

RUSH TOWN BOARD
Minutes of December 9, 2009
Regular Meeting

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor William Udicious at 7:00 PM on December 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 ----- Town Supervisor
Pamela Bucci ----- Town Clerk
Chuck Steinman ----- Attorney for the Town

OTHERS PRESENT: Gerald Kusse ----- Code Enforcement Officer
Don Van Lare ----- Chair, Zoning Board
Bill Gaffney ----- Resident
John Trubee ----- Resident
Bill Riepe ----- Resident
Al Simon ----- Resident

I. OPEN FORUM – Supervisor Bill Udicious opened the meeting and instructed those present that an Open Forum occurred at the beginning and the end of each meeting and that anyone could then address the board.

II. APPROVAL OF MINUTES

RESOLUTION #170-09

Councilman Anderson made a motion to approve the Town Board Minutes of November 18, 2009, as submitted. Councilwoman Sluberski seconded the motion.

Roll:

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

III. APPROVAL OF TRANSFER OF FUNDS

RESOLUTION #171-09

Councilman Doupe moved Be It Resolved, that having audited all the transfers from the unexpended balance of existing appropriations of the General Fund listed on Transfer #12-1 in the amount of \$669.48 be allowed for transfers #53 and #54. Councilwoman Sluberski seconded the motion.

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Transfer from the unexpended balance of an existing appropriation(s).

General Funds

Transfer Number	Decrease Appropriation			Increase Appropriation	
	Amount	Account	Description	Account	Description
53	650.00	A-1355.2	Assessor Capital Outlay Transfer to cover replacement clerk wages	A-1335.1	Assessor Personal Services
54	19.48	A-1670-4	Central Mailing Contractual Transfer to cover slight account shortfall	A-1660.4	Central Storeroom Contractual

Roll:

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

IV. APPROVAL OF ABSTRACT

RESOLUTION #172-09

Councilman Anderson moved Be It Resolved, that having audited all the claims against funds listed on Abstract #11-2 in the amount of \$46,624.25 be allowed for vouchers #1246 through #1291, excluding voucher #1286. Councilman Doupe seconded the motion.

Roll:

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

V. APPROVAL OF ABSTRACT

RESOLUTION #173-09

Councilman Anderson moved Be It Resolved, that having audited all the claims against funds listed on Abstract #12-1 in the amount of \$215,887.40 be allowed for vouchers #1292 through #1353. Councilman Knab seconded the motion.

Roll:

Councilman Anderson aye
Councilman Doupe aye
Councilwoman Sluberski aye

Councilman Knab aye
Supervisor Udicious aye carried.

VI. CORRESPONDENCE - None to report.

VII. REPORTS OF OFFICERS AND COMMITTEES

Councilman Knab received a library roof repair bid which exceeds the approved budgeted amount. Bids will be further examined.

Councilman Anderson received an email from Larson Engineering informing us that Rush's Greenway Trail has been featured in an article of the Massachusetts Greenways & Trail Program pertaining to multiple uses including horse etiquette. Councilman Anderson added that the Town's Greenway system provides direction for horses to use the north side and all pedestrians to use the south side of the trail which is covered limestone chips.

Supervisor Udicious stated that since the town does not employ an onsite webmaster, Town Clerk Bucci will study the maintenance of the town's web page. Town Clerk Bucci has met with our Information Technology provider and will make a recommendation to the Board at a later date. All website updates will continue as scheduled.

VIII. OLD BUSINESS

A. Rezoning of 615 and 6123 Rush Lima Road – Supervisor Udicious requested comments from the Board. Councilman Knab suggested an Environmental Assessment Form (EAF) be completed prior to the decision of rezoning occurs. The properties were previously rezoned from residential to commercial. The owners of both properties have requested that rezoning be re-established to its original residential zoning due to the unsuccessful attempts in obtaining a commercial occupant.

B. Outdoor Parking and/or Storage of Recreational Vehicles – Councilwoman Sluberski suggested setting a public hearing date for the proposed changes of §120-57(G) of the Rush Town Code. Comments from other Board members were provided as follows:

Supervisor Udicious created his own visual of county, state and town roads in Rush that have different right-of-ways. His property picture depicted from each view was very different. The enforcement would be extremely difficult. Supervisor Udicious is not in favor of a change.

Councilman Anderson is not in favor of changing the Code, however, believes the Board could consider holding a Referendum so that all residents would be given a

fair opportunity to decide on the proposed changes. If a Referendum is scheduled, a public hearing should also be held close to the Referendum date.

Councilman Doupe is currently not in favor of changing the Code and agrees with all issues previously commented by Supervisor Udicious and Councilman Anderson.

Councilman Knab does not support a change. All residents who experience a hardship can apply for a variance. Adopting the changes would change the character of the town.

Discussion of Referendum procedures and costs were discussed. Councilwoman Sluberski will research a possible Referendum.

IX. NEW BUSINESS

A. 2010 Municipal Consulting Agreement for Engineering Services

RESOLUTION #174-09

Councilman Knab made a motion to allow Supervisor Udicious to enter into a municipal consulting agreement with the Clough, Harbor Associates, (CHA) to provide professional services as consulting for the Town of Rush for the year 2010. Councilman Anderson seconded the motion.

Roll:

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

B. Amend Procurement Policy - Supervisor Udicious stated as part of Governor Patterson's government efficiency and economy, legislation has been amended to increase the bidding threshold for contracts of public work from \$20,000 to \$35,000. The \$10,000 threshold for purchase contracts remains the same.

RESOLUTION #175-09

Councilman Knab made a motion to amend the Town of Rush Procurement Policy increasing the bidding threshold for contracts of public work from \$20,000 to \$35,000 in accordance with the New York State guidelines. Councilman Doupe seconded the motion.

Roll:

Councilman Anderson	aye
Councilman Doupe	aye
Councilwoman Sluberski	aye
Councilman Knab	aye

Supervisor Udicious aye carried.

C. Contract for Dog Shelter Services - Town Clerk Bucci requests that the annual agreement with the Human Society of Rochester ("Lollipop Farm") be signed as a secondary shelter for the Town of Rush.

RESOLUTION #176-09

Councilman Doupe made a motion for the Supervisor to enter into a contract with the Human Society of Rochester ("Lollipop Farm") in providing a secondary shelter for the Town of Rush dogs at large. Councilman Anderson seconded the motion.

Roll:

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

D. Employ Assessor Clerk in training (part-time)- Supervisor Udicious stated the Assessor Dan Stanford received numerous resumes conducted interviews and recommends the appointment of Colleen Statskey as Assessor's Clerk.

Supervisor Udicious noted that on the Assessor's recommendation, the Town Clerk and Deputy Clerk took part in interviewing Assessor Clerk candidates for the purpose of cross-department interaction and the town's team-approach environment.

RESOLUTION #176-09

Councilman Doupe made a motion to approve the appointment of Colleen Statskey as the Assessor's Clerk effective December 11, 2009 at Step 2 of the General Fund Wage Schedule. Councilman Knab seconded the motion.

Roll:

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

E. Employee Deductions for Medical Savings – Supervisor Udicious stated that currently the town offers employees an opportunity to take part in a flexible spending account of up to \$2,000 a year for medical, dental, vision or dependent expenses. In light of increasing family costs, the Finance Director has recommended an increase of \$500 in flexible spending, totaling a maximum of \$2,500 coverage.

RESOLUTION #177-09

Councilman Anderson made a motion to approve the increase of \$500 in employee deductions through a Flexible Spending Account for 2010 to a maximum of \$2,500. Councilman Doupe seconded the motion.

Roll:

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

X. OPEN FORUM

Resident Don Van Lare, Chair of the Zoning Board of Appeals, requested a timeline of a rezoning decision on property located at 6115 and 6123 Rush Lima Road. A use variance request was filed in January 2009 and because of the previous rezoning to commercial, the properties remain vacant.

Supervisor Udicious stated that the Town Board will be meeting on December 30, 2009, and a rezoning decision may be made at that time, pending appropriate documentation is submitted to the Town and Monroe County Planning and Development.

Resident Bill Gaffney read his opinion of the proposed changes to §120 57(G) Recreational Vehicles as being frivolous and providing an ill-conceived opinion. Mr. Gaffney stated that the Town Code is well-crafted and he is strongly opposed to the suggested changes.

Gerry Kusse commented on the proposed changes of the Town Code in relation to §120 57(G). As Code Enforcement Officer, enforcement of the proposed changes would be extremely difficult. Parking of vehicles in a one-lane driveway will impede emergency vehicles.

Resident Wendy Jo Kuhn opposes changing the Town Code in regard to parking of recreational vehicles.

Ms. Kuhn further voiced her concerns with former Assessor Tom Fess's office and receiving timely freedom of information responses by an Assessor as well as meeting with an Assessor.

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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