

**HENRIETTA TOWN BOARD
AGENDA
OCTOBER 4, 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): September 20, 2006
6. Miscellaneous Communications
7. Public Hearings:
 - Abandonment of a Portion of Shore Drive Right-of-Way
 - Proposed Establishment of Extension No. 138 (Legacy Subdivision) to Henrietta Water District No. 1
 - Proposed Establishment of Extension No. 180 (Legacy Subdivision) to Henrietta Sewer District No. 1
 - Proposed Establishment of Extension No. 10 (Legacy Subdivision) to the Henrietta Lighting District
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 #18-208/2006
Authorize Accounts Payable

RESOLUTION #18-209/2006
Call for Public Hearing - Fiscal Year 2007 Preliminary Budget

RESOLUTION #18-210/2006
Authorize Placement of Delinquent Property Maintenance Bills on Tax Rolls

RESOLUTION #18-211/2006
Authorize Proposed Establishment of Extension No. 138 (Legacy Subdivision) to Henrietta Water District No. 1

RESOLUTION #18-212/2006
Authorize Proposed Establishment of Extension No. 180 (Legacy Subdivision) to Henrietta Sewer District No. 1

RESOLUTION #18-213/2006

Authorize Proposed Establishment of Extension No. 10 (Legacy Subdivision) to the Henrietta Lighting District

RESOLUTION #18-214/2006

Award Low Bid - Thompson Road Sanitary Sewer Repair Project

RESOLUTION #18-215/2006

Authorize Abandonment of a Portion of Shore Drive Right-of-Way

RESOLUTION #18-216/2006

Call for Public Hearing - Proposed Establishment of Extension No. 192 (Shore Drive) to Henrietta Sewer District No. 1

RESOLUTION #18-217/2006

Authorize Acceptance of Dedication of Watermain and Sanitary Sewer Systems - The Preserve Subdivision, Section 4

RESOLUTION #18-218/2006

Authorize Acceptance of Dedication of Watermain and Sanitary Sewer Systems - The Preserve Subdivision, Section 5

RESOLUTION #18-219/2006

Authorize Acceptance of Dedication of Sanitary Sewer Systems - The Preserve Subdivision, Section 6

RESOLUTION #18-220/2006

Authorize Removal of Stop Sign and Installation of Temporary Traffic Signal by Monroe County Department of Transportation - Clay Road at Brighton-Henrietta Town Line Road

RESOLUTION #18-221/2006

Authorize Attendance of Annual Fire Marshals and Inspectors Conference

RESOLUTION #18-222/2006

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 4TH DAY OF OCTOBER, 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 who would like to speak on Agenda items other than the Public Hearings? 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 September 20, 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 four (4) Public Hearings. Have they been properly advertised?

PATRICIA SHAFFER, TOWN CLERK
Yes, Sir.

SUPERVISOR BREESE

An abandonment of a portion of Shore Drive, establishment of Extension 138, establishment of Extension 180, establishment of Extension 10. Is there anyone who would like to speak on any of these Public Hearings, on any of these matters? *(Pause - no response)* If not, I'll close the Public Hearings. May I have the first Resolution, please.

RESOLUTION #18-208/2006

On Motion of
Councilwoman Zinck

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 10/4/2006	\$ 209,122.13
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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 #18-209/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, the Tentative Budget of the Town of Henrietta for the fiscal year 2007 was filed in the Office of the Town Clerk on September 22, 2006 and was presented to Town Board Members on this same date, and

WHEREAS, Town Law requires that a Public Hearing be held on the Preliminary Budget.

THEREFORE, BE IT RESOLVED, that a Public Hearing be held on October 18, 2006 at 8:00 P.M. at the Henrietta Town Hall, 475 Calkins Road, Main Meeting Room,

Henrietta, New York on the fiscal year 2007 Preliminary Budget.

BE IT FURTHER RESOLVED, that the notice of said Public Hearing 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 #18-210/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, owners of several properties located in the Town of Henrietta have neglected to maintain their property during the summer, resulting in the inordinate accumulation of vegetation and/or debris, and have otherwise allowed said property to fall into a state of disrepair, in violation of the Henrietta Town Code, and

WHEREAS, said property owners have failed to comply in a timely fashion to notices of violation thereof served upon them by the Town of Henrietta Code Enforcement Office, and

WHEREAS, this failure resulted in the Town authorizing this work to be performed and the property owners being invoiced for said work, and

WHEREAS, said property owners have failed and neglected to pay said invoices.

THEREFORE, BE IT RESOLVED, that the unpaid invoices on the properties, as per the attachment, be added as a lien against said real property on the 2007 tax levy for collection.

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 #18-211/2006

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

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.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 138 (LEGACY SUBDIVISION) TO HENRIETTA WATER DISTRICT NO. 1

WHEREAS, a written Petition for the establishment of an extension to Henrietta Water District No. 1 in the Town of Henrietta, County of Monroe, State of New York, to be known as Extension No. 138 (Legacy Subdivision) of said Water 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. 138 to the said Water 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. 138 to Henrietta Water 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 #18-212/2006

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

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.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 180 (LEGACY SUBDIVISION) 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. 180 (Legacy Subdivision) 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. 180 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. 180 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 #18-213/2006

On Motion of
 Councilman Yudelson

Seconded by
 Councilwoman McCabe

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 10 (LEGACY SUBDIVISION) TO 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.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 10 (LEGACY SUBDIVISION) TO THE HENRIETTA LIGHTING DISTRICT

WHEREAS, a written Petition for the establishment of an extension to the Henrietta Lighting District in the Town of Henrietta, County of Monroe, State of New York, to be known as Extension No. 10 (Legacy Subdivision) of said Lighting 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. 10 to the said Lighting 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. 10 to the Henrietta Lighting District 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 #18-214/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilman Yudelson

WHEREAS, Resolution #15-182/2006 authorized the advertisement for bids on the Thompson Road Sanitary Sewer Repair Project for the spot repairs of the existing sanitary sewer on Thompson Road from Calkins Road to the north 1,600 feet, and

WHEREAS, five (5) bids were received, and the low bid, meeting specifications, was received from R. Myers Contractors, Inc., for a total cost of \$63,760.00.

THEREFORE, BE IT RESOLVED, that R. Myers Contractors, Inc., 60 Bowman Street, Rochester, New York 14609, be hereby awarded the bid at a cost not to exceed \$63,760.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay R. Myers Contractors, Inc. in an amount not to exceed \$63,760.00 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 #18-215/2006

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

WHEREAS, pursuant to Resolution #16-192/2006 a Public Hearing was held by the Town Board of the Town of Henrietta on the 4TH day of October, 2006 at 8:00 P.M. to hear and consider all persons interested in the potential sale of a portion of the original right-of-way of Shore Drive located to the west of Tax Account No. 160.03-2-16.1 by the Town of Henrietta to BRW of Greece, LLC consisting of approximately 0.287 acres of land, and

WHEREAS, pursuant to an Order, the Public Hearing was duly noticed and held.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta shall transfer to BRW of Greece, LLC by quit claim deed the original right-of-way of Shore Drive as shown on a map dated June 21, 2006 attached hereto as Attachment A, consisting of approximately 0.287 acres of land.

BE IT FURTHER RESOLVED, that BRW of Greece, LLC shall pay to the Town of Henrietta as fair and reasonable value for said right-of way the sum of Eight Hundred Dollars (\$800.00) on transfer of the deed.

BE IT FURTHER RESOLVED, that the monies received by the Town of Henrietta shall be deposited into the General Fund.

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 #18-216/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 192 (SHORE DRIVE) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED BETWEEN 506 SHORE DRIVE AND 581 SHORE DRIVE 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. 192 (Shore Drive) 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. 192, 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 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 1ST day of November, 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 #18-217/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, Bierworth-Riedman Homes, Inc., the Developer of The Preserve Subdivision, Section 4, located on Chesapeake Landing, has installed watermains and sanitary sewers in said subdivision section, 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 watermain and sanitary sewer systems, 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 watermain and sanitary sewer systems were 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 watermains and said sanitary sewer systems for the described subdivision section 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 #18-218/2006

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

WHEREAS, Bierworth-Riedman Homes, Inc., the Developer of The Preserve Subdivision, Section 5, located on Cape Henry Trail and York Bay Trail, has installed watermains and sanitary sewers in said subdivision section, 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 watermain and sanitary sewer systems, 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 watermain and sanitary sewer systems were installed in accordance with Town requirements and have recommended that they be accepted by the Town.

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

BE IT FURTHER RESOLVED, that such acceptance is made subject to the Developer, or its representative, securing with the Town of Henrietta a sum of Eleven Thousand Three Hundred Dollars (\$11,300.00) for a period of two (2) years.

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 #18-219/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, Bierworth-Riedman Homes, Inc., the Developer of The Preserve Subdivision, Section 6, located on Chesapeake Landing and York Bay Trail, has installed sanitary sewers in said subdivision section, 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

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 #18-221/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, the Fire Marshal has requested authorization to attend the New York State Academy of Fire Science at Montour Falls for the annual Fire Marshals and Inspectors Conference on October 17, 2006 and concluding October 19, 2006, and

WHEREAS, funds are available in the year 2006 Budget, and

WHEREAS, the Town Board supports and encourages additional training for all Town employees.

THEREFORE, BE IT RESOLVED, that Christopher Roth, Fire Marshal, and Terry Ekwel, Fire Inspector, be hereby authorized to attend the conference at Montour Falls at a cost not to exceed \$550.00.

BE IT FURTHER RESOLVED, that all properly prepared vouchers be submitted to the Finance Director for reimbursement.

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 #18-222/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the following person be hired:

Kaylie Frank Recreation, Part-time Recreation Assistant @ \$6.75/hr.,
effective 10/1/2006.

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

Audrey Alexander Recreation, Part-time Recreation Assistant @ \$7.50/hr. from
\$7.25/hr., effective 10/1/2006.

Debra Wildow Recreation, Part-time Recreation Assistant @ \$7.65/hr. from
\$7.25/hr., effective 10/1/2006.

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 agenda. I'm pleased to see all the Rush-Henrietta students here tonight taking up over half of our audience, and I'm delighted to see you. We hope you learn something. This has been a very uncontroversial meeting, kind of routine Resolutions. Sometimes we have a little more excitement, but we're always glad to see you. Is there anybody that would like to speak on any other matters involving the Town before we adjourn?

BRUCE RADLEY, 405 HOLLYBROOK ROAD

My name is Bruce Radley at 405 Hollybrook. Mr. Supervisor and the rest of the Council people, we were here, myself and the rest of my neighbors, we were here about a month ago about a concern about another neighbor, the Earles at 376 Hollybrook Road. Some of the issues that we brought forward to you at that time have been resolved, so we're pleased with that. But there is still a remaining issue that we feel very strongly about that has not been resolved and that is the debris that is in the front yard, or on the side of the yard that is a real eyesore to my neighbors. You're sitting

out there in the summer and you're staring across this mess, and it's not very soothing. Um, you know, we don't, I came here on behalf of my neighbors a month ago explaining the situations to you. Um, like I said before, we feel that some of it has been resolved, but the back yard is still a mess, the dogs are now not out in the front yard, they're in the back yard, but they're still barking, but maybe not excessively. But we're more concerned right now at this point, I think, is the excessive amount of, we feel, the excessive amount of debris in the front, and also in light of that, we're concerned about the maintenance of this, okay. It's fine today, but what's going to happen tomorrow? We don't want to be coming here every single meeting, and I'm sure you don't want to see our faces every single meeting, either, but we're tired of this. We've been dealing with this situation for years now, and we're getting tired. I do have some photos tonight. May I bring them up to you?

SUPERVISOR BREESE

Sure.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

We're getting very tired of this. We see that as soon as we stir some feathers here in the Town, she conforms to it to a certain extent and then it falls behind the wayside. Like I said, we don't want to be here anymore than you probably want us here, but we're willing to keep this fight, we feel strongly about this, we will keep this fight going as long as we have to. All we want her to do is conform what we have to do. I have dogs, okay. My dog barks, okay, but when they bark I bring them in, okay. I work all day, my wife works all day, we bring our dogs in when we're not home. We maintain our yard. We don't have garbage out in the front yard or in the side of the yard, and we maintain our back yard and our front yard. Um, that's all we want, but we don't want to be coming here every single month complaining about this, either. So, I don't know what we can do at this point. We're, you know, asking your help. We asked your help last time about this. How much further can we go on this?

SUPERVISOR BREESE

I'd like to hear Chris Roth, our Code Enforcement Officer, give us a report on what he has found and where that situation is. This is a very difficult process, legally, to go through all this.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

I understand that.

SUPERVISOR BREESE

We're doing the best we can, I think, and I know it's too slow and I understand how you feel. I'd like to have Chris come up, if you don't mind.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

Sure.

SUPERVISOR BREESE

Just step aside for a second, and give us a summary on what's going on with the Earle property, and when was the last time you were there, by the way?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

Actually, I drove by today.

SUPERVISOR BREESE

Okay.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I got an indication that these ladies and gentleman would be here, so I drove by today. Um, as I updated you in the last Board meeting, she appeared in the Town of Henrietta Court, she had shown a valid registration for the station wagon that was in the yard, and at that time Judge Donsky had given her an acquittal with the conditional discharge, meaning that she has satisfied the charge and if she does not have any other future violations in the next six (6) months this charge is automatically dropped. She did fix the exposed surfaces on the house in the satisfaction and received a similar conditional discharge the month before that. I did take Miss Earle out in the foyer area and explained to her that there was many people observing this property and we needed to keep this up over a period of time. She looked down and said that she had injured her ankle and it was difficult for her to maintain her lawn but she had just successfully mowed her lawn over the weekend and court was on a Monday. I did offer the services of the Town of Henrietta, the two (2) contractors that we use to mow services. I said maybe you could work out an arrangement that they would donate their time and their machinery if you purchase gas for them to do that, and I gave her the name and number of both of them as well and thought that we would strike a happy medium to get the rear lawn addressed at that time. She said it may take some time to get that done. I didn't give her a specific time frame - I took it for face value. With today's review of the property, there is a gas grill that's out front. It appears that it may not be an operational - there's a few scattered items, but again, I'd be glad to issue a Notice of Violation, but I'm guessing that there's some violations there that exist at probably every other house in Henrietta in certain . . .

BRUCE RADLEY, 405 HOLLYBROOK ROAD

(From audience) No there's not.

SUPERVISOR BREESE

Please, if you want to speak come up to the microphone, okay? We just approved a Resolution a little while ago about properties that aren't being taken care of, where we had to go in and take care of them ourselves. Why don't we just go in and mow the back lawn and pick up all that crap in the front?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I believe the . . .

SUPERVISOR BREESE

Somebody tell me why we can't do that?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

The Resolution we just passed, I believe, was because the properties were mostly vacant or in bank holdings.

SUPERVISOR BREESE

Not all of them. Most of them, but not all of them. But, is there anything that would prevent us - the back lawn hasn't been taken care of and the front looks terrible. I've driven by it, I'm aware of it. Why can't we just go in and do the work and then put it on her taxes?

DANIEL MASTRELLA, TOWN ATTORNEY

Ultimately we can. There has to be, we have to go through the procedure under the new property maintenance code to do so, and the Building Inspector will have to provide us with a list of violations to put in a Resolution and . . .

SUPERVISOR BREESE

So, we could have a Resolution about all this for our next Board meeting and then we could go in after that and do this, right?

DANIEL MASTRELLA, TOWN ATTORNEY

That's correct. We can't go in immediately. She's entitled to a Hearing, but, I mean, we can do it at the next Board meeting.

SUPERVISOR BREESE

I don't think she'll show up for a Hearing, believe me. But, go ahead. Well, I don't see any other way of getting at this real quickly. We're trying to do the paperwork for the courts and all that, unless you have a better idea.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

(From audience) No. We understand. Just as long as something gets done.
(Inaudible)

SUPERVISOR BREESE

He's tried.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

(From audience) I'm not saying, no disrespect. It may not look bad to you, to anybody else, but it looks bad to us, obviously.

SUPERVISOR BREESE

It looks bad to me.

COUNCILWOMAN McCABE
It looks bad to me.

BRUCE RADLEY, 405 HOLLYBROOK ROAD
(*From audience - inaudible*)

SUPERVISOR BREESE
I've seen it recently.

COUNCILWOMAN ZINCK
It looks atrocious, absolutely.

BRUCE RADLEY, 405 HOLLYBROOK ROAD
(*From audience*) We don't care what anybody thinks (*inaudible*).

SUPERVISOR BREESE
Okay.

BRUCE RADLEY, 405 HOLLYBROOK ROAD
(*From audience*) We want it taken care of and we want it maintained. We don't want a quick fix. If it takes a month, fine. We want to make sure it's maintained after that quick fix, or after that fix. As long as it's maintained.

SUPERVISOR BREESE
This lady knows how, she knows how to play the system very well.

COUNCILWOMAN McCABE
Oh, very well.

SUPERVISOR BREESE
We all know that.

COUNCILWOMAN McCABE
She's been doing that a long time.

BRUCE RADLEY, 405 HOLLYBROOK ROAD
(*From audience*) Well, we live with it.

SUPERVISOR BREESE
We need to be more aggressive, I think.

BRUCE RADLEY, 405 HOLLYBROOK ROAD
(*From audience*) Yes, we do.

COUNCILWOMAN McCABE

Mr. Supervisor, we just passed a junk vehicle and junk law to clean up. I think we have another thirty (30) days before that particular piece of legislation can be implemented.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

If I may interject . . .

COUNCILWOMAN McCABE

It takes a while - yes?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I had a conversation with Marc Duclos about that, and he said when it was filed with the Department of State, they received it, we have to wait an additional thirty (30) days because there may be a violation that has been issued and we therefore cannot enact that law until a thirty (30) day waiting period for us.

COUNCILWOMAN McCABE

Fine. But in the meantime we could start working on the procedure.

DANIEL MASTRELLA, TOWN ATTORNEY

I've looked at the old statute, the old Town statute and the new Town statute, and in my opinion, at this point, if we proceed under the new Town statute, given the various time frames, by the time any actual action is taken, the new law will be in effect and we'll be fine. I don't think it's challengeable. So, I think by the next Board meeting, if there are violations that Chris can delineate for us, you can have a Resolution to correct them by a certain date.

COUNCILMAN MULLIGAN

What about the fact, Dan, she's been in violation for thirty (30) years. She's always been in violation. She's never been in compliance.

SUPERVISOR BREESE

That will be in the Resolution.

DANIEL MASTRELLA, TOWN ATTORNEY

I mean, that's something you can note but that doesn't, you know, the Building Inspector has hauled her into court as many times as he can over the years, and it just . . .

COUNCILMAN MULLIGAN

I would think that if you have a chronic problem, though, there should be some provision where you can just go in there and clean it up.

SUPERVISOR BREESE

No, we need a Board Resolution.

DANIEL MASTRELLA, TOWN ATTORNEY

You just, I mean, you just passed that statute.

COUNCILMAN MULLIGAN

Yeah, but she's got to be the worst in the Town.

COUNCILWOMAN ZINCK

You still have to have the waiting period.

SUPERVISOR BREESE

She's right up there.

DANIEL MASTRELLA, TOWN ATTORNEY

She still, it's the Town Prosecutor who has the duty of and responsibility of prosecuting these things, to point it out. She's still entitled to due process and . . .

SUPERVISOR BREESE

But so are the neighbors.

DANIEL MASTRELLA, TOWN ATTORNEY

Absolutely. It just, it's not going to be instantaneous, but you know, the mechanism is in place and . . .

BRUCE RADLEY, 405 HOLLYBROOK ROAD

(From audience - inaudible)

SUPERVISOR BREESE

A Board Resolution in a couple of weeks.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

(From audience) A couple of weeks?

COUNCILWOMAN ZINCK

It can't go in for thirty (30) days.

DANIEL MASTRELLA, TOWN ATTORNEY

The next meeting, giving her a deadline as to when they have to be cleaned up, and if they're not, she's entitled to a Hearing and once she has her Hearing the Town can go and . . .

SUPERVISOR BREESE

She'll stretch it out as long as she can.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

(From audience) I understand that, but what's going to happen, okay, I know we can't

(inaudible), but what's going to prevent this from happening again and we're going to come back *(inaudible)*?

COUNCILMAN MULLIGAN
Nothing.

DANIEL MASTRELLA, TOWN ATTORNEY
Nothing's going to prevent it from happening again.

COUNCILWOMAN McCABE
Then we have to start all over again.

COUNCILMAN MULLIGAN
Through you, Mr. Supervisor, what about, there's an urgency to this, the violator has . . .

SUPERVISOR BREESE
I don't know. He's the lawyer, talk to him.

COUNCILMAN MULLIGAN
All right. Through you, though, what about doing a Resolution right now to move the ball along two (2) weeks ahead.

DANIEL MASTRELLA, TOWN ATTORNEY
You can't. You need, you need to look at the documentation of the violations . . .

SUPERVISOR BREESE
No, it's not that simple and you know it.

DANIEL MASTRELLA, TOWN ATTORNEY
. . . and you know, an actually well-drawn Resolution. You really need that.

SUPERVISOR BREESE
Are you comfortable with that?

COUNCILMAN MULLIGAN
No.

SUPERVISOR BREESE
Well, then why don't you . . .

COUNCILMAN MULLIGAN
It sounds like the violators have a lot more rights than the citizens.

SUPERVISOR BREESE
But you have to list the violations in your Resolution. You don't have that information.

COUNCILMAN MULLIGAN

Well, the pictures we're looking at, we could list them quick.

COUNCILWOMAN ZINCK

I have one concern about the pictures, only from a discussion we had earlier today. Some of the garbage in front of that house that looked so atrocious are garbage cans.

COUNCILWOMAN McCABE

Yes, we talked about that today.

COUNCILWOMAN ZINCK

And we talked about there's a problem with us being able to enforce someone's garbage cans, and that's part of what makes it look absolutely atrocious. What kind of control do we have over that? I'm asking anyone.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I'll review the Code and see, but I don't believe that we regulate where somebody can place their trash receptacles on their property.

SUPERVISOR BREESE

I think you're probably right.

COUNCILWOMAN McCABE

I think we have to address that. We're going to look at that.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I think the only thing it addresses is, it can be at the street for a period of time before pick up and it has to be returned after that pick up at the curb.

COUNCILWOMAN McCABE

But returned where? Right.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

It doesn't say where. It just has to be returned from the curb line.

COUNCILWOMAN McCABE

I know. I looked today after we talked.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

(From audience) I don't think that's - may I see the pictures again to refresh my memory, please?

COUNCILWOMAN McCABE

Yes.

COUNCILWOMAN ZINCK

I mean, it's just part of the . . .

BRUCE RADLEY, 405 HOLLYBROOK ROAD

(From audience) Trash cans are only a part of the issue. The gas grill, okay, that's, we all have gas grills. I really don't care about the gas grill, but there are other debris out there that, you know, a trash can sitting on, behind the car, they can put it on the side of the garage. Be neat, come on, okay. There's other, there's a tire over there, I don't know where it is, but there's other garbage you can see in there besides the trash cans, okay.

SUPERVISOR BREESE

One of the cars, that's debris if I ever saw it.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

Yeah, but unfortunately, it is registered and she's legal. We can't do anything about that, but there are other blue boxes, I don't know what they are.

SUPERVISOR BREESE

I know, I know.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

And this is, I'll tell you right now, this is probably one of the better ones I've seen it. It usually is worse than this. My concern and my fellow neighbors' concern, we don't want to keep on doing this every single year for thirty (30) years, okay. If we can, you pass a Resolution and we respect that and that's fine, but is there something maybe we can do to, okay, every time she does make a mess, we haven't got to go through this process? Can we just say, okay, you've got to maintain this, lady. If you don't maintain it, we're going to come in here, we're going to clean up, and you're going to get a bill. If you don't pay the bill it's going on your taxes. We're just kind of tired of coming here, not that we don't like seeing your faces, but . . .

COUNCILWOMAN ZINCK

Of course you are. We understand.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

But we also don't want to be doing this all the time, okay. Are there, obviously, we're really concerned, and there's enough neighbors here. Either half of the people are from Rush-Henrietta or the other half is us.

SUPERVISOR BREESE

I understand.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

We just want, you know, there's a big sign out here, "Welcome to Henrietta - keep Henrietta beautiful" and that's what we want.

SUPERVISOR BREESE

You know I've been here in this job over twenty (20) years, and I've been dealing with her that long, I'll tell you.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

I'm sure you have. I mean, I'm sure you have, and we can appreciate your frustrations.

SUPERVISOR BREESE

And she's a very anti-social person. She doesn't want to cooperate.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

We understand that, and we know that. We're as frustrated as you are, but we're living with this, and we're tired.

SUPERVISOR BREESE

Yes, I would be. We're going to bring in a Resolution in two (2) weeks to try to bring it to a head. We'll do the best we can with this person.

BRUCE RADLEY, 405 HOLLYBROOK ROAD

I understand. At this point, I'd like to see if any of my fellow neighbors want to come up and talk. Some of them would rather not because they get a little upset.

COUNCILMAN MULLIGAN

They should be.

MARY JANE GORMEL, 379 HOLLYBROOK ROAD

Good evening. Mary Jane Gormel, I'm at 379 Hollybrook. I spoke with you, Councilwoman McCabe. I live right directly across from them. Let me tell you, to get up every morning and have my coffee and have to look at that, it's not a picnic, believe me.

SUPERVISOR BREESE

How long have you been there?

MARY JANE GORMEL, 379 HOLLYBROOK ROAD

Thirty-eight (38), thirty-nine (39) years. Um, please . . .

SUPERVISOR BREESE

I think you ought to buy her house.

MARY JANE GORMEL, 379 HOLLYBROOK ROAD

We've thought of it.

SUPERVISOR BREESE
I'm only kidding.

MARY JANE GORMEL, 379 HOLLYBROOK ROAD
We've thought of it. As far as the trash out there, um, yes I'm sure Chris Roth has gone by, he sees what he has right there. The garbage on the side of the house has been there, we've come back from down south the 1ST of April and that garbage has been sitting there ever since we got home.

SUPERVISOR BREESE
Sure.

MARY JANE GORMEL, 379 HOLLYBROOK ROAD
Please, please do something for us.

COUNCILWOMAN McCABE
We're trying.

MARY JANE GORMEL, 379 HOLLYBROOK ROAD
Thank you.

COUNCILWOMAN McCABE
We have to wait that length of time for that law.

MARY JANE GORMEL, 379 HOLLYBROOK ROAD
I understand that. I understand that, but I can speak for the rest of the neighbors too, we're just, we've had it right up to here. Thank you.

SUPERVISOR BREESE
Thank you. Okay. Yes, Sir?

JACK BROOKS, 368 HOLLYBROOK ROAD
I'm directly next door to the Earles. Um, you made a joke about why don't we buy the house. We seriously discussed it as a group of neighbors when it was condemned, but the next week the Town let them back in again without fixing anything.

SUPERVISOR BREESE
What do you mean?

JACK BROOKS, 368 HOLLYBROOK ROAD
Just what I said.

SUPERVISOR BREESE

Let them back in? What do you mean?

JACK BROOKS, 368 HOLLYBROOK ROAD

Just what I said. The house was condemned, had the sign on there that it's not fit to live in, and two (2) weeks later they were back in again.

SUPERVISOR BREESE

A condemnation, I don't know when that was, but that's not necessarily a permanent order. If they bring it up to Code then the condemnation is gone.

JACK BROOKS, 368 HOLLYBROOK ROAD

Right, right. I live next door, like I say, and I didn't see anything being done at all.

RESIDENT

(From audience) Here's the article that said it was condemned.

SUPERVISOR BREESE

Well, I'm not saying it wasn't condemned . . .

JACK BROOKS, 368 HOLLYBROOK ROAD

It was.

SUPERVISOR BREESE

. . . but that doesn't have to be a permanent thing. I don't know what that was or when that was, but . . .

RESIDENT

(From audience - inaudible)

JACK BROOKS, 368 HOLLYBROOK ROAD

To get fifty-two (52) cats out of the house.

COUNCILWOMAN McCABE

I remember.

JACK BROOKS, 368 HOLLYBROOK ROAD

They condemned the house for that.

SUPERVISOR BREESE

If we did it or the Health Department did it, it doesn't matter.

JACK BROOKS, 368 HOLLYBROOK ROAD

Well, I just want to bring that to your attention, that we offered to buy the house . . .

SUPERVISOR BREESE

We're not being easy on this woman, believe me.

JACK BROOKS, 368 HOLLYBROOK ROAD

Okay.

SUPERVISOR BREESE

We'd like her to leave Town, too.

JACK BROOKS, 368 HOLLYBROOK ROAD

Now, the other thing, you're talking about due process of law and everything else, well, by the time you get all this done there's going to be snow on the ground and you won't be able to cut the grass. So, we're going to have to put it off until next year.

SUPERVISOR BREESE

We'll be shoveling snow then, I guess.

JACK BROOKS, 368 HOLLYBROOK ROAD

I hope. Thank you.

SUPERVISOR BREESE

Thank you, Sir. Thanks for coming in. You're absolutely right, and try to bear with us. We don't like it any more than you do. Yes, Sir? Did you want to speak?

SEAN TRAPP, 392 CLAY ROAD

Good evening. Thank you for a brief moment to address the Town Board. Two (2) things if I may, one comment, one question.

SUPERVISOR BREESE

Can we have your name, please, and an address.

SEAN TRAPP, 392 CLAY ROAD

My name is Sean Trapp. My address is 392 Clay Road. The comment that I have is that I'd like to thank the Board for taking a pro-active approach to adding a traffic light at the end of Clay Road at Brighton-Henrietta Town Line Road. Having driven through there a couple of times, you realize how dangerous that intersection is and potentially can be, especially when we have weather like this and just, most recently, an accident on Calkins Road at Hylan Drive. So, I really do commend you for voting on that. The second question I have relates to the 2003 Comprehensive Land Use Plan and the section entitled "Implementation", Chapter Five (5), Section B, where it requests that a committee be established by the Planning Board to oversee the implementation of the plan and other further duties to look for funding to make the plan go into effect. Chairman Minotti of the Planning Board was approached as to why now, in 2006, we have not had a committee standing in relationship to the Land Use Plan, and Mr. Minotti said he would contact Supervisor Breese. That was about ten (10) months ago. We

are still awaiting an answer as a citizen of the Town where we have this Comprehensive Use Plan in place and yet nobody to oversee it as outlined in Chapter Five (5).

SUPERVISOR BREESE

Well, we oversee it. That's our job. We're the elected officials.

SEAN TRAPP, 392 CLAY ROAD

Right. I understand that. Any plans to create the committee?

SUPERVISOR BREESE

Well, that's only a recommendation. That's not a requirement.

SEAN TRAPP, 392 CLAY ROAD

Okay. So, you will recommend to the Planning Board that a committee will stand as in Chapter Five (5) in the Land Use Plan.

SUPERVISOR BREESE

Did I just say that? I said it's a recommendation . . .

SEAN TRAPP, 392 CLAY ROAD

Okay.

SUPERVISOR BREESE

. . . that we establish a committee. We haven't established a committee, they haven't established a committee.

SEAN TRAPP, 392 CLAY ROAD

Okay.

SUPERVISOR BREESE

Whether one will be established or not, I can't tell you right now. Perhaps it will, perhaps it won't.

SEAN TRAPP, 392 CLAY ROAD

Okay. What is, just a question to the Town Attorney, to what extent is the Land Use Plan considered a legal document, binding?

DANIEL MASTRELLA, TOWN ATTORNEY

I can't answer that off the top of my head. I mean, I'll look into it.

SUPERVISOR BREESE

No, wait a minute.

DANIEL MASTRELLA, TOWN ATTORNEY

It's not a statute.

SUPERVISOR BREESE

Yes. It's not the law, it's a recommendation, it's a plan, but it's not the law, frankly.

SEAN TRAPP, 392 CLAY ROAD

Okay.

SUPERVISOR BREESE

I mean, if we wanted we could ignore the whole thing, and we're not going to.

SEAN TRAPP, 392 CLAY ROAD

Okay.

SUPERVISOR BREESE

But it's not, we're not required to follow every recommendation that's in it.

SEAN TRAPP, 392 CLAY ROAD

Okay. Great. Thank you. I appreciate your answer. Thank you very much.

SUPERVISOR BREESE

Thank you. Okay, 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 8:45 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk