

RUSH TOWN BOARD  
March 23, 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 March 23, 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
Rita McCarthy	-----	Councilperson, Deputy Town Supervisor
Jillian Coffey	-----	Councilperson
Daniel Woolaver	-----	Councilperson
Gerald Kusse	-----	Councilperson
Pamela Bucci	-----	Town Clerk
Joseph Picciotti, Esq.	-----	Town Attorney

OTHERS PRESENT:

Bill Gaffney	-----	Resident
Cecil Palmer	-----	Resident
Mark David	-----	Resident, Highway Superintendent
Michael Seidenberg	-----	Eco Energy of NY
Carol Barnett	-----	Resident
Bruce Howlett	-----	Presenter
Michael Howlett	-----	Presenter
Steve Shiano	-----	Forester Presenter

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.

No comment from the audience.

II. APPROVAL OF MINUTES

**RESOLUTION #93-2016**

Councilperson McCarthy moved to approve the March 9, 2016 Town Board Meeting Minutes as written by Town Clerk Bucci. Councilperson Woolaver seconded the motion.

Roll:

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

III. TRANSFER OF FUND

There was no transfer.

IV. APPROVAL OF ABSTRACT

Councilperson Woolaver moved having audited all the claims against the funds listed on Abstract of March 23, 2016 for vouchers 2016 #251 through #314 they be allowed for payment in the amount of \$59,417.92. Councilperson McCarthy seconded the motion.

Roll:

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

V. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver offered the following:

- Attended budget meeting for the Rush Henrietta Schools.
- Zoning Citizens Committee members will be meeting Thursday, March 24<sup>th</sup>.

Councilperson McCarthy offered the following:

- Attended the Library Board of Trustees meeting. They are moving ahead in utilizing Senator Funke's bullet grant including updating furniture. Three concert performances have been confirmed and will be announced shortly.
- Completed an audit of Donald Reynolds, Finance Director/Budget Officer with Councilperson Coffey. Adopted policies and procedures, accepted general recordkeeping requirements were reviewed as specified by the NYS Comptroller's Office. A written audit review was read aloud and provided to Town Clerk Bucci.

Councilperson Coffey offered the following:

- Attended the Fire Commissioners meeting.
- Attended the Rush Henrietta School Board budget information meeting.
- Planning Board meeting was cancelled; no applicants.

Councilperson Kusse offered the following:

- Attended the Rush Henrietta School Board budget information meeting.

Supervisor Frank offered the following:

- Met with Corrine Duggan of the Community Design Center of Rochester. They are a non-profit organization that serve as a resource base for activities focused on design issues and a built-in environment for Rochester and the surrounding region. A copy of the information package was submitted to the Board members. Encouraged Supervisor

Frank to be aware of presentations coming up in coming months. They will be invited to present to the Board in the future months.

- Received CHA's Rush Riverside Refuge Structural Building Evaluation. Copies have been distributed to the Town Board for review.

Highway Superintendent David offered the following:

- Snow fence down; some ash trees are being removed.

Town Attorney offered the following:

- No report.

Town Clerk Bucci offered the following:

- No report.

**PRESENTATION:** Bruce Howlett - Farmland Improvements at the Rush Riverside Refuge

Supervisor Frank has met with Mr. Howlett regarding farmland improvements at the Rush Riverside Refuge and has been asked to provide a presentation to the Town Board.

Mr. Howlett provided photos of the 100 acres located on the west side of the Rush Riverside Refuge bordering the railroad tracks and Genesee River which was being presented to the Town Board. Both Michael Howlett and Steve Shiano who is a forester and conservationist accompanied him to the meeting.

Mr. Bruce Howlett gave the following overview. The main purpose for the presentation, as a professional in the agricultural industry, is to provide information on how to protect and improve a piece of land the town owns and which he considers a commodity and valuable piece of ground. Mr. Howlett is currently farming a 50 acre piece of land at Rush Riverside Refuge ("RRR"). Photos of the property were provided to the Town Board.

There are many different qualities of land characterized as high, medium and non-productive land. Examples of long-term use of land and its worth were described as well as prosperous bushels of crop that can be brought down in value depending on the condition of the land. Agricultural land that is not taken care of long term will be worthless in future years. Costs for farming have gone up considerably. Government no longer supports farming. The average farmer today is 59 years old. The RRR land is river bottomed and during harvesting problems associated with it became apparent. Bruce Howlett nor Steve Shiano need to invest in the project but are interested in improving the land for years to come. If something is not done soon, within 7 to 10 years it will not be valuable.

New York State sold the RRR to the Town, however, the land has not been utilized whatsoever for 30 to 35 years. The value of the land needs to be maintained. Land in both Henrietta and Rush is being cleared in ditches and in overpopulated areas where trees are being harvested in order to help wildlife and prepare the ground for crops or trees. Property owned in Avon is also river bottomed causing a failed intake on the crop.

Pg 2 wood lot -A description was provided along with the photo.

Pg 3 - Agricultural part of the property - many ditches - water is above the level of the field. Fields will stay saturated and won't drain.

Pg 4 - Start of season why water too high - nobody has cleaned the ditches - its costly. He has teamed with Steve for that reason.

Pg 5 - Outlet into the river. Good outlet is important.

Pg 6 - Outlet that is supposed to go into the river but is dry because it is not maintained.

Pg 7 - Trees have grown in ditches. Plants want sun. Shading is stopping growth of soybean, wheat, corn where shading occurs.

Pg 8 - Mess - all growing in a ditch.

Steve Shiano is a conservationist of the Genesee River, has been providing a service to the Howletts for the last 7 years to improve the riverbanks. The lower trade wood is cut and marketed so that the good trees can mature. The Amish community creates pallets and other items that are made from low grade wood. It also improves the ground. Hiring contractors to do the work will be very costly.

Pg 10 - The RRR is a great place long-term for Rush residents to see agriculture, however, everyone must think about safety. There are many monster size trees along the road which could create a safety issue for parking. A culvert installed on Route 251 by the Highway Department would eliminate a problem.

Back of map - Field 4 is next to trains. If the fields were made a bit larger, the acreage would be more efficient in later years.

Pg 11 - Monster trees. Trees go to north and exit into the river - they are also full of ash trees which are dying quickly. Ash trees are to be removed so that value is not lost. Also drains into the river. The river bottom is flat and tile is a concern. A depth of 2 ½ feet is required for tile.

Pg 13 - What happens when water stands in field - 0's are created for the field meaning a loss on your investment.

Pg 15 - Rodney Farms for example - no maintenance - now digging and cleaned out. Tile installation has been started and around the perimeter, a row of cherry trees have been planted. Steve has planted trees along the river corridor. Bruce expanded materials. Modern agriculture are knocking out - Howlett recognizes adding trees to a property. There are valuable trees which include black walnut, cherry and oak. Soft trees grow upwards, then bend and break off. Rye grass works well in between trees.

Pg 17 - tile very good for soil. Lowering the water table 2 ½ feet below surface will leaves moister below so that your water is held in by tile. Ditch flooding occurs without tile. Surface water swishes everything out.

Councilperson McCarthy asked if the tile installation would be required with all areas.

Mr. Howlett explained that every 50 feet a tile is run like a grid. Tile costs roughly \$1/\$1.25 per foot and is available in 4, 6 or 8 inch. Usually put 4 inch in for cheaper price. This parcel is too small for larger tile and it would increase the cost.

Pg 18 - planted about 12,500 trees in last 7 years. They do not pasture any animals. Red oak, black walnut and black cherry trees are planted. About five 5 years is all work keeping the deer and weeds out.

The river bank is straight soil and has years of sediment. You must maintain the land in order for all to produce and be beautiful. With low maintenance, the riverbank will fall into the river.

In summary Mr. Howlett stated that it as an opportunity to help the town long term for people to enjoy. A longer term lease is necessary, preferably 7 years. The specifics were explained.

Conservationist Steve Shiano stated that other companies work on an hourly basis instead of stump value. Mr. Schiano's clients want property improved and are more concerned in great forestry.

Supervisor Frank stated that an overgrown wood lot is not good for wild life. An improvement of the land is sought both agriculturally and as an educational opportunity describing the woodland variety and wildlife that inhabit the area.

Mr. Howlett stated that a summary would be provided to the Town Board distinguishing which lands on the RRR are profitable. All of the work will

enhance the wildlife and improve the timber balance. Additionally, the metal safety hazards in the ropes course area will be removed. Maintaining the land now will create a treasured land for years to come and as a bonus provide revenue for the town in many more ways.

The Genesee River is a gem on the RRR. Forestry will successfully stop the erosion taking place. The Town should make sure a process is set including phases and a timeframe.

Supervisor Frank stated that the Town Board will review a process, phases and timeframes to be considered in reviewing the proposal and lease extension to 7 years. The area discussed includes, about 50 tillable acres of premium ground on Route 251. Agriculture is the objective.

Mr. Howlett noted that the Genesee Valley Conservatory will be presenting at the Mt. Morris BOCES location.

There are many acres of farmland in Rush. If farmers cannot make a profit long-term, it will not continue to be farmland. Farmers need maintained land.

## VI. **OLD BUSINESS**

A. Resolution to Purchase and Install Shutters for the Town Hall – Supervisor Frank stated that estimates for shutters from B&L Wholesale Supply and an installation estimate from Accurate Acoustical, Inc. have been received.

Councilperson Kusse stated that effice product manufacturers developed procedures for attaching shutters. As previously requested by Building Inspector Phil D'Alessandro, having him oversee the attachment by a competent installer is recommended.

Supervisor Frank added that a sleeve protector will be utilized in order to protect the facade.

Councilperson Coffey agreed to have Building Inspector D'Alessandro oversee the installation. The vendor is Accurate Acoustical, Inc. of Victor, New York.

### **RESOLUTION#94-2016**

Councilperson McCarthy moved to allow the Supervisor to purchase shutters for the front of the Town Hall from B&L Wholesale Supply, Inc., 70 Hartford Street, Rochester, New York for an amount not to exceed \$1,200.00 and to allow the Supervisor to sign a contract with Accurate Acoustical, Inc., 793 Canning Parkway, Victor, New York for installation of the shutters for an amount not to exceed \$2,500.00. Councilperson Woolaver seconded the motion.

Roll:

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

B. Status update on Rush Associates, LLC re-zoning of 7262 West Henrietta Road - Supervisor Frank stated that the town is awaiting a FEIS (Final Environmental Impact Statement) from Landtech.

C. Review Highway Department's Lighting Upgrade Proposals - Supervisor Frank stated that Highway Superintendent David has compiled a number of quotes for a lighting upgrade of the highway buildings, both interior and exterior. Quotes were submitted to the Town Board for their review.

Highway Superintendent David is examining lighting through National Grid. Building was dedicated to the Town in the 1980's. Replacement bulbs are not available any longer. Some lights were changed in the past 3 years to LED lighting. Incentive package through National Grid is a good investment. A few different aspects were discussed. A detailed analysis was provided and previous bills were reviewed. Some agencies were interested in rebates and warranties were reviewed. Recycling of old ballasts can be disposed of at no cost at the County ecopark. LEDTomorrow Energy Solutions provided the most thorough discovery with the best cost quote. LEDTomorrow quote of \$26,802.86 is recommended.

Councilperson McCarthy asked if the estimates include rebates. Highway Superintendent David answered yes and explained electrical installs.

Supervisor Frank stated that the payback is estimated to be three and one-half years which makes it a good investment.

Councilperson Kusse asked about the rebate and whether it is a NYSEDA or National Grid rebate.

Highway Superintendent David stated that it is a National Grid rebate. They will do an on-site review to provide an exact rebate. During Phase II, parking lot lights can be replaced so they will last longer at a reduced changing time.

### **RESOLUTION #95-2016**

Councilperson McCarthy motioned to authorize Highway Superintendent Mark David to sign a contract with LEDTomorrow Energy Solutions, upgrading internal and exterior energy efficient LED lighting at the Highway complex for

an amount not to exceed \$27,000.000. Councilperson Woolaver seconded the motion.

Roll:

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

D. Review Air Conditioner Estimates For Pavilion – Supervisor Frank stated that in compiling air conditioning estimates for the pavilion, a maintenance contract is needed for heating in the pavilion.

Councilperson McCarthy presented an possible option of having the ceiling fans turned on automatically when the thermostat reaches a certain temperature.

Councilperson Woolaver noted that morning hours are the highest condensation period for the building.

Supervisor Frank will proceed with an automatic activation prior to bringing air conditioning estimates to the Board for approval.

## VII. **NEW BUSINESS:**

A Discussion on energy audit for Town Hall building – Supervisor Frank invited Michael Seidenberg from Eco Energy of NY to provide information on the energy audit conducted in the Town Hall and Library building.

Mr. Michael Seidenberg of New York Energy Smart stated that there are areas within the Town Hall having no ceiling coverage and returns are not connected. Lights in the return area of the mechanical room are non-existent. These areas have been in existence since the renovation in 2004. Areas where the ice damage has occurred in the past also has no ceiling.

Mr. Seidenberg suggested a spray foam in the mechanical area which is needed for a heavy structure. Installing a horizontal surface was an option, however, more costly and more cumbersome. Ductwork in the areas is missing. Fiberglass doesn't work at all. The attic has insulation; however, fiberglass is over it which allows airflow and releases R value. Cellulose is a better option, performs better, recycled material and is less expensive.

Over the Recreation/History area, a hole exists and needs spray foam.

The current commercial boilers, which were quality in 2004, have a life of 15 to 20 years and their time limit have been accelerated because the heat is going outside. They may last 5 years. In 2010 commercial boilers were



upgraded. Stainless steel boilers can be connected to internet for failures and to monitor the increase in consumption. When converting lighting systems, LEDs put out 1/30<sup>th</sup> of amount of heat that regular lighting generates.

Councilperson McCarthy suggested the insulation be done now.

Supervisor Frank noted that funds will be reserved for boiler purchases in the future. She further asked Councilperson Kusse's, who knows the most about the building, for his thoughts.

Councilperson Kusse recommended investing in order to conserve energy when the payback period is short.

Supervisor Frank asked about the efficiency of 23% distribution system. Mike responded that the amount of heat boilers are generating based on how much energy consumed versus how much you should need gives 23% of dollars town is spending is heating the space.

#### VIII. PUBLIC COMMENT

Resident Carol Barnett commended the Town Board for looking at an alternative to air conditioning in the pavilion. Safety is always important. Concerning the Howlett presentation, asked whether the Recreational Agricultural Citizens Committee was invited to the meeting and what the terms of the gift of the Rush Riverside Refuge pertain to education and investment.

Supervisor Frank responded that the Howlett presentation was on the agenda, however, the Recreational Agricultural Citizen's Committee was not formally invited to the meeting. The Rush Riverside Refuge deed specifically states that the acreage is for agricultural, recreational and ancillary uses.

Councilperson Kusse stated that he is familiar with Howlett farming, is experienced in farming and more specifically in apple farming. Of mention and a troublesome area of the Howlett presentation is that the appearance of the property will be much different. Fields that has historic growth will not be the same.

Resident Bill Gaffney stated that the shutters were a great idea. The Howlett presentation was impressive. The Town is fortunate in having the Howlett family interested in enhancing the town and making it more valuable for years to come. Mr. Gaffney has lived in Rush his entire life.

Resident Cecil Palmer, member of the Recreational Agricultural Citizen's Committee, commented that clearing the land discussed during the

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presentation will increase the value and an additional 2 year extension of a lease is reasonable. It will only improve the land.

X. ADJOURNMENT

There being no further business to conduct, the meeting was adjourned by Supervisor Frank at 8:40 PM. Meeting was adjourned by common consent.

Respectively submitted,

Pamela J. Bucci  
Town Clerk

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