

**HENRIETTA TOWN BOARD
AGENDA
JULY 21, 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) - June 16, 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 #14-163/2004

Authorize Accounts Payable

RESOLUTION #14-164/2004

Authorize Payment - Certiorari Attorney for Legal Services

RESOLUTION #14-165/2004

Accept Letter of Credit - Martin Estates

RESOLUTION #14-166/2004

Accept Letter of Credit - Chesapeake Subdivision, Section 6

RESOLUTION #14-167/2004

Accept Letter of Credit - Harvest Hills Subdivision, Section 5

RESOLUTION #14-168/2004

Call for Public Hearing - Proposed Establishment of Extension No. 185 (Word of Life/Al Sigl Center) to Henrietta Sewer District No. 1

RESOLUTION #14-169/2004

Call for Public Hearing - Proposed Establishment of Extension No. 142 (95 Saginaw Drive) to Henrietta Water District No. 1

RESOLUTION #14-170/2004

Call for Public Hearing - Proposed Establishment of Extension No. 184 (95 Saginaw Drive) to Henrietta Sewer District No. 1

RESOLUTION #14-171/2004

Award Low Bid - Building Demolition at the Former Sewage Treatment Plant: Administration,

Garage and Digester Buildings at 100 Karenlee Drive

RESOLUTION #14-172/2004

Authorize Supervisor to Sign Partial Abandonment of Easement - 131 Kenwick Drive

RESOLUTION #14-173/2004

Authorize Supervisor to Sign Extra Work Order No. 3 - Clay Road Connection to Brighton-Henrietta Town Line Road Project

RESOLUTION #14-174/2004

Authorize Supervisor to Sign Extra Work Order No. 1 - Lehigh Valley Railroad Trail Project

RESOLUTION #14-175/2004

Authorize Supervisor to Sign Agreement - Lehigh Valley Railroad Trail Project - Improvement of Grade Crossings

RESOLUTION #14-176/2004

Call for Public Hearing - Proposed Establishment of Extension No. 170 (Country Hill Estates and Southern Hills Manor) to Henrietta Sewer District No. 1

RESOLUTION #14-177/2004

Authorize No Longer Requiring Applications Within the Marketplace Transportation Development District (TDD) to Come Before Henrietta Town Board

RESOLUTION #14-178/2004

Authorize Purchase of Concrete Stabilization Blocks

RESOLUTION #14-179/2004

Authorize Advertisement for Bids - Senior Center Building Addition

RESOLUTION #14-180/2004

Authorize Advertisement for Bids - Lifting of Horse Barn at the Tinker Homestead

RESOLUTION #14-181/2004

Declare Items Surplus Materials

RESOLUTION #14-182/2004

Award Low Quote - Replacement of Existing Light Fixtures at Henrietta Public Library

RESOLUTION #14-183/2004

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 21ST DAY OF JULY, 2004 AT 8:00 P.M.

MEMBERS PRESENT

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

MEMBERS ABSENT

SUPERVISOR BREESE

Is there anybody that would like to speak on any agenda items? Just agenda items at this time? Yes?

RACHEL WARREN, 59 TOMAHAWK TRAIL

Good evening Mr. Supervisor and members of the Board. I have a question about Resolution #14-176/2004, about the cost to the residents of extending the Sewer District. I was wondering if anyone on the Board has any idea what the approximate price will be for people who are living in the condominiums on Woodridge Trail, which is one of the properties that this is going to effect.

SUPERVISOR BREESE

We're calling for a Public Hearing.

RACHEL WARREN, 59 TOMAHAWK TRAIL

You're putting in sewer lines.

SUPERVISOR BREESE

Yes, I know.

RACHEL WARREN, 59 TOMAHAWK TRAIL

I'm just asking if anybody knows what the price is going to be for people in the condominiums because they're not going to have to be putting in individual lines like for homes.

SUPERVISOR BREESE

The total cost is included in the Resolution on Page Two (2).

COUNCILWOMAN ZINCK

Not to exceed Eight Hundred Ninety-two (\$892.00).

COUNCILMAN MULLIGAN

Annually.

