

**HENRIETTA TOWN BOARD
AGENDA
MARCH 18, 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): March 4, 2009
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 #7-81/2009
 Authorize Accounts Payable

RESOLUTION #7-82/2009
 Authorize Real Property Valuation Services – AVS

RESOLUTION #7-83/2009
 Authorize Rezoning of Land Located on the Southeast Corner of Jefferson
 Road and Marketplace Drive – Benderson Development Company, LLC –
 Industrial to Commercial B-1

RESOLUTION #7-84/2009
 Award General and Public Officials Liability Insurance

RESOLUTION #7-85/2009
 Authorize Agricultural Lease Renewal - Willard Farms, Property on Martin Road

RESOLUTION #7-86/2009
 Call for Public Hearing – 13th Historic Preservation District “The Heartland” –
 Middle/Martin Roads

RESOLUTION #7-87/2009
 Authorize Addition of an Official Town Bank

RESOLUTION #7-88/2009
 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 18th DAY OF MARCH, 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
Daniel J. Mastrella, Town Attorney
Patricia J. Shaffer, Town Clerk

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

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

COUNCILWOMAN McCABE

Mr. Supervisor, I move we Approve the Minutes of March 4, 2009.

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

May I have the first Resolution, please.

RESOLUTION #7-81/2009

On Motion of
Councilman Moore

Seconded by
Councilwoman McCabe

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

EXHIBIT A	Bills Payable dated 3/18/2009	\$ 120,164.71
-----------	-------------------------------	---------------

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 #7-82/2009

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, it has become necessary to contract for professional real property valuation services to assist in the preparation of the 2010 assessment roll, and

WHEREAS, this assistance requires specialized valuation experience and technical knowledge.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, is hereby authorized to sign the attached Agreement with David P. Miller, d/b/a Assessment and Valuation Services, 10 Harmony Circle, Rochester, New York 14624, which is hereby engaged to perform real property valuation services, conforming to the applicable standards, for a total Project cost not to exceed Fifteen Thousand Dollars (\$15,000).

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Assessment and Valuation Services, upon the submission of all proper documentation.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN

Just under discussion, to be clear Mr. Supervisor, this Firm will be strictly looking at Commercial and Industrial values?

SUPERVISOR YUDELSON
That is correct.

COUNCILMAN MULLIGAN
Thank you.

SUPERVISOR YUDELSON
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 #7-83/2009

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, the Town Board of the Town of Henrietta has received a written request from Benderson Development Company, LLC, for Rezoning of approximately 12.13 acres of land from Industrial to Commercial B-1, 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 162.09-1-23, and

WHEREAS, plans of this proposed development under consideration are on file in the Office of the Town Clerk, and

WHEREAS, after consideration by the Henrietta Town Board, the Application exceeds one or more thresholds for a Type I Action, as stated by Section 617.4 of the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), such an Action is a Type I Action, and

WHEREAS, a Long Environmental Assessment Form (EAF) has been prepared for the proposed Project, and

WHEREAS, the Henrietta Town Board declared its intent to be the Lead Agency for the Environmental Quality Review, and

WHEREAS, the Henrietta Town Board is the sole approval Board or Agency affected by this action, and

WHEREAS, the Henrietta Town Board has taken a hard look at the environmental issues raised by this Rezoning, pursuant to Section 617.7 of SEQRA, and

TB March 18, 2009

WHEREAS, pursuant to an Order, a Public Hearing was held on February 18, 2009.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board does formally designate itself and accepts Lead Agency status for the environmental review of the described rezoning under the State Environmental Quality Review Act (SEQRA) and has determined that the proposed action therein described will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be required and therefore issues a Negative Declaration.

BE IT FURTHER RESOLVED, that the Henrietta Town Board hereby ratifies, confirms and adopts the Rezoning of said lands to Commercial B-1, as per the attached legal description, upon the terms and conditions set forth on the Record at the Henrietta Town Board Public Hearing held on February 18, 2009.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN
Through you, Mr. Supervisor, could I ask the Assessor a quick question? Do you want to do it from there?

COUNCILWOMAN ZINCK
He wanted to know if it was worth getting up. *(Laughter)*

COUNCILMAN MULLIGAN
The change in the Zoning on this Nate, from Industrial to Commercial, does that have a huge impact on the Assessment, or not?

NATHAN GABBERT, ASSESSOR
It could, not for this year because we're now after March 1st, depending on what happens March 1st, 2010, it could have an impact, yes.

COUNCILMAN MOORE
Yeah, I was going to ask the next question.

COUNCILWOMAN McCABE
Yeah, positive or negative? *(Laughter)*

COUNCILMAN MOORE
You mean a plus?

NATHAN GABBERT, ASSESSOR
As a general rule, that would be very plus, yes. Any B-1 or B-2 is generally a lot more valuable than an Industrial Zone, generally.

TB March 18, 2009

COUNCILWOMAN McCABE

Thank you.

COUNCILWOMAN ZINCK

Thank you.

SUPERVISOR YUDELSON

Any other discussion? Call the roll, please.

RESOLUTION #7-84/2009

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, quotes for the Town's General Insurance and Public Officials Liability Insurance were requested by the Director of Finance, and

WHEREAS, three (3) quotes were requested and two (2) were received and evaluated, and

WHEREAS, First Niagara, Risk Management, 777 Canal View Boulevard, Suite 100, Rochester, New York 14623, appears well-qualified and has submitted the lowest quote and has been recommended by the Town's insurance consultant.

THEREFORE, BE IT RESOLVED, that First Niagara, Risk Management, is hereby awarded the Town's General Insurance and Public Officials Liability Insurance effective April 1, 2009 and expiring on March 31, 2010, through Arrowhead Public Risk, in the amount of \$116,990.00.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay First Niagara, in an amount not to exceed \$116,990.00, upon receipt of proper documentation.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MULLIGAN

Just under discussion, I'd like to commend the Administration and the Department Heads for doing an excellent job on the loss runs and putting in a minimum of claims. I know the insurance market has been soft for three (3) or four (4) years, but I think this low, very competitive price also demonstrates that people are safety conscious, and not turning in claims unless they absolutely have to.

SUPERVISOR YUDELSON

Thank you. 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 #7-85/2009

On Motion of
Councilwoman McCabe

Seconded by
Councilman Moore

WHEREAS, the Town of Henrietta has leased a portion of land located at 1345 Martin Road, known as Martin Road Park, to Willard Farms for farming purposes, and

WHEREAS, the Town Board of the Town of Henrietta desires to continue to keep the land in use as farm land, and

WHEREAS, Bill Willard and Marc Krieger of Willard Farms, 116 Willard Road, Pittsford, New York 14534, have previously farmed the land and desire to continue to plant crops on the land and to renew the Lease Agreement with the Town for a period of one (1) year, from April 21, 2009 through April 20, 2010, for thirty (30) acres of tillable land at \$40.00 per acre, amounting to an annual rent of \$1,200.00, and

WHEREAS, the Town Attorney has reviewed the Lease Renewal Agreement and found it to be in proper form.

THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Henrietta is hereby authorized to sign the Lease Renewal Agreement on behalf of the Town of Henrietta.

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		

RESOLUTION #7-86/2009

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

TB March 18, 2009

BE IT RESOLVED, that a Public Hearing be held at 8:00 P.M. on April 15, 2009 at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York 14467 for the purpose of considering and hearing all persons with regard to a proposed 13th Historic Preservation District, "The Heartland", on Middle and Martin Roads.

BE IT FURTHER RESOLVED, that the notice of said Public Hearing be published and posted in the manner provided by law, and in addition thereto, and official notification to all owners of the proposed historic site properties by mail, of the date, time, place and purpose of such Public Hearing, as per the attached lists.

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

RESOLUTION #7-87/2009

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the following bank be added to the designated list of official depositories of the Town of Henrietta:

The Upstate Bank

BE IT FURTHER RESOLVED, that the said depository shall be required to furnish securities by depositing governmental bonds or the equivalent in escrow to equal all deposits for the Town of Henrietta.

BE IT FURTHER RESOLVED, that the Town Clerk be instructed to transmit a copy of this Resolution to The Upstate Bank office, One West Main Street, Rochester, New York 14614.

SUPERVISOR YUDELSON

Discussion?

COUNCILWOMAN McCABE

Under discussion, could we possibly put the main office address of the Upstate Bank in the Resolution? Thank you.

SUPERVISOR YUDELSON

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 #7-88/2009

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

BE IT RESOLVED, that the following persons be hired:

Jeremy Vassell	Engineering, Engineering Aide @ \$9.50/hr., effective 3/11/2009.
Timothy J. Potter	Recreation, Seasonal Ballfield Maintenance @ \$7.75/hr., effective 3/15/2009.

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

Fred Ross	Code Enforcement, Code Enforcement Officer/Property Maintenance, Full-time (seasonal) from Part-time, same rate of pay, effective 4/1/2009.
-----------	--

SUPERVISOR YUDELSON

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

SUPERVISOR YUDELSON

That's the end of tonight's Agenda, before we adjourn is there anybody that would like to speak on any matter involving the Town of Henrietta? *(Pause, no response)* If not, is there a motion to adjourn?

TB March 18, 2009

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman McCabe, seconded by Councilwoman Zinck at 8:12 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk