

**HENRIETTA TOWN BOARD
AGENDA
OCTOBER 6, 2004**

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) - September 15, 2004
6. Miscellaneous Communications
7. Public Hearings:
 - Proposed Rezoning of Land on Middle Road Between Calkins Road and Lehigh Station Road from Residential R-1-15 to Commercial B-1 and Commercial B-2
 - Request from Origin Management to Relocate to the Wayne County Empire Zone
 - 2003 Stormwater Management Program Annual Report
8. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
9. Reports of Standing Committees and Actions Thereon
10. Reports of Special Committees
11. Public Comment
12. Adjournment

RESOLUTION #18-224/2004

Authorize Accounts Payable

RESOLUTION #18-225/2004

Call for Public Hearing - Fiscal Year 2005 Preliminary Budget

RESOLUTION #18-226/2004

Call for Public Hearing - Relocation of Neo/SCI Within the Monroe County Empire Zone from Henrietta to Chili

RESOLUTION #18-227/2004

Authorize Relocation of Origin Management to Wayne County Empire Zone

RESOLUTION #18-228/2004

Approve 2003 Stormwater Management Program Annual Report

RESOLUTION #18-229/2004

Authorize Attendance of Annual New York State Youth Bureaus Association Conference

RESOLUTION #18-230/2004

Authorize Consultant Services - H & V Risk Consultants, LLC

RESOLUTION #18-231/2004

Direct Property Owner to Repair Sewer Lateral and Sewer Main - 558 Pinnacle Road

RESOLUTION #18-232/2004
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 6TH DAY OF OCTOBER, 2004 AT 8:00 P.M.

MEMBERS PRESENT

MEMBERS ABSENT

Supervisor James R. Breese
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

SUPERVISOR BREESE

Is there anybody that would like to speak on any agenda items other than the Public Hearings, which I'll call separately? Just regular agenda items? *(Pause - no response)* If not, may I have the approval of the Minutes, please.

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve the Minutes of September 15, 2004.

COUNCILMAN YUDELSON

Second.

SUPERVISOR BREESE

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	Aye
	Carried

SUPERVISOR BREESE

The first Public Hearing we have is the proposed rezoning of land on Middle Road between Calkins Road and Lehigh Station Road from Residential R-1-15 to Commercial B-1 and Commercial B-2. Has this been properly advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

I'd like to have, there's actually several Applicants, but the Applicant who wrote us was Ron Pluta from Calkins Corporate Park. If you would come up, Mr. Pluta, and summarize what it is you and your associates

would like to see happen here and why.

RONALD PLUTA, CALKINS CORPORATE PARK

Thank you. My name is Ron Pluta. I'm here to represent Calkins Corporate Park and the Strong, I don't think any members of the Strong family are here, but . . .

COUNCILMAN MULLIGAN

You've got one (1) back there.

RONALD PLUTA, CALKINS CORPORATE PARK

Okay. I hope it's okay I'm speaking for you. *(Laughter)* There's approximately seven (7) parcels that make up about thirty (30) acres on Middle Road there, between our property and the Strong property. We would like to request that it be rezoned from Residential to the Industrial/Commercial zoning, in keeping with some of the other properties that are along Middle Road. We just feel that it plays into what is maybe the future for that street. The Strong's, I believe, are in favor of this. They went along with our request as well.

SUPERVISOR BREESE

The proposed rezoning calls for two (2) classifications of rezoning, B-1, which is commercial, and B-2, which is more restrictive commercial. The B-2 would cover the parcels that front on Calkins Road and would be consistent with other development on Calkins Road. You know what the B-2 classification is.

RONALD PLUTA, CALKINS CORPORATE PARK

Correct.

SUPERVISOR BREESE

It's offices, banks, that kind of use.

RONALD PLUTA, CALKINS CORPORATE PARK

Yes.

SUPERVISOR BREESE

The other, do you have plans for the rest of the property? Do you have plans for any potential users right now, or are you just in a position where you want to market the property?

RONALD PLUTA, CALKINS CORPORATE PARK

We have no definite plans. We just thought it would be an opportune time to get it rezoned. We have one (1) parcel that would potentially be sold to Rich LeFrois, and I think the Strong family is looking to possibly sell their property. I don't know the particulars.

SUPERVISOR BREESE

I'd like to ask Mr. LeFrois if he could tell us what he intends to do with the property if we approve this.

RICH LEFROIS, RUSSELL P. LEFROIS BUILDERS, INC.

Hi. My name is Rich LeFrois, and, you know, we've been a resident, we've owned a business on Middle Road for a number of years, and you know, through just the evolution of our business, we've grown and we have a need for a little bigger warehouse and a little area where we can store our equipment, and we try to pride

ourselves in maintaining our properties that we have in the Henrietta area, and that location would fit in very well with our office, and it would just work very well.

SUPERVISOR BREESE

Are there any questions from the Board before I open it up to the public?

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, Ron, of the thirty (30) acres, what is it, approximately thirty (30) acres, I believe, is involved?

SUPERVISOR BREESE

Yes.

COUNCILMAN MULLIGAN

What number of acres represents the B-1? And then, how many acres are involved in the B-2?

RONALD PLUTA, CALKINS CORPORATE PARK

Is it listed on that letter?

COUNCILWOMAN ZINCK

Yes. Seventeen (17) B-1, thirteen (13) B-2.

SUPERVISOR BREESE

Actually, you're very good at that.

COUNCILWOMAN ZINCK

I know. Thank you. It's right here.

COUNCILMAN MULLIGAN

Now with B-1, would that allow like a McDonald's, a Burger King?

RONALD PLUTA, CALKINS CORPORATE PARK

I do not believe so.

SUPERVISOR BREESE

That would require a Special Permit.

RONALD PLUTA, CALKINS CORPORATE PARK

Yes. I believe so.

SUPERVISOR BREESE

That's not likely on Middle Road that you would have a McDonald's or Burger King, but it would have to come to us before it began.

COUNCILMAN MULLIGAN

Can you describe, Dan, what is allowed in the B-1 through the Town Code?

DANIEL MASTRELLA, TOWN ATTORNEY

B-1 without a Special Permit would allow stores and shops for retail business, personal service shops, banks, theaters, offices, office buildings, undertaker's establishments, banking, confectionary, dress making, laundry and tailor shops, provided that any manufacturing that occurred would be sold at retail on the premises, plumbing and heating, appliance and electrical stores, any uses permitted in Residential districts, aircraft dealers, animal hospitals, wholesale houses, storage and warehouses and the sale of boat and marine supplies. Then there are a series of specially permitted uses, as well, in B-1.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR BREESE

You might as well read the B-2 as long as you've got that out.

DANIEL MASTRELLA, TOWN ATTORNEY

B-2 allows residences and private garages, any other uses allowed in Residential districts, banks, medical centers, offices and office buildings and professional buildings.

COUNCILMAN MULLIGAN

Okay. Thank you.

SUPERVISOR BREESE

Does anybody else have any questions at this time? Is there anyone in the audience that would like to speak on this matter? Yes?

DAN DIXON, 200 MIDDLE ROAD

My name is Dan Dixon. I live on 200 Middle Road, and I'm directly next to one of the parcels that is going to be rezoned, and I just want to state that I am living there and that when the plans are drawn up by LeFrois to develop whatever they're going to develop, that some kind of barrier or something would be taken into consideration because

approximately a hundred and fifty (150) feet of my property line would be the same as theirs.

SUPERVISOR BREESE

That's a reasonable request that our staff and the Planning Board can take a close look at that.

DAN DIXON, 200 MIDDLE ROAD

I just wanted to come up and state that.

SUPERVISOR BREESE

That's fine. I'm glad you came. Thanks.

DAN DIXON, 200 MIDDLE ROAD

Thank you.

SUPERVISOR BREESE

Is there anybody else who would like to speak on this Application? Yes, Sir?

JOHN SCHMITT, 66 FAWN RIDGE ROAD

I admit I am not intimately involved in living in the neighborhood or have any property over there, but there are a couple of concerns that I do have, also along with Dr. Robert Goldstein. The first one is . . .

SUPERVISOR BREESE

Is he here? Is Dr. Goldstein here?

JOHN SCHMITT, 66 FAWN RIDGE ROAD

He couldn't make it.

SUPERVISOR BREESE

Oh, what a shame.

JOHN SCHMITT, 66 FAWN RIDGE ROAD

The first one is, the beautiful new ambulance center is almost right across the street from the intersection. So, it should be restricted as to how much traffic that anything that is put in there would bring. The other thing is a question about zoning, which I don't have the answer to. Dr. Goldstein really raised it, is that the property that actually is on Calkins Road, once something on Calkins Road is zoned Commercial B-1 or B-2, does that open anything on Calkins Road to that zoning?

SUPERVISOR BREESE

Not necessarily.

JOHN SCHMITT, 66 FAWN RIDGE ROAD

Or does each piece of property stand on its own merits?

SUPERVISOR BREESE

More or less on its own merits.

JOHN SCHMITT, 66 FAWN RIDGE ROAD

Okay. That's really the question. Thank you.

SUPERVISOR BREESE

Thank you. Is there anyone else who would like to speak on this Application tonight? *(Pause - no response)*
Anybody on the Board have any comments or questions before I adjourn the Hearing? Rezoning Hearings we normally vote the following meeting. We don't vote the same night. So, two (2) weeks from now, this should come before the Board for a vote. Thank you very much for being here.

RONALD PLUTA, CALKINS CORPORATE PARK

Thank you.

SUPERVISOR BREESE

We have another Public Hearing, Origin Management to relocate to Wayne County. Has that been advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

This is a company that is moving out of Monroe County into the Wayne County Empire Zone. The owners did tell me that the space that they occupy now, it's over in the Frontier Commons, has already been committed for, so they're not going to be leaving any empty space. This is a, frankly, routine matter that the Town Board has to act on so that they would be eligible for the Empire Zone status. Even though we'd be losing them, I think, from my point of view, we should try to support something like this. But anyway, that's my opinion. Anybody in the audience like to speak on this matter?

RACHEL WARREN, 59 TOMAHAWK TRAIL

Are there tax benefits associated with this?

SUPERVISOR BREESE

Oh, sure. Absolutely. That's why they're doing it.

RACHEL WARREN, 59 TOMAHAWK TRAIL

When people leave, do they have to pay back the community for . . .

SUPERVISOR BREESE

Well, I don't think they had any tax benefits from Monroe, to my knowledge. If they go to Wayne County they're going to get tax benefits, sure, absolutely. They have lower taxes, to start with.

RACHEL WARREN, 59 TOMAHAWK TRAIL

But they also got a break when they were here, right?

SUPERVISOR BREESE

I don't know that.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Oh, okay.

SUPERVISOR BREESE

I don't believe . . . the owner's here, and he's nodding, "no, they didn't."

RACHEL WARREN, 59 TOMAHAWK TRAIL

No?

SUPERVISOR BREESE

To answer your question.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Thanks.

SUPERVISOR BREESE

Good question. Thank you. Anybody else like to speak on this Public Hearing? *(Pause - no response)* If not, I'll adjourn this Public Hearing. The next and most exciting one is the Stormwater Management Program Annual Report. Don't ask me too much about this one. I'll have Chuck Marshall come up and explain it. It's a routine Resolution we have to pass once a year. We participate in the Stormwater Management Program, which is a good program. So, we're following regulations by having a Public Hearing on continuing it. Chuck, why should we continue in this?

CHUCK MARSHALL, COMMISSIONER OF PUBLIC WORKS

Well, the Federal Government has required municipalities, based on population, to have a stormwater pollution program and plan in effect, and we're in a five (5) year cycle now, and every year we have to update the plan, so it has to be brought to the Board and to the public for a Hearing to accept any comments related to what we're doing or what we plan to do.

SUPERVISOR BREESE

What are you doing?

CHUCK MARSHALL, COMMISSIONER OF PUBLIC WORKS

Well, we've inventoried all of our outfalls and our catch basins, and we're making progress on educating the public and doing training, and so on and so forth for employees.

SUPERVISOR BREESE

Thank you. Does anybody want to speak on this Public Hearing? *(Pause - no response)* If not, I'll adjourn this Public Hearing. Let's move right into the Resolutions.

RESOLUTION #18-224/2004

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 10/6/2004	\$ 449,323.22
EXHIBIT B	Manual Bills Payable	\$ 389.17

SUPERVISOR BREESE

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 Aye
Carried

RESOLUTION #18-225/2004

On Motion of Councilwoman Zinck
Seconded by Councilman Yudelson

WHEREAS, the Tentative Budget of the Town of Henrietta for the fiscal year 2005 was filed in the Office of the Town Clerk on September 24, 2004 and was presented to Town Board Members on this same date, and

WHEREAS, Town Law requires that a Public Hearing be held on the Preliminary Budget.

THEREFORE, BE IT RESOLVED, that a Public Hearing be held on October 20, 2004 at 8:00 P.M. at the Henrietta Town Hall, 475 Calkins Road, Main Meeting Room, Henrietta, New York on the fiscal year 2005 Preliminary Budget.

BE IT FURTHER RESOLVED, that the notice of said Public Hearing be published and posted in the manner provided by law.

SUPERVISOR BREESE
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 Aye
Carried

RESOLUTION #18-226/2004

On Motion of Councilman Mulligan
Seconded by Councilwoman Zinck

WHEREAS, the Town Board of the Town of Henrietta is in receipt of a request from Neo/SCI, 210 Commerce Drive, Rochester, New York 14623, to relocate their business at the above location from the Town of Henrietta, Monroe County Empire Zone, to the Town of Chili, Monroe County Empire Zone, and

WHEREAS, a Public Hearing must be held so that the Town Board of the Town of Henrietta has an

opportunity to hear public comments that extraordinary circumstances exist to warrant the relocation of Neo/SCI into the Town of Chili.

THEREFORE, BE IT RESOLVED, that a Public Hearing on the relocation request will be held on November 3, 2004 at 8:00 P.M. at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York 14467, to consider the request for relocation of Neo/SCI from the Town of Henrietta, Monroe County Empire Zone, to the Town of Chili, Monroe County Empire Zone.

SUPERVISOR BREESE
Discussion?

COUNCILMAN MULLIGAN
What Mrs. Warren mentioned earlier, now this is a case where they're in an Empire Zone, so do we get a rebate on this or do we get any money back because they leave? Do you know how that works? Or maybe you don't know.

SUPERVISOR BREESE
It's handled through the County of Monroe Industrial Development Agency. They set the regulations, so I don't know, frankly.

COUNCILMAN MULLIGAN
How many square feet are they leaving, or vacating?

SUPERVISOR BREESE
I don't know.

COUNCILMAN MULLIGAN
Can you find out?

SUPERVISOR BREESE
Sure.

COUNCILMAN MULLIGAN
Thank you.

SUPERVISOR BREESE
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	Aye
	Carried

RESOLUTION #18-227/2004

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, Origin Management, 1225 Jefferson Road, Suite 200, Rochester, New York 14623, Phone Number (585) 350-0000, Tax I.D. 16-147-9629, has operated a Call Center at the above location from 1999 to 2004, and

WHEREAS, Origin Management employed fifty (50) employees - (two (2) in Washington, one (1) in Florida, nine (9) in California, and thirty-eight (38) in New York - eight (8) of these are owners of the company) FTE in 2004, including seven (7) residents of the Town of Henrietta, and

WHEREAS, physical problems prevented Origin Management from remaining at 1225 Jefferson Road beyond October, 2004, and

WHEREAS, Origin Management attempted to relocate in Henrietta but could not find comparable space, and

WHEREAS, a Public Hearing was held on October 6, 2004, and

WHEREAS, extraordinary circumstances exist to warrant the relocation of Origin Management into the Wayne County Empire Zone.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta consents to the relocation of Origin Management from Henrietta to the Wayne County Empire Zone.

COUNCILWOMAN McCABE

If you can understand what I read . . .

SUPERVISOR BREESE

I didn't write the Resolution, but if you count it up, there's a total of fifty (50) employees, but it is confusing.

COUNCILWOMAN McCABE

It is.

SUPERVISOR BREESE

There's probably more information there than we need. *(Laughter)*

COUNCILMAN MULLIGAN

Why is that important?

SUPERVISOR BREESE

I don't know. Why?

COUNCILMAN MULLIGAN

I didn't write it. Did you write it, Dan?

DANIEL MASTRELLA, TOWN ATTORNEY

I didn't write it, no.

COUNCILMAN MULLIGAN

Nobody wrote it.

SUPERVISOR BREESE

Did anybody here write this Resolution? *(Laughter)*

COUNCILWOMAN McCABE

Nobody located here.

PATRICIA SHAFFER, TOWN CLERK

It was provided with their request.

SUPERVISOR BREESE

Excuse me? A sample was provided?

PATRICIA SHAFFER, TOWN CLERK

I believe the sample was provided with their request.

SUPERVISOR BREESE

Okay. We followed the sample. I think you're right. Okay. 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	Aye
	Carried

RESOLUTION #18-228/2004

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

WHEREAS, a new Federally-mandated program to control stormwater runoff known as the Phase 2 Stormwater Regulations requires the municipality to participate in an annual State Pollutant Discharge Elimination System (SPDES) General Permit effective March 10, 2003, and

WHEREAS, in conjunction with the Monroe County Stormwater Coalition and to comply with Federal Law, the 2003 Stormwater Management Program Annual Report with the Municipal Compliance Certification form has been completed and submitted to the New York State Department of Environmental Conservation,

and

WHEREAS, the Town of Henrietta's 2003 Stormwater Management Program Annual Report, including the SPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewers (MS4), has been completed and is on file in the Town Clerk's Office, and

WHEREAS, pursuant to an Order, a Public Hearing was held on October 6, 2004.

THEREFORE, BE IT RESOLVED, that the Public Hearing of the Town Board of the Town of Henrietta was held at the Henrietta Town Hall on October 6, 2004 with regard to the Town of Henrietta's 2003 Stormwater Management Program Annual Report.

SUPERVISOR BREESE

Isn't there supposed to be a final paragraph here about approving it? Who wrote this?

PATRICIA SHAFFER, TOWN CLERK

I believe Mr. Byrne.

SUPERVISOR BREESE

It says, it closes by saying - maybe I'm missing something - it closes by saying, "the Public Hearing was held with regard to this." It doesn't say what we're doing. It should be further resolved that we hereby approve this.

COUNCILMAN MULLIGAN

Why don't you amend it?

SUPERVISOR BREESE

I just did.

COUNCILWOMAN McCABE

I'll second it.

SUPERVISOR BREESE

Questions? No, just put it in there.

COUNCILMAN MULLIGAN

Sloppy.

SUPERVISOR BREESE

(Inaudible). . . about that. These Resolutions are apparently too complicated for the staff. In any event, we'll do better next time. 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 Aye
Carried

RESOLUTION #18-229/2004

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the Director of Recreation and Youth Bureau, Regis P. Steinkamp, has requested authorization to send Karen McArthur to the New York State Youth Bureaus Association Annual Conference in White Plains, New York from October 24, 2004 to October 27, 2004, and

WHEREAS, funds are available in the year 2004 Budget, and

WHEREAS, a Scholarship in the amount of \$537.00 has been granted towards the cost of registration and lodging, and

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

THEREFORE, BE IT RESOLVED, that Karen McArthur be hereby authorized to attend the four (4) day New York State Youth Bureaus Association Annual Conference at a cost not to exceed \$360.00, to include Conference Registration, hotel package, airfare and meals.

BE IT FURTHER RESOLVED, that all properly prepared vouchers be submitted to the Finance Department for reimbursement.

SUPERVISOR BREESE
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 Aye
Carried

RESOLUTION #18-230/2004

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

WHEREAS, H & V Risk Consultants, LLC, 122 The Paddock, Williamsville, New York 14221, has

submitted to the Town of Henrietta a proposal dated September 24, 2004, a copy of which is on file in the Town Clerk's Office, and

WHEREAS, the proposed scope of services, as more fully detailed therein, is for consulting services pertaining to various types of insurance for the Town of Henrietta.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized, on behalf of the Town of Henrietta, to execute the Business Consultant Agreement proposal with H & V Risk Consultants, LLC, for a total cost not to exceed \$3,000.00 as set forth in said proposal.

BE IT FURTHER RESOLVED, that the Director of Finance is hereby authorized to pay H & V Risk Consultants, LLC for Professional Services performed at the amount set forth in said proposal upon satisfactory completion and acceptance of the services.

SUPERVISOR BREESE

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	Aye
	Carried

SUPERVISOR BREESE

This next Resolution, we didn't discuss this matter at Workshop because it didn't come into us until yesterday. It came as a matter of urgency through staff and the Town Attorney. So, you haven't seen this before.

RESOLUTION #18-231/2004

On Motion of
Supervisor Breese

Seconded by
Councilman Mulligan

WHEREAS, the Town Board has been advised by the Building and Development Coordinator and the Superintendent of Drainage, Sewer and Sidewalks that the residence at 558 Pinnacle Road, Tax Account Number 176.08-1-10, has a non-functioning and unconnected sanitary sewer lateral, and is, therefore, not serviced by the sanitary sewage disposal system maintained by the Town of Henrietta, and

WHEREAS, said condition constitutes a hazard to the clean, sanitary and safe condition required to be maintained pursuant to Town Code §205-10(A and B) and §205-11(A), and the owner has been so notified by the Town's Building Inspector of said hazardous and unlawful condition, and

WHEREAS, said condition has persisted for several months and previous unsuccessful repair attempts by the homeowner have resulted in damage to the Town's sewer main, imperiling the proper functioning of said sewer main and jeopardizing the sanitary condition of other residences connected to the

sewer main.

THEREFORE, BE IT RESOLVED, that the Town Attorney shall serve a notice upon the owner of the premises listed on the Town Tax Roll as Joan Davis, by Registered or Certified mail, addressed to the owner's last known address at 558 Pinnacle Road, Rochester, New York 14623, requiring the repair of the non-functioning sewer lateral and repair of the damage to the sewer main caused by said homeowner, before October 29, 2004.

BE IT FURTHER RESOLVED, that should the owner neglect or fail to comply with the requirements of such notice within the time provided therein, the Town Board hereby authorizes the work to be done and the cost thereof be paid out of general Town funds, and the Town shall be reimbursed for the cost of the work performed and any services rendered by assessment and levy upon the lot wherein such work was performed or services rendered, and said expenses so assessed shall constitute a lien and charge on the real property on which they are levied until paid or otherwise satisfied and discharged, and shall be collected in the same manner and at the same time as other Town charges.

SUPERVISOR BREESE

Under discussion, it's not often that we are forced to do something like this, but this is a matter of urgency that needs to be dealt with right now. Mr. Mastrella, did you talk to the homeowner on this?

DANIEL MASTRELLA, TOWN ATTORNEY

I received a telephone message from the homeowner, and I left a return message for the homeowner this afternoon. I have not directly spoken with her.

SUPERVISOR BREESE

Okay. 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	Aye
	Carried

RESOLUTION #18-232/2004

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the following persons be hired:

Jeffrey Willis Recreation, Part-time Recreation Assistant @ \$9.50/hr., effective 10/3/2004.

Maria Lander Recreation, Part-time Recreation Assistant @ \$7.00/hr., effective 10/3/2004.

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

Sheila Audino Recreation, Full-time Clerk Typist @ \$10.59/hr., from Part-time/Seasonal Clerk @ \$7.00/hr., effective 10/3/2004, six (6) months provisional.

Sandra Deemus Recreation, Part-time Recreation Assistant @ \$11.50/hr. from \$11.05/hr., effective 9/19/2004.

Shannon Burtzell Recreation, Part-time Recreation Assistant @ \$7.75/hr. from \$7.25/hr., effective 9/19/2004.

Karen Braun Recreation, Part-time Recreation Assistant @ \$9.75/hr. from \$9.25/hr., effective 9/19/2004.

Debbie Arnaud Recreation, Part-time Recreation Assistant @ \$10.00/hr. from \$9.25/hr., effective 9/19/2004.

Jessica Wade Recreation, Part-time Recreation Assistant @ \$6.75/hr. from \$6.15/hr., effective 9/5/2004.

Stephen Chase Code/Building, Deputy Building Inspector, successfully passed Civil Service exam, change from provisional to permanent, no change in rate.

SUPERVISOR BREESE

Under discussion, the two (2) of those, Sheila Audino and Stephen Chase, those are appointments to full-time positions, they should be six (6) months provisional. Let's just put that for the Record, okay? Anybody else? 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	Aye
		Carried

SUPERVISOR BREESE

That's the end of the meeting. Is there anybody out there that would like to speak on any other matters involving the Town of Henrietta?

RACHEL WARREN, 59 TOMAHAWK TRAIL

I attended the September 30TH meeting this past week about the land, concerning the land south of the Thruway, and I have some questions. One is, I'm wondering what we spent to do the Comprehensive Land Use Plan and to conduct the 2001 Land Use Survey? Do we still know what the numbers were, the price of our doing those two (2) things?

SUPERVISOR BREESE

I don't have that information in front of me.

RACHEL WARREN, 59 TOMAHAWK TRAIL

It wasn't all that long ago.

SUPERVISOR BREESE

I don't have it in front of me.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Okay. It was my understanding in the Land Use Plan as it was written, that we were supposed to, we were recommended to take certain actions regarding farmland, very specific things such as setting up a fund to do purchase of Development Rights, or to pass certain agricultural laws to be farming friendly, to allow farmers to have businesses on their properties, or establish agricultural laws so that we can support farming in our community, because it is an economic contributor to our economy, and none of those things have been done, and then we went to this meeting last week and that was not an option. The options that were offered is how do we want this land to be developed and built upon.

SUPERVISOR BREESE

You didn't like the meeting?

RACHEL WARREN, 59 TOMAHAWK TRAIL

It wasn't, I thought that we were going to have an option to see what could be preserved as opposed to developing it.

SUPERVISOR BREESE

That was just an informational meeting for the benefit of the people who were interested, and I'm glad you went, but there's no decisions that have been made on the Behan Planning recommendations.

RACHEL WARREN, 59 TOMAHAWK TRAIL

The way it was presented, it certainly sounded like we had to participate in something that had to do with having the land developed. That's how it came across to a number of people.

SUPERVISOR BREESE

I wasn't at the meeting. What do you mean participate?

RACHEL WARREN, 59 TOMAHAWK TRAIL

They broke us down into groups of about twenty-five (25) people each after their presentation and gave us some ideas, all of which included developing the farmland. I thought that was a rather interesting thing to have happen after . . .

SUPERVISOR BREESE

Well, I would think you would have supported the effort that Behan is making to try to get opinions from the public. There have been no recommendations given to the Board yet. They wanted to hear what the public had to say. That's why they had the meeting. No decision has been made on anything involving the Behan group, and there will be plenty of opportunities to comment when we get to the point where we're going to be changing any zoning classifications. There would have to be a Public Hearing, and you can comment then. There's time . . .

RACHEL WARREN, 59 TOMAHAWK TRAIL

So the land is going to be rezoned, is that what you're saying?

SUPERVISOR BREESE

I'm saying we're looking at possible changes in zoning uses in that area with the idea of preserving more open space, which I thought you liked.

RACHEL WARREN, 59 TOMAHAWK TRAIL

I love it, except what's being proposed in terms of cluster development and so on.

SUPERVISOR BREESE

Nothing's been proposed, Mrs. Warren.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Presented, then.

SUPERVISOR BREESE

Presented.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Presented, all right, is not farming friendly over the long haul, nor is it tax friendly to the community.

SUPERVISOR BREESE

Well, I hope you got your point across when you had the meeting on the 30TH. I presume you got your point across about how you feel.

RACHEL WARREN, 59 TOMAHAWK TRAIL

But you all are the ones who make the decisions . . .

SUPERVISOR BREESE

That's right.

RACHEL WARREN, 59 TOMAHAWK TRAIL

. . . whether or not to do P.D.R.'s and these other things, and I'm wondering why the Board has been so resistant to that.

SUPERVISOR BREESE

Resistant to what?

RACHEL WARREN, 59 TOMAHAWK TRAIL

Resistant to doing purchase of Development Rights on other pieces of property besides the Aldridge farm.

SUPERVISOR BREESE

Why we won't buy more Development Rights? Bill, why don't you explain why you don't want to buy Development Rights.

COUNCILMAN MULLIGAN

I didn't vote, Rachel, for the one we did. I'm not an advocate of them.

RACHEL WARREN, 59 TOMAHAWK TRAIL
Why?

COUNCILMAN MULLIGAN

I believe the market system should determine how land is used. Do I want to see bigger lots south of the Thruway? Definitely. I don't like the quarter acres. I'd rather see them be one (1), but I have no interest in spending Ten Million (\$10,000,000) like Pittsford did, or Seven Million (\$7,000,000) like Webster did, or Twelve Million (\$12,000,000) like Penfield did. We've kept the tax rate low. It's affordable to live here. There's no pressure on development. Nobody's doing any industrial building. Nobody's doing any commercial. There's some houses being built, and that's about it. In my forty-five (45) years in Henrietta, it's the slowest I've seen development. So, I don't want it. The other people all voted for Development Rights. Those four (4), you know, you can maybe convince to buy more. I didn't want to buy those.

SUPERVISOR BREESE

That's an honest answer, but we're jumping the gun here. All we're trying to do is reach out to people and get their ideas. That's what the meeting was for on the 30TH. No decisions have been made. No proposals have been made to the Town Board. So, to start talking about why don't we do this, and why don't we do that, it's a little premature, frankly.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Well, I have one other suggestion, and this is an election year, and I'm asking you to consider something, and that is to propose to the people of the Town a Referendum for forwarding a bond issue to preserve farmland.

SUPERVISOR BREESE

I would not support that. Okay? Just so you know where I stand.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Well, you want to know where the people stand, and eighty-two (82) percent of them . . .

SUPERVISOR BREESE

I'm not surprised you'd want to do that, but I want to tell you now, up front, I would never support that. Okay?

RACHEL WARREN, 59 TOMAHAWK TRAIL

Well, eighty-two (82) percent of the people responded in the Land Use Survey that they would like to see farmland preserved . . .

SUPERVISOR BREESE

Fine. Fine.

RACHEL WARREN, 59 TOMAHAWK TRAIL

. . . and I always thought . . .

SUPERVISOR BREESE

I didn't . . .

RACHEL WARREN, 59 TOMAHAWK TRAIL

. . . elected officials were supposed to listen to what the people said.

SUPERVISOR BREESE

Listen. We do listen to the people. That's why you had the meeting on September 30TH. So, you know, don't tell us we don't listen to people. We do. But we have to make the decisions on land use, and we will.

COUNCILWOMAN McCABE

May I say something?

SUPERVISOR BREESE

Yes.

COUNCILWOMAN McCABE

Rachel, there's two (2) things involved here. One is the purchase of land for open space, period, and the other is the purchase of Development Rights, and the only approved way that I voted for the Aldridge property was because of the commitment, for the Town, the park across the way. That was the only reason why, but I am not in favor of purchase of Development Rights either, because that means the Town does not own the property, or, the people of the Town do not own the property. They only stop development up to a certain length of time, and they give a lot of money to the owners to stop development. That to me is not the way to go. The way to go is, if we could, set up a fund to purchase property. We started purchasing a lot of property now, and it's still kept the taxes low. We are looking at purchasing more. But in that light, it has to be a balance of development, of purchase of property to keep the space open and to keep the taxes low, and to strike that balance, I think we've done a very good job up to this point, and we will look at more.

RACHEL WARREN, 59 TOMAHAWK TRAIL

I wish you well, because farmland is one of the best ways to control a Town's tax rate. . .

COUNCILWOMAN McCABE

I know, but purchasing of Development Rights . . .

RACHEL WARREN, 59 TOMAHAWK TRAIL

. . . over the long term.

COUNCILWOMAN McCABE

Purchasing of Development Rights is really, as far as I'm concerned, not the way to go. You have to come up with money and buy the land and own the land and keep it open and free forever, otherwise it ends after a certain length of time and they can do whatever the heck they want with it after that.

RACHEL WARREN, 59 TOMAHAWK TRAIL

I still think the people have a right to a Referendum on the issue. Thank you.

COUNCILMAN YUDELSON

Mr. Supervisor, I'd like to just make a comment on Thursday's meeting as well. Remember that the main focus of the consultant we hired has been to seek input and make recommendations on the residential areas, the areas currently zoned Residential, and that was the main focus of the presentation Thursday. As

he pointed out during the presentation, if it's zoned Residential, it could be built out right now, according to the zoning, and some of the things he talked about as far as different types of development, where you might have higher density in one area and no development at all, were just different options for residential development.

SUPERVISOR BREESE

Thank you. Anybody else like to speak on any other items involving the Town before we adjourn? (*Pause - no response*)

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman McCabe at 8:32 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk