

RUSH TOWN BOARD
Minutes of January 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 January 25, 2012, at the Rush Town Offices, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT: Richard Anderson ----- Supervisor
William Riepe ----- Councilman, Deputy Town Supervisor
Kathryn Steiner ----- Councilwoman
Daniel Woolaver ----- Councilman
Pamela Bucci ----- Town Clerk
Frank Pavia, Esq. ----- Attorney for the Town

EXCUSED: Lisa Sluberski ----- Councilwoman

OTHERS

PRESENT: Carol Barnett ----- Resident
Ted Barnett ----- Resident
Patricia Kraus ----- Resident
Ansgar Schmid ----- Resident
Jim Bucci ----- Resident
Christopher Giordano ----- Resident
Svetlana Lukishova ----- Resident
Robert Kraus ----- Resident
Jordan Kleiman ----- Resident
Kathryn Cappella-Hankins ----- Resident
Beth Hoak ----- Resident
Marianne Rizzo ----- Resident
Joan Starkweather ----- Resident
Harvey Seymour ----- Resident
Mark David ----- Highway Superintendent, Resident
Gerry Kusse ----- Code Enforcement Officer (CEO)/
Building Inspector, Resident
Julia Lederman ----- Resident

Supervisor Anderson stated that although Councilwoman Sluberski is excused from the meeting, he did discuss the agenda items for her input.

I. OPEN FORUM

Supervisor Anderson asked that all present sign in and provide their address so that if the Board cannot respond directly, they may respond to them at a later date. He then offered the floor to anyone wishing to address the Board.

Resident Kathryn Cappella-Hankins requested that meetings be recorded so that Minutes can provide a person's names and address.

Town Clerk Bucci responded that minutes are recorded. All persons speaking who provide their name and all those that sign the attendance record are included in the Minutes, however, addresses are not included in the record. Persons recite their address so that the Board is advised of their residency.

Resident Jordan Kleiman, representing Rush Citizens Concerned Committee ("RCCH") on Hydrofracking, stated that time is of the essence on this subject. Dr. Kleiman stressed the fact that a moratorium would eliminate issuance of permits and difficulties thereafter. The RCCH is aware that Hinman Straub, attorneys at law, representing an independent gas company, has submitted a letter requesting a proposed local law in support of hydrofracking. The RCCH believes that having submitted this information means that they are interested in the Utica Shale and Rush should be concerned. Dr. Kleiman submitted a proposed timeline in consideration of a moratorium process. Also submitted was a copy of an article in the City Newspaper entitled Environment: 'Facts were missing from fracking story' and his response.

II. APPROVAL OF MINUTES

RESOLUTION #54-2012

Councilman Riepe moved to approve the Minutes of January 11, 2012, as submitted by the Town Clerk. Councilwoman Steiner seconded the motion.

Roll:

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

III. APPROVAL OF TRANSFER

RESOLUTION #55-2012

Councilman Riepe, motioned, BE IT Resolved, that having audited all the unexpended balances of existing appropriations in the GENERAL, HIGHWAY and LIBRARY funds, I move that transfer #54 through #65 in the amount of \$22,497.32 be allowed.

General Fund

Transfer Number	Decrease Appropriation			Increase Appropriation	
	Amount	Account	Description	Account	Description
54	327.43	A-1355.2	Assessment	A-1355.4	Assessment
			Personal Services		Contractual
			Transfer for legal defense		
55	256.25	A-1220.4	Supervisor	A-1310.4	Finance
			Contractual		Contractual
			Transfer for Accounting Software upgrade		
56	332.20	A-1220.4	Supervisor	A-1620.2	Building
			Contractual		Capital Outlay
			Transfer for electrical work		
57	2,596.91	A-1990.4	Supervisor	A-1420.4	Legal
			Contingency		Contractual
			Transfer for legal defense outside retainer		

Highway Fund

Transfer Number	Decrease Appropriation			Increase Appropriation	
	Amount	Account	Description	Account	Description
58	203.45	DA-5130.1	Machinery	DA-5110.4	Repairs
			Personal Services		Contractual
			To Reallocate Hwy Budget per Mark David		
59	5,123.29	DA-5142.1	Town Snow Removal	DA-5142.4	Town Snow Removal
			Personal Services		Contractual
			Transfer to cover Y/E Salt Purchase per Mark David		
60	1,660.29	DA-5130.4	Machinery	DA-5148.4	Services to Other Govts
			Contractual		Contractual
			Transfer to cover Y/E Salt Purchase per Mark David		
61	8,370.60	DA-5148.1	Services to Other Govts	DA-5148.4	Services to Other Govts
			Personal Services		Contractual
			Transfer to cover Y/E Salt Purchase per Mark David		
	1,822.77	DA-5140.4	Misc/Brush/Weeds	DA-5148.4	Services to Other Govts

repair, some disadvantaged housing and American Disabilities Act (ADA) needs. Because of demographics, Rush is ineligible for some funding, however, Rush has received funding for ADA compliant projects. In most cases, Monroe County provides brochures and information for resident funding. Brochures are displayed in the Town Clerk's lobby area and advertised in the Town Newsletter.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilman Woolaver had no report.

Councilwoman Steiner had not report.

Councilman Riepe attended the Rush Fire District Commissioner's meeting as well as the Planning Board meeting.

Town Clerk Bucci reported that the monthly report filed with the Supervisor indicated revenues collected in the amount of \$8,142.94 for the month of December, 2011, with the majority of it coming from the recreational afterschool payments and retiree healthcare premiums. Town and County taxes so far have been collected in the amount of \$969,000.00. Taxes due are approximately \$3,175,000.00.

Town Clerk Bucci reported that Freedom of Information requests have been received from engineering firms requesting information of the vacant Dorschel property on West Henrietta Road as well as 30 and 50 High Tech Drive.

Code Enforcement Officer Kusse had no report.

Highway Superintendent Mark David reported that Highway Superintendents met with Senator James Alesi. There is no major change in CHIPS (Consolidated Local Street and Highway Improvement Program) monies; same amount as last year.

Attorney John Mancuso had no report.

Supervisor Anderson attended the Monroe County Supervisor's Association meeting and looks forward to participating on committees.

VII. OLD BUSINESS

A. Hydrofracking Petition for Moratorium – Supervisor Anderson has provided a copy of all hydrofracking materials received in the Town Clerk's Office to each member of the Planning, Zoning and Conservation

Boards. Comments and opinions have been requested by all members either individually or as a Board. The wealth of information already received will be used to guide the Town Board's decision. Any future documents will be circulated to the Town Board, however, the decision process of proposing a moratorium will not be stalled by additional correspondence received. Supervisor Anderson has created a tentative timeline and a deadline for a public hearing proposing a moratorium by March 28.

Although this is not a public forum item, Supervisor Anderson offered the floor to any possible questions.

Resident Carol Barnett asked when a draft for a moratorium would be done. Supervisor Anderson answered that if the town proceeds with a moratorium, three drafts have already been presented to the Town Board for review. The attorney for the town will draft the document. By law, a public hearing notice, which will include the subject matter, will be posted and available to the public in advance of the meeting. The Town Board may take a vote at the public hearing.

Dr. Kleiman, for clarity, stated that a moratorium would specifically provide a timeframe of postponing the permission of hydrofracking to take place in the Town of Rush. It would not eliminate the possibility of hydrofracking.

B. Grazing Agreement Amendment – Supervisor Anderson requested a second amendment to the current First Amendment to Mulch Hay Harvesting Agreement between Chase Farms and the Town of Rush to continue on a month-to-month basis at the rate of \$50.00/month with a 30 day termination notice of either party.

RESOLUTION # 57-2012

Councilman Riepe motioned to allow the Supervisor to sign the Second Amendment to Mulch Hay Harvesting Agreement between Dan Chase d/b/a Chase Partners, Rush, New York to continue on a month-to-month basis for a fee of \$50.00 per month with an option of either party to terminate the agreement with 30 days notice. Councilwoman Steiner seconded the motion.

Roll:

Councilman Riepe	aye
Councilwoman Steiner	aye
Councilman Woolaver	aye

Supervisor Anderson aye carried.

VIII. NEW BUSINESS

A. Clough Harbour (CHA) Agreement – Supervisor Anderson received the town engineering agreement for 2012 which itemizes the municipal consulting services to be provided. Although their charges have increased 2% over last year, they are providing the Town of Rush a lower municipal rate. CHA offers their services to the town when called upon including review and recommendation of planning board applications, updating of town code terminology and specifications, comprehensive plan review and assistance in the farmland preservation plan. A retainer is not required. The Town is not obligated to utilize CHA's services for every town project.

RESOLUTION #58-2012

Councilman Riepe motioned to authorize Supervisor Anderson to enter into a contract with CHA for municipal consulting engineering services as requested. Councilman Woolaver seconded the motion.

Roll:

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

B. AFLAC (American Family Life Assurance Company of Columbus) Proposal - At the request of employees, Supervisor Anderson is entertaining offering AFLAC to town employees. It is a supplemental insurance program. The town will incur no cost but will provide a payroll deduction. The package includes (1) cancer program, (2) health insurance (3) disability income, and/or (4) accident protection.

C. Water District Inquiry - A property owner on Stonybrook Road is beginning to petition for a water district. Six property owners are requesting to extend the district by approximately 2,000 feet. The cost of the extension requires bonding of approximately \$200,000. In New York State, bonding is set at a pension for paying limit of \$672 and the bond must be re-paid within a certain timeframe. Before the property owners enter into the entire process, Supervisor Anderson is offer the town attorney to briefly consult with them on the required engineering study and proposal for a bond issuance, both of which can become very costly.

D. Formation of Citizens' Committee – Supervisor Anderson, during his campaign, pledged to have a Citizens' Committee formed to review the

options of use for the BOCES and Division for Youth (DFY) properties obtained by the Town. On January 31st Supervisor Anderson will be touring the property with a representative of the United States Department of Agriculture who will be providing to the town, at no cost, an agricultural farmland conservation plan for the 2 properties. The plan will form a basis for the Town Board to bid out the agricultural resources for the coming year. An individual has volunteered to chair the committee including donating 8 to 10 hours a week. Supervisor Anderson requested that the Town Board authorize the formation of the Committee and on it to include the Recreation Supervisor as well as a representative from the Rush Fire Department. The Fire Department need not be a sitting member but should be included because they are training on the property. A constraint of the property is that it be used for recreational and agricultural purposes.

RESOLUTION #59-2012

Councilman Riepe made a motion to authorize the Supervisor to form a Citizens' Committee, including an appointed Chair, the town Recreation Supervisor and a representative of the Rush Fire Department. The charter of the committee is to provide recreational/agricultural use options for the 215.73 acres of BOCES property located at 6565 East River Road, Rush, New York and 100+ acres of Division For Youth property located at 375 Rush-Scottsville Road, Rush, New York. Councilwoman Steiner seconded the motion.

Roll:

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

An advertisement for committee members will be advertised in the town's newspapers.

IX. OPEN FORUM

Resident Jordan Kleiman asked that copies of the hydrofracking material being reviewed be available to the public in the Town Clerk's Office as well as the Library.

Both the Clerk's Office and Rush Library will have copies of hydrofracking materials to peruse.

Resident Kathryn Cappella-Hankins stated the historic artifacts Citizens' Committee is finishing their complete report and will shortly have a report for the Town Board.

Resident Kathryn Cappella-Hankins suggested that preliminary information be provided to the public through the Citizen's Committee regarding the town acquired properties. Residents may not be aware that the BOCES and DFY properties were acquired for \$1.00.

Supervisor Anderson noted that all 4 boards of the town have received a hard copy of the hydrofracking material. They may respond with comments either individually or as a group. All have been asked to respond within one month.

Resident MaryAnn Rizzo mentioned that there was an article in the *Democrat & Chronicle* January 25, 2012, regarding New York taking Action against Natural Gas Driller.

X. ADJOURNMENT

Supervisor Anderson thanked all for their interest and in attending the meeting.

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

Respectfully submitted,

Pamela J. Bucci
Town Clerk