

**HENRIETTA TOWN BOARD
AGENDA
JULY 19, 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 21, 2006
6. Miscellaneous Communications
7. Public Hearings:
 - Relocation of Design Services, Inc. from the Town of Henrietta to the Monroe County Empire Zone in the City of Rochester
 - Proposed Rezoning of Land Located at 5300 and 5370 West Henrietta Road from Residential R-1-15 to Commercial B-1
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 #14-165/2006
Authorize Accounts Payable

RESOLUTION #14-166/2006
Authorize Purchase of Land Located on the South Side of Scottsville-West Henrietta Road West of Moore Road for Public Recreational Purposes

RESOLUTION #14-167/2006
Call for Public Hearing - Proposed Local Law No. 3 of 2006 Establishing and Amending Various Zoning Chapters of the Town Code of the Town of Henrietta

RESOLUTION #14-168/2006
Authorize Relocation of Design Services, Inc. from the Town of Henrietta to the Monroe County Empire Zone in the City of Rochester

RESOLUTION #14-169/2006
Accept Letter of Credit - Stone Hill Estates Subdivision, Section 4

RESOLUTION #14-170/2006
Call for Public Hearing - Proposed Establishment of Extension No. 191 (Walgreens) to Henrietta Sewer District No. 1

RESOLUTION #14-171/2006

Accept Letter of Credit - The Preserve Subdivision, Section 7

RESOLUTION #14-172/2006

Authorize Proposed Rezoning of Land Located at 5300 and 5370 West Henrietta Road from Residential R-1-15 to Commercial B-1

RESOLUTION #14-173/2006

Authorize Advertisement for Bids - Hollybrook Road Sanitary Sewer Repair Project

RESOLUTION #14-174/2006

Declare Items Surplus Equipment

RESOLUTION #14-175/2006

Authorize Amendment of the Deferred Compensation Plan for Employees of the Town of Henrietta

RESOLUTION #14-176/2006

Award Quote - Replacement of Pedestrian Bridge Located Between Notre Dame Drive and Campus Drive

RESOLUTION #14-177/2006

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 19TH DAY OF JULY, 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

We have two (2) Public Hearings. The first one is to relocate Design Services to Rochester. Has that been properly advertised?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir.

SUPERVISOR BREESE

This is a company that is moving from Henrietta into Rochester, and according to the various regulations, including C.O.M.I.D.A., the Town they're leaving has to not object to it. So, that's what this is about. Is there anybody that would like to speak on this Application? *(Pause - no response)* If not, I'll close the Public Hearing. The next Public Hearing is on a proposed rezoning of land, 5300 West Henrietta, from Residential R-1-15 to Commercial B-1. Is there somebody here from the Applicant? Has this been advertised, by the way?

PATRICIA SHAFFER, TOWN CLERK

Yes, Sir, it has.

SUPERVISOR BREESE

Is there somebody here from the Applicant to give us a summary of what you'd like to do?

HOWARD KONAR, KONAR PROPERTIES

Good evening. My name is Howard Konar from Konar Properties. It's nice to see you all again. With me here tonight is Michael Trojan, also from Konar Properties; Joe

Ardieta from Corneles Engineering; and Ted Miller from Gardner's Greenhouse. We actually have quite a bit of information to discuss and present tonight. I'm going to turn this so that it can be seen, and also, I've got some smaller versions of this that I'd like to hand out to the Board, if that's okay.

COUNCILWOMAN ZINCK

Howard? Can you see with that?

HOWARD KONAR, KONAR PROPERTIES

We're going to keep turning it. *(Brief pause)* As I said, we have a lot of information to cover tonight, and I'll try to split it into three (3) parts. The first will be just an overview of the transactions, because there's really three (3) parties involved in this. The second is to discuss our development plans in a little more detail, and the third is to talk about some variances that we will be requesting further down the road. Please note that we're not requesting the variances as part of the rezoning tonight, but I thought it was fair, because we do plan to request them and because our zoning, or our development plans, are based on some assumptions about variances, that I advise the Board of that up front. So, to start with an aerial photograph that we have here, and I'll point to things on this and hope that you can follow it on yours. This is the greenhouse property that's currently owned by Pete Gardner. It is a little over nine (9) acres in total, and it stretches from this one residential property here, south of the Thruway, up to the Thruway itself. Right now there's also a gas station, a service station, here, owned by Jim Sickles. It's an Exxon Station at 5300 West Henrietta Road. West Henrietta Road is here, New York State Thruway is here, Thruway Park Drive is over here, and then just to the south, as I said, there's one (1) residential lot that's owned by Arthur and Peggy France *(sp)*. Um, our plan is, starting with Pete and Ted, for them to take one of their production greenhouses and relocate it from this area to a lot at the northern part of the property. It will be about one point six (1.6) acres. They'll relocate one of the greenhouses there for continued operation and then take the balance of them down. There is a plan among family members for Pete to transfer ownership of that one point six (1.6) acre lot and the greenhouse to Ted, and Ted will be the one who runs it in the future, and Pete plans, as part of this transaction, to retire. So, that's kind of step one (1). Step two (2) is for us to purchase the balance of this land from Pete and develop it as a neighborhood convenience center, retail center, which I'll talk more about in a minute, and then step three (3) is for us to take a small piece of this parcel here, right next to Jim Sickles' property and transfer it to him. He would like to add wash bays for a car wash at his service station, and depending on how things go for him, he might also expand to a small convenience store on site there. So, that's the plan and that would be about point six (.6) acres. I just want to point out again, in terms of our rezoning request, that our rezoning includes our land that we intend to buy, and Jim Sickles land. It does not include the one point six (1.6) acres that Ted intends to keep, which he intends to continue using for agricultural purposes. This is a copy of our development plan. Again, you have a smaller version of this in the packages that are in front of you. I'll just focus, again, on the big picture items and then talk a little bit

more about the details. But, in terms of the big items, we have illustrated here what we plan to do for the development in terms of the buildings and the road network. That's all illustrated in green, and then here is Jim Sickles property showing the addition of the wash bays for the car wash, again, illustrated in color. The property to be retained by Ted is up here in black and white. So, that's the parcel that's not part of the rezoning request. We planned this retail center starting with thinking about access. There's an exit right here, at the intersection of West Henrietta Road and Thruway Park Drive. We thought it would be best to bring most of the traffic up through a kind of a central street which we arced around to make use of the land. There's another exit and access point down here a little bit to the north. So, there will be two (2) ways in and out of the development. In terms of how we planned it, we scattered three (3) buildings across the front and put a parking courtyard here and then put additional parking either in courtyards or along the sides of the actual buildings. The intent in doing it this way was to avoid the typical strip mall appearance where you have kind of a sea of parking here, with a strip of retail use in back of it. We tried to break the buildings up into good sizes for multiple retail uses and then to create a traffic pattern and a parking pattern that would, you know, be something that would fit into the neighborhood and also fit the style of things that we have been building in the area ourselves. In terms of the uses that we think we might have here, there's some things that we will actively try to get and some of these are based on conversations we've had with neighbors or our own feelings about what's appropriate for the area. I would like to see that building there, for example, as a stand alone drugstore, possibly with a drive-thru for prescriptions. Now initially, that wasn't one of our thoughts, but especially because at the corner right now of Calkins and East Henrietta Road there's four (4) drug stores, but in discussions with neighbors, they pointed out that they would like something close by and, you know, we'll see if the demand is there and if the drugstore operators agree. We have planned from the beginning to do this building as a bank. We've illustrated it with a drive-thru teller feature here. Again, you know, living and working here, a lot of people have said there are no branch banks nearby. That's also a comment we've gotten from people in the business park. Another comment we've gotten is that there are very few daycare centers nearby. That's something that we had planned to do a long time ago. We have a spot here that we think is appropriate. It's illustrated here at ten thousand (10,000) square feet, but we've been, well, we're in discussions now with somebody who would like to do something at seventy-two hundred (7,200) square feet. It's an existing business in Henrietta. They have two (2) locations. They have current leases but would like to consolidate in late 2007 or early 2008, and we're talking to them about that location there. If that did become a daycare center, the building would shrink in size somewhat, and we would convert this to greenspace behind for a playground. After this, it's more or less wishful thinking, but I'd love to see in this building back here, which we could do as two (2) stories, a health club on the first floor and medical and dental offices on top, and we have a courtyard in here between two (2) buildings that could be shared by two (2) restaurants, which is another request we've gotten from people in the business park. So, we think that our uses would be, what we would describe as, neighborhood convenience retail. There wouldn't be big box type things. It wouldn't be a typical strip mall, but, you know, there is room here for a Verizon store,

or a tailor shop, or a bakery, or other types of uses that would be amenable to the neighborhood. We did write letters to our neighbors advising them about our development plans. We sent one letter to Lindsey Collier (*sp*) to share with people on Telephone Road and on Yellowstone, and we also wrote letters to the people who live near us on West Henrietta Road and Erie Station Road. We invited them to a meeting in our office on July 5TH. We had three (3) people attend that meeting. Mr. Bixby was one of those people. He had a comment and concern about sidewalks in this area, and I'm sure he'll speak for himself later on, on that point. The other comments that we got mostly concerned increased traffic due to the development, and especially the problems that exist in this area with speeding. People come down the road, West Henrietta Road, at forty-five (45), or fifty (50), or fifty-five (55) miles an hour. They're supposed to slow down to forty (40) after the bridge, they don't, and the concern was, what will happen when there's additional traffic here. Specifically, we were asked if we would update the traffic studies we did for Erie Station Village and for Erie Station Business Park, and we will do that as part of our Planning Board submission. We suspect that, that will result in a change in the timing of the lights now at Brooks and Thruway Park Drive and at Erie Station Road, and hopefully that could get people to slow down and even stop as they pass through. In the meantime, really, the only remedy is increased enforcement and to the extent that anybody at the Town or the neighborhood wants to take that on, we'd certainly be happy to help. That is it for what I had planned to say about the transactions and the development plans. I'll talk next about the variances, but I've been going for a little bit already. So, if anybody has a question about what I've covered . . . (*tape being switched*) . . . possibly a third lane northbound heading up to the Thruway entrance that was located there. We've contacted the Thruway Authority and asked what we could do to overcome this issue in terms of some sort of use easement or something like that, that could be done quickly and their answer was nothing. They told us we could apply to buy it, and they'd be happy to sell it to us, and it will take five (5) years. So, rather than waiting five (5) years, we thought we'd apply for a variance, the issue being that, that's the property line. If we were to observe the setback requirement, we could be a hundred and twenty-five (125) feet behind that, which would pretty much cut off the retail from here from the road and make a lot of the land not usable. The second setback issue is different. That has to do with the fact that Ted wants to preserve residential zoning here, but we'll be a commercial zone. By Code, there should be a fifty (50) foot buffer for buildings and pavement between a residential and a commercial zone, but our agreement with Ted is that we will be building access for him, we'll be paving right up to his boundary line so that people can get to the production greenhouse, so he will join us in asking for a variance so that we can get that done. The third variance is, due to the fact that at the southern end here, the Frances have a property. It's complicated a little bit by the fact that a gas line actually runs right along the property line there, and it's a big gas line, and in fact, RG&E recently just trimmed all the vegetation in that area to make it easy to monitor it from the air. So, we're limited in what we can do there. We certainly can't build buildings over the gas line, but we did want to be able to pave within the fifty (50) foot buffer that separates us from the Frances. So, we met with them, showed them our plans on Monday when it was about ninety-three (93) degrees, we

actually walked out there and took a look at the conditions. They have some concerns about preserving a buffer of trees and bushes that is between our development and their land. They also might like us to add fencing in certain areas, and we're happy to do that if, on the other hand, we can pave in certain areas that we might not otherwise be able to pave. So, we hope, when we go for our variance, to have their agreement and hope that that makes the variance easier to grant at that level as well. And that is it. So, at this point I'm done with my part of the presentation.

SUPERVISOR BREESE

Mr. Konar, the property you're looking at is technically, it's zoned residential. However, most of it has been used for business purposes, is that correct?

HOWARD KONAR, KONAR PROPERTIES

Yes, that's right.

SUPERVISOR BREESE

Except for Mr. Gardner's house.

HOWARD KONAR, KONAR PROPERTIES

Right, and I think that's true even of the service station here, and there's also another service station just to the south. I think they're both still residential even though they're commercial.

SUPERVISOR BREESE

So, you're really asking for a change from one kind of business to another kind of business, isn't that really what this is?

HOWARD KONAR, KONAR PROPERTIES

Yes.

SUPERVISOR BREESE

What would happen to Mr. Gardner's house?

HOWARD KONAR, KONAR PROPERTIES

We would actually take it down. There's a house, a barn, and other structures on the property, and you know, that's part of our discussion with Pete and Ted, that, you know, there has to be a move before we start our development. His house is pretty much in the path of that road there.

SUPERVISOR BREESE

Do the Board members have a question right now?

COUNCILWOMAN ZINCK

Um, yeah. Through you, Mr. Supervisor, just a question. When you built Erie Station Village you had always talked about having some businesses within there, some restaurants, perhaps a bank, that kind of thing. Are you still considering having some

of those over in Erie Station or is this in lieu of?

HOWARD KONAR, KONAR PROPERTIES

I'm still considering doing some of it at Erie Station in the house or near the house that John and Josephine Tirabassi occupy. We have purchased that house for that purpose but they have the right to live there as long as they want. We don't want to do any development there while they're still there, and in the meantime, Pete and Ted came to us and said they were planning to sell this, well, Pete was, and didn't want it to turn into a strip mall and would we consider buying it. Um, we've never done any retail before, let alone retail on this scale, but the more we thought about it, the more we thought it might be an appropriate place for some of the uses that we wanted. And also, this is on the going to work side of the street, so for daycare and other uses it actually makes more sense. But yeah, I could still see a coffee shop or other, you know, smaller uses in the village.

COUNCILWOMAN ZINCK

Okay. And then, I'm assuming you also envision some of the people from Erie Village, or Erie Station being able to walk over to your . . .

HOWARD KONAR, KONAR PROPERTIES

That would be nice.

COUNCILWOMAN ZINCK

Have you thought through the pedestrian aspect?

HOWARD KONAR, KONAR PROPERTIES

The only practical way to get them there would be through the sidewalk connection here at Thruway Park Drive and then to create some sort of crossing area there that was safe. Right now, at the current speed limits and things like that, I think that's tough. But, this is a State road, they have jurisdiction over how fast people drive, and if there's anything we can do to encourage that we would, but it would have to be in cooperation with the State.

SUPERVISOR BREESE

Does somebody else have a question right now? Would anybody in the audience like to speak on this Application? Yes, Sir. You've got to give us your name and address.

KEVIN YOST, 1474 MIDDLE ROAD

Right. I know. I'm just waiting for the microphone. *(Accidentally turns microphone off)* I'm going to do something that's unprecedented at a Town Board meeting. I'm going to speak in favor of rezoning the development. *(Laughter)*

SUPERVISOR BREESE

Are you serious?

KEVIN YOST, 1474 MIDDLE ROAD

Um, I feel that this will revitalize those parcels of property, and the businesses that Mr. Konar is proposing are needed. It will help put the west hamlet on par with the hamlets of other towns in the area such as Penfield's Four Corners, Bushnell's Basin in Perinton, and Mendon's Four Corners. My case in point, I was at the wonderful dedication of two (2) historic marks in the village but I had to go to the bank and the car wash but I had to go all the way up to the north end of West Henrietta Road in Town, to the (*inaudible*) entire chain of banks and car wash where you risk being creamed in heavy traffic trying to go out onto West Henrietta Road. And like I said, this will help revitalize our hamlet, and I think I did mention, there's a car wash, the east hamlet has a car wash and there hasn't been a car wash on the west side of Town other than the one way up by the (*inaudible*), and it's been past several years since the Sunoco station on West Henrietta Road closed when the owner passed away. I guess I prefer that Gardner's house not be torn down, that it be used maybe for a business a lot like what was done to the brick Tirabassi's house. However, it is not a landmark. Mr. Gardner exercised his rights four and a half (4½), three and a half (3½) years ago to not have it landmarked. That was his right, and I guess to address the issue that Mr. Konar brought up, that Reverend Bixby had brought up, sidewalks, I would like to see sidewalk extensions in the west hamlets at the public places and residences in the hamlet and hopefully in the east hamlet as well. Thank you.

SUPERVISOR BREESE

Thank you, Sir. Anybody else? Yes, Sir.

CHARLES BIXBY, 5489 WEST HENRIETTA ROAD

My concern is with the sidewalk. Let me show you here. This is not an accurate description, nor is this. This is before what has taken place in the last few years. What has happened is that, when Thruway Park Drive was put through for the development. A turning lane was put in here, and that turning lane took away any access by pedestrians walking along West Henrietta Road. It therefore, jeopardized the safety of anybody in these houses along here that would walk in this area. They had to walk on the highway, or they were walking into a porch. It was that close that it was riding, encroaching upon these properties. Another concern is that over here you have R.I.T. now, and you have people there that might utilize this kind of a development. So, I'm concerned that we do something about having a sidewalk in this area. This is, the Town has taken this sidewalk here; they plow it, take care of it. What would happen to this proposed sidewalk, I don't know, but I know that it needs to be done for public safety. So, I'm concerned about this issue. In terms of the development itself, I'm favorable to this. I think it is a very positive way for it to go. You simply, you're going to have people drawn into this area. You need to give consideration to sidewalks, and that should also include a walkway along Thruway Park Drive down into the property here. We have people that are coming across from the apartments through our houses up along West Henrietta Road. This should not be taking place. They should be able to have access by sidewalks down here. So, those are concerns I have. The general development, I think, is a very positive thing, and

Thruway Park Drive has been a part of what Konar has really contributed to this whole area by taking traffic this direction and to connect with the east/west route it has taken the heavy traffic out of the Erie Station Road/West Henrietta Road intersection and has been a great benefit for the community. So, that is a blessing which we are grateful for and hopefully now we'll compensate in some fashion for this sidewalk problem.

SUPERVISOR BREESE

Thank you for your comments. I'm sure we'll consider them, Mr. Bixby. Is there anybody else that would like to speak on this Application right now? Yes, Mam?

BARBARA MOSHER, 715 TELEPHONE ROAD

Thank you. My name is Barbara Mosher and I live on Telephone Road, and I did not receive any notification. I read about it in the newspaper. Mr. Konar, you said that you want to build this because you don't want to see a strip mall there. If that is currently zoned residential, only our Town Board would be able to let that happen, so, and they have to let this happen. My concern is the rural nature of West Henrietta and do we really need to have this. Within six tenths (.6) of a mile we have a very nice restaurant, we have several along West Henrietta Road, at eight tenths (.8) of a mile we have Tim Horton's which is a place that we can go to get our coffee. We are getting one and a half (1½) miles from this site (*inaudible*) car wash that's being built on Lehigh Station Road and the Sunoco station, which is going to be another gas station in the neighborhood. My concern is, do we really need these things. You know, I recently moved to West Henrietta after living in the City for thirty (30) some years, and I felt like I had moved back to the country, and every day I go across West Henrietta Road to the stores and crossing that Thruway is like I'm leaving that behind, and I just really hate to see what everybody makes fun of Henrietta for, you know, "we don't want our place to be like Henrietta." I love Henrietta, but I really would like not to see a lot of commercial development come into the neighborhood, and one of my concerns is, what's going to happen if we have more vacant buildings in Henrietta, particularly West Henrietta. At the corner of East River Road and Erie Station Road there's a sector there to serve the people of Riverton and now there are even more houses there and more around (*inaudible*) and the only thing that has had good luck is the Sugar Creek store and gas station. The one store has been constantly vacant and the other was just habitated again, but who knows for how long. So, if a big area like that does not want to support, I question whether (*inaudible*). Thank you very much.

SUPERVISOR BREESE

Thank you. Would anybody else like to speak on this Application? Yes, Mam?

AMY COTE, 753 TELEPHONE ROAD

I'm Amy Cote. I also live on Telephone Road, and I also did not receive any mailer or I would have been . . .

SUPERVISOR BREESE

Excuse me. Did the mailings go to Telephone Road, do you know?

HOWARD KONAR, KONAR PROPERTIES

No.

SUPERVISOR BREESE

Were they required?

HOWARD KONAR, KONAR PROPERTIES

Not for . . .

SUPERVISOR BREESE

Are they required under the Law to go to Telephone Road?

PATRICIA SHAFFER, TOWN CLERK

We did, under the Law, publish a legal notice in the Henrietta Post. That is what is required by Law.

SUPERVISOR BREESE

Thank you.

AMY COTE, 753 TELEPHONE ROAD

I indicated that only because you had indicated in your earlier statement that you sent it to all of our homes (*inaudible*) but I didn't receive anything. (*Inaudible*) While I can appreciate the interest in business development and different companies wanting to do some things to earn money and create infrastructures, you know, I get it, but what Ms. Mosher said, we don't need it. I mean we moved to West Henrietta, I've lived in Henrietta my entire life, I was born here. We don't have cows on the corner of Lehigh and West Henrietta Road anymore because now we have entire acres of parking lot and lights and everything. (*Inaudible*) to develop their stuff very close to us. There's no reason to (*inaudible*). Everything is right around the corner. There's no reason to have it right on Erie Station Road, and I can appreciate the development and realize the Erie Station housing development there, they're very nice. They look like (*inaudible*), they fit with the landscape of the area, but I can't imagine how this is absolutely necessary for us, and as a resident of Telephone Road, you know, I do everything I can to conserve the environment by inviting DEC members to my land to say these are the kind of trees you need to have to kind of conserve the bluebird population, the goldfinch population and everything. I don't, this, you know, there's an empty building right on Lehigh Station Road that has sat for four (4) years now, two (2) stories tall and it's going to fall over and kill somebody. There's no reason that we have to look at a brand new building when all the buildings are (*inaudible*) furthering the (*inaudible*) totally empty structures, bringing new buildings everywhere. It's absolutely unnecessary, and I'm concerned, too, because not that I didn't get a mailer, but I'm a neighbor and I wasn't spoken to. So, I feel that there's been a lot of misrepresentation about who was going

to be consulted on this issue. Certainly, of all the people I know in Henrietta, everyone is opposed to it.

SUPERVISOR BREESE

What would you like to see there on that parcel?

AMY COTE, 753 TELEPHONE ROAD

Nothing.

SUPERVISOR BREESE

Oh, then why don't you buy it. You know, really. We have a property owner who wants to sell his property. What do you tell a property owner who wants to sell his property? You're

saying he can't sell it because you don't want anything there? I don't think that's right, do you?

AMY COTE, 753 TELEPHONE ROAD

I'm not saying he can't sell his property.

SUPERVISOR BREESE

Well, you're saying you want nothing there.

AMY COTE, 753 TELEPHONE ROAD

I just don't think this is the appropriate thing to go there.

SUPERVISOR BREESE

But you want nothing there, you just said that.

AMY COTE, 753 TELEPHONE ROAD

Sure, that would be my wish. I told you, if I had the money and he would be willing to sell it, I would absolutely do that, and I would absolutely leave it alone.

SUPERVISOR BREESE

Leave it alone.

AMY COTE, 753 TELEPHONE ROAD

Absolutely.

SUPERVISOR BREESE

Okay. You've given us your opinion. Would anybody else like to speak?

HOWARD KONAR, KONAR PROPERTIES

I actually want to . . .

SUPERVISOR BREESE

Go ahead. Maybe they'll buy it from you.

AMY COTE, 753 TELEPHONE ROAD

I don't really appreciate the way you're speaking.

SUPERVISOR BREESE

I don't really care what you think. Go ahead.

HOWARD KONAR, KONAR PROPERTIES

Well, I just want to clear up the misunderstanding about the notices. We mailed to everybody on West Henrietta Road, meaning our development, and Erie Station Road. We mailed everybody on Erie Station Road, that is, between West Henrietta Road and probably close to where Thruway Park Drive comes out to the other end. We don't do mailings to Telephone Road (*inaudible*) because years ago when we started our development (*inaudible*) West Henrietta neighborhood group (*inaudible*) and both of them took responsibility in (*inaudible*). I did mail about eight (8) copies of all the materials to a (*inaudible*). If you want to be included on anything in the future, give us your name and address. Our intent is to try to (*inaudible*) before the Public Hearing. (*Inaudible*).

SUPERVISOR BREESE

Thank you, Mr. Konar. Anybody else before we adjourn the Public Hearing? Anybody else? Sure, okay.

MARCIA PRATTICO, 740 TELEPHONE ROAD

I'm Marcia Prattico, and I live on Telephone Road, and as a resident of Henrietta for like thirty (30) years now, um, actually lived in Henrietta, we moved to West Henrietta, and I told someone, one of our neighbors, that, well, you know, we're still in Henrietta, and she said, no, you're in West Henrietta now and West Henrietta is different. It's rural, it's farmland, it's country. So, as an elected official in the Town, I think it's your duty to listen to all the opinions of all the citizens, and I think your characterization and your statements were very, very uncalled for, and unnecessary, and I think an apology is in order.

SUPERVISOR BREESE

Thank you for your comments. No apology, okay. Anybody else? I close the Public Hearing. We'll move on to the first Resolution. May I have the first Resolution, please.

No, the Minutes, please. May I have the Minutes, please.

COUNCILWOMAN McCABE

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

RESOLUTION #14-165/2006

On Motion of

Seconded by

Councilman Mulligan

Councilman Yudelson

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

EXHIBIT A	Bills Payable dated 7/19/2006	\$ 276,911.62
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EXHIBIT B	Manual Bills Payable	\$ 2,414.12
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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 #14-166/2006

On Motion of
Supervisor Breese

Seconded by
Councilman Mulligan

WHEREAS, the Town of Henrietta wishes to acquire additional parkland for public recreational purposes, and

WHEREAS, there is available approximately seventy-two (72) acres of land on the south side of Scottsville-West Henrietta Road, Route 253, west of Moore Road and bordering the Genesee River adjacent to the Berkshire Park Subdivision owned by

Forest Creek Equity Corp., being identified as part of Tax Account No. 200.02-2-1.1, and

WHEREAS, said land meets the recreational needs of the Town of Henrietta, and

WHEREAS, a recent appraisal report of the property prepared by Robert G. Pogal, SRPA, establishes the value of said property at the sum of One Hundred Eighty-two Thousand Dollars (\$182,000.00), and

WHEREAS, said funds are available in the Town of Henrietta Parks Fund.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute any documents necessary to effect the acquisition of said lands to be known as Riverfront Park.

BE IT FURTHER RESOLVED, that the Director of Finance is hereby authorized to pay, from the Town of Henrietta Parks Capital Fund, the purchase price and any expenses associated with the acquisition of said lands to be known as Riverfront Park.

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 #14-167/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, true and correct copies of proposed Local Law No. 3 of 2006, a Local Law enacting Chapter 207 of the Code of the Town of Henrietta entitled, "Abandoned, Junked or Inoperative Vehicles"; enacting Chapter 209 of the Code of the Town of Henrietta entitled, "Junk Storage"; amending Chapter 205 entitled, "Property Maintenance", Section 205-14 of the Code of the Town of Henrietta; and repealing Chapter 205 entitled, "Property Maintenance", Section 205-12 of the Code of the Town of Henrietta, were delivered to each member of the Town Board, and

WHEREAS, due consideration has been given to the adoption of proposed Local Law No. 3 of 2006, a Local Law enacting Chapter 207 of the Code of the Town of

Henrietta entitled, "Abandoned, Junked or Inoperative Vehicles"; enacting Chapter 209 of the Code of the Town of Henrietta entitled, "Junk Storage"; amending Chapter 205 entitled, "Property Maintenance", Section 205-14 of the Code of the Town of Henrietta; and repealing Chapter 205 entitled, "Property Maintenance", Section 205-12 of the Code of the Town of Henrietta, by all members of the Town Board, and

WHEREAS, the Town Board wishes to consider and solicit public input on the proposal to enact a stringent and comprehensive method of controlling abandoned, junked or inoperative vehicles and junk within the Town of Henrietta, and

WHEREAS, it is the considered opinion of the Town Board that a Public Hearing should be held on the 16TH day of August, 2006 at 8:00 P.M. at the Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York, to consider the adoption of proposed Local Law No. 3 of 2006, a Local Law enacting Chapter 207 of the Code of the Town of Henrietta entitled, "Abandoned, Junked or Inoperative Vehicles"; enacting Chapter 209 of the Code of the Town of Henrietta entitled, "Junk Storage"; amending Chapter 205 entitled, "Property Maintenance", Section 205-14 of the Code of the Town of Henrietta; and repealing Chapter 205 entitled, "Property Maintenance", Section 205-12 of the Code of the Town of Henrietta, by all members of the Town Board.

THEREFORE, BE IT RESOLVED, that a Public Hearing be held on the 16TH day of August, 2006 at 8:00 P.M. at the Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York, to consider the adoption of proposed Local Law No. 3 of 2006, a Local Law enacting Chapter 207 of the Code of the Town of Henrietta entitled, "Abandoned, Junked or Inoperative Vehicles"; enacting Chapter 209 of the Code of the Town of Henrietta entitled, "Junk Storage"; amending Chapter 205 entitled, "Property Maintenance", Section 205-14 of the Code of the Town of Henrietta; and repealing Chapter 205 entitled, "Property Maintenance", Section 205-12 of the Code of the Town of Henrietta; and a summary thereof be published in a newspaper previously designated as an official newspaper for publication of public notices, not less than five (5) days prior to said Hearing.

BE IT FURTHER RESOLVED, that the Town Clerk shall post Certified copies of both this Resolution and said proposed Local Law No. 3 of 2006, a Local Law enacting Chapter 207 of the Code of the Town of Henrietta entitled, "Abandoned, Junked or Inoperative Vehicles"; enacting Chapter 209 of the Code of the Town of Henrietta entitled, "Junk Storage"; amending Chapter 205 entitled, "Property Maintenance", Section 205-14 of the Code of the Town of Henrietta; and repealing Chapter 205 entitled, "Property Maintenance", Section 205-12 of the Code of the Town of Henrietta, or a summary thereof, on the bulletin board maintained by the Town Clerk, pursuant to Section 30(6) of the Town Law, for a period of not less than five (5) days prior to said Public Hearing.

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 #14-168/2006

On Motion of Councilman Mulligan Seconded by Councilman Yudelson

WHEREAS, Design Services, Inc., with offices located at 3495 Winton Place, Building E, Suite 270, Rochester, New York 14623, will be moving to 25 North Washington Street, 4TH Floor, in the City of Rochester, and

WHEREAS, a Public Hearing was held on July 19, 2006, 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 City of Rochester.

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 City of Rochester.

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 #14-169/2006

On Motion of Councilwoman McCabe Seconded by Councilwoman Zinck

WHEREAS, Stone Hill Development Company, the Developer of Stone Hill Estates Subdivision, Section 4 (located off High Stone Circle on Glacier Rock Drive in the Towns of Henrietta and Pittsford) has submitted an Engineer's Estimate for construction of all site improvements for said subdivision section, and

WHEREAS, the Director of Engineering and Planning has reviewed the estimate prepared by Passero 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 and in the Town of Henrietta.

THEREFORE, BE IT RESOLVED, that the Developer, Stone Hill Development Company, submit a Letter of Credit in favor of the Town in the amount of Thirty Thousand Seven Hundred Twenty Dollars (\$30,720.00).

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 #14-170/2006

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 191 (WALGREENS) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED AT 2655 AND 2665 EAST HENRIETTA 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. 191 (Walgreens) to Henrietta Sewer District No. 1 bounded and described as set forth on exhibits now on file in the Town Clerk's Office, and

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 Seven Hundred Thirteen Thousand Three Hundred Eighty-three Dollars (\$713,383.00).

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

SUPERVISOR BREESE
Discussion? Call the roll.

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 #14-172/2006

On Motion of
Supervisor Breese

Seconded by
Councilwoman McCabe

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 declared its intent to be the Lead Agency for the Environmental Quality Review under the New York State Environmental Quality Review Act (SEQRA), 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 this rezoning pursuant to Section 617.7 of SEQRA, and

WHEREAS, pursuant to an Order, a Public Hearing was held on July 19, 2006.

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 of said parcels to Commercial B-1 upon the terms and conditions set forth on the Record at the Henrietta Town Board Public Hearing held July 19, 2006, as per the attached legal description.

SUPERVISOR BREESE
Discussion?

COUNCILMAN MULLIGAN
Under discussion, two (2) points. One, Mr. Konar, you've been an excellent developer for years. I do believe you are remiss in not notifying Telephone Road of this development. That group has supported you for many years, and I think in not getting a correspondence out to them is wrong. And secondly, the women that came in and spoke tonight, I'd like you to feel welcome here in the future. I apologize for the actions of some members of the Board. I don't think we want a confrontational situation here. You're welcome to come here. You guys pay the bills, and I hope you come again.

COUNCILWOMAN ZINCK
Absolutely.

SUPERVISOR BREESE
Discussion?

COUNCILWOMAN McCABE
I'll second that.

