

RUSH TOWN BOARD MINUTES  
July 13, 2016

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Cathleen Frank at 7:00 PM on July 13, 2016, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT:	Cathleen Frank	-----	Supervisor
	Rita McCarthy	-----	Councilperson, Deputy Supervisor
	Daniel Woolaver	-----	Councilperson
	Jillian Coffey	-----	Councilperson
	Gerald Kusse	-----	Councilperson
	Pamela Bucci	-----	Town Clerk
	John Mancuso, Esq.	-----	Attorney for the Town

RESIDENTS PRESENT:

Mark David	-----	Resident, Highway Superintendent
Carolee and Bob Powers	-----	Residents, REAC Members
Donald Knab	-----	Resident, Town Justice
Bill Gaffney	-----	Resident
Al Sweet	-----	Resident
Jeff Werner	-----	Resident
Mark Heimbueger	-----	Resident, REAC Member
John Company	-----	Resident
Bethany Choate	-----	Resident, REAC Member
Dave and Sandra Sluberski	-----	Residents
Leroy Hankins	-----	Resident
Cecil Palmer	-----	Resident
Kathryn Hankins	-----	Resident, REAC Member
Paula Anderson	-----	Resident
Carol Barnett	-----	Resident
Marianne Rizzo	-----	Resident, REAC Member
Robert Kraus	-----	Resident, REAC Member

I. PUBLIC COMMENT

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

Resident Jeffrey Werner thanked both the Town Board for authorizing the Farmers' Market move to the Town Hall and Recreation Supervisor Pat Stephens continued support and assistance wherever needed. A favorable response has been received. Additional vendors will increase over time.

In reference to the dialog at the last Town Board meeting, Mr. Werner provided the following comments. As a former Town Board member and being elected by the majority of Rush citizens he was constantly asked why the Board had the right to make decisions on the community's behalf. There will always be those members of a community that never volunteer to make the decisions, however, are always available to criticize and or do not have the town's best interest in mind. The phrase heard by him as a councilman was quoted, "It's more enjoyable to pee into the tent than to pee out of the tent". All current Board members have made themselves available to residents on a consistent basis. Mr. Werner suggested that the Town Board not be driven by those residents who like to grandstand but to continue to make positive decisions for the betterment of the community. Mr. Werner stated that, in his opinion, all citizen committees needed to be disbanded.

Previously Town Boards had citizens stand when they spoke to the Town Board. The podium is available for that reason and all persons able should use it. The format is respectful of the Town Board. Board members are doing the job that the town elected them to do. Meetings should be held with courtesy and respect to all. The disrespect of the Town Board witnessed at the last Town Board meeting should not occur again.

Resident Bill Gaffney stated that he uttered the words "pee in the tent, rather than outside the tent" referred to the unfair assessment in Rush during the 1990s. Mr. Gaffney, along with a committee of citizens continued to speak on the unfair assessment of homes, some as much as 50% over assessed and some as much as 50% under assessed. After four years of speaking out and with the town's appointment of Assessor Kevin Quinlan a town reassessment was conducted and Rush is now is an equal standing.

Resident Carol Barnett noted as this is the new regime, going to the podium to speak, approached and commented in her response to Mr. Werner's comments to the Town Board. All citizens have the privilege to exercise their political and constitutional rights and freedom of speech. It is not her opinion that the Town Board sees the open comment period as negative impact to town government.

## II. APPROVAL OF MINUTES

### **RESOLUTION #129-2016**

Councilperson Coffey moved to approve the June 22, 2016, Town Board Minutes as amended. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye
Councilperson McCarthy	aye

Councilperson Coffey                    aye  
 Councilperson Kusse                    aye  
 Supervisor Frank                        aye                    carried.

III. APPROVAL OF TRANSFER

**RESOLUTION #130-2016**

Councilperson Coffey moved that having audited all the unreserved, unanticipated revenues and unexpended balances of existing appropriations, transfer #9 through #12 in the amount of \$9,994.00 are approved. Councilperson McCarthy seconded the motion.

**BUDGET TRANSFERS 7/13/2016 - 2016 FUNDS**

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

**General  
 Funds**

Transfer Number	Decrease Appropriation			Increase Appropriation	
	Amount	Account	Description	Account	Description
9	54.00	A.1990.400	Supervisor Contingency To cover net addition of Truck	A.1910.400	Supervisor Insurance
10	1,340.00	A.1990.400	Supervisor Contingency To cover BAS Tablet App.	A.3620.200	Safety Inspection Capital Outlay
11	100.00	A.1990.400	Supervisor Contingency To cover Dog Bite medical cost	A.8010.400	Zoning Contractual
12	8,500.00	A.1990.400	Supervisor Contingency To cover BOCES and Town Board work	A.1440.400	Engineering Contractual
	9994.00	<b>Total</b>			

Roll:

Councilperson Woolaver                    aye  
 Councilperson McCarthy                    aye  
 Councilperson Coffey                    aye  
 Councilperson Kusse                    aye  
 Supervisor Frank                        aye                    carried.

IV. APPROVAL OF ABSTRACT

**RESOLUTION #131-2016**

Councilperson McCarthy moved that having audited all the claims against the funds listed on Abstract #13 of July 1, 2016 for vouchers 2016 #651 through #715 are allowed for payment in the amount of \$92,525.78. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson McCarthy	aye	
Councilperson Coffey	aye	
Councilperson Kusse	aye	
Supervisor Frank	aye	carried.

#### V. CORRESPONDENCE

Supervisor Frank stated:

- Resident Wayne Donner sent a letter of thanks to the Highway Department for Thunder Ridge street paving; appreciated no stone/oil treatment.

#### VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver offered the following:

- No report.

Councilperson McCarthy offered the following:

- Attended the Library Board of Trustees meeting. Budget presented by Director Kirsten Flass was excellent and approved.

Councilperson Coffey offered the following:

- No report.

Councilperson Kusse offered the following

- As liaison, attended the Conservation Board meeting. Requests have been made of the Town Board, however, not documented. Requests will be forwarded to the Supervisor.

Town Clerk Bucci offered the following:

- Deputy Town Clerk Featherman has an approved absence from her position beginning July 21. She will be out of the office for between two and six weeks. Leave has been discussed with Supervisor Frank as well as other office staff. Supervisor Frank agreed that funds are available for coverage in her absence by both the Supervisor's Secretary and the Assessor's Clerk. Both employees are cross-trained in the Town Clerk's office, however, the training and coverage is not atypical from of what they cover on a regular basis. Request for a resolution of approval.
- Quotes related to the Monroe County Development Block Grant amplification and recording system have been received and forwarded to the Town Board. E-Options includes all specifications and is the least expensive. Request for resolution for purchase not to exceed \$4,925. The Town makes the initial purchase and the County reimburses the Town.

Attorney for the Town offered the following:

- No report.

Highway Superintendent David offered the following:

- Northeast Electric has begun installing light fixtures in the high bay. The change in lighting is extreme and will offer benefit and safety for crew. The entire installation is near completion.
- PAIDNY Guidelines for road design are now available. Rush will receive over \$11,000. This fits the Consolidated Local Highway Improvement Program (C.H.I.P.S.) Program.

Supervisor Frank offered the following:

- Three Automated External Defibrillator (AED) have been replaced in the Town Hall, Highway and Pavilion, including batteries.

## VII. OLD BUSINESS

A. Status Update on Rush Associates, LLC re-zoning of 7262 West Henrietta Road – 30 day Extension – Supervisor Frank received correspondence from Matthew Griffith from the NYSDEC, although late with his comments, were not included in the Rush Associates LLC FEIS (Final Environmental Impact Assessment). In order to allow their comments, an additional 30 days extension of the SEQRA process is appropriate.

### **SEQRA EXTENSION RESOLUTION**

#### **RESOLUTION #132-2016**

Councilperson Coffey moved, WHEREAS, on November 13, 2013, the Town Board of the Town of Rush (the "Town Board") accepted an application from Rush Associates, LLC to rezone 5.8 acres of an approximately 25 acre parcel located at 7262 West Henrietta Road, Town of Rush from residential (R-30) to commercial (C) (the "Petition"); and

WHEREAS, the Petition is subject to an environmental impact assessment pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617 (collectively referred to as "SEQRA"); and

WHEREAS, on November 27, 2013 the Town Board declared itself Lead Agency in order to complete a coordinated review of the Petition pursuant to SEQRA; and

WHEREAS, on July 23, 2014, the Town Board issued a Positive Declaration for the Petition; and

WHEREAS, on January 13, 2016, the Town Board accepted a Draft Environmental Impact Statement ("DEIS") for the Petition; and

WHEREAS, both a thirty (30) day public comment period and public hearing were conducted for the DEIS; and

WHEREAS, on May 11, 2016, the Town Board accepted a Final Environmental Impact Statement ("FEIS") for the Petition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN OF RUSH TOWN BOARD AS FOLLOWS:

Section 1. Pursuant to 6 NYCRR §§ 617.3(i) and 617.11(b), and on consent of Rush Associates, LLC, the Town Board determines that its time to file a written findings statement and decision on whether or not to fund or approve the Petition shall be extended to August 12, 2016.

Section 2. The Town Board further directs that notice of this resolution shall be filed and circulated to the extent required by any applicable ordinance, statute or regulation.

Section 3. This Resolution shall take effect immediately upon adoption.  
Councilperson McCarthy seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson McCarthy	aye	
Councilperson Coffey	aye	
Councilperson Kusse	aye	
Supervisor Frank	aye	carried.

B. Town Board feedback on the Renewable Energy Citizen's Committee Final Report - Supervisor Frank posed questions related to the kilowatt (kw) hours for the Town Hall and determining whether or not a reduction in usage would have to be by at least half in order to lower the demand charge.

REAC Members Bob Powers and Matt Heimbueger were in agreement that demand charge is charted at a high peak and continues throughout a lengthy period of time. The ratchet clause is also to be taken into consideration.

Councilperson McCarthy stated that additional bids were needed in order to make any decisions regarding the conservation aspect. Areas in the Town Hall where heat and air conditioning are lost must be addressed before the Board proceeds in a fiscally responsible manner.

REAC Member Rizzo stated that the peak area must be determined and most likely only done if a consultant reviews the data.

Supervisor Frank questioned whether or not hiring a consultant would provide a recourse of action. Renewable Energy will be a topic of discussion on the next agenda.

C. Status of the Zoning Citizens Committee Recommendations that were accepted by the Town Board – Supervisor Frank provided the floor to Attorney Mancuso.

Attorney Mancuso stated that the attorneys are compiling all the considerations and may have a document available for the Town Board at the next meeting.

#### VIII. NEW BUSINESS

A. Status of Hanson-Honeoye Falls Quarry Expansion – Supervisor Frank spoke with Scott Scheeley of the Department of Environmental Conservation (DEC) who provided an outline of the applicant's first submission which was August of 2013. Comments are now being evaluated by the DEC. They will determine whether or not an adjudicate hearing is in order. If there is not another hearing, the final hearing will take place. Mike Lewis of the Hanson-Honeoye Falls Quarry offered a tour of the facility to the Town Board. Mr. Lewis also offered to meet with the residents surrounding the quarry.

B. Resolution to submit a Finger Lakes Economic Development Grant Application for the Roof of the Dairy Barn at the New York Museum of Transportation – Supervisor Frank asked for resolution approval.

Councilperson McCarthy thanked both Town Supervisor Frank and Recreation Supervisor Stephens for putting much effort into the grants under tight time constraints.

#### **RESOLUTION #133-2016**

Councilperson Woolaver moved to allow the Town Supervisor to submit a grant application to Finger Lakes Economic Development for the purpose of purchasing materials and labor for the installation of a roof on the Dairy Barn located at the New York Museum of Transportation, 6393 East River Road, Rush, New York. Councilperson McCarthy seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson McCarthy	aye	
Councilperson Coffey	aye	
Councilperson Kusse	aye	
Supervisor Frank	aye	carried.

C. Resolution to submit a Finger Lakes Economic Development Waterfront Revitalization Grant Application for a Master Plan for Rush Riverside Refuge – Request for a resolution was made.

**RESOLUTION #134-2016**

Councilperson Woolaver moved all the Town Supervisor to submit a grant application to Finger Lakes Economic Development Waterfront Revitalization for the purpose of developing a Master Plan for Rush Riverside Refuge, 6565 East River Road, Rush, New York. Councilperson McCarthy seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson McCarthy	aye	
Councilperson Coffey	aye	
Councilperson Kusse	aye	
Supervisor Frank	aye	carried.

D. Resolution to update kitchen fixtures in the William R. Udicious Pavilion - Supervisor Frank stated that additional quotes are being requested prior to a decision being made.

E. Resolution to finish sidewalks on Rush-West Road – Supervisor Frank stated that Highway Superintendent David noted the unsafe condition of sidewalks on the north side of Rush West Rush Road at Route 15A and submitted an estimate to replace approximately 352 feet long by 5 feet wide of sidewalk.

Highway Superintendent David has additional projects of priority and obtained quotes for the work on the sidewalk to be completed more expeditiously by a separate contractor. The Highway crew may do a portion of the work. Sunshine provided the best price.

**RESOLUTION #134-2016**

Councilperson McCarthy moved to allow Sunshine contract with concrete sidewalk along the north side of West Rush Road at a cost not to exceed \$13,000. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson McCarthy	aye	
Councilperson Coffey	aye	
Councilperson Kusse	aye	
Supervisor Frank	aye	carried.

F. Resolution to approve purchase of amplification and recording system - Supervisor Frank explained that in 2014 Town Clerk Bucci received a Community

Development Block Grant for an amplification and recording system in the amount of \$4,925. In December 2015, the Town Board authorized the Supervisor to sign a contract with Monroe County. Town Clerk Bucci has obtained three quotes, which were forwarded to the Board, and E-Options LLC for \$4,610.30 is recommended. They are also the only vendor that visited the town hall.

**RESOLUTION #135-2016**

Councilperson McCarthy moved to authorize the Town Clerk's purchase of an amplification and recording system from E-Options, LLC, 30 Industrial Park Circle, Suite 1, Rochester, New York 14624. Funds will be reimbursement by Monroe County Development Block Grant for an amount not to exceed \$4,925.00. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson McCarthy	aye	
Councilperson Coffey	aye	
Councilperson Kusse	aye	
Supervisor Frank	aye	carried.

G. Resolution to approve coverage in Deputy Town Clerk's Excused Absence - Supervisor Frank noted Town Clerk's request for coverage during her deputy's excused absence.

**RESOLUTION #136-2016**

Councilperson Woolaver moved that Town Clerk Pamela Bucci be allowed to extend office hour coverage to present employees Susan Knight and Laura Hammond-Conner at their current rate during the approved absence of Deputy Town Clerk Shivaun Featherman. Councilperson McCarthy seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson McCarthy	aye	
Councilperson Coffey	aye	
Councilperson Kusse	aye	
Supervisor Frank	aye	carried.

**IX. PUBLIC COMMENT**

Supervisor Frank opened the floor for comments to the Board.

Resident John Company asked questions regarding the Hansen Quarry and what agency would be issuing a Special Use Permit.

Councilperson Coffey stated that a Special Use Permit is granted through the Planning Board and a public hearing would be required.

Attorney Mancuso stated that under the Rush Town Code, Section 120-7 and 120-69 (d), a set of factors including its impact on its environmental use and the surrounding area are required in order for the Planning Board to grant a Special Use Permit in a residentially zoned area. All information has to be reviewed by the Planning Board and as part of the review a set of findings must also be submitted by the applicant. The DEC is the lead agency. The Town Board has no jurisdiction in granting a Special Use Permit.

Resident Campany added that he also met with Mr. Lewis of the Hanson Quarry at his residence.

Resident Cecil Palmer raised a safety concern regarding Rush Riverside Refuge buildings. Excessive dry grass surrounding the buildings on the property should be cut back to reduce the possibility of fire. A kiosk should also be developed with postings including dry weather and caution during certain conditions. In addition, another safety concern is the existence of a sidewalk at the United States Post Office located on Rush-Lima Road should be placed in front of car parking. Supervisor Frank stated that a letter suggesting a sidewalk be installed was sent to the private property owner.

Resident Dave Sluberski, owner of West Rush Productions, suggested if not already addressed that the perimeters for audio system include an ADA compliant hearing loop and a camera streaming system.

Resident Carolee Powers thanked the Board for putting together the Committee but is concerned with keeping the plan moving forward and becoming a climate smart community. A newly formed committee should keep moving forward and monies should be placed in the budget for future solar purposes.

#### X. ADJOURNMENT

There being no further business to conduct, the meeting was ended by Supervisor Frank at 7:55 PM. The meeting was adjourned by common consent.

Respectfully submitted,

Pamela J. Bucci  
Town Clerk