

RUSH TOWN BOARD
Minutes of April 8, 2015

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Cathleen Frank at 7:00 PM on April 8, 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
	Jillian Moore	-----	Councilperson
	Rita McCarthy	-----	Councilperson, Deputy Town Supervisor
	Pamela Bucci	-----	Town Clerk
	John Mancuso, Esq.	-----	Town Attorney

EXCUSED: Kathryn Steiner ----- Councilperson

Councilperson Steiner is excused; she is on vacation.

OTHERS PRESENT:

Mark David	Resident, Highway Superintendent
Carol Barnett	Resident
Al Sweet	Resident
David Barrows	Rochester Resident
Cecil Palmer	Resident
Kirsten Flass	Resident, Library Director
Tim McCarthy	Resident
Mary Knapp	Resident
Dick Knapp	Resident
Jim Bucci	Resident
Gerry Kusse	Resident, Code Enforcement Officer
Jim Kolb	Resident
Barbara Jacobs	Resident
Eileen Tanner	Resident

I. 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.

No comment from the audience.

II. APPROVAL OF MINUTES

RESOLUTION #91-2015

Councilperson McCarty moved to approve the Meeting Minutes of March 25, 2015, as written by Town Clerk Pamela Bucci. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye
Councilperson McCarthy	aye
Councilperson Moore	aye
Supervisor Frank	aye. carried.

III. TRANSFER

RESOLUTION #92-2015

Councilperson McCarthy moved, BE IT Resolved, that having audited all the unreserved, unanticipated revenues and unexpended balances of existing appropriations, I move that transfer #2 through #4 in the amount of \$497.00 be approved. Councilperson Moore seconded the motion.

Roll:

Councilperson Woolaver	aye
Councilperson McCarthy	aye
Councilperson Moore	aye
Supervisor Frank	aye carried.

BUDGET TRANSFERS 04/08/2015 - 2015 FUNDS

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

General Funds

Transfer	Number	Amount	Decrease Appropriation		Increase Appropriation	
			Account	Description	Account	Description
	2	313.78	A.9050.800	Fringe Benefits Unemployment Insurance To cover increased NYS Disability coverage to \$400/week	A.9055.800	Fringe Benefits Disability Insurance

Highway Funds

Transfer	Number	Amount	Account	Description	Account	Description
	3	163.33	DA.9050.800	Fringe Benefits Unemployment Insurance To cover increased NYS Disability coverage to \$400/week	DA.9055.800	Fringe Benefits Disability Insurance

Library Funds

Transfer	Number	Amount	Account	Description	Account	Description
		20.25	L.9050.800	Fringe Benefits	L.9055.800	Fringe Benefits

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Disability Insurance
Unemployment Insurance To cover increased NYS Disability coverage to \$400/week

IV. APPROVAL OF ABSTRACT

RESOLUTION #93-2015

Councilperson McCarthy moved Be It Resolved that having audited all the claims against the funds listed on Abstract of April 8, 2015 for vouchers #2015 350 through #2015 400 be allowed for payment in the amount of \$52,607.29. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye
Councilperson McCarthy	aye
Councilperson Moore	aye
Supervisor Frank	aye carried.

V. REPORT OF OFFICERS AND COMMITTEES: Monthly Report

Councilperson Woolaver offered the following report:

- As liaison, attended the Conservation Board meeting where four proposals were reviewed.

Councilperson McCarthy offered the following report:

- As liaison, attended the Library Board meeting. They have drafted a community survey which will be distributed to all homes in Rush serviced by the library. The survey requests the services used of the community, how often they use them and their approximate future use. An expenditure for a smart TV for the library has been approved. The television will aid in programing and eliminate the current use of the projector. A "Friends Night Out" similar to the gala of last year will be held on June 6th and tickets on sale May 1 for \$25.00 per person.

Councilperson Moore had no report.

Town Clerk Bucci offered the following report:

- Taxes received and posted paid to date are over \$4,000,000 with \$337,766 more to be collected.
- The Gardener position ad will close April 13th. A number of applications have been received and interviewing will take place.
- For continued clarification, the schedule of receiving job applications and resumes and their retention is being followed with the board approved use of the Record Retention Disposition Schedule. The schedule is used by cities, towns, villages, fire districts and Town Clerk's Offices. Personnel

applications for employment including resumes and applications of persons that are not hired are to be kept 3 years. There is nothing in the law that says all applicants must be interviewed or that applications must be used in the next interview session. The Interviewer(s) makes the selection on whom to interview. The town has also adopted a policy of compliance, hiring authority and filling of vacancies. It's the town's policy to hire the best available person whenever a vacancy occurs. The town also gives preference in appointment to qualified individuals who are residents of the town.

Building Inspector/Code Enforcement Officer Kusse had no report.

Highway Superintendent David reported the following:

- The NY State budget passed which includes C.H.I.P.S. (The Consolidated Local Street and Highway Improvement Program) funding. It was beneficial in meeting locally with Assemblyman Bill Nojay and having the "orange" presence at the Capital Building. \$50,000,000 is being distributed statewide which equates to roughly \$7,100 for Rush.

Library Director Kirsten Flass reported the following:

- Four free gazebo concerts are scheduled for June and July.
- The State budget was favorable of library systems. Monroe County Library System will see a slight increase. The Rush Public Library is hopeful for receiving financial support.

Attorney Mancuso had no report.

VI. OLD BUSINESS

A. Town Clerk Audit – Supervisor Frank read aloud the Town Clerk Audit Report performed by Supervisor Frank and Councilperson Steiner. The audit followed guidelines recommended by the NYS Comptrollers Division and School Accountability which included auditing of reconciled bank accounts, tax collection records and daily settlement sheet collection. All were found to be accounted for properly. There were no recommendations and both Supervisor Frank and Councilperson Steiner appreciated the Town Clerk's time and assistance during the audit.

VII. NEW BUSINESS

Resolution to Recycle Outdated Electronics – Supervisor Frank proposed recycling obsolete and inoperative electronic town equipment spending no more than \$100 for destruction by SunnKing Electronics Recycling of Brockport who responded to the quote request.

Councilperson Moore asked if other companies were contacted and what types of equipment will be recycled. Supervisor Frank noted that three companies were contacted and equipment being recycled includes printers, monitors, hard drives and scanners.

Town Clerk Bucci responded that all town property items are asset tagged and a databank is kept current for accountability purposes.

RESOLUTION #94-2015

Councilperson McCarthy moved to authorize entering into an agreement with SunnKing electronics or like business for the recycling disposal of obsolete and inoperative town electronic equipment for an amount not to exceed \$100. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson McCarthy	aye	
Councilperson Moore	aye	
Supervisor Frank	aye	carried.

B. 2015 Monroe County in Bloom Program Agreement - Supervisor Frank noted that Town Clerk Bucci oversees the town's flower and holiday beautification responsibilities which includes the Monroe County in Bloom flowerbed located at Routes 251 and 15.

Town Clerk Bucci stated that Monroe County DOT provides blooms and mulch free of charge to those participating in the program. The town gardener cares for all town flowerbeds. The town's grounds crew performs scheduled watering.

RESOLUTION #95-2015

Councilperson McCarthy moved to authorize the Supervisor to enter into the 2015 Monroe County in Bloom Agreement with the Monroe County Department of Transportation whom is desirous of beautifying the roadways within Monroe County through the planting and maintenance of flowering plants along NYS Routes 251 and 15 in the Town of Rush. Councilperson Moore seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson McCarthy	aye	
Councilperson Moore	aye	
Supervisor Frank	aye	carried.

7:15 PM - PUBLIC HEARING – Amending the Road Dedication Policy of Chapter A125, Article IV, Section A 125-22 of the Rush Town Code

Supervisor Frank moved to interrupt the meeting to conduct the Public Hearing as advertised and scheduled at 7:15 PM.

Town Clerk Bucci stated that the Notice of Public Hearing was duly published in the Sentinel with the same being posted on the Town Clerk's bulletin board and the town website. For the record, Town Clerk Bucci read the Legal Notice in its entirety.

LOCAL LAW NO. 1 OF 2015

PLEASE TAKE NOTICE, a public hearing will be held by the Rush Town Board, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York, on the 8TH day of April at 7:15 PM, local time, for the purpose of amending Chapter A125, Article IV, Section A125-22 of the Code of the Town of Rush in relation to amending the road dedication policy including Appendix A Construction Detail Updates.

Copies of the proposed Local Law #1 of 2015 are available for inspection at the Town Clerk's Office during normal business hours.

At such hearing any person may be heard in favor of or against the revisions to the Rush Town Code as proposed at the above time and date.

Supervisor Frank read the law as follows:

LOCAL LAW NO. 1 OF 2015 TO AMEND CHAPTER A125, ARTICLE IV, SECTION A125-22 OF THE CODE OF THE TOWN OF RUSH IN RELATION TO AMENDING THE ROAD DEDICATION POLICY OF THE TOWN OF RUSH

BE IT ENACTED, by the Town Board of the Town of Rush, Monroe County, State of New York, as follows:

1. Chapter A125, Article IV, Section A125-22 of the Code of the Town of Rush shall be amended by deleting the entire paragraph (1) of subsection A125-22(A) and replacing it in its entirety with the following:

(1) That the development as originally approved by the Planning Board is substantially completed. The decision to accept a road for dedication is a policy determination within the sole discretion of the Town Board of the Town of Rush and its Highway Superintendent. Nothing in this Chapter shall require that such determination and acceptance occur unless both the Town Board and the Highway Superintendent determine that it is in the

public interest to do so. No landowner in the Town shall enjoy the right to or have a property interest in having any of its lands accepted as a public highway in the Town.

2. This local law is adopted pursuant to NYS Municipal Home Rule Law.
3. All other local laws and ordinances of the Town of Rush that are inconsistent with the provisions of this local law are hereby repealed provided, however, that such repeal shall only be to the extent of such inconsistency. In all other respects, this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered herein.
4. If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.
5. This local law will take effect upon filing in the office of the New York State Secretary of State.

Supervisor Frank opened the floor to the public for any comments regarding the change in the law.

Councilperson McCarthy asked for clarification regarding the original road description which was approved by the Planning Board. Most towns do not do restrict themselves to a percentage of build. This law meets the approved Town design criteria.

Attorney Mancuso voiced the following: The language removed from the Code was the 90% subdivision completion rate. The Town and Highway Superintendent, once the Planning Board has approved the subdivision, together review all aspects of the application and have the discretion in approving the road dedication. Consideration will be given for each request and will be based on each project's individual set of circumstances.

Attorney Mancuso stated that if there are no public comments, the Town Board must make a resolution to close the public hearing and resume the meeting.

RESOLUTION #96-2015

Councilperson McCarthy, having no further comment from the audience, declared the public hearing closed at 7:24 PM. Councilperson Moore seconded the motion.

Roll:

Councilperson Woolaver	aye
Councilperson McCarthy	aye
Councilperson Moore	aye
Supervisor Frank	aye. carried.

Attorney Mancuso noted that the Town Board may deliberate. Once deliberation is finished, the Town Board may choose to introduce a resolution.

RESOLUTION #97-2015

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF RUSH ADOPTING LOCAL LAW NO. 1 OF 2015 TO AMEND CHAPTER A125, ARTICLE IV, SECTION A125-22 OF THE CODE OF THE TOWN OF RUSH IN RELATION TO AMENDING THE ROAD DEDICATION POLICY OF THE TOWN OF RUSH,

WHEREAS, the Town Board for the Town of Rush (the "Town Board") has determined that it is in the interests of the Town of Rush to amend Chapter A125, Article IV, Section A125-22 of the Code of the Town of Rush (the "Code") in relation to amending the road dedication policy of the Town of Rush; and

WHEREAS, a public hearing on a proposed local law was conducted by the Town Board on April 8, 2015, wherein the public was provided an opportunity to submit comments on the proposed local law; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby adopt Local Law No. 1 of 2015, a copy of which is attached and incorporated hereto, amending Chapter A125, Article IV, Section A125-22 of the Code; and

BE IT FURTHER RESOLVED that the adoption of Local Law No. 1 of 2015 is exempt from review under the New York State Environmental Quality Review Act pursuant to 6 NYCRR § 617.5(c); and

BE IT FURTHER RESOLVED that notice of this Resolution shall be filed and circulated to the extent required by any applicable provision of the Code and/or any relevant statute or regulation; and

BE IT FURTHER RESOLVED that said Resolution and local law shall take effect immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law.

The adoption of the foregoing Resolution was moved by Supervisor Frank, seconded by Councilperson Woolaver, and duly put to vote, which resulted as follows:

Roll:

Councilperson Woolaver	aye
Councilperson McCarthy	aye
Councilperson Moore	aye
Supervisor Frank	aye. carried.

The Resolution was thereupon duly adopted.

VIII. OPEN FORUM

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

Resident Carol Barnett inquired about the location of the Monroe County in Bloom flowerbed on Routes 251 and 15.

Town Clerk Bucci stated that the flowerbed is located at the northwest corner of the intersection of Route 251 and 15.

David Burrows of Irondequoit who is a Court Marshal of the City of Rochester and a Constable in both Irondequoit and Henrietta requested being appointed as Constable. Mr. Burrows requested, in an effort to assist Process Server Joseph Polizzi, that he be granted the title of Constable in the Town of Rush. Having the title would allow ability in providing the litigants of the Rush Town Court with a definitive source in carrying out court mandates; basically acting as an eviction provider. Without being a Constable within the town, enforcement of an eviction cannot be completed.

IX. ADJOURNMENT

There being no further business to conduct, the meeting was adjourned by Supervisor Frank at 7:30 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci
Town Clerk