

**HENRIETTA TOWN BOARD
AGENDA
DECEMBER 5, 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): November 21, 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

PRESENTATION OF ARCHITECTURAL HERITAGE AWARDS - Helen Elam

RESOLUTION #22-234/2007
Authorize Accounts Payable

RESOLUTION #22-235/2007
Authorize Supervisor to Sign Intermunicipal Agreement - Sales Tax Intercept
Reimbursement

RESOLUTION #22-236/2007
Authorize Payment - Certiorari Attorney for Legal Services

RESOLUTION #22-237/2007
Authorize Attendance of Conference - "Legislative Awareness Day"

RESOLUTION #22-238/2007
Authorize Purchase of State Contract Vehicle - Parks and Facilities

RESOLUTION #22-239/2007
Authorize Supervisor to Sign Amendatory Agreement to the Monroe County
Snow and Ice Removal Agreement

RESOLUTION #22-240/2007
Authorize Purchase of State Contract Vehicle - Highway

RESOLUTION #22-241/2007
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 5th DAY OF DECEMBER, 2007 AT 8:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR BREESE

Nice to see so many people here for a change. There is a lot of happy faces, that's great, we love that. We love having children here, too. Is there anyone who would like to speak on the Agenda items right now, comments or questions on the Agenda items, only? We'll deal with the presentation separately. *(Pause, no response)* May I have the Approval of the Minutes, please.

COUNCILWOMAN McCABE

Mr. Supervisor, I move we Approve the Minutes of November 21, 2007.

COUNCILMAN YUDELSON

Second.

SUPERVISOR BREESE

Discussion? Call the roll.

Duly put to a vote:

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

Carried

SUPERVISOR BREESE

Tonight, we have a kind of exciting occasion, the Architectural Heritage Awards, presented by Helen Elam, on behalf of her Committee, and without further ado, I think I'll ask Helen Elam to come up here, and tell us what's going on.

(Helen Elam conducted the 2007 Henrietta Historic Site Committee Architectural Heritage Awards, which were presented to: Mrs. Suzanne Benedict for the loving care of the Benedict house and barns on Middle Road; to Rebecca Richards for her work on her home on Brooks Road; Arthur A. France, and son Jon France, for the renovation of a home on West Henrietta Road; and Dr. and Mrs. William Trolley, for the care they have given to their home on Reeves Road.)

SUPERVISOR BREESE

Helen, before you sit down, I have to say something. I'm kind of part of the history of Henrietta, for some twenty-two years as Supervisor, and Helen and I got along from the beginning because she loves history as much, or more than I do. It's just a joy working with you, Helen, on so many wonderful projects for the Town, about the History of the Town, and the people that are here tonight, care about Henrietta, they care about the history, and they preserve their properties, and that's so important to all of us that people do that. You are so great in providing initiative to people to do that, and an example of something recently that Helen did, and a lot of people don't know how much Helen does, but not too long ago, the President of Canandaigua National Bank came to see me, and Canandaigua National Bank wanted to put a branch in Henrietta, and I certainly encouraged them, we wanted to have them here. They had a site at the corner of Castle and East Henrietta Road, and they said, "We want to do something that would be good for the community, it will blend in with the community, in terms of the history of the community," and so on, and so forth. The first thing I told the President of Canandaigua National Bank is you got to talk to Helen Elam, and you'll find that she can give you some ideas on how you can structure your bank, and design your bank so it will fit in with the history of Henrietta, and I recently received a letter from the Canandaigua National Bank President telling me they've come to a design agreement on how they're going to do their bank, and I think it's going to be something like a school house, isn't that right Helen? And thanks to you, it's not just another bank, but it's going to be a bank that fits in with the community. Congratulations to Canandaigua National Bank, but congratulations to you, for what you've done for this Town over so many years Helen, you ought to get an award too, okay!

HELEN ELAM, TOWN HISTORIAN

Thank you, very much Jim, that's overwhelming. I would like to comment on your part in this Town, and of course leading it for so many years. It's true that when you started we were small, we're still a small Town, but in the many years that you've been here we have now, exploded the population, and exploded everything that's nice about our Town. People sometimes criticize the Town for being too commercial, but we like what we've got here in commercial things. I like to go to the mall, I like to go to the farm markets, and the other stores in the area, it's really wonderful. Of course, the residential part of the Town is still a lot higher than the commercial. People forget that, but it's very true. And I think we have Jim, and his Town Board members, to thank for keeping it, it could be a lot worse than people think it is right now, and I don't think it's worse at all. I think we live in a wonderful Town, we have great residents that are active, and committed to taking care of it, and that's really wonderful. But I would really

like to thank Jim for all the years that he has been here, has been leading the Town, and he's had great vision for us. I mean, without Jim, we would not have the Tinker Museum, and that Nature Park, and it's just been wonderful for the Town. Everybody loves to come to it, people in Pittsford, and Brighton, the whole area has come to the Tinker Museum. And the other parks that have been established too, he's been very active in doing that as well. He's looking out for us all the time, and I really think that we should commend him very much for what he's done over the years, and I for one will really miss him. And I thank you for your kind words.

SUPERVISOR BREESE

Thank you all, for coming. We're going to have some routine matters that we have to deal with now. You can stay and listen to that, or if you'd like to go out in the hallway, fine. We love to see so many people come to a Town Board Meeting. Thanks to all of you, okay. First Resolution, please.

RESOLUTION #22-234/2007

On Motion of
Councilwoman Zinck

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 12/5/2007	\$ 500,846.29
EXHIBIT B	Manual Bills Payable	\$ 1,334.50

SUPERVISOR BREESE

Discussion? 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	Aye

Carried

RESOLUTION #22-235/2007

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, pursuant to Resolution #355-2007, the Legislature of the County of Monroe has authorized the County Executive to execute an Intermunicipal Agreement

with the Town of Henrietta to ensure that the Town experiences no loss of revenue as a result of the sales tax intercept election, under Section 2 of Chapter 58 of the Laws of 2005, and

WHEREAS, the Town of Henrietta must execute such Intermunicipal Agreement in order to receive such revenue, and

WHEREAS, the Town Attorney has reviewed said Intermunicipal Agreement and finds it to be in good order.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby approves said Intermunicipal Agreement and authorizes the Supervisor to execute the same on behalf of the Town of Henrietta.

SUPERVISOR BREESE

Under discussion, this is an important Resolution, which apparently the reporter didn't think was. *(Laughter)* But in any event, this is an endorsement of Maggie Brooks, this so called "F.A.I.R. Plan", which I think is fair to the taxpayers, fair to the Town governments, it secures our sales tax revenues, it requires school districts to take a close look at their revenues and expenses to try and fit in to this new arrangement. And they're not happy about it, but I'm sure they'll find a way to come through it all, without serious consequences. I think this will make school districts more efficient, will provide Henrietta with sales tax revenue, so that we can keep our tax rate low, and still provide a high level of service, so, I'm very pleased to support this, and I'm glad that it was brought in by Mrs. McCabe. Discussion? 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	Aye

Carried

RESOLUTION #22-236/2007

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

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 July 1, 2007 through September 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 \$13,478.70 for services rendered.

SUPERVISOR BREESE
Discussion? 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	Aye

Carried

RESOLUTION #22-237/2007

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

WHEREAS, the Town Assessor has requested authorization to attend the annual "Legislative Awareness Day" sponsored by the New York State Assessors' Association in Albany, New York, on January 28, 2008, through January 29, 2008, and

WHEREAS, such a trip is deemed important to examine and discuss the administrative implications of Legislation promulgated by the Governor and the New York State Legislature, and

WHEREAS, funds are available in the 2007 Budget, and

WHEREAS, the Town Board supports and encourages participation in events such as this.

THEREFORE, BE IT RESOLVED, that Nathan Gabbert, Town Assessor, be hereby authorized to attend the "Legislative Awareness Day" in Albany, New York at a cost not to exceed \$300.00.

BE IT FURTHER RESOLVED, that all properly prepared vouchers be submitted to the Finance Department for reimbursement.

SUPERVISOR BREESE

Under discussion, I don't really care what the Board does with this Resolution except that, I'm not going to support it. I guess, and Nate knows how I feel about this stuff, Nate Gabbert, about this mindless wandering down to Albany on a bus, and just descending on these Assembly members, and Senate members, and trying to state your case to them, if you're lucky you get to see them or you get to see one of their secretaries. And it doesn't change anything, I'm not against changing what we have there, but I don't think this is the way to do it, and I think really, as I said, it's kind of mindless to take a day off or two days off to go down to Albany, and try to talk to those people, they're not listening, they won't listen, nothing will change, except we'll be out three hundred (\$300.00) bucks, and Nate will loose a day of work. Anyone else? *(Pause, no response)* Call the roll.

Duly put to a vote:
 Councilwoman McCabe voting No
 Councilman Mulligan voting No
 Councilman Yudelson voting No
 Councilwoman Zinck voting Aye
 Supervisor Breese voting No
 Motion Failed

SUPERVISOR BREESE
 Once in awhile I win one!

COUNCILWOMAN McCABE
 Sorry, Nate. *(Laughter)*

SUPERVISOR BREESE
 It hasn't happened much this year, but thank you, very much.

COUNCILWOMAN McCABE
 That was a good argument.

SUPERVISOR BREESE
 We'll see how long that lasts. Next Resolution, please.

RESOLUTION #22-238/2007

On Motion of
 Councilwoman McCabe

Seconded by
 Councilman Mulligan

WHEREAS, the 2008 Parks and Facilities Budget provides funds for the purchase of one (1) new 3/4 ton utility truck to replace #118, a 1998 Chevrolet utility truck, and

WHEREAS, a replacement truck, meeting specifications, is available through New York State Contract PC62866 from Van Bortel Ford, Inc., at a total cost not to exceed \$23,478.75.

THEREFORE, BE IT RESOLVED, that Van Bortel Ford, Inc., 7325 Route 96, Victor, New York 14564, be hereby awarded the purchase of one (1) new 2008 Ford F250 regular cab utility truck, per specifications, at a total cost not to exceed \$23,478.75.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Van Bortel Ford, Inc., in an amount not to exceed \$23,478.75 upon delivery and receipt of all proper documentation.

SUPERVISOR BREESE
 Discussion?

COUNCILMAN MULLIGAN

Under discussion, do you want to articulate why we don't need this truck?

SUPERVISOR BREESE

Who are you talking to?

COUNCILMAN MULLIGAN

You.

SUPERVISOR BREESE

Why don't you do that?

COUNCILMAN MULLIGAN

Just a question, you were so convincing in your last argument, I thought you'd have some thoughts on this one. *(Laughter)*

SUPERVISOR BREESE

No, I'd like to hear your thoughts on it. Okay, that's good enough for me, if you want it, I want it. 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	Aye

Carried

COUNCILWOMAN ZINCK

You guys are too fun tonight, I'm telling you.

RESOLUTION #22-239/2007

On Motion of
Councilwoman Zinck

Seconded by
Councilman Yudelson

WHEREAS, Resolution #20-229/2003 authorized the Supervisor to sign the Intermunicipal Agreement for Snow Removal and Ice Control Services on County highways within the Town of Henrietta under a lump sum reimbursement formula for an initial term of ten (10) years, expiring on September 30, 2013, and

WHEREAS, the County of Monroe has submitted an Amendatory Agreement for the 2007/2008 winter season showing a total estimated payment of \$292,112.00 for this season, and

WHEREAS, the Town of Henrietta desires to continue this Work Agreement with the County for the benefit of Henrietta residents.

THEREFORE, BE IT RESOLVED, that the Supervisor be hereby authorized to sign, on behalf of the Town, this Amendatory Agreement with the County to allow the Town to continue performing snow and ice control services on County highways within the Town of Henrietta.

SUPERVISOR BREESE

Discussion?

COUNCILMAN MULLIGAN

Under discussion, through you, Mr. Supervisor, why, Rusty, do we get more money for putting up snow fences than we get for sweeping?

SUPERVISOR BREESE

Rusty, you have to come up here.

COUNCILMAN MULLIGAN

I think it's totally backwards.

COUNCILWOMAN ZINCK

How do they bring . . .

COUNCILMAN MULLIGAN

You get eight grand (\$8,000) for snow fences, you get three grand (\$3,000) for doing the sweeping.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

The snow fence is based on the number of linear feet of snow fence that we normally put up every year.

COUNCILMAN MULLIGAN

Okay, I mean the . . .

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

The two numbers are really, totally unrelated.

COUNCILMAN MULLIGAN

The sweeping just sounds very reasonable for the County, three grand (\$3,000) for all that sweeping.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

It is.

COUNCILMAN MULLIGAN

I know you work on that committee trying to do some good for the Town, that would be an area I'd address, thanks.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS
Okay.

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 Aye
Carried

RESOLUTION #22-240/2007

On Motion of Councilman Mulligan Seconded by Councilwoman McCabe

WHEREAS, the 2008 Highway Budget provides funds for the purchase of one (1) new 3/4 ton utility truck to replace #108, a 2002 Chevrolet pickup truck, and

WHEREAS, a replacement truck, meeting specifications, is available through New York State Contract PC62882 from Fairport Ford, LLC, at a total cost not to exceed \$19,048.20.

THEREFORE, BE IT RESOLVED, that Fairport Ford, LLC, 71 Marsh Road, East Rochester, New York 14445, be hereby awarded the purchase of one (1) new 2008 Ford F250 SD XL 4X2 Super Cab pickup truck, per specifications, at a total cost not to exceed \$19,048.20.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Fairport Ford, LLC, in an amount not to exceed \$19,048.20 upon delivery and receipt of all proper documentation.

SUPERVISOR BREESE
Discussion? 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 Aye
Carried

RESOLUTION #22-241/2007

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the following persons be hired:

Mark Howell Highway, Part-time Wingperson (on call) @ \$8.50/hr.,
effective 12/6/2007.

Adam J. McArthur Recreation, Part-time/Seasonal Recreation Assistant
@ \$7.15/hr., effective 11/25/2007.

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

Joshua Marshall Highway, Part-time Laborer @ \$8.50/hr., from
Seasonal Laborer @ \$8.00/hr., effective 12/6/2007.

Kyle Fazio Highway, Part-time Wingperson (on call) @ \$8.50/hr.,
from Seasonal Laborer @ \$8.00/hr., effective
12/6/2007.

SUPERVISOR BREESE
Discussion? Call the roll.

Duly put to a vote:

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

Carried

SUPERVISOR BREESE

That's the end of the regular meeting, is there anyone who would like to speak on any other items involving the Town before we adjourn? Any other matters? *(Pause, no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman McCabe at 8:40 P.M. and passed unanimously.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk