

RUSH TOWN BOARD
Minutes of February 27, 2013
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 February 27, 2013, at the Rush Town Hall, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT:	Richard Anderson	-----	Supervisor
	Kathryn Steiner	-----	Councilperson
	Cathleen Frank	-----	Councilperson
	Daniel Woolaver	-----	Councilperson
	Pamela Bucci	-----	Town Clerk
	Frank Pavia, Esq.	-----	Town Attorney
	Charles Steinman, Esq.	-----	Town Attorney
EXCUSED:	William Riepe	-----	Councilperson, Deputy Town Supervisor
OTHERS			
PRESENT:	Mark David	-----	Highway Superintendent, Resident
	Ansgar Schmid	-----	Resident
	Carol Barnett	-----	Resident
	Dave Sluberski	-----	Resident
	Marianne Rizzo	-----	Resident
	Jack Mould	-----	Resident
	Marianne Rizzo	-----	Resident
	Kathryn Hankins	-----	Resident
	Kirsten Flass	-----	Library Director, Resident

I. OPEN FORUM

Supervisor Anderson opened the meeting and welcomed all present wishing to address the Board. Any questions presented to the Board will be answered either during the meeting or at a later date.

Resident Dave Sluberski stated that, as requested, he forwarded his notes read aloud at the last Town Board to Town Clerk Bucci. He further requested that all Boards receive a copy. Supervisor Anderson acknowledged his request.

Resident Jack Mould, on behalf of the Library Director, stated that all Board members are invited to the "Friends Night Out" fundraising event at the Honeoye Falls Rabbit Room on March 9th.

II. APPROVAL OF MINUTES

RESOLUTION #69-2013

Councilperson Frank moved to approve the Regular Meeting Minutes of February 13, 2013, as submitted by Town Clerk Bucci. Councilperson Steiner seconded the motion.

Roll:

Councilperson Steiner	aye	
Councilperson Frank	aye	
Councilperson Woolaver	aye	
Supervisor Anderson	aye	carried.

III. APPROVAL OF TRANSFER

Supervisor Anderson stated that transfers were not required.

IV. APPROVAL OF ABSTRACT

RESOLUTION #70-2013

Councilperson Steiner moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract 2-2 (#4) for vouchers #160 through #217, be allowed for payment in the amount of \$402,616.14. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Steiner	aye	
Councilperson Frank	aye	
Councilperson Woolaver	aye	
Supervisor Anderson	aye	carried.

V. CORRESPONDENCE

Monroe Community College Rush Rifle Range - Supervisor Anderson stated that additional updates have been received and placed on the town website.

Monroe County Emergency Management Center – Supervisor Anderson stated that he has been invited and will be attending Supervisor’s Training on March 7th at the Monroe County Center regarding emergency preparedness.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Steiner, liaison to the Recreational Agricultural Citizens Committee (RACC), stated that although she was out of town and could not attend, a field trip of 6565 East River Road took place.

Councilperson Frank had no report but, as liaison, planned on attending the Library Board of Trustees meeting later in the month.

Councilperson Woolaver, liaison to the Zoning Board, stated that workshops were held for property owner Robert Turner, 7566 West Henrietta Road regarding a use variance, and property owner Ralph Harding requesting two area variances at 40 Scofield Road. An informal discussion was held regarding property owned by Rick Dorschel at Route 251 and West Henrietta Road.

Councilperson Woolaver, with the RACC, inspected the buildings which are structurally strong but in need of some repair. In reviewing the area leased by Dan Chase, noted were new fence posts and Councilperson Woolaver questioned the length of the lease versus approved Town Board Minutes of May 28, 2012. A resolution was motioned by Councilwoman Sluberski awarding 5-year leases for parcels on the BOCES town-owned property. Five year leases were not discussed at that meeting, however, he believed that at prior Town Board meetings 1-year renewable leases were discussed. Councilperson Woolaver stated that the Minutes should be changed.

Supervisor Anderson stated that 5 year leases were presented to all interested parties based on the recommendation report of the USDA soil people for crop rotation; 1 year was not sufficient. Supervisor Anderson stated that bid packages were presented based on 5 year leases and all information on the bids was read aloud and a spreadsheet was presented to all Board members. Supervisor Anderson stated that the 5 year leases are contractual. The Town cannot provide a bid package and retract what is stated in it.

Councilperson Woolaver reported that he attended many classes at the Association of Towns Training in New York City which were very informative.

Supervisor Anderson reported that he and Finance Director Don Reynolds attended a webinar of Brown & Brown, and Miller, Johnson insurance consultant on the HealthCare Reform Act. The webinar catered to employers with less than 50 employees. Supervisor Anderson requested slides from the presentation which amount to 39 total. Another consultant from Brown & Brown, possible with Miller, Johnson, will be viewed and will focus on municipalities' part of the reform act.

Supervisor Anderson also discussed the Court's participation at the Association of Town's meeting wherein they discussed the advent of sovereign citizens and the legal implications.

VII. OLD BUSINESS

A. Right to Farm Law – Supervisor Anderson received a response from the Planning Board with recommendations to consider the Town of Gorham model. The model is similar; however, other town models institute a Farming Committee.

The Gorham model includes code enforcement officer interface responsibilities. The attorneys for the town will review this ruling. A proposal will be made in the future.

B. Hydrofacking Moratorium Update - Supervisor Anderson updated all that the required 239(m) form in reference to Monroe County's response to Development Review Referral RU13-1Z, was received on February 26, 2013, and had been reviewed by the Monroe County Department of Planning and Development with no comment.

Supervisor Anderson requested Town Clerk Bucci's timeframe guidelines for setting the public hearing for the Extension of the Hydrofracking Moratorium. Town Clerk Bucci stated that Wednesday, March 20th would be an allowable timeframe for publication.

RESOLUTION #71-2013

Councilperson Steiner moved to schedule a Public Hearing on March 20th, 2013, at 7:15 PM in the Rush Town Pavilion, 1900 Rush Scottsville Road, Rush, New York for the purpose of extending the current Hydrofracking Moratorium for a period of 6 months. Councilperson Woolaver seconded the motion.

Roll:

Councilperson Steiner	aye	
Councilperson Frank	aye	
Councilperson Woolaver	aye	
Supervisor Anderson	aye	carried.

VIII. NEW BUSINESS

B. Resolution to Support Assembly Bill 88 (A.88) and Assembly Bill 824 (A.824) – Supervisor Anderson has been requested by a State Assemblyman in Buffalo to support A.88 and A.824 which include holding banks liable for properties in foreclosure or bankruptcy, including lawn mowing and other housekeeping responsibilities.

Supervisor Anderson added that Code Enforcement Kusse is challenged in getting responses from banks in regards to these properties and that the Monroe County Town Supervisor's Association supports both Assembly bills.

RESOLUTION #72-2013

Councilperson Frank moved to support Assembly Bill A.88 and Assembly Bill A.824 making it mandatory for banks to provide municipalities with contact information of property managers responsible for the upkeep and maintenance of foreclosed and abandoned properties. Councilman Woolaver seconded the motion.

Roll:

Councilperson Steiner	aye	
Councilperson Frank	aye	
Councilperson Woolaver	aye	
Supervisor Anderson	aye	carried.

IX. OPEN FORUM

Supervisor Anderson offered the floor to anyone wishing to address the Board.

Resident Kathryn Hankins provided written information of the Open Meetings Law, enacted February 2, 2012, Disclosure of Records Scheduled for Discussion at Open Meetings to the Town. Mrs. Hankins believe that information discussed at the meeting should be available to the public.

Resident Carol Barnett asked if the Town had received information from Larsen Engineers related to hydrofracking. Supervisor Anderson stated that he just received correspondence and was unclear on the findings. Town Attorney Steinman is reviewing the correspondence. Larsen Engineers does concur that changes in the Town Code are required; however, Supervisor Anderson expected different information.

Town Attorney Pavia remarked on the previous comment related to the Open Meetings Law. It is important to know the distinction of the law which is that the law is not a mandate but is a law stating that records are to be made available and posted on the website to the extent practicable.

Resident Dave Sluberski mentioned Councilperson Woolaver's earlier comment regarding contracts. At that particular meeting, the minutes reflect a resolution for a 5 year contract but stated that it was never stated during the meeting.

Supervisor Anderson stated that he would be happy to review the information. Supervisor Anderson further stated that the individual bid packs and specifications stated a 5 year lease. A spread sheet was additionally provided to all Town Board members for their review. All specs were in the Town Clerk's office well in advance of the bid opening and available to the public.

Town Clerk Bucci stated that if Councilwoman Sluberski may have unintentionally not stated when making a resolution the length of the lease, the documents and specifications were clearly present and used when Minutes were transcribed.

Town Attorney Pavia stated that there was notice that the resolution would be considered at the meeting, and the allusion that an attempt to disclose or not

disclose misinformation is not correct. A FOIL request could have been submitted for lease information prior to the meeting being held.

Resident Sluberski stated that disinformation was put out during a public town board meeting.

Town Attorney Pavia stated that he believed there to be no evidence or basis on which to accuse Councilwoman Sluberski, the Board or Town Clerk Bucci that there was an effort to intentionally not disclose information. There may have been confusion, a possibility of inadvertent comments or lack of comments, however, the Minutes can be researched and reported back to the Board at the next meeting.

Town Attorney Pavia stated that Mr. Sluberski had a differing interpretation of what occurred than what other people said, what Ms. Sluberski said or what the Minutes state. Nobody is denying confusion. It is premature to report one way or the other and it is not fair to make statements alluding to the fact that there was an attempt to disclose or not disclose information about what was put before the Board in respect to that resolution.

XI. ADJOURNMENT

There being no further business, the meeting was adjourned by Supervisor Anderson at 7:22 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci
Town Clerk