COUNCILWOMAN ZINCK

Yes, annually.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Is that going to be for people who live in the condos also? The pipe lines are not going to be that long for the condominiums as they are for individual homes.

SUPERVISOR BREESE

Mr. Byrne, do you want to respond to that? You should come to the Public Hearing, but you can ask these questions now.

MARK BYRNE, DIRECTOR OF ENGINEERING & PLANNING

There is an itemized list with dollar amounts for each property.

RACHEL WARREN, 59 TOMAHAWK TRAIL

There is?

MARK BYRNE, DIRECTOR OF ENGINEERING & PLANNING

Yes.

RACHEL WARREN, 59 TOMAHAWK TRAIL

And it can be obtained?

MARK BYRNE, DIRECTOR OF ENGINEERING & PLANNING

It's available in the Town Clerk's Office.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Okay. Great. Thank you. The other question I have is, what are the boundaries of the Marketplace Transportation District that's in Resolution #14-177, because . . .

SUPERVISOR BREESE

The District doesn't exist anymore.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Well, it said it's not going to be renewed.

SUPERVISOR BREESE

Pardon me?

RACHEL WARREN, 59 TOMAHAWK TRAIL

It says in the Resolution this has not been renewed by the Town of Henrietta . . .

SUPERVISOR BREESE

That's correct.

RACHEL WARREN, 59 TOMAHAWK TRAIL

So, studies are no longer required when there's development there?

SUPERVISOR BREESE

That's correct. So, it's a moot point now.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Oh. Okay. So, we don't need to . . .

COUNCILMAN MULLIGAN

We've collected the money and now the District is dissolved.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Oh. From all the existing businesses?

SUPERVISOR BREESE

In the future, if we want to do something like this again, we'd have to pass another Board Resolution and get approval from Albany, if we wanted to do that.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Okay. Thank you.

COUNCILMAN MULLIGAN

We collected about a Million (\$1,000,000).

RACHEL WARREN, 59 TOMAHAWK TRAIL

Oh. That's good.

COUNCILWOMAN McCABE

Jefferson Road, Hylan Drive area.

SUPERVISOR BREESE

Yes, Sir?

JOHN SCHMITT, 66 FAWN RIDGE ROAD

On tonight's Resolution #14-177/2004, it says that the TDD has not been renewed by the Town of Henrietta.

SUPERVISOR BREESE

Yes, we just talked about that.

JOHN SCHMITT, 66 FAWN RIDGE ROAD

Okay. I just wondered why?

SUPERVISOR BREESE

What's that?

JOHN SCHMITT, 66 FAWN RIDGE ROAD

Why it was not renewed?

COUNCILWOMAN McCABE

It had a limit, didn't it?

SUPERVISOR BREESE

Well, it expired. It had a time limit, and we didn't renew it at this time. It doesn't mean we might not do it again someday, but we didn't see a need for it.

JOHN SCHMITT, 66 FAWN RIDGE ROAD

It can be re-established?

SUPERVISOR BREESE

What's that?

JOHN SCHMITT, 66 FAWN RIDGE ROAD

It can be re-established again?

SUPERVISOR BREESE

Sure. I said that before. Yes.

JOHN SCHMITT, 66 FAWN RIDGE ROAD

Thank you. Sorry to take your time.

SUPERVISOR BREESE

Okay. Anybody else on agenda items only? *(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 June 16, 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 #14-163/2004

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 7/21/2004	\$ 448,379.26
EXHIBIT B	Manual Bills Payable	\$ 140,840.53

SUPERVISOR BREESE
Discussion?

COUNCILMAN MULLIGAN

Just under discussion, one (1) question. New York State and Local, does that refer to, there's a manual check, is that the retirement amount we paid? It's the third one down after R.I.T. Founders.

COUNCILWOMAN McCABE

One Hundred Thirty-seven Thousand Eight Forty-two (\$137,842.00).

SUPERVISOR BREESE

Paul Liess, would you come up and answer this? Thank you.

PAUL LIESS, JR., DIRECTOR OF FINANCE & PERSONNEL

Which one are you looking at?

COUNCILMAN MULLIGAN

New York State and Local, a Hundred and Thirty-seven Thousand Eight Hundred and Forty-two Dollars (\$137,842.00). I was thinking it was the retirement.

PAUL LIESS, JR., DIRECTOR OF FINANCE & PERSONNEL

That's what we paid off, that's correct.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR BREESE

Okay? 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 #14-164/2004

On Motion of Councilman Mulligan
Seconded by Councilwoman Zinck

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 March 1, 2004 through June 30, 2004.

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 \$8,025.50 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 #14-165/2004

On Motion of Councilwoman Zinck
Seconded by Councilman Yudelson

WHEREAS, Hankins Development Corp., the Developer of Martin Estates (located south of Martin Road and west of Telephone Road) has submitted an Engineer's Estimate for construction of all site improvements for said subdivision, and

WHEREAS, the Director of Engineering and Planning has reviewed the estimate prepared by James K. Glogowski, L.S. and has found it acceptable in amount and form, and

WHEREAS, the Town Board wishes to ensure the proper and complete installation of all site improvements required by the Town.

THEREFORE, BE IT RESOLVED, that the Developer, Hankins Development Corp., submit a Letter of Credit in favor of the Town in the amount of \$76,656.00.

BE IT FURTHER RESOLVED, that the Letter of Credit be in a form acceptable to the Town Attorney.

SUPERVISOR BREESE

Discussion? Call the roll, 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 #14-166/2004

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

WHEREAS, BRW of Greece, LLC, the Developer of Chesapeake Subdivision, Section 6 (located on Oaks Mills Crossing and Elk River Road) has submitted an Engineer's Estimate for construction of all site improvements for said subdivision, and

WHEREAS, the Director of Engineering and Planning has reviewed the estimate prepared by LaDieu Associates, P.C., and has found it acceptable in amount and form, and

WHEREAS, the Town Board wishes to ensure proper and complete installation of all site improvements required by the Town.

THEREFORE, BE IT RESOLVED, that the Developer, BRW of Greece, LLC, submit a Letter of Credit in favor of the Town in the amount of \$249,417.00.

BE IT FURTHER RESOLVED, that the Letter of Credit be in a form acceptable to the Town Attorney.

SUPERVISOR BREESE

Discussion? Call the roll, 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 #14-167/2004

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, Lacey Development Corporation, the Developer of Harvest Hills Subdivision, Section 5 (located on the north side of Ward Hill Road on Long Branch Drive) has submitted an Engineer's Estimate for construction of all site improvements for said subdivision, and

WHEREAS, the Director of Engineering and Planning has reviewed the estimate prepared by McMahan LaRue Associates, P.C. and has found it acceptable in amount and form, and

WHEREAS, the Town Board wishes to ensure proper and complete installation of all site improvements required by the Town.

THEREFORE, BE IT RESOLVED, that the Developer, Lacey Development Corporation, submit a Letter of Credit in favor of the Town in the amount of \$477,502.00.

BE IT FURTHER RESOLVED, that the Letter of Credit be in a form acceptable to the Town Attorney.

SUPERVISOR BREESE

Discussion? Call the roll, 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 #14-168/2004

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 185 (WORD OF LIFE/AL SIGL CENTER) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED WEST OF PINNACLE ROAD ON WINTON ROAD SOUTH AND NORTH OF CASTLE 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. 185 (Word of Life/Al Sigl Center) 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. 185, 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 18TH day of August, 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 #14-169/2004

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 142 (95 SAGINAW DRIVE) TO HENRIETTA WATER DISTRICT NO. 1 LOCATED SOUTH OF JEFFERSON ROAD AT 95 SAGINAW DRIVE 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. 142 (95 Saginaw Drive) 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. 142, 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 18TH day of August, 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 #14-170/2004

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 184 (95 SAGINAW DRIVE) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED SOUTH OF JEFFERSON ROAD AT 95 SAGINAW DRIVE 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. 184 (95 Saginaw Drive) 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. 184, 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 18TH day of August, 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 #14-171/2004

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, Resolution #13-157/2004 authorized the advertisement for bids for the Building Demolition at the Former Sewage Treatment Plant: Administration, Garage and Digester Buildings Project for 100 Karenlee Drive, and

WHEREAS, five (5) bids were received, and the low bid, meeting specifications, was received from Frederico Wrecking Company, Inc. for bid item one (1) for the total cost of \$64,900.00.

THEREFORE, BE IT RESOLVED, that Frederico Wrecking Company, Inc., 65 Steel Street, P.O. Box 60897, Rochester, New York 14606, be hereby awarded the bid at a cost not to exceed \$64,900.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Frederico Wrecking Company, Inc. in an amount not to exceed \$64,900.00 upon successful completion of said work and acceptance by the Director of Engineering and Planning.

SUPERVISOR BREESE

Just for the Record, the attachment shows that there were five (5) bids, and the attachment shows that the lowest apparent bidder was Diversified Construction Services. However, they withdrew their bid several days ago. So, it's correct to say that Frederico is now the lowest bidder. 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 #14-172/2004

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, the property owner at 131 Kenwick Drive has a residential garage currently occupying a portion of an existing Town drainage easement recorded in Liber 3637 of Deeds, Page 306, and

WHEREAS, the release of said portion of the drainage is necessary for the sale of property being identified as Tax Identification Number 161.14-1-52, and

WHEREAS, the described portion of this existing drainage easement is no longer needed by the Town, and

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

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

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 #14-173/2004

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

WHEREAS, Resolution #18-231/2002 authorized Professional Construction Inspection Services for the new construction of the Clay Road Connection to Gravely Road Project, including a new bridge over CSX Railroad Line, P.I.N. 4753.47, in the amount of \$245,000.00, and

WHEREAS, during the construction phase, it has been determined to shorten the north approach to the Clay Road Bridge due to the proposed delay in the Route 15A off-ramp to Brighton-Henrietta Town Line Road Project and uncertain alignment with Clay Road, and

WHEREAS, Extra Work Order No. 3 provides for the additional Professional Engineering Services costs necessary to complete the redesign of the northern approach on Clay Road between Brighton-Henrietta Town Line Road and the new bridge, and

WHEREAS, the Director of Engineering and Planning has reviewed and approved the proposed change of this Construction Inspection Contract and recommends that this be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the Town Supervisor, on behalf of the Town, be and hereby is authorized to execute Extra Work Order No. 3, not to exceed an increase of \$9,300.00, resulting in increasing the total Construction Inspection Contract to \$254,300.00.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay Lu Engineers, 2230 Penfield Road, Penfield, New York 14526, upon successful completion of this 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 #14-174/2004

On Motion of
Councilwoman McCabe

Seconded by
Councilman Yudelson

WHEREAS, Resolution #22-246/2001 authorized the Town of Brighton and the Town of Henrietta to enter into an Intermunicipal Agreement, pursuant to General Municipal Law Section 119-0, for the purpose of obtaining preliminary engineering and Right-of-Way (ROW) incidentals and for the receipt and administration of Federal Aid for the installation of the trail along the former Lehigh Valley Railroad Corridor and the Barge Canal to the Rush Town Line, to include all necessary connections to other pedestrian and bicycle facilities, and

WHEREAS, the Town of Henrietta is in receipt of a letter from the Town of Brighton recommending approval of the Construction Inspection Consultant Contract from Bergmann Associates for professional construction inspection services for a total cost not to exceed an amount of \$61,806.00, of which the Town of Henrietta's share shall not exceed the sum of \$7,271.00, and

WHEREAS, during the construction phase, an improved sidewalk alignment across the Lehigh Valley Railroad tracks at Calkins Road crossing would reduce angle changes on the approaches, and

WHEREAS, Extra Work Order No. 1 provides for the additional Professional Engineering Services

costs necessary to complete the work described in the attached letter, and

WHEREAS, the Director of Engineering and Planning has reviewed and approved the proposed change of this Contract and recommends that this be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the Town Supervisor, on behalf of the Town of Henrietta, be and hereby is authorized to execute Extra Work Order No. 1, not to exceed an increase of \$1,585.00, resulting in increasing the total Contract amount to \$63,391.00.

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 #14-175/2004

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

WHEREAS, Resolution #22-246/2001 authorized the Town of Brighton and the Town of Henrietta to enter into an Intermunicipal Agreement, pursuant to General Municipal Law Section 119-0, for the purpose of obtaining preliminary engineering and Right-of-Way (ROW) incidentals and for the receipt and administration of Federal Aid for the installation of the trail along the former Lehigh Valley Railroad Corridor and the Barge Canal to the Rush Town Line, to include all necessary connections to other pedestrian and bicycle facilities, and

WHEREAS, Resolution #21-249/2003 authorized the Town of Brighton and the Town of Henrietta to enter into a Supplemental Agreement No. 2 for the construction and construction inspection of the Project (including the receipt and administration of Federal Aid for this Project), and

WHEREAS, the Town of Brighton and the Town of Henrietta desire to enter into an Agreement for the Improvement of Grade Crossings with the Livonia, Avon and Lakeville Railroad Corporation, for the administration, construction and construction inspection of the Project for a total cost not to exceed an amount of \$104,650.00, of which the Town of Henrietta shall not exceed the sum of \$3,080.00, and

WHEREAS, the Attorney for the Town of Henrietta has reviewed the Agreement and finds it to be in good order, and

WHEREAS, the Town of Brighton will be authorizing said Agreement at a Brighton Town Board meeting in July, 2004.

THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Henrietta be and hereby is authorized to sign the Henrietta portion of said Agreement for the Lehigh Valley Railroad Trail Project, on behalf of 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 #14-176/2004

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the Town Board of the Town of Henrietta, New York, (the "Town") wishes to establish an Extension to the Henrietta Sewer District No. 1 (the "Sewer District") to be known as Extension No. 170, and

WHEREAS, a Map, Plan and Report have been prepared by MRB Group, licensed engineers, regarding the proposed Extension No. 170, to permanently serve land located on the east side of East Henrietta Road and south of Ward Hill Road, as more specifically

set forth and described in the Map, Plan and Report filed in the Town Clerk's Office, where it is available for public inspection, and

WHEREAS, the Map, Plan and Report delineate the boundaries of the proposed Sewer District Extension, a general plan of the proposed sewer system, a report of the proposed sewer system and method of operation, and

WHEREAS, the Town Board wishes to establish the proposed sewer extension, subject to a Permissive Referendum, in accordance with the Town Law, Article 12A.

THEREFORE, BE IT RESOLVED, as follows:

1. The Henrietta Town Board shall hold a Public Hearing to consider the establishment of the proposed Extension No. 170 to the Sewer District described in the Resolution.
2. The boundaries of the proposed Extension and benefitted areas of the Sewer District are to be set forth on the attached Schedule A.
3. The improvements proposed consist of a Sewer System to serve the said Extension No. 170, including the acquisition of the necessary rights-of-way and easements therefore, in accordance with the

Map, Plan and Report on file in the Office of the Town Clerk.

4. The maximum proposed to be expended in the construction of said sewer lines, manholes, connections and related improvements required to serve the Sewer District Extension is anticipated not to exceed \$866,400.00; the cost to the typical property owner is anticipated not to exceed \$892.00 (\$782.00 debt service + \$110.00 operation and maintenance) per annum; the estimated cost of hook-up fees to the typical Henrietta resident in the District is anticipated not to exceed \$2,200.00 in construction costs for the lateral installation and \$450.00 in municipal fees.

5. The maximum amount to be expended for the performance or supplying of said sewer service for said Extension, pursuant to Section 206-a of the Town Law of the State of New York is anticipated not to exceed \$58,236.00 per annum, which said expense shall be levied and collected from the several lots and parcels within said Extension.

6. The Map, Plan and Report describing the improvements and the area involved and a detailed explanation of the estimated costs and fees are on file and available for public inspection with the Henrietta Town Clerk.

7. The Town Board shall meet and hold a Public Hearing at the Henrietta Town Hall, 475 Calkins Road, in the Town of Henrietta, Monroe County, New York, on the 18TH day of August, 2004 at 8:00 P.M. to consider the Map, Plan and Report and to hear all persons interested in the Proposal.

8. The Town Board hereby authorizes and directs the Town Clerk to publish and post this Order not less than ten (10) days nor more than twenty (20) days before the Public Hearing date, as required by Town Law, Section 209-d.

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 #14-177/2004

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, Resolution #6-72/99 required Applications within the Marketplace Transportation Development District (TDD) to come before the Henrietta Town Board as Lead Agent for environmental review under the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, the TDD has not been renewed by the Town of Henrietta and Resolution #6-72/99 will no longer be required.

THEREFORE, BE IT RESOLVED, that Resolution #6-72/99 requiring Applications within the Marketplace Transportation Development District to appear before the Henrietta Town Board under SEQRA review is no longer required.

SUPERVISOR BREESE
Discussion?

COUNCILMAN MULLIGAN

Just under discussion, I think we're one of the few towns in the State to do the Transportation District. That allowed us to raise about a Million Dollars (\$1,000,000), plus interest, to do some important projects in the Town, and I think it's another illustration of how we've made a partnership with businesses to generally improve the Town overall.

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 #14-178/2004

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

WHEREAS, funds are available in the 2004 Drainage Budget for improvements to Allens Creek, and

WHEREAS, the scheduled improvements for the year 2004 are for the Princess Drive/Guildhall Road area and the Queensway Road/Farnsworth Road area, and

WHEREAS, concrete stabilization blocks are necessary for said improvements and are available from the sole supplier, Kistner Concrete.

THEREFORE, BE IT RESOLVED, that the Superintendent of Drainage, Sewer and Sidewalks be authorized to purchase concrete stabilization blocks from Kistner Concrete, 8713 Read Road, East Pembroke, New York 14056, for a total cost not to exceed \$130,000.00.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay Kistner Concrete in an amount not to exceed \$130,000.00 upon receipt of all proper documentation.

SUPERVISOR BREESE

Discussion?

COUNCILMAN MULLIGAN

Just under discussion, I want to thank Mr. Pettrone for meeting with me with some residents down there on Queensway today. That creek is a disaster, and what we're doing here will result in a major improvement, and it will also dramatically increase their property values, and they're very appreciative to the Town of Henrietta.

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 #14-179/2004

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, the Town of Henrietta requires bids for the fabrication and delivery of one (1) 80 x 30 laminated inland cedar building addition to match the existing portions of the Henrietta Senior Center, to conform with bid specifications on file in the Town Clerk's Office, with bids to be opened at 9:45 A.M. on Tuesday, August 24, 2004 and received no later than 9:30 A.M. on Tuesday, August 24, 2004.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the building addition to the Henrietta Senior Center, as per cited bid specifications on file, in the manner provided by law.

SUPERVISOR BREESE

On these dates, I'd have to ask the Town Clerk, these don't come in around a Town Board meeting. Why were these dates picked?

PATRICIA SHAFFER, TOWN CLERK

The Director of Parks and Facilities chose this date. You may want to refer to him.

SUPERVISOR BREESE

Well, why wouldn't we want to do them so we can approve this at our meeting of August 18TH? They still have a whole month to get everything together. Mr. Dykstra, come on up here. They have a whole month. If we tie this in, in a certain way, we can approve it at our meeting of August 18TH. Open the bids, perhaps, on the day before. Why didn't we do it that way?

WILLIAM DYKSTRA, DIRECTOR OF PARKS & FACILITIES

We did it that way because it won't be advertised until next week, so that knocks off one (1) week right

there, and generally, they get about three (3) weeks for . . .

SUPERVISOR BREESE

You're only going to get one (1) bid.

WILLIAM DYKSTRA, DIRECTOR OF PARKS & FACILITIES

We can make it earlier. There's no problem with that at all.

SUPERVISOR BREESE

Let's have the bid opening to be on Monday, if it's all right with the Board, August 16TH. I mean, government needs to move faster on these kinds of things. We've held the seniors up long enough. Monday, August 16TH would be the bid opening.

COUNCILWOMAN McCABE

I'll second that.

SUPERVISOR BREESE

Okay. So, I move to amend it to Monday, August 16TH at the same time.

COUNCILWOMAN McCABE

I'll second it.

SUPERVISOR BREESE

Is there a discussion on the amendment? Call the roll on the amendment on the date.

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

Now on the main motion, 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 #14-180/2004

On Motion of

Seconded by

Councilwoman Zinck

Councilman Yudelson

WHEREAS, the Town of Henrietta requires bids for the lifting of the horse barn at the Tinker Homestead, to conform with bid specifications on file in the Town Clerk’s Office, with bids to be opened at 10:00 A.M. on Tuesday, August 17, 2004 and received no later than 9:30 A.M. on Tuesday, August 17, 2004.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the lifting of the horse barn at the Tinker Homestead, as per cited bid specifications on file, in the manner provided by law.

SUPERVISOR BREESE

Discussion?

COUNCILMAN MULLIGAN

Just quickly under discussion, I’m willing to pursue this, but just for my own edification, did we budget some money to do this, or not? I don’t know.

SUPERVISOR BREESE

No.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR BREESE

We’ve talked about it for a long time, and if the Board wants to go forward with it, we have ample funds to do this. That’s my opinion. Let’s see what comes back with the bids. 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 #14-181/2004

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

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

<u>Inventory #</u>	<u>Description</u>
3143	HP Laser Jet 5L Printer
1887	HP Desk Jet 520 Printer
N/A	CTX Monitor
0201	Royal SE500 Typewriter

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 BREESE
Discussion?

COUNCILMAN MULLIGAN
That typewriter might be an antique.

COUNCILWOMAN ZINCK
You can't repair them.

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 #14-182/2004

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, the Board of Trustees of the Henrietta Public Library has recommended to the Town Board of the Town of Henrietta the replacement of lighting at the Henrietta Public Library, and

WHEREAS, the Director of Parks and Facilities has requested quotes for the replacement of existing lighting fixtures at the Henrietta Public Library, and

WHEREAS, the Director of Parks and Facilities has received quotations from two (2) local vendors for these services, and

WHEREAS, the low quote, meeting specifications, was received from Kaplan-Schmidt Electric, Inc. in the amount of \$733.47.

THEREFORE, BE IT RESOLVED, that Kaplan-Schmidt Electric, Inc., 14 Jet View Drive, Rochester, New York 14624, be hereby awarded the quote for the replacement of existing fixtures to facilitate proper lighting of the Henrietta Public Library sign at a cost not to exceed \$733.47.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Kaplan-Schmidt Electric, Inc. in an amount not to exceed \$733.47 upon completion and receipt of all proper documentation.

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 #14-183/2004

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the following persons be hired:

Jennifer Foti	Recreation, Part-time Recreation Assistant @ \$6.00/hr., effective 7/11/2004.
Janelle Hardwick	Recreation, Part-time Recreation Assistant @ \$6.00/hr., effective 7/11/2004.
Matt Carlascio	Parks and Facilities, Seasonal Laborer @ \$7.75/hr., effective 7/6/2004.
Justin Rambo	Parks and Facilities, Seasonal Laborer @ \$7.75/hr., effective 7/1/2004.
Shelby Smith	Parks and Facilities, Seasonal Laborer @ \$7.75/hr., effective 7/1/2004.
Terry Ekwel	Fire Marshal, Part-time Fire Inspector @ \$9.84/hr., effective 7/19/2004.
Douglas Lee	Fire Marshal, Part-time Fire Inspector @ \$9.84/hr., effective 7/19/2004.
Charlene Stephany	Assessor, Full-time Real Property Appraiser @ \$32,000/year, effective 7/26/2004.

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

Jason Mancari	Recreation, Part-time Recreation Assistant @ \$10.00/hr. from \$8.00/hr., effective 7/11/2004.
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Recreation	Additional Bus Drivers - as per the attachment.
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BE IT FURTHER RESOLVED, that the following employees be given an additional day's pay for unused

sick leave (per Labor Agreement):

Casey Jackson, Melissa Koerner, Marie Leonardi, Joseph Losavio, David Moriarty, Roland Osterwinter, 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. Before we adjourn, is there anybody who would like to speak on any other matters involving the Town of Henrietta? Yes, Mam?

RACHEL WARREN, 59 TOMAHAWK TRAIL

I want to thank the Town Board for putting in the cement sidewalks on Lehigh Station Road. They look beautiful.

SUPERVISOR BREESE

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

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman Zinck at 8:40 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk