

**HENRIETTA TOWN BOARD
AGENDA
MAY 3, 2006**

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 19, 2006
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 #10-122/2006

Authorize Accounts Payable

RESOLUTION #10-123/2006

Accept Letter of Credit - Shadow Ridge Subdivision, Section 3A

RESOLUTION #10-124/2006

Call for Public Hearing - Proposed Establishment of Extension No. 147
(Brody-Ward Subdivision) to Henrietta Water District No. 1

RESOLUTION #10-125/2006

Call for Public Hearing - Proposed Establishment of Extension No. 14
(Brody-Ward Subdivision) to the Henrietta Drainage District

RESOLUTION #10-126/2006

Call for Public Hearing - Proposed Rezoning of Land Located at 3400 East River
Road from Residential R-1-15 to Residential R-2-15 and Proposed Special Use
Permit

RESOLUTION #10-127/2006

Authorize Acceptance of Ownership and Maintenance of Storm Sewer
Connections - Market Square Project

RESOLUTION #10-128/2006

Declare Items Surplus Materials - Fire Marshal

RESOLUTION #10-129/2006

Award Low Quote - Installation of Sidewalk and Curbing for Parking Lot Adjacent to Martin Road Park Tennis Courts

RESOLUTION #10-130/2006

Declare Item Surplus Equipment - Highway

RESOLUTION #10-131/2006

Award Low Bid - One (1) Dump/Spreader Body

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 3RD DAY OF MAY, 2006 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

Okay. May I have any public comments on Agenda items. Just agenda items.
(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 19, 2006.

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 #10-122/2006

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 5/3/2006	\$ 181,576.11
-----------	------------------------------	---------------

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 #10-123/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilman Yudelson

WHEREAS, Conifer Moore Road Associates, the Developer of Shadow Ridge Subdivision Section 3A (located on Goldfinch and Kinglet Drives), has submitted an Engineer's Estimate for the construction of all site improvements for said subdivision, and

WHEREAS, the Director of Engineering/Planning has reviewed the estimate prepared by MRB Group, P.C. 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, Conifer Moore Road Associates, submit a Letter of Credit in favor of the Town in the amount of \$684,095.00.

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

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 #10-124/2006

On Motion of
 Councilman Mulligan

Seconded by
 Councilwoman Zinck

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 147 (BRODY-WARD SUBDIVISION) TO HENRIETTA WATER DISTRICT NO. 1 LOCATED ON THE NORTH SIDE OF WARD HILL ROAD BETWEEN BRANCBROOK DRIVE AND PINNACLE ROAD 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. 147 (Brody-Ward Subdivision) to Henrietta Water 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 water system to serve the said Extension No. 147, 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 water 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 7TH day of June, 2006 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, 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 #10-125/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 14 (BRODY-WARD SUBDIVISION) TO THE HENRIETTA DRAINAGE DISTRICT LOCATED ON THE NORTH SIDE OF WARD HILL ROAD BETWEEN BRANDBROOK DRIVE AND PINNACLE ROAD 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. 14 (Brody-Ward Subdivision) 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. 14, 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 7TH day of June, 2006 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, 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 #10-126/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilman Yudelson

WHEREAS, the Town Board of the Town of Henrietta has received a request for the rezoning of approximately 1.9 acres of land located at 3400 East River Road, identified as Tax Account Numbers 160.04-1-25 and 160.04-1-26, from Residential R-1-15 to Residential R-2-15 along with an Application for a Special Use Permit for a ten (10) unit multiple dwelling apartments, and

WHEREAS, maps and descriptions of the lands under consideration are on file in the Office of the Town Clerk, and

WHEREAS, this proposed zoning change 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, pursuant to the New York State Environmental Quality Review Act (SEQRA) such an Action is a Type I Action, and

WHEREAS, a Long Environmental Assessment Form (EAF) has been prepared for the proposed rezoning, 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 June 7, 2006 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 Residential R-2-15.

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.

COUNCILMAN MULLIGAN
Just quickly, this is the old Treuthart Rugs facility you talked about Monday night. Will that building be demolished and then these units . . .

SUPERVISOR BREESE
You know, I don't know. Maybe Chris Roth knows. It's been used for commercial purposes for forever. Somehow, through a quirk in zoning, it was zoned residential.

COUNCILMAN MULLIGAN
Did this happen before you came in?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR
No. The Tallos have contracted, or consulted an architect, and they were going to renovate the existing building to try to fit ten (10) units in.

SUPERVISOR BREESE
Okay.

COUNCILMAN MULLIGAN
So, they'll build the ten (10) units around this?

CHRISTOPHER ROTH, FIRE MARSHAL/BUILDING INSPECTOR
No, they're actually converting this building to a ten (10) unit . . .

COUNCILMAN MULLIGAN
Oh, okay. It's being converted, wow. Thank you.

SUPERVISOR BREESE
Okay. 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 #10-127/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, Benderson Development Company, LLC, the Developer of the Market Square Project located on Jefferson Road, proposes the construction of a 15" storm water collection system making direct connections to the existing 36" storm sewer within the State right-of-way for Jefferson Road, Route 252, Town of Henrietta, as shown on plans prepared by Corneles Engineering, P.C. dated March 29, 2006, and

WHEREAS, the State of New York will only allow direct connections to the storm sewer within the rights-of-way if the Town of Henrietta accepts ownership of only the new storm sewer installed and maintenance of the entire length of storm sewer on Jefferson Road.

THEREFORE, BE IT RESOLVED, that:

1. The Town of Henrietta will assume ownership of the above-mentioned direct connections in the State right-of-way.

2. That upon assuming ownership of the above-mentioned direct connections, the Town of Henrietta agrees to maintain the above-mentioned direct connections.

3. That upon assuming ownership of the above-mentioned direct connections, the Town of Henrietta agrees to accept all responsibility and liability with respect to said direct connections and to hold the State of New York harmless with respect to said features.

4. That this Resolution shall take effect immediately.

5. That the Town Clerk of the Town of Henrietta is hereby directed to transmit five (5) Certified copies of the foregoing Resolution to the New York State Department of Transportation.

SUPERVISOR BREESE
Discussion?

COUNCILMAN MULLIGAN
Two (2) quick questions. One, this is a very short piece of storm sewer.

SUPERVISOR BREESE
Yes.

COUNCILMAN MULLIGAN

How long is it? Does anybody know?

COUNCILWOMAN ZINCK

Mark's looking.

SUPERVISOR BREESE

Mr. Byrne, would you want to answer that, please.

COUNCILMAN MULLIGAN

And two, Mark, as long as you're up there, this will drop into that piece next to the Burger King restaurant where that storm water comes out or not?

MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING

Attached to the Resolution, there's a map. It's thirty-two (32) feet of fifteen (15) inch pipe.

COUNCILMAN MULLIGAN

And where does it go?

MARK BYRNE, DIRECTOR OF ENGINEERING/PLANNING

It ties into the manhole that's on Jefferson Road, just south, well, it would be west of Marketplace Drive, across the street.

SUPERVISOR BREESE

Okay.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR BREESE

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 #10-128/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, the Fire Marshal has requested that the items described on the attached list be declared surplus materials.

THEREFORE, BE IT RESOLVED, that the items described on the attached list be declared surplus materials and sent to the Parks and Facilities Department for disposal.

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 #10-129/2006

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, the Commissioner of Public Works solicited quotes for the installation of curbing, sidewalks, and three (3) detectable warning ramps to complete the parking lot adjacent to the Martin Road Park tennis courts, and

WHEREAS, two (2) quotes were received, and the low quote, meeting specifications, was received from Sunshine Concrete, for a total cost of \$13,876.00.

THEREFORE, BE IT RESOLVED, that Sunshine Concrete, 3461 Stevenson Court, Tonawanda, New York 14120, be hereby awarded the quote for a total cost not to exceed \$13,876.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Sunshine Concrete upon successful completion of said work and acceptance by the Commissioner of Public Works.

COUNCILMAN MULLIGAN

Under discussion, I see there's a second quote, but I don't see a total. What was the total when you compounded all the different, the final page there, it's got two hundred fifty (250) feet at \$16.50, but there's, I don't see a total there, unless . . .

SUPERVISOR BREESE

It was fourteen (14) something. I don't know why it isn't on there.

COUNCILMAN MULLIGAN

Okay.

SUPERVISOR BREESE

What is it, Chuck, and why isn't it on there? Clerical error, right?

CHUCK MARSHALL, COMMISSIONER OF PUBLIC WORKS

I just totaled it on the memo to the Board. If you do all the math it works out to the, I didn't extend it on the quote.

COUNCILMAN MULLIGAN

What was the quote?

CHUCK MARSHALL, COMMISSIONER OF PUBLIC WORKS

It was Fourteen Thousand Four Hundred Nineteen Dollars and Thirty Cents (\$14,419.30).

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR BREESE

You can sit down now. 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 #10-130/2006

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, the Commissioner of Public Works has requested that the following item be declared surplus equipment:

<u>Inventory #</u>	<u>Description</u>
--------------------	--------------------

3051

1996 Chevrolet Corsica 4-door sedan (#36 Fire Marshal)
V.I.N. #1G1LD55M8TY203498

THEREFORE, BE IT RESOLVED, that the item described above be declared surplus equipment and be consigned to the Teitsworth Municipal Auction to be held on May 20, 2006 in Palmyra, New York.

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 #10-131/2006

On Motion of
Councilwoman Zinck

Seconded by
Councilwoman McCabe

WHEREAS, funds are available in the 2006 Highway Budget to facilitate the purchase of one (1) new replacement dump/spreader body for Truck #194, a 1994 International truck, and

WHEREAS, Resolution #8-108/2006 authorized the advertisement for bids for one (1) combination dump/spreader body, and

WHEREAS, one (1) bid was received, and the bid, meeting specifications, was received from Cyncon Equipment, Inc. for a total cost of \$15,200.00.

THEREFORE, BE IT RESOLVED, that Cyncon Equipment, Inc., 7494 West Henrietta Road, Rush, New York 14543, be hereby awarded the bid for one (1) new Tenco 12M dump/spreader body, per specifications, at a cost not to exceed \$15,200.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Cyncon Equipment, Inc. in an amount not to exceed \$15,200.00, 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

SUPERVISOR BREESE

That's the end of the Regular Meeting. Do you want to ask a question?

COUNCILMAN MULLIGAN

Yes. Through you, Mr. Supervisor, for our Finance Director, Mr. Liess, under bills payable I see a Pittsford Plaza Cinema. I'm all for the movies, but why are we going to the movies?

COUNCILWOMAN ZINCK

It's probably for the Recreation Department.

SUPERVISOR BREESE

Yes.

COUNCILWOMAN ZINCK

The Recreation Department?

REGIS STEINKAMP, DIRECTOR OF YOUTH BUREAU & RECREATION
(From audience - inaudible)

COUNCILWOMAN ZINCK

The Recreation Department.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR BREESE

Well, does anybody know what it is?

REGIS STEINKAMP, DIRECTOR OF YOUTH BUREAU & RECREATION
(From audience - inaudible)

SUPERVISOR BREESE

No, you've got to come up here, now, you know. We want you on the Record so we can hold it against you later.

COUNCILWOMAN ZINCK
He just hadn't brought you up yet.

REGIS STEINKAMP, DIRECTOR OF YOUTH BUREAU & RECREATION
I'm assuming it was the February break activity.

SUPERVISOR BREESE
Three Hundred (300) and something. It's what?

REGIS STEINKAMP, DIRECTOR OF YOUTH BUREAU & RECREATION
A break activity, a break week activity.

SUPERVISOR BREESE
What does that mean?

COUNCILWOMAN ZINCK
Took the kids to the movies.

REGIS STEINKAMP, DIRECTOR OF YOUTH BUREAU & RECREATION
Took the kids to the movies during the break week.

SUPERVISOR BREESE
How many kids went for Three Hundred and Eighty bucks (\$380.00)?

REGIS STEINKAMP, DIRECTOR OF YOUTH BUREAU & RECREATION
I don't have it in front of me so I couldn't tell you.

COUNCILMAN YUDELSON
It's part of the program where they do a different thing every day during the week.

REGIS STEINKAMP, DIRECTOR OF YOUTH BUREAU & RECREATION
Right. During the break.

SUPERVISOR BREESE
We don't take them every day though, do we?

REGIS STEINKAMP, DIRECTOR OF YOUTH BUREAU & RECREATION
No.

SUPERVISOR BREESE
Okay. Thank you. Why don't you sit down.

COUNCILWOMAN ZINCK
What movie was it? *(Laughter)*

SUPERVISOR BREESE

Okay. Is there anybody in the audience that would like to speak on any other items involving the Town before we adjourn? *(Pause - no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman Zinck at 9:16 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk