

RUSH TOWN BOARD  
Minutes of April 10, 2013

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 10, 2013, at the Rush Town Hall, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT:	Richard Anderson	-----	Supervisor
	William Riepe	-----	Councilperson, Deputy Town Supervisor
	Kathryn Steiner	-----	Councilperson
	Cathleen Frank	-----	Councilperson
	Daniel Woolaver	-----	Councilperson
	Pamela Bucci	-----	Town Clerk
	John Mancuso, Esq.	-----	Attorney for the Town
	Charles Steinman, Esq.	-----	Attorney for the Town

OTHERS

PRESENT:	Mark David	-----	Highway Superintendent, Resident
	Ansgar Schmid	-----	Resident
	Wendy Jo Kuhn	-----	Resident
	Julia Lederman	-----	Resident
	Al Sweet	-----	Resident
	Gerald Kusse	-----	Building Inspector, Resident

I. OPEN FORUM

Supervisor Anderson opened the floor to anyone wishing to address the Town Board. All comments should be brief and any questions asked would be answered at that time or after research, responded to at a later date.

No comments from the audience.

II. APPROVAL OF MINUTES

**RESOLUTION #85-2013**

Councilperson Steiner moved to approve the March 27, 2013, Minutes as presented by the Town Clerk. Councilperson Riepe seconded the motion.

Roll:

Councilperson Riepe	aye	
Councilperson Steiner	aye	
Councilperson Frank	aye	
Councilperson Woolaver	aye	
Supervisor Anderson	aye	carried.

III. APPROVAL OF MINUTES

**RESOLUTION #86-2013**

Councilperson Riepe moved to approve the March 20, 2013, Minutes as presented by the Town Clerk. Councilperson Frank seconded the motion.

Roll:

Councilperson Riepe	aye	
Councilperson Steiner	aye	
Councilperson Frank	aye	
Councilperson Woolaver	aye	
Supervisor Anderson	aye	carried.

IV. TRANSFER OF FUNDS

Supervisor Anderson noted that transfers were not necessary.

V. APPROVAL OF ABSTRACT

**RESOLUTION #87-2013**

Councilperson Steiner moved Be It Resolved, that having audited all the claims against the funds listed on Abstract 4-1 (#7), for vouchers #329 through #375, be allowed for payment in the amount of \$35,391.53. Councilperson Frank seconded the motion.

Roll:

Councilperson Riepe	aye	
Councilperson Steiner	aye	
Councilperson Frank	aye	
Councilperson Woolaver	aye	
Supervisor Anderson	aye	carried.

VI. CORRESPONDENCE

American Legion Post Boy Scout Troop 334 - Supervisor Anderson was informed by Norman Miller that Troop 334 will be placing flags on graves at the Pine Hill Cemetery and anyone wishing to participate may.

NYSDOT Update – Supervisor Anderson received notification from Terry Durpin that concrete work would be performed on Route 390 and closing southbound lanes from Exit 10 south to Exit 11 through August 2013. No ramps will be affected.

Monroe County Sheriff's Office – Supervisor Anderson receives a weekly update from the office and reported that Rush was not noted, however, vehicles in Henrietta continue to be broken into.

VII. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Riepe had no report. Boards and Committees he is liaison have not yet met.

Councilperson Steiner attended the Conservation Board meeting where a zoning use variance was reviewed. They are currently provided all planning board applications, and wish to have zoning board applications provided as well. Deputy Town Clerk Palmer will automatically provide them in the future.

Councilperson Steiner reported that the RACC (Recreational Agricultural Citizens Committee) will be providing a report to the Board including work that they would like to do regarding cleaning up and repairing the property including removing trees, cleaning trails, and obtaining funds for volunteer work. They are interested in forming a Friends of RACC group much like the Friends of the Library group.

Councilperson Woolaver had no report.

As liaison, Councilperson Frank attended the Library Board of trustees meeting where they discussed their 2014 event, 100 year anniversary. The Board is working on transforming the library into an innovative community collaboration space. This is a wave of the future. Roof repair was discussed.

Code Enforcement Officer Kusse added that a freeze will absolutely test the melting mechanism; however, he is confident that with a few changes made in the external box and the sensor being mounted, the repair is complete.

Councilperson Frank reported that the State Comptroller's Office has provided municipalities with an IT audit template. She will gather town information and make an assessment of areas lacking policies or in need of upgrading and will work toward strengthening them for future audit purposes.

Code Enforcement Officer Kusse is certified for another year.

Town Clerk Bucci stated the following: (1) March monthly report has been submitted to the Supervisor, pursuant to Section 27, Subdivision 1 of Town Law for in the amount of \$12,283 attributed greatly to recreation programs and pavilion and field rentals, (2) Town and County taxes to be collected amount to approximately \$300,000 and will be collected in the office until May 31<sup>st</sup> and (3) an advertisement has been placed in the Pennysaver to fill the open gardener position. All flowers and mulch for the County in Bloom site, which are free, have been ordered.

Highway Superintendent Mark David's crew will be conducting the brush pick-up on April 22<sup>nd</sup>, weather permitting. The approved truck purchased has been ordered.

Attorney Mancuso had no report.

Supervisor Anderson reported that Monroe County Emergency Management provided a weather service report of freezing rain Cayuga County west and rain to follow. The report was also shared with the Highway Superintendent.

#### VIII. OLD BUSINESS

A. Right to Farm Law Update – Supervisor Anderson stated that the Planning Board wishes to move forward with the Town of Gorham Right to Farm Law template. Attorney Mancuso will redraft it for the Town of Rush and Board review. Complaints would be filed with the Code Enforcement Officer. The Planning Board has also requested that work on developing a Farmland Advisory Committee will be a secondary consideration. Once available, the Local Law will be placed on the Town website and a public hearing will be scheduled.

Supervisor Anderson asked the Town Board if they wished to move forward with scheduling a public hearing, pending approval, of the Town of Rush Right to Farm Law presented to them.

Attorney Mancuso stated that a short EAF form would also need to be prepared in connection with the Right to Farm Law in order to comply with the SEQR. The Town Board would be the lead agency and an uncoordinated review required by the Town only. This is an unlisted action.

#### **RESOLUTION #88-2013**

Councilperson Steiner moved to schedule a public hearing on a date to be determined by the Town Clerk for publication purposes in order to hear Local Law 2 of 2013, Right to Farm Law which establishes the permitted continuation of agricultural practices, protecting the existence and operation of farms and encouraging the initiation of expansion of farms and agricultural businesses. Councilperson Riepe seconded the motion.

Roll:

Councilperson Riepe	aye	
Councilperson Steiner	aye	
Councilperson Frank	aye	
Councilperson Woolaver	aye	
Supervisor Anderson	aye	carried.

B. Hydrofracking Moratorium Update – Attorney Charles Steinman stated that a public hearing was held on March 20, 2013, and Local Law 1 of 2013 Extending the Moratorium was unanimously approved extending for a period of 6 months. Upon the Town Board’s decision of proceeding forward, Attorney Steinman will provide legal mechanisms as well as a timeline in preparing a permanent action. As of April 1, 2013, Local Law 1 of 2013 was filed with New York State.

IX. NEW BUSINESS

A. Drainage Easement – Supervisor Anderson stated that at times, when properties are subdivided within a town-wide drainage district, the Planning Board recommends a drainage easement be required so that the Highway Department is permitted to enter the property and alleviate a drainage incident. In this case, the farmer is financially responsible for the work being performed. Mr. Mulligan requires a license in order to operate within the Town’s easement. Three lots are affected with this easement. The attorneys must create a document providing boundaries of where digging can occur.

**RESOLUTION #89-2013**

Councilperson Steiner moved to approve Supervisor Anderson to enter into a licensing agreement, pending attorney approval, with Mulligan Farms to license access to the easements located on Tax parcels ID#219.03-1-10.1 (8060 East River Road, Lot R1-0 and R1-N), 219.03-1-25 (8050 East River Road, Lot R1-M) and 219.03-1-24 (8040 East River Road, Lot R1-L). Councilperson Riepe seconded the motion.

Roll:

Councilperson Riepe	aye	
Councilperson Steiner	aye	
Councilperson Frank	aye	
Councilperson Woolaver	aye	
Supervisor Anderson	aye	carried.

X. OPEN FORUM –

Supervisor Anderson opened the floor to anyone wishing to address the Town Board.

XI. ADJOURNMENT

There being no further business, the meeting was adjourned by Supervisor

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Anderson at 7:28 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci  
Town Clerk