

**HENRIETTA TOWN BOARD  
AGENDA  
FEBRUARY 6, 2008**

ORDER OF BUSINESS

1. Roll Call
2. Prayer
3. Pledge of Allegiance to the Flag
4. Public Presentation/Agenda Items
5. Approval of Minutes of the Preceding Meeting(s): January 16, 2008
6. Miscellaneous Communications
7. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
8. Reports of Standing Committees and Actions Thereon
9. Reports of Special Committees
10. Public Comment
11. Adjournment

RESOLUTION #4-59/2008

Authorize Accounts Payable

RESOLUTION #4-60/2008

Lift Resolution #23-248/2007 from Table and Authorize Rejection of All Bids -  
One (1) Truck Mounted Vacuum Sweeper - Highway Department

RESOLUTION #4-61/2008

Appoint Board of Assessment Review Member - Stephen Wershing

RESOLUTION #4-62/2008

Appoint Board of Assessment Review Member - John Schmitt

RESOLUTION #4-63/2008

Authorize Rochester Institute of Technology (R.I.T.) P.I.L.O.T. Agreement  
Extension

RESOLUTION #4-64/2008

Authorize Supervisor to Sign Abandonment of Watermain Easement - Saginaw  
Plaza - 1425 Jefferson Road

RESOLUTION #4-65/2008

Authorize Acceptance of Ownership and Maintenance of Sanitary Sewer - Gro-  
Moore Farms, Inc.

RESOLUTION #4-66/2008

Authorize Advertisement for Bids - Henrietta Public Library Tower Roof Replacement Project

RESOLUTION #4-67/2008

Authorize Purchase of State Contract Vehicle - Handicap Van - Don Cook Senior Center

RESOLUTION #4-68/2008

Authorize Supervisor to Sign Union Contract Between Local 1170 and the Town of Henrietta

RESOLUTION #4-69/2008

Declare Items Surplus Materials

RESOLUTION #4-70/2008

Authorize Personnel Items

PURSUANT TO CALL A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, WAS DULY HELD AT THE HENRIETTA TOWN HALL, 475 CALKINS ROAD, HENRIETTA, NEW YORK ON THE 6<sup>th</sup> DAY OF FEBRUARY, 2008 AT 8:00 P.M.

**PRESENT**

Supervisor Michael B. Yudelson  
Councilwoman Catherine A. McCabe  
Councilman William J. Mulligan, Jr.  
Councilwoman Janet B. Zinck  
Councilman John W. Moore  
Daniel J. Mastrella, Town Attorney  
Patricia J. Shaffer, Town Clerk

**ABSENT**

*(SILENT PRAYER)*

*(PLEDGE OF ALLEGIANCE TO THE FLAG)*

SUPERVISOR YUDELSON

Is there anyone who would like to speak on any items that are on the Agenda?  
*(Pause, no response)* If not, may I have the Approval of the Minutes, please.

COUNCILWOMAN McCABE

Mr. Supervisor, I move we Approve the Minutes of January 16, 2008.

COUNCILWOMAN ZINCK

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

SUPERVISOR YUDELSON

May I have the first Resolution, please.

RESOLUTION #4-59/2008

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman Zinck

BE IT RESOLVED, that the Director of Finance be authorized to pay the following bills payable:

EXHIBIT A	Bills Payable dated 02/06/2008	\$ 410,815.97
EXHIBIT B	Manual Bills Payable	\$ 28,815.00

SUPERVISOR YUDELSON  
Discussion? Call the roll, please.

Duly put to a vote:  
Councilwoman McCabe voting Aye  
Councilman Mulligan voting Aye  
Councilman Moore voting Aye  
Councilwoman Zinck voting Aye  
Supervisor Yudelson voting Aye  
Carried

RESOLUTION #4-60/2008

On Motion of  
Councilman Moore

Seconded by  
Councilwoman McCabe

WHEREAS, Resolution #23-248/2007 authorizing the purchase of one (1) new vacuum street sweeper was Tabled during the December 19, 2007 meeting in order to allow the Superintendent of Highways to provide Town Board members with more information, and

WHEREAS, the Town Board of the Town of Henrietta, after further deliberation with the Superintendent of Highways, has decided to exercise its right to reject any and all bids.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta hereby lifts Resolution #23-248/2007 from the Table and rejects all bids.

