

RUSH TOWN BOARD MINUTES
JUNE 14, 2017

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Town Supervisor Cathleen Frank at 7:00 PM on June 14, 2017, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

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

OTHERS

PRESENT: Carol Barnett	-----	Resident
Marianne Rizzo	-----	Resident
Jerry Farrell	-----	Resident
Jim Wilkins	-----	Resident

I. PUBLIC COMMENT

Supervisor Frank opened the meeting asking that anyone wishing to address the Board would use the podium, if able, and state their name and address for record keeping purposes.

Resident Carol Barnett attended the Charrette Day and thanked the Town Board for hosting it and a job well done. The facilitators brought the focal points of Rush's center to everyone's attention being the Linear Trail and Honeoye Creek versus the intersection of Routes 15A and 251. Also realized was the value of the historical buildings next to the Creekside Inn. They are an asset and have great access.

II. APPROVAL OF MINUTES:

RESOLUTION #137-2017

Councilperson Woolaver moved to approve the Minutes of May 24, 2017, as presented by Deputy Town Clerk Shivaun Featherman. Councilperson Coffey seconded the motion.

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

Councilperson McCarthy was out of town for the May 24th meeting.

III. APPROVAL OF THE ABSTRACT

RESOLUTION #138-2017

Councilperson McCarthy moved that after reviewing all expenses on the abstract and vouchers attached, approve #540 through #600 in the amount of \$64,676.03. Councilperson Woolaver seconded the motion.

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

IV. REPORTS OF OFFICERS AND COMMITTEES:

Councilperson Woolaver offered the following:

- Attended the Monroe County Fair Association meeting. Any other board members wishing to attend the property visit tomorrow evening are welcome.
- Attended the Charrette Day. Walking through town brought realization of the possibilities in the hamlet. Driving through town is nothing like walking through it.

Councilperson McCarthy offered the following:

- Attended and enjoyed the Charrette Day. The facilitators did a wonderful job. Residents were funneling to the same focus areas in town being the gazebo, creek and historical buildings.
- Spoke with the facilitators after who remarked that Rush's group was one of the best organized they had worked with, had the most input from a wide array of the population and great food.

Councilperson Coffey offered the following:

- As liaison, attended the Zoning Board of Appeals meeting. They approved two applications. As Town Clerk Bucci suggested, they asked about the legalities of changing procedures in holding strictly public hearings versus a workshop followed by a public hearing. Applications requiring one review can be decided in one meeting.

Attorney Pavia will consult with the Town Clerk on the subject.

- Attended and enjoyed the Charrette Day. It was a great event and enjoyed seeing the community work together especially focusing on the same themes. Honeoye Creek is a great asset.

Councilperson Kusse offered the following:

- Attended Charrette Day, agreeing with all councilpersons comments.
- Attended a workshop presented by Attorney Robert Freeman on freedom of information and open meetings law.
- Met with Councilman Woolaver, Supervisor Frank and insulation experts.

Supervisor Frank offered the following:

- Attended Charrette Day and was impressed the entire day. The Steering Committee did an excellent job. Making the gazebo, creek and linear trail more of the center point of town was clear. Providing more sidewalks and markers to entice people among other things were great ideas. Agreed with all councilpersons comments.

Town Clerk Bucci offered the following:

- Unfortunately was out of state Charrette Day but agrees it was a great community event.
- Received correspondence from Monroe County Human Resources providing Rush a report of zero discrepancies.

V. OLD BUSINESS

A. Update on Energy Savings Upgrades for Town Hall - Councilperson Kusse met with experts on energy savings. They will be providing details of where air handling management will be best placed. All discussed the air and cold air in the Town Clerk's Office and the vault with Deputy Town Clerk Featherman. Bids will be solicited.

B. Update on Design Charrette - Supervisor Frank stated that the Rochester Community Design Center will be providing their report. After the Town Board has reviewed it, it will be published. Some items will need to be budgeted; others can be done at low cost.

C. Update on Monroe County Fair Association Partnership - Councilperson Woolaver is working on temporary water for the site. The town attorneys are preparing an Agreement. Farmer Bruce Howlett has offered to disc the parking area. Three Boy scout troops have been contacting for parking management. One troop has responded.

Councilperson Woolaver is looking forward to the written agreement that will be available in the next two weeks. Supervisor Frank noted that the Monroe County Fair Association's funding will then be available.

VI. NEW BUSINESS

A. Update on Clean Water Initiative Grant for East River Road - Supervisor Frank has contacted the Monroe County Health Department and Monroe County Water Authority who has contacted the Town of Henrietta and Rush is partnering with the Town of Henrietta to obtain a Clean Water Initiative Grant. Both Rush and Henrietta attorneys are working with Henrietta engineering in applying for a grant to connect East River Road to ends of Martin Road and Telephone Road. The connection for the Rush Riverside Refuge property will improve the quality of water and equalize water pressure where it is now dead ended. The grant is due June 23, 2017.

Councilperson McCarthy asked if south of Martin Road to Telephone Road would provide residents with public water.

Supervisor Frank stated that roughly six homes in Henrietta and four homes in Rush will be affected. There are lines that can be better services with the connection. If the grant is approved, residents will be notified, however, residents are now aware of a grant being submitted. If the grant is not approved, Rush's Plan B will be to run a line from Telephone Road to the Rush Riverside Refuge Monroe County Fair Association event. Residents, however, will not benefit from the waterline.

Councilperson Kusse asked if the grant were approved, would the waterline include the Cornwall Subdivision. Supervisor Frank responded, yes.

Supervisor Frank will be signing documents for Part I and II of the SEQR for the Intermunicipal Clean Initiative Water Grant at the Town Board meeting scheduled for June 15, 2017, at 7 PM at the Rush Town Hall, 5977 East Henrietta Road.

B. Resolution to apply for Economic Development Grant - Supervisor Frank and Recreation Supervisor Patricia Stephens applied for a consolidated grant in 2016 for a Planner for the Rush Riverside Refuge property that was denied. Rush needed additional partnerships. Rush is now applying with partnerships of the Monroe County Fair Association and the Town of Henrietta.

RESOLUTION #139-2017

Councilperson Woolaver moved to authorize the Supervisor to apply for the New York State Economic Development Grant in obtaining funding for water to the 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.

C. Resolution to Apply for Environmental Management Council Participant Nomination - Supervisor Frank asked for a nomination to the Monroe County Environmental Management Council for a two year term commencing January 1, 2017. Conservation Board Member Don Root has volunteered to represent the Town of Rush.

RESOLUTION #140-2017

Councilperson Coffey moved to nominate Donald Root, Conservation Board Member, to represent the Town of Rush on the Monroe County Environmental Management Council effective January 1, 2017 through December 31, 2018. Councilperson Woolaver seconded the motion.

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

D. Resolution to purchase upgraded security system cameras for Town Hall and Pavilion Security System - Supervisor Frank noted that within the last six months a few incidents occurred in the areas of the library, court and pavilion restrooms which have heightened the town's security system awareness. The present 14 year old system DVR failed to record some of the incidents. Current cameras cost \$600 to replace and newer designed cameras average about \$125. A new system can allow one to view the system on a smart phone. Three estimates were received including Security Smart, Day Automation and CASCO which were presented to the Board with varying costs.

Councilperson McCarthy asked for the number of cameras currently used.

Councilperson Coffey asked about the smart phone app cost on an individual phones and recommended maintenance agreements for the cameras.

Councilperson Kusse mentioned that Day Automation has a quick response time and many technicians.

There are currently 21 cameras with a couple more needed. The pavilion system is stand-alone and can only be viewed from inside the pavilion. Installation connection to Time Warner is costly.

Attorney Pavia recommended insurance coverage and a warranty agreement.

Supervisor Frank will obtain additional camera security information for the Board's review.

E. Special Town Board meetings - Supervisor Frank stated that two special Town Board meetings have been scheduled. June 15, 2017 at 7 PM is for the purpose of reviewing the application and intermunicipal agreement for Clean Water Initiative Grant and June 27, 2017 at 7 PM is regarding the Monroe County Fair Association Partnership.

F. SEQRA (State Environmental Quality Review Act) Process and Resolution on Municipal Home Rule Request for Industry Property - Attorney Pavia lead the Town Board through the SEQRA process. Through Senator Rich Funke's office, the Town is seeking passage of Home Rule Law to NYS legislature to amend the use restrictions currently placed on the Industry property at 375 Rush Scottsville Road that is now strictly for educational and recreational purposes. The amendment adds agricultural as an additional use. The only item that is being reviewed is the request being made to the State Legislature. The SEQRA review tonight is only for a request in the Municipal Home Rule Law. It is a Type I action requiring no other agencies involvement or review in the approval process. Because it is a Type I action including more than 100 acres the long form SEQRA is required. When Office of General Services abandons land onto a town, this is a typical process. Part I describes the request which is Municipal Home Rule Law request. An EAF (Environmental Assessment Form) Mapper has been attached to Part I which is subject to the use of the property. After Part I is complete, the Town completes Part II which is the analysis of impact associated with the request in amending the Home Rule Law. The action is only the request. There are no physical impacts created by simply requesting a Home Rule Law amendment to the use restrictions.

The Town Board and attorney read through Part II which reviews the impact on the land, geological features, surface water, groundwater, flooding, air, plants and animals, agricultural resources, aesthetic resources, historic and archeological resources, open space and recreation, critical environmental areas, transportation, energy, noise, odor and light, human health, consistency with community plans and community character. Deliberation occurred in reference to agricultural resources, historic and archeological resources, aesthetic resources and noise, odor and light.

Councilperson McCarthy questioned the impact of having current agreements of agriculture use while amending the Home Rule Law. Attorney Pavia stated that it will not impact previous contracts or leases.

Attorney Pavia stated that an amendment of the legislative act impacts more than 100 acres of land. The legislative request will not warrant an issuance of a negative declaration. This is a regular practice when state land is given to a town. The Town Board debated on whether this amendment was

necessary. Part III is a description of the request to state legislature and acknowledgement of understanding in modifying the current use restrictions that it will not result in a potential significant environment impact. A resolution has been prepared for consideration of adoption which causes the Town Board to issue a negative declaration and directs the Town Clerk to submit to the NYS Home Rule Office to request that the NYS legislation license the property for recreational, educational and agricultural purposes.

RESOLUTION #141-2017

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF RUSH
REQUESTING the New York State Legislature to AUTHORIZE the
leasing or licensing of certain REAL property owned by the Town of
Rush for Recreational, educational or
agricultural purposes**

Councilperson McCarthy moved,

WHEREAS, by deed dated January 12, 2010 and filed in the Monroe County Clerk's Office at Liber 10869 page 606 (the "Deed"), New York State conveyed certain real property to the Town of Rush located in the Town of Rush, County of Monroe and State of New York, containing approximately 100.548 acres of land (the "Property"); and

WHEREAS, the Deed provides that the grant "is made and accepted upon the condition that the said premises shall be properly improved and maintained for park and recreational purposes"; and

WHEREAS, in accordance with the requirements of the New York Municipal Home Rule Law and New York Town Law, legislation by the New York State Legislature and compliance with the State Environmental Quality Review Act are required to authorize the Town of Rush to lease or license the Property for recreational, educational and agricultural use; and

WHEREAS, a Full Environment Assessment Form has been prepared by the Town in compliance with Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA").

NOW, THEREFORE, BE IT RESOLVED the Town Board has determined that the adoption of this Resolution is a "Type I Action" pursuant to SEQRA and that the proposed Resolution and Home Rule Request does not present a potential significant adverse impact, and thus a Negative Declaration as that term is defined by SEQRA has been issued, and

BE IT FURTHER RESOLVED, upon due consideration by the Town Board, the Resolution is hereby adopted and the Town Board requests that

the New York State Legislature adopt legislation authorizing the Town to lease or license the Property (or a portion thereof) for recreational, educational and/or agricultural purposes; and

BE IT FURTHER RESOLVED that notice of the Resolution shall be filed and circulated to the extent required by any applicable provision of the Code of the Town of Rush and/or any relevant statute or regulation; and

BE IT FURTHER RESOLVED that the Town Clerk is directed to submit all required documentation to the New York State Senate home rule office and Senator Rich Funke to request that the New York State Legislature adopt legislation authorizing the Town to lease or license the Property for recreational, educational and/or agricultural purposes. Councilperson Woolaver seconded the motion.

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

VII. PUBLIC COMMENT

Supervisor Frank opened the floor for comments to the Town Board.

Resident Marianne Rizzo requested a copy of Environmental Assessment Form.

Attorney Pavia stated that copies may be foiled in the Town Clerk's Office under the Freedom of Information Law which is the proper avenue to request copies of town documents.

Resident Jim Wilkins attended Charrette Day and was impressed. The only area not discussed was utilization of the Fire Department property for commercial property in the hamlet. Mr. Wilkins commented on the lack of length of path around the town fields, areas on town hall property not mowed, wooden bridges are not safe, shrubs are overgrown and sidewalks have weeds and the rust to bottom of railings at town hall need attention. Mr. Wilkins additionally stated that Rush should be hiring more town employees and the pavilion should not be utilized or rented by anyone other than Rush programs or residents.

Supervisor Frank stated that the town is being taken care of including gardening and hiring of qualified people with qualified Rush residents being given priority.

VIII. ADJOURNMENT:

Supervisor Frank moved, having no further town business to conduct, adjourned the meeting at 8:00 PM. The meeting was adjourned by common consent.

Respectfully submitted,

Pamela J. Bucci
Town Clerk