

**HENRIETTA TOWN BOARD
AGENDA
FEBRUARY 4, 2009**

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): January 21, 2009
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 #4-55/2009
 Authorize Accounts Payable

RESOLUTION #4-56/2009
 Authorize Rezoning of Land Located on the South Side of Jefferson Road
 Between New Tudor Road and Hillbrook Circle – St. John’s Home -Residential
 R-1-20 to Residential R-2-15 and Approving Proposed Special Use Permit

RESOLUTION #4-57/2009
 Authorize Professional Legal Services – Xerox

RESOLUTION #4-58/2009
 Authorize Attendance of NYSBOC Chapter Educational Conference

RESOLUTION #4-59/2009
 Authorize Labor & Personnel Attorney Services

RESOLUTION #4-60/2009
 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 4th DAY OF FEBRUARY, 2009 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
Leann C. Case, Deputy Town Clerk

ABSENT

Patricia J. Shaffer, Town Clerk

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Before we get to the Resolutions tonight, there's no Public Hearings, but is there anybody that would like to speak on any items that are on tonight's Agenda, any Agenda items? *(Pause, no response)* If not, can I have the approval of the Minutes?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we Approve the Minutes of January 21, 2009.

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

Before moving on to the Resolutions, under Communications, I would just like to mention some information that was sent to the Supervisor's Office. We heard from a relative of a resident on Tobin Road who, the resident had fallen during a recent snow event last week and was injured laying in the driveway unable to get up, and was there for some

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period of time, and one of our Town plows came by, driven by Ron LaRocca and also a wing person, Ron Share, and they stopped and assisted the woman, got an ambulance for her, and the family was just so appreciative, and I just wanted to publicly acknowledge them for that, and I'll be talking to them tomorrow. So, having said that, could I have the first Resolution, please?

RESOLUTION #4-55/2009

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

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

EXHIBIT A	Bills Payable dated 2/4/2009	\$ 279,292.64
EXHIBIT B	Manual Bills Payable	\$ 222.00

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MOORE

I do. When I approved the bills, it was for like five hundred and some odd thousand, not two hundred and seventy-nine thousand (\$279,000)? And, maybe we can go to the back and look. I don't know if Paul is here . . .

SUPERVISOR YUDELSON
Mr. Liess?

COUNCILWOMAN ZINCK
Yes, he's here.

COUNCILMAN MOORE

Yeah, I approved the bills for five hundred and forty-two thousand (\$542,000).

COUNCILMAN MULLIGAN
That's year-to-date.

COUNCILMAN MOORE

Okay, I'm sorry. I stand corrected.

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 #4-56/2009

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, the Town Board of the Town of Henrietta has received an Application from St. John's Home, 150 Highland Avenue, Rochester, New York 14620, for approval to Rezone a parcel of property located on the south side of Jefferson Road and between New Tudor Road and Hillbrook Circle from Residential R-1-20 to R-2-15 for the proposed construction of two (2), ten (10) unit nursing home buildings, each approximately 8,200 square feet on approximately 6.8 acres of land, known as Tax Account No. 163.05-1-28, and

WHEREAS, plans of this proposed development under consideration are on file in the Office of the Town Clerk, and

WHEREAS, after consideration by the Henrietta Town Board, the Application exceeds one or more thresholds for a Type I Action, as stated by Section 617.4 of the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), such an Action is a Type I Action, and

WHEREAS, a Long Environmental Assessment Form (EAF) has been prepared for the proposed Project, and

WHEREAS, the Henrietta Town Board declared its intent to be the Lead Agency for the Environmental Quality Review, and

WHEREAS, the Henrietta Town Board is the sole approval Board or Agency affected by this action, and

WHEREAS, the Henrietta Town Board has taken a hard look at the environmental issues raised by this Rezoning, pursuant to Section 617.7 of SEQRA.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board does formally designate itself and accepts Lead Agency status for the environmental review of the described Rezoning under the State Environmental Quality Review Act (SEQRA) and has determined that the proposed action therein described will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be required and therefore issues a Negative Declaration.

BE IT FURTHER RESOLVED, that the Henrietta Town Board hereby ratifies, confirms and adopts the Rezoning to Residential R-2-15, and approval of Special Use

Permit Application No. 2008-210, by St. John’s Home, for the proposed construction of two (2), ten (10) unit nursing home buildings on the south side of Jefferson Road and between New Tudor Road and Hillbrook Circle, Rochester, New York, upon the terms and conditions set forth on the Record at the Henrietta Town Board Public Hearing held on December 17, 2008.

SUPERVISOR YUDELSON

Just under discussion, I just wanted to thank both St. John’s and the neighbors in the area for their participation at the Public Hearing in December, and for the communication they’ve had with the Board and with each other. I think that has helped us very much with this Project, and as we talked about in December, the Project will have to go through the Planning Board process, too, at which time some of the things that we talked about as far as design and drainage, the Planning Board will make sure that those are addressed to the Town’s satisfaction. 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 #4-57/2009

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, it has become necessary to Contract for professional legal services for the certiorari action filed by Xerox Corporation, for the facility located at 1350-1400 Jefferson Road, in the Town of Henrietta, known as Tax Account Nos. 162.07-1-3, 162.08-1-1, 162.08-1-2, 162.08-1-30, and 162.08-1-31, for the assessment roll years 2004, 2005, 2006, and 2007, and

WHEREAS, this legal defense requires specialized experience and knowledge.

THEREFORE, BE IT RESOLVED, that Paul Morrison-Taylor, of Phillips Lytle, LLP, 3400 HSBC Center, Buffalo, New York 14203, is hereby engaged to perform legal services, conforming to the applicable standards, for an hourly rate not to exceed \$285.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Paul Morrison-Taylor, of Phillips Lytle, LLP, an amount not to exceed \$285.00 per hour, upon the submission of all proper documentation.

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 #4-58/2009

On Motion of
Councilwoman McCabe

Seconded by
Councilman Moore

WHEREAS, Casey Jackson, Assistant Building Inspector, and Richard Tracy, Part-time Fire Marshal, have requested authorization to attend the NYSBOC Central Chapter Educational Conference in Liverpool, New York on April 14, 2009 and concluding April 17, 2009, and

WHEREAS, funds are available in the year 2009 Budget, and

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

THEREFORE, BE IT RESOLVED, that Casey Jackson, Assistant Building Inspector, and Richard Tracy, Part-time Fire Marshal, be hereby authorized to attend the conference in Liverpool, New York at a cost not to exceed \$1,150.00, to include registration, meals, hotel and the use of a Town vehicle.

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

SUPERVISOR YUDELSON

Under discussion, and just for the Record, you should have got an email late today, it was brought to our attention that the draft Resolution we had on Monday was incorrect, it did not have the registration fee for these two (2) gentlemen, and that's the reason for the different amount.

COUNCILWOMAN McCABE

Under discussion, could, in the future, we have the spelling out of the organization instead of just the initials because no one knows what NYSBOC is.

COUNCILWOMAN ZINCK

New York State.

COUNCILWOMAN McCABE

That we know.

COUNCILMAN MOORE

And, for the Record, the total amount is how much?

COUNCILWOMAN McCABE

One thousand one hundred and fifty dollars (\$1,150.00).

COUNCILMAN MOORE

Okay.

SUPERVISOR YUDELSON

It was four hundred and fifty dollars (\$450.00), but it did not have the seven hundred dollar (\$700.00) registration fee. 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 #4-59/2009

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the Town of Henrietta is involved in Labor and Personnel matters requiring legal services to protect and represent the Town's best interest.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta hereby appoints the firm of Hiscock and Barclay, LLP, with offices located at 100 Chestnut Street, Rochester, New York 14614, to represent the Town of Henrietta with respect to said Labor and Personnel matters, at a rate not to exceed Two Hundred and Forty Dollars (\$240.00) an hour, effective January 29, 2009.

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

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

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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 #4-60/2009

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

BE IT RESOLVED, that the following person be hired:

William Head	Recreation, Gymnastics Instructor @ \$7.75/hr., effective 2/1/2009.
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BE IT FURTHER RESOLVED, that the following employee changes be made:

Louise Barber	Town Court, Cashier @ \$9.84/hr., from Cashier @ \$9.55/hr., effective 1/1/2009.
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Steve Wagor	Building Dept., Property Maintenance @ \$10.34/hr., from Property Maintenance @ \$10.04/hr., effective 1/1/2009.
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John Laing	Engineering, Jr. Engineer @ \$40,575/yr., from Jr. Engineer @ \$39,384/yr., effective 1/1/2009, step correction.
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Recreation	As per the attachment.
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BE IT FURTHER RESOLVED, that the following employees be given an additional day's pay for unused sick leave (per Labor Agreement):

Mark Byrne, Roxanne Donnelly, Larry Harper, Linda Kelley,
Marie Leonardi, Paul Liess, Joseph Losavio, Chuck Marshall,
Tammy McGlashon, David Moriarty, Roland Osterwinter, Gary Popen, Timothy
Pratt, Charlene Stephany, Anita Tichacek, Robert Tobey, Diane Watts, and
Marshall Wright, III.

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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

SUPERVISOR YUDELSON

That's the end of the Regular Agenda, before we adjourn, is there anyone who would like to speak on any matter involving the Town of Henrietta? *(Pause, no response)* Is there a motion to adjourn?

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman M cCabe, seconded by Councilwoman Z inck at 8:16 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk