

RUSH TOWN BOARD  
Minutes of February 11, 2015

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Deputy Supervisor Rita McCarthy at 7:00 PM on February 11, 2015, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

|          |                    |       |                                       |
|----------|--------------------|-------|---------------------------------------|
| PRESENT: | Cathleen Frank     | ----- | Supervisor                            |
|          | Daniel Woolaver    | ----- | Councilperson                         |
|          | Kathryn Steiner    | ----- | Councilperson                         |
|          | Rita McCarthy      | ----- | Councilperson, Deputy Town Supervisor |
|          | Jillian Moore      | ----- | Councilperson                         |
|          | Pamela Bucci       | ----- | Town Clerk                            |
|          | John Mancuso, Esq. | ----- | Town Attorney                         |

OTHERS PRESENT:

|                   |                                    |
|-------------------|------------------------------------|
| Mark David        | Resident, Highway Superintendent   |
| Carol Barnett     | Resident                           |
| Al Sweet          | Resident                           |
| Dave Sluberski    | Resident                           |
| James Kolb        | Resident                           |
| Dick Andrews      | Resident                           |
| Justin Caffrey    | Resident                           |
| Cathy Frank       | Resident                           |
| Joan Starkweather | Resident                           |
| Harvey Seymour    | Resident                           |
| Gerry Kusse       | Resident, Code Enforcement Officer |
| Tim McCarthy      | Resident                           |
| Kathryn Hankins   | Resident                           |
| Kirsten Flass     | Resident, Library Director         |

I. MEETING COMMENCEMENT

Deputy Town Supervisor McCarthy welcomed all to the meeting and noted that the meeting would be presented slightly out of order, beginning with a new business item.

A resolution is in order appointing Cathleen M. Frank as Supervisor of the Town of Rush. Her term will continue through December 31, 2015, with an annual salary of \$31,017.

II. NEW BUSINESS ITEM

**RESOLUTION #67-2015**

Deputy Town Supervisor McCarthy moved to appoint Cathleen M. Frank of 255 Five Points Road, Rush, New York, as Supervisor of the Town of Rush filling the unexpired term of office effective February 11, 2015 through December 31, 2015, with an annual salary of \$31,017.00 as budgeted. Councilperson Steiner seconded the motion.

Roll:

|                            |     |          |
|----------------------------|-----|----------|
| Councilperson Woolaver     | aye |          |
| Councilperson Steiner      | aye |          |
| Councilperson Moore        | aye |          |
| Deputy Supervisor McCarthy | aye | carried. |

III. OATH OF OFFICE

Town Clerk Pamela Bucci proceeded with the required taking of Oath of Office for Supervisor Cathleen Frank and in a formal setting a second time taking of Oath of Office for Councilwoman Jillian Moore.

IV. OPEN FORUM

Supervisor Frank opened the floor to anyone wishing to address the Town Board. All those speaking were asked to state their name and address for record keeping purposes.

Resident Kathryn Hankins read aloud a letter dated February 11, 2015, to the Town Board which raised serious questions relating to filling the Town Board vacancy, all of which related to the NYS open meetings law.

Resident Dave Sluberski stated that a couple months ago questions were asked of the Town Board without a response. One question was regarding the pavilion: who uses it – resident or non-resident and how it is evaluated. Will those questions now be answered?

Supervisor Frank will respond with findings.

V. APPROVAL OF MINUTES

**RESOLUTION #68-2015**

Councilperson Steiner moved to approve the Meeting Minutes of January 28, 2015, as submitted by Town Clerk Pamela Bucci. Councilperson Woolaver seconded the motion.

Roll:

|                        |         |
|------------------------|---------|
| Councilperson Woolaver | aye     |
| Councilperson Steiner  | aye     |
| Councilperson Moore    | abstain |

Deputy Supervisor McCarthy aye  
Supervisor Frank abstain. carried.

Councilperson Moore abstained because she was appointed on January 28, 2015, and did not partake in that meeting. Supervisor Frank resigned from her position as Councilperson and Deputy Town Supervisor on January 27, 2015.

VI. APPROVAL OF TRANSFER

**RESOLUTION #69-2015**

Councilperson Steiner moved be it resolved that having audited all the unexpended balance of existing appropriations, transfer 1 in the amount of \$12,000.00 be approved. Councilperson McCarthy seconded the motion.

**BUDGET TRANSFER 02/11/2015 – 2015 FUNDS**

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

**General Funds**

| Transfer<br>Number | Amount    | Decrease Appropriation |                                       | Increase Appropriation |                        |
|--------------------|-----------|------------------------|---------------------------------------|------------------------|------------------------|
|                    |           | Account                | Description                           | Account                | Description            |
| 1                  | 12,000.00 | A.1990.400             | Supervisor<br>Contingency             | A.1620.490             | Building Water<br>Loss |
|                    |           |                        | To cover water loss<br>– January 2015 |                        |                        |

Roll:

Councilperson Woolaver aye  
Councilperson Steiner aye  
Councilperson Moore abstained  
Deputy Supervisor McCarthy aye  
Supervisor Frank aye. carried.

VII. APPROVAL OF ABSTRACT

**RESOLUTION #70-2015**

Councilperson Steiner moved Be It Resolved that having audited all the claims against the funds listed on Abstract of February 11, 2015 for vouchers #2015 133 through #2015 184 be allowed for payment in the amount of \$80,349.66. Councilperson McCarthy seconded the motion.

Roll:

Councilperson Woolaver aye  
Councilperson Steiner aye  
Councilperson Moore abstained  
Deputy Supervisor McCarthy aye  
Supervisor Frank aye. carried.

VIII. CORRESPONDENCE

Supervisor Frank received no correspondence.

IX. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver had no report.

Councilperson Steiner noted that the Conservation Board reviewed 2 applications.

Councilperson McCarthy, Town Board liaison, was unable to attend the Library Board of Trustees but requested Library Director Kirsten Flass to report. Director Flass stated that the Library Board is considering conducting a survey for the community and considering the purchase of a big screen television in the library meeting room to enhance programs. They are also planning another party at Wildwood Country Club.

Code Enforcement Officer Gerald Kusse had no report.

Highway Superintendent Mark David reported a busy snow and ice season and just received 600 tons of salt, meeting the minimum requirement which is well within the budget. Highway Superintendent David met with Assemblyman Bill Nojay to advocate for more CHIPS revenues. All superintendents within the state will be meeting in Albany on March 3<sup>rd</sup> and 4<sup>th</sup> to meet with state legislatures to promote more money for local roads. The past 2 years' visits to Albany netted an additional \$11,000 and \$5,800 monies for Rush roads. A town board resolution was requested regarding the Albany stay for a \$160.00 cost using budgeted funds.

**RESOLUTION #71-2015**

Councilperson Steiner moved to grant Highway Supervisor Mark David permission to use allocated funds for lodging purposes for a business trip to Albany, New York on March 3<sup>rd</sup> and 4<sup>th</sup>. Councilperson Woolaver seconded the motion.

Roll:

|                            |               |
|----------------------------|---------------|
| Councilperson Woolaver     | aye           |
| Councilperson Steiner      | aye           |
| Councilperson Moore        | aye           |
| Deputy Supervisor McCarthy | aye           |
| Supervisor Frank           | aye. carried. |

Town Clerk Bucci reported (1) January revenues have been provided to the Supervisor in the amount of \$9,865.96; (2) Taxes collected to date are \$3,100,444.96. That amount includes the portion of Town and County taxes that have been submitted

to the Supervisor. The Town has received the full share of collected funds; (3) Received both Supervisor Anderson's letter of resignation as of February 10, 2015 and Councilwoman Jillian Moore's resignation as a Zoning Board of Appeals member effective January 28, 2015. Town Clerk Bucci requested the Board's permission to advertise for an open position on the Zoning Board of Appeals. The February Zoning Board meeting has been cancelled. There are no applicants; (4) Previous Supervisor Richard Anderson was planning on attending the Town Board meeting, but is ill. A Certificate of Appreciation for his service to the Rush community from 2003 through 2015 on various Boards will be presented on a different date.

**RESOLUTION #72-2015**

Supervisor Frank moved to allow Town Clerk Bucci to advertise for the open, unexpired position on the Zoning Board of Appeals in the town approved newspaper. Councilperson McCarthy seconded the motion.

Roll:

|                            |               |
|----------------------------|---------------|
| Councilperson Woolaver     | aye           |
| Councilperson Steiner      | aye           |
| Councilperson Moore        | aye           |
| Deputy Supervisor McCarthy | aye           |
| Supervisor Frank           | aye. carried. |

X. OLD BUSINESS

A. Solar Energy Update – Supervisor Frank reported that Larsen Engineering is continuing its work on finalizing the requirements for the solar energy project. The Town Board has received an initial template for RFP (request for proposal). Supervisor Frank requested feedback from the Town Board by February 20<sup>th</sup>.

With a question posed by Councilperson Steiner, Supervisor Frank stated that the RFP (request for proposal) is strictly a requirement template but urged Town Board members to review and understand it. This document signifies a heavy duty electric line creating an optimal location.

B. Resolution to Increase the William R. Udicious Pavilion rental fees – Supervisor Frank stated that the increase in rental cost is for maintenance and improvements. The deposit will remain \$100.00 for all renters. Residents will pay \$125.00, an increase of \$25.00 and Non-residents will pay \$175.00, and increase of \$25.00.

**RESOLUTION #73-2015**

Councilperson Steiner moved to approve an increase of rental cost for the William R. Udicious pavilion in the amount of \$125.00 for Town Residents and \$175.00 for Non-Residents effective February 12, 2015. Councilperson McCarthy seconded the motion.

Roll:

|                            |               |
|----------------------------|---------------|
| Councilperson Woolaver     | aye           |
| Councilperson Steiner      | aye           |
| Councilperson Moore        | aye           |
| Deputy Supervisor McCarthy | aye           |
| Supervisor Frank           | aye. carried. |

XI. NEW BUSINESS

A. Amend Cell Tower Lease – Supervisor Frank tabled the Cell Town Lease for attorney review. The Lease due date is February 28, 2015.

B. Daikin Applied HVAC Maintenance Agreement – Supervisor Frank stated that the Agreement is for a 1 year extension and included no increase in charges.

**RESOLUTION #74-2015**

Councilperson Steiner moved to allow Supervisor Frank to enter a one-year maintenance extension agreement with Daikin Applied in the amount of \$4,761.00 effective February 28, 2015. Councilperson Woolaver seconded the motion.

Roll:

|                            |               |
|----------------------------|---------------|
| Councilperson Woolaver     | aye           |
| Councilperson Steiner      | aye           |
| Councilperson Moore        | aye           |
| Deputy Supervisor McCarthy | aye           |
| Supervisor Frank           | aye. carried. |

C. Resolution to approve Library Board of Trustees appointment – Supervisor Frank stated that Karen Kirk has been appointed to the Library Board of Trustees and should be reflected in the Minutes.

Library Director Kirsten Flass stated that Karen Kirk has served on the Library Board of Trustees in previous years and has been a regular volunteer in the library.

**RESOLUTION #75-2015**

Councilperson Steiner moved to acknowledge and approve the Library Board of Trustees appointment of Karin Kirk as a member of their Board effective February 3, 2015 through December 31, 2019. Councilperson McCarthy seconded the motion.

Roll:

|                        |     |
|------------------------|-----|
| Councilperson Woolaver | aye |
| Councilperson Steiner  | aye |
| Councilperson Moore    | aye |

Deputy Supervisor McCarthy aye  
Supervisor Frank aye. carried.

## XII. OPEN FORUM

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

Resident Dave Sluberski asked in reference to the solar energy business - where does the heavy duty electric line rest? Additionally, has the Energy Advisory Committee been approved/progress? In regard to the pavilion rentals, is there a tangible tracking of resident/non-residential use for example, any relatives of residents renting on behalf of the resident in order to pay the resident fee?

Supervisor Frank stated that the heavy duty electric line rests on the previously owned BOCES property at 6565 East River Road. The Town Clerk has received 7 or 8 letters of interest for the Renewable Energy Advisory Committee and an update will be provided at the next meeting.

Town Clerk Bucci stated that all persons renting the pavilion must provide \$100 deposit to secure the date, sign a contract which includes providing a home address. They must also provide a copy of their homeowner insurance which has their address and coverage period on it.

Resident Dave Sluberski stated that you can't check everything. For example, if my brother in Oklahoma wants to rent it for a family weekend while in Rush and I secure it with \$100 deposit and I am not actually attending the function, then he would get it at a resident cost.

Town Clerk Bucci stated that the pavilion is not policed on attendance in the pavilion. If something were to happen at the pavilion, the person holding the insurance would be liable.

Resident Dave Sluberski asked if previous letters of interest would be included in the selection process of a new Zoning Board of Appeals member.

Supervisor Frank stated that they will be included in the selection.

Resident Kathryn Hankins, on behalf of the RACC (Recreational Agricultural Citizens Committee) requested a copy of the Engineers Solar Report as it related to placement of the grid on the BOCES property at 6565 East River Road.

Supervisor Frank will provide a copy.

Councilperson Steiner added that the RACC would be submitting a report at the next Town Board meeting.

Resident Joan Starkweather requested that the Town Board would very carefully consider the remarks and report just given by Kathryn Hankins on the activity of the Town Board.

Resident Kathryn Hankins requested that the RACC presentation at the February 25<sup>th</sup> meeting begin at 7:15 PM or when all committee members are in attendance. Some will be traveling from the city.

Supervisor Frank was in agreement. The RACC presentation will begin once the members are present.

### XIII. ADJOURNMENT

There being no further business to conduct, the meeting was adjourned by Supervisor Frank at 7:27 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci  
Town Clerk