

RUSH TOWN BOARD
Minutes of September 14, 2011
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 14, 2011, 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
	William Riepe	-----	Councilman
	Alexander Simon	-----	Councilman
	Lisa Sluberski	-----	Councilwoman
	William Udicious	-----	Town Supervisor
	Pamela Bucci	-----	Town Clerk
	Frank Pavia, Esq.	-----	Attorney for the Town

OTHERS

PRESENT:	Michael Krenzer	-----	Scottsville resident
	Mark David	-----	Highway Superintendent, Resident
	Gerry Kusse	-----	Code Enforcement Officer/ Building Inspector, Resident
	Dan Woolaver	-----	Resident
	Joan Starkweather	-----	Resident
	Kirsten Flass	-----	Library Director, Resident
	Harvey Seymour	-----	Resident

I. OPEN FORUM

Supervisor Udicious opened the meeting, informed all of the Open Forum procedure and offered the floor to anyone wishing to address the Board.

Michael Krenzer stated that since 2008 he has sought the Town Board's assistance in addressing the maintenance and upgrade of the drainage system located at 6991 West Henrietta Road, Drainage District #2 by phone and certified mail with no response from the town. In 2009 a meeting took place including town officials in order to get a timeframe of when the project would commence. Mr. Krenzer stated that he was informed by Highway Superintendent King and Supervisor Udicious that a ditching process was next on the project list, however, the work would extend all the way to the Genesee River at Golah Road. The project would begin at the outlet located at the Genesee River and proceed upstream to the West Henrietta farm on Route 15. The expected timeframe of completion was Summer 2012. To Mr. Krenzer's knowledge,

work has not begun at the Genesee River, and he requests a written response of how the work would be completed by 2012.

II. APPROVAL OF MINUTES

RESOLUTION #126-2011

Councilman Anderson moved to approve the Minutes of August 24, 2011, as submitted by the Town Clerk. Councilman Simon seconded the motion.

Roll:	Councilman Anderson	aye	
	Councilman Riepe	aye	
	Councilman Simon	aye	
	Councilwoman Sluberski	abstained	
	Supervisor Udicious	aye	carried.

Councilwoman Sluberski was excused from the August 24, 2011, meeting.

III. APPROVAL OF TRANSFER

RESOLUTION #127-2011

Councilman Anderson stated, Be It Resolved, that having audited all the unexpended balances of existing appropriations in the General, Highway and Library Funds, I move that transfers #12 through #21 be allowed. Councilman Riepe seconded the motion.

BUDGET TRANSFERS 9/14/2011 - 2011 FUNDS

Appropriation of unreserved fund balance or unanticipated revenues

General Fund

Transfer Number	Amount	Increase Revenue		Increase Appropriation	
		Account	Description	Account	Description
12	25,050.00	A-3097	State Aid Capital Projects To reflect ADA Basketball Grant	A- 1620.22	Building Capital Outlay

Highway Fund

Transfer Number	Amount	Increase Revenue/ Decrease Fund Balance		Increase Appropriation	
		Account	Description	Account	Description
13	2,823.00	DA-599	Fund Balance Appropriated To cover Final Workers Comp increase for 2011	DA- 9040.8	Fringe Benefits Workers Compensation
14	250.00	DA-599	Fund Balance Appropriated	DA- 9050.8	Fringe Benefits Workers Compensation

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To cover Unemployment State assessment
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Library Fund

Transfer Number	Amount	Increase Revenue/ Decrease Fund Balance	Increase Appropriation	Account	Description
14	3,500.00	L-599	Fund Balance Appropriated	L-9060.8	Fringe Benefits Health Insurance To cover Director Health Insurance as of 9-1-11
15	1,000.00	L-599	Fund Balance Appropriated	L-9010.8	Fringe Benefits State Retirement To cover final 2011 Rates and covered Wages

Transfer from the unexpended balance of an existing appropriation'(s).

General Funds

Transfer Number	Amount	Decrease Appropriation	Increase Appropriation	Account	Description
16	2.00	A-1440.4	Engineering Contractual	A-1010.1	Legislative Personal Services To cover rounding on Town Board Salaries
17	649.00	A-1440.4	Engineering Contractual	A-7110.2	Parks Capital Outlay To cover charcoal grill purchase
18	328.00	A-1440.4	Engineering Contractual	A- 1620.21	Building Capital Outlay To cover Dam Plate
19	900.00	A-1440.4	Engineering Contractual	A-3510.4	Dog Control Contractual To cover mileage and minor truck equip
20	600.00	A-1440.4	Engineering Contractual	A-1620.1	Supervisor Personal Services To cover heavy snow removal at TH and Rental
21	400.00	A-1440.4	Engineering Contractual	A-9050.8	Fringe Benefits Unemployment Insurance To cover Unemployment State assessment

Roll: Councilman Anderson aye
 Councilman Riepe aye
 Councilman Simon aye

Councilwoman Sluberski	aye	
Supervisor Udicious	aye	carried.

IV. APPROVAL OF ABSTRACT

RESOLUTION #128-2011

Councilman Anderson moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #9-1, for vouchers #983 through #1041, be allowed in the amount of \$60,068.19. Councilman Riepe seconded the motion.

Roll:

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

V. CORRESPONDENCE

Supervisor Udicious reported that the State DOT invited town officials as well as representatives from various agencies to attend a meeting at the Avon Town Hall regarding proposed work zone traffic control while concrete paving sections were repaired on Interstate Route 390 from Route 5&20 to Route 251 (Exit 11). Rush Fire Chief Jim Bucci, Code Enforcement Officer Gerald Kusse and Supervisor Udicious from the Town of Rush attended. Work is tentatively scheduled for May through December 2012. Points of concern and safety issues were discussed as well as alternatives. A follow-up meeting will be scheduled.

Supervisor Udicious, in addition, requested that the State DOT remove the overgrown vegetation at the Rush exits that continue to invite unwanted disposal of garbage.

VI. REPORTS OF OFFICERS AND COMMITTEES

Councilman Anderson and Recreation Supervisor Stephens met with a Monroe County Babe Ruth Organization about playing on the Rush fields. The organization requested fill on the town fields which are environmentally sensitive due to the flood plain, however, the alternative field at Stonybrook Park was offered. The Rush Park fields are not deep enough to accommodate Babe Ruth-aged hard ball play. At minimal, a chain-link fence and a few truckloads of dirt in the infield at Stonybrook Park are required. The Babe Ruth organization volunteered to perform work for their benefit. Both Councilman Anderson and Highway Superintendent Mark David further viewed the field for playing needs. It

was concluded that approximately \$1,500 would be needed for fencing. Councilman Anderson stated that funds of \$2,000 were available in the recreational funds. The season would begin in April and the league would include 2 nights per week.

Councilwoman Sluberski raised concerns of traffic and pedestrian safety on the hill and parking availability. Further discussion commenced.

RESOLUTION #129-2011

Councilman Anderson motioned to approve an expenditure of not more than \$2,000.00 of recreational funds for the purchase of fencing and soil to be used on the Stony Brook Park field. Councilman Riepe seconded the motion.

Roll:

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

Councilmen Riepe and Anderson have scheduled a tentative meeting with Fire Commissioner Michael "PeeWee" Terzo on October 1 to view the BOCES property for potential building use for fire department training.

Councilman Simon attended the Zoning Board meeting including an area variance workshop and public hearing.

Councilwoman Sluberski attended the Library Board of Trustees meeting as well as the Farmland Committee meeting. Although there was light attendance at the Farmland meeting, 50 responses of the 69 surveys were returned. The Farmland Committee wishes to resurrect the Farmland Advisory Committee. Two draft copies of the proposed Farmland Protection Plan are available for review in the Town Clerk's Office.

Code Enforcement Officer/Building Inspector Kusse had no report.

Highway Superintendent David reported that projects continue including driveway adjustments and topsoil restoration.

Attorney Frank Pavia had no report.

Town Clerk Bucci stated that the Tentative 2012 Budget was received by the Finance Director, copies distributed to the Town Board and a copy filed in the Town Clerk's Office.

Town Clerk Bucci stated that Town Justice Thomas Doupe, after filling three months of judicial time, supplied his Standard Workday Reporting as an appointed official. A resolution to amend previous Resolution #108-2011 is in order.

RESOLUTION #130-2011

Councilman Anderson motioned BE IT RESOLVED, that the Town of Rush hereby amends the Standard Workday Reporting for elected and appointed officials Resolution #108-2011 and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by this official to the clerk of this body. Councilwoman Sluberski seconded the motion.

STANDARD WORKDAY AND REPORTING RESOLUTION

	Retirement Resolution -Sept 2011				Participates		
			Std		in employer's	Days/Month	Record of
			Work		Time	based on	Activities
			Day		Keeping	Record of	Not
Title	First	Last	(Hrs/Day	Term	System	Activities	Submitted
				Begins/Ends			
Elected Officials							
Town Justice	Thomas	Doupe	6	03/1/11-12/31/11	N	9.58	

Roll:

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

Supervisor Udicious stated that the former Dorschel property at the corner of Routes 15 and 251 has been sold and will become a boat sales and related truck accessories business.

