

RUSH TOWN BOARD  
Minutes of May 22, 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 May 22, 2013, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

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

EXCUSED: Kathryn Steiner ----- Councilperson

OTHERS

PRESENT: Ansgar Schmid ----- Resident  
Gerald Kusse ----- Building Inspector, Resident  
Jim Bucci ----- Resident  
Carol Barnett ----- Resident  
Mark David ----- Resident

I. OPEN FORUM

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

II. APPROVAL OF MINUTES

**RESOLUTION #99-2013**

Councilperson Riepe moved to approve the May 8, 2013, Minutes as presented by the Town Clerk. Councilperson Frank seconded the motion.

Roll:

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

III. TRANSFER OF FUNDS

Supervisor Anderson noted that transfers were not necessary.

IV. APPROVAL OF ABSTRACT

**RESOLUTION #100-2013**

Councilperson Frank moved Be It Resolved, that having audited all the claims against the funds listed on Abstract 5-2 (#10), for vouchers #479 through #535, be allowed for payment in the amount of \$21,483.26. Councilperson Woolaver seconded the motion.

Roll:

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

V. CORRESPONDENCE

Monroe County Legislature – Supervisor Anderson stated that Monroe County Legislature Clerk Cheryl Rossi forwarded information regarding 2014-2019 capital improvement programs relating to Phase I and II road mile work.

Letter from James F. Lawrence, Editor, Editorial Page of the Democrat & Chronicle – Supervisor Anderson stated that this pilot program, Unite Rochester, hosted by Chili Supervisor Dave Dunning at the Chili Town Hall on June 6<sup>th</sup>, is a strictly confidential listening tour discussion with town and village supervisors and town board member on the topic of opinions of economic disadvantages and race within the community. It is an unprecedented event and none of the discussion will be published. Supervisor Anderson will be attending and encouraged other Town Board members to attend.

Rush Henrietta School District Health & Safety Team Meeting - Supervisor Anderson read the meeting minutes aloud which covered residency update, emergency responders on campus, SWAT training/K-9 search, unannounced drills, emergency re-enactment and SAVE legislation. Updates were also read aloud for the following departments: food service, facilities, transportation, continuing education, Henrietta Fire/EMS, Town of Henrietta, Town of Rush, BOE, and DPAC. Of mention, in the event of an emergency at the Ginna Nuclear Plant, Sperry High School is currently under construction and cannot be accessed.

Genesee Transportation Council – Supervisor Anderson has received information of an Enhancement Program workshop scheduled on May 29<sup>th</sup>. Money is available for funding in communities that have a railroad corridor, i.e. Linear Trail next to Park Lane. The Mendon Foundation has been very successful in obtaining funding. Both Highway Superintendent David and Supervisor Anderson will be attending the workshop.

State Senator Ted O'Brien, 55<sup>th</sup> District – Supervisor Anderson received a note that the District office has relocated to 2494 Browncroft Boulevard, with phone number of 585-218-0034 and fax of 585-218-0047.

#### VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Riepe attended the Fire District and Planning Board meetings. He also stated that he attended a presentation at Rochester Institute of Technology (RIT) on hydrofracking. Both Carol Barnett and Jack Mould were also present. The speakers had many environmental concerns.

Councilperson Woolaver attended the Zoning Board meeting where setback requirements of 3 properties were discussed.

Councilperson Frank stated that the first review of the town's IT self-assessment is complete. An open action item was to create a hardware list. An IT policy will be created for the Town. Supervisor Anderson stated that his secretary would contact the Supervisor's Association for templates to review.

Code Enforcement Officer Kusse stated that a fine maintenance job is being done by Brett Walker's Fairport BOCES crew.

Town Attorney had no report.

Town Clerk Bucci reported that \$189,000 of town and county taxes remain uncollected. The Town Clerk's May report has been filed with the Supervisor in the amount of \$12,251.09 attributed to recreational rental, recreation and building permits. Also, 6 people applied and were interviewed for the advertised gardener position.

Highway Superintendent Mark David received \$5,700 and \$5,300 for the mowers that were recently auctioned.

The Town Board has been invited to join the Memorial Day Parade on Monday, May 31<sup>st</sup>, starting at St. Joseph's Catholic Church at 9:30 AM, a 21 gun salute and ceremony at the Pine Hill Cemetery followed by a picnic at the Firemen's Field, co-sponsored by the Fire Department and American Legion Post. Children from the 2<sup>nd</sup> grade, Fyle Elementary School, wrote essays on what Memorial Day Means to Me.

#### VII. OLD BUSINESS

A Hydrofracking Moratorium Update – Supervisor Anderson stated that Attorney Slottje will be attending the June 12<sup>th</sup> board meeting. All members of the Town, Planning, Zoning and Conservation Boards will be provided a packet of

information including Citizens Committee reports, Larsen Engineering reports as well as synopsis from Attorney Charles Steinman and Attorney David Slottje. All comments from the boards are due prior to the June 26<sup>th</sup> Board meeting.

B. Right to Farm Law – Supervisor Anderson stated that a public hearing was held on May 8<sup>th</sup> with 5 additional responses received by the Board's authorized extension date of May 15<sup>th</sup>. Responses from all were read in their entirety: Resident Robert Kraus, support with concerns; Don Sweet, support with objections, Joan Deblinger, concerns, Kathryn Hankins, concerns, Chris Giordino, support with concerns and Carol Barnett, interest with the State of Vermont law with concerns related to the proposed law.

Supervisor Anderson communicated with John Brennan, Farmland Protection Specialist, Division of Agricultural Protection, NYS Department of Agriculture and Markets, advisor of the Farmland Protection Plan, who referred to the State of Vermont law. The State of Vermont does not have a State agricultural and markets law. The same type of language would not be included in a New York State law. A model law has been provided to the Planning Board and feedback has been requested. The Model Right to Farm Law, Resolution of Disputes, notes that the State can intercede in any agricultural actions.

VII: NEW BUSINESS

A. Attend Highway School – Highway Superintendent Mark David requested permission to attend Highway School with budgeted funds June 3<sup>rd</sup> through June 5<sup>th</sup>.

**RESOLUTION #101-2013**

Councilperson Frank motioned to authorize the Highway Superintendent's expenditure of budgeted funds to attend the annual Town and County Officers and Association of Towns Highway Training School at Ithaca, New York on June 3<sup>rd</sup> through June 5<sup>th</sup>, 2013. Supervisor Anderson seconded the motion.

Roll:

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

B. Temporary Weight restriction on Keyes Road – Highway Superintendent Mark David requested the Board's approval to place a weight restriction of over 4 tons on Keyes Road for the period of June 1, 2013 through November 30, 2013 per Vehicle and Traffic Law §§ 1660(11), 1683, with the exception of local deliveries. The coal mix takes time to cure out.

Councilperson Frank motioned to approve request by Highway Superintendent Mark David to place a weight restriction on Keyes Road and direct the Town Clerk to publish in the town designated newspaper a notice of Vehicle Weight Limits of Keyes Road for a period of June 1, 2013 through November 30, 2013, pursuant to Vehicle and Traffic Law §§ 1660(11), 1683. Exception will be made for local deliveries. Motion seconded by Councilperson Woolaver.

Roll:

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

C. Resolution to Appoint Gardener, Joan Meyers – Town Clerk Bucci has interviewed 6 qualified applicants, and is requesting that her selection of Joan Meyers be approved at Step 1. Areas of required attention have been visited.

**RESOLUTION #102-2013**

Motion to authorize the Town Clerk's annual appointment of Joan Meyers, Gardener, effective May 22, 2013, at the Step I rate. Councilperson Woolaver seconded the motion.

Roll:

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

VII. OPEN FORUM –

The floor opened to anyone wishing to address the Town Board.

Resident Carol Barnett, asked for clarification of Vermont law which cannot apply in New York.

Supervisor Anderson stated that New York State is very restrictive. CAFOs are regulated under DEC law. There are very specific regulations including drainage among other things. Traditional customs will be followed. Potential property owners are notified that farming activities can occur within the town and that all those owners within 500 feet receive a disclosure statement of possible farming activities in the community.

Mrs. Barnett stated that she attended the RIT presentation on hydrofracking. She was surprised to hear a presenting doctor discuss radiation risk. Resource

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material from the presentation will be supplied to either the Town Clerk or Supervisor.

Supervisor Anderson stated that radon gas affects many homes in this area.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned by Supervisor Anderson at 8:20 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci  
Town Clerk