

TOWN BOARD
NOVEMBER 22, 2017

A regular meeting of the Rush Town Board, County of Monroe, was called to order by Supervisor Frank at 7:00 PM on November 22, 2017, at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York. Everyone present participated in the Pledge of Allegiance.

PRESENT: Rita McCarthy	-----	Deputy Town Supervisor
Jillian Coffey	-----	Councilperson
Gerald Kusse	-----	Councilperson
Cathleen Frank	-----	Supervisor
Pamela Bucci	-----	Town Clerk
Lauren Baron	-----	Attorney for the Town

EXCUSED: Daniel Woolaver ----- Councilperson

OTHERS PRESENT:

Kathryn Cappella-Hankins	-----	Resident
Carol Barnett	-----	Resident
Pat Kraus	-----	Resident
Jim Wilkins	-----	Resident
Carol Ralph	-----	Resident
Tom Petrus	-----	Resident
Cecil Palmer	-----	Resident
Marianne Rizzo	-----	Resident
Anne Ford	-----	Resident

I. PUBLIC COMMENT:

Supervisor Frank opened the floor inviting anyone wishing to address the Town Board to come forward. All those wishing to speak to the Town Board were asked if able to stand at the podium and to state their name and address for record keeping purposes.

Resident Carol Ralph spoke about saving the town-owned 100 acres of land for park and recreational use located on Rush Scottsville Road. Ms. Ralph suggested forming a committee to find ways to preserve the land gifted to the Town of Rush and provide walking trails for senior, young children and people with disabilities.

II. APPROVAL OF MINUTES:

RESOLUTION #228-2017

RUSH TOWN BOARD
NOVEMBER 22, 2017

Councilperson McCarthy moved to approve the Town Board Minutes of October 25, 2017 written by Town Clerk Bucci. Councilperson Coffey seconded the motion.

Roll: Councilperson McCarthy aye
 Councilperson Coffey aye
 Councilperson Kusse aye
 Supervisor Frank aye carried.

III. TRANSFER OF FUNDS:

RESOLUTION #229-2017

Councilperson McCarthy moved that having audited all the unreserved, unanticipated revenues and unexpended balances of existing appropriations, move that transfer #23 in the amount of \$7,800.00 be approved.

Budget Transfer 11/22/2017-11/22/2017

Decrease Appropriations

Increase Appropriations

Highway Funds Transfer #23 - \$7,800.00	DA.5140.100 Highway-Brush/Weeds Personal Services
Highway Road Construction Personal Services	

Councilperson Coffey seconded the motion.

Roll: Councilperson McCarthy aye
 Councilperson Coffey aye
 Councilperson Kusse aye
 Supervisor Frank aye carried.

IV. APPROVAL OF ABSTRACT:

RESOLUTION #230-2017

Councilperson McCarthy moved having audited all claims against the funds listed on Abstract #11-2 vouchers #1153 through 1223 with the exception of #1167 be allowed for payment in the amount of \$62,605.27. Councilperson Woolaver seconded the motion.

Roll: Councilperson McCarthy aye
 Councilperson Coffey aye
 Councilperson Kusse aye
 Supervisor Frank aye carried.

V. CORRESPONDENCE:

Supervisor Frank stated that there is no correspondence.

VI. REPORTS OF OFFICERS AND COMMITTEES:

Councilperson Coffey presented the following report:

- No report.

Councilperson McCarthy presented the following report:

- No report.

Councilperson Kusse presented the following report:

RUSH TOWN BOARD
NOVEMBER 22, 2017

- Attended the Fire Commissioner meeting. The flooding is a continued concern for the Fire Department.

Town Clerk Bucci presented the following report:

- No report.

Attorney Baron presented the following report:

- No report.

VII. OLD BUSINESS:

A. Update on Energy Saving Upgrades for Town Hall - Councilperson Kusse sought quotes and has received two to date regarding energy savings upgrades for the Town Hall. Attorney Baron stated that based on the town's procurement policy, a reasonable effort must be made to obtain three bids. The deadline was November 17.

Supervisor Frank suggested Councilperson Kusse further attempt to obtain a third bid.

VIII. NEW BUSINESS:

Supervisor Frank stated that after reviewing all possible part-time employees who work 20 or more hours, it is decided that the benefits of life insurance, vision/eyewear and AFLAC insurance plans would be provided to only full-time employees. There were not enough part-time employees working 20 or more hours to substantiate offering the plan.

A. Amend Resolution for Employee Life Insurance

RESOLUTION #231-2017

Councilperson McCarthy moved to amend Resolution #223-2017 - Employee Life Insurance Plan to extend to only full-time employees. Councilperson Coffey seconded the motion.

Roll:	Councilperson McCarthy	aye	
	Councilperson Coffey	aye	
	Councilperson Kusse	aye	
	Supervisor Frank	aye	carried.

B. Amend Resolution for Employee Vision/Eyewear Plan

RESOLUTION #232-2017

Councilperson McCarthy moved to amend Resolution #225-2017 - Employee Vision/Eyewear Plan to extend to only full-time employees. Councilperson Coffey seconded the motion.

Roll:	Councilperson McCarthy	aye	
	Councilperson Coffey	aye	
	Councilperson Kusse	aye	

Supervisor Frank aye carried.

C. Amend Resolution for AFLAC Insurance Plan

RESOLUTION #233-2017

Councilperson McCarthy moved to amend Resolution #226-2017 – AFLAC Insurance Plan to extend to only full-time employees. Councilperson Coffey seconded the motion.

Roll: Councilperson McCarthy	aye
Councilperson Coffey	aye
Councilperson Kusse	aye
Supervisor Frank	aye carried.

RESOLUTION #234-2017

Supervisor Frank moved to close the regular meeting in order to conduct the public hearing at 7:15 PM. The meeting was closed by comment consent.

PUBLIC HEARING 7:15 PM – Local Law Amendment for Cold War Veterans’ Exemption

Town Clerk Bucci read the Public Hearing Notice that was duly published in a timely fashion in the town designated publication.

Supervisor Frank welcomed comments.

Resident Kathryn Capella-Hankins stated her support of the exemption but asked for clarification.

Attorney Baron stated that the previous Local Law 4 of 2008 had a 10 year requirement restriction. The law proposed amends Local Law 4 of 2008, Section 103-9.1. The proposed law deletes the required restriction.

RESOLUTION #235-2017

Having heard no further comments, Supervisor Frank moved to close the public hearing at 7:40 PM. All councilpersons present were in favor.

D. Resolution to approve bond for Tax Collector, Deputy Town Tax Collector and Finance Director

RESOLUTION #236-2017

Councilperson McCarthy moved that the Town Board of the Town of Rush hereby approves the surety, form and amount of the official undertaking for the faithful performance of the duties of the Town Clerk/Collector, Deputy Town Clerk and Finance director as field in the Town Clerk’s Office:

The Type of Undertaking is a Public Official Liability/Employee Dishonesty/Computer Fraud/Funds Transfer Fraud

RUSH TOWN BOARD
NOVEMBER 22, 2017

Insurance Company: Walsh Duffield Companies, Inc.
A: Selective Ins. Co. of S.C.
B: Travelers Casualty and Surety
Amount: \$250,000 Town Clerk and Tax Collector
Amount: \$250,000 Deputy Town Clerk/Deputy Tax Collector
Amount: \$250,000 Finance Director

A true copy of this resolution shall be affixed to the undertaking to indicate this Board's approval thereon in accordance with Town Law Section 25. Councilperson Coffey seconded the motion.

Roll: Councilperson McCarthy aye
Councilperson Coffey aye
Councilperson Kusse aye
Supervisor Frank aye carried.

E. Authorize Town Clerk to advertisement for New York Museum of Transportation Roof Spec Bid - Supervisor Frank stated that a draft of Notice to Bidders has been presented to the Town Board. Sealed bids are to be opened on January 5, 2018 at 11 AM.

RESOLUTION #237-2017

Councilperson McCarthy moved to authorize Town Clerk Bucci to advertise for sealed bids for the purchase of materials and installation of a new roof on the New York Museum of Transportation, 6393 East River Road, Rush, New York in the Post. Councilperson Coffey seconded the motion.

Roll: Councilperson McCarthy aye
Councilperson Coffey aye
Councilperson Kusse aye
Supervisor Frank aye carried.

F. Resolution to Schedule 2018 Organizational meeting

RESOLUTION #238-2017

Councilperson McCarthy moved to schedule the 2018 Organizational Meeting on January 3, 2018 at 7 PM at the Rush Town Hall, 5977 East Henrietta Road, Rush, New York 14543. Councilperson Coffey seconded the motion.

Roll: Councilperson McCarthy aye
Councilperson Coffey aye
Councilperson Kusse aye
Supervisor Frank aye carried.

Town Clerk Bucci added that a Swearing in Ceremony of 2018 Elected Officials will occur at that time.

G. Resolution to Approve Local Law No. 2 of 2017 Veteran's LL amending LL 2008-4 to LL 2017-2 - Councilperson Coffey read the following in its entirety.

RESOLUTION #239-2017

LOCAL LAW NO. 2 OF 2017 TO AMEND THE TOWN CODE OF THE TOWN OF RUSH, CHAPTER 103 - TAXATION, BY AMENDING SECTION 103-9.1 OF THE TOWN CODE OF THE TOWN OF RUSH REGARDING THE COLD WAR VETERANS EXEMPTION

Councilperson Coffey moved,

BE IT ENACTED, by the Town Board of the Town of Rush, Monroe County, State of New York, as follows:

Section 1.1 Section 103-9.1 of the Town Code of the Town of Rush shall be amended by deleting subsection 103-9.1(A) and replacing it in its entirety with the following:

- A. Pursuant to the authority granted by § 458-b of the Real Property Tax Law, real property in the Town of Rush which meets the requirements for "qualified residential real property" as defined in said section shall be exempt from taxation by the Town of Rush to the extent authorized therein, and such exemption shall apply to qualifying owners of qualifying real property without regard to the ten year limitation imposed by said section, subject to the following maximum exemption.

Section 1.2 This local law is adopted pursuant to NYS Municipal Home Rule Law.

Section 1.3 All other local laws and ordinances of the Town of Rush that are inconsistent with the provisions of this local law are hereby repealed provided, however, that such repeal shall only be to the extent of such inconsistency. In all other respects, this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered herein.

Section 1.4 If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section, or part thereof

RUSH TOWN BOARD
NOVEMBER 22, 2017

directly involved in the controversy in which such judgment shall have been rendered.

This local law will take effect upon filing in the office of the New York State Secretary of State. Councilperson McCarthy seconded the motion.

Roll: Councilperson McCarthy	aye	
Councilperson Coffey	aye	
Councilperson Kusse	aye	
Supervisor Frank	aye	carried.

IX. PUBLIC COMMENT:

Supervisor Frank welcomed anyone wishing to address the Town Board.

There were no comments from the audience.

X. ADJOURNMENT:

RESOLUTION #240-2017

Supervisor Frank moved, having no further town business to conduct, adjourned the meeting at 7:28 PM. The meeting was adjourned by common consent.

Respectfully submitted,

Pamela J. Bucci
Town Clerk