

RUSH TOWN BOARD
Minutes of May 13, 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 May 13, 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:	Charles Luft	----	Resident
	Kirsten Flass	----	Library Director, Resident
	Joseph Schutt	----	Henrietta Resident
	Dick Andrews	----	Resident
	Bill Riepe	----	Resident
	Dan Woolaver	----	Resident
	Sue Woolaver	----	Resident
	Bob King	----	Resident
	Steven King	----	Highway Superintendent, Resident

I. OPEN FORUM –Mr. Udicious offered the floor for those present to address the board.

Charles Luft voiced his concerns of an event occurring at 6970 East River Road in July of 2010. Code Enforcement Kusse has previously investigated Mr. Luft's concerns. He has also apprised the Town Board of his discussions with Mr. Haran, the lead spokesperson for the congregation. Superintendent King will consult with Mr. Haran regarding the hauling of soil to the premises. Supervisor Udicious will advise the appropriate agencies of the event so that safety precautions are met.

Supervisor Udicious advised all present that Rules and Procedures for Town Board meetings were located at the side sign-in table.

II. APPROVAL OF MINUTES – April 22, 2009

RESOLUTION #99-09

Councilman Knab made a motion to approve the April 22, 2009, Minutes as written. Councilman Anderson seconded the motion.

Roll:

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

III. APPROVAL OF TRANSFER

Transfer #	Decrease Appropriation			Increase Appropriation	
	Amount	Account	Description	Account	Description
17	77.10	A-1355.1	Assessor Personal Svcs.	A-1401.1	Engineer Personal Svcs.
Transfer to cover Greenway final submission					
18	54.47	A-1310.4	Finance Contractual	A-1972.4	Taxes pd for cable franchise contractual
Transfer to cover slight increase in cable taxes					
19	4.98	A-5010.4	Highway Contractual	A-5010.2	Highway Superintendent Capital Outlay
Transfer to cover slight overage in Office Equipment					

RESOLUTION #100-09

Councilman Anderson, Be It Resolved, that having audited all the unexpended balances of existing appropriations, unreserved fund balance or unanticipated revenues against the General funds, moved that all transfers in the amount of \$136.55 be allowed for Transfers #17 through #19. Councilwoman Sluberski 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 #101-09

Councilman Anderson moved Be It Resolved, that having audited all the claims against the funds listed on Abstract #5-1 in the amount of \$33,870.69 be allowed for vouchers #432 through #535. Councilman Knab seconded the motion.

Roll:

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

V. CORRESPONDENCE

A. Town Justices concerns regarding pending Legislation in the Assembly and Senate - In New York State, town justices are not required to be lawyers. The pending legislation would give criminal defendants the right to petition the court to be tried before town justices only who are NYS lawyers. Supervisor Udicious contacted Senator James Alesi who submitted a letter of objection to the bill and urged them to continue with the current town justice court system related to the issue.

B. Honeoye Falls No. 6 Road Survey work – Monroe County Department of Transportation, through an independent company, will be conducted a routine survey to determine the necessity of a culvert replacement.

C. Request for Change in Zoning Board Code, §120-57 – The Zoning Board is opposed to the code change. The Planning Board requested reference to other town codes. The Clerk's Office provided copies of surrounding town codes in reference to parking of outdoor recreational vehicles on property to both the planning and town board members.

VI. REPORTS OF OFFICERS AND COMMITTEES

A. Building Repair, Maintenance & Future Projects - Councilman Knab reported that a survey was performed on the sprinkler and electrical systems, indicating repair work to be done on both. Once the scope of work to be done on the water infiltration in the basement area is determined, a remedy will be proposed. The library roof leak problems have been identified and a determination on the project's specifics will be charted out. Previous repairs on the town hall front step have been unsuccessful and a solution is yet to be determined.

In Mr. Tracy's absence, Mr. Knab stated that he had spoken to the Mayor of Honeoye Falls regarding point of distribution (POD) and resources that will be provided. Fire Marshal Rick Tracy, Code Enforcement Gerry Kusse and Councilman Don Knab attended the oil, gas and pipeline distribution hazards training.

B. Greenway Project Update - Councilman Anderson has mailed the final diskette on the greenway project which required for the town's \$38,000 grant. Chapters 1-3 are available on the website for comment. Chapters 4-6 will be available at a later date. Open greenway project meetings will continue.

C. Recreation - Councilwoman Sluberski noted that the Recreation Department is offering a Defensive Driving class.

D. Town Hall Park - Highway Superintendent Steve King reported on the Town Hall Park progress. Bridges will be shortly installed. Mr. King will inspect 6970 East River Road regarding the reported hauling of dirt.

E. Tea Party Fund-Raiser - Library Director Kirsten Flass reported that the Library had a successful fund-raiser Tea Party at the Legacy in Henrietta on Saturday, May 9th. The gazebo landscaping is being done and benches put in place.

F. Resignation - Town Clerk Pamela Bucci received a Letter of Resignation from Assessor Kevin Quinlan, effective July 2, 2009.

G. Passports – Town Clerk Bucci attended the Association of Towns Town Clerk and Tax Collectors meeting in Rochester and stated that the US Passport Service is launching a new on-line passport training session in June and she is continuing her pursuit in providing passport services to Rush residents.

H. Copy Charges - According to the Rush Town Code and NYS Department of State, allowable copying charges for individual copies made in the Town Clerk's Office cost 25 cents each. As of June 1, 2009, the Clerk's Office will charge 25 cents per copy.

VII. OLD BUSINESS

A. Court Audit Report – Councilman Knab stated that the report is complete and recommendations have been made. The report will be discussed at the next meeting.

B. Agreement to Spend Town Highway Funds – Highway Superintendent King proposed spending town funds to be used on general repairs and improvements on Aprille Lane, Hanlon Drive and Pleasant Drive.

Councilwoman Sluberski questioned the cost difference between Aprille Lane and Pleasant Drive, covering the same amount of road. Highway Superintendent King responded that all roads have their own characteristics, warranting different materials to be used costing different amounts.

RESOLUTION #102-09

Councilman Knab made a motion authorizing the Highway Superintendent to expend funds in the amount of \$29,470.00 as detailed in the Agreement to Spend Town Highway Funds dated May 13, 2009. 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. Agreement to Complete Work Involved in the Year 2010 Reassessment Project – Assessor Kevin Quinlan presented an Agreement for approval of the Board. Mr. Quinlan cautioned that without the agreement, the town would not be eligible to receive State aid which is \$5.00 per parcel. Also, if the equalization rate falls below 95%, it will not receive state aid. The agreement continues through 2013 and must be done every three years. Mr. Quinlan suggested signing the agreement but requested that the agreement signature be deferred for the new assessor's.

Since there is no specified date, Attorney Frank Pavia recommended deferring the assessor's signature until the next town board meeting.

B. CDBG (Community Development Block Grant) for ADA door openers on Town Hall restrooms – A grant application for ADA compliant restroom doors has been submitted to Monroe County.

C. Rush Library Sign Lighting – The Board is awaiting a soffit lighting estimate to illuminate the Library sign affixed to the building.

A further request will be made to the NYSDOT for a Rush Public Library sign affixed to the existing state road sign.

D. Request for FEMA Funds for Updating Dam to Current Standards – Councilman Anderson was successful in getting money to stabilize the dam. We currently need additional structural work to further protect possible downstream fall-out. The Town is working in cooperation with the Monroe County Emergency Preparedness Office to proceed with a request for additional funding.

Supervisor Udicious stated that in 2004 a study conducted showed that on an overage 10,000 cars cross the Route 15A bridge daily. The cost of replacing the bridge and the detour of traffic around the bridge would be very costly.

E. Wood Waste Agreement - Supervisor Udicious requested the Board review the agreement. Proposal provides for Niagra Generation chipping and hauling of brush from Rush. Currently, it costs the town \$7,700.00-\$12,000.00 for one chipping/year.

F. Sale of Town Property – The Town has received a Purchase and Sale Contract of Hart's Field, 18.72 acres. Councilman Knab noted that there is a five day Attorney Approval.

RESOLUTION #103-09

Councilman Knab moved that after the town attorney's review and amendments of the Purchase and Sale Contract of Hart's Field, the contract be forwarded to the Supervisor for signature. Councilman Anderson seconded the motion.

Roll:

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

Councilman Anderson stated that the property has been on the market for 2 years and meets the sale requirements set by the town.

RESOLUTION #104-09

Councilman Anderson moved that the Supervisor, after the town attorney's approval, be empowered to enter into an agreement for the sale of the property located at Hart's Field. Councilman Knab seconded the motion.

Roll:

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

IX. OPEN FORUM:

William Riepe noted that it is not as easy to hear discussions of the board sitting in the back of the meeting room as well as hearing discussions when sitting in the front of the room.

Dick Andrews asked Councilwoman Sluberski why she voted nay on the last 2 resolution items regarding the sale of Hart's Field. He added that selling the property would put money back into the tax roll.

Councilwoman Sluberski stated that the property should remain town property because it has been used in the past by church softball teams. If a little effort was put into it, the property could be used by the community.

Supervisor Udicious added that the proceeds obtained in the sale of the property must specifically be used for recreational purposes. The intent is to use the proceeds for the development of recreational property in the hamlet.

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

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meeting was adjourned at 8:00 PM by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci
Town Clerk