

Rush Town Board  
December 12, 2007

A regular meeting of the Rush Town Board was held on December 12, 2007 at the Rush Town Offices, 5977 East Henrietta Road and was called to order at 7:00 p.m.

Present: Councilman Donald Knab  
Councilman Richard Anderson  
Councilwoman Lisa Sluberski  
Supervisor William Udicious

Absent: Councilman Thomas Doupe - excused

Others: Steven King, Highway Superintendent  
Gerald Kusse, Code Enforcement Officer  
Ray Vosefski, Telephone Road Extension  
Kyle Niatico, Rush Henrietta Central School  
John Bone III, " " "  
John Vincent, Thunderidge Drive

#### I Approval of Minutes

##### **RESOLUTION #170**

Councilman Anderson moved that the minutes of the regular meeting of November 14, 2007 be approved as presented.  
Councilwoman Sluberski seconded the motion.

Roll:	Councilman Knab	aye
	Councilman Anderson	aye
	Councilwoman Sluberski	aye
	Supervisor Udicious	aye carried.

#### II Transfer of Funds and Approval of Abstracts

##### **RESOLUTION #171**

Councilman Knab moved that the following transfers of funds be made:

\$2,700.00 from A-1990.4 Contingency, Contractual to A -  
9901.9 Transfers to Other Funds, Contractual- budget  
oversight  
\$4,000.00 from A-1980.4 Contingency, Contractual to A-  
51321.4 Garage, Contractual - budget oversight  
\$7,000.00 from A-1980.4 Contingency, Contractual to A-  
1620.4 Building, Contractual - prep & operate 1911

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\$2,700.00 from A-1320.4 Audit, Contractual to A-5182.4  
Street Lighting/Lane Marking, Contractual - unbudgeted  
expense  
\$173.00 from A-3640.1 Disaster, Pers. Serv. To A-3410.1  
Fire Marshall, Pers. Serv. - funding error  
\$.013 from A-3640.1 Disaster, Pers. Serv. To A-3620.1,  
Inspection Pers. Serv. - rounding error  
\$28.23 from A-1310.2 Finance, Capital Outlay to A-3510.4  
Dog Control, Contractual - truck door signs  
\$150.00 from A-1310.2 Finance, Capital Outlay to A-1310.4  
Finance, Contractual - ADP fee increase

\$2,500.00 from DA-5148.1 Serv. To Other Govt., Pers. Serv.  
To DA-5110.1 Maint. Of Roads, Pers. Serv. - budget  
oversight  
\$8,000.00 from DA-5148.1 Serv. To Other Govts. Pers. Serv.  
To DA-5140.1 Misc. Brush/Weeds, Pers. Serv. - budget

\$1,900.00 from DA-5031 Highway Revenue, Interfund Transfer  
to DA-5130.4 Machinery, contractual - budget oversight  
\$800.00 from DA-Highway Revenue, Interfund transfers to DA-  
5140.4 Misc. Brush, Contractual - budget oversight  
Councilwoman Sluberski seconded the motion.

Roll: Councilman Knab aye  
Councilman Anderson aye  
Councilwoman Sluberski aye  
Supervisor Udicious aye carried.

Abstract #22

**RESOLUTION #172**

Councilman Anderson moved BE IT RESOLVED, that having  
audited all the claims against the funds listed on the  
abstract, I move that all claims in the amount of  
\$26,458.41 be allowed for vouchers #1184 through #1233.  
Councilman Knab seconded the motion.

Roll: Councilman Knab aye  
Councilman Anderson aye  
Councilwoman Sluberski aye  
Supervisor Udicious aye carried.

Abstract #23

**RESOLUTION #173**

Councilman Anderson moved BE IT RESOLVED, that having  
audited all the claims against the funds listed on the  
abstract, I move that all claims in the amount of  
\$246,462.34 be allowed for vouchers #1234 through #1293.  
Councilman Knab seconded the motion.

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Roll:	Councilman Knab	aye	
	Councilman Anderson	aye	
	Councilwoman Sluberski	aye	
	Supervisor Udicious	aye	carried.

### III Correspondence

1. Summary of Health Care Cost for 2008 from Donald Reynolds, Director of Finance
2. State Comptroller's Office, 12/07/07 re threshold limits for special district costs
3. Memo from Recreation Supervisor, Pat Stephens re winter festival plans

### IV Public Hearing

Rezoning Request of James Volpe for properties at 6115 and 6123 Rush Lima Road from residential to commercial

Town Clerk Henry read the legal notice and attested to the proper posting of that notice. Supervisor Udicious opened the floor to anyone wishing to comment on this matter. There were no comments from the audience or the board.

Supervisor Udicious stated that no decision would be made at this meeting as several conditions set by the Monroe County Planning Department would need to be addressed by the applicant. It is anticipated that the Board will make a decision at one of the January 2008 meetings.

### **RESOLUTION #174**

Councilman Anderson move that the public hearing on the rezoning request by James Volpe for the rezoning of 6115 and 6123 Rush Lima Road from 30-Residential to Commercial be closed. Councilman Knab seconded the motion.

Roll:	Councilman Knab	aye	
	Councilman Anderson	aye	
	Councilwoman Sluberski	aye	
	Supervisor Udicious	aye	carried.

## V Reports of Officers and Committees

1. Town Board - Councilman Knab reported that the electrical work in the town hall has begun and will be completed by the end of the year.

Councilman Anderson stated that Planning Board member Don Sweet had presented the Planning Board with information he obtained from a seminar on farmland preservation. The purchase of development rights seemed to be the suggested path to follow. The Planning Board's reply to the Town Board's request for input on the PUD zoning creation will not be addressed until the Town Board responds to the Planning Board's 2005 recommendations on farmland preservation.

Councilwoman Sluberski reported that Recreation Supervisor was working on the basketball program and beginning work on the summer program.

2. Code Enforcement Officer - Mr. Kusse stated that he had met with the Engineer for the Town and the engineer hired by Glenn Curran to review the construction of a driveway thru his property and a large wetlands area. It was agreed that the provisions to handle the stream and runoff on his property is not adequate. It was agreed by the Board after discussion that Mr. Kusse is to send a letter Mr. Curran asking what the plan to correct the driveway deficiencies is or if not corrected, the structure must be removed.

3. Highway Superintendent - Mr. King stated that the truck purchased should be on line next week after the addition of plow and other equipment.

Mr. King explained the shortfall in his budget that was created in July of 2006 for this year. When Mr. King became aware of the problem in August, he had hoped that by cost cutting measures and some unexpected revenues that he would cover the shortfall. However that did not happen. Mr. Anderson asked if the transfers made would cover costs to the end of the year. Mr. King replied that the costs for two snow storms would be covered but more than that he would need additions funds.

VI Old Business

1.Telephone Road Extension - Supervisor Udicious stated that the deed had still not been received but that the Town Attorney was talking to the attorney for the land owner and he anticipated that the deed would be forthcoming soon. He further explained that in the interim the Town Board would need to authorize the Highway Superintendent to maintain the road (snow plow) to protect the safety of the residents on the road and make sure that emergency vehicles would be able to pass.

**RESOLUTION #175**

Supervisor Udicious moved that the Highway Superintendent be authorized to maintain the Telephone Road Extension when he felt it was necessary to protect the safety of the residents on that road and to allow the safe passage of emergency equipment, if required. Councilman Knab seconded the motion.

Roll:	Councilman Knab	aye
	Councilman Anderson	aye
	Councilwoman Sluberski	aye
	Supervisor Udicious	aye carried.

Highway Superintendent King stated that the cost of maintaining the road was very small and Supervisor Udicious said the cost was not the issue but the need to provide a legal document that would allow the town to provide maintenance of the road in the future.

Councilman Knab suggested that a bill be sent to the land owner for the road plowing services.

2. Insurance for 2008 - Supervisor Udicious briefly reviewed the insurance chart given the board members and stated that although the umbrella policy limits was being raised to \$3,000,000.00, the overall cost of insurance for the town for 2008 would be less than last year.

**RESOLUTION #176**

Councilman Knab moved that the Supervisor be authorized to sign a contract with Cedarwood Insurance Company to provide insurance for the Town of Rush for the year 2008.

Councilman Anderson seconded the motion.

Roll:	Councilman Knab	aye
	Councilman Anderson	aye
	Councilwoman Sluberski	aye

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Supervisor Udicious                      aye    carried.

## VII New Business

1. Highway Department Agreement to spend Highway Funds in 2008 -

The Board reviewed the projects and cost list provided by Highway Superintendent King for the 2008 road work scheduled. Superintendent King explained that he has been saving his CHIPs funding for several years and that in 2008 the Town projects costing over \$100,000.00 will only cost tax payers about \$20,000.00.

## RESOLUTION #177

Councilman Anderson moved that the Town Board accepts the proposed expenditure of highway funds for the repair and improvement of highways within the town in 2008 prepared by the Highway Superintendent. Councilwoman Sluberski seconded the motion.

Roll: Councilman Knab aye  
Councilman Anderson aye  
Councilwoman Sluberski aye  
Supervisor Udicious aye carried.

2. NYS Shared Services Grant - Supervisor Udicious stated that the County had applied for a grant last year for the purchase of equipment that could be shared by all towns within the County, at no cost to the Towns, as the County will pick up the remaining 10% of the purchase price not covered by the grant. The grant was not received but is being applied for again and a new resolution of town participation is required.

## RESOLUTION #178

Supervisor Udicious moved WHEREAS, the County of Monroe, the Town of Rush and other towns in Monroe County are eligible to receive grant funding under the New York State Department of State's Shared Municipal Services Incentive Grant Program which provided funds to undertake projects or purchase equipment that encourages inter-municipal cooperation and

WHEREAS, Monroe County and towns within the County have identified specific pieces of equipment at a cost of \$300,000.00 that could be shared by, and provide benefits to, each municipality, and

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WHEREAS, the Shared Municipal services Incentive Grant Program will fund 90% of the purchase price of the equipment, if the remaining 10% balance is provided by local municipalities, and

WHEREAS, the County of Monroe has agreed to be the lead applicant for the grant application and to provide the entire 10% of the local funding requirement for the new equipment, and

WHEREAS, should grant funding be secured for this purchase, the County has also agreed to store and perform all maintenance on the new equipment.

THEREFORE, BE IT RESOLVED, that the Town of Rush shall be co-applicant with the County of Monroe and other Monroe County towns on an application for a Shared Municipal Services Incentive Grant from the State of New York. Councilman Knab seconded the motion.

Roll:	Councilman Knab	aye
	Councilman Anderson	aye
	Councilwoman Sluberski	aye
	Supervisor Udicious	aye carried.

#### Open Forum

Code Enforcement Officer Kusse stated that the transfer of the property formerly occupied by the Rush Market will take place soon but that the option to continue pumping gas will end if sales do not resume by January 4, 2008. Therefore the town may expect to see a kiosk and gas sales very soon to preserve the pre-existing non conforming use of gas sales within 500 feet of another gas pumping facility.

Councilwoman Sluberski asked about the log jam and Mr. Kusse explained that it was necessary to wait for the ground to freeze more in order to reduce any damage to the farm lands along the jam area.

Supervisor Udicious thanked Town Clerk Henry for her service to the town and the Board wished her well on her retirement.

Councilman Knab made a motion to adjourn the meeting and the board was all in agreement.

Time: 7:45 p.m.

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Respectfully submitted,

Linda G. Henry  
Rush Town Clerk