

**HENRIETTA TOWN BOARD  
AGENDA  
MAY 17, 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): May 3, 2006
6. Miscellaneous Communications
7. Public Hearings:
  - Proposed Establishment of Extension No. 146 (Wegmans Food Markets and the Monroe County Fair Association, Inc.) to Henrietta Water District No. 1
  - Proposed Establishment of Extension No. 190 (Wegmans Food Markets and the Monroe County Fair Association, Inc.) to Henrietta Sewer District No. 1
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

**PRESENTATION OF ANTOINETTE BROWN BLACKWELL AWARDS - Helen Elam**

**RESOLUTION #11-132/2006**  
Authorize Accounts Payable

**RESOLUTION #11-133/2006**  
Declare the Week of May 15<sup>TH</sup> Through May 21<sup>ST</sup> "Women's Week"

**RESOLUTION #11-134/2006**  
Authorize Supervisor to Sign Contract for Appraisal Services - S & S Realty

**RESOLUTION #11-135/2006**  
Authorize Supervisor to Sign Contract for Appraisal Services - JC Penney Company, Inc.

**RESOLUTION #11-136/2006**  
Authorize Proposed Establishment of Extension No. 146 (Wegmans Food Markets and the Monroe County Fair Association, Inc.) to Henrietta Water District No. 1

**RESOLUTION #11-137/2006**  
Authorize Proposed Establishment of Extension No. 190 (Wegmans Food

Markets and the Monroe County Fair Association, Inc.) to Henrietta Sewer District No. 1

RESOLUTION #11-138/2006

Authorize Independent Consultant Inspection, Construction and Plan Review Services - Engineering Department/Building and Fire Prevention Department

RESOLUTION #11-139/2006

Accept Letter of Credit - Berkshire Park Subdivision, Section 1

RESOLUTION #11-140/2006

Declare Lead Agency and Approve Special Use Permit - Wilmorite/R.I.T. Collegetown

RESOLUTION #11-141/2006

Authorize Advertisement for Bids - Repair of Floor in Department of Public Works Parking Garage

RESOLUTION #11-142/2006

Declare Item Surplus Equipment - Highway

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 17<sup>TH</sup> DAY OF MAY, 2006 AT 8:00 P.M.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Councilwoman Catherine A. McCabe

*(SILENT PRAYER)*

*(PLEDGE OF ALLEGIANCE TO THE FLAG)*

**SUPERVISOR BREESE**

Well, this is a big night for us. This is our annual Antoinette Brown Blackwell event, and I think the best thing I can do, of course, welcome to all of you here. I love to see a full house of people who are not mad. *(Laughter)* It's a great event that the Town Board looks forward to every year. At this point, I think I'll turn it over to Helen Elam. Helen, it's up to you now.

*(Helen Elam conducted the Twenty-fourth Annual Antoinette Brown Blackwell Award Ceremony. Shirley Wallace, Women of the Year Chairperson, presented the 2006 Henrietta Woman of the Year Award to Phyllis Buyck McHargue; Mary McNamara, Scholarship Chairperson, presented the 2006 Scholarship to Jessica Wooten)*

**SUPERVISOR BREESE**

I just want to say to Phyllis and Jessica that your Town is very proud of you. You deserve these awards. I want to thank all you folks for coming here tonight. This is a real positive night. I think it's probably the best night of the year for the Town Board, to have all you folks here, and we appreciate it so much. It's a great Town, great people, good luck, and go out in the reception now, okay? *(Laughter)* We'll be out with you shortly. We have to go through an agenda. It shouldn't take too long.

*(Brief intermission)*

**SUPERVISOR BREESE**

May I have somebody move the approval of the Minutes.

**COUNCILMAN YUDELSON**

Mr. Supervisor, I move we approve the Minutes of the May 3, 2006 meeting.





WHEREAS, it has become necessary to contract for professional real estate appraisal services for the certiorari action filed by S & S Realty, for the premises located at 900 John Street in the Town of Henrietta, known as Tax Account No. 175.01-1-5.1, and

WHEREAS, a number of appraisers were solicited for fee quotes.

THEREFORE, BE IT RESOLVED, that Kevin Bruckner, MAI, of Bruckner, Tillett, Rossi, Cahill & Associates, 110 Linden Oaks, Suite B, Rochester, New York 14625, is hereby engaged to perform real estate appraisal services, conforming to the applicable standards, for a fee of \$8,000.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Kevin Bruckner, MAI, in an amount not to exceed \$8,000.00 upon the submission of all proper documentation.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #11-135/2006

On Motion of  
Councilman Yudelson

Seconded by  
Councilman Mulligan

WHEREAS, it has become necessary to contract for professional real estate appraisal services for the certiorari action filed by JC Penney Company, Inc., for the premises located at 25 Miracle Mile Drive in the Town of Henrietta, known as Tax Account No. 161.12-1-1.1/A, and

WHEREAS, a number of appraisers were solicited for fee quotes.

THEREFORE, BE IT RESOLVED, that Kevin Bruckner, MAI, of Bruckner, Tillett, Rossi, Cahill & Associates, 110 Linden Oaks, Suite B, Rochester, New York 14625, is hereby engaged to perform real estate appraisal services, conforming to the applicable standards, for a fee of \$8,000.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Kevin Bruckner, MAI, in an amount not to exceed \$8,000.00 upon the submission of all proper documentation.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #11-136/2006

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman Zinck

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IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 146 (WEGMANS FOOD MARKETS & THE MONROE COUNTY FAIR ASSOCIATION, INC.) TO HENRIETTA WATER DISTRICT NO. 1 LOCATED ON THE SOUTH SIDE OF CALKINS ROAD (754 CALKINS ROAD) AND ON THE WEST SIDE OF EAST HENRIETTA ROAD (2695 EAST HENRIETTA ROAD) IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

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RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 146 (WEGMANS FOOD MARKETS & THE MONROE COUNTY FAIR ASSOCIATION, INC.) 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. 146 (Wegmans Food Markets & the Monroe County Fair Association, Inc.) 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. 146 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. 146 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, please.

Duly put to a vote:

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

Carried

**RESOLUTION #11-137/2006**

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Mulligan

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IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 190 (WEGMANS FOOD MARKETS & THE MONROE COUNTY FAIR ASSOCIATION, INC.) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED ON THE NORTH AND SOUTH SIDE OF CALKINS ROAD (754 CALKINS ROAD) AND ON THE WEST SIDE OF EAST HENRIETTA ROAD (2695 EAST HENRIETTA ROAD) IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

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RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 190 (WEGMANS FOOD MARKETS & THE MONROE COUNTY FAIR ASSOCIATION, INC.) 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. 190 (Wegmans Food Markets & the Monroe County Fair Association, Inc.) 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. 190 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. 190 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, please.

Duly put to a vote:

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

Carried

**RESOLUTION #11-138/2006**

On Motion of  
Councilman Yudelson

Seconded by  
Councilwoman Zinck

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

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

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

WHEREAS, the Director of Engineering/Planning and the Fire Marshal/Building Inspector have been directed to secure these services in this matter, and

WHEREAS, independent consultant inspection and plan review services billing, including all consultants costs, will be at a hourly rate, and

WHEREAS, the Director of Engineering/Planning has arranged for such

construction inspection services with Scott Sullivan, 336 Gibson Street, Canandaigua, New York 14424, at the rate of Eighteen Dollars (\$18.00) per hour, and

WHEREAS, the Fire Marshal/Building Inspector has arranged for such construction and plan review services with Daniel J. Kress, 345 Stearns Road, Churchville, New York 14428, at the rate of Fifty Dollars (\$50.00) per hour.

THEREFORE, BE IT RESOLVED, that the Director of Engineering/Planning and the Fire Marshal/Building Inspector are hereby authorized and directed to secure the independent consultant inspection services and construction and plan review services in accordance with the above.

BE IT FURTHER RESOLVED, that the Director of Finance be authorized to pay said consultants upon receipt of all proper documentation.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #11-139/2006

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Yudelson

WHEREAS, Forest Creek Equity Corporation, the Developer of Berkshire Park Subdivision, Section 1 (located on the west side of Moore Road and on the south side of West Henrietta Road) has submitted an Engineer's Estimate for construction of all site improvements for said subdivision, and

WHEREAS, the Director of Engineering and Planning has reviewed the estimate prepared by DSB Engineers and Architects, 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, Forest Creek Equity Corporation, submit a Letter of Credit in favor of the Town in the amount of \$1,988,560.00.

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

SUPERVISOR BREESE

Discussion? That's the biggest Letter of Credit that I can remember us ever authorizing. It's a huge development, so I guess it's okay. Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #11-140/2006

On Motion of  
Supervisor Breese

Seconded by  
Councilman Mulligan

WHEREAS, the Town Board of the Town of Henrietta has received an Application from Wilmorite, Inc. for Special Permit approval to develop a mixed-use community to be known as R.I.T. Collegetown with residential apartments (812 total beds), mixed commercial uses (approximately 76,000 sq. ft.) with upper level apartments (totaling 48 residential units) on a parcel of land (approximately 59.9 acres) identified as Tax Account Number 161.01-1-7.2, in an Industrial Zoned District, and

WHEREAS, plans of this proposed development under consideration are on file in the Office of the Town Clerk, and

WHEREAS, after consideration by the Henrietta Town Board, the Application 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 Project, and

WHEREAS, the Henrietta Town Board declared its intent to be the Lead Agency for the environmental quality review, and

WHEREAS, the Henrietta Town Board is the sole approval board or agency affected by this action, and

WHEREAS, the Henrietta Town Board has taken a hard look at the environmental issues raised by this Special Use Permit Application, pursuant to Section 617.7 of SEQRA.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board does formally designate itself and accepts Lead Agency status for the environmental review of described Special Use Permit under the State Environmental Quality Review Act (SEQRA) and has determined that the proposed action therein described will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be required and therefore issues a negative declaration.

BE IT FURTHER RESOLVED, that the Henrietta Town Board hereby ratifies, confirms and adopts the approval of Special Permit No. 2006-031, Wilmorite, Inc., to develop a mixed-use community as described above at the corner of Jefferson Road and John Street, Rochester, New York, upon the terms and conditions set forth on the Record at the Henrietta Town Board Special Permit Hearing held on May 3, 2006.

**SUPERVISOR BREESE**

Just under discussion, we already actually approved the Special Permit previously, so they get two (2) approvals. That doesn't affect the bottom line which is, they can go forward with the Project. Call the roll.

Duly put to a vote:

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

Carried

**RESOLUTION #11-141/2006**

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Mulligan

WHEREAS, the Town of Henrietta requires bids for the repair of the parking garage floor in the Department of Public Works to conform with specifications on file in the Town Clerk's Office, with bids to be opened at 9:45 A.M. on Friday, June 16, 2006 and received no later than 9:30 A.M. on Friday, June 16, 2006.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the repair of the parking garage floor in the Department of Public Works as per cited specifications on file in the manner provided by Law.

**SUPERVISOR BREESE**

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

#### RESOLUTION #11-142/2006

On Motion of  
Councilman Yudelson

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>
3213	1998 Pioneer Coverall Tarp System (Highway) Model #EDD1500D

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, please.

Duly put to a vote:

Councilwoman McCabe	voting	Absent
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. Is there somebody who 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 8:40 P.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson  
Deputy Town Clerk