

HENRIETTA TOWN BOARD
AGENDA
JUNE 19, 2013

Supervisor Yudelson
Councilman Mulligan
Councilwoman Zinck
Councilman Moore
Councilman Page

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 5, 2013 Regular Meeting
 - June 7, 2013 Special Meeting

On Motion of: Councilwoman Zinck Seconded by: Councilman Moore
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 #13-118/2013
Authorize Accounts Payable

RESOLUTION #13-119/2013
Accept Letter of Credit – Jaynes Riverview, LLC – Graywood Meadows
Subdivision, Section 2

RESOLUTION #13-120/2013
Authorize Creation and Installation of Signage – “Child With Autism Area”

RESOLUTION #13-121/2013
Call for Public Hearing – 77 Greenbrier Lane – Property Cleanup

RESOLUTION #13-122/2013
Authorize Notice of Claims Certificate Filing – Secretary of State

RESOLUTION #13-123/2013
Approve Attendance at KVS Training School

RESOLUTION #13-124/2013
Call for Public Hearing – Rezoning Request – John Street

RESOLUTION #13-125/2013
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 JUNE, 2013 AT 7:00 P.M.

MEMBERS PRESENT

Supervisor Michael B. Yudelson
Councilman William J. Mulligan, Jr.
Councilwoman Janet B. Zinck
Councilman John W. Moore
Councilman M. Rick Page
Daniel J. Mastrella, Town Attorney
Rebecca B. Wiesner, Deputy Town Clerk

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Is there anybody who would like to speak on any of the items that are on the Agenda for tonight's meeting, Agenda items at this point? Yes, ma'am.

(From audience, Kim Escoffery Volz, 126 Sussex Road, inaudible)

SUPERVISOR YUDELSON

Yes, come on up to the microphone, if you would, and give your name and address for the Record and then feel free to speak on that.

KIM ESCOFFERY VOLZ, 126 SUSSEX ROAD

Good evening, my name is Kim Escoffery Volz, I live at 126 Sussex Road, Rochester, New York, 14623. I'm here today to talk to you about autism. More and more kids are being diagnosed in autism and they're becoming more a part of our community. I have a cute little boy who is my son who's autistic. And what I would like to do is to ask for your help to be, people aware about autism and kids in the neighborhood. People do come by fast and I'm concerned for not just his safety but other kids in my neighborhood. We have three (3) kids right now in our neighborhood that are autistic. And all I'm asking is for help and your support to please help these kids, because they don't have voices some of them and they can't speak and they can't advocate. And I'm advocating for this little boy right here, who means a great deal to me. And I want to help other kids in the community that are autistic. Thank you for your time.

COUNCILMAN PAGE

Thank you.

SUPERVISOR YUDELSON

Thank you, and I want to thank you for bringing this matter to our attention and working with Craig Eckert and Tammy McGlashon in my office on that. Thank you very much.

KIM ESCOFFERY VOLZ, 126 SUSSEX ROAD

Thank you.

SUPERVISOR YUDELSON

Okay, anybody else who wanted to speak on items that are on the Agenda for tonight? (Pause, no response) If not, may I have the approval of the Minutes of the preceding meetings?

COUNCILWOMAN ZINCK

I'd like to move approval of the Minutes of the June 5th, 2013 Regular Meeting and the June 7th, 2013 Special Meeting.

COUNCILMAN MOORE

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelton	voting	Aye
	Carried	

SUPERVISOR YUDELSON

May I have the first Resolution, please.

RESOLUTION #13-118/2013

On Motion of
Councilman Page

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the Supervisor or his designee be authorized to pay the following bills payable:

Exhibit A	Bills Payable dated 06/19/2013	\$ 366,155.32
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Exhibit B Manual Bills Payable dated 06/07/2013 \$ 1,660.00

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #13-119/2013

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

WHEREAS, Jaynes Riverview, LLC, the Developer of Graywood Meadows Subdivision, Section 2 (located on the north side of Farrell Road Extension and on the west side of East River Road) 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 BME Associates, and has found it acceptable in amount and form, and

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

THEREFORE, BE IT RESOLVED, that the Developer, Jaynes Riverview, LLC, submit a Letter of Credit in favor of the Town in the amount of \$1,057,330.00.

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

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #13-120/2013

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

WHEREAS, in the interest of safety, a Town resident who resides on Sussex Drive is concerned for the safety of her autistic child in regards to the vehicular traffic and has requested that the Highway Department install "Autistic" signs close to her residence, and

WHEREAS, these signs are not currently approved in the Federal government's Manual on Uniform Traffic Control Devices (MUTCD) and the Commissioner of Public Works for the Town of Henrietta requests the ability to create and install "CHILD WITH AUTISM AREA" signs where requested and upon completion of the approved Sign Request Application, and

WHEREAS, the MUTCD and the New York State Vehicle and Traffic Law allow local governments to adopt reasonable ordinances, orders, rules and regulations with respect to traffic as local conditions may require.

THEREFORE, BE IT RESOLVED, that the Commissioner of Public Works be authorized to create said autism sign and install said sign within the Town of Henrietta Rights-of-Way.

SUPERVISOR YUDELSON
Discussion?

COUNCILWOMAN ZINCK

Just, I want to reiterate that thank you for bringing this to our attention and Craig, thank you, I know you spent a lot of time on this and we appreciate it very much.

SUPERVISOR YUDELSON
Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #13-121/2013

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, the Town Board of the Town of Henrietta, New York (the "Town"), is aware of several violations of the Code of the Town of Henrietta (the "Code") and the New York State Property Maintenance Code (the "PMC") by the Owner or Occupant, or both (the "Owner/Occupant") of the premises known as 77 Greenbrier Lane in the Town of Henrietta, and

WHEREAS, said violations are known to be part and parcel of a series of continuous violations of the Code and the PMC, and

WHEREAS, the Town has authority pursuant to Section §205-13 of the Code to adopt a Resolution requiring the owner or occupant, or both, as the case may be, to remedy such violation, specifying the nature of the work to be done and the time within which it shall be completed, and

WHEREAS, if after a notice of the adoption of such Resolution has been served upon such owner or occupant, or both, and such owner or occupant shall neglect or fail to comply with the requirements of such notice within the time provided therein, then the Town shall authorize the work to be done and pay the cost thereof out of General Town Funds to be appropriated by the Town for such purposes, and

WHEREAS, the Town shall be reimbursed for the cost of the work performed or services rendered, by direction of the Town pursuant to Section §205-13 of the Code, by assessment and levy upon the lots or parcels of land wherein such work was performed or such services rendered, and

WHEREAS, the expenses so assessed shall constitute a lien and charge on the real property on which they are levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

THEREFORE BE IT RESOLVED, that the Owner/Occupant has until July 17, 2013 to remedy the Code violations at 77 Greenbrier Lane as follows:

- 1) Must remove abandoned and non-operable propane tanks; and
- 2) Partially collapsed shed must be dismantled and removed from said property; and
- 3) Garage structure is unsafe with collapsed roof and weakened side walls, posing a danger to public health and safety. Must be immediately demolished and rubble removed from said property

BE IT FURTHER RESOLVED, that upon the neglect or failure of the Owner/Occupant to comply with the requirements stated herein above, the Town Board shall have a Hearing at the Town Hall of the Town of Henrietta at 475 Calkins Road, Henrietta, New York, at 7:00 PM on the 17th day of July, 2013, to determine whether the conditions on the property constitute a public nuisance and why the Town of Henrietta, New York, acting through its duly authorized agents, servants, officers and employees, should not enter upon said property and perform said work. Upon a finding of a public nuisance after said Hearing:

- 1) The Town shall authorize the aforesaid work to be done and the services to be provided and shall pay the costs out of General Town Funds; and
- 2) The Town shall be reimbursed for the cost of the aforesaid work performed or services rendered, by assessment and levy upon the lots or parcels of land known as 77 Greenbrier Lane; and

- 3) The expenses so assessed shall constitute a lien and charge on the real property on which they are levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the time as other Town charges; and
- 4) Notice of this Resolution as well as Alternate Notice pursuant to Town Code Section §205-13 shall be served on the Owner/Occupant of 77 Greenbrier Lane by Registered or Certified mail.

SUPERVISOR YUDELSON
Discussion?

DANIEL MASTRELLA, TOWN ATTORNEY
I would have a suggestion that, it's going to sound stupid, but maybe the work has to be done by July 17th at 5:00 p.m., so that when you meet at 7:00 p.m., you can say...

COUNCILMAN MOORE
I'll be glad to add that the work shall be done by 5:00 p.m. on July 17th, 2013.

COUNCILWOMAN ZINCK
Second.

SUPERVISOR YUDELSON
Thank you, Mr. Mastrella. Thank you, Councilman.

COUNCILWOMAN ZINCK
That's a good suggestion, actually.

COUNCILMAN MULLIGAN
That doesn't sound stupid.

SUPERVISOR YUDELSON
Further discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelton	voting	Aye

Carried

RESOLUTION #13-122/2013

On Motion of
Councilman Page

Seconded by
Councilman Mulligan

WHEREAS, General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim, and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon by the Secretary as the town's agent, and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is ninety (90) days after the claim arises, or in the case of a wrongful death action, ninety (90) days from the appointment of a representative of the decedent's estate.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta, County of Monroe designates Leann C. Case, in her capacity as Town Clerk, to receive notices of claims served upon the Secretary of State by mail at 475 Calkins Road, Henrietta, New York 14467 and email at LCase@Henrietta.org.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #13-123/2013

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

WHEREAS, the IT Coordinator has requested authorization to attend the Annual KVS Summer Training School & Conference at the Buffalo-Niagara Marriott in Amherst, New York on July 22, 2013 through July 24, 2013, and

WHEREAS, funds are available in the year 2013 Budget, and
WHEREAS, the Town Board supports and encourages additional training for all
Town employees.

THEREFORE, BE IT RESOLVED, that Michele Taylor, IT Coordinator, be hereby
authorized to attend the Annual KVS Summer Training School & Conference at a cost not
to exceed \$843.00.

BE IT FURTHER RESOLVED, that all properly prepared vouchers be submitted to
the Supervisor or his designee for reimbursement.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #13-124/2013

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

WHEREAS, the Town Board received a written request from RRL Acquisitions, LLC
for rezoning of approximately 15.563 acres of land, identified as Tax Account Number
174.02-1-44, located at John Street Extension from Residential R-1-15 to Industrial, 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 a Public Hearing on the rezoning request will
be held on July 17, 2013 at 7:00 p.m. at the Henrietta Town Hall, Main Meeting Room,
475 Calkins Road, Henrietta, New York, to consider rezoning said property from
Residential R-1-15 to Industrial.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye

like to speak on any matter involving the Town of Henrietta? Sir?

(Andrew Krenzer, 45 Brooks Road, spoke in reference to the Letter of Credit for Jaynes Riverview and the expiration of the Jaynes Riverview Special Permits issued in 2012)

SUPERVISOR YUDELSON

On the project that you're asking about, that was the subject of a Special Permit Hearing, their Special Use Permit, as we have been informed through clarification of the Town Code by our Town Attorney, the effective time they have to obtain the building permit or apply for the building permit is actually closer to, it's like sixteen (16) months, so they have more towards the end of the summer.

ANDREW KRENZER, 45 BROOKS ROAD

Okay, because what I saw in the Code, it only said one (1) year.

COUNCILWOMAN ZINCK

Yes, it's, and Dan, can you clarify that it's not a year...

DANIEL MASTRELLA, TOWN ATTORNEY

I can.

COUNCILWOMAN ZINCK

... from when it actually is passed here, it's a year from...

DANIEL MASTRELLA, TOWN ATTORNEY

Sir, what the Code says is that, and I'll read it: *After the Special Permit has been granted and the decision of the Board has been duly filed, the Applicant shall be entitled to a building permit or certificate of occupancy, as may be appropriate, upon application to the proper officer as required by Chapter 48, Building and Development, or by this chapter, provided that the application for such permit or certificate of occupancy shall be made within one year from the date when the decision of the Board becomes final, either by expiration of the time for review of the same by a court or by the final judgment of a court in the case of court review.* And what that means is that when a Special Permit is granted by the Board, there's a statute of limitations of four (4) months where somebody can challenge the granting of that Special Permit.

ANDREW KRENZER, 45 BROOKS ROAD

It's one (1) year from then, then?

DANIEL MASTRELLA, TOWN ATTORNEY

It's one (1) year from then, unless of course there actually is a challenge, and then it's one (1) year from when the decision of the court is rendered and it becomes final. And the reason for that is, best I can glean, is that people should have a full year and they shouldn't have to start while somebody can still challenge the granting of the Special

Permit. So it was widely thought that it was a year from when the decision was made, but a more careful reading of the Code would indicate it's a year from when the decision becomes final, because the statute of limitations is expired. It doesn't put the exact time in there because there are some Special Permits that the Zoning Board can grant and the period of time to challenge a Zoning Board action is only thirty (30) days. So in that case, it would be less than the sixteen (16) months, it would, in essence, be thirteen (13) months. So I believe that's why it's worded that way.

ANDREW KRENZER, 45 BROOKS ROAD

Okay, because we're just looking for some clarification. We weren't sure if that indicated something that, we're just trying to keep up on what's going on over there. Thank you.

SUPERVISOR YUDELSON

Thank you. Is there anybody else who wanted to speak on any item involving the Town? *(Pause, no response)* If not, is there a motion to adjourn?

COUNCILWOMAN ZINCK

Before we do that, I just want to commend Karen, if you could share with your Recreation Staff, your event Friday night, which I call a multicultural event, or multigenerational is actually a better word for it. You had senior citizens there, you had young kids there, asset builders there, was a wonderful, wonderful event for the Town, so thank you.

SUPERVISOR YUDELSON

Is there a motion to adjourn?

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman Zinck, seconded by Councilman Mulligan at 7:48 P.M. and was adjourned without objection.

Respectfully submitted,

Rebecca B. Wiesner
Deputy Town Clerk