resolution 29-12 "Adoption of Village Election 2010 Polling Place and Hours" to set the date for the Village of Earlville Elections for March 16th, 2010. The polls will be open from noon until 9:00 p.m. and the polling place will be the Village Hall, located at 8 North Main Street, Earlville, New York.

Mayor Campbell relayed highlights of an e-mail received from the Robertson's in regard to snowmobile traffic. After discussion with the Sheriff's Department, Campbell said the snowmobile patrol will be in Earlville on Friday and Saturday nights. The board emphasized that Resolution 28-26 "Prohibition of Snowmobiles and Motored-Vehicles on Village Sidewalks" is still in place. On a motion by Trustee Doeberl, seconded by Trustee Moore and carried 4-0, a notice will be sent to the newspapers and area snowmobile clubs altering them to the prohibition.

On a motion by Trustee Excell, second by Trustee Moore and carried 4-0, members of the board and the clerk are authorized to attend NYCOM's 2010 Winter Legislative Meeting Feb. 21-22 in Albany.

A new vacuum, not to exceed \$150, will be purchased for the municipal building after a motion from Trustee Excell, seconded by Trustee Hayes and carried 4-0.

Buzz Slentz will perform a septic system evaluation as per a motion from Trustee Excell, seconded by Trustee Doeberl and carried 4-0.

Resolution 28-25 “Establishing Residency Requirements for Chiefs of the Earlville Volunteer Fire Department” was discussed. Currently one individual meets the residency requirement of the resolution. Trustee Doeberl said his concern is with response time. Some municipalities require their chiefs to resident in the district and some declare that a certain percentage must reside in the village. Trustee Hayes asked how many members were considered having “active” status, and Mayor Campbell said the number exceeds 45. Trustee Doeberl made a motion to renew the resolution with an adjustment, but later withdrew the motion. Trustee Excell said he favored leaving the resolution in place as is and seeing the department develop a mentoring program that helps assistants prepare for becoming chief someday. On a motion by Trustee Moore, seconded by Trustee Doeberl, the board approved 3-1 that Resolution 28-25 be withdrawn and Resolution 29-13 “Establishing Residency Requirements for Chiefs of the Earlville Volunteer Fire Department” be adopted. Voting nay was Trustee Hayes, and Trustee Excell abstained. The resolution’s only change from Resolution 28-25 is the addition of:

“BE IT FURTHER RESOLVED, that the board encourages the department to identify and develop more qualified applicants for training for assistant and chiefs roles, and to further engage village residents in the benefits of membership with the department.”

Brian Skidmore discussed the tree removal as part of the water project. Although Howard Palmer of ASAP Tree Service was contacted by Skidmore on multiple occasions regarding his successful bid, and that he relayed his assurance to handle the project, Palmer said he could not fulfill the terms of the bid and removed himself from the project. However, Skidmore said one key issue has been brought to his attention. The U.S. Fish and Wildlife Services has written to Skidmore to inform him that the village is exempted from the Indian Bat rules due to elevation and the trees do not have to be downed by the end of March as originally believed. With that in mind, Skidmore is revising mapping to bring the tree removal portion below the \$20,000 project cap threshold for bidding. Skidmore will have new plans for the next board meeting that will include trees to be removed and trees to be directionally drilled beneath.

A motion was made by Trustee Moore, seconded by Trustee Hayes and carried 4-0, to rescind the awarding of the tree removal bid to ASAP Tree Service and to reject all bids received. A brief review of the water districting process to date was given by Skidmore.

Mayor Campbell spoke with the second grade classes at Sherburne-Earlville last month, and had one student gave a gift of \$0.25 to benefit the general fund.

The next board meeting will be a special session to discuss the 2009-2010 fiscal plan at 7 p.m. Jan. 26. The next regular board meeting will be at 7 p.m. Feb. 9.

On a motion by Trustee Doeberl, seconded by Trustee Moore and carried 4-0 at 8:36 p.m., the board entered executive session to discuss two matters relating to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. At 9:25 p.m. the board reentered public session on a motion by Trustee Doeberl, seconded by Trustee Excell and carried 4-0. No action was taken in executive session.

At 9:27 p.m. Trustee Excell made a motion to adjourn, seconded by Trustee Moore and carried 4-0.