

**HENRIETTA TOWN BOARD
AGENDA
FEBRUARY 1, 2006**

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): January 18, 2006
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 #4-59/2006

Authorize Accounts Payable

RESOLUTION #4-60/2006

Calling for Public Hearing - Proposed Local Law No. 2 of 2006 - A Local Law Amending the Town Code to Allow Cemeteries in Residential Districts

RESOLUTION #4-61/2006

Authorize Acquisition of Property - 2920-2930 West Henrietta Road

RESOLUTION #4-62/2006

Award Low Quote - Mowing of Cul-de-Sacs

RESOLUTION #4-63/2006

Award Low Bid - One-Ton Dump Truck - Parks and Facilities Department

RESOLUTION #4-64/2006

Declare Items Surplus Materials

RESOLUTION #4-65/2006

Authorize Proposed Increase - Capital Parks Fund Fees

RESOLUTION #4-66/2006

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 1ST DAY OF FEBRUARY, 2006 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? Yes, Sir?

(Let the Record show the handheld microphones were not working.)

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

John Schmitt, 139 Campfire Road North. *(Inaudible)* really a couple of definitions, if I may, please. Tonight in Resolution #4-65/2006 *(inaudible)*. . . the Capital Parks Fund, is that a restricted fund?

SUPERVISOR BREESE

Yes.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Okay. *(Inaudible)*. . . parks and things like that?

SUPERVISOR BREESE

Yes.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Okay. The other question, I'm afraid I'm a little *(inaudible)*. . . but you have a Resolution for the mowing of cul-de-sacs. The term cul-de-sac has come up in *(inaudible)*. . . relationship between *(inaudible)* Henrietta residents and Henrietta businesses and call yourself Henrietta *(inaudible)*. My question is, once this Contract is signed, does this *(inaudible)*?

SUPERVISOR BREESE

Yes.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH
Okay, because there are some areas, if you take a look at . . .

SUPERVISOR BREESE
Yes.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH
. . . under environmental (*inaudible*). . . changed and (*inaudible*).

SUPERVISOR BREESE
Well, no. We identify, obviously, we identify what these people will do for the money they're getting, and if somebody wants to go beyond that, you're talking about a whole different program.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH
(*Inaudible*). . . change the use. Most of those areas (*inaudible*). . . developed, and I (*inaudible*).

SUPERVISOR BREESE
Yes, yes, that's correct.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH
So, maybe we don't know, there just may be some others that may be suited to allow things just to grow.

SUPERVISOR BREESE
Well, if there were, someone could bring it to us and propose that we do something about that.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH
Thank you.

SUPERVISOR BREESE
Thank you. Anybody else? (*Pause - no response*) Okay. May I have the approval of the Minutes, please.

COUNCILWOMAN McCABE
Mr. Supervisor, I move we approve the Minutes of January 18, 2006.

COUNCILMAN YUDELSON
Second.

SUPERVISOR BREESE
Discussion? Call the roll, please.

Well, I believe that you have the authority, under Law, to pay it, per the Resolutions that have been previously enacted by this Board, regardless of whether the Board approves it. I believe that you have that authority, independent of the Board's actions.

SUPERVISOR BREESE

So, we have to pay the bill. So, I'm not sure what the point of this Resolution is, the way it's worded.

COUNCILMAN YUDELSON

And I'm not questioning that authority, but just in talking with the other Board members before the Special Permit meeting, we felt, you know, that we should not go on Record as voting for this expense.

COUNCILWOMAN ZINCK

Agreed.

SUPERVISOR BREESE

He still works here, by the way. He's sitting out in the audience. He works here.

COUNCILMAN MULLIGAN

But he hasn't been certified since 2002.

SUPERVISOR BREESE

So, what's the point of this . . .

COUNCILMAN MULLIGAN

Well, it's kind of a lot . . .

SUPERVISOR BREESE

. . . class that he's going to, Mr. Mulligan. What's that about? Isn't that a routine class they go to every year?

