

TB May 18, 2011

RESOLUTION #11-121/2011

Accept Letter of Credit - Berkshire Park Subdivision, Section 5

RESOLUTION #11-122/2011

Authorize Independent Consultant Inspection Services

RESOLUTION #11-123/2011

Authorize Supervisor to Sign NYSDOT Multi Modal No. 4 Agreement

RESOLUTION #11-124/2011

Authorize Engineering Report – Locust Hill Drive and Edgewood Avenue

RESOLUTION #11-125/2011

Accept Phase II SPDES Stormwater Management Program Annual Report

RESOLUTION #11-126/2011

Award 4TH of July and New Year's Eve Fireworks Contract –
Young Explosives, Inc.

RESOLUTION #11-127/2011

Authorize Agricultural Lease Renewal - Willard Farms, Property on Martin Road

RESOLUTION #11-128/2011

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 18th DAY OF MAY, 2011 AT 7:00 P.M.

PRESENT

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

ABSENT

Councilman William J. Mulligan, Jr.
Councilman John W. Moore

(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, 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 of the Minutes of May 4, 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	Absent
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

SUPERVISOR YUDELSON

Before getting to the Resolutions, we have a request before the Town Board tonight for an extension of the Special Use Permit for Rockwood Center at Brentland Woods. Our understanding is this is not based on any issues about the Project itself, other than just funding issues and the timetable for that. The Project itself is still intended as before,

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and is something that the Town Board had approved a Special Use Permit for. As far as the mechanics of it, Mr. Mastrella, is there anything else we need to have on the Record?

DANIEL MASTRELLA, TOWN ATTORNEY
No, someone just needs to move the approval.

SUPERVISOR YUDELSON
Okay.

DANIEL MASTRELLA, TOWN ATTORNEY
It doesn't have to be a Resolution.

SUPERVISOR YUDELSON
Yes. Okay.

COUNCILWOMAN McCABE
So moved.

COUNCILWOMAN ZINCK
Second.

SUPERVISOR YUDELSON
Is there any discussion from the Board? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON
Now, if I could have, actually, I have the first Resolution.

RESOLUTION #11-116/2011

On Motion of
Supervisor Yudelton

Seconded by
Councilwoman McCabe

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

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EXHIBIT A	Bills Payable dated 5/18/2011	\$ 128,525.99
EXHIBIT B	Manual Bills Payable	\$ 732.00

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #11-117/2011

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, Bishop Sheen Ecumenical Housing Foundation (hereinafter referred to as "Foundation"), a New York Not-For-Profit Corporation, is sponsoring an affordable Senior Housing Project to be known as Calkins Corners, to be built on a portion of the property located at 745 Calkins Road, and

WHEREAS, the Project will have an exemption from Real Property Taxation pursuant to New York State Law, and

WHEREAS, the Foundation has offered to enter into a Payment in Lieu of Taxation Agreement (P.I.L.O.T.), the particulars of which cannot be finally determined until the Foundation has formed a Housing Development Fund Company that will be the actual developer of the Project, and

WHEREAS, in order to receive funding for the Project the Foundation must obtain the Town's approval to enter into the P.I.L.O.T. Agreement, and in that regard the Foundation has proposed a Memorandum of Understanding to enter into such an Agreement, and

WHEREAS, the Town Attorney and the Town Assessor have reviewed the proposed Memorandum of Understanding and found it to be in order.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to enter into the Memorandum of Understanding for the establishment of a P.I.L.O.T. Agreement for the proposed Project.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #11-118/2011

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, the property Owner, LeFrois Development Corporation, LLC, will be constructing a building on Lot No. 204 of the Calkins Road Professional Business Park Subdivision, to be known as 25 Methodist Hill Drive, and

WHEREAS, during the site plan review process it was determined that the existing Town watermain easement recorded in Liber 9230 of Deeds, Page 123, is no longer needed by the Town, and

WHEREAS, the release of said watermain easement is necessary for the development of the site construction being identified as Tax Identification No. 175.11-1-7, and

WHEREAS, the Town Attorney and the Director of Engineering and Planning have reviewed the 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 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	Absent
Councilman Moore	voting	Absent
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #11-119/2011

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, an Agreement by and between the Town of Henrietta and the Genesee Valley Regional Market Authority (G.V.R.M.A.) to maintain a traffic signal system at the intersection of Clay Road and Mushroom Boulevard 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 G.V.R.M.A. 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 the G.V.R.M.A.

SUPERVISOR YUDELSON
Discussion?

COUNCILWOMAN ZINCK
What's the time frame on this? What are they looking at?

SUPERVISOR YUDELSON
Soon. I don't know if Mr. Byrne is . . .

COUNCILWOMAN McCABE
(Laughter) I love it.

SUPERVISOR YUDELSON
They've been working on this a long time. It's really being spearheaded by the Market, I'm not sure, Mr. Byrne, if you're able to answer the question or not?

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING
Bill has told me it will be in this year.

COUNCILWOMAN McCABE
Good.

SUPERVISOR YUDELSON

This year.

COUNCILWOMAN ZINCK
2011.

COUNCILWOMAN McCABE
That's soon.

SUPERVISOR YUDELSON
That is soon in that world.

COUNCILWOMAN ZINCK
That's good.

SUPERVISOR YUDELSON
Okay. Did we call the roll on that?

COUNCILWOMAN ZINCK
We didn't.

COUNCILWOMAN McCABE
No.

SUPERVISOR YUDELSON
You threw me off. Please, call the roll.

Duly put to a vote:

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

Carried

RESOLUTION #11-120/2011

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, an Intermunicipal Agreement by and between the Town of Henrietta and the County of Monroe to maintain a traffic signal system at the intersection of Clay Road and Mushroom Boulevard has been proposed, and

WHEREAS, the Town Attorney has examined this Intermunicipal Agreement and

has found it to be in good order, and

WHEREAS, the Director of Engineering and Planning has determined that the said Intermunicipal Agreement between the Town of Henrietta and the County of Monroe should be accepted by the Town.

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

COUNCILWOMAN ZINCK

In 2011. *(Laughter)*

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #11-121/2011

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, Forest Creek Equity Corporation, the Developer of Berkshire Park Subdivision, Section 5 (located on Longton Place and Haywards Heath) has submitted an Engineer's Estimate for construction of all site improvements for said subdivision section, and

WHEREAS, the Director of Engineering and Planning has reviewed the estimate prepared by Vanguard Engineering, P.C., and has found it acceptable in amount and form, and

WHEREAS, the Town Board wishes to ensure proper and complete installation of all site improvements required by the Town.

THEREFORE, BE IT RESOLVED, that the Developer, Forest Creek Equity Corporation, submit a Letter of Credit in favor of the Town in the amount of \$1,670,142.00.

BE IT FURTHER RESOLVED, that the Letter of Credit be in a form acceptable to the Town Attorney.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #11-122/2011

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, the current number of construction projects, from time to time, have made independent consultant inspection services necessary, and

WHEREAS, it is in the Town's best interest to maintain quality construction inspection, and

WHEREAS, it is necessary for developers to absorb the costs incurred by the Town for such services, and

WHEREAS, the Director of Engineering and Planning has been directed to secure these services in this matter, and

WHEREAS, independent consultant inspection services billing, including all consultants costs, will be at a hourly rate, and

WHEREAS, the Director of Engineering and Planning has arranged for such services with Kenneth Hill, 31 Bolton Trail, North Chili, New York 14514, at the rate of Nineteen Dollars (\$19.00) per hour.

THEREFORE, BE IT RESOLVED, that the Director of Engineering and Planning is hereby authorized and directed to secure the independent consultant inspection services in accordance with the above.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

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RESOLUTION #11-123/2011

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, a Project for the Jefferson Road lighting replacement from East River Road and John Street P.I.N. D027530 (the Project) is eligible for funding (under Title 23 U.S. Code, as amended, and) New York State's Multi-Modal Program No. 4 Project 4MS212.30A administered by the New York State Department of Transportation (NYSDOT), and

WHEREAS, the Town of Henrietta desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby authorizes the Supervisor of the Town of Henrietta to sign the Multi-Modal Program Capital Project Agreement.

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes funds be made available in the amount of \$250,000.00, to cover the cost of participation in the above Project.

BE IT FURTHER RESOLVED, that a Certified Copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any required and/or appropriate Agreement executed in connection with the Project between the Town of Henrietta and the State of New York.

SUPERVISOR YUDELSON

Under discussion, I just want to add to the Record, as the Board discussed on Monday, that we will be reimbursed by the State for this expenditure. We basically are the flow through for this Project that funding coming to RIT through the Town. Any further discussion?

COUNCILWOMAN McCABE

No.

COUNCILWOMAN ZINCK

No.

SUPERVISOR YUDELSON

Call the roll, please.

Duly put to a vote:

Councilwoman McCabe voting Aye

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

Carried

RESOLUTION #11-124/2011

On Motion of	Seconded by
Councilwoman Zinck	Councilwoman McCabe

WHEREAS, the residents of Locust Hill Drive and several residents on the east side of Edgewood Avenue are not presently served by sanitary sewers, and

WHEREAS, the Henrietta Town Board previously commissioned an engineering report in the year 2000 to explore the feasibility and cost of the installation of sanitary sewers on Locust Hill Drive, and

WHEREAS, recent development in the area has prompted the Henrietta Town Board to explore the present feasibility and cost of the installation of sanitary sewers to service those residences on Locust Hill Drive and Edgewood Avenue.

THEREFORE, BE IT RESOLVED, that the Supervisor or his designee is hereby authorized to commission and pay for an updated and expanded map, plan and report (engineering report) on the cost and feasibility of an extension of the Henrietta Sewer District to service the aforementioned areas.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #11-125/2011

On Motion of	Seconded by
Councilwoman McCabe	Councilwoman Zinck

WHEREAS, the Town of Henrietta has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA's Phase II Stormwater Regulations under the Clean Water Act of 1999, and

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WHEREAS, the Phase II Stormwater Program requires each MS4 to prepare an Annual Report on the Town's efforts to protect and improve the water quality of our streams and water bodies, and

WHEREAS, the public is invited to review the Annual Report and provide input, and

WHEREAS, an Annual Report has been prepared in conformance with the Phase II Stormwater Regulations by the Engineering and Public Works Departments, and

WHEREAS, the Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, New York by June 1, 2011.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta accepts said Annual Report and such report is available for public review at the Town Hall in the office of the Town Clerk.

BE IT FURTHER RESOLVED, that all comments on the Annual Report will be incorporated into the following year's Annual Report to the New York State Department of Environmental Conservation.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #11-126/2011

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, Young Explosives, Inc., has submitted a proposal for the Town's July 4th Fireworks Display, and

WHEREAS, Young Explosives has provided fireworks for the Town of Henrietta for many years at the annual 4th of July Celebration, and

WHEREAS, the Town has been satisfied with their professional services in the past and the quality of their fireworks display.

THEREFORE, BE IT RESOLVED, that Young Explosives, Inc., 2165 New Michigan Road, Canandaigua, New York 14424, be hereby authorized to provide the Fireworks Display to be held at the Henrietta Veteran's Memorial Park on July 4, 2011 at a total cost of \$17,000.00.

BE IT FURTHER RESOLVED, that Young Explosives, Inc. must submit a

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Certificate of Insurance in the amount of \$2,000,000.00 to the Town Clerk's Office at least one (1) week prior to the 4th of July Celebration in a form acceptable to the Town Attorney.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Young Explosives, Inc., in an amount not to exceed \$17,000.00 upon satisfactory completion of the show.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #11-127/2011

On Motion of

Councilwoman McCabe

Seconded by

Councilwoman Zinck

WHEREAS, the Town of Henrietta has leased a portion of land located at 1345 Martin Road, known as Martin Road Park, to Willard Farms for farming purposes, and

WHEREAS, the Town Board of the Town of Henrietta desires to continue to keep the land in use as farm land, and

WHEREAS, Bill Willard and Marc Krieger of Willard Farms, 116 Willard Road, Pittsford, New York 14534, have previously farmed the land and desire 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 May 18, 2011 through May 18, 2012, for thirty (30) acres of tillable land at \$40.00 per acre, amounting to an annual rent of \$1,200.00, and

WHEREAS, the Town Attorney has reviewed the Lease Renewal Agreement and found it to be in proper form.

THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Henrietta is hereby authorized to sign the Lease Renewal Agreement on behalf of the Town of Henrietta.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #11-128/2011

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the following persons be hired:

Michele Taylor	IT Department, Micro Computer Maintenance Technician, Provisional @ \$51,000 annually, effective 5/8/2011.
Nathan Pogal	Highway Department, Laborer, Provisional @ \$11.21/hr., effective 5/19/2011.
Carl Link	Crossing Guards, Crossing Guard @ \$9.60/hr., effective 5/8/2011.

BE IT FURTHER RESOLVED, that the following employee change be made:

Emma Fagioli	Recreation, Part-time Recreation Assistant @ \$7.25/hr., to \$7.50/hr., effective 9/1/2010.
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SUPERVISOR YUDELSON

Just for the Record, I'll point out the last change is actually going effective back to September 1, 2010 because she was left off a previous Resolution. And, also under discussion, I would like to welcome first Michele Taylor, who started with us on the 8th as our new IT Director. We're very glad that you're here.

COUNCILWOMAN ZINCK

And, you've survived your first meeting, Michele. Welcome!

(Applause)

SUPERVISOR YUDELSON

Yes, everyone say hello to Michele. Also, congratulate Nate Pogal on his appointment tonight. Nate has actually been with us for quite awhile working for the Town, and has

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waited, I would say very patiently, for an opportunity to present itself, and has been reported to the Board as an excellent employee in the time he's been with us, and so we're glad to do this and congratulations.

COUNCILWOMAN ZINCK

Patience is a virtue.

SUPERVISOR YUDELSON

Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

That concludes tonight's regular Agenda, is there anybody who would like to speak on any matter involving the Town of Henrietta before we adjourn? Mr. Yost?

(Kevin Yost, 1474 Middle Road, spoke in reference to the "Pepsi Refresh Project" in relation the Town of Henrietta park land. – Audio File available upon request.)

SUPERVISOR YUDELSON

Is there anybody else who would like to speak, before we adjourn, on any matter?
(Pause, no response)

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