

TOWN BOARD  
NOVEMBER 8, 2017

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Frank at 7:00 PM on November 8, 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 |
| Jillian Coffey           | ----- | Councilperson          |
| Gerald Kusse             | ----- | Councilperson          |
| Cathleen Frank           | ----- | Supervisor             |
| Pamela Bucci             | ----- | Town Clerk             |
| Lauren Baron             | ----- | Attorney for the Town  |

OTHERS PRESENT:

|                         |       |                          |
|-------------------------|-------|--------------------------|
| David Rasmussen         | ----- | Rochester, New York      |
| Jayla Lombardo          | ----- | Rochester, New York      |
| Dan Klimek              | ----- | Finance Director         |
| Cecil Palmer            | ----- | Resident                 |
| Harvey Seymour          | ----- | Resident                 |
| Joan Starkweather       | ----- | Resident                 |
| Ann Stevens             | ----- | Resident                 |
| Kathryn Capella Hankins | ----- | Resident                 |
| Carol Barnett           | ----- | Resident                 |
| Marianne Rizzo          | ----- | Resident                 |
| Dick and Mary Knapp     | ----- | Residents                |
| Janet Chaize            | ----- | Resident                 |
| Steve Scheuermann       | ----- | Resident                 |
| Keri Zhoe               | ----- | Resident                 |
| Bruce Howlett           | ----- | Resident                 |
| Sandy Howlett           | ----- | Resident                 |
| Hans Schmitthenner      | ----- | Resident                 |
| Kirsten Flass           | ----- | Resident                 |
| John Schess             | ----- | Non-resident             |
| Carol Ralph             | ----- | Resident                 |
| Dan Wibe                | ----- | Non-resident             |
| Jan B                   | ----- | Resident                 |
| Beth Hoak               | ----- | Resident                 |
| J. Nolan                | ----- | Resident                 |
| K. Nolan                | ----- | Resident                 |
| John Regan              | ----- | Cypress Creek Renewables |
| Dan Compitello          | ----- | Cypress Creek Renewables |
| Sally Ward              | ----- | Resident                 |
| Pat Kraus               | ----- | Resident                 |
| Robert Kraus            | ----- | Resident                 |
| Chuck and Cathy Hughes  | ----- | Residents                |
| Zee H                   | ----- | Non-resident             |
| Peter Kim-Fredell       | ----- | Resident                 |

|                      |      |          |
|----------------------|------|----------|
| Floriene Higgins     | ---- | Resident |
| John L               | ---- | Resident |
| Yong Bom Kim-Fredell | ---- | 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,

Resident Janet Chaize stated that she supports pollination and insects and is concerned with pesticides, including Neonicotinoids, insecticides and herbicides which kill off wildflowers. The Rush Riverside Refuge is a perfect place to offer such sustainability. A written document was submitted.

Resident Marianne Rizzo voiced her support for the Rush Riverside Refuge being a parkland in order to give positive impact to the community and the environment. If the Town Board chooses to lease property, Ms. Rizzo made numerous suggestions for the property's use. A written document was submitted.

Resident Sally Ward suggested that more of the community be involved in the Rush Riverside Refuge acreages' uses. The Senate, through Senator Rich Funke, has passed the bill for certain recreation and education and agricultural uses of the land and it is currently in Assembly -A8389 with Assemblyman Joe Morelle. Mrs. Ward is in favor of slowing its passing process.

Resident Hans Schmitthenner commented on his understanding that a number of residents were appointed to a committee formed by the Town Board. In 2015, after working together for five years, they presented their findings and suggestions for the previous BOCES property, now named Rush Riverside Refuge, for the Board's review and decision making. At that time, the report indicated land deed restrictions were park and recreation and ancillary uses. All was interpreted to allow field crops and grazing using best practices. The topic has been in the town newsletter and discussed at town board meetings numerous times providing much information. The Town Board sought clarity in a legal manner. Mr. Schmitthenner supports the Board's deed modification decision. The Rush Riverside Refuge is large enough to accommodate many suggested uses. Leasing areas of property for maintenance income makes it self-sustaining and provides no burden to the taxpayer. The property is open to the public. A written document was submitted.

Resident Carol Barnett stressed opposition to the Board's decision in adding agriculture and timbering to the 100 acre Deed. The bill presented begins with the word notwithstanding which when used is cautioned by the NYS

Office of Parks, Recreation and Historic Preservation. Mrs. Barnett suggested that the Town Board abide by the terms of the original deed. Many uses of the property are consistent with park and recreation. A written document was submitted.

Resident Beth Hoak spoke of her opposition with continued farming on the Rush Riverside Refuge property. Continuing will result in less flexibility of its uses. It should be kept as parkland.

Resident Peter Kim-Ferdell spoke of custodianship and good faith regarding the parkland gift of land from New York State.

Resident Lee Hankins commented that he has brought many residents to town for the purpose of living in an open space community. Parklands, wetlands and waterfront are the most valuable part of a town. Mr. Hankins recommended forming a board to manager the town's parklands and raise monies for its maintenance.

## II. APPROVAL OF MINUTES:

### **RESOLUTION #217-2017**

Councilperson Woolaver moved to approve the Town Board Minutes of October 25, 2017 prepared by Deputy Town Clerk Shivaun Featherman. Councilperson Coffey seconded the motion.

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

## III. APPROVAL OF ABSTRACT:

### **RESOLUTION 218-2017**

Councilperson McCarthy moved having audited all claims against the funds listed on Abstract #11-1, vouchers #1106 through 1152 move to allow payment in the amount of \$48,277.56. Councilperson Woolaver seconded the motion.

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

## IV. CORRESPONDENCE:

There were no correspondences.

## V. REPORTS OF OFFICERS AND COMMITTEES:

Councilperson Woolaver presented the following report:

- No report.

Councilperson Coffey presented the following report:

- No report.

Councilperson Kusse presented the following report:

- No report.

Town Clerk Bucci presented the following report:

- No report.

Attorney Baron presented the following report:

- No report.

**PRESENTATION:** Dan White, District Superintendent of Monroe #1 BOCES, Rush-Henrietta Superintendent Search Committee

District Superintendent of Monroe #1 BOCES stated that the Search Committee took the opportunity to fully inform the community of their search report. Dr. Kenneth Graham, Superintendent of the Rush-Henrietta School District, is retiring at the end of the school year. The position will be posted December 1, 2017 through January 23, 2018. Both the committee and Board of Education will interview candidates. The process will run through the end of March and all information will be placed on the school website. A survey was done and concluded in October 2017 which is the basis of the development of the position profile. Any questions are welcome.

**PRESENTATION:** Dan Compitello, Zoning & Outreach Manager - Development, Cypress Creek Renewables

Mr. Compitello and Mr. Regan, Zoning & Outreach Managers of Cypress Creek Renewables were introduced by Supervisor Frank.

Mr. Compitello gave an overview of what this national utility solar company offers and stated that Rush is a prime location because of its location and close proximity to easements making it a perfect fit. Substation must be within 1 ½ miles of a location. Cypress Creek Renewables assist towns in drafting solar code and provide many facts and benefits to having solar in the code. Cypress Creek works with NYSEG and National Grid to connect over the local utility grid. Rush can accompany two types of solar farms, a community project and a single household project. A solar farm development plan was presented as an example for approximately 170 acres including a buffered area. Roughly 60-80% of the 170 acres would be used by solar. Solar panels need about 40-50% of a parcel. A SEQRA process is used when a town's Code does not address solar. Once a site is approved, the engineering team procures the materials and assembles the labor force locally. Sixty percent of the solar power has to be sold to residents. Only 40% can go to a commercial entity or a school. The benefit to a community is 50% renewable energy by 2030. It impacts a community by hiring locally and adding to its tax base.

Councilpersons McCarthy and Kusse discussed additional aspects associated with solar, asked about other towns Cypress Creek Renewables is working with and the company as a whole.

VII. OLD BUSINESS:

A. Update on Energy Savings Upgrade for Town Hall: Councilperson Kusse stated that he performed a walk-through with potential vendors based on the new proposal package.

VIII. NEW BUSINESS:

A. Schedule a public hearing date for proposal Amending Cold War Veteran's Exemption - Supervisor Frank stated that the proposed amendment will remove the 10 year restriction for Cold War Veterans in taking advantage of that exemption.

**RESOLUTION #219-2017**

Councilperson McCarthy moved to schedule a public hearing date proposing amending Local Law #2008-4 of the Rush Town Code, Cold War Veteran's Exemption Law on Wednesday, November 22, 2017 at 7:15 PM, 5977 East Henrietta Road, Rush, New York 14543. Councilperson Woolaver seconded the motion.

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

B. Resolution to Purchase Replacement Fencing for East Rush Cemetery - Supervisor Frank noted that a resolution was in order.

**RESOLUTION #220-2017**

Councilperson McCarthy moved to authorize the Supervisor to purchase replacement fencing for the East Rush Cemetery from Home Depot at a cost not to exceed \$1,746.00. Councilperson Woolaver seconded the motion.

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

C. Discussion of Employee Benefit Options - Supervisor stated that the Affordable Care Act has created other options for the town. Finance Director Dan Klimek will present the options.

Finance Director Dan Klimek provided the Town Board with package options. Both Supervisor Frank and Finance Director Klimek met with insurance brokers Brown & Brown to discuss options previously not available to the

town. Health coverage is provided to full time employees with an additional 10% cost to the employees. The Plan proposed is an Excellus Top 2 Platinum coverage. For 2018 there is a Platinum 2, 5 and 6. The employee's cost increases while the town cost decreases. Employees also have the option of buying up to the next Platinum on their own. Primary care and specialist co-payment and emergency visits will increase for employees. The Platinum 5 cost is recommended. The Medicare renewal will also be continued for retirees, however, smaller group coverage would be changed. Retirees also pay 10% of their Medicare coverage. The town has provided adequate fund within the 2018 budget. A history of the past 7 to 8 years has been provided to the Board.

There is an opportunity to provide part-time employees working 20 hours or more some benefits and examples of basic life coverage was presented.

The Town would also like to provide AFLAC coverage. They would like to provide an AFLAC coverage, with at least 3 employees interested. Cost to the town is only administrative.

Voluntary items include vision, dental or life insurance through Finger Lakes Consortium. The cost to the town is only administrative.

Councilperson McCarthy recognizes not much difference with today's medical coverage benefit.

Supervisor Frank commented that there was no further discussion by the Board and all resolutions regarding health care should be presented and voted upon.

**RESOLUTION #221-2017** Re: Employee Healthcare Plan

Councilperson Woolaver moved to approve the adoption of the Excellus Health Plan 2018 Platinum - 5 (Co-Pay) Benefit Plan for full-time, and retired employees with the option to buy up to the Platinum 2, effective January 1, 2018. Councilperson McCarthy seconded the motion.

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

**RESOLUTION #222-2017** Re: Employee Medicare Plan

Councilperson Woolaver moved to approve the adoption of the Excellus Medicare BlueChoice Small Group 4 Renewal & Alternate Plan 2018 for full-time and retired employees effective January 1, 2018. Councilperson McCarthy seconded the motion.

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

**RESOLUTION #223-2017** Re: Employee Dental Plan  
 Move to approve the adoption of the Excellus BCBS Dental Blue Options Benefits including Voluntary Dental to full-time\_employees effective January 1, 2018. Councilperson McCarthy seconded the motion.

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

**RESOLUTION #224-2017** Re: Employee Life Insurance Plan  
 Move to approve the adoption of the Basic Life/AD&D Enhanced Benefit Option Mutual of Omaha Plan for full-time employees and non-seasonal part-time employees working 20 or more hours per week\_effective January 1, 2018 for a 24 to 32 month period. Councilperson McCarthy seconded the motion.

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

**RESOLUTION #225-2017** Re: Employee Vision/Eyewear Plan  
 Councilperson Woolaver moved to approve the adoption of the In-Network and Out-of Network Member Plans for vision and eyewear for all full-time, non-seasonal part-time employees working 20 hours or more effective January 1, 2018. Councilperson McCarthy seconded the motion.

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

**RESOLUTION #226-2017** Re: AFLAC Insurance Plan  
 Councilperson Woolaver move to approve the adoption of AFLAC (American Family Life Assurance Company) voluntary coverages for all full-time, non-seasonal part-time employees working 20 hours or more effective January 1, 2018. Councilperson McCarthy seconded the motion.

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| Roll: Councilperson Woolaver | aye |  |
| Councilperson McCarthy       | aye |  |

