

**HENRIETTA TOWN BOARD
AGENDA
APRIL 4, 2007**

ORDER OF BUSINESS

Hearing - 8:00 P.M.:

- Action with Regard to Proposed Revocation or Amendment of Special Permit No. 2006-046 - 1941 Brighton-Henrietta Town Line Road - J.R. Reis Automotive

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 21, 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 #8-102/2007
Authorize Accounts Payable

RESOLUTION #8-103/2007
Authorize Payment - Certiorari Attorney for Legal Services

RESOLUTION #8-104/2007
Award Low Quote - Televising Existing Sanitary Sewers at Various Locations in the Town of Henrietta

RESOLUTION #8-105/2007
Authorize Acceptance of Dedication of Roadways and Storm Sewers - Riverton Parcel C Subdivision, Sections Four (4) and Five (5)

RESOLUTION #8-106/2007
Authorize Acceptance of Dedication of Roadways and Storm Sewers - Riverton Parcel C Subdivision, Section Six (6)

RESOLUTION #8-107/2007
Authorize Attendance of PERMA Annual Safety Conference

RESOLUTION #8-108/2007
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 4TH 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

We have a Public Hearing tonight regarding proposed revocation or amendment of a Special Permit at 1941 Brighton-Henrietta Town Line Road, at that time it was for J.R. Reis Automotive. Has that been properly advertised?

PATRICIA SHAFFER, TOWN CLERK

Um, Sir, because it's a Hearing, not a Public Hearing, it's my understanding that it did not need to be published in the Post; however, the Applicant was notified.

SUPERVISOR BREESE

The Applicant was notified?

PATRICIA SHAFFER, TOWN CLERK

That's correct.

SUPERVISOR BREESE

Okay. Is there somebody here to represent the Applicant or somebody who is operating on that property right now? Yes, Sir. If you'll just come up here and give us your name and summarize, kind of what's going on with the property.

CHRIS HARRIS

Yes, hi. My name is Chris Harris. I'm the new lessee of 1941 Brighton-Henrietta Town Line Road. Yes, I guess, you know, there was a lot of problems with the old company that was in there.

SUPERVISOR BREESE

Oh, yes.

CHRIS HARRIS

And, you know, what we did was, we came in and cleaned up the front. You know, the front was completely junk with old junk cars and everything. We cleaned the place up. We just got a disposal today, too, and we have been operating clean up all day, you know, just cleaning up the inside, getting it all ready for paint. Um, we're locating a paint booth with exposure lights and, you know, all that stuff because, you know, we do paint work, we do everything. We're going to be a one-stop shop, and you know, we just want everything, you know, to be right. That's, you know, our main focus.

SUPERVISOR BREESE

It was a mess when you came in, wasn't it?

CHRIS HARRIS

A real huge mess.

SUPERVISOR BREESE

Now, you dealt with Mr. Reis, did you, himself? He was the one that got the permit.

CHRIS HARRIS

No.

SUPERVISOR BREESE

Who did you deal with?

CHRIS HARRIS

The landlord.

SUPERVISOR BREESE

I thought he was the landlord. No?

CHRIS HARRIS

Um, the landlord's name is Milt.

SUPERVISOR BREESE

Okay.

CHRIS HARRIS

And I guess he had the old BM Speed Shop that was there.

SUPERVISOR BREESE

Okay.

COUNCILMAN MULLIGAN

What kind of business are you going to operate?

CHRIS HARRIS

A one-stop auto shop with auto detailing, painting. Um, we might have a little car sales in the future, but our main thing right now is auto accessories and stuff like that.

COUNCILMAN MULLIGAN

Is the property zoned, Mr. Supervisor, if you know, for auto sales? I know before they were doing paint work, collision work.

SUPERVISOR BREESE

Well, we gave them a Special Permit for that, which includes sales. I don't think sales would be an issue, really. It's kind of a higher use than repairs. But, have you looked at this lately?

COUNCILMAN MULLIGAN

Yeah. I was over there today. It's dramatically improved. You've done a, you know, good job in terms of cleaning it up.

CHRIS HARRIS

Thank you.

COUNCILMAN MULLIGAN

What I'd like to propose, you know, because we've had trouble with it right from the beginning, they've been over there a couple of years, is maybe in sixty (60) days the Fire Marshal report back to the Town Board in terms of what the condition is, if, you know, the property is being properly maintained, if you're staying away from the junk vehicle issue, you know, tires, pallets, that kind of thing.

CHRIS HARRIS

No problem at all.

SUPERVISOR BREESE

I'd like to ask the Fire Marshal to come up right now and just, Chris, give us a summary of how you view this property now as compared to before.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

Um, the gentlemen before you has done some dramatic changes in the building. They removed, I would say, around fifteen (15) to eighteen (18) cars that were stored there. Um, these gentlemen weren't given the whole truth of the story. Once we went in and actually sat down and talked to them, they were paying rent that actually wasn't getting forwarded on to the appropriate people. These gentlemen did not know that the previous arrangements that this Board had given as far as paint booth and storage and other items really were not communicated down to these people as well. So, when we started to eliminate the middle people out of this and Chris and I spoke directly, we realized that they had some good intent, and I would concur with Mr. Mulligan that if the Board could see

about giving them a temporary period of time, we would be glad to work with them to continue moving this property forward.

SUPERVISOR BREESE

Thank you very much. I guess what you're suggesting is that we Table this for sixty (60) days. Is that correct? And moving that to Table?

COUNCILMAN MULLIGAN

I'll move to Table, yes.

SUPERVISOR BREESE

And we'll take a look at it in sixty (60) days. Is there a second?

COUNCILWOMAN McCABE

Second.

SUPERVISOR BREESE

So, we'll put this on hold and see how you do for sixty (60) days.

CHRIS HARRIS

Okay.

SUPERVISOR BREESE

You're off to a good start.

COUNCILWOMAN ZINCK

Yeah. We thank you for your cooperation.

SUPERVISOR BREESE

Yes, thanks a lot.

CHRIS HARRIS

Thank you.

SUPERVISOR BREESE

Call the roll on this Tabling, please.

Duly put to a vote:

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

Carried

SUPERVISOR BREESE

Come back and see us in a couple of months, okay? Good luck. Good luck with your business.

COUNCILWOMAN McCABE

Keep in touch with our . . .

SUPERVISOR BREESE

With Chris Roth.

COUNCILWOMAN McCABE

With Chris Roth, yes.

SUPERVISOR BREESE

Right. Okay. It sounds like it might be a happy ending on this one. Let's hope so. May I have the approval of the Minutes, please.

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve the Minutes of March 21, 2007. I'm sorry, I can't move the approval. I wasn't there.

COUNCILMAN MULLIGAN

That's true.

COUNCILWOMAN McCABE

Does somebody else . . .

COUNCILMAN YUDELSON

Mr. Supervisor, I move approval of the Minutes of the meeting of March 21, 2007.

COUNCILWOMAN ZINCK

Second.

SUPERVISOR BREESE

Discussion? Call the roll.

COUNCILWOMAN McCABE

Under discussion, it was my birthday so I wasn't there.

COUNCILMAN MULLIGAN

I just forgot about the meeting.

SUPERVISOR BREESE

We don't need to hear about that. Call the roll, please.

period of January 1, 2007 through February 28, 2007.

THEREFORE, BE IT RESOLVED, that the Director of Finance be authorized to pay John Considine of the firm McConville, Considine, Cooman & Morin, P.C., 25 East Main Street, Rochester, New York 14614, the sum of \$34,243.19 for services rendered.

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 #8-104/2007

On Motion of
Councilman Yudelson

Seconded by
Councilwoman Zinck

WHEREAS, the 2007 Sewer Budget provides funds for televising existing sanitary sewers for future Capital Improvement Projects, and

WHEREAS, the Town of Henrietta has requested quotes from qualified contractors for televising existing sanitary sewers at various locations to evaluate problem areas in the sewer system, and

WHEREAS, three (3) quotes were received and the low quote, meeting specifications, was received from National Vacuum Corp., for a total cost of \$29,953.00.

THEREFORE, BE IT RESOLVED, that National Vacuum Corp., 860 Maple Street, Suite 200, Rochester, New York 14611, be hereby authorized to provide sewer televising services at various locations in the eastern Town quadrant for an amount not to exceed \$29,953.00.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay said Contractor upon successful completion of the Project and acceptance by the Director of Engineering/Planning.

SUPERVISOR BREESE

Discussion? Call the roll.

Duly put to a vote:

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

Carried

RESOLUTION #8-105/2007

On Motion of
Councilwoman McCabe

Seconded by
Councilman Yudelson

WHEREAS, Conifer Realty, LLC, the Developer of Riverton Parcel C Subdivision, Sections Four (4) and Five (5) (located on Sparrow Drive and Hummingbird Way) has constructed roads and installed storm sewers in said subdivision sections, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of the said roads and the afore described improvements to the Town and for this purpose has delivered to the Town Deeds for tracts or parcels of land conveying said roadways to the Town, and filing instruments granting easements to the Town for said improvements, and

WHEREAS, the Town Attorney has examined these Deeds and easements and has found them to be in good order, and

WHEREAS, the Superintendent of Highways and the Director of Engineering and Planning have determined that the roads and said improvements were built in accordance with Town requirements and have recommended that they be accepted by the Town, and

WHEREAS, the standard required two (2) year period of time within which a Maintenance Bond would be required to be posted has elapsed, and

WHEREAS, the Director of Engineering and Planning and the Superintendent of Highways have re-inspected the improvements and recommend that they be accepted subject to the posting of a one (1) year Maintenance Bond.

THEREFORE, BE IT RESOLVED, that the said roadways and said improvements for the described subdivision sections be and they hereby are accepted and that said Deeds and easements be recorded in the Monroe County Clerk's Office.

BE IT FURTHER RESOLVED, that such acceptance is made subject to the Developer, or its representative, securing with the Town of Henrietta properly executed Maintenance Bonds in the sum of Twenty-Nine Thousand Six Hundred Dollars (\$29,600) for Section Four (4) and Eleven Thousand Five Hundred Dollars (\$11,500) for Section Five (5) for a period of one (1) year.

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 #8-106/2007

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, Conifer Realty, LLC, the Developer of Riverton Parcel C Subdivision, Section Six (6) (located on Hummingbird Way and Butterfly Lane) has constructed roads and installed storm sewers in said subdivision section, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of the said roads and the afore described improvements to the Town and for this purpose has delivered to the Town a Deed for tracts or parcels of land conveying said roadways to the Town, and filing instruments granting easements to the Town for said improvements, and

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

WHEREAS, the Superintendent of Highways and the Director of Engineering and Planning have determined that the roads and said improvements were built in accordance with Town requirements and have recommended that they be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the said roadways and said improvements for the described subdivision section be and they hereby are accepted and that said Deed and easements be recorded in the Monroe County Clerk's Office.

BE IT FURTHER RESOLVED, that such acceptance is made subject to the Developer, or its representative, securing with the Town of Henrietta a properly executed Maintenance Bond in the sum of Twenty-Nine Thousand Six Hundred Dollars (\$29,600) for a period of two (2) years.

SUPERVISOR BREESE
Discussion? Call the roll.

RESOLUTION #8-108/2007

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

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

Parks and Facilities As per the attachment.

SUPERVISOR BREESE
Discussion? Call the roll.

Duly put to a vote:

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

Carried

SUPERVISOR BREESE

That's the end of the Regular meeting. Before we adjourn, is there anybody that would like to speak on any other items involving the Town? Yes?

RACHEL WARREN, 59 TOMAHAWK TRAIL

I was wondering how the court proceedings, what the conclusion was for 468 Pinnacle Road? The last time I was here I asked what was going on with that.

SUPERVISOR BREESE

Which one on Pinnacle Road?

RACHEL WARREN, 59 TOMAHAWK TRAIL

The one that always has the six (6) or eight (8) cars in the driveway.

COUNCILWOMAN McCABE

468.

SUPERVISOR BREESE

That's supposed to come out to the judge, I think, in another week, and if he doesn't clean up his act, I think he's going to go to jail. So, we're closing in on him.

RACHEL WARREN, 59 TOMAHAWK TRAIL

Okay. Thank you.

SUPERVISOR BREESE

Thank you for asking. Okay, anybody else? Did you want to speak?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR
With respect to the 1344 Pinnacle Road that we're cleaning up . . .

SUPERVISOR BREESE
That's another one, but yeah, okay.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR
I have an estimate from Mr. Spezio over the roof. I just needed to know if the Board would like to move forward or wait another month to . . .

SUPERVISOR BREESE
Well, we're not going to move forward tonight. Does the Finance Director have this?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR
I just got it this afternoon.

SUPERVISOR BREESE
All right, fine. Thank you. So, this is just for information right now.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR
Rather for information and again, as the price, we may have to do some more looking.

SUPERVISOR BREESE
No, you did a good job on that. We finally got that issue straightened out.

COUNCILWOMAN McCABE
Yes, thank you.

SUPERVISOR BREESE
That was a disaster out there. It's the other one on Pinnacle, further south.

COUNCILMAN MULLIGAN
Chris?

COUNCILWOMAN ZINCK
Another Pinnacle Road one.

COUNCILMAN MULLIGAN
You might want to check with the attorney on something like this where we're putting the money up and then it's going to go on the taxes if you need, you know, more than one (1) quote or not. I don't know. It's a lot of money.

SUPERVISOR BREESE

The work's already done.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR
No, this is actually the re-roofing, to take care of the black tarp . . .

SUPERVISOR BREESE

Oh, I'm sorry. You're right. Oh, this is a proposal on that.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

This is the proposal to make the emergency repair on the roof, to take the black tarp off the roof.

SUPERVISOR BREESE

Why would we want to do that?

COUNCILMAN MULLIGAN

It's caving in.

COUNCILWOMAN ZINCK

The tarp that's been draping over it for . . .

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

The tarp is the issue.

SUPERVISOR BREESE

It's not an eyesore.

COUNCILMAN MULLIGAN

Oh, it's substantially very unattractive.

COUNCILWOMAN ZINCK

Oh, yeah.

SUPERVISOR BREESE

The roof?

COUNCILWOMAN ZINCK

Yeah. They draped a tarp over it.

SUPERVISOR BREESE

Well, I don't know if I want to do that. I'm not sure.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I'll let you guys discuss that, but if you need, I can get more quotes since it was above Ten Thousand Dollars (\$10,000).

SUPERVISOR BREESE

No, you're point's well taken. You should get another quote, but I don't think I want to do this, but that's up to you folks, I guess. You got the crap, excuse me, out of the property that was there. It was an eyesore, that's gone. The roof is another issue.

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR

I'll let Mr. Spezio know, then, that this will take a little while for a decision.

SUPERVISOR BREESE

Get another quote. Okay. Does anybody else want to speak?

COUNCILWOMAN ZINCK

Yes. Just one other thing, um, I just wanted to acknowledge Tina Thompson who's on our Library Board. I think she's been on it forever.

SUPERVISOR BREESE

Good lady.

COUNCILWOMAN ZINCK

Um, she's an awesome worker, dedicated worker, was just nominated for the Antoinette Brown Blackwell Award.

SUPERVISOR BREESE

So, you're going to support that.

COUNCILWOMAN ZINCK

So, kudos from all of us.

SUPERVISOR BREESE

You're going to support that?

COUNCILWOMAN ZINCK

Absolutely.

SUPERVISOR BREESE

I think that's a unanimous "yes." Great, great lady. Anybody else? *(Pause - no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman Zinck at 8:16 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk