

**HENRIETTA TOWN BOARD
AGENDA
OCTOBER 3, 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): September 19, 2007
6. Miscellaneous Communications
7. Public Hearings:
 - Proposed Establishment of Sewer Impact Fees
 - Proposed Establishment of Extension No. 198 (East Henrietta Commons) to Henrietta Sewer District No. 1
8. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
9. Reports of Standing Committees and Actions Thereon
10. Reports of Special Committees
11. Public Comment
12. Adjournment

RESOLUTION #18-186/2007
Authorize Accounts Payable

RESOLUTION #18-187/2007
Authorize Reappointment of Town Assessor

RESOLUTION #18-188/2007
Call for Public Hearing - Authorize Amendments to Chapter A301, "Fee Schedules," Section A301-3E of the Town Code of the Town of Henrietta, to Increase Sewer Rents and Clarify Units of Measure

RESOLUTION #18-189/2007
Authorize Placement of Delinquent Property Maintenance Bills on Tax Rolls

RESOLUTION #18-190/2007
Call for Public Hearing - Proposed Establishment of Extension No. 151 (Hindu Temple of Rochester) to Henrietta Water District No. 1

RESOLUTION #18-191/2007
Call for Public Hearing - Proposed Establishment of Extension No. 199 (Hindu Temple of Rochester) to Henrietta Sewer District No. 1

RESOLUTION #18-192/2007

Award Low Bid - 2007 Sanitary Sewer Repairs Project

RESOLUTION #18-193/2007

Authorize Proposed Establishment of Extension No. 198 (East Henrietta Commons) to Henrietta Sewer District No. 1

RESOLUTION #18-194/2007

Declare Items Surplus Equipment

RESOLUTION #18-195/2007

Establish "No Parking" Zone - Continuous Inner Curve on Saginaw Drive

RESOLUTION #18-196/2007

Establish Sewer Impact Fees

RESOLUTION #18-197/2007

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 3rd DAY OF OCTOBER, 2007 AT 8:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

Councilwoman Janet B. Zinck

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR BREESE

Is there anyone who would like to speak on the Agenda items, other than the Public Hearing? Just the Agenda items right now. If not, may I have the Approval of the Minutes, please.

COUNCILWOMAN McCABE

Mr. Supervisor, I move we Approve the Minutes of September 19, 2007.

COUNCILMAN MULLIGAN

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	Absent
Supervisor Breese	voting	Aye

Carried

SUPERVISOR BREESE

We have two (2) Public Hearings, have they been advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

The first one is on the Proposed Establishment of Sewer Impact Fees for Commercial, and Residential. Is there anyone who would like to speak on this Public Hearing? If not, I'll close this Pubic Hearing. Next one is the Proposed Establishment of Extension 198, to Henrietta Sewer No. 1. Is there anyone would who like to speak on this one? If not, I'll close this Pubic Hearing. May I have the first Resolution, please.

RESOLUTION #18-186/2007

On Motion of
Councilwoman 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 10/3/2007	\$ 635,460.10
EXHIBIT B	Manual Bills Payable	\$ 8,507.00

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	Absent
Supervisor Breese	voting	Aye

Carried

RESOLUTION #18-187/2007

On Motion of
Supervisor Breese

Seconded by
Councilman Mulligan

WHEREAS, the term of Nathan Gabbert, Town Assessor, has expired as of September 30, 2007, and

WHEREAS, Mr. Gabbert has served the Town well in this capacity, and has requested to be reappointed.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta reappoint Nathan Gabbert, 1725 Pinnacle Road, Henrietta, New York, as Town Assessor for the Town of Henrietta, said position to be held for a six (6) year term effective October 1, 2007 and expiring September 30, 2013.

SUPERVISOR BREESE

Congratulations Nate, good job. Call the roll.

Duly put to a vote:

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

Carried

RESOLUTION #18-188/2007

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the Superintendent of Drainage, Sewer and Sidewalks has recommended amendments to the Town Code of the Town of Henrietta Chapter A301, entitled, "Fee Schedules" §A301-3E, be enacted to increase sewer rents, and

WHEREAS, the Director of Drainage, Sewer, and Sidewalks has recommended a five percent (5%) increase . . .

COUNCILMAN MULLIGAN

I thought this was going to be Commercial, Mr. Supervisor?

SUPERVISOR BREESE

Paul . . .

PAUL PETTRONE, SUPERINTENDENT OF DRAINAGE, SEWER, AND SIDEWALKS

I'm sorry, I didn't hear the question.

COUNCILMAN MULLIGAN

Yeah, the Resolution, Paul, refers to Residential rates, I thought we were looking at Commercial, Monday night.

PAUL PETTRONE, SUPERINTENDENT OF DRAINAGE, SEWER, AND SIDEWALKS

This is for Residential, to take effect January 1, 2008.

COUNCILMAN MULLIGAN

Okay, is there two different Resolutions?

PAUL PETTRONE, SUPERINTENDENT OF DRAINAGE, SEWER, AND SIDEWALKS

Two different Resolutions, right.

COUNCILMAN MULLIGAN

Okay.

SUPERVISOR BREESE

When did we have the Public Hearing for this?

COUNCILMAN MULLIGAN

Okay, I just remembered us talking about this . . .

SUPERVISOR BREESE

When did we have the Public Hearing on the Resolution?

PAUL PETTRONE, SUPERINTENDENT OF DRAINAGE, SEWER, AND SIDEWALKS

We have not had the Public Hearing on this.

COUNCILWOMAN McCABE

This is calling for the Public Hearing.

COUNCILMAN MULLIGAN

Thanks . . .

. . . in Residential sewer rents, from the current annual rate of \$47.61 to \$49.99, effective January 1, 2008, and

WHEREAS, the Director of Drainage, Sewer, and Sidewalks has informed the Town Board that the Town of Henrietta currently calculates overall usage in gallons, as opposed to cubic feet, which is currently stated incorrectly in the Town Code of the Town of Henrietta.

THEREFORE, BE IT RESOLVED, that a Public Hearing of the Town Board of the said Town of Henrietta shall be held at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road in the Town of Henrietta, Monroe County, New York on the 7th day of November, 2007 at 8:00 P.M. to consider the proposed amendments and to hear all persons interested in the subject.

BE IT FURTHER RESOLVED, that notice of said Public Hearing be published 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

RESOLUTION #18-190/2007

On Motion of
Councilwoman McCabe

Seconded by
Councilman Yudelson

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 151 (HINDU TEMPLE OF ROCHESTER) TO HENRIETTA WATER DISTRICT NO. 1 LOCATED AT 120 PINNACLE 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 Extension No. 151 (Hindu Temple of Rochester) 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. 151, 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 and developers of the land included in said extension.

THEREFORE, BE IT RESOLVED, that a Public Hearing 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 7TH day of November, 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

Under discussion, I'd like to clarify, this is not just a meeting of the Town Board, it's the Public Hearing of the Town Board, that's how the language should have read. Call the roll.

Duly put to a vote:

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

Carried

RESOLUTION #18-191/2007

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 199 (HINDU TEMPLE OF ROCHESTER) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED AT 120 PINNACLE 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 Extension No. 199 (Hindu Temple of Rochester) 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. 199, 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 and developers of the land included in said extension.

THEREFORE, BE IT RESOLVED, that a Public Hearing 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 7TH day of November, 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

Thank you for correcting that, it should read a Public Hearing not just a meeting. Call the roll.

Duly put to a vote:

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

Carried

RESOLUTION #18-192/2007

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, Resolution #15-167/2007 authorized the advertisement for bids for the Year 2007 Sanitary Sewer Repairs Project for spot repairs to the existing sanitary sewer on Farnsworth Road North and South, Calkins Road, Kramer Street, and Williamsburg Road, and

WHEREAS, five (5) bids were received, and the low qualified bid, meeting specifications, was received from Randsco Pipeline, Inc., for a total cost of \$219,225.00.

THEREFORE, BE IT RESOLVED, that Randsco Pipeline, Inc., 727 Rowley Road, Victor, New York 14564, be hereby awarded the bid at a cost not to exceed \$219,225.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Randsco Pipeline, Inc., in an amount not to exceed \$219,225.00, upon successful completion of said work and acceptance by the Director of Engineering and Planning.

SUPERVISOR BREESE

Under discussion, Mr. Byrne is this amount . . . *(inaudible)*

MARK BYRNE, DIRECTOR ENGINEERING/PLANNING

Yes, it is.

SUPERVISOR BREESE

Thank you. I like short answers. Call the roll.

Duly put to a vote:

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

Carried

RESOLUTION #18-193/2007

On Motion of
Councilwoman McCabe

Seconded by
Councilman Yudelson

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 198 (EAST HENRIETTA COMMONS) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED ON THE EAST SIDE OF EAST HENRIETTA ROAD AND TO THE NORTH OF THOMPSON ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 198 (EAST HENRIETTA COMMONS) 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. 198 (East Henrietta Commons) 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. 198 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. 198 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	Absent
Supervisor Breese	voting	Aye

Carried

RESOLUTION #18-194/2007

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the Director of Finance has requested that the following items be

declared surplus equipment:

<u>Inventory #</u>	<u>Description</u>
426	IBM Typewriter - Library
3604	Voyager Laser Scanner - Library
350	1999 Arrow Board Utility Trailer - Sewer

THEREFORE, BE IT RESOLVED, that the surplus equipment from the Sewer Department be consigned to the Teitsworth Municipal Auction, to be held on October 6, 2007, at the Monroe County Fleet Center, 645 Paul Road, Rochester, New York.

BE IT FURTHER RESOLVED, that the surplus equipment from the Henrietta Public Library 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	Absent
Supervisor Breese	voting	Aye

Carried

RESOLUTION #18-195/2007

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, Section 1660 of the New York State Vehicle and Traffic Law permits the Town Board to establish traffic regulations within the Town, by Resolution, and

WHEREAS, the Superintendent of Highways has requested permission to post the inside of the continuous curve on Saginaw Drive as a "No Parking Any Time" zone, and

WHEREAS, the Henrietta Town Board supports and encourages the installation of these traffic control devices, in the interest of public safety.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby authorizes the establishment of a "No Parking Any Time" zone on one side of Saginaw

Drive, as described above.

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	Absent
Supervisor Breese	voting	Aye

Carried

RESOLUTION #18-196/2007

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

WHEREAS, a Public Hearing was held on October 3, 2007 at 8:00 P.M. at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York before the Town Board of said Town to consider amending Chapter 219 entitled, "Sewers" of the Town Code of the Town of Henrietta to establish Sewer Impact Fees, and

WHEREAS, no adverse comments or opposition were heard.

THEREFORE, BE IT RESOLVED, that the amendments to Chapter 219 entitled, "Sewers" of the Town Code of the Town of Henrietta to establish Sewer Impact Fees, be hereby adopted, as attached.

SUPERVISOR BREESE

Discussion?

COUNCILMAN MULLIGAN

Just under discussion, this impacts only certain Commercial property, and Residential.

COUNCILWOMAN McCABE

Right.

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	Absent

JOHN HOUSEL, 178 LYSANDER DRIVE

My name is John Housel. I live at 178 Lysander Drive. I'm wondering what is the Town's process for handling complaints of dogs barking . . . (*inaudible*)

SUPERVISOR BREESE

We try to handle it the best way we can. When we get calls, Chuck Marshall who is sitting in the back of the room, gets involved with animal control, we go out and follow up on them, and try to help as much as we can. It's a difficult situation to prove, but we do respond, it's kind of out of the Town's control, but we do the best we can.

JOHN HOUSEL, 178 LYSANDER DRIVE

(*Inaudible*)

SUPERVISOR BREESE

No, they don't with animal control.

JOHN HOUSEL, 178 LYSANDER DRIVE

(*Inaudible*)

SUPERVISOR BREESE

That might be part of the process, but . . .

SUPERVISOR BREESE

Chuck, come up here and help me out here.

COUNCILWOMAN McCABE

I'd like to hear this too, since my neighbor has two (2) new dogs.

CHUCK MARSHALL, COMMISSIONER OF PUBLIC WORKS

When we receive a complaint, we start off by sending a letter to the suspected person, and basically we tell them to contact the animal control office because we've received complaints about the dog barking. We exchange information, if possible, and tell them what they need to do, and basically what we've been instructed to do through the Town Prosecutor is it will take due course through the court, is that we instruct the resident to keep a log for a number of days, to prove that, and at that point the complaint is spilled out, and sent to court, and the court issues a ticket, and then the offender appears in court for appearance.

SUPERVISOR BREESE

Does that help you?

JOHN HOUSEL, 178 LYSANDER DRIVE

Well, it's very interesting, you said someone keeps a record? I understand the resident that gets the notice has to call them back?

CHUCK MARSHALL, COMMISSIONER OF PUBLIC WORKS
Yes.

JOHN HOUSEL, 178 LYSANDER DRIVE
And they get some kind of a verbal response?

CHUCK MARSHALL, COMMISSIONER OF PUBLIC WORKS
There's a complaint that's filled out by the resident at that point, and all the paper is taken to court, and a ticket is issued, and an appearance ticket is issued by the court.

JOHN HOUSEL, 178 LYSANDER DRIVE
(Inaudible)

CHUCK MARSHALL, COMMISSIONER OF PUBLIC WORKS
All that information is shared with the one who calls in, and tells us what the process is, and how to go about filing a complaint. All that information is shared by the animal control officer, including the resident that called her.

JOHN HOUSEL, 178 LYSANDER DRIVE
The person who's got the dog gets a call from you, right?

CHUCK MARSHALL, COMMISSIONER OF PUBLIC WORKS
If nothing happens they get a letter.

JOHN HOUSEL, 178 LYSANDER DRIVE
And then they're supposed to get back to you.

CHUCK MARSHALL, COMMISSIONER OF PUBLIC WORKS
If the complaint was issued by the same person who called, then we instruct them to keep a log for a number of days, and that's the basis for the complaint to go to court.

JOHN HOUSEL, 178 LYSANDER DRIVE
Alright. Thank you.

COUNCILWOMAN McCABE
Thank you, Chuck.

SUPERVISOR BREESE
Okay, before we adjourn, is there anyone else who would like to speak on any other items involving the Town of Henrietta, at this time? *(Pause, no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman McCabe at 8:25 P.M. and passed unanimously.

Respectfully submitted,

Leann C. Long
Deputy Town Clerk