

RUSHVILLE VILLAGE BOARD MEETING

July 8, 2013

TIME: 6:47 PM

PLACE: Rushville Village Hall

PRESENT: Mayor Jon Bagley

Trustees David Field, Timothy Jabaut and John Sawers

ABSENT: Trustee Chuck Elwell

ATTENDANCE: Art Rilands, Dodie Baker, Reggie O'Hearn, Jonette Keneston, Todd Conaway

PUBLIC HEARING

RE: Opening the Public Hearing

Mayor Bagley opened the Public Hearing at 6:47pm for Local Law 2-2013. A copy of this Local Law is on file with the minutes.

RE: Review and Discussion

Changes recommended by Planning Board and Village Attorney Bill Kenyon were acknowledged. (1,000 square feet changed to a minimum of 1,000 square feet, a minimum added to all space descriptions for consistency.)

Mayor Bagley read Local Law 2-2013: a local law to amend Local Law 2-2011, to amend Article 7.1:D.1 and Article 7.2:D11 to allow two apartments on second floor of an existing building (commercial) with first floor remaining a minimum of 50% commercial and 50% apartment and asked if there were any questions or comments. There were none.

RE: Closing the Public Hearing

The public hearing was closed at 7:00pm.

REGULAR MONTHLY MEETING

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 Sawers and seconded by Trustee Jabaut to adopt the minutes from the regular monthly meeting held on June 10, 2013 as printed. Unanimously carried.

RE: Animal Control

Dodie Baker addressed the Board regarding the death of her cat on May 29th. She has attended court twice to discuss the issue with the dogs at 35 Gilbert Street because neither dogcatcher showed up for the first court date. She provided a timeline for her efforts in trying to have the dogs that killed her cat controlled or confined. May 29th, her cat was killed at night in front of her by the two dogs she later identified as living at 35 Gilbert. She called Tom Morris on May 30th and

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reported the incident with a description of the dogs. Tom Morris found the white and brown dog that matched her description but did not call her to identify it and only ticketed the dog for being loose. June 2nd, Dodie identified the black dog that lived at 35 Gilbert as one of the dogs that killed her cat but not the spotted white dog because it was being kept inside due to the ticket.

June 3rd Richard Lafler was called; he confirmed repeated problems with that address. June 7th, Dodie called Tom Morris and Richard Lafler to see if they could come to the Village Board meeting, Richard Lafler couldn't, Tom Morris didn't seem to want to and avoided answering the phone.

Tom Morris denied knowledge of Dodie's identification of the dogs as the ones that attacked her cat. June 15th, a Dangerous Dog Report was finally filed. June 21st court date: neither dog warden showed up. A second court date was arranged for July 3rd, but court time was changed and attendees were notified through mail on short notice. The dog owners did not show up so Tom Morris had to go get them from their house. Both wardens were present. The judge ordered the black dog as "dangerous." The dog was ordered to be constantly fenced, a chip put in its ear for identification and monitoring and for it to only be walked on a leash by adults over 21 years of age. Dodie was not allowed to report the white & brown dog because it had not been "identified" even though she had seen it attack her cat. The judge asked how she identified the black dog. She said she saw it. The judge seemed unsure of proper procedure necessary.

Mutual consensus among court participants was that the brown spotted dog was not identified.

Neither dog catcher had paperwork, they were using Dodie's notes to recall the incident and neither warden seemed to be prosecuting the case effectively. The judge ordered for Samantha Bergman, the owner of the dogs and 35 Gilbert Street resident, to pay Dodie's vet bill by September 3rd. Bergman was angry as she left court. Reggie will follow up with the number of dogs allowed to be registered at 35 Gilbert Street.

There was some discussion of the Village having their own dog warden as a Village official as opposed to using the county animal control officer.

RE: Kim Morganti – Driveway Request

Kim Morganti of 65 North Main Street is requesting permission to put in a second driveway to Rubin Drive. She brought in a letter with her request. A copy of this letter is on file with these minutes. Her letter stated a new driveway was requested to prevent continued harassment from neighbors. Trustee Sawers commented after reading the letter that it sounded like a personal feud with the neighbors. Reggie said she told him she wanted access to the barn in the back and Art said she told him it was for convenience. Since all the stories were different and it didn't seem like the best location for a driveway, per Art's recommendation, the Board decided a letter would be sent to Kim informing her that a driveway cannot be put in.

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RE: Public Works Supervisor: Art Rilands

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

The Board discussed the ongoing details of getting the water plant fully functional. A letter is to be sent to J.P. at Chatfield Engineers stating that the entire water project needs to be finished in its entirety by July 30th, 2013.

The roof on the Martin building is leaking a little. Art will put some tin on the roof to fix the leaks. He has not yet discussed this with Paul Martin.

There was discussion about fixing the fire hydrant at the corner of Railroad Avenue and North Main Street. It would cost about \$3500 to repair.

A motion was made by Trustee Sawers and seconded by Trustee Field to make the necessary repairs to the fire hydrant at the corner of Railroad Avenue and North Main Street. Unanimously approved.

There have been complaints about the bushes on the corner of Warren & Bassett St. reducing visibility to drivers as well as the cedar trees on the corner of Warren & Green St. Trustee Field can no longer mow there because the trees are in the road. Mayor Bagley had talked to them once and they trimmed them some but they grew back farther than they were originally. The trees are legally in the road right-of-way. The Board recommends that they be given thirty days to cut trees back or respond. Reggie said according to village zoning law, there is a minimum of a ten foot setback required from an intersection. Reggie will provide a copy of this requirement to be included with the letter

RE: Fire Department

The new truck for the Fire Department is in and lettered. Rescue 32 is getting a touch up paint job.

Discussion took place regarding the need to update the mutual aid agreement with the Middlesex Fire Department. Art commented he would like to obtain and review the original agreement and mentioned it may be necessary to consult the village attorney for legal advice.

RE: Reading Center Director: Dodie Baker

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

She is organizing a stargazing event with telescopes on Twitchell Road. She wanted to thank Art Rilands for providing the backhoe and "Sandbox" for her "Dig Into Reading" themed summer reading program.

RE: Code Officer: Reggie O'Hearn

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

There was discussion regarding a vacant lot.

NEW: Uniform Notice of Claim Act

Trustee Field made a motion to appoint Jennifer Gruschow, Village Clerk-Treasurer as Designee to be notified in case of a claim. Trustee Jabaut seconded the motion. Unanimously approved.

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RE: Water Improvement Project

As discussed previously, a letter will be sent to Chatfield.

RE: Safe Routes to School

The engineering agreement has been signed.

RE: Bay Water Easement

The Board discussed the letters received from both lawyers. Trustee Sawers made a motion to move forward with Village Attorney Bill Kenyon's recommendation to file an Article 15 to secure a judicial interpretation of the easement. Trustee Jabaut seconded the motion. Unanimously approved.

RE: Sewer Beds

The Village is moving forward with the planning grant application.

Re: Tobacco-Free Public Locations

Trustee Jabaut recommended the Village put up signs suggesting people refrain from smoking rather than demanding it. He will take a picture of some he has seen.

RE: Local Law 2-2013

Reggie provided the short EAF SEQR for review and discussion. The questions were read aloud.

A motion was made by Trustee Sawers and seconded by Trustee Jabaut to approve the SEQR as prepared and to declare a negative declaration. Trustee Field agreed. Unanimously carried, except for Mayor Bagley, who chose to abstain from voting.

Trustee Sawers reviewed the local law amendments and read out loud for the Board. A motion was made by Trustee Sawers and seconded by Trustee Jabaut to adopt Local Law 2-2013 as provided. Unanimously carried, except for Mayor Bagley, who chose to abstain from voting.

NEW: Incoming Mail

Reggie does not want his mail opened by the Village Clerk or Deputy Clerk. Clerk Gruschow opens all Village employees' mail including the mayors and has opened Reggie's mail for five years and does not understand why she suddenly shouldn't be able to. Reggie is only there for two days a week and the clerks feel that it is good for them to know what is going on in case there is an emergency or someone needs something before the next day Reggie is in the office. Art's mail is opened and he feels that it is in everyone's best interest that all Village employees' mail be opened by the clerks so that they know what is going on. Trustee Sawers thinks that unless it says Personal or Confidential, it should be opened because Reggie is a Village employee and the mail is going to Village property. Trustee

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Jabaut has worked for Ontario County for over 30 years and agrees that it is standard practice for all mail to be opened when public offices are held. He said all his mail is opened unless it says Personal or Confidential on it.

Trustee Field made a motion that the clerks continue to open Reggie's mail as they have been unless it says Personal or Confidential on it, Trustee Sawers seconded the motion. Unanimously approved.

Reggie requested that filing cabinets be moved upstairs and thermostat be installed upstairs so it stays warmer.

NEW: Sewer Charges – 2 N Main Street, 4 N Main Street & 16 North Main Street

The building at 2 North Main Street was removed and the water and sewer connection was terminated. 4 North Main Street has been converted into commercial and residential space and the sewer charges will be adjusted and charged according to the sewer unit schedule on file. Trustee Sawers made a motion to terminate the sewer charge for the unused tank from 2 North Main Street. Trustee Fields seconded. Unanimously approved. There was no discussion regarding 16 North Main Street. Tabled. 16 North Main Street will be put on the agenda for the September board meeting.

NEW: Leafvac Reimbursement Resolution

The Town of Gorham is applying for a grant to be reimbursed for a mutually purchased Leafvac. Trustee Sawers made a motion to approve the Resolution authorizing Gorham to apply for the grant. Trustee Field seconded. Unanimously approved.

NEW: Agenda 21

Trustee Sawers wants to have a speaker come to next Board meeting to discuss repealing Agenda 21. The clerk will add the speaker to the August Board meeting agenda.

RE: Bills

***Networking Issues were occurring making accurate abstracts difficult. Some additional bills were handwritten on the July abstract for the part of the paid abstract that did not print correctly.

A motion was made by Trustee Jabaut and seconded by Trustee to authorize payment of the general bills in amount of \$13,240.95, noting \$95.69 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 Sawers to authorize payment of the capital project bills in amount of \$8,769.00, noting the payment of the Bond Anticipation Note had been made in addition to the interest payment for a total amount of \$1,977,830.00. Unanimously carried.

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A motion was made by Trustee Sawers and seconded by Trustee Field to authorize payment of the cemetery bills in amount of \$3,505.64. No prior payments were made. Unanimously carried.

A motion was made by Trustee Field and seconded by Trustee Jabaut to authorize payment of the water bills in amount of \$9,993.59 noting \$1,398.96 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 \$4,156.08. No prior payments were made. Unanimously carried.

RE: Adjournment

A motion was made by Trustee Field and seconded by Trustee Jabaut to adjourn the meeting at 8:25pm. Unanimously carried.

Respectfully Submitted,

Laura Fleig
Deputy Clerk-Treasurer