

RUSH TOWN BOARD
Minutes of October 26, 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:	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:	Karen Hopkins	-----	Resident
	Mark David	-----	Highway Superintendent, Resident
	Gerry Kusse	-----	Code Enforcement Officer/ Building Inspector, Resident
	Don Eichenauer	-----	Resident
	Dave Sluberski	-----	Resident
	Jim Bucci	-----	Resident
	Kathryn Steiner	-----	Resident
	Sue Mee	-----	Resident
	Kathryn Hankins	-----	Resident

I. OPEN FORUM

Supervisor Udicious opened the meeting and offered the floor to anyone wishing to address the Board.

II. APPROVAL OF MINUTES

RESOLUTION #142-2011

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 Anderson	abstained
Councilman Riepe	aye
Councilman Simon	aye
Councilwoman Sluberski	aye

Supervisor Udicious aye carried.

III. APPROVAL OF ABSTRACT

RESOLUTION #143-2011

Councilman Anderson moved, Be It Resolved, that having audited all the claims against the funds listed on Abstract #10-2, for vouchers #1140 through #1202, that they be allowed in the amount of \$37,703.01. Councilman Riepe seconded the motion.

Roll:

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

IV. CORRESPONDENCE

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. Supervisor Udicious will review the contract with the Finance Director and requested Town Board feedback by November 9, 2011.

V. REPORTS OF OFFICERS AND COMMITTEES

Councilman Anderson had no report.

Councilman Riepe reported that he had met with the Rush Fire Department personnel. They requested use of a building on town-owned property located on East River Road (formerly OGS and BOCES property) for training purposes prior to a formal agreement. Training is scheduled for November, 2011, and the Fire Department would like to conduct it on the property.

RESOLUTION #144-2011

Councilman Riepe motioned to allow the Rush Fire Department access to the town-owned BOCES property (formerly OGS and BOCES property) pending a Certificate of Insurance and prior to a formal written agreement. Councilman Anderson seconded the motion.

Roll:

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

Supervisor Udicious aye carried.

Councilman Simon had no report.

Councilwoman Sluberski had no report.

Building Inspector Gerald Kusse had no report.

Highway Supervisor Mark David had filed the final reimbursement forms for Consolidated Local Street and Highway Improvement Program (CHIPS) monies in the amount of \$38,272.12. Town summer road work is complete.

Town Clerk Bucci had no report.

Supervisor Udicious stated that he recently talked with Timothy Murphy of the Monroe County Office of Real Properties as well as received an email in regards to the RPS software system used by all town assessor's offices in Monroe County. At this time, Monroe County has no plan to convert to another software program. Converting software tends to create issues including incorrect assessment rolls, incorrect town and county tax bills as well as incorrect school tax bills. The Town Board discussed purchasing different software with the Rush Assessor during the budget workshop.

Supervisor Udicious requested input from the Board. Discussion commenced. All were in agreement to delete it from the 2012 budget. Supervisor Udicious will advise both the Assessor and the Finance Director of the deletion.

Supervisor Udicious stated that the town budget will most likely be adopted at the November 23, 2011, meeting as Monroe County has requested an adopted budget be submitted to them by November 25.

Supervisor Udicious would like to conclude the Dog Control Officer's (DCO) appeal to the Board for a salary adjustment. DCO Czora has realized that there are more hours required in order for him to perform his job duties. Both Councilman Simon and Councilwoman Sluberski have submitted comments, however, Supervisor Udicious requested a workshop on the matter. Supervisor Udicious stated that all were in agreement to request that the DCO provide a log of his duties for a period of 3 months time before a final decision could be made. The enumeration is a separate issue. The Organizational Minutes provide 9 hours per week for the DCO position. Currently, the DCO has reported that 12 hours per

week are being used to perform his duties. The Town currently has a step schedule for the DCO of between \$8.38 – \$9.43 per hour. The Board agreed to request a 3 month time log in order to make a final decision.

