

RUSHVILLE VILLAGE BOARD MEETING

March 14, 2016

TIME: 7:00 PM

PLACE: Rushville Village Hall

PRESENT: Vice Mayor Timothy Jabaut

Trustees: Charles Elwell, David Masters, John Sawers

ABSENT/EXCUSED: Mayor Jon Bagley, Deputy Clerk Amanda Lee, Code Officer Reggie O'Hearn

ATTENDANCE: Jen Gruschow, Art Rilands, Mike Pierre, Dodie Baker, Janet Landcastle, Anne Grover, Pat Sawers, Kim Payne, Marla Lapin, Bob Walker, Bill Button, Sue Button, William Barker, Malla Barker, Alison Clarke

Public Hearing

Re: Opening the Public Hearing

Vice Mayor Timothy Jabaut opened the public hearing at 7:00pm for Local Law No. 2-2016, which if adopted, would override the tax levy limit establish in General Municipal Law Section 3-C.

Re: Local Law No. 2-2016

Clerk Jen Gruschow reviewed with the Board and audience the purpose and need to adopt the tax cap override. Several of those in attendance were at the February meeting, where the proposed local law was discussed, therefore little discussion took place.

Re: Closing the Public Hearing

With no further discussion, Vice Mayor Timothy Jabaut closed the public hearing at 7:04pm.

Regular Monthly Meeting

Re: Calling the Meeting to Order

Vice Mayor Timothy Jabaut called the regular monthly meeting to order at 7:04pm.

Re: Approval of Minutes

The Board reviewed the minutes from the February 8, 2015 Board Meeting. A motion was made by Trustee John Sawers and seconded by Trustee Charles Elwell to approve the minutes as printed. The motion was unanimously carried.

Re: William Barker, owner of 9 Chapel Street

Mr. Barker addressed the Board regarding the zoning and code violation taking place at 9 Chapel Street. He stated he was in attendance tonight to ask the Board for some forgiveness of the fines that have been assessed against his property.

Mr. Barker shared with the Board that his professional career involved working as a public health physician and a professor at the University of Rochester. His wife, Malla was a teacher and taught English as a second language. They both are facing significant health issues. Malla has Alzheimer and he is a double amputee due to diabetes and he has a pace maker. Mr.

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Barker continued by sharing how he came to own 9 Chapel Street, which he purchased 10 years ago. His daughter, Maria Rosato and grandchildren were living in some fairly poor conditions in Waterloo and Geneva. He offered to buy a home for Maria so they could live in a better environment. Maria found the home at 9 Chapel Street and Mr. Barker made arrangements to purchase it. Maria, her husband Joe, their children, and their friend Laura Ninestine and her children, all live at 9 Chapel Street. Mr. Barker stated he has always paid his taxes and water/sewer bills on time and has come to know the community by attending his grandchildren's school events.

The most recent violation issues began when Mr. Barker received a letter from Code Officer O'Hearn in February of 2015. There were several violations and photo documentation was provided. Mr. Barker admitted the property had accumulated a lot of stuff. He did what he could to assist in the clean-up and rented a large dumpster. The dumpster was filled and the excess vehicles were removed. After several month of cleaning up the property, Code Officer O'Hearn informed Mr. Barker that he would need written permission in order to enter the property for an inspection. Written permission was needed to due the accusations Joe Rosato made against Code Officer O'Hearn, stating he had trespassed on the property. Mr. Barker shared he sent a permission letter to Code Officer O'Hearn in July. Code Officer O'Hearn stated the letter did not list all the necessary items and was not acceptable. Code Officer O'Hearn provided Mr. Barker with a permission letter prepared by the Village Attorney and the property occupants needed to sign it. Mr. Barker stated it took some time to get all 3 adults at 9 Chapel Street to sign the letter but was not aware the signatures needed to be witnessed, so the letter provided in September was also not accepted. Finally at the January public hearing, Mr. Barker was able to have the 3 adult occupants all sign the letter and their signatures were notarized by the Clerk. Mr. Barker stated he has done all he can do to get Maria and Joe to clean up the property. He has written several letters to them and has made endless phone calls. He recently received an itemized list from Code Officer O'Hearn of the outstanding violations, per his request.

Trustee John Sawers introduced himself to Mr. Barker and explained he was at the inspection that took place in February. He said that things were moved around the property but nothing was removed from the property. Cars had been placed on the neighboring property in an attempt to hide them, then after the inspection they returned to the property. Trustee Sawers stated he has been at every inspection and not much progress has been made. The Village has tried to cooperate with Mr. Rosato but has received little cooperation in return. Mr. Barker stated that an entire dumpster was filled so some items must have been cleaned up. Mr. Barker stated he would like the property to be inspected again because he is the only one being hurt by the continued violations and fines. Vice Mayor Jabaut asked if the property was ready for another inspection. If so, then Code Officer O'Hearn needs to be contacted and an inspection appointment needs to be made. Trustee Charles Elwell empathized with Mr. Barker for his situation and for struggling with his daughter and son-in-law. It has certainly consumed a lot of time for all parties, however; Mr. Barker is the property owner so the compliance responsibility falls on him.

The Board thanked Mr. Barker for attending tonight's meeting and sharing his story. Mr. Barker and his guests exited the meeting.

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An open discussion among the Board and public audience took place. Anne Grover stated that owning property is difficult and in her opinion, Mr. Barker should receive some forgiveness. He is trying to do the right thing and has done all he can do. Discussion took place regarding a previous property that the occupant Joe Rosato rented in the City of Geneva. The property Mr. Rosato rented had over \$20,000 in code and zoning violation fines assessed against it due to Mr. Rosato's actions. Finally the owner was able to evict him. Bill Button stated he does not feel the Board should give Mr. Barker a break. The violations are never going to end. Even if the issue is resolved now, there will be other violations. It will always be an issue for the Village. Trustee Sawers suggested reaching out to Attorney Kenyon for legal advice. Was the Board even legally able to forgive some of the fines? The need for special meeting was discussed. Such meeting would be arranged and legal notice given if a meeting necessary.

Re: Village Elections

Clerk Gruschow shared that the Village Elections would take place on Tuesday, March 15th and the poles would be open from 12:00noon to 9:00pm.

Re: Public Works Supervisor, Art Rilands

A copy of this report is on file with these minutes.

The Board discussed with PWS Rilands the water leak at Todd Brown's property on Townline Road. With help from NY Rural Water Association, they have found the leak in the front lawn, underneath the leach bed. PWS Rilands reported that he was able to install shut off valves to both the Brown and Green properties but digging up the leach bed would be time consuming and could be costly.

There was a high voltage issue at the water plant. The installed surge protector did its job and protected the equipment. The replacement for the protector is \$500. The item is under warranty so the cost should be covered.

Seasonal help for mowing is needed. Kim Payne suggested contacting NYS Unemployment. The Board thought it was a good idea.

Re: Reading Center Director, Dodie Baker

A copy of this report is on file with the minutes.

The library is in need of adult volunteers. Several volunteers have had circumstances that have forced them to stop helping out at the library. Director Baker addressed the Board and public stating that volunteering at just one event throughout the year would help out the library tremendously.

The Circle of Friends is interested in hosting a "Christmastime in Rushville" event. The next Circle of Friends meeting is April 18th at 7:30pm at the Library for anyone who would like to attend and get involved.

Trustee Dave Masters asked about the need of books at the Library. Director Baker stated one of three things happens with donated books; they go into circulation, are put aside for prize drawings, or stored for the annual book sale during Community Days. Trustee Masters stated he has a lot of books he could donate. Magazines and audio book donations are also welcome.

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Re: Fire Department Chief Art Rilands

A copy of this report is on file with these minutes.

The annual pancake breakfast will be on March 19th and 20th, from 8:00am-1:00pm. There will also be prize drawings and a 50/50.

Re: Code Officer Reggie O'Hearn

No report filed.

Re: Local Law No. 2-2016

A motion was made by Trustee Charles Elwell and seconded by Trustee John Sawers to adopt Local Law No. 2-2016. The motion was unanimously carried.

Re: Town of Potter Fire Agreement

A motion was made by Trustee John Sawers and seconded by Trustee Dave Masters to accept the Town of Potter Fire Agreement as prepared. The motion was unanimously carried.

Re: John Zimmerman

Item was tabled.

Re: Grover's Townhouse Project

Clerk Gruschow shared with the Board her discussions with DEC regarding the possible addition of 20 townhouses to the public sewer system. DEC would not deny hook up as long as the engineered plans fulfilled all of their specifications. Forming an outside the Village sewer district would simply involve an agreement with the Town of Middlesex to give permission to service the property. DEC stated the issues Rushville faces regarding the sewer system are really separate from the Grover's project. Adding the 20 townhomes would increase the average sewer flows to about 94% of the allowed gallons listed on the SPDES permit issued by DEC. The infiltration issues can cause the sewer flows to be high and at times over the allowed 95% gallons capacity. PSW Rilands stated on dry days, the flows can be as low as 35,000. The leaks in the system need to be found.

Re: 2016/2017 Budget

Clerk Gruschow is still working to prepare the tentative budget. Copies should be able to be distributed within the next two weeks.

A motion was made by Trustee John Sawers and seconded by Trustee Charles Elwell to set a budget hearing for April 25th at 5:00pm at the Village Hall, with a special meeting to adopt the budget to follow. The motion was unanimously carried.

Re: 3 Bassett Street

Bob Walker asked what was to be done with the money that was given to the Village with the donation of 3 Bassett Street. Clerk Gruschow answered that at one point there were

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discussions of installing sidewalks on Bassett Street, but nothing was decided upon. The money has been deposited and it will sit there until the Board decides.

Re: Bills

A motion was made by Trustee Dave Masters and seconded by Trustee Charles Elwell to authorize payment of the general bills in the amount of \$9,936.77. The motion was unanimously carried.

A motion was made by Trustee Charles Elwell and seconded by Trustee John Sawers to authorize payment of the water bills in the amount of \$7,572.89. The motion was unanimously carried.

A motion was made by Trustee John Sawers and seconded by Trustee Dave Masters to authorize payment of the sewer bills in amount of \$4,501.15. The motion was unanimously carried.

RE: Adjournment

A motion was made by Trustee John Sawers and seconded by Trustee Charles Elwell to adjourn the meeting at 8:22pm. The motion was unanimously carried.

Respectfully Submitted,

Jennifer Gruschow
Clerk-Treasurer