

TOWN BOARD
OCTOBER 25, 2017

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Frank at 7:00 PM on October 25, 2017, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT:	Daniel Woolaver	-----	Councilperson
	Jillian Coffey	-----	Councilperson
	Gerald Kusse	-----	Councilperson
	Cathleen Frank	-----	Supervisor
	Shivaun Featherman	-----	Deputy Town Clerk
	John Mancuso	-----	Attorney for the Town
EXCUSED:	Rita McCarthy	-----	Deputy Town Supervisor

OTHERS PRESENT:

Brian Maliszewski	-----	Forefront Power Presentation
Kelsey Crane	-----	Forefront Power Presentation
Leslie Mauro, Esq.	-----	Harter, Secrest & Emery
Harvey Seymour	-----	Resident
Joan Starkweather	-----	Resident
Carol Barnett	-----	Resident
Kathryn Hankins	-----	Resident
Dick & Mary Knapp	-----	Residents
Marianne Rizzo	-----	Resident
Beth Hoak	-----	Resident
Pat Kraus	-----	Resident
Janet Chaize	-----	Resident
Christopher Giordano	-----	Resident
Cecil Palmer	-----	Resident
Carol Ralph	-----	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.

Resident Marianne Rizzo strongly supports recreational use on the Rush Riverside Refuge 100 acre town-owned parcel and requests the withdrawal of legislation to add agriculture as another use of this property. There are alternatives and a plan should be crafted for this property.

Resident Carol Ralph spoke of her enjoyment hiking on the Rush Riverside Refuge property and is concerned about the possibility of loss of nature.

Resident Harvey Seymour has a lifetime interest in farming. The property at the Rush Riverside Refuge is unique with river bottom land which is very fertile and should be of interest to anyone wanting to raise crops. Rush needs to rebuild the

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topsoil and is interested in sustainable agriculture in the future. Mr. Seymour suggested a solar farm on it rather than farming with herbicides and chemicals.

Resident Janet Chaize encouraged the Town Board to keep the 100 acres sustainable for the future. According to Cornell, chemicals used in agriculture can be extremely toxic to birds, fish, pregnant women and children.

Resident Cecil Palmer is in support of the Monroe County Fair Association being located on the Rush Riverside Refuge 100 acres but is not in support of using the acreage for the chemical farming done by Howlett Farms. Misuse of the land depletes the topsoil. Additional input for the use of the property from the community should be requested. A research center on the land is suggested.

Resident Beth Hoak reiterated her prior presentation on preserving hedgerows and buffers on the Rush Riverside Refuge. Many educational purposes for the land were previously suggested to the Town Board.

Resident Christopher Giordano talked about his lack of support in the use of agents in pursuit of farming which can compromise nervous systems.

Resident Carol Barnett stated that the previous Town Board accepted the state land now known as the Rush Riverside Refuge for park and recreation use. Mrs. Barnett urged the current Town Board to withdrawal the current legislature that will alter the original deed. Funds could be raised by residents of Rush for only park and recreational use. A letter in support of the withdrawal was provided to the Town Board.

II. APPROVAL OF MINUTES:

RESOLUTION #211-2017

Councilperson Coffey moved to approve the Town Board Minutes of October 11, 2017 prepared by Town Clerk Bucci. Councilperson Woolaver seconded the motion.

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

III. APPROVAL OF ABSTRACT:

RESOLUTION #212-2017

Councilperson Coffey moved having audited all claims against the funds listed on Abstract #10-2, vouchers #1050 through 1104 move to allow payment in the amount of \$29,042.61. Councilperson Woolaver seconded the motion.

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

IV. CORRESPONDENCE

There were no correspondences.

V. REPORTS OF OFFICERS AND COMMITTEES:

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Councilperson Woolaver presented the following report:

- Attended Planning Board meeting. They discussed a burned home property and Monroe County Fair Association proposal. A complete site plan will be submitted.

Councilperson Coffey presented the following report:

- No report.

Councilperson Kusse presented the following report:

- Attended Fire Commissioner meeting. They do an outstanding job in keeping taxes low for residents.

Deputy Town Clerk Featherman presented the following report:

- No report.

Attorney Mancuso presented the following report:

- No report.

PRESENTATION: Leslie Mauro, Harter, Secrest & Emery law firm - presenting ForeFront Power

Attorney Leslie Mauro explained that ForeFront Power was formerly SunEdison and had presented to the Rush Town Planning Board last year. Forefront Power introduced to the Town Board solar installations and request feedback from the Board including seeking possible amendments to the Town Code to include solar or discuss probability of a Use Variance. Brian Maliszewski and Kelsey Crane of Forefront gave a power point presentation.

Councilperson Kusse asked about the present use of new technology. Mr. Maliszewski stated that this technology will last at a minimum, 20 to 25 years. Technology improves every 10 years.

VI. OLD BUSINESS:

A. Update on Energy Savings Upgrades for Town Hall - Councilperson Kusse recapped the last year's reporting of air management and air infiltration in the Town Hall building. Specification packages have been sent to four prospective contractors.

VII. NEW BUSINESS:

A. Resolution to appoint James Beikirch as temporary Justice assigned to Rush Town Court - Supervisor Frank indicated that an appointment was necessary.

RESOLUTION #213-2017

Councilperson Woolaver noted having accepted the resignation of Justice Thomas Doupe moved to appoint James Beikirch as Temporary Justice assigned to the Rush Town Court effective November 1, 2017 through December 31, 2017. Councilperson Coffey seconded the motion.

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

B. Resolution to adopt the Monroe County Hazardous Mitigation Plan – Supervisor Frank indicated a resolution was in order.

RESOLUTION #214-2017

Councilperson Woolaver moves, **WHEREAS**, Monroe County Hazardous Mitigation Plan has been prepared in accordance with Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Rush is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan via the Monroe County website (<http://www.monroecountyhmp.com>) and during a Public Hearing on the plan at the meeting of the Monroe County Legislature on May 9, 2017; and

WHEREAS, the Town of Rush has reviewed the Plan and affirms that the Plan will be updated no less than every five years; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board that the Town of Rush adopts the Monroe County Hazardous Mitigation Plan as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan. Councilperson Coffey seconded the motion.

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

C. Resolution to appoint Assistant Dog Control Officer at \$2,500 - Supervisor Frank called for a resolution.

RESOLUTION #215-2017

Councilperson Woolaver moved to accept Supervisor Frank's appointment of Douglas Pratt, 6898 Rush-Lima Road, Honeoye Falls, effective October 30, 2017 through December 31, 2017 for an annual salary of \$2,500.00. Councilperson Coffey seconded the motion.

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

VIII. PUBLIC COMMENT:

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

Resident Joan Starkweather asked why the Board wants to change the original Rush Riverside Refuge proposal.

Supervisor Frank indicated that adding an additional use to this portion of the property provides additional flexibility and options in the uses of the property and is aligned with all acreage usage of the former BOCES property, now Rush Riverside Refuge, which was gifted to the Town from New York State.

Resident Kathryn Hankins requested that the Town Board protect the rights of Rush residents and provide public access to land gifted to Rush by New York State. The

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Board is asked to retract legislation to change the land's deed restrictions. Mrs. Hankins gave history of the 67 acres of land in consideration of change.

Resident Kathryn Hankins asked that the Board hold a public forum for Forefront solar.

IX. EXECUTIVE SESSION:

RESOLUTION #216-2017

Supervisor Frank moved to enter into an executive session at 8:03 PM to discuss the pending litigation involving a West Henrietta Road property. Councilperson Woolaver seconded the motion.

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

Supervisor Frank moved to reopen the regular session at 8:29 PM. All parties present were in favor. Councilperson Coffey seconded the motion.

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

X. ADJOURNMENT:

Supervisor Frank moved, having no further town business to conduct, adjourned the meeting at 8:30 PM. The meeting was adjourned by common consent.

Respectfully submitted,

Shivaun Featherman
Deputy Town Clerk