

**HENRIETTA TOWN BOARD  
AGENDA  
APRIL 16, 2014  
7:00 P.M.**

Supervisor Moore  
Councilman Mulligan  
Councilwoman Zinck  
Councilman Page  
Councilman Breese

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 2, 2014  
On Motion of: Councilwoman Zinck   Seconded by: Councilman Page
6. Miscellaneous Communications
7. Public Hearings:
  - 3389 East River Road Property Cleanup
  - River Meadow Drive No Parking Zone
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

RESOLUTION #9-108/2014  
Authorize Accounts Payable

RESOLUTION #9-109/2014  
Authorize Rochester Institute of Technology (R.I.T.) P.I.L.O.T. Agreement  
Extension – R.I.T. Inn and Conference Center

RESOLUTION #9-110/2014  
Call for Public Hearing – Transfer of Facilities to Monroe County's South Central  
Pure Waters District

RESOLUTION #9-111/2014  
Authorize Supervisor to Sign Intermunicipal Agreement – County of Monroe –  
Backup Generator

RESOLUTION #9-112/2014  
Authorize Supervisor to Sign Amendatory Agreement – New York State Snow and  
Ice Agreement

RESOLUTION #9-113/2014

Authorize Purchase of (2) Gator Utility Vehicles – Parks/Drainage

RESOLUTION #9-114/2014

Declare Items Surplus Materials – Parks/Highway/Drainage

RESOLUTION #9-115/2014

Appoint Recreation Commission Member

RESOLUTION #9-116/2014

Award General and Public Officials Liability Insurance

RESOLUTION #9-117/2014

Call for Public Hearing – Proposed Local Law No. 1 of 2014 – A Local Law to Amend Henrietta Town Code Chapter 109 Entitled “Ethics”

RESOLUTION #9-118/2014

Appoint Members to Board of Ethics

RESOLUTION #9-119/2014

Accept Report – 2013 Basic Financial Statements – Raymond F. Wager, CPA

RESOLUTION #9-120/2014

Request Legislation from New York State Legislature – Property Taxpayer Assistance Program

RESOLUTION #9-121/2014

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 16<sup>TH</sup> DAY OF APRIL, 2014 AT 7:00 P.M.

**MEMBERS PRESENT**

Supervisor Jack W. Moore  
Councilman William J. Mulligan, Jr.  
Councilwoman Janet B. Zinck  
Councilman M. Rick Page  
Councilman Kenneth Breese  
Daniel J. Mastrella, Town Attorney  
Leann C. Case, Town Clerk

*(SILENT PRAYER)*

*(PLEDGE OF ALLEGIANCE TO THE FLAG)*

SUPERVISOR MOORE

Is there anybody in the audience that would like to speak on any of the Agenda items? Not the Public Hearing, but just the Agenda items? *(Pause, no response)* Okay, could I have the approval of the Minutes of the April 2<sup>nd</sup> Meeting, please?

COUNCILWOMAN ZINCK

Mr. Supervisor, I'd like to move approval of the April 2, 2014 Meeting.

COUNCILMAN PAGE

Second.

SUPERVISOR MOORE

Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried

SUPERVISOR MOORE

We have two (2) Public Hearings. One of them we have to have a Findings of Fact for 3389 East River Road, for a property cleanup issue.

COUNCILWOMAN ZINCK

Mr. James Nelson, owner of the property at 3389 East River Road in the Town of Henrietta appeared with his attorney, Michael Jones, in response to a notice served by the Town of Henrietta Code Enforcement of Office on February 27, 2014 in accordance to Henrietta Town Codes §207-8 and §207-9. In October 2011, the Town Board adopted Local Law No. 2 of 2011, which amended Chapters 207 and 240 of the Henrietta Town Code. Among those provisions in §207-12, it is required that all vehicles in residential districts be parked on a driveway or driveway extension as those terms are defined in Chapter 240. Deputy Commissioner of Public Works, Chuck Marshall, testified that at the time of the notice there had been several vehicles parked on the lawn of the parcel and the parking of the vehicles on the parcel was an ongoing practice. At the time of the Hearing, only one of the vehicles was parked on the lawn of the parcel, with three (3) others having been moved to the driveway and the other three (3) apparently removed from the parcel. By way of background, the Town Attorney offered documentation which demonstrated the following: 1) The Henrietta Code Enforcement Officer issued a notice of violation for the date May 22, 2012 citing a violation of Town Code §207-12 and directing that the vehicles be removed from the grass area. 2) On October 1, 2012, the Henrietta Code Enforcement Officer issued an appearance ticket directing Mr. Nelson to appear in Henrietta Town Court to answer an allegation of violation of Town Code §207-12 for parking vehicles on the grass. At this time that charge is still pending in the Henrietta Town Court. 3) On December 26, 2012, Mr. Nelson applied to the Zoning Board of Appeals for a variance to allow him to park vehicles on the grass at 3389 East River Road. 4) At its January 23, 2013 meeting, the Henrietta Zoning Board of Appeals heard the matter and denied the application for the variance. In correspondence directed to the Code Enforcement Office, the respondent has questioned the validity of being summoned to appear before the Town Board while a matter concerning the same issue is still pending in the Henrietta Town Court. It must be noted that the Town Board and the Town Court are separate entities and that Town Code Section §207-9 provides for enforcement by either or both methods. The charges have been pending in the Henrietta Town Court for well over one (1) year and regardless of the reasons for the delay, the violations have persisted at the property since before the initial notice of violation in May 2012 up to the present time. It is not incumbent upon the Town Board to wait for Town Court action and a finding in the Town Court would not necessarily remedy the persistent and ongoing violations occurring on this property. The respondent has argued to the Board and apparently has argued to the Town Court that the parking of the vehicles is a legal preexisting, non-conforming use and should therefore be allowed to continue. This argument is unavailing for several reasons. In the first instance, doctrine of a legal, preexisting, non-conforming use is applicable only to zoning laws. The provisions invoked here relate to parking regulations. While the respondent argues that it is a de facto zoning regulation because it relates to real property and applies only to Residential Districts, that argument is misplaced. The regulation is not a zoning regulation, nor was it intended to be one. It is not included in the Zoning Chapter of the Town Code. It is a valid use of the Town's police power to regulate the parking of

vehicles and is so located within the Town Code. Moreover, in passing the legislation, the Town Board specifically allowed for relief of the parking restrictions by application to the Zoning Board of Appeals utilizing the same procedures and standards as would be utilized for requesting an area variance. Were these parking provisions intended to be a zoning regulation, the language would be completely unnecessary and redundant as an aggrieved person would already have the ability to seek such relief. Secondly, even if the issue were deemed to be a zoning matter, the argument is brought in the wrong form. Persistent to both New York State Town Law Section §267-a and Henrietta Town Code Section §295-61, the Zoning Board of Appeals has the power to hear and decide appeals from an order, decision or determination of an administrative officer charged with the enforcement of the zoning ordinance. It is not the function of either the Town Board or the Town Court to review the determinations of the administrative officer or to interpret the zoning laws and regulations. Thus, even if this was a determination related to a zoning issue, the proper remedy would have been to appeal the determination to the Zoning Board of Appeals, which the respondent failed to do. Third, even if this were deemed to be a valid argument in a proper forum, it would be time barred. Both New York State Town Law Section §267-a and Henrietta Town Code Section §295-62 require that an appeal be filed within sixty (60) days of the determination of the administrative official. In this case, the original notice of violation was issued in May 2012. The appearance ticket was issued in October 2012. Clearly, the time in which to appeal the determination expired long ago. Moreover, although the respondent did file a request for a variance in December 2012, he never asserted to the Zoning Board of Appeals that the parking of vehicles on the lawn was a legal preexisting, non-conforming use or that he was appealing the determination of the administrative official. By failing to raise the issue in the prior proceeding before the Zoning Board of Appeals, he is now barred by the doctrine of res judicata from raising it now. Fourth, even if none of these determinations were to apply, the respondent has failed to demonstrate that the parking of these vehicles on the lawn of the residential property constitutes a "substantial" rather than incidental use of the property. As such, the respondent is not entitled to a finding that the use constitutes a legal, preexisting non-conforming use of the property. As such, I hereby move that the Town Board find that the parking of vehicles on the residentially zoned property at 3389 East River Road, other than on a driveway or driveway extension constitutes a violation of Henrietta Town Code Section §207-12 and that the Town's duly authorized agents shall enter upon said property and remove and store any such vehicles still unlawfully parked on the property as of May 1, 2014 and that any expense incurred by the Town of Henrietta shall be assessed against the property and shall constitute a lien there on and be collected in the manner provided by law.

COUNCILMAN MULLIGAN  
Second.

SUPERVISOR MOORE  
Discussion? I'd like to thank the Town Attorney for providing the Findings of Fact and

also Code Enforcement for doing their job in a very good manner. Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried

COUNCILMAN PAGE

And I would ask to make sure that the notice and determination be sent by registered mail both to the owner of the property and to his attorney.

SUPERVISOR MOORE

Thank you. The next Public Hearing is for the River Meadow Drive no parking zone. We've asked anybody that would want to speak on this subject to sign up. I have a list here. Some of your names I may mispronounce and I'll apologize ahead of time. You'll have two (2) minutes to speak and if you would like to come up, the first one is Donald at 39 River Meadow.

*(From audience, Donald Williams, 34 River Meadow Drive, "Thirty-four (34).")*

SUPERVISOR MOORE

Please state your name and address and then you can address the Board.

DONALD WILLIAMS, 34 RIVER MEADOW DRIVE

Good evening, my name is Donald Williams, I live at 34 River Meadow Drive, it's the fourth (4<sup>th</sup>) house on the right when you come up River Meadow Drive. When I moved into Henrietta, there was a town. I lived in a house with a neighborhood. Now I live in a rental hood. Nobody around my house owns the property, they're all owned by RIT or RIT, they buy them or their parents buy them, rent the houses out to the kids. In the last three (3) weeks, I have over almost close to eighty (80) or ninety (90) pictures of cars parked illegally on River Meadow Drive. What I mean by illegally, facing the wrong way on the traffic. As of this morning, and I'm sure all the residents on River Meadow will tell you, it was an issue getting down my street. The house next to me, the car's parked the wrong way, facing the wrong direction, and there was five (5) cars parked alongside the street. Last, on Valentine's Day, there was an emergency, the Fire Department had to respond somewhere down our street. The only reason I knew this, when they blew the siren and air horn constantly until somebody ran out and moved one of the cars so the fire truck could get down the street. During our unusual snowstorm last week, there was a car parked the wrong way in front of 23 River Meadow Drive, there was two (2) of them parked the wrong way on the side of the street and a car parked on my side of the street faced the wrong way. For the heck of

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it, I went out and measured it between the parked car and the parked car were eight and a half feet (8'-6"). I'd like to see anyone of Henrietta's fire equipment, snowplow, or even some of these big vans get down between eight and a half feet (8'-6"). Thank God it wasn't my house that the fire truck was responding to, because I sure would have been very upset if there had been a fatality to the fact that these people just park wherever they want. Saturday morning, Friday night we had to call the police at 1:30 in the morning because there was so many loud from the party and there was twenty-three (23) cars parked on the street. I'm sure other neighbors will verify that. Went out to get my paper Saturday morning, I was pleasantly surprised to find that not just six (6) bottles of beer, a case, but human vomit in front of my mailbox. Pleasant thing to wake up to and (*inaudible*). Thank you.

SUPERVISOR MOORE

Thank you. Brenda Vickers? Or Jerry.

JERRY VICKERS, 31 WELLINGTON DRIVE

Good evening, my name's Jerry Vickers, I'm speaking on behalf of my wife, Brenda, and I. We live at...

SUPERVISOR MOORE

Right, your address please.

JERRY VICKERS, 31 WELLINGTON DRIVE

Right, 31 Wellington. I think pretty much what I have to say encompasses everybody's point of view is that primarily it's a safety issue, but on a sidebar, it's a health issue on pickup days for the trash, the different pickup companies that come by. Should a vehicle be blocking somebody's barrel or something, they, the pickup companies are not overly authorized to go out of their way to grab a barrel and take it around a car and take it back. That becomes a health issue, but primarily it's the safety issue of noise, the general traffic movement is restricted because they're parking, as he said before. And with the fire house right there, it's a fire vehicle, fire movement issue, snow removal, needless to say, and school buses. They're all large vehicles, along with delivery vehicles, that we get a lot of up in through there on River Meadow and Hazel Street, my street, Wellington, and it's just become just a general problem, as we all know, trying to come out here to get to the meeting here tonight on time. Thank you very much.

SUPERVISOR MOORE

Thank you. Jeff Bemis?

JEFF BEMIS, 37 RIVER MEADOW DRIVE

Hi, Jeff Bemis. I live at 37 River Meadow Drive and I've resided there with my family for about eight (8) years and I've been witness to the exact same events that my neighbors have been just relating. So I can comment specifically on the events when

the fire truck was trying to get through, this was right in front of our house and I had to witness the fact that they were there, stuck, not able to proceed towards East River Drive to get out. They were then forced to back up the entire length of the block until they could get to another intersection and actually exit and respond to the incident they were attending to. So in that particular case, it was an obvious demonstration that the people who parked there couldn't comprehend the ability of other vehicles to get past and to gain access to the main street there. Some other commentary would be damage that's been sustained by our mailbox because they're parking along the street and then when they go to leave, it seemed that they were reversing up into our driveway and it tore our mailbox off. So again, numerous different incidents of damage, property damage, litter, trash, things like that. And that's all I have. Thank you.

SUPERVISOR MOORE

Thank you very much. Robert or Linda Dunning?

LINDA DUNNING, 150 RIVER MEADOW DRIVE

Hi, Linda Dunning, 150 River Meadow Drive. I agree with everything that's been said up here, but I do have questions, like I've lived there, brought up my kids there, over thirty (30) years, but if I want my family to come visit me, am I going to be penalized by parking in front of the house? I mean, there's questions there that...

SUPERVISOR MOORE

Yeah, I think this is an issue for an ongoing discussion. We won't vote on this tonight.

LINDA DUNNING, 150 RIVER MEADOW DRIVE

Okay.

SUPERVISOR MOORE

And we'll...

LINDA DUNNING, 150 RIVER MEADOW DRIVE

But it...

SUPERVISOR MOORE

We're going to have to, because there's a lot of different things that go into coming up with something where we have different types of families or students living in the community and we, as a Town Board, have got to figure out how to address everybody's concerns.

LINDA DUNNING, 150 RIVER MEADOW DRIVE

Exactly. I mean, and the major problem is the students I think, and RIT. And there's got to be some kind of communication or something, because this is, I have to jockey to get out of my driveway every day and I shouldn't have to do that.

SUPERVISOR MOORE

And I totally agree with you, that's why we're in the spot we're in right now, trying to address the safety issues in the community and figure out how we can all coexist there.

LINDA DUNNING, 150 RIVER MEADOW DRIVE

Okay, thank you.

SUPERVISOR MOORE

Thank you. Ellen Collin?

*(From audience, Ellen Collins, 266 River Meadow Drive, "Collins.")*

SUPERVISOR MOORE

Okay, sorry.

ELLEN COLLINS, 266 RIVER MEADOW DRIVE

Hi, my name is Ellen Collins and I live at 266 River Meadow. Originally, when I moved to Henrietta, it was 361 River Meadow, so I've been there fifty-one (51) years. I moved out there when I was thirteen (13). This is the first time in the last few years that this has ever been a problem. And I feel it's just because there's a group of people who are not, don't feel that they're members of the community. They're here transiently. They're going to go to college, they're going to get out, and they really don't care about being part of this community. I have had the same thing that everybody here has said. I've pulled over into the store at the corner and called 911 and said, "Do something about this." My fear is the same thing that if we have family members over for a birthday party or something, that we're going to be penalized because there's not enough room in our driveway, and it's not fair to long-term members that have lived here and have paid their taxes. I feel maybe if we look at something like alternate side of the street parking so that there's at least some option, many of the houses are older and they don't have double driveways, and what do you do when my kids come over, my grandkids come over? So I'd like to, rather than just shut it down and say no parking, look at an alternative of maybe opposite street, opposite side parking and I'd like to address the RIT students and think if your parents are spending forty thousand dollars (\$40,000.00) to send you to college, please exhibit some common sense and some care about the community and don't do this. It's not necessary.

SUPERVISOR MOORE

Thank you. Mr. Ronnie Board?

*(Away from microphone, Ronnie Board, 80 River Meadow Drive, "Hi, Rick.")*

COUNCILMAN PAGE

Hi, Ronnie, how are you?

RONNIE BOARD, 80 RIVER MEADOW DRIVE

Ronnie Board, 80 River Meadow Drive. I live in a big house on the corner and I got the big pool right next to the road there and I can attest and I'll verify that I've seen fire trucks, school buses, the Henrietta Ambulance, and the beer delivery truck that could not get down the street, they had to turn around. I will say that going to college nowadays, I don't think there's any common sense involved with these kids. But both sides of the street, I got a question about that, it was just mentioned either one side or the other, or alternate. That has to enter your mind to think about one side or the other, which would eliminate a lot of my pool parties, I still got a place to park. And then at the same time, if this is passed, whether it's both sides, one side, either side, on days, off days, I don't care, who's going to enforce this? Would the Monroe County Sheriffs be enforcing it?

SUPERVISOR MOORE

Well it would be both Monroe County Sheriffs and I believe our Code Enforcement.

RONNIE BOARD, 80 RIVER MEADOW DRIVE

So if I see a car parked there, I call Monroe County Sheriffs and they'd send somebody out because the Code Enforcement's closed at 2:00 in the morning?

