

TOWN BOARD  
March 9, 2016

A REGULAR MEETING OF THE Rush Town Board, County of Monroe, was called to order by Supervisor Cathleen Frank at 7:00 PM on March 9, 2016, 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  
Rita McCarthy ----- Councilperson, Deputy Town Supervisor  
Jillian Coffey ----- Councilperson  
Gerald Kusse ----- Councilperson  
Pamela Bucci ----- Town Clerk/Collector  
John Mancuso, Esq. ----- Town Attorney

OTHERS PRESENT:  
Alvin Sweet ----- Resident  
Cecil Palmer ----- Resident  
Marianne Rizzo ----- Resident  
Carol Barnett ----- Resident

I. PUBLIC COMMENT

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.

II. APPROVAL OF MINUTES

**RESOLUTION #87-2016**

Councilperson Rita McCarthy moved to approve the Minutes of February 24, 2016 as written by Town Clerk Pamela Bucci. Councilperson Daniel Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson McCarthy	aye	
Councilperson Coffey	aye	
Councilperson Kusse	aye	
Supervisor Frank	aye	carried.

III. APPROVAL OF TRANSFER

No transfers.

IV. APPROVAL OF ABSTRACT

**RESOLUTION #88-2016**

Councilperson McCarthy moved that having audited all claims listed on Abstract dated March 9, 2016 for vouchers 2016-203 through 2016-250 be

allowed for payment in the amount of \$42,619.68. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver		aye	
Councilperson McCarthy	aye		
Councilperson Coffey	aye		
Councilperson Kusse	aye		
Supervisor Frank	aye		carried.

#### V. REPORTS OF OFFICERS AND COMMITTEE

Councilperson Woolaver offered the following:

- No report.

Councilperson McCarthy offered the following:

- Attended the Rush Volunteer Fire Department Annual Past Officers Banquet. Commissioner Alvin Sweet was recognized for his 40 years of service as Commissioner of the Fire District. He has been a member of the Fire Department for 63 years. Robert Faugh and Dick Wheeler were recognized for their 50 years of service in the Fire Department.

Councilperson Coffey offered the following:

- No report.

Councilperson Kusse offered the following:

- Toured the Rush Riverside Refuge property with two engineers inspecting the buildings. There is work to be done on the buildings and rodent infestation. The engineers stated that utilizing the buildings is the best defense in keeping them updated.

Councilperson Coffey asked when their report would be available. Councilperson Kusse was not provided a deadline date.

- Eco Energy of NY, a New York Energy Smart, Public Service Commission (NYSERDA Energy) Audit was provided to the Town Board. Michael Seidenberg and Chris Burell of Eco Energy of NY are willing to attend a Town Board to discuss audit details.

Supervisor Frank requested individual listings for the payback period of each of the audited items.

Town Clerk Bucci offered the following:

- No report.

Town Attorney Mancuso offered the following:

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- No report.

Building Inspector D'Alessandro offered the following:

Regarding Town Hall shutters - The system surrounding the building is an EIFS (exterior insulation finish system). It is not a supporting structure but solely a veneer. Whatever is placed on the building must be anchored with corrosion-resistant metal ties into the concrete. The EIFS thickness should be determined and the correct fasteners must be used.

Supervisor Frank offered the following:

- The Town Attorney has finished review of the Zoning Citizen Committee's recommendations for the Zoning Code. The review document has been distributed to all committee members. Once the committee has examined the comments, they will be distributed to the Town Board for their review.
- A Rush Roller Mill Flour sack has been donated by Luther Keyes to Historian Susan Mee. It is preserved, framed and displayed in the Town Hall lobby. A sesquicentennial map from 1968 has also been restored, framed and displayed in the Assessor's office. Items leading up to Rush's 200 year anniversary celebration has sparked displaying items around the Town Hall.
- Historian Susan Mee held the first meeting of the 200 year anniversary. Additional meetings will be scheduled and all are encouraged to attend the planning and take part in the celebration.

## VI. OLD BUSINESS

A Resolution to purchase shutters for Town Hall - Supervisor Frank distributed the shutters from B&L Wholesale Supply. Two installers will be contacted for installation of the shutters.

Councilperson Kusse stated that several years ago a proposal was brought before the then Town Board. As Building Inspector/Code Enforcement Officer, a report was submitted to the Town Board after obtaining professional feedback on EIFS. It was clear in their response that they did not sanction penetration of EIFS and it should not be done with any accessory item. Part of the NYS Building Code cautions against hanging of accessory shutters on EIFS. A decision was made at that time by the Town Board not to hang shutters.

Supervisor Frank understood from a previous report that the determination covered residential buildings. There are currently numerous holes in the building holding lighting signs and letters.

Councilperson Kusse stated that a hard object penetrated the side of the building years ago. Sealing was done expeditiously to fend off damage.

Building Inspector D'Alessandro requested involvement and quality control if the shutters are approved.

Supervisor Frank stated that this item will be continued on the agenda.

B. Town Justice Candidate Discussion - Supervisor Frank stated that when conducting any discussion and deliberation of an elected position, it must be conducted in a public forum.

Supervisor Frank stated that this was very difficult, having two very good candidates, however, a decision must be made. Don Knab more clearly explained why he wanted the job and his work with teaching at BOCES related to working with people who come to the court.

Councilperson Woolaver stated that Jim Bucci explained himself very well and he liked all of his references which were extremely supportive, however, actually thought that he would go with Don also.

Councilperson Kusse stated that he was very impressed with the materials presented by Jim. Don did not present as many materials, however he was impressed. There was no difficulty separating the candidates, but there was difficulty with Don and Jim. Don clearly has more academic credentials, military credentials, years of experience working in a classroom atmosphere and working with youth in a scouting atmosphere. Don would be his candidate choice.

Councilperson McCarthy stated that it is a difficult decision. All candidates were interviewed in separate areas. The same questions were addressed to all candidates. Both were equally weighed. Based on work with youth and what we are hoping for in a town justice, Don is the choice.

Councilperson Coffey wished that the decision were not hers. When both Don and Jim interviewed for the position, both were qualified. Given the experience in commanding a classroom, Don would be the candidate choice. This was not an easy decision.

**RESOLUTION #89-2016**

Councilperson McCarthy motioned, WHEREAS, Judge Henry E. Kirch resigned from his term as a Rush Town Court Justice as of December 31, 2015; and

WHEREAS, James Beikirch, a qualified judge in the Seventh Judicial District was temporary assigned to fill the position of Rush Town Court Justice from January 1, 2016 through March 31, 2016; and

WHEREAS, Donald F. Knab, Jr., of 1855 Honeoye Falls #6 Road, Honeoye Falls, New York, a Rush resident wishes to serve as a Rush Town Court Justice.

THEREFORE, BE IT RESOLVED, that Donald F. Knab, Jr., of Rush, New York be appointed as Rush Town Court Justice effective April 1, 2016, and expiring December 31, 2016, at an annual salary of \$14,316.

BE IT FURTHER RESOLVED, that Donald F. Knab, Jr., shall assume the functions of his office upon the filing in the Office of the Town Clerk a Certificate of Completion of a course of training prescribed by the Administration Board of the Judicial Conference or upon being otherwise qualified by Law to serve.

Councilperson Coffey seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson McCarthy	aye	
Councilperson Coffey	aye	
Councilperson Kusse	aye	
Supervisor Frank	aye	carried.

C. Status on Rush Associates, LLC rezoning of 7262 West Henrietta Road - Supervisor Frank commented that Rush Associates have been provided all public written correspondence. The Town is awaiting a Final Environmental Impact Statement.

#### VII. NEW BUSINESS

A Review of air conditioning estimates for Pavilion - Supervisor Frank commented that condensation continues to occur on the pavilion floor during warmer months creating a safety concern. Six air conditioning estimates have been received and distributed to Town Board members. One of the estimates was much higher than the other five.

Councilperson Coffey commented that Pipitone's quote noted an oversized item was needed. Because Pipitone was awarded a HVAC contract for the Town Hall, asked if there will be a reduced cost in air conditioning the pavilion.

Councilperson Kusse stated that the pavilion is used repeatedly having constant traffic in and out of the building. Because Pipitone was awarded the HVAC contract, the same contractor should be responsible for both areas.

Councilperson Woolaver agreed and suggested that Pipitone slightly reduce their quote because they received the Town Hall contract.

Supervisor Frank requested any additional comments by Monday, March 14.  
B. Dissolution of Park District - A Park District, located at Biondo Court was designated in 1989 and funds were collected from the homeowners over the course of ten years. The park was not given to the town and the land has now been sold. Supervisor Frank stated that a public hearing is required in order to place the funds into a recreation or like reserve fund as originally intended.

Attorney Mancuso stated that an official public hearing date must be set with the notice placed on the Town Clerk's Board, advertised in the town's official newspaper and be done not less than 10 no more than 20 days before the hearing date.

**RESOLUTION #90-2016**

Councilperson McCarthy moved to authorize the Town Clerk to issue a Notice Hearing on Wednesday, April 13, 2016, at 7:15 PM for the purpose of dissolving a Park District at Biondo Court advertising it in the town's official newspaper and posting it on the official sign board in accordance with §202-c of the Town Law. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson McCarthy	aye	
Councilperson Coffey	aye	
Councilperson Kusse	aye	
Supervisor Frank	aye	carried.

C. Sunday River Walk at Rush Riverside Refuge schedule approval - Supervisor Frank stated the Phil Dagger, member of the Recreational Agricultural Citizen's Committee has provided a schedule for a Sunday River Walk at the Rush Riverside Refuge.

**RESOLUTION #91-2016**

Councilperson McCarthy moved to approve Sunday River Walks at Rush Riverside Refuge, 6565 East River Road, Rush, New York on May 15, June 12, July 10, August 14, September 18 and October 9 from 1 PM to 3 PM, weather permitting, and the information and dates to be published in the Town newsletter. Councilperson Woolaver seconded the motion.

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Roll:

Councilperson Woolaver		aye	
Councilperson McCarthy	aye		
Councilperson Coffey	aye		
Councilperson Kusse	aye		
Supervisor Frank	aye		carried.

D. Extend Gruschow Lease of Building #5 for 6 months - Supervisor Frank stated that the lease with Mr. Gruschow is current and an extension was warranted.

**RESOLUTION #92-2016**

Councilperson McCarthy moved to direct the Town attorney to draft an Extension to the Lease of Building #5 at 6565 East River Road to Robert Gruschow of GRUSCHOW INTERNATIONAL, having an address of 67 Village Trail, Honeoye Falls, New York 14472 for an amount of \$400.00 per month. Councilperson Coffey seconded the motion.

Roll:

Councilperson Woolaver		aye	
Councilperson McCarthy	aye		
Councilperson Coffey	aye		
Councilperson Kusse	aye		
Supervisor Frank	aye		carried.

PUBLIC COMMENT - Supervisor Frank opened the floor for any additional comments or concerns to the Town Board.

Resident Marianne Rizzo asked for the amount collected in the Park District fund. Additionally from an energy conservation standpoint is not in favor of air conditioning the pavilion or placing any additional items on the EIFS of the Town Hall. Regarding the slippery pavilion floor, other accommodations should be sought. Provided accolades to Fire Commissioner Sweet and both Dick Wheeler and Bob Faugh for their years of service to the Fire District and Fire Department.

Supervisor Frank answered that the Park District fund amounts to approximately \$3,500.00.

Resident Cecil Palmer recommended that all buildings at the Rush Riverside Refuge be inspected and protected against fire.

Former Fire Commissioner Sweet stated that the Fire Marshal is responsible for inspecting the buildings located at Rush Riverside Refuge.

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Attorney Mancuso stated that all leases for buildings on the Rush Riverside Refuge property include verbiage agreeing to compliance of all State, Federal and Local Laws which include local codes. The town and facilities are protected.

Resident Carol Barnett inquired about the three justice court applicants.

Supervisor Frank responded that the three applicants were Jim Bucci, Don Knab and Bill Murray. A previous applicant was Jerry Tallo who withdrew his application from the second interview process.

Resident Alvin Sweet commented that the Town flag is carried in all the Fire department parades. The town flag takes precedence over the state flag. The logo on the town flag originated in 1968 where a drawing contest was conducted including all Roth High school students. Additional traditions of the years past were performed during the celebration including men growing side burns and beards and women wearing the dresses from the period.

VIII. ADJOURNMENT

There being no further business to conduct, Supervisor Frank adjourned the meeting at 7:40 PM. The meeting was adjourned by comment consent.

Respectfully,

Pamela J. Bucci  
Town Clerk