

**HENRIETTA TOWN BOARD
AGENDA
APRIL 18, 2007**

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): April 4, 2007
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 #9-109/2007
Authorize Accounts Payable

RESOLUTION #9-110/2007
Authorize Acceptance of Land Located on 675 Jefferson Road for Right-of-Way

RESOLUTION #9-111/2007
Call for Public Hearing - Proposed Establishment of Extension No. 196 (R.I.T. Collegetown) to Henrietta Sewer District No. 1

RESOLUTION #9-112/2007
Call for Public Hearing - Proposed Establishment of Extension No. 16 (R.I.T. Collegetown) to the Henrietta Drainage District

RESOLUTION #9-113/2007
Authorize Acceptance of Conservation Easement - Rochester Institute of Technology - Land Located West of John Street at Highpower Road and South of Wiltsie Drive

RESOLUTION #9-114/2007
Call for Public Hearing - Proposed Rezoning of Portions of East River Road - Jaynes Riverview, LLC

RESOLUTION #9-115/2007
Award Low Bid - One (1) ¾ Ton Pickup Truck - Highway Department

RESOLUTION #9-116/2007
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 18TH DAY OF APRIL, 2007 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 anyone in this vast audience who would like to speak on any items that are on the agenda? *(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 April 4, 2007.

COUNCILMAN YUDELSON

Second.

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

May I have the first Resolution, please.

RESOLUTION #9-109/2007

On Motion of
Councilwoman McCabe

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 4/18/2007	\$ 123,426.30
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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 #9-110/2007

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

WHEREAS, a portion of the Buffalo-Norfolk Associates, LLP property is to be conveyed by Warranty Deed for Right-of-Way purposes located on 675 Jefferson Road, being identified as part of Tax Account Number 162.09-1-1.1, consisting of 0.0816 acres of land, and

WHEREAS, the conveyance of said land will provide a permanent Right-of-Way for the road widening on Marketplace Drive, and

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

WHEREAS, until final improvements have been successfully accepted by the Town of Henrietta, the Developer, Buffalo-Norfolk Associates, LLP, shall hold harmless, indemnify, and defend the Town from and against all claims, demands, actions, proceedings, damages, liabilities, costs, and expenses arising from any injuries to person and/or property, and

WHEREAS, the transfer of ownership of said Right-of-Way where there is no material change in conditions or scope of activities constitutes a Type II Action for

SEQRA purposes and does not have a significant effect on the environment and requires no further review.

THEREFORE, BE IT RESOLVED, that Buffalo-Norfolk Associates, LLP shall transfer to the Town of Henrietta by Warranty Deed the portion of land described and shown on a map dated November 9, 2006, attached hereto as Attachment A, consisting of 0.0816 acres of land.

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 #9-111/2007

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 196 (R.I.T. COLLEGETOWN) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED ON THE SOUTHWEST CORNER OF JEFFERSON ROAD AND JOHN STREET 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. 196 (R.I.T. Collegetown) to 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. 196, 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 16TH day of May, 2007 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.

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 #9-112/2007

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 16 (R.I.T. COLLEGETOWN) TO THE HENRIETTA DRAINAGE DISTRICT LOCATED ON THE SOUTHWEST CORNER OF JEFFERSON ROAD AND JOHN STREET 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. 16 (R.I.T. Collegetown) to the Henrietta Drainage District 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 drainage system to serve the said Extension No. 16, 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 drainage 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 16TH day of May, 2007 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.

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 #9-113/2007

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, Rochester Institute of Technology (R.I.T.) has offered to convey to the Town of Henrietta a conservation easement on approximately 32.4 acres of land on the west side of John Street at Highpower Road and south of Wiltsie Drive as mitigation for modifications and restrictions in a Water Quality Certification Permit in the Town of Henrietta, and

WHEREAS, the 32.4 acre area is a valuable natural resource consisting of undeveloped woodlands, fields, and wetlands which will not be substantially affected or impaired by future development, and

WHEREAS, the proposed conservation easement has been agreed to by the New York State Department of Environmental Conservation (DEC) as appropriate compensatory mitigation for the modifications and restrictions contained in Water Quality Certification Permit No. 8-2632-00056/00021 dated March 30, 2007 granted to the Rochester Institute of Technology.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta hereby accepts the proposed conservation easement on file in the office of the Town Clerk subject to Title approval by the Town Attorney, execution of the conservation easement by R.I.T. and

final acceptance by the DEC and the U.S. Army Corps of Engineers of the compensatory mitigation as specified in the Water Quality Certification Permit No. 8-2632-00056/00021.

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 #9-114/2007

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, a request for the rezoning for multiple-family residential use of approximately 95 acres from Industrial to Residential R-2-15 and approximately 55 acres from Residential R-1-15 to Residential R-2-15 has been received from Jaynes Riverview, LLC for a portion of Tax Account Nos. 174.03-2-1 and 188.01-1-8.121, and Tax Account Nos. 174.03-2-2 and 188.01-1-9, and

WHEREAS, a map of the land under consideration is on file in the Office of the Town Clerk, and

WHEREAS, consideration of the zoning change by the Henrietta Town Board 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, it is required that this Board and other involved agencies undertake a coordinated SEQRA review of this proposal, and

WHEREAS, the Town Board declares its intent to be the Lead Agency under SEQRA and will be sending out a letter notice to all involved agencies regarding this declaration, requesting a response to this declaration within thirty (30) days of receipt of said notice.

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

Road, Town of Henrietta, Monroe County, New York, on the 16TH day of May, 2007 at 8:00 P.M. to consider the rezoning for said parcels to Residential R-2-15 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.

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 #9-115/2007

On Motion of Councilwoman McCabe Seconded by Councilman Yudelson

WHEREAS, Resolution #7-96/2007 authorized the advertisement for bids for one (1) new ¾ ton pickup truck for the Highway Department, and

WHEREAS, two (2) bids were received, and the low bid, meeting specifications, was received from O'Connor Chevrolet in the amount of \$17,500.00.

THEREFORE, BE IT RESOLVED, that O'Connor Chevrolet, 3850 West Henrietta Road, Rochester, New York 14623, be hereby awarded the bid for one (1) 2007 Chevrolet Silverado 2500 HD Classic, per specifications, at a total cost not to exceed \$17,500.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay O'Connor Chevrolet in an amount not to exceed \$17,500.00 upon delivery and receipt of all proper documentation and acceptance by the Superintendent of Highways.

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 #9-116/2007

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the following person be hired:

Christopher Bradshaw Building & Fire Prevention Department, Co-op @
\$9.75/hr., effective 4/25/2007.

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

Patrick Herman Highway, Laborer A @ \$12.96/hr. from Laborer B @
\$10.66/hr., effective 4/15/2007.

Highway 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. Before we adjourn, is there anyone in the audience, among the three (3) of you, who would like to speak on anything involving the Town of Henrietta? Yes? Thank goodness.

BETH WHITE, 1001 MIDDLE ROAD

I will be very brief. I am very quick to complain about things not being done. I also want to be just as quick to thank you for having things done. There are signs in the Martin Road Park about the dogs; however, one of the signs says, "please pick up after your dog," which is much appreciated, there are two (2) signs on the tennis court that say, "dogs not allowed," there is not a sign that says dogs must be leashed. I really

would like to see that.

SUPERVISOR BREESE

That's an oversight.

BETH WHITE, 1001 MIDDLE ROAD

But thank you for what's up there.

SUPERVISOR BREESE

Well, thank you. Anybody else? *(Pause - no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelso, seconded by Councilwoman Zinck at 8:14 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk