

RUSH TOWN BOARD  
Minutes of February 8, 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 February 8, 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
	Lisa Sluberski	-----	Councilwoman
	Kathryn Steiner	-----	Councilwoman
	Daniel Woolaver	-----	Councilman
	Pamela Bucci	-----	Town Clerk
	Frank Pavia, Esq.	-----	Attorney for the Town

OTHERS

PRESENT:	Ansgar Schmid	-----	Resident
	Jim Bucci	-----	Resident
	Joseph Lomedico	-----	Resident
	Landon Brice	-----	Resident
	Joan Starkweather	-----	Resident
	Harvey Seymour	-----	Resident
	Suesthans Ukishous	-----	Resident
	Carol Barnett	-----	Resident
	Mark David	-----	Highway Superintendent, Resident

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.

Supervisor Anderson also welcomed the Boy Scouts present who are working toward a citizenship badge.

II. APPROVAL OF MINUTES

**RESOLUTION #60-2012**

Councilman Riepe moved to approve the Minutes of January 25, 2012, as amended by the Town Clerk. Councilwoman Steiner seconded the motion.

Roll:

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

Councilwoman Sluberski was excused from the prior meeting.

### III. APPROVAL OF ABSTRACT

#### **RESOLUTION #61-2012**

Councilman Riepe moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #2-1, for vouchers #103 through #159, that they be allowed in the amount of \$43,975.58. Councilwoman Sluberski seconded the motion.  
motion.

Roll:

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

### IV. CORRESPONDENCE

Supervisor Anderson had no correspondence to report.

### V. REPORTS OF OFFICERS AND COMMITTEES

Councilman Riepe had no report.

Councilwoman Sluberski had no report.

Councilwoman Steiner, as liaison, attended the Library Board of Trustees meeting. The Wine Tasting Event is scheduled for Saturday, March 10<sup>th</sup>, 7-9:30 PM at Wildwood Country Club, Rush. A "yarn bombing" event has taken place outside the Library and Town Hall.

Supervisor Anderson stated that, with permission, members of the Library knitting group have decorated light poles, the book drop and a number of outside items with samples of knitting which adds a bit of life to a dull campus in the middle of winter.

Councilman Woolaver attended the Conservation Board meeting. Members of the Rush Citizens Concerns About Hydrofracking attended

the meeting and gave a brief presentation. The Conservation Board prepared a memo to the Supervisor and Town Board in support of a town hydrofracking moratorium.

Town Clerk Bucci submitted the monthly report to the Supervisor indicating revenues to the Town for the month of January in the amount of \$3,829.16 with the majority collected for recreational afterschool and pavilion rental payments.

As of February 7, 2012, the Town's portion of 2012 Town and County taxes, \$1,603,349.00, has been collected and submitted to the Supervisor. The remainder of taxes, \$2,539,970.65, will be collected by the Town through May 31, 2012.

Highway Superintendent Mark David will be meeting with NYS Assemblymember Harry Bronson. In the reforming of districts, Assemblymember Bronson may not be representing Rush.

#### VI. OLD BUSINESS

A. Hydrofracking Petition for Moratorium – Supervisor Anderson is awaiting input from both the Planning and Zoning Boards regarding a hydrofracking moratorium. A final decision timeline has been provided for March end. Referral must be made to the Monroe County Planning Board in regard to Section 239m of the General Municipal Law. Attorney Pavia added that whenever a town requests a moratorium, which would prompt a legislative change, the Monroe County Planning Board must also provide their input.

#### B. BOCES Property Update (6565 East River Road) –

(1) Agriculture - On January 31, 2012, Supervisor Anderson walked the property with a representative from the US Department of Agriculture. They will provide a “best” agricultural processes report that would apply to the property, i.e. soil types, slope configuration, federally registered wetlands, etc. A recommendation list is expected by February 10. Once that is reviewed, a quotation will be prepared for local farmers who wish to pursue agricultural activities on the property for the upcoming year.

(2) Forest - Supervisor Anderson is scheduled to walk the property on February 29 with a District Forester who will be providing a forestry management plan so that an action plan may be provided.

(3) Railroad Museum - Supervisor Anderson reported that the Railroad Museum located on Route 251 has had some excavation issues with Mrs. Weaver, who owns the abutting property. The railroad Museum also has a permanent easement on the Weaver property. The Department of Environmental Conservation was involved regarding possible violations in performing the excavation. Supervisor Anderson met with Jeremy Tuke of the Railroad Museum and all possible violations were cleared. After reviewing additional maps, a renewed drainage plan is underway and a sewage pipe, via map, has been located.

C. Update on Water District Inquiry - Supervisor Anderson understands that there is a great deal of cost involved prior to establishing a water district on the part of the participants. Attorney Pavia stated that, upon direction by the Supervisor, he has discussed specifics in considering a water district with Mr. Durkin as well as recommend contacting the engineering firm MRBGroup who has experience in creating water districts. By law, in order for a town to consider a request, proposed plans must be certified by a professional engineer and a thorough financial analysis must be provide for the annual repayment cost per user. The NYS Comptroller's Office requires certain amount caps. All work is required prior to asking the Town Board to consider bonding the project.

D. Update on Formation of Citizens' Committee – BOCES and DFY (Division For Youth Properties) - Supervisor Anderson stated that an ad for members has been placed in the Genesee Valley Pennysaver. All letters of interest are to be submitted by February 25 so that the Board may select members.

## VII. NEW BUSINESS

A. AMBIT Energy – Supervisor Anderson is reviewing a supplier for cheaper energy. Sixty percent of the charges the town pays are for gas and electric delivery. Forty percent of the use is for the actual commodity.

B. SHAC (Smoking & Health Action Coalition of Monroe County) – Supervisor Anderson met with the SHAC representative who suggested, although we follow Monroe County's policy of no smoking in public buildings, smoke free zone signs could be posted around the town buildings and playground area. SHAC is funded by the American Cancer Society. Supervisor Anderson will provide an update at a later date.

C. Town Clerk's Request to spend budgeted funds to attend NYS Annual Town Clerk Conference – Town Clerk Bucci requested approval to spend

budgeted funds to attend the Annual New York State Town Clerk's Association, Inc. (NYSTCA) conference in Saratoga Springs, New York on April 22 through April 25, 2012.

**RESOLUTION #62-2012**

Councilwoman Sluberski moved to approve Town Clerk Bucci's request to spend budgeted funds to attend the annual NYSTCA Conference in Saratoga Springs, New York on April 22 through April 25, 2012. Councilman Woolaver seconded the motion.

Roll:

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

VIII. OPEN FORUM

Resident Joan Starkweather requested further background on the BOCES and DFY properties so that the Boy Scouts present could get a better understanding for their reporting purposes.

Supervisor Anderson provided the following: At one time everything north of Route 251 was attached to the State School of Industry which is now OATKA and Industry. Over time the property was separated and the northern portion was sold to BOCES for \$500,000.00 which encompasses everything from the railroad track east to East River Road minus what Mrs. Weaver owns. Mrs. Weaver purchased a portion of the property by outright sale. That is one piece of property. To the west of the railroad tracks, the property was owned by the Division for Youth (DFY) which the Town of Rush acquired a 100 acre parcel for \$1.00. DFY is on the 100 acres on the west side; BOCES property is 200 acres that abuts the Henrietta-Townline Road that runs almost down to Telephone Road. Between the 2 properties, the Town owns over 1 mile of frontage on the Genesee River. The Town was able to acquire the properties after conducting a Phase I and Phase II environmental study to assure that the acreage is relatively environmentally sound. Both properties were sold to the Town with the stipulation that they must be used for agricultural, educational or recreational purposes. A development will not be created in that green space. The Citizens Committee that is being developed will provide the Board with specific uses to consider.

The Supervisor then asked that the Board move into Executive Session. Also explained was that within Executive Session, the Board may discuss attorney-client privileged litigation matters and personnel matters.

**RESOLUTION #63-2012**  
**EXECUTIVE SESSION**

Supervisor Anderson motioned that the Board enter into Executive Session at 7:24 PM to discuss litigation matters. Councilwoman Sluberski seconded the motion.

Roll:

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

**RESOLUTION #64-2012**  
**RETURN TO REGULAR MEETING**

Supervisor Anderson motioned to return the Board to the regular meeting at 8 PM. Councilwoman Sluberski seconded the motion.

Roll:

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

Supervisor Anderson requested Board approval to enter into an agreement with Kammholtz & Messina, LLP, Charles Steinman, Esq., as counsel on substantive legal issues with respect to a hydrofracking moratorium.

**RESOLUTION #65-2012**

Councilwoman Sluberski motioned to authorize the Supervisor to enter into an agreement for services with Kammholtz & Messina, LLP, Charles Steinman, Esq., to represent the Town of Rush as counsel on substantive legal issues with respect to a hydrofracking moratorium. Councilman Riepe seconded the motion.

Roll:

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

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IX. ADJOURNMENT

There being no further business, on a motion of Councilwoman Sluberski, seconded by Councilman Riepe, the meeting was ended at 8:04 PM and approved by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci  
Town Clerk