

RUSH TOWN BOARD  
Minutes of May 23, 2012  
Regular Meeting

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Richard Anderson at 7:04 PM on May 23, 2012, at the Rush Town Hall, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT:	Richard Anderson	-----	Supervisor
	William Riepe	-----	Councilman, Deputy Town Supervisor
	Lisa Sluberski	-----	Councilwoman
	Kathryn Steiner	-----	Councilwoman
	Daniel Woolaver	-----	Councilman
	Pamela Bucci	-----	Town Clerk
	Frank Pavia, Esq.	-----	Town Attorney

OTHERS

PRESENT:	Mark David	-----	Highway Superintendent, Resident
	Carol Barnett	-----	Resident
	Ansgar Schmid	-----	Resident
	Kathryn Cappella	-----	Resident
	Marianne Rizzo	-----	Resident
	Beth Hoak	-----	Resident

I. OPEN FORUM

Supervisor Anderson apologized for starting the meeting a few minutes late. The Board was interviewing 2 strong candidates for the Conservation Board vacancy. He then offered the opportunity for anyone in the audience to address the Town Board.

Resident Carol Barnett attended a legal workshop on May 18, 2012, regarding fracking. Mrs. Barnett provided a summary of the important points that were discussed. A copy of the summary was provided to all Board members and Town Clerk.

II. APPROVAL OF MINUTES

Town Clerk Bucci stated that corrections were brought forward by Supervisor Anderson as follows: Page 2, Paragraph 4, replace the word "from" and replaced with "forwarded by". Page 4, Paragraph 3, replace the word "written" to "forwarded", and Page 5, Paragraph 6, remove the word "payments" and replace it with the word "estimates".

**RESOLUTION #99-2012**

Councilwoman Sluberski moved to approve the Minutes of April 25, 2012, as amended by the Town Clerk. Councilwoman Steiner seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

III. APPROVAL OF TRANSFER

**RESOLUTION #100-2012**

Councilwoman Sluberski moved BE IT Resolved, that having audited all the unexpended balances of existing appropriations in the unreserved funds balance #5 in the amount of \$33,523.76 be allowed. Councilman Riepe seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

IV. APPROVAL OF ABSTRACT

**RESOLUTION # 101-2012**

Councilwoman Sluberski moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #5-2, for vouchers #462 through #523, that they be allowed in the amount of \$30,318.55. Councilman Riepe seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

Councilman Riepe added that the insurance company has provided the town with payment in order to pay for fire-related invoices. Supervisor Anderson will provide an update of the Town Hall Fire under Old Business.

V. CORRESPONDENCE

Genesee Transportation Council - Supervisor Anderson received a request regarding supporting a safe routes to school program which promotes walking

or biking to school versus riding a bus. Supervisor Anderson will be attending a meeting covering this issue, however, the Rush-Henrietta District children who attend Monica Leary Elementary School, located on a main state highway, would not have this option. There may, however, be ways to make Leary a safer school for kids arriving and departing from school property.

Town of Ulysses – Supervisor Anderson received correspondence from the Town of Ulysses thanking Rush for adoption a resolution on the signatory hydrofracing brief along with the Town of Dryden and Middlefield. The brief includes prohibiting land uses that are not compatible with the comprehensive plan of these communities. Further information regarding appeals will be forwarded to Rush when it becomes available. Supervisor Anderson has been authorized by the Rush Town Board to sign the appeal when presented.

#### VI. REPORTS OF OFFICERS AND COMMITTEES

Councilman Woolaver had no report, however, asked if a map of the Town's "Industry property" was available. Supervisor Anderson has acquired a large map which is available to view.

Councilwoman Steiner had no report.

Councilwoman Sluberski attended the Zoning Board meeting where applications for a side set-back and a variance for boat storage were reviewed.

Councilman Riepe attended the Fire Commissioner's Meeting and Planning Board meetings. The Fire Department requests that the Town assist them in requiring residents to place a number on their homes for assistance in emergency calls when time is of the essence.

Supervisor Anderson asked Code Enforcement Officer Kusse to provide specific information relating to enforcement of house numbering and to place Town Code information in the upcoming town newsletter. Code Enforcement Officer Kusse stated that he is authorized under the Code to install house numbers. He estimated that 70% or more residents in the town do not have house numbers on their homes. Councilman Riepe suggested that numbers should be presented at the driveway entrance rather than the dwelling because so many homes in Rush are hidden from street view.

Councilman Riepe also attended a wooden statue unveiling on West Henrietta Road, Rush, of a marine in battle. The statue represents every man that has given his life for this country. A dissertation was provided by resident Richard Updaw about a young marine, Bob Hobes, who lost his life in Iwo Jima in 1945. Councilman Riepe added that a story regarding the statue is in today's paper.

Town Clerk Bucci submitted the monthly report for April to Supervisor Anderson indicating revenues in the amount of \$10,068.73 mostly attributed to recreation, pavilion and the building departments.

Code Enforcement Officer Kusse had not report.

Highway Superintendent David reported a wrap-up of a paving job on Honeoye Falls #6 Road and other projects. Supervisor Anderson stated that the upcoming June/July newsletter will provide detail of highway projects being performed in Rush this summer.

Town Attorney Pavia had no report.

## VII. OLD BUSINESS

A. Town Hall Fire Update – Supervisor Anderson reported that a payment was made to the renovation company. The Town has a contract with the renovation contract for work that is pre-approved for the scope, ultimate cost and mark-up. All work is done to industry standards. The Town acts as a fiduciary in the process in receiving funds before contracts are paid for work completed. A few matters are still to be completed.

The fire occurred in early March. The Town Hall renovation was completed by mid-May with the exception of the origin room. The insurance carrier needed to settle on the malfunctioning air handling unit. The electrical requirements of a similar replacement unit do not meet the specifications of our current refrigerant standards. Additional wiring and piping would be required. In lieu of changing an entire system, the Town is replacing the same unit which will be installed. The records can then be returned.

Town Clerk Bucci added that New York State Archives recommends that record vaults or rooms be kept in a temperature and humidity controlled environment. The Town will be complying with the regulations.

B. General Code - Town Clerk Bucci requested the Town Board review General Code's Ecode360 system and proposed its purchase for town and public use. For a short time, this feature has been presented to the Town Clerk free of charge. All are welcome to use it by accessing the town's website, front page.

All Rush town boards, elected officials, fire marshal, code enforcement officer, town attorney, Monroe County sheriff's department and the Rush fire department and other departments within the town have a physical copy of the Town Code. At every update of the code, all copies are returned to the Clerk's Office for replacements. Having the system will eventually be cost effective in purchasing many copies for updating.

Councilwoman Sluberski asked about back-up of the Town Code. Attorney Pavia stated that a vast majority of municipalities in the state are backed up by the creator. Supervisor Anderson additionally added that distributors of software, like this have power failure protection.

C. United Way Campaign – Supervisor Anderson stated that Rush town employees are able to make contributions to the United Way through payroll deductions. All paperwork has been submitted to the designated representative, however, forms are available for anyone who wishes to make a contribution.

D. Conservation Board Appointment – The Town Board has interviewed 2 outstanding candidates for the position. The Board is prepared to offer the position and if accepted will be officially making an appointment at the next meeting.

E. Approval of Revised Planning Board Site Plan & Subdivision Application - Councilman Riepe, Planning Board Liaison, stated that the Planning Board application needed updating to coincide with updated Town Codes. The Planning Board approved of the changes which were provided by Town Engineer Todd Ewell of CHA.

**RESOLUTION #102-2012**

Councilman Riepe motioned to approve the updated Town's Application for Land Subdivision/Site Plan Review as submitted by the Rush Town Planning Board. Supervisor Anderson seconded the motion.

Roll:

Councilman Riepe	aye	
Councilwoman Sluberski	aye	
Councilwoman Steiner	aye	
Councilman Woolaver	aye	
Supervisor Anderson	aye	carried.

F. Monroe County Sales Tax Quarterly Update – Supervisor Anderson reported that the Town is roughly \$10,000 ahead compared to this quarter of 2011. It appears that revenues this year will be higher than anticipated.

IX. OPEN FORUM

Resident Mariann Rizzo stated that the Supervisor and Town Board are doing a good job for the residents of Rush. Supervisor Anderson thanked Ms. Rizzo for her comment.

X. EXECUTIVE SESSION

Supervisor Anderson stated that the Board would be moving into Executive Session to discuss potential and/or pending litigation that must be discussed in private. When warranted, action or resolution items will be presented to the public in an open meeting.

**RESOLUTION #103-2012**

Supervisor Anderson motioned to move the Board into Executive Session for an attorney-client privilege discussion at 7:35 PM. All councilpersons were in favor.

**RESOLUTION #104-2012**

Supervisor Anderson motioned to reconvene at 7:50 PM. All councilpersons were in favor.

Xi. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:50 PM and approved by common consent of all councilpersons present.

Respectively submitted,

Pamela J. Bucci  
Town Clerk