

RUSH TOWN BOARD  
Minutes of November 27, 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 November 27, 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  
Kathryn Steiner ----- Councilperson  
Daniel Woolaver ----- Councilperson  
Pamela Bucci ----- Town Clerk  
John Mancuso, Esq. ----- Attorney for the Town

EXCUSED: Cathleen Frank ----- Councilperson

OTHERS

PRESENT: Al Sweet ----- Resident  
Carol Barnett ----- Resident  
Gerry Kusse ----- Code Enforcement Officer, Bldg. Inspector

I. OPEN FORUM

Supervisor Anderson welcomed all to the meeting and 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 future date.

Resident Carol Barnett requested that the proposed rezoning public hearing be rescheduled to a date later than December 30<sup>th</sup> in order for people who may be away for the holiday to attend. She is opposed to the rezoning and believes a moratorium on re-zoning be done until the Comprehensive Plan is revisited.

II. APPROVAL OF MINUTES

Councilperson Riepe requested that Resolution #155-2013 of November 11, 2013, Minutes reflect the correct Councilperson to second the motion.

**RESOLUTION #165-2013**

Councilperson Riepe moved to approve the November 11, 2013, Minutes as amended by the Town Clerk. Councilperson Steiner seconded the motion.

Roll:

Councilperson Riepe aye  
Councilperson Steiner aye

Councilperson Woolaver aye  
Supervisor Anderson aye carried.

III. TRANSFER OF FUNDS  
**RESOLUTION #166-2013**

Councilperson Steiner moved BE IT Resolved, that having audited all the unreserved, unanticipated revenues and unexpended balances of existing appropriations, I move that transfer #25 through #29 in the amount of \$3,034.00 be allowed. Councilperson Woolaver seconded the motion.

BUDGET TRANSFERS/ADJUSTMENTS 11/27/2013 - 2013 FUNDS

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

**Highway Fund**

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
25	810.00	A-1450.4	Elections Contractual Cover General Code Local law update	A-1410.4	Town Clerk Contractual
26	1,000.00	A-1990.4	Contingency Contractual Cover General Code Law Update	A-1410.4	Town Clerk Contractual
27	500.00	A-1910.4	Insurance contractual Cover added holding tank pumping	A-7140.40	Pavilion contractual
28	400.00	A-1910.40	Highway Administration Personal Services Cover PC replacement	A-5010.20	Highway Administration Capital Outlay
29	324.00	A-5010.40	Highway Administration Contractual Cover PC replacement	A-5010.2	Highway Administration Contractual
<b>Total</b>	<b>3,034.00</b>				

Roll:

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

IV. APPROVAL OF ABSTRACT

**RESOLUTION #167-2013**

Councilperson Steiner moved Be It Resolved, that having audited all the claims against the funds listed on Abstract #11-2 (24), for vouchers #1212 through #1272, excluding 1239, 1255, 1256 and 1271 which were duplicates, be allowed for payment in the amount of \$21,391.41. Councilperson Riepe seconded the motion.

Roll:

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

V. CORRESPONDENCE

Monroe County Sheriff's Department – Weekly Zone B Report– Supervisor Anderson stated that burglaries have occurred in the Town of Rush.

Monroe Community College Rifle Range – Supervisor Anderson stated that the shooting range schedule is available. There will be no training for the months of January, February or March.

Storm Update – Supervisor Anderson reported on power outages across Monroe County. Rush had no reports of power outages or wires down.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Riepe was unable to attend the Planning Board meeting. Information regarding the Fire Commissioners is on their website.

Councilperson Steiner had no report.

Councilperson Woolaver had no report, however, asked when the Recreational Agricultural Citizens Committee (RACC) Report would be available.

Supervisor Anderson stated that the report was promised by November and that he would be contacting Jerry Horton, Chair of the RACC.

Town Clerk Bucci reported on the following: (1) Letters to employees requesting annual reappointment have been sent. (2) Letters to those having expiring terms have been sent. Don Van Lare, Chair of the Zoning Board will not be reapplying; Library Board of Trustees Letty Laskowski and Julia Lederman are interested in being reappointed; Conservation Board Sue Woolaver has been sent a letter; Planning Board Member Rick Wurzer is interested in a

reappointment. (3) A Certificate of Appreciation will be presented to Chair Van Lare at the last Zoning Board meeting. Positions currently open also include the Town Historian, Gardner and Deputy Town Clerk. A resignation letter from Deputy Town Clerk Palmer was read aloud. Town Clerk Bucci requested permission to post for both the Deputy Town Clerk and Zoning Board of Appeals positions. The historian's position has already been posted with a return date of December 13<sup>th</sup>. All letters of interest for the Historian and Zoning Board of Appeals position will be distributed to the Town Board upon receipt.

**RESOLUTION #168-2013**

Supervisor Anderson moved to allow Town Clerk Bucci posting of the Deputy Town Clerk and Zoning Board member positions in the appropriate paper. Councilperson Riepe seconded the motion.

Roll:

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

Town Attorney John Mancuso had no report.

Supervisor Anderson stated that both he and Code Enforcement Officer Kusse attended a Great Lakes Coastal Management meeting regarding flood plains mapping. Updates will be presented as received.

Supervisor Anderson stated that the New York State Comptroller's Office would be performing an annual audit on the Town of Rush. The Finance Director, Town Clerk, one Board member and the Supervisor met with the auditors at the initial meeting. The auditors strictly stated that Town Board members are not invited to be interviewed together in order to avoid becoming a political issue but may schedule an appointment with them on separate occasions. A team of 3 will be interviewing the Supervisor, Town Clerk, Finance Director, Justices, Court Clerks and the Highway Superintendent.

Supervisor Anderson has met with 3 companies who have provided a property and casualty insurance quotes. Items to be discussed and covered may include earthquake, fire, flood, etc., on all properties including liabilities on the dam and town auto policies. A comparison sheet will be presented to the Town Board.

Code Enforcement Office Kusse had no report.

VII. OLD BUSINESS

A. Residency Requirements and Appointment of Agricultural Advisory Committee - Supervisor Anderson stated that residency requirements were agreed upon at the November 13 Town Board meeting and interviews for the Agricultural Advisory Committee have been conducted for all interested parties. Two applicants are farmers and one applicant is an interested party.

**RESOLUTION #169-2013**

Supervisor Anderson moved to appoint George Moore, Bill Chase and Robert Kraus to the Agricultural Advisory Committee who will act in accordance Farmland Protection Plan and Local Law #2 of 2013. Appointments are effective immediately. Councilperson Riepe seconded the motion.

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

B. ADA Basketball Court – Supervisor Anderson reported that the basketball court is curing and that funding would be sought for fencing around it.

VIII: NEW BUSINESS

A. Rush Associates, LLC, 7262 West Henrietta Road Rezoning – Supervisor Anderson stated that Rush Associates is seeking a rezoning of property located at 7262 West Henrietta Road, Rush.

Attorney John Mancuso stated that the resolution presented to the Board is a resolution declaring its intent to act as the Lead Agency under the State Environmental Quality Review Act (SEQRA). The regulations for SEQRA deem this action as a Type I, which potentially has the most environmental consequences. The first step is to declare a Lead Agency. Since the application is before the Town Board, the most logical agency is the Town Board. Once the resolution is adopted, the Environmental Assessment Form (EAF) will be circulated to all the involved agencies. All involved agencies are those that may have approvals or permits that may be issued in connection with the proposed rezoning and additional subsequent development.

Town Clerk Bucci read aloud the following resolution in its entirety.

**RESOLUTION #170-2013**

**SEQRA RESOLUTION OF THE TOWN BOARD  
OF THE TOWN OF RUSH REGARDING  
APPLICATION FOR REZONING BY RUSH ASSOCIATES, LLC**

Councilperson Steiner moved,

**WHEREAS**, on or about August 13, 2013, the Town Board of the Town of Rush (the "Town Board") received an application (the "Rezoning Application") from Rush Associates, LLC (the "Applicant"), requesting the rezoning of 25.25 acres of real property located at 7262 West Henrietta Road from Residential (R-30) to Commercial (C); and

**WHEREAS**, on or about November 21, 2013, the Applicant submitted to the Town Board Part 1 of a Full Environmental Assessment Form for the Rezoning Application in compliance with Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"); and

**WHEREAS**, the Town Board must comply with SEQRA prior to taking action on the Rezoning Application; and

**WHEREAS**, the Town Board desires to **act as Lead Agency** for the Rezoning Application in connection with the SEQRA process; and

**WHEREAS**, SEQRA requires that an entity that is willing to fulfill the role of Lead Agency notify the applicable governmental agencies and other interested parties of its intent to act as Lead Agency and to solicit their comments and objections, if any.

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

1. The Clerk of the Town of Rush is authorized and directed to notify applicable governmental agencies and other interested parties of the Town Board's **intent to act as Lead Agency** in connection with the SEQRA review required for the Rezoning Application, and such notice shall invite applicable agencies and others to comment in accordance with SEQRA regulations in this regard; and.
2. Pursuant to applicable SEQRA procedure, in the event that no other agency objects during the requisite 30-day time period, the Town Board shall act as Lead Agency.

Councilperson Riepe seconded the motion.

Roll:

Councilperson Riepe                      aye

Councilperson Steiner	aye	
Councilperson Woolaver	aye	
Supervisor Anderson	aye	carried.

Supervisor Anderson noted that the town engineer and town attorney will review all comments.

**RESOLUTION #171-2013**

Supervisor Anderson requested that the public hearing regarding the proposed rezoning of 7262 West Henrietta Road, Rush, New York be rescheduled to Wednesday, January 22, 2013 at 7:15 PM, Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Councilperson Steiner seconded the motion.

Roll:

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

IX. OPEN FORUM

Resident Al Sweet asked if the town newsletter delay in arrival to residents was addressed. Supervisor Anderson stated that with the assistance and persistence of Secretary Valerie Mertsock, the arrival to the post office and delivery cycle are on schedule.

Councilperson Woolaver asked if the Comprehensive Plan was going to be reviewed and or revised. Supervisor Anderson stated that funds are available in the 2014 budget.

IX. ADJOURNMENT

There being no further business, the meeting was adjourned by Supervisor Anderson at 7:45 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci  
Town Clerk