

RUSH TOWN BOARD  
Minutes of January 13, 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 January 13, 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  
Daniel Woolaver ----- Councilperson  
Rita McCarthy ----- Councilperson, Deputy Town Supervisor  
Jillian Moore ----- Councilperson  
Pamela Bucci ----- Town Clerk  
John Mancuso, Esq. ----- Town Attorney

ABSENT: Gerald Kusse ----- Councilperson

OTHERS PRESENT:

Al Sweet Resident  
Cecil Palmer Resident  
Carol Barnett Resident  
Doug Whelan Webster Resident  
Dick and Mark Knapp Residents  
Mark David Highway Superintendent, 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 to state their name and address for record keeping purposes.

II. APPROVAL OF MINUTES

**RESOLUTION #61-2016**

Councilperson Moore moved to approve the Minutes of December 23, 2015, as written by Town Clerk Bucci. Councilperson Woolaver seconded the motion.

Roll:

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

III. APPROVAL OF TRANSFER

**RESOLUTION #62-2016**

Councilperson McCarthy motioned to approve the transfer of funds from the unexpended balance of existing appropriations for transferred numbered



#39 through #45 in the amount of \$3,676.16 is approved. Councilperson McCarthy seconded the motion.

**BUDGET TRANSFERS 1/13/2016-2015 FUNDS**

**Transfer from the unexpended balance of an existing appropriation'(s).**

**General Funds**

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
39	159.75	A.1010.40 0	Town Board Contractual  Cover year-end variance	A.1220.400	Supervisor Contractual
40	830.24	A.1010.40 0	Town Board Contractual Cover year end variance - handbook	A.1310.400	Finance Contractual
41	625.51	A.1010.40 0	Town Board Contractual  Cover year-end variance-safety changes	A.3620.400	Safety/Code Enforcement Contractual

**Highway Funds**

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
42	376.14	DA.5142. 400	Snow Removal Contractual  reallocate Hwy Budget per Mark David	DA.5130.400	Machinery Contractual
43	479.67	DA.5142. 400	Snow removal Contractual  To Reallocate Hwy Budget per Mark David	DA.5148.400	Other Gov't contractual

**Library Fund**

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
44	1024.67	L.7410.10 0	Library Personal Services	L.7410.400	Library Contractual

**Appropriation of unreserved fund balance or unanticipated revenues**  
**Drainage Funds**

Transfer Number	Decrease Appropriation			Increase Appropriation	
	Amount	Account	Description	Account	Description
45	180.18	SD.0599	Drainage Appropriated Fund Balance To cover year-end variance	SD.8540.400	Drainage Contractual

Roll:

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

V. APPROVAL OF ABSTRACT

**RESOLUTION #64-2016**

Councilperson Steiner moved that having audited all the claims against the funds listed on Abstract dated January 13, 2016, for vouchers 2016 1 through 2016 58 in the amount of \$74,607.87 they be approved. Councilperson Woolaver seconded the motion.

Roll:

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

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver offered the following:

- Attended the Conservation Board meeting. A subdivision application was reviewed.
- The Zoning Board of Appeals did not meet.

Councilperson McCarthy offered the following:

- No report.

Councilperson Moore offered the following:

- As liaison, attended the Board of Fire Commissions meeting. Dale Sweet has been elected as the new Fire Commissioner. Commissioner Alvin Sweet has retired.

Town Clerk Bucci offered the following:

- Tax collection has begun; anyone who has not received their tax bill is urged to contact the office.

- Since banking with Five Star, a check scanner has been acquired and a tax stub scanner purchased eliminating traveling daily to the bank for check only depositing.
- Monroe County's Shrub and Tree Program and Home Improvement Program forms are now available in the office.
- Attended the Association of Towns Elected Official Training Session that covered many topics including government accountability. There are many government mandates and government laws that must be followed.

Attorney Mancuso offered the following:

- No report.

Highway Superintendent David offered the following:

- The ice skating rink, placed atop the basketball court, is near completion. Rubber belting has also been placed on the rink edge to protect it.

Supervisor Frank offered the following:

- Attended the Association of Towns Elected Official Training along with Councilpersons Moore and Kusse. Training was well attended and very beneficial.
- Will be attending the Monroe County Community Development Block Grant (CDBG) meeting tomorrow. The CDBG grant is no longer available for doors accessing only town business. A grant will be sought for additional handicapped accessible doors entering the library by the elevator and in between the court hallway and the elevator foyer.

## VII. OLD BUSINESS

None.

### **NEW BUSINESS:**

A. Resolution to accept Rush Associates DEIS as complete for public review - Supervisor Frank stated that the DEIS has been received.

## **RESOLUTION #65-2016**

### **DRAFT ENVIRONMENTAL IMPACT STATEMENT RESOLUTION FOR PETITION TO RE-ZONE 7262 W. HENRIETTA ROAD**

Councilperson McCarthy moved,

WHEREAS, on November 13, 2013, the Town Board of the Town of Rush (the "Town Board") accepted an application from Rush Associates, LLC (the "Applicant") 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 N.Y.C.R.R. 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 requiring the preparation of a Draft Environmental Impact Statement ("DEIS") by the Applicant; and

WHEREAS, a Final Scoping Document was accepted by the Town Board on September 9, 2015 for preparation of the DEIS; and

WHEREAS, the Applicant has taken the Final Scoping Document and prepared a DEIS pursuant to 6 N.Y.C.R.R. § 617.9, which has been submitted to the Town Board for acceptance and to commence the requisite public comment period in order to receive public input.

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

Section 1. Pursuant to 6 N.Y.C.R.R. §§ 617.9 and 617.12 of the SEQRA regulations, the Town Board accepts the DEIS; determines that the DEIS is adequate for public review; and directs that copies of the DEIS be provided to all involved and interested agencies, as well as to any individual requesting a copy.

Section 2. The Town Board shall prepare, file, and publish a notice of completion of the DEIS in accordance with 6 N.Y.C.R.R. § 617.9(a)(3).

Section 3. Pursuant to 6 N.Y.C.R.R. §§ 617.9(a)(3) and 617.4(a)(4)(iii) of the SEQRA regulations, a comment period during which the public and involved and interested agencies may submit written comments to the Town Board relating to the DEIS shall last for thirty days (30) beginning on January 25, 2016 and extending until February 24, 2016.

Section 4. Pursuant to 6 N.Y.C.R.R. § 617.9(a)(4) of the SEQRA regulations, a public hearing will be held to accept comments on the DEIS on February 10, 2016 at the Town of Rush Town Hall, 5977 East Henrietta Road, Rush, New York 14543, commencing at 7:15 pm.

Section 5. 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, including maintaining copies of the DEIS for public review at the Town of Rush Town Clerk's Office and the Rush Public Library, as well as posting a copy of the DEIS on the Town website located at [www.townofrush.com](http://www.townofrush.com).

Section 6. This Resolution shall take effect immediately upon adoption.

Councilperson Woolaver seconded the motion.

Roll:

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

B. Resolution to Schedule and Publish a Public Hearing - Supervisor Frank noted the necessity for publication and scheduling of the public hearing.

### **RESOLUTION #66-2016**

Councilperson McCarthy moved to direct Town Clerk Bucci to publish a public hearing notice in the designated publication for the purpose of hearing public comment regarding the Draft Environmental Impact Statement for rezoning of 7262 West Henrietta Road, Rush, New York on February 10, 2016, at 7:15 PM, 5977 East Henrietta Road, Rush, New York 14543 and that the notice will be placed in all applicable areas in accordance with SEQRA requirements and applicable Town Law. Councilperson Moore seconded motion.

Roll:

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

C. Town Court Audit - Supervisor Frank and Councilperson Woolaver will conduct the audit of the Town Court.

Town Clerk/Collector Audit - Councilpersons McCarthy and Kusse will conduct the audit of the Town Clerk/Collector.

D. Code Enforcement Annual Report 2015 - Former Code Enforcement Officer Gerald Kusse submitted a copy of his Annual Report to the Town Board as required.

E. Highway Lighting Upgrade - Supervisor Frank noted that the Highway Department facility lighting has not been updated in 30 years. A proposal from a National Grid subcontractor has been received noting a substantial savings over time. Additional proposals will be sought.

Additional energy saving lighting for the exterior Town Hall is being sought and distributed to the Town Board for review and discussion.

F. Resolution to sign Highway 284 Agreement - The 284 Agreement is between New York State, Monroe County and the Town of Rush to spend state aid for general repairs and capital improvements on town roads.

**RESOLUTION #67-2016**

Councilperson McCarthy moved to enter into an Agreement between Town Supervisor, Monroe County and New York to spend State Aid for general repairs and capital improvements to specifically designated roads within the Town of Rush including Lehigh Street, Park Lane, Scofield Road, Chapman Road, Lyons Road and Golah Road pursuant to Section 284 of the Highway Law. Councilperson Moore seconded the motion.

Roll:

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

C. Resolution Calling on the State of New York to Restore Funding Parity Between the Capital Plans of the metropolitan Transportation Authority's (MTA) and the NYSDOT - Supervisor Frank read an excerpt from the Shared Services Agreement.

**RESOLUTION #68-2016**

**RESOLUTION CALLING ON THE STATE OF NEW YORK  
TO RESTORE FUNDING PARITY BETWEEN THE CAPITAL PLANS OF THE  
METROPOLITAN TRANSPORTATION AUTHORITY'S (MTA) AND  
THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

Councilperson McCarthy moved

WHEREAS, Governor Andrew Cuomo and Mayor de Blasio recently announced an agreement to jointly subsidize the metropolitan Transportation Authority's (MTA) nearly \$11 billion funding gap for its 2015-2019 five-year capital program; and



WHEREAS, as part of this agreement, the Governor is committed \$8.3 billion in state resources to cover the MTA plan's multi-year deficit; and

WHEREAS, while we may agree that this vital investment in downstate transit is needed, the state has yet to develop a new department of transportation 5-Year Capital Plan designed to assess current conditions and determine investments needed to provide for the future needs of a modern, safe, reliable and efficient multimodal transportation system; and

WHEREAS, the enactment of the FAST Act, a fully funded five-year authorization of federal surface transportation programs that provides long-term federal funding predictability, should not facilitate the state to develop and fund a transportation 5-Year Capital Plan; and

WHEREAS, locally-owned roads and bridges account for 87 percent of the State's 110,000 miles of roadways and 50 percent of the State's 18,000 bridges and are responsible for a vast system of aging culverts. These locally -owned transportation facilities are deteriorating at a rapid rate as counties continue to struggle to find adequate funding for their maintenance and replacement; and

WHEREAS, three of the last four DOT/MTA five-year capital programs were virtually identical in size; and

WHEREAS, for nearly two decades, through 2009, the parity agreement was honored and both five-year capital programs were similar in size as well as adopted within a month of each other. It is necessary to once again restore parity between the programs; and

WHEREAS, according to a 2014 Comptroller's report, thirty four percent (34%) of bridges are deficit and forth-eight percent (48%) of road pavements in the state are rated fair or poor and getting worse.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Rush calls upon Governor Cuomo and our State Legislative Delegation to work with our County and other local governments in order to develop and fully-fund a 5-year capital plan that will provide the necessary and proper funding to New York's counties by substantially increasing CHIPS and Marchiselli funding and establishing a 5 year State Aid to Local Bridge and Culvert Program to give them the ability to adequately maintain their infrastructure; and

BE IT FURTHER RESOLVED, that restoring parity between the Department of Transportation's (DOT) highway and bridge five-year capital program and the MTA's capital program will assure each program is funded at a \$26.1 billion level, providing enough resources to help fund the local needs as described above; and

BE IT FURTHER RESOLVED, that the Town of Rush shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State legislature and all others deemed necessary and proper. Councilperson Woolaver seconded the motion.

Roll:

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

#### VIII. PUBLIC COMMENT

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

Resident Cecil Palmer applauded Supervisor Frank in applying for grant monies and made a suggestion that the Town contact the owner of the Post Office located in Rush regarding safety of patrons and the lack of a sidewalk in front of parked vehicles.

#### IX. ADJOURNMENT

There being no further business to conduct, the meeting was adjourned by Supervisor Frank at 7:25 PM. Meeting was adjourned by common consent.

Respectively submitted,

Pamela J. Bucci  
Town Clerk

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