

**HENRIETTA TOWN BOARD
AGENDA
AUGUST 19, 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): July 15, 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 #15-148/2009
Authorize Accounts Payable

RESOLUTION #15-149/2009
Authorize Tax Certiorari Settlement – 50 Saginaw Drive and 60 Saginaw Drive
– Fifty Sixty Saginaw Realty, LLC

RESOLUTION #15-150/2009
Authorize Supervisor to Sign Partial Abandonment of Drainage Easement – 88
Derrick Drive

RESOLUTION #15-151/2009
Authorize Supervisor to Sign Monroe County Community Development Grant –
Wildbriar Road Sanitary Sewer Repairs Project

RESOLUTION #15-152/2009
Authorize Advertisement for Bids – Wildbriar Road Sanitary Sewer Repairs
Project

RESOLUTION #15-153/2009
Accept Low Quote – Professional Design Services – Colleen Way Culvert
Replacement Project

RESOLUTION #15-154/2009
Award Low Bid – Installation of Sidewalks - Beaconsfield Road, Colonnade
Drive and Commons Way

RESOLUTION #15-155/2009

Accept Low Quote – Electrical Installation Services – Calkins Road Sidewalk Lighting

RESOLUTION #15-156/2009

Authorize Removal of Traffic Signals and Installation of Stop Signs – East River Road & Former Kodak Drive North

RESOLUTION #15-157/2009

Award Low Bid – Henrietta Town Hall Roof Replacement – East and Center Wings

RESOLUTION #15-158/2009

Authorize Supervisor to Sign Grant Application – Justice Court Assistance Program

RESOLUTION #15-159/2009

Authorize Supervisor to Sign 2009 Monroe County Youth Services Agreement

RESOLUTION #15-160/2009

Appoint Members to Youth Board

RESOLUTION #15-161/2009

Declare Items Surplus Materials – Engineering/Highway/Building and Fire Prevention/Town Clerk/Library

RESOLUTION #15-162/2009

Authorize Grant Writing Services – J. O'Connell and Associates, Inc.

RESOLUTION #15-163/2009

Authorize Supervisor to Sign Grant Application – Efficiency and Clean Energy Grant

RESOLUTION #15-164/2009

Accept Report - Town Court/Justice Accounts - Raymond F. Wagner, CPA

RESOLUTION #15-165/2009

Authorize Lease Agreement – Co-location of Equipment on Cell Tower – Cricket Communications, Inc.

RESOLUTION #15-166/2009

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 19th DAY OF AUGUST, 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

Before we get to the Resolutions, is there anybody who would like to speak on any of the items that are on the Agenda for tonight's meeting? We'll have another opportunity for public comment at the end, but anybody on Agenda items? *(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 July 15, 2009.

COUNCILMAN MULLIGAN

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

Can I have the first Resolution, please.

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RESOLUTION #15-148/2009

On Motion of
Councilwoman McCabe

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 8/19/2009	\$ 596,800.48
EXHIBIT B	Manual Bills Payable	\$ 13,302.68

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #15-149/2009

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, Fifty Sixty Saginaw Realty, LLC heretofore commenced proceedings against the Assessor, the Board of Assessment Review, and other respondents for a review of the Assessments for the years 2004, 2005, 2006, 2007, and 2008 on two (2) premises located at 50 Saginaw Drive and 60 Saginaw Drive in the Town of Henrietta, being Tax Account Numbers 162.12-1-10 and 162.11-1-21, and

WHEREAS, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner's claim, and

WHEREAS, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

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WHEREAS, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by Fifty Sixty Saginaw Realty, LLC, for the years 2004, 2005, 2006, 2007, and 2008 be and hereby are approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Henrietta be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Henrietta to reflect the terms of such settlement.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #15-150/2009

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, the property owners at 88 Derrick Drive would like to construct a wooden deck on the back of the existing house, which would encroach on an existing Town Drainage Easement, recorded in Liber 9984 of Deeds, Page 427, and

WHEREAS, the release of said portion of the Drainage Easement is necessary for the construction of said wooden deck on property being identified as Tax Account No. 202.01-3-10, and

WHEREAS, the described portion of this Drainage Easement is not needed by the Town, and

WHEREAS, the Town Attorney and the Director of Engineering and Planning have reviewed the Abandonment of Easement and recommended that the Town of Henrietta consent to and execute said Abandonment.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town of Henrietta, be hereby authorized to execute the Abandonment of Easement, which shall be filed in the Monroe County Clerk's Office.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #15-151/2009

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, a Community Development Block Grant for the year 2009, in the amount of \$50,000.00, is available through Monroe County, and

WHEREAS, this Grant provides for sanitary sewer repairs on Wildbriar Road 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

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #15-152/2009

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, the Town of Henrietta requires bids for the Wildbriar Road Sanitary Sewer Repairs Project for the spot repairs to the existing sanitary sewer on Wildbriar Road between East Henrietta Road and Shell Edge Drive, to conform with construction

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plans and specifications on file in the Town Clerk's Office, with bids to be opened at 10:00 A.M. on Thursday, October 1, 2009, and received no later than 9:30 A.M. on Thursday, October 1, 2009.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Wildbriar Road Sanitary Sewer Repairs 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	Aye
Councilman Moore	voting	Absent
Councilwoman Zinck	voting	Absent
Supervisor Yudelton	voting	Aye

Carried

RESOLUTION #15-153/2009

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the 2009 Drainage 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 Colleen Way Culvert 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 Colleen Way Culvert Replacement Project, for an amount not to exceed \$9,595.00.

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? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #15-154/2009

On Motion of	Seconded by
Councilwoman McCabe	Councilman Mulligan

WHEREAS, Resolution #13-129/2009 authorized the advertisement for bids for the Beaconsfield Road, Colonnade Drive, and Commons Way Sidewalk Construction Project for the installation of new concrete sidewalks on Beaconsfield Road, Colonnade Drive, and Commons Way, and

WHEREAS, two (2) bids were received, and the low bid, meeting specifications, was received from Master's Edge, Inc., at a total cost not to exceed \$107,978.00.

THEREFORE, BE IT RESOLVED, that Master's Edge, Inc., 3409 Broadway Street, Buffalo, New York 14227, be hereby awarded the bid, per specifications.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Master's Edge, Inc., in an amount not to exceed \$107,978.00, upon successful completion of said work and acceptance by the Director of Engineering and Planning.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #15-155/2009

On Motion of	Seconded by
Councilman Mulligan	Councilwoman McCabe

WHEREAS, the 2009 Sidewalk Budget provides funds for Capital Improvement Projects, and

WHEREAS, the Town of Henrietta has requested proposals from qualified

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electrical contractors to install and energize new sidewalk light pole's on Calkins Road between the Town Hall and Senior Center entrances, 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 quote received from M. L. Caccamise Electric Corporation, for the completion of said work.

THEREFORE, BE IT RESOLVED, that M. L. Caccamise Electric Corporation, 721 Portland Avenue, Rochester, New York 14621, be hereby authorized to proceed with the installation of the new Calkins Road sidewalk lighting, for an amount not to exceed \$18,800.00.

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

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN
Just under discussion, the consumption of this will go into the Town wide street lighting?

SUPERVISOR YUDELSON
District, that is correct.

COUNCILMAN MULLIGAN
Thanks.

SUPERVISOR YUDELSON
Call the roll, please.

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

RESOLUTION #15-156/2009

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, New York State Vehicle and Traffic Law, Section 1660, permits the

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Town Board to establish traffic regulations within the Town by Resolution, and

WHEREAS, the Monroe County Director of Transportation has requested permission to abolish three (3) traffic control devices and to install new traffic control devices on East River Road, as listed specifically in Attachment "A", and

WHEREAS, the Henrietta Town Board supports and encourages the removal and/or installation of these traffic control devices in the interest of public safety.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby authorizes the removal and the installation of the traffic control devices listed in Attachment "A".

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #15-157/2009

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, Resolution #14-141/2009 authorized the advertisement for bids for the Henrietta Town Hall Roof Replacement Project, and

WHEREAS, six (6) bids were received, and the low bid, meeting specifications, was received from Al's Construction, in the amount of \$37,200.00.

THEREFORE, BE IT RESOLVED, that Al's Construction, 1380 Shay Road, Naples, New York 14512 be hereby awarded the bid for the Henrietta Town Hall Roof Replacement Project, per specifications.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Al's Construction, in an amount not to exceed \$37,200.00, upon successful completion of said work and acceptance by the Superintendent of Drainage, Sewer, Sidewalks, Parks and Facilities.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MULLIGAN

Under discussion, was Mr. Pettrone able to identify whether the membrane had a ten

(10) or a twenty (20) year warranty?

SUPERVISOR YUDELSON

Mr. Pettrone, could you come up to the microphone, and answer that question for us?

PAUL PETTRONE, SUPERINTENDENT DRAINAGE, SEWER, SIDEWALKS, PARKS AND FACILITIES

It'll be a ten (10) year warranty.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR YUDELSON

Thank you, Paul. Any further discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #15-158/2009

On Motion of
Supervisor Yudelton

Seconded by
Councilman Mulligan

WHEREAS, the Town Court of the Town of Henrietta is applying for the Annual 2009 Justice Court Assistance Program, in the amount of \$29,158.19, plus various equipment, and

WHEREAS, this Grant is to replace and/or add various equipment, furniture, materials and initiate a digital records retention project within the Court Offices.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to accept and sign the Application for the Justice Court Assistance Program.

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	Absent
Councilwoman Zinck	voting	Absent
Supervisor Yudelson	voting	Aye
		Carried

RESOLUTION #15-159/2009

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the Town of Henrietta wishes to continue to participate in the Comprehensive Youth Services Planning in Monroe County, and

WHEREAS, in order for the Town to participate in the County's Comprehensive Plan, the Town Board delegates its right to claim Youth Development and Delinquency Prevention (Y.D.D.P.) State aid to the County of Monroe for the Year 2009, and

WHEREAS, the State Office of Children and Family Services requires that the annual Youth Services Agreement between the County of Monroe and the Town of Henrietta be approved by the Town Board.

THEREFORE, BE IT RESOLVED, by the Henrietta Town Board as follows:

- Section 1. In order to participate in the County's Comprehensive Plan, the Town of Henrietta delegates its right to claim Y.D.D.P. State aid to the County of Monroe for the Year 2009.
- Section 2. The Town's Application for Y.D.D.P. State aid in the amount of \$21,033.00 is hereby approved.
- Section 3. The Town of Henrietta and the County of Monroe shall Contract regarding the financial agreement under the Comprehensive Youth Services Planning in Monroe County.
- Section 4. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that the Supervisor be hereby authorized to sign, on behalf of the Town, the Annual Monroe County Youth Services Agreement for the Year 2009.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN

Under discussion, I remember, at one time, we got somewhere in the seventy, eighty thousand dollar range. Is this all we get now, or is there another portion . . .

SUPERVISOR YUDELSON

No, there are two (2) pools of money. This is the Youth Services, and this is actually for programs. The other one is for the administrative costs of running the Youth Bureau. The largest amount of this pool of money was forty-four thousand dollars (\$44,000), and over the years has dwindled down to twenty-one thousand (\$21,000). The administrative money, which was fifty thousand dollars (\$50,000), I believe now is about twenty-seven thousand (\$27,000), twenty-five thousand (\$25,000), is that right, Regis?

(From audience, Regis Steinkamp, Director of Youth Bureau, "Twenty-five thousand, four hundred. (\$25,400)

SUPERVISOR YUDELSON

Twenty-five thousand, four hundred, (\$25,400) he says. So, that is set by the State each year and that's what we get. Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #15-160/2009

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, there are vacancies on the Henrietta Youth Board, and
 WHEREAS, three (3) applications have been received and reviewed from
 qualified residents of the Town of Henrietta for positions on this Board, and
 WHEREAS, the Town Board wishes to keep the various Boards of the Town at
 their authorized strength for maximum input.

