

**HENRIETTA TOWN BOARD
AGENDA
APRIL 16, 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): April 2, 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 #9-106/2008
Authorize Accounts Payable

RESOLUTION #9-107/2008
Call for Public Hearing - Cell Tower Fees

RESOLUTION #9-108/2008
Declare Items Surplus Equipment - Teitsworth Auction

RESOLUTION#9-109/2008
Call for Public Hearing - Storm Water Ordinances

RESOLUTION #9-110/2008
Declare Items Surplus Materials

RESOLUTION #9-111/2008
Authorize Supervisor to Sign Grant in Aid Contract - Office of Children and Family Services

RESOLUTION #9-112/2008
Authorize Agricultural Lease Renewal - Willard Farms, Property on Martin Road

RESOLUTION #9-113/2008
Authorize Legal Services - Harris Beach, LLP

RESOLUTION #9-114/2008
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 16th DAY OF APRIL, 2008 AT 8:00 P.M.

PRESENT

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

ABSENT

Councilwoman Catherine A. McCabe

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Good evening. Just for the Record, there was a Pubic Hearing combined with a Special Permit Hearing scheduled for tonight, that has been canceled because the Application was withdrawn by the Applicant, so that will be rescheduled at a later point. Is there anyone who would like to speak on any items that are on the Agenda for tonight's meeting? *(Pause, no response)* If not, could I have approval of the Minutes.

COUNCILMAN MULLIGAN

Mr. Supervisor, I move we Approve the Minutes of the proceeding Meeting, April 2, 2008.

COUNCILWOMAN ZINCK

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
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 #9-106/2008

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 04/16/2008 \$ 310,709.82

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #9-107/2008

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, the Director of Building and Fire Prevention has recommended that the fees charged for permits and the processing of applications for Communication Towers does not adequately reimburse the Town of Henrietta for the time and effort expended upon said applications, and

WHEREAS, the Director of Building and Fire Prevention has recommended that the Town impose additional fees to adequately reflect the use of Town resources in processing said applications, and

WHEREAS, the Director of Building and Fire Prevention has recommended Amendments to the Town Code of the Town of Henrietta Chapter A301 entitled "Fee Schedules" in accordance with the attached Schedule of Proposed Fees, known as Exhibit A.

THEREFORE, BE IT RESOLVED, that a Public Hearing of the Town Board of the Town of Henrietta shall be held at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road in the Town of Henrietta, Monroe County, New York on the 21st day of May, 2008 at 8:00 P.M. to consider the proposed Amendments and to hear all persons interested in the subject.

BE IT FURTHER RESOLVED, that notice of said Public Hearing be published in the manner provided by law.

SUPERVISOR YUDELSON
Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #9-108/2008

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, the Commissioner of Public Works has requested that the following items be declared surplus equipment:

<u>Inventory #</u>	<u>Description</u>
3704	2001 Chevrolet 4WD Utility Truck, Unit # 301 - Sewer
3296	2000 Chevrolet 4WD Pick-up Truck, Unit # 1 - Drainage
2157	1994 International 10 Wheel Dump Truck, Unit # 157 - Highway
3816	2002 Tenco 12 ft. wing plow - Highway
1275	1976 Viking 11 ft. One Way Plow - Highway
3217	1998 Chevrolet C3500 Utility Truck, unit # 118 - Parks
1296	1982 Swenson 11 ft. Sander Body - Highway

THEREFORE, BE IT RESOLVED, that the surplus equipment, as itemized above, be consigned to the Teitsworth Municipal Auction, to be held on May 10, 2008, in Palmyra, New York.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN

Just quickly, under discussion, for Chuck and Rusty, I saw something recently where there's a new auction company with very low commission fees, if you guys are aware of that and want to review it, and if it looks like it has any value, get back to the Supervisor. I know we've been doing Teitsworth since Rusty came here back in about '53, but change is always good sometimes.

SUPERVISOR YUDELSON

Thank you. Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #9-109/2008

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

IN THE MATTER OF

THE ADOPTION OF PROPOSED LOCAL LAW NO. 1 OF 2008:

**A LOCAL LAW ESTABLISHING RULES AND PROCEDURES FOR THE
MANAGEMENT OF STORMWATER SYSTEMS TO COMPLY WITH THE FEDERAL
CLEAN WATER ACT**

RESOLUTION TO SET PUBLIC HEARING

WHEREAS, true and correct copies of proposed Local Law No. 1 of 2008, A Local Law Establishing Rules and Procedures for the Management of Stormwater Systems to Comply with the Federal Clean Water Act were delivered to each member of the Town Board, and

WHEREAS, it is required by said Act that the Town of Henrietta must develop, implement and enforce a Stormwater Management Program designed to reduce to the maximum extent practicable the pollutants discharged into stormwater, and

WHEREAS, due consideration has been given to the adoption of Local Law No. 1 of 2008 by all members of the Town Board, and

WHEREAS, the Town Board wishes to consider and solicit public input on the

proposed Rules and Regulations, attached Fee Schedule known as Exhibit A, which are intended to regulate the design and management of stormwater prevention measures, construction site stormwater pollution and illicit discharge connections into the stormwater system, and

WHEREAS, it is the considered opinion of the Town Board that a Public Hearing should be held on the 7th day of May, 2008 at 8:00 P.M. at the Town Hall, 475 Calkins Road, Henrietta, New York, to consider the adoption of proposed Local Law No. 1 of 2008.

THEREFORE, BE IT RESOLVED, that a Public Hearing be held on the 7th day of May, 2008 at 8:00 P.M. at the Town Hall, 475 Calkins Road, Henrietta, New York on the question of the adoption of proposed Local Law No. 1 of 2008, and a summary thereof be published in a newspaper previously designated as an official newspaper for publication of public notices not less than five (5) days prior to said Public Hearing.

BE IT FURTHER RESOLVED, that the Town Clerk shall post certified copies of both this Resolution and said proposed Local Law No. 1 of 2008, A Local Law Establishing Rules and Procedures for the Management of Stormwater Systems to Comply with the Federal Clean Water Act, or a summary thereof, on the bulletin board maintained by the Town Clerk, pursuant to Section 30(6) of the Town Law, for a period of not less than five (5) days prior to said Public Hearing.

COUNCILWOMAN ZINCK

Could you repeat all that, please? *(Laughter)* Second.

SUPERVISOR YUDELSON

Under discussion, I want to thank Mr. Marshall because this was a big Project to get this all together and be ready for us to consider. There is a question, Mr. Marshall, if you could come up regarding the Exhibit, and it lists a erosion and sediment control inspection fee of one hundred and fifty dollars (\$150.00) per site visit, and the question is whether there are many of those that come up very often. If you could give us some more information about those.

DEAN MARSHALL, COMMISSIONER OF PUBLIC WORKS

Well, I know Mark is still, Mark's on vacation, and he was tackling the fee schedule since his Department will be responsible for those fees. So, we don't have the exact schedule tonight.

SUPERVISOR YUDELSON

Yeah, but this one is in there for the Call for Public Hearing, are you just familiar with what those are and how much those would be, or would that really be a question for Mr. Byrne?

DEAN MARSHALL, COMMISSIONER OF PUBLIC WORKS

I think it would be a question for Mark.

COUNCILMAN MOORE

Through you, Mr. Supervisor, could I ask a question?

SUPERVISOR YUDELSON
Absolutely.

COUNCILMAN MOORE
When they're talking about that, aren't they talking about the erosion control around any construction site?

DEAN MARSHALL, JR., COMMISSIONER OF PUBLIC WORKS
Yes.

COUNCILMAN MOORE
So, on any construction site in the Town of Henrietta, that's a permitted use that's going to happen.

COUNCILMAN MULLIGAN
This is where they put up the, like the plastic?

DEAN MARSHALL, COMMISSIONER OF PUBLIC WORKS
Silk fence, or some other . . .

COUNCILMAN MULLIGAN
And every time Mark's Department checks that, we get one hundred and fifty bucks (\$150.00)? Theoretically?

DEAN MARSHALL, COMMISSIONER OF PUBLIC WORKS
Because there has to be a weekly, there's a full schedule of inspections, weekly's, weekend inspections, and there's inspections after a heavy rain event of more than half an inch. So, each one of those inspections, theoretically, would be a charge for to the developer or the contractors.

SUPERVISOR YUDELSON
This is only to call for a Public Hearing, so we'll have the opportunity to ask Mr. Byrne.

DEAN MARSHALL, COMMISSIONER OF PUBLIC WORKS
Yeah, we'll have the stuff long before the Public Hearing.

SUPERVISOR YUDELSON
Thank you, Chuck. Further discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #9-110/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

WHEREAS, various Departments have requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
3744	Dell monitor
3565	E-Machine computer
n/a	Generic monitor
2668	Storyline Dictaphone machine
561	Yellow and white desk chair w/arms
2549	Magnetic Locator
3596	Dell Power Edge Server
8007	Laser Level
3115	HP Computer
3116	HP Monitor

WHEREAS, the Director of Finance has requested, through the Printer Consolidation Program, that the attached list be declared surplus materials.

THEREFORE, BE IT RESOLVED, that the items described above be declared surplus materials and be sent to the Parks and Facilities Department for disposal, and the printer items described, as attached, be made available for sale to the public through a procedure, approved by the Director of Finance.

BE IT FURTHER RESOLVED, that the Henrietta Public Library Board of Trustees has transferred one (1) orange storage cabinet, inventory # 1020, to the Town of Henrietta, and one (1) optelec magnifier, inventory # 3623 to the Henrietta Senior Center.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #9-111/2008

On Motion of

Seconded by

Councilwoman Zinck

Councilman Mulligan

WHEREAS, the 2007-2008 New York State Grant-In-Aid award, in the sum of Five Thousand Dollars (\$5,000.00), from the Office of Children and Family Services, provides funds for a Summer 2008 Zoom Program Initiative, and

WHEREAS, a Contract between the Town of Henrietta Recreation and Youth Bureau and the New York State Office of Children and Family Services is required to be duly executed between these two parties in order to receive this grant-in aid funding, and

WHEREAS, the New York State Office of Children and Family Services requires that this Contract between the above mentioned parties be approved by the Town of Henrietta, Henrietta Town Board and signed by the Town Supervisor.

THEREFORE, BE IT RESOLVED, that the Supervisor be hereby authorized to sign, on behalf of the Town, the 2007-2008 Grant-in-Aid Initiative Contract with the New York State Office of Children and Family Services for the operation of the 2008 Summer Zoom Program Initiative.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MULLIGAN

Mrs. White, have you signed up for the Zoom Program?

(From audience, inaudible)

COUNCILMAN MULLIGAN

Do you know what it is?

(From audience, inaudible)

COUNCILWOMAN ZINCK

Through you, Mr. Supervisor, this is an awesome program. It's held over at Stonewood Village, and it really is an incredible program. So, the Town does a nice job with that.

COUNCILMAN MOORE

What do we spend the money on?

SUPERVISOR YUDELSON

Well, I could speak to that a little bit, but let me ask Mr. Steinkamp to come up and speak to what is contained in the Budget, specifically for this five thousand dollars (\$5,000.00).

REGIS STEINKAMP, DIRECTOR OF RECREATION AND YOUTH BUREAU

As many of you know, we've been over at Stonewood Village for about five (5) years for the Zoom Program, it started out as a summer program, and this particular

funding initiative is to add some components to the program to get some of the kids off site, and to involve some of the kids in leadership, to do some work with academics with them, and also to get families involved in some of the activities. This particular initiative is hopefully going to take the kids beyond the summer, and take them right into the Fall and track some of their academic outcomes. We're in there working with the kids, and trying to give them an experience within Stonewood, but also take them outside of Stonewood, to integrate them into the community. We're going to get some kids involved with our summer playground program, which is going to be over at Good Shepherd this year, so, there's a lot of things we're doing with this Program. It really has made a difference over there.

COUNCILWOMAN ZINCK

I was going to say, not to put you on the spot, but there are statistics that actually show improvement with these kids academically, correct?

REGIS STEINKAMP, DIRECTOR OF RECREATION AND YOUTH BUREAU

Yeah, and the Sheriff's department has told us that, you know, their calls over in that area have gone down dramatically. So, it's making an impact.

COUNCILWOMAN ZINCK

Thank you.

REGIS STEINKAMP, DIRECTOR OF RECREATION AND YOUTH BUREAU

You're welcome.

SUPERVISOR YUDELSON

Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #9-112/2008

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

WHEREAS, the Town of Henrietta has leased a portion of land located at 1345 Martin Road, known as Martin Road Park, to Willard Farms for farming purposes, and

WHEREAS, the Town Board of the Town of Henrietta desires to continue to keep the land in use as farm land, and

WHEREAS, Bill Willard and Marc Krieger of Willard Farms, 116 Willard Road,

Pittsford, New York 14534, have previously farmed the land and desire to continue to plant crops on the land and to renew the Lease Agreement with the Town for a period of one (1) year, from April 21, 2008 through April 20, 2009, for thirty (30) acres of tillable land at \$40.00 per acre, amounting to an annual rent of \$1,200.00, and

WHEREAS, the Town Attorney has reviewed the Lease Renewal Agreement and found it to be in proper form.

THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Henrietta is hereby authorized to sign the Lease Renewal Agreement on behalf of the Town of Henrietta.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #9-113/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

WHEREAS, the Town of Henrietta is involved in litigation in the matter of Cine SK8, Inc., d/b/a FunQuest, vs. the Town of Henrietta, and is in need of legal services to protect and represent the Town's best interest.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta hereby retains the firm of Harris Beach, LLP, with offices located at 99 Garnsey Road, Pittsford, New York 14534, to represent the Town of Henrietta with respect to said litigation.

BE IT FURTHER RESOLVED, that the Director of Finance is hereby authorized to pay Harris Beach, LLP, upon satisfactory completion and acceptance of the services, provided by the Director of Finance.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MULLIGAN

Under discussion, through you, Mr. Supervisor, just for the Record, I believe the attorney's last night indicated the fee would be two hundred and fifty dollars (\$250.00) an hour.

DANIEL MASTRELLA, TOWN ATTORNEY

That's correct, and that was because we are a municipality and according to what they told us, it's substantially less than what they would charge a private business claim.

COUNCILMAN MULLIGAN

If the Record could show that, please. Thank you.

(Let the Record show that the professional courtesy hourly rate of Two Hundred and Fifty Dollars (\$250.00) per hour, will be charged.)

SUPERVISOR YUDELSON

Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #9-114/2008

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

BE IT RESOLVED, that the following person be hired:

Nathan Pogal Highway, Seasonal Laborer, @ \$8.00/hr., effective 4/21/2008.

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

David Mack Drainage/Sewer/Sidewalks, Seasonal Laborer @ \$8.25/hr., from \$8.00/hr., effective 4/16/2008.

Highway Department As per the Attachment.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
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? *(Pause, no response)*

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

Respectfully submitted,

Leann C. Case
Deputy Town Clerk