

RUSH TOWN BOARD
Minutes of February 22, 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 22, 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
Pamela Bucci ----- Town Clerk
John Mancuso, Esq. ----- Attorney for the Town

EXCUSED: Daniel Woolaver ----- Councilman

OTHERS

PRESENT: Gerald Kusse ----- Code Enforcement Officer. Resident
Mark David ----- Highway Superintendent, Resident
Ansgar Schmid ----- Resident
Christopher Giordano ----- Resident
Pat Krause ----- Resident
Dick Knapp ----- Resident
William Stephens ----- Resident
Jean Stephens ----- Resident
Joan Starkweather ----- Resident
Harvey Seymour ----- Resident
Beth Hoak ----- Resident
Carol Barnett ----- Resident
Kathryn Hankins ----- Resident
Jordan Kleiman ----- Resident
Julia Lederman ----- Resident
Marianne Rizzo ----- Resident
Robert Powers ----- Resident

I. OPEN FORUM

Supervisor Anderson explained the procedures of the Board meeting. He then offered the floor to anyone wishing to address the Board.

II. APPROVAL OF MINUTES

RESOLUTION #66-2012

Councilwoman Sluberski moved to approve the Minutes of February 8, 2012, meeting as prepared by the Town Clerk. Councilman Riepe seconded the motion.

Roll:

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

III. APPROVAL OF ABSTRACT

RESOLUTION # 67-2012

Councilman Riepe moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #2-2, for vouchers #160 through #218, that they be allowed in the amount of \$377,244.00 Councilwoman Sluberski seconded the motion.

motion.

Roll:

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

IV. CORRESPONDENCE

Supervisor Anderson received an update of the March 2012 Rush Range Schedule of Shooting (5 days Tuesdays and Wednesdays) from Monroe Community College. The Range schedule is available on the town website.

V. REPORTS OF OFFICERS AND COMMITTEES

Councilman Riepe attended the Fire Commissioners meeting. The Fire Department is currently using a building on the BOCES property for firefighter training. The Department wishes to maintain the building being used for their purposes. A formal request will be sent to the Supervisor.

Councilman Riepe attended the Planning Board meeting. They are in favor of a moratorium on hydrofracking and have stated that they believe the Town Code provides sufficient protection.

Councilwoman Sluberski attended the Zoning Board of Appeals meeting. They have decided not to make a recommendation in favor or against a

hydraulic fracturing moratorium based on lack of an issued NYSDEC final report, town-attorney opinion, and that the Town Code has temporary protection under Section 120-7b, (10). and 120-18 (d).

Councilwoman Steiner attended the Rochester Monroe County Domestic Violence Consortium 13th annual legislative breakfast which was well attended and informative.

Town Clerk Bucci mentioned that she had been interviewed by 2 Rush resident boy scouts on the subjects of NYS dog licensing and hydrofracking toward their Eagle Scout badges.

Highway Superintendent Mark David had no report.

Code Enforcement Officer Gerald Kusse had no report.

VI. OLD BUSINESS

A. Update on Hydrofracking Petition for a Moratorium – Supervisor Anderson stated that, as required, the 239m Report has been submitted to Monroe County Department of Planning. The Town has received a legal opinion from the town attorneys and, today, received an update to their Supreme Court decision (Town of Dryden, New York) upholding the town's power of Home Rule. An amended legal opinion will be provided based on the Supreme Court decision. A proposed Local Law Hydrofracking Moratorium draft has been distributed to the Town Board. After review, the Board may schedule a workshop. A public hearing may be scheduled as soon as March 28 wherein all persons will be given an opportunity to voice their opinion. At that time, the Board may cast a vote. If a Moratorium on Hydrofracking is passed, it will become a Local Town Law. Supervisor Anderson has received input from all other Boards of the Town and their collective opinions on creating a moratorium are as follows: Planning Board, yes; Zoning Board, no; Conservation Board, yes.

Zoning Board Member Amber Corbin reiterated the Zoning Board's opinion of a possible moratorium.

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

(1) Agricultural - Supervisor Anderson reported that the US Department of Agriculture, who walked the 300 acre parcel, provided an analysis of all the tillable fields and have developed a "best agricultural practices schedule". A quote package has been developed and provided to all

interested bidders. The packages will be available at the Town Clerk's Office during normal business hours. Bid opening date will be posted and available in the legal notice.

(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 and so that an action plan may be provided. It will be environmentally friendly and will not waste the natural resources in the 35+ acres of woodland on the property.

C. Update on Formation of Citizens' Committee – BOCES and DFY (Division For Youth Properties) - Supervisor Anderson is collecting letters of interest in being on this committee through February 25.

Supervisor Anderson asked the audience for questions.

Resident Kathryn Hankins asked if the specifications for the agriculture quote package included the use of "environmentally friendly" pesticides. Supervisor Anderson answered that the contract does provide for the provisions for pesticides use. Ms. Hankins additionally asked if the public would be able to use the land for trails, nature's view, etc. Supervisor Anderson stated that there is plenty of room for safe recreational use.

VII. NEW BUSINESS

A. Citizens Meetings – Over the past weeks, a couple residents have met with Supervisor Anderson on current legal actions with the town. Supervisor Anderson encourages anyone to meet with him on town issues.

B. National Grid In addition to receiving information of utility savings from AMBIT (reduction in energy consumed costs), Supervisor Anderson has received information from National Grid providing information for a decrease in facility cost (transmission service) by 4-20%, which is 60% of the electricity bill.

Supervisor will be meeting with the town's National Grid representative to review uses and charges. Although utility rates may be decreases, street lighting will be increases. On previous investigation of outdoor light, LED lights have no industrial standard and if installed, a warranty is not available.

C. UNISON – In an effort to look at other options Supervisor Anderson has been approached by UNISON and will be receiving a possible proposal

on cell-tower management. They have filed a freedom of information request in the Town Clerk's Office.

Supervisor Anderson asked for comment.

Resident Kathryn Hankins requested that when reviewing other cell tower proposals that relocating the cell tower be reviewed as well. Ms. Hankins has sketched out ways to remodel the town hall for better ADA accessibility and the cell tower continues to prohibit the redesign. Supervisor Anderson stated that moving the cell tower would require a large capital investment and the lease on the tower extends for another 22 years or until technology changes. The Town Hall buildings are ADA compliant.

Resident Jordon Kleiman expressed his gratitude in the town moving forward at a quick pace in exploring the possibilities of a hydrofracking moratorium.

Supervisor Anderson cautioned that in the town's legal opinion, under the Section 78 Ruling, when a town enacts a moratorium on hydrofracking, the energy companies may sue the town, as a standard practice.

VIII. OPEN FORUM

Supervisor Anderson opened the floor to additional comments.

Resident Julia Lederman asked if the town could join forces with other towns' legal counsel in order to defend itself. Supervisor Anderson stated that defending a legal action would require independent counsel for each town's own Local Law defense.

RESOLUTION # 68-2012

Supervisor Anderson moved to adjourn the meeting at 7:30 PM to Executive Session to discuss attorney-client privilege matters. Councilwoman Sluberski seconded the motion.

Roll:

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

RESOLUTION # 69-2012

RUSH TOWN BOARD MEETING
February 22, 2012

Supervisor Anderson moved to reopen the meeting at 7:58 PM.
Councilwoman Sluberski seconded the motion.

Roll:

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

IX. ADJOURNMENT

There being no further business, the meeting was ended at 8:00 PM and approved by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci
Town Clerk