

**HENRIETTA TOWN BOARD
AGENDA
FEBRUARY 15, 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): February 1, 2006
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Local Law No. 1 of 2006 - A Local Law Establishing the Position of Fire Marshal/Building Inspector and Abolishing the Independent Titles of Fire Marshal and Building and Development Coordinator and/or Building Inspector
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 #5-67/2006
Authorize Accounts Payable

RESOLUTION #5-68/2006
Authorize Consultant Services - Engineering Department

RESOLUTION #5-69/2006
Authorize Purchase of Playground Equipment for the Veteran's Memorial Park Through New York State Contract

RESOLUTION #5-70/2006
Authorize Advertisement for Bids - Installation of Playground Equipment for Veteran's Memorial Park

RESOLUTION #5-71/2006
Declare Items Surplus Materials - Library

RESOLUTION #5-72/2006
Adopt Proposed Local Law No. 1 of 2006 - A Local Law Establishing the Position of Fire Marshal/Building Inspector and Abolishing the Independent Titles of Fire Marshal and Building and Development Coordinator and/or Building Inspector

RESOLUTION #5-73/2006

Appoint Fire Marshal/Building Inspector

RESOLUTION #5-74/2006

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 15TH 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 anyone who would like to speak on any Agenda items only? Not the Public Hearing, which I=ll call separately. 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 February 1, 2006.

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

We have a Public Hearing tonight on proposed Local Law 1 of 2006, a Local Law establishing the position of Fire Marshal/Building Inspector and abolishing the independent titles of Fire Marshal and Building and Development Coordinator and/or Building Inspector.
Has this been properly advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

I just want to make it clear, if it's not already known, that this proposal is not coming from me. It's coming from the other four (4) Board members, and if you have comments or questions about this proposal you should direct them to the four (4) Board members and not to me because I do not support this particular proposal. There's been publicity about it. I think most people know what it means, and what I'd like to do is open it up for any public comments at this time. Would anybody like to speak on this Public Hearing? Yes, Sir? Give us your name and address for the Record, please.

JOHN BURNS

Are these working? (*Referring to microphone*) Is that working? My name is Dr. John Burns. I'm a retired veterinarian. I've lived in Henrietta for forty-four (44) years. I address to the Supervisor and the members of the Board. From what has been advertised, this, the impetus for this movement is to save a Hundred Thousand Dollars (\$100,000.00), as I see it. There's some fallacy in that statement by itself. In abolishing two (2) positions, I really don't believe that these are going to be, the duties of these two (2) positions are going to be removed, and certainly, they're not going to be added to the agenda of somebody else who's already overloaded. So, as a result, more positions will have to be either made or people hired for, and so instead of saving a Hundred Thousand Dollars (\$100,000.00) you're going to have to hire at least two (2) people for some smaller amount of that. So in reality, you're only saving a percentage of a Hundred Thousand Dollars (\$100,000.00). Unless this is a very unique bureaucracy, which I doubt it is, the people who have this position seem to be busy and seem to be productive, and you're going to ask these other people to do the same, you're going to have to have one heck of a wait for some duties to be done. It doesn't seem like the people there now have an abundance or a plethora of time to work with. I can understand some of the economic drives, but I certainly question the economic difficulties of the Town of Henrietta as far as finances go. I think that everybody in this room fully believes that we have the money to do what we have to do. As a Town, you're certainly a hell of a lot better off than some of the other towns are with their debt and the duties of dollars that they have. So, I think it's, you're robbing Peter to pay Paul, and being around Henrietta for longer than I'd like to think now, I want to say something in defense of one of the individuals that has this position, and that's David Pirrello. I've known David for a long time. He's one of the older Henrietta people, and that's a real, real honor. I built a new home three (3) years ago, and I built a fine home. I went at the project with a good heart and said that I'm going to do everything I can to know how this has to be built, how I'm going to meet all the requirements for the Town of Henrietta, all the Codes, etcetera, and generally, it was a very, very rewarding project, but two (2) members of this administration red-tagged the project and shut me down, one for an hour and one for a little less than that until I called Supervisor Breese, and he kind of straightened the situation out, and to this day I don't know why the project was red-tagged, and if this is a preview of what's going to happen without guys like Dave Pirrello around, I don't know if I want to live in this Town. I have some more land that I would like to develop, and I would only hope that, that will go as well as my other project went. So, I really think you ought to think very, very carefully about doing this. I really don't believe it's for economic values. I have an idea that it's a political ploy along the way, and so be

it. If it=s that, that=s life too. You know, these things do happen, but let=s call a spade a spade. I=m a big guy and most of these people are big people in this room, so let=s call it as it is. Thank you very much.

SUPERVISOR BREESE

Thank you, Sir. Would anybody else like to speak on this? Yes, Sir?

WALLIE SLYNKO, 391-B CLAY ROAD

Bear with me, I have a cold. My name is Wallie Slynko of 391-B Clay Road. I=m speaking in favor of the Town Board having the right to do what they want to do. They have the right to hire, fire, change departments, that=s the law. Both positions are not protected, departments can be consolidated, they can be eliminated, or new departments created. I=m sure the decision they made, they spent a lot of time on it, and it isn=t a fly-by-night decision. I think they=ve been, are doing what=s best for the Town. If it doesn=t work, they always have that option of making another position available, or whatever. That=s all I have to say. Thank you.

SUPERVISOR BREESE

Somebody else? Yes, Sir. No, Mam, this gentleman here.

THOMAS LENWEAVER, 142 COUNTY ROAD 9

Good evening. My name is Tom Lenweaver. I reside at 142 County Road 9 in Victor, New York, and you all know who I am because for sixteen (16) years you paid me to give you opinions. I=m going to give you one tonight for free . . . (*Laughter*) . . . and that is, that this Resolution should be denied. For sixteen (16) years I served this Town, part, I started out as an attorney for the Planning and the Zoning Board and later became the attorney to the Town Board. In addition to that, I also served as a Deputy Town Attorney in the Town of Irondequoit, as well as a Councilman in the Town of Irondequoit. I can tell you without any hesitation that probably the most important, or one of the most important functions of a Town, especially one of the size of Henrietta, the size of Greece, the size of Irondequoit, is Code Enforcement and proper coordination of building applications. In the sixteen (16) years I served here, you always had a Fire Marshal and had a Building Coordinator/Building Inspector. When I first came it was Bob Derrick, and I can tell you that this Town is envied by many other towns, many other town attorneys, especially planning board and zoning board attorneys as well, because of the efficiency with which applications go through this Town. This Town, as you know, is one of the fastest growing, most developed towns with respect to the commercial aspect. That is why people like Red Robin, who had an application, want to come here, because their restaurants do well. They don=t want to come and spend a lot of time trying to get through this bureaucracy process.

Now, I=ve seen firsthand the necessity for people such as the Building Inspector/Building Coordinator and the Fire Marshal. I don=t think one (1) person, regardless of who that is, can do both jobs and do them adequately without losing service. It=s not a nine (9) to five (5) job, it=s not a five (5) day a week job. I don=t know what Mr. Mastrella, Attorney Mastrella=s experience is, but I know that when I was doing the job I would get calls quite

frequently from Dave Pirrello about different matters that would come up, and they wouldn't just be between nine (9) and five (5). He'd call me at home, sometimes he'd call me on weekends, and I also know that he gets called almost twenty-four (24), he's on call twenty-four (24) hours a day if something happens in the Town, and he also gets called from people who are out of Town, I think the Application tonight, the home office was in Denver, Colorado, so they look at their time but they might call him at 10:00 at night. So, it's not a nine (9) to five (5) job, and it's not a five (5) day a week job. They call him on Saturdays, they call him on Sundays. If you're trying to save money, a Hundred Thousand Dollars (\$100,000.00) sounds like a lot of money, but in this Town it's very small. I think you have, if I'm not wrong, the envy of the rest of the towns that you have the lowest tax rate for a town, and I know from my prior experience that you always have a very lean budget, but there's no way that you can eliminate that position, have Chris Roth or anyone else handle basically what's three (3) positions. That department, together with the Fire Inspector and the Engineering Department, as I say, are the envy of many towns. I know before I came here, I used to hear that comment, 'We don't want our town to be like Henrietta.' After I came here, I began to appreciate what this Town really has, and what this Town has is a dynamic life to it that springs basically from your development and your good balance between the commercialism that you do have here and the developing subdivisions, all of which require input not only from the Fire Marshal and your Engineering Department, but also from your Building Department. Somebody has to be there to take care of all the applications that come in. Somebody has to be in the field. Somebody has to be able to receive calls at night at home. To put that on one (1) person is not, first of all, I don't think it's fair to that person, secondly, I don't think you'll ever see the same level of service in this Town as you currently have. It was good for sixteen (16) years. I don't see why now, changing it makes any sense. This Town continues to be probably the most looked-to town from outside people such as restaurants and businesses to come to, to establish. This Town has had a growing subdivision development of homes from every category of expense. You've got beautiful homes that are in the upper echelon, you've got homes that the person who works for a salary can afford. If it's not fixed, if it's not broke, don't try to fix it. You've got a good machine going here. I did call, I came in from out of town, as you know I'm retired, so I travel a lot, and when I heard about it, I couldn't quite fathom it. The only reason I've heard was to save a Hundred Thousand Dollars (\$100,000.00). I didn't know that included this position as well as the Parks Department. I did call Councilwoman McCabe the night that I found out about it, and it just doesn't make sense to me that you want to give up a level of service to save a Hundred Thousand Dollars (\$100,000.00), which has to mean a very small amount to every taxpayer in this Town. I mean, if you divide that across all the properties and all the businesses, it has to be minuscule. So, I would ask you to reconsider this Resolution and deny it. Unless there's really good cause shown, which I didn't get from my conversation with Councilwoman McCabe, other than to save that money. It did come out in my conversation, just so people know, she asked me, 'Well, aren't you a good friend of Dave's,' and I said, 'I'm a very good friend of Dave's.' I didn't know Dave before I started working here, and I said, 'I usually don't pick my friends unless I respect what they do,' and as I worked with Dave over those sixteen (16) years I found out, first of all, we have some common interests, but more and more that I respected him for the position that

he had, and when I had to deal with him, if I asked him to give me some information he got it quickly. If he asked questions of me, they were not questions that were everyday types of things that he should know the answers to. They were very profound and very good questions, questions that I usually had to go look up something in the book because I didn't know the answer right away. So, yeah, I am a friend of his, and I respect him a lot, and I think he, first of all, if you lose the experience of somebody who's worked, I think, twenty (20) years or so, you're losing somebody who's worth a heck of a lot more than a Hundred Thousand Dollars (\$100,000.00), and also by being a lifelong resident here, he knows things about this Town that someone else who hasn't been a lifelong resident won't know. So again, I ask you to reconsider and vote against it. Thank you.

SUPERVISOR BREESE

Thank you, Sir.

COUNCILMAN YUDELSON

Mr. Supervisor?

SUPERVISOR BREESE

No, I think we're letting the public speak now.

COUNCILMAN YUDELSON

I just would like . . .

SUPERVISOR BREESE

Is there anybody else that would like to speak? Yes, Sir, in the back, please. Come on up.

ROBERT LOCEY, 16 ARMBRUSTER ROAD

My name is Robert Locey. I live at 16 Armbruster Road in Henrietta. I've been a resident here for my entire life. I grew up here in the Town. I've watched the Town make many changes. I personally am in favor of this change. I think the combining the two (2) offices, your Building Inspector and your fire protection person will be there, making one (1) trip rather than two (2) trips out to a site. You'll be running one (1) Town vehicle as opposed to two (2) Town vehicles to the same site. I have been employed by the Code Enforcement office. I think the management skills could be better. I think Mr. Roth has done a fine job with the Fire Department, and the way I've seen that area, I think he's a well-educated person, and I think he could handle the job very well in a combined effort. So, my hope is that the Town Board will go forward with this and combine the positions, save the Town some money, and maybe we can put that money to use someplace else for another, you know, maybe another park or a senior center, a little bit bigger senior center for some of the senior residents.

SUPERVISOR BREESE

Mr. Locey, you said you used to work for the Town?

ROBERT LOCEY, 16 ARMBRUSTER ROAD

Yes, I did.

SUPERVISOR BREESE

Were you terminated?

ROBERT LOCEY, 16 ARMBRUSTER ROAD

No, I resigned, Sir.

SUPERVISOR BREESE

Thank you very much. I'm sure there=s more people out there - yes, Mam, from the back.

EVA SLYNKO, 391-B CLAY ROAD

My name is Eva Slynko, 391 Clay Road. I=d like to thank the Town Board for thinking of combining the positions together. We live in a good town, our taxes are low, our services are excellent, and now you=ve put your thoughts together to give the taxpayers a little break. On a personal note, I worked for Mr. Pirrello for nine (9) years. The last two (2), I resigned in September of last year. The last two (2) years had been awful. Somewhere along the way with this new assistant they decided that they didn=t need women, they didn=t need people over fifty (50), and I was the first one to go. They made my life miserable. Mr. Breese had to come to my help to get me a uniform. The only uniform available for me was one that was too big, was dirty, was soiled with urine. That is what they gave me, a woman. Mr. Breese, respectfully, I need a little closure here. He=s never apologized. I need some closure . . .

SUPERVISOR BREESE

This is a private personnel matter that I don=t think we should be discussing here tonight, Eva. It=s really not appropriate.

EVA SLYNKO, 391-B CLAY ROAD

Well, he=s not . . .

SUPERVISOR BREESE

It=s not appropriate.

EVA SLYNKO, 391-B CLAY ROAD

. . . he hasn=t done the job.

SUPERVISOR BREESE

And by the way, we hired a woman to take your place. We have a woman working for us.

EVA SLYNKO, 391-B CLAY ROAD

Good.

SUPERVISOR BREESE

So, there are woman in that department.

EVA SLYNKO, 391-B CLAY ROAD
May I remind you . . .

SUPERVISOR BREESE
If you want to get into a personnel matter involving you and the department . . .

EVA SLYNKO, 391-B CLAY ROAD
Sir . . .

SUPERVISOR BREESE
. . . I don=t think that=s appropriate here.

EVA SLYNKO, 391-B CLAY ROAD
Respectfully, my attorney and my family advised me to take legal action against the Town.

SUPERVISOR BREESE
Then you should.

EVA SLYNKO, 391-B CLAY ROAD
I respect you too much, and I would not do that. If this happens to another woman, she may. Also, whatever you decide to do, you can send the message to the rest of the department managers that this will not be tolerated in the future. Thank you.

SUPERVISOR BREESE
Thank you. Is there anybody else that would like to speak on this? Yes, Sir? Yes, Sir?

HAROLD PETERSON, 4161 WEST HENRIETTA ROAD
Good evening. My name is Harold Peterson. I=ve lived in this Town just about all my life. I=ve been proud of it from the beginning, and I=m proud of it now. You know, I think it=s wonderful the way you=ve laid things out, made this Town respectable, and people look up to it and people want to move here, and you know, it took a lot of planning and a lot of inspecting. I was an inspector for the Town of Henrietta for a couple of years, and I know how fussy we were and how hard we tried to make it prosper. I have a lot of respect for your Fire Marshal, and for the inspector, Dave, but this Town is big enough, strong enough, and wealthy enough, I can=t see why one has to be abolished over the other. One of the most important things is, what you don=t see is what counts, and that=s underground. I know one time when I was inspecting, they covered it up, the sanitary sewer, before I=d seen it. Well, they dug it right back up and they never did it again. So, it=s these things that are what you don=t see is what=s so important, and I just wanted to say that I think that=s my opinion, and thank you very much, and you=ve done a fine job.

SUPERVISOR BREESE
Thank you, Mr. Peterson. It=s always good seeing you, Mr. Peterson, a long time resident of Henrietta. Would somebody else like to speak on this particular proposal? Yes, Sir.

DAN DIXON, 200 MIDDLE ROAD

My name is Dan Dixon. I live at 200 Middle Road. I=ve been in Henrietta for sixteen (16) years and plan on staying here indefinitely. I=m a general contractor, so I use the Building Department quite a bit, and the one thing I have noticed, um, I don=t know Dave personally, I=m not a friend of his or anything like that, but any time there=s a gray area, a question, someone doesn=t know what to do, that=s where I go. That=s where I=m told to go, that=s where I know to go, and you can=t take all that experience, get rid of it, and replace it with one person. Regardless of the, I don=t know what the politics are or anything, but if you do this, right now Henrietta is blooming commercially and residentially. You can not take two (2) positions like the Fire Marshal and Dave, and you cannot combine them into one (1). There=s not enough time. Like everybody said before me, it=s not a nine (9) to five (5) job, and there=s a ton of experience here. I think it would be a shame to put all that onto one person and that one person do all that work, because I know what=s going to happen. The service is going to be cut, and yes, down the road you could reconsider, but what happens until then. We=ve got a ton of stuff going on right now with developments, commercial, residential is booming. We can=t afford to go a period of time with that service lacking. I=d just like to put that out.

SUPERVISOR BREESE

Thank you, Sir. Somebody else?

MARY BREESE-SYKELA, 101 GARDEN PARKWAY

My name is Mary Breese-Sykela. I=m the widow of Andrew Sykela (*recently departed*). I am totally against this, totally against this. My husband was furious when he read about this in the Henrietta Post. He couldn=t believe it. He said, Are they out of their peep-pipping minds?@ He was furious. I=m here to speak for him, and I=ll tell you, Yudelson and Mulligan, you=ll never get my vote again because you=re the ones that combined to do this to Dave Pirrello and to Bill Dykstra. You will never get my vote again. I don=t know who the hell I=ll vote for, but I won=t vote for you guys.

SUPERVISOR BREESE

Thank you. Is there somebody else who would like to speak on this proposal to abolish the position and appoint the Fire Marshal to take over Dave=s job, etcetera, etcetera. I see a lot of people out there that are interested. Yes, Sir.

JOHN NICHOLS, 530 SHORE DRIVE

I guess I have my voice. I=m John Nichols. I live at 530 Shore Drive. I=m a relatively newcomer to the Town, only having been here for twenty (20) years now, compared to a lot of folks behind me here, who are very loyal to this Town, and I know why. I consider myself as a resident and customer of the Town, but I=m also a customer of the Town in that I=m doing a lot of construction and development in the Town of Henrietta. I=ve enjoyed a warm and professional relationship with the Town over the last twenty (20) years and have found that in all my dealings that the Town has been firm but fair, always. I am concerned, I=m adding my voice to the concern about consolidating these positions and stressing, adding

more stress to a department that I think is already stressed and has a lot to do, as many people have pointed out today. So, I'm hoping that there will be some sort of discussion or forum that would include area professionals, people that use the services of the Building Department and the Town, that we could be involved and have our voice heard in, you know, how this would work, and whether or not it's a good idea. It might be too late to do that, I don't know. That's my professional view. On a personal note, I have never failed to call the Town and have Dave Pirrello, without knowing who's on the other end of the line, say, "Dave Pirrello, can I help," and I really appreciate, as a customer of the Town and as a resident of the Town, and I'll just add this, this thing, as to this tonight, this is far too contentious. I hope that we can, as a Town, as a community, and as a government, address these issues without such a high level of contention. But, that's my pie in the sky view. Thank you very much.

SUPERVISOR BREESE

Thank you, Mr. Nichols. Is there, yes, Sir, from the back. Sure.

JOE MARTIN, 141 GARDEN PARKWAY

My name is Joe Martin. I live at 141 Garden Parkway. You folks have a tough job. You made a proposition, and I'm sure it wasn't an easy decision to even come up with this idea, and to come to a conclusion, whichever way it goes, is going to be very difficult. I can't speak personally about Mr. Pirrello because I've never had any dealings with Mr. Pirrello. I can tell you, though, that I have dealt with Chris Roth quite a bit, coming up through the ranks as Chief and currently as a Commissioner in the Henrietta Fire District, and this gentleman is very professional, and I think if you do decide to give him the position it will be very well taken care of. Unlike some others that have spoken this evening, I'm not a Fire Marshal and I'm not a Building Inspector, so I can't speak to the fact that I think that Chris could handle both positions. I think that's got to be left up to you as the Board, as their Supervisor, and hopefully that if you do decide to make this combination, that if Mr. Roth can't handle it, that you'll make the appropriate changes to correct that. So, it's not a whole lot of help to you, but that's kind of my gathering out there, and I do wish you luck because it's a very difficult decision. Thank you.

SUPERVISOR BREESE

Thank you, Sir. Is there anyone else who would like to speak on this matter? Yes, Sir.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

John Schmitt, 139 Campfire Road North. Good evening. My question is one of a little bit more of process than anything individual. In November we approved the Budget, which we do each November, but part of the Budget is the Organizational Chart as a Town. That tells us what we're approving and what we're paying for. Then a couple of months later we're making serious changes to that chart. I'm just wondering, why so fast, why in such a hurry? It seems to me, some of that should have been known. You've asked us to come here tonight to get public input. For a lot of us, we have no basis to give you any reasonable input because obviously we don't know all the facts. So, that's my particular questions as why such a hurry. Tonight, from my observations, and they're only from my

observations, a Public Hearing is supposed to be where you come with open minds and listen to what the public has to say and then you draw your conclusions, and much of this sounds to me like it has been concluded long before this meeting. That=s an observation. I=m also concerned because I work with it in a couple other areas, you know, there=s a lot of us who aren=t on the payroll who have given some time to the Town to help improve it. I am concerned about the degrading of the Parks Department, because if you look again at the Organizational Chart, it moves down, the way it=s set up right now, and every other Town, I took a survey, so if you hear it from some of your friends in the other towns about this goof that called them, I=m the goof, and I asked them just a couple of questions. Do you have someone in the particular positions. I asked them about the Director of Parks, I asked them about the job we=re talking tonight about Mr. Pirrello, I asked them were they directors of that function and did they report directly to the Supervisor. I didn=t choose towns that had a village because it wouldn=t be quite appropriate, but I choose the other towns, and they all did. They all had a Director of Parks and Director of whatever, and they reported directly to the Supervisor. One town, we got some chuckles out of, because I called Mendon, and Mendon I got some chuckles out of primarily because they have one park that=s a big park and that=s a County park, and she laughed. She said, Awell, we have one little park, it=s not much of anything, so we gave it to the Highway Department.@ That=s the only place where anything was different. But the problem that I have in the whole observation is it seems like there=s a hidden agenda here someplace, and that=s not being shared with the public either, and from the observation and from the experience that I have, you=re hurting yourselves. The public is going to lose confidence in what you=re doing. It was Bill Mulligan who one time was talking to me, and we were talking right outside here a number of years ago saying how frustrating it was to run for office because the people just didn=t seem to give a darn, and that=s why Jane and I got interested. We have tried very hard to get people to come to the meetings, and you know how successful we=ve been when three (3) or four (4) people show up at Town meeting after Town meeting. Now, you can say that=s because you know you=re doing a good job, whatever it is, but there=s a lot of things that go on, and a lot of people don=t realize how it happened. But they must have confidence in the Town Board to accept that type of thing. So, that=s all I really wanted to say to you is, take your time, act responsibly, and let the Town know step-by-step, let the people know. Some place, and I=ve said this lots, those are the people who you=re working for, and those are the people that hired you by voting for you. So, good luck and peace.

SUPERVISOR BREESE

Thank you, Sir. Is there anybody else that would like to speak on this matter?

MARK LANDERS, 26 CHASEVIEW ROAD

Hi. My name is Mark Landers, and I live at 26 Chaseview Road, and I=m relatively new to the Town as far as construction. We have a family business that=s been in Henrietta for over four (4) years, forty (40) years, and we just built a car wash last year, and I want to say that we had a great time with the Town. We had a lot of support from Chris Roth and Mark Byrne and Dave Pirrello in this process, and I see all the growth that=s going on in the Town, and I=m saying, I think you need to add positions to help support that growth. I

mean, I hear Benderson=s, you know, building a plaza down the street and, you know, other car washes are coming into Town, unfortunately, but I think there=s a lot of growth and we need to support the businesses because the businesses help pay for some of the taxes, they build the community up and help grow to make a better area for everyone. So, I think it=s very important that we think about adding positions and growing the Town to help support everything. Thank you.

SUPERVISOR BREESE

Thank you, Sir. Anybody else out there like to speak on this matter before I close the Public Hearing? No, no, people who haven=t spoken. Is there anybody out there who hasn=t spoken? Yes, Sir.

JERRY RIEGER

I apologize first off, I=m losing my voice. I=m getting over a cold. I don=t know if that=s going to help or not (*referring to using the microphone*). It=s probably going to make the raspiness worse.

SUPERVISOR BREESE

Try.

JERRY RIEGER

My name is Jerry Rieger. I=ve lived in Henrietta for most of my life. Recently, I moved to Greece and that was my other half=s choice, not mine. We live about a block away from her mother, if that tells you anything. (*Laughter*) I can say that I know pretty much everyone here, and I respect every one of you. I have worked for Dave Pirrello as a Code Enforcement Officer, and I respect him very much. He=s ethically the kind of guy you want, and he has the drive, and he cares about Henrietta, and he has a great history with Henrietta, as well. There are quite a few other people that have also gone through that same process. They were Code Enforcement Officers and they=ve gone into law enforcement. I=m a Monroe County Investigator now, and I know of three (3) others that are also law enforcement officers. I think part of that has to do with Dave Pirrello. He taught me a lot when I was there. Jim Breese has given me a lot of opportunity also, um, and I think that=s part of the reason why I am where I am. It=s already been said, the why fix something that isn=t broken. Henrietta is a great town. You guys are doing a wonderful job. Jim Breese has been the Supervisor for as long as I can remember, and you can=t argue with results. You got to kind of ask yourself if the man that=s brought us to where we are today doesn=t agree with it, you got to sit back and kind of question that. He=s the one that=s piloted a ship to where we are, and I respect every one of, each one of your=s decisions, but the guy that=s brought us the results, saying hey, I=m not for this. That=s all I have. Thank you for your time.

SUPERVISOR BREESE

Thank you, Sir. Is there anybody else who hasn=t spoken that would like to speak? Before I close the Public Hearing? If not, I=m going to close the Public Hearing. It appears that this matter is going to be voted on tonight during the regular Agenda, so I urge you to stay

around and see what happens. May I have the first Resolution, please.

RESOLUTION #5-67/2006

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the Director of Finance be authorized to pay the following bills payable:

EXHIBIT A	Bills Payable dated 2/15/2006	\$ 142,281.91
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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 #5-68/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the current number of applications for site plan and subdivision review, from time to time, have made outside engineering services necessary, and

WHEREAS, it is in the Town=s best interest to have these reviews performed promptly, and

WHEREAS, the Director of Engineering/Planning has been directed to secure professional services in this matter, and

WHEREAS, Consultant billing will be at an hourly rate times a factor, which factor shall include all Consultant costs and shall not exceed 3.00 for straight time, and

WHEREAS, the Director of Engineering/Planning has arranged for such services with the following firms: Behan Planning Associates, LLC; Stantec Consulting Services, Inc.; McCord Landscape Architect; and Maxian & Horst, Landscape Architects, and

WHEREAS, funds for these engineering review services will be provided in

accordance with Resolution #16-208/98.

THEREFORE, BE IT RESOLVED, that the Director of Engineering/Planning is hereby authorized and directed to secure the Consultant services in accordance with the above.

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 #5-69/2006

On Motion of
Supervisor Breese

Seconded by
Councilwoman Zinck

WHEREAS, the 2006 Parks and Facilities Department Budget provides funds for the purchase of new playground equipment for the replacement of the existing playground at Veteran=s Memorial Park, and

WHEREAS, new playground equipment meeting specifications is available through New York State OGS Contract #PC 62098 from Marturano Recreation Company, Inc. at a total cost of \$121,998.00.

THEREFORE, BE IT RESOLVED, that Marturano Recreation Company, Inc., 750 Old Burnt Tavern Road, P.O. Box 449, Brick, New Jersey 08724, be hereby awarded the purchase of new playground equipment, as attached, for a total cost not to exceed \$121,998.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Marturano Recreation Company, Inc. an amount not to exceed \$121,998.00 upon delivery and receipt of all proper documentation.

SUPERVISOR BREESE

Under discussion, our current playground at the Veteran=s Memorial Park is fifteen (15) years old, and there comes a time when you have to replace playgrounds that are that old, and we=ve been talking about this for the last several months, originally with Bill Dykstra, who, by the way, is no longer with us for reasons you probably are aware, and Chuck Marshall and Tim Ochs. The money, some money was set aside in the Budget for this playground by the Board, and we could have done this over a period of time, start to phase

it in and so forth with a few thousand this year, a few thousand next year, but I think the feeling among all of us was, and I think the Board agrees, was let=s do it right, let=s do it now, let=s put the best playground in Monroe County in there this year, and that=s what this is about. Hopefully what will happen is we will order this now, and we=ll also hire the installation to be done, and we will be able to open the playground some time in the spring. Financially, we are able to afford it because this Town is in good financial shape, regardless of what you might hear from some people, and this is a project for our children, and I think we should go forward with it.

COUNCILMAN MULLIGAN

Just under discussion, it=s my understanding that you=ve approached Senator Alesi for some help from the State on the funding of this, Mr. Supervisor?

SUPERVISOR BREESE

Yes, but if he doesn=t come through, we=ll find a way to pay for this playground. It=s very important that we have this playground in place this year, hopefully in the spring. 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	Aye

Carried

RESOLUTION #5-70/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, the Town of Henrietta requires bids for the installation of new playground equipment for the Veteran=s Memorial Park, to conform with specifications on file in the Town Clerk=s Office, with bids to be opened at 9:45 A.M. on Friday, March 10, 2006 and received no later than 9:30 A.M. on Friday, March 10, 2006.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the installation of new playground equipment for the Veteran=s Memorial Park as per cited specifications on file in the manner provided by Law.

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 #5-71/2006

On Motion of Councilwoman Zinck	Seconded by Councilman Yudelson
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WHEREAS, the Henrietta Public Library Board of Trustees have requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
1144	Record/book shelf, laminate/wood
1145	Record/book shelf, laminate/wood
797	Circular desk
801-805	Wool carpet

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 #5-72/2006

On Motion of Councilman Mulligan	Seconded by Councilman Yudelson
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WHEREAS, upon proper notice a Public Hearing was held on the 15TH day of February, 2006, where all persons wishing to speak regarding proposed Local Law No. 1 of 2006 were heard by the Town Board, and

WHEREAS, after consideration of all information presented and available it is the

determination of the Town Board that the Town will be best served by the consolidation of the functions of the Fire Marshal and the Building and Development Coordinator into a single office and department.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby enacts Local Law No. 1 of 2006, A Local Law Establishing the Position of Fire Marshal/Building Inspector and Abolishing the Independent Titles of Fire Marshal and Building and Development Coordinator and/or Building Inspector.

BE IT FURTHER RESOLVED, that said Local Law be designated Local Law No. 1 of 2006.

BE IT FURTHER RESOLVED, that the Town Clerk shall file with the Secretary of State, as soon as possible, and in any event no later than twenty (20) days from this date, one (1) Certified copy of said Local Law No. 1 of 2006, and that said Law shall take effect immediately upon filing with the Secretary of State.

SUPERVISOR BREESE

Under discussion, among other matters, the Resolution that was approved on the 18TH day of January calling for the Public Hearing had an attachment called Local Law No. 1 that was not what was advertised in the Henrietta Post, our legal newspaper. In other words, it was revised after the Board had acted in calling for the Public Hearing. So, you have two (2) different Local Law No. 1's that are floating around, and I wonder if the Town Attorney is comfortable with that.

DANIEL MASTRELLA, TOWN ATTORNEY

Yes, Mr. Supervisor. There was a slight modification at my suggestion to the proposed, what was then and still is, proposed Local Law No. 1, to add the Fire Marshal=s department as a change in the Code and the general provisions of the Code. It doesn=t change the substance of the Law in any fashion. The public notice is thoroughly adequate, but it does, as proposed now, do a better job of effecting what the intention of the Local Law is, and that is to specifically consolidate the two (2) departments.

SUPERVISOR BREESE

So you=re saying that the change in the wording of the Local Law between the time when the Public Hearing was approved on January 18TH and after that is not significant. Is that what you=re saying? Even though it was changed, clearly, it=s different?

DANIEL MASTRELLA, TOWN ATTORNEY

What the State Law requires, the Municipal Home Rule Law, is that the Law, the proposed Law in final form be delivered to the members of the Town Board, depending on the manner of delivery, either at least ten (10) or at least seven (7) days prior to its enactment. This change was made, it is my recollection, I think the day after the Public Hearing was called for. So, I believe I suggested the change on January 19TH, and I believe that by January 20TH, or certainly the following week, all the Board members had the revised

proposed Local Law in their hands. Of course, you know, any time a Public Hearing is advertised, it=s for the purpose of soliciting public input, and certainly the Board doesn=t have to, with any minor change, re-advertise anything. In fact, the public notice in this instance is exactly as the Local Law is proposed in this evening=s form, and certainly, if, based upon the input of the public or the Board this evening, there were to be a change proposed, a vote could not be taken this evening. But as things stand, if there is no change, then it is my opinion that the Board can legally proceed.

SUPERVISOR BREESE

Well, I respect your opinion. You=re a good lawyer. I don=t have to agree with it, obviously.

DANIEL MASTRELLA, TOWN ATTORNEY

Thank you.

SUPERVISOR BREESE

It appears that the Local Law that was attached to the [Call for a Public Hearing](#) was changed, and it seems to me that would have triggered a [Call for a new Public Hearing](#) based on the new Local Law that was written several days afterwards, and I haven=t seen a Local Law handled like this before. You=re saying it=s okay. I=m saying I=m not sure it=s okay, and I want to raise the issue, anyway, in terms of procedure. I=d like to ask the Director of Personnel, are you here? Mr. Liess, are you out here somewhere? I=d like to ask you whether we received approval from the Monroe County Civil Service for the new position which these Board members want to create.

PAUL LIESS, JR., DIRECTOR OF FINANCE/PERSONNEL

Not yet, no.

SUPERVISOR BREESE

No. Do you know, have you filed the necessary papers to ask them to review this matter?

PAUL LIESS, JR., DIRECTOR OF FINANCE/PERSONNEL

There has been a 222 filed, correct.

SUPERVISOR BREESE

With Monroe County Civil Service?

PAUL LIESS, JR., DIRECTOR OF FINANCE/PERSONNEL

Yes.

SUPERVISOR BREESE

And they have that, and they would, what=s their process to review it? Does it have to go to their Board at some point?

PAUL LIESS, JR., DIRECTOR OF FINANCE/PERSONNEL

For a new position created, it would have to go to the Civil Service Commission to be voted on. If they approve the position, they would create that position. If not, they would go and pick another title that currently fits that position.

SUPERVISOR BREESE

So, we have here a proposal to create a position that has not been approved by the Monroe County Civil Service Department, is that correct?

PAUL LIESS, JR., DIRECTOR OF FINANCE/PERSONNEL

Correct.

SUPERVISOR BREESE

Well, I guess we're in an awful hurry here, aren't we? People want to get things done quickly, but we, typically you wait until you have an approval from the Monroe County Civil Service Department before you appoint someone to a position, and that hasn't happened yet, has it?

PAUL LIESS, JR., DIRECTOR OF FINANCE/PERSONNEL

Not yet.

SUPERVISOR BREESE

It hasn't happened yet, and yet they want to vote on this tonight. I would move to Table until we receive Civil Service approval for the proposed new Fire Marshal/Building Inspector position. *(Pause - no response)* Gosh, I'm all by myself here. They want to charge ahead without even having approval from the Civil Service Commission.

COUNCILWOMAN ZINCK

Paul can I, through you, Mr. Supervisor, can I just ask you a question on that? You said they have not approved it, but if they don't approve it, they'll come up with a title. Could you repeat that again for me, please?

PAUL LIESS, JR., DIRECTOR OF FINANCE/PERSONNEL

As it was stated to me, that if they do not approve it, they will find a title that currently is in place that would fit the requirements of that.

(Tape being switched)

SUPERVISOR BREESE

That's very interesting that people are in such a hurry they don't even want to wait for the Civil Service Commission's ruling on this. But, that's what the Board wants to do, and I'm all by myself here, obviously. I'd like to also move to Table so the Town Board, after listening to what was said tonight and after reviewing all the correspondence they've had on this matter, can confer to consider this matter and interview applicants for Pirrello's position, and we've had some. I move that, to Table. *(Brief pause - no response)* Obviously, there's no second, so my Motion fails. Anybody else want to talk about this?

COUNCILMAN YUDELSON

Mr. Supervisor, first I just wanted to say that, the question I wanted to pose earlier during the Public Hearing was whether you might want the Town Board members to speak before the speakers from the public so that they could hear what we had to say. A number of speakers talked about this, as from their understanding being that it was solely about saving money, and there=s more to it than that. I also wanted to comment on the Civil Service procedure that was just discussed. Civil Service always, as Mr. Liess kind of eluded to, will take a proposal for a title you want to use and they=ll either say approve it or say no, this more closely resembles another title, and the Civil Service title and the Town title on our Organizational Chart do not necessarily have to be one and the same. But having said that, I would just like to go on and say that it is my feeling that it is the duty of the Town Board to constantly review the services that are delivered in Henrietta and evaluate whether there are ways to improve these services. The status quo is not always what is best for the Town. It is the duty of the Town Board to make sure that we have the most knowledgeable and properly trained and certified staff delivering services, especially those that involve public safety. It is the duty of the Town Board to constantly be vigilant to determine if there are ways to save taxpayers money without diminishing the level of services. This restructuring of the Fire Marshal=s office and the Building and Development office will, in fact, save the taxpayers money, but more importantly, we feel that it will also improve the way we deliver services. We received letters from some business people who expressed concern that this restructuring would be a diminishment of services or would weaken Henrietta=s ability to attract new businesses. Let there be no misunderstanding that the Board continues our commitment to Henrietta being a good place to do business. We will be reviewing our new structure and procedures, and also will ensure that there are adequate resources to guarantee this. Thank you, Mr. Supervisor.

COUNCILMAN MULLIGAN

I have a, through you, Mr. Supervisor, a short prepared statement. Any time a municipality, in delivering services, can do it smarter and more efficiently, the taxpayers benefit. The purpose of consolidating the Fire Marshal=s job with the Building and Development Coordinator is to eliminate duplication and save on expenses. Chris Roth will handle the new position well. He is respected in the Town and the business community, as well as throughout the State as a leader in his profession. In respect to coordinating development, Jim Breese, the Town Supervisor, has done a good job in bringing businesses to Henrietta and has assisted them in establishing their facilities. I=m sure he=ll continue to perform this function well. The building inspection profession, though, is changing and changing dramatically. In fact, the new State Code requires developers to contract with engineering firms for Aspecial inspections.@ The special inspections include reviewing structural steel and how it=s constructed and how it=s installed, the depth and composition of concrete flooring, as well as reviewing all of the mechanicals in a building. The State is putting more and more of the inspection responsibility on the owners and the developers. Consequently, the municipality has less responsibility and ultimately, less work.

COUNCILWOMAN ZINCK

Through you, Mr. Supervisor, I also have a written statement. In considering the changes that are the subject of this Public Hearing, it was important for us to look at what the Building and Development Coordinator=s responsibilities had been in the past and what we think would be the most effective model in moving forward. The job description for the Building and Development Coordinator states that the position Acoordinates the functions of the various Town departments and Boards as they affect building, planning, zoning, public works, and community development.@ The fact of the matter is the Building and Development Coordinator has not coordinated the functions of any department with the exception of the Building Department. The planning function is coordinated by the Director of Engineering, and this same Director of Engineering also handles zoning issues. Public Works is a separate department altogether. In large part, this position came under scrutiny as we noted that more than half of the tasks listed as typical work activities for this position that we are talking about this evening are not currently performed by the Director of Building and Development. To give you some examples, number one (1), approves plans and specifications and issues building permits. The reality is, plan review is now performed by FRA Engineers and the cost of this service is billed to the applicants. Number two (2), inspects streets, utilities, and sewer construction to ensure conformance with Town engineering design criteria. The reality is this work is done by the Engineering Department. Number three (3), makes recommendations to the Town Board to authorize Letters of Credit to the developer. This work is also done by the Engineering Department. Number four (4), administers the Home Improvement Grant Program. This work was transferred to the Supervisor=s secretary several years ago, and she is the one that handles this grant program. Number five (5), supervises the maintenance and upkeep of the Town Hall and other Town buildings. This work is done by other departments, and some of the responsibilities are contracted out. Number six (6), makes preliminary studies and cost estimates on feasibility of projects such as watermains, sewers, and drainage improvements. Reality, this work is done by the Drainage Department and/or the Engineering Department. Number seven (7), coordinates the obtaining of easements for special projects. This is performed by the Engineering Department. Number eight (8), provides minor engineering assistance to the Highway Department such as designing grades for culverts and ditches. This is also done by the Engineering Department. Number nine (9), investigates sanitation and storm water drainage problems and makes recommendations for corrective actions to the Department of Public Works. This work is done by the Drainage Department and/or the Engineering Department. Number ten (10), processes applications and coordinates legal notices, applicant notices, agendas and Minutes for the Planning Board and Zoning Board meetings. This work is done by the Town staff, and the Building and Development Coordinator rarely attends these meetings. Number eleven (11), makes and follows through on applications for grants and aid from other levels of government and coordinates expenditures and works on projects when funding is obtained. This work is done by our Finance Director and the Engineering Department. Although Code Enforcement does fall under the Building and Development Coordinator=s jurisdiction, in reality, most Code Enforcement is handled by the number of part-timers who have been hired over the past few years. In conclusion, it=s abundantly

clear to the Board that the responsibilities associated with the role of Building Coordinator have diminished dramatically over the years. The consolidation that we are proposing will result in cost savings for the Town and the taxpayers, and we don't believe the level of service will diminish. We'll see to it that the level of service won't diminish.

FROM AUDIENCE

That's the biggest crock I've ever heard in my life. You guys went behind Jim Breese's back so you got this (*inaudible*). Yudelson and Mulligan did this . . .

SUPERVISOR BREESE

Go ahead, Cathy.

FROM AUDIENCE

. . . right behind his back.

SUPERVISOR BREESE

Please, please. Cathy, do you have something?

COUNCILWOMAN McCABE

Through you, Mr. Supervisor, our, in previous meetings, the Supervisor has stated that only he has the authority to transfer personnel, and I think that we should hear that our Town Attorney advised this past Friday that the New York State Comptroller's Office confirmed to him that the Comptroller's Office does not view the consolidation of two (2) departments into one (1) as a transfer of personnel. That's just a technical thing that we have to get on the Record. When this proposed restructuring is approved by this Board, which I believe it will be tonight, to hinder the staff that currently provide the functions relative to the building process from continuing to provide these services, we cause the government to fail to operate. We are confident that our Supervisor would never allow this to happen. He has been CEO of the Town, he is charged with delivering its many services, which he has done over the past years, and although he may not personally agree with the Town Board's decision, we know he will make sure the employees can and will do their jobs. Thank you.

SUPERVISOR BREESE

Okay. The issue of my authority in terms of transferring, approving transfers from one department to the other is clear to me. I have Section, I have a section of the Law in front of me, Number 52-5, A. . . approve the transfer of personnel in and among agencies and departments of the Town. Webster's dictionary states "transfer," move from one person, place, or situation to another. Well, that doesn't take a rocket scientist to figure out what that means. That's a change in working conditions. We have a change in working conditions here and a transfer of responsibilities from the Fire Marshal into a new department. Any way you look at it, that's a transfer, and frankly, I don't care what another Board member says about it, that's the way I perceive it because I understand the English language, and the transfer of Mr. Roth into a new department, I am not approving and will not approve. Therefore, it can't happen, in my opinion, and that's the position I'm taking, and I'm going to state now that the Resolutions that you have tonight that

involve my authority to transfer, I will not honor, I will not accept, and I will not implement. You can pass all the Resolutions you want, but tomorrow morning nothing will change in terms of where Mr. Roth works or anybody else because I have not approved these transfers, and I will not approve these transfers. It=s wrong for the Town. Now my final . . .

COUNCILWOMAN McCABE
(Inaudible).

SUPERVISOR BREESE
No, I have a final statement. I=m responding to your comment about me, and I=m now going . . .

COUNCILWOMAN McCABE
No.

SUPERVISOR BREESE
Yes, I=m going to read my statement . . .

COUNCILWOMAN McCABE
I think . . .

SUPERVISOR BREESE
. . . and then you=re done. Okay?

COUNCILWOMAN McCABE
I just want to clarify through Mr. Mastrella . . .

SUPERVISOR BREESE
No. I want to make my statements. You read yours, okay?

COUNCILWOMAN McCABE
Go ahead and then I=ll follow up.

SUPERVISOR BREESE
Fine. After working closely together on so many important Town matters over the years, it pains me to have to say what I am about to say regarding my colleagues on the Town Board and their handling of the situation. I feel I have no choice, actions, after all, do have consequences. Please don=t believe for one minute this foolishness, that this reckless action being proposed here tonight is simply about saving money and improving efficiency. That is not what this is really about. It=s about personal agendas and political agendas of Board members to get rid of Dave Pirrello no matter what it takes, the sooner the better. Henrietta has no financial crisis which compels us to abolish entire departments and key management positions. We are in a financially strong position, more than most towns in this area. So, don=t buy into the nonsense about the need to save money by taking such extreme steps and dismantling Town Government. Cutting back on essential services in

the name of so-called fiscal conservatism or consolidation is irresponsible and wrong. Your constituents won't like it. We need to understand that what is being proposed here tonight will substantially reduce the higher level of service the Town has been providing to our residents and businesses. I know that. I'm here all the time, they're not. To suggest as one Board member, who I believe would love to privatize all of Town Government, that important inspection duties in the current Building and Development Department could now be easily handled by private companies is not only outrageous but also may give us an insight into why they want Pirrello out of their way as quick as possible. For a town of Henrietta's size and continuing growth, it's absolutely necessary that we have a full-time Building and Development Coordinator, whether it's Dave Pirrello or someone else, instead of just a Building Inspector with limited responsibilities. The Fire Marshal cannot take over all of the many functions of Pirrello's job and still be able to operate effectively in his current fire-related duties which are now taking up all of his time. It makes no sense. It won't work, and Civil Service, as you heard, hasn't even approved the proposed new position. What's most disturbing about all of this is the sad lack of respect shown by these part-time Board members during this whole process; lack of respect towards me, the full-time Supervisor, by deliberately excluding me from their discussions and decisions on this matter from the beginning; lack of respect towards Dave Pirrello and Bill Dykstra by summarily ending their twenty (20) plus years of employment without so much as a thank-you for their years of service to Henrietta; lack of respect toward all Town employees by showing them that this kind of shabby treatment could someday happen to them, too, if they're not careful; and finally, tonight, a lack of respect for you, the public, by ignoring what was heard tonight and disregarding the many letters received from concerned constituents, and contrary to past practices, charging ahead, to vote on this Resolution tonight. Finally, a letter we received today from a long-time resident who we all know and, I think, respect, and (*inaudible*) here tonight, says it better than I can with a headline, "If it ain't broke, don't fix it." Well, your Town Government isn't broke, it operates efficiently, and I am proud of our accomplishments over many years. I am not proud of what's being done by this Board tonight. I am embarrassed, it's a shame, and I don't believe it will be forgotten. Thank you. (*Applause*) Call the roll now, please. Call the roll, please.

COUNCILWOMAN McCABE
(*Inaudible*).

SUPERVISOR BREESE
Call the roll, please, on the Resolution.

COUNCILWOMAN McCABE
(*Inaudible*).

SUPERVISOR BREESE
Call the roll, please. Call the roll.

COUNCILMAN YUDELSON
We're under discussion.

SUPERVISOR BREESE

I just called the roll. 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

SUPERVISOR BREESE

Next Resolution.

RESOLUTION #5-73/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, the Town Board has enacted Local Law No. 1 of 2006 establishing the position of Fire Marshal/Building Inspector and abolishing the independent titles of Fire Marshal and Building and Development Coordinator and/or Building Inspector, and

WHEREAS, the Town Board considers the present Fire Marshal, Christopher Roth, to possess the requisite qualifications and experience to carry out the duties of the Fire Marshal/Building Inspector.

THEREFORE, BE IT RESOLVED, that Christopher Roth is appointed to the position of Fire Marshal/Building Inspector for the balance of a one (1) year term to expire December 31, 2006, at an annual salary of Fifty-four Thousand Dollars (\$54,000.00) and that said appointment shall take effect immediately upon the filing of Local Law No. 1 of 2006 with the Secretary of State.

COUNCILWOMAN McCABE

Under discussion, Mr. Supervisor . . .

SUPERVISOR BREESE

I move to Table, I move to Table this Resolution until we receive a written legal ruling from the State Comptroller=s Office or other appropriate State agencies on the interpretation of Section 52-5 of New York State Town Law regarding the Supervisor=s approval of transfers. I move to Table. (*Brief pause - no response*) Guess what? There=s no Second. Now, go ahead.

COUNCILWOMAN McCABE

Through you, Mr. Supervisor, Mr. Mastrella, could you please let us, tell us what the State

Comptroller=s Office confirmed to you.

SUPERVISOR BREESE

There=s nothing in writing, is that correct?

DANIEL MASTRELLA, TOWN ATTORNEY

That is correct.

SUPERVISOR BREESE

Thank you. A phone conversation.

DANIEL MASTRELLA, TOWN ATTORNEY

Nothing from them . . .

SUPERVISOR BREESE

A phone conversation, right?

DANIEL MASTRELLA, TOWN ATTORNEY

That=s correct. On, after the January 18TH Board meeting, at the direction of the Board and the Supervisor, I wrote to the Office of the State Comptroller Division of Legal Services, addressed to Mitch Morris, Esquire, requesting an opinion of the State Comptroller regarding the issue which is under discussion. That letter, I can, if you don=t have it, I have it here, I will make it available to the Board, in essence, explaining what the proposed Local Law consisted of and indicating that the Supervisor opposed the Law and the changes that would take effect if it were passed, citing New York State Town Law Section 52. In a previous opinion of the Comptroller, Number 84-51, wherein the Supervisor asserts that the proposal would, in effect, cause transfer of personnel into this new department. I received a telephone call last Friday from Mr. Morris, who indicated to me that number one (1), he would prefer that his department not issue a formal written opinion because the circumstances presented in the letter were quite particular to the situation in the Town of Henrietta and would not serve the purpose of really guiding other towns in the future with such an opinion. He did say that he would consider a further request for a written opinion if I were to make same, but, and he could not assure me that, that opinion would remain the same as what he told me on Friday. He said that it would take him, or his department, at the least several weeks, and perhaps more, to issue such an opinion and that having considered my letter of January 23RD over the past few weeks, he had come to the determination, at least preliminarily without issuing a formal opinion, that the consolidation of two (2) departments and the combining of the personnel from those two (2) departments into one (1) would not constitute a transfer of personnel as contemplated by New York State Town Law Section 52. That was his . . .

SUPERVISOR BREESE

Okay, fine. Just let me reiterate so there=s no misunderstanding by anybody, until I receive a written opinion from the State Comptroller=s Office or some other authorized

authority in Albany, I will not accept the validity of these two (2) Resolutions that have been passed tonight. Nothing will change tomorrow, and I will instruct Department Heads to ignore the Resolutions that were passed tonight.

COUNCILMAN YUDELSON

Mr. Mastrella, as a follow-up question to that, I'll come back in a minute to what you just told us about what you heard from the Comptroller's Office, but just reading from Section 53 of the State Law where it says the Town Board of a suburban town, by Local Law, may create, modify, or discontinue departments of the Town Government in addition to those otherwise authorized by Law. So, we know that is clear, and I know that's not the point the Supervisor is debating . . .

SUPERVISOR BREESE

That's right.

COUNCILMAN YUDELSON

. . . that we can alter the structure of the departments. As far as his exception to, you know, taken with the oral response you got from the Comptroller's Office and the statement you just made about implementation, my question for you would be, as a, you know, a five (5) member Town Board, if four (4) of us were to vote for this Resolution, at the time it takes effect, would the Supervisor have any standing to refuse to implement it or to direct Town staff to not implement it.

SUPERVISOR BREESE

Watch me.

COUNCILWOMAN YUDELSON

I'm asking the Attorney.

DANIEL MASTRELLA, TOWN ATTORNEY

If, I don't know, I don't know mechanically what steps the Supervisor may or may not take. As best I can determine at this point in time, it would ultimately be a matter for a court to determine.

SUPERVISOR BREESE

Okay. That's fine. I'm comfortable with that.

COUNCILWOMAN McCABE

So am I.

SUPERVISOR BREESE

I'm still the Chief Administrative Officer of the Town, in spite of what you may have heard tonight, and I do have something to say about what goes on here, and I made it clear what I'm going to do about these Resolutions, which is nothing. Thank you. 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 #5-74/2006

On Motion of Councilman Mulligan Seconded by Councilman Yudelson

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

Recreation As per the attachment.

SUPERVISOR BREESE
Discussion? 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 Aye
Carried

SUPERVISOR BREESE
That=s the end of the regular Agenda. Is there anybody that would like to speak on any other items, or any items involving the Town before we adjourn? Enough=s enough, huh?
(Pause - no response)

COUNCILMAN MULLIGAN
Move we adjourn.

SUPERVISOR BREESE
Oh, hold on.

RACHEL WARREN, 59 TOMAHAWK TRAIL
I feel real confused about the status of the Walgreens taking over SYMS. Is that still a go?

SUPERVISOR BREESE
Yes. Yes, they were . . .

RACHEL WARREN, 59 TOMAHAWK TRAIL

They haven't backed out?

SUPERVISOR BREESE

Who, Walgreens?

RACHEL WARREN, 59 TOMAHAWK TRAIL

Walgreens.

SUPERVISOR BREESE

I'm sorry to tell you, no they haven't. I think it's still pending at the Planning Board. I'm not sure. Okay?

RACHEL WARREN, 59 TOMAHAWK TRAIL

Okay. Thank you.

SUPERVISOR BREESE

Is there a Motion to adjourn?

COUNCILMAN YUDELSON

I move we adjourn.

COUNCILWOMAN McCABE

Second.

SUPERVISOR BREESE

No objections? Meeting adjourned. Take me to court.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelton, seconded by Councilwoman McCabe at 9:14 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson

Deputy Town Clerk