

RUSH TOWN BOARD  
Minutes of August 22, 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 August 8, 2012, at the Rush Town Hall, Rush, New York. Everyone present participated in the Pledge of Allegiance.

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

EXCUSED: William Riepe ----- Councilman, Deputy Town Supervisor

OTHERS

PRESENT: Carol Barnett ----- Resident  
Ansgar Schmid ----- Resident  
Dave Sluberski ----- Resident  
Mark David ----- Highway Superintendent, Resident  
Don Van Lare ----- Zoning Board Chair, Resident  
Charles Luft ----- Resident  
Kathryn Cappella ----- Resident

I. OPEN FORUM

Supervisor Anderson opened the meeting and explained the open forum process. The Town Board would either respond immediately to questions or topics presented during the meeting or respond to them at a future date.

Resident Carol Barnett, co-chair of the Citizens Working Committee on Hydrofracking reported that their first meeting occurred where mission and tasks were established. A report to the Town Board will be provided at approximately mid-January. Minutes of the meeting will be forwarded to the Town Clerk for posting. Supervisor Anderson offered, if needed, his office secretary's assistance regarding communication efforts.

Resident Dave Sluberski read aloud his letter of dissatisfaction in the Town Clerk's Office including the Town Clerk's directing the removal of an advertising watermark from a photograph submitted to be published in the town newsletter.

Attorney John Mancuso had consulted with the firm's copyright attorneys on the subject of removing the business advertising watermark. He stated that submission of a photograph to the town for publishing is permission for the Town of Rush to publish a photograph as it sees fit in the town newsletter. A restriction, upon submission, was not placed on the photograph to be used in its exact replication. Moreover, business advertisements are not to be used in the town newsletter. It was within the town's rights to redact the watermark advertisement.

II. APPROVAL OF MINUTES

**RESOLUTION #126-2012**

Councilwoman Sluberski moved to approve the Minutes of August 8, 2012, as written by the Town Clerk. Councilman Woolaver seconded the motion.

Roll:

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

III. APPROVAL OF ABSTRACT

A transfer of Funds is not required at this time.

**RESOLUTION # 127-2012**

Councilwoman Sluberski moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #8-2, for vouchers #880 through #945, that they be allowed in the amount of \$51,407.51. Councilman Woolaver seconded the motion.

Roll:

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

Supervisor Anderson added that voucher #932 for \$150.00, phone system charge, is a reimbursable item and part of the insurance claim associated with the Town Hall fire on March 5, 2012. It will not be coming out of town funds.

IV. CORRESPONDENCE

None were received.

V. REPORTS OF OFFICERS AND COMMITTEES

Councilman Woolaver had no report.

Councilwoman Steiner had no report.

Councilwoman Sluberski had no report.

Town Clerk Bucci submitted the a monthly report to the Supervisor, pursuant to Town Law, for the month of July with revenues in the amount of \$9,682.72.

Supervisor Anderson met and toured the Transportation Museum on East River Road with Mr. Dirks. They are currently working on their diesel engine negotiating the curves on the track in hopes of transporting the public through diesel and electric.

VI. OLD BUSINESS

A. Town Hall Fire Update (Records Division) – Town Clerk Bucci reported that she has been negotiating the exact combination of digitizing and paper document proposals to present to the insurance company for the release of files. As records management officer, the Town Clerk will be growing a digitized program to provide advantages for the future of record keeping while keeping the insurance costs reasonable. Supervisor Anderson added that digitized documents and paper copies will be returning. In some instances digitizing the documents will provide a savings for the insurance company while benefitting the town.

B. Bessie Hallock Manuscript Progress – Supervisor Anderson's secretary has finished typing the manuscript. The Town is awaiting a final heir approval.

C. Public Hearing on Farmland Preservation Rescheduled - Supervisor Anderson stated that the public hearing will be rescheduled to September 12, 2012, at 7:15 PM. The Plan has already been approved by Monroe County and is being sent to New York State. After the public hearing, the process for reimbursing the costs incurred will commence.

**RESOLUTION #128-2012**

Councilwoman Sluberski moved to schedule a public hearing on September 12, 2012, at 7:15 PM in order to approve the Town of Rush Farmland Preservation Plan as presented. Supervisor Anderson seconded the motion.

Roll:

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

D. Standard Workday Resolution - Supervisor Anderson stated that as required by New York State all employees enrolled in the retirement system must be are required to submit a record of activities. Elected and appointed officials provide an activity log for a 90 days period. The record of activities is set to a specific formula provided by NYS.

**RESOLUTION # 129-2012**

Councilwoman Sluberski BE IT RESOLVED, that the Town of Rush hereby approves and establishes the following as standard wok days for elected and appointed officials and will report the following days worked to the New York state and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

STANDARD WORKDAY RESOLUTION

Retirement  
Resolution  
-July 2012

Participates

Title	Soc sec #				Work (Hrs/Day)	Std Term Begins/Ends	Time based on System	in employer's Record of Activities	Days/Month	
	First	Last	Last 4	Reg #					Tier 1	Not
									Member	Submitted
<b>Elected Officials</b>										
Supervisor	Richard	Anderson	██	██	6	01/1/12-12/31/13	N	22.06		
Town Clerk/Tax Collector	Pamela	Bucci	██	██	7	01/1/12-12/31/15	N	23.80		
Highway Superintendent	Mark	David	██	██	8	01/1/12-12/31/15	N	23.08		
Town Justice	Tom	Doupe	██	██	6	01/1/12-12/31/15	N	9.58		
Town Board Member	Lisa	Sluberski	██	██	6	01/1/10-12/31/13	N	3.10		
<b>Appointed Salaried Full Time</b>										
Library	Kirsten	Flass	██	██	7	01/1/12-12/31/12	N	23.45		
<b>Appointed Salaried Part Time</b>										
Assessor	Dan	Stanford	██	██	6	10/15/09-9/30/13	N	12.44		
Building Insp./Code Enforcement Officer	Gerald	Kusse	██	██	6	01/1/12-12/31/12	N	23.28		
Fire Marshal/Emergency Coordinator	Richard	Tracy	██	██	6	01/1/12-12/31/12	N	8.72		
Director of Fin./Budget Officer	Donald	Reynolds	██	██	6	01/1/12-12/31/12	N	18.33		
Planning Board Chair	John	Felsen	██	██	6	01/1/08-12/31/12	N	1.44	x	
Planning Board Member	John	Morelli	██	██	6	01/1/11-12/31/15	N	1.06		
Conservation Board Member	Julia	Lederman	██	██	6	01/1/08-12/31/12	N	0.25		

RUSH TOWN BOARD  
AUGUST 22, 2012

Appointed Hourly Full Time										
Deputy Town Clerk	Meribeth	Palmer			7	01/1/12-12/31/12	Y			
Appointed Hourly Part Time										
Recreation Supervisor	Patricia	Stephens			6	01/1/12-12/31/12	Y			
Supervisor's Secretary	Valerie	Mertsock			6	04/30/12-12/31/12	Y			
Court Clerk	Sally	Newell			6	01/1/12-12/31/12	Y			
Court Clerk	Stephanie	Anderson			6	01/1/12-12/31/12	Y			
Assessor Clerk	Colleen	Statskey			6	01/1/12-12/31/12	Y			

Roll:

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

VII. NEW BUSINESS

A. Permit Application Modification – Town Clerk Bucci stated that the Town presently does not require applicants to submit a digitized copy of their plans or prints for review purposes. A digitized copy would be helpful for other departments within the town who currently work with the prints. We are awaiting input from the town engineer who is presently on vacation in regards to its probability and possible cost involved.

B. Gruschow Rental Proposal – Supervisor Anderson visited Building #5, greenhouse, on the BOCES property (6565 East River Road). A structure resides on both the east and west side of Building 5. Robert Gruschow who sells agricultural supplements has requested a rental agreement. Schedule A has been distributed to the Town Board members and lists additional requirements related to repair, maintenance, utility services, rental and proof of insurance. Supervisor Anderson stated that renting the building would provide needed repair and work to the building as well as revenue stream to the town. Supervisor Anderson requested the Board's authorization to enter into a contract with Robert Gruschow that would include stipulations of Schedule A as presented.

Councilwoman Sluberski requested clarification of the supplements being housed in the building and that it would not be used for retail purposes. Supervisor Anderson consulted with the Town Attorney who advised the town that supplements would fit within the required agricultural uses of the property and that it would not be used for retail purposes.

Attorney Mancuso stated that the standard contract would include non-use of prohibitive substances such as agricultural pesticides and chemicals.

**RESOLUTION # 129-2012**

Councilwoman Sluberski moved to authorize the Supervisor to enter into a contract including Schedule A as provided for the use of the east end of Building #5 located on the BOCES property at 6565 East River Road, Rush, New York. Councilwoman Steiner seconded the motion.

Roll:

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

B. Adoption of Recreational and Agricultural Use Citizens Committee – Supervisor Anderson along with the Town Board has received 8 submissions from Rush residents to be included on the Recreational and Agricultural Use Citizens Committee (RACC). The Committee's mission is to provide suggestions to the Board for the uses of the BOCES property located at 6565 East Henrietta Road and the Division of Youth property located at 375 Rush Scottsville Road. The Committee will include Ted Strang, Marianne Rizzo, Philip Dagggar, Kathryn Hankins, Cecil Palmer, Jim Smith, Ethan Crist, Christine Shefer and Jerry Horton with Jerry Horton as chair of the committee.

**RESOLUTION #130-2012**

Councilwoman Sluberski moved to create a Recreational and Agricultural Use Citizens Committee comprised of Ted Strang, Marianne Rizzo, Philp Dagggar, Kathryn Hankins, Cecil Palmer, Jim Smith, Ethan Crist, Christine Shefer and Jerry Horton with Jerry Horton as chair of the committee for the sole purposes of acting as an advisory committee to the town on uses of both 6565 East River Road, Rush and 375 Rush-Scottsville Road. Councilwoman Steiner seconded the motion.

Roll:

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

Supervisor Anderson will have his office contact all members regarding their acceptance on the RACC.

VIII. OPEN FORUM

Supervisor Anderson opened the floor to all wishing to address the Town Board.

Resident Dave Sluberski referred to copyright information included in his letter previously read aloud and that he has been a strong supporter of the community for years, providing services at no charge to the town.

The Town attorney will review the materials submitted and respond if necessary.

Supervisor Anderson responded that in meanwhile Mr. Sluberski will receive full credit for his contributions to the town.

Supervisor Anderson moved to adjournment of the meeting while inviting all to stay for the budget meeting to follow. Budget meetings are for departmental submission and explanation of line items to the Town Board.

IX. ADJOURNMENT

There being no further business, the meeting was adjourned by Supervisor Anderson at 7:30 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci  
Town Clerk