

**HENRIETTA TOWN BOARD
AGENDA
NOVEMBER 6, 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 16, 2013
On Motion of: Councilman Moore Seconded by: Councilman Page
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Establishment of Extension No. 213 (Garber Automotive Group) 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 #20-172/2013
Authorize Accounts Payable

RESOLUTION #20-173/2013
Authorize Tax Certiorari Settlement – 3055 Brighton-Henrietta Town Line Road –
Townline Associates, LLC

RESOLUTION #20-174/2013
Authorize Proposed Establishment of Extension No. 213 (Garber Automotive
Group) to Henrietta Sewer District No. 1

RESOLUTION #20-175/2013
Award Low Quote – Hansen Nature Center Roof Replacement

RESOLUTION #20-176/2013
Authorize Supervisor to Sign Amendatory Agreement – County of Monroe
Intermunicipal Agreement for Snow Removal and Ice Control Services

RESOLUTION #20-177/2013
Adopt Official Undertaking of Receiver of Taxes and Assessments

RESOLUTION #20-178/2013

Authorize Agricultural Lease Renewal – Mark Greene, Property on Calkins Road

RESOLUTION #20-179/2013

Authorize Supervisor to Sign EAP Agreement

RESOLUTION #20-180/2013

Adopt Proposed Local Law No. 1 of 2013 – A Local Law to Amend Chapter 295 of the Code of the Town of Henrietta in Relation to Raising or Harboring of Chickens

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 6TH DAY OF NOVEMBER, 2013 AT 7:00 P.M.

MEMBERS 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
Leann C. Case, Town Clerk

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

The first item on our Agenda tonight is our very special annual presentation of the Heritage Awards and call upon now, from the Historic Site Committee, Helen Elam.

(Helen Elam conducted the 2013 Henrietta Historic Site Committee Henrietta Heritage Awards, which were presented to: Mr. and Mrs. Joseph Pires – 467 Lehigh Station Road; Mr. and Mrs. George Miller – 5121 West Henrietta Road; and Mr. Dale Humphrey and Mr. Terry Bastian – 6292 East River Road. The Good Neighbor Award was presented to Ms. Ann Stevens.)

COUNCILWOMAN ZINCK

Helen, before you go out for your cookies, I think we'd all like to thank you. If this is really officially your last year, thank you for all the work and attention that you've brought to these projects around Town.

(Applause)

(From audience, Helen Elam, "Thank you. I was [inaudible] with people from the Landmark Society and they said that I'm one of the oldest people that have continually been in a position like this. And I said, "I didn't realize that." It has been a long time, but I really enjoy it. It's my favorite thing to do. [Inaudible].")

COUNCILWOMAN ZINCK

Well, thank you. Thank you much.

SUPERVISOR YUDELSON

Thank you, Helen. And thank you to your whole committee and congratulations to

tonight's winners. We're just going to pause for a minute or two (2), so that anybody who wants to proceed outside to the reception can do so and anybody who wants to stay for the Town Board Meeting, also welcome to do so, and then we'll join you for refreshments afterwards.

(Brief intermission at 7:24 P.M.)

(Meeting re-opened at 7:25 P.M.)

SUPERVISOR YUDELSON

Okay, we'll resume now. Before we move on, is there anybody who wanted to speak tonight about any of the items that are on tonight's Agenda, other than a Public Hearing? Agenda items? *(Pause, no response)* If not, may I have the approval of the Minutes?

COUNCILMAN MOORE

Mr. Supervisor, I'd like to approve the Minutes of October 16, 2013.

COUNCILMAN PAGE

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

We have one Public Hearing tonight. It's on the proposed establishment of Extension No. 213 to Henrietta Sewer District No. 1, and this is for the Garber Automotive Group facility. Is there anybody here who would like to speak on that Public Hearing item? *(Pause, no response)* If not, I'll close that Public Hearing and may I have the first Resolution, please?

RESOLUTION #20-172/2013

On Motion of
Councilwoman Zinck

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 11/06/2013	\$ 305,190.13
Exhibit B	Manual Bills Payable dated 10/24/2013	\$ 2,350.00
Exhibit C	Manual Bills Payable dated 10/29/2013	\$ 2,367.87

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 #20-173/2013

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, Townline Associates, LLC, heretofore commenced proceedings against the Assessor, the Board of Assessment Review, and other respondents for a review of the assessments for the years 2012 and 2013 for premises located at 3055 Brighton-Henrietta Town Line Road in the Town of Henrietta, being identified as Tax Account Numbers 149.19-1-9.1 and 149.19-1-9.11, 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, a tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and 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 Townline Associates, LLC, for the years 2012 and 2013 be and hereby are approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and hereby is directed to make an 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.

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 #20-174/2013

On Motion of
Councilman Moore

Seconded by
Councilman Page

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 213 (GARBER AUTOMOTIVE GROUP) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED AT WEST HENRIETTA ROAD 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. 213 (GARBER AUTOMOTIVE GROUP) 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. 213 (Garber Automotive Group) 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. 213 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. 213 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 Yudelton	voting	Aye
Carried		

RESOLUTION #20-175/2013

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, the Town Board authorized quotes for the Hansen Nature Center Roof Replacement Project using architectural shingles, and

WHEREAS, four (4) quotes were received, and the low quote, meeting specifications, was received from Savage & Son Installations, LLC, for a total cost of \$18,000.00.

THEREFORE, BE IT RESOLVED, that Savage & Son Installations, LLC, 676 Pullman Avenue, Rochester, New York 14615, be hereby awarded the project.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Savage & Son Installations, LLC, in an amount not to exceed \$18,000.00 upon successful completion of said work and acceptance by the Director of Engineering and Planning.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MULLIGAN

Under discussion, on the bid page, Mr. Supervisor, the fourth (4th) bid from Roth includes gutters. The other three (3) do not. Is Savage doing the gutters, also, and it's just an omission?

SUPERVISOR YUDELSON

Mr. Martin?

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

Councilman Mulligan, no, the gutters are not included in the bid for the first three (3), either Savage & Son, Upstate Roofing, or Secor. We asked for a bid without gutters, but because they were the fourth (4th) bidders anyway and the gutters cost about six thousand dollars, plus or minus (\$6,000.00 +/-), they would still be the high bidder.

COUNCILMAN MULLIGAN

So is the plan for the Town forces to do the gutters?

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

That's correct, or sub-consult it out. So it would be two (2) separate quotes at some point.

COUNCILMAN MULLIGAN

So the Town employees will do it or won't?

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

My understanding is they were going to bid that out separately under another contract, another quote.

COUNCILMAN MULLIGAN

Thank you.

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

Right now the main concern is the roof.

COUNCILMAN MULLIGAN

Right. Thanks.

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

Yes.

COUNCILMAN PAGE

One other, Chris, were they, the winning bidder, were they in a position to start right away?

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

Probably once we get everything authorized, I would say probably within a couple weeks, just because of the weather. We want to get the roof on as soon as possible.

COUNCILMAN PAGE

That's my concern. Thank you.

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING
Alright.

SUPERVISOR YUDELSON
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 #20-176/2013

On Motion of	Seconded by
Councilman Page	Councilman Moore

WHEREAS, the County of Monroe has submitted to the Town of Henrietta a revised Intermunicipal Agreement for Snow Removal and Ice Control Services on County highways within the Town of Henrietta under a lump sum reimbursement formula, and

WHEREAS, the Town has traditionally provided these services to insure safe driving conditions for motorists and has been properly reimbursed by the County for doing so.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to sign said revised Agreement with the County of Monroe for the provision of Snow Removal and Ice Control Services for an initial term of five (5) years, commencing on October 1, 2013 and expiring on September 30, 2018.

BE IT FURTHER RESOLVED, that the total estimated payment shall be \$341,000.32 for the first year of the Agreement and shall be adjusted annually based on the terms of the Agreement.

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 #20-177/2013

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the Town Board adopts the attached official Undertaking of Receiver of Taxes and Assessments Resolution in the amount of \$100,000 and directs that it be filed in the Office of the Town Clerk.

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 #20-178/2013

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

WHEREAS, the Town of Henrietta acquired the Development Rights and Fee Title to property on Calkins Road in the Town of Henrietta formerly known as the Aldridge Farm, and

WHEREAS, the Town Board of the Town of Henrietta desires to continue to keep the land in use as farm land, and

WHEREAS, Mark Greene, 3170 Clover Street, Pittsford, New York 14534, has previously farmed the land and desires to continue to plant crops on the land and to renew the Lease Agreement with the Town for a period of one (1) year, from December 1, 2013 through November 30, 2014, for thirty (30) acres of tillable land at \$45.00 per acre, amounting to an annual rental of \$1,350.00, and

WHEREAS, the Town Attorney has reviewed the Lease renewal and found it to be in proper form.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign the Lease renewal on behalf of the Town of Henrietta, as per the attached.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

raising or harboring of chickens in the Town of Henrietta.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby enacts Proposed Local Law No. 1 of 2013, A Local Law to Amend Chapter 295 of the Code of the Town of Henrietta in Relation to Raising or Harboring of Chickens in the Town of Henrietta.

BE IT FURTHER RESOLVED, that as it is the second Local Law to be acted on in 2013, that said Local Law be designated Local Law No. 2 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. 2 of 2013, and that said Law shall take effect immediately upon filing with the Secretary of State.

SUPERVISOR YUDELSON

Discussion?

COUNCILWOMAN ZINCK

I just think we've been talking about this for a long time, I think it's well worth at least going on the Record saying we've talked about this for a long time. Peter, I know that you and your committee, Rick and your committee, have put a lot into looking at these laws and trying to make a really tight, well thought out Code that allows people that want to go in this direction the right to do that, yet also protect the neighbors if it's not being done in the right way. I think what really sold me on this Resolution is the fact that if a neighbor is not abiding by all the regulations and restrictions of the Code, that it'll come back to the Town Board and we will be able to revoke their right to be able to have chickens in their, on their property. So thank you for your hard work. I think you did a great job and so I just wanted to make those comments.

SUPERVISOR YUDELSON

Thank you. 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	No
Supervisor Yudelson	voting	No

Carried

SUPERVISOR YUDELSON

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

(Linus Rautenstrauch, 1412 Martin Road, spoke in reference to the completion of the cleanup at the back portion of his property damaged by Town equipment several years

ago. – Audio File available upon request.)

SUPERVISOR YUDELSON

Thank you.

COUNCILWOMAN ZINCK

Thank you, Linus.

SUPERVISOR YUDELSON

Is there anybody else who would like to speak on any item involving the Town before we adjourn? *(Pause, no response)* If not, is there a motion to adjourn?

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman Zinck, seconded by Councilman Mulligan at 7:41 P.M. and was adjourned without objection.

Respectfully submitted,

Rebecca B. Wiesner
Deputy Town Clerk