

**HENRIETTA TOWN BOARD
AGENDA
NOVEMBER 3, 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) - October 20, 2004
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Relocation of Neo/SCI Within the Monroe County Empire Zone from the Town of Henrietta to the Town of Chili
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 #20-242/2004

Authorize Accounts Payable

RESOLUTION #20-243/2004

Authorize Relocation of Neo/SCI Within the Monroe County Empire Zone from the Town of Henrietta to the Town of Chili

RESOLUTION #20-244/2004

Recognize 175TH Anniversary - Rochester Institute of Technology

RESOLUTION #20-245/2004

Adopt Fiscal Year 2005 Final Budget

RESOLUTION #20-246/2004

Authorize Supervisor to Sign Out-of-District Sanitary Sewer Contract With the Town of Brighton - Gallina Development Corp.

RESOLUTION #20-247/2004

Award Low Quote - Installation of New Sanitary Sewer - 100 Karenlee Drive

RESOLUTION #20-248/2004

Approve and Adopt the Monroe County Pre-Disaster Mitigation Plan

RESOLUTION #20-249/2004

Call for Public Hearing - Authorize Amendments to Chapter A301, "Fee Schedules," §A301-3E of

the Town Code of the Town of Henrietta, to Increase Sewer Rents

RESOLUTION #20-250/2004

Authorize Transfer of Funds - Water Fund Balance

RESOLUTION #20-251/2004

Authorize Supervisor to Sign Agreement With Lason Systems, Inc. for Permanent Records Retention Services - Local Government Records Management Improvement Fund Grant

RESOLUTION #20-252/2004

Adopt Official Undertaking of Receiver of Taxes and Assessments

RESOLUTION #20-253/2004

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 3RD DAY OF NOVEMBER, 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 other than the Public Hearing? Yes, Sir.

JOHN SCHMITT, 66 FAWN RIDGE ROAD

I noticed this evening you have a Resolution to approve and adopt the Monroe County Pre-Disaster Mitigation Plan, and I was wondering if any of you have taken a look at that actual plan. My reason for concern is that the County of Monroe is down about five hundred (500) nurses alone in one (1) area, and the plan that calls for this type of disaster work is a training session, a video tape of about five (5) minutes, for people who will have no experience in working in disasters. Now, disasters these days, when we think of a disaster we think of a terrorist attack, but we have been in this area long enough to know that forty (40) inches of snow could be a disaster for a while, and it may require some people. So, I'm just wondering if someone has taken a good look at it and has reported back to the County that it may need some improvements.

COUNCILMAN MULLIGAN

I haven't taken a look at it, but it's a good idea.

COUNCILWOMAN ZINCK

Yes, it is a good suggestion.

JOHN SCHMITT, 66 FAWN RIDGE ROAD

I just wanted to bring that to your attention. Thank you.

SUPERVISOR BREESE

Okay. Thank you very much for your comments. Anybody else want to speak on agenda items at this time? Just agenda items? *(Pause - no response)* If not, may I have the approval of the Minutes, please.

COUNCILMAN YUDELSON

Mr. Supervisor, I move we approve the Minutes of October 20, 2004.

SUPERVISOR BREESE

Second. Discussion? Call the roll, please.

Duly put to a vote:
Councilwoman McCabe voting Abstain
Councilman Mulligan voting Aye
Councilman Yudelson voting Aye
Councilwoman Zinck voting Aye
Supervisor Breese voting Aye
Carried

SUPERVISOR BREESE

We have a Public Hearing. Has it been properly advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

It's regarding the relocation of Neo/SCI to the Town of Chili. Is there anybody that would like to speak on this Public Hearing? *(Pause - no response)* If not, I'll close the Public Hearing. Did you want to speak on this matter?

KEN RAINIS

Yes, Sir.

SUPERVISOR BREESE

Okay. I did not close it then. Just give us your name and your responsibility, in this case.

KEN RAINIS, 45 CROSSOVER ROAD, FAIRPORT

My name is Ken Rainis. I reside at 45 Crossover Road in Fairport. I'm Vice President of Neo/SCI Corporation, and we're asking for permission to move. We require additional space in a building specifically designed to meet the unique needs of our business, which is preparing science education materials for elementary through high school students, educational kits and software, and the decision really was to stay in New York or to move the company to New Hampshire, and we're happy to say that we'd like to stay in New York and move to a bigger facility, a bigger building.

SUPERVISOR BREESE

You'll certainly get some tax benefits by doing that.

KEN RAINIS, 45 CROSSOVER ROAD, FAIRPORT

Yes, Sir, we do.

SUPERVISOR BREESE

Nothing wrong with that.

KEN RAINIS, 45 CROSSOVER ROAD, FAIRPORT

Nothing wrong with that.

SUPERVISOR BREESE

Who is going to take over your space on Commerce Drive?

KEN RAINIS, 45 CROSSOVER ROAD, FAIRPORT
The Navitar (*sp*) Corporation owns the building.

SUPERVISOR BREESE
Who?

KEN RAINIS, 45 CROSSOVER ROAD, FAIRPORT
Navitar (*sp*), which is our landlord. They're next door, and I understand that they're going to grow into the building.

SUPERVISOR BREESE
They're going to do what?

KEN RAINIS, 45 CROSSOVER ROAD, FAIRPORT
They're going to grow into the building. They're going to take over the space, I believe.

SUPERVISOR BREESE
Who's the principle in Navitar? Just curious.

KEN RAINIS, 45 CROSSOVER ROAD, FAIRPORT
Julian Goldstein.

SUPERVISOR BREESE
Okay. Well, we hate to see you leave.

KEN RAINIS, 45 CROSSOVER ROAD, FAIRPORT
Henrietta's been very good to us.

SUPERVISOR BREESE
Well, you have to make decisions, and I'm sure we understand that. Thank you very much.

KEN RAINIS, 45 CROSSOVER ROAD, FAIRPORT
Thank you.

SUPERVISOR BREESE
Anybody else? (*Pause - no response*) If not, I'll close the Public Hearing. May I have the first Resolution, please.

RESOLUTION #20-242/2004

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 11/3/2004	\$ 174,831.68
EXHIBIT B	Manual Bills payable	\$ 42.00

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 #20-243/2004

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

WHEREAS, Neo/SCI, a company manufacturing science kits and software for middle school and high school science education, with offices located at 210 Commerce Drive, Rochester, New York 14623, will be moving to 100 Aviation Drive in the Town of Chili in December, 2004, and

WHEREAS, the Company currently employs forty-six (46) people, including two (2) residents of the Town of Henrietta and three (3) within close proximity, and

WHEREAS, the Company requires additional space and a building specifically designed to meet the unique needs of its business, and

WHEREAS, a Public Hearing was held on November 3, 2004, and

WHEREAS, extraordinary circumstances exist to warrant the relocation of the Company from the Town of Henrietta to the Monroe County Empire Zone in the Town of Chili.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta consents to the relocation of the Company from the Town of Henrietta to the Monroe County Empire Zone in the Town of Chili.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe voting	Aye
Councilman Mulligan voting	Aye
Councilman Yudelson voting	Aye

entered into the Minutes of the Town Board.

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 #20-246/2004

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, Gallina Development Corp. shall be constructing a 12,000 square foot office/warehouse building at 3559 Winton Place and will generate sewage which will be connected by the Brighton Consolidated Sewer District, and

WHEREAS, the Town of Henrietta has offered to enter into an Out-of-District Sanitary Sewer Contract with the Town of Brighton, and

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

THEREFORE, BE IT RESOLVED, that the Supervisor be authorized to execute and deliver said Agreement by and between the Town of Henrietta and the Town of Brighton.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay the Town of Brighton the amount under the stipulations specified in said Agreement.

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 #20-247/2004

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

WHEREAS, the installation of 150 linear feet of new sanitary sewer at 100 Karenlee Drive would reduce approximately 800 linear feet of existing sanitary sewer, including four (4) sanitary manholes from future maintenance responsibilities by the Town, and

WHEREAS, six (6) quotes were received, and the low quote, meeting specifications, was received from T. C. Pipeline Co., for a cost of \$19,880.00.

