

RUSH TOWN BOARD  
Minutes of September 22, 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 September 22, 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/Collector  
                              Frank Pavia, Esq.    ----- Attorney for the Town

OTHERS  
PRESENT:                Gerry Kusse                ----- Code Enforcement Officer

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

II.   APPROVAL OF MINUTES

Clerk Bucci stated that changes to Board Minutes of September 8, 2010, would be made as follows:

Page 1: Paragraph 1, strike Woodruff and replace it with Meadowwood. Page 2: IV. Approval of Transfer. Strike the entire Resolution and replace it with the following: BE IT Resolved, that having audited all the unexpended balances of existing appropriations in the GENERAL & HIGHWAY funds, I move that transfer #19-31 in the amount of \$116,775.00 be allowed. Councilman Doupe seconded the motion.

**RESOLUTION #137-2010**

Councilman Sluberski moved to approve the Minutes of September 8, 2010, with the amendments as set forth above. Councilman Doupe seconded the motion.

Roll:

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

III. APPROVAL OF ABSTRACT

**RESOLUTION #138-2010**

Be It Resolved, that having audited all the claims against the funds listed on Abstract #9-2, for vouchers #1031 through #1085 be allowed in the amount of \$39,793.11. Councilman Riepe 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 a letter from a resident with a complaint of noisy motorcycles. The Monroe County Sheriff's Department will be advised of the complaint.

Councilwoman Sluberski and Supervisor Udicious received an e-mail from resident Rick Spencer regarding training related to ADA compliancy projects. Training will take place on October 23<sup>rd</sup> at St. Anne's Church, Mt. Hope Avenue, Rochester.

V. REPORTS OF OFFICERS AND COMMITTEES

Councilman Anderson stated that Supervisor Udicious has also received a telephone call that the Town will not be receiving grant money related to the dam planning from FEMA (Federal Emergency Management Agency). Official correspondence has not been received. Supervisor Udicious will continue his efforts in requesting money through the State Senator and State Assemblyperson's offices.

Councilman Anderson reported that the Rush Fall Festival on September 18<sup>th</sup> was a huge success. He received many positive comments from both attendees and vendors themselves on the event. In the coming years, although many town employees volunteer, Councilman Anderson suggested additional recreation employees be part of the set up and tear down of the event.

Councilman Riepe reported that the Town currently has 9 cemeteries in Rush, 2 of which are private and 7 of which the Town maintains. Design formats for cemetery signs have been reviewed by the Board.

**RESOLUTION #139-2010**

Councilman Anderson motioned, be it resolved, to approve the recommendation to use the Pinewood Cemetery sign format for the Rush cemetery signs design and that the cost of all signs combined is not to exceed \$3,000.00 Councilman Doupe seconded the motion.

Roll:

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

NYS Railroad Museum Update - Councilman Doupe reported that he had communicated with Jeremy Tuke of the NYS Railroad Museum. Councilman Doupe informed Mr. Tuke that since all debris scheduled to be removed for this year was done, the Board would visit the property again before a making a determination of a land use agreement with the Rochester and Genesee Valley Railroad Museum.

Town Security System - Councilman Doupe has made progress with the security system review, has a couple more staff to meet with, and would soon report on his findings.

Library Wine Tasting Fundraiser - Councilwoman Sluberski stated that the Library's wine tasting fundraiser location has been confirmed at Magnolia's at Wildwood. The event will take place on February 5, 2011.

Letter from Library Director - Councilwoman Sluberski read a letter directed to the Town Board, Finance Director and Library Board members regarding the Town Board meeting of September 8, 2010. The letter addressed the additional item discussed and added to the agenda which related to the library budget and, in particular, Library Director's request for potential merit increases. Councilwoman Sluberski noted that Library Director Flass apologized for not being able to make the meeting and to read her statements in person; she had a prior commitment.

Councilman Riepe commented that Library Director Flass' letter was very well written.

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Code Enforcement Officer Kusse had no report.

Town Clerk Report -Town Clerk Bucci reported that a Monthly Town Clerk Report has been submitted to the Supervisor indicating revenues of \$14,688.80 collected for the month of August. The majority of funds were collected for recreation programs, building fees and dog licensing fees.

Town Clerk Bucci provided an update that the credit card machine recently approved. JPMorgan Chase Bank is making revisions to their contract within the bank and they will be contacting us when those issues are resolved and the machine is available to the town.

Of the \$4,804,232.63 warrant to be collected in 2010 School Taxes, \$1,038,408.01 have been received and posted. As previously agreed, the town will be reimbursed for bill printing and tax mailing costs incurred during the collection.

Town Clerk Bucci also reported that a welcome letter is being sent to all new homeowners in Rush providing them with town contact information as well as STAR exemption and voter registration forms.

The Town Clerk portion of the Business Automation Services has been installed on the network and the Integrated Property System scheduled for installation on October 1<sup>st</sup>; training of the Code Enforcement Officer, Deputy Town Clerk and Town Clerk is tentatively scheduled for October 5<sup>th</sup>.

Resignation & Job Postings - Supervisor Udicious received a letter from Don Bock resigning from the sidewalk shoveling portion of his position at the town hall. Supervisor Udicious will contact the Highway Department regarding coverage of these duties. In addition, Town Clerk Bucci has received a resignation letter from Richard Schneider for the Dog Control Officer and Court Attendant positions that he currently holds. Clerk Bucci will post both positions in the newsletter.

Homecoming Invitation - Supervisor Udicious has received an invitation from Martha Mack of the Rush Henrietta School District for the Board's participation in the Rush-Henrietta Homecoming Parade. Homecoming is scheduled for October 8 at 5:45 PM; line up at the 9<sup>th</sup> Grade Academy. If interested, please contact Mrs. Mack at 359-5203.

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Rifle Range – Supervisor Udicious reported that resident Marie Schillinger sent a letter regarding shooting at the Rifle Range located at 492 Stonybrook Road. Michael Carnas, Dean of Public Safety Programs at Monroe Community College responded to her letter.

Energy Audit - Rental Units at 1911 Rush-Scottsville Road – Supervisor Udicious investigated having an energy audit conducted at the rental property. NYSERDA has also been contacted, however, applicants must have 5 units in order to apply for state assistance. Attorney Frank Pavia will provide additional energy audit contact names.

Bridge Replacement – Supervisor Udicious reported that the Monroe County Department of Transportation informed him that the Honeoye Falls #6 Road bridge will be closed beginning September 27, 2010, and would reopen in approximately 75 days.

Pinnacle Road construction – Pinnacle Road is scheduled to reopen in the next couple days.

Supervisor Udicious presented a tracking list of items that need to be completed. The attorney for the town will be consulted on all issues:

(1) 120-16B Code – Zoning Chair Don Van Lare has requested that the Town Code wording be changed from buildings to structures.

Attorney Pavia stated that Chair Van Lare may be referring to a change in 120-18 not 120-16B and suggested wording: Minimum setback and maximum sizes of structures. Add new subparagraph D. The maximum height of any structure in any district shall be 35 feet.

Attorney Pavia will send proposed changes to Supervisor Udicious.

(2) Bed & Breakfast Town Code revision – Town Board to decide whether or not to incorporate bed & breakfasts with the issuance of a Special Use permit. Is it a part of the Comprehensive Plan? Councilman Riepe, Planning Board liaison, will inform the Planning Board that they should address the possible inclusion in the updated Comprehensive Plan.

(3) Supervisor Udicious stated that Chair Felsen requested a tightened site

work law be put into the Code. Councilman Riepe, Planning Board liaison, will request a written document of specifics that should be required to strengthen the site work law.

(4) Local law to regulate outdoor wood boilers.

Chairman Anderson stated that the Board previously decided unanimously not to pursue a moratorium on outdoor wood boilers. The NYSDEC will be drafting information to cover the outdoor wood boilers.

Code Enforcement Gerry Kusse will investigate status of wood boilers with the NYSDEC and report back to the Planning Board. Supervisor Udicious stated that the Board does not intend to propose a Town Law until the NYSDEC enacts a law on outdoor wood boilers.

(5) Development of a wind tower code.

Discussion took place regarding examples of other wind tower laws and wind energy information that have been received by all boards for their review. Geographically, Rush does not have the land height for a wind farm. Attorney Pavia suggested that the Planning Board decide whether or not a wind tower or wind energy provision be added to the Code. Once that is accomplished, a public hearing would be set and decisions drawn. Supervisor Udicious stated that Chair Felsen commented that an energy law should be added to the Code. Attorney Pavia stated that in the Town of Rush, an energy supply ordinance is a greater focus area than a wind tower. Councilman Anderson added that a WindTamer code may be more appropriate to Rush. WindTamers under 35 feet are not opposed in Rush.

Attorney Pavia stated that until the Planning Board or Zoning Board provides a specific recommendation to revise a Town Code, no action should be taken by the Town Board. As done in the past, ordinances for revision should be discussed in an open process between all boards.

Attorney Pavia discussed procedures of changing the Rush Town Code.

VI. OLD BUSINESS

- A. Tour of BOCES property – September 30, 2:30 PM is set for a Town Board tour of the BOCES site.

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- B. Tour of NYS Museum of Transportation property – Supervisor Udicious will contact Jeremy Tuke for a second visit of the property on September 30<sup>th</sup> as well.
- C. Approve site location for 20' x 32' Building to house equipment used to service ADA compliant facilities and a RFQ will be sent by Architect Majed El Rayess to four bidders including local bidders from Scottsville and Albion. A selection of contractor bid may be made at the next board meeting.

VII. NEW BUSINESS

- A. Town Insurance Process - The town is currently reviewing three insurance brokers. A recommendation will be sought by the board and decision put into effect January 1, 2011.
- B. 2011 Tentative Budget - Town Clerk Bucci has distributed the 2011 Tentative Budget to the Town Board.

At this point, the 2011 tentative budget includes merit raises submitted, however, it does not include an across the board increase at this time. The tentative budget indicates that taxes will be raised from \$4.39 to \$4.52 per \$1,000 of Taxable Assessed Value. Options available to the Board are tapping the reserve fund to provide across the board raises as well as taking enough money from the reserve fund to keep the tax rate flat.

Councilman Anderson asked about increases to pension contribution. Budget Officer Reynolds communicated that the figures in the town budget represent the appropriate Tier of town employees, versus higher Tiered scales as reported in the state news.

The Board will make a decision on budget adjustments before November 20<sup>th</sup>, 2010.

**RESOLUTION #140-2010**

Supervisor Udicious made a motion to schedule a Public Hearing on the Preliminary Budget of 2011 on October 13, 2010, at 7:15 PM. Councilman Anderson seconded the motion.

Roll:

Councilman Anderson	aye
Councilman Riepe	aye
Councilman Doupe	aye

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Councilwoman Sluberski	aye	
Supervisor Udicious	aye	carried.

**RESOLUTION #141-2010**

Supervisor Udicious made a motion to schedule a Budget Workshop on October 6, 2010, at 7 PM, to further review the budget. Councilman Anderson seconded the motion.

Roll:

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

Soon after the Board meeting was adjourned, Supervisor Udicious realized a conflict and contacted each Board members to move the Budget Workshop to October 5, 2010, at 6:45 PM. All members are in agreement.

C. Board of Assessment Review Re-appointment Gail Gallo.

**RESOLUTION #142-2010**

Supervisor Udicious made a motion to re-appoint Gail Gallo to the Board of Assessment Review for another 5 year term which will end September 30, 2015. Councilman Riepe seconded the motion.

Roll:

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

D. Pavement Marking and Signs with Monroe County - Supervisor Udicious stated that Monroe County Department of Transportation sent a proposed contract, which has been reviewed and approved by Attorney Frank Pavia, requesting authorization by the Town of Rush to provide installation of pavement markings and signs on roads within the town.

Councilwoman Anderson inquired about signage that the County provide for the Library. Members were in agreement that inquiries of signage directing pedestrians to the Library from Routes 251 and 15A should be sent to the State.

**RESOLUTION #143-2010**

Councilman Anderson motioned to move into an agreement with Monroe County Department of Transportation to provide markings and sign services to the town as requested. Councilman Doupe seconded the motion.

Roll:

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

**RESOLUTION #144-2010**

E. Rush Reservoir Floating Cover and Liner Improvement Project – The City of Rochester, Department of Environmental Services has requested to be the Lead Agency of the project. The Town of Rush is in agreement. Attorney Pavia noted that the Town would be acting as an interested agency not as an involved agency and the agreement letter to the City shall state such.

Roll:

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

There being no further business, a motion was made by Councilman Anderson and the meeting was adjourned at 8:12 PM by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci  
Town Clerk