

RUSH TOWN BOARD
Minutes of September 9, 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 September 9, 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
Chuck Steinman ----- Attorney for the Town

OTHERS PRESENT: Dave Sluberski ----- Resident
Al Simon ----- Resident
Kirsten Flass ----- Resident, Library Director
Don Van Lare ----- Resident, Zoning Chair
Bill Riepe ----- Resident
Dave Sluberski ----- Resident
Joelle Lane ----- Resident
Amber Corbin ----- Resident
Joan Starkweather ----- Resident
Harvey Seymour ----- Resident
John Felsen ----- Resident, Planning Chair
Tim Lane ----- Resident
Jeff Werner ----- Resident
Scott Strock ----- Resident

I. OPEN FORUM – Mr. Udicious offered the audience to a copy of the procedures of conducting a town board meeting found on the sign-in table and then opened the floor to those present to address the board.

II. APPROVAL OF MINUTES

RESOLUTION #144-09

Councilman Knab made a motion to approve the August 12, 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.

II. APPROVAL OF TRANSFER OF FUNDS

RESOLUTION #145-09

Councilman Anderson moved, Be It Resolved, that having audited all the transfers from the unexpended balance of an existing appropriations of the General fund, I move that all transfers in the amount of \$7,997.25 be allowed for Transfers #38 through #42. Councilman Doupe seconded the motion.

Roll:

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

General Fund

Transfer #	Increase Revenue/Decrease fund balance Amount	Account	Description	Account	Increase Appropriation Description
38	99.0	A-1220.4	Supervisor Contractual	A-1920.4	Supervisor Assoc. Dues
To cover increase in Association of Towns dues					
39	500.00	A-1460.4	Records Management	A-1660.4	Central Storeroom Contractual
To cover storeroom supplies					
40	398.25	A-1910.4	Supervisor Insurance	A-8160.4	Parks Contractual
To cover final chipping cost					
41	4,000	A-1220.1	Supervisor Personnel Svcs.	A-1860.4	Supervisor Engineer/Architect
To cover portion of Pavilion design					
42	3,000	A-1910.4	Supervisor Personal Svcs.	A-1440.4	Assessment Contractual
To cover portion of Pavilion design					

IV. APPROVAL OF ABSTRACTS

RESOLUTION #146-09

Councilman Anderson moved Be It Resolved, that having audited all the claims against the funds listed on Abstract #8-2 in the amount of \$42,302.79 be allowed for vouchers #822 through #935. Councilman Knab seconded the motion.

Roll:

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

APPROVAL OF ABSTRACTS

RESOLUTION #147-09

Councilman Anderson moved Be It Resolved, that having audited all the claims against the funds listed on Abstract #9-1 in the amount of \$102,009.22 be allowed for vouchers #936 through #1000. Councilman Knab seconded the motion.

Roll:

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

V. CORRESPONDENCE - None to report.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilman Anderson will be meeting with Larsen Engineering on the Greenway project. Final recommendations will be compiled and presented to New York State within the next couple weeks. The town has been fully reimbursed from state for their portion of the project.

Clerk Bucci reported that she found no state requirement or recommendation in relation to the placement of AED signs on a municipal building. Although municipalities are not required to have AEDs on site, the Rush Town Hall and Highway Department have had them available for a few years. After checking with Rush-Henrietta school's signage placement and AED's location, she recommends that AED signs be placed on the interior doors of the court and library entrances facing out and a larger sign be placed on the inside of the town hall entrance. The location of the AED selected in the Town Hall is available to all departments while the Town Hall and Library are open. Clerk Bucci requested board approval of the placement of signs.

Councilman Anderson suggested additional signage be placed on the door immediately next to the AED area. Clerk Bucci will comply. After discussion, the town board was in full agreement of the placement of the AED signage.

Supervisor William Udicious reported that specifications for the library and town hall roof repair are available.

VII. OLD BUSINESS

A. Outdoor Storage of Recreational Vehicles – The Zoning Board of Appeals unanimously recommended no change to the Rush Town Code, §57 G. The

Planning Board made a recommendation modifying time allowance, front setback and side/rear setback. Supervisor Udicious, Councilman Anderson and Councilman Doupe supported the current code procedures which includes a courtesy verbal notification and a request for compliance letter. If no response is received within 10 days, an appearance ticket is issued. Councilwoman Sluberski suggested a specific change in the code including recreational vehicles parked in the driveway must be registered, inspected and insured. Councilman Knab requested those suggested changes be put in writing for consideration. Councilman Anderson noted that there will now be three considerations of the code to review.

PUBLIC HEARING – REVISION OF SIGN ORDINANCE

Supervisor Udicious declared the public hearing open at 7:15 PM.

Copies of the proposed sign ordinance revisions and current code were made available at the meeting. Clerk Bucci stated that the Notice of Public Hearing was duly published in the Rush Henrietta Post on August 27, 2009, with same being posted at the Town Clerk's Office. Copies of the proposed revisions are also available in the clerk's office for public inspection.

The Notice of Public Hearing, Rush Town Code – Sign Ordinance §120-23 through §120-37 was read for the record.

Supervisor Udicious provided the open forum guidelines.

1. Jeff Werner commented on the lack of fairness in the ordinance in relation to farm stands being allowed 16 feet and churches being allowed 32 feet. Churches do not pay taxes nor collect sales taxes. Farm stands are seasonal. Without adequate signage, a hardship is created requiring more advertising costs. The duration of one crop one week can change the next, requiring a different or additional sign. Farm stands should be changed to 32 feet.

Mr. Werner further stated that sandwich signs and directional signs are not clearly stated in the new revisions. As a long-standing farm in the community, he feels short-sighted and that sign ordinances are too restrictive in general. In general, small town America starts here and support should start in the community it serves. Input from small business owners should have been requested by the joint boards in determining what signage is needed to support the business existence in the Town of Rush.

Churches sponsor all kinds of activities supporting the community and should not be restricted to signage.

Political signs are placed along the roadside and are not removed in a timely fashion.

2. Selden Chase of Chase's Greenhouses also addressed farm stand signs. A six foot directional sign does not provide significant time for reading purposes. The Town Code restrictions should be followed by everyone. Exempt signs with pre-existing permits are not included in the revised code chart.

Mr. Chase agrees with Mr. Werner's comments and questioned reasonable permit costs in obtaining sign permits. Will certain sign permit costs be exempt?

3. Joelle Lane of Joelle's Hair Design stated that if the sandwich sign is removed from her business, it will create a safety issue. Customers are accustomed to the parking area but the current location of the sign helps to guide those driving and walking into salon.

4. Resident Tim Lane commented about prohibited signs, specifically roof signs. Mr. Lane is aware of a few existing roof signs in town but there is no mention of them in the revised sign code or chart. Will variances be allowed for existing roof signs?

Due to the fact that not-for-profit organizations in town depend on others to fund their cause, they should not have strict sign restrictions placed on them.

Having heard all comments, at 7:30 PM Supervisor Udicious closed the public hearing. All remarks will be considered.

OLD BUSINESS CONTINUED:

B. Town Park Project Status – Supervisor Udicious noted that soccer goal posts as well as other equipment purchases were being considered. Approved general fund monies are being used to complete the pavilion concrete slab, however, no borrowing of money is planned. The Board is continuing to seek grant monies to complete the project and has included funds in the 2010 budget, barring town board approval.

From the sketch plan, Councilman Anderson pointed out the current progress and noted the utilities that are being installed underground at the pavilion site.

C. 2010 Budget - The 2010 budget workshops have been held. Although the Town Board is striving to keep the taxes flat, sales tax revenue is low and retirement costs will be substantially increased.

D. BOCES Property Transfer Status – A lease through 2014 has been renewed by the New York Museum of Transportation. The Town is awaiting a signed agreement by BOCES. The timeframe for due diligence of any environmental concern is 45 days. Although the town is considering the transfer, it has made no commitment and has no set plan for its use.

VIII. NEW BUSINESS

A. Plans for History Museum – Historian David Oliver submitted a museum plan for to the town board which includes items for 2010 budget approval.

B. Development of Rush Market Property – The new property owner will be appearing informally at the September Planning Board meeting. They currently own the Valero store and station on Rush-Lima Road.

IX. OPEN FORUM

Selden Chase inquired whether the Town Board was considering a Conservancy in relation to the 100 acre parcel transfer. A favorable outcome may generate income for the town.

Councilman Anderson and Supervisor Udicious concurred that many options will be reviewed before a final decision is made.

John Felsen asked about the 100 acres west of railroad museum. Supervisor Udicious noted that there is no definite plan. Farmers are currently farming that area. Councilman Anderson stated that the Railroad Museum has requested a portion of the area be used for their parking purposes, which is being entertained. The parcel does have opportunities in relation to the blue way trail development and possible funds in lieu of future development.

Dave Sluberski asked if a new assessor was appointed. Supervisor Udicious stated that nine interviews have been conducted but a decision has not been made.

Jeffrey Werner thanked the Town Board for the recreational facility being developed, adding to the playground in already in place. It is a very welcomed family recreational opportunity.

Jeff Werner requested the Town Board appeal to NYS in getting a 4 way light or additional signage at the intersection of Route 15 and Honeoye Falls No. 6 Road. Supervisor Udicious will inquire about the intersection.

Supervisor Udicious made a motion to adjourn to Executive Session to discuss possible litigation and the assessor's position. Councilman Knab seconded the motion.

Roll:

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

Councilman Knab made a motion to return from Executive Session at 7:50 PM to the regular business meeting.

RESOLUTION #148-09

Councilman Knab made a motion to appoint Dan Sanford as the Town Assessor effective October 15, 2009, for the unexpired term through 9/30/2013. Councilman Doupe seconded the motion.

Roll:

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

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