

**HENRIETTA TOWN BOARD
AGENDA
SEPTEMBER 6, 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): August 16, 2006
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Local Law No. 4 of 2006 Amending Real Property Tax Law for Alternative Veterans Exemption
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 #16-187/2006

Authorize Accounts Payable

RESOLUTION #16-188/2006

Adopt Proposed Local Law No. 3 of 2006 Establishing and Amending Various Zoning Chapters of the Town Code of the Town of Henrietta

RESOLUTION #16-189/2006

Authorize Attendance of Annual New York State Assessor's Association Conference

RESOLUTION #16-190/2006

Adopt Proposed Local Law No. 4 of 2006 Amending Real Property Tax Law for Alternative Veterans Exemption

RESOLUTION #16-191/2006

Authorize Supervisor to Sign Agreement With Monroe County - Installation of Traffic Signal System at the Intersection of Brighton-Henrietta Town Line Road and Clay Road

RESOLUTION #16-192/2006

Call for Public Hearing - Abandonment of a Portion of Shore Drive Right-of-Way

RESOLUTION #16-193/2006

Award Low Bid - Hollybrook Road Sanitary Sewer Repairs Project

RESOLUTION #16-194/2006

Award Low Quote - Construction of Pedestrian Bridge Abutments and Sidewalks
- Campus Drive

RESOLUTION #16-195/2006

Call for Public Hearing - Proposed Establishment of Extension No. 138 (Legacy
Subdivision) to Henrietta Water District No. 1

RESOLUTION #16-196/2006

Call for Public Hearing - Proposed Establishment of Extension No. 180 (Legacy
Subdivision) to Henrietta Sewer District No. 1

RESOLUTION #16-197/2006

Call for Public Hearing - Proposed Establishment of Extension No. 10 (Legacy
Subdivision) to the Henrietta Lighting District

RESOLUTION #16-198/2006

Declare Items Surplus Materials

RESOLUTION #16-199/2006

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 6TH DAY OF SEPTEMBER, 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 anyone who would like to speak on Agenda items at this time? Just Agenda items only? *(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 August 16, 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 one (1) Public Hearing on a proposed Local Law amending the Real Property Tax for an Alternative Veterans Exemption. Mr. Gabbert, our Assessor, would you just briefly tell us what this is? Briefly.

NATHAN GABBERT, TOWN ASSESSOR

Good evening. This is really nothing new. This is an expansion of the existing Alternative Veterans Exemption program, which will extend eligibility for the exemption to Gold Star parents, and Gold Star parents are parents of service people who are killed in military service. So, this will allow them to get the exemption that the soldier could have had.

SUPERVISOR BREESE

This will be on the Town tax only, right?

NATHAN GABBERT, TOWN ASSESSOR

Yes. The County has already adopted this.

SUPERVISOR BREESE

What about the School District?

NATHAN GABBERT, TOWN ASSESSOR

No. They don't offer the Alternative Veterans Exemption.

SUPERVISOR BREESE

You mean, no, they choose not to, or, what's the story with that?

NATHAN GABBERT, TOWN ASSESSOR

The School District does not allow for an Alternative Veterans Exemption at all.

SUPERVISOR BREESE

It's a matter of policy?

NATHAN GABBERT, TOWN ASSESSOR

That's just, right.

SUPERVISOR BREESE

Okay. Thank you. Does anybody want to speak on this Public Hearing matter? *(Pause - no response)* If not, I'll close the Public Hearing. May I have the first Resolution, please.

RESOLUTION #16-187/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilman Yudelson

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

EXHIBIT A

Bills Payable dated 9/6/2006

\$ 362,096.43

SUPERVISOR BREESE

Under discussion, if you'll check Section 207-12, there's a new paragraph that's been added beginning with, "Any aggrieved person," that we discussed at our Workshop, and I think the Board was agreeable to including that in this Resolution. Do you see what I'm saying?

COUNCILWOMAN McCABE

Yes.

SUPERVISOR BREESE

I think that's what we talked about, so we don't really need an amendment.

COUNCILWOMAN McCABE

That's fine.

SUPERVISOR BREESE

We'll just put it in there now.

COUNCILWOMAN McCABE

That's fine.

COUNCILMAN MULLIGAN

Under discussion, you had indicated you might have an amendment.

SUPERVISOR BREESE

I don't.

COUNCILMAN MULLIGAN

Okay.

SUPERVISOR BREESE

Anybody else? 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 #16-189/2006

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

WHEREAS, the Town Assessor has requested authorization to attend the New York State Assessor's Association Annual Fall Conference to be held at the Hilton Lake Placid, Lake Placid, New York on September 17, 2006 through September 20, 2006, and

WHEREAS, funds are available in the 2006 Budget, and

WHEREAS, the Town Board supports and encourages such participation for all Town employees.

THEREFORE, BE IT RESOLVED, that Nathan Gabbert, Town Assessor, be hereby authorized to attend the New York State Assessor's Association Annual Fall Conference at a reimbursable cost not to exceed \$1,200.00.

BE IT FURTHER RESOLVED, that all 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 #16-190/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, pursuant to an Order of the Town Board of the Town of Henrietta, a Public Hearing was held on September 6, 2006 at 8:00 P.M. at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York, to hear all persons for or against the proposed Local Law No. 4 of 2006, Amending Local Law No. 1-1997, Alternative Veterans Exemption, and

WHEREAS, no adverse comments were received.

THEREFORE, BE IT RESOLVED, that Local Law No. 4 of 2006 amending Local Law No. 1-1997, Alternative Veterans Exemption, be hereby enacted by the Town

Board of the Town of Henrietta as per the attachment.

BE IT FURTHER RESOLVED, that Local Law No. 4 of 2006, as required by Section 27 of the Municipal Home Rule Law, become effective after filing and acknowledgment by the Office of the Secretary of State.

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 #16-191/2006

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

WHEREAS, an Intermunicipal Agreement by and between the Town of Henrietta and Monroe County for the installation of a temporary traffic signal system at the intersection of Brighton-Henrietta Town Line Road and Clay Road has been proposed, and

WHEREAS, this traffic signal work would be eligible for partial reimbursement under the Clay Road connection to Gravely Road including the new bridge over CSX Railroad Line, P.I.N. 4753.47 Project, and

WHEREAS, the Town Attorney has examined this Agreement and has found it to be in good order, and

WHEREAS, the Director of Engineering and Planning has determined that the said Agreement between the Town of Henrietta and Monroe County should be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute and deliver said Agreement by and between the Town of Henrietta and Monroe County.

SUPERVISOR BREESE

Discussion? Call the roll.

WHEREAS, five (5) contractors' quotes were received for the construction of the pedestrian bridge abutments and sidewalks, and

WHEREAS, the lowest quote, meeting specifications, was received from Pooler Enterprises, Inc. for a total cost of \$15,624.00.

THEREFORE, BE IT RESOLVED, that Pooler Enterprises, Inc., 783 Wangum Road, Fishers, New York 14453, be hereby awarded the quote at a cost not to exceed \$15,624.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Pooler Enterprises, Inc. in an amount not to exceed \$15,624.00 upon successful completion of said work and acceptance by the Director of Engineering and Planning.

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 #16-195/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 138 (LEGACY SUBDIVISION) TO HENRIETTA WATER DISTRICT NO. 1 LOCATED ON THE SOUTHWEST CORNER OF ERIE STATION ROAD AND EAST HENRIETTA ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

WHEREAS, a written Petition in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Henrietta, County of Monroe, New York for the establishment of Extension No. 138 (Legacy Subdivision) to the Henrietta Water District No. 1 bounded and described as set forth on exhibits now on file in the Town Clerk's Office, and

WHEREAS, the improvements proposed consist of a water system to serve the

said Extension No. 138, including the acquisition of the necessary rights-of-way therefore, in accordance with a certain map and description made a part of such Petition and now on file in the Office of the Town Clerk of the said Town, and

WHEREAS, the maximum amount proposed to be expended for the said establishment of the said extension and the construction of said water system, including the acquisition of any necessary lands, easements and rights-of-way within and also

outside of the limits of the proposed District Extension shall be borne by the owners and developers of the land included in said extension.

THEREFORE, BE IT RESOLVED, that a meeting of the Town Board of the Town of Henrietta shall be held at the Henrietta Town Hall, 475 Calkins Road, in the Town of Henrietta, Monroe County, New York on the 4TH day of October, 2006 at 8:00 P.M. to consider the said Petition and to hear all persons interested in the subject. Notice of said Hearing shall be published and posted 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 #16-196/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilman Yudelson

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 180 (LEGACY SUBDIVISION) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED ON THE SOUTHWEST CORNER OF ERIE STATION ROAD AND EAST HENRIETTA ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

WHEREAS, a written Petition in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Henrietta, County of Monroe, New York for the establishment of Extension No. 180 (Legacy Subdivision) to the Henrietta Sewer District No. 1 bounded and described as set forth on exhibits now on file in the Town Clerk's Office, and

WHEREAS, the improvements proposed consist of a sewer system to serve the said Extension No. 180, including the acquisition of the necessary rights-of-way therefore, in accordance with a certain map and description made a part of such Petition and now on file in the Office of the Town Clerk of the said Town, and

WHEREAS, the maximum amount proposed to be expended for the said establishment of the said extension and the construction of said sewer system, including the acquisition of any necessary lands, easements and rights-of-way within and also outside of the limits of the proposed District Extension shall be borne by the owners and developers of the land included in said extension.

THEREFORE, BE IT RESOLVED, that a meeting of the Town Board of the Town of Henrietta shall be held at the Henrietta Town Hall, 475 Calkins Road, in the Town of Henrietta, Monroe County, New York on the 4TH day of October, 2006 at 8:00 P.M. to consider the said Petition and to hear all persons interested in the subject. Notice of said Hearing shall be published and posted 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 #16-197/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 10 (LEGACY SUBDIVISION) TO THE HENRIETTA LIGHTING DISTRICT LOCATED ON THE SOUTHWEST CORNER OF ERIE STATION ROAD AND EAST HENRIETTA ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

WHEREAS, a written Petition in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Henrietta, County of Monroe, New York for the establishment of Extension No. 10 (Legacy Subdivision) to the Henrietta Lighting District bounded and described as set forth on exhibits now on file

in the Town Clerk's Office, and

WHEREAS, the improvements proposed consist of lighting equipment to serve the said Extension No. 10, including the acquisition of the necessary rights-of-way therefore, in accordance with a certain map and description made a part of such Petition and now on file in the Office of the Town Clerk of the said Town, and

WHEREAS, the maximum amount proposed to be expended for the said establishment of the said extension and the construction of said lighting system, including the acquisition of any necessary lands, easements and rights-of-way within and also outside of the limits of the proposed District Extension shall be borne by the owners and developers of the land included in said extension.

THEREFORE, BE IT RESOLVED, that a meeting of the Town Board of the Town of Henrietta shall be held at the Henrietta Town Hall, 475 Calkins Road, in the Town of Henrietta, Monroe County, New York on the 4TH day of October, 2006 at 8:00 P.M. to consider the said Petition and to hear all persons interested in the subject. Notice of said Hearing shall be published and posted 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 #16-198/2006

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

WHEREAS, the Superintendent of Highways has requested that the following items be declared surplus equipment:

<u>Inventory #</u>	<u>Description</u>
8003	2000 Chevrolet K1500 4x4 Pickup Truck #103 VIN #1GCEK14T2YZ261910
3460	2000 Western 7.5 ft. reversible snowplow Serial #4400135

THEREFORE, BE IT RESOLVED, that the items described above be declared surplus equipment and be consigned to the Monroe County Municipal Equipment Auction hosted by Roy Teitsworth, Inc. on October 7, 2006 at the Monroe County Fleet Center in Chili, 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 #16-199/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the following persons be hired:

Shannon Baker	Recreation, Part-time Recreation Assistant @ \$7.25/hr., effective 9/3/2006.
William Head	Recreation, Part-time Recreation Assistant @ \$6.75/hr., effective 9/3/2006.
Heather Parmeter	Recreation, Part-time Recreation Assistant @ \$10.00/hr., effective 9/3/2006.
David M. LaForce	Building/Fire/Code Enforcement, Part-time Code Enforcement/Property Maintenance @ \$10.00/hr., effective 9/5/2006.

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

Recreation	As per the attachment.
Jason Cortese	Building/Fire/Code Enforcement, Part-time Fire Inspector @ \$10.00/hr., from Part-time Property Maintenance @ \$10.00/hr., effective 9/5/2006.

Nicholas Ryan

Parks & Facilities, Laborer B @ \$10.15/hr., from
Part-time/Seasonal @ \$8.00/hr., effective 9/11/2006.
(Per Collective Bargaining Agreement)

BE IT FURTHER RESOLVED, that the following employees be given an additional day's pay for unused sick leave (per Labor Agreement):

Kevin Cripps, Lawrence Harper, Patrick Herman, Marie Leonardi, Gary Popen, Charlene Stephany, and Diane Watts

SUPERVISOR BREESE

Discussion?

COUNCILMAN MULLIGAN

Just under discussion on the attachment, Mr. Supervisor, if you could look at that please, there's a couple of Rebecca Murphys and a couple of Renee Vogts. Are they simply typos?

COUNCILWOMAN ZINCK

No. They have, well, if you look at Rebecca Murphy, she's a preschool assistant and a Fitness-N-Fun assistant, so she must have two (2) different . . .

COUNCILMAN MULLIGAN

Okay. What about Vogt?

COUNCILWOMAN ZINCK

Um, the other one is Mummery that you're looking at?

REGIS STEINKAMP, DIRECTOR OF YOUTH BUREAU & RECREATION

(From audience - inaudible)

SUPERVISOR BREESE

Get on the mic, please.

REGIS STEINKAMP, DIRECTOR OF YOUTH BUREAU & RECREATION

Renee Vogt is a typo. She's just listed twice. The other folks that are listed twice have two (2) different positions at two (2) different rates of pay.

COUNCILMAN MULLIGAN

Okay. Thank you.

SUPERVISOR BREESE

Thank you for the question. 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 anybody that would like to speak on any other items involving the Town of Henrietta at this time? Yes, Sir.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

Good evening. I'm Bruce Radley, and I'm here with my fellow neighbors, and we have a concern about another neighbor.

SUPERVISOR BREESE

Can we have your address, just for the Record.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

405 Hollybrook Road. I'm here tonight, um, representing the rest of the neighbors about a particular individual that lives on our street that we feel is not keeping up to the Codes of our neighborhood and of Henrietta. There are unregistered vehicles in the driveway, a numerous amount of junk on the outside of the garage, along the side of the house, and on the front of the house. The stuff has been there for literally years. The lawn is not being mowed. In the back yard, which I have not seen personally, but the neighbors estimate it to be about twenty (20) inches high. The front yard is approximately twelve (12) inches high. From my understanding, I guess the Town here did send a contractor over there recently, and the individual confronted that contractor and told him he must leave or he'll be arrested, and he didn't want any confrontation and so he left. Um, out in front of the house there's a dog house with two (2) large dogs that are chained up. They are constantly barking day and night. Nobody, including the utility company can get on their property. If you walk by the house or somebody pulls into the neighbor's yard, they will continue barking for a lengthy amount of time. But, from my understanding, they do bark virtually all night and all day long, not constantly of course, but you know, but they are barking. Um, rats have been spotted in their back yard by a neighbor. Apparently, there was one (1) rat that was found dead in the neighbor's yard. The Town may remember about approximately eight (8) years ago, the same individual, um, their house was condemned because they had approximately fifty-two (52) cats in there. Okay, (*inaudible*) that one. Um, about a year after that, either the Town or the Town in conjunction with the County or City hired a couple of (*inaudible*) a couple of dump trucks forcing this individual to move the garbage from the garage because it was overflowing from out of the garage, you couldn't close the garage door, into the front yard and there was several vehicles in there. So, here's an issue of not maintaining the property. Um, there are two (2) young kids, I know this is probably not in this particular setting right here, but I need to bring it to your attention, um, there are two (2) young kids, the oldest is approximately

four (4) years old, from what I understand from the neighbors, they see very little daylight. Um, I don't know what's inside the house. I can't, I can only speculate because of the past. She doesn't allow any utilities people to come in, or they can't because of the dogs that are protecting the house. Um, we're a little concerned about the kids in there also. We're here tonight not to have her evicted, we're not here to ask her to move, we just want her to maintain her outside property as we do, the rest of the neighborhood and in the community here. Um, and yes, we do have a big concern about the children, especially when there has been spotted rats around the house. So, this is why I'm here tonight, to present our situation to you, and I'm looking for your guidance and your help in this matter.

SUPERVISOR BREESE

Well, I'm glad you came. That's awful. Do you have an address, just for the Record?

BRUCE RADLEY, 405 HOLLYBROOK ROAD

Yes, I do. Um, 376 Hollybrook Road.

SUPERVISOR BREESE

Do you have a name, or would you rather not?

BRUCE RADLEY, 405 HOLLYBROOK ROAD

That's okay. Anita, she's well known, obviously, Anita Earle.

SUPERVISOR BREESE

Anita Earle?

BRUCE RADLEY, 405 HOLLYBROOK ROAD

Yes.

SUPERVISOR BREESE

That's terrible. That's awful.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

I know.

SUPERVISOR BREESE

I'm glad you came here to tell us about it.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

We have, um, you know, obviously, I don't know, we have, obviously, a large group here.

SUPERVISOR BREESE

Have you talked to any of our staff about this before you came here.

BRUCE RADLEY, 405 HOLLYBROOK ROAD
This is the first time, I believe.

SUPERVISOR BREESE
So, you haven't talked to staff yet.

BRUCE RADLEY, 405 HOLLYBROOK ROAD
No, Sir.

SUPERVISOR BREESE
Okay. I'm going to ask, if you don't mind, I'd like to ask my Code Enforcement Officer, Chris Roth, to come up here and tell us what he knows about this situation.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

Jason Cortese had visited the property, had issued a Notice of Violation, was unsuccessful in getting the violation corrected. At that time, we asked a contractor to go over and maintain the property because it appeared that it was not being lived in at that point. The contractor was confronted. We cannot do or use Town forces to clean up a property where somebody is currently living and/or would have, we can't just jump on somebody's property without their permission. Since we were confronted, we had then told the contractor to not provide that service, and I believe at this time Mr. Cortese has a Notice of Violation with an appearance ticket for her to appear in court. I'm not sure of the date, off the top of my head.

SUPERVISOR BREESE
Well, you know, that's not really good enough because I'm familiar with this person, and I think the Board is too, and this could get played out and played out forever through the court system, and I think that there has to be more forceful action taken by the Town in a matter like this, and I'll ask the Town Attorney, what can we do to address this? This is not acceptable. We want to address it quickly.

DANIEL MASTRELLA, TOWN ATTORNEY
Well, Mr. Supervisor, we could follow the procedures currently in place in the property maintenance portion of the Code.

SUPERVISOR BREESE
The one we just enacted tonight?

DANIEL MASTRELLA, TOWN ATTORNEY
Well, we can't do that yet because it doesn't become effective for probably forty (40) days or so, um, per its terms. But, um, under what we do have, at the next Board meeting we could, the Board could direct some action be taken. We first have to file the procedures of notice and the like, though, which we can do in the interim.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

With the approval of the Board, I can contact family and child services . . .

SUPERVISOR BREESE

Absolutely.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

. . . we can contact some of these other agencies to help us as well.

SUPERVISOR BREESE

Absolutely.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I can consult with the Town Justices, if they would give me a search warrant, that is a power that is available to us. If I give them grounds as to child safety or other things, they may grant me a search warrant, and at that point we could execute that warrant and go through the property. Um, I'm not familiar with some of these complaints, so again, I'd like to converse with him afterwards, but with the Board's permission, I will take this on and make sure that we can deal with it to the highest level that is available to use through law and until we can get the other amendments adopted and on the books.

SUPERVISOR BREESE

Well, in the meantime, we need a Resolution prepared for our next Board meeting to authorize the Town Board to go on that property, isn't that what we're talking about?

DANIEL MASTRELLA, TOWN ATTORNEY

I don't know if we can authorize to go on, but authorize that the deficiencies be corrected by the Town, if that's what you mean.

SUPERVISOR BREESE

Well, that would be part of the Resolution is . . .

DANIELA MASTRELLA, TOWN ATTORNEY

Part of the Resolution, correct.

SUPERVISOR BREESE

She won't take care of them, and knowing her, I don't think she ever will.

COUNCILWOMAN McCABE

That she will . . .

SUPERVISOR BREESE

Then we have to go on and do it ourselves.

COUNCILMAN MULLIGAN

Can't we pass something right now?

DANIEL MASTRELLA, TOWN ATTORNEY
I don't believe so. I think that we need to . . .

COUNCILMAN MULLIGAN
I mean, this is public safety, public health.

COUNCILWOMAN McCABE
Can we . . .

COUNCILMAN MULLIGAN
This should be addressed now.

DANIEL MASTRELLA, TOWN ATTORNEY
I know, but I don't think that . . .

COUNCILMAN MULLIGAN
I can't imagine living next to that.

RESIDENT
(From audience) What about Social Services for the children. I mean, can you go inside and look around?

SUPERVISOR BREESE
Well, that's something that Mr. Roth's going to have to find out about.

RESIDENT
(From audience) I've never been in the house.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR
We can try, but . . .

SUPERVISOR BREESE
She's not going to cooperate. We know her.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR
. . . we can't force our way into somebody's home. We have to have . . .

COUNCILMAN YUDELSON
Child Protective can.

COUNCILWOMAN McCABE
Yes, Child Protective Services . . .

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

But again, that's a different agency. I can contact them, but I can't tell you what action they may or may not take. We can only knock on the front door, and if they say go away, we have to do that by law without a search warrant.

COUNCILWOMAN McCABE

Right. Child Protective Services will, if they feel, they'll check with the neighbors and if they feel that there's a warrant for it, they will bring a Sheriff with them so that they can check the children to make sure that they're safe.

SUPERVISOR BREESE

That's correct. Do you have a court appearance date for this woman?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I don't, off the top of my head. I can look at, I believe there is one.

SUPERVISOR BREESE

So, you believe she is scheduled to come into court, which she's been there many times.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I believe there has been an appearance ticket issued for this property to be cleaned up and heard in a court case.

SUPERVISOR BREESE

Well, then we have to have a discussion with the judge about what we'd like to see happen quickly.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

Correct. If it's a pending court case, again, one of the justices may issue me that search warrant based on pending problems. Tonight, I can't give you the answer until I get a chance to get a hold of one of the justices to see if they would issue me . . .

SUPERVISOR BREESE

Well, we've got to be very aggressive about this because this has been going on for so long with that individual.

COUNCILWOMAN McCABE

Yes.

RESIDENT

(From audience) This is not a matter of months, but years. So, they're not . . .

COUNCILWOMAN McCABE

It's ongoing.

RESIDENT

(From audience) Ongoing, yes.

SUPERVISOR BREESE

I thought she moved out of Town, I was hoping.

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, Mrs. Shaffer, could you check and see if the dogs are properly licensed.

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

COUNCILMAN MULLIGAN

And have shots and everything?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

COUNCILMAN MULLIGAN

Thank you.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

We will try to take as many regulatory agencies through the property as we can to get as many things cleaned up as quickly as we can.

SUPERVISOR BREESE

Like, tomorrow?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

Yes.

SUPERVISOR BREESE

In the meantime, we'll discuss a Resolution that we could pass at our next meeting. It's a shame. You shouldn't have to put up with this, and I'm so glad you came here tonight.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

Thank you, Sir, and on behalf of my fellow neighbors, we want to thank you for everything you've done, or are going to do for us. We will definitely be at the next meeting, and you know, hopefully we'll have happier news for you.

SUPERVISOR BREESE

We'll get on it tomorrow.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

Thank you very much.

SUPERVISOR BREESE

Make sure you talk to Chris Roth afterwards, would you do that? Thank you. Does anybody else want to speak on any matter involving the Town? Yes, Sir. Before you start, give us your name and address.

LINUS RAUTENSTRAUCH, 1412 MARTIN ROAD

Yes, I will, Sir. Linus Rautenstrauch, 1412 Martin Road, West Henrietta, 14586, State of New York, County of Monroe. This is not quite as important as Hollybrook, so please bear with me, but just a few things. Supervisor Breese, Town Council Mulligan, Mike Yudelson, Cathy McCabe, Councilwomen, Cathy McCabe and Janet Zinck, several months ago I spoke about the intersection of West Henrietta Road and Martin Road, namely the landscaping at the intersection. Since that time, the grassy area along Martin Road has been mowed and there's a great improvement along the white fence. Along the fence on West Henrietta Road, the area still has not been taken care of. It seems that when the development was planned, that area was neglected as part of the overall program. It seems that the Planning Board or the Town Board should request from the builder that they maintain that area or make the necessary arrangements to have that area maintained and make it eye-appealing as the entrance to Martin Road and those housing developments. That's the first thing. Second, and part of that, Councilwoman McCabe did get back to me several weeks later after I spoke to the Board and indicated that she had spoke to somebody and something has been done, but I don't know if it was the neighbors that took care of that problem along the fence, but since that time a couple trees have passed away, or died, but the lawn is being taken care of, and the reason I make this mention is because in other areas of the Town and the County, the entrances to those such subdivisions and housing developments have really, a very attractive look, and this one here could use a little bit just to spruce it up and make it look like it's really something. Second thing, is there any plans for a housing development, a property on Martin Road and West Henrietta Road? The area I'm referring to is the southwest corner of the above-named intersection, opposite the southwest corner, West Henrietta Road and Martin Road.

SUPERVISOR BREESE

I'm not personally aware of it. Mr. Byrne is nodding his head he's not aware of it.

LINUS RAUTENSTRAUCH, 1412 MARTIN ROAD

Okay. Thank you. Next, just a question here. The property that is being considered for park land along the Genesee River, across or near the Riverton Golf Course, is that property being donated by the former owner, the new owner, or is the Town buying the property?

SUPERVISOR BREESE

We're buying it.

LINUS RAUTENSTRAUCH, 1412 MARTIN ROAD

Buying the property? Okay. Who's is buying that property?

SUPERVISOR BREESE

The Town of Henrietta is buying that.

LINUS RAUTENSTRAUCH, 1412 MARTIN ROAD

No, no. I'm sorry. Who owns it?

SUPERVISOR BREESE

Forest Creek Equity.

LINUS RAUTENSTRAUCH, 1412 MARTIN ROAD

And that's part of what developer?

COUNCILMAN MULLIGAN

Bernie Iacovangelo.

SUPERVISOR BREESE

Forest Creek Equity.

LINUS RAUTENSTRAUCH, 1412 MARTIN ROAD

Well, it's Bernie then. That's who it is. Two (2) more things. Is there any program that can be implemented to control the geese population at the Martin Road Park? Over the last month, we have been invaded with well over one hundred (100) plus geese at one time in my yard. Just, is there anything we can do besides hunting?

SUPERVISOR BREESE

Do you have any ideas yourself?

COUNCILWOMAN McCABE

You're in a trail way, that's why.

LINUS RAUTENSTRAUCH, 1412 MARTIN ROAD

Well, I'm just asking you. You're the Supervisor.

SUPERVISOR BREESE

No, I'm asking you. You have the problem, why don't you suggest what we should do.

LINUS RAUTENSTRAUCH, 1412 MARTIN ROAD

Well, then maybe I'll have to look into it just a little bit further, but I thought that you people would be right on top of those type of things.

SUPERVISOR BREESE

We try to be.

LINUS RAUTENSTRAUCH, 1412 MARTIN ROAD

Yes, I know.

COUNCILWOMAN McCABE

It's a fly-way, Linus.

LINUS RAUTENSTRAUCH, 1412 MARTIN ROAD

Pardon?

COUNCILWOMAN McCABE

It's a fly-way, and they're getting ready to go south, so you're going to find any time there's water, they'll land there for a while and then they'll fly south. As long as you don't feed them, then they won't stay.

LINUS RAUTENSTRAUCH, 1412 MARTIN ROAD

No, I haven't fed them. I don't put stuff around. A fifth thing, just to say that Chuck Marshall, the Town Board, but Chuck Marshall and his staff have completed a project that started several years ago, it looks very good. Thank you.

SUPERVISOR BREESE

Thank you.

COUNCILWOMAN McCABE

Thank you.

SUPERVISOR BREESE

We appreciate that positive comment. Okay, would anybody else like to speak on anything else involving the Town before we adjourn? Yes, Mam?

BETH WHITE, 1001 MIDDLE ROAD

Sorry to make this a long meeting.

SUPERVISOR BREESE

That's no problem.

BETH WHITE, 1001 MIDDLE ROAD

Beth White, 1001 Middle Road. As long as we're talking about Martin Road Park, could a sign be put up stating that dogs must be on a leash? I am so tired of walking through that park and having to tip-toe through the tulips.

SUPERVISOR BREESE

It's not there, huh?

BETH WHITE, 1001 MIDDLE ROAD
I haven't seen it.

SUPERVISOR BREESE
Okay.

COUNCILWOMAN ZINCK
But the dogs are there.

SUPERVISOR BREESE
I think we can handle that.

BETH WHITE, 1001 MIDDLE ROAD
And yesterday, just for your information, I took my dog on a walk on the Lehigh Valley Trail, which is absolutely beautiful. It is beautiful, but the same problem. I don't know if anything can be done or not, but . . .

SUPERVISOR BREESE
Well, enforcement gets into that, I guess.

BETH WHITE, 1001 MIDDLE ROAD
But the trail itself is gorgeous.

SUPERVISOR BREESE
I'm glad to hear that.

BETH WHITE, 1001 MIDDLE ROAD
It's beautiful. Thank you.

SUPERVISOR BREESE
We'll do something about the dogs on a leash. Thank you for your comments.

COUNCILWOMAN McCABE
We can pass the word to the Henrietta Foundation, which operates the trail, and maybe they can put up a sign.

SUPERVISOR BREESE
On the trail part.

COUNCILWOMAN McCABE
On the trail.

SUPERVISOR BREESE
We can take care of the park, though.

COUNCILWOMAN McCABE
Right.

SUPERVISOR BREESE

Does anybody else want to speak 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 8:40 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk