

# **RUSHVILLE VILLAGE BOARD MEETING**

**March 9, 2015**

TIME: 7:00 PM

PLACE: Rushville Village Hall

PRESENT: Mayor Jon Bagley

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

ABSENT/EXCUSED: Tawnee Badger, Deputy Clerk; Art Rilands, Public Works Supervisor

ATTENDANCE: Dodie Baker, Mike Pierre, Reggie O'Hearn, Janet Landcastle, Bob Walker, Chandra Gilman, Jeff Bagley, Deanna Bagley, Aubrey Bagley

RE: Calling the Meeting to Order

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

RE: Approval of Minutes

The Board reviewed the minutes from the February 9, 2015 board meeting. Trustee John Sawers asked for the following corrections to be made: The motion made by Trustee Sawers to approve payment of the invoice submitted by Kim Payne was made based on discussions with Mayor Jon Bagley. The statement made by Trustee John Sawers in regards to not having a conflict against the property at 87 South Main Street was that he did not own the property versus he had no interest in the property.

A motion was made by Trustee David Field to approve the minutes with corrections. Trustee Charles Elwell seconded the motion. Unanimously carried.

RE: Aubrey Bagley – 43 Gilbert Street

Aubrey Bagley thanked the Board for allowing her the opportunity to give the presentation which would argue her position to legalize the ownership of chickens in the Village. Aubrey is currently active in 4-H and enjoy the hands on experience she has gained assisting her leader in caring for chickens. Aubrey shared several facts with the Board and audience relating to the positive aspects of allowing ownership of chickens. She also pointed out that neighboring municipalities such as Naples and Canandaigua do allow chickens in their Zoning Laws. Aubrey combated several misconceptions relating to owning chickens such as the smell, but noted that if they are properly cared for this is not an issue.

General discussion occurred among the Board, and Trustee John Sawers shared he attended a 4-H program and thought it was very informative and useful. Resident Bob Walker wanted to remind the Board that when discussing this proposal to weigh both sides of the argument. Discussion ensued relating to quantity of chickens that could be kept on any one property.

Trustee John Sawers offered to work on a committee with Code Officer Reggie O'Hearn to research and further discuss Aubrey's proposition. Mayor Jon Bagley asked if anyone else would like to sit on the committee and Trustee David Field volunteered. It was asked what the Code Officer thought about allowing chicken ownership and he replied; he enforces what laws the Board adopts.

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RE: Public Work's Supervisor: Art Rilands

A copy of this report is on file with these minutes

RE: Fire Department: Fire Chief Art Rilands

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There were several communication issues between the water plant and water tower. The issues have been solved and it appears the problems were created by Frontier. Discussion ensued regarding seeking reimbursement from Frontier for the on-site technical support received from Zellar.

An individual drove his car into the Cemetery and was stuck in the snow. Discussion ensued regarding plowing the cemetery laneways. It was not felt this was necessary, but to simply plow a small area at the start of a laneway for parking since there is no shoulder to park off on the side of Castle Street.

RE: Reading Center Director: Dodie Baker

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

Dodie shared she will be closing the library on Friday and will have short hours on Saturday. She will be taking a weekend vacation with her family.

RE: Code Enforcement Officer: Reggie O'Hearn

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Discussion ensued regarding the situation that took place at 8 Chapel Street, which is a rental property. It was shared that a private gas well heats the house and it was not functioning properly, therefore the house did not have heat. The landlord was leaving for vacation and did not offer the tenant any solutions to fix the issues or how to provide heat to the home. The tenant contacted code enforcement for assistance. The house was condemned due to a lack of heating source and other minor electrical issues. The owner of the gas well was contacted and the main valve was turned off. Note the landlord does not own the gas well. DEC has been contacted and is working with the gas well owners on a future solution. Code Officer O'Hearn's main concern was the leaking gas, which was resolved.

The order to remedy violation notice was extended by 30 days for 9 Chapel Street. The tenant and owner asked for the extension due to weather and snow cover. A dumpster is on the property. It appears they have intension to meet the requirements of the violation notice.

RE: 2015/2016 Budget Hearing

A motion was made by Trustee David Field to hold a public hearing for the adoption of the 2015/2016 fiscal year budget on Monday, April 27<sup>th</sup> at 5:00pm at the Rushville Village Hall. The motion was seconded by Trustee Charles Elwell. Unanimously carried.

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RE: Annual Organizational Meeting

A motion was made by Trustee David Field to hold the annual organization meeting on Monday, April 27<sup>th</sup> at the close of the budget hearing, which starts at 5:00pm at the Rushville Village Hall. The motion was seconded by Trustee Charles Elwell. Unanimously carried.

RE: Sewer Planning Study

Art Rilands agreed to review the final version of the study.

RE: Dedication of Douglas Drive Utilities

A motion was made by Trustee Charles Elwell and seconded by Trustee David Field to accept the dedication of the Trimble Hill Heights Phase 2 water and sewer utility lines, and to accept the easement granted by Jon Bagley to cross his property to have access to such lines. The motion was carried with 3 Ayes, with Mayor Jon Bagley abstaining and Trustee John Sawers opposing, because he was not yet to review the documents with the Village Attorney.

RE: Budget Preparations for 2015/2016 Fiscal Year

All of the budget figures have now been received from the budget heads. The Clerk-Treasurer will work to develop the tentative budget and will distribute to the Board members as soon as it is complete.

RE: Wells Fargo Donation of 3 Bassett Street

The documents have not yet been executed. Attorney Kenyon had several concerns regarding the foreclosure process and the ability of Wells Fargo to guarantee a marketable title.

RE: DOT Maintenance Agreement for Main Street Bridge Culvert Repairs

Attorney Kenyon has been reviewing several documents regarding the claim being made by DOT that the Village already owns the channel walls, even though positive documentation cannot be produced. The Clerk-Treasurer discussed with DOT a clause in the section of Highway Law that states if any drainage ditch or storm sewer system is built to primary service a state highway, then it remains property of the State. DOT is taking the stance the channel walls were not built for the roadway but at the request of the Village in 1947. No documentation can be provided to support such claim. Further research and discussions will continue.

RE: Bills

A motion was made by Trustee David Field and seconded by Trustee Timothy Jabaut to authorize payment of the general bills in the amount of \$9,573.63. Unanimously carried.

A motion was made by Trustee Charles Elwell and seconded by Trustee Timothy Jabaut to authorize payment of the cemetery bills in the amount of \$140.55. Unanimously carried.

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A motion was made by Trustee David Field and seconded by Trustee Charles Elwell to authorize payment of the water bills in the amount of \$3,176.20. Unanimously carried.

A motion was made by Trustee Timothy Jabaut and seconded by Trustee Charles Elwell to authorize payment of the sewer bills in amount of \$1,459.20. Unanimously carried.

RE: Adjournment

A motion was made by Trustee David Field and seconded by Trustee Charles Elwell to adjourn the meeting at 7:35pm. Unanimously carried.

Respectfully Submitted,

Jennifer Gruschow  
Village Clerk-Treasurer