

# **RUSHVILLE VILLAGE BOARD MEETING**

**August 13, 2012**

TIME: 7:00 PM

PLACE: Rushville Village Hall

PRESENT: Mayor Jon Bagley

Trustees Charles Elwell, David Field, Timothy Jabaut, and John Sawers

ATTENDANCE: Art Rilands, Reggie O'Hearn, Dodie Baker, Pam & Larry Brown, Kellie Sue Kolz, Robert Walker, Denise Baylor, Chandra Gilman, and David Galloway.

RE: Calling the Meeting to Order

Mayor Bagley called the regular monthly meeting to order at 7:00pm.

RE: Minutes

A motion was made by Trustee Sawers and seconded by Trustee Elwell to adopt the minutes from the public hearing and regular monthly meeting held on July 9, 2012 as printed. Unanimously carried.

RE: Terry Button

Mr. Button was not present but Mayor Bagley shared with the Board his request for public water service. Mr. Button would like to run water to his barns on Ferguson Corners Road which is beyond our last service hookup at Steve Borglum's house. Mr. Button understands he would need to pay all costs involved and is aware of the need for a separate water service to be installed. Mr. Button has spoke with local engineer Ron Raeman, who contacted Art regarding Mr. Button's potential hook up. Mr. Raeman stated Mr. Button wants an eight inch line, but considering the size Art believes Mr. Button does not know how excessive this is. The Board discussed an additional hook up for an outside user and how the Village has no method of recourse if the user does not pay. Shutting the water off is the only method that can be utilized to force outside users to pay for their water consumption. The item was tabled; awaiting more details from Mr. Button. It will be readdressed at the September board meeting.

RE: Public Works Supervisor – Art Rilands

Discussion had taken place regarding purchasing a dump trailer since the dump truck was sold at auction this past spring. It would be a practical and cost efficient replacement. Art and Mayor Bagley looked at several dump trailer options at the Farm Show and a 12,000lbs capacity trailer is around \$6,500. A large dump truck is not practically and a dump trailer would be a great resource and used often for hauling dirt, gravel, moving mowers and for cemetery burials. Additional discussion occurred and it was agreed the item would be practical and cost efficient. The purchase could be divided among general, water, sewer and cemetery so no one fund had to bear the cost of the dump trailer.

A motion was made by Trustee Sawers and seconded by Trustee Field to purchase a dump trailer at a cost not to exceed \$6,500 and for the cost to be

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distributed among the four funds; general, water, sewer and cemetery. Unanimously carried.

Art asked the Board for direction regarding sidewalks. Summer is coming to an end quickly and he would like to install whatever lengths to be done this year during the month of September. Trustee Elwell commented he thought the rest of South Main Street was going to be complete. Art explained it was his intentions to complete the necessary section remaining between the parking lot and the reading center but to complete all of South Main Street is definitely more than a single year project. Art agreed it could be done but it will require a lot of planning and tree removal and is not a project for this year. Discussion occurred regarding installing sidewalks from North Main Street to Castle Street Apartments. It was agreed the remaining stretch of South Main Street from the parking lot to the reading center would be completed along with from North Main Street to Castle Street Apartments along the south side of Castle Street. Additionally Art will discuss with the Apartment's manager the idea of extending the current sidewalk on the complex property to meet up with new sidewalk that will be installed.

RE: Code Enforcement Officer – Reggie O'Hearn

Reggie shared with the Board that 20 Gilbert Street has been secured and the roof was stripped of shingles, however the lawn mowing was becoming an issue.

RE: Kellie Sue Kolz, 20 South Main Street

Ms. Kolz addressed the Board regarding a notice she received from Code Officer O'Hearn. The notice was regarding a yard sale she had in her yard and admitted it was there for far too long. After receiving the notice, the yard sale items were removed, however Code Officer O'Hearn stated her produce stand was also a yard sale. She does not agree with his classification. She questioned why an older draft version of the zoning law allowed for seasonal sales but the final adopted version does not. She asked why it was removed.

