

**HENRIETTA TOWN BOARD
AGENDA
FEBRUARY 2, 2011**

Supervisor Yudelson
Councilwoman McCabe
Councilman Mulligan
Councilwoman Zinck
Councilman Moore

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):
- January 19, 2011
On Motion of: Councilwoman McCabe Seconded by: Councilwoman Zinck
6. Miscellaneous Communications
7. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
8. Reports of Standing Committees and Actions Thereon
9. Reports of Special Committees
10. Public Comment
11. Adjournment

RESOLUTION #4-65/2011
Authorize Accounts Payable

RESOLUTION #4-66/2011
Authorize Payment - Certiorari Attorney for Legal Services

RESOLUTION #4-67/2011
Authorize Purchase of State Contract Vehicle – Utility Truck - Highway
Department

RESOLUTION #4-68/2011
Authorize Purchase of State Contract Vehicle – Dump Truck - Highway
Department

RESOLUTION #4-69/2011
Authorize Purchases - State Contract Equipment – Three (3) Mowers – Parks
Department

TB February 2, 2011

RESOLUTION #4-70/2011

Award Low Quote – Gator – Parks Department

RESOLUTION #4-71/2011

Authorize Supervisor to Sign Golden Comets Intermunicipal Services Agreement

RESOLUTION #4-72/2011

Resolution for Support of Heritage Gardens

RESOLUTION #4-73/2011

Authorize Locust/Edgewood Town Homes – Town Law § 278

RESOLUTION #4-74/2011

Authorize Personnel Items

TB February 2, 2011

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 2th DAY OF FEBRUARY, 2011 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

SUPERVISOR YUDELSON

Is there anybody who would like to speak on any of the items that are on the Agenda, Agenda items, at this point?

COUNCILMAN MULLIGAN

Do you want to do the Pledge, first?

SUPERVISOR YUDELSON

Oh, I'm skipping all that stuff. We're moving all around. *(Laughter)*

COUNCILWOMAN ZINCK

It seemed a little out of order, but . . .

SUPERVISOR YUDELSON

We'll do the . . .

COUNCILWOMAN ZINCK

It's good to shake it up once and awhile.

SUPERVISOR YUDELSON

Okay, if you'd join us now for a silent prayer and the Pledge of Allegiance.

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

COUNCILWOMAN McCABE

Now we're ready.

SUPERVISOR YUDELSON

Having made it through item number three (3). Is there anybody who would like to speak on any items that are on the Agenda for tonight's meeting? *(Pause, no response)* If not, can I have the approval of the Minutes?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve the Minutes of January 19, 2011.

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 Yudelton | voting | Aye |
| | | Carried |

SUPERVISOR YUDELSON

May I have the first Resolution, please?

RESOLUTION #4-65/2011

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

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

| | | |
|-----------|------------------------------|---------------|
| EXHIBIT A | Bills Payable dated 2/2/2011 | \$ 116,806.53 |
| EXHIBIT B | Manual Bills Payable | \$ 20,084.00 |

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

| | | |
|---------------------|--------|-----|
| Councilwoman McCabe | voting | Aye |
| Councilman Mulligan | voting | Aye |

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

(Pause)

COUNCILWOMAN McCABE
Did you . . .

SUPERVISOR YUDELSON
Jack, I think you're up.

COUNCILMAN MOORE
I got it out of order here then, I'm sorry, it says Mulligan on mine. I didn't pull the right one, I'm sorry.

COUNCILWOMAN McCABE
That's okay.

SUPERVISOR YUDELSON
Sixty-six (66) . . .

COUNCILWOMAN ZINCK
It's an out of order night.

RESOLUTION #4-66/2011

On Motion of
Councilman Moore

Seconded by
Councilwoman McCabe

WHEREAS, Certiorari proceedings have been commenced by various property owners to challenge tax assessments in the Town of Henrietta, and

WHEREAS, John Considine was hired by the Town of Henrietta to act as the Special Counsel in Certiorari proceedings per Resolution #15-199/82, and

WHEREAS, Mr. Considine has submitted an invoice for said services for the period of October 1, 2010 through December 31, 2010.

THEREFORE, BE IT RESOLVED, that the Supervisor or his designee be authorized to pay John Considine of the firm McConville, Considine, Cooman & Morin, P.C., 25 East Main Street, Rochester, New York 14614, the sum of \$10,006.50 for services rendered.

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 #4-67/2011

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, the 2011 Highway Budget provides funds for the purchase of one (1) new three-quarter ton utility truck to replace truck #116, a 2003 Chevrolet truck, and

WHEREAS, a replacement truck, meeting specifications, is available through New York State Contract PC65026 from Hoselton Chevrolet, Inc., at a total cost not to exceed \$23,499.85.

THEREFORE, BE IT RESOLVED, that Hoselton Chevrolet, Inc., 909 Fairport Road, East Rochester, New York 14445, be hereby awarded the purchase of one (1) new 2011 Chevrolet three-quarter ton truck with utility body, per specifications.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Hoselton Chevrolet, Inc., in an amount not to exceed \$23,499.85, upon delivery and receipt of all proper documentation, and acceptance by the Acting Superintendent of Highways.

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 #4-68/2011

On Motion of
Councilwoman McCabe

Seconded by
Councilman Moore

WHEREAS, the 2011 Highway Budget provides funds for the purchase of one (1) new one-ton dump truck to replace #148, a 1996 Chevrolet one-ton dump truck, and

WHEREAS, a replacement truck, meeting specifications, is available through New York State Contract PC63529 from Robert Green Chevrolet-Oldsmobile, Inc., at a total cost not to exceed \$32,322.25.

THEREFORE, BE IT RESOLVED, that Robert Green Chevrolet-Oldsmobile, Inc., Route 17, East Exit 107, P.O. Box 8002, Rock Hill, New York 12775, be hereby awarded the purchase of one (1) new 2011 Chevrolet one-ton dump truck, per specifications.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Robert Green Chevrolet-Oldsmobile, Inc., in an amount not to exceed \$32,322.25, upon delivery and receipt of all proper documentation, and acceptance by the Acting Superintendent of Highways.

COUNCILWOMAN McCABE

Under discussion, Mr. Supervisor, there is no street address here and we do not do business without having a street address.

SUPERVISOR YUDELSON

Yes, although, I think looking from their invoice, which is the second page of this that that appears to be the complete address, as they use it.

COUNCILWOMAN McCABE

Route 17, East Exit 107? No building number, no . . .

SUPERVISOR YUDELSON

I don't know.

COUNCILMAN MOORE

It's probably a big building.

COUNCILWOMAN McCABE

Well . . .

SUPERVISOR YUDELSON

As far as you know, Mr. Youngman, is that the extent of it?

DONALD YOUNGMAN, ACTING SUPERINTENDENT OF HIGHWAYS

That's how it's listed in the State Contract.

SUPERVISOR YUDELSON

Yes.

COUNCILWOMAN McCABE

I see on the attachment back here, it's 236 Bridgeville Road.

SUPERVISOR YUDELSON

Oh, there it is. It's on page two (2) of the award.

COUNCILWOMAN McCABE

So, if we could please put that in the Resolution, I'd appreciate it.

SUPERVISOR YUDELSON

Thank you, for finding that. It's on page two (2) of the award sheets.

COUNCILWOMAN McCABE

Right.

SUPERVISOR YUDELSON

Thank you.

COUNCILWOMAN McCABE

You're welcome.

DONALD YOUNGMAN, ACTING SUPERINTENDENT OF HIGHWAYS

Thanks.

SUPERVISOR YUDELSON

Thanks, Don.

COUNCILWOMAN McCABE

Thanks.

SUPERVISOR YUDELSON

Any further discussion? Call the roll, please.

(Let the Record show that the correct address is 236 Bridgeville Road.)

Duly put to a vote:

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

\$13,500.00, including the trade-in of a 2000 John Deere Gator.

THEREFORE, BE IT RESOLVED, that Z & M AG and Turf, 7615 Lewiston Road, Oakfield, New York 14125, be hereby awarded the purchase of one (1) John Deere Gator, per specifications.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Z & M AG and Turf in an amount not to exceed \$13,500.00, upon delivery and receipt of all proper documentation, and acceptance by the Parks and Facilities Department.

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 #4-71/2011

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, the Town of Henrietta Recreation Department has recommended that the Town participate in a joint program with the Town of Gates and the Gates-Chili Central School District to allow for a collaborative instructional and competitive swim program under the direction of the Rush Henrietta Swim Club, and

WHEREAS, an Intermunicipal Agreement providing for said program has been proposed wherein all municipal parties would bear their respective share of costs for said program, and

WHEREAS, the Town of Henrietta desires to participate in the proposed Intermunicipal Agreement.

THEREFORE, BE IT RESOLVED, that the Supervisor be hereby authorized to sign, on behalf of the Town, the Intermunicipal Agreement for the provision of said program and any other documents related thereto.

SUPERVISOR YUDELSON

Discussion?

COUNCILWOMAN McCABE

Under discussion, Mr. Supervisor, it says here something about *"would bear their*

respective share of costs for said program” . . .

SUPERVISOR YUDELSON

Correct.

COUNCILWOMAN McCABE

I thought there were no costs to the Town of Henrietta?

SUPERVISOR YUDELSON

Well, what that's getting to is the cost that we already bear for instruction for the Henrietta kids who sign up, would continue to be our costs and that we would not bear any of the cost for the Gates children who are in the program.

COUNCILWOMAN McCABE

I see.

SUPERVISOR YUDELSON

That will continue to be run separately.

COUNCILWOMAN McCABE

And, the children that sign up for this program, the cost that we charge them covers the cost that the Town eventually pays. Is that correct?

SUPERVISOR YUDELSON

The Henrietta, as the program currently runs?

COUNCILWOMAN McCABE

Yes.

SUPERVISOR YUDELSON

I don't know if the revenue totally covers the cost of this program or not. This won't have any bearing on that, but I don't know that off the top of my head.

COUNCILWOMAN McCABE

Could you . . .

SUPERVISOR YUDELSON

I could absolutely, yes, I could email it to you tomorrow morning.

COUNCILWOMAN McCABE

Thank you.

SUPERVISOR YUDELSON

Okay. Any further discussion?

COUNCILWOMAN ZINCK

No, I just want to say I think it's a great example of them trying to do things a little differently, and I think that's great when you try and do things a little smarter and a little more differently.

COUNCILWOMAN McCABE

Through cooperative services, however, I always thought that the programs should pay for themselves.

SUPERVISOR YUDELSON

Understood. Right. This, just for the Record, as was stated, there will be no extra cost to us, actually the benefit to us is that the Town of Gates will be contributing two thousand dollars (\$2,000) towards pool time at MCC that Henrietta kids will be able to take advantage of. So, it will be more time in the pool for them at no added expense for the Town. 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 #4-72/2011

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, the Town of Henrietta adopted the Town of Henrietta Comprehensive Land Use Plan in 2003, and

WHEREAS, the new construction of fifty-three (53) one (1) and two (2) bedroom apartments on available vacant land in an existing developed area at 950 Commons Way is part of the comprehensive strategy (C2 and C1) to address the need for quality, affordable workforce housing in the Town of Henrietta, and

WHEREAS, this proposed development will utilize the existing infrastructure within the larger Heritage Christian Services development including: 1) a new lighted intersection at Castle Road and East Henrietta Road, including a right turn lane; 2) access off of the newly constructed Commons Way; 3) has accessibility to all utilities because of the recent investment in the Pieters Life Center and child care center and 4)

will tie into the sidewalks recently constructed, and

WHEREAS, 950 Commons Way is zoned appropriately for multi-family housing with a Special Use Permit. Further, the Project ties to Goal D1: Objectives to facilitate the development of new housing/medical facility combined projects by constructing independent affordable apartments adjacent to the Pieters Life Center and a child care center. Housing Goal D1 is met by the Project seeking Federal and State housing programs for the provision of affordable rental units for Town Residents, and

WHEREAS, Monroe County supports the creation of Heritage Gardens and has awarded the Project two hundred and ten thousand dollars (\$210,000) of Monroe County HOME funds. The Town of Henrietta goals and Project goals are consistent with the following Monroe County Housing & Community Development 2010-2015 Strategic Plan and 2010 Annual Action Plan, as well as the New York State Consolidated Plan:

“To improve the quality of life for low to moderate-income families, seniors and persons with special needs in suburban Monroe County by providing affordable rental and home ownership improvements, creating and retaining jobs, and funding public services that stabilize and enhance living conditions (Monroe County).”

WHEREAS, Heritage Gardens promotes diverse housing opportunities for all residents of the Town of Henrietta (Housing Goal D1); the Project will provide fifteen percent (15%) of the units for developmentally disabled residents, and

WHEREAS, Heritage Gardens will provide construction period employment and two (2) permanent jobs.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta supports the new construction of a fifty-three (53) unit affordable housing Project (Heritage Gardens) on approximately 3.43 acres (950 Commons Way). This is consistent with Town, County, and State goals.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MULLIGAN

Just a historical note, this was Jim Andrew's dad's original homestead. This land.

COUNCILWOMAN McCABE

That's right.

COUNCILMAN MULLIGAN

A long time ago. Doc Andrew's veterinarian. Excellent with cows.

COUNCILMAN MOORE

He was also excellent buying the land. He owned most of Jefferson Road that the Regional Market didn't own.

COUNCILMAN MULLIGAN

He made a lot more money with land than he did cows. *(Laughter)* And, in the future, if you could save those comments, please. *(Laughter)*

COUNCILMAN MOORE

It's on the Record.

COUNCILWOMAN ZINCK

It's one of those kinds of nights, Mike.

SUPERVISOR YUDELSON

What do I do with this? *(Laughter)*

COUNCILMAN MULLIGAN

Blame it on your Board.

SUPERVISOR YUDELSON

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 #4-73/2011

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, the Town of Henrietta Planning Board has received and considered Application No. PB-288 for approval of a forty-one (41) unit townhomes Project to be developed under New York State Town Law §278 on a 19.939 acre parcel of land located between Edgewood Avenue and Locust Hill Drive on the north side of Jefferson Road, to be known as 1850 Jefferson Road, in a Residential R-1-20 Zoned District, and

WHEREAS, the Planning Board properly designated itself as Lead Agency, issued a negative declaration under SEQRA and gave preliminary subdivision approval for said Application, and

WHEREAS, Henrietta Town Code §295-59(B) requires Town Board approval for the lands available for parks, recreation, open space or other municipal purposes, and

WHEREAS, the Town Board has reviewed the approved Preliminary Plat and

finds that the lands available for such purposes and the uses thereof are appropriate.

THEREFORE, BE IT RESOLVED, that the Town Board approves said Preliminary Plat and refers the matter back to the Henrietta Planning Board for final approval with such conditions as it may deem appropriate.

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 #4-74/2011

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the following persons be hired:

Darlene Spafford Recreation, Part-time Clerk @ \$10.00/hr.,
effective 1/25/2011.

Recreation Assistants, effective 2/3/2011:

Susan Buckman, Gymnastics Program @ \$8.75/hr.
Max Murray, Gymnastics Program @ \$8.75/hr.
Thomas Mulvaney, Lacrosse Program @ \$9.00/hr.

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

TB February 2, 2011

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?

COUNCILMAN MULLIGAN

I just want to thank Don Youngman and his crew . . .

COUNCILWOMAN ZINCK

Absolutely.

COUNCILMAN MULLIGAN

. . . for doing an excellent job last night. It was heavy snow and when I went out about 6:30, the roads were pretty good. Thank you.

COUNCILWOMAN ZINCK

Yes, not just last night, all winter long. They've been doing a great job.

DONALD YOUNGMAN, ACTING SUPERINTENDENT OF HIGHWAYS

Thank you.

COUNCILWOMAN McCABE

Agreed.

SUPERVISOR YUDELSON

Thank you. 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 7:25 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk