

**HENRIETTA TOWN BOARD
AGENDA
OCTOBER 19, 2011**

Supervisor Yudelson
Councilman Mulligan
Councilwoman Zinck
Councilman Moore
Councilman Page

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):
 - October 5, 2011
 - On Motion of: Councilman Moore Seconded by: Councilman Mulligan
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Adoption of Local Law No. 3 of 2011 – A Law Amending the Definition of “Family” in the Henrietta Town Code §295-2
 - (This Public Hearing has been postponed to November 2)***
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 #20-186/2011
Authorize Accounts Payable

RESOLUTION #20-187/2011
Authorize Request for Special Use Permit Extension – Application No. 2010-130
3600 and 3700 West Henrietta Road, CarMax Auto Superstores, Inc., to construct
a 36,726 +/- square foot CarMax facility with related site improvements

RESOLUTION #20-188/2011
Authorize Supervisor to Sign Henrietta Volunteer Ambulance Contract

RESOLUTION #20-189/2011
Accept Dedication of Roads and Storm Sewers – Berkshire Park Subdivision,
Section 3

TB October 19, 2011

RESOLUTION #20-190/2011
Authorize Personnel Items

TB October 19, 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 19th DAY OF OCTOBER, 2011 AT 7:00 P.M.

PRESENT

Supervisor Michael B. Yudelson
Councilman William J. Mulligan, Jr.
Councilman John W. Moore
Councilman M. Rick Page
Daniel J. Mastrella, Town Attorney
Patricia J. Shaffer, Town Clerk

ABSENT

Councilwoman Janet B. Zinck

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Is there anybody in the audience who would like to speak on any of the Agenda items, the Resolutions that you see on the Agenda for tonight, Agenda items? *(Pause, no response)* If not, could I have the approval of the Minutes, please?

COUNCILMAN MOORE

Mr. Supervisor, I'd like to make the motion to approve the Minutes of October 5, 2011.

COUNCILMAN MULLIGAN

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

As I think most people got the word, there was a Public Hearing scheduled for tonight that has been postponed, and I'd like to call upon the Town Attorney to just clarify the procedure involved with this.

DANIEL MASTRELLA, TOWN ATTORNEY

Mr. Supervisor, the capacity of this meeting room is one hundred and seventeen (117) persons. When it became apparent today that significantly more people than that intended to attend the Public Hearing I reviewed the Open Meetings Law portion of the Public Officer's Law, which requires that *Public bodies shall make or cause to be made all reasonable efforts to ensure that meetings are held in an appropriate facility, which can adequately accommodate members of the public who wish to attend such meetings.* I also directly contacted and spoke with the Director of the Committee on Open Government, and advised him of our situation and we both agreed that the most appropriate action to take would be to delay the commencement of the Public Hearing until such time as it could be held in a facility adequate to accommodate all members of the public interested in attending. And, that should be re-advertized, although, we do not have to call for a new Public Hearing or reintroduce the Local Law. And so, that's why we're not going forward this evening.

SUPERVISOR YUDELSON

Okay, so would we then be adjourning the Public Hearing or postponing?

DANIEL MASTRELLA, TOWN ATTORNEY

I think we would be adjourning the opening of the Public Hearing tentatively to our next meeting date.

SUPERVISOR YUDELSON

Okay and which would be on November 2nd. Let the Record show that is tentatively scheduled for the Rush-Henrietta Senior High School at 7:00 p.m. They do have us marked down to use that. We have to just get the paperwork over to them, etc., but we're most assured that it will be there. Having said that, would somebody move that? You don't have to restate it, but is somebody willing to move that?

COUNCILMAN PAGE

Mr. Supervisor, I'll move that we adjourn or postpone the Public Hearing until November 2nd at 7:00 p.m. at the Rush-Henrietta Senior High School pending the paperwork being approved.

COUNCILMAN MOORE

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Absent

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #20-188/2011

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to sign the Contract with the Henrietta Volunteer Ambulance to be effective January 1, 2011 . . .

COUNCILMAN MULLIGAN
2012, I believe that should say.

SUPERVISOR YUDELSON
No, that is correct, it is 2011.

COUNCILMAN MULLIGAN
It is?

SUPERVISOR YUDELSON
Yes.

DANIEL MASTRELLA, TOWN ATTORNEY
We've been without a Contract.

COUNCILMAN MULLIGAN
Okay. Thank you.

. . . and expiring December 31, 2011, as per the attachment.

SUPERVISOR YUDELSON
Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #20-189/2011

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

WHEREAS, Forest Creek Equity Development Corporation, the Developer of Berkshire Park Subdivision, Section 3, located on Harrogate Crossing, Longton Place, Doncaster Trail, Westcombe Park and Sedgley Park has constructed roads and installed storm sewers in said subdivision section, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of the said roads and the aforescribed improvements to the Town and for this purpose has delivered to the Town a deed for tracts or parcels of land conveying said roadways to the Town, and

WHEREAS, the Town Attorney has examined these deeds and has found them to be in good order, and

WHEREAS, the Acting Superintendent of Highways and the Director of Engineering and Planning have determined that the roads and said improvements were built in accordance with Town requirements and have recommended that they be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the said roadways and said improvements for the described subdivision section be and they hereby are accepted and that said deeds be recorded in the Monroe County Clerk's Office.

BE IT FURTHER RESOLVED, that such acceptance is made subject to the Developer, or its representative, securing with the Town of Henrietta a properly executed Maintenance Bond in the sum of Ninety-Six Thousand, Five Hundred and Seventy-Three Dollars (\$96,573.00) for a period of two (2) years.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Absent
Councilman Moore	voting	Aye
Councilman Page	voting	Aye

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(Shawn Drake, 148 Oak Mills Crossing, spoke in reference to a petition he submitted with regard to putting speed bumps in his neighborhood. – Audio File available upon request.)

(Linus Rautenstrauch, 1412 Martin Road, thanked the Recreation Department for the programs they provided during the summer. – Audio File available upon request.)

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Page, seconded by Councilman Moore at 7:16 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk