

**HENRIETTA TOWN BOARD
AGENDA
SEPTEMBER 5, 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):
- August 15, 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 #16-143/2012
Authorize Accounts Payable

RESOLUTION #16-144/2012
Authorize Attendance of Annual New York State Assessor's Association Seminar

RESOLUTION #16-145/2012
Authorize Supervisor to Sign NYS DOT Utility Work Agreement – Sanitary Sewers

RESOLUTION #16-146/2012
Authorize Supervisor to Sign PILOT Agreement – WILJEFF, LLC

RESOLUTION #16-147/2012
Adopt Amended Official Undertaking of Receiver of Taxes and Assessments

RESOLUTION #16-148/2012
Adopt Amended Deferred Compensation Model Plan

RESOLUTION #16-149/2012
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 5TH DAY OF SEPTEMBER, 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

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

At this point, is there anybody who would like to speak on any of the items that are on the Agenda for tonight's meeting, there will be another opportunity to speak on other items later, but this would be for Agenda items at this point? Mr. Schmitt?

JOHN SCHMITT, 139 CAMPFIRE ROAD

John Schmitt, 139 Campfire Road North, I'm going to ask you to excuse me, I have not been feeling too well the last month or so and my hearing aid died this afternoon, so if I shout, I'm sorry. If you answer me and I give you a blank stare, I apologize for that, too. The question that I have is in regard to Resolution #16-146. They're talking about the part of the PILOT program that was entered into with WilJeff, LLC back in 2007 and now it's being updated with this Resolution. Does that mean they have not made any payments in regard to in-Lieu-of-Taxes since 2007?

SUPERVISOR YUDELSON

No, that's not the case at all. They have made all the payments, per the current agreement, but they have come to the Town, the School District, and the County and asked for the PILOT Agreement to be restructured, and that's what this represents. But yes, they are current on their payments, per the existing schedule.

JOHN SCHMITT, 139 CAMPFIRE ROAD

Historically, there's been some challenges to that, but this is taken care of, fine. Thank you.

SUPERVISOR YUDELSON

Thank you. Anybody else on items that are on the Agenda? If not, can I have the approval of the Minutes, please?

COUNCILWOMAN ZINCK

I'd like to move approval of the August 15, 2012 meeting.

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 Yudelton	voting	Aye
Carried		

SUPERVISOR YUDELSON

May I have the first Resolution, please?

RESOLUTION #16-143/2012

On Motion of
Councilman Page

Seconded by
Councilman Mulligan

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

EXHIBIT A	Bills Payable dated 9/5/2012	\$ 638,767.25
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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 #16-144/2012

On Motion of Councilman Page Seconded by Councilman Mulligan

WHEREAS, the Town Assessor has requested authorization to attend the New York State Assessors' Association Seminar on Assessment Administration and Annual Meeting to be held at the Crowne Plaza Conference Center, Lake Placid, New York, September 30, 2012 through October 3, 2012, and

WHEREAS, funds are available in the 2012 Budget, and

WHEREAS, the Town Board supports and encourages such participation for all Town employees.

THEREFORE, BE IT RESOLVED, that Nathan Gabbert, Town Assessor, be hereby authorized to attend the New York State Assessors' Association Seminar on Assessment Administration and Annual Meeting at a reimbursable cost not to exceed \$1,200.00.

BE IT FURTHER RESOLVED, that all properly prepared vouchers be submitted to the Finance Department 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 #16-145/2012

On Motion of Councilman Moore Seconded by Councilwoman Zinck

WHEREAS, the New York State Department of Transportation proposes pedestrian facility improvements of NYS Route 252 (Jefferson Road) in the Town of Henrietta, Monroe County, P.I.N. 4T47.11, and

WHEREAS, the State will include as part of the improvements of the above mentioned project, the vertical adjustment of approximately three (3) sanitary manholes

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so as to not be in conflict with the proposed construction. The work will be performed in accordance with the requirements of the owner, under Section Ten (10), Subdivision Twenty-Four (24), of the State Highway Law, as shown on the Contract proposal relating to the Project, and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended, and

WHEREAS, the State will provide for the performance of the above mentioned work, as shown on the Contract proposal relating to the above mentioned Project.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta approves the vertical adjustment of their sanitary manholes and the above mentioned work performed on the project, as described in the project proposal relating to the project and that the Town of Henrietta will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the Contract plans.

BE IT FURTHER RESOLVED, that the Supervisor, Michael B. Yudelson, has the authority to sign, with the concurrence of the Town Board, any and all documentation that may become necessary as a result of this Project, as it relates to the Town of Henrietta.

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Henrietta is hereby directed to transmit five (5) certified copies of the foregoing Resolution to the New York State Department of Transportation.

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 #16-146/2012

On Motion of
Councilman Page

Seconded by
Councilwoman Zinck

WHEREAS, WilJeff, LLC with offices at 1265 Scottsville Road, Rochester, New York 14624, has requested the Town of Henrietta to enter into a Payment in-Lieu-of-Taxes (PILOT) Agreement that would combine and restate three (3) former PILOTS dated July 1, 2007 for Tax Parcel No. 161.01-1-7.22, 205 Jefferson Road, comprised of 59.90 acres and all improvements to date at the corner of Jefferson Road and John Street at RIT Campus, and

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WHEREAS, a Payment in-Lieu-of Tax Agreement has been drafted, and has been approved by the County of Monroe Industrial Development Agency (COMIDA), the County of Monroe, and the Rush-Henrietta Central School District, and

WHEREAS, the Town Attorney to the Henrietta Town Board has examined these Agreements, and found them to be in compliance with Section 874 of the General Municipal Law of the State of New York, and

WHEREAS, the Assessor for the Town of Henrietta has reviewed these Agreements and found them to be acceptable as to form.

THEREFORE, BE IT RESOLVED, that the Payment in-Lieu-of Tax Agreement between WilJeff, LLC and the Town of Henrietta, be and hereby is accepted, and that the Supervisor is hereby authorized to sign said Agreement, by the virtue of his authority as Supervisor of the Town of Henrietta.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	No
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	No
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye
	Carried	

RESOLUTION #16-147/2012

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

BE IT RESOLVED, that the Town Board adopts the attached Amended Official Undertaking of Receiver of Taxes and Assessments Resolution in the amount of \$100,000 and directs that it be filed in the Office of the Town Clerk.

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	

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RESOLUTION #16-148/2012

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

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

WHEREAS, the Town of Henrietta, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for the employees of the Town of Henrietta, and

WHEREAS, the Town of Henrietta, pursuant to Section 5 and the Regulations, has further adopted the Nationwide Trust Company as the Trust provider for the Deferred Compensation Plan for the employees of the Town of Henrietta.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta hereby amends the Deferred Compensation Plan for the employees of the Town of Henrietta effective September 6, 2012 and hereby authorizes the Supervisor of the Town of Henrietta to sign such documents as necessary to implement said change.

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 #16-149/2012

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the following persons be hired:

Philip Sheehan	Recreation, Part-Time Recreation Attendant, Gymnastics @ \$7.25/hr., effective 9/4/2012.
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Alyssa Posner Recreation, Part-Time Recreation Attendant,
Gymnastics @ \$7.25/hr., effective 9/4/2012.

BE IT FURTHER RESOLVED, that the following employee changes be made:

Recreation As per the Attachment, effective 9/2/2012.

Crossing Guards As per the Attachment, effective 9/1/2012.

Step Increases, per the Collective Bargaining Agreement, as per the attached,
effective 9/1/2012.

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

That's the end of the Agenda, but before we adjourn is there anybody who would like to speak on any item involving the Town of Henrietta?

(Kathryn Nuss, 32 New Tudor Road, spoke in reference to the Comprehensive Land Use Plan. – Audio File available upon request.)

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Mulligan, seconded by Councilwoman Zinck at 7:39 P.M. and was adjourned without objection.

Respectfully submitted,

Rebecca B. Wiesner
Deputy Town Clerk