

RUSH TOWN BOARD
Minutes of March 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 March 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
	Thomas Doupe	-----	Councilman
	William Riepe	-----	Councilman
	Lisa Sluberski	-----	Councilwoman
	William Udicious	-----	Town Supervisor
	Pamela Bucci	-----	Town Clerk
	Frank Pavia, Esq.	-----	Attorney for the Town
OTHERS PRESENT:	Jeffrey Starkweather	-----	Resident
	Kirsten Flass	-----	Library Director, Resident
	Steven King	-----	Highway Superintendent, Resident
	Gerry Kusse	-----	Code Enforcement Officer, Resident

I. OPEN FORUM – Supervisor Udicious opened the meeting offering an explanation of the Rules of Procedures of a Town Board meeting. Supervisor Udicious stated that the purpose of the open forum is to provide opinions and comments to the Board, not a question and answer period. All board members are available to discuss town matters either by phone, e-mail, mail or in an office visit.

Resident Kirsten Flass asked for clarification as to whether or not a question could be asked of the Board. Attorney Pavia responded that questions may be asked, however, answers may not be readily available. The open forum is for the purpose of expressing opinions and providing statements or questions that may require processing or an investigation by the Board before an answer can be given.

II. APPROVAL OF MINUTES

RESOLUTION #68-2010

Councilman Anderson moved to approve the Minutes of February 24, 2010, as submitted. Councilwoman Sluberski seconded the motion.

Roll:

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

III. TRANSFER OF FUNDS

RESOLUTION #69-2010

Councilman Anderson moved, Be It Resolved, that having audited all the unreserved, unanticipated and unexpended balances of the general, highway and library funds, that all transfers in the amount of \$11,471.46 be allowed for Transfers #3 through #12. Councilman Doupe seconded the motion.

BUDGET TRANSFERS 3/10/2010 - 2010 FUNDS

Appropriation of unreserved fund balance or unanticipated revenues

General Funds		Increase Revenue/ Decrease Fund Balance		Increase Appropriation	
Number	Amount	Account	Description	Account	Description
3	10,000.00	L-3840	State Aid -Library Reflect Member Item- Education Grant	L-7410.41	Contractual Legislative Project Grant

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

General Fund		Decrease Appropriation		Increase Appropriation	
Number	Amount	Account	Description	Account	Description
4	160.00	A-9060.8	Fringe Benefits Health Insurance Unemployment rate increase to 2.3% from 2.1%	A-9050.8	Fringe Benefits Unemployment Insurance
5	0.28	A-9060.8	Fringe Benefits Health Insurance Rounding on Disability Coverage	A-9055.8	Fringe Benefits Disability Insurance
6	514.00	A-9060.8	Fringe Benefits Health Insurance Reflect final Workers Comp increase	A-9040.8	Fringe Benefits Workers Compensation
7	37.02	A-9060.8	Fringe Benefits Health Insurance Reflect final amt under Franchise agreement	A-1972.4	Taxes pd for Cable Co. Workers Compensation

Highway Fund

Transfer		Decrease Appropriation		Increase Appropriation	
Number	Amount	Account	Description	Account	Description
8	82.00	DA-9060.8	Fringe Benefits Health Insurance Unemployment rate increase to 2.3% from 2.1%	DA-9050.8	Fringe Benefits Unemployment Insurance
9	625.00	DA-9060.8	Fringe Benefits Health Insurance Reflect final Workers Comp increase	DA-9040.8	Fringe Benefits Workers Compensation

Library Fund

Transfer Number	Decrease Appropriation			Increase Appropriation	
	Amount	Account	Description	Account	Description
10	52.00	L- 9060.8	Fringe Benefits Health Insurance Unemployment rate increase to 2.3% from 2.1%	L-9050.8	Fringe Benefits Unemployment Insurance
11	0.16	L- 9060.8	Fringe Benefits Health Insurance Rounding on Disability Coverage	L-9055.8	Fringe Benefits Disability Insurance
12	1.00	L- 9060.8	Fringe Benefits Health Insurance Reflect final Workers Comp increase	L-9040.8	Fringe Benefits Workers Compensation

Roll:

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

IV. APPROVAL OF ABSTRACT #3-1

RESOLUTION #70-2010

Councilman Anderson moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #3-1 in the amount of \$34,913.06 be allowed for vouchers #230-308, and #310-315. Councilman Doupe seconded the motion.

Roll:

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

V. CORRESPONDENCE

An email was received from Town Clerk Bucci on March 3rd notifying the Board that because there were no responses to fill the Board Assessment Review position, a further advertisement would be placed in The PennySaver. The ad will also be included in the next Town Newsletter and has been placed on the town website. Required training for new members will be held on May 3rd from 6-9 PM at the Gates Town Hall.

A monthly report was submitted from Recreation Supervisor Patricia Stephens. Supervisor Udicious added that, for planning purposes, the Pavilion will be completed by Memorial Day.

A scanned news article was received from Zoning Board member Robert Weiler regarding wind power. The Town Board will be reviewing materials regarding the pros and cons of wind power and whether or not a section on the subject will be included in the Town Code.

VI. REPORTS OF OFFICERS AND COMMITTEES

Dam Grant Update - Councilman Anderson conversed with a representative from the Federal Emergency Management Agency (FEMA) who reported that the town's application is in good order. Applications received by Monroe County are (1) funds for the dam, (2) a generator within the county, and (3) update County-wide Emergency Management Plan. Monies for these grants have not been allocated for distribution. The representative added that travel disbursements have not been authorized. Councilman Anderson will contact Rick Lord who is the junior partner of FEMA with (State Emergency Management Office (SEMO) for continued status of the application.

Library Board Trustee Resignation - Councilwoman Sluberski reported that Jason Smith resigned from the Library Board of Trustees and the Trustees will be seeking a replacement. Director Kirsten Flass will be placing an ad in the town newsletter.

Permit Issued - Code Enforcement Officer Gerry Kusse reported that he issued the Town's 1st permit for a wind turbine. The turbine looks like a tulip.

New York State Laws – Mr. Kusse reported that two New York State laws have recently announced. Amanda's Law, (effective February 22, 2010) which is a carbon monoxide detector law requiring detectors be installed in all new and old residences. The Renovation, Repair and Painting Lead Law, effective April, 2010, will require contractors and maintenance professionals to be certified, and their employees trained in lead paint safety. Both Fire Marshall Rick Tracy and Code Enforcement Officer Gerry Kusse will be placing informational articles in the next town newsletter. Both laws provide safety for all individuals.

Wind Apparatus Code - Code Enforcement Officer Kusse suggested that all town officials making decisions develop a good understanding of wind farm apparatus versus the new technology of a wind tamer. They are entirely different. Supervisor Udicious will route a copy of the wind tamer information to the Boards for their perusal.

Attorney Pavia informed the Town that he is working with other municipalities that have adopted wind ordinances, and are submitting SEQR applications. He will provide models to the Town Clerk for circulation to the Town Board.

CDBG Grant - Supervisor Udicious reported that the Monroe County Community Development Block Grant (CDBG) grant letter for handicapped doors in the lower level restrooms has been received. The funds will be available August 1 and the project must be completed by January 19, 2011. Requests for Proposals (RFPs) will be sought.

Earth Day – Annually, Earth Day has been sponsored in the past by Delta Laboratories. Supervisor Udicious has not been contacted by Delta Laboratories for the town clean-up. Councilwoman Sluberski reported that Resident Hans Schmitthener would not be available to lead the day, however, had an assortment of vests and sticks for the day's use. Supervisor Udicious requests the town continue the cause and will be seeking a Boy Scouts master as its leader. Councilwoman Sluberski will contact local church youth groups for their interest.

Supervisor Udicious has discussed the Boy Scouts request in planting a tree on town property in recognition of the Boy Scouts 100th year anniversary. The Scout master has additional ideas and will be addressing the board at the next meeting.

V. OLD BUSINESS

A. Revised Procurement Policy – Attorney Steinman forwarded a response to the Board stating that the law provides for the Library to follow the same procurement rules developed by the town. Supervisor Udicious suggested that the Library Board of Trustees make the determination of the Library Director's authorization. As she has made similar suggestions in changing the policy, Councilwoman Sluberski will bring the revised Procurement Policy to the Library Board of Trustees for their review.

VI. NEW BUSINESS

A. Schedule Public Hearing on Local Law in regard to Residency Requirements for Appointed positions – Supervisor Udicious stated that there are a few appointed positions in town which require, by Town Law, to be residents. Although, the town manual provides a residency preference in appointment of qualified individuals, providing for the local law will provide flexibility in hiring the best qualified person.

RESOLUTION #71-2010

Supervisor Udicious recommended a public hearing be scheduled on April 14, 2010, for a Local Law in regard to Residency Requirements for Appointed Positions. Councilman Anderson seconded the motion.

Roll:

Councilman Anderson	aye
Councilman Riepe	aye
Councilman Doupe	aye
Councilwoman Sluberski	aye

Supervisor Udicious aye carried.

B. Monroe County in Bloom Agreement Renewal – The agreement provides for flowers, shrubs, peat moss and mulch located in the bed at Routes 251 and 15, at no cost to the town. The town, through Gardener Don Bock, provides for its upkeep.

RESOLUTION #72-2010

Councilman Anderson moved to allow the Supervisor to enter into an agreement with Monroe County in Bloom for the 2010 season. Councilwoman Sluberski seconded the motion.

Roll:

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

C. Agreement to Spend Town Highway Funds – Highway Superintendent Steve King provided an agreement that will cover general repairs on town roads covering 23.02 miles and improvements on both Pine Tree Trail and Pine Tree Circle for a sum not to exceed \$51,666.

Superintendent King stated that the funds noted on the agreement are included in the 2010 town-approved Budget.

RESOLUTION #73-2010

Councilman Doupe made a motion to authorize the Town Highway Superintendent to spend \$51,666.00 for the purpose of general repairs to town highways, including sluices, culverts and bridges and improvements to both Pine Tree Trail and Pine Tree Circle. Councilman Anderson seconded the motion.

Roll:

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

D. Letter of Support to Monroe County – Supervisor Udicious drafted a letter for Board approval in support of Maggie Brooks' request for an experimental program for Google internet access and speed.

RESOLUTION #74-2010

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Councilman Doupe moved to allow the Supervisor to sign a letter of support in approving of Monroe County's entering into an experimental program for increased Google internet access and speed to the public. Councilman Anderson seconded the motion.

Roll:

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

VII. OPEN FORUM

Supervisor Udicious moved to adjourn the meeting. By common consent by all councilpersons present, the meeting was adjourned at 7:45 PM.

Respectfully submitted,

Pamela J. Bucci
Town Clerk