

**HENRIETTA TOWN BOARD
AGENDA
FEBRUARY 7, 2007**

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): January 17, 2007
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 #4-61/2007
Authorize Accounts Payable

RESOLUTION #4-62/2007
Authorize Proposed Rezoning of Lands on Middle/Erie Station Roads -
Residential R-1-20 to Rural Residential RR-2

RESOLUTION #4-63/2007
Authorize Payment - Certiorari Attorney for Legal Services

RESOLUTION #4-64/2007
Authorize Supervisor to Sign Contract - County of Monroe Year 2007 Senior
Meals Program

RESOLUTION #4-65/2007
Award Low Bid - One (1) Tracked Excavator and One (1) 20-Ton Trailer

RESOLUTION #4-66/2007
Award Low Bid - Storm Water Way Mowing (2) Two Year Contract

RESOLUTION #4-67/2007
Authorize Purchase of State Contract Vehicle - Building and Fire Prevention
Department

RESOLUTION #4-68/2007
Authorize Establishment of Capital Reserve Fund

RESOLUTION #4-69/2007
Authorize Personnel Items

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 FEBRUARY, 2007 AT 8:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

Supervisor James R. Breese

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

(Let the Record show the tape recorder was not working properly)

COUNCILMAN MULLIGAN, DEPUTY SUPERVISOR

Okay. Are there any residents who would like to make some public comments?
Councilwoman McCabe, if you'd like to recognize our friends from the Scouting world.

COUNCILWOMAN McCABE

Right. Um, we have with us Scout Master of Boy Scout Troop 750. *(Inaudible)*, would you like to come up and introduce the scouts who are visiting here tonight? Ken Nelson, would you like to come up and introduce your scouts?

(Introduction of members of Boy Scout Troop 750)

COUNCILWOMAN McCABE

Thank you very much. *(Applause)*

COUNCILMAN MULLIGAN, DEPUTY SUPERVISOR

Thank you, Mr. Nelson. If we can approve the Minutes of the proceeding meeting.

COUNCILWOMAN McCABE

I move we approve the Minutes of January 17, 2007.

COUNCILMAN YUDELSON

Second.

COUNCILMAN MULLIGAN, DEPUTY SUPERVISOR

Any discussion? Mrs. Shaffer, call the roll.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye

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

Carried

COUNCILMAN MULLIGAN, DEPUTY SUPERVISOR
(Inaudible)

COUNCILWOMAN McCABE
(Inaudible)

COUNCILMAN MULLIGAN, DEPUTY SUPERVISOR
Okay. May I have the first Resolution, please. Oh, that's me.

RESOLUTION #4-61/2007

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

BE IT RESOLVED, that the Director of Finance be authorized to pay the following bills payable:

EXHIBIT A Bills Payable dated 2/7/2007 \$ 279,533.10

EXHIBIT B Manual Bills Payable \$ 64,035.45

COUNCILMAN MULLIGAN, DEPUTY SUPERVISOR

Just under discussion, we spent (inaudible) about Three Hundred Thousand Dollars (\$300,000) on different items the Town needs like salt to take care of the roads, (inaudible), overtime to take care of the roads. (Inaudible). Mrs. Shaffer, 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 Absent

Carried

RESOLUTION #4-62/2007

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, the Town Board, on July 20, 2005, enacted Local Law No. 2 of 2005 establishing a Rural Residential Zoning District for land south of the New York State Thruway omitting approximately 185.8 acres being identified as Tax Account Numbers 189.01-1-18.1, 189.01-1-18.2, 189.02-1-1, 189.02-1-2, 189.02-1-3, and part of Tax Account Numbers 189.02-1-4 and 189.02-1-5, and

WHEREAS, in recognition of redesign plans submitted by the new owners of the Belfrey Golf Course, the Town Board, on the 7TH day of December, 2005, enacted Resolution #22-237/2005 rezoning the aforementioned parcels from R-1-15 to R-1-20 to allow residential development in conjunction with the Belfrey Golf Course to occur, and

WHEREAS, since that action, the Belfrey Golf Course property has fallen into significant disrepair and the owners thereof have failed to respond to inquiries by Town officials regarding any future plans or timetables for development, and

WHEREAS, it is evident that the previously proposed residential development contemplated for the Belfrey Golf Course will not go forward, and

WHEREAS, the Town hired Behan Planning Associates, LLC, who consulted the Town and held a series of informational meetings with Town residents and officials and recommended that the aforementioned parcels be added to the Rural Residential District and zoned RR-2, and

WHEREAS, on January 17, 2007, the Town Board held a duly noticed Public Hearing to consider the potential rezoning of the previously identified parcels from its current R-1-20 zoning to the Rural Residential District 2 zoning (RR-2), and

WHEREAS, all persons interested in this matter were heard at the Public Hearing, and

WHEREAS, the Town Board has sent notice of its intent to serve as Lead Agency and sent a copy of the EAF and all related materials to all involved and/or interested agencies and has received no response objecting to the Town Board's designation as Lead Agency, and

WHEREAS, the Town Board has carefully considered and taken a hard look at the potential environmental impacts of rezoning the subject properties and has concluded that the residential development of the subject parcels proposed for rezoning, consistent with the recommendations of Behan Planning Associates, LLC, is consistent with the intent and objectives of the Rural Residential district and that the rezoning itself to a lower density classification is clearly no less protective of the environment than maintaining the existing zoning.

THEREFORE, BE IT RESOLVED, that the Town Board hereby declares itself as Lead Agency with respect to review of this rezoning proposal.

WHEREAS, John Considine was hired by the Town of Henrietta to act as the Special Counsel in Certiorari proceedings per Resolution #15-199/82, and

WHEREAS, Mr. Considine has submitted an invoice for said services for the period of October 1, 2006 through December 31, 2006.

THEREFORE, BE IT RESOLVED, that the Director of Finance be authorized to pay John Considine of the firm McConville, Considine, Cooman & Morin, P.C., 25 East Main Street, Rochester, New York 14614, the sum of \$42,141.20 for services rendered.

COUNCILMAN MULLIGAN, DEPUTY SUPERVISOR

Any discussion? Mrs. Shaffer.

Duly put to a vote:

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

Carried

RESOLUTION #4-64/2007

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, the Town of Henrietta's Year 2007 Application to the Monroe County Office of the Aging for the Senior Meals Program has been approved, and

WHEREAS, this Program provides nutritionally balanced meals to Seniors four (4) times a week, and

WHEREAS, the Town is committed to providing needed services to our Seniors.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to sign the Agreement between the Town of Henrietta and the County of Monroe for the operation of the Year 2007 Senior Meals Program.

COUNCILMAN MULLIGAN, DEPUTY SUPERVISOR

Discussion? Mrs. Shaffer.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye

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

Carried

RESOLUTION #4-65/2007

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

WHEREAS, Resolution #3-53/2007 authorized the advertisement for bids for one (1) new tracked excavator and one (1) new twenty (20) ton trailer for the Highway Department, and

WHEREAS, one (1) bid was received, and the bid, meeting specifications, was received from Monroe Tractor and Implement Company, Inc., for a total cost of \$64,703.00.

THEREFORE, BE IT RESOLVED, that Monroe Tractor and Implement Company, Inc., 1001 Lehigh Station Road, Henrietta, New York 14467, be hereby awarded the bid for one (1) Case CX80 excavator and one (1) Talbert AC20 trailer, per specifications, at a total cost not to exceed \$64,703.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Monroe Tractor and Implement Company, Inc. in an amount not to exceed \$64,703.00 upon delivery and receipt of all proper documentation and acceptance by the Superintendent of Highways.

COUNCILMAN MULLIGAN, DEPUTY SUPERVISOR
Discussion? Mrs. Shaffer.

Duly put to a vote:

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

Carried

RESOLUTION #4-66/2007

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

WHEREAS, Resolution #3-54/2007 authorized the advertisement for bids for Storm Water Way Mowing, and

WHEREAS, three (3) bids were received, and the low bid, meeting specifications, was received from Terry Tree Service, LLC for a total cost of \$32,994.00, for a two (2) year Contract per Bid Specifications.

THEREFORE, BE IT RESOLVED, that Terry Tree Service, LLC, 225 Ballantyne Road, Rochester, New York 14623, be hereby awarded the bid at a cost not to exceed \$32,994.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Terry Tree Service, LLC in an amount not to exceed \$32,994.00 upon the submission of all proper documentation.

COUNCILMAN MULLIGAN, DEPUTY SUPERVISOR
Discussion? Mrs. Shaffer.

Duly put to a vote:

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

Carried

RESOLUTION #4-67/2007

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

WHEREAS, the 2007 Building and Fire Prevention Budget provides funds for the purchase of one (1) new 2007 Dodge Charger to replace Truck #20, and

WHEREAS, a replacement vehicle, meeting specifications, is available through New York State Contract PC 62758 from Albany Dodge, Inc., at a total cost of \$14,687.00.

THEREFORE, BE IT RESOLVED, that Albany Dodge, Inc., 770 Central Avenue, Albany, New York 12206, be hereby awarded the purchase of one (1) new 2007 Dodge Charger 4-Door Sedan, per specifications, at a total cost not to exceed \$14,687.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Albany Dodge, Inc. upon delivery of all components and receipt of all proper documentation.

COUNCILMAN MULLIGAN, DEPUTY SUPERVISOR

Discussion? Mrs. Shaffer.

Duly put to a vote:

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

Carried

RESOLUTION #4-68/2007

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that pursuant to Section 6-c (6-g) of the General Municipal Law, as amended, there is hereby established a Capital Reserve Fund to be known as the "Building Capital Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate monies to finance the cost of a type of capital improvement. The type of capital improvement to be financed from the Reserve Fund is the construction, reconstruction, or acquisition of buildings for the Town of Henrietta.

BE IT FURTHER RESOLVED, the Chief Fiscal Officer is hereby directed to deposit and secure the monies of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Chief Fiscal Officer may invest the monies in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Henrietta. Any interest earned or capital gains realized on the monies so deposited or invested shall accrue to and become part of the Reserve Fund. The Chief Fiscal Officer shall account for the Reserve Fund in a manner which maintains the separate identity of the cash and investments of the Reserve Fund.

BE IT FURTHER RESOLVED, except as otherwise provided by Section 6-c (6-g) of the General Municipal Law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing Board and without such additional actions or proceedings as may be required by Section 6-c (6-g) of the General Municipal Law, including a Permissive Referendum if required by Subdivision 4 of Section 6-c (6-g).

COUNCILMAN MULLIGAN, DEPUTY SUPERVISOR

Discussion? Mrs. Shaffer.

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	Absent

Carried

RESOLUTION #4-69/2007

On Motion of Councilman Mulligan	Seconded by Councilwoman McCabe
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BE IT RESOLVED, that the following persons be hired:

Nicole Cleere	Recreation, Full-time Clerk Typist @ \$11.24/hr., effective 2/12/2007 (6 months provisional).
Mary E. Cunningham	Building/Code/Fire Dept., Part-time Clerical @ \$9.80/hr., effective 2/8/2007.

BE IT FURTHER RESOLVED, that the following employee changes be made:

Joseph Anzalone	Court, Court Officer @ \$10.00/hr. from \$9.51/hr., effective 2/5/2007.
Kathi McSweeney	Court, Court Clerk @ \$10.00/hr. from \$9.63/hr., effective 2/5/2007.
Carol Torchia	Court, Court Clerk @ \$10.00/hr. from \$9.63/hr., effective 2/5/2007.
Stuart McSweeney	Court, Court Officer @ \$10.00/hr. from \$9.51/hr., effective 2/5/2007.
Recreation	As per the attachment.

BE IT FURTHER RESOLVED, that the following employees be given an additional day's pay for unused sick leave (per Labor Agreement):

Larry Harper, Amber Hutchinson, Linda Kelley, Ronald LaRocca, Marie Leonardi, Joseph Losavio, David Moriarty, Roland Osterwinter, Charlene Stephany, Robert Tobey, Diane Watts, and Tracey Wenzel

COUNCILMAN MULLIGAN, DEPUTY SUPERVISOR

Any discussion? Mrs. Shaffer.

Duly put to a vote:

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

now, you know, why can't they do what Henrietta did. I'm just concerned that, let's do it as smartly as we can continue to do it and stay in the leadership role rather than following other people's desires, okay? Thank you. Stay warm.

COUNCILWOMAN McCABE

Can I follow up on that?

COUNCILMAN MULLIGAN, DEPUTY SUPERVISOR

Yeah, go ahead.

COUNCILWOMAN McCABE

Just as a follow up on that, the Town of Henrietta has had in place, since 1972, a Master Plan, and over the years we've continually updated it. The Master Plan configuration was industrial in one area, commercial, most of the commercial in another area, and a variety of residential throughout the Town. And just recently, we just passed, for the Boy Scouts here, especially, we just passed a Land Use Plan for south of the Thruway, which we just added to tonight, the residential property will be more rural and in concept with open space. As the developer develops, he's got to provide open space. So, you'll see a little bit of a change in how things are going to be developed south of the Thruway because of the Master Plan.

COUNCILMAN MULLIGAN, DEPUTY SUPERVISOR

Thank you.

COUNCILMAN YUDELSON

I would just like to join Mr. Schmitt in congratulating you on your appointment as Deputy Supervisor. I'm glad that, after a year of it being vacant, the Supervisor has filled it with such a worthy candidate, and I know this is what, your fourth time being appointed.

COUNCILMAN MULLIGAN, DEPUTY SUPERVISOR

Who's counting.

COUNCILMAN YUDELSON

And I know you will continue to do a great job.

COUNCILMAN MULLIGAN, DEPUTY SUPERVISOR

Thank you very much.

COUNCILWOMAN ZINCK

We're proud to have you with us.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman Zinck at 8:25 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk