

RUSH TOWN BOARD  
Minutes of April 11, 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 April 11, 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  
Meribeth Palmer ----- Deputy Town Clerk  
John Mancuso, Esq. ----- Town Attorney

EXCUSED: Pamela Bucci ----- Town Clerk

OTHERS

PRESENT: Mark David ----- Highway Superintendent, Resident  
Dave Sluberski ----- Resident  
Carol Barnett ----- Resident

I. OPEN FORUM

Supervisor Anderson offered the opportunity for anyone in the audience to address the Town Board.

Resident Dave Sluberski requested that Town Board meeting dates on the web site calendar be updated from June forward.

Resident Carol Barnett reminded the Town Board and audience of the lecture on hydrofracking and subsurface geology issues to be held Wednesday April 18, 2012 in the Town Pavilion. The lecture is sponsored by the Rush Public Library and registration is required. Guest speaker will be Richard Young, PHD.

II. APPROVAL OF MINUTES

**RESOLUTION #83-2012**

Councilman Riepe moved to approve the Minutes of March 28, 2012, as submitted by the Town Clerk. Councilwoman Sluberski seconded the motion.

Roll:

Councilman Riepe aye

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

### III. APPROVAL OF ABSTRACT

#### **RESOLUTION # 84-2012**

Councilwoman Sluberski moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #4-1, for vouchers #341 through #393, that they be allowed in the amount of \$29,445.00 Councilman Riepe seconded the motion.

Roll:

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

Supervisor Anderson noted that several vouchers will be charge backs to the fire rehabilitation including claim 372 - Monroe County Water Authority, claim 378 - Nation Grid Electric, claim 386 - new carpeting and claim 392 - sprinkler head replacement during reconstruction.

### IV. CORRESPONDENCE

Supervisor Anderson informed the Board of the invitation to all from the Stevens Connors American Legion Post 1330 to participate in the 66<sup>th</sup> annual memorial parade. The parade will be held Monday May 28, 2012. All organizations are to gather at 9:00 AM behind St. Joseph's Catholic Church. Parade begins at 9:30 AM and will proceed to the Pine Hill Cemetery for a memorial service and return to Fireman's Field at approximately 11:00 AM. Any interested organizations can contact parade committee chairman Norman Miller at 533-1648.

### V. REPORTS OF OFFICERS AND COMMITTEES

Councilman Riepe attended a symposium in Geneseo by Empire Energy. Attendees include farmers from Pennsylvania and The New York State Department of Environmental Conservation (NYSDEC), both presented their views and statistics.

Councilwoman Sluberski had no report.

Councilwoman Steiner attended the Library Board meeting. Director Kirsten Flass thanked all Board members that attended the Friends Night Out event. Although ticket sales were down profits exceed past records.

Councilman Woolaver had no report.

Highway Superintendent Mark David reported equipment failure of their CAT excavator. Superintendent David is currently waiting for several repair estimates. The repair will require Town Board approval. Superintendent David has secured equipment on loan for approximately 10 days to assist with brush pick-up. Superintendent David was asked how much salt was needed to fulfill the current contract. A 507 ton purchase will be mandatory to meet the 70 percent contract requirement by August 2012. On sight storage will be available.

Supervisor Anderson met with Mendon Foundation President John Farrell and Board of Director member Warren Wallace. The Mendon Foundation is looking to install a canoe and kayak launch site near the old Rush Station. The Mendon Foundation has also been in contact with the Rush Lions Club. All parties will work together to create a plan to help the project move forward.

The Blue Ways Trail initiative is currently mapping waterways in Monroe County and Western New York that are navigable by canoe and kayak. Rush may end up on the Blue Ways Trail map as a launch site.

#### VI. OLD BUSINESS

A. BOCES Property Update - Supervisor Anderson stated that the Town has successfully bid both grazing and tillable acreage contracts. The Town Attorney is currently in the progress of drawing up contracts with the recipients. Supervisor Anderson received a Forestry Management Plan from the NYSDEC in Avon. The plan depicts all 320 acres, of which 50 are truly forest. The plan describes all the conditions and recreational uses allowable for that area. The Forestry Management Plan will be available to view at the Town Clerk's Office, Library and on the web site. Supervisor Anderson read into the record goals and uses listed in the report.

B. Town Hall Fire Update – March 29<sup>th</sup> marked the completion of renovations to the Town Hall Offices and Rush Court. The Town has yet to receive permission to rehabilitate the fire origin room also known as the clerk's records room. This has caused delay in returning restored documents to the secured room.

#### VII. NEW BUSINESS

A. Amicus Curiae Brief – The Town of Ulysses has submitted an Amicus Curiae brief (also known as friend of the court brief) to the Town of Rush. Supervisor Anderson has provide copies to the Town Board for review. The brief is requesting other towns to join in supporting the Towns of Middlefield and Dryden in their law suit to reassert their rights as municipalities throughout New York to

determine what land uses are appropriate through municipal home rules and powers granted by New York State Constitution.

Although Harris Beach will not be representing the Town of Rush regarding hydrofracking issues, Attorney John Mancuso further explained Amicus Curiae, stating the New York Appellate Courts have rules that permit interested groups and individuals to voluntarily submit a legal or factual argument in support of a particular position that may be developed in the case and may alter the outcome of the case. Amicus Curiae is not part of the case and does not have an actual stake as a litigant such as the parties that are being appealed. However, they may have an indirect interest in the outcome of the appeal. Municipalities such as Ulysses and Rush may have interest the precedent set in the cases involving Middlefield and Dryden.

Attorney Charles Steinman has reviewed the brief and informed Supervisor Anderson that it would be of no cost or risk to the town. It is unclear at this time, if the courts will allow the Amicus Curiae brief. At the next Town Board meeting members will discuss the merits of the brief and vote on participation.

Resident Carol Barnett was interested in what other towns have received and agreed to participate in the brief. The brief stated that it is asking its sister cities, towns and villages.

Resident Dave Sluberski stated that he is pro safety in number and participating in the brief would be a positive action.

B. Approval to Replace the Town Welcome Sign – Supervisor Anderson contacted Turning Point signs, makers of the original town signs in 2003. The original 4 signs were produced for \$6000.00. Today the cost for one sign using the original specs from 2003 is \$1855.00. Supervisor Anderson is asking for permission to enter into a contract with Turning Point Signs.

**RESOLUTION # 85-2012**

Councilman Riepe motioned to authorize Supervisor Anderson to enter into an agreement with Turning Point Signs to replace the missing Welcome to Rush sign. Councilman Woolaver seconded the motion.

Roll:

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

C. Contract with Rush Fire District for BOCES building #3 – The Rush Fire district will be using the building for second floor fire evacuation training. A formal agreement would provide the Rush Fire District with use for 2 years. In addition the Fire District will provide building upgrades and ground maintenance. Supervisor Anderson is asking for authorization to enter into a contact with the Rush Fire District for BOCES building #3.

**RESOLUTION # 86-2012**

Councilwoman Sluberski motioned to authorize Supervisor Anderson to enter into an agreement with the Rush Fire District for the use of BOCES building #3. Councilman Riepe seconded the motion.

Roll:

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

VIII. OPEN FORUM

Supervisor Anderson opened the floor to anyone wishing to address the board.

IX. ADJOURNMENT

There being no further business, the meeting was ended at 7:30 PM and approved by common consent of all councilpersons present.

Respectfully submitted,

Meribeth Palmer  
Deputy Town Clerk