

**HENRIETTA TOWN BOARD  
AGENDA  
JANUARY 1, 2004**

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) - December 17, 2003
6. Miscellaneous Communications
7. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
  - Reports of Standing Committees and Actions Thereon
  - Reports of Special Committees
  - Public Comment
  - Adjournment

RESOLUTION #2-39/2004

Authorize Accounts Payable

RESOLUTION #2-40/2004

Authorize Proceeding With Issuance of Bonds and Bond Anticipation Notes - Clay Road Connection to Brighton-Henrietta Town Line Road Project

RESOLUTION #2-41/2004

Authorize Proceeding With Issuance of Bonds and Bond Anticipation Notes - Lehigh Valley Trail

RESOLUTION #2-42/2004

Call for Public Hearing - Proposed Establishment of Extension No. 182 (Rivers Run Development) to Henrietta Sewer District No. 1

RESOLUTION #2-43/2004

Award Low Quote - Completion of Outstanding Watermain Punch List Items - Winton Place/Perk Development

RESOLUTION #2-44/2004

Call for Public Hearing - Proposed Rezoning of 3100 Winton Road South from Residential R-1-15 to Industrial - Valley Cadillac Hummer

RESOLUTION #2-45/2004

Authorize Increase in Pay for Election Inspectors

RESOLUTION #2-46/2004

Authorize Budget Transfers

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 1<sup>ST</sup> DAY OF JANUARY, 2004 AT 10:30 A.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

**SUPERVISOR BREESE**

Is there anybody that would like to speak on any items that are on the agenda? Just agenda items at this time? *(Pause - no response)* If not, may I have the approval of the Minutes, please.

**COUNCILWOMAN McCABE**

Mr. Supervisor, I move we approve the Minutes of December 17, 2003.

**COUNCILMAN YUDELSON**

Second.

**SUPERVISOR BREESE**

Discussion? 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 |

**SUPERVISOR BREESE**

Under "Communications," I'd like to read into the Record two (2) Communications from me. The first one, "Effective immediately, I am making the following appointments, Deputy Supervisor, Michael Yudelson; Director of Finance, Paul Liess, Jr.; Secretary to Supervisor, Tammy McGlashon, all of the above to serve in 2004 at the pleasure of the Supervisor. " The second memo, I won't read the whole thing, it's about Committee Appointments, it's the same Committees that we had a year ago. I didn't make any changes. So, it's the same structure that we had a year ago, and if any Board members want to go on to different Committees, they should let me know between now and our next meeting. That's the two (2) Communications I want in the Record. Thank you. May I have the first Resolution, please.

*(Let the Record show the Committee Appointments are as follows: Personnel Committee - William J. Mulligan, Jr., Chairman, Catherine McCabe and Janet Zinck; Finance Committee - Janet Zinck, Chairwoman,*

William J. Mulligan, Jr. and Michael Yudelson; Public Works Committee - Michael Yudelson, Chairman, William J. Mulligan, Jr. and Catherine McCabe; Public Safety Committee - Catherine McCabe, Chairwoman, Janet Zinck and Michael Yudelson)

RESOLUTION #2-39/2004

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Yudelson

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

|           |                              |               |
|-----------|------------------------------|---------------|
| EXHIBIT A | Bills Payable dated 1/1/2004 | \$ 134,909.12 |
| EXHIBIT B | Manual Bills Payable         | \$ 16,668.40  |

SUPERVISOR BREESE

Discussion? 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 #2-40/2004

On Motion of  
Councilman Yudelson

Seconded by  
Councilwoman McCabe

WHEREAS, the Town Board of the Town of Henrietta, by Resolution #22-269/2003, authorized the issuance of Bonds and Bond Anticipation Notes for the Clay Road Connection to Brighton-Henrietta Town Line Road Project, not to exceed \$3,600,000 aggregate principal amount of General Obligation Serial Bonds of the Town of Henrietta, and

WHEREAS, the Town Board of the Town of Henrietta, pursuant to Resolution #22-269/2003, authorized the issuance of Bonds and Bond Anticipation Notes, subject to a twenty (20) day waiting period for any filing of an action, suit or proceeding contesting such validity, and

WHEREAS, notice of the adoption of Resolution #22-269/2003 was duly published as required by Section 81.00 of the Local Finance Law of the State of New York, and

WHEREAS, the Town Clerk has certified to the Town Board that no action, suit or proceeding contesting such validity was filed in her office, and the time for such filing has expired, and

WHEREAS, the Town Board is desirous of proceeding with the issuance of said Bonds and Bond Anticipation Notes.

THEREFORE, BE IT RESOLVED, that Resolution #22-269/2003 authorizing the issuance of Bonds and Bond Anticipation Notes for the Clay Road Connection to Brighton-Henrietta Town Line Road Project adopted on December 3, 2003 be and hereby is declared to be valid and the Town of Henrietta, through its Supervisor and Town Attorney, are authorized to proceed with all steps necessary to effectuate the issuance of said Bonds and Bond Anticipation Notes.

SUPERVISOR BREESE

Discussion? 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 #2-41/2004

On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Yudelson

WHEREAS, the Town Board of the Town of Henrietta, by Resolution #22-270/2003, authorized the issuance of Bonds and Bond Anticipation Notes to finance development of the Town portion of a pedestrian and recreation trail within the Town for the Lehigh Valley Trail, not to exceed \$870,000 aggregate principal amount of General Obligation Serial Bonds of the Town of Henrietta, and

WHEREAS, the Town Board of the Town of Henrietta, pursuant to Resolution #22-270/2003, authorized the issuance of Bonds and Bond Anticipation Notes, subject to a twenty (20) day waiting period for any filing of an action, suit or proceeding contesting such validity, and

WHEREAS, notice of the adoption of Resolution #22-270/2003 was duly published as required by Section 81.00 of the Local Finance Law of the State of New York, and

WHEREAS, the Town Clerk has certified to the Town Board that no action, suit or proceeding contesting such validity was filed in her office, and the time for such filing has expired, and

WHEREAS, the Town Board is desirous of proceeding with the issuance of said Bonds and Bond Anticipation Notes.

THEREFORE, BE IT RESOLVED, that Resolution #22-270/2003 authorizing the issuance of Bonds and



description made a part of such petition and now on file in the Office of the Town Clerk of the said Town, and

WHEREAS, the maximum amount proposed to be expended for the said establishment of the said extension and the construction of said sewer system, including the acquisition of any necessary lands, easements and rights-of-way within and also outside of the limits of the proposed District Extension shall be borne by the owners and developers of the land included in said extension.

THEREFORE, BE IT RESOLVED, that a 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 January, 2004 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, 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 #2-43/2004

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman McCabe

WHEREAS, the Developer, Perk Development, has failed to fulfill their obligation on completing watermain improvements to the existing watermain system in Winton Place to Town of Henrietta's specifications, and

WHEREAS, despite repeated attempts by the Director of Engineering and Planning to compel the Developer to complete all outstanding punch list items, known as Winton Place Watermain Improvements, Phases One (1) and Two (2), and

WHEREAS, the Developer has failed to complete these outstanding watermain punch list items, and

WHEREAS, requests for quotations to complete the remaining outstanding watermain punch list items were solicited, and three (3) quotes were received, and the low total quote, meeting specifications, was received from T.C. Pipeline, Inc. for a total cost of \$4,800.00 for Phases One (1) and Two (2), and

WHEREAS, Developer funds posted with the Town are available to reimburse and compensate completion of these outstanding watermain punch list items.

THEREFORE, BE IT RESOLVED, that T.C. Pipeline, Inc., 7177 Lane Road, Victor, New York 14564, be hereby awarded the quote for completing the outstanding watermain punch list items on the Winton Place Watermain Improvements Phases One (1) and Two (2) for a total cost not to exceed \$4,800.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay T.C. Pipeline, Inc. in an amount not to exceed \$4,800.00 from the remaining balance of funds posted with the Town upon successful completion of said work and acceptance by the Director of Engineering and Planning.

SUPERVISOR BREESE  
Discussion?

COUNCILMAN MULLIGAN

Just under discussion, I want to thank Mr. Byrne for bringing this in, and I hope he continues to bring in these different projects where developers, like Perk, have either gone under, are no longer operating or just don't have the will to finish projects. The Board supports him a hundred percent on this, and I hope we see them on a timely basis.

SUPERVISOR BREESE

Thank you. 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 #2-44/2004

On Motion of  
Councilman Yudelson

Seconded by  
Councilwoman Zinck

WHEREAS, a request for rezoning has been received from the Owner, Valley Cadillac Corporation, for the proposed rezoning of approximately seven (7) acres of land located at 3100 Winton Road South, known as Tax Account No. 149.20-2-17, from Residential R-1-15 to Industrial, along with Applications for Special Permits, and

WHEREAS, the Henrietta Town Board declares its intent to be the Lead Agency for the Environmental Quality Review under the New York State Environmental Quality Review Act (SEQRA).

THEREFORE, BE IT RESOLVED, that a Public Hearing on the rezoning request will be held simultaneously with the scheduled Special Use Permit Hearings on January 21, 2004 at 8:00 P.M. at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York 14467, to consider rezoning said property from Residential R-1-15 to Industrial.

SUPERVISOR BREESE

Discussion?

COUNCILMAN MULLIGAN

Just for the public's edification, Mr. Supervisor, maybe you could explain this one.

SUPERVISOR BREESE

Yes. This is a property that's been used for business purposes by Valley Cadillac for thirty-five (35) years, and somehow, none of us were here then on the Board, somehow they were allowed to build their facility on Residential property. So, this is really cleaning up a zoning situation, and hopefully we can move this along because it was not Valley's fault that they're in this situation. It's a business area and they've been operating for over thirty (30) years. This should be, frankly, a no-brainer.

COUNCILMAN MULLIGAN

Rumor has it you were a college intern during this period.

SUPERVISOR BREESE

Didn't you make any New Year's resolutions? *(Laughter)* 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 #2-45/2004

On Motion of  
Councilwoman McCabe

Seconded by  
Councilman Mulligan

WHEREAS, the Town Clerk has submitted a proposed increase in the hourly rate for Election Inspectors to the Town Board of the Town of Henrietta, and

WHEREAS, the Election Inspectors work long hours on election day and perform an invaluable service to the Town of Henrietta and the Monroe County Board of Elections, and

WHEREAS, funds are available in the year 2004 Budget to accommodate said increase.

THEREFORE, BE IT RESOLVED, that the hourly rate for Election Inspectors be increased to \$7.50 per hour from \$7.00 per hour.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay said Election Inspectors upon receipt of properly prepared payment vouchers.

SUPERVISOR BREESE

Discussion? 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 #2-46/2004

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Yudelson

BE IT RESOLVED, that the Director of Finance be authorized to make the Budget transfers, as per the attachment.

SUPERVISOR BREESE

Discussion? 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 |

SUPERVISOR BREESE

That's it. We didn't have an accounts, oh yes, we did the accounts payable at the beginning. Okay. That's the end of the Regular Agenda. Again, we're setting a new record here. I hope that goes for the rest of the year. Is there anyone in the public that would like to speak on any other matters involving the Town before we adjourn? *(Pause - no response)* Happy New Year everybody.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman Zinck at 11:16 A.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson  
Deputy Town Clerk