

RUSH TOWN BOARD
Minutes of January 27, 2010
Regular Meeting

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor William Udicious at 7:00 PM on January 27, 2010, at the Rush Town Offices, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

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

OTHERS PRESENT:	Al Simon	-----	Resident
	Sue & Dan Woolaver	-----	Resident
	Dick Andrews	-----	Resident
		-----	Peterbilt Representative

I. OPEN FORUM – Supervisor Udicious offered the floor to anyone wishing to address the board. Additionally, he advised all present that Rules and Procedures for Town Board meetings were located at the side sign-in table.

II. APPROVAL OF MINUTES

Clerk Bucci noted that the following unintentionally omitted corrections have been made to the January 4, 2010, Organization Minutes: Roll calls for Resolutions 36, 44 and 48; Resolution 13, change to a five-year term and the addition of Jack Mould, term ending 12/31/2014.

Councilwoman Sluberski requested clarity to Page 17, Application for Preliminary Hearing. Attorney Pavia recommended it read: \$125.00 plus \$20.00 for each additional parcel that is subdivided.

RESOLUTION #51-2010

Councilwoman Sluberski made a motion to approve the Town Board Organization Meeting Minutes of January 4, 2010 as amended. Councilman Anderson seconded the motion.

Roll:

Councilman Anderson	aye
Councilman Riepe	aye
Councilman Doupe	aye
Councilwoman Sluberski	aye

Supervisor Udicious aye carried.

RESOLUTION #52-2010

Councilman Anderson made a motion to approve the Town Board Meeting Minutes of January 13, 2010, as submitted. Councilwoman Sluberski seconded the motion.

Roll:

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

III. TRANSFER OF FUNDS

Councilman Anderson moved, Be it Resolved, that having audited all the transfers from unexpended balance of existing appropriations, I moved that the transfer of \$9,153.35 be allowed for transfers numbered #64 through #71. Councilman Doupe seconded the motion.

BUDGET TRANSFERS 1/27/2010 - 2009 FUNDS

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

Library Fund

Transfer		Decrease Appropriation		Increase Appropriation	
Number	Amount	Account	Description	Account	Description
64	26.18	L-9030.8	Fringe Benefits	L-9050.8	Fringe Benefits
			Social Security		Unemployment
			Transfer to Cover slight Year End variance		
65	89.00	L-9030.8	Fringe Benefits	L-9010.8	Fringe Benefits
			Social Security		State Retirement
			Transfer to Cover slight Year End variance		

Highway Funds

Transfer	Decrease Appropriation			Increase Appropriation	
Number	Amount	Account	Description	Account	Description
66	110.00	DA-9030.8	Fringe Benefits	DA-9010.8	Fringe Benefits
			Social Security		State Retirement
			Transfer to Cover slight Year End variance		
67	8,244.55	DA-5140.1	Misc/Brush/Weeds	DA-5130.1	Machinery
			Personal Services		Personal Services
			Transfer to cover Final Payroll Distribution		
Overall Hwy Payroll is \$27,000 favorable					

General Funds

Transfer		Decrease Appropriation		Increase Appropriation	
Number	Amount	Account	Description	Account	Description
68	257.80	A-8010.4	Zoning	A-8020.4	Planning
			Contractual		Contractual
			Transfer to cover final planning eng. Invoice		

69	380.52	A-3510.4	Dog Control Contractual Transfer to cover final mileage etc.	A-3620.4	Safety Contractual
70	31.98	A-1410.1	Clerk Personal Services Transfer to Cover slight Year End variance	A-1660.4	Central Storeroom Contractual
71	16.32	A-1355.1	Assessment Personal Services Transfer to Cover slight Year End variance	A-1355.4	Assessment Contractual

Roll:

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

IV. APPROVAL OF ABSTRACT #1-2

RESOLUTION #53-2010

Councilman Anderson moved, Be It Resolved, that having audited all the claims against funds listed on Abstract #1-2 in the amount of \$54,054.42 be allowed for vouchers #53 through #112. Councilwoman Sluberski seconded the motion.

Roll:

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

V. CORRESPONDENCE - None to report.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilman Riepe attended a 3-day NYS Association of Towns training session in Rochester.

Councilman Doupe thanked Councilman Riepe for representing him as liaison at the Fire Commissioner's meeting while he was out of town.

Councilwoman Sluberski stated that Congressman Eric Massa's visit to the Town Hall on Sunday, January 17, 2010, was a success.

Superintendent Steven King attended several Monroe County meetings and recently accepted cross-culvert projects on Pinnacle Road and Works Road. NYSDOT will also be working on two other projects, one on Route 15A and the other on Monroe Street. Monroe County crews will be replacing one bridge on

Honeoye Falls No. 6 Road and the Town Highway Department will be replacing the other. Monroe County's blueprints are near 75% complete. Together they are coordinating the details of rerouting electrical, gas and power lines. The timing of these projects pertaining to detours is critical. Detours will close these routes for approximately 2 months each. Typically, the NYSDOT informs the public well in advance of state road closings. The Monroe County Highway Department informs the public of town road closures.

Superintendent King will provide the Board, for approval, a list of roadwork projects for 2010.

Supervisor Udicious clarified a misconception that the Zoning Board of Appeals does not grant variances. In 2009, the Zoning Board of Appeals granted 2 approvals, 2 approvals with modifications and 2 pending approvals for variances based on specific Area Variance Conditions.

Supervisor Udicious stated that he will be making another attempt to secure funding from New York State for the Pavilion, however, based on the lack of confirmation thus far, the Town may not receive funding. Bids were received for the total project and the Town Board accepted the low bid. However, due to lack of funding, the board chose to approve a phase of the bid which included the completion of restroom and the entire slab portion of the pavilion. Based on the previous bid, completion of the pavilion will cost approximately \$82,000. A contingency of \$90,000 has been budgeted for the pavilion completion. Supervisor Udicious will provide a status report at the next board meeting.

Supervisor Udicious interrupted the meeting in order to conduct the scheduled 7:15 PM Highway Truck and Accessories Bid Opening.

Town Clerk Bucci opened and read the following bids:

Henderson Truck Equipment	22686 Fisher road Watertown, New York 13601	\$28,375.00
Smart Systems, Inc.	320 East Washington Street Bath, New York 14810	\$35,953.00
Cyncon Equipment	7494 W. Henrietta Road Rush, New York 14543	\$36,119.00
Utica General Peterbilt	472 Summit Point Drive Henrietta, NY 14467	\$117,679.00
Kenworth of Rochester	25 Airline Drive Rochester, NY 14624	\$111,187.00

The bid opening was officially closed at 7:25 PM. Superintendent Steven King reviewed the bids and requested approval of Kenworth of Rochester's truck bid of \$111,187.00. After further review, Superintendent King will provide a request for the purchase of accessory equipment at the next meeting.

VII. RESOLUTION #54-2010

Councilman Anderson made a motion authorizing the Highway Superintendent enter into a contract with Kenworth of Rochester for the purchase of a truck in the amount of \$111,187.00 as stated on their bid proposal. Councilman Doupe seconded the motion.

Roll:

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

VIII. OLD BUSINESS

A. Rush Market Status Report – The Rush Market Applicant appeared before the Zoning Board of Appeals (ZBA). Councilman Doupe reported that the ZBA Chairperson decided to split the variance applications into three separate items: application for 3 area variances; application for off-street parking; application for a fence variance. A public hearing has been set for February 11.

Councilman Riepe attended the Planning Board meeting and stated that the site plan was reviewed in detail. The disturbed area requires further investigation pertaining to DEC regulations. They are also awaiting NYS Health Department and NYSDOT approval.

B. Procurement Policies Revisions – The procurement documents have been retyped. Because there may be rewording required, Town Clerk Bucci requested changes be submitted to her by February 8th so that the Board would have them for review at the next meeting, February 10th.

C. Sign Ordinance – Attorney Pavia stated that the Resolution #164A-09 of November 18th should be rescinded and the following resolution adopted in its place. There is no change in the ordinance since it was approved on November 18, 2009. The Local Law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law. For the record, Attorney Pavia read the following Local Law 1 of 2010.

RESOLUTION #55-2010

Councilman Doupe made a motion to re-adopt the Sign Ordinance, Local Law No. 1 of 2010 as follows:

THE TOWN BOARD OF THE TOWN OF RUSH ADOPTING LOCAL LAW NO. 1 OF 2010

WHEREAS, the Town Board for the Town of Rush has determined that it is in the interests of the Town of Rush that there be a new ordinance regulating the approval, construction and operation of signs located within the Town of Rush; and

WHEREAS, a public hearing on the proposed local law was conducted by the Town Board of the Town of Rush on September 9, 2009, wherein the public was provided an opportunity to submit comments on the proposed legislation.

NOW, THEREFORE, BE IT RESOLVED that Local Law No. 1 of the year 2010, a copy of which is attached and incorporated hereto, shall replace and amend Article III, Chapter 120 of the Code of the Town of Rush; and

BE IT FURTHER RESOLVED that the adoption of Local Law 1 of 2010 is exempt from review under the New York State Environmental Quality Review Act as a Type II action; and

BE IT FURTHER RESOLVED that said resolution and local law supersedes any and all prior resolutions and local laws relating to the approval, construction and operation of signs within the Town of Rush, and said local law shall take effect immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law; and

BE IT FURTHER RESOLVED that notice of this Resolution shall be filed and circulated to the extent required by any applicable provision of the Code of the Town of Rush and/or any relevant statute or regulation. Councilman Anderson seconded the motion.

Roll:

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

IX. NEW BUSINESS

A. Community Development Block Grant (CDBG) Request - The Town Board has obtained grant monies for handicapped door controls on the lower level restroom doors, even though by law they are already handicapped accessible. The

contract has been given to Attorney Pavia for review. The \$5,000.00 grant must be accepted in order to proceed in obtaining requests for approval (RFPs).

RESOLUTION #56-2010

Councilman Anderson made a resolution to authorize the Supervisor to accept the CDBG grant, pending attorney approval, in the amount of \$5,000.00 for handicapped door controls. Councilman Riepe seconded the motion.

Roll:

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

In addition, Supervisor Udicious requested permission to submit a grant of ADA compliance for (1) Meeting Room looping for hearing impaired including a sound system and microphones and, (2) a medical equipment storage shed.

Because of the lack of storage area and quick access to medical equipment in the Town Hall, equipment is now being housed in various places through town by the Rush Lions Club. Room for an accessible shed is available at the Highway Department location.

Supervisor Udicious requested any further suggestions in applying for the grant.

Councilman Anderson suggested handicapped appliance set-up inside the pavilion. Supervisor Udicious added that handicapped doors on the pavilion would be a future request. The deadline for submittal of CDBG grants for this year is February 12, 2010.

B. Policy on use of Recreation Facilities – Councilman Anderson is working with Recreation Supervisor Patricia Stephens on a proposed field use policy and an additional policy governing the use of the pavilion.

C. Rezoning of 6115 and 6123 Rush-Lima Road – Supervisor Udicious was informed today that Monroe County Planning is awaiting rezoning approval of the Monroe County Department of Transportation.

D. Proposed Changes to Website in regard to Update and Responsibility to maintain – Supervisor Udicious noted that a meeting was held with the Pinpoint Group, our website provider, and two options were presented and circulated to the Board. Councilman Anderson stated that Option 2 is recommended because it provides a reorganizing of content and an upgrade of on-site document

management. Currently, much work is done off-site. The proposed management will enable town staff to update the site.

Councilwoman Sluberski suggested bidding on the project. Town Clerk Bucci stated that bidding was not required and the town has been pleased with the timely service and work of The PinPoint Group.

RESOLUTION #57-2010

Councilman Riepe made a motion to authorize the expenditure of \$2,400.00 to The PinPoint Group for Option 2, Website Development Project.

Roll:

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

Further discussion took place regarding website administrative responsibility. Town Clerk Bucci stated that the website currently has 3 persons authorized to add specific documents to the site, however, the supervisor's secretary has been the main administrator of the website. The Town Clerk is responsible, by law, in placing meeting notices on the website.

Supervisor Udicious stated that the administrator should not solely be the responsibility of one part-time position but rather a shared position responsibility or the responsibility of a full-time person.

Once Councilman Doupe has met with Councilman Anderson, Clerk Bucci and Finance Director Reynolds, who were participants in the meeting with the Pinpoint Group, he recommended developing a website plan. The plan should include one person acting as the administrator to comprehensively update and review the content material of the website as well as manage the hardware and software. More than one administrator could potentially open the door to an unsatisfactory outcome.

E. Court Audit – Supervisor Udicious recommended appointing Councilmen Riepe and Doupe to conduct an audit of the court records. A copy of the auditing checklist, provided by State Controller Thomas DiNapoli's office, will be used in auditing of the justice court.

X. OPEN FORUM

Rush Town Board
January 27, 2010

Supervisor Udicious requested that the board remain for an attorney-client privilege session regarding a particular parcel.

Supervisor Udicious made a motion, agreed by common consent by all councilpersons present, that the meeting be adjourned at 8:05 PM.

Respectfully submitted,

Pamela J. Bucci
Town Clerk