

RUSH TOWN BOARD MINUTES
January 11, 2017

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 January 11, 2017, 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
Jillian Coffey	-----	Councilperson
Gerald Kusse	-----	Councilperson
Cathleen Frank	-----	Supervisor
Pamela Bucci	-----	Town Clerk
John Mancuso, Esq.	-----	Attorney for the Town

OTHERS PRESENT:

Mark David	-----	Resident, Highway Superintendent
Dan Klimek	-----	Visitor
Mary Knapp	-----	Resident
Scott Strock	-----	Resident
Carol Barnett	-----	Resident
Cecil Palmer	-----	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, 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 #59-2017

Councilperson McCarthy moved to approve the December 28, 2016, Town Board Meeting Minutes as written by Town Clerk Bucci. Councilperson Woolaver seconded the motion.

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

III. TRANSFER OF FUNDS

BUDGET TRANSFERS 1/11/2017 - 2016 FUNDS

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

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Funds

Transfer Number	Decrease Appropriation			Increase Appropriation	
	Amount	Account	Description	Account	Description
45	5,100.00	DA.5142.100	Town Snow Removal	DA.5130.100	Machinery/Shop
			Personal Services		Personal Services
			To Reallocate Hwy Budget per Mark David		
46	9,900.00	DA.5148.100	Services to Other Governments	DA.5130.100	Machinery/Shop
			Personal Services		Personal Services
			To Reallocate Hwy Budget per Mark David		
47	1,800.00	DA.5140.400	Miscellaneous/Brush/Weeds	DA.5130.400	Machinery/Shop
			Contractual		Contractual
			To Reallocate Hwy Budget per Mark David		

Councilperson McCarthy moved that having audited all the unreserved, unanticipated revenues and unexpended balances of existing appropriations, transfer for #45 through #47 in the amount of \$16,800.00 be approved. Councilperson McCarthy seconded the motion.

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

IV. APPROVAL OF ABSTRACT

RESOLUTION #60-2017

Councilperson McCarthy moved that having audited all the claims against the funds listed on Abstract (1-1) for vouchers for #2016 1347 through 1349 and #2017 3 through #46 be allowed for payment in the amount of \$82,796.70. Councilperson Woolaver seconded the motion.

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

V. CORRESPONDENCE

John Mancuso, Esq., Partner - Supervisor Frank congratulated to Attorney Mancuso for his accomplishment in attaining partner to the firm of Harris Beach.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver offered the following:

- No report.

Councilperson McCarthy offered the following:

- No report.

Councilperson Coffey offered the following:

- No report.

Councilperson Kusse offered the following:

- As liaison attended the Conservation Board meeting.
- Continuing to work on the Town Hall insulation project.

Town Clerk Bucci offered the following:

- Monthly report was submitted to the Supervisor with a check for revenue in the amount of \$6,746.78. Checks totaling \$505.83 were sent to State licensing agencies.
- 2017 Association of Towns annual training session for town officials is set for February 19-22, New York City. Members of the Board attending are to designate a delegate for voting and the annual fee of \$1,000 must be received in order to vote. The Certificate of Designation must be received by February 6. Copies of the Rules of Order for 2017 annual meeting, Constitution and Bylaws of the Association and Proposed Resolutions will be sent to the Board members.
- Taxes collected to date amount to \$400,000.00. Town taxes to be collected amount to \$1,659,197.00 and County taxes amount to \$2,904,091.74.

Highway Superintendent offered the following:

- No report.

Town Attorney Mancuso offered the following:

- Thanked the Town Board for their acknowledgement of his accomplishment and is proud to have served the town over the past several years and looks forward to continuing the opportunity.

Supervisor Frank offered the following:

- Met with the Department of Labor who performed an impromptu audit. Some employee training and Safety Data Sheets are required.
- Met with Comp Alliance regarding safety.
- A Colgate University student shadowed on Monday for a town government experience.
- Will be out of town for the January 25 Town Board meeting.

VII. OLD BUSINESS

A. Status update on Energy Saving Upgrades to Town Hall - Councilperson Kusse reported that bids were received in a comparable but were not understandable manner. A bid matrix was then created by Councilperson Kusse, however, it is a retrofit. A new bidder will be visiting the town tomorrow. Calls are not being returned by the other bidder.

Councilperson McCarthy asked if JAG, the additional bidder, will be preparing an estimate to include a separate town hall and a separate library bid. The

Board is interested in comparing the bids with the ECO study and the annual cost of energy savings.

Councilperson Kusse stated that each vendor is provided the same information and history of the building. The library work performed on the roof has not yet been measured without the harsh weather and ice damming occurring. There is also heat loss over the kitchen, clerk's office and mechanics room.

Councilperson Coffey asked if the bid specs previously used would continue to be used.

Supervisor Frank noted that if the bids are received with a lengthy payback, performing the work will not benefit the town.

Soffits and baffles were also discussed. Councilperson Woolaver will inspect the area.

Kusse created the matrix to be used. An additional bidder will be visiting the Town Hall.

VIII. NEW BUSINESS

A. Real Property Tax Law Section 487 Solar or Wind Energy Systems Exemption - Supervisor Frank introduced Assessor Dan Stanford to explain the exemption.

Assessor Stanford stated that the exemption is in effect unless the town opts out. It applies only to commercial applications. Any residential use of solar or wind within the zoning and building code requirements can take advantage of the exemption. It does not affect any of the tax credits that a business may receive for installing what is commonly called a solar farm. The Town is currently opted in. If a company meets the zoning requirements to install a solar farm, the amount of value that it adds to the property based on the construction will be exempt from taxes for a period of 10 years, much like a COMIDA.

Attorney Mancuso stated that the town has an option of opting out which allows only the town, not the school district or the county, from opting out. If you opt out, any change made to a property is fully taxable. Having the option in place is actually more flexible. Having the exemption in place imposes a pilot agreement which is payment in lieu of taxes (PILOT). The town can decide how to phase in the taxes to be paid. The Town receives the taxes.

Assessor Stanford stated that is set up the same way a cell tower. Owner of the tower rents out the antenna which becomes income to the owner. It may

be leased land, however, an improvement with a return. The assessor labels the cell tower with a unique identifier commonly known as a hyphen. If an energy company wishes to lease a property, the assessor will assign the energy company a unique identifier. Commercial properties and residential properties are taxed based on a revenue stream. Residential solar use is not taxed. Commercial properties solar can be taxed depending on whether a town opts in or out.

Attorney Mancuso noted that once a town receives a letter of intent from a company, it has 60 days in order to make a decision on whether or not it will be opting in or out.

Attorney Mancuso stated that on a case by case basis, the town will have 60 days in order to enter into a PILOT agreement. The Assessor will assess on a regular assessed value. This company appears to be inquiring on the town's receptiveness.

Supervisor Frank stated, for clarification, that if the town opts out of adding a solar, wind or farm waste energy system, it creates additional taxes.

Councilperson McCarthy is agreeable to opting out. If it is an improvement and it will not financial harm the owner, collecting taxes should be done.

Councilperson Kusse is agreeable with opting out.

Attorney Mancuso noted that the opt out is with respect to taxing value of the addition of a solar farm versus the parcel value itself. The opt out can also be repealed and opted back in. At this stage, there is one other town in the county that is opting out. There are several throughout the state that have opted out.

A draft local law has been prepared and distributed to the Town Board. It is a straight forward exemption under the law which provides for solar farms, wind and farm waste energy systems are fully taxable. A public hearing is required.

RESOLUTION #61-2017

Councilperson McCarthy moved to authorize the Town Clerk to place a notice of public hearing in the Henrietta Post in relation to a Local Law of Taxation of Solar, Wind or Farm Waste Energy Systems to be held on January 25, 2017, at 7:30 PM at the offices of 5977 East Henrietta Road, Rush, New York 14543. Councilperson Woolaver seconded the motion.

Roll:	Councilperson Woolaver	aye
	Councilperson McCarthy	aye
	Councilperson Coffey	aye
	Councilperson Kusse	aye

Supervisor Frank aye carried.

B. Resolution to hire Finance Director / Budget Officer at Step 3 - Supervisor Frank interviewed applicants for the position of Finance Director / Budget Officer.

RESOLUTION #62-2017

Councilperson Woolaver moved that the Town Board acknowledges and approves the Supervisor's appointment of Daniel G. Klimek, as part-time Trainee for Budget Officer for the year 2017 pursuant to Section 103(2) of Town Law and as a part-time Director of Finance for the year 2017 effective January 17, 2017 through December 31, 2017 and pending a qualifying background check. Councilperson McCarthy seconded the motion.

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

C. Resolution to transfer funds for Finance Director training hours - Supervisor Frank stated that funds were available to transfer for training hours.

RESOLUTION #63-2017

Councilperson Woolaver moved to transfer budgeted funds for hours utilizing for training purposes of the newly hired Trainee position of Budget Officer / Finance Director at a Step 3 salary. Councilperson McCarthy seconded the motion.

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

D. Resolution for Rush Town Justice Court to send JCAP grant funding - Supervisor Frank stated a resolution is required for the court grant expenditure.

RESOLUTION #63A-2017

Councilperson Coffey moved to acknowledge and approve the Rush Town Justice Court's spending of Justice Court Assistance Program (JCAP) in the amount of \$8,300.00 for construction and new office furniture. Councilperson McCarthy seconded the motion.

Roll: Councilperson Woolaver aye

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

IX. PUBLIC COMMENT

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

Resident Cecil Palmer stated that he is interested in having the town improve Stonybrook Park by adding trees and dredging the pond. The Urban Community Forestry Fund provides grants for planting trees. Additionally, he requested the town's support in stimulating growth in the Hightech Park area and meeting with the commercial property owners.

Supervisor Frank stated that Jeffrey Adair, Director of Monroe County Development, will be attending a Town Board meeting in the future to discuss business development.

Resident Carol Barnett asked why the subject of a solar exemption is being presented.

Supervisor Frank stated that once the town is placed on notice of intent to have a solar farm, the town has 60 days in order to act.

RESOLUTION #64-2017

Supervisor Frank moved to adjourn the meeting to discuss an attorney-client privileged litigation matter at 7:55 PM. All adjourned by common consent.

RESOLUTION #65-2017

Supervisor Frank moved to return to the Regular session of the meeting at 8:05 PM. All councilpersons were in agreement.

X. ADJOURNMENT

There being no further business to conduct, the meeting was ended by Supervisor Frank at 8:06 PM. The meeting was adjourned by common consent.

Respectfully submitted,

Pamela J. Bucci
Town Clerk