

RUSHVILLE VILLAGE BOARD MEETING

August 9, 2010

TIME: 7:00 PM

PLACE: Rushville Village Hall

PRESENT: Mayor Jon Bagley

Trustees Charles Elwell, David Field, Timothy Jabaut, and John Sawers
ALSO IN ATTENDANCE: Art Rilands, Mike Pierre, Reggie O'Hearn, Bill Kenyon, Heather Bartholomew, Mark Browning, Gregory Franklin, David Galloway, Rainey Jones, Jean McCreary, Harry Messina, Kim Morganti, Al Nitto, Rick Nitto, Peggy Provoost, and Krystal West

RE: Minutes

A motion was made by Trustee Sawers and seconded by Trustee Field to adopt the minutes from the July 12, 2010 public hearing and regular monthly meeting as printed. Unanimously carried.

RE: Jean McCreary & David Galloway, Shale Beach Drive

Ms. McCreary and Mr. Galloway addressed the Board as concerned residents of Shale Beach Drive, neighbors to the water pump station property on County Road 11. They stated it is their understanding the Village did not have to go before the Gorham Planning Board for site plan review and appreciate the Village did do that. Ms. McCreary stated she thinks the Gorham Planning Board could facilitate a meeting between the Shale Beach residents and the Village and hopefully come to a favorable solution for all. She believes not all options have been researched and thinks the Village should explore all options. The Shale Beach residents are very concerned about the aesthetics of the property and showed the Board pictures of the Keuka Park water plant and talked about its compatibility with the neighborhood.

Harry Messina, the neighbor to the north of the water pump station property asked the Board to explore other options than building a larger building on the already existing property. Mr. Messina asked the Board if they would be acting on any decisions tonight regarding the project. Mayor Bagley replied no.

RE: Jacob & Peggy Provoost, 12 North Main Street

Ms. Provoost asked the Board if they would be willing to change the zoning on their property located at 12 North Main Street, so she and her husband could continue to operate their used car dealership. Ms. Provoost explained that "Little Buck's Auto" has been in business for three (3) years in Rushville and has brought customers from all over and feels it has been a positive for the Village. The dealership is the only source of income for her family and they cannot lose it. Their dealership has a line of credit with Community Bank and their monthly payment is over \$700. Ms. Provoost asked for the Board's help. They need the Board to change the zoning so they can remain in business.

Mayor Bagley addressed the other Board members reiterating that the request is for a zoning change in the C-1 district. He asked the Board if they want to change the zoning for an individual and override the Zoning Board of Appeals. Trustee Elwell stated he does not see how the Board can do that. He understands

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how horrible the Provoost's situation is, however changing the Zoning for an individual is a bold action.

A motion was made by Trustee Elwell and seconded by Trustee Field to deny the request made by Peggy Provoost's to change the zoning for the property located at 12 North Main Street, and therefore the Board actions uphold the Zoning Board of Appeal's decision. Unanimously carried, request denied.

Ms. Provoost's plea in writing is on file with these minutes.

Mayor Bagley stated to Ms. Provoost he understands their situation is difficult but asked if they came to the Village Office to check with Code Officer Reggie O'Hearn on whether or not the property was zoned for a used car dealership before they purchased it? Ms. Provoost replied no.

RE: Community Investments

A motion was made by Trustee Field and seconded by Trustee Jabaut to enter into executive session at 7:16pm. Unanimously carried.

The Board reconvened at 7:48pm.

A motion was made by Trustee Jabaut and seconded by Trustee Elwell to move the investments from Wall Street Financial to Community Investments under the conditions and circumstances discussed. Unanimously carried.

RE: Art's Report

Copy of file.

Water: School tank is being worked on, currently it is empty.

Streets: Bassett Street drainage work is almost complete, just need to finish cleanup work.

RE: Condemning 58 South Main Street

The Board received a letter for Village Health Officer, Dr. Robert Ostrander, explaining the current living conditions he found at 58 South Main Street. He discovered the residence to be uninhabitable and recommended condemning the house.

Discussion took place with Code Officer Reggie O'Hearn and property owner, Kim Morganti and all parties were in agreement that the tenants had destroyed the property and the house needed to be condemned.

A motion was made by Trustee Sawers and seconded by Trustee Field to authorize Code Enforcement Officer Reggie O'Hearn to condemn the dwelling located at 58 South Main Street based on the recommendations of the Village Health Officer, Robert Ostrander, M.D. that the unsanitary conditions posed a public health threat and must be remedied immediately.

The resolution in full is attached to these minutes.

RE: YC Minor Land Use Agreement

Trustee John Sawers reviewed with the Board the purpose of the agreement. By adopting the agreement with the Yates County Planning Board, the Village will

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not be obligated to send certain types of applications before the County for review. In return the County will not get overwhelmed by the number of applications they are receiving that obviously do not have a County wide impact.

A motion was made by Trustee Sawers and seconded by Trustee Elwell to adopt the Minor Land Use Agreement between the Yates County Planning Board and the Village of Rushville to eliminate the need for the County to review certain actions that do not have a significant County wide impact. Unanimously carried.

RE: Water Improvement Project

Mayor Bagley shared with the Board that the Village did not receive approval from the Gorham Planning Board and will need to go back for a third time.

The residents of Shale Beach drive asked if the Board will be discussing their concerns and Mayor Bagley answered no. The Village is in receipt of their letter stating their concerns and those concerns have been reviewed.

RE: Zoning

Item was tabled for future discussion.

RE: Reading Center Director

Trustee Elwell shared that the Reading Center Board is making great progress on cleaning up the Reading Center building. A lot of books have been sorted through. Kelly Lightfoote had a book sale during the Grace Days events and sold several books totaling over \$600.

The Board reviewed the job description and job advertisement for the Reading Center Director position. Discussion took place regarding posting the job opening with Ontario and Yates Counties. The Clerk was instructed to post the job advertisement on craigslist and in several public places around the Village and neighboring Towns. The Clerk will research the cost of printing it in the newspaper and will work with the Mayor on making a final decision on where to publish it.

A motion was made by Trustee Sawers and seconded by Trustee Jabaut to advertise the position of Reading Center Director with the Counties, if possible, on craigslist, by posting flyers in public places, and in one area newspaper. Unanimously carried.

RE: Road Damage – Nevin Zimmerman

Mayor Bagley shared with the Board that it is his opinion that Mr. Zimmerman should be held accountable for his actions. The Board has the duty to oversee and act with due diligence in regards to the Village finances. The Village cannot afford to repair those roads for at least another 10 years. Trustee Elwell questioned if the roadway is in worse condition now. He examined the roadway and does not believe the condition is any worse. Trustee Elwell asked Art Rilands for his opinion. Art stated he cannot find a roadway professional to tell him the roadway is permanently damaged. Trustee Field commented he was told the holes were not deep enough to cause future damage. Trustee Sawers asked if the Village has

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received estimates. Mayor Bagley stated yes, it would be around \$12,000 to repair the road with a slurry seal. Further discussion took place regarding the options including asking Mr. Zimmerman to pay half the cost.

A motion was made by Trustee Elwell and seconded by Trustee Sawers to request Mr. Nevin Zimmerman pay \$6,000 (half the cost of the slurry seal) to the Village to hold for future repairs of the roadway.

Roll Call: Bagley – No comment, Elwell – Aye, Field – Nay, Jabaut – No comment, Sawers – Aye.

Further discussion took place regarding the Mennonite roll in the community and their active and positive involvement. Attorney Kenyon suggested that the Village investigate the Ag & Market regulations regarding laws that prohibit farming activities. Trustee Elwell rescinded his motion. Attorney Kenyon and the Clerk will research Ag & Market laws. Discussion tabled.

RE: Generator Service Contract

Tabled for further research.

RE: CHIPS Funding

Art explained that it is rumor among the highway superintendents that the CHIPS program is going to be discontinued. It is believed that if a municipality has money left in their CHIPS account then NYS is going to remove the money and cancel the account. The Village will not have an opportunity to use the money that is currently there. The Board had previously decided to save the CHIPS money for Bassett Street. Should the Village still move forward with this plan? The Board asked Art if the Village did use the money what would he use it for. He suggested putting a top coat on Douglas Drive. Art and the Clerk were instructed to research the NYS budget and see if the CHIPS program will continue.

Other discussion took place regarding finishing the piping work on Warehouse Street. About 130 feet of the roadway did not receive underground drain piping. It would be a good idea to finish the drainage work. The cost would be around \$3,500.

A motion was made by Trustee Sawers and seconded by Trustee Field to purchase 130 feet of pipe for approximately \$3,500 to finish the drainage work on Warehouse Street. Unanimously carried.

RE: Bills

A motion was made by Trustee Jabaut and seconded by Trustee Field to authorize payment of the general bills in amount of \$7,009.32 noting \$270.00 had already received payment due either to prior authorization or a due date prior to the board meeting. Unanimously carried.

A motion was made by Trustee Elwell and seconded by Trustee Sawers to authorize payment of the capital project bills in amount of \$1,605.34. No prior payments were made. Unanimously carried.

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A motion was made by Trustee Field and seconded by Trustee Sawers to authorize payment of the cemetery bills in amount of \$21.94. 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 \$6,245.88. No prior payments were made. Unanimously carried.

A motion was made by Trustee Elwell and seconded by Trustee Jabaut to authorize payment of the sewer bills in the amount of \$4,096.77. No prior payments were made. Unanimously carried.

RE: Adjournment

A motion was made by Trustee Jabaut and seconded by Trustee Field to adjourn the meeting at 9:05pm. Unanimously carried.

Respectfully Submitted,

Jennifer Gruschow
Clerk-Treasurer