

RUSH TOWN BOARD MINUTES
December 14, 2016

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Town Supervisor Cathleen Frank at 7:00 PM on December 14, 2016, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT:

Daniel Woolaver	-----	Councilperson
Rita McCarthy	-----	Councilperson, Deputy Supervisor
Gerald Kusse	-----	Councilperson
Cathleen Frank	-----	Supervisor
Pamela Bucci	-----	Town Clerk
John Mancuso, Esq.	-----	Attorney for the Town

EXCUSED:

Jillian Coffey	-----	Councilperson
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OTHERS PRESENT:

Mark David	-----	Resident, Highway Superintendent
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I. PUBLIC COMMENT

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

There were no comments from the audience.

II. APPROVAL OF MINUTES

RESOLUTION #200-2016

Councilperson McCarthy moved to approve the November 9, 2016, Town Board Zoning Workshop Meeting Minutes as submitted by Town Clerk Bucci. Councilperson Woolaver seconded the motion.

Roll:	Councilperson Woolaver	aye	
	Councilperson McCarthy	aye	
	Councilperson Kusse	aye	
	Supervisor Frank	aye	carried.

III. APPROVAL OF MINUTES

RESOLUTION #201-2016

Councilperson McCarthy moved to approve the November 23, 2016, Town Board Meeting Minutes as submitted by Town Clerk Bucci. Councilperson Woolaver seconded the motion.

Roll: Councilperson Woolaver aye
 Councilperson McCarthy aye
 Councilperson Kusse aye
 Supervisor Frank aye carried.

IV. TRANSFER OF FUNDS

Councilperson Woolaver moved that having audited all the unreserved, unanticipated revenues and unexpended balances of existing appropriations, transfer for #37 through #44 in the amount of \$25,163.96 be approved. Councilperson McCarthy seconded the motion.

BUDGET TRANSFERS 12/14/2016 - 2016 FUNDS

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

General Funds

Transfer Number	Decrease Appropriation			Increase Appropriation	
	Amount	Account	Description	Account	Description
37	10,000.00	A.1440.400	Engineer Contractual Provide for Capps legal work	A.1420.400	Legal Contractual
38	105.00	A.1410.400	Clerk Contractual To cover minor variance	A.1450.400	Elections Contractual
39	185.00	A.1220.100	Supervisor Personal Services Reflect final hours for Newsletter	A.1670.100	Central Printing Personal Services
40	1,000.00	A.3510.400	Dog Control Contractual Reflect dog enumeration as Wages (partial)	A.3510.100	Dog Control Personal Services
41	1,200.00	A.8020.400	Planning Contractual Reflect dog enumeration (balance)	A.3510.100	Dog Control Personal Services
42	1,547.00	A.5132.400	Garage Contractual To cover addl LED Lighting project materials	A.5132.200	Garage Capital Outlay

Highway Funds

Transfer Number	Decrease Appropriation			Increase Appropriation	
	Amount	Account	Description	Account	Description
43	2,542.00	DA.5142.400	Town Snow Removal Contractual	DA.5110.400	Maint/Repairs Town Roads Contractual

To Reallocate Budget per Mark David				
44	8,584.96	DA.5130.400	Machinery Contractual To cover Plow & Chainsaw	DA.5130.200 Machinery Capital Outlay
Roll: Councilperson Woolaver aye				
Councilperson McCarthy aye				
Councilperson Kusse aye				
Supervisor Frank aye carried.				

IV. APPROVAL OF ABSTRACT

RESOLUTION 202-2016

Councilperson Woolaver moved that having audited all the claims against the funds listed on Abstract 23 (12-1) for vouchers for #2016 1215 through #2016 1285 they be allowed for payment in the amount of \$317,008.60. Councilperson McCarthy seconded the motion.

Roll: Councilperson Woolaver aye
 Councilperson McCarthy aye
 Councilperson Kusse aye
 Supervisor Frank aye carried.

V. CORRESPONDENCE

None were received.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver offered the following:

- No report.

Councilperson McCarthy offered the following:

- No report.

Councilperson Kusse offered the following:

- No report. Conservation Board meeting was cancelled.

Town Clerk Bucci offered the following:

- No report.

Town Attorney Mancuso offered the following:

- No report.

Highway Superintendent David offered the following:

- The ice rink has been installed and filled on the basketball court.

Supervisor Frank offered the following:

- Building gutters have been cleaned. Appropriate maintenance should occur every two years.
- Met with Jeffrey Addair, Monroe County Chief Economic Development Officer. He will be invited to make a presentation at a Town Board meeting in February.

VII. OLD BUSINESS

A. Status update on Energy Saving Upgrades to Town Hall – Supervisor Frank has received one estimate. Councilperson Kusse has contacted the other vendors prompting them to forward their estimates.

B. Dog Enumeration Update and Results – Supervisor Frank reported that the dog enumeration is complete. Approximately 1,400 homes were visited uncovering almost 200 unlicensed dogs. Of those 200 dogs, ½ of the dog owners have visited the Town Clerk’s Office for required New York State licensing. There were a few homes with no trespassing signs that will be contacted at another date.

VIII. NEW BUSINESS

A. Resolution to Adopt the updated Employee Handbook – Supervisor Frank asked all members if they had reviewed the handbook and whether or not there were questions.

RESOLUTION #202-2016

Councilperson McCarthy moved to adopt the updated Town of Rush Employee Handbook prepared by the Public Sector HR Consultants LLC, Glenville, New York as written. Councilperson Woolaver seconded the motion.

Roll:	Councilperson Woolaver	aye	
	Councilperson McCarthy	aye	
	Councilperson Kusse	aye	
	Supervisor Frank	aye	carried.

B. Resolution to Reappoint Donald Sweet to the Board of Assessment Review - Supervisor Frank stated that Donald Sweet’s term has expired and he has agreed to serve another term.

RESOLUTION #203-2016

Councilperson Kusse moved to reappoint Donald Sweet to the Board of Assessment review for a term commencing October 1, 2016 through September 30, 2021. Councilperson McCarthy seconded the motion.

Roll:	Councilperson Woolaver	aye	
	Councilperson McCarthy	aye	

Councilperson Kusse aye
Supervisor Frank aye carried.

C. Resolution to Renew the Town's Insurance Contract – Supervisor Frank stated that the Town has compared pricing and reviewed the contract with Finance Director Don Reynolds. The Gary Wilkins Agency has provided good service to the town for the past year.

RESOLUTION #204-2016

Councilperson Kusse moved to authorize the Supervisor to enter into an agreement with Wilkins Agency, 900 Linden Avenue, Rochester, New York as the town's insurance carrier. Councilperson McCarthy seconded the motion.

Roll: Councilperson Woolaver aye
 Councilperson McCarthy aye
 Councilperson Kusse aye
 Supervisor Frank aye carried.

D. Resolution to Renew contract with Suburban Animal Hospital – Supervisor Frank noted that the contract is the same with the exception of the daily fee decreasing by one dollar.

RESOLUTION #205-2016

Councilperson McCarthy moved to authorize the Supervisor to enter into an agreement to lease space at Suburban Animal Hospital, East Henrietta Road, Henrietta, New York for the three-day legally required holding period and also in accordance with the Rush Town Code for stray dogs from the town. Councilperson Woolaver seconded the motion.

Roll: Councilperson Woolaver aye
 Councilperson McCarthy aye
 Councilperson Kusse aye
 Supervisor Frank aye carried.

E Resolution to sign contract with Bison for elevator maintenance – Supervisor Frank stated that although the town moved to contract with Bison in 2016, the contract with Schindler had not expired. Bison Elevator Service's contract will deliver the same maintenance service at a decreased cost.

RESOLUTION #206-2016

Councilperson McCarthy moved to authorize the Supervisor to enter into an annual Elevator Service Agreement – Preventive Maintenance Agreement with Bison Elevator Service Incorporated commencing March 1, 2017 through February 28, 2018 contingent on verification of contract dates for elevator maintenance. Councilperson Woolaver seconded the motion.

Roll: Councilperson Woolaver aye
Councilperson McCarthy aye
Councilperson Kusse aye
Supervisor Frank aye carried.

F. Resolution to purchase laptops for Town Clerk and Historian – Supervisor Frank stated that a memo was submitted to the Town Board from Town Clerk Bucci and Historian Mee requesting the purchase of laptops for their departments.

RESOLUTION #207-2016

Councilperson McCarthy move to authorize the Town Clerk Bucci and Historian Susan Mee to purchase individually a laptop with budgeted town clerk funds and transferred town supervisor funds for a total amount not to exceed \$1,652.68. Councilperson Woolaver seconded the motion.

Roll: Councilperson Woolaver aye
Councilperson McCarthy aye
Councilperson Kusse aye
Supervisor Frank aye carried.

G. Resolution to appoint Town Supervisor as the Town Appeals Officer – Supervisor Frank requested an explanation from Attorney Mancuso.

Attorney Mancuso stated that under FOIL (Freedom of Information Law) an appeals officer is needed for purposes of hearing appeals of a person denied access to a record. In the absence of a Town Board designating an appeals officer, the Town Board is the body that would preside over any appeals under FOIL. It begins with the Town Clerk's Office who decides whether or not to release the requested documents under FOIL and if there is reason to deny the request. If the release is denied, the party requesting the document can ask for an appeal. The Committee on Open Government suggests that the town designate an appeals officer rather than the entire Town Board. Historically, it has been rare that a person has appealed a FOIL determination by the Town.

RESOLUTION #208-2016

Councilperson McCarthy moved to designate the Town Supervisor as the Freedom of Information Officer to hear appeals regarding denial of access to records under the Freedom of Information Law. Councilperson Woolaver moved to second the motion.

Roll: Councilperson Woolaver aye
Councilperson McCarthy aye
Councilperson Kusse aye
Supervisor Frank aye carried.

H. Resolution to set joint zoning meeting on January 14, 2017 from 9 AM until noon – Supervisor Frank stated that the joint zoning meeting will be scheduled to discuss further the proposed changes to the Town Zoning Code.

RESOLUTION #209-2016

Councilperson McCarthy moved to schedule a joint boards meeting for the purpose of continuing the discussions of the proposed zoning code amendments on Saturday, January 14, 2017, from 9 AM until 12 noon at the Town Hall, 5977 East Henrietta Road, Rush, New York. Town Clerk Bucci will publish the meeting in the town designated newspaper. Councilperson Woolaver seconded the motion.

Roll:	Councilperson Woolaver	aye	
	Councilperson McCarthy	aye	
	Councilperson Kusse	aye	
	Supervisor Frank	aye	carried.

PUBLIC COMMENT

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

There were no comments from the audience.

X. ADJOURNMENT

There being no further business to conduct, the meeting was ended by Town Supervisor Frank at 7:20 PM. The meeting was adjourned by common consent.

Respectfully submitted,

Pamela J. Bucci
Town Clerk