

**HENRIETTA TOWN BOARD  
AGENDA  
OCTOBER 20, 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) - October 6, 2004
6. Miscellaneous Communications
7. Public Hearing:
  - Fiscal Year 2005 Preliminary Budget for the Town of Henrietta; Proposed Salaries for Elected Town Officials are: Supervisor, \$90,953; Councilpersons, \$16,594; and Town Judges, \$25,175
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 #19-233/2004

Authorize Accounts Payable

RESOLUTION #19-234/2004

Authorize Reappointment of Board of Assessment Review Member - Donald Jenks, Sr.

RESOLUTION #19-235/2004

Authorize Placement of Delinquent Property Maintenance Bills on Tax Rolls

RESOLUTION #19-236/2004

Authorize Placement of Delinquent Sewer Rent Charges on Tax Rolls

RESOLUTION #19-237/2004

Accept Dedication of Roadways and Storm Sewers - Harvest Hills Subdivision, Section Two (2)

RESOLUTION #19-238/2004

Authorize 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

RESOLUTION #19-239/2004

Authorize Supervisor to Sign New York State Snow and Ice Removal Agreement

RESOLUTION #19-240/2004

Authorize Supervisor to Sign Henrietta Volunteer Ambulance Contract

RESOLUTION #19-241/2004  
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 20<sup>TH</sup> DAY OF OCTOBER, 2004 AT 8:00 P.M.

**MEMBERS PRESENT**

Supervisor James R. Breese  
Councilman William J. Mulligan, Jr.  
Councilman Michael B. Yudelson  
Councilwoman Janet B. Zinck  
Daniel J. Mastrella, Town Attorney  
Patricia J. Shaffer, Town Clerk

**MEMBERS ABSENT**

Councilwoman Catherine A. McCabe

SUPERVISOR BREESE

Is there anyone that would like to speak on agenda items other than the Public Hearing at this time? Just agenda items only? (*Pause - no response*) If not, I move approval of the Minutes of the preceding meeting.

COUNCILMAN YUDELSON

Second.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

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

SUPERVISOR BREESE

We have a Public Hearing on the 2005 Preliminary Budget for the Town. Has this been properly advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

Is there anyone who would like to speak on the Preliminary Budget at this time? Yes, Sir?

JOHN SCHMITT, 66 FAWN RIDGE ROAD

Good evening. My question is more for my own personal enlightenment than any comments on the Budget itself. Each year, in a similar format, it's on page five (5), the Roman numeral five (V), there are some pie charts, and in the upper pie chart is the revenue that will be taken from the Reserve Fund, and this occurs each year. It varies, some years it's a little more or a little less. However, I looked at the last five (5) years and if we realize the actuals according to the Budget as presented, we'll have used about Thirteen Million Dollars (\$13,000,000.00). So, my question is, does that Fund stay steady? I don't question the existence of

the Fund, or the use of the Fund, but is the Fund balance staying steady? Are we moving towards a position where we may find ourselves not with a financial strength that we think we have, and things of that nature?

SUPERVISOR BREESE

Well, that's a good question. We have a very solid Fund balance and have had for years, and I think we'll continually have, unlike some other towns that have just about stripped their Fund balances, we haven't done that. We have it there for contingent expenses, and sometimes we do dip into it, but the bottom line is, that it remains very healthy.

JOHN SCHMITT, 66 FAWN RIDGE ROAD

Okay. The other question is a simple one. Are you still hoping that the Senate will repeal that grab of the money from the State Troopers.

SUPERVISOR BREESE

Yes, that bizarre thing they did in the dark of the night, or whatever it was. Yes, Senator Alesi assures us that it's going to be rescinded.

JOHN SCHMITT, 66 FAWN RIDGE ROAD

Okay. Thank you.

SUPERVISOR BREESE

Thank you very much. Anybody else on the Budget? *(Pause - no response)* I didn't think this Budget would be too controversial. It's a no tax increase Budget. Okay, I'll close the Public Hearing. May I have the first Resolution, please.

RESOLUTION #19-233/2004

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 10/20/2004	\$ 547,721.41
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SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #19-234/2004

On Motion of  
Councilman Yudelson

Seconded by  
Councilwoman Zinck

WHEREAS, the term of Donald Jenks, Sr., Board of Assessment Review, has expired as of September 30, 2004, and

WHEREAS, Mr. Jenks has requested reappointment, and

WHEREAS, the Henrietta Town Board wishes to maintain the Boards at their authorized strength for maximum input.

THEREFORE, BE IT RESOLVED, that Donald Jenks, Sr., 86 Langston Point, Pittsford, New York 14534, be hereby reappointed to the Board of Assessment Review for a five (5) year term effective October 1, 2004 and expiring September 30, 2009.

SUPERVISOR BREESE  
Discussion?

COUNCILMAN MULLIGAN  
If you know, Mr. Supervisor, what are the Assessment Review Board Members paid?

SUPERVISOR BREESE  
Mr. Gabbert, would you come up and tell us that number, please. It's not much, but . . .

NATHAN GABBERT, TOWN ASSESSOR  
They are paid an hourly rate, but I'm not familiar with exactly what it is. I think it was Twenty Dollars (\$20.00) an hour.

COUNCILMAN YUDELSON  
I thought you gave them dinner.

SUPERVISOR BREESE  
We used to.

NATHAN GABBERT, TOWN ASSESSOR  
We used to.

COUNCILMAN YUDELSON  
Oh, we don't do that anymore?

SUPERVISOR BREESE  
We used to buy them a pizza in the old days.

NATHAN GABBERT, TOWN ASSESSOR

I don't know exactly what the figure is, but it's a stipend amount per hour.

SUPERVISOR BREESE

They're not paid much and they do a lot of good work. Thank you.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR BREESE

Call the roll, please.

Duly put to a vote:

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

RESOLUTION #19-235/2004

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Yudelson

WHEREAS, owners of several properties located in the Town of Henrietta have neglected to maintain their property during the summer, resulting in the inordinate accumulation of vegetation and/or debris, and have otherwise allowed said property to fall into a state of disrepair, in violation of the Henrietta Town Code, and

WHEREAS, said property owners have failed to comply in a timely fashion to notices of violation thereof served upon them by the Town of Henrietta Code Enforcement Office, and

WHEREAS, this failure resulted in the Town authorizing this work to be performed and the property owners being invoiced for said work, and

WHEREAS, said property owners have failed and neglected to pay said invoices.

THEREFORE, BE IT RESOLVED, that the unpaid invoices on the properties, as per the attachment, be added as a lien against said real property on the 2005 tax levy for collection.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe voting	Absent
Councilman Mulligan voting	Aye

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

RESOLUTION #19-236/2004

On Motion of Councilwoman Zinck  
Seconded by Councilman Mulligan

WHEREAS, owners of several properties located in the Town of Henrietta have neglected to pay their sewer rent charges in a timely fashion, and

WHEREAS, the total of the unpaid sewer rent charges to be relieved, including any late fees or penalties, is in the amount of \$55,497.87.

THEREFORE, BE IT RESOLVED, that the unpaid sewer rent charges for the properties as on file with the Sewer Department, including any late fees or penalties, be hereby added as a lien against said real property on the 2005 tax levy for collection.

SUPERVISOR BREESE  
Discussion? Call the roll, please.

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

RESOLUTION #19-237/2004

On Motion of Councilman Yudelson  
Seconded by Councilwoman Zinck

WHEREAS, Lacey Development Corporation, the Developer of Harvest Hills Subdivision, Section Two (2), located on Aspen Look Drive, has constructed roads and installed storm sewers in said subdivision section, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of said roads and the aforescribed improvements to the Town and for this purpose has delivered to the Town a deed for tracts or parcels of land conveying said roadways to the Town, and filing instruments granting easements to the Town for said improvements, and

WHEREAS, the Town Attorney has examined this deed and easements and has found them to be in good order, and

WHEREAS, the Superintendent of Highways and the Director of Engineering and Planning have determined that the roads and said improvements were built in accordance with Town requirements and have recommended that they be accepted by the Town, and

WHEREAS, the standard required two (2) year period of time within which a Maintenance Bond would be required to be posted has elapsed, and

WHEREAS, the Director of Engineering and Planning has re-inspected the improvement and recommends that they be accepted without requiring posting said Bond.

THEREFORE, BE IT RESOLVED, that the said roadways and said improvements for the described subdivision section be and they hereby are accepted and that said deed and easements be recorded in the Monroe County Clerk's Office.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #19-238/2004

On Motion of  
Supervisor Breese

Seconded by  
Councilman Yudelson

WHEREAS, the Town Board of the Town of Henrietta has received requests for the rezoning of approximately 30.2 acres from the owners of the parcels of land located on Middle Road between Calkins Road and Lehigh Station Road identified as Tax Account Numbers 175.08-1-17.1, -18.1, -19.1 and 175.12-1-2.112 from Residential R-1-15 to Commercial B-1 (approximately 17.06 acres) and parcels of land identified as Tax Account Numbers 175.08-1-20, -25 and -26 from Residential R-1-15 to Commercial B-2 (approximately 13.1 acres), 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 I 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 I Action, and

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

WHEREAS, the Henrietta Town Board declared its intent to be the Lead Agency for the environmental quality review, and

WHEREAS, the Henrietta Town Board is the sole approval board or agency affected by this action, and

WHEREAS, the Henrietta Town Board has taken a hard look at the environmental issues raised by this rezoning, pursuant to Section 617.7 of SEQRA, and

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

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board does formally designate itself and accepts Lead Agency status for the environmental review of described rezoning under the State Environmental Quality Review Act (SEQRA) and has determined that the proposed action therein described will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be required and therefore issues a negative declaration.

BE IT FURTHER RESOLVED, that the Henrietta Town Board hereby ratifies, confirms and adopts the rezoning of approximately 17.06 acres to Commercial B-1 and approximately 13.1 acres to Commercial B-2, upon the terms and conditions set forth on the Record at the Henrietta Town Board Public Hearing held on October 6, 2004.

SUPERVISOR BREESE  
Discussion?

COUNCILMAN MULLIGAN  
Just under discussion, point of clarification, we talk about ourselves, Mr. Supervisor, taking Lead Agency, and I see a letter in the packet from the Thruway Authority where it talks about the Planning Board being the Lead Agency. It's under New York State Thruway Authority, right near the end, from a Tom Moore.

SUPERVISOR BREESE  
I think that was a mistake.

COUNCILMAN MULLIGAN

Okay.

SUPERVISOR BREESE

I think they didn't understand that this was not a Planning Board matter. I wouldn't be too concerned about that.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR BREESE

Call the roll, please.

Duly put to a vote:

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

RESOLUTION #19-239/2004

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman Zinck

BE IT RESOLVED, that the Supervisor be authorized to sign, on behalf of the Town of Henrietta, the attached extension to the New York State Snow and Ice Agreement for the 2006-2007 season.

BE IT FURTHER RESOLVED, that this extension shall commence on July 1, 2006 and expire on June 30, 2007.

COUNCILWOMAN ZINCK

I'll second it with June 30, 2007. Right?

COUNCILMAN MULLIGAN

What did I say?

COUNCILWOMAN ZINCK

July.

COUNCILMAN MULLIGAN

Close.

SUPERVISOR BREESE

Discussion? Call the roll, please.



BE IT RESOLVED, that the following persons be hired:

David Toole	Recreation, Part-time Recreation Assistant @ \$10.00/hr., effective 10/17/2004.
Adam DiPasquale	Recreation, Part-time Recreation Assistant @ \$5.75/hr., effective 10/17/2004.

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

Alan Banker, Jr.	Recreation, Part-time Recreation Assistant @ \$6.75/hr. from \$6.50/hr., effective 10/17/2004.
Dennis Bethmann	Recreation, Part-time Recreation Assistant @ \$7.50/hr. from \$7.25/hr., effective 10/17/2004.
Marci Bruno	Recreation, Part-time Recreation Assistant @ \$6.00/hr. from \$5.75/hr., effective 10/17/2004.
Shawn Clark	Recreation, Part-time Recreation Assistant @ \$7.50/hr. from \$7.25/hr., effective 10/17/2004.
Karl Jaanimagi	Recreation, Part-time Recreation Assistant @ \$8.00/hr. from \$7.75/hr., effective 10/17/2004.
Carol Lindsay	Recreation, Part-time Recreation Assistant @ \$8.25/hr. from \$8.00/hr., effective 10/17/2004.
Connie Purpura	Recreation, Part-time Recreation Assistant @ \$8.00/hr. from \$7.50/hr., effective 10/17/2004.
Laura Ricketts	Recreation, Part-time Recreation Assistant @ \$9.75/hr. from \$9.50/hr., effective 10/17/2004.
Frank Scialdone	Recreation, Part-time Recreation Assistant @ \$7.25/hr. from \$7.00/hr., effective 10/17/2004.
Highway	As per the attachment.

SUPERVISOR BREESE  
Discussion? Call the roll, please.

Duly put to a vote:  
Councilwoman McCabe voting                      Absent

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 Regular Meeting. Before we adjourn, is there anybody who would like to speak on any other matters involving the Town of Henrietta? *(Pause - no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman Zinck at 8:20 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson  
Deputy Town Clerk