

**HENRIETTA TOWN BOARD
AGENDA
MARCH 19, 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): March 5, 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 #7-88/2008

Authorize Accounts Payable

RESOLUTION #7-89/2008

Call for Public Hearing - Proposed Rezoning of Land Located at 2100 Hylan Drive from Residential R-1-15 to Residential R-2-15 and Proposed Special Use Permit

RESOLUTION #7-90/2008

Authorize Purchase of State Contract Vehicle - Dump Truck - Highway Department

RESOLUTION #7-91/2008

Recognize Year 2008 Youth Hall of Fame Inductees

RESOLUTION #7-92/2008

Award General and Public Officials Liability Insurance

RESOLUTION #7-93/2008

Declare Items Surplus Materials - Library/Town Clerk

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 19th DAY OF MARCH, 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

SUPERVISOR YUDELSON

In just a second, I'm going to ask you to join us in a prayer, and the Pledge of Allegiance, but what I'm going to ask is that when we have our silent prayer that we keep in mind the two (2) young students who passed away in an accident. Our thoughts and prayers go out to the families of Kyle Treuthart, and Christopher Johnson.

(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, only Agenda items at this point. *(Pause, no response)* If not, may I have the Approval of the Minutes.

COUNCILWOMAN McCABE

Mr. Supervisor, I move we Approve the Minutes of March 5, 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 #7-88/2008

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 03/19/2008	\$ 113,757.94
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SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN
That seems low.

COUNCILMAN MOORE
It is. It's about half or fifty percent (50%) of what it's been. But we didn't have any salt bills for this month. Rusty's conserving. *(Laughter)*

SUPERVISOR YUDELSON
Mr. Liess, with a nod, can you indicate, is that the main reason for the low balance?

COUNCILMAN MULLIGAN
What did he say about Rusty?

SUPERVISOR YUDELSON
He didn't buy any salt.

COUNCILWOMAN McCABE
He bought enough for whatever he needed.

SUPERVISOR YUDELSON
Anything further? *(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 #7-89/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

WHEREAS, a written request for rezoning of approximately 1.8 acres of land from Residential R-1-15 to R-2-15, has been received along with a Special Use Permit to construct a total of twenty-eight (28) unit apartments in two (2) buildings located at 2100 Hylan Drive, known as Tax Account No. 162.17-1-14, and

WHEREAS, the Henrietta Town Board declares its intent to be the Lead Agency for the Environmental Quality Review under the New York State Environmental Quality Review Act (SEQRA).

THEREFORE, BE IT RESOLVED, that a Public Hearing on the rezoning request will be held simultaneously with the scheduled Special Use Permit Hearing on April 16, 2008 at 8:00 P.M. at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York 14467, to consider rezoning said property from Residential R-1-15 to Residential R-2-15 along with a Special Use Permit.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN
Just under discussion, briefly, to your knowledge, Mr. Supervisor, or maybe the Town Engineer can indicate, are there any environmental issues with this parcel, at this point?

SUPERVISOR YUDELSON
Mr. Byrne?

(From audience, Mark Byrne, Director of Engineering/Planning, "No.")

SUPERVISOR YUDELSON
He said "No."

COUNCILMAN MULLIGAN
Thank you.

SUPERVISOR YUDELSON
Further discussion? This is just a call for the Public Hearing. 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

PAUL LIESS, DIRECTOR OF FINANCE AND PERSONNEL

I haven't shopped the rates yet because I didn't know if the vehicle was going to be purchased yet or not. So, I have three (3) people that are waiting to quote this.

COUNCILMAN MOORE

I have a problem financing it. I think that if we are buying a truck, for a truck you should figure out how to budget it, and you should pay for it within a year of purchasing it. I realize I wasn't part of the process prior to this, but in the future I think you have to figure out how to pay for it in the purchase year.

COUNCILWOMAN McCABE

The one thing, yes, you weren't a part of the discussion on this one, or some of the other purchases, what happens is sometimes you can get a better rate if you finance it, and you have a one percent (1%) interest rate. Then, it would be to pay your cash out when you're getting three percent (3%) for your cash. So, we have gone with Paul's recommendation all the time if you're getting more money in interest rates for your cash that you have on hand, then it's better off to finance it at only one percent (1%), and keep your money getting three percent (3%). So, we allow Paul to come and advise us on what we should do about that, and he's been very good at keeping us involved with that.

COUNCILMAN MOORE

I probably don't have a problem with that, but I still call it creative financing.

COUNCILWOMAN McCABE

Well, if the rates are the way they are, if we were getting one percent (1%) for our cash, and three percent (3%) charges on our interest rate, I would say you're exactly right. We pay cash, but sometimes it's better to do it the other way.

COUNCILMAN MOORE

Well then how about stipulating it. If we can't make money on it then we aren't doing it.

SUPERVISOR YUDELSON

He makes a good point, and we can bounce around that if financing ends up yielding us a better return, if it's in our best interest as part of the budgeting process, the finance director makes a recommendation (*inaudible*)

COUNCILMAN MULLIGAN

I think also, Paul correct me if I'm wrong, but there's a term in the financial world that's called arbitrage, where you're not really allowed to make money on money you borrow.

(Paul Liess, from audience, "inaudible")

COUNCILWOMAN McCABE

Within certain . . .

COUNCILMAN MOORE

I love creative financing.

SUPERVISOR YUDELSON

I would also point out, at this point, we're just voting on the purchase as opposed to the financing. Any 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 #7-91/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, the Henrietta Youth Board has selected twenty-six (26) exceptional young people to be inducted into the Year 2008 Youth Hall of Fame because of their special accomplishments, and

WHEREAS, these individuals have made significant contributions to the Henrietta community, have demonstrated personal achievement, and have overcome personal challenges, and

WHEREAS, the Henrietta Town Board hereby recognizes the contributions and achievements of these young people.

THEREFORE, BE IT RESOLVED, that

Emily Allen	Shenise Johnson
Katharine Barth	Emma Kearney
O'Neil Campbell	Jasmine Monet Mitchell
Ashley Canne	Philip Munson
Jason Comstock	Lauren Myers
Stephanie Cravatta	Robert Pattridge
Jenae Davis	Benson James Pearson
Nathan DeLone	Melissa Quinn
Eden Gebre	Alanna Smith
Kelsey Grievson	Jennifer Smith
Erin Hassett	Olga Tkachenko
Alyssa Hewitt	Mary Van Voorhis
Jimmie Hutto	Erik Wisniewski

are congratulated by the Town Board for their induction into the Year 2008 Youth Hall of Fame and will be recognized on March 27, 2008 at 6:30 P.M. during a dinner being held at the Doubletree Hotel, Henrietta, New York, for their positive influence on the quality of life in our community.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN
I got another one. *(Laughter)* From a historical standpoint, who actually created the Youth Hall of Fame?

SUPERVISOR YUDELSON
The Youth Board, several years back, about thirty-three (33) years.

COUNCILWOMAN ZINCK
Thirty-three (33) years.

SUPERVISOR YUDELSON
Yes, we did this to recognize, not only for the ones who were more accomplishing, but those who had overcome significant obstacles.

COUNCILMAN MULLIGAN
Do you remember who some of those people were?

SUPERVISOR YUDELSON
Of these or . . .

COUNCILMAN MULLIGAN
No, the Youth Board members.

SUPERVISOR YUDELSON
Well, that would have been at the time when Phil Litter would have been the Youth Director. 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 #7-92/2008

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, quotes for the Town's General Insurance and Public Officials Liability Insurance were requested by the Director of Finance, and

WHEREAS, three (3) quotes were received and evaluated, and

WHEREAS, First Niagara, Risk Management, 777 Canal View Boulevard, Suite 100, Rochester, New York 14623, appears well-qualified and has submitted the lowest quote and has been recommended by the Town's insurance consultant.

THEREFORE, BE IT RESOLVED, that First Niagara, Risk Management, is hereby awarded the Town's General Insurance and Public Officials Liability Insurance effective April 1, 2008 and expiring on March 31, 2009, through Arrowhead Public Risk, in the amount of \$133,505.00.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay First Niagara, in an amount not to exceed \$133,505.00, upon receipt of proper documentation.

SUPERVISOR YUDELSON

Under discussion, I just wanted to thank Paul Liess for his work on this, for the rise in prices, it's nice to have *(inaudible)*

COUNCILWOMAN ZINCK

Nice job.

SUPERVISOR YUDELSON

Any further discussion?

COUNCILMAN MULLIGAN

Just for my own edification, the umbrella on this, is it four million (\$4,000,000) or six (\$6,000,000)? Paul, thank you for going on the roof this morning.

COUNCILWOMAN ZINCK

On the roof, back and forth to the microphone! *(Laughter)*

COUNCILMAN MULLIGAN

Quite agile on that slippery ladder.

PAUL LIESS, DIRECTOR OF FINANCE/PERSONNEL

It is six million (\$6,000,000). Your aggregate had increased with Arrowhead.

COUNCILMAN MULLIGAN

Thank you.

PAUL LIESS, DIRECTOR OF FINANCE/PERSONNEL
So, there's more insurance for less cost.

COUNCILWOMAN McCABE
Thank you.

COUNCILWOMAN ZINCK
Very nice job.

COUNCILWOMAN McCABE
Good job.

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 #7-93/2008

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

WHEREAS, the Town Clerk has requested that the following item be declared surplus material:

<u>Inventory #</u>	<u>Description</u>
00789	Bookcase, Walnut/Sliding Door

WHEREAS, the Henrietta Public Library Board of Trustees have requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
454	Receiver, Cass Toshiba, Speaker
457	Projector-B2
459	Recorder, Cassette, 3M, 2820AV
461	Projector-16MM, AV126TR, with speaker
462	Projector-16MM, AV126TR, with speaker

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

BE IT FURTHER RESOLVED, that the Henrietta Public Library Board of Trustees has transferred to the Town of Henrietta two (2) movie screens.

SUPERVISOR YUDELSON

Discussion?

COUNCILWOMAN ZINCK

Yes, historically speaking, Mr. Mulligan, can you tell me the age of that walnut sliding bookcase?

COUNCILMAN MULLIGAN

It's a forty-seven ('47).

COUNCILMAN MOORE

There isn't any metal detectors this time, Mr. Mulligan? *(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 Yudelton	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?

BETH WHITE, 128 EAGLE PINE WAY

Beth White, 128 Eagle Pine Way. I walked in with Councilwoman Zinck this evening, and I told her that I had brought some homework for all of you. But I'm going to go back a little bit before I give it to you. If you remember a few years ago, my husband Rick, brought up the idea of a dog park, a bark park, in the Town of Henrietta. We were told at that time that liability would be off the map, and we couldn't do it. A few weeks ago, a gentleman came to the Town Board meeting, and again, brought up the subject of a bark park, and I took his name and phone number and told him that I'd be

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glad to work with him, and then I promptly misplaced it, so I have no idea who he is. However, I did go ahead and I did a lot of research on the internet, and made a lot of copies of different bark parks, and they are all over the country. Tonight, I brought with me copies of different bark parks around the country so that you can get an idea as to exactly what it is, and how they're run, and so on. I believe that the Town of Henrietta, if they wanted to run one, or maintain it, could make a lot of money. I have talked to several people who are dog owners, they are just crazy about the idea because there's no place for dogs to run. I talked to my vet, she thinks it's wonderful, she also has a greyhound, as I do. She has talked to some of her patients, and they all think it's a wonderful idea. Most of them are more than willing to pay to have a place where they can go, take the dog off leash, and just let the dog wander and run. So, I would like to give you these, this evening, so that you can get some idea as to what a bark park is, and how they can be run. Then I would like to get back with you, and see what your thoughts are on it, and maybe we can go on and find some sponsors and so on. Wegmans has sponsored one over in Onondaga, I think it is, and I think they might be willing to do one here in their home area, so, thank you.

COUNCILMAN MULLIGAN

Are there any in Monroe County?

(From audience, Beth White, "Not that I know of.")

SUPERVISOR YUDELSON

I believe there's one at Ellison Park.

BETH WHITE, 128 EAGLE PINE WAY

To my knowledge it is not a sanctioned area, and the police are being called constantly.

COUNCILMAN MULLIGAN

What kind of problems?

BETH WHITE, 128 EAGLE PINE WAY

People keep losing their dogs because the dogs don't come back. Fights, dog fights . .

COUNCILMAN MULLIGAN

You're really selling me on this thing.

BETH WHITE, 128 EAGLE PINE WAY

Sorry, but you know . . .

COUNCILMAN MULLIGAN

Truth hurts.

COUNCILWOMAN ZINCK

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Just out of curiosity, what's the difference between that, and why don't they have problems with some of these that we're going to read about? What avoids those kind of problems?

BETH WHITE, 128 EAGLE PINE WAY

Because, as you will see as you read through these, there are rules and regulations that are very prominently posted. Everybody who goes into park has them, any aggression from any dog at all, the dog has to be removed immediately. The dogs have to be up to date on their rabies, their bordetella, their DHL, all of these things. The owners have to be within reach of their dog pretty much, they have to be right there in the enclosure with them. So, its not as though a dog has just taken off and running, and the owner can't possibly keep up with it because it's an enclosed area. Most of them, you will see have two (2) enclosures, one for large dogs, one for small and disabled dogs, or handicap dogs in some way so that risk is not there. Like with the greyhounds going after a smaller dog because that's what they've been trained to do. So, that's pretty much what it is. So, I really would like to hear what your thoughts are. I'm more than willing to work and push this and you know, work with anybody to get it done. Some of them are run by the County, some of them are run by the cities that they're in, and some of them are run strictly by volunteers. So, thank you, very much.

SUPERVISOR YUDELSON

Anyone else who would like to speak? *(Pause, no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman McCabe, seconded by Councilwoman Zinck at 8:25 P.M. and passed unanimously.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk