

RUSH TOWN BOARD  
Minutes of October 8, 2008  
Regular Meeting

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Udicious at 7:00 PM on October 22, 2008, at the Rush Town Offices, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT: Donald Knab ----- Councilman, Deputy Town Supervisor  
Richard Anderson ----- Councilman  
Thomas Doupe ----- Councilman  
Lisa Sluberski ----- Councilwoman  
William Udicious ----- Supervisor  
Pamela Bucci ----- Town Clerk  
Frank Pavia ----- Attorney for the Town  
Chuck Steinman ----- Attorney for the Town

OTHERS PRESENT: Kirsten Flass ----- Library Director, Resident  
Gerry Kusse ----- Code Enforcement Officer

I. OPEN FORUM – Supervisor Udicious noted that the audience was unoccupied at the opening of the meeting.

II. APPROVAL OF MINUTES – October 8, 2008

**RESOLUTION #139-08**

Councilman Knab moved that the Minutes of September 28, 2008, meeting be approved as submitted. Councilwoman Sluberski seconded the motion.

Roll:

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

III. APPROVAL OF TRANSFER

**RESOLUTION #140-08**

Councilman Anderson moved, **BE IT RESOLVED** that having audited all the appropriations of unreserved funds against the highway funds in the amount of \$199,000.00 be allowed for transfers #1 through 3. Councilman Knab seconded the motion.

Roll:

Councilman Knab aye  
Councilman Anderson aye  
Councilman Doupe aye

Councilwoman Sluberski     aye  
Supervisor Udicious         aye     carried.

IV. APPROVAL OF ABSTRACT

**RESOLUTION #141-08**

Councilman Anderson moved, **BE IT RESOLVED** that having audited all the claims against the funds listed on Abstract #10-2 in the amount of \$44,007.99 be allowed for vouchers #1008 through #1171. Councilman Knab seconded the motion.

Roll:

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

V. REPORTS OF OFFICERS AND COMMITTEES

A. Councilman Knab stated touch up painting in the interior of the town hall is complete and the outdoor lighting is in working order.

B. Councilwoman Sluberski requested on behalf of the Zoning Board of Appeals there be a clarification of their training requirement. Attorney Pavia will provide a written form of requirement to the Zoning Board.

C. Building Inspector Gerry Kusse mentioned that a town resident placed an emergency carbon monoxide call to 911. The cause was related to a leaking roof.

Supervisor Udicious stated that according to the Rush Fire District, the Rush Fire Department follows specific procedures relating to all emergency calls of carbon monoxide. Fire Marshal Rick Tracy comments that although there was a gap in communication between the department and him, under normal circumstances fire marshals are not notified. The conditions surrounding this emergency call did not warrant immediate fire marshal action.

D. Library Director Kirsten Flass reported that landscaping is scheduled around the gazebo. Volunteer Cathy Frank has requested additional topsoil. The electric is not yet installed.

E., Fire Marshall/Emergency Disaster             Rick Tracy provided an extensive report of his duties within the prior months.

VI. OLD BUSINESS

A. Dam Repairs Schedule – Councilman Anderson stated that repair of the dam has commenced. He explained the steps being taken to complete and stabilize the dam. A

temporary access roadway to the dam has been set up with appropriate barriers. Additional fencing will be added in the actual concrete area to block public access. The adjoining property owner has been notified of work being done and any grass damage will be taken care of in the future. The dam repair should be complete by November 27<sup>th</sup>.

B. Town Park Project - Supervisor Udicious reported that work has been halted due to weather, however, additional topsoil is expected for seeding.

C. Library request for a Free-Standing Sign – Supervisor Udicious read the quote for the requested sign that would help the all visitors locate the town hall and library. Many options in appearance of the sign were discussed. A sign location was reviewed with the town's architect. In providing the most visual space of visitors, Ms. Flass requested that the sign be erected near the parking lot entrance rather than in front of the Library itself. A previous concern for north and south travelers being able to locate the library was raised. Although funds are not currently available to support the request, Mr. Anderson recommended that it be included in a future budget as a capital expenditure. Mr. Knab requested that the request and details be submitted in writing for review of the town board.

D, Sign Law Draft Review – Attorney Pavia presented a confidential draft of the current Sign Ordinance by New York state guidelines to the Town Board and Code Enforcement Officer. Ms. Bucci will provide copies to all Planning and Zoning Boards. The revised sign ordinance is a comprehensive detailed proposal encompassing a combination of the current ordinance and all collected data. Attorney Pavia suggested that a workshop be held with all Planning, Zoning and Town Board members who wish to attend and both Chuck Steinman, Esq. and himself. Once the workshop takes place, both liaisons to the Planning and Zoning Boards should meet with both attorneys to finalize the document for a public hearing. Councilman Doupe will schedule a workshop between the boards and attorneys.

**RESOLUTION #142-08**

Councilman Knab moved to accept all three bids received for the Dam Repair. Councilman Anderson seconded the motion.

Roll:

Councilman Knab	aye	
Councilman Anderson	aye	
Councilwoman Sluberski	aye	
Supervisor Udicious	aye	carried.

**RESOLUTION #136-08**

Councilman Knab moved, that upon review of the Attorney for the Town, Supervisor Udicious be authorized to enter into a contract with BVR Construction Company, 244 Lake Avenue, Rochester, New York 14608, through Larsen Engineers for the dam repair in the amount of \$175,000 as specified in the contract and should it be warranted, authorize a contingency amount of \$10,000 for the dam project. Councilman Anderson seconded the motion.

Roll:

Councilman Knab	aye	
Councilman Anderson	aye	
Councilwoman Sluberski	aye	
Supervisor Udicious	aye	carried.

Councilman Anderson further sketched a drawing and described for the audience where on the actual dam the repair was required and would be completed. The Town is continuing to seek funding for more extensive repairs of the dam.

B. Town Park Project Update - Supervisor Udicious reported that the drainage, fabric, stonework and topsoil have been placed on the soccer field. The same treatment will be done on the ball fields.

C. Steven-Connors American Legion Post Update - As follow-up to the September 24, 2008, Town Board meeting, Councilman Anderson mentioned that, as a member of the Post, he received a proxy statement from Mr. William Gaffney in the mail. Mr. Gaffney is requesting members to vote on December 17, 2008, for a proposal of the Town of Rush taking over the responsibilities associated with the Steven-Connors American Legion Post. If approved by a 75 member vote at the December 17 meeting, negotiations with the Town would commence.

#### VIII. NEW BUSINESS

A. Utility Easements – Utility services will be required for the ADA compliant restrooms. Easements are required for all utilities and Mr. Udicious will be retrieving the necessary resolutions from the appropriate utility companies.

B. NYS Office of General Services (NYSOGS) Resolution – As requested by the Rochester National Railways Historical Society at the July 9, 2008, a resolution has been prepared as follows:

#### **RESOLUTION #137-08**

RESOLUTION AUTHORIZING THE SUPERVISOR OF THE TOWN OF RUSH TO APPLY TO THE STATE OF NEW YORK OFFICE OF GENERAL SERVICES FOR TRANSFER AND CONVEYANCE OF A CERTAIN PARCEL OF STATE LAND KNOWN AS THE North Portion of Tax Parcel 211.02-02-01, LOCATED IN THE TOWN OF RUSH, COUNTY OF MONROE.

**WHEREAS**, the State of New York ("State") is the owner of a parcel of property located at State Agricultural and Industrial School in the Town of Rush, consisting of approximately 100 acres, hereinafter referred to as the "Premises;" and

**WHEREAS**, the State is authorized to convey its right, title and interest in the Premises to the Town pursuant to Section 34 of the Public Lands Law for the purpose set forth in the statute; and

**WHEREAS**, it is the desire of the Town to apply for a transfer and conveyance of the Premises for park and recreational purposes; and

**WHEREAS**, the consideration for the transfer and conveyance of the Premises as set forth in Section 34 is One Dollar (\$1.00).

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Supervisor is hereby authorized to apply to the State of New York Office of General Services for the transfer and conveyance of the Premises for park and recreational purposes pursuant to Section 34 of the Public Lands Law; and it is further

**RESOLVED**, that the Supervisor is authorized to execute all documents necessary to effectuate said use and transfer and conveyance of the Premises and that such documents shall be subject to the review thereof by the Town Attorney as to form and substance; and it is further

**RESOLVED**, that title shall be transferred after such environmental reviews as may be required by the State Environmental Quality Review Act have been completed.

### DECISION

That within Resolution was moved by Deputy Town Supervisor Donald Knab, seconded by Town Board Member Richard Anderson, and was voted upon by the Counsel Members of the Town Board at a regular meeting as follows:

Roll:

Councilman Knab	aye	
Councilman Anderson	aye	
Councilwoman Sluberski	aye	
Supervisor Udicious	aye	carried.

C. Schedule of Public Hearing – Supervisor Udicious proposed a Public Hearing of the Preliminary Budget for 2009 be held on Wednesday, November 12, 2008, 7:15 PM.

### RESOLUTION #138-08

Supervisor Udicious moved that a Public Hearing on the Town of Rush Preliminary Budget 2009 be held on November 12, 2008, at 7:15 PM at the Rush Town Hall, 5977 East Henrietta Road. Councilman Knab seconded the motion.

Roll:

Councilman Knab	aye	
Councilman Anderson	aye	
Councilwoman Sluberski	aye	
Supervisor Udicious	aye	carried.

IX. OPEN FORUM – Supervisor Udicious opened the floor and offered it for anyone who wished to address the Board.

Resident Kirsten Flass requested the status of the lit Welcome to Rush sign

Rush Town Board  
October 8, 2008

There being no further business, a motion was made by Councilman Knab and the meeting was adjourned at 7:45 PM by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci  
Town Clerk