

**HENRIETTA TOWN BOARD
AGENDA
FEBRUARY 20, 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): February 6, 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 #5-71/2008
Authorize Accounts Payable

RESOLUTION #5-72/2008
Recognition of Service - Daniel Kavanagh

RESOLUTION #5-73/2008
Authorize Delphi P.I.L.O.T. Extension Agreements

RESOLUTION #5-74/2008
Award Low Quote - Televising Existing Sanitary Sewers at Various Locations in the Town of Henrietta

RESOLUTION #5-75/2008
Award Low Quote - Extension No. 37 - Televising Existing Sanitary Sewers - Byrne

RESOLUTION #5-76/2008
Amend Deferred Compensation Plan

RESOLUTION #5-77/2008
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 20th DAY OF FEBRUARY, 2008 AT 8:00 P.M.

RESOLUTION #5-71/2008

On Motion of
Councilman Moore

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 02/20/2008	\$ 229,916.93
-----------	--------------------------------	---------------

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 20th 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
Patricia J. Shaffer, Town Clerk

ABSENT

Daniel J. Mastrella, Town Attorney

(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

I move, Mr. Supervisor, that we Approve the Minutes of February 6, 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 #5-71/2008

On Motion of
Councilman Moore

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 02/20/2008 \$ 229,916.93

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 #5-72/2008

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, Daniel Kavanagh has been a volunteer coach in the Henrietta Recreation Department's Youth Football Program since 1970, as well as in several other community sports programs, and

WHEREAS, Mr. Kavanagh is respected by his present and former players, their parents, and his fellow coaches as an exemplary coach and role model, and

WHEREAS, he was recognized as the 2003 Youth Sports Coach of the Year by the Genesee Valley Recreation and Parks Society, and

WHEREAS, he has further served the Town of Henrietta as a past member and Chairman of the Henrietta Recreation Commission.

THEREFORE, BE IT RESOLVED, that Daniel Kavanagh is hereby recognized, and thanked by the Henrietta Town Board for his significant contributions to youth sports in Henrietta, and the positive impact he has had on the lives of hundreds of children.

SUPERVISOR YUDELSON

Under discussion, in a moment, I'm going to call Mr. Kavanagh up, and give him a proclamation from the Town Board, but first, I just wanted to say how pleased I am that we're doing this, and thank Mr. Mulligan for bringing this Resolution to the Board. Dan Kavanagh not only has been coaching in our football program for a long time, but as the Resolution stated, he was Chairman of the Recreation Commission for many years, during the time that I was Recreation Director, and he did so much to support the Recreation programs, and being an advocate for our programs, and for all the children who use them. Is there anyone else for discussion?

COUNCILMAN MULLIGAN

No, just well stated comments Mr. Supervisor, but about a week and a half ago, I was down at Aquinas, and I looked up in the ring, and there was Dan refereeing a boxing match. And I think it goes to prove that although he's no spring chicken anymore, (*laughter*) he continues to participate, and tries to help wherever he can, and we can all learn a good lesson from that.

COUNCILWOMAN ZINCK

Just one more comment, through you, Mr. Supervisor, it's so nice to be able to recognize someone for the hard work, and contributions they make, and it's so nice to have you here tonight.

SUPERVISOR YUDELSON

Thank you. So at this point, I would ask Dan Kavanagh, Coach Kavanagh to come forward. We have a proclamation that, I think it's the same thing we just read, but it is the Town Board's Resolution on this proclamation, and please come forward and accept it with our appreciation. (*Applause*)

DANIEL KAVANAGH

I always say this, I used to say this all the time when I made a speech over at the school, at the end of the season. And we apply it all the time on the field with the kids, and the statement is this, it's very simple, "It's not what you think you are, it's what you think, you are." Thank you. (*Applause*)

SUPERVISOR YUDELSON

Thank you, Dan. At this point, we will formally approve this Resolution. Would the Clerk please call the roll.

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 #5-73/2008

On Motion of
Councilman Moore

Seconded by
Councilwoman McCabe

WHEREAS, Delphi Automotive Systems, LLC with offices at 1000 Lexington Avenue, Rochester, New York 14606 has requested the Town of Henrietta to enter into an Extension of the Agreement for Payment in-Lieu-of-Taxes (P.I.L.O.T.) for its research and design facility located at 5500 West Henrietta Road, West Henrietta, New York 14586, Monroe County, or as more specifically identified as Tax Account No.

189.01-1-19, and

WHEREAS, a Payment in-Lieu-of Tax Extension has been drafted, and has been approved by the County of Monroe Industrial Development Agency (C.O.M.I.D.A.), the County of Monroe, and the Rush-Henrietta Central School District, and

WHEREAS, a Supplemental Payment in-Lieu-of Tax Addendum to the Agreement has been drafted, and approved by all parties involved, and

WHEREAS, the Town Attorney to the Henrietta Town Board has examined these Agreements, and found them to be in compliance with Section 874 of the General Municipal Law of the State of New York, and

WHEREAS, the Assessor for the Town of Henrietta has reviewed these Agreements and found them to be acceptable as to form.

THEREFORE, BE IT RESOLVED, that the Payment in-Lieu-of Tax Agreement Extension, with Supplemental Payment in-Lieu-of Tax Addendum, between Delphi Automotive Systems, LLC and the Town of Henrietta for its research and design facility located at 5500 West Henrietta Road, West Henrietta, New York 14586, County of Monroe be and hereby is accepted, and that the Supervisor is hereby authorized to sign the Agreements attached hereto as Exhibit A and Exhibit B, by the virtue of his authority as Supervisor of the Town of Henrietta.

SUPERVISOR YUDELSON

Under discussion, I just wanted to say that although Nate Gabbert, our Assessor, is not here today, I just wanted to thank him, and Councilman Mulligan for working with me, and the folks from Delphi, and also from C.O.M.I.D.A., to put this Agreement in place. Although the Town Board normally does not have to give its blessing, or approval for the bills that C.O.M.I.D.A. puts together. In this case we did because it was the extension of a twenty (20) year old Agreement between Delphi and the Town, and we went to the parties involved, and said that at this point we would like to collect tax dollars, and that we would like to get dollars paid to us that we wouldn't have otherwise received. The original P.I.L.O.T. Agreement had just expired so this is going to mean, in addition to the amount that they already pay in Payment-in-Lieu of taxes, the Town of Henrietta will get an extra twenty-seven thousand dollars (\$27,000) per year for the life of this Agreement. So, I'm glad that we were able to work this out. Further discussion? *(Pause, no response)* 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 #5-74/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, the 2008 Sewer Budget provides funds for televising existing sanitary sewers for future Capital Improvement Projects, and

WHEREAS, the Town of Henrietta has requested quotes from qualified Contractors for televising existing sanitary sewers at various locations to evaluate problem areas in the sewer system, and

WHEREAS, three (3) quotes were received and the low quote, meeting specifications, was received from Sewer Speciality Services Company, Inc., for a total cost of \$36,571.38.

THEREFORE, BE IT RESOLVED, that Sewer Speciality Services Company, Inc., 2426 New Road, Leicester, New York 14481, be hereby authorized to provide sewer televising services at various locations in the eastern Town quadrant.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay said Contractor, in an amount not to exceed \$36,571.38, upon successful completion of the Project and acceptance by the Director of Engineering/Planning.

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 #5-75/2008

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, the Extension No. 37 Sanitary Sewer Fund provides funds for televising existing sanitary sewers within this District for determining future Capital Improvement Projects, and

WHEREAS, the Town of Henrietta has requested quotes from qualified Contractors for televising existing sanitary sewers at various locations to evaluate problem areas in this District's sewer system, and

WHEREAS, three (3) quotes were received and the low quote, meeting specifications, was received from Sewer Speciality Services Company, Inc., for a total cost of \$24,127.23.

THEREFORE, BE IT RESOLVED, that Sewer Speciality Services Company, Inc., 2426 New Road, Leicester, New York 14481, be hereby authorized to provide sewer

televising services at various locations within the Sewer Extension No. 37.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay said Contractor, for an amount not to exceed \$24,127.23, upon successful completion of the Project and acceptance by the Director of Engineering/Planning.

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 #5-76/2008

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the Town of Henrietta (the "*Model Plan*") and offers the Model Plan for adoption by local employees, and

WHEREAS, the Town of Henrietta, pursuant to Section 5, and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the Town of Henrietta, and

WHEREAS, effective December 7, 2007 the Board amended the Model Plan to adopt provisions:

- ◆ Expanding the eligibility for unforeseeable emergency withdrawals.
- ◆ Permitting law enforcement officers, firefighters, members of a rescue squad or ambulance crew who have retired for service or disability to request a plan distribution of up to \$3,000 annually to pay for health insurance or qualified long-term care premiums for themselves, their spouse or dependents.
- ◆ Permitting a beneficiary who is not the spouse of the deceased Participant to transfer their Plan account directly to an IRA.
- ◆ Permitting a Participant who is eligible for a distribution to rollover all or a portion of their Plan account to a Roth IRA.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations, and

WHEREAS, upon due deliberation, the Town of Henrietta has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Town of Henrietta by adopting the amended Model Plan.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta hereby amends the Deferred Compensation Plan for Employees of the Town of Henrietta by adopting the amended Model Plan, effective December 7, 2007, in the form attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the undersigned have executed this Resolution in Monroe County, New York on this 20th day of February 2008, and directed that it be filed as appropriate.

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 #5-77/2008

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

BE IT RESOLVED, that the following person be hired:

Molly Muszak	Recreation, Part-time after school assistant @ \$7.25/hr., effective 2/17/2008.
--------------	--

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

John Laing	Engineering, from provisional Jr. Engineer to Jr. Engineer (passed civil service exam) @ same rate of pay, effective 2/6/2008.
------------	--

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

SUPERVISOR YUDELSON

That concludes the Regular Agenda, before we adjourn, is there anyone who would like to speak on any matter involving the Town of Henrietta? *(Pause, no response)*

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