

**HENRIETTA TOWN BOARD
AGENDA
JUNE 21, 2006**

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 7, 2006
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 #13-154/2006
Authorize Accounts Payable

RESOLUTION #13-155/2006
Call for Public Hearing - Relocation of Design Services, Inc. Within the Monroe County Empire Zone from Henrietta to East Rochester Area

RESOLUTION #13-156/2006
Authorize Payment - Certiorari Attorney for Legal Services

RESOLUTION #13-157/2006
Authorize Attendance of Appraisal Seminar

RESOLUTION #13-158/2006
Authorize Supervisor to Sign Abandonment of Easement - Market Square

RESOLUTION #13-159/2006
Call for Public Hearing and Declare Intent to be Lead Agency - Proposed Rezoning of Land Located at 5300 and 5370 West Henrietta Road from Residential R-1-15 to Commercial B-1

RESOLUTION #13-160/2006
Declare Item Surplus Equipment

RESOLUTION #13-161/2006
Award Low Bid - Repair of Floor in Department of Public Works Parking Garage

RESOLUTION #13-162/2006

Authorize Attendance at Youth Sports Congress Conference

RESOLUTION #13-163/2006

Authorize Budget Transfers - Library

RESOLUTION #13-164/2006

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 JUNE, 2006 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

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

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

I was wondering what impact there's going to be by this Design Services leaving here and moving to East Rochester? It's on the Agenda tonight.

SUPERVISOR BREESE

Yes, I know.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Is that going to have any effect . . .

SUPERVISOR BREESE

Well, they have the right to move, and they're moving, and there's a legal requirement that we have to not object to it. Even if we did object to it, they're going to move anyway. I don't know how large the building is, but it's basically something that we have really not much choice about.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Don't you get, doesn't the Empire Zone allow tax advantages?

SUPERVISOR BREESE

What?

RACHEL WARREN, 59 TOMAHAWK TRAIL
Doesn't an Empire Zone allow tax advantages?

SUPERVISOR BREESE
Big time, big time. Yes.

RACHEL WARREN, 59 TOMAHAWK TRAIL
Will they have to give up something or repay something to the Town by leaving?

SUPERVISOR BREESE
Not the Town, no. They'd have to do that through C.O.M.I.D.A.

RACHEL WARREN, 59 TOMAHAWK TRAIL
Oh. Thank you.

SUPERVISOR BREESE
Okay. May I have the approval of the Minutes, please.

COUNCILWOMAN McCABE
Mr. Supervisor, I move we approve the Minutes of June 7, 2006.

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 #13-154/2006

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 6/21/2006 \$ 420,431.25

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 #13-155/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, the Town Board of the Town of Henrietta is in receipt of a request from Design Services, Inc., 3495 Winton Place, Building E, Suite 270, Rochester, New York 14623, to relocate their business at the above location from the Town of Henrietta, Monroe County Empire Zone, to the East Rochester area, Monroe County Empire Zone, and

WHEREAS, a Public Hearing must be held so that the Town Board of the Town of Henrietta has an opportunity to hear public comments that extraordinary circumstances exist to warrant the relocation of Design Services, Inc. into the East Rochester area.

THEREFORE, BE IT RESOLVED, that a Public Hearing on the relocation request will be held on July 19, 2006 at 8:00 P.M. at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York 14467, to consider the request for the relocation of Design Services, Inc. from the Town of Henrietta, Monroe County Empire Zone, to the East Rochester area, Monroe County Empire Zone.

SUPERVISOR BREESE

I'm not sure what the extraordinary circumstances were, but I know that it really, probably doesn't matter an awful lot in terms of our input. We cooperate with the Empire Zone people to bring businesses here, and once in a while we lose one. So, I guess this is something we should support.

COUNCILWOMAN McCABE

Well, it's calling for a Public Hearing, anyway.

COUNCILMAN MULLIGAN

It doesn't sound like we have much choice.

SUPERVISOR BREESE

Probably not, but I have some questions about the whole process, but there's another time for that. Call the roll.

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 #13-156/2006

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 December 1, 2005 through April 30, 2006.

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 \$13,741.18 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 #13-157/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the Town Assessor has requested authorization to attend an Appraisal Seminar sponsored by the New York State Assessor's Association and the State Office of Real Property Services to be held at Cornell University, Ithaca, New York on July 16, 2006 through July 21, 2006, and

WHEREAS, funds are available in the 2006 Budget, and

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

THEREFORE, BE IT RESOLVED, that Nathan Gabbert, Assessor, be hereby authorized to attend the seminar at Ithaca, New York, for a cost not to exceed \$1,200.00.

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	voting	Aye

Carried

RESOLUTION #13-158/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilman Yudelson

WHEREAS, the property Owner, 700 Jefferson Road, LLC, will be constructing a retail building that will occupy a portion of an existing Town sanitary sewer easement recorded in Liber 9411 of Deeds, Page 318, and

WHEREAS, the release of said portion of the sanitary sewer is necessary for the

building construction on Parcel F, being identified as Tax Identification No. 162.05-1-3.11, and

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

WHEREAS, the Town Attorney and the Director of Engineering/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

Just for the Record, I think it would have been helpful if in the Resolution we had a description of who the retailer is that's going in there. Mark Byrne, do you want to come up and give us that information?

MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING

There's nobody planned for that at the moment. It was approved for just the box.

SUPERVISOR BREESE

So, it's a spec deal, you think?

MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING

Yes.

SUPERVISOR BREESE

Okay. Thank you. Call the roll.

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 #13-159/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, the Town Board of the Town of Henrietta has received requests for

the rezoning of approximately 8.4 acres from the owners of the parcels of land located at 5300 and 5370 West Henrietta Road identified as Tax Account Numbers 189.01-1-14, 189.01-1-

15, 189.01-1-16, and a portion of 189.01-1-17 from Residential R-1-15 to Commercial B-1, and

WHEREAS, maps and descriptions of the lands under consideration are on file in the Office of the Town Clerk, and

WHEREAS, after consideration by the Henrietta Town Board, the Application exceeds one or more thresholds for a Type I Action, as stated by Section 617.4 of the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA) such an Action is a Type I Action, and

WHEREAS, a Long Environmental Assessment Form (EAF) has been prepared for the proposed rezoning, and

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

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board be and is hereby authorized to distribute a Notice of Intent to Serve as Lead Agency to all interested agencies for a coordinated review pursuant to 6NYCRR 617.6 and 617.12.

BE IT FURTHER RESOLVED, that a Public Hearing on the rezoning request will be held on July 19, 2006 at 8:00 P.M. at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York 14467, to consider rezoning said properties from Residential R-1-15 to Commercial B-1.

BE IT FURTHER RESOLVED, that provided no other involved agency indicates a desire to serve as Lead Agency within thirty (30) days of the date of the Notice of Intent to Serve as Lead Agency, the Henrietta Town Board shall serve in that capacity in accordance with SEQRA regulations.

SUPERVISOR BREESE

Under discussion, just for the Record, this is the property that's currently occupied by Gardner Greenhouse. Call the roll.

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 #13-160/2006

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

WHEREAS, the Commissioner of Public Works has requested that the following item be declared surplus equipment:

<u>Vehicle #</u>	<u>Description</u>
256	1997 John Deere 6x4 Gator

THEREFORE, BE IT RESOLVED, that the item described above be declared surplus equipment and be sent to the Service Garage for disposal.

SUPERVISOR BREESE
Discussion? Call the roll.

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 #13-161/2006

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

WHEREAS, Resolution #11-141/2006 authorized the advertisement for bids for the repair of the floor in the Department of Public Works parking garage, and

WHEREAS, two (2) bids were received, and the low bid, meeting specifications, was received from LPL Enterprises, Inc. for a total cost of \$34,500.00.

THEREFORE, BE IT RESOLVED, that LPL Enterprises, Inc., 134 Sunny Mill Road, Rochester, New York 14626, be hereby awarded the bid for the repair of the floor in the Department of Public Works parking garage at a cost not to exceed \$34,500.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay LPL Enterprises, Inc. in an amount not to exceed \$34,500.00, upon completion of said

project, receipt of all proper documentation, and acceptance by the Commissioner of Public Works.

SUPERVISOR BREESE
Discussion? Call the roll.

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 #13-162/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, the Director of Recreation and Youth Bureau, Regis P. Steinkamp, has requested authorization to send David Moriarty to the International Youth Sports Congress to be held in Washington, D.C. from September 21, 2006 to September 23, 2006, and

WHEREAS, funds are available in the Year 2006 Budget, and

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

THEREFORE, BE IT RESOLVED, that David Moriarty be hereby authorized to attend the three (3) day Youth Sports Congress at a cost not to exceed \$650.00, to include Congress Registration, hotel accommodations, meals, and ground transportation.

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

SUPERVISOR BREESE
Discussion? Call the roll.

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 #13-163/2006

On Motion of
 Councilwoman Zinck

Seconded by
 Councilman Yudelson

WHEREAS, the Board of Trustees of the Henrietta Public Library has requested the following year 2006 Budget transfers:

Increase line item 05-7410-470 as follows:

BFR (Money received for lost and damaged materials)
 reported as of May 27, 2006. \$ 1,743.62(BFR)

UMS money to pay collection agency, reported as
 of May 27, 2006. + 4,046.81 (UMS)

Increase line item 05-7410-470 (Contingency) by
 \$5,790.43 for BFR/UMS. \$ 5,790.43

THEREFORE, BE IT RESOLVED, that the Director of Finance be hereby authorized to make said Budget transfers.

SUPERVISOR BREESE
 Discussion? Call the roll.

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 #13-164/2006

On Motion of
 Councilman Mulligan

Seconded by
 Councilwoman Zinck

BE IT RESOLVED, that the following persons be hired:

Peggy Gardner Fire Marshal/Building Department, Part-time Seasonal
@ \$10.00/hr., effective 6/22/2006.

Recreation Summer Programs, as per the attachment.

Recreation Summer Bus Drivers, as per the attachment.

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

Recreation Summer Programs, as per the attachment.

SUPERVISOR BREESE
Discussion? Call the roll.

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 meeting. Before we adjourn, is there anybody who would like to speak on any other matters involving the Town of Henrietta?

RACHEL WARREN, 59 TOMAHAWK TRAIL

You know that for the last eight (8) years I've been an advocate for farmland, and we have not done much of anything to help preserve it here in Henrietta. I've been receiving newsletters from an outfit called the Earth Policy Institute, and the latest issue says, "world grain stocks fall to fifty-seven (57) days of consumption," which means that our food supplies around the world are becoming imperilled. I don't know how many farms we have left in Henrietta; I would suspect maybe two (2) or three (3) at the most at this point in time. I think this is a very serious issue. I made a copy of the, this issue for all of you to read, and I hope you'll take it seriously and that maybe we'll turn around how we think about farmland in Henrietta.

SUPERVISOR BREESE

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

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman McCabe at 8:15 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk