

**HENRIETTA TOWN BOARD
AGENDA
DECEMBER 20, 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): December 6, 2006
6. Miscellaneous Communications
7. Public Hearings:
 - Proposed Local Law No. 5 of 2006 Amending Real Property Tax Exemption for Senior Citizens
 - Proposed Local Law No. 6 of 2006 Amending Real Property Tax Exemption for Disabled Persons
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

PRESENTATION OF ARCHITECTURAL HERITAGE AWARDS - Helen Elam

RESOLUTION #23-267/2006
Authorize Accounts Payable

RESOLUTION #23-268/2006
Authorize Blanket Waiver of Possible Conflicts of Interest - Phillips Lytle, LLP

RESOLUTION #23-269/2006
Authorize Lease Agreement - Library Computer Equipment

RESOLUTION #23-270/2006
Call for Public Hearing - Proposed Establishment of Amended Extension No. 9 (Berkshire Park Subdivision) to the Henrietta Lighting District

RESOLUTION #23-271/2006
Accept Letter of Credit - The Burns Subdivision

RESOLUTION #23-272/2006
Accept Letter of Credit - Shadow Ridge Subdivision, Section 3B

RESOLUTION #23-273/2006
Accept Land for Right-of-Way - Rochester Home Builders Association, Inc.

RESOLUTION #23-274/2006

Accept Land for Right-of-Way - Heritage Christian Services

RESOLUTION #23-275/2006

Accept Dedication of Watermains and Sanitary Sewers - Jefferson Estates
Subdivision, Section 3

RESOLUTION #23-276/2006

Accept Dedication of Sanitary Sewers - Shadow Ridge Subdivision, Sections 2
and 3A

RESOLUTION #23-277/2006

Authorize Supervisor to Sign Extra Work Order No. 5 - Clay Road Connection to
Gravelly Road Project

RESOLUTION #23-278/2006

Authorize Purchase of State Contract Vehicle - Six (6) Wheel Plow Truck

RESOLUTION #23-279/2006

Direct Owner/Occupant to Address Code Violations - 1344 Pinnacle Road

RESOLUTION #23-280/2006

Authorize Budget Transfers and Encumbrances

RESOLUTION #23-281/2006

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 20TH DAY OF DECEMBER, 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

We have a presentation from Helen Elam, I believe, tonight. Helen, do you want to come up and tell us what it is you'd like to do?

COUNCILMAN MULLIGAN

How are the book sales?

HELEN ELAM, TOWN HISTORIAN

Very good.

COUNCILWOMAN ZINCK

Yes, congratulations.

COUNCILWOMAN McCABE

Nice book.

HELEN ELAM, TOWN HISTORIAN

Thank you very much. If anybody's interested, I have some books with me tonight, of course. My husband said, "we can't go out the door without your book," so I have some with me.

(Helen Elam conducted the 2006 Henrietta Historic Site Committee Architectural Heritage Awards, which were presented to: Bonnie and Greg Kase for the renovation of 1294 Lehigh Station Road; Mark Congdon of the Horizons Group for the renovation of the cobblestone house located at 5582 West Henrietta Road; and the Bullis family, for the preservation of a 200 year-old oak tree at 92 Legacy Oak Trail)

SUPERVISOR BREESE

Okay. May I have the approval of the Minutes, please.

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve the Minutes of December 6, 2006.

COUNCILMAN YUDELSON

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

SUPERVISOR BREESE

We have two (2) Public Hearings, proposed Local Law 5 and proposed Local Law 6. Have those been properly advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

It's to amend the Real Property Tax Exemptions for senior citizens and disabled persons. Would anyone like to speak on either one of these Public Hearings? *(Pause - no response)* If not, I'll adjourn the Public Hearings. May I have the first Resolution, please.

RESOLUTION #23-267/2006

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

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

EXHIBIT A	Bills Payable dated 12/20/2006	\$ 164,499.56
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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 #23-268/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilman Yudelson

WHEREAS, the Town of Henrietta has retained the firm of Phillips Lytle, LLP to represent the Town with regard to various labor and employment matters and wishes to reserve the right to consider retaining the firm on other matters where the Firm has special expertise or capabilities, and

WHEREAS, the Firm has advised the Town that it represents numerous other clients who have dealings with the Town; that some of the representations do not involve direct conflicts of interest with the Town (e.g., advising a client on an application for zoning variance); but others of the representations do involve a direct conflict of interest (e.g., representing a client negotiating a long term contract with the Town; assisting a client to challenge a denial of a zoning variance; litigating with the Town, etc.), and

WHEREAS, the Firm has asked the Town to grant a waiver of conflicts of interest to allow the Firm to continue to represent its other clients in their dealings with the Town.

THEREFORE, BE IT RESOLVED, that any other matter where the Town has retained the Firm, the Town hereby waives and agrees not to assert any conflict of interest with respect to, and consents to the Firm's representing other clients in other dealings with the Town in all other matters, including, without limitation, the Firm's representation of other clients (i) before the Town or any administrative body, department, or division of the Town; (ii) in connection with any pending, threatened, or future litigation, proceeding, dispute, or claim by any of the Firm's other clients against the Town; (iii) in connection with any pending, threatened, or future litigation, proceeding, dispute, or claim by the Town against any of the Firm's other clients; and/or (iv) in any contract, contract negotiation, or other transaction with the Town.

SUPERVISOR BREESE
Discussion?

COUNCILMAN MULLIGAN
Just under discussion, don't we normally, on matters like this, show the rate per hour for the attorney?

SUPERVISOR BREESE

No, because this is an unusual Resolution. If you need to know what the rate is, we can give you the information, but it doesn't have to be part of this Resolution.

COUNCILMAN MULLIGAN

Okay. I thought historically we did that.

SUPERVISOR BREESE

We haven't historically done many of these. If you're worried about how much we're paying the lawyers, then why don't you talk to Paul.

COUNCILMAN MULLIGAN

That was not the comment, Mr. Supervisor.

SUPERVISOR BREESE

Well, that's the implication.

COUNCILMAN MULLIGAN

Once again, you're playing with the language.

SUPERVISOR BREESE

Why don't you talk to the Personnel Director about the rates.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR BREESE

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 #23-269/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, Resolution #20-236/2003 authorized a three (3) year Lease Purchase Agreement between DLI Computers, Inc., Somerset Capital, Ltd., and the Town of Henrietta for the Library Computer Systems, and

WHEREAS, said Agreement is due to expire, and

WHEREAS, the Henrietta Library Board of Trustees recommends the Lease Purchase of one (1) Hewlett-Packard Proliant Net Server, forty (40) Hewlett-Packard Desktop PCs, and forty (40) 17" LCD monitors, and

WHEREAS, Lake Capital Corp. has submitted a thirty-six (36) month Lease Agreement with an annual cost of \$16,375.00, and

WHEREAS, the Library Board of Trustees has approved the Lease and the funds have been appropriated in the Town Budget.

THEREFORE, BE IT RESOLVED, that the Director of the Henrietta Public Library be authorized to sign the Lease Purchase Agreement, in an amount not to exceed \$16,375.00 per year, for three (3) years.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Lake Capital Corp., 15 North Street, Canandaigua, New York 14424, a total of \$49,125.00 in installment payments over three (3) years upon satisfactory installation and receipt of all proper documentation.

SUPERVISOR BREESE

I'm going to support this even though I'm not sure if we are legally required to pass a Resolution like this.

COUNCILWOMAN McCABE

Usually it goes before the Library Board and they do their thing and that's it.

SUPERVISOR BREESE

That was kind of my feeling, but I don't want to hold it up because of that issue. But, let the Record show that I'm not establishing a precedent here, necessarily, for the future. 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 #23-270/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF AMENDED EXTENSION NO. 9 (BERKSHIRE PARK SUBDIVISION) TO THE HENRIETTA LIGHTING DISTRICT LOCATED TO THE EAST OF SCOTTSVILLE-WEST HENRIETTA ROAD/GENESEE RIVER AND WEST OF MOORE ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

WHEREAS, a written Petition in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Henrietta, County of Monroe, New York for the establishment of Amended Extension No. 9 (Berkshire Park Subdivision) to the Henrietta Lighting District bounded and described as set forth on exhibits now on file in the Town Clerk's Office, and

WHEREAS, the improvements proposed consist of lighting equipment to serve the said Amended Extension No. 9, 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 amended extension and the construction of said lighting system, including the acquisition of any necessary lands, easements and rights-of-way within and also outside of the limits of the proposed District Extension shall be borne by the owners of the land included in said amended 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 17TH day of January, 2007 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 #23-271/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilman Yudelson

WHEREAS, Dr. John Burns, the Developer of the Burns Subdivision (located on the east side of East Henrietta Road and north of the Rush-Henrietta Town Line) has submitted an Engineer's Estimate for construction of all site improvements for said subdivision, and

WHEREAS, the Director of Engineering and Planning has reviewed the estimate prepared by FRA Engineering, and has found it acceptable in amount and form, and

WHEREAS, the Town Board wishes to ensure proper and complete installation of all site improvements required by the Town.

THEREFORE, BE IT RESOLVED, that the Developer submit a Letter of Credit in favor of the Town in the amount of \$64,680.00.

BE IT FURTHER RESOLVED, that the Letter of Credit be in a form acceptable to the Town Attorney.

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 #23-272/2006

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

WHEREAS, Conifer Moore Road Associates, the Developer of Shadow Ridge Subdivision Section 3B (located on Kinglet Drive), has submitted an Engineer's Estimate for the construction of all site improvements for said subdivision section, and

WHEREAS, the Director of Engineering and Planning has reviewed the estimate prepared by MRB Group, P.C. and has found it acceptable in amount and form, and

WHEREAS, the Town Board wishes to ensure proper and complete installation of all site improvements required by the Town.

THEREFORE, BE IT RESOLVED, that the Developer, Conifer Moore Road Associates, submit a Letter of Credit in favor of the Town in the amount of \$498,666.00.

BE IT FURTHER RESOLVED, that the Letter of Credit be in a form acceptable to the Town Attorney.

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 #23-273/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, a portion of the Rochester Home Builders Project land, at 20 Wildbriar Road, was to convey by deed a portion of land for Right-of-Way purposes located along the southern property line of Tax Account Number 162.10-1-2.1 consisting of approximately 0.0317 acres of land, and

WHEREAS, prior to construction of road improvements, conveyance of said land is necessary in order to obtain a New York State Department of Transportation Highway work permit, and

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

WHEREAS, until road improvements have been successfully completed and accepted by the Town of Henrietta, the Developer, Rochester Home Builders Association, Inc., shall hold harmless, indemnify, and defend the Town from and against all claims, demands, actions, proceedings, damages, liabilities, costs, and expenses arising from any injuries to person and/or property, and

WHEREAS, the transfer of ownership of said Right-of-Way where there is no material change in conditions or scope of activities constitutes a Type II Action for SEQRA purposes and does not have a significant effect on the environment and requires no further review.

THEREFORE, BE IT RESOLVED, that the Rochester Home Builders Association, Inc. shall transfer to the Town of Henrietta by Warranty Deed the portion of land described

and shown on a map dated February, 2005 attached hereto as Attachment A consisting of approximately 0.0317 acres of land.

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 #23-274/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, a portion of the Heritage Christian Services land was to convey by deed a portion of land for Right-of-Way purposes located along the southern property line of Castle Road, Tax Account Number 162.10-1-5 consisting of approximately 0.07 acres of land, and

WHEREAS, prior to construction of road improvements, conveyance of said land is necessary in order to obtain a New York State Department of Transportation Highway work permit, and

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

WHEREAS, until road improvements have been successfully completed and accepted by the Town of Henrietta, the Developer, Heritage Christian Services, shall hold harmless, indemnify, and defend the Town from and against all claims, demands, actions, proceedings, damages, liabilities, costs, and expenses arising from any injuries to person and/or property, and

WHEREAS, the transfer of ownership of said Right-of-Way where there is no material change in conditions or scope of activities constitutes a Type II Action for SEQRA purposes and does not have a significant effect on the environment and requires no further review.

THEREFORE, BE IT RESOLVED, that Heritage Christian Services shall transfer to the Town of Henrietta by Deed the portion of land described and shown on a map dated

December 12, 2006 attached hereto as Attachment A consisting of approximately 0.07 acres of land.

SUPERVISOR BREESE
Seven hundred (700) acres?

COUNCILMAN MULLIGAN
Seven hundredths (0.07) of one (1) acre of land.

SUPERVISOR BREESE
Thank you. That's better.

COUNCILWOMAN ZINCK
Second.

SUPERVISOR BREESE
Discussion?

COUNCILWOMAN McCABE
Under discussion, in the previous one, it stated in the last paragraph "Warrant Deed," and in this Resolution it just says "Deed." Any difference?

DANIEL MASTRELLA, TOWN ATTORNEY
Well, a Warranty Deed, that should have been Warranty, by the way, instead of Warrant.

SUPERVISOR BREESE
Okay.

DANIEL MASTRELLA, TOWN ATTORNEY
The Clerk will correct it. A Warranty Deed, the transfer of warrants that you have good title. Where it just says Deed, it could be a Warranty Deed, it could be a Quit Claim Deed. Um, we'll make that determination when we get it.

COUNCILWOMAN McCABE
Okay. Thank you.

SUPERVISOR BREESE
That's enough. Anybody else? Call the roll.

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

RESOLUTION #23-276/2006

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

WHEREAS, Conifer Moore Road Associates, the Developer of Shadow Ridge Subdivision, Sections 2 and 3A, located on Warbler Lane, Nuthatch Drive, Sweet Pea Drive, and Goldfinch Drive, has installed sanitary sewers in said subdivision sections, 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 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 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 sanitary sewer systems for the described subdivision sections be and they hereby are accepted and that 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 Seventeen Thousand, Three Hundred Dollars (\$17,300.00) for Section 2 and Eight Thousand, Two Hundred Dollars (\$8,200.00) for Section 3A 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 #23-277/2006

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

WHEREAS, Resolution #18-231/2002 authorized Professional Construction Inspection Services for the new construction of the Clay Road Connection to Gravely Road Project, including a new bridge over CSX Railroad Line, P.I.N. 4753.47, in the amount of \$245,000.00, and

WHEREAS, due to recent accidents and increase traffic flows, Monroe County Department of Transportation is requesting a temporary traffic signal to be installed at the Brighton-Henrietta Town Line Road and Clay Road intersection, and

WHEREAS, Lu Engineers has submitted a proposal for design services in an amount of \$3,349.00, and

WHEREAS, extra Work Order No. 5 provides for this additional construction inspection services for design of a temporary traffic signal to Monroe County Department of Transportation specifications, and

WHEREAS, the Director of Engineering and Planning has reviewed and approved the proposed change of this Construction Inspection Contract and recommends that this be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the Town Supervisor, on behalf of the Town, be and hereby is authorized to execute Extra Work Order No. 5, not to exceed an increase of \$3,350.00, resulting in increasing the total Construction Inspection Contract to \$274,150.00.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay Lu Engineers, 2230 Penfield Road, Penfield, New York 14526, upon successful completion of this Project and acceptance by the Director of Engineering and Planning.

SUPERVISOR BREESE
Discussion?

COUNCILMAN MULLIGAN

Just a note, I was talking to Mr. Lu the other day, and he announced he's retiring.

SUPERVISOR BREESE

Yes. He's going to have a big party. You'll probably go to it.

COUNCILMAN MULLIGAN

They say retirement can be quite enjoyable.

SUPERVISOR BREESE

He's a good man, and he's done a lot of good work in the Town.

COUNCILWOMAN McCABE

Retirement is enjoyable when you work. *(Laughter)*

SUPERVISOR BREESE

Is somebody trying to talk me into something?

COUNCILWOMAN McCABE

I'm retired and I'm still working. Don't take it as a hint.

SUPERVISOR BREESE

I'm not sure that approach will work, folks. 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 #23-278/2006

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

WHEREAS, the 2007 Highway Budget provides funds for the purchase of one (1) new six (6) wheel plow truck to replace truck #192, and

WHEREAS, a replacement truck, meeting specifications, is available through New York State Contract PC 62376 from Tracey Road Equipment, Inc., at a total cost of \$140,268.02.

THEREFORE, BE IT RESOLVED, that Tracey Road Equipment, Inc., 6803 Manlius Center Road, East Syracuse, New York 13057, be hereby awarded the

purchase of one (1) new 2007 Sterling L9500, six (6) wheel spreader truck with plow equipment, per specifications, at a total cost not to exceed \$140,268.02.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Tracey Road Equipment, Inc. upon delivery of all components and receipt of all proper documentation.

SUPERVISOR BREESE
Discussion?

COUNCILMAN MULLIGAN
I thought this was a high price, so I was checking some old notes, and we actually got one of these for about seventy grand (\$70,000) one time, but unfortunately, it was 1982.
(Laughter)

COUNCILWOMAN McCABE
Yes, and it did not have a plow attachment.

COUNCILMAN MULLIGAN
(Inaudible)

COUNCILWOMAN McCABE
I don't think so.

SUPERVISOR BREESE
There's a point to this, right?

COUNCILMAN MULLIGAN
Inflation's here.

COUNCILWOMAN ZINCK
Yes. I like the Two Cents (\$.02). I'm getting a kick out of that.

SUPERVISOR BREESE
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 #23-279/2006

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

WHEREAS, the Town Board of the Town of Henrietta, New York (the "Town"), is aware of several violations of the Code of the Town of Henrietta (the "Code") by the Owner

or Occupant, or both (the "Owner/Occupant") of the premises known as 1344 Pinnacle Road in the Town of Henrietta, and

WHEREAS, said violations are known to be a part and parcel of a series of continuous violations of the Code resulting in the past incarceration of the Owner/Occupant without obtaining compliance with the Code, and

WHEREAS, the Town has authority pursuant to Section 205-13 of the Code to adopt a Resolution requiring the owner or occupant, or both, as the case may be, to

remedy such violation, specifying the nature of the work to be done and the time within which it shall be completed, and

WHEREAS, if after a notice of the adoption of such Resolution has been served upon such owner or occupant, or both, and such owner or occupant shall neglect or fail to comply with the requirements of such notice within the time provided therein, then the Town shall authorize the work to be done and pay the cost thereof out of general Town funds to be appropriated by the Town for such purposes, and

WHEREAS, the Town shall be reimbursed for the cost of the work performed or services rendered, by direction of the Town pursuant to Section 205-13 of the Code, by assessment and levy upon the lots or parcels of land wherein such work was performed or such services rendered, and

WHEREAS, the expenses so assessed shall constitute a lien and charge on the real property on which they are levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

THEREFORE, BE IT RESOLVED, that the Owner/Occupant has until January 16, 2007 to remedy the Code violations at 1344 Pinnacle Road as follows:

1. The temporary covering on the roof of the premises shall be removed and such repairs or replacement of said roof shall be completed so as to protect the premises from deterioration and weathering, to prevent its collapse, to keep water from entering the building and to prevent undue heat loss; and

2. The northern exterior of the premises shall be sided or painted so that all exposed surfaces are repaired, coated, treated or sealed to protect them from deterioration or weathering; and

3. The soffits and fascia of the western exterior of the premises shall be sided or painted so that all exposed surfaces are repaired, coated, treated or sealed to protect them from deterioration or weathering.

BE IT FURTHER RESOLVED, that upon the neglect or failure of the Owner/Occupant to comply with the requirements stated herein above, the Town Board shall have a Hearing at the Town Hall of the Town of Henrietta at 475 Calkins Road, Henrietta, New York, at 7:45 P.M., on the 17TH day of January, 2007, at which time a Hearing will be held to determine whether the conditions on the property constitute a public nuisance and why the Town of Henrietta, New York, acting through its duly authorized agents, servants, officers and employees, should not enter upon said property and perform said work. Upon a finding of a public nuisance after said Hearing:

1. The Town shall authorize the aforesaid work to be done and the services to be provided and shall pay the costs out of general Town funds; and

2. The Town shall be reimbursed for the cost of the aforesaid work performed or services rendered, by assessment and levy upon the lots or parcels of land known as 1344 Pinnacle Road; and

3. The expenses so assessed shall constitute a lien and charge on the real property on which they are levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges; and

4. Notice of this Resolution as well as Alternate Notice pursuant to Town Code Section 205-13 shall be served on the Owner/Occupant of 1344 Pinnacle Road by Registered or Certified mail.

SUPERVISOR BREESE

I'd ask the Town Attorney, is there some reason the name of the owner/occupant is not in this Resolution?

DANIEL MASTRELLA, TOWN ATTORNEY

Mr. Supervisor, I don't know, to be honest with you. I believe that the Town Prosecutor prepared this.

SUPERVISOR BREESE

Chris Roth, would you come up and give us the name of the owner/occupant so we can

have it on the Record, who this mysterious person is. Just on the Record.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

That would be the Knowlton property. I'm not sure of his first name, but it is Knowlton. The Resolution was prepared by Mr. Duclos.

COUNCILWOMAN McCABE

Tell him we need the name from now on, please. Thank you.

SUPERVISOR BREESE

Okay. Thank you. 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 #23-280/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the Director of Finance be authorized to make the Budget transfers and encumbrances, as per the attachments.

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 #23-281/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the following persons be hired:

Highway As per the attachment.

Aaron Hoff Engineering, Engineering Aide (Co-op) @ \$9.00/hr.,
effective 12/19/2006.

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

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 meeting. Anybody want to speak on anything before we adjourn?

COUNCILWOMAN McCABE

I just have a comment, if I may.

SUPERVISOR BREESE

Sure.

COUNCILWOMAN McCABE

I think before we close, and through you, Mr. Supervisor, I'd like to congratulate the Henrietta Foundation on receiving the Three Hundred Thousand Dollar (\$300,000) grant for the purchase of the Executive South Golf Course, and I wish them well in their fund-raising.

SUPERVISOR BREESE

Well, that's very nice. They don't have the Three Hundred Thousand Dollar (\$300,000) check yet. They're still working on that, but, hopefully they'll get it. I'm glad you brought that up. Anybody else? *(Pause - no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman Zinck at 9:04 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk