

RUSH TOWN BOARD  
Minutes of May 27, 2009  
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 May 13, 2009, 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

OTHERS PRESENT: Dave Sluberski ----- Resident  
Bill Gaffney ----- Resident

I. OPEN FORUM –Mr. Udicious offered the floor for those present to address the board.

Dave Sluberski asked for an update on the Stonybrook Park pond.

According to Attorney Frank Pavia, the Department of Environmental Conservation (DEC) is continuing its request that current pond regulations and requirements be met before a grass carp permit could be issued. Supervisor Udicious has requested Highway Superintendent Steven King to investigate an alternate solution used in the mid-west. Attorney Pavia will inquire further with the DEC.

Dave Sluberski requested that in addition to the Genesee Valley Penny Saver ad, the Assessor position opening be advertised on the town's website.

II. APPROVAL OF MINUTES

**RESOLUTION #105-09**

Councilman Knab made a motion to approve the May 13, 2009, Minutes as written. 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 ABSTRACT

**RESOLUTION #106-09**

Councilman Anderson moved Be It Resolved, that having audited all the claims against the funds listed on Abstract #5-2 in the amount of \$24,157.11 be allowed for vouchers #536 through #595. Councilman Doupe seconded the motion.

Roll:

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

IV. CORRESPONDENCE

A. Rush Summer Camp Memorandum – Supervisor Patricia Stephens is requesting approval of a summer camp charge in lieu of Monroe County's approved funding of the program. Due to the late date of registration, Councilwoman Sluberski urged a decision on the amount to be charged to participants. The budgeted amount is \$81.00 per child. In the event county funding is received, refunds will be applied. All town board members supported a charge of the budgeted amount of \$81.00 in lieu of county funding.

B. Court Administration Grant – Rush Town Court has received grant monies through NYS Court of Administration and has purchased a tv, cart and dvd player. Upon request, they are available for use of any town boards.

V. REPORTS OF OFFICERS AND COMMITTEES

A. Building Repair, Maintenance & Future Projects - Councilman Knab reported that an electrician has been contacted regarding lighting the Library lettering on the building, the front steps have been measured for replacement and RT Masters Stone Co. Inc. will provide a budget for contractors.

B. FEMA Money Requests – Councilman Anderson is continuing the town's efforts in obtaining money from FEMA to indefinitely repair the Honeoye Creek dam and to build a case of savings versus expenditures if the dam were to collapse. In 2004, a vehicle study was done concluding that approximately 10,000 vehicles per day cross the bridge over the dam. A dam failure would cause a 10 mile detour for approximately 3 months.

VI. OLD BUSINESS

A. Court Audit Report – Councilmen Knab and Doupe completed their review of the justice court records and provided comments.

**RESOLUTION #107-09**

Supervisor Udicious moved to accept the audit of the Rush Town Justice Court Records provided by Councilmen Knab and Doupe. Councilman Knab seconded the motion.

Roll:

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

B. Agreement to Complete Work Involved in the Year 2010 Re-Assessment Project - After consulting with the Office of Real Properties, signing of the 2010 Re-Assessment Project contract will be postponed until the town board has appointed a new assessor.

C. Wood Waste Agreement – Agreement between the Town of Rush and Niagara Generation has been distributed to town board members and Attorney Frank Pavia has submitted his comments. Further discussion will be held at the next town board meeting.

D. Sale of Town Property (Hart's Field) – The Town attorney has submitted modifications to the agreement and is awaiting buyer approval. Attorney Pavia stated that once the contract is no longer in negotiations, the sales price will be released to the public.

E. Town Park Project Status – Brush has been cleared from the town park project and two bridges have been positioned over the ditch. The Highway Department is awaiting a hydro-seeder to complete its work.

Supervisor Udicious stated that project bids for the pavilion are due by June 8, 2009. The restrooms may then be built. Further expansion of the pavilion will depend on the balance of the capital reserve recreation fund money and potential money from the sale of Hart's Field.

F. 100 Acre Office of General Services ("OGS") Parcel – Phase II Environmental Study - OGS responded that they cannot assume any cost involved in the Phase II environmental investigation. Attorney Frank Pavia recommended a Phase II environmental study be done in the "limited area" to abolish potential problems in the future.

**RESOLUTION #108-09**

Councilman Anderson moved to allow Supervisor Udicious to enter into a contract with LaBella Associates PC to complete a Limited Phase II Environmental Study of

the portion of 100 acre parcel in question on Rush Scottsville Road in an amount of \$1,800.00. Councilwoman Sluberski seconded the motion.

Roll:

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

G. Legion Property Architect Report – The Town Board is in receipt of the architectural report. The board voiced their concerns. Leasing the facility with options to buy were also discussed. Before a purchase decision can be made, a cost analysis is sought. Attorney Pavia will investigate specifics regarding timeframe of taking ownership and period available in obtaining ADA compliance. Councilman Knab requested that Mr. William Gaffney supply a copy of correspondence from Monroe County authorizing full use of the parking area encroaching on county property. Councilman Knab will contact Tom McHale in order to obtain further septic system information. Further discussions regarding the Legion will take place at a later date.

Mr. William Gaffney mentioned that he is anxious to receive an answer from the town because he has an offer of purchase on the table.

#### **RESOLUTION #108-09**

Councilman Knab moved to authorize the Supervisor to obtain a cost analysis in bringing the Steven-Connors Legion Post to ADA compliancy and performing the necessary improvements as suggested in the architectural report. Councilman Doupe seconded the motion.

Roll:

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

#### VII. NEW BUSINESS

A. Legislation to End Unfair Double Recoveries against Public Employers - Supervisor Udicious received correspondence supporting the Senate Bill S.4080-A and Assembly Bill A.7504-A which will end unfair double recoveries against public employers and remove an impediment to the settlement of tort actions. Attorney Frank Pavia will review the Bills.

B. Town Service Recognition – Supervisor Udicious questioned whether or not the board would be interested in changing the Employee Manual to recognize long-term employees and if so, what type of recognition would be suggested. The

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Supervisor, on behalf of the Town Board, recognizes employees who have served on boards with a Certificate and thank you for Service in the Town Newsletter. Attorney Pavia stated that other municipalities do not have a policy but acknowledge long-term employees on a case-by-case basis.

VIII. OPEN FORUM:

Dave Sluberski asked when the Assessor would be resigning. Supervisor Udicious answered that Assessor Kevin Quinlan would be resigning as of July 2, 2009.

Dave Sluberski requested an update on the Rush Market & Deli property located at 5946 East Henrietta Road. Supervisor Udicious stated that although he had nothing in writing, a tentative closing is scheduled for June 3, 2009.

Dave Sluberski requested that next year a dumpster be made available for garbage collected on Earth Day.

IX. EXECUTIVE SESSION

Supervisor Udicious made a motion to adjourn to executive session at 8 PM to discuss a personnel benefit matter and an attorney-client privilege matter.

On the motion of Supervisor Udicious, the meeting was returned to regular session at 8:15 PM.

There being no further business, a motion was made by Councilman Knab and the meeting was adjourned at 8:15 PM by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci  
Town Clerk