

RUSH TOWN BOARD  
Minutes of November 25, 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 November 25, 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  
Rita McCarthy ----- Councilperson, Deputy Town Supervisor  
Jillian Moore ----- Councilperson  
Pamela Bucci ----- Town Clerk  
John Mancuso, Esq. ----- Attorney for the Town

EXCUSED: Kathryn Steiner ----- Councilperson

OTHERS PRESENT:

Allison McCarthy ----- Resident  
Mark David ----- Resident, Highway Superintendent  
Al Sweet ----- Resident  
Gerald Kusse ----- Resident, Code Enforcement Officer/  
Building Inspector  
Carol Barnett ----- Resident  
Dick and Mark Knapp ----- Residents

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 Carol Barnett inquired about the timeline of the application for rezoning of the Dorschel property, 7272 West Henrietta Road, before the Town Board and the resident comment period.

Attorney Mancuso responded that the applicant has submitted a Draft Environmental Impact Statement (DEIS). The next step includes the Board accepting receipt and scheduling a Public Comment period.

II. APPROVAL OF MINUTES

**RESOLUTION #182-2015**

Councilperson Moore moved to approve the Meeting Minutes of November 9, 2015, as written by Town Clerk Pamela Bucci. Councilperson McCarthy seconded the motion.

Roll: Councilperson McCarthy aye  
Councilperson Moore aye  
Supervisor Frank aye. carried.

III. APPROVAL OF ABSTRACT

**RESOLUTION # 183-2015**

Councilperson McCarthy moved that having audited all the claims against the funds listed on Abstract dated November 25, 2015 for vouchers #2015 1181 through #2015 1248 is allowed for payment in the amount of \$34,182.26. Councilperson Moore seconded the motion.

Roll:

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

Councilperson Woolaver entered the meeting at 7:05 PM.

**IV. REPORT OF OFFICERS AND COMMITTEES:**

Councilperson Woolaver offered the following report:

- Attended the Zoning Board of Appeals meeting.
- Attended a very well done presentation of James A. Hard, America's Last Union Combat Veteran/Civil War History by Town Historian Susan Mee.

Councilperson McCarthy offered the following report:

- Attended Library Board of Trustees meeting. All current members were re-elected to their positions. They are reviewing ways to allocate a \$5,000 bullet aid award from Senator Rich Funke. All Monroe County libraries were awarded the same amount.

Councilperson Moore offered the following report:

- No report.

Code Enforcement/Building Inspector Kusse offered the following report:

- No report.

Highway Superintendent David offered the following report:

- Majority of snow fence is installed. Snow maintenance equipment is ready for duty.

Town Clerk Bucci offered the following report:

- The October monthly report has been filed with the Supervisor. A check in the amount of \$5,962.74 was presented. Checks were also written to NYS for dog licensing, marriage licenses and DEC licenses totaling \$1,178.38.
- The Association of Towns Annual meeting and elected official training school will take place in New York City on February 14 through 17, 2016. Funds have been allocated for up to 2 elected officials to attend. An elected official training session is also available in Henrietta on January 6 through 8, 2016. Registration has been submitted for three Town Board members and Town Clerk utilizing allocated funds.

- The bulk mailing permit for Rush will expire January 23, 2016. Request for resolution to apply for a renewal of the Standard Mail Bulk Mailing Permit in the amount of \$225.00. Differences in price of 1<sup>st</sup> class versus bulk have been thoroughly reviewed. The permit is used for mailing the newsletter and is a cost savings to the town.

Town Supervisor Frank offered the following report:

- Gerry Kusse, current Code Enforcement Officer is retiring. Rick Tracy, who currently serves as the Town Fire Marshall, Coordinator of Emergency Preparedness and Assistant Building Code Enforcement Officer will now have full responsibility as Code Enforcement Officer.
- Computel was contracted 6 months ago to provide an audit of utilities. Their finding provided no errors in Frontier, National Grid or Rochester Gas & Electric billing. They did uncover errors in the Time Warner billing that have now been credited and corrected.

#### V. OLD BUSINESS

- A. Status on Zoning Recommendations - Supervisor Frank called a joint meeting of the Town Board, Town attorney and Zoning Citizens Committee members on Wednesday, December 9<sup>th</sup>, following the Town Board meeting. They will review both the Committee's recommendations and the attorney's comments regarding them.

#### VI. NEW BUSINESS

- A. Resolution to purchase a Snowplow - Supervisor Frank stated that Highway Superintendent David has requested to purchase a new 11' one directional front mounted snow plow with allocated funds. Four quotes have been received. Highway Superintendent has recommended the purchase of a poly moldboard snow plow from Cyncon Equipment.

#### **RESOLUTION #184-2015**

Councilperson McCarthy moved to approve the request and recommendation of Highway Superintendent Mark David to purchase a new 11' one directional front mounted snow plow from Cyncon equipment in an amount of \$8,097.00. Councilperson Woolaver seconded the motion.

Roll:

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

- B. Flex Spending Plan Changes - Supervisor Frank noted that there will be two regulatory changes in flex spending. United States President Barack Obama's Affordable Care Act does not provide for flex spending benefit to part-time employees, but only full-time employees and elected officials. The

second change refers to \$850 flex spending benefit that is currently provided to full-time employees. The dollar amount has been regulated to \$500 in flex spending.

**RESOLUTION #185-2015**

Councilperson McCarthy motioned that the amount of reimbursement for expenses incurred by full-time and elected official employees having medical coverage with the Town of Rush under the Flexible Spending Agreement be set at \$500.00 for the year 2016. Councilperson Woolaver seconded the motion.

Roll:

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

C. Excellus Dental Insurance Option - Supervisor Frank stated that Finance Director Reynolds has researched the options of providing dental insurance to all employees who will lose the \$350 flexible spending account contribution. It is not, however, a family plan.

Councilperson Moore requested additional time to review the plan before making a decision.

D. Chief Fiscal Officer Audit - Supervisor Frank requested an additional volunteer Board member to perform a recommended audit of the Finance Director's records. The New York State Comptroller's Office recommends period audits of town employees who manage town funds. The audit is similar to the audit performed in the Town Clerk and Court Offices.

Councilperson McCarthy has offered to perform the audit of Finance Director Reynolds along with Supervisor Frank.

E. Reappointment of Gayle Gallo-Lipp to the Board of Assessment Review - Supervisor Frank stated that Member Gayle Gallo-Lipp has agreed to continue serving on the Board of Assessment Review. The appointment carries a 5 year term.

**RESOLUTION #186-2015**

Councilperson McCarthy moved to reappoint Gayle Gallo-Lipp to the Board of Assessment Review retro-effective October 1, 2015 through September 30, 2019. Councilperson Moore seconded the motion.

Roll:

Councilperson Woolaver	aye
Councilperson McCarthy	aye

Councilperson Moore	aye
Supervisor Frank	aye. carried.

F. Resolution to Plow Madelyn's Way - Supervisor Frank stated that Madelyn's Way road is now paved.

Highway Superintendent Mark David stated that the Rush Town Code Road Criteria is now met. There is a small drainage issue requiring correction. A stake out has been provided. Once the contractor corrects the issue, the road can be dedicated. In the meantime, and as done in the past, the Rush Highway Department is willing to perform plowing services to Madelyn's Way if the need arises prior to its dedication.

**RESOLUTION #187-2015**

Councilperson McCarthy moved to authorize the Rush Highway Department to perform snow plowing services for Madelyn's Way, Rush, New York for the 2015-2016 snow season. Councilperson Woolaver seconded the motion.

Roll:

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

G. Resolution authorizing 2016 elected officials to participate in the Association of Towns Training - Supervisor Frank stated that four elected officials will be participating in Association of Towns training to be held in Henrietta, New York on January 6<sup>th</sup> through January 8<sup>th</sup>.

**RESOLUTION # 188-2015**

Councilperson McCarthy motioned to allow 2016 elected officials to attend Association of Towns training scheduled for January 6<sup>th</sup> through January 8<sup>th</sup>, 2016, in Henrietta, New York. Councilperson Moore seconded the motion.

Roll:

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

H. Resolution to Appoint James Beikirch as Temporary Justice assigned to Rush Town Court - Supervisor Frank stated in lieu of Honorable Henry Kirch's resignation as of December 31, 2015, a Seventh Judicial District Unified Court appointment has been assigned to the Honorable James Beikirch commencing January 1, 2016 through and including March 31, 2016. Training available for the Town Board appointed justice will be in March, 2016. After that time, the Board appointed judge may take the bench.

**RESOLUTION #189-2015**

Councilperson McCarthy motioned to appoint the Honorable James Beikirch as a temporary assignment to the Rush Town Court commencing January 1, 2016 through and including March 31, 2016. Councilperson Woolaver seconded the motion.

Roll:

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

I. Resolution to hire a Laborer - Supervisor Frank stated that the current Maintenance Laborer Richard Schneider, who cares for the Town Hall, Library and Pavilion will be relinquishing his Town Hall duties. The new Maintenance Laborer will care for the Town Hall. Both Laborers will job share in the other's absence. Applicants have been interviewed. Supervisor Frank has chosen to hire Wayne O'Neill for the position at Step 2 commencing December 14, 2015, so that full training can be completed.

**RESOLUTION #190-2015**

Councilperson McCarthy moved to authorize the Supervisor's appointment of Wayne O'Neill as the Town Hall Maintenance Laborer at Step 4 commencing December 14, 2015. Councilperson Woolaver seconded the motion.

Roll:

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

J. Resolution to hire a Building Inspector - Supervisor Frank stated that in lieu of Gerry Kusse retiring from his position as part-time Building Inspector on December 31, 2015, interviews have been conducted. A selection has been made to hire Philip D'Alessandro at Step 2 commencing December 14, 2015.

**RESOLUTION #191-2015**

Councilperson McCarthy moved to approve the Supervisor's appointment of Philip D'Alessandro as part-time Building Inspector at Step 2 commencing December 14, 2015. Councilperson Woolaver seconded the motion.

Roll:

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

K. Resolution to contract with Bison Elevator Service for elevator maintenance - Supervisor Frank, after meeting with Bison Elevator Service, received a maintenance contract at \$1,000 less than what the town is currently paying for the same service. Approval to sign the contract is requested.

**RESOLUTION #192-2015**

Councilperson McCarthy moved to approve Supervisor Frank's signing a contract with Bison Elevator Service, Inc., First Federal Plaza, 28 East Main Street, Suite 101, Rochester, New York 14614 for an annual maintenance cost of \$1,776.00. Councilperson Woolaver seconded the motion.

Roll:

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

L. Renewal of Standard Bulk Mailing Permit - The bulk mailing permit allows the town to send out the town newsletter and any other bulk mailing at a discounted rate.

**RESOLUTION # 193-2015**

Councilperson McCarthy moved that the Town Clerk be authorized to renew the town's 2016 STANDARD MAIL bulk mailing permit from the United States Postal Service at a cost of \$225.00. Councilperson Woolaver seconded the motion.

Roll:

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

VII. OPEN FORUM

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

Councilperson McCarthy wished all in attendance a very Happy Thanksgiving.

VIII. ADJOURNMENT

There being no further business to conduct, the meeting was adjourned by Supervisor Frank at 7:20 PM and approved by common consent of all councilpersons present.

Respectively submitted,

RUSH TOWN BOARD  
November 25, 2015

Pamela J. Bucci  
Town Clerk

8

8