

RUSH TOWN BOARD
Minutes of July 25, 2012
Regular Meeting

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Richard Anderson at 7:00 PM on July 25, 2012, at the Rush Town Hall, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT:	Richard Anderson	-----	Supervisor
	William Riepe	-----	Councilman, Deputy Town Supervisor
	Lisa Sluberski	-----	Councilwoman
	Kathryn Steiner	-----	Councilwoman
	Daniel Woolaver	-----	Councilman
	Pamela Bucci	-----	Town Clerk
	John Mancuso, Esq.	-----	Town Attorney

OTHERS

PRESENT:	Carol Barnett	-----	Resident
	Mark David	-----	Highway Superintendent, Resident
	Marianne Rizzo	-----	Resident
	Connie Coraci	-----	Resident Youth
	Bella Coraci	-----	Resident Youth
	Jade Shea	-----	Resident Youth
	Ansgar Schmid	-----	Resident
	James Bucci	-----	Resident

I. OPEN FORUM

Supervisor Anderson opened the meeting and explained the open forum process. The Town Board would either respond immediately to questions or topics presented during the meeting or respond to them at a future date. Supervisor Anderson additionally welcomed all the young people present at the meeting.

II. APPROVAL OF MINUTES

RESOLUTION #118-2012

Councilwoman Sluberski moved to approve the Minutes of July 11, 2012, as written by the Town Clerk. Councilwoman Steiner seconded the motion.

Roll:

Councilman Riepe	aye
Councilwoman Sluberski	aye
Councilwoman Steiner	aye
Councilman Woolaver	aye

Supervisor Anderson aye carried.

III. APPROVAL OF ABSTRACT

A transfer of Funds is not required at this time.

RESOLUTION # 119-2012

Councilwoman Sluberski moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #7-2, for vouchers #755 through #809, that they be allowed in the amount of \$20,217.41. Councilman Riepe seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

Supervisor Anderson added that Page 5 and 6, vouchers #791 and 797 are reimbursable items that are part of the insurance claim associated with the Town Hall fire on March 5, 2012 and will not be coming out of town funds.

IV. CORRESPONDENCE

Rush Rifle Range Schedule – Supervisor Anderson stated that the Rush Rifle Range schedule for August has been posted on the town website.

Monroe County Office of Real Property Taxation – Letter received reaffirms that the Town's equalization rate is 100%. There will be no increase in charges due to an unequal equalization rate of less than 100%.

V. REPORTS OF OFFICERS AND COMMITTEES

Councilman Riepe attended the Fire District meeting. Firefighter training at the town's acquired BOCES property is working well. Councilman Riepe asked Attorney Mancuso of a signed agreement. Attorney Mancuso responded that there is a lease agreement to occupy the building. Supervisor Anderson added that the lease agreement has been fully executed by the Town and Fire Commissioner Faugh.

Councilman Riepe stated that the Planning Board would like to present John Felsen with a plaque for many years dedicated services. Supervisor Anderson added that Don Van Lare has also chaired the Zoning Board for many years.

Councilman Riepe commended Superintendent Mark David and his crew's work on Boulder Creek and installation of the Town flag pole.

Councilwoman Sluberski attended the Zoning Board meeting where applications were approved for a side and front setback variances for 34 Aprille Lane. Three zoning board members are attending training classes. The Zoning Board briefly discussed reviewing the definition of "family" in the Code as it pertains to the number of and relationship to persons that constitutes a family. They also briefly discussed PODS.

Code Enforcement Officer Kusse requested the exact meaning the Zoning Board was referring to, either PODS or outside storage units. Councilwoman Sluberski did not know which area of the Code they were discussing. Supervisor Anderson and Code Enforcement Officer Kusse will review the definitions and uses and further contact Attorney Mancuso.

Councilwoman Sluberski will ask Zoning Chair Van Lare for the specific context in the code sentence structure to be reviewed.

Councilman Woolaver, on behalf of a resident, asked about the acquired BOCES property in regard to biking trails or horse trails that can be adapted for those uses. Supervisor Anderson stated that the advertisement for the Recreational Uses Citizen's Committee has been posted and previous discussions with the Forestry Unit referred to a wide range of trail uses. Councilman Woolaver further asked for a copy of the map. Supervisor Anderson will request a possible copy from the Assessor's GIS system.

Councilman Woolaver also stated that a resident living by the property noted that one of the barns needs a new roof. Supervisor Anderson is knowledgeable of the cow barn's roof.

Councilwoman Steiner attended the Library Board meeting. The preliminary budget was approved with a 2.8% increase. The Library sign and tax-exempt status was also discussed.

Councilman Riepe is interested in receiving a copy of the Library Board minutes.

Code Enforcement Officer Gerald Kusse had no report.

Town Clerk Bucci has filed the monthly Town Clerk report with the Supervisor for June revenues totaling \$11,095.95. Advertisement for committee members will be posted in the PennySaver for both the Working Hydrofracking Committee and Recreational Uses Committee. A republican primary for the 133rd Assembly District will be held on September 13th from 12 noon until 9 PM at the Rush Town Pavilion. A potentially larger crowd and cooler weather have prompted the November Presidential Election to be held at the Rush United Methodist Church.

The Board of Elections will send all voters a notice of change in voting site. Supervisor Anderson added that the August/September newsletter which went to press today will include items in the town clerk report.

VI. OLD BUSINESS

A. Town Hall Fire Update – Supervisor Anderson has scheduled a meeting with Town Clerk Bucci and the insurance adjuster to review final costs associated with retrieving all records kept in the vault.

Town Clerk Bucci added that she was looking forward to getting records returned. She added that although records have been out of the office for some time, service to the residents has been seamless.

B. Mr. Chase's Letter – Supervisor Anderson sent Mr. Chase a response to his June 2012 letter which included a timeline of both the Bock House, 6101 East Henrietta Road, Rush Mart at East Henrietta Road and Exit 11 Auto at West Henrietta Road that related to planning and/or zoning issues. The Town's attorney has provided a procedural summary of the petition/referendum process. Supervisor Anderson also provided a 2010 and 2011 Zoning Board of Appeals year-end report outlining the 50% variance approval rate.

Any local law designed to amend the zoning code is required to be introduced by the Town Board. Any citizen can petition the Town Board to change the code.

Attorney John Mancuso has supplied procedures of Home Rule Law in amending a local law, handing of petitions and requirements of referendums. Amending a code requires the Town Board to propose it in a public hearing. A petition must be submitted to the Town Board with recommendations of amendment or introduction thereof. The Board then takes it under advisement, however, is under no obligation to present it to the public for a hearing. In changing or proposing a local law of zoning or planning, a referendum is not required.

Supervisor Anderson opened the floor for specific questions.

Carol Barnett asked for clarification of referendum and petition process in changing the code. Supervisor Anderson responded that a referendum is not required to change the code. Citizens can petition the Town Board to review their suggested changes in the code. Action of the item must be done by the legislative body.

Supervisor Anderson met with Mr. Chase. Mr. Chase may consider presenting a petition one law at a time.

The floor was then open for questions.

Marianne Rizzo suggested that Supervisor was very thorough in his response to Mr. Chase's correspondence.

C. Betsy Hallock Manuscript Progress – The town attorney has prepared a release of copyright assignment for publication purposes. Once the last of 3 heirs provides consent, the manuscript will go to press.

VII. NEW BUSINESS

A. Library Sign Proposal – Supervisor Anderson has met with Library Director Kirsten Flass regarding a double sided library sign at the front of the building, situated vertically in front of the flag pole. A pictorial representation was provided and circulated to the Board and through the audience. Placement of the Library sign is outside of the right of way. The Friends of the Rush Public Library will be funding the sign which will be constructed by Turning Point Signs & Design to match the existing town signs. Lettering to the bottom of the sign will include "Entrance in Rear".

Councilwoman Steiner stated that at last night's Library Board meeting, a final determination of a 2-sided sign and which way it faced was not made. Barring a final design by the Library Board, Supervisor Anderson requested a motion of approval for the pictorial sign presented.

RESOLUTION #120-2012

Councilman Riepe moved to authorize the Friends of the Library to erect a two-sided Town of Rush Public Library sign including a single panel of "Entrance in Rear" to be placed vertically in front of the library as represented by the graphic design provided to the Town Board. Councilwoman Sluberski seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

Supervisor Anderson noted that if the Library Board approves a sign which deviates from the Town Board's resolution, a separate process is required.

B. Agreement to Share Highway Equipment – Highway Superintendent Mark David submitted a recommendation to share town-owned equipment with the

Rush-Henrietta School District for the reconstruction of a baseball field. Rental agreement falls under Highway Law 142-b(3).

RESOLUTION #120-2012

Councilwoman Sluberski moved to allow Highway Superintendent David to enter into an agreement with the Rush-Henrietta School District to share construction equipment for the reconstruction of a baseball field on school property at the current NYS rental and operator's rate. Councilman Riepe seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

C. Appraisal Services – Supervisor Anderson stated that on occasion, residents sue the town in regard to their assessed value. The town has 2 outstanding cases. As part of the legal procedure, a summary appraisal must be performed by an outside firm for 300 Roswall Lane, Rush. A secondary step is a court-ready appraisal including testimony. The fee associated with the summary appraisal report is \$3,800 which has been budgeted by the Town Assessor.

RESOLUTION #121-2012

Councilwoman Sluberski moved to authorize the Supervisor to enter into an agreement with Arrow Appraisal Service, Inc., 5266 Seneca Street, West Seneca, New York 14224 to perform a summary report appraisal of 300 Roswall Lane, Rush, New York for an amount not to exceed \$3,800.00 which amount is budgeted. Councilwoman Steiner seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

Supervisor Anderson noted for the record that \$3,800 is the going rate for a court action real estate appraisal. Both sides of the action have a prepared appraisal. At the time, a compromise is advised so that the action can be settled. Litigation cost is also avoided.

D. Budget Meetings – the Town will hold budget meeting on August 15th and August 22nd at 7 PM or soon thereafter the Town Board meeting. Appropriate

notices have been given to the Town Board and notices have been posted. Supervisor Anderson provided an outline of the budgeted calendar. Monroe County Offices request that all towns are diligent in providing an approved budget on or about the end of November so that they can supply a timely budget.

VIII. OPEN FORUM

Supervisor Anderson opened the floor asking all that wish to address the Town Board state their name and address.

Connie Coraci, youth present, said hello.

Supervisor Anderson additionally added that any scout attending or addressing the board would likely be able to use it toward a citizenship award. Town Clerk Pamela Bucci will provide documentation that scouts were in attendance at the Town Board meeting so that it may be credit toward a future merit badge.

Marianne Rizzo, having been to a recent meeting, suggested that the Housing Council would provide a proper definition of a family.

IX. ADJOURNMENT

There being no further business, the meeting was adjourned by Supervisor Anderson at 7:35 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci
Town Clerk