

RUSH TOWN BOARD MINUTES
SPECIAL MEETING

A special meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Cathleen Frank on July 12, 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
Pat Kraus	-----	Resident
Marianne Rizzo	-----	Resident
Lee Hankins	-----	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.

No comment from the audience.

II. OLD BUSINESS

A. Continue review of the Monroe County Agricultural Fair proposal at 6565 East River Road - Attorney Mancuso stated that the special meeting was a continuation of the review of the Monroe County Agricultural Fair Proposal, SEQRA Part 1, 2 and 3. A determination of negative declaration has been prepared and Part 3 will be discussed by the Town Board. Attorney Mancuso explained what Parts 1, 2 and 3 entailed.

The Town Board discussed any and all changes made to Parts 1 and 2 and reviewed Part 3. Having concluded Parts 1, 2, and 3 of the SEQRA a resolution was in order.

RESOLUTION #151-2017

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF
RUSH MAKING A DETERMINATION OF SIGNIFICANCE
UNDER THE NEW YORK STATE ENVIRONMENTAL
QUALITY REVIEW ACT FOR THE MONROE COUNTY
AGRICULTURAL FAIR PROJECT LOCATED AT 6565 EAST
RIVER ROAD, RUSH, NEW YORK**

Councilperson McCarthy moved,

WHEREAS, the Monroe County Fair and Recreation Association, Inc. (the “Applicant”) proposes to lease from the Town of Rush a portion of real property located at 6565 East River Road, Rush, New York for the operation of the Monroe County Agricultural Fair (the “Project”); and

WHEREAS, the Applicant submitted to the Town Board Part 1 of a Full Environmental Assessment Form (“Full EAF”) pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as “SEQRA”); and

WHEREAS, the Town Board desires to comply with the requirements of SEQRA and its implementing regulations set forth at 6 NYCRR Part 617 with respect to the Project; and

WHEREAS, the Town Board has considered the potential environmental impacts relating to the Project as a single action for purposes of SEQRA; and

WHEREAS, all involved agencies have provided their written consent to the Town Board acting as Lead Agency for the SEQRA review and have provided comments about the Project, which comments have been considered by the Town Board in its SEQRA review of the Project; and

WHEREAS, the Town Board has reviewed all information provided in the Part 1 of the Full EAF and additional materials submitted by the Applicant regarding the activities proposed for the Project and the potential effects of the Project on the environment, and completed and reviewed the responses contained in Part 2 of the Full EAF; and

WHEREAS, the Town Board is mindful of the criteria set forth in Section 617.7 of the SEQRA regulations for determining the environmental significance of an action; and

WHEREAS, the Town Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA regulations, and (b) examining the Full EAF for the Project, including the facts and conclusions in Part 1 of the EAF, and completing Part 2 and Part 3 of the EAF, together with examining other supporting information, to identify

the relevant areas of environmental concern, and (c) thoroughly analyzing the identified areas of relevant environmental concern.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board confirms and adopts the following findings with respect to SEQRA:

1. The Town Board has considered the Project pursuant to the parameters and criteria set forth in applicable provisions found under 6 N.Y.C.R.R. §§ 617.2 and 617.3.
2. The Town Board has classified its review and approval of the Project as a Type I Action under SEQRA.
3. The Town Board has carefully completed and reviewed Part 1 and Part 2 of the Full EAF; considered the other documents and information in connection with the Project, including but not limited to information provided by other agencies, the public (if any), and the Town Engineer; examined the criteria set forth in 6 N.Y.C.R.R. § 617.7; and evaluated the issues of significance in light of the standards set forth in 6 N.Y.C.R.R. § 617.7.
4. The Town Board hereby accepts, approves and adopts Part 2 of the Full EAF as set forth in Exhibit "A", which exhibit is incorporated herein by reference.
5. The reasoning supporting the Town Board's determination of significance for the Project is more fully set forth in Exhibit "A", which contains the completed Part 1, Part 2 and Part 3 of the Full EAF with the written reasoned elaboration of the reasons supporting the Town Board's determination of significance.
6. The Town Board has thoroughly reviewed the potential relevant areas of environmental concern and has not identified any significant adverse environmental impacts associated with the Project. For the reasons set forth in Exhibit "A", the Town Board determines that the Project will result in no significant adverse impacts on the environment and, therefore, an environmental impact statement need not be prepared. Accordingly, the Town Board issues a Negative Declaration for the Project.
7. The Supervisor of the Town of Rush is directed to execute Part 3 of the Full EAF, and arrange for execution by its preparer, setting forth the Negative Declaration for the Project and to file and publish notice of this Resolution to the extent required by applicable law, including publishing notice of the Negative Declaration in the Environmental Notice Bulletin; and
8. The Town Board hereby directs that all SEQRA documents and notices are to be maintained in files that are readily accessible to the public and made

available upon request, subject only to the limits established by the Freedom of Information Law.

9. The requirements of SEQRA have been satisfied and this Resolution shall take effect immediately.

Councilperson Woolaver seconded the motion.

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

carried.

Attorney Mancuso stated that the SEQRA has been completed and a Negative Declaration has been issued.

Councilperson Kusse questioned the reasonable noise level and its neighbor's acceptance. Councilperson Woolaver stated that fairs can be loud and asked if an allowable level could be established and placed in the Lease. Attorney Mancuso stated that it is subjective and at the town's discretion. Complaints should be made to the Town. State recommended standards and decibel readings were discussed and additional terminology can be added to the Lease if necessary. The Lease includes a provision allowing the Town to monitor the noise and hours.

Supervisor Frank forwarded the Lease to the Monroe County Fair Association for their review. Attorney Mancuso recommended that the town's insurance company also review the Lease and that it be pending attorney approval before being executed.

Attorney Mancuso noted that the Supervisor's execution of the Lease is for a 10 year period for the 10 acres of land which is subject to the approval of the town attorney for the town and also subject to permissive referendum. Once the Lease is approved, the Town will publish a notice of adoption and approval of the resolution. Thirty (30) days will need to expire for it to become effective.

RESOLUTION #152-2017
RESOLUTION OF THE TOWN BOARD OF THE TOWN OF RUSH
AUTHORIZING SUPERVISOR TO EXECUTE LEASE AGREEMENT WITH
MONROE COUNTY FAIR AND RECREATION ASSOCIATION, INC. FOR
PREMISES LOCATED
AT 6565 EAST RIVER ROAD, RUSH, NEW YORK

Councilperson Woolaver moved,

WHEREAS, the Town Board of the Town of Rush (the “Town Board”) has determined that it is in the interests of the Town of Rush to enter into a lease agreement with the Monroe County Fair and Recreation Association, Inc. for the operation of the Monroe County Agricultural Fair at 6565 East River Road, Rush, New York (the “Project”); and

WHEREAS, a Full Environmental Assessment Form has been prepared in compliance with Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as “SEQRA”); and

WHEREAS, the Town Board has determined that the Project was a “Type I Action” pursuant to SEQRA and subject to an coordinated review by the Town Board as Lead Agency; and

WHEREAS, on July 12, 2017, the Town Board determined that the Project will not result in a potential significant adverse impact, and thus a Negative Declaration as that term is defined by SEQRA has been issued.

NOW, THEREFORE, BE IT RESOLVED that the Supervisor of the Town of Rush is hereby authorized to execute a lease agreement with the Monroe County Fair and Recreation Association, Inc. of approximately ten (10) acres of land and use of existing facilities owned by the Town of Rush for the operation of the Monroe County Agricultural Fair for a period of ten (10) years; and

IT IS FURTHER RESOLVED that the form and content of the lease agreement shall be subject to the approval of the Attorney for the Town of Rush; and

IT IS FURTHER RESOLVED that this resolution is subject to permissive referendum and the Town Clerk is hereby directed to public notice of adoption of this resolution in an official newspaper of the Town of Rush.

Councilperson McCarthy seconded the motion.

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

Attorney Mancuso stated that the License Agreement is the final document provided for Board approval. The Lease Agreement shall be for a period of ten years commencing on the 30th day after its resolution approval. The Lease Agreement is for the period of July 12 through August 15 in order to run the Fair, including set-up and take-down. The Fair is under the same obligations and use restrictions.

RESOLUTION #153-2017
RESOLUTION OF THE TOWN BOARD OF THE TOWN OF RUSH
AUTHORIZING SUPERVISOR TO EXECUTE LICENSE AGREEMENT WITH
MONROE COUNTY FAIR
AND RECREATION ASSOCIATION, INC. FOR PREMISES
LOCATED AT 6565 EAST RIVER ROAD, RUSH, NEW YORK

Councilperson Coffey moved,

WHEREAS, the Town Board of the Town of Rush (the “Town Board”) has determined that it is in the interests of the Town of Rush to enter into a license agreement with the Monroe County Fair and Recreation Association, Inc. for the operation of the Monroe County Agricultural Fair at 6565 East River Road, Rush, New York (the “Project”); and

WHEREAS, a Full Environmental Assessment Form has been prepared in compliance with Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as “SEQRA”); and

WHEREAS, the Town Board has determined that the Project was a “Type I Action” pursuant to SEQRA and subject to an coordinated review by the Town Board as Lead Agency; and

WHEREAS, on July 12, 2017, the Town Board determined that the Project will not result in a potential significant adverse impact, and thus a Negative Declaration as that term is defined by SEQRA has been issued.

NOW, THEREFORE, BE IT RESOLVED that the Supervisor of the Town of Rush is hereby authorized to execute a license agreement with the Monroe County Fair and Recreation Association, Inc. of approximately ten (10) acres of land and use of existing facilities owned by the Town of Rush for the operation of the Monroe County Agricultural Fair, the term of the license agreement commencing on July 12, 2017 and ending on August 15, 2017; and

IT IS FURTHER RESOLVED that the form and content of the license agreement shall be subject to the approval of the Attorney for the Town of Rush; and

IT IS FURTHER RESOLVED that this resolution shall take effect immediately. Councilperson McCarthy seconded the motion.

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

RUSH TOWN BOARD
SPECIAL MEETING
July 12, 2017

II PUBLIC COMMENT

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

Resident Marianne Rizzo requested that all safety and data sheets (MSDS forms) be available to the Town. Ms. Rizzo additionally noted that lead paint was in the horse arena and assumed it be in the soil, therefore, a soil analysis should be performed. There are also holes in the terrain which should be filled and the electric wire fence is sharp and should be flagged. Ms. Rizzo asked if the Board considered public disclosure of the chemicals being used and if the hours of the Fair were being changed from previous discussions.

Supervisor Frank stated that the music will end at 9 PM, the Fair will end at 10 PM and visitors will have until 11 PM to vacate the premises.

IV. ADJOURNMENT

Supervisor Frank moved, having no further town business to conduct, adjourned the meeting at 6:40 PM. The meeting was adjourned by common consent.

Respectfully submitted,

Pamela J. Bucci
Town Clerk