SUPERVISOR MOORE

Yes.

RONNIE BOARD, 80 RIVER MEADOW DRIVE

And then they'll come out and they will do the...

SUPERVISOR MOORE

I don't have jurisdiction over them, but...

RONNIE BOARD, 80 RIVER MEADOW DRIVE

But that's something you're going to discuss I think hardly, because most of your complaints are going to be after 6:00, 7:00 at night, and especially with a nice hot summer coming with some of the parties that I don't go to anymore...

*(Laughter)*

SUPERVISOR MOORE

I find that hard to believe, Ronnie.

RONNIE BOARD, 80 RIVER MEADOW DRIVE

I know, but they're going to be up there. I got a good feeling that you'll do the right job. Thank you very much.

SUPERVISOR MOORE

Thanks, Ronnie. Devon Spock?

DEVON SPOCK, 361 RIVER MEADOW DRIVE

Devon Spock, 361 River Meadow. Basically a couple, just, I agree with everybody here. This, I leave for work 5:30, 6:00 in the morning, it's impossible to get actually to the end of the road because of these cars. The health issues are definitely an issue, but I'm looking at purchasing, I've lived on that road for thirty-six (36) years, looking at purchasing the house that I'm residing in right now, starting a family. I have a one (1) year old. What if I have a birthday party for my child? Which might have three (3) or four (4) cars there, I only have a two (2) car driveway. Will we be ticketed for that if a couple people are parked out on the road for a few hours? Just happens Code Enforcement drives down, tickets everybody? That's no good. What happens if we want to seal the driveway? Everybody on that road does keep their houses actually very nice, keep their driveways very nice. Sealing a driveway, you can't park on the driveway for two (2) days I think it is and from what I was hearing with the previous statement that you actually can't park on the lawn either in Henrietta, is that correct? So now you are completely out of luck there. You cannot drive or you can't park anywhere on the road, you can't park anywhere on the grass, you're out of luck. I'm thinking I'm agreeing with a couple people with the alternate parking or one side of the drive parking. That seems to be the only option here. We got to look at everybody that's complaining about it, that's really having a true complaint is at the closest end of the road in the up to a hundred (100) mark of the road. That's where all the college kids are. And unfortunately I'm at the last house on the left, I don't see that, because there's no college rentals down by me. All the college rentals are up there, that's clearly where the issue is. And I don't know if you really want to penalize everybody, all the growing families and everybody that are down there for the renters of the road.

SUPERVISOR MOORE

Yeah, I don't think we're trying to penalize anybody here, all we're trying to do is have a community discussion with this Public Hearing to try to come up with something that'll work for everybody.

DEVON SPOCK, 361 RIVER MEADOW DRIVE

But it would be a penalization if you do ticket somebody that's trying to have a birthday party or sealing their driveway.

COUNCILMAN PAGE

Let me respond, I've been working on the codes, along with Mr. Minotti, for about almost four (4) years and like any other situation there's no perfect answer that's going to fit every situation. Number one is health and safety of the community and the people that live on that street. Any time the situation comes up where emergency vehicles can't get through, there's a zero tolerance for that, somebody's life could be at stake and their property. We have forty-five thousand (45,000) people in this

community. We have other areas that this has come up in where we have no parking signs. Our Code Enforcement is very, very easy to work with and very community friendly. Graduation parties, birthday parties, pool parties, situations where families are getting together has never been ticketed and never will. These are the daily ongoing cars who are parking in a way that emergency vehicles can't get down the road. In that particular part of town, the roads are narrow to start with. I would suggest that even if you parked on the alternate side, you're still not going to have enough room. That community is a residential community where people usually had one (1) or two (2) cars and the driveways were sufficient. Because of the fact that there's a lot of homeowners that don't, property owners that don't live there and have rented, and you know that we're working on that, it's still in the Court with the appeals about how many students or how many nonrelated people can live in a single family residence. We can't do anything about that right now until that's settled by the Court, but I can assure you that when you have a birthday party for your child or your grandchild, or a pool party, as long as your cars aren't blocking the road, our Code Enforcement knows how to deal with that and how to read it. They're not going to be ticketed for that.

DEVON SPOCK, 361 RIVER MEADOW DRIVE

I'd like to think that, but when you look at it and it all depends on the person that is writing that ticket. Now that person might say, "Hey, he's breaking the law. He gets that ticket." Your assurance really means nothing to that guy that's writing the ticket.

COUNCILMAN PAGE

If the situation prevents emergency vehicles from moving down the road, the ticket will be written in the health and safety. Other than that, our people are very good at noticing patterns, the same car, the same place, the same house, the same block, those are the people. We triage it, it's not just hey we're going to write all these tickets, it's not that. We're trying to make health and safety an issue and a community that's residential, not a dorm.

DEVON SPOCK, 361 RIVER MEADOW DRIVE

But you do give the assurance that a once in a while party, a once in a while maybe parked on the side of the road for two (2) days because of paving will not receive a ticket.

COUNCILMAN PAGE

That's what we're working on, that's why we're having this Hearing and that's what we will work with our Code Enforcement team.

COUNCILWOMAN ZINCK

Can I just add your, you've gone to the paving a couple of times.

DEVON SPOCK, 361 RIVER MEADOW DRIVE

Yes.

COUNCILWOMAN ZINCK

The same applies for the Code that says you can't park on the yard. It's because a lot of us work very hard to have nice looking properties and we're, the Code went into effect because there's, there are some residents that had vehicles all over their property and it looked really trashy.

DEVON SPOCK, 361 RIVER MEADOW DRIVE

Yeah.

COUNCILWOMAN ZINCK

If somebody's paving their yard and they need to put their cars on the yard, that's not what Code Enforcement's going for. They're going for the situations that are ongoing problems.

DEVON SPOCK, 361 RIVER MEADOW DRIVE

Trust me, I would love to see that, because that just clears up my issues right there.

COUNCILMAN PAGE

Give us a chance.

DEVON SPOCK, 361 RIVER MEADOW DRIVE

But that's the fact of the matter is we're bringing up a situation right now that you're dealing with another aspect of with all the college kids, how many people can live in a house, correct? And that's clearly what the issue is.

COUNCILMAN PAGE

I know that.

DEVON SPOCK, 361 RIVER MEADOW DRIVE

So it's like we're bringing this up, which might fix itself after that issue is resolved and like I said, it all depends if that person writing that ticket wants to write the ticket or not.

COUNCILMAN PAGE

In the meantime, until the legal community gives us what we can and can't do, the health and safety of the people in this room is still our number one priority.

DEVON SPOCK, 361 RIVER MEADOW DRIVE

I agree.

COUNCILMAN PAGE

So we need to do this right away. And then wait for the Court.

DEVON SPOCK, 361 RIVER MEADOW DRIVE

That makes sense. Does make sense, but I would definitely, and I strongly suggest that you guys look at an alternate rather than a ban, just because I've seen what Code Enforcement does...

COUNCILMAN PAGE

We will.

DEVON SPOCK, 361 RIVER MEADOW DRIVE

...where they do not, you say there's a lot of leniency, but I've seen numerous times without...

SUPERVISOR MOORE

Please summarize, because we're supposed to hold you to two (2) minutes somehow...

DEVON SPOCK, 361 RIVER MEADOW DRIVE

That's what I'm...

SUPERVISOR MOORE

Thank you.

COUNCILMAN PAGE

That was my fault.

SUPERVISOR MOORE

Shannon Harrington?

SHANNON HARRINGTON, 605 SHORE DRIVE

Shannon Harrington, 605 Shore Drive. Thank you for letting us speak today. I am currently a fourth (4<sup>th</sup>) year student at Rochester Institute of Technology and also President of the Association for Commuter Engagement. Two (2) years ago, our Association was formed to advocate for students and to work with the Henrietta Town and other Rochester communities on different issues such as this. And one of the major ones that I remember when I was a second (2<sup>nd</sup>) year were the issues in The Preserve related to parking, the what defines a family and so these are very similar issues that are happening again, so I know I live in just one street over from The Preserve now so currently our parking policy is 11:00 p.m. to 9:00 a.m. I believe and those are the main restrictions, so something such as that may work in this community. But in terms of our students, I strongly implore the entire Board and this community to work with RIT, Commuter Life, and to not only talk with students, but to help us educate our students on how to be basically functioning members of the community, because we do help boost a lot of the economic growth in the area and we try to be as best of citizens in the area as we try. I do wish that we would've been contacted earlier, because we were only notified of the severity in February and we were only

contacted by one (1) person. So in the future, I'd, I request further communication with RIT and hopefully we can mend some of the sort of bad blood that may be stirring in the community. So thank you for your time and please try, I implore you once again to work with RIT, ACE, and Commuter Life.

SUPERVISOR MOORE

Thank you.

COUNCILMAN PAGE

Thank you, Shannon. Could you leave your contact...?

*(Applause)*

SUPERVISOR MOORE

Shannon...

COUNCILMAN PAGE

Shannon, could you leave your contact, when you get a chance, leave your contact information with the Clerk.

*(From audience, Shannon Harrington, 605 Shore Drive, "Yes.")*

COUNCILMAN PAGE

Thank you.

SUPERVISOR MOORE

Janet Wood?

JANET WOOD, 185 RIVER MEADOW DRIVE

I'm Janet Wood, I live at 185 River Meadow Drive, right at the corner of Landing Street too, so I'm about half way down. I've lived there for probably about twenty-eight (28) years now and it's a great, been a great location. I can only add to what the others have said. I totally agree with everyone. I have, actually have students living in the house next to me and they are the nicest people, I mean they're just like the other neighbors in our neighborhood. But I think the two (2) issues that I see is number one, we're not like The Preserve that has wide roads, ours are very narrow. And secondly, where we have a lot of driveways that might only hold one (1) or two (2) cars, and if you have four (4) or five (5) people living there, where else can they park but on the side of the road and it's those who are consistently parking on the side of the road. Thank you.

SUPERVISOR MOORE

Thank you.

COUNCILMAN PAGE

You're welcome, thank you.

SUPERVISOR MOORE

Liz Place?

ELIZABETH PLACE, 24 WELLINGTON DRIVE

Good evening, my name is Elizabeth Place, my property is 24 Wellington Drive. We bought that property in 1977, so I have lived in that neighborhood for thirty-seven (37) years. Over the years the neighborhood has changed. It has gone from being predominantly single family homes or senior retired couples to becoming mostly rental properties. I'm concerned, like everyone else that's been here tonight, about the current parking problem. There isn't a time of day that I don't go down River Meadow, Wellington, Hazel Street, or Landing, and not have to drive in the wrong lane in order to get over to my house. I've had to wait sometimes while other cars come towards me on the wrong side of the road so they can get around the cars that are parked in the, basically in the middle of the lane. Now back in the 1990s, my nephew lived with us and went to RIT. My husband had a truck, I had a car, he had a car. He had a girlfriend, she had a car and we had another young fellow who came to live there. We had five (5) cars and sometimes somebody had to back out to let someone out, but our cars were always parked in the driveway out of the way of traffic. The real trouble spot is that set of apartments at the end of River Meadow Drive. When I came out tonight, I had to go around five (5) cars, so by the time I went around these five (5) cars, I was almost at East River Road. Had someone been turning from East River onto River Meadow, they could've hit me, and I would've probably been ticketed, because I was in the wrong lane. But that has been one of the big trouble spots. My concern is, as someone stated before, emergency vehicles. Are we going to be able to get fire trucks or ambulances down the street?

SUPERVISOR MOORE

You have to summarize, please.

ELIZABETH PLACE, 24 WELLINGTON DRIVE

Okay, so in summary I want to say I hope that some legislation can be passed as soon as possible and the necessary enforcement come about so that we'll have a safe and efficient flow of traffic on those streets.

SUPERVISOR MOORE

Thank you. Karen Heim?

KAREN HEIM, 54 RIVER MEADOW DRIVE

Good evening, I'm Karen Heim, I live at 54 River Meadow Drive. This has been very educational for me to come, because I've learned some things from you, Mr. Page, when you were talking about the discussion that's going on in limiting how many people

live in a house, because that's one of my big concerns. You've got a duplex, which probably might have two (2) bedrooms in it and you've got three (3) cars and a motorcycle in it and two (2) cars parked out front and it's within walking distance of RIT, you've got to be wondering how many people are living in the house. I'm also a fan of living on a residential street with, a narrow street that's a community. I don't want to see in order to have one side parking to have the street widened, I don't think that that's necessary. That'll change the face of the neighborhood. I can't tell you what the solution is, I know there's a lot of things being brought up. I have students that live on one side of me, and they've been nothing but quiet and respectful. I mean they might have some people over once in a couple of months or six (6) months, but everybody does that. And when I have people over and it might be noisy one night, I expect a little bit of thoughtfulness that it's just one night and I don't have any problems with the students around me. I am sorry to hear that there are problems with other students, but I think a lot of things could be solved with limiting how many people live in the street, and thank you.

COUNCILMAN PAGE

You're welcome.

SUPERVISOR MOORE

Thank you very much. Jill Armstrong?

