

RUSH TOWN BOARD
Minutes of February 13, 2008
Regular Meeting

The meeting of the Rush Town Board was called to order by Supervisor William Udicious at 7:00 PM on February 13, 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
Lisa Sluberski, Councilwoman
William Udicious, Supervisor
Pamela Bucci, Town Clerk

Others Present: Jim Rumsey, West Henrietta Road
Al Simon, Thunder Ridge Drive

- I. OPEN FORUM . Supervisor Udicious invited anyone in the audience to address the Board.
- II. APPROVAL OF MINUTES . January 23, 2008
Councilman Anderson commented that Page 3, under Old Business, Farmland Preservation - The Town Board will request the Planning Board's recommendation of location and number of acres to be preserved along with classification of the parcels affected and impact on tax base.

RESOLUTION #65

A motion was made by Councilman Knab and seconded by Councilman Anderson that the Regular Meeting Minutes of January 23, 2008, be approved with the following additional comment: On Page 3, under Old Business, Farmland Preservation - The Town Board will request the Planning Board's recommendation of location and number of acres to be preserved along with classification of the parcels affected and impact on tax base.

Roll:

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

III. TRANSFER OF FUNDS

Councilman Anderson moved that the following transfer of funds, #1 through #8 be made and approved as follows:

Rush Town Board
February 13, 2008

				BUDGET TRANSFERS 2/13/2008 - 2008 FUNDS				
Transfer from the unexpended balance of an existing appropriation'(s).								
Library Fund								
	Transfer		Decrease Appropriation			Increase Appropriation		
	Number	Amount	Account	Description			Account	Description
	1	628.00	L-9010.8	Employee Benefits - State Retirement			L-9060.8	Employee Benefits
				To Cover Blue Choice rate increase beyond plan.				
Highway Fund								
	Transfer		Decrease Appropriation			Increase Appropriation		
	Number	Amount	Account	Description			Account	Description
	2	1,479.00	DA-9040.8	Employee Benefits			DA-9060.8	Employee Benefits
				Workers Compensation				Health Insurance
				To Cover Blue Choice rate increase beyond plan.				
	3	2,245.00	DA-9010.8	Employee Benefits - State Retirement	DA-9060.8		Employee Benefits Health Ins.	
				To Cover Blue Choice rate increase beyond plan.				
Appropriation of unreserved fund balance or unanticipated revenues								
General Fund								
	Transfer		Increase Revenue				Increase Appropriation	
	Number	Amount	Account	Description			Account	Description
	4	19,600.00	A-3097	State Aid -Capital Projects			A-1440.4	Engineering Contractual
				Provide for remainder of Quality Communities Grant				
	5	25,000.00	A-3097	State Aid -Capital Projects			A-1620.2	Building Capital Outlay
				Reflect Grant for ADA Restrooms				
	6	6,750.00	A-599	Appropriated Fund Balance			A-1440.4	Engineering Contractual
				Town portion of ADA Restroom project				
	7	20,700.00	A-599	Appropriated Fund Balance			A-1440.4	Engineering Contractual
				Phase 1 Town Park engineering cost				
Highway Fund								
	Transfer		Increase Revenue				Increase Appropriation	
	Number	Amount	Account	Description			Account	Description
	8	14,500.00	DA-2680	Insurance Proceeds			DA-5130.4	Machinery Contractual
				Reflect Insurance Settlement on 94 International				

IV. APPROVAL OF ABSTRACT
RESOLUTION #66

Councilman Doupe moved **BE IT RESOLVED**, that having audited all the claims against the funds listed on the abstract in the amount of \$73,481.06 be allowed for vouchers #107 through #207. Councilwoman Sluberski seconded the motion.

Roll:

Councilman Knab aye

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

V. CORRESPONDENCE

Supervisor Udicious - Earth Day Community Clean-Up is scheduled for April 26, 2008. Delta Laboratories, Inc. has requested the town's continued participation. Resident Hans Schmitthenner will again coordinate the event in Rush.

VI. REPORT OF OFFICERS AND COMMITTEES

- A. Councilman Knab . Clough Harbour will be conducting a seminar on Regional Approach for Comprehensive Planning at the Association of Towns Annual Meeting in New York City.

West Fire & Security call was activated regarding a leaking sprinkler valve at the Town Hall. A repair has been made, the system recharged and the alarms cleared. Davis-Ulmer will conduct its yearly inspection on Monday, February 18, 2008, at 9 AM.

- B. Councilwoman Sluberski . Annual Fishing Derby will be scheduled on Saturday, June 21, 2008, Free DEC Fishing Day. A refrigerator for healthy snacks has been donated to the Rush Afterschool Program.

- C. Clerk Bucci . Requested authorization to attend the New York State Town Clerks Association Conference in Saratoga Springs, New York on April 27 . 30, 2008. Funds had been budgeted for the conference.

RESOLUTION #67

Councilman Knab moved that the Town Clerk be authorized to attend the New York State Clerks Association Conference in Saratoga Springs, New York, April 27-30, 2008. Councilman Doupe seconded the motion.

Roll:

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

VII. Public Hearing Local Laws 2008-2, 3 and 4

Local Laws 2008-2, 2008-3 and 2008-4 concern the raising of income limits to qualify for exemptions from taxation for persons age 65 or over, persons with social security classified disabilities and amending Article IV of the Code of the Town of Rush to be entitled %Cold War VeteransqExemption+.

Town Clerk Bucci stated that the proper legal notice for these hearings were posted in the town's legal newspaper and placed on the clerk's bulletin board as required by law.

The hearing was declared open.

RESOLUTION #68

Councilman Knab moved that **WHEREAS**, the Town Board of the Town of Rush called a public hearing for the consideration of the adoption of Local Law 2008-2-Tax Exemptions Granted to Persons Age 65 or Over; and

WHEREAS, said public hearing on February 13, 2008, was held by the Town Board at its regularly scheduled meeting on February 13, 2008 at 7:15 p.m. at the Rush Town Offices, 5977 East Henrietta Road, Town of Rush, New York, whereby all persons at the hearing desiring to speak on the matter were heard, all correspondence received on the matter was read and these statement being duly considered by the Town Board;

NOW THEREFORE, upon consideration by the Town Board of all written and oral submissions and testimony and public comment, and the Town Board having given this matter due deliberation and consideration; it is

RESOLVED, that the adoption of Local Law 2008-2 constitutes a Type II action pursuant to the New York State Environmental Quality review Action, 6 N.Y.S.R.R. Section 617.5(24), which requires no determination of environmental significance; it is

FURTHER RESOLVED, that the Tax Exemption Granted to Persons Age 65 or Over, as proposed in Local Law 2008-2, be adopted. Councilman Doupe seconded the motion.

Roll:

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

RESOLUTION #69

Councilman Knab moved that **WHEREAS**, the Town Board of the Town of Rush called a public hearing for the consideration of the adoption of Local Law 2008-3-Tax Exemption Granted for Persons with Social Security Classified Disabilities ; and

WHEREAS, said public hearing on February 13, 2008 was held by the Town Board at its regularly scheduled meeting on February 13, 2008 at 7:15 p.m. at the Rush Town Offices, 5977 East Henrietta Road, Town of Rush, New York, whereby all persons at the hearing desiring to speak on the matter were heard, all correspondence received on the matter was read and these statement being duly considered by the Town Board;

NOW THEREFORE, upon consideration by the Town Board of all written and oral submissions and testimony and public comment, and the Town Board having given this matter due deliberation and consideration; it is

RESOLVED, that the adoption of Local Law 2008-3 constitutes a Type II action pursuant to the New York State Environmental Quality review Action, 6 N.Y.S.R.R. Section 617.5(24), which requires no determination of environmental significance; it is

FURTHER RESOLVED, that Tax Exemption Granted for Persons with Social Security Classified Disabilities, as proposed in Local Law 2008-3, be adopted.

Councilman Sluberski seconded the motion.

Roll:

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

RESOLUTION #70

Councilman Knab moved that **WHEREAS**, the Town Board of the Town of Rush called a public hearing for the consideration of the adoption of Local Law 2008-4 . Amending Article IV of the Code of the Town of Rush to be entitled %Cold War Veteransq Exemption+;

WHEREAS, said public hearing on February 13, 2008 was held by the Town Board at its regularly scheduled meeting on February 13, 2008 at 7:15 p.m. at the Rush Town Offices, 5977 East Henrietta Road, Town of Rush, New York, whereby all persons at the hearing desiring to speak on the matter were heard, all correspondence received on the matter was read and these statement being duly considered by the Town Board;

NOW THEREFORE, upon consideration by the Town Board of all written and oral submissions and testimony and public comment, and the Town Board having given this matter due deliberation and consideration; it is

RESOLVED, that the adoption of Local Law 2008-4constitutes a Type II action pursuant to the New York State Environmental Quality review Action, 6 N.Y.S.R.R. Section 617.5(24), which requires no determination of environmental significance; it is

FURTHER RESOLVED, that Amending Article IV of the Code of the Town of Rush to be entitled %Cold War Veteransq Exemption+, as proposed in Local Law 2008-4, be adopted.

Councilman Anderson seconded the motion.

Roll:

Councilman Knab	aye
Councilman Anderson	aye

Councilman Doupe	aye	
Councilwoman Sluberski	aye	
Supervisor Udicious	aye	carried.

Councilman Knab moved and be it resolved that there being no comments from the audience or the board, the hearing be closed. Councilman Doupe seconded the motion.

Roll:

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

VIII. OLD BUSINESS

1. Request for Re-zoning of Properties at 6115 and 6123 Rush-Lima Road from Residential R-30 to Commercial (C) - Attorney Pavia noted that originally, the Petition to rezone these properties was referred to the Planning Board and they recommended rezoning the properties from a Residential R-30 to a Commercial (C).

RESOLUTION #71

WHEREAS, On August 22, 2007, The Town Board of the Town of Rush (the "Town Board") received a Petition from Gorsline Real Estate, Inc., on behalf of James Volpe ("the Petition"), to re-zone properties located at 6115 and 6123 Rush-Lima Road in the Town of Rush (the "Properties"), a letter of intent regarding the Petition, and a map depicting the potential re-zoning; and

WHEREAS, the Properties are currently located within a R-30 zoning district; and

WHEREAS, the Petition sought to re-zone the Properties from R-30 Residential to a RB-A(1) zoning designation; and

WHEREAS, on September 7, 2007, the Petitioner also submitted to the Town a Short Environmental Form ("EAF") regarding the Petition in accordance with the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, subsequent to receiving the Petition and the EAF from the Petitioner, the Town Board referred the Petition to the Town of Rush Planning Board (the "Planning Board") to study the Petition and make a recommendation to the Town Board regarding the re-zoning request; and

WHEREAS, on October 31, 2007, the Planning Board reported to the Town Board on the Petition and recommended that the Town Board consider re-zoning the Properties from R-30 Residential to Commercial; and

WHEREAS, by Resolution dated September 12, 2007 the Town Board declared itself lead agency for purposes of conducting an uncoordinated review of the Petition

pursuant to SEQRA and classified the Petition as an unlisted action pursuant to 6 N.Y.C.R.R. § 617.6; and

WHEREAS, the Town Board duly called a public hearing for consideration of the rezoning of the Properties and gave due notice thereof as required by law; and

WHEREAS, a public hearing on the Petition was held by the Town Board at the Rush Town Hall on the 12th day of December, 2007 at 7:30 p.m.; and

WHEREAS, on December 11, 2007, the Town Board received comments from the Monroe County Department of Planning and Development (~~M~~~~C~~~~D~~~~P~~~~D~~) in response to the Petition and EAF being filed by the Petitioner.

NOW, THEREFORE, upon consideration by the Town Board of the Petition, and the other materials submitted by Petitioner, including the short EAF, and the Town Board having given the submitted documentation materials, as well as the recommendation made by the Planning Board, due consideration; it is hereby

RESOLVED, that the Town Board has taken a hard look at the Petition and has considered the Petition in conjunction with the requisite criteria set forth at 6 N.Y.C.R.R. § 617(c) of the SEQRA regulations, and finds that the Petition does not pose a potential significant adverse environmental impact requiring further review pursuant to SEQRA; and it is further

RESOLVED, that pursuant to SEQRA, the Town Board issues a Negative Declaration for the Petition, thus concluding its SEQRA review; and it is further

RESOLVED, that the Petitioner shall comply with all of the requests and comments submitted by the MCDPD regarding the Petition; and it is further

RESOLVED, that the Town Board considers the Petition, as revised by the recommendation made by the Planning Board, to be consistent with the Town of Rush's Comprehensive Plan and the overall planning goals set forth therein; and it is further

RESOLVED, that Section 120-3 of the Code of the Town of Rush which incorporated by reference the Official Zoning Map for the Town of Rush kept on file with the Town of Rush Town Clerk, is hereby amended so that the Properties are re-zoned from a R-30 residential zoning designation to a Commercial zoning designation; and it is further

RESOLVED, that said amendment shall constitute "Local Law No. 1 of 2008" as attached hereto and shall be entered into the minutes of the meeting of the Town Board of the Town of Rush held on the 13th day of February, 2008, and it is further

RESOLVED, that said local law shall take effect immediately upon its filing in the office of the Secretary of 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.

That within Resolution was moved by Councilman Knab, seconded by Councilman Doupe and was voted upon by the Counsel Members of the Town Board at a regular meeting as follows:

Roll:

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

2. Update on Dam Study . In response to the dam engineering report sent out last month, Supervisor Udicious received calls from Assemblymember Susan John, Governor Eliot Spitzer and Senator James Alesi's offices.

3. Update on development of recreation areas . Supervisor Udicious will be meeting with architect Majed El Rayess on February 22 to discuss modifications the DEC has requested, Phase I adjustments to be made and bidding process.

VIII. NEW BUSINESS

1. 2008 Monroe County Legal Agreement for Youth Services . These services are available from Monroe County with matching funds.

RESOLUTION #72

Councilman Knab moved that authorization be given to enter into an agreement with Monroe County for Youth Services for 2008. Councilman Anderson seconded the motion.

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

1. Audit Inspection of Town Court 2007 receipts, dockets and bank books . Councilman Doupe and Councilwoman Sluberski will perform a sampling audit inspection of town court financial documents.

2. Establish Public Hearing date for Amending Local Law providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Buildings Code of Article 1203. A public hearing has been scheduled for March 12, 2008, 7:15 PM in the Rush Town Hall. Appropriate legal notices will be posted.

X. OPEN FORUM

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

XI. EXECUTIVE SESSION

Supervisor Udicious motioned to move the meeting into Executive Session at 7:40 PM to discuss a pending litigation matter of a code violation.

Councilman Knab moved to return to regular session of the meeting at 7:50 PM.

The Board returned to regular session and the meeting was adjourned at 8:00 PM by common consent of all board members.

Respectfully submitted,

Pamela J. Bucci

Pamela J. Bucci
Town Clerk