

RUSH TOWN BOARD  
Minutes of July 9, 2008  
Regular Meeting

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Udicious at 7:00 PM on July 9, 2008, at the Rush Town Offices, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT:	Donald Knab	----	Councilman
	Richard Anderson	----	Councilman
	Thomas Doupe	----	Councilman
	William Udicious	----	Supervisor
	Pamela Bucci	----	Town Clerk
	Frank Pavia	----	Attorney for the Town
EXCUSED:	Lisa Sluberski	----	Councilwoman
OTHERS PRESENT:	Don Kabes	----	Resident
	Theresa Kabes	----	Resident
	Dave Luca	----	National Railway Historical Society
	Jeremy Tuke	----	National Railway Historical Society
	Gerald Kusse	----	Resident, Code Enforcement Officer
	Kirsten Flass	----	Resident, Library Director
	Rick Spencer	----	Resident

I. OPEN FORUM Supervisor Udicious informed the audience that copies of Rules and Procedures for Town Board meetings are available at the meeting sign in table.

Supervisor Udicious invited anyone in the audience to address the Board.

Rick Spencer presented the word "eutrophication" which means the process by which a body of water becomes enriched in dissolved nutrients that stimulate the growth of aquatic plant life usually resulting in the depletion of dissolved oxygen. Mr. Spencer believes that the Stonybrook Park pond is experiencing eutrophication and the pond should be raked out so that it can continue to be used as a fishing spot to residents.

Supervisor Udicious will investigate.

Theresa Kabes requested follow-up regarding a matter of concern in registering their child with food allergies at the Rush After School Program during the coming school year.

Attorney Pavia noted that registration was complete and that he would discuss their concerns after the meeting.

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II. APPROVAL OF MINUTES June 11, 2008

**RESOLUTION #103-08**

Councilman Doupe moved that the Minutes of June 11, 2008, meeting be approved. Councilman Anderson seconded the motion.

Roll:

Councilman Knab	aye	
Councilman Anderson	aye	
Councilman Doupe	aye	
Supervisor Udicious	aye	carried.

III. TRANSFER OF FUNDS

**RESOLUTION #104-08**

Councilman Anderson stated **Be It Resolved**, that having audited all the appropriations against the funds listed on Abstract #12 in the amount of \$73,050.00 be allowed for transfers #1 through #9.

Transfer from Unexpended balance of an existing appropriation

Highway Fund					
Transfer Number	Amount	Account	Description	Account	Description
1	7,500.00	DA-5142.4	Town Snow Removal Contractual	DA5130.4	Machinery Contractual - to cover unforeseen machinery expenditures
2	19,750.00	DA5148.4	Service to Other Government Contractual	DA5130.4	Machinery Contractual to cover unforeseen machinery expenditures
3	3,000.00	DA5148.1	Services to Other Government Personal Services	DA 5130.4	Machinery Contractual to cover unforeseen machinery expenditures
4	2,000.00	DA-5142.1	Town Snow Removal - Personal Services	DA5130.4	Machinery Contractual to cover unforeseen machinery expenditures
5	15,000.00	DA5112.1	Road Construction Personal Services	DA-5140.1	Misc./Brush/Weeds, Personal Services
6	500.00	A1440.4	Engineering Contractual cover grant clerical assistance	A1440.1	Engineer Personal Services
7	300.00	A-1990.4	Contingency Contractual cover dog boarding fees	A3510.4	Dog Control Contractual

Appropriation of unreserved fund balance or unanticipated revenues

General Fund		Increase Revenues/Decrease Fund Balance			
Transfer Number	Amount	Account	Description	Account	Description
8	13,000.00	A2410	Rental Revenue	A-1620.48	Building Rental Property to cover costs of rental at 1911 Rush Scottsville Road
9	12,000.00	A2410	Rental Revenue	A1620.2	Building Capital Outlay to cover upgrades at 1911 Rush Scottsville Road

Councilman Knab seconded the motion.

Roll:

Councilman Knab	aye
Councilman Anderson	aye

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Councilman Doupe	aye	
Supervisor Udicious	aye	carried.

IV. APPROVAL OF ABSTRACT # 12

**RESOLUTION #105-08**

Councilman Doupe stated **Be It Resolved**, that having audited all the appropriations against the funds listed on Abstract #12 in the amount of \$62,934.79 be allowed for vouchers #690 through #744. Councilman Knab seconded the motion.

Roll:

Councilman Knab	aye	
Councilman Anderson	aye	
Councilman Doupe	aye	
Supervisor Udicious	aye	carried.

APPROVAL OF ABSTRACT #13

**RESOLUTION #106-08**

Councilman Doupe stated **Be It Resolved**, that having audited all the appropriations against the funds listed on Abstract #13 in the amount of \$13,524.33 be allowed for vouchers #745 through #788. Councilman Knab seconded the motion.

Roll:

Councilman Knab	aye	
Councilman Anderson	aye	
Councilman Doupe	aye	
Supervisor Udicious	aye	carried.

V. CORRESPONDENCE

None.

VI. REPORT OF OFFICERS AND COMMITTEES

A. Councilman Knab A mason has been contacted regarding restoration of the Town Hall front steps and patio sealing. Quotes will be provided to the Town Board.

B. Councilman Anderson The Farmland Preservation Committee met to discuss a number of alternatives. He reported on his visit to Batavia regarding the implementation grant from New York State. Pertinent information will be forwarded to both Town and Planning Boards.

C. Library Director Flass - The Board of Trustees met. After meeting with the Rotary Club, the gazebo project is scheduled to begin at the end of July and be complete by Labor Day. Brocollo Landscaping will be providing a landscaping design for board approval.

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The Library's "first time" Beer Tasting Event will commence on August 9, 2008, at 6:30 PM at The Rush Creekside Bar & Grill.

D. Town Clerk Bucci - (1) The Town Clerk's Office is now part of the NYSDEC Pilot Program and has become accessible to high speed connection making the wait time during high volume licensing time shorter. (2) Dog licenses are being simultaneously updated with the New York State Department of Agriculture and Markets system as well as updating old records within both systems and with the Dog Control Officer. (3) With appropriate approval, town, county and school taxes will be processed in a new, more efficient manner. (4) Passport purchases in the Town of Rush may become a possibility, thus increasing revenue.

## VII. OLD BUSINESS

A. Updates on Repair of the Rush Dam Repair of the Rush Dam will now cost \$140,000; A \$120,000 grant was awarded by New York State and an additional grant given by Assemblywoman Susan John in the amount of \$40,000 for unrestricted funds (municipal aid).

The New York State Department of Environmental Conservation has approved the movement of soil in the 100 year floodplain. The Highway Department will proceed with their work detail.

B. Update on Quality Communities Project Councilman Anderson reported that a meeting was held on June 24 covering ancillary data. They also reviewed excerpts of maps. Comments are due in August for a final report in September.

**MOVE TO SCHEDULED PUBLIC HEARING - PUBLIC HEARING Local Law#6-2008 - A LOCAL LAW FOR FLOOD DAMAGE PREVENTION AS AUTHORIZED BY THE NEW YORK STATE CONSTITUTION, ARTICLE IX, SECTION 2, AND ENVIRONMENTAL CONSERVATION LAW, ARTICLE 36**

Supervisor Udicious declared the Public Hearing open at 7:15 PM. Clerk Bucci stated that the Notice of said Public Hearing was duly published in the Rush-Henrietta Post on the 25<sup>th</sup> day of June, 2008. Said local law provides for consideration of replacement of the current Chapter 65 of the Rush Town Code Implementation of the New Floodplain Prevention Requirements as required by FEMA (Federal Emergency Management Administration). Said proposed ordinance provides protection to property owners by maintaining favorable flood insurance rates for residents.

Councilman Anderson and Code Enforcement Officer Kusse further discussed that the code replacement stated that independent of any Town Board action, residents requesting a variance in the floodplain would appear before the Zoning Board of Appeals.

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**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF RUSH AS FOLLOWS:**

**WHEREAS**, the Environmental Protection Agency has adopted new legislative requirements for the administration of the floodplain management requirements of the National Flood Insurance Program contained in 44 C.F.R. § 60.3; and

**WHEREAS**, the State of New York requires that all municipalities comply with the floodplain management requirements of the National Flood Insurance Program contained in 44 C.F.R. § 60.3; and

**WHEREAS**, the New York State Department of Environmental Conservation has recommended optional administrative provisions for the proper administration of the National Flood Insurance Program.

**NOW, BE IT RESOLVED**, that the Town Board of the Town of Rush hereby adopts Local Law #6 of 2008, as attached hereto, and shall be entered into the minutes of the meeting of the Town Board of Rush held on the 9<sup>th</sup> day of July; and it is further

**RESOLVED**, that Local Law #6 of 2008 shall replace in its entirety the existing Chapter 65: Flood Damage Prevention of the Code of Town of Rush; and it is further

**RESOLVED**, that the Town Board is acting as Lead Agency for SEQRA purposes and has determined that the passage of Local Law #6 of 2008 is an Unlisted Action as defined in 6 N.Y.C.R.R. §§ 617.2(ak); and it is further

**RESOLVED**, that the Town Board has conducted an uncoordinated review of this action, concludes that no potential significant adverse environmental impact exists, thus issues a Negative Declaration pursuant to SEQRA; and it is further

**RESOLVED**, that Local Law #6 of 2008 shall take effect immediately upon its filing in the office of the Secretary of the State in accordance with Section 27 of the New York Municipal Home Rule Law; and it is further

**RESOLVED**, that notice of this Resolution shall be filed and circulated to the extent required by any applicable provision of the Code of the Town of Rush and/or any relevant statute or regulation.

Being no further comments on the hearing, Supervisor Udicious moved and Councilman Knab seconded to close the hearing at 7:20 PM.

Roll:

Councilman Knab	aye	
Councilman Anderson	aye	
Councilman Doupe	aye	
Supervisor Udicious	aye	carried.

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The regular meeting was convened at 7:24 PM.

**GUEST PRESENTATION: National Railway Historical Society – Rochester Chapter –** Land Acquisition Request from State of New York. Jeremy Tuke, past President of the National Railway Historical Society Rochester Chapter, addressed the Board on the specifics for their request. The Society is developing a passenger excursion in conjunction with Livonia and Lakeland Railroad run out of the Town of Sodus. The Society would like access to lands to the west comprised of a parcel from the town line on north, 251 on the south, LAL Railroad on the east and the Genesee River on the west. There is a legislative bill drafted with the approval of Senator James Alesi and Assemblywoman Susan John conveying approximately 100 acres of land to the National Railway Historical Society through legislative means. Both legislative houses have approved the bill. It is now in Governor Patterson's office and he is not inclined to sign the bill. Assemblywoman John is working on a plan to convey property to the Town of Rush and then the Town could lease the property back to the Historical Society. Mr. Tuke requested that after further discussions with both legal counsels, a resolution be passed allowing the Supervisor to accept the property under discussion on behalf of the Town of Rush. The Town could then lease the parcel back to the Historical Society.

The Board will review the materials presented and discuss at a future date.

VIII. NEW BUSINESS

A. Renewal of the Cable Television Franchise Time Warner Cable Agreement expires on March 14, 2011. A less formal renewal procedure may be adopted by a municipalities. The Board will review and discuss at the August meeting.

**RESOLUTION #107-08**

Councilman Knab made a motion authorizing the Supervisor to open the dialog with Time Warner Cable for a less formal renewal procedure. Councilman Anderson seconded the motion.

Roll:

Councilman Knab	aye	
Councilman Anderson	aye	
Councilman Doupe	aye	
Supervisor Udicious	aye	carried.

B. Mileage Rate for Town Business The Internal Revenue Service has increased the mileage rate mid year effective July 1, 2008, from .505 cents to .585 cents.

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**RESOLUTION #108-08**

Supervisor Udicious made a motion, based on the Internal Revenue Service ruling to amend the Town's mileage reimbursement rate from .505 to .585 cents per mile effective July 1, 2008, retroactively. Councilman Knab seconded the motion.

Roll:

Councilman Knab	aye	
Councilman Anderson	aye	
Councilman Doupe	aye	
Supervisor Udicious	aye	carried.

IX. OPEN FORUM

Supervisor Udicious invited anyone in the audience to address the Board.

Rick Spencer advised the Board that cable service prices are not always the same from request to request and he would prefer to only pay for the channels he selects.

X. EXECUTIVE SESSION

Supervisor Udicious motioned to move the meeting into Executive Session at 7:45 PM to discuss potential acquisition of property and discuss employment history of one employee.

Roll:

Councilman Knab	aye	
Councilman Anderson	aye	
Councilman Doupe	aye	
Supervisor Udicious	aye	carried.

Councilman Knab moved to return to regular session of the meeting at 8:05 PM.

**Resolution #109-08**

Councilman Knab made a motion to authorize Supervisor Udicious to enter into contact negotiations to acquire a piece of real property for the town. Motion was seconded by Councilman Doupe.

Roll:

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

**RESOLUTION #110-08**

Councilman Knab made a motion to acknowledge the appointment Meribeth Palmer as Deputy Town Clerk, Step 3, as recommended by the Town Clerk effective July 14<sup>th</sup>.

Roll:

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Councilman Knab	aye	
Councilman Anderson	aye	
Councilman Doupe	aye	
Supervisor Udicious	aye	carried.

With no further business, a motion was made by Councilman Knab and the meeting was adjourned at 8:10 PM by common consent of all board members.

Respectfully submitted,

Pamela J. Bucci  
Town Clerk