

Rush Town Board

February 14, 2007

A regular meeting of the Rush Town Board was held on February 14, 2007 at the Rush Town Offices, 5977 East Henrietta Road and was called to order at 7:00 p.m.

Present: Councilman Donald Knab  
Councilman Richard Anderson  
Councilman Thomas Doupe  
Councilwoman Lisa Sluberski  
Supervisor William Udicious

Others: Darlene Pilarski, Deputy Town Clerk  
Gerald Kusse, Code Enforcement

I Approval of Minutes

**RESOLUTION #71**

Councilman Doupe moved that the minutes of the January 24, 2007 board meeting be approved as presented. Councilwoman Sluberski seconded the motion.

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

II Approval of Abstract

**RESOLUTION #72**

Councilman Knab moved BE IT RESOLVED that having audited all the claims against the funds listed on the abstract, I move that all claims in the amount of \$84,767.17 be allowed for vouchers #108 through #173. Councilman Anderson seconded the motion.

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

III Correspondence

1. Patricia Stephens re monthly report and request for payment of staff on snow days

There was discussion on this request and it was generally agree that parents should be reimbursed for unused after school days that were not used due to weather closing the schools but that the employee manual states that hourly part time employees do not get paid for days not worked.

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Councilman Knab felt this issue should be discussed further next meeting.

#### IV Reports of Officers and Committees

1. Town Board - Councilman Doupe reported that the wine tasting event for the library was very successful and over \$3,000 was realized. He also mentioned the death of Finance Director Don Reynolds mother in law.

2. Code Enforcement - Mr. Kusse mentioned that he had spoken with the DEC concerning the log jam in Honeoye Creek and they have confirmed that the responsibility for removing the jam lays with the adjacent property owners. Also permits are required to do work in the creek area.

Supervisor Udicious stated that he will talk with Highway Superintendent King is determine if his department will do the work to remove the jam and if not then a private contractor will have to be hired.

Councilman Knab stated the felt that the funds from the drainage district fund could be used as the effects of this jam affect the town's ability to develop their adjacent property as well as affecting the lands in the area of the jam.

Mr. Kusse also mentioned a problem with the testing and detonation of explosive devices at 2516 Rush Mendon Road. He further explained that Mr. Calev, the property owner, designed computer detonation system, which he testing on his 1.7 acre parcel adjacent to the Linear Trail. Monroe County Parks has been contacted and expressed concern about this activity next to their trail. Fire Code allows this type of activity only in isolated areas. The Town Attorney will be consulted on the next course of action.

3. Supervisor - Supervisor Udicious stated that the use of the sidewalk on the west side of East Henrietta Road from the Sugar Creek to the Creekside has caused problem since the packing of the snow by the machines makes it impossible for the town to plow the sidewalks. There have been a number of complaints about this situation. The Town Code, however, states that this is legal and town needs to review the code and perhaps consider modification. The matter will be discussed again at the next board meeting.

Representative Randy Kuhl will be hosting a meeting at the Rush Town Hall on March 17<sup>th</sup> between 9 and 10 a.m. This information will be placed on the town's Website.

An application has been made to the Community Development Block Grant program for funds to install handicapped restrooms in the proposed pavilion to be built on the land

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adjacent to the town hall. Mr. El Rayess has estimated that the cost of the restrooms and required utilities will be about \$67,000.00. Supervisor Udicious submitted a Bloc Grant request for \$66,700 but if the entire amount is not received and additional request can be made next year.

By the next Town Board meeting Mr. El Rayess will have a development cost estimate for the phased development of the property.

There was a discussion of the parking of cars continually on town property and the use of town hall restroom facilities by the employees and customers of the auto repair shop across the street from the town hall. Code Enforcement Officer Kusse will investigate.

V Public Hearing Local Laws 2007 #1 & #2

Local Law 2007-1 and Local Law 2007-2 concern the raising of income limits to qualify for exemptions from taxation for senior citizens and for those with social security classified disabilities.

Town Clerk Henry stated that the property legal notice for these hearing had been posted in the town's legal newspapers and placed on her bulletin board as required by law.

The hearing was declared open and as there were no comments from the audience or the board, the hearing was then closed.

**RESOLUTION #73**

Councilman Knab moved that WHEREAS, THE Town Board of the Town of Rush called a public hearing for the consideration of the adoption of Local Law 2007-1-Senior Citizen Tax Exemption; and

WHEREAS, said public hearing on February 14, 2007 was held by the Town Board at its regularly scheduled meeting on February 14, 2007 at 7:15 p.m. at the Rush Town Offices, 5977 East Henrietta Road, Town of Rush, New York, whereby all persons at the hearing desiring to speak on the matter were heard, all correspondence received on the matter was read and these statement being duly considered by the Town Board;

NOW THEREFORE, upon consideration by the Town Board of all written and oral submissions and testimony and public comment, and the Town Board having given this matter due deliberation and consideration; it is

RESOLVED, that the adoption of Local Law 2007-1 constitutes a Type II action pursuant to the New York State Environmental Quality review Action, 6 N.Y.S.R.R. Section 617.5(24), which requires no determination of environmental significance; it is

FURTHER RESOLVED, that Senior Citizen Tax Exemption, as proposed in Local Law 2007-1, be adopted.

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Councilman Doupe seconded the motion.

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

**RESOLUTION #74**

Councilman Knab moved that WHEREAS, THE Town Board of the Town of Rush called a public hearing for the consideration of the adoption of Local Law 2007-2-Tax exemption for persons less than 65 years of age with Social Security classified disabilities; and

WHEREAS, said public hearing on February 14, 2007 was held by the Town Board at its regularly scheduled meeting on February 14, 2007 at 7:15 p.m. at the Rush Town Offices, 5977 East Henrietta Road, Town of Rush, New York, whereby all persons at the hearing desiring to speak on the matter were heard, all correspondence received on the matter was read and these statement being duly considered by the Town Board;

NOW THEREFORE, upon consideration by the Town Board of all written and oral submissions and testimony and public comment, and the Town Board having given this matter due deliberation and consideration; it is

RESOLVED, that the adoption of Local Law 2007-2 constitutes a Type II action pursuant to the New York State Environmental Quality review Action, 6 N.Y.S.R.R. Section 617.5(24), which requires no determination of environmental significance; it is

FURTHER RESOLVED, that Tax exemption for persons less than 65 years of age with Social Security classified disabilities, as proposed in Local Law 2007-2, be adopted. Councilman Doupe seconded the motion.

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

VI Old Business

1. Dedication of Telephone Road Extension -

**RESOLUTION #75**

Councilman Doupe moved

WHEREAS, on January 4, 2007 the Town of Rush received a letter from the Town Engineer, Clough Harbor & Associates LLP certifying that the Telephone Road Extension was constructed pursuant to the Town of Rush's design standards and recommending that the town of Rush accept the dedication of the Telephone Road Extension as a public highway; and

WHEREAS, on January 12, 2007, the Town Board of Rush received a letter from Town of Rush Highway Superintendent

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Steven C. King certifying that the Telephone Road Extension meets the design criteria and construction specifications required by the laws of the Town of Rush, and WHEREAS, a Short Environmental Assessment Form has been prepared for the dedication of the Telephone road Extension and was reviewed and deemed complete by the Town Board; and WHEREAS, the Town Board classified the action as an Unlisted Action subject to an uncoordinated review under the New York State Environmental Quality Review Act pursuant to 6 N.Y.C.R.R. Sec. 617.2(ak) and 617.6.

NOW THEREFORE, BE IT RESOLVED, that pursuant to 6 N.Y.C.R.R. Part 617.4, the Town Board hereby accepts and assumes the responsibility of acting as lead agency under SEQRA for the environmental review of the telephone Road Extension; and be it

FURTHER RESOLVED, that after reviewing the Short Environmental Assessment Form prepared for the dedication, the Town Board determines that dedication of the Telephone Road Extension as a public highway does not include a potential significant adverse environmental impact, and thus issues a negative declaration pursuant to 6 N.Y.C.R.R. Sec. 617.7; and be it

FURTHER RESOLVED, that the Town Board of the Town of Rush does hereby accept and dedicate as public highways the street commonly known as Telephone Road Extension, subject to the town receiving: 1) a metes and bounds description and map of the Telephone Road Extension; 2) a warranty deed from Jack Moore as property owner of the Telephone Road Extension, describing the street and a notarized and signed Dedication and Release of Land from Jack Moore, both of which must be filed with the County Clerk's Office; and 3) an executed Order Laying Out Highway on Release from Owner, as signed by the Town Superintendent of Highways and filed with the Town Clerk's Office; and be it

FURTHER RESOLVED, that the Supervisor be, and hereby is, authorized and directed to record the necessary documents relating to public dedication of the aforesaid highway, with the original documents to be returned to and filed permanently with the Town Clerk's Office.

Councilman Knab seconded the motion.

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

2. Employee Manual - Draft given to the Board members to review and any typos should be given to the Supervisor's secretary. New provision proposed by Councilman Doupe should be reviewed along with the reworking of provision on personal leave time with objective of creating a final draft of the employee manual.

VII New Business

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1. Street Light at Route 15 and Honeoye Falls Five Points Road -

A letter received from Niagara Mohawk with yearly cost and asking for a board resolution has been received.

**RESOLUTION #76**

Supervisor Udicious moved that National Grid be authorized to install a 150 watt high pressure sodium lamp and luminaire on the existing pole #8360 at the corner of Route 15 and Honeoye Falls Five Points Road for a cost of \$135.00 per year. Councilwoman Sluberski seconded the motion.

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

Supervisor Udicious stated that James Bucci had volunteered to create a prioritized list of other intersections that could benefit from the installation of a light.

Adjournment

Councilman Knab moved to adjourn the meeting. Councilman Doupe seconded the motion and the board was all in agreement.

Time: 7:45 p.m.

Respectfully submitted,

Linda G. Henry  
Town Clerk