

RUSH TOWN BOARD
Minutes of September 24, 2014

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Deputy Town Supervisor Frank at 7:00 PM on September 24, 2014, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT:	Cathleen Frank	-----	Councilperson, Deputy Town Supervisor
	Daniel Woolaver	-----	Councilperson
	Kathryn Steiner	-----	Councilperson
	Rita McCarthy	-----	Councilperson
	Pamela Bucci	-----	Town Clerk
	John Mancuso, Esq.	-----	Town Attorney

EXCUSED: Richard Anderson ----- Supervisor

OTHERS PRESENT:

MaryJo Schutt	Spectator
Aaron Schutt	Boyscout Spectator
Dave Sluberski	Resident
Carol Barnett	Resident
Kathryn Hankins	Resident

I. OPEN FORUM

Deputy Supervisor Frank welcomed all to the meeting and opened the floor to anyone wishing to address the Town Board.

Resident Dave Sluberski stated that he had previously asked the Supervisor for a contact number to the Monroe County Sheriff's Department but hasn't been contacted. Mr. Sluberski commented on the resolutions to be presented for the meeting suggesting they were somewhat vague. He also read aloud and provided a copy to the Town Board and Town Clerk his memo to the Board from Dave Sluberski, Democratic Party Town Leader, related to resolution to authorize solar power agreement which included multiple questions and comment. Also requested was the availability of the town budget.

Resident Kathryn Hankins stated that she had a correction to the previous Town Minutes. She suggested the Town Board view what other towns out of New York State are doing or have done regarding solar power for towns and residential homes. Long Island and other towns are forming citizen committees to research solar energy.

II. APPROVAL OF MINUTES

RESOLUTION #135-2014

Councilperson Steiner moved to approve the Minutes of September 10, 2014, as written by Town Clerk Pamela Bucci. Councilperson McCarthy seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson Steiner	aye	
Councilperson McCarthy	aye	
Deputy Supervisor Frank	aye	carried.

III. APPROVAL OF TRANSFER

There are no transfers required.

IV. APPROVAL OF ABSTRACT

RESOLUTION #136-2014

Councilperson Steiner moved Be It Resolved that having audited all the claims against the funds listed on Abstract of September 10, 2014 for vouchers #2014 1038 through #2014 1089 be allowed for payment in the amount of \$36,005.34. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson Steiner	aye	
Councilperson McCarthy	aye	
Deputy Supervisor Frank	aye	carried.

V. CORRESPONDENCE

Deputy Supervisor Frank received and discussed the following as provided by Supervisor Anderson:

Monroe County Sheriff Department Zone B Report – The Captain contacted Supervisor Anderson informing him that there were no concerns or public safety issues in regard to the day's shooting that occurred in Rush.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver, liaison to the Zoning Citizen's Committee (ZCC), stated that they met on the 18th and made a few recommendations to the zoning code regarding different provisions for existing properties and setbacks.

Councilperson Steiner noted that both the Zoning and the Recreational Agricultural Citizen (RACC) Committees have reserved the Town Hall meeting rooms on the same evening. The RACC is continuing to work on uses of the East River Road (former BOCES) property.

Having two meeting rooms, the ZCC will meet in the Supervisor's Conference Room and the RACC will meet in the Meeting Room.

Councilperson McCarthy had no report.

Town Clerk Bucci reported that the Supervisor was provided the August monthly report with revenues in the amount of \$15,692.01.

Town Clerk Bucci requested to respond to comments made during the open forum and stated that Town Board Minutes are an historical record submitted to the Town Board. There is no statutory requirement that the Town Board approve Minutes, however, it is a common practice. When the roll is called, and the Town Board requests a change for inaccurate Minutes, changes are noted in the original historical record.

Resident Kathryn Hankins responded that she wished the minutes to be corrected to what she was actually trying to saying.

Town Clerk Bucci offered to the audience an option of providing the Town Board and Town Clerk written material for correct transcription of verbal information.

Resident Kathryn Hankins stated that in this case, the communication during open forum was of the moment and not prepared. Town Clerk Bucci understood.

Resident Carol Barnett asked if Minutes prepared for the public would be amended.

Town Clerk Bucci responded that suggestions verbalized by anyone during the meeting or open forum are part of the minute notes. The Minutes presented to the public, even with corrections approved during a meeting, are not retyped and republished. When the Town Board votes to correct the Minutes as submitted, for accuracy of what was actually stated, they are corrected on the official record.

Town Clerk Bucci stated that the Monroe County Sheriff's Department Zone B Crime Report is posted on their website including the Captain's name and phone number for public access.

Resident Dave Sluberski stated that he had made numerous calls, however, a response call has not been received.

Attorney John Mancuso gave an update and stated that the Town Board has previously made a decision to issue a positive declaration for an environmental review relating to the proposed rezoning of 7262 West Henrietta Road for any potentially significant adverse impacts on the environment. Attorney Mancuso has talked to the Landtech engineer who is the agent representing the applicant. Areas of review and further consideration are noise, lighting and traffic. Under the regulations, Landtech is required to submit a scoping document. The applicant has retained a firm to assist in the preparation of the documents which will provide an explanation of the land use. All agencies will be working together in order to present the scoping document to the Town Board.

Deputy Town Supervisor Frank, as liaison, attended the Planning Board meeting.

VII. OLD BUSINESS

A. Solar Energy – Deputy Town Supervisor Frank stated that approval is required in order for the Supervisor to enter into a Professional Services Agreement to begin to develop a proposal for construction, design and NYSERDA grant documents for possible electrical energy needs for the Town of Rush municipal facilities.

Resident Kathryn Hankins asked if the agreement is a request for proposal.

Deputy Supervisor Frank asked that the audience hold their comments and until the open forum and further explained that the Solar Agreement is a stepping stone for collecting necessary information in order to make a sound decision at a later date.

Attorney Mancuso stated that it is not an RFP (request for proposal). Larsen Engineering will be eliciting information from a developer in order for it to be reviewed by the Town. It is not a request for proposal.

B. Town Budget Update – Town Clerk Bucci stated that the 2015 Preliminary Budget has been filed in her office and copies have been distributed to Town Board members. It will be placed on the town website. The Town Board may now set a public hearing date.

VIII. NEW BUSINESS

A. **RESOLUTION #137-2014**

Councilperson Steiner moved to approve the Supervisor entering into a Professional Services Development Agreement for Solar PV Project with Larsen

Engineers, 700 West Metro Park, Rochester, New York 14623. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson Steiner	aye	
Councilperson McCarthy	aye	
Deputy Supervisor Frank	aye	carried.

B. Resolution to Set Public Hearing Date for the 2015 Preliminary Town Budget

RESOLUTION #138-2014

Councilperson Steiner moved to schedule a public hearing of the 2015 Preliminary Town Board on October 22, 2014, at 7:15 PM in the offices of the Town Hall, 5977 East Henrietta Road, Rush, New York. Town Clerk Bucci shall publish the public hearing legal notice in the town designated paper and required areas. Councilperson McCarthy seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson Steiner	aye	
Councilperson McCarthy	aye	
Deputy Supervisor Frank	aye	carried.

C. Authorize Supervisor to Appoint 2 Member Subcommittee to Audit Vouchers
– Deputy Town Supervisor Frank stated that from the State audit performed over a 6 month period 2014, they found one recommended matter. It was recommended that the Supervisor appoint a subcommittee of 2 Town Board members to manage the process of auditing the vouchers. Both Councilpersons McCarthy and Woolaver volunteered to be the Subcommittee. The auditing of vouchers is not a procedure of approving of the vouchers but a procedure of reviewing the vouchers for accuracy and then verifying their review by signing them.

RESOLUTION #139-2014

Councilperson Kathryn Steiner motioned to authorize the Supervisor to appoint 2 members, Councilperson McCarthy and Councilperson Woolaver to the Auditing Committee to be charged with duties of reviewing the abstract of claims submitted to the Town Board for approval or disapproval under Town Law §63. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson Steiner	aye	
Councilperson McCarthy	aye	
Deputy Town Supervisor Frank	aye	carried.

IX. OPEN FORUM

Resident Kathryn Hankins asked what the solar agreement means for the Town of Rush, what is the public review, the competitive bidding, where are the plans and what are the updates from Larsen Engineers. The Town Code does not have solar or energy regulations whether it is commercial or industrial. What happened at the BOCES (town owned at East River Road) property regarding solar power? Where is the report.

Attorney John Mancuso stated that competitive bidding is not required. The Town Board is simply having Larsen Engineers elicit a proposal of a design for the town. The Town is not bound, at this point.

Councilperson McCarthy stated that Larsen Engineers have not investigated the BOCES (town owned property at East River Road) property.

Councilperson Woolaver stated that the town's contact at Larsen Engineering is no longer with the firm and the project has been reassigned to another engineer.

Resident Kathryn Hankins stated that she believed the resolution should include scope, intent and cost.

Deputy Town Supervisor Frank stated that the outcome of the Solar Project Agreement will provide the Town with detailed and substantial information that is not currently available. A developer will provide Larsen Engineers with information in the form of a proposal specific to the needs of the Town of Rush.

Resident Carol Barnett asked what the cost of work would be.

Attorney John Mancuso stated that the resolution approved is an agreement with Larsen Engineers to permit them to find a developer that will submit a proposal that they will use in conjunction with the preparation of their report to the Town Board. There is no cost, at this time associated with the Agreement.

Resident Kathryn Hankins stated that in order to perform due diligence, the Town should solicit other towns and engage a variety of developers for solar power discovery.

Deputy Town Supervisor added that the Monroe County Sheriff Captain for Zone B is Jeffrey Wagner and reports can be found on their website.

Resident Dave Sluberski asked for specific charges of the persons selected for the Zoning Citizens Committee and what they reviewing. The Code Enforcement Officer, according to Town Code, is bound to submit a report to the Town Board on an annual basis.

Councilperson Woolaver, liaison to the Zoning Citizens Committee, stated that members were reviewing specific areas of the Zoning Code including subjects such as setbacks, sheds and trailers in yards which are presented most often at Zoning Board meetings. The Committee will solicit additional information. Obtaining reports from the Code Enforcement Officer on items of violation will also be done.

X. ADJOURNMENT

There being no further business to conduct, the meeting was adjourned by Deputy Town Supervisor Frank at 7:30 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci
Town Clerk