

**HENRIETTA TOWN BOARD  
AGENDA  
DECEMBER 21, 2005**

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) - December 7, 2005
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 #23-243/2005  
Authorize Accounts Payable

RESOLUTION #23-244/2005  
Authorize Payment - Certiorari Attorney for Legal Services

RESOLUTION #23-245/2005  
Authorize Tax Certiorari Settlement - 21 Goodway Drive, Inc.

RESOLUTION #23-246/2005  
Authorize Supervisor to Sign Abandonment of Easement - 774 Erie Station Road

RESOLUTION #23-247/2005  
Authorize Advertisement for Bids - One-Ton Dump Truck, Parks and Facilities  
Department

RESOLUTION #23-248/2005  
Award Quote and Authorize 2005 Auditing Services - Raymond F. Wager, CPA, P.C.

RESOLUTION #23-249/2005  
Authorize Budget Transfers

RESOLUTION #23-250/2005  
Authorize Transfer of Funds - Capital Park Fund to General Fund

RESOLUTION #23-251/2005

## 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 21<sup>ST</sup> DAY OF DECEMBER, 2005 AT 8:00 P.M.

**MEMBERS PRESENT**

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

**ABSENT**

Supervisor James R. Breese

**MEMBERS**

COUNCILMAN YUDELSON, DEPUTY SUPERVISOR

Is there anybody who would like to speak on any items that are on the agenda? Agenda items at this time? *(Pause - no response)* If not, can I have the approval of the Minutes.

COUNCILMAN MULLIGAN

Mr. Deputy Supervisor, I move we approve the Minutes of the preceding meeting, December 7, 2005.

COUNCILWOMAN ZINCK

Second.

COUNCILMAN YUDELSON, DEPUTY SUPERVISOR

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Abstain
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Absent

Carried

COUNCILMAN YUDELSON, DEPUTY SUPERVISOR

Can I have the first Resolution, please.

RESOLUTION #23-243/2005

On Motion of

Councilwoman Zinck

Seconded by

Councilman Yudelson

BE IT RESOLVED, that the Director of Finance be authorized to pay the following bills payable:

EXHIBIT A

Bills Payable  
dated 12/21/2005  
\$ 265,843.57

COUNCILMAN YUDELSON, DEPUTY SUPERVISOR

Is there any discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #23-244/2005

On Motion of

Councilman Yudelson

Seconded by

Councilwoman Zinck

WHEREAS, Certiorari proceedings have been commenced by various property owners to challenge tax assessments in the Town of Henrietta, and

WHEREAS, John Considine was hired by the Town of Henrietta to act as the Special Counsel in Certiorari proceedings per Resolution #15-199/82, and

WHEREAS, Mr. Considine has submitted an invoice for said services for the period of August 1, 2005 through November 30, 2005.

THEREFORE, BE IT RESOLVED, that the Director of Finance be authorized to pay John Considine of the firm McConville, Considine, Cooman & Morin, P.C., 25 East Main Street, Rochester, New York 14614, the sum of \$27,070.55 for services rendered.

COUNCILMAN YUDELSON, DEPUTY SUPERVISOR

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
---------------------	--------	-----

Councilman Mulligan	voting	Aye	
Councilman Yudelson	voting	Aye	
Councilwoman Zinck	voting	Aye	
Supervisor Breese			Absent
	Carried		

RESOLUTION #23-245/2005

On Motion of

Councilman Mulligan

Seconded by

Councilwoman McCabe

WHEREAS, 21 Goodway Drive, Inc. heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessments for the years 2004 and 2005 on premises located at 21 Goodway Drive in the Town of Henrietta, being Tax Account Number 162.08-1-6, 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

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 21 Goodway Drive, Inc. for the years 2004 and 2005 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.

COUNCILMAN YUDELSON, DEPUTY SUPERVISOR  
 Discussion? Call the roll, please.

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

RESOLUTION #23-246/2005

On Motion of

Councilwoman McCabe

Seconded by

Councilman Yudelson

WHEREAS, the West Henrietta Fire Department at 774 Erie Station Road has constructed a building addition which currently occupies a portion of an existing Town sanitary sewer easement recorded in Liber 3494 of Deeds, Page 186, and

WHEREAS, the release of said portion of the sanitary sewer is necessary for clear title to the property being identified as Tax Identification No. 189.01-1-26.1, and

WHEREAS, the described portion of this existing sanitary sewer easement is no longer 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, be hereby authorized to execute the Abandonment of Easement which shall be filed in the Monroe County Clerk's Office.

COUNCILMAN YUDELSON, DEPUTY SUPERVISOR  
Discussion? Call the roll, please.

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

RESOLUTION #23-247/2005

On Motion of

Councilman Yudelson

Seconded by

Councilwoman Zinck

WHEREAS, the Town of Henrietta requires bids for a one-ton dump truck for the Parks and Facilities Department, to conform with specifications on file in the Town Clerk's Office, with bids to be opened at 9:30 A.M. on Wednesday, January 25, 2006 and received no later than 9:15 A.M. on Wednesday, January 25, 2006.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for a one-ton dump truck as per cited specifications on file in the manner provided by Law.

COUNCILMAN YUDELSON, DEPUTY SUPERVISOR

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #23-248/2005

On Motion of

Councilwoman McCabe

Seconded by

Councilman Mulligan

WHEREAS, the Director of Finance has received a quote for Audit Services from Raymond F. Wager, CPA, P.C., in the amounts of \$10,500.00 for the Regular Audit and \$1,250.00 for the Annual Updated Document, for a total amount of \$11,750.00 for the year 2005 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 2005 Audit of the Town of Henrietta for an amount not to

exceed \$11,750.00.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay Raymond F. Wager, CPA, P.C., 332 Jefferson Road, Rochester, New York 14623 upon receipt of all necessary documentation.

COUNCILMAN YUDELSON, DEPUTY SUPERVISOR  
Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye

Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Absent

Carried

RESOLUTION #23-249/2005

On Motion of

Councilwoman Zinck

Seconded by

Councilwoman McCabe

BE IT RESOLVED, that the Director of Finance be authorized to make the Budget transfers, as per the attachments.

COUNCILMAN YUDELSON, DEPUTY SUPERVISOR  
Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye

Supervisor Breese	voting	Absent
-------------------	--------	--------

Carried

RESOLUTION #23-250/2005

On Motion of

Councilwoman Zinck

Seconded by



Marc Angotti Highway, Part-time on-call Wingperson  
@ \$8.25/hr., effective 12/22/2005.

Edward Bowlin Highway, Part-time on-call Wingperson @  
\$8.25/hr., effective 12/22/2005.

Harry Conner Highway, Part-time on-call Wingperson @  
\$8.25/hr., effective 12/22/2005.

COUNCILMAN YUDELSON, DEPUTY SUPERVISOR  
Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

COUNCILMAN YUDELSON, DEPUTY SUPERVISOR

That's the last Resolution. Is there anybody who would like to speak on any item involving the Town of Henrietta? *(Pause - no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman McCabe, seconded by Councilwoman Zinck at 8:15 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson  
Deputy Town Clerk