

RUSH TOWN BOARD MEETING
April 27, 2011

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 27, 2011, at the Rush Town Offices, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT: William Riepe ----- Councilman
Alexander Simon ----- Councilman
Lisa Sluberski ----- Councilwoman
William Udicious ----- Town Supervisor
Pamela Bucci ----- Town Clerk/Collector
John Mancuso, Esq. ----- Attorney for the Town

OTHERS

PRESENT: Mark David ----- Highway Superintendent, Resident
Kathryn Cappella-Hankins ----- Resident
Tom Greenwood ----- Resident
Barbara Boone ----- Resident
Jeremy Tuke ----- Resident, NYS Museum of Transportation

1. OPEN FORUM

Supervisor Udicious informed the audience of the sign in at the table as well as a Rules and Procedures pamphlet. He then opened the floor to anyone wishing to address the board.

Resident Tom Greenwood opined that changing the Town Code to allow a public campground on the Perry Hill/East River Road proposed site was not in the best interest of the town and located too close to a NYS correctional facility.

Supervisor Udicious stated that the Town will research the proposed request before making a decision.

II. APPROVAL OF MINUTES

RESOLUTION #80-2011

Councilwoman Sluberski moved to approve the Minutes of April 13, 2011, as presented by the Town Clerk. Councilman Simon seconded the motion.

Roll:

Councilman Anderson aye
Councilman Riepe aye
Councilman Simon aye
Councilwoman Sluberski aye

Supervisor Udicious aye carried.

III. TRANSFER OF FUNDS

RESOLUTION #81-2011

Councilman Anderson moved, Be It Resolved, that having audited all the unexpended balances in the existing appropriations of the General Fund, that Transfers #5 through #6 in the amount of \$2,550.00 be allowed. Councilman Riepe seconded the motion.

BUDGET TRANSFERS 4/27/2011 - 2011 FUNDS

Appropriation of unreserved fund balance Of existing appropriation(s):

General Funds		Increase Revenue/ Decrease Fund Balance		Increase Appropriation	
Transfer					
Number	Amount	Account	Description	Account	Description
5	2400.00	A-1190.4	Supervisor Contingency	A-1620.21	Building Capital Outlay
			Transfer to cover website implementation		
6	500.00	A-8160.4	Supervisor Contingency	A-1410.2	Building Capital Outlay
			Transfer to cover Deputy TC wide monitor		

Roll:

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

IV. APPROVAL OF ABSTRACT

RESOLUTION #82-2011

Councilman Anderson moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #4-2, for vouchers #415 through #463, be allowed in the amount of \$41,095.63. Councilwoman Sluberski seconded the motion.

Roll:

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

V. CORRESPONDENCE

Independent Oil & Gas Association – Correspondence received regarding the positive affects of hydrofracking for natural gas.

C.H.I.P.S. Correspondence from Senator James Alesi – Senator Alesi is ensuring adequate funding to retain \$38,272.00 in C.H.I.P.S. monies. The Highway Department previously met with Senator Alesi and Assemblyman Harry Bronson regarding proposed funds.

CDBG Grant - American Disability Act Compliant Basketball Court – County Executive Maggie Brooks notified Rush that a \$25,050 grant will be awarded to the Town. A final notification will be received in June or July. The project may commence no earlier than August 1, 2011, and, unless an extension of time is granted, must be completed on or before July 1, 2012.

CDBG Grant – Hearing Assistance System – Monroe County Department of Planning and Development Kathi Gingello notification was received stating that grant monies for a hearing assistance system are not available as part of the proposed projects. Supervisor Udicious stated that a possible hearing assistance system could be purchased with general town funds.

Road Closing - Monroe County Department of Transportation will be closing Honeoye Falls #6 Road between Works Road and Five Points Road to complete culvert replacement beginning May 23rd for approximately a 2 month period. All appropriate agencies have been advised by the Town Clerk.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilman Riepe reported that, as liaison, he attended the Planning Board meeting. He is now assisting the Town Historian in taking an inventory of artifacts located in the building.

Councilman Simon, as liaison, attended the Zoning Board of Appeals meeting.

Highway Superintendent Mark David reported that, after writing a letter of justification to NYS for additional funds of 31% over contract (\$26,078.32) for Snow/Ice removal, the overage payment from NYS was approved and will be received in full.

Highway Superintendent David requested the use of allocated highway funds to attend Highway Superintendent school.

RESOLUTION #83-2011

Supervisor Udicious moved to allow Superintendent Mark David to attend Highway Superintendent Training School with funds appropriated for its use. Councilwoman Sluberski seconded the motion.

Roll:

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

Supervisor Udicious stated that Councilman Riepe has been collectively working on an inventory of items in the Historian's Office with Historian Margie Kirch as well as performing a search/discovery of items on a missing artifacts list. Once it is complete, Mrs. Jean Yawman and Mr. Selden Chase will be contacted with the results of items that cannot be located.

RESOLUTION #84-2011

Supervisor Udicious motioned to appoint a Citizens Committee of three independent residents not involved with the missing artifacts issue with Katherine Cappella-Hankins as Chairperson. The charter of the committee is to review and audit what the town has done to date and present to the Town Board on June 8, or soon thereafter, a report of recommendations to resolve the issue. Councilman Anderson seconded the motion.

Roll:

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

Mrs. Hankins verbally accepted the Chair position and stated that both Karen Hopkins and Susan Mee would be part of the committee.

VII. OLD BUSINESS

A. Request to Modify Town Code to Allow Public Campground – Councilman Simon suggested that this request be reviewed by CHA and the Planning Board whom are currently working on the Comprehensive Plan. A further question was directed to the attorney for the town requesting clarification of definition for a Mobile Home found in Town Code §120-5, Page 120:7. Does the definition apply to RV campers?

Attorney Mancuso recommended that the Zoning Board of Appeals make an interpretation of that unless otherwise defined in the Zoning Code. Further interpretation will be researched.

Councilman Anderson suggested that because property is zoned Mobile Home (MH) it may not be mean RV campers. The nature of hook-ups is permanent versus temporary, therefore, it would not apply. Councilman Riepe will also raise the question at the next Planning Board meeting.

Councilman Riepe questioned the positive impact of having a campground in the Town. Councilman Anderson agreed and stated that if it were added into the Code and Comprehensive Plan, location would not be specified.

B. Energy Audit of rental property at 1911 Rush-Scottsville road – Supervisor Udicious requested input from the Town Board in improving energy consumption of the rental property. After a brief discussion regarding a heating system versus air sealing costs, air sealing would be the most positive payback. Supervisor Udicious will bid out Request for Proposals (RFPs) for air sealing.

C. Railroad Museum Request to Use Town Property to Expand Visitor Parking – Jeremy Tuke of the Rochester Chapter of the National Railway Historical Society clarified their planned use of the property in question. Although there have been many meetings between Mr. Tuke, the Town Board continues its position to provide ample space to the Museum in order to expand its fall foliage trips and benefit the community.

Supervisor Udicious requested that the property be staked so that the Board may visit the site and get a true visual of the requested area. Mr. Tuke agreed that property being leased to Steven Stein will not be infringed upon.

Councilman Simon suggested a possibility of hosting an open house at the Museum.

VIII. NEW BUSINESS

A. Right to Farm Law – Planning Board member Scott Strock provided the Town Board and Walt Kalina of CHA a copy of the Right to Farm Law from the Town of Cambia. Councilman Anderson stated that it would provide a fundamentally positive affect in Rush and suggested including it as a review item in the Farmland Plan as well as the Master Plan. Councilman Riepe will request a recommendation of the Planning Board. Attorney Pavia is reviewing a copy of the document.

Code Enforcement Officer Kusse added that he has encountered only two complaints regarding farm spreading of manure and combine dust when harvesting wheat crops. Although farming is controlled by New York State Agriculture and Markets Law, having an additional farm law is recommended for any farming community. Attorney Mancuso will provide an example of Wayne County's disclosure of agricultural activities.

B. Appointment to the Zoning Board of Appeals – The Town Board interviewed three applicants for the open position.

RESOLUTION #85-2011

Supervisor Udicious motioned to appoint Gerrit Koppers, Rush, New York member of the Zoning Board of Appeals, commencing May 2, 2011 and expiring December 31, 2014. Councilman Anderson seconded the motion.

Roll:

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

IX. OPEN FORUM

Supervisor Udicious opened the floor to anyone wishing to address the board.

Resident Barbara Boone stated that the area in question of a campground site is for affordable housing and not camp sites. Mrs. Boone requested to see a permit for burning of old tires and dumped materials. A short discussion took place with the Code Enforcement Officer regarding the Town Code. Supervisor Udicious recommended a FOIL request for any burn permits be submitted to the Town Clerk's Office.

Councilman Anderson acknowledged that the land in question is zoned R20, single family homes on a 20,000 square foot lot, and the remaining acreage where a Gold Rush Village was proposed is zoned for manufactured housing. Any other use would need a change in zoning.

Resident Kathryn Cappella-Hankins provided input regarding suggestions for research of land use development and special use permits.

Resident Tom Greenwood requested consideration of a fall brush pick-up.

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Highway Superintendent Mark David stated that it has not been done but would require budgeting of approximately \$12,000.00.

X. ADJOURNMENT

There being no further business, Supervisor Udicious motioned to adjourn. There being no additional town business, the meeting was ended at 8:26 PM which was approved by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci
Town Clerk