

RUSH TOWN BOARD
Minutes of November 26, 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 November 26, 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
	Daniel Woolaver	-----	Councilperson
	Kathryn Steiner	-----	Councilperson
	Rita McCarthy	-----	Councilperson
	Pamela Bucci	-----	Town Clerk
	John Mancuso, Esq.	-----	Town Attorney

EXCUSED: Cathleen Frank ----- Councilperson, Deputy Town Supervisor

OTHERS PRESENT:

Mark David	Resident, Highway Superintendent
Dave Sluberski	Resident
Sandra Boysen	Resident
Carol Barnett	Resident
Kathryn Hankins	Resident
Marianne Rizzo	Resident
Robert Powers	Resident
Jim Bucci	Resident

I. OPEN FORUM

Supervisor Anderson welcomed all to the meeting and opened the floor to anyone wishing to address the Town Board. Those being heard were asked to state their name and address.

Resident Dave Sluberski inquired about the Veteran's Tax Exemption as to whether or not the Town Board would be represented at the Rush-Henrietta School Board public hearing.

Supervisor Anderson was aware of an informational meeting at the American Legion regarding possible qualifications for the exemption. Although the Town Board would support an exemption, and Supervisor Anderson will be attending the School Board's public hearing, they are the determining board regarding approvals. There is no confirmed documentation at this time.

II. APPROVAL OF MINUTES

Councilperson Steiner requested adding Councilperson Frank to the initial roll call.

RESOLUTION #156-2014

Councilperson Steiner moved to approve the Minutes of November 12, 2014, as amended by Town Clerk Pamela Bucci. Councilperson McCarthy seconded the motion.

Roll:

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

III. APPROVAL OF TRANSFER

RESOLUTION #157-2014

Councilperson Steiner moved, be it resolved that having audited all the unexpended balance of existing appropriations, I move that transfers #14 through #20 in the amount of \$12,257.63 be approved. Councilperson Woolaver seconded the motion.

Roll:

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

11/18/2014

BUDGET TRANSFERS 11/26/2014 - 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
14	195.00	A.7110.1	Parks Personal Services Reallocate Parks Budget per Mark David	A.7110.2	Parks Capital Outlay
15	453.07	A.9060.8	Fringe Benefits Health Insurance Transfer to cover State Assessment	A.9040.8	Fringe Benefits Workers Compensation
16	1,030.01	A.9060.8	Fringe Benefits Health Insurance	A.1410.2	Town Clerk Capital Outlay

Transfer to cover Laserfiche project					
17	84.01	A.7510.2	Historian Contractual	A.7510.4	Historian Contractual
Transfer to reallocate Historian Budget					
18	400.00	A7140.1	Pavilion & Fields Personal Services	A-7140.4	Pavilion & Fields Contractual
Transfer to cover Field Paint					

Highway Funds

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
19	10,000.00	DA.5148.1	Services to Other Govt. Personal Services To Reallocate Highway Budget per Mark David	DA.5140.1	Misc. Brush/Weeds Personal Services

Library Funds

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
20	95.54	L.9060.8	Fringe Benefits Health Insurance Transfer to cover State Assessment	L.9040.8	Fringe Benefits Workers Compensation

TOTAL	12,257.63				
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IV. APPROVAL OF ABSTRACT

RESOLUTION #158-2014

Councilperson Steiner moved be it resolved that all funds listed on Abstract of November 26, 2014 for vouchers #2014 1269 through 2014 1315 be allowed for payment in the of \$29,321.32. Councilperson McCarthy seconded the motion.

Roll:

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

V. CORRESPONDENCE

Supervisor Anderson received and discussed the following:

Monroe County Sheriff's Department – The report is received on a weekly basis. There were no reports of any kind in Rush, however, Henrietta reported a prostitute pistol whipping over a fee.

Monroe County Parks – The 2014 Holiday botanical show will be held in the conservatory. The exhibit runs November 27 through January 4. Admission is \$3 per person, youth and senior citizens \$2 per person, supervised children through 5 years old are free. The highlight is an 8 foot poinsettia pyramid.

Email from Residents Jordan Kleiman and Bob Powers – They submitted an Energy Advisory Committee Proposal and a document providing a Sustainable Rush Citizens Group with goals. It has been distributed to the Town Board.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver, liaison, attended the Zoning Board of Appeals meeting regarding use variances. Also attended was the Zoning Citizens Committee (ZCC) which will create a collection of suggestions to be presented to the Town Board. They inquired about current zoning complaints and compliances and how they are recorded. The ZCC inquired as to whether or not the complainant would be required to identify themselves.

Supervisor Anderson stated that a new system is in the process of being created, however, the town cannot mandate the identity of the complainant. If the complainant does not identify themselves, it will be filed chronologically.

Councilperson Steiner, as liaison, attended the Recreational Agricultural Citizen Committee (RACC) meeting. They requested additional posted signs and possibly a sign indicating the rules of the property. They requested being placed on the agenda for the February 11, 2015, Town Board meeting. There is a tree stand on the property at 6565 East River Road that should be removed.

Highway Superintendent David stated that previous posted signs were installed and are now missing. Supervisor Anderson stated that any unlawful activity noted should be reported to the NYSDEC. The town has provided reports to NYSDEC including license plate numbers for tracing.

Councilperson McCarthy had no report.

Town Clerk Bucci reported that the (1) October monthly revenue report and check to the Supervisor in the amount of \$7,984.15 has been submitted. It is greatly attributed to afterschool, recreation programs and pavilion rentals. Checks for state revenue amounted to \$878.03.; (2)

Coordinating and syncing of Office of Real properties with the Building Inspectors IPS (Integrated Property System) is complete. It will provide updated homeowner information to the building department and my office will be able to extract property owners' names and addresses for planning and zoning purposes rather than using a protractor and an unmarked map system to obtain parcels proximity; (3) The BAS (Business Automation System) system is updated to align with the Comptroller's Office good accounting practices involved in voiding versus deleting transactions; (4) Remainder of the archived permanent building permit files are being scanned for sharing and extracting purposes; (5) The count of Democrat & Chronicle newspapers is reduced; saving \$300 a year; (6) my family had the pleasure of being chosen by an RIT photo journalist student to interview us as a "community service based family". She was at our home for many hours over this month. She chose us because I am the Town Clerk, my husband is the Volunteer Fire Department Chief, and we have children that attend RH schools, play sports and are members of explorer posts.

Town Clerk Bucci has received the resignation of Colleen Statskey, Assessor's Clerk, and effective December 8. She will be taking a full-time position outside of the town. A resolution from the Board to advertise for the part-time Assessor's Clerk position was requested.

Town Clerk Bucci added that the Supervisor previously has stated that the Deputy Town Clerk provides some administrative support to the Buildings Department. The office workload has grown with handling all aspects of NYS dog licenses, pavilion rentals, recreational program sign ups, gardener budget and IT details. We are happy to serve in each area. This Board and previous Boards have researched the workload facts in order to include myself and a full-time deputy to serve the public.

RESOLUTION #159-2014

Supervisor Anderson moved to allow the Town Clerk to advertise in the town approved newspaper for a part-time Assessor's Clerk to fill the position being opened as of December 8th. Councilperson Woolaver seconded the motion.

Roll:

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

Highway Superintendent David stated that he contacted a professional bee keeper who advised not to move the bees at this juncture; however, if they are still present they will be relocated in the spring.

The final fence on the ADA compliance basketball has been installed.

Supervisor Anderson commented that the grant payment for the basketball court reimbursement from Monroe County was also received.

Highway Superintendent David conducted 6 interviews, all Rush residents, and selected Derek Brown for the open position of Motor Equipment Operator.

RESOLUION #160-2014

Supervisor Anderson motioned to accept Highway Superintendent Mark David's hiring of Derek Brown, Motor Equipment Operator, and effective December 8, 2014. Councilperson McCarthy seconded the motion.

Roll:

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

Town Attorney Mancuso had no report.

VII. OLD BUSINESS

A. Solar Energy Update – Supervisor Anderson stated that the Town Board had previously authorized a capability study. A utility company will be initiating the process. They require certification from the power company before they can begin the request for propositions.

Retirement Healthcare Update – Supervisor Anderson reported that additional information continues to come in on healthcare, however, after meeting with all the retirees on an individual basis, they are acceptable to the Board resolution of last meeting enacting a lesser 16.5% increase and change in their healthcare benefit. This included retirees over 65 and on social security.

Insurance and Property & Casualty – Both Supervisor Anderson and Highway Superintendent David went through all equipment and buildings which gained Rush only a 1% increase in insurance costs.

VIII. NEW BUSINESS

A. New York State Snow and Ice Agreement – Extend Conventional Municipal Snow and Ice – Highway Superintendent David commented that the agreement is based on adjustments, time and materials at an average over the past 3 years. If you exceed the agreed terms, a letter of justification is provided. This agreement covers 35.60 lane miles for the 2014/2015 season.

RESOLUTION #161-2014

Councilperson Steiner moved to authorize the Supervisor to enter into an Agreement to Extend Conventional Municipal Snow and Ice Agreement with New York for the responsibility for snow and ice control of 35.60 miles on State Routes 15, 15A and 251. Councilperson McCarthy seconded the motion.

Roll:

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

Highway Superintendent David stated that the Monroe County contract for Snow and Ice increased 7.47% which is an approximate lump sum agreement of \$11,000.00.

B. Suburban Animal Hospital Contract Renewal - Supervisor Anderson noted that the contract with Suburban Animal Hospital provides for shelter, medical care and euthanasia, if required. The cost involved in the contract include daily shelter increase of \$1, now \$13 per day; \$1 more for euthanasia now \$15; and .15 cents per pound if euthanized. When benchmarking this agreement last year, it was found to be the cheapest.

RESOLUTION #162-2014

Supervisor Anderson moved to accept the contract for professional dog sheltering services with Suburban Animal Hospital, 2495 East Henrietta Road, Rochester, New York effective January 1, 2015 through December 31, 2015. Councilperson Woolaver seconded the motion.

Roll:

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

C. 239 M agreement with Monroe County - Attorney John Mancuso explained that the General Municipal Law requires that most zoning and planning and subdivision applications be referred from the Town Planning or Zoning Boards to Monroe County for their objectives. The most notable reason is that if you are within 500 feet of a state or county highway, it must go to the County for their planning perspective. It tends to lump into a bunch of local actions that Monroe County must review but then refers them back to the town as a local matter. If you do not submit to the County, the law says that you may jeopardize the validity of the granted approval. The 239m agreement exempts certain actions that are truly of localized nature from the requirement to refer it

to Monroe County Planning. It provides relief of the administrative burden at both the Town and County level. The agreement contains an exhibit in excess of 30 areas that are exempt from the referral requirement. If agreed, a resolution is required.

Supervisor Anderson noted that the 239m Agreement is created by Monroe County. Attorney Mancuso stated that many municipalities have already adopted the 239m Agreement.

OPEN FORUM -

Supervisor Anderson opened the floor to anyone wishing to address the Town Board.

Resident Kathryn Hankins requested clarification regarding the solar power in regards to checking which property? And if it is the BOCES property the Recreational Agricultural Citizen Committee (RACC) should be included in on the meeting with the solar company discussion of that site. The value of the property in relation to the community is a factor. The sighting is a comprehensive review and should involve a more detailed analysis and the former BOCES property hasn't been mentioned in discussions of a solar site but is a major concern.

Supervisor Anderson stated that they will be investigating 6565 East River Road (previous BOCES property) for solar possibilities. This is an initial review of a possible site and is contingent on whether or not it is an appropriate location. It is all contingent upon power lines.

Resident Marianne Rizzo asked whether or not it is possible to take a more comprehensive approach to sighting solar panels.

Supervisor Anderson stated that the Town must abide by what the legislation has available and whether or not it is appropriate. Another site may be needed for a review. This is merely a starting point and the site must be on town-owned property.

Resident James Bucci commented that the power company should review the site first to determine if it is usable. Having the public attend meetings before a site is viable would be a waste of time.

Resident Dave Sluberski remarked (1) about the unfortunate disregard to the no trespassing signs at 6565 East River Road (former BOCES property). (2) In relation to the proposed newly created zoning complaint system, Mr. Sluberski voiced a concern and suggestion, as other towns do, that those individuals contacting

the town anonymously about a complaint should not be considered valid; obviously they should leave a name and number which would be public information. (3) In regard to the NYS Snow and Ice extension, is the town held hostage to paying additional costs for overtime or additional supplies or the costs figured into their contract?

Supervisor Anderson stated that the Snow and Ice contract are all inclusive. All revenues are placed back into budget and cover costs and benefits.

Highway Superintendent David reiterated that there are no losses. Both state and county will reimburse the town on time, materials, manpower or anything spent on roads.

XI. ADJOURNMENT

There being no further business to conduct, the meeting was adjourned by Supervisor Anderson at 7:40 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci
Town Clerk