SUPERVISOR BREESE

Okay. Anything else? 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 #14-173/2006

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

WHEREAS, the Town of Henrietta requires bids for the Hollybrook Road Sanitary Sewer Repair Project for the spot repairs to the existing sanitary sewer on Hollybrook Road between Casa Drive and Groton Parkway, to conform with construction plans and specifications on file in the Town Clerk’s Office, with bids to be opened at 10:00 A.M. on Thursday, August 24, 2006 and received no later than 9:30 A.M. on Thursday, August 24, 2006.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Hollybrook Road Sanitary Sewer Repair Project as per cited plans and specifications on file in the manner provided by Law.

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 #14-174/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, various departments have requested that the items on the attached list be declared surplus equipment.

THEREFORE, BE IT RESOLVED, that the items described in the attached list be declared surplus equipment and be sent to the Parks and Facilities Department 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 #14-175/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York State Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated the Plan Document of the Deferred Compensation Plan for employees of the Town of Henrietta (the "Model Plan") and offers the Model Plan for adoption by local employers, and

WHEREAS, the Town of Henrietta, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for the employees of the Town of Henrietta, and

WHEREAS, the Town of Henrietta, pursuant to Section 5 and the Regulations, has further adopted the Nationwide Trust Company as the Trust provider for the Deferred Compensation Plan for the employees of the Town of Henrietta.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta hereby amends the Deferred Compensation Plan for the employees of the Town of Henrietta effective July 20, 2006 and hereby authorizes the Supervisor of the Town of Henrietta to sign such documents as necessary to implement said change.

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 #14-176/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, the 2006 Sidewalk Budget provides funds for the replacement of the existing pedestrian bridge spanning Red Creek and connecting Notre Dame Drive and Campus Drive, and

WHEREAS, Contech Bridge Solutions, Inc. is the sole supplier of the pedestrian bridge and has submitted a quote for a total cost of \$15,881.00.

THEREFORE, BE IT RESOLVED, that Contech Bridge Solutions, Inc., 4021 Gault Avenue South, Fort Payne, Alabama 35967, be hereby authorized to provide the pedestrian bridge for an amount not to exceed \$15,881.00.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay Contech Bridge Solutions, Inc. upon delivery and receipt of all proper documentation and approval by the Superintendent of Drainage, Sewer, and Sidewalks.

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 #14-177/2006

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

BE IT RESOLVED, that the following persons be hired:

John Laing Engineering, Junior Engineer @ \$19.23/hr, effective 7/31/2006 (six months provisional).

Bradley Conner Highway, Part-time/Seasonal @ \$8.00/hr., effective 7/17/2006.

Jeffrey LaRocca Highway, Part-time/Seasonal @ \$8.00/hr., effective 7/24/2006.

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

Crossing Guards As per the attachment.

BE IT FURTHER RESOLVED, that the attached progression increases be made (per the Collective Bargaining Agreement).

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 Regular Meeting. Are there any other items that people want to bring to the attention of the Board at this time? Yes, Sir?

JOHN HOUSEL, 178 LYSANDER DRIVE

Good evening. John Housel, 178 Lysander Drive. Forty (40) years I've been here. I've gotten a lot of mail from Henrietta telling me all about the farm that's a jewel, I've gotten all kinds of things about the playground and the nice work, I've gotten all kinds of communications over the years, beautiful, but I didn't get a notice of change in my assessment. I went to Florida - after forty (40) years of living here I think I'm entitled to some retirement. My son Bobby, who's in the real estate business, called me and said, you better call Henrietta and find out what you're assessment is, it's probably been changed. So, I did. I called and the girl in the Assessor's office, she told me. So, at first I didn't think anything about it. But I was at the last meeting here and a gentleman spoke and he said that this notice went out, apparently third class, and that the Post Office doesn't forward these things. Well, of all the things, I think that we should have been, I'm going to be paying more money because of this. They didn't reduce my

assessment, by the way. But, I just want to make sure that that's an item that I think is going to be taken care of and that there won't be those things.

COUNCILWOMAN ZINCK

Yes.

JOHN HOUSEL, 278 LYSANDER DRIVE

And congratulations, Cathy, on your mention in the Democrat and Chronicle today for your comments.

COUNCILWOMAN McCABE

Thank you.

SUPERVISOR BREESE

Thank you for bringing that up. That's a good point to raise, and the gentleman that brought it up before was right. I think we'll deal with that the next time this happens, John.

JOHN HOUSEL, 178 LYSANDER DRIVE

It's always a pleasure to speak here. Thanks.

SUPERVISOR BREESE

Anybody else?

KEVIN YOST, 1474 MIDDLE ROAD

I was on the Town website recently. I noticed how there are Board liaisons to the various Boards within the Town, as well as one private organization that I belong to, the Henrietta Historical Society, and that's wonderful, but there are two (2) other organizations that I feel there should be liaisons to if there aren't already, or if there are, then they need to be mentioned on the website. Those are, um, Henrietta Foundation, Inc. and Henrietta Pride. Thank you.

SUPERVISOR BREESE

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

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilman Mulligan at 8:55 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk