

**HENRIETTA TOWN BOARD  
AGENDA  
DECEMBER 15, 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) - December 1, 2004
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 #23-274/2004

Authorize Accounts Payable

RESOLUTION #23-275/2004

Authorize Additional Professional Services - Behan Planning Associates, LLC

RESOLUTION #23-276/2004

Authorize Tax Certiorari Settlement - R & F Henrietta, LLC

RESOLUTION #23-277/2004

Authorize Supervisor to Sign Community Development Construction Agreement

RESOLUTION #23-278/2004

Accept Dedication of Sanitary Sewers - Thruway Industrial Park and Erie Station Village Phase I Projects

RESOLUTION #23-279/2004

Authorize Supervisor to Sign Abandonment of Easement - 33 Sisson Drive

RESOLUTION #23-280/2004

Authorize Purchase of State Contract Vehicle - Landscape Tractor

RESOLUTION #23-281/2004

Award Quote and Authorize 2004 Auditing Services - Raymond F. Wager, CPA, P.C.

RESOLUTION #23-282/2004

Authorize Budget Transfers and Encumbrances



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 15<sup>TH</sup> DAY OF DECEMBER, 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? Just Agenda items at this time? *(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 December 1, 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

May I have the first Resolution, please.

RESOLUTION #23-274/2004

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 12/15/2004                      \$ 629,708.21

SUPERVISOR BREESE

Discussion?

COUNCILMAN MULLIGAN

Just under discussion, in the area of finance, I'd like to, is Mr. Liess here? Thank you, Paul, for those excellent income and expense statements that you give us monthly. I think they give the Board an overview of how revenue is not only coming in, but how we're spending money. Thank you.

COUNCILWOMAN McCABE

Yes.

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 #23-275/2004

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman McCabe

WHEREAS, Resolution #11-138/2004 authorized Behan Planning Associates, LLC to provide Professional Services to address growth management and recommend land use regulations for the Town of Henrietta south of the New York State Thruway, or as more fully detailed in a proposal to the Town dated May 12, 2004, and

WHEREAS, additional Professional Services are required in order to complete the Project.

THEREFORE, BE IT RESOLVED, that the Director of Finance is hereby authorized to pay Behan Planning Associates, LLC, 2165 Brighton-Henrietta Town Line Road, Rochester, New York 14623, for additional Professional Services performed at the rates set forth in said proposal in an amount not to exceed \$14,000.00, upon satisfactory completion and acceptance of the services.

SUPERVISOR BREESE

Discussion?

COUNCILMAN MULLIGAN

Just, Mr. Supervisor, I'd like to thank you for bringing this in to the Board last Spring. It may have been a little bit overdue, but you had the foresight to see that we needed to do it, and I think Behan is providing the Town with an important service.

SUPERVISOR BREESE

Thank you. 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 #23-276/2004

On Motion of  
Councilman Yudelson

Seconded by  
Councilwoman Zinck

WHEREAS, R & F Henrietta, LLC heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessments for the years 2002, 2003 and 2004 on premises located at 500 Jay Scutti Boulevard in the Town of Henrietta, being Tax Account Number 161.08-1-15.12, and

WHEREAS, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner’s claim, and

WHEREAS, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

WHEREAS, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by R & F Henrietta, LLC for the years 2002, 2003 and 2004 be and hereby are approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Henrietta be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Henrietta to reflect the terms of such settlement.

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 #23-277/2004

On Motion of Councilwoman Zinck Seconded by Councilman Mulligan

WHEREAS, a Community Development Grant for the year 2004, in the amount of \$50,000.00, is available through Monroe County, and

WHEREAS, this Grant provides for sanitary sewer repairs on Guildhall Road and Princess Drive in the Town of Henrietta.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to accept and sign the Community Development Construction Agreement for said Grant.

SUPERVISOR BREESE  
Discussion?

COUNCILMAN MULLIGAN  
Question on the work that's going to actually be done, Mr. Supervisor. Will this be with the efforts of Town forces, or is this something we bid out?

SUPERVISOR BREESE  
Mr. Byrne, do you want to answer that, please. I thought we answered that at the Workshop, but let's do it again, okay?

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING  
This will be a bid out by contract.

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 #23-278/2004

On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Yudelson

WHEREAS, Konar Properties, the Developer of Thruway Industrial Park and Erie Station Village Phase I Projects has constructed sanitary sewers located between the New York State Thruway and Erie Station Road and servicing a portion of Hendrix Road in said Projects, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of the said sanitary sewer systems to the Town of Henrietta and for this purpose has delivered to the Town of Henrietta filing instruments granting easements to the Town for said sanitary sewer systems, and

WHEREAS, the construction of these sanitary sewers will provide storage capacity within Sewer Extension No. 37 and provide sanitary sewer availability for the Erie Station Road properties between house numbers 524 and 630, and

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

WHEREAS, the Superintendent of Drainage, Sewer and Sidewalks and the Director of Engineering and Planning have determined that the said sanitary sewer systems were installed in accordance with Town requirements and have recommended that they be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the said sanitary sewer systems for the described Projects be and they hereby are accepted and that said easements be recorded in the Monroe County Clerk's Office.

BE IT FURTHER RESOLVED, that such acceptance is made subject to the Developer securing with the Town of Henrietta a Maintenance Guarantee for a period of two (2) years.

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 #23-279/2004

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman McCabe

WHEREAS, the property owner at 33 Sisson Drive has a residential dwelling currently occupying a portion of an existing Town drainage easement recorded in Liber 3939 of Deeds, Page 450, and

WHEREAS, the release of said portion of the drainage easement is necessary for the sale of property being identified as Tax Identification No. 162.17-4-72, and

WHEREAS, the described portion of this existing drainage easement is no longer needed by the Town, and

WHEREAS, the Town Attorney and the Director of Engineering and Planning have reviewed the Abandonment of Easement and recommended that the Town of Henrietta consent to and execute said Abandonment.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to execute the Abandonment of Easement which shall be filed in the Monroe County Clerk's Office.

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 #23-280/2004

On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Yudelson

WHEREAS, the 2005 Parks and Facilities Budget provides funds for the purchase of one (1) landscape tractor to replace a 1993 Ford #230 Model 1720, ID #2373, and

WHEREAS, a tractor, meeting specifications, is available through New York State Contract #PC61226 from John Deere Company at a total cost of \$13,390.82, including trade.

THEREFORE, BE IT RESOLVED, that John Deere Company, 2000 John Deere Run, Cary, North Carolina 27513, be hereby awarded the purchase of one (1) new landscape tractor, per specifications, to be delivered to their local dealer, Ontrac Equipment, 4111 West Henrietta Road, Rochester, New York 14623, at a total cost not to exceed \$13,390.82.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay John Deere Company upon delivery and receipt of all proper documentation.

SUPERVISOR BREESE

Discussion? Call the road, 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 #23-281/2004

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman Zinck

WHEREAS, the Director of Finance has received a quote for Audit Services from Raymond F. Wager, CPA, P.C., in the amounts of \$9,800.00 for the Regular Audit and \$1,150.00 for the Annual Updated Document, for a total amount of \$10,950.00 for the year 2004 Audit of the Town of Henrietta, and

WHEREAS, Raymond F. Wager, CPA, P.C. has performed this audit for several years for the Town of Henrietta with satisfactory results.

THEREFORE, BE IT RESOLVED, that Raymond F. Wager, CPA, P.C., be authorized to conduct the year 2004 Audit of the Town of Henrietta for an amount not to exceed \$10,950.00.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay Raymond F. Wager, CPA, P.C., 332 Jefferson Road, Rochester, New York 14623 upon receipt of all necessary documentation.

SUPERVISOR BREESE

Discussion?

COUNCILMAN MULLIGAN

Just under discussion, Mr. Wager amazes me because he keeps this price the same, not only year after year, but decade after decade.

COUNCILWOMAN McCABE

Don't tell him.

SUPERVISOR BREESE

You would remember. You've been here that long, haven't you?

COUNCILMAN MULLIGAN

That's a bit of the kettle calling the pot black.

SUPERVISOR BREESE

That's probably true. 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 #23-282/2004

On Motion of  
Councilman Yudelson

Seconded by  
Councilwoman McCabe

BE IT RESOLVED, that the Director of Finance be authorized to make the Budget transfers and encumbrances, as per the attachments.

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

That's the end of the regular meeting. Before we adjourn, would anybody like to speak on any other matters involving the Town of Henrietta?

JOHN SCHMITT, 66 FAWN RIDGE ROAD

I'm sure I speak for Jane and myself as I just want to wish the Board the very best of this holiday season. I hope health and good wishes throughout the new year. Thank you for the many things you have done. As Jane and I go along the County it has become interesting to us as to people used to look at us and say, oh, you're from Henrietta. They now look at us and say, what is Henrietta going to do about . . . So, you may not realize things are changing, people are beginning to look and listen and maybe look for a little more leadership. So, thank you, and all the best things of the season for you and your families.

COUNCILWOMAN ZINCK

Thank you.

COUNCILWOMAN McCABE

Thank you very much.

SUPERVISOR BREESE

Merry Christmas to you, by the way.

COUNCILWOMAN McCABE

Yes.

SUPERVISOR BREESE

Is there anybody else before we adjourn?

COUNCILWOMAN McCABE

Merry Christmas to everybody.

SUPERVISOR BREESE

We're allowed to say that.

COUNCILWOMAN McCABE

Yes, we are. *(Laughter)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman McCabe at 8:16 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson

Deputy Town Clerk