SUPERVISOR YUDELSON  
Discussion? Call the roll, please.

Duly put to a vote:  
Councilwoman McCabe voting Aye  
Councilman Mulligan voting Aye  
Councilman Moore voting Aye  
Councilwoman Zinck voting Aye  
Supervisor Yudelson voting Aye  
Carried

RESOLUTION #4-61/2008

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Mulligan

WHEREAS, a vacancy exists on the Henrietta Board of Assessment Review, and  
WHEREAS, Stephen Wershing has requested appointment to fill the remaining  
portion of the term of Thomas Gibson, and

WHEREAS, the Town Board wishes to keep the various Boards of the Town at  
their authorized strength for maximum input.

THEREFORE, BE IT RESOLVED, that Stephen Wershing, 1745 Pinnacle Road,  
Henrietta, New York 14467 be appointed to the Board of Assessment Review for the  
remainder of the unexpired term effective immediately and expiring September 30,  
2011.

SUPERVISOR YUDELSON  
Discussion?

COUNCILMAN MULLIGAN

Under discussion, for Mr. Gibson, have we done anything in terms of thanking his family  
for his many years of service, a plaque or anything? He served on, I think Recreation,  
he was Chairman for awhile . . .

COUNCILWOMAN ZINCK  
Yes, for a long time.

SUPERVISOR YUDELSON  
Yes, we'll do something, and send it to the family.

COUNCILMAN MULLIGAN  
I think she'd appreciate it because at the time, it was a big part of his life.

SUPERVISOR YUDELSON  
Thank you. Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #4-62/2008

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Mulligan

WHEREAS, a vacancy exists on the Henrietta Board of Assessment Review, and  
WHEREAS, John Schmitt has requested appointment to fill the remaining portion  
of the term of Barry Goldberg, and

WHEREAS, the Town Board wishes to keep the various Boards of the Town at  
their authorized strength for maximum input.

THEREFORE, BE IT RESOLVED, that John Schmitt, 139 Campfire Road North,  
Henrietta, New York 14467 be appointed to the Board of Assessment Review for the  
remainder of the unexpired term effective immediately and expiring September 30,  
2008.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #4-63/2008

On Motion of  
Councilwoman Zinck

Seconded by  
Councilwoman McCabe

WHEREAS, 5257 West Henrietta Road, LLC, a wholly-owned subsidiary of the  
Rochester Institute of Technology, with offices at 7 Lomb Memorial Drive, Rochester,  
New York 14623 has requested the Town of Henrietta to enter into an extension of the  
agreement for Payment in-Lieu-of Taxes for the RIT Inn and Conference Center, a three  
hundred and four (304) room hotel and conference facility located at 5257 West  
Henrietta Road, Town of Henrietta, Monroe County, New York, more specifically  
identified as tax account #175.03-1-36, and

WHEREAS, a Payment in-Lieu-of Tax Agreement Extension has been proposed  
under RPTL §420-a for the non-profit agency, and

WHEREAS, the attorney to the Town Board has examined the proposed  
Extension Agreement and found it to be in order, and

WHEREAS, the Assessor of the Town of Henrietta has reviewed the Extension  
Agreement and found it to be acceptable as to form.

THEREFORE, BE IT RESOLVED, that the Payment in-Lieu-of Tax Agreement  
Extension between 5257 West Henrietta Road, LLC and the Town of Henrietta for the

RIT Inn and Conference Center be and hereby is accepted, and that the Supervisor is authorized to sign the Extension Agreement attached hereto as Exhibit A by virtue of his authority as Supervisor of the Town of Henrietta.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	No
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #4-64/2008

On Motion of  
Councilman Moore

Seconded by  
Councilwoman McCabe

WHEREAS, the Owner, 1425 Jefferson Road, Inc., will be constructing a building addition to the existing Saginaw Plaza building at 1425 Jefferson Road, and

WHEREAS, during the site plan review process it was determined that the existing watermain does not meet the Town of Henrietta and the Monroe County Water Authority standards and needs to be abandoned, and

WHEREAS, the existing Town watermain easement recorded in Liber 7100 of Deeds, Page 234, on the property being identified as Tax Identification No. 162.11-1-12.1, is no longer needed by the Town, and

WHEREAS, the Town Attorney and the Director of Engineering and Planning have reviewed the attached Abandonment of Easement and recommended that the Town of Henrietta consent to and execute said Abandonment.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town of Henrietta, be hereby authorized to execute the attached Abandonment of Easement, which shall be filed in the Monroe County Clerk's Office.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	No
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #4-65/2008

On Motion of  
Councilwoman McCabe

Seconded by  
Councilwoman Zinck

WHEREAS, Gro-Moore Farms, Inc., the Developer, located at 2811 East Henrietta Road, proposes the construction of an eight (8) inch sanitary sewer within the existing State of New York Right-of-Way on East Henrietta Road, Route 15A, Town of Henrietta, as shown on plans prepared by Dan Cornwall, P.E., dated August 2007, and

WHEREAS, the State of New York will only allow sanitary sewer within the Right-of-Way if the Town of Henrietta accepts ownership of only the new sanitary sewer installed and maintenance of the entire length of sanitary sewer within the East Henrietta Road Right-of-Way.

THEREFORE, BE IT RESOLVED, that:

1. The Town of Henrietta will assume ownership of the above-mentioned utility within the State Right-of-Way.
2. That upon assuming ownership of the above-mentioned utility, the Town of Henrietta agrees to maintain the above-mentioned utility.
3. That upon assuming ownership of the above-mentioned utility, the Town of Henrietta agrees to accept all responsibility and liability with respect to said utility and to hold the State of New York harmless with respect to said features.
4. That this Resolution shall take effect immediately.
5. That the Town Clerk of the Town of Henrietta is hereby directed to transmit five (5) Certified copies of the foregoing Resolution to the New York State Department of Transportation.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Abstain
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #4-66/2008

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Mulligan

WHEREAS, the Town of Henrietta requires bids for the Henrietta Public Library for the Library Tower Roof Replacement Project, to conform with construction plans

and specifications on file in the Town Clerk's Office, with bids to be opened at 11:00 A.M. on Friday, March 7, 2008 and received no later than 10:30 A.M. on Friday, March 7, 2008.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Henrietta Public Library Tower Roof Replacement Project, as per cited plans and specifications on file in the manner provided by Law.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelton	voting	Aye

Carried

RESOLUTION #4-67/2008

On Motion of  
Councilwoman McCabe

Seconded by  
Councilwoman Zinck

WHEREAS, the 2008 Recreation Department Budget, in conjunction with a New York State Grant-in-Aid Award, provides funds for the purchase of one (1) handicap accessible van, to replace van # 76, and

WHEREAS, one (1) handicap van, meeting specifications, is available on New York State Contract Award No. 19278 for a total cost of \$47,507.00 from Shepard Brothers, Inc.

THEREFORE, BE IT RESOLVED, that Shepard Brothers, Inc., an authorized New York State dealer, 20 Eastern Boulevard, Canandaigua, New York 14424, be hereby authorized to supply one (1) new 2008 handicap accessible van, as per specifications.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Shepard Brothers, Inc., in an amount not to exceed \$47,507.00, upon satisfactory delivery and receipt of all proper documentation.

SUPERVISOR YUDELSON

Discussion?

COUNCILWOMAN McCABE

Under discussion, Mr. Supervisor, can we please have the specifications attached to the Resolution.

SUPERVISOR YUDELSON

Yes.

COUNCILMAN MULLIGAN

Also under discussion, where is van number seventy-six (76) going?

SUPERVISOR YUDELSON

I don't think we've discussed that yet as far as whether it will be surplus. We'll get a recommendation from Mr. Tobey.

COUNCILMAN MULLIGAN

Okay, thanks.

SUPERVISOR YUDELSON

Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelton	voting	Aye

Carried

RESOLUTION #4-68/2008

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Moore

WHEREAS, the negotiating teams of Local 1170 of the Communications Workers of America and the Town of Henrietta have reached a Tentative Agreement on a Contract for the Period of January 1, 2008 through December 31, 2012, and

WHEREAS, this Tentative Agreement was approved by Union Membership on the 23<sup>rd</sup> day of January, 2008.

THEREFORE, BE IT RESOLVED, that said Tentative Labor Agreement be Legislatively ratified and approved, with all items therein to be incorporated into the Contract, between Local 1170 of the Communications Workers of America and the Town of Henrietta.

BE IT FURTHER RESOLVED, that the Supervisor, on behalf of the Town of Henrietta, be hereby authorized to sign said Contract.

SUPERVISOR YUDELSON

Under discussion, I just wanted to say that I am pleased we reached a five (5) year agreement, and there's some of the people who are a part of both negotiating teams here, Mr. Liess, Mr. Marshall, and Mr. Catalano, and I thank them, as well as everyone else who was involved in the process. Further discussion?

COUNCILMAN MULLIGAN

I'm sure Mr. Flavin is smiling above.

SUPERVISOR YUDELSON

Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelton	voting	Aye

Carried

RESOLUTION #4-69/2008

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman McCabe

WHEREAS, the Superintendent of Drainage, Sewer and Sidewalks, and the Town Clerk have requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
1668	Schoenstedt magnetic locator
0860	4 drawer file cabinet, black and gold
0871	2 drawer file cabinet, black and gold

THEREFORE, BE IT RESOLVED, that the items described above be declared surplus materials and be sent to the Parks and Facilities Department for disposal.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MULLIGAN

What is the locator?

COUNCILMAN MOORE

Bill, you'll be using that on a beach someday in about five (5) years. *(Laughter)*

COUNCILMAN MULLIGAN

That's twice in a week you're talking about retirement.

COUNCILMAN MOORE

You should probably see if you can get that, and take it with you!

COUNCILMAN MULLIGAN

You need to worry about getting re-elected. *(Laughter)*

SUPERVISOR YUDELSON  
Any further discussion?

COUNCILMAN MULLIGAN  
Boy, I think we need to put some kind of gag order on the junior member. *(Laughter)*

SUPERVISOR YUDELSON  
Call the roll, please.

Duly put to a vote:  
Councilwoman McCabe    voting        Aye  
Councilman Mulligan     voting        Aye  
Councilman Moore        voting        Aye  
Councilwoman Zinck     voting        Aye  
Supervisor Yudelson     voting        Aye  
Carried

RESOLUTION #4-70/2008

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman Zinck

BE IT RESOLVED, that the following persons be hired:

Megan Parker	Recreation, Part-time after school assistant @ \$7.25/hr., effective 2/3/2008.
Melanie Zenns	Recreation, Part-time after school assistant @ \$7.50/hr., effective 2/3/2008.
Lisa Day	Recreation, Part-time after school assistant @ \$7.50/hr., effective 2/3/2008.
Holley Havens	Recreation, Part-time after school assistant @ \$7.50/hr., effective 2/3/2008.
Mary Songin	Recreation, Part-time kitchen aid @ \$7.15/hr., effective 2/3/2008.
Nicholas Valavanis	Recreation, Part-time assistant @ \$7.15/hr., effective 2/3/2008.

BE IT FURTHER RESOLVED, that the following employee changes be made:

Town of Henrietta Union Employees    As per the attachment.

Recreation

As per the attachment.

BE IT FURTHER RESOLVED, that the following employees be given an additional day's pay for unused sick leave (per Labor Agreement):

Larry Harper, Linda Kelley, Ronald LaRocca, Marie Leonardi, Joseph Losavio, David Moriarty, Roland Osterwinter, Robert Tobey, Diane Watts, Gary Popen, John Laing and Tracey Wenzel

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

SUPERVISOR YUDELSON

That concludes the Regular Agenda, hopefully there's no one to make any further comments! (*Laughter*)

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman McCabe, seconded by Councilwoman Zinck at 8:20 P.M. and passed unanimously.

Respectfully submitted,

Leann C. Case  
Deputy Town Clerk