

RUSH TOWN BOARD
Minutes of February 10, 2010
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 February 10, 2010, at the Rush Town Offices, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT: Richard Anderson ---- Councilman, Deputy Town Supervisor
 William Riepe ---- Councilman
 Lisa Sluberski ---- Councilwoman
 William Udicious ---- Town Supervisor
 Pamela Bucci ---- Town Clerk
 Charles Steinman, Esq. ---- Attorney for the Town

EXCUSED: Thomas Doupe ---- Councilman

OTHERS PRESENT: Rick Spencer ---- Resident
 Dan Woolaver ----- Resident
 Kirsten Flass ----- Library Director, Resident
 Jim Sickles ----- Property Owner
 Steven King ----- Highway Superintendent

I. OPEN FORUM – Supervisor Udicious offered the floor to anyone wishing to address the board.

Rick Spencer provided his opinion of the wording “fair to assume” used in Supervisor Udicious’ letter in the February/March 2010 Town Newsletter issue regarding the Rush Market Update. Mr. Spencer also suggested that informational letters be mailed to property owners in the vicinity of the commercial property.

Supervisor Udicious noted that a public hearing occurred at the Planning Board meeting on January 19, 2010. The Zoning Board would be hearing Application 2010-01Z-Rush Mart, Application-02Z-Rush Mart, Application-03Z-Rush Mart on February 11, 2010. As a town courtesy, public hearings notifications are sent to property owners within a 250 to 500 feet distance.

Kirsten Flass commented on the January 27, 2010, Town Board minutes that included \$90,000 being set aside in the 2010 budget to complete the pavilion project. In 2010, the town board withheld cost of living increases to all employees which amounts to approximately \$33,000. Ms. Flass stated that in today’s economy, the thought process of spending town money should be carefully managed. Ms. Flass believes that the pavilion is being completed on the backs of

town employees. Ms. Flass further stated that having the recreation fields and restroom facilities is a welcomed addition to the town.

Supervisor Udicious stated that the town board collectively makes the budget decisions.

II. APPROVAL OF MINUTES

RESOLUTION #58-2010

Councilman Anderson moved to approve the Minutes of January 27, 2010, as submitted.

Councilman Riepe seconded the motion.

Roll:

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

III. TRANSFER OF FUNDS

RESOLUTION #59-2010

Councilman Anderson moved, Be it Resolved, that having audited all the transfers from unreserved fund balance of unanticipated revenues, moved that the transfer of \$68,689.00 be allowed for transfers numbered #1 and #2. Councilwoman Sluberski seconded the motion.

BUDGET TRANSFERS 2/10/2010 - 2010 FUNDS

Transfer from the unreserved balance of unanticipated revenues

General Fund

Transfer Number	Amount	Decrease Appropriation		Increase Appropriation	
		Account	Description	Account	Description
1	65,189.00	A-599	Fund Balance	A-1620.21	Building
			Appropriated		Capital Outlay
			Encumbrance – remaining approved Pavilion budget		
2	3500.00	A-599	Fund Balance	A-1620.45	Building
			Appropriated		Maint. & Repair
			Encumbrance – Labor portion of approved Roof repair		

Roll:

Councilman Anderson	aye	
Councilman Riepe	Aye	
Councilwoman Sluberski	Aye	
Supervisor Udicious	aye	carried.

IV. APPROVAL OF ABSTRACT #2-1

RESOLUTION #60-2010

Councilman Anderson moved, Be It Resolved, that having audited all the claims against funds listed on Abstract #2-1 be allowed in the amount of \$40,314.57 for vouchers #113 through #170. Councilman Riepe seconded the motion.

Roll:

Councilman Anderson	aye	
Councilman Riepe	Aye	
Councilwoman Sluberski	aye	
Supervisor Udicious	aye	carried.

V. CORRESPONDENCE

Office of Real Properties Services – A congratulations letter was received commending the Town of Rush on its 100% assessment. Because the reassessment was completed in 2009, the town is eligible to receive \$5/parcel of land. The town has 1727 parcels. However, NYS laws have directed the ORPS to reduce payments made in the annual aid program by 2%, and then 12.5% respectively. The Town will be receiving \$7,404.51 in annual aid.

Digital Records Retention - Docuware – Supervisor Udicious provided an informational page on digital record retention system used by the Town of Henrietta. The Board would like to investigate the system as it applies to Rush recordkeeping.

Assessor's Office Summary – In order to strengthen communication with the Town Board, Assessor Dan Stanford provided a department update to the Board and Town Clerk.

Wind Tower Code – Although a wind tower has not been discussed in the town, Supervisor Udicious has received a copy of the Town of Clarkson's wind tower code for perusal by the Town, Planning, Zoning and Conservation Boards.

VI. REPORTS OF OFFICERS AND COMMITTEES

Supervisor Udicious, Finance Director Don Reynolds and Councilman Anderson attended a healthcare seminar presented by Brown & Brown, our insurance consultant/brokers. The seminar presented a forecast of healthcare costs in the future for small businesses and municipalities. As the Board did this year, reviewing premiums on a yearly basis is vital. Increases are expected to continue.

Councilman Anderson continues to pursue the Federal Emergency Management Agency (FEMA) grant for the dam repair. The Town has received a second application with the State and FEMA, however, submitted both consecutively may create confusion. Further discussion with Muffy Meisenzahl, Administrator of Monroe County's Emergency Preparedness will continue.

Councilman Anderson discussed the town's energy conservation "go green aspect" with Larsen Engineers. Supervisor Udicious previously entered into a discussion with a state agency on conducting an onsite audit. Because the building is relatively newly renovated, energy management is going well and an

audit was not warranted. Councilman Anderson is investigating “go green” with New York State Energy Research and Development Authority (NYSERDA) as it applies to the town’s off-street lighting and the possibility of changing to LED lighting.

Councilman Riepe reported that he is reacquainting himself with the Town codes and law.

The Library Board of Trustees welcomed Councilwoman Sluberski as their new liaison.

Town Clerk Bucci shared the Procurement policy with Highway Superintendent Steve King who has commented on some additional revisions. Those revisions will be reviewed by the Board. Town Clerk Bucci questioned whether or not the library was included as a department on the policy. Library Director Kirsten Flass was unaware of a procurement policy.

Library Director Kirsten Flass reported that the Library Wine Tasting fundraiser was, again, a success. Tickets were sold out.

VII. OLD BUSINESS

A. Bid Approval for Highway Department Truck Accessories - Henderson Truck Equipment is the low bidder on the truck accessories and it meets Superintendent King’s specifications.

RESOLUTION #61-2010

Councilman Riepe moved to accept Superintendent King’s recommendation for the truck accessory bid of \$28,375.00 by Henderson Truck Equipment, 22686 Fisher Road, Watertown, New York 13601. Councilman Anderson seconded the motion.

Roll:

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

B. Speed Limit Change on East River Road – The NYS Department of Transportation has received the town’s resolution recommending a speed limit reduction and notification will be sent upon determination.

C. 100 Acre Parcel – The deed has not yet been received from the NYS Attorney General’s Office. Property is located off NYS Rt. 251 neighboring the New York State Railroad Museum.

D. BOCES Property, 6565 East River Road (216 acres) – Environment phase study investigations are continuing and the transfer of property to the town is progressing.

E. Community Development Block Grant – Supervisor Udicious stated that he is awaiting a meeting room sound system quote and will be submitting it with the request for housing of medical equipment to the County by February 12, 2010.

F. Rezoning of Property at 6115 and 6123 Rush- Lima Road – Supervisor Udicious stated that a public hearing was held on November 18, 2009. At this time, the Board will be creating a Local Law to rezone the properties. Supervisor Udicious read the following resolution.

LOCAL LAW NO. 2 OF 2010
BE IT ENACTED BY THE TOWN OF RUSH TOWN BOARD, AS FOLLOWS:

The official Zoning Map of the Town of Rush, incorporated and made a part of the Code of the Town of Rush pursuant to Section 120-3 of the same, is hereby amended and revised to reflect that the properties located at 6115 and 6123 Rush-Lima in the Town of Rush are re-zoned from a Commercial (C) zoning designation to an R-30 residential zoning designation.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

RESOLUTION #62-2010

Councilman Anderson made a motion to adopt the Rezoning of 6115 and 6123 Rush Lima Road, Local Law No. 2 of 2010 as follows:

THE TOWN BOARD OF THE TOWN OF RUSH ADOPTING LOCAL LAW NO. 2 OF 2010

WHEREAS, the Town Board for the Town of Rush has determined that it is in the interests of the Town of Rush that the properties located at 6115 and 6123 Rush-Lima Road in the Town of Rush be rezoned from a Commercial (C) zoning designation to an R-30 residential zoning designation (the "re-zoning action"); and

WHEREAS, a public hearing on a proposed local law for the re-zoning action was conducted by the Town Board of the Town of Rush on November 18, 2009, wherein the public was provided an opportunity to submit comments on the proposed legislation.

NOW, THEREFORE, BE IT RESOLVED that the adoption of Local Law 2 of 2010 is an "Unlisted Action" pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA") and subject to an uncoordinated review by the Town of Rush Town Board as lead agency; and

BE IT FURTHER RESOLVED that the re-zoning action and proposed legislation does not present a potential significant adverse impact, and thus a Negative Declaration as that term is defined by SEQRA is now issued; and

BE IT FURTHER RESOLVED that Local Law No. 2 of 2010, a copy of which is attached and incorporated hereto, shall amend the official Zoning Map of the Town of Rush pursuant to Section 120-3 of the Code of the Town of Rush; and

BE IT FURTHER RESOLVED that notice of this Resolution shall be filed and circulated to the extent required by any applicable provision of the Code of the Town of Rush and/or any relevant statute or regulation. Councilman Riepe seconded the motion.

Roll:

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

VIII. NEW BUSINESS

A. Completion of Pavilion Building – Report dated February 1, 2010, for the Board’s review, was received from Architect Majed El Rayess regarding approval for proceeding with completion of the pavilion project.

Original Contract – Tower Construction	7/8/09	Phase 1- \$149,000
Board approved Phase II – Tower Construction	8/4/09	Phase II - \$46,000

Total Project cost: \$276,800; remaining project cost: \$81,800

The Town Board included in its 2010 approved budget \$90,000 for the pavilion project including a contingency allowance. The board will be in a position to approve or deny the project completion at the next meeting.

IX. OPEN FORUM

Resident Rick Spencer informed the Board that the lights are on in the pavilion bathroom area.

Supervisor Udicious requested the board remain for an attorney-client privilege discussion.

Supervisor Udicious made a motion, agreed by common consent by all councilpersons present, that the meeting be adjourned at 7:40 PM.

Respectfully submitted,

Rush Town Board
February 10, 2010

Pamela J. Bucci
Town Clerk