

Rush Town Board
January 11, 2006

A regular meeting of the Rush Town Board was held on January 11, 2006 at the Rush Town Offices, 5977 East Henrietta Road and was called to order at 7:00 p.m.

Present: Councilman Donald Knab
Councilman Luther Keyes
Councilman Thomas Doupe
Councilwoman Lisa Sluberski
Supervisor William Udicious

Others: Frank Pavia, Attorney for the Town of Rush
Steven King, Highway Superintendent
Gerald Kusse. Code Enforcement Officer
Charles Rinere, Fire Marshal
Rufus Falk, Assessor
Marian Misner, Sentinel
Kirsten Flass, Library Director
Fred Calev, 2516 Rush Mendon Road

I Open Forum

Fred Calev, 2516 Rush Mendon Road, expressed his concern on the property adjacent to his home that he feels is being operated as an excavation company and not as a nursery. There is the sale of soil, burning of materials, noise of heavy equipment and vibrations that he contends are knocking things off the walls of his home. He is concerned that damage will be done to his home. He played a tape of what he described as a bull dozer working within 50 feet of his home daily from 7 am, including weekends. He requested that the operation be shut down.

Councilman Knab questioned Mr. Calev about the purpose of his black powder magazine that he maintains on his property and the reply was that Mr. Calev is developing safer experimental works or special effects. Only minor testing is done on his property at this time.

Supervisor Udicious stated that the situation would be investigated and Mr. Calev will be informed of the results of that investigation.

II Minutes

RESOLUTION #58

Supervisor Udicious made a motion that the minutes of the December 14, 2005 regular meeting be approved as presented. Councilman Keyes seconded the motion.

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Roll: Councilman Knab aye
Councilman Keyes aye
Councilman Doupe aye
Councilwoman Sluberski aye
Supervisor Udicious aye carried.

III Transfer of Funds and Approval of Abstract

These transfers are made to cover end of year fund needs.

RESOLUTION #59

Supervisor Udicious moved that the following transfers of funds be made from the unexpended balance of existing appropriations:

\$297.21 from A-1220.4 Supervisor, Contractual to A-1010.4 Legislative Contractual
\$1,955.73 from A-1440.4 Engineer, Contractual to A-1420.4 Building, Contractual
\$2048.01 from A-1620.2 Building, Capital Outlay to A-1620.4 Building, Contractual
\$658.35 from A-1220.4 Supervisor, Contractual to A-1620.4 Building, Contractual
.08 from A-1310.4 Finance, Contractual to A-3410.4 Fire, Personal Services
\$303.00 from A-1310.4 Finance, Contractual to A-3410.4 Fire, Contractual
.28 from A-1310.4 Finance, Contractual to A-3620.4 Safety Inspection, Personal Services
\$9.75 from A-1310.4 Finance, Contractual to A-5010.4 Highway Administration, Contractual
\$4,705.96 from A-1670.4 Central Printing, Contractual to A-5132.4 Garage, Contractual
.28 from A-1310.4 Finance, Contractual to A-7510.1 Historian, Personal Services
.16 from A-1310.4 Finance, Contractual to A-8010.1 Zoning, Personal Services
.16 from A-1310.4 Finance, Contractual to A-8090.1 Conservation, Personal Services
\$4,200.00 from A-1990.4 Contingency, Contractual to A-9901.9 Transfers to Other Funds
\$500.00 from A-1990.4 Contingency, Contractual to A-9910.9 Transfer to Other Funds
\$1097.38 from DA-5130.1 Machinery, Personal Services to DA-5110.1 Maintenance of Roads, Personal Services
\$579.42 from DA-5130.1 Machinery, Personal Services to DA-5110.4 Maintenance of Roads, Contractual

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\$757.83 from DA-5148.1 Serv to Other Govt., Personal Service to DA5130.4 Machinery, Contractual
\$465.21 DA-9060.8 Employee Benefits Hospital/Medical to DA-5142.1 Snow Removal, Personal Services
\$90.04 from DA-9050.8m Employee Benefits, Unemployment to DA-5148.4 Serv. to Other Governments, Contractual
\$344.14 from DA-9060.8 Employee Benefits, Hospital/Medical to DA-5140.4 Misc. Brush/Weeds, Personal Services
.56 from DA-9055.8 Employee Benefits, Disability Insurance to DA-5140.1 Misc. Brush/Weeds, Personal Services
\$45.72 from DA-9030.8 Employee Benefits, Social Security to DA-5140.1 Misc. Brush/Weeds, Personal Services
\$800.00 from DA-9060.8 Employee Benefits, Hospital/Medical to DA-5140.1 Misc. Brush/weeds, Personal Services
\$1,437.78 from L-7410.4.1 Library, Personal Services to L-7410.4 Library Contractual
\$103.63 from L-9030.8 Employee Benefits, Social Security to L-7410.4 Library, Contractual
\$105.98 fro L-9050.8 Employee Benefits, Unemployment to L-7410.4 Library, Contractual
\$67.69 from L-9060.8 Library Employee Benefits, Medical/Hospital to L-7410.4 Library, Contractual
\$14.13 from L-9030.8 Employee Benefits, Social Security to L-7410.2 Library, Capital Outlay
Councilman Keyes seconded the motion
Roll: Councilman Knab aye
Councilman Keyes aye
Councilman Doupe aye
Councilwoman Sluberski aye
Supervisor Udicious aye carried.

RESOLUTION #60

Supervisor Udicious moved that the following transfers be made of unreserved fund balances or unanticipated revenues:
Highway -

\$4,200.00 from DA-5031 Highway, Interfund Transfers to DA-5410.4 Misc. Brush/Weeds, Personal Services

Library -

\$500.00 from L-5031 Library, Interfund Transfer to L-7410.4 Library, Contractual.

Councilman Doupe seconded the motion.

Roll: Councilman Knab aye
Councilman Keyes aye
Councilman Doupe aye
Councilwoman Sluberski aye
Supervisor Udicious aye carried.

RESOLUTION #61

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Councilman Doupe moved BE IT RESOLVED, that having audited all the claims against the funds listed on the abstract, I move that all claims in the amount of \$105,578.52 be allowed for vouchers #1 through #51. Councilwoman Sluberski seconded the motion.

Roll: Councilman Knab aye
Councilman Keyes aye
Councilman Doupe aye
Councilwoman Sluberski aye
Supervisor Udicious aye carried.

IV Correspondence

1. New York State D.O.T. re closing of Pinnacle Road from mid June until Labor Day for bridge repair

V Reports of Officers and Committees

1. Town Board -

Councilwoman Sluberski summarized the annual report submitted by the Zoning Board of Appeals on their activity during 2005. She also reported on the Recreation Supervisor.

2. Assessor - Mr. Falk updated the Board on his review of comparables sheets for the approximately 1300 residential properties in town and the vacant residential and farm land that is under review this year. In March any assessment changes will be mailed to property owners.

3. Supervisor - Supervisor Udicious reported that in the near future that work would begin on the sign ordinance update and the addressing of the sandwich sign issue. The Zoning Board of Appeals and Councilman Doupe will be working on revisions with input from the various other boards of the town.

Also, to address concerns arising from a recent application, updating of the Excavation Law will be made to address site work issues that are not now clearly covered. The Attorney for the Town has given some suggestions that were passed onto the Town Board for their review.

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Assessor Falk has sent a memo to the Town Board concerning the raising of the exemption limits for veterans. New limits have been adopted by the County and the town must now decide if they will follow suit. Assessor Falk stated that

Based on the 2005 roll the impact on the town would be about \$5,500.00 that would need to be made up by other property owners. This matter will be discussed at the next board meeting.

VI New Business

1. Library Director Kirsten Flass invited the Board to the second annual wine tasting fund raiser to be sponsored by the Library Board of Trustees at Wildwood in February.

2. Association of Towns Meeting delegate -

RESOLUTION #62

Supervisor Udicious moved that Thomas Doupe will serve as the voting delegate for the Town of Rush at the Association of Towns Conference in New York City. Councilman Knab will be the alternate delegate. Councilman Knab seconded the motion.

Roll:	Councilman Knab	aye
	Councilman Keyes	aye
	Councilman Doupe	aye
	Councilwoman Sluberski	aye
	Supervisor Udicious	aye carried.

3. All Seasons Contract -

RESOLUTION #63

Councilman Knab moved that the Town Supervisor be authorized to sign the Amendatory Agreement with the Monroe County Department of Transportation for the All Seasons County Town Work Agreement for 2006. Councilman Keyes seconded the motion.

Roll:	Councilman Knab	aye
	Councilman Keyes	aye
	Councilman Doupe	aye

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Councilwoman Sluberski aye
Supervisor Udicious aye carried.

4. Monroe County Youth Bureau Agreement -

RESOLUTION #64

Councilman Knab moved that the Town Supervisor be authorized to sign the Monroe County Legal Agreement for Youth Bureau Services to provide \$2,134.00 in funds for the Town of Rush summer program. Councilman Doupe seconded the motion.

Roll: Councilman Knab aye
 Councilman Keyes aye
 Councilman Doupe aye
 Councilwoman Sluberski aye
 Supervisor Udicious aye carried

5. Court equipment purchase -

RESOLUTION #65

Councilman Knab moved that the Rush Justice Court be authorized to purchase office equipment and computer as outlined in their request to the Town Board. The funds for this purchase have been provided for in their budget. Councilman Doupe seconded the motion.

Roll: Councilman Knab aye
 Councilman Keyes aye
 Councilman Doupe aye
 Councilwoman Sluberski aye
 Supervisor Udicious aye carried

6. Mulligan Farm request -

Supervisor Udicious explained that the Genesee Valley Conservancy is pursuing a grant for the purchase of development rights for the Mulligan Farm, 239 acres of which lies in the Town of Rush. This would protect the large portion of farm land from development in the future. The support of the Town of Rush is requested in this matter. Supervisor Udicious explained that there would be very little impact financially on the Town and proposed that he be authorized to sign the enclosed letter of endorsement.

The Town of Rush he explained has been considering the need for farmland and open space preservation and this would be a first step.

RESOLUTION #66

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Councilman Knab moved that the Supervisor be authorized to sign the letter of endorsement for the pursuit of a grant by the Genesee Valley Conservancy to purchase development rights for the Mulligan Farm. Councilman Keyes seconded the motion.

Roll:	Councilman Knab	aye
	Councilman Keyes	aye
	Councilman Doupe	aye
	Councilwoman Sluberski	aye
	Supervisor Udicious	aye carried.

Executive Session

Councilman Knab made a motion that the Town Board moved into Executive Session to discuss a potential land purchase, on going litigation and a potential disciplinary action of an employee. Councilman Keyes seconded the motion and the Board polled all ayes.

Time: 7:35 p.m.

The Board returned to regular session at 8:25 p.m.

RESOLUTION #67

Supervisor Udicious moved that John Morelli be reappointed to the Rush Planning Board for a term to run from January 16, 2006 through December 31, 2010. Councilman Knab seconded the motion.

Roll:	Councilman Knab	aye
	Councilman Keyes	aye
	Councilman Doupe	aye
	Councilwoman Sluberski	aye
	Supervisor Udicious	aye carried.

Councilman Knab moved that the meeting be adjourned. Councilman Keyes seconded the motion and the board was all in agreement.

Time: 8:30 p.m.

Respectfully submitted,

Linda G. Henry
Town Clerk