

RUSH TOWN BOARD MINUTES
May 25, 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 May 25, 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 Town Supervisor
Jillian Coffey	-----	Councilperson
Daniel Woolaver	-----	Councilperson
Gerald Kusse	-----	Councilperson
Pamela Bucci	-----	Town Clerk
Frank Pavia, Esq.	-----	Attorney for the Town

RESIDENTS PRESENT:

Al Sweet	Marianne Rizzo	Matthew Heimbueger
Cecil Palmer	Bethany Choate	Beth Hoak
Paula Anderson	David Sluberski	Robert & Carolee Powers
Carol Barnett	Kathy Steiner	Frederic Calev
Kathryn Hankins	Jim Smith	Jeffrey & Cole Werner
Laura Henry	Hans Schmitthenner	Ted Strang
Harvey Seymour	Joan Starkweather	Robert Kraus
Dick & Mary Knapp	Jim Roach	Christine Bourgh-Carvellerero
Janet Chaize	Leroy Hankins	Philip Daggar

Mark David, Highway Superintendent

OTHERS PRESENT:

Richard Tracy, Fire Marshall, Code Enforcement Officer
Lorna Wright, Genesee Land Trust

I. PUBLIC COMMENT

Supervisor Frank welcomed all present to the meeting and offered all those to obtain a copy of the Rules of Procedures of a Board meeting located at the entrance sign-in table. The rules are taken, in part, from Town Law.

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 Fredric Calev voiced his continued frustration and concerns of the Stonewood & Waters and Lehigh Valley Outpost, 2500 Rush Mendon Road, Honeoye Falls businesses taking place on the neighboring residential parcel adjoining his property. The owner is advertising that live music and vendors will be featured at the location which is not listed as an agricultural use. Activities are taking place that are not within the jurisdiction of the NYS

Agriculture and Markets including the commercial pool equipment, paving operations, amusement rides, gift shop and porta-potties. Mr. Calev does not object to a farm operation but does object to a commercial business being run from the residential parcel. Mr. Calev urged the town to inspect the property for its uses, contamination and unacceptable commercial operations. Mr. Calev presented documentation to the Town Board and stated that the town has been negligent in enforcing action.

Supervisor Frank met previously with Mr. Calev and stated that the town is actively working with the town attorneys, Code Enforcement Officer and Planning Board to resolve any unacceptable uses of the property under the Town Code.

II. APPROVAL OF MINUTES

RESOLUTION #107-2016

Councilperson McCarthy moved to approve the Minutes of April 27, 2016, as prepared by Town Clerk Pamela Bucci with the amendment to page 4 first paragraph changing Department of Family Youth to DFY (Division of Youth). Councilperson Coffey seconded the motion.

Roll:

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

Councilperson Woolaver was excused from the April 27, 2016 meeting.

RESOLUTION #108-2016

Councilperson Woolaver moved to approve the Minutes of May 11, 2016 as prepared and submitted by Town Clerk Bucci. Councilperson Kusse seconded the motion.

Roll:

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

Councilpersons McCarthy and Coffey were excused from the May 11, 2016, meeting.

III. APPROVAL OF TRANSFERS

RESOLUTION #109-2016

Councilperson McCarthy moved that having audited all the unreserved, unanticipated revenues and unexpended balances of existing appropriations

for addition of a tractor, out of town training, mileage and phone, reallocation of highway budget to capital outlay, library roof and shutter projects and highway lighting project to capital outlay, moved that transfers #5 through #11 for 2016 in the amount of \$42,521.00 are approved. Councilperson Woolaver seconded the motion.

Roll:

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

IV. APPROVAL OF ABSTRACT

RESOLUTION #110-2016

Councilperson McCarthy moved that having audited all the claims against the funds listed on Abstract #10 of May 24, 2016 for vouchers 2016 #486 through #539 be allowed or payment in the amount of \$54,390.36. 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 received an invitation from the Steven Connors American Legion Post to the Town Board for participation in the Memorial Day Parade scheduled for Monday, May 31, 2016 at 9:30 AM.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver offered the following:

- As liaison, attended the Zoning Board of Appeals meeting where one application was discussed.

Councilperson McCarthy offered the following:

- As liaison, met with the Library Board of Trustees. They, along with Director Kirsten Flass, and Councilperson McCarthy are focusing on long-range planning for the library.

Councilperson Coffey offered the following:

- No report.

Councilperson Kusse offered the following:

- No report.

Town Clerk Bucci offered the following:

- April monthly report was presented to the Supervisor with a check for \$14,138.05. Additional revenue was forwarded to NYS Ag & Markets for dog licensing, fishing and hunting licenses and NYS Dept. of Health for marriage licenses amounting to \$270.55.
- Coordinated two Monica Leary School 2nd grade class visits of the Court, Library and Fire Department including lunch in the pavilion and fun on the playground. Also included, but an unexpected response, was a visit from the Monroe County Sheriff Department. The Court Emergency button was activated by a student.

Highway Superintendent David offered the following:

- 2005 Chevy pick-up was sold at municipal auction for \$6,250.
- Crew has cleaned up heavy debris and a clean road sweep will take place for the upcoming Memorial Day parade.

Supervisor Frank offered the following:

- Attended a local government workshop including planning board, comprehensive plans, solar energy and agricultural business.

Supervisor Frank offered the floor to the Renewable Energy Citizens

The Renewable Energy Citizens Committee (RECC), serves as an advisory committee to the Town Board. Members introduced themselves and included Bethany Choate, Beth Hoak, Kathryn Hankins, Carolee Powers, Robert Powers, Marianne Rizzo, Matthew Heimbueger and Harvey Seymour. Different aspects of the Powerpoint presentation were explained by individual members.

The RECC's goal was to find solutions to reduce the town's use of fossil fuels, protect the environment and to develop a plan that would offer long-term sustainable energy and cost savings to the taxpayers. Solar panels have been used all over the country and specifically placed on rooftops rather than green space or farmland. As an example, Bloomfield Elementary School utilizes solar panels placed on rooftops. Utilizing the rooftops at the highway department, pavilion or possibly the Rush Fire Department were all open options for discussion. The Fire Department buildings, however, are a separate entity. The committee found that a direct purchase would be most economically feasible for Rush. Contracting would be too costly.

The RECC also visited different solar sites; some located on lands that could not be used otherwise, such as landfills.

Within the Powerpoint presentation which is already placed on the town's website are recommendations, highlights of recommendations, action steps, factors of NYSERDA incentives and ongoing maintenance. Findings including demand fees and battery systems, demand charges, recommendations of funding, developing an energy conservation plan, updating the comprehensive plan to incorporate solar, amending the zoning code, setting up a timetable of actions and preparing a financial plan. A future vision included a geo-thermal option when boilers in the town buildings need replacement. Also, changing zoning laws to restrict commercial solar farms in appropriate areas that insure protection and preservation of farmland and open space was presented.

In researching the town's electricity, the RECC found that the town is on a demand charge. Further work is needed on the demand charges. A solar plan proposal after utility demand charge is resolved. Bob Powers explained that solar is a meter for kilowatt hours but only on the supply side. Demand charges are $\frac{1}{2}$. The town can minimize and mitigate some of it.

Utilizing roofs would be a collaborated effort of Town and Fire Department. Instead of paying a commercial outfit, the townspeople, along with the town's highway workforce could work together so that the taxpayers would be less burdened.

The RECC recommended developing a Standing Energy Advisory Committee to the Town Board to continue the vision. They also recommend hiring an energy analysis consultant so that a financial plan could be prepared. They also recommended that the town pledge to become a Climate Smart Community which is a NYS program. With pledging, a town is provided special avenues in order to receive additional consideration from the state for financial purposes. The Committee would also be interested in engaging and educating the community. Solar is a very viable technology that should be encouraged among residential consumers.

The Committee also asked if the Town Board would entertain a Question and Answer session regarding the RECC's report and work. The RECC offered to return to a Town Board.

At the conclusion of the presentation to the Town Board, Supervisor Frank asked if the Board had questions.

Councilperson Coffey asked for an explanation of demand. Mr. **Choate** stated **Heimbeuger** it is excluded from metering. A year ago, the meter would be reduced by the demand charge. Today the meter measures at your peak over a finite period. Commercial businesses are billed on your demand at peak period. The way it is metered is calculated in kilowatts of energy. It resets every month. There is electricity demand and delivery charge. The

demand is part of delivery as opposed to usage. A monthly residential fee is fixed on your bill which is basically your demand charge. Commercial monthly fee is set at the peak usage which becomes the meter charge. A consultant could help us reduce the demand.

Supervisor Frank asked about obtaining information from Rochester Gas & Electric or National Grid.

Councilperson Coffey asked what a consultant would charge a town to do an analysis.

Mr. Powers stated that the Town Hall analysis would cost approximately \$2,000 for obtaining the data and finding the peak times.

Supervisor Frank asked if business case models were available and if the RECC report would detail a payback period.

Councilperson Kusse asked of the success of the solar system Bethany Choate's father has **(remove and Matthew Heimbueger have)** installed at their residence and whether or not the RECC report included federal or state grant information. Ms. Choate stated that the roof mounts are generating more than they are consuming. There is a website that will list resources and opportunities for NYSERDA and other grants.

Supervisor Frank stated that the Board would review the information presented and provide feedback to the committee on their report.

VII. OLD BUSINESS

A. Town Board feedback on the Recreational and Agricultural Use Citizen's Committee (RACC) Final Report - Supervisor Frank requested feedback from the Town Board.

An open discussion between the Town Board and RACC members took place.

Councilperson Coffey asked if the committee had sought out anyone interested in utilizing any of the buildings or if there was continued interest of a beekeeper? Were there any connections made with solicited interest or non-profits or specific people?

RACC Member Hankins stated that there was none. Former Chair of the RACC Jerry Horton had some connection with interested parties such as therapeutic horses during the first 2 years that the committee was formed. The current committee's next step would be to solicit proposals from non-profits. The committee is only currently interested in the recreational settings and to reflect the history of the site with rope courses, leadership training and the rotary campaign. There are some safety risks on property

that are recognized. Member Cecil Palmer is familiar. Before you invite people in, the buildings must be safe. Previous Supervisor Anderson spoke of the town performing a hazmat clean up. What the committee did do was look around the state and nation to see what was being done with public land.

Councilperson Coffey stated that her concern was whether or not there is local interest.

RACC Member Hankins stated that there is certainly a way to engage local interest. The committee looked at models in existence across the region and country.

RACC Marianne Rizzo stated that the RACC was interested in how the Town Board wished them to proceed before moving into seeking local interest and providing models.

Councilperson McCarthy read aloud that on Page 5 of the Final Report from the RACC which stated that Resolution #130-2012 charged the committee to provide suggestions to the Board for the uses of the BOCES property located at 6565 East River Road and the Division of Youth property located at 375 Rush-Scottsville Road. This charge was given to the group nearly four years ago strictly in an advisory capacity. The Board was looking forward to the report and were happy to receive it. Specific questions are in regarding to statements made during the second open comment period of the April 27 meeting by member Kathryn Hankins. When Mrs. Hankins thought that there might be conflict with the use of the land, she stated that it was suggest to her that she call the Office of General Services. Who suggested that to Mrs. Hankins? And why would Mrs. Hankins have not just reached out to Town Clerk Bucci who has provided documents previously instead of going to the Office of General Services.

Member Hankins stated that she didn't see the connection with the RACC report.

Councilperson McCarthy stated that members on an advisory committee are to reach out to Supervisor Frank or the Town Board instead of making calls on behalf of the Town. The town attorneys could have reviewed the deeds and documents and discussed any if at all possible discrepancies or misunderstandings with the state and resolved them with both the Office of General Services and the committee members.

