

TB April 6, 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 6th DAY OF APRIL, 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

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

I think I heard Councilman Mulligan praying for heat in the room. *(Laughter)*

COUNCILWOMAN ZINCK

It's a little cool in here.

SUPERVISOR YUDELSON

Is there anybody who wants to speak on any of the items that are on the Agenda for tonight, 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 March 16, 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

found it to be in compliance with § 874 of the General Municipal Law of the State of New York, and

WHEREAS, the Assessor of the Town of Henrietta has reviewed the Agreement and approved it as to form.

THEREFORE, BE IT RESOLVED, that the payment in-lieu-of tax Agreement between Brentland Woods, Inc., and the Town of Henrietta for the Project known as Brentland Woods be and hereby is accepted, and that the Supervisor is hereby authorized to sign the Agreement attached hereto as Exhibit A, by virtue of his authority as Supervisor of the Town of Henrietta.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN

Just a side comment, this is a not-for-profit, normally they don't pay a lot of taxes, most of them pay no taxes, and maybe this is a step in that direction where we get some kind of in-lieu of payment to at least cover some of the basic services, such as Highway and some of the different Public Works functions.

SUPERVISOR YUDELSON
Thank you. 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 #8-100/2011

On Motion of
Councilwoman McCabe

Seconded by
Councilman Moore

WHEREAS, the Town of Henrietta has previously appointed John J. Considine, Jr., Esq., of the firm of McConville, Considine, Cooman and Morin, P. C. to represent the Town in tax certiorari and related proceedings, and

WHEREAS, Mr. Considine has represented the Town in such matters for several years, but now seeks to have other members of his firm provide such representation as may be needed.

THEREFORE, BE IT RESOLVED, that the law firm of McConville, Considine, Cooman and Morin, P.C. is hereby appointed and authorized to represent the Town of

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WHEREAS, five (5) bids were received, and the low bid, meeting specifications, was received from Pipitone Enterprises, LLC, for a total cost of \$95,200.00.

THEREFORE, BE IT RESOLVED, that Pipitone Enterprises, LLC, 3225 Chili Avenue, Rochester, New York 14624, be hereby awarded the bid, per specifications.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Pipitone Enterprises, LLC, in an amount not to exceed \$95,200.00, upon successful completion of said work 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	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye
		Carried

RESOLUTION #8-102/2011

On Motion of
Councilman Moore

Seconded by
Councilwoman McCabe

WHEREAS, Resolution #6-84/2011 authorized the advertisement for bids for the Photovoltaic (PV) System for the Henrietta Town Hall Project, for the installation of a new 10KW PV System, with necessary components, and

WHEREAS, three (3) bids were received, and the low bid, meeting specifications, was received from O'Connell Electric Company, Inc., for a total cost of \$66,690.00.

THEREFORE, BE IT RESOLVED, that O'Connell Electric Company, Inc., 830 Phillips Road, Victor, New York 14564, be hereby awarded the bid, per specifications.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay O'Connell Electric Company, Inc., in an amount not to exceed \$66,690.00, upon successful completion of said work and acceptance by the Director of Engineering and Planning.

SUPERVISOR YUDELSON

Discussion? I just wanted to mention, as the Board is aware, but for the Record, that both this and the item from the previous Resolution were paid for by a grant that we obtained from the U.S. Department of Energy. Anything further? 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 #8-103/2011

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, the Safety Coordinator, Dean C. Marshall, Jr.; the Acting Superintendent of Highways, Donald Youngman; and the Fleet Supervisor, Robert Tobey, have requested authorization to attend the year 2011 Highway School to be held at Ithaca College, Ithaca, New York on June 6, 2011 through June 8, 2011, and

WHEREAS, funds are available in the year 2011 Budget, and

WHEREAS, the Town Board supports and encourages additional training for all Town employees.

THEREFORE, BE IT RESOLVED, that Dean C. Marshall, Jr., Safety Coordinator; Donald Youngman, Acting Superintendent of Highways; and Robert Tobey, Fleet Supervisor, be hereby authorized to attend the three (3) day school, to include the prepaid registration fee at a total cost of \$270.00, and costs not to exceed \$500.00, per person, for all other expenses incurred, and the use of a Town vehicle.

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 #8-104/2011

On Motion of
Councilwoman McCabe

Seconded by
Councilman Moore

WHEREAS, a quote for the Town's General Insurance and Public Officials Liability Insurance was received by the Supervisor of the Town of Henrietta, and

WHEREAS, First Niagara, Risk Management, 777 Canal View Boulevard, Suite 100, Rochester, New York 14623, currently provides the Town's General Insurance and Public Officials Liability Insurance and their quote has been recommended for approval by the Town's insurance consultant.

THEREFORE, BE IT RESOLVED, that First Niagara, Risk Management, is hereby awarded the Town's General Insurance and Public Officials Liability Insurance effective April 1, 2011 and expiring on March 31, 2012, through US Specialty Insurance Company, in the amount of \$111,309.11.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be authorized to pay First Niagara, in an amount not to exceed \$111,309.11, upon receipt of proper documentation.

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 #8-105/2011

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the employee changes, as per the attached memo, be made effective April 10, 2011.

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	Abstain

Carried

SUPERVISOR YUDELSON

That's the end of the regular Agenda, at this point, before we adjourn, is there anybody who would like to speak on any matter involving the Town of Henrietta? Mr. Schmitt? We'll let you go first before the rest of the crowd. *(Laughter)*

(John Schmitt, 139 Campfire Road North, spoke in reference to the Supervisor's article in the Henrietta Post regarding the Comprehensive Land Use Plan Informational meeting being held on April 25, 2011. – Audio File available upon request.)

SUPERVISOR YUDELSON

Thank you. Anybody else?

DANIEL MASTRELLA, TOWN ATTORNEY

Mr. Supervisor, there was a notification to Just Energy . . .

SUPERVISOR YUDELSON

Oh, yes.

DANIEL MASTRELLA, TOWN ATTORNEY

. . . that we were going to have a Public Hearing this evening to consider whether or not their solicitor's or peddler's license . . .

SUPERVISOR YUDELSON

Solicitor's license.

DANIEL MASTRELLA, TOWN ATTORNEY

. . . solicitor's license might be suspended or revoked based upon some complaints that were received, and in the notification the Fire Marshal/Building Inspector listed me as the contact person. I did receive both the telephone calls and written communication from Just Energy requesting a two (2) week adjournment assuring me that they had every intention of trying to comply with whatever the Town wanted and pledging not to have any solicitor's in the Town of Henrietta until the time of the Hearing two (2) weeks from now. And so, based on conversations with the Supervisor, I indicated that I thought we could accommodate that and so will we have the Hearing commence two (2) weeks from now?

SUPERVISOR YUDELSON

Right.

DANIEL MASTRELLA, TOWN ATTORNEY

Okay.

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SUPERVISOR YUDELSON

Thank you, Mr. Mastrella for catching that. We did talk about that earlier today. I communicated that to the Town Board and meant to start the meeting off with that and neglected to do so. So, that would be a part of our meeting two (2) weeks from now.

COUNCILWOMAN ZINCK

Thank you.

SUPERVISOR YUDELSON

Thank you. Is there anybody else? *(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