

RUSH TOWN BOARD
Minutes of November 13, 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 November 13, 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
	Tim McCarthy	-----	Resident
	Rita McCarthy	-----	Resident
	Jim Bucci	-----	Resident
	Don Sweet	-----	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.

II. APPROVAL OF MINUTES

Councilperson Woolaver noted that an "a" was dropped from Paula in the attendees listing.

RESOLUTION #155-2013

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

Roll:

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

III. TRANSFER OF FUNDS

There were no transfers of funds.

IV. APPROVAL OF ABSTRACT

RESOLUTION #156-2013

Councilperson Steiner moved Be It Resolved, that having audited all the claims against the funds listed on Abstract #10-2 (23), for vouchers #1130 through #1210, be allowed for payment in the amount of \$65,402.56. 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 Sheriff's Department – Weekly Zone B Report– Supervisor Anderson stated that although Rush did not appear on the weekly report another house break-in has occurred. Robberies continue to occur in surrounding towns. Please keep items of interest in your car out of sight to prohibit criminal mischief and be on the alert anything suspicious.

Ratings Report - Supervisor Anderson noted that according to *Standard & Poors* Rating, Rush has been increased from an A+ rating to a AA stable based upon new criteria. *Ratings Direct* also reported Rush a AA rating reflecting a strong community and budgetary performance.

Letter from Resident Jeff Werner – Supervisor Anderson received a letter from Resident Jeff Werner of Werner Farms. It has been distributed to the Town Board and will be discussed at the next meeting. A copy has also been provided to the town attorney.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Riepe had no report.

Councilperson Steiner, as liaison, attended Conservation Board meeting.

Councilperson Woolaver (1) attended the Conservation Board meeting. (2) inquired about the Recreation Agricultural Citizen Committee(RACC) report to the Town Board. Supervisor Anderson noted that Chairman Jerry Horton previously communicated that a report would be submitted in November.

Councilperson Frank, as liaison, attended the Library Board of Trustees meeting. Chris Giordano has resigned from the Board and Kurt Ringo has been appointed to the position. Councilperson Frank will be out of town Thanksgiving week and unable to attend the next board meeting, November 27.

Attorney John Mancuso stated that he has contacted the Rochester Area Community Foundation Executive Director and is awaiting another return call.

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

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) The Association of Towns has announced training opportunities for newly elected officials as well as town official training. A webinar for newly elected officials is scheduled for December 12th, and training school is scheduled for January 8th through 10th in Rochester and January 15th through 17th in Albany. Town Official School and Annual training is scheduled for February 16th through 19th in New York City. Congratulations to the Rush elected officials: Richard Anderson, Supervisor, Cathy Frank, Councilperson and Rita McCarthy, Councilperson. Registration forms will be sent to all elected officials (2) Association of Towns dues for Rush are based on calculated revenue and an invoice was provided to the Finance Director. (3) Letters regarding expiring terms and annual appointments have been sent to all employees and respective board members. (4) In order to have it published in the December/January newsletter, Supervisor Anderson has set January 8, 2014 at 7:00 PM as the organizational meeting date. It will occur prior to the Town Board meeting.

RESOLUTION #157-2013

Supervisor Anderson moved to schedule the 2014 Organization meeting for Wednesday, January 8, 2014 at 7 PM, preceding the regularly scheduled Town Board meeting. Councilperson Steiner seconded the motion.

Roll:

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

Highway Superintendent Mark David reported on the water problem that has recently arisen in the floor and wall of the Library Director's office. The area around the foundation was sealed with foundation coating and a drainage curtain to keep water from continuing to drain in.

Supervisor Anderson has contacted Emergency Enclosures regarding removal of the drywall. They will remediate any existing mold.

VII. OLD BUSINESS

A. Residency Requirements - Supervisor Anderson stated that at the last meeting The Board members discussed scenarios involved in creating an Agricultural Advisory Committee. The Board determined that the committee not be mutually exclusive to a farmer living in the town but farming in the Town.

RESOLUTION #158-2013

**RESOLUTION OF THE TOWN BOARD OF
THE TOWN OF RUSH CONCERNING COMPOSITION
OF AGRICULTURAL ADVISORY COMMITTEE**

Councilperson Steiner moved,

WHEREAS, in accordance with the recommendations associated with the Farmland Protection Plan, the Town Board wishes to create an Agricultural Advisory Committee consisting of two (2) active agricultural farmers in the Town of Rush and one (1) citizen of the Town of Rush interested in agriculture;

NOW, BE IT RESOLVED, as follows:

- A. The Town of Rush Agricultural Advisory Committee shall be comprised of three (3) members.
- B. Two (2) of the members shall be owners of real property located in the Town of Rush that is engaged in a farm operation.
- C. One (1) of the members shall be an owner of real property in, and a resident of, the Town of Rush interested in agriculture;

BE IT FURTHER RESOLVED, that the term "owner" means the owner of real property located in the Town of Rush or the owner of a membership interest in an entity that is the owner of real property located in the Town of Rush.

BE IT FURTHER RESOLVED, that the term "farm operation" means a farm operation as defined in Section 301(11) of the New York State Agriculture and Markets Law. Councilperson Riepe seconded the motion.

Councilperson Riepe	aye
Councilperson Steiner	aye
Councilperson Frank	aye
Councilperson Woolaver	aye

Supervisor Anderson aye carried.

Supervisor Anderson added that the resolution incorporates by reference to the Ag and Markets law the definition of a "farm operation" which is as follows: "Farm operation" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of this section, "timber processing" as defined in subdivision fourteen of this section and "compost, mulch or other biomass crops" as defined in subdivision sixteen of this section. For purposes of this section, such farm operation shall also include the production, management and harvesting of "farm woodland", as defined in subdivision three of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

B. ADA Basketball Court – Highway Superintendent David stated that the basketball court cement has been poured and the backboards would be installed in the coming spring.

VIII: NEW BUSINESS

A. Rush Dam– Supervisor Anderson is reviewing the property and casualty insurance for the town, which is done every 3 years, and the dam is included in the insurance policy. Pursuant New York State Federal Emergency Management Association, the dam is owned by the Town of Rush. The dam is classified as a Class A, low risk, low hazard dam. A Larsen report of the dam is currently being updated for insurance purposes. Infrastructure grant funding for the dam may be available in 2014.

B. New York State and Monroe County Snow and Ice Removal Contracts – Highway Superintendent David submitted an Inter-municipal Agreement for Snow and Ice Control Services for approval. Additionally, Highway Superintendent David requested approval for an Agreement to Extend Conventional Municipal Snow and Ice Agreement which currently expires June 30, 2015. The town attorneys have reviewed and approved both contracts.

RESOLUTION #159-2013

Councilperson Steiner moved to authorize the Supervisor to enter into an Agreement (2015/2016 Season) to Extend Conventional Municipal Snow and Ice Agreement with New York (D139723) for the responsibility for snow and ice control of 35.60 miles on State Routes 15, 15A and 251 in the Town of Rush for a total of \$81,794.68, until amended. Councilperson Riepe seconded the motion.
Roll:

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

RESOLUTION #160-2013

Councilperson Steiner moved to authorize the Supervisor to enter into an Inter-municipal Agreement between Monroe County and Town of Rush for the provisions of Snow and Ice Removal and Control Services. The initial term agreement is effective October 1, 2013 through September 30, 2014, and includes new terms covering a 5 year term, seasonal adjustment. Councilperson Riepe seconded the motion.

Roll:

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

C. Renewal of Standard Bulk Mailing Permit – Town Clerk Bucci requested approval of the renewal of the town's 2014 Standard Bulk Mailing Permit. Notification of the cost has not been received. The bulk mailing permit allows the town to send out the town newsletter and any other bulk mailing at a discounted rate.

RESOLUTION # 161-2013

Councilperson Steiner moved that the Town Clerk be authorized to renew the town's 2014 STANDARD MAIL bulk mailing permit at a cost to be determined by the United States Postal Service. Councilperson Riepe seconded the motion.

Roll:

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

D. Investment Policy – Finance Director Donald Reynolds stated that due to an oversight, the Town Board has not been annually reviewing an Investment Policy. The policy can be placed as an item of approval at the Organization Meeting. The objectives of the policy are to conform to legal requirements, safeguard principal, provide sufficient liquidity and to yield a reasonable rate. Finance Director Reynolds explained the policy and requested an addition of

Designation of Depositories to include the Court Office which banks with Canandaigua National Bank. Proposal of this Policy is prompted by a notice that an audit is going to be conducted by New York State.

RESOLUTION #162-2013

Councilperson Steiner moved to approve the Town of Rush Investment Policy including the addition of Canandaigua National Bank as a designation of depository. The Investment Policy will be included in the Organizational Meeting on an annual basis. Councilperson Riepe seconded the motion.

Roll:

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

E. Historian Resignation – Supervisor Anderson received a Letter of Resignation effective December 31, 2013, from Marjorie Kirch, Town Historian. Supervisor Anderson read excerpts from the letter. Margie has served the town since June 2010.

RESOLUTION #163-2013

Supervisor Anderson directed Town Clerk Bucci to post the Historian's position. Councilperson Riepe seconded the motion.

Roll:

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

F. Set Public Hearing date for Rush Associates, LLC Re-Zoning Application – Supervisor Anderson stated Rush Associates LLC has submitted an application for rezoning of property located at 7262 West Henrietta Road. The property is currently zoned residential.

Attorney John Mancuso stated that the Applicant, Rush Associates, LLC has requested to rezone a substantial portion of the property. Currently a small portion is zoned commercial and they are seeking to rezone the remaining residential land.

Attorney Mancuso added that although a SEQRA (State Environmental Quality Review Act) form was previously submitted, the acreage in question requires a

more extensive SEQRA review. Therefore, the applicant has submitted an additional SEQRA form for a TYPE II action. The Town can now proceed with the next steps including setting a public hearing. Attorney Mancuso recommended December 30th as a public hearing date in order to adhere to the guidelines in submitting a SEQRA application.

RESOLUTION #164-2013

Supervisor Anderson moved to schedule a public hearing to rezone 26.4 acres located at 7262 West Henrietta Road, Rush from Residential to Commercial, on Monday, December 30, 2013 at 7:15 PM at the offices of the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Councilperson Steiner seconded the motion.

Roll:

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

IX. ADJOURNMENT

There being no further business, the meeting was adjourned by Supervisor Anderson at 7:45 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci
Town Clerk