

**HENRIETTA TOWN BOARD
AGENDA
OCTOBER 16, 2013**

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 2, 2013
On Motion of: Councilman Moore Seconded by: Councilman Page
6. Miscellaneous Communications
7. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
8. Reports of Standing Committees and Actions Thereon
9. Reports of Special Committees
10. Public Comment
11. Adjournment

RESOLUTION #19-165/2013
Authorize Accounts Payable

RESOLUTION #19-166/2013
Authorize Placement of Delinquent Property Maintenance Bills on Tax Rolls

RESOLUTION #19-167/2013
Call for Public Hearing – Proposed Establishment of Extension No. 213 (Garber Automotive Group) to Henrietta Sewer District No. 1

RESOLUTION #19-168/2013
Reject Low Bid – Hansen Nature Center Roof Replacement

RESOLUTION #19-169/2013
Authorize Purchase of Town of Jerusalem Bid Equipment – Tractor – Highway Department

RESOLUTION #19-170/2013
Authorize Purchase of Town of Chatham Bid Equipment – Mini Excavator – Sewer Department

RESOLUTION #19-171/2013
Adopt Proposed Local Law No. 2 of 2013 – A Local Law to Amend Chapter 295 of the Code of the Town of Henrietta to Allow Food Trucks in the Town of Henrietta

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 OCTOBER, 2013 AT 7:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

Councilwoman Janet B. Zinck

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Before we get into the Resolutions, is there anybody who would like to speak on any of the items that are on the Agenda for tonight, Agenda items at this point? (Pause, no response) If not, may I have the approval of the Minutes?

COUNCILMAN MOORE

Mr. Supervisor, I'd like to move that we approve the Minutes of October 2, 2013.

COUNCILMAN PAGE

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

May I have the first Resolution, please?

RESOLUTION #19-165/2013

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

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

Exhibit A	Bills Payable dated 10/16/2013	\$ 285,244.38
Exhibit B	Manual Bills Payable dated 10/03/2013	\$ 2,350.00
Exhibit C	Manual Bills Payable dated 10/15/2013	\$ 72,166.50

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 #19-166/2013

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

WHEREAS, owners of several properties located in the Town of Henrietta have neglected to maintain their property, resulting in the inordinate accumulation of vegetation and/or debris, and have otherwise allowed said property to fall into a state of disrepair, in violation of the Henrietta Town Code, and

WHEREAS, said property owners have failed to comply in a timely fashion to notices of violation thereof served upon them by the Town of Henrietta Code Enforcement Office, and

WHEREAS, this failure resulted in the Town authorizing this work to be performed and the property owners being invoiced for said work, and

WHEREAS, said property owners have failed and neglected to pay said invoices.

THEREFORE, BE IT RESOLVED, that the unpaid invoices on the properties, as per the attachment, totaling \$46,488.27, be added as a lien against said real property on the 2014 tax levy for collection.

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 #19-167/2013

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 213 (GARBER AUTOMOTIVE GROUP) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED AT 3955, 3925, 3883 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. 213 (Garber Automotive Group) 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. 213, 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 6th day of November, 2013 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.

SUPERVISOR YUDELSON

...on the prices, but it does appear we might not have to go out to bid on this.

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

Right. It is below that thirty-five thousand dollar (\$35,000.00) cap, so I think our thought was is to try to get maybe two (2) more quotes to get those three (3) quotes and if it's under that thirty-five thousand dollars (\$35,000.00) then we wouldn't have to go out to bid and we could use the architectural shingles.

SUPERVISOR YUDELSON

Thank you.

COUNCILMAN MOORE

I'm unclear though, is that a fifteen (15) year shingle or a forty (40) year shingle?

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

It's a fifteen (15) year shingle, but it also goes to forty (40) years. The thing is, at fifteen (15) years it's a full replacement cost.

COUNCILMAN MOORE

I know, but they have different grades of shingles. Is this the best grade you can put on that or is this the least grade?

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

No, that's my understanding, this is the industry standard, which is, I'm not going to say it's the middle of the road, but it seems to be, for this type of shingle, it's the highest, I'll come out and say it. I do have a copy of the warranty, which I'll be more than happy to share with the Town Board.

COUNCILMAN MOORE

Okay, thank you.

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

Okay, anything else?

SUPERVISOR YUDELSON

Thank you, Chris.

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

Thank you.

SUPERVISOR YUDELSON

Thanks. Anything further on that?

COUNCILMAN MULLIGAN
No.

SUPERVISOR YUDELSON
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 #19-169/2013

On Motion of
Councilman Page

Seconded by
Councilman Moore

WHEREAS, the 2013 Highway Department budget provides funds for the purchase of one (1) new tractor and side flail to replace #209, and

WHEREAS, a tractor and side flail meeting specifications is available through Town of Jerusalem bid, Town Board Resolution #85-13 from Lakeland Equipment at a total cost not to exceed \$70,773.88.

THEREFORE, BE IT RESOLVED, that Lakeland Equipment, 4751 County Road 5, Hall, New York 14463, be hereby awarded the purchase of one (1) 2013 John Deere 5100M Utility Tractor and (1) 2013 Diamond Flail DSF075-C side flail, per specifications.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Lakeland Equipment in an amount not to exceed \$70,773.88 upon delivery and receipt of all proper documentation, and acceptance by the Commissioner of Public Works.

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 #19-170/2013

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

WHEREAS, the Equipment Replacement Program includes the 2014 purchase of one (1) new mini excavator to replace #530, and

WHEREAS, a piece of equipment meeting specifications, is available through the Town of Chatham bid, Town Board Resolution #75-13, from Monroe Tractor at a total cost not to exceed \$74,305.00, including the discounted rate from the rental applied.

THEREFORE, BE IT RESOLVED, that Monroe Tractor, 1001 Lehigh Station Road, Henrietta, New York 14467, be hereby awarded the purchase of one (1) 2013 Case CX-80 mini excavator, per specifications.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Monroe Tractor in an amount not to exceed \$74,305.00 upon delivery and receipt of all proper documentation, and acceptance by the Commissioner of Public Works.

SUPERVISOR YUDELSON

Discussion? Call the roll, oh I'm sorry.

COUNCILMAN MOORE

The only question I have is there was supposed to be an attachment, a power till for seventy-seven twenty-two dollars (\$7,722.00). How do you pay for that?

SUPERVISOR YUDELSON

We have, just, I'll check with the Town Attorney to make sure that I'm correct, but that, because that is the amount of seventy-seven twenty-two dollars (\$7,722.00), like you said, and because this is being bought under contract that that would be a separate purchase and also is within the Supervisor's authorization limits and is a sole source item, so the answer to your question would be a sole, it would be a separate purchase.

COUNCILMAN MOORE

Okay, thank you.

SUPERVISOR YUDELSON

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 #19-171/2013

On Motion of
Councilman Page

Seconded by
Councilman Moore

WHEREAS, upon proper notice a Public Hearing was held on the 2nd day of October, 2013, where all persons wishing to speak regarding Proposed Local Law No. 2 of 2013 were heard by the Town Board, and

WHEREAS, after consideration of all information presented and available it is the determination of the Town Board that the Town Code should be amended to allow food trucks in the Town of Henrietta.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby enacts Proposed Local Law No. 2 of 2013, A Local Law to Amend Chapter 295 of the Code of the Town of Henrietta to Allow Food Trucks in the Town of Henrietta.

BE IT FURTHER RESOLVED, that as it is the first Local Law to be acted on in 2013, that said Local Law be designated Local Law No. 1 of 2013.

BE IT FURTHER RESOLVED, that the Town Clerk shall file with the Secretary of State, as soon as possible, and in any event no later than twenty (20) days from this date, one (1) Certified copy of said Local Law No. 1 of 2013, and that said Law shall take effect immediately upon filing with the Secretary of State.

SUPERVISOR YUDELSON

Under discussion, I know I speak for everyone when I want to thank and compliment Councilman Page and Peter Minotti, who's not here tonight, for all the work they've done on this, along with the Board, to bring this together into a Code that's ready to be acted upon tonight.

COUNCILMAN PAGE

Thank you.

SUPERVISOR YUDELSON

Anyone else? 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

SUPERVISOR YUDELSON

That's the end of the regular Agenda, before we adjourn, is there anybody who wanted to speak on any item involving the Town of Henrietta?

(Inaudible, from audience, Shaina Sidoti, Owner of Effortlessly Healthy food truck)

SUPERVISOR YUDELSON

If you don't mind, if you'd just come up to the microphone and give your name and address...

(Shaina Sidoti, Owner of Effortlessly Healthy food truck, asked questions in reference to Local Law No. 1 of 2013 – A Local Law to Amend Chapter 295 of the Code of the Town of Henrietta to Allow Food Trucks in the Town of Henrietta. – Audio File available upon request.)

SUPERVISOR YUDELSON

Is there anybody else who would like to speak on any matter involving the Town? Mr. Schmitt?

(John Schmitt, 139 Campfire Road, spoke in reference to the availability of the 2014 Town of Henrietta Budget. – Audio File available upon request.)

SUPERVISOR YUDELSON

Anything else? Anybody? *(Pause, no response)* Is there a motion to adjourn?

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Mulligan, seconded by Councilman Page at 7:21 P.M. and was adjourned without objection.

Respectfully submitted,

Rebecca B. Wiesner
Deputy Town Clerk