

RUSH TOWN BOARD MINUTES  
June 22, 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 June 22, 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 Supervisor
Daniel Woolaver	-----	Councilperson
Jillian Coffey	-----	Councilperson
Gerald Kusse	-----	Councilperson
Pamela Bucci	-----	Town Clerk
John Mancuso, Esq.	-----	Attorney for the Town

RESIDENTS PRESENT:

Mark David	-----	Resident, Highway Superintendent
Dick & Mary Knapp	-----	Residents
Dave Coon	-----	NY Museum of Transportation
Jim Dierks	-----	NY Museum of Transportation
Mo Duggan	-----	Community Design Center of Rochester
Bill Gaffney	-----	Resident
Roger Brown	-----	Community Design Center of Rochester
John Company	-----	Resident
Carol Barnett	-----	Resident
Marianne Rizzo	-----	Resident
Beth Hoak	-----	Resident
Robert Kraus	-----	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.

Resident Bill Gaffney recently reviewed the Recreational Agricultural Citizens Committee report of June 6, 2016 and read an analysis of the former (RACC) report which is written by Resident Hans Schmitthenner dated May 17, 2016. In his opinion, the RACC 41 page final report to the Board was well done but written with a distinct narrow-minded agenda. The report prohibits any form of leasing of land resulting in income to the town. Mr. Gaffney believes that Mr. Schmitthenner's analysis would be more readily accepted by the town than that of the RACC. Mr. Gaffney questioned whether or not all members of the RACC were agreeable to all terms in the June 6<sup>th</sup> report as it is not signed. In addition, it is his opinion that members of the RACC were outside their jurisdiction as an advisory committee of the Town Board and not elected officials in contacting Albany on behalf of the town.

Resident John Company spoke against the Hanson-Honeoye Falls Quarry Expansion and is disappointed to only now learning of a public hearing that took place June 14, 2016, at the Avon Veteran Hall, Avon by the Town of Rush. Mr. Company requested knowledge of steps that the Town of Rush would be taking on his behalf. His 60 acre property is surrounded by the Hanson Quarry.

II. APPROVAL OF MINUTES

Councilperson Kusse recommended a correction to Minutes of May 25, 2016, on Page 6, 3<sup>rd</sup> paragraph change to *Mr. Choate to Mr. Heimbuerger* and 8<sup>th</sup> paragraph add *'s father has* and remove *and Mathew Heimbuerger have*.

**RESOLUTION #123-2016**

Councilperson McCarthy moved to approve the March 25, 2016, Town Board Minutes as amended. Councilperson Woolaver seconded the motion.

Roll:

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

II. APPROVAL OF MINUTES

**RESOLUTION #124-2016**

Councilperson Woolaver moved to approve Minutes of June 8, 2016, as submitted by Town Clerk Bucci. Councilperson Coffey seconded the motion.

Roll:

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

III. APPROVAL OF ABSTRACT

**RESOLUTION #125-2016**

Councilperson McCarthy moved that having audited all the claims against the funds listed on Abstract #12 of June 21, 2016 for vouchers 2016 #596 through #650 are allowed for payment in the amount of \$35,086.36. Councilperson Woolaver seconded the motion.

Roll:

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

#### IV. CORRESPONDENCE

Supervisor Frank received no recent correspondence.

#### V. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver offered the following:

- Zoning Board is reviewing 2 applications. A resident present at the meeting pointed out that there are no regulations in the Town Code regarding horses.

Councilperson McCarthy offered the following:

- Attended the Library Board of Trustees meeting. Library Director Flass has submitted her preliminary report for review. They have rescheduled their July 19 meeting to July 12. Senator Rich Funke presented the library with an additional \$6,000 bullet aid fund grant.

Councilperson Coffey offered the following:

- As liaison, attended the Fire Commissioner and Planning Board meetings. The Planning Board approved a site plan and dog training facility.

Councilperson Kusse offered the following

- No report.

Town Clerk Bucci offered the following:

- Submitted May monthly report to the Supervisor with revenue check for \$8,622.53 and a check for \$600.00 for new home builds. Additional revenue was forwarded to NYS Ag & Markets for dog licensing, NYSDEC for fishing and hunting licenses and NYS Dept. of Health for marriage licenses amount to \$383.07.

Attorney for the Town offered the following:

- No report.

Highway Superintendent David offered the following:

- Completed surface treating for town (Scofield, Lyons, Keyes, Chapman, Golah, Phelps and Five Points) as well as Henrietta projects. Sweeping will follow.
- Slurry sealing will be done on Birchstone Hill, Thunder Ridge and Town Hall parking lots during the week of July 4<sup>th</sup>. Residents will be notified.

Supervisor Frank offered the following:

- No report.

**PRESENTATION:** Community Design Center of Rochester

Supervisor Frank invited Executive Director Maureen Duggan and Founder and Architect Roger Brown of Community Design Center of Rochester (CDC) to provide a presentation to the Town Board. Cynthia Hoak of the Landmark Society did a walking tour of the town and provided many architectural scenarios which led to discussions and the invitation to CDC.

Maureen Duggan stated that the CDC was formed in 1999 and focuses on planning and designing charrettes with input from a steering committee of a group of stakeholders within a community working toward shaping the future and direction of their own town. Stakeholders are comprised of the community decision makers, members who will be affected by the result, people who can implement a charrette and other interested citizens. Charrette is a French word meaning cart and was used by art students in France to collect final exams and drawings for their final project. A charrette is an intensive planning process by individuals in the community. Lima, Brighton, Penn Yan, Corn Hill, and the area around the public market have used charrettes in developing their town future. Components of the process include working with a steering committee and laying out the structure, bringing issues to the forefront and producing written and drawing ideas. Most times charrettes coincide with the Comprehensive Plan. Once a charrette report is done, the next step is to present it to New York State for funding for an improvement to build environment. Charrettes have garnered funds in development areas of their towns. Financial or zoning results at times result from the charrettes.

Councilperson McCarthy asked about the hamlet of Rush which encompasses mainly privately owned properties and asked in that case who would be represented on a steering committee.

Ms. Duggan stated that the Steering Committee would include folks in agricultural area, hamlet, members of faith community, residents living in historic homes, new homes and with different economic situations. The committee members would be required to make a long commitment and may encompass 12 to 20 members. A Charrette Day would include upwards of 100 people providing their input. The CDC originators would not be dictating the direction of the charrette but would be facilitating the process. The public realm is the community's façade which includes walls, ceilings, plants, architectural designs and the like.

Councilperson Coffey asked what aspects of town will be covered and who from CDC would be involved.

Ms. Duggan stated that CDC has a staff of 3 but averaged 175 volunteers last year comprised of design professionals including architects and planners as well as strong architectural department students from SUNY Alfred and Rochester Institute of Technology.

Councilperson Kusse stated that Rush has a lack of commercial properties and asked if a charrette would resurrect the commerce that was present in the past.

Ms. Duggan stated that CDC may hear that the community wants and needs these services and the CDC may provide conceptual plans but the CDC does not pursue marketing plans. Mr. Brown added that a strong community leadership exists in Rush. With that, a charrette brings the leadership and citizens together. All provide a pride in moving forward. Rush has great areas that could be built upon and they could become more appealing to a developer.

Having no further questions from the Town Board, Supervisor Frank asked the Town Board to review the information provided to discuss possible future steps.

#### VI. OLD BUSINESS

A. Town Board feedback on the Renewable Energy Citizens' Committee (RECC) Final Report - Supervisor Frank has not received a final report but was interested in hearing more about the demand charge.

Member Beth Hoak stated that members of the RECC were continuing the review of their final report and that it should be to the Town Board within the next week.

Councilperson McCarthy acknowledged the work done by all the committee members in contributing their individual knowledge, inviting experts to assist them in their advisory purpose and in providing subject matter to the Town Board.

B. Status update on Rush Associates, LLC re-zoning of 7262 West Henrietta Road - Supervisor Frank stated that the Town Board is reviewing the Findings Statement and asked Attorney Mancuso to explain the next step.

Attorney Mancuso stated that the 30 day extension expires July 13, 2016. The Board will then consider adopting the Findings Statement and voting on the rezoning of the property. The 30 days expires the day after the next Town Board meeting. Attorney Mancuso recommended that the Town Board include consideration of adopting the Findings Statement as an agenda item and considering the rezoning the property from residential to commercial. The Findings Statement has been reviewed by both attorneys for the town and town engineer.

Both decisions under the SEQRA regulations must occur within 30 days of the Findings Statement unless the Board chooses to extend the time in adopting the Findings Statement and voting on the rezoning.

C. Status update on the Zoning Citizens Committee recommendations that were accepted by the Town Board - Supervisor Frank stated that the attorneys for the town are drafting the Local Law based on the recommendations of the Zoning Citizens Committee.

Attorney Mancuso added that the Town Board approved the recommendations of the Zoning Citizens Committee. The Zoning Board Appeals (ZBA) added an additional concern of corner lots and setback requirements. Town Attorney Mancuso is adding the ZBA recommendation into the Local Law. The concern of corner lots and setback requirements has not been viewed by the Town Board.

D. Options for cooling the William R. Udicious Pavilion - Supervisor Frank met with Pipitone Enterprises, the town's HVAC provider who reported that temperatures of 80 plus degrees will not cool with fans alone. Pipitone Enterprises will provide a larger air condenser quote. Textured paint is another measure being considered to assist with the slippery floor conditions on steaming hot days. Items to be considered are raising the fees to cover air conditioning cost and amending the Pavilion contract to include an additional cost item for air conditioning.

Councilperson McCarthy stated that although safety is a main concern, investigating other alternatives to achieve the goal should be considered. Many shelters and pavilions do not have air conditioning and the William R. Udicious Pavilion is rented continuously with little or no known complaints regarding the temperature. The life of a different type of flooring will also be considered.

Councilperson Kusse asked about the size of the unit. Supervisor Frank responded that the cost of the condensing unit is \$3,800. A more expensive unit is being compared that will cost less to run than the small, less expensive unit.

E. Easement for New York Museum of Transportation - Supervisor Frank received a request for an easement of the New York Museum of Transportation.

Attorney Mancuso provided background information of prior requests for easements. Unlike leasing of town property, some of the requests related to permanent easements trigger other requirements under Town Law, one of which includes fiduciary responsibilities of transferring property, serving the best interests of the community, receiving best value for a property. If the

town wishes to consider the proposal, there are various steps that the town must follow in order to meet its responsibilities.

Councilperson Kusse inquired about former Town Board decisions in not granting a permanent easement to the property.

Attorney Mancuso stated that previous boards' consensus was that the Town inherited the lease with the property and was comfortable with the long-term leases provided. There is no known issue with the current leasing of the property. Before undertaking the expense of an appraisal, other steps can be entertained.

## VII. NEW BUSINESS

A. Resolution to approve the Town of Rush Flexible Spending Account Plan - A 47 page Flexible Spending Account Plan has been documented by Finance Director Don Reynolds and reviewed by the attorneys for the town with no objection.

### **RESOLUTION #126-2016**

Councilperson McCarthy moved to accept the Town of Rush Flexible Spending Account Plan as prepared and in effect January 1, 2016. Councilperson Kusse seconded the motion.

Roll:

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

B Resolution to purchase replacement steps for playground equipment - Supervisor Frank noted that the green steps on the playground are cracked and need replacing. The manufacturer has been contacted and they are no longer under warranty. Material improvements and color of steps are being considered. The replacement steps will cost \$1,083.81.

### **RESOLUTION #127-2016**

Councilperson Woolaver moved to approve the purchase of replacement steps for the playground from PlayWorld in the amount of \$1,100.00. Councilperson McCarthy seconded the motion.

Roll:

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

C. Resolution to update kitchen fixtures in the William R. Udicious Pavilion - Supervisor Frank stated that the sink is creating condensation causing the cabinet beneath to rot, the faucet and sprayer needs replacement, two basket strainers are worn out and need replacement, a deeper sink is needed for washing needs and the hot water runs cold after 10 minutes. A larger water heater is required. Miller Plumbing supplied a quote for all items in the amount of \$2,200.00. An additional quote is not required. The Board will make a decision at the next meeting.

D. Resolution to approve Standard Workday for NYS and Local Employees Retirement System - It is a standard and required procedure of Standard Workday reporting. All elected and appointed officials enrolled in the retirement system must submit a 3 consecutive months of work time sheet within 150 days after taking office to the governing board (Town Board). The record of activity column below is based on a complex formula. A resolution must be presented to the Clerk no later than 180 days after taking office. The Finance Officer prepares the calculations. After the resolution is placed in the Minutes and posting is completed by the Town Clerk, they are inputted into the State retirement system.

**RESOLUTION #128-2016**

Councilperson Woolaver moved that the Town of Rush hereby approves and establishes the following as standard work days for elected and appointed officials and the Town Clerk will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

**STANDARD WORKDAY RESOLUTION**

\*Town officials are given credit for the same town holidays as town employees

**WORKDAY RESOLUTION**

Retirement Resolution –June 2016					Standard Work Day	Term Begins/Ends	Participates		
Soc sec #							in employer's Time Keeping	Days/Month based on Record of	Tier 1
Title	First	Last	Last 4	Reg #	(Hrs/Day)		System	Activities	Member
Supervisor	Cathleen	Frank	████	████	6	01/01/16-12/31/17	N	15.72	
Town Clerk/Tax Collector	Pamela	Bucci	████	████	7	01/1/116-12/31/19	N	23.80	
Highway Superintendent	Mark	David	████	████	8	01/1/116-12/31/19	N	23.08	
Town Justice	Tom	Doupe	████	████	6	01/1/116-12/31/19	N	7.35	
<b>Appointed Salaried Full Time</b>									
Library	Kirsten	Flass	████	████	7	01/1/16-	N	23.45	

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						12/31/16			
<b>Appointed Salaried Part Time</b>									
Assessor	Dan	Stanford			6	10/1/2013-9/30/19	N	12.50	
Fire Marshal/ Emerg. Coordinator/Code Enforcement Officer	Richard	Tracy			6	01/1/16-12/31/16	N	11.08	
Director of Fin./Budget Officer	Donald	Reynolds			6	01/1/16-12/31/16	N	18.42	
Planning Board Chair	John	Felsen			6	01/01/13-12/31/17	N	1.44	X
Conservation Board Member	Julia	Lederman			6	01/01/13-12/31/17	N	0.25	
Conservation Board Member	Susan	Woolaver			6	01/01/14-12/31/18	N		
Historian	Susan	Mee			6	01/1/16-12/31/16	N	11.42	
Recreation Supervisor	Patricia	Stephens			6	01/1/16-12/31/16	N	18.22	
Building Inspector	Phillip	D'Alessandro			6	01/1/16-12/31/16	N	10.86	
<b>Appointed Hourly Full Time</b>									
Deputy Town Clerk	Shivaun	Featherman			7	01/1/16-12/31/16	Y		

Councilperson McCarthy seconded the motion.

Roll:

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

E. Hanson - Honeoye Falls Quarry Expansion - Supervisor Frank explained the receipt of the Hanson Quarry proposed expansion. A letter from the NYSDEC, dated March 15, 2016, was received by certified mail on May 13, 2016, and forwarded to the town attorney who recommended that the town engineer prepare comments on behalf of the town prior to the June 14, 2016 public hearing in Avon. Written comments are due by June 30<sup>th</sup>. As a standard of Rush Planning and Zoning Board applicants, a common courtesy letter is sent to residents within 500 feet of a matter being heard. In this case, a common courtesy letter was sent to all residents living on the roads near the quarry additionally advising them of the proceedings occurring in the Town of Avon.

Attorney Mancuso stated that after the written comments on the Draft Environmental Impact Statement that was circulated, the same SEQRA process is followed as with Rush's current applicant Rush Associates LLC in

the proposed rezoning matter. Comments are filed, addressed, the Final Environmental Impact Statement is received by the NYSDEC and then the Findings Statement must be adopted in connection with the action. The NYSDEC is the lead agency and it must make a decision on whether or not to grant a permit for the Hanson Quarry's request for expansion. The Town of Rush is an interested agency that may or may not submit their comments on the matter. If a permit is granted, it is only one aspect of the necessary project approvals for the Hanson Quarry. Depending on an attorney review of the nature of the application and NYSDEC documentation, discretionary approval from all interested agencies may or may not be necessary for further comment.

#### VIII. PUBLIC COMMENT

Supervisor Frank opened the floor for comments to the Board.

Resident Beth Hoak, member of the Renewable Energy Advisory Committee, stated that their report is lengthy and requested a question and answer session with the public following their submittal of the final report.

Supervisor Frank stated that Town Board public comment periods are strictly for that purpose and not a question and answer forum. A public comment period of question and answers occurs only during a scheduled Public Hearing. A report from an advisory committee is merely to the Town Board and not for public scrutiny.

Resident John Company asked whether or not the Hanson Quarry permit would require a zoning change from agricultural to industrial.

Attorney Mancuso stated that there are no agricultural zoning districts in the Town of Rush. Most every part of Rush is zoned residential, however, agricultural uses are permitted in all zoning districts. There are state recognized agricultural districts, however, Rush has a NYS Agricultural and Markets overlay of agricultural areas.

Resident Marianne Rizzo was inquisitive of the Hanson Quarry expansion, the impact on town residents and when the subject was included on the town agenda.

Supervisor Frank stated that it is a 62.6 acre expansion of their existing 420 acre mine and a Type I action pursuant to the SEQRA regulations. They are expanding their quarry operation on land they already own that is in Rush, Avon and Lima. A public hearing was held and public comments are due to the NYSDEC by June 30<sup>th</sup>. The expansion is in Avon, Rush and Lima. Rush is an interested agency. The impact on town residents is unknown and Rush has no jurisdiction over granting or denying the permit. Rush's town

engineer has responded with comments. All information in reference to the Hanson's permit is located on the NYSDEC website.

Town Clerk Bucci stated that the agenda is posted through the Supervisor's Office. The secretary posted the agenda on the website Friday prior to 1 PM and updated it prior to the Town Board meeting. The town offices will provide agenda information during regular office hours if for any reason the information is not visible on the town website.

Resident Dick Knapp noted that the playground steps may be paint coated causing the cracking to occur.

Resident Marianne Rizzo suggested that trees be planted around the pavilion to cool it and beautify the area.

Dave Coon, member of the Board of Trustees of the NYS Transportation Museum, as requested, filed a copy of the Certificate of Insurance with the Town Supervisor for the town's records.

#### IX. ADJOURNMENT

There being no further business to conduct, the meeting was adjourned by

Supervisor Frank at 8:40 PM. The meeting was adjourned by common consent.

Respectfully submitted,

Pamela J. Bucci  
Town Clerk