

Rush Town Board
July 11, 2007

A regular meeting of the Rush Town Board was held on July 11, 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: Frank Pavia, Attorney for the Town of Rush
Steven King, Highway Superintendent
Gerald Kusse, Code Enforcement Officer
Rufus Falk, Assessor
William Gaffney, Farmcrest Drive

I Approval of Minutes

RESOLUTION #120

Councilman Anderson moved that the minutes of the June 13, 2007 Regular Meeting be approved as presented. Councilman Doupe seconded the motion.

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

II Approval of Abstract

Abstract #12

RESOLUTION #121

Councilman Doupe 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 \$92,446.61 be allowed for vouchers #562 through #624 and # 64. Councilwoman Sluberski seconded the motion.

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

Abstract #13

RESOLUTION #122

Councilman Doupe 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 \$27,765.35 be allowed for vouchers #625 through #676. Councilman Anderson seconded the motion.

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

III Reports of Officers and Committees

1. Town Board - Councilman Knab stated that the electrician will be contacting Highway Superintendent King to use a piece of equipment to repair the parking lot lights.

Councilman Anderson stated that at the last Planning Board meeting the request by Michael Flannery for the renewal of his fire arms dealer's license with the town's approval was sought. Mr. Anderson did not agree with the Planning Board setting conditions on their approval since Mr. Flannery explained that he does not run a retail operation.

Councilman Doupe reported that the library and the Rush Henrietta Rotary are meeting to continue the planning of the installation of a gazebo behind the library. A letter has been received from LaBarge Associates with their recommendations on how the town can proceed with the development of the town center. A copy of that letter will be given to each board member.

Councilman Doupe made the board aware that James Bucci of the Rush Fire Department was receiving a state award as fire fighter of the year from the American Legion. The Board agreed to send a letter of congratulations and to pass a resolution of recognition of the award.

Councilwoman Sluberski reported that at the last Zoning Board of Appeals meeting that subject of PODs storage type units was discussed and the Board felt that it should be covered in the Zoning Ordinance. Attorney Pavia stated that if the Zoning Board of Appeals or the Planning Board wished to make a change or amendment in the ordinance that the request must be in writing to the Town Board with the exact verbiage that the Board wished to see in that amendment or change.

The Recreation Department, Councilwoman Sluberski reported, held a fishing derby with a smaller attendance than last year. Better advertising might help this event be more successful. The staff for the summer and after school programs received a course in CPR and first aid this past week.

On June 20th Councilwoman Sluberski attended the POD meeting in Honeoye Falls with Bob Faugh and Joanne Felsen also in attendance.

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2. Attorney - Attorney Pavia stated that he had received an Email from Deputy Town Clerk Pilarski requesting that he contact Code Enforcement Officer Kusse concerning the request by a Planning Board applicant for a wind turbine on his property. Mr. Pavia stated that he will discuss that matter with him tonight.

3. Highway - Highway Superintendent King stated that the grading and seeding of the property behind the town hall has been completed. The parking lot will be paved in mid September and then striped. A low area has been filled to correct some the ponding that occurs in a heavy rain.

A number of local roads have been stoned and oiled in recent weeks and the county work project on Honeoye Falls #6 Road will be taking place over a period of several weeks. Mr. King stated that his department will be aiding the Town of Wheatland in a very large paving project and also will be helping the Village of Honeoye Falls. These projects should bring in between \$15,000 and \$20,000 of unanticipated revenue. Mr. King agreed that the grate over the creek beside the library should reduce any town liability and when the grass fills in, this area should not be as visible.

4. Supervisor - Supervisor Udicious stated that he had received a press release from the City of Rochester regarding plans to protect local drinking water supplies as required by the EPA. A meeting with the City to discuss their plans has not taken place.

Interviews need to take place for the applicants to be considered for the positions of assessor, fire marshal and emergency preparedness coordinator. Tentative dates of July 16, 17, 18 and 25th are being proposed. Board members should contact the Supervisor's secretary what nights the board members will not be available.

IV Old Business

1. Annual Audit -

Supervisor Udicious asked the board for permission to sign a contract with EFP Group to perform the audit for the town. A description of services has been circulated to the board members.

RESOLUTION #123

Councilman Doupe moved that the Supervisor be authorized to sign a contract with EFP Group to perform an audit of the town departments as specified in the local government management guide titled "Fiscal Oversight Responsibilities" published by the NYS Office of the State Comptroller and as outlined in the proposal submitted and dated June 7, 2007. This contract is subject to the approval of the Attorney for

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the Town and is not to exceed \$6,200.00 in cost. Councilman Knab seconded the motion.

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

V New Business

1. Quality Communities Grant Program -

RESOLUTION #124

Councilman Anderson moved that the Supervisor be authorized to enter into a contract with Larsen Engineers to provide professional services for project oversight, conduct of charrettes, preparation of draft and final reports for the Quality Communities Grant Program. The contract is subject to the approval of the Attorney for the Town. Councilman Doupe seconded the motion.

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

2. Support for continuation of non lawyer or lay justices presiding in town courts -

RESOLUTION #125

Councilman Doupe moved WHEREAS, there has always been a Town Court within the Town of Rush, conveniently located and accessible to our citizens; and
WHEREAS, the Town Courts were created to be the courts closest to the people and
WHEREAS, there are two Town Judgeships established within the Town of Rush and
WHEREAS, there are presently 2 non attorney Town Justices within the Town of Rush and
WHEREAS, within their civil and criminal jurisdiction, the Town Justices in the Town of Rush handled many hundreds of cases in the past year; and
WHEREAS, the Town Board of Rush recognizes and appreciates the professionalism, diligence, intelligence and integrity of the non attorney or lay justices within our town who bring a specialized experience to the bench particularly with issues unique to our community who elected them; and
Now, therefore, be it:
RESOLVED, that the members of the Town Board of Rush support the continuation of the three hundred year tradition of non layer or lay justices presiding in Town Courts, and it is further;

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RESOLVED, that the members of the Town Board of Rush hereby oppose any requirement that Town Justices be attorneys, and it is further;

RESOLVED, that the member of the Town Board of Rush oppose any efforts to eliminate local and convenient access to justices by our citizens; and find that the local presence of the Town Court of Rush provides a meaningful and necessary presence within our community for judicial resolution of conflicts, continued public safety of our citizens and the protection of constitutional guarantees for all of our citizens.

Councilwoman Sluberski seconded the motion.

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

3. Amend Resolution #110 - Employee Manual

Supervisor Udicious explained that this resolution provided that the revised employee manual would become effective on August 1, 2007. However, the employee manual when printed had an effective date of September 1, 2007. Thus the need for the amended resolution.

RESOLUTION #126

Councilman Doupe moved that Town Board Resolution #110 of 2007 be amended to read that the revised employee manual will become effective on September 1, 2007 not August 1, 2007. Councilman Anderson seconded the motion.

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

4. Annual Reassessment -

Assessor Rufus Falk explained that the agreement with the New York Office of Real Property Services is expiring and needs to be renewed. ORPS provides funding to towns to help fund updates that will keep assessments at or near 100%. The Town of Rush receives about \$8,500 per year through its participation in the program although it does not cost that much to hire consultants when they are needed. Mr. Falk asked if the town wishes to continue with this agreement which is a six year commitment and requires that a 16 page application be completed.

RESOLUTION #127

Councilman Knab moved that the Assessor be authorized to make application to the NYS Office of Real Property Services

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to participate in the program for reimbursement for performance of revaluation of properties when necessary to keep assessments current. Councilman Anderson seconded the motion.

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

5. Justice Court Grant request -

Supervisor Udicious read a request from the Justice Court requesting a resolution authorizing the Justice Court to make application to the NYS Unified Court System for a grant to purchase a paper shredder, copier for court room and a New York State Flag.

RESOLUTION #128

Supervisor Udicious moved that the Rush Justice Court be authorized to make application to the NYS Unified Court System for a grant to purchase a paper shredder, copier and New York State flag for the court room. Councilman Doupe seconded the motion.

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

6. Highway Truck purchase -

Supervisor Udicious read a request from Highway Superintendent King requesting permission to purchase the truck for which the bid had previously been rejected. Further research had shown that the price was acceptable, if the attachments (plow, etc.) can be purchased out of the 2008 budget funds. Mr. King explained that this truck has a large number of uses during the entire year and during the winter is used to plow parking lots, cul de sacs and dead end streets. The current vehicle will be sold at auction in October.

After lengthy discussion on the process of purchasing in two years and the need to purchase this year to avoid a cost escalation of over \$50,000 in 2008 for the same vehicle:

RESOLUTION #129

Councilman Doupe moved that the Highway Superintendent be authorized to purchase a 2007 medium duty truck with stake body and plow equipment for \$75,000.00 as budgeted. Councilman Knab seconded the motion.

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

7. 1911 Rush Scottsville Road -

Supervisor Udicious stated that after a long search he had located an agent who would be willing to rent the apartments and act as manager for the property at 1911 Rush Scottsville Road. Marsh Properties Lt. will make only short term rentals with a 30 day cancellation policy and will receive 15% of the rental as their compensation. Attorney Pavia will review the contacts.

RESOLUTION #130

Councilman Knab moved that the Supervisor be authorized to enter into a contract with Marsh Properties Lt. to act as agent for the town to rent the property at 1911 Rush Scottsville Road. Councilman Anderson seconded the motion.

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

Open Forum

William Gaffney of Farmcrest Drive asked the status of the sign ordinance that has been under review for a period of time. Councilman Doupe stated that he had a draft of the revised sign ordinance but was awaiting the inventory of existing signs from the Code Enforcement Officer. Code Enforcement Officer Kusse stated that he would have the inventory completed by the end of July.

Supervisor Udicious stated that he hoped that the sign ordinance could be ready for a public hearing in the fall.

Mr. Gaffney also asked about the matter of wind turbines in the Town of Rush. He stated that he hoped the town would address the matter before faced with requests for the establishment of wind farms or individual structures. Mr. Gaffney was told that the Attorney for the Town would be reviewing the matter. Attorney Pavia stated that his firm was involved in wind turbine issues currently in a number of towns outside Monroe County and would be able to bring experience in this matter to the Board.

Executive Session

Supervisor Udicious made a motion to enter into Executive Session to discuss current litigation, the sale of town

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property and an anonymous complaint regarding a town employee. Councilman Knab seconded the motion and the board was all in agreement.

Time: 8:15 p.m.

The Board returned to regular session and adjourned by common consent with no further business being conducted.

Time: 8:45 p.m.

Respectfully submitted,

Linda G. Henry
Town Clerk