

Rush Town Board
March 28, 2007

A regular meeting of the Rush Town Board was held on March 28, 2007 at the Rush Town Offices, 5977 East Henrietta Road and was called to order at 7:00 p.m.

Present: Councilman Donald Knab
Councilman Richard Anderson
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
Pat Stephens, Recreation Supervisor
Cheryl Rouleau, Recreation Department
Pamela Bucci. West Henrietta Road

I Approval of Minutes

RESOLUTION #85

Councilman Knab moved that the minutes of the regular board meeting of March 14, 2007 be approved as presented.
Councilman Anderson seconded the motion.

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

II Approval of Abstract

RESOLUTION #86

Councilman Anderson 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 \$65,027.40 be allowed for vouchers #275 through #323.
Councilman Knab seconded the motion.

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

III Reports of Officers and Committees

1. Town Board –

Councilman Knab reported that the job description for the Emergency Preparedness Officer is still being developed.

Councilman Anderson reported on the PODs drill that was held at the Dome in Rochester. Lacking sufficient volunteers to process the participants there were lessons to be learned from this exercise. Councilman Anderson, Councilwoman Sluberski and Supervisor Udicious participated. A local meeting will be held on April 19th at 4:00 p.m. in Honeoye Falls to discuss the results of the drill.

Councilman Doupe stated that Chris Roth, Henrietta Fire Marshal, had met with the Rush Fire Commissioners to introduce himself in his capacity as acting fire marshal for the Town of Rush. He also stated that he along with Supervisor Udicious and Councilwoman Sluberski has attended the Rush Henrietta Central School District meeting to discuss the upcoming budget for the district.

2. Town Clerk –

Town Clerk Henry asked when someone from the fire marshal's office would be contacting the town clerk's office since it had been three months since the appointment and there were a number of areas of concern that she felt needed to be addressed. Supervisor Udicious stated that he would call Mr. Roth.

3. Code Enforcement –

Mr. Kusse stated that the ICC conference would be held in Rochester this year and that the town was entitled to four voting delegates. He asked the board for suggestions as to who might act in this capacity and support the proposal to require sprinklers in new one and two family homes to be constructed. Councilman Anderson asked for some documentation on the value and associated costs of this proposed requirement and Mr. Kusse stated that he would provide that as well as the exact date of the vote. Councilman Knab asked to be one of the voting delegates.

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4. Supervisor –

Supervisor Udicious informed the board that as a result of changes made in the health care program for the town, the town had saved \$65,000.00 in 2006.

Supervisor Udicious gave the board copies of faxes received from Majed El Rayess with estimates for the design of (1) the sports field/nature walk on the adjacent property (2) the park pavilion (3) uses for the building at 1911 Rush Scottsville Road or a community center. These estimated will be discussed at the next board meeting.

An estimate requested from Charles Wolcott has been received for the removal of the log jam in Honeoye Creek. The proposal was discussed and timing of the work to be performed. Attorney Pavia asked if a permit was needed from the DEC to perform work in the creek area and who would be responsible for applying for that permit. Mr. Kusse stated that he had been told by the State that a permit would be required. Mr. King reported that the Corp of Engineers would not require a permit if the shores of the creek were not disturbed. Attorney Pavia stated that in the application to the DEC that it would be necessary to have a plan and a scope of work to be performed before a permit would be granted.

RESOLUTION #87

Councilman Knab moved that the estimate received from Wolcott Contracting and Consulting for work to be performed on removing the log jam on Honeoye Creek be accepted and that the Supervisor begin the process of applying for a permit from the NYS DEC to perform the work in the creek. Councilman Doupe seconded the motion.

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

IV Old Business

1. Street Lighting on Honeoye Falls Five Points and West Henrietta Roads –

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Supervisor Udicious stated that he had received a letter from National Grid concerning the effect of the light on the crops in a field at the intersection of Honeoye Falls Five Points and West Henrietta Road. National Grid felt that there would be no effect as the candle power at the field site was very low. This information will be sent to Mr. Werner. Mr. King of the Monroe Community College, formerly of Cornell Cooperative Extension, deferred to National Grid on the impact of the light.

2. Planning Board appointment - Supervisor Udicious announced that at the last board meeting that Rick Wurzer has been appointed to the Rush Planning Board to fill the unexpired term of Richard Anderson. That term will end on December 31, 2008.

3. Employee Manual - Supervisor Udicious stated that he felt there had been sufficient time for the board members to review the final draft of the revised manual as he would like to adopt it.

Highway Superintendent King stated that as his department was most effected by the employee manual he felt that all department heads should be able to review the manual prior to its adoption by the Board. Supervisor Udicious stated that he would direct his secretary to make it available to the departments and asked that any corrections be submitted to him in writing as he wished to adopt it at the next board meeting.

V New Business

1. Cell Tower Site Agreement - Supervisor Udicious mentioned that he has been informed that the management of the cell tower on the town hall property has been transferred to Crown Castle International as a result of a merger with Global Signal.

2. Work Place Violence Policy - Information has been received from the NYS Dept. of Labor regarding workplace violence prevention and policy. Attorney Pavia will draft a proposed policy for the town to consider.

3. Whistleblower Policy - Attorney Pavia will review the policy obtained from a town in the county that has recently

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adopted such a policy and report back to the board at the next meeting.

4. Recreation tent purchase proposal - Recreation
Supervisor Stephens explained that she has been renting a tent for the Fall Festival for a number of years at \$486.00 per event. She wishes to purchase a tent that could be used for the festival and for other events that her department sponsors during the year. The cost of the tent is \$3300.00 and she stated that she has placed money in her budget for this purpose. The tent is easy to set up but would have to be stored on town property when not in use. The board discussed the purchase in terms of the need for this size of tent in the future, setup and storage and the number of times it would need to be used to recover the cost.

RESOLUTION #88

Supervisor Udicious moved that the Town not purchase a tent for the Recreation Department and continue to rent as it has done in the past. Councilman Knab seconded the motion.

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

5. Middle Class Star Exemption - Mrs. Henry explained that the Governor was proposing an increased star tax exemption for the middle class. However the implementation of the this exemption due to its emphasis on confidentiality will make it extremely difficult for tax collectors and town clerk's to perform their jobs since no information can be given to banks, realtors, mortgage companies and others on the amount of tax that is being paid by the individual. All sources of information now available to the public such as the Monroe County on-line tax information would need to be removed and other tax programs altered at great cost. The tax collectors and town clerk's association are asking for a resolution from the town board supporting a removal of the confidentiality portion of this proposal and to consider the implementation of a tax credit on state income tax in its place. Seniors and the disabled currently do not have this same type of confidentiality attached to their exemptions and thus are public information.

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RESOLUTION #89

Councilman Knab moved that:

WHEREAS, Governor Spitzer proposed real property tax reform in the Executive Budget for years 2007-2008 by providing relief from school district taxes, known as Middle Class STAR", and

WHEREAS, such proposal is welcome and needed, and

WHEREAS, such proposal contains provisions of confidentiality that will impose costly requirements of altering assessment and real property tax collection programs, and of additional personnel and dislocation and Confusion in furnishing tax collection records, and

WHEREAS, such needed program of tax relief can be implemented through a direct credit against state income tax,

NOW, THEREFORE, be it resolved that Governor Spitzer and the Legislature are urged to amend the "Middle Class STAR" proposal by eliminating the costly confidentiality provisions, or in the alternative that the program be revised by providing a credit against the state income tax. Councilman Doupe seconded the motion.

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

6. Weight limit on High Tech Drive -

Highway Superintendent King explained that the trucking firm that is based on the Henrietta side of the Rush Henrietta Townline Road has been using High Tech Drive for their large trucks due to the poor sight distance at the flashing light at Townline Road and Route 15. The road is not built for that type of traffic and is being damaged by the overweight trucks. Mr. King asked that the Town Board authorize him to weight limit High Tech Drive at 8 tons. Mr. King, Supervisor Udicious, the NYSDOT and a representative from the truck firm will meet to discuss the intersection at Route 15 and Townline Road and a possible

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road cut on Route 15 that would give direct access to that road at a site with better sight distance for large trucks.

RESOLUTION #90

Councilman Knab moved that the Highway Superintendent be authorize to post a weight limit on High Tech Drive of 8 tons as allowed by Highway Law and restricting the road usage to local traffic only. Supervisor Udicious seconded the motion.

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

7. Survey of Town Property – Supervisor Udicious explained that in response to an e-mail from a resident complaining that the town had damage a part of her property and the lack of an up to date map of the property at the dam site, he is requesting permission to hire James Parker to survey the town lands at that site. An accurate map will certainly be needed as the town proceeds with the Quality Communities grant program.

At this time Supervisor Udicious suggested that the entire holdings of the town (town hall, unclaimed parcel, adjacent lands and 1911 Rush Scottsville Road) be surveyed and combined into one parcel.

RESOLUTION #91

Councilman Knab moved that the Supervisor be authorize to hire James Parker to survey the town holdings at the dam site and to survey the lands surrounding the town hall with the objective of combining these parcels. Councilwoman Sluberski seconded the motion.

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

8. Financial Software – Supervisor Udicious asked for permission to sign a contract with DOS to provide a financial software package for Finance Director Donald Reynolds to replace his currently outdated program. After

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review of the proposal it appears that a page of the contract was missing and there was a reference to a \$3757.00 yearly maintenance fee that needs to be removed. A complete contract with the omission of the \$3757.00 fee will be obtained for approval at the next Board meeting.

Adjournment

Councilman Knab moved that the meeting be adjourned. Councilman Doupe seconded the motion and the board polled all ayes.

Time: 8:15 p.m.

Respectfully submitted,

Linda G. Henry
Town Clerk