

# THE RUSHVILLE VILLAGE BOARD MEETING/PUBLIC HEARING

## May 10, 2021

CORRECTED 6/17/21

DATE: 5/10/21

TIME: 6:40pm

PLACE: The Rushville Village Hall

**PRESENT:** Mayor Dave LeClair, Trustee Doug Rigby, Trustee Karen Gorton, Trustee Mark Fargo, Clerk Jeannie Kesel, Code Officer Tim Pagel, Deputy Mayor Chandra Gilman, DPW Art Rilands, Reading Center Director Dodie Baker – attending Library Meeting

Approximately 20 people attended the meeting (sign in sheet available at the Village Office)

A motion was made by Trustee Mark Fargo to open the Public Hearing for \$100.00 Reinspection Fee at 6:40pm. Deputy Mayor Chandra Gilman made a 2<sup>nd</sup>. The motion was unanimously carried.

Jamie Landcastle asked whose job was it to site neighbors. The Mayor said it was the Code Officer's responsibility. The Mayor said there is visible deteriorating properties in the village. Property values go down. Pride in resident's homes is good for the community. A soft letter would go out first, then the property would be assessed the enforcement fee. It is important to treat every property owner the same Deputy Mayor Chandra Gilman requested that the letters be sent out certified mail. She also felt this reinspection fee was like kicking residents when they are down. Some might have been working inside their homes during COVID. It's important to be mindful that some people work on Saturdays making a Village Clean Up Day difficult. Mayor LeClair stated that most of the problems have festered for years and most of which does not cost a lot to fix. He will add language about certified mail.

A motion was made by Trustee Doug Rigby to close this Public Hearing at 6:45pm and a 2<sup>nd</sup> was made by Trustee Karen Gorton. The motion was unanimously carried.

A motion was made by Trustee Karen Gorton to open the Public Hearing to Amend Local Law #1 of 1986 Entitled Sewer Use Local Law. Trustee Mark Fargo made a 2<sup>nd</sup>. The motion was unanimously carried.

Deputy Mayor Chandra Gilman wanted to know how many extra units there were upstairs from Laundromat. The Mayor said the Laundromat was being charged 7.5 units and the upstairs Apartments was being charged 1.5 units. Deputy Mayor Chandra Gilman commented on the fact that the Laundromat has a bathroom that needed to be factored in. Mayor LeClair mentioned that most all commercial occupancies have bathrooms too that get charged sewer rates. He also mentioned that the impacts of house sewer discharges are likely to have even more impact with the same types of discharges as a laundromat including other products like cleaning products, dye, and paint as examples. Deputy Mayor Chandra Gilman asked that in the future to utilize the committees.

A motion was made by Deputy Mayor Chandra Gilman to close this Public Hearing at 6:50pm and a 2<sup>nd</sup> was made by Trustee Karen Gorton. The motion was unanimously carried.

The Mayor called the Board Meeting to order at 7:00 pm

**RE: Salute to the Flag:**

The Mayor asked everyone to rise and join in the Pledge to the Flag.

**RE: Approval of Minutes:**

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The Mayor asked the Trustees if they had any corrections to the board minutes from the April 12, 2021 meeting. Deputy Mayor Chandra Gilman and Trustee Karen Gorton had a couple of minor changes. Trustee Karen Gorton made a motion to approve the April 12, 2021 minutes. Trustee Doug Rigby made a 2<sup>nd</sup> to the motion. The motion was unanimously carried.

The Mayor asked the Trustees if they had any corrections to the Budget Meeting minutes from the April 26, 2021 Budget Approval meeting. Deputy Mayor Chandra Gilman made a motion to approve the April 26, 2021 Budget Approval minutes. Trustee Doug Rigby made a 2<sup>nd</sup> to the motion. There was a rollcall vote –

Mayor David LeClair	Yes
Deputy Mayor Chandra Gilman	Yes
Trustee Mark Fargo	Yes
Trustee Doug Rigby	Yes
Trustee Karen Gorton	Yes

The motion unanimously passed

## RE: GBT Realty Group:

- Bob Gage, Senior Vice President of GBT Realty was here tonight to give the Board an update on the proposal to develop the parcel on Gorham Road. His firm is committed to complete the process with Dollar General. They have submitted an application along with a rough sketch for the store. Bob said they know the property on Gorham Road is currently zoned R-1 and it would have to be rezoned to C-1. They realize that it will be an uphill climb. They picked this spot on the edge of the village as not to disrupt all the residents in the middle of the village.
- Bob Gage contacted the Mayor after the April 12, 2021 meeting to get a list of properties that would be available in the C-1 District. Bob said that is what lead GBT Realty to the Martin property. We have made an acquisition offer on the two buildings (Martin Buildings) behind the Village Hall. Bob said that he received a counteroffer from Jim Liebel.
- Bob has reached out to the Martin's with an offer to purchase the vacant land next to the bank, but they have not heard back. He is not sure if the offer is too low or that the property owner is just not interested. Acquiring the vacant Martin land is a **MUST** for this plan to move forward.
- Bob realizes the Katie Brown's store, Federal Hollow, is in jeopardy. He will be approaching her and is prepared to make her an offer.
- Bob Gage hopes to have answers in the next week.

The Mayor asked if there were any comments from the audience.

- So, you have to complete the process on the Gorham Road R-1 District and have put in an offer on the Martin property? If you get the Martin Building will you tear it down?  
Yes, we are committed to going through the complete process for the Gorham Road property. We have put in the offer on the other properties. The vacant Martin land would be used for the driveway entrance and the store would be built on the back-left side. The sign would be out by the road. Just want to let everyone know that there are lots of moving parts, don't want to get anyone's hopes up, but just want to let you know we are working on this second scenario.

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- When the building is finished what is it worth?  
Bob suggested the 10,000 square foot building would be assessed around \$750,000-\$800,000.
- How many people would be employed?  
Dollar General prides itself in hiring from the community. They will employ approximately 15 people – 50% full time and 50% part time. Dollar General offers benefits to their full-time employees. There should be a big benefit as far as property Taxes. It could generate approximately \$20,000-\$25,000 per year in property taxes (Village, County & School)
- What is the annual income for the Dollar General?  
Estimated to generate \$1.3M in gross annual income. Dollar General does their homework and are confident with their number. There are 17,000 stores in the United States. They opened 1,000 stores last year.
- Will they be selling beer, cigarettes and lottery tickets?  
Dollar General will sell cigarettes, beer (will apply for a license) and possibly lottery tickets.
- Would you be doing sidewalks and hitching posts?  
Sidewalks would be installed, if required. Also, a hitching post would be provided for the Amish.
- Will the store still generate \$1.3M in sales if you are denied selling beer?  
Yes
- You said that you would be hiring local, even their management? Will they have benefits?  
Yes – full time employees will get full benefits. The store is opened from 9:00am-9:00pm 7 days a week, including Christmas.
  
- Mayor Dave LeClair said it is important to preserve residential/community and voiced his concern rezoning the property to a C-1 or C-2 District.
- The Mayor reminded the Board of the following concern regarding the request to rezone the parcel on Gorham Road from R1 Residential to C-1 Commercial and then read from the Zoning Ordinance about the purpose and intent of the Districts. He stated that the R District regulation states that the “The purpose of the Residential District (R-1) District is to promote orderly low-density development of single-family dwelling units in residential neighborhoods. It is also the declared purpose of these regulations that these single-family neighborhoods shall be free from other uses except those listed herein and hereby declared to be compatible with the residential character of the district.” Further he stated the purpose of the C-1 District per zoning is to “provide integrated and planned commercial areas, goods and services necessary to serve the needs of the population of the community.” The Mayor further cited other previous applications, both formal and informal of other rezoning requests that included various commercial uses like car repair/sales, storage, garment manufacturing and a Family Dollar Store on South Main Street that were either not approved or withdrawn. He stated his concern to the developer that there were other precedents that should be considered. For all the above reasons, the Mayor stated that he was not in favor of the request feeling it would change the character of the R-1 Residential District.
- The County will review and eventually need a supermajority from the Board to pass to go to the next step to rezone. All our fees would be reimbursed from the developer.

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- The Mayor mentioned that the board members have Tom Harvey's, Ontario County Planning Board, planning notes. If this does move forward, it is going to need a super majority vote because it is an ag district. The Planning Board has to look at it, Town of Gorham has to look at it, and the Zoning Board would be an interested agency (but not an involved agency). Most likely it would come back as a Class 2 action. It's not a denial, but it's just that we would need a supermajority down the road to pass this. This is just this Mayor's opinion. It's a long process, it's an expensive process for the developer. If we vote to move this process forward, I would have our engineers be the point person in this process. It's a very in-depth process – the impact statements, the environmental that has to be done and everything that has to be filed, letters that have to be sent out it would be best to have our engineers do this. Any kind of attorney fees or engineering fees would be reimbursable.

A motion to allow the application process for the property on Gorham Road to move forward was made by Deputy Mayor Chandra Gilman and a 2<sup>nd</sup> by Trustee Doug Rigby. There was a rollcall vote-

Mayor David LeClair	No
Deputy Mayor Chandra Gilman	Yes
Trustee Mark Fargo	No
Trustee Doug Rigby	Yes
Trustee Karen Gorton	No

The motion failed 2 Yeas and 3 Nays

## RE: Mayors Report:

Mayor Dave LeClair gave his Mayor's report as follows:

- The Mayor provided the Board Members a report from the Code Enforcement Officer for 9 Chapel Street regarding the deteriorated property. Under the Village "Property Nuisance Abatement Law" the first step of enforcement and imposition of \$250 per week fines begins with the attached report. Another violation notice will need to be sent by the CEO that identifies the date, time and place of a hearing where the property owner may appear to offer a defense or dispute the determination by the Code Enforcement Officer. The Mayor suggested that given the amount of years this property has been in violation, that the Board make a motion to direct the Code Enforcement Officer to send the violation notice identifying June 14, 2021 as the Village Board Hearing. This will begin the formal process of enforcement.

- A motion to have the Code Enforcement Officer to write a letter to begin the formal process of enforcement was made by Trustee Mark Fargo and a 2<sup>nd</sup> from Trustee Doug Rigby. There was a rollcall vote –

Mayor David LeClair	Yes
Deputy Mayor Chandra Gilman	Yes
Trustee Mark Fargo	Yes
Trustee Doug Rigby	Yes

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Trustee Karen Gorton

Yes

The motion unanimously passed

- Lawn restoration – sewer project – The Mayor included in the board packets some correspondence sent to Finline Pipeline and to village residents effected by the work. We will continue this effort until all lawn and restoration work is complete.
- American Plan Rescue Act of 2021 – This law passed and was signed by President Biden late March. It provides monumental relief to individuals, organizations, and governments impacted by the COVID 19 Pandemic. Subtitle M appears to provide relief to local governments that could include reimbursements and aid including public works. Out of this plan \$100 million will be given to each state to be distributed for Capital Projects. The Mayor will look into this further to ascertain potential benefits to Rushville. We will reach out to Senator Chuck Schumer’s office.

## **RE: Public Works Supervisor**

### **Sewer:**

- The flows are high. One problem was the new flow meter was out of calibration, that has been repaired. Still looks like we have ground getting into the collection system.
- Phase 1 contractor still needs to return and do the restoration work. The ground is probably too wet. Engineer said contractor should be here Wednesday. Phase 2 sewer contract has been awarded, just getting all the paperwork completed. Met with the contractor today. They are getting the insurance and bond paperwork together. They are ready to go.
- The new jetter is here. Took the old jetter to the auction and got \$1,300 for it.

### **Water:**

- Not much happening – Water Plant is doing ok
- The bids have been accepted for water tank inspections. Several of the local water systems went in on the work. This is a requirement by DOH every 8 years. The city of Canandaigua was the lead agency. High bid - \$3,000, Low bid - \$1850 for the inspection. The tank will be inspected sometime this summer.

### **Cemetery:**

- It’s a struggle keeping up with the mowing right now. New section is ok, the old section is in need of attention. Hopefully the guys will get caught up this week.
- Veteran flags will be put out Some cleanup has been started, more needs to be done.

### **Streets:**

- The streets have been swept. Working on pothole repair.
- Looks like the Village got a 3% (\$600) increase in our CHIPS money for the year. Art’s plan is to pave Green Street and install storm pipe in the ditch on Union Street.
- Flags and banners will probably be put up next week.

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### RE: Resolutions:

- Resolution Reinspection Fee – Local Law

A motion to adopt a Resolution \$100 Reinspection Fee – Local Law & Schedule was made by Trustee Mark Fargo and seconded by Trustee Doug Rigby. There was a rollcall vote –

Mayor David LeClair	Yes
Deputy Mayor Chandra Gilman	No
Trustee Mark Fargo	Yes
Trustee Doug Rigby	Yes
Trustee Karen Gorton	Yes

The motion passed 4 Yeas and 1 Nay

- Resolution to Amend Local Law #1 - 1986 Sewer Use for Laundromats

A motion to adopt a Resolution to Amend Local Law #1 of 1986 Entitled Sewer Use Local Law was made by Trustee Karen Gorton and seconded by Trustee Mark Fargo. The motion was unanimously carried.

There was a rollcall vote –

Mayor David LeClair	Yes
Deputy Mayor Chandra Gilman	No
Trustee Mark Fargo	Yes
Trustee Doug Rigby	No
Trustee Karen Gorton	Yes

The motion passed 3 Yeas and 2 Nays

- Resolution Authorizing Public Hearing for the Village of Rushville Community Development Block Grant

A motion Authorizing a Public Hearing for the Village of Rushville Community Development Block Grant on June 14, 2021 at 6:45 pm was made Deputy Mayor Chandra Gilman and a 2<sup>nd</sup> by Trustee Mark Fargo. The motion was unanimously carried.

### RE: Fire Report:

- The Fire Chief, Paul Moberg said they are working on the trucks, put tires on the truck
- Paul mentioned that paving the lot was on his wish list
- The rescue truck is still listed at \$19,000. Paul did have one extremely interested department with the lower price. Trustee Doug Rigby suggested Paul entertain any reasonable offer, but should be firm on \$16,000. It costs the Village \$900 per year to carry insurance on the truck.
- Chicken BBQ is planned for May 22, 2021. It will be drive through 11:00am til sold out
- The grant the Fire Department applied for should be awarded next month.

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### **RE: Reading Center Director:**

- Deputy Mayor Chandra Gilman, presented the report for the Reading Center
- Dodie Baker, Director was attending MWCS D School Board meeting with all three library directors.
- The post cards were mailed May 5, 2021.
- On April 19<sup>th</sup> Dodie spoke at the Lyons Club meeting.
- A printed copy of a slide presentation about the Proposition vote was available for anyone to look at tonight's meeting. All three library director's numbers are listed if anyone has any questions.
- The Vote on the Propositions is May 18<sup>th</sup> at the MWCS D High School from Noon til 8:00 pm.
- There will be a new Youth Collection out on the shelves on Monday, May 17<sup>th</sup>.
- The library has two public desktop computers and one Chrome book laptop available for use.
- It looks like our Summer Fun" Children's Program will take place this year, activities outdoor. More information to follow as the time gets closer.

### **RE: Code Enforcement officer:**

- Tim stated he has been working on the code violations at 9 Chapel Street. An Order to Remedy has been sent.
- Received plans from Gerber for Lot 21
- Inspection of projects in progress.
- Working on Dollar General question
- 2 new houses on Douglas Drive permits, questions, etc.
- Tim has been working on required training through webinars.

### **New Business:**

- No report this month

### **Old Business:**

- No report this month

### **WWTP:**

A motion was made by Trustee Mark Fargo and seconded by Trustee Doug Rigby to authorize payment for the Jetter invoice once reimbursement is received from the CDBG Grant for \$66520.30 The motion was unanimously carried.

### **Re Bills:**

A motion was made by Trustee Doug Rigby and seconded by Trustee Mark Fargo to authorize payment of the General bills in the amount of \$28,409.85. The motion was unanimously carried.

A motion was made by Deputy Mayor Chandra Gilman and seconded by Trustee Doug Rigby to authorize payment of the Cemetery bills in the amount of \$498.84. The motion was unanimously carried.

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A motion was made by Deputy Mayor Chandra Gilman and seconded by Trustee Doug Rigby to authorize payment of the Water bills in the amount of \$2,965.70. The motion was unanimously carried.

A motion was made by Trustee Doug Rigby and seconded by Deputy Mayor Chandra Gilman to authorize the payment of the Sewer bills in the amount of \$65,165.51. The motion was unanimously carried.

A motion was made by Trustee Karen Gorton and seconded by Trustee Doug Rigby to authorize the payment of the Capital Project bills in the amount of \$3,000.12. The motion was unanimously carried.

The Mayor asked if there were any comments from the audience.

- Holly Krossber, I was surprised by the "No Vote" for the Dollar General. And the reason I say that is our tax revenue that the Village brings in each year is not enough to make our budget. So, every year a good chunk of money comes out of our General Fund and with the Dollar General not only would it bring jobs to the community, we would have sales tax, real property tax and the project would be good for the village taxpayers. As the duty of the Board is to do what is in the best interest of its taxpayers as a whole. It would lower the Village tax rate given Dollar General's high assessment.
- Jamie Landcastle, I believe what the Village Board did tonight is deny GBT Realty due process. We could be at risk of a court challenge regarding the Dollar General application for Gorham Road.

A motion to adjourn was made by Trustee Mark Fargo. A 2<sup>nd</sup> was received from Trustee Doug Rigby. The motion was unanimously passed. The meeting was adjourned at 8:40 pm.

Respectfully submitted,

Jeannie Kesel, Clerk/Treasurer



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