

RUSH TOWN BOARD
Minutes of January 28, 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 28, 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
	Chuck Steinman	----	Attorney for the Town
OTHERS PRESENT:	Alan Gordon	----	Resident
	Mike Quinlan	----	Resident
	Kirsten Flass	----	Library Director, 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.

Alan Gordon received a code violation notice from the Town which he questioned. Mr. Gordon noted that there are other violations in his surrounding neighborhood area that he believes should also be addressed. Mr. Gordon asked whether an unlicensed vehicle on a licensed car trailer was a code violation. Supervisor Udicious noted that Mr. Gordon previously produced numerous pictures of possible violators within the town for the Code Enforcement Officer (CEO) to follow-up on. Of all pictures submitted, all but 4 were already addressed by the CEO. Supervisor Udicious stated that all code violation letters sent to residents request that they contact Gerald Kusse, Code Enforcement Officer regarding remedies or circumstances of the violation.

Mike Quinlan requested the status of the petition submitted relating to a change to the Town Code, §120.57 Required Off-street Parking (G). Councilmen Knab and Anderson stated that possible changes to the code require the Town Board to schedule a notice of public hearing so that all residents have an opportunity to speak. After review of the documentation, the attorneys for the town will notify the Town Board of action required.

II. APPROVAL OF MINUTES – January 14, 2009

Supervisor Udicious stated that the town's server is being repaired, therefore, the January 14, 2009, Minutes will be available at the next scheduled meeting.

III. APPROVAL OF TRANSFER

BUDGET TRANSFERS 1/28/2009 - 2009 FUNDS

Appropriation of unreserved fund balance or unanticipated revenues

General

Funds

Increase Revenue/Decrease Fund Balance

Transfer

Increase Appropriation

Number	Amount	Account	Description	Account	Description
3	248.00	A-9040.8	Fringe Benefits	A-9060.8	Fringe Benefits
			Workers Compensation		Health Insurance
			Transfer to Cover Excellus Rate increase		
4	7.73	A-9055.8	Fringe Benefits	A-9060.8	Fringe Benefits
			Disability		Health Insurance
			Transfer to Cover Excellus Rate increase		
5	2,463.00	A-9010.8	Fringe Benefits	A-9060.8	Fringe Benefits
			State Retirement		Health Insurance
			Transfer to Cover Excellus Rate increase		

Highway Fund

Transfer

Decrease Appropriation

Increase Appropriation

Number	Amount	Account	Description	Account	Description
6	1,168.00	DA-9040.8	Fringe Benefits	DA-9060.8	Fringe Benefits
			Workers Compensation		Health Insurance
			Transfer to Cover Excellus Rate increase		
7	2.32	DA-9055.8	Fringe Benefits	DA-9060.8	Fringe Benefits
			Disability		Health Insurance
			Transfer to Cover Excellus Rate increase		
8	2,920.00	DA-9010.8	Fringe Benefits	DA-9060.8	Fringe Benefits
			State Retirement		Health Insurance
			Transfer to Cover Excellus Rate increase		

Library Fund

Transfer

Decrease Appropriation

Increase Appropriation

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Number	Amount	Account	Description	Account	Description
9	34.00	L-9040.8	Fringe Benefits	L-9060.8	Fringe Benefits
			Workers Compensation		Health Insurance
			Transfer to Cover Excellus Rate increase		
10	6.84	L-9055.8	Fringe Benefits	L-9060.8	Fringe Benefits
			Disability		Health Insurance
			Transfer to Cover Excellus Rate increase		
11	540.00	L-9010.8	Fringe Benefits	L-9060.8	Fringe Benefits
			State Retirement		Health Insurance
			Transfer to Cover Excellus Rate increase		

RESOLUTION #76-09

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 \$7,389.89 be allowed for Transfers #3 through #11. Councilman Doupe 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 #77-09

Councilman Anderson moved Be It Resolved, that having audited all the claims against the funds listed on Abstract #1-1 in the amount of \$55,233.35 be allowed for vouchers #67 through #117. Councilman Knab seconded the motion.

Roll:

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

V. CORRESPONDENCE - None to Report.

VI. REPORTS OF OFFICERS AND COMMITTEES

A. Building Report – Councilman Knab reported that the Library Director, Supervisor and Architect continue to review the roof water leaks that have been occurring and corrective action is being taken.

B. Finger Lakes Building Officials Association (FLBOA) Conference – Councilman Knab requested the Board's authorization to attend the FLBOA Conference in March 2009 for a cost of \$300.00.

RESOLUTION #78-09

Councilman Doupe made a motion to authorize Councilman Knab's attendance at the 2009 Finger Lakes Building Officials Association Conference and that a registration fee of \$300.00 be allowed. Councilman Anderson seconded the motion.

Roll:

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

C. Farmland Preservation Committee Report - Councilman Anderson stated that the Farmland Preservation Committee applied to the State for a farmland protection planning grant. The Town has been informed that due to budget cutbacks in the New York State budget, a final determination of grant distribution monies is not currently available.

D. Wine Tasting Event - Library Director Kirsten Flass reminded all that the Library's Wine Tasting Event is scheduled for February 7, 2009, at the Rabbit Room in Honeoye Falls.

E. Handicapped Accessible Doors – Although the Town meets ADA (Americans with Disability Act) compliancy, additional enhancements have been suggested. Supervisor Udicious met with Imperial Door to inspect the buildings and provide additional options for providing handicapped accessibility within the town hall and library. A quote from Imperial Door has been received for the lower level restroom doors to become handicapped accessible and installation of a hallway telephone. Many features and controls were discussed. A community development block grant application request will be submitted before the due date of February 13, 2009.

F. Sale of Hart's Field – Supervisor Udicious will contact a realtor to list again Hart's Field for sale.

VII. OLD BUSINESS

A. Proposal from Steven Connors American Legion Post - All town board members have reviewed the Town of Parma agreement relating to Parma's American Legion Post transfer. Councilman Anderson suggested that rental fees not be included in the Town of Rush agreement. Attorney for the town will draft a resolution to acquire the American Legion Post property no sooner than 2010. Details of rental income generated and expenditures are to be collected for review.

B. Status of 100 acres of State Property in regard to Town's intent to acquire – Supervisor Udicious stated that Jeremy Tuke of the National Railway Historic Society Board of Trustees will be responding to the Town's offer of sharing the Phase I study cost.

RESOLUTION #79-09

Councilman Anderson made a motion to authorize the expenditure of \$1,200.00 for a Phase I Study of the 100 acres of state property requested by the National Railway Historic Society. Councilman Doupe seconded the motion.

Roll:

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

VIII. NEW BUSINESS

A. Delegate for the Annual Association of Towns

RESOLUTION #80-09

Supervisor Udicious made a motion to authorize Councilwoman Sluberski as the delegate and Councilman Doupe as the alternate for the Town of Rush at the Annual Association of Towns Training and Meeting on February 15 through 18, 2009. Councilman Knab seconded the motion.

Roll:

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

B. Annual Audit of Court Records & Dockets (required by Section 2019-a of the Uniform Justice Court Act) – Councilmen Knab and Doupe have volunteered to perform the audit of the court records and dockets. Councilman Doupe stated that audits of the court records performed in the past by town board members do meet the New York State audit requirement.

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

Alan Gordon indirectly responded to the Code Enforcement Officer's letter of violation indicating that the vehicle in question would be registered either the next day or soon thereafter.

Councilman Knab informed Mr. Gordon that an unregistered car on or off a registered trailer is in violation of Town Code.

X. EXECUTIVE SESSION

Supervisor Udicious made a motion to adjourn to executive session at 7:50 PM to discuss a potential litigation case and a personnel matter.

On the motion of Supervisor Udicious, the meeting was returned to regular session at 8:35 PM.

XI. NEW BUSINESS Continued

C. Zoning Board of Appeals decision

RESOLUTION #81-09

Councilman Knab made a motion to direct the Attorney for the Town to correspond with the Zoning Board of Appeals in regards to a decision made on December 11, 2008, involving the installation of outdoor furnaces. Councilman Anderson seconded the motion.

Roll:

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

D. 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. It is hoped that the outcome of having all boards meet on the PUD will be that the Town Board be in a position to call a public hearing. Councilman Anderson will facilitate the joint workshop meeting.

There being no further business, a motion was made by Councilman Knab and the

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meeting was adjourned at 8:45 PM by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci
Town Clerk