

RUSH TOWN BOARD  
Minutes of July 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 July 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
Excused:	Richard Anderson	-----	Councilman, Deputy Town Supervisor

OTHERS

PRESENT:	Gerry Kusse	-----	Resident, Code Enforcement Officer
	Jack Mould	-----	Resident
	Mark Lapiana	-----	Resident

I. OPEN FORUM – Supervisor Udicious explained that there was a sign-in sheet and a meeting procedure brochure available at the welcoming table. He then opened the floor to anyone wishing to address the board.

II. APPROVAL OF MINUTES

**RESOLUTION #122-2010**

Councilwoman Sluberski moved to approve the Minutes of July 14, 2010. Councilman Riepe seconded the motion.

Roll:

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

III. APPROVAL OF ABSTRACT #7-1

**RESOLUTION #123-2010**

Councilman Doupe moved that having audited all the claims against the funds listed on Abstract #7-2 in the amount of \$26,993.91, be allowed for

vouchers #810 through #865. Councilwoman Sluberski seconded the motion.

Roll:

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

#### IV. CORRESPONDENCE

Supervisor Udicious stated that the Town Board received a memo from the Town of Rush Finance Director Don Reynolds regarding health care coverage. Mr. Reynolds is looking for input from the Town Board prior to budget discussions. Any changes to the current coverage cannot be made until January 1<sup>st</sup> of 2011.

Supervisor Udicious received a letter from Sentinel Technologies pertaining to samples taken from the test well that was recently installed on town property. Sentinel Technologies indicated that all testing was below the allowable levels with the exception of one item, Methyl Tert-Butyl Ether (MTBE) that is above allowable levels yet still minor. The Supervisor responded to Sentinel Technologies by stating that although results will be sent to the Department of Environmental Conservation (DEC), the Town is not agreeing with their claim of minor amounts of MTBE. Supervisor Udicious has also requested a copy of the letter that Sentinel Technologies will be forwarding to the DEC upon town attorney advice.

#### V. REPORTS OF OFFICERS AND COMMITTEES

Councilman Riepe had nothing to report.

Councilman Doupe reported several members of the Town Board and Zoning Board Chairman took a tour of the NYS Railroad Museum property. The 100 acre parcel is now owned by the town. It is located west of the railroad museum off Rt. 251 from the railroad tracks to the Genesee River and headed north. The NYS Railroad Museum has requested a use easement for the parking of approximately 400 vehicles on the parcel. The museum would like to preserve the parking area in its natural state, use part of the requested area to display equipment and a buffered area to roll dirt and have excess to work with the railroad to store track equipment. The easement will be discussed further.

Councilwoman Sluberski had nothing to report.

Deputy Town Clerk reported that the Town Board will be meeting on August 18, 2010 and August 25, 2010 at 7:00 p.m. with department heads to conduct budget workshops.

Supervisor Udicious shared an update from Town Attorney Frank Pavia regarding the BOCES property that the town is in the process of obtaining. A letter forwarded from the NYSDEC concluded that no further action is needed regarding clean up of the site. The Town is prepared to move forward with the transaction.

Supervisor Udicious discussed the request by resident Karen Hopkins, 8899 East River Road, to excavate top soil from her property. A response letter has been sent requesting further information from Ms. Hopkins as outlined in Excavations 51- 4 of the Rush Town Code.

Supervisor Udicious mentioned that the town recently took possession of a 100 acre parcel and is currently working out an agreement with the farmer who has been farming the land. Supervisor Udicious has requested that the New York State Office of General Services (NYSOGS) reimburse the town a portion of the monies paid to NYSOGS by the farmer in farming the property.

VI. OLD BUSINESS:

- A. Business Association Services, Inc.(BAS)-Business Automation Services, Inc. "BAS" is software which provides modules for state required licensing information, reports and a buildings department integrated system. Town Clerk Bucci submitted a new letter dated July 23, 2010 from BAS allowing the Town to pay \$3430. 00 of the contract now and the remaining \$3430.00 in January of 2011. Councilman Doupe reviewed the contact and verified with Town Clerk Bucci that the travel expenses for the BAS training consultants was also in the budget.

**RESOLUTION #124-2010**

Councilman Doupe moved to allow Town Clerk Bucci to enter into a contract with BAS which includes a licensing system, integrated property building permit tracking and complaint tracking systems. Councilwoman Sluberski seconded the motion.

Roll:

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

- B. Sale of Property, including Hart's Field- Supervisor Udicious stated that the property is not sold but closing remains scheduled.
- C. Status of the Pavilion (not on the agenda) - Friday July 30, 2010. The Pavilion is scheduled for a final certificate of occupancy inspection that will allow the Town to take possession of the building. The tables, chairs and picnic benches have been delivered. The pavilion with tables and chair set up will accommodate 100 people inside. The restrooms will be open the second week of August for public use. A pavilion description has been included in the August/September issue of the town newsletter.

VII. NEW BUSINESS:

- A. Safety and Security issues at the Town Hall- Councilman Doupe has volunteer to lead the Town Board members in reviewing the entire safety and security system that is currently in place including keys to the building, to see if any improvements are needed. Councilman Doupe will include input from Code Enforcement Officer Gerry Kusse regarding possible upgrade of some exterior cameras from analog to digital. Councilman Doupe will be talking with staff members on an individual basis to obtain feedback, suggestions and to hear any concerns. The Town Board will use this information to create a protocol for building security. The final security plan will be put in writing.
- B. Pay Connexions Agreement-This agreement with JP Morgan Chase Bank will allow people to pay using credit cards with no cost to the town. Frank Pavia, attorney for the town, has reviewed the agreement, made some changes and the revised version has been presented for the Town Board's review. If approved, this agreement will be signed by Town Clerk Bucci.

**RESOLUTION #125-2010**

Supervisor Udicious made a motion to authorize the execution of the agreement between JP Morgan Chase and the Town of Rush for

collecting of payment by credit card at no cost to the town. Councilman Doupe seconded the motion.

Roll:

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.

Resident Jack Mould asked if the church on Phelps Road is still functioning. Code Enforcement Officer Kusse replied that he is aware that it appears vacant.

Mr. Mould also asked if loud rock bands will be allowed to play at the pavilion. Supervisor Udicious stated that currently the library is the only department with bands coming in for concerts that typically run for an hour or two early Friday evenings at the gazebo. The Town Board responded that they will not discriminate against the type of bands and their music as long as they comply with the noise ordinance/nuisance code. At this point the Town is still modifying the pavilion agreement.

Resident Mark Lapiana asked if there was any more information on the sale of Hart's Field. Town Attorney Frank Pavia stated the purchase is contingent upon the buyer obtaining site plan approval to build. Although the buyer stated that he is interested in building one single family home, the parcel is eligible for subdivision based on the Town's Residential 30 zoning requirements. Deputy Clerk Palmer informed Mr. Lapiana that any resident/land owner within a 500' radius of an application submitted to the Town of Rush for public hearing is notified by mail approximately 2 weeks prior to the public hearing.

#### IX. 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 8:02 PM.

RUSH TOWN BOARD  
JULY, 28 2010

Respectfully submitted,

Meribeth Palmer  
Deputy Town Clerk