

# RUSHVILLE VILLAGE BOARD MEETING

July 9, 2012

TIME: 6:45 PM

PLACE: Rushville Village Hall

PRESENT: Trustees Charles Elwell, David Field, Timothy Jabaut, & John Sawers

ABSENT: Mayor Jon Bagley

ATTENDANCE: Kathy Gorton, Janet Landcastle, Randy & Patricia Green, Michael Fuller, Reggie O'Hearn, and Dodie Baker.

## PUBLIC HEARING

RE: Opening the Public Hearing

Trustee Elwell opened the public hearing at 6:45pm.

RE: Unsafe Structure at 20 Gilbert Street

Trustee Elwell reviewed with the Board that Code Officer Reggie O'Hearn has deemed the back portion of the house at 20 Gilbert Street to be unsafe and must be demolished. It has been reported that the shingles from the structure are blowing onto the neighbor's property and damaging the siding and vehicles. Additionally Code Officer O'Hearn stressed the need for the problem to be resolved immediately and to remove all debris from the side porch to control the rodents and varmints living around and in the house.

Michael Fuller was present to represent the property owner, his mother Peggy Fuller. Mr. Fuller asked if the roof could be covered with a tarp to prevent debris from blowing off. Code Officer O'Hearn stated that the tarp would be a very temporary fix and will be damaged by the sun and will tear in the wind. Further discussion occurred regarding the need to remove the shingles and Trustee Elwell asked Mr. Fuller if the shingles could be removed immediately. Mr. Fuller stated he would follow whatever timeline was set by the Village but had planned on demolishing the building in September. Code Officer O'Hearn reminded the Board they have the ability to fine the property owner if a deadline is not met. The Board discussed a timeline with Mr. Fuller and it was agreed upon that the roof would be stripped and building secured by Monday, July 16<sup>th</sup> and the debris and rubbish removed from the premises also in the same time frame. The back portion of the house and the garage will be demolished in September.

Kathy Gorton of 18 Gilbert Street asked for a stricter timeline. That she, as a neighbor, has been dealing with the hazard next door for quite some time. She stated it was her understanding the order to remedy the violation gave a deadline of May 31, 2012. Ms. Gorton stated she used to mow the lawn next door but refused to do so this year. She has been told by a realtor that her house value suffers due to the Fuller property next door. She added that her husband's truck has damage in the amount of \$400 due to shingles from Fuller's roof hitting his truck. Who will be responsible for paying for this?

Patricia Green of 3 Railroad Avenue stated that if the property is condemned, then it is not livable and should be demolished. Code Officer Reggie O'Hearn stated that just because a structure is condemned it does not mean it needs to be demolished. Ms. Green stated the property has been in poor shape for a long time

# RUSHVILLE VILLAGE BOARD MEETING

July 9, 2012

and asked why it hadn't been taken down. Trustee Elwell reassured Ms. Green that the problem would be resolved. The Village is now involved. Ms. Green asked what if the owner does not resolve the problems. Trustee Elwell stated the Village will then demolish the back portion of the house and garage per Code Officer O'Hearn's recommendations.

Ms. Gorton readdressed the Board regarding the damage to her husband's truck and also noted that she has tar on the side of her house, also from the shingles that has to be removed. She stated that she can hold the Code Officer and Village responsible for the damages. Ms. Green stated that they are taxpayers and should not have to live next to such a property. Ms. Gorton mentioned that there are animals living on the property both wild and stray cats. There is plenty of debris and rubbish that needs to be removed. Code Officer O'Hearn stated that the debris and rubbish would be removed as previously discussed. Further discussion occurred among the Board regarding deadlines. Ms. Gorton and Ms. Green expressed grave disagreement in regard to the discussed deadlines. Ms. Gorton asked again about the damage to her husband's truck and to the side of her house. Who will pay for the damage? The Board said to contact Ms. Fuller since she is the owner of the property. Trustee Elwell also asked Ms. Gorton to give the Village Clerk copies of the damage estimates for discussion at the next board meeting.

RE: Closing of the Public Hearing

Trustee Elwell closed the public hearing at 7:10pm

## REGULAR MONTHLY MEETING

RE: Calling the Meeting to Order

Trustee Elwell called the meeting to order at 7:10pm.

RE: Unsafe Structure at 20 Gilbert Street

A motion was made by Trustee Sawers and seconded by Trustee Field to order the property owner of 20 Gilbert Street, Peggy Fuller to ensure the shingles are stripped from the back portion of the house and all debris to be removed from the property by Monday, July 16, 2012. If such is not completed by said due date the Village will take action to complete such tasks. The back portion of the house and garage will be demolished completely and all debris removed by September 10, 2012. The house will also need to be secured to ensure no person or animal can inhabit the house. If the above is not completed by such assigned dates, fines will be imposed from the date of the first violation notice.

Motion was unanimously carried with four ayes, Jabaut-Aye, Field-Aye, Sawers-Aye, Elwell-Aye.

RE: Minutes

Trustee Sawers asked the Board if a decision was made regarding the cemetery headstones at the last meeting. He thought one was and the minutes did not mention such. The remaining Board did not believe a decision was made.

# **RUSHVILLE VILLAGE BOARD MEETING**

**July 9, 2012**

A motion was made by Trustee Sawers and seconded by Trustee Field to adopt the minutes from the regular monthly meeting held on June 11, 2012 as printed. Unanimously carried.

RE: Public Works Supervisor – Art Rilands

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

RE: Reading Center Director – Dodie Baker

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

Dodie shared that she will be getting help from Yates County Workforce Development. This is helped paid for by the County for individuals' ages 12-19 years old. Dodie also inquired on when the new front door would be installed. The Board stated soon. She asked that it just not be done during her open hours or the summer reading program.

Trustee Elwell thanked Dodie for her efforts. The Reading Center is an active location in the Village.

RE: Code Enforcement Officer – Reggie O'Hearn

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

Reggie reviewed with the Board the timeline of violation notices for 20 Gilbert Street. He received the first written complaint on April 17, 2012 from Kathy Gorton. He sent the first violation out on May 11, 2012 but there were several issues with locating a proper address for the Peggy Fuller, the property owner, but Ms. Fuller was notified of the violation both verbally and in writing. The property issue was addressed at the June Board meeting and a public hearing was set to demolish the portion of the structure that was deemed unsafe. Reggie stressed that the property owner's rights cannot be denied or the whole case will be thrown out of court if it got to that end point.

Other properties in need of repair and grass mowing were discussed. Those properties will be addressed by Reggie. Further discussion occurred regarding how intrusive does the Board want the Code Officer to be. According to the NYS Building Code, peeling paint is a violation however it was concluding such scrutiny was not necessary for the Village. Reggie does not police the Village, he mostly responds to complaints.

RE: Budget Transfers for Fiscal Year 2011/2012

A motion was made by Trustee Sawers and seconded by Trustee Field to authorize the budget transfers as provided by the Village Clerk-Treasurer. Unanimously carried.

RE: Water Improvement Project

A status report was provided by Jason Foote of Chatfield Engineers. The Board reviewed this report.

RE: Sidewalk Plan

# RUSHVILLE VILLAGE BOARD MEETING

July 9, 2012

No discussion occurred on this topic for there was nothing to report.

RE: Cemetery Maintenance

Trustee Field met with Art regarding the cemetery maintenance and feels overall the cemetery is in good shape. There are some headstones where the landscaping is getting out of hand and is a little excessive. Trustee Jabaut commented that he has talked with other cemeteries and they are strict and do not allow plantings or ornaments. He did want to bring before the Board that he noticed a full can of beer on a grave. The Village should be certain to be aware of such things and remove them immediately so teenagers do not get ahold of the alcohol.

RE: Cemetery Headstones

Straightening of the headstones will be discussed next month. Art will be asked to get an estimate for repairs.

RE: Bills

A motion was made by Trustee Jabaut and seconded by Trustee Field to authorize payment of the general bills in amount of \$10,226.77, noting \$315.50 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 Jabaut to authorize payment of the capital project bills in amount of \$135,350.77. No prior payments were made. Unanimously carried.

A motion was made by Trustee Field and seconded by Trustee Sawers to authorize payment of the cemetery bills in amount of \$150.00 No prior payments were made. Unanimously carried.

A motion was made by Trustee Sawers and seconded by Trustee Jabaut to authorize payment of the water bills in amount of \$2,651.77. No prior payments were made. Unanimously carried.

A motion was made by Trustee Field and seconded by Trustee Sawers to authorize payment of the sewer bills in amount of \$2,969.55. No prior payments were made. Unanimously carried.

RE: Adjournment

A motion was made by Trustee Sawers and seconded by Trustee Field to adjourn the meeting at 8:00pm. Unanimously carried.

Respectfully Submitted,

Jennifer Gruschow  
Clerk-Treasurer