

**HENRIETTA TOWN BOARD  
AGENDA  
MARCH 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):
  - February 16, 2011
  - On Motion of: Councilwoman McCabe Seconded by: Councilwoman Zinck
6. Miscellaneous Communications
1. 7. Public Hearings:
  - Proposed Local Law No. 1 of 2011 – Amending Town Code Chapter 219, Entitled “Sewers”, Article 3 - Commercial Establishment Surcharges
  - Establishing Sewer Rents and Commercial Establishment Surcharges
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 #6-80/2011  
Authorize Accounts Payable

RESOLUTION #6-81/2011  
Award Low Bid - Kenwick Drive and Golden Rod Lane Sanitary Sewer Repairs Project

RESOLUTION #6-82/2011  
Authorize Advertisement for Bids – 2011 Sanitary Sewer Repairs Project

RESOLUTION #6-83/2011  
Authorize Advertisement for Bids – Mechanical Upgrade for Henrietta Public Library Project

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RESOLUTION #6-84/2011

Authorize Advertisement for Bids – Photovoltaic System for Henrietta Town Hall

RESOLUTION #6-85/2011

Declare Items Surplus Materials – Library/IT Department

RESOLUTION #6-86/2011

Declare Item Surplus Equipment – Tractor - Drainage Department

RESOLUTION #6-87/2011

Adopt Local Law No. 1 of 2011 – Amending Town Code Chapter 219, Entitled  
“Sewers”, Article III - Commercial Establishment Surcharges

RESOLUTION #6-88/2011

Establish Sewer Rents and Commercial Establishment Surcharges

RESOLUTION #6-89/2011

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 2<sup>nd</sup> DAY OF MARCH, 2011 AT 7:00 P.M.

**PRESENT**

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

**ABSENT**

Councilman William J. Mulligan, Jr.

*(SILENT PRAYER)*

*(PLEDGE OF ALLEGIANCE TO THE FLAG)*

SUPERVISOR YUDELSON

Is there anybody who would like to speak on any items that are on the Agenda tonight, other than the Public Hearings, which we'll call separately, Agenda items, at this point?  
*(Pause, no response)* If not, can I have the approval of the Minutes, please?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve the Minutes of February 16, 2011.

COUNCILWOMAN ZINCK

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

At this point, we have two (2) Public Hearings, and just a clarification from the Town Attorney, if you will, as they are on related things, can they be considered together or should each one be conducted . . .

DANIEL MASTRELLA, TOWN ATTORNEY

I think they should be conducted separately . . .

SUPERVISOR YUDELSON

Separately . . .

DANIEL MASTRELLA, TOWN ATTORNEY

. . . because one does call for passage of a Local Law and the other is just setting rates or fees.

SUPERVISOR YUDELSON

Okay. The first one is proposed Local Law No. 1 of 2011, amending the Town Code Chapter 219, entitled, "Sewers", Article III Commercial Establishment Surcharges. And, just before opening it for public comment, I would just say, in summary, that the Town Administration and Town Board have been looking at this issue for awhile. It had come to our attention that we might have kind of an imbalance, if you will, as far as the way that certain classifications were charged sewer fees, specifically apartment complexes, and it was based, in summary, on the assumption that they had a pretty heavy amount of impact on our system based on the usage and after doing quite a bit of research, found that it was actually more comparable to a typical home, so we were looking to change the structure of our charges to more equitably distribute that. Before opening to public comment, I'll just call on the Town Attorney to see if there's anything you'd like to add, for the Record.

DANIEL MASTRELLA, TOWN ATTORNEY

Just briefly, Mr. Supervisor, as the Board is aware, the impact fees were imposed in late 2007 and they were first suggested by the Director of Drainage and Sewers, who presented to the Board his belief, and I don't know precisely what it was based upon, that the commercial establishments and apartment buildings had a significantly greater impact on the sewer system here than Town residences did and that there should be some additional monies collected to compensate for the additional strain on the system, personnel, etc., and that the Town, over the past year plus, has been analyzing data submitted by apartment owners and collected by the Town itself. I know that the Supervisor and Mr. Angotti were pretty heavily involved in doing so, and I think that the Board came to the conclusion that, in fact, the apartments do not place a greater burden on the system than does a single family residence and that there should not be a surcharge and probably upon some reflection that an impact fee as a title isn't really the correct title for what's being done here. I think the Board also came to the conclusion that commercial establishments do not necessarily across the board, but in general, do place a greater burden upon the system and that those with restaurants place an even greater burden upon the system and that they should be surcharged. So, the intent of this Law is to eliminate the term "Impact Fee", eliminate any extra fees from apartments,

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charging each apartment unit what the annual residential sewer rent fee is, and sort of re-wording it so that the intent is here, but that the actual, whatever fees are going to be charged, the commercial establishments will be done upon review and published in the fee schedule rather than as a local law itself so that when those need to be revised the law remains the same, it's just the fee that is changed, and of course the Board would hold a public hearing on that, as it will right after this Public Hearing.

SUPERVISOR YUDELSON

Thank you, very much. Is there anybody in the audience who would like to speak on this matter, this Public Hearing? Mr. Goldman?

JERRY GOLDMAN, 59 BRANCHWOOD LANE

Briefly, I would just like to take a moment, my name is Jerry Goldman. I reside at 59 Branchwood Lane in Rochester, Town of Brighton, just over the line, but I visit often here in Henrietta. I would like to commend the Board, as well as Council, for this review on this particular Local Law. The term "Impact Fee" is as council pointed out, is one which is pretty much taboo in New York State to utilize for this type of charge and re-titling it is a wonderful thing, which I think will protect the Town in the long term, and I think the thoughtful analysis that was done in terms of the charges, especially as it relates to apartments vis-a-vis single family residences was well thought out, well conducted, and I think the result, which is to eliminate the surcharge for apartments, is a good result, so we do appreciate that. Thank you, very much.

SUPERVISOR YUDELSON

Thank you, very much.

COUNCILWOMAN ZINCK

Thanks, Jerry.

COUNCILMAN MOORE

Thanks, Jerry.

SUPERVISOR YUDELSON

Is there anybody else in the audience who would like to speak on this matter? *(Pause, no response)* If not, I'll close this Public Hearing and I'll open the other Public Hearing, which is establishing Sewer Rents and Commercial Establishment Surcharges and would follow, as it was alluded to, to actually set the rates, should the Local Law be enacted. Is there anything again, Mr. Mastrella, that you would want to add to the Record.

DANIEL MASTRELLA, TOWN ATTORNEY

Well, once again, just to summarize, with the passage of the Local Law that there are certain necessary revenues that have to be collected, as far as the sewer system. And,

with the elimination of the impact fee on apartments, there certainly will be a loss in revenue from sewer charges and I think that the Town Board has taken a very modest approach to this in a minimal two percent (2%), even slightly under two percent (2%) increase to the residential sewer rates to compensate, in part, for the loss of revenue. I know it isn't going to compensate in full for it, but there do have to be measures in place, as far as that's concerned. Additionally, I know that the Administration, the Supervisor and Mr. Angotti looked at the commercial establishments, what they were paying in impact fees and opined that those were justified and adequate, and so the Commercial Establishment Surcharge is the same amount as what was being paid when they were termed impact fees, according to this proposal.

COUNCILWOMAN McCABE  
Right.

SUPERVISOR YUDELSON  
Thank you. Is there anybody in the audience who would like to speak on this Public Hearing? *(Pause, no response)* If not, I'll close this Public Hearing. These matters are on the Agenda later on for consideration by the Board. At this point, may I have the first Resolution, please?

RESOLUTION #6-80/2011

On Motion of  
Councilman Moore

Seconded by  
Councilwoman McCabe

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

EXHIBIT A	Bills Payable dated 3/2/2011	\$ 271,963.32
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SUPERVISOR YUDELSON  
Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #6-81/2011

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Moore

WHEREAS, Resolution #3-58/2011 authorized the advertisement for bids for the Kenwick Drive and Golden Rod Lane Sanitary Sewer Repairs Project, for the spot repairs to the existing sanitary sewer on Kenwick Drive and Golden Rod Lane, and

WHEREAS, two (2) bids were received, and the low bid, meeting specifications, was received from FineLine Pipeline, Inc., in the amount of \$99,400.00.

THEREFORE, BE IT RESOLVED, that FineLine Pipeline, Inc., 6271 Decker Road, Livonia, New York 14487 be hereby awarded the bid, per specifications.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay FineLine Pipeline, Inc., in an amount not to exceed \$99,400.00, upon delivery and receipt of all proper documentation and acceptance by the Director of Engineering and Planning.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #6-82/2011

On Motion of  
Councilman Moore

Seconded by  
Councilwoman McCabe

WHEREAS, the Town of Henrietta requires bids for the Year 2011 Sanitary Sewer Repairs Project, for the spot repairs to the existing sanitary sewers at Amsden Drive, Camelot Drive, Elaine Drive, Down Street, Gate House Trail, Guildhall Road, Kramer Street, Red Lion Road, Round Hill Road, Strawbridge Road, and Tomahawk Trail, to conform with construction plans and specifications on file in the Town Clerk's Office, with bids to be opened at 10:00 A.M. on Thursday, April 14, 2011 and received no later than 9:30 A.M. on Thursday, April 14, 2011.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Year 2011 Sanitary Sewer Repairs Project, as per cited plans and specifications on file, in the manner provided by Law.

SUPERVISOR YUDELSON  
Discussion?

COUNCILWOMAN ZINCK  
Just one (1) correction for the Record, it's not "Galahad", it's "Guildhall", just for the Record.

SUPERVISOR YUDELSON  
Thank you.

COUNCILMAN MOORE  
Thank you.

COUNCILWOMAN ZINCK  
No problem.

SUPERVISOR YUDELSON  
Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #6-83/2011

On Motion of  
Councilwoman McCabe

Seconded by  
Councilwoman Zinck

WHEREAS, the Town of Henrietta requires bids for the Mechanical Upgrade for the Henrietta Public Library Project, for the replacement of the eight (8) existing water source heat pumps with new heat pumps, controls, distribution piping and ductwork, to conform with construction plans and specifications on file in the Town Clerk's Office, with bids to be opened at 10:00 A.M. on Wednesday, March 30, 2011 and received no later than 9:30 A.M. on Wednesday, March 30, 2011.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Mechanical Upgrade for the Henrietta Public Library Project, as per cited plans and specifications on file, in the manner provided by Law.

SUPERVISOR YUDELSON  
Discussion?

COUNCILMAN MOORE  
This is a budgeted item?

SUPERVISOR YUDELSON  
Yes.

COUNCILMAN MOORE  
And, the funds are coming from?

SUPERVISOR YUDELSON  
A grant.

COUNCILMAN MOORE  
That's a good place.

SUPERVISOR YUDELSON  
Yes. Call the roll, please.

Duly put to a vote:

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

RESOLUTION #6-84/2011

On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Moore

WHEREAS, the Town of Henrietta requires bids for the Photovoltaic (PV) System for the Henrietta Town Hall Project, for the installation of a new 10KW PV System, with necessary components, to the Henrietta Town Hall roof, to conform with construction plans and specifications on file in the Town Clerk's Office, with bids to be opened at 11:00 A.M. on Wednesday, March 30, 2011 and received no later than 10:30 A.M. on Wednesday, March 30, 2011.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the PV System for the Henrietta Town Hall Project, as per cited plans and

specifications on file, in the manner provided by Law.  
SUPERVISOR YUDELSON  
Discussion?

COUNCILWOMAN McCABE  
Under discussion, I'll ask the same question. Is this a budgeted item?

SUPERVISOR YUDELSON  
Yes, this is also part of grants we were awarded for energy efficiency.

COUNCILWOMAN McCABE  
Thank you.

COUNCILMAN MOORE  
Have we dubbed this project Mark's green roof?

COUNCILWOMAN McCABE  
Green roof. *(Laughter)*

SUPERVISOR YUDELSON  
Call the roll, please.

Duly put to a vote:		
Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Absent
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelton	voting	Aye
Carried		

RESOLUTION #6-85/2011

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Moore

WHEREAS, the Henrietta Public Library Board of Trustees has requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
1603	Wood and Plexiglass Paperback Rack
2697	Wood and Plexiglass Paperback Rack
3439	Wood and Plexiglass Paperback Rack

WHEREAS, the IT Coordinator has requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
3774	Dell Printer (2007)
4256	Dell (2008)
N/A	Canon Copier (2001)

THEREFORE, BE IT RESOLVED, that the items from the Henrietta Public Library be declared surplus materials and be sent to the Parks and Facilities Department for disposal.

BE IT FURTHER RESOLVED, that the items from the IT Coordinator be declared surplus materials and be sent to the IT Department for proper disposal.

BE IT FURTHER RESOLVED, that all said items be removed from the Town's inventory list.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #6-86/2011

On Motion of  
Councilwoman McCabe

Seconded by  
Councilwoman Zinck

WHEREAS, Resolution #16-145/2010 authorized the purchase of one (1) new narrow series tractor and a 50" Dual Auger two (2) stage snow blower for the Drainage Department, and

WHEREAS, the specifications to purchase the new tractor included the trade-in of the existing tractor.

THEREFORE, BE IT RESOLVED, that tractor #520, a 1998 John Deere 5310N series tractor, serial #LV5310N137350 be hereby removed from the Town's inventory and sent to Lakeland Equipment to complete the purchase agreement.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #6-87/2011

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Moore

WHEREAS, true and correct copies of proposed Local Law No. 1 of 2011, a Local Law amending Town Code Chapter 219, entitled "Sewers", Article III to be entitled and enacting "Commercial Establishment Surcharges" and eliminating any impact fee or surcharge on apartment units, were delivered to each member of the Town Board, and

WHEREAS, upon proper notice, a Public Hearing was held on the 2<sup>nd</sup> of March, 2011, where all persons wishing to speak regarding proposed Local Law No. 1 of 2011 were heard by the Town Board, and

WHEREAS, after consideration of all information presented and available, it is the determination of the Town Board that the Town Code should be amended to eliminate Sewer Impact Fees and establish Commercial Establishment Surcharges.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby enacts Local Law No. 1 of 2011.

BE IT FURTHER RESOLVED, that the Town Clerk shall file with the Secretary of State, as soon as possible, and in any event no later than twenty (20) days from this date, one Certified copy of said Local Law No. 1 of 2011, and that said Law shall take effect immediately upon filing with the Secretary of State.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #6-88/2011

On Motion of  
Councilman Moore

Seconded by  
Councilwoman McCabe

WHEREAS, that upon proper notice, a Public Hearing was held on the 2<sup>nd</sup> day of March, 2011, where all persons wishing to speak regarding the proposed establishment of Sewer Rents and Commercial Establishment Surcharges were heard by the Town Board, and

WHEREAS, the Town Board has enacted Local Law No. 1 of 2011, which eliminates any impact fee or surcharge on apartment units and authorizes the Town Board to establish a "Commercial Establishment Surcharge", and

WHEREAS, the Town Board has had the opportunity to review the impact that Local Law No. 1 of 2011 will have on revenues generated by sewer rents, and

WHEREAS, it appears that the present charge of \$16.28 per quarter for each commercial establishment and an additional \$16.28 per quarter for commercial establishments, which includes a restaurant, is an appropriate rate for the surcharge, and

WHEREAS, it appears that a modest increase of two percent (2%) in the residential sewer rent rate, establishing same at the annual amount of \$50.98 per residential unit, including apartments, will help to offset the revenue lost with the elimination of the apartment unit impact fee.

THEREFORE, BE IT RESOLVED, that the Commercial Establishment Surcharge shall be established in the amount of \$16.28 per quarter year for each commercial establishment and an additional \$16.28 per quarter year for each commercial establishment, which includes a restaurant.

BE IT FURTHER RESOLVED, that the annual residential sewer rent rate shall be established in the amount of \$50.98.

BE IT FURTHER RESOLVED, that the Commercial Establishment Surcharge and the Residential Sewer Rent rate shall be published in the Henrietta Town Code Fee Schedule.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #6-89/2011

On Motion of  
Councilwoman McCabe

Seconded by  
Councilwoman Zinck

BE IT RESOLVED, that the following persons be hired:

Kassondra Popp	Recreation, Part-time Assistant (Gymnastics) @ \$7.25/hr., effective 3/3/2011.
Meghan Rickelman	Recreation, Part-time Assistant (Golden Comets Coach) @ \$9.00/hr., effective 3/3/2011.
Jeremy Kimble	Engineering, Engineering Aide @ \$9.50/hr., effective 3/7/2011.

SUPERVISOR YUDELSON

Under discussion, I just want to say to the Board, as it was read, I realized that I had not had an opportunity to let you know that a couple of names had been added since the Workshop on Monday that were brought, as you know I was not at the Workshop on Monday, nor at work, and these were brought to me Tuesday morning, but we wanted to get them on.

COUNCILWOMAN McCABE

I noticed.

COUNCILWOMAN ZINCK

Well, Meghan was mentioned by Karen, but Jeremy, is he a co-op student, is he replacing someone?

SUPERVISOR YUDELSON

Yes.

COUNCILWOMAN ZINCK

He's a co-op student?

COUNCILWOMAN McCABE

Yes.

SUPERVISOR YUDELSON

We have a co-op that's leaving on Friday, and Jeremy will take her place.

COUNCILWOMAN ZINCK

Thanks.

SUPERVISOR YUDELSON

Okay? Thank you. Call the roll, please.

Duly put to a vote:

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

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? Sir? If you'd identify yourself, give your name and address, and feel free.

*(Kenneth Maul, 27 Green Clover Drive, and Joe Paddock, 25 Green Clover Drive, spoke in reference to drainage problems in a green belt near their homes. – Audio File available upon request.)*

*(Kyle Medners (sp), 416 Countess Drive, spoke in reference to the Riverton Community Association and the desire to have cleaner walkways and bicycle paths in the wintertime. – Audio File available upon request.)*

SUPERVIOR YUDELSON

Is there anybody else, before we adjourn, who would like to speak on any matter involving the Town? *(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 7:35 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case  
Deputy Town Clerk