

Rush Town Board  
November 8, 2006

A regular meeting of the Rush Town Board was held on November 8, 2006 at the Rush Town Offices, 5977 East Henrietta Road and was called to order to 7:00 p.m.

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

Others: David Hou, Attorney for the Town of Rush  
Gerald Kusse, Code Enforcement  
Charles Rinere, Fire Marshal  
Brittany Duncan  
Danielle Sacheli  
Christine Heisinger  
Richard Anderson  
Fay Clark  
Dan Wright  
Tony Miller  
Sophia Tracey-Gay  
Hoyt Brown  
Rebecca Lee  
Diane Tunney  
Pack #217 Webelo I - Rush United Methodist Church  
Dwight Schuman  
Kassy Kerbs  
Sharon Kenyer  
Meghan Mattiaccio  
John Streeter  
David Vanable

I Minutes, October 25, 2006

**RESOLUTION #166**

Councilman Knab moved that the minutes of the regular meeting of October 25, 2006 be approved as presented. Councilwoman Sluberski seconded the motion.

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

II Transfer of Funds and Approval of Abstract

**RESOLUTION #167**

Councilman Knab move that the following transfers of funds be made:

\$2,500 from DA-5142.1, Town Snow Removal, Per. Serv. to DA-5140.1, Misc/Brush/Weeds, Per. Serv.

\$1,363.00 from DA-5112.1 Road Construction. Per. Serv. to DA- 5140.1 Misc/Brush/Weeds, Pers. Serv.

\$2,000.00 from DA-5110.1 Maintenance of Roads, Per. Serv. to DA-5140.1 Misc/Brush/Weeds, Per. Serv.

\$2,450.00 from DA-5110.1 Maintenance of Roads Per. Serv. to DA-5140.1 Misc/Brush/weeds, Per. Serv.

\$4,725.00 from, DA-5148.1 Serv. to Other Govts., Per. Serv. To DA-5140.1 Misc/Brush/Weeds, Per. Serv.

\$1,200.00 from DA-5142.1 Town Snow Removal, Per. Serv. to DA-5140.1 Misc/Brush/Weeds, Per. Serv.

To cover personal days, sick time, holidays and townwide drainage at the town hall.

\$4,500.00 from A-7110.4 Parks, Contractual to A-5132.4 Highway Administration

To cover utilities and parking lot repair

And make the following appropriation of unreserved funds or unanticipated revenues:

\$304.80 from SD-599 Drainage District, Approp. Fund Balance to SD-8540.4 Drainage District, Contractual

To cover additional drainage project supplies

Councilman Keyes seconded the motion.

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

**RESOLUTION #168**

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 \$12,052.10 be allowed for vouchers #1056 through #1105. Councilman Knab seconded the motion.

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

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### III Correspondence

1. Riga Supervisor Pamela Moore re donation of a painting of the Rush dam by an elderly Riga artist.

### IV Reports of Officers and Committees

1. Town Board - Councilman Keyes suggested that with winter coming soon that a piece be placed in the town Newsletter on driveway clearing and that plowing snow across the highway is illegal and dangerous.

Councilman Doupe stated that he is still looking for feedback on the draft revision of the sign ordinance.

Councilwoman Sluberski asked if the board was prepared to discuss the program requests from the Recreation Supervisor for 2007. The Board agreed to make a decision at the next board meeting after they had reviewed the memo from Mrs. Stephens.

2. Code Enforcement - Mr. Kusse stated that he will be meeting with State Official William Richardsen on Section 1203 upgrade which takes effect in January 2007. He also stated that progress at 55-75 Honeoye Falls Five Points Road, although slow, is continuing.

3. Supervisor - Supervisor Udicious reminded the Board that they had a copy of the proposed site plan for the development of the adjacent property. He stated that at the next board meeting the board should be prepared to make a prioritized list of items for development so that work can begin in the spring.

### V Old Business

1. Update on Kavanaugh/Works Road waterline proposal - Supervisor Udicious stated that after the first hearing a letter was sent to the developer with questions and concerns of the Board and area residents. A reply with additional information has been received. The next step is to schedule a new public hearing to discuss the matter further. Area residents effected by the waterline will be sent notification of the new hearing and any additional information received from the applicant.

### **RESOLUTION #169**

Councilman Knab moved that:

**WHEREAS**, on July 27, 2006, the Town Board of the Town of Rush (the "Town Board") received a petition seeking to extend and establish the Works Road and Kavanaugh Road Water District, as prepared by Thornton Engineering, LLP on behalf of John Streeter, owner of 330 Kavanaugh Road, and signed by resident owners owning taxable real property aggregating at least one-half of the assessed valuation of all of the taxable real property of the proposed Works Road and Kavanaugh Road Water District; and

**WHEREAS**, on July 27, 2006, the Thornton Engineers, LLP duly filed with the Office of the Town Clerk of the Town of Rush a plan, report and map showing the boundaries of the proposed extended district, the water main to be installed, existing water mains, and a connecting point with the public water system located in the Town of Rush; and

**WHEREAS**, the boundaries of the proposed benefited area are set forth as follows:

**DESCRIPTION OF THE TOWN OF RUSH  
WORKS ROAD AND KAVANAUGH ROAD WATER DISTRICT  
2006**

Beginning at a point in the centerline of Works Road at its intersection with the extension easterly of the north line of Tax Parcel No. 220.04-1-2.1, said line being the south line of the existing Phelps Road Water District; thence,

- 1) Southerly, along the centerline of Works Road, a distance of 928 feet, more or less, to a point of its intersection with the extension westerly of the north line of Tax Parcel No. 200.04-1-3.2; thence,
- 2) Easterly, along the north line of said parcel, a distance of 233 feet, more or less, to a point being the northeast corner of said parcel; thence,
- 3) Southerly, along the east line of said parcel, a distance of 441 feet, more or less, to a point of its intersection with the north line of Tax Parcel No. 220.04-1-22; thence,
- 4) Easterly, along the north line of said parcel, a distance of 633.84 feet, more or less, to a point being the northeast corner of said parcel; thence,

- 5) Southerly, along the east line of said parcel, the east line of Tax Parcel No. 220.04-1-20, the east line of Tax Parcel No. 220.04-1-19, the east line of Tax Parcel No. 220.04-1-12.14, the east line of Tax Parcel No. 220.04-1-17, and the east line of Tax Parcel No. 220.04-1-15.1, a distance of 2,570 feet, more or less, to a point in the centerline of Honeoye Falls Five Points Road; thence,
- 6) Westerly, along the centerline of Honeoye Falls Five Points Road, a distance of 290 feet, more or less, to a point of its intersection with the extension southerly of the west line of Tax Parcel No. 220.04-1-15.1; thence,
- 7) Northerly, along the west line and extensions southerly and northerly of said parcel, a distance of 533 feet, more or less, to a point in the centerline of Works Road; thence,
- 8) Northerly, along the west line and extension southerly of Tax Parcel No. 220.04-1-26.2, the west line of Tax Parcel No. 220.04-1-26.1, and the west line and extension northerly of Tax Parcel No. 220.04-1-25.2, a distance of 2,444 feet, more or less, to a point in the centerline of Kavanaugh Road; thence,
- 9) Northerly, along the west line and extension southerly of Tax Parcel No. 220.04-1-2.2 and the west line of Tax Parcel No. 220.04-1-2.1, a distance of 1,888 feet, more or less, to a point being the northwest corner of said parcel; thence,
- 10) Easterly, along the north line of said parcel, a distance of 141.65 feet, more or less, to a point being an angle point in said north line; thence,
- 11) Northerly, along said north line, a distance of 805.72 feet, more or less, to a point being an angle point in said north line; thence,
- 12) Easterly, along said north line, a distance of 1,310.10 feet, more or less, to a point being the northeast corner of said Tax Parcel No. 220.04-1-2.1; thence,
- 13) Southerly, along the east line of said parcel, said line also being the west line of the existing

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Phelps Road Water District, a distance of 1,383.09 feet, more or less, to a point being an angle point in the east line of said parcel; thence,

- 14) Easterly along the east line and extension easterly of said parcel, said line also being the south line of the existing Phelps Road Water District, a distance of 1,751.64 feet, more or less, to the Point of Beginning.

**WHEREAS**, the improvements proposed are as follows: the Works Road and Kavanaugh Road Water District will provide public water to an additional 21 properties (15 homes); the full 5,600-linear-foot surface area length is currently zoned R-30 residential, requiring a minimum 150-linear-foot lot width and 30,000-square-foot minimum lot size. The proposed water district will be supplied from an 8-inch-diameter water main situated along the north side of Phelps Road; the existing Phelps Road water main is supplied from a water tank located on Middle Road at the Henrietta-Rush town line. It is proposed to connect to the existing 8-inch-diameter main with a new 8-inch-diameter main that will extend 3,700 linear feet southerly along the west side of Works Road to the National Grid right-of-way (also known as the Peanut Trail). The 8-inch-diameter main will also extend 1,900 linear feet westerly from Works Road along the north side of Kavanaugh Road. Fire hydrants will be provided at approximately 500-foot intervals. The project does not require acquisition of any land since all system improvements can be installed within the right-of-way of each road. The Monroe County Water Authority factors indicate that the existing 8-inch diameter main at the intersection of Phelps Road and Works Road has a static pressure of 95 psi and a residual pressure of 58 psi at 1,000 gpm flow; a hydraulic analysis of the proposed water district indicates that static pressures of 90-95 psi can be expected during peak day demands. The I.S.O. required fire flow is 750 gpm based upon the minimum distance between homes permitted under the Town of Rush zoning requirements. The area zoned R-30 requires a minimum side setback of 25 feet and a minimum distance of 50 feet between homes. The anticipated fire flow can be provided with the residual pressure of 22.83 psi; and

**WHEREAS**, the maximum amount proposed to be expended for such proposed improvements is Two Hundred Fifty Thousand and No/100 Dollars (\$250,000.00); and

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**WHEREAS**, the proposed method of apportioning the costs of such proposed improvements shall be by assessment of the Town Board of the Town of Rush in proportion as nearly as may be to the benefit which each occupied unit or residence within the proposed Works Road and Kavanaugh Road Water District will derive there from, it being anticipated that each occupied unit or residence would equally benefit and, therefore, would be charged on a unit basis for such costs.

**WHEREAS**, the proposed method to be employed for financing the costs of such improvements shall be the issuance by the Town of Rush New York of its general obligation indebtedness pursuant to the Local Finance Law of the State of New York, chargeable in the first instance against the properties located within the proposed Works Road and Kavanaugh Road Water District; and

**WHEREAS**, the proposed method to be employed for financing the costs of such improvements shall be the issuance by the Town of Rush New York of its general obligation indebtedness pursuant to the Local Finance Law of the State of New York, chargeable in the first instance against the properties located within the proposed Works Road and Kavanaugh Road Water District; and

The estimated first year cost to the typical benefited property will include the annual debt service assessment of (\$601.41 to each property per year based on a 38 year term at 6% interest rate), the added cost of Monroe County Water Authority one time hook up fee of approximately \$1,790 and an estimated annual water use charge of \$284.00 that will result in a first year cost of \$2,675.41 to the typical benefited property. Each benefited property is also responsible for the water service connection from the street line to the house which is estimated to cost from \$5.00 to \$10.00 per linear foot.

**WHEREAS**, a map, plan and report describing such improvements are on file in the Office of the Town Clerk of the Town of Rush, New York, Rush Town Hall, 5977 East Henrietta Road, Rush, New York 14543 for public inspection, it is

**ORDERED** that the Town Board of the Town of Rush, New York, shall meet at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York 14543, on the 13th day of December, 2006 at 7:15 o'clock p.m., for the purpose of conducting a public hearing on the proposal to provide such water

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improvements, at which time and place all persons interested in the subject thereof may be heard concerning the same; and it is further

**ORDERED** that, subsequent to the adoption of this Order, the Town Board shall file with the Town Clerk a detailed explanation of how the estimated costs of hook-up fees, if any, and the cost of the extension to the typical property, were computed; and it is further

**ORDERED** that the Town Clerk of the Town of Rush, New York, is hereby authorized and directed to publish a copy of this Order in the Henrietta Post, the official newspaper of the Town, and to post a copy of the same on the sign board of the Town of Rush, in the time and the manner required by law.

Councilman Keyes seconded the motion.

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

2. 1911 Rush Scottsville Road insurance - Supervisor Udicious explained that he had contact our insurance carrier to try to obtain a better rate by increasing the deductible on the property at 1911 Rush Scottsville Road. The decrease in cost was very minor and since the Board had authorized his obtaining insurance at a cost not to exceed the original quote, the policy has been obtained for one year at a cost of \$1,326.89. Councilman Knab stated that he had also contacted two other insurance agencies and has not been able to obtain a competitive price.

3. Surveillance camera system - Supervisor Udicious stated that he was awaiting the return of the signed contract from Day Automation. The Board will then re-review the contract and determine the locations for the cameras.

4. Court room modifications - A local carpenter has reviewed the court room and will be submitting a quote for the jury box, railing and holding cell.

VI New Business

1. 2007 Budget -

**RESOLUTION #170**

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Supervisor moved that the Preliminary Budget presented at the public hearing on October 11, 2006 be adopted as the Official Budget for the Town of Rush for 2007. Councilman Doupe seconded the motion.

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

2. Spending Limit for Supervisor - The Board discussed raising the spending limit for the Supervisor without pre-approval by the Town Board. Councilman Knab felt that the cost of such repair items as HVAC parts justified the higher limit. The current limit of \$1,000 was felt to be inadequate for even the purchase of the insurance recently obtained for 1911 Rush Scottsville. He suggested a limit of \$2,500.00. Councilwoman Sluberski stated that she would consider \$2,000.00 adequate.

It was stated that there are checks on this policy through the budget and approval of the abstract.

**RESOLUTION #171**

Councilman Knab moved that the spending limit for the purchases made without town board approval by the Supervisor be raised to \$2,500.00 for the operation of the town. Councilman Doupe seconded the motion.

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

3. Update on the POD (Point of Dispensing) -

Supervisor Udicious explained for the audience what this program meant to achieve. In case of an emergency Monroe County wishes to be able to dispense drugs or immunizations within 24 hours for the whole county. The county is divided into zones and a point of distribution will be chosen for each zone. Each town must identify people within the town who will be responsible for coordinating this program. The current disaster coordinator in the town is the fire marshal, Charles Rinere. At this time it appears that Honeoye Falls Lima High School will be the site for the zone which contains Rush, Mendon and Honeoye

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Falls. More information on this program will be available as the coordination of the program continues.

Councilman Knab compared this program to the civil defense preparations that were put in place during the 50's, 60's and 70's.

Adjournment

Councilman Knab made a motion that the meeting be adjourned. Councilman Doupe seconded the motion and the board was all in agreement.

Time: 7:40 p.m.

Respectfully submitted,

Linda G. Henry  
Town Clerk