Member Hankins stated that Chair Horton shared the deeds with the committee and the understanding was that the property was for recreation, parks and ancillary uses. The committee believed that agriculture was part of the property's allowable uses. Once Chair Horton no longer attended the

meetings, previous documentation including the deeds were not returned to the committee. Supervisor Frank attended a couple of meetings.

Member Hankins stated that the committee's view was that after five years of work on the committee, they were helping the town transition until after the leases ended. In the meantime, trails were created and tours sponsored.

Councilperson McCarthy spoke that the charge of the committee was to advise. It is disappointing that a member of an advisory committee would contact the Office of General Services to reveal damaging information that could impact the land being returned to New York State. For someone who professes that this land is a jewel to be valued, Mrs. Hankins chose to go beyond the scope of her position as representation of the Town of Rush RACC and contact an entity that could choose to take that land away.

Additionally Councilperson McCarthy was sent a copy of a letter from the Office of General Services responding to a letter written by Mrs. Hankins dated April 30, 4 days after the April 25 presentation. Mrs. Hankins also chose to write to the Office of General Services and detail her concerns about the farming on the property. Did the Board not say that the Town Supervisor and town attorney would be in contact with that office? Again, Mrs. Hankins went beyond the scope and put that property in jeopardy.

Member Hankins stated that she only mentioned the reverter clause. The RACC was wrapping up the report, were informed and that the Town Board considered the RACC derelicted in their responsibilities. Supervisor Frank was then invited to the RACC meeting. Previously, Councilperson Kusse and Recreation Supervisor Stephens stated that they would refer to the town attorney for the reverter clause clarification.

Member Hankins stated that she contacted town liaisons, ran the committee as a community of practice. Everyone had different jobs. They asked for Jerry Horton's information repeatedly.

Attorney Pavia stated that is not a reverter clause. The Town attorneys did receive a copy of a letter that was sent to Kathryn Hankins from the Office of General Services in response to a letter written by Kathryn Hankins on April 30, not the letter written itself. Councilwoman McCarthy is merely asking what caused Mrs. Hankins to write the letter and who asked her to write it.

Member Kathryn Hankins stated that the attorney from the Office of General Services asked her to write the letter. It was due diligence in order to finalize the RACC's report. This was unfinished business. BOCES and the Office of General Services responded within 24 hours.

Councilperson McCarthy stated that the Board appreciates the presentation and a great couple of years of farming with Bruce Howlett. That was something that RACC was concerned with. That is where the problem issue with OGS lies; agriculture on the land.

Member Hankins stated that calling OGS's attending to the matter is a good thing. Mr. Howlett is not living by the best management practices that were established by former Supervisor Richard Anderson when he leased the land. Mr. Howlett is not the leasee. Mr. Mulligan is the leasee. The RACC expanded its role for day 1. Members of the committee have credentials, visited the buildings to insure whether or not they were safe.

Councilperson Kusse stated that he continues to struggle in matching the charge of the RACC with its results. The town's attorneys are in contact with the Office of General Services for clarification of the agricultural uses, however, the acreage has been sitting idle for last five years with little or no recommendations beyond river walks. What is the committee recommending for property uses.

Member Hankins stated that she was offended, that the RACC provided a comprehensive review, however, the exact charge according to the Board was not accomplished. All the pros and cons uses were thought to be proposed by the Town Board. They felt strongly that much research was done and that taxpayer funds should not be used. They presented a foundation for all to enjoy the land in its current state. They have recommended that a non-profit foundation be started to fund repair of the buildings.

Member Jim S stated the buildings' use was not a consideration because there was no water or sanitation for the property.

Member Cecil Palmer stated that the committee discussed many family activities, however, the property is not in a condition to have visitors. There are too many safety issues that continue to exist. No trespassing signs have been removed by the town. The vision of the property must be managed correctly. The posted signs should be redisplayed.

Councilperson Kusse stated that he was instrumental in getting the posted signs to stop hunting to protect people on the property. It is open to the public.

Member Palmer has reservations about the public on a property there are electric fences and buildings in poor condition, All safety issues should be corrected before the public is invited.

