

**HENRIETTA TOWN BOARD
AGENDA
NOVEMBER 16, 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):
 - November 2, 2011
 - On Motion of: Councilwoman Zinck Seconded by: Councilman Moore
6. Miscellaneous Communications
7. Public Hearing:
 - Fiscal Year 2012 Preliminary Budget for the Town of Henrietta; Proposed salaries for Elected Town Officers are Supervisor, \$93,767; Councilpersons, \$17,957; and Town Judges, \$27,786
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 #22-203/2011
Authorize Accounts Payable

RESOLUTION #22-204/2011
Authorize Tax Certiorari Settlement – 164 Mushroom Boulevard – Office Depot # 1267

RESOLUTION #22-205/2011
Authorize Tax Certiorari Settlement – 300 Middle Road – Tracey Holdings, LLC

RESOLUTION #22-206/2011
Accept Dedication of Sanitary Manhole and Lateral – 410 Jefferson Road

RESOLUTION #22-207/2011
Call for Public Hearing - Proposed Establishment of Extension No. 208 (1850 Jefferson Road and Locust Hill Drive) to Henrietta Sewer District No. 1

TB November 16, 2011

RESOLUTION #22-208/2011

Declare Items Surplus Materials – DPW & Library

RESOLUTION #22-209/2011

Authorize Purchase of Land Located at 3850 East Henrietta Road – Currently
Known As Executive South Family Golf and Recreation Center

RESOLUTION #22-210/2011

Appoint Member to Planning Board

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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 16th DAY OF NOVEMBER, 2011 AT 7:00 P.M.

PRESENT

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

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

(Please note that the November 16, 2011 Town Board Meeting did not Record due to technical difficulties with the recording equipment. Audio files are not available for this meeting.)

Approval of the Minutes of November 2, 2011, on a motion of Councilwoman Zinck, seconded by Councilman Moore.

Duly put to a vote:

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

Public Hearing - Fiscal Year 2012 Preliminary Budget for the Town of Henrietta; Proposed salaries for Elected Town Officers are Supervisor, \$93,767; Councilpersons, \$17,957; and Town Judges, \$27,786

(John Schmitt, 139 Campfire Road North – Spoke with regard to the Budget.)

(Carol Burritt, 620 Shore Drive – Spoke with regard to the Budget.)

RESOLUTION #22-203/2011

On Motion of Councilwoman Zinck
Seconded by Councilman Moore

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

EXHIBIT A Bills Payable dated 11/16/2011 \$ 273,284.30

Duly put to a vote:

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

RESOLUTION #22-204/2011

On Motion of Councilman Page
Seconded by Councilman Moore

WHEREAS, Office Depot #1267, heretofore commenced proceedings against the Assessor, the Board of Assessment Review, and other respondents for a review of the assessments for the years 2009, 2010, and 2011 for premises located at 164 Mushroom Boulevard in the Town of Henrietta, being Tax Account Number 162.05-1-1./J, and

WHEREAS, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner's claim, and

WHEREAS, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

WHEREAS, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by Office Depot #1267, for the years 2009, 2010, and 2011 be and hereby are approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the

Town of Henrietta be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Henrietta to reflect the terms of such settlement.

Duly put to a vote:

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

Carried

RESOLUTION #22-205/2011

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, Tracey Holdings, LLC, heretofore commenced proceedings against the Assessor, the Board of Assessment Review, and other respondents for a review of the assessments for the years 2009, 2010, and 2011 for premises located at 300 Middle Road in the Town of Henrietta, being Tax Account Number 175.11-1-6, and

WHEREAS, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner's claim, and

WHEREAS, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

WHEREAS, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by Tracey Holdings, LLC, for the years 2009, 2010, and 2011 be and hereby are approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Henrietta be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Henrietta to reflect the terms of such settlement.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye

Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #22-206/2011

On Motion of Councilman Moore	Seconded by Councilman Page
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WHEREAS, upon completion of the Mighty Taco Project, the Town of Henrietta agrees to own and maintain the portion of sanitary manhole and lateral located at 410 Jefferson Road (NYS Route 252), and

WHEREAS, the Director of Engineering and Planning has reviewed this Project and recommends that this be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta agrees to own and maintain the portion of sanitary manhole and lateral located at 410 Jefferson Road (NYS Route 252).

Duly put to a vote:

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

Carried

RESOLUTION #22-207/2011

On Motion of Councilwoman Zinck	Seconded by Councilman Mulligan
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IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 208 (1850 JEFFERSON ROAD AND LOCUST HILL DRIVE) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED ON JEFFERSON ROAD AND LOCUST HILL DRIVE 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. 208 (1850 Jefferson Road and Locust Hill Drive) to Henrietta Sewer District No. 1 bounded and described as set forth on exhibits now on file in the Town Clerk's Office, and

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WHEREAS, the improvements proposed consist of a sewer system to serve the said Extension No. 208, 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 7TH day of December, 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.

Duly put to a vote:

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

RESOLUTION #22-208/2011

On Motion of
Councilman Page

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>
1045	3 Drawer File
2602	Phone System 1990 Lanier
3081	Backpack CD Rom
3092	HP 895 Deskjet Printer
3620	Gateway 2003 Computer
3628	Soyata 2004 Computer
3629	Soyata 2004 Computer
3614	HP Deskjet 6127

WHEREAS, the Safety Coordinator has requested that the following item be declared surplus material:

<u>Inventory #</u>	<u>Description</u>
3408	2001 Olympus D-490 Digital Camera

THEREFORE, BE IT RESOLVED, that the items listed above be declared surplus materials and be sent to the Parks and Facilities Department for disposal.

BE IT FURTHER RESOLVED, that the electronic items 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.

Duly put to a vote:

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

RESOLUTION #22-209/2011

On Motion of
Councilman Page

Seconded by
Councilman Mulligan

WHEREAS, the Henrietta Foundation, Inc. presently owns the Executive South Family Golf and Recreation Center located at 3850 East Henrietta Road, Henrietta, New York being identified as Tax Account Number 190.05-1-31.1, which is encumbered by a Conservation Easement restricting both the use of the property and the type of entities that may take ownership of said property, and

WHEREAS, due to financial constraints the Henrietta Foundation, Inc. has offered to sell said property to the Town of Henrietta for the sum of One Hundred Twenty-Two Thousand Dollars (\$122,000.00), and

WHEREAS, the Town Board recognizes the value of said property and wishes to maintain it for recreational purposes in accordance with the Conservation Easement.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta hereby agrees to purchase said property for the sum of One Hundred Twenty-Two Thousand Dollars (\$122,000.00).

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute all documents necessary to consummate said transaction.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye

Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye
		Carried

RESOLUTION #22-210/2011

On Motion of	Seconded by
Supervisor Yudelson	Councilwoman Zinck

WHEREAS, there is a vacancy on the Henrietta Planning Board due to the resignation of M. Rick Page in order that he might join the Town Board, and
 WHEREAS, the Town Board advertised the vacancy and received twenty-two (22) applications, and
 WHEREAS, the Town Board reviewed the applications and conducted interviews with the applicants they judged to be best suited to fill the vacancy on the Planning Board, and
 WHEREAS, the Town Board wishes to maintain the Boards at their authorized strength for maximum input.

THEREFORE, BE IT RESOLVED, that Matthew Borkowski, 27 Edmar Court, Henrietta, New York 14467 be appointed to the Henrietta Planning Board for the remainder of the term formerly being served by Councilman Page, effective November 17, 2011 and expiring December 31, 2016.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilman Moore	voting	Abstain*
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye
		Carried

**Councilman Moore noted that he abstained because he was not able to be at the interviews the Town Board conducted with six (6) applicants.*

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?

(Please note that the November 16, 2011 Town Board Meeting did not record due to technical difficulties with the recording equipment. Audio file(s) are not available for this meeting and were not available for preparation of these Minutes. Public Comments are summarized below as recalled by the Town Clerk.)

(Carol Burritt, 620 Shore Drive – In follow up to the Public Hearing with regard to the

proposed Local Law #3/2011, Ms. Burritt expressed the need for additional funding to be able to hire additional Code Enforcement Officers, in an effort to better enforce the current Code as well as any future Code changes.)

(Regina Lapp-Harmon, 490 Shore Drive – In follow up to the Public Hearing with regard to the proposed Local Law #3/2011, Ms. Lapp-Harmon expressed that she is extremely concerned with the safety of her family and others in the neighborhood, that she feels the Monroe County Sheriff's Department does not do enough to enforce public safety issues, and also feels the Monroe County Health Department should be involved to whatever extent necessary to correct any health violations related to too many individuals residing in a single family residence. Ms. Lapp-Harmon also felt that the Town Board, Town Staff, Monroe County Sheriff's Department, as well as the Monroe County Health Department could work more closely together to solve these issues.)

(Judy Goossens, 139 Valley View Drive – In follow up to the Public Hearing with regard to the proposed Local Law #3/2011, Ms. Goossens expressed that she was unable to attend the Public Hearing, and just wanted to reiterate what her neighbors had already gone on the Record as saying, that she feels there is a problem with some of the student neighbors, and felt with the cooperation of all involved agencies that a resolution to these concerns could be possible. She indicated that she has to spend a lot of time repairing her lawn and property due to the acts of others.)

(Ruby Baker, 83 Kenwick Drive – Spoke with regard to replacing the speed bumps on Kenwick Drive, and asked how the data that is collected from the speed monitoring devices was used. Supervisor Yudelson assured Ms. Baker that the data was collected, analyzed, and forwarded to the Superintendent of Highways, and the Monroe County Sheriff's Department.)

(Unidentified Resident – In follow up to the Public Hearing with regard to the proposed Local Law #3/2011, the resident expressed his frustration with the Town Board and the current Code.)

(Shawn Drake, 111 Oak Mills Crossing – Inquired as to the status of the requested speed bumps in his neighborhood. Supervisor Yudelson indicated that they had been ordered and should be installed within a few weeks.)

(Resident, 391 Clay Road – Spoke with regard to the wonderful and professional staff that work at the Henrietta Public Library, indicated how much she enjoys her visits there, and asked whether or not the Library could be open seven (7) days a week.)

(Representative from Harbor Freight Tools, 3333 West Henrietta Road – Inquired about the results of the earlier held Special Permit Public Hearing, at which time Supervisor Yudelson indicated that the Town Board had approved that Application.)

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(Randy Scott, 27 Reids Grove – In follow up to the Public Hearing with regard to the proposed Local Law #3/2011, Mr. Scott expressed his opinion that prior to contacting the Monroe County Sheriff's Department when there are issues in the neighborhood, that perhaps the media should be contacted first, in an effort to get more publicity with regard to this ongoing issue in his neighborhood. He also expressed that enforcement of the Town Code and other laws is the real key to resolving many of the residents' concerns.)

(Carol Burritt, 620 Shore Drive – Made additional comments pertaining to the Public Hearing with regard to proposed Local Law #3/2011.)

(Regina Lapp-Harmon, 490 Shore Drive – Made additional comments pertaining to the Public Hearing with regard to proposed Local Law #3/2011.)

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Mulligan, seconded by Councilwoman Zinck at 8:00 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk