

RUSHVILLE VILLAGE BOARD MEETING

August 8, 2011

TIME: 6:30 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, Chandra Gilman, Kim Payne, Pat Sawers, Jamie Landcastle, Ryan King, Brandon Bedient, Janet Landcastle, and Kim Marie Scherzi

ADDITIONAL ATTENDANCE: Tina Ryan, Sean Ryan, Dave Galloway, Greg Franklin, and Dave Burley.

PUBLIC HEARING

RE: Opening the Public Hearing

Mayor Bagley opened the public hearing at 6:30pm. It was acknowledged that a quorum had been met, and all Board members were present.

RE: Public Hearing Procedures

Mayor Bagley began by reviewing the public hearing procedures with the Board and guests. Local Law #2-2011 was introduced as the proposed new Zoning Law for the Village of Rushville, and he stated that each Board member had an amended copy in their possession. Mayor Bagley explained that the Board will first go through the NYS Environmental Review Part 2 of the Environmental Assessment Form (EAF), then will review the new proposed Zoning Law and once finished, will take comments from the public. Mayor Bagley asked that all guests to introduce themselves when they share comments. When there are no further comments he will close the public hearing for the NYS Environmental Assessment Review, Type 1 Action and the new proposed Zoning Law, Local Law #2-2011.

RE: NYS Environmental Assessment Review Part 2, Type 1 Action

Mayor Bagley reviewed with the Board the need to complete the Full EAF. The 20 questions of the Full EAF were read allowed and the Board unanimously answered "NO" to all the questions.

RE: Local Law #2-2011, Proposed Zoning Law

Mayor Bagley asked the Board for any questions or comments. The Board was satisfied with the amended copy provided and in their possession.

RE: Floor Open for Public Comments

Mayor Bagley stated the floor was now open for public comments for the combination of the NYS Environmental Assessment Review, Type 1 Action and the new proposed Zoning Law, Local Law #2-2011.

Jamie Landcastle of 7 North Main Street addressed the Board. Mr. Landcastle expressed concern over the new zoning law and felt it would change the character of the community. The law changes the allowed uses of front and back

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yards and it regulate the number of dogs allowed on each property. He felt that such regulations were too controlling for Rushville. Mr. Landcastle questioned the development of a Comprehensive Plan, asking why wasn't one completed or the old one updated before making a new zoning law. He also expressed concern over the lack of public involvement in the development of the new zoning. Mr. Landcastle stated the Committee on Open Government says that a Comprehensive Plan is necessary to direct Zoning, but the Zoning was developed without an updated Comprehensive Plan. Mr. Landcastle continued by saying that businesses in Rushville are slow during the winter and he is concerned that the new zoning will hinder local businesses and will prevent new ones from opening in Rushville. He continued by saying the Village of Seneca Falls was dissolved due to excess government and he feels the same can happen with Rushville. Mr. Landcastle stated contractors will not work in Rushville because of the Code Officer. He owns land on Hill Street and wants to build a house there someday, but none of the contractors he is interested in, will work in Rushville. Mr. Landcastle continued to express his feelings regarding the need for a new Code Officer and concluded with the need for the Board to listen to the community.

Trustee Elwell responded to Mr. Landcastle in saying that the Board is not perfect and nothing has been done with the Zoning in 50 years. There was a desperate need for an update. Mayor Bagley continued by saying that the Planning Board has always been reactive at planning instead of proactive. The current Planning Board is trying to figure out how to and is considering tackling the massive project of updating the Comprehensive Plan.

Kim Marie Scherzi of 4 Bryant Square addressed the Board in regards to her support for prohibiting farm animals from being housed in the Village. Ms. Scherzi lives next door to barn with goats. She has been unable to use her back yard and pool because of the smell and flies. The neighbor is hindering her use of her own property. It has been going on for a few years and has been a horrible experience.

Chandra Gilman of 18 South Main Street stated she also live next door to the goats and has not experienced the problems Ms. Scherzi has.

General discussion took place among the audience regarding the flies and goats. At the conclusion of the discussion; no further public comments were offered.

RE: Closing the Public Hearing

After no further public commented were offered, Mayor Bagley closed the public hearing for the NYS Environment Assessment Review, Type 1 Action and Local Law #2-2011, new proposed Zoning Law at 7:07pm.

REGULAR MONTHLY MEETING

RE: Calling the Meeting to Order

Mayor Bagley called the regular monthly meeting to order at 7:08pm.

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RE: NYS Environmental Assessment Review Decision

A motion was made by Trustee Sawers and seconded by Trustee Jabaut to approve the NYS Environmental Assessment Review as a negative declaration with no significant environmental impacts. Unanimously carried.

RE: Special Meeting

A motion was made by Trustee Field and seconded by Trustee Sawers to schedule a special meeting for Wednesday, August 17, 2011 at 7:00pm at the Village Hall for the adoption of Local Law #2-2011. Unanimously carried.

RE: Minutes

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

RE: Banners for Main Street – Dave Burley, Lions Club

Dave Burley from the Rushville Lions Club addressed the Board regarding the purchase of banners for Main Street and Gilbert Street. He gave the Board the design of the banners for their approval.

