

RUSH TOWN BOARD
Minutes of January 14, 2015

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Richard Anderson at 7:00 PM on January 14, 2015, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

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

OTHERS PRESENT:

| | |
|---------------------------|--|
| Mark David | Resident, Highway Superintendent |
| Carol Barnett | Resident |
| Kathryn Hankins | Resident |
| Dave Sluberski | Resident |
| Jillian Moore | Resident |
| Mary Knapp | Resident |
| Robert and Carolee Powers | Residents |
| Marianne Rizzo | Resident |
| Patricia Kraus | Resident |
| Jordan Kleiman | Resident |
| Kirsten Flass | Resident, Library Director |
| Beth Hoak | Resident |
| Jim Chaize | Resident |
| Julia Lederman | Resident, Conservation & Library Board of Trustees |

I. OPEN FORUM

Supervisor Anderson welcomed all to the meeting and wished all a Happy New Year. Before the meeting began, Supervisor Anderson explained the process of resignation and why his resignation is temporarily rescinded. Before a Town Supervisor resigns and a deputy can fulfill the position, by New York State law both persons are required to resign their positions. If both positions resign beginning with the Supervisor, followed by the Deputy Supervisor, the Town is left with only a 3 person board. In order to hold a meeting or make decisions, a quorum of 3 persons must be present. Supervisor Anderson explained the open possibilities including but not limited to an illness or death. Councilperson Frank has tendered her letter of resignation for a future date. Town Clerk Bucci will advertise for a Town

Board position for a 9 day return period. Interviews will take place and a board member selected. Once a 4 person Board is in place and the Town can function, the Supervisor can resign.

He further opened the floor to anyone wishing to address the Town Board.

Resident Dave Sluberski questioned the 9 day advertising for an open Town Board position. Supervisor Anderson stated that advertising is not legally necessary, however, his duty is to maintain a functional town.

Resident Dave Sluberski previously submitted the RIT rules for iceskating as they may pertain to town liability in putting an outside rink up covering the basketball court. He asked if it was helpful.

Supervisor Anderson will be meeting with the town's insurance agent Thursday for verbiage and or required signage, legal responsibility and insurance coverage requirements on that topic, among others. The rules submitted were helpful, however, unsure how enforceable they could be on an outdoor, unmonitored rink.

Resident Jordan Kleiman asked if he could present his comments on behalf of the disbanded Citizens Working Committee on Hydrofracking pertaining to the Seneca Lake Project resolution submitted 2 days ago to the Town Board. Supervisor Anderson agreed.

Jordan Kleiman read aloud the resolution presented as well as additional information related to the proposal before the Department of Environmental Conservation for a Gas Storage Facility on Seneca Lake.

Supervisor Anderson referred to the map provided by Jordan Kleiman for clarification and asked if the Monroe County legislature had passed the resolution and what differentiated this from any other storage in caverns,

Jordan Kleiman stated that salt caverns have different stability levels and Seneca Lake caverns are apparently not stable. The most stable storage areas are in depleted oil and gas reservoirs or aquifers but are more extensive.

Supervisor Anderson has not received any official correspondence from the NYSDEC or Association of Towns.

Councilperson McCarthy asked how long has the Federal Government provided for the methane already stored in the location. Jordan Kleiman was unsure.

Supervisor Anderson also asked where the gases were currently being stored. Their location was unknown.

Resident Kathryn Hankins noted that all lakes are interconnected. Seneca Lake is vulnerable because of the salt mines and the geography of the area. The anti-fracking movement has energized the need to protect and preserve the environment. The Seneca Lake project resolution presented compliments what the town is currently moving to preserve.

Attorney Mancuso asked if copies of resolutions passed by other towns were available. Resident Carol Barnett responded that they may be found at GasFreeSeneca.com.

II. APPROVAL OF MINUTES

Councilperson Steiner noted a correction to the Minutes on Page 6, Paragraph F. removing the words “and town”.

RESOLUTION #1-2015

Councilperson Steiner moved to approve the Minutes of December 29, 2014, as amended by Town Clerk Pamela Bucci. Councilperson McCarthy seconded the motion.

Roll:

| | |
|------------------------|--------------|
| Councilperson Woolaver | aye |
| Councilperson Steiner | aye |
| Councilperson Frank | aye |
| Councilperson McCarthy | aye |
| Supervisor Anderson | aye carried. |

III. APPROVAL OF TRANSFER

RESOLUTION #2-2015

HighwayFunds

| Transfer Number | Decrease Appropriation | | | Increase Appropriation | |
|--------------------|------------------------|-----------|--|------------------------|--|
| | Amount | Account | Description | Account | Description |
| 37 | 4,237.00 | DA.5110.1 | Highway Repairs Personal Services To Reallocate Highway Budget per Mark David | DA.5130.100 | Machinery Personal Services |
| 38 | 3,786.00 | DA.5112.1 | Highway Improvements Personal Services To Reallocate Highway Budget per Mark David | DA.5140.100 | Misc. Brush/Weeds Personal Services |
| 39 | 3,110.00 | DA.5112.1 | Highway Improvements Personal Services To cover Final State Retirement Cost | DA.9010.800 | Fringe Benefits State Retirement |

Councilperson Steiner moved be it resolved that having audited all the unexpended balance of existing appropriations, moved that transfers 33 through 39 in the amount of \$11,536.08.

