

RUSH TOWN BOARD MINUTES
August 9, 2017

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Cathleen Frank on August 9, 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
Lauren Baron, Esq.	-----	Attorney for the Town

OTHERS PRESENT:

Carol Barnett	-----	Resident
Kirsten Flass	-----	Resident
Jerry Farrell	-----	Resident, Monroe County Fair Association
Dick & Mary Knapp	-----	Residents
Dan Klimek	-----	Finance Director/Budget Officer
Cecil Palmer	-----	Resident
Jeff Werner	-----	Resident
Mike Tallon	-----	Resident
Janet Chaize	-----	Resident
Dan Stafford	-----	Assessor

I. PUBLIC COMMENT

No comment from the audience.

II. APPROVAL OF MIINUTES

RESOLUTION #172-2017

Councilperson Coffey moved to approve the Town Board Minutes of July 26, 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 ABSTRACT

RESOLUTION #173-2017

Councilperson Coffey moved having reviewed Abstract 8-1, vouchers 2017 #788 through #828 approves the payment of \$34,971.34. Councilperson Woolaver seconded the motion.

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

Supervisor Frank stated that an additional payment to Doug Miller 19 Inc. is required pursuant to the soccer camp Agreement. Documentation will be included on Abstract #8-2.

IV. RESOLUTION FOR DOUG MILLER CAMP PAYMENT

RESOLUTION #174-2017

Councilperson Coffey moved to authorize the payment to Dough Miller 19 Inc., 4618 Ridge Road West, Spencerport, New York 14559 for conducting the Doug Miller Soccer Skills Camp during the week of August 7, 2017, pursuant to the Agreement in the amount of \$5,857.00. Councilperson McCarthy seconded the motion.

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

V. CORRESPONDENCE

A. Monroe County 2017-2018 Capital Improvement Program adopted by County Legislature - Supervisor Frank will send the link to the Town Board.

VI. REPORTS OF OFFICERS AND COMMITTEES:

Councilperson Woolaver presented the following report:

- Attended the 1st annual Monroe County Fair on town property at 6565 East River Road. It went well.

Councilperson McCarthy presented the following report:

- Attended the 1st annual Monroe County Fair on town property at 6565 East River Road and was very pleased. Thank you to people that volunteered with set-up and take down included Becky and Brad Herman and their three children, Kirsten and Dave Flass, Pamela Bucci, Karen Kirk, Dave Reese, myself and a huge thank you to Councilman Dan Woolaver.

Councilperson Coffey presented the following report:

- No report.

Councilperson Kusse presented the following report:

- Attended the 1st annual Monroe County Fair on town property at 6565 East River Road. It was small but a good start and enjoyable.

Town Clerk Bucci presented the following report:

- July monthly report and revenue checks submitted to Supervisor for \$12,944.61; state licensing totaling \$476.37.
- Attended the 1st annual Monroe County Fair on town property at 6565 East River Road which was nicely done.
- Board of Elections has sent a mailing to all registered voters. Primary Election is scheduled for Tuesday, September 12 noon till 9 PM at the Rush United Methodist Church. Positions up for election are State Supreme Court Justice, Family Court Judge, Sheriff, County Legislator 10th District, Rochester Mayor, City Court Judge, City Council, Commissioner of Schools and town and village offices. There are no primaries for Rush officials.

Town Attorney Baron presented the following report:

- No report.

Highway Superintendent David presented the following report:

- Conference call with Supervisor Frank and Senator Rich Funke's office regarding the flooding and hamlet drainage issue. Plan A: contact state to increase the size of the culvert at Routes 15A/251; Plan B: contacted Monroe County Soil and Water; once report is received it will be presented to Senator Funke and the town engineer.

Supervisor Frank presented the following:

- Draft copy of Design Charette will be forwarded to the Steering Committee members and Town Board members.

VII. OLD BUSINESS:

A. Update on Energy Savings Upgrades for Town Hall - Councilperson Kusse will schedule the blower test by JAG and inform the Supervisor of the date.

RESOLUTION #175-2017

Councilperson McCarthy moved to allow JAG Construction to perform a blower test on all the windows and doors in the town hall not to exceed a cost of \$3,200.00. Councilperson Woolaver seconded the motion.

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

B. Update on Monroe County Fair Association Partnership - Supervisor Frank thanked the Highway Department for running the temporary water to the Rush Riverside Refuge. According to Monroe County Board member Jerry Farrell, plans for next year's Fair to be completed by April are underway. Councilperson Woolaver will remain liaison to the Monroe County Fair Association.

VIII. NEW BUSINESS:

A. Resolution to approve Supplement Updates to the Town Code for Local Laws passed 2015-2017 - Supervisor Frank asked Town Clerk Bucci for background.

Town Clerk Bucci stated that Local Laws were passed by the Town Board and filed with New York State in 2015 and 2017. Although part of the Rush Town eCode, they were physically located only on the town website as approved legislation. They can be incorporated into the Town Code. The estimate for General Code's codification will not exceed \$630.00.

RESOLUTION #176-2017

Councilperson Woolaver moved to authorize the Supervisor to sign General Code's Estimate for codification of Local Laws 2015 through 2017 for an amount not to exceed \$630.00. Councilperson McCarthy seconded the motion.

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

B. Resolution for SecuritiSmart Maintenance Agreement for the Pavilion - Supervisor Frank stated that an annual William Udicious Pavilion Maintenance Agreement for \$325.00 is required.

RESOLUTION #177-2017

Councilperson Woolaver moved to authorize the Supervisor to enter into a Preventative Maintenance Agreement for the William Udicious Pavilion with SecuritiSmart, PO Box 652, Victor, New York for an annual cost of \$325.00. Councilperson McCarthy seconded the motion.

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

C. Resolution to hire Recreation Leader for School Age Program on 8/8/17 at Tier 3, \$15.52 hour - Supervisor Frank stated that Recreation Supervisor

requested authorization to hire a Recreation Leader. Recreation Leader Cheryl Rouleau resigned from the position on July 14, 2017.

RESOLUTION #178-2017

Councilperson Woolaver moved to authorize Recreation Supervisor appointment of Suzanne Bennett, Peakview Drive, Henrietta, New York as Recreation Leader to the Rush Afterschool Program, effective August 8, 2017 through December 31, 2017 at Step 3. Councilperson McCarthy seconded the motion.

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

D. Resolution to hire Painter to paint 9 doors in the Pavilion - Supervisor Frank stated that Dick Schneider of the Maintenance Department suggested the doors of the Pavilion needed repainting. An estimate has been received from Ron Soudey.

RESOLUTION #179-2017

Councilperson McCarthy moved to approve quote of Ron Soudey, Livonia Road, Livonia, New York to paint 10 doors at the William Udicious Pavilion, including labor and materials for \$1,150.00. Councilperson Woolaver seconded the motion.

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

RESOLUTION #180-2017

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

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

7:15 PM - PUBLIC HEARING - Charter Communications Franchise Agreement
Supervisor Frank stated that Chris Mueller, Director of Government Affairs for the Finger Lakes, is present and will be listening to all public comments regarding the agreement.

Town Clerk Bucci stated that the Notice of Public Hearing was duly published in the Post on July 20th and July 27th as required 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.

Resident Mike Tallon stated that he is building a home on Stonybrook Road and made inquiries about obtaining service. Mr. Tallon has talked to both Supervisor Frank and Chris Mueller and obtained documentation with the exception of Exhibit A of a previous agreement. Charter Communication is not intending to service the Stonybrook Road area, however, Mr. Tallon would like clarification on the formula used to determine who is included in the primary area receiving service. The Public Service Commission is required to supply the town the metrics information.

Having no further comment from the audience, Supervisor Frank closed the hearing at 7:25 PM.

Councilperson McCarthy stated that there are residents in the town that do not have public water.

Supervisor Frank stated that the four different metrics and Exhibit A have been requested from Charter Communication. The supervisor will be following up with Charter Communication Director Mueller on Thursday, August 10th and will report back to the Board.

Councilperson Kusse stated that the Board should be aware of what areas are covered and not covered by the Franchise Agreement.

E Discussion on Library Covered Walkway Project - Library Director Kirsten Flass stated that the New York State Construction Grant project is a covered walkway over the two sidewalks from the town municipal parking lots to the entrance of the library. As stated on the request letter sent to the Town Board, the covering will provide shelter for the Rush's elderly population walking in 125 feet, protect books being emptied from the drop box, protect materials being carried in during inclement weather, provide lighting for safety and security purposes and define the library entrance. The deadline for the grant is September 1, 2017. The grant through the Monroe County Library System will pay for half of the project. Funding will not come from town taxes but from Senator Funke's bullet aid and Library Board of Trustee fund raising finances. Following the town's procurement policies, Director Flass is awaiting a vendor bid, and will be meeting with a second vendor.

Library Director Flass has met with Building Inspector Stavalone to go over requirements and best placement over the walkway. Director Flass is seeking a resolution acknowledging the Town Board's consent to move forward with the project concept. The Library is not obligated to do the project if it is too

costly. To be clear, the Library Board of Trustees will not be installing a covered walkway if the cost is too high nor will it be asking the Town Board for any funding.

Supervisor Frank stated that if the project is over \$35,000, a formal bid process will be required including an RFP.

Councilperson McCarthy, as Library Board of Trustees liaison, has heard of the project for over a year and understands that the scope of needs for the project and required Town Board acknowledgment in order to move forward in submitting the grant.

Councilperson Coffey asked if there is an estimated cost for the project, a warranty and information on the scope of the project.

Councilperson Kusse noted that he did not see a risk associated with the Town Board approving of the Library Board of Trustees moving forward with a grant request to seek funding for a covered walkway. Approval of the materials being used and the cost must be approved by the Library Board of Trustees and design specifics approved by the Building Inspector.

Attorney Baron stated that a resolution could be proposed as approved by the Town Board contingent upon the approval of the grant.

Supervisor Frank stated that she supports such a project but asked that all details of the project including the price and placement of the covering be submitted to the Board prior to the August 23rd Town Board meeting. If the Board approves the project on August 23rd, a letter will be prepared prior to the grant deadline.

IX. PUBLIC COMMENT:

Supervisor Frank opened the floor for public comment to the Town Board.

Resident Carol Barnett asked whether or not a Charter Communications prime service area or installation costs are at stake in signing the franchise agreement?

Supervisor Frank stated that more information is required of Charter Communications.

Councilperson Woolaver stated that if residents are in the prime area to obtain and pay for the cable feature, a wire is connected to the residence.

Resident Cecil Palmer commented in support of the Library's idea for a covered walkway.

Resident Jeff Werner thanked the Town Board for approving the Monroe County Fair in Rush and showing leadership for the town. The Fair also

supports the youth of future generations. Mr. Werner requests that all future developers be held accountable, including penalties and no further permits be issued to the developer when they deviate from a Planning Board approved building plan. A developer building on Rush West Rush Road relocated a home from its first dug foundation causing a tractor to fall into the covered soft pit. In the past years, lot lines have not been clearly marked and setbacks have not been clearly measured by the town.

X. ADJOURNMENT:

Supervisor Frank moved, having no further town business to conduct, adjourned the meeting at 7:58 PM. The meeting was adjourned by common consent.

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

Respectfully submitted,

Pamela J. Bucci
Town Clerk