

**HENRIETTA TOWN BOARD
AGENDA
AUGUST 15, 2012**

Supervisor Yudelson
Councilman Mulligan
Councilwoman Zinck
Councilman Moore
Councilman Page

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 18, 2012
On Motion of: Councilwoman Zinck Seconded by: Councilman Moore
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 #15-135/2012
Authorize Accounts Payable

RESOLUTION #15-136/2012
Authorize Tax Certiorari Settlement – 566 Jefferson Road, 3050 Winton Road South, 4747 West Henrietta Road – Wendy’s Restaurants, LLC and Richard C. Fox and Joanne D. Fox, et. al.

RESOLUTION #15-137/2012
Accept Letter of Credit – Locust/Edgewood Townhomes

RESOLUTION #15-138/2012
Award Low Quote – DPW Fencing

RESOLUTION #15-139/2012
Award Low Quote – Condensing Unit – Henrietta Town Hall – Main Meeting Room

RESOLUTION #15-140/2012
Authorize Attendance of Annual Fire Marshals and Inspectors Conference

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RESOLUTION #15-141/2012

Appoint Deputy Town Clerk/Receiver of Taxes

RESOLUTION #15-142/2012

Authorize Personnel Items

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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 15th DAY OF AUGUST, 2012 AT 7:00 P.M.

MEMBERS PRESENT

Supervisor Michael B. Yudelson
Councilman William J. Mulligan, Jr.
Councilwoman Janet B. Zinck
Councilman John W. Moore
Councilman M. Rick Page
Daniel J. Mastrella, Town Attorney
Leann C. Case, Town Clerk
Rebecca B. Wiesner, Deputy Town Clerk

(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? *(Pause, no response)* If not, can I have the approval of the Minutes?

COUNCILWOMAN ZINCK

I would like to move approval of the meeting of July 18, 2012.

COUNCILMAN MOORE

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

SUPERVISOR YUDELSON

Can I have the first Resolution, please?

RESOLUTION #15-135/2012

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

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

EXHIBIT A	Bills Payable dated 8/15/2012	\$ 779,110.06
EXHIBIT B	Manual Bills Payable dated 7/20/2012 – 8/9/2012	\$ 39,782.03

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #15-136/2012

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, Wendy's Restaurants, LLC, Richard C. Fox and Joanne D. Fox et. al., heretofore commenced proceedings against the Assessor, the Board of Assessment Review, and other respondents for a review of the assessments for the years 2005, 2009, 2010, and 2011 for premises located at 566 Jefferson Road, 3050 Winton Road South, and 4747 West Henrietta Road in the Town of Henrietta, being Tax Account Numbers 161.08-1-9, 149.20-2-20.1, and 175.03-1-3.2, 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, a 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 the above named parties, for the years 2005, 2009, 2010, and 2011 be and hereby are approved, subject to the discontinuance of the pending 2012 Certiorari action, Supreme Court Index #7911/12.

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.

COUNCILWOMAN ZINCK

Jack, could you repeat that, please? *(laughter)*

COUNCILMAN MOORE

I always get the long ones.

COUNCILWOMAN ZINCK

Second.

SUPERVISOR YUDELSON

Under discussion, this has been going on a long time and I want to acknowledge and thank Nate Gabbert for perseverance and for, I'm sure he's as happy as any of us that this is coming to conclusion.

COUNCILWOMAN ZINCK

Yay, Nate!

COUNCILMAN MOORE

Good job, Nate!

NATHAN GABBERT, ASSESSOR

Thank you.

SUPERVISOR YUDELSON

Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye

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WHEREAS, three (3) quotes were received and the low quote, meeting specifications, was received from New York State Fence, Inc., for a total cost of \$30,320.00.

THEREFORE, BE IT RESOLVED, that New York State Fence, Inc., 858 Manitou Road, Hilton, New York, 14468, be hereby authorized to install 1381' of commercial grade chain link fence including two (2) 7' wide swing gates and one (1) 16' wide double gate, for an amount not to exceed \$30,320.00.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be authorized to pay said Contractor upon successful completion of the Project and acceptance by the Safety Officer.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye
	Carried	

RESOLUTION #15-139/2012

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, funds are available in the 2012 Parks and Facilities Budget for replacement of the condensing unit for the Main Meeting Room at the Henrietta Town Hall, and

WHEREAS, the Town of Henrietta has requested quotes from qualified contractors, and

WHEREAS, three (3) quotes were received and the low quote, meeting specifications, was received from EMCOR Services Betlem Service Corp., for a total cost of \$11,489.00.

THEREFORE, BE IT RESOLVED, that EMCOR Services Betlem Service Corp., 704 Clinton Avenue South, Rochester, New York 14620, be hereby authorized to replace the 10 ton split HVAC system in the Main Meeting Room at the Henrietta Town Hall, for an amount not to exceed \$11,489.00.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be authorized to pay said Contractor upon successful completion of the Project and acceptance by the Parks and Facilities Foreman.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #15-140/2012

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

WHEREAS, the Director of Building and Fire Prevention, has requested authorization to attend the annual Fire Marshals and Inspectors Conference, to be held in Skaneateles, New York, on September 25, 2012 and concluding September 27, 2012, and

WHEREAS, funds are available in the year 2012 Budget, and

WHEREAS, the Town Board supports and encourages additional training for all Town employees.

THEREFORE, BE IT RESOLVED, that Terry Ekwel, Director of Building and Fire Prevention, be hereby authorized to attend the conference at Skaneateles, at a cost not to exceed \$425.00.

BE IT FURTHER RESOLVED, that all properly prepared vouchers be submitted to the Supervisor or his designee for reimbursement.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #15-141/2012

On Motion of
Supervisor Yudelson

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that Jennifer N. Kimerly be and is hereby appointed Deputy Town Clerk and Receiver of Taxes for the remaining part of a two (2) year term, effective August 16, 2012 and expiring December 31, 2013, at the discretion of the Town Board, at an annual salary of \$41,200.00.

SUPERVISOR YUDELSON

Under discussion, I want to be the first one to congratulate Jen on a much deserved Appointment and to tell you how much we appreciate the effort you put forward, on behalf of the town, not just during the time this year when the department's been reorganized, but since you joined us over three (3) years ago. It's been a pleasure to watch you grow into the position and your willingness to take on new challenges and new responsibilities. I think it's so nice that you're all here tonight, and I want to thank everybody for their efforts, especially this year, and to watch you come together as a team under Leann's leadership. Compliments to you, Leann, you've done a great job. And also, to thank Susan , who's come in as a consultant and I know has really helped out a lot. I think we're really set up well for the future with this team together, and I am just very happy. Anyone else?

COUNCILWOMAN ZINCK

Yay!

COUNCILMAN MULLIGAN

Congratulations!

(Applause)

SUPERVISOR YUDELSON

Leann, can you call the roll?

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye
	Carried	

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SUPERVISOR YUDELSON

If not, I would entertain a motion to adjourn.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman Zinck, seconded by Councilman Mulligan at 7:18 P.M. and was adjourned without objection.

Respectfully submitted,

Rebecca B. Wiesner
Deputy Town Clerk