Roll:

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|------------------------|-----|----------|
| Councilperson Woolaver | | aye |
| Councilperson Steiner | aye | |
| Councilperson Frank | aye | |
| Councilperson McCarthy | aye | |
| Supervisor Anderson | aye | carried. |

IV. APPROVAL OF ABSTRACT

RESOLUTION #3-2015

Councilperson Steiner moved Be It Resolved that having audited all the claims against the funds listed on Abstract of January 14, 2015 for vouchers #2014 1430 through #2015 75 (excluding #27 and 57) be allowed for payment in the amount of \$175,983.55. Councilperson Woolaver seconded the motion.

Roll:

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|------------------------|-----|----------|
| Councilperson Woolaver | | aye |
| Councilperson Steiner | aye | |
| Councilperson Frank | aye | |
| Councilperson McCarthy | aye | |
| Supervisor Anderson | aye | carried. |

V. CORRESPONDENCE

Supervisor Anderson received and discussed the following:

Monroe County Sheriff Department - A telephone interview was completed with the Zone B Captain regarding the services provided to the Town of Rush. They are the primary policing agency. NYS Troopers are occasionally working the Interstate Route 390 and are present at the State School of Industry. The Youth Center of Industry is under the control of the Monroe County Sheriff Department. The Sheriff's Department has been very responsive to the Town Hall demands and alarms.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver had no report.

Councilperson Steiner attended the Conservation Board inviting Carol Barnett to speak about the Seneca Lake proposed resolution.

Supervisor Anderson noted that he received correspondence in support of passing the resolution presented to the Town Board regarding the gas storage facility on Seneca Lake.

Councilperson Frank had no report.

Councilperson McCarthy attended the Library Board of Trustees meeting where planning of a possible summer party is being discussed by the Friends of the Library. All are encouraged to visit the library's new seating area.

Town Clerk Bucci stated that (1) the Town Clerk's 2014 bank reconciliations are complete and available for review; (2) December revenues were presented to the Town Supervisor in the amount of \$10,146.06; (3) Town Taxes collected amount to approximately \$325,000; (4) Business Automation Services contacted the town regarding additional IPS Building Department training and copies of their quote have been distributed to the Town Board. Building Inspector Kusse agreed on the training being offered. The last training session took place when the software was first contracted; (5) Two persons have submitted applications for the Renewable Energy Advisory Committee. Town Clerk Bucci asked if the Board wished to have the ad re-run; (6) Councilperson Frank has submitted her resignation from the Town Board effective January 27, 2015; (7) The Monroe County Town Clerk, Tax Collectors and Receivers Association of which Town Clerk Bucci has been President the last 2 years has re-elected her as Treasurer.

Code Enforcement Officer Kusse had no report.

Attorney John Mancuso had no report.

Supervisor Anderson reported attending the Monroe County Community Development Block Grant Program meeting. Due to the income of the Rush community, it is not eligible for some programs. Supervisor Secretary Valerie Mertsock will be updating the website with beneficial programs.

Supervisor Anderson will be meeting with the town insurance agent regarding insurance coverage, ice rink and a highway department auto accident.

On January 26, 2015, Supervisor Anderson will be attending the Emergency Management Preparedness meeting regarding interfacing of town and county offices.

VII. OLD BUSINESS

A. Solar Energy Update - Supervisor Anderson reported that Larsen Engineers is validating the town energy bills prior to seeking proposal and working with an energy company regarding suitable accesses.

B. Proposed Ice Rink on Top of Basketball Court Update - Supervisor Anderson stated that once the insurance is cleared the ice rink purchase will move forward.

Highway Superintendent David stated that it may be too late in the season to fully install or operate the ice rink.

VIII. NEW BUSINESS

A. Clough Harbor Engineering Agreement (CHA) - Supervisor Anderson has obtained and distributed rate information to the Town Board. The CHA rate will increase 2% over last year and a resolution will be included in the Organizational Minutes of 2015. They have the ability to charge at a higher scale, however, the Town is charged at mid-scale.

A brief discussion took place regarding a resolution for the Highway to purchase a new tractor. The resolution will be included once the Organizational Meeting resolutions have passed.

B. Resolution for Highway Superintendent to Dispose of Existing Roadside Tractor with Mowers - Highway Superintendent David requests disposition of the 1988 Ford 6610 Tractor with attached Tiger mowers at the municipal auction held in May 2015. They are expected to bring approximately \$15,000.00.

RESOLUTION #4-2015

Councilperson Steiner moved to approve Highway Superintendent David's disposing of the 1988 Ford 6610 Tractor with attached Tiger mowers at the municipal auction held in May 2015. Councilperson Woolaver seconded the motion.

Roll:

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|------------------------|-----|----------|
| Councilperson Woolaver | | aye |
| Councilperson Steiner | aye | |
| Councilperson Frank | aye | |
| Councilperson McCarthy | aye | |
| Supervisor Anderson | aye | carried. |

C. Resolution to advertise for the open Town Board position - Councilperson Woolaver moved to allow Town Clerk Bucci to advertise for a Town Board member. Councilperson McCarthy seconded the motion.

Roll:

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|------------------------|-----|----------|
| Councilperson Woolaver | | aye |
| Councilperson Steiner | aye | |
| Councilperson Frank | aye | |
| Councilperson McCarthy | aye | |
| Supervisor Anderson | aye | carried. |

D. Seneca Gas Project - The information received on behalf of the disbanded Hydrofracking Citizens Committee was received within days of the Town Board meeting, however, Supervisor Anderson requested Attorney Mancuso response. Attorney Mancuso stated, having not reviewed the resolution provided prior to the meeting but after a quick view, it is recognition of a particular position as it relates to a particular matter. The resolution presented does not offer a liability issue for the town.

RESOLUTION #6-2015

Councilperson Woolaver moved to oppose the Seneca Gas Project as follows:

SENECA GAS PROJECT

WHEREAS, a proposal is before the Department of Environmental Conservation (DEC) to build a liquified petroleum gas (LPG) storage and distribution hub for the entire northeastern United States in a series of depleted salt caverns just north of Watkins Glen on the western shore of Seneca Lake;

WHEREAS, the proposed facility would store millions of barrels of pressurized LPG in unlined, irregular salt caverns within a fault-ridden brine field with a documented history of geological instability (including a 400,000-ton roof collapse in the cavern proposed for methane storage and a major rock fault intersecting the well proposed for LPG storage);

WHEREAS, storage of LPG (and methane) in salt-caverns is historically the riskiest means of gas storage (though the cheapest option for the industry) and has led to explosions, large-scale evacuations, and several catastrophic collapses and giant sink holes (the latter exemplified by the ongoing catastrophe in Louisiana's Bayou Corne);

WHEREAS, the proposed facility would generate expansive transportation infrastructure and activity in connection with the storage, including daily rail transport of highly explosive materials over an 80-year-old spindly trestle spanning Watkins Glen gorge (one of New York State's top ten tourist destinations), as well as possible extensive heavy-truck traffic in the future;

WHEREAS, the proposed facility includes a 60-foot tall flaring stack, several 700-horsepower diesel-powered compressors, and two brine ponds with a combined capacity of roughly 60 million gallons of super-saturated brine (many times saltier than sea water)—and all of this in an area renowned for its natural beauty, tourism, agriculture, and wine-making;

WHEREAS, Seneca Lake supplies drinking water to over 100,000 people and is one of the most important natural resources in the region;

WHEREAS, this project poses unacceptable risks of pollution to Seneca Lake and the surrounding land and air, and of uncontrollable fires and explosions in the event of an accident; and will industrialize the region and thereby damage the long-standing and growing agriculture, wine, and tourist industries that form the economic backbone of the region;

WHEREAS, both Rush and the Seneca Lake watershed are part of the same interdependent ecological system known as the Great Lakes Basin, and that system is linked in such a way that what happens in one part can have an adverse impact on other parts;

WHEREAS, one of the greatest assets of living in this region is access to the natural beauty of the Finger Lakes; and WHEREAS, many of us in Rush take advantage of the recreational opportunities at or around Seneca Lake, and enjoy the products of the region's wineries and agriculture;

WHEREAS, the regional economy is related to Rush's economic well-being, and a boom-and-bust industry (particularly one that is so thoroughly dominated by out-of-state corporations) that displaces more sustainable economic enterprises is bad for the region and our town;

And WHEREAS, promoting the build-out of fossil-fuel infrastructure in New York State only delays the necessary work (and profound economic, environmental, and health benefits) of building a sustainable energy system;

THEREFORE, it is resolved that the Rush Town Board is in opposition to this project, and urges the Department of Environmental Conservation and other agencies having jurisdiction over it to deny approval and to protect the people and environment of New York State from the risks and adverse effects it would bring. Councilperson Frank seconded the motion.

Roll:

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|------------------------|--------------|
| Councilperson Woolaver | aye |
| Councilperson Steiner | aye |
| Councilperson Frank | aye |
| Councilperson McCarthy | aye |
| Supervisor Anderson | aye carried. |

OPEN FORUM -

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

Resident Kathryn Hankins requested additional meaning of the solar energy accesses.

Supervisor Anderson stated that any time there is a proposal for installation, a clear gateway has to be available in order to place it back on the grid. They will be accessing what lines are available and supply Niagara Mohawk with the locations.

Resident Dave Sluberski reported that the Rush-Henrietta School Board did not approve the additional Veteran's exemption. They cited many reasons, one being the lowest tax rate in the County, not the way to honor veterans and poverty that exists.

Supervisor Anderson noted that the vote was 7 to 0 and the decision was with the Rush-Henrietta School District Board.

XI. ADJOURNMENT

There being no further business to conduct, the meeting was adjourned by Supervisor Anderson at 7:50 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci
Town Clerk