VI. OLD BUSINESS

A. Suggested Changes to Town Codes - Town Attorney Frank Pavia provided recommendations to the Board regarding penalties. Supervisor Udicious requested that the Board review the information for the next Board meeting. Councilman Simon requested a copy of §268 regarding a Fine Schedule. Attorney Pavia will provide the section as well as other provisions.

B. Status of Automatic Door Openers on Restrooms – Supervisor Udicious stated that the contract was approved and granted to Imperial Doors, the same contractor that did the work on the other ADA compliant town hall doors. The work will be performed in November and the electric will also be performed by a local contractor.

C. Status of Town Hall Front Step Replacement - Supervisor Udicious stated that concrete pouring is complete and they are awaiting a weather-cooperative time to perform the sealing. Traffic should move as usual on Monday.

Although not on the provided agenda, Councilwoman Sluberski asked for an update on the request for the reinstatement of the Artifacts Citizens Committee. Supervisor Udicious stated that he had received correspondence on October 10 requesting reinstatement and that the Town Board, pending review of the attorneys for the town, would respond in November 2011.

Supervisor Udicious stated that the article regarding the missing artifacts, was published in the Democrat & Chronicle in August and he had received the request for reinstatement of the Artifacts Citizens Committee and forwarded to all board members. Councilwoman Sluberski requested an earlier response than November 1.

Supervisor Udicious requested additional comments from the Board. Councilwoman Sluberski suggested that the urgency in getting a response to reinstate the Artifacts Citizens Committee is one of ending a public emotional upset from the published article in the Democrat & Chronicle.

VII. NEW BUSINESS

A. Restriction on Development of Newly Acquired Properties - Supervisor Udicious was informed by Building Inspector Kusse that work was being done by the NYS Railroad Museum on the property. The NYSDEC was summoned and a copy of acquired (formerly OGS and BOCES property) town-owned property was presented. The map, not seen by the Town previously, covered approximately 300 acres of the property and designated it as an archeological sensitive area. Building Inspector Kusse has left a message with the NYS Parks, Recreation and Historic Preservation Department. Attorney Pavia stated that any alteration of the property proposed would be subject to a review process. Code Enforcement Officer Kusse stated that the State Historic Preservation Office (SHPO) has not been further contacted. Councilman Anderson believes that customary agriculture work is allowable, however, he would prefer a written response. Attorney Pavia stated that when the Phase I study was conducted, the archeological information and drawing did not present itself. Attorney Pavia will review the map and correspondence provided to the town. Building Inspector Kusse stated that buffering occurs in the entire area and the State is will not disclose the area for fear of public exposure. The NYS Railroad Museum has requested additional parking area on the acquired property. Before the Board can make a decision or whether or not to grant parking area use, the archeological matter must be addressed.

B. Pavilion Rental Policy regarding Reservations – Supervisor Udicious requested the Board's input regarding how far in advance the Pavilion could be reserved. Discussion amongst the Town Board took place.

The Town Board agreed to allow reservations for only a year in advance of the actual day of request. Councilman Anderson will inform Recreation Supervisor Stephens of the decision.

C. Agreement to Extend Conventional Municipal Snow and Ice Agreement (2013-2014 Season)– New York State - Supervisor Udicious read the Agreement aloud. The agreement quotes a rate to be paid to the Town per mile for snow and ice removal covering 35.60 lane miles of State Routes 251, 15 and 15A. Highway Superintendent Mark David approves of the agreement.

RESOLUTION #145-2011

Councilman Anderson moved to authorize the Supervisor to enter into an Agreement to Extend Conventional Municipal Snow and Ice Agreement

with New York for the responsibility for snow and ice control of 35.60 miles on State Routes 15, 15A. Councilwoman Sluberski seconded the motion.

Roll:

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

D. Approval of Contract for Electrical Work Needed for ADA Compliant Restroom Automatic Controls – Supervisor Udicious requested approval to enter into a contract with a local electrician to perform the required electrical work for installation of the electrical restroom doors. The Community Development Block Grant (CDBG) was awarded in the amount of \$5,000.00, \$3,900.00 of which has been approved for payment to Imperial Door Controls.

Councilwoman Sluberski suggested bidding the electrical job. Supervisor Udicious stated that pursuant the Procurement Policy, quotes are not required for these small jobs. The installation will be delayed if a formal bidding process is done.

RESOLUTION #146-2011

Councilman Anderson motioned to contract allow the Supervisor to enter into an agreement with a local contractor to perform electrical work for the installation of the ADA compliant restroom automatic controls in an amount not to exceed \$1,100.00. Funds in the amount of \$1,100.00 remain in the CDBG for automatic restroom door controls. Councilman Riepe seconded the motion.

Roll:

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

VIII. OPEN FORUM

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

Resident Karen Hopkins, who served on now-disbanded appointed Artifacts Citizens Committee for stated that e-mails and messages were

being compiled by all three persons on the previous Committee. The disbanded committee members were awaiting a Town Board response to the article published in the Democrat & Chronicle on the Missing Artifacts. Because there was no additional response or article in the Democrat & Chronicle from the Town Board, Mrs. Jean Yawman and Mr. Seldon Chase requested a meeting with the disbanded Citizens Committee.

It is not the Citizen's Committee's intent to write an article to the D&C, only to provide an addendum to the report submitted to the Town Board. Resident Kathryn Hankins would like to continue the work of the Citizens Committee in order to put closure to the misrepresentations reported in the newspaper. Also requested is that the report provided by the Committee be placed on the town website.

Councilman Simon suggested that if the Committee is to be reinstated that in all fairness, both Mr. David Oliver and Mrs. Jean Yawman should be contacted. If there is emotion on both sides, both parties should be contacted and included in the addendum.

Councilman Anderson stated that the Town Board authorized all recommendations stated in the Citizen's Committee for Alleged Missing Artifacts report.

Mrs. Hankins stated that a deep seeded hurt exists and the Citizens Committee would like an opportunity to heal it.

Resident Sue Mee stated that persons not belonging to the community are alarmed by the article placed in the Democrat & Chronicle.

Town Clerk Bucci stated that she did not receive a freedom of information (FOIL) request or telephone call from a reporter related to the Citizen's Committee report.

For clarity, Councilman Anderson requested an explanation of exactly what the scope of the Citizen's Committee addendum would include.

Attorney Pavia suggested that a written request of the intent and scope of committee's accomplishment in providing an addendum be submitted to the Town Board.

A continued discussion took place between the audience and the Town Board. The previous 3 person Artifacts Citizen's Committee believed that

the report done was complete, however, they believed that the article in the Democrat & Chronicle compromised the integrity of Jean Yawman and the Rush Town Board's actions in the 1990's.

Councilman Anderson suggested that the former Committee define the scope of their request and that both Jean Yawman and Dave Oliver be given a fair opportunity to be heard. He also stated that Attorney Frank Pavia be provided an opportunity to review the information and request.

Attorney Pavia stated that the Town Board needed the scope and intent of the citizen's committee in order to approve an action to reconvene the committee. Once the scope is clarified, Mr. Oliver's as well as Mrs. Yawman's input is to be incorporated into the addendum. Attorney Pavia would address the legal obligations on reconvening the Citizen's Committee to the Town Board.

Councilman Anderson suggested approving the reconvening of the Citizen's Committee pending legal review. He suggested having the Board contact Mrs. Hankins once legal counsel has provided obligations.

RESOLUTION #147-2011

Councilman Anderson moved to reconvene the Citizen's Committee on Alleged Missing Artifacts pending legal review of the scope and intent of the Committee. Councilwoman Sluberski seconded the motion.

Roll:

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

Resident James Bucci suggested that the Pavilion rental policy be booked a year in advance so that possible invitations to an event for example could be sent.

For clarity, Councilman Anderson agreed and stated that the Pavilion rental will be available for one year in advance for booking purposes and would not exceed 2012.

Dave Sluberski suggested that there are inconsistencies in Town Board decisions and policies.

RUSH TOWN BOARD MEETING
October 26, 2011

IX. ADJOURNMENT

There being no further business, the meeting was ended at 8:00 PM and approved by common consent of all councilpersons present.

Respectfully submitted,

Pamela J. Bucci
Town Clerk