

TB March 17, 2010

RESOLUTION #7-75/2010

Award General and Public Officials Liability Insurance

RESOLUTION #7-76/2010

Award Deferred Compensation Plan for Town of Henrietta Employees

RESOLUTION #7-77/2010

Authorize Agricultural Lease Renewal - Willard Farms, Property on Martin Road

TB March 17, 2010

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 MARCH, 2010 AT 7:00 P.M.

PRESENT

Supervisor Michael B. Yudelson
Councilman William J. Mulligan, Jr.
Councilwoman Janet B. Zinck
Councilman John W. Moore
Daniel J. Mastrella, Town Attorney
Patricia J. Shaffer, Town Clerk

ABSENT

Councilwoman Catherine A. McCabe

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

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

COUNCILWOMAN ZINCK

I'd like to move approval of the Minutes of the March 3, 2010 Meeting.

COUNCILMAN MOORE

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

May I have the first Resolution, please.

RESOLUTION #7-68/2010

On Motion of
Councilman Moore

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 3/17/2010 \$ 242,187.84

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #7-69/2010

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, it has become necessary to contract for professional real estate appraisal services for the certiorari actions filed by the Arcade Company, LLC and Ferguson Enterprises, Inc., for the premises located at 3025 Winton Road South in the Town of Henrietta, known as Tax Account Number 149.20-2-11, and

WHEREAS, a number of appraisers were solicited for fee quotes.

THEREFORE, BE IT RESOLVED, that Ronald J. Rubino, MAI, of GAR Associates, Inc., 2399 Sweet Home Road, Amherst, New York 14228, is hereby engaged to perform real estate appraisal services, conforming to the applicable standards, for a fee not to exceed \$8,000.00, with necessary court testimony and trial preparation being billed separately, not to exceed an hourly rate of \$200.00 per hour.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Ronald J. Rubino, MAI, of GAR Associates, Inc., in an amount not to exceed \$8,000.00, with necessary court testimony and trial preparation being billed separately, not to exceed an hourly rate of \$200.00 per hour, upon the submission of all proper documentation.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #7-70/2010

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, the Town of Henrietta requires bids for the Tomahawk Trail Culvert Replacement Project for the replacement of the existing culverts on Tomahawk Trail, 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 Tuesday, April 27, 2010 and received no later than 9:30 A.M. on Tuesday, April 27, 2010.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Tomahawk Trail Culvert Replacement 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	Absent
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #7-71/2010

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

WHEREAS, the Town of Henrietta requires bids for the Colleen Way Culvert Replacement Project for the replacement of the existing culverts on Colleen Way, to

conform with construction plans and specifications on file in the Town Clerk’s Office, with bids to be opened at 11:00 A.M. on Tuesday, April 27, 2010 and received no later than 10:30 A.M. on Tuesday, April 27, 2010.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Colleen Way Culvert Replacement 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	Absent
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye
		Carried

RESOLUTION #7-72/2010

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, Conifer Realty, LLC, the Developer of Shadow Ridge Subdivision, Section 3, located on Sweet Pea Drive, Goldfinch Drive and Kingley Drive, has constructed roads and installed storm sewers in said subdivision section, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of the said roads and the aforescribed improvements to the Town and for this purpose has delivered to the Town a deed for tracts or parcels of land conveying said roadways to the Town, and filing instruments granting easements to the Town for said improvements, and

WHEREAS, the Town Attorney has examined this deed and easements and has found them to be in good order, and

WHEREAS, the Superintendent of Highways and the Director of Engineering and Planning have determined that the roads and said improvements were built in accordance with Town requirements and have recommended that they be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the said roadways and said improvements for the described subdivision section be and they hereby are accepted and that said deed and easements be recorded in the Monroe County Clerk’s Office.

BE IT FURTHER RESOLVED, that such acceptance is made subject to the Developer, or its representative, securing with the Town of Henrietta a properly executed Maintenance Bond in the sum of Forty-nine Thousand, Six Hundred Dollars (\$49,600.00)

for a period of two (2) years.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #7-73/2010

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, the Town of Henrietta and the County of Monroe entered into an Intermunicipal Agreement for Fleet Services, Machinery, Tools, Equipment and Services Sharing Access, and Sale of Alternative Fuels, on December 19, 2008, and

WHEREAS, the County of Monroe has proposed an Amendatory Agreement serving as written consent for the annual renewal from January 1, 2010 through December 31, 2010, and

WHEREAS, the Town of Henrietta desires to continue its participation in the combined Intermunicipal Agreement with the County, and various other municipalities within the County.

THEREFORE, BE IT RESOLVED, that the Supervisor be hereby authorized to sign, on behalf of the Town, the Amendatory Agreement to the Intermunicipal Agreement for Fleet Services, Machinery, Tools, Equipment and Services Sharing Access, and Sale of Alternative Fuels.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #7-74/2010

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, the Henrietta Youth Board has selected twenty-six (26) exceptional young people to be inducted into the Year 2010 Youth Hall of Fame because of their special accomplishments, and

WHEREAS, these individuals have made significant contributions to the Henrietta community and/or have made a great personal achievement, and

WHEREAS, the Henrietta Town Board hereby recognizes the contributions and achievements of these young people.

THEREFORE, BE IT RESOLVED, that

Rachel Arnaud	Charles Mueller
Christopher Aycock	Hang Nguyen
Christopher Chiang	Lindsey Parker
Emily Clark	Jonathan Pelc
Ayana Couvertier	Paige Phillips
Lauren Della Stua	Bradley Sauln
Tyler Hardwick	Scarlette Seaman
Brian Hotchkiss	Sean Tobey
Leah Jackson	Kaitlin Voellinger
Danielle Juliano	Mary Wang
Saad Khan	Nicholas Wershing
Starr Lewis	Vasken Xhaxhollari
Samuel Moskowitz	Alex Yudelson

are congratulated by the Town Board for their induction into the Year 2010 Youth Hall of Fame and will be recognized on March 25, 2010 at 6:30 P.M. during a dinner being held at the Doubletree Hotel, Henrietta, New York, for their positive influence on the quality of life in our community.

SUPERVISOR YUDELSON

Discussion? Well done. *(Laughter)*

COUNCILWOMAN ZINCK

We're going to make sure that you don't read them at the award ceremony. *(Laughter)*

SUPERVISOR YUDELSON

Imagine if I didn't write them out for you! *(Laughter)*

COUNCILMAN MOORE

Well, the xylophone one was tough.

SUPERVISOR YUDELSON

Khaxhollari, just like it looks. Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #7-75/2010

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, a quote for the Town's General Insurance and Public Officials Liability Insurance was received by the Director of Finance, and

WHEREAS, the current carrier reduced the premium by eleven percent (11%),
and

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

THEREFORE, BE IT RESOLVED, that First Niagara, Risk Management, is hereby awarded the Town's General Insurance and Public Officials Liability Insurance effective April 1, 2010 and expiring on March 31, 2011, through US Specialty Insurance Company, in the amount of \$104,435.00.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay First Niagara, in an amount not to exceed \$104,435.00, upon receipt of proper documentation.

SUPERVISOR YUDELSON

Under discussion, I just wanted to thank the Finance Director, Paul Liess, for his work on this with our agent. This is a savings of over twelve thousand dollars (\$12,000) for the Town. Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye

Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye
	Carried	

RESOLUTION #7-76/2010

On Motion of	Seconded by
Councilwoman Zinck	Councilman Moore

WHEREAS, a Request for Proposal was offered and proposals were received for furnishing a Deferred Compensation Plan for employees of the Town of Henrietta, and
 WHEREAS, interviews were conducted by a Deferred Compensation Committee composed of Town Officials and representatives of its bargaining units with applicants, and

WHEREAS, it is the Committee's recommendation that the Town of Henrietta continue to retain the services of Nationwide Retirement Solutions as its Plan Administrator, and Nationwide Trust Company as its Trustee, and

WHEREAS, the New York State Deferred Compensation Board, pursuant to Section Five (5) of the New York State Finance Law and the Regulations of the New York State Deferred Compensation Board, has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the Town of Henrietta and offers the Model Plan for adoption by local employers, and

WHEREAS, the Town of Henrietta, pursuant to Section Five (5) and the Regulations, has adopted and currently administers the Model Plan, known as the Deferred Compensation Plan for Employees of the Town of Henrietta.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta hereby renews the Deferred Compensation Plan for the Employees of the Town of Henrietta for a period of five (5) years effective from March 18th, 2010 through March 17th, 2015.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #7-77/2010

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

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

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

WHEREAS, Bill Willard and Marc Krieger of Willard Farms, 116 Willard Road, Pittsford, New York 14534, have previously farmed the land and desire to continue to plant crops on the land and to renew the Lease Agreement with the Town for a period of one (1) year, from April 21, 2010 through April 20, 2011, for thirty (30) acres of tillable land at \$40.00 per acre, amounting to an annual rent of \$1,200.00, and

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

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

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

That is the end of the regular Agenda, is there anybody that would like to speak on any matter involving the Town of Henrietta? Yes, Ma'am?

(Jane Schmitt, 139 Campfire Road North, spoke in reference to the questionnaire regarding the Comprehensive Land Use Plan – Audio File available upon request.)

SUPERVISOR YUDELSON

Is there anybody else? I would just like to say, before we adjourn today, as you know it's Saint Patrick's Day, our honorary Irishman is Mr. Gabbert, who's feeling the luck of, you might have read in the newspaper about the Harris Corporation taking over the Xerox facility, so a long standing project of Mr. Gabbert, involved in litigation, goes away, and I

TB March 17, 2010

seriously though, want to thank you, Nate, for your work over the years. You scared them out of Town! I know that was a big thing, and we're glad that that's resolved. Anyone else? Is there a motion to adjourn?

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman Zinck, seconded by Councilman Mulligan at 7:25 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk