

RUSH TOWN BOARD  
Minutes of January 11, 2012  
Regular Meeting

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Richard Anderson at 7:00 PM on January 11, 2012, at the Rush Town Offices, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT: Richard Anderson ----- Supervisor  
William Riepe ----- Councilman, Deputy Town Supervisor  
Lisa Sluberski ----- Councilwoman  
Kathryn Steiner ----- Councilwoman  
Daniel Woolaver ----- Councilman  
Pamela Bucci ----- Town Clerk  
Frank Pavia, Esq. ----- Attorney for the Town

OTHERS

PRESENT: Jeffrey H. Starkweather ----- Resident  
Bill Udicious ----- Resident  
Ildi Nagy ----- Resident  
Joseph Lomedico ----- Resident  
Nancy Miller ----- Resident  
Carol Barnett ----- Resident  
Ansgar Schmid ----- Resident  
Ted Barnett ----- Resident  
Deb Kusse ----- Resident  
Kirsten Flass ----- Resident  
Robbin Rapport ----- Resident  
Richard Tracy ----- Fire Marshall, Assistant CEO  
R. Kraus ----- Resident  
Roseanne DiPonzio ----- Resident  
Kathryn Cappella-Hankins----- Resident  
Beth Hoak ----- Resident  
Marianne Rizzo ----- Resident  
Joan Starkweather ----- Resident  
Harvey Seymour ----- Resident  
Jordan Kleiman ----- Resident  
Mark David ----- Highway Superintendent, Resident  
Gerry Kusse ----- Code Enforcement Officer (CEO)/  
Building Inspector, Resident  
Julia Lederman ----- Resident  
Robert Powers ----- Resident

Carolee Powers ----- Resident

I. OPEN FORUM

Supervisor Anderson briefly explained the Open Forum process indicating that if the Board could answer your question directly, they would. Further research may be warranted on other questions. He then offered the floor to anyone wishing to address the Board.

Resident Nancy Miller, after going through a house fire, demolition and rebuild, read aloud a letter to the Town Board requesting specific permits be shared with the town fire department and that the property review process be strengthened.

II. APPROVAL OF MINUTES

**RESOLUTION #50-2012**

Councilwoman Sluberski moved to approve the Minutes of December 28, 2011, as submitted by the Town Clerk. Councilman Riepe seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	abstained	
Councilman Woolaver	abstained	
Supervisor Anderson	aye	carried.

2012 Elected Officials Councilwoman Steiner and Councilman Woolaver were not part of the Board at this occasion.

III. APPROVAL OF ABSTRACT

**RESOLUTION #51-2012**

Councilwoman Sluberski moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #1-1, for vouchers #1 through #51, that they be allowed in the amount of \$.84,368.03. Councilman Riepe seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

IV. CORRESPONDENCE

Supervisor Anderson received communication from Monroe County regarding a 400 page Pre-Disaster Mitigation Plan. Previously, Councilman Bill Riepe, Fire Marshall Rick Tracy, former Supervisor Bill Udicious and Supervisor Anderson worked on the town's pre-disaster mitigation. The Board is reviewing the document and will be presenting proposed resolutions at a future town board meeting.

Supervisor Anderson received the year-end 2011 report of the Monroe Community College Shooting Range 2011 use. Of the 257 allowed for shooting, 106 day shoots were used (41%), night shoots (3%), 1 day use of distraction devices took place. There were no complaints filed.

V. REPORTS OF OFFICERS AND COMMITTEES

Councilman Riepe attended a public forum meeting in Rush on January 10<sup>th</sup> regarding the impact of hydrofracking in Rush.

Councilwoman Sluberski had no report.

Councilman Woolaver had no report. The monthly Conservation Board meeting was cancelled.

Supervisor Anderson has been interfacing with each town official in order to get acclimated with the supervisor's role and departmental responsibilities. Supervisor Anderson also attended the hydrofracking forum on January 10<sup>th</sup> and enjoyed the turnout.

Town Clerk Bucci stated that Southern Meadows Golf Club has submitted their renewal application to New York State and provided her office with a copy as required.

The Annual Association of Towns training session is scheduled for February 19 – 22, 2012, in New York City. If attending, the Town Board must select a delegate to vote on the resolutions presented. A decision must be made by the January 28, 2012 town board meeting for timely communication with the Association.

Highway Superintendent Mark David had no report.

Library Director Kirsten Flass reported that the library's annual Wine Tasting Benefit will be held on Saturday, March 10<sup>th</sup> at Wildwood Country Club (Magnolia's).

Attorney Pavia had no report.

Code Enforcement Officer Kusse had no report.

VI. OLD BUSINESS

A. Organizational Meeting of January 3, 2012 – The meeting comprises of operational requirements of the town including yearly and term appointments. A searing in ceremony of newly elected officials took place. All other appointees will be sworn in by the Town Clerk. Supervisor Anderson welcomed new town board members Councilwoman Kathy Steiner and Councilman Dan Woolaver and looks forward to their input on town business.

B. Conservation Board opening – Town Clerk Bucci is advertising for the position in the Genesee Valley Pennysaver. All letters of interest are to be submitted to the Town Clerk by January 31, 2012. Supervisor Anderson stated that candidates will be interviewed by the Town Board.

VIII. NEW BUSINESS

A. Agreement to Spend Highway Funds – Highway Superintendent David stated that §284 of Highway Law requires Town approval to spend highway funds. Supervisor Anderson read the agreement in its entirety which included general repairs and improvements on Boulder Creek Drive, Hanlon drive, Pleasant Drive and Honeoye Falls Five Points Road. This specific agreement for repairs and improvements are additional highway projects. They are yearly budgeted items and monies are recovered from NYS in C.H.I.P.S.

**RESOLUTION #52-2012**

Councilwoman Sluberski made a motion authorizing the Highway Superintendent to expend funds as directed in the detailed Agreement to Spend Town Highway Funds dated January 11, 2012. Councilman Riepe seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

B. Hydrofracking Presentation (20 Minutes) – Jordan Kleiman, Associate Professor of History at SUNY Geneseo, Rush resident and member of the Committee of Concerned Rush Citizens on Hydrofracking. Professor Kleiman recapped points provided at the hydrofracking forum presented on January 10, 2012, at the Rush Methodist Church. A request for and draft of a resolution on hydrofracking moratorium was provided to the Town Clerk for distribution to the Town Board. A Rush Residents Petition was also submitted.

Supervisor Anderson asked for any other input, questions of Professor Kleiman.

Supervisor Anderson stated that the Town Board would accept the Petition for Request for Moratorium on Hydrofracking, confer with the Planning, Zoning and Conservation Boards as well as the attorneys for the town for their input and consideration.

Supervisor Anderson stated that both Towns of Avon and Caledonia have provided information on scheduled public hearings for moratoriums on hydrofracking. A moratorium is like a stop-work order. It has nothing to do with the final law to regulate hydrofracking.

C. Resolution to Upgrade Two Computers – Town Clerk Bucci provided a quote for computers and requested approval to upgrade the Building Department and Deputy Town Clerk computers with budgeted 2012 funds not to exceed \$1,800.00.

**RESOLUTION #53-2012**

Supervisor Anderson moved to approve the purchase of a Building Department computer and a Deputy Town Clerk computer as quoted by the PinPoint Group with budgeted funds not to exceed \$1,800.00. Councilman Riepe seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

IX. OPEN FORUM

Rush Resident Ildi Nagy explained that she moved to Rush for the rural region character and that her residence is on a well which presents a hydrofracking concern.

Rush Resident Kirsten Flass encourages the town to place a moratorium on hydrofracking. She reminded all that Dorschel Auto Sales, previously located at West Henrietta Road, wanted to erect one of the largest signs in the county for advertising and provide bright lighting. There was public outcry regarding not to allow either which provide a form of pollution. A hydrofracking project in the town would thoroughly and negatively affect Rush. There seems to be many unknowns in hydrofracking.

Rush Resident Beth Hoak posed a question. How could any elected official allow a company to come from out of state into their state, town, etc., to extract natural gas from shale, in order to sell and send gas to companies overseas? Are they not thinking that an environmental disaster will occur.

Supervisor Anderson answered that environmental damage has been done for years through extracting coal, oil, clay, soft gold, etc. Officials are answering the demand of society's request for fuel and power needs.

An additional resident stated that horizontal drilling has a different affect than what was going on in the extracting of fuel in the past. He posed a concern for the chemicals placed in the ground to the lack of benefit provided in the unconventional fracking. A moratorium will provide an insurance of a later decision.

Rush Resident Joe Lomendico who earned a biology degree and has done data searching suggested that hydrofracking would do more damage than good to our environment. A large concern should be for the 225 Rush residents on wells. A moratorium of hydrofracking is strongly encouraged.

Another resident requested that New York see what ramifications occur 10 to 20 years from now in Pennsylvania before we move forward to hydrofracking in New York state.

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Resident Marianne Rizzo stated that we previously had a safeguard of Clear Air, Clear Water Act. Today, those Acts are inactive and she has a heightened concern for the people's safety.

A legal question was asked by an audience attendee. If a moratorium is not passed, what action could be taken by a resident in the future when action was not taken for the welfare of the people.

A Rush resident requests that decisions on hydrofracking be ceased until the NYDEC finalizes their report.

X. ADJOURNMENT

There being no further business, the meeting was ended at 8:10 PM and approved by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci  
Town Clerk