

## **RUSHVILLE VILLAGE BOARD MEETING**

**April 25, 2016**

TIME: 5:00 PM

PLACE: Rushville Village Hall

PRESENT: Mayor John Sawers

Trustees Charles Elwell, Holly Krossber, David Masters, Kimberly Payne

ATTENDANCE: Art Rilands, Reggie O'Hearn, Pat Sawers, Janet Landcastle, Jamie Landcastle, Jonette Keneston, Chandra Gilman, Bob Walker, Marla Lapin, Maggie Dydamus, Lyn Magil, Karen Sprentell, John Zimmerman, Maria Rosato

### **BUDGET HEARING**

RE: Opening the Budget Hearing.

Mayor John Sawers opened the budget hearing at 5:00pm. All present joined in the Pledge of Allegiance.

RE: 2016/2017 Fiscal Year Budget

Mayor John Sawers asked for questions and comments from the Board and public regarding the 2016/2017 fiscal year budget. Trustee Elwell addressed the increase in revenue which intended to charge the wrestling club and yoga group use of the "wrestling room". Trustee Elwell did not feel this was right considering the amount of personal time and money Kevin Smith contributed to renovating the space into the wrestling room. Trustee Elwell questioned why the Village can support a history room at an expense of \$1,700 a year but cannot pay for heat and electric for a recreation room. Trustee Elwell also asked about the large increase to the park budget. Mayor Sawers said he still needs to discuss further the idea of charging for the use of the wrestling room but he needed to offset the expense of the heat and electric cost, without altering the tax rate of the tentative budget. As for the park, he would like to install additional equipment so the park is suitable for children of all ages. The park is not friendly for toddler and preschool aged children. Trustee Elwell stated in the past, equipment has always been destroyed by older teenagers. Trustee Elwell again stated, if the Village can support a history room or even adding equipment to the park, then the Village can support heat and electric for the recreation room.

RE: Closing the Public Hearing

With no further discussion, Mayor Sawers closed the public hearing at 5:15pm.

### **SPECIAL MEETING**

RE: Calling the Special Meeting to Order

Mayor John Sawers called the special meeting to order at 5:15pm.

RE: 2016/2017 Fiscal Year Budget

A motion was made by Trustee Charles Ewell to adopt the 2016/2017 fiscal year budget as printed. Motion was seconded by Trustee Holly Krossber. The motion was unanimously carried.

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### ANNUAL ORGANIZATION MEETING

RE: Opening the Annual Organization Meeting

The annual organization meeting was opened at 5:16pm.

RE: Planning Board Appointments

A motion made by Trustee Kimberly Payne and seconded by Trustee David Masters to appoint Dave LeClair and Tad Gerace as members of the Planning Board, each for a term of 2 years to expire April 2018. Motion was unanimously carried.

RE: Zoning Board of Appeals Appointments

A motion made by Trustee Charles Elwell and seconded by Trustee Kimberly Payne to appoint Dave LeClair to the Zoning Board of Appeals for a term of 3 years, to expire in April 2019. Motion was unanimously carried.

RE: Reading Center Board Appointment

A motion made by Trustee Kimberly Payne and seconded by Trustee David Masters to appoint Christien Leo as a member to the Reading Center Board for a term of 5 years, to expire in April 2021. Motion was unanimously carried.

RE: Historian

A motion made by Trustee Charles Elwell and seconded by Trustee Holly Krossber to appoint Ken Seeling as Village Historian for a term of 1 year, to expire April 2017. Motion was unanimously carried.

RE: Fire Chief

A motion made by Trustee David Masters and seconded by Trustee Kimberly Payne to approve Art Rilands as Fire Chief, as elected by the members of the Rushville Hose Company, for the term of 1 year, to expire April 2017. Motion was unanimously carried.

RE: Fire Police and Drivers

A motion made by Trustee David Masters and seconded by Trustee Kimberly Payne to approve the list of fire police and drives as provided by the Rushville Hose Company. Motion was unanimously carried.

RE: Vice-Mayor Appointment

A motion made by Trustee Charles Elwell and seconded by Trustee Kimberly Payne to appoint Trustee Holly Krossber as Vice-Mayor for a term of 1 year to expire April 2017. Motion was unanimously carried.

Re: Trustee Committee Assignments

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A motion made by Trustee David Masters and seconded by Trustee Holly Krossber to approve the list of Trustee committee assignments and representatives to other Boards as follows. Motion was unanimously carried.

Cemetery	Charles Elwell and David Masters
Personnel	Holly Krossber and Charles Elwell
Streets	David Masters and Kimberly Payne
Village Park	Holly Krossber and Kimberly Payne
Sewer Department	Charles Elwell and David Masters
Water Department	Holly Krossber and Kimberly Payne
Finance	Holly Krossber and David Masters
Fire Department	Charles Elwell and David Masters
Planning Board	Holly Krossber
Zoning Board of Appeals	Kimberly Payne
Mabel D. Blodgett Reading Center	Charles Elwell
Cndga Lake Watershed Council	Charles Elwell
Cndga Lake Watershed Commission	John Sawers

RE: Village Attorney

A motion was made by Trustee Charles Elwell and seconded by Trustee Kimberly Payne to appoint Donald Cheney of Cheney & Blair, LLP as the Village Attorney for a term of 1 year to expire April 2017.

RE: Village Engineers

A motion was made by Trustee Kimberly Payne and seconded by Trustee Charles Elwell to appoint Chatfield Engineers and MRB Group as Village Engineers for a term of 1 year, to expire April 2016. Motion was unanimously carried.

RE: Official Newspaper

A motion was made by Trustee Charles Elwell and seconded by Trustee David Masters to declare the official newspaper of the Village of Rushville to be the Daily Messenger. Motion was unanimously carried.

RE: Official Depositories

A motion was made by Trustee Holly Krossber and seconded by Trustee Charles Elwell to declare the official depositories to be Community Bank, N.A. and the Lyons National Bank. Motion was unanimously carried.

RE: Dates for Regular Monthly Meeting

A motion was made by Trustee David Masters and seconded by Trustee Kimberly Payne to schedule the date, time and place for the regular monthly meeting as the 1<sup>st</sup> Monday of the

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Month, (2<sup>nd</sup> Monday, if the 1<sup>st</sup> is a holiday), at 7:00pm at the Village Hall to begin on June 6<sup>th</sup>. Motion was unanimously carried.

RE: Date for Annual Organizational Meeting

A motion was made by Trustee Kimberly Payne and seconded by Trustee Charles Elwell to tentatively set the next Organizational Meeting for April 3, 2017. Motion was unanimously carried.

RE: Mileage Rate

A motion was made by Trustee David Masters and seconded by Trustee Kimberly Payne to set the mileage reimbursement rate to be \$0.50 per mile. Motion was unanimously carried.

RE: Real Property Rental Fees

A motion was made by Trustee Kimberly Payne and seconded by Trustee Holly Krossber to set the real property rental fees as follows. Motion was unanimously carried.

### Fire House

- \$150 for meeting room
- \$175 for meeting room & kitchen
- \$200 for meeting room, kitchen & pavilion
- \$200 deposit required w/signed rental agreement

### Park

- No charge for Village residents
- \$10/day for Non-Village residents
- \$25 deposit required w/signed rental agreement for all users

### Village Hall Meeting Room

#### Single Time Use:

- Free to Village Residents
- \$25 for Non-Village Residents

#### Weekly Use up to 8 Weeks:

- \$50 for Village Residents
- \$100 for Non-Village Residents

#### Weekly Use for More than 8 Weeks

- \$100 for Village Residents
- \$200 for Non-Village Residents

\$50 deposit required w/signed rental agreement for single time use outside of normal office hours and for weekly use up to 8 weeks

RE: Water Meter Replacement, Turn-On & Turn-Off Fees

A motion was made by Trustee Charles Elwell and seconded by Trustee Holly Krossber to set the water fee as follows. Motion was unanimously carried.

- \$150 for meter replacement

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\$50 to turn off (meter will be removed)

\$50 to turn-on

### **RE: Property Maintenance Fee**

A motion was made by trustee Holly Krossber and seconded by Trustee Kimberly Payne to set the property maintenance fee for mowing to \$50 per mowing. Motion was unanimously carried.

### **RE: Bounced Check Fee**

A motion was made by Trustee Charles Elwell and seconded by Trustee Kimberly Payne to set the bounced check fee at \$20, the maximum amount allowed by NYS General Obligation Law section 5-328. Motion was unanimously carried.

### **RE: Procurement Policy**

A motion was made by Trustee David Masters and seconded by Trustee Charles Elwell to adopt the following procurement policy as written. Unanimously carried.

Purchases in excess of \$20,000 and public works contracts in excess of \$35,000 will be competitively bid unless such purchase of goods and services are under State or County contracts. A determination will be made by the Board as to whether proposed purchases or contracts are required to be competitively bid. If no bid is necessary; the following quotes will be sought: for regular purchases department heads are required to seek two (2) verbal quotes for purchases between \$500-\$2,999; two (2) written quotes for purchases between \$3,000-\$9,999; and three (3) written quotes for purchases between \$10,000-\$19,999. For Public Works contracts department heads are required to seek two (2) verbal quotes for contracts between \$500-\$2,999; two (2) written quotes for contracts between \$3,000-\$9,999 and three (3) written quotes for contracts \$10,000-\$34,999.

### **RE: Investment Policy**

A motion was made by Trustee David Masters and seconded by Trustee Charles Elwell to maintain the current investment policy on file. Motion was unanimously carried.

### **RE: Purchasing Card Policy**

A motion was made by Trustee David Masters and seconded by Trustee Charles to maintain the current purchasing card policy on file. Motion was unanimously carried.

### **RE: Notice of Defect Policy**

A motion was made by Trustee David Masters and seconded by Trustee Charles Elwell to maintain the current notice of defect policy on file. Motion was unanimously carried.

### **RE: Rule of Procedure Policy**

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A motion was made by Trustee David Masters and seconded by Trustee Charles Elwell to adopt Roberts Rules of Order as its meeting rules of procedure policy. Motion was unanimously carried.

### **RE: Special Meeting Policy**

A motion was made by Trustee David Masters and seconded by Trustee Charles to adopt the following as the policy for calling a special meeting. Motion was unanimously carried.

If the need for special meeting arises, the Mayor or two (2) Trustees will inform the Village Clerk of the date, time and purpose at least 72 hours in advance for meetings planned at least one week in advance and at least 48 hours in advance for meetings planned less than one week in advance. The Clerk will then contact the news media and ensure that all members of the Board of Trustees are aware of the meeting. After this the Clerk will be sure to post notices in at least eight (8) public locations.

### **RE: Advance Approval of Claims**

A motion was made by Trustee David Masters and seconded by Trustee Charles Elwell to adopt the following as its advance approval of claims policy. Motion was unanimously carried.

The Board of Trustees authorizes payment in advance for public utility services, postage, freight and credit balances. The need for payment of time sensitive claims may be made as required not to incur late fees. All such claims must be presented at the next regular meeting for audit and the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the Board of Trustee disallows.

### **RE: Attendance at Schools & Conferences**

A motion was made by Trustee David Masters and seconded by Trustee Kimberly Payne to adopt the following as the attendance at schools and conferences policy. Motion was unanimously carried.

The Board of Trustees authorizes and supports the schooling and certification necessary to maintain proper licensing in regards to the water and sewer treatment plants. Mandatory credit hours do not need pre-approval. However any credit hours over the minimum State requirements do need pre-approval by the Board. All other schooling that has an associated fee for the Clerk-Treasurer, Code Enforcement Officer, Planning Board Members, Zoning Board of Appeals Members, and the Volunteers of the Rushville History Room, need pre-approval.

### **RE: Unpaid Water & Sewer Relevy Policy**

A motion was made by Trustee Kimberly Payne and seconded by Trustee Holly Krossber to adopt the following as the unpaid water and sewer relevy policy. Motion was unanimously carried.

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Any and all water/sewer account that have outstanding balances on March 1<sup>st</sup> will receive a notice from the Clerk-Treasurer indicating that such account holders have until March 25<sup>th</sup>, or the previous business day if the 25<sup>th</sup> falls on a Saturday or Sunday, to clear the outstanding balance. If the outstanding balance is not cleared by the given date then a \$100 relevy fee for outstanding water charges and a \$100 relevy for outstanding sewer charges, will be applied and the total amount will be sent to the appropriate County for relevy onto their Village tax bill. In the event that the account holder is not also the homeowner, then a notice will be sent to both the landlord and their occupying tenant as long as the Clerk has knowledge of such property is a rental unit. This policy will allow the Clerk-Treasurer to prepare an accurate relevy list to present to the Board for approval at the April monthly Board Meeting.

RE: Closing the Organizational Meeting

With all matters addressed, the organizational meeting was closed at 5:33pm.

### PUBLIC HEARING

RE: Opening the Public Hearing

Mayor Sawers opened the public hearing regarding the zoning and property maintenance violations at 9 Chapel Street.

RE: Zoning and Property Maintenance Violations at 9 Chapel Street

CEO O'Hearn provided the Board with a copy of the current violation notice. The property is in week 15 of violations, since the January 11<sup>th</sup> public hearing.

RE: Maria Rosato, property occupant

Ms. Rosato addressed the Board state they are attempting to comply with the list of violations that O'Hearn has provided. It has taken some time to remove a large metal cube that she felt O'Hearn did not originally state was in violation. Ms. Rosato stated they have cleaned up a lot of the property and she wants to take care of the items that are causing issues but said the list has changed since the beginning.

O'Hearn addressed the Board stating the list of violations has never changed. Everything is documented in the original violation notice from early in 2015. The violation identified everything that was required to bring the property into compliance.

Trustee Payne asked if the property is ready for an inspection. Rosato stated no. The metal cube still needs to be removed. Could be ready in 2 weeks.

Trustee Krossber asked what was done to bring the property closer to compliance. Rosato stated they cleaned up a lot of debris around the yard, removed a camper and a boat. An entire dumpster was filled. Rosato noted they still have vehicles to get inspected and registered.

RE: Closing the Public Hearing

With no further discussion, the public hearing was closed at 5:45pm.

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### SPECIAL MEETING (CON'T)

RE: Fine Assessment for 9 Chapel Street

A motion was made by Trustee David Masters and seconded by Trustee Elwell to assess a fine of \$3,750 against the property at 9 Chapel Street for the 15 weeks of continued violations at \$250/week. Motion was unanimously carried.

RE: John Zimmerman

Mayor Sawers shared they he, Clerk-Treasurer Gruschow, CEO O'Hearn and Trustee Krossber met with the new Village Attorney, Don Cheney to discuss the matter. It was advised to come to an agreement with Mr. Zimmerman. Legal action from Ag & Markets is not necessary.

Mayor Sawers addressed Mr. Zimmerman stating the Village would like to examine the piles and would like permission to access the property. Mr. Zimmerman said the piles are mostly brush and expects them to burn quickly, especially, within the 24 hour time frame. Mayor Sawers shared he spoke with the manager of the DDSO home on South Main Street. They asked to be notified of the burn so they could take some minimal precaution measures.

Mayor Sawers said the Village wants to work with Mr. Zimmerman but would like to lay out some conditions in an written agreement. One of those being that the burn needs to be attended until the fire is out. Mr. Zimmerman did not see that as an issue. He said whatever was left would be buried.

O'Hearn discussed the idea of having a test burn to ensure the fire was not going to create a hazard for the neighbors and their properties.

Trustee Elwell asked Mr. Zimmerman to ensure the Village he will pick the most appropriate day possible. Zimmerman said that was in his best interest too.

Mr. Zimmerman stated he would like to run the agreement by Ag & Markets for their approval before he signs anything. O'Hearn stated Bob Summers approved the idea of an agreement.

The Board members will examine the piles on Wednesday. The agreement will be signed prior to the piles being burned.

A motion was made by Trustee David Masters and seconded by Trustee Kimberly Payne to authorize Mayor John Sawers to sign the burning agreement with John Zimmerman once it has been drafted and conditions agreed upon by both parties. Motion was unanimously carried.

O'Hearn stated he can have the agreement drafted by Thursday.

RE: Adjournment

With no further business, a motion was made by Trustee Kimberly Payne and seconded by Trustee Charles Elwell to adjourn the special meeting at 6:03pm.

Respectfully Submitted,



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Jennifer Gruschow  
Village Clerk-Treasurer