

RUSH TOWN BOARD
Minutes of June 24, 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 24, 2009, at the Rush Town Offices, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT: Richard Anderson ---- Councilman
 Thomas Doupe ---- Councilman
 Lisa Sluberski ---- Councilwoman
 William Udicious ---- Supervisor
 Pamela Bucci ---- Town Clerk
 Frank Pavia ---- Attorney for the Town

EXCUSED: Donald Knab ---- Councilman, Deputy Town Supervisor

OTHERS PRESENT: Dave Sluberski ---- Resident
 Gerry Kusse ---- Code Enforcement Officer,
 Resident

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

Dave Sluberski asked whether or not the town seal fell under public or town domain. Attorney Pavia will research.

II. APPROVAL OF MINUTES

RESOLUTION #118-09

Councilman Doupe made a motion to approve the June 10, 2009, Minutes as written. Councilman Anderson seconded the motion.

Roll:

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

III. APPROVAL OF ABSTRACT

RESOLUTION #119-09

Councilman Anderson moved Be It Resolved, that having audited all the claims against the funds listed on Abstract #6-2 in the amount of \$50,579.30 be allowed for vouchers #648 through #705. Councilman Doupe seconded the motion.

Roll:

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

At this point, Supervisor Udicious changed the Agenda sequence so that the Transfer of Funds would occur in the correct order.

IV. NEW BUSINESS

A. Selection of Contractor for Pavilion Project – Phase I will include restrooms and utilities to the building. The Tower Construction bid is \$149,000.00 which includes site utilities of \$18,500.00. The restroom portion will not include an entire concrete slab for the planned Pavilion portion of the building.

Supervisor Udicious stated that Phase II includes continuation of the concrete slab, entire roof and enclosure of space. Funding is not currently available for Phase II. Grant monies, recreation reserve fund and contingency monies will enable the town to complete Phase I. Councilman Anderson added that a portion of the cost for utility construction may be saved by having the highway department perform the work.

RESOLUTION #120-09

Supervisor Udicious motioned to approve the low bidder, Tower Construction, 14454 East County House Road, Albion, New York 14411 in the amount of \$149,000.00 for Phase 1, which includes site utilities of the Pavilion and ADA Compliant Facilities Project. Councilman Doupe seconded the motion.

Roll:

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

Supervisor Udicious stated that \$15,000.00 in contingency funds will be appropriated if necessary to complete Phase I.

Appropriation of unreserved fund balance or unanticipated revenues

General Funds		Increase Revenue/ Decrease Fund Balance		Increase Appropriation	
Transfer					
Number	Amount	Account	Description	Account	Description
32	48,000.00	A-2801	Interfund Revenue Recreation Reserve Transfer from Recreation Reserve	A-1620.22	Building Capital Outlay

RESOLUTION #121-09

Supervisor Udicious made a motion to authorize the transfer of funds from the Recreation Reserve Fund to the Building Capital Outlay in the amount of \$48,000.00. Councilman Anderson seconded the motion.

Roll:

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

V. TRANSFER OF FUNDS

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

General Fund

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
20	2,500.00	A-9060.8	Fringe Benefits Health Insurance Transfer to cover updated Retirement estimate	A-9010.8	Fringe Benefits State Retirement

Highway Fund

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
21	3,500.00	DA-9060.8	Fringe Benefits Health Insurance Transfer to cover updated Retirement estimate	DA-9010.8	Fringe Benefits State Retirement

Library Fund

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
22	700.00	L-9060.8	Fringe Benefits Health Insurance Transfer to cover updated Retirement estimate	L-9010.8	Fringe Benefits State Retirement

Appropriation of unreserved fund balance or unanticipated revenues

General Fund

Transfer Number	Amount	Decrease Fund Balance		Increase Appropriation	
		Account	Description	Account	Description
23	51,000.00	A-599	Appropriated Fund Balance Town Park 2009 Land work	A-1620.22	Building Capital Outlay
24	29,000.00	A-599	Appropriated Fund Balance Town Park 2009 fencing	A-1620.22	Building Capital Outlay

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

General Fund

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Transfer Number	Decrease Appropriation			Increase Appropriation	
	Amount	Account	Description	Account	Description
25	13,400.00	A-8160.4	Landfill Contractual Transfer to fund portion of pavilion	A-1620.22	Building Capital Outlay
26	10,000.00	A-1320.4	Audit Contractual Transfer to fund portion of pavilion	A-1620.22	Building Capital Outlay
27	10,000.00	A-1440.4	Engineering Contractual Transfer to fund portion of pavilion	A-1620.22	Building Capital Outlay
28	25,000.00	A-1990.4	Contingency Contractual Transfer to fund portion of pavilion	A-1620.22	Building Capital Outlay
29	3,300.00	A-9060.8	Fringe Benefits Health Insurance Transfer to fund portion of pavilion	A-1620.22	Building Capital Outlay

Appropriation of unreserved fund balance or unanticipated revenues

General Funds Transfer Number	Increase Revenue/ Decrease Fund Balance			Increase Appropriation	
	Amount	Account	Description	Account	Description
30	25,000.00	A-3097	Grant Revenue Capital Projects Record ADA Pavilion grant #1	A-1620.22	Building Capital Outlay
31	30,000.00	A-3097	Grant Revenue Capital Projects Record ADA Pavilion grant #2	A-1620.22	Building Capital Outlay

RESOLUTION #122-09

Councilman Anderson motioned BE IT Resolved, that having audited all the appropriations of unexpended, unreserved and unanticipated revenue balances of the GENERAL, HIGHWAY and LIBRARY funds, I move that all transfers from the unexpended balance of existing appropriations in the amount of \$185,400.00 be allowed for Transfers #20 through #31. Councilwoman Sluberski seconded the motion.

Roll:

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

VI. CORRESPONDENCE

A. Donald Van Lare, Zoning Board Chair, memo to the Town Board requesting zoning board member training credit for attendance at the meetings regarding the Town Sign Ordinance and Planned Unit Development. Memo will be

distributed to all board members for review and discussed at the July board meeting.

B. LaBella Engineers' letter involving the Phase II contract of the 100 acre parcel. The town highway department will be providing the digging associated with Phase II thus reducing the cost by \$300.00.

C. Town Attorney Charles Steinman's letter to Glenn Curran's attorney ? regarding property issues.

VII. REPORTS OF OFFICERS AND COMMITTEES

A. Rush Dam - Councilman Anderson met with Fred Rion, Associate Emergency Manager, Monroe County, continuing to secure additional funding for the Honeoye Falls Creek dam repair. Requests are being sought through the State Emergency Management Office (SEMO) and the Federal Emergency Management Agency (FEMA).

B. AED (Automated External Defibrillator) Signage – Councilwoman Sluberski discussed signage with Fire Marshall Rick Tracy. By law, one sign should be placed in public view. Councilwoman Sluberski recommended AED signs be placed at all entrances to the Town Hall, Court and Library.

RESOLUTION #123-09

Councilwoman Sluberski motioned that an Automated External Defibrillator (AED) sign be placed in all main entrances to the Town Hall, Library and Court. Councilman Anderson seconded the motion.

Roll:

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

C. Assessor Position - Supervisor Udicious stated that four resumes have been received for the assessor position. The closing date is July 31, 2009.

D. NYS DEC Grassland Focus Areas – Clerk Bucci stated that landowners who are interested in preserving 10 or more acres of grassland should submit a pre-application to the NYS Department of Environmental Conservation by August 1, 2009. Additional information can be found on their website at www.dec.ny.gov/pubs/33005.html.

E. Contract with Lollipop Farm – Clerk Bucci stated that the town's secondary shelter for dogs at large, Lollipop Farm, is raising their fees for stays to \$25.00 per

day and euthanasia fee of \$50.00. We currently pay a standard charge of \$25.00 per dog. Current seizure and shelter fees may require adjustment.

VIII. OLD BUSINESS

A. 5946 East Henrietta Road (Rush Market & Deli) – The property closing has not yet taken place.

B. Stevens-Connor American Legion Property – The Town Board will provide a decision regarding the American Legion property on July 8, 2009. Code enforcement Officer Kusse stated that the NYS Codes Division opinion is that whether or not the facility was leased or purchased, it must be in ADA compliance. A legal opinion from the town's attorney will be forwarded to the town before July 8, 2009.

IX. OPEN FORUM

Dave Sluberski asked for follow-up to the release of Town Board correspondence regarding the American Legion costs and negotiations. As of today's date, a written response has not been forwarded, however, according to Attorney Steinman, a waiver of confidentiality is required.

Related to the Assessor's Position, Dave Sluberski asked if the Assessor needed to live in town. Supervisor Udicious stated that it is not mandatory that an Assessor live in the town, but required that they maintain office hours established by the Town Board.

X. EXECUTIVE SESSION

Supervisor Udicious made a motion to adjourn to executive session at 7:55 PM to discuss personnel items and acquisition of property.

On the motion of Supervisor Udicious, the meeting was returned to regular session at 8:27 PM.

Supervisor Udicious stated that modifications to the adopted Healthcare 5/40 Co-pay Plan were necessary.

RESOLUTION #124-09

Supervisor Udicious moved that Retirees not Medicare age are entitled to single Healthy Blue 25/40 Co-pay Plan coverage with the exception that current early Retirees and employees with 30 or more years of service as of August 1, 2009, are entitled to two-person Healthy Blue 25/40 Co-pay Plan coverage.

Roll:

Councilman Anderson aye

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Councilman Doupe	aye	
Councilwoman Sluberski	aye	
Supervisor Udicious	aye	carried.

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

Respectfully submitted,

Pamela J. Bucci
Town Clerk