THEREFORE, BE IT RESOLVED, that Nicholas Briggs, 50 Marberth Drive, Henrietta, New York 14467; Karen T. Heine, 152 Prentiss Way, Henrietta, New York 14467; and Ralph A. Heine, 152 Prentiss Way, Henrietta, New York 14467 be hereby appointed to the Henrietta Youth Board for the remainder of a two (2) year term to be effective immediately and expiring December 31, 2009.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #15-161/2009

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the Engineering Department has requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
3944	Dell Desktop Dimension 4700
4059	Dell Desktop PC Model Optiplex

These items are to be sent to Maven Technologies, LLC for disposal, and WHEREAS, the Building and Fire Prevention Department has requested that the following item be declared surplus material:

<u>Inventory #</u>	<u>Description</u>
3809	Dell Dimension 8300

This item is to be sent to Maven Technologies, LLC for disposal, and WHEREAS, the Highway Department has requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
8009	Midland Mobile two-way radio
4077	HP Desktop Computer
4076	HP Desktop Computer

These items are to be sent to Maven Technologies, LLC, for disposal, with the exception of Inventory # 8009, which is to be consigned to the Teitsworth Municipal Auction, and

WHEREAS, the Town Clerk's Department has requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
826	3 Drawer File Cabinet

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841	Beige Swivel Chair
3275	Grey Chair
3276	Grey Chair
3277	Beige Chair
3278	Beige Chair
3969	HP Laser Jet Printer

These items described above are to be sent to the Parks and Facilities Department for disposal, with the exception of Inventory # 3969, which is to be transferred to the Finance Department Inventory, and

WHEREAS, the Henrietta Public Library Board of Trustees has requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
3605	Gateway Computer
3866	Soyata Computer
3865	Soyata Computer
3077	Gateway Laptop
3613	Soyata Laptop

These items described above are to be sent to the Maven Technologies, LLC for disposal.

THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the above referenced items be removed from the Town's Inventory.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #15-162/2009

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, J. O'Connell and Associates, Inc. has been interviewed and meets the Town's expectations and requirements for grant writing services for the Town of

Henrietta, and

WHEREAS, the Town wishes to retain the services of J. O'Connell and Associates, Inc., for grant writing projects.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized, on behalf of the Town, to sign the Contract between J. O'Connell and Associates, Inc., 10646 Main Street, Clarence, New York 14031, for the approval of grant writing services at a cost not to exceed \$34,000 annually, with quarterly payments to be made in the amount of \$8,500.

BE IT FURTHER RESOLVED, that each party, with thirty (30) day written notification, has the ability to be released from said Contract, as stated in the attached.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay J. O'Connell and Associates, Inc., in an amount not to exceed \$34,000.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MULLIGAN

Under discussion, because we're locked into the year, would it be possible, maybe every three (3) months under Old Business, to give an update on how they're doing?

SUPERVISOR YUDELSON

Absolutely.

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	Absent
Councilwoman Zinck	voting	Absent
Supervisor Yudelton	voting	Aye

Carried

RESOLUTION #15-163/2009

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the State Energy Program is soliciting applications for the Efficiency

and Clean Energy Grant Program, which will assist local governments in developing plans, conducting demonstrations, and implementing projects that create energy efficiency, renewable and clean energy projects, and

WHEREAS, climate consideration is an increasingly important factor in public policy and economic development, and grant funds, if received, would be used for a number of energy efficiency projects all connected to developing clean and efficient energy for the Town of Henrietta, and

WHEREAS, all project activities would be paid for through the Grant.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to sign the Application for the Efficiency and Clean Energy Grant Program, in the amount not to exceed One Hundred Thousand Dollars (\$100,000) of State Energy Program Funds.

SUPERVISOR YUDELSON

Under discussion, I just want to say, as far as this and the previous Resolution, one of the things that our entire Town Board has talked about is trying to pursue more grants and get a grant writer involved, which the last Resolution did. As far as pursuing grants, we especially wanted to look in the areas of energy efficiency, so I want to thank all the staff members who were involved with these efforts, especially Mr. Liess who helped us find a grant writer that we hired with the last Resolution, and then since we started talking about this, we've actually submitted this, and this will be our third grant application for energy related projects. We already, on the first one, have received approval for two hundred thirteen thousand dollars (\$213,000) in projects, and then we have two (2) others with this one that will be pending. So, in addition to Mr. Liess, Mr. Byrne, Mr. Pettrone, Mr. Marshall have all been involved, some other staff as well, forgive me if I'm leaving anyone out, but I appreciate all the work that's been put into pursuing these grants on behalf of the Town.

COUNCILWOMAN McCABE

Agreed.

SUPERVISOR YUDELSON

Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #15-164/2009

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, a review of the Town Court and Justices has been performed by Raymond F. Wager, CPA, and received for the Year 2008.

THEREFORE, BE IT RESOLVED, that the Report is accepted and retained in the Town Clerk's Office on file, along with the Corrective Action Report.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN
Under discussion, to the best of your knowledge, do they seem to be doing a little better over there? In the courts?

SUPERVISOR YUDELSON
Yes. Yes, I don't think those, that's not really related, the question you're asking, I paused because the question you're asking is not really related to the audit and certification of the audit . . .

COUNCILWOMAN McCABE
That's right.

COUNCILMAN MULLIGAN
But, looking at the corrective audit, they've corrected their actions?

SUPERVISOR YUDELSON
The things that were mentioned have all been addressed, yes. Call the roll, please.

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

RESOLUTION #15-165/2009

On Motion of

Seconded by

Councilman Mulligan

Councilwoman McCabe

WHEREAS, Cricket Communications, Inc. whose principal office is located at 10307 Pacific Center Court, San Diego, California 92121 has requested to be able to put equipment on the cell tower owned by the Town of Henrietta at 475 Calkins Road, and

WHEREAS, the Town of Henrietta has consented to the co-location on the tower by Cricket Communications, Inc.

THEREFORE, BE IT RESOLVED, that Cricket Communications, Inc., be permitted to co-locate its antenna on the Town tower located at 475 Calkins Road, at a monthly rental of \$2,000.00, with an increase of three percent (3%) over the rent paid during the previous year, as per the attached Agreement.

