

Rush Town Board
November 15, 2007

A regular meeting of the Rush Town Board was held on Thursday, November 15, 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
Councilman Thomas Doupe
Councilwoman Lisa Sluberski
Supervisor William Udicious

Others: Gerald Kusse, Code Enforcement Officer
William Riepe, Henrietta
Carl Ast, Woodruff Road
Ryan Ast, Woodruff Road
David Sluberski, Rush West Rush Road
Pamela Bucci, West Henrietta Road

I Approval of Minutes

RESOLUTION #154

Councilman Doupe moved that the minutes of the regular meeting of October 24, 2007 be approved as presented. Councilman Knab seconded the motion.

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

II Transfer of Funds and Approval of Abstract

RESOLUTION #155

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

General

\$1800.00 from A-1320.4 Audit, Contractual to A-1355.2

Assessment, Capital Outlay - computer replacement

\$2,000.00 from A-5010.1 Highway Admin. Per. Serv. To A-9901.9 Transfer to Other Funds, Per. Serv.

\$185.00 from A-7110.1 Parks, Per. Serv. To A-9901.9

Transfers to Other Funds, Per. Serv.

\$3,600.00 from A-7110.4 Parks, Contractual to A-9901.9

Transfers to Other Funds, Per. Serv.

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\$590.00 from A-8160.1 Transfer Station, Per. Serv. To A-9901.9 Transfers to Other Funds, Per. Serv. - transfers from general funds to highway funds
\$657.00 from DA-5110.4 Maint of Roads, Pers. Serv. To DA-5130.1 Machinery, Pers. Serv. - shortfall
\$30,000.00 from DA-5148.1 Serv. to Other Govts. Pers. Serv. To DA5130.1 Machinery, Pers. Serv. - shortfall

\$457.00 from DA-9040.8 Fringe Benefits, Workers Comp. to DA-9010.8 Fringe Benefits, State Retirement - shortfall
\$1,000.00 from DA-9060.8 Fringe Benefits, Health Ins. To DA-9030.8 Fringe Benefits, Soc. Security.
\$353.00 from L-7410.1 Library, Per. Serv. To L-9010.8 Fringe Benefits, State Retirement - New participant
\$114.00 from L-7410.1 Library, Per. Serv. To L-9040.8 Fringe Benefits, Workers Comp - overage

Highway

\$2,000.00 from DA-5031 Interfund transfer to DA-5130.1 Machinery, Pers. Serv.
\$185.00 from DA-5031 Interfund transfer to DA-5130.1 Machinery, Pers. Serv.
\$3,600.00 from DA-5031 Interfund Transfer to DA-5140.1 Misc. Brush/Weeds Pers. Serv.
\$590.00 from DA-5031 Interfund Transfer to DA-5130.1 Machinery, Pers. Serv.
Correction of oversights in budgeting for 2007 straight time wages.

Councilman Doupe seconded the motion.

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

RESOLUTION #156

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 \$60,274.84 be allowed for vouchers #1105 through #1183.
Councilman Knab seconded the motion.

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

III Reports of Officers and Committees

1. Town Board - Councilman Knab reported that his son David had achieved the Eagle Award in Scouting and he wished to brag.

He stated that the transformers for the two parking lot lights that need to be replaced are on backorder and will be available about January 15th. Gutter proposals from three companies should be available next week as well as a proposal for the heat tape on the roof from the electrician that repairs out parking lot lights.

Councilman Anderson reported on the first workshop for the Quality Communities Grant and he felt it had been successful. Board members attending also agreed with this assessment. Mr. Anderson had met with Mr. Gordon of Larsen Engineers and a report on the comments/suggestions from that meeting will be provided by RRCDC. The report will be placed on the Town Website for all residents to view.

The next step in this process will be some action by others involved in this project and a second meeting is to be held in January. It is hoped that a final report will be available in February. The grant the town has received is only for studies and planning, the implementation of the proposals would require application to other sources of funding. Many of these grants are 50/50 matching grants and will require some study.

Councilwoman Sluberski mentioned the memo sent by the Recreation Director requesting additional staff for the after school program and after the board discussed the matter, there was general agreement that more work had to be done on the justification figures before the board could consider the request. Councilwoman Sluberski will work with Recreation Supervisor Stephens to attempt to bring the economic data provided in line and to prepare a vision of where Mrs. Stephens would like the programs to go and how big she would like to see it grow.

