

RUSH TOWN BOARD
Minutes of May 14, 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 May 14, 2008, at the Rush Town Offices, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

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

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|-----------------|---------------|-------|------------------|
| OTHERS PRESENT: | Jim Rumsey | ----- | Resident |
| | Kirsten Flass | ----- | Library Director |

I. OPEN FORUM Supervisor Udicious invited anyone in the audience to address the Board.

Before the audience spoke, Councilman Knab asked Councilwoman Sluberski about the recording device sitting on the table. Councilman Knab stated that as Official Records Management Officer, Pamela Bucci records the official minutes of the Town Board and that a second recording by an elected official was not necessary. Resident Dave Sluberski has made a freedom of information law (FOIL) request of all Town Board Minutes. Councilwoman Sluberski stated that she was testing her digital recording device and lessening the time that the Town Clerk takes in making a duplicate record of the town board minutes. Councilman Knab requested a copy of the recorded minutes from Councilwoman Sluberski.

II. APPROVAL OF MINUTES April 23, 2008

RESOLUTION #93-08

Councilman Knab moved that the Minutes of April 23, 2008, meeting be approved. Councilman Doupe seconded the motion.

Roll:

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

III. APPROVAL OF ABSTRACT

RESOLUTION #94-08

Councilwoman Sluberski stated **Be It Resolved**, that having audited all the claims against the funds listed on Abstract #9 in the amount of \$38,265.12 be allowed for vouchers #508 through #576. Councilman Anderson seconded the motion.

Roll:

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

IV. CORRESPONDENCE

A. Supervisor Udicious received a letter from Resident Hans Schmitthener recommending the Highway Department contact residents with a timeframe of work scheduled to be performed in their immediate area. The Highway Department currently notifies residents of major projects to be conducted; however, the recommendation will be forwarded to the Superintendent of Highways.

V. REPORT OF OFFICERS AND COMMITTEES

A. Councilman Knab reported that the electrician has identified areas of correction on the outdoor pedestal lighting and they will be remedied.

B. Councilman Anderson attended numerous meetings including pipeline safety, farmland preservation and a planning workshop. According to Warren Wallace, brush and trees will be removed from the Lehigh Valley Trail at Lehigh Street by Monroe County.

C. Councilman Doupe An e-mail from Fred Ryan of Monroe County Emergency Preparedness regarding National Incident Management System (NIMS) compliance was received and forwarded to Fire Marshal Rick Tracy.

D. Councilwoman Sluberski The Recreation Department has requested a decision on charges set for non-resident group use of Hart's Field. The field is maintained by the Highway Department. Attorney Pavia stated that a certificate of insurance is required.

E. Clerk Bucci discussed her search for a digital recording system. At this time, funds for a proper digital system are not budgeted, it would take up a great amount of computer space (keeping all recording meetings for four months) and the number of FOIL requests for tape recordings are minimal. Attorney Pavia recommended that a digital investment be made by the Town to ensure that only one accurate recording be

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available for FOIL requests. Attorney Pavia stated that the law reads that the Town Clerk's transcribed minutes are the official historical recording of the meeting. Given Attorney Pavia's concerns and Councilwoman Sluberski being an elected official, she was asked and did turn off her recording device.

VI. OLD BUSINESS

1. Update on Developing Park Area - The Highway Department has begun to clear the area of brush and trees in the designated sports fields' areas and will begin earth work once the town has Department of Environmental Conservation (DEC) approval.

VII. NEW BUSINESS

1. Engineering, Design for Dam Repair - The revised estimate for the design effort and repair is \$140,000. Assemblywoman Susan John has secured funds for Rush in the amount of \$120,000.

Also, Councilman Anderson noted that monies may be available in a Hazard Mitigation Program. A letter of intent has been forwarded.

2. Status of former Rush Market property in regard to gasoline storage tanks - Canandaigua National Bank owns the property. Attorney Frank Pavia will send a letter to the owner notifying them of the necessary fire marshal inspection of the entire property.

3. Seniors Group - Since the Town Board and attorney recently received proposed changes to the Seniors Bylaws, discussion will be postponed until the next Town Board meeting.

VIII. OPEN FORUM

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

IX. EXECUTIVE SESSION

Supervisor Udicious motioned to move the meeting into Executive Session at 7:40 PM to discuss potential litigation matters.

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

RESOLUTION #95-08

Councilman Donald Knab moved that the Code Enforcement Officer, Highway Superintendent or any other duly designated official be permitted to remove the chain and chain supports at Hart's Field by any means necessary either by cutting the chain or removing it. Councilman Thomas Doupe seconded the motion.

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Roll:

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

With no further business, a motion was made by Councilman Knab and the meeting was adjourned at 7:55 PM by common consent of all board members.

Respectfully submitted,

Pamela J. Bucci

Pamela J. Bucci
Town Clerk