

**HENRIETTA TOWN BOARD  
AGENDA  
AUGUST 17, 2005**

**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, 2005
6. Miscellaneous Communications
7. Public Hearing:
  - Proposed Rezoning of Land Located on Bailey Road, I Gordon Realty Corp.
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

RESOLUTION #15-166/2005  
Authorize Accounts Payable

RESOLUTION #15-167/2005  
Recognize Jim Andrews and Declare August 26, 2005 "Jim Andrews Day"

RESOLUTION #15-168/2005  
Declare Week of September 12<sup>TH</sup> Through September 18<sup>TH</sup> "M.A.D.D. Awareness Week"

RESOLUTION #15-169/2005  
Authorize Acquisition of Lands Through Eminent Domain Procedure Law - Right Turning Lane - West Henrietta Road onto Brighton-Henrietta Town Line Road

RESOLUTION #15-170/2005  
Authorize Tax Certiorari Settlement - Henrietta Highlands, Inc.

RESOLUTION #15-171/2005  
Authorize Payment - Certiorari Attorney for Legal Services

RESOLUTION #15-172/2005  
Call for Public Hearing - Proposed Establishment of Extension No. 144 (Berkshire Park Subdivision) to Henrietta Water District No. 1

RESOLUTION #15-173/2005

Call for Public Hearing - Proposed Establishment of Extension No. 188 (Berkshire Park Subdivision) to Henrietta Sewer District No. 1

RESOLUTION #15-174/2005

Call for Public Hearing - Proposed Establishment of Extension No. 13 (Berkshire Park Subdivision) to the Henrietta Drainage District

RESOLUTION #15-175/2005

Call for Public Hearing - Proposed Establishment of Extension No. 9 (Berkshire Park Subdivision) to the Henrietta Lighting District

RESOLUTION #15-176/2005

Authorize Independent Consultant Inspection Services - Engineering Department

RESOLUTION #15-177/2005

Call for Public Hearing - Proposed Establishment of Extension No. 145 (Hen-Jef Plaza) to Henrietta Water District No. 1

RESOLUTION #15-178/2005

Call for Public Hearing - Proposed Establishment of Extension No. 189 (Hen-Jef Plaza) to Henrietta Sewer District No. 1

RESOLUTION #15-179/2005

Authorize Attendance of Conference - "Unity in Our Diversity: Keeping Nutrition Programs Healthy"

RESOLUTION #15-180/2005

Authorize Supervisor to Sign Settlement and Release Agreement with Rochester Gas and Electric

RESOLUTION #15-181/2005

Declare Item Surplus Material

RESOLUTION #15-182/2005

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 17<sup>TH</sup> DAY OF AUGUST, 2005 AT 8:00 P.M.

**MEMBERS PRESENT**

**ABSENT**

**MEMBERS**

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 anyone that would like to speak on Agenda items other than the Public Hearing? Just agenda items? *(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 July 20, 2005.

**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**

We have one (1) Public Hearing tonight on the proposed rezoning of land on Bailey Road, I Gordon Realty. Has this been properly advertised?

**PATRICIA SHAFFER, TOWN CLERK**

Yes, Sir.

**SUPERVISOR BREESE**

I'd like to ask the Applicant to come up, identify yourself and give us a summary of what it is you'd like to do.

JOHN CARUSO, PASSERO ASSOCIATES, P.C.

Good evening, Supervisor Breese and Board members. I'm John Caruso with Passero Associates. With me tonight is Chris Hill from Bob Gordon's office. Mr. Gordon has asked us to make an Application to the Town Board to rezone this parcel to B-1. His interest in the rezoning is to use it for a self-storage facility. The parcel is currently zoned residential, and it is very suspect in whether a residential use is the highest and best use of this piece of land. His proposal to develop it for a self-storage type facility is a very low impact and you may have seen them, other types, in the Town, and I don't know if they come through this Board in rezoning or if they used, or were developed in the community under their current zoning. But, they don't generate a lot of traffic. They don't generate lighting. They don't generate a lot of water. They don't require a lot of police and fire. They're very low impact, and this is a pretty good site to try to use this on because this site has a lot of development restrictions due to the creek and there's wetlands. But it's very suspect to use this parcel for a residential development because there is the, well, there's two (2) auto dealerships to the east of it. To the north is Commerce Park. There's a bunch of wetlands. To the northwest is multi-family development, and there is some residential development directly to the west along the west line. So, one of the benefits that we saw in using this piece as such would be that we think that in the future there would be very little impact to the residential homeowners over there because of the gradation change between the two (2) sites, and we show that on our plan that was submitted in our Application. So, that's in general. I know you have our Application. We could go through a lot of project benefits and that, but I'm happy to answer any questions you have, from you or the residents, and Chris is here with me. We can talk about operations of a facility like this, if you'd like, and that's it.

SUPERVISOR BREESE

Thank you.

JOHN CARUSO, PASSERO ASSOCIATES, P.C.

Thank you.

SUPERVISOR BREESE

I think our major concern would be what kind of buffering would you have for the benefit of the residents to the west of this parcel?

JOHN CARUSO, PASSERO ASSOCIATES, P.C.

That's an excellent question. In our Application and on these drawings, I'm just going to point for a minute, in that part of our plan we drew a profile of the residential area and we showed how these buildings, if they were built, would sit on the parcel and how much lower the parcel sits than the residential subdivision to the west, and there's a ten (10) foot difference in elevation, and I took a bunch of photos when I went out and looked at it. The firehouse is to the south, and so this would be tucked in behind the firehouse. It sits

lower, and you cannot see from this parcel, you cannot see any of the homes because we left a one hundred (100) foot strip of vegetation in our proposal. I think the Code only allows, or requires fifty (50), but naturally, we can't get any closer to the west. So, there's this natural buffer that would remain. We don't need to cut it for any reason, not even for security reasons. So, and the development you see as drawn here is about one-third, maybe, bigger than it would be. Mr. Gordon would propose about sixty thousand (60,000) square feet, and that's about seventy-five thousand (75,000). He doesn't need to go that big, and if he builds that too much he would be over-building, and he wouldn't want to do that.

SUPERVISOR BREESE

How high are those buildings, usually?

JOHN CARUSO, PASSERO ASSOCIATES, P.C.

Constructed with the roof, I think they're, it tops about ten (10) feet.

SUPERVISOR BREESE

Really?

JOHN CARUSO, PASSERO ASSOCIATES, P.C.

Yes. They're not a gabled roof like your house. They're tilted. Just one side is a couple inches higher than the other so the water runs off, and if you build them smart, you can make them all drain to the pavement in the middle, and that's where we would put our storm sewers. Some other things that we do with lighting, for example, we would put the lighting for the units in between units rather than on the perimeter, and that way nobody would see from the outside in, no neighbors and such, and you can put them on motion sensors. So, if somebody comes to their unit, the light comes on and it's between the units, not on the exterior. So, a lot of little neat things you can do.

SUPERVISOR BREESE

Do you have an employee on site at any intervals, or, how does that work?

JOHN CARUSO, PASSERO ASSOCIATES, P.C.

That's an excellent question. We do intend to house, to build a building at some point and put in a full-time manager there. That would probably come in the second phase. The first phase usually doesn't warrant it. There's not enough traffic or the need, and the first phase would be about twenty thousand (20,000) square feet, the second about another twenty (20) and finally you finish up with the final sixty thousand (60,000).

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, would it be feasible, John, to make that a requirement of the second phase, because I like the idea, managing some easy storages myself, I like the idea of an on-site manager. When we've had one, we have very few problems. When we don't have one, we have many problems.

JOHN CARUSO, PASSERO ASSOCIATES, P.C.

I don't think it would be a problem after talking with Chris. Chris brought it to me when we were developing the plan and the strategy for this Project. I thought it was a great idea.

CHRIS HILL, I GORDON REALTY CORP.

The idea was . . .

SUPERVISOR BREESE

Your name for the record, please.

CHRIS HILL, I GORDON REALTY CORP.

Chris Hill with I Gordon Corporation. The idea is to have a caretaker on site, somebody that would be there around the clock, live there, and also look after the facility. In addition to that, we would have a leasing agent that would be there, business hours, probably nine (9) to five (5), Monday through Friday, maybe Saturday a half day, something like that. But in addition, we would like to house somebody there that can live there, look after the facility in terms of security as well as maintenance, if it's needed.

SUPERVISOR BREESE

That would be when the whole Project's completed, though, right? You don't want to do that before then, or do you?

COUNCILMAN MULLIGAN

Well, I had said at the beginning of the second phase.

SUPERVISOR BREESE

Well, I'm asking you . . .

COUNCILMAN MULLIGAN

That's what I'd like to see.

SUPERVISOR BREESE

I know what you'd like to see. I'm just asking him . . .

CHRIS HILL, I GORDON REALTY CORP.

At this point, without the zoning, we haven't gotten that far into the business plan. I personally would like to see it right from the start because I think it's an added benefit in terms of leasing out the facility. I think it's something that would attract an interest to people interested in using the facility and actually choosing to rent there.

SUPERVISOR BREESE

Questions?

COUNCILWOMAN McCABE

Thank you, Mr. Supervisor. You stated that you would like to have somebody residing

on the property. Does that require, I don't know, would that require leaving, another Special

Permit to have that person, if we rezone the whole thing, then do we have to have another Special Permit to have somebody have a residential building on that piece of property?

DANIEL MASTRELLA, TOWN ATTORNEY

I believe so. It struck me, too. I'm looking at it right now. I don't think that you can. . .

SUPERVISOR BREESE

We could approve it now with that stipulation.

COUNCILWOMAN McCABE

That's why I was questioning it, so we don't have to come back.

SUPERVISOR BREESE

No. Why do we need another Hearing?

COUNCILWOMAN McCABE

Well . . .

COUNCILMAN MULLIGAN

We're not going to do another Hearing.

SUPERVISOR BREESE

No. We don't want to do another Hearing. If we want that, we can put it right in our Resolution.

COUNCILWOMAN McCABE

Well, this is why I was asking.

JOHN CARUSO, PASSERO ASSOCIATES, P.C.

Interesting. When Chris and I were playing with the idea of putting a residential with a full-time caretaker, we put the house up towards the front of the road, or what we call the office, and we put the office in the back with some parking so that they couldn't be seen from the street, and our intent would be to try to make this look like a residential house along the street line in compatibility with what's across the street. That is from the last time when we rezoned for the Dorschel purchase of the eastern half. You know, we wound up screening all that at the Board's request for that buffer. So, we tried to take that forward into this plan with that knowledge, and I passed that on to Chris.

COUNCILWOMAN ZINCK

Through you, Mr. Supervisor, you've mentioned lighting in between the buildings, you've mentioned having someone on site. What other security do you envision?

JOHN CARUSO, PASSERO ASSOCIATES, P.C.

It's a key card, or a key code, and typically the way you keep these places secure is you don't let anybody in after a certain hour. So, it wouldn't be a twenty-four (24) hour facility. It probably would be some set time in the morning, let's say 6:00 a.m., but then after nine (9) o'clock or ten (10) o'clock at night, you could not get access to your unit, and that's just the understanding in the lease. If somebody really needed to get into it, they could go to the caretaker and he could take them back, and they can prearrange that.

COUNCILMAN MULLIGAN

The parking lot, would that be crusher run or in the end, black top?

JOHN CARUSO, PASSERO ASSOCIATES, P.C.

Typically, what we like to do is, well, the Town Code requires, it's a dustless surface, and typically what they like to do is build it, let it sit for a certain period, and then pave it, and we would agree that within, you know, a year's period, that once that all settles they can dress it and then top it. They want it topped.

COUNCILMAN MULLIGAN

Would the tenants have access to water, or not?

JOHN CARUSO, PASSERO ASSOCIATES, P.C.

We do not provide water to any of the units. We would provide electricity inside the units, but for a light bulb. The lease would have all sorts of restrictions to the use of the occupancy such as, you can't go rebuild your engine to your car that's stored over there. We don't want plugs or electricity. The only electric that would be in there would be a light bulb, okay, and there would be a fire alarm system in each of the units, and I know that, you know, that Dave and the Fire Marshal would be looking for that. There will be water on site, but maybe for a fire hydrant, fire plugs, not for potable water. Most of that, we want to keep up front where the caretaker is. We don't have to have it back in the units. The other thing that they do in the lease is, they restrict the use of raising animals, storage of produce that could go bad, perishables. It's very well-written, something we'd be happy to, at the time that we complete it, submit or show to the Planning Board.

SUPERVISOR BREESE

Any other questions from any Board members at this time? Would anybody in the audience like to speak on this? *(Pause - no response)* Because of SEQRA requirements we cannot vote on this tonight, I think you probably know that, Mr. Caruso. We probably would be voting on this at our first meeting in September.

JOHN CARUSO, PASSERO ASSOCIATES, P.C.

Thank you.

SUPERVISOR BREESE

Thank you for your presentation.

JOHN CARUSO, PASSERO ASSOCIATES, P.C.  
Thank you very much.

SUPERVISOR BREESE

This closes the Public Hearing. May I have the first Resolution, please.

RESOLUTION #15-166/2005

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 8/17/2005  
\$ 459,487.03

EXHIBIT B

Manual Bills Payable

\$ 47,970.38

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 #15-167/2005

On Motion of

Councilman Mulligan

Seconded by

Councilwoman Zinck

WHEREAS, Jim Andrews has been a major developer in the Town of Henrietta for many years, and

WHEREAS, Jim has helped develop such properties as The Holidome, Frontier Commons, Extended Stay Hotel, and The Residence Inn, as well as the Perkins and

Tully's Restaurants, and

WHEREAS, Jim has always tried to be a developer who put the Town ahead of any personal gain, and

WHEREAS, Jim has also given the Town land which is known as Andrews Park, and

WHEREAS, Jim Andrews is best known as a gentlemen's gentleman, and  
WHEREAS, Jim is celebrating his 90<sup>TH</sup> birthday.

THEREFORE, BE IT RESOLVED, that Friday, August 26, 2005 be declared "Jim Andrews Day" in the Town of Henrietta.

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 #15-168/2005

On Motion of

Councilwoman Zinck

Seconded by

Councilman Mulligan

WHEREAS, Mothers Against Drunk Driving (M.A.D.D.) is an organization that supports the victims and families of those lost to the tragedy of drunk driving, and

WHEREAS, there will be a Dorschel M.A.D.D. Dash 10K race which will be held on Sunday, September 11, 2005, beginning and ending at the Rush-Henrietta Senior High School, with a two (2) mile fun walk, and

WHEREAS, this community event will bring a healthy community-wide activity that will increase awareness of the deadly effects that result from drinking and driving, and proceeds from this event will help support M.A.D.D.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta applauds the many local businesses and organizations that are helping to support this

event, and in recognition of this event, declares the week of September 12<sup>TH</sup> through September 18<sup>TH</sup> "M.A.D.D. Awareness Week" throughout the Town.

**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 #15-169/2005**

On Motion of

Councilman Mulligan

Seconded by

Councilwoman McCabe

WHEREAS, the Transportation Development District (TDD) Final Design Report has recommended the acquisition of lands to install a northbound right turning lane from West Henrietta Road onto Brighton-Henrietta Town Line Road, and

WHEREAS, funds are available in the TDD Account to acquire said properties, Tax Account Numbers 148.20-1-12.2 and 148.20-1-13, and

WHEREAS, the Town of Henrietta has tendered an offer to the Wm. Sun Corporation for the purchase of said properties equal to the appraised value of the property in accordance with the Eminent Domain Procedure Law, and

WHEREAS, the Wm. Sun Corporation has not accepted the Town's offer.

THEREFORE, BE IT RESOLVED, that the Town Attorney is hereby authorized to hire counsel to commence and prosecute an action to condemn said property for public purposes, in accordance with the Eminent Domain Procedure Law; and, said attorneys are authorized to commence and prosecute said action on behalf of the Town of Henrietta.

**SUPERVISOR BREESE**

Under discussion, we don't have to do these kinds of Resolutions too often, which is good. This involves a critical intersection in our area, Brighton-Henrietta Town Line Road and West Henrietta Road, that's not working well, and a widening of that intersection is desperately needed. We have tried to resolve this issue by making an

offer to the owner of the property without success. This is a case where Eminent Domain is appropriate because you're taking, if it happens, you'd be taking this land for public purposes, legitimate public purposes, which is public safety and improving the transportation system. So, I have no problem in supporting this. Hopefully we can still resolve this with the property owner and pay him a fair appraised price.

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, a question for our attorney, Mr. Mastrella. If this gentleman digs his heels in, can this process take a couple of years, or would it be resolved a lot sooner than that?

DANIEL MASTRELLA, TOWN ATTORNEY

It should be resolved sooner than a couple of years. It will take a period of time, but I would not expect it to take more than one year and would expect it to take less.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR BREESE

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 #15-170/2005

On Motion of

Councilman Yudelson

Seconded by

Councilwoman Zinck

WHEREAS, Henrietta Highlands, Inc. heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessments for the years 2001, 2002, 2003 and 2004 on premises known as 41 Highmanor Drive in the Town of Henrietta, being Tax Account Number 190.09-1-10, 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 Henrietta Highlands, Inc. for the years 2001, 2002, 2003 and 2004 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 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 #15-171/2005

On Motion of

Councilman Mulligan

Seconded by

Councilman Yudelson

WHEREAS, Certiorari proceedings have been commenced by various property owners to challenge tax assessments in the Town of Henrietta, and

WHEREAS, John Considine was hired by the Town of Henrietta to act as the Special Counsel in Certiorari proceedings per Resolution #15-199/82, and

WHEREAS, Mr. Considine has submitted an invoice for said services for the

period of May 1, 2005 through July 31, 2005.

THEREFORE, BE IT RESOLVED, that the Director of Finance be authorized to pay John Considine of the firm McConville, Considine, Cooman & Morin, P.C., 25 East Main Street, Rochester, New York 14614, the sum of \$13,454.48 for services rendered.

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 #15-172/2005

On Motion of

Councilwoman Zinck

Seconded by

Councilwoman McCabe

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IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 144 (BERKSHIRE PARK SUBDIVISION) TO HENRIETTA WATER DISTRICT NO. 1 LOCATED BETWEEN THE GENESEE RIVER AND MOORE 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. 144 (Berkshire Park 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. 144, 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 7<sup>TH</sup> day of September, 2005 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 #15-173/2005**

On Motion of

Councilwoman Zinck

Seconded by

Councilwoman McCabe

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IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 188 (BERKSHIRE PARK SUBDIVISION) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED BETWEEN THE GENESEE RIVER AND MOORE 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. 188 (Berkshire Park Subdivision) to the Henrietta Sewer 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 sewer system to serve the said Extension No. 188, 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 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 7<sup>TH</sup> day of September, 2005 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 #15-174/2005**

On Motion of

Councilwoman Zinck

Seconded by

Councilwoman McCabe

---

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 13 (BERKSHIRE PARK SUBDIVISION) TO THE HENRIETTA DRAINAGE DISTRICT LOCATED BETWEEN THE GENESEE RIVER AND MOORE 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. 13 (Berkshire Park 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. 13, 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 7<sup>TH</sup> day of September, 2005 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

COUNCILWOMAN ZINCK

I feel like I'm in Groundhog Day. *(Laughter)*

SUPERVISOR BREESE

It's the last one.

COUNCILMAN MULLIGAN

Is she being punished?

COUNCILWOMAN ZINCK

I am.

RESOLUTION #15-175/2005

On Motion of

Councilwoman Zinck

Seconded by

Councilwoman McCabe

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 9 (BERKSHIRE PARK SUBDIVISION) TO THE HENRIETTA LIGHTING DISTRICT LOCATED BETWEEN THE GENESEE RIVER AND MOORE 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. 9 (Berkshire Park Subdivision) to the Henrietta Lighting 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 lighting equipment to serve the said Extension No. 9, 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 lighting 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 7<sup>TH</sup> day of September, 2005 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 #15-176/2005

On Motion of

Councilwoman McCabe

Seconded by

Councilman Mulligan

WHEREAS, the current number of construction projects, from time to time, have made independent consultant inspection services necessary, and

WHEREAS, it is in the Town's best interest to maintain quality construction inspection, and

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

WHEREAS, the Director of Engineering/Planning has been directed to secure these services in this matter, and

WHEREAS, independent consultant inspection services billing, including all consultants costs, will be at a hourly rate, and

WHEREAS, the Director of Engineering/Planning has arranged for such services with Stephan M. Pott, at the rate of Eighteen Dollars (\$18.00) per hour.

THEREFORE, BE IT RESOLVED, that the Director of Engineering/Planning is hereby authorized and directed to secure the independent consultant inspection services in accordance with the above.

SUPERVISOR BREESE

Discussion?

COUNCILWOMAN McCABE

Under discussion, Mr. Supervisor, could we make sure that the address of Mr. Pott is placed in the Resolution? Would that be possible, please?

SUPERVISOR BREESE

Yes. Thank you. Call the roll, please.

*(Let the Record show the address is 2095 Hyesville Road, Newark, New York 14513.)*

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 #15-177/2005

On Motion of  
Councilman Yudelson

Seconded by  
Councilwoman Zinck

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IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 145 (HEN-JEF PLAZA) TO HENRIETTA WATER DISTRICT NO. 1 LOCATED AT 400 JEFFERSON ROAD ON THE NORTH SIDE OF JEFFERSON ROAD AND TO THE WEST OF WEST HENRIETTA 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. 145 (Hen-Jef Plaza) 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. 145, 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 7<sup>TH</sup> day of September, 2005 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 #15-178/2005

On Motion of

Councilman Yudelson

Seconded by

Councilwoman Zinck

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IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 189 (HEN-JEF PLAZA) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED AT 400 JEFFERSON ROAD ON THE NORTH SIDE OF JEFFERSON ROAD AND TO THE WEST OF WEST HENRIETTA 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. 189 (Hen-Jef Plaza) to the Henrietta Sewer 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 sewer system to serve the said Extension No. 189, 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 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 7<sup>TH</sup> day of September, 2005 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  
Carried voting Aye

RESOLUTION #15-179/2005

On Motion of

Councilwoman McCabe

Seconded by

Councilman Mulligan

WHEREAS, the Director of Recreation and Youth Bureau, Regis P. Steinkamp, has requested authorization to send Shelly Gorino to the "Unity in Our Diversity: Keeping Nutrition Programs Healthy" Conference in Corning, New York from October 6, 2005 to October 7, 2005, and

WHEREAS, funds are available in the year 2005 Budget, and

WHEREAS, the Town Board supports and encourages additional training for all Town employees.

THEREFORE, BE IT RESOLVED, that Shelly Gorino be hereby authorized to attend the two (2) day Conference at a cost not to exceed \$250.00, to include Conference Registration, hotel package, meals and mileage.

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

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  
Carried voting Aye

RESOLUTION #15-180/2005

On Motion of

Councilman Mulligan

Seconded by

Councilman Yudelson

WHEREAS, the Town of Henrietta engaged Troy & Banks, Inc. ("Troy & Banks") as its authorized representative in regard to all issues, claims or disputes pertaining to street lighting services rendered by Rochester Gas and Electric Corporation ("RG&E") to the Town of Henrietta, including, but not limited to, its past RG&E street lighting bills, and

WHEREAS, negotiations between RG&E and Troy & Banks have resulted in a Settlement and Release Agreement between RG&E and the Town of Henrietta, and

WHEREAS, Troy & Banks has recommended the acceptance of such Settlement and Release Agreement.

THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Henrietta is authorized and directed to execute a Settlement and Release Agreement with and to deliver the same or cause the same to be delivered to RG&E. The Settlement and Release Agreement is an accord and satisfaction for all issues, claims or disputes pertaining to street lighting services rendered by RG&E to the Town of Henrietta from the beginning of such services through and including July 1, 2005.

**SUPERVISOR BREESE**

I want to compliment Paul Liess for the work he's done on this effort and the satisfactory conclusion that we've gotten out of it. 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 #15-181/2005**

On Motion of

Councilman Yudelson

Seconded by

Councilwoman Zinck

WHEREAS, the Director of Engineering has requested that the following item be declared surplus material:

<u>Inventory #</u>	<u>Description</u>
3037	Microsystem Computer - 133 w/keyboard

THEREFORE, BE IT RESOLVED, that the item described above be declared

surplus material and be sent to the Parks and Facilities Department for disposal.

**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 #15-182/2005**

On Motion of

Councilman Mulligan

Seconded by

Councilwoman McCabe

BE IT RESOLVED, that the following person be hired:

Frank Wowkowych                      Recreation, Part-time Recreation Assistant @  
\$8.00/hr., effective 8/21/2005.

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

Charlene Stephany                      Assessor, Real Property Appraiser, from  
provisional status, having passed the Civil Service  
examination, at the same rate of pay, effective  
8/3/2005. Must complete the six (6) month  
probationary period.

Robert Bruno                              Highway, MEO @ \$15.10/hr. from Laborer A @  
\$12.46/hr., effective 8/8/2005 (reached 1,600 hours as  
per the Collective Bargaining Agreement).

Susan Banker                              Recreation, Provisional, Receptionist with  
Typing at \$10.80/hr. from Recreation Attendant @  
\$14.70/hr., effective 8/21/2005. Must pass next Civil  
Service exam and be obtainable.

Miles Wright                              Highway, from Recreation  
Temp/Seasonal to Seasonal Laborer @ \$7.75/hr.,

effective 8/22/2005.

Crossing Guards

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 the end of the Regular Meeting. Is there anybody that would like to speak on any other items involving the Town? Yes, Mam?

RACHEL WARREN, 59 TOMAHAWK TRAIL

I went on the Town website and was very disappointed to find out that the agenda items were not on the website this evening. Is that being discontinued?

COUNCILMAN YUDELSON

No. It was just, I didn't get to it today.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Okay.

COUNCILMAN YUDELSON

But, I hope you also noticed that we did start having the Planning Board agenda.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Yes, I did notice that. I did see that, but I was interested in the meeting. I have a question this evening, a Mrs. Sands had called me and I have spent hours with her. She's having water problems on her property on Brooks Road, and apparently her next door neighbor, whose house is built and surrounded by a wetland, has installed a curtain drain adjacent to her property, and now she's having some flooding on her land, and I was wondering if someone from the Town could look at that and see whether or not he is violating her right to having dry property.

SUPERVISOR BREESE

What's the address, do you know?

RACHEL WARREN, 59 TOMAHAWK TRAIL

Her address is 111 Brooks and the gentleman's address who installed the drain is 119.

SUPERVISOR BREESE

Okay. We'll look into it.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Okay. I have a bunch of stuff here, I'll just submit it to the Town Clerk, about what I've researched. Thank you.

SUPERVISOR BREESE

Thank you very much. Anybody else? *(Pause - no response)*

The Regular Meeting of the Henrietta Town Board was adjourned by Supervisor Breese at 8:40 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson  
Deputy Town Clerk