

**HENRIETTA TOWN BOARD  
AGENDA  
FEBRUARY 21, 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 7, 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 #5-70/2007**

Authorize Accounts Payable

**RESOLUTION #5-71/2007**

Accept Letter of Credit - Berkshire Park Subdivision, Section 2

**RESOLUTION #5-72/2007**

Accept Letter of Credit - Stone Field Mews Subdivision

**RESOLUTION #5-73/2007**

Authorize Supervisor to Sign Abandonment of Easement - 3131 Winton Road South

**RESOLUTION #5-74/2007**

Call for Public Hearing - Proposed Establishment of Extension No. 149 (Graywood Meadows Subdivision) to Henrietta Water District No. 1

**RESOLUTION #5-75/2007**

Call for Public Hearing - Proposed Establishment of Extension No. 194 (Graywood Meadows Subdivision) to Henrietta Sewer District No. 1

**RESOLUTION #5-76/2007**

Call for Public Hearing - Proposed Establishment of Extension No. 15 (Graywood Meadows Subdivision) to the Henrietta Drainage District

RESOLUTION #5-77/2007

Rescind Resolution #4-67/2007 and Authorize Purchase of State Contract  
Vehicle - Building and Fire Prevention Department

RESOLUTION #5-78/2007

Declare Items Surplus Equipment

RESOLUTION #5-79/2007

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 21<sup>ST</sup> DAY OF FEBRUARY, 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 agenda items right now? Yes?

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Good evening. A very simple question in regard to tonight's Resolution #5-77 where you are rescinding the motion to buy a 2007 Dodge Charger and are going to propose to buy a Ford Crown Victoria, costing about Forty-Five Hundred Dollars (\$4,500) more, and it's being purchased from a different state, not even being purchased in New York. So, I was just wondering . . .

SUPERVISOR BREESE

Mr. Roth, would you explain that transaction, please.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

At the time of the previous meeting when the Board approved buying the Dodge Charger, the Crown Victoria was not on the State bid. The next morning, the State bid was updated and the Crown Victoria was offered. All vehicles, including the one that I'm currently driving, come out of Warnock Dodge/Chevy out of New Jersey. They're a company that bid every year and they're one, generally, that wins because they sell the most vehicles. That's why it comes out of New Jersey, it's because that's who New York State has awarded the Contract to.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH

Is this an upgrade though?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR  
Upgrade to what?

SUPERVISOR BREESE  
He said it's Forty-five Hundred (\$4,500) more, he says.

COUNCILMAN MULLIGAN  
Quality of the car.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR  
The quality of the car, I think, is probably ten (10) times better than the car that was previously on bid.

SUPERVISOR BREESE  
Hopefully it will last longer.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR  
It's more durable. As I indicated in my e-mail to all the Board members, I have some larger fire inspectors, and I think the car would last longer with more people getting in and out and over time.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH  
Okay, fine. Thank you.

COUNCILMAN MULLIGAN  
Roomier for the big boys.

SUPERVISOR BREESE  
Thank you. That's very good. Anybody else on agenda items? If not, may I have the approval of the Minutes, please.

COUNCILWOMAN McCABE  
I move we approve the Minutes of February 7, 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



THEREFORE, BE IT RESOLVED, that the Developer, Forest Creek Equity Corporation, submit a Letter of Credit in favor of the Town in the amount of \$1,785,000.00.

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 #5-72/2007

On Motion of  
Councilman Yudelson

Seconded by  
Councilwoman McCabe

WHEREAS, Stonefield Development, the Developer of Stonefield Mews Subdivision (located on the north side of Stone Road and to the west of the Town of Pittsford Townline) 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 HBMA Architecture, Engineering and Land Surveying, PLLC, 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, Stonefield Development, submit a Letter of Credit in favor of the Town in the amount of \$867,800.00.

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 #5-73/2007

On Motion of	Seconded by
Councilwoman Zinck	Councilman Mulligan

WHEREAS, the Owner, 3131 Winton Road Associates, LLC, will be furnishing to the Town of Henrietta a new drainage easement around the existing drainage channel through the 3131 Winton Road South parcel, and

WHEREAS, the plotting of the existing drainage easement, Liber 3243 of Deeds, Page 51, passes through the existing building on said parcel being identified as Tax Identification Number 162.08-1-3, and

WHEREAS, the Owner will be securing with the Town of Henrietta, a new drainage easement for filing in the Monroe County Clerk's Office to replace the existing drainage easement, and

WHEREAS, the existing drainage easement is no longer needed by the Town, and

WHEREAS, the Town Attorney and the Director of Engineering and Planning have reviewed the attached Abandonment of Easement and recommended that the Town of Henrietta consent to and execute said Abandonment.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town of Henrietta, be hereby authorized to execute the attached Abandonment of Easement which shall be filed in the Monroe County Clerk's Office.

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 #5-74/2007

On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Yudelson

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IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 149 (GRAYWOOD MEADOWS SUBDIVISION) TO HENRIETTA WATER DISTRICT NO. 1 LOCATED ON THE NORTH SIDE OF FARRELL ROAD EXTENSION AND WEST OF EAST RIVER ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

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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. 149 (Graywood Meadows Subdivision) 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. 149, 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 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 21<sup>ST</sup> day of March, 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 #5-76/2007

On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Yudelson

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IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 15 (GRAYWOOD MEADOWS SUBDIVISION) TO THE HENRIETTA DRAINAGE DISTRICT LOCATED ON THE NORTH SIDE OF FARRELL ROAD EXTENSION AND WEST OF EAST RIVER ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

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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. 15 (Graywood Meadows Subdivision) to the Henrietta Drainage 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 a drainage system to serve the said Extension No. 15, 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 drainage 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 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 21<sup>ST</sup> day of March, 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?

COUNCILWOMAN McCABE  
And you said you made me read all those because it's my birthday on the 21<sup>ST</sup> of March.

SUPERVISOR BREESE

Happy birthday.

COUNCILWOMAN ZINCK  
*(Inaudible)*.

SUPERVISOR BREESE  
Very well done.

COUNCILMAN MULLIGAN  
Let's continue to do it that way.

SUPERVISOR BREESE  
When's your birthday? 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 #5-77/2007

On Motion of  
Councilman Yudelson

Seconded by  
Councilwoman Zinck

WHEREAS, Resolution #4-67/2007 awarded the purchase of one (1) new 2007 Dodge Charger for the Building and Fire Prevention Department to Albany Dodge, Inc. for a total cost of \$14,687.00, and

WHEREAS, a purchasing contract amendment was issued by the New York State Office of General Services to allow for the purchase of a Ford Crown Victoria subsequent to the passage of the original Resolution.

THEREFORE, BE IT RESOLVED, that Resolution #4-67/2007 be hereby rescinded.

BE IT FURTHER RESOLVED, that Warnock Automotive, Inc. d/b/a Warnock Ford, 175 Route 10, East Hanover, New Jersey 07936, be hereby awarded the purchase of one (1) new 2007 Ford Crown Victoria 4 door Sedan, per specifications and per New York State Contract #PC60680, for a cost of \$18,597.54, plus a delivery fee of \$275.00, for a total cost not to exceed \$18,872.54.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Warnock Automotive, Inc. d/b/a Warnock Ford upon delivery, receipt of all proper documentation, and approval by the Fire Marshal/Building Inspector.

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 #5-78/2007

On Motion of Councilwoman Zinck  
Seconded by Councilman Mulligan

WHEREAS, several department heads have requested that the items on the attached lists be declared surplus equipment.

THEREFORE, BE IT RESOLVED, that the items be declared surplus equipment and be sent to the Parks and Facilities Department for disposal, and that the chair described in the Town Clerk's attachment be transferred to the Parks and Facilities inventory.

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 #5-79/2007

On Motion of Councilman Mulligan  
Seconded by Councilwoman McCabe

BE IT RESOLVED, that the following person be hired:

Shane Pettrone Recreation, Part-time Recreation Assistant @ \$7.25/hr., effective 2/11/2007.

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

Matt Morey Highway, On-call Wingperson @ \$8.50/hr. from Seasonal Laborer @ \$8.25/hr., effective 2/18/2007.

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 agenda. Before we adjourn, is there anybody that would like to speak on any other matters involving the Town of Henrietta? Yes?

BETH WHITE, 1001 MIDDLE ROAD

First of all, I think we should commend Rusty Martin and his crew for keeping this Town going this past month. They have done a superb job, just a superb job.

SUPERVISOR BREESE

Yes, they did.

COUNCILMAN MULLIGAN

Thank you.

BETH WHITE, 1001 MIDDLE ROAD

The second thing is, I have talked to Mr. Mulligan about this and I've also talked, I think, to several of the others, of you, about dogs in the parks.

SUPERVISOR BREESE

Dogs where?

BETH WHITE, 1001 MIDDLE ROAD

In parks, in the Town parks. Um, I take mine down to the Martin Road park to walk her, although I haven't done that this month, and dogs are running loose. The owners are there, but they're not on, the dogs are not on leashes, and I think we talked before

about having a sign put up in the park about dogs must be on leashes. I'd like to have you add something to that, owners must pick up after their dogs also. I also would suggest that you put a sign on the tennis courts because they're letting dogs in to run in the tennis courts.

I've seen that several times, um, and they're not picking up after their dogs on the tennis courts, either.

COUNCILWOMAN McCABE  
Gross.

BETH WHITE, 1001 MIDDLE ROAD  
I wonder if it would be possible for the Town to send a letter to dog owners telling them and reminding them that there is a leash law in Henrietta, and it would be a good idea.

SUPERVISOR BREESE  
Well, we'll certainly look into the letter part of it. The other part of it, Chuck Marshall and Tim Ochs, you heard the request on the signs. Take care of that, and we'll take a look at the letter issue.

BETH WHITE, 1001 MIDDLE ROAD  
I would appreciate it.

SUPERVISOR BREESE  
Okay.

BETH WHITE, 1001 MIDDLE ROAD  
Thank you so much.

SUPERVISOR BREESE  
Thank you.

COUNCILWOMAN McCABE  
Thank you.

SUPERVISOR BREESE  
Anybody else before we adjourn? *(Pause - no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman McCabe at 8:15 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson  
Deputy Town Clerk