

**HENRIETTA TOWN BOARD
AGENDA
DECEMBER 7, 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 16, 2011
 - December 1, 2011 (Special Meeting)

On Motion of: Councilwoman Zinck Seconded by: Councilman Moore
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Establishment of Extension No. 208 (1850 Jefferson Road and Locust Hill Drive) to Henrietta Sewer District No. 1
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 #23-212/2011
Authorize Accounts Payable

RESOLUTION #23-213/2011
Call for Public Hearing - Proposed Establishment of Extension No. 210 (3865 and 3875 West Henrietta Road) to Henrietta Sewer District No. 1

RESOLUTION #23-214/2011
Authorize Proposed Establishment of Extension No. 208 (1850 Jefferson Road and Locust Hill Drive) to Henrietta Sewer District No. 1

RESOLUTION #23-215/2011
Award Low Bid – Town Hall Door Replacement Project

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RESOLUTION #23-216/2011

Authorize Purchase of State Contract Vehicles – Two (2) Dump Trucks - Highway Department

RESOLUTION #23-217/2011

Authorize Supervisor to Sign Amendatory Agreement - County of Monroe Intermunicipal Agreement for Snow Removal and Ice Control Services

RESOLUTION #23-218/2011

Authorize Supervisor to Sign Amendatory Agreement – County of Monroe All Seasons County/Town Work Agreement

RESOLUTION #23-219/2011

Adopt Fiscal Year 2012 Final Budget

RESOLUTION #23-220/2011

Adopt Local Law No. 3 of 2011 - A Law Amending the Definition of “Family” in the Henrietta Town Code §295-2

RESOLUTION #23-221/2011

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 7th DAY OF DECEMBER, 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)

SUPERVISOR YUDELSON

At this point, is there anybody who would like to speak on any of the items that are on the Agenda for tonight, other than the Public Hearing on the Sewer Extension, so any of the items that are on the Agenda, as Resolutions? This is your chance, now. *(Pause, no response)* Anybody? Okay, if not, can I have the approval of the Minutes, please?

COUNCILWOMAN ZINCK

Mr. Supervisor, I move approval of the Minutes of the November 16, 2011 Meeting, and the December 1, 2011 Special Meeting.

COUNCILMAN MOORE

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

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

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SUPERVISOR YUDELSON

At this point, we have a Public Hearing on the Proposed Establishment of Extension No. 208 to Henrietta Sewer District No. 1. Is there anybody who would like to speak on that Public Hearing? *(Pause, no response)* If not, I will close that Public Hearing, and ask for the first Resolution, please.

RESOLUTION #23-212/2011

On Motion of
Councilman Page

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 12/7/2011	\$ 1,004,848.47
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SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #23-213/2011

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 210 (3865 AND 3875 WEST HENRIETTA ROAD) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED ON WEST HENRIETTA ROAD 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. 210 (3865 and 3875 West Henrietta 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

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said Extension No. 210, 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 4th day of January, 2012 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:

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

Carried

RESOLUTION #23-214/2011

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

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.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 208 (1850 JEFFERSON ROAD AND LOCUST HILL DRIVE) TO HENRIETTA SEWER DISTRICT NO. 1

WHEREAS, a written Petition for the establishment of an extension to Henrietta Sewer District No. 1 in the Town of Henrietta, County of Monroe, State of New York, to be known as Extension No. 208 (1850 Jefferson Road and Locust Hill Drive) of said

Sewer District was duly presented to this Town Board, together with the necessary map and plan attached thereto, and

WHEREAS, pursuant to an Order a Public Hearing was held on the Petition, and the findings as specified on Exhibit "A" were made.

THEREFORE, BE IT RESOLVED, that the establishment of Extension No. 208 to the said Sewer District as proposed in the said Petition be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for; and that such extension shall be designated and known as Extension No. 208 to Henrietta Sewer District No. 1 and shall be bounded as described in attachments annexed hereto.

BE IT FURTHER RESOLVED, that the Town Clerk of this Town shall, within ten (10) days after the adoption of this Resolution, file Certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

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 #23-215/2011

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

WHEREAS, Resolution #21-197/2011 authorized the advertisement for bids for the Town Hall Door Replacement Project, and

WHEREAS, two (2) bids were received, and the low bid, meeting specifications, was received from Alliance Door and Hardware, Inc., in the amount of \$45,155.00.

THEREFORE, BE IT RESOLVED, that Alliance Door and Hardware, Inc., 55 Alliance Drive, Rochester, New York 14623 be hereby awarded the bid for the Town Hall Door Replacement Project, per specifications.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Alliance Door and Hardware, Inc., in an amount not to exceed \$45,155.00, upon completion of said Project, and receipt of all proper documentation and acceptance by the Safety Officer.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #23-216/2011

On Motion of
Councilman Page

Seconded by
Councilman Mulligan

WHEREAS, the 2012 Highway Budget provides funds for the purchase of one (1) new ten (10) wheel plow/dump truck, and one (1) new six (6) wheel plow/dump truck to replace existing trucks, and

WHEREAS, replacement trucks, meeting specifications, are available through New York State Contract PC62374 from Beam Mack Sales and Service, Inc., at a total combined cost not to exceed \$346,780.49.

THEREFORE, BE IT RESOLVED, that Beam Mack Sales and Service, Inc., 2674 West Henrietta Road, Rochester, New York 14623 be hereby awarded the purchase of one (1) new 2012 Mack Granite GU713 ten (10) wheel dump truck with plow equipment, and one (1) new 2012 Mack Granite GU713 six (6) wheel dump truck with plow equipment, per specifications.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Beam Mack Sales and Service, Inc., in an amount not to exceed \$346,780.49, upon delivery and receipt of all proper documentation and acceptance by the Acting Superintendent of Highways.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MOORE

Under discussion, could we ask the Highway Superintendent to tell us the age of the trucks we're replacing?

(From audience, Donald Youngman, Acting Superintendent of Highways, "Yes, the . . .")

SUPERVISOR YUDELSON

Come on up to the microphone, if you don't mind. And, I believe this is #151 and #193,

you told me earlier today that you were replacing . . .

DONALD YOUNGMAN, ACTING HIGHWAY SUPERINTENDENT

Yes, that's correct.

SUPERVISOR YUDELSON

Do you know the age?

DONALD YOUNGMAN, ACTING HIGHWAY SUPERINTENDENT

Yes, #151 is a 1986 auto car and #193 is an early 90's international, the six (6) wheel truck with the head return.

COUNCILMAN MOORE

Thank you.

COUNCILWOMAN ZINCK

And, those will go to auction?

DONALD YOUNGMAN, ACTING HIGHWAY SUPERINTENDENT

They will go to auction in the spring, hopefully, unless something goes wrong with another truck in between now and then.

COUNCILWOMAN ZINCK

All right. Thank you.

DONALD YOUNGMAN, ACTING HIGHWAY SUPERINTENDENT

You're welcome.

SUPERVISOR YUDELSON

Any further discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #23-217/2011

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

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WHEREAS, Resolution #20-229/2003 authorized the Supervisor to sign the Intermunicipal Agreement for Snow Removal and Ice Control Services on County highways within the Town of Henrietta under a lump sum reimbursement formula for an initial term of ten (10) years, expiring on September 30, 2013, and

WHEREAS, the County of Monroe has submitted an Amendatory Agreement for the 2011/2012 winter season showing a total estimated payment of \$ 366,013.17 for this season, and

WHEREAS, the Town of Henrietta desires to continue this Work Agreement with the County for the benefit of Henrietta residents.

THEREFORE, BE IT RESOLVED, that the Supervisor be hereby authorized to sign, on behalf of the Town, this Amendatory Agreement with the County to allow the Town to continue performing snow and ice control services on County highways within the Town of Henrietta.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

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 #23-218/2011

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

WHEREAS, Resolution #22-265/2006 authorized the Supervisor to sign the All Seasons County/Town Agreement for the provision of Town labor and equipment to perform various work for Monroe County for an initial period commencing on January 1, 2007 and ending on December 31, 2007 with the option of nine (9) one-year extensions, and

WHEREAS, the County of Monroe has submitted an Amendatory Agreement for 2012 containing updated labor reimbursement rates, and

WHEREAS, the Town of Henrietta desires to continue this Work Agreement with the County for the benefit of Henrietta residents.

THEREFORE, BE IT RESOLVED, that the Supervisor be hereby authorized to sign, on behalf of the Town, this Amendatory Agreement with Monroe County allowing the Town to continue to perform various work for Monroe County for the period commencing on January 1, 2012 and ending on December 31, 2012.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

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 #23-219/2011

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

WHEREAS, pursuant to Section 108 of the Town Law, a Public Hearing was held on November 16, 2011 at 7:00 P.M. at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York, on the Preliminary Budget of the Town of Henrietta for the Fiscal Year 2012, at which time all persons wishing to be heard thereon were heard, in favor of, or against, the said Preliminary Budget as compiled, or for, or against, any item or items therein contained.

THEREFORE, BE IT RESOLVED, that the Fiscal Year 2012 Preliminary Budget, be hereby adopted as the Annual Budget for the Town of Henrietta for the Fiscal Year beginning January 1, 2012 and that it shall be entered into the Minutes of the Town Board.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

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

SUPERVISOR YUDELSON

I'm going to deviate from our regular procedures, just for a second here. The next Resolution is one that I know several people in attendance tonight came because they were interested in it. At the beginning of the meeting we had the opportunity to comment on items that were on the Agenda, and nobody took me up on that. And, I know,

although it's entirely possible that nobody wanted to say anything, but it also might have been people not being clear that that was their chance to talk and that, so I wanted to offer anybody, at this point, if they are interested in any comment before that, because once we introduce it then there is no public comment at that part. So, I'll just offer once again, on this specific Resolution, is there anybody who would want to comment, at this time? *(Pause, no response)* Okay, great. Thank you, very much. Mr. Mulligan?

RESOLUTION #23-220/2011

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

WHEREAS, true and correct copies of proposed Local Law No. 3 of 2011, a Law amending the definition of "Family" in the Henrietta Town Code §295-2, were properly delivered to each member of the Town Board, and

WHEREAS, it is the Town Board's intent and desire to adopt a definition of "Family", which complies with recent Court decisions on this issue, and

WHEREAS, this matter was referred to the Monroe County Department of Planning and Development for its review pursuant to General Municipal Law §239-m and that Department had no comments on the matter, and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA) such an Action is an Unlisted Action for proposed Local Law No. 3 of 2011, and

WHEREAS, an Environmental Assessment Form (EAF) has been prepared for Local Law No. 3 of 2011, as attached, and

WHEREAS, the Henrietta Town Board declared its intent to be Lead Agency for the environmental quality review, and

WHEREAS, the Henrietta Town Board is the sole approval Board or Agency affected by this Action, and

WHEREAS, the Henrietta Town Board has taken a hard look at the environmental issues raised by this proposed Local Law No. 3 of 2011 pursuant to Section 617.7(c)(1)(i) of SEQRA, and

WHEREAS, upon proper notice, a Public Hearing was held on the 2nd day of November, 2011 where all persons wishing to speak regarding Local Law No. 3 of 2011 were heard by the Town Board.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board does formally designate itself and accepts the Agency status for the Environmental Review of the described Local Law No. 3 of 2011 under the State Environmental Quality Review Act (SEQRA) and has determined that the proposed action therein will not have a significant effect on the environment and that the Draft Environmental Impact Statement will not be required and therefore issues a Negative Declaration.

BE IT FURTHER RESOLVED, that the Henrietta Town Board hereby enacts and adopts Local Law No. 3 of 2011, a Law Amending the Definition of "Family" in Henrietta

Code §295-2.

BE IT FURTHER RESOLVED, that this Local Law be designated Local Law No. 3 of 2011.

BE IT FURTHER RESOLVED, that within twenty (20) business days there should be filed with the Secretary of State one (1) certified copy of said Local Law No. 3 of 2011, which shall be effective upon filing.

SUPERVISOR YUDELSON

Under discussion, I'd like to just start off by saying that, as has been put forth by our Town Attorney and mentioned a few times at various meetings, including the Public Hearing, what we are doing, at this point, is changing the definition of "Family" and otherwise not changing our Code at all. I know that, to the community though, it will feel like a new Code because with the old definition, we felt as though it was something that we could not really utilize. As we've been looking at this issue for quite a while now, our intent has been to try and find something that would be a balanced response, and will continue to be to the needs of several important community partners. That would include the neighbors in that area and throughout Henrietta because this is going to effect, not just one (1) neighborhood, but all of Henrietta, students who are renters over there, tenants, as well as other tenants who might not be students, and RIT, which is a valuable asset in our community and has done an awful lot to help us try and address this issue. As I said, all those entities are important to us. There's been an awful lot of discussion out there about what the Town has or hasn't done, and I think I can tell you, having been involved in it the whole time, that we really have tried our best. We've heard some things, as, for instance, that we know that are out there being said to some of the residents that there has been some hesitation because we're indebted to RIT as one of the biggest taxpayers in the Town, and that would probably be kind of laughable if it wasn't in some ways such a serious matter that we're dealing with. Most people would know that RIT is tax exempt, so they're actually one of the smallest taxpayers in Town. And, I think that the misinformation that comes out of situations like this can be very harmful. What we're trying to do, as I say, is find something that addresses concerns and needs of everybody. As we go forward from this point, the Town will be doing, just as we talked about at some of the meetings, including the Public Hearing, developing procedures for how this change in the Code will then be utilized to try and address the most egregious situations in Town and what other components we'll have to develop and how to do that with the advice of our Attorney, our Staff, and we will make public what we are doing and our plans. We also want to say to the students who are obviously concerned about how this will impact them that, through our discussions, the Town Board in its entirety has been in agreement that it is not our intention to cause anybody to have to move out of their living arrangements before the terms of current leases that run through the end of this school year, before that time is up. And, again, I think it's important that we let you know what we are looking to do and what we're not looking to do. What we're basically trying to achieve is to have something that works for everybody and that's not always easy, and this situation has certainly proven that. So, we will

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definitely keep you apprised, and I also wanted to just thank everybody from all those groups that I mentioned for all their involvement in the process because, for the most part, it has been positive, and it's been helpful to the Town Board. Anybody else from the Board?

COUNCILWOMAN ZINCK

Yes, I just want to add one more thing. I also would like to thank everybody. I think it's really important when you sit in the positions that we're in that we hear the concerns from the people we represent, and although I know there was a lot of passion and there's a lot of emotion in this issue, it's been very important for us to hear all the sides. And, I also just want to reiterate this is the first step. This doesn't mean, by any means, we're finished with looking at this. This is absolutely a baby step and what we consider to be a long process. I want to say how proud I am to work with all of you because I know how much time has gone into this from everybody's part up here, and I know every single person sitting up here cares about every single person, player, students, RIT residents, and it's been my pleasure to be part of that process because there's been a lot of commitment. So, thank you.

SUPERVISOR YUDELSON

Anyone else? Call the roll, please.

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 #23-221/2011

On Motion of
Councilman Page

Seconded by
Councilman Mulligan

BE IT RESOLVED, that the following persons be hired, effective 12/5/2011:

Joyce A. Bufano

Town Clerk, Part-time Seasonal Clerk
@ \$12.00/hr.

Nick Gerbino

Recreation, Recreation Assistant @ \$7.75/hr.

Michael Triassi

Highway, Part-time Seasonal @ \$8.75/hr.

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Cotton Tinsmon Highway, Part-time Seasonal @ \$8.75/hr.

BE IT FURTHER RESOLVED, that the following persons be hired:

Jennifer Kitto Recreation, Recreation Assistant @ \$7.75/hr.,
effective 11/6/2011.

David McGlashon, II Recreation, Recreation Assistant @ \$7.25/hr.,
effective 11/19/2011.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

That's the end of our regular Agenda, at this point, before we adjourn; is there anybody who would like to speak on any matter involving the Town of Henrietta? Carol?

(Carol Burritt, 620 Shore Drive, spoke in reference to the excellent Passport service she received from Janet Howland in the Henrietta Town Clerk's Office. – Audio File available upon request.)

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman Zinck, seconded by Councilman Mulligan at 7:32 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk