

VILLAGE OF EARLVILLE

Regular Monthly Meeting
Village Hall

January 10, 2012
7:02 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 the December 29, 2011.

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 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 Trustee William Excell called the meeting to order at 7:15 p.m. Board members present were Mayor William Excell, Trustees Gerald Hayes and Henry Moore. Trustee Tom Taylor was excused. Also present were Village Clerk-Treasurer Kelly Beach, Justice Ronald Hailston and his wife, Code Enforcement Officer Matt Van Huesen and 12 members of the public as well as Sherburne Councilman Ed Meyers.

Mayor Excell started the meeting by thanking all of the people who submitted letters of interest in response to the open Trustee position. Excell asked trustees who they would recommend for the position, Hayes recommended Crystal Eaves, Moore recommended Margaret Corey, Mayor Excell stated that he had spoke with Trustee Taylor who recommended Margaret Corey. Based on the three recommendations by the Trustees, Mayor Excell appointed Margaret Corey as the fourth Trustee. Trustee Corey will hold the Trustee seat left open by Excell until the March 31st election. Judge Hailston performed the act of swearing in both Mayor Excell and Trustee Corey.

Abstract 657 as presented for Board approval included Vouchers #6997-7023 totaling the sum of \$43,487.73. This amount includes \$7,382.17 which was previously paid. On a motion by Trustee Moore, seconded by Trustee Hayes and approved 3-0, Abstract 657 was approved for payment contingent on Trustee Corey's signature after the Board Meeting. Abstract 658 as presented for Board approval, included Vouchers W19-W24 totaling \$1,367.99 was approved on a motion by Trustee Hayes, seconded by Trustee Moore, 3-0, contingent on Trustee Corey's signature after the Board Meeting. Abstract 659 as presented for Board approval, included Vouchers CR61-CR62 totaling \$8,307.00 was approved on a motion by Trustee Moore, seconded by Trustee Hayes, 3-0 contingent on Trustee Corey's signature after the Board Meeting. Abstract 660 as presented for Board approval, included PO's 0646-0647 totaling the sum of \$5,332.86 was approved on a motion by Moore, seconded by Corey, 3-0 contingent on Trustee Corey's signature after the Board Meeting. Abstract 661 as presented for Board approval, included Vouchers TA1-TA2 totaling the sum of \$1,029.10 was approved on a motion by Hayes, seconded by Moore, 3-0; once again contingent on Trustee Corey's signature after the Board Meeting.

Meeting minutes for December 13 were approved on a motion by Hayes, seconded by Moore, 3-0. Meeting minutes from December 28th were approved with a correction of adding the fact that the Village will be accepting letters until January 8th from anyone interested to fill the position of the vacant Trustee seat. Motioned by Hayes, seconded by Corey, 3-0.

In the Trustee reports, Hayes stated again that the Fire Department would like to purchase a hot water heater and that they are still asking for monetary help with the Halloween Party. Excell advised him to figure the cost of the water heater and the Halloween party in when he worked on the budget with the Fire Chief. Also, they would like approval on the new female volunteer, providing the DMV report comes back clean. On a motion by Moore, seconded by Corey, 3-0, it was agreed that approval would be given on accepting the new recruit as long as the DMV report comes back clean. The Fire Company would like to hold its Pancake Day on February 11th. This was unanimously approved. Hayes stated that he had no update on the Opera House or the seniors.

Trustee Excell read a report from the CEO stating that not much is currently going on. Excell has been over to the DPW every day working with them on the budget. So far, 24 meters have been received and the DPW are in the process of installing them. DPW has stated that they are looking to have them all

installed by 9/2013. Excell met with Yacano Paving today, regarding repairs on a section on Preston St. where water sets in the road. Residents have been complaining for years that the water builds up and sets on their lawn and in the street. Yacano Paving will be giving the Village Specs and a quote on extending the sidewalk, which should fix the water buildup issue.

In old business, Resolution 31-22 "The Board of the Village of Earlville hereby confirms acceptance of this Franchise Renewal Agreement with Time Warner Entertainment- Advance/Newhouse Partnership" was approved on a motion by Moore, seconded by Hayes, 3-0. A copy of the proposed new parking tickets for Ike to hand out was discussed. On a motion by Hayes seconded by Moore the new parking tickets were approved 3-0; some minor changes were made, including increasing the "Obstruction to Fire House" parking fine from \$5.00 to \$50.00 and the "No Parking" fine from \$5.00 to \$10.00. *Resolution 31-21 The Village Board approves the increase to the following fines: "Obstruction to Fire House" fines from \$10.00 to \$50.00 and the Village's general "No Parking" fine from \$5.00 to \$10.00. These changes will go into effect immediately, on January 10, 2012.* A resident asked about having an issue with sidewalks belonging to the resident as far as the "Obstruction of street or sidewalk law". Excell stated that the sidewalk needs to be clear for snow removal and with a vehicle parked on or over the sidewalk that will not be possible. He reiterated that there is and will be a fine for parking on the sidewalks. The Village parking tickets will be ordered from the Sherburne News as soon as possible so that they can be handed out by the Parking Enforcement Officer. Trustee Corey reported that an Event Planning committee has been formed to handle special events. The first meeting will be held on 1/17/12 at 2:30 and that so far 7 people are on the committee. A resident asked about the committee putting out a questionnaire for suggestions from the residents, everyone agreed that would be a very good idea as the Board would love for more residents to get involved. A resident asked if Trustee Corey would be on the committee, to which she replied that, no, she will not be on the committee as Village Board members are not allowed to sit on the Event Planning Committee. Earlville Days will be moved to the 3rd Saturday or the 20th & 21st of July in hopes that this will allow for better participation among residents. The Newsletter was brought up again; several residents kept up with village news by the newsletter. Trustee Corey stated that she used to do a write up in the Mid-York Weekly on Village happenings. A discussion followed on what should be included in the monthly newsletter (leaves, parking, minutes...etc.). Councilman Meyers commented that Sherburne puts a monthly update in the Sherburne News, but it's possible to use any newspaper for the update. Further discussion was tabled until next month. A resident suggested getting an intern to write the newsletter. She will have a professor of Journalism contact the Village Clerk-Treasurer about setting that up. There will be a Budget Workshop on January 17, 2012 at 7:00pm.

In new business, the Code Enforcement Officer Matt Van Huesen was present to talk about a new lw that he would like the Board to approve. After a brief discussion, the topic was tabled so that the Board members could review the proposal before the February Board Meeting. Year-end adjusting entries for the budget year 2009-2010 were never completed and need to be approved now for the completion of the Ciaschi 2009-2010 Audit. Resolution 31-23 "*The Board approves the year ending adjusting entries for the fiscal year 2009-2010.*" was approved on a motion by Moore, seconded by Hayes, 3-0. Resolution 31-18 "*Adoption of Village Election 2012 Polling Place and Hours*" stating that "*the date for the Village of Earlville Elections for March 20th, 2012. 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.*" was approved on a motion by Moore, seconded by Hayes, 3-0. Resolution 31-20 "*the Board of Trustees hereby places the name of Henry Moore., Deputy Mayor on the signature card at the NBT Bank, N.A., Earlville Branch, and adds his name to all Village accounts held there.*" was approved 3-0, on a motion by Hayes seconded by Corey. Resolution 31-25 "*Agreement to Enter Into Contract with Ciaschi, Dietershage, Little, Mickelson & Co, LLP for the services of the 2010-2011 Audit.*" which states "*the Board of Trustees approves the contract presented by Ciaschi, Dietershage, Little, Mickelson & Co, that outlines services to the Village for an audit of financial statements, component units, each major fund, and the aggregate remaining fund information as of and for the year ended May 31, 2011.*" was approved on a motion by Moore, seconded by Hayes, 3-0. It was noted that the Village Office and the DPW would be closed in observance on Monday January 16, 2012.

Sherburne Councilman Ed Meyer reports that the Town of Sherburne met on December 14th. Paul Harvey the assistant historian has been looking into web sites. The Town of Sherburne discussed an ethics law which is required by law, but they do not presently have. The Town of Sherburne held their annual organization meeting on January 4, 2012. Ed reports that the Town's meeting times will remain the same; the 2nd Wednesday of the month at 7pm. The Village of Sherburne's meetings are held the 1st and 3rd Monday of the month at 7pm. As discussed previously, Ed contacted county highway super regarding the plowing of Earlville's West Main St. He was told that the County's jurisdiction stops at the village line. The town of Sherburne supervisor will continue to plow as he has in the past...if it needs it, he will plow on his way through. Town of Hamilton has been plowing E Main and will continue. Bill thanked Ed for coming to the village meeting and stated that he will be attending the next Village of Sherburne Board Meeting and hopefully the Town meeting as well, as he feels it is important to keep each other informed.

Excell reported that the fence is down at the Skate Park; apparently the kids took it down because the equipment was not put up for their use. A resident made a complaint that there is a lot of partying and or drug use going on at the Skate Park after dark. Excell stated that he has had other complaints regarding this and would like to install a light or lights to further prevent just those kinds of events from happening in the future. He also suggested that the parents be more proactive in patrolling the area. Excell stated he would contact the county police and have them patrol the area more. Excell reported that a break-in occurred at the Library over the weekend. The same night there was also an attempted break-in at the Little M. Excell would like to look into placing cameras on the library and village office doors. If it were known that the building was under video surveillance, perhaps it would deter future attempts. In shared services, the Village has been getting salt from the Town of Hamilton; Excell is looking into buying salt in bulk and keeping it up to Hamilton to save the Village money. The Village has had a Fire Truck advertised for sale for quite some time; Excell would like to sell it at low cost or make an offer. Trustee Moore stated the only interest that they have had on the Fire Truck was turned down at \$10,000 because the cost of shipping on top of the cost of the Fire Truck was too much for them. Hayes was asked to contact the interested party and get the sale moving. Burt Marshall asked if he was responsible for the cost of putting in separate water meters for his apartments? After a lengthy discussion, it was determined that it is the responsibility of the property owner to purchase the water meters from the Village, as it is their decision to have more than one meter going into a building. The Village is only responsible to supply one water meter per house.

In public comment, a resident asked why the water billing now had an increase of the debt service. Trustee Moore explained the Debt Service charge once again, in which a lengthy discussion followed. Another resident asked if the meters were part of the original plan? Yes, they were part of the \$500,000 Grant. The question of whether the fee for minimal usage was researched as far as charging a per-gallon (.12 gallon) fee rather than the flat fee. The Board members stated that there was extensive research done at the beginning of the project on this. Trustee Moore pointed out that that would be an ideal thing for the Planning Board to pick up if the residents would show more interest. There was a complaint regarding a resident's driveway from work done for the Water Project; the work crews will be back in the spring to fix several issues around the Village. A resident once again brought up the issue of snow plows and tractor trailers driving over Village sidewalks on there way the the Box Factory. Excel stated he will go down and look at the damage. A question was asked regarding when they removed trees about 6 years ago due to disease; will those trees ever be replaced.

With nothing further to discuss, Trustee Moore motioned to adjourn the Village of Earlville Board Meeting at 9:33pm, seconded by Trustee Hayes, 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 on January 10, 2012."

Kelly Beach
Clerk-Treasurer
Village of Earlville

- Village Seal -

*Resolution 31-18
Adoption of Village Election 2012 Polling Place and Hours*

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 10th day of January 2012,

*Present: William Excell – Mayor
Margaret Corey – Trustee
Gerald Hayes – Trustee
Henry Moore – Trustee
Kelly Beach – Clerk/Treasurer*

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

NOW THEREFORE, on motion duly made and carried:

BE IT RESOLVED, that the Board of Trustees hereby agrees to set the date for the Village of Earlville Elections for March 20th, 2012. 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.

Seconded by Trustee Gerald Hayes

The question of adoption of the foregoing resolution was duly put to vote; and upon role call, the vote was as follows:

<i>William Excell, Mayor</i>	<i>Voted Yes</i>
<i>Gerald Hayes, Trustee</i>	<i>Voted Yes</i>
<i>Henry Moore, Trustee</i>	<i>Voted Yes</i>
<i>Margaret Corey, Trustee</i>	<i>Voted Yes</i>

The foregoing resolution was thereupon declared duly adopted 4-0.

Dated: January 10, 2012

I hereby certify that this resolution was adopted on January 10, 2012 and is recorded in the Meeting Minutes of the Village of Earlville Board of Trustees.

*Kelly Beach
Village Clerk-Treasurer*

Resolution 31-19

Motion made by Trustee Moore

During the regular board session of the Village Trustees (herein "Board") 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, 2012,

***Present: William Excell – Mayor
Gerald Hayes – Trustee
Henry Moore – Trustee
Kelly Beach – Clerk/Treasurer***

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

WHEREAS Mark Doeberl is no longer the Mayor of the Village of Earlville as of December 28, 2011;

NOW THEREFORE, on motion duly made and carried:

BE IT RESOLVED the Board of Trustees hereby approves the removal of Mark Doeberl from all municipal banking accounts at NBT Bank, N.A.

Seconded by Board Member Gerald Hayes

Ayes: 5

Nays: 0

Carried 5-0

Adopted this the 10th day of January, 2012.

"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, 2010."

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

– Seal –

Resolution 31-20
Deputy Henry Moore Added to Banking Accounts

Motion made by Trustee Gerald Hayes

During the regular board session of the Village Trustees (herein "Board") 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 10, 2012

Present: William Excell – Mayor
Gerald Hayes – Trustee
Henry Moore – Trustee
Kelly Beach – Clerk/Treasurer

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

NOW THEREFORE, on motion duly made and carried:

BE IT RESOLVED the Board of Trustees hereby places the name of Henry Moore., Deputy Mayor on the signature card at the NBT Bank, N.A., Earlville Branch, and adds his name to all Village accounts held there.

Seconded by Board Member Margaret Corey

Ayes: 3
Nays: 0
Carried 3-0

Adopted this the 20th day of January 2012

"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, 2012."

Kelly Beach
Village Clerk-Treasurer
Village of Earlville

– Seal –

Resolution 31-21

The Village Board approves the increase to the following fines: "Obstruction to Fire House" fines from \$10.00 to \$50.00 and the Village's general "No Parking" fine from \$5.00 to \$10.00. These changes will go into effect immediately, on January 10, 2012."

Motion made by Trustee Moore

At 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 10th day of January 2012,

*Present: William Excell – Trustee, Deputy Mayor
Gerald Hayes – Trustee
Henry Moore – Trustee
Margaret Corey – Trustee
Kelly Beach – Clerk/Treasurer*

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

NOW THEREFORE, on motion duly made and carried: the Village Board approves the increase to the following fines: "Obstruction to Fire House" fines from \$10.00 to \$50.00 and the Village's general "No Parking" fine from \$5.00 to \$10.00. These changes will go into effect immediately, on January 10, 2012."

BE IT RESOLVED, that the Village of Earlville and the Board of Trustees hereby approve the increase to the following fines: "Obstruction to Fire House" fines from \$10.00 to \$50.00 and the Village's general "No Parking" fine from \$5.00 to \$10.00. These changes will go into effect immediately, on January 10, 2012."

Seconded by Trustee Moore

Ayes: 4

Nays: 0

Carried 4-0

The foregoing resolution was thereupon declared duly adopted, 4-0.

I hereby certify that this resolution was adopted on January 10, 2012 and is recorded in the Meeting Minutes of the Village of Earlville Board of Trustees.

*Kelly Beach
Village Clerk-Treasurer
Village of Earlville*

– Seal –

Approved as to form:

Resolution 31-22

STATE OF NEW YORK

Village of Earlville

Counties of Chenango & Madison

In the Matter of the Granting of a Cable Television Franchise Held by **Time Warner Entertainment-Advance/Newhouse Partnership** in the Village of Earlville, Counties of Chenango & Madison, New York

RESOLUTION

An application has been duly made to the Board of the Village of Earlville, Counties of Chenango & Madison, New York, by **Time Warner Entertainment-Advance/Newhouse Partnership ("Time Warner Cable")**, a general partnership organized and existing in good standing under the laws of State of New York doing business at 120 Plaza Drive, Suite D, Vestal, New York 13850 for the approval of an initial agreement for Time Warner's cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission. The Initial Franchise Agreement conforms with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Village of Earlville, New York on 11/10, 2012 at 7⁰⁰ P.M. and notice of the hearing was published in the Madison Weekly on Dec 26, 2012.

NOW, THEREFORE, the Board of the Village of Earlville finds that:

1. Time Warner has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and

3. Time Warner can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Village of Earlville hereby grants the cable television franchise of Time Warner in the Village of Earlville for ten (10) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence.

BE IT FURTHER RESOLVED that the Board of the Village of Earlville hereby confirms acceptance of this Franchise Renewal Agreement.

The foregoing having received a 3-0 vote was thereby declared adopted.

Dated: Jan 10, 2012.

Kelly Beach
Village of Earlville Clerk

Please have the public hearing notice published in your legal newspaper, and provide Time Warner Cable with a copy of the legal notice and an affidavit of such, provided by the newspaper.

This is required by the NYS Public Service Commission.

NOTICE OF PUBLIC HEARING

For an Initial Time Warner Cable Franchise Agreement For the Village of EARLVILLE

PLEASE TAKE NOTICE that the **City/Town/Village of** Earlville

will hold a Public Hearing on Jan 10, 2012 at 7⁰⁰ p.m. at the

Village Office, Earlville, New York regarding granting a cable

television franchise agreement by and between the **City/Town/Village of**

Earlville and Time Warner Cable.

A copy of the agreement is available for public inspection during normal business hours at the

City/Town/Village Clerk's office, 8 North Main St, Earlville, New York. At such public

hearing, all persons will be given an opportunity to be heard. Written and oral statements will be

taken at that time. Time limitations may be imposed for each oral statement, if necessary.

Dated: 12/15/2011.

By Order of the Board
City/Town/Village of Earlville

Resolution 31-23

The Village Board approves the year ending adjusting entries for the fiscal year 2009-2010.

Motion made by Trustee Moore

At 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 10th day of January 2012,

***Present: William Excell – Mayor
Gerald Hayes – Trustee
Henry Moore – Trustee
Margaret Corey – Trustee
Kelly Beach – Clerk/Treasurer***

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

NOW THEREFORE, on motion duly made and carried: the Village Board approves the year ending adjusting entries for the fiscal year 2009-2010, of which were not completed previously. A copy of said adjusting entries shall be attached to this Resolution.

BE IT RESOLVED, that the Village of Earlville and the Board of Trustees hereby approves the year ending adjusting entries for the fiscal year 2009-2010.

Seconded by Trustee Hayes

Ayes: 3

Nays: 0

Carried 3-0

The foregoing resolution was thereupon declared duly adopted, 4-0.

I hereby certify that this resolution was adopted on January 10, 2012 and is recorded in the Meeting Minutes of the Village of Earlville Board of Trustees.

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

– Seal –

Resolution 31-25

"Agreement to Enter Into Contract with Ciaschi, Dietershage, Little, Mickelson & Co, LLP for the services of the 2010-2011 Audit."

Motion made by Board Member Henry Moore

During the emergency 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, 2012,

***Present: William Excell – Mayor
Gerald Hayes – Trustee
Henry Moore – Trustee
Margaret Corey - Trustee
Kelly Beach – Clerk/Treasurer***

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

WHEREAS it is hereby determined that the Village is required by USDA RD to obtain a yearly independent Audit of Accounting and Assets:

NOW THEREFORE, on motion duly made and carried:

BE IT RESOLVED, that the Board of Trustees approves the contract presented by Ciaschi, Dietershage, Little, Mickelson & Co, that outlines services to the Village for an audit of financial statements, component units, each major fund, and the aggregate remaining fund information as of and for the year ended May 31, 2011.

Seconded by Board Member Gerald Hayes

The question of adoption of the foregoing resolution was duly put to vote; and upon role call, the vote was as follows:

William Excell, Mayor Voted Yes

Gerald Hayes, Trustee Voted Yes

Henry Moore, Trustee Voted Yes

Margaret Corey, Trustee Voted Yes

The foregoing resolution was thereupon declared duly adopted, 4-0.

I hereby certify that this resolution was adopted on January 10, 2012 and is recorded in the Meeting Minutes of the Village of Earlville Board of Trustees.

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

– Seal –