

**HENRIETTA TOWN BOARD
AGENDA
AUGUST 20, 2008**

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 16, 2008
6. Miscellaneous Communications
7. Public Hearing:
 - Local Law No. 2 of 2008 – Flood Damage Prevention
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

Hearing - 7:45 P.M.:

- Action with Regard to Resolution #15-168/2008 - Code Violations at 376 Hollybrook Road

RESOLUTION #16-172/2008
Authorize Accounts Payable

RESOLUTION #16-173/2008
Declare Items Surplus Materials – Assessor/Town Clerk

RESOLUTION #16-174/2008
Call for Public Hearing - Proposed Establishment of Extension No. 155 (Holy Sepulchre Cemetery) to Henrietta Water District

RESOLUTION #16-175/2008
Adopt Local Law No. 2 of 2008 – Flood Damage Prevention

RESOLUTION #16-176/2008
Call for Public Hearing - Proposed Establishment of Extension No. 156 (Southern View Estates) to Henrietta Water District

RESOLUTION #16-177/2008

Accept Dedication of Sanitary Sewers – Heritage Christian Services – 1025 Commons Way

RESOLUTION #16-178/2008

Authorize Proposed Rezoning of Land Located at 50 Thruway Park Drive from Commercial B-1 to Industrial and Approving Proposed Special Use Permit

RESOLUTION #16-179/2008

Rescind Resolution #15-161/2008 – Shell Edge Drive Sanitary Sewer Repairs Project and Authorize Re-advertisement for Bids

RESOLUTION #16-180/2008

Authorize Rate Increase for Independent Consultant Inspectors

RESOLUTION #16-181/2008

Authorize Advertisement for Bids – Library Carpeting

RESOLUTION #16-182/2008

Award Low Bid – Masonry Work for Restrooms in Veterans' Memorial Park

RESOLUTION #16-183/2008

Authorize Property Maintenance Action with Regard to Resolution #15-168/2008
–
Code Violations at - 376 Hollybrook Road

RESOLUTION #16-184/2008

Appoint Martina Thompson to Henrietta Historic Site Committee

RESOLUTION #16-185/2008

Authorize Supervisor to Sign Various Types of Agreements

RESOLUTION #16-186/2008

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 20th DAY OF AUGUST, 2008 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

Hearing - 7:45 P.M.:

- Action with Regard to Resolution #15-168/2008 - Code Violations at 376 Hollybrook Road

SUPERVISOR YUDELSON

Before starting the Regular Town Board Meeting the Board has a Hearing scheduled in regard to a Resolution previously passed regarding Code violations at 376 Hollybrook Road, and at this point I'd like to ask Mr. Wilkinson to come up, and first describe if the property owners were notified, and how they were notified of this, and then to give us a summary of the problems of the current state of that.

JEFFRIE WILKINSON, FIRE MARSHAL

Good evening. We delivered, hand delivered a letter of violation, plus the Resolution to Mrs. Earle, and we mailed it Certified and we got the receipt back on the violations. On August 18th, at 3:30 p.m., the Code compliance officer, Fred Ross inspected the property and there were six (6) violations that originally were noted, out of the six (6), five (5) have not been completed. The only thing that was completed was the grass was cut by either her or someone else, everything else has not been done. That's including the broken windows on the house and the garage, the screen doors that are broken, the accumulation of junk and clutter, and since then they have also brought in a large pile of installation and it's stored in front of the garage, we're not sure what they're going to use the installation for but it's there now. The painting has not been done, let's see, I know all the garbage containers are still right out in the open, so, like I said, the only thing that's been done is the lawn.

SUPERVISOR YUDELSON

Are there any questions for Mr. Wilkinson?

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, I know at one time, Jeff, they were not allowed to live in the home, it was deemed to be unfit for her as well as the grandchildren, is she back

living in the home?

JEFFRIE WILKINSON, FIRE MARSHAL

Yes, they are. They fixed the home up to the satisfaction of myself and to the Department of Social Services. So, the kids are back, and the son is back, and everything is back to normal.

COUNCILMAN MULLIGAN

What is her, is there anybody here representing Mrs. Earle tonight?

JEFFRIE WILKINSON, FIRE MARSHAL

I don't see anybody here.

COUNCILMAN MULLIGAN

What has been her response knowing that if this Resolution passes tonight the Town will go in, clean it up, and put it on her tax bill?

JEFFRIE WILKINSON, FIRE MARSHAL

I was going to, I thought Fred was still here, but Fred has been doing a lot of talking with her and she just doesn't care anymore. She's been in court the last few months, and she stands in front of the Judge and cries because she can't afford to buy a can of paint, we've tried to talk to her, we gave her some information on grants, and from what I understand she's used up all her grant allowances through Monroe County, so we've been trying to help her as much as possible, but she doesn't take it upon herself to do it.

COUNCILMAN MULLIGAN

And, the disposition of the courts has been to give her continual, additional discharges?

JEFFRIE WILKINSON, FIRE MARSHAL

Absolutely.

COUNCILMAN MULLIGAN

And, giving her more time to clean up.

JEFFRIE WILKINSON, FIRE MARSHAL

Correct.

COUNCILMAN MULLIGAN

But, have there been any fines?

JEFFRIE WILKINSON, FIRE MARSHAL

No.

COUNCILMAN MULLIGAN

Thank you.

JEFFRIE WILKINSON, FIRE MARSHAL

Okay.

SUPERVISOR YUDELSON

I think, just to double check, Mrs. Earle is not here, and there's nobody to represent her? *(Pause, no response)* There is a Resolution that is a part of the Regular Agenda. Is there anybody from the public who would like to speak on this? *(Pause, no response)* If not, I'll close this Hearing. At this point, we'll begin the Regular Town Board Meeting.

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Just for the Record, would you call the Roll on the Regular Board Meeting?

Councilwoman McCabe	Here
Councilman Mulligan	Here
Councilman Moore	Here
Councilwoman Zinck	Here
Supervisor Yudelton	Here

SUPERVISOR YUDELSON

Should we do the Pledge of Allegiance? *(Laughter)* At this point, before we proceed with the Regular Agenda, as I mentioned before, we had a previous Special Permit Hearing on Application No. 2008-123, of 50 Thruway Park, Inc., and we left at that time, we left that open to allow Town Board members to be able tonight to ask any further questions or make any comments about the Project. I know there are representatives here, and this item is on the Agenda for later, but I want to see first if there are questions from the Board.

COUNCILMAN MULLIGAN

Thanks for coming out.

SUPERVISOR YUDELSON

I know we saw you before, but just before you proceed, will you identify yourself?

ALLAN KNAUF, KNAUF & SHAW

Yeah, I'm Allan Knauf, from Knauf Shaw, attorney for the Applicant, John Stapleton, our engineer from Marathon Engineering is here, and Jim Fonzi is also here from 50

Thruway Park, the Applicant.

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, part of the Town Code is on parking, and Mr. Fonzi has talked about sixty to seventy (60-70) vehicles at one (1) time being parked outside behind the building adjacent to the Thruway, and in the Code it talks about that area being blacktop, are you, is the operation, is the company capable of blacktopping that area?

ALLAN KNAUF, KNAUF & SHAW

Um, definitely . . .

COUNCILMAN MULLIGAN

That's a huge, it's a big expense . . .

JIM FONZI, 50 THRUWAY PARK, INC.

Yeah, we've considered that, and what we'd like to do, eventually we will like to blacktop it, we're capable of doing that now, however, our experience with our property in Gates is that we blacktopped it right away when we did the building, and within two (2) years from driving the trucks on it, it destroyed the asphalt, we had to rip it out, put millings in, built the lot up, re-drill them for two (2) years, paved it again, and it's been perfect ever since. So, which is normal maintenance, so what we'd like to do is put stone millings, drive on the back where people can't see, and in the front we'd plant asphalt, and finish properly, but in the back where it can't be seen, we'd like to put stone millings on top of that, drive on it for two (2) years, and then pave it. It just makes more economic sense for us to do it that way.

COUNCILMAN MULLIGAN

So, you would need a variance in the Code to do that?

JIM FONZI, 50 THRUWAY PARK, INC.

I'm sorry?

COUNCILMAN MULLIGAN

You'd need a variance in the Code to do that, because the Code stipulates parking have, you know, black top underneath it.

JIM FONZI, 50 THRUWAY PARK, INC.

Okay.

COUNCILMAN MULLIGAN

What about the issue of every vehicle we know leaks when you're bringing in vehicles that are being towed, you're going to have all kinds of different petroleum products

leaking. What would you do to recapture those different liquids?

JIM FONZI, 50 THRUWAY PARK, INC.

We'll have two (2) areas within the building that we can bring the vehicles in, drain the fluids, the floors throughout the whole building, all of the drains, will go right through an oil separator, so everything exiting the building goes through an oil separator, and then all the fluids are drained and dealt with properly in terms of waste oil, antifreeze, cars that drain fuel that may leak out of the vehicle we can contain and put that in the proper storage area, and then have it pumped monthly.

COUNCILMAN MULLIGAN

One (1) of the criticisms I've received from the Town from the proposed Project is it being adjacent to the Thruway. You've talked about doing screening there, is the Thruway higher than this property, and how high does the fence have to be, where when people enter Henrietta they don't see seventy (70) vehicles stored outside?

JIM FONZI, 50 THRUWAY PARK, INC.

I think probably a good example of that is to look across the Thruway at the R.I.T. Inn and Conference Center, it's similar to that, so it really isn't, the grade is a bit higher, but it's not a lot higher. We looked at that and we thought it might make sense to berm the back area, and at our property in Gates that's what was done there, we have a creek that runs by that we bermed the back side of the creek, which is an area that we own, and then we just let the foliage grow back there, and some trees were planted there, and it does an excellent job of screening as well as the fence and the foliage that grows on the fence, so we would be, you know, think that would be a sensible solution there to berm that.

COUNCILMAN MULLIGAN

So, it would be an earth and berm? Earth and berm?

JIM FONZI, 50 THRUWAY PARK, INC

An earth and berm, yep.

COUNCILMAN MULLIGAN

And, how high would that be?

JIM FONZI, 50 THRUWAY PARK, INC

John?

JOHN STAPLETON, MARATHON ENGINEERING

Four feet (4').

COUNCILMAN MULLIGAN

Okay. Thank you, Mr. Supervisor.

SUPERVISOR YUDELSON

Are there any questions or comments?

COUNCILWOMAN ZINCK

I think it's been part of the concern is you know, that it will be seen from the Thruway, and that's a concern to us.

ALLAN KNAUF, KNAUF & SHAW

I'm sure the Applicant, whatever, we're hoping to go in front of the Planning Board Tuesday night with a site plan, I think whatever is going to be necessary to screen, I think the Applicant would be willing to do, he just wants to do it in a cost effective sensible way, but whatever the Town feels is going to be required, I think he's ready to do.

JIM FONZI, 50 THRUWAY PARK, INC

And, the same with paving, if it's something that's a must do, we'll do it. It doesn't make a lot of economic sense for us to do it that way, but if that's what we have to do to comply, we'll certainly be willing to do that.

SUPERVISOR YUDELSON

I guess I just wanted to ask you, you just mentioned four feet (4') height for a berm, and whether that was a number you were certain of, I think as a Board we want to make absolutely sure that it's not visible from the Thruway. Do you have some actual measurements or is that just an estimate?

JOHN STAPLETON, MARATHON ENGINEERING

John Stapleton, from Marathon Engineering. We have approximately twenty feet (20') from the edge of the parking facility to the edge of the property, so four feet (4') is probably about the maximum that we could develop a berm, and still have side slopes that we could maintain, I think the thought process has been to provide that berm, and then on top of that would be a fence, as Mr. Fonzi related to and then would be what he's done in Gates is he's planted some vines at the base of that fence, and allowed it to be more of a natural screening rather than vinyl inserts or some sort of stockade fence, and it's done a nice job of screening in his facility in Gates, so we wanted to propose that here.

COUNCILWOMAN ZINCK

You don't have a picture of that, do you?

JOHN STAPLETON, MARATHON ENGINEERING

I do not.

JIM FONZI, 50 THRUWAY PARK, INC
A picture of what?

JOHN STAPLETON, MARATHON ENGINEERING
Of your Gates facility.

JIM FONZI, 50 THRUWAY PARK, INC
I'm sorry.

COUNCILWOMAN McCABE
Through you, Mr. Supervisor, the fence that you're speaking of, that's a cyclone fence?
Would that be a cyclone fence, type fence?

JOHN STAPLETON, MARATHON ENGINEERING
It would be a chain link fence.

COUNCILWOMAN McCABE
Chain link?

JOHN STAPLETON, MARATHON ENGINEERING
Yes.

COUNCILWOMAN McCABE
Cyclone is the . . .

JOHN STAPLETON, MARATHON ENGINEERING
Okay, name brand, yes . . .

COUNCILWOMAN McCABE
Name brand, I'm sorry, and it would be how high on top of the four foot (4') berm?

JOHN STAPLETON, MARATHON ENGINEERING
I would say six feet (6').

ALLAN KNAUF, KNAUF & SHAW
Would it be on there, John, or behind it?

JOHN STAPLETON, MARATHON ENGINEERING
I think we would want to put it on the berm just to try and keep as much height to the screening as possible.

SUPERVISOR YUDELSON

Is there anything, I know at our previous meeting you had a chance to make a presentation, do you have any other information you want to present?

JIM FONZI, 50 THRUWAY PARK, INC

I just have one (1) comment, the question was asked last month whether we would be looking for any tax abatements, and we're not looking for any tax abatements on the property as it exists, I came to learn that because this is going to be our corporate headquarters, we would be able to apply for C.O.M.I.D.A. assistance on the improvements that we did to the building, okay, not the existing value today but any improvements that might add to the assessment, so I just wanted to bring, make that clear.

ALLAN KNAUF, KNAUF & SHAW

The property is going to be held by an LLC, it will be on the tax rolls so, but he's eligible for some assistance.

COUNCILMAN MULLIGAN

But, you are pursuing C.O.M.I.D.A. funding and tax abatements on the improvements?

JIM FONZI, 50 THRUWAY PARK, INC

On the improvements only, yep.

SUPERVISOR YUDELSON

I understand it is available on improvements that raise the assessment, you know that would increase the assessed value of the property.

ALLAN KNAUF, KNAUF & SHAW

Right, no, it would run the existing assessment which is like 1.3 or so, I think it would not apply to that. Again, we're hoping tonight you can declare yourself Lead Agency because I think all the consents are in and proceed with the rezoning and the Special Permit, we're hoping to be heard by the Planning Board on Tuesday night, and I think whatever the Board thinks would be appropriate as far as screening on the Thruway, you know, the Applicant is prepared to do that, so if you think that you know, the mesh or whatever inside the fence or whatever, I think he's prepared to do that if the Board thinks that's an issue, but we do think this is a great Project at an appropriate location, we're really just asking to move the line about six hundred feet (600'), it's adjacent to an Industrial area essentially in an Industrial park and Mr. Fonzi has a proven track record, I briefly just want to address the County Planning comments, they were supportive, they just indicated that the Board should address the comprehensive plan which I set forth in my June 13th letter number of, I won't go through them all, but basically the comprehensive plan does encourage this sort of Industrial and Commercial

development, especially where there's existing infrastructure and there is a vacant property like this one that will be put back in utilization, so we would like to move forward so that Mr. Fonzi can begin work hopefully this fall before the construction season ends. Thank you, very much.

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, does your engineer have any renderings of what the berm and this fence will do? Has anything been done in that area?

JOHN STAPLETON, MARATHON ENGINEERING

We have not. The Thruway is probably about, I'm going to surmise about three to four feet (3'-4') below the elevation of the parking facility, we have not prepared anything, we can prepare something for the Planning Board at their next meeting so that we can illustrate that to them of how that device will screen from the Thruway, we haven't prepared anything yet.

COUNCILMAN MULLIGAN

My concern is very simple, he's a good operator, and he has a proven track record, the worst case scenario is you do this, it's not properly screened and people are saying, "Why are you putting this next to the Thruway when you enter Henrietta?" I just don't want to see that happen, because of that, you know, I'd like to see some kind of an engineering rendering on this thing. But, I'm one (1) vote, I don't know how everybody else feels.

SUPERVISOR YUDELSON

Just procedurally, when we consider this Resolution, there is a Resolution on the Agenda tonight, (*inaudible*) I understand what you're saying, but we have as you know, just recently an item that the Applicant was looking for action at the last meeting, and the time table didn't allow that, so I think the Board members you know, can each speak to that, (*inaudible*) I hear something about wanting more information, the Board wanting to allow the Applicant to you know, get a decision out of the Board tonight, and each Board member would have to you know, speak (*inaudible*) are there any other Board members who would like to speak to that? Because I will say, just to give you that opportunity, I guess just to clarify why I'm doing that is if there was any kind of a motion that would put this (*inaudible*) or take further action on this tonight . . .

COUNCILWOMAN ZINCK

Through you, Mr. Supervisor, my concern truly is about visibility. If we could have that assurance that whatever would be aesthetically pleasing and that if we wouldn't be able to see that from the Thruway, I would be comfortable voting on that tonight, but I would really need that kind of assurance.

SUPERVISOR YUDELSON

And I think just before you answer that, as you say in addition to your assurance, if that is something we can pass to the Planning Board as far as what the Board is looking for (*inaudible*) but go ahead.

ALLAN KNAUF, KNAUF & SHAW

Yeah, Mr. Supervisor, if I might suggest the Board could, on the Approval, add a condition that there be appropriate screening and you know, whether it's acceptable to the Planning Board or whoever, but to put a condition on the Approval to ensure the performance of the screening as you would deem appropriate, and that might be a way to move it along. Thank you.

COUNCILMAN MULLIGAN

What about the issue of when the black top would be completed?

ALLAN KNAUF, KNAUF & SHAW

You know if. . . yeah if that's . . .

COUNCILMAN MULLIGAN

I mean that's a huge expensive lot to black top.

JIM FONZI, 50 THRUWAY PARK, INC

(*Inaudible*)

COUNCILMAN MULLIGAN

When would that happen?

ALLAN KNAUF, KNAUF & SHAW

You know he's prepared to do it . . .

COUNCILMAN MULLIGAN

That would probably require a variance from the Zoning Board.

ALLAN KNAUF, KNAUF & SHAW

Right, so, I think that if that's, we would definitely do it within two (2) years if the Board was going to require him to go ahead and do it, now he would do it, I don't know if it's possible this fall, but to get it done until next spring just because of when the asphalt plant would close and given the time table, but you know, if that's going to be a necessary requirement, I think he's prepared to do it.

SUPERVISOR YUDELSON

But, as you know, as it was mentioned (*inaudible*) with the appropriate screening (*inaudible*) . . .

COUNCILWOMAN McCABE

The screening was my problem as going along the Thruway you can see the backs of all that property, the other thing was the black top, and I realize it's an expense, and you might not be able to get it in right away, but I think if you're going to have it there, it has to be there right away. I realize there may be a problem, but it's part of our Code, and I think it has to be there, and the other thing I was concerned about, let's go back to the screening, you're going to have a four foot (4') berm, and a six foot (6') fence, it's going to take years for any kind of foliage that binds and everything else to grow to make it look woodsy, that's a concern for me because you will see that from the back, even with the berm and a fence on top because the fence is not going to be covered you can see right through it, and we've always had a problem in Henrietta with image. It started back in the fifties (50's) when the soldiers came home from the war and had no place to live, and they built quickly built houses and we had drainage problems and everything else, and the image has not gone away that we are sloppy, that we're not, we're a second rate Town, and I'm sorry but I have a problem with putting along our entry way, which the Thruway is what amounts to a big car lot if we can't screen it properly. I really have that problem. I've been in this Town for forty-one (41) years, and for forty-one (41) years we've been fighting this issue of image, and to me, coming down the Thruway, and seeing a big car lot, a used car lot or what have you, as you come up to the entrance to Henrietta where R.I.T. is, it concerns me, I don't like it there, I think it's, you know, that's my problem with it, so that's it.

ALLAN KNAUF, KNAUF & SHAW

Okay, again he's prepared to, I guess what we'd envision is the vinyl slats or whatever in the fence but I think he's prepared to put whatever appropriate screening the Board would require.

JIM FONZI, 50 THRUWAY PARK, INC

Could I just say something?

COUNCILWOMAN McCABE

No, I'd love to see what kinds of plantings, but they're not going to grow that fast.

JIM FONZI, 50 THRUWAY PARK, INC

I think that you know, we can come up with a solution, but I think vinyl or something like that isn't a really good solution because that stuff breaks and it hangs out and it would really be more of an eye sore than I think the cars would be, so I share your concern there and I'm willing to do what's reasonable. I don't think it would be reasonable, an example of that might be I don't think it's reasonable to screen the whole building, but I think it's certainly reasonable to screen the lot, and I think that with a berm, and with the proper plantings and the fence I think that we can make it look dramatically better than it looks when you look over at the R.I.T. Inn and Conference Center, and there's that

huge paved area with a bunch of cars there, and you know, I take a lot of pride in the properties that I own, and I would not want my property to look like that. So, I will sincerely work with the Planning Board and come up with a solution that can make everyone feel good.

COUNCILWOMAN McCABE

Your comments that are in the written Minutes, in the Minutes sent to the Planning Board and added as part of your approval.

JIM FONZI, 50 THRUWAY PARK, INC

Yes, no problem, sure.

SUPERVISOR YUDELSON

Are there any other comments? *(Pause, no response)* If not, I'll close this Special Permit Hearing. We have a few more items on the Agenda.

JIM FONZI, 50 THRUWAY PARK, INC

Thank you, very much.

SUPERVISOR YUDELSON

So, going back to the Agenda, if I could have the Approval of the Minutes of the last meeting?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we Approve the Minutes of July 16, 2008.

SUPERVISOR YUDELSON

Is there a second?

COUNCILMAN MOORE

I'll second.

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
Supervisor Yudelton	voting	Aye

Carried

SUPERVISOR YUDELSON

Okay. We have a Public Hearing on Local Law No. 2 of 2008 for Flood Damage Prevention, has this been properly advertized?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR YUDELSON

Thank you. Mr. Byrne, could you come up and give just a brief description of what this is doing?

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING

Essentially, this was pushed by F.E.M.A. as a result of the hurricane that took out New Orleans, essentially what they've done is gone through and updated our plans, the ones that had originally Komar's and Lomar's on, and incorporate them into a new set of plans that were done by the consultant for F.E.M.A., essentially probably one of the biggest changes is the basements on, anybody in a flood plain has to be two feet (2') above instead of foot (1') of what it used to be.

SUPERVISOR YUDELSON

(Inaudible)

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING

If the Board approves it tonight, then the twenty-eighth (28th) of this month.

COUNCILWOMAN McCABE

Just one (1) more question, through you Mr. Supervisor, I just wanted to know, so those people who own properties that are already in the previous plan . . .

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING

Right.

COUNCILWOMAN McCABE

They are grandfathered . . .

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING

If they have to re-finance or something like that, they will have to get flood insurance. They're paying for it now.

COUNCILWOMAN McCABE

But they would then have to be two feet (2') above . . .

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING

They would have to get a surveyor and prove that their house is two feet (2') above the flood plain elevations, so . . .

COUNCILWOMAN McCABE

Or, they can't get flood insurance . . .

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING

Well, they can get flood insurance, they just have to pay more, yes.

COUNCILWOMAN McCABE

All right, thank you.

SUPERVISOR YUDELSON

Is there anybody in the public who would like to speak on this? *(Pause, no response)* If not, I'll close this Public Hearing, and may I have the first Resolution, please?

RESOLUTION #16-172/2008

On Motion of
Councilwoman Zinck

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 08/20/2008	\$ 489,721.58
EXHIBIT B	Manual Bills Payable	\$ 95,164.00

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
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #16-173/2008

On Motion of
Councilman Moore

Seconded by
Councilwoman McCabe

WHEREAS, the Assessor has requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
3450	Personal Computer
3267	Personal Computer
3269	Personal Computer
3363	Personal Computer
1410 088	Day/Date/Time Stamp

WHEREAS, the Town Clerk has requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
3502	Calculator, Casio DL270
3504	Calculator, Casio DL270
n/a	Panasonic Transcriber

THEREFORE, BE IT RESOLVED, that the items described above be declared surplus materials and be sent to the Parks and Facilities Department for disposal.

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
Supervisor Yudelton	voting	Aye

Carried

RESOLUTION #16-174/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

**ORDER FOR PUBLIC HEARING ON
EXTENSION #155 OF HENRIETTA WATER DISTRICT**

**HOLY SEPULCHRE CEMETERY: PINNACLE ROAD PROJECT
PINNACLE ROAD AT WARD HILL (TAX ACCOUNT No. 203.01-2-21)**

WHEREAS, a proposal has been made in the Town Board of the Town of Henrietta, County of Monroe, State of New York (the "Town"), to establish Extension No. 155 to extend the Henrietta Water District in the following described portion of Town which is wholly within said Town, outside of any incorporated village or city, and currently outside the boundaries of said Water District: a 109± acre cemetery to be constructed by Holy Sepulchre Cemetery ("HSC") and located on the east side of Pinnacle Road at Ward Hill in the Town of Henrietta, County of Monroe, State of New York (Tax Account Number 203.01-2-21) (the "Pinnacle Road Project"), and

WHEREAS, a description of the real property to be included in Extension No. 155 and thus within the boundaries of the Henrietta Water District is more particularly described on Exhibit "A" attached hereto and made a part hereof, and

WHEREAS, Sections 285-2, 285-4 and 285-14 of the Code of the Town of Henrietta require a corporation seeking water service from the Town to apply to the Henrietta Water District, and

WHEREAS, New York Town Law Section 209 grants to the Town the power to extend its Water District by passing a Resolution after a Public Hearing and subject to the requirements set forth in Article 12-A of the New York Town Law, and

WHEREAS, the Town Engineer, also known as the Town Director of Engineering/Planning (the "Director"), acting upon the Town Board's direction, has duly supervised the preparation of a map, plan and report by Parrone Engineering, competent engineers duly licensed in the State of New York, prepared at the sole cost of HSC, for Extension No. 155 of the Henrietta Water District in order to provide facilities, improvements and water services to the Pinnacle Road Project and to include the entire Project within the boundaries of the Henrietta Water District, which map, plan and report are more particularly set forth in Exhibit "B" attached hereto and made a part hereof, and

WHEREAS, the proposed maps and plans for construction of Extension No. 155 of the Henrietta Water District show the boundaries of proposed Extension and include the following items: all improvements required for Extension No. 155 of the Henrietta

TB August 20, 2008

Water District to service the Pinnacle Road Project, including but not limited to improvements for the source of water supply, the location of water mains and other water related appurtenances, and

WHEREAS, on July 11, 2008, the Director duly filed said map, plan and report in the office of the Town Clerk, and

WHEREAS, said map, plan and report describing Extension No. 155 of the Henrietta Water District are on file in the office of the Town Clerk for public inspection, and

WHEREAS, the Town will not expend any funds for the construction of the proposed Extension No. 155 of the Henrietta Water District and HSC has agreed to bear the entire cost of such construction, and

WHEREAS, the expense of operation and maintenance of Extension No. 155 of the Henrietta Water District would be assessed, levied and collected from the parcel(s) of land within the proposed Extension No. 155 so much upon and from such land as shall be in just proportion to the amount of benefit, which the Town Board shall determine the improvement shall confer upon the same, and

WHEREAS, the Town Board is considering approving Extension No. 155 of the Henrietta Water District pursuant to Article 12-A of the Town Law in order to include the Pinnacle Road Project within the boundaries of said Water District in order to provide water service to said Project, and

WHEREAS, the Town Board wishes to invite public comment regarding Extension No. 155 of the Henrietta Water District to provide water service to the Pinnacle Road Project.

THEREFORE, BE IT RESOLVED, that the Town Board shall meet at the Henrietta Town Hall, 475 Calkins Road, Henrietta, New York, on Wednesday, September 17, 2008 at 8:00 P.M., for the purpose of conducting a Public Hearing on the proposal to extend the Henrietta Water District by establishing Extension No. 155 to include the Holy Sepulchre Cemetery Pinnacle Road Project with the improvements specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish a copy of this order in the Henrietta Post, the official Town newspaper, and post a copy of the same on the signboard of the Town and on the Town website, in the time and manner required by Town Law.

SUPERVISOR YUDELSON

Under discussion, you obviously are here to speak on behalf of the Applicant, but I have to clarify, this Resolution is just calling for the Public Hearing, you can make your presentation at the Public Hearing, the presentation is on September 3rd, at our next Board meeting in two (2) weeks.

CARMEN LEWIS, HARTER & SEACREST

Okay, yes, we understand that. My name is Carmen Lewis, I'm an attorney at Harter Seacrest, and for Holy Sepulchre Cemetery, we were just here to request that the Board pass an order for the Public Hearing of Extension No. 155.

SUPERVISOR YUDELSON

Yeah, that's all we're going to do.

CARMEN LEWIS, HARTER & SEACREST

Okay, fair enough.

SUPERVISOR YUDELSON

Okay, is there further discussion? *(Pause, no response)* 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

RESOLUTION #16-175/2008

On Motion of
Councilwoman McCabe

Seconded by
Councilman Moore

**IN THE MATTER OF
THE ADOPTION OF PROPOSED LOCAL LAW NO. 2 OF 2008:
A LOCAL LAW FOR FLOOD DAMAGE PREVENTION AS AUTHORIZED BY
THE NEW YORK STATE CONSTITUTION, ARTICLE IX, SECTION 2
AND ENVIRONMENTAL CONSERVATION LAW, ARTICLE 36**

WHEREAS, true and correct copies of proposed Local Law No. 2 of 2008, a Local Law Establishing Rules and Procedures for Flood Damage Prevention as authorized by the New York State Constitution, Article IX, Section 2 and Environmental Conservation Law, Article 36, were delivered to each member of the Town Board, and

WHEREAS, it is required by the National Flood Insurance Program that the Town of Henrietta must develop, implement and enforce a Flood Insurance Prevention

Program, and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), such an Action is an Unlisted Action for proposed Local Law No. 2 of 2008, and

WHEREAS, an Environmental Assessment Form (EAF) has been prepared for proposed Local Law No. 2 of 2008, and

WHEREAS, the Henrietta Town Board declared its intent to be the Lead Agency for the environmental quality review, and

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

WHEREAS, the Henrietta Town Board has taken a hard look at the environmental issues raised by this proposed Local Law No. 2 of 2008, pursuant to Section 617.7(c)(1)i of SEQRA, and

WHEREAS, the proposed Local Law No. 2 of 2008 has incorporated the model regulations with factors particular to the Town of Henrietta, which will properly implement and enforce a Flood Prevention Program allowing residents of the Town to obtain Federally sponsored flood insurance, and

WHEREAS, upon proper notice, a Public Hearing was held on the 20th day of August, 2008 where all persons wishing to speak regarding Local Law No. 2 of 2008 were heard by the Town Board.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board does formally designate itself and accepts Lead Agency Status for the environmental review of the described Local Law No. 2 of 2008 under the State Environmental Quality Review Act (SEQRA), and has determined that the proposed action therein will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be required and therefore issues a Negative Declaration.

BE IT FURTHER RESOLVED, that the Henrietta Town Board hereby adopts Local Law No. 2 of 2008, a Local Law Establishing Rules and Procedures for the management of storm water systems to comply with the Federal Clean Water Act.

BE IT FURTHER RESOLVED, that this Local Law be designated Local Law No. 2 of 2008.

BE IT FURTHER RESOLVED, that within twenty (20) business days there shall be filed with the Secretary of State one (1) certified copy of said Local Law No. 2 of 2008, which shall be effective upon filing.

BE IT FURTHER RESOLVED, that the current Chapter 125 of the Henrietta Town Code entitled Flood Damage Prevention is hereby repealed and replaced by Local Law No. 2 of 2008, which shall also be known in the Henrietta Town Code as Flood Damage Prevention.

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
Supervisor Yudelson	voting	Aye
	Carried	

RESOLUTION #16-176/2008

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 156 (SOUTHERN VIEW ESTATES SUBDIVISION) TO HENRIETTA WATER DISTRICT NO. 1 LOCATED ON THE NORTH SIDE OF RUSH-HENRIETTA TOWN LINE ROAD AND BETWEEN I-390 AND MIDDLE 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. 156 (Southern View Estates 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. 156, 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 17th day of September, 2008 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 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
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #16-177/2008

On Motion of
Councilman Moore

Seconded by
Councilwoman McCabe

WHEREAS, Heritage Christian Services, Inc., the Developer of Pieters Family Life Center, located at 1025 Commons Way, has installed sanitary sewers in said Project, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of the stated utilities to the Town of Henrietta and for this purpose has delivered to the Town of Henrietta filing instruments granting easements to the Town for said sanitary sewer system, and

WHEREAS, the Town Attorney has examined these easements and has found them to be in good order, and

WHEREAS, the Superintendent of Drainage, Sewer and Sidewalks and the Director of Engineering and Planning have determined that the said sanitary sewer system was installed in accordance with Town requirements and have recommended that they be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the said sanitary sewer system for the described Project be and they hereby are accepted and that easements be recorded in the Monroe County Clerk's Office.

BE IT FURTHER RESOLVED, that such acceptance is made subject to the Developer, or its representative, securing with the Town of Henrietta a sum of Six Thousand, One Hundred Dollars (\$6,100.00) for a period of two (2) years.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN
Just under discussion, is the sixty-one hundred (\$6,100), and Mr. Byrne can just indicate by nodding his head, does that represent a Maintenance Bond?

(From audience, Mark Byrne, Director of Engineering and Planning, "Yes.")

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR YUDELSON

Thank you. Any further 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
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #16-178/2008

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, the Town Board has received a request from James Fonzi for the property located at 50 Thruway Park Drive, known as Tax Account No. 189.01-1-2, to consider rezoning of 4.43 acres of land from Commercial B-1 to Industrial, along with a request for a Special Use Permit to allow motor vehicle service, collision repair, and other related uses, and

WHEREAS, a map of the land under consideration is on file in the Office of the Town Clerk, and

WHEREAS, after consideration by the Henrietta Town Board that the requested zoning change and use does exceed one (1) or more thresholds for a Type I Action, as stated by Section 617.4 of the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), such an Action is a Type I Action, and

WHEREAS, an Environmental Assessment Form (EAF) has been prepared and reviewed for the proposed Rezoning, and

WHEREAS, the Henrietta Town Board declares its intent to be the Lead Agency for the Environmental Quality Review, and

WHEREAS, the Henrietta Town Board is the sole approval Board or Agency affected by this action, and

WHEREAS, the Henrietta Town Board has taken a hard look at the environmental issues raised by this Rezoning and Special Use Permit Application, pursuant to Section 617.7 of SEQRA, and

WHEREAS, pursuant to an Order, a Public Hearing was held on July 16, 2008.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board does formally designate itself and accepts Lead Agency status for the environmental review of

described Rezoning under the State Environmental Quality Review Act (SEQRA) and has determined that the proposed action therein described will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be required and therefore issues a Negative Declaration.

BE IT FURTHER RESOLVED, that the Henrietta Town Board hereby ratifies, confirms and adopts the Rezoning and approval of Special Permit Application No. 2008-123, by James Fonzi, to allow motor vehicle service, collision repair, and other related uses at 50 Thruway Park Drive, upon the terms and conditions set forth on the Record at the Henrietta Town Board Special Permit Hearing held July 16, 2008, the parcel being rezoned to Industrial, as per the attached legal description.

BE IT FURTHER RESOLVED, that the Special Permit is expressly conditioned as follows:

- 1.) The parking area shall be fully screened from the public view, including the New York State Thruway, and the particular method of screening shall be subject to the approval of the Henrietta Planning Board.
- 2.) The parking area shall be covered with pavement by May 1st, 2009.

SUPERVISOR YUDELSON
Discussion?

COUNCILWOMAN ZINCK

I guess I'd just like to add that I've heard wonderful things about Mr. Fonzi, and I'm going to trust your promises to us on this, so I'd be happy to support it.

SUPERVISOR YUDELSON
Anything further?

COUNCILWOMAN McCABE

Well, I'm still unhappy with rezoning that piece of property, and I think it's going to take too long for screening from the Thruway, so I will be voting "no."

SUPERVISOR YUDELSON
I think it was mentioned (*inaudible*) . . .

COUNCILWOMAN McCABE

I just feel that the Planning Board can do a good job of requiring screening, but it takes nature a long time to grow bushes and shrubs, and natural screening, and it's just a problem for me yet. I'm sorry about that, it's not your fault that they don't grow faster.

SUPERVISOR YUDELSON

It will be the Planning Board's challenge but Councilman Moore's last paragraph that does not (*inaudible*) Further discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	No
Councilman Mulligan	voting	No
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #16-179/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, Resolution #15-161/2008 requested bids for the Shell Edge Drive Sanitary Sewer Repairs Project, and

WHEREAS, only one (1) bid was received timely and opened on August 14, 2008, and

WHEREAS, the Town Board rejects the bid received for the Shell Edge Drive Sanitary Sewer Repairs Project, due to the budgetary appropriation amount being exceeded.

THEREFORE, BE IT RESOLVED, that Resolution #15-161/2008 for the Shell Edge Drive Sanitary Sewer Repairs Project is hereby rescinded.

BE IT FURTHER RESOLVED, that the Town Clerk be authorized to re-advertise for bids for the Shell Edge Drive Sanitary Sewer Repairs Project, with bids to be opened at 10:00 A.M. on Friday, September 12, 2008 and received no later than 9:30 A.M. on Friday, September 12, 2008, as per cited plans and specifications on file, in the manner provided by Law.

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
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #16-180/2008

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

WHEREAS, Resolution #12-141/2007 secured independent consultant inspection services for construction projects, and

WHEREAS, it is necessary for developers to absorb these costs incurred by the Town for such services, and

WHEREAS, independent consultant inspection services billing, including all consultant costs, are at the hourly rate of Seventeen Dollars (\$17.00) per hour for Perry M. Brown, and

WHEREAS, current operating costs continue to rise.

THEREFORE, BE IT RESOLVED, that rate increase for Perry M. Brown to Eighteen Dollars (\$18.00) per hour be hereby approved, effective August 25, 2008.

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
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #16-181/2008

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, the Town of Henrietta requires bids for the Henrietta Public Library Carpeting Project for the replacement of the carpets, to conform with plans and specifications on file in the Town Clerk's Office, with bids to be opened at 10:00 A.M. on Thursday, September 11, 2008 and received no later than 9:30 A.M. on Thursday, September 11, 2008.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Henrietta Public Library Carpeting Project, as per cited plans and specifications on file, in the manner provided by Law.

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	Aye
Councilwoman Zinck	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #16-182/2008

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, Resolution #15-166/2008 authorized the advertisement for bids for block masonry work for the east side restroom of the Town of Henrietta Veterans' Memorial Park, and

WHEREAS, three (3) bids were received, and the low bid, meeting specifications, was received from Christa Construction, in the amount of \$61,000.00.

THEREFORE, BE IT RESOLVED, that Christa Construction, 119 Victor Heights Parkway, Victor, New York 14564 be hereby awarded the bid for block masonry work for the east side restroom of the Town of Henrietta Veterans' Memorial Park, per specifications.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Christa Construction, in an amount not to exceed \$61,000.00, upon delivery and receipt of all proper documentation and acceptance by the Commissioner of Public Works.

SUPERVISOR YUDELSON
Discussion?

COUNCILWOMAN ZINCK
Just a question, what's the timing for this Project?

SUPERVISOR YUDELSON
Mr. Marshall?

CHUCK MARSHALL, COMMISSIONER OF PUBLIC WORKS
It's anticipated sometime shortly after Labor Day that, or the second week of September we can get together and get things moving so that we can have the concrete done, and the roof on it, and doors on it before winter gets here, so . . .

COUNCILMAN MOORE
One (1) more question, the size of the dimensions of the building we're building?

CHUCK MARSHALL, COMMISSIONER OF PUBLIC WORKS
Thirty-six by forty feet (36'X40').

SUPERVISOR YUDELSON

Thank you. Further 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
Supervisor Yudelton	voting	Aye

Carried

RESOLUTION #16-183/2008

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, the owners of 376 Hollybrook Road were duly served, in accordance with the Henrietta Town Code, with notice of property maintenance violations and notice of a Hearing to be held on August 20, 2008 regarding such violations, and

WHEREAS, the Town Building Department has conducted an inspection and issued a report, which has been accepted by the Town Board, demonstrating that there are uncorrected violations still in existence.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta hereby determines that the owner or occupant has neglected or failed to comply with the requirements of the aforesaid notice within the time provided therein.

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the work to be done in accordance with said report and the cost to be paid out of the General Town funds.

BE IT FURTHER RESOLVED, that the Town Board shall be reimbursed for the cost of the work performed by assessment and levy upon said parcel and the expenses so assessed shall constitute a lien and charge upon said real property until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

SUPERVISOR YUDELSON

Under discussion, I just wanted to thank Jeff Wilkinson, Fred Ross, their Department, as well as the Board members for collectively staying after it. This situation has gone on for years and when something like this happens, we try and work with the property owner, but the neighbors also have some rights, and in this case the Board is proceeding. We usually prefer that the normal course of action be working with the owner, but through the court system giving us the results that we want, neither was the case here, and so I'm glad that the Board is moving forward.

COUNCILMAN MULLIGAN

Also, through you, Mr. Supervisor, if it's the consensus through the Board that this is the proper thing to do, I'd like a copy of this Resolution sent to the three (3) Judges making them aware of the fact that because they were unwilling to act, the Board had to take this action.

COUNCILWOMAN McCABE

Is it written in this Resolution? *(Laughter)*

COUNCILWOMAN ZINCK

A cover letter?

SUPERVISOR YUDELSON

Maybe a letter . . .

COUNCILMAN MOORE

This is the second one (1) though that we've done, right?

COUNCILWOMAN McCABE

The second one (1) we had to do.

COUNCILMAN MOORE

Can we send a copy of the other Resolution along with it, too?

SUPERVISOR YUDELSON

We can do that.

COUNCILMAN MULLIGAN

Do you want to put a P.S. to forget about asking for a raise at this particular time?

SUPERVISOR YUDELSON

Any further 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
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #16-184/2008

On Motion of
Councilwoman McCabe

Seconded by
Councilman Moore

WHEREAS, Isla Miles resigned from her term on the Henrietta Historic Site Committee effective December 31, 2006 resulting in an opening on the Henrietta Historic Site Committee for the unexpired term, and

WHEREAS, Martina Thompson is a qualified resident of the Town of Henrietta and wishes to serve on the Henrietta Historic Site Committee, and

WHEREAS, the Town Board wishes to keep the various Boards of the Town at their authorized strength for maximum input.

THEREFORE, BE IT RESOLVED, that Martina Thompson, 37 Tumbleweed Drive, Pittsford, New York 14534, be hereby appointed to the Henrietta Historic Site Committee to complete the unexpired term effective August 20, 2008 and expiring December 31, 2010.

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
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #16-185/2008

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the Town Board of the Town of Henrietta has previously authorized the Supervisor to approve purchase requisitions up to the amount of \$7,500.00, through Resolution No. 1-7/2008, and

WHEREAS, it has come to the attention of the Town Board that the Supervisor is occasionally called upon to approve license type agreements, including, but not limited to, those agreements wherein the Town utilizes or occupies facilities owned by other entities for Town usage.

THEREFORE, BE IT RESOLVED, that the Supervisor may enter into said license agreements up to the amount of \$7,500.00.

BE IT FURTHER RESOLVED, that any such agreements previously entered into are hereby ratified and adopted by the Town Board.

SUPERVISOR YUDELSON
Discussion?

COUNCILWOMAN McCABE
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 Yudelton	voting	Aye

Carried

RESOLUTION #16-186/2008

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the following persons be hired:

Lorraine Howell Recreation, Assistant Part-time Seasonal @
\$8.00/hr., effective 8/17/2008.

Nicole Pusceddu Recreation, Assistant Part-time Seasonal @
\$8.00/hr., effective 8/17/2008.

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

Christen Fagioli Recreation, Assistant Gymnastics Director @
\$9.00/hr., from Gymnastics Instructor @
\$7.35/hr., effective 8/17/2008.

Eileen Jelfo Town Clerk, Part-time Clerk @ \$10.50/hr., from
Recreation @ \$7.75/hr., effective 8/21/2008.

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 concludes the Regular Agenda, before we adjourn is there anybody who would 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 8:55 P.M. and passed unanimously.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk