



TB April 21, 2010

RESOLUTION #9-93/2010

Authorize Supervisor to Sign Riverton Operating Agreement

RESOLUTION #9-94/2010

Authorize Personnel Items

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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 21<sup>ST</sup> DAY OF APRIL, 2010 AT 7:00 P.M.

**PRESENT**

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

**ABSENT**

Councilwoman Janet B. Zinck

*(SILENT PRAYER)*

*(PLEDGE OF ALLEGIANCE TO THE FLAG)*

SUPERVISOR YUDELSON

Is there anybody who would like to speak on any of the Agenda items, at this time? Mr. Schmitt?

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

John Schmitt, 139 Campfire Road North. My question has to do with Resolution #9-93/2010; it's in regards to the Riverton Golf Course. I noticed that you've changed the terms from a Lease that was broken or that lapsed, I guess, to an Operating Agreement. Will the Town receive any revenue from that Operating Agreement?

SUPERVISOR YUDELSON

Yes, I'm going to let the Town Attorney speak to that change in terminology, which was just correcting something that should have been in place already. Mr. Mastrella?

DANIEL MASTRELLA, TOWN ATTORNEY

Yes, Mr. Supervisor. The prior Agreement was actually a lease of the property, and that property is dedicated park land, and probably the Lease, the outright Lease of that land for a period of time to a private entity would constitute an improper alienation of park lands. Now that Lease was done some thirty (30) years ago with a series of renewals, but actually it came to our attention very vividly when we were negotiating the potential sale of the Riverton Golf Course what could constitute an alienation and certainly a lease might. So, the Operating Contract is designed, it's really modeled after the Operating Contract that the County of Monroe has for its golf courses with its operator. It does provide for revenues and set amount of revenues to the Town from the Operator on an annual basis. It has a number of terms and conditions. It is cancelable by the Town on a year's notice, if need be. The idea is to, just as it states in the Resolution, to continue

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to provide a high quality golf experience to the residents of Henrietta at an affordable price, but still maintain the property as public park lands.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

I was also concerned about, in regards to this, is that there was twenty thousand dollars (\$20,000) in the 2010 Budget for the commissioner to get income from the golf course.

DANIEL MASTRELLA, TOWN ATTORNEY

Yes, and . . .

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Is that still going to be realized?

DANIEL MASTRELLA, TOWN ATTORNEY

We realize a little more than that.

SUPERVISOR YUDELSON

We'll actually get a little more by this Agreement than we have been getting, which has been historically in the like high teens. For the first five (5) years, I believe it is, we will get twenty-two thousand five hundred dollars (\$22,500) annually, and then that amount will go up by one thousand dollars (\$1,000) per year for each of the five (5) year periods. So, in other words, for years six (6) through ten (10) it will go up to twenty-three thousand, five hundred dollars (\$23,500) and then another thousand dollars (\$1,000). So, the advantage to the Town is that we know the amount. It's a little more than we got in the past, but we know the amount that we're going to get whereas, we might be aware, before it was based upon a percentage of his revenue that we had to then take the report that was given to us so we can go ahead and budget the amount that we will actually get.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Thank you.

SUPERVISOR YUDELSON

Thank you, Mr. Schmitt. Is there anybody else who wants to speak on Agenda items, at this point? *(Pause, no response)* If not, may I have the Approval of the Minutes?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve of the Minutes of the April 7, 2010.

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	Absent
Supervisor Yudelson	voting	Aye

Carried

SUPERVISOR YUDELSON

May I have the first Resolution, please.

RESOLUTION #9-85/2010

On Motion of

Councilwoman McCabe

Seconded by

Councilman Moore

BE IT RESOLVED, that the Supervisor or his designee be authorized to pay the following bills payable:

EXHIBIT A

Bills Payable dated 4/21/2010

\$ 269,227.35

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	Absent
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #9-86/2010

On Motion of

Supervisor Yudelson

Seconded by

Councilwoman McCabe

WHEREAS, Harris Corporation with offices at 1350 Jefferson Road, Rochester, New York 14623 has requested the Town of Henrietta to enter into a Payment in-Lieu-of-Taxes (PILOT) Agreement for its facility located at 1350 Jefferson Road, Rochester, New York 14623, Monroe County, or as more specifically identified as Tax Account Nos. 162.07-1-3, 162.08-1-1, 162.08-1-30, 162.08-1-2, and 162.08-1-31, and

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WHEREAS, a Payment in-Lieu-of Tax Agreement has been drafted, and has been approved by the County of Monroe Industrial Development Agency (COMIDA), the County of Monroe, and the Rush-Henrietta Central School District, and

WHEREAS, the Town Attorney to the Henrietta Town Board has examined these Agreements, and found them to be in compliance with Section 874 of the General Municipal Law of the State of New York, and

WHEREAS, the Assessor for the Town of Henrietta has reviewed these Agreements and found them to be acceptable as to form.

THEREFORE, BE IT RESOLVED, that the Payment in-Lieu-of Tax Agreement between Harris Corporation and the Town of Henrietta for its facility located at 1350 Jefferson Road, Rochester, New York 14623, County of Monroe, be and hereby is accepted, and that the Supervisor is hereby authorized to sign the said Agreement, by the virtue of his authority as Supervisor of the Town of Henrietta.

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	Absent
Supervisor Yudelson	voting	Aye
		Carried

RESOLUTION #9-87/2010

On Motion of  
Councilman Moore

Seconded by  
Councilman Mulligan

WHEREAS, the Safety Coordinator has requested authorization to attend the Annual PERMA Safety Conference at the Sagamore Hotel in Bolton Landing, New York on May 27, 2010 through May 28, 2010, and

WHEREAS, funds are available in the year 2010 Budget, and

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

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

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

BE IT FURTHER RESOLVED, that all properly prepared vouchers be submitted to the Supervisor or his designee for reimbursement.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #9-88/2010

On Motion of  
Councilman Moore

Seconded by  
Councilwoman McCabe

WHEREAS, the Fleet Supervisor, Robert Tobey, has requested authorization to attend the year 2010 Highway School to be held at Ithaca College, Ithaca, New York on June 7, 2010 through June 9, 2010, and

WHEREAS, funds are available in the year 2010 Budget, and

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

THEREFORE, BE IT RESOLVED, that Robert Tobey, Fleet Supervisor, be hereby authorized to attend the three (3) day school at a cost not to exceed \$500.00 to include registration, meals, hotel accommodations, and the use of a Town vehicle.

BE IT FURTHER RESOLVED, that all properly prepared vouchers be submitted to the Supervisor or his designee for reimbursement.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #9-89/2010

On Motion of

Seconded by

Councilman Moore

Councilman Mulligan

WHEREAS, the Building and Fire Prevention Department has requested that the following item be declared surplus material:

<u>Inventory #</u>	<u>Description</u>
3658	2002 Chevy Blazer

WHEREAS, the Parks Department has requested that the following item be declared surplus material:

<u>Inventory #</u>	<u>Description</u>
3018	1997 Ford Ranger

WHEREAS, the Highway Department has requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
3119	Hyprotherm Plasma Cutter
2654	Battery Circuit Tester

THEREFORE, BE IT RESOLVED, that the two (2) vehicles are to be consigned to the Teitsworth Municipal Auction, and inventory items #3119 and #2654 are to be sent to the Parks and Facilities Department for disposal.

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the above referenced items be removed from the Town's Inventory.

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	Absent
Supervisor Yudelton	voting	Aye
		Carried

RESOLUTION #9-90/2010

On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Moore

WHEREAS, it has become necessary to replace the roofs on selected facilities at the Tinker Homestead, and

WHEREAS, quotes were solicited for the Tinker Roof Project for metal roofs for the Cobblestone House and the Barn, and a shingle roof for the living quarters referred to as the Apartment, and

WHEREAS, the low quote, meeting specifications, was received from CEMAC Remodeling in the amount of \$35,750.00, and

WHEREAS, the Town of Henrietta will receive a grant of \$15,000.00 for this Project from the Aldridge Tinker Fund at the Rochester Area Community Foundation, thereby reducing the Town's share of the expense to \$20,750.00.

THEREFORE, BE IT RESOLVED, that CEMAC Remodeling, 333 Barrington Street, Rochester, New York 14607, is hereby authorized to complete the Tinker Roof Project for a fee not to exceed \$35,750.00.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay CEMAC Remodeling in an amount not to exceed \$35,750.00, upon approval and acceptance by the Town Supervisor and receipt 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	Absent
Supervisor Yudelton	voting	Aye
		Carried

RESOLUTION #9-91/2010

On Motion of  
Councilman Moore

Seconded by  
Councilwoman McCabe

WHEREAS, the Town of Henrietta's Year 2010 Application to the Monroe County Office of the Aging for the Senior Center Program Agreement (Senior Meals Program) has been approved, and

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

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

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to sign the Senior Center Program Agreement between the Town of Henrietta and the County of Monroe for the operation of the Year 2010 Senior Meals Program.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #9-92/2010

On Motion of  
Councilman Moore

Seconded by  
Councilman Mulligan

WHEREAS, the Town of Henrietta wishes to continue to participate in the Comprehensive Youth Services Planning in Monroe County, and

WHEREAS, in order for the Town to participate in the County's Comprehensive Plan, the Town Board delegates its right to claim Youth Development and Delinquency Prevention (Y.D.D.P.) State aid to the County of Monroe for the Year 2010, and

WHEREAS, the State Office of Children and Family Services requires that the annual Youth Services Agreement between the County of Monroe and the Town of Henrietta be approved by the Town Board.

THEREFORE, BE IT RESOLVED, by the Henrietta Town Board as follows:

Section 1. In order to participate in the County's Comprehensive Plan, the Town of Henrietta delegates its right to claim Y.D.D.P. State aid to the County of Monroe for the Year 2010.

Section 2. The Town's Application for Y.D.D.P. State aid in the amount of \$18,379.00 is hereby approved.

Section 3. The Town of Henrietta and the County of Monroe shall Contract regarding the financial agreement under the Comprehensive Youth Services Planning in Monroe County.

Section 4. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that the Supervisor be hereby authorized to sign, on behalf of the Town, the Annual Monroe County Youth Services Agreement for the Year 2010.

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	Absent
Supervisor Yudelton	voting	Aye

Carried

RESOLUTION #9-93/2010

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman McCabe

WHEREAS, the Lease for the lands of the Riverton Golf Course between the Town of Henrietta and Joseph C. DeMino, Inc. has expired, and

WHEREAS, the Town of Henrietta is committed to providing its residents a high quality golf experience at an affordable price, and to maintain the standards of the Riverton Golf Course as that of a privately owned golf course, and

WHEREAS, Joseph C. DeMino, Inc., by virtue of its operation of the golf course for the past thirty (30) years and its ownership of accessory facilities for the club house and parking make it uniquely qualified to operate said golf course, and

WHEREAS, both the Town of Henrietta and Joseph C. DeMino, Inc. have proposed an Operating Agreement, which will accomplish the aforesaid goals while maintaining the lands of the Riverton Golf Course as public parklands.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute the proposed Operating Agreement between the Town of Henrietta and Joseph C. DeMino, Inc., which Agreement is available for inspection in the office of the Town Clerk.

SUPERVISOR YUDELSON

Under discussion, it's been a long time that several people have been working on this, and I want to thank the Town Board who all have been involved in really digging into the situation and trying to make this Agreement, an arrangement to the Town's best benefit, and also continue to provide the facility for the enjoyment of the community. I especially want to thank our Town Attorney, Mr. Mastrella, who, as the Board knows, has logged many hours working with the people on the other side of this Agreement to get to this point. So, we appreciate that. Anything further from the Board?

COUNCILMAN MULLIGAN

Just to reiterate, Dan, this is a five (5) year Agreement with three (3) five (5) year options

for a total of twenty (20)?

DANIEL MASTRELLA, TOWN ATTORNEY

Yes, it is.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR YUDELSON

Anything further? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #9-94/2010

On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Moore

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

Tim Dubois	Recreation, Part-time/Seasonal Assistant @ \$17.50/hr., from effective 4/11/2010.	Recreation Assistant @ \$17.00/hr., effective 4/11/2010.
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Christen Fagioli	Recreation, Part-time/Seasonal Assistant @ \$9.50/hr., from \$9.00/hr., effective 4/11/2010.	Recreation Assistant @ \$9.00/hr., effective 4/11/2010.
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Timothy J. Potter, Jr.	Recreation, Part-time/Seasonal Assistant @ \$8.00/hr., from \$7.75/hr., effective 4/11/2010.	Recreation Assistant @ \$7.75/hr., effective 4/11/2010.
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Fred Ross	Code Enforcement, Code Enforcement Officer/Property Maintenance, Full-time (seasonal) from Part-time, same rate of pay, effective 4/26/2010 to 9/26/2010.	
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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	Absent
Supervisor Yudelton	voting	Aye

Carried

SUPERVISOR YUDELSON

That concludes the regular Agenda, before we adjourn, is there anybody that would like to speak on any matter involving the Town of Henrietta? Mr. List?

*(William List, 3 Chelsea Meadows Drive, submitted a hand-out and spoke in reference to the Assessment of his home, in addition to relaying information with regard to the Tea Party movement – Audio File available upon request.)*

SUPERVISOR YUDELSON

Is there anybody else in the audience who would like to speak on any matter involving 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 Councilman Mulligan at 7:32 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case  
Deputy Town Clerk