

RUSH TOWN BOARD  
Minutes of March 19, 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 March 19, 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:

	Mark David	-----	Highway Superintendent, Resident
	Carol Barnett	-----	Resident
	Dave Sluberski	-----	Resident
	James Bucci, Jr.	-----	Resident
	Jack Mould	-----	Resident
	Marianne Rizzo	-----	Resident

Supervisor Anderson noted that the Town Board meeting of March 12 was cancelled due to a winter weather storm and the meeting was rescheduled for March 19.

I. OPEN FORUM

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

Resident Dave Sluberski as Rush Democratic Town Leader read written concerns and questions related to publication of informal applicants, processes of rezoning, Monroe County's interpretation and accuracy of EAF submissions, suggestion to conduct a community wide survey, comprehensive plan updates and town board's decisions by legislative act to hold public hearings. Resident Sluberski also commented that he believed his comment regarding the school veteran's exemption was misinterpreted.

Resident Carol Barnett spoke and called the Town's attention to an article in the *Henrietta Post* related to a proposed casino in Henrietta. The Henrietta Town

Board took a position to oppose the plan. Although there was more opposition than support at their public meeting, they moved to consider the welfare of the community as a whole in their decision making and her hope was that the Town of Rush would act for the welfare of the community on matters before them as well. Additionally, Mrs. Barnett stated that she believed a disproportionate amount space was given to the support during the public hearing regarding rezoning.

II. APPROVAL OF MINUTES

**RESOLUTION #73-2014**

Councilperson Steiner moved to approve the Minutes of February 26, 2014, as written by Town Clerk Bucci. Councilperson Frank seconded the motion.

Roll:

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

Supervisor Anderson added that Mr. Sluberski's name will be added to the attendance roll of February 26, 2014.

III. APPROVAL OF TRANSFER

Councilperson Steiner moved, BE IT Resolved, that having audited all the unreserved, unanticipated revenues and unexpended balances of existing appropriations, I move that transfer #1 through #4 in the amount of \$3,550.82 be allowed.

**BUDGET TRANSFERS 3/12/2014 - 2014 FUNDS**

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

**General  
 Funds**

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
1	1,927.00	A.9060.800	Fringe Benefits Health Insurance To cover Unemp. Ins. Reforms- Higher rate & covered PR	A.9050.800	Fringe Benefits Unemployment Insurance
2	95.82	A.9060.800	Fringe Benefits Health Insurance To cover slight variance in Disability pmt.	A.9055.800	Fringe Benefits Disability Insurance

**Highway Fund**

Transfer Number	Decrease Appropriation			Increase Appropriation	
	Amount	Account	Description	Account	Description
3	878.00	DA.9060.800	Fringe Benefits Health Insurance To cover Unemp. Ins. Reforms- Higher rate & covered PR	A.9050.800	Fringe Benefits Unemployment Insurance

**Library Fund**

Transfer Number	Decrease Appropriation			Increase Appropriation	
	Amount	Account	Description	Account	Description
4	650.00	L.9060.800	Fringe Benefits Health Insurance To cover Unemp. Ins. Reforms- Higher rate & covered PR	L.9050.800	Fringe Benefits Unemployment Insurance

Roll:

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

IV. APPROVAL OF ABSTRACT

**RESOLUTION #74-2014**

Councilperson Steiner moved Be It Resolved that having audited all the claims against the funds listed on Abstract #5 for vouchers #2014 238 through #2014 298, excluding #244, 280, 289, are allowed for payment in the amount of \$24,280.89. Councilperson Frank seconded the motion.

Roll:

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

V. CORRESPONDENCE

Webinar by National Grid– Supervisor Anderson stated that he participated in a webinar explaining the price of energy caused by the supply cost. Delivery costs are relatively flat. Energy supply costs are delivered pursuant to the market use. The majority of New York State Electric is supplied by natural gas generation. The entire presentation can be found under News on the town's website.

Monroe Community College – Rifle Range – Supervisor Anderson has received a new shooting schedule that will be posted on the town website.

Monroe County Sheriff Department – Zone B – Supervisor Anderson stated that the Sheriff's Department is undergoing an on-site assessment as a re-accreditation measure and has invited him to attend. A number of arrests in Zone B occurred including a prostitution ring.

Department of State Division of Cemeteries - Supervisor Anderson stated that the Division of Cemeteries utilized the town meeting room to conduct an investigation of their housed records related to Martin Cemetery located on Rush Scottsville Road and insinuated that the Pine Hill Cemetery Association would be interested in the administration of that cemetery. Town Clerk Bucci stated that the Division of Cemeteries may be holding a future meeting regarding the Martin Cemetery which appears to be abandoned.

#### VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver, as liaison, attended the Zoning Board of Appeals meeting of March 13 wherein both public hearings were approved. He also reported participating in the tour of the Juvenile Detention Center, Rush Scottsville Road, with Councilwoman McCarthy. Ten inmates are housed at the facility with a maximum of 20 inmates. Each inmate stays on average 2 to 3 days to 2 to 3 months. They plan to build a recreational center and meals are currently delivered. Any resident wishing to talk with the administrators is welcome. Councilperson Woolaver also attended the Conservation Board meeting.

Councilperson Steiner, as liaison to the Conservation Board meeting could not attend but requested Councilperson McCarthy to do so.

Councilperson McCarthy attended the Conservation Board meeting wherein they discussed a subdivision on Jeffords Road. As liaison, Councilperson McCarthy attended the Library Board of Trustees meeting. Rob Lewkowicz will be resigning sometime this summer. The Friends of the Library have booked 3 bands for their concert series. The Board is continuing their 100<sup>th</sup> year anniversary plan.

Councilperson Frank, as liaison, attended the Planning Board meeting where they discussed the Jeffords Road preliminary site plan. Councilperson Frank was pleased to read in Sunday's paper that Town Clerk Bucci representing Rush was one of the first towns in Monroe County to respond to the information request of electronic financial data.

Town Clerk Bucci reported that (1) Rush received 0 discrepancies for its submission of the 2013 payroll data. All combined electronically submitted human resource data from the Town Clerk's Office and payroll records and data from the Finance Office must agree with Monroe County Human Resource Office to be in compliance; (2) New York State Agricultural and Market visited Rush, reviewed the Dog Control Officer's Records and provided the town with their highest mark of satisfactory records; and (3) New York State Department of Environmental Services launched a new internet driven licensing system in December. As a trained agent of New York State, we are continuing to serve the public selling hunting and fishing licenses.

Attorney Frank Pavia had no report.

Highway Superintendent Mark David reported snow and ice work being done as usual along with tree trimming when weather appropriate.

#### VI. OLD BUSINESS

Appointment of Zoning Board of Appeals Members – Supervisor Anderson stated that the Zoning Board interviews were conducted by the Town Board and selections were made.

#### **RESOLUTION #75-2014**

Councilperson Steiner moved to appoint David Flass to the Zoning Board of Appeals for a term of five years, commencing March 19, 2014 and ending December 31, 2018. Councilperson Frank seconded the motion.

Roll:

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

#### **RESOLUTION #76-2014**

Councilperson Steiner moved to appoint Lee Hetrick to the Zoning Board of Appeals to fill an unexpired term commencing March 19, 2014, and ending December 31, 2015. Councilperson Woolaver seconded the motion.

Roll:

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

B. Update of the Public Hearing – Proposed Rezoning of 7252 West Henrietta Road – Supervisor Anderson stated that the public hearing submission of comments was kept open until 4:30 PM on Wednesday, March 5<sup>th</sup>. Town Clerk Bucci has accumulated all comments and distributed all to the Town Board, Town Attorney, Town Engineer and Applicant. Supervisor Anderson met with John Scirabba, agent for Rush Associates, LLC., who indicated that they would be consulting with the town’s attorney and engineer to change the scope of the proposal.

Town Attorney Pavia stated that he had received a voice mail message from John Scirabba but that he had not yet discussed the proposal with him. If they have changed the scope of the plan, an amended petition must be submitted to the Town Board along with an Environmental Assessment Form that coincides with their new plan. All other information that relates to their change in plan must also be submitted. All information will be circulated to the Town Board and Planning Board and town engineer. Receipt of an amended petition for rezoning requires a legislative act by the Town Board.

VII: NEW BUSINESS

A. Renewal of Daikin Maintenance Agreement – Supervisor Anderson stated that the town’s HVAC system is unique. The Daikin company was formerly called Trubee, then renamed McQuay and now is Daikin. The annual maintenance agreement which is paid in quarterly installments commences March 1, 2014 and includes a 2% increase resulting from labor and operating expenses. The annual cost is \$4,761.00.

**RESOLUTION #77-2014**

Councilperson Steiner moved to authorize the Supervisor to enter into an annual HVA maintenance agreement with Daikin in the amount of \$4,761.00. Councilperson Frank seconded the motion.

Roll:

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

Councilperson Woolaver requested that he contact the Recreational Agricultural Citizen Committee (RACC) members to schedule a meeting. Supervisor Anderson stated that he agreed that a meeting should be scheduled and that he has attempted to contact Chair Jerry Horton on two occasions to no avail.

Councilwoman Steiner stated that as liaison to the Recreational Agricultural Citizens Committee, she would contact Chair Horton.

Councilperson Woolaver also suggested that the RACC members be advised of the solar proposal. Supervisor Anderson agreed that they would be contacted at a future date.

B. New York Museum of Transportation – Supervisor Anderson has received a letter from NY Museum of Transportation which will be distributed to the Town Board. A 5-year lease renewal begins July 1, 2014, and the Museum has requested a portion of the property be designated as forever wild. Supervisor Anderson will review the proposal with Attorney Pavia to address the possible federal wetland associated with the area requested.

#### VIII. OPEN FORUM

Resident Dave Sluberski, although not chosen, thanked the Town Board for interviewing him as a member of the Zoning Board of Appeals. Mr. Sluberski asked if resumes were kept on file for future consideration and he notices this time of the year trash and tires or deer are on the roadside. Should he assume that the Highway Department picks it up. Additionally, Mr. Sluberski asked if the town would be hosting a recycling session.

Town Clerk Bucci stated that resumes are kept in the file for 3 years. If a position is open, resumes from the file will be reviewed by the Town Board. The Town Board may choose to interview those persons on file and/or advertise for additional candidates. The Board is not required to interview all applicants.

Highway Superintendent David stated that they are allowed to pick up tires by the roadside as well as deer. New York State does pick up dead deer, however, as a courtesy, as not to let the smell linger, the town also picks up dead deer on state roads.

Highway Superintendent David stated that both Town Clerk Bucci and he were researching entertaining another recycling day as they had done previously. Town Clerk Bucci stated that the first recycling day the town hosted was free of charge and the Monroe County ecopark provides collection at no cost. Supervisor Anderson stated that the ecopark also accepts hazardous items. Pertinent information is located on the Monroe County website and available on the Town Clerk brochure table.

Resident Carol Barnett asked whether resumes less than 3 years old must be reactivated. Town Clerk Bucci stated that it is a Town Board decision and they

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are not obligated to interview all applicants. Supervisor Anderson reiterated that at times applicants are contacted to ask if there is continued interest in serving on a board.

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