On the subject of links to the Town Website by other groups information on this matter is still being sought and the policy of the school district on this matter is being researched.

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Councilwoman Sluberski and Fire Marshall Richard Tracy attended a PODs meeting in Honeoye Falls. A Manual has been prepared but only one copy was given to the town. Copies will be made and distributed.

The Recreation's Winter Festival will be on January 26th at Rush Methodist Church and will be co-sponsored by the church, recreation department and library. Snow would be helpful but inside and outside activities are being planned.

2. Code Enforcement - Code Enforcement Officer Kusse reported that the rubbish container from Rush Market and Deli has been removed but there is evidence of large rodent investigation. This matter will have to be addressed by the new owner when the legal process on this property is concluded. The crops have been removed from the fields that will be used for removing the log jam and the contractor, who will be doing the work has been contacted and hopefully the work will be completed soon.

3. Supervisor - Supervisor Udicious stated that the second apartment at 1911 has been rented and there is serious interest in the third. The State has been contacted about renewing their lease on the office on the first floor.

The Board was asked to check on the progress on the new court judge's bench and the work should be completed in the next few weeks.

IV Old Business

1. PUD Description in the Zoning Ordinance - Supervisor Udicious stated that Attorney Pavia had provided copies of the PUD (Planning Unit Development) sections from the Zoning Ordinances of four towns. The Town of Rush has received an inquiry for a development on Rush West Rush Road that was being proposed using the PUD concept which is not a part of the Rush Zoning Ordinance at this time. The town would need to change the Rush Ordinance before any consideration of the proposal was possible. It was agreed that these sample PUD regulations should be sent to the Planning and Zoning Boards for their review and comment prior to the town board creating a set of regulations for Rush.

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2. Telephone Road Extension - Jack Moore has still not provided a deed for the road and no action on final dedication can take place at this time.

3. Rezoning of Volpe Property - The application submitted for James Volpe for the rezoning of 6115 and 6123 Rush Lima Road from R-30 Residential to Commercial has been sent to the County Planning for their review and comment. The Planning Board has sent their letter of recommendation for the rezoning to the Town Board and now a public hearing needs to be scheduled.

RESOLUTION #157

Supervisor Udicious moved that a Public Hearing be scheduled for December 12, 2007 at 7:15 p.m. to consider the application of James Volpe for the rezoning of property located at 6115 and 6123 Rush Lima Road from R-30 Residential to Commercial. Councilman Doupe seconded the motion.

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

4. Drainage Petition - Rush View Heights Subdivision - Supervisor Udicious deferred to the Deputy Supervisor on this matter since he is a resident of the area under discussion. Councilman Knab stated that the recommendation from the Planning Board on this matter was that signed and filed easements were needed from all the property owners involved and a map of the district needs to be provided. After discussion the board agreed that someone needs to lead this petition and it traditionally is a developer. Therefore, the original petitioner William Gaffney will be contacted by Mr. Knab, in writing, and informed that he must spearhead this project and obtain the necessary easements and map before the town can act on his request. These easements must then be filed in the Monroe County Clerks office after review by Attorney Pavia. The question of any property owner refusing to sign an easement and its effect on the project must be addressed by the attorney for the town.

RESOLUTION #158

Councilman Doupe moved to authorize Councilman Knab to contact Mr. Gaffney concerning the need for the easements

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and map for the proposed drainage district and to continue guiding the process along. Councilwoman Sluberski seconded the motion.

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

5. Exemption from property taxes based on non reimbursed medical expenses -

The County of Monroe has not adopted this exemption and a number of county towns contacted have also not opted to adopt this program. The paperwork involved would be great, validation difficult and the privacy issue makes this an unworkable option at this time. All the Board was in agreement to not act on the request made for adoption of this exemption.

6. Industry waterline - Supervisor Udicious stated that he had been contacted by the State and a further extension in time has been given to BOCES, the Transportation Museum and Mrs. Weaver for the shut off of the water to these properties. No definite cut off date is being offered at this time.

V New Business

1. Adopt 2008 Budget -

RESOLUTION #159

Councilman Knab moved that the Preliminary Budget for the Town of Rush as proposed at the Public Hearing on October 10, 2007 be adopted as the Official Budget for the Town of Rush for 2008. Councilwoman Sluberski seconded the motion.

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

2. Audit of Court Books -

RESOLUTION #160

Supervisor Udicious acknowledges that an audit of the Rush Justice Court Books as of December 31, 2006 was performed

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by EFP Group(Eldredge Fox & Porretti, LLP) as required by Section 2019-a of the Uniform Court Act and accept the findings of that audit. Councilman Knab seconded the motion.

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

3. Snow and Ice Contract with New York State -

RESOLUTION #161

Councilman Knab moved that the Supervisor be authorized to sign the Extension of the Conventional Municipal Snow and Ice Agreement with the New York State for the year 2007/2008 for an estimate total of \$63,523.92 for 35.6 lane mile of roads within the Town of Rush. Councilman Doupe seconded the motion.

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

4. Approval of Bond for Tax Collector -

RESOLUTION #162

Supervisor Udicious moved BE IT RESOLVED, the Town Board of the Town of Rush hereby approves the surety, form and amount of the official undertaking for the faithful performance of the duties of the town clerk and tax collector as filed in the Town Clerk's office:

Type of Undertaking: Public Official Liability/Employee Dishonesty

Insurance Company: St. Paul/Travelers

Amount: \$250,000.00

A true copy of this resolution shall be affixed to the undertaking to indicate this Board's approval thereon in accordance with the Town Law Section 25. Councilman Doupe seconded the motion.

Roll:	Councilman Knab	aye
	Councilman Anderson	aye
	Councilman Doupe	aye
	Councilwoman Sluberski	aye

Supervisor Udicious aye carried.

5. Assessor's Computer -

Assessor Quinlan has requested to purchase from the current budget a computer to replace the one he is currently using. The replacement has been provided for in the 2008 Budget but would be very helpful to him at this time. A price quote has been received from PinPoint Group and found to be reasonable.

RESOLUTION #163

Councilman Knab moved that the Assessor be authorized to purchase a new computer and printer as outlined in the quote from the PinPoint Group and dated November 15, 2007 for a cost not to exceed \$1800.00. Councilwoman Sluberski seconded the motion.

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

6. Assessor Picture Project - Assessor Quinlan has requested that the Assessor's Clerk be allowed to take about 700 pictures of properties within the town that have not been taken in a number of years in order to complete the assessor's property files. These digital pictures would be placed on the computer records being maintained and would take about 75 hours to complete.

RESOLUTION #164

Councilman Doupe moved that the assessor's clerk be authorized to take pictures of properties within the Town of Rush from the public road to add to the property files of the town for a time limit not to exceed 80 hours. For pictures that must be obtained by entering private property authorization must be obtained. Councilman Knab seconded the motion.

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

Public Forum

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William Riepe reported that he had attended a budget advisory group workshop at the school district last week and that with the adoption of the FAIR Plan by the County of Monroe, the Rush Henrietta Central School district will use unexpended balances to cover any short fall for this budget year. Next year they are anticipating a 3.5% increase in school taxes.

David Sluberski asked about the assessor's picture program and did that mean that 700 houses in town did not have pictures taken of them. Town Clerk Henry explained that the 700 most likely represented new houses and houses that had built additions, porches, garages, etc. A check of the year's building permits by the assessor would keep the files up to date.

EXECUTIVE SESSION

Supervisor Udicious made a motion that the Board move into Executive Session to discuss the potential sale of Hart's Field and personnel changes. Councilman Knab seconded the motion and the Board was all in agreement.

Time: 8:00 p.m.

The Board returned to Regular Session at 8:20 p.m.

1. Personnel changes -

RESOLUTION #165

Councilman Knab made the motion that the Supervisor be authorized to hire Maribeth Palmer as a clerk to intern in the Town Clerk's Office, starting on December 3, 2007, at Step Two of the Deputy wage scale as recommended by Town Clerk Elect Pamela Bucci. Councilman Doupe seconded the motion.

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

RESOLUTION #166

Councilman Knab moved that the Supervisor be authorized to hire a secretary effective December 3, 2007 on a part time

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basis in accordance with the step schedule in place for that position. Councilman Anderson seconded the motion.

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

2. Sale of Hart's Field -

RESOLUTION #167

Councilman Doupe moved that the Supervisor be authorized to accept the purchase offer made for the Hart's Field property, dated October 14, 2007, for \$50,000.00, pending the approval of the attorney for the town.

Councilman Anderson seconded the motion.

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

The meeting was adjourned by common consent of all the Board members.

Respectfully submitted,

Linda G. Henry
Town Clerk