

VILLAGE OF EARLVILLE

Regular Monthly Meeting
Village Hall

November 9, 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 25th day of October, 2010.

Tonight's meeting minute notes: All votes by the Village of Earlville Board of Trustees (herein "Board" or "Village Board") 4-0 are to be read as "aye" votes from Village of Earlville Board of Trustees members Excell, Hayes, Moore and Taylor. 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.

Village Mayor Mark Doeberl called the meeting to order at 7:00 p.m. Board members present were Trustees William Excell, Gerald Hayes, Henry Moore and Tom Taylor. Also present were Village Clerk-Treasurer Christian Vischi, Town of Sherburne Councilman Ed Meyers and five members of the public.

Abstract 620, as presented for Board approval, included Vouchers #6522, 6537, 6539-6566 totaling \$18,414.13 to be tentatively split \$17,705.74 from the General Fund and \$708.39 from the Water Fund. On a motion by Trustee Moore, seconded by Trustee Taylor and approved 4-0, Abstract 620 was approved for payment.

Abstract 621, as presented for Board approval, included Vouchers #6535, 6536, 6538, 6567-6570, PO567-575 totaling \$23,830.70 to be taken from the General Fund. On a motion by Trustee Moore, seconded by Trustee Taylor and approved 3-0 with Trustee Excell abstaining, Abstract 621 was approved for payment with the following changes: PO 567 will be for \$1,000.00 and PO 568 will be for \$373.35 - making the total Fire Department purchase orders' component \$2,152.80 and the Village vouchers' component \$21,101.92.

The Capital Project Abstract 622, which included Vouchers #CP12-CP13 and the Water Project Construction Payment Vouchers, was presented for Board in the amount of \$25,602.86 for CP12-CP13 and for \$705,380.80 for the Construction Payment to be taken from the Water Project Capital Reserve Fund. On a motion by Trustee Moore, seconded by Trustee Excell and carried 4-0, the Capital Project Abstract 622 was approved for payment.

Trustee Hayes asked if the Village had received word from the Madison County Sheriff's Department about the math error in last month's police coverage bill. With no correspondence to date, Trustee Hayes made a motion to accept the October 12, 2010 regular Board meeting minutes. The motion was seconded by Trustee Moore and approved 4-0.

There have been no FOIL requests received recently. On a motion by Trustee Moore, seconded by Trustee Hayes and approved 3-0 with Trustee Excell abstaining, the Board approved the Earlville Fire Department's Ladies Auxiliary's hosting of their annual Wreath and Poinsettia Sale at the Fire Hall during Winterfest from 9 a.m. until sold out. The proceeds from the fundraiser will cover the cost of the Auxiliary's Christmas donation to the local food cupboard and for a Children's Christmas event. Trustee Moore reminded the Board about the Earlville FD's upcoming semi-annual Pancake Day on Nov. 13 at the Fire Hall from 7 a.m. to noon. A discussion around the addition of one member and the removal of one member from the Earlville FD roster will be tabled until the next Board meeting when the fire chief can be present. The Earlville Fire Company may

be adding a new policy for the eligibility of members to attend company events after an emergency room visit. The Village may also look to create a similar Earlville FD response policy.

Trustee Excell relayed from Codes Enforcement Officer Matthew Van Heusen that new state building codes will be going into effect on Dec. 14, 2010. Because of these extensive changes in the building codes, new permits will be required of Village residents, starting Jan. 1, 2011. Appendix A and B are of the permit requirements currently in effect by the Village. Appendix C and D highlight the proposed changes to the permit requirements by the CEO. Trustee Excell suggested tabling formal adoption of any potential changes until the Dec. 14 regular Board meeting so the Board can have time to review the CEO's recommendations.

Trustee Taylor said Winterfest's planning is nearly wrapped up. The Village has received \$750.00 in cash donations to date and \$25.00 in gift certificates to date. Trustee Moore asked if the Board could receive via e-mail a master list of the events and Clerk-Treasurer Vischi will send it out as soon as it is finalized. New for this year is a dance that will be held in the court room. The east side of North Main Street from the corner juncture with East Main Street to the curb-cut at the Fire Hall will be blocked off from Friday night until after Winterfest to accommodate the events of the day. In DPW news, leaf pick-up will cease on Nov. 19 and press releases have been sent to the media to inform residents of this, in addition to a posting on the Village's website. The skate park is locked up for the season and Trustee Taylor said it will likely need a lot of attention in the spring as there has been a lot of misuse at the facility. With limited funds for renovations, it was suggested that the users of the skate park could hold a fundraising event.

On a motion by Trustee Hayes, seconded by Trustee Moore and carried 4-0, the Board approved Resolution 30-46 "Prohibition of Parking on Village Streets". No person, except physicians or other persons on emergency calls, or persons in emergency situations, shall park a motor vehicle on the streets of the Village of Earlville for any period of time between Nov. 9 and April 30 from midnight to 6 a.m. This prohibition seeks to have the Village streets clear of vehicles for the benefit of the Village, Town, County and State highway crews to fully clear and prepare the streets for vehicular traffic. Any person who violates the provisions of this resolution, upon entry of plea of guilty or conviction thereof, shall be punished by a fine of \$10.00 for a first violation and \$25.00 for each violation thereafter within 365 days. The Madison County Sheriff's office will be informed of this and their right to give out tickets.

The 2011 Animal Shelter Agreement with the Chenango County SPCA has been received and reviewed by Trustee Hayes. Though the contract is identical to the 2010 agreement, Mayor Doeberl said he would like to know how the CCSPCA is going to enforce the remuneration fee from the dog owner to the Village. In the past, though this has been an item within the contract, the Village has not received a payment of this fee. As the final deadline for approval is Dec. 31, 2010, the Board tabled approval until Trustee Hayes can ascertain the CCSPCA's response to the remuneration fee. The Board will also look into a local law in the coming months to increase the fee for dogs at large.

Councilman Meyers said the Town of Sherburne will be holding a regular Board meeting and two public hearings on Nov. 10 to address a local law on highway weight permits due to gas drilling and the state-mandated return of control of dog licensing to towns. Meyers said the Village should get a copy of the new local law since it will apply to Village residents in the Town of Sherburne. He said the Town is also continuing its work on the Earlville Water District formation.

The Smyrna Fire Department has contacted the Earlville Fire Department, inquiring about purchasing a set of turnout gear. After brief discussion, the Board approved the Earlville Fire Company negotiating the sale of the set of gear with a minimum price of \$1,000.00 on a motion by Trustee Taylor, seconded by Trustee Moore and approved 3-0 with Trustee Excell abstaining.

On a motion by Trustee Moore, seconded by Trustee Taylor and carried 4-0, the Board approved Resolution 30-38 "Capital Reserve Fund to Finance a Type Fund for Capital

Improvements to Village Buildings & Grounds”, formerly Municipal Savings II, with a balance of \$9,260.78.

On a motion by Trustee Taylor, seconded by Trustee Moore and carried 4-0, the Board approved Resolution 30-39 “Capital Reserve Fund to Finance a Type Fund for Capital Improvements”, formerly Reservoir Fund, with a balance of \$65,716.86.

On a motion by Trustee Moore, seconded by Trustee Taylor and approved 3-0 with Trustee Excell abstaining, the Board approved Resolution 30-40 “Establish Capital Reserve Fund to Finance Capital Fire Apparatus Purchases”, formerly Fire Truck, with a balance of \$15,020.98.

On a motion by Trustee Taylor, seconded by Trustee Excell and carried 4-0, the Board approved Resolution 30-41 “Establish Capital Reserve Fund to Finance Capital Purchase of a Pickup Truck for the Department of Public Works”, subject to permissive referendum, with a balance of \$10,756.37. The maximum amount of value this capital fund specific account can have would be \$35,000.00.

On a motion by Trustee Moore, seconded by Trustee Taylor and carried 4-0, the Board approved Resolution 30-42 “Establish Capital Reserve Fund to Finance Capital Purchase of a Dump Truck for the Department of Public Works”, subject to permissive referendum, with a balance of \$4,973.85. The maximum amount of value this capital fund specific account can have would be \$50,000.

On a motion by Trustee Excell, seconded by Trustee Moore and carried 4-0, the Board approved Resolution 30-43 “Establish Capital Reserve Fund to Finance Capital Purchase of Pumps for the Village’s Water Department”, subject to permissive referendum, with a balance of \$1,040.38. The maximum amount of value this capital fund specific account can have would be \$20,000.

On a motion by Trustee Taylor, seconded by Trustee Excell and approved 3-1 with Trustee Moore voting nay, the Board approved Resolution 30-44 “Capital Reserve Fund to Finance a Type Fund for Capital Improvements of the Village’s Youth Recreation Equipment”, formerly Municipal Savings I, with a balance of \$486.23.

On a motion by Trustee Taylor, seconded by Trustee Excell and approved 3-1 with Trustee Moore voting nay, the Board approved Resolution 30-45 “Establish Capital Reserve Fund to Finance Capital Purchase of Backhoes for the Village’s Water Department”, subject to permissive referendum, with a balance of \$8,019.28. The maximum amount of value this capital fund specific account can have would be \$66,000.

Mayor Doeberl said the Board acknowledges the submittal of mileage records from DPW and the payroll records from Clerk-Treasurer Vischi for the month of October.

Trustee Taylor asked for clarification on the overtime pay policy for the DPW working hours on Saturday and Sunday. Mayor Doeberl and Trustee Excell said they get two hours of paid time for the inconvenience of coming in on the weekend.

On a motion by Trustee Excell, with a second from Trustee Moore and a 4-0 vote, the Board approved the new water account statuses for several village and town customers. The accounts were reviewed by Trustee Taylor, Trustee Excell and Clerk-Treasurer Vischi. The new account statuses are available for review until the Dec. 14 Board meeting, when individuals can come to request a change in their account status. The new account statuses, approved by Resolution 30-25 “Modification and Establishment of Rates for Water Service” at the Aug. 23, 2010 regular Board meeting, are village residential and commercial, and town customers.

A letter had been written to a village water customer notifying her that her payment could not be accepted as it was incomplete for not including the late fee as the bill was beyond the final date to pay without penalty. That customer wrote a request to the Board for her water bill’s late fee to be waived and said letter was read aloud. Mayor Doeberl said the Board cannot make an exception for one and not for all, and the Board informally agreed that the fee would not be waived.

The Citizens Campaign for the Environment (CCE) organization has requested a permit to canvass the Village of Earlville to disseminate fact sheets and solicit funds between October 2010 and April 2011. A letter was read aloud from that organization. On a motion by Trustee Moore, seconded by Trustee Excell and carried 4-0, the Board denied the permit request for the organization to solicit funds door to door. A letter will be sent to the CCE stating that “the Village of Earlville strongly respects the United States’ Constitution’s First Amendment protecting the rights of residents’ free speech. As such, we have no local laws or ordinances that prohibit individuals, businesses or organizations from door-to-door activities that verbally promote that solicitor’s cause. Materials may also be left for a residents’ perusal, as long as your organization adheres to the U.S. Postal Service Law (18 U.S.C. 1725). However, the Village has an ordinance from 1963 that requires a permit for the solicitation of funds from the public via door-to-door appeal. This local legislation was created to protect residents from crime and undue financial annoyance by regulating the soliciting of funds.”

Mayor Doeberl read an update on the water project, noting that Vacri Construction has crossed West Main Street at Fayette Street and this week they intend to loop it back to the main at Greene and West Main streets. The park will be cleaned up soon as the driller is done. Vacri is getting close to having Department of Health approval of the mains installed on West Main, Greene, Taylor, Abbott, Parsons, Stoddard and Fayette streets, so they are most likely going to start individual services very soon, possibly as soon as Nov. 11. They have sent out notifications to homeowners. Vacri intends to use two crews, though progress on how many they can do in a day will depend on multiple factors, including most importantly weather. The tentative plan is for Vacri to start on West Main and follow the same routes as the water mains: West Main to Greene to Taylor and Abbott, and West Main to Parsons to Stoddard to Fayette.

No new tax exemptions will be implemented for the coming fiscal year.

As per New York State Arts & Cultural Affairs Law §57.07, a job description will be drafted seeking applicants for the position of Village Historian, on a motion by Trustee Excell, seconded by Trustee Moore and carried 4-0. A press release will be sent to local newspapers.

The Village attorney is preparing the necessary resolution for extending the Board terms from two-year to four-year.

During public comment, resident Michael Kicinski said he understood there would be no staging of equipment and materials on residents’ lawns during the water project. Mayor Doeberl said the proper easements and permissions have been secured by the construction company and/or the engineering firm for the project.

The police committee will try to meet with Madison County Sheriff Allen Riley before the December Board meeting to see if any progress has been made on Village-related issues.

Trustee Hayes made a motion to rescind Local Law #1 of 2007 “A Local Law Prohibiting Non-Domestic Animals Within The Village of Earlville”. Mayor Doeberl asked Trustee Hayes if he had a replacement local law and Trustee Hayes said no. Hayes suggested a new law could be developed that would look at each resident as they come to the Board for permission on a case by case basis. Mayor Doeberl recommended that no law or ordinance be repealed without having one to take their place. Mayor Doeberl and Trustee Moore also said no local law should be repealed when there is a pending violation of that local law awaiting judicial review. Trustee Excell agreed, saying the local law could be tweaked, but not during a pending violation. With no further discussion, Trustee Moore seconded the motion to take it to vote. The local law failed repeal 1-4 with only Trustee Hayes voting aye.

With no further business, a motion to adjourn was made by Trustee Moore at 8:44 p.m., seconded by Trustee Taylor and carried 4-0.

The next regular Board meeting will be held at 7 p.m. Dec. 14 in the Village Office.

“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 Nov. 9, 2010.”

Christian L. Vischi
Clerk-Treasurer
Village of Earlville

– Village Seal –