Having no further discussion, Supervisor Frank thanked the RACC for their hard work and thorough analysis of the properties.

B. Status update on Rush Associates, LLC re-zoning of 7262 West Henrietta Road - Supervisor Frank asked Attorney Pavia for an update.

Attorney Pavia will present a Findings Statement pursuant to the NYSEQRA. The town is currently in the 30 days timeframe. The town engineers have been asked to provide a summary of they would consider to be appropriate mitigation measures. The 30 day time period can be extendable if needed. The Town Board can then review and adopt the Finding Statement to conclude the SEQRA review process.

C. Update on Howlett Agriculture Proposal - Supervisor Frank stated that the town is awaiting information from the Office of General Services before it moves forward.

D. Farmers' Market at Rush Town Hall - Supervisor Frank invited Resident Jeff Werner to provide an overview of the Farmers' Market.

Resident Jeff Werner approached Supervisor Frank to host the Farmers' Market.

The market started in the 1990s with the Rush Agricultural Advisory Committee looking at the purchase of development rights in order to preserve resources. Robert Kraus, Seldon Chase, Charlotte Greenwood, George Moore, Don Sweet, Carol Czarnecki and Jeff Werner. They reviewed different proposals which included a farmers market. Jeff was put to task to find a location. At that time the Fire Department was not interested, the Town Hall was being renovated and the Rush United Methodist was acceptable. The Church had limitations which included no crafts or wineries, only fruits and vegetables. Seniors on WICK were accepted. Previously, the members had annual meetings, cooperative extension, growing seminars and it was a very well run market. We had an application process and a crop plan. It was very seamless, non-demanding process to get vendors in on a carry-in/carry out process. The market began with 8-10 vendors but in 2014 dropped to 2 vendors including Werners. With the increase in farmers markets in many towns, those farmers coming from out of town stayed in their own community. From that point, Werners had a devastating crop year with all the rain and Rush United Methodist Church employee Barb Kingsly managed the market with no farmers' knowledge. Jerry Bischooping was the loan stake holder. Mr. Bischooping was approached on the idea of holding the Market at the Town Hall. As a guideline, the Market wishes to include crafters wineries and beer distributors which draw crowds and help in sustaining a farmers market. The other issue presented at the Church was the lack of electricity. A previous baker vendor did very well at the Church until she couldn't get power into the parking lot. Power is

needed in order for a prepared meal vendor or farm raised beef to be sold. Refrigeration trucks become too noisy. Mr. Werner proposed to re-organize a Farmers' Market in the Town Hall parking lot with appropriate certifications and registrations, attract different types of vendors and revitalize the Rush community.

Supervisor Frank requested Town Board feedback.

Councilperson McCarthy asked if the previous Market was approached by wineries or other in the past and if products were consumed on the premises.

Mr. Werner had been approached by different vendors but was required to deny them due to the limitations. There is no alcoholic drinking allowed on premises. NYS Agriculture and Markets allows vendors to sell product.

Attorney Pavia asked if an insurance umbrella is required. Are vendors also required to obtain health department permits.

Mr. Werner stated that not all markets require insurance, however, the subject was addressed with Supervisor Frank and vendors would be required to present their own insurance. Insurance requirements are very common and all vendors selling food items must have a health department permit.

RESOLUTION #111-2016

Councilperson McCarthy moved to authorize the Supervisor to enter into an Agreement with the Rush Community Farmers' Market, subject to town attorney approval. Councilperson Woolaver seconded the motion.

Roll:

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

VIII. NEW BUSINESS:

A. Updaw Property - Genesee Land Trust - Lorna Wright - Sueprvisor Frank invited Lorna Wright to provide describe the farmland protection efforts of the Genesee Land Trust as it relates the Updaw's 59 acres of land located on West Henrietta Road.

Lorna Wright of the Genesee Land Trust stated that they are a local organization that protects land and water. They specialize habitats of excellent and in conservation easements which help to ensure that farmland

stay as farmland. They are permanent restrictions on land that ensure that farmland stays as farmland or at a minimum stays as open space.

NYS Department of Agriculture and Markets has a grant available for helping farmers purchase development rights which result in a conservation easement on farms. It is a voluntary program and not about eminent domain. Mr. Updaw has come to land trust to apply for Town Board endorsement which would implement the Farmland Protection Plan. Mr. Updaw's farm is highly viable because of its good soil. Rush is not unique, it has many acres of rich soil within the community which is critical to having a sustainable farm. This land is located along the Lehigh Valley Trail. The land is bounded by Interstate Route 390 which provides a critical view of passerbyers. He is seeking to apply for 25% of value of the conservation easement. With the 25% value the funding would also cover all of the real estate transaction costs. A Phase I environmental assessment would also be covered. Conservation easements do not typically affect the tax base because they are most likely already receiving an agricultural exemption.

The value of the conservation easement is the difference between of what it would sell for now without restrictions versus what it would sell for once restrictions are in place. It reduces the value. Most farmers reinvest the money into the community whether it is purchasing more land to sustain their business or upgrade equipment or to paying off debt. Farms would be able to be passed down to future generations.

The land trust applies jointly with the towns. Some towns hold easements and are charged with enforcing the easement. The easements are permanent and land trusts are monitored on an annual basis. They meet with farmers on an annual basis.

The deadline for the application is June 13th. The next round of funding will not be available until 2018.

Councilperson McCarthy asked about the 25% funding and Ms. Wright explained that the land trust easement covers 25% of the value of the entire 59 acres subject to the easement.

Attorney Pavia stated that the property is subject to any zoning restrictions.

Councilperson McCarthy questioned why more farmers were not requesting easements. Ms. Wright answered that some farmers do not want to give up their rights, may want an opportunity to sell or build in the future for different use and have a separate business plan.

Councilperson Coffey questioned the ramifications of being denied an easement. Ms. Wright stated that the farmer would be encouraged to

contact NYS Agriculture and Markets to question a second application viability.

Supervisor Frank stated that the town could manage the easement or the Genesee land Trust could manage the easement. A determination will be made at the next Town Board meeting.

B. Resolution to authorize Town Attorney to Draft a proposed Law incorporating the Zoning Citizens Committee Recommendations

Councilperson McCarthy moved to authorize the attorneys for the town to draft a proposed Local Law incorporating the Zoning Citizen's Committee recommendations to the Town Board. Councilperson Woolaver seconded the motion.

Roll:

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

C. Roof replacement of building of NY Museum of Transportation - Supervisor Frank visited the museum and viewed the roof. They will be gathering estimates and together be applying for a grant through arts and tourism will be done. The application is due in July.

Councilperson Woolaver suggested that the roof repair may cost roughly \$50,000. Councilmen Kusse and Woolaver will visit the site and roof.

D. Resolution for proposed DEC land purchase at Oak Openings - Supervisor Frank asked if there was any further discussion on objecting or approving of the DEC land purchase at Oak Openings.

There was no discussion.

RESOLUTION #112-2016

Councilperson McCarthy moved to authorize the Supervisor to offer no objection to the New York State Department of Conservation's acquisition of 11.608 acres of land for the purpose of providing additional access and off road parking to Rush Oak Openings. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye	
Councilperson McCarthy	aye	
Councilperson Coffey	aye	
Councilperson Kusse	aye	

Mrs. Hankins also defended her action in called the Office of General Services stated that she did so with committee recommendation. The letter was asked to be written after the April meeting. Mrs. Hankins asked that the disbanding of the RACC be rescinded.

Supervisor Frank stated that she realized the report as being a Final Report for the RACC.

Resident Kathryn Hankins requested the opportunity to provide a Final Report to the Town Board by the next meeting, June 8th and once complete the Town Board disband the RACC.

Attorney Pavia stated that it is the Town board's decision to disband an advisory committee that is serving at its discretion once its legal advisory services are no longer required. The Town Board may request to have the RACC submit a report by a date certain. The Town Board has the authority to disband an advisory committee regardless of whether or not a preliminary or final or report has been submitted. The committee serves at the discretion of the town board. That would be the limited charge.

RESOLUTION #115-2016

Councilperson McCarthy moved to amend the prior Resolution disbanding the Recreational Agricultural Citizens Committee (RACC) and directs it to submit a Final Report to the Town Board by June 8, 2016, at which time all advisory services of the RACC will be disbanded. Councilperson Woolaver seconded the motion.

Roll:

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

X. PUBLIC COMMENT

Resident Carol Barnett stated that the Town Board should have no objection with a member of the community exchanging with the Office of General Services and that it is petty to imply that there be an issue in doing that.

Councilperson McCarthy stated that there is no objection with anyone in the community conversing with the Office of General Services unless they are contacting as representing the Town. The members of the RACC serve the Town Board in an advisory capacity. The letter sent to the OGS should have been presented to the Town Board.

Resident Kathryn Hankins stated that she wished to clarify that she contacted the Office of General Services on her own as a volunteer and they asked her to send them a letter. The letter was presented to the Town.

Resident Carolee Powers asked if the Renewable Energy Committee would also be disbanded.

Supervisor Frank responded that the same protocol would be followed.

Resident Beth Hoak had questions about Resident Calev's comments of land contamination.

Attorney Pavia suggested that residents contact NYS Department of Agriculture and Markets. The department has interfered and prohibited the Town from enforcing any allegations over the course of at least 10 years.

Resident Carol Barnett asked why the RACC was not invited to the meeting when Mr. Howlett made his presentation and also asked the Supervisor if the RACC was derelicted in its responsibilities. Would the Town Board have contacted the Office of General Services about the deed restrictions if the community asked.

Resident Hans Smittenhenner thanked the Renewable Energy Committee for their work and asked the town to proceed with solar avenues. Placing a solar farm on the BOCES property is supported. He supports Crop and solar farms.

Resident Jeff Werner, as a farmer and landowner supports renewable and open space and looks at it from a farmer point of view. Looking at it from a farmland preservation point of view, annual income would be generated with a solar farm. Thank you to the Town Board for inviting the Genesee Land Trust. It is a great opportunity and a long time coming that a PDR is available. Mr. Werner spoke of farm drainage and homes overlooking his farm valley. Mr. Werner thanked the Town for the open dialog regarding farming.

Resident Kathryn Hankins made comments regarding large solar farms.

Resident David Sluberski stated his opinion that the people located on one side of the room offered leadership to the town. The elected officials are not leaders but offer a passive aggressive approach. Many people bring information to the board with no response during the meeting. Many suggestions have been brought forth by Mr. Sluberski including issues of a farm market with no answers from the Town Board. Towns of Brighton, the Eastside, Fairport, Geneseo, Irondequoit all have jumped on the bandwagon, having farm markets which are also advertised on their town websites. Mr.

Sluberski voiced his opinion about not understanding zoning and ignorance, residents having to look matters up in the Code and the inability to receive all information thought to be privileged. He also commented that he thought the Town did not support businesses or helping people. He also believes that town liaisons aren't doing the work. Mr. Sluberski told "Cathy" not to move her eyes and "Rita - it was despicable what you just did." Councilperson McCarthy was interrupted from speaking. Mr. Sluberski stated that he was not looking for a response. These people have done so much. Mr. Sluberski commented that he had not seen so many people at a Board meeting since 2005 and it is disappointing to watch this type of thing without articulating.

Supervisor Frank asked for anyone else wishing to address the Town Board.

XI. EXECUTIVE SESSION

Supervisor Udicious made a motion to adjourn to Executive Session at 9:30 PM to discuss a potential zoning enforcement action.

XII. RETURN TO REGULAR SESSION

On the motion of Supervisor Frank, the meeting was returned to regular session at 9:55 PM which was approved by common consent of all councilpersons present.

XIII. ADJOURNMENT

There being no further business to conduct, the meeting was adjourned by Supervisor Frank at 9:56 PM.

Respectfully submitted,

Pamela J. Bucci
Town Clerk