

**HENRIETTA TOWN BOARD
AGENDA
JUNE 17, 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): June 3, 2009
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Abandonment of a Portion of New Tudor Road Right-of-Way
8. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
9. Reports of Standing Committees and Actions Thereon
10. Reports of Special Committees
11. Public Comment
12. Adjournment

RESOLUTION #13-126/2009
Authorize Accounts Payable

RESOLUTION #13-127/2009
Authorize Abandonment of a Portion of New Tudor Road Right-of-Way

RESOLUTION #13-128/2009
Authorize Supervisor to Sign Monroe County Community Development Grant –
Installation of Sidewalks – Beaconsfield Road, Colonnade Drive, and
Commons Way

RESOLUTION #13-129/2009
Authorize Advertisement for Bids – Installation of Sidewalks - Beaconsfield
Road, Colonnade Drive and Commons Way

RESOLUTION #13-130/2009
Award Low Quote – Outdoor Lighting – Henrietta Town Hall

RESOLUTION #13-131/2009
Declare Items Surplus Materials – Building Department

RESOLUTION #13-132/2009
Authorize Advertisement for Bids – Storage Building – Recreation

RESOLUTION #13-133/2009

Support "Reality Check Youth and the Smoking and Health Action Coalition of Monroe County"

RESOLUTION #13-134/2009

Authorize Professional Consultant Services - Energy Grant

RESOLUTION #13-135/2009

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 17th DAY OF JUNE, 2009 AT 8:00 P.M.

PRESENT

Supervisor Michael B. Yudelson
Councilwoman Catherine A. McCabe
Councilwoman Janet B. Zinck
Councilman John W. Moore
Daniel J. Mastrella, Town Attorney
Patricia J. Shaffer, Town Clerk

ABSENT

Councilman William J. Mulligan, Jr.

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Is there anybody here who would like to speak on any of the items that are on the Agenda for tonight, separate from the Public Hearing, which I'll call separately? Any Agenda items, at this time? *(Pause, no response)* If not, can I have the Approval of the Minutes, please?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we Approve the Minutes of June 3, 2009.

COUNCILMAN MOORE

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

At this time, we have a Public Hearing on the Proposed Abandonment of a portion of New Tudor Road Right-of-Way. Is there anybody who would like to speak on that Public Hearing? *(Pause, no response)* If not, I'll close that Public Hearing, and may I have the first Resolution, please?

RESOLUTION #13-126/2009

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

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

EXHIBIT A	Bills Payable dated 6/17/2009	\$ 293,907.22
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SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Absent
Councilman Moore	voting	Abstain
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #13-127/2009

On Motion of
Supervisor Yudelson

Seconded by
Councilwoman McCabe

WHEREAS, pursuant to Resolution #11-115/2009 a Public Hearing was held by the Town Board of the Town of Henrietta on the 17th day of June, 2009 at 8:00 P.M. to hear and consider all persons interested in the potential sale of a portion of the original right-of-way off New Tudor Road, located between Tax Account Nos. 163.09-2-77 and 163.09-2-78, by the Town of Henrietta to St. John's Home, consisting of approximately 0.16 acres of land, and

WHEREAS, pursuant to an Order, the Public Hearing was duly noticed and held.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta shall transfer to St. John's Home by quitclaim deed the original right-of-way off New Tudor Road, as shown on the attached maps, hereto as "Attachment A", consisting of approximately 0.16 acres of land.

BE IT FURTHER RESOLVED, that St. John's Home shall pay to the Town of Henrietta, as fair and reasonable value for said right-of way, the sum of Thirteen Hundred Dollars (\$1,300.00) on transfer of the deed.

BE IT FURTHER RESOLVED, that the monies received by the Town of Henrietta shall be deposited into the General Fund.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #13-128/2009

On Motion of
Councilwoman McCabe

Seconded by
Councilman Moore

WHEREAS, a Community Development Block Grant for the year 2008, in the amount of \$50,000.00, is available through Monroe County, and

WHEREAS, this Grant provides for installation of sidewalks on Beaconsfield Road, Colonnade Drive, and Commons Way in the Town of Henrietta.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to accept and sign the Community Development Construction Agreement for said Grant.

SUPERVISOR YUDELSON

Under discussion, you'll note that the Resolution says that it's for the year 2008, the County of Monroe overlooked getting this Contract to us last year, so the Resolution is correct. Any further discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #13-129/2009

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, the Town of Henrietta requires bids for the Beaconsfield Road,

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Colonnade Drive, and Commons Way Sidewalk Construction Project for the installation of new concrete sidewalks on Beaconsfield Road, Colonnade Drive, and Commons Way, 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 Wednesday, August 12, 2009 and received no later than 9:30 A.M. on Wednesday, August 12, 2009.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Beaconsfield Road, Colonnade Drive, and Commons Way Sidewalk Construction Project, as per cited plans and specifications on file, in the manner provided by Law.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #13-130/2009

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, funds are available within the Sidewalk Budget for proposed sidewalks, with lighting, along Calkins Road between the Senior Center and the Henrietta Town Hall entrances, and

WHEREAS, two (2) quotes were received, and the low quote meeting lighting specifications for purchasing ten (10) sidewalk lighting fixtures, was received from Graybar for a total cost of \$17,500.00.

THEREFORE, BE IT RESOLVED, that Graybar, 350 Metro Park, Rochester, New York 14623, be hereby awarded the quote at a cost not to exceed \$17,500.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Graybar, in an amount not to exceed \$17,500.00, upon successful delivery of said ten (10) lighting fixtures.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #13-131/2009

On Motion of Supervisor Yudelson	Seconded by Councilwoman McCabe
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WHEREAS, the Building Department has requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
4269	Dell OptiPlex 170L PC
3667	Dell Dimension 9150 PC

THEREFORE, BE IT RESOLVED, that the items described above be declared surplus materials and be sent to Maven Technologies, LLC, for disposal.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #13-132/2009

On Motion of Councilwoman Zinck	Seconded by Councilman Moore
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WHEREAS, the Town of Henrietta requires bids for a new Recreation Storage Building, 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 Thursday, July 9, 2009 and received no later than 9:30 A.M. on Thursday, July 9, 2009.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for a new Recreation Storage Building, as per cited plans and specifications on

file, in the manner provided by Law.

SUPERVISOR YUDELSON

Under discussion, this is something that we know, as the Board, we've been looking to do for several years, so I want to thank Councilwoman Zinck first, for keeping it in front of us, and also Terry Ekwel and Dave Moriarty, for their work in putting together the bid specs. Anything else? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Absent
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye
		Carried

RESOLUTION #13-133/2009

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, smoking is the number one cause of preventable death in the United States, and

WHEREAS, the Surgeon General has issued a report stating that tobacco advertising contributes to youth smoking rates, and

WHEREAS, the cigarette companies spend more than \$13.1 billion dollars each year to promote their deadly products, which is more than Thirty-Five Million Dollars (\$35,000,000) spent every day to market cigarettes, and much of that marketing directly reaches and influences youth, and

WHEREAS, children who report seeing cigarette advertising in stores are thirty-eight percent (38%) more likely to have experimented with smoking, and

WHEREAS, three (3) out of four (4) teenagers are reported to shop at convenience stores at least once a week, and are therefore exposed at high rates and with great frequency to tobacco marketing, and

WHEREAS, stores within one thousand feet (1,000') of schools in New York State were significantly more likely to place ads near candy displays and also had significantly more tobacco advertisements posted on the store exterior than stores further from schools.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby expresses its enthusiastic support of Smoking and Health Action Coalition of Monroe County and encourages retailers to remove the exterior tobacco ads in their storefronts.

BE IT FURTHER RESOLVED, that the Henrietta Town Board hereby encourages law enforcement agencies throughout the Town to take appropriate measures to ensure

all local signage ordinances are enforced.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Absent
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye
		Carried

RESOLUTION #13-134/2009

On Motion of
Supervisor Yudelson

Seconded by
Councilwoman Zinck

WHEREAS, the American Recovery and Reinvestment Act has designated \$213,700 for the Town of Henrietta through the Energy Efficiency Conservation Environmental Block Grant (EECBG) Program, and

WHEREAS, the purpose of the Grant is to stimulate the local economy in the short term while simultaneously providing long term benefits of reduced fossil fuel emissions and reduced energy use, and

WHEREAS, in order to receive the funding, the Town of Henrietta must submit a qualified application to the Department of Energy (DOE) by June 25, 2009, and

WHEREAS, Blue Springs Energy, LLC will provide professional services to the Town of Henrietta including working with Town staff to identify appropriate projects, completion of the Grant Application and development of the mandatory Energy Efficiency and Conservation Strategy (EECS), and

WHEREAS, Blue Springs Energy, LLC will assist the Town in identifying and securing at least \$75,000 in other leverage funding from programs administered by the New York State Energy Research and Development Authority (NYSERDA) and RG&E.

THEREFORE, BE IT RESOLVED, that the Supervisor be authorized to sign an Agreement with Blue Springs Energy, LLC, in the amount of \$17,500 to provide professional services related to the Department of Energy Grant.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay Blue Springs Energy, LLC, 1050 Gravel Road, Webster, New York 14580, in the amount of \$17,500, as specified in the payment schedule of said Agreement.

SUPERVISOR YUDELSON

Discussion?

COUNCILWOMAN McCABE
The Town is continually going green.

SUPERVISOR YUDELSON
Absolutely. Call the roll, please.

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

RESOLUTION #13-135/2009

On Motion of	Seconded by
Councilman Moore	Councilwoman McCabe

BE IT RESOLVED, that the following persons be hired:

Tara Phouthavongsa	Finance, Part-time Accounts Payable Clerk @ \$10.00/hr., effective 6/16/2009.
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Mark D. Smith	Fire/Building/Code, Part-time Code Enforcement Officer @ \$10.00/hr., effective 6/22/2009.
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Recreation	As per the Attachment.
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BE IT FURTHER RESOLVED, that the following employee changes be made:

Recreation	As per the Attachment.
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SUPERVISOR YUDELSON
Discussion? Call the roll, please.

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

Carried

SUPERVISOR YUDELSON

That's the end of the regular Agenda, at this time, is there anybody else who would like to speak on any matter involving the Town of Henrietta? Mr. Schmitt?

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Mr. Supervisor, members of the Board, it's gone on for quite awhile, but tonight you approved the building for storage for the Recreation Department. However, when you pull into the property of the Town, off of Calkins Road, when you're going to the Library or into this building, you are aimed at the ugliest blue storage building in the world. Now that you're going to be building out there, maybe there's something you can do. I understand that it's steel construction, which is still very good, put a frame around it, put bushes up higher, do something. I mean, let's face it, first impressions are important. Where can you think of another town where you pull into their main drive and you are pointed at an ugly looking storage building. So, my plea is, it's been talked about before, let's do something about it while we're building right in that general area. I'm certain, with the brilliance of our people here, we can come up with something.

SUPERVISOR YUDELSON

Thank you, Mr. Schmitt.

COUNCILWOMAN McCABE

Point well taken.

SUPERVISOR YUDELSON

Councilman Moore has reminded us of that need. So, thank you.

COUNCILWOMAN ZINCK

Concurred.

COUNCILMAN MOORE

Thank you, John.

SUPERVISOR YUDELSON

Mr. Lundberg?

JON LUNDBERG, 830 TELEPHONE ROAD

I represent the St. Mark's Lutheran Church. I'm the Church Council President. We've been a member of the community for one hundred and seven (107) years. In January, we applied for permission to set up a community service tent for the Fourth of July Town Hall events. That was turned down, we weren't sure why. What we were looking to do is to set up a tent where mothers can change diapers and mothers could also nurse babies

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in private. Things that we expect would be happening during the events anyway. When we were turned down I approached Councilman Moore. We weren't sure why. Was it because we're a church or were there sanitary concerns? We've subsequently applied to the Town of Avon for their Corn Festival, actually their Rotary runs the Corn Festival, and we're approved. So, my question is, is it that Avon is being wrong that we're setting up an event, setting up a tent that violates sanitary concerns for a public event like this or is the problem that it's church based and separation of church and state, and should we make the same applications through the Girl Scout Group that meets at our church and we just essentially hide that we're performing this service to the community as a church.

SUPERVISOR YUDELSON

Well, I'll go first and then others can add their feelings, but I can tell you, just to clarify, it has nothing to do at all with the church group. The Fourth of July festivities are, you know, I think everyone in the room probably has been to them, are organized, lots of people there. Mostly, what we make arrangements for are food vendors. The Recreation Department makes the arrangements for that, the request originally went to them and it just was not something they felt the need to provide. I think one of the things you'd have to remember is there would be, if it was open, there could be several different types of requests for different things people would come in and would like to do. We've never have had the feedback. We did a survey after our Fourth of July celebration last year, we've never had, through that survey or any time that I can remember, get feedback that that was an issue. It was not strictly a Health Department thing, but our staff had called the Health Department and said they would be concerned about something like that. But, I think it was really just a matter of basically, the only thing we really look for to bring people in to do, is to provide food for this event. Again, other Board members can give their opinion, but we have not normally, as a Town Board, gotten involved in telling, once the Recreation Department is planning this, that they should have or shouldn't have. Some of the Board members can comment.

COUNCILWOMAN ZINCK

I just want to reiterate that it certainly has nothing to do with that it's a church that's asking permission. That again, it's the Recreation Department that handles that and in the past it has just been food, so I'm sure it wasn't anything directed at you negatively, it's just, it's not consistent with what they can do.

JON LUNDBERG, 830 TELEPHONE ROAD

Okay. Thank you.

COUNCILMAN MOORE

I'd like to comment, please. I'd like to make the recommendation that we accept this application. It's a church in our community. It's a community event. I think they're providing a service that's going to go on whether it be in their tent or somewhere else, and it would be a more controlled sanitary type of situation where the diapers wouldn't be

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left someplace, they would be disposed of properly, and I think this is an oversight by the Recreation Department, and I think we should accept this application because they are part of our community and they should be welcome here.

COUNCILWOMAN ZINCK

Can I just ask if those kinds of things have been addressed though, as far as how they will dispose of them and all of that.

COUNCILMAN MOORE

I can't answer that.

COUNCILWOMAN ZINCK

Would that be part of . . .

COUNCILMAN MOORE

That would be fine, but I just think that if it were in a controlled environment, in a tent, and there were disposable areas, that would be better than out in the grounds where there's twenty thousand (20,000) people, and the diapers are just left there. I mean, I have an event in the fall where we have eighty thousand (80,000) people that come to our place in a five (5) week period and I have diapers all the time that are left all over the place, and that's not very sanitary. But, I don't offer a spot other than our bathrooms for baby changing. I think the Town should allow this.

COUNCILWOMAN ZINCK

I've got a couple . . .

COUNCILWOMAN McCABE

I . . .

COUNCILWOMAN ZINCK

I'm sorry.

COUNCILWOMAN McCABE

That's okay. The first thing I heard about this was what, Monday night? Monday night at our Workshop.

COUNCILMAN MOORE

That was two (2) weeks ago.

COUNCILWOMAN McCABE

No, I didn't. Nobody told me until I heard about it Monday night, at our, Monday afternoon at our Workshop.

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COUNCILMAN MOORE
(Inaudible)

SUPERVISOR YUDELSON
Go ahead, Cathy.

COUNCILWOMAN McCABE
Mr. Moore, you and I are going to have that out soon enough. But, I agree that this Application should be approved, and we should find a place for it at the Town Park. It had nothing to do with the fact that you're a church and you're a member of this community, nothing like that, but I think as far as providing a service for the people who come to the Town Park and the women with babies who do. I don't have a problem with it. So, I agree we should re-look at this application and have it accepted. That's my opinion.

COUNCILWOMAN ZINCK
I have no problem with re-looking at it, as well. I also agree you're a member of our community. The only thing I don't want to do is step on the toes of the Recreation Department that actually puts this event together. So, is it something . . .

COUNCILWOMAN McCABE
We could ask them to review it, please.

COUNCILWOMAN ZINCK
Do we have time between now and then to have that review?

SUPERVISOR YUDELSON
Sure.

COUNCILWOMAN McCABE
Yes.

SUPERVISOR YUDELSON
Yes, we can do that. As it was said, I'm glad you came so we could publically say it was nothing to do about your church, it's just, as far as the planning aspect, so we'll do that.

COUNCILMAN MOORE
Thank you.

SUPERVISOR YUDELSON
Is there anyone else who would like to speak?

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BETH WHITE, 128 EAGLE PINE WAY

I agree with both Mr. Moore and Mrs. McCabe, all of you. That's a service that is wonderful that someone is willing to go out and do that, and I think it's a wonderful thing to happen. However, what I would like to ask about is what is happening with the yellow house here, if you're building a storage area for Recreation?

SUPERVISOR YUDELSON

It's coming down. That's why it's been our priority to get a storage facility so that we can stop using that house, that house is in terrible condition.

BETH WHITE, 128 EAGLE PINE WAY

Well, since Henrietta, I think, just received an award for being a green Town, am I correct?

SUPERVISOR YUDELSON

Yes.

BETH WHITE, 128 EAGLE PINE WAY

May I suggest that you sell the house to a salvage company, so that they can use whatever is salvageable there. Thank you.

COUNCILWOMAN ZINCK

(Inaudible)

SUPERVISOR YUDELSON

Thank you. Anyone else? *(Pause, no response)* If not, is there a motion to adjourn?

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman Zinck, seconded by Councilwoman McCabe at 8:25 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk