

RUSH TOWN BOARD
Minutes of January 14, 2009
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 January 14, 2009, 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
	Frank Pavia	-----	Attorney for the Town

OTHERS PRESENT: David Vaughn, Resident
 Richard Spencer, Resident
 William Gaffney, 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.

Richard Spencer requested status of the Rush Deli & Market purchase. Supervisor Udicious remarked that the potential buyers, who own the Valero station on Rush-Lima Road, have conducted a Phase II study. Results of the study will provide any contamination level and set a course of action in the purchase of the property.

Mr. Spencer further asked whether or not the town was assisting potential purchasers in facilitating COMIDA (County of Monroe Industrial Development Agency) proceedings.

II. APPROVAL OF MINUTES . December 10, 2008

RESOLUTION #69-09

Councilman Knab moved that the Minutes of December 10, 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 MINUTES . December 29, 2008, Organizational Meeting

RESOLUTION #70-09

Councilman Anderson moved that the Organizational Minutes of December 29, 2008, meeting be approved as submitted. Councilman Knab seconded the motion.

Roll:

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

IV. APPROVAL OF TRANSFER

RESOLUTION #71-09

Councilman Anderson, be it resolved, that having audited all the unexpended balances of existing appropriations, unreserved fund balance or unanticipated revenues against the General, Highway, and Library funds, moved that all transfers in the amount of \$27,717.20 be allowed for Transfers #1 through #17, #1A and #2A.

Transfer from the unexpended balance of an existing appropriation'(s).

General Fund

Transfer Number	Decrease Appropriation			Increase Appropriation	
	<u>Amount</u>	<u>Account</u>	<u>Description</u>	<u>Account</u>	<u>Description</u>
1	129.51	A-1310.2	Finance	A-1310.1	Finance
			Capital Outlay		Personal
			Transfer to cover leap year		Services
2	10.79	A-1310.2	Finance	A-1340.1	Budget
			Capital Outlay		Personal
			Transfer to cover leap year		Services
3	17.80	A-3410.4	Fire Marshal	A-3410.1	Fire Marshal
			Contractual		Personal
			Transfer to cover leap year		Services
4	9.16	A-3510.4	Dog Control	A-3510.1	Dog Control
			Contractual		Personal
			Transfer to cover leap year		Services
5	72.46	A-7020.1	Recreation	A-3620.1	Code
			Personal Services		Enforcement
			Transfer to cover leap year		Personal
6	2.73	A-7020.1	Recreation	A-3640.1	Disaster
			Personal Services		Coordinator
			Transfer to cover leap year		Personal
7	1.00	A-8020.4	Planning	A-8020.1	Planning
			Contractual		Personal
					Services

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8	Transfer to cover budget rounding error				
	699.44	A-1355.4	Assessment Contractual	A-1355.1	Assessment Personal Services
9	Transfer to cover special project work by Deb Curran				
	541.30	A-1220.4	Supervisor Contractual	A-1010.4	Town Board Contractual
10	Transfer to cover Continuing Education- NYC				
	22.53	A-5132.4	Garage Contractual	A-5010.4	Highway Administration Contractual
11	Transfer to cover slight overage				
	72.14	A-5132.4	Garage Contractual	A-5410.4	Sidewalks Contractual
	Transfer to cover slight overage				

Highway Fund

Transfer Number	Decrease Appropriation			Increase Appropriation	
	<u>Amount</u>	<u>Account</u>	<u>Description</u>	<u>Account</u>	<u>Description</u>
12	20,136.99	DA-5148.1	Services to Other Govt Personal Services	DA-5130.1	Machinery Personal Services
			Transfer to cover final payroll costs		
13	4,261.60	DA-5140.1	Misc. Brush/Weeds Personal Services	DA-5142.1	Town Snow Removal Personal Services
			Transfer to cover final payroll costs		
14	377.00	DA-9060.8	Fringe Benefits Health Insurance	DA-9010.8	Fringe Benefits State Retirement
			Transfer to cover final flex medical costs		
15	54.66	DA-5140.4	Misc. Brush/Weeds Contractual	DA-5142.4	Town Snow Removal Contractual
			Transfer to cover slight overage		
16	211.53	DA-5140.4	Misc. Brush/Weeds Contractual	DA-5148.4	Services to Other Govt Contractual
			Transfer to cover slight overage		

Library Fund

Transfer Number	Decrease Appropriation			Increase Appropriation	
	<u>Amount</u>	<u>Account</u>	<u>Description</u>	<u>Account</u>	<u>Description</u>
17	156.56	L-7410.1	Library Personal Services	L-7410.4	Library Contractual
			Transfer to cover final contractals		

Appropriation of unreserved fund balance or unanticipated revenues

General Funds		Increase Revenue/ Decrease Fund Balance		Increase Appropriation	
Transfer					
Number	Amount	Account	Description	Account	Description
1	800.00	A-3089	Other State Aid	A-1110.2	Court Capital Outlay
			Reflect Justice Court Grant for Video Equipment		
2	140.00	A-3089	Other State Aid	A-1110.4	Court Contractual
			Reflect Justice Court Grant for Video Equipment		

Roll:

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

**V. APPROVAL OF ABSTRACT
RESOLUTION #72-09**

Councilman Anderson moved Be It Resolved, that having audited all the claims against the funds listed on Abstract #1-1 in the amount of \$200,029.52 be allowed for vouchers #1 through #66.

Roll:

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

VI. CORRESPONDENCE

A. Annual Zoning Board of Appeals Report . Zoning Board Chairman Donald Van Lare submitted a report that all members have completed the required course training. During 2008, six zoning applications were processed. Mr. Van Lare provided a list of continued items to be addressed in 2009 and the recommendation of in-house workshops for revisions of the current Town of Rush Zoning Code.

B. Zoning Board of Appeals Opening . Dan Taylor resigned from the Zoning Board effective December 31, 2008. The Town Board will be conducting interviews for that position.

C. Letter from Resident James Bucci . Requesting a response to a petition submitted to the Town Board requesting a change to the Town Code, §120.57 Required Off-street Parking (G). Attorneys for the town will respond to the request.

VII. REPORTS OF OFFICERS AND COMMITTEES

A. Damming of Ice on Building . Councilman Knab reported that the ice cables in place burned out causing water leaks in the Library. The gutters have been cleaned and new ice cables installed. Renovation of the area is the Town's top priority for the spring of 2009.

B. Wine Tasting Event - Councilman Doupe stated that the Library's Wine Tasting Event is scheduled for February 7, 2009, at the Rabbit Room in Honeoye Falls. Tickets for purchase are available in the Library, \$30/each, \$50/couple.

C. Association of Towns Training . Clerk Bucci announced that the 2009 Association of Towns Training and Meeting will be held February 15 through 18, 2009, at the Hilton New York & Towers, New York, New York.

D. Copier Upgrade . Clerk Bucci reported that the lease on the Toshiba copier would be renewed at a lower payment and would include additional upgraded features.

VIII. OLD BUSINESS

A. Cell Tower Lease Agreement . Crown Castle International has submitted a proposal to co-locate Verizon Wireless on the town's cell tower. Supervisor Udicious is awaiting a response regarding payment of reasonable attorney fees and actual monthly income. All other town requests of the contract have been met.

B. Proposal from Steven Connors American Legion Post - The membership voted to let the corporation make a proposal to the Town for transfer of ownership.

Supervisor Udicious stated that the Town of Parma Legion Post transferred their ownership to the Town of Parma and it is beneficial for both parties. Attorney Pavia will review the Town of Parma's agreement. Attorney Pavia stated that legally, the town has the discretion to accept the property as a gift with Legion use. Supervisor deferred further discussion and/or decisions to the next town board meeting.

C. Status of 100 acres of State Property in regard to Town's intent to acquire . Supervisor Udicious stated that the Town was previously approached by the National Railway Historic Society to purchase the land for their benefit. In order to purchase undeveloped land, Attorney Pavia recommended a site inspection Phase I study be done. Councilman Anderson added that purchasing the property, which is an integral part of the great lakes system, would give the Town more eligibility for related grants.

Supervisor Udicious will contact the National Railway Historic Society requesting a sharing of cost for a Phase I Study.

RESOLUTION #73-09

Councilman Knab made a motion that Supervisor Udicious enter into an agreement to proceed with a Phase I Study on the National Railway Historic Society's interested 100 acres of state property. Councilman Anderson seconded the motion.

Roll:

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

D. Rush Dam Repair Report - As previously discussed, the Town has been awarded a total of \$160,000 in funding for the dam repair. Forty-thousand dollars of the funds are unrestricted monies being detained in Albany. A detailed report of the completed work on the dam is done. Currently, the initial cost of the work has decreased from approximately \$186,000 to \$176,000. Additional funding will be sought for a more permanent repair through the Federal Emergency Management Agency (FEMA).

E. Brown & Brown Insurance Agreement . Review of healthcare and insurance agreement. Attorney Pavia has reviewed the contract.

RESOLUTION #74-09

Councilman Knab made a motion to authorize Supervisor Udicious, with attorney approval, to sign the Brown & Brown contract for a review of our current healthcare and insurance costs and make recommendations for changes resulting in savings to the town. Councilwoman Sluberski seconded the motion.

Roll:

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

F. Insurance Renewal 2009 . In 2008, insurance provided by Cedarwood Insurance Partners cost \$51,144.00. The town cost for insurance, provided by Cedarwood Insurance Partners for 2009 is \$49,722.00.

RESOLUTION #75-09

Councilman Donald Knab made a motion to authorize Supervisor Udicious to enter into an agreement with Cedarwood Insurance Partners for the 2009 annual cost of \$49,722.00. Councilman Doupe seconded the motion.

Roll:

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

IX. NEW BUSINESS

A. Community Development Block Grant (CDBG) . Councilman Anderson and Supervisor Udicious attended a meeting regarding CDBGs. The Town of Rush is only classified in receiving American Disabilities Act (ADA) compliant monies. The Town recognizes that indoor handicap accessible doors within the town hall, library and restrooms are needed. The Supervisor will be meeting with Imperior Doors for an estimated cost. Other ADA compliant suggestions were requested.

Councilman Anderson also learned that individuals are eligible for the Monroe County Home Ownership program administered by Provident Housing Development Corporation. A set of criteria will be published in the February/March Town Newsletter.

B. Joint Workshop Meeting of Town, Planning, Zoning and Conservation Boards to discuss Planned Unit Development (PUD) and the Town Sign Ordinance . A meeting of the boards of the Town has been scheduled for Saturday, January 31, 2009, 9 AM . 12 PM in the meeting room at the Town Hall, 5977 East Henrietta Road. The purpose of the meeting is to review and develop a plan, based on the Planning Board recommendation, for a Planned Unit Development Plan for the Town of Rush. The Sign Ordinance has been reconstructed by the Attorneys for the Town based on input from all boards of the town.

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

XI. EXECUTIVE SESSION

Supervisor Udicious made a motion to adjourn to executive session at 7:50 PM to discuss an employee pay matter. The motion was seconded by Councilman Knab.

Roll:

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

On the motion of Supervisor Udicious, the meeting was returned to regular session at 8:05 PM.

There being no further business, a motion was made by Councilman Knab and the meeting was adjourned at 8:06 PM by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci
Town Clerk