

**HENRIETTA TOWN BOARD
AGENDA
MAY 15, 2013**

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):
May 1, 2013
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 #11-107/2013
Authorize Accounts Payable

RESOLUTION #11-108/2013
Accept the Stormwater Coalition of Monroe County 2012-2013 Joint Annual Report for Compliance with the Phase II Stormwater Regulations

RESOLUTION #11-109/2013
Authorize Traffic Control Device – Calkins Road @ Middle Road

RESOLUTION #11-110/2013
Authorize Purchase of a Radarsign Radar Speed Display

RESOLUTION #11-111/2013
Award Low Quote – Concrete Pad – Veteran's Memorial Park

RESOLUTION #11-112/2013
Authorize Purchase of Town of Chatham Bid Equipment – Excavator – Highway Department

RESOLUTION #11-113/2013
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 15TH DAY OF MAY, 2013 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 Case, Town Clerk

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Well, we're going to start tonight with the, what most of you are here for I believe, which is the presentations, annual presentations by the Antoinette Brown Blackwell Committee and this is always a special night for everyone participating and for the Town Board as well. It's been going on for I think twenty (20), thirty-first (31st) annual awards ceremony and I'm proud to say I've been here for all of them. And as I said, it's always a special night and without further ado, I'd like to turn it over to the Chair of the Committee, Virdell Robbins.

(During the Thirty-First Annual Antoinette Brown Blackwell Society Ceremony, the members presented the 2013 Henrietta Woman of the Year Award to Joanne Wales-Smith; and the 2013 Scholarship to Emilie A. Scardilla.)

SUPERVISOR YUDELSON

Thank you very much. Congratulations again to all the honorees and thank you to the ABB Society for putting this all together and we will just take a one (1) minute, we'll pause in place while you make your way to the cookies and punch. Save me a cookie! And we'll join you shortly.

(Brief intermission at 7:35 P.M.)

(Meeting re-opened at 7:40 P.M.)

SUPERVISOR YUDELSON

Alright, thank you for your patience everybody. We are going to move on to the regular part of the Agenda now. And we left off for anybody who would like to comment on any of the items that are on the Agenda tonight, the Agenda items only at this point.

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

COUNCILWOMAN ZINCK

I'd like to move approval of the Minutes of the May 1, 2013 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 Yudelson	voting	Aye

Carried

SUPERVISOR YUDELSON

May I have the first Resolution, please?

RESOLUTION #11-107/2013

On Motion of
Councilman Mulligan

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 05/15/2013	\$ 185,640.33
Exhibit B	Manual Bills Payable dated 05/06/2013	\$ 7,402.00

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 #11-108/2013

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, the Town of Henrietta has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA's Phase II Stormwater Regulations under the Clean Water Act of 1999, and

WHEREAS, the Phase II Stormwater Program requires each MS4 to prepare an Annual Report on the Town's efforts to protect and improve the water quality of our streams and water bodies, and

WHEREAS, the public is invited to review the Joint Annual Report and provide input, and

WHEREAS, a Joint Annual Report has been prepared in conformance with the Phase II Stormwater Regulations by the Stormwater Coalition of Monroe County and the Town of Henrietta's Engineering and Public Works Departments, and

WHEREAS, the Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, New York by June 1, 2013.

THEREFORE, BE IT RESOLVED, that the Joint Annual Report is accepted by the Town Board of the Town of Henrietta and that said Joint Annual Report is available for public review at <http://www.monroecounty.gov/des-stormwater-coalition> and the Town Hall in the office of the Town Clerk.

BE IT FURTHER RESOLVED, that all comments on the Joint Annual Report will be incorporated into the 2012-2013 or the 2013-2014 Annual Reports to the New York State Department of Environmental Conservation.

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 #11-109/2013

On Motion of
Councilman Page

Seconded by
Councilman Mulligan

WHEREAS, New York State Vehicle and Traffic Law, Section 1660, permits the

Town Board to establish traffic regulations within the Town by Resolution, and
WHEREAS, the Monroe County Director of Transportation has requested permission to alter the existing striping on Calkins Road to include an eastbound left turn only pocket, and

WHEREAS, the Henrietta Town Board supports and encourages the installation of this traffic control device in the interest of public safety.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby authorizes the installation of the left turn only pocket on Calkins Road.

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

COUNCILMAN PAGE

And for the Record, I believe that left turn is into the Henrietta Ambulance, is that correct?

SUPERVISOR YUDELSON

That is.

COUNCILMAN PAGE

Just for the Record.

COUNCILWOMAN ZINCK

Yes.

COUNCILMAN PAGE

Alright, thank you.

RESOLUTION #11-110/2013

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

WHEREAS, a Radarsign Radar Speed Display unit on loan to the Town of Henrietta by the County of Monroe was stolen, and

WHEREAS, it is the responsibility of the Town to replace the unit, and

WHEREAS, a radar sign, meeting specifications, is available from Traffic Systems, Incorporated, at a total cost not to exceed \$3,335.00.

THEREFORE, BE IT RESOLVED, that Traffic Systems, Incorporated, 224 North Fehr Way, Bay Shore, New York 11706 be hereby awarded the purchase of a Radarsign Battery Powered 12" LED Radar Speed Display, per specifications.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Traffic Systems, Incorporated, in an amount not to exceed \$3,335.00, upon delivery, installation and receipt of all proper documentation and acceptance by the Commissioner of Public Works.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MOORE

Well I was hoping with Legislator Howland being present that he would find some grant money so we could pay for this, because it's really a County device that we're replacing. But I see he ducked out for cookies.

(Laughter)

COUNCILWOMAN ZINCK
So we'll talk to him there.

SUPERVISOR YUDELSON
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 #11-111/2013

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

WHEREAS, the 2013 Highway Budget provides funds for the purchase of a new concrete pad in Veteran's Memorial Park, and

WHEREAS, four (4) quotes were received, and the low quote, meeting specifications, was received from Lake Construction, for a total cost of \$9,850.00.

THEREFORE, BE IT RESOLVED, that Lake Construction, 3598 Shoreline Drive,

Livonia, New York 14487, be hereby awarded the quote, per specifications.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Lake Construction, in an amount not to exceed \$9,850.00, upon successful completion of said work and acceptance by the Commissioner of Public Works.

SUPERVISOR YUDELSON

Discussion?

COUNCILMAN MOORE

I have one question. I want to make sure that this includes the price of the concrete, because we had one bid that was for twenty-six thousand dollars (\$26,000.00).

SUPERVISOR YUDELSON

The question is does it include the price of the concrete.

(From audience, Craig Eckert, Commissioner of Public Works, "No.")

SUPERVISOR YUDELSON

It does not.

COUNCILMAN MOORE

Okay, so the price, how many yards of concrete are we talking?

(From audience, Craig Eckert, Commissioner of Public Works, "Sixty-five (65).")

COUNCILMAN MOORE

Sixty-five (65) at a hundred and ten dollars (\$110.00), so we really got to add that to the price of it, so... okay. Thank you.

COUNCILWOMAN ZINCK

And this is scheduled to go in next week where the bandshell will be?

(From audience, Craig Eckert, Commissioner of Public Works, "That's correct.")

COUNCILWOMAN ZINCK

Thank you.

SUPERVISOR YUDELSON

And the first event that Recreation is planning is on June 14th, so looking forward to it. Okay, call the roll, please.

January 1, 2013.

BE IT FURTHER RESOLVED that the following people be hired:

Christina Merlino	Engineering Department, Student Intern @ \$11.00/hr., effective 5/28/2013.
Kyle Weissenburger	Parks Department, Part-Time Laborer @ \$14.00/hr., effective 5/20/2013.

BE IT FURTHER RESOLVED that the following change be made:

Caitlin Burke	Recreation Department, Part-Time Recreation Assistant, from \$9.50/hr to \$10.00/hr., effective 5/20/2013.
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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 Yudelton	voting	Aye
		Carried

SUPERVISOR YUDELSON

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

(Jim Fosco, 324 Goodburlet Road, spoke in reference to the proposed Winding Creek Woods project at East Henrietta Road and Goodburlet Road – Audio File available upon request.)

SUPERVISOR YUDELSON

Is there anybody else who would like to speak? Sir?

(David Porter, 154 Goodburlet Road, spoke in reference to the proposed Winding Creek Woods project at East Henrietta Road and Goodburlet Road – Audio File available upon request.)

SUPERVISOR YUDELSON

Anybody else that wanted to speak? Carol?

(Carol Burritt, 620 Shore Drive, spoke in reference to the Atlas versus Town of Henrietta Zoning Board lawsuit – Audio File available upon request.)

SUPERVISOR YUDELSON

Thank you. Is there anyone else who would like to speak before we adjourn? If not, is there a motion to adjourn?

COUNCILMAN MOORE

I have one other item, Mr. Supervisor. You can either present it or I would be glad to.

SUPERVISOR YUDELSON

Go ahead.

COUNCILMAN MOORE

It has to do with the last Town Board Meeting where there was a statement made that Councilman Mulligan and I voted for a Resolution.

SUPERVISOR YUDELSON

Yes, I'm glad you brought that up, because I didn't and I would like to correct that myself. So what Councilman Moore is referring to, at the last Town Board Meeting, Special Permit Meeting, we were talking about an application currently before us from Jayne's Riverview where they are proposing to change an approved Special Use Permit and substitute apartments, eighty (80) apartments I believe it is, for seventy (70) townhomes. And during the discussion, Councilman Mulligan had referenced about voting against the apartments and we had, we were both looking at the Minutes from the meeting a year ago and there was a part where there was, we had voted five zero (5-0) in favor of the Resolution and I pointed that out and I thought that was for the whole thing. That was actually, we had voted five nothing (5-0) in favor of the rezoning to allow the project to go forward, but the Special Permits for the three (3) different types of housing were voted on separately and Councilman Moore and Councilman Mulligan did vote against that part of the Special Permit. So thank you for reminding me.

COUNCILMAN MOORE

Thank you. I have a copy of the Resolution and I'd like to read it in the Minutes and I have a copy for all Board Members.

SUPERVISOR YUDELSON

Okay.

COUNCILMAN MOORE

Supervisor Yudelson moved the Motion, the last one, "I'll move Application No. 2012-026 to construct one hundred and forty-four (144) apartment units for Jaynes Riverview,

LLC." Councilman Page seconded it. Supervisor Yudelson, "Discussion, call the roll, please." Duly put to a vote: Councilman Mulligan voting no; Councilwoman Zinck voting yes, Councilman Moore voting no, Councilman Page voting yes, and Supervisor Yudelson voting yes. Thank you.

SUPERVISOR YUDELSON

You realize that as Minutes they are in the Minutes already.

COUNCILMAN MOORE

Well you were referring to Minutes at that meeting you, you actually said these are the Minutes and you voted for this project. I'm talking right now! That's what you did at the last Town Board Meeting and we did not vote for it and you said we did.

SUPERVISOR YUDELSON

I just corrected myself. I said you voted for the rezoning, but not the apartments.

COUNCILMAN MOORE

There was three (3) Resolutions: one (1) for townhomes, one (1) for single family homes, and one (1) for apartments. And they got condensed all into one Resolution is the way I see it and I'm correcting the Minutes from that 2012 May 16th Special Permit Hearing.

SUPERVISOR YUDELSON

And didn't I just correct myself on what I said? But you wanted to read the Minutes, I'm saying these are, that's in the Minutes already. Are you saying the Minutes are incorrect from that meeting a year ago?

COUNCILMAN MOORE

I don't know. All I know is you made a reference when you held up this and you told Councilman Mulligan that, "You voted for this project, it's in the Minutes. I got them right here."

SUPERVISOR YUDELSON

And I just corrected myself.

COUNCILMAN MOORE

Thank you for correcting yourself.

SUPERVISOR YUDELSON

Okay. 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 8:00 P.M. and was adjourned without objection.

TB May 15, 2013

Respectfully submitted,

Rebecca B. Wiesner
Deputy Town Clerk