

Rush Town Board
September 13, 2006

A regular meeting of the Rush Town Board was held on Wednesday, September 13, 2006 at the Rush Town Offices, 5977 East Henrietta Road and was called to order at 7:00 p.m.

Present: Councilman Thomas Doupe
Councilwoman Lisa Sluberski
Deputy Supervisor Donald Knab

Excused: Councilman Luther Keyes, work
Supervisor William Udicious, vacation

Others: Frank Pavia, Attorney for the Town of Rush
Gerald Kusse, Code Enforcement
Charles Rinere, Fire Marshal
Donald Reynolds, Budget Officer
Daniel Wright, 174 Works Road
Peter Lana, 353 Kavanaugh Road
Scott Strock, 195 Works Road
Diane Strock, 195 Works Road
Jack Streeter, 330 Kavanaugh Road
Glenn Thornton, Thornton Engineering
Ansgar Schmidt, 172 Works Road
Craig Schneider, 152 Works Road
Emanuele Dambrosio, 369 Kavanaugh Road
Amy Ackerson, 330 Kavanaugh Road
Frank Stephens, 166 Works Road
Marie/Dave Schillinger, 130 Kavanaugh Road
Jesse/Kathryn Cook, 335 Kavanaugh Road
Julie/John Grana, 178 Works Road
Matt/Amy Quilter, 375 Kavanaugh Road
Dave/Trish Vanable, 171 Works Road
Shirley Reiser, 175 Works Road
Mike Tallon, 175 Works Road
Scott Goodman, 30 Stonybrook Road
Winnie Streeter, 330 Kavanaugh Road
Chris Palen, 158 Works Road
Svetlana Lukishova, 172 Works Road

I Open Forum

Fredric Calev, 2516 Rush Mendon Road, stated that he was still waiting for a response to his letter of August 24th requesting the name of the Town of Rush's insurance company in order to file for damages to his property.

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Attorney Pavia stated that the proper procedure was to file a 54H Notice of Claim and that the name of the insurance company was public information and could be obtained at the Town Clerk's office.

II Approval of Minutes

RESOLUTION #140

Councilman Doupe moved that the minutes of the regular meeting of the Rush Town Board of August 9, 2006 be approved as presented. Councilwoman Sluberski seconded the motion.

Roll: Councilman Doupe aye
Councilman Sluberski aye
Councilman Knab aye carried.

RESOLUTION #141

Councilman Knab moved that the minutes of the Special Meeting of the Rush Town Board of August 30, 2006 be approved as presented. Councilman Doupe seconded the motion.

Roll: Councilman Doupe aye
Councilman Sluberski aye
Councilman Knab aye carried.

III Transfer of Funds and Approval of Abstracts

RESOLUTION #142

Councilwoman Sluberski 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 \$21,366.29 be allowed for vouchers #796 through #837. Councilman Doupe seconded the motion.

Roll: Councilman Doupe aye
Councilman Sluberski aye
Councilman Knab aye carried.

RESOLUTION #143

Councilman Doupe move that the follow transfers of funds be made:

\$15,000.00 from A-1990.4 Contingency, Contractual to A-1620.2 Building, Capital Outlay - for security camera project

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\$4,000.00 from A-1990.4 Contingency, Contractual to A-1420.4 Law, Contractual - cover legal costs of sales tax issue

\$6,500.00 from A-1990.4 Contingency, Contractual to A-1620.4 Building, Contractual - cover ax bill & HVCA inspections

and the following appropriation of unreserved fund balance or unanticipated revenue:

\$10,000 from A-3097 State Aid Capital Projects to increase appropriations to A-1620.2 Building, Capital Outlay - for sidewalks

Councilwoman Sluberski seconded the motion.

Roll: Councilman Doupe aye
Councilman Sluberski aye
Councilman Knab aye carried.

RESOLUTION #144

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 \$32,875.44 be allowed for vouchers #838 through #903. Councilwoman Sluberski seconded the motion.

Roll: Councilman Doupe aye
Councilman Sluberski aye
Councilman Knab aye carried.

IV Correspondence

1. Letter from Fredric Caley to Planning Board chairman copied to town board members
2. One estimate on sidewalk contraction - awaiting two more estimates.
3. Fire Marshal's report

V Reports of Officers and Committees

1. Town Board - Councilwoman Sluberski reported that the Recreation Department is working on the fall festival and the hunter's safety training course has 60 enrollees.
2. Fire Marshal reported on the unauthorized burning of trees and shrubs. An appearance ticket to Rush Justice Court has been issued to David Krenzer.

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3. Budget Director - Mr. Reynolds reported on a number of updated items to the preliminary budget due to the meetings with the department heads. He discussed the unexpended balance and stated that a target of 20% should be maintained and that any funds over this target would be used to reduce the amount needed to be raised by taxes. It is hoped that the tax rate for the town can be maintained at the same level as last year.

VI Public Hearing on Proposed Water District Extension for Works and Kavanaugh Roads

Councilman Knab declared the hearing on this matter open and outlined the procedure that would be followed in the hearing.

Glenn Thornton of Thornton Engineering introduced himself and asked Attorney Pavia to explain the steps involved in the process of creating a district extension.

Attorney Pavia explained that the petition presented to the Board requesting an extension of the waterline to the Kavanaugh and Works Road area was a request that the Town Board hold a public hearing and obtain the comments from the public to be served by this line extension on the matter and that a record be made of those comments. The petition had the signatures of residents in the area to be serviced along with a district description. An engineering report gave the total costs of the project and a break down of what those costs were per home. A map of the district shows where the line would be located.

Town Law requires that An Order be passed by the Board and a Notice published with information on the district and a public hearing held. After this hearing is completed, the Town Board based on the information presented must determine if the petition was sufficient using the guidelines outlined in Town Law. Are all the property owners benefited included in the proposed district. Will all the properties within the district be benefited. Is it in the public interest to grant this extension whole or in part. A SEQRA determination must be made by the Board and if the Board approves the petition it must be sent to the State Comptroller for a determination if the petition meets the guidelines of law since the Town will be seeking financing for this installation.

He further explained that there is cap on the financing for

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such an extension that can be passed on to the benefited area residents.

Mr. Thornton stated that the proposed district extension presented would run from Phelps Road to the Peanut Trail on Works Road and west on Kavanaugh Road to the Peanut Trail. The proposed district includes 15 existing houses, 21 parcels with 19 owners, approximately 5400 linear feet. Acceptable pressure can be maintained within the district Mr. Thornton has determined based on the pressure in the Phelps Road waterline.

If the district is approved a survey would be done and further engineering would be needed to determine the exact alignment of the line and hydrant placement. This material submitted is a first glance of project and greater detail would be possible with further engineering. The standards of Monroe County Health and the Monroe County Water Authority need to be met. The estimated construction costs have been provided but Mr. Thornton stated they are difficult due to the escalating prices and labor costs.

A price of about \$200,000.00 has been determined and would include engineering and bid documents. A contingency, legal and other associated costs would bring the proposed project cost to about \$250,000.00 base on 2006 prices. If the project is done in 2007 there is a likelihood that the cost of the project will go up.

Mr. Thornton explained that a second proposal with the Town employees installing the waterline was presented and felt that the cost would be less since it would include materials only, engineering and legal expenses. The Town has not responded to that proposal.

The bonding is being proposed at 38 years at 6% for an annual debt service of cost of approximately \$601.41 that would be included on the property owners tax bill.

Benefited properties was determined by including the 9 proposed lots in Mr. Streeter's proposed subdivision and 3 lots in that of Mr. Dambrosio for a total of 28 benefited parcels. Each benefited parcel thereby paying 1/28th of the cost.

The cost from Monroe County Water Authority to hook up to the water line is \$1790 and the cost to bring the line from the road to each residence would run between \$5 and \$10 per

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foot and vary with the distance of the residence from the road. The estimated average cost of water per year is about \$284.00 per year.

Councilman Knab asked Mr. Thornton for the maximum annual fee determined by the State Comptrollers office and the reply was in 2006 threshold limit was \$579.00 per year for debt service and water usage. Mr. Thornton stated that he was aware that the limit has been exceeded and will require the approval of the Comptroller.

Audience

Daniel Wright, 174 Works Road, expressed his concern on the lack of detailed figures on the cost of the water line and his feeling that the proposal was not represented accurately and openly to the area residents.

Jean Stevens, 166 Works Road, asked if most of the development is on Kavanaugh Road, then why is the water being run down Works Road? Mr. Thornton stated that he did not have a definite answer but that there has been some interest in public water by some residents on Works Road. Councilman Knab stated that when creating a district it is to the advantage of the district to have as much density as possible of homes or users to reduce the cost per lineal foot.

Asked by Mrs. Stevens if there was an interview of all the residents in the area to determine if they had an interest in water, the reply was no. Mrs. Stevens stated that she felt it was unfair to ask residents in her area of Works Road that have no interest in the water, to pay for a waterline. Her home is a long distance off the road and costs would be higher than the average suggested cost.

Julie Grana, 178 Works Road, asked if Mr. Streeter needed treated water for his development to proceed? Mr. Thornton stated he did not know definitely but that the Planning Board had asked Mr. Streeter to investigate the possibility of public water.

Asked the question for the cost of installation for the water line, Mr. Thornton stated the cost was about \$45.00 per linear foot for an 8 inch main.

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David Vanable, 171 Works Road, asked if the cost for the waterline to be run only down Kavanaugh Road and not to continue down Works, has been investigated? Mr. Thornton said no and Mr. Vanable asked the Board if they would ask the developer to provide that figure.

Mrs. Stephens asked what the \$1780 fee for Monroe County Water covered and Mr. Thornton replied it was the installation of the service connection at the road for the line in the right of way. It would also include setting the meter and connect service line to their piping.

Craig Schneider, 152 Works Road, asked if it was correct that if the homeowner wished to continue to use their well while connected to the public water system that it would be necessary to have an inspection of their system every three years at their own costs to check for any mixing of the systems. The answer was yes but usually the well connection was abandoned or connected only on the exterior of the building.

Mike Tallon, 175 Works Road, purchased land to build a house and understood that there would be well water. He was very pleased with the idea of public water for the quality of the water and better fire protection.

Trish Vanable, 171 Works Road, asked if the waterline would be on the west side of the road. Mr. Thornton stated the line was shown on the west side as it appeared easier but it was not written in stone. Mrs. Vanable stated that her concern was the large trees in front of her house that would be endangered. Mr. Thornton stated it was hard to install the line with trees near the road since it required hand digging that would increase the cost of the line. The goal would be to save as many trees as possible and have a minimum effect on vegetation and owners property.

Scott Strock, 195 Works Road raised the question on the possibility of large lots being subdivided and additional houses being built. Would these new homes be included in the shared costs and thus the yearly payments be reduced? Councilman Knab stated that he believed the payments made by the new homes would reduce the over all debt service but not effect the yearly cost to the other home owners.

Jesse Cook, 335 Kavanaugh Road, asked if it was possible for property owners within the district to not be part of the district and not share in the costs. He stated that he

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felt the costs were excessive as they had been presented. Attorney Pavia stated that if the district is formed that individual property owners would not be able to not opt out participation.

Councilman Knab also stressed that signing the petition did not commit anyone to this proposal but simply allow the matter to be brought before the Town Board to hold a public hearing.

Mr. Cook asked what is the process to find out exactly how many people wish to buy in to this proposal?

Trish Vanable asked how residents that are not interested in water let the Town Board know that they have no interest?

Councilman Knab stated that the comments of residents at this meeting would be an indication of support or no support for this proposal. He stated that the applicant will need to revalidate the number of residents that are continuing to support the proposal against the cost of the district before the Town Board can go forward.

Attorney Pavia stated that written comments on this proposal can also be submitted to the Board for their consideration.

In reply to a question on whether there would be a voted on the matter, Attorney Pavia stated that there were two different types of processes to bring about a district extension and the petition presented for this project does not provide for a vote by the residents of the area to be effected.

Julia Grana stated that if the price of the waterline was development in the area she would prefer to stay with her well water.

David Vanable stated that he felt that one result of this petition was to bring the subject up for discussion and to put the decision in the hands of the Town Board. For his family the cost would be an important factor to them. Councilman Knab agreed that it is a cost/benefit factor that each family must weigh.

Mr. Vanable also suggest that the town request some data on the cost to hand dig to attempt to preserve some of the trees in the area as he felt they were an important part of

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the value of his home. If they are removed he felt there would be a loss of value in his property he could not recover in his lifetime.

Councilman Knab address Mr. Thornton and requested that when the district total is determined and he is able to finalize the costs, determine the actual route of the waterline and analyze those costs that they include the saving of the trees.

Mr. Thornton stated that the engineering report prepared was an analyze of the hydraulics of the system, a potential route and a best estimate of costs to the home owners. If bids were received that exceeded \$250,000 the district would not more forward. This report was a best guess and based on comments presented at this meeting the costs would probably be driven up even higher.

Mr. Vanable asked if the Town Board would receive the revised good faith estimates before taking a vote and if the residents would be made aware of the any revisions and be able to make comments. Attorney Pavia assured the residents that the Board would not make a decision until they had all the necessary information from the applicant. Any information obtained from the project engineer is public information and would be available to the residents of this area.

Councilman Knab stated that the residents would be notified of any additional meetings that would be held to discuss this matter.

Mr. Vanable asked about the piece of property he owns adjacent to his home and if this would be considered one of the benefited parcels and Mr. Thornton stated no as there were no plans at this time to develop that parcel.

Peter Lana, 353 Kavanaugh Road, stated that his concern was for safe drinking water. He supported the petition as he had had problems with his well and even had traces of radon in the water.

Michael Tallon stated that he has weighted what he feels is the value of the water district to his property and is in favor of the proposal.

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Mannie Dambrosio, 369 Kavanaugh Road, suggested that the homeowner's insurance rate is lower for properties that are serviced by public water.

RESOLUTION #145

Councilman Knab moved that the Public Hearing on the proposed extension of the water district to service Kavanaugh and Works Road be closed and the matter tabled pending further information supplied by the petitioners engineer and the Town Board will continue to accept written comments and concerns from the residents of the proposed district. Councilwoman Sluberski seconded the motion.

Roll: Councilman Doupe aye
Councilman Sluberski aye
Councilman Knab aye carried.

VI Old Business

1. Quality Communities Grant Program - Councilman Knab stated that the Town has received approval for a grant for \$38,000 to be used for planning for development and preservation of the area along Honeoye Creek, the dam and Veterans Park.

2. Automatic Door Controls on grade level doors - Councilman Knab stated that the automatic door controls on the two ground level doors have been installed with the help of funds awarded to the Town through the Community Block Grant Program. Adjustment for better environmental conservation will be made shortly.

VII New Business

1. Rental of 1911 Rush Scottsville Road - Sealand Contractors have rented office space at 1911 for a three month period while they are working on local road projects.

2. Annual re-assessment contractor - the matter was tabled until a full board could be present.

3. 2007 Budget - Budget Officer Reynolds provided his report earlier in the meeting. The Tentative Budget will be presented to the Board at the September 27th meeting and a public hearing scheduled for October.

Adjournment

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

Time: 8:45 p.m.

Respectfully submitted,

Linda G. Henry
Town Clerk