THEREFORE, BE IT RESOLVED, that T. C. Pipeline Co., 7177 Lane Road, Victor, New York 14564, be hereby awarded the quote at a cost not to exceed \$19,880.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay T. C. Pipeline Co. in an amount not to exceed \$19,880.00 upon successful completion of said work 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

COUNCILWOMAN ZINCK

Mr. Supervisor, I'd like to Table Resolution #20-248/2004 until we have a chance to further discuss the comments raised by Mr. Schmitt.

COUNCILWOMAN McCABE

I'll second that.

SUPERVISOR BREESE

Call the roll, please.

MOTION TO TABLE

Duly put to a vote:

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

Carried

(The following Resolution was Tabled until the next scheduled Town Board meeting.)

RESOLUTION #20-248/2004

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, the Federal Disaster Mitigation Act of 2000 requires that all local governments have an approved Disaster Mitigation Plan in place in order to be eligible for Federal Hazard Mitigation Grant Program (HMGP) project funding, and

WHEREAS, representatives of the County, the City of Rochester, the Towns of Brighton, Chili, Clarkson, Gates, Greece, Hamlin, Henrietta, Irondequoit, Mendon, Ogden, Parma, Penfield, Perinton, Pittsford, Riga, Rush, Sweden, Webster and Wheatland, and the Villages of Brockport, Churchville, East Rochester, Fairport, Hilton, Honeoye Falls, Pittsford, Scottsville, Spencerport and Webster have actively participated in the design and the writing of the Monroe County Pre-Disaster Mitigation Plan ("the Plan"), and

WHEREAS, the Federal regulations implementing the Disaster Mitigation Act of 2000, (44 CFR §201.6(c)(5)) require that the Plan be formally adopted by each jurisdiction requesting approval of the Plan. THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Henrietta as follows:

- Section 1. The Town Board hereby approves and adopts the Monroe County Pre-Disaster Mitigation Plan.
- Section 2. The Monroe County Executive, or her designee, is hereby authorized and directed to submit the Monroe County Pre-Disaster Mitigation Plan to the New York State Emergency Management Office for review.
- Section 3. This Resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

RESOLUTION #20-249/2004

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

WHEREAS, the Superintendent of Drainage, Sewer and Sidewalks has recommended that the attached proposed amendments to Chapter A301, entitled "Fee Schedules," §A301-3E, be enacted to increase sewer rents.

THEREFORE, BE IT RESOLVED, that a meeting of the Town Board of the said Town of Henrietta shall be held at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road in the Town of Henrietta, Monroe

County, New York on the 17TH day of November, 2004 at 8:00 P.M. to consider the proposed amendments and to hear all persons interested in the subject.

BE IT FURTHER RESOLVED, that notice of said Public Hearing be published in the manner provided by law.

SUPERVISOR BREESE

Just for discussion, the attachment has two (2) proposed rates. Are we having the Hearing on the rate for five (5) percent or eight (8) percent?

COUNCILMAN MULLIGAN

Five (5).

COUNCILWOMAN McCABE

Five (5).

SUPERVISOR BREESE

Well, it doesn't say so, does it?

COUNCILWOMAN McCABE

No.

COUNCILMAN MULLIGAN

Do you want to amend it?

SUPERVISOR BREESE

No, just let the Record show that the Hearing is on a proposed rate increase of five (5) percent. 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 #20-250/2004

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, the Town of Henrietta and the Monroe County Water Authority conducted a Lease Agreement on the 8TH day of July, 2002, for the operation of the Water District, and

WHEREAS, an unappropriated and unreserved Water Fund balance exists in the Town of Henrietta.

THEREFORE, BE IT RESOLVED, that the Director of Finance be hereby authorized to transfer said Water Fund balance, as per the attached documentation, on November 4, 2004.

SUPERVISOR BREESE
Discussion?

COUNCILMAN MULLIGAN

Just under discussion, I was reviewing that Lease Agreement today where they, in a contractual Agreement signed by you and the Water Authority, agreed to do about Five Million Dollars (\$5,000,000.00) worth of improvements.

SUPERVISOR BREESE

Well, you authorized me to sign it, but go ahead.

COUNCILMAN MULLIGAN

Right. If they don't want to do the improvements, you might want to correspond with their leadership and tell them we'll take the cash. They have a very heavy surplus of over Twenty Million Dollars (\$20,000,000.00).

SUPERVISOR BREESE

Well, do you want to amend this and direct me to do that?

COUNCILMAN MULLIGAN

I'll move so, if there's support to do it. If they don't want to do the work, I'd just assume get the money.

SUPERVISOR BREESE

Well, then why don't you move to Table it? We'll just go back to square one.

COUNCILMAN MULLIGAN

Well, this is a separate issue.

SUPERVISOR BREESE

Well, then what did you bring it up for?

COUNCILMAN MULLIGAN

Because it's related to it.

SUPERVISOR BREESE

But it's separate.

COUNCILMAN MULLIGAN

Yes. I don't want to, we want to pass this so we can put the fund balance in the other funds, but I also think you should talk to those people about either doing it, and I know your Engineer is working on it . . .

SUPERVISOR BREESE

We've done that. We've talked to them, and we told you what they're going to do next year.

COUNCILMAN MULLIGAN

I think three (3) years is a long time to wait.

SUPERVISOR BREESE

We discussed this at Workshop, and we told you what they had planned for next year, which is a Million Dollar (\$1,000,000.00) project. What else do you want?

COUNCILMAN MULLIGAN

Some action.

SUPERVISOR BREESE

What action?

COUNCILMAN MULLIGAN

New water lines. I just think to wait, Jim, three (3) years is too long. I think it's been, they've been dragging their feet, and I'm not convinced they'll do anything next year. I think it's a lot of lip service. I hope they do, but they were going to do a Million (\$1,000,000.00) a year for five (5) years, and we've got nothing so far. So, we'll see what happens. I hope you're right.

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 #20-251/2004

On Motion of
Councilwoman McCabe

Seconded by
Councilman Yudelson

WHEREAS, the Town Clerk of the Town of Henrietta submitted an Application to the New York State Archives Grants Administration and Program Support Unit for a Local Government Records Management Improvement Fund Grant (LGRMIF) for the year 2004-2005, for the microfilming of maps, drawings, and house plans for permanent records retention, and

WHEREAS, the New York State Archives Grants Administration and Program Support Unit has awarded said Grant to the Town of Henrietta, Project #0580-05-5657, in the amount of \$60,394, and

WHEREAS, the Town Clerk has requested quotes from qualified vendors to assist in the preparation, microfilming, support and training on all necessary equipment, and

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 #20-253/2004

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

BE IT RESOLVED, that the following person be hired:

Kerrin Lindsay Recreation, Part-time Recreation Assistant @ \$6.50/hr., effective
10/31/2004.

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

Elizabeth Hassett Recreation, Part-time Recreation Assistant @ \$7.50/hr. from
\$7.00/hr., effective 10/31/2004.

Doug Hudson Recreation, Part-time Recreation Assistant @ \$10.00/hr. from \$8.75/hr.,
effective 11/14/2004.

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 Agenda. Is there somebody who would like to speak on any other items involving the Town of Henrietta? Yes? I see Sue Banker, a member of the Rush-Henrietta School Board. Come up and talk to us. Hi, Sue.

SUE BANKER, LIAISON, R-H SCHOOL DISTRICT BOARD OF EDUCATION

Good evening. Thanks for your time. I just wanted to bring our new Board brochures to hand out to the

Town Board members and leave some with Patty so she could have them in the office. I'm not sure if you know, but the Board of Education, we decided a few years ago that we were going to appoint liaisons to different school buildings, as well as towns and the senior centers and things like that, and this year I am your liaison, and I again thank you for your time tonight. I also have a little information sheet that just has our enrollment for this year, our budget, our total budget and some different information that you may be able to use in your dealings with the Town.

SUPERVISOR BREESE

Well that's great. If you give that information to the Town Clerk, she will distribute it to us. We're glad you're our liaison, Sue. Thank you very much for coming, Sue. Anybody else want to speak on any other items involving the Town of Henrietta before we adjourn? *(Pause - no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman Zinck at 8:25 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk