

TB June 1, 2011

RESOLUTION #12-135/2011
Authorize Personnel Items

TB June 1, 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 1ST DAY OF JUNE, 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
Leann C. Case, Deputy Town Clerk

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Is there anybody in the audience who would like to speak on any item that is on tonight's Agenda, Agenda items, at this point? *(Pause, no response)* If not, may I have the Approval of the Minutes?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve of the Minutes of May 18, 2011.

COUNCILWOMAN ZINCK

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

| | | |
|---------------------|--------|---------|
| Councilwoman McCabe | voting | Aye |
| Councilman Mulligan | voting | Abstain |
| Councilman Moore | voting | Abstain |
| Councilwoman Zinck | voting | Aye |
| Supervisor Yudelson | voting | Aye |

Carried

SUPERVISOR YUDELSON

May I have the first Resolution, please?

RESOLUTION #12-129/2011

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

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

| | | |
|-----------|------------------------------|---------------|
| EXHIBIT A | Bills Payable dated 6/1/2011 | \$ 229,693.01 |
| EXHIBIT B | Manual Bills Payable | \$ 87,503.93 |

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

RESOLUTION #12-130/2011

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

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 January 1, 2011 through April 30, 2011.

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 \$22,085.00 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 #12-131/2011

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, current regulations regarding stormwater quantity and quality mitigation now require that owners of private property, which contain or will contain stormwater management facilities, must enter into a StormWater Maintenance Agreement with the Town of Henrietta, and

WHEREAS, said Agreements will be reviewed by the Director of Engineering and Planning and the Town Attorney for compliance with said regulations, and

WHEREAS, said Agreements will set forth the property owner's obligations regarding stormwater management, will release and indemnify the Town from liability for any damages, and authorizes the Town to require remediation of any default or perform such remediation itself and add the cost thereof to the property tax bill of the affected property.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute said StormWater Maintenance Agreements on behalf of 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 #12-132/2011

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 206 (291 JEFFERSON ROAD) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED ON THE SOUTHEAST CORNER OF JEFFERSON ROAD AND JOHN STREET IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

WHEREAS, a written Petition in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Henrietta, County of Monroe, New York for the establishment of Extension No. 206 (291 Jefferson Road) to Henrietta Sewer District No. 1 bounded and described as set forth on exhibits now on file in the Town Clerk's Office, and

WHEREAS, the improvements proposed consist of a sewer system to serve the said Extension No. 206, including the acquisition of the necessary rights-of-way therefore, in accordance with a certain map and description made a part of such Petition and now on file in the Office of the Town Clerk of the said Town, and

WHEREAS, the maximum amount proposed to be expended for the said establishment of the said extension and the construction of said sewer system, including the acquisition of any necessary lands, easements and rights-of-way within and also outside of the limits of the proposed District Extension shall be borne by the owners and developers of the land included in said extension.

THEREFORE, BE IT RESOLVED, that a Public Hearing of the Town Board of the Town of Henrietta shall be held at the Henrietta Town Hall, 475 Calkins Road, in the Town of Henrietta, Monroe County, New York on the 15TH day of June, 2011 at 7:00 P.M. to consider the said Petition and to hear all persons interested in the subject. Notice of said Hearing shall be published and posted in the manner provided by law.

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 #12-133/2011

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

TB June 1, 2011

WHEREAS, Resolution #6-81/2011 awarded the Kenwick Drive and Golden Rod Lane Sanitary Sewer Repairs Project to Fineline Pipeline, Inc., for a total cost of \$99,400.00, and

WHEREAS, during the construction phase, additional sanitary sewer repairs were necessary due to the poor condition of existing pipes, and

WHEREAS, Change Order No. 1 provides for the additional costs of repairs and finalizes closeout of various contract items, and

WHEREAS, the Director of Engineering and Planning has reviewed and approved the proposed change on the Contract, and recommends that this be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to execute Change Order No. 1, an increase of \$794.00, resulting in increasing the total Contract amount to \$100,194.00.

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 Yudelton | voting | Aye |

Carried

RESOLUTION #12-134/2011

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, New York State Vehicle and Traffic Law, Section 1660, permits the Town Board to establish traffic regulations within the Town by Resolution, and

WHEREAS, the Monroe County Director of Transportation has requested authorization to establish a "Left Only/Northbound" and "Left Only/Southbound" on Hylan Drive @ Lehmann Drive.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby authorizes the establishment of this traffic control measure at the above named intersection.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

| | | |
|---------------------|--------|-----|
| Councilwoman McCabe | voting | Aye |
|---------------------|--------|-----|

TB June 1, 2011

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

Carried

RESOLUTION #12-135/2011

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the following persons be hired:

| | |
|-----------------|--|
| Lauren Grossman | Town Clerk, Part-time Seasonal Clerk @ \$12.00/hr., effective 6/2/2011. |
| Kevin Williams | Code Enforcement, Part-time Ticket Writer @ \$10.00/hr., effective 6/2/2011. |

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

| | |
|------------------|--|
| Janet Howland | Town Clerk, Part-time Clerk @ \$13.00/hr. from \$11.47/hr., effective 6/2/2011. |
| Jennifer Kimerly | Town Clerk/Finance/Sewer, Clerk @ \$12.75/hr. from \$12.00/hr., effective 6/2/2011. |
| Leann Case | Town Clerk, Deputy Town Clerk @ \$40,000 annually, from \$34,000 annually, effective 6/2/2011. |

SUPERVISOR YUDELSON

Under discussion, I'm glad that Leann is here tonight filling in for Patty, although she would have got to hear our comments anyways because she transcribes all these meetings into Minutes. I know that all Board members are in agreement that Leann has, for many years now, done a great job for us, and I wanted to say that it's always hard to look at making significant increases with what the Budgets are now-a-days. This is one that the Board has talked about quite a bit over the past couple of years. We have compared positions of the Town against our counterparts throughout Monroe County, and found out that our Deputy Town Clerk, which is Leann's position, compared to the others, was one (1) of the three (3) of all of our titles, lowest in comparison to other towns at less than eighty-four percent (84%) of what the average, not the highest paid,

but the average Deputy Town Clerk was making through Monroe County. So, like I said, one (1) of the three (3) lowest positions. It might interest you to know, Mr. Mastrella, that “attorney” was one of the other ones that were low, but you know, that’s for another day.

COUNCILWOMAN McCABE

You’re not getting a raise. *(Laughter)*

SUPERVISOR YUDELSON

Yes, so, I know that, like I said, that Board members thought long and hard about this, but I think it’s the right thing to do, at this point, and as I said, I’m glad that Leann is here tonight with us. Other discussion from the Board?

COUNCILMAN MOORE

Yes, Mr. Supervisor, I’d like to duly note that I will be voting “No”, and it has nothing to do with the personnel involved, but it has to do with the policy of doing mid-term raises, and I don’t feel that it’s in the best interest of the Town of Henrietta.

COUNCILWOMAN McCABE

Through you, Mr. Supervisor, I believe that we goofed in not doing this in January, and therefore, we’re making up for it now mid-year, which is not usually our policy.

SUPERVISOR YUDELSON

Okay, yes, and as I said, we can respectfully disagree, and as I said also, I know that Councilman Moore, along with the others, have said many times how much he appreciates Leann’s efforts and have spoken of the good job that she does.

COUNCILWOMAN McCABE

Yes.

SUPERVISOR YUDELSON

Call the roll, please.

Duly put to a vote:

| | | |
|---------------------|--------|-----|
| Councilwoman McCabe | voting | Aye |
| Councilman Mulligan | voting | Aye |
| Councilman Moore | voting | No |
| 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 wants to speak on any item involving the Town of Henrietta? Ma’am?

TB June 1, 2011

(Shirley Wallace, 184 Countess Drive, submitted a hand-out and spoke in reference to some concerns regarding Lake Pamela in Riverton. – Audio File available upon request.)

SUPERVISOR YUDELSON

Is there anybody that would like to speak, before we adjourn? *(Pause, no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Mulligan, seconded by Councilwoman McCabe at 7:45 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk