

RUSH TOWN BOARD
Minutes of August 27, 2014

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Richard Anderson at 7:00 PM on August 27, 2014, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

| | | | |
|----------|--------------------|-------|-----------------------|
| PRESENT: | Richard Anderson | ----- | Supervisor |
| | Daniel Woolaver | ----- | Councilperson |
| | Kathryn Steiner | ----- | Councilperson |
| | Rita McCarthy | ----- | Councilperson |
| | Pamela Bucci | ----- | Town Clerk |
| | John Mancuso, Esq. | ----- | Attorney for the Town |

EXCUSED: Cathleen Frank ----- Councilperson, Deputy Town Supervisor

OTHERS PRESENT:

| | |
|---------------------|----------------------------------|
| Mark David | Highway Superintendent, Resident |
| Todd Ewell | Engineer for the Town |
| Carol Barnett | Resident |
| Kathryn Hankins | Resident |
| Dick and Mary Knapp | Residents |
| Barbara Jacobs | Resident |
| Tom and JoAnn Gust | Resident |
| Jim Bucci | Resident |
| Eileen Tanner | Resident |

I. OPEN FORUM

Supervisor Anderson welcomed all to the meeting and opened the floor to anyone wishing to address the Town Board. If an answer is readily available, it will be addressed. Those requiring research will be answered at a later date.

Todd Ewell, of CHA, Engineer for the Town is present for the public hearing of the Road Section Design Criteria.

II. APPROVAL OF MINUTES

RESOLUTION #124-2014

Councilperson Steiner moved to approve the Minutes of August 13, 2014, as written by Town Clerk Pamela Bucci. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver aye

| | | |
|------------------------|-----|----------|
| Councilperson Steiner | aye | |
| Councilperson McCarthy | aye | |
| Supervisor Anderson | aye | carried. |

III. APPROVAL OF TRANSFER

Transfer was not necessary.

IV. APPROVAL OF ABSTRACT

RESOLUTION #125-2014

Councilperson Steiner moved Be It Resolved that having audited all the claims against the funds listed on Abstract of August 27, 2014 for vouchers #2014 937 through #2014 996 (excluding 973, duplicate) are allowed for payment in the amount of \$62,226.86. Councilperson McCarthy seconded the motion.

Roll:

| | | |
|------------------------|-----|----------|
| Councilperson Woolaver | aye | |
| Councilperson Steiner | aye | |
| Councilperson McCarthy | aye | |
| Supervisor Anderson | aye | carried. |

V. CORRESPONDENCE

Supervisor Anderson received and discussed the following:

Monroe County Sheriff Department Zone B Report – Reoccurring events have been theft in the Hylan Drive, Henrietta mall and shopping areas.

Rush's Financial Rating - By Standard and Poors financial ratings, Rush is listed as having an AA rating, an increase of 2 notches (A+ to AA). The access to the Rochester area contributes to its stability. Fiscal stress scores are very high if the Town were to borrow money.

NYS Comptrollers Workshop – A workshop is scheduled for September 10, 2014 wherein the Comptroller's Office will be releasing and discussing fiscal stress scores.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver, liaison to the Zoning Citizen's Committee, reported that a meeting has been scheduled for Thursday, August 28, 2014, 7 PM. All appointed members have been contacted.

Councilperson Steiner, liaison to the Recreational Agricultural Citizen's Committee met and brought forward specific questions regarding marking the trails, naming the property, and disbanding the current committee and reforming it.

Highway Superintendent David stated that once the current highway projects are complete, the trails will be marked. Supervisor Anderson stated that suggestions in naming the property are to be presented to the Town Board. Consideration for disbanding and regrouping the committee will be taken under advisement and recommendations will be presented to the RACC at a later date.

Councilperson McCarthy had no report.

Town Clerk Bucci has filed the July Town Clerk's Monthly Report to the Supervisor and has received the Warrant to collect school taxes. School tax bills will be mailed this week. With the resignations of both the Henrietta Town Clerk and Henrietta Town Tax Receiving, Town Clerk Bucci has assisted the new Town Clerk/Receiver in preparing for the upcoming tax collection and has trained her in order to sell NYSDEC licenses. A tour through Rush was conducted with Deputy Town Clerk Featherman in relation to past history and current projects in planning and zoning throughout town. The September 9th, 2014, Primary Election will be held at the Rush Methodist Church from 12 noon to 9 PM. If you are not currently registered for the General Election, postmarked applications must be postmarked and received at the Board of Elections by October 15th.

Highway Superintendent Mark David stated that 265 tons of road salt has been ordered at this year's lower rate. Prices will increase by 20 to 21%. A few town roads in Rush will still need this year's maintenance, some drainage work performed and numerous county jobs are still to be completed before the snow season.

VII. OLD BUSINESS

A. Review Road Section Design Criteria – Attorney John Mancuso stated that the proposed Local Law will be covered during the public hearing. The purpose is to amend part of Chapter 125 of the Code relating to adding a section on construction and approval requirements of private roads in the Town of Rush. The second portion is to amend the sketches included in the Design Criteria for various improvements related to roads. The law has been introduced and the public hearing has been scheduled wherein all public comment will be heard. The Board can then extend or close the public comment period. The Board will then complete the Environmental Review for the Local Law, as an unlisted action, not fitting the Type I criteria as a significant adverse impact. The Board then conducts an uncoordinated review acting as lead agency without coordinating with any other agencies. Filling out the Short Environmental Assessment is a streamline step required and approved by the Department of Environmental Conservation. If the Board, under SEQRA, finds any

environmental impact associated with the Local Law and the Board adopts a negative declaration then it can proceed to deliberate to discuss and or adopt the Local Law.

**PUBLIC HEARING – 7:15 PM – Road Section Design Criteria
RESOLUTION #126-2014**

Supervisor Anderson moved to interrupt the meeting to conduct the Public Hearing as advertised and scheduled at 7:15 PM. All councilpersons present were in agreement.

Following distribution of the proposed Local Law to the Town Board members, Town Clerk Bucci stated that the Notice of Public Hearing was duly published in the town-designated newspaper with the same being posted on the town clerk's bulletin board and the town website. For the record, Town Clerk Bucci read the Legal Notice in its entirety.

**LOCAL LAW NO. __ OF 2014
TO AMEND CHAPTER A125, ARTICLE II, SECTION A125-6
OF THE CODE OF THE TOWN OF RUSH IN RELATION TO
ADDING A NEW SECTION A125-6(O), PRIVATE ROADS,
AND AMENDING THE FIGURES AND SKETCH PLANS
CONTAINED IN THE DESIGN CRITERIA AND
CONSTRUCTION SPECIFICATIONS**

PLEASE TAKE NOTICE, a public hearing will be held by the Rush Town Board, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York, on the 27th day of August at 7:15 PM, local time, for the purpose of adding a new section, A-125-6(O), Private Roads and amending the figures and sketch plans contained in the Design Criteria and Construction Specifications set forth in Appendix to Chapter A125 of the Code of the Town of Rush by deleting and replacing it in its entirety.

Copies of the proposed Local Law __ of 2014 are available for inspection at the Town Clerk's Office during normal business hours.

At such hearing any person may be heard in favor of or against the revisions to the Rush Town Code as proposed at the above time and date.

August 13, 2014

Pamela J. Bucci, Town Clerk
By Order of the
Rush Town Board

Engineer for the Town, Todd Ewell, of CHA, stated that the Town Code Book had previously been reviewed and construction details were approved. Updates now include sketches listing crusher run, fabric membrane, man holes, catch basins etc. with more modern materials adaptable to current standards. Both the Highway Superintendent and Supervisor met numerous times with the Engineer to agree on a best scenario for the Town.

Supervisor Anderson stated that this is also the criteria for the dedication of a road to the Town of Rush where the Town would maintain, ditch and plow it. The design criteria is important to the developer in order to get the road appropriately constructed.

Attorney Mancuso noted that the town added a component. Previously there was a gap in the existing Town Code related to servicing private roads up to 4 lots. Previously, a public road was required.

Supervisor Anderson offered the floor to public comment.

Resident JoAnn Gust stated that she was in favor of private roads of 4 houses or less being dedicated to the Town.

Resident Kathryn Hankins supports the design criteria and addressing the changes necessary to the Town Code.

Resident Barbara Jacobs has requested Madelyn's Road to be paved.

Supervisor Anderson stated that making amendments to the Code is a step in the direction of providing approvals to contractors and the Highway Superintendent to pave and maintain Madelyn's Way.

Having no further comment from the audience, Supervisor Anderson closed the hearing at 7:27 PM.

Attorney John Mancuso went step by step through 617.20 Appendix B Short Environmental Assessment Form. The proposed action only involves the legislative adoption of a plan, local law, ordinance administrative rule or regulation. The Impact Assessment was reviewed and answered by the Lead Agency, the Town, and it concluded that there were none or a small impact to occur. The Lead Agency provided a Determination of Significance and based on the information and analysis, supporting documentation that the proposed action will not result in any significant adverse environmental impacts.

RESOLUTION # 127-2014

Councilperson Steiner moved to authorize the Supervisor to sign Part 1 of the Short Environmental Assessment Form. Councilperson Woolaver moved to second the motion.

Roll:

| | | |
|------------------------|-----|----------|
| Councilperson Woolaver | aye | |
| Councilperson Steiner | aye | |
| Councilperson McCarthy | aye | |
| Supervisor Anderson | aye | carried. |

Supervisor Anderson then read aloud the Determination of Significance from the Short Environmental Assessment Form.

RESOLUTION #128-2014

Councilperson Steiner moved to authorize the Supervisor to check the box indicating that the action will not result in any significant adverse environmental impacts and sign Part 3 of the Short Environmental Assessment Form as Lead Agency. Councilperson Woolaver moved to second the motion.

Roll:

| | | |
|------------------------|-----|----------|
| Councilperson Woolaver | aye | |
| Councilperson Steiner | aye | |
| Councilperson McCarthy | aye | |
| Supervisor Anderson | aye | carried. |

Attorney John Mancuso stated that the process pursuant to SEQRA Law is complete and the Board may deliberate regarding Local Law #1 of 2014.

RESOLUTION # 129-2014

Supervisor Anderson moved,

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF RUSH ADOPTING LOCAL LAW NO. 1 OF 2014 TO AMEND CHAPTER A125, ARTICLE II, SECTION A125-6 OF THE CODE OF THE TOWN OF RUSH IN RELATION TO ADDING A NEW SECTION A125-6(O), PRIVATE ROADS, AND AMENDING THE FIGURES AND SKETCH PLANS CONTAINED IN THE DESIGN CRITERIA AND CONSTRUCTION SPECIFICATIONS

WHEREAS, the Town Board for the Town of Rush (the "Town Board") has determined that it is in the interests of the Town of Rush to amend Chapter A125, Article II, Section A125-6 of the Code of the Town of Rush (the "Code") in relation to adding a new section A125-6(O), Private Roads, and amending the

figures and sketch plans contained in the design criteria and construction specifications set forth in the Appendix to Chapter A125 of the Code; and

WHEREAS, a public hearing on a proposed local law was conducted by the Town Board on August 27, 2014, wherein the public was provided an opportunity to submit comments on the proposed local law; and

WHEREAS, a Short Environment Assessment Form has been prepared by the Town 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 has determined that the adoption of Local Law No. 1 of 2014 is an "Unlisted Action" pursuant to SEQRA and subject to an uncoordinated review by the Town Board as Lead Agency, that the proposed local law does not present a potential significant adverse impact, and thus a Negative Declaration as that term is defined by SEQRA has been issued.

NOW, THEREFORE, BE IT RESOLVED that Local Law No. 1 of 2014, a copy of which is attached and incorporated hereto, shall amend the Code by adding a new section A125-6(O), Private Roads, and amending the figures and sketch plans contained in the design criteria and construction specifications set forth in the Appendix to Chapter A125 of the Code; and

BE IT FURTHER RESOLVED that notice of this Resolution shall be filed and circulated to the extent required by any applicable provision of the Code and/or any relevant statute or regulation.

BE IT FURTHER RESOLVED that said Resolution and local law shall take effect immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law; and

The adoption of the foregoing Resolution was moved by Councilperson Steiner, seconded by Councilperson McCarthy, and duly put to vote, which resulted as follows:

| | Yea | Nay | Abstain | Absent |
|------------------------------|------------|------------|----------------|---------------|
| Supervisor Richard Anderson | [x] | [] | [] | [] |
| Councilwoman Kathryn Steiner | [x] | [] | [] | [] |
| Councilman Daniel Woolaver | [x] | [] | [] | [] |
| Councilwoman Cathleen Frank | [] | [] | [] | [x] |
| Councilwoman Rita McCarthy | [x] | [] | [] | [] |

The Resolutions were thereupon duly adopted.

VIII. NEW BUSINESS

A. Work Outside Right of Way – Drainage Easements– Highway Superintendent Mark David stated that silt has been built up due to upstream water build up in drainage areas 203.02-1-3, 203.03-1-14 on Wardell, 203.03-1-17 Lyons and 213.11-1-27 East Henrietta Road.

RESOLUTION #130-2014

Councilperson Steiner moved to allow Highway Superintendent to perform necessary drainage work outside of the Right-of-Way on temporary drainage easements in the tax parcel areas of 203.02-1-3, 203.03-1-14 on Wardell Road, 203.03-1-17 Lyons Road and 213.11-1-27 East Henrietta Road.

Roll:

| | | |
|------------------------|-----|----------|
| Councilperson Woolaver | aye | |
| Councilperson Steiner | aye | |
| Councilperson McCarthy | aye | |
| Supervisor Anderson | aye | carried. |

IX. OPEN FORUM

Supervisor Anderson offered the floor to anyone who wished to address the Board. If there are no comments, the budget workshop will commence following the close of the meeting.

X. ADJOURNMENT

There being no further business to conduct, 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