

RUSH TOWN BOARD
Minutes of March 26, 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 March 26, 2008, at the Rush Town Offices, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT:	Richard Anderson	-----	Council man
	Thomas Doupe	-----	Councilman
	Lisa Sluberski	-----	Councilwoman
	William Udicious	-----	Supervisor
	Pamela Bucci	-----	Town Clerk
	Frank Pavia, Esq.	-----	Attorney for the Town

EXCUSED:	Donald Knab	-----	Council man
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OTHERS PRESENT:	Jim Rumsey	-----	Resident
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I. OPEN FORUM . Supervisor Udicious invited anyone in the audience to address the Board.

II. APPROVAL OF MINUTES . March 26, 2008

RESOLUTION #84-08

Councilman Anderson moved that the Minutes of March 12, 2008, meeting be approved as written. Councilwoman Sluberski seconded the motion.

Roll:

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

III. TRANSFER OF FUNDS

Councilman Doupe moved that having audited all appropriations against the general funds listed in the amount of \$3,230.00 be allowed for transfers #1, Account A-1990.4 Contingency Contractual to Account A-1110.2 Court Capital Outlay, for \$2,950.00 to cover court woodwork, tables and podium; and transfer #2, Account A-3098 State Aid-Other, for \$280.00 to Account A-1110.2 Court Capital Outlay, providing for unplanned court equipment grant. Supervisor Udicious seconded the motion.

Roll:

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

IV. APPROVAL OF ABSTRACT

RESOLUTION #85-08

Councilman Anderson moved that having audited all the claims against the funds listed on Abstract #6 in the amount of \$85,975.24 be allowed for vouchers #323 through #390. Councilman Doupe seconded the motion.

Roll:

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

V. CORRESPONDENCE

A. The State Controller Thomas DiNapoli's Office is offering Town Officials a Spring Teleconference on Local Government and School Accountability on April 22, 2008, at the Monroe County Cornell Cooperative Extension, Highland Avenue, Rochester.

VI. REPORT OF OFFICERS AND COMMITTEES

A. Councilman Anderson attended a Quality Committees breakfast presented by Larsen Engineers regarding green initiatives where an overview was given on sustainable green communities.

Also attended was the NYS Transportation Enhancement Grant Kick-off. A further meeting with the Department of Environmental Conservation defined the grants to be transportation by way of a trail system. Conserving space in NYS and the importance of acquisition of properties now for the future were key topics.

Councilman Anderson, Councilman Doupe, Councilwoman Sluberski and Supervisor Udicious attended the Rush-Henrietta School Board pre-budget meeting for the district presented by Superintendent Dr. Kenneth Graham.

B. Councilman Doupe . As liaison to the Board of Fire Commissioners, and having attended their March meeting, the Rush Fire Chief complimented the improvements of communication taking place between the Fire Department and the new Town Fire Marshal, Richard Tracy.

Supervisor Udicious added that Mr. Tracy has also been covering where needed while Gerry Kusse, Code Enforcement Officer/Building Inspector, is recuperating from surgery. Terry Rech, Building Inspector of the Town of Wheatland, has also assisted where needed in Mr. Kusse's absence.

C. Councilwoman Sluberski . A court audit has been performed and a memo regarding findings has been furnished to all board members.

The Rush Summer Program, partially funded by the Monroe County Youth Bureau, has been revised to solely serve children of Rush. A nominal fee may be charged.

VII. OLD BUSINESS

RESOLUTION #86-08

1. Resolution to Adopt Local Law #5-2008, Providing for the Administration and Enforcement of The New York State Uniform Fire Prevention And Building Code. In order to fully enact Local Law #5-2008, which was approved at the March 12, 2008, Town Board Meeting, Councilman Anderson read the following resolution.

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

WHEREAS, the New York State Legislature has adopted new legislative requirements for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code; **FOLLOWS:**

WHEREAS, the New York State Legislature has adopted new legislative requirements for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the "Building Code") and the State Energy Conservation Construction Code (the "Energy Code"); and

WHEREAS, the State of New York requires that all municipalities wherein the Building Code and Energy Code are enforced to adopt the new procedures as set forth in Part 1203 of Title 19 of the N.Y.C.R.R.;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Rush does hereby adopt Local Law #5 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 26th day of March 2008; and it is further

RESOLVED, that Local Law #5 of 2008 shall replace and amend Chapter 36 of the Code of the Town of Rush; and it is further

RESOLVED, that except as otherwise provided in the Building Code and the Energy Code, other state law, or another provision of the Code of the Town of Rush, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of Local Law #5 of 2008; and it is further

RESOLVED, that the adoption of Local Law #5 of 2008 is exempt from review under the New York State Environmental Quality Review Act pursuant to 6 N.Y.C.R.R. §§ 617.5(c)(19) and (27); and it is further

RESOLVED, that the 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.

The adoption of the foregoing resolution was moved by Councilman Anderson, seconded by Councilman Doupe, and duly put to vote, which resulted as follows:

Roll:

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

VIII. NEW BUSINESS

1. Update on Legislative Initiative of the Dam - Assemblymember Susan John answered Supervisor Udicious's request for financial support by applying for 2008-2009 municipal assistance, unrestricted municipal aid to the Town of Rush. If other dam financial support is received, monies from this initiative could be used for other municipal projects.
2. Both Councilman Doupe and Councilwoman Sluberski submitted their findings of the Rush Town Court audit for board review.
3. Request of Co-location of Cell Tower . Verizon has submitted a full-size drawing of a co-location on the cell tower for board review. Attorney Pavia made comments relative to a possible agreement. Board discussion will follow at a later date.

IX. OPEN FORUM

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

Mr. Rumsey asked if the co-location of the cell tower on town property meant that an additional tower would be placed on site. Councilman Anderson answered that it would be located on the same tower but would enlarge the current fenced enclosure.

With no further business, a motion was made by Councilman Doupe and the meeting was adjourned at 7:26 PM by common consent of all board members.

Respectfully submitted,

Pamela J. Bucci

Pamela J. Bucci
Town Clerk

Rush Town Board
March 26, 2008