Denise Baylor of 17 Bassett Street, a non-Village resident, commented to the Board she thinks the stand is great for the community and knows plenty of people who purchase produce from it.

Trustee Elwell asked Ms. Kolz about the yard sale and she stated it was up for almost 3 weeks and apologized for the delay in removing the items from her yard. Trustee Elwell stated he believes residents should be able to sell produce. Discussion occurred over the need to amend the zoning to allow such use. There was also discussion for a central location. Traffic concerns were expressed. It is dangerous for vehicles to stop on South Main Street to access the Kolz produce stand. Ms. Kolz did not like the idea of having the produce stand at an alternate location. She can monitor theft and her children can participate in the sale if it is not on her property. She also asked why other stands in the Village had been cited.

Dodie Baker of 12 Gilbert Street commented on the stand outside of Gorham on Route 245 and it has never been an issue or caused a traffic accident. Rushville

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should be a community minded Village and prohibiting produce stands does not contribute to this goal.

Further discussion occurred regarding the need to amend the zoning law. Code Officer O'Hearn explained a recommendation can be made by the Planning Board or by an individual for a change to be made allowing seasonal sales such as produce. Trustee Sawers commented that he feels the Kolz stand is in a poor place and needs to be removed. A general suggestion was made to move the stand back towards the home driveway then customers would have somewhere to safely park. Code Officer O'Hearn explained that Ms. Kolz could apply for a use variance to ask for a use that is currently not allowed in the district. The Clerk expressed disapproval of such approach for Ms. Kolz would never be granted a use variance due to the strict state mandated guidelines for denying or approving a use variance. The Board recommended Ms. Kolz apply for a use variance and hopefully the issue could be resolved in time for next season.

Code Officer O'Hearn also addressed Ms. Kolz about the need to inspect the property for goats. Ms. Kolz stated the goats had been removed from the property and offered to submit written confirmation from her neighbors that the goats are gone. Code Officer O'Hearn stated he needs to visual inspect the property. Ms. Kolz stated she was not granting him permission to access the property and expressed concerns over other violations or citations he might issue. Code Officer O'Hearn stated he would get a warrant if necessary.

RE: Reading Center Director – Dodie Baker

Dodie shared with the Board that she was unable to find a teenager who was interested in working at the reading center under the Yates County Workforce program. The teenager can be from Yates or Ontario but needs to be of low income. She has one interested applicant, but never heard back from him. She will apply again next year. Dodie also thanks the Board for the nice new door on the reading center.

RE: Zoning Board of Appeal Appointment

A motion was made by Trustee Elwell and seconded by Trustee Jabaut to appoint Karen Johnson of 50 South Main Street to the Zoning Board of Appeals. Unanimously carried.

RE: 2011/2012 Fiscal Year End Budget Transfers

A motion was made by Trustee Field and seconded by Trustee Sawers to authorize the year end budget transfers as provided by the Clerk-Treasurer. Unanimously carried.

RE: 2011/2012 Annual Update Document

A motion was made by Trustee Sawers and seconded by Trustee Elwell to accept the Annual Update Document for fiscal year June 1, 2011 – May 31, 2012 as

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prepared by Raymond F. Wager, CPA and the Village Clerk-Treasurer and filed with the NYS Comptroller's Office. Unanimously carried.

RE: Water Improvement Project

David Galloway, a resident of Shale Bach Drive, expressed concern over the trees that were planted at the project site on the lake. According to the engineer's drawings the trees were to be 5-6 feet tall and he claimed some of them were 4 feet tall. He asked if there was a change in the plans he was unaware of. Art explained he planted what the nursery had and honestly did not feel 1 foot was of grave concern. The trees will be 5 feet by this time next year. Also he planted what was recommended by Tad Gerace of Ontario County Soil and Water. Mayor Bagley stated he will have Bruce St. Lawrence, the project site inspector, review the plans regarding landscaping and tree plantings.

Further discussion took place regarding pay estimates from contractors. The pay estimates were received at 4:20pm, today, the day of the Board meeting. Pay estimates need to be submitted earlier than this, Friday would be preferable. Mayor Bagley stated that a project schedule still had not been received by Wind-Sun Construction. It was agreed his payment would be held until the schedule was received.

RE: Cemetery Headstone Restoration

A motion was made by Trustee Elwell and seconded by Trustee Jabaut to approve the estimate received by Finger Lakes Monument Company to repair and reset headstones in the cemetery. Unanimously carried.

RE: Walking Gate Trail

Art discussed Highway Supervisor Kelly Ayers the idea of putting up a gate at the Gorham end of the trail and he has no intentions to do so.

RE: Safe Routes to School Application

Mayor Bagley reviewed with the Board the Safe Routes to School program and the opportunity to apply for funding to complete sidewalks on Gilbert Street. The application is 100% federally funded for projects to provide alternative modes of transportation for children grades K-8<sup>th</sup>. The Village will have to pay the initial engineering costs. It was agreed it would be wise to utilize Lu Engineers considering they have the materials and background for the Village from the TEP application submitted in 2008.

A motion was made by Trustee Field and seconded by Trustee Elwell to hire Lu Engineers to complete the necessary engineering and project scoping for the Safe Routes to School application, due October 5, 2012. Unanimously carried.

A motion was made by Trustee Field and seconded by Trustee Elwell to host a joint public hearing with the Marcus Whitman School District to share with the public the funding opportunity through the Safe Routes to School program and the

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general outline of the project on Wednesday, August 29<sup>th</sup> at 7:00pm at the Village Hall. Unanimously carried.

RE: Speed on North Main Street

Robert Walker of 67 North Main Street expressed his concerns to the Board regarding the speed on traffic on North Main Street. Is there anything the Village can do to help slow the traffic? Mayor Bagley shared the Village has received similar complaints about the speed on Bassett Street and has contemplated installing a speed hump to calm and slow traffic. Further discussion occurred and it was agreed to try the speed hump on Bassett Street as planned and then also install it on North Main Street at a later date. The Clerk was instructed to send a letter to the Ontario County Sherriff's Office.

A motion was made by Trustee Field and seconded by Trustee Jabaut to purchase the speed hump and signage and for it to be installed on Bassett Street. Unanimously carried.

RE: Deputy Clerk-Treasurer Position

The Clerk-Treasurer shared with the Board that her and her husband were expecting their first child. Because of this, there is a need to hire a Deputy Clerk-Treasurer to fulfill her duties during maternity leave and to work part-time afterwards.

A motion was made by Trustee Field and seconded by Trustee Sawers to authorize advertisement of the Deputy Clerk-Treasurer position. Unanimously carried.

RE: Bills

A motion was made by Trustee Field and seconded by Trustee Jabaut to authorize payment of the general bills in amount of \$22,376.81, noting \$51.00 had already received payment due either to prior authorization or a due date prior to the board meeting and that the annual insurance premium payment was also being made. Unanimously carried.

A motion was made by Trustee Jabaut and seconded by Trustee Elwell to authorize payment of the capital project bills in amount of \$106,842.50. No prior payments were made. Unanimously carried.

A motion was made by Trustee Elwell and seconded by Trustee Sawers to authorize payment of the cemetery bills in amount of \$39.56 No prior payments were made. Unanimously carried.

A motion was made by Trustee Jabaut and seconded by Trustee Field to authorize payment of the water bills in amount of \$9,404.81, noting \$2,375.00 had already received payment due either to prior authorization or a due date prior to the board meeting and that the annual insurance premium payment was also being made. Unanimously carried.

A motion was made by Trustee Field and seconded by Trustee Elwell to authorize payment of the sewer bills in amount of \$9,063.48, noting \$2,000 had

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already received payment due either to prior authorization or a due date prior to the board meeting and that the annual insurance premium payment was also being made. Unanimously carried.

RE: Adjournment

A motion was made by Trustee Field and seconded by Trustee Jabaut to adjourn the meeting at 8:19pm. Unanimously carried.

Respectfully Submitted,

Jennifer Gruschow  
Clerk-Treasurer