

**HENRIETTA TOWN BOARD
AGENDA
OCTOBER 20, 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):
 - October 6, 2010
 - On Motion of: Councilman Mulligan Seconded by: Councilman Moore
6. Miscellaneous Communications
7. Public Hearing:
 - Fiscal Year 2011 Preliminary Budget for the Town of Henrietta;
Proposed Salaries for Elected Town Officials are: Supervisor, \$91,928;
Councilpersons, \$17,605; and Town Judges, \$27,242.
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 #19-170/2010
Authorize Accounts Payable

RESOLUTION #19-171/2010
Authorize Professional Real Estate Appraisal Services – Lowe’s Home Centers, Inc.

RESOLUTION #19-172/2010
Authorize Proposed Establishment of Extension No. 205 (DDS Companies & SPS Medical) to Henrietta Sewer District No. 1

RESOLUTION #19-173/2010
Authorize Agriculture Lease Renewal - Mark Greene, Property on Calkins Road

RESOLUTION #19-174/2010
Call for Public Hearing – Local Law No. 1 of 2010 - Town Code, Proposed Amendments to Chapter 79, entitled “Dogs”

RESOLUTION #19-175/2010

Authorize Supervisor to File Grant Application – Justice Court Assistance Program

RESOLUTION #19-176/2010

Authorize Supervisor to File Grant Application – New York State Office of Parks, Recreation and Historic Preservation – Recreational Trails Program

RESOLUTION #19-177/2010

Authorize Personnel Items

TB October 20, 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 20th DAY OF OCTOBER, 2010 AT 7:00 P.M.

PRESENT

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

ABSENT

Councilwoman Catherine A. McCabe
Councilwoman Janet B. Zinck

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Good evening. Tonight, we have the Public Hearing, in a minute, on the 2011 Budget, but before that, is there anybody who wants to speak on any of the other Agenda items that you see before you for tonight, Agenda items? Mr. Schmitt?

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

(Away from mic, "Is this for the Budget? I'm not here . . .)

SUPERVISOR YUDELSON

No, not for the Budget, other Agenda items.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

(Away from mic, "Other than the Budget . . .)

SUPERVISOR YUDELSON

Yes, I'll call the Budget one in just a minute. Okay, if not, can I have the approval of the Minutes, please?

COUNCILMAN MULLIGAN

Mr. Supervisor, I move we approve the Minutes of the October 6, 2010 Meeting.

COUNCILMAN MOORE

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	Absent
Supervisor Yudelson	voting	Aye

Carried

SUPERVISOR YUDELSON

So, now I'll call the Public Hearing on the 2011 Budget, and just before opening it up to any comments or questions, I did want to mention a couple of things. I appreciate the cooperation of Department Heads and the Town Board in putting together the Budget and getting it to this point. These are obviously very tough challenging times for all different levels of government. We're faced with decreasing revenue that we have no control over, and of course, increasing expenses, many of which we have no control over, as well. We took a pretty hard line on what we would include in the Budget, but at the same time trying as hard as possible to make sure that we're able to continue to provide the same level of services to residents. So, I think that what we have before us is a good Budget, and I appreciate everybody's input. I did want to make one note for the Record, we see some of our friends from the Henrietta Ambulance here tonight, and we appreciate them being here. If you looked at the Budget, you'll note that the amount that comes from the Town to the Ambulance Budget is not included at this point, and that was basically as a matter of scheduling. We had a meeting with the Ambulance people to talk about next year's expenses scheduled, we had a couple of Board members sick, and a Board member out of town and we had to postpone it. So, before the point that we get to acting on the Budget, which I assume would be in two (2) weeks, we would put out information about that section of the Budget that is a Special District, so it's kind of a standalone thing and the information will be available as soon as we have it. Having said that, I want to open the Public Hearing now to any questions or comments, and if you'd like to speak just raise your hand and let me know. Anybody to speak on the 2011 Budget? Mr. Schmitt?

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

John Schmitt, 139 Campfire Road North. I know you'd be disappointed if I didn't make some comments on the Budget. I don't know whether the other night you watched the great debate, but I had promised not to make any comments on the rent. The one thing that I noticed that was different when you set out the Tentative and the Preliminary Budget was that there was not the actual expenses for the year 2009. That has always been part of that presentation, and it helps to have a look at what the trends might be, where the changes are and things of that nature. So, if I'm the only one outside the Town Hall who looks at the Budget, I don't know, but those things are a help and they can save some questions that may not need to be asked. I think there should be a statement each year, which shows not only the expenses, but shows the income. It's a

measure as to how we do when times change. Sometimes as we know from the recent past, have been difficult and sometimes it goes a little easier. Although, it may be difficult to remember when those times were. I also noticed there was no chart of accounts. No chart of organization chart rather. That helps to give you an idea if there's any changes made in the structure of the Town itself. The other thing as to the comments as to what's in the Budget actually is because I'm not in on the day to day operations, I have no real comments on them. I did appreciate the verbiage that you had preliminary to the presentation of the Budget explaining where some of the changes were. That's very helpful if you really look at it. The other thing that I do have is tied into somewhat of the structure if I can find it here easily . . . there are some expenses that I noticed have changed between the amounts requested and the amounts put in the Budget. I assume that's for things that weren't paid in this year that will be paid next year?

SUPERVISOR YUDELSON

Not necessarily, can you give me . . .

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Like the equipment, primarily the equipment.

SUPERVISOR YUDELSON

Give me an example. If you can direct me to an account that you're talking about. I mean, there were some changes made from the Board, very few, but a couple changes made from the Budget I submitted to one the Town Board put forth as the Preliminary . . .

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

I didn't look at the dollar to dollar, but in Engineering and also in . . .

SUPERVISOR YUDELSON

Oh okay, I know the one you're talking about. The one in Engineering, it is in the equipment section, involves a vehicle that we had and actually we had, just through an oversight, where there's a plan to get two (2) vehicles, there was a third vehicle and just as far as where that ended up, not by plan, but just by the way it worked out, we had intended to get two (2) vehicles for the Fire Marshal and Building Department out of this year's Budget, but at the Contract price we weren't able to with the funds we had. We only got one (1), so for the 2011 Budget, we took that extra one that was in Engineering and transferred it over to the Fire Marshal's Office. So, you'll see a vehicle in there now.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

The other one that catches my eye is Recreation. That's broken down from administration, aquatics, preschool, you know, vacation . . .

SUPERVISOR YUDELSON

Yes.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

. . . education, you know the whole gamut, is there any . . .

SUPERVISOR YUDELSON

I can answer that one, too. If you look in the, well, first of all, I'll just say something about the structure of the Recreation accounts. I redid those as part of the Budget process this year to try and make it something that would be easier to follow. A couple of the changes that are in here, including taking some of the stuff out, was really trying to clean this Budget up and make it a little more user friendly. For the Recreation accounts, one of the things we did that will be helpful, not only to a citizen trying to follow the Budget, but just for our use internally, was to organize it by types of programs, which it was not before. So, you'll see there's, as you mentioned, there's aquatics, there is playground programs, there's youth sports programs, there's some major categories. When the Town Board reviewed the Budget that had been turned in and presented to them, they had some concerns about the amount that that Department's Budget was costing the Town, the increasing cost to the Town taxpayers for those programs. So, there are some changes in that Budget, there are some on the revenue side, and there are also some on the expense side. The change on the expense side, if you look at that account or series of accounts that you mentioned, the Recreation administration, if you look at the sub category, if you will, of adult recreation programs, there is a decrease there, as I said, the Board asked for recommendations on where would the Department make some changes, we asked that of our Recreation Director and he gave back to us a proposed change, which is basically discontinuing a program that has a great expense to the Town of about seventeen (\$17,000) or eighteen thousand dollars (\$18,000) a year. It's a theater program, a community theater program that brings in no revenue and has a great expense and it was recommendation, that's been included in the Budget, that's the change.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

My question hasn't much to do with the expense in that that it looks that is a great structure and I'm wondering, is it coordinated, so that there's reproduction from one section to the other and doubling up on costs maybe.

SUPERVISOR YUDELSON

The costs, if I'm following the question, since it is a totally different structure than it was before, the costs though, follow that structure. So, if you look at the 2010 Budget for each of those categories, it's taking the programs that will be part of that category for 2011 and putting them there for 2010, as well.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH
Okay, thank you.

SUPERVISOR YUDELSON

Yes. Is there anybody else that would like to speak on the 2011 Budget? (*Pause, no response*) Alright, if not, I'll close this Public Hearing. We will, most likely, vote on this at our next meeting on November 3rd. At this point, can I have the first Resolution?

RESOLUTION #19-170/2010

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 10/20/2010	\$ 351,342.27
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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	Absent
Supervisor Yudelton	voting	Aye
	Carried	

RESOLUTION #19-171/2010

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, it has become necessary to contract for professional real estate appraisal services for the certiorari actions filed by Lowe's Home Centers, Inc., for the premises located at 2350 Marketplace Drive in the Town of Henrietta, known as Tax Account Number 161.16-1-7, and

WHEREAS, a number of appraisers were solicited for fee quotes.

THEREFORE, BE IT RESOLVED, that Jay Loson, MAI, of Midland Appraisal Associates, Inc., 673 Panorama Trail West, Rochester, New York 14625, is hereby engaged to perform real estate appraisal services, conforming to the applicable standards, for a fee not to exceed \$7,400.00, with necessary court testimony and trial

preparation being billed separately, not to exceed an hourly rate of \$175.00 per hour.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Jay Loson, MAI, of Midland Appraisal Associates, Inc., in an amount not to exceed \$7,400.00, with necessary court testimony and trial preparation being billed separately, not to exceed an hourly rate of \$175.00 per hour, upon the submission of all proper documentation.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #19-172/2010

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 205 (DDS COMPANIES & SPS MEDICAL) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED BETWEEN MARTIN ROAD AND RUSH-HENRIETTA TOWN LINE ROAD AND WEST OF GENESEE EXPRESSWAY (I-390) AND APPROXIMATELY 900 FEET WEST OF WEST HENRIETTA ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 205 (DDS COMPANIES & SPS MEDICAL) TO HENRIETTA SEWER DISTRICT NO. 1

WHEREAS, a written Petition for the establishment of an extension to Henrietta Sewer District No. 1 in the Town of Henrietta, County of Monroe, State of New York, to be known as Extension No. 205 (DDS Companies & SPS Medical) of said Sewer District was duly presented to this Town Board, together with the necessary map and plan attached thereto, and

WHEREAS, pursuant to an Order a Public Hearing was held on the Petition, and the findings as specified on Exhibit "A" were made.

THEREFORE, BE IT RESOLVED, that the establishment of Extension No. 205 to the said Sewer District as proposed in the said Petition be approved; that the

improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for; and that such extension shall be designated and known as Extension No. 205 to Henrietta Sewer District No. 1 and shall be bounded as described in attachments annexed hereto.

BE IT FURTHER RESOLVED, that the Town Clerk of this Town shall, within ten (10) days after the adoption of this Resolution, file Certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York.

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	Absent
Supervisor Yudelson	voting	Aye

Carried

SUPERVISOR YUDELSON

You want me to take this one for you? I have Resolution; I'm filling in for Councilman Mulligan just because of his cold.

RESOLUTION #19-173/2010

On Motion of
Supervisor Yudelson

Seconded by
Councilman Moore

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, 2010 through November 30, 2011, 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	Absent
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Absent
Supervisor Yudelton	voting	Aye

Carried

RESOLUTION #19-174/2010

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

**IN THE MATTER OF
THE ADOPTION OF PROPOSED LOCAL LAW NO. 1 OF 2010:**

**A LOCAL LAW AMENDING CHAPTER 79 ENTITLED, "DOGS", OF THE TOWN
CODE OF THE TOWN OF HENRIETTA**

WHEREAS, true and correct copies of proposed Local Law No. 1 of 2010, A Local Law Amending Chapter 79 entitled, "Dogs", of the Town Code of the Town of Henrietta, were delivered to each member of the Town Board, and

WHEREAS, due consideration has been given to the adoption of proposed Local Law No. 1 of 2010 by all members of the Town Board, and

WHEREAS, it was the considered opinion of the Town Board that a Public Hearing should be held on the 17th day of November, 2010, at the Town Hall, 475 Calkins Road, Henrietta, New York, to consider the adoption of proposed Local Law No. 1 of 2010.

THEREFORE, BE IT RESOLVED, that a Public Hearing be held on the 17th day of November, 2010, at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York, on the question of the adoption of proposed Local Law No. 1 of 2010, a Local Law Amending Chapter 79 entitled, "Dogs", of the Town Code of the Town of Henrietta, and a summary thereof be published in a newspaper previously designated as an official newspaper for publication of public notices.

BE IT FURTHER RESOLVED, that the Town Clerk shall post Certified Copies of both this Resolution and said proposed Local Law No. 1 of 2010, or a summary thereof, on the bulletin board maintained by the Town Clerk, pursuant to Section 30(6) of the Town Law.

SUPERVISOR YUDELSON

Under discussion, I just did want to mention and thank the Town Clerk for getting this ready for us. This does not really so much involve changes that the Town wants to make in the way we do dog licenses, but rather the State, this kind of has become their habit taking something they previously were responsible for and passing it onto the towns to be responsible for. So, it's the necessary changes to our Town Code to accommodate that. Call the roll, please.

Duly put to a vote:

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

RESOLUTION #19-175/2010

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

BE IT RESOLVED, that Michael Yudelson, Supervisor of the Town of Henrietta, New York, is hereby authorized and directed to file an Application for funds from the New York State Unified Justice Court in accordance with the provisions of the Justice Court Assistance Program, in an amount not to exceed \$30,000, for court equipment, 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.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MULLIGAN

Under discussion, could the administration, maybe on a semiannual basis, update the Board on how this new security system in the Court is actually working?

SUPERVISOR YUDELSON

Yes.

COUNCILMAN MULLIGAN

Thanks.

SUPERVISOR YUDELSON

Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #19-176/2010

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, the Town of Henrietta appreciates the importance of a safe and accessible recreational trails system, and

WHEREAS, the existing parkland at Breese Park is currently undeveloped and lacks a trail system, and

WHEREAS, both residents and visitors to the Town of Henrietta have expressed their interest in the development of a trail system at Breese Park, and

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

THEREFORE, BE IT RESOLVED, that Michael 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 the Recreational Trails Program. The Town of Henrietta will be responsible for all grant administration, oversight and reporting required through this Application. The maximum amount of funds applied for through this Program shall not exceed \$200,000.00. The Town of Henrietta will contribute toward the required 20% match, should an award be made.

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).

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN

Jim Breese called me and wanted to know, would we have any additional celebrations at the Park honoring his service.

SUPERVISOR YUDELSON
(Laughter) Call the roll, please.

TB October 20, 2010

Leann C. Case
Deputy Town Clerk