

TBM December 1, 2010

RESOLUTION #22-203/2010

Authorize Supervisor to Sign Abandonment of Drainage and Turnaround
Easement – Lot Nos. 801, 802 and 826, in the Preserve Subdivision, Section 8

RESOLUTION #22-204/2010

Authorize Supervisor to Sign Amendatory Agreement - County of Monroe
Intermunicipal Agreement for Snow Removal and Ice Control Services

RESOLUTION #22-205/2010

Authorize Personnel Item(s)

TBM December 1, 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 1ST DAY OF DECEMBER, 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, for tonight's meeting? Agenda items? *(Pause, no response)* If not, may I have the approval of the Minutes?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve the Minutes of November 17, 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

May I have the first Resolution, please?

RESOLUTION # 22-198/2010

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 12/1/2010	\$ 636,731.17
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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 Yudelson	voting	Aye

Carried

RESOLUTION # 22-199/2010

On Motion of
Councilman Moore

Seconded by
Councilwoman McCabe

WHEREAS, Sears Roebuck and Company, Inc., heretofore commenced proceedings against the Assessor, the Board of Assessment Review, and other respondents for a review of the assessments for the years 2008, 2009, and 2010 for premises located at 10 Miracle Mile Drive in the Town of Henrietta, being Tax Account Number 161.12-1-1.1/C, and

WHEREAS, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner's claim, and

WHEREAS, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

WHEREAS, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by Sears Roebuck and Company, Inc., for the years 2008, 2009, and 2010 be and hereby are approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Henrietta be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Henrietta to reflect the terms of such settlement.

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 # 22-200/2010

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, Sears Roebuck and Company, Inc., heretofore commenced proceedings against the Assessor, the Board of Assessment Review, and other respondents for a review of the assessments for the years 2008, 2009, and 2010 for premises located at 2213 Brighton-Henrietta Town Line Road in the Town of Henrietta, being Tax Account Number 149.17-1-14.1, and

WHEREAS, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner's claim, and

WHEREAS, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

WHEREAS, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by Sears Roebuck and Company, Inc., for the years 2008, 2009, and 2010 be and hereby are approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Henrietta be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Henrietta to reflect the terms of such settlement.

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 # 22-201/2010

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, the Town Board received a written request from Sheen Housing for rezoning of an approximate 4.188 acres of land from a 27.418 acre parcel of land, identified as Tax Account Number 176.06-1-75.111, located in the rear of 705 Calkins Road from Residential R-1-15 to Residential R-2-15, along with an Application for a Special Use Permit to construct a sixty (60) unit apartment building for low and moderate income seniors, and

WHEREAS, the Henrietta Town Board declares its intent to be the Lead Agency for the Environmental Quality Review under the New York State Environmental Quality Review Act (SEQRA).

THEREFORE, BE IT RESOLVED, that a Public Hearing on the rezoning request will be held simultaneously with the scheduled Special Use Permit Hearing on January 5, 2011 at 7:00 p.m. at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York, to consider rezoning said property from Residential R-1-15 to Residential R-2-15, along with a Special Use Permit.

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 # 22-202/2010

On Motion of
Councilwoman McCabe

Seconded by
Councilman Moore

WHEREAS, an Agreement by and between the Town of Henrietta and Monroe County to maintain a traffic signal system at two (2) intersections of the Calkins Road main driveway entrance to the Henrietta Town Hall and to Memorial Drive, has been proposed, and

WHEREAS, the Town Attorney has examined this 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 Monroe County should be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute and deliver said Agreement by and between the Town of Henrietta and Monroe County.

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 # 22-203/2010

On Motion of
Councilman Moore

Seconded by
Councilwoman McCabe

WHEREAS, the Developer, BRW of Greece, LLC, has constructed a new house on Lot No. 801, with plans to develop Lot Nos. 802 and 826, in the Preserve Subdivision, Section 8, and

WHEREAS, in order to close on Lot No. 801, and future closings on Lot Nos. 802 and 826, a portion of the existing temporary drainage and turnaround easement needs to be abandoned, and

WHEREAS, the existing turnaround was reconfigured to eliminate said easement on Lot Nos. 801, 802 and 826, but will still provide turnaround capacity for Town snowplowing equipment, and

WHEREAS, the existing Town temporary drainage and turnaround easement recorded in Liber 10397 of Deeds, Page 303 on the properties being identified as Tax Identification Nos. 160.18-3-26, -27, and -36, are 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 attached 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	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION # 22-204/2010

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, Resolution #20-229/2003 authorized the Supervisor to sign the Intermunicipal Agreement for Snow Removal and Ice Control Services on County highways within the Town of Henrietta under a lump sum reimbursement formula for an

initial term of ten (10) years, expiring on September 30, 2013, and

WHEREAS, the County of Monroe has submitted an Amendatory Agreement for the 2010/2011 winter season showing a total estimated payment of \$ 352,908.81 for this season, and

WHEREAS, the Town of Henrietta desires to continue this Work Agreement with the County for the benefit of Henrietta residents.

THEREFORE, BE IT RESOLVED, that the Supervisor be hereby authorized to sign, on behalf of the Town, this Amendatory Agreement with the County to allow the Town to continue performing snow and ice control services on County highways within 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	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION # 22-205/2010

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the following person be hired:

Matthew Monaghan

Recreation, Part-time Recreation Assistant,
Golden Comets Swim Program @ \$9.75/hr.,
effective 12/02/2010.

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	Aye
Supervisor Yudelson	voting	Aye

TBM December 1, 2010

Carried

SUPERVISOR YUDELSON

That's the end of the regular Agenda, before we adjourn, is there anybody 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 Councilwoman Zinck at 7:15 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk