

RUSH TOWN BOARD  
Minutes of April 14, 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 April 14, 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  
                          Meribeth Palmer              ----- Deputy Town Clerk  
                          Charles Steinman, Esq.      ----- Attorney for the Town

OTHERS PRESENT:   Jeffrey Starkweather       ----- Resident  
                          Gerry Kusse                  ----- Code Enforcement Officer, Resident  
                          Don Van Lare                 ----- Zoning Board Chairman, Resident

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

II. APPROVAL OF MINUTES

**RESOLUTION #77-2010**

Councilman Doupe moved to approve the Minutes of March 24, 2010, as submitted. Councilman Riepe seconded the motion.

Roll:

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

III. APPROVAL OF ABSTRACT #4-1

**RESOLUTION #78-2010**

Councilman Anderson moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #4-1 in the amount of \$43,806.62 be allowed for vouchers #377 through #448. Councilman Doupe seconded the motion.

Roll:

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

#### IV. CORRESPONDENCE

Supervisor Udicious received correspondence that the Memorial Day Parade will have the same meeting place as previous years, in St. Joseph's Church lot. The same speaker has also been scheduled.

Councilman Anderson commented on the memo from Recreation Supervisor Pat Stephens dated March 25, 2010. The memo addressed planning issues regarding the Fall Festival. The availability of the Fireman's Field has not been confirmed at this time. It was noted that Keith Eggleston of the Rush Lion's Club would like to host the car show again. Luther Keyes stated that he would like to organize a tractor pull. Ms. Stephens has also asked for alternative entertainment suggestions.

#### V. REPORTS OF OFFICERS AND COMMITTEES

Councilman Doupe commented that the Pin Point Group will be creating mock web site templates for review in the near future.

Supervisor Udicious commented on the drainage problem reoccurring on Five Points Road. Previously, the Town Board hired Corneles Engineering to propose a solution to the problem. One of two proposals was agreed upon with Highway Superintendent King. With the property owner's consent, the town will be seeking a legal easement to the property and a retention pond built with town drainage funds. Once the agreement is executed, the project will be scheduled.

Supervisor Udicious reported that the water line from the pavilion to the road has been installed. Monroe County Water Authority will need to tunnel to make the final connection. The Monroe County Water Authority fee \$1880.00 for this project has been paid.

Supervisor Udicious stated that Day Automation completed their preventative maintenance review of the surveillance cameras. The exterior and interior cameras have been cleaned which improved the picture quality. A yearly maintenance schedule will be set up for April or May of 2011.

Supervisor Udicious received the Standard and Poor's rating report for the Town of Rush. The town's rating has been raise from an A- to an A+, noting a strong economic standing and tax base.

Supervisor Udicious commented on a recent article in the Democrat and Chronicle regarding area town courts and the fees collected. The article indicated that area town court revenues are substantial. The reporter did not inform readers of the mandated fees town courts are required to pay to the state. Supervisor Udicious stated that the application deadline for the Board of Assessment Review position was April 15, 2010.

The Town has received several applications for the Town Historian position. Interviews will be arranged for both positions in the near future.

Supervisor Udicious reported that progress continues at the Rush Market site. The owners are presently in the process of removing the fill from the lot. They are also waiting to finalize the County of Monroe Industrial Development Agency (COMIDA) low interest loan process.

**7:15 PM - PUBLIC HEARING – LOCAL LAW 3 OF 2010 (RESIDENCY REQUIREMENTS)**

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

Deputy Clerk Palmer read the Notice of Hearing for the record. Notice of Public Hearing was duly published in the Sentinel Newspaper on March 25, 2010 and in the Rush-Henrietta Post on March 26, 2010, with the same being posted on March 25, 2010 on the Town Clerk's Bulletin Board and the town web site.

Supervisor Udicious explained that the purpose of the proposed Local Law is to allow the town to hire non-Rush residents for appointed positions. Although it is preferable to hire Rush residents, local applicants are not always abundant and the town would like to be able to hire the most qualified candidate for the position.

Resident Jeffrey Starkweather asked for further clarification.

Councilman Doupe stated that currently this affects several positions in the town. This local law will bring the town into compliance with New York State Town Law. This law will not change the residency requirements for elected officials, it will merely offer residents who are non-electors of the town eligibility, provided however, that they reside in Monroe County or an adjoining county within New York State.

**RESOLUTION #79-2010**

Supervisor Udicious moved that the voting on the Local Law be postponed until the next Town Board meeting. Councilman Doupe seconded the motion.

Roll:

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

There being no further comments, Supervisor Udicious closed the Public Hearing at 7:25 PM and the regular meeting was re-opened.

VI. OLD BUSINESS:

A. Procurement Policy-The Library Board of Trustees passed a motion on April 6, 2010 requesting the Town Board to allow the Library Director a procurement policy level of \$2500. It was also noted that the Library Board reviews all expenses at each monthly meeting.

B. Status of Sale of Land, including Hart's Field-Supervisor Udicious has received a written purchase offer for the Hart's Field property. The purchaser has requested written acknowledgement stating that the use of the easement is transferrable. This is currently under review by the town attorney. Councilwoman Sluberski and Supervisor Udicious discussed the past non-use of Hart's Field.

C. Completion of Pavilion (Construction Schedule)-A construction schedule for the completion of the pavilion has been submitted by the contractor. Completion target date is May 31<sup>st</sup>, 2010.

VII. NEW BUSINESS:

A. Town Clerk Bucci supplied the board with cost reduction numbers and information regarding the town hall rug rental contract. Town Clerk Bucci has proposed discontinuing the rental service and the purchase of rugs for the town hall. This will provide a substantial savings to the Town. Due to the small carpet samples provided, Town Clerk Bucci would like to purchase 1 runner in order to approve the quality and durability before making a full purchase.

**RESOLUTION #80-2010**

Supervisor Udicious made a motion to grant Town Clerk Bucci authorization to proceed with the purchase of one runner. Councilwoman Sluberski seconded the motion.

Roll:

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

B. Councilman Anderson stated that the planning grant application that was submitted to the state to develop a Farmland Protection Plan is currently being reviewed and hopes for a response in the near future. The grant is for \$25,000.00 and the town is awaiting the contract from the state before incurring any expenses to develop the plan.

C. The annual court audit for the state has been assigned to Councilman Doupe and Councilman Riepe. They will make the proper arrangements and report back at the next Town Board meeting.

D. Supervisor Udicious discussed the request of credit hours for those who attended the sign ordinance and PUD workshops that took place in early 2009. The Zoning Board members previously requested and were granted credit. The Planning Board will need approval for this as well.

**RESOLUTION #81-2010**

Supervisor Udicious made a motion to grant credit hours for the attendance of the sign ordinance and PUD workshops held in 2009 as well as any future workshops for both Planning and Zoning Boards members. Councilman Doupe seconded the motion.

Roll:

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

E. The Resignation of the Town Historian, David Oliver was received on March 31, 2010.

**RESOLUTION #82-2010**

Supervisor Udicious made a motion to accept David Oliver's Resignation. Councilwoman Sluberski seconded the motion.

Roll:

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

F. The Zoning Board of Appeals has requested a revision to Rush Town Code 120-16B regarding the maximum height of buildings. The Zoning Board of Appeals would like the code to state "structure" rather than "building" in order to regulate wind generators, signs and other structures over 35 feet that might be proposed. Supervisor Udicious stated that the Town Attorney will be providing examples of codes that specifically regulate wind generators.

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G. The Security System Proposal by Day Automation has been received and reviewed. The bid was received in the amount of \$13,669.19 and Day Automation is currently on the state bid list.

**RESOLUTION #83-2010**

Supervisor Udicious made a motion to accept the Day Automation bid for \$13,669.19, not to exceed \$14,000.00. Councilman Doupe seconded the motion.

Roll:

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

VIII. OPEN FORUM – Supervisor Udicious opened the floor to anyone wishing to address the board.

By common consent by all councilpersons present, the meeting was adjourned at 8:10 PM.

Respectfully submitted,

Meribeth Palmer  
Deputy Town Clerk