

**HENRIETTA TOWN BOARD
AGENDA
AUGUST 15, 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): July 18, 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 #15-161/2007
Authorize Accounts Payable

RESOLUTION #15-162/2007
Appoint Member to Planning Board

RESOLUTION #15-163/2007
Authorize Payment - Certiorari Attorney for Legal Services

RESOLUTION #15-164/2007
Call for Public Hearing - Proposed Establishment of Extension No. 197 (Barberry Cove Subdivision) to Henrietta Sewer District No. 1

RESOLUTION #15-165/2007
Authorize Supervisor to Sign Abandonment of Sanitary Sewer, Watermain, and Drainage Easements - Barberry Cove Subdivision

RESOLUTION #15-166/2007
Authorize Supervisor to Sign Abandonment of Drainage Easement - Barberry Cove Subdivision

RESOLUTION #15-167/2007
Authorize Advertisement for Bids - 2007 Sanitary Sewer Repair Project

RESOLUTION #15-168/2007

Award Low Bid - Henrietta Public Library Roof Replacement Project

RESOLUTION #15-169/2007

Authorize Traffic Control Device - Westminster Park @ East River Road

RESOLUTION #15-170/2007

Accept Report - Town Court/Justice Accounts - Raymond F. Wagner, CPA

RESOLUTION #15-171/2007

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 15TH DAY OF AUGUST, 2007 AT 8:00 P.M.

MEMBERS PRESENT

Councilwoman Catherine A. McCabe
Councilman Michael B. Yudelson

Councilwoman Janet B. Zinck
Daniel J. Mastrella, Town Attorney
Patricia J. Shaffer, Town Clerk

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

COUNCILWOMAN McCABE

Do we have anyone who wants to say anything about any of the Agenda items, agenda items only? *(Pause - no response)* Okay. I'll entertain a motion for the Minutes, please.

COUNCILMAN YUDELSON

I move Approval of the Minutes of July 18, 2007 meeting.

COUNCILWOMAN ZINCK

Second.

COUNCILWOMAN McCABE

Mrs. Shaffer, please call the roll.

Duly put to a vote:

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

Carried

RESOLUTION #15-161/2007

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the Director of Finance be authorized to pay the

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

Carried

RESOLUTION #15-163/2007

On Motion of	Seconded by
Councilwoman Zinck	Councilman Yudelson

WHEREAS, Certiorari proceedings have been commenced by various property owners to challenge tax assessments in the Town of Henrietta, and

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 March 1, 2007 through June 30, 2007.

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 \$23,573.33 for services rendered.

COUNCILWOMAN McCABE
Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #15-164/2007

On Motion of	Seconded by
Councilwoman McCabe	Councilwoman Zinck

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 197 (BARBERRY COVE SUBDIVISION) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED ON THE WEST SIDE OF EAST HENRIETTA ROAD AND SOUTH OF

BEDFORDSHIRE DRIVE 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. 197 (Barberry Cove Subdivision) to the 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. 197, 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 meeting 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 5TH day of September, 2007 at 8:00 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.

COUNCILWOMAN McCABE

Under Discussion, Mr. Byrne would you be so kind as to come up and describe to us where this particular subdivision is. The maps are a little lacking in there, if you could give us the nearest streets, please.

MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING

It's located on the west side of East Henrietta Road, between Bedfordshire, which is Sutter's Crossing Subdivision, and this was the old Furia Subdivision, Section Three.

COUNCILWOMAN McCABE

Okay, thank you very much. Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #15-165/2007

On Motion of

Seconded by

Councilwoman Zinck

Councilwoman McCabe

WHEREAS, the Owner, Cedar Run Development Corporation has proposed the construction of a fifty (50) lot subdivision to be known as Barberry Cove, and

WHEREAS, in order to construct said subdivision, the existing sanitary sewer, watermain, and drainage easements, recorded in Liber 8242 of Deeds, Page 696, has to be released, and

WHEREAS, the release of said easements are necessary for the proposed subdivision development on said parcels being identified as tax identification Nos. 189.04-1-7.111, -14.1, -19.1, -39 through -51, and

WHEREAS, the existing easements are no longer needed by the Town, and

WHEREAS, the Town Attorney and the Director of Engineering and Planning have reviewed the Abandonment of Easements and recommended that the Town of Henrietta consent to and execute said Abandonments.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to execute the Abandonment of Easements, which shall be filed in the Monroe County Clerk's Office.

COUNCILWOMAN McCABE

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #15-166/2007

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

WHEREAS, the Owner, Cedar Run Development Corporation has proposed the construction of a fifty (50) lot subdivision to be known as Barberry Cove, and

WHEREAS, in order to construct said subdivision, the existing drainage easement, recorded in Liber 8243 of Deeds, Page 5, has to be released, and

WHEREAS, the release of said easement is necessary for the proposed subdivision development on said parcels being identified as tax identification Nos. 189.04-1-7.111, -14.1, -19.1, -39 through -51, and

WHEREAS, the existing easement is no longer needed by the Town, and

WHEREAS, the Town Attorney and the Director of Engineering and Planning have reviewed the Abandonment of Easement and recommended that the Town of Henrietta consent to and execute said Abandonment.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to execute the Abandonment of Easement, which shall be filed in the Monroe County Clerk's Office.

COUNCILWOMAN McCABE
Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #15-167/2007

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, the Town of Henrietta requires bids for the Year 2007 Sanitary Sewer Repair Project for the spot repairs to the existing sanitary sewer on Farnsworth Road North and South, Calkins Road, Kramer Street, and Williamsburg Road, to conform with construction plans and specifications on file in the Town Clerk's Office, with bids to be opened at 10:00 A.M. on Friday, September 14, 2007, and received no later than 9:30 A.M. on Friday, September 14, 2007.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Year 2007 Sanitary Sewer Repair Project as per cited plans and specifications on file in the manner provided by Law.

COUNCILWOMAN McCABE
Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #15-168/2007

On Motion of
Councilwoman McCabe

Seconded by
Councilman Yudelson

WHEREAS, Resolution #14-158/2007 authorized the advertisement for bids for the repair of the Henrietta Public Library Roof Replacement Project, and

WHEREAS, five (5) bids were received, and the low bid, meeting specifications, was received from A.M. Stern, Inc. for a total cost of \$76,746.00, plus a \$4.00 per square foot insulation replacement fee, if needed.

THEREFORE, BE IT RESOLVED, that A.M. Stern, Inc., 176 Anderson Avenue, Rochester, New York 14607, be hereby awarded the bid for the repair of the Henrietta Public Library Roof Replacement Project at a cost not to exceed \$76,746.00, plus a \$4.00 per square foot insulation replacement fee, if needed.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay A.M. Stern, Inc. in an amount not to exceed \$76,746.00, plus a \$4.00 per square foot insulation replacement fee, if needed, upon completion of said Project, receipt of all proper documentation, and acceptance by the Commissioner of Public Works.

COUNCILWOMAN McCABE

On the third paragraph please, Mrs. Shaffer, Seventy-six (76) thousand.

PATRICIA SHAFFER, TOWN CLERK

Yes, the punctuation, we'll correct it, thank you.

COUNCILWOMAN McCABE

Discussion? Janet, you should have probably read the motion because you're the liaison.

COUNCILWOMAN ZINCK

I know, it got mixed up. Nonetheless, I just want to say for the Record, this is the Resolution where the Library applies for a grant that should pay for fifty (50) percent of this.

COUNCILWOMAN McCABE

Thank you. Anyone else? Call the roll, please.

Duly put to a vote:

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

Carried

COUNCILWOMAN McCABE

Why don't you read the next one?

COUNCILWOMAN ZINCK

Okay.

RESOLUTION #15-169/2007

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, New York State Vehicle and Traffic Law, Section 1660, permits the Town Board to establish traffic regulations within the Town by Resolution, and

WHEREAS, the Monroe County Director of Transportation has requested permission to install a "STOP" sign on Westminster Park at the intersection of East River Road, and

WHEREAS, the Henrietta Town Board supports and encourages the installation of this traffic control device in the interest of public safety.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby authorizes the establishment of a "STOP" sign at the above named intersection.

COUNCILWOMAN McCABE

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #15-170/2007

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, a review of the Town Court and Justices has been performed by Raymond F. Wager, CPA, and received for the 2006 Year.

THEREFORE, BE IT RESOLVED, that the Report is accepted and retained in the Town Clerk's Office on file with the Corrective Action Report.

COUNCILWOMAN McCABE
Discussion? Call the roll, please.

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

RESOLUTION #15-171/2007

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the following person be hired:

Jacqueline Hall	Town Clerk, Part-time Clerk @ \$10.25/hr., effective 8/6/2007.
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BE IT FURTHER RESOLVED, that the following employee change be made:

Greg Wood	Highway, Laborer A @ \$12.96/hr., from Laborer B @ \$10.99/hr., effective 8/19/2007.
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COUNCILWOMAN McCABE
Any discussion on the last Resolution? Call the roll, please.

Duly put to a vote:		
Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Absent

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

Carried

COUNCILWOMAN McCABE

Now that ends the regular Agenda. Is there anyone here who would like to speak to the Town Board about anything?

GAYNELLE WETHERS, 1397 CALKINS ROAD

Good evening. My name is Gaynelle Wethers, and I've been a resident of Henrietta for thirty (30) years. I reside at 1397 Calkins Road. I would like to say that up until Friday, August 9th, I had no issue with the Town, I think it's been well run. My concern is that on Friday, I happened to move my cars, and placed it on my property underneath the street sign, the speed limit sign, and noticed a "No Parking" sign. So, I thought it was strange, and I got very upset because I hadn't noticed it before. I thought that the sign was placed without notification of the resident that was living there, and that we had no input in terms of the process. My concern is that the sign should be removed. One sign was removed, another one was placed up for the parking to go in the other direction. I think it's unfair to do that. What I did was to drive all around Henrietta to see your eyes begin to look differently when you see a "No Parking" sign on your own property that you can't park on, and I noticed that no other "No Parking" signs were on any of the corner lots on Calkins Road, at least. So my concern is that there should be "No parking" signs at least on my residence. I don't think it should be anyplace. The residents have a right to park along their property, and I'm not able to do that. So I'm requesting that the sign be removed. Thank you.

COUNCILWOMAN McCABE

Thank you. Any other comments from the audience?

COUNCILMAN YUDELSON

Just before we adjourn, I had a question for the Town Attorney. Just in follow-up to our workshop meeting from Monday where we had a brief discussion about a sewer impact fee that was going to be billed starting very soon, and just recapping the discussion, a couple months ago at a workshop we talked about calling for a Public Hearing to initiate this fee, and then that Public Hearing was pulled apparently from the Agenda, and at the workshop we were told by the Director of Drainage that it had been determined through a meeting, and ultimately by Supervisor Breese that it could be handled in house, and my question to you is did that not have to, like other fees, be subject to a Public Hearing, and then Approved by the Town Board? I know it's only been two days since Workshop but just keeping it in the forefront, I just want to see if you have any further information at this point.

DANIEL MASTRELLA, TOWN ATTORNEY

I did look into that, and I don't want to give a definitive answer but I will say this, first of

all I do recall it being discussed at the workshop, and I spoke with Paul Pettrone, to refresh my recollection and explain to me in more detail what was being proposed. Apparently what is being proposed is an impact fee, not directly an increase in the sewer rents but an impact fee to account for multiple units being on the same parcel. Which would presumably increase sewer revenues, if imposed. Unfortunately, the Supervisor was not available since Monday for me to solicit his input on this thing. Speaking with Mr. Pettrone it's my understanding that the internal decision was made on the basis, because the rate wasn't changing, it didn't require a Public Hearing, and a vote of the Town Board. Had we looked a little further into that, at least in my opinion, it would be appropriate, and perhaps necessary for there to be a Public Hearing on at least five (5) days notice to the public, and Town Board action. If you look at the overall broader definition of sewer rents, I believe, although impact fee isn't specifically designated, I think things similar to what we are calling an impact fee would potentially be included. So I think that the better practice would be to hold a Public Hearing on the matter, and that at least, at this point, would be my advice. As I said, I haven't discussed it with the Supervisor at all, so I don't know if there's something more to it.

COUNCILMAN YUDELSON

I just want to clarify that, I wasn't questioning the advisability of such a fee, but the process for implementing it, and thinking that should appropriately come to the Town Board, and the public having a chance to speak on it, that's all. I appreciate even that initial explanation.

COUNCILWOMAN McCABE

I expect we'll see that in the future.

COUNCILWOMAN ZINCK

We appreciate you bringing that to his attention, that's important.

COUNCILMAN YUDELSON

Thank you.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelton, seconded by Councilwoman Zinck at 8:20 P.M. and passed unanimously.

Respectfully submitted,

Leann C. Long
Deputy Town Clerk