

Rush Town Board  
December 27, 2006  
Regular Meeting  
Organizational Meeting for 2007

A meeting of the Rush Town Board was held on December 27, 2006 at the Rush Town Offices, 5977 East Henrietta and was called to order at 7:00 p.m.

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

Absent: Councilman Luther Keyes, work

Others: Gerald Kusse, Code Enforcement  
Charles Rinere, Fire Marshal  
Darlene Pilarski, Deputy Town Clerk  
Pam Bucci, Supervisor's Secretary  
David Sluberski, Rush West Rush Road  
Richard Anderson, Harvest Lane

#### I Approval of Minutes

##### **RESOLUTION #184**

Councilman Knab made a motion that the minutes of the Rush Town Board Meeting of December 13, 2006 be approved with the correction on page 4, para.4 line 10 should read "\$250,000.00". Councilman Doupe seconded the motion.

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

#### II Transfer of Funds and Approval of Abstract

##### **RESOLUTION #185**

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

1. \$10,000.00 from DA-5148.1 Ser. To Other Govts, Pers. Serv. to DA-5130.1 Machinery, Per. Serv. (equipment maintenance)

Rush Town Board

December 27, 2006

Reg. & Org. Meeting

2. \$800.00 from DA-5148.1 Serv. to Other Govts, Pers. Serv to DA-5110.1 Maint. of Roads, Pers. Serv. (Chapman Road repair)

3. \$2,000.00 from DA-5148.1 Serv. to Other Govts. Pers. Serv. to DA-5140.1 Misc./Brush/Weeds, Pers. Serv. (cover personal days)

4. \$1,350.00 from DA-5142.1 town Snow Removal, Pers. Serv. to DA-5140.1 Misc./Brush/weeds, Pers. Serv. (cover personal days)

5. \$14.77 from DA-9010.8 Employee Benefits State Retirement to DA-9050.8 employee Benefits Unemployment Insurance (cover over in unemployment)

6. \$25.71 from A-1220.1 Supervisor, Pers. Serv. to A-1670.1 Central Printing and Mailing, Pers. Serv. (overage)

7. .16 A-1010.4 Legislative, Contractual to A-1010.4 Legislative, Pers. Serv. (rounding)

8. .24 from A-8010.4 Zoning, Contractual to A-8010.1 Zoning Pers. Serv. (rounding)

9. .24 from A-8090.4 Conservation, Contractual to A-8090.1 Conservation. Pers. Serv. (rounding)

Councilman Doupe seconded the motion.

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

**RESOLUTION #186**

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 \$42,490.04 be allowed for vouchers #1233 through #1284.

Councilman Knab seconded the motion.

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

III Reports of Officers and Committees

1. Town Board – Councilwoman Sluberski reported on the Zoning Board of Appeals and Planning Board meetings she had attended. Robert Weiler will be serving as Deputy Chair for the ZBA for three months while Chairman VanLare is out

Rush Town Board

December 27, 2006

Reg. & Org. Meeting

of the state. The Dorschel application for an oversize sign has been withdrawn by the applicant.

2. Town Clerk – Mrs. Henry reported that the Town and County tax bills have not yet been received for processing.

3. Code Enforcement – Code Officer Kusse stated that the program for his department has been loaded and is ready for use.

4. Supervisor – Supervisor Udicious stated that he had received the annual activity report from the ZBA. Fewer applications were heard this year than in the past.

All grant funds that were awarded to the town in this year have been received. Confirmation on the dam grant received should be received within the next few weeks.

There will be a meeting on January 5<sup>th</sup> at 9 am concerning application for Community BLOC grants for 2007. The Town Board was asked to provide suggestions for the Town to pursue in 2007. Also, there will be a meeting on COMIDA to amend the policy on January .

Supervisor Udicious stated that a recommendation from the Rush Planning Board on the Dorschel application for rezoning has been received. The applicant will be contacted to determine if they wish to continue with a public hearing on their proposal.

#### IV Old Business

1. Sale of Hart's Fields- Supervisor Udicious stated that he had contacted three different realtors to solicit prices for representing the town in the sale of Hart's Fields. The lowest fee was 6% and he asked that he be authorized to hire a realtor at that rate.

#### **RESOLUTION #187**

Councilman Knab moved that the Supervisor be authorized to sign a contract with a realtor for a fee not to exceed 6%, subject to the approval of the Attorney for the Town, to represent the town in the sale of Hart's Fields.

Rush Town Board  
December 27, 2006  
Reg. & Org. Meeting  
Councilman Doupe seconded the motion.

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

#### V Open Forum

David Sluberski asked how many applications for the open position on the town board had been received and how was it advertised. He asked if a notice was placed on the Town's web site. Supervisor Udicious stated that one application had been received and that an ad was placed in the Pennysaver since it was felt that that vehicle had the largest readership. Mr. Sluberski suggested that in the future all open board positions be placed on the website since he felt a large number of people checked there.

### **ORGANIZATIONAL MEETING FOR 2007**

#### **RESOLUTION #1**

Councilman Knab moved BE IT RESOLVED, that John Felsen be re-appointed as Chairman of the Rush Planning Board for the year 2007. Councilman Doupe seconded the motion.

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

#### **RESOLUTION #2**

Councilman Knab moved BE IT RESOLVED, that John Morelli be appointed as Deputy Planning Board Chairman to serve when the Board Chairman is not available for the year 2007. Councilman Doupe seconded the motion.

Roll: Councilman Knab aye  
Councilman Doupe aye



Rush Town Board  
December 27, 2006  
Reg. & Org. Meeting

Councilman Knab moved BE IT RESOLVED, that Amber Corbin be reappointed as a member of the Zoning Board of Appeals for a five year term. Councilman Doupe seconded the motion.

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

**RESOLUTION #8**

Councilman Knab moved BE IT RESOLVED, that Patricia Stephens be reappointed as Recreation Supervisor for the year 2007. Councilman Doupe seconded the motion.

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

**RESOLUTION #9**

Councilman Knab moved BE IT RESOLVED, that Jerry Tallo be reappointed to the Conservation Board for a five year term. Councilman Doupe seconded the motion.

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

**RESOLUTION #10**

Councilman Knab moved BE IT RESOLVED that Donald Sweet be reappointed to the Board of Assessment Review for a five year term to run from October 1, 2006 through September 30, 2011. Councilman Doupe seconded the motion.

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

**RESOLUTION #11**

Councilman Knab moved BE IT RESOLVED, that Richard Schneider and Charles DeSalvo be re-appointed as Court Attendant for the year 2007. Councilman Doupe seconded the motion.

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

**RESOLUTION #12**

Councilman Knab moved BE IT RESOLVED, that the Town Board acknowledges and approved the re-appointment of Darlene Pilarski Deputy Town Clerk for the year 2007. Councilman Doupe seconded the motion.

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

**RESOLUTION #13**

Councilman Knab moved BE IT RESOLVED, that the Town Board acknowledges and approved the Supervisor's reappointment of David Oliver as Town Historian for the year 2007. Councilman Doupe seconded the motion.

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

**RESOLUTION #14**

Councilman Knab moved BE IT RESOLVED, that the Town Board acknowledges and approves the Supervisor's reappointment of Pamela Bucci as Secretary to the Supervisor for the year 2007. Councilman Doupe seconded the motion.

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

**RESOLUTION #15**

Councilman Doupe moved BE IT RESOLVED, that the Town Board acknowledges and approves the Supervisor's reappointment of Donald Reynolds as Budget Officer for the year 2007 pursuant to Section 103(2) of Town Law. Councilwoman Sluberski seconded the motion.

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

**RESOLUTION #16**

Councilman Doupe moved BE IT RESOLVED, that the Town Board acknowledges and approves the Supervisor's reappointment of Donald Reynolds as the Director of Finance for the year 2007. Councilwoman Sluberski seconded the motion.

Roll: Councilman Knab aye

Rush Town Board  
December 27, 2006  
Reg. & Org. Meeting

|                        |     |         |
|------------------------|-----|---------|
| Councilman Doupe       | aye |         |
| Councilwoman Sluberski | aye |         |
| Supervisor Udicious    | aye | carried |

**RESOLUTION #17**

Councilman Doupe moved BE IT RESOLVED, that the Town Board acknowledges and approves the Highway Superintendent's re-appointment of Mark E. David as Deputy Highway Superintendent for the year 2007. Councilwoman Doupe seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #18**

Councilman Doupe moved BE IT RESOLVED, that Richard Schneider be re-appointed as Dog Control Officer for the year 2007 and William Chase be re-appointed as Emergency Dog Control Officer for the year 2007. Councilwoman Sluberski seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #19**

Councilman Doupe moved BE IT RESOLVED, that Gerald Kusse be re-appointed as Code Enforcement Officer for the year 2007. Councilwoman Sluberski seconded the motion.

|       |                        |     |  |
|-------|------------------------|-----|--|
| Roll: | Councilman Knab        | aye |  |
|       | Councilman Doupe       | aye |  |
|       | Councilwoman Sluberski | aye |  |

Supervisor Udicious                      aye carried.

**RESOLUTION #20**

Councilman Doupe moved BE IT RESOLVED, that Kathie Schneider and Sally Newell be re-appointed as Justice Court Clerks for the year 2007. Councilwoman Sluberski seconded the motion.

|       |                        |     |  |
|-------|------------------------|-----|--|
| Roll: | Councilman Knab        | aye |  |
|       | Councilman Doupe       | aye |  |
|       | Councilwoman Sluberski | aye |  |



Rush Town Board  
December 27, 2006  
Reg. & Org. Meeting

receive \$1,850 in Flexible Spending. Contributions made by elected officials and employees, rated ½ time or greater, to their flexible spending accounts is limited to a maximum of \$5,000.00 for dependent care and \$2,000.00 for health care for the year 2007. Councilwoman Sluberski seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #26**

Councilman Doupe moved, BE IT RESOLVED, the payroll schedule for 2007 be as follows:

a. Twenty six (26) bi-weekly pay periods with payment every other Thursday for all employees with the exception of

b. Quarterly starting March 31, 2007 for the Town Historian, Councilman, members of the Zoning Board, Planning Board and Conservation Board.

Councilwoman Sluberski seconded the motion.

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

**RESOLUTION #27**

Councilman Doupe moved BE IT RESOLVED, that the regular meetings of the Rush Town Board shall be held on the second and fourth Wednesdays of January, February, March, April, May, September and October. During the months of June, July, August, November and December there shall be one regular Town Board meeting, to be held on the second Wednesday of the month. The second meeting in December will be held on the last Wednesday of December. Councilwoman Sluberski seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #28**

Supervisor Udicious moved BE IT RESOLVED, that pursuant to Section 64 (11) of the Town Law, the Town Board hereby designates The Sentinel and The Henrietta Post as the official newspapers of the Town. Councilman Doupe seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #29**

Supervisor Udicious moved BE IT RESOLVED, that since there is no newspaper published exclusively for the Town, a bi-monthly newsletter will be published and distributed town wide by the Supervisor's office. Councilman Doupe seconded the motion.

|                        |     |         |  |
|------------------------|-----|---------|--|
| Roll: Councilman Knab  | aye |         |  |
| Councilman Doupe       | aye |         |  |
| Councilwoman Sluberski | aye |         |  |
| Supervisor Udicious    | aye | carried |  |

**RESOLUTION #30**

Supervisor Udicious moved BE IT RESOLVED, that Clough Harbour & Associates LLP be appointed as engineers for the Town. Councilman Doupe seconded the motion.

|                        |     |         |  |
|------------------------|-----|---------|--|
| Roll: Councilman Knab  | aye |         |  |
| Councilman Doupe       | aye |         |  |
| Councilwoman Sluberski | aye |         |  |
| Supervisor Udicious    | aye | carried |  |

**RESOLUTION #31**

Supervisor Udicious moved BE IT RESOLVED, that each newly appointed member of the Zoning Board of Appeals and Planning Board be required to attend the first available complete planning and zoning training session, which is usually held October through December and require attendance at 6 to 8 three (3) hour sessions and a field trip; every two (2) years. Councilman Doupe seconded the motion.

|                        |     |         |  |
|------------------------|-----|---------|--|
| Roll: Councilman Knab  | aye |         |  |
| Councilman Doupe       | aye |         |  |
| Councilwoman Sluberski | aye |         |  |
| Supervisor Udicious    | aye | carried |  |

**RESOLUTION #32**

Supervisor Udicious moved BE IT RESOLVED, that WHEREAS, the New York State Legislature has adopted Chapter 662 of the Laws of 2006 which requires, among other things, town planning and zoning board members to undertake four (4) hours of relevant education programs to keep informed about the land use and zoning issues:

And

WHEREAS, the Town Board of the Town of Rush desires to ensure that the members of the Town of Rush Planning Board and Zoning Boards conform to this new law.

Rush Town Board  
December 27, 2006  
Reg. & Org. Meeting  
NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Rush does hereby require that all of the members of the Rush Planning Board and Rush Zoning Board undertake a minimum of four (4) hours of training annually; and be it

FURTHER RESOLVED, that each member of the Rush Planning Board and Rush Zoning Board submit to the Town Clerk by December 31<sup>st</sup> of each year a written verification that such training has taken place; and be it

FURTHER RESOLVED, that failure to meet the training requirements will subject the Board Members to removal from the board; and be it

FURTHER RESOLVED, that the continuing education can be, but is not limited to, programs developed or instructed by the New York State Association of Towns, the Monroe County Planning Department, the New York State Planning Federation and/or the Town Attorney; and be it

FURTHER RESOLVED, that this resolution takes effect immediately.

Councilman Doupe seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

### **RESOLUTION #33**

Supervisor Udicious moved BE IT RESOLVED, that the Town Board does hereby retain Harris Beach PLLC, as attorneys for the Town of Rush, for 2007 for a retainer fee of \$44,000.00 excluding litigation which, when authorized, will be billed at an hourly rate. Councilman Doupe seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

### **RESOLUTION #34**

Supervisor Udicious moved that the Town Board recognizes the existence of the Farmland Advisory Committee as established by the Town Board as an advisory committee for balance in preservation and/or development of land within the Town. The Town Board also acknowledges the members of this committee are working in a voluntary capacity. Councilman Doupe seconded the motion.

|       |                        |     |  |
|-------|------------------------|-----|--|
| Roll: | Councilman Knab        | aye |  |
|       | Councilman Doupe       | aye |  |
|       | Councilwoman Sluberski | aye |  |



Rush Town Board  
December 27, 2006  
Reg. & Org. Meeting

**RESOLUTION #38**

Councilwoman Sluberski moved BE IT RESOLVED, that the just and reasonable expenses incurred by the town officials in attending Monroe County Association luncheon meetings will be an acceptable town charge and will be reimbursed. Councilman Knab seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #39**

Councilwoman Sluberski moved BE IT RESOLVED, that the membership in the Association of Towns of the State of New York and payment of membership dues for 2006 in the amount of \$900.00 is hereby authorized. Councilman Knab seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #40**

Councilwoman Sluberski moved that the Town Board deems the membership of municipal officials in associations of municipal officials and paying dues thereof as actual and necessary expenses and the Board has determined that the membership would be beneficial to the officials in the performance of their municipal functions and make such membership a duty of their office. Councilman Knab seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #41**

Councilwoman Sluberski moved BE IT RESOLVED, that Supervisor Udicious, as Chief Fiscal Officer, is hereby authorized to invest funds of the Town which are not required for immediate expenditures as provided by Section 11 of the General Municipal Law during the year 2007. Councilman Knab seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

Rush Town Board  
December 27, 2006  
Reg. & Org. Meeting

**RESOLUTION #42**

Councilwoman Sluberski moved BE IT RESOLVED, that with the prior approval by the Town Board, elected officials and others who attend the Association of Towns meeting may be reimbursed for actual expenses to the limit of the per diem charges as determined by the State of New York and the IRS schedule.

Councilman Knab seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #43**

Councilwoman Sluberski moved BE IT RESOLVED, that William Chase be re-appointed to provide on call maintenance services for the year 2007.

Councilman Knab seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #44**

Councilwoman Sluberski moved BE IT RESOLVED, that the Town contract to lease space at Suburban Animal Hospital for the three day legally required holding period for stray dogs from the town. Councilman Knab seconded the motion.

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

**RESOLUTION #45**

Councilman Knab moved BE IT RESOLVED, that petty cash funds be continued and established as follows for 2007:

|                 |         |                   |          |
|-----------------|---------|-------------------|----------|
| Each Justice    | \$50.00 | Librarian         | \$125.00 |
| Town Historian  | 25.00   | Rec. Supervisor   | \$150.00 |
| Town Clk-drawer | 125.00  | Town Clk-checking | \$100.00 |
| Supervisor      | 100.00  |                   |          |

Councilman Doupe seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

Rush Town Board  
December 27, 2006  
Reg. & Org. Meeting

**RESOLUTION #46**

Councilman Knab moved BE IT RESOLVED, that the Town of Rush may accept Monroe County and New York State and School District coalition bid proposals for materials used in the Highway Department. Councilman Doupe seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #47**

Councilman Knab moved BE IT RESOLVED, that the Town Board acknowledges the necessity for annual maintenance and upkeep of the buildings and equipment for the health and safety of employees and the public and expresses its approval for the Supervisor to contract for the annual cleaning of the septic system, windows, furnace, gutters, etc. and also any emergency repairs/replacements that may arise.

Councilman Doupe seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #48**

Councilman Knab moved BE IT RESOLVED, that the Town Board of Rush, New York, County of Monroe, has consented to the temporary assignment of its justices to preside in other Town Courts in the Seventh Judicial District as the need arises during the year 2007 and approves the temporary assignment of judges from other Town Courts in the Seventh Judicial District to this Court as the need arises during the year 2007. Councilman Knab seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #49**

Councilman Knab moved BE IT RESOLVED, that pursuant to Town Law Section 42, the Town Board establishes the office of Deputy Supervisor, and BE IT RESOLVED, that the Town Board acknowledges and expresses its approval of the Supervisor's intention to name Donald F. Knab, Jr. as Deputy Supervisor for the year 2007 with the right to carry out the duties of the Town that might need attention during the absence of the Supervisor. Councilman Doupe seconded the motion.

|       |                  |     |  |
|-------|------------------|-----|--|
| Roll: | Councilman Knab  | aye |  |
|       | Councilman Doupe | aye |  |

Rush Town Board  
December 27, 2006  
Reg. & Org. Meeting

|                        |     |         |
|------------------------|-----|---------|
| Councilwoman Sluberski | aye |         |
| Supervisor Udicious    | aye | carried |

**RESOLUTION #49**

Councilman Knab moved BE IT RESOLVED, that pursuant to Section 64(1) of the Town Law, the Town Board hereby designates Chase Bank, N.A. as the depositories for the Town funds of all its offices and departments and withdrawn upon check, draft, note or written order of the Town of Rush, signed by Supervisor William R. Udicious or Deputy Supervisor Donald F. Knab Jr. and also BE IT RESOLVED, that the bank is hereby authorized to pay such checks, drafts, notes or written orders and to receive same for credit to the account of the payee, or in payment of the individual indebtedness of the payee, or any other holder when so signed, without injury as to the circumstances of their issue or the disposition of their proceeds, whether drawn to the individual order of or tendered in payment of the individual obligation of any of the above persons or of any officer or employee of the Town; and also BE IT RESOLVED, that the Supervisor and the Town Clerk are hereby authorized to certify to the Bank a copy of this resolution. The bank may rely and act upon such certification of any changes therein. Councilman Doupe seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #50**

Councilman Doupe moved BE IT RESOLVED, that the authorized mileage reimbursement be set at \$.445 per mile. Councilman Knab seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #51**

Councilman Doupe moved BE IT RESOLVED, that the monies in the amount of \$170.00 per person be allowed for the purchase of work shoes, work coats and work jackets for the Highway Department and these items will be maintained by the employee at their own expense. Councilman Knab seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

Rush Town Board  
December 27, 2006  
Reg. & Org. Meeting

**RESOLUTION #52**

Councilman Doupe moved BE IT RESOLVED, that the following liaisons be maintained for establishing communications between the Town Board and the following:

Planning Board –  
Zoning Board of Appeals – Lisa Sluberski  
Conservation Board – Donald Knab  
Library Board – Thomas Doupe  
Fire Commissioners – Thomas Doupe  
Recreation Department – Lisa Sluberski  
Councilman Knab seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #53**

Councilman Doupe moved BE IT RESOLVED, that the salaried positions, established for retirement purposes and based on time logs and hours provided for in budgets, are as follows:

|                            |          |
|----------------------------|----------|
| Supervisor                 | 30 hours |
| Director of Finance        | 22 hours |
| Town Clerk                 | 35 hours |
| Superintendent of Highways | 40 hours |
| Code Enforcement           | 30 hours |
| Fire Marshal               | 10 hours |
| Library Technician         | 35 hours |
| Historian                  | 5 hours  |
| Justice                    | 9 hours  |
| Councilman                 | 8 hours  |
| Assessor                   | 15 hours |
| Laborer, Town Hall         | 8 hours  |
| Dog Control                | 9 hours  |

Councilman Knab seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

Rush Town Board  
December 27, 2006  
Reg. & Org. Meeting

**RESOLUTION #54**

Councilman Doupe moved BE IT RESOLVED that the Town Board sets the follow fee schedule for the year 2007:

1. Zoning Board of Appeals

- a) Appeals for area variance - \$100.00
- b) Appeal for use variance - \$200.00
- c) Application for sign variance - \$100.00
- d) Application for fence permit - \$100.00

2. Planning Board

- a) Application for site plan review of single family dwelling not covered by subdivision review - \$125.00
- b) Application for site plan review of multiple dwelling, commercial or industrial development \$200.00 plus \$30.00 per 1000 sq. ft. or fraction thereof.
- c) Application for special permit - \$125.00
- d) Application for preliminary hearing on subdivision of land into two parcels - \$125.00, for each additional parcel \$20.00
- e) Application for final hearing on subdivision into two or more parcels \$50.00 per parcel over two
- f) All engineering fees incurred by the Planning Board in their review of subdivision are to be charged to the applicant plus 10% administrative reimbursement
- g) All fees required when filing special districts, such as drainage and park districts with Monroe County will be charged to the applicant.
- h) Lot line adjustments made administratively - \$50.00
- i) Peddlers permit - \$40.00

3. Building Permits

- a- For all residential single family construction \$10.00 per 100 sq ft or fraction thereof of total gross area
- b- For all multiple dwelling and townhouse construction \$11.00 per 100 sq ft or fraction thereof of total gross area
- c- For commercial or industrial construction \$12.00 per 100 sq ft or fraction thereof of total gross area
- d- For agricultural use construction \$5.50 per 100 sq ft or fraction thereof of total gross area
- e- Minimum building feet \$50.00 for all construction.  
Maximum permit fee \$100.00 for agricultural construction

Rush Town Board

December 27, 2006

Reg. & Org. Meeting

f- Miscellaneous permit fee (i.e. chimney, fireplace, wood stove) \$35.00

g- Any engineering fees incurred, at the discretion of the Building Department, for plan review or consultation, to be billed to applicant at cost plus 10% administrative expenses

h- Re-inspection fee \$50.00 levied to permit holder at the discretion of the Building Department when multiple inspections are required

i- Certificate of Occupancy or Compliance – required for all permits

Residential - \$50.00      Commercial/Industrial - \$100.00

j- Swimming pools:

1 & 2 family residential –      ab gr \$35.00 in gr \$40.00 plus \$10.00 for fence

All others      \$100.00 plus fence permit fee, where applicable

k- Demolition permit - \$50.00

l- Driveway permit – town roads - \$80.00

m- Recreation fee:

Charged for new residential construction or replacement at a new street number location upon the issuance of a building permit or Certificate of Occupancy, to be deposited in a fund for use in the acquisition of land and/or construction of capital improvements for park, playground or recreation purposes.

Single family residential - \$300.00

Two family residential - \$600.00

Multiple dwelling –

    Studio or 1 bedroom per unit - \$150.00

    Two bedrooms per unit - \$200.00

    Three or more bedrooms per unit - \$300.00

n- Fence permit - \$25.00

o- Communication devices permit - \$10.00 per foot

Minimum fee \$450.00

Building permits can be renewed for ½ the original permit fee but the minimum permit fee will still apply.

#### Road Work Permits

#### Permits:

|                                  |          |
|----------------------------------|----------|
| Residential driveway (town road) | \$80.00  |
| Commercial driveway (town road)  | \$120.00 |
| Temporary access – construction  | \$80.00  |
| Underground boring               | \$80.00  |

Rush Town Board  
 December 27, 2006  
 Reg. & Org. Meeting  
 Road cuts  
 Work within ROW

\$300.00  
 \$80.00

New fees

- a) Annual inspection of residential rental property - \$50.00
- b) Replacement of doors and windows - \$35.00
- c) Annual fire inspection of commercial/Industrial - \$50.00
- d) Re-roofing permit - \$35.00
- e) Permit for interior remodeling - \$35.00
- f) Installation of underground fuel tanks - \$50.00

Councilman Knab seconded the motion.

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

**RESOLUTION #55**

Councilman Knab moved BE IT RESOLVED that the Town Board adopts the following salary schedule for 2007:

|                                   |           |           |
|-----------------------------------|-----------|-----------|
| Supervisor                        | 27,828/yr |           |
| Town Clerk/Tax Collector          |           | 44,869/yr |
| Highway Superintendent            |           | 63,537/yr |
| Councilperson (4)                 | 6,615/yr  |           |
| Justice                           |           | 12,103/yr |
| Planning Board members (each)     |           | 588/yr    |
| Planning Board chairman           |           | 672/yr    |
| Zoning Board members (each)       |           | 509/yr    |
| Zoning Board chairman             |           | 588/yr    |
| Conservation Board members (each) |           | 509/yr    |
| Conservation Board chairman       |           | 588/yr    |

General Fund Wage Schedule 2007

Merit Step Positions

Hourly Positions -----Step-----

1 2 3 4 5

|                        |       |       |       |       |       |
|------------------------|-------|-------|-------|-------|-------|
| Supervisor's Secretary | 12.47 | 12.84 | 13.23 | 13.63 | 14.04 |
|------------------------|-------|-------|-------|-------|-------|

Rush Town Board  
 December 27, 2006  
 Reg. & Org. Meeting

|                             |       |       |       |       |       |
|-----------------------------|-------|-------|-------|-------|-------|
| Deputy Town Clerk           | 12.47 | 12.84 | 13.23 | 13.63 | 14.04 |
| Assessment Clerk            | 11.77 | 12.12 | 12.48 | 12.85 | 13.24 |
| Secretary Planning & Zoning | 11.30 | 11.64 | 11.99 | 12.35 | 12.72 |
| Court Clerk 1               | 12.75 | 13.13 | 13.52 | 13.93 | 14.35 |
| Court Clerk 2               | 10.84 | 11.17 | 11.51 | 11.86 | 12.22 |
| Court Attend/Server         | 10.68 | 11.00 | 11.33 | 11.67 | 12.02 |
| Recreation Supervisor       | 12.71 | 13.09 | 13.48 | 13.88 | 14.30 |
| Recreation Leader 1         | 11.88 | 12.24 | 12.61 | 12.99 | 13.38 |
| Recreation Leader 2         | 9.00  | 9.27  | 9.55  | 9.84  | 10.14 |
| Recreation Attendant 1      | 9.50  | 9.79  | 10.08 | 10.38 | 10.69 |
| Recreation Attendant 2      | 8.96  | 8.95  | 9.22  | 9.50  | 9.79  |
| Recreation Attendant 3      | 8.20  | 8.45  | 8.70  | 8.96  | 9.23  |
| Laborer Town Hall           | 10.57 | 10.89 | 11.22 | 11.56 | 11.91 |
| Laborer Landfill            | 9.39  | 9.67  | 9.96  | 10.26 | 10.57 |
| Laborer 1 Parks             | 9.07  | 9.34  | 9.62  | 9.91  | 10.21 |
| Laborer 2 Parks             | 10.39 | 10.70 | 11.02 | 11.35 | 11.69 |

General Fund Wage Schedule 2007

| Salaried Positions         | Merit Step Positions |        |        |        |        |
|----------------------------|----------------------|--------|--------|--------|--------|
|                            | -----Step-----       |        |        |        |        |
|                            | 1                    | 2      | 3      | 4      | 5      |
| Code Enforcement           | 24,969               | 25,718 | 26,490 | 27,285 | 28,104 |
| Director of Finance        | 19,881               | 20,477 | 21,091 | 21,724 | 22,376 |
| Assessor                   | 14,971               | 15,420 | 15,883 | 16,359 | 16,850 |
| Budget Officer             | 3,361                | 3,462  | 3,566  | 3,673  | 3,783  |
| Fire Marshal               | 5,793                | 5,967  | 6,146  | 6,330  | 6,520  |
| Historian                  | 2,928                | 3,016  | 3,106  | 3,199  | 3,295  |
| Doq Control                | 3,591                | 3,699  | 3,810  | 3,924  | 4,042  |
| Asst Dog Control           | 181                  | 186    | 192    | 198    | 204    |
| Maint Man -Town Hall       | 4,614                | 4,752  | 4,895  | 5,042  | 5,193  |
| Emergency Disaster Officer | 896                  | 923    | 951    | 980    | 1,009  |

Highway Department Wage Schedule  
 2007

|         | Merit Step Positions |       |       |       |       |       |       |
|---------|----------------------|-------|-------|-------|-------|-------|-------|
|         | -----Step-----       |       |       |       |       |       |       |
|         | 1                    | 2     | 3     | 4     | 5     | 6     | 7     |
| Foreman | 23.23                | 23.93 | 24.65 | 25.39 | 26.15 | 26.93 | 27.74 |

Rush Town Board  
 December 27, 2006  
 Reg. & Org. Meeting

|                                |       |       |       |       |       |       |       |
|--------------------------------|-------|-------|-------|-------|-------|-------|-------|
| Dep. Hi. Super                 | 1167  | 1202  | 1238  | 1275  | 1313  | 1352  | 1393  |
| Heavy Equip Operator           | 18.26 | 18.81 | 19.37 | 19.95 | 20.55 | 21.17 | 21.81 |
| Mechanical Equip Operator<br>1 | 17.21 | 17.73 | 18.26 | 18.81 | 19.37 | 19.95 | 20.55 |
| Mechanical Equip Operator<br>2 | 16.71 | 17.21 | 17.73 | 18.26 | 18.81 | 19.37 | 19.95 |
| Laborer                        | 11.12 | 11.45 | 11.79 | 12.14 | 12.50 | 12.88 | 13.27 |
| Clerk                          | 11.09 | 11.42 | 11.76 | 12.11 | 12.47 | 12.84 | 13.23 |
| Dispatcher 1                   | 11.12 | 11.45 | 11.79 | 12.14 | 12.50 | 12.88 | 13.27 |
| Dispatcher 2                   | 9.67  | 9.96  | 10.26 | 10.57 | 10.89 | 11.22 | 11.56 |
| Dispatcher 3                   | 9.39  | 9.67  | 9.96  | 10.26 | 10.57 | 10.89 | 11.22 |

The following salaries for library personnel have been approved by the Rush Public Library Board of Trustees:

Library Wage Schedule 2007  
**Merit Step Positions**

|                      | -----Step----- |        |        |        |        |
|----------------------|----------------|--------|--------|--------|--------|
|                      | A              | B      | C      | D      | E      |
| Library Director     | 30,543         | 31,458 | 32,402 | 33,374 | 34,375 |
| Senior Library Clerk | 10.57          | 10.89  | 11.21  | 11.55  | 11.89  |
| Library Cleaner      | 10.57          | 10.89  | 11.21  | 11.55  | 11.89  |
| Library Clerk        | 8.45           | 8.70   | 8.95   | 9.22   | 9.50   |
| Library Page         | 7.21           | 7.43   | 7.65   | 7.88   | 8.12   |

**Election Inspectors**

|                             |        |
|-----------------------------|--------|
| Primary day                 | 100.00 |
| Election day                | 170.00 |
| Chairperson                 | 25.00  |
| New Inspector training/test | 25.00  |
| Three year training/test    | 25.00  |
| Fall Review school          | 25.00  |

Councilwoman Sluberski seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #56**

Councilman Knab moved BE IT RESOLVED that the Highway Department and Highway Superintendent's time is based on an 8 hour day. Town Hall

Rush Town Board

December 27, 2006

Reg. & Org. Meeting

employee's time is based on a 7 hour day. All positions classified as part time are based on a 6 hour day. Councilwoman Sluberski seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**RESOLUTION #57**

Councilman Knab moved BE IT RESOLVED that the Town Board recognizes the Rush Beautification Committee and acknowledges that the members of this committee are working in a voluntary capacity. Councilwoman Sluberski seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | aye |         |
|       | Supervisor Udicious    | aye | carried |

**Executive Session**

Councilman Knab made a motion that the board move into Executive Session for the discussion of a potential contract. Councilman Doupe seconded the motion and the Board was all in agreement.

Time: 7:35 p.m.

The Board returned to regular session at 7:55 p.m. and passed the following resolution:

**RESOLUTION #58**

Councilman Knab moved that WHEREAS, Rush has heretofore employed a fire marshal on a part time basis and now wishes to enter a contract with the Town of Henrietta to provide the services of a fire marshal as a means of reducing costs and increasing operating efficiency, and WHEREAS, Henrietta has considered and agreed to provide said services in furtherance of Intermunicipal cooperation. NOW THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the parties hereby agree as follows:

1. The fire marshal of the Town of Henrietta and/or his deputies and/or assistants will provide in general, the following services for the Town of Rush:  
- Enforce New York State Uniform Fire Prevention and Building code. Be familiar with and apply when necessary the rules and amendments of the National Fire Protection Association (NFPA) and the Civil Defense, including disaster procedure of the Town.

Rush Town Board  
December 27, 2006  
Reg. & Org. Meeting

-Act in place of the building and Code Compliance Inspection when he/she is not available.

- Review and comment when requested on Planning Board applications.

- Conduct periodic inspections as required by Fire Prevention Code.

2. Rush will reimburse the Town of Henrietta the sum of Six Thousand, Five Hundred Dollars (\$6,500.00) annually for said services, to be paid in advance, on a quarterly basis, commencing January 1, 2007.

3. the Town of Rush shall hold harmless, indemnify and defend the Town of Henrietta from and against all claims, demands, actions, proceedings, damages, liabilities, costs and expenses arising from any injuries to person and /or property resulting from any service and/or actions performed pursuant to this Agreement.

4. This Agreement shall continue in full force and effect for one year, commencing January 1, 2007 and ending December 31, 2007, unless otherwise modified or changed by agreement.

However, this Agreement may be canceled, without cause, by either party, upon thirty (30) days written notice to the other and any monies paid hereunder shall be pro rated to the date of cancellation.

Councilman Doupe seconded the motion.

|       |                        |     |         |
|-------|------------------------|-----|---------|
| Roll: | Councilman Knab        | aye |         |
|       | Councilman Doupe       | aye |         |
|       | Councilwoman Sluberski | nay |         |
|       | Supervisor Udicious    | aye | carried |

The meeting was declared adjourned by common consent of all board members.

Time: 8:00 p.m.

Respectfully submitted,

Linda G. Henry  
Town Clerk

Rush Town Board  
December 27, 2006  
Reg. & Org. Meeting