

RUSH TOWN BOARD
Minutes of October 10, 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 October 10, 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
	Kathryn Steiner	-----	Councilwoman
	Daniel Woolaver	-----	Councilman
	Pamela Bucci	-----	Town Clerk
	John Mancuso, Esq.	-----	Town Attorney

OTHERS

PRESENT:	Mark David	-----	Highway Superintendent, Resident
	Gavin Burke	-----	Resident
	Carol Barnett	-----	Resident
	Al Sweet	-----	Resident
	Dave Sluberski	-----	Resident
	Kathryn Cappella-Hankins	-----	Resident
	Ansgar Schmid	-----	Resident
	Paul Stevenson	-----	Resident
	James Bucci, Jr.	-----	Resident
	Rita McCarthy	-----	Resident

I. OPEN FORUM

Supervisor Anderson opened the meeting and explained the open forum process. The Town Board will either respond immediately with facts at hand or research for the answer and provide it at a later date.

Resident Dave Sluberski, stating that he had reviewed the Minutes of September 26th. Before the Board approved them, he stated that on the 2nd open forum, (Mr. Sluberski read it aloud in its entirety), stated that he also said that with the balance of power being what it was, it would be very easy to go partisan and that hopefully the Town Board would select a democrat to replace Lisa.

Resident Paul Stevenson read in recent publications that the Town has acquired from the State parcels on Route 251 and East River Road. Mr. Stevenson inquired about the Recreational Agricultural Citizens Committee (RACC)

including their charter and whether or not the Town intended to sell part of the land.

Supervisor Anderson stated that the appointed Chair of the RACC was in the audience and possibly they could converse. Mr. Stevenson further asked if the town intended to only lease or sell the property. Supervisor Anderson stated that there are restrictive covenants in the deed provided by the state to the town and that the town's legal team has researched the deed specifications. Each applicant wishing to lease the land is interviewed carefully and further research case by case may be necessary. The Town will not be selling the property. If there are further questions that RACC Chair Jerry Horton cannot answer, the Town Board is available.

II. APPROVAL OF MINUTES

Councilwoman Steiner wished to add on Page 3 under Reports of Officers and Committees that she had no report.

RESOLUTION #142-2012

Councilwoman Steiner moved to approve the Minutes of September 26, 2012, as amended by the Town Clerk. Councilman Riepe seconded the motion.

Roll:

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

III. APPROVAL OF TRANSFER

Transfer from the unexpended balance of an existing appropriation'(s).

General Funds

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
11	500.00	A-1110.1	Court	A-1110.2	Court
			Personal Services		Capital
			Shift between JAG Grant categories per Sally Newell		Outlay
12	450.00	A-1110.4	Court	A-1110.2	Court
			Contractual		Capital
			Shift between JAG Grant categories per Sally Newell		Outlay
13	3,000.00	A-1620.21	Building	A-1620.45	Building
			Capital Outlay		Contractual
			Transfer to cover Parking Lot crack filling		
	4,000.00	A-1010.4	Legislative	A-1310.2	Finance

14			Contractual		Capital Outlay
			Transfer to cover Server Replacement		
15	3,000.00	A-1620.21	Building	A-1620.45	Building
			Capital Outlay		Contractual
			Transfer to cover Roof Repair		
16	1,250.00	A-1620.21	Building	A-1410.2	Town Clerk
			Capital Outlay		Capital Outlay
			Transfer to cover Copier Room improvements		

Number	Amount	Account	Description	Account	Description
17	8,400.00	DA-5112.4	Road Construction	DA-5110.4	Maintenance of Roads
			Contractual		Contractual
			To Reallocate Highway Budget per Mark David		
18	7,300.00	DA-5142.4	Snow Removal	DA-5110.4	Maintenance of Roads
			Contractual		Contractual
			To Reallocate Highway Budget per Mark David		
19	280.00	DA-5112.1	Road Construction	DA-5110.1	Maintenance of Roads
			Personal Services		Personal Services
			To Reallocate Highway Budget per Mark David		
20	1,500.00	DA-5142.1	Snow Removal	DA-5110.1	Maintenance of Roads
			Personal Services		Personal Services
			To Reallocate Highway Budget per Mark David		

Appropriation of unreserved fund balance or unanticipated revenues

General Fund

Transfer	Increase Revenue			Increase Appropriation	
Number	Amount	Account	Description	Account	Description
21	4,500.00	A-3097	Grant Revenue	A-1620.22	Building
			Capital Projects		Capital Outlay -Grant Funds
			Reflect initial Materials for ADA B/Ball Court		
22	8,500.00	A-3097	Grant Revenue	A-1620.22	Building
			Capital Projects		Capital Outlay -Grant Funds
			Reflect initial Highway Labor & Equip for ADA B/Ball Court		

Councilwoman Steiner BE IT Resolved, that having audited all the unexpended balances of existing appropriations in the existing appropriations, unreserved fund or unanticipated revenues I move that transfer #11 through 22 in the amount of \$42,680.00 be allowed. Councilman Riepe seconded the motion.

Roll:

Councilman Riepe

aye

Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

IV. APPROVAL OF ABSTRACT

RESOLUTION # 144-2012

Councilman Woolaver moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #10-1, for vouchers #1074 through #1123, be allowed for payment in the amount of \$79,656.59. Councilwoman Steiner seconded the motion.

Roll:

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

V. CORRESPONDENCE

Supervisor Anderson had no correspondence of significance to report.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilman Riepe received a notice that the Fire Department is allowing House #1 as a stop for a bike ride for Breast Cancer Awareness on Sunday, October 14th.

Councilman Riepe has e-mailed both the Planning and Zoning Board members regarding their input on hydrofracking as it is referenced in the Town Code and defensible in a potential lawsuit.

Councilman Woolaver reported that the Conservation Board did not meet. Councilman Woolaver stated that people have been inquiring about the Big M. Supervisor Anderson stated that taxes continue to be paid on the property and the town code is being enforced. Somebody said that there was no acknowledgment in the newsletter of Councilwoman Sluberski leaving after 7 years. Councilman Woolaver was unsure if that was an oversight.

Councilman Riepe stated that Councilwoman's resignation was not official when the newsletter submittal was due.

Councilwoman Steiner stated that the Library Board of Trustees met last week and the wine tasting event is scheduled for March 9th at the Rabbit Room in Honeoye Falls. The Library Board has been invited to a legislative breakfast scheduled for October 26th at the Henrietta Library. Julia Lederman's term as Library President is ending and Rob Lewkowicz has volunteered to be the new

President. For cost effective and efficiency purposes, solar lights have been ordered for the Library sign.

Town Clerk Bucci reported that she has processed \$3,452,000 in school taxes with roughly \$710,000 due by November 18th. There is still room to sign up for the Assessor's presentation of tax exemptions on October 29th at 5 PM.

Town Clerk Bucci stated that open local registration for voters will be held at the town hall today from 3 to 7 PM and Saturday from 12 noon until 9 PM both at the town hall and all town hall and city libraries around Monroe County.

Town Clerk Bucci stated that the Board previously inquired about adding a requirement that all applicants provide a digitized copy of their building plan. The Town Engineer was contacted and although larger engineering firms would have the capability in producing a copy at little or no cost, it may be burdensome on smaller firms. In researching the cost, we found that digitized copies were very reasonably priced. The Assessor's Office utilizes building plans and would find it much more productive to have digitized copies available.

The Fire District has filed a public hearing notice with the Town Clerk's Office regarding the proposed budget hearing scheduled for October 16th at 7 PM at the Rush Fire District. The public is invited.

Many freedom of information requests have been filed in the office pertaining to permits, Certificate of Occupancy and or Certificate of Compliance as they relate to the purchase and selling of homes. Other requests have been regarding the noise ordinance. Residents have been very receptive and thankful in finding information regarding the code through ECode360 on the town website.

Highway Superintendent Mark David reported that the 1996 1-ton dump sold at auction for \$5800 as expected. Site work has been started on the ADA compliant basketball court. Paving on the court will commence next spring.

Code Enforcement Office Kusse had no report.

Town Attorney had no report.

VII. OLD BUSINESS

A. Bessie Hallock Manuscript Progress – Supervisor Anderson stated that the manuscript is at the printer and the town is awaiting a final proof. Once the committee approves it, approximately 60 copies will be available for purchase.

B Memorandum of Understanding (MOU) between the Rush Fire District and the Town of Rush – Supervisor Anderson explained that the MOU has been recommended by the auditors for compliance purposes. It will provide an agreement for the Town to sell fuel to the Fire District at the town's state-bid cost.

RESOLUTION #145-2012

Councilman Woolaver moved to allow the Supervisor to enter into a Memorandum of Understanding with the Rush Fire District for the purpose of allowing access of to the town's fuel storage facility at the same state-bid cost. Councilwoman Steiner seconded the motion.

Roll:

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

PUBLIC HEARING OF BID OPENING: 7:15 PM

Supervisor Anderson opened the public hearing and directed Town Clerk Bucci to read the notice as advertised. It read as follows:

Notice to Bidders Town of Rush

Notice is Hereby Given, that pursuant to the requirements of section 103 of the General Municipal Law, sealed bids for the purchase of the following will be received at the office of the Rush Town Clerk, 5977 East Henrietta Road, Rush, New York until 11:00 AM on October 10th, 2012. Bids will be publicly opened and read aloud at the regularly scheduled Town Board meeting on October 10th at 7:15 PM.

The purchase and installation of (1) one new and unused 9' Snow Plow & Frame, to be mounted on a 2012 Ford F-350, 4x4, 1-Ton dump truck.

Said bid items to be submitted in accordance with Specifications and Instructions to Bidders which are available from the undersigned at the above address during regular business hours. The specifications provide a penalty clause in regard to time of delivery.

Dated: September 12, 2012
Pamela Bucci, Town Clerk

By Order of the Rush Town Board

The public hearing notice was posted as required.

Bids were opened and read allowed by Supervisor Anderson as follows:

Thru-Way Spring	\$4,390.00	Cyncon Equipment Inc.	\$5,014.00
1609 Mt. Read Blvd.		7494 W. Henrietta Rd.	
Rochester, NY 14606		Rush, NY 14543	

Supervisor Anderson requested Highway Superintendent David to review both for completeness before making a decision on the low bidder, Thru-Way Spring.

RESOLUTION #145-2012

Supervisor Anderson moved to approve the low bid of Thru-Way Spring, 1609 Mt. Read Boulevard, Rochester, New York 14606, in the amount of \$4,390.00 for the purchase and installation of a new and unused 9" snow plow and frame to be mounted on a 2012 Ford-F350 4x4, 1 ton-dump truck pending the Highway Superintendent's review. Councilwoman Steiner seconded the motion.

Roll:

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

VIII. NEW BUSINESS

A. Land Tech request to Rezone a Parcel located on Rush-Henrietta Townline Road – Supervisor Anderson invited Engineer Ed Martin of Land Tech to proceed with the request. Mr. Martin presented a sketch of the proposal. His client wishes to convert 19.81 acres of land which is currently zoned as R-30 into RTH townhouse designation. The property is located on the southside of Rush-Henrietta Townline Road adjacent to Route 390. A single family development was previously approved by the town, however, the developer did not continue with development. An environmental assessment form is provided. Mr. Martin stated that soil testing was previously done with original subdivision approval. The DEC now requires green infrastructure wherever possible and will be done through infiltration of rainwater. The southern half of the site will be left untouched and can be put into a conservation easement. The water main would be extended to connect to the project. Forty-eight units would be proposed at approximately 1400 square feet for each unit. The building footprint exists on Westfall Road, east of Route 15 on the north side. In order to visit the Westfall site, Mr. Martin will share the exact address with the Town Clerk.

Councilman Riepe inquired of the type of septic system to be used. Mr. Martin stated that the system will require a raised sand bed with an aeration unit as required by the Monroe County Health Department.

Supervisor Anderson stated that the project would require an expanded environmental statement including a school and traffic study. The project will be referred to the Planning Board according to Municipal Procedure for Rezoning.

B. New York State Municipal Snow & Ice Contractual Agreement Extension – Highway Superintendent Mark David stated that the agreement is unchanged from previous years and is based on a 3 year average including the same lane miles and reimbursement.

RESOLUTION #146-2012

Councilman Riepe motioned to approve Supervisor Anderson entering into a contact with the New York State Municipal Snow & Ice Contractual Agreement Extension as presented. Councilman Woolaver seconded the motion.

Roll:

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

RESOLUTION #147-2012

Supervisor Anderson moved to schedule a public hearing of the 2013 Preliminary Budget on November 14, 2012, at 7:30 PM. Councilman Woolaver seconded the motion.

Roll:

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

Supervisor Anderson added that Comptroller DiNapoli has provided a checklist for municipality fiscal health and by November 14th, both the Finance Director and he will have completed the checklist. The checklist addresses unexpended balances, percentage of revenue, debt picture, etc.

IX. OPEN FORUM

Resident Dave Sluberski asked if anyone knew why plastic and stone was placed on the old railroad beds at East River Road and Rush West Rush Road.

Supervisor Anderson has not been informed but suspects that Niagara Mohawk is clearing for access and egress to the right of ways. Early in the year, the town was successful in getting Niagara Mohawk to perform needed maintenance that was causing water back-up in resident yards.

Highway Superintendent David stated that brush removal is being done, however, is unaware if the plastic and stone will be permanent.

Resident Gavin Burke purchased a house at 1868 Rush Scottsville Road in 2006. In 2009, a fire ensued. The Zoning Board then discovered an accessory apartment on the parcel and he was informed that the accessory apartment was not permitted pursuant to the Town Code. Mr. Burke's attorney advised him to do nothing about the accessory apartment. He is selling the property, however, the buyer requests clarification of the accessory apartment's legal existence. Mr. Burke has recently been in contact with Code Enforcement Officer Kusse and has asked for Attorney Frank Pavia's response to his request. The house has been listed as a 2-family since 1972 and has been taxed accordingly to date. Mr. Burke is requesting a town decision before the buyer goes elsewhere.

Supervisor Anderson stated that there may be additional steps, however, he would contact the town attorney for clarification and find a solution to the matter.

Supervisor Anderson also provided an open invitation for not only Mr. Burke but anyone wishing to discuss a town matter.

X. EXECUTIVE SESSION

There being no further comments, Supervisor Anderson adjourned the meeting at 7:40 PM in order to conduct an attorney-client privileged Executive Session.

Supervisor Anderson reopened the meeting to the regular session at 8:06 PM.

XI. ADJOURNMENT

There being no further business, the meeting was adjourned by Supervisor

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October 10, 2012

Anderson at 8:07 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci
Town Clerk