

THE RUSHVILLE VILLAGE BOARD MEETING

April 3, 2017

DATE: 4/6/17

TIME: 6:30 pm

PLACE: The Rushville Village Hall

PRESENT: Mayor: John Sawers

Trustees: Holly Krossber, Kimberly Payne, Dave Masters, Mark Fargo

Code Enforcement Officer- Reggie O'Hearn

Clerk: Joanne Burley, Deputy Clerk: Leslie Jones

Village Attorney: Don Cheney

MRB – Diana Smith & Connie Sowards

NYCOM – Wade Beltramo

ATTENDANCE: Approximately 25 people attended meeting. Sign in sheet is available in Village office

Re: Public Meeting

The Mayor opened the public hearing and he asked Reggie O'Hearn to explain the code violations. Reggie explained the property at 9 Chapel St. had been in violation since 2015. The property has had fines of \$250 per week for 10/3/16 – 4/3/17. The fines he would like assessed are for that period of time. The amount to assess is \$6,500.

Code Enforcement Officer Reggie O'Hearn informed us that inspections have been done and they are not in compliance. He stated all violations have to be corrected and they have not been corrected.

Mr. Barker and his daughter Maria moved to the front of the room to speak. Mr. Barker stated he knows he is responsible. He has medical problems and is in a wheel chair so it is hard for him to check on the property. His daughter claims she is trying to get the property cleaned up.

Mr. Barker asked Reggie to explain the legal action. Reggie stated they are in violation of the law and the violations must be corrected for the fines to stop. All of the violations have to be fixed. Maria, Mr. Barker's daughter stated she had submitted permits, but she never got the permits. She claims that the violations keep changing. Reggie stated that they have not changed at all. He has pictures to prove it. The shed permit was not complete. Maria stated she had a copy of the survey showing the location of the fence and the permit was not approved.

She was asking for another inspection. She gave the date of April 13th for the inspection at 3 p.m. or later. Reggie would get back to her if that time works for him.

Maria asked if there was any way that the board would consider reducing the fine. There was much discussion.

Trustee Holly Krossber asked Maria and Mr. Barker if everything is in compliance and if the cars would be registered and insured by that date. Maria stated that the trailer was gone and the truck parts have been replaced on the truck. She has done some cleaning on the outside. Holly asked about the shed and carport and Maria said they had to take them down.

Atty. Don Cheney stated that the board can have discussion about this subject but he is not sure they want to because this has been such a long term problem.

Jonette Kennerson spoke on Mr. Barker's and Ms. Rosato's behalf. She understands it is a code violation but this is a very low income family. She suggested that the fines stop with a clause in the agreement that if it does not stay cleaned up the fines would continue.

Code Enforcement officer Reggie O'Hearn stated that this is not the 1st time violation. It is the 3rd time.

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Trustee Holly Krossber stated she would like some time to review past history before she makes a decision. Trustee Kimberly Payne would like to see if it is in compliance now. She asked if we could suspend the fines until the inspection is done?

Mayor Sawers stated we cannot overlook that the property has been in violation. The fines have to stay.

Atty. Cheney said the board is looking for a motion to assess the fine. Mr. Barker asked if we could lower the fines.

Trustee Mark Fargo asked Maria what her husband did for a living. He had hernia surgery and has been out most of the winter. Trustee Mark Fargo said but that doesn't explain why the violations have been going on for so long.

Trustee Kimberly Payne made a motion to assess the fine. There was no second. Trustee Holly Krossber wants to see more of the paperwork. Trustee Dave Master made a motion to table the accessing of the fines. Trustee Mark Fargo made a second. Roll call vote. Trustee Fargo – yes, Trustee Kimberly Payne – No, Trustee Dave Masters – Yes, Trustee Holly Krossber – Yes, Mayor, John Sawers – No. The motion was carried 3 to 2.

Public hearing was closed @ 7:15 p.m.

Re: Board Meeting

At 7:15 p.m. the Mayor opened the regular board meeting by having everyone rise to salute the flag.

Salute to the Flag:

Mayor Sawers thanked everyone for coming. He stated the following: We appreciate you taking the time to attend our meeting and welcome your comments. If you would like to share your thoughts with the board, please state your name and address and please limit your comments to 2 minutes please. This will keep the comment period to a reasonable length and still allow everyone who wishes an opportunity to speak.

Re: Communications, Petitions & Guests:

Our first guest speaker was Wade Beltramo from NYCOM. Mr. Beltramo gave the board and the audience a presentation on Village Dissolution. A copy of the presentation is available in the Village Office. Mr. Beltramo made it very clear that he was not for or against dissolution. He was presenting what can happen if you dissolve or if you don't dissolve.

The presentation was completed at 8:25 p.m. and the Mayor suggested we take a 5 minute break.

The meeting resumed at 8:35 p.m.

Our second guest speaker was Diana Smith from MRB Group. Connie Sowards from MRB Group was also here with Diana. Diana read a letter sent to the Village from Ryan Colvin, President of MRG Group and herself as Municipal Services/Business Dev. Director of MRB Group. This letter was to offer their services in the Dissolution process. The letter is on file at the Village Office.

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Our 3rd and final speaker was Robert Fox from ERPR – Solutions. Mr. Fox reviewed his report , which is available in the Village Office. The report discussed the 2017-2018 budget, WWTP project & Dissolution. He felt the last 2 items could impact the budget for the coming year. He has spoken to many parties that will be involved in the upcoming Sewer project. His conclusion is that there may be a lot of risks related to the Village being in the process of dissolution and trying to issue a BAN. They range from not finding a buyer of the BAN to the legal exposure of the affiliated with the issuance of the BAN. The other possibility would be that the cost of the Bond could be higher than expected.

He also did a brief financial review of the Cemetery Funds. He mentioned the \$200,000 that was taken out of the Cemetery funds. He is still trying to tract what some of the money was used for. If he finds it did not get disbursed according to the petition we may be ordered to return the money to the Cemetery funds. This is still being investigated.

He feels the Village is in good shape. There are some accounts that are presently invested Lyons National Bank. Mr. Fox has been investigating these as he feels there is too much risk and we might want to consider moving them.

The WWTP is of course top priority on our list for the coming year. It is something that has to be done before we start getting fines from the DEC.

There were several questions asked, which Mr. Fox answered.

When Mr. Fox was finished, Trustee Holly Krossber brought up the petition. She read the petition to be sure everyone knew what they were talking about. According to the petition ,the \$200,000 was to be used for the installation of a network of sidewalks and renovations to the library. To date the library has not been touched. She is very concerned that the order was violated. More investigation will be done.

Mayor Sawers brought up the investment accounts that the Village presently has at Lyons National Bank. Mayor Sawers and Clerk Joanne Burley have met with the investment person at Community Bank and he is working up a proposal for us to look at. It is important at we make sure the money we have is secure. This is a state regulation that investments have to be secure and we do not feel they are in the right place. We will have the proposal from Community Bank in a couple of weeks.

Re: Approval of Minutes:

The Mayor asked the Trustees if they had a chance to review the minutes from the March 6th meeting. He asked for a motion to approve the minutes.

Trustee Holly Krossber asked to amend the minutes. She wanted to correct the village she name in last months minutes. She had stated the Village of Depew and it should have been the Village of Medina.

Trustee Kimberly Payne made a motion to accept the minutes as corrected from the March meeting. Trustee Mark Fargo 2nd the motion. The motion was unanimously carried.

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Re: Reports of Committees:

Re: Public Works Supervisor – Art Rilands

Village Hall:

Art reported we had some water damage in the records room from the snow melt off the roof. Proctor has been back twice and the insurance company came out to look at the damage. The roof beams are not in very good shape. The whole roof structure is in poor shape.

Streets:

Art said Yates Co. wanted dollar amounts for snow removal caused from the last storm. The County may get some reimbursement from the state. He came up with about \$2,000 cost to the village .

Spring cleaning has started along the sidewalks.

Sewer:

Sewer flows are very high because of the wet weather, so we are in noncompliance. They are continuing to look for leaks in the collection system, but haven't found any yet.

Water:

There was a high voltage problem at the water plant again. NYSEG came out to make adjustments. This is an ongoing problem because of the difference in the population on the lake between summer and winter. The power demand changes a lot.

Fire

The new Fire Truck is in service.

Re: Code Enforcement officer, Reggie O'Hearn:

9 Chapel still in violation.

No change on 3 Ruben drive house fire. The plan is to replace it at some point.

Re: Reading Center Director – Dodie Baker

Dodie attended a STLS workshop on March 8th.

The Circle of Friends gave Dodie the OK to purchase a new Keurig beverage machine so we can continue to offer coffee for a dollar donation.

Dodie also reported that she had a snowflake cutting class on March 18th at the Village meeting room. There were 16 in attendance. They had a pot luck supper afterwards.

Autism Awareness will be at the Library on Saturdays, Apr. 8,15,22,&29 from 9 to 1. There will be a cookie sale, gently used treasures table, new crafts sale and lots of information to take.

Proceeds will benefit the lending library at the Autism Center at the Ontario ARC and the MWCS D libraries.

Easter Baskets are now on sale through Easter. They were donated by Krystine a Circle of Friends member. They are \$10 to benefit the library.

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Re: New Business:

The Mayor asked for a time of the Dissolution Vote. Chandra Gilman asked if we would consider the people who have to leave early for work and don't get home from work in time. We suggested an absentee ballot. The question was asked if there was a time limit to submitting absentee votes. Clerk Joanne Burley will check. Trustee Mark was asked if he knew if there was a stipulation as to the time of the vote. A motion was made by Trustee Kimberly Payne to set

the time of the referendum as 12 noon to 9 pm. Trustee David Masters 2nd the motion. Roll call vote. Mark – yes, Kimberly – yes, David – yes, Holly – yes and Mayor Sawers – Yes. Motion was passed unanimously passed.

The Mayor said we now need to pay the bills.

Re Bills:

A motion was made by Trustee David Masters and seconded by Trustee Kimberly Payne to authorize payment of the General Bills in the amount of \$7,351.79. The motion was unanimously carried.

No Cemetery Bills this month.

A motion was made by Trustee David Masters and seconded by Trustee Kimberly Payne to authorize payment of the water bills in the amount of \$2,665.10. The motion was unanimously carried.

A motion was made by Trustee Kimberly Payne and seconded by Trustee Dave Masters to authorize the payment of the Sewer bills in the amount of \$8,255.12. The motion was unanimously carried.

A motion was made by Trustee Mark Fargo to adjourn the meeting. A second was made by Trustee Holly Krossber. The meeting was adjourned at 10:00 pm

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