

**HENRIETTA TOWN BOARD
AGENDA
JANUARY 1, 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): December 20, 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 #2-39/2007

Authorize Accounts Payable

RESOLUTION #2-40/2007

Authorize Supervisor to Sign Intermunicipal Agreement with the Town of Rush -
Provision of Henrietta Fire Marshal Services

RESOLUTION #2-41/2007

Approve Special Permit No. 2006-185 - Lehigh Park Associates

RESOLUTION #2-42/2007

Authorize Conveyance of Right-of-Way to Henrietta Fire District No. 5

RESOLUTION #2-43/2007

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 1ST DAY OF JANUARY, 2007 AT 11:00 A.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 anyone that would like to speak on any agenda items? Just agenda items at this time?

JIM McGOVERN, HENRIETTA FIRE DISTRICT

Good morning. I'm Jim McGovern from the Henrietta Fire District. Regarding Resolution #2-42/2007 that's on your agenda, if you have any questions about that, Commissioner and Chairman Joe Martin or I would be happy to answer them.

COUNCILMAN MULLIGAN

I don't have any questions, but through you, Mr. Supervisor, just one thought, Jim and Joe. We have a liaison, you know with Cathy McCabe, and whatever can be done, and maybe this has already been discussed, to improve communications between the Fire District and the Town Board would be greatly appreciated. We saw this very late, and as you know, the Highway Superintendent got into an opinion, but what's more important, I think, is to improve, you know, the relationship and the communication. Jim Breese's door is always open. If I have a problem, I call Joe Martin, he calls me. But I think, you know, you're a big facility in the Town, the Town obviously takes in a lot of responsibility, and I think we can all improve in that area.

JIM McGOVERN, HENRIETTA FIRE DISTRICT

Well, in answer to your suggestion, we have done that. As a matter of fact, when I first heard there was problem, I e-mailed members of the Board, and Catherine sent me an e-mail back saying that it had been removed from the agenda from your last Board meeting, yet there was no reason stated in the e-mail or the fact that it originally was going to be on but had been removed, and all we asked for was for somebody, whoever, to get a hold of us. I mean, we're not hard to get a hold of. You know, we're a rather conspicuous organization. So, you know, I think it cuts both ways.

SUPERVISOR BREESE

Right.

COUNCILMAN MULLIGAN

No argument there.

JIM McGOVERN, HENRIETTA FIRE DISTRICT

And just for your information, if you haven't seen the drawings and everything, I have a copy here to show you later on, or at your convenience, or now.

SUPERVISOR BREESE

Well, thanks a lot for coming, Jim and Joe. Good luck with your project.

JIM McGOVERN, HENRIETTA FIRE DISTRICT

Thank you.

COUNCILWOMAN McCABE

I just want to say in fairness, we did get it very late, and that e-mail that I read was, I read it late, and so I wanted to let you know that it was not on the agenda so that you wouldn't just show up at the meeting expecting it to be on the agenda.

JIM McGOVERN, HENRIETTA FIRE DISTRICT

And I appreciate that.

COUNCILWOMAN McCABE

We still had to discuss it, and so there was no reason given on why it was pulled. It was just pulled, and we had to further discuss it.

SUPERVISOR BREESE

Well, it's on the agenda today, and it's going to pass.

JIM McGOVERN, HENRIETTA FIRE DISTRICT

Okay.

SUPERVISOR BREESE

May I have the approval of the Minutes, please.

COUNCILWOMAN McCABE

Mr. Supervisor, I move we approve the Minutes of December 20, 2006.

COUNCILMAN YUDELSON

Second.

SUPERVISOR BREESE

Discussion? Call the roll.

Duly put to a vote:

Councilwoman McCabe voting Aye

and the Supervisor is authorized to execute said Agreement on behalf of the Town of Henrietta.

