

**HENRIETTA TOWN BOARD
AGENDA
JANUARY 21, 2009**

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 7, 2009 Organizational Meeting
 - January 7, 2009 Regular Meeting
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 #3-48/2009
Authorize Accounts Payable

RESOLUTION #3-49/2009
Authorize Professional Design Services – Oakwood Manor Pump Station No. 5
Replacement Project

RESOLUTION #3-50/2009
Call for Public Hearing – Rezoning of Land Located on the Southeast Corner of
Jefferson Road and Marketplace Drive – Industrial to Commercial B-1

RESOLUTION #3-51/2009
Authorize Budget Transfers and Encumbrances

RESOLUTION #3-52/2009
Declare Items Surplus Materials – Assessor/Library

RESOLUTION #3-53/2009
Authorize Plan Review Fees

RESOLUTION #3-54/2009
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 21ST DAY OF JANUARY, 2009 AT 8:00 P.M.

PRESENT

Supervisor Michael B. Yudelson
Councilwoman Catherine A. McCabe
Councilman William J. Mulligan, Jr.
Councilwoman Janet B. Zinck
Councilman John W. Moore
Patricia J. Shaffer, Town Clerk

ABSENT

Daniel J. Mastrella, Town Attorney

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Is there anybody that would like to speak on any items that are on the Agenda for tonight's meeting? *(Pause, no response)* If not, can I have the approval of the Minutes?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we Approve the Minutes of January 7, 2009, the Organizational Meeting, and January 7, 2009, the Regular Meeting.

COUNCILMAN MOORE

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

| | | |
|---------------------|--------|-----|
| Councilwoman McCabe | voting | Aye |
| Councilman Mulligan | voting | Aye |
| Councilman Moore | voting | Aye |
| Councilwoman Zinck | voting | Aye |
| Supervisor Yudelson | voting | Aye |

Carried

SUPERVISOR YUDELSON

Can I have the first Resolution, please?

RESOLUTION #3-48/2009

On Motion of

Seconded by

TB January 21, 2009

Councilwoman McCabe

Councilwoman Zinck

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

| | | |
|-----------|-------------------------------|---------------|
| EXHIBIT A | Bills Payable dated 1/21/2009 | \$ 211,128.69 |
|-----------|-------------------------------|---------------|

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

| | | |
|---------------------|---------|-----|
| Councilwoman McCabe | voting | Aye |
| Councilman Mulligan | voting | Aye |
| Councilman Moore | voting | Aye |
| Councilwoman Zinck | voting | Aye |
| Supervisor Yudelton | voting | Aye |
| | Carried | |

RESOLUTION #3-49/2009

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the 2009 Sewer Budget provides funds for obtaining professional engineering services for Capital Improvement Projects, and

WHEREAS, the Town of Henrietta has requested proposals from qualified engineering firms for design services and preparation of bid documents, and

WHEREAS, the Director of Engineering and Planning has carefully examined all proposals submitted for fairness and equitability for the scope of work to be performed and recommends acceptance of the proposal received from Costich Engineering, P.C. for the Oakwood Manor Pump Station No. 5 Replacement Project.

THEREFORE, BE IT RESOLVED, that Costich Engineering, P.C., 217 Lake Avenue, Rochester, New York 14608, be hereby authorized to provide professional design services for the Oakwood Manor Pump Station No. 5 Replacement Project for an amount not to exceed \$8,300.00.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay said consultant upon successful completion of the Project and acceptance by the Director of Engineering and Planning.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MOORE

I have a question on that, is the reason we're upgrading that, is that because of the Mark IV development over there?

SUPERVISOR YUDELSON

Mr. Byrne?

MARK BYRNE, DIRECTOR of ENGINEERING/PLANNING

No, it's a very old station that needs to be replaced.

COUNCILMAN MOORE

Which way did Mark IV run their sewer? Did they go to that pump station or . . .

MARK BYRNE, DIRECTOR of ENGINEERING/PLANNING

Yes, they're going to be contributing funds toward this.

COUNCILMAN MOORE

That's great. That was my next question, Mark. Thank you.

MARK BYRNE, DIRECTOR of ENGINEERING/PLANNING

Okay.

COUNCILMAN MOORE

Do you know how much?

MARK BYRNE, DIRECTOR of ENGINEERING/PLANNING

I believe in the Budget right now, it's thirty-five thousand (\$35,000), in the Letter of Credit that's with the Town.

SUPERVISOR YUDELSON

Further discussion? Call the roll, please.

Duly put to a vote:

| | | |
|---------------------|--------|-----|
| Councilwoman McCabe | voting | Aye |
| Councilman Mulligan | voting | Aye |
| Councilman Moore | voting | Aye |
| Councilwoman Zinck | voting | Aye |
| Supervisor Yudelson | voting | Aye |

Carried

RESOLUTION #3-50/2009

On Motion of

Seconded by

Councilwoman Zinck

Councilman Moore

WHEREAS, a written request from Benderson Development Company, LLC, for Rezoning of approximately 12.13 acres of land from Industrial to Commercial B-1, has been received for proposed construction of approximately 130,000 square feet of retail and restaurants located on the southeast corner of Jefferson Road and Marketplace Drive, known as Tax Account Nos. 162.09-1-1.1, 162.09-1-1.2, and 162.09-1-1.23, and

WHEREAS, the Henrietta Town Board declares its intent to be the Lead Agency for the Environmental Quality Review under the New York State Environmental Quality Review Act (SEQRA).

THEREFORE, BE IT RESOLVED, that a Public Hearing on the request for Rezoning will be held on February 18, 2009 at 8:00 P.M. at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York 14467, to consider Rezoning said properties from Industrial to Commercial B-1, 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 YUDELSON

Under discussion and for the Record, this is for a Public Hearing on the request for Rezoning. The Rezoning is not, as of yet, associated with any project that's been submitted to the Town, but our understanding is the developer would like to rezone it for marketing purposes, if you will. It will be making the parcel more marketable in their estimation. Further discussion? Call the roll, please.

Duly put to a vote:

| | | |
|---------------------|--------|-----|
| Councilwoman McCabe | voting | Aye |
| Councilman Mulligan | voting | Aye |
| Councilman Moore | voting | Aye |
| Councilwoman Zinck | voting | Aye |
| Supervisor Yudelton | voting | Aye |

Carried

RESOLUTION #3-51/2009

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the Director of Finance be authorized to make the Budget transfers and encumbrances, as per the attachments.

SUPERVISOR YUDELSON

Discussion?

TB January 21, 2009

COUNCILMAN MULLIGAN

Under discussion, Mr. Supervisor, I have just one question. Under Programs for the Aging, seventeen thousand, seven hundred and eighty-one dollars (\$17,781.00) for equipment, does Mr. Liess know what that represents?

SUPERVISOR YUDELSON

I believe that has to, is that to do with the van?

COUNCILWOMAN ZINCK

Isn't that Personal Services?

(Paul Liess, Director of Finance/Personnel, from audience, inaudible.)

SUPERVISOR YUDELSON

Come on up so it's on the Record.

COUNCILWOMAN ZINCK

Oh, equipment.

COUNCILMAN MULLIGAN

Yeah, if you could just put a note in my folder, that's more than adequate. Thank you.

SUPERVISOR YUDELSON

You're asking about the equipment?

COUNCILWOMAN ZINCK

Right.

COUNCILMAN MULLIGAN

Just the equipment line, yes, it just seems like a lot of money . . .

SUPERVISOR YUDELSON

We'll check for sure.

COUNCILMAN MULLIGAN

. . . go over and above the Budget.

COUNCILWOMAN McCABE

I think you're right, though.

SUPERVISOR YUDELSON

I believe it's to do with the new van that was purchased, to cover the difference between the Grant.

COUNCILMAN MULLIGAN
So, it wasn't Budgeted?

SUPERVISOR YUDELSON
Correct.

COUNCILMAN MOORE
I thought we had a partial Grant from . . .

COUNCILWOMAN McCABE
We did.

SUPERVISOR YUDELSON
This is to cover the difference. But, Paul will find out for sure. Call the roll, please.

Duly put to a vote:

| | | |
|---------------------|--------|-----|
| Councilwoman McCabe | voting | Aye |
| Councilman Mulligan | voting | Aye |
| Councilman Moore | voting | Aye |
| Councilwoman Zinck | voting | Aye |
| Supervisor Yudelton | voting | Aye |

Carried

RESOLUTION #3-52/2009

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, the Assessor has requested that the following item be declared surplus material:

| <u>Inventory #</u> | <u>Description</u> |
|--------------------|---------------------|
| 3268 | Sharp Copier AR-207 |

WHEREAS, the Henrietta Public Library Board of Trustees have requested that the following item be declared surplus material:

| <u>Inventory #</u> | <u>Description</u> |
|--------------------|--------------------|
| 2472 | Re-sensitizer |

THEREFORE, BE IT RESOLVED, that the item described above from the Assessor's Office be declared surplus material and be sent to Maven Technologies, LLC,

for disposal.

BE IT FURTHER RESOLVED, that the item described above from the Henrietta Public Library Board of Trustees be declared surplus material and be sent to the Parks and Facilities Department for disposal.

BE IT FURTHER RESOLVED, that the Henrietta Public Library Board of Trustees transfer to the Town of Henrietta a Polaroid instant camera, Inventory #2607, and a Magnavox 13 inch television, Inventory #2715.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

| | | |
|---------------------|--------|-----|
| Councilwoman McCabe | voting | Aye |
| Councilman Mulligan | voting | Aye |
| Councilman Moore | voting | Aye |
| Councilwoman Zinck | voting | Aye |
| Supervisor Yudelton | voting | Aye |

Carried

RESOLUTION #3-53/2009

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, the current number of construction projects from time to time have made Independent Construction Plan Review Services necessary, and

WHEREAS, Resolution #2-42/2009 authorized an hourly rate increase for consultants performing Independent Construction and Plan Review Services, and

WHEREAS, it is necessary for developers to absorb the costs incurred by the Town for such services, and

WHEREAS, it is recommended by the Director of Finance and the Director of Engineering/Planning that such fees be increased to offset rising costs.

THEREFORE, BE IT RESOLVED, that the Independent Construction and Plan Review Services Fees be increased to the hourly rate of One Hundred and Ten Dollars (\$110.00) per hour for normal plan reviews, and One Hundred and Fifty-Five Dollars (\$155.00) per hour for expedited plan reviews.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

| | | |
|---------------------|--------|-----|
| Councilwoman McCabe | voting | Aye |
| Councilman Mulligan | voting | Aye |

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

RESOLUTION #3-54/2009

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the following persons be hired:

| | |
|--------------------|---|
| Terry Lockwood | Highway, On-Call Wingperson @ \$8.50/hr., effective 1/22/2009. |
| James F. Kirk | Highway, On-Call Wingperson @ \$8.50/hr., effective 1/22/2009. |
| Cyndy Arthmann | Highway, On-Call Wingperson @ \$8.50/hr., effective 1/22/2009. |
| Atashia A. Walker | Recreation, Part-time Recreation Assistant @ \$13.00/hr., effective 1/4/2009. |
| Channing E. Crouse | Recreation, After School Assistant @ \$7.25/hr., effective 1/18/2009. |
| Peter R. Campbell | Building/Code/Fire, Ticket Writer @ \$10.00/hr., effective 1/22/2009. |

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

| | |
|------------------|--|
| Jeremy DiFilippo | Engineering, from provisional Drafting Technician to Drafting Technician (passed civil service exam) @ same rate of pay, effective 12/23/2008. |
|------------------|--|

Town of Henrietta Union Employees As per the attachment.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN

Did we ever get the attachment on the ones that got the extra holiday?

COUNCILWOMAN McCABE

Yes.

COUNCILMAN MULLIGAN

I don't think this is . . .

SUPERVISOR YUDELSON

Well, the discussion the other night actually, the attachment was this one, which is corrections of some errors in pay rates, it was not about the . . .

COUNCILMAN MULLIGAN

Oh, okay.

COUNCILWOMAN ZINCK

We got an email.

SUPERVISOR YUDELSON

The email was sent out today.

COUNCILWOMAN McCABE

It was in an email, right.

COUNCILMAN MULLIGAN

Who sent it? It may have gotten lost.

COUNCILWOMAN ZINCK

Paul did, right?

SUPERVISOR YUDELSON

Mr. Liess sent it. Further discussion? Call the roll, please.

Duly put to a vote:

| | | |
|---------------------|--------|-----|
| Councilwoman McCabe | voting | Aye |
| Councilman Mulligan | voting | Aye |
| Councilman Moore | voting | Aye |
| Councilwoman Zinck | voting | Aye |
| Supervisor Yudelton | voting | Aye |

Carried

TB January 21, 2009

SUPERVISOR YUDELSON

That concludes the Agenda for tonight's meeting, before we adjourn is there anybody who would like to speak on any item involving the Town of Henrietta?

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, I have one question for the Highway Superintendent. I drove home tonight, the roads were black, and then I saw a plow truck out. I have two (2) questions, one (1), why are they out, and two (2), how many are out?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

There are three (3) trucks out, and a drift truck.

COUNCILMAN MULLIGAN

For something like that, to save money, one (1) or two (2) trucks couldn't do it?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

No.

COUNCILMAN MULLIGAN

How long will they be out?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

They are wrapping up right now, I think.

COUNCILMAN MULLIGAN

So, they've been out since 3:30 p.m.?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

No, they didn't go out until about 6:30 p.m., 6:00 p.m. or 6:30 p.m.

COUNCILMAN MULLIGAN

One hour and forty-five (1:45) minutes?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Well, they're probably going to be on the road, I'd say between two and a half (2½) and three (3) hours, anyway.

SUPERVISOR YUDELSON

And, you said it couldn't be done with fewer trucks, you were talking about, could you describe that? Is it because they're in different parts of the Town, or what determines that, I guess is the question, of how many trucks?

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RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

The amount of spots that they have to cover is what determines whether we go with two (2) trucks, three (3), four (4), five (5), and six (6) . . .

COUNCILWOMAN ZINCK

Rusty, when they're called in, is there a minimum amount of time that they are paid?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

If they're here less than an hour, they get paid for an hour, if they're here more than one (1) hour, they get paid for four (4).

COUNCILMAN MULLIGAN

At time and a half.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Right.

COUNCILMAN MULLIGAN

So, that's six (6).

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Yes.

COUNCILWOMAN ZINCK

So, maybe a couple of those people could have plowed for four (4) hours, as long as they're getting paid for four (4) hours. And, we have two (2) trucks instead of the four (4).

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Right. It just depends on how quick you want the service to be provided.

COUNCILWOMAN ZINCK

Right.

SUPERVISOR YUDELSON

I guess that's part of the question, is how you determine how many go out that's on the boards or whatever you observe, or the foreman observe about where the drifting is and how bad it is?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Yes.

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COUNCILMAN MOORE

Are you scraping or are you salting, Rusty?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Mostly scraping.

COUNCILMAN MOORE

And, usually on windblown spots like that you don't salt because you'll have an ice condition?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Yes, and no, it depends. Usually we have to, ideally that's what you say is you don't put down salt because it'll make it stick, but usually it's already sticking, and that's what you're scraping off, so you need to put some salt down or it's already ice underneath, especially at these temperatures.

SUPERVISOR YUDELSON

Thank you, Rusty.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman McCabe, seconded by Councilwoman Zinck at 8:15 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk