

**HENRIETTA TOWN BOARD
AGENDA
NOVEMBER 1, 2006**

ORDER OF BUSINESS

1. Roll Call
2. Prayer
3. Pledge of Allegiance to the Flag
4. Public Presentation/Agenda Items
5. Approval of Minutes of the Preceding Meeting(s): October 18, 2006
6. Miscellaneous Communications
7. Hearing - 7:45 P.M.:
 - Action with Regard to Resolution #19-224/2006 - Code Violations at 376 Hollybrook Road
8. Public Hearing - 8:00 P.M.:
 - Proposed Establishment of Extension No. 192 (Shore Drive) to Henrietta Sewer District No. 1
9. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
10. Reports of Standing Committees and Actions Thereon
11. Reports of Special Committees
12. Public Comment
13. Adjournment

RESOLUTION #20-232/2006
Authorize Accounts Payable

RESOLUTION #20-233/2006
Authorize Amendments to the Fiscal Year 2007 Preliminary Budget

RESOLUTION #20-234/2006
Adopt Fiscal Year 2007 Final Budget

RESOLUTION #20-235/2006
Authorize Proposed Monroe County Empire Zone Designation of Property Located at 100 Town Centre Drive - Pictometry International Corp.

RESOLUTION #20-236/2006
Authorize Proposed Monroe County Empire Zone Designation of Property Located at 755 Jefferson Road - Patient Infosystems, Inc. d/b/a CareGuide

RESOLUTION #20-237/2006
Authorize Payment - Certiorari Attorney for Legal Services

RESOLUTION #20-238/2006

Authorize Tax Certiorari Settlement - 3195 Brighton-Henrietta Town Line Road

RESOLUTION #20-239/2006

Authorize Proposed Establishment of Extension No. 192 (Shore Drive) to
Henrietta Sewer District No. 1

RESOLUTION #20-240/2006

Authorize Advertisement for Bids - Farnsworth Road North and South Sanitary
Sewer Repair Project

RESOLUTION #20-241/2006

Authorize Purchase of State Contract Vehicle - Front-end Loader

RESOLUTION #20-242/2006

Authorize Lease Renewal - Mark Greene, Property on Calkins Road

RESOLUTION #20-243/2006

Authorize Henrietta Public Library to Apply for Grant Money to Replace Roof

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 1ST DAY OF NOVEMBER, 2006 AT 8:00 P.M.

MEMBERS PRESENT

MEMBERS ABSENT

Supervisor James R. Breese
Councilwoman Catherine A. McCabe
Councilman William J. Mulligan, Jr.
Councilman Michael B. Yudelson
Councilwoman Janet B. Zinck
Daniel J. Mastrella, Town Attorney
Patricia J. Shaffer, Town Clerk

SUPERVISOR BREESE

This is a special Hearing that was called by a Board Resolution, #19-224/2006, regarding Code violations of the Henrietta Town Code at 376 Hollybrook Road. Was the property owner notified?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir, by Certified, Return Receipt mail.

SUPERVISOR BREESE

You got the receipt back?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

No surprise the property owner's not here. In any event, I'd like to ask Chris Roth to come up and just give us an update on the condition of the property, whether it's changed since this Resolution was passed.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

As I explained in the Workshop meeting, there are still several items that need to be addressed. When I talked to Mr. Breese today, similar to the question I asked at the Board meeting, or the Workshop, how do we determine what is of value and what isn't. I suggested to the Supervisor that we would specifically detail the items that we were going to pick up, clean up, or remove from the property and then notify her that those items, those are the significant items that we would be taking care of, and if she has, therefore, some objection for some reason, she can notify the Town Attorney through a small time frame or process. We would, obviously, go in and remove or clean up those items that we've detailed.

COUNCILMAN MULLIGAN

I pulled up there today, and there was all kinds of rotted plywood, dimensional lumber that was shot, two (2) by sixes (6), two (2) by eights (8). The car, Chris, did not appear to be legally registered or inspected.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

Well, that's the gray area because when she's come into court for previous appearance tickets for the vehicle, she shows the registration that is valid. The plates are not on the vehicle, and again, through Mr. Duclos, the plates do not have to be displayed on the vehicle, they just have to be registered.

COUNCILMAN MULLIGAN

But the inspection's a 2004, so it's an illegal vehicle, in my opinion.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I don't know if we can get into whether it has to be inspected, and I think our Town Law just says it just has to be registered.

DANIEL MASTRELLA, TOWN ATTORNEY

I believe just registered, and it only has to be inspected if it's going to be operated on a public highway.

SUPERVISOR BREESE

How could it be registered if it hasn't had a valid inspection?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I don't know.

COUNCILMAN MULLIGAN

Good point.

SUPERVISOR BREESE

Well, it doesn't make sense.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I'm just going by the court proceedings when I stand in front of the judge.

COUNCILMAN YUDELSON

Except your registration is renewed every couple of years and your inspection, you know, they could let it expire, the inspection expire.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

That's possible.

SUPERVISOR BREESE

Why don't you follow up on that.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I'll get a hold of Ted Wright at the Sheriff's Department and see if there's something we can work with, with that as well.

COUNCILMAN MULLIGAN

It doesn't look like it's moved in at least two (2) years.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

It hasn't. She's come right out and said that the vehicle is non-road worthy, it needs work, and she is trying to gather the funds available to get it so she could sell it to, obviously, reimburse or re-coop her losses.

COUNCILWOMAN ZINCK

So, what's the time frame that your suggesting that we notify her of these items before we remove them?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I would say forty-eight (48) hours upon receipt. I think that we've given her plenty of notice, plenty of opportunity to take these items under advisement, and we could detail these out, let her know by Certified mail and upon Return Receipt back to the office we would say you have forty-eight (48) hours to respond and we can get somebody in there.

SUPERVISOR BREESE

Have you talked to her since this Resolution was passed on the 18TH of October?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I have not, Sir. She's called me twice, but I have not returned her call.

SUPERVISOR BREESE

Oh, she's called you?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

Yes.

SUPERVISOR BREESE

Since the 18TH of October?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

Correct.

SUPERVISOR BREESE

You haven't returned her calls?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

No, because her tone has not been favorable. Her tone was she thought we were working together, we were working towards something, and again, we were but unfortunately it wasn't to the satisfaction and the speed that the . . .

SUPERVISOR BREESE

Okay. Nothing has really changed then, since the 18TH of October when we passed the Resolution, is that correct?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

Correct. And as of today when I drove by again, you are correct, there is wood in front of the garage that needs to be addressed, there's tires in the door on the side of the garage that need to be addressed, and there just has to be refuse that needs to be picked up. Those would be the three (3) significant items that I would ask to be considered to be done.

SUPERVISOR BREESE

Okay. Is there anybody in the audience who wants to speak on this matter? *(Pause - no response)* It appears that we'll have to go forward with enforcement. That would probably require a Board Resolution right now, wouldn't it, Mr. Town Attorney?

DANIEL MASTRELLA, TOWN ATTORNEY

I think that the Board just has to vote that it's been established that there is a public nuisance and that the Town is going to correct it and bill them for it.

SUPERVISOR BREESE

I would so move.

COUNCILWOMAN ZINCK

Second.

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

(Brief Intermission)

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR BREESE

Is there anybody that would like to speak on Agenda items, Agenda items only, other than the Public Hearing? Yes?

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Good evening. My question has to do with a Resolution that's going to be read, #234, having to do with the adoption of the 2007 Budget. I noticed that it reads that with the addition of the Henrietta Fire District Budget received on October 19TH. That was not available for the Public Hearing of the Town.

SUPERVISOR BREESE

That's right.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

I was just wondering why the Town is approving it as part of its Budget when it's a separate Budget altogether.

SUPERVISOR BREESE

The Town has no control over the Fire District Budget. The Fire District Commissioners had their own Public Hearing on their Budget, and then all they have to do is submit the Budget to us and we have to put it on with our Budget.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Okay. Then my next question is this, why can't the amount be shown on this Resolution, that you're approving their Budget for Five Million One Hundred and Twenty-some Thousand Dollars (\$5,120,000)?

SUPERVISOR BREESE

I don't think there's any amounts on the Resolution, are there?

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

I didn't - maybe I read too fast.

SUPERVISOR BREESE

The Budget's available, and you got a copy of it, and you know what our Budget was.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

I just feel that the Resolution for the Town should show the amount, actually, the total amounts for both budgets when you're approving the actual Budget, just to dial them out.

COUNCILMAN MULLIGAN

That's a good idea, John.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Okay. Thank you.

COUNCILMAN MULLIGAN

We'll try to do that in the future.

SUPERVISOR BREESE

Okay. Anybody else on any Agenda items? *(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 October 18, 2006.

COUNCILMAN YUDELSON

Second.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR BREESE

We have a Public Hearing on the establishment of the Shore Drive Sewer District. Has this been properly advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

Would anyone like to speak on this? *(Pause - no response)* If not, I'll close the Public Hearing on the Sewer District. May I have the first Resolution, please.

RESOLUTION #20-232/2006

On Motion of
Councilman McCabe

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 11/1/2006	\$ 247,657.62
EXHIBIT B	Manual Bills Payable	\$ 21,406.61

SUPERVISOR BREESE
Discussion?

COUNCILMAN MULLIGAN

Just under discussion, I know we have a fuel agreement with the School District, and I see a check here for about Thirty-seven Hundred Dollars (\$3,700) with the Hess Corporation. Is that the gas people, and if it is, why are we buying gas from Hess?

COUNCILWOMAN McCABE

We're not buying gas from Hess. Hess Corporation took over the contract for some of our electric that we had. We had a specified electric other than RG&E that gave us a lower rate and they bought them out. I asked the same question today.

COUNCILMAN MULLIGAN

Thank you.

COUNCILWOMAN McCABE

You're welcome.

SUPERVISOR BREESE

Okay. Any other questions? 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 #20-233/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilman Yudelson

WHEREAS, pursuant to Section 108 of the Town Law, a Public Hearing was held

on October 18, 2006 on the Preliminary Budget of the Town of Henrietta for the Fiscal Year 2007, at which time all persons wishing to be heard thereon were heard, in favor of, or against, the said Preliminary Budget as compiled, or for, or against, any item or items therein contained, and

WHEREAS, the following items are proposed amendments to said Preliminary Budget for the Fiscal Year 2007:

1. The funds listed below are to be eliminated/reduced from these accounts as follows:

a.)	Page 10	Recreation Administration	Acct. #1.7020.200	reduction\$	3,000.00
b.)	Page 14	Tinker Home	Acct. #1.7520.100	reduction\$	8,580.00
c.)	Page 14	Tinker Home	Acct. #1.7520.498	reduction\$	200.00
d.)	Page 17	Transfer Capital Project	Acct. #A.9950.900	reduction\$	<u>200,000.00</u>
					<u>\$ 211,780.00</u>

2. Expense Accounts are to be increased for these accounts as follows:

a.)	Page 5	Parks and Facilities	Acct. #1.1620.422	increase	\$ _____
					<u>\$ 1,200.00</u>

THEREFORE, BE IT RESOLVED, that the afore described amendments to the Preliminary Budget for the Fiscal Year 2007 be adopted.

BE IT FURTHER RESOLVED, that the \$211,780.00 as reflected in said amendments put into Account #A.9950.900 to be transferred into a Building Capital Reserve Fund.

SUPERVISOR BREESE
Discussion?

COUNCILMAN MULLIGAN
Just under discussion, I'd like to commend the Supervisor's office, as well as our Finance Director, for doing an excellent job on the Budget, keeping it, I believe, flat. I think we've got a good program for next year, and at the same time, we continue to provide tax restraint for the residents.

SUPERVISOR BREESE
Thank you. Call the roll on this Resolution, 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 #20-234/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilman Yudelson

WHEREAS, pursuant to Section 108 of the Town Law, a Public Hearing was held on October 18, 2006 at 8:00 P.M. at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York, on the Preliminary Budget of the Town of Henrietta for the Fiscal Year 2007, at which time all persons wishing to be heard thereon were heard, in favor of, or against, the said Preliminary Budget as compiled, or for, or against, any item or items therein contained.

THEREFORE, BE IT RESOLVED, that the Fiscal Year 2007 Preliminary Budget, as amended through Resolution #20-233/2006 and with the addition of the Henrietta Fire District Budget received on October 19, 2006, be hereby adopted as the Annual Budget for the Town of Henrietta for the Fiscal Year beginning January 1, 2007 and that it shall be entered into the Minutes of the Town Board.

SUPERVISOR BREESE

On the matter that the gentleman brought up before about the Fire District Budget which we received on the 19TH of October, their Budget is just over Five Million Dollars (\$5,000,000), let the Record show that, and we have no control over their Budget. I think you know that, I hope you know that. We have to accept their Budget, and we can't change it. We just have to add it to the tax bills.

COUNCILMAN MULLIGAN

Also through you, they actually lowered the rate, I think, about two (2) percent. So, it's around a buck seventy-five (\$1.75) a thousand (1,000). But once again, that's controlled by the five (5) Fire Commissioners, not the Town Board.

SUPERVISOR BREESE

I think most people know that, hopefully. Anybody else on the Budget? Call the roll on the Budget, 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 #20-235/2006

On Motion of
Supervisor Breese

Seconded by
Councilman Mulligan

WHEREAS, New York State has created the Economic Development Zone Program, now known as the Empire Zone Program, to encourage industrial and commercial development in select municipalities across the State, and

WHEREAS, the Town of Henrietta, as an eligible municipality in conjunction with the County of Monroe, received designation of an Economic Development Zone made up of sub-zones including portions of the Towns of Gates, Greece, Irondequoit, Henrietta, and the Village of Brockport, New York, and

WHEREAS, New York State has amended the Zones program to increase benefits and allow additional areas to be deemed as Regionally Significant Projects, and

WHEREAS, the County of Monroe and the Town of Henrietta intend to amend the County of Monroe Empire Zone boundaries to encourage industrial and commercial development and to allow for the creation of an additional sub-zone area in the Town of Henrietta for a Regionally Significant Project, and

WHEREAS, Pictometry International Corp. located at 100 Town Centre Drive, Town of Henrietta, New York, meets the criteria of 957 (d) of the General Municipal Law as a regionally significant project by creating 20 new high tech jobs and investing at least \$10,000,000 at the project location for inclusion within the County of Monroe Empire Zone in an area outside the separate and distinct contiguous areas, and

WHEREAS, the Town of Henrietta wishes to support and concur with the Empire Zone designation of part of land commonly known and described as 100 Town Centre Drive, Henrietta, New York, part of Tax I.D. No. 175.07-1-45.1, as a Regionally Significant Project.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta, in its capacity as governing body of the Town of Henrietta, does hereby support and concur with the County of Monroe Empire Zone to include the property more particularly described in the legal description attached as Schedule A and fully supports and concurs in the submission of a regionally significant project application by the Empire Zone of Monroe County.

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 #20-236/2006

On Motion of
Supervisor Breese

Seconded by
Councilwoman Zinck

WHEREAS, New York State has created the Economic Development Zone Program, now known as the Empire Zone Program, to encourage industrial and commercial development in select municipalities across the State, and

WHEREAS, the Town of Henrietta, as an eligible municipality in conjunction with the County of Monroe, received designation of an Economic Development Zone made up of sub-zones including portions of the Towns of Gates, Greece, Irondequoit, Henrietta, and the Village of Brockport, New York, and

WHEREAS, New York State has amended the Zones program to increase benefits and allow additional areas to be deemed as Regionally Significant Projects, and

WHEREAS, the County of Monroe and the Town of Henrietta intend to amend the County of Monroe Empire Zone boundaries to encourage industrial and commercial development and to allow for the creation of an additional sub-zone area in the Town of Henrietta for a Regionally Significant Project, and

WHEREAS, Patient Infosystems, Inc. and subsidiaries, d/b/a CareGuide located at 755 Jefferson Road, Town of Henrietta, New York, meets the criteria of 957 (d) of the General Municipal Law as a regionally significant project by creating 75 new jobs and \$1,000,000, or twenty percent (20%) of fixed assets, whichever is less, at the business location for inclusion within the County of Monroe Empire Zone in an area outside the separate and distinct contiguous areas, and

WHEREAS, the Town of Henrietta wishes to support and concur with the Empire Zone designation of land commonly known and described as 755 Jefferson Road, Henrietta, New York, Tax I.D. No. 162.09-4-2, all as is more particularly described in the annexed Schedule A legal description, as a Regionally Significant Project.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta,

in its capacity as governing body of the Town of Henrietta, does hereby support and concur with the County of Monroe Empire Zone to include the property more particularly described in the legal description attached as Schedule A and fully supports and concurs in the

submission of a regionally significant project application by the Empire Zone of Monroe County.

SUPERVISOR BREESE

Under discussion, the Town has consistently supported programs that encourage businesses to come to Henrietta or stay in Henrietta, and this is another one of those. It's a little different than the C.O.M.I.D.A. development. This is a project that the benefits go to the income tax, the State income tax, and it doesn't affect the State property tax. So, I think that we're happy to have CareGuide come here with, I'm told, two hundred (200) jobs, and that's good. There's seventy-five (75) new jobs, but there's supposed to be two hundred (200) to start, anyway. I think we've been supportive of economic development, look around and you'll see that we have. But we don't necessarily rubber stamp everything that comes along. We take a close look at it to see if it's in the interest of the Town, and I think we've taken a close look at this. I appreciate the cooperation of the County staff in providing us with information about this project, and I'm pleased to support it.

COUNCILMAN MULLIGAN

The only other thing is, it's good to see an empty building filled.

SUPERVISOR BREESE

Well, not the whole building, but an empty floor, anyway. In any event, we like to see that happen.

COUNCILWOMAN McCABE

That was the question, wasn't it. A floor?

SUPERVISOR BREESE

Let's move on. 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 #20-237/2006

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

WHEREAS, Certiorari proceedings have been commenced by various property owners to challenge tax assessments in the Town of Henrietta, and

WHEREAS, John Considine was hired by the Town of Henrietta to act as the Special Counsel in Certiorari proceedings per Resolution #15-199/82, and

WHEREAS, Mr. Considine has submitted an invoice for said services for the period of May 1, 2006 through September 30, 2006.

THEREFORE, BE IT RESOLVED, that the Director of Finance be authorized to pay John Considine of the firm McConville, Considine, Cooman & Morin, P.C., 25 East Main Street, Rochester, New York 14614, the sum of \$29,874.80 for services rendered.

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 #20-238/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, Tennis Club Associates, Compson Tennis Clubs Associates, and Compson Development, heretofore commenced proceedings against the Assessor, the Board of Assessment Review, and other respondents for a review of the Assessments for the years 2002, 2003, 2004, and 2005 on premises located at 3195 Brighton-Henrietta Town Line Road in the Town of Henrietta, being Tax Account Number 149.20-2-1, and

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

WHEREAS, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the

Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

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

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by Tennis Club Associates, Compson Tennis Club Associates, and Compson Development for the years 2002, 2003, 2004, and 2005 be and hereby are approved.

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

SUPERVISOR BREESE
Discussion? Call the roll.

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 #20-239/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

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.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 192 (SHORE DRIVE) 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. 192 (Shore Drive) 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. 192 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. 192 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 #20-240/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, the Town of Henrietta requires bids for the Farnsworth Road North and South Sanitary Sewer Repair Project for the spot repairs on the existing sanitary sewer on Farnsworth Road North and South, to conform with construction plans and specifications on file in the Town Clerk's Office, with bids to be opened at 10:00 A.M. on Tuesday, November 28, 2006 and received no later than 9:30 A.M. on Tuesday, November 28, 2006.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Farnsworth Road North and South Sanitary Sewer Repair Project as per

cited plans and specifications on file in the manner provided by Law.

SUPERVISOR BREESE

Discussion? Call the roll.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Yudelson	voting	Aye

Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #20-241/2006

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

WHEREAS, the 2007 Highway Budget provides funds for the purchase of one (1) new wheel loader to replace #135, a 1995 Case loader, and

WHEREAS, a replacement loader, meeting specifications, is available through New York State Contract PC 62324SB from Monroe Tractor and Implement Company, Inc., at a total cost of \$126,211.48.

THEREFORE, BE IT RESOLVED, that Monroe Tractor and Implement Company, Inc., 1001 Lehigh Station Road, Henrietta, New York 14467, be hereby awarded the purchase of one (1) new 2007 Case 721E wheel loader, per specifications, at a total cost not to exceed \$126,211.48.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Monroe Tractor and Implement Company, Inc. an amount not to exceed \$126,211.48 upon delivery and receipt of all proper documentation.

SUPERVISOR BREESE

I have a question on this I didn't ask at the Workshop. Is this the only product that was on the State contract, or is there another product that could have been purchased? Mr. Martin or Mr. Marshall?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

The way the State contracts are set up now, there are other manufacturers' machines that are available on the State contract, but since we've had Case loaders exclusively for the last twenty (20) years. Buying another Case loader ensures the compatibility with all the attachments that we have that we currently use with our loaders that we

would lose with going to a different brand.

COUNCILWOMAN McCABE

Okay.

SUPERVISOR BREESE

So, there were other brands that were available?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Yes.

SUPERVISOR BREESE

Were they for less money?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

I didn't price them out with all the attachments.

COUNCILMAN MULLIGAN

There's cheaper loaders. We bought a Daewoo for seventy (70), but that's made in Korea.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Right.

SUPERVISOR BREESE

So, what you're saying is, because we've been using these forever we should continue to use them forever?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

No, not necessarily.

COUNCILWOMAN McCABE

No.

SUPERVISOR BREESE

Let him answer that. Well, explain what you just said.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Well, it's a good machine. We've had very good luck with them, and we have attachments that we're planning to be able to use with this new machine. If we went to another brand, we might or might not be able to use some of those same attachments, which would mean purchasing extra equipment with the loader if we couldn't interchange the attachments. I can look into it further if you'd like.

SUPERVISOR BREESE

Well, I don't know if I want to do that. But, the logic is that we're stuck with this brand

forever, basically, because of parts and service and all that, right?

COUNCILMAN MULLIGAN

I don't think so.

SUPERVISOR BREESE

You don't? What do you think?

COUNCILMAN MULLIGAN

I think it's nice to buy a big piece of equipment from a guy in Henrietta. This is a Henrietta dealer.

SUPERVISOR BREESE

It has nothing to do with the dealer. I'm talking about the concept.

COUNCILMAN MULLIGAN

You can have two (2) different loaders. Hanson sells Daewoo.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Yes.

COUNCILMAN MULLIGAN

He'd love to sell you one. A lot of them are sitting.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

The Daewoo is not State contract. If you want to go Daewoo we're going to have to bid it.

COUNCILWOMAN McCABE

Right.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

There are other brands on State contract.

COUNCILMAN MULLIGAN

But they're a lot less money than a Case.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Yes.

SUPERVISOR BREESE

Well, what else was on State contract?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

John Deere.

SUPERVISOR BREESE
Well, they're not from Korea.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS
Hyundai, I believe.

COUNCILWOMAN McCABE
That is.

SUPERVISOR BREESE
Well, they're from Korea.

COUNCILWOMAN McCABE
Yeah. Now, Case is made in the United States?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS
Yes.

COUNCILWOMAN McCABE
Okay. And, we have Case, and so all the parts will be compatible with the new one that you want to buy? The parts that you have?

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS
Right.

COUNCILWOMAN McCABE
In other words, if something breaks down, you can use the old part to put, fix it.

COUNCILMAN MULLIGAN
You're a John Deere man, anyway. *(Laughter)* Have you ever been by his house? He's got all John Deere.

COUNCILWOMAN McCABE
Was the John Deere less? Oh, you didn't price it out, did you.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS
I didn't price them out.

COUNCILWOMAN McCABE
Well, then I make a recommendation that we Table this until we get more information.

SUPERVISOR BREESE
I'll second that.

RUSSELL MARTIN, SUPERINTENDENT OF HIGHWAYS

Okay.

SUPERVISOR BREESE
Call the roll on Tabling.

MOTION TO TABLE

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 #20-242/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, the Town of Henrietta acquired the Development Rights and Fee Title to property on Calkins Road in the Town of Henrietta formerly known as the Aldridge Farm, and

WHEREAS, the Town Board of the Town of Henrietta desires to continue to keep the land in use as farm land, and

WHEREAS, Mark Greene, 3170 Clover Street, Pittsford, New York 14534, has previously farmed the land and desires to continue to plant crops on the land and to renew the Lease Agreement with the Town for a period of one (1) year, from December 1, 2006 through November 30, 2007, for thirty-one (31) acres of tillable land at \$25.00 per acre, amounting to an annual rental of \$775.00, and

WHEREAS, the Town Attorney has reviewed the Lease renewal and found it to be in proper form.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign the Lease renewal on behalf of the Town of Henrietta.

SUPERVISOR BREESE
Discussion? Call the roll.

Duly put to a vote:

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

Carried

RESOLUTION #20-243/2006

On Motion of Councilwoman Zinck	Seconded by Councilman Yudelson
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WHEREAS, the Town Board has been advised that the roof of the Henrietta Public Library is in need of repair or replacement, and

WHEREAS, the library has obtained an estimate for replacement at a cost of \$115,000.00, and

WHEREAS, there may be available a grant from the State of New York to pay for fifty percent (50%) of said replacement, and

WHEREAS, the deadline for submission of an Application for said grant is fast approaching, and

WHEREAS, the Henrietta Public Library Board of Trustees has requested that the Town Board approve said project and verify the availability of matching funds.

THEREFORE, BE IT RESOLVED, that upon an engineering determination that the roof is in need of replacement, the Henrietta Town Board approves said project, verifies the availability of matching funds for said project, and supports the Application of the Board of Trustees for a grant to fund fifty percent (50%) of said project.

SUPERVISOR BREESE
Discussion? Call the roll.

Duly put to a vote:

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

Carried

SUPERVISOR BREESE
That's the end of the Regular Meeting. Anybody in the audience want to speak on any

other items involving the Town of Henrietta before we adjourn?

COUNCILMAN MULLIGAN

I got a quick one.

SUPERVISOR BREESE

You're not in the audience, but maybe you should be. Just kidding, Bill.

COUNCILMAN MULLIGAN

You'll be there before me.

SUPERVISOR BREESE

I don't know about that.

COUNCILMAN MULLIGAN

Bet even money. No, I got a nice letter from a resident commending Kevin Cripps and his crew in Highway for doing a good job on some storm sewer work on Karenlee Drive, and it's always good to hear something positive about the men and ladies that work here.

SUPERVISOR BREESE

I agree. Thank you.

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

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk