

RUSH TOWN BOARD  
Minutes of July 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 July 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
	Pamela Bucci	-----	Town Clerk
	Frank Pavia, Esq.	-----	Attorney for the Town
	Charles Steinman, Esq.	-----	Attorney for the Town

OTHERS

PRESENT:	Selden Chase	-----	Property Owner
	Gerry Kusse	-----	Resident, Code Enforcement Officer
	Norma Polizzi, Esq.	-----	Attorney for Susan Swanton
	Susan Swanton	-----	Property Owner
	Daniel Bilinsky	-----	Resident
	Dave Sluberski	-----	Resident
	Ralph Keyes	-----	Resident
	Vera Keyes	-----	Resident
	Amber Corbin	-----	Resident
	Jeanne Yawman	-----	Resident
	Terry Irvine	-----	Resident
	Selden Chase	-----	Resident
	Robert Kraus	-----	Resident
	Patricia Kraus	-----	Resident
	Doug & Ryan Conner	-----	Resident

I. OPEN FORUM – Supervisor Udicious offered the audience a copy of meeting guidelines and asked that all persons in attendance sign in. He then opened the floor to anyone wishing to address the board.

Resident Daniel Bilsky stated that he is being disturbed by barking dogs at 7001 East River Road. The property does not have inhabitants. The police have been called, however, are not able to restore peace due to the fact that there are no persons on the property to contact. Mr. Bilsky made reference to a previous request to operate a “seeing eye dog” kennel at a different town

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location. The fact that the dogs would be left unattended and able to bark when the staff left in the evening was enough to deny the application. It appears to be a double standard.

Mr. Bilinsky reported that the temple, located across the street of his home, is conduct a noisy ceremony. A constant noise can be heard, idling commercial buses before 6 AM and after 11 PM which is located approximately 50 yards from his residence. Car alarms have also been activated making the dogs bark after hours.

Supervisor Udicious stated that both situations are being addressed.

Resident Dave Sluberski asked if persons are able to park their vehicles at 5946 East Henrietta Road (previously Rush Market & Deli) in order to ride the RTS bus from the allocated bus stop.

Supervisor Udicious stated the property is privately owned and the town has no jurisdiction, however, contacting the owner and/or RTS may answer the question.

Property Owner Selden Chase requested a brief status report related to the missing historian artifacts.

Supervisor Udicious informed Mr. Chase that the investigation is ongoing and does include contact with the previous historian and collection of factual information. Resolution to the matter will be done as soon as possible.

Resident Jean Yawman reiterated the concern of missing artifacts and requested a resolution to the matter.

Resident Ralph Keyes stated that he may be one of the oldest town resident, being in Rush 87 years. He has read a letter to Jean Yawman from previous historian David Oliver. Mr. Keyes stated that being a professional, as Mr. Oliver stated in his letter, should also include a love of history. Mr. Keyes added to the Board's empowerment to get the artifacts back to the town of Rush. He stated that a good museum is of town interest.

Resident Vera Keyes stated that she is a long-time resident of over 60 years and a United States Navy Veteran. Previously, Betsy Hallock, was the town historian and Mrs. Keyes believes that artifacts donated to the town by the Hallock family should be returned.

Resident Ryan Conner requested the name of a contact person related to an Eagle Scout project, building a boat launch on town park property.

Supervisor Udicious suggested Mr. Conner contact him by telephone and stated that he'd be happy to meet with him in getting the project started.

II. APPROVAL OF MINUTES – Special Meeting

**RESOLUTION #118-2010**

Councilwoman Sluberski moved to approve the Minutes of June 23, 2010, with amendments 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. TRANSFER OF FUNDS

**RESOLUTION #119-2010**

BE IT RESOLVED, that having audited all the unexpended balances of existing appropriations in the General and Highway funds, I move that transfers #16 and #17 in the amount of \$4,200.00 be allowed.

*Transfer from the unexpended balance of existing appropriations*

*General Fund*

Decrease Appropriations				Increase Appropriation	
Transfer #	Amount	Account	Description	Account	Description
16	1,000.00	A-1990.4	Supervisor Contingency	A-7140.4	Pavilion Contractual

Transfer to cover Pavilion and Field maintenance

*Highway Fund*

Decrease Appropriations				Increase Appropriation	
Transfer #	Amount	Account	Description	Account	Description
17	3,200.00	DA-5140.4	Town Snow Removal Contractual	DA-5110.4	Maintenance of roads Contractual

Transfer to cover account shortfall per Supt. Steve King

Councilwoman Sluberski seconded the motion.

Roll:

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

IV. APPROVAL OF ABSTRACT #7-1

**RESOLUTION #120-2010**

Councilman Anderson moved that having audited all the claims against the funds listed on Abstract #7-1 in the amount of \$61,459.08, that they be allowed for vouchers #741 through #809. Councilwoman Sluberski seconded the motion.

Roll:

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

V. CORRESPONDENCE

Correspondence received will be added and addressed as an old business item.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilman Anderson reported that the appliances for the Pavilion will be delivered on Saturday, July 17 and the picnic and folding tables are on order. They are expected to be received within a week.

Cemetery Signage - Councilman Riepe is currently working on cemetery signage. Additional quotes are being requested and will be supplied to the board when available.

NYS Railroad Museum Easement Request - Councilman Doupe received correspondence from Jeremy Tuke from the Railroad Museum regarding the requested easement from the town. If any additional board members are interested in walking the property with Mr. Tuke, he will be available on July 27 or July 29, preferable at 6 PM. Confirmation of walkers should be directed to Councilman Doupe.

Petitions displayed at Public Library - Councilwoman Sluberski attended the Library Board meeting and asked the attorneys whether or not there were rules related to Petitions being available for signature in the Library. Attorney Pavia, without researching, stated that there are no mandates suggesting libraries be a repository for viewing public documents. Libraries are not required to hold petitions. Historically, town and village halls house signed Petitions.

The Conservation Board met, reviewed applications and submitted their comments to the Planning Board.

Srividya Temple ceremony conducted on East River Road - Code Enforcement Officer Gerry Kusse informed the board that the ceremonial proceedings being conducted at the Temple on East River Road had drawn to a close and residents concerns are being sought. Enforceable actions, at this point, have not been raised. Attorney Pavia additionally suggested talking to East River Road residents in the near vicinity of the Temple for their concerns in anticipation of the next ceremony.

Attorney Charles Steinman's departure - Attorney Pavia reported that the reason why both attorneys are present at the meeting is because Attorney Steinman has taken a position with another law firm. All Town of Rush legal matters handled by Attorney Steinman warranting continued counsel will continue to be handled by him until the matters are closed.

Supervisor Udicious thanked Mr. Steinman for his legal counsel to the Town of Rush.

Monthly Clerk's Report - Town Clerk Bucci supplied Supervisor Udicious with the monthly June revenues which amounted to \$9,183.80. The majority of funds collected were collected for the Recreation and Building Departments and health care premiums.

Supervisor Udicious stated that other items of useful information communicated on the Clerk's report were updating the Board of freedom of information requests, updates of records management, cross-training, town computers, state licensing matters affecting revenues and credit card contracts being sought among other items.

Additional updated information was distributed to the Board regarding Business Automation Services (BAS) proposals for the Clerk's and Building Inspector's offices.

Councilman Riepe asked Town Clerk Bucci about the Assessor's computer and problems related with it. Clerk Bucci stated that The Pinpoint Group, Inc., is working on the matter.

Councilman Riepe asked Town Clerk Bucci about the town's part in dog licensing and revenues and expenses being incurred after January 2011. Revenues collected support the Dog Control Officer's salary. Once Governor

Patterson's budget cuts go into effect, there will no longer be a NYS Agriculture and Markets dog licensing division nor a data base of dogs licensed in New York.

Historian's Monthly Report - Supervisor Udicious requested Historian Marjorie Kirch to provide a work activities report to the Board which has been provided. Ms. Kirch will also be providing an article in the upcoming Town Newsletter.

Update on Clough, Harbour & Associates (CHA) Proposal for Planning Services – Supervisor Udicious stated that the town is in the process of updating the Town's Comprehensive Plan. The Town hired CHA as a consultant. Supervisor Udicious will contact the Monroe County Operations Center to request GIS mapping at no cost to be included in the updating of the plan. Liaison Councilman Anderson is the most active board member overseeing this operation.

100 Acre Land Parcel - Supervisor Udicious has contacted the farmer who previously farmed a 35 acre portion of the 100 acres which the town recently purchased for \$1.00. According to him, the Office of General Services and the State had an agreement with the farmer which will expire 2011. A request for that agreement has been made. A certificate of insurance has also been requested.

Security System – In adding additional security measures to the pavilion, the Supervisor will appoint a board member to review both the camera and code security systems and provide comments and any recommended changes.

## VII. OLD BUSINESS

A. Letter of July 2, 2010, from Attorney Norma A. Polizzi will be discussed under an agenda item on Old Business.

Ms. Swanton reported that the first name, Amber Corbin, on the Application to amend the Town Code be crossed out.

Supervisor Udicious read the following Resolution in the record as follows:

RESOLUTION OF THE TOWN OF RUSH TOWN BOARD  
REFERRING SWANTON PETITION TO AMEND ZONING CODE  
TO THE TOWN OF RUSH PLANNING BOARD AND  
ZONING BOARD OF APPEALS

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF RUSH AS FOLLOWS:**

**WHEREAS**, on or about July 2, 2010, the Town Board of the Town of Rush, New York (the "Town Board") received a petition from Susan Swanton and Mary Mayoue ("Petitioners") for an amendment to the Code of the Town of Rush (the "Code") to permit the operation of a seasonal bed and breakfast home in the Town of Rush (the "Petition"), as well as a Short Environmental Assessment Form ("EAF") prepared in accordance with the New York State Environmental Quality Review Act ("SEQRA"); and

**WHEREAS**, Petitioners request the amendment to the Code in order to permit the operation of a bed and breakfast home at property located at 14 Meadow Wood Estate, Stull Road in the Town of Rush; and

**WHEREAS**, the Town Board requests that the Town of Rush Planning Board (the "Planning Board") and the Town of Rush Zoning Board of Appeals (the "Zoning Board of Appeals") review the Petition and make formal recommendations to the Town regarding the Petition; and

**WHEREAS**, the Town Board has reviewed the Petition, the EAF and the other materials prepared and submitted by Petitioners.

**NOW, THEREFORE**, upon consideration by the Town Board of the Petition and the other materials submitted by Petitioners, and the Town Board having given the submitted documentation matter due consideration; it is

**RESOLVED**, that the Town Board refers the Petition to the Planning Board and the Zoning Board of Appeals for study, and requests that such boards review the Petition and report to the Town Board with any conclusions and/or recommendations regarding the Petition and its potential impacts to the zoning and planning interests of the Town; and it is further

**RESOLVED**, that the Town Board shall act as Lead Agency for purposes of conducting an uncoordinated review of the Petition pursuant to SEQRA, upon receipt of the reports from the Planning Board and the Zoning Board of Appeals and a determination by the Town Board at that time to consider further the Petition; and it is 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 Doupe seconded the motion.

Roll:  
Councilman Anderson      aye

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

Attorneys Frank Pavia and Norma Polizzi will discuss the matter further and review the proper procedures from this point forward.

Mrs. Swanton supplied the Board with an additional letter from her as well as bed and breakfast regulatory reform information from New York State.

B. Town Park Pavilion Status – It is expected that the building will be complete and ready for use within the next two weeks.

C. Sale of Hart's Field – Closing has been delayed but is expected to take place in July.

D. Update on CHA Proposal for Planning Services regarding agriculture and farmland protection – Supervisor Udicious stated that a grant of \$25,000 has been obtained by Councilman Anderson.

Councilman Anderson moved that the CHA Planning Service Contact of June 11, 2010 be accepted. Councilman Doupe seconded the motion.

Roll:

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

E. Business Automation Services, Inc. (BAS) Proposal to Town Clerk – Supervisor Udicious stated that the Town Clerk, Deputy Town Clerk and Code Enforcement Officer previously met with BAS to review their software. Many towns within the county use the BAS system as opposed to the Williamson Law Book (WLB) system currently being used by the town.

The BAS software system provides tracking of revenues, printing of monthly State Comptrollers reports, NYS license tracking and reporting, building data records in coordination with Office of Real Properties, Notices and Violations as well as other necessary record keeping documents.

Town Clerk Bucci stated that the present system does not have the extensive capabilities that the BAS system provides for record keeping and retrieval purposes.

Councilman Anderson asked about the integration of information. The system will house all changes in parcel information without the necessity of paper communication. Updating of parcel information will occur instantaneously.

Councilwoman Sluberski asked whether there would continue to be a contract fee for the town's present WLB system if the town were to purchase the new system. A contract fee with WLB will not occur, however, the system data will remain on the town's computers until it is no longer useful.

Town Clerk Bucci is requesting the purchase of the Town Clerk's System and the Integrated Property System (Buildings Department) in the amount of \$6,860.00. The Town's contract with WLB will expire in August, 2010. Budget at this time is \$990.00, which would reduce the new system cost to a one-time cost of \$5,870.00.

Code Enforcement Officer Kusse added that the new software is a quantum leap of efficiency. WLB has not progressed in its software over time. With the BAS system, all information relating to a single property can be viewed at once instead of multiple reports pieced together. A GIS component is not part of our requested package because we do not have additional infrastructure as do other towns.

Supervisor Udicious is in favor of the system, however, because there are still 4 months left in the year, the cost is a concern. He did not support transferring the entire cost from contingency monies.

A negotiated BAS payment contract providing ½ payment for the software in 2010 and the remaining ½ to be paid in 2011 would be entertained by the Board. The Board requested that the Town Clerk provide a revised contract including another payment option at the next Board meeting.

#### VIII. NEW BUSINESS

A. Request for Topsoil at 8899 East River Road, Avon – Letter of June 30, 2010, received by Karen Hopkins requesting permission to excavate topsoil which is a requirement of Statute 51-3. Ms. Hopkins plans to disturb less than 1 acre of land. Attorney Pavia stated that DEC involvement will not be required, however, the owner must provide letter of bond and a map of the property.

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The owner must also provide documentation from the NYS Agricultural & Markets indicating that there is no issue in disturbing the land. The Town Board will forward a letter to Ms. Hopkins for the requested information. Attorney Pavia will then prepare a resolution indicating compliance under the statute.

B. Insurance Cost for Pavilion Rental – All renters of the pavilion must provide proof of homeowner's insurance. The town's insured will protect the town.

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

Resident Amber Corbin asked whether or not the bed and breakfast resolution referred to previously would change the entire town code. Attorney Pavia stated that the resolution passed previously referred to the Petition being sent to the Planning and Zoning Boards for their review and comment. The Petition requests amendment to the zoning code to permit a seasonal bed and breakfast in the town of Rush.

Ms. Corbin further asked how the town board would disseminate information to the public regarding the petition. Attorney Pavia instructed Ms. Corbin to file a Freedom of Information Law request with the Town Clerk. He also stated that there was no action taken by the Board on the issue and that the matter was merely a request to amend the town law. The Town Board may take action at a later date.

X. ADJOURNMENT

Supervisor Udicious moved to adjourn the meeting and requested that the Board remain for the purpose of discussing an attorney/client privileged matter.

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

Respectfully submitted,

Pamela J. Bucci  
Town Clerk