

RUSHVILLE VILLAGE BOARD MEETING

June 10, 2013

TIME: 7:00 PM

PLACE: Rushville Village Hall

PRESENT: Mayor Jon Bagley

Trustees David Field, Timothy Jabaut, Chuck Elwell and John Sawers

ABSENT: None

ATTENDANCE: Art Rilands, Dodie Baker, Reggie O'Hearn, KelliSue Kolz, Paul Curtis, Jim Rice

RE: Calling the Meeting to Order

Mayor Bagley called the regular monthly meeting to order at 7:10pm.

RE: Minutes

A motion was made by Trustee Sawers and seconded by Trustee Elwell to adopt the minutes from the regular monthly meeting held on May 13, 2013 as printed. Unanimously carried.

RE: Dangerous Dog Reports

Paul Curtis, of 10 Union Street, addressed the Board regarding a report of dangerous dogs in the Village. The dogs reside at 35 Gilbert Street, the residence of Samantha Bergman. Paul said he has had lambs killed in the past and he suspects these dogs are from the same residence that recently killed Dodie Baker's cat. Mayor Bagley asked if anyone has talked to the dogs' owner(s). After the incident with his lambs, Paul said he took pictures of the dead lambs and showed them to the owners but it did not prevent the dogs from roaming the Village afterwards. According to discussions with Dick Lafler, there are 3 dogs at the Bergman residence. There is a big black mixed breed and another white one with brown spots, also a mixed breed. Reggie pointed out that Village Zoning Law does not allow more than two dogs per parcel. Paul mentioned that he believes that the dogs that killed Dodie's cat are different than the ones that were causing problems in the past. It seems the issue lies within the ownership of the dogs. Dodie stated it is an owner problem, not a dog problem because every time Bergman is forced to get rid of her dogs, she gets more and the new dogs become just as aggressive. The two dogs run the streets between 11:30pm and 5:00am, killing whatever they can find.

There was concern about the dogs attacking small children or people. The dogs run together with pack mentality and kill together, Dodie watched the two dogs rip her cat apart and kill it next to her house. She reported the incident to Tom Morris, the Yates County Animal Control Officer, and he did not cite Bergman for the cat being killed; claiming Dodie did not identify dogs. However, Dodie had provided a description of the dogs to Dick Lafler.

Reggie said if they aren't licensed and vaccinated, they can be taken away. Mayor Bagley pointed out that we have Dodie as a first-hand witness. The Clerk will call Patty Bootes and find out if the dogs are registered and have rabies shots. Paul Curtis does not feel that Mr. Morris is doing his job. He has had a better response when calling Dick Lafler on Sunday or Monday. Mayor Bagley will talk to

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Dick Lafler and set up an appointment to discuss the situation with Sherriff Ron Spike.

Trustee Elwell asked if this was the house next to Cory Clark. Dodie said it was. Trustee Elwell said he had seen a dog attacking a woman three years ago. When he got out of his car, the dog ran back to the house next to Cory Clark, which is 35 Gilbert Street, the home of Samantha Bergman.

Reggie said he will write Samantha Bergman a letter about the zoning regulations only allowing a maximum of two dogs per parcel and the Village will look into laws that could prevent people from getting more dogs if they have a history of keeping uncontrolled or dangerous dogs in the past.

7:17 PM Paul Curtis left the meeting.

RE: Public Works Supervisor: Art Rilands

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

The east sewer bed is plugged and needs work.

More speed bumps have been requested. The Deputy Clerk will look into cost of speed bumps on eBay to see if there is a less expensive alternative.

Art wants to replace more headstones. Mayor Bagley asked if we are going to continue to spend \$5,000/year to straighten stones. Art said that is part of the perpetual care contract that is granted when an individual purchases a cemetery burial lot. Trustee Elwell thought they seemed to be in pretty good shape. Art said there are many missing foundations.

A motion was made by Trustee Sawers and seconded by Trustee Field to continue straightening and fixing stones in the cemetery, with a limit of \$5,000 per year. Unanimously carried.

RE: Congregational Church Easement

Jim Rice shared that the church wants to work with the Village in resolving this issue. In his opinion, the Village owns it because of the many years they have maintained it. He wants to sign the easement over to the Village so that the Village will own the roadway.

The Deputy Clerk will look into the legal width a road needs to be to apply for CHIPS funding. Jim Rice said the boundary line with the Methodist Church is an issue as well and they do not know exactly where the county line is. Mayor Bagley asked if the church has a survey. Jim said they would need to resurvey the property, which would be the best route to take to give legal access to the house. The Village needs to decide if it will be a two or three rod road before adopting. Jim Rice said the church will work with Art to measure and decide on the width the road needs to be.

RE: Reggie's Report

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

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Trustee Elwell asked about all the cars on Gilbert Street. Reggie will follow up with this. Reggie asked about the Director of Planning and Development position. Trustee Sawers wants to discuss further with other board members. Tabled.

7:40 PM Reggie left the meeting.

RE: Reading Center Director: Dodie Baker

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

Dodie has two teens interested in working for her. Their salaries will be paid through the Yates County Workforce program. The Summer Reading Program is shaping up very nicely and progress is continuing with the different programs hosted by the Reading Center.

RE: DOT Permit Resolution

A motion was made by Trustee Sawers and seconded by Trustee Elwell to approve the Undertaking requested by DOT, granting Rushville rights to work on State owned roadways. Unanimously carried.

RE: Water Improvement Project

A motion was made by Trustee Sawers and seconded by Trustee Field to declare the 2009 Water System Improvement Project complete, according to the details of the *Resolution to Declare the 2009 Water Improvement Project Complete* which is on file with these minutes. Unanimously carried.

RE: Safe Routes to School

Bruce St. Lawrence finished editing the agreement with Erdman-Anthony. It will be ready to be signed in a few days.

Re: Bay Water Easement

The Village Attorney, Bill Kenyon provided a letter, which is on file with these minutes, stating that the meaning of the easement provides free water “for livestock only.” The next thing that will be needed is a layout of their farm and barns with water lines, so it can be determined what is for livestock and what is for other uses. The Clerks will work with Art and Bill Kenyon to ensure that the Bays are advised of the correct meaning of the easement and their responsibility in the installation of additional meters.

Art said there will need to be check valve protection on the water lines.

RE: Unfiltered Water Customers

Letters will be sent to unfiltered water customers as well. Beginning with the billing on October 1st, for the July – October usage, the unfiltered customers will be charged the outside rate. Jim Gorton feels he should be charged the inside rate

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since the transmission main runs across his property. The Board agreed that he will pay outside rate as will the other current unfiltered water customers.

Re: Welcome to Rushville Signs

The Deputy Clerk brought a color printout of the sign design drafted by Clemens Sign Company and the Board agreed that one sign could be ordered this year provided that the Deputy Clerk inquire on the following; the longevity and weather resistance of the sign, that the size is comparable to the ones we currently have, and that they are color matched to the colors used on the Village buildings. The board approved the price of \$575 per sign.

Re: Resolution Against New York Safe Act

A motion was made by Trustee Sawers and seconded by Trustee Elwell to adopt the Resolution Against the New York Safe Act as provided. Trustee Elwell seconded. Unanimously approved.

The resolution in full is on file with these minutes.

Re: Tobacco Free Public Locations

Tabled.

Re: Fred Brown's Parking Lot

Art will work on signage to encourage the Mennonites to do a better job cleaning up after their horses. A shovel will be provided for them to use.

RE: Bills

A motion was made by Trustee Field and seconded by Trustee Jabaut to authorize payment of the general bills in amount of \$10,995.81, noting \$509.50 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 Elwell and seconded by Trustee Sawers to authorize payment of the capital project bills in amount of \$12,671.74. 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 \$482.82, noting \$30.00 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 Elwell and seconded by Trustee Field to authorize payment of the water bills in amount of \$651.00 noting \$31,512.22 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 Jabaut and seconded by Trustee Field to authorize payment of the sewer bills in amount of \$3283.71. No prior payments were made. Unanimously carried.

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RE: Adjournment

A motion was made by Trustee Sawers and seconded by Trustee Elwell to adjourn the meeting at 8:05pm. Unanimously carried.

Respectfully Submitted,

Jennifer Gruschow
Clerk-Treasurer

Laura Fleig
Deputy Clerk-Treasurer