

RUSH TOWN BOARD  
Minutes of June 24, 2015

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Cathleen Frank at 7:00 PM on June 24, 2015, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT:	Cathleen Frank	-----	Supervisor
	Daniel Woolaver	-----	Councilperson
	Kathryn Steiner	-----	Councilperson
	Rita McCarthy	-----	Councilperson, Deputy Town Supervisor
	Jillian Moore	-----	Councilperson
	Pamela Bucci	-----	Town Clerk
	Frank Pavia, Esq.	-----	Town Attorney

OTHERS PRESENT:

Carol Barnett	Resident
Cecil Palmer	Resident
Mark David	Highway Superintendent, Resident
Bill Gaffney	Resident
Dick & Mary Knapp	Residents
Beth Hoag	Resident
Marianne Rizzo	Resident
Carolee Powers	Resident
Robert Powers	Resident

I. OPEN FORUM

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

Resident Bill Gaffney read aloud a letter including a Petition to the Board in support of the rezoning of 7262 West Henrietta Road from a residential to commercial property. Mr. Gaffney, over the last 13 years, had adamantly opposed the each separate plan submitted for the corner, however, now supports the realistic rezoning proposal presented to the Town Board. The plan will eliminate an eye sore entrance into the town. One hundred eleven residents, who live within .85 of a mile or 45 linear feet of the property, signed the Petition. 95% of the residents were in support of the rezoning and 5% were opposed. They were opposed because (1) it may become an empty lot, and (2) had no intention of approving of anything different. There was little to no comment regarding the traffic. Mr. Gaffney stated that having a smaller project is great for a unique spot. By donating 19 acres to the town it reduces

the chance of anyone developing the rest of the land and it would be great to have a coffee shop in town. Because the project is so small, additional traffic would not be created.

Resident Carolee Powers, member of the Renewable Energy Advisory Committee, submitted a mission statement which was read aloud.

Resident Carol Barnett stated that the entire town should decide on approving or denying development in town, not only neighbors in close proximity. The Comprehensive Plan is out of date and it would be irresponsible for the Board to proceed with rezoning prior to updating the Comprehensive Plan. The modest building development is no more than a survey map suggestion and the proposed building may house something entirely different once zoning is modified. The Planning Board approves the plan.

## II. APPROVAL OF MINUTES

### **RESOLUTION #120-2015**

Councilperson Steiner moved to approve the Meeting Minutes of June 10, 2015, as written by Town Clerk Pamela Bucci. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye
Councilperson Steiner	aye
Councilperson McCarthy	aye
Councilperson Moore	aye
Supervisor Frank	aye. carried.

## III. APPROVAL OF ABSTRACT

### **RESOLUTION #121-2015**

Councilperson Steiner moved Be It Resolved that having audited all the claims against the funds listed on Abstract dated June 24, 2015 for vouchers #2015 632 through #2015 688 be allowed for payment in the amount of \$32,044.38. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Woolaver	aye
Councilperson Steiner	aye
Councilperson McCarthy	aye
Councilperson Moore	aye
Supervisor Frank	aye. carried.

## IV. REPORT OF OFFICERS AND COMMITTEES:

Councilperson Woolaver offered the following report:

- The Zoning Board of Appeals reviewed a pool placement variance.
- The Zoning Citizens Committee met and is continuing to work on the suggested changes to the zoning code.

Councilperson Steiner offered the following report:

- The Recreational Agricultural Citizens Committee met, has been conducting trail tours and is working on another presentation to the Town Board.

Councilperson Moore offered the following report:

- No report.

Councilperson McCarthy offered the following report:

- Toured the former BOCES property at 6565 East River Road with RACC member Phil Daggar.
- Attended this year's 1<sup>st</sup> Library gazebo concert

Councilperson Moore offered the following report:

- As liaison, attended the Fire Commissioner Meeting
- Planning Board meeting was cancelled; applications were not submitted.

Town Clerk Bucci offered the following report:

- A Standard Work Day Resolution has been prepared and a copy submitted to the Town Board. It is a standard and required procedure of Standard Workday reporting. All elected and appointed officials enrolled in the retirement system must submit a 3 consecutive months of work time sheet within 150 days after taking office to the governing board (Town Board). The record of activity column below is based on a complex formula. A resolution must be presented to the Clerk no later than 180 days after taking office. Officials submit them to the Town Finance Director who performs the calculations. After the resolution is placed in the minutes and posting is completed, the Town Clerk further inputs the information into the State retirement system.

### **RESOLUTION #122-2015**

Councilperson Steiner, moved, BE IT RESOLVED, that the Town of Rush hereby approves and establishes the following as standard work days for elected and appointed officials and the Town Clerk will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

STANDARD WORKDAY RESOLUTION

\*Town officials are given credit for the same town holidays as town employees

Retirement Resolution -June 2015					Standard Work Day	Term	Participates in employer's Time Keeping	Days/Month based on Record of	Tier 1
Title	First	Last	Soc sec # Last 4	Reg #	(Hrs/Day)	Begins/Ends	System	Activities	Member
Supervisor	Cathleen	Frank	██	██████	6	02/11/15-12/31/15	N	15.72	
Town Clerk/Tax Collector	Pamela	Bucci	██	██████	7	01/1/12-12/31/15	N	23.80	
Highway Superintendent	Mark	David	██	██████	8	01/1/12-12/31/15	N	23.08	
Town Justice	Tom	Doupe	██	██████	6	01/1/12-12/31/15	N	7.35	
<b>Appointed Salaried Full Time</b>									
Library	Kirsten	Flass	██	██████	7	01/1/15-12/31/15	N	23.45	
<b>Appointed Salaried Part Time</b>									
Assessor	Dan	Stanford	██	██████	6	10/1/2013-9/30/19	N	12.50	
Building Insp./Code Enforcement Officer	Gerald	Kusse	██	██████	6	01/1/15-12/31/15	N	23.28	
Fire Marshal/Emergency Coordinator	Richard	Tracy	██	██████	6	01/1/15-12/31/15	N	8.72	
Director of Fin./Budget Officer	Donald	Reynolds	██	██████	6	01/1/15-12/31/15	N	18.42	
Planning Board Chair	John	Felsen	██	██████	6	01/01/13-12/31/17	N	1.44	X
Conservation Board Member	Julia	Lederman	██	██████	6	01/01/13-12/31/17	N	0.25	
Conservation Board Member	Susan	Woolaver	██	██████	6	01/01/14-12/31/18	N		
Historian	Susan	Mee	██	██████	6	01/1/15-12/31/15	N	4.53	
<b>Appointed Hourly Full Time</b>									
Deputy Town Clerk	Shivaun	Featherman	██	██████	7	01/1/15-12/31/15	Y		
<b>Appointed Hourly Part Time</b>									
Recreation Supervisor	Patricia	Stephens	██	██████	6	01/1/15-12/31/15	Y		
Supervisor's Secretary	Valerie	Mertsock	██	██████	6	01/1/15-12/31/15	Y		
Court Clerk	Sally	Newell	██	██████	6	01/1/15-12/31/15	Y		
Court Clerk	Brandy	Harris	██	██████	6	01/1/15-	Y		

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						12/31/15			
Supervisor									
Town Clerk/Tax Collector	Pamela	Bucci	█	█	7	01/1/12-12/31/15	N	23.80	
Court Clerk	Sally	Newell	█	█	6	01/1/11-12/31/11	Y		
Court Clerk	Stephanie	Davis	█	█	6	03/15/11-12/31/11	Y		
Assessor Clerk	Colleen	Statskey	█	█	6	01/1/11-12/31/11	Y		

Councilperson McCarthy seconded the motion.

Roll:

Councilperson Woolaver aye  
 Councilperson Steiner aye  
 Councilperson McCarthy aye  
 Councilperson Moore aye  
 Supervisor Frank aye. carried.

- NYSDEC has launched a totally new fishing and hunting licensing system
- Attended 2 days of training at Monroe County Treasury on a new browser based tax collection system. New updates, after training, will be configured prior to school tax collection.

Highway Superintendent Mark David offered the following report:

- Completed surface treating on 6 town roads, however, rainy weather has caused schedule setbacks.

Code Enforcement Officer/Building Inspector Kusse offered the following report:

- Primary electrical inspections at 6565 East River Road have been completed. The system is complicated and each building will be thoroughly inspected and certified prior to public use. Water and air systems will also be inspected for damage. Bats will need to be evacuated from Building 9.

Frank Pavia, Esq., offered the following report:

- No report.

Supervisor Frank asked that Attorney Pavia provide an overview of steps involved in the proposed rezoning of 7262 West Henrietta Road.

Attorney Pavia stated that the rezoning is in two steps for the Town Board.

Step 1:

- Legislative consideration of potentially adopting and rezoning the property - A review analysis and assessment for rezoning
- A negative declaration was provided requiring the applicant to prepare the draft environmental document. A Scoping document which is basically a Table of Contents of what will be analyzed in the

environmental impact statement. The Town Board indicated 3 areas of impact: noise, traffic and lighting.

- Applicant submitted a draft Scoping Document. It was received by the Board, passed by resolution and acceptance announced.
- Public Comment period of 30 days was established and expired June 21. A number of comments have been received and forwarded to the applicant.
- The applicant addresses comments and prepares a Final Scoping Document.
- The Town Board will deem whether or not it is an acceptable Final Scoping Document. If it is accepted, the applicant prepares the Draft Environmental Impact Statement.

Step Two:

- The Draft Environmental Impact Statement is submitted for the Board's consideration. If the 3 areas have been addressed, the Statement is deemed complete.
- A second Public Comment Period of 30 days is held. There will also be a public hearing within the 30 day timeframe on the Draft Environmental Impact Statement, not the Final Environmental Impact Statement.
- The public hearing can also be considered as the public hearing for passage or denial of the legislative act of rezoning.
- All comments are gathered, provided to the applicant and a Final Environmental Impact Statement is submitted for review and acceptance.
- At that time, if accepted, a Finding Statement must be provided by the Board concluding the State Environmental Quality Review (SEQRA) process and the Board decides on any mitigation measures to be considered for the rezoning.
- The adoption of the Findings Statement completes the process.
- The applicant's petition to rezone comes before the Town Board for its legislative consideration. If it is accepted, the SEQRA process is completed and rezoning done.
- The application will then go to Planning Board for site plan approval.

## V. NEW BUSINESS

A. Resolution to Request Traffic Study on East Henrietta Road – Supervisor Frank was approached by a resident requesting a STOP Pedestrian Crossing marker be placed at Route 15A in between Route 251 and Rush West Rush Road, north of Lehigh Street. The law states that those traffic markers can only be placed on roads where the speed limit is 30 mph or less. A request to lower the speed limit necessitates a traffic study be completed.

**RESOLUTION #123-2015**

Councilperson Steiner moved to approve the request of the Department of Transportation pursuant to Section 1622.1 of the Vehicle and Traffic Law, to establish a lower maximum speed of which vehicles may proceed on East Henrietta Road, a state road, between the intersection of Route 251 and the intersection of Rush West Rush Road. Councilperson McCarthy seconded the motion.

Roll:

Councilperson Woolaver	aye
Councilperson Steiner	aye
Councilperson McCarthy	aye
Councilperson Moore	aye
Supervisor Frank	aye. carried.

B. Resolution to Apply for Finger Lakes Regional Planning Council Grant for former BOCES property (6565 East River Road) – Supervisor Frank and Recreation Supervisor Patricia Stephens have been working on a Finger Lakes Regional Planning Council Consolidated Funding grant application package for the former BOCES property (6565 East River Road). We are requesting funding in the sum of 125,000-\$150,000 which includes planning and development for existing infrastructure such as roofing, septic, water, well, engineering fees, lead abatement, archeological study, etc. Attorney Pavia will be reviewing the proposal including determining whether or not it is exempt from SEQRA (State Environmental Quality Review Act). If one is required, a resolution will be prepared for the July 8 Town Board meeting. Deadline submission of the grant is July 30<sup>th</sup>.

C. Renewal of Lease – Supervisor Frank has collected outstanding rental payments for Building 5 through July. A liquidated damages clause has been included as an amendment to the 6 month lease. Renewal of the lease will be at the Town's discretion. The Board will review the lease.

VI. OPEN FORUM -

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

Resident Bill Gaffney informed the Town Board that while obtaining signatures, a constant subject was the former Big M property. A demolition permit has been purchased by the owner, however, he believed the Town Board should have previously condemned the property.

Another constant subject was property taxes. Mr. Gaffney compiled previous years' studies illustrating the impact of property taxation in Rush as compared to the other 18 towns in Monroe County. A copy will be distributed to the Town

Board. There are 72 taxable entities in Monroe County. Rush's composite taxes are at the lowest with Henrietta, who has a large commercial tax base driving town taxes down, and Riga who has a landfill, with no town tax. Comparatively, Rush has very low taxes.

Resident Marianne Rizzo, as a member of the Recreational Agricultural Citizen Committee, asked if a crop spraying schedule by the lessee of the former BOCES property could be obtained for the purpose of scheduling trail tours.

Supervisor Frank will request a crop spraying schedule for the farmer leasing at the former BOCES property.

VII. EXECUTIVE SESSION

Supervisor Frank made a motion to adjourn the meeting to executive session to discuss attorney-client privileged items at 7:40 PM which was approved by common consent of all councilpersons present.

VIII. RETURN TO REGULAR SESSION

On the motion of Supervisor Frank, the meeting was returned to regular session at 8:05 PM which was approved by common consent of all councilpersons present.

IX. ADJOURNMENT

There being no further business to conduct, the regular meeting was adjourned by Supervisor Frank at 8:06 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci  
Town Clerk