

RUSH TOWN BOARD  
Minutes of April 9, 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 April 9, 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   |
|  | James Bucci   | ----- | Resident                           |
|  | Mary Knapp    | ----- | Resident                           |
|  | Dick Knapp    | ----- | Resident                           |
|  | Carol Barnett | ----- | Resident                           |
|  | Gerry Kusse   | ----- | Code Enforcement Officer, 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.

II. APPROVAL OF MINUTES

**RESOLUTION #82-2014**

Councilperson Steiner moved to approve the Minutes of April 9, 2014, as submitted by Town Clerk Pamela Bucci. Councilperson McCarthy seconded the motion.

Roll:

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

III. APPROVAL OF TRANSFER

A transfer of funds is unnecessary at this time.

IV. APPROVAL OF ABSTRACT

**RESOLUTION #83-2014**

Councilperson Steiner moved Be It Resolved that having audited all the claims against the funds listed on Abstract #7 for vouchers #2014 360 through #2014 423 are allowed for payment in the amount of \$80,364.98. Councilperson Frank seconded the motion.

Roll:

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

As a recommended auditing measure, both Councilperson McCarthy and Supervisor Anderson audited the claims presented on the abstract by Town Clerk Bucci.

V. CORRESPONDENCE

NYS DOT 2014-2015 Budget - Supervisor Anderson read aloud a letter from NYS DOT regarding the fiscal year and transparency of funds. C.H.I.P.S. (Consolidated Local Street and Highway Improvement Program) and the Marchiselli Highway Improvement Program funds will be directly provided by the NYS State Comptroller's Office. This year they amount to \$438 Million.

Superintendent David stated that Rush will not be receiving Marchiselli funds, only 3 to 4 towns within the County qualify. Rush will be provided C.H.I.P.S. money. Potholes relief is not covered in the C.H.I.P.S., however, they will be included in road maintenance. State Senator Ted O'Brien has supported and made road maintenance a top priority. Superintendent Mark David visited Albany to lobby for additional funds and received \$5,728 for pothole relief.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver attended the Conservation Board meeting.

Councilperson Steiner, liaison to the Conservation Board, attended the meeting wherein they discussed a scheduled hike on May 3<sup>rd</sup> at 10 AM on the former BOCES property. Interested parties are welcome to attend.

Councilperson McCarthy, liaison to the Library Board of Trustees, attended their meeting. They continue to plan for the 100<sup>th</sup> anniversary of the Library. An

event is planned for June 7 at 7 PM at Wildwood Country Club. Ticket sales are pending. The Friends of the Library is planning a community seating area and possibly an electric fireplace to be added in the library.

Councilperson Frank had no report.

Attorney Pavia had no report.

Town Clerk Bucci (1) previously submitted the February monthly report to the Supervisor with revenues in the amount of \$ 12,292.67 and submitted the March monthly report to the Supervisor with revenues in the amount of \$13,448.68, (2) there is roughly \$360,000 in 2014 town and county tax payments yet to collect; (3) has received a letter of resignation, with regret, from Zoning Board of Appeals member Kelly Pruden. There has been a change in the code of conduct for judicial employees and appointments on any governmental board are discouraged. She was very honored to have served and have the benefit of the high level of experience and knowledge that is currently on the Zoning Board of Appeals. Her term expires December 31, 2017.

The gardener position has yielded 3 interested parties and the deadline for submitting is April 13<sup>th</sup>.

**RESOLUTION #84-2014**

Supervisor Anderson moved to allow Town Clerk Bucci to advertise for the open Zoning Board of Appeals position in a town designated newspaper. Councilperson Frank seconded the motion.

Roll:

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

Code Enforcement Officer/Building Inspector Gerry Kusse had no report.

Superintendent David stated that the CHIPS monies will not cover potholes but bigger upgrades. Snow and ice equipment will be stored away shortly and lawn damage restoration will commence. The townwide brush pickup will be beginning April 21<sup>st</sup> and snow fences will be taken down.

Supervisor Anderson met with the Farmland Advisory Committee where they discussed their charter and distributed the Farmland Protection Grant Plan. John Brennan, Farmland Preservation Specialist was also contacted. The Town

has received the reimbursement for their previous grant and there may be an additional \$28million in funding set aside for Paid Development Rights (PDR) to farmers. The town match may not exceed 15% to 25% match. Economic development incentives also exist.

VII. OLD BUSINESS

A. Update of the Public Hearing – Proposed Rezoning of 7252 West Henrietta Road – Supervisor Anderson stated that the town, nor town attorney or town engineer, has received an amended proposal.

B. NYS Transportation Museum Update – Supervisor Anderson stated that renewal of the lease with additional requests was reviewed by the town's attorneys and they recommend renewal consistent with the original terms and conditions. Attorney Pavia stated that the Town is not in a position to entertain a transfer of property. Municipalities cannot in this instance. A fair market value must be received. Attorney Pavia will prepare a letter outlining the Town's legal obligations and the codicils of that the property.

VIII: NEW BUSINESS

A. Resolution to renew Suburban Animal Hospital Contract – Supervisor Anderson stated that the Town contracts with Suburban Animal Hospital to house dogs that the Dog Control Officer (DCO) finds running at large. A fee of \$12 per day is charged and dogs are provided necessary rabies vaccinations and care when warranted. The cost is then paid for by the dog owner. Dogs are held, per Town Code, for no more than 3 days before they are released to Lollipop Farm for adoption.

**RESOLUTION #85-2014**

Councilperson Steiner moved to allow Supervisor Anderson enter into a contract with Suburban Animal Hospital for one year commencing January 1, 2014 through December 31, 2014, for the purpose of housing dogs at large for an extended period of time and fee. Councilperson Woolaver seconded the motion.

Roll:

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

B. Proposed Resolution to provide Background Checks for Recreation Personnel – Supervisor Anderson stated that Recreation Supervisor Patricia Stephens

recommended that background checks be done on all recreation personnel by Protect Youth Sports, an accredited agency.

Discussion amongst the Board took place regarding costs associated with the checks and amendments to the Town Employee Manual.

Attorney Pavia noted that the Employee Handbook should be amended to include that employees should be subject to a background check when interfacing directly with youth or children.

These particular background checks cover the overall basis. Library Director Kirsten Flass will be contacted about requiring the checks for library staff.

**RESOLUTION #86-2014**

Councilperson McCarthy moved to authorize a revision to the Employee Manual which includes background checks to be performed for all recreation department personnel and/or other department employees who interface with youth or children groups that may warrant some type of investigation. Councilperson Woolaver seconded the motion.

Roll:

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

Attorney Pavia mentioned that going forward, as a proper precaution, the Town Board has a right to require that all town employees be required to undergo a background check for employment.

Supervisor Anderson stated that Resolution #81-2014 of March 26, 2014, is to be amended with additional criteria. The Town Board formed Zoning Citizens Committee is to be comprised of a maximum of 5 town resident who are not serving on a current town board and that the liaison to the Citizens Committee is Councilperson Woolaver, liaison to the Zoning Board of Appeals.

**RESOLUTION #87-2014**

Councilperson Woolaver moved to amend Town Board Resolution #81-2014 of March 26 which formed the Zoning Citizens Committee. The Committee is to be comprised of a maximum of 5 town resident who are not serving on a current town board and that the liaison to the Citizens Committee be Supervisor Anderson's appointment of Councilperson Woolaver, liaison to the Zoning Board of Appeals. The Zoning Citizens Committee is to be charged with making

recommendations for amendments to the current Town Zoning Code to the Town Board. Councilperson Frank seconded the motion.

Roll:

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

IX. OPEN FORUM

Resident Carol Barnett asked for reaffirmation that the Zoning Citizens Committee notice was not yet posted. Supervisor Anderson agreed that it had not and that the composition of the Citizens Committee needed to be specified. It will now be posted.

X. 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