

RUSH TOWN BOARD  
Minutes of April 28, 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 28, 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
	Frank Pavia, Esq.	-----	Attorney for the Town
OTHERS PRESENT:	Jeffrey Starkweather	-----	Resident
	Gerry Kusse	-----	Code Enforcement Officer, Resident
	Lou Catipano	-----	Resident
	Stephen Catapano	-----	Resident
	Jonathan Catapano	-----	Resident
	Thomas Catapano	-----	Resident
	Michael Catapano	-----	Resident
	Jack Mould	-----	Library Board Trustee, Resident

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

Resident Richard Spencer addressed the current town practice of sending courtesy notifications to residents within a 200-500 foot radius of up coming Planning and Zoning Board Public Hearings. These notifications are not required by New York State Town Law or Rush Town Code. Mr. Spencer asked the Town Board if they would consider making it a requirement. Supervisor Udicious will contact Mr. Spence regarding his request.

II. APPROVAL OF MINUTES

**RESOLUTION #84-2010**

Councilwoman Sluberski moved to approve the Minutes of April 14, 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 #4-2

**RESOLUTION #85-2010**

Councilman Anderson moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #4-2 in the amount of \$22,531.72 be allowed for vouchers #449 through #495. 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 stated there is no correspondence to present.

V. REPORTS OF OFFICERS AND COMMITTEES

Councilman Anderson will defer to new business.

Councilman Riepe informed the board that the Planning Board did not meet in April, therefore, he has nothing to report.

Councilman Doupe will defer to old Business.

Councilwoman Sluberski stated the Conservation Board meeting was cancelled as well, with nothing to report.

Code Enforcement Officer Gerry Kusse reported on the permit to demolish portions of the stone house located at 6123 Rush Lima Road. In addition, Mr. Kusse informed the board of the Sir Vidya Temple's plan to use the two parcels that they own across the street from the temple for the employee parking of 50-60 cars during their summer conference.

Supervisor Udicious reviewed the request from Zoning Board Chairman VanLare to change the wording of Town Code §120-16B and 120-16C. The code currently regulates the height of "buildings", if the word "buildings" could be changed to "structures" then the town could regulate the height of wind generators, signs or anything else that might be proposed. Supervisor Udicious

has requested that the Zoning Board make recommendations for the rewording of both codes.

Supervisor Udicious discussed the two culvert replacements on Pinnacle Road. The Monroe County Department of Transportation (MCDOT) held a public information meeting last year regarding the project. The county will be notifying residents in that area by mail of the construction dates. The culvert near Lyons Road is scheduled for the month of May and the culvert near NYS Route 251 is scheduled for July. The bridge replacement project on NYS Route 15A, south of Monroe Street has been delayed due to funding.

VI. OLD BUSINESS:

A. Request for Speed Limit Reduction on East River Road - Monroe County with support from the Town of Rush requested New York State Department of Transportation (NYSDOT) to reduce the speed limit from Rush Henrietta Town Line Road, south to the Telephone Road area. NYSDOT determined that the reduction was not warranted as this time.

B. Court Audit Schedule – Councilman Doupe and Councilman Riepe have volunteered to conduct the annual court audit. The audit has been scheduled for mid- May and a report will be available by the second Town Board meeting in May.

C. Construction Status of the Pavilion – framework and trusses are up and the roof will be put on next. The completion date is still scheduled for Memorial Day, May 31, 2010.

D. Revised Security Camera Proposal – at the last meeting the Town Board voted on the installation of security cameras on the pavilion. The approval was for a contact up to and not to exceed \$14,000. The proposal included 7 cameras. After further review of the proposal it was found that 7 cameras are necessary for proper coverage at the original bid of \$13,669.19.

E. Residency Requirement for Appointed Positions – The Town Board held a public hearing on April 14, 2010 for the adoption of Local Law #3 of 2010 which allows the Town of Rush to hire non-residents for certain appointed positions. This does not change the current policy of a hiring qualified Rush residents whenever possible.

**RESOLUTION #86-2010**

Councilman Anderson moved to adopt Local Law 3# of 2010. The Town Board for the Town of Rush has determined that persons holding offices of the Deputy Town Clerk, Budget Officer, Deputy Highway Superintendent, Town Engineer, Town Court Clerk, and Building Inspector/Code Enforcement Officer for the

Town of Rush need not be residents nor electors of the Town of Rush, provided, however, that such persons reside in the County of Monroe or an adjoining county within the State of New York. Councilman Riepe seconded the motion.

Roll:

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

VII. NEW BUSINESS:

A. 100 acre OGS Property Transfer to Town – The town has signed the final documents and returned them to the town attorney for filing. Once the documents have been filed the town will hold ownership of the property. The property is located just west of the railroad tracks on NYS Route 251 all the way to the Genesee River heading north. The railroad museum has requested an easement to use part of the land west of the railroad tracks for a visitor parking area. In addition the Town Board will research and take into account the current farming on the land and inform the insurance company.

B. Request from Sentinel Technologies, Inc. to Install a Monitoring Well – Sentinel Properties is proposing a monitoring well on town property directly across from the Sugar Creek store. Prior to purchasing, the town conducted a phase 1 and 2 study resulting in very minor traces of contaminants that did not detour the town from purchasing the property. The New York State Department of Environmental Conservation (NYSDEC) as a follow up is requiring the Sugar Creek store to install a monitoring well from which samples can be obtained from over time. These wells are generally small in diameter and capped. This will be a benefit to the town and results of the well samples will be made available to the town.

**RESOLUTION #87-2010**

Councilman Doupe made a motion to move forward with the agreement for the monitoring well subject to the terms sets forth by the Town Attorney.

Councilman Anderson seconded the motion.

Roll:

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

C. Community Development Block Grant – The proposed grant is for a storage facility to house loan equipment for the temporarily disabled. The Lion's Club is

presently running the loan cupboard, however, their storage space is no longer available. The proposed storage facility would allow the town to store the loan equipment as well as equipment used by the town for winter maintenance of the handicap entrance, sidewalks and areas of public use around the Town Hall. The loan cupboard would continue to be maintained by the Lion's Club. The Community Development Block Grant has been submitted and is waiting approval. The Town hopes to add the storage facility by the end of this year.

D. Request for a Smoke-Free Park – This originated from the Smoking and Health Action Coalition of Monroe County. The coalition would like the Town Board to consider making the new park area behind the Town Hall smoke free. Supervisor Udicious has requested the board members to think over this matter for a future discussion.

E. Facilities Agreement/Permit for the Rush Town Pavilion and Stony Brook Park – Councilman Anderson as recreation liaison and Pat Stephens, Recreation Supervisor, have been working with the Town Attorney on the agreement. Combining the agreements will most likely not work do to the fact that the facility hours and amenities are different at each park. The insurance carrier suggested that the Town of Rush request that community groups and athletic organizations sign a document holding the town harmless and provide a certificate of insurance in the amount of \$1,000,000. Individuals would be asked to sign a document holding the town harmless and to provide a certificate of homeowners insurance as theses policies have liability limits. If individuals are unable to provide a copy of homeowners insurance, the cost for individuals to obtain a one day policy in the amount of \$1,000,000.00 would be approximately \$350.00. After inquiring with area towns, the average rate for pavilion rental is \$100.00 for residents and \$150.00 for non-residents. Stony Brook Park rental will remain at \$25.00. Organizations such as Rush Seniors or any town sponsored event would not be charged a fee. There will be minor changes to the Parks Law for consistency. The preliminary agreement has been submitted to the Town Board for their review.

Councilwoman Sluberski made several suggestions for additions/changes to the facilities agreement and asked who will be authorized to sign the agreement on the town's behalf. At this time the Recreation Supervisor will be the signature and in charge of the master schedule.

Councilman Anderson stated that after revisions are made, the agreement will be submitted for re-review at the May 12, 2010 Town Board meeting.

F. Appointment to Board of Assessment Review- The Town Board conducted interviews with candidates for the opening on the Board of Assessment Review on April 27, 2010.

**RESOLUTION #88-2010**

Supervisor Udicious made a motion to appoint Mr. Jerry D. Justice Jr. to the unexpired 5 year term position on The Board of Assessment Review effective immediately. This term expires on September 30, 2014. Councilman Doupe seconded the motion.

Roll:

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

Supervisor Udicious has notified Mr. Justice of upcoming required training on May 3, 2010.

Supervisor Udicious informed the Town Board that the agenda for the May 12, 2010 meeting will not be available until May 10, 2010 due to vacation.

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

Resident Jack Mould stated that he is very happy to see the new fields behind the town hall in use.

By common consent by all councilpersons present, the meeting was adjourned at 8:00 PM.

Respectfully submitted,

Meribeth Palmer  
Deputy Town Clerk