

RUSH TOWN BOARD MINUTES
June 28, 2017

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Cathleen Frank on June 28, 2017, at 7 PM at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT: Daniel Woolaver ----- Councilperson
Rita McCarthy ----- Deputy Town Supervisor
Jillian Coffey ----- Councilperson
Gerald Kusse ----- Councilperson
Cathleen Frank ----- Supervisor
Pamela Bucci ----- Town Clerk
John Mancuso, Esq. ----- Attorney for the Town

OTHERS PRESENT:

Carol Barnett ----- Resident
Cecil Palmer ----- Resident
Mark David ----- Resident, Highway Superintendent
Pat Kraus ----- Resident
Robert Kraus ----- Resident
Maureen Neurmaier ----- Resident
Marianne Rizzo ----- Resident
David Buckner ----- Rochester and Genesee Valley Railroad
Museum Beth Hoak ----- Resident
Jim Roach ----- Resident
Lee Hankins ----- Resident
Janiet Chaize ----- Resident
Jim Ziobro ----- Resident
Otto Vondrak ----- Resident

I. PUBLIC COMMENT

Supervisor Frank opened the floor inviting anyone wishing to address the Town Board to come forward. All those wishing to speak to the Town Board were asked, if able, to stand at the podium and to state their name and address for record keeping purposes.

Resident Carol Barnett commented about farming on the Industry land. Leases were previously considered 1 year leases, however, approved as 5 year leases. Farmers are important to Rush but so are non-farming residents. Although the town has moved to approve a legislative act changing the previous Division of Youth land to include agriculture, it not only changes it administratively but environmentally, allowing the use of pesticides that can run off into the Genesee River, tree loss and damage to the habitat. Mrs. Barnett asked all to members to view this matter from a different perspective. The land given to the Town was not intended to be used in an agricultural manner. It was intended for parkland. All of the

public's input should be weighed in consideration of the use of beautiful town land.

Resident Janet Chaize asked all to use their imagination and consider the view. Natives and habitat had food and preserved the land. In years to come, Rush land will be diminished if it is not saved today.

II. APPROVAL OF MINUTES

RESOLUTION #144-2017

Councilperson McCarthy moved to approve the June 14, 2017, Town Board Minutes as prepared by Town Clerk Bucci. Councilperson Woolaver seconded.

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

III. APPROVAL OF MINUTES

RESOLUTION #145-2017

Councilperson McCarthy moved to approve the June 15, 2017 Town Board Special Meeting Minutes as prepared by Town Clerk Bucci. Councilperson Woolaver seconded.

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

IV. APPROVAL OF TRANSFER OF FUNDS

RESOLUTION #146-2017

Councilperson McCarthy moved to approve the unanticipated revenues for Transfer #14 in the amount of \$515.00 reflecting the appropriations of a library door grant. Councilperson Woolaver seconded the motion.

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

V. APPROVAL OF TRANSFER OF FUNDS

RESOLUTION #147-2017

Councilperson McCarthy moved to approve the unexpended balance of an existing appropriation Transfer #15 in the amount of \$500 from A.1110.400

to A.1110.200 to cover the purchase of court equipment. Councilperson Woolaver seconded the motion.

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

VI. APPROVAL OF ABSTRACT

Councilperson McCarthy moved, having reviewed all vouchers #2017 601 through 700 dated June 27, 2017 in the amount of \$45,482.24 that they be approved. Councilperson Woolaver seconded the motion.

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

VII. CORRESPONDENCE

Supervisor Frank received no correspondence.

VIII. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver offered the following:

- No report.

Councilperson McCarthy offered the following:

- As liaison, reported that the Library Board of Trustees is beginning their budget discussions.

Councilperson Coffey offered the following:

- No report.

Councilperson Kusse offered the following:

- No report.

Town Clerk Bucci offered the following:

- No report.

Highway Superintendent David offered the following:

- Completed town and county 12+ miles of surface treating, sweeping and striping to commence. Working with other towns to complete their projects.

Supervisor Frank offered the following:

- Thanked hand-picked Charette Steering Committee of Rita McCarthy, Kirsten Flass, John David, Sue Mee, Al Sweet, Maureen Neurmier and Linda Henry. An outstanding job and event.
- Thanked town board, town clerk, town highway superintendent, town attorney and engineer for additional energy and time spent the last couple of weeks in meeting the tight deadlines with the water main grant and FAIR proposal.

IX. OLD BUSINESS

A. Update on Energy Savings upgrade for Town Hall - Councilperson Kusse had no update at this time.

B. Update on the Monroe County Fair Association Partnership - Supervisor Frank asked Councilperson McCarthy to provide an update. Councilperson McCarthy stated that she has conversed with many residents about the partnership and the quick moving process. Government generally moves slow. All government officials take an oath to make decisions for the betterment of the town. The Monroe County Fair is a positive benefit for Rush as a whole. The Town Board, Fair Association and many individuals have been involved, working quickly and efficiently for a unique opportunity with a fast approaching deadline. As a town official and an interested resident, she plans on attending the Fair daily, looking closely at all happenings.

Supervisor Frank noted that from a process prospective, the Town is awaiting the DEC acknowledgment of Rush as being the Lead agency, working on Part 3 of the SEQRA and the Lease Agreement.

C. Update on Clean Water Initiative Grant for East River Road - Councilperson Woolaver should have an additional quote for water supply by Friday.

Supervisor Frank noted that the Henrietta Town Board denied supporting the Intra-municipal Agreement for the water grant to the Rush Riverside Refuge, stating that the reason being they could not answer how \$52,000 could be funded. Supervisor Frank continued that the decision was short-sighted and would be a huge benefit to the people on East River Road that do not currently have public water. It was a deadline driven grant activity that may be applied for in the future.

X. NEW BUSINESS

A. Upgrade on Security System for Town Hall and Pavilion – Supervisor Frank stated that proposals have been received, however, a bridge for Wifi between Pavilion and Town Hall could be made. An additional estimate has been requested.

B. Schedule public hearing for the Franchise Agreement-Charter Communication - Supervisor Frank questioned whether the Town had received additional funds owed. Until the billing has been changed and receipt of \$1,100 owed an agreement will not be signed. A public hearing is warranted.

Attorney Mancuso stated that the statute requires that a public hearing be held prior to a public utility franchise agreement is signed.

RESOLUTION #148-2017

Councilperson McCarthy moved to direct the Town Clerk to publish a notice to schedule a public hearing on Wednesday, July 26 at 7:15 PM for the purpose of hearing comments regarding the Charter Communications Franchise Agreement. Councilperson Woolaver seconded the motion.

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

C. Resolution for the Town Court's purchase of safe - The Rush Town Court has requested the purchase of a safe which is included in grant funds.

RESOLUTION #149-2017

Councilperson McCarthy moved to allow the Rush Town Court Offices to purchase a safe in an amount not to exceed \$800. Councilperson Woolaver seconded the motion.

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

D. Resolution to remove two wooden bridges on Town Hall property - Supervisor Frank stated that two wooden bridges located behind the Town Hall were in disrepair. Highway Superintendent David placed caution tape on them. They were offered to the town free of charge and placed over the

creek area. Highway Superintendent David, for many reasons, recommended removing them.

RESOLUTION #150-2017

Councilperson McCarthy moved to allow the Rush Highway crew to remove two wooden bridges located behind the town hall at 5977 East Henrietta Road, Rush, New York. Councilperson Woolaver seconded the motion.

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

E. Proposal from the Rochester and Genesee Valley Railroad Museum for use of the Rush Riverside Refuge, Building #9 - Rochester Genesee Valley Museum request use for use of #9 Building on the RRR campus via power point presentation. A paper copy was provided to the Town Board and Town Clerk.

Otto Vondrak, member of the Rochester and Genesee Valley Railroad Museum, presented the Town Board with a slide presentation of their proposal and potential uses of the Building. The proposal included establishing Building #9 as an entrance to a "Rush Heritage Park". They wished to have an exhibition space as well as a library of information. Currently they are renting space to archive many items which becomes costly and not beneficial. The Rush Riverside Refuge is a neighbor to their location on Route 251 and would like to establish a building for a library and exhibition space. Their hope is to bring attention to the museum and to invite other like-minded groups in order to establish year round programs and provide public restroom facility. The library would be open by appointment.

Supervisor Frank thanked Mr. Vondrak for the presentation and noted that the Town would review their proposal.

Councilperson Woolaver asked if they envisioned using the entire building for their purposes and becoming stewards of the property. The Monroe County Fair Association would complement the Museum.

Mr. Vondrak envisioned that the Rochester and Genesee Valley Railroad Museum will be using a portion of the building.

Councilperson Coffey asked if the Rochester and Genesee Valley Railroad Museum had any existing properties and if they were looking for a long term stay.

Mr. Vondrak responded that an office is located downtown but is not convenient. They were looking for a longer term agreement so that grants are much easier to obtain. They are seeking a landlord partnership but shared responsibility with the town.

Councilperson McCarthy asked if they would be using the building for anything other than an office or meeting rooms and asked of a timeline.

Supervisor Frank proposed continuing the conversation with the museum and look at their requirements. All board members were in agreement.

XI. PUBLIC COMMENT

Supervisor Frank invited anyone wishing to address the Board to come forward.

Resident Cecil Palmer attended meeting last night with the Monroe County Fair Association. It is in the town's best interest to partner with the Monroe County Fair Association. The Town must make sure that all matters are clearly defined before a decision is made for 2017. If it cannot work in 2017, the Town should continue to develop its partnership.

Resident Marianne Rizzo stated that the railroad presentation was great and asked what about the subject of the pending litigation matter to be discussed by the Board.

Attorney Mancuso stated that it involved pending litigation with a town resident, Mr. Capps.

Resident Carol Barnet asked why the Town of Henrietta had to provide funds for the Pure Water Initiative Grant.

Attorney Mancuso stated that under the state guidance, an Intermunicipal Agreement was required. Both towns would have been responsible for funding. If approved by both towns, both towns would then determine to what extent they would fund the water initiative.

XII. CLOSED SESSION

Supervisor Frank motioned that the Board move into Closed Session to discuss a pending litigation matter at 7:55 PM. Councilperson Woolaver seconded the motion.

RUSH TOWN BOARD
June 28, 2017

The Board returned to Regular Session at 8:45 PM.

III. ADJOURNMENT

Supervisor Frank moved, having no further town business to conduct, adjourned the meeting at 8:45 PM. The meeting was adjourned by common consent.

Respectfully submitted,

Pamela J. Bucci
Town Clerk