

**HENRIETTA TOWN BOARD
AGENDA
MAY 21, 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): May 7, 2008
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Amendments to the Town Code of the Town of Henrietta, Chapter A301 entitled, "Fee Schedules", Establishing Communication Tower Fees
8. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
9. Reports of Standing Committees and Actions Thereon
10. Reports of Special Committees
11. Public Comment
12. Adjournment

8:00 P.M. - ANTOINETTE BROWN BLACKWELL AWARDS

RESOLUTION #12-132/2008
Authorize Accounts Payable

RESOLUTION #12-133/2008
Declare the Week of May 19th "Women's Week"

RESOLUTION #12-134/2008
Authorize Advertisement for Bids - 2008 Sanitary Sewer Repair Project

RESOLUTION #12-135/2008
Accept Letter of Credit - Berkshire Park Subdivision, Section 3

RESOLUTION #12-136/2008
Accept Draft Phase II SPDES Stormwater Management Program Annual Report

RESOLUTION#12-137/2008
Authorize Attendance of PERMA Annual Safety Conference

RESOLUTION #12-138/2008
Authorize Proposed Amendments to Chapter A301 entitled, "Fee Schedules",
Establishing Communication Tower Fees

RESOLUTION #12-139/2008

Authorize Supervisor to Sign Contract - County of Monroe Year 2008 Senior
Meals Program

RESOLUTION #12-140/2008

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 21st DAY OF MAY, 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

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Thank you, and welcome everybody. Before we start the Regular Agenda, we're pleased to have our annual special presentation by the members of the Antoinette Brown Blackwell Society, and we welcome them and their honorees, and to start the program I would call upon Virdell Robbins.

(During the Twenty-Sixth Annual Antoinette Brown Blackwell Society Ceremony, the members presented the 2008 Henrietta Woman of the Year Award to Helen Ely; the 2008 Scholarship to Sarah Mae Bones; and the Nette Award was presented to Vivian Heffernan.)

SUPERVISOR YUDELSON

I want to add, on behalf of the whole Town Board, our congratulations to Helen and to Sarah, and Vivian. It's well deserved and the comments were beautiful, all three (3) of you, we will join you for your reception, we have a very short Agenda, so what we're going to do is allow a minute to file out, and then we'll use the short Town Board meeting to recover from the mental image suggested by Councilman Mulligan, then join you shortly. *(Laughter)*

COUNCILMAN MULLIGAN

Mike, I've been pumping iron.

SUPERVISOR YUDELSON

Thank you, and we'll see you out there shortly.

(Brief Intermission)

SUPERVISOR YUDELSON

We'll rejoin our Agenda now, and I will ask if there is anybody that would like to speak on any items that are on tonight's Agenda, separate from the Public Hearing, which I'll call momentarily. If not, could I have the Approval of the Minutes, please?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we Approve the Minutes of May 7, 2008, and the Special Meeting of May 19, 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 Yudelton	voting	Aye

Carried

SUPERVISOR YUDELSON

We have a Public Hearing tonight on Proposed Amendments to the Town Code of the Town of Henrietta, Chapter A301 entitled, "Fee Schedules", establishing Communication Tower Fees. Has this been properly advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR YUDELSON

Is there anybody who would like to speak on this Public Hearing? *(Pause, no response)*
If not, I'll close this Public Hearing, and ask for the first Resolution.

RESOLUTION #12-132/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

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

EXHIBIT A

Bills Payable dated 05/21/2008

\$ 256,913.71

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 #12-133/2008

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, women are a major part of the citizenry of the Town of Henrietta,
and

WHEREAS, the contributions of the Town's women residents are many and
varied, and deserve recognition.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta,
in recognition of women, declares the week of May 19th "Women's Week" throughout
the Town.

COUNCILWOMAN McCABE

This is in conjunction with the Antoinette Brown Blackwell presentation.

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 #12-134/2008

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, the Town of Henrietta requires bids for the Year 2008 Sanitary Sewer Repair Project for the spot repairs to the existing sanitary sewer on Aleta Drive, Amsden Drive, Crockett Drive, Pinnacle Road, Sienna Drive, Sussex Road, and Valiant Drive to conform with construction plans and specifications on file in the Town Clerk's Office, with bids to be opened at 10:00 A.M. on Wednesday, July 2, 2008, and received no later than 9:30 A.M. on Wednesday, July 2, 2008.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Year 2008 Sanitary Sewer Repair 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 Yudelson	voting	Aye

Carried

RESOLUTION #12-135/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, Forest Creek Equity Corporation, the Developer of Berkshire Park Subdivision, Section 3 (located on Westcombe Park) has submitted an Engineer's Estimate for construction of all site improvements for said subdivision section, and

WHEREAS, the Director of Engineering and Planning has reviewed the estimate prepared by Corneles Engineering, P.C., and has found it acceptable in amount and form, and

WHEREAS, the Town Board wishes to ensure proper and complete installation of all site improvements required by the Town.

THEREFORE, BE IT RESOLVED, that the Developer, Forest Creek Equity Corporation, submit a Letter of Credit in favor of the Town in the amount of \$1,892,799.00.

BE IT FURTHER RESOLVED, that the Letter of Credit be in a form acceptable to the Town Attorney.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MULLIGAN

Just under discussion, briefly, who calculates all these different amounts? Is that done by the developer, and then reviewed by us? Because that's a lot of work.

SUPERVISOR YUDELSON

Mr. Byrne, are you able to comment on that?

MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING

The Engineer of the developer prepares those, and we review them.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR YUDELSON

Further 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 #12-136/2008

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, the Town of Henrietta has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA's Phase II Stormwater Regulations under the Clean Water Act of 1999, and

WHEREAS, the Phase II Program requires each MS4 to prepare a Draft Annual Report on the Town's efforts to protect and improve the water quality of our streams and water bodies, and

WHEREAS, the public is invited to review the Draft Annual Report and provide input, and

WHEREAS, a Draft Annual Report has been prepared in conformance with the Phase II Regulations by the Engineering and Public Works Departments, and

WHEREAS, the Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, New York by June 1, 2008.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta accepts said Draft Annual Report and such report is available for public review at the Town Hall in the office of the Town Clerk.

BE IT FURTHER RESOLVED, that all comments on the Draft Annual Report will

be incorporated into the Final Annual Report to the New York State Department of Environmental Conservation.

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 #12-137/2008

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, the Commissioner of Public Works has requested authorization to attend the Annual PERMA Safety Conference at the Sagamore Hotel in Bolton Landing, New York on May 22, 2008 through May 23, 2008, and

WHEREAS, PERMA covers the cost of meals and lodging for one (1) employee of the Town, and

WHEREAS, the Town Board supports and encourages additional training for all Town employees.

THEREFORE, BE IT RESOLVED, that Dean C. Marshall, Jr., Commissioner of Public Works, be hereby authorized to attend the two (2) day Annual PERMA Safety Conference at a cost not to exceed \$100.00, to include Thruway tolls and the use of a Town vehicle.

BE IT FURTHER RESOLVED, that all properly prepared vouchers be submitted to the Director of Finance for reimbursement.

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 #12-138/2008

On Motion of
Councilwoman McCabe

Seconded by
Councilman Moore

WHEREAS, a Public Hearing was held on May 21, 2008 at 8:00 P.M. at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York before the Town Board of said Town to consider the proposed Amendments to the Town Code of the Town of Henrietta Chapter A301 entitled, "Fee Schedules" of the Town Code of the Town of Henrietta to establish Communication Tower Fees, in accordance with the attached Schedule of Proposed Fees, known as Exhibit A, and

WHEREAS, no adverse comments or opposition were heard.

THEREFORE, BE IT RESOLVED, that the amendments to Chapter A301 entitled, "Fee Schedules" of the Town Code of the Town of Henrietta to establish Communication Tower Fees, be hereby adopted, as attached.

SUPERVISOR YUDELSON
Discussion?

COUNCILWOMAN McCABE
Under discussion, I'd like to thank Jeff for bringing this to our attention.

SUPERVISOR YUDELSON
Thank you. Further discussion? If not, 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 #12-139/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, the Town of Henrietta's Year 2008 Application to the Monroe County Office of the Aging for the Congregate Meals for the Elderly Agreement (Senior Meals Program) has been approved, and

WHEREAS, this Program provides nutritionally balanced meals to Seniors four (4) times a week, and

WHEREAS, the Town is committed to providing needed services to our Seniors.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to sign the Congregate Meals for the Elderly Agreement between the Town of Henrietta and the County of Monroe for the operation of the Year 2008 Senior Meals Program.

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

For the Record, tonight's Agenda included Resolution No. 12-140/2008. That will not be introduced tonight to give the Town Board an opportunity for further discussion. Having said that, at this point, is there any matter that anyone would like to discuss involving the Town of Henrietta? Sir?

LINUS RAUTENSTRAUCH, 1412 MARTIN ROAD

Good evening, Linus Rautenstrauch, 1412 Martin Road, West Henrietta. Supervisor Yudelson, Town Board members, coming up in the summer months, according to this summer's program book here, there's going to be an event at the Martin Road Park, a fishing American Legion Ely-Fagan fishing derby. I'd like to bring to your attention, also, during the month, it's going to be August 2nd. During the month of July, the Elks, the Rochester Elks are going to have the fresh air children from New York City, that'll be staying in the area, they will be holding a fishing event there, also. I'd like to advise you that it might be some place in the near future that maybe somebody from the Town would be able to clean up the pond a little bit, I don't know, either rakes, you got boats, barges, whatever to bring them in, and clean the algae up. It is horrendous. This was dug five (5) years ago, and Bill Dykstra said, "We'll never have any algae there because we dug it deep, and sharp drop offs." Well, something happened, I don't know what it was, but we have algae. And, I was just wondering if there is such a thing as storm water management that that would come under to help clean up that particular problem. Also, some information that I retained off the internet, pool algae can strike any size pool at any time. Let's face it, there's absolutely nothing that you can ruin your experience around the serene and relaxing pond or fountain anymore than that green slimy gunk that floats on the water surface or coats everything in its path. Not only is algae a hideous eye sore, but in nearly every case, there's an obnoxious smell that goes with it, nothing serene and relaxing here. So, just to bring it to your attention, there's people using that all the time, and not that I'm out there bringing in the fish, and selling it at Palmer's Market, but, you can't do that. With the adults and children out

there, they put the fishing pole out there, bring it in, and what do they have? Algae. And, after awhile the kids comments are horrendous, they are really funny, some of these kids. But, it would be nice, maybe there's a way, you know, it's not buying the product, it's maintaining it. And, that's where the problem comes in. It's a job, but somebody's got to take care of them. I know people don't want to hear that, I don't want to say that I'm a complainer, but it might be a constructive comment. I'll tell you a little story, in Florida, we met some people, ironically, they're from Pittsford, and they just enjoy the Town Parks in Henrietta. I was just wondering when they were going to move here and pay the taxes. You know, pay for the Town Parks. Other than that, thank you, very much.

SUPERVISOR YUDELSON

Thank you, very much Linus. Is there anybody else who would like to speak at this time? *(Pause, no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman McCabe, seconded by Councilwoman Zinck at 8:35 P.M. and passed unanimously.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk