

RUSH TOWN BOARD  
Minutes of February 12, 2014

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Richard Anderson at 7:00 PM on February 12, 2014, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT:	Richard Anderson	-----	Supervisor
	Kathryn Steiner	-----	Councilperson
	Daniel Woolaver	-----	Councilperson
	Cathleen Frank	-----	Councilperson, Deputy Town Supervisor
	Rita McCarthy	-----	Councilperson
	Pamela Bucci	-----	Town Clerk
	Frank Pavia, Esq.	-----	Attorney for the Town

OTHERS

PRESENT:	Jack Mould	-----	Resident
	Carol Barnett	-----	Resident
	Mark David	-----	Highway Superintendent, Resident
	Gerald Kusse	-----	Code Enforcement Officer, Resident

I. OPEN FORUM

Supervisor Anderson welcomed all to the meeting and opened the floor to anyone wishing to address the Town Board.

Resident Carol Barnett stated that the proposed rezoning of the public hearing has been informally discussed at board meetings since July 2013. Mrs. Barnett stated that although it is not required by law, she believes that the public hearing should be announced in the bi-monthly town newsletter before it takes place. She believes that if passed, the proposal will have an impact on the town.

Resident Jack Mould requested that the water leak that has been re-occurring in the library and library stairway be permanently fixed.

**RESOLUTION #8-2014**

II. APPROVAL OF MINUTES

Councilperson Steiner moved to approve the Minutes of January 26, 2014, as presented by Town Clerk Bucci. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye
Councilperson Steiner	aye

Councilperson Frank	aye	
Councilperson McCarthy	aye	
Supervisor Anderson	aye	carried.

III. APPROVAL OF ABSTRACT

**RESOLUTION #9-2014**

Councilperson Steiner moved Be It Resolved, that having audited all the claims against the funds listed on Abstract #3 for vouchers #2013100 through #2013183, excluding #123, be allowed for payment in the amount of \$437,720.10. Councilperson McCarthy seconded the motion.

Roll:

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

Supervisor Anderson added Town Clerk Bucci also collects the Rush Fire District taxes of which a payment to them in the amount of \$345,161.00 is included on the abstract.

IV. CORRESPONDENCE

Rush Assessor'S Tax Review – City of Rochester – Update to follow.

Town Court Correspondence - Supervisor Anderson received a duties of town justice list from Justice Henry Kirch. It will be provided on the town website.

Monroe County Sheriff's Department – Weekly Zone B Report– Supervisor Anderson stated that the most common law breaking activities were vehicle break-ins at Marketplace Mall, Henrietta.

V. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver attended, as a resident, the Conservation Board meeting.

Councilperson Steiner, as liaison, attended the Conservation Board meeting. Although comments were previously submitted to the Town Board, the rezoning proposal of 7262 West Henrietta was again reviewed.

Councilperson Steiner stated that she had conversed with Chair Jerry Horton of the Recreational Agricultural Citizens Committee (RACC). Mr. Horton has been experiencing health issues and he has some projects in the works, however, other members of the Committee were not acting without his direction. A report

was semi-proposed in August within the group, however, a final report has not been released. Councilperson Steiner will work with Chair Horton in getting it completed and submitted to the Town Board.

Supervisor Anderson stated that prior to the January meeting, Mr. Horton requested a month's extension.

Councilperson McCarthy, as liaison, attended the Library Board of Trustees meeting. Along with planning the 100<sup>th</sup> year anniversary of the library, a new mission statement and tag line has been created. Their mission statement is The Rush Public Library cultivates intellectual growth by fostering equal and open access to books, technology and community. Its tag line reads: Rush Public Library – a Community Resource for Over 100 Years.

Supervisor Anderson met with Zone B Captain Jeffrey Wagner regarding a 1<sup>st</sup> response shooter training seminar of which both Kirsten Flass and he attended. Speed zones which are regulated by Monroe County were discussed. Councilperson Frank has been working on Rush traffic issues. Site plan analysis, especially with hidden driveways, is required for Planning Department decisions. The Town has the Monroe County Sheriff's Department full cooperation for any incidents occurring or concerns in Rush.

Supervisor Anderson stated that the NYS Comptroller's Office is continuing their audit and have now met with all department heads.

Town Clerk Bucci reported that she filed the January monthly report with the Supervisor including revenues in the amount of \$7,193.92. As Tax Collector, a total of \$3,372,824.24 has been collected for 2014 combined Town and County taxes. Of that amount the Town of Rush and the Rush Fire District's share amounts to \$1,661,561.00.

Code Enforcement Officer Gerry Kusse had no report.

Highway Superintendent Mark David reported a salt crisis within Monroe County, however, the Town has a sufficient supply.

## VI. OLD BUSINESS

A. Pure Waters Easement – Industry Update - Supervisor Anderson stated that once the Town owned the 100 acre parcel, west of the railroad tracks and west of Route 251, a Pure Waters pipe was installed at the Industry pump station that runs parallel to the railroad tracks up to the Town of Henrietta. An easement must be provided in order to maintain the pipe. Monroe County Surveyor Art English will provide a surveyed map designating the pipe.

Attorney Pavia added that once the boundaries are agreed upon, meets and bounds presented, a final survey map and final easement will be provided for the town's review.

B. Preliminary Solar Proposal – Supervisor Anderson has provided a copy of the solar proposal to all Town Board members. Insurance liability is being reviewed. Councilperson Frank reviewed the financial aspects which appear solid. A town board resolution is required allowing the solar consultants to enter the BOCES property and create a solar proposal. The proposal is to generate enough solar energy in kilowatt hours for sustaining town, library, highway and fire department power.

VII: NEW BUSINESS

A. City of Rochester Tax Review – Supervisor Anderson reported correspondence received from the City of Rochester regarding the reservoir and bladder located on Rush-Henrietta Townline Road. Assessor Daniel Stanford has assessed the property. The City is asking for an agreeable assessment of \$4,800,000.00.

Attorney Pavia stated that whether or not the Board passes a resolution approving the agreeable assessment, it be conditioned upon attorney's review of the proposal and the possibility of waiving the right to challenge the assessment for more than 1 year.

B. Historian Appointment – Town Clerk Bucci stated that the Town Board conducted interviews for the historian position and have chosen Susan Mee. Her annual appointment will commence on February 5, 2014, at a Step 3 which is a quarterly paid position.

**RESOLUTION #10-2014**

Councilperson Steiner moved to appoint Susan A. Mee as the Town Historian effective February 5, 2014, at a Step 3 which is paid quarterly. Councilperson Woolaver seconded the motion.

Roll:

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

C. Resolution to Approve Attendance at Annual NYS Town Clerks Association Conference - Town Clerk Bucci requested the Board's authorization to spend

funds allocated in the 2014 approved budget to attend the annual New York State Town Clerks Association Conference in Saratoga Springs, New York on April 27<sup>th</sup> – April 30<sup>th</sup>, 2014.

**RESOLUTION #11-2014**

Councilperson Steiner moved to authorize the Town Clerk's expenditure of budgeted funds to attend the annual New York State Town Clerks Association Conference in Saratoga Springs, New York on April 27<sup>th</sup> – April 30<sup>th</sup>, 2014. Councilperson Frank seconded the motion.

Roll:

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

D. Resolution to Set Public Hearing of proposed rezoning of 7262 West Henrietta Road – Supervisor Anderson stated that additional information was requested by the Town's attorneys regarding the full Environment Assessment Form (EAF).

Attorney Pavia stated that the updated EAF was received and distributed by the Town Clerk to Monroe County Planning and Development as well as all involved and interested agencies under NYS law. Whenever a petition to rezone property is requested, the Town Board may or may not, by legislative act, decide to hold a public hearing. A decision by the Board does not have to be made at the closing time of the public hearing.

Supervisor Anderson stated that the community would be notified of the public hearing. Town Clerk Bucci added that the required Notice of Public hearing would be publicized in the official town newspaper of the Sentinel and the Henrietta Post as well as the Town Clerk's bulletin board and town website. The proposed rezoning EAF for the public hearing will also be available in the Town Clerk's Office during regular business hours.

**RESOLUTION #12-2014**

Councilperson Steiner moved to schedule a public hearing regarding proposed rezoning of 7262 West Henrietta Road, Rush, New York on February 26, 2014, at 7:15 PM in the Town Hall offices at 5977 East Henrietta Road, Rush. Councilperson Frank seconded the motion.

Roll:

Councilperson Woolaver	aye
Councilperson Steiner	aye
Councilperson Frank	aye

Councilperson McCarthy      aye  
Supervisor Anderson          aye                              carried.

E. Zoning Board Interviews – Supervisor Anderson stated that four Rush resident have applied for the two open positions on the Zoning Board of Appeals and interviews are being scheduled with candidates. Both the Town Board and Zoning Board Chair Amber Corbin will be conducting the interviews beginning next Wednesday prior to the Town Board meeting.

Supervisor Anderson added that resumes are kept for 3 years and those individuals that have submitted requests previously will also be contacted.

F. Resolution to Follow IRS Recommended Mileage Rate – Supervisor Anderson noted that the Internal Revenue Services has recommended a mileage reimbursement rate adjustment from .565 to .56 cents per mile. The rate reimbursement change will be effective February 12, 2014.

**RESOLUTION #13-2014**

Councilperson Steiner moved that the authorized mileage reimbursement be set at \$.56 per mile as updated by the 2014 United States Government Internal Revenue Service optional standard mileage rate. Councilperson McCarthy seconded the motion.

Roll:

Kathryn Steiner              aye  
Daniel Woolaver              aye  
Cathleen Frank                aye  
Rita McCarthy                aye  
Richard Anderson              aye      carried.

VIII. OPEN FORUM

Supervisor Anderson opened the floor for anyone present to address the Board. Comments were not presented.

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