

RUSH TOWN BOARD MINUTES
February 8, 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 February 8, 2017, 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	-----	Deputy Town Supervisor
Jillian Coffey	-----	Councilperson
Gerald Kusse	-----	Councilperson
Pamela Bucci	-----	Town Clerk
John Mancuso, Esq.	-----	Attorney for the Town

OTHERS PRESENT:

Jack Mould	----	Resident
	-	
Kathryn Hankins	----	Resident
	-	
Marianne Rizzo	----	Resident
	-	
Jim Wilkins	----	Resident
	-	
Carol Barnett	----	Resident
	-	
Janet Chaize	----	Resident
	-	
Al Sweet	----	Resident
	-	
Jeff Werner	----	Resident
	-	
Cecil Palmer	----	Resident
	-	
Mark David	----	Resident, Highway Superintendent
	-	

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.

Resident Kathryn Hankins commented that the Assessor made a statement regarding NYS taxation requirements during the previous public hearing that

opting out of 487 exemption of solar, wind energy system will not influence all properties. It will affect homeowners. In addition, 487A will not help homeowners. Based on January 2016 Office of Taxation information, opting in Exemption 487 encourages solar and helps homeowners. Data to support those findings were presented to the Town Board. The zoning code should be updated to include and encourage solar systems. A letter requesting written answers to questions related to budget, reserve fund and former BOCES property was read aloud and copies provided to the Town Board.

Resident Marianne Rizzo asked if the town is discussing selling the former BOCES property.

II. APPROVAL OF MINUTES

RESOLUTION #76-2017

Councilperson McCarthy moved to approve the January 25, 2017, 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. APPROVAL OF TRANSFERS

RESOLUTION # 77-2017

Councilperson Woolaver moved having audited all of the unexpended balances of existing appropriations move, that Transfers 45 through 67 of February 1, 2017, in the amount of \$8,772.97 be allowed. Councilperson McCarthy seconded the motion.

BUDGET TRANSFERS 1/25/2017 - 2016 FUNDS

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

General Funds

Transfer Number	Decrease Appropriation			Increase Appropriation	
	Amount	Account	Description	Account	Description
45	84.47	A.1310.4	Finance Contractual To cover minor Year-End Variance	A.1220.4	Supervisor Contractual
		00		00	
46	73.84	A.1310.4	Finance Contractual	A.1310.1	Finance Personal Services
		00		00	

RUSH TOWN BOARD MEETING
February 8, 2017

			To cover leap-year Variance	
47	12.52	A.1310.4 00	Finance Contractual	A.1340.1 00 Budget Personal Services
			To cover leap-year Variance	
48	151.94	A.1355.1 00	Assessment Personal Services	A.1355.4 00 Assessment Contractual
			To cover minor Year-End Variance	
49	25.76	A.1310.4 00	Finance Contractual	A.1355.4 00 Assessment Contractual
			To cover minor Year-End Variance	
50	1,529.7 6	A.1410.4 00	Clerk Contractual	A.1410.2 00 Clerk Capital Outlay
			To cover additional TB Sound System equipment	
51	805.07	A.1410.4 00	Clerk Contractual	A.1410.1 00 Clerk Personal Services
			To cover year-end variance	
52	253.73	A.1440.4 00	Engineer Contractual	A.1420.4 00 Legal Contractual
			To cover minor Year-End Variance	
53	150.20	A.1410.4 00	Clerk Contractual	A.1670.4 00 Central Print/Mailing Contractual
			To cover minor Year-End Variance	
54	21.02	A.3410.4 00	Fire Contractual	A.3410.1 00 Fire Personal Services
			To cover leap-year Variance	
55	3.28	A.3410.4 00	Fire Contractual	A.3640.1 00 Disaster Personal Services
			To cover leap-year Variance	
56	499.99	A.5010.1 00	Highway Superintendent Personal Services	A.5010.2 00 Highway Superintend Capital Outlay

RUSH TOWN BOARD MEETING
February 8, 2017

			To cover Computer Purchase	
57	128.53	A.5010.1 00	Highway Superintendent Personal Services	A.5010.4 00 Highway Superintend Contractual
			To Reallocate Hwy Budget	
58	178.67	A.7140.1 00	Pavilion Personal Services	A.7140.4 00 Pavilion Contractual
			To cover minor Year-End Variance	
59	1,921.5 0	A.8020.4 00	Planning Contractual Contractual	A.7180.4 00 Former BOCES Property Contractual
			To cover BOCES work by Hwy Dept.	
60	1.00	A.8010.4 00	Zoning Contractual	A.8010.1 00 Zoning Personal Services
			To cover rounding Variance	
61	2.00	A.8020.4 00	Planning Contractual	A.8020.1 00 Planning Personal Services
			To cover rounding Variance	
62	1.00	A.8020.4 00	Planning Contractual	A.8090.1 00 Conservation Personal Services
			To cover rounding Variance	
63	29.96	A.8664.4 00	Code Enforcement Contractual	A.8664.1 00 Code Enforcement Personal Services
			To cover leap-year Variance	
64	0.26	A.9060.8 00	Fringe Benefits Health Insurance	A.9710.7 00 Town Hall Bonds Interest
			To cover rounding -Bond Interest	
Transfer Number		Decrease Appropriation		Increase Appropriation
	<u>Amount</u>	<u>Account</u>	<u>Description</u>	<u>Account</u> <u>Description</u>
Librar 65	330.00	L.9060.8 00	Fringe Benefits Health Insurance	L.9010.8 00 Fringe Benefits State

RUSH TOWN BOARD MEETING
February 8, 2017

**y
Funds**

					Retirement
			To cover final Retirement variance		
66	298.00	L-7410.420	Library Gas, Electric, Insurance. from Town	L.9010.800	Fringe Benefits State Retirement
			To cover final Retirement variance		
67	2,270.47	L.7410.100	Library	L.7410.400	Library
			Personal Services		Contractual
			To Reallocate Library Budget		

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

IV. APPROVAL OF TRANSFERS

RESOLUTION # 78-2017

Councilperson Woolaver moved having audited all of the unreserved fund balance of existing appropriations, allows Transfers 1 through 3 in the amount of \$11,099.01 to be allowed. Councilperson McCarthy seconded the motion.

BUDGET TRANSFERS 1/25/2017 - 2016 FUNDS

Transfer from the unreserved fund balance and unanticipated revenues

General Funds

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
Library Fund 1	2,799.01	L-0599	Library Fund Balance Contractual Appropriation to reflect Funk Grant unspent in 2016	L.7410.410	Library Contractual Grant Materials
General Fund 2	8,000.00	A.3089	State Aid-Funke Grant Appropriation of reflect Unified Court Grant construction portion	A.1620.220	Bldg. Capital Outlay-Grant Sources
3	300.00	A.3089	State Aid-Funke Grant Appropriation to reflect unified court grant – equipment portion	A.1110.200	Court Capital Outlay

Roll: Councilperson Woolaver aye
 Councilperson McCarthy aye
 Councilperson Coffey aye

Councilperson Kusse	aye	
Supervisor Frank	aye	carried.

V. APPROVAL OF ABSTRACT

RESOLUTION #79-2017

Councilperson McCarthy moved that having audited all the claims against the funds listed on Abstract (2) for vouchers for #2017 115 through 163 be allowed for payment in the amount of \$51,102.42. Councilperson Woolaver seconded the motion.

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

VI. CORRESPONDENCE

Supervisor Frank received correspondence from Kevin Youst of Middle Road, Henrietta, New York who requested that the Monroe County Water Authority (MCWA) paint Rush, New York on the water tower located on Middle Road. The topic was discussed by MCWA, however, the tower was recently painted. Repainting it would be cost prohibitive; however, the suggestion will be revisited for future painting.

Supervisor Frank commented that the Rush Justice Court books are available for auditing under the required Unified Justice Court Act and Town Law.

VII. 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.

Town Clerk Bucci offered the following:

RUSH TOWN BOARD MEETING
February 8, 2017

- Filed the January monthly report with Supervisor along with a check in the amount of \$6,416.91. State licensing agencies checks were submitted totaling \$88.62.
- NYS Agriculture & Markets Health Inspector visited Rush and inspected Dog Control Officer Mike Czora's paperwork which was in proper order and deemed Rush compliant.
- Town and county taxes collected to date amount to roughly \$3,300,000.00. The town's portion has been distributed to the Supervisor. Continued collection of taxes will be sent to Monroe County Treasury.
- FOIL requests received regarding Rochester Genesee Railroad Museum permits.
- Town of Avon is proposing a Local Law on February 23, 2017 at 6 PM regarding design criteria.

Town Attorney Mancuso offered the following:

- No report.

Supervisor Frank offered the following:

- Town Clerk Bucci will be placing all Minutes into eCode located on the town website so that they along with other information are searchable.
- Request that the Town Clerk and Town Court audits be completed by March 8, 2017.
- Due to change in directors, an audit of the Finance Department will be performed by the Eldredge, Fox & Poretti accounting firm

In response to questions previously asked. There has never been a reserve fund created for income received for the former BOCES property (Rush Riverside Refuge). Funds are earmarked in the general fund and funds were never transferred to a reserve fund. If those funds are not used for the Rush Riverside Refuge property, a legal process will be followed. Leases of the buildings on the property end into 2017 and that rental income is included in the budget. The budget is an estimate. Parkland alienation is a transition of acres of substitution. Rush does not have 100 acres to substitute for the Industry property or 215 acres to substitute for the Rush Riverside Refuge property. There is no parkland alienation being discussed.

VIII. OLD BUSINESS

A. Status Update on Energy Saving Upgrades to Town Hall - Councilperson Kusse met with Mike Jagilowski of JAG Contractors who used an infrared camera to find air loss. JAG does air sealing work. JAG suggested that spray foam is not necessary. They wish to appear before the Town Board to present their pictures and what can be done to combat air loss. The air loss

in the bays is not detectable and a full ridge vent needs to be closed off. It is sucking the heated air out of the building.

Councilperson Coffey asked if they would be able to supply a cost estimate.

Councilperson Kusse will confirm a presentation date at a Town Board meeting.

B. Status update on Local Law 1 of 2017 - Real Property Tax Law Section 487 Solar or Wind Energy Systems Exemption - Town Supervisor Frank stated that over the last couple of weeks, the Town Board has gathered much information and the best option is to remain opted in. All board members agreed. No action is needed.

Attorney Mancuso noted that a resolution is only necessary if the Town decides that it wants to pursue PILOT (payment in lieu of taxes) agreements in consultation with the town attorney. A timely response within 60 days is then required by the town. All other notices of solar intent can be ignored.

RESOLUTION #80-2017

Councilperson McCarthy moved to notify the town's intention to pursue a PILOT (Payment in Lieu of Taxes) agreement under 487 of the Property Tax Law. Councilperson Woolaver seconded the motion.

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

VIII. NEW BUSINESS

Resolution to sign proposal with Rochester Community Design Center - Supervisor Frank stated that the Rochester Community Design Center (CDCR) would like to facilitate a design charrette that includes mobilization, a pre-charrette phase, preparation, an event, follow-up and a number of steering committee meetings. Funds have been budgeted.

Councilperson Coffey asked if the Rush Riverside Refuge would be included.

CDCR recommended the hamlet be concentrated on separately.

Councilperson Kusse added that the charrette would be a key component of any Comprehensive Plan update. Supervisor Frank agreed.

RESOLUTION #81-2017

Councilperson McCarthy move to approve the Supervisor entering into an Agreement for Services with the Community Design Center Rochester (CDCR) 1115 East Main Street, Rochester, New York 14609 with budgeted funds in the amount of \$20,000. Councilperson Woolaver second the motion.

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

B. Discussion on Dog Control Revenue and Funding for Salaries and Equipment -

Supervisor Frank stated that the current dog control officer receives a salary of \$4,300. We do not have a back-up dog control officer; however, do have an applicant that the town would like to hire. The revenue received from dog control sustains this department and we have an overage of funds. There is a broad range of compensation provided throughout the county for dog control. It is an on-call 24/7 position that is hard to measure. An adjustment is required for these two positions.

Councilperson McCarthy will do some research.

VII. PUBLIC COMMENT

Resident Janet Chaize requested that the proposed Local Law of opting out of 487 be further explained. What does the PILOT mean?

Attorney Mancuso stated that under the Statute, by opting in, a town is doing nothing. Opting in says that, as a rule, any solar installation is tax-free. Opting out allows the town to tax on solar improvements. A solar company that approaches the town with intent to develop a solar system opens the door for a PILOT agreement. A PILOT Agreement allows a municipality to be compensated for an equivalent of a tax payment. A PILOT agreement is usually between a commercial company; however, a PILOT agreement could also be made with a resident. If a town opts out entirely, everyone, residential or commercial can be assessed. The town board is not permitted to impose a fee greater than the value of the solar valuation. The Town Board can still consult with assessor as solar progresses.

Supervisor Frank stated that the Town received an intent from a developer who potentially wants to construct a solar energy system in Rush. By law, the Town has sixty days to consider their request. The purpose of not opting out and agreeing to enter into a PILOT agreement, if one is presented, is to have more a more conservative and flexible path. Other developers have already approached residents with proposals for solar farms.

Resident Kathryn Hankins agrees with the Town's decision to stay opted in and enter into potential PILOT agreements. Solar must be entered into the zoning code.

Resident Carol Barnett agrees with opting in. If the town exercises the commercial PILOT agreement, does it lose its discretion in agreeing to a residential PILOT agreement?

Attorney Mancuso stated that it does not.

Resident Jim Wilkins stated that residents can rent solar systems and save costs. Additionally, he promotes compromising and supporting businesses in Rush.

Resident Jeff Werner commented that he has called Dog Control Officer Mike Czora out during afterhours a few times and he has been professional and should be compensated and covered when needed.

IX. ADJOURNMENT

Supervisor Frank moved, having no further town business to conduct, adjourned the meeting at 7:50 PM. The meeting was adjourned by common consent.

Respectfully submitted,

Pamela J. Bucci
Town Clerk