

RUSH TOWN BOARD
Minutes of September 28, 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 28, 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
	John Mancuso, Esq.	-----	Attorney for the Town

OTHERS

PRESENT:	Kathryn Hankins	-----	Resident
	Mark David	-----	Highway Superintendent, Resident
	Gerry Kusse	-----	Code Enforcement Officer/ Building Inspector, Resident
	Dan Woolaver	-----	Resident
	Kirsten Flass	-----	Library Director, Resident
	Jack Mould	-----	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.

II. APPROVAL OF MINUTES

RESOLUTION #132-2011

Councilwoman Sluberski moved to approve the Minutes of September 14, 2011, as amended and submitted 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. APPROVAL OF ABSTRACT

RESOLUTION #133-2011

Councilman Anderson moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #9-2, for vouchers #1042 through #1094 (excluding #1093), be allowed in the amount of \$45,949.89. Councilwoman Sluberski seconded the motion.

Roll:

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

IV. CORRESPONDENCE

Supervisor Udicious had no correspondence to report.

V. REPORTS OF OFFICERS AND COMMITTEES

Councilman Anderson had no report.

Councilman Riepe stated that he has made arrangements with the Rush Fire Department to visit the BOCES property for possible training purposes.

Councilman Riepe requested funds in an amount not to exceed \$500.00 for the purchase of POSTED signs for no hunting allowed on the town-owned (formerly State of New York and BOCES) properties.

RESOLUTION #134-2011

Supervisor Udicious motioned to authorize the purchase of POSTED signs for no hunting on ((town-owned formerly State of New York and BOCES) properties located on East River Road in an amount not to exceed \$500.00. Councilman Simon seconded the motion.

Roll:

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

Councilman Simon attended the Planning Board meeting regarding a proposed re-subdivision hearing that was postponed.

Code Enforcement Officer/Building Inspector Kusse informed the Board that the landscaping program being conducted by students on the BOCES property is proceeding as planned.

For insurance purposes, pictures of the inside and outside of the BOCES buildings have been taken. Additionally, minor maintenance of hinges, and patches of holes need to be addressed. Code Enforcement Officer Kusse offered to perform the maintenance with funds not to exceed \$300.00.

RESOLUTION #135-2011

Supervisor Udicious made a motion to allow funds in an amount not to exceed \$300.00 for purchase of hardware and materials needed to winterize areas identified in the (formerly State of New York and BOCES) BOCES buildings located on East River Road. Councilwoman Sluberski seconded the motion.

Roll:

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

Highway Superintendent Mark David will assist the Code Enforcement Officer in winterizing the (formerly State of New York and BOCES) BOCES buildings.

Highway Superintendent Mark David had no report.

Library Director Kirsten Flass announced that the Friends of the Public Library will be hosting its Annual Wine Tasting event on March 10, 2012 at the Wildwood Country Club, Rush. Additional details will follow.

Town Clerk Bucci submitted a monthly report to the Supervisor which detailed revenue collected by the Town Clerk's Office in August amounting to \$14,841.02. The majority of funds were attributed to recreation programs, pavilion rentals and NYDEC license sales. School taxes in the amount of \$1,528,449.81 have been collected to date. Over \$4,100,000 are due.

The Rush Fire District has submitted their 2012 proposed Budget Summary and Tax Rate to the Town Clerk in the amount of \$327,500 which is a

proposed tax levy. The tax rate of \$1.10/\$1,000 is unchanged from several years past.

The Rochester Brooks International Trap & Skeet Gun Club has submitted a copy of their New York State Liquor License Renewal Application to the Town Clerk. All NYS Liquor License Renewal Applications are kept on file in the Town Clerk's Office.

Supervisor Udicious stated that Dog Control Officer (DCO) Michael Czora has submitted a salary study including other town DCO's information to be used as a gauge in reviewing the Dog Control Officer position. The town currently pays the Dog Control Officer \$4,300/year. Many towns in Monroe County pay their officer an hourly rate and others provide a salary. All Board members were provided a copy of DCO Czora's study for review.

The town-wide Dog Enumeration is being conducted. Supervisor Udicious will request that the enumeration be completed as soon as possible. It is suspected that there is an additional population of dogs in Rush that are unlicensed.

VI. OLD BUSINESS

A. BOCES Building Mechanical Drawings – A complete set of mechanical drawings of the BOCES buildings have been received on a CD. A full copy has been printed. Councilman Anderson requested a downloaded copy for his review. Supervisor Udicious stated that a loaned set of prints will be provided to the G-Gauge Group. He suggested that an agreement be prepared stating that any recommended changes made to a building be made by a licensed professional engineer and approved by the town engineer before work could commence.

Councilman Anderson suggested that the town engineer review the drawings before they are loaned to other parties. Code Enforcement Officer Kusse will contact the town engineer to confirm that the mechanical drawings are a set of workable drawings.

Councilman Riepe suggested that maintenance of the BOCES buildings, if needed, be brought into compliance by the occupant of the building at their cost. All engineering fees are to be covered by the occupant and a possible rent could be waived.

Councilman Simon asked, other than the buildings already being occupied, who would be actively seeking tenants for the BOCES buildings.

Councilman Riepe stated that there are a number of uses for the buildings including a horse arena.

Councilman Anderson has initiated a call to Monroe County Parks in order to gain a referral and/or start discussions with a County Parks organization. The (formerly State of New York and BOCES) BOCES land must be used for educational, recreational or for other ancillary uses. Possibly the Monroe County Sheriff's Mounted Patrol or a program through Monroe Community College may have an interest. Initiating a partnership with an organization that is already established is a good approach.

Supervisor Udicious stated that a plan will be developed in the coming months for use of the 100 acre parcel and 250 acre parcel of (formerly State of New York and BOCES) BOCES property and Request for Proposals (RFPs) will be made. The Town is currently collecting monies for farming. Other areas of the properties are being maintained through cattle grazing.

Councilman Anderson stated that an integrated approach must be developed for agricultural so that the land is protected through a comprehensive plan, i.e. sloping features, rotation of ground, etc.

B. Fall Festival Update – Councilman Anderson, as the liaison to the Recreation Department, reported on a successful Fall Festival. More vendors attended than expected, fewer funds were used than expected and more revenue was collected than expected. The Recreation Supervisor needs additional help for this town-wide event. Added attractions for children such as a Bouncy House will be needed for next year. Young child activities and/or comments for future activities at the Fall Festival 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 warranted, have increased. At times, it has cost the town more to prosecute a case than the fine is worth.

Councilman Anderson suggested that a few Board members collectively review the Town Code related to fines and fees. Councilwoman Sluberski

and Councilman Simon agreed. A workshop can be scheduled and the Town Clerk will be advised in a timely manner for posting purposes.

Councilman Simon asked Attorney John Mancuso to research whether or not the Court would be obligated to set a minimum penalty for matters before them. Currently the Code only defines the maximum penalty for violators. Attorney Mancuso will report on his findings at the next meeting. Cost of litigation cannot be assigned to a violator on a civil matter.

VIII. NEW BUSINESS

A. Update on 2012 Budget – Supervisor Udicious stated that the Preliminary Budget Hearing has been scheduled for October 12, 2011, 7:15 PM at the Town Hall, 5977 East Henrietta Road. A copy of the Preliminary Budget is available in the Town Clerk's Office. Anyone wishing to comment on the Budget may provide input at the public hearing.

Councilman Anderson stated that the Preliminary Budget was presented to the Town Clerk as required, however, prior to the receipt of the Rush Fire District proposed tax information. The Fire District tax information is not included in the 2012 Preliminary Budget.

VII. OPEN FORUM

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

Rush resident Kathryn Hankins requested that the budget be posted on the town website.

Mrs. Hankins stated that the community does not know that the town owns the BOCES property. An open forum where all can contribute and make suggestions for uses of the BOCES property is suggested. Uses of the property, as heard in the public, are therapeutic recreational horses, conservancy, etc.

According to the Open Meetings Rule, meetings must be posted and placed on the website, especially if 2 or 3 people are involved. Minutes are not posted on a regular basis. Town Clerk Bucci stated that all meetings are posted on the town website as well as advertised and that all Minutes are placed on the website and available to the public in a timely manner.

Supervisor Udicious stated that the Town Board has not scheduled regular workshops, however, as a Town Clerk responsibility; meetings must be posted and are posted.

Resident Jack Mould asked for a progress report on the former BigM property. Supervisor Udicious stated that he frequently speaks to the owner of the property and they have engaged in meetings with Canandaigua National Bank (CNB). Supervisor Udicious was told by the owner that CNB suggested the owner hire a reputable project management firm to move forward and obtain funds. The Town Board has exhausted all legal avenues to move the project. Refer to the September 14, 2011, Board Minutes for the history of steps taken in helping the property owners achieve success.

Library Director Kirsten Flass requested a status of report on the Library roof repair. Supervisor Udicious stated that leaks will not occur and a repair of the south side of the project is being worked on within the next couple weeks. Additional information can be requested of Code Enforcement Officer/Building Inspector Gerald Kusse. Director Flass asked about a long-term repair for the roof. Supervisor Udicious replied that it is being worked on.

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