

**HENRIETTA TOWN BOARD
AGENDA
September 3, 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): August 20, 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 #17-187/2008
Authorize Accounts Payable

RESOLUTION #17-188/2008
Authorize Reappointment of Board of Assessment Review Member

RESOLUTION #17-189/2008
Authorize Attendance of Annual New York State Assessor's Association
Conference

RESOLUTION #17-190/2008
Call for Public Hearing - Proposed Establishment of Extension No. 202 (2100
Hylan Drive) to Henrietta Sewer District No. 1

RESOLUTION #17-191/2008
Authorize Supervisor to Sign Application for Court Grant

RESOLUTION #17-192/2008
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 3rd DAY OF SEPTEMBER, 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

Is there anybody who would like to speak on any items that are on the Agenda, Agenda items at this point? Mrs. Warren, welcome.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Thank you. Rachel Warren, 59 Tomahawk Trail. I noticed in Resolution, let's see what was it, concerning the Extension of the water system on Hylan Drive, and it talks about acquiring land and rights-of-way, and so on, what kind of effect is that going to have on homeowners on Hylan Drive, if any?

SUPERVISOR YUDELSON

Yeah, well, that won't effect it but I'm going to ask Mr. Byrne, our Engineer, to come up and describe what that Resolution is about.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Thank you.

MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING

It's an Extension of a sewer district for an existing house that's going to be knocked down and converted into apartments.

RACHEL WARREN, 59 TOMAHAWK TRAIL

(Away from mic, inaudible)

MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING

They're putting new apartments in.

SUPERVISOR YUDELSON

This is . . .

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MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING

They're knocking down a house, and that house is not on a sewer district, so that's why they're adding a sewer district.

SUPERVISOR YUDELSON

These are across from the Cracker Barrel on Hylan Drive, there already are some apartments there and they're building some more of the same, and extending that right next to it. Thank you. Is there anyone else who wants to speak on Agenda items? *(Pause, no response)* If not, could I have the Approval of the Minutes, please?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we Approve the Minutes of August 20, 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

May I have the first Resolution, please?

RESOLUTION #17-187/2008

On Motion of
Councilwoman McCabe

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 09/03/2008	\$ 281,477.90
EXHIBIT B	Manual Bills Payable	\$ 19,883.40

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

COUNCILMAN MULLIGAN

Under discussion, Methodist Hill, under a Manual Bill, is that a company that's tied to LeFrois for some of the space we rent?

SUPERVISOR YUDELSON

It is, yes.

COUNCILMAN MOORE

Why did we do that as a Manual Bill?

SUPERVISOR YUDELSON

For lease payments and/or utilities, I don't know the specifics of that one, the print is too small for me. Mr. Liess is out with his foot injury tonight, but it was to go with the lease payment, and as you know, those are payments that we do make with manuals to make the deadlines.

COUNCILWOMAN McCABE

So, we don't have to pay any interest?

SUPERVISOR YUDELSON

We don't pay, usually late fees, but if they're provided for in a lease agreement, then we would be subject to those, and in those cases we do Manuals. Any other questions? *(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 Yudelton	voting	Aye

Carried

RESOLUTION #17-188/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, the term of John Schmitt, Board of Assessment Review will expire as of September 30, 2008, and

WHEREAS, Mr. Schmitt has requested reappointment, and

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WHEREAS, the Henrietta Town Board wishes to maintain the Boards at their authorized strength for maximum input.

THEREFORE, BE IT RESOLVED, that John Schmitt, 139 Campfire Road North, Henrietta, New York 14467, be reappointed to the Board of Assessment Review for a five (5) year term effective October 1, 2008 and expiring September 30, 2013.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MULLIGAN

Just under discussion, John is here, and we understand that it's been reported that you bring a very settling, rational approach to the Board.

COUNCILWOMAN ZINCK

Calming.

COUNCILWOMAN McCABE

Very calming effect. Thanks.

COUNCILWOMAN ZINCK

Just like Bill does to our Board.

COUNCILMAN MULLIGAN

John, can we meet later because I need help in that area. *(Laughter)*

COUNCILWOMAN McCABE

Please, John, help him.

SUPERVISOR YUDELSON

Thank you, for your service, John. 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 #17-189/2008

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

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WHEREAS, the Town Assessor has requested authorization to attend the New York State Assessor's Association Seminar on Assessment Administration and Annual Meeting to be held at the Hudson Valley Conference Center, Kerhonkson, New York on September 21, 2008 through September 24, 2008, and

WHEREAS, funds are available in the 2008 Budget, and

WHEREAS, the Town Board supports and encourages such participation for all Town employees.

THEREFORE, BE IT RESOLVED, that Nathan Gabbert, Town Assessor, be hereby authorized to attend the New York State Assessor's Association Seminar on Assessment Administration and Annual Meeting at a reimbursable cost not to exceed \$1,200.00.

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

SUPERVISOR YUDELSON
Discussion?

COUNCILWOMAN ZINCK
Councilman Moore, where is that again?

COUNCILMAN MOORE
Kerkonkson. *(Laughter)*

SUPERVISOR YUDELSON
Can you say that three (3) times fast, please? *(Laughter)* 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 #17-190/2008

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 202 (2100 HYLAN DRIVE) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED ON THE EAST SIDE OF HYLAN DRIVE AT 2100 HYLAN DRIVE IN THE TOWN OF

HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

WHEREAS, a written Petition in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Henrietta, County of Monroe, New York for the establishment of Extension No. 202 (2100 Hylan Drive) to Henrietta Sewer District No. 1 bounded and described as set forth on exhibits now on file in the Town Clerk's Office, and

WHEREAS, the improvements proposed consist of a sewer system to serve the said Extension No. 202, including the acquisition of the necessary rights-of-way therefore, in accordance with a certain map and description made a part of such Petition and now on file in the Office of the Town Clerk of the said Town, and

WHEREAS, the maximum amount proposed to be expended for the said establishment of the said extension and the construction of said sewer system, including the acquisition of any necessary lands, easements and rights-of-way within and also outside of the limits of the proposed District Extension shall be borne by the owners and developers of the land included in said extension.

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, 475 Calkins Road, in the Town of Henrietta, Monroe County, New York on the 1st day of October, 2008 at 8:00 P.M. to consider the said Petition and to hear all persons interested in the subject. Notice of said Hearing shall be published and posted 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 #17-191/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, the Town Court of the Town of Henrietta is applying for the Annual 2008 Justice Court Assistance Program, in the amount of \$13,360.09, plus various equipment, and

WHEREAS, this Grant is to replace various equipment and furniture within the Court Offices.

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THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, is hereby authorized to accept and sign the Application for the JCAP Program.

SUPERVISOR YUDELSON

Under discussion, I just wanted to describe to the Board, this Application, the wording of it as far as the dollar amount and then plus various equipment, the way that it is structured some of the items have a dollar amount with them, and you can see where it was gone through and just added up, there is another page where there is equipment where you can just ask for a certain number like calculators with no dollar amounts, it is attached, so that's the reason for the wording, and once again, my apologies, we missed this as far as having this on the Workshop Agenda, and lastly you'll see from the packet here that the Application deadline was August 31st, this came to us from the Court very late, so we did go ahead and send it in with the statement to them that the Resolution would be passed tonight.

COUNCILMAN MULLIGAN

A point of clarification, I see on Application Part "D", under "security" at the bottom of the page, it talks about a hand held metal detector, and a walk through metal detector, is there a chance we may get those, or not?

SUPERVISOR YUDELSON

Yes.

COUNCILMAN MULLIGAN

Good.

COUNCILWOMAN McCABE

It doesn't, it's not . . .

SUPERVISOR YUDELSON

Only whatever is marked, oh, I'm sorry, I see what you're saying. No, you have to look over to the right and see the things they asked for.

COUNCILWOMAN ZINCK

Where the checks are.

SUPERVISOR YUDELSON

And, in particular, I'll just mention as far as security related things, which we certainly would like to pursue, as you know there was a meeting with two (2) of the Justices earlier this summer to discuss this and ran through some modifications they wanted to the Court, and they were told at that time what they would have to do, what information they would have to gather to be able to submit it, and that did not happen. As far as metal detectors and that kind of thing, there really was not a plan from them on how they would

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staff that with the Court staff, so they did not make that request at this time. The items we are asking for, I'll just mention was this Application at the last point was put together by Linda Kelley from their office with the help of Mario Angotti, our IT person.

COUNCILWOMAN McCABE

I guess I'm a little curious as to why with this grant money available that they didn't ask for a walk through detector or a hand held, and then when they got it, or after they applied and they got it, then come to us and say, "Look, we need to have a constable, or somebody else that will handle it." I think this is, you ask for it, the money is there, you ask for it, they've been bugging us to get some security for them, and they don't even put it in the grant. This really annoys me when they, and then they come back at us, I would suggest that we, you know, I'm going to make an Amendment here!

SUPERVISOR YUDELSON

Well, just let me stop you before you do that, because of the deadline of the 31st, we had to already submit this, so we're not going to be able to change the Application.

COUNCILWOMAN McCABE

It's submitted, okay.

SUPERVISOR YUDELSON

Yes, because for some of the other things related to this security that they asked us about, we told them about the quotes that were required to go along with it, they as you know, had asked about some reconstruction of the Court space, and since they were not able to provide us with those quotes, we couldn't include it in the grant.

COUNCILMAN MOORE

Could we ask the Judges as to why they didn't want these things?

SUPERVISOR YUDELSON

Sure.

COUNCILMAN MOORE

Could we send a letter to them and ask them that?

SUPERVISOR YUDELSON

Sure.

COUNCILMAN MOORE

They were concerned about security, and they brought it up to us, and why didn't they ask for it?

COUNCILMAN MULLIGAN

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The other part of it is, Mr. Supervisor, that Mr. Donsky didn't get us this until August 29th, and did you say it was a September 1st deadline?

SUPERVISOR YUDELSON

Right.

COUNCILMAN MULLIGAN

He signed and dated this the 29th of August.

SUPERVISOR YUDELSON

It was definitely a last minute effort, even though we had talked about it back, the meeting probably took place in the beginning of July.

COUNCILMAN MOORE

They're probably busy.

COUNCILWOMAN McCABE

No further comment.

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 #17-192/2008

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

BE IT RESOLVED, that the following persons be hired:

Kelly Attridge

Recreation, Part-time Assistant @ \$7.50/hr.,
effective 8/31/2008.

Shannon Baker

Recreation, Part-time After School Assistant @
\$7.50/hr., effective 8/31/2008.

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John Bunce, Jr. Recreation, Martial Arts Instructor @ \$8.50/hr., effective 8/31/2008.

David Wilson, Jr. Crossing Guards, Part-time Crossing Guard @ \$9.60/hr., effective 9/3/2008.

Amanda L. Moran Town Clerk, Part-time Clerk @ \$11.00/hr., effective 9/10/2008.

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

Marcus Robinson Recreation, Part-time After School Director @ \$10.25/hr., from Part-time Assistant Director @ \$8.75/hr., effective 8/31/2008.

Christopher Mount Recreation, Part-time After School Assistant Director @ \$9.00/hr., from Assistant After School Director @ \$8.50/hr., effective 8/31/2008.

Patrick Herman MEO @ \$16.02/hr., from Laborer A @ \$13.42/hr., effective 9/1/2008. (Per Collective Bargaining Agreement).

Joshua Marshall Part-time Seasonal @ \$8.50/hr., from Part-time Wingperson @ \$8.50/hr., effective 9/4/2008.

Recreation As per the Attachment.

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. At this time, is there anybody who would like to speak on any other item involving the Town? Mrs. Warren?

RACHEL WARREN, 59 TOMAHAWK TRAIL

I know I've been absent from meetings for months on end, but I've been looking at what is going on in the Town, and I'm having, how should I say, pains about the community sustainability again. What has happened with the Yost Farm being preserved, has anything been done about that? You offered to do something with conservation at the time.

SUPERVISOR YUDELSON

Right, we did talk about that, we met, Councilman Moore and myself, and the Yost men, and we also talked to the people from Cornell about that, and there was an agreement to wait until the farming season was winding down, which would be soon, and then do that, and what we had talked about was with that particular grant that they were entrusted to see if the Town was going to be involved, who else that did farming in the Town might be interested in that so we could do it, you know, equitably, to be put the word in to see if the Town was going to have some involvement in supporting that grant and do it for all who might be interested in and qualify.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Is anybody going after, what's going to happen to the Bean Farm, they had a big fire? Is that property being vacated, and nothing being done about the land?

COUNCILMAN MOORE

I can speak to that. There's only about fourteen (14) acres left at the top of the hill that Mr. LeFrois doesn't own at this point in time. And, right now they're talking about renovating the house, and I think they actually have bought a motor home to live in until they renovate the house.

RACHEL WARREN, 59 TOMAHAWK TRAIL

So, they wouldn't stay there. I'm really concerned about farms, and let me tell you why. I spoke about this in 2002 when I was, how shall I say, accused of being a racist by the previous Supervisor, but our schools are becoming over crowded, and the reason I think we need to preserve some farm land is (*inaudible*) they have to build five (5) new classrooms at Leary School to take care of the population. (*inaudible*) which we were supposed to preserve early when the Comprehensive Plan came out in 2002, and the second thing that's happening is all of these people who are re-locating like Petsmart, went from one (1) plaza to another plaza, could you at least tell me if they're getting C.O.M.I.D.A. money and tax breaks for moving?

SUPERVISOR YUDELSON

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Petsmart in particular, I don't know about. I know criteria for C.O.M.I.D.A. is construction that leads to new jobs. So, if somebody just moves from one (1) to another, I don't believe they'd be eligible for that part of C.O.M.I.D.A. as we talk about with new buildings, there's other programs within C.O.M.I.D.A. that I wouldn't know if they qualify.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Do they get tax exemptions when they . . .

COUNCILWOMAN ZINCK

Rachel, I don't think they do for retail, do they?

COUNCILWOMAN McCABE

No.

COUNCILWOMAN ZINCK

Do they for retail?

COUNCILMAN MOORE

Retail is exempt.

SUPERVISOR YUDELSON

Retail is not, yeah, so any of them . . .

COUNCILWOMAN McCABE

No.

SUPERVISOR YUDELSON

Retail would be a whole different thing because they are exempt, but I mean, the companies that do qualify that just move from one (1) spot to another, if they took for instance, the same number of jobs with them, that's not what C.O.M.I.D.A. benefits are about.

COUNCILWOMAN ZINCK

Part of the problem with the farm preservation too is, you need to have someone that's willing, and who has the desire to keep the farm going as a farm, and if you have a lot of other people that have wanted to preserve other than the Yosts . . .

COUNCILMAN MOORE

We did with the Yost Family.

COUNCILWOMAN ZINCK

Yeah, but anybody else?

COUNCILMAN MOORE

We haven't really looked for any people.

COUNCILWOMAN McCABE

(Inaudible) with regard to the housing in West Henrietta, most of that was built for . . .

RACHEL WARREN, 59 TOMAHAWK TRAIL

I said south of the Thruway.

COUNCILWOMAN McCABE

Oh, south of the Thruway, okay, but even south of the Thruway there's, most of it was either owned prior to the Plan going into effect because right now they do have to come in for Rural, they have to look at the rural nature of that land, but a lot of it was done prior to, and their children are now old enough that some of them were young families, a lot of young families went in there, and the children are old enough to go into the schools, and that's . . .

RACHEL WARREN, 59 TOMAHAWK TRAIL

But, we had a choice, and, we were supposed to have a choice about, because the people wanted to preserve the land just south of the Thruway with the survey that was taken in 2001, I remember this very clearly.

COUNCILWOMAN McCABE

Well, that's why we put the Plan in.

RACHEL WARREN, 59 TOMAHAWK TRAIL

The choice was to build houses, and that was the choice that was offered at whatever you want to call it, the conference that they had, and I sat in, and there were people saying, "Reserve the farm land." And they kept saying, "No, we want this rural urban development." That was quite a night. I am concerned about the long term sustainability of the community if we don't try to preserve something. And, there is a reason, people may not be doing farming as we know it today in the future, but greenhouse farming is going to be something that's really big so that we can grow vegetables and fruits year round, and they're going to need places to put the greenhouses. So, I hope that you'll keep that in mind, and at least go out in the community and talk to the farmers. Thank you, very much.

SUPERVISOR YUDELSON

Thank you, Mrs. Warren. Is there anybody else who wanted to speak?

KEVIN YOST, 1474 MIDDLE ROAD

Kevin Yost, 1474 Middle Road. I have come to speak about another, Rachel just spoke about our assets of farm land and natural space. I'd like to speak about another, not

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quite a natural assets, but park land that has multiplied the past several years in Town and some improvements. I know, I think it was last year there was a Public Hearing on the Parks Master Plan, and not to insult and members of the media who may be here, but of course it's hard to find Public Hearings in the media now days, unless you have a high powered microscope, anyway, I know this gentleman spoke here at the Budget meeting last year asking about dog parks, which I'd like to see in Veterans' Park and Martin Road Park, and Tinker and River Front Park, even though it doesn't affect me personally, I don't own a dog. And, then the part of the Lehigh Valley Trail that is original the edge of Veterans' Park here, it was actually a fitness trail about fifteen (15) years ago by the Rotary and their club at the high school. The amenities there are starting to fall apart and hopefully could be fixed up by Town crews or by the Rotary, or some other group. The restrooms behind Bushman and the playground are aging in Veterans' Park, I'd like to see those more like the ones at the Martin Road Park that were just installed, and over here by where the Senior Center is now is a little stand that says, "West Town Garden Club", which no longer exists, 1965, what that was, was a sun dial and when I was doing my Eagle Project seventeen (17) years ago in planting trees in the park and preparing for that, I was told by the Park's Director at the time that it had been vandalized by youth at one (1) point or another, so you just have to stand in the engraving on it by the Senior Center parking lot, and it would be nice to see, and of course the park wasn't closed at night then, and there were no park police at that point, so I'd like to see a sun dial back there. You can buy them cheap at Home Depot or Lowe's or some other garden store, and possibly plant flowers around it, or Scout's can help with that or the dog parks, or the fitness trail portion of the Lehigh Valley Trail around Veterans' Park. Thank you.

SUPERVISOR YUDELSON

Thank you, Kevin. Anyone else? *(Pause, no response)* Is there a motion to adjourn?

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman McCabe, seconded by Councilwoman Zinck at 9:03 P.M. and passed unanimously.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk