

**HENRIETTA TOWN BOARD
AGENDA
OCTOBER 6, 2010**

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):
 - September 15, 2010
 - On Motion of: Councilwoman McCabe Seconded by: Councilwoman Zinck
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Establishment of Extension No. 205 (DDS Companies & SPS Medical) to Henrietta Sewer District No. 1
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 #18-157/2010
Authorize Accounts Payable

RESOLUTION #18-158/2010
Award Low Quote – DPW Building Lighting Project

RESOLUTION #18-159/2010
Authorize Purchase - Playground Equipment – Riverton Park

RESOLUTION #18-160/2010
Authorize Placement of Delinquent Property Maintenance Bills on Tax Rolls

RESOLUTION #18-161/2010
Authorize Supervisor to Execute Letter of Credit Draft – Kost Tire

RESOLUTION #18-162/2010
Authorize Supervisor to Sign - New York State Land Transfer – West Henrietta Road/Brighton-Henrietta Town Line Road Intersection

RESOLUTION #18-163/2010

Award Low Quote – Town Hall East Wing Ceiling and Lighting Project

RESOLUTION #18-164/2010

Authorize Advertisement for Bids – KIP- Printer/Scanner/Copier

RESOLUTION #18-165/2010

Authorize Attendance of the National Alliance for Youth Sports Conference

RESOLUTION #18-166/2010

Call for Public Hearing - Fiscal Year 2011 Preliminary Budget

RESOLUTION #18-167/2010

Authorize Attendance of Historian's Conference

RESOLUTION #18-168/2010

Authorize Professional Services – Phase Two - Strategic Update to the Comprehensive Land Use Plan - Behan Planning and Design

RESOLUTION #18-169/2010

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 6th DAY OF OCTOBER, 2010 AT 7:00 P.M.

PRESENT

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

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Is there anybody who would like to speak on any of the items that are on the Agenda other than the Public Hearing for this Sewer Extension, Agenda items, at this point?
(Pause, no response) If not, may I have the approval of the Minutes, please?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve the Minutes of September 15, 2010.

COUNCILWOMAN ZINCK

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

We have a Public Hearing tonight. This is on the Proposed Establishment of Extension No. 205 for DDS Companies and SPS Medical to Henrietta Sewer District No. 1. Before

we open it up to the Public, Brian, did you want to say anything about the Project or any stuff you want to share with the Board that you haven't already, I just wanted to give you the first opportunity.

BRIAN SOROCHTY, DDS ENGINEERS
Nothing I haven't shared already . . .

SUPERVISOR YUDELSON
Okay.

BRIAN SOROCHTY, DDS ENGINEERS
I'll just . . .

SUPERVISOR YUDELSON
You can just be available to answer questions . . .

BRIAN SOROCHTY, DDS ENGINEERS
Yes . . .

SUPERVISOR YUDELSON
I just wanted to make sure I gave you the opportunity for that. So, is there anybody who would like to speak on this Public Hearing? *(Pause, no response)* If not, I will close this Public Hearing. May I have the first Resolution, please.

RESOLUTION #18-157/2010

On Motion of
Councilman Mulligan

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 10/6/2010	\$ 538,709.41
EXHIBIT B	Manual Bills Payable	\$ 560.00

SUPERVISOR YUDELSON
Discussion? Call the roll, please.

Duly put to a vote:
Councilwoman McCabe voting Aye
Councilman Mulligan voting Aye
Councilman Moore voting Aye

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

RESOLUTION #18-159/2010

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, funds are available in the 2010 Parks and Facilities Budget for the purchase of replacement playground equipment for the Riverton West playground, and

WHEREAS, replacement equipment is available from Gametime under New York State OGS Contract # PC 62098 through Marturano Recreation Company, Brook 35 Park, 2130 Route 35, Building B, Suite 222, Sea Girt, New Jersey 08750, at a cost of \$22,816.00, and

WHEREAS, Gametime is offering a grant program that discounts the price of the equipment when purchased by check through November 17, 2010.

THEREFORE, BE IT RESOLVED, that the Supervisor on behalf of the Town be hereby authorized to sign a Purchase Agreement with Marturano Recreation Company to purchase a new Prime Time Oakdale Place Playground set at a cost not to exceed \$15,116.07, after said discount.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be authorized to pay Marturano Recreation Company, an amount not to exceed \$15,116.07, upon approval of the Purchase Agreement.

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 #18-160/2010

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, owners of several properties located in the Town of Henrietta have neglected to maintain their property during the summer, resulting in the inordinate accumulation of vegetation and/or debris, and have otherwise allowed said property to fall into a state of disrepair, in violation of the Henrietta Town Code, and

WHEREAS, said property owners have failed to comply in a timely fashion to notices of violation thereof served upon them by the Town of Henrietta Code Enforcement Office, and

WHEREAS, this failure resulted in the Town authorizing this work to be performed and the property owners being invoiced for said work, and

WHEREAS, said property owners have failed and neglected to pay said invoices.

THEREFORE, BE IT RESOLVED, that the unpaid invoices on the properties, as per the attachment, totaling \$19,579.01, be added as a lien against said real property on the 2011 tax levy for collection.

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 #18-161/2010

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, the Director of Engineering and Planning has notified Kost Tire of several uncompleted construction items on its Project at 3543 West Henrietta Road in order to comply with the approved site plan, and

WHEREAS, despite said notification and directive to comply, Kost Tire has failed to correct the deficiencies, and

WHEREAS, there is filed with the Town a Letter of Credit having a balance of \$20,000.00 to guarantee the performance and completion of said construction.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute a Draft at Sight claiming said funds in the Letter of Credit.

BE IT FURTHER RESOLVED, that the Director of Engineering and Planning is hereby authorized to utilize said funds to finish the uncompleted construction items.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN

Under discussion, I just want to thank you, Mr. Supervisor, and your staff for pursuing this. We've had problems in the past with items such as this, and we've not always been diligent in making sure the work got done, and with this Letter of Credit it assures that area, that the property will be taken care of and completed satisfying the Town Codes.

SUPERVISOR YUDELSON

Thank you, for that. The credit goes to, no pun intended, goes to Mr. Byrne for pursuing this.

COUNCILWOMAN ZINCK

Thank you, Mark.

SUPERVISOR YUDELSON

Thank you, Mark. 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 #18-162/2010

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, the Marketplace Transportation Development District (T.D.D.) provides funds for the design and construction of a north bound right turning lane at the West Henrietta Road and Brighton-Henrietta Town Line Road intersection within the T.D.D., and

WHEREAS, the State of New York has taken or is in the process of taking a portion of the land owned by the Town of Henrietta through the process of eminent domain for the purpose of improving West Henrietta Road, Route 15 (S.H. No. 62), and

WHEREAS, the State has offered to pay the Town of Henrietta the sum of \$1.00 payment waived for a portion of the Town of Henrietta's property along West Henrietta Road, Route 15 (S.H. No. 62) as depicted on Map 341, Parcel 341, and

WHEREAS, the Town Attorney has examined said Agreement and has found it to

be in good order, and

WHEREAS, the Director of Engineering and Planning has determined that the said Agreement between the Town of Henrietta and the New York State Department of Transportation be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts and ratifies the Agreement of Adjustment and Release of Owner.

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to execute and deliver any and all closing papers with regard to this land transfer to the State of New York.

BE IT FURTHER RESOLVED, that the Town Clerk of this Town shall file two (2) Certified Copies of this Resolution with the State of New York by attaching it to any necessary Agreement in connection with this Project.

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 #18-163/2010

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

WHEREAS, the 2010 Parks and Facilities Budget provides funds for the replacement of the ceiling system and the lighting in the East Wing of the Town Hall, and

WHEREAS, the Town of Henrietta has requested quotes from qualified contractors to install a new 2 X 4 grid suspended ceiling system and quotes from qualified electrical contractors to install new high energy efficient fluorescent troffer lighting fixtures in the new ceiling system, and

WHEREAS, three (3) quotes were received and the low quote, meeting specifications for the Ceiling system, was received from Rochester – Davis Fetch, for a total cost of \$14,900.00, and

WHEREAS, three (3) quotes were received and the low quote, meeting specifications for the replacement of the lighting fixtures, was received from Landmark Electric, for a total cost of \$9,925.00.

THEREFORE, BE IT RESOLVED, that Rochester – Davis Fetch Corporation, 175 Dodge Street, Rochester, New York 14606, be hereby authorized to provide services to

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install a new 2 X 4 suspended ceiling for an amount not to exceed \$14,900.00, and that Landmark Electric, Inc., 50 Commerce Drive, Rochester, New York 14623, be hereby authorized to provide services to install new lighting fixtures for an amount not to exceed \$9,925.00.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Rochester – Davis Fetch Corporation, in an amount not to exceed \$14,900.00 and Landmark Electric Inc., in an amount not to exceed \$9,925.00, upon successful completion of the Projects, and acceptance by the Safety Officer.

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 #18-164/2010

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the Town of Henrietta requires bids for a KIP 7100 Wide Format Printer/Scanner/Copier with optional accessories, including an annual maintenance agreement, for utilization in the Engineering, Building and Town Clerk Departments, to conform with bid specifications on file in the Town Clerk's Office, with bids to be opened at 10:00 AM on Thursday, October 28, 2010 and received no later than 9:30 AM on Thursday, October 28, 2010.

THEREFORE, BE IT RESOLVED, that the Town Clerk be hereby authorized to advertise for bids for a KIP 7100 Wide Format Printer/Scanner/Copier with optional accessories, as per cited bid specifications on file, in the manner provided by Law.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye

Henrietta, New York on the fiscal year 2011 Preliminary Budget.

BE IT FURTHER RESOLVED, that the notice of said Public Hearing be published and posted in the manner provided by Law.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #18-167/2010

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, Helen Elam, the Town Historian and Tina Thompson requested authorization to attend a one (1) day Conference for Town Historians, which was held in Ellicottville, New York, 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 Helen Elam, Town Historian, and Tina Thompson, be hereby authorized to attend the conference in Ellicottville, New York at a cost not to exceed \$315.39, to include lodging, meals, mileage, and conference registration.

BE IT FURTHER RESOLVED, that all properly prepared vouchers be submitted to the Finance Department 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	Aye
Supervisor Yudelson	voting	Aye
Carried		

RESOLUTION #18-168/2010

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, Resolution #3-56/2010 authorized Behan Planning and Design to initiate Phase Two of updating the Town of Henrietta Comprehensive Land Use Plan, and

WHEREAS, Behan Planning and Design has submitted to the Town of Henrietta a proposed amendment to Phase Two, dated September 7, 2010, a copy of which is on file in the Town Clerk's Office, and

WHEREAS, the amendment, as more fully detailed therein, is for additional services desired by the Town related to the Strategic Update to the Comprehensive Land Use Plan.

THEREFORE, BE IT RESOLVED, that Behan Planning and Design, 274 North Goodman Street, Suite B260, Rochester, New York 14607, be hereby authorized to provide professional consultant services to complete Phase Two of the Town's Comprehensive Land Use Plan update, for a total amount not to exceed \$54,000.00.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be authorized to pay said Consultant upon successful completion of Phase Two, and acceptance by the Director of Engineering and Planning.

SUPERVISOR YUDELSON

Under discussion, just let the Record show that this Amendment raises the total price for the Contract to fifty-four thousand dollars (\$54,000.00), it's actually an increase of thirteen thousand, five hundred dollars (\$13,500.00) over what was previously approved.

COUNCILMAN MOORE

Under discussion, what was previously approved has already paid, so this will be the final payment?

SUPERVISOR YUDELSON

This will be, I don't think we've been billed for the total amount, but this would be the total Project.

COUNCILWOMAN McCABE

Under discussion, we, I think we probably should put that thirteen, that amount of money in here for this, for the additional services, I think it should be added and a total of the Contract is fifty-four thousand (\$54,000.00).

SUPERVISOR YUDELSON

Okay.

COUNCILWOMAN McCABE

It should be in here, I think.

SUPERVISOR YUDELSON

Mr. Mastrella, since we, given the conversation we just had, would that be sufficient or would you advise an amendment?

DANIEL MASTRELLA, TOWN ATTORNEY

Just amend the Motion to include that amount and ask for a second, if the second . . .

COUNCILWOMAN McCABE

So moved.

SUPERVISOR YUDELSON

Is there a second?

COUNCILMAN MULLIGAN

Second.

SUPERVISOR YUDELSON

Discussion on the Amendment? Would you call the roll on the Amendment?

Duly put to a vote on the Amendment:

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

Carried

SUPERVISOR YUDELSON

Is there any further discussion on the Main Motion? Call the roll, please.

Duly put to a vote on Main Motion:

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

Carried

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Respectfully submitted,

Leann C. Case
Deputy Town Clerk