SUPERVISOR YUDELSON

Discussion?

COUNCILWOMAN McCABE

Under discussion, Mr. Supervisor, does this, this will help if we decide to sell the tower at all, having an extra . . .

SUPERVISOR YUDELSON

That is correct, yes, that would make the tower more valuable to any perspective purchaser.

COUNCILWOMAN McCABE

. . . should we decide to sell?

SUPERVISOR YUDELSON

Right.

COUNCILWOMAN McCABE

Thank you.

SUPERVISOR YUDELSON

Yes. Call the roll, please.

Duly put to a vote:

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

Carried

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up and down the road, with a number of students living there, etc. So, some of the things that we talked about that are already in place is that this is going to be addressed with the students at orientation and on the narrower topic of fire safety and things like that. Mr. Ekwel is going to be part of that orientation presentation. We will be matching up a list of the properties owned and rented by various builders, especially Atlas, which has several properties over there, with the R.I.T. records. That will give us a good idea of where a lot of the renters are, although not exclusively, the R.I.T. officials pointed out to me that they would have no way of knowing of an R.I.T. student living in one of these rental properties if they also were from the Henrietta area, and just simply registered at their parents address, but we would certainly be able to capture the majority of those. As I said, we will be following up with Mr. Spaan, who owns several of these properties. One of the things specifically that we will be following up with him on is the maintenance of the properties because he is responsible for that, as opposed to the renters. One of the suggestions that were made was addressing the issues in various Town communications, such as the newsletter that we will be doing in the next month or two. The R.I.T. officials talked about being more than willing to pass out to the residents in these areas the phone numbers for them that people should call if they're having a problem, kind of depending on what the problem is, the people involved with student housing and students affairs and to be able to get right to somebody, if there should be a problem. One of the other things we talked about was how to positively engage the students and make them realize that they need to be responsible members of the community and as many of the residents have told me that they're welcome in the community, but they want them to make sure they conduct themselves in a way that adds to the neighborhood. So, some of the discussions and some of the suggestions, which I've also had from some neighbors, was trying to involve stakeholders in these discussions as they go along, some of the neighbors, as well as the students, try and promote some opportunities for students and neighbors to get to know each other. We have some people, the Sheriff's Department has their officer that does neighborhood programs, different activities, who's already kind of has some ideas and is just waiting with the go ahead as the students come back, as well as our Town of Henrietta staff, our Youth Bureau staff specifically. A suggestion was made by the Vice President of Student Affairs that we should involve and include some of the upper classmen who have been involved living off campus for a couple of years already and kind of know what's expected, to talk to the students, and of course the idea there is that the students might be more likely to listen to other students than they are some of the adults. Another thing that they thought was very doable was getting some of these off campus residents involved in some community service, some of them do that, several of the people who live off campus are part of sports teams, or involved in the Greek Fraternities and they have as a regular part of their activities they're involved in community service, and they said, quite regularly they go downtown or just outside of Henrietta because they're just not aware of the opportunities for public service, community service, right here in Henrietta, and they'd like to focus that way because R.I.T. is in town. Some of the other things that the Town Board has talked about and were also talked about at this meeting

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was investigating what some of the other college towns, such as Brockport and Geneseo have done in response to issues. I know they've had some success in Geneseo because they actually have some kind of unofficial, if you will, welcome back events, there's signs that go up and there's a series of events, I'm not sure really who puts them on. They are held when the kids come back to town, you know, put on by the businesses and the neighbors. On the enforcement side of things that I've already mentioned, the Code Enforcement, for things like long grass, unlicensed vehicles, anything like that that might come up, a suggestion was made by Mrs. Burritt, about in addition to some of the streets where we've had to post them as "No Parking", that on some of the streets that have been more affected by this that we have signs where we don't allow overnight parking, so that if people came and there was gatherings at student houses they couldn't be there until late hours of the night, parking overnight. One of the things that I made the R.I.T. officials aware of is that sometimes when there's a party it might not even be a problem with noise, but what the Sheriff's Department will report to us is that when they came they found there really wasn't any problems with that part itself, but they noted that with cars parked on both sides of the street, a fire truck or a snow plow or anything like that would not be able to get down the street. We're also continuing to look at the regulations regarding the number of residents that can live in a property. We've had several discussions in the past year about how that is somewhat problematic because some of these restrictions have been found to not withstand challenge in the courts, but again that's part of the reason that we're looking at what other college towns have done, and we basically left the meeting with the R.I.T. staff saying even though there were several of them there, that they each wanted to go back to their respective staff, most of these people were either head of a department or an office and they wanted to go back and get some ideas from their staff and some of those staff are students and then get together again in a couple two (2) or three (3) weeks. So, I thought it was a very good meeting. They totally understood the issues and had some good ideas, so we'll be able to report back to the Board, as far as the follow-up activities. So, I appreciate everyone's patience while I give that update, and Mrs. Burritt, would you like to address the Board further? If you do, please come up to the microphone.

CAROL BURRITT, 620 SHORE DRIVE

Mike, I just want to thank you very much for the update, and it's a very big issue to me, not just because what's happened on my street, I've gotten quite an education this summer, but I've seen it in various neighborhoods, especially close to R.I.T., and because I've been in this Town for so long, I would hate to see really wonderful neighborhoods go by the way side and deteriorate because of a situation that really shouldn't be a problem because I've always said it's not the students, and I've said this to my neighbors, it's not the students. I don't not appreciate them because I work with them, I've worked, that's been my career, but the idea that people are coming in who don't necessarily feel they're in a neighborhood and that they have a responsibility to the community they're in can cause problems. That's just the way it is, and anything that could be done to make them feel that yes, this is a neighborhood and you're here for

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awhile and so make yourself a part of it and be responsible to the people who are going to be here when you're gone. That would be great, and anything the Town can do and especially R.I.T. can do because they are a big part of Henrietta now, will be welcome. I do feel that maybe there are some things in our own Town Code looking at other communities like Brockport, like Geneseo that have already faced this in a big way, that we can do to give ourselves a little more leverage to say, "No, you can't do this, this is not the way we operate." I know the way this Town has grown has been kind of wide open in that way, and we've kind of relied on the goodwill, the conscientiousness of developers, business people, etc., but maybe we kind of have to say, "Well, maybe not everybody has Henrietta's best interest at heart when they come in here", and put down some things that say, "Well, you can't do this here", and make them a little bit more enforceable. But, thank you, very much for what you've done and what you're intending to do in the future and I hope this dialogue with R.I.T. I think is a great thing. They kind of have to understand that they are a part of our community, and as they grow they are a great asset, but it brings problems to us that you know, we weren't all expecting as we live in our little houses. Okay? Thank you, very much.

SUPERVISOR YUDELSON

I'd also just mention to the Board that we just talked Monday about kicking off the Code Revision Committee and letters are going out this week about that and we'll start that process. Just one of the items that we have an ever growing list of things to look at, but Carol has four (4) or five (5) houses being built directly across the street from her and sent me a picture of debris from the construction boxes from things that have been unpacked and all that, laying around in the yard and of course there's no yards yet, it's just dirt, and that there was no dumpster on site and in checking with Mr. Ekwel and looking at the Code and found that there is no requirement to have a dumpster on site. So, it's just one more thing to look at. In that particular case, after Carol let me know that, that night I emailed Mr. Spaan, who was out of town, but he saw the email the next morning and had the stuff cleaned up, but it's just one more that we've added to our list of in having to look at and beware of the disruption that building causes, we're glad to see the homes go up, but we have to be aware of the, and the builders have to be aware of the impact on the neighborhoods as they put them up. So, thank you, Carol. Is there anybody else who would like to speak? Come on up.

KATHY NUSS, 32 NEW TUDOR ROAD

Kathy Nuss, 32 New Tudor Road, Jefferson Estates. Supervisor Yudelton and Members of the Board, as you are. At the meeting quite a long time ago, I believe it was April or May, a group of citizens came before you about use of land north of the Thruway. At that meeting I asked why there could not be a freeze on development until something was done. Our Town lawyer said, "It would have to be a special group for a freeze." I now submit that the Board, at the time that the zoning was put through for south of the Thruway, at that time they enacted zoning laws south of the Thruway, therefore, treating north of the Thruway as a special and separate group. The lawyer said that that was not

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possible. I am requesting the precedence in law that shows being treated separately as a group does not constitute a separate group. Since the 2003 Survey was not limited to south of the Thruway, that new zoning that was enacted, according to the survey, be immediately then extended to north of the Thruway. In other words, my concern is if we are not a separate group, why was the group, why was north of the Thruway separated and not included in the zoning changes that took place south of the Thruway. And, again, I'm asking what legal precedence a Board can just, not this Board, but the Board at the time could just say, "We're going to do it for down here, but not for up here." And, my concern again was especially since the 2003 Survey was not limited to people south of the Thruway, it was given to all of Henrietta's residents. Also . . .

SUPERVISOR YUDELSON

Can I just stop you one second on that point and ask you, is your question to the Board why the rural residential zoning that was put in, in that basically rural area of Henrietta, was not enacted in the north part of Town, which is not rural in character?

KATHY NUSS, 32 NEW TUDOR ROAD

Well, according to the 2003 Survey, the general consensus in Henrietta was, we want a rural feel, and therefore, somewhere along the line because there was rural zoning south of the Thruway, they said, "Okay, we're going to enact it there", and my point is then this separated the northern part of the Thruway as a separate group, if that's the case, can a freeze be enacted until we get something in place and try and get some of the positive changes that were done south of the Thruway moved up to north of the Thruway, even though we don't have that zoning, that's what we're looking toward. You know, we don't want to say we don't want any building, what we want to say is we want to change the building so that, like you're saying, we need the zoning laws changed, we need the building changed.

SUPERVISOR YUDELSON

One of the questions that was asked at the time, and I know you spoke, Mrs. Lennox (*sp*) spoke and all that, so maybe it wasn't asked to you was, as far as a restriction on zoning, mostly the area we're talking about is zoned residential now, which basically is the most restrictive . . .

KATHY NUSS, 32 NEW TUDOR ROAD

. . . or undecided. Some of the areas that were wetland on the latest map that I saw that Elaine gave me, I said across the street from me, for example, was wetlands so it won't be developed, you know, so that won't be a problem in that area . . .

SUPERVISOR YUDELSON

Right.

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KATHY NUSS, 32 NEW TUDOR ROAD

. . . and drainage, and she said, "Not on the new map, it's not", and it's undetermined. And I said, "Oh, that's interesting."

SUPERVISOR YUDELSON

Just so we can get answers to your questions . . .

KATHY NUSS, 32 NEW TUDOR ROAD

Okay.

SUPERVISOR YUDELSON

I know you have more to say, but if I could ask Mr. Byrne, is there any parts of our, in the Town, on our zoning maps that are classified as "undetermined"?

KATHY NUSS, 32 NEW TUDOR ROAD

On the map that she picked up, I believe from your office, and Elaine apologized for not being here . . .

SUPERVISOR YUDELSON

Sure.

KATHY NUSS, 32 NEW TUDOR ROAD

. . . because she did a lot of the research . . .

SUPERVISOR YUDELSON

Okay.

KATHY NUSS, 32 NEW TUDOR ROAD

It says on the map that she got from your office and showed me. Here's my house and she said you could go down Locust Hill Drive and over there, which originally on the maps that I had said wetland, and it said now "undetermined." So, that's all I could tell you because I did see it, and I know she told me she got it from your office, but I can't swear to it because I didn't get it.

SUPERVISOR YUDELSON

We'll look at the map . . .

KATHY NUSS, 32 NEW TUDOR ROAD

Check it out and see.

SUPERVISOR YUDELSON

I'm wondering if it's indicating something, you know, if it's maybe overlaid on the zoning map because there's not areas that are not classified. All of the areas are classified . . .

KATHY NUSS, 32 NEW TUDOR ROAD

Okay, good.

SUPERVISOR YUDELSON

. . . one way or another. So, the point is that in any kind of moratorium that was discussed, I think the meeting was in June, but it might have been earlier, what would we be changing it to because we're already, those areas basically that we're talking about are already zoned in the most restrictive way that they could be, and I think that was part of the reason the Board didn't see an eminent need to put some kind of moratorium on because of course you have to be contemplating to some change and again, the question was asked by the Town Attorney and others, what would we be changing it to because we already have that restrictive zoning on it.

KATHY NUSS, 32 NEW TUDOR ROAD

And, I believe that the people that were here speaking were not just speaking because of the development that was going in that they wanted to put a fourplex, that there would have to be a variance anyway. What we decided in that group was that if we felt so strongly, which originally I felt about Jefferson Estates and still do, it was a very, very, it had two (2) natural bogs in case people don't know, it's when a tall tree bog is one of the most endangered land formations in the Country today. Basically, it was just totally developed and not only was it not half acre lots developed, but a variance went through and these are patio homes, and so the land was really you know, impacted, and everyone said that all the drainage problems were taken care of them and still a house on the back of our property, now that the property behind that is going to be developed, they promised they'll take care of the drainage problem because some of the people back there in the back in phase three (3) had to move out of their homes, they had to move because of the mold and everything. So, and we said these are minor problems in the scheme of life, our problems, what is important that if we love Henrietta and we really feel about some of these little open areas that give more of a small town feel, if we can start pushing new zoning or more restrictive zoning or a different kind of zoning for development in our area, we're going to keep some of that, otherwise we're going to look just like a lot of the other areas that are just block upon block upon block of housing, and we said why if we're so concerned, why if my group went for Jefferson Estates, they went for Locust Hill Drive, somebody on Calkins said they went for, I mean, it's just people were saying, yeah, we did that too, and they said then let's stop doing that, let's do it for everything north of the Thruway because the zoning there was not truly addressed. So, anyway, so according to Mr. Yudelton, and Elaine, by the way told me the committees were supposed to be out by June, but you found there was a lot of land north of the Thruway, and when she checked she said that a lot of that was pocketed too, on either side, but anyway, I would like to, again, if a lot of the things had been changed north of the Thruway and it had been addressed, maybe there'd be a lot fewer problems now, like the drainage, like the problems on Jefferson Road and people getting

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through. Also, the people who were asked to volunteer for these two (2) committees, and I have been told, Elaine's been told that they would be started, so I'd like a date when will they be up and running because every month that goes by we're concerned that more and more gets done, unless you want everything that puts in a plan will be grandfathered at this time, so we're concerned at the time that's just allowed to go by and it's volunteers, we're willing to work for nothing, we're willing to really get after it. So, anyway, in summary, you had mentioned to me that you were looking for people to chair these committees, why not take the people that are on each of the committees and let them pick their own chairperson to report back to someone else. In other words, if no one in the Town really wants to take over the organization of it.

SUPERVISOR YUDELSON

Yes, nobody, I did say we would have to identify who the leader was, not that we couldn't find someone or that, and that would be someone . . .

KATHY NUSS, 32 NEW TUDOR ROAD

Not couldn't find . . .

SUPERVISOR YUDELSON

. . . that would be someone that would be designated by the Town.

KATHY NUSS, 32 NEW TUDOR ROAD

. . . but if nobody really wanted to step forward . . .

SUPERVISOR YUDELSON

Certainly, we'd be looking for someone who has experience and some expertise in that area, in addition to the level of interest.

KATHY NUSS, 32 NEW TUDOR ROAD

Okay. Any other questions?

SUPERVISOR YUDELSON

No.

KATHY NUSS, 32 NEW TUDOR ROAD

You understand my concerns?

SUPERVISOR YUDELSON

I do, and I will say, as I was saying; as we were coming into the meeting, it certainly was my intention to have that particular Committee up and running by the summer or the end of the summer and just because of several things, I don't say that as an excuse, but just that's just as Town business goes, there's several things that are immediate, and of course that have to be taken care of . . .

KATHY NUSS, 32 NEW TUDOR ROAD

Well, like you were saying . . .

SUPERVISOR YUDELSON

Well, let me just finish the thought. We have to, the Code, for instance, they're two (2) big undertakings, the Code Committee that we're getting off the ground now, and the update to the Master Plan. I think to the Board, there was a lot more pressing issues related to the Code Committee, things that are effecting the Town and people in the Town everyday whereas some of the issues we talked about at that meeting, I mean, there is no real development going on residential parcels north of the Thruway, so there's not by, you know, our delayed action, there's not changes happening around Town, there's no new people coming in with new housing developments for north of the Thruway, and that is, it's just not happening so . . .

KATHY NUSS, 32 NEW TUDOR ROAD

I understand that, but I think people, you know, were getting concerned because it was our intention as you said, we want quality now, not just quantity, we want things to be happening, we want to follow what the Survey said, we think people north of the Thruway should now totally be represented, we want to get out there to other people in the community. We are all gung-ho to do this for Henrietta, and then nobody talks to you and you go, wait a minute, you know, are we just going to be thrown somewhere, and we've already promised each other we're not going to be just a non-descript committee. We really want to, and zoning, that's one of the things we discussed. There are things with zoning like your bin that we have no idea, so we know it's going to be a research thing, we know we're going to have to dig, but we're willing . . .

SUPERVISOR YUDELSON

I understand.

KATHY NUSS, 32 NEW TUDOR ROAD

If you'll use us.

SUPERVISOR YUDELSON

Yes, we will.

KATHY NUSS, 32 NEW TUDOR ROAD

Thank you.

SUPERVISOR YUDELSON

Thank you, very much. Carol, did you . . .

(From audience, Carol Burritt, "I have a suggestion.")

SUPERVISOR YUDELSON

Can you come up to the microphone so they could record your comments?

CAROL BURRITT, 620 SHORE DRIVE

Just a short suggestion. I would imagine that the people who are on the mailing list for all the Town communications, like myself, you probably are, that might be your first place to look for people who are very interested.

(From audience, Kathy Nuss, "We signed up.")

COUNCILWOMAN McCABE

We have a list.

SUPERVISOR YUDELSON

We have some names already, absolutely. But you know we have to also put in our process, I'm sorry to cut you off, but I was just going to say with the thought that we have to have a process, we're going to have staff involved, we have to hire someone, it's not just put together a committee . . .

CAROL BURRITT, 620 SHORE DRIVE

Oh.

SUPERVISOR YUDELSON

We have to put some parameters together for what we'd be asking a consultant to do that would be putting a plan together for us, so there are a number of steps. We'll also be looking, we have several people who have raised their hand, which we really appreciate, you know, we want all these committees, whether it's a co-committee or this one to be very reflective of the whole community, so we also have to seek out some people from businesses, the different various sectors of Town, so like I said, I apologize that it hasn't happened, I'll take full responsibility for that, it's just we're a busy, busy Town and we're still working on it.

CAROL BURRITT, 620 SHORE DRIVE

Okay.

SUPERVISOR YUDELSON

But, you had a suggestion besides the list . . .

CAROL BURRITT, 620 SHORE DRIVE

Yes, there's just, people have shown interest in the Town by . . .

SUPERVISOR YUDELSON

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Yes.

COUNCILWOMAN McCABE

Showing up.

CAROL BURRITT, 620 SHORE DRIVE

Do you want to sign up, yes, you show up and get the information. The whole idea of getting information through this wonderful new technology is making it two (2) way.

SUPERVISOR YUDELSON

Yes, and I appreciate with your reminder I'll send out a note to the people who, we have I think about a half dozen who had given us their names and said they were interested in doing that and we'll get something out to them. Thank you. Is there anybody else who would like to speak? Mr. Schmitt?

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

I'll keep it short, this has been a long meeting. However, I feel it necessary to express my sincere thanks and appreciation for the tremendous improvement in the sound system in this room. So from one senior geezer to the entire Town Board, thank you.

SUPERVISOR YUDELSON

The thanks for the work on that has to go to Patty Shaffer and Mario Angotti for, they did all the research and got the job done, and they've actually been still working on getting some fine tuning to it and in addition to better sound in here, it's going to enable us as we learn to use the technology to do things like possibly put the recordings of the meetings online and things like that. So, yes, we agree it's a great improvement. Thank you, for the positive feedback. Anybody else? *(Pause, no response)* If not, is there a motion?

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman McCabe, seconded by Councilman Mulligan at 8:58 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk

**The following statement was made at the end of the Special Permit Meeting.*

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SUPERVISOR YUDELSON

That concludes the Special Permit Meeting, at this point I received a Communication, Mr. Forcella, I believe you're in the audience and you're wanting to address the Board, why don't you come up to the microphone?

PAUL FORCELLA

Yes. Good evening, everyone. My name is Paul Forcella and I have attended the Henrietta Library for many years and I've been, actually I used to live in Henrietta years ago, and I've been to the Library over twenty (20) years and usually the service there is very good. However, I would like to describe some concerns about some concerning service that I have seen there over the past year or so. I'm always careful about my conduct when I'm in the Library. I go there to enjoy reading, looking at books and whatever. However, what happened was this, a year and a half ago, about, I experienced some concerning service, and I spoke to a supervisor about it and I was treated rather poorly by that supervisor. I decided to speak to the Board meeting over there at the Library, and I spoke about my concern about a year a half ago to the Board over there at the Library and eventually I received an apology for the difficulties I had. This past July 28th, the concerning service came up again. I was visiting the Library, and I actually host a chess club there, I'm a chess player, and what occurred was this. First, I noticed there was a book that was worn out in terrible shape in the biography section, and I brought it to the main desk. About 3:00 p.m. the service that was concerning occurred. Here's what happened; I did not know better, I was not told about going to the reference desk if I needed help, there was a Library Page who shelves books nearby and there was no rule that told me against asking, so I said, "Where can I find this book?" It was a book on movies. The Library Page did this, she said, "It could be anywhere." So, she didn't know, number one, then she went off and giggled with her friends, and fortunately there was a fellow patron who told me where the book was, and the Library Page did not even tell me to go to the reference desk, as they were directed to do. I decided to go to the reference desk, it was common sense. I did the following, I politely expressed my concern. The Reference Librarian said matter-of-factly that the Page should have directed me there. And, what was concerning was this, that Reference Librarian, though she did say that, seemed quite indifferent about my concern, and I could detect the indifference. In addition, when I was, when she was mentioning this she laughed, and I was concerned about the laughing. So, what I did was the following, I decided to speak to the Director/Manager about my concern, about that service, and I was polite, I expressed all my concerns and here's what occurred. The Director/Manager first apologized for the lack of direction to the reference desk, apart from that the meeting was concerning. Here is what occurred also that was concerning. The Director used the fact that I complained in the past as a strike against me. She said, "You complained in the past in a negative way." In addition, the Director/Manager talked down to me, she talked down to me saying, "My concerns, many of them were just my perspective", and I'm concerned when I hear that. It's a good way to talk down. In addition, I decided to make a thorough account of the whole

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concern, so I mentioned the Page, and the Director got angry when I mentioned the Page. She stated I was trying to single the person out when I was not. I was just trying to make a thorough account of everything so the concerns could be worked on by the staff. That was concerning and I decided to speak to the Library Board meeting once again, and about, I'm not familiar with these things so about a week after this concerning service on the 28th, I called the Library and asked, "Do I need to write, do I need to give, do I need to make my request in writing?" And, what occurred was this, I was accidentally probably disconnected, so I called again, I was put on hold, and then I got disconnected. I called again, I politely mentioned the concern about the disconnection and the lady in the Library when I was describing my concern of the disconnection, this individual laughed, and I politely mentioned that concern, I was polite, always polite. And, so, I found out I did not need written permission just saying I want to speak was good enough. I did speak on August 12th, a week ago, I went to the Board meeting to express my concerns, and what occurred was this, I was quite concerned and scared when I realized what they said. The Chairman said this before I spoke; they were considering kicking me out of the Library. I was completely shocked, and I said, "I don't know why, I've done nothing wrong", and they claimed I was harassing when I did not do that. I'm always careful about my conduct. I always do what is intuitively polite and good. I don't like to complain unless I have to. So, what occurred what this, I was quite concerned when I heard that, and I decided to just speak about my concerns and I wrote out my whole thing, I gave a copy of the concerns to the Chairman, and I read out the whole thing, all my concerns. And, also, I mentioned the book as one of the concerns, and also there was a table I could not set up, it was in bad shape for the chess club, you know, and what occurred was I mentioned the table, it did not setup, and I couldn't get it to open. I mentioned the book and table, as well as all the service concerns that occurred including the talking down and whatever. So, what occurred was this, I read all my concerns and I was concerned about the reaction of the Board. The Board from my judgment did not appear concerned about anything. None of my concerns, they showed any sign of concern over. I was quite concerned, and one of the members asked me a question that seemed to indicate that this individual did not consider my concerns relevant or valid. I was concerned about that, as well. And, so, the Board did not consider my concerns important because they didn't seem concerned at all. They didn't ask any concerning questions about it. In addition, what was also concerning was this, the Chairman asked me a question that was crazy. He asked me this, the Chairman asked me if there was any medical conditions that I had that they should know about, and I asked some of my friends after I left, and they all said this was ridiculous. I said to the Chairman, "That is an inappropriate question, why would you want to know my medical conditions?" He asked that, I'm sure of it, he asked, "Do you have any medical conditions that we should know about?" totally irrelevant. I am fairly sure, but not positive, he asked me if I took medication, I'm not positive of that though, but I'm pretty sure. I was concerned about these questions, and I said to him, "They're inappropriate", and he said, "They're not", and I politely said, "Yes, they are." So, I was concerned, and

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on Friday, last Friday, I received this letter from the Chairperson. If you want you can look at it, I think I've given you a copy already.

SUPERVISOR YUDELSON

Yes, we have a copy.

PAUL FORCELLA

Yes. It says, "*Thank you for addressing the Library Board. Your concerns regarding the table, leg, and damaged book are noted.*" Please note, it says, that your concerns regarding the table, leg, and damaged book are noted. What does "noted" mean? "Noted", means they see it, like observing it. But, "noted" does not mean, regarding the table, leg, and damaged book, it does not mean they did anything to fix it. So, for all I know, the problem still persists. Okay? I'm please about the letter that it told me about all the procedures, and I am always eager to obey every single rule and I intend to obey every single rule. But I need to mention some of these rules, if you look in the Library and on the door, and they give you the rules of conduct, they do not say, "If you need help, go to the reference desk, do not ask the Pages for help, go to the reference desk." That rule, which is in this note here is not on the door at the Library, so it is confusing to know what's what, because that rule, go to the reference desk and don't ask the Pages, that's not in the Library on the door. Also, as I said, there's one other thing, very important to note in this letter, my service concerns, I stated all my service concerns about the disrespectful service, every last concern I just told you. If you look here, nowhere are my service concerns mentioned. Nowhere on this letter are my service concerns mentioned, not one spot. Only they noted the book and the damaged table, and they didn't say they fixed it, but my service concerns are mentioned nowhere here, nowhere. Now, I am as you can see here, I am concerned about the lack of help. I tried to politely express my concerns and I was either shunned, ignored, a few points were taken into consideration, but not many, and I will conclude here by saying that I am concerned as a member of the public and as a patron, I am concerned about the quality of service I have received there, and I want to say I desire to be a member and to contribute to the Library and the goodness of it, and I am concerned when I see none of my service concerns even mentioned, and therefore, I have come to this Board, and I would appreciate it if someone, someone who could be appointed, or whatever, could look into the service concerns that I have mentioned in this summary that I've handed it a few days ago. I would appreciate it if someone could look into these things because it is concerning when I get treated this way, when I merely try to do what's, you know, decent and try to express concerns when they come up, and I will say this, I was concerned about the Page's lack of help, also. I didn't know not to speak to the Page, but go to the reference desk, I didn't know that, but I am concerned about the Page's lack of help. It took a fellow patron to find the book. But I would appreciate in conclusion, if someone could look into these concerns and address them, I would appreciate it if someone could address and look into these. That's all I have to say, thank you. Is there any questions from anyone?

SUPERVISOR YUDELSON

No, I just want to say thank you, for coming . . .

PAUL FORCELLA

Yes.

SUPERVISOR YUDELSON

. . . and bringing the matters to our attention. As you may be aware, the Library Board oversees matters at the Library. They set the policies and just because it's not noted in their letter about some of the concerns that you expressed in your letter, I don't think means that they're not looking into them. I know they work with young people as Pages, and they take the input that they receive from patrons and try and use it for their future training. But, I certainly definitely appreciate your input.

PAUL FORCELLA

Yes. I will mention though that my service concerns are not mentioned here.

SUPERVISOR YUDELSON

I understand that.

PAUL FORCELLA

And, that's important to know.

SUPERVISOR YUDELSON

Yes, and we will pass that along to the Board. As I say, we set the Budget for the Library Board, the Library Board runs, you know, makes the policies and basically runs things over there, so we will pass those concerns along.

PAUL FORCELLA

Yes. Did you receive what I wrote out the other day?

SUPERVISOR YUDELSON

Yes. We all got copies.

PAUL FORCELLA

I would really appreciate it if someone could look into these things . . .

SUPERVISOR YUDELSON

Absolutely.

PAUL FORCELLA

. . . really look into them because, as a member of the public, I really deserve better.

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SUPERVISOR YUDELSON

Okay.

PAUL FORCELLA

I would appreciate it if someone could look into it and get back to me, I've given my number.

SUPERVISOR YUDELSON

Yes, we will get you a reply.

PAUL FORCELLA

I would really like it if someone could look into and address these problems, and they're free to call anytime.

SUPERVISOR YUDELSON

Thank you, very much. Thanks for coming.

PAUL FORCELLA

Thank you, for your time.