

THE RUSHVILLE VILLAGE BOARD MEETING

OCTOBER 3, 2016

DATE: 10/3/16

TIME: 6:45

PLACE: The Rushville Village Hall

PRESENT: Mayor: John Sawers

Trustees: Holly Krossber, Kimberly Payne, David Masters

Clerk: Joanne Burley, Deputy Clerk: Tricia Phillips

ATTENDANCE: Approximately 37 members of the Community signed in with 16 of them signing in to speak when called upon.

Re: Call to order of the Public Hearing:

The Mayor asked for a motion from the Trustees to open the Public Hearing. Trustee Kimberly Payne made a motion to open the Public Hearing at 6:45. A 2nd was received from Trustee Holly Krossber. The Public Hearing was opened.

Violations of the 9 Chapel Street property. The property owners are William and Marie Barker. The Mayor Sawers announced we are having a Public Hearing today because of the continuous code violations, Mayor asked if there was anyone here tonight to represent the Barkers? There was no response.

The Mayor called on Reggie O'Hearn, the Code Enforcement Officer. Reggie said he has had no contact from the Barkers. They are in continued violations. The fines have continued at \$250 per week. To date the fines are \$5,750.

Trustee Holly Krossber asked how long has it been that fines have been running and Reggie responded, since the last Public Hearing. The minutes can be checked to verify the date. The Mayor asked for more comments. Trustee Holly Krossber made a motion to approve the fines of \$5,750 to be assessed to the Barkers. A seconded was made by Kimberly Payne. The motion was unanimously carried. A bill will be sent to the Barker's for payment by the Clerk.

Mayor Sawers made a motion to close the Public Meeting. A 2nd was made by Trustee Kimberly Payne. All in favor and the Public Hearing was closed.

Re: Board Meeting – Salute to the Flag:

At 7:00 p.m. the Mayor opened the regular board meeting by having everyone rise to salute the flag.

Re: Approval of Minutes:

The Mayor asked the Trustees if they had a chance to review the minutes from the September meeting. He asked for a motion to approve the minutes. Trustee Kimberly Payne asked that a correction be made to the statement she made at the last meeting about the School Board charging the booster clubs \$28 per hour to use the facility. Kim said this is a proposal that the business office is proposing to the School Board that is to be put into place. The correction will be made.

Trustee Kimberly Payne made a motion to accept the minutes from the September meeting. Trustee David Masters 2nd the motion. The motion was unanimously carried.

THE RUSHVILLE VILLAGE BOARD MEETING

OCTOBER 3, 2016

Re: Communications, Petitions & Guests:

Mayor John Sawers introduced their leader Mr. Jones & Boy Scout Troop 243. The Mayor asked Mr. Jones to tell us why the boys are here. Mr. Jones said the boys are working on their communication merit badge, which is a requirement for completing Eagle Scout status. The boys are here to listen to a governmental meeting and learn how they can help in their communities.

Mayor Sawers also mentioned that Heather Clark's Girl Scout troop has been recognized for earning the Junior Girl Scout Bronze award. The village has sent them certifications, congratulating them on their accomplishment. The girls names earning the certificates are as follows: Hailey Clark, Rachel Brown, Sarah Brown, Maddie Perot, Brianna Murphy, Chloe Bootes and Angelina Jordan.

Re: Martin Building –Holly Krossber:

Mayor Sawers asked Trustee Krossber to update the Trustees on the Martin building. Trustee Krossber responded that she understands the building has been condemned and that there is no Certificate of Occupancy. This means that the building cannot be used at the present time. We are still researching the legality to use the building. We continue to look into the matter.

Re: Speakers:

A signup sheet had been sent around for anyone that wanted to speak to sign in so they could be allowed to speak.

The Mayor introduced the Village Attorney, Tom Blair from Cheney & Blair. Mr. Blair explained to the public the procedures of a board meeting. He said he does this with any municipality he represents. He has asked the board to adopt a series of rules so everyone understands what is expected. When you are speaking, only address the board, not the people in the audience. There will be no profanity allowed. I understand past meetings have gotten out of hand with profanity and speaking out of turn. When you are allowed to speak at a board meeting it is a privilege. If you do speak out of turn or are not respectful, you will be warned, if you repeat this action you will be asked to leave the meeting immediately and you will be charged with trespassing. He said he takes this very seriously. Your board was elected to serve the Village. Yes, you have the freedom of speech, but you must be respectful. You do not get to threaten the board members.

Because of the number of speakers there will be a 2 minute time for each speaker. Someone from the crowd said that was not enough time, but Mr. Blair repeated that 2 minutes will be allowed as there were many people who wanted to speak and the board still has the regular board meeting to conduct along with all the speakers. When the timekeeper raises her hand, please wrap up your comments. If there is time at the end of the meeting and the board wishes to let you speak again, you can, but it will be up to the Mayor if that is allowed.

Mayor Sawers called the first person on the list to speak.

THE RUSHVILLE VILLAGE BOARD MEETING

OCTOBER 3, 2016

Joe Brown

Mr Brown thanked the board for letting them speak tonight. He said he understands the violation and the liability, but does not understand the rent that was proposed. He is not sure if we are trying to make a profit but \$500 is way too much. You add that rent with the utilities and there is no way they can afford that amount. Mr. Brown also wanted to know why the Mayor had not responded to the press. He asked the board to reconsider the amount of the rent. He said, "It is not called for."

Trustee Holly Krossber asked permission to responded to Mr. Brown. Mayor Sawers gave her permission. She asked him where he got that figure. He said he read it in the paper. She said just because you read it in the paper does not make it true, that was incorrect. She said these were just ideas. We were thinking more in the line of \$250 for the Wrestlers and \$250 for the Yoga. Yoga charges \$12 per head and there insurance costs them \$11 per month. Why should

taxpayers pay for them to make a profit? You just don't have all of your facts. These were ideas to talk about.

Mr. Brown requested we charge \$1.00 or \$.50 per organization. Then said "You people are stressing me out".

John Schuppenhauer, Atty

Mr. Schuppenhauer said, he was there to represent the Wrestling Club. He said he would try to keep his comments short but he has never known a lawyer to keep a speech under 2 minutes! He introduced the NuWay group as a not for profit group. He also said he had Terry Lucero who is the Imperial Wrestlers Coach with him and also Kevin Smith who would tell us about the capital expenditures. The club has occupied the building without a Certificate of Occupancy for 2 years and they would be glad to pay the fee to obtain the certificate of occupancy. Or whatever is necessary to remove the red tag from the building. The club has put 2550 man hours into the building. Please consider funds and hours that have been spent. He encouraged good judgement for children and citizens of the village. He is looking for an agreement with the Village for upcoming matches and is willing to sit down and discuss the terms and conditions and formalize a plan. He said this can only benefit the community and the board should honor the agreement that was made with the previous board. Trustee Krossber asked Mr. Schuppenhauer if the wrestling club is a 501.3c (non profit) and he said the club is an unincorporated organization.

Adam Burgos

Mr. Burgos announced he is the President of the NuWay wrestling Assoc. The club was started over 5 years ago and they are in 150 locations. The Imperial Wrestling Club has been a member for 2+ years. We are a National Association and in 19 states with approximately 221,000 members. This club provides an opportunity to enhance skills both in wrestling and real life.

THE RUSHVILLE VILLAGE BOARD MEETING

OCTOBER 3, 2016

Jack Schuppenhauer cut in and mentioned has a certificate of insurance. He said over \$20,000 of community efforts, countless hours have been put into the building. Again, I encourage you to sit down and hash things out among the Village and both attorneys to permit this organization to continue.

Terry Lucero

Mr. Lucero is one of the coaches for the club said he grew up in Bloomfield with a single Mom and then went to Cornell. Wrestling was my avenue. I could have gone either way. I want to give back. Wrestling helps keep kids off the streets. The wrestling club has provided enrichment to the Village. Their plan was to continue to beautify the building. By not letting us continue to use the building is unfair to the kids. There is a heroin problem in the County and this helps kids to stay away from these type of things.

The building can be used for other things such as martial arts, gymnastics, tumbling groups. This is an avenue to so many good things.

The season starts Nov. 7th and we are locked out. We have already said when we are done with the building we will turn it back over to the Village for their use.

Kevin Smith

Kevin said he had reached out to individuals and they came from all over. They gutted, framed, insulated and re-wired the building. Reggie O'Hearn inspected the building through the whole

process. Fire alarms are needed and railings are needed and we are working on this. We are exploring the bathroom issue. People are willing to help. Dollars are needed to be raised and it takes time.

We have no problem sharing the building. Other events have to be mat oriented but the mats can be rolled up. We were planning on doing a face lift of the building and fix the roof.

If we had paid the improvements out of pocket even at min. wage we would have spent \$22,312.50. Union wage would have been more like \$51,000.

Jack Schuppenhour interceded and said the building can promote youth. The work has been done and saved the Village the expense of getting the work done. They are willing to pay Reggie for the use of the building. He would like us to open the building right away to get these kids back in the building. Sit down among the Board members and the attorneys and hammer out an agreement.

Tom Blair offered clarification as to why the building was tagged. There is lack of a Certificate of Occupancy. It is not ADA compliant. There is no cookie cutter terms for this. There is a separation between the Board and the Code Enforcement Dept.

So everyone understands. The boards first responsibility it to protect the interests of the taxpayers and residents of the Village.

THE RUSHVILLE VILLAGE BOARD MEETING

OCTOBER 3, 2016

He pointed out the taxpayers are currently paying for the utilities. Everyone needs to understand the legal aspects of the whole use of the building. When documentation is found it will be reviewed. However, more investigation has to be done. The important question is, "Does the Village want to be in the rental business?" Please understand, there is a degree of concern. The Board's main objective is to its taxpayers. They owe it to the taxpayers.

Jack Schuppenhauer said the people in the program have a right to know why they have been locked out. If code violations need to be met we will meet them. Time is of the essence. I will meet with Reggie to get these corrected.

Mayor Sawers responded. Since this started he has not answered questions from the media. He has been subject to slander along with his family by the local community, school and the press. It was even taken to a 8th grade class. Which is not fair.

Anne Grover said people of the Village were not informed. I feel sorry for the wrestlers. I feel the program is good and is sorry that this disagreement is present. The Trustees have a responsibility to the Village. She reminded us of the Boy Scout issue of an injured arm and the legal action that was taken. The Village needs to be protected. Unfortunately, in this day and age everyone wants to sue. It only takes 1. I think Code enforcement rules are out of control. When I put an addition on my house for my Mom it took years before it was completed. Nobody is against the wrestling program. I think you need to ask for a direct vote from the community to voice their opinions.

I wish the best for the wrestlers and I am all for getting kids off the streets.

Joe Brown said, "We own a park, kids play in the park and I actually had a friend die in the park playing football ,are you going to close the park because someone might fall." Certain things are worth the risk.

Lynn Fish is one of the coaches and workers. His son loves the program and wants to continue here. The original hand shake and promise made needs to be honored. Do the right thing.

Jessica Smith

Ms. Smith stated there was a lot of communication. The board has not been willing to communicate. In August Trustee Holly Krossber was assigned to the Martin building as a committee of 1. She mentioned Chuck Elwell and Dave Masters should have been assigned also. Trustee Holly Krossber and Mayor Sawers denied contact with Kevin Smith. She also mentioned the disagreement between Trustee Elwell and Trustee Krossber was uncalled for and the board should not have allowed it. She stated former Mayor Jon Bagley is more than willing to assist with the planning. Community members are needed on the panel for community center decisions. She requested a new committee and a dismissal of Trustee Holly Krossber as a member of the board.

Her time was up and she said she will submit attachments to the minutes by email to the clerk

THE RUSHVILLE VILLAGE BOARD MEETING

OCTOBER 3, 2016

Dave LeClair

Mr. LeClair said he is all for keeping kids off the streets. He missed the last meeting do to an incident involving bad kids trying to break into his home. If we can do anything to keep kids off the street that is a good thing. Consider the rent option.

I also want to mention that I was in support of Trustee Chuck Elwell and Jennifer Gruschow. Chuck was not able to leave on his terms. Chuck and Nancy Elwell have been a rock in this community and it is unfortunate how he left the board. He thanked Chuck for his years of service and it was unfortunate that he did not leave on his terms. What plans do you have to replace Trustee Elwell?

Tom Blair reminded Mr. LeClair to keep the subject to the Martin Building.

Mayor Sawers said the plan to replace Trustee Elwell are still undecided.

Tom Blair, Atty asked the group to please contain comments to the Martin Building. It was my legal advice when we took over as legal counsel to have Trustees be involved in different areas. There was a lot going on back there. Every Trustee should be a liaison to different dept. Trustee Krossber was appointed to the Martin Building by my encouragement from her legal experience.

Ginny Curtis

Ginny asked about the audit that has been talked about. She said there were all kinds of rumors before the election about dollars being used for personal gain and she wondered if this was going to be made public. Tom Blair reminded her we are taking questions regarding the Martin Building and she would have to wait until later.

Doug Rigby

Doug said the wrestling program was performing under a handshake deal. They should have asked for a written agreement before they started. I would have questioned it.

Kim Bagley

Kim stated the buildings were donated by the Martin family and they would have been happy with a community center. If Ralph Martin was around he would have embraced this idea. This is a grass roots community, the community center is a dream of the Village. The board needs to make it work. All of the family was behind this project. The people of the Village want this and the board needs to understand this and make it work. The board needs to wake up!!!

This is not Washington DC. I care about the Village. Hindsight is 20/20, s*** happens, sorry.
"Wake up Kim"

Don Miller

Don said he thinks it's great what the wrestlers are doing and hopes it will work out. He has more questions. He will find out his answers at a later time.

THE RUSHVILLE VILLAGE BOARD MEETING

OCTOBER 3, 2016

Mary Colf

Mary is a Village resident and wondered how this was benefiting all of the Village. It seems it is for wrestlers only. There is no room for chairs and it is not open for other activities or events. Someone interceded and said the mats can be rolled up. Mary thinks it would be best if there was an area for both. It was proposed early as a Community building and that is not what it is. An area for both would be great.

Kim Bagley it is not just for the wrestling group. We must move forward.

Lori Wessinger

Lori is a teacher at Marcus Whitman responded to the comment made earlier about her 8th grade class. The kids are invested in the Community. They are looking at different issues. They are getting kids involved. They had lots of questions. Mr. Bagley came to the class and was very professional. She planned to invite Mayor Sawers to come to her class as well.

Mayor Sawers commented that he saw the notes one of her students took and it was not professional at all when names are mentioned in an inappropriate way. He saw the students notes and she was afraid to let her name get out but she was very upset. Ms. Wessinger responded that she collected all the notes and Mayor Sawers replied he had a copy of those notes.

Mayor Sawers said we are done with the speakers. Now we will move on to our regular meeting.

Mayor Sawers called on Art Rilands for his report.

Re: Reports of Committees:

Re: Public Works Supervisor – Art Rilands

Water:

Art said the water tank needed to be washed. It would cost about \$700 per day and should take 2-3 days to do. A motion was made by Trustee Dave Master and 2nd by Trustee Kimberly Payne to have the water tanks washed. The motion was unanimously carried.

Art also told the Trustees they did some asphalt patching so all the blacktop should be done for the year. The leaf equipment will be ready soon. Past years we have done leaf pickup in the middle of the month, but this year it looks like it will be later.

Warren St. will get seeded this week.

The old F550 truck was sold at auction for \$11,000. The Village has received a check for 10,600.

Sewer:

Art reported the flows are still way low. The Mayor reported the Home Survey is on its way. There were some sewer problems at 80 S. Main St but it turned out to be blockage in the building.

THE RUSHVILLE VILLAGE BOARD MEETING

OCTOBER 3, 2016

Park:

Art told the board he put some large pieces of concrete in the creek bank to stop the kids from riding bikes there. Seems to be working. Another new sign is being put up on the Village side of the park with the rules of the park.

Fire:

Art reported there were 8 fire incidents this month. This included the house on 46 Main Street. Reggie O'Hearn is working on getting bids to knock down the building.

Mayor Sawers called on Dodie Baker for the Reading Center report.

Re: Reading Center Director – Dodie Baker

Dodie Baker reported she is still working on the bright light at the Reading Center. She spoke to Art about a possible filter. They have tried to tip the light up, but it doesn't shine on the flag. She will come up with a solution.

Dodie referred to her report that stated the "The Circle of Friends" are planning "Christmas Time in Rushville" which will be held on Friday, Dec. 2, 2016. There will be another meeting on Oct. 24th on the subject.

Dodie also mentioned the Halloween Night at the library on Oct. 31th from 6-8.

Dodie will be attending the STLS 2016 Annual Meeting and Conference on Oct. 13th.

Re: Code Enforcement officer, Reggie O'Hearn:

Reggie said he is working with insurance companies for removal and cleanup of 44 S. Main St. 9 Chapel Street is still in violation.

Martin Building has been condemned.

Re: Unfinished Business:

Mayor Sawers mentioned to the public that there is a curfew law for the Village. It states there should be no minors, 17 years old or younger on the street between the hours of 10 pm and 5 am.

Trustee Holly Krossber reported to the Board that the Clerk had investigated the taxes that were paid on the 3 Bassett St. property. The assessor Mary L. had a conversation with Jennifer Gruschow who told her the property was sold to a Mr. Smith and to leave it on the tax roll. Trustee Holly Krossber asked the clerk to contact Mary again to see when the last day is to take it off the tax roll so we won't be assessed County taxes if it isn't sold by then.

THE RUSHVILLE VILLAGE BOARD MEETING

OCTOBER 3, 2016

Re: New Business:

Mayor Sawers told the public that the Income Survey will be coming out. It is very important that people fill this out so we can show that average income of the residents. This plays an important part in getting financing for our Sewer Project.

Re Bills:

A motion was made by Trustee Holly Krossber and seconded by Trustee Dave Masters to authorize payment of the General Bills in the amount of \$25,865.04. The motion was unanimously carried.

A motion was made by Trustee Holly Krossber and seconded by Trustee Dave Masters to approve the Cemetery bills in the amount of \$198.00. The motion was unanimously carried.

A motion was made by Trustee Dave Masters and seconded by Trustee Kimberly Payne to authorize payment of the water bills in the amount of \$4,854.85. The motion was unanimously carried.

A motion was made by Trustee Holly Krossber and seconded by Trustee Dave Masters to authorize the payment of the Sewer bills in the amount of \$3,091.57. The motion was unanimously carried.

Re: Comments from the public:

Ginny Curtis

Ginny asked if the audit had been completed. Mayor Sawers responded that we have a tentative report and there was nothing significant. Ginny asked if this was going to be made public. Mayor Sawers said it would be reported at a board meeting. She asked if it could be in the newsletter so everyone would see it as most don't come to the meetings. Mayor Sawers would talk to counsel.

Jon Bagley

Jon requested to address the board. He addressed the slander accusations that have been made against him. Trustee Kim Payne, said "I never slandered you" Mr. Bagley stated "there's more to come". Trustee Kim Payne reminded him he cannot comment on the Martin Building based on the Rushville handbook. Jon said the Village should act in the best interest of the people. Your decisions

should not be based on your feelings of me. Again, he was reminded he cannot speak of the Martin Building as he was Mayor and was involved with that project.

Mayor Sawers asked for an apology from Jon Bagley for slandering him and his family.

Jon Bagley wanted to know why Jennifer Gruschow was terminated. She did nothing wrong. Tom Blair interceded and said he could not speak on personnel issues.

THE RUSHVILLE VILLAGE BOARD MEETING

OCTOBER 3, 2016

Jon continued to talk about the qualifications of the new Clerk/Treasurer Joanne Burley. Did the Mayor advise the board?? Trustee Krossber said "yes we saw her resume". Were her references checked? Trustee Krossber responded, Chuck Elwell told her she (Joanne) was a fine woman. Jon said to the mayor, "You fired your tax collector!" Mayor Sawers responded he does have a tax collector.

A motion was made by Trustee Holly Krossber and 2nd by Trustee Kimberly Payne to adjourn the meeting. The motion was unanimously carried.

The meeting was adjourned at 8:20 pm.

Respectfully submitted by
Joanne Burley, Clerk/Treasurer