VII. OLD BUSINESS

A. Use of BOCES Property – Councilman Anderson reported on 2 actions. (1) Cattle grazing – A Harvesting Mulch Agreement which includes cattle grazing in exchange for brush hogging and weed abatement for maintenance of the property would continue. The present Harvesting Mulch Agreement will end December 31, 2011. (2) BOCES Maintenance - An additional Maintenance/Teaching Opportunity from a Youth Landscaping work program will continue on the grounds from now until Thanksgiving and will resume at the end of the school year.

In 2012, bidding of both short and long term agreements will be considered.

Additionally, Supervisor Udicious contacted the State in order to obtain original drawings of the cottages located on the BOCES property. A disk of the drawings will be forwarded to the town.

B. Former Rush Market & Deli Property Status (5946 East Henrietta Road, Rush) – Supervisor Udicious stated that the owner is complying with the Town Code. In the spring of 2008, Supervisor Udicious, Councilman Anderson and former Councilman Doupe attended the auction of the property at the Monroe County steps. Canandaigua National Bank (“CNB”) was the only bidder and the only other party at the auction.

Realtors were contacted by the Town in order to get the building filled. Byrne Dairy appeared informally at the Planning Board meeting, however, the property did not rank #1 on Byrne’s priority list.

The present owner hired an architect, submitted plans before the Planning Board and appeared before the Zoning Board. As directed, the parcel was cleaned environmentally including removal of gasoline tanks.

While CNB Recovery Division still owned the parcel, Councilman Anderson took the initiative through a Restore New York program, together with guidance from the town attorney to seek grant funding for the owner. Three phases (1) demolition (2) environmental remediation, and (3) reconstruction were required in order to obtain the grant money within a short amount of time. A development partnership was an additional requirement between the seller and development partner (town) and the builder. The Town was willing to be the development partner/fiduciary agency, however, CNB Recovery Division would not negotiate.

In securing a loan, Supervisor Udicious introduced the owners to Judy Siels at Monroe County Planning, through a COMIDA agreement (County of Monroe Industrial Development Agency) and several meetings were conducted. As far as the town has been informed, an agreement has not been reached.

The owner has complied with the Town Code in securing the building.

C. Local Law for Design Criteria and Construction Specifications - The engineer for the town has updated and Town design criteria, which has been approved by the Town Board. A final step is required and an update will be provided.

VII. NEW BUSINESS

A. Updated Tentative 2012 Budget – Supervisor Udicious stated that all data from departments has been compiled by the Budget Officer and will now be reviewed in detail by the Town Board. It is the Town's intent to maintain a stable tax. The town is also aware of the 2% tax cap which affects the tax levy.

B. Fall Festival – Councilman Anderson stated that the Fall Festival is scheduled for Saturday, September 17th at the Rush Firemen's Field. A host of events will take place including mounted police patrol presentation, pony rides, face painting, apple carving, Ladies Auxiliary food, Boy Scout chicken barbeque, craft vendors, etc. Volunteers for the event are welcome.

C. Suggested Change to Town Code – Councilman Riepe provided the Board a copy of his suggested changes. Fines and fees were established years ago and litigation costs, if necessary, have increased. At times, it has cost the town more to prosecute than the fine is worth. Supervisor Udicious requested and encouraged additional comments from the other Board members. Attorney Pavia discussed costs involved in prosecuting and manners in which to recover fees. Attorney Pavia will converse with Attorney Charles Steinman on suggested and or recommended changes to the Town Code fine charges.

D. Establish a Public Hearing date for the Preliminary Budget 2012 – Supervisor Udicious requested that the Board approve October 12, 2011, 7:15 PM as Public Hearing date for the Preliminary Budget.

Councilman Anderson stated that he will not be available on October 12, 2011, however all other members will be present to meet the quorum requirements.

Supervisor Udicious stated that Monroe County has requested all towns within the County to submit their budgets to the County earlier than technically due so that the County budget can be submitted in a timely fashion. The Town Board approves their final budget by mid-November. Towns within Monroe County may approve their final budgets by late December.

RESOLUTION #131-2011

Councilman Anderson motioned to set the Public Hearing date of October 12, 2011, 7:15 PM at the Rush Town Hall, 5977 East Henrietta Road, Rush. Supervisor Udicious seconded the motion.

Roll:

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

VII. OPEN FORUM

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

VIII. ADJOURNMENT

There being no further business, the meeting was ended at 7:50 PM and approved by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci
Town Clerk