SUPERVISOR BREESE

Under discussion, we're paving new ground here, and I like the idea of cooperating with other towns. We've done similar things with Brighton, for example. The Fire Marshal services are different. So, we're in uncharted waters, and I can assure the Board that we will closely monitor all expenses that we have with this and issue a monthly report to the Board of the costs for the Town, because the dollars may or may not work out. If we're not satisfied that we're being paid enough, we can amend this, or we can cancel this contract on thirty (30) days notice. So, I guess I think it's worth a try. But I assure you, we will watch this one very, very closely.

COUNCILWOMAN McCABE

Thank you.

COUNCILMAN MULLIGAN

Thank you.

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 #2-41/2007

On Motion of
Supervisor Breese

Seconded by
Councilman Mulligan

WHEREAS, Lehigh Park Associates, LLC has requested a Special Permit to construct up to one hundred twenty-eight (128) multiple dwelling units and a manager's office/community clubhouse building at 1256 and 1274 Lehigh Station Road, in a Residential R-2-15 Zoned District, Tax Account Numbers 175.12-1-4 and 175.12-1-6, and

WHEREAS, the condition of this site is of grave concern to Town government and residents as it is the site of the formerly approved and now defunct Autumn Woods Senior Housing Project, which was partially constructed and then abandoned, and

WHEREAS, the Applicant has demonstrated to the Town Board that its proposal meets the criteria set forth in Henrietta Town Code, Section 295-53, for granting a Special Permit, and

WHEREAS, the Town Board and the Applicant are aware that the Zoning Board will independently consider and determine any variance from the Town Code regarding parking spaces, and

WHEREAS, the Town Board and the Applicant are aware that the Planning Board will independently consider and determine issues pertaining to density, layout, and design of the site.

THEREFORE, BE IT RESOLVED, that Special Permit No. 2006-185, Lehigh Park Associates, LLC, to construct up to one hundred twenty-eight (128) multiple dwelling units in sixteen (16), two (2) story buildings with eight (8) units each and a manager's office/community clubhouse building, be and hereby is approved subject to the terms and conditions as set forth in the Special Permit Hearing held on December 20, 2006.

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 #2-42/2007

On Motion of
Councilman Yudelson

Seconded by
Councilwoman McCabe

WHEREAS, the Henrietta Fire District has approached the Town of Henrietta concerning the abandonment and conveyance of a portion of the former Pinnacle Road Right-of-Way located to the west of Henrietta Fire District No. 5 of approximately 0.164 acres of land, and

WHEREAS, the proposed site improvements for Henrietta Fire District No. 5 shows a new access driveway directly onto Winton Road South, and Monroe County Legislature is in the process of conveying a portion of the former Pinnacle Road

Right-of-Way approximately 0.05 acres to the Henrietta Fire District, and

WHEREAS, the Superintendent of Highways has advised the Director of Engineering/Planning that this portion of the original Pinnacle Road Right-of-Way is not needed for roadway or for any other Town purposes, and

WHEREAS, General Municipal Law Section 72-h authorizes such a conveyance to the Fire District without consideration, 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, and

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

THEREFORE, BE IT RESOLVED, that the Town of Henrietta shall transfer to the Henrietta Fire District by Quit Claim Deed the portion of former Pinnacle Road Right-of-Way as shown on a map dated December 5, 2006 attached hereto as Attachment A consisting of approximately 0.164 acres of land.

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 #2-43/2007

On Motion of
Councilman Mulligan

Seconded by
Councilman Yudelson

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

Recreation As per the attachment.

SUPERVISOR BREESE
Discussion? Those are changes in wage rates based on the State law and minimum

wage effective today.

COUNCILWOMAN McCABE

It's been budgeted?

SUPERVISOR BREESE

No, it's not budgeted, but we have enough money to pay it.

COUNCILWOMAN McCABE

Okay.

SUPERVISOR BREESE

It's \$7.15 per hour. 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 our Regular Board meeting. Is there anybody that would like to speak on anything else before we adjourn? *(Pause - no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Yudelson, seconded by Councilwoman Mulligan at 11:45 A.M. and passed unanimously.

Respectfully submitted,

Amber N. Hutchinson
Deputy Town Clerk