

**HENRIETTA TOWN BOARD  
AGENDA  
MARCH 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): February 15, 2006
6. Miscellaneous Communications
7. Public Hearing:
  - Proposed Local Law No. 2 of 2006 - A Local Law Amending the Town Code to Allow Cemeteries in Residential Districts
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 #6-75/2006  
Authorize Accounts Payable

RESOLUTION #6-76/2006  
Authorize Tax Certiorari Settlement - 100 Highpower Road

RESOLUTION #6-77/2006  
Authorize Reappointment of Temporary Board of Assessment Review Members

RESOLUTION #6-78/2006  
Authorize Compensation for Board of Assessment Review Members

RESOLUTION #6-79/2006  
Adopt Proposed Local Law No. 2 of 2006 - A Local Law Amending the Town Code to Allow Cemeteries in Residential Districts

RESOLUTION #6-80/2006  
Declare Items Surplus Materials

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 1<sup>ST</sup> DAY OF MARCH, 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 items on the Agenda other than the Public Hearing, which I'll call shortly? Any 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 15, 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 2 of 2006 regarding amending the Town Code to allow cemeteries in Residential Districts. Has this been properly advertised?

**PATRICIA SHAFFER, TOWN CLERK**

Yes, Sir.

SUPERVISOR BREESE

I'd like to ask the Town Attorney to briefly explain the reason for this Public Hearing.

DANIEL MASTRELLA, TOWN ATTORNEY

Thank you, Mr. Supervisor. There is some interest in establishing another cemetery in the Town. When we were approached by the group interested, we recognized that although cemeteries are specifically mentioned and excluded in Commercial and Industrial Districts, they are not specifically at all in Residential Districts. Throughout the State, and I would presume throughout the country, typically, cemeteries are allowed and generally restricted to Residential Districts, and by making this proposal with the caveat that a Special Permit is required from the Town Board we have a mechanism for ensuring that things are done properly, but allowing an essential service that isn't specifically allowed at this point in time.

SUPERVISOR BREESE

So, it's kind of bringing our Local Law up to date, more or less, with other laws of this type.

DANIEL MASTRELLA, TOWN ATTORNEY

Yes. It would appear that there may have been an oversight at some point in time.

SUPERVISOR BREESE

Is there anybody in the audience that would like to speak on this Public Hearing involving cemeteries in Residential Districts? *(Pause - no response)* If not, I'll close the Public Hearing. May I have the first Resolution, please.

RESOLUTION #6-75/2006

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Yudelson

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

EXHIBIT A	Bills Payable dated 3/1/2006	\$ 213,758.03
EXHIBIT B	Manual Bills Payable	\$ 810.00

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 #6-76/2006

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman McCabe

WHEREAS, ENI Technology, Inc. heretofore commenced proceedings against the Assessor, the Board of Assessment Review, and other respondents for a review of the Assessments for the years 2002, 2003, 2004, and 2005 on premises located at 100 Highpower Road in the Town of Henrietta, being Tax Account Number 161.03-1-3.2, and

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

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

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

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by ENI Technology, Inc. for the years 2002, 2003, 2004, and 2005 be and hereby are approved.

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

SUPERVISOR BREESE  
Discussion? Call the roll, please.

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

RESOLUTION #6-77/2006

On Motion of  
Councilwoman McCabe

Seconded by  
Councilwoman Zinck

WHEREAS, the need exists on the Board of Assessment Review for temporary Board Members, and such temporary appointments are allowable under Real Property Tax Law §523-a, and

WHEREAS, the Town Board wishes to maintain the various Boards of the Town at sufficient levels, and

WHEREAS, the following individuals are qualified residents and have expressed an interest in being reappointed to this Board.

THEREFORE, BE IT RESOLVED, that the following individuals are hereby reappointed to fill said need on the Board of Assessment Review effective March 1, 2006 and expiring on March 1, 2007:

- Victor Raycroft, 144 Shady Creek Road, Rochester, New York 14623
- John Schmitt, 139 Campfire Road, Henrietta, New York 14467
- Steve Wershing, 1745 Pinnacle Road, Henrietta, New York 14467

BE IT FURTHER RESOLVED, that all temporary Board Members are to be compensated at the rate of \$15.00 per hour for time actually served in Hearings and Deliberations, and that properly prepared vouchers be submitted to the Finance Department for reimbursement.

SUPERVISOR BREESE  
Discussion?

COUNCILWOMAN ZINCK  
For the Record, Mr. Supervisor, we were just having a discussion before the meeting, how positive this group of people and this team is, and that this is not necessarily a wonderful process when somebody is going through assessment and how professionally it's handled through this group. So, I'm happy to Second it.

SUPERVISOR BREESE

Thank you. Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #6-78/2006

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Yudelson

WHEREAS, the annual Hearings of the Board of Assessment Review will involve numerous meetings as the individual members are able to participate, and

WHEREAS, the Town Board wishes to appropriately recognize the significant time commitments necessary of the Board of Assessment Review.

THEREFORE, BE IT RESOLVED, that all regular Board of Assessment Review Members are to be compensated at the rate of \$20.00 per hour for time actually served in Hearings and Deliberations, and that properly prepared vouchers be submitted to the Finance Department for reimbursement.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #6-79/2006

On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Mulligan

WHEREAS, upon proper notice a Public Hearing was held on the 1<sup>ST</sup> day of March, 2006, where all persons wishing to speak regarding proposed Local Law No. 2 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 Code should be amended to allow cemeteries in Residential Districts with the approval of the Town Board through a Special Use Permit.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby enacts Local Law No. 2 of 2006, A Local Law Amending the Town Code to Allow Cemeteries in Residential Districts.

BE IT FURTHER RESOLVED, that said Local Law be designated Local Law No. 2 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. 2 of 2006, and that said Law shall take effect immediately upon filing with the Secretary of State.

SUPERVISOR BREESE

Under discussion, I would ask the Town Attorney that he advise any parties that he knows of, who are interested in pursuing a cemetery in Henrietta, that we have passed this legislation.

DANIEL MASTRELLA, TOWN ATTORNEY

I will do so.

SUPERVISOR BREESE

Thank you. Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #6-80/2006

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Yudelson

WHEREAS, the Director of the Recreation and Youth Bureau has requested that the items on the attached list be declared surplus materials.

THEREFORE, BE IT RESOLVED, that the items described in the attached list 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

SUPERVISOR BREESE

That's the end of the Town Board meeting. Is there anybody in the audience who would like to speak on any other items involving the Town before we adjourn? (*Pause - no response*) I would like to, as I said it before the Board members were here, how happy I was to see so many Rush-Henrietta students here. It makes it all worth while to see you're interested in Town Government. You picked a good night because this is a very short agenda. So, you don't have to hang around too long, and if you need signatures from any of us to verify that you were here, we'll be glad to sign it for you.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman McCabe at 8:12 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson  
Deputy Town Clerk