

RUSH TOWN BOARD MINUTES  
July 26, 2017

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Cathleen Frank on July 26, 2017, at 7 PM 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
John Mancuso, Esq.	-----	Attorney for the Town

OTHERS PRESENT:

Carol Barnett	-----	Resident
Beth Hoak	-----	Resident
Mark David	-----	Resident
Al Sweet	-----	Resident
Jerry Farrell	-----	Resident
Pat Kraus	-----	Resident
Cecil Palmer	-----	Resident
Marianne Rizzo	-----	Resident
Terry Britt	-----	Resident
Chris Giordano	-----	Resident
Maureen Neurmaier	-----	Resident
Steve Neurmaier	-----	Resident

I. PUBLIC COMMENT:

Supervisor Frank asked that all those wishing to speak to the Town Board, if able, to stand at the podium and to state their name and address for record keeping purposes.

No comment from the audience.

II. APPROVAL OF MIINUTES

**RESOLUTION #161-2017**

Councilperson McCarthy moved to approve the Special Minutes of July 5, 2017 prepared 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 MIINUTES

**RESOLUTION #162-2017**

Councilperson McCarthy moved to approve the Special Minutes of July 12, 2017 prepared 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.

IV. APPROVAL OF MIINUTES

**RESOLUTION #163-2017**

Councilperson McCarthy moved to approve the Regular Minutes of July 12, 2017 prepared 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.

V. APPROVAL OF TRANSFER OF FUNDS

**RESOLUTION #164-2017**

Councilperson McCarthy moved that having audited all the unreserved fund balances or unanticipated revenues approve Transfer #16 in the amount of \$40,000.00, A.0599.000 to A.1420.400 representing unanticipated legal expenditures.

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

VI. APPROVAL OF ABSTRACT

**RESOLUTION #165-2017**

Councilperson McCarthy having reviewed vouchers 2017 #720 through #787 excluding #775 approve the payment of \$77,253.62. Councilperson Woolaver seconded the motion.

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

## VII. CORRESPONDENCE

### **RESOLUTION #166-2017**

Office of Children and Family Services School at Industry - The Town Board and Town Clerk have been invited to the Industry School's 8<sup>th</sup> Annual Legacy Ceremony and Luncheon on Monday, August 14<sup>th</sup> beginning at 10 AM. A commemorative service and cook-out will be held honoring the heritage of the Industry School.

Monroe County Legislature Public Hearing - A hearing was held on July 24, 2017 at 5:15 PM before the Planning and Economic Development Committee for the purpose of adding 9.10 acres of land at 10 Woodruff Road, Rush to the Monroe County Eastern Agricultural District #6. Supervisor Frank will send the announcement, however received after the public hearing to the Farmland Advisory Board.

NYS Office of Children and Family Services - New York is planning on reopening security facility due to the enactment of the Raising of Age of Criminal Responsibility in New York State legislation. Designs are underway and construction is to end in the fall of 2018.

Draft Northern Finger Lakes Unit Management Plan - New York State Department of Environmental Services is seeking to inform the public about the draft unit management plan that includes Rush Oak Openings - on website.

## VIII. REPORTS OF OFFICERS AND COMMITTEES:

Councilperson Woolaver presented the following report:

- Attended the Planning Board special meeting approving the Monroe County Agricultural Fair's Special Permit. The regular Planning Board meeting was cancelled.

Councilperson McCarthy presented the following report:

- Attended the Library Board of Trustees meeting wherein the approved Library Director Flass' budget. Gazebo Fest Concert will commence on Friday, July 28<sup>th</sup> at 7 PM.

Councilperson Coffey presented the following report:

- Attending the Zoning Board of Appeals meeting wherein they approved an off-street parking variance. Also in discussion with Attorney Mancuso regarding procedural changes.

Councilperson Kusse presented the following report:

- Attended the Fire Commissioners meeting.

Town Clerk Bucci presented the following report:

- No Report.

Town Attorney Mancuso presented the following report:

- No Report.

Town Highway Superintendent David presented the following report:

- Fielding drainage issues and complaints needing follow-up
- Awaiting Monroe County water testing of the temporary waterline on East River Road for the Monroe County Fair.
- Regraded inside of riding arena, filled woodchuck holes.

Supervisor Frank thanks Highway Superintendent David and his crew for the installation and work on the property for the Fair.

Supervisor Frank presented the following report:

- Working with Mark David on drainage issues. Contacted Assemblyman Joe Errigo's office and will be talking to Senator Rich Funke's office. All are gathering facts and working on areas of correction. Once the options are determined, funding will be sought.

Highway Superintendent David suggested contacting the State and NYS Senator Joseph Robach, who sits on the Transportation Committee in Albany.

### **PRESENTATION** – Resident Beth Hoak Riparian Buffers.

Ms. Hoak is a Bloomfield Teacher, inspired to share this subject, and presented it to the Town Board through a power point presentation. A research paper has been forward to the Town Board. Ms. Hoak has attended workshops on watersheds and stream monitoring. The Rush Riverside Refuge is adjacent to the Genesee River. A riparian buffer is a vegetated area near a stream or river and usually shades the river for animals and plants in the water. A 25 page journal paper on best practices for buffers, including agriculture protection and pollutants was sent to the Town Board.

Ms. Hoak suggested adding wetlands at the Rush Riverside Refuge. Buffer will have an effect on the land area, absorbing water. Pictures of buffers can be found on the NYSDEC website. The size of a buffer is 30 meters; about 100 feet. Ms. Hoak proposed researching for grants available to increase the uses of the land.

Supervisor Frank stated that the NYSDEC did a study in 2010 on the Rush Riverside Refuge property regarding buffers.

Councilperson Kusse asked if other Monroe County towns were working to restore buffers along the river, however, Ms. Hoak was unaware but noted that there is an abundance of agricultural land along the river.

OLD BUSINESS:

A. Update on Energy Savings Upgrades for Town Hall - Councilperson Kusse received a proposal from JAG to perform a blower door test which would maximize the recommended proposal. Councilperson Kusse proposes having it performed. The Town Hall must be closed when testing is done. An infrared test has previously been completed.

Councilperson Woolaver noted that JAG believes there is a window issue.

Councilperson Coffey asked if a blower test was necessary in order to create specs.

Supervisor Frank stated that the maximum expense would be \$3,300. The biggest value is measuring air leakage. Infrared is a different identification than blower door.

Councilperson McCarthy wished to review the proposal before voting. Supervisor Frank will add it to the next agenda.

B. Update on the Monroe County Fair Association Partnership - Supervisor Frank advised that there is an updated plan because of the heavy rains; however, improvements have been done for accessibility, handicapped area located on the hard top area.

Councilperson Kusse stated that the website has been updated. Councilperson McCarthy stated that many people have come forward to volunteer.

IX. NEW BUSINESS:

A. Amend Resolution #156-2017 of July 12, 2017 - Upgrade Camera Security System - The Town Hall and Pavilion proposals were not tallied and additional wireless capability is available for discussion. The wireless internet quote provides availability to the pavilion for laptops, gaming and security system. The security system can run on itself or be linked by a one-time charge for connection and set-up. A smartphone app provides access to the pavilion security camera system. Time Warner Cable costs \$125.00 per month for wireless internet.

**RESOLUTION 167-2017**

Councilperson McCarthy moved to amend Resolution #156-2017 of the July 12, 2017 and authorize the Supervisor to accept the upgraded camera security system with, SecuritiSmart, 580 Fishers station Drive, Victor, New York 14564 for an amount not to exceed \$16,000.00. Councilperson Woolaver seconded the motion.

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

B. Schedule two Budget Workshops for August 9<sup>th</sup> and 23<sup>rd</sup>, 2017 - Budget workshop dates to be scheduled.

**RESOLUTION #168-2017**

Councilperson McCarthy moved to schedule 2018 budget workshops for August 9<sup>th</sup> and August 23<sup>rd</sup> immediately following the Town Board meetings. Councilperson Woolaver seconded the motion.

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

C. Resolution approving NYS Filing Regulations Standard Work Day and Reporting for Elected and Appointed Officials - The Office of the NYS Comptroller requires that standard workday of elected and appointed officials of the Town be certified within 150 days of taking office. The regulation also requires the establishment and certification of terms of office for each official.

**RESOLUTION #170-2017**

Councilperson McCarthy moved that the Town of Rush hereby establishes the following as Standard Work Days for elected and appointed officials and Town Clerk will report the following days worked to the New York State and Local Employees' retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the body. Councilperson Woolaver seconded the motion.

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

Retirement Resolution -July 2017	Standards	Participations	Days/Month	Record of
	Std	in	Days/Month	Record of
	Work	employer's Time	based on	Activities

Title	First	Last	Day		Keeping System	Record of Activities	Tier 1 Member	Not Submitted
			(Hrs/Day)	Term Begins/Ends				
<b>Elected Officials</b>								
<b>Supervisor</b>	Cathleen	Frank	6	01/1/16-12/31/17	N	15.72		
<b>Town Clerk/Tax Collector</b>	Pamela	Bucci	7	01/1/16-12/31/19	N	23.80		
<b>Highway Superintendent</b>	Mark	David	8	01/1/16-12/31/19	N	23.08		
<b>Town Justice</b>	Tom	Doupe	6	01/1/16-12/31/19	N	7.35		
<b>Appointed Salaried Full Time</b>								
<b>Library</b>	Kirsten	Flass	7	01/1/17-12/31/17	N	23.45		
<b>Appointed Salaried Part Time</b>								
<b>Assessor</b>	Dan	Stanford	6	10/1/2013-9/30/19	N	12.50		
<b>Fire Marshal/Emerg/Code Enforce.</b>	Richard	Tracy	6	01/1/17-12/31/17	N	11.08		
<b>Director of Fin./Budget Officer</b>	Daniel	Klimek	6	01/1/17-12/31/17	N	18.42		
<b>Planning Board Chair</b>	John	Felsen	6	01/01/13-12/31/17	N	1.44	X	
<b>Conservation Board Member</b>	Julia	Lederman	6	01/01/13-12/31/17	N	0.25		
<b>Conservation Board Member</b>	Susan	Woolaver	6	01/01/14-12/31/18	N			X
<b>Historian</b>	Susan	Mee	6	01/1/17-12/31/17	N	11.42		
<b>Recreation Supervisor</b>	Patricia	Stephens	6	01/1/17-12/31/17	N	18.22		
<b>Building Inspector</b>	Kenneth	Stavalone	6	01/1/17-12/31/17	N	10.86		
<b>Appointed Hourly Full Time</b>								
<b>Deputy Town Clerk</b>	Shivaun	Featherman	7	01/1/17-12/31/17	Y			

D. Amend Resolution #153-2017 Lease Agreement with Monroe County Recreation Association - Attorney Mancuso stated that this amendment is to ratify the timing requirements to comply with timing requirements for the referendum. There is no substantive change.

**RESOLUTUION #171-2017  
NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO  
PERMISSIVE REFERENDUM**

Councilperson Coffey moved that

**NOTICE IS HEREBY GIVEN**, that the Town Board of the Town of Rush, County of Monroe, State of New York, at a regular meeting thereof held on the 26<sup>th</sup> day of July, 2017, duly adopted a resolution, subject to Permissive Referendum, an abstract of which is as follows:

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF  
RUSH AUTHORIZING SUPERVISOR TO EXECUTE LEASE  
AGREEMENT WITH MONROE COUNTY FAIR AND  
RECREATION ASSOCIATION, INC. FOR PREMISES  
LOCATED AT 6565 EAST RIVER ROAD, RUSH, NEW  
YORK**

**WHEREAS**, the Town Board of the Town of Rush (the "Town Board") has determined that it is in the interests of the Town of Rush to enter into a lease agreement with the Monroe County Fair and Recreation Association, Inc. for the operation of the Monroe County Agricultural Fair at 6565 East River Road, Rush, New York (the "Project"); and

**WHEREAS**, a Full Environmental Assessment Form has been prepared in compliance with Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"); and

**WHEREAS**, the Town Board has determined that the Project was a "Type I Action" pursuant to SEQRA and subject to an coordinated review by the Town Board as Lead Agency; and

**WHEREAS**, on July 12, 2017, the Town Board determined that the Project will not result in a potential significant adverse impact, and thus a Negative Declaration as that term is defined by SEQRA has been issued.

**WHEREAS**, on July 12, 2017, the Town Board resolved that the Supervisor of the Town of Rush is hereby authorized to execute a lease agreement with the Monroe County Fair and Recreation Association, Inc. of approximately ten (10) acres of land and use of existing facilities owned by the Town of Rush for the operation of the Monroe County Agricultural Fair for a period of ten (10) years (the "Resolution"); and



**WHEREAS**, the Resolution is subject to permissive referendum, and to ensure proper publication of notice of adoption of the Resolution in accordance with applicable law the Town Board has determined to confirm and ratify the Resolution in its entirety.

**NOW, THEREFORE, BE IT RESOLVED** that the Resolution is confirmed and ratified, and the Supervisor of the Town of Rush is hereby authorized to execute a lease agreement with the Monroe County Fair and Recreation Association, Inc. of approximately ten (10) acres of land and use of existing facilities owned by the Town of Rush for the operation of the Monroe County Agricultural Fair for a period of ten (10) years; and

**IT IS FURTHER RESOLVED** that the form and content of the lease agreement shall be subject to the approval of the Attorney for the Town of Rush; and

**IT IS FURTHER RESOLVED** that this resolution is subject to permissive referendum and the Town Clerk is hereby directed to public notice of adoption of this resolution in an official newspaper of the Town of Rush.

Councilperson McCarthy seconded the motion.

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

X. PUBLIC COMMENT:

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

Resident Christopher Giordano believed that the air blow test is a good idea and wondered if NYSERDA was available. Mr. Giordano suggested having a comment board on the town website in order to promote awareness and communication for residents and town board members. If more are heard, better outcomes emerge.

XI. ADJOURNMENT:

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

Respectfully submitted,

Pamela J. Bucci  
Town Clerk