

RUSH TOWN BOARD
Minutes of March 11, 2015

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Cathleen Frank at 7:00 PM on March 11, 2015, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

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

OTHERS PRESENT:

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| James Bucci | Resident |
| Kathryn Cappella Hankins | Resident |
| Cecil Palmer | Resident |
| Joan Starkweather | Resident |
| Harvey Seymour | Resident |
| David Sluberski | Resident |
| Marianne Rizzo | Resident |
| David Flass | Resident |
| Kirsten Flass | Resident, Library Director |
| Don Houk | Resident |
| DJ Kyle | Resident, Deputy Highway Superintendent |

I. OPEN FORUM

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

Resident David Sluberski asked (1) if Supervisor Frank would be answering any of the questions asked of previous Town Supervisor Anderson; (2) could anything be done about the false advertising of industrial land for sale on West Henrietta Road that is zoned commercial; (3) on the sign in sheet for the Town Board meetings, some people write in titles and some do not. Why do attendee titles get listed in the Town Board minutes even when they weren't provided on the sign-in sheet.

Supervisor Frank stated that she did not possess a list of questions asked of former Supervisor Anderson and requested that they be emailed. Although the industrial advertising sign gives inaccurate information, it is a real estate

sign on private property. Supervisor Frank will consider placing a call to request a sign correction to commercial property.

Town Clerk Bucci noted that at times different board or committee members may attend a town board meeting in an official capacity to give a report, make a presentation or have transparent specific interest in an agenda item. They may or may not write their name or title down when signing in. Including their titles simply reflects that they are part of a board or committee and it may be the reason for attending. At other times members of the community that serve on a board or committee may be attending strictly as an interested resident.

II. APPROVAL OF MINUTES

Councilperson Steiner noted that McCarthy needed to be added on page 5, 1st sentence after the title Councilperson.

RESOLUTION #79-2015

Councilperson Steiner moved to approve the Meeting Minutes of February 25, 2015, as amended by Town Clerk Pamela Bucci. Councilperson Woolaver seconded the motion.

Roll:

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| Councilperson Woolaver | aye |
| Councilperson Steiner | aye |
| Councilperson McCarthy | aye |
| Councilperson Moore | abstained |
| Supervisor Frank | aye. carried. |

III. APPROVAL OF ABSTRACT

RESOLUTION #80-2015

Councilperson Steiner moved Be It Resolved that having audited all the claims against the funds listed on Abstract dated March 11, 2015 for vouchers #2015 241 through #2015 297 be allowed for payment in the amount of \$71,251.19. Councilperson McCarthy seconded the motion.

Roll:

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

IV. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver offered the following report:

- Along with Councilperson McCarthy, reviewed the Court's records finding no major concerns but will offer suggestions.

Councilperson Steiner offered the following report:

- As liaison, attended the Conservation Board meeting where 3 applications were reviewed.

Councilperson McCarthy offered the following report:

- The Library Board of Trustees meeting was cancelled due to weather.

Councilperson Moore offered the following report:

- As liaison, attended the Planning Board meeting reviewing 1 application by Mr. Conboy.
- As liaison, attended the Fire Commissioners meeting.

Town Clerk Bucci offered the following report:

- Town and County taxes collected to date amount to \$3,818,458.
- Town Clerk Report has been submitted to the Supervisor pursuant to Town Law with a check in the amount of \$13,910.82, mostly attributed to Recreation Department and Engineering Fees.
- A resolution of approval is requested for both the Deputy Town Clerk and Town Clerk to attend the annual NYS conference April 26 through April 29th in Rochester, New York with budgeted funds. The Monroe County Town Clerk's Association and officers will be taking part in assisting at the conference. The Town Clerk Office will be open and there will be coverage with the exception of licensing and tax collection (wall mount box only).
- Request made to advertise for a part-time gardener. The previous gardener resigned, having to take care of a parent.

RESOLUTION #81-2015

Councilperson Steiner moved to approve Town Clerk Pamela Bucci and Deputy Town Clerk Shivaun Featherman to attend the annual NYS Town Clerk's Association Conference in Rochester, New York from April 26 through April 29, 2015, with budgeted funds. Councilperson Woolaver seconded the motion.

Roll:

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

RESOLUTION #82-2015

Councilperson Steiner moved to allow Town Clerk Bucci to advertise for a seasonal part-time gardener. Councilperson McCarthy seconded the motion.

Roll: Councilperson Woolaver aye
Councilperson Steiner aye
Councilperson McCarthy aye
Councilperson Moore aye
Supervisor Frank aye. carried.

Library Director Kirsten Flass offered the following report:

- The Friends of the Library will be hosting a Summer Party on Saturday, June 6th at the Wildwood Country Club. Tickets will be \$25 per person and go on sale May 1st.
- Commended the Town Board for continuing to publish the town newsletter on a bi-monthly basis as well as all the work Secretary Valerie Mertsock provides in preparing for its production. The newsletter offers the Library an opportunity to advertise their programs.
- Annual state report has been submitted.

Attorney John Mancuso had no report.

Deputy Highway Superintendent DJ Kyle had no report.

V. OLD BUSINESS

A Renewable Energy Advisory Committee - Supervisor Frank stated that 9 submissions have been received and an advisory committee will be formed including appointed members Bethany Choate, Matthew Heimbueger, Beth Hoak, Kathryn Hankins, Jordan Kleiman, Robert Powers, Marianne Rizzo, Carolee Powers, and Harvey Seymour.

RESOLUTION #83-2015

Councilperson Steiner moved to authorize the Supervisor's appointment of a Renewable Energy Citizen's Committee consisting of resident members Bethany Choate, Beth Hoak, Jordan Kleiman, Kathryn Hankins, Carolee Powers, Robert Powers, Marianne Rizzo, Matthew Heimbueger, and Harvey Seymour for the purpose of serving as an advisory committee to the Town Board. It will provide recommendations to the Town Board for renewable energy programs and/or options for the municipality of the Town of Rush. This committee will choose a chairperson to represent the committee and facilitate the meetings and a secretary to provide the Town Board and Town Clerk with meeting minutes and a quarterly progress report that can be presented in person at a Town Board meeting. The committee will be evaluated on an annual basis. A committee charter is also to be developed within two months of the committee formation. Citizens Committee

meetings are not open to the public. Councilperson McCarthy seconded the motion.

Roll: Councilperson Woolaver aye
Councilperson Steiner aye
Councilperson McCarthy aye
Councilperson Moore aye
Supervisor Frank aye. carried.

VI. NEW BUSINESS

A. Resolution to Reassign Liaisons to the Planning Board, Board of Fire Commissioners and Recreation Department - Supervisor Frank noted that liaison reassignments have been made and a resolution is in order.

RESOLUTION #84-2015

Councilperson Steiner moved that the following liaisons be appointed by Supervisor Frank for the purpose of maintaining communication between the Town Board that facilitates a working relationship. Councilperson Moore seconded the motion.

Planning Board: Jillian Moore
Board of Fire Commissioners: Jillian Moore
Recreation Department: Cathleen Frank

Roll: Councilperson Woolaver aye
Councilperson Steiner aye
Councilperson McCarthy aye
Councilperson Moore aye
Supervisor Frank aye. carried.

Councilperson Steiner noted that liaisons to the other boards remained the same as directed in the 2015 Organizational Minutes, Conservation Board, Kathryn Steiner; Library Board of Trustees, Rita McCarthy and Zoning Board of Appeals, Daniel Woolaver.

B. Municipal Energy Program: Supervisor Frank stated that the Municipal Energy Program has been endorsed by the NYS Association of Towns. It is a group-buying rate energy program for electricity. The company is called Pro-Star Energy Services. A Letter of Intent to participate in the program has been sent for Rush's inclusion in the program. Pro-Star advertises possible savings of up to 23%.

C. Computel Utility Audit Service: Supervisor Frank stated that Computel is endorsed by the NYS Association of Towns. Supervisor Frank has engaged with them to audit all utility, telephone and cable franchise bills to pinpoint possible billing inaccuracies that would benefit the town. They advertise a

possible savings of between \$5,000 to \$45,000. Being small, Rush would be at the lower end of savings scale.

D. Resolution to schedule a public hearing of Local Law regarding a Zoning Code Change for Road Dedication - Supervisor Frank noted that this proposed amendment will affect Madelyn's Way and possible roads in the future.

Attorney Mancuso stated that the current town code provides that the developer cannot dedicate the road to the town until the development is 90% complete. The development has remained incomplete for an extended period and the town entered into an agreement with the residents of Madelyn's Way to service the road for this season only. The Rush Code has been reviewed and compared in accordance with more current code standards. The proposed amendment will remove the 90% requirement, replacing it with a standard that permits the Town Board and the Highway Superintendent to review each road on an individual basis complying with the design standards.

Councilperson McCarthy questioned whether or not it is a standard of most towns to review roads for dedication on a case by case basis.

Attorney Mancuso stated that various towns, no matter what their size do not require a percentage of completion. Dedication is determined by circumstances presented to the Town Board, the Highway Superintendent and the Town Engineer who reviews it for appropriate construction. The proposal before the town shifts a percentage of completion to a determination by town officials. Consistent with the Planning Boards approval, at some point a road dedication will be presented to the Town Board and Highway Superintendent for approval.

RESOLUTION #85-2015

Councilperson Steiner moved to schedule a public hearing on March 25, 2015 at 7:15 PM in the offices of the Town Hall, 5977 East Henrietta Road, Rush, New York proposing an amendment to the Town of Rush Code in relation to amending the Road Dedication policy of the Town of Rush. Town Clerk Bucci to publish the public hearing legal notice in the town designated paper and required areas. In the event that the notice cannot be published in the required timeframe, an alternate date of April 8, 2015, at 7:15 PM will serve as the public hearing date. Councilperson Woolaver seconded the motion.

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| Roll: | Councilperson Woolaver | aye |
| | Councilperson Steiner | aye |
| | Councilperson McCarthy | aye |
| | Councilperson Moore | aye |
| | Supervisor Frank | aye. carried. |

E. Town Clerk Audit - Supervisor Frank requested another Town Board member to assist in auditing the Town Clerk records. Councilperson Steiner will assist in the audit process.

VII. OPEN FORUM

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

Resident David Sluberski provided his positive opinion on the Energy Advisory Committee member appointments and asked of the status of 5946 East Henrietta Road - former Big M.

Supervisor Frank stated that she understood that 5946 East Henrietta Road (former Big-M) is again for sale, however, the Town has not received any additional specific information on the private property.

Resident Marianne Rizzo requested and received clarification from Supervisor Frank on the naming of the Renewable Energy Citizens Committee just formed and its serving the Town Board as an advisory committee.

Resident Kathryn Hankins requested an update on the Dorschel proposal at 7262 West Henrietta Road asking if there was closure in sight.

Supervisor Frank responded having a recent meeting with Rick Dorschel that they will be re-engaging the project to the next step.

Attorney Mancuso stated that from a legal standpoint, a positive declaration was issued and a scoping document is required by the State Environmental Quality Review Act (SEQRA) which keeps the application in the environmental review phase. No action will be taken until the applicant provides a scoping document.

Supervisor Frank will review the required timeline.

Resident Hankins asked if the Board, at some point, must put the applicant on notice to resubmit the proposal.

Attorney Mancuso stated that under SEQRA regulations, if an applicant is unwilling to proceed with the environmental review of the project, the Town can direct them to do so at their expense. If the Town Board does not wish to undertake their review, they can also deny the applicant. The Town Board does have discretion on whether or not to proceed if the applicant does not take timely steps to continue to initiate the process.

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Resident Carol Barnett asked of further information received from Larsen Engineers regarding the solar matter and alternate sites.

Supervisor Frank has not received further information from Larsen Engineers, however, will be contacting them.

VIII. ADJOURNMENT

There being no further business to conduct, the meeting was adjourned by Supervisor Frank at 7:25 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci
Town Clerk