

RUSH TOWN BOARD  
Minutes of November 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 November 14, 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
	Ted Barnett	-----	Resident
	Carol Barnett	-----	Resident
	Dave Sluberski	-----	Resident
	Cathy Frank	-----	Resident
	Rick Wurzer	-----	Resident
	Julia Lederman	-----	Resident, Conservation Board Member
	Marianne Rizzo	-----	Resident
	David Watson	-----	Resident
	Ansgar Schmid	-----	Resident
	Pat Kraus	-----	Resident, Conservation Board Member
	Robert Kraus	-----	Resident
	Harvey Seymour	-----	Resident
	Joan Starkweather	-----	Resident
	Beth Hoag	-----	Resident
	Jeanne Stone	-----	Resident
	Jim Bucci	-----	Resident
	Robert Powers	-----	Resident
	Eadie Powers	-----	Resident
	Jordan Kleiman	-----	Resident
	JoAnn Deblinger	-----	Resident

I. OPEN FORUM

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

II. APPROVAL OF MINUTES

**RESOLUTION #157-2012**

Councilman Riepe moved to approve the Minutes October 26, 2012, as submitted by the Town Clerk. Councilman Woolaver seconded the motion.

Roll:

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

III. APPROVAL OF TRANSFER

Supervisor Anderson stated that a transfer of funds was not required.

IV. APPROVAL OF ABSTRACT

**RESOLUTION #158-2012**

Councilwoman Steiner moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #11-1, for vouchers #1184 through #1252, be allowed for payment in the amount of \$51,476.65. Councilman Riepe seconded the motion.

Roll:

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

V. CORRESPONDENCE

New York State Department of Transportation (NYSDOT) – Supervisor Anderson was informed by the NYSDOT that the Route 15 bridge over and ramp to Interstate 390 would be open beginning November 14<sup>th</sup>. The bridge and ramp, however, are not open but it appears to be finished and opening is anticipated shortly.

Monroe County Environmental Management Council (MCEMC)- Supervisor Anderson has been asked by the MCEMC to appoint a representative from the Rush Conservation Board to serve on the council. Dave Watson, Conservation Board Chair, has graciously accepted and will serve on the MCEMC.

Veterans Service Agency of Monroe County – Supervisor Anderson, along with other towns, has been asked to offer an assembly place for veterans to meet with the representatives of the Veterans Outreach Center. The Town will be making arrangements for veteran to use the Rush Pavilion between the hours of 9 AM to 11 AM and 1 PM and 3 PM at no cost. Supervisor Anderson has asked

Recreation Supervisor Patricia Stephens to provide open dates for scheduling this service.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilman Riepe had no report.

Councilman Woolaver reported that Julia Lederman provided the Conservation Board with a report of the Hydrofracking Citizens Working Committee's trip to Pennsylvania. Other items discussed were Stonewood & Waters, 2500 Rush Mendon Road, request for a special use permit. The Conservation Board is concerned of possible damage created if a permit is allowed because the property discussed crosses the linear trail.

Councilwoman Steiner was unable to attend the Library Board of Trustees meeting, however, she reported that the library sign will soon be available, circulation has been steady with a slight increase and the book sale was satisfactory.

Supervisor Anderson reported on the emergency action deployment anticipating the Hurricane "Storm Sandy" weather was to occur on Monday, October 28<sup>th</sup>. The Emergency Management Center contacted the Supervisor by conference call and alerted him that the Scottsville Road Emergency Center would be open on Monday at 10 AM and would be fully staffed. Four additional emergency centers were opened 24/7 throughout the county. An additional conference call took place with National Grid alerting the Supervisor that an emergency protocol was in place for heavy rains and high winds. Highway Superintendent David was on the Rush roads with a payloader pushing trees out of the way. The Fire Department responded to wires down. By 10 AM Tuesday, Monroe County closed the emergency. A threshold of 2.5 million dollars of damage needs to be reached before Monroe County can apply for FEMA reimbursement. The estimated damage in Monroe County for public structures was \$1.5 million or less.

Town Clerk Bucci reported that her monthly report has been filed with the Supervisor. October revenues amounted \$5,126.15 mostly attributed to recreation, pavilion and dog licensing fees.

Highway Superintendent David reported that his crew is ready for the snow and ice season. All fences will be installed.

Code Enforcement Office Kusse had no report.

Town Attorney Mancuso had no report.

VII. OLD BUSINESS

A. Bessie Hallock Manuscript Progress – Supervisor Anderson reported that the manuscript, Bessie Hallock Book, is now available for purchase in the Town Clerk's Office and the Library for \$11.00 at the town's cost, during regular business hours. Eighty copies have been printed. Many thanks go to Historian Margie Kirch and Supervisor's Secretary Valerie Mertssock.

B. Drainage Easement between Rochester and Genesee Valley Railroad and the Town of Rush – Supervisor Anderson, stated that the details of the placement of the drainage that will connect a drainage pipe to the sump pump through town property is being prepared by the town attorney. The agreement, previously approved, will then be signed and filed.

VIII. NEW BUSINESS

A. Resolution to Approve Bonding for Town Clerk, Deputy Town Clerk and Finance Director – Town Clerk Bucci stated that the resolution is required in order, as the Tax Collector, to accept the warrant and undertaking involved in the collection of taxes. The bonding also covers collection of town monies by the Deputy Town Clerk, who must act together with and in the absence of the town clerk in collection of fees and taxes. The Finance Director is also covered in the bonding for the collection of town funds. A certificate of Insurance is on file in the Town Clerk's Office. Both the Certificate of Insurance and resolution are a requirement of Monroe County in order to collect taxes.

The town's crime coverage also covers employee dishonesty of \$25,000.00. A resolution is not required for this coverage.

**RESOLUTION #159-2012**

Councilman Riepe moved that the Town Board of the Town of Rush hereby approves the surety bond, form and amount of the official undertaking for the faithful performance of the duties of the Town Clerk and Tax Collector, Deputy Town Clerk and Finance Director, as filed in the Town Clerk's Office:

Type of Undertaking: Public Official Liability/Employee Dishonesty  
Insurance Company: AXIS Insurance Company/St. Paul travelers

Amount:                   \$250,000.00 - Town Clerk/Tax Collector  
                                  \$250,000.00 - Deputy Town Clerk  
                                  \$125,000.00 - Finance Director

Motion seconded by Councilman Woolaver.

Roll:

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

B. Right to Farm Law – Supervisor Anderson has distributed a package of 3 different Right to Farm Laws to the Town Board for review. The town attorneys have also provided a website for 7 additional examples. A member of the Planning Board, who is also a member of the Farmland Preservation Committee, requested that the town review these Right to Farm possibilities.

C. Town Board Appointment – Supervisor Anderson stated that Councilwoman Lisa Sluberski resigned from her position effective October 1, 2012. Since then, an advertisement for qualified candidates was posted in the town paper, website and town clerk's bulletin board. Per Town Law, although 11 applications were received, 10 were interviewed and 1 withdrew prior to the interview process. Excellent candidates applied. Town Board members agreed to select the top 4 candidates and rank order them. The highest mark was given to Cathleen Frank. Cathy will finish out Lisa Sluberski's term which expires December 31, 2013. Supervisor Anderson congratulated and welcomed Cathleen Frank.

#### **RESOLUTION #160-2012**

Supervisor Anderson motioned to appoint Cathleen M. Frank as councilperson to fill the unexpired term of Lisa Sluberski effective November 15, 2012 through December 31, 2013. Councilwoman Steiner seconded the motion.

Roll:

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

All applauded.

#### **IX. OPEN FORUM**

Supervisor Anderson offered the open forum, however, the audience did not respond.

So that the public hearing of the Town Budget would begin as scheduled, Supervisor Anderson offered the floor to Dr. and Carol Barnett for an introduction to their video of their trip to Pennsylvania in viewing a hydrofracking community and operation in the Dimick area. Members of the Committee and community went on the field trip and the Barnetts talked about the counties where

hydrofracking is taking place, their tour guide and discussions or lack thereof in the community because of gag orders. Some of the topics discussed or will be discussed in the video are fresh water usage, chemical exposure, additional toxicity, waste disposal, failure of gas well casings, water table contamination, surface contamination, airborne pollution, getting to the truth because of gag orders, industrialization of the landscape, cascade of development, other adverse impacts, changes both visible and not-so-visible and the implications for the rural character and quality of life in Rush.

Supervisor Anderson closed the general meeting to open the public hearing at 7:30 PM. He further asked Town Clerk Bucci to read the public notice.

Following distribution of the proposed 2012 Preliminary Budget to the Town Board members, Town Clerk Bucci stated that the Notice of Public Hearing was duly published in the in the official town newspapers, The Henrietta Post and The Sentinel with the same being posted on the website and the town clerk's bulletin board. For the record, Town Clerk Bucci read the legal Notice in its entirety.

LEGAL NOTICE  
NOTICE OF PUBLIC HEARING ON  
PRELIMINARY BUDGET FOR THE TOWN OF RUSH

NOTICE IS HEREBY GIVEN that the Preliminary Budget of the Town of Rush for the year 2013 has been completed and filed in the office of the Rush Town Clerk where it will be available for inspection by an interested person during regular office hours. The Rush Town Board will hold a public hearing on November 14, 2012, at 7:30 PM at the Rush Town Hall, 5977 East Henrietta Road, New York. At such hearing any person may be heard in favor or against the preliminary budget as compiled.

The preliminary budget includes the following proposed salaries for the elected officials for 2013:

Officer:

Supervisor	\$31,017
Town Board Member	\$ 7,372
Town Justice	\$13,490
Highway Superintendent	\$70,817
Town Clerk	\$52,010

By order of the Rush Town Board  
Pamela J. Bucci  
Town Clerk

Supervisor Anderson stated that the Preliminary Budget has been available to the public since September 26, 2012, when it was filed with the Town Clerk. Finance Director Don Reynolds is on-hand for technical aspects.

Supervisor Anderson stated that elected officials salaries remain unchanged with the exception of the Town Clerk's salary which has been increased by 4%. At the Supervisor's Association, a datasheet of all towns is shared with the supervisor's for benchmarking purposes. After review, the only one out of norm was the Town Clerk. The increase is attributed to the added responsibilities she has in the town versus other like towns. All non-elected employees will receive a general 2% increase for 2013.

Supervisor Anderson explained that both he and Finance Director Reynolds participated in state comptroller's webinars which included the 2% state cap increase. In Rush's case, the town was eligible for a 3.68% increase having not taken an increase last year. If you don't use it, you lose it. The town incurred a State retirement system increase which availed no offset because it was compiled in a formula. A tax increase will be 3.36% increase. We are using \$143,000 in unexpended balance for this year. At the end of the year, we are projected to have an unexpended balance of 32%. The town underwent an audit done by an outside firm; the town scored best possible. Outside auditors and comptroller's webinar statistics show that the town is a reasonable position due to the fact that being small, a natural disaster or bad winter season can create a large liability quickly. The budget is fiscally responsible. The town has not incurred a tax increase since 2009. This means that an average Rush assessment of \$168,000, the taxes will increase \$25.00 for every tax parcel. A cushion also remains in the 2% tax cap. Violators of the 2% cap carry heavy fines.

The Supervisor also attended a Proposed Fiscal Stress Monitoring System webinar on – Proposal of Local Government Financial Indicator Scoring. The Town went through the 9 elements scoring a 0 which means that the Town of Rush is at the least financial risk. Finance Director Reynolds stated that the Comptroller's Office will publish all municipalities' financial risks. Rush will be published at among the lowest financial risk.

Supervisor Anderson stated that he was comfortable with the means taken to assure a fiscally responsible budget for the Town of Rush and in doing so wished to place the town in a good position for the coming years.

Supervisor Anderson, opened the floor.

Rush Resident Dave Sluberski read a list of his questions about the budget including details of the tax cap, availability of the budget to the public, participation of the public regarding the budget, meaning of 2012 estimates and their development, meaning of 2012 amended, whether or not amended and estimate numbers are the same, what projected cost of engineering is regarding, how much and why are revenues down in the court, what is the rental revenue amount for BOCES, benchmarks used in raising Town Clerk's salary, Dan Woolaver's salary promise to taxpayers, budget items decrease or increasing by 2%, and what are the premises for the 2013 budget.

Supervisor Anderson asked Mr. Sluberski for a copy of his document. Mr. Sluberski replied that a copy would be provided to him within the next few days.

Resident Jim Bucci asked Mr. Sluberski how many people he was representing with the reading of his document. Mr. Sluberski stated about 10, 15, 20.

Resident Kathryn Hankins stated that she reinforced all that Dave read. The Pittsford website provides actuals and the substantive commentary of their budget and Rush's is not explained in the budget itself. Ms. Hankins stated that more information and explanation regarding the 2% tax cap, entire budget process should be printed in the newsletter and the levy is not understood by all residents. Continued benchmarking of other like communities should continue.

Supervisor Anderson asked for comments. Finance Director Reynolds replied that he would be happy to address the information provided in the future and suggestions were appreciated. The tax cap is calculated on page 1 of the preliminary budget. The General, Highway, Library, special districts including water, drainage and Biondo Park districts are constrained by the total levy for the 2% tax cap. This was not raised last year.

Supervisor Anderson requested further comments. With none being spoken, he declared the public hearing closed at 7:45 PM.

Supervisor Anderson asked the Board as a whole if there were significant additions to the budget.

Councilman Riepe stated that suggestions in changing information on the budget will be reviewed and made for the following year.

Councilman Woolaver asked when the budget had to be passed.

Finance Director Reynolds stated that Monroe County requests that the budget be certified and received by them no later than the middle of next week.

Councilwoman Steiner asked for explanation of the engineering cost. Finance Director Reynolds answered that the Town generally estimates \$25,000 of engineering costs. This was not a misprint of 2012 estimates versus 2013 budget. The cost of the current year projects dictates the actual dollar required.

Resident Kathryn Hankins stated that she understood that Monroe County was allowed a December 20<sup>th</sup> date in order to submit their budget. Ms. Hankins stated that she believed more information related to the town budget should be available.

Finance Director Reynolds stated that although it is a possible date of filing the budget, the Town would run afoul of Monroe County's Office of Real Property Services deadline for approval of towns and special districts tax levies. Rush would be the only town in Monroe County to submit the budget after the November 23 deadline.

Town Clerk Bucci stated that the budget has been available in the Town Clerk's Office since September 26<sup>th</sup> for the public to view. The public hearing date has been set since October 10<sup>th</sup> and the preliminary budget notice posted. All were placed on the website.

Supervisor Anderson stated that the budget has been discussed three times in tentative form through workshops and meetings. The Preliminary Budget has been filed and available to the public in the Clerk's Office since September 26<sup>th</sup>. The budget workshops are held in August and the information is compiled. The tentative budget is created prior to the preliminary budget and revisions are made during the budget process. The data for the budget is available, however, it is a matter of how you approach viewing the documents.

Resident Sluberski stated that there may be a better way to alert the public on specifics of the budget. Supervisor Anderson acknowledged Mr. Sluberski's statement as fair enough.

Resident Marianne Rizzo stated that she appreciated all the hard work that has gone into the budget preparation.

Although the hearing closed, Supervisor Anderson stated that the Board was not a closed society and opened the floor to further comment.

Councilman Riepe stated that the budget should be passed and the Board would work toward a better resolution of explaining data in the future. The budget has been available to the public since September 26<sup>th</sup> and many of the

budget questions could be asked and answered previously. The Board acted diligently and with good faith.

Resident Dave Sluberski stated that the hearing is for public comment and elected officials are to fulfill the wishes of the community.

Supervisor Anderson stated that the budget process begins in August. All meetings are open to the public and anyone may participate in open forum. The object of the budget is not to overtax the people at the same time provide enough funds to cover the expenses. The actuals of the budget, because of timing, may not come until February of next year.

**RESOLUTION #161-2012**

Councilman Riepe moved that the Preliminary Budget for the Town of Rush be adopted as the Official Budget for the Town of Rush for 2013. Supervisor Anderson seconded the motion.

Roll:

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

Supervisor Anderson requested that Resident Dave Sluberski provide a copy of all the questions raised and answers would be furnished.

Supervisor Anderson adjourned the Town Board meeting at 8:00 PM by all Board members present in order to view the hydrofracking video.

Resident Ted Barnett provided the presentation of the Saturday, October 20<sup>th</sup> Hydrofracking Tour of Pennsylvania.

X. EXECUTIVE SESSION

There being no further business, Supervisor Anderson adjourned the meeting at 8:50 PM in order to conduct an attorney-client privileged Executive Session.

Supervisor Anderson reopened the meeting to the regular session at 9:15 PM.

XI. ADJOURNMENT

There being no further business, the meeting was adjourned by Supervisor Anderson at 9:15 PM and approved by common consent of all councilpersons present.

Respectively submitted,

RUSH TOWN BOARD  
November 14, 2012

Pamela J. Bucci  
Town Clerk