A motion was made by Trustee Jabaut and seconded by Trustee Sawers to authorize the purchase of street banners at a cost to the Village of approximately \$1500, half the total cost, to be shared with the Rushville Lions Club. Unanimously carried.

RE: Letter from Carol Swartwood

Discussion took place regarding a communication from Carol Swartwood asking for the sewer charge to be eliminated for the Martin Tire Building since there has been no activity in the building for a few years. According to the Sewer Use Law and past practice the sewer charges cannot be terminated unless the connection is terminated. The Clerk was directed to send Ms. Swartwood explaining this.

A motion was made by Trustee Elwell and seconded by Trustee Jabaut to deny Carol Swartwood her request to eliminate the sewer charge to the Martin Tire Building. Unanimously carried.

RE: Letter from Jamie Landcastle

Discussion took place regarding a communication from Jamie Landcastle asking the Board to considering moving the regular monthly meeting night since the school board also meets on the second Monday of the month. Mayor Bagley stated he will contact the Superintendent to discuss further.

RE: Public Works Supervisor – Art Rilands

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

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- A total of 960 feet of sidewalks have been completed. There are a few spots to finish up but 99% of the project for this year is complete. Discussion took place regarding a request to borrow the sidewalk forms. A final decision was not made. Further discussion took place regarding the need to develop a written sidewalk plan.
- Town of Gorham is completing drainage work on Clark Road leading up to Castle Street in the Village. Art explained he would like to continue the work in the Village and then the entire roadway would have covered ditches. It would be beneficial to do it now since the Town is working in the area already.
- A motion was made by Trustee Sawers and seconded by Trustee Jabaut to complete the drainage work on Castle Street. Unanimously carried.
- The Reading Center parking lot could be improved. The upper driveway is not owned by the Village and was suggested that improvements be made to the parking areas so the un-owned area was no longer used. Closer parking could be made in the gravel area to the north of the Reading Center. The curb could be brought around and the area paved. Designated parking spots would be painted. Trustee Elwell was tasked with discussing the idea with the Reading Center Board.

RE: Fire Department

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

- The Cash Raffle fundraiser went very well. Thank you to all who attended.

RE: Reading Center

A copy of this report is on file with these minutes

- Director Dodie Baker will be taking some vacation time. She will attempt to fill the Reading Center hours with volunteers. Any time she cannot cover will result in the Reading Center being closed.

RE: Water Improvement Project

Mayor Bagley shared that the Engineers met with RP Adams, the filter company. They are working on a final design. The Village has a meeting with Chatfield Engineers on Thursday, August 11th. The tentative plan is to bid the project in November. The residents of Shale Beach Drive will be contacted shortly to arrange for a meeting day and time.

RE: Official Zoning Map

Code Officer Reggie O'Hearn shared that the Official Zoning Map still needs to be adopted.

RE: Budget Transfers for Closing of Fiscal Year 2010/2011

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A motion was made by Trustee Elwell and seconded by Trustee Sawers to approve the final closing budget transfers as provided by the Clerk-Treasurer. Unanimously carried.

RE: Headstone Repair in Cemetery

An estimate from Finger Lakes Monument was received for continuing the repair work in the cemetery. Discussion took place regarding the work that was previously completed. The work included in the estimate would be for sections 3 and 4. The pressure washing being done in house is going very well.

A motion was made by Trustee Sawers and seconded by Trustee Elwell to accept the estimate for approximately \$7800 from Finger Lakes Monument to complete the headstone repairs in the cemetery. Unanimously carried.

RE: Unsafe Building at 20 Gilbert Street

Code Officer Reggie O'Hearn informed the Board that Peggy Fuller of 20 Gilbert Street has an accessory structure (barn) that is in very poor shape and could fall at any moment. He has sent her several violation notices but has not been contacted in return by Ms. Fuller. A public hearing needs to be set in accordance with the Property Nuisance Abatement Law in order for the Village to proceed.

A motion was made by Trustee Sawers and seconded by Trustee Jabaut to set a public hearing for the unsafe structure on the property of Peggy Fuller at 20 Gilbert Street as in accordance with the Property Nuisance Abatement Law. Unanimously carried.

RE: Janet Landcastle

Janet Landcastle, 24 Gilbert Street briefly addressed the Board regarding the need for the community and Board to build a sense of trust with one another.

RE: Bills

A motion was made by Trustee Elwell and seconded by Trustee Jabaut to authorize payment of the general bills in amount of \$24,590.96, noting \$155.00 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 Sawers and seconded by Trustee Elwell to authorize payment of the water bills in amount of \$1886.32. No prior payments were made. Unanimously carried.

A motion was made by Trustee Jabaut and seconded by Trustee Sawers to authorize payment of the sewer bills in amount of \$4,810.74. No prior payments were made. Unanimously carried.

RE: Adjournment

A motion was made by Trustee Elwell and seconded by Trustee Sawers to adjourn the meeting at 7:48pm. Unanimously carried.

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Respectfully Submitted,

Jennifer Gruschow
Clerk-Treasurer