

VILLAGE OF EARLVILLE

Special Board Meeting
Village Hall

Oct. 28, 2008
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 on Oct. 15, 2008 and the same posted on the 20th day of October, 2008.

Village Mayor Toni Campbell called the meeting to order at 7:00 p.m. Board members present were Trustees Kim Boomhower, Mark Doeberl, William Excell and Gerald Hayes. Also present were Village Clerk-Treasurer Christian Vischi and several members of the public.

Abstract #553 (Vouchers #5654-5657) was accepted by a motion from Trustee Boomhower, seconded by Trustee Hayes, and it carried 4-0. Trustee Boomhower then made a motion to accept Abstract #554 (Vouchers #5658-5663), seconded by Trustee Excell, and it carried 4-0.

On a motion by Trustee Boomhower, seconded by Trustee Hayes and carried 4-0, the board adopted Resolution 28-16: "Date Change for 2009 Village Election to March 18, 2009."

As per New York State Department of State's Committee on Open Government Advisory Opinion 16204 and 14254, the board entered executive session on a motion by Trustee Doeberl, seconded by Trustee Boomhower and carried 4-0, to discuss proposed, pending or current litigation at 7:13 p.m.

At 7:27 p.m. the board reentered public session on a motion by Trustee Boomhower, seconded by Trustee Doeberl and carried 4-0. There was no action taken during executive session and the only discussion centered around a document received from the village's attorney, which is a matter of attorney-client privilege and is therefore exempted from disclosure by state or federal statute.

On a motion by Trustee Doeberl, seconded by Trustee Boomhower, the board adopted Resolution 28-17 "Authorizing Special Proceeding to be Brought in Supreme Court of Submitted Petition and Objections Letter on Water Project Bond Resolution." The vote passed 4-1 with Mayor Campbell voting nay.

On a motion by Trustee Excell, seconded by Trustee Boomhower and carried 4-0, the board adopted Resolution 28-18 "Authorizing the Village Clerk to Advertise and Receive Sealed Bids for the Purchase of a Dump Truck." A legal notice will be placed in the official newspaper of the village for the receiving of sealed bids for a new 2008 or 2009 two-ton dump truck. The notice for soliciting bids will note that bid packets may be obtained in-person from the Village Clerk's Office during regular office hours; via regular USPS mail; or downloadable as a PDF from the village's website at www.freewebs.com/villageofearlville under "Bid Packet" on the home page. The deadline for receiving bids will be noon on Friday, Nov. 14 and all bids must be clearly marked "Dump Truck Bid."

On a motion by Trustee Hayes, seconded by Trustee Boomhower and passed 3-0, the board adopted Resolution 28-19 "Authorizing the Village Clerk to Advertise and Receive Sealed Bids for the Purchase of a Pumper Truck." As per Attorney General Opinion 91-21, Trustee Excell abstained from voting. A legal notice will be placed in the official newspaper of the village for the receiving of sealed bids for a 2006 or newer pumper truck for the village's fire department. The notice for soliciting bids will note the same as above for the availability of bid packets. The deadline for receiving bids will also be noon on Friday, Nov. 14 and all bids must be clearly marked "Pumper Truck Bid." A fully-refundable deposit will be made to Fire Trucks Plus on a 2006 pumper in the amount of \$34,750, with \$15,297.06 coming from the Fire Truck Capital Fund, \$17,500 from Debt Payment Public and \$1,952.94 from

Fund Balance. This is not a purchase guarantee but a reservation to remove the vehicle from other purchase offers.

Mayor Campbell read highlights from several pieces of correspondence.

Trustees Excell and Hayes will meet with New Life Christian School on Nov. 14 to discuss the continued use of the fields at the former school on Fayette Street.

The first issue of the Earlville Chronicle has been published and is available at the Post Office, the Earlville Free Library and the Village Office.

The Earlville Fire Department will host their semi-annual Pancake Day from 7 a.m. to Noon Nov. 8 by free-will offering. The Earlville-Poolville United Methodist Churches will host a Veterans' Dinner – free for veterans – from 5 to 7 p.m. Nov. 8 at the American Legion.

Speed limits, and a local and state laws awareness month have been items of discussion between Trustee Excell and a village resident. Information will be presented at a future board meeting.

One of the petitioners, Dean Mullenax, asked if he could clarify or answer any concerns possibly raised by the village attorney in his letter to the board. Mayor Campbell said the letter could not be discussed as it is an attorney-client privilege. Mullenax said the petition was crafted by NYCOM, that they sent page 47 of their handbook and walked him through the process. Mayor Campbell said the reason that the board agreed to send the petition and letter to the Supreme Court, through the village's attorney, is that the board members are not attorneys and they should not make a legal determination.

A motion to adjourn was made by Trustee Excell, seconded by Trustee Doeberl, and was carried 3-0 at 8:06 p.m. The next board meeting will be held at 7 p.m. Monday Nov. 10 in the village office.