

RUSH TOWN BOARD MINUTES
March 22, 2017

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 22, 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	-----	Deputy Town Supervisor
Jillian Coffey	-----	Councilperson
Gerald Kusse	-----	Councilperson
Cathleen Frank	-----	Supervisor
Pamela Bucci	-----	Town Clerk
Lauren Baron	-----	Attorney for the Town

OTHERS PRESENT:

Mark David	-----	Highway Superintendent, Resident
Al Sweet	-----	Resident
Robert Kraus	-----	Resident
Robert Colby	-----	Monroe County Fair Association
Sharlene Reeves	-----	Monroe County Fair Association
Jerry Farrell	-----	Monroe County Fair Association, Resident
Jim Bodensteiner	-----	Monroe County Fair Association
Eileen Voak	-----	Monroe County Fair Association

I. PUBLIC COMMENT

Supervisor Frank opened the floor inviting anyone wishing to address the Town Board to come forward. All those wishing to speak to the Town Board 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 #93-2017

Councilperson McCarthy moved to approve the February 22, 2017, Town Board Meeting Minutes as written by Town Clerk Bucci. Councilperson Kusse seconded the motion.

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

Councilpersons Woolaver was excused; out of town.

III. APPROVAL OF MINUTES

RESOLUTION #94-2017

Councilperson Coffey moved to approve the March 13, 2017, Special Town Board Meeting Minutes as written by Town Clerk Bucci. Councilperson Kusse. seconded the motion.

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

Councilpersons McCarthy and Woolaver were unable to attend due to timeframe of meeting and excused.

IV. APPROVAL OF ABSTRACT

RESOLUTION #95-2017

Councilperson McCarthy moved that having audited all the claims against the funds listed on Abstract (3-2) for vouchers for #2017 265 through 315 for payment in the amount of \$44,824.86. Councilperson Woolaver seconded the motion.

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

V. CORRESPONDENCE

Supervisor Frank received a Letter of Excellence from Assessor Dan Stanford recognizing Assessor's Clerk Laura Hammond-Conner. Through her outstanding efforts on yearly exemption administration, very few residents' exemptions need follow-up.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver offered the following:

- Attended the Planning Board meeting; one applicant was heard; pending issues were discussed.

Deputy Town Supervisor McCarthy offered the following:

- As liaison, attended the Library Board of Trustees meeting; they are planning summer activities.

Councilperson Coffey offered the following:

- No report.

Councilperson Kusse offered the following:

- As liaison, attended the Fire Commissioner meeting.

Town Clerk Bucci offered the following:

- Filed the February monthly report with Supervisor, including revenue check for \$16,303.00; state licensing agencies checks were sent totaling \$62.72.
- Copier lease negotiated for another five years, saving \$800 per year.
- Request resolution for permission to attend the annual NYS Town Clerk's Association conference in Rochester on April 23 through 26. Funds are budgeted.
- Request resolution for permission to attend annual NYALGRO Conference (NY Association of Local Government Records Officers) June 4 through 7 in Geneva, NY. Funds are budgeted and a scholarship will be sought.
- Collected another \$750,000 in county taxes.

Town Attorney Baron offered the following:

- No report.

Highway Superintendent David offered the following:

- Storm pick-up is underway; awaiting county reimbursement.

Councilpersons McCarthy and Woolaver noted appreciation of the fine job done plowing the streets of Rush during the recent state of emergency snow storm.

Supervisor Frank offered the following:

- Court audit finished; awaiting report. Councilpersons Coffey and Kusse will perform the Town Clerk audit next week.
- For ease in searching, all town agendas, minutes and Local Law information for 2017 forward can be found by accessing the town website under the Town Code.

VII. OLD BUSINESS

A. Status Update on Energy Saving Upgrades to Town Hall - Councilperson Woolaver stated that because JAG's proposal uses a different energy saving

product and the issues to be addressed have changed, amended bids may be in order to follow the town's procurement policy. All councilpersons were in agreement. Supervisor Frank will review the procurement policy,

VIII. NEW BUSINESS

Resolution to Schedule a public hearing for Local Law 2017 re: Proposed Amendment to Section 120-57 G Required Off-street Parking - Supervisor Frank proposed scheduling a public hearing.

RESOLUTION #96-2017

Councilperson McCarthy moved to schedule a public hearing for Local Law 2017 regarding a proposed amendment to Section 120-57 G of the Rush Town Code on Wednesday, April 12, 2017 at 7:15 PM, 5977 East Henrietta Road, Rush, New York 14543 and directed the Town Clerk to publish it in the Henrietta Post. Councilperson Woolaver seconded the motion.

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

Councilperson Kusse asked if it is published in the town newsletter. Supervisor Frank stated that the information is in the April/May newsletter, however, the actual date of the hearing is now scheduled.

B. Discussion of Lease Agreements for cattle, farming and storage at Rush Riverside Refuge - Supervisor Frank stated that the leases expire April 1, 2017 and proposes a one-year extension.

Councilperson Kusse asked if compatibility of leasees and the Monroe County Fair was discussed. Supervisor Frank has had conversations with all parties and there are no issues.

Supervisor Frank will consult with the town attorneys to compose one-year leases for the Rush Riverside Refuge leases.

Councilperson Woolaver asked if it would interfere with farming the property. Supervisor Frank stated that it will not and the farming lease will now state Howlett Farms.

C. Resolution to approve the Workplace Violence Policy Statement - Supervisor Frank noted that the outcome of the Department of Labor audit found that a policy on workplace violence statement was required.

RESOLUTION #97-2017

Councilperson McCarthy moved to approve the Workplace Violence Policy Statement. Councilperson Woolaver seconded the motion.

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

D. Resolution to approve Workplace Violence Incident Report - Supervisor Frank noted that the outcome of the Department of Labor audit found that a Workplace Violence Incident Report form was required.

RESOLUTION #98-2017

Councilperson McCarthy moved to approve the Workplace Violence Incident Report form. Councilperson Woolaver seconded the motion.

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

E. Review Charter Franchise Agreement - Supervisor Frank has received an updated franchise agreement with Charter (formerly Time Warner Cable). A previous audit was performed. Signing this agreement is contingent on verifying that the previous omitted channels are included in the payment.

RESOLUTION #99-2017

Councilperson McCarthy motioned to allow Supervisor Frank to enter into a franchise cabling agreement with Charter Communications for a period of 15 years contingent upon verification of channels included in payment. Councilperson Woolaver seconded the motion.

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

PRESENTATION: Sharlene Reeves, President of the Monroe County Fair Association

President Sharlene Reeves introduced other members of the Association present, Robert Colby, Secretary/Treasurer; Jerry Farrell, Vice President; Jim Bodensteiner; Board Member and Eileen Voak; Board Member. The Board has accomplished satisfying all previous Fair debt and is starting anew. The Association is interested in partnering with the Town of Rush to find a home for the Monroe County Fair.

The property discussed with the Supervisor is the Rush Riverside Refuge located on East River Road. They propose holding the 2017 Monroe County Fair at that location and hope to develop 4H, have cattle, goat, dog and horse shows, tractor pulls and possibly expanding to include a talent show. Kids must participate with their animals at a county level in order to be included in a state fair. The Association is committed to promoting the wholesome use of the land and build on the agriculture and horticulture development of the area. They will not be adding a midway. Also included in the proposal are static goods including fruits, vegetables, woodworking, sewing and possibly music.

The Association has dedicated funding, however, a partnership is required in order to move forward. There are also time constraints with the summer fast approaching. Ultimately, the Association would like a 25 year commitment and must have at least a 10 year commitment in order to receive a sizeable amount of funding from New York State. Funding will be used for many items including improvements to the buildings. The Association is aware of the lack of water on the land and is sanctioned by New York State and Agriculture and Markets to provide sufficient access for animals.

Supervisor Frank stated that Senator Rich Funke has awarded Rush \$14,000 in grant money for water on the property. There is currently no water access on the property. The town plans to either dig a well or increase the size of the NYS Museum of Transportation well. The Town of Henrietta is planning to run public water, however, that date is not available and tapping into it would be a future discussion.

Councilperson McCarthy asked of a Fair target date.

The Fair date is tentatively set for Friday, August 5th through Sunday, August 7th from roughly 11 AM to 9 PM or 10 PM. Security guards will be on site especially during the night hours for adults and/or youngsters staying with their animals.

Councilperson Kusse asked about signage and advertising.

President Reeves stated that advertising and signs will be provided by the Monroe County Fair Association. A lengthy discussion took place regarding accommodations and parking. There will not be an admission fee or parking fee associated with the 2017 Fair.

Supervisor Frank stated that the town would be making decisions on whether or not to contract with the Monroe County Fair by the next Town Board meeting, April 12, 2017.

F. Resolution to purchase computer desk for Town Court Office - The Court offices wishes to spend funds for a computer desk.

RESOLUTION#101-2017

Councilperson Woolaver moved to authorize the Justice Court to purchase a computer desk for the town court clerk office with budgeted funds in the amount of \$779.00. Councilperson McCarthy seconded the motion.

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

G. Finance Department Audit - Supervisor Frank discussed the finance audit. The NYS Comptroller's office performed an extensive audit of Rush finances in 2015. There is no requirement to perform an audit upon appointing a new finance director. An outside firm will cost roughly \$10,000 to \$13,700 depending on the timing of the audit. Board members discussed options and decided that an internal audit of at least two board members was acceptable. Councilpersons Coffey, Woolaver and Kusse will perform the audit.

H. Resolution to sign the New York State Convention Sum Municipal Snow and Ice Agreement - Highway Superintendent David stated that the town attorneys reviewed the agreement. The original contract began in 1978. The contracts are now 3 years instead of 30 years. There are no monetary changes.

RESOLUTION #102-2017

Councilperson Woolaver moved to authorize the Supervisor to enter into a Conventional Sum Municipal Snow and Ice Agreement with New York for the responsibility for snow and ice control of 35.60 miles on State Routes 15, 15A and 251. Councilperson McCarthy seconded the motion.

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

Supervisor Frank stated that an amendment Resolution #86-2017 of the February 22, 2017 Town Board Minutes was required. Assistant Dog Control Officer Tanya Bertram's start date will be effective March 18, 2017.

RESOLUTION #103-2017

Councilperson McCarthy moved to amend Resolution #86-2017 of the February 22, 2017, Town Board Meeting appointing Tanya Bertram as Assistant Dog Control Officer effective March 18, 2017 through December 31, 2017. Councilperson Woolaver seconded the motion.

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

Councilperson Coffey asked the cost of the Town Clerk's Conference.

RESOLUTION #104-2017

Councilperson McCarthy moved to allow Town Clerk Bucci to attend the New York State Town Clerk's Association Annual conference from April 23, 2017 through April 26, 2017 for an amount not to exceed \$1,000.00. Councilperson Woolaver seconded the motion.

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

RESOLUTION #105-2017

Councilperson McCarthy moved to allow Town Clerk Bucci to attend the NYALGRO (New York State Association of Local Government Records Officers) conference in Geneva, New York from June 4 through June 7, 2017 for an amount not to exceed \$600.00. Councilperson Woolaver seconded the motion.

Roll: Councilperson Woolaver		aye
Deputy Town Supervisor McCarthy	aye	
Councilperson Coffey		aye
Councilperson Kusse	aye	

Supervisor Frank

aye carried.

IX. PUBLIC COMMENT

Supervisor Frank opened the floor for anyone to address the Board.

There were no comments from the audience.

X. ADJOURNMENT

Supervisor Frank moved, having no further town business to conduct, adjourned the meeting at 8:10 PM. The meeting was adjourned by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci
Town Clerk