

RESOLUTION #20-180/2012

Provide Town Court Audit to New York State Unified Court System

RESOLUTION #20-181/2012

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 7TH DAY OF NOVEMBER, 2012 AT 7:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

Councilman John W. Moore

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Before we get going with the Agenda, is there anybody who wants to speak on any items that are on the Agenda, there'll be another opportunity at the end of the meeting, but Agenda items at this point? *(Pause, no response)* If not, may I have the approval of the Minutes, please?

COUNCILMAN MULLIGAN

Mr. Supervisor, I move we approve the Minutes of the October 17, 2012 meeting.

COUNCILMAN PAGE

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

Before we get to the Resolutions, under miscellaneous communications, I'll just take the liberty of using this point in the Agenda to just thank, on behalf of the Board, our Town Clerk, Leann Case, and her staff. Last night, as we all know, it was election night and

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Leann's department is responsible for making sure that all the election inspectors are in place, the facilities are available and open and, as we all know, there was several elections this year, an unusual year. An in her first year as Town Clerk, she was on top of the whole operation, everything went flawlessly and we really appreciate the efforts of you and your whole staff, and if you'd thank them for us as well.

LEANN CASE, TOWN CLERK

Thank you very much.

SUPERVISOR YUDELSON

Thank you.

COUNCILWOMAN ZINCK

We're all glad it's over, but I bet you're really glad it's over.

SUPERVISOR YUDELSON

May I have the first Resolution, please?

RESOLUTION #20-174/2012

On Motion of
Councilwoman Zinck

Seconded by
Councilman Page

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

Exhibit A	Bills Payable dated 11/7/2012	\$ 600,604.91
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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	Absent
Councilman Page	voting	Aye
Supervisor Yudelton	voting	Aye

Carried

RESOLUTION #20-175/2012

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, the Town of Henrietta acquired the Development Rights and Fee Title to property on Calkins Road in the Town of Henrietta formerly known as the Aldridge Farm, and

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

WHEREAS, Mark Greene, 3170 Clover Street, Pittsford, New York 14534, has previously farmed the land and desires 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 December 1, 2012 through November 30, 2013, for thirty-one (31) acres of tillable land at \$45.00 per acre, amounting to an annual rental of \$1,395.00, and

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

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign the Lease renewal on behalf of the Town of Henrietta, as per the attached.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #20-176/2012

On Motion of
Councilman Page

Seconded by
Councilman Mulligan

BE IT RESOLVED, that the Town Board adopts the attached 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	Absent

Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye
		Carried

RESOLUTION #20-177/2012

On Motion of	Seconded by
Councilman Mulligan	Councilwoman Zinck

WHEREAS, DePaul Properties, Inc. (hereinafter referred to as "DePaul"), a New York Not-For-Profit Corporation, is sponsoring an affordable housing project designed to serve the hearing impaired to be built on a property located at West Henrietta Road, Tax Account No. 175.06-2-88, and

WHEREAS, the Project will have an exemption from Real Property Taxation pursuant to New York State Law, and

WHEREAS, DePaul has offered to enter into a Payment in Lieu of Taxation Agreement, (P.I.L.O.T.), the particulars of which cannot be finally determined until DePaul has formed a Housing Development Fund Company that will be the actual developer of the Project, and

WHEREAS, in order to receive funding for the Project, DePaul must obtain the Town's approval to enter into the P.I.L.O.T. Agreement and in that regard DePaul has proposed a Memorandum of Understanding to enter into such an Agreement, and

WHEREAS, the Town Attorney and the Town Assessor have reviewed the proposed Memorandum of Understanding and found it to be in order.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to enter into the Memorandum of Understanding for the establishment of a P.I.L.O.T. Agreement for the proposed Project.

SUPERVISOR YUDELSON

Under discussion, I think this is a good step, we've talked about this project and this is services that are definitely needed in the Town. As everybody knows, we have a very high rate of hearing impaired people because of the presence of R.I.T. and this is, I think just a very nice thing that there will be additional services available to them right here in the community, so glad to support this. Thank you for being here too, as well. Call the roll, please.

Duly put to a vote:

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

RESOLUTION #20-178/2012

On Motion of
Councilman Page

Seconded by
Councilwoman Zinck

WHEREAS, Lehigh Park Associates, LLC, contract vendee of an approximately 18.53 acre parcel on the north side of Lehigh Station Road between address number 1266 and 1294, identified as Tax Account No. 175.120-1-3.1, is applying for a rezoning from R-1-15 to R-2-15 and for a Special Permit to construct multiple dwellings thereupon, and

WHEREAS, maps and descriptions of the lands under consideration are on file in the Office of the Town Clerk, and

WHEREAS, consideration of this proposed Project by the Henrietta Town Board exceeds one or more thresholds for a Type 1 Action, as stated by Section 617.4 of the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA) such an Action is a Type 1 Action, and

WHEREAS, an Environmental Assessment Form (EAF) has been prepared for the proposed Project, and

WHEREAS, the Henrietta Town Board declares its intent to be the Lead Agency for the Environmental Quality Review under the New York State Environmental Quality Review Act (SEQRA).

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board be and is hereby authorized to distribute a Notice of Intent to serve as Lead Agency to all interested agencies for a coordinated review pursuant to 6NYCRR 617.6 and 617.12.

BE IT FURTHER RESOLVED, that a Public Hearing on the rezoning request will be held on December 19, 2012 at 7:00 P.M. at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York to consider rezoning said property and the Application for a Special Permit.

BE IT FURTHER RESOVLED, that provided no other involved agency indicates a desire to serve as Lead Agent within thirty (30) days of the date of the Notice of Intent to Serve as Lead Agency, the Henrietta Town Board shall serve in that capacity in accordance with SEQRA regulations.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Absent
Councilman Page	voting	Aye

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WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that town justices make their records and dockets available to the Town Board for examination or audit, and that record of such examination or record be entered into the Minutes of the Town Board's proceedings, and

WHEREAS, the Supervisor has received a letter from the Chief Administrative Judge of the New York State Unified Court System asking for a copy of the most recent audit of the Henrietta Justice Court and a Resolution acknowledging that the audit was conducted.

THEREFORE, BE IT RESOLVED, that the Town Clerk be directed to provide a copy of the audit of the Town Justice Accounts for the calendar year ending December 31, 2012, as well as a copy of this Resolution to the Chief Internal Auditor of the New York State Office of Court Administration, 98 Niver Street, Cohoes, New York 12047.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #20-181/2012

On Motion of
Councilman Page

Seconded by
Councilman Mulligan

BE IT RESOLVED, that the following persons be hired:

Sarah McGovern	Recreation, Part-Time Recreation Assistant, Preschool Playgroup @ \$11.00/hr., effective 11/04/2012.
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Kathleen Heigl	Recreation, Part-Time Recreation Assistant, Preschool Playgroup @ \$7.25/hr., effective 10/29/2012.
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BE IT FURTHER RESOLVED, that the following changes be made, effective 11/5/2012:

Mark Smith	Part-Time Code Enforcement/Parking Officer @
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\$12.00/hr. from \$10.93/hr.

Gertrude Kinard

Part-Time Crossing Guard @ \$13.03/hr. from
\$12.52/hr.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

That's the end of the regular Agenda, we now reach the public comment section of the meeting and I know as the first order of business, I see Bob Tobey in the audience and I know he's anxious to put an end to this nasty rumor going around town that he was retiring. (*Laughter*) Bob, did you still want the floor to expand on it?

COUNCILWOMAN ZINCK

He's not just a pretty face in the audience.

BOB TOBEY, FLEET SUPERVISOR

Well thank you. I'm not too good at this, so bear with me. On November 24, 2012, I will be retiring from the Town of Henrietta. I've always come to work ready to work, ready to learn, and be here to take on many different projects that we've done over the years, along with maintaining, taking pride in the vehicles that we've had and continue to purchase in the future also. I've had the pleasure of working with many of you and many are long time friends here at the Town. A lot of good, quality people, and that's probably the most, that's what I'm going to miss, if anything. To say that I'm going to walk away and not miss the Town of Henrietta, I'd be lying right to your face. It's been a very good time, since 1976 and I've looked back over the last few weeks and you start to think about this and different things that we've done over the years, and the many snow storms, and the ice storms that we've had, and the wind storms, and the brush pick up, and all of the challenging times that that has brought with residents and all of that, you get through it and it's like, "Oh my God." Then you reflect on what's going on with New York City and it's phenomenal. Hard to believe that you can get through it, but we did. Special thanks goes to my guys in the shop: Ronny La Rocca, Larry De Noto, and Jay Shoots. To their credit, if it wasn't for them, I wouldn't be standing here right now. They have done a phenomenal job, continue to do a phenomenal job, and not once do they

complain, they just do the job. And I cannot commend them enough, how much I respect what they do and the knowledge that they carry. By no means can I do it by myself, along with Marlene Youngman. I mean, we've actually, she is the longest relationship I've ever had and she keeps us straight with all the documentation with vehicles and the work orders and the chargebacks and all of that. I can't do it without any of them. And it's to their credit that I'm able to step away and let them carry the, continue with the torch. It's been a good ride. Like I said, I reflect on a lot of things and one thing that, standing here tonight, is the long time friendships I've had just with the Board Members. A lot of people don't have that anymore. A lot of turnover in companies, a lot of turnover that, having a longevity of thirty-four (34), thirty-five (35) years, is unheard of now-a-days. And to stand in front of you guys that, it's quite an honor to work for you and be associated with you and just the Town, generally. It's really good. That's all I have, I wish everybody well and good health and good-bye.

(Laughter)

SUPERVISOR YUDELSON

Don't go away. I just want to, I'll go first, to just say that it's been nothing but a pleasure working with you, Bob. I don't have to tell anyone about the quality of the work that you've done down in the garage, the team that you've developed and the results that the Town and our residents, the tax-payers have enjoyed as a result, we have a wonderful fleet, you've helped during the five (5) years that I've been Supervisor, when the Town Board has backed our willingness and our desire to really upgrade our equipment and we've developed, with your leadership, an equipment replacement schedule that we know is now part of the budgeting, the long-term budgeting process, so that you're not nursing equipment along that's been here as long as you. I was going to make a nursing you along joke, but I won't. *(Laughter)* The care that you've made, it's always evident that one of your biggest concerns is not only about making sure the equipment lasts but that your fellow employees have to go out sometimes into dangerous conditions in that equipment. People probably, some of even the Town Board Members don't realize that you've come up with several suggestions over the years on ways to do something to the equipment and to fit a particular need that we have and those things almost always work and usually end up making it the need and we have been very often saving money as well. One of the other things that I've always appreciated is your willingness to kind of go beyond the regular job duties and get involved with the other things that we tried to do here, to volunteer, to be part of the Wellness Committee, to get involved with the United Way stuff, manning the grill and Tobey's famous sauce and just all the other successful ventures, and some that weren't as successful, that kiss the cook thing. *(Laughter)* And even when you're out doing the services, the friendly smile you give me when you came down my street and plowed in my driveway, all those things. You just have been a very good representative of the Town. I know several of the Board Members, including myself, have always gotten so much good feedback and we just really appreciate everything you've done for the Town.

BOB TOBEY, FLEET SUPERVISOR

Well I appreciate that. I've always believed in versatility and this is a perfect job for it. I was, not too many times I would say that I couldn't do a job. I tried to do the best I could do at it and it was many times, just yesterday I was out helping one of the highway crews pour some gutters on Gate House Trail and I always believe we all chip in and it's a lot easier that way. My guys have stepped out of the shop a number of times, doing things that are way out of the scope of the shop, but they enjoy it and it's there again, everybody pitches in and makes for a good day. As far as the Union, or the United Way...

(Laughter)

COUNCILWOMAN ZINCK

You don't have to think about that anymore.

(Laughter)

BOB TOBEY, FLEET SUPERVISOR

The United Way cookout, I told Tammy that and she was a little upset that I wasn't going to be around. I said, "well, I probably will come back and do the cookout."

SUPERVISOR YUDELSON

You're not getting out of that.

COUNCILWOMAN ZINCK

Not getting off that easy.

COUNCILMAN MULLIGAN

Just briefly, when I think of Bob Tobey, I think of first and foremost, hockey player. Secondly, a very conscientious worker, but the most important thing I think about Bob is we've always had major problems with heavy absenteeism and I think with Bob in thirty-five (35) years, I don't think he had ten (10) sick days. He always had perfect attendance and that impressed me as a guy who wanted to be here, make a contribution, be a producer and not a consumer.

BOB TOBEY, FLEET SUPERVISOR

Yes.

COUNCILMAN MULLIGAN

And with that, he earned a great deal of respect from me.

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BOB TOBEY, FLEET SUPERVISOR

And that was, I give credit to that to my Mom and Dad...

COUNCILWOMAN ZINCK

You are so cute.

BOB TOBEY, FLEET SUPERVISOR

They're there. It's the way I was brought up. You got a job to do, you go do it.

COUNCILMAN MULLIGAN

Yes, I knew your Dad very well and I don't think he missed too much work.

BOB TOBEY, FLEET SUPERVISOR

No.

SUPERVISOR YUDELSON

No, he did not.

BOB TOBEY, FLEET SUPERVISOR

Absolutely not.

COUNCILWOMAN ZINCK

Ditto to that and ditto to that. Because you name a lot of things that are so Bob Tobey. You're always here, you're always smiling. I just want to add to it how many people I run into, my daughters worked for the Town, and how many young kids I run into and one of the first things they'll always ask me is, "How's Bob Tobey?" So you're always so kind to everyone that's down there. I reiterate you've been a great addition to the Town, we're so going to miss you. But again, we know you're not going to go too far. Thank you so much, thirty-four (34) years is a long time, we thank you very much.

BOB TOBEY, FLEET SUPERVISOR

You're welcome.

COUNCILMAN PAGE

And Bobby, I've only been on the Town Board for a year but I've known you all your life. You know how hard it is for me to sit here and see a former student retire from work.

(Laughter)

COUNCILMAN PAGE

But many of you probably know that Bobby's Dad worked for the school district for almost forty (40) years and he'd be very proud of you, his work ethic and his Mom's work ethic has been passed down.

BOB TOBEY, FLEET SUPERVISOR

That's probably the hardest torch to carry is keeping up with them!

(Laughter)

COUNCILMAN MULLIGAN

Are you planning on working over the winter?

BOB TOBEY, FLEET SUPERVISOR

Yes, I'm going to be doing something.

COUNCILMAN MULLIGAN

I mean here, are you going to do plowing? Winging?

BOB TOBEY, FLEET SUPERVISOR

No, probably not. I told Craig if he does need help with something or a question to...

COUNCILWOMAN ZINCK

Your head might be going like this because that head's going...

(Laughter)

SUPERVISOR YUDELSON

I also told Bob and Craig that as busy as we are, I sure hope we remember to take his name off the call list, *(Laughter)* or they'll call in the middle of the night. Bob, thank you very much and everybody please join me in a round of applause.

(Applause)

COUNCILMAN MULLIGAN

I hope it's a good decision.

BOB TOBEY, FLEET SUPERVISOR

Yes, thank you very much.

COUNCILWOMAN ZINCK

You'll be happy, that's the important part.

BOB TOBEY, FLEET SUPERVISOR

Yes, thank you.

COUNCILMAN PAGE

Thanks, Bob.

SUPERVISOR YUDELSON

Is there anybody else who dares follow that act and wants to speak on any matter involving the Town of Henrietta? Linus, are you on your way, oh there you go.

(Linus Rautenstrauch, 1412 Martin Road, spoke in reference to the Martin Road Park, the tile in the Town of Henrietta Town Hall, and the landscaping around the Town of Henrietta Town Hall. – Audio File available upon request.)

SUPERVISOR YUDELSON

Is there anybody else who wants to speak?

COUNCILWOMAN ZINCK

Karen?

SUPERVISOR YUDELSON

Karen McArthur.

COUNCILWOMAN ZINCK

Really? Uh oh, I better fill my glass.

SUPERVISOR YUDELSON

Can I object?

(Laughter)

KAREN McARTHUR, INTERIM DIRECTOR OF RECREATION & YOUTH BUREAU

Hi, I'm Karen McArthur, I'm the Interim Director of the Recreation and Youth Bureau and there's not a time that I would ever think that I would want to get up here to say really much of anything, but I just have to do this. And for the Record, if this is taped, thirty-four (34) years from now, I need it to be said that, how much I will miss seeing Bob around Town. I know over the years we don't get to see each other often, I'm here, you're there, but I do want to say that you've absolutely taken a place in my heart and in our Department. You represent not only an amazing employee, what a work ethic should be, but also of a good friend. We've talked several times about family values and, to me, that's what Henrietta is all about. Working here for so long and loving what I do and making this Town just, it's a part of my house, it's a room that I walk in every day and I know that you share that and I appreciate it and I just needed to say it like this. So, thank you and I'll miss you, I really will.

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SUPERVISOR YUDELSON

Thank you. Make sure you get a picture of Bob in the crazy socks before he retires.

COUNCILWOMAN ZINCK

Thank you, Karen. Very nice.

SUPERVISOR YUDELSON

That was very nice.

COUNCILWOMAN ZINCK

Well said.

SUPERVISOR YUDELSON

Is there anyone else who wanted to speak before we adjourn? *(Pause, no response)* If not, 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 7:36 P.M. and was adjourned without objection.

Respectfully submitted,

Rebecca B. Wiesner
Deputy Town Clerk