

**HENRIETTA TOWN BOARD
AGENDA
DECEMBER 2, 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):
On Motion of: Councilwoman McCabe Seconded by: Councilwoman Zinck
- November 18, 2009 Regular Meeting
6. Miscellaneous Communications
7. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
8. Reports of Standing Committees and Actions Thereon
9. Reports of Special Committees
10. Public Comment
11. Adjournment

RESOLUTION #23-216/2009
Authorize Accounts Payable

RESOLUTION #23-217/2009
Authorize Payment - Certiorari Attorney for Legal Services

RESOLUTION #23-218/2009
Award Low Bid - Replacement of Oakwood Manor Pump Station No. 5 Project

RESOLUTION #23-219/2009
Authorize Supervisor to Sign Change Order No. 3 – 2009 Sanitary Sewer
Repairs Project

RESOLUTION #23-220/2009
Authorize Supervisor to Sign Amendatory Agreement - County of Monroe
Intermunicipal Agreement for Snow Removal and Ice Control Services

RESOLUTION #23-221/2009
Authorize Supervisor to Sign Amendatory Agreement - New York State Snow
and Ice Control Services

RESOLUTION #23-222/2009
Award Quote and Authorize 2009 Auditing Services - Raymond F. Wager, CPA,
P.C.

RESOLUTION #23-223/2009
Appoint Town Prosecuting Attorney

RESOLUTION #23-224/2009
Call for Public Hearing – Local Law No. 1 of 2009 – Residency Requirements –
Superintendent of Highways

RESOLUTION #23-225/2009
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 2nd DAY OF DECEMBER, 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 items that are on the Agenda for tonight's meeting, Agenda items only, at this point? *(Pause, no response)* If not, could I have the Approval of the Minutes?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we Approve the Minutes of November 18, 2009.

COUNCILWOMAN ZINCK

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 #23-216/2009

On Motion of
Councilman Moore

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 12/2/2009	\$ 463,356.52
EXHIBIT B	Manual Bills Payable	\$ 45.00

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #23-217/2009

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, Certiorari proceedings have been commenced by Xerox Corporation to challenge its property assessments in the Town of Henrietta, and

WHEREAS, Paul Morrison-Taylor was hired by the Town of Henrietta to act as the Special Counsel in this Certiorari proceeding, and

WHEREAS, Mr. Morrison-Taylor has submitted an invoice for said services.

THEREFORE, BE IT RESOLVED, that the Director of Finance be authorized to pay Paul Morrison-Taylor of the firm Phillips Lytle, LLP, 3400 HSBC Center, Buffalo, New York 14203, the sum of \$10,482.63 for services rendered.

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 #23-218/2009

On Motion of	Seconded by
Councilman Mulligan	Councilwoman McCabe

WHEREAS, Resolution #19-191/2009 authorized the advertisement for bids for the Replacement of Oakwood Manor Pump Station No. 5, for the installation of a new pump station wet well and vault pit with modifications to existing wet well, and

WHEREAS, five (5) bids were received, and the low bid, meeting specifications, was received from B. Beardsley Management and Enterprises, Inc., for a total cost of \$194,200.00.

THEREFORE, BE IT RESOLVED, that B. Beardsley Management and Enterprises, Inc., 7027 West Main Street, Lima, New York 14485, be hereby awarded the bid.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay B. Beardsley Management and Enterprises, Inc., in an amount not to exceed \$194,200.00, 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	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye
		Carried

RESOLUTION #23-219/2009

On Motion of	Seconded by
Councilwoman Zinck	Councilman Moore

WHEREAS, Resolution #14-137/2009 awarded the Year 2009 Sanitary Sewer Repairs Project to B. Beardsley Management and Enterprises, Inc., for a total cost of \$270,345.00, and

TB December 2, 2009

WHEREAS, funds are available in the 2009 Sewer Budget for this work, and for additional sewer problems that exist on Calkins Road, Galahad Drive, Harwin Drive, Lehigh Station Road, and Thompson Road, and

WHEREAS, the Town wants to continue an active repair program with regard to correcting sewer deficiencies in the Town's existing sanitary sewer system, and

WHEREAS, Change Order No. 3 would provide for the continuation of additional sewer repairs on Calkins Road, Galahad Drive, Harwin Drive, Lehigh Station Road, and Thompson Road, at the original Contract Bid prices, and

WHEREAS, the Director of Engineering and Planning and the Superintendent of Drainage, Sewer, Sidewalks, Parks and Facilities have reviewed and request the proposed change to this Contract, and recommends that this be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to execute Change Order No. 3, increase not to exceed the amount of \$82,000.00, resulting in increasing the total Contract amount to \$358,389.52.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay B. Beardsley Management and Enterprises, Inc., 7027 West Main Street, Lima, New York 14485, upon successful completion of this 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	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #23-220/2009

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, Resolution #20-229/2003 authorized the Supervisor to sign the Intermunicipal Agreement for Snow Removal and Ice Control Services on County highways within the Town of Henrietta under a lump sum reimbursement formula for an initial term of ten (10) years, expiring on September 30, 2013, and

WHEREAS, the County of Monroe has submitted an Amendatory Agreement for the 2009/2010 winter season showing a total estimated payment of \$346,875.15 for this season, and

TB December 2, 2009

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

THEREFORE, BE IT RESOLVED, that the Supervisor be hereby authorized to sign, on behalf of the Town, this Amendatory Agreement with the County to allow the Town to continue performing snow and ice control services on County highways within 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 #23-221/2009

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the Supervisor be authorized to sign, on behalf of the Town of Henrietta, the attached extension to the New York State Snow and Ice Agreement for the 2011/2012 snow season.

BE IT FURTHER RESOLVED, that this extension shall commence on July 1, 2011, and expire on June 30, 2012.

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 #23-222/2009

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the Director of Finance has received a quote for Audit Services from Raymond F. Wager, CPA, P.C., in the amounts of \$13,200.00 for the Regular Audit and \$1,250.00 for the Annual Updated Document, for a total amount of \$14,450.00 for the year 2009 Audit of the Town of Henrietta, and

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

THEREFORE, BE IT RESOLVED, that Raymond F. Wager, CPA, P.C., be authorized to conduct the year 2009 Audit of the Town of Henrietta for an amount not to exceed \$14,450.00.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay Raymond F. Wager, CPA, P.C., 1020 Lehigh Station Road, Henrietta, New York 14467, upon receipt of all necessary documentation.

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 #23-223/2009

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

WHEREAS, Town of Henrietta Prosecuting Attorney, Marc A. Duclos, has notified the Supervisor that he intends to resign that position at the end of the year 2009, and

WHEREAS, the Town Board recognizes the benefit in having a Prosecuting Attorney to replace him who has become familiar with the particular procedures required for said position.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta appoint Thomas R. Rzepka, Esq., an Attorney admitted to practice in the Courts of the State of New York, with offices at 16 West Main Street, Suite 204, Rochester, New York 14614 as Prosecuting Attorney, said appointee to have the status of independent contractor, said

position to be held until the 2010 Organizational Meeting of the Town Board, to prosecute from time to time and when requested by the Town Board, violations of any Local Law or Ordinance of the Town of Henrietta or any other law, the enforcement of which is within the jurisdiction of the Town, effective immediately.

BE IT FURTHER RESOLVED, that the Town of Henrietta pay to said attorney for all legal services rendered pursuant to such request, the sum of One Hundred Dollars (\$100.00) per hour not to exceed Eight Thousand Five Hundred Dollars (\$8,500.00) per year, and reimburse him for actual expenses necessarily incurred in the performance of such services upon the filing and audit of properly executed vouchers therefore.

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 #23-224/2009

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

WHEREAS, true and correct copies of proposed Local Law No. 1 of 2009, A Local Law Amending the Residency Requirements for the Town Superintendent of Highways were delivered to each member of the Town Board, and

WHEREAS, due consideration has been given to the adoption of proposed Local Law No. 1 of 2009 by all members of the Town Board, and

WHEREAS, it was the considered opinion of the Town Board that a Public Hearing should be held on the 16th day of December, 2009, at the Town Hall, 475 Calkins Road, Henrietta, New York, to consider the adoption of proposed Local Law No. 1 of 2009.

THEREFORE, BE IT RESOLVED, that a Public Hearing be held on the 16th day of December, 2009, at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York, on the question of the adoption of proposed Local Law No. 1 of 2009, a Local Law Amending the Residency Requirements for the Town Superintendent of Highways, and a summary thereof be published in a newspaper previously designated as an official newspaper for publication of public notices, not less than five (5) days prior to said Hearing.

BE IT FURTHER RESOLVED, that the Town Clerk shall post Certified Copies of

both this Resolution and said proposed Local Law No. 1 of 2009, or a summary thereof, on the bulletin board maintained by the Town Clerk, pursuant to Section 30(6) of the Town Law, for a period of not less than five (5) days prior to said Public Hearing.

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 #23-225/2009

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the following person be hired:

Margherita Loren	Recreation, Afterschool Assistant @ \$7.50/hr., effective 11/29/2009.
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BE IT FURTHER RESOLVED, that the following employee changes be made:

Adam Schell	Highway, Part-time Seasonal Wingperson @ \$8.75/hr., from Part-time Laborer @ 8.50/hr., effective 12/3/2009.
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John Murphy	Highway, Part-time Seasonal Wingperson @ \$8.75/hr., from Part-time Laborer @ 8.25/hr., effective 12/3/2009.
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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

