

**HENRIETTA TOWN BOARD
AGENDA
DECEMBER 19, 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): December 5, 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 #23-242/2007
Authorize Accounts Payable

RESOLUTION #23-243/2007
Recognition of Service - Supervisor James R. Breese

RESOLUTION #23-244/2007
Recognition of Service - Judge John Kopacki

RESOLUTION #23-245/2007
Authorize Acceptance of Dedication of Roadways and Storm Sewers - Jefferson Estates Subdivision, Section Two (2)

RESOLUTION #23-246/2007
Authorize Acceptance of Dedication of Roadways and Storm Sewers - Jefferson Estates Subdivision, Section Three (3)

RESOLUTION #23-247/2007
Call for Public Hearing - Proposed Establishment of Extension No. 200 (Faith United Methodist Church) to Henrietta Sewer District No. 1

RESOLUTION #23-248/2007
Award Low Bid - Truck Mounted Vacuum Sweeper

RESOLUTION #23-249/2007
Authorize Supervisor to Sign Monroe County All Seasons County/Town Work Agreement

RESOLUTION #23-250/2007

Authorize Purchase of State Contract Vehicles - Two (2) Pickup Trucks
-Drainage/Sewer/Sidewalk Department

RESOLUTION #23-251/2007

Award Quote and Authorize 2007 Auditing Services - Raymond F. Wager, CPA,
P.C.

RESOLUTION #23-252/2007

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 19th 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

Would anyone like to speak on any of the Agenda items at this time, just Agenda items?
(Pause, no response) If not, may I have the Approval of the Minutes.

COUNCILWOMAN McCABE

I move we Approve the Minutes of December 5, 2007.

COUNCILMAN YUDELSON

Second.

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

SUPERVISOR BREESE

May I have the first Resolution, please.

RESOLUTION #23-242/2007

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

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

EXHIBIT A Bills Payable dated 12/19/2007 \$ 402,007.41

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 #23-243/2007

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

WHEREAS, Supervisor James R. Breese is leaving office after twenty-two (22) years as Henrietta Town Supervisor, and

WHEREAS, prior to being elected Supervisor, James R. Breese served as a Rush-Henrietta School Board member, Monroe County Legislator, and Henrietta Town Councilman, and

WHEREAS, Supervisor Breese is the longest serving Supervisor in the history of the Town of Henrietta, and

WHEREAS, Supervisor Breese's tenure has been characterized by a low tax rate, planned residential and commercial development, and a major expansion of the Town's park and road systems, and

WHEREAS, Supervisor Breese has always been a strong advocate for the Town of Henrietta, and always put the Town's interest first.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta thanks and recognizes Supervisor James R. Breese, for his many years of dedicated service to Monroe County, the Rush-Henrietta School District, and the Town of Henrietta.

SUPERVISOR BREESE

Under discussion, I have to say, I really appreciate this Resolution, especially coming from Mike Yudelson. Mike, I wish you well with this new job. I promise not to try to interfere with what you do, but if you need any help, or have any questions, feel free to call me. It's an important job, it's a great Town, and it's a very big responsibility. You'll do a fine job. I don't believe in long good bye's, so I'm not going to spend a lot of time

on this but I look back on twenty-two (22) years wondering how did it go so fast? But for most of the time it was all good stuff. I hope people will remember me for all the good times we had during those twenty-two (22) years, and all the things we've accomplished during those twenty-two (22) years, and I especially appreciate the support that I had from departments heads, and our staff. You're the ones that made the Supervisor, and Town Board look good at what we do. It's hard to forget that. I hope when they write the history of my time in office, they'll define it by the total twenty-two (22) years that I was here, and not by events and one particular year, particularly this one, which I wish hadn't happened, but it did. That's over, and I'm completely comfortable with everything that's happening. I wish everyone well, the Board, the staff, the Town department heads, and my constituents.

(Supervisor Breese received a standing ovation)

SUPERVISOR BREESE

Let's see if I can get three (3) votes on this, now! *(Laughter)*

COUNCILWOMAN ZINCK

Oh yes, we wish you well, Jim.

SUPERVISOR BREESE

Did we call the roll on this?

COUNCILWOMAN McCABE

No, we didn't.

SUPERVISOR BREESE

Why don't you 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	Abstain

Carried

RESOLUTION #23-244/2007

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

WHEREAS, Judge John Kopacki is retiring after serving sixteen (16) years as a Henrietta Town Justice, and

WHEREAS, Judge Kopacki also served as Coordinating Town Justice, a role in which he oversaw the day to day operations of the Town Court, and

WHEREAS, Judge Kopacki has a reputation as a fair, respected, firm jurist, and

WHEREAS, Judge Kopacki, prior to being a Judge, also served as a Monroe County Deputy Sheriff for twenty (20) years.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta thanks and recognizes Judge John Kopacki, for his many years of dedicated service to the Town of Henrietta.

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	Abstain

Carried

RESOLUTION #23-245/2007

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

WHEREAS, Mark IV Construction Company, Inc., the Developer of Jefferson Estates Subdivision, Section Two (2) (located on Churchview Lane, New Tudor Road, and New London Road) has constructed roads and installed storm sewers in said subdivision section, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of the said roads and the afore described improvements to the Town and for this purpose has delivered to the Town Deeds for tracts or parcels of land conveying said roadways to the Town, and filing instruments granting easements to the Town for said improvements, and

WHEREAS, the Town Attorney has examined these Deeds and easements and has found them to be in good order, and

WHEREAS, the Superintendent of Highways and the Director of Engineering and Planning have determined that the roads and said improvements were built in accordance with Town requirements and have recommended that they be accepted by the Town, and

WHEREAS, the standard required two (2) year period of time within which a Maintenance Bond would be required to be posted has elapsed, and

WHEREAS, the Director of Engineering and Planning and the Superintendent of Highways have re-inspected the improvements and recommend that they be accepted without requiring posting of said Bond.

THEREFORE, BE IT RESOLVED, that the said roadways and said improvements for the described subdivision section be and they hereby are accepted and that said Deeds and easements be recorded in the Monroe County Clerk's Office.

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 #23-246/2007

On Motion of
Councilwoman McCabe

Seconded by
Councilman Yudelson

WHEREAS, Mark IV Construction Company, Inc., the Developer of Jefferson Estates Subdivision, Section Three (3) (located on New Tudor Road and Dover Road) has constructed roads and installed storm sewers in said subdivision section, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of the said roads and the afore described improvements to the Town and for this purpose has delivered to the Town Deeds for tracts or parcels of land conveying said roadways to the Town, and filing instruments granting easements to the Town for said improvements, and

WHEREAS, the Town Attorney has examined these Deeds and easements and has found them to be in good order, and

WHEREAS, the Superintendent of Highways and the Director of Engineering and Planning have determined that the roads and said improvements were built in accordance with Town requirements and have recommended that they be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the said roadways and said improvements for the described subdivision section be and they hereby are accepted and that said Deeds and easements be recorded in the Monroe County Clerk's Office.

BE IT FURTHER RESOLVED, that such acceptance is made subject to the Developer, or its representative, securing with the Town of Henrietta a sum of Fifteen Thousand Dollars (\$15,000.00) for a period of one (1) year.

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 #23-247/2007

On Motion of
 Councilwoman Zinck

Seconded by
 Councilwoman McCabe

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 200 (FAITH UNITED METHODIST CHURCH) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED AT 174 AND 200 PINNACLE ROAD 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. 200 (Faith United Methodist Church) to 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. 200, 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 Public Hearing 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 16TH day of January, 2008 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.

SUPERVISOR BREESE
 Discussion? Call the roll.

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

SUPERVISOR BREESE

We discussed it at the staff meeting, and I was satisfied, and your motion is still out there, it hasn't been seconded, but we discussed it at the staff meeting, and I was satisfied with Mr. Martin's explanation with this whole matter. Of course, we couldn't discuss it at the workshop because some of you Board members couldn't come to the workshop, so here we are with it now out in front of us. I thought Mr. Martin's explanation that there was no other bid was satisfactory.

COUNCILWOMAN McCABE

Well, it's not the matter of just one (1) bid. It is one hundred and fifty-three thousand three hundred and twenty dollars (\$153,320.00) and what do we get from the State or the County, and the County as a total amount of reimbursement, is about three thousand dollars (\$3,000.00) for each plow, or per each sweeping.

SUPERVISOR BREESE

Well, then why don't we have . . .

COUNCILWOMAN McCABE

Let him come up and discuss it now.

SUPERVISOR BREESE

You couldn't come to the workshop, and I think it's important to have this discussion . . .

COUNCILWOMAN McCABE

Well, that's fine, this is why I was going to Table it.

SUPERVISOR BREESE

That would have meant we couldn't even discuss it.

COUNCILWOMAN McCABE

That's true.

SUPERVISOR BREESE

Well, now you're going to let us discuss it, right?

COUNCILWOMAN McCABE

It wasn't seconded, he can discuss it.

SUPERVISOR BREESE

He can discuss it.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Okay, what would you like to discuss?

COUNCILWOMAN McCABE

Well, I would like to know why it's one hundred and fifty-three thousand three hundred and twenty dollars (\$153,320.00) for the equipment. And then, how much do we get from the State, and how much do we get from the County to sweep their roads, and how many times, we just had that Contract, I believe.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Well, we're doing the one tonight for the County, well, no the sweeping was part of the one we did last meeting, that one I believe was around three thousand dollars (\$3,000.00).

COUNCILWOMAN McCABE

For how many sweepings?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

One (1).

COUNCILWOMAN McCABE

One (1) sweeping, for each sweeping?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Yes.

COUNCILWOMAN McCABE

Or just for one (1) sweeping?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Just for one (1) sweeping.

COUNCILMAN MULLIGAN

But that's for the season.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Yes.

COUNCILWOMAN McCABE

For the season.

COUNCILMAN MULLIGAN

Which is not a lot of snow.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

The State pays us for one (1) sweeping. Also, I can't tell you the amount off the top of my head.

COUNCILWOMAN McCABE

I still think I would like to Table it for further discussion.

SUPERVISOR BREESE

Can I ask a question before you Table it? It's my last meeting, I'd like to get Rusty's point of view on this.

COUNCILWOMAN McCABE

Go ahead.

SUPERVISOR BREESE

There was only one (1) bid. Was that within the budgeted amount?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Yes, the total price was within the budgeted amount, and then I'm recommending we accept the trade-in since it's the highest trade-in we've ever been offered on anything, and I think it's because we're trying to turn the machine over before it's worthless, which is the way we need to go.

SUPERVISOR BREESE

If we delayed on this, and went out for bid again, do you think it's likely that there would be other bidders?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

No.

SUPERVISOR BREESE

Okay.

COUNCILWOMAN McCABE

On that point, we can delay it without having to go out for other bids, can't we?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Yes.

COUNCILWOMAN McCABE

There isn't a certain amount of time we have, so I move to Table.

COUNCILMAN MULLIGAN

Second.

SUPERVISOR BREESE

It would be nice if people would come to workshop, then we wouldn't have to go through this.

COUNCILWOMAN McCABE

I had a sick husband, and you'd be very lucky to have me taking care of you, if you ever had . . . my husband needed me, and I stayed home. You want to go into that, I'll go into it. All I'm doing is asking for more information and a Table, don't pull this on me now. Your last meeting? You're doing it!

SUPERVISOR BREESE

No, I'm not.

COUNCILWOMAN McCABE

You're doing it.

SUPERVISOR BREESE

What am I doing?

COUNCILWOMAN McCABE

You're forcing the issue. I move to Table, and there is a second.

SUPERVISOR BREESE

You're not being very nice.

COUNCILWOMAN McCABE

I'm asking for a Table, and you're the one not being very nice. I have a prerogative to move to Table for more information to discuss it further.

SUPERVISOR BREESE

Okay, fine, that's fine.

COUNCILWOMAN McCABE

Unbelievable.

SUPERVISOR BREESE

Yeah, you are.

COUNCILWOMAN McCABE

You are.

SUPERVISOR BREESE

We have a motion, and a second to Table.

COUNCILWOMAN McCABE

Thank you.

SUPERVISOR BREESE

I don't know for how long. This is not the way I wanted to leave here, and I'm sorry that Ms. McCabe has done this. So, let's call the roll, please.

COUNCILWOMAN McCABE
What, to Table an issue?

SUPERVISOR BREESE
Over this?

COUNCILWOMAN McCABE
Yes, I think one hundred fifty-three thousand dollars (\$153,000.00) is a lot of money, I want more information.

SUPERVISOR BREESE
You'll get it next year. Go ahead.

MOTION TO TABLE
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 #23-249/2007

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, Resolution #22-265/2006 authorized the Supervisor to sign the All Seasons County/Town Work Agreement for the provision of Town labor and equipment to perform various work for Monroe County for an initial period commencing on January 1, 2007 and ending on December 31, 2007, with the option of nine (9) one-year extensions, and

WHEREAS, the County of Monroe has submitted an Amendatory Agreement for 2008 containing updated labor reimbursement rates, and

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

THEREFORE, BE IT RESOLVED, that the Supervisor be hereby authorized to sign, on behalf of the Town of Henrietta, this Amendatory Agreement with Monroe County, allowing the Town to continue to perform various work for Monroe County for the period commencing on January 1, 2008 and ending on December 31, 2008.

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 #23-250/2007

On Motion of
Councilwoman McCabe

Seconded by
Councilman Yudelson

WHEREAS, the 2008 Sewer and Drainage Budget provides funds for the purchase of two (2) new pickup trucks, and

WHEREAS, two (2) trucks, meeting specifications, are available through New York State Contract PC62886 from Van Bortel Ford, Inc., at a total cost not to exceed \$41,000.00.

THEREFORE, BE IT RESOLVED, that Van Bortel Ford, Inc., 7325 Route 96, Victor, New York 14564, be hereby awarded the purchase of two (2) trucks, a Ford F-250, and a Ford F-350, per specifications, at a total cost not to exceed \$41,000.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Van Bortel Ford, Inc., in an amount not to exceed \$41,000.00 upon delivery and receipt of all proper documentation.

SUPERVISOR BREESE

Discussion?

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, either Paul or Chuck, you can just nod, the two (2) vehicles you're replacing, are they going to the auction?

(From audience, Paul Pettrone- Superintendent of Drainage/Sewers/Sidewalks, nodding "yes.")

SUPERVISOR BREESE

Call the roll.

RESOLUTION #23-251/2007

On Motion of

Seconded by

Councilwoman Zinck

Councilman Mulligan

WHEREAS, the Director of Finance has received a quote for Audit Services from Raymond F. Wager, CPA, P.C., in the amounts of \$11,750.00 for the Regular Audit and \$1,250.00 for the Annual Updated Document, for a total amount of \$13,000.00 for the year 2007 Audit of the Town of Henrietta, and

WHEREAS, Raymond F. Wager, CPA, P.C. has performed this audit for several years for the Town of Henrietta with satisfactory results.

THEREFORE, BE IT RESOLVED, that Raymond F. Wager, CPA, P.C., be authorized to conduct the year 2007 Audit of the Town of Henrietta for an amount not to exceed \$13,000.00.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay Raymond F. Wager, CPA, P.C., 332 Jefferson Road, Rochester, New York 14623 upon receipt of all necessary documentation.

SUPERVISOR BREESE

Discussion?

COUNCILMAN MULLIGAN

Just under discussion, I think we've been with Ray for about twenty-five (25) years, he's always done a very credible job, and I think the Town is very fortunate to have his services.

SUPERVISOR BREESE

I agree with that. 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 #23-252/2007

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the following persons be hired:

George Krahenbuhl Highway, Wingperson (on call) @ \$8.50/hr., effective 12/20/2007.

Erik Lewis Engineering, Engineering Aide, @ \$9.00/hr.,

effective 12/18/2007.

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

SUPERVISOR BREESE

That's the end of the Regular Meeting, and before we adjourn, is there anyone who would like to speak on any other items involving the Town of Henrietta? (*Pause, no response*) If not, I'd like to wish all of you folks out there a Merry Christmas, and Happy New Year, and thank you. Meeting is adjourned.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman McCabe at 8:24 P.M. and passed unanimously.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk