

**HENRIETTA TOWN BOARD
AGENDA
APRIL 7, 2004**

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 17, 2004
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 #8-112/2004

Authorize Accounts Payable

RESOLUTION #8-113/2004

Authorize Supervisor to Sign Abandonment of Easement - 59 Mountbatten Street

RESOLUTION #8-114/2004

Authorize Independent Consultant Inspection Services

RESOLUTION #8-115/2004

Authorize Advertisement for Bids - Asbestos Abatement of Former Sewage Treatment Plant - Administration, Garage and Digester Buildings at 100 Karenlee Drive

RESOLUTION #8-116/2004

Declare Intent to Be Lead Agency and Call for Public Hearing on Proposed Rezoning - I Gordon Realty Corp.

RESOLUTION #8-117/2004

Authorize Attendance of Highway School

RESOLUTION #8-118/2004

Declare Items Surplus Materials

RESOLUTION #8-119/2004

Authorize Resolution Showing Support - Elimination of the Sunset Provisions - Local Government Records Management Improvement Fund and the Cultural Education Fund

RESOLUTION #8-120/2004

Award General and Public Officials Liability Insurance

RESOLUTION #8-121/2004

Call for Public Hearing - Proposed Local Law No. 1 of 2004 - Temporary Moratorium on Real Estate Development South of the Thruway

RESOLUTION #8-122/2004

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 7TH DAY OF APRIL, 2004 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

SUPERVISOR BREESE

Is there anybody that would like to speak on any items that are on the agenda? *(Pause - no response)* May I have the approval of the Minutes, please.

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve the Minutes of March 17, 2004.

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

SUPERVISOR BREESE

May I have the first Resolution, please?

RESOLUTION #8-112/2004

On Motion of
Councilwoman Zinck

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 4/7/2004	\$ 410,812.65
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EXHIBIT B	Manual Bills Payable	\$ 5,057.39
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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 #8-113/2004

On Motion of
Councilman Yudelson

Seconded by
Councilman Mulligan

WHEREAS, the property owners at 59 Mountbatten Street have a residential swimming pool currently occupying a portion of an existing Town drainage easement recorded in Liber 3549 of Deeds, Page 561, and

WHEREAS, the release of said portion of the drainage easement is necessary for the sale of property being identified as Tax Identification Number 162.14-3-10, and

WHEREAS, the described portion of this existing drainage easement is no longer needed by the Town, and

WHEREAS, the Town Attorney and the Director of Engineering and Planning have reviewed the Abandonment of Easement and recommended that the Town of Henrietta consent to and execute said Abandonment.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to execute the Abandonment of Easement which shall be filed in the Monroe County Clerk's Office.

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 #8-114/2004

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the current number of construction projects from time to time, have made independent consultant inspection services necessary, and

WHEREAS, it is in the Town's best interest to maintain quality construction inspection, and

WHEREAS, it is necessary for developers to absorb the costs incurred by the Town for such services, and

WHEREAS, the Director of Engineering and Planning has been directed to secure these services in this matter, and

WHEREAS, independent consultant inspection services billing, including all consultants' costs, will be at an hourly rate of \$18.00 per hour, and

WHEREAS, the Director of Engineering and Planning has arranged for such services with Bob Zimmerman.

THEREFORE, BE IT RESOLVED, that the Director of Engineering and Planning is hereby authorized and directed to secure the independent consultant inspection services in accordance with the above.

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 #8-115/2004

On Motion of
Councilwoman Zinck

Seconded by
Councilman Yudelson

WHEREAS, the Town of Henrietta requires bids for the Asbestos Abatement of the former Sewage Treatment Plant: Administration, Garage and Digester Buildings at 100 Karenlee Drive, to conform with Contract Documents on file in the Town Clerk's Office, with bids to be opened at 9:30 A.M. on Friday, May 14, 2004 and received no later than 9:15 A.M. on Friday, May 14, 2004.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the

WHEREAS, an Environmental Assessment Form (EAF) has been prepared for the proposed Project,
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 the Henrietta Town Board be and is hereby authorized to distribute a Notice of Intent to serve as Lead Agency to all interested agencies for a coordinated review pursuant to 6NYCRR 617.6 and 617.12.

BE IT FURTHER RESOLVED, that a Public Hearing on the rezoning request will be held simultaneously with the scheduled Special Use Permit Hearing on May 5, 2004 at 8:00 P.M. at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York 14467, to consider rezoning said property from Residential R-1-15 to Commercial B-1.

BE IT FURTHER RESOLVED, that provided no other involved agency indicates a desire to serve as Lead Agency within thirty (30) days of the date of the Notice of Intent to Serve as Lead Agency, the Henrietta Town Board shall serve in that capacity in accordance with SEQRA regulations.

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 #8-117/2004

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, the Commissioner of Public Works, Dean C. Marshall, Jr., the Superintendent of Highways, Russell Martin, and the Fleet Supervisor, Robert Tobey have requested authorization to attend the year 2004 Highway School to be held at Ithaca College, Ithaca, New York on June 7, 2004 through June 9, 2004, and

WHEREAS, funds are available in the year 2004 Budget, and

WHEREAS, the Town Board supports and encourages additional training for all Town employees.

THEREFORE, BE IT RESOLVED, that Dean C. Marshall, Jr., Commissioner of Public Works; Russell Martin, Superintendent of Highways and Robert Tobey, Fleet Supervisor, be hereby authorized to attend the

three (3) day school at a cost not to exceed \$350.00 per person to include registration, meals and hotel accommodations and the use of a Town vehicle.

BE IT FURTHER RESOLVED, that all properly prepared vouchers be submitted to the Finance Department for reimbursement.

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 #8-118/2004

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the following items be declared surplus material and be sent to the Teitsworth Municipal Auction to be held on May 15, 2004:

<u>ID#</u>	<u>Description</u>
#2650	1995 Chevrolet ¾ ton Cargo Van #18 (GSG) (VIN #1GCEG25Z3SF191613)
#3109	1998 Chevrolet ¾ ton 4x4 Pickup Truck #102 (HWY) (VIN #1GCGK29RXWE243431)
#3108	1998 Chevrolet ¾ ton 4x4 Utility Truck #107 (HWY) (VIN #1GCGK29R8WE243752)
#1912	1993 White/GMC 10 Wheel Dump Truck #160 (HWY) (VIN #4V2JCBME1PR819258)
#3103	1996 Tenco one way plow #160 (HWY)
#1912-A	1993 Tenco wing plow #160 (HWY)
#3459	2000 Western Reversible Plow #102

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 #8-119/2004

On Motion of
Councilwoman Zinck

Seconded by
Councilman Yudelson

WHEREAS, the Local Government Records Management Improvement Fund (LGRMIF) was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4,300 local governments, and

WHEREAS, the closely related Documentary Heritage Program (DHP) for grants and technical assistance to non-governmental historical records repositories also is supported by the LGRMIF, and

WHEREAS, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five (5) year experiment, and

WHEREAS, the New York State Legislature in 1995 twice has extended the sunset date, most recently to December 31, 2005, and

WHEREAS, LGRMIF has effectively supported essential advisory services and 6,300 grants totaling over \$113 Million to improve the management of records for over half of all New York State local governments, and

WHEREAS, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefits to local governments at no cost to the taxpayers, and

WHEREAS, the Town of Henrietta has benefitted from technical assistance, training, publications and five (5) grants totaling over \$86,000.00 supported by the LGRMIF, and

WHEREAS, the State Legislature created the closely-related Cultural Education Fund (CEF) to support the New York State Archives, New York State Library and New York State Museum on behalf of all New Yorkers, and the Office for Public Broadcasting, and provided the CEF with an identical sunset date, and

WHEREAS, the LGRMIF and the CEF continue to be critically important in the fulfillment of the many records and information related responsibilities of the Town of Henrietta, and to the cultural and scientific needs of the people of New York State.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta supports the elimination of said sunset provisions in order to make the LGRMIF and the CEF permanent.

SUPERVISOR BREESE

quote was substantially less than the Williams quote.

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, Mr. Liess, how much lower was this than the Budget? Or was it on budget? If you know or don't know, just give me a note in my folder.

PAUL LIESS, JR., DIRECTOR OF FINANCE/PERSONNEL

(From audience) I don't know.

COUNCILMAN MULLIGAN

Okay. Thanks.

COUNCILWOMAN ZINCK

I'd also like to add, I know, Paul, you spent a lot of time researching this for us, and we thank you very much for your effort.

SUPERVISOR BREESE

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 #8-121/2004

On Motion of
Supervisor Breese

Seconded by
Councilwoman McCabe

WHEREAS, true and correct copies of proposed Local Law No. 1 of 2004, Temporary Moratorium on Real Estate Development South of the New York State Thruway, were delivered to each member of the Town Board, and

WHEREAS, due consideration has been given to the adoption of proposed Local Law No. 1 of 2004, Temporary Moratorium on Real Estate Development South of the New York State Thruway, by all members of the Town Board, and

WHEREAS, it was the considered opinion of all members of the Town Board that a Public Hearing should be held on the 21ST day of April, 2004 at 8:00 P.M. at the Town Hall, 475 Calkins Road, Henrietta, New York, to consider the adoption of proposed Local Law No. 1 of 2004, Temporary Moratorium on Real Estate Development South of the New York State Thruway.

THEREFORE, BE IT RESOLVED, that a Public Hearing be held on the 21ST day of April, 2004 at 8:00 P.M.

at the Town Hall, 475 Calkins Road, Henrietta, New York, on the proposed adoption of Local Law No. 1 of 2004, Temporary Moratorium on Real Estate South of the New York State Thruway, 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. 1 of 2004, Temporary Moratorium on Real Estate Development South of the New York State Thruway, 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.

BE IT FURTHER RESOLVED, that the Town of Henrietta shall not accept any applications for the subdivision and/or rezoning of land in the area potentially affected by said Local Law, from this date until action is taken on said proposal, and if passed, until such Local Law takes effect.

SUPERVISOR BREESE

Under discussion, I've been in discussions with the Town of Pittsford, Supervisor Bill Carpenter and some other officials in Pittsford, and they are going through a similar exercise that we are initiating here now. They declared a moratorium on development south of the Thruway in Pittsford, and they're considering revising their zoning classifications and maybe creating a new one called rural residential and so forth, and they provided me with quite a bit of information that has been very helpful, which I'll certainly share with the Town Board. But, Pittsford's a neighboring town of Henrietta, and it would just seem appropriate that we could work together on a project like this that affects such a large part of the County of Monroe, the whole southern area of Pittsford and the whole southern area of Henrietta. Pittsford and Henrietta have had some activity in terms of farmers selling their property, and this isn't necessarily going to prevent the farmers from selling property, but it's going to give us a chance to take a good look at what we want to see out there, whether we want to make a change in the Comprehensive Plan or the zoning map, and I think it's an appropriate time to do this. This moratorium is proposed for nine (9) months. Pittsford's moratorium, I think, was six (6), and they did theirs in September, and they may extend it a little longer. So, I can assure you, I'll be working closely with Pittsford and sharing all the information that I have with the Board, and I think this is an opportunity for us to take a very important look at what's going on in the southern area of Henrietta. This does not affect any developers who already have projects before us in that area. We're not targeting anybody. Those people who have already been in with applications or proposals, they're basically exempt from this, which is the way to do it. You don't want to target someone. Legally, it's very difficult to sustain. So, I hope the Board will support this and we can move forward to improve our Comprehensive Plan and possibly make some changes in our zoning classifications.

COUNCILMAN MULLIGAN

I'd just like to add, Mr. Supervisor, that Mrs. Warren, Rachel Warren has given us a lot of information on trying to slow down development, especially on the farm land. So, years from now this will probably be called the Rachel Warren Law.

COUNCILWOMAN McCABE

Get recognized, right.

COUNCILMAN MULLIGAN

It's not a bad legacy.

SUPERVISOR BREESE

Is there anybody else that would like to speak?

COUNCILMAN MULLIGAN

We're not going to name anything after you tonight, though.

COUNCILWOMAN ZINCK

Yes, Mr. Supervisor, I'll stop him.

SUPERVISOR BREESE

Thank you.

COUNCILWOMAN ZINCK

Yes, you're welcome. I think this is a great Resolution. I'm more than happy to support it, and I thank you for bringing it to us. I think it's a very responsible Resolution, and I'm happy to support it.

SUPERVISOR BREESE

Thank you. 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 #8-122/2004

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

BE IT RESOLVED, that the following persons be hired:

Gertrude Kinard Crossing Guards, Crossing Guard @ \$9.60/hr., effective 3/15/2004.

Kevin Michel Highway, Seasonal Laborer @ \$7.75/hr., effective 5/10/2004.

Parks and Facilities Summer Seasonals, as per the attachment.

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

Dean Marshall, Sr. Highway, Seasonal Laborer @ \$9.25/hr. from Wingperson @ \$8.00/hr., effective 5/3/2004.

James Hodges Highway, Seasonal Laborer @ \$8.00/hr. from Wingperson @ \$8.00/hr., effective 4/12/2004.

Trevor Chichelli Highway, Seasonal Laborer @ \$8.00/hr. from Wingperson @ \$8.00/hr., effective 5/17/2004.

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

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	Abstain
Supervisor Breese voting	Aye
	Carried

SUPERVISOR BREESE

That's the end of the regular meeting. Before we adjourn, is there anyone that would like to speak on any matters involving the Town of Henrietta? Yes, Mam?

RACHEL WARREN, 59 TOMAHAWK TRAIL

I'm delighted with this Resolution, as you probably know, because I've been jumping up and down about this issue for years. But, I saw in the paper recently that the Assembly G.O.P. seeks more State money to save farms. So, this might . . .

SUPERVISOR BREESE

To do what, I'm sorry?

RACHEL WARREN, 59 TOMAHAWK TRAIL

To save farms. They're going to, they're asking for Seventeen Million Dollars (\$17,000,000) and it says most of the farms that didn't win grants are expected to reapply this year, that would include five (5) in Wayne County and two (2) in Monroe, and I don't know if we have made application, but . . .

SUPERVISOR BREESE

I'm not aware of any in Henrietta.

RACHEL WARREN, 59 TOMAHAWK TRAIL

. . . but this is something that apparently money is still available, so if we want to preserve some of the . . .

COUNCILMAN MULLIGAN

Assembly G.O.P.?

RACHEL WARREN, 59 TOMAHAWK TRAIL
Yes.

SUPERVISOR BREESE
Unfortunately a lot of their proposals never go anywhere because that's the minority party in Assembly, and very often nothing happens with their proposals.

RACHEL WARREN, 59 TOMAHAWK TRAIL
Well, maybe some of us could lobby a little and help out.

SUPERVISOR BREESE
Call Mr. Errigo. I'm not aware of that particular proposal. I'll dig into it a little bit.

RACHEL WARREN, 59 TOMAHAWK TRAIL
Okay. Thank you.

SUPERVISOR BREESE
Thank you. Is there anybody else that would like to speak on any other matters involving the Town? I do want to recognize, I see one of our Hall of Fame people out there in the audience. Is that Lisa Cowdery out there? Lisa, would you stand up again. Lisa Cowdery, great young lady. *(Applause)* We're all very proud of you, again, okay?

COUNCILMAN MULLIGAN
It's good to see some students here, too.

SUPERVISOR BREESE
Yes, it's good to see other students, too.

COUNCILMAN MULLIGAN
They're studying.

SUPERVISOR BREESE
Studying.

COUNCILMAN MULLIGAN
These are good kids.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman Zinck at 8:20 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk