

**HENRIETTA TOWN BOARD
AGENDA
MARCH 21, 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): March 7, 2007
6. Miscellaneous Communications
7. Public Hearings:
 - Proposed Establishment of Extension No. 149 (Graywood Meadows Subdivision) to Henrietta Water District No. 1
 - Proposed Establishment of Extension No. 194 (Graywood Meadows Subdivision) to Henrietta Sewer District No. 1
 - Proposed Establishment of Extension No. 15 (Graywood Meadows Subdivision) to the Henrietta Drainage District
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 #7-88/2007
Authorize Accounts Payable

RESOLUTION #7-89/2007
Authorize Tax Certiorari Settlement - 200 Mushroom Boulevard

RESOLUTION #7-90/2007
Authorize Proposed Establishment of Extension No. 149 (Graywood Meadows Subdivision) to Henrietta Water District No. 1

RESOLUTION #7-91/2007
Authorize Proposed Establishment of Extension No. 194 (Graywood Meadows Subdivision) to Henrietta Sewer District No. 1

RESOLUTION #7-92/2007
Authorize Proposed Establishment of Extension No. 15 (Graywood Meadows Subdivision) to the Henrietta Drainage District

RESOLUTION #7-93/2007

Authorize Acceptance of Land Located on Scottsville-West Henrietta Road for Right-of-Way

RESOLUTION #7-94/2007

Award Low Quote - Replacement of HVAC Unit for West Wing of the Henrietta Town Hall

RESOLUTION #7-95/2007

Award Low Quote - Upgrade of Electrical Services for Tinker Park Facilities

RESOLUTION #7-96/2007

Authorize Advertisement for Bids - One (1) $\frac{3}{4}$ Ton Pickup Truck - Highway Department

RESOLUTION #7-97/2007

Recognize Year 2007 Youth Hall of Fame Inductees

RESOLUTION #7-98/2007

Award 4TH of July and New Year's Eve Fireworks Contract - Young Explosives

RESOLUTION #7-99/2007

Award General and Public Officials Liability Insurance

RESOLUTION #7-100/2007

Call for Hearing - Proposed Revocation or Amendment of Special Permit No. 2006-046 - 1941 Brighton-Henrietta Town Line Road - J.R. Reis Automotive

RESOLUTION #7-101/2007

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 21ST DAY OF MARCH, 2007 AT 8:00 P.M.

MEMBERS PRESENT

Supervisor James R. Breese
Councilman Michael B. Yudelson
Councilwoman Janet B. Zinck
Daniel J. Mastrella, Town Attorney
Patricia J. Shaffer, Town Clerk

MEMBERS ABSENT

Councilwoman Catherine A. McCabe
Councilman William J. Mulligan, Jr.

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR BREESE

I guess there's nobody here that wants to speak on the Agenda, apparently not. Certainly not any Town employees, if you like working here. In any event, I'm only kidding, I'll move the approval of the Minutes of the meeting of March 7, 2007.

COUNCILMAN YUDELSON

Second.

SUPERVISOR BREESE

Discussion? Call the roll.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

SUPERVISOR BREESE

We have several Public Hearings. Proposed establishment of Extension 149 to the Water District, 194 for the Sewer District, and 15 for the Drainage District for Graywood Meadows. Is there anybody here that wants to speak on the Public Hearings? *(Pause - no response)* I'll close the Public Hearings. May I have the first Resolution, please.

RESOLUTION #7-88/2007

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

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

EXHIBIT A Bills Payable dated 3/21/2007 \$ 206,098.81

SUPERVISOR BREESE
Discussion? Call the roll.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #7-89/2007

On Motion of
Councilwoman Zinck

Seconded by
Councilman Yudelson

WHEREAS, Tertrac Associates heretofore commenced proceedings against the Assessor, the Board of Assessment Review, and other respondents for a review of the Assessments for the years 2002, 2003, 2004, 2005, and 2006 on premises located at 200 Mushroom Boulevard in the Town of Henrietta, being Tax Account Number 162.05-1-1./K, and

WHEREAS, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner's claim, and

WHEREAS, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

WHEREAS, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by Tertrac Associates for the years 2002, 2003, 2004, 2005, and 2006 be and hereby are approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Henrietta be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Henrietta to reflect the terms of such settlement.

BE IT FURTHER RESOLVED, that any interest paid on the property tax refunds resulting from this agreement shall be made in accordance with RPTL §726 and shall not exceed the rate that is provided for by statute.

SUPERVISOR BREESE
Discussion? Call the roll.

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

RESOLUTION #7-90/2007

On Motion of
Supervisor Breese

Seconded by
Councilwoman Zinck

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 149 (GRAYWOOD MEADOWS SUBDIVISION) TO HENRIETTA WATER DISTRICT NO. 1 LOCATED ON THE NORTH SIDE OF FARRELL ROAD EXTENSION AND WEST OF EAST RIVER ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 149 (GRAYWOOD MEADOWS SUBDIVISION) TO HENRIETTA WATER DISTRICT NO. 1

WHEREAS, a written Petition for the establishment of an extension to Henrietta Water District No. 1 in the Town of Henrietta, County of Monroe, State of New York, to

be known as Extension No. 149 (Graywood Meadows Subdivision) of said Water District was

duly presented to this Town Board, together with the necessary map and plan attached thereto, and

WHEREAS, pursuant to an Order a Public Hearing was held on the Petition, and the findings as specified on Exhibit "A" were made.

THEREFORE, BE IT RESOLVED, that the establishment of Extension No. 149 to the said Water District as proposed in the said Petition be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for; and that such extension shall be designated and known as Extension No. 149 to Henrietta Water District No. 1 and shall be bounded as described in attachments annexed hereto.

BE IT FURTHER RESOLVED, that the Town Clerk of this Town shall, within ten (10) days after the adoption of this Resolution, file Certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York.

SUPERVISOR BREESE
Discussion? Call the roll.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #7-91/2007

On Motion of
Councilman Yudelson

Seconded by
Supervisor Breese

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 194 (GRAYWOOD MEADOWS SUBDIVISION) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED ON THE NORTH SIDE OF FARRELL ROAD EXTENSION AND WEST OF EAST RIVER ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 194 (GRAYWOOD MEADOWS

SUBDIVISION) TO HENRIETTA SEWER DISTRICT NO. 1

WHEREAS, a written Petition for the establishment of an extension to Henrietta Sewer District No. 1 in the Town of Henrietta, County of Monroe, State of New York, to be known as Extension No. 194 (Graywood Meadows Subdivision) of said Sewer District was duly presented to this Town Board, together with the necessary map and plan attached thereto, and

WHEREAS, pursuant to an Order a Public Hearing was held on the Petition, and the findings as specified on Exhibit "A" were made.

THEREFORE, BE IT RESOLVED, that the establishment of Extension No. 194 to the said Sewer District as proposed in the said Petition be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for; and that such extension shall be designated and known as Extension No. 194 to Henrietta Sewer District No. 1 and shall be bounded as described in attachments annexed hereto.

BE IT FURTHER RESOLVED, that the Town Clerk of this Town shall, within ten (10) days after the adoption of this Resolution, file Certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York.

SUPERVISOR BREESE
Discussion? Call the roll.

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

RESOLUTION #7-92/2007

On Motion of
Councilwoman Zinck

Seconded by
Councilman Yudelson

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 15 (GRAYWOOD MEADOWS SUBDIVISION) TO THE HENRIETTA DRAINAGE DISTRICT LOCATED ON THE NORTH SIDE OF FARRELL ROAD EXTENSION AND WEST OF EAST RIVER ROAD IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 15 (GRAYWOOD MEADOWS SUBDIVISION) TO THE HENRIETTA DRAINAGE DISTRICT

WHEREAS, a written Petition for the establishment of an extension to the Henrietta Drainage District in the Town of Henrietta, County of Monroe, State of New York, to be known as Extension No. 15 (Graywood Meadows Subdivision) of said Drainage District was duly presented to this Town Board, together with the necessary map and plan attached thereto, and

WHEREAS, pursuant to an Order a Public Hearing was held on the Petition, and the findings as specified on Exhibit "A" were made.

THEREFORE, BE IT RESOLVED, that the establishment of Extension No. 15 to the said Drainage District as proposed in the said Petition be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for; and that such extension shall be designated and known as Extension No. 15 to the Henrietta Drainage District and shall be bounded as described in attachments annexed hereto.

BE IT FURTHER RESOLVED, that the Town Clerk of this Town shall, within ten (10) days after the adoption of this Resolution, file Certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York.

SUPERVISOR BREESE
Discussion? Call the roll.

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

RESOLUTION #7-93/2007

On Motion of
Supervisor Breese

Seconded by
Councilwoman Zinck

WHEREAS, a portion of the Conifer Riverton Associates was to convey by Warranty Deed a portion of land for Right-of-Way purposes located on Scottsville-West

Henrietta Road, be identified as part of Tax Account Number 187.02-2-09, consisting of approximately 0.671 acres of land, and

WHEREAS, the conveyance of said land will provide a permanent Right-of-Way to the existing Town water pump station servicing the Riverton Golf Course, and

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

WHEREAS, until final improvements have been successfully completed and accepted by the Town of Henrietta, the Developer, Conifer Riverton Associates, 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 Conifer Riverton Associates shall transfer to the Town of Henrietta by Warranty Deed the portion of land described and shown on a map dated February, 2007, attached hereto as Attachment A, consisting of approximately 0.671 acres of land.

SUPERVISOR BREESE
Discussion? Call the roll.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #7-94/2007

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

WHEREAS, the Commissioner of Public Works solicited quotes for the replacement and installation of a rooftop combination heating/cooling unit for the west wing of the Henrietta Town Hall, and

Duly put to a vote:

Councilwoman McCabe	voting	Absent
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #7-96/2007

On Motion of	Seconded by
Supervisor Breese	Councilwoman Zinck

WHEREAS, the Town of Henrietta requires bids for one (1) ¾ ton pickup truck to conform with specifications on file in the Town Clerk's Office, with bids to be opened at 10:00 A.M. on Thursday, April 12, 2007 and received no later than 9:45 A.M. on Thursday, April 12, 2007.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for one (1) ¾ ton pickup truck as per cited specifications on file in the manner provided by Law.

SUPERVISOR BREESE
Discussion? Call the roll.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #7-97/2007

On Motion of	Seconded by
Supervisor Breese	Councilman Yudelson

WHEREAS, the Henrietta Youth Board has selected twenty-six (26) exceptional young people to be inducted into the Year 2007 Youth Hall of Fame because of their special accomplishments, and

WHEREAS, these individuals have made significant contributions to the Henrietta community and/or have made a great personal achievement, and

WHEREAS, the Henrietta Town Board hereby recognizes the contributions and achievements of these young people.

THEREFORE, BE IT RESOLVED, that

Erin Barone	Emily Langner
Peter Bierre	Ryan Macauley
Ivory Binion	Sarah Jane Mack
Serena Compitello	Shannon Mueller
Caitlin Dakin	Matthew Moran
Preshita Date	Quinton Nichols
Alyssa Farina	Lauren Palmieri
Amanda Hassett	Nehal Patel
Katelyna Huynh	Justine Picciano
Derek Ward Joyles	Jenna Psomiadis
Thomas Kern	Justin Rose
Yana Klebanov	Amy Schnitzler
Kimberly Krenzer	Scott Sullivan

are congratulated by the Town Board for their induction into the Year 2007 Youth Hall of Fame and will be recognized on March 22, 2007 at 6:30 P.M. during a dinner being held at the Doubletree Hotel, Henrietta, New York, for their positive influence on the quality of life in our community.

SUPERVISOR BREESE

I'll try to do a better job on pronunciations between now and tomorrow night. I'll do a little rehearsal.

COUNCILWOMAN ZINCK

A little warm up there.

SUPERVISOR BREESE

Yes. It's a great Resolution, and it's a great event. Call the roll.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #7-98/2007

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

WHEREAS, Young Explosives, Inc., has submitted proposals for the Town's July 4TH Fireworks Display and the New Year's Eve Celebration, and

WHEREAS, Young Explosives has provided fireworks for the Town of Henrietta for many years, and

WHEREAS, the Town has been satisfied with their professional services in the past and the quality of their fireworks display.

THEREFORE, BE IT RESOLVED, that Young Explosives, Inc., 2165 New Michigan Road, Canandaigua, New York 14424, be hereby authorized to provide the Fireworks Display to be held at the Henrietta Veterans' Memorial Park on July 4, 2007 in an amount not to exceed \$16,000.00, and the New Year's Eve Celebration to be held at the Monroe County Fairgrounds on December 31, 2007 in an amount not to exceed \$4,000.00, for a total cost not to exceed \$20,000.00.

BE IT FURTHER RESOLVED, that Young Explosives, Inc. must submit a Certificate of Insurance in the amount of \$2,000,000.00 to the Town Clerk's Office at least one (1) week prior to the scheduled events in a form acceptable to the Town Attorney.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Young Explosives, Inc. in an amount not to exceed \$16,000.00 for the 4TH of July Fireworks Display and \$4,000.00 for the New Year's Eve Celebration upon satisfactory completion of each show.

SUPERVISOR BREESE
Discussion? Call the roll.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #7-99/2007

On Motion of

Seconded by

Councilwoman Zinck

Councilman Yudelson

WHEREAS, quotes for the Town's General Insurance and Public Officials Liability Insurance were requested by the Director of Finance, and

WHEREAS, three (3) quotes were received and evaluated.

THEREFORE, BE IT RESOLVED, that Joseph Parisi, 1738 Ridge Road East, Rochester, New York 14622, appears well-qualified and has submitted the lowest quote and been recommended by the Town's insurance consultant, is hereby awarded the Town's General Insurance and Public Officials Liability Insurance effective April 1, 2007 and expiring on March 31, 2008, through Trident Insurance, in the amount of \$147,542.00.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay Joseph Parisi in an amount not to exceed \$147,542.00 upon receipt of proper documentation.

SUPERVISOR BREESE
Discussion? Call the roll.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye
Supervisor Breese	voting	Aye

Carried

RESOLUTION #7-100/2007

On Motion of
Supervisor Breese

Seconded by
Councilwoman Zinck

WHEREAS, Pursuant to Section 295-52(B) of the Town Code of the Town of Henrietta, a Public Hearing was held on May 3, 2006 to consider Special Use Permit Application Number 2006-046, J.R. Reis Automotive, 1941 Brighton-Henrietta Town Line Road, to operate an auto repair and custom build facility, and

WHEREAS, the Town Board of the Town of Henrietta granted a Special Use Permit based on specific details outlined in said Application and subject to compliance with all comments made by the Fire Marshal/Building Inspector and all other concerned agencies, and

WHEREAS, the Town Board of the Town of Henrietta has reason to believe that J.R. Reis Automotive and/or its successor and/or assignees has failed to comply with

oral commitments it made as part of its Application and certain conditions of said Special Use Permit as follows, but not limited to: the maintenance of the property and/or compliance with the Fire Marshal/Building Inspector's memorandum dated April 12, 2006 (attached).

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta, pursuant to Section 295-54(E), hereby calls for a Hearing to address the above stated concerns and to consider the revocation of or amendment to said Special Use Permit. Said Hearing will be held on the 4TH day of April, 2007 at 8:00 p.m., Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to notify Applicant of said Public Hearing, pursuant to Section 295-54(F) of the Town Code of the Town of Henrietta.

SUPERVISOR BREESE

This is an unusual step that we need to take, I think, at this time to try to bring these people into compliance with a Special Permit, and regretfully, we've tried through staff involvement to get their attention and it hasn't worked. So, hopefully this now will bring them into compliance. Mr. Mastrella, do you have any comments on this particular matter?

DANIEL MASTRELLA, TOWN ATTORNEY

Yes, Mr. Supervisor. The Fire Marshal/Building Inspector has advised the Board and myself that the Special Permittee is out of compliance with all five (5) of the conditions contained in the attachment to the Resolution, and with the Board's permission as demonstrated by a vote to hold this Hearing, I will assist the Town Clerk in preparing a notice specifying those violations.

SUPERVISOR BREESE

A notice will be sent to this J.R.Reis Automotive tomorrow, is that correct, by Certified mail?

DANIEL MASTRELLA, TOWN ATTORNEY

It will be sent probably tomorrow, certainly more than five (5) days in advance of the Hearing.

SUPERVISOR BREESE

That's fine. Okay. Anybody else? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
Councilman Mulligan	voting	Absent
Councilman Yudelson	voting	Aye
Councilwoman Zinck	voting	Aye

Amber N. Hutchinson
Deputy Town Clerk