

RUSH TOWN BOARD
Minutes of October 24, 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 24, 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
	Frank Pavia, Esq.	-----	Town Attorney

OTHERS

PRESENT:	Carol Barnett	-----	Resident
	Al Sweet	-----	Resident
	Dave Sluberski	-----	Resident
	Mark David	-----	Highway Superintendent, Resident
	Jerry Horton	-----	Resident
	Ansgar Schmid	-----	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 stated that several of the members of the Hydrafracking Citizens Working Committee (HCWC) visited a town in Pennsylvania where hydrofracking takes place. The HCWC requests time on the next Town Board agenda to show their footage. Supervisor Anderson will add it to the agenda.

Resident Dave Sluberski asked if the Town had been informed of the re-opening of the Route 15 bridge over Interstate 390. Supervisor Anderson has not been notified, however, Highway Superintendent has discussed the bridge opening with the Project Engineer for an expected re-opening at the end of October, early November.

II. APPROVAL OF MINUTES

RESOLUTION #148-2012

Councilman Riepe moved to approve the Minutes of October 10, 2012, as presented by Town Clerk Bucci. Councilwoman Steiner seconded the motion.
Roll:

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

III. APPROVAL OF TRANSFER

RESOLUTION #149-2012

Councilman Riepe moved BE IT Resolved, that having audited all the unexpended balances of existing appropriations I move that transfers #23 through #29 in the amount of \$20,228.79 be allowed. Councilman Woolaver seconded the motion.

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

General Funds

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
23	.44	9060.A	Fringe Benefits health Insurance	A90558	Fringe Benefits Disability Insurance
			Transfer to cover rounding is Disability		
24	122.00	9060.8A	Fringe Benefits Health Insurance	A90408A	Fringe Benefits Workers Compensation
			Transfer to cover slight Workers Comp variance		
25	89.87	A1110.4	Court Contractual	A1110.2	Court Capital Outlay
			Transfer to cover additional Pinpoint		

Highway Funds

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
26	6800.00	DA5142.1	Snow Removal Town Personal Services	DA5130.1	Machinery/Shop Personal Services
			To Reallocate Highway Budget per Mark David		
27	13200.00	DA5148.1	Service to other Governments	DA5130.1	Machinery/Shop Personal Services

To Reallocate Highway Budget per Mark David

Library Fund

Transfer Number	Increase Revenue			Increase Appropriation	
	Amount	Account	Description	Account	Description
28	.48	L9060.8	Fringe Benefits	L9055.8	Fringe Benefits
			Capital Projects		Disability Insurance
			To Reallocate Highway Budget per Mark David		
29	16.00	L9060.8	Fringe Benefits	L9048.8	Fringe Benefits
			Capital Projects		Workers Compensation
			Transfer to cover slight Workers Compensation variance		

Roll:

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

IV. APPROVAL OF ABSTRACT

RESOLUTION #150-2012

Councilwoman Steiner moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #10-2, for vouchers #1125 through #1183 be allowed for payment in the amount of \$26,871.95. Councilman Riepe seconded the motion.

Roll:

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

V. CORRESPONDENCE

Supervisor Anderson reported on the following:

Monroe County Department of Transportation (MCDOT) – MCDOT will be hosting a meeting at the Rush Town Hall on Tuesday, October 30th from 5 PM to 7:30 PM concerning a Pinnacle Road project. The public is invited and the information is posted on the town website. MCDOT does not anticipate closing the road.

New York State Comptroller Thomas DiNapoli - Comptroller DiNapoli's forward a message to all NYS employers which stated that the 3rd largest public pension fund in the country earned 5.96% rate of return in 2012. With those returns, he cautioned that contributions will continue in this fiscal year even when

employers continue to struggle with lower revenue and growing costs. The Town of Rush is a contributor.

World War II Veterans Honor Flight Program – A concerted effort to provide an opportunity to all World War II veterans and then Korean War veterans who would like to participate in the Honor Flight Program is being conducted. All information is posted on the town website and posters are in the town office.

Rush Rifle Range – Supervisor Anderson received a November shooting schedule and it is posted on the town website.

NYSERDA Rebate Program – Supervisor Anderson received information regarding municipal rebates for large energy appliances. If the Town has needs, we will take advantage of the program.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilman Woolaver attended the Zoning Board meeting where 4 applications were heard for 6101 East Henrietta Road, two-family house. All applications were approved. Also discussed at that meeting was hydrofracking. Councilman Woolaver stated that the town's zoning code has prohibited gas and gravel extractions for the past 9 years. The Zoning Board asked if there were any laws more specific in order to restrict hydrofracking.

Councilwoman Steiner had no report.

Councilman Riepe attended the Fire Commissioner's meeting where they discussed their flat tax rate. He also attended the Zoning Board meeting. As liaison to Planning Board, Councilman Riepe reported that they discussed the hydrofracking issues relevant to the Code. They believe that the Code is sufficient due to the fact that they have the authorization to deny special permits.

Town Attorney Mancuso had no report.

Town Clerk Bucci stated that the school tax collection is nearing an end. She attended the Monroe County Town Clerk, Tax Receiver and Collectors Association meeting where she is the secretary and was honored to be nominated and elected as the President of the Association for the next two years.

Highway Superintendent Mark David is completing work for the fall season in preparation for the winter season workload. The basketball court project at the Town Hall will recommence next spring.

Code Enforcement Officer Kusse stated that at the October 10, 2012, meeting Resident Gavin Burke, Rush-Scottsville Road misstated that he appeared before the Zoning Board of Appeals. Mr. Kusse may have recently confused Mr. Burke regarding appearances at Zoning and Planning Boards in his recent discussions of his property. Mr. Burke appeared before the Planning Board regarding his property.

Supervisor Anderson stated that he and Finance Director Don Reynolds have viewed the 2nd webinar on the state 2% property cap. Another webinar will be viewed on gauging the financial health of towns.

Supervisor Anderson met with a representative from the Rotary Club wherein they requested the town's special needs in anticipation of national Rotary funding. The Town does need basketball hoop equipment. Supervisor Anderson has asked Highway Superintendent Mark David to collect equipment quotes.

Supervisor Anderson and Finance Director Reynolds met with UNISON, a company that manages cell tower sites. The Town's site is managed by an existing lease with Crown Castle. At this time, the Town believes that it is not feasible to sell out its lease for a lump sum.

VI. OLD BUSINESS

A. Bessie Hallock Manuscript Progress – Supervisor Anderson stated that the manuscript is printed and now at the binder company. The manuscript will be available for sale. Town Historian Margie Kirch and Secretary Valerie Mertsoc have put a great deal of time in effort into its production. Sixty copies will be produced.

B. Snow Plow Bid – Highway Superintendent Mark David reviewed the bid presented. Thru-Way Spring was the low bid and included the required specifications. The plow is ready for the season.

VII. NEW BUSINESS

A. Appoint Liaison to Zoning Board of Appeals – Supervisor Anderson stated that Councilwoman Sluberski was the liaison to the Zoning Board. Upon her departure, Councilman Woolaver has agreed to accept the responsibility.

RESOLUTION #151-2012

Supervisor Anderson moved to appoint Councilman Woolaver liaison to the Zoning Board of Appeals effective immediately. Councilwoman Steiner seconded the motion.

Roll:

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

B. Appoint Liaison to Recreational Agricultural Citizens Committee (RACC) – Supervisor Anderson stated that Councilwoman Steiner has agreed to accept the responsibility.

RESOLUTION #152-2012

Supervisor Anderson moved to appoint Councilwoman Steiner liaison to the Recreational Agricultural Citizens Committee effective immediately. Councilman Woolaver seconded the motion.

Roll:

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

C. Appoint Liaison to Hydrofracking Citizens Working Committee (HCWC) – Supervisor Anderson stated that Councilman Riepe has been attending the meetings and has agreed to accept the responsibility of liaison to the HCWC.

RESOLUTION #153-2012

Supervisor Anderson moved to appoint Councilman Riepe liaison to the Hydrofracking Citizens Working Committee (HCWC) immediately. Councilman Woolaver seconded the motion.

Roll:

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

Supervisor Anderson explained that the liaisons to committees are appointed by him at the organizational meeting and yearly liaisons will again be appointed in one motion at that time.

D. Draining Easement at Rochester and Genesee Valley Railroad Museum – Supervisor Anderson distributed a proposal for a drainage easement to all Board members in connection with the Genesee Valley Railroad Museum located at 282 Rush Scottsville Road. The Railroad Museum is inheriting water from the Weaver property and old pipes draining from Industry property causing the basement to flood. The Railroad Museum is requesting an easement in order to

bring a drainage tile across the property emptying into the current storm sewer outflow. Supervisor Anderson requested permission, after attorney approval, to enter into an agreement with the Genesee Valley Railroad Museum for a drainage easement.

RESOLUTION #154-2012

Councilman Riepe moved to authorize the Supervisor to enter into a Drainage Easement agreement with the Rochester and Genesee Valley Railroad Museum, 292 Rush Scottsville Road, Rush, pending attorney approval. Councilman Woolaver seconded the motion.

Roll:

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

E. Schedule a Meeting for 2013 Budget approval – If the town budget is not approved after the public hearing scheduled for November 14th, Supervisor Anderson proposed Monday, November 19th, 7 PM for a tentative budget approval meeting. Supervisor Anderson stated that although Monroe County towns have the ability under Town Law §109 to pass a budget as late as December 20th, the Monroe County Office of Real Properties have requested that all 2013 budgets be adopted and filed with them no later than November 23, 2012. Prolonging the submittal delays the legislature's adoption of the levy.

Supervisor Anderson stated that the Board has had the preliminary budget since September 27, 2012, and any additional suggested changes should be submitted to the budget officer by October 31st.

F. Purchase of Server - Supervisor Anderson stated that a new server with a larger capacity is required at the town hall for upgrading programs including the new digitized software. The Pinpoint Group has provided the town with a best NYS contract cost. The unexpended balance funds have been designated and are available. Supervisor Anderson explained that installing the new server now versus waiting until 2013 would be more beneficial for the newly purchased digitized software for records management and for IT operations as a whole.

RESOLUTION #155-2012

Councilman Riepe moved to approve the purchase of a new server for the town hall with funds from capital outlay account A1310.2 in an amount not to exceed \$4,000.00. Councilwoman Steiner seconded the motion.

Roll:

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

G. All Seasons County Town Agreement – Highway Superintendent Mark David stated that the All Seasons agreement is a yearly extension of an existing agreement with Monroe County for all highway crew work done on behalf of the County of Monroe. The agreement provides for an increase in fringe rates by 3%.

RESOLUTION #156-2012

Councilman Riepe moved to authorize the Supervisor to enter into the 2012 Amendatory Agreement – All Seasons/County/Town Work Agreement with Monroe County Department of Transportation for seasonal roadwork and fringe rates. Councilwoman Steiner seconded the motion.

Roll:

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

Councilman Riepe inquired about the Temporary Easement template that was distributed to all Board members for review. Supervisor Anderson stated that the boiler plate agreement provides for access to work off town property. Supervisor Anderson asked Attorney John Mancuso who is authorized as agency to sign the Temporary Easement. Attorney Mancuso will verify.

VIII. OPEN FORUM

Resident Carol Barnett wanted to clarify that Councilman Riepe is polling the other Boards' opinion of whether or not the Code covers hydrofracking from a legal standpoint. The appointed Hydrofracking Citizens Working Committee (HCWC) is not requesting that information and Mrs. Barnett has discussed that point with Councilman Riepe. The moratorium on hydrofracking and the establishing and appointing of the HCWC was done because the Town Board believed hydrofracking would create a serious enough risk to continue an investigation and recommendations on their findings will be provided to the Town Board to review.

Councilman Riepe stated that he has a personal concern in seeking the Boards' view of the Code and its legal ground as it relates to hydrofracking.

Resident Dave Sluberski agreed on the town's approach in relation to cell towers.

Once all persons were heard, Supervisor Anderson announced that 11 applications were received and distributed to the Town Board for the open town board position. He further asked how the members would prefer to conduct interviews and if all applicants would be heard. Councilmen Riepe and Woolaver agreed to interview all candidates. Councilwoman Steiner wished for time to view the submissions before making a decision.

IX. EXECUTIVE SESSION

Supervisor Anderson made a motion that the Board move into Executive Session at 7:40 PM to discuss an attorney-client privileged matter. All members of the Board were in agreement.

Supervisor Anderson reopened the meeting to the regular session at 7:55 PM.

X. ADJOURNMENT

There being no further business, the meeting was adjourned by Supervisor Anderson at 7:56 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci
Town Clerk