

RUSH TOWN BOARD
Minutes of October 23, 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 October 23, 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
	Cathleen Frank	-----	Councilperson
	Daniel Woolaver	-----	Councilperson
	Pamela Bucci	-----	Town Clerk
	John Mancuso, Esq.	-----	Attorney for the Town

OTHERS

PRESENT:	Mark David	-----	Highway Superintendent, Resident
	Al Sweet	-----	Resident
	Rita McCarthy	-----	Resident
	Jim Bucci	-----	Resident
	Kirsten Flass	-----	Library Director, Resident
	Paul Anderson	-----	Resident
	Donald Reynolds	-----	Budget Officer, Director of Finance

I. OPEN FORUM

Supervisor Anderson welcomed all to the meeting and 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 future date. The budget hearing will be held at 7:15 PM wherein the regular meeting will be closed and reopened to continue regular business.

II. APPROVAL OF MINUTES

Councilperson Steiner noted a correction on Page 4. BOCES property tour was scheduled for October 13th. Councilperson Riepe requested a correction of Resolution #148-2013, typographical error of 4125,000.00 changed to \$125,000.00.

RESOLUTION #149-2013

Councilperson Steiner moved to approve the October 9, 2013, Minutes as amended by the Town Clerk. Councilperson Riepe seconded the motion.

Roll:

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

III. TRANSFER OF FUNDS

BUDGET TRANSFERS/ADJUSTMENTS 10/23/2013 - 2013 FUNDS

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

**Highway
 Fund**

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
23	1,220.00	DA-5142.4	Town Snow Removal Contractual To reallocate Highway Budget per Mark David	DA-5112.4	Road Construction Contractual
24	1,550.00	DA-5148.4	Services for other Govts Contractual To reallocate Highway Budget per Mark David	DA-5112.4	Road Construction Contractual

RESOLUTION #150-2013

Councilperson Steiner moved, BE IT Resolved, that having audited all the unreserved, unanticipated revenues and unexpended balances of existing appropriations, I move that transfer #23 through #24 in the amount of \$2,770.00 be allowed. Councilperson Riepe seconded the motion.

Roll:

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

IV. APPROVAL OF ABSTRACT

RESOLUTION #151-2013

Councilperson Steiner moved Be It Resolved, that having audited all the claims against the funds listed on Abstract #10-2 (21), for vouchers #1076 through #1150, be allowed for payment in the amount of \$19,409.00. Councilperson Riepe seconded the motion.

Roll:

Councilperson Riepe aye
 Councilperson Steiner aye
 Councilperson Frank aye

Councilperson Woolaver aye
Supervisor Anderson aye carried.

Supervisor Anderson added that the updated accounts payable system provides additional detail on the abstract for check and balances.

V. CORRESPONDENCE

Monroe Community County Rifle Range Shooting Schedule – Supervisor Anderson has received the updated schedule which includes S.W.A.T. school where distraction devices will be used as part of the program.

Monroe County Sheriff's Department – Weekly Zone B Report– Supervisor Anderson stated that Rush reported 2 robberies on Route 15, however, criminal mischief of robbery and breaking into cars occurred mainly in the Town of Henrietta.

Stull Road Residents Asphalt - Supervisor Anderson stated that 3 residents of Stull Road, Amber Corbin, Marianne Rizzo and Rob Levy wrote regarding recycled environmentally friendly asphalt being placed on Stull Road. Both the Supervisor and Highway Superintendent made an inspection of the road. Supervisor Anderson replied that the Highway Superintendent is an elected official in sole control over the operations of the department. In this instance, Superintendent David instructed his crew to remove the asphalt and replace it with crusher run. The exact asphalt material was used last summer on Honeoye Falls #6 Road west of the Rochester Gun Club and west of Works Road which was finished this summer.

Owner Naveed Hussain Correspondence to Town Board - Supervisor Anderson reported that property owner Naveed Hussain (Rush Big M Mart-East Henrietta Road) wrote a letter to the Town Board thanking the Board for the Supervisor's Office, as well as town departments, for their cooperative and courteous assistance in trying to rebuild and reopen the market.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Riepe requested Alvin Sweet, Rush Fire Commissioner, who was present in the audience to report on the Rush Fire District budget.

Commissioner Sweet stated that the budget hearing was held October 15 with 3 residents in attendance. The amount of tax levy for 2014 will be \$335,161 with an assessed valuation tax rate of \$1.118 which is just over a penny increase.

Councilperson Steiner had no report.

Councilperson Frank reported that the Library Board of Trustees sent out their campaign letter for the 100th year Rush Library anniversary.

Councilperson Woolaver reported that the Zoning Board denied a side set-back for a shed and discussed an informal set-back request.

Town Clerk Bucci reported on the following: (1) received the 2014 Rush Fire District Budget Summary and Tax Rate and has distributed a copy to the Finance Director and Supervisor (2) filed the September monthly report with Supervisor Anderson including a check for \$10,369.05, (3) received Joan Meyers' resignation from the gardener position effective November 1, (4) on behalf of the Clerk's Office, sent both Fire Marshal Rick Tracy and Deputy Town Clerk Palmer to a free Business Automation Services - Integrated Property Systems update training session, (5) Clarified incorrect dates for NYSDEC hunting dates placed in the town newsletter; they have been corrected on the town website and a notice of corrected dates has been placed at the town clerk counter, (6) clarified confusion of Board of Election application for absentee ballots and ballot due dates included in the town newsletter. The Monroe County Board of Elections website includes ballot information, and reported that (7) more than \$2,000,000 in school taxes has been collected and posted since September 1st.

Supervisor Anderson added that each time monies are transferred or wired from the Town Clerk's tax or clerk accounts, the Supervisor receives an email alert from JPMorgan Chase Bank.

Supervisor Anderson resolved to interrupt the meeting in order to hold a Public Hearing as advertised and scheduled for 7:15 PM.

PUBLIC HEARING – 2014 PRELIMINARY BUDGET – 7:15 PM

Supervisor Anderson requested Town Clerk Bucci read the public notice.

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 TOWN OF RUSH

NOTICE IS HEREBY GIVEN, that the preliminary budget of the Town of Rush for the year 2014 has been completed and filed in the office of the Rush Town Clerk

where it will be available for inspection by any interested person during regular office hours beginning on October 2, 2013. The Rush Town Board will hold a public hearing on October 23, at 7:15 p.m. at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. At such hearing, any person may be heard in favor of or against the preliminary budget as compiled.

The preliminary budget includes the following proposed salaries for the elected officials for 2014:

<u>Officer:</u>	<u>Salary:</u>
Supervisor	\$31,017
Town Board Member	\$ 7,372
Town Clerk	\$53,050
Town Justice	\$13,760
Highway Superintendent	\$72,233

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

Supervisor Anderson declared the public hearing on the 2014 Preliminary Budget open. He further stated that both he and Budget Officer Reynolds have been working on the budget for some time. The only changes made from the Tentative budget to the Preliminary budget were a 2% employee rate increase, excluding the Supervisor and Town Board members, as well as the inclusion of the Rush Fire District. The increased change amounts to approximately \$23,600.00. Supervisor Anderson stated that the budget includes a summary, property tax, fund balances, revenue and appropriations for the general, highway and library funds as well as the special purpose fund which include drainage districts, parks district, and water districts.

Supervisor Anderson opened the floor to Budget Office Reynolds, who provided detailed explanations of the budget including healthcare, state retirement and uncontrolled rates. Capital outlays were discussed including reserve accounts to be used in combination with the budget so that taxpayers don't incur large costs. Additional funds were placed in the Supervisor contingency for flexibility in unscheduled maintenance of the building. State law mandates costs that are included in the budget.

Supervisor Anderson noted that unlike prior years, increases in retirement were not as high as past years. Total of the town's increases between healthcare and retirement were \$17,000; well below what was originally budgeted and enabled the town to utilize a portion of the unexpended balance for other areas. New York State recommends a healthy unexpended balance of 25% and that remain in the Town of Rush balance.

Resident Alvin Sweet asked when the 2014 Preliminary Budget was available. Supervisor Anderson confirmed with Town Clerk Bucci that it was on the town website and available to the public since October 2.

Resident Paula Anderson asked if New York required a certain percentage of the town budget be available in the unexpended balance. Supervisor Anderson stated that it does not, however, both the Finance Director and Supervisor have participated in financial stress webinars. Having at least 3 months (25%) of operating expenses provides a cushion before tax revenue is received. The state auditors consulted and believed that 40% unexpended balance is a healthy budget. In reviewing Comptroller Thomas DiNapoli's reported rulings, a 25% – 35% unexpended budget balance is a healthy budget target.

Finance Director Reynolds additionally stated that Rush is well within the 2% tax cap. Rush is only increasing the tax cap approximately ½ percent due to the State assessed valuation.

With all persons desiring to be heard, Supervisor Anderson declared the Public Hearing of the 2014 Preliminary budget closed at 7:30 PM.

The regular meeting was reconvened.

RESOLUTION #152-2013

Supervisor Anderson moved to adopt the Preliminary Budget presented as the official 2014 Adopted Budget. Councilperson Frank seconded the motion.

Roll:

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

REPORT OF OFFICERS AND COMMITTEES CONTINUED:

Supervisor Anderson stated that he attended the Mendon Court proceeding regarding appearance of Kyle Stevens, 2500 Rush Mendon Road, conditions of a special permit being issued by the Planning Board and the alleged violation. A bench trial was performed and Kyle Stevens found guilty of the violation, retail sales in an R30 district, and fined \$100.00.

Highway Superintendent Mark David reported that (1) the 2001 Chevy pick-up sold at municipal auction for \$4,500.00, (2) centerline rumble strips will be placed

on Route 15A between the Livingston County line and the hamlet of Rush, (3) pour on the ADA compliant basketball court may occur next week. Weather will be the controlling factor.

VII. OLD BUSINESS

A. None.

VIII: NEW BUSINESS

A. Residency Requirements – Supervisor Anderson raised the question to the Board regarding formation of an Agricultural Advisory Committee including 2 persons in the farming profession and one interested party. Interviews have been scheduled. Farmers in town are both residents and non-residents, i.e. Selden Chase lives in Rush, farms in Rush; Dan Chase lives in Henrietta, farms in Rush; Bill Chase lives in Avon, farms in Rush; GroMoore Farms: George Moore, Sr. lives in Rush, George Moore Jr. lives in Rush, Jack Moore lives in Henrietta, all farm in Rush; Mulligan Farms is in Rush, owners live in Avon; Bruce Howlett lives in Avon, farms in Rush. The question raised: Does the Board wish to exclude farmers depending on property ownership and mailing address who farm in Rush?

The Board members discussed scenarios. The Board determined that the committee not be mutually exclusive to a farmer living in the town but farming in the Town.

Attorney John Mancuso comments that as a practicality, owner of property may also be a corporation versus an individual.

All Board members agreed to accept a combined Agricultural Advisory Committee comprised of 2 farmers, with farm land in the Town of Rush, having residency within another town and 1 agriculturally-interested Rush town resident. Attorney Mancuso will prepare a formal resolution.

B. ADA Basketball Court Goal System Quotes – Highway Superintendent Mark David supplied 5 quotes for the purchase of 2 adjustable outdoor basketball goal systems, including freight:

(1) Valenti Sports, Rochester, New York: Spalding 888 Series \$3,200.00; Spalding Arena View Series \$3,850.00; (2) BSN Sports, Dallas, Texas: Grizzly Adjustable \$3,364.98; (3) Mansion Athletics, Austin, Texas: Grizzly Adjustable \$4,157.97; (4) Game Time, Spring Lake, New Jersey: Grizzly Adjustable \$4,428.00; (5) School Outfitters, Cincinnati, Ohio: Bison Adjustable \$5,756.80.

Superintendent David stated that all basketball systems are comparable but vary in shipping costs. Patricia Stephens, Recreation Supervisor, recommended BSN Sports. Supervisor Anderson also noted that when there have been issues with sports equipment from BSN Sports, their customer service has been exceptional.

RESOLUTION #153-2013

Councilperson Woolaver moved to approve the purchase of the Grizzly Adjustable basketball goal system from BSN Sports, PO Box 7726, Dallas, Texas 75209 for \$3,364.98 with funds from capital outlay account A-1620.22. Supervisor Anderson seconded the motion.

Roll:

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

C Resolution to Authorize Town Clerk to Post Gardener Position – Town Clerk Bucci requests authority to post the Gardener position. Joan Meyers has submitted a resignation effective November 1, 2013. Her full-time position has become more cumbersome. Previous applications will be reviewed prior to posting.

Supervisor Anderson inquired about a start date for the gardener. Town Clerk Bucci explained that fall clean-up and holiday preparations are the final duties for the year.

RESOLUTION #154-2013

Councilperson Steiner moved to approve the Town Clerk's posting of the gardener position. Councilperson Riepe seconded the motion.

Roll:

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

Highway Superintendent David will coordinate, for this season, possible highway crew fall clean-up of gardener duties with Town Clerk Bucci.

VIII. OPEN FORUM

Supervisor Anderson opened the floor to the public.

Councilperson Woolaver commented on the Kyle Stevens matter being found guilty and his understanding that the special use permit was revoked.

Attorney John Mancuso stated that separate from the violation at the court hearing, the Planning Board revoked the permit because of the violation of the condition.

Councilperson Woolaver asked how Kyle Stevens was to get rid of the pile of dirt.

Attorney Mancuso stated that the owner is to remedy the violation at his cost in a matter necessary. Any violation of the Code would be handled on a case by case basis.

Resident Kirsten Flass inquired about the town owned BOCES property and whether a report from the recreational Agricultural Citizens Committee would be provided to the public. She also inquired of s money allocated in the 2014 budget for repair of the buildings located on that property.

Supervisor Anderson noted that funds have been allocated within the contingency account. New York State recommends less transferring of funds and, therefore, monies are kept in that account. A report from the RACC is expected in November.

IX. ADJOURNMENT

There being no further business, the meeting was adjourned by Supervisor Anderson at 7:50 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci
Town Clerk