

RUSH TOWN BOARD
Minutes of September 23, 2009
Regular Meeting

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Deputy Town Supervisor Donald Knab at 7:00 PM on September 23, 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
Pamela Bucci ----- Town Clerk
Chuck Steinman ----- Attorney for the Town

EXCUSED: William Udicious ----- Supervisor

OTHERS PRESENT: Al Simon ----- Resident
Bill Riepe ----- Resident
Dan Woolaver ----- Resident
Sue Woolaver ----- Resident
Jim Kolb ----- Resident

I. OPEN FORUM – Deputy Town Supervisor Knab opened the meeting and invited those present to address the board.

II. APPROVAL OF MINUTES

RESOLUTION #149-09

Clerk Pamela Bucci noted an amendment to be made correcting the Roman Numerals and a change of the word barring to pending on page 5 under Old Business continued, letter B.

Deputy Supervisor Knab made a motion to approve the September 9, 2009, Minutes as amended. Councilwoman Sluberski seconded the motion.

Roll:

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

II. APPROVAL OF ABSTRACT

RESOLUTION #150-09

Councilman Anderson moved Be It Resolved, that having audited all the claims against the funds listed on Abstract #9-2 in the amount of \$49,981.71 be allowed for vouchers #1001 through #1056. Deputy Town Supervisor Knab seconded the motion.

Roll:

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

III. CORRESPONDENCE - Deputy Supervisor Knab deferred correspondence to Reports of Officers and Committees.

IV. REPORTS OF OFFICERS AND COMMITTEES

Town Clerk Pamela Bucci stated, for the record, that the 2010 Tentative Budget has been distributed to the Town Board and a copy is available in the Town Clerk's office for public inspection during normal business hours.

The November Town Board meeting has been rescheduled from November 11th to November 18th at 7 PM. A notice will be published in the town newspaper.

Councilman Richard Anderson amended the Federal Emergency Management Agency (FEMA) application requesting additional funds for the Rush Dam project.

Councilman Thomas Doupe reported that the Rush Fire District has received grants allowing them to place remote hydrant pumps in areas in town that are not near ponds. The District and Highway Superintendent are working together to establish a schedule. Easements will be required. Fire ratings may not be adjusted until after the remote pumps have been fully installed and are reviewed.

Councilwoman Lisa Sluberski reported that although she was not in attendance, the Rush Fall Festival was a success, however, turnout was lower than usual.

Councilwoman Sluberski questioned why the Recreation Supervisor Patricia Stephens was told not to include additional personnel time and monies in her 2010 budget. Ms. Stephens submitted an itemized projection of the costs needed for the town park property for recreational purposes after the budget workshops. Councilman Anderson stated that a request was made for a recreation outline related to the town park, however, those items may not be substantial and would come from a contingency fund. Deputy Supervisor Knab requested the board review the matter as well as the office communication and discuss it with the

Supervisor. Both the Supervisor and Deputy Supervisor will meet with the Recreation Supervisor on the issue.

Deputy Town Supervisor Knab spoke with The Pinpoint Group about audio recording the Town Board meetings and publishing an official non-partisan video on the town's website. The Town is awaiting a quote.

Chuck Wolcott of Wolcott Contracting & Consulting, Inc. of Rush will be repair the town's main front steps with a modified epoxy grout for a cost not to exceed \$550.00. The entrance will be closed while the repairs cure.

On September 17, 2009, Supervisor Bill Udicious and Deputy Highway Superintendent Mark David attended a NYSDOT presentation regarding the culvert replacement on Pinnacle Road and the detour routes. The NYSDOT distributed a flyer announcing their meeting at the Rush Town Hall.

The plans for roof modifications over the library and records room have been received from ElRayess Architects. Estimates for the heat mat and controller are \$5,200.00 and the roof modification is estimated at \$4,800.00. A contingency of \$1,500.00 will also be included in the request for any additional repairs needed in these areas. The Board has reviewed the plans. Once a resolution has been established and passed, a bid will be put out. Due to the cost of the materials, \$5,200.00, the board could purchase the materials outright at a 20% savings. Purchasing the materials will not impact the warranty of the product or insulation guidelines. Not purchasing the materials outright may affect the lead time while bids are still being received.

RESOLUTION #151-09

Councilman Doupe made a motion to authorize the Supervisor to enter into negotiations related roof modifications of the library and records room and purchase outright the materials necessary to complete the project. Amount of the project budget shall not exceed \$11,500.00. Councilman Anderson second the motion.

Roll:

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

Deputy Supervisor Knab will contact the architect to get the project started.

V. OLD BUSINESS

- A. Outdoor Storage of Recreational Vehicles – Deputy Supervisor Knab provided the following timeline:

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- ~ November and December 2008: Mr. James Bucci petitioned the town to change the Rush Town Code to allow for parking of recreational vehicles, boats, campers, snow mobiles, campers under special conditions.
- ~ February 2008: Town Board sent a request for comment to both the Zoning Board of Appeals and the Planning Board
- ~ March 2009: Zoning Board of Appeals reviewed the town codes of Mendon, Clarkson and Sweden as they relate to the outdoor storage of recreational vehicles
- ~ March 13, 2009: The Zoning Board of Appeals recommended no change in the Rush Town Code
- ~ July 2009: The Planning Board responded with its recommendations
- ~ September 2009: Supervisor Udicious, under Old Business items, asked how the Town Board wished to reply regarding Mr. Bucci's petition to the town. Councilwoman Sluberski suggested amendments to the Code and the Board requested her suggestions in writing to complete a full review.
- ~ September 22, 2009: Councilwoman Sluberski's amendments were emailed to town board members

Deputy Supervisor Knab will request the Supervisor to add Outdoor Storage of Recreational Vehicles, Rush Town Code, §57 G. as an Old Business action item so that it may be resolved at the next Town Board meeting.

Councilman Anderson, for the record, clarified that there was only one suggestion in Councilwoman Sluberski's amendment request. Currently, the code states only registered vehicles be parked in driveways. Councilwoman Sluberski's recommendation is that one recreational vehicle/hauling trailer be allowed to be parked in resident driveway not blocking the road right of way.

B. Town Park Status - Deputy Supervisor Knab stated that Contractor Tower Construction is slightly behind schedule in building the town park project. The slabs and exterior walls are scheduled for September 24, 2009.

C. Development of the Rush Market Property - The current owner has informally appeared before the Planning Board to discuss their plans.

D. 100 Acre Parcel Transfer Status - The Attorney for the Town has received correspondence from the Office of General Services stating that a proposed Deed will soon be ready and forwarded to the Town for approval.

Deputy Supervisor Knab met with Jeremy Tuke of the Railroad Museum expressing his concern with the State's disconnecting water to the property instead of conveying it to the Monroe County Water Authority (MCWA). Water will be cut off to all properties outside the State School of Industry including the BOCES property,

Weaver property and Railroad Museum. Deputy Supervisor Knab will discuss with the Town Supervisor an additional request to the MCWA for the continuation of water to the Railroad Museum.

VI. NEW BUSINESS

A. Use of Outdoor Furnaces/Boiler Units - Deputy Supervisor provided background of the furnaces and boiler units and the lingering of smoke that can be created depending on temperature conditions. It is recommended that a moratorium be placed on any future construction until an ordinance can be put into place. The Moratorium will not affect properly installed outdoor wood furnaces or boiler units that are now in place. It will affect wood furnaces that do not have a town permit or have been improperly installed. A draft resolution and a copy of a local law for town board review have been provided. A public hearing is required.

Councilman Anderson requested the attorney's input on the DEC regulations relating to the use of outdoor furnaces/boiler units at the state law level. Attorney Steinman will investigate legislation and any proposed regulations report back to the Board. Deputy Supervisor Knab noted that New York State is offering energy tax credits for the purchase and use of such biomass units. Under Home Rule, the Town Board is authorized to regulate their use within the town. All information must be weighed in order to make a decision. A 9 month moratorium may be an allowable time to make a decision. A six month extension will be added if required.

RESOLUTION #152-09

Deputy Supervisor Knab made a motion to set a public hearing on Wednesday, October 14, 2009, at 7:30 PM at the Rush Town Hall introducing proposed Local Law No. 7 of 2009 enacting a Moratorium on the Construction of any Outside Wood Burning Stoves and/or boiler units in the Town of Rush. Councilman Anderson seconded the motion.

Roll:

Councilman Anderson	aye	
Councilman Doupe	Aye	
Councilwoman Sluberski	Aye	
Councilman Knab	aye	carried.

B. Schedule Public Hearing Date for 2010 Budget – Tentative Budget copies have been received by all board members.

RESOLUTION #153-09

Councilman Doupe moved to scheduled a Public Hearing of the 2010 Preliminary Budget October 28, 2009, at 7:15 PM. Councilwoman Sluberski seconded the motion.

Roll:

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

IV. OPEN FORUM

Bill Riepe asked for clarification of the impact on a person who parks a recreational vehicles in their driveway for 30 days, removes it 1 day, and puts it back another 30 days in a one year period.

He further asked, what is the prevailing wage when the town is spending \$11,000.00 on the library roof? Deputy Supervisor Knab stated that the Town would not be spending \$11,000.00. Part of the roof repair is approximately \$5,200.00 but that number will be reduced by purchasing materials outright. There will be no prevailing wage.

Deputy Supervisor Knab made a motion to adjourn into Executive Session at 7:30 PM to discuss salaries.

Roll:

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

On the motion of Deputy Supervisor Knab, the meeting was returned to regular session at 8:02 PM.

Councilman Anderson stated that the Town has asked all departments to keep spending down and he questioned if allocating funds for 2 town board members to attend training in New York City at a cost of \$2,500 each and a judge at a cost of \$2,500 is recommended in the 2010 budget. Deputy Supervisor Knab stated that the town board allowance was reduced by 30% for this line item. With the possibilities of a new town administration, training is advantageous and the Association of Towns may be conducting training this year in Albany. Councilman Anderson stated that as a new town board member and/or judge, it is recommended that local training versus training in New York City be done. Deputy Supervisor Knab stated that further discussion is needed including the Supervisor as it affects his budget.

Deputy Supervisor Knab noted that in reviewing the Library budget, a revision is necessary. Town savings and increases in utilities, healthcare and insurances were discussed.

RESOLUTION #152A-09

Deputy Supervisor Knab moved that Donald Reynolds, Budget Officer direct the Library to amend their 2010 budget removing savings from healthcare, utilities and employee benefits to replace other budget line items. Councilman Anderson seconded the motion.

Roll:

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

There being no further business, a motion was made by Councilman Knab and the meeting was adjourned at 8:23 PM by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci
Town Clerk