

RUSH TOWN BOARD
Minutes of October 12, 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 October 12, 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
John Mancuso, Esq. ----- Attorney for the Town

EXCUSED: Richard Anderson ----- Councilman, Deputy Town Supervisor

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
Joan Starkweather ----- Resident
Harvey Seymour ----- Resident
Marjorie Kirch ----- Historian, 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 #136-2011

Councilwoman Sluberski moved to approve the Minutes of September 28, 2011, as amended and submitted by the Town Clerk. Councilman Simon seconded the motion.

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

III. APPROVAL OF ABSTRACT

RESOLUTION #137-2011

Councilman Riepe moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #10-1, for vouchers #1095 through #1139, they be allowed in the amount of \$38,676.78. Councilwoman Sluberski seconded the motion.

Roll:

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

IV. CORRESPONDENCE

Supervisor Udicious stated that the Town Board received an e-mail from the previously dissolved Citizens Committee requesting their committee be reinstated so that they may respond to the article reported in the August 28, 2011, Democrat & Chronicle. A copy of the email has been forwarded to the attorneys for the town.

Based on attendance at a recent function held at the Rush Pavilion, the Avon Village Mayor has requested information about the Pavilion. He was very impressed with the Pavilion and asked that the Town share details of facility and costs associated with it with the Village of Avon. Supervisor Udicious will forward architect contact information to him.

Crown Castle, lessee on the cell tower located on Town property, has requested an extension of its use. Their current expiration date is September 30, 2022. They have offered an additional \$5,000 to extend the contract, however, review by the town attorney is in order before a decision can be made and or negotiated. Supervisor Udicious will provide a copy of an article regarding the pros and cons of cell tower rentals and leases.

REPORTS OF OFFICERS AND COMMITTEES

Councilman Riepe, along with Councilman Anderson visited the town-owned formerly State of New York and BOCES property along with four members of the Rush Fire Department to view the site for training purposes. The Fire Department will be submitting a proposal to the Board.

Councilman Riepe suggested that all repairs needed for the facility be assumed by the Fire Department.

Councilman Simon stated that there were no applications submitted for the Zoning Board of Appeals review in October.

Councilwoman Sluberski stated that the Conservation Board meeting for October was cancelled. Martha Mack of the Rush-Henrietta School District requested a response by those Board members participating in the Homecoming Parade scheduled for Saturday, October 15, 2011, 12:30 PM at the Ninth Grade Academy. All participants should report by 11:45 AM. A Rush Fire Department truck will be participating in the parade.

Councilman Simon stated that he had a conflict and would not be able to participate.

Building Inspector Gerald Kusse had no report.

Highway Supervisor Mark David had no report.

Library Director Kirsten Flass stated that the Library copier lease was due to expire and she was seeking pricing. Supervisor Udicious asked who provided the copier service and if using the same vendor, a joint lease be negotiated. Councilman Riepe asked if an American-made copier was being reviewed. Director Flass responded that copiers are not made in the United States, only copier parts.

Director Flass may have to serve on jury duty and will inform the Town Board if she is chosen.

Kindles can now be borrowed through the Monroe County Library Services.

Town Clerk Pamela Bucci had no report.

Supervisor Udicious stated that the Dog Control Officer previously submitted a salary proposal. Councilman Simon has provided input as well as Town Clerk Bucci. Further comments are to be submitted to the Supervisor prior to the October 26th Town Board meeting. Supervisor Udicious will compile the information and submit it to the Board for a decision.

Supervisor Udicious stated that the Dog Control Office has begun the town-wide Dog Enumeration, however, he has requested additional help in fulfilling the task so that it may be done more expeditiously. DCO has secured an additional person if approved. Councilwoman Sluberski asked if an additional paid person was necessary. Supervisor Udicious stated that it may take longer to accomplish the enumeration task with one person, however it may be completed by the next Board meeting.

Supervisor Udicious moved to close the Regular meeting to conduct a Public Hearing as scheduled. The Public Hearing of the 2012 Preliminary Budget was opened at 7:15 PM.

Supervisor Udicious asked Town Clerk Bucci whether or not the Rush Fire District's proposed 2012 Budget page was incorporated into the 2012 Preliminary Budget pages. Town Clerk Bucci stated that it was a stand-alone document at this time, however, copies are available to the public.

Town Clerk Bucci read the following publication and noted that it was published in the official town newspapers, The Henrietta Post and the Sentinel as required.

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING ON
PRELIMINARY BUDGET FOR TOWN OF RUSH**

NOTICE IS HEREBY GIVEN, that the Preliminary Budget of the Town of Rush for the year 2012 has been completed and filed in the office of the Rush Town Clerk, where it is available for inspection by any interested person during regular office hours. The Rush Town Board will hold a public hearing on October 12, 2011, at 7:15 p.m. at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. At such hearing, any person may be heard in favor of or against the preliminary budget as compiled.

The preliminary budget includes the following proposed salaries for the elected officials for 2012:

<u>Officer:</u>	<u>Salary:</u>
Supervisor	31,017
Town Board Member	7,372
Town Clerk	50,010
Town Justice	13,490
Highway Superintendent	70,817

By order of the Rush Town Board, Pamela J. Bucci, Town Clerk/Collector.

The public hearing was also placed on the Town Clerk bulletin board and the town website as required by law.

Supervisor Udicious noted that the budgeting process begins in the Finance Office in June and workshops are conducted in August when all departments submit their budgets. Once that process is complete, a preliminary budget is compiled and a public hearing is held. Once the public hearing on the Preliminary Budget is complete, the Preliminary Budget becomes the Tentative Budget. A final budget approval is done in mid-November, however, by Town Law, the final budgets in Monroe County may be adopted as late as December 20th. Town in Monroe County, however have agreed to submit their budgets earlier so that Monroe County has adequate time to submit their final budget. In some respects, it is helpful to delay the approval for additional increases out of the town's control, however, those increases have been known to occur after the final approval date of December 20th.

Supervisor Udicious opened the floor to audience input. Public hearings are not meant to be a debate, but merely a tool to review. Additionally, Supervisor Udicious stated that the Board would appreciate receiving a written copy of information from the audience for their review and consideration.

Rush resident Dave Sluberski stated that a few months ago, he had requested that all elected officials take a 5% pay decrease and is disappointed to see a 2% increase included in the 2011 Preliminary Budget.

Rush resident Kathryn Hankins suggested that the Town Board have a goal of benchmarking Rush with other towns of its size regarding salaries and expenses. On-line tools from the State of New York can provide a comparison of costs, specifically salary and benefits. More towns should take leadership in keeping taxes stable, which is already being done, however pulling funds from the unexpended balance and not going into the interior that structure of the budget must be dissected. Highway costs must be itemized and compared, recreation pulled out as what is being done with the library. Structure of the budget and benchmarking including taking a philosophical position that towns across the state have taken is important. The tax cap will not be the savior. Challenges faced

in Rush are aging population and young families find it challenging to stay in Rush. This budget is disappointing because projections provided for the Board in last years' information that costs for pension and healthcare will go up. Pulling from the unexpended balance is not sufficient. Mrs. Hankins will submit a written statement for review.

Supervisor Udicious commented that the Monroe County Supervisor's Association compiles a list of all town's positions, salaries, hourly rates, hours, healthcare benefit package costs and an entire breakdown for benchmarking purposes. The compiled document has been available to all town board members for the last 12 years. Population and community are used as a benchmarking tool. Expenses are referred to and compared from time to time but benching marking in magnitude is not done.

Mrs. Hankins appreciates what the Board has done with Monroe County benchmarking but added that Monroe County has been highlighted as one of the most expensive counties across the state. Rush is a rural community and it should be compared to other towns across the state.

Councilman Riepe added that some town expenses are mandated by the State of New York.

Councilman Simon questioned whether or not the State benchmarking available included expenses. Mrs. Hankins replied that it did and included per capita statistics, however, it is not perfect. It offers an opinioned insight into what is happening across municipalities in terms of benchmarking and review of the private sector.

Supervisor Udicious uses and has always used benchmarking.

There being no further comments, Supervisor Udicious closed the public hearing at 7:30 PM to return to the regular session. Councilman Riepe seconded the motion.

Roll:

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

VI. OLD BUSINESS

A. Suggested Changes to Town Codes: Supervisor Udicious spoke to Attorneys John Mancuso and Frank Pavia. Mr. Pavia, along with Charles Steinman, Esq., who represents the town in litigation matters, will be providing recommendations to the Board regarding penalties. Supervisor Udicious stated that a workshop may be in order after receiving their recommendations.

Councilman Simon asked John Mancuso, Esq., to research whether or not the Court would be obligated to set a minimum penalty for matters before them. Attorney Mancuso stated that depending on the penalty, i.e., building code violation versus another violation that it dictates what laws can be applied. Councilman Simon suggested that there be a minimum and maximum in all areas. The Board is obligated to enforce the Town Code.

B. Update on the BOCES property - Councilman Anderson, working with Code Enforcement Officer Gerry Kusse, furnished the G-Gauge drawings of the cottage they are occupying so that possible modifications could be reviewed with a professional engineer. Any changes made must be reviewed by the Town Engineer and approved by the Town Board. Costs will not be incurred by tax payers. A response from G-Gauge will be forthcoming.

VIII. NEW BUSINESS

A. Posting of Newly Acquired Properties - Councilman Riepe, along with Highway Superintendent David's highway crew staked the POSTED signs on the 100 and 250 acres parcel (formerly OGS and BOCES property). Bow season begins October 15. Councilman Riepe thanked highway Superintendent David and his crew for not only making 60 signs but installing them and spending \$101.00 versus the approved amount of \$500.

B. Presentation by Historian Marjorie Kirch – Supervisor Udicious stated that Historian Kirch today hosted a meeting of historians from towns within Monroe County. Mrs. Kirch has been doing a great amount of research of past Supervisors of the Town of Rush since 1818 and suggested that a plaque be of all past and present, including their terms be displayed in the Town Hall. A list of supervisors, including their terms, was presented to the Town Board and Town Clerk. A quoted amount for the plaque of \$450.00 was presented for approval. Funds are available in the Historian's capital account.

RESOLUTION #138-2011

Councilman Sluberski motioned to allow Historian Marjorie Kirch to the purchase a plaque honoring all past supervisors of Rush including their terms of office in an amount not to exceed \$500.00. Councilman Riepe seconded the motion.

Roll:

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

C. Approval of Contract for Automatic Door Controls on Restrooms – Supervisor Udicious stated that Monroe County Community Development Block Grant was received in order to place automatic controls on the already ADA (Americans Disabilities Act) compliant restrooms doors located in the Town Hall lower level in the amount of \$5,000.00. Three bids were received including Imperial Door Controls, BR Johnson, Inc. and Rochester Colonial. The low bidder was Imperial Door Controls in the amount of \$3,900.00. The work does not include electrical, however, installation of electrical will be done by a local electrician.

RESOLUTION #139-2011

Supervisor Udicious motioned to contract with Imperial Doors Controls, 85 Oriskany Drive, Tonawanda, New York 14550 in the amount of \$3,900.00. Councilman Simon seconded the motion.

Roll:

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

Being that this is a block grant and comes from the Federal Government, an in-depth system of filing specific paperwork to meet deadlines is required. Rush has been fortunate to receive many community development block grants in order to upgrade the town hall and the community in the past and such ADA compliant grants should be pursued in the future.

D. Approval of Contract for Replacement of Front Steps and Landing of the Town Hall – Supervisor Udicious stated that specs were sent to four contractors with three contractors submitting a bid.

Aquino Contractor Inc. of Rush
American Precision Construction of Honeoye Falls #6 Road, Rush
Millet Masonry & Construction, Inc. of Scottsville
Wolcott Contracting & Consulting, Inc., Rush

Supervisor Udicious noted that the Board requested a snow-melting alternate, however, it was cost prohibitive. Base bids ranged from \$7,470.00 to 15,500.00.

Councilwoman Sluberski asked of a guarantee period since the steps had been repaired a few times in the past. Supervisor Udicious stated that a standard one-year guarantee is customary.

RESOLUTION #140-2011

Supervisor Udicious motioned to contract with Aquino Contractor, Inc., 242 Five Points Road, Rush, New York for the construction of entry steps and landing reconstruction in the amount of \$7,470.00. Councilwoman Sluberski seconded the motion.

Roll:

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

E. Approval of Service Account Contract with The Pinpoint Group – Supervisor Udicious stated that the Town has contracted with The Pinpoint Group for roughly 12 years and has had excellent computer and networking service. Many services in the contract are covered including equipment, website hosting, spam blocking, service support as well as networking support. Balances left on the contract are carried forward.

Town Clerk Bucci provided examples of how the contractual money is used during the course of time.

RESOLUTION #141-2011

Supervisor Udicious motioned to approve the contract with The PinPoint Group, Churchville, New York in the amount of \$5,000.00 for computer technology. Councilwoman Sluberski seconded the motion.

Roll:

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.

Resident Kathryn Hankins requested, as other towns do, that the Town Code be posted on the town's website. Town Clerk Bucci stated that towns pay a fee to have their Town Code posted on their websites. At a previous time, the cost had been researched and found to be too costly. Copies of selected portions of the code are provided to residents upon request and entire code books have been purchased.

Councilman Riepe stated that placing the Town Code on the website at a cost to all residents should serve a majority.

Mrs. Hankins also requested that the Buildings Code and Comprehensive Plan be placed on the town website.

Town Clerk Bucci will review the General Code contract and again review the licensing fees associated with posting the Town Code to the Town website.

For clarity of the request, Mrs. Hankins will forward examples of specific codes examples on other town websites.

Supervisor Udicious stated that many times special interest groups such as contractors require copies of Town Code sections. The Town Board must be mindful of town monies spent and how many residents can or will benefit from spending.

Resident David Sluberski requests that the Town make a comparable with other IT services.

VIII. ADJOURNMENT

There being no further business, the meeting was ended at 8:00 PM and

RUSH TOWN BOARD MEETING
October 12, 2011

approved by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci
Town Clerk