

**HENRIETTA TOWN BOARD  
AGENDA  
OCTOBER 18, 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): October 4, 2006
6. Miscellaneous Communications
7. Public Hearing:
  - Fiscal Year 2007 Preliminary Budget for the Town of Henrietta; Proposed Salaries for Elected Town Officials are: Supervisor, \$93,982; Councilpersons, \$17,092; and Town Judges, \$25,930
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 #19-223/2006  
Authorize Accounts Payable

RESOLUTION #19-224/2006  
Direct Property Owner to Address Code Violations - 376 Hollybrook Road

RESOLUTION #19-225/2006  
Accept Letters of Credit - Legacy at Erie Station Subdivision, Phases 2, 3 & 4

RESOLUTION #19-226/2006  
Call for Public Hearing - Proposed Establishment of Extension No. 193 (Burns Subdivision) to Henrietta Sewer District No. 1

RESOLUTION #19-227/2006  
Call for Public Hearing - Proposed Establishment of Extension No. 148 (Burns Subdivision) to Henrietta Water District No. 1

RESOLUTION #19-228/2006  
Authorize Supervisor to Sign Extension to the New York State Snow and Ice Removal Agreement

RESOLUTION #19-229/2006

Authorize Co-Application with the County of Monroe for New York State  
Department of State's Shared Municipal Services Incentive Grant

RESOLUTION #19-230/2006

Declare Item Surplus Material

RESOLUTION #19-231/2006

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 18<sup>TH</sup> 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 anyone who would like to speak on Agenda items other than the Public Hearing? Agenda items only?

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH  
*(From audience - inaudible)*

SUPERVISOR BREESE

I said Agenda items other than the Public Hearing.

COUNCILMAN MULLIGAN

The Hearing will be on the Budget.

SUPERVISOR BREESE

Thank you for helping me. May I have the approval of the Minutes, please.

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve the Minutes of October 4, 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 tonight on the fiscal year 2007 Preliminary Budget for the Town of Henrietta. Has this been properly advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

Has the Budget been made available to anyone in the public who wants a copy of it?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

Fine. Is there somebody who would like to speak on the proposed Budget for 2007?  
Yes, Sir?

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

I just have a couple of brief questions. In the details, the subject of payments in lieu of, it seems to be the same from one year to the next, within a few dollars, really, less than a couple hundred dollars, I think. Is that collectible or is that something that's constantly owed to us. Does anybody try and collect . . .

SUPERVISOR BREESE

Can you tell us specifically what you're referring to? I have no idea what you're saying.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Um, I didn't mark the page.

SUPERVISOR BREESE

Is it payment in lieu of taxes?

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

It's in lieu of taxes.

SUPERVISOR BREESE

Okay, fine. That was for payments that are made by tax exempt organizations, and that's an established amount that's paid. It's in lieu of taxes.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Okay. So, it should be relatively the same year after year.

SUPERVISOR BREESE

It's pretty much the same every year, yes.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

And then my other question was, there's a million and a half dollars for revenues from the Town's share of the sales tax. Now, has that been resolved? There were quite a bit of questions coming from the County as to . . .

SUPERVISOR BREESE

Well, if, that's a good question. If the County decides to take back some of the sales tax from us, which I hope never happens, I'm told it would not affect next year's Budget.

It would affect the following year's Budget.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Okay.

SUPERVISOR BREESE

So, we're comfortable with that million and a half for next year.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Okay. Thank you.

COUNCILMAN MULLIGAN

We're in court on that, though, John.

SUPERVISOR BREESE

Yes. It's being litigated. We're not happy. Anybody else who'd like to speak on the Budget at this time? *(Pause - no response)* If not, I'll adjourn the Hearing on the Budget. We will vote on the Budget November 1<sup>ST</sup>, and there may be some amendments. May I have the first Resolution, please.

RESOLUTION #19-223/2006

On Motion of  
Councilman Yudelson

Seconded by  
Councilwoman McCabe

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

EXHIBIT A                      Bills Payable dated 10/18/2006                      \$ 171,677.63

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 #19-224/2006

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Mulligan

WHEREAS, the Town Board has been informed of repeated violations of the Town of Henrietta Property Maintenance Ordinance by the owner and resident of the property located at 376 Hollybrook Road in the Town of Henrietta, and

WHEREAS, the Fire Marshal/Building Inspector has repeatedly issued citations for violations of the Code of the Town of Henrietta upon such property, but despite such efforts, violations persist, and

WHEREAS, the Henrietta Town Code authorizes the Town Board to direct the owner/occupant to correct such violations or appear before the Town Board for a Hearing to determine whether the conditions on the property constitute a public nuisance and show cause why the Town of Henrietta should not enter upon said property and perform the work required to correct the violations and charge said property owner in accordance with the Henrietta Town Code.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby directs that the violations of the Henrietta Town Code, Section 209-4, as exist on the property at 376 Hollybrook Road, be corrected by October 30, 2006, at 1:00 P.M.

BE IT FURTHER RESOLVED, that if said violations are not corrected by that time a Hearing will be held before the Henrietta Town Board at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York, on the 1<sup>ST</sup> day of November, 2006 at 7:45 P.M. to determine whether the conditions on the property constitute a public nuisance pursuant to Henrietta Code, Section 205-14.



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 #19-226/2006

On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Yudelson

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IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 193 (BURNS SUBDIVISION) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED ON THE NORTH SIDE OF RUSH-HENRIETTA TOWN LINE ROAD AND ON THE EAST SIDE OF EAST HENRIETTA ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

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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. 193 (Burns 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. 193, 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 15<sup>TH</sup> 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 #19-227/2006

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman McCabe

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IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 148 (BURNS SUBDIVISION) TO HENRIETTA WATER DISTRICT NO. 1 LOCATED ON THE NORTH SIDE OF RUSH-HENRIETTA TOWN LINE ROAD AND ON THE EAST SIDE OF EAST HENRIETTA ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

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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. 148 (Burns 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. 148, 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 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 15<sup>TH</sup> 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 #19-228/2006

On Motion of  
Councilman Yudelson

Seconded by  
Councilwoman Zinck

BE IT RESOLVED, that the Supervisor be authorized to sign, on behalf of the Town of Henrietta, the attached extension to the New York State Snow and Ice Agreement for the 2008/2009 season.

BE IT FURTHER RESOLVED, that this extension shall commence on July 1, 2008 and expire on June 30, 2009.

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 #19-229/2006

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Yudelson

WHEREAS, the County of Monroe, the Town of Henrietta, and other towns in Monroe County are eligible to receive grant funding under the New York State Department of State's Shared Municipal Services Incentive Grant Program which provides funds to undertake projects or purchase equipment that encourages inter-municipal cooperation, and

WHEREAS, Monroe County and towns within the County have identified specific pieces of equipment at a cost of \$300,000.00 that could be shared by, and provide benefits to, each municipality, and

WHEREAS, the Shared Municipal Services Incentive Grant Program will fund 90% of the purchase price of the equipment, if the remaining 10% balance is provided by local municipalities, and

WHEREAS, the County of Monroe has agreed to be the lead applicant for the grant application and to provide the entire 10% of the local funding requirement for the new equipment, and

WHEREAS, should grant funding be secured for this purchase, the County has also agreed to store and perform all maintenance on the new equipment.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta shall be a co-applicant with the County of Monroe and other Monroe County towns on an application for a Shared Municipal Services Incentive Grant from the State of 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 #19-230/2006

On Motion of  
Councilman Yudelson

Seconded by  
Councilwoman Zinck

WHEREAS, the Director of Recreation and Youth Bureau has requested that the following item be declared surplus equipment:

<u>Inventory #</u>	<u>Description</u>
00711	One (1), Three (3) Drawer Office Desk

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 #19-231/2006

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman McCabe

BE IT RESOLVED, that the following persons be hired:

Heather Cyr            Recreation, Part-time Recreation Assistant @ \$7.00/hr.,  
effective 10/16/2006.

Alisa Rizkallah        Recreation, Part-time Recreation Assistant @ \$7.50/hr.,  
effective 10/16/2006.

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

Norine Lalonde        Recreation, Part-time Recreation Assistant @ \$7.25/hr. from  
\$7.00/hr., effective 10/14/2006.

Highway                As per the attachment.

SUPERVISOR BREESE  
Discussion? Call the roll.

Duly put to a vote:

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

Carried

SUPERVISOR BREESE

That's the end of the regular Town Board meeting. Is there anybody who would like to

speak on any other items involving the Town of Henrietta before we adjourn?  
COUNCILMAN YUDELSON  
Move we adjourn.

SUPERVISOR BREESE  
Wait. It looks like . . .

COUNCILMAN YUDELSON  
Is there someone?

SUPERVISOR BREESE  
I'd like to welcome, again, Rush-Henrietta Seniors who are here to learn a lesson on government, as short as it is tonight, and we're always glad to see you. If you need something signed after we adjourn, come on up. I'm sure we'll be happy to sign for you.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelton, seconded by Councilwoman McCabe at 8:15 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson  
Deputy Town Clerk