

RUSH TOWN BOARD
Minutes of March 26, 2014

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Richard Anderson at 7:00 PM on March 26, 2014, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT: Richard Anderson	-----	Supervisor
Kathryn Steiner	-----	Councilperson
Daniel Woolaver	-----	Councilperson
Cathleen Frank	-----	Councilperson, Deputy Town Supervisor
Rita McCarthy	-----	Councilperson
Pamela Bucci	-----	Town Clerk
Frank Pavia, Esq.	-----	Attorney for the Town

OTHERS PRESENT:

Mark David	-----	Highway Superintendent, Resident
Carol Barnett	-----	Resident
Dave Sluberski	-----	Resident
Marianne Rizzo	-----	Resident
Tim McCarthy	-----	Resident
Daniel Wheeler	-----	Resident

I. OPEN FORUM

Supervisor Anderson welcomed all to the meeting and opened the floor to anyone wishing to address the Town Board. If an answer is readily available, it will be addressed. Those requiring research will be answered at a later date.

Resident Dave Sluberski read aloud and submitted a typed inquiry of solar information related to discussions at recent Town Board meetings. Mr. Sluberski also addressed his consensus and own opinion of development in Rush, property investment and respect for the community needs.

Resident Marianne Rizzo commented that she is in favor of a solar plan and asked specific questions related to it, including site location and possible power for the entire town.

Supervisor Anderson stated that the Town Board was advised of a solar opportunity specifically designated for municipality facilities. The Town Board has approved obtaining a solar proposal. Preliminary work was done by an engineering company that believes it would be feasible for the town. A

developer, however, can determine whether or not the proposal is feasible. It is suggested that solar panels would be placed on the grid and additional solar would be placed on the grid. Utility demand for the town hall, library, fire department and highway garage would be deposited into one grid so that all energy would funnel into one location. Acreage on the BOCES property was mentioned, however, that may not be the location that the solar company will recommend. Without a proposal, it is somewhat nebulous at this point. Power lines must be in close proximity to where a solar site would provide the most favorable meter rate. More details will be shared once a proposal is received.

II. APPROVAL OF MINUTES

Minutes of the March 26th meeting will be available prior to April 2.

III. APPROVAL OF TRANSFER

A transfer of funds is unnecessary at this time.

IV. APPROVAL OF ABSTRACT

RESOLUTION #78-2014

Councilperson Steiner moved Be It Resolved that having audited all the claims against the funds listed on Abstract #6 for vouchers #2014 299 through #2014 359 are allowed for payment in the amount of \$25,424.34. Supervisor Anderson seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson Steiner	aye	
Councilperson Frank	aye	
Councilperson McCarthy	aye	
Supervisor Anderson	aye	carried.

Supervisor Anderson stated that since November, the town has been undergoing an audit by the New York State Comptroller's Office. The Town Clerk Bucci creates the abstract and Town Supervisor Anderson reviews and, if acceptable, signs the vouchers. As an auditor's suggested policy, both the Supervisor and an additional Board member should audit the vouchers. Town Clerk Bucci will continue to create the abstract, and additionally both the Supervisor and a rotating councilperson will be auditing the vouchers prior to the Town Board meeting. Councilperson McCarthy audited Abstract #6.

V. CORRESPONDENCE

Council of Governments (COG)– Supervisor Anderson stated towns within the County are proposing to oppose Governor Andrew Cuomo's tax freeze. All members of the Town Board attended the Board of Education's budget

meeting wherein the Rush-Henrietta School District Board of Education also opposes the tax freeze. A notice received by Ron Nesbitt, Chairman of Council of Governors (COG) and Maggie Brooks, Monroe County Executive, will be holding a joint press conference on Thursday, March 20 at 10 AM at the County Office Building atrium regarding the Governor's tax freeze and existing shared services in Monroe County. Supervisor Anderson commented that he hoped to hear why the shared services portion of the 2014 Town and County tax bill was greater for small towns than larger towns within the County.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver attended the Rush-Henrietta School Board budget presentation. All members of the Recreational Agricultural Citizens Committee (RACC) committee have been contacted for a scheduled meeting on April 17, 2014, at 7 PM.

Councilperson Steiner also attended the Rush-Henrietta School Board presentation wherein a 1.3% increase of taxes was proposed which basically covered inflation. Councilperson Steiner has been unsuccessful in contacting RACC Chair Jerry Horton.

Councilperson Frank attended the Rush-Henrietta School Board meeting.

Councilperson McCarthy also attended the Rush-Henrietta School Board meeting.

Supervisor Anderson stated that the total tax rate of 2.3% represents inflation plus the increase in tax levy, equal to the mandate. The school tax rate is currently \$19.60 per \$1,000, the lowest of all 17 school districts within Monroe County. The proposed increase will be .25 cents making the rate \$19.85 per \$1,000. Interestingly, the district is either 3rd or 4th in amount of spending per student.

Supervisor Anderson inquired about a possible school tax veteran's exemption. When and if presented, the town may follow Monroe County's recommendation. The Board of Education noted that if District were to approve a veteran's exemption on school taxes, all property owners not eligible for the exemption would realize a 1.9% tax increase.

VII. OLD BUSINESS

A. Update of the Public Hearing – Proposed Rezoning of 7252 West Henrietta Road – Supervisor Anderson stated that all written communication received by the Town was provided to all interested parties.

Attorney Pavia stated that Rush Associates LLC is planning to submit a modified petition and application to rezone the property. The agent was advised that the submission would require modification of the EAF that accompanied their petition. Once received, copies of the documentation would be re-circulated to all the involved agencies pursuant to SEQRA (State Environmental Quality Review Assessment) and town agencies; same process and previously done.

Supervisor Anderson stated that initially, the agent representing Rush Associates LLC spoke of a substantial downsizing of the proposal, however, a petition has not been submitted at this date.

VIII: NEW BUSINESS

A. Resolution for Highway Department Purchase of Dump Truck and Snow Plow Equipment – Highway Superintendent David requested approval to piggyback a purchase of a new 2015 6x4 cab/chassis truck with snow plow equipment off Oneida County Contract award #1692 and #1685. The cost is \$205,697.00. Budget funds were approved in the 2014 budget. The cost includes a transfer of machinery/shop account funds.

Councilperson Steiner asked for the meaning of piggyback.

Highway Superintendent David stated that a State legislative act was approved in November of 2013 allowing municipalities to obtain the same best pricing of the larger municipalities by using the same contract specifications and paying the same price. Larger towns may buy multiple trucks at a reduced cost. Smaller towns or state agencies are granted the same product and pricing. New York State Office of General Services has scaled back their best price bid services.

Attorney Pavia reiterated that Rush benefits from the economy and scale that the County is provided for bidding.

RESOLUTION #79-2014

Councilperson Steiner moved to authorize the Highway Superintendent David's purchase of a 2015 6x4 cab/chassis truck with snow plow equipment off Oneida County Contract award #1692 and #1685. The 2014 budget funds of \$205,000.00 from DA5130.2 Equipment Capital Outlay and an additional \$697.00 transferred funds from DA5130.4 Machinery will cover the cost. Councilperson Frank seconded the motion.

Roll:

Councilperson Woolaver	aye
Councilperson Steiner	aye
Councilperson Frank	aye

Councilperson McCarthy	aye	
Supervisor Anderson	aye	carried.

Superintendent David stated that the 1999 truck will be placed at auction in the fall.

B. Resolution to Accept the Rush Town Court Audit - Supervisor Anderson stated that once a year, the State requires the Town Board to do an audit of the Court following a set of procedures. Councilwoman McCarthy and Councilman Woolaver completed their review of the justice court records and provided their findings.

RESOLUTION #80-2014

Councilperson Woolaver moved to accept the audit of the Rush Town Justice Court Records provided by Councilwoman McCarthy and Councilman Woolaver. The records will be sent to Director of Internal Audit, NYS Office of Court Administration, 98 Niver Street, Cohoes, New York 12047. Councilperson McCarthy seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson Steiner	aye	
Councilperson Frank	aye	
Councilperson McCarthy	aye	
Supervisor Anderson	aye	carried.

C. New Lease Request from New York Museum of Transportation – Supervisor Anderson has received a request from the New York Museum of Transportation for an expanded right of way, additional access and a dedicated forever wild area which may include a federal wetlands area. The Town Engineer along with Attorney Pavia will be reviewing the lease agreement and specific requests over the next few months. The current lease ends June 30, 2014.

D. Resolution to create a Citizens Committee for possible Zoning Code amendments – Supervisor Anderson stated that before and after this past November, zoning code amendments were the topic of discussion and there are recognized needs in revising zoning for long term use, especially in the hamlet. Some properties have been grandfathered, others that become uninhabited for over a year revert back to their original zoning. Obtaining mortgages for a residential property versus a commercial one are held to higher banking regulations. A list of properties and their zoning history is being compiled. Additionally, zoning information is being collected such as allowed boat and snowmobile trailers, number allowed and placement of vehicles for reference purposes.

Supervisor Anderson requested Town Clerk Bucci to advertise for residents interested in serving on the Zoning Code Citizens Committee. The deadline for receipt of applications will be set at 3 weeks.

RESOLUTION #81-2014

Councilperson Woolaver moved to create a Zoning Citizens Committee charged with making recommendations for amendments to the current Town Zoning Code. Councilperson Frank seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson Steiner	aye	
Councilperson Frank	aye	
Councilperson McCarthy	aye	
Supervisor Anderson	aye	carried.

VIII. OPEN FORUM

Resident Dave Sluberski stated that (1) the New York Transportation Museum is one of the jewels of Rush. His students from RIT film on the property and there are big productions coming to upstate New York that may utilize the property for filming. Mr. Sluberski suggested that the Town work with the Museum in selling the land to them for a dollar so that they can prosper; (2) stated that Rush is not one size fits all and zoning may be different in other areas of town.

Supervisor Anderson stated that the New York Transportation Museum has not asked to buy the land. There are abandoned water and sewer lines on the property that the Town must investigate.

Attorney Frank Pavia stated that under New York State Law municipalities cannot sell land for \$1. The Town must receive a fair market value.

Resident Sluberski also asked what duties the members of the Zoning Citizen's Committee will be charged with.

Supervisor Anderson stated that the Zoning Citizens Committee is charged with making recommendations to the Town Board on areas of the Zoning Code to be addressed and areas of town that have different circumstances for zoning. Once the recommendations are presented, additional research will be necessary. Issues exist within the hamlet and properties with larger acreage may not have the same issues as areas in a cul-de-sac.

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Resident Marianne Rizzo stated that different areas of Rush have different circumstances. Also asked was what constitutes a forever wild property.

Supervisor Anderson responded that there may be different definitions of forever wild. The Town Engineer will be studying possible federal wetland that may exist in the proposed area.

IX. ADJOURNMENT

There being no further business, the meeting was adjourned by Supervisor Anderson at 7:45 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci
Town Clerk