

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 21ST DAY OF OCTOBER, 2009 AT 8:00 P.M.

PRESENT

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

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Is there anybody that would like to speak on any items that are on the Agenda tonight, other than the Public Hearing on the Budget, any Agenda items? *(Pause, no response)*
If not, could I have the Approval of the Minutes?

COUNCILWOMAN ZINCK

I'd like to move Approval the Minutes of the October 7, 2009 Meeting.

COUNCILMAN MOORE

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Abstain
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

SUPERVISOR YUDELSON

We have tonight, a Public Hearing on the 2010 Preliminary Budget for the Town of Henrietta. The Budget has been on the website, I hope people have had a chance to look at it. Before we invite any public comment, I'd like to call upon Paul Liess, our Finance Director to come up and summarize for the Board an Amendment that we will

need to introduce and act upon at our next meeting when we vote on the Budget and the reason for that.

PAUL LIESS, DIRECTOR OF FINANCE AND PERSONNEL

There was an error that was brought to my attention from the requested to the Tentative Budget where I, in my submission to the Supervisor had zeroed out some lines in the Highway Department on page twenty (20) that actually effect the Highway Paving Program, and this error was in the amount of about one hundred and forty-two thousand dollars (\$142,000).

SUPERVISOR YUDELSON

Okay and when we make that correction that would be offset by . . .

PAUL LIESS, DIRECTOR OF FINANCE AND PERSONNEL

Part of it will be offset by the transfer from the General Fund to Interfund transfers, as well as the Fund Balance, which has enough to cover the adjustment to the Budget.

SUPERVISOR YUDELSON

Okay. Any questions for Mr. Liess on that particular item?

COUNCILWOMAN McCABE

No.

SUPERVISOR YUDELSON

Okay. Thank you, Paul.

COUNCILWOMAN ZINCK

Thanks, Paul.

SUPERVISOR YUDELSON

At this point, I'd open it up to the floor. Is there anybody who would like to speak on the Preliminary Budget? Mr. Schmitt.

JOHN SCHMITT, 139 CAMPFIRE ROAD

Mr. Supervisor and members of the Board, I have something for you. (*Hand-out submitted*) First of all, everything that you're seeing here in front of you was taken from this particular document, which is, I believe, is a copy of the proposed Budget, which you all work with. It's a monster to work with unless you're going down it line by line. So, what I've done is taken a look at it, done some work with it, and I wanted to make some suggestions, if I may. I know that this is a once a year project, but it's a very important one and I speak not only for myself, but let's face it, you're spending our money, and we want to be made sure that we have an opportunity to understand what you're doing with it somewhat. So, you're the first people to see this, no one else has reviewed it. I have

very little information on the day-to-day operations of the Town Board, or the reporting methods or anything else. The comments are not meant to be a critique, they're meant to be a suggestion. My first suggestion with the Budget presentations, there should be a short written explanation of significant changes. John Maynard Keynes, maybe you're not old enough to know that name, but he was a famous economist of the 20th Century, a mathematician who reminds us that *"Numbers are only numbers, quantities on the score board that are only one measure, and truth be told, hardly the best measure of an enterprise."* Now, that's a pretty strong statement for a mathematician. I assume significant changes in budgets originate from Department Heads, etc., with explanations. Short descriptions add meaning and clarity to the numbers presented to whomever looks at the data. I don't want a thesis, just a couple of comments of what you're doing basically. The second suggestion is summary reports add meaningful information. Now when you get this you've got to go through the whole thing to get any idea of what's together. The first page, the figures that I have is taken exactly from this report here, it's from the same files that would be, I assume it's some type of a spreadsheet program that prepares all of these, so all this information is here and available. What this does is give you a one page, the 2008 Actual, the 2009 Amended and the 2010 Tentative. Now these of course will not have the figures that the Budget Director just spoke about a minute or so ago. But as you look down this you get an idea of where some of the questions lie and what kind of questions should be asked by those of us who are interested in what money you're spending and how you're spending it without having a lot of charts to go through and everything. This is fine for the people who have to examine the Budget, don't get me wrong, but for some of you who would like to make meaningful comments on the Budget, it's a little tough. The last sheet, or the last set of data not only is the 2010 Tentative or the 2009 Amended, but the 2008, 2007, 2006, 2005, and 2004, Actual, and the reason for that is it can give you a trend. When you look at, particularly one change, from one year to another, you're not getting a trend, but what have they been spending over the number of years and it gives you a different, I think it would give you a different aspect when you look at what their Budget presentations are for the current year. I also appreciate that what we have seen is not the final Budget. I know you have more work to do on it, but I'm concerned, if I may, about this particular presentation, so that those of us who are interested can make meaningful comments without wasting your time or having to chase you all over. Now while looking at this, while creating the aforementioned reports I noticed expenses for Parks and Facilities, Parks and Tinker Homestead. You have three (3) things which are generally alike, is there any overlap, that's my only question. The same with Recreation Administration, Playground and Recreation, Joint Recreation Projects, they may well be independent, I don't know, but I'm just asking the question. You have Youth Recreation Projects, Youth Programs, Youth Bureau. I believe in taking care of the youths, I don't mean that, it's just that are any of these areas where there could be an overlap in some of the expenses that are incurred.

SUPERVISOR YUDELSON

I can tell you, Mr. Schmitt, that those are just State Budget codes, like with the Recreation stuff, there's no duplication or overlap, and it's just different places that the programs reside.

JOHN SCHMITT, 139 CAMPFIRE ROAD

This is just my observation of what's here . . .

SUPERVISOR YUDELSON

Yes.

JOHN SCHMITT, 139 CAMPFIRE ROAD

. . . okay. Now, of course, when looking at this I can say why the large increase in special items from 2008 and 2009, and 2010. Now I was hoping that was for improvements of the driveway going into the place so we don't look like we're entering into a landfill. And, why are we going to pay for School District T.V.? Those are just questions that come up when I'm looking at it. To me, School District T.V. is for the school. They have their own Budget; they have their own method of raising taxes, etc., etc. So, that's what my presentation is about, really asking you to add to the annual reporting, a summary sheet like I have shown here. These are all the figures from this year's thing, so it's as close as what I could get to what you're looking at also so that will help us come to the Board and say, "Yes, this is it." We're not, this is not a critique, it's a tough job, and we appreciate that aspect, but we do want to increase the ease at making important questions so that you know what we're interested in and where our thoughts lie, too. Thank you.

SUPERVISOR YUDELSON

Thank you, very much. You make several excellent points, and I think trying to move towards the Budget being easier to follow, we go by the format that we have is following along basically the State Budget codes and the format that's been had not just because it's always been that way but because it follows what we have to report to the State, but there's nothing that prevents us from adding the kind of things you talk about. I think we just have to resolve ourselves to do that. Towards some of the points you had here specifically, I want to mention on the School District cable T.V., the sharing of the cable T.V. money that was a point the Board brought up, it's something that's been in the Budget for awhile. There's a number of services that go back and forth between the School District and the Town, they do stuff for us, we do stuff for them, sharing equipment, they let us use their rec. facilities, but because of the Board's curiosity or inquiry about it, I did ask Dr. Graham for some more information about that. If I had known we were going to have that question tonight, I would have brought the email that I received from him today, but I do know that as far as that payment being set up originally that the idea with the cable access channels was that school districts and towns would work on them together to be able to put on Board of Education meetings, Town Board

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meetings, whatever they would want to do and because Supervisor Breese was not inclined to do that, he actually, I found out today, actually proposed to the School District that we would just give them some of the money that we collect from these cable franchise fees that would enable them, that would kind of be our participation in getting public access out to the community.

JOHN SCHMITT, 139 CAMPFIRE ROAD

Well, the whole idea of even raising the question was I was able to spot it fairly easily by looking at a summary sheet, and this is exactly the format and these are exactly the figures that are on the spreadsheet that's being used now, so it's a simple matter of drawing off cover sheets, if you will.

SUPERVISOR YUDELSON

Yes.

JOHN SCHMITT, 139 CAMPFIRE ROAD

Thank you, very much.

COUNCILWOMAN McCABE

Thank you.

SUPERVISOR YUDELSON

Thank you. Is there anybody else who would like to speak on the Budget?

JOE MARTIN, 5781 WEST HENRIETTA ROAD

Good evening.

COUNCILWOMAN McCABE

Hi.

JOE MARTIN, 5781 WEST HENRIETTA ROAD

My name is Joe Martin, 5781 West Henrietta Road. I'm here in my capacity as your Fire Commissioner. First of all, kudos to the Board for putting together a Budget that has little or no impact on us tax payers as far as out of our pocket, but maintaining a level of services. Dealing with your Fire Budget, I know that's a difficult task. I had some discussion with Supervisor Yudelton last year concerning the way we're shown in your Budget, and I thought we had an understanding and I was just curious as to why the Fire District is still shown in the Budget in the pie graph, even though as you very well explained and did an excellent job to inform the citizens that you have no influence and it's not part of your purview and it's all on us, but I was just curious why it's still being reported the way it is as a Special District.

SUPERVISOR YUDELSON

Well, as the final page of the Budget shows, it is still showing the total amount if you take the Town of Henrietta Budget and the Henrietta Fire District Budget along with the Ambulance that, as you said, we spoke about last year. I know I've gotten several letters from the Fire District's attorney about the matter and we show that, as far as it being in the pie graph, that just shows the total amount collected, that wasn't trying to present them as being one together, but I think we did, in response to what the Fire District asked us last year, definitely separate, you know, called everyone's attention to the fact that this is just showing the Budgets together. It's not representing it as part of the Town Budget.

JOE MARTIN, 5781 WEST HENRIETTA ROAD

Is there a reason why Henrietta does it and the other towns in the community that have Fire Districts don't do it?

SUPERVISOR YUDELSON

I don't know what they don't do, is there . . .

JOE MARTIN, 5781 WEST HENRIETTA ROAD

Is there a reason why the, you don't do the same thing with the Rush-Henrietta Central School District since they're similar from the aspect that they have their own Board, they levy their own taxes, is there a reason why you don't include their numbers in your Budget report to show how much is collected and taken in?

COUNCILWOMAN McCABE

We're not required by the State of New York to put their Budget in ours, but we are required by the State of New York to put your Budget in ours, so we have to show it . . .

JOE MARTIN, 5781 WEST HENRIETTA ROAD

That's where we disagree, in fact it was forty (40) years ago this month, in 1969 when we became our own District and we're no longer in the purview of the Town Board as our Commissioners . . .

COUNCILWOMAN McCABE

That's true.

JOE MARTIN, 5781 WEST HENRIETTA ROAD

. . . and it was at that time, the format that you're using today was appropriate forty-one (41) years and further back when it became a District, but that's our contention at this point. We are no longer a Special District of the Town, we are a totally separate entity and we should not really be shown in that manner and I guess that's our point and that was the point with our attorney's communications.

SUPERVISOR YUDELSON

Can I ask a question? Because with last year and this year I was surprised rather than you know, a phone call from one of the Commissioners that we got, a number of letters from the attorney seem to put it in a different plain, but I guess I really don't understand, this is something you obviously feel very strongly about, other than not wanting the information to be out there to the public I guess I don't understand what the problem is.

JOE MARTIN, 5781 WEST HENRIETTA ROAD

It's extremely confusing to the public. We only had one (1) person show up to our Budget hearing last night, and the first question that was asked is why are you showing a Budget, but it's also being shown up on the Town when you're two (2) separate entities, two (2) separate hearings, why is it even mentioned from one to the other? It has been a concern in the past. I can't speak for all the people that have come before me in this position, but I know the same subject was discussed with Supervisor Breese for many years why it continues to be that way, and again for my understanding it was done years ago when you were our Board of Fire Commissioners as Town Council people and you did have to as Councilwoman McCabe mentioned, you were required to report that as part of a Special District, but when we became a separate entity that was our concern.

COUNCILWOMAN McCABE

I brought this up to our Town Attorney I think last year, I wanted to keep your Budget out of ours, and Dan, would you speak to this for us, please.

DANIEL MASTRELLA, TOWN ATTORNEY

By Law, we are required to affix the Fire District Budget to the Town Budget for presentation to the public for the Public Hearing. It's New York State Town Law Section 105, requires us to affix your Budget to the Town Budget.

JOE MARTIN, 5781 WEST HENRIETTA ROAD

Okay, affixing is correct.

DANIEL MASTRELLA, TOWN ATTORNEY

That is what New York requires us to do.

JOE MARTIN, 5781 WEST HENRIETTA ROAD

But, I guess maybe that's where our opinion differs is you have a Budget and then on the back of that Budget you attach the Fire District's. It makes a lot of sense, but it looks like it's being co-mingled and that's where the confusion in our opinion comes forth, and I guess to answer your question, Supervisor Yudelson, concerning, we did communicate last year and you were very gracious and spoke and when we saw it again this year, it was the decision of the Board to go through the attorney as opposed to come back on an individual basis because we felt that that avenue had already been taken care of last year, so it's . . .

COUNCILWOMAN McCABE
So, you would like to take . . .

SUPERVISOR YUDELSON
Well, the contact came from the attorney last year, as well.

JOE MARTIN, 5781 WEST HENRIETTA ROAD
Okay, alright.

COUNCILWOMAN McCABE
So, you would like us to take Henrietta Fire District right out of our pie chart, is that right?

JOE MARTIN, 5781 WEST HENRIETTA ROAD
Right. As your attorney mentioned, you have to affix our Budget with yours when you submit it, but that would be the extent of it unless, I'm assuming our attorney would hopefully know the proper way to do things and wouldn't lead us astray unless there's a misinterpretation of that issue.

COUNCILWOMAN McCABE
Can we, Mr. Mastrella, can we take that Henrietta Fire District, if you took the "v shape" of the Budget, can we take that out of our Budget, out of the pie chart? Since, in the beginning . . .

SUPERVISOR YUDELSON
We're talking about presentation mostly since we're not voting on the Fire District Budget anyways, I think it's only in the presentation of it.

DANIEL MASTRELLA, TOWN ATTORNEY
It is just in the presentation. I think it's, I mean, I haven't seen any of the correspondence from the Fire District's attorney. I don't believe that the way this is presented represents or is meant to represent anything relating to the Fire District other than showing where the total revenues come from and where the total revenues go. The fact is because the Fire District Budget is affixed to our Budget that is part of where the total revenues go.

COUNCILWOMAN ZINCK
I would think what differentiates the School District too is the Rush-Henrietta part. That its taxes that are from students that are in Rush and Henrietta, where the Volunteer Ambulance and the Fire District are just Henrietta, therefore, included in the chart.

DANIEL MASTRELLA, TOWN ATTORNEY
It's an entirely different taxing, the timing, the billing, the taxing for the School District is entirely separate from the Town's. The Fire District is taxed with the Town's, so there's

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no correlation between the Fire District and the School District, it's two (2) entirely different things. We can discuss the pie chart in whether it should be in the pie chart or not, and maybe make an adjustment to that, but we are required to affix it.

COUNCILWOMAN McCABE

It's still on the next page listed, so . . .

SUPERVISOR YUDELSON

Yes, we changed the captions to show that it was separate but the numbers just flow into the pie chart, we didn't even talk about that part, but I just, like I said, I wanted to clarify the reasons for the concern because to me it was just about getting information out to the public and I think people are not aware of very much of a Budget that has a bigger impact on them than the Town Budget does. I know years ago, before I was on the Board at these Budget Hearings they used to invite someone from the Fire District and somebody from the Ambulance so that if there were questions about their Budget they'd be present . . .

JOE MARTIN, 5781 WEST HENRIETTA ROAD

That was prior to us . . .

SUPERVISOR YUDELSON

I realize you have your own Hearing now and that, but as you say you got one (1) person. Us, it's mostly about having information out, now since you're right there at the podium, I know something that would be helpful for us to know, the Budget that you sent over to us for information, I know you haven't made it a final Budget yet, or have you?

JOE MARTIN, 5781 WEST HENRIETTA ROAD

No.

SUPERVISOR YUDELSON

Okay, you haven't made it a final Budget, but it's got significant increases including, it looked like about a nineteen percent (19%) increase in salaries and I was wondering if I could ask you if there's new positions or you know, if you're able to, I know you don't have it all in front of you, but just in a nut shell to tell us, I understand that expenses are up about nine percent (9%).

JOE MARTIN, 5781 WEST HENRIETTA ROAD

We don't have any expense that's gone up that little. Our retirement system, the fire and police, which is separate than what you have to deal with is more than two sometimes three times with what you're dealing with as far as an increase of what our contribution is. We've been told by our medical, we have to take a guess because we, they're looking at a minimal of twelve to fifteen percent (12%-15%) increase. We did promote four (4) firefighters to Lieutenant, which is a higher pay grade, so that was an addition there, and we haven't done any hiring of any more people in two (2) years, but there

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were some promotions in house that showed an increase in there. For instance, one of our benefits, the life insurance policy more than doubled because it came up for renewal and all our guys are older and not as insurable, that type of thing. The biggest thing that we dealt with were the increases in the health care, the retirement system, even the retirement system, the low sap awards for our volunteers to try to maintain our volunteers and encourage them to both volunteer and stay with us. Because of the market we've had to contribute several thousand more dollars into that program than we normally do because of the performance of the market and like I said, we really still do not know the full impact of the retirement system because that's part of our concern is we don't have, we're taking a guess at some of these figures because they can't give us anything at this time of year for that, so it's basically our personnel costs. If you took our personnel costs and then our everyday expenses such as gas, electric, and that type of thing, we have less than two to three hundred thousand dollars (\$200,000-\$300,000) that we can actually play with, that really isn't a fixed expense beyond personnel and day-to-day costs.

COUNCILMAN MULLIGAN

What was Joe, the increase, as per the Union Contract?

JOE MARTIN, 5781 WEST HENRIETTA ROAD

It's still in negotiation.

COUNCILMAN MULLIGAN

There's no increase for 2010?

JOE MARTIN, 5781 WEST HENRIETTA ROAD

We put a, we had to make a guess, an educated guess . . .

COUNCILMAN MULLIGAN

Okay, but it hasn't been finalized . . .

JOE MARTIN, 5781 WEST HENRIETTA ROAD

It hasn't been finalized, no. I can tell you the Union has asked for three percent (3%), and nothing has been settled, but they did ask for three percent (3%) in wages.

COUNCILWOMAN McCABE

May I make a suggestion, just as Mr. Schmitt suggested to us that we do comparison years that you do that in your Budget because you do have proposed estimate here for this year, and have nothing to show anybody what was last year, what was the year before in these same things, with, as Mr. Schmitt suggested, an explanation, which we're going look at doing for ours.

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JOE MARTIN, 5781 WEST HENRIETTA ROAD

Which basically we did the same thing the Town did, we provided the information that's required by law.

COUNCILWOMAN McCABE

Yes, I know, I know, but this day in age everybody wants to know why, how come? And, with the internet and all, you can just put it right up there and people would be more informed I think, if you could give them a comparison, and if the insurance costs went up you could say increase insurance costs, increase this, this percent went up this year, we're going to look at doing the same thing for ours, too, but that's only a suggestion from me, otherwise I don't have any other questions.

JOE MARTIN, 5781 WEST HENRIETTA ROAD

Thank you, for your time.

COUNCILWOMAN McCABE

Thank you, Joe.

COUNCILWOMAN ZINCK

Thanks, Joe.

SUPERVISOR YUDELSON

Thank you. Is there anybody else who wants to speak on the 2010 Preliminary Budget? *(Pause, no response)* If not, I'll close this Public Hearing and ask for the first Resolution.

RESOLUTION #20-195/2009

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

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

EXHIBIT A	Bills Payable dated 10/21/2009	\$ 636,598.83
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SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye

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Dawn Kitto Recreation, After School Program Director @ \$10.00/hr., from Assistant Director @ \$8.25/hr., effective 10/11/2009.

Highway As per the Attachment.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN
Just under discussion, did we have the Highway list Monday night?

COUNCILMAN MOORE
Yes, we did.

COUNCILMAN MULLIGAN
Thank you.

SUPERVISOR YUDELSON
Call the roll, please.

Duly put to a vote:
Councilwoman McCabe voting Aye
Councilman Mulligan voting Aye
Councilman Moore voting Aye
Councilwoman Zinck voting Aye
Supervisor Yudelson voting Aye
Carried

SUPERVISOR YUDELSON
That's the end of the regular Agenda, before we adjourn is there anybody that would like to speak on any matter involving the Town of Henrietta?

(Beth White, 128 Eagle Pine Way, spoke in reference to a request for wanting a dog park in the Town of Henrietta. – Audio File available upon request.)

(Carol Burritt, 620 Shore Drive, spoke in reference to an Application that went before the Henrietta Planning Board meeting in regards to Application PB-149 Chesapeake Subdivision, Section 4. - Audio File available upon request.)

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman McCabe, seconded by Councilwoman Zinck at 8:38 P.M. and was

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adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk