

**HENRIETTA TOWN BOARD  
AGENDA  
MARCH 7, 2007**

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): February 21, 2007
6. Miscellaneous Communications
7. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
8. Reports of Standing Committees and Actions Thereon
9. Reports of Special Committees
10. Public Comment
11. Adjournment

RESOLUTION #6-80/2007  
Authorize Accounts Payable

RESOLUTION #6-81/2007  
Authorize Resolution Requesting County of Monroe to Cease Any Action with  
Regard to Sales Tax Revenue

RESOLUTION #6-82/2007  
Authorize Compensation for Board of Assessment Review Members

RESOLUTION #6-83/2007  
Authorize Reappointment of Temporary Board of Assessment Review Members

RESOLUTION #6-84/2007  
Authorize Professional Engineering Services - Riverfront Park Project, Phase I

RESOLUTION #6-85/2007  
Authorize Agricultural Lease Renewal - Willard Farms, Property on Martin Road

RESOLUTION #6-86/2007  
Declare Items Surplus Materials - Library

RESOLUTION #6-87/2007  
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 7<sup>TH</sup> DAY OF MARCH, 2007 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 that would like to speak on any items that are on the Agenda? Just the Agenda at this time? *(Pause - no response)* May I have the approval of the Minutes, please.

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve the Minutes of February 21, 2007.

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

May I have the first Resolution, please.

RESOLUTION #6-80/2007

On Motion of  
Councilman Yudelson

Seconded by  
Councilman Mulligan

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

EXHIBIT A	Bills Payable dated 3/7/2007	\$ 194,077.69
EXHIBIT B	Manual Bills Payable	\$ 215,167.70

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 #6-81/2007

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman McCabe

WHEREAS, according to published reports, the County of Monroe appears to be facing a two (2) year budget deficit of over Ninety Million Dollars, and

WHEREAS, the County Executive has taken the towns, school districts, villages, and city to court in order to establish that the County can seize sales tax revenue from these taxing jurisdictions if necessary, and

WHEREAS, a large portion of total sales tax revenues collected are generated within the Town of Henrietta with its heavy retail presence, and

WHEREAS, the Town of Henrietta currently receives approximately Two Million Dollars in sales tax revenue from the County annually, and

WHEREAS, if this money was eliminated, the general Town property tax rate could increase approximately seventy-two percent (72%).

THEREFORE, BE IT RESOLVED, that the Town Board urgently requests that the County of Monroe cease any action which might intercept sales tax revenue from all the affected taxing jurisdictions, and the Town Clerk shall forward copies of this Resolution to the County Executive and County Legislature.

BE IT FURTHER RESOLVED, that the County of Monroe review budget cuts and other steps to resolve their deficit problems.

SUPERVISOR BREESE

Under discussion, don't take it personally, Bill, on the 7<sup>TH</sup> day of June last year we passed a Resolution similar to this authorizing the Town Attorney to go to court to fight any attempts to take back our sales tax revenue, and at that meeting, the four (4) Board members who were here, including me, supported that Resolution, because I feel strongly that we don't want people tampering with our sales tax. Now, you're introducing another Resolution along the same lines, and I'd like to know why you think that's necessary.

COUNCILMAN MULLIGAN

Well, it's my understanding that the County has won in court on this first go through and that the towns and the City and the villages and the school districts are appealing that. So, it sounds as if there is a good chance the County may have the authority to do this, and I think as Town Board members who represent, you know, our residents, it's our obligation to make it very clear to her and the Legislature that this is not acceptable. It's almost like, you know, when I tell you something two (2), three (3) times. It's usually the third time before you really see the merit in it. *(Laughter)*

SUPERVISOR BREESE

That's pretty good, actually. It's not accurate, but . . .

COUNCILWOMAN McCABE

Through you Mr. Supervisor.

SUPERVISOR BREESE

Go ahead.

COUNCILWOMAN McCABE

Well, this Resolution, there are no aspersions against Maggie Brooks who inherited a deficit, and she's trying very hard to work it out. But as Town Board members of the Town of Henrietta, it is up to us to oversee our budget, and we have a budget coming up this year for next year. We have to know just what we're going to be dealing with, and so we decided that we should again let them know our feelings about sales tax revenue.

SUPERVISOR BREESE

No, I think that's a good comment, and I feel as strongly as you do about the sales tax.

I think we've aggressively supported our sales tax revenues by going to court as one (1) of the five (5) towns that are appealing this. There's only five (5) out of eighteen (18) towns that are involved in the appeal to the Appellate Division. So, Henrietta certainly made a statement that we feel strongly about this issue. I guess my problem is, I just don't want to beat this to death, and it appears to me this is kind of a redundant and unnecessary Resolution, maybe what you could call overkill and maybe even grandstanding. I think Maggie Brooks is doing the best she can with what she's got. I think she's been listening to what we've said, and I just wonder whether it's a good idea to take this extra step to kind of rub it in. But, that's my philosophy. I agree with you about the sales tax. We're all on the same page on that, but if you want to get her attention again, you know, and warn her again, that's up to you, but you can do it without my support. Anybody else? 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	No

Carried

RESOLUTION #6-82/2007

On Motion of

Councilman Mulligan

Seconded by

Councilwoman McCabe

WHEREAS, the annual Hearings of the Board of Assessment Review will involve numerous meetings as the individual members are able to participate, and

WHEREAS, the Town Board wishes to appropriately recognize the significant time commitments necessary of the Board of Assessment Review.

THEREFORE, BE IT RESOLVED, that all regular Board of Assessment Review Members are to be compensated at the rate of \$25.00 per hour for time actually served in Hearings and Deliberations, and that properly prepared vouchers be submitted to the Finance Department 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



WHEREAS, the 2007 Parks and Facilities Budget provides funds for obtaining professional engineering services for Town park development, and

WHEREAS, the Town of Henrietta has requested proposals from qualified engineering firms for design services and preparation of contract work drawings, and

WHEREAS, the Director of Engineering and Planning has carefully examined all proposals submitted for fairness and equitability for the scope of work to be performed and recommends acceptance of the proposal received from Costich Engineering, P.C. for the Riverfront Park Project, Phase I.

THEREFORE, BE IT RESOLVED, that Costich Engineering, P.C., 217 Lake Avenue, Rochester, New York 14608, be hereby authorized to provide professional design services for the Riverfront Park Project, Phase I, for an amount not to exceed \$10,376.00.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay said consultant upon successful completion of the Project 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 #6-85/2007

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Yudelson

WHEREAS, the Town of Henrietta has leased a portion of land located at 1345 Martin Road, known as Martin Road Park, to Willard Farms for farming purposes, and

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

WHEREAS, Bill Willard and Marc Krieger of Willard Farms, 116 Willard Road, Pittsford, New York 14534, have previously farmed the land and desire 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 April 21, 2007 through April 20, 2008, for thirty (30) acres of tillable land at \$25.00 per acre, amounting to an annual rent of \$750.00, and

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

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

SUPERVISOR BREESE

Under discussion, this is the south side of the Martin Road Park, the thirty (30) acres that we intend to develop in a passive way, and we do have recommendations going back several years from a consultant about how we can develop it. We've been concentrating on, as you all know, on the north side, and we're almost through there. So, soon we'll be looking at how to do the south side. In the meantime, it will be farmed. But, if we want to get into there sooner, there is an escape clause that allows us to get out of this lease within thirty (30) days. So, I think it's a good proposal.

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, um, Mrs. Shaffer, there's some insurance requirements. Have they been current with that?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir. It is checked annually.

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 #6-86/2007

On Motion of  
Councilwoman Zinck

Seconded by  
Councilwoman McCabe

WHEREAS, the Henrietta Public Library Board of Trustees have requested that the items on the attached list be declared surplus materials, with four (4) items being transferred to the Town.

THEREFORE, BE IT RESOLVED, that the items on the attached list be declared surplus materials and sent to the Parks and Facilities Department for disposal, with the four (4) items being transferred to the Town.

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 #6-87/2007

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Yudelson

BE IT RESOLVED, that the following persons be hired:

Michael Bartholomew      Recreation, Part-time Recreation Assistant @  
\$13.00/hr., effective 3/3/2007.

Stephen Wagor              Building and Fire Prevention, Part-time Code  
Enforcement Officer @ \$9.75/hr., effective 3/5/2007.

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. Is there anybody that would like to speak on any

other matters involving the Town of Henrietta before we adjourn? Yes?

RACHEL WARREN, 59 TOMAHAWK TRAIL

This is a question for Mr. Mulligan.

SUPERVISOR BREESE

Give us your name and address.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Rachel Warren, 59 Tomahawk Trail. Um, a friend of mine has spoken with you about 246 Pinnacle Road, or 468, I can never remember the address, with the ninety-nine (99) cars in the driveway, and he was wondering since some legislation was passed regarding keeping your property cleaned up, what's going to be done about that piece of property, and there's another one on Calkins Road where there are two (2) trailers plugged into outlets, there are four (4) tires in the yard, there are trucks there, and it's kind of a mess, and we were wondering if this new, uh . . .

COUNCILMAN MULLIGAN

Legislation.

RACHEL WARREN, 59 TOMAHAWK TRAIL

. . . legislation of Code Law is going to take care of these problems, because it really makes the properties around there look bad. It affects the, how shall I say, how people view Henrietta when they go down these two (2) main roads and see what's happening there.

COUNCILMAN MULLIGAN

On the first one, they were in court on Monday, and the Building and Development Coordinator, Chris Roth, has been helping with the prosecution of that case, and there will be a trial, I think in about ten (10) days, and then the Supervisor, the Board has talked to him, and he has, you know, basically said, and we agree with him that, let the court, you know, run its course, and then if that doesn't work we can call the individual in for a Public Hearing and through that new Legislation, the new Town Law, we might be able to clean it up that way. On the second one, I'm not aware of that. I would encourage you to give that to Mr. Roth before you leave. He's probably already aware of it.

RACHEL WARREN, 59 TOMAHAWK TRAIL

It's the house that I think is right adjacent to the Eckerd Drugstore property.

SUPERVISOR BREESE

On the same side?

RACHEL WARREN, 59 TOMAHAWK TRAIL

Yes.

COUNCILMAN MULLIGAN

Okay. That's the Ryan property, Billy Ryan.

SUPERVISOR BREESE

It is?

COUNCILMAN MULLIGAN

Yeah. I know his brothers.

SUPERVISOR BREESE

Oh, okay.

COUNCILMAN MULLIGAN

Anything going on with that one, Chris?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

*(From audience)* No.

SUPERVISOR BREESE

Why don't you, Mrs. Warren, why don't you talk to Chris Roth after the meeting and give him that information because I'm not familiar with that one. Obviously I know about the Pinnacle Road one. I go by it every day on the way to work and I'm sick of it, but the one on Calkins, if you'll talk to Chris about it, we'll follow up on it real fast.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Okay. And I have a request. I had invited Peter Minotti to come and speak at a Henrietta Neighbor's meeting, and he deferred to Bill Mulligan, and I talked to Bill the other day and he suggested that perhaps Mike Yudelson and Janet Zinck might like to come and talk about the Comprehensive Plan, and the reason being that the two (2) of you are interested in community sustainability, and that's an issue that we would very much like to have discussed. And I was wondering if either or both of you could make the meeting on April 9<sup>TH</sup>. It's a Monday evening. It will be in the library.

COUNCILWOMAN ZINCK

I'll have to check.

COUNCILMAN YUDELSON

Yeah.

COUNCILWOMAN ZINCK

You're right, I am interested in that.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Okay. If you'll get back to me I'd appreciate it, because we have to get the news articles in the paper three (3) weeks in advance in order for the announcements.

SUPERVISOR BREESE

I'm sure Mike would love to do that.

COUNCILMAN YUDELSON

I would.

COUNCILWOMAN ZINCK

We're interested in that.

RACHEL WARREN, 59 TOMAHAWK TRAIL

You have my e-mail address?

COUNCILWOMAN ZINCK

I have it. I haven't used it in a while, but yeah.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Well, I'll e-mail you so then you can just respond.

COUNCILWOMAN ZINCK

All right. April 9<sup>TH</sup>?

RACHEL WARREN, 59 TOMAHAWK TRAIL

Yes, thank you.

SUPERVISOR BREESE

Great. Serves you both right. Anybody else that would like to speak on any other matters involving the Town? *(Pause - no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman Zinck at 8:18 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson  
Deputy Town Clerk