

**HENRIETTA TOWN BOARD
AGENDA
NOVEMBER 5, 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): October 15, 2008
6. Miscellaneous Communications
7. Public Hearing:
 - Fiscal Year 2009 Preliminary Budget for the Town of Henrietta; Proposed Salaries for Elected Town Officials are: Supervisor, \$90,125; Councilpersons, \$18,133; and Town Judges, \$26,708
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

RESOLUTION #21-216/2008
Authorize Accounts Payable

RESOLUTION #21-217/2008
Authorize Payment - Certiorari Attorney for Legal Services

RESOLUTION #21-218/2008
Authorize Appraiser Services

RESOLUTION #21-219/2008
Accept Dedication of Sanitary Sewers – The Preserve Subdivision, Section 7

RESOLUTION #21-220/2008
Accept Dedication of Sanitary Sewers – The Burns Subdivision

RESOLUTION #21-221/2008
Authorize Change Order # 1 – 2008 Sanitary Sewer Repairs Project

RESOLUTION #21-222/2008
Authorize Supervisor to Sign Abandonment of Easement – Edwards Development Company

RESOLUTION #21-223/2008

Authorize Acceptance of Sanitary Sewers – Park Point

RESOLUTION #21-224/2008

Declare Items Surplus Equipment

RESOLUTION #21-225/2008

Authorize Monroe County Empire Zone Concurring Resolution – Brinkman Precision

RESOLUTION #21-226/2008

Designate an Official Town Bank – Five Star Bank

RESOLUTION #21-227/2008

Authorize Financing - One (1) Ten Wheel Plow/Dump Truck

RESOLUTION #21-228/2008

Adopt Fiscal Year 2009 Final Budget

RESOLUTION #21-229/2008

Authorize Agricultural Lease Renewal - Mark Greene, Property on Calkins Road

RESOLUTION #21-230/2008

Award Field Work – RHAA Fields

RESOLUTION #21-231/2008

Adopt Official Undertaking of Receiver of Taxes and Assessments

RESOLUTION #21-232/2008

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 5th DAY OF NOVEMBER, 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
Leann C. Case, Deputy Town Clerk

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Is there anybody that would like to speak on any items that are on the Agenda for tonight's meeting, separate from the Public Hearing on the 2009 Budget? *(Pause, no response)* If not, can I have the Approval of the Minutes, please?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we Approve the Minutes of October 15, 2008.

COUNCILMAN MOORE

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

At this point, we have a Public Hearing on the Fiscal Year 2009 Preliminary Budget, and before opening the floor for speakers, I just wanted to first of all thank Paul Liess, our Finance Director and the Department Heads for helping us to prepare the Budget that then was submitted to the Town Board for their consideration, and also thank you to Councilwoman McCabe with the Finance Committee, and the entire Board, for preparing

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the document that is before us tonight for consideration. Another thing I want to state just for the Record, is that the Town of Henrietta Budget that we have the Hearing on tonight, has an attachment to it, the Henrietta Fire District Budget, and the Fire District Budget is considered separately. The Town Board has no review or approval or involvement, and that is heard by Fire Commissioners, they have had the Public Hearing on their Budget, and approved it, and have submitted it to the Town Board as required by Law, and it will be attached to the Town Budget. Having said that, is there anybody who would like to speak on the 2009 Budget? I saw Mrs. White's hand first.

BETH WHITE, 128 EAGLE PINE WAY

Beth White, 128 Eagle Pine Way. I only have a few questions here.

COUNCILWOMAN ZINCK

Oh my goodness, yes you do! *(Referring to the handful of documents)*

BETH WHITE, 128 EAGLE PINE WAY

I have spent a lot of time on this Budget, probably as much time as you people have, and Paul has been very gracious in answering some of my questions, however, I do have a lot of questions that I won't do individually, but "Contractual Expenses" seem to be awfully high in almost every single Budget line, and I'm just wondering exactly what are "Contractual Expenses", and why are they so high?

SUPERVISOR YUDELSON

Well, in general, the "Contractual Expenses" are, to use a more informal term, "spending money", separate from the personnel money, than capital projects and equipment, things that are deemed equipment because of the definition set by the State where they cost more than a certain amount of money and have a life expectancy of more than a year, but everything else for any vendors that we would pay, contracted services or just buying supplies for different departments, you know, pens, envelopes, all that kind of stuff comes under Contracted Services. I would say as far as an observation about them seeming pretty high is that we don't mention that overall the Budget and expenses are up just three percent (3%), and most of that is driven by personnel costs and fuel expenses, the increase in fuel costs, and materials for like paving and all that, that are also tied to the cost of fuel. When you back some of those out, probably all the other types of money there would be a decrease.

BETH WHITE, 128 EAGLE PINE WAY

I appreciate that explanation.

SUPERVISOR YUDELSON

Sure.

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BETH WHITE, 128 EAGLE PINE WAY

My next question is does each Department itemize what these expenses will be?

SUPERVISOR YUDELSON

They do. The document that I think you reviewed, that was posted on the website, is a compilation, it's the required format from the State, but it's based on submissions that are made by each of the Department Heads that have great amount of detail of what they'll be spending that money on, and is reviewed by the Finance Director and myself, and quite a few cuts were made to those, we reduced them quite an amount from what the Department Heads submitted in the Tentative Budget that was submitted to the Town Board for their consideration.

BETH WHITE, 128 EAGLE PINE WAY

Okay, I will move on. Tinker Homestead Nature Park, I would like some explanation about that. The personal services of twenty-eight thousand, six hundred and ninety-five (\$28,695) I understand, I have no problem with that, however, there's an eighty-four thousand dollar, I mean, eighty-four, seven hundred ninety dollar (\$84,790) "Curator Tinker Homestead", what is that?

SUPERVISOR YUDELSON

Are you saying as far as the whole Budget, that page of the Budget, that section of the Budget is for the Tinker . . .

BETH WHITE, 128 EAGLE PINE WAY

It's page fourteen (14), and it's just the Tinker Homestead, and it just says "Curator Tinker Homestead" . . .

SUPERVISOR YUDELSON

In general, I'm going to defer to Mr. Liess on that, but basically that section of the Budget is for the Tinker Museum as contrasted to the Nature Center, but if you want to talk about specifics about what's contained in there, I would have to ask Mr. Liess. I might suggest maybe rather than have you run back and forth if you could kind of keep track of, if you had some other questions that would ultimately be answered by Paul, you know, ask those now, and then we'll ask him to answer those collectively.

BETH WHITE, 128 EAGLE PINE WAY

All right, and then there's also fourteen thousand dollars (\$14,000) "Curator Miscellaneous Tinker Homestead."

SUPERVISOR YUDELSON

That's in the same category; I'll let Paul speak to the detail of that.

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SUPERVISOR YUDELSON

If that's your section for Tinker, if that's your question, I'll let Paul answer that at this time.

BETH WHITE, 128 EAGLE PINE WAY

Okay.

SUPERVISOR YUDELSON

He's right over your shoulder.

BETH WHITE, 128 EAGLE PINE WAY

Oh.

PAUL LIESS, DIRECTOR OF FINANCE/PERSONNEL

The first item that you mentioned was the one hundred (100) line, which is actually the Parks, that is the maintenance that the Parks Department does up there for the Park. The Curator aspect is the one hundred and fifty (150) line, which is actually (*inaudible*)

BETH WHITE, 128 EAGLE PINE WAY

Okay . . .

PAUL LIESS, DIRECTOR OF FINANCE/PERSONNEL

Now, when you ask about the four hundred (400) line for Tinker, that is their operation expense for all of the events that they do and any teaching (*inaudible*)

COUNCILWOMAN ZINCK

Yeah, that's him right there in front.

BETH WHITE, 128 EAGLE PINE WAY

I have a question about the Library, personal services (*away from mic, inaudible*)

SUPERVISOR YUDELSON

Paul, would you know, it's a very big staff to run the Library, absolutely.

COUNCILWOMAN ZINCK

Yeah.

SUPERVISOR YUDELSON

I'm not sure if Paul has that number off the top of his head.

COUNCILWOMAN ZINCK

I don't know how many, I'd say twenty-five (25) or thirty (30).

BETH WHITE, 128 EAGLE PINE WAY
(Away from mic, inaudible)

SUPERVISOR YUDELSON

Absolutely, the Budget for the Library is just under a million dollars (\$1,000,000), and about seventy percent (70%) of it is staffing. You know, remember too that they're not just open nine to five (9-5), they have extended hours, and that would include both full-time and part-time employees.

COUNCILWOMAN ZINCK

Seven (7) days a week.

BETH WHITE, 128 EAGLE PINE WAY
(Away from mic, inaudible)

SUPERVISOR YUDELSON

Sure, please do.

COUNCILWOMAN McCABE

Through you . . .

SUPERVISOR YUDELSON

Yes.

COUNCILWOMAN McCABE

I just wanted to make a statement, too, that the Library Budget before we get it is already approved by the Library Board, and then it goes to the Town. So, they look at it, as well, and those are all paid volunteers that look it over, same with *(inaudible)* so, and then we meet with them as we do with all the Department Heads, we meet with them after the Supervisor gives us the Tentative Budget, we meet with everybody, all the Department Heads, and the Library and discuss their Budget with them, and then the Town Board, if they want to make some changes, submits a letter to the Supervisor and then comes up with the Preliminary Budget, which we have here tonight. So, the Budget has been gone over by, the Library Budget has been seen by their Library Board, as well.

SUPERVISOR YUDELSON

Just to add onto what Councilwoman McCabe is saying, Under State Education Law, which governs operation on the Public Libraries, although the Town Board can adjust the appropriations, they ask when we set that, they control how those funds are used, they set salaries, they control what is purchased, etc., once the Town Board sets their Budget.

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BETH WHITE, 128 EAGLE PINE WAY
(Away from mic, inaudible)

COUNCILWOMAN McCABE
Whole purchasing.

SUPERVISOR YUDELSON

Many of the items are purchased under State or County Contract, which would give us fixed pricing regardless of the amount we're buying, I guess it would depend on which lines we're talking about and you know, for specifics I'd have to defer to Mr. Liess, but a lot of that is done under Contract, and Mr. Liess approaches again.

PAUL LIESS, DIRECTOR OF FINANCE/PERSONNEL

The general charge backs is charged through the garage, so yes it was one (1) purchase, and then it is allocated out to each Department (*inaudible*) if you're looking at grass seed and drainage, versus Highway and Parks, each one (1) of those points is a separate entity (*inaudible*)

SUPERVISOR YUDELSON

That's the accounting part, but if I understand your question that you're getting at is are we taking full advantage of being able to purchase collectively and cost effectively, and that's why I'm having Mr. Liess speak to that. Quite a bit of what we're talking about is under County Contract or State Contract, which that's the intent of those Contracts being available to us.

BETH WHITE, 128 EAGLE PINE WAY
(Away from mic, inaudible)

SUPERVISOR YUDELSON

Well, I would, you know, prefer to keep the Public Hearing on the Town Budget just about that, I'm sure some of the Fire Commissioners are here and might be able to speak to you later, but I would not want to, they've conducted a Public Hearing that was advertized on their website, and have approved their Budget, so they might be able to answer your questions. The Town Board does not have any authority over that what so ever, I don't think it would be appropriate for us to do that here.

BETH WHITE, 128 EAGLE PINE WAY
(Away from mic, inaudible)

COUNCILWOMAN McCABE

We can't because this is our Budget and that's their Budget, and we have to keep the two (2) separate. Thank you.

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COUNCILMAN MULLIGAN

That was a good question though.

COUNCILWOMAN McCABE

I know, we're only allowed to attach their Budget to ours, we have no say over it, we attach it, and then send it on to the State and that's it. But, I'm sure, if you ask questions, I'm sure Frank will be happy to talk with you.

COUNCILWOMAN ZINCK

And, if they aren't, I'm sure they'll arrange time to do that on the phone or whatever.

COUNCILWOMAN McCABE

Yeah.

BETH WHITE, 128 EAGLE PINE WAY

Thank you.

COUNCILWOMAN McCABE

Thank you.

SUPERVISOR YUDELSON

Mr. Schmitt?

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

John Schmitt from 139 Campfire Road North. My comments will be far more general than the specifics from Ms. White. First of all, thanks for having the Budget on the web page, I can now stop bugging Mrs. Shaffer in August about when the Budget will be ready, that is a big help, of course there was a big jump to see the five plus million dollars (\$5,000,000) for the Fire Department (*inaudible*) My questions are a little bit more about the theory and presentation of the Budget, when the various Supervisors, Department Heads, whatever, go over the Budget, do they just kind of answer questions about what they want in the Budget, or do they go through what they used to call a "zero base Budget", from start, from no place and slowly build up to what you need. The problem, obviously, it can take a lot of time to do all that, but we have professionals for Department Heads who, I'm sure they can get some assistance, but what it does is it prevents somebody from constantly building up of what they have and not realize it, and determine certain expenses and so forth. I just wondered if that came into the process at any point?

SUPERVISOR YUDELSON

I think as opposed to, you know, the fact that this is a year-to-year Budget, and much of what we do repeats from year-to-year, you know plowing, taking care of the Parks, putting on Recreation programs, the answer would be that the format is basically the

same. As far as the concern that I think you're making about you know, starting from the amount that was in there prior, that's part of the review process when they submit it to us because that was compared against prior year expenses, the expenses for this year to date, and then looking forward to next year, and taking into consideration things like the increase of fuel costs, or whatever the case may be, revenues that might come in to offset, you know for instance, recreation programs that kind of thing, so although it might look very similar I think that the process happens, you know a lot of our Budget obviously is personnel costs, and those, unless we change the staffing of a Department, which has not happened that often because the Board is very careful about adding personnel costs and increasing the size of our staff and trying to do more with the same amount of people, those are going to be kind of fixed costs, the positions are going to be in there from year-to-year, and the increases are for the most part mandated by the Contracts we have in place with the Union that represents the workers, and just you know, as a little additional information on that, the practice of the Town Board has always been that probably roughly half of our people are covered by that Union Contract and half aren't, we've been uniform for the most part with the increases that go to the employees (*inaudible*) so, a lot of those costs are fixed.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

I appreciate the fact that I lack a lot of the day-to-day contact with the various operations (*inaudible*)

COUNCILWOMAN ZINCK

Yeah, but the other lines that are not just rolled over, so to speak, because they aren't consistent year-to-year, I think they're scrutinized very well through the process.

SUPERVISOR YUDELSON

An example would be the purchase of vehicles, you know, because there was funds in the Budget one (1) year for a vehicle would not be the starting point, is not the starting point for the next year as several Department Heads could tell you, you know, they would come in and make that case individually for why they need a vehicle and it's pretty usual practice of the Board that vehicles that are requested would be removed from the Budget just for the Board feeling that you just can't purchase too many, and also trying to you know, have some kind of a equipment replacement schedule.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

One of the things that would be helpful to those of us, like Mrs. White and myself, those of us that read the Budget, is a little more rig around as to what changes have actually taken place or what you're anticipating will take place. That could answer a lot of our questions in terms of the Budget if something major has to come up and all of a sudden we hear at a Town Board meeting that (*inaudible*) we're not here to oppose it but we're here to understand and help support and help the Town grow, if we have something of value to share, you could either accept it or you're the ones that get blamed for it

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(laughter) so I mean, but we don't want to see some things that are totally a surprise without having the opportunity to at least express our ideas.

COUNCILWOMAN McCABE

Maybe like an Executive Summary . . .

COUNCILWOMAN ZINCK

Yeah.

COUNCILWOMAN McCABE

An Executive Summary in the front of the Budget to tell you where changes have been made in this Budget as opposed to last year's or what we anticipate towards the end of the year.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

I'm not looking for *(inaudible)*

COUNCILWOMAN ZINCK

You're looking for *(inaudible)* items of what's significantly different.

COUNCILWOMAN McCABE

Yeah.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

(Inaudible)

SUPERVISOR YUDELSON

And, just to speak to that, Mr. Liess and I have discussed that somewhat about doing that in the future as kind of an add on, the Budget itself as you see posted on the website is, the format is dictated to us by the State as far as the information you have, and one of the things I would note, I know that you looked through it, but just for the benefit of others is, there is a quite a bit of information that could be added among that because it's got for each of the lines, it's got the previous year's expenses, what the Budget was for the current year, what the Department Heads requested, what the Supervisor and the Finance Director reduced that to, if there indeed was a reduction, and then what the Town Board you know, did to change it too, so it kind of shows all the stages of the Budget for every line. But, I think your point is a good one as far as add to that, and have some kind of explanation that's a little bit more in the lay persons, you know, level of understanding.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

I used to work for a Supervisor who used to look at a Budget and say, "Those are just numbers."

COUNCILWOMAN McCABE

That's true.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

If you just take a little bit of time to help those of us who aren't in the daily operations.

SUPERVISOR YUDELSON

We do have, although I think not in the detail that you're talking about, we did have kind of a cover page, or a press release, I think it was, that was also posted along with the Tentative Budget, that gave some of the highlights that you're talking about and what the effect was going to be on the tax rate and some of the major projects that were included in the Budget.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

One of the other things, which is particularly out of an old man's head, is that we're not being faced with the prosperous times like we have seen the last seven (7) or eight (8) years, or whatever period it was, and I know that when you're in the commercial market, one of the things you have your budgetary people do is answer the question, "What would happen if we, if you did not have a certain amount of funds?" What would happen if you had to reduce your Budget by three percent (3%) or whatever, now I appreciate the fact that Henrietta is in a good, sound financial position, I'm not talking about anything there, but what I am wondering is that sometimes these decisions are made, to use the expression, "spare of the moment", or not (*inaudible*) I wonder if at any time it was offered to the Supervisors and the Directors or whatever, to just contemplate that if changes had to come about, how do we accomplish that, I don't know if you have an answer, I'm just throwing it out for consideration.

SUPERVISOR YUDELSON

I'll let other Board members comment as well, but I think that is a challenge that (*inaudible*) to be thinking of that, as you are aware during the process there's a couple of days where the Public Meetings are held with the Town Board meeting with each of the Department Heads to go through each section of the Budget one at a time, and I could tell you that having been a part of those meetings both as a Department Head, a Town Board member, and now a Supervisor, that that is regularly part of the discussion of what could be done differently, what could be done to save money, what if we couldn't give you an increase in appropriations, if you had to get the job done with the same resources or less.

COUNCILWOMAN McCABE

We ask those questions when we meet with the Department Heads.

COUNCILMAN MULLIGAN

Just to add to that John, probably one of the biggest challenges we face, as well as the Fire District and the School District and the County, is that many of the businesses are challenging their Assessments through the Certiorari process, and currently, the Judge that presides over those meetings is ruling probably maybe somewhat in a biased way towards the businesses. An example recently is the Penney's over in Marketplace Mall was reduced to forty dollars (\$40.00) a foot. Having been involved in a lot of building over the years, I would guess it would be one hundred and fifty dollars (\$150.00) to put that building up, and I think we're going to see a shrinking tax base because of that, and what happens as Councilman Moore was talking about the other night, you get into a domino effect where one type of business get a reduction, you know, half a dozen others jump in. We're very cognizant of that and the other tax and jurisdictions also should be aware of it because it could have a devastating impact. Right now, and Mr. Gabbert, our Assessor, I think would confirm that the industrial and commercial base and the residential base are about fifty percent (50%) each in terms of generating dollars, we're very fortunate to have that strong base here, but these Certiorari's are not being challenged by the guy with one hundred and thirty thousand dollar (\$130,000) house, they're being challenged by the guy with a twenty million dollar (\$20,000,000) building. When you start reducing them to that degree it could have major negative impacts. This whole area I think has to be aware of that.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Both of the sides are kind of suffering, you see foreclosures and people trying to make their tax payments . . .

COUNCILMAN MULLIGAN

A lot of bankruptcies . . .

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

I don't know that much or specifically Henrietta, all you get is what you listen to and read and you realize that we got some challenges ahead and (*inaudible*)

COUNCILWOMAN ZINCK

The other thing I just want to add to piggy-back off of something that was said earlier is as each Department Head comes in they really are encouraged to present to us, what are your ideas of how you can do business differently, not only save money, but maybe bring in revenues, so those kind of dialogues go on every time we meet with them.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Thank you, very much.

COUNCILWOMAN McCABE

Thank you.

SUPERVISOR YUDELSON

Thank you. Would anyone else like to speak on the Budget? *(Pause, no response)* If not, I'll close the Public Hearing. The Budget is on the Agenda to be voted on, we'll go on with the rest of the meeting, and at this point I'll ask for the first Resolution.

RESOLUTION #21-216/2008

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 11/5/2008	\$ 656,682.92
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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	

RESOLUTION #21-217/2008

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, Certiorari proceedings have been commenced by various property owners to challenge tax assessments in the Town of Henrietta, and

WHEREAS, John Considine was hired by the Town of Henrietta to act as the Special Counsel in Certiorari proceedings, per Resolution #15-199/82, and

WHEREAS, Mr. Considine has submitted an invoice for said services for the period of June 1, 2008 through September 30, 2008.

THEREFORE, BE IT RESOLVED, that the Director of Finance be authorized to pay John Considine of the firm McConville, Considine, Cooman & Morin, P.C., 25 East Main Street, Rochester, New York 14614, the sum of \$11,992.25 for services rendered.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MULLIGAN

Under discussion, just looking at this list, Bon-Ton is challenging their Assessment, the Legacy at Erie Station is challenging it, Sears at the mall is challenging it, Wal-Mart challenging it, Walgreens, Lowe's, Xerox, the list continues, so as I mentioned earlier the Board is very aware of this, and things don't appreciate forever.

SUPERVISOR YUDELSON

Anything further? 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 #21-218/2008

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, it has become necessary to contract for professional real estate appraisal services for the Certiorari Action filed by Delta-Sonic Carwash Systems for the premises located at 2970 West Henrietta Road, in the Town of Henrietta, known as Tax Account No. 148.20-1-14.11, for the Assessment Roll Years 2006, 2007, and 2008, and

WHEREAS, this appraisal requires specialized experience and knowledge.

THEREFORE, BE IT RESOLVED, that Chris Tillett, MAI, of Bruckner, Tillett, Rossi, Cahill and Associates, 110 Linden Oaks, Suite B, Rochester, New York 14625 is hereby engaged to perform real estate appraisal services, conforming to the applicable standards, for a fee not to exceed Seven Thousand, Five Hundred Dollars (\$7,500.00), with necessary court testimony and trial preparation being billed separately at an hourly rate of One Hundred and Fifty Dollars (\$150.00) per hour.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Chris Tillett, MAI, of Bruckner, Tillett, Rossi, Cahill and Associates an amount not to exceed Seven Thousand, Five Hundred Dollars (\$7,500.00), with necessary court testimony and trial preparation being billed separately at an hourly rate of One Hundred and Fifty Dollars (\$150.00) per hour, upon the submission of all proper documentation.

SUPERVISOR YUDELSON
Discussion?

COUNCILWOMAN McCABE

Under discussion, Mr. Supervisor, just a little clarification, not only do we have to hire this person, which is another expense on our Budget, we also have to pay for any trial preparation he makes or testimony and trial, and any time he spends at trial, and as we said in the Resolution prior to this, a lot of these people are taking us to Court on a Certiorari.

COUNCILWOMAN ZINCK

And, this is just another example.

COUNCILWOMAN McCABE

This is just another example, Delta Sonic wants to lower their value of their building, and that's what that is.

SUPERVISOR YUDELSON

I think just to tap onto the comments made by the Board members that these expenses that have been incurred by the Town, it's important to know we do that on behalf of the citizens and all the taxing jurisdictions because obviously the Assessor is a part of the Town function, but what we do here through these Resolutions and trying to fight for what we believe is the correct Assessments on these properties affects not only the taxes collected by the Town, but by the School District, the Fire District, the County, etc. Any 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 Yudelton	voting	Aye
		Carried

RESOLUTION #21-219/2008

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

WHEREAS, BRW of Greece, LLC, the Developer of The Preserve Subdivision, Section 7, located on York Bay Trail and Shore Drive, has installed sanitary sewers in said subdivision section, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of

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the stated utility to the Town of Henrietta and for this purpose has delivered to the Town of Henrietta filing instruments granting easements to the Town for said sanitary sewer system, and

WHEREAS, the Town Attorney has examined these easements and has found them to be in good order, and

WHEREAS, the Superintendent of Drainage, Sewer and Sidewalks and the Director of Engineering and Planning have determined that the said sanitary sewer system was installed in accordance with Town requirements and have recommended that they be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the said sanitary sewer system for the described subdivision section be and they hereby are accepted and that easements be recorded in the Monroe County Clerk's Office.

BE IT FURTHER RESOLVED, that such acceptance is made subject to the Developer, or its representative, securing with the Town of Henrietta a properly executed Maintenance Bond in the sum of Seven Thousand, Four Hundred Dollars (\$7,400.00) for a period of two (2) years.

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 #21-220/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, Dr. John Burns, the Developer of The Burns Subdivision, located on the east side of East Henrietta Road and north of Rush-Henrietta Town Line Road, has installed sanitary sewers in said subdivision, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of the stated utility to the Town of Henrietta and for this purpose has delivered to the Town of Henrietta filing instruments granting easements to the Town for said sanitary sewer system, and

WHEREAS, the Town Attorney has examined these easements and has found them to be in good order, and

WHEREAS, the Superintendent of Drainage, Sewer and Sidewalks and the

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Director of Engineering and Planning have determined that the said sanitary sewer system was installed in accordance with Town requirements and have recommended that they be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the said sanitary sewer system for the described subdivision be and they hereby are accepted and that easements be recorded in the Monroe County Clerk's Office.

BE IT FURTHER RESOLVED, that such acceptance is made subject to the Developer, securing with the Town of Henrietta the sum of Three Thousand, Eight Hundred Dollars (\$3,800.00) for a period of two (2) years.

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 #21-221/2008

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, Resolution #15-157/2008 awarded the Year 2008 Sanitary Sewer Repairs Project to B. Beardsley Management and Enterprises, Inc., for a total cost of \$287,100.00, and

WHEREAS, funds are available in the Year 2008 Sewer Budget for this work, and for additional sewer problems that exist on Amesbury Road, Camelot Drive, Down Street, Elaine Drive, Faircrest Road, Galahad Drive, Quinn Road, and Shell Edge Drive, and

WHEREAS, the Town wants to continue an active repair program with regard to correcting sewer deficiencies in the Town's existing sanitary sewer system, and

WHEREAS, Change Order No. 1 would provide for the continuation of additional sewer repairs on Amesbury Road, Camelot Drive, Down Street, Elaine Drive, Faircrest Road, Galahad Drive, Quinn Road, and Shell Edge Drive, at the original Contract Bid prices, and

WHEREAS, the Director of Engineering and Planning, and the Superintendent of Drainage, Sewer, and Sidewalks have reviewed and request the proposed change to this Contract, and recommends that this be accepted by the Town.

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THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town be hereby authorized to execute Change Order No. 1, increase not to exceed the amount of \$75,000.00, resulting in increasing the total Contract amount to \$362,100.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay B. Beardsley Management and Enterprises, Inc., 7027 West Main Street, Lima, New York 14485, upon successful completion of this Project, and acceptance by the Director of Engineering and Planning.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN
Under discussion, I know the Resolution talks about it, but did Mr. Pettrone get a chance to review the list?

(From audience, Paul Pettrone, Superintendent of Drainage/Sewers/Sidewalks, "Yes.")

COUNCILMAN MULLIGAN
And, secondly, the work being done on Pinnacle, is that being paid for by the Town or is that being paid for by the County?

SUPERVISOR YUDELSON
Mr. Byrne?

MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING
The work being done on Pinnacle is repairs to our sewer in the Town *(inaudible)*

COUNCILMAN MULLIGAN
So, it is paid for by the Town?

MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING
That's correct.

COUNCILMAN MULLIGAN
Is that a part of this?

MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING
That's part of the original Contract that's being done this year.

COUNCILMAN MULLIGAN
Thank you.

SUPERVISOR YUDELSON

Any 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 #21-222/2008

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, the Developer, Edwards Communities Development Company has proposed a Residential Student Housing Project, known as The Province, which would occupy a portion of an existing Town sanitary sewer easement recorded in Liber 3591 of Deeds, Page 78, and

WHEREAS, the release of said portion of the sanitary sewer is necessary in order to construct said Project, being identified as Tax Identification Nos. 161.01-1-25.1 and 161.03-1-2, and

WHEREAS, the described portion of this existing sanitary sewer easement is no longer needed by the Town, and

WHEREAS, the Town Attorney and the Director of Engineering and Planning have reviewed the Abandonment of Easement and recommended that the Town of Henrietta consent to and execute said Abandonment.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to execute the Abandonment of Easement, which shall be filed in the Monroe County Clerk's Office.

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 #21-223/2008

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, Wilmorite, Inc., the Developer of Park Point, formerly R.I.T. Collegetown, located at 209 Jefferson Road has installed sanitary sewers to service said Project, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of the portion of sanitary sewer system to be dedicated to the Town of Henrietta and for this purpose has delivered to the Town filing instruments granting easements to the Town for said sanitary sewer system, and

WHEREAS, the Town Attorney has examined these easements and has found them to be in good order, and

WHEREAS, the Superintendent of Drainage, Sewers and Sidewalks and the Director of Engineering and Planning have determined that the said sanitary sewer system was installed in accordance with Town requirements and have recommended that they be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the said sanitary sewer system for the described Project be and they hereby are accepted and that easements be recorded in the Monroe County Clerk's Office.

BE IT FURTHER RESOLVED, that such acceptance is made subject to the Developer, or its representative, securing with the Town of Henrietta a properly executed Maintenance Bond in the sum of Thirteen Thousand, One Hundred Dollars (\$13,100.00) for a period of two (2) years.

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

RESOLUTION #21-224/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

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

<u>Inventory #</u>	<u>Description</u>
2508	Rototiller (Parks Department)
3846	Robin String Trimmer (Parks Department)

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

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 #21-225/2008

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

WHEREAS, New York State has created the Economic Development Zone Program, now known as the Empire Zone Program, to encourage industrial and commercial development in select municipalities across the State, and

WHEREAS, the Town of Henrietta, as an eligible municipality in conjunction with the County of Monroe, received designation of an Economic Development Zone made up of sub-zones including portions of the Towns of Gates, Greece, Irondequoit, Henrietta and the Village of Brockport, New York, and

WHEREAS, New York State has amended the Zones program to increase benefits and allow additional areas to be deemed as Regionally Significant Projects, and

WHEREAS, the County of Monroe and the Town of Henrietta intend to amend the County of Monroe Empire Zone boundaries to encourage industrial and commercial development and to allow for the creation of an additional sub-zone area in the Town of Henrietta for a Regionally Significant Project, and

WHEREAS, Brinkman Precision, Inc., will be located at the southeast parcel at the corner of Bailey Road (County Road 81) and Park Center Drive, Town of Henrietta,

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New York meets the criteria of 957(d) of the General Municipal Law as a Regionally Significant Project by creating 55 new jobs at the Project location for inclusion within the County of Monroe Empire Zone in an area outside the separate and distinct contiguous areas, and

WHEREAS, the Town of Henrietta wishes to support and concur with the Empire Zone designation of part of tax map no. 174.20-01-028, as a Regionally Significant Project.

THEREFORE BE IT RESOLVED, that the Town of Henrietta Town Board, in its capacity as governing body of the Town of Henrietta, does hereby support and concur with the County of Monroe Empire Zone to include the property more particularly described below as follows and fully supports and concurs in the submission of a Regionally Significant Project Application by the Empire Zone of Monroe County.

BE IT FURTHER RESOLVED, by the Town Board of the Town of Henrietta, New York, that it fully supports and concurs in the submission of an Application by Brinkman Precision, Inc. for the redesignation of certain areas as an Empire Zone.

SUPERVISOR YUDELSON

Discussion?

COUNCILWOMAN McCABE

Under discussion, Mr. Supervisor, maybe somebody can tell me, who monitors if they do have and give us fifty-five (55) jobs, it says here, "Create fifty-five (55) new jobs", who does the monitoring on that?

SUPERVISOR YUDELSON

Mr. Gabbert, would you be able to speak about the Empire Zone?

COUNCILWOMAN McCABE

There we go.

SUPERVISOR YUDELSON

Although, it's certainly not his responsibility.

COUNCILWOMAN McCABE

Yeah.

COUNCILWOMAN ZINCK

Or, is it monitored?

SUPERVISOR YUDELSON

He is most equipped to answer the question.

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NATHAN GABBERT, TOWN ASSESSOR

Monroe County has an Empire Zone coordinator, and this person is in charge of monitoring this.

COUNCILWOMAN McCABE

Do we happen to know that person's name?

NATHAN GABBERT, TOWN ASSESSOR

I know who it used to be, they've had a variety of people who've had that position, who currently does it, I'm not sure, I know who did it about a year ago, I think it maybe the same person, or it may be somebody different.

COUNCILWOMAN McCABE

Because we have some other companies that are in Town in this Empire Zone, and we never get a report stating whether or not after we do our Resolutions that they have complied with this, and I would like, and I think this Board would like, anyway, I'm speaking for myself, do you all agree?

COUNCILWOMAN ZINCK

Good point.

COUNCILWOMAN McCABE

We would like a report on whether or not all the companies in this Empire Zone are in fact, living up to their agreement? Would you be so kind as to look into that?

NATHAN GABBERT, TOWN ASSESSOR

I could look into that for you, yes.

COUNCILWOMAN McCABE

Thank you, very much.

COUNCILWOMAN ZINCK

Good point, a very good point.

SUPERVISOR YUDELSON

Thank you, Mr. Gabbert. Just to also add on as we talked about on Monday, as opposed to the C.O.M.I.D.A. tax incentives, the Empire Zone designation does not result in any deduction in the Town taxes collected or the School District or Property taxes, but rather the State taxes.

COUNCILMAN MULLIGAN

Also under discussion, I'm happy to support this Resolution because unlike Residential Housing, which puts a tremendous burden on the School District, which I think is fifteen,

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sixteen thousand (\$15,000 - \$16,000) per pupil, this kind of Industrial and Commercial development puts no burden on the School District, so it really helps us in two (2) ways, not only on the taxes, but on creating jobs.

COUNCILWOMAN McCABE

As long as they do their part in creating new jobs.

COUNCILWOMAN ZINCK

Right.

COUNCILMAN MULLIGAN

A big "if".

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

RESOLUTION #21-226/2008

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, the Town Board of the Town of Henrietta is required to designate the banks in which all Town Officers shall deposit monies coming into their hands by virtue of their office in the year 2008, and

WHEREAS, Five Star Bank has established a branch in the Town of Henrietta.

THEREFORE, BE IT RESOLVED, that Five Star Bank, 765 Calkins Road, Rochester, New York 14623, be added to the list of the banks designated as Official Depositories of the Town of Henrietta for the year 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

RESOLUTION #21-227/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, the Town of Henrietta Highway Department purchased one (1) new ten wheel plow/dump truck, per Resolution #7-90/2008, and

WHEREAS, the vehicle and parts have been delivered to the Town of Henrietta Highway Department.

THEREFORE, BE IT RESOLVED, that the Finance Department be authorized to finance this purchase with First Niagara Bank at a rate of 3.91%, for a three (3) year Lease Agreement totaling \$161,510.04.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to complete this transaction when the Highway Superintendent has notified him that the vehicle has been satisfactorily delivered and available for Town use.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN

Under discussion, through you, Mr. Supervisor, for our Attorney, Mr. Mastrella, I know when you do bonding you have to have that super majority, Dan, having four (4) votes on a Lease Agreement like this, is a simple majority adequate, or do you need four (4) on this?

DANIEL MASTRELLA, TOWN ATTORNEY

I believe that a Lease Agreement requires a simple majority that is guided by the *(inaudible)*

COUNCILMAN MULLIGAN
Thank you.

SUPERVISOR YUDELSON
Further discussion?

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COUNCILMAN MOORE

I have a problem with financing equipment purchases. This is an ongoing thing that we do every year where we buy one (1) to two (2) trucks every year, they should be budgeted and paid for in that year. I think it's a waste of taxpayer money paying the interest on it, and if we have to borrow the money, why aren't we borrowing it from ourselves? We certainly aren't getting four percent (4%) on our investments.

SUPERVISOR YUDELSON

I think I'm going to ask Mr. Liess to come up, but I want to preface, I'll let you talk about the financing end, with discussions that we've had previously, including on Monday that the current Budget, the 2008 Budget does not include funds for the purchase of it, but only for the Lease and this was information that was shared with the Board at the time of the purchase of the truck, it was provided to all the Town Board members at an earlier meeting. There simply is not money, although I think everybody agrees with the principal that you're supporting, there currently is not money in the Highway Department to support the outright purchase of a truck (*inaudible*)

PAUL LIESS, DIRECTOR OF FINANCE/PERSONNEL

When the 2008 Budget was done (*inaudible*)

COUNCILWOMAN McCABE

And, that was approved last year, that was the Budget that was approved last year for this year, and the need we have for this truck, and one of the only reasons why I will, why I'm seconding this Resolution is the fact that we need this truck, we need it for plowing, and you know, one of the things that we have to provide to the people of the Town are clear roads, so, and living here, this is one of the things that we have to do, but in the future I would be looking to outright purchase as Mr. Moore has said, so we'll have to take a look at that and try to Budget that.

COUNCILWOMAN ZINCK

Agreed, not just the service, but we've already bought it.

COUNCILWOMAN McCABE

But this year is the exception, we need the truck and so, therefore, we will, I will second it.

SUPERVISOR YUDELSON

Anticipating discussions for next year though, I want to point out and for the same reasons, because of the availability of funds, the Budget that the Board has reviewed and presented its Preliminary Budget that we'll vote on shortly.

COUNCILWOMAN McCABE

Has the same . . .

SUPERVISOR YUDELSON

Has the same thing, financing was put in there, and that was a part of the Board's discussions, and although we would all prefer to make the outright purchase rather than paying any finance charges, although this is obviously a great rate, something that the Board would have to make a determination to putting further tax dollars to that Department for the current year because as we talked about, the entire Highway Budget for the most part or a large majority of it is supported by Town tax dollars.

COUNCILWOMAN McCABE

Right and I would suggest or recommend to this Board that for 2010 we look at purchasing outright, with the economy the way it is . . .

COUNCILMAN MOORE

We have to wait because we just had approved the Highway Budget, the Tentative Budget . . .

COUNCILWOMAN ZINCK

We've already approved it.

COUNCILMAN MULLIGAN

Highway is operating at a deficit.

COUNCILWOMAN McCABE

. . . And we didn't do anything about it at the two (2) meetings, the Tentative Meeting and the Preliminary Meeting.

COUNCILMAN MOORE

So, on our investments are we getting 3.91%, Paul?

PAUL LIESS, DIRECTOR OF FINANCE/PERSONNEL

(Inaudible)

COUNCILMAN MOORE

What are we getting?

PAUL LIESS, DIRECTOR OF FINANCE/PERSONNEL

(Inaudible)

COUNCILMAN MOORE

Then why don't we borrow the money from ourselves, instead of letting the bank make the point and a half?

SUPERVISOR YUDELSON

I think the point, and again we touched on that at the Budget meeting, was looking to try to determine if there was some way through looking at cutting up other expenses or that to avoid just going further into taxpayers pockets, granted, we have the money, but that is money that is in reserve for those kinds of things that may come up and that is the reason we keep a Reserve Fund, and again this is just going further into the General Fund to support the Highway Fund, and I think this was the basis for the recommendation by the Finance Director.

COUNCILWOMAN McCABE

The other thing, too, that we have to keep in mind is we are looking at Certiorari problems here too, and we have to keep that in mind, we have a fund balance but as our tax revenue decreases or possibly decreases with all these, any court cases and agreements that are made to lower the value of the commercial and industrial buildings that are in Town now, we have to keep in mind that some of this revenue is going to be needed for the expenditures that we have. So, as much as I agree with you, I'd love to pay everything out in cash, I think everybody would like to buy their homes in cash, they just can't do it, and there's certain things that have to be done, and this truck is necessary.

COUNCILMAN MOORE

Nobody buys a home every year, Cathy.

COUNCILWOMAN McCABE

No, but this truck is not bought . . .

COUNCILMAN MOORE

We're buying trucks every year.

COUNCILWOMAN McCABE

One (1) truck a year, to me, these trucks depreciate, home values go up for the most part, trucks are used and fall apart.

COUNCILMAN MOORE

All the more reason to pay for them now instead of later.

COUNCILWOMAN McCABE

Yeah, but we still get a certain life out of them, and if we can purchase the truck now at today's value . . .

COUNCILMAN MOORE

But, why can't we save the point and a half and borrow the money from ourselves? Is that a question I need to ask the Town Attorney?

COUNCILWOMAN McCABE

And, who's going to pay, what do you mean, borrow the money and pay it back?

COUNCILMAN MOORE

We have money in Fund balances.

COUNCILWOMAN McCABE

Yes, we're going to need that money in the Fund balances because we have a lot of budgetary things coming up.

SUPERVISOR YUDELSON

I would point out borrowing, although I understand the concept you're talking about, if we transferred money to the Highway Fund, it doesn't later on pay back the General Fund.

COUNCILWOMAN McCABE

No.

SUPERVISOR YUDELSON

It is a commitment of General Fund dollars.

COUNCILMAN MOORE

What's the difference between signing a note with First Niagara and signing a note from one (1) of your funds that you have? I don't see the difference.

SUPERVISOR YUDELSON

I just don't think there's a provision in State Law for doing that, but I'll defer to . . .

PAUL LIESS, DIRECTOR OF FINANCE/PERSONNEL

(Inaudible)

DANIEL MASTRELLA, TOWN ATTORNEY

And, I'd have to look into that, that also may be an item that has to be Budgeted, though.

SUPERVISOR YUDLESON

I would agree just to clarify with the sentiment you're expressing, but again, this was something that was part of the Budget for this year, it's just been part of the process for the Budget for the upcoming year that the entire Board including you, have reviewed and has leasing in place for next year, and this purchase is already obviously been approved by the Board, and I think that it is not realistic at this point to try and consider alternative ways of funding this for the Budget . . .

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COUNCILWOMAN McCABE

The other thing, too . . .

SUPERVISOR YUDELSON

Go ahead.

COUNCILWOMAN McCABE

The other thing too, if we cancel, I think it's been ordered already, hasn't it been ordered already?

COUNCILMAN MULLIGAN

It's here.

COUNCILWOMAN ZINCK

Yes.

COUNCILWOMAN McCABE

It's here.

COUNCILMAN MULLIGAN

Rusty was in the truck today.

COUNCILWOMAN McCABE

It's here, we can't give it back, he needed the truck, it's here, we can't give it back, and if we did give it back, they would take five, ten, fifteen, twenty thousand dollars because we drove it out of the driveway or something is off the value of the truck, so we wouldn't get that money back anyway.

COUNCILWOMAN ZINCK

I mean this is . . .

COUNCILWOMAN McCABE

So, I understand where you're coming from Jack, I'd like to pay for it too, but at this point in time, on this particular piece of equipment, we can't.

COUNCILWOMAN ZINCK

I just want to add, great discussion, very valid points Jack, but this would be a discussion we would need to have before we purchase this truck, I mean it's like a little late to . . .

COUNCILMAN MOORE

But, we're going to make the same mistake in '09.

COUNCILWOMAN ZINCK

No, well on '09 we've already done it, yes.

COUNCILWOMAN McCABE

No, because the Budget is a plan, hello, before they purchase anything we have to approve it by Resolution, so we don't have to make the same mistake in '09, we can turn around and say the '09 trucks are not here, this one (1) is here. We have to pay our bills.

(Tape being switched to Side 2)

COUNCILWOMAN McCABE

And, the amount, but I think State Law requires us to have a limit on that type of thing, and that's why I went ahead and seconded this Resolution.

COUNCILMAN MOORE

I'm only one (1) vote.

SUPERVISOR YUDELSON

Any further discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	No
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye
Carried		

RESOLUTION #21-228/2008

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, pursuant to Section 108 of the Town Law, a Public Hearing was held on November 5, 2008 at 8:00 P.M. at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York, on the Preliminary Budget of the Town of Henrietta for the Fiscal Year 2009, at which time all persons wishing to be heard thereon were heard, in favor of, or against, the said Preliminary Budget as compiled, or for, or against, any item or items therein contained.

THEREFORE, BE IT RESOLVED, that the Fiscal Year 2009 Preliminary Budget be hereby adopted as the Annual Budget for the Town of Henrietta for the Fiscal Year beginning January 1, 2009, and that it shall be entered into the Minutes of the Town

Board.

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 #21-229/2008

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, the Town of Henrietta acquired the Development Rights and Fee Title to property on Calkins Road in the Town of Henrietta formerly known as the Aldridge Farm, and

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

WHEREAS, Mark Greene, 3170 Clover Street, Pittsford, New York 14534, has previously farmed the land and desires 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 December 1, 2008 through November 30, 2009, for thirty-one (31) acres of tillable land at \$40.00 per acre, amounting to an annual rental of \$1,240.00, and

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

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign the Lease renewal on behalf of the Town of Henrietta, as per the attached.

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 #21-230/2008

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the Town of Henrietta was awarded a New York State Office of Parks, Recreation, and Historic Preservation Grant in the amount of Eighteen Thousand Dollars (\$18,000) designated for improvements to the Rush-Henrietta Athletic Association playing fields, and

WHEREAS, through this Grant the Town will be reimbursed for all expenses incurred for this Project, and

WHEREAS, three (3) quotes were received for the necessary work, and

WHEREAS, the low quote, meeting specifications, in the amount of Seventeen Thousand, Nine Hundred Dollars (\$17,900), was received from Great Lakes Athletic Fields, Inc.

THEREFORE, BE IT RESOLVED, that Great Lakes Athletic Fields, Inc., 2910 Main Street, Buffalo, New York 14214, be hereby approved to complete said improvements.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Great Lakes Athletic Fields, Inc., in an amount not to exceed \$17,900, upon satisfactory completion.

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 #21-231/2008

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the Town Board adopts the attached official Undertaking of Receiver of Taxes and Assessments Resolution in the amount of \$100,000 and directs that it be filed in the Office of the Town Clerk.

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

RESOLUTION #21-232/2008

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

BE IT RESOLVED, that the following persons be hired:

Timothy Briggs	Highway, Laborer B @ \$10.57/hr., effective 11/10/2008.
Highway	Part-time Seasonal Wingpersons, as per the attached.
Janet Howland	Town Clerk, Part-time Clerk @ \$10.50, effective 10/27/2008.

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

Lindsay Vaeth	Recreation, Part-time Recreation Assistant @ \$7.75/hr., from Part-time Recreation Assistant @ \$7.50/hr., effective 11/09/2008.
Eileen Jelfo	Recreation, Part-time Recreation Assistant @ \$8.00/hr., from Part-time Recreation Assistant @ \$7.75/hr., effective 11/09/2008.
Dawn Kitto	Recreation, Part-time Recreation Assistant @ \$8.50/hr., from Part-time Recreation Assistant @ \$8.25/hr., effective 11/09/2008.

Highway

Part-time Seasonal Wingpersons, as per the attached.

COUNCILMAN MOORE

I have a question, oh, I have to second first, I'm sorry.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MOORE

The Highway labor, is that to fill the Crawford position?

SUPERVISOR YUDELSON

It is. 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

Before opening the microphone for any comments from the audience, I just wanted to say congratulations to Councilman Moore. *(Referring to the General Election Results)*
(Applause)

COUNCILMAN MOORE

Thank you.

SUPERVISOR YUDELSON

You get a whole year until you have to do it again.

COUNCILWOMAN ZINCK

Yeah, really.

COUNCILMAN MOORE

I got bruised tonight!

COUNCILWOMAN ZINCK

Just like the vehicles, year after year.

TB November 5, 2008

SUPERVISOR YUDELSON

That was just an initiation; we're really with you on the whole thing. Is there anybody in the audience who would like to discuss or talk about any item concerning the Town of Henrietta? *(Pause, no response)* If not, 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 9:05 P.M. and passed unanimously.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk