

**HENRIETTA TOWN BOARD  
AGENDA  
AUGUST 17, 2011**

Supervisor Yudelson  
Councilwoman McCabe  
Councilman Mulligan  
Councilwoman Zinck  
Councilman Moore

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):
  - July 20, 2011 (Regular Meeting)
  - On Motion of: Councilwoman McCabe Seconded by: Councilwoman Zinck
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

**7:00 P.M. - Property Maintenance Violations – 50 Faircrest Road**

**Request for Special Use Permit Extension – St. John’s Green House Project**

RESOLUTION #16-153/2011  
Authorize Accounts Payable

RESOLUTION #16-154/2011  
Authorize Tax Certiorari Settlement – 1555 Jefferson Road – Schlegel Systems, Inc.

RESOLUTION #16-155/2011  
Authorize Attendance of Annual New York State Assessor’s Association Seminar

RESOLUTION #16-156/2011  
Authorize Supervisor to Sign Out of District Sanitary Sewer Contract – 107 Valley View Drive

RESOLUTION #16-157/2011  
Award New Year’s Eve Fireworks Contract – Young Explosives, Inc.

RESOLUTION #16-158/2011

Authorize SEQRA Declaration and Adopt 2011 Strategic Update - Town of Henrietta Comprehensive Land Use Plan

RESOLUTION #16-159/2011

Authorize Supervisor to Sign Grant Application – New York State Office of Parks, Recreation and Historic Preservation – Tinker Homestead

RESOLUTION #16-160/2011

Call for Public Hearing - Proposed Adoption of Local Law No. 2 of 2011 - Amending Chapter 207, entitled, "Vehicles: Abandoned, Junked and Unlicensed" and Chapter 240, entitled, "Streets and Sidewalks" of the Town Code – To Restrict Parking on Residential Properties

RESOLUTION #16-161/2011

Authorize Personnel Items

TBM August 17, 2011

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 17<sup>th</sup> DAY OF AUGUST, 2011 AT 7:00 P.M.

**PRESENT**

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

**ABSENT**

Councilman John W. Moore

*(SILENT PRAYER)*

*(PLEDGE OF ALLEGIANCE TO THE FLAG)*

SUPERVISOR YUDELSON

Is there anybody, at this point, who would like to speak on any items that are on the Agenda for tonight's meeting? There will be other opportunities later, but at this point, on Agenda items? *(Pause, no response)* If not, could I have the approval of the Minutes?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve of the Minutes of July 20, 2011.

COUNCILWOMAN ZINCK

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

Before we move on to the Resolutions, I'll first note, for the Record, we were scheduled

to have a Hearing on property maintenance violations on Faircrest Road. The property was inspected today by our Code Enforcement Officers and there's been enough of an improvement that a Hearing will not be necessary tonight. So, that is canceled. We also have a request for an extension of a Special Use Permit for St. John's Green House Project. The Board was briefed on that on Monday. They are asking for a six (6) month extension, and I think the Board was inclined to give that, but are there any questions or comments from the Board, at this point?

COUNCILWOMAN McCABE

You need a motion?

SUPERVISOR YUDELSON

We do.

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve the request for a Special Use Permit extension for St. John's Green House Project to extend it six (6) months.

COUNCILWOMAN ZINCK

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Absent
Councilwoman Zinck	voting	Aye
Supervisor Yudelton	voting	Aye

Carried

SUPERVISOR YUDELSON

At this point, may I have the first Resolution, please?

RESOLUTION #16-153/2011

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman Zinck

BE IT RESOLVED, that the Supervisor or his designee be authorized to pay the following bills payable:

EXHIBIT A	Bills Payable dated 8/17/2011	\$ 468,300.98
EXHIBIT B	Manual Bills Payable dated 7/27/11	\$ 100.00
EXHIBIT C	Manual Bills Payable dated 7/27/11	\$ 73,490.64

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #16-154/2011

On Motion of  
Councilwoman Zinck

Seconded by  
Councilwoman McCabe

WHEREAS, Schlegel Systems, Inc., heretofore commenced proceedings against the Assessor, the Board of Assessment Review, and other respondents for a review of the assessments for the years 2007, 2008, 2009, and 2010 for premises located at 1555 Jefferson Road in the Town of Henrietta, being Tax Account Numbers 162.12-1-15.1 and 162.12-1-15.11, and

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

WHEREAS, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

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

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by Schlegel Systems, Inc., for the years 2007, 2008, 2009, and 2010 be and hereby are approved.

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

SUPERVISOR YUDELSON  
Discussion?

COUNCILWOMAN McCABE  
Under discussion, Mr. Supervisor, I'm not very pleased, and I want this on the Record that I'm not very happy with this settlement. However, based upon the comments from our Town Assessor and his feelings about the judicial climate that we would be under if we were to pursue this in a court of law and that we would probably lose it and possibly have to give up twice as much money, so with that, I have seconded this, and I will vote "yes" on this, but with reservations. Thank you.

COUNCILWOMAN ZINCK  
Totally agree.

SUPERVISOR YUDELSON  
Yes. Anything further? Call the roll, please.

Duly put to a vote:		
Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	No
Councilman Moore	voting	Absent
Councilwoman Zinck	voting	Aye
Supervisor Yudelton	voting	Aye
Carried		

RESOLUTION #16-155/2011

On Motion of	Seconded by
Councilman Mulligan	Councilwoman Zinck

WHEREAS, the Town Assessor has requested authorization to attend the New York State Assessors' Association Seminar on Assessment Administration and Annual

Meeting to be held at the Adam's Mark, Buffalo, New York on September 11, 2011 through September 14, 2011, and

WHEREAS, funds are available in the 2011 Budget, and

WHEREAS, the Town Board supports and encourages such participation for all Town employees.

THEREFORE, BE IT RESOLVED, that Nathan Gabbert, Town Assessor, be hereby authorized to attend the New York State Assessors' Association Seminar on Assessment Administration and Annual Meeting at a reimbursable cost not to exceed \$1,200.00.

BE IT FURTHER RESOLVED, that all properly prepared vouchers be submitted to the Finance Department for reimbursement.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Absent
Councilwoman Zinck	voting	Aye
Supervisor Yudelton	voting	Aye

Carried

RESOLUTION #16-156/2011

On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Mulligan

WHEREAS, Lisa Marie Sofia, 107 Valley View Drive, being identified as Tax Identification No. 174.01-2-39, wishes to connect to an existing sanitary sewer, and

WHEREAS, the Town of Henrietta has offered to enter into an Out of District Sanitary Sewer Contract with Lisa Marie Sofia, and

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

THEREFORE, BE IT RESOLVED, that the Supervisor be hereby authorized to execute and deliver said Agreement by and between the Town of Henrietta and Lisa Marie Sofia.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
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Councilman Mulligan	voting	Aye
Councilman Moore	voting	Absent
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye
		Carried

RESOLUTION #16-157/2011

On Motion of Councilwoman Zinck	Seconded by Councilwoman McCabe
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WHEREAS, Young Explosives, Inc., has submitted a proposal for the Town's New Year's Eve Celebration, and

WHEREAS, Young Explosives has provided fireworks for the Town of Henrietta for many years at the annual New Year's Eve Celebration, and

WHEREAS, the Town has been satisfied with their professional services in the past and the quality of their fireworks display.

THEREFORE, BE IT RESOLVED, that Young Explosives, Inc., 2165 New Michigan Road, Canandaigua, New York 14424, be hereby authorized to provide the Fireworks Display to be held at the Monroe County Fairgrounds on December 31, 2011, for a total cost of \$4,000.00.

BE IT FURTHER RESOLVED, that Young Explosives, Inc. must submit a Certificate of Insurance in the amount of \$2,000,000.00 to the Town Clerk's Office at least one (1) week prior to the New Year's Eve Celebration in a form acceptable to the Town Attorney.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Young Explosives, Inc., in an amount not to exceed \$4,000.00 upon satisfactory completion of the show.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Absent
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye
		Carried

RESOLUTION #16-158/2011

On Motion of  
Supervisor Yudelson

Seconded by  
Councilwoman Zinck

WHEREAS, the Henrietta Town Board declared itself as Lead Agency regarding the 2011 Strategic Update to the Town's Comprehensive Land Use Plan under the State Environmental Quality Review Act (SEQRA), and

WHEREAS, after consideration by the Henrietta Town Board that the Town's Comprehensive Land Use Plan exceeds one or more thresholds for a Type I Action as listed in Section 617.4 of the New York State Environmental Quality Review Act, and

WHEREAS, pursuant to SEQRA, such an Action is a Type I Action, and

WHEREAS, a Full Environmental Assessment Form (EAF) has been prepared and reviewed, and

WHEREAS, the draft created with the assistance of Behan Planning and Design was developed with public input at several public meetings and through a community survey, and

WHEREAS, the Monroe County Planning Authority accepted said Plan on July 26, 2011 pursuant to General Municipal Law Section 239-m and had no comments, and

WHEREAS, the Henrietta Town Board has reviewed the Town's Comprehensive Land Use Plan, and a Public Hearing was held on July 20, 2011 to hear all comments with regard to said Plan, and

WHEREAS, the Henrietta Town Board is the sole approval Board or Agency effected by this Action, and

WHEREAS, the Henrietta Town Board has taken a hard look at the environmental issues raised by the Town's Comprehensive Land Use Plan, and

WHEREAS, the Henrietta Town Board hereby concludes that this Action will not result in any significant impacts on the environment.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board hereby issues a Negative Declaration under the State SEQRA Law, and

BE IT FURTHER RESOLVED, that the Henrietta Town Board accepts and adopts the 2011 Strategic Update to the Town's Comprehensive Land Use Plan and directs that the same be filed in the Office of the Henrietta Town Clerk and a copy in the Office of the Monroe County Planning Authority.

#### SUPERVISOR YUDELSON

Under discussion, as we've been working on this for quite awhile, and I want to thank the Town Board, the staff, and everybody from the public who was involved in this. It's something that we had set as a goal for the Board when we talked about things we wanted to do, and so I'm really pleased to see us at this point. Anything further?

#### COUNCILWOMAN ZINCK

The only thing I want to add is I hope we're committed, and I'm sure we are committed to follow the guidelines and keep revisiting it, so we stay on task with this document.

**SUPERVISOR YUDELSON**

Absolutely, and we've had, as we've talked about, we've asked our Planning Board Chairman, Mr. Minotti, to kind of be the point person on that, and we know we have a lot of confidence in him, so I'm sure that will happen. Call the roll, please.

Duly put to a vote:

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

Carried

**RESOLUTION #16-159/2011**

On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Mulligan

WHEREAS, the Tinker Homestead and Farm Museum located in Tinker Nature Park and Hansen Nature Center is a historically rich example of a rural America farming operation at the turn of the 20<sup>th</sup> Century, and

WHEREAS, the Tinker Homestead and Farm Museum and four (4) outbuildings are listed on the New York State and National Registers of Historic Places, and

WHEREAS, the Town of Henrietta acquired the Tinker Homestead, four (4) outbuildings and sixty-five (65) acres of land in 1991 and is responsible for the maintenance and preservation of the Tinker Homestead, property and outbuildings, including a cow barn, horse barn and chicken coop, and

WHEREAS, the Tinker Homestead chicken coop faces imminent risk of collapse from age, weather, and structural deterioration, and

WHEREAS, the Tinker Homestead's cow barn roof has reached the end of its serviceable life and is in need of replacement to preclude future damage and maintain its historic significance, and

WHEREAS, both residents and visitors to the Town of Henrietta have expressed their interest in maintaining the cobblestone Tinker Home and outbuildings located in Tinker Nature Park and Hansen Nature Center, and

WHEREAS, repairs to the Tinker Homestead cow barn and chicken coop will provide long term benefits to the surrounding community and Town residents, and

WHEREAS, the Town Board of the Town of Henrietta believes the restoration and preservation of the cow barn and chicken coop are priorities of the Town.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta will endeavor to secure funds to repair and restore the cow barn and chicken coop to its historical significance.

