

RUSH TOWN BOARD
Minutes of July 24, 2013

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Richard Anderson at 7:00 PM on July 24, 2013, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT:	Richard Anderson	-----	Supervisor
	William Riepe	-----	Councilperson, Deputy Town Supervisor
	Kathryn Steiner	-----	Councilperson
	Daniel Woolaver	-----	Councilperson
	Cathleen Frank	-----	Councilperson
	Pamela Bucci	-----	Town Clerk
	John Mancuso, Esq.	-----	Attorney for the Town
	Charles Steinman, Esq.	-----	Attorney for the Town

OTHERS

PRESENT:	Mark David	-----	Highway Superintendent, Resident
	Ansgar Schmid	-----	Resident
	Gerald Kusse	-----	Building Inspector, Resident
	Frederic E. Calev	-----	Resident
	Carol Barnett	-----	Resident

I. OPEN FORUM

Supervisor Anderson opened the floor to anyone wishing to address the Town Board. He stated that all comments should be brief and any questions asked would be answered at that time or after research, responded to at a later date.

II. APPROVAL OF MINUTES

RESOLUTION #117-2013

Councilperson Riepe moved to approve the July 10, 2013, Minutes as amended to include Councilperson Kathryn Steiner present as corrected by the Town Clerk. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Riepe	aye	
Councilperson Steiner	aye	
Councilperson Frank	aye	
Councilperson Woolaver	aye	
Supervisor Anderson	aye	carried.

III. TRANSFER OF FUNDS

RESOLUTION # 118-2013

Councilperson Steiner moved, BE IT Resolved, that having audited all the unreserved, unanticipated revenues and unexpended balances of existing appropriations, that transfer #3 through #9 in the amount of \$61,550.49 be allowed.

BUDGET TRANSFERS/ADJUSTMENTS 7/24/2013 - 2013 FUNDS						
Appropriation of unreserved fund balance or unanticipated revenues						
General Funds						
			Increase Revenue/ Decrease Fund Balance			Increase Appropriation
	<u>Transfer</u>					
	<u>Number</u>	<u>Amount</u>	<u>Account</u>	<u>Description</u>	<u>Account</u>	<u>Description</u>
		25,000.00	A-3097	Grant- Capital Projects	A-1620.22	Building
	<u>Transfer from the unexpended balance of an existing appropriation(s).</u>					Capital-Partial Grant Sources
	3					
				To reflect Handicap Bball Court Grant		
General Fund						
	<u>Transfer</u>		Decrease Appropriation			Increase Appropriation
	<u>Number</u>	<u>Amount</u>	<u>Account</u>	<u>Description</u>	<u>Account</u>	<u>Description</u>
		7,300.00	A-1440.4	Engineer Contractual	A-1620.22	Building
	4					Capital-Partial Grant Sources
				To provide for unfunded portion of Bball Court Project		
		423.73	A-1355.4	Assessment	A-1355.2	Assessment
	5			Contractual		Capital Outlay
				To cover remainder of Laptop Computer		
		170.12	A-9030.8	Fringe Benefits	A-9055.8	Fringe Benefits
	6			Social Security		Disability Insurance
				To cover slight overage in NYS Disalility		
		10,000.00	A-1440.4	Engineering	A-1620.49	Building
	7			Contractual		Water Loss
				To cover portion of water loss		
		18,600.00	A-1990.4	Contingency	A-1620.49	Building
	8			Contractual		Water Loss
				To cover balance of water loss		
Highway Fund						

	Transfer		Decrease Appropriation		Increase Appropriation	
	Number	Amount	Account	Description	Account	Description
		56.64	DA-9030.8	Fringe Benefits	DA-9055.8	Fringe Benefits
	9			Social Security		Disability Insurance
				To cover slight overage in NYS Disability		

Roll:

Councilperson Riepe	aye	
Councilperson Steiner	aye	
Councilperson Frank	aye	
Councilperson Woolaver	aye	
Supervisor Anderson	aye	carried.

IV. APPROVAL OF ABSTRACT

RESOLUTION #119-2013

Councilperson Steiner moved Be It Resolved, that having audited all the claims against the funds listed on Abstract #7-2, for vouchers #724 through #778, be allowed for payment in the amount of \$51,184.53. Councilperson Riepe seconded the motion.

Roll:

Councilperson Riepe	aye	
Councilperson Steiner	aye	
Councilperson Frank	aye	
Councilperson Woolaver	aye	
Supervisor Anderson	aye	carried.

V. CORRESPONDENCE

Monroe County Emergency Management – Supervisor Anderson received a report from Emergency Management Center Director Fred Rion. On July 24, 2013, at 0944 hours EOC activated a Ginna Nuclear Power Plant exercise drill. The exercise was successful.

Monroe County Sheriff's Office – Supervisor Anderson received a tragic call for a person shot on the Lehigh Trail east of West Henrietta Road; a self-inflicted gunshot wound. It was later discovered to be a male suicide victim. A bicyclist on the trail discovered the victim.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Riepe had no report.

Councilperson Steiner had no report.

Councilperson Woolaver, Zoning Board liaison, attended the meeting where 2 variances were granted.

Councilperson Frank, liaison, attended the Library Board of Trustees meeting. They are submitting their 2014 budget to the Finance Director.

Town Clerk Bucci filed the June monthly accounting report with Supervisor Anderson including a check in the amount of \$5,500.68.

Building Inspector/Code Enforcement Officer Gerry Kusse had no report.

Highway Superintendent David reported that roof repairs, which have a 10 year warranty, have been completed on the Highway Department main building. Shortly, mix/pave work will begin on Keyes Road and stone and oil work will begin with the Town of Mendon for Monroe County.

Attorney John Mancuso had no report.

VII. OLD BUSINESS

A Hydrofracking Update – Attorney Charles Steinman went over the following procedures and steps to be taken for the proposed Local Law #3 of 2013 which amends the Rush Zoning Code. A determination of Type I action under the SEQR (State Environmental Quality Review) Act is required. A long form EAF (Environmental Assessment Form) was done by the town engineers and reviewed by Attorney Steinman and Supervisor Anderson. All interested and involved agencies are to receive a copy. A resolution has been provided to the Board and Town Clerk declaring an intent for the Board to become the lead agency under SEQR and to conduct a coordinated review and set a public hearing date. The 239-m process with Monroe County Department of Planning and Development will also take place. Twenty days must pass for agency comments. At that time, a resolution declaring the Town as the lead agency will also occur. A Negative Declaration will be filed once the public hearing of Local Law #3 of 2013 occurs.

After the public hearing, the Board may propose a resolution to adopt or deny Local Law #3 of 2013.

**RESOLUTION OF THE TOWN BOARD
OF THE TOWN OF RUSH**

WHEREAS, the Town Board of the Town of Rush is considering the adoption of a local law amending and supplementing the Zoning Law of the Town of Rush, adopted June 12, 1973 establishing a severability clause, confirming and clarifying that any uses not expressly permitted are prohibited, articulating certain explicitly prohibited uses, adding certain new definitions and changing certain existing definitions and modifying, clarifying and adding to the provisions regarding variances;

NOW, THEREFORE BE IT RESOLVED that this Board hereby declares its intent that the Board serve as Lead Agency for purposes of conducting a coordinated review of the proposed local law and making any necessary determinations of environmental significance under Article 8 of the New York State Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"); and

BE IT FURTHER RESOLVED that the Town Board shall refer the proposed local law to the Monroe County Department of Planning and Development pursuant to section 239-m of the New York General Municipal Law; and

BE IT FURTHER RESOLVED that a public hearing on the proposed local law shall be conducted by the Town Board of the Town of Rush on August 28, 2013, wherein the public will be given an opportunity to submit comments on the proposed local law; and

BE IT FURTHER RESOLVED that notice of this Resolution shall be filed and circulated to the extent required by any applicable provision of the Code of the Town of Rush and/or any relevant statute or regulation.

The adoption of the foregoing Resolution was moved by Supervisor Richard Anderson, seconded by Councilperson Kathryn Steiner, and duly put to vote, which resulted as follows:

Roll:

Councilperson Riepe	aye	
Councilperson Steiner	aye	
Councilperson Woolaver	aye	
Councilperson Frank	aye	
Supervisor Anderson	aye	carried.

VIII: NEW BUSINESS

A. Basketball Court Update - Supervisor Anderson noted that the Basketball Court construction has been moving ahead. Highway Superintendent Mark David discussed the longevity of a concrete and asphalt court, concrete providing more true playing surface and less maintenance. A reinforcement fiber mesh should be added to provide a smoother surface. The Highway Superintendent will forward specifications to contractors.

B. Assessor's Reappointment - Supervisor Anderson received an affirmative majority from the Board to reappoint Daniel Stanford as the Rush Town Assessor for a 6 year term as required by law under the New York State Office of Real Property Services. All New York State Assessors are appointed for a 6 year term.

RESOLUTION #120-2013

Councilperson Riepe motioned to reappoint Daniel Stanford to another term as the Rush Town Assessor effective October 1, 2013 through September 30, 2019. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Riepe	aye	
Councilperson Steiner	aye	
Councilperson Frank	aye	
Councilperson Woolaver	aye	
Supervisor Anderson	aye	carried.

C. Approval of Financial Software – Finance Director Don Reynolds thoroughly researched 3 software companies and reviewed them with Town Clerk Pamela Bucci, who also uses the financial software. The current system is 7 years old and is at the end of its life cycle. Under municipal law, bidding is not required for software services. KVS Information Systems, Inc. is judged to be the best solution for the town. The cost of the package is \$14,392 with an annual support cost of \$2,494.

RESOLUTION #121-2013

Councilperson Steiner moved, after legal review and approval, to allow the Supervisor to sign a contract with KVS Information Systems, Inc., 821 Maple Road, Williamsville, New York 14221 for an amount not to exceed \$15,000 with an annual support of no more than \$2,500. All amounts have are provided in the 2013 budget. Councilperson Frank seconded the motion.

Roll:

Councilperson Riepe	aye
Councilperson Steiner	aye
Councilperson Frank	aye

Councilperson Woolaver	aye	
Supervisor Anderson	aye	carried.

Councilperson Riepe asked for additional information. Finance Director Reynolds explained further that this system integrates 2 years of history as well as includes additional features that are useful and not currently available.

Councilpersons Steiner and Frank believed the system to be a good choice for the town.

Councilperson Riepe inquired about credit cards. Finance Director Reynolds explained that Town Clerk Bucci uses a control system for department use of credit cards with credit limits. Up-to-date access of each can be accessed at any time. Town Clerk Bucci noted that the Town Board previously approved limits and set up a policy, however, all departments must follow the procurement policy guidelines.

D. Resolution to Reseal and Restripe Town Hall Parking Lot - Supervisor Anderson stated that Highway Superintendent David received 3 proposals for sealing and striping the Town Hall parking lot. Highway Superintendent David recommended Magic Seal LLC, due to lowest bid of \$1,249.00 and their quality of work.

RESOLUTION #122-2013

Supervisor Anderson moved, under Highway Superintendent David's recommendation, to accept Magic Seal LLC, 2 North Shore Drive, Hilton, New York 14468 in the amount of \$1,249.00. Councilperson Riepe seconded the motion.

Roll:

Councilperson Riepe	aye	
Councilperson Steiner	aye	
Councilperson Frank	aye	
Councilperson Woolaver	aye	
Supervisor Anderson	aye	carried.

OPEN FORUM:

Supervisor Anderson opened the floor for the audience to address to the Town Board.

Comment was not heard.

RUSH TOWN BOARD
July 24, 2013

EXECUTIVE SESSION:

Supervisor Anderson made a motion to move into Executive Session at 7:45 PM to discuss an attorney-client privileged matter. Councilperson Frank seconded the motion and the Board was all in agreement.

The Board returned to regular session at 8:30 PM.

ADJOURNMENT:

There being no further business, the meeting was adjourned by Supervisor Anderson at 8:31 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci
Town Clerk