

RUSH TOWN BOARD
Minutes of July 9, 2014

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Richard Anderson at 7:00 PM on July 09, 2014, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT:	Richard Anderson	-----	Supervisor
	Daniel Woolaver	-----	Councilperson
	Kathryn Steiner	-----	Councilperson
	Cathleen Frank	-----	Councilperson, Deputy Town Supervisor
	Rita McCarthy	-----	Councilperson
	Pamela Bucci	-----	Town Clerk
	John Mancuso, Esq.	-----	Attorney for the Town

OTHERS PRESENT:

Mark David	Highway Superintendent, Resident
Kirsten Flass	Library Director, Resident
Carol Barnett	Resident

I. OPEN FORUM

Supervisor Anderson welcomed all to the meeting and opened the floor to anyone wishing to address the Town Board. If an answer is readily available, it will be addressed. Those requiring research will be answered at a later date.

II. APPROVAL OF MINUTES

RESOLUTION #112-2014

Councilperson Frank moved to approve the Minutes of July 25, 2014, as submitted by Town Clerk Pamela Bucci. Councilperson Woolaver seconded the motion.

Roll:

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

Councilperson Steiner was excused from the July 25, 2014 meeting.

III. APPROVAL OF TRANSFER

Transfer was not necessary.

IV. APPROVAL OF ABSTRACT

RESOLUTION #113-2014

Councilperson Steiner moved Be It Resolved that having audited all the claims against the funds listed on Abstract of June 25, 2014 for vouchers #2014 740 through #2014 794 are allowed for payment in the amount of \$29,614.88. Councilperson Woolaver seconded the motion.

Roll:

Roll:

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

V. CORRESPONDENCE

Supervisor Anderson received and discussed the following:

Governor Andrew Cuomo – Citizens Preparedness Training Program – A Citizens Preparedness Training Program is being offered to all residents at the Aquinas Institute of Rochester, Saturday July 26 at 12 PM. This is not a Rush town program but is available to the public. Pre-registration is required.

New York State Department Environmental Conservation Water Withdrawal Application – Hanson Aggregates New York LLC has obtained a renewal application to withdraw up to 10.27 million GPD (gallons per day) of water from the quarry. Comments on the project can be sent to Thomas Haley, NYSDEC, 6274 E Avon-Lima Road, Avon, NY 14414. The documentation will be placed on the town website.

Proposal for Premium Health Insurance Rate – Excellus has applied for a 16.7% increase in premium, however, it is not yet approved.

Town of Ulysses Supervisor Elizabeth Thomas letter of thanks for joining in the Amicus Brief Coalition – Rush previously joined the Coalition on the Amicus Brief regarding hydrofracking which was upheld by the Court of Appeals on June 30, 2014.

Rush Firemen's Carnival Update – Town Clerk Bucci circulated information about the carnival for incoming telephone inquiries. Carnival is July 10, 11 and 12 and the parade is Friday at 7 PM.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilperson Woolaver had no report.

Councilperson Steiner had no report.

Councilperson Frank had no report.

Councilperson McCarthy, as liaison, attended the Library Board of Trustees meeting. After 12 years of service, President Rob Lewkowitz has resigned. The Friends of the Library had an incredible response for the Library Children's 100th year celebration. The library budget was passed by the Board of Trustees.

Councilperson McCarthy reported on the Climate Smart Program rolled out by NYSDEC. It has been difficult to find a town of Rush's size, however, Brighton and Irondequoit have adopted the program. They are currently at a standstill, however, NYSEDA is providing a seminar in Brighton on the Climate Smart Program that the councilwoman will be attending.

Supervisor Anderson stated that he was deposed by the insurance company regarding the claim related to the fire at the Town Hall in March of 2012. Documents have been supplied as requested by the insurance company. The Town is basically a character witness and the dispute is between the insurance company and the unit manufacturer.

Supervisor Anderson complimented Town Clerk Bucci on the Minutes taken at the June 25, 2014, meeting which included the proposed rezoning public hearing.

VII. OLD BUSINESS

A. Insurance Recommendation Update – Supervisor Anderson stated that as recommended by the town's insurance company, signs which were viewed at the meeting, will be installed at the playground by Rush's highway crew.

B. Solar Proposal Update – Supervisor Anderson stated the engineers on the project, Larsen Engineers, recommended that in order to be eligible for the project, a statement of intent was required. A Memorandum of Understanding (MOU) has been prepared and states that if the town is mutually satisfied with the results of the solar proposal, the fire department will enter into an inter-municipal agreement with the Town of Rush. It is the only way the Fire Department can be included in the grant project. The MOU is much like the fuel agreement currently held between the Highway Department and Fire Department.

C. Proposed Rezoning of 7262 West Henrietta Road Update – Attorney John Mancuso provided the following recap and process of reviewing and steps to be taken for a proposed rezone. Mr. Mancuso stated that the public hearing was held. The application, if granted, would become a local law amending the zoning map to reflect rezoning of residential to commercial. A copy of the local law has been provided. As part of the rezoning process, before the town can take action it must comply with the New York State Quality Review Act (SEQRA). The notices have already been sent to appropriate agencies and the town is the acting lead agency. The rezoning has been declared a Type I action which is the coordination among other agencies and the town has fulfilled its requirement. Other agencies provide information in order for the town to make a determination of environmental significance. The Town Board must review the amended long form EAF that the applicant supplied. Part 2 of the form must be reviewed by the Town Board. One of two scenarios must be decided for SEQRA. If the town determines that there are no potential significant adverse impacts, a negative declaration can be made. A negative declaration is a statement of environmental significance stating that a hard look was taken and there are no potential significant adverse impacts to occur with the rezoning. If the Town decides to issue a negative declaration that concludes the environmental review of the project then a decision can be made on the application. If the town reviews the items on Part 2 and decides that there are one or more significant adverse environmental impacts to rezoning the property, the Board will issue a positive determination. That says that the Board has found impacts of environmental concerns with rezoning and a further look and continued review is required. If a positive declaration is decided, scoping is done which identifies which issues are more significant than others including traffic, noise, lighting, etc. The applicant would prepare an environmental impact statement to further discuss and evaluate the areas. Finally, the Town Board will issue a findings statement determining the environmental impact and what mitigation matters are necessary to minimize to the fullest extent possible any significant adverse effect. After that, a decision to rezone the property can be made.

Supervisor Anderson stated that all Town Board members will review Part 2 and all documents and comments.

Attorney Mancuso recommended that Town Engineer Todd Ewell be present at the next meeting to assist the Board with technical questions. A full assessment can be made.

Councilperson McCarthy asked for clarification on the review process.

Attorney Mancuso stated that previous materials do not have to be reviewed again. The Board must make an environmental determination based on the

information supplied to them in the amended EAF form regarding the rezoning of the acreage.

VIII: NEW BUSINESS

A. Lead Safe Certification – Supervisor Anderson stated that a number of municipalities provide a lead questionnaire to all resident prior to their performing work on a painted area. Building Inspector Kusse stated that Rush does not have such a form, however, in the future homes that were built before 1978 will be provided a form. Most contractors are lead certified and are aware of the ramifications including hefty fines for inappropriately disturbing residences with lead paint. For those residents acting as their own contractor, it is more difficult to regulate. Additional regulations may be implemented in the State in the near future. Brochures have not yet been received but will be provided to all residents who are performing any type of building that may involve an encounter with paint.

Building Inspector Kusse may place an article in the next or future town newsletter. Because it presents a health threat to people nearby, anyone witnessing paint being removed from a clapboard house should advise the Building Department. All removal of lead paint should be tented and disposed of correctly.

IX. OPEN FORUM

Supervisor Anderson offered the floor to anyone who wished to address the Board.

Resident Carol Barnett inquired about the insurance deposition regarding the town's previous fire and if a public hearing was held. Supervisor Anderson stated that there was no public hearing. It is basically subrogation.

Attorney John Mancuso stated that subrogation is merely that the town's previous insurance carrier made a determination that they were going to cover the incident. When they paid for damages, they suffered and wanted to recoup any damages that they incurred. The insurance company sues the party they feel was the cause of the fire, and in this case, the manufacturer associated to the unit. The Town has already received their compensation and therefore is simply an interested 3rd party.

Supervisor Anderson stated that Rush has since contracted to another insurance company. The premium rate charged to the insurance company increased and therefore the town researched companies and chose another insurance

company and policy. The town is now covered by Selective Insurance.

X. ADJOURNMENT

There being no further business to conduct, the meeting was adjourned by Supervisor Anderson at 7:35 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci
Town Clerk