



TB August 18, 2010

RESOLUTION #14-135/2010  
Authorize Personnel Items

TB August 18, 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 18<sup>th</sup> DAY OF AUGUST, 2010 AT 7:00 P.M.

**PRESENT**

Supervisor Michael B. Yudelson  
Councilwoman Catherine A. McCabe  
Councilman William J. Mulligan, Jr.  
Councilwoman Janet B. Zinck  
Daniel J. Mastrella, Town Attorney  
Patricia J. Shaffer, Town Clerk

**ABSENT**

Councilman John W. Moore

*(SILENT PRAYER)*

*(PLEDGE OF ALLEGIANCE TO THE FLAG)*

SUPERVISOR YUDELSON

Is there anybody that would like to speak on any of the items that are on tonight's Agenda, Agenda items, at this point? Mr. Schmitt?

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

First, I'd like to ask you to excuse my appearance. I have the use of a grandson and we've been doing things around the house.

COUNCILWOMAN McCABE

Lucky you. *(Laughter)*

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Mrs. McCabe will be happy to know that we erected a barrier so that my rubbish disposal can is now hidden from the street.

COUNCILWOMAN McCABE

Oh, thank you, very much! I appreciate it. *(Laughter)*

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

My question tonight, though, has to do with Resolution No. 15-140. There's been quite a bit in the newspapers and in the political front about overtime and everything else. Now from the dark ages when I was in corporate business, the Supervisor and Personnel were called exempt from overtime. Is that true in the public sector? My example is that if Mr. Yudelson worked ten (10) hours someday, which I'm not surprised that he does, does he get overtime?

TB August 18, 2010

SUPERVISOR YUDELSON  
No.

COUNCILWOMAN McCABE  
No.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH  
Okay.

COUNCILWOMAN ZINCK  
He works fifteen (15), trust me, but he doesn't get overtime.

COUNCILWOMAN McCABE  
One o'clock in the morning, John.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH  
All this overtime into the pension, you've read about it, and I just wanted to clarify that that's what my understanding was in agreement with your knowledge.

SUPERVISOR YUDELSON  
Right.

COUNCILWOMAN McCABE  
No, they don't.

COUNCILMAN MULLIGAN  
Years ago though, John, preceding Michael, there was a Supervisor who tried to get some extra money and the court's ordered he pay it back. So, the salary of an elected person has to be what's posted January 1<sup>st</sup>.

COUNCILWOMAN McCABE  
That's it.

COUNCILMAN MULLIGAN  
If it's fifteen grand (\$15,000), you get fifteen grand (\$15,000) whether you work forty (40) hours a week or two (2). Whether you're in Henrietta or your someplace in Alabama.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH  
Thank you.

SUPERVISOR YUDELSON  
That's true.

TB August 18, 2010

COUNCILWOMAN ZINCK  
Thank you for that history.

SUPERVISOR YUDELSON  
Thank you.

COUNCILWOMAN McCABE  
Yes.

COUNCILWOMAN ZINCK  
I appreciate that.

COUNCILWOMAN McCABE  
Alabama . . .

SUPERVISOR YUDELSON  
Is there anyone else who would like to speak on an Agenda item? Mr. Griffith?

RICHARD GRIFFITH, 87 DERRICK DRIVE  
Ladies and gentlemen, my name is Richard Griffith and I live at 87 Derrick Drive. I'm here for Resolution No. 15-138/2010. I'd like to request that this be approved because of two (2) reasons, one (1), it'll complete my retirement home, and two (2), it will allow the house to be used as designed. If you have any questions, I'll be happy to answer them. Thank you, very much.

COUNCILMAN MULLIGAN  
It's pretty easy.

COUNCILWOMAN ZINCK  
Yes.

RICHARD GRIFFITH, 87 DERRICK DRIVE  
Thank you.

SUPERVISOR YUDELSON  
Thank you. Anyone else? *(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 21, 2010.

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	Absent
Councilwoman Zinck	voting	Aye
Supervisor Yudelton	voting	Aye

Carried

SUPERVISOR YUDELSON

May I have the first Resolution, please.

RESOLUTION #15-136/2010

On Motion of  
Councilwoman Zinck

Seconded by  
Councilwoman McCabe

BE IT RESOLVED, that the Supervisor or his designee be authorized to pay the following bills payable:

EXHIBIT A	Bills Payable dated 8/18/2010	\$ 702,319.08
EXHIBIT B	Manual Bills Payable	\$ 11,414.93

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	Aye
Supervisor Yudelton	voting	Aye

Carried

RESOLUTION #15-137/2010

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman McCabe

---

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION

TB August 18, 2010

NO. 204 (TRUE NORTH HOTEL GROUP) TO HENRIETTA SEWER DISTRICT NO. 1  
LOCATED AT THE SOUTHEAST CORNER OF JEFFERSON ROAD AND CLAY ROAD  
IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

WHEREAS, a written Petition in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Henrietta, County of Monroe, New York for the establishment of Extension No. 204 (True North Hotel Group) to Henrietta Sewer District No. 1 bounded and described as set forth on exhibits now on file in the Town Clerk's Office, and

WHEREAS, the improvements proposed consist of a sewer system to serve the said Extension No. 204, including the acquisition of the necessary rights-of-way therefore, in accordance with a certain map and description made a part of such Petition and now on file in the Office of the Town Clerk of the said Town, and

WHEREAS, the maximum amount proposed to be expended for the said establishment of the said extension and the construction of said sewer system, including the acquisition of any necessary lands, easements and rights-of-way within and also outside of the limits of the proposed District Extension shall be borne by the owners and developers of the land included in said extension.

THEREFORE, BE IT RESOLVED, that a Public Hearing of the Town Board of the Town of Henrietta shall be held at the Henrietta Town Hall, 475 Calkins Road, in the Town of Henrietta, Monroe County, New York on the 15<sup>TH</sup> day of September, 2010 at 7:00 P.M. to consider the said Petition and to hear all persons interested in the subject. Notice of said Hearing shall be published and posted 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	Aye
Supervisor Yudelson	voting	Aye
		Carried

**RESOLUTION #15-138/2010**

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Mulligan

WHEREAS, the property owners at 87 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

TB August 18, 2010

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. 202.01-3-11, 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	Aye
Supervisor Yudelson	voting	Aye

Carried

**RESOLUTION #15-139/2010**

On Motion of  
Councilwoman McCabe

Seconded by  
Councilwoman Zinck

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 renewal 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 \$34,000.00 annually, with quarterly payments to be made in the amount of \$8,500.00.

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 Supervisor or his designee be hereby authorized to pay J. O'Connell and Associates, Inc., in an amount not to exceed \$34,000.00.

SUPERVISOR YUDELSON  
Discussion?

COUNCILMAN MULLIGAN  
Under discussion, could you, Mr. Supervisor, or the appropriate Department Head, maybe in six (6) months let us know what kind of progress they're making? I know they've put a number of applications in, but to date, have not been successful in actually gaining any money.

SUPERVISOR YUDELSON  
Right. You will get a sheet similar to the last page of this packet that gives the status of each application.

COUNCILMAN MULLIGAN  
Thank you.

COUNCILWOMAN McCABE  
Of course, under discussion, we have to take into consideration the economy and everything that went with it.

COUNCILWOMAN ZINCK  
And, the length of time that some of these take.

COUNCILWOMAN McCABE  
. . . When we issued the last Contract, right.

SUPERVISOR YUDELSON  
Not having a State Budget definitely hurt our efforts.

COUNCILWOMAN McCABE  
A lot.

SUPERVISOR YUDELSON  
Okay. Call the roll, please.

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

RESOLUTION #15-140/2010

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman McCabe

BE IT RESOLVED, that the Town of Henrietta hereby establishes the following as standard work days for elected and appointed Officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these Officials to the Clerk of this body.

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	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #15-141/2010

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 2009.

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

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	Aye
Supervisor Yudelson	voting	Aye

Carried



TB August 18, 2010

Respectfully submitted,

Leann C. Case  
Deputy Town Clerk