

RUSHVILLE VILLAGE BOARD MEETING
February 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, Todd Conaway, Dodie Baker, Reggie O'Hearn, Larry & Pam Brown, Tom Curtis, Kim Morganti, Barb Dunham, Jonette Keneston, Tina Ryan, Sean Ryan, and other unidentified guests.

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 Elwell and seconded by Trustee Jabaut to adopt the minutes from the January 9, 2012 regular monthly meeting and January 25, 2012 special meeting as printed. Unanimously carried.

RE: Tom Curtis – 57 North Main Street

Tom Curtis of 57 North Main Street addressed the Board regarding a letter he received stating his sewer units would be increased because his home is a 2 family residence. Mr. Curtis said he does not feel this is appropriate since he does not have an actual apartment. There are two living areas, but access can only be gained to the second by entering through the first. Mr. Curtis also explained his son and his family lives there and he does not collect rent. Much discussion occurred regarding this topic. Trustee Field stated he think Mr. Curtis should remain at a single sewer unit charge since it is not a true apartment and no rent is received. The Board discussed that if Mr. Curtis ever did receive rent, the sewer charge would be increased.

A motion was made by Trustee Elwell and seconded by Trustee Field to have the sewer rate for 57 North Main Street remain at a single unit charge of \$70/quarter, which coincides with a 1 family residence. Unanimously carried.

RE: Nancy Cleveland - 17 North Main Street

Nancy Cleveland addressed the Board by letter, asking for them to reduce her sewer unit charge from 2.4 units to 1.6 units. Her home was a 3 family residence however she has since removed one upstairs apartment and now only rents one apartment and lives in the other.

A motion was made by Trustee Elwell and seconded by Trustee Sawers to reduce the sewer unit charge for 17 North Main Street from 2.4 units to 1.6 units due to the fact the second upstairs apartment was removed reducing the apartments from 3 to 2. This change would take effect after the new fiscal year, with the July 2012 billing cycle. Unanimously carried.

RE: 9 Chapel Street – Code & Zoning Violations

Code Officer O'Hearn officially reported to the Board the property at 9 Chapel Street is in violation of the Village Zoning Law and NYS Property

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Maintenance Codes. The occupants are housing 2 horses on the premises and the lot is filled with endless rubbish, debris and several unlicensed vehicles. The occupants have not made any effort to clean up the property since he issued the violations which were sent via certified mail. Code Officer O'Hearn explained that if they do not comply with the order to remedy, a final 10 day notice will be issued and then if nothing is done, legal actions and court proceedings will begin. He will need to contact Village Attorney Bill Kenyon on moving forward with the proceedings. The property owner will be issued fines at a rate of \$250 per violation per week, which could also include 15 days of imprisonment. The property needs to be cleaned up and be in compliance with the Village Zoning Law and NYS Property Maintenance Codes.

The Board discussed this property further and expressed their disappointment in its appearance. Chapel Street was always a pristine area of the Village and it is a shame that 9 Chapel is in just poor condition. The Board has received several verbal complaints from other residents on Chapel Street and throughout the Village. Many have asked when the Village will act to clean up the property. The Board expressed their concern to Code Officer O'Hearn on the need to get the property cleaned up.

Paul Curtis of 10 Union Street also addressed the Board regarding the property at 9 Chapel Street. He stated his property adjoins to Carmen Spina's back property, who is the neighbor of Joe Rosato. Recently several cars have appeared at the back of Ms Spina's property and Mr. Curtis believes they belong to Mr. Rosato. Code Officer O'Hearn said he would drive up Union Street and cite any violations he sees.

Barbara Dunham of 7 Chapel Street asked how soon the neighboring property would be cleaned up and the horses removed. Code Officer O'Hearn explained that the first notice will end on February 22nd, after that a final 10 day notice will be issued to remedy the violations. After that violations are issued on a weekly basis and fined at a rate of \$250 per violation per week as previously mentioned. Legal action will result in a judge issuing a court order to remedy the violations. He stressed that the time frame is important. Someone who is in violation has to be given the opportunity to remedy the violation. The process takes at a minimum of 30 days. Code Officer O'Hearn and Ms. Dunham discussed future access to her property and Ms. Dunham stated that Code Officer O'Hearn was allowed access to her property at any time for the purpose of inspecting and viewing the neighboring property.

RE: 55 South Main Street – Code & Zoning Violations

Code Officer O'Hearn discussed with the Board the events that have taken place at 55 South Main Street. The owner of the property, Kim Morganti was present. Code Officer O'Hearn stated he received a complaint from a tenant that her apartment was infested with rats. He contacted Ms. Morganti via telephone and mail and explained that she needed to hire a licensed exterminator to give a report on the property since he had received a complaint. Ms. Morganti explained she had an exterminator come to the property. The exterminator inspected the lower

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apartment; however the other tenant would not allow access to the upstairs apartment. This tenant has become a problem for her. She feels the complaint was fictitious. Code Officer O'Hearn explained that he received a report from the exterminator, Ms. Morganti hired, and it did not list rats, but did say there was evidence of mice and roach infestations. He said he must ensure the property is livable and therefore he must have another report from an exterminator saying the mice and roach infestations have been taken care of. Further discussion occurred and Ms. Morganti stated that the upstairs tenant will be moving out at the end of the month and before a new one comes in, she will get an exterminator into the upstairs apartment to resolve all issues. The Board discussed the matter further and also agreed that final written proof needs to be given to Code Officer O'Hearn and a timeline needs to be set for this problem to be resolved.

A motion was made by Trustee Jabaut and seconded by Trustee Elwell to give Kim Morganti, owner of 55 South Main Street, until March 30th to remedy the infestations regarding roaches and mice that were listed on the exterminator's report and to provide Code Officer O'Hearn with a final exterminator's report stating the infestations had been dealt with. This must be done before the above date and prior to a new tenant moving in. Unanimously carried.

RE: Monthly Report from the Code Officer

Trustee Field stated that he and the rest of the Board would like to see a written monthly report from Code Officer O'Hearn so they are more up to date on what activity is going on in the Village and what issues he is dealing with. All the other department heads issue a monthly report.

RE: Public Works Supervisor – Art Rilands

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

Streets: NYSEG's tree trimming crew destroyed several trees in the Village. He feels they will soon die and will have to be taken down in the spring because they were not property trimmed.

RE: Fire Department – Todd Conaway

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

Trustee Field commented on the amount of EMS calls versus actual fire calls.

RE: Reading Center – Dodie Baker

Reading Center Director Dodie Baker shared with the Board that she had received a grant for children's books from the Libri Foundation. She is very excited for this was the first grant she had ever written. She explained that if the "Circle of Friends" is able to raise \$350, the foundation will double the match for a total of \$1050 worth of children's books. The Board congratulated Dodie on her achievement and thanked her for her efforts.

Trustee Sawers stated that he feels the Board needs to seriously consider expanding the Reading Center. It is used constantly and is always busy. The space is just too small and not fully functional. Discussion occurred regarding the cost of

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the membership to Southern Tier Library System. Mayor Bagley asked Dodie if the Village would ever be able to break away from them and she did not feel that was possible because they offer too many services that our small Village couldn't do on its own.

RE: Public Hearing for Local Law #1-2012

A motion was made by Trustee Sawers and seconded by Trustee Field to set a public hearing for Local Law #1-2012 for March 12, 2012 at 6:45pm at the Village Hall, 1 South Main Street, Rushville, NY. Unanimously carried.

RE: Water Improvement Project

Mayor Bagley shared with the Board that the Engineer's are working to prepare the contractor agreements and have asked for the Board to authorize signing since they need to move forward before the next board meeting in March.

A motion was made by Trustee Elwell and seconded by Trustee Sawers to authorize Mayor Jon Bagley to sign the contractor agreements for Contracts A, B, C & D, once approved by Attorney Kenyon. Unanimously carried.

RE: Reading Center Parking Lot

Public Works Supervisor Art Rilands asked the Board who he should discuss his ideas with on improving the Reading Center parking lot, the Village Board or the Reading Center Board. The Board said they would review it at budget time.

RE: Credit Card Holder

A motion was made by Trustee Sawers and seconded by Trustee Jabaut to add Reading Center Director Dodie Baker as an authorized Village credit card holder. Unanimously carried.

RE: Cathodic Protection Agreement for Water Tank

A motion was made by Trustee Jabaut and seconded by Trustee Field to renew the cathodic protection agreement for the water storage tank with Corrpro, Inc. Unanimously carried.

RE: International Dump Truck

PWS Rilands explained to the Board that he would like to sell the International dump truck. It takes up a lot of space, requires maintenance and only had 350 miles put on it last year. The cost to pay someone to haul material twice a year will not equal the cost of owning the truck and the space it takes up in the barn. He would like to take it the municipal auction in Palmyra.

A motion was made by Trustee Sawers and seconded by Trustee Field to declare the International Dump Truck surplus equipment and to have it be sold at the Teetsworth Municipal Auction in Palmyra in the spring. Unanimously carried.

RE: Flower Boxes on Main Street

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PWS Rilands shared with the Board the idea of having residents, businesses and organizations adopt a flower box. We have always struggled getting help from the school agricultural program, even though they say they want to do it. He thought it would be a good idea to make a competition out of it and then they could be judged during Community Days in August. Maybe the Village could award the winner, \$50.

The Clerk will put an ad in the quarterly newsletter for the flower box competition and will hang up flyers around the Village.

RE: Bills

A motion was made by Trustee Elwell and seconded by Trustee Jabaut to authorize payment of the general bills in amount of \$7,978.77. No prior payments were made. Unanimously carried.

A motion was made by Trustee Field and seconded by Trustee Sawers to authorize payment of the capital project bills in amount of \$868.39. No prior payments were made. Unanimously carried.

A motion was made by Trustee Elwell and seconded by Trustee Jabaut to authorize payment of the cemetery bills in amount of \$413.75. No prior payments were made. Unanimously carried.

A motion was made by Trustee Jabaut and seconded by Trustee Sawers to authorize payment of the water bills in amount of \$4,735.03, noting \$5.00 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 Field and seconded by Trustee Jabaut to authorize payment of the sewer bills in amount of \$6,175.45, noting \$1,146.00 had already received payment due either to prior authorization or a due date prior to the board meeting. Unanimously carried.

RE: Adjournment

A motion was made by Trustee Field and seconded by Trustee Sawers to adjourn the meeting at 7:53pm. Unanimously carried.

Respectfully Submitted,

Jennifer Gruschow
Clerk-Treasurer