

**HENRIETTA TOWN BOARD
AGENDA
FEBRUARY 4, 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) - January 21, 2004
6. Miscellaneous Communications
7. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
8. Reports of Standing Committees and Actions Thereon
9. Reports of Special Committees
10. Public Comment
11. Adjournment

RESOLUTION #4-62/2004

Authorize Accounts Payable

RESOLUTION #4-63/2004

Authorize Rezoning and Approval of Special Permits - 3100 Winton Road, Valley Cadillac Hummer

RESOLUTION #4-64/2004

Authorize Supervisor to Sign Agreement With Wal-Mart for Traffic Signal Maintenance

RESOLUTION #4-65/2004

Authorize Supervisor to Sign Agreement With Monroe County - Wal-Mart Traffic Signal Maintenance

RESOLUTION #4-66/2004

Authorize Professional Design Services - Rouge Road Drainage Improvements Project

RESOLUTION #4-67/2004

Accept Dedication of Watermain System - Bennington Hills Apartments

RESOLUTION #4-68/2004

Authorize Supervisor to Sign Contract - County of Monroe Year 2004 Senior Meals Program

RESOLUTION #4-69/2004

Declare Item Surplus Equipment

RESOLUTION #4-70/2004

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 4TH DAY OF FEBRUARY, 2004 AT 8:00 P.M.

MEMBERS PRESENT

MEMBERS ABSENT

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

SUPERVISOR BREESE

Is there anything that you'd like to speak on, on the agenda? *(Referring to Mr. & Mrs. White) (Laughter)* This is your chance.

RICHARD WHITE, 1001 MIDDLE ROAD
(From audience) I'll think of something.

SUPERVISOR BREESE

All right. You have an opportunity to talk again at the end of the meeting, okay? May I have the approval of the Minutes, please.

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve the Minutes of January 21, 2004.

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

May I have the first Resolution, please.

RESOLUTION #4-62/2004

On Motion of

Seconded by

Councilwoman Zinck

Councilman Yudelson

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

EXHIBIT A	Bills Payable dated 2/4/2004	\$ 259,331.32
EXHIBIT B	Manual Bills Payable	\$ 1,987.08

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 #4-63/2004

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

WHEREAS, the Henrietta Town Board has received a request from the owner of the parcel of land located at 3100 Winton Road South to consider the rezoning of approximately 7.0 acres from R-1-15 to Industrial, 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 not exceed one or more thresholds for a Type I Action, as listed in Section 617.4 of the New York State Environmental Quality Review Act, and

WHEREAS, pursuant to the New York State Environmental Quality Review Act such an Action is an Unlisted 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 these rezoning and Special Use Permit Applications, pursuant to Section 617.7 of SEQRA, and

WHEREAS, pursuant to an Order, a Public Hearing was held on January 21, 2004.

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 Nos. 03-120 for a Valley Cadillac Hummer test track and 03-121 for a Valley Cadillac Hummer dealership at 3100 Winton Road South, Rochester, New York, upon the terms and conditions set forth on the Record at the Henrietta Town Board Special Permit Hearing held on January 21, 2004, this parcel being rezoned to Industrial.

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 #4-64/2004

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

WHEREAS, under the Wal-Mart and Sam's Club expansion, the construction of a new main driveway entrance onto Marketplace Drive will include the installation of a new traffic signal system, and

WHEREAS, Wal-Mart Real Estate Business Trust will pay for the total construction cost of said traffic signalization, and

WHEREAS, the Monroe County Department of Transportation is willing, able and qualified to perform maintenance services of the traffic signal system, at an annual fee, and

WHEREAS, Wal-Mart will compensate the Town of Henrietta for the County's annual fees for services in maintaining the traffic signal system.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta agrees to make payments to the County for traffic signal maintenance services and that Wal-Mart will reimburse the Town all costs incurred in

accordance with the Agreement with the Town of Henrietta.

BE IT FURTHER RESOLVED, that the Supervisor, on behalf of the Town of Henrietta, is hereby authorized to sign the Agreement attached hereto as Exhibit "A."

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 #4-65/2004

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, an Agreement by and between the Town of Henrietta and Monroe County to maintain a traffic signal system at the intersection of Marketplace Drive and the main driveway entrance to Wal-Mart and Sam's Club has been proposed, and

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

WHEREAS, the Director of Engineering and Planning has determined that the said Agreement between the Town of Henrietta and Monroe County should be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute and deliver said Agreement by and between the Town of Henrietta and Monroe County.

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 #4-66/2004

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

WHEREAS, the 2004 Drainage Budget provides funds for obtaining professional engineering services for Capital Improvement Projects, and

WHEREAS, the Town of Henrietta has requested proposals from qualified engineering firms for design services and preparation of bid documents, and

WHEREAS, the Director of Engineering and Planning has carefully examined all proposals submitted for fairness and equitability for the scope of work to be performed and recommends acceptance of the proposal received from Lu Engineers, P.C. for the Rouge Road Drainage Improvements Project.

THEREFORE, BE IT RESOLVED, that Lu Engineers, P.C., 2230 Penfield Road, Penfield, New York 14526, be hereby authorized to provide professional design services for the Rouge Road Drainage Improvements Project for an amount not to exceed \$11,300.00.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay said consultant upon successful completion of the Project and acceptance by the Director of Engineering and Planning.

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 #4-67/2004

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, Lehigh Station Associates, the Owner of Bennington Hills Apartments located at 705 Lehigh Station Road, has installed a watermain system in said development, and

WHEREAS, the Owner has offered to dedicate and relinquish ownership of the stated utility 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 watermain system, and

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

order, and

WHEREAS, the Director of Engineering and Planning has determined that the said watermain was installed in accordance with Town requirements and has recommended that it be accepted by the Town, and

WHEREAS, the standard required two (2) year period of time within which a Maintenance Bond would be required to be posted has elapsed, and

WHEREAS, the Director of Engineering and Planning has re-inspected the improvements and recommends that they be accepted without requiring posting said Bond.

THEREFORE, BE IT RESOLVED, that the said watermain system for the described development be and it hereby is accepted and that said easement be recorded in the Monroe County Clerk's Office.

SUPERVISOR BREESE

Discussion?

COUNCILWOMAN McCABE

Under discussion, Mr. Supervisor, do we have to have some sort of a Resolution or anything to turn this over now to the Monroe County Water Authority, or is that automatic?

SUPERVISOR BREESE

I'd have to ask the Town Attorney for his opinion on that at this time.

DANIEL J. MASTRELLA, TOWN ATTORNEY

I have not looked into that, Mr. Supervisor, and cannot definitively tell you that you don't need an additional Resolution, but I do not believe that you do at this point in time.

SUPERVISOR BREESE

All right. That's fine, and if we do, you'll bring it in?

DANIEL J. MASTRELLA, TOWN ATTORNEY

I will bring it to your attention. I will look into that and bring it to your attention.

COUNCILWOMAN McCABE

Thank you.

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

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 #4-70/2004

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

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

Recreation Per the attachment.

BE IT FURTHER RESOLVED, that the following employees be given an additional day's pay for unused sick leave (per Labor Agreement):

Linda Kelley, Ronald LaRocca, Marie Leonardi, Joseph Losavio, Roland Osterwinter, Gary Popen, Robert Tobey, Diane Watts and Tracey Wenzel

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. This may be almost a new record for the time. Do you have something you'd like to speak about involving the Town?

BETH WHITE, 1001 MIDDLE ROAD

All I would like to say is that I really have to commend the Highway Department for the way they have taken care of the roads this year. They have been fantastic. Thank you.

SUPERVISOR BREESE

That's very nice. They'll appreciate that. We all appreciate that. It's been a tough winter. Thank you very

much. Anybody else?

COUNCILMAN MULLIGAN

It's good to hear something positive. *(Laughter)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilman Mulligan at 8:12 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk