

RUSH TOWN BOARD  
Minutes of June 10, 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 June 10, 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:	Dave Sluberski	----	Resident
	Kirsten Flass	----	Resident
	Dan Woolaver	----	Resident
	Sue Woolaver	----	Resident
	Irv Simmons	----	Resident
	David Vaughn	----	Resident

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

Dave Sluberski commented that honoring the Eagle Scout achievers in the town newsletter was commendable and he asked if that would be a common newsletter occurrence. Supervisor Udicious responded that it was his intent. Further, to date all Eagle Scout achievers have received a letter of recognition and certificate of accomplishment from the town.

Mr. Sluberski asked if the dam work was complete and who regulates the water flow. Mr. Udicious stated that the emergency dam work has been completed and funded. Mr. Anderson added that the additional funding is being sought and further permanent work on the dam would require de-watering it. The gate is currently out and will be replaced to bring the water back up if funding is not available this year.

Mr. Sluberski asked that as the town recreational facilities area being developed, who will be able to use it and will everyone have to sign up for its use. Councilman Anderson stated that until the town has a pavilion to rent, it is a mute point. The board will have further discussion on the topic as the plan progresses.

Jack Mould walked the newly built walking path across the bridge and noted his surprise in the property size. Supervisor Udicious commented that when the town purchased the acreage, there was an additional odd piece of property owned by 34 individuals. An offer was made to each individual for their piece of the property, however, some individuals donated their share to the town for recreational use. Fencing will be installed to define the property boundaries along the back of the property.

## II. APPROVAL OF MINUTES

### **RESOLUTION #109-09**

Councilman Knab made a motion to approve the May 27, 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 ABSTRACT

### **RESOLUTION #110-09**

Councilman Anderson moved Be It Resolved, that having audited all the claims against the funds listed on Abstract #6-1 in the amount of \$64,414.44 be allowed for vouchers #596 through #647. Councilman Doupe seconded the motion.

Roll:

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

## IV. CORRESPONDENCE

A. E-Mail Memorandum from Recreation Supervisor regarding her positive opinion and the sale of Hart's Field dated 5/8/09 and Monthly Report of 6/8/09.

B. Kevin Quinlan's Recommendation Letter – Mr. Quinlan submitted a letter of support for Deb Curran, the current Assessor's Clerk, to fill his position of Assessor upon his retirement of July 2, 2009.

Supervisor Udicious stated that one application has been received for the Assessor's position. An additional advertisement is requested by the board, posting it in an additional paper and on a website and or the State Association of Assessor's posting area.

**RESOLUTION #111-09**

Councilman Knab made a motion authorizing an additional advertisement of the Assessor's position be placed in The Sentinel newspaper and on the NYS Association of Assessor's website with a return date to the Town Clerk of July 31, 2009. Councilman Anderson seconded the motion.

Roll:

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

C. Bid Comparison for Pavilion – A formal bid opening was done on Monday, June 8<sup>th</sup> at the Rush Town Offices, 5977 East Henrietta Road, at 2 PM with 5 companies bidding in phases including a site utility phase. The architect will make a recommendation. The town may request the town highway department perform the utility portion of the construction. Further discussion will take place. Money is not available for the entire pavilion project.

D. Community Mini-Grant – Recreation Supervisor Patricia Stephens received a response to her grant request from the Greater Rochester Health Foundation authorizing \$2,680 to the Town of Rush Recreation Department for the purpose of promoting healthy lifestyles for the Town of Rush children.

**RESOLUTION #112 -09**

Councilman Knab authorized the Supervisor to sign the Grant Agreement with the Greater Rochester Health Foundation for Healthy Lifestyles for Town of Rush Children in the amount of \$2,680 pending attorney review and approval. Councilman Doupe seconded the motion.

Roll:

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

**V. REPORTS OF OFFICERS AND COMMITTEES**

A. Councilman Anderson met with Larsen Engineering and Monroe County Department of Emergency Management in reference to the mitigation grant from FEMA (Federal Emergency Management Administration). The town's objective is to repair the dam and to eliminate downstream hazards. If the dam were to collapse, it would cost \$2.3 million to replace the bridge, cause a 10 mile detour for approximately 3 months, interfere with 262 acres of land in the flood plain between

Route 15A and the Genesee River and affect 4.2 miles of linear trail including 3 railroads.

B. AED (Automated External Defibrillator) Signage – Councilwoman Sluberski suggested additional signage for the AED. Supervisor Udicious stated that Fire Marshall Rick Tracy has been discussing that signage. Councilwoman Sluberski will contact Fire Marshall Tracy on the status. Training on the AED has been offered and staff members have participated.

C. Status of Town Walking Trail - The trail is 95% complete. No bicycles or motorized vehicles will be permitted on the walking trail.

VI. OLD BUSINESS

A. 100 Acre Office of General Services ("OGS") Parcel – Phase II Environmental Study – The town has signed a contract with LaBella Engineering to perform a study at a reduced cost.

B. Legislation to End Unfair Double Recoveries Against Public Employers – The attorneys have reviewed the legislation and approve of its wording.

**RESOLUTION #113-09**

Supervisor Udicious moved to support Bill S.4080-A by Senator Schneiderman and A.7504 by Assemblyman Weinstein,

WHEREAS, under current state law, public employees hurt on the job are paid twice, both times out of the taxpayers pocket for the same lost future earnings; and

WHEREAS, there is a bill proposed by the NYS Trial Lawyers Association has not been introduced in Legislature (S.4080-A by Senator Schneiderman/A.7504-A by M. of A. Weinstein) which, in addition to ending the unfair double recoveries against public employers, it removes an impediment to the settlement of tort actions; and

WHEREAS, the bill would protect all parties in the lawsuit ( including public employer defendants) who settle the case from then being subjected to a claim by a health benefit provider or other collateral source payor for reimbursement of monies paid to the plaintiff unless there is a statutory right to such reimbursement, thereby encouraging settlements;

NOW, THERFORE, BE IT RESOLVED, that the Town of Rush Town Board supports these bills and urges our lawmakers to vote these into law; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to peter J. Kiernan, Counsel to the Governor; New York State Senate Majority Leader Malcolm

A. Smith,; New York State Assembly Speaker Sheldon Silver; Senator James Alesi; Assemblywoman Susan John; and Barry P. Schwartz , Senior Counsel, New York City Law Department.

Councilwoman Sluberski seconded the motion.

Roll:

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

Supervisor Udicious will forward a copy of the resolution to the appropriate parties.

C. Stevens-Connor American Legion Post Property Offer – Repair and alteration costs have been prepared by Architect Majed El Rayess. Bringing the building to code compliancy for a public facility, including prevailing wages is much more costly than updating a private building. Further comparison will be made before a decision is made. Councilman Knab requested sharing, confidentially, the cost estimate with the American Legion President William Gaffney. Attorney Steinman will forward a non-disclosure agreement to the supervisor for distribution to the board and town clerk.

D. Town Service Recognition – Adopting Years of Service Recognition was considered.

#### **RESOLUTION #114-09**

Councilman Doupe made a motion to recognize longevity of employment to the Town of Rush for 20 years and additional increments of 5 years by resolution and Certificate of Completion given by the Town Board. Councilman Knab seconded the motion.

Roll:

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

E. Wood Waste Agreement – Highway Superintendent King entered into a contract with Zoladz Construction Company for wood chipping services. Although wood chips will no longer be available to the public from the transfer station, the town will save approximately \$10,000 per year.

F. Assessor's Office Furniture – The board reviewed the assessor's clerk area and discussed the necessity for change and an additional furniture purchase.

Although modifications may be needed, at this time budget constraints are a concern.

**RESOLUTION #115-09**

Councilman Knab moved that the assessor's clerk officer furniture purchase be denied. Councilman Doupe seconded the motion.

Roll:

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

VII. NEW BUSINESS

A. Employee Health Care Plan – Brown & Brown, at no charge, studied the town's health care plan for price comparisons. After review by the board, modifications were made and the board decided on a cost-savings plan, Healthy Blue 25/40 and Blue Choice Optimum Medicare Advantage 10/30/50 Drug. Employees affected are (1) Active full-time (2) Retired not Medicare aged (3) Retired, Medicare aged. Additionally, Brown and Brown recommends full-time employees be given an opt-out of coverage plan. The town is proposing \$1,300 opt out coverage plan for anyone not signing up for the Healthy Blue 25/40 plan.

**RESOLUTION #116-09**

Councilman Knab moved to approve the adoption of the Healthy Blue PPO 25/40 Co-Pay Plan for full-time and retired employees and the Opt-Out Plan in the amount of \$1,300 for full-time town employees effective August 1, 2009. Councilman Doupe seconded the motion.

Roll:

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

A meeting with Brown & Brown has been scheduled for June 18, 2009, to discuss the Healthy Blue PPO 25/40 Plan with affected full-time employees. Supervisor Udicious stated that the employee cost sharing percentage: 10% employee share and 90% town share will remain in effect.

Councilman Knab suggested updating the Employee Manual to reflect the health benefit changes. Supervisor Udicious stated that the Employee Manual verbiage states that the Town Board may make changes in healthcare programs, however, the Manual will be updated, if necessary.

The Board received a Certificate of Support requesting the Board's signature, from Flexcare, Inc., who is currently working to pass Assemble Bill 2246 and Senate Bill 5080 which will provide an exception to the health insurance community rating laws for municipalities with under 50 employees the option of joining together for the purpose of buying health insurance.

**RESOLUTION #117-09**

Councilman Knab made a motion to authorize the Supervisor to sign the Certificate of Support of Assemble Bill 2246 and Senate Bill 5080 on behalf of the Rush Town Board. Councilman Anderson seconded the motion.

Roll:

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

VIII. OPEN FORUM:

Dave Sluberski suggested that if the Assessor position deadline extends beyond July 31 that the opening should be included in the town newsletter. Supervisor Udicious agreed. Dave further suggested that the board contact persons that applied for the position in the past and inquire as to whether they are still interested. Town Clerk Bucci stated that resumes are filed for a period of 3 years and then shredded.

Mr. Sluberski asked for clarification of the chipping agreement and recommended that town employees not be involved in the process. Councilman Anderson stated that there is no additional cost to the town. The Highway Department will announce in the next town newsletter that chips are no longer available at a cost-savings to town tax papers.

Dave Sluberski asked whether the previous assessor authorized the design of the office and furniture being placed in it. Councilman Knab stated that at the time of the design of the town offices, all department heads gave input numerous times regarding their office space use and needs.

Jack Mould questioned whether or not Brown and Brown provided premiums. Councilman Knab noted that the Town Board would provide that information to Mr. Mould after the meeting.

Mr. Mould further asked if the American Legion Post would be purchased by the town and then rented back to the Post. Supervisor Udicious stated cost and data was being compiled and the Board was not ready to make a decision.

IX. EXECUTIVE SESSION

Supervisor Udicious made a motion to adjourn to executive session at 8:15 PM to discuss an attorney-client privilege matter.

On the motion of Supervisor Udicious, the meeting was returned to regular session at 8:30 PM.

There being no further business, a motion was made by Councilman Knab and the meeting was adjourned at 8:30 PM by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci  
Town Clerk