

**HENRIETTA TOWN BOARD
AGENDA
AUGUST 16, 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): July 19, 2006
6. Miscellaneous Communications
7. Public Hearings:
 - Proposed Establishment of Extension No. 191 (Walgreens) to Henrietta Sewer District No. 1
 - Proposed Local Law No. 3 of 2006 Establishing and Amending Various Zoning Chapters of the Town Code of the Town of Henrietta
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 #15-178/2006
Authorize Accounts Payable

RESOLUTION #15-179/2006
Authorize Tax Certiorari Settlement - 975 John Street

RESOLUTION #15-180/2006
Call for Public Hearing - Proposed Local Law No. 4 of 2006 Amending Real Property Tax Law for Alternative Veterans Exemption

RESOLUTION #15-181/2006
Authorize Supervisor to Sign Monroe County Community Development Grant - Thompson Road Sanitary Sewer Repairs

RESOLUTION #15-182/2006
Authorize Advertisement for Bids - Thompson Road Sanitary Sewer Repair Project

RESOLUTION #15-183/2006
Authorize Acceptance of Dedication of Sanitary Sewers - Heritage Christian Home

RESOLUTION #15-184/2006

Authorize Proposed Establishment of Extension No. 191 (Walgreens) to
Henrietta Sewer District No. 1

RESOLUTION #15-185/2006

Declare Item Surplus Equipment

RESOLUTION #15-186/2006

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 16TH DAY OF AUGUST, 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

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR BREESE

Is there anybody that would like to speak on Agenda items? Just Agenda items at this time? *(Pause - no response)* May I have the approval of the Minutes, please.

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve the Minutes of July 19, 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 two (2) Public Hearings. The first one is on the proposed establishment of Extension 191, Walgreens, to the Henrietta Sewer District No. 1. Has this been properly advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

As we can see, Walgreens is moving right along. I'm assuming they'll be up sometime by the end of the year. In any event, does anybody in the audience want to speak on this extension to the Sewer District? *(Pause - no response)* If not, I'll close the Public Hearing. We have another Public Hearing on Local Law No. 3 of 2006, establishing and amending various zoning chapters for the Town Code of the Town of Henrietta. Has this been advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

I want to compliment Marc Duclos, our attorney, and Chris Roth for putting all of this together. We've been talking about making some changes to the Town Code on zoning, and that's what we have before us. I'd like to ask Chris to come and kind of summarize what the changes are, what's different here than what we already have on the books.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

Good evening. The proposal in front of you, I'm going to hit just a few quick bullet items and move one. (Section) 207-5 now would give us the right of entry to get onto someone's property. Currently, we don't have the right to enter somebody's property without their permission. So, 207-5 would give us the ability to enter someone's property without . . .

SUPERVISOR BREESE

To do what? Enter to do what?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

Look for property maintenance items that would be turned into us. We could determine if the car has a registration at that point and work with the Sheriff's Department to determine if it was properly registered or if the plates were actually valid that were on it. (Section) 207-6 then would, if we have given a notice of violation and the violation notice has expired, that would then give us the ability to go in and have the vehicle or the violation removed, and then lastly, it would allow us to properly charge them back for any expense incurred by the Town staff or forces. (Section) 207-12 then, would also now restrict only four (4) vehicles within a single family residence. So, if we have a situation that we possibly talked about earlier with 45 Hazel Street, with seven (7), eight (8), nine (9) cars, we would have the ability to go in and take a look at that and see that there is only four (4) legal cars that are on the property.

SUPERVISOR BREESE

Do they have to be on the driveway?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I don't believe so. It just says legally on the property. It doesn't say on the driveway.

SUPERVISOR BREESE

Is there any prohibition about the cars parked on lawns in this proposal?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I believe, I don't believe so.

SUPERVISOR BREESE

Marc? We have cars parked on lawns and we don't like that. Maybe we didn't address that here.

COUNCILWOMAN ZINCK

Yeah, I don't think there is but it's a good idea.

MARC DUCLOS, PROSECUTING ATTORNEY/ZONING BOARD ATTORNEY

There's no prohibition I'm aware of that requires you to keep a fully registered vehicle in any type of housing or enclosure. Not only am I unaware of any prohibition, certainly, this proposal does not contain any prohibition against taking your car and parking it on the grass. It does not exist.

SUPERVISOR BREESE

You don't know that, I mean, not that we want to do it now, but, you don't know that that could not be done, right? Possibly, it could be done?

MARC DUCLOS, PROSECUTING ATTORNEY/ZONING BOARD ATTORNEY

It's theoretically possible. It could be done.

SUPERVISOR BREESE

I'm not sure we want to do it. I'm just curious. We have a classic case on Pinnacle Road, a junkyard that's been there for years with seven (7) cars, sometimes eight (8), and they all have, apparently, valid plates. It's a disgrace, what goes on over there. That's just one example of, some of them were on the lawn. This would limit it to four (4), wherever they are, right?

MARC DUCLOS, PROSECUTING ATTORNEY/ZONING BOARD ATTORNEY

In a residential district only.

SUPERVISOR BREESE

Yeah, okay.

MARC DUCLOS, PROSECUTING ATTORNEY/ZONING BOARD ATTORNEY

It does not deal with commercial or anything.

SUPERVISOR BREESE

No, I understand. We know that. Go on.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

Moving to the other proposal with 209-4, that would give us additional powers to deal with junk and larger piles of debris, again, through that same process. We give them a notice of violation and if that violation expires and those property maintenance issues were not corrected, we would have the ability to go in and make those corrections, and again, properly bill that resident back. These two (2) proposals give us greater flexibility to deal with property owners that are sometimes reluctant through notices of violation, or landlords that sometimes are second and third removed and some of the information doesn't get to them in a very timely fashion. So, it allows us to get these things corrected in a timely and orderly fashion. Thank you.

SUPERVISOR BREESE

Well, this has taken a long time to get to this point. We've been discussing - yes, I'll call you in a minute, I see you. We've been discussing this for a long time. We're not changing the entire Code. That would take a long time and a lot of work. This is a beginning to make some corrections to the Code that we think would be helpful to the Town and to the residents. So, that's where we are today. So, it's not all-encompassing in terms of changing the entire Code. Yes, Sir, do you want to speak?

LARRY BEAN, 4624 EAST HENRIETTA ROAD

I totally agree on this. There's one (1) catch. If you haul a car out, it would be the Town's responsibility to store and take in the cost of the storage of this vehicle. You can't just junk it. That's the way, when the renters, I'm a landlord, and any time the, we remove a tenant from the building, we have to foot the bill for storage. So, you can remove a car, but there's nothing that says what you're going to do with the car once you get it. You have to store it here on the Town Hall property until it's resolved in the courts.

SUPERVISOR BREESE

Then you charge the owner for it.

LARRY BEAN, 4624 EAST HENRIETTA ROAD

Yeah, but then you've got, if you've got it in the Code right off the bat, that it can be junked or how much the storage would be, it takes those little ifs and ands out of the Code. See what I mean? Because you're going to have a junk yard out here.

SUPERVISOR BREESE

No we're not.

LARRY BEAN, 4624 EAST HENRIETTA ROAD

Well, what are you going to do with the cars once you haul them out?

SUPERVISOR BREESE

We'll find a place for them.

LARRY BEAN, 4624 EAST HENRIETTA ROAD

Well . . .

SUPERVISOR BREESE

Maybe on East Henrietta Road. *(Laughter)*

LARRY BEAN, 4624 EAST HENRIETTA ROAD

You try that, Jim.

SUPERVISOR BREESE

No, your point's well taken. Thank you. You've been very helpful.

LARRY BEAN, 4624 EAST HENRIETTA ROAD

Okay.

COUNCILWOMAN McCABE

We have to look into that one.

SUPERVISOR BREESE

Yeah, we sure will. We might even be able to adjust this to accommodate that issue.

COUNCILWOMAN McCABE

That's right.

SUPERVISOR BREESE

Would anybody else like to speak on this?

COUNCILWOMAN ZINCK

I have one other question that floated in, and I think I might need Chris to answer it, or Marc. Somewhere in this document, when I was reading it, it said something about, you were making reference to junk, and it excludes lawn chairs, seasonal type of items.

What makes the difference between lawn chairs and pile of junk lawn chairs?

COUNCILWOMAN McCABE

It's all in the eyes of the beholder.

COUNCILWOMAN ZINCK

I can't find where it is, but it's somewhere in here as an exclusion.

SUPERVISOR BREESE

You can get back to us.

COUNCILWOMAN ZINCK

Yes, you can get back to me. I know it was an exclusion in here.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

Lawn or yard or garden ordinance or implements, is that what you were referring to?
Lawn and patio furniture?

COUNCILWOMAN ZINCK

Yes. Thank you.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I'm guessing at some point if the seat is gone or it's a judgment point that it seems like it's not being utilized or in good condition, again, that might be a judgment issue on our part that if the webbing is missing or in disrepair, cracked, discolored, then at that point we would have reasonable ground to make that determination.

COUNCILWOMAN ZINCK

Okay. Thank you.

SUPERVISOR BREESE

Do the Board members have any questions? Anybody in the audience?

COUNCILMAN YUDELSON

Mr. Supervisor, through you, just one comment and a question. In following up with Mr. Bean's comment, I'm assuming that actually removing a car from property would not be our first step that the fines that are provided for would be the first remedy, and then hopefully in most cases would address the problem. My question is on Section 207-12, probably for Mr. Roth, with the limit to four (4) legal vehicles. We know the intent of this is addressing some very particular situations, but there are, I don't know how many, but I know many people in Henrietta who might have more than four (4). Is there anything in here, either Mr. Roth or Mr. Duclos, that provides for a family to seek some relief?

SUPERVISOR BREESE

A hardship, you mean?

COUNCILMAN YUDELSON

Yes, for any kind of approval to store more than four (4).

COUNCILWOMAN McCABE

A Special Permit or something?

SUPERVISOR BREESE

Mr. Duclos, that's an interesting question.

MARC DUCLOS, PROSECUTING ATTORNEY/ZONING BOARD ATTORNEY

As drafted, Mr. Yudelson, the particular provision allows for the discretion of the appropriate enforcement individual. There is no provision for an exception. If you wanted to be technical, there is no exception whatsoever, but if I may use, I don't know, an example or an analogy, we all know a speed limit may be thirty-five (35), but if the police officer doesn't pull you over for forty-one (41), then there's not a practical issue with that.

COUNCILMAN YUDELSON

You mentioned a provision, an actual provision for that discretion is contained in this . . .

MARC DUCLOS, PROSECUTING ATTORNEY/ZONING BOARD ATTORNEY

No, no. That's . . .

COUNCILMAN YUDELSON

That's the course of normal action? I guess I'm envisioning not so much of where it would be a problem out of the Town Hall, but a case where a neighbor, maybe a dispute between neighbors and they might use that to, you know, call the Town and say they have five (5) cars, and you know, put us in a position . . .

MARC DUCLOS, PROSECUTING ATTORNEY/ZONING BOARD ATTORNEY

Yeah. Your point is well taken; however, there's no provision in any municipal code that's immune from a disgruntled neighbor from trying to use it as a sword instead of a shield.

COUNCILMAN YUDELSON

Thank you.

SUPERVISOR BREESE

I think the staff should have some discretion, as you've indicated here. I'm not sure if we need to set up a whole new structure where people can appeal from this. I'm not saying, maybe someday we might want to do that, but maybe not right now, starting out.

Maybe we should just go in with this and leave a lot of discretion to the staff about certain situations that are different. We can't legislate everything.

COUNCILWOMAN McCABE

Through you, Mr. Supervisor, but we do have, when we're limiting items in households, we do already have on the books a Special Permit for more than three (3) domestic animals in the house. Somebody could come to us and say, well, wait a minute, you're limiting the domestic animals, why don't you have the same ability, why can't I have the same ability with my automobiles to come before you and get a Special Permit to have

four (4) or five (5).

SUPERVISOR BREESE

They can say that.

COUNCILWOMAN McCABE

And maybe we should just, as we're doing it now, try to work something out in this so that if someone wanted to come before us for a Special Permit, that they could.

SUPERVISOR BREESE

Well, that's something we ought to talk about. It's an interesting idea. You know, we're not trying to make the Town perfect, we're just trying to make it better looking.

COUNCILWOMAN McCABE

No, we're just trying to clean it up.

SUPERVISOR BREESE

It's all about property maintenance. We want the Town to look better, and that's what this is all about.

COUNCILWOMAN ZINCK

Absolutely.

SUPERVISOR BREESE

We're not trying to harass anybody. We just want them to be reasonable.

