

RUSH TOWN BOARD MEETING
JANUARY 12, 2011

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 12, 2011, 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
	Thomas Doupe	-----	Councilman
	William Riepe	-----	Councilman
	Lisa Sluberski	-----	Councilwoman
	William Udicious	-----	Town Supervisor
	Pamela Bucci	-----	Town Clerk/Collector
	Frank Pavia, Esq.	-----	Attorney for the Town

OTHERS

PRESENT:	Mark David	-----	Highway Superintendent, Resident
	Gerald Kusse	-----	Code Enforcement Officer/Building Inspector, Resident

1. OPEN FORUM

Supervisor Udicious opened the floor to anyone wishing to address the board.

II. APPROVAL OF MINUTES

RESOLUTION #49-2011

Councilwoman Sluberski moved to approve the Minutes of December 29, 2010, as presented. Councilman Anderson seconded the motion.

Roll:

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

III. APPROVAL OF MINUTES

RESOLUTION #50-2011

Councilman Riepe moved to approve the Organizational Minutes of December 29, 2010, as presented. Councilman Anderson seconded the motion.

Roll:

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

IV. TRANSFER OF FUNDS

Transfer from the unexpended balance of existing appropriations

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

General Fund

Transfer		Decrease Appropriation		Increase Appropriation	
Number	Amount	Account	Description	Account	Description
54	0.07	A-1340.1	Budget Personal Services Transfer for Budget Rounding	A-1310.1	Finance Personal Services
55	0.11	A-1220.1	Supervisor Personal Services Transfer for Budget Rounding	A-3620.1	Safety/Code Enforce. Personal Services
56	567.18	A-1220.1	Supervisor Personal Services Transfer for Budget Rounding	A-1610.1	Building Personal Services
57	66.72	A-5010.1	Hwy Superintendant Personal Services Transfer for minor Sidewalks Variance	A-5410.1	Sidewalks Personal Services
58	385.40	A-5010.1	Hwy Superintendant Personal Services Transfer for Parks Variance	A-7110.1	Parks Personal Services

Highway Fund

Transfer		Decrease Appropriation		Increase Appropriation	
Number	Amount	Account	Description	Account	Description
59	7,335.73	DA-5142.1	Snow Removal Personal Services Transfer to Cover Final Wage Account Variances	DA-5140.1	Misc/Brush Personal Services
60	790.13	DA-5110.1	Repairs Personal Services Transfer to Cover Final Wage Account Variances	DA-5140.1	Misc/Brush Personal Services
61	3,358.46	DA-5110.1	Repairs Personal Services Transfer to Cover Final Wage Account Variances	DA-5130.1	Machinery Personal Services
62	187.89	DA-5112.1	Improvements Personal Services Transfer to Cover Final Wage Account Variances	DA-5130.1	Machinery Personal Services
63	100.36	DA-5148.1	Other Government Personal Services Transfer to Cover Final Wage Account Variances	DA-5130.1	Machinery Personal Services

64	4,573.00	DA-9010.8	Fringe Benefits State Retirement Transfer to Cover Final Wage Account Variances	DA-5130.1	Machinery Personal Services
65	150.60	DA-9060.8	Fringe Benefits Health Insurance Transfer to Cover Final Wage Account Variances	DA-5130.1	Machinery Personal Services

RESOLUTION #51-2011

Councilman Anderson BE IT Resolved, that having audited all the unexpended balances of existing appropriations in the General and Highway funds, I move that transfer #54 through #65 in the amount of \$17,515.65 be allowed. Councilman Doupe seconded the motion.

Roll:

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

RESOLUTION #52-2011

V. APPROVAL OF ABSTRACT

Be It Resolved, that having audited all the claims against the funds listed on Abstract #1-1, for vouchers #1 through #52, be allowed in the amount of \$78,399.64. Councilman Doupe seconded the motion.

Roll:

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

VI. CORRESPONDENCE

Supervisor Udicious received the 2010 Annual Report of the Zoning Board of Appeals from Chair Donald Van Lare. Of the 2010 appeals submitted, 4 were approved, 1 approved with restrictions, 1 withdrawn and 1 pending. All members of the Board meet the required accredited training hours. A copy will be forwarded to the Town Board.

As of January 12, 2011, Town Justice Kirch invites the Town Board to review the court auditing documents as required by the Unified Justice Court Act 2019A and pursuant to Town Law §123. A copy will be forwarded to the Town Board.

Councilman Riepe and Councilwoman Sluberski will schedule and perform the court audit.

Superintendent of Rush Henrietta School District Kenneth Graham delivered specific information on the proposed Phase III Facility Renovations Vote to Improve the Senior High School Campus which will be voted upon on February 15, 2011, at the R-H Transportation and Operations Center, Henrietta.

VII. REPORTS OF OFFICERS AND COMMITTEES

Councilman Anderson reported that both he and Supervisor Udicious attended the Community Development Block Grant (CDBG) public hearing and meeting on January 12, 2011, regarding American Disabilities Act (ADA) compliant construction. A slightly increased level of funding will be available in 2011 and the Town will be submitting an application. Other applications regarding Monroe County awarded Home Improvement Program grants based on annual income are available at the Town Clerk office. Supervisor Udicious stated that possible requests this year will include an ADA compliant basketball court, hearing loop and/or inside emergency strobe lights.

Councilman Riepe stated that all cemetery signs have been installed. Cemeteries in Rush include: Davis, East Rush, Thomas, Number 6 Cemetery, Pioneer Hill and West Rush.

Councilman Doupe reported that County Legislator Jeff Adair again held office hours in the Rush Town Hall that were attended.

Councilwoman Sluberski stated that the Conservation Board meeting was cancelled and she was unable to attend the Library Board of Trustees meeting.

Code Enforcement Officer Kusse reported that a Certificate of Occupancy has been issued on the town storage building. Supervisor Udicious added that additional keys will be made for the building and provided to Keith Eggleston of the Rush Lions Club for storage of their loan equipment.

Town Clerk Bucci submitted a monthly report to the Supervisor pursuant to Section 27, Subdivision 1 of Town Law, revenues in the amount of \$6,304.85 for the month of December.

Town Clerk Bucci announced that the 2011 Annual Training Meeting of Association of Towns would be held in New York City, February 20-23, 2011. Resolutions to be voted upon will be copied for all board members, however, being that board members would not be attending, a voting delegate would

not be present. Town Justice Henry Kirch will be attending the court training sessions.

The Monroe County Soil & Water Conservation District 2011 Conservation Tree, Shrub & Plant Program has begun and forms are available at the Town Clerk office.

VIII. OLD BUSINESS

A. Energy Audit Review with the Town Board – Supervisor Udicious has spoken to Energy Auditor Chris Burrell and a meeting has been scheduled for January 26, 2011, at 6 PM.

IX. NEW BUSINESS

A. Outstanding Engineering Fees/Tax Bills – Discussion resumed on adding outstanding engineering fees to Mr. Gerald Dietz' or any applicant that does not pay agreed-upon engineering/administrative fees.

RESOLUTION #53-2011

Supervisor Udicious moved to add outstanding engineering fees in the amount of \$382.25 to tax bill #265000213.03-1-5.1, 790 Rush West Road, Rush, New York Gerald Dietz. Councilwoman Sluberski seconded the motion.

Roll:

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

Attorney Frank Pavia stated that a public hearing was required in order to establish a Local Law adding outstanding engineering fees to a parcel owner's tax bill. Attorney Pavia will draft a town law which would require applicants requesting a planning board review to provide escrow monies for costs incurred during their application process.

B. Recent Internet Connection Failure – Supervisor Udicious stated power outages occurred in close succession knocking out the town's server connection. The trip-lite in place failed. Technical Support from The PinPoint Group was called and the server was accessible in the later part of the afternoon. Councilman Doupe has volunteered to oversee the failure issues. Clerk Bucci stated that The PinPoint Group will be providing a quote to reconfigure the system to alleviate a reoccurring outage. A new rack system

has been requested as well as an inventory and labeling of all equipment in the server area.

C. Amendatory Agreement for ADA Door Openers – Supervisor Udicious requested and received an extension in completing the installation of ADA compliant restroom door openers. The current agreement will expire on January 19, 2011, and the extension has been granted until July 19, 2011. The agreement is for public restroom doors located in the lower level of the town hall.

RESOLUTION #54-2011

Councilman Anderson moved to allow Supervisor Udicious to sign an Amendatory Agreement for ADA Restroom Door Openers which allows for the extension of time in installation and completion of doors until July 19, 2011. Councilman Doupe seconded the motion.

Roll:

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

D. Resolution to Appoint Samuel Hillmon as Court Attendant - Supervisor Udicious received a request from Town Justice Henry Kirch which recommends the appointment of Samuel Hillmon as court attendant, Step 5.

RESOLUTION #55-2011

Supervisor Udicious moved that the Board acknowledges and approves Town Justice Henry Kirch's appointment of Samuel Hillmon as a part-time court attendant, Step 5, effective January 10, 2011, through December 31, 2011. Councilwoman Sluberski seconded the motion.

Roll:

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

E. Town Code Update – Town Clerk Bucci provided the Board with a General Code quote to update the Town Code with Local Laws 1-5 of 2010. Attorney Pavia advised that the Code be updated with the amended and new codes. There will be upcoming provisions to be included in the near future.

RESOLUTION #56-2011

Councilman Anderson motioned to authorize Town Clerk Bucci to enter into a contract with General Code to update the Code of the Town of Rush with Local Law No. 1-5 of 2010 for an amount between \$2,200 and \$2,665 plus 2% for shipping and handling. Councilman Riepe seconded the motion.

Roll:

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

X. EXECUTIVE SESSION

RESOLUTION #57-2011

Supervisor Udicious motioned to adjourn to Executive Session at 7:30 PM to discuss the selection of a replacement for Town Justice Paula Anderson.

The Board reconvened to regular session at 8:02 PM.

RESOLUTION #58-2011

Supervisor Udicious motioned, WHEREAS, Judge Paula Anderson has resigned from her term as a Rush Town Court Justice as of December 31, 2010; and

WHEREAS, Thomas S. Doupe is a qualified resident of the Town of Rush and wishes to serve as a Rush Town Court Justice.

THEREFORE, BE IT RESOLVED, that Thomas S. Doupe of Rush, New York be appointed as Rush Town Court Justice effective March 1, 2011, and expiring December 31, 2011, at an annual salary of \$13,225.

BE IT FURTHER RESOLVED, that Thomas S. Doupe shall assume the functions of his office upon the filing in the Office of the Town Clerk a Certificate of completion of a course of training prescribed by the Administrative Board of the Judicial Conference or upon being otherwise qualified by Law to serve.

BE IT FURTHER RESOLVED, that the appointment of Thomas S. Doupe shall be contingent upon the presentation of his formal written resignation from the Town Board of the Town of Rush prior to March 1, 2011.

Roll:

Councilman Anderson	aye
Councilman Riepe	aye

Rush Town Board
January 12, 2011

Councilman Doupe	abstained	
Councilwoman Sluberski	aye	
Supervisor Udicious	aye	carried.

There being no further business, a motion was made by Councilman Anderson and the meeting was adjourned at 8:07 PM by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci
Town Clerk