

RUSH TOWN BOARD
Minutes of November 28, 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 November 28, 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
Kathryn Steiner ----- Councilwoman
Daniel Woolaver ----- Councilman
Pamela Bucci ----- Town Clerk
John Mancuso, Esq. ----- Town Attorney

OTHERS

PRESENT: Mark David ----- Highway Superintendent, Resident
Carol Barnett ----- Resident
Ansgar Schmid ----- Resident
Rita McCarthy ----- Resident
Tim McCarthy ----- Resident

I. OPEN FORUM

Supervisor Anderson opened the meeting and explained the open forum process. The Town Board would either respond immediately with facts at hand or research for the answer and provide an answer at a later date.

II. APPROVAL OF MINUTES

RESOLUTION #162-2012

Councilwoman Steiner moved to approve the Minutes of November 14, 2012, as submitted by the Town Clerk. Councilman Riepe seconded the motion.

Roll:

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

Councilwoman Frank was not yet appointed.

III. APPROVAL OF TRANSFER
RESOLUTION #163-2012

BUDGET TRANSFERS/ADJUSTMENTS 11/28/2012 - 2012 FUNDS

Transfer from the unexpended balance of an existing appropriation(s).

Highway Fund

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
30	150.00	DA-5110.4	Maintenance of Roads Personal Services To Reallocate Highway Budget per Mark David	DA-5110.1	Maintenance of Roads Personal Services
31	9,500.00	DA-5148.1	Services for other Govts Personal Services To Reallocate Highway Budget per Mark David	DA-5130.1	Machinery/Shop Personal Services
32	175.00	DA-5142.1	Snow Removal Town Personal Services To Reallocate Highway Budget per Mark David	DA-5110.1	Maintenance of Roads Personal Services

General Fund

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
33	770.00	A-7510.2	Historian Capital Outlay Transfer to cover Book Printing	A-7510.4	Historian Contractual
34	475.00	A-1990.4	Supervisor Contingency Transfer to cover Field Paint	A-7140.4	Pavilion Contractual

Councilman Woolaver motioned, BE IT Resolved, that having audited all the unexpended balances of existing appropriations, I move that transfer #30 through #35 in the amount of \$11,159.87 be allowed. Councilman Riepe seconded the motion.

Roll:

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

IV. APPROVAL OF ABSTRACT
RESOLUTION #164-2012

Councilwoman Steiner moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #11-1, for vouchers #1254 through #1317, be allowed for payment in the amount of \$36,669.17. Councilman Riepe seconded the motion.

Roll:

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

V. CORRESPONDENCE

Monroe Community College Public Safety Facility - Rifle Range at Stonybrook Road, 492 Stonybrook Road – Supervisor Anderson stated that the Rifle Range schedule has been received and is posted on the town website.

Hydrofracking Link – Supervisor Anderson received an email from Dr. Ted Barnett which provided a video link of the hydrofracking operation visit made by members of the Hydrofracking Citizens Working Committee. The link has been posted to the town website.

Route 15 Bridge Update – Supervisor Anderson reported that the Route 15 bridge over Interstate 390 is open.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilman Riepe attended the Fire Commissioner's meeting and informed all that when residents make an emergency call to 911, the Rush Fire Department is dispatched. There are 2 types of calls, an Advanced Life Support (ALS) or Basic Life Support (BLS) depending on the emergency situation. Rush Volunteer Ambulance will respond to both ALS and BLS, however, Henrietta Ambulance responds as a back-up to Rush ALS calls. If the call is ALS related, Henrietta Ambulance or another equipped agency will be the responding and transporting agency. ALS requires a payment for services and is covered by medical insurance with the exception of co-pays and deductibles. There is no charge to a Rush resident for a BLS ambulance transport. Henrietta Volunteer Ambulance provides ALS and backs up the Rush Volunteer Ambulance for BLS calls when crews are not available.

Additionally, Councilman Riepe reported that the Planning Board approved a Special Permit for Kyle Stevens to park vehicles on property located at 2500 Rush Mendon Road. They also heard an interested party regarding 5970 East Henrietta, a commercial property. A 2nd interested party appeared regarding a commercial business for a commercially zoned property located on West Henrietta Road behind 7676 West Henrietta Road (Snyder's Garage). Formal applications may be submitted, adding to businesses in town. Councilman Riepe stated that the Board encourages businesses to settle in Rush.

Councilwoman Steiner attended a Genesee Regional Finger Lakes Planning Council Local Government workshop that covered farmland protection, town codes, hydrofracking and other topics.

Councilman Woolaver attended a Zoning and Planning seminar concerning legal issues presented to these board and issues related to double housing, cell towers and other matters.

Town Clerk Bucci has received information from the NYSDEC regarding a Landowner Incentive Program of Protection and Management of Grassland Habitat. All participants must have 25 contiguous acres of grasslands or shrubbery in order to be eligible. The state offers payment for participating and all applications must be post-marked by January 15 for consideration. Additional information can be found on the NYSDEC website.

Code Enforcement Officer Kusse had no report.

Town Attorney Mancuso had no report.

VII. OLD BUSINESS

A. Bessie Hallock Manuscript Progress – Supervisor Anderson reported that 80 copies of the Bessie Hallock Manuscript were purchased a little over a week ago with 21 sold to date.

B. Drainage Easement between Rochester and Genesee Valley Railroad and the Town of Rush – Supervisor Anderson stated that both the description of the easement and certificate of insurance has been received. The Town Board previously gave permission to the Supervisor to enter into an agreement with Rochester and Genesee Valley Railroad. Attorney Mancuso provided an agreement and it has been fully executed.

C. Right to Farm Laws – Supervisor Anderson stated that 3 separate examples of right to farm laws were provided to all Board members and an additional website providing 7 further examples. Supervisor Anderson requested input from the Board.

Councilwoman Frank noted that of the 3 examples provided, 2 were from Wayne County. Attorney Mancuso stated that Monroe County does not have a Right to Farm Law. Supervisor Anderson stated that the Right to Farm Law is at the discretion of each Town in adoption of a local law. There are no ordinances on a county-wide level.

Councilwoman Steiner stated that a hydrofracking defense may be incorporated into a Right to Farm Law.

Councilman Woolaver will provide his comment after additional farmland law information is reviewed.

At this point, both Councilman Riepe and Councilwoman Steiner prefer the Gorham Right to Farm Law.

VIII. NEW BUSINESS

A. Farmland Preservation Planning Grant Next Steps – Supervisor Anderson noted that John Brennan, liaison to the State organization, phoned and has documentation of the town's acceptance of the farmland preservation planning grant, \$25,000, to preserve farmland in the Town of Rush. The first step is planning and the second is an actionable grant.

There is a 4 step process as follows: (1) town accepts the plan (2) county accepts the plan (3) plan is sent to the state (4) commissioner approves with recommendations.

One of the commissioner's recommendations is to form a Farmland Advisory Committee. A 3-person committee comprising of 2 farmers and 1 interested party. The Farmland Plan should be approved and included in the Master Plan. The ordinances should then be updated protecting the zoning laws and agriculture district overlays for zoning provided. Once that is done, a map of the town highlighting points of businesses such as farm tours, active community-supported agriculture, greenhouses, group activities on a farm map, etc. would be developed. The railroad includes agricultural customers such as Highpoint Mills in Henrietta, grain silos at the *Borilla* factory in Avon, and the Corn Syrup Factory in Lakeville. The farmland protection is devoted purely to agriculture and shows integration with the agriculture community.

Once Supervisor Anderson receives confirming correspondence, the Town can move forward.

Supervisor Anderson added that once the preservation confirmation is received, the Town Board must adopt a resolution to form a Farmland Advisory Committee.

B. Resolution to Renew Standard Mail Permit – Town Clerk Bucci requested approval to purchase a standard bulk mailing permit for \$190.00. The permit allows town bulk mailing; specifically the Town Newsletter.

Town Clerk Bucci discussed mailing permits and the distribution of the Town Newsletter to separate zip codes within the Town of Rush. All Rush residents should be receiving either a self-addressed or a customer addressed newsletter on or about the 1st day of each bi-monthly publication. The Post office has been contacted regarding distribution to the correct zip code routes.

RESOLUTION #165-2012

Councilman Riepe moved to allow the Town Clerk to enter an agreement with the United States Postal Service for the purchase of a Standard Bulk Mailing Permit #3 in the amount of \$190.00 for the year 2013. Councilwoman Steiner seconded the motion.

Roll:

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

C. Re-Scheduling Town Board Meeting - As discussed with Supervisor Anderson, Town Clerk Bucci requested the Town Board's input in scheduling the last meeting of the year. It is presently scheduled for Wednesday, December 26th. Along with the usual town business, final bills are approved at that meeting.

RESOLUTION #166-2012

Councilwoman Steiner motioned to reschedule the Town Board meeting of Wednesday, December 26th to Thursday, December 27th at 7 PM. Councilman Woolaver seconded the motion.

Roll:

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

D. Schedule Organizational Meeting - The scheduling of the organization meeting was discussed and Supervisor Anderson suggested holding the meeting on January 9, 2013, immediately following the regularly scheduled Town Board Meeting at 7 PM. Supervisor Anderson noted that, according to the Association of Towns, the Board has up to 30 days of the new year in order to conduct the Organizational meeting.

RESOLUTION #167-2012

Councilwoman Steiner motioned to schedule the Organizational Meeting of the Town Board on Wednesday, January 9, 2013, immediately following the regularly scheduled Town Board meeting at 7 PM in the Rush Town offices. Supervisor Anderson seconded the motion.

Roll:

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

IX. OPEN FORUM

Supervisor Anderson offered the floor to anyone in the audience wishing to address the Board.

Resident Rita McCarthy commented that she enjoys receiving and being informed through the town newsletter.

XI. ADJOURNMENT

There being no further business, the meeting was adjourned by Supervisor Anderson at 7:40 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci
Town Clerk