COUNCILWOMAN McCABE

When you're speaking about the house on Pinnacle Road, did you see the one next door to it, how it's spreading out?

SUPERVISOR BREESE

Yes, I know. I go by it everyday.

COUNCILWOMAN ZINCK

It's moving down the street.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

Mr. Supervisor, a question maybe for the Town Attorney, would that situation that Councilman Yudelson brought up, would they have the ability to apply for a variance from the Zoning Board?

DANIEL MASTRELLA, TOWN ATTORNEY

Well, they might be able to apply for an interpretation of your decision because New York State Town Law allows for that. However, this isn't technically the Zoning

Ordinance, so it wouldn't be a variance, although you could write a provision into this portion of the Code allowing that any appeal from, or allowing for application for a variance to the Zoning Board of Appeals pursuant to the criteria . . .

SUPERVISOR BREESE

Go to the Zoning to prove a hardship.

DANIEL MASTRELLA, TOWN ATTORNEY

As they do normally with . . .

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I'm familiar with that because that language is in some of the Fire Prevention Code that if we deny some portion of that Code, they're able to appeal our decision to the Zoning Board. So, that might be one vehicle that if . . .

SUPERVISOR BREESE

That's something to think about.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

. . . if there's six (6) or seven (7) cars because the Brady Bunch lives in Town, then we might be able to deal with that.

SUPERVISOR BREESE

Good point.

COUNCILMAN YUDELSON

Just one final thought on that, just to be clear that, not create more situations where people have to come in and following up my question, it could be as simple as an administrative thing that would be, you know, entrusted to Mr. Roth's department or his authority, but we, you know, could talk about that.

SUPERVISOR BREESE

All right. I think we need to take a look at that before we approve this. We're not going to vote on this tonight. So, let's take a look at some of these ideas and maybe we can make some changes in what's being proposed. Is there anybody else in the audience who wants to speak on this particular Public Hearing? *(Pause - no response)*

If not, I'll close the Public Hearing. Let's go to the first Resolution.

RESOLUTION #15-178/2006

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

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

EXHIBIT A	Bills Payable dated 8/16/2006	\$ 410,903.42
EXHIBIT B	Manual Bills Payable	\$ 14,646.12

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 #15-179/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, The Genesee Group heretofore commenced proceedings against the Assessor, the Board of Assessment Review, and other respondents for a review of the Assessment for the year 2005 on premises located at 975 John Street in the Town of Henrietta, being Tax Account Number 175.01-1-10.1, 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 The Genesee Group for the year 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.

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 #15-180/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, the New York State Legislature has authorized taxing jurisdictions to adopt a Local Law to provide for the inclusion of a Gold Star Parent within the definitions of "qualified owner" and "qualifying residential real property" for the Real Property Tax Law Section 458-a "Alternative Veterans Exemption," and

WHEREAS, the Town of Henrietta, by Local Law No. 1-1997, provided for the Alternative Veterans Exemption in the Town Code Section 250-16, and

WHEREAS, the Town of Henrietta desires to consider amending the Town Code to provide for such amendments in accordance with Real Property Tax Law Section 458-a.

THEREFORE, BE IT RESOLVED, that a Public Hearing will be held on September 6, 2006 at 8:00 P.M. at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York, before the Town Board of the Town of Henrietta to consider amending Section 250-16 of the Town Code by adopting the attached Local Law No. 4 of 2006.

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

RESOLUTION #15-181/2006

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

WHEREAS, a Community Development Grant for the year 2006, in the amount of \$45,000.00, is available through Monroe County, and

WHEREAS, this Grant provides for sanitary sewer repairs on Thompson Road in the Town of Henrietta.

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

SUPERVISOR BREESE
Discussion? 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 #15-182/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, the Town of Henrietta requires bids for the Thompson Road Sanitary Sewer Repair Project for the spot repairs to the existing sanitary sewer on Thompson Road from Calkins Road north 1,600 feet, to conform with construction plans and specifications on file in the Town Clerk's Office, with bids to be opened at 10:00 A.M. on Friday, September 15, 2006 and received no later than 9:30 A.M. on Friday, September 15, 2006.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Thompson Road Sanitary Sewer Repair Project as per cited plans and specifications on file in the manner provided by Law.

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

RESOLUTION #15-183/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilman Yudelson

WHEREAS, Heritage Christian Homes, the Developer of Heritage Christian Home (located at 390 Goodburlet Road) has installed sanitary sewers in said Project, and

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

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

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

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

WHEREAS, the Director of Engineering and Planning and the Superintendent of Drainage, Sewer and Sidewalks have re-inspected the improvements and recommend that they be accepted without requiring posting of said Bond.

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

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

RESOLUTION #15-184/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 191 (WALGREENS) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED AT 2655 AND 2665 EAST HENRIETTA ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 191 (WALGREENS) TO HENRIETTA SEWER DISTRICT NO. 1

WHEREAS, a written Petition for the establishment of an extension to Henrietta Sewer District No. 1 in the Town of Henrietta, County of Monroe, State of New York, to be known as Extension No. 191 (Walgreens) of said Sewer District was duly presented to this Town Board, together with the necessary map and plan attached thereto, and

WHEREAS, pursuant to an Order a Public Hearing was held on the Petition, and the findings as specified on Exhibit "A" were made.

THEREFORE, BE IT RESOLVED, that the establishment of Extension No. 191 to the said Sewer District as proposed in the said Petition be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for; and that

such extension shall be designated and known as Extension No. 191 to Henrietta Sewer District No. 1 and shall be bounded as described in attachments annexed hereto.

BE IT FURTHER RESOLVED, that the Town Clerk of this Town shall, within ten (10) days after the adoption of this Resolution, file Certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York.

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

RESOLUTION #15-185/2006

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

WHEREAS, the Commissioner of Public Works has requested that the following item be declared surplus equipment:

<u>Inventory #</u>	<u>Description</u>
1674	Refrigerator from Roberts Cabin

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

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

RESOLUTION #15-186/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the following person be hired:

Daniel Layfield Parks & Facilities, Part-time/Seasonal Laborer @
\$8.00/hr., effective 8/14/2006.

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

Joseph Losavio Highway, Laborer A @ \$12.71/hr. from Laborer B @
\$10.93/hr., effective 8/20/2006.

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 Meeting. Before we adjourn, is there anyone that would like to speak on any other items involving the Town? Yes, Mam?

BETH WHITE, 1001 MIDDLE ROAD

Good evening. I'm just a little concerned, and maybe you can explain things to me as to why we're losing the golf course, nothing is happening with that, and we've lost the water park. What's happening?

SUPERVISOR BREESE

Well, the golf course is still up in the air. We're contacting the owner, the new owner from California, to ask him why he's not taking care of the golf course, and we're going to put some pressure on him soon. We directed the Town Attorney to write him a letter. But, it seems that after he bought the property he hasn't done anything with it, hasn't gone forward with any plans that we know of. So, we're on top of that and we're worried about it, and we'll get it solved one way or the other. He's going to have to take care of his property or be in big trouble, really. As far as the water park, I can't tell you on that one. I think we liked it, we didn't lose it, we approved it.

BETH WHITE, 1001 MIDDLE ROAD

Right, I know.

SUPERVISOR BREESE

And I think these guys were good salesmen, and we didn't know that they were shopping around, even when they were asking for the approval here they were looking for better deals elsewhere. So, they moved down to the Canandaigua area and came up with something they liked better, and there's nothing the Town can do about that. We did everything we could to accommodate them.

BETH WHITE, 1001 MIDDLE ROAD

I know.

SUPERVISOR BREESE

So, if it goes somewhere else, so be it. Life will go on.

BETH WHITE, 1001 MIDDLE ROAD

Well, one of the reasons I'm asking is because people who know that I come to the meetings are saying to me, why isn't the Town doing this, why isn't the Town doing this, and I said but they are doing this.

SUPERVISOR BREESE

Doing what? Keeping the water park?

BETH WHITE, 1001 MIDDLE ROAD

Well, yeah. Keeping things like the water park.

SUPERVISOR BREESE

We approved it.

BETH WHITE, 1001 MIDDLE ROAD

I said the Town is doing everything they can; they're bending over backwards.

SUPERVISOR BREESE

We approved it, and we're being very aggressive on the Belfrey, too.

BETH WHITE, 1001 MIDDLE ROAD

Good. Okay. Thank you.

SUPERVISOR BREESE

Thank you. Anybody else before we adjourn? *(Pause - no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman McCabe at 8:28 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk