

RUSH TOWN BOARD MINUTES  
August 10, 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 August 10, 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
Bill Gaffney	-----	Resident
Al Sweet	-----	Resident
Carol Barnett	-----	Resident
Sandra Sluberski	-----	Resident
Dave Sluberski	-----	Resident
Cecil Palmer	-----	Resident
Marianne Rizzo	-----	Resident
Dick & Mary Knapp	-----	Residents
Patricia Kraus	-----	Resident
Lee Hankins	-----	Resident

I. PUBLIC COMMENT

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

Resident Carol Barnett asked that the Town Board provide feedback regarding their position on the proposed rezoning of the Rush Associates LLC (Dorschel project) at 7262 West Henrietta Road.

II. APPROVAL OF MINUTES

**RESOLUTION #141-2016**

Councilperson Coffey moved to approve the July 27, 2016, Town Board Minutes as submitted. Councilperson Woolaver seconded the motion.

Roll:

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



Supervisor Frank stated that the Fire Marshal has addressed burning on Perry Hill.

All comments from the Town Board were opposed to the proposal of a town-wide trash and recycle pick-up. Supervisor Frank will respond to the resident.

#### V. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver offered the following:

- No report.

Councilperson McCarthy offered the following:

- No report.

Councilperson Coffey offered the following:

- No report.

Councilperson Kusse offered the following

- As [liaison](#), attended the Conservation Board meeting where three applications were reviewed.

Town Clerk Bucci offered the following:

- July Monthly Transaction Report was submitted to Supervisor Frank along with a revenue check in the amount of \$10,598.51 and a recreational capital check in the amount of \$300.00. Additional funds amounting to \$396.44 were sent to the appropriate New York State agencies.

Attorney for the Town offered the following:

- No report.

Highway Superintendent David offered the following:

- The C.H.I.P.S. and PAVENY reports have been submitted for a return of funds amounting to \$60,138.
- Highway garage is 100% LED lighting complete. A rebate check for approximately \$12,000 from National Grid will be forthcoming.

Library Director Kirsten Flass offered the following:

- Summer Reading program was busy and is now coming to a close.
- The Library Board of Trustees has cancelled the August meeting. They are down two board members, one being a treasurer position.

#### VI. OLD BUSINESS

A. Status Update on Rush Associates, LLC re-zoning of 7262 West Henrietta Road – Supervisor Frank stated that a 16 day extension is being presented.

Attorney Mancuso stated that at the last Town Board meeting the addendum to the FEIS was accepted and an extension of 10 days was approved. Circulation of the adoption of the addendum must be circulated to all involved agencies within 10 days, however, July 27<sup>th</sup> marks the 9<sup>th</sup> day. In order to take action, the Board must provide the appropriate extension of time.

## **RESOLUTION #144-2016**

### **SEQRA EXTENSION RESOLUTION**

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; and

WHEREAS, on July 27, 2016, the Town Board accepted an addendum to the 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), 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 26, 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.

The Resolution was thereupon duly adopted. Councilperson Kusse seconded the motion.

Roll:

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

C. Status of the Zoning Citizens Committee Recommendations that were accepted by the Town Board - Supervisor Frank referred to Attorney Mancuso regarding the additional changes.

Attorney Mancuso stated changes will be made in accordance with the recommendation of a Special permit process for agricultural structures in excess of 500 feet and a few typographical errors. In the farm stand definition, the word facility will be changed to structure which is already defined in the Code.

## VII. NEW BUSINESS

A. Resolution to purchase windows at town rental property 1911 Rush Scottsville Road, Apartment #2 - Supervisor Frank has obtained additional quotes.

A discussion and comparison ensued amongst the Board members regarding air sealing, insulation and window purchases.

Councilperson Woolaver will research air sealing and insulation. Councilperson Kusse and Supervisor Frank will review the previous energy conservation proposal prior to the next meeting. Replacing windows will not eliminate all energy loss.

Marsh Properties, Property Maintenance Scott ~~Hopper~~ Hopwood suggested that window replacement would provide the best benefit for the cost involved.

Councilperson Coffey stated that a decision on replacing windows should be for the entire building. Whether or not the current tenant is contemplating renewing their lease is not a determining factor in the Board's decision to replace that apartment's windows.

Supervisor Frank noted that windows were not noted as an energy conservation measure of the energy audit previously conducted.

B. Update Pavilion kitchen fixtures - Supervisor Frank has obtained additional estimates. Meister Plumbing Services quoted \$1,844 and is local.

Meister Plumbing Services of Rush has done recent work with the William Udicious Pavilion bathrooms.

**RESOLUTION #145-2016**

Councilperson Coffey moved to authorize the Supervisor's to approve the purchase of kitchen and plumbing fixtures for the William Udicious Pavilion, 1900 Rush Scottsville Road, from Meister Plumbing Services of Rush for \$1,844.00. Councilperson McCarthy seconded the motion.

Roll:

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

C. Advertise for a Dog Enumeration Person - Supervisor Frank stated that a dog enumeration has been discussed but not formally conducted in years. Town Clerk Bucci provided an Enumeration Cost and Benefit Analysis from Tompkins County which was shared with the Town Board. Recommendations for fees per house, hourly wage, advertising expense, mileage reimbursement and incentive pay in getting owners to license their dog was discussed by the Town Board. DCO (Dog Control Officer) Mike Czora stated that the Town of Wheatland's Dog Census took 80 hours. The total cost may be under \$2,000.00.

Councilperson Kusse asked whether or not authority would be bestowed upon the person conducting the dog enumeration.

Attorney Mancuso stated that authority should be referred to the Code Enforcement Officer and the Dog Control Officer.

DCO Czora will prepare a door knocker [flyer](#).

**RESOLUTION #146-2016**

Councilperson Coffey moved to authorize Town Clerk Bucci to place an advertisement in the appropriate paper for a Dog Enumeration Person. Councilperson Woolaver seconded the motion.

Roll:

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

VIII. PUBLIC COMMENT

Supervisor Frank opened the floor for comments to the Board.

Resident Cecil Palmer suggested the town-owned rental house at 1911 Rush Scottsville Road be used for another purpose. In relation to the proposed rezoning of property at 7262 West Henrietta Road, Mr. Palmer was concerned that the owner would not use the property as intended and whether or not the town, in future years, thought about the prospect of a buyer wishing to purchase the additional acreage on this parcel being donated *to the town*.

Resident Carol Barnett noted that the Board will be moving to adopt recommendations from the Zoning Citizens Committee and asked if the definition of a [farmstandfarm stand](#) and the permitted use of one inside the current setback limitations would be included.

Attorney Mancuso stated that the current Code prohibits [farmstandsfarm stands](#) and greenhouses that do not comply with the setback provisions. The amendment will allow [farmstandsfarm stands](#) and greenhouses to be placed inside of the setback provision. A special permit process will be included for those buildings in excess of 500 square feet.

IX. ADJOURNMENT

There being no further business to conduct, the meeting was ended by Supervisor Frank at 8:21 PM. The meeting was adjourned by common consent.

Supervisor Frank noted that there would be no Executive Session. After a short intermission, the 2017 Budget Workshop would begin.

Respectfully submitted,

Pamela J. Bucci

RUSH TOWN BOARD  
August 10, 2016

Town Clerk

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