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

reaffirms the Parks Master Plan (2007) and the Comprehensive Land Use Plan (2003).

BE IT FURTHER RESOLVED, that Michael B. Yudelson, Supervisor of the Town of Henrietta, is hereby authorized and directed to file an Application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, and upon approval of said request to enter into and execute a Project Agreement with the State for such financial assistance to the Town of Henrietta for the repair and rehabilitation of the Tinker Homestead and Farm Museum outbuildings.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Absent
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye
		Carried

RESOLUTION #16-160/2011

On Motion of  
Councilwoman Zinck

Seconded by  
Councilwoman McCabe

WHEREAS, the Henrietta Code Update Committee has made recommendations for revisions to the Henrietta Town Code, and

WHEREAS, the Town Board wishes to address recommendations regarding parking on residential properties and obstructions in public rights of way as priorities, and

WHEREAS, Local Law No. 2 of 2011, a Local Law amending Chapters 207 and 240 of the Henrietta Town Code to restrict parking on residential properties to driveways and driveway extensions and to prohibit the placement of any obstruction in a public right of way has been drafted, delivered to each member of the Town Board and is hereby introduced.

THEREFORE, BE IT RESOLVED, that a Public Hearing will be held on the 7<sup>th</sup> day of September, 2011, at 7:00 p.m. at the Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York, on the question of the adoption of proposed Local Law No. 2 of 2011 as heretofore described where the Town Board will 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.

TB August 17, 2011

SUPERVISOR YUDELSON

Under discussion, I'll just mention, first of all, the actual changes to the Code, as proposed, that the Town Board has the attachment, will be put on the Town's website tomorrow so people have plenty of time to see them before the Public Hearing on September 7<sup>th</sup>, and also, since Mr. Page is in the room tonight, I just wanted to thank him, and Mr. Minotti, and their committee for all the hard work they've done. This is the first change to the Code, or update to the Code that has made it to this point and ready for a Public Hearing. There's several more that will be following. We thought these ones were very important, so I'm pleased to see us to this point.

COUNCILWOMAN McCABE

Under discussion, I'd like to say that I don't think it's too soon. Just driving here tonight, I saw four (4) homes in the area just from my house, down Lehigh, and over here to Calkins where they had automobiles parked on the grass, boats parked on the grass, trailers on their lawns, I mean, you know, this is not coming too soon. And, I think our Code Enforcement Officers are going to be a little busy after we get this passed.

*(From audience, Terry Ekwel, Director of Building and Fire Prevention, "Thank you.")*

COUNCILWOMAN McCABE

You're welcome! *(Laughter)*

COUNCILWOMAN ZINCK

Because you haven't been busy yet, right!

COUNCILWOMAN McCABE

And, if you're not busy, I'm sure I can find things, as you know.

COUNCILWOMAN ZINCK

And, a lot of work went in to that particular Code revision.

COUNCILWOMAN McCABE

Yes, we had to . . .

COUNCILWOMAN ZINCK

A lot of work!

COUNCILWOMAN McCABE

I'm glad to fast track it!

SUPERVISOR YUDELSON

Yes, and thank you, also, to Mr. Mastrella, for his help with that.



TB August 17, 2011

like to speak on any matter involving the Town of Henrietta? *(Pause, no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman McCabe, seconded by Councilwoman Zinck at 7:25 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case  
Deputy Town Clerk