

RUSH TOWN BOARD MINUTES
October 26, 2016

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Deputy Town Supervisor Rita McCarthy at 7:00 PM on October 26, 2016, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT:

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

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|-------------------------|-------|---------------|
| EXCUSED: Cathleen Frank | ----- | Supervisor |
| Jillian Coffey | ----- | Councilperson |

OTHERS PRESENT:

| | | |
|-----------------|-------|----------------------------------|
| Carol Barnett | ----- | Resident |
| Kathryn Hankins | ----- | Resident |
| Dave Sluberski | ----- | Resident |
| Cecil Palmer | ----- | Resident |
| Mark David | ----- | Resident, Highway Superintendent |

I. PUBLIC COMMENT

Deputy Town Supervisor McCarthy 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.

II. APPROVAL OF MINUTES

RESOLUTION #174-2016

Councilperson Woolaver moved to approve the October 12, 2016, Town Board Minutes as written by Town Clerk Bucci. Councilperson Kusse seconded the motion.

| | | | |
|-------|----------------------------|-----|----------|
| Roll: | Councilperson Woolaver | | aye |
| | Councilperson Kusse | aye | |
| | Deputy Supervisor McCarthy | aye | carried. |

III. TRANSFER OF FUNDS

RESOLUTION #175-2016

Councilperson Woolaver moved that having audited all the appropriations of unreserved fund balance, unexpended balance of existing appropriations, and unreserved fund balance and unanticipated revenues of the Highway and General funds for transfers #19 through 31 they be allowed in the amount of \$43,594.13. Councilperson Kusse seconded the motion.

BUDGET TRANSFERS 10/26/2016 - 2016 FUNDS

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

Highway Funds

| Transfer Number | Decrease Appropriation | | | Increase Appropriation | |
|-----------------|------------------------|-------------|---|------------------------|------------------------------------|
| | Amount | Account | Description | Account | Description |
| 19 | 16,597.00 | DA.5110.100 | Maintenance/Repairs Personal Services To Reallocate Highway Budget per Mark David | DA.5110.400 | Maintenance/Repairs Contractual |
| 20 | 6,000.00 | DA.5112.100 | Road Construction Personal Services To Reallocate Highway Budget per Mark David | DA.5110.400 | Maintenance/Repairs Contractual |

General Funds

| Transfer Number | Decrease Appropriation | | | Increase Appropriation | |
|-----------------|------------------------|------------|---|------------------------|--------------------------------------|
| | Amount | Account | Description | Account | Description |
| 21 | 300.00 | A.7110.100 | Parks Personal Services To Reallocate Parks Budget per Mark David | A.7110.400 | Parks Contractual |
| 22 | 1,000.00 | A.1990.400 | Supervisor Contingency To cover BAS support and addl mileage | A.3620.400 | Safety Inspection Contractual |
| 23 | 738.34 | A.5010.100 | Hwy Superintendent Personal Services To cover AED replacement | A.5010.200 | Hwy Superintendent Capital Outlay |
| 24 | 1,057.81 | A.1990.400 | Supervisor Contingency To cover Playground Climber Step | A.7110.200 | Parks Capital Outlay |
| 25 | 1,000.00 | A.1620.210 | Supervisor Contingency To cover Kitchen Upgrades-portion | A.7140.200 | Pavilion Capital Outlay |
| | 844.60 | A.1990.400 | Supervisor | A.7140.200 | Pavilion |

| | | | | | |
|----|----------|----------------|--|----------------|--|
| 26 | | | Contingency To cover Kitchen Upgrades-remainder | | Capital Outlay |
| 27 | 872.50 | A.1990.40 0 | Supervisor Contingency To cover BAS support | A.8664.40 0 | Code Enforcement Contractual |
| 28 | 400.88 | A.9060.80 0 | Health Insurance Contractual To cover final Qtr. Workers Comp. | A.9040.80 0 | Workers Compensation Contractual |
| 29 | 1,500.00 | A.1110.10 0 | Court Personal Services To cover Initial Training for Judge Knab | A.1110.40 0 | Court Contractual |
| 30 | 100.00 | A.1990.40 0 | Supervisor Contingency To cover additional training | A.8010.40 0 | Zoning Contractual |

Appropriation of unreserved fund balance or unanticipated revenues

General Funds

| Transfer Number | Amount | Increase Revenue Account | Description | Increase Appropriation Account | Description |
|--------------------|-------------|-----------------------------|--|-----------------------------------|--------------------------|
| 31 | 13,183.00 | A.2770 | Misc Revenue To provide for National Grid Rebates on Hwy Lighting | A.5132.20 0 | Garage Capital Outlay |
| Total | \$43,594.13 | | | | |

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

IV. APPROVAL OF ABSTRACT

RESOLUTION #176-2016

Councilperson Woolaver moved that having audited all the claims against the funds listed on Abstract 20 for #2016-1039 through #2016-1102, they be allowed for payment in the amount of \$53,663.21. Councilperson Kusse seconded the motion.

Roll: Councilperson Woolaver aye

Councilperson Kusse aye
Deputy Supervisor McCarthy aye carried.

V. CORRESPONDENCE

None were received.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver offered the following:

- As liaison, attended the Zoning Board of Appeals meeting. One application was discussed.

Councilperson Kusse offered the following:

- No report.

Deputy Supervisor McCarthy offered the following:

- As liaison, attended the Library Board of Trustees meeting. Library Director Kirsten Flass' long-range plan for the library was approved. Copies will be provided to the Town Board. Director Flass is entertaining estimates for the installation of security cameras which could be installed as soon as November. Funds are available from Senator Funke's bullet fund. The Library Board is sponsoring a number of activities during Election Day, Tuesday, November 8th. More information is available on their website. They are also planning a fundraiser at Barnes & Noble on Wednesday, December 7th. Additional details will follow.

Town Clerk Bucci offered the following:

- Thanked Supervisor Frank and Town Board for conducting a New York State Dog Enumeration. Twenty-five of the sixty-two streets in Rush have been canvassed, finding 82 unlicensed dogs; having 27 of those dog owners so far licensing their dogs.

Highway Superintendent offered the following:

- Replacement sidewalk work on Rush West Rush Road is near completion.

Town Attorney Mancuso offered the following:

- No report.

VII. OLD BUSINESS

A. Status Update on the energy saving options for 1911 Rush Scottsville Road - Deputy Supervisor McCarthy requested the status update from Councilpersons Kusse and Woolaver.

Councilperson Woolaver reviewed Councilperson Kusse's draft of work to be performed. Roughly 1,300 square feet of the roof needs spray foaming and roughly 4,800 square feet requires additional insulation. A contractor should be sought.

Councilperson Woolaver stated that there are many contractors to solicit and we are ready to request bids.

Deputy Supervisor McCarthy has sought out contractors and will provide them to Councilperson Woolaver.

Councilperson Kusse will provide a cover letter and RFP (Request for Proposal) specifications to Supervisor Frank for distribution.

VIII. NEW BUSINESS

A. Resolution to change the length of Ryder Hill Road - Deputy Town Supervisor McCarthy requested an overview of the request from Highway Superintendent David.

Highway Superintendent David stated that in 2014 the NYSDOT initiated a statewide Geographic Information System (GIS) Public Roads project upgrade. The additional .05 will be reflected in the C.H.I.P.S. funding and PAVENY. Highway Superintendent David listed the NYS DOT Local Highway Inventory and Ryder Hill Road at .54 miles versus previously tracked .49 miles. The Rush Highway has always maintained .54 miles which is approximately an additional 250 feet.

RESOLUTION #177-2016

Councilperson Woolaver moved to change the inventory length of Ryder Hill Road, Rush, previously listed on the New York State Department of Transportation Local Highway Inventory (NYSDOT LHI) from 0.49 miles to 0.54 miles. The 0.54 mile length will accurately reflect the mileage currently being maintained by the Rush Highway Department. Councilperson Kusse seconded the motion.

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| Roll: | Councilperson Woolaver | aye | |
| | Councilperson Kusse | aye | |
| | Deputy Supervisor McCarthy | aye | carried. |

B. Resolution to extend NYS DOT Snow and Ice Agreement - Deputy Town Supervisor McCarthy offered the floor to Highway Superintendent David for an explanation of the extension agreement.

Highway Superintendent David stated that it is a 2018-2019 extension. Towns are offered the opportunity to renew or deny the contract which

provides the State ample time to seek additional coverage if the town is not agreeable with the contract. The Snow and Ice contracting began in 1978. It is a shared service excluding time and material.

RESOLUTION #178-2016

Councilperson Woolaver moved to authorize the Supervisor to enter into an Agreement to Extend Conventional Municipal Snow and Ice Agreement with New York for the responsibility for snow and ice contract effective 2018 through 2019 of 35.60 miles of State Routes 15, 15A and 251. Councilperson Kusse seconded the motion.

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

Deputy Town Supervisor McCarthy stated that prior to the scheduled public hearing on the budget, a budget calendar is prepared by Budget Officer/Finance Director Donald Reynolds. Forms are provided to all department heads for submission of costs and revenue estimates based on past budgets and trends within the past year and are required to be submitted prior to July 21. The Town Board conducted two advertised budget workshops; open to the public, in August. Department heads presented and discussed thoroughly their budgets with the Town Board. Director Reynolds then discusses board decisions with department heads and prepares the Tentative Budget with his additional recommendations to be submitted to the Town Clerk on or before October 5. The Board reviews the budget and can make any additional changes consistent with the law. Upon completion of the Town Board's thorough review and revisions, the Tentative Budget becomes the Preliminary Budget which proceeds to the public hearing.

RESOLUTION #179-2016

Deputy Town Supervisor McCarthy moved to interrupt the meeting to conduct the Public Hearing as advertised and scheduled at 7:15 PM. Councilperson Woolaver seconded the motion.

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

7:15 PM - PUBLIC HEARING - 2017 PRELIMINARY BUDGET

Town Clerk Bucci stated that the Notice of Public Hearing was duly published in the Henrietta Post on October 20th, 2016, with the same being posted on the town clerk's bulletin board and the town website. For the record, Town Clerk Bucci read the Legal Notice in its entirety as follows.

LEGAL NOTICE
NOTICE OF PUBLIC HEARING ON
PRELIMINARY BUDGET FOR TOWN OF RUSH

NOTICE IS HEREBY GIVEN, that the preliminary budget of the Town of Rush for the year 2017 has been completed and filed in the office of the Rush Town Clerk where it will be available for inspection by any interested person during regular office hours. The Rush Town Board will hold a public hearing on October 26, 2016, at 7:15 p.m. at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. At such hearing, any person may be heard in favor of or against the Preliminary budget as compiled.

The Preliminary Budget includes the following proposed salaries for the elected officials for 2017:

| <u>OFFICER:</u> | <u>SALARY:</u> |
|------------------------|----------------|
| SUPERVISOR | 31,637 |
| COUNCILPERSON | 7,519 |
| TOWN JUSTICE | 14,602 |
| HIGHWAY SUPERINTENDENT | 76,654 |
| TOWN CLERK | 56,297 |

By order of the Rush Town Board

Deputy Town Supervisor McCarthy opened the public hearing to anyone wishing to comment on the preliminary budget to the Town Board.

Resident David Sluberski is concerned about the town's size versus the cost and that at some point Rush will be paying paid firefighters because volunteerism has decreased. Mr. Sluberski does not support raises in the town and believes it is not fitting to hold a budget hearing without the presence of the Town Supervisor and Budget Officer. Rush does not compare fiscally to the Town of Elma. In order to cut costs, the Town Board membership should be reduced to three persons. Although it is required by the court system, Rush should only have one judge and share a judge with another town. The dog enumeration is contributing very little to revenue for the town. More revenue should be generated from the Court.

Resident Kathryn Hankins stated that it is stressful to appear before the Town Board and stated that she is restating the same budget messages as she did in 2012. Previous comments have had little impact on how the Town Board works through the budget. The budget adjustments are not listed on the preliminary budget. There are 800 towns in the state to benchmark against for a town budget. The budget does not meet the criteria. The Town Supervisor, department heads and the Finance Director should be present at a public hearing on the budget. The Finance Director should be present to

answer questions. The Town Board members are all elected to be the fiscal stewards of tax dollars.

Resident Kathryn Hankins stated that residents should have been put on notice that a Dog Enumerator would be canvassing the town.

Resident Cecil Palmer stated that a balance and forecast of the past five years should be reviewed during the budget process. Rush needs to be prepared for residential and commercial growth and a way to collect more revenue if growth occurs.

Deputy Town Supervisor McCarthy stated that three Town Board members present creates a quorum. The absences of Supervisor Frank, Councilperson Coffey and Budget Officer Don Reynolds could not be avoided. All comments presented during the public hearing of the budget will be taken into consideration. The town department heads and personnel are excellent, dedicated and committed staff. Budget Officer Reynolds does look ahead and forecast. The 2017 budget is solid. The Board is decreasing taxes by two percent.

Resident Kathryn Hankins stated that it was not appropriate for Deputy Town Supervisor McCarthy to respond to comments made during a public hearing or to reprimand the audience because it is intimidating.

Attorney Mancuso stated that it is not appropriate for anyone present to reprimand the Town Board.

Deputy Town Supervisor McCarthy stated that her delivery was not accusatory in any way.

RESOLUTION #180-2016

Deputy Town Supervisor McCarthy moved having no further comment from the audience, closed the hearing at 7:43 PM. Councilperson Woolaver seconded the motion.

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| Roll: | Councilperson Woolaver | aye | |
| | Councilperson Kusse | aye | |
| | Deputy Supervisor McCarthy | aye | carried. |

IX. PUBLIC COMMENT

Deputy Town Supervisor McCarthy opened the floor to anyone wishing to address the Town Board.

Resident Carol Barnett asked about the \$14,000 in the budget for the Rush Riverside Refuge property (former BOCES property) and whether or not it relates to the Howlett proposal. Mrs. Barnett asked about the Rush Riverside Refuge Property status.

Deputy Town Supervisor McCarthy stated the town has not further discussed the property.

Attorney Mancuso stated that the status of the former property is not related to the Howlett proposal. The proposal is not a line item on the budget.

Councilperson Woolaver stated that current leases on the property ends in 2017.

Resident Dave Sluberski suggested as a follow-up that safety precautions be instituted where persons representing the town and canvassing it have proper identification on their person and their vehicle. Information about the enumeration should have been included in the newsletter.

Resident Kathryn Hankins stated that she appreciated the endorsement of the Preliminary budget but would like the amendments listed on the budget. Additional questions for the Board were stated and submitted to the Town Clerk for distribution.

RESOLUTION #181-2016

Deputy Town Supervisor McCarthy moved to adjourn the meeting to Executive Session at 8:10 PM for an attorney-client privileged matter. Councilperson Kusse seconded the motion.

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| Roll: | Councilperson Woolaver | aye | |
| | Councilperson Kusse | aye | |
| | Deputy Supervisor McCarthy | aye | carried. |

X. ADJOURNMENT

There being no further business to conduct, the meeting was ended by Deputy Town Supervisor McCarthy at 8:40 PM. The meeting was adjourned by common consent.

Respectfully submitted,

Pamela J. Bucci
Town Clerk