

RUSH TOWN BOARD
Minutes of December 10, 2008
Regular Meeting

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Udicious at 7:00 PM on December 10, 2008, at the Rush Town Offices, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT: Donald Knab ----- Councilman, Deputy Town Supervisor
Richard Anderson ----- Councilman
Thomas Doupe ----- Councilman
Lisa Sluberski ----- Councilwoman
William Udicious ----- Supervisor
Pamela Bucci ----- Town Clerk
Charles Steinman ----- Attorney for the Town

OTHERS PRESENT: Kirsten Flass ----- Resident, Library Director
Philip Gaskin ----- Resident
Barbara Burns ----- Resident

I. OPEN FORUM . Supervisor Udicious advised all present that Rules and Procedures for Town Board meetings were located at the side sign-in table. He then offered the floor for those present to address the board.

II. APPROVAL OF MINUTES . November 12, 2008

RESOLUTION #146-08

Councilman Knab moved that the Minutes of November 12, 2008, meeting be approved as submitted. Councilwoman Sluberski seconded the motion.

Roll:

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

III. APPROVAL OF TRANSFER . December 9, 2008

RESOLUTION #147-08

Councilman Anderson moved that the following transfer of funds from the unexpended balance of existing appropriations numbered #1 through #14 in the amount of \$44,135.00 be made and approved as follows:

Transfer		Decrease Appropriation		Increase Appropriation	
Number	Amount	Account	Description	Account	Description
	193.00	A-7110.4	Parks	A-5010.2	Highway Administration

Rush Town Board
December 10, 2008

1			Contractual to cover year end balances		Capital Outlay
2	80.00	A-7110.4	Parks Contractual To cover year end balances	A-5010.4	Highway Administration Contractual
3	792.00	A-5132.4	Garage Contractual to cover year end balances	A-7110.1	Parks Personal Services
4	70.00	A-5010.1	Highway Administration Personal Services to cover year end balances	A-5010.4	Highway Administration Contractual
5	99.00	A-1460.4	Records Mgmt Contractual transfer to Cover Cash Register	A-1410.2	Town Clerk Capital Outlay
6	401.00	A-1460.4	Records Mgmt Contractual transfer to Code Update cost	A-1410.4	Town Clerk Contractual
7	1,500.00	A-1990.4	Contingency Contractual transfer to cover Code Update cost	A-1410.4	Town Clerk Contractual
8	4,000.00	A-1990.4	Contingency Contractual transfer to cover Town Hall Maintenance and Supply	A-1620.4	Building Contractual

Transfer Number	Amount	Account	Description	Account	Description
9	6,000.00	DA-5110.1	General Repairs Personal Services Transfer to Cover Shop Labor Costs	DA-5130.1	Mac Machinery Personal Services
10	8,000.00	DA-5142.1	Town Snow Removal Personal Services Transfer to Cover Town Hall Project	DA-5130.1	Machinery Personal Services
11	10,000.00	DA-5148.1	Services to other Govt Personal Services Transfer to Cover Shop Labor Costs	DA-5130.1	Machinery Personal Services
12	4,000.00	DA-5112.4	Road Construction Contractual Transfer to Cover Fuel Costs	DA-5130.4	Machinery Contractual
13	2,700.00	DA-5112.4	Road Construction Contractual	DA-5142.4	Town Snow Removal Contractual

14	Transfer to Cover Salt Purchase			
	6,300.00	DA-5112.4	Road Construction Contractual Transfer to Cover Salt Purchase	DA-5148.4 Services to other Govt Contractual

Councilman Knab seconded the motion.

Roll:

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

IV. APPROVAL OF ABSTRACT

RESOLUTION #148-08

Councilman Anderson moved that having audited all the claims against the funds listed on Abstract #11-2 in the amount of \$78,345.51 be allowed for vouchers #1262 through #1323. Councilman Knab seconded the motion.

Roll:

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

V. APPROVAL OF ABSTRACT

RESOLUTION #149-08

Councilman Anderson moved that having audited all the claims against the funds listed on Abstract #12-1 in the amount of \$271,377.59 be allowed for vouchers #1262A through #1381. Councilman Doupe seconded the motion.

Roll:

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

VI. CORRESPONDENCE - None.

VII. REPORTS OF OFFICERS AND COMMITTEES

A. Organizational Meeting - Town Clerk Bucci stated that notice of the Organizational Meeting of Monday, December 29th at 7:00 PM at the Rush Town Hall, 5977 East

Henrietta Road was publicized in both the Sentinel and Rush Henrietta Post and posted on the Town Clerk's bulletin board.

B. Board Member Voting - At the November Zoning Board of Appeals meeting, a member abstained from voting on an application. For the official record, any member on any board of the town whom abstains from a vote is required to provide a reason. Supervisor Udicious will send a letter to the zoning board member requesting clarification from abstaining to vote on an application before the board.

C. National Railway Historical Society . Rochester Chapter Land Acquisition - The Railway Historic Society previously requested the transfer of 100 acres of land in Rush. An application must be made. Mr. Pavia recommended that a Phase I Study for contamination be performed. Further discussions with counsel are warranted before a plan of action is determined.

D. Rush Tax Dollar - Supervisor Udicious presented a flyer he recently received at the Monroe County Supervisor's Association meeting which illustrates how a 2008 Town of Rush tax dollar is spent. The dollar is apportioned 57 cents to the School District, 22 cents to Monroe County, 14 cents to the Town and 7 cents to Special District which is comprised of fire and townwide drainage.

VIII. OLD BUSINESS

A. Dam Repair Progress - Councilman Anderson stated that the north side concrete abutment is complete, grouting near completing on the apron and south face of the dam.

B. Letter of Resignation . Zoning Board of Appeals member Dan Taylor has submitted his resignation of December 31, 2008, to the Town Clerk. Town Clerk Bucci will post the open position in the Rush Henrietta Post. A letter of thanks will be forwarded to Mr. Taylor for his service to the town.

RESOLUTION #150-08

Supervisor Udicious moved to accept the resignation of Zoning Board of Appeals member Dan Taylor effective December 31, 2008. Councilman Knab seconded the motion.

Roll:

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

IX. NEW BUSINESS

A. Amendatory Agreement for ADA Improvements at Town Hall Park . The project has been postponed due to the seasonal climate and Monroe County has forwarded an agreement of extension of the project improvements to September 30, 2009.

RESOLUTION #151-08

Councilman Knab moved be it **RESOLVED**, that the Town Board authorize the Supervisor to sign the Monroe County agreement for extension to September 30, 2009, in order to complete the ADA improvements at the Town Hall Park. Councilman Anderson seconded the motion.

Roll:

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

B. Agreement to Extend Snow and Ice Contract with NYSDOT . The agreement was reviewed and recommended by Steven King, Superintendent of Highways.

RESOLUTION #152-08

Councilman Anderson moved be it **RESOLVED** that the Supervisor be authorized to sign the annual Extension of Conventional Municipal Snow and Ice Agreement with New York State Department of Transportation for the season 2008/2009 for an estimate expenditure of \$69,770.01 for 35.60 lane miles within the Town of Rush. Councilwoman Sluberski seconded the motion.

Roll:

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

C. Retainer Agreement for Attorney Services for 2009 and 2010 . Supervisor Udicious stated that the attorney retainer agreement amount will remain the same as 2008.

RESOLUTION #153-08

Councilman Knab moved to accept the attorney retainer agreement of Harris, Beach PLLC for an annual retainer fee of \$44,000.00 for the calendar year 2009 and 2010. The agreement excludes litigation which, when authorized will be billed at an hourly rate. Councilman Doupe seconded the motion.

Roll:

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

D. Crown Castle request for additional co-location on Cell Tower . The Town currently receives approximately \$20,000.00 for the current co-locaters. Crown Caste has agreed

to the terms requested by the Town. An additional \$9,000.00 in income is possible. Attorney Pavia will review the contract for final approval.

E. Medical Insurance . Brown & Brown, brokers, presented the Town with a healthcare proposal. A thorough study of our current plan will be reviewed by Brown & Brown at no charge. Last year the Town budgeted for a 10% increase and was given an 18.7% increase. In 2009 the Town budgeted for a 12% increase in healthcare and was notified that a 17.4% increase would be allotted. Based on Brown & Brown's findings, restructuring of the health coverage may be recommended to lower the current coverage costs.

X. OPEN FORUM . Supervisor Udicious opened the floor and offered it for anyone who wished to address the Board.

EXECUTIVE SESSION

Being no comment from the audience, at 7:35 PM, Supervisor Udicious motioned to adjourn to Executive Session to discuss matters of a pending litigation and employee discipline. Councilman Knab seconded the motion.

Roll:

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

The Board reconvened and reopened the meeting at 8:02 PM.

Supervisor Udicious noted that three town board members are eligible to attend the New York City Association of Towns Conference in February 2009. Decisions on who will be attending should be established. Councilman Knab will be attending.

There being no further business, a motion was made by Councilman Knab and the meeting was adjourned at 8:02 PM by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci
Town Clerk