

RUSH TOWN BOARD MINUTES  
September 27, 2017

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Frank at 7:00 PM on September 27, 2017, 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  
Gerald Kusse ----- Councilperson  
Cathleen Frank ----- Supervisor  
Pamela Bucci ----- Town Clerk  
John Mancuso ----- Attorney for the Town

EXCUSED: Jillian Coffey ----- Councilperson

OTHERS PRESENT:

Mark David ----- Resident, Highway Superintendent  
Carol Barnett ----- Resident  
Jerry Farrell ----- Resident  
Dan Klimek ----- Finance Director  
Aaron Lehman ----- CDCR  
Pat Kraus ----- Resident  
Mike Jagodzinski ----- JAG Construction  
Scott McKay ----- JAG Construction  
Don Eichenauer ----- Resident

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.

There was no comment from audience.

II. APPROVAL OF MINUTES:

**RESOLUTION #193-2017**

Councilperson McCarthy moved to approve the Town Board Minutes of September 13, 2017 prepared by Town Clerk Bucci. Councilperson Woolaver seconded the motion.

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

III. TRANSFER OF FUNDS:

**RESOLUTION 194-#2017**

Councilperson McCarthy moved having audited all the unreserved, unanticipated revenues and unexpended balances of existing appropriations, move that transfer 17 through 19 in the amount of \$5,600 be approved. Councilperson Woolaver seconded the motion.

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

**BUDGET TRANSFERS 9/27/17 FUNDS**

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

**General Funds**

Transfer	Decrease Appropriation			Increase Appropriation	
Number	Amount	Account	Description	Account	Description
17	1000.00	A.1990.40 0	Supervisor Contingency To cover increased expenditures for gardening at Town Hall complex	A.8510.40 0	Beautification
18	2500.00	A.1990.40 .00 0	Supervisor Contractual To cover increased expenditures for engineering services	A.1440.40 0	Engineering Contractual Historian Contractual
19	2100.00	A.2750.00 0 A.7510.400	Gifts/Donations Appropriation to reflect Pomeroy Foundation Gift for Historical Markers		

IV. APPROVAL OF ABSTRACT

**RESOLUTION #195-2017**

Councilperson McCarthy moved having reviewed vouchers #945 through #1004 on Abstract #9-2, approves payment in the amount of \$30,341.09. Councilperson Woolaver seconded the motion.

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

V. CORRESPONDENCE:

Wendell Engineers - City of Rochester Bureau of Water will be undertaking a project to rehabilitate two of its upland water supply conduits from Hemlock Lake Water Filtration to Rush Reservoir. An easement will be in place on the reservoir property. Areas affected will be the intersections of Pinnacle Road and Lyons Road and project will run from September 2017 to November 2018. Additional information will be available on the town website.

VI. REPORTS OF OFFICERS AND COMMITTEES:

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Councilperson Woolaver presented the following report:

- No report.

Councilperson McCarthy presented the following report:

- Attended the Library Board of Trustees meeting. All are invited to participate in the Library silent auction running through October.

Councilperson Kusse presented the following report:

- Attended the Fire Commissioners and Planning Board meetings.

Town Clerk Bucci presented the following report:

- Received the 2018 Tentative Budget and distributed it to Town Board
- Received one application for Assistant Dog Control position
- Received NYS Report for Dog Control Inspection; passing satisfactorily
- Collected and posted over \$2,000,000.00 in Rush Henrietta School District taxes

Town Attorney Mancuso presented the following report:

- No report.

Highway Superintendent David presented the following report:

- Completed chip project on East River Road including driveway and intersection adjustments.
- Shared services shoulder work will commence next week. Culverts on East River are being done and winding down on ditching, drainage work and asphalt portion of road work

**PRESENTATION:** Supervisor Frank introduced Aaron Lehman, Director of Design Services, and Maria Furgiuele, Executive Director of Community Design Center of Rochester (CDCR) to present Hamlet of Rush Community Charrette Report

Aaron Lehman viewed with the audience a Hamlet of Rush Community Charrette Report. The CDCR met with a formed Rush community steering committee and continued with the charrette held June 10, 2017. The intensive community engagement piece is most important. The process was developed over a 6 month period and involved over 50 members of the community on Charrette Day. CDCR's work is to improve the development of the Rush community through education, advocacy, community engagement and predevelopment funds and design resources. The group identified the study areas of East Henrietta Road to the cemetery by Chase's Greenhouse and out to Rush Mendon Road just past the Rush Fire Department and through the fork to Rush-Lima Road and Rush West Rush Road. During the day, work groups were formed to facilitate discussions. The physical character and social factors of town are addressed. The focus areas were the hamlet, public space and amenities. Town property, Fire Department and the hamlet are the focus of branding and gateway points of Rush which turned into the development in the hamlet. Ideas discussed were categorized into assets,

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concerns, primary focus, goals, and design strategies. It is important to realize that this is a starting point. All Findings are included in the narrative of the report which will be placed on the website and available in the library. All questions should be asked of the Steering Committee. Eventually, the Comprehensive Plan could be updated.

VI. OLD BUSINESS:

A. Update on energy saving upgrades for Town Hall: Supervisor Frank stated that a blower door test was attempted but JAG Construction found that there is an extensive amount of air loss. Representatives Mike and Scott shared their observations with the Town Board that include cold occupants due to excessive air convection within the building. Windows, doors and attic spaces were discussed. The building is exhausting much more conditioned or heated/cooled air than it needs to. The venting is pulling the conditioned air outdoors. The building is very well sealed and roofing is done appropriately. JAG would like to approach the larger sealing issues first and presented the town with four options and recommended option two and possibly number four.

Councilperson McCarthy questioned whether the cost would provide a short or lengthy payback and the timeframe in progress. Mike responded that the payback for air sealing will be extensive. Spray foam was not being recommended. Progress may take a year or more.

Supervisor Frank will add the discussion of proposals for the next meeting.

VII. NEW BUSINESS:

A. Resolution to approve 2018 Tentative Budget - Supervisor Frank requested a resolution.

**RESOLUTION #196-2017**

Councilperson McCarthy moved to approve the 2018 Tentative Budget as presented by Town Clerk Pamela Bucci on September 13, 2017, pursuant to Town Law Section 106. Councilperson Woolaver seconded the motion.

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

The 2018 Tentative Budget now becomes the 2018 proposed Preliminary Budget.

**RESOLUTION #197-2017**

B. Schedule a Public Hearing for consideration of the proposed 2018 Preliminary Budget - Councilperson Woolaver moved to schedule a Public Hearing regarding the proposed 2018 Preliminary Town Budget on October 11, 2017, at 7:15 PM at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York 14543. Councilperson McCarthy seconded the motion.

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

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C. Resolution to purchase a 1025R Sub-Compact Utility Tractor - Highway Superintendent David requested the replacement of a sidewalk tractor. A straight blade, bucket attachment and more direct power is included. It will remove snow more easily on the hamlet bridge. A bush hog attachment could also be purchased to perform bush hogging at Rush Riverside Refuge.

**RESOLUTION #197-2017**

Move to authorize Highway Superintendent's purchase of a new John Deere 1025R Sub-Compact Tractor (18 PTO Hp.) with attached cab, snow blower and plow equipment off NY SOGS (National Joint Powers Alliance) statewide piggyback Award #PG66663 (PG XN) for a cost of \$25,998.79 with estimated and approved funds under A.7112.200. Councilperson McCarthy seconded the motion.

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

D. Resolution for Disposition of John Deere Tractor at Municipal Auction - Highway Superintendent David discussed the disposition of the tractor which is expected to bring approximately \$5,000.00.

**RESOLUTION #198-2017**

Councilperson McCarthy moved to allow the Highway Superintendent to dispose of the 1998 John Deere 755 Compact tractor and 60" mower deck at Municipal Auction scheduled for October 7, 2017. Councilperson Woolaver seconded the motion.

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

E. Resolution to contract for welding shop roof repair - Highway Superintendent David stated the welding shop roof does not leak but the sealing layer is coming off. Solar panels were previously discussed but deemed not feasible. Five bids were sought with two returning a quote. The recommendation is to approve Elmer Davis quote.

**RESOLUTION #199-2017**

Councilperson Woolaver moved to authorize Highway Superintendent's signing contract for foam coated for the welding shop roof repair, including a 10 year warranty, with Elmer W. Davis, Inc, 1217 Clifford Avenue, Rochester, New York 14621 for \$18,922.00 with approved funds under A.5010.200. Councilperson McCarthy seconded the motion.

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

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F. Discussion of use on barn and potential other fire - Supervisor Frank received a request from Assistant Rush Fire Department Chief Michael Terzo for additional use of the Barn at the Rush Riverside Refuge site, 6565 East River Road, for training use of neighboring Scottsville Fire Department on October 27<sup>th</sup> and 28<sup>th</sup>. Certificates of Insurance have been received. In addition, Assistant Chief Terzo asked for the procedure in receiving permission of any additional Fire Department use of the area for drill training purposes.

Supervisor Frank stated that these are two separate requests and the only focus now is Scottsville Fire Department's use on two dates.

Councilperson Woolaver approved of their use, having receipt of their Certificate of Insurance.

Councilperson Kusse asked if there were any restrictions of the property use by residents during the training drill, any increased or restrictive traffic during the drill, what does the drill consists of and how many firefighters will be in attendance. Supervisor Frank asked that Councilperson Kusse, as district liaison, obtain answers from Assistant Chief Terzo to those questions.

Supervisor Frank stated that the Department is leasing only one area of the property.

Attorney Mancuso stated that the current lease allows only the Rush Fire Department members to hold a training drill and recommended a license agreement for another department utilizing the area be prepared. In addition, the entire scope of area should be defined including the timeframe and dates. If approval is granted for any and all use, a resolution pending attorney's preparation and license approval is recommended.

VIII. PUBLIC COMMENT:

Supervisor Frank opened the floor for additional comments to the Town Board.

The audience was silent.

IX. EXECUTIVE SESSION:

**RESOLUTION #200-2017**

Supervisor Frank moved to enter into an executive session at 8:05 PM to discuss the pending litigation involving a West Henrietta Road property. Councilperson McCarthy seconded the motion.

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

Supervisor Frank moved to reopen the regular session. All parties present were in favor. Councilperson McCarthy seconded the motion.

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

X. ADJOURNMENT:

Supervisor Frank moved, having no further town business to conduct, adjourned the meeting at 8:31 PM. The meeting was adjourned by common consent.

Respectfully submitted,

Pamela J. Bucci  
Town Clerk