

RUSH TOWN BOARD  
Minutes of September 9, 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 September 9, 2015, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT: Cathleen Frank	-----	Supervisor
Kathryn Steiner	-----	Councilperson
Rita McCarthy	-----	Councilperson, Deputy Town Supervisor
Jillian Moore	-----	Councilperson
Pamela Bucci	-----	Town Clerk
Frank Pavia, Esq.	-----	Town Attorney

EXCUSED: Daniel Woolaver ----- Councilperson

OTHERS PRESENT:

Carol Barnett	Resident
Jim Bucci	Resident
Dick & Mary Knapp	Residents
Marianne Rizzo	Resident
Dave Sluberski	Resident
Mark David	Resident, Highway Superintendent
Cecil Palmer	Resident

I. OPEN FORUM

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.

II. APPROVAL OF MINUTES

**RESOLUTION #147-2015**

Councilperson Steiner moved to approve the Meeting Minutes of August 26, 2015, as written by Town Clerk Pamela Bucci. Councilperson McCarthy seconded the motion.

Roll:

Councilperson Steiner	aye
Councilperson McCarthy	aye
Councilperson Moore	aye
Supervisor Frank	aye. carried.

III. APPROVAL OF ABSTRACT

**RESOLUTION # 148-2015**

Councilperson Steiner moved Be It Resolved that having audited all the claims against the funds listed on Abstract dated September 9, 2015 for vouchers #2015 902 through #2015 948 be allowed for payment in the amount of \$53,480.21. Councilperson Moore seconded the motion.

Roll:

Councilperson Steiner	aye
Councilperson McCarthy	aye
Councilperson Moore	aye
Supervisor Frank	aye. carried.

#### IV. REPORT OF OFFICERS AND COMMITTEES:

Councilperson Steiner offered the following report:

- Due to lack of items for discussion and review, the Conservation Board meeting was cancelled.

Councilperson McCarthy offered the following report:

- Library Board of Trustees meeting was cancelled.
- Energy Advisory Committee did meet and will be scheduling an energy audit for all town buildings. A solar energy provider has been invited to attend their next meeting, September 10<sup>th</sup> at 6 PM in the Library conference room.

Councilperson Moore offered the following report:

- No report.

Code Enforcement/Building Inspector Kusse offered the following report:

- No report.

Highway Superintendent David offered the following report:

- County road projects are nearing completion, as well as work on Five Points, Lehigh Street, Park Lane, Golah Road, and Jeffords Road

Town Clerk Bucci offered the following report:

- Received the Tentative 2016 Budget from the Budget Officer. Copies will be distributed to the Town Board.
- Received the Zoning Citizens Committee Recommendations. Copies have been distributed to the Town Board.

#### V. OLD BUSINESS

A. Update on Naming of the former BOCES property, 6565 East River Road - Supervisor Frank asked the Town Board whether they wished to table the decision until Councilperson Woolaver was in attendance.

Councilperson Moore commented that Retreat was an additional recommendation. Its definition is similar to Refuge being a quiet, secluded place to rest and relax.

Councilperson Steiner noted that she liked Campus as an added 3<sup>rd</sup> word.

Councilperson McCarthy wished to table the matter for additional thought and to include Councilperson Woolaver in the final vote.

Supervisor Frank requested that the Town Board present their top three choices at the next meeting, September 23<sup>rd</sup>.

Supervisor Frank noted that once Attorney Pavia arrived, the 2<sup>nd</sup> Old Business topic of Rush Associates' Final Scoping Document would be discussed.

#### VI. NEW BUSINESS

A. Approval of Assessor Software Purchase - Supervisor Frank stated that Assessor Dan Stanford requested the purchase of appraising software in the amount of \$349.00 from Alamode Inc. Funds are available in the 2015 budget.

#### **RESOLUTION #149-2015**

Supervisor Frank moved to approve Assessor Stanford's purchase of appraising software in the amount of \$349.00 with monies available in the Assessor's Department 2015 budget. Councilperson McCarthy seconded the motion. Councilperson McCarthy seconded the motion.

Roll:

Councilperson Steiner	aye
Councilperson McCarthy	aye
Councilperson Moore	aye
Supervisor Frank	aye. carried.

Attorney Frank Pavia arrived at 7:10 PM.

A. Lease for Building 8 at former BOCES property, 6565 East River Road- Supervisor Frank stated that Rush resident Jerry Horton wished to lease Building 8, the blacksmith shop, to store 1 to 3 classic vehicles and 2-3 pallets of agricultural bio product.

Councilperson Steiner asked what type of bio product would be stored.

Building Inspector Gerry Kusse stated that Mr. Horton product was non-harmful but he did not fully understand it's composite. Building 8 is currently occupied by the Fairport BOCES landscaping equipment class participants.

They would be transported back to Building 3 but is now used by the Rush Volunteer Fire Department. Dan Chase is currently leasing Building 3.

The Fairport BOCES will be starting their maintenance program at the property next week. Building Inspector Kusse added that when the town took ownership of the property, the Fairport BOCES group was conducting a maintenance program on the property and they wished to continue. The Town Board voted and agreed to continue to allow the Fairport BOCES students to run their teaching program and in the Fall and Spring and to continue maintaining the property.

Councilperson McCarthy was unsure of making a decision to lease a building but understands renting the property does provide revenue to the town. She further requested Mr. Horton provide a description of the exact pallet contents.

Councilperson Moore wished not to set a precedent.

Supervisor Frank noted that until there is water on the property, its use is limited. The Fairport BOCES has agreed to move their equipment to Building 2. They originally moved out of Building 3 because it was not weather tight.

#### VII. RETURN TO OLD BUSINESS

B Rush Associates' Final Scoping Documents: Attorney Pavia announced that Rush Associates had prepared a draft scoping document which in laymen's terms a table of contents of the draft Environmental Impact Statement. It was submitted to public comments and review. They then took those comments and prepared a Final Scoping document. The following resolution is an acceptance of the Final document authorizing them to proceed forward under the State Environmental Quality Review Act "SEQRA". Attorney Pavia read the resolution aloud.

### **RESOLUTION # 150-2015 SEQRA FINAL SCOPE RESOLUTION FOR 7262 WEST HENRIETTA ROAD**

**WHEREAS**, Rush Associates, LLC (the "Applicant") has submitted a petition proposing to re-zone 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 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"); and

WHEREAS, the Town Board of the Town of Rush (the "Town Board") has declared itself Lead Agency in order to complete a coordinated review of the Petition pursuant to SEQRA, and issued a Positive Declaration requiring the preparation of an environmental impact statement; and

WHEREAS, the Town Board further required that a Draft Scoping Document be prepared and made available to the public for review and comment for a minimum period of thirty (30) days; and

WHEREAS, the Draft Scoping Document was subject to a written public comment period for purposes of receiving comments from the public on the Draft Scoping Document; and

WHEREAS, a Final Scoping Document has been prepared for acceptance by the Town Board.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN OF RUSH TOWN BOARD AS FOLLOWS:**

Section 1. The Town Board accepts the Final Scoping Document and directs that a Draft Environmental Impact Statement be prepared consistent with its requirements.

Section 2. The Town Board further directs that the Final Scoping Document and/or notice of this resolution shall be filed and circulated to the extent required by any applicable ordinance, statute or regulation.

Attorney Paviat emphasized that the resolution is not a rezoning consideration, it is the Board's acceptance of the Final Scoping document and proceeding forward in the SEQRA process. The applicant will prepare a draft Environmental Impact Statement and submit it to the Town Board as lead agency. The Town Board will then determine whether or not it is complete. If it is complete, another public comment period is held for a minimum of 30 days, a public hearing is then held for the draft Environmental Impact Statement and the Petition. Once it is subject to a public comment period, a final Impact Statement is prepared. It is then presented to the Town Board for acceptance. If accepted, the Board must issue a Findings Statement pursuant to SEQRA. The Town Board then can proceed with a legislative determination and consideration in rezoning.

Councilperson Steiner motioned to approve the above resolution. Councilperson McCarthy seconded the motion.

Roll:

Councilperson Steiner	aye
Councilperson McCarthy	aye

Councilperson Moore                      aye  
Supervisor Frank                              aye. carried.

VIII. OPEN FORUM

Supervisor Frank opened the floor inviting the audience to address the Town Board.

Resident Dick Knapp noticed that the former BOCES property appears to be open to the public at all hours and wondered if there have been any recent vandals, hunting or other issues on the property.

Supervisor Frank noted that there have been no recent issues. Monroe County Sheriff Zone B Captain Wagner and the Supervisor recently discussed patrol of the area.

Code Enforcement Office Kusse noted that with upcoming hunting season approaching, the NYSDEC offices will provide heightened attention.

Resident Dave Sluberski presented two questions, asking if there is a procedure in place for renting building at the BOCES property.

Supervisor Frank stated that when there is interest in renting the buildings, they are brought before the Board. When there is multiple interest of use, such as agricultural management, a formal legal process of bidding is and has been used.

Attorney Pavia added that the buildings have been rented pursuant to written lease agreements.

Resident Dave Sluberski questioned the Board's motions of July 22<sup>nd</sup> and August 12<sup>th</sup> meetings both adopting naming the former BOCES property "Rush Riverside Refuge". An audio recording was emailed to the Town Board of the July 22<sup>nd</sup> motion. Why was there clarification required.

Councilperson Steiner stated that a name was circulated amongst the Board and Town Clerk Bucci requested clarification that the correct name voted was recited in the resolution and voted upon.

Town Clerk Bucci additionally stated that Councilperson Steiner was correct. Town Clerk Bucci asked at a following Town Board meeting for clarification because not only did she listen to the official taping of the meeting but witnessed the head nodding and gestures of members of the Town Board during their discussion and resolution regarding of naming of the former BOCES property.

Attorney Pavia stated that the Open Forum is not a Question and Answer period or a debate. Any further comments can be made.

Resident Sluberski stated that he was not commenting to the lawyer but commenting to the Board and asked if the 2<sup>nd</sup> resolution was made at a public meeting.

Town Clerk Bucci added that she requested that the five members of the Board provide an additional resolution for clarification, a resolution was presented at a public meeting and all Town Board meetings are open to the public unless they go into executive session.

Resident Carol Barnett asked if the procedural irregularity could be described.

Councilperson McCarthy stated that 5 board members had a discussion in clarifying a discussion and resolution of a prior meeting.

Attorney Pavia stated that there was no procedural irregularity. Two resolutions were passed, a discussion and clarification took place and a second resolution was passed. The Town Board has the discretion to discuss and or clarify a resolution.

Resident Barnett questioned that someone said there was a procedural irregularity.

Attorney Pavia stated that Mrs. Barnett heard someone say there was an irregularity but it does not necessarily make it the truth.

Supervisor Frank stated that both resolutions state that the former BOCES property name is Rush Riverside Refuge. It was merely a clarification.

Resident Marianne Rizzo urged the Board to make part of the BOCES property a refuge. It was a gift and the land should in part be a refuge and be protected.

#### IX. ADJOURNMENT

There being no further business to conduct, the meeting was adjourned by Supervisor Frank at 7:30 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci

RUSH TOWN BOARD  
September 9, 2015

Town Clerk

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