

RUSH TOWN BOARD
Minutes of May 13, 2015

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Cathleen Frank at 7:00 PM on May 13, 2015, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

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

OTHERS PRESENT:

Mark David	Resident, Highway Superintendent
Carol Barnett	Resident
Gerry Kusse	Resident, Code Enforcement Officer
Marianne Rizzo	Resident
Dick & Mary Knapp	Residents

I. OPEN FORUM

Supervisor Frank opened the floor to anyone wishing to address the Town Board. All those speaking were asked to state their name and address for record keeping purposes.

Resident Dick Knapp noted the fine job that the Rush Highway crew did during the scheduled brush pick-up throughout the town.

II. APPROVAL OF MINUTES

RESOLUTION #102-2015

Councilperson Steiner moved to approve the Meeting Minutes of April 22, 2015, as written by Town Clerk Pamela Bucci. Councilperson Woolaver seconded the motion.

Roll:

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

III. APPROVAL OF TRANSFER

RESOLUTION #103-2015

Councilperson Steiner moved Be It Resolved that having audited all the unreserved, unanticipated revenues and unexpended balances of existing appropriations, I move that transfers #5 and #6 in the amount of \$373.33 be approved. Councilperson McCarthy seconded the motion.

Roll:

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

BUDGET TRANSFERS 05/13/2015 - 2015 FUNDS

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

General Funds

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
5	200.00	A.5410.400	Sidewalks Contractual To cover harsh winter sidewalk plow variance	A.5410.100	Sidewalks Personal Services
6	173.33	A.7020.400	Recreation Contractual To cover printer replacement	A.7020.200	Recreation Capital Outlay

IV. APPROVAL OF ABSTRACT

RESOLUTION #104-2015

Councilperson Steiner moved Be It Resolved that having audited all the claims against the funds listed on Abstract of May 13, 2015 for vouchers #2015 465 through #2015 529 be allowed for payment in the amount of \$42,409.79. Councilperson McCarthy seconded the motion.

Roll:

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

V. REPORT OF OFFICERS AND COMMITTEES: Monthly Report

Councilperson Woolaver offered the following report:

- As liaison, attended the Zoning Citizens Committee Meeting. Included in the meeting were members of the Agricultural Advisory Committee and Supervisor Frank to discuss farming related zoning issues and dissection of the zoning code.

Councilperson Steiner offered the following report:

- As liaison, met with the Conservation Board who reviewed one application.

Councilperson McCarthy offered the following report:

- As liaison, attended the Renewable Energy Citizens Committee. A number of renewable energy resources were discussed including solar panels and turbines.
- As liaison, attended the Library Board of Trustees meeting. The Friends Night Out is June 26th, which will include live music, cash bar and hors d'oeuvres. A smart tv was purchased.

Councilperson Moore offered the following report:

- As liaison, will be attending the Planning Board meeting which agenda includes a special permit for the Lehigh Valley Outpost and an application for subdivision.

John Mancuso, Esq., offered the following report:

- No report.

Town Clerk Bucci offered the following report:

- No report.

Building Inspector/Code Enforcement Officer Kusse offered the following report:

- Will be meeting with Niagara Mohawk to restore electricity to the town-owned buildings located at 6565 East River Road (former BOCES property).

Highway Superintendent David reported the following:

- After an overhaul, the Highway's 1988 roadside mower sold at municipal auction for \$13,000.
- Highway school is June 1 through June 3 at Cornell, New York. A resolution for approval to spend allocated funds was requested.

RESOLUTION #105-2015

Councilperson Steiner moved to allow Highway Superintendent Mark David to attend Highway School at Cornell, New York from June 1, 2015 through June 3, 2015, with allocated funds. Councilperson Woolaver seconded the motion.

Roll:

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

Library Director Kirsten Flass reported the following:

- The band Eight Days a Week will not be performing at the Friends Night Out and the Library Board of Trustees is contemplating having Skyway perform. They are also a “dancing” band.

Supervisor Frank offered the following report:

- A porta potty was delivered for the public’s use at the town’s facility at 6565 East River Road (former BOCES property).
- A sewer is not conducive to the town’s needs at 6565 East River Road. Pumping must be pumped down to the sewer station and then back up to the site. If public water is cost-prohibitive, a well is another option. There is water about 200 feet from the southeast corner of the property where a connection exists. The north end is 1200 feet from a connection. Electricity, water and septic is anticipated on the property.

VI. OLD BUSINESS

None to report.

VII. NEW BUSINESS

- A. Appoint Town Gardener – Town Clerk Bucci stated that a number of Rush residents, including others applied for the position. A resolution for approval was requested in appointing Rita Goodman who began on May 4, 2015, at Step I.

RESOLUTION #106-2015

Councilperson Steiner moved to authorize Town Clerk Bucci’s appointment of Rita Goodman as the Town Gardener effective May 4, 2015, at a Step I pay rate. Councilperson McCarthy seconded the motion.

Roll:

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

B. Rush Associates – Schedule 30 Day Public Comment Period – Supervisor Frank directed Attorney John Mancuso to explain the process.

Attorney Mancuso stated that the Town Clerk has prepared a Notice for Public Comment Period and it will be published in the newspaper. The Notice will provide the location of the Scoping Document available for public review. The Applicant's Engineer has prepared the document for identification of the areas the Town Board saw as a potential significant adverse impact. The Town Board must adopt a resolution setting the public comment period for 30 day and direct the Town Clerk to publish the appropriate notice. May 18 through June 17 will provide for a 30 day public review and written comment period. The Town Board will review all written comments.

Supervisor Frank asked for clarification that the 30 day period is strictly for comment on the lighting, traffic and noise associated with the impact.

Attorney John Mancuso agreed and stated that all involved agencies and public will have the opportunity to provide written feedback on lighting, traffic and noise associated with the project to the Town Board. There will be no public hearing.

Councilperson Steiner asked where the Scoping Document will be available for viewing and where the notice will be published. Town Clerk Bucci responded that the Scoping Document will be available on the town website, Rush Public Library and the Town Clerk's Office. The notice will be published in a town-designated official newspaper and on the town website.

RESOLUTION #107-2015

Councilperson Steiner moved to authorize Town Clerk Bucci to post a Notice of Public Written Comment Period of the Town of Rush regarding Application for rezoning by Rush Associates, LLC, from May 18, 2015 through June 17, 2015 in the town designated official newspaper. Councilperson Woolaver seconded the motion.

Roll:

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

VIII. OPEN FORUM

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

Resident Marianne Rizzo requested clarification of the process taking place in regards to Rush Associates Draft Scoping Document.

Attorney Mancuso stated that Rush Associates is in the environmental review phase. The Town Board cannot take any action to rezone the property until the review is completed. The Town Board adopted a positive declaration stating that they believe this project could potentially result in one or more significant adverse environmental impacts. Their next step is the scoping document. That document identifies the particular areas of concern that the Town Board raised in the positive declaration; those being noise, lighting and traffic. The Draft Scoping Document sets forth some analysis as to what issues will be reviewed by the Town Board. It highlights the alternatives in order to mitigate those potential impacts. The Town Board has now set a 30 written comment period where public comment and any and all comment from the involved agencies are received. After that period, the applicant will address and submit a Final Scoping Document.

Resident Marianne Rizzo asked whether the Department of Transportation already provided their comments of the project.

Attorney Mancuso stated that comments are a part of the process. All involved agencies will be put on notice that the Town Board is the lead agency responsible for the project review. All involved agencies have an opportunity to provide comment regarding the project, however, they are not required to comment. If an agency feels that there is an inadequacy, they may raise areas of concern. The comment period will commence May 18th.

Resident Carol Barnett asked if the Draft Scoping document was currently on the town website.

Town Clerk Bucci responded that the document is not yet on the website.

IX. EXECUTIVE SESSION

Supervisor Frank made a motion to adjourn to executive session to discuss an attorney client privilege matter at 7:20 PM which was approved by common consent of all councilpersons present.

On the motion of Supervisor Frank, the meeting was returned to regular session at 7:24 PM.

RUSH TOWN BOARD
May 13, 2015

X. ADJOURNMENT

There being no further business to conduct, the meeting was adjourned by Supervisor Frank at 7:25 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci
Town Clerk