

RUSH TOWN BOARD MINUTES  
January 24, 2018

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Town Supervisor Cathleen Frank at 7:00 PM on January 24, 2018, 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	-----	Councilperson, Deputy Supervisor
Jillian Coffey	-----	Councilperson
Gerald Kusse	-----	Councilperson
Cathleen Frank	-----	Supervisor
Pamela Bucci	-----	Town Clerk
John Mancuso, Esq.	-----	Attorney for the Town

OTHERS PRESENT:

Jerry Farrell	----	Resident
	-	
Mark David	----	Highway Superintendent, Resident
	-	
Carol Barnett	----	Resident
	-	
Pat Kraus	----	Resident
	-	
Sharlene Reeves	----	President, Monroe County Fair Association
	-	

I. PUBLIC COMMENT

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

There were no comments from the audience.

II. APPROVAL OF MINUTES:

**RESOLUTION #67-2018**

Councilperson McCarthy moved to approve the January 10, 2018, 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. APPROVAL OF MINUTES

**RESOLUTION #68-2018**

Councilperson McCarthy moved to approve the Organization Meeting Minutes of January 3, 2018, 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.

IV. TRANSFER OF FUNDS:

**RESOLUTION #69-2018**

Councilperson McCarthy moved be it resolved that having audited all the unexpended balances of existing appropriations, move that transfers 46 through 55 for year-end variances to accounts in the amount of \$9,046.66 be approved. 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 ABSTRACT:

**RESOLUTION #70-2018**

Councilperson McCarthy moved after reviewing all vouchers contained in Abstract #1-2 dated January 24, 2018, that Vouchers 59 through 125 be approved in the amount of \$403,239.00. Councilperson Woolaver seconded the motion.

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

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver offered the following:

- No report.

Councilperson McCarthy offered the following:

- No report.

Councilperson Coffey offered the following:

- No report.

Councilperson Kusse offered the following:

- Attended Fire Commissioner's meeting.
- Attended NYS Association of Towns training sessions in Rochester.

Town Clerk Bucci offered the following:

- Received a resignation letter from Amber Corbin, Chair of the Zoning Board of Appeals effective January 31, 2018.

Highway Superintendent David:

- Running on schedule.

Town Attorney Mancuso offered the following:

- No report.

Supervisor Frank offered the following:

- Attended NYS Association of Towns training sessions in Rochester.

VII. OLD BUSINESS:

A. Resolution to contract for energy savings upgrade for Town Hall - Supervisor Frank stated that the Library roof has again been leaking due to ice build up in the cinder block walls. The town engineers will be providing a consulting roofing engineer study so that the matter will be resolved and the entire Town Hall building will be included in the study before additional funds are expended. The Supervisor will expend no more than the authorized \$2,500 for an independent CHA study of the entire building independent of a full board approval.

A discussion continued regarding energy savings and the complications of the entire building.

VIII. NEW BUSINESS:

A. Resolution to appoint Thomas DeVries to Board of Assessment Review

**RESOLUTION #71-2018**

Councilperson Woolaver moved to appoint Thomas DeVries to the Board of Assessment Review for a five year term effective January 24, 2018 through September 30, 2022. 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 appoint Chairperson to Zoning Board of Appeals - Councilperson Coffey, as liaison the Zoning Board of Appeals, requests the appointment of Lee Hetrick as the Chairperson of that Board. Amber Corbin, previous chair to the Zoning Board has resigned from membership.

**RESOLUTION #71A-2018**

Councilperson Woolaver moved to appoint Lee Hetrick as Zoning Board of Appeals Chairperson for an annual appointment effective February 1, 2018. 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 appoint member to Zoning Board of Appeals - Supervisor Frank stated that although there were no additional letters of interest coming from a recent advertisement, Bradley Herman had interviewed with the Board in the past and recommended his appointment. An open unexpired term is available through December 31, 2021.

**RESOLUTION #72-2018**

Councilperson Woolaver moved to appoint Bradley Herman to the Zoning Board of Appeals effective February 1, 2018 through December 31, 2021.

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

Attorney Mancuso acknowledged that any open appointed board vacancy, no matter the length of term, can be filled.

D. Resolution to sign Highway Law Section 284 Agreement - Highway Superintendent David reviewed and explained the work included in the agreement including possible reimbursed funds from New York State. Advocacy Day will be coming up soon.

**RESOLUTION #73-2018**

Councilperson Woolaver moved to enter into an Agreement between Town Supervisor, Monroe County and New York to spend State Aid for general repairs and capital improvements to specifically designated roads within the Town of Rush including Boulder Creek Drive, Biondo Court, Delia trail,

Telephone Road Extension, Rush-Mendon Town Line Road and Rotzel Road pursuant to Section 284 of the Highway Law. Councilperson McCarthy seconded the motion.

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

E. Purchase fireplace doors for William R. Udicious Pavilion - Supervisor Frank stated that safety and improved consistent temperature. The damper is not closed when renters leave the facility. John Frew, in charge of town maintenance, did research on the size and functions of different types of doors as well as quality.

**RESOLUTION #74-2018**

Councilperson Woolaver moved to authorize the Supervisor to purchase fireplace doors for the William Udicious Pavilion not to exceed \$585.00. Councilperson McCarthy seconded the motion.

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

G. Update on the Monroe County Fair Association Agreement with the Town of Rush - Attorney Mancuso stated that the Town Board approved a License Agreement for the Fair in 2017 and did an environmental review for the Fair based on a 10 year Lease also approved by the Board. Certain items were removed from the Fair approval because of the ground disturbances. Those items were removed from the Lease and deferred pending a 2018 approval. The Lease was approved by the Town Board but not fully executed. Additional attorney's review of items have occurred. The environmental impact of the new items now needs to be done. If it is deemed not to, an amendment to the negative declaration can be made. If it is deemed to have a significant environmental impact, the negative declaration can be rescinded. The Town Board is still the lead agency for the project. The SEQRA related information gives everything that is reviewed last year has been amended and now will include 2018 items. A clean version has been provided to board. A tractor pull, horse riding arena, gazebo and minor improvements area are included. The town engineer has contacted the NYS with respect to archeological assessment and has received a no action letter. There is no further impact to include. Town engineer has updated all of the other additional items and calculations needed. Beyond those aspects there is no change. A resolution is available for approving the amended declaration.

Attorney Mancuso stated that the next step will be the signing of the lease. All comments must come back as soon as possible in order to finalize the lease.

**RESOLUTION #75-2018**

Councilperson McCarthy moved,

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF  
RUSH MAKING AN AMENDED NEGATIVE  
DECLARATION 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**

**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**, 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 was issued; and

**WHEREAS**, substantive changes to the Project have been proposed to be constructed during the year 2018, including a tractor pull area, horse riding area, gazebo area, stage and pole barn area, among other smaller improvements; and

**WHEREAS**, the Town Board determined that an amendment to the Negative Declaration should be prepared in light of these substantive changes to the Project; and

**WHEREAS**, the Town Board has considered the potential environmental impacts relating to the Project from the proposed construction actions for 2018 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 and the Project changes 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 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.
3. 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, including the substantive changes proposed for the Project and changes in circumstances related to the Project that were not previously considered by the Town Board as set forth in 6 N.Y.C.R.R. § 617.7(e)(1)(i) and (iii).

4. The Town Board determines that the Project and the proposed new construction activities including a tractor pull area, horse riding area, gazebo area, stage and pole barn area, among other smaller improvements, will result in no significant adverse impacts on the environment and, therefore, an environmental impact statement need not be prepared. The Town Board thus issues an Amended Negative Declaration pursuant to 6 N.Y.C.R.R. § 617.7(e). The reasoning supporting the Town Board's determination of significance for the Project is more fully set forth in Exhibit "A", which contains an amended written reasoned elaboration of the reasons supporting the Town Board's determination of significance.
5. A Notice of Amended Negative Declaration shall be filed and/or published to the extent required by the SEQRA regulations.
6. 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.
7. 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.

President Sharlene Reeves stated that the Monroe County Fair Association is ready to sign the Lease Agreement.

The Town Board voiced no further discussions regarding the Lease presented.

Revisions were to approve the uses reviewed in the SEQRA. The Fair can now construct those items included in the Lease. As soon as the Fair has invested the grant funds from the State in the site, the Town will no longer be able to unilaterally terminate the Lease. Attorney Mancuso has no further concerns at this point. The Lease can only then be terminated upon the occurrence of a default. of the lease.

Councilperson McCarthy moved to authorize the Supervisor to sign and execute the Lease between the Town of Rush and the Monroe County Fair Association effective January 24, 2018 subject to the approval of the town attorney as to form. Councilperson Woolaver seconded the motion.



RUSH TOWN BOARD  
January 24, 2018

The Fair must now appear before the Planning Board with the application for an Amended Special Permit. An environmental review is not needed by the Planning Board. The application must be reviewed.

IX. PUBLIC COMMENT:

Supervisor Frank opened the floor for additional comment to the Town Board.

There was no comment from the floor.

X. ADJOURNMENT: \_

Supervisor Frank moved, there being no further business to conduct, the meeting was ended at 7:35 PM. All members present approved the adjournment of the meeting. Councilperson McCarthy temporarily stepped out of the meeting.

Respectfully submitted,

Pamela J. Bucci  
Town Clerk