

TB June 16, 2010

Authorize Attendance of Fire Marshals and Inspectors Conference

RESOLUTION #13-126/2010

Authorize Supervisor to Sign Grant Application – Breese Park

RESOLUTION #13-127/2010

Authorize Personnel Items

TB June 16, 2010

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 16th DAY OF JUNE, 2010 AT 7:00 P.M.

PRESENT

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

ABSENT

Councilwoman Catherine A. McCabe

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Before we begin, would anybody like to speak on any of the items that are on the Agenda for tonight's meeting, Agenda items, at this point? *(Pause, no response)* If not, can I have the approval of the Minutes, Mrs. Zinck?

COUNCILWOMAN ZINCK

Yes. I would like to approve the Minutes of the June 2, 2010 meeting.

COUNCILMAN MULLIGAN

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

May I have the first Resolution, please.

COUNCILWOMAN ZINCK
Absolutely.

SUPERVISOR YUDELSON
Very good.

RESOLUTION #13-119/2010

On Motion of
Councilwoman Zinck

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 6/16/2010	\$ 201,354.37
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SUPERVISOR YUDELSON
Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #13-120/2010

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, the Owner, ETA Chapter 2, LLC, will be constructing a new sign within the existing sanitary sewer easement recorded in Liber 3352 of Deeds, Page 170, to be known as Upstate Auto Credit at 3485 West Henrietta Road, and

WHEREAS, the existing sanitary sewer has been abandoned on the property being identified as Tax Identification No. 161.11-1-9, and

WHEREAS, the described portion of the 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 attached 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 of Henrietta, 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	Absent
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye
	Carried	

RESOLUTION #13-121/2010

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

WHEREAS, Resolution #11-109/2010 awarded the Park Meadow Drive Culvert Replacement Project to B & B Mechanical Contractors, Inc., for a total base cost of \$174,000.00, and

WHEREAS, during the design phase, it was determined that the existing watermain would need to be relocated and an Alternate Bid No. 1 was furnished, and

WHEREAS, Change Order No. 1 provides for the construction cost to relocate the existing watermain at the Alternate Bid No. 1 in the lump sum amount of \$6,900.00, and

WHEREAS, the Monroe County Water Authority has reviewed this amount, accepted this cost, and will reimburse the Town for this amount upon successful completion of this work.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to execute Change Order No. 1, an increase of \$6,900.00, resulting in increasing the total Contract amount to \$180,900.00.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay B & B Mechanical Contractors, Inc., 105 Lincoln Parkway, East Rochester, New York 14445, upon successful completion of this Project, and acceptance by the Director of Engineering and Planning.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #13-122/2010

On Motion of
Councilwoman Zinck

Seconded by
Supervisor Yudelson

WHEREAS, the New York State Department of Transportation proposes the reconstruction of NYS Route 252 (Jefferson Road), Marketplace Drive to Ridgeland Road, S.H. 8443, and NYS Route 15A (East Henrietta Road), from NYS Route I-390 to Jarley Road in the Town of Henrietta, Monroe County, P.I.N. 4046.11.321, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned Project the incidental relocation and adjustment to the Town of Henrietta owned sewer mains and appurtenances, pursuant to Section Ten (10), Subdivision Twenty-Four (24), of the State Highway Law, as shown on the Contract plans relating to the Project and meeting the requirements of the owner, and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the Contract plans relating to the above mentioned Project.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta approves of the relocation of and adjustment to their sewer mains, conduit and appurtenances and the above mentioned work performed on the Project and shown of the Contract plans relating to the Project and that the Town of Henrietta will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the Contract plans.

BE IT FURTHER RESOLVED, that the Supervisor, Michael B. Yudelson, has the authority to sign, with the concurrence of the Town Board, any and all documentation that may become necessary as a result of this Project, as it relates to the Town of Henrietta.

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Henrietta is hereby directed to transmit five (5) Certified Copies of the foregoing Resolution to the New York State Department of Transportation.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #13-123/2010

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, the State of New York Department of Transportation proposes to construct a State Highway/Arterial/Interstate identified as State Highway 8443, NYS Route 252, P.I.N. 4046.11.321, County of Monroe within the geographical jurisdiction of the Town of Henrietta, and

WHEREAS, the Town of Henrietta approves of such Project, and desires to have a highway lighting system on such highway within its geographical jurisdiction, and

WHEREAS, the State of New York has agreed to provide, as part of the Project, the following items in connection with a highway lighting system:

- 1.) Underground duct system, including conduits, pull boxes, hand holes and drainage pockets.
- 2.) Ducts, pull boxes and anchor bolts on structures.
- 3.) Foundations for light standards.
- 4.) Light standards and bracket arms.
- 5.) Luminaires, wiring, switches and ballasts and all other components necessary to complete the lighting system.

WHEREAS, the Town of Henrietta agrees to maintain, repair and energize such highway lighting system for a period of ten (10) years or until such time as the Commissioner of Transportation, in his discretion, determines that such lighting and/or the maintenance of such lighting system is no longer necessary for such Highway/Arterial/Interstate.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta, duly convened, does hereby resolve that the Town of Henrietta approves of the above-subject Project.

BE IT FURTHER RESOLVED, that the Town of Henrietta shall maintain, repair and energize such highway lighting system.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Henrietta hereby authorizes the Supervisor of the Town of Henrietta to enter into and execute an Agreement with the State of New York and through the Commissioner of Transportation

to commit the Town of Henrietta to maintain, at its own expense, the lighting system on the above-identified Project, such Agreement to provide that the maintenance shall include the repair and replacement of equipment and the furnishing of electric current for the lighting system.

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Henrietta is hereby directed to transmit four (4) Certified Copies of the foregoing Resolution to the State Department of Transportation.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #13-124/2010

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, Resolution #10-99/2010 authorized the advertisement for bids for the Year 2010 Sanitary Sewer Repairs Project, for the spot repairs to the existing sanitary sewers at Dikeman Road, New Gate Drive, Princess Drive, Red Lion Road, Sperry Drive and Viscount Drive, and

WHEREAS, three (3) bids were received, and the low bid, meeting specifications, was received from Villager Construction, Inc., for a total cost of \$272,859.00.

THEREFORE, BE IT RESOLVED, that Villager Construction, Inc., 425 Old Macedon Center Road, Fairport, New York 14450, be hereby awarded the bid.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Villager Construction, Inc., in an amount not to exceed \$272,859.00, upon successful completion of said work and acceptance by the Director of Engineering and Planning.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
Councilman Mulligan	voting	Aye

Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye
		Carried

RESOLUTION #13-125/2010

On Motion of	Seconded by
Councilwoman Zinck	Councilman Mulligan

WHEREAS, the Director of Building and Fire Prevention, has requested authorization to attend the Fire Marshals and Inspectors Conference in Skaneateles, New York on September 28, 2010 and concluding September 30, 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 Terry Ekwel, Director of Building and Fire Prevention, be hereby authorized to attend the conference at Skaneateles, at a cost not to exceed \$425.00.

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

RESOLUTION #13-126/2010

On Motion of	Seconded by
Councilwoman Zinck	Supervisor Yudelson

WHEREAS, the existing parkland at Breese Park is currently undeveloped, and
WHEREAS, the Town of Henrietta recognizes the importance of safe and accessible recreational facilities, and

WHEREAS, both residents and visitors to the Town of Henrietta have expressed their interest in the development of a passive park with trails at Breese Park, and

WHEREAS, the Town of Henrietta is committed to providing recreational opportunities to all residents, and

WHEREAS, it is the desire of the Town Board to direct the Supervisor to work with the Town's grant consultant to prepare and submit an application to the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title Nine (9) of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965 to fund park improvements, including a parking lot, access road, and a trail with benches for Breese Park, and

WHEREAS, the Town of Henrietta commits to providing a local match of at least fifty percent (50%) of the total Project cost (of in-kind labor/services and/or cash) with the total Project cost not to exceed Four Hundred Thousand Dollars (\$400,000).

THEREFORE, BE IT RESOLVED, that Michael B. Yudelson, Supervisor of the Town of Henrietta, is hereby authorized and directed to file an Application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title Nine (9) of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, and upon approval of said request to enter into and execute a Project Agreement with the State for such financial assistance to the Town of Henrietta for improvements to Breese Park.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Henrietta reaffirms the Parks Master Plan (2007) and the Comprehensive Land Use Plan (2003).

BE IT FURTHER RESOLVED, that this Resolution also authorizes the Town of Henrietta to file the Application, and to execute a Project Agreement with the State.

SUPERVISOR YUDELSON

Under discussion, first of all, I apologize for the length of the Resolution, but the form was set by the State as part of the Application process, and I also just wanted to note, for the Record, that although the Resolution refers to a project limit of four hundred thousand dollars (\$400,000), the actual project limit, once we figure out exactly what we'll submit for, will be less. We had to have a Resolution tonight because the deadline is coming up before the next Town Board meeting. The grant is still being worked on. It would probably be more in the neighborhood of the total project being around two hundred thousand dollars (\$200,000) with the Town's share of that being fifty percent (50%). Any other discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #13-127/2010

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the following persons be hired:

Recreation As per the Attachment.

Lora Abbott Tinker Nature Center, Part-time Laborer
Seasonal @ \$13.00/hr., effective 6/7/2010.

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

Recreation As per the Attachment.

Timothy Briggs Highway, Laborer B @ \$11.16/hr., to Laborer A
@ \$13.75/hr., effective 6/20/2010.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
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 anybody that would like to speak on any matter involving the Town of Henrietta? Carol?

(Carol Burritt, 620 Shore Drive, spoke in reference to issues concerning student rental properties and related, and the status of the updates to the Town Code. – Audio File available upon request.)

SUPERVISOR YUDELSON

Is there a motion to adjourn?

The Regular Meeting of the Henrietta Town Board was moved for adjournment by

TB June 16, 2010

Councilwoman Zinck, seconded by Councilman Mulligan at 7:50 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk