

RUSH TOWN BOARD  
Minutes of March 14, 2012  
Regular Meeting

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Richard Anderson at 7:00 PM on March 14, 2012, at the Rush Fire Department, 1971 Rush-Mendon Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT: Richard Anderson ----- Supervisor  
William Riepe ----- Councilman, Deputy Town Supervisor  
Lisa Sluberski ----- Councilwoman  
Kathryn Steiner ----- Councilwoman  
Daniel Woolaver ----- Councilman  
Pamela Bucci ----- Town Clerk  
John Mancuso, Esq. ----- Attorney for the Town

OTHERS

PRESENT: Gerald Kusse ----- Code Enforcement Officer. Resident  
Mark David ----- Highway Superintendent, Resident  
Ansgar Schmid ----- Resident  
Christopher Giordano ----- Resident  
Jim Chaize ----- Resident  
Garry Koppers ----- Resident  
Ted Barnett ----- Resident  
Kathy Hughes ----- Resident  
Joan Starkweather ----- Resident  
Dave Sluberski ----- Resident  
Jack Mould ----- Resident  
Carol Barnett ----- Resident  
Kathryn Hankins ----- Resident  
Jordan Kleiman ----- Resident  
Carolee Powers ----- Resident  
Marianne Rizzo ----- Resident  
Robert Powers ----- Resident  
Jim Bucci ----- Resident  
Svetlana Lukishova ----- Resident

I. OPEN FORUM

Supervisor Anderson offered the opportunity for anyone in the audience to address the Town Board.

Resident Dave Sluberski commented (1) He assumed that regarding the recent Town Hall fire there would be procedures in place for document

storage especially if there were some destroyed; (2) viewed open positions advertised in the Genesee Pennysaver but not on the town website; (3) inquired about a resident recently applying for planning and/or zoning board position in December and wondered why he had not received a reply, however, Mr. Sluberski was unsure of a current opening; (4) requested Highway Superintendent Mark David to install a speed sign on West Rush Road which has been installed and appears to be effective.

Supervisor Anderson stated that a full update of the Town Hall fire is on the agenda and a report will be provided.

Town Clerk Bucci stated that all Citizens Committee volunteer open positions were posted in the Pennysaver and placed on the website but were removed on their deadline date. Currently, the only opening remaining on the website is the Secretary to the Supervisor position.

## II. APPROVAL OF MINUTES

### **RESOLUTION #70-2012**

Councilwoman Sluberski moved to approve the amended Minutes of February 22, 2012, prepared by the Town Clerk. Councilman Riepe seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

## II. APPROVAL OF TRANSFER OF FUNDS

### **RESOLUTION #71-2012**

Councilman Riepe motioned, BE IT Resolved, that having audited all the unreserved fund balance or unanticipated revenue in the GENERAL fund, moved that transfer #1 from account A-2680.4 Insurance Recoveries to A-1620.49 Building/Water Damage Loss in the amount of \$100,000.00 to reflect initial water loss damages be allowed. Councilwoman Sluberski seconded the motion.

Roll:

Councilman Riepe	aye
Councilwoman Sluberski	aye
Councilwoman Steiner	aye
Councilman Woolaver	aye

Supervisor Anderson                      aye                      carried.

Supervisor Anderson gave a brief explanation stating that as a pre-emptive move \$100,000.00 is being placed in reserve in lieu of claims associated with the water damage prior to the March 28 meeting. Bills from the water damage have not been paid to date.

III. APPROVAL OF ABSTRACT

**RESOLUTION # 72-2012**

Councilwoman Sluberski moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #3-1, for vouchers #219 through #281, that they be allowed in the amount of \$55,641.16 Councilman Riepe seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

IV. CORRESPONDENCE

Supervisor Anderson had no correspondence to report.

V. REPORTS OF OFFICERS AND COMMITTEES

Councilman Riepe had no report.

Councilwoman Sluberski stated that she had received phone calls regarding the Zoning Board of Appeals' statement regarding a hydrofracking moratorium. They did not vote no, not to have a moratorium but chose not to make a decision until they had further information.

Councilwoman Steiner attended the Library Board of Trustees meeting as liaison.

Councilman Woolaver attended the Conservation Board meeting as liaison where they discussed hydrofracking and the Dorschel property which is Exit 11 Auto proposal for signage. They found nothing that would interfere with the environment.

Councilman Woolaver received a call regarding break-ins in Rush. A concerned older citizen asked if the community could be apprised of these happenings.

Supervisor Anderson stated that the zone captain sends a periodic report to him. A report had not been received of the recent break-ins. They are quick hit break-ins which the predator knocks on the door, kicks it in when they believe nobody is home, steals electronics and leaves. Living rooms were the only rooms being tampered. One of the houses broken into had an alarm system and a dog that did not serve as a deterrent even in daylight. Supervisor Anderson may be able to place these reports on the town website.

Councilman Woolaver, on behalf of the Conservation Board, asked when their vacant board position would be filled. Supervisor Anderson stated that a meeting of the Town Board would be scheduled in order to act.

Town Clerk Bucci answered Mr. Sluberski's concern about records management and will be following the MU-1 Records Management System, as well as reviewing options of storage. Documents did get wet but were not destroyed. Records are being freeze-dried and should return restored.

A resident asked what MU-1 stood for and Town Clerk Bucci responded that it is a records archive and disposition management book that guides on how to store, destroy and save records.

Code Enforcement Officer Gerald Kusse had no report. He has been attending annual recertification classes.

#### VI. OLD BUSINESS

Update on Hydrofracking Petition for a Moratorium – Supervisor Anderson stated that the town has retained Charles Steinman, Esq., of Kamholtz, Messina. Frank Pavia, Esq., of Harris, Beach LLPC is the current attorney for the town, however, being a large firm, they may be representing a gas company that may present a conflict of interest. Attorney Steinman will be representing the town on all hydrofracking matters. Attorney Pavia will temporarily recuse himself from the board meeting. All hydrofracking information has been distributed, public notice will be published for the upcoming public hearing and meeting. Proposed Local Law #1 of 2012 will be heard on March 28, 2012. At that time, all persons may make

comments. A vote may be made the evening of March 28. Supervisor Anderson asked for questions regarding the public hearing.

Supervisor Anderson requested a formal resolution be addressed for March 28, 2012, in order to hold the public hearing on the proposed hydrofracking moratorium.

**RESOLUTION #73-2012**

Councilman Woolaver moved that a public hearing on the proposed hydrofracking moratorium be set for March 28, 2012, at 7:15 PM in the Rush Town Pavilion, 5977 East Henrietta Road, Rush, New York. Councilwoman Steiner seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

Resident Marianne Rizzo asked if the Supervisor wanted all to speak at the public hearing and would it be important that each person with an opinion speak 2 to 3 minutes. Supervisor Anderson reiterated that the public hearing is to hear all persons interested in speaking on the subject. The March 28 meeting will be held at the Rush Pavilion to accommodate more persons. Legal requirements for publishing the public hearing notice will be adhered to.

Resident Jordan Kleinman asked of the timeframe for each speaker during the hearing. Supervisor Anderson suggested that one person possibly representing a group speak for 10 minutes or less. Supervisor Anderson also stated that on February 14 the Pennsylvania Governor signed into law Legislative Act 13 which includes environmental provisions, fees and local control over gas operations. If others would like to view the document, it can be made available.

B. BOCES Property Update (6565 East River Road) – Supervisor Anderson stated that Agricultural Quote packages have been provided to those previously interested and to those in response to the legal notice. The bid opening will be held on March 20, 2012, at 11:30 AM at the Town Hall.

Supervisor Anderson met and toured the property with the N.Y.S.D.E.C. District Forester. A formal report will be provided within a month. There

are no forestry management techniques or processes immediately recommended.

VII. NEW BUSINESS

A. Highway Truck Bid – Highway Superintendent David requested that a bid package for a 2012 cab and chassis 1 ton pickup and a 9' steel dump body with hoist be advertised. Forty Thousand dollars (\$40,000) has been budgeted. Supervisor Anderson stated that the Highway Department schedules a capital budget purchase item on an amortized basis keeping capital costs spread out over years and equipment current. Highway Superintendent David has reviewed the bid specifications with the attorney for the town. The bid opening will be read aloud at the Town Board regularly scheduled meeting on April 25, 2012, at 7:15 PM.

**RESOLUTION # 74-2012**

Councilwoman Sluberski moved to approve Highway Superintendent David's request for bid proposal advertisement for a 1 ton pick-up truck, body and hoist. Bids will be publically opened and read aloud at the Town Board regularly scheduled meeting on April 25, 2012 at 7:15 PM. Councilman Woolaver seconded to motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

B. Replacement of Town Clerk Computer – Town Clerk Bucci requests a resolution for replacement of the Town Clerk computer damaged by water during the Town Hall fire. Its replacement cost will be reimbursed by insurance coverage.

**RESOLUTION #75-2012**

Councilman Riepe motioned to replace the Town Clerk computer which was damaged by water during the fire for an amount not to exceed \$1,000.00. Councilwoman Sluberski seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

C. Full Update of Town Hall Fire/Progress – Supervisor Anderson stated that on Monday, March 5<sup>th</sup> at about 7:19 PM a heater/air conditioning unit which was mounted to a wall in the records room caught fire. The unit was approximately 1 foot away from a sprinkler head that extinguished the fire. The Rush Volunteer Fire Department firefighters were on scene within minutes of being alerted turned the water to the sprinkler system off and, although not part of their duty, aided staff in getting records out of the room as well as vacuumed up approximately 150 gallons of water. The Fire Department recommended Emergency Enclosures which specializes in fires. A crew was on site within an hour with water vacuums, dehumidifiers and air driers which limited the amount of damage to the structure. Both Town Clerk Bucci and Councilman Woolaver were also on scene to aid in moving records. The initial evacuation and clean up lasted until 3 AM. A third company, Document Processors, took all documents prioritized by Town Clerk Bucci to be cryogenically freeze-dried. They will be retrieved and possibly returned in an improved storage form. In the future, a dry or different system may be installed in the records rooms. By Friday, the crews will be finished with this phase of clean-up. The Town Clerk's Office, back hall including adjoining rooms, Court Room and Court Offices have been relocated until new flooring can be installed. During the process, air quality was not only monitored in the Town Hall but Library and all areas passed inspection in regard to chemical composition. Elevators distribute air throughout building.

Attorney Frank Pavia added that the town's insurance company was immediately contacted after the fire occurred and have been working in conjunction with all inspectors. A report is furnished to the Supervisor of all findings and progress on a daily basis.

D. McQuay HVA Contract Renewal – Supervisor Anderson informed all that McQuay has serviced the town for many years, has not requested an increase in 3 years, however, this year are raising their fees by 2%. Coverage cost is \$4600.00/year which covers all HVA equipment in the Town Hall. Within the McQuay contract, periodic maintenance is included and regularly occurs. The equipment that caught fire was included in the maintenance.

**RESOLUTION #76-2012**

Councilwoman Sluberski motioned to authorize Supervisor Anderson to enter into a contract with McQuay International effective March 1, 2012, for the renewal of HVA services. Councilman Riepe seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

E. Document Destruction pursuant to records Management MU-1 - Town Clerk Bucci explained that department records filed in the Records Room are assigned destroy dates. There are a number of record boxes ready for destruction.

**RESOLUTION #75-2012**

Supervisor Anderson moved to allow the Town Clerk to destroy antiquated records pursuant to the MU-1 schedule. Councilwoman Sluberski seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

VIII. OPEN FORUM

Supervisor Anderson opened the floor to anyone wishing to address the Board.

Resident Donald Knab requested the Board consider providing a coin-operated water dispensing station (Automatic Water Salesman) at the Rush Pavilion. Many Rush residents are on wells and they occasionally provide no water. Residents request developing a water district in areas of the town, however, the process is an uphill battle because of cost among other factors. He explained in detail what type of system is available and how it could be used by residents who at times must purchase water and what systems cost. Mr. Knab stated that the town already has a RPZ which is a backflow preventer. Other towns in surrounding counties have water systems available to residents. The water dispensing system at the Highway Department is not set up for filling small gallon containers.

Lighting available, possible vandalism, cost of water and other variations were discussed.

Resident Kathryn Hankins stated on the subject of break-ins that the Rush Seniors Group have a phone tree and seniors in town could be informed of burglaries by that tool versus the website. Supervisor Anderson will confirm a phone-tree contact person with the Seniors Group as well as discuss the possibility of providing information to the public that is received from the Zone Captain.

Resident Jim Bucci added that the Sheriff's Department has narrowed it down to person/persons in a white vehicle knocking at a door to make sure nobody is home, breaking in, stealing and leaving. If a person appears at the door, they ask for a random person who doesn't live there and then leave.

Jordan Kleiman stated that a number of towns are now covered by hydrofracking moratoriums, 68 already enacted moratoriums for a possible total of 108.

Resident Sluberski stated that town officials were present at the Library Wine Tasting Funding Raiser event. Other than the Carnival, it's a great event and a way to support your community and library.

IX. ADJOURNMENT

There being no further business, the meeting was ended at 7:45 PM and approved by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci  
Town Clerk