

**HENRIETTA TOWN BOARD
ORGANIZATIONAL MEETING
AGENDA
JANUARY 1, 2006**

PUBLIC COMMENT

RESOLUTION #1-1/2006
Appoint Town Clerk

RESOLUTION #1-2/2006
Appoint Town Attorney

RESOLUTION #1-3/2006
Appoint Planning Board Attorney

RESOLUTION #1-4/2006
Appoint Zoning Board Attorney and Prosecuting Attorney

RESOLUTION #1-5/2006
Authorize Director of Finance to Make Interfund Loans

RESOLUTION #1-6/2006
Authorize Supervisor to Approve Purchases up to \$7,500

RESOLUTION #1-7/2006
Adopt Personnel Hiring Procedure

RESOLUTION #1-8/2006
Adopt Town Board Rules

RESOLUTION #1-9/2006
Appoint Member to Planning Board

RESOLUTION #1-10/2006
Reappoint Member to Zoning Board

RESOLUTION #1-11/2006
Reappoint and Appoint Members to Conservation Board

RESOLUTION #1-12/2006
Reappoint Library Trustee

RESOLUTION #1-13/2006

Reappoint Members to Youth Board

RESOLUTION #1-14/2006

Appoint Member to Recreation Commission

RESOLUTION #1-15/2006

Appoint Chairpersons to Boards

RESOLUTION #1-16/2006

Appoint Liaisons to Boards, Commissions and Committees

RESOLUTION #1-17/2006

Establish Bonding Amounts for Certain Town Employees

RESOLUTION #1-18/2006

Establish Blanket Employee Fidelity Policy

RESOLUTION #1-19/2006

Establish Petty Cash Amounts

RESOLUTION #1-20/2006

Establish Time and Place for Town Board Meetings

RESOLUTION #1-21/2006

Authorize Mileage for Town Business

RESOLUTION #1-22/2006

Establish Town Business Hours

RESOLUTION #1-23/2006

Call for Annual Inventories

RESOLUTION #1-24/2006

Designate Official Newspapers

RESOLUTION #1-25/2006

Designate Official Town Banks

RESOLUTION #1-26/2006

Appoint Insurance Broker

RESOLUTION #1-27/2006

Authorize Participation in Group Self-Insurance Plan

RESOLUTION #1-28/2006

Authorize Town Board Members and Town Justices to Attend Any Training Schools or Conferences

RESOLUTION #1-29/2006

Adopt Fee and Wage Schedule - Henrietta Recreation Commission

RESOLUTION #1-30/2006

Authorize Proposed Application Fees

RESOLUTION #1-31/2006

Adopt Rental Fee Schedule - Tinker Pavilion

RESOLUTION #1-32/2006

Appoint Designated Officers and Employees

RESOLUTION #1-33/2006

Adopt Salary Schedules - Exhibit A and C

RESOLUTION #1-34/2006

Adopt Salary Schedule - Other Appointed Boards - Exhibit B

RESOLUTION #1-35/2006

Appoint Deputy Receiver of Taxes - JP Morgan Chase

RESOLUTION #1-36/2006

Authorize Attendance at Meetings, Seminars and Conferences for Town Employees

RESOLUTION #1-37/2006

Authorize Specific Payments Prior to Audit

RESOLUTION #1-38/2006

Appoint Coordinating Justice

RESOLUTION #1-39/2006

Adopt Sexual Harassment Standards Policy

RESOLUTION #1-40/2006

Adopt Procurement Policy

RESOLUTION #1-41/2006

Adopt Investment Policy

PURSUANT TO CALL AN ORGANIZATIONAL 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 1ST DAY OF JANUARY, 2006 AT 11:00 A.M.

MEMBERS PRESENT

MEMBERS ABSENT

Supervisor James R. Breese
Councilwoman Catherine A. McCabe
Councilman William J. Mulligan, Jr.
Councilman Michael B. Yudelson
Councilwoman Janet B. Zinck
Daniel J. Mastrella, Town Attorney
Patricia J. Shaffer, Town Clerk

SUPERVISOR BREESE

Before we start, welcome to our annual Organizational meeting. Before we start, I would like to have Steven Donsky come up and swear in Councilwoman Zinck and Councilman Yudelson as they begin their four year terms. I'm going to be sworn in, in my office on Tuesday. So, Judge Donsky, if you'll come up here. Mrs. Zinck, if you want to go up and be sworn in, and then after that, Councilman Yudelson.

JUDGE STEVEN DONSKY

(Gave the Oath of Office to Janet B. Zinck, Councilwoman; and Michael B. Yudelson, Councilman.) *(Applause)*

SUPERVISOR BREESE

Thank you, Judge Donsky, for coming to our meeting. We hope you have a good year in court.

COUNCILWOMAN ZINCK

Thank you very much.

SUPERVISOR BREESE

We have two (2) meetings. The first meeting is the annual Organizational meeting, and then the second meeting is just regular Resolutions. Is there anybody in the audience that wants to speak on the Organizational meeting agenda only? Just the Organizational meeting? *(Pause - no response)* If not, before we start with the Resolutions, I'd like to draw attention to a, for the Record, to a memorandum I gave to the Town Clerk in which I appointed my secretary, Tammy McGlashon, to continue as secretary, and Paul Liess to continue as Finance Director. I did not appoint a Deputy Supervisor at this time. May I have the first Resolution, please.

RESOLUTION #1-1/2006

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that Patricia Shaffer be and is hereby appointed Town Clerk and Registrar of Vital Statistics for a two (2) year term at the discretion of the Board expiring December 31, 2007 at a salary as specified in Exhibit A.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-2/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilman Yudelson

BE IT RESOLVED, that the Town of Henrietta appoint Daniel J. Mastrella, Esquire, with offices at 19 West Main Street, Suite 600, Rochester, New York 14614, as Town Attorney for the Town of Henrietta to render to the Town Board and to the Town of Henrietta such legal services customarily rendered and performed pursuant to said office, said position to be held for a two (2) year term at the discretion of the Board expiring December 31, 2007.

BE IT FURTHER RESOLVED, that the Town of Henrietta pay to said attorney for all legal services rendered, the annual salary of \$39,140.00.

BE IT FURTHER RESOLVED, that the Town of Henrietta reimburse from time to time said attorney for actual expenses necessarily incurred by him in connection with the rendition of such services upon submission by him of properly executed vouchers thereof.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye

Duclos as Prosecuting Attorney, said position to be held for a one (1) year term at the discretion of the Town Board, to prosecute from time to time and when requested by the Town Board, violations of any Local Law or Ordinance of the Town of Henrietta or any other law, the enforcement of which is within the jurisdiction of the Town, effective January 1, 2006.

BE IT FURTHER RESOLVED, that the Town of Henrietta pay to said attorney for all legal services rendered pursuant to such request, the sum of \$100.00 per hour not to exceed \$8,500.00 per year, and reimburse him for actual expenses necessarily incurred in the performance of such services upon the filing and audit of properly executed vouchers thereof.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-5/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilman Yudelson

WHEREAS, from time to time emergencies arise requiring the necessity of interfund loans without Town Board approval.

THEREFORE, BE IT RESOLVED, that the Director of Finance be authorized to make said interfund loans, not to exceed \$7,500.00 with approval of the Supervisor.

BE IT FURTHER RESOLVED, that the Town Board be notified prior to the next scheduled Town Board meeting.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye

RESOLUTION #1-8/2006

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

BE IT RESOLVED, that the Rules of the Town Board that are now in effect and attached hereto shall be continued for the year 2006.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-9/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, the term of Donald B. Schwartz, Planning Board, has expired as of December 31, 2005, and

WHEREAS, James W. Grunert is a qualified resident of the Town of Henrietta and wishes to serve on the Henrietta Planning Board, and

WHEREAS, the Henrietta Town Board wishes to maintain the Boards at their authorized strength for maximum input.

THEREFORE, BE IT RESOLVED, that James W. Grunert, 12 Beakrush Lane, West Henrietta, New York 14586 be appointed to the Henrietta Planning Board for a seven (7) year term effective January 1, 2006 and expiring December 31, 2012.

SUPERVISOR BREESE

Under discussion, Mr. Grunert was interviewed for a Zoning Board vacancy, and he impressed the Board members who met him. He's been on the Riverton Architectural Board, so he knows how to read plans, which will be nice for our Engineering Department in particular, and he's familiar with how to deal with the public. I think this is an excellent appointment. I will also send a letter on behalf of the Board to Don Schwartz to thank him for his many years of service to the Town. Call the roll, please.

WHEREAS, Mr. Mallaber, Mr. Migliorini and Mr. Santos have requested reappointment, and

WHEREAS, a vacancy exists on the Conservation Board, and

WHEREAS, Gary W. Holley is a qualified resident of the Town of Henrietta and wishes to serve on the Henrietta Conservation Board, and

WHEREAS, the Henrietta Town Board wishes to maintain the Boards at their authorized strength for maximum input.

THEREFORE, BE IT RESOLVED, that James M. Mallaber, 146 Locust Hill Drive, Rochester, New York 14618; John A. Migliorini, 164 Tumbleweed Drive, Pittsford, New York 14534; and William R. Santos, 3181 East River Road, Rochester, New York 14623, be reappointed to the Henrietta Conservation Board for a two (2) year term effective January 1, 2006 and expiring December 31, 2007.

BE IT FURTHER RESOLVED, that Gary W. Holley, 8 Cougar Circle, West Henrietta, New York 14586, be appointed to the Henrietta Conservation Board for a two (2) year term effective January 1, 2006 and expiring December 31, 2007.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Abstain
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-12/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, the term of Virdell Robbins, Library Trustee, has expired as of December 31, 2005, and

WHEREAS, Ms. Robbins has requested reappointment and the Library Board of Trustees has made that recommendation, and

WHEREAS, the Henrietta Town Board wishes to maintain the Boards at their

authorized strength for maximum input.

THEREFORE, BE IT RESOLVED, that Virdell Robbins, 78 Kathy Drive, Pittsford, New York 14534, be reappointed to the Henrietta Library Board of Trustees for a five (5) year term effective January 1, 2006 and expiring December 31, 2010.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-13/2006

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

WHEREAS, the terms of Michelle C. Clark, Shruti Date, Joanne M. Day, M. Rick Page and James Scott, Youth Board, have expired as of December 31, 2005, and

WHEREAS, Shruti Date, Joanne M. Day, M. Rick Page and James Scott have requested reappointment, and

WHEREAS, Michelle C. Clark has not requested reappointment, and

WHEREAS, the Henrietta Town Board wishes to maintain the Boards at their authorized strength for maximum input.

THEREFORE, BE IT RESOLVED, that Shruti Date, 27 Langston Point, Pittsford, New York 14534; Joanne M. Day, 460 Martin Road, West Henrietta, New York 14586; M. Rick Page, 320 Galahad Drive, Rochester, New York 14623; and James Scott, 46 Fieldstone Lane, West Henrietta, New York 14586, be reappointed to the Henrietta Youth Board for a two (2) year term effective January 1, 2006 and expiring December 31, 2007.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye

Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye
		Carried

RESOLUTION #1-14/2006

On Motion of	Seconded by
Councilwoman Zinck	Councilman Mulligan

WHEREAS, the term of Julie Reed, Recreation Commission, has expired as of December 31, 2005, and Ruth Hogan, Recreation Commission, has resigned, and

WHEREAS, Ms. Reed has not requested reappointment, and

WHEREAS, Patricia M. Burdick is a qualified resident of the Town of Henrietta and wishes to serve on the Henrietta Recreation Commission, and

WHEREAS, the Henrietta Town Board wishes to maintain the Boards at their authorized strength for maximum input.

THEREFORE, BE IT RESOLVED, that Patricia M. Burdick, 36 Green Clover Drive, Henrietta, New York 14467, be appointed to the Henrietta Recreation Commission for a seven (7) year term effective January 1, 2006 and expiring December 31, 2012.

SUPERVISOR BREESE
Discussion?

COUNCILWOMAN McCABE
Under discussion, Mr. Supervisor, I just wanted to comment that we have openings now on the Recreation Commission and the Youth Board and if anybody knows anyone interested in those positions they should call.

SUPERVISOR BREESE
Thank you.

COUNCILWOMAN ZINCK
And through you, Mr. Supervisor, I just wanted to thank, on the Record, Ruth Hogan. She has been a part of that Commission for a very, very long time and she'll really be missed.

SUPERVISOR BREESE
You are correct. Thank you. Call the roll, please.

Recreation Commission:
Henrietta Ambulance and Fire:

Janet B. Zinck
Catherine A. McCabe

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-17/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, a sum and undertaking must be furnished by certain Town Officials in amounts specified by law by a bond and surety company authorized to do business in the State of New York.

THEREFORE, BE IT RESOLVED, that the following bonds be and hereby are approved and certified by the Town of Henrietta as to form, amount and surety.

Supervisor	James R. Breese	\$ 100,000
Town Clerk/Receiver of Taxes	Patricia Shaffer	\$ 100,000
Deputy Town Clerk	Amber N. Hutchinson	\$ 100,000
Director of Finance	Paul Liess, Jr.	\$ 100,000
Superintendent of Highways	Russell Martin	\$ 100,000
Town Justice	John Pericak	\$ 100,000
Town Justice	Steven Donsky	\$ 100,000
Town Justice	John Kopacki	\$ 100,000
Each employee of the Town Court		\$ 100,000
Each employee of the Town Clerk's Office		\$ 100,000

BE IT FURTHER RESOLVED, that upon approval thereof by the Monroe County Legal Advisor, the original bonds be filed in the Office of the County Treasurer and a copy thereof in the office of the Town Clerk.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Finance Office	Paul J. Liess, Jr.	\$225.00
Library	Patricia Bernhard	\$387.00
Justices	Melissa Koerner	\$175.00

BE IT FURTHER RESOLVED, that the aforementioned people shall be designated custodians of the respective petty cash funds.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-20/2006

On Motion of

Councilwoman Zinck

Seconded by

Councilman Mulligan

BE IT RESOLVED, that the regular Town Board meetings of the Town of Henrietta be held on the first and third Wednesday of each month in the Town Hall of the Town of Henrietta, 475 Calkins Road, Henrietta, New York, except January when meetings will be on January 1ST at 11:00 A.M. instead of on the first Wednesday, and during the months of July and August when the meetings will be held on the third Wednesday of the month. Meetings shall commence at 8:00 P.M., except as otherwise ordered. Workshop meetings will be held on the Monday prior to the Town Board meetings at 4:30 P.M., except as otherwise ordered.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-21/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilman Yudelson

BE IT RESOLVED, that the authorized officers and employees of the Town of Henrietta be and are hereby granted mileage for the use of their own vehicles on official Town business at the rate of \$.44 per mile, subject to submitting proof of the use of their own vehicles on such Town business.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-22/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilman Yudelson

BE IT RESOLVED, that the following Town departments shall be open to the public, with the exception of legal holidays, and as otherwise required from time to time as follows:

Town Hall Offices	9:00 A.M. - 5:00 P.M. (Mon. - Fri.)
Public Works Departments	7:00 A.M. - 3:30 P.M. (Mon. - Fri.)
Tinker Nature Center	9:00 A.M. - 3:00 P.M. (Tues. - Sun.)
Tinker Homestead	10:00 A.M. - 4:00 P.M. (Tues. - Sun.)

BE IT FURTHER RESOLVED, that the Town Court shall be open to the public Monday through Friday, with the exception of legal holidays, and as otherwise required from time to time as follows:

Court Offices	9:00 A.M. - 5:00 P.M. (Mon. - Thurs.)
	9:00 A.M. - 4:00 P.M. (Friday)

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe voting Aye
Councilman Mulligan voting Aye
Councilman Yudelson voting Aye

Councilwoman Zinck voting Aye
Supervisor Breese voting Aye
Carried

RESOLUTION #1-25/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, the Town Board of the Town of Henrietta is required to designate the banks in which all Town Officers shall deposit all monies coming into their hands by virtue of their offices in the year 2006.

THEREFORE, BE IT RESOLVED, that the Henrietta offices of the following banks are hereby designated as the official depositories of the Town of Henrietta:

Key Bank
JP Morgan Chase
Bank of America
Citibank of New York State, N.A.
HSBC Bank USA
M&T Trust
Citizens Bank

BE IT FURTHER RESOLVED, that all Town Officers be and are hereby directed to deposit all Town monies coming into their hands to the aforesaid depositories.

BE IT FURTHER RESOLVED, that the said depositories shall be required to furnish securities by depositing governmental bonds or the equivalent in escrow to equal all deposits for the Town of Henrietta.

BE IT FURTHER RESOLVED, that the Town Clerk be instructed to transmit a copy of this Resolution to the Henrietta offices of the bank herein designated.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe voting Aye
Councilman Mulligan voting Aye

secure the Town of Henrietta's obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law, and workers' compensation benefits, as applicable, through participation in a group self-insurance program of which the Town of Henrietta will be a member, for an annual premium of \$114,708.00.

THEREFORE, BE IT RESOLVED, that the Authorized Representative of the Town of Henrietta, duly convened in regular session, does hereby resolve, pursuant to and in accordance with the provisions of Section 50 of the New York State Workers Compensation Law and other applicable provisions of law and regulations thereunder, as follows:

Section 1. The Authorized Representative (hereinafter "Representative") of the Town of Henrietta does hereby resolve to secure the Town of Henrietta's obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law, and workers' compensation benefits, as applicable, through participation in a group self-insurance plan of which the Town of Henrietta will be a member.

Section 2. The Representative of the Town of Henrietta does hereby resolve to become a member of Public Employer Risk Management Association, Inc., a workers' compensation group self-insurance program for local governments and other public employers and instrumentalities of the State of New York.

Section 3. In order to effect the Town of Henrietta's membership in said group self-insurance program, the authorized officer of the Town of Henrietta is hereby authorized to execute and enter into the Public Employer Risk Management Association Workers' Compensation Program Agreement, annexed hereto as Exhibit A, on behalf of the Town of Henrietta.

Section 4. This Resolution shall take effect immediately.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-28/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

BE IT RESOLVED, that Town Board members and Town Justices of the Town of Henrietta may attend any training school or conference for municipal officers during the year 2006 and that this authorization shall provide that necessary expenses incurred shall be chargeable to and reimbursed by the Town of Henrietta.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-29/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, it is customary each year for the Henrietta Recreation Commission to recommend a "Fee and Wage Schedule" for the operation of recreation programs, and

WHEREAS, the Town Board has reviewed such recommendations and they appear to be in order.

THEREFORE, BE IT RESOLVED, that the attached "Fee and Wage Schedule" for the Henrietta Recreation Commission be adopted for the year 2006.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-30/2006

On Motion of

Seconded by

Councilman Mulligan

Councilwoman Zinck

WHEREAS, the Town of Henrietta Fire Marshal and the Director of Engineering/Planning have recommended the attached proposed application fees, and

WHEREAS, the Town Board has reviewed such recommendations and they appear to be in order.

THEREFORE, BE IT RESOLVED, that the attached fee schedules be adopted, effective January 1, 2006.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-31/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilman Yudelson

WHEREAS, the Director of the Tinker Homestead and Farm Museum and the Hansen Nature Center has recommended to the Town Board of the Town of Henrietta to charge residents of the Town of Henrietta Twenty-five Dollars (\$25.00), and non-residents Forty Dollars (\$40.00) for the rental of the Tinker Pavilion, and

WHEREAS, the Town Board has reviewed such recommendations and they appear to be in order.

THEREFORE, BE IT RESOLVED, that the fee of Twenty-five Dollars (\$25.00) be charged to residents of the Town of Henrietta, and the fee of Forty Dollars (\$40.00) be charged to non-residents for the rental of the Tinker Pavilion for the year 2006.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
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Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-32/2006

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

BE IT RESOLVED, that the following persons be and are hereby appointed as the designated officers and employees of the Town of Henrietta, said appointments to expire on December 31, 2007 at an annual salary as specified in Exhibits A and C.

Superintendent of Highways	Russell Martin
Director of Engineering/Planning	Mark Byrne
Fire Marshal	Christopher Roth
Director of Youth Bureau & Recreation	Regis Steinkamp
Commissioner of Public Works	Dean C. Marshall, Jr.
Director of Personnel	Paul Liess, Jr.
Superintendent of Drainage, Sewer & Sidewalks	Paul Pettrone
Deputy Town Clerk	Amber N. Hutchinson
Town Historian	Helen Elam
Assistant Assessor	Gary Popen
Assistant Dir. of Youth Bureau & Recreation	Karen McArthur
Receiver of Taxes	Patricia Shaffer
Director of Tinker Homestead and Farm Museum & Hansen Nature Center	David Oliver
Building and Development Coordinator	Vacant
Director of Parks and Facilities	Vacant

SUPERVISOR BREESE

Under discussion, there are two (2) positions here that are listed "vacant." Just for the Record, they're listed "vacant," not because of a resignation by either one of these individuals but because of a determination by some Town Board members that they should not be rehired. What I would like to do now is move to amend this Resolution to include the name of William Dykstra under Director of Parks and Facilities and David Pirrello under the title of Building and Development Coordinator. *(Pause - no response)* There being no second, my amendment fails. I'd like to ask the Town Attorney, just for the Record, to explain his memo to the Town Board dated Friday, December 30TH regarding the Public Officers Law and what it means to these vacancies specifically, for the Record.

DANIEL MASTRELLA, TOWN ATTORNEY

Let me find my memo. Mr. Supervisor, in reviewing the applicable law relating to these appointments or vacancies, as the case may be, it would appear that under Section 5 of the Public Officers Law, that until the vacancies are filled by appointment by the Town Board or other legislation is passed otherwise affecting these titles, that the individuals currently holding those offices would, if they choose, be entitled to hold over in those positions until replaced by action of the Board or other legislation.

SUPERVISOR BREESE

Thank you. Mr. Pirrello told me he will report for work on Tuesday. That's appropriate, is that correct?

DANIEL MASTRELLA, TOWN ATTORNEY

As best I can determine at this point, that is his right.

SUPERVISOR BREESE

I haven't had a chance to talk to Mr. Dykstra. We had a long discussion about this matter at our workshop, which is a public meeting, on Tuesday, the 27TH, I believe it was, and I expressed my strong opposition to not rehiring David Pirrello and Bill Dykstra. I don't want to go through all that again. I'd like to start the new year in a relatively positive way, if I can. I'm disappointed, obviously, but I see no useful purpose in going over all the ground we went over on Tuesday, unless some other Board members want to get into that kind of a dialogue. I just want the Record to show that I oppose this and therefore will be voting against this Resolution, not because I don't support all the other department heads, I do. I always support department heads whenever possible, but I oppose because of the vacancies that are listed on the Resolution.

COUNCILWOMAN McCABE

Under discussion, Mr. Supervisor, just to give everyone an opportunity to understand where the Town Board is coming from, it is our intent to combine a couple of the departments for cost effectiveness and efficiencies, and it was advice from the attorney that in order to start that process we had to not appoint the two (2) department heads in question. It was not a personal issue. It was just a matter of what this Town Board would like to do in the year 2006. I don't have anything else to say.

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, just for clarification, Dan, even if these positions are being consolidated into other, to the responsibilities of other people, it's your opinion that this Public Officials Law is still applicable?

DANIEL MASTRELLA, TOWN ATTORNEY

It's applicable in this situation until those, the positions which exist are abolished, changed, you know, whatever the Board's going to do. As of now, those positions both exist under our Town Code, and appropriate legislation has to be introduced to change that before those positions cease to exist. Therefore, under the Public Officers Law,

the individuals currently holding those positions are entitled, if they choose to hold over.
They don't have to hold over, they could resign.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR BREESE

Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	No

Carried

RESOLUTION #1-33/2006

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

BE IT RESOLVED, that the salary schedules, appointments and positions as shown on the following Exhibits be adopted and established for the year 2006, as previously approved in the 2006 Budget.

Exhibit A Elected Officials, Town Officers, Department Heads

Exhibit C Full and Part-Time Employees

SUPERVISOR BREESE

Under discussion, Mr. Mastrella, I'm looking at the Exhibit A which lists department heads and salaries. There's, again, the two (2) vacancies listed with no salaries indicated. But Mr. Mastrella, I think you just said that they continue as department heads, isn't that correct?

DANIEL MASTRELLA, TOWN ATTORNEY

They hold over in their positions. They are not appointed as . . .

SUPERVISOR BREESE

But then they're still department heads.

DANIEL MASTRELLA, TOWN ATTORNEY

That's correct.

SUPERVISOR BREESE

Well, then they should be listed on this, shouldn't they?

DANIEL MASTRELLA, TOWN ATTORNEY

They don't need to be listed nor do they need to take an Oath of Office for those positions. It's by operation of law that they maintain those positions.

SUPERVISOR BREESE

So, even though they're still going to operate as department heads and get a salary of some kind, they don't have to be listed in this?

DANIEL MASTRELLA, TOWN ATTORNEY

They're entitled to their salary, and if a new salary hasn't been designated, I would opine that they're entitled at least to the salary that they were receiving at the time.

SUPERVISOR BREESE

Shouldn't that be on here?

DANIEL MASTRELLA, TOWN ATTORNEY

Once again, it's by operation of law, so I don't believe it needs to be listed on there. That's my opinion.

SUPERVISOR BREESE

So, according to this, there's nobody running those two (2) departments, they're vacant, and yet they're going to, one of them is going to be here on Tuesday.

DANIEL MASTRELLA, TOWN ATTORNEY

They're vacant for purposes of reappointment and that's the specific language of the Public Officers Law. However, should the individuals choose to hold over, they hold those titles until somebody else is appointed to and qualified to take those positions.

SUPERVISOR BREESE

No, I'm sorry. I can't understand the logic of that. What authority will we have to pay them if it's not listed here?

DANIEL MASTRELLA, TOWN ATTORNEY

They're entitled to pay by operation of law. So, you certainly have the authority to pay them.

SUPERVISOR BREESE

Even though the positions are vacant on this Resolution?

DANIEL MASTRELLA, TOWN ATTORNEY

The positions are vacant for purposes of an appointment being made to those positions. The individuals can elect to continue in those positions until somebody is appointed. That's what the Public Officers Law says.

SUPERVISOR BREESE

So, when the Payroll Department gives out the first paycheck of the year and says there's no authorization here, I can't issue a paycheck according to the way we've operated here for twenty-five (25) years, should I have them talk to you directly?

DANIEL MASTRELLA, TOWN ATTORNEY

That would be fine because I would opine that they, in all instances, should pay the individuals no less than the salary that they were receiving at the time their terms expired.

SUPERVISOR BREESE

I don't want to argue with you. I think this is a stretch, and I have real trouble accepting that kind of logic. For that reason, I will be voting no on this Resolution. Again, nothing to do with all the fine department heads and employees that we have in our Town, who I continue to support. I can't support this Resolution as it lists vacancies that are not really vacancies. Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	No

Carried

RESOLUTION #1-34/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the salary schedules, appointments and positions as shown on the following Exhibit be adopted and established for the year 2006.

Exhibit B Other Appointed Boards

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Abstain
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-35/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, JP Morgan Chase, with local offices at One Chase Square, Rochester,

New York, will assist with the collection of the 2006 Town and County taxes and the 2006-2007 Rush-Henrietta School taxes, and

WHEREAS, JP Morgan Chase provides an invaluable service through these Agreements at no cost to the Town.

THEREFORE, BE IT RESOLVED, that Gayle Hudson of JP Morgan Chase, or authorized representative(s) thereof, be appointed as Deputy Receiver of Taxes for the collection of the 2006 Town and County taxes and the 2006-2007 Rush-Henrietta School taxes.

BE IT FURTHER RESOLVED, that Gayle Hudson of JP Morgan Chase, or authorized representative(s) thereof, be hereby covered under the Town's blanket insurance policy.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-36/2006

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the Supervisor is authorized to approve attendance by Town employees at various work-related conferences and training schools during the year 2006 and that such authorization stipulates that necessary expenses incurred therein shall be chargeable to and reimbursed by the Town of Henrietta upon

submission of proper documentation.

BE IT FURTHER RESOLVED, that any such conferences or training schools requiring reimbursement of overnight travel expenses will be submitted to the Town Board for approval.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-37/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, timely payment of certain bills of necessity will preclude them from being included in the Town Board's audit procedure, and

WHEREAS, ongoing business practice requires the payment in advance of audit of claims for public utility services, postage, employee benefits, freight and express charges, bonded indebtedness, filing fees to another municipality, and Election Inspectors.

THEREFORE, BE IT RESOLVED, that the above specified payments be effective prior to audit when necessary during the year 2006.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-38/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, the Town Board wishes to have Judicial involvement in over-seeing operations of the Court Office, and

WHEREAS, Judge John Kopacki has stated that he is willing to assist in this matter.

THEREFORE, BE IT RESOLVED, that Judge John Kopacki is reappointed Coordinating Justice (no increase in pay).

SUPERVISOR BREESE
Discussion? Call the roll, please.

Duly put to a vote:
Councilwoman McCabe voting Aye
Councilman Mulligan voting Aye
Councilman Yudelson voting Aye
Councilwoman Zinck voting Aye
Supervisor Breese voting Aye
Carried

RESOLUTION #1-39/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the attached Sexual Harassment Standards Policy be hereby adopted by the Henrietta Town Board, effective immediately, and be reviewed annually at its Organizational Meeting.

SUPERVISOR BREESE
Discussion? Call the roll, please.

Duly put to a vote:
Councilwoman McCabe voting Aye
Councilman Mulligan voting Aye
Councilman Yudelson voting Aye
Councilwoman Zinck voting Aye
Supervisor Breese voting Aye
Carried

RESOLUTION #1-40/2006

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

WHEREAS, the Town Board of the Town of Henrietta has reviewed the Procurement Policy for the Town.

THEREFORE, BE IT RESOLVED, that the Board adopts the aforesaid Procurement Policy as attached.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #1-41/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilman Yudelson

BE IT RESOLVED, that the attached Investment Policy be adopted by the Henrietta Town Board effective immediately and shall be reviewed annually at its Organizational Meeting.

BE IT FURTHER RESOLVED, that the Henrietta Town Board receive quarterly investment reports.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

SUPERVISOR BREESE

That's the end of the Organizational meeting.

(The Organizational meeting ended at 11:45 A.M.)

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk