

RUSH TOWN BOARD  
Minutes of August 12, 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 August 12, 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:

Marianne Rizzo	Resident
Dave Sluberski	Resident
Sandra Sluberski	Resident
Mary Knapp	Resident
Jim Bucci	Resident
Cecil Palmer	Resident
Mark David	Resident, Highway Superintendent
Bill Gaffney	Resident
Kirsten Flass	Resident, Library Director
Carol Barnett	Resident
Jim Bucci	Resident, Rush Fire Chief
Donald J. Scheg	Resident

I. OPEN FORUM

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

Resident Bill Gaffney believes from canvassing Rush residents that residents continue to have a negative perception in two specific areas, (1) that Rush is a highly taxed town, and (2) it is difficult to do business. Those perceptions prohibit positive growth and it is time to dismiss those perceptions. As identified in a Democrat & Chronicle article, New York State continues to tighten the property tax cap which affects municipal budgets. Rush has faced declining sales and challenging situations but has maintained a current level of services without raising taxes. It is most important to dispel the negative perception in Town. There are always 2 sides to a story. Rush's combined town and county and

school tax is the 16<sup>th</sup> lowest of the 19 towns in Monroe County. There are 3 towns lower, Riga and Perinton which have landfills and give taxpayers a rebate and Henrietta who has a large commercial base.

In his opinion, when choices are limited for growth, it is time to increase the tax base which includes an equitable updated re-evaluation that might consider offering a relief by tax exemption to ensure growth. Mr. Gaffney suggested that the Town review the Code and make changes to encourage growth. All Boards should review their philosophies over the past 10 years re-evaluating their rationale for today's decision making.

Rush Boards strive to adhere to the Town Code and rumors are unfounded and there are misconceptions. Poorly prepared and incomplete applications, changes in plan and failure to adhere to established codes are causes for lengthy and prolonged approval processes. Time change and so to must the minds of Rush residents change. Rush is referred to as the jewel of Monroe County and Rush residents must encourage more opportunities.

Resident Dave Sluberski stated that he attended the town meetings over the years and in looking at things that come up decided to look at the Town Code of Ethics which is found in *Chapter 11, Municipal Officer and Employee* which states that an officer or employee of the Town of Rush, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a fire chief or assistant fire chief. Mr. Sluberski read it aloud including subnotes. He also encouraged whoever re-writes the Town Code to change and pay attention to the gender references referring to both sexes and not only referring to the male gender for example changing he to he/she.

## II. APPROVAL OF MINUTES

### **RESOLUTION #133-2015**

Councilperson Steiner moved to approve the Meeting Minutes of July 22, 2015, as written by Town Clerk Pamela Bucci. Councilperson Woolaver seconded the motion.

Roll:

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

III. APPROVAL OF ABSTRACT

**RESOLUTION # 134-2015**

Councilperson Steiner moved Be It Resolved that having audited all the claims against the funds listed on Abstract dated August 12, 2015 for vouchers #2015 792 through #2015 848 with the exception of 802 and 840, which are duplicates, that they be allowed for payment in the amount of \$31,829.74. Councilperson McCarthy seconded the motion.

Roll:

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

IV. REPORT OF OFFICERS AND COMMITTEES:

Councilperson Woolaver offered the following report:

- No report.

Councilperson Steiner offered the following report:

- The Conservation Board met, and was concerned about the placement of the bats on the property. It is important that care be used in removing them from the inside of a building to set them free.

Councilperson McCarthy offered the following report:

- No report.

Councilperson Moore offered the following report:

- No report.

Town Clerk Bucci offered the following report:

- The revenue report for the month of July has been submitted for signature to the Supervisor along with a check in the amount of \$11,708.78.
- Attended a Monroe County Town Clerk, Tax Receiver & Collector Association meeting in Irondequoit. IMS, Inc. which is an outsource mail delivery service was the guest speaker. They will be contact for mailing cost savings for town business. The downside with IMS, Inc. is that Rush has a small per day output Courier service is part of qualifying factor. A few towns around the county are already saving postage using this system.
- NYSDEC hunting licenses went on sale August 10. All agents were unable to sell licenses through the new system yesterday, however, sales occurred today.
- Monroe County Treasury's new e-tax system may or may not be ready to launch. The previous E-Z tax system is still available and the County has made it easier for

residents to look up and print their own tax bills. In many instances residents will find a satellite view and image of their property on the county website.

- The Board of Elections sent out a poll location for voting not to be confused with the date. Rush has no Primary Election on September 10; Polls will be open on November 3, Election Day at the Rush United Methodist Church.
- Completed my oath with the school district and received a warrant to collect school taxes beginning September 1. Taxes will be mailed around August 28<sup>th</sup> - Rush collection of almost \$4,500,000.
- Received a zero discrepancy report from Monroe County Department of Human Resources Agency which certifies Rush's Civil Service documentation and payroll information submitted.

Councilperson McCarthy asked if the IMS mailing system would impact bulk mailing. Town Clerk Bucci responded that it would affect all mail. She explained the breakdown.

Code Enforcement Officer Gerry Kusse offered the following:

- No report.

Highway Superintendent Mark David offered the following:

- Completed capital highway projects and have submitted for the CHIPS funding which is the consolidated highway local streets projects NYS DOT money. Should be able to get \$62,500 sometime in September.

Attorney Mancuso offered the following:

- No report.

## V. OLD BUSINESS

A. Former BOCES Property Name Discussion – Supervisor Frank presented different categories of words, pointing to place being Rush, a descriptor of water being River. Additional features of the property were also presented. Synonyms were produced by Councilperson Moore. Supervisor Frank recommended a few ways in deciding but offered that the decision need not be tonight.

Councilperson McCarthy was provided the task of water and stated that deviating from “river” only brought her back to that feature. Also stressed was the fact that as the property developed, other names of cabins, buildings and tracks of areas within the property can be decided upon once the uses of the property are decided. “Rush” and “River” are two key naming factors. The third factor that has come up most often is the words “Heritage, Reserve and Preserve.” Reference was named to Mendon Ponds Park that has other named

locations throughout the Park. The BOCES property name should be simple and direct.

Councilperson McCarthy stated that “Heritage, Reserve, Refuge and Preserve” are names coming back most often.

Councilperson Woolaver stated that he liked Refuge best.

Councilperson McCarthy stated that Rush River Refuge may be too many Rs.

Councilperson Steiner agreed with Refuge because it relayed a message of a shelter, something protected.

Councilperson Moore stated that she agreed that Rush Riverside flowed very well with the Rs. Additionally, she appreciated “Heritage” and that it could be incorporated into something possibly to celebrate someone’s name as having a heritage hand in the property.

Supervisor Frank gathered from the discussion that keeping the name “word simple” so that the buildings weren’t referred to as Building, 1, 2, 3. Using the additional words created may be used for locations on the other side of the tracks, a building, or an entrance way as the site develops.

Discussion continued by the Board with a decision for category words of Rush River and Refuge.

Councilperson Moore stated that it is too soon to use any of the other features.

Supervisor Frank stated that the words being continually raised are Rush Riverside and Refuge, however, if additional time was needed for the Board to deliberate then it would be tabled.

**RESOLUTION #135-2015**

Councilperson Steiner moved to name the former BOCES property located at 6565 East River Road, Rush, New York as “Rush Riverside Refuge”. Councilperson McCarthy seconded the motion.

Roll:

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

B. Proposed Lease between the Town of Rush and the Rochester and Genesee Valley Railroad Museum at Rush Scottsville Road– Supervisor Frank offered the floor to Attorney Mancuso who stated that the Rochester Genesee Valley Railroad Museum has inquired about utilizing a portion of the property on the other side of the track to their west that is in between the railroad track and the farmland that is already being utilized on that side of the property. Attorney Mancuso and Supervisor Frank visited the location which appeared to be a steep sloped area that is very wooded. They referred to their use of the property as being a staging area which put equipment out of sight. Their wish is to clean up the esthetics of the property. A lease agreement has been drafted for the irregularly shaped wooded area between the track and farmed area. The lease as proposed is a 10 year lease for one dollar (\$1.00) consideration subject to the right of the Town to terminate it if necessary. A 60 day flexible provision is also written into the lease for the Town's determining to terminate. Storage of equipment in the R-30 district does, however, require a Special Permit from the Planning Board. If it is not approved, the lease would be terminated without issue. The typical insurance provisions, indemnifications and other language relating to environmental areas are used with all Town of Rush lessee leases.

Councilperson McCarthy asked if the lease was a prerequisite of requesting a Special Permit from the Planning Board.

Attorney Mancuso agreed and also recommended that the Rochester Genesee Valley Railroad Museum be provided the opportunity to review the lease prior to the Town Board taking approval action.

Supervisor Frank will contact Jeremy Tuke of the Rochester Genesee Valley Railroad Museum to discuss the lease.

## VI. NEW BUSINESS

A. Letter of Support for Henrietta Ambulance – Supervisor Frank invited Rush Fire Chief Jim Bucci to explain what support of Henrietta Ambulance means.

Chief Bucci stated that every municipality has a Certificate of Need (CON) which is issued by the State Department of Health which allows an agency, whether it be fire/ambulance related or just emergency medical service (EMS) at whatever level that they are serviced for. ALS stands for Advanced Life Support and BLS stands for Basic Life Support and FR stands for Fire Responder for fire departments that don't transport patients. Medicaid and Medicare write the rules. For any agency to bill a patient for services, it must have a CON for that district. There are three CONs that cover Monroe County and they are Monroe Ambulance, Rural Metro and Becon Ambulance. Under their rules

regulations, an agency cannot bill for Medicaid or Medicare unless they have a CON. Henrietta Ambulance has been Rush's primary provider for over 30 years. If one of Rush's EMTs (emergency medical technicians) does not respond, Henrietta Ambulance is automatically dispatched to respond to an ALS call. Henrietta will take the transports. Billing is not affected by other insurances, only Medicaid and Medicare. The State Department of Health is aware that Henrietta Ambulance is trying to rectify the CON situation and is allowed for the time being to continue to respond to Rush. Henrietta Ambulance continually responding to calls in Rush without the support of Rush would eventually cause them to lose their Medicare/Medicaid rights or get heavily fined. Henrietta Ambulance is not willing to do that. Without the support, Henrietta Ambulance will not respond to a call in Rush. Rush's option would be to request an ALS from Rural Metro or Monroe Ambulance. Monroe Ambulance is located in Brockport, Greece and privates. Rural Metro is predominantly located in the City of Rochester.

For the Rush Fire District and Rush Fire Department, it's about patient care. The appropriate ALS will take care of the call. At times Honeoye Falls or Caledonia may respond to an ALS call but predominately it is Henrietta Ambulance that receives the call from the 911 Center between the hours of 7 AM and 11 PM.

Because of the extension, every town that touches the Department of Health in Monroe County has received a letter from the Department of Health from the Pinsky law firm requesting a letter of support for Henrietta Ambulance. The Rush Fire District initiated the process.

A county CON is held by Rural Metro and Monroe Ambulance. Rush is basically expanding their CON privileges to include Henrietta Ambulance. Rush has their own municipality CON, Scottsville has their own municipality CON, Honeoye Falls has their own CON. Reference to mutual aid means that Rush can provide a fire truck to Henrietta, Henrietta can provide a truck to Rush, Rush can provide a truck to Scottsville, Scottsville can provide a truck to Rush. Rush ambulance cannot provide "mutual aid" to Henrietta because Rush is a BLS agency, Henrietta is an ALS agency.

Supervisor Frank read aloud a letter drafted to the Pinsky law firm in support of expanding operation authority to the Henrietta Volunteer Ambulance into the Town of Rush. The expansion will only be a positive impact and will not affect other services negatively.

Chief Jim Bucci added that although he has been in the Rush Fire Department for over 30 years and is the current Chief, lending support of the agreement

does not affect his pay as a Deputy Chief of Henrietta Volunteer Ambulance. It merely offers a stream line of billing for Medicaid/Medicare patients.

**RESOLUTION #135-2015**

Councilperson Steiner moved to allow Supervisor Frank to send a letter to the Pinsky law firm in support of expanding operational authority to Henrietta Volunteer Ambulance into the Town of Rush. Councilperson McCarthy seconded the motion.

Roll:

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

VII. OPEN FORUM -

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

Resident Marianne Rizzo inquired of the potential Railroad Museum lease acreage and whether or not a year lease would be more appropriate. Attorney Mancuso responded that the area is irregularly shaped and difficult to calculate. Supervisor Frank will inquire the total acreage.

Resident Dave Sluberski stated that he has talked to many people in town. Is it possible that the Deputy Town Clerk be required to become a Notary Public so that one is available at all times. His impression was that she cannot be a Notary Public.

Town Clerk Bucci responded that she has been a Notary Public years before becoming an employee of the town and has renewed it every four years. It is a personal attainment. Although it is beneficial to have one or more notaries available in any town, it is not a municipality requirement. The Rush Assessor's Clerk is a Notary Public. The suggestion to study and test to become a notary public has been to employees of the town. There are other notaries available within the community, at banks and other organizations that do offer notary services.

Resident Dave Sluberski stated that he support the Museum at all costs, they bring visitors to Rush and they are part of the filming commission. The Planning Board does stifle creativity in Rush businesses and they should play by the rules but let up a little bit in helping applicants.

Additionally, Mr. Sluberski stated that he doesn't know or understand all the ramifications of the Henrietta Ambulance support, some may be good, some may be bad. He has personally received two rides from the Henrietta Ambulance and was very grateful. Although grateful that Mr. Bucci explained the Henrietta Ambulance request to the Town Board and explained what his role is, however, on a procedural basis, it should have been someone from Henrietta Ambulance that wasn't a liaison to the Town. It's the procedures and ethics that he questions.

Resident Bill Gaffney prepared statistics to dispel the rumor that Rush is a highly taxed town. Additionally, a town comparative median income places Rush as the 3<sup>rd</sup> wealthiest town at \$89,477 in Monroe County. Both Mendon at \$91,326 and Pittsford at \$104,975 have a higher median income. There are only 4 towns with a median of \$70K, 6 towns with a median income of \$60K and 6 in the \$50K range. Again, Rush is the 16<sup>th</sup> lowest combined town, county and school taxed town. Rush is the hidden jewel to in which to plan, build, live and enjoy with pride which results in gross and increase in the tax base.

Resident Marianne Rizzo stated that she appreciated what Mr. Gaffney stated but the Town should do everything possible to keep the tax rate low.

#### VIII. EXECUTIVE SESSION

Supervisor Frank made a motion to adjourn to executive session at 7:50 PM to discuss an attorney client litigation matter which was approved by common consent of all councilpersons present.

#### IX. RETURN TO REGULAR SESSION

On the motion of Supervisor Frank, the meeting was returned to regular session at 8:10 PM which was approved by common consent of all councilpersons present.

#### X. ADJOURNMENT

There being no further business to conduct, the meeting was adjourned by Supervisor Frank at 8:10 PM, furthering the meeting to conduct a budget workshop and approved by common consent of all councilpersons present. further budget meeting followed immediately.

Respectively submitted,

Pamela J. Bucci  
Town Clerk