COUNCILMAN MULLIGAN

Right, but he hasn't been getting that certification. We've been sending him to class for four (4) years, and he hasn't been certified in four (4) years.

SUPERVISOR BREESE

So, you don't want him to attempt to get certified this year. You don't want him to go to this class.

COUNCILMAN MULLIGAN

I'm not going to support the money for a position we're trying to abolish in two (2) weeks.

SUPERVISOR BREESE

But you have nothing to say about it. I've already approved it.

COUNCILMAN MULLIGAN

That's true.

COUNCILWOMAN McCABE

That's fine.

COUNCILWOMAN ZINCK

Right, but we're just not supporting it.

COUNCILMAN MULLIGAN

You have the authority to do it.

COUNCILWOMAN ZINCK

Right.

COUNCILMAN MULLIGAN

That doesn't mean we have to vote for it.

COUNCILWOMAN McCABE

That's right.

SUPERVISOR BREESE

Well, I'm shocked that you would take this approach with someone who still works here, who you want to get education, who wants to go to get education, and you don't want him to go and get education. Why is that?

COUNCILMAN MULLIGAN

He's had four (4) years to get education . . .

SUPERVISOR BREESE

Is he educated?

COUNCILMAN MULLIGAN

. . . and he hasn't done it. He hasn't been certified, according to a letter Mr. Mastrella received from the State, for four (4) years. His last certification, according to Mr. Mastrella, was 2002.

SUPERVISOR BREESE

So, you want him to get more education, right? Is that right? Is it you want him to get more education or you don't?

COUNCILWOMAN ZINCK

Well, we're abolishing the position.

SUPERVISOR BREESE

It's not abolished. He still works here.

COUNCILWOMAN ZINCK

But in two (2) weeks we plan to abolish the position.

COUNCILWOMAN McCABE

And so therefore, why should we pay for education. If he wants to get it after he leaves the position, that's fine.

SUPERVISOR BREESE

Well, frankly, I think this is very vindictive.

COUNCILWOMAN McCABE

It's not vindictive. It's a point that we have to make. Why should we expend taxpayer's money on a position, for training for a position we're abolishing in two (2) weeks?

SUPERVISOR BREESE

Oh, I see. Wait a minute, we're having a Public Hearing in two (2) weeks, and we're going to abolish that position the same night? Is that correct? Is that what you're saying?

COUNCILWOMAN McCABE

It's very possible. I don't know.

SUPERVISOR BREESE

Are you going to abolish it the same night?

COUNCILWOMAN ZINCK

I have no idea.

SUPERVISOR BREESE

She said you were.

COUNCILWOMAN McCABE

I said we . . .

COUNCILWOMAN ZINCK

Well, we're proposing it in two (2) weeks.

COUNCILWOMAN McCABE

. . . we may abolish it in two (2) weeks.

SUPERVISOR BREESE

You may abolish it in two (2) weeks, but aren't you waiting for some legal opinions from Albany and some other issues that have to be resolved that haven't been resolved? I just think, I'm shocked that you throw this at me like this. You know, you did it on New Year's Day, and now you're throwing at me this petty thing about Two Hundred Dollars (\$200.00), which I okayed, and you don't want to send him to school, but you're saying you don't think he's educated enough. You can't have it both ways, can you?

COUNCILMAN MULLIGAN

Well, we sent him to school for four (4) years, and he hasn't gained the certification. So, we've spent Town . . .

SUPERVISOR BREESE

That's your opinion.

COUNCILMAN MULLIGAN

Well, according to the State of New York in a letter Mr. Mastrella . . .

SUPERVISOR BREESE

I haven't seen that.

COUNCILMAN MULLIGAN

I find that insulting.

SUPERVISOR BREESE

Well, I find what you're doing insulting.

COUNCILMAN MULLIGAN

Dan, do you have that letter?

SUPERVISOR BREESE

Well, did they say he wasn't qualified?

DANIEL MASTRELLA, TOWN ATTORNEY

They said he does not, that Mr. Pirrello does not have the hours of, the requisite hours to be certified to do Code Enforcement under the New York Code rules . . .

SUPERVISOR BREESE

Why would you want to bring out this and put this on the Record? I think this is really unfair, very unfair to Mr. Pirrello in particular. I can't believe, you know, I wish you would have told me about this ahead of time, Bill, instead of springing it on me again. It's not right, and it's not fair.

COUNCILWOMAN McCABE

We just . . .

SUPERVISOR BREESE

It's not the right way . . .

COUNCILMAN MULLIGAN

Well, if you had told us that you were sending him to school.

SUPERVISOR BREESE

I don't have to tell you. I have the authority to approve a check for Two Hundred Dollars (\$200.00). I don't need to come to you for that.

COUNCILWOMAN ZINCK

Right. The bottom line is, you do have that authority. We are just not, we are not approving it.

SUPERVISOR BREESE

You know, I thought we were on the way to resolving this, but now I see we're not. You're dug in, you're going to get rid of him no matter what it takes. You're complaining he doesn't have enough education, and when I okay him to go and get more education, you don't want to support that, and he's still on the payroll, and he may be on the payroll for a long time before this is all settled. I think this is one of the pettiest things I've ever seen. So, your Resolution is meaningless because the bill has been paid, it will be paid tomorrow.

COUNCILWOMAN ZINCK

It's for the Record, though.

SUPERVISOR BREESE

It's for the Record that you don't want him to get more education.

COUNCILMAN MULLIGAN

Why didn't he get it for the last four (4) years?

SUPERVISOR BREESE

I don't know. Why don't you ask him that. He's sitting out there, Bill. Dave, why don't you, Mr. Mulligan is determined to . . .

A. DAVID PIRRELLO, BUILDING AND DEVELOPMENT COORDINATOR

Just so there's no further misunderstanding amongst the Board members, I will pay for the school out of my own pocket. Done and done.

SUPERVISOR BREESE

Well, that should make the four (4) of you happy. You got your . . .

COUNCILMAN MULLIGAN

You've already paid the bill. It was a manual check.

SUPERVISOR BREESE

You got your blood out of stone. That should make you happy.

COUNCILMAN MULLIGAN

I think the check is gone.

SUPERVISOR BREESE

No, the check isn't gone. But you know something, it will be gone. I'll make sure it gets in the mail tomorrow, our check. Call the roll.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	No

Carried

RESOLUTION #4-60/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, true and correct copies of proposed Local Law No. 2 of 2006, A Local Law Amending the Town Code to Allow Cemeteries in Residential Districts, were delivered to each member of the Town Board, and

WHEREAS, the Town Code specifically prohibits cemeteries in Commercial and Industrial Districts, but by apparent oversight does not include cemeteries as a permitted use in Residential Districts, and

WHEREAS, it is the considered opinion of the Town Board that a Public Hearing should be held on the 1ST day of March, 2006 at 8:00 p.m. at the Town Hall, 475 Calkins Road, Henrietta, New York, to consider the adoption of proposed Local Law No. 2 of 2006, A Local Law Amending the Town Code to Allow Cemeteries in Residential Districts.

THEREFORE, BE IT RESOLVED, that a Public Hearing be held on the 1ST day of March, 2006 at 8:00 p.m. at the Town Hall, 475 Calkins Road, Henrietta, New York, to consider the adoption of proposed Local Law No. 2 of 2006, A Local Law Amending the Town Code to Allow Cemeteries in Residential Districts, and a summary thereof be published in a newspaper previously designated as an official newspaper for publication of public notices, not less than five (5) days prior to said Hearing.

BE IT FURTHER RESOLVED, that the Town Clerk shall post Certified copies of both this Resolution and said proposed Local Law No. 2 of 2006, A Local Law Amending the Town Code to Allow Cemeteries in Residential Districts, or a summary thereof, on the bulletin board maintained by the Town Clerk, pursuant to Section 30(6) of the Town Law, for a period of not less than five (5) days prior to said Public Hearing.

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 #4-61/2006

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

WHEREAS, the Transportation Development District (TDD) final design report has recommended the acquisition of lands, being identified as Tax Account Numbers 148.20-1-12.2 and 148.20-1-13, to install a right turning lane from West Henrietta Road onto Brighton-Henrietta Town Line Road, and

WHEREAS, funds are available in the TDD account to acquire said property, and

WHEREAS, the Town of Henrietta has tendered an offer to the Wm. Sun Corporation for the purchase of said property equal to the appraised value of the property in accordance with the Eminent Domain Procedure Law, and

WHEREAS, the Wm. Sun Corporation has accepted this offer as an advance payment, which does not prejudice its rights to claim additional compensation.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute any documents necessary to effect the acquisition of said lands.

BE IT FURTHER RESOLVED, that the Director of Finance is hereby authorized to pay the purchase price, plus any statutorily required interest and any expenses associated with the acquisition of said lands.

SUPERVISOR BREESE

Discussion?

COUNCILMAN MULLIGAN

Under discussion, should the dollar amount be included in the Resolution?

SUPERVISOR BREESE

Mr. Mastrella?

DANIEL MASTRELLA, TOWN ATTORNEY

Well, the dollar amount of the appraisal is One Hundred Ninety-eight Thousand Dollars (\$198,000.00), but the actual cost will be somewhat higher because of the statutory interest, and that can't be calculated until the actual date of closing. So, certainly, the information, there's a Contract already prepared that the Supervisor will execute if this Resolution is passed, and it calls for the One Hundred Ninety-Eight Thousand (\$198,000.00) plus any statutory interest. So, I don't think reciting, I think reciting it, a specific amount would be more confusing than practical, and nobody's trying to hide any amount, though.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR BREESE

Okay, it's on the Record. 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 #4-62/2006

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

WHEREAS, the Commissioner of Public Works solicited quotes for the mowing of all Town cul-de-sacs and some pump stations for a three (3) year contract period for 2006 through 2008, and

WHEREAS, four (4) quotes were received, and the low quote, meeting specifications, was received from The Property Maintenance Company, LLC, for a cost of \$515.00 per mowing, with a total cost not to exceed \$8,240.00 for the year 2006; for the year 2007, a cost of \$560.00 per mowing, with a total cost not to exceed \$8,960.00; and for the year 2008, a cost of \$560.00 per mowing, with a total cost not to exceed \$8,960.00.

THEREFORE, BE IT RESOLVED, that The Property Maintenance Company, LLC, 40 Trillium Lane, West Henrietta, New York 14586, be hereby awarded the quote at a cost not to exceed \$8,240.00 for the year 2006; \$8,960.00 for the year 2007; and \$8,960.00 for the year 2008.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay The Property Maintenance Company, LLC upon successful completion of said work and acceptance by the Commissioner of Public Works.

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 #4-63/2006

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

WHEREAS, Resolution #23-247/2005 authorized the advertisement for bids for a one-ton dump truck for the Parks and Facilities Department, and

WHEREAS, two (2) bids were received, and the low bid, meeting specifications, was received from Van Bortel Ford for a total cost of \$19,449.00.

THEREFORE, BE IT RESOLVED, that Van Bortel Ford, 7325 Victor Road, Victor, New York 14564, be hereby awarded the bid at a cost not to exceed \$19,449.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Van Bortel Ford in an amount not to exceed \$19,449.00 upon delivery and receipt of all proper documentation.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #4-64/2006

On Motion of Councilwoman Zinck	Seconded by Councilwoman McCabe
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WHEREAS, the Superintendent of Drainage, Sewer, and Sidewalks has requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
1519	Steel cabinet, 2-door
1522	Steel cabinet, 4-door
1871	Atmospheric monitor
1886	Homelite saw 14"
3012	Hydraulic saw
3014	Dehumidifier
3023	Pavement breaker
3013	Hydraulic pump
3563	Computer
3252	Saw-partner

THEREFORE, BE IT RESOLVED, that the items described above be declared surplus materials and sent to the Parks and Facilities Department for disposal.

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 #4-65/2006

On Motion of	Seconded by
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Supervisor Breese

Councilwoman Zinck

WHEREAS, the Town of Henrietta Building and Development Coordinator has recommended an increase in fees for the Capital Parks Fund, and

WHEREAS, the Town Board has reviewed such recommendations and they appear to be in order.

THEREFORE, BE IT RESOLVED, that the fees for the Capital Parks Fund are increased as follows:

Each lot in a subdivision	\$500.00
Each condominium unit for sale	\$500.00
Each townhouse unit for sale	\$500.00
Each duplex unit for sale	\$500.00
Each unit of a rental development	\$150.00

BE IT FURTHER RESOLVED, that said fees will be imposed by the Henrietta Planning Board pursuant to Section 277 of the Town Law of the State of New York, effective February 1, 2006.

SUPERVISOR BREESE

I think this is a good time to do this right now because we're going to be issuing a lot of building permits from now into the spring and the summer, and this still keeps our fees substantially lower than most towns in this area.

COUNCILWOMAN McCABE

Mr. Supervisor, I move to Table this Resolution for further review.

COUNCILMAN YUDELSON

Second.

SUPERVISOR BREESE

Call the roll.

MOTION TO TABLE

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	No
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	No
Supervisor Breese	voting	No

Failed

SUPERVISOR BREESE

Now could we vote on the main Resolution, keeping in mind that this is money that's

identified for Capital Parks, and I would hope that Capital Parks Funds are important to all the Town Board members, and that we want to generate as much income as we can in that fund so we can expand our parks system.

COUNCILWOMAN McCABE

Under discussion, as long as you're continuing discussion . . .

SUPERVISOR BREESE

Sure.

COUNCILWOMAN McCABE

It's not that we don't have, we don't care about the Capital Parks Fund, but the amounts increased to, I wanted to look at it further. That's all.

SUPERVISOR BREESE

That's fine. Well, you lost it on the Tabling.

COUNCILWOMAN McCABE

Okay. I lost it on the Tabling. So, why are you . . .

SUPERVISOR BREESE

Let's call the roll.

COUNCILMAN YUDELSON

Mr. Supervisor, just to clarify . . .

SUPERVISOR BREESE

I have a right to state my, don't I have a right to say anything?

COUNCILWOMAN McCABE

And I have a right to say mine.

SUPERVISOR BREESE

And you're wrong and I'm right. Go ahead, Mike.

COUNCILWOMAN McCABE

That's not true.

COUNCILMAN YUDELSON

Mr. Supervisor, I just wanted to say that I think, just under some misunderstanding, we did talk about some other fees, and I thought we were holding off on all of them, but, you know, the Board has voted to go ahead and vote on this Resolution at this time, and we have talked about this for a while. So, if we're not going to Table it, then I will vote to support it.

SUPERVISOR BREESE

Thank you. Call the roll, please.

MAIN MOTION

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 #4-66/2006

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

BE IT RESOLVED, that the following person be hired:

Yusuo Chang	Recreation, Part-time Recreation Assistant @ \$7.50/hr., effective 1/29/2006.
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BE IT FURTHER RESOLVED, that the following employee change be made:

Suzette St. Ours	Animal Control, Animal Control Officer @ \$13.63/hr. from \$13.36/hr., effective 1/1/2006.
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BE IT FURTHER RESOLVED, that the following employees be given an additional day's pay for unused sick leave (per Labor Agreement):

Larry Harper, Ronald La Rocca, Marie Leonardi, Joseph Losavio, John McCombs, David Moriarty, Roland Osterwinter, Gary Popen, Charlene Stephany, Robert Tobey, Diane Watts and Tracey Wenzel

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. Anybody else want to speak on Henrietta items?
(Pause - no response)

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilman Mulligan at 8:22 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk