

RUSH TOWN BOARD  
Minutes of May 9, 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 May 9, 2012, at the Rush Town Hall, 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
	Frank Pavia, Esq.	-----	Town Attorney

OTHERS

PRESENT:	Mark David	-----	Highway Superintendent, Resident
	Carol Barnett	-----	Resident
	Ansgar Schmid	-----	Resident
	Robert Kraus	-----	Resident
	Pat Kraus	-----	Resident
	Marianne Rizzo	-----	Resident
	Jack Mould	-----	Resident

I. OPEN FORUM

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

Resident Robert Kraus requested the Farmland Protection plan status.

Supervisor Anderson commented that a draft plan is available in the Town Clerk's Office and on the town website. New York State Department of Agriculture has provided the town with an extension and comments are still being taken through July. Following the end of July, the Plan will then be finalized.

Resident Jack Mould heard that the Town of Rush has asked Townline Garage to close its doors. Supervisor Anderson stated that the information heard is completely false. The Town is pursuing code violations which are being litigated. Supervisor Anderson cannot comment on matters in litigation.

II. APPROVAL OF MINUTES

Councilman Woolaver wished to correct the Minutes, Page 3, Paragraph 1. Remove the word "not" after would leak into the water systems. Minutes will be appropriately corrected.

**RESOLUTION #92-2012**

Councilwoman Sluberski moved to approve the Minutes of April 25, 2012, as amended by the Town Clerk. Councilwoman Steiner seconded the motion.

Roll:

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

III. APPROVAL OF TRANSFER

**RESOLUTION #93-2012**

Councilwoman Sluberski moved BE IT Resolved, that having audited all the unexpended balances of existing appropriations in the unreserved funds balance #2 – 4 the amount of \$4,000.00 be allowed. Councilman Riepe seconded the motion.

Roll:

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

IV. APPROVAL OF ABSTRACT

**RESOLUTION # 94-2012**

Councilwoman Sluberski moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #4-2, for vouchers #462 through #523, that they be allowed in the amount of \$30,318.55. Councilman Riepe seconded the motion.

Roll:

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

V. CORRESPONDENCE

Smoking and Health Action of Monroe County (SHMC) - Supervisor Anderson has received plenty of correspondence from SHMC. They ask that although the town hall is covered under Monroe County's Smoke Free building ordinance, they would like the grounds to be included. Supervisor Anderson suggested that the playground area be designated as a smoke-free zone as well and asked for the Board's individual opinion.

The Board members discussed the proposed smoke-free playground zone and were all in favor. Signage will be provided by SHMC. The Highway Department will provide the installation.

**RESOLUTION #95-2012**

Councilwoman Sluberski moved to allow the Supervisor to enter into an agreement with the Smoking and Health Action of Monroe County to establish a smoke-free zone to the west of the Pavilion (Playground area). Councilman Riepe seconded the motion.

Roll:

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

Resident Correspondence Request– Supervisor Anderson read a letter from Carol Barnett to Governor Andrew Cuomo addressing her concerns regarding protecting the citizens of the State against high volume hydraulic fracturing. The letter specifically addressed maintaining a *de facto* moratorium until all analysis and research has been completed.

Supervisor Anderson stated that the letter serves as a request to the Town Board to sign it and send forward a resolution to the Honorable Andrew Cuomo.

Supervisor Anderson provided his personal opinion and requested the Board's personal opinions. Supervisor Anderson stated that due diligence has been exercised thus far by the Town Board's enacting a moratorium on hydrofracking and joining in on the amicus curiae brief to support the Home Rule. Any independent Board member is welcome to support the effort. A supervisor acting independently will provide the impression that the entire town is in support of the effort.

Councilman Riepe agrees with the content of the letter but is awaiting the NYDEC's findings and believes the Home Rule is utmost concern for the town.

Councilwoman Steiner has already signed the letter.

Councilman Woolaver agrees with the way the letter is written, would sign it and the Town should continue with the moratorium and await the NYSDEC's analysis.

Councilwoman Sluberski agrees with the content of the material in the letter written by Carol Barnett. She also believes that having a moratorium has exercised the town's due diligence.

Supervisor Anderson stated that any individual can move forward, however, doing so as a legislative body would incur an additional legal cost in researching and moving further forward.

Attorney Frank Pavia stated that the Town is under no legal mandate to sign the letter. It is a discretionary action to sign as a board versus individually. The Board has gone well beyond what other municipalities have done in passing a moratorium and filing the amicus curiae brief.

Supervisor Anderson will table the issue until the next Board meeting. Any persons in favor of supporting the letter may independently do so.

#### VI. REPORTS OF OFFICERS AND COMMITTEES

Councilman Riepe attended the Commissioner's meeting. The Fire Department's campaign for funds is underway. The Planning Board did not meet.

In talking to Assessor Dan Stanford, Councilman Riepe found that Rush has 1,631 parcels of which 324 are on well water. The Town Board will further its consideration in providing a water dispensing facility for those persons needing water during emergency situations. After looking at a Monroe County Water Authority residential bill, charges per gallon are 2 ½ cents; local supermarket's charge is approximately \$.89 cents per gallon.

Superintendent Mark David stated that keys are provided to individuals participating in the fill station at Monroe County Water Authority for a cost of approximately \$ 250.00 with unlimited use.

Supervisor Anderson stated that for those previously not in attendance at a prior meeting, the Board is investigating providing a water dispensing facility/system with Monroe County Water for those who wish to purchase it.

Supervisor Anderson visited a couple of facilities where residents welcomed the service at an average of \$5 for 1000 gallons of water from the Monroe County Water Authority (MCWA).

Resident Maryann Rizzo asked about conserving a natural resource and not wasting it. Supervisor Anderson stated that there would be a charge to purchase water. A small amount of capital could be invested, paying for itself very quickly.

Councilwoman Sluberski had no report.

Councilwoman Steiner had no report.

Councilman Woolaver attended the Conservation Board meeting. They found no impact to the environment for either application.

#### VII. OLD BUSINESS

A. Town Hall Fire Update – The Records Room rehabilitation is finally being done over the weekend. A town employee will be present at the town hall for security and safety reasons. The process of receiving the records stored in the room can now begin.

Councilman Riepe inquired about payment from the insurance company. The insurance company and the rehabilitation company are exchanging payments. Payments that have been disbursed will be reimbursed.

B. Highway truck - Highway Superintendent David has selected Basil Ford's low bid of \$23,431 for a 4x4 cab & chassis and TENCO Industries' low bid of \$6,850 for dump body and hoist with installation. The purchase as a whole is under budget.

#### **RESOLUTION #96-2012**

Councilman Riepe motioned to approve Highway Superintendent Mark David's recommendation to purchase highway truck model collectively from Basil Ford and TENCO Industries in the amount of \$30,281.00. Councilwoman Sluberski seconded the motion.

Roll:

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

D. Amicus Curiae Brief from Town of Ulysses – Supervisor Anderson stated that in order to comply, a Town Clerk Certified Copy of the official Resolution needed to be sent to the Town of Ulysses. The Town is in compliance.

VIII. NEW BUSINESS

A. Dog Control Fee Proposal – Supervisor Anderson stated that Town Clerk Pamela Bucci presented a list of seizure charges for towns within Monroe County. Rush falls far below other towns. Rush has an agreement with Suburban Animal Hospital to charge \$11 per day for boarding. A replacement tag fee does not exist.

Town Clerk Bucci proposed a seizure fee adjustment of \$20.00 and a replacement tag fee of \$3.00. All fees collected contribute to dog control support of the Dog Control Officer. Because the Board approved changing dog control fees by resolution, a local law is not required in order to change the dog control fees. Town Clerk Bucci explained the seizure procedure and all seizure, boarding, rabies and tag fees involved. Although it has been done, it is not a common practice for dogs to be released by the Town of Rush over the weekend.

Councilman Riepe recommended \$20 for the 1<sup>st</sup> seizure, \$30 for the 2<sup>nd</sup> seizure and \$50 3<sup>rd</sup> seizure.

**RESOLUTION #97-2012**

Councilman Riepe recommended that the Town of Rush set the dog seizure fees for a 1<sup>st</sup> offense at \$20; 2<sup>nd</sup> offense at \$30 and a 3<sup>rd</sup> offense at \$50 as well as a \$3 charge for a lost dog tag. Councilwoman Sluberski seconded the motion.

Roll:

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

B. Superintendent Mark David's Request to Attend Highway School – Superintendent David requested permission to spend budgeted funds to attend Highway School in Cornell, New York.

**RESOLUTION #98-2012**

Councilwoman Steiner motioned to approve Superintendent Mark David's use of budgeted funds in order to attend Highway School 2012 in Cornell, New York. Councilman Woolaver seconded the motion.

Roll:

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

Supervisor Anderson                      aye                      carried.

C. Appointment of Supervisor's Secretary – Supervisor Anderson advertised to fill the secretary's position and received many applications. Valerie Mertsoc, a Rush resident, accepted the position and is already making a difference. She will be available from 9:30 AM through 1:30 PM daily. Interviews for the open position on the Conservation Board will now be scheduled.

IX. OPEN FORUM

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

Resident Carol Barnett commented further regarding the proposed letter to Honorable Andrew M. Cuomo on hydrofracking. Mrs. Barnet agreed with Councilman Riepe on his comment on the Home Rule Law.

Resident Mariann Rizzo suggested that the Town Board sign the proposed letter to Governor Cuomo showing additional leadership.

Resident Jack Mould believes that signing the proposed letter to Governor Cuomo would be more beneficial if it were supported by the entire Town Board.

Supervisor Anderson stated that any individual may sign the proposed letter to Governor Cuomo. Having the Town Board sign the proposed letter will require a Board resolution. The matter has been tabled and will be reconsidered at the next Town Board meeting.

Attorney Pavia restated that there is no legal authority mandating the Town to sign or not sign a letter to Governor Cuomo. Irrespective of whether the Town Board decides to sign the letter, any individual may also sign independent of being a Board member.

X. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:50 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci  
Town Clerk