JILL ARMSTRONG, 97 RIVER MEADOW DRIVE

I'm Jill Armstrong, I live at 97 River Meadow Drive. My only really concern is that I have four (4) children, they're disabled, two (2) are autistic, and I have therapists that come to my home and they have to park on the road and they're there four (4) days a week. And my concern is if you take this on the street parking away from them, they can't fit in my driveway, so they're there like four (4) days a week. So I can't put them anywhere else and they can't, that's my concern is that I can't take therapy away and they can't park in my driveway, so we have to come to some sort of medium here.

SUPERVISOR MOORE

That's why we're here.

JILL ARMSTRONG, 97 RIVER MEADOW DRIVE

So I'm just, that's my concern. I can't not have therapists there, so thank you.

SUPERVISOR MOORE

Thank you. Bill Santos?

BILL SANTOS, 3181 EAST RIVER ROAD

Good evening, Bill Santos, 3181 East River Road. Supervisor, Town Board, residents, we had some, just my, Marina, my wife was wondering about the family parties, so that issue. We haven't had the problems, 3181 is on the corner of Celia and East River, we

haven't had the unfortunate problems that River Meadow has had. We are across the street from the RIT race house. They are, they've been fantastic lately, so good to work with. They've been helping out on the streets. I was thinking that, would there be some way to maybe take out a temporary pass to park for a party? I coach hockey, we have hockey parties, like scoutmaster, we have Boy Scouts over so there'd be some way to get a temporary pass to allow family parties, things like that. The resident that just mentioned the four (4) day, four (4) days a week, maybe a pass for that. That way you can monitor who's parking on the streets. I did think that, and I notice this quite often downtown, I work downtown, they park, when you're parking facing the wrong way, that's a violation. You don't need a Town Code for that, that's an easy ticket. So just a call to the Sheriff and they should be ticketed for that. I did have some other questions, but they were all answered by previous residents and the Town Board and the Supervisor. The signage, do we really need to place no parking signs throughout the neighborhood. I mean I kind of think that that might take away from the kind of small homey feel that we have there. And lastly, I was just wondering just offhand how many other residential streets in the Town have the same rule. Probably not many, right? It's just in this area.

SUPERVISOR MOORE

The problem there is the narrow streets, the lack of onsite parking. I mean those homes were built when maybe the family had one (1) car.

BILL SANTOS, 3181 EAST RIVER ROAD

They're cottages, yes.

SUPERVISOR MOORE

And our society's totally different today.

BILL SANTOS, 3181 EAST RIVER ROAD

Yeah, it is.

COUNCILMAN PAGE

But to answer your question, there are other parts of Town, especially in cul-de-sacs...

BILL SANTOS, 3181 EAST RIVER ROAD

Yeah.

COUNCILMAN PAGE

...where the...

BILL SANTOS, 3181 EAST RIVER ROAD

Right.

COUNCILMAN PAGE

...turning radius is tough. We had to put signs there, because the school buses and the fire trucks can't get around.

BILL SANTOS, 3181 EAST RIVER ROAD

That makes sense, yeah.

COUNCILMAN PAGE

This is nothing against college students or people that rent their homes. This is about safety and security, not being able to get down the road.

BILL SANTOS, 3181 EAST RIVER ROAD

Yeah.

COUNCILMAN PAGE

That's the top issue.

BILL SANTOS, 3181 EAST RIVER ROAD

It's basically who lives there. If they're not following, they're not being neighborly, then that's...

SUPERVISOR MOORE

That's what it's all about.

BILL SANTOS, 3181 EAST RIVER ROAD

I agree. Great, good job, folks.

SUPERVISOR MOORE

Thank you.

COUNCILMAN PAGE

Thank you.

COUNCILWOMAN ZINCK

Thank you, Bill.

SUPERVISOR MOORE

James Howell?

JAMES HOWELL, 182 RIVER MEADOW DRIVE

James Howell, 182 River Meadow Drive. I think most everything's been said at this point. I guess my concerns were, again, having the ability to park on the side of the road sometimes, obviously most of the time I don't need that. Where I am, I've been in the neighborhood twenty-eight (28) years. I've, to tell you the truth, I've personally

never had a problem getting up and down the street. I understand and I have seen the cars up at the top end of the street and I understand it's definitely a problem there. And I think it's almost an overreaction to that problem that this is coming up and you need to work with the people who are actually in the townhouses to make sure that the problem goes away. Thank you.

SUPERVISOR MOORE  
Thank you very much.

COUNCILMAN MULLIGAN  
Thank you.

SUPERVISOR MOORE  
Larry Cosgriff or Losgriff?

*(From audience, Larry Cosgriff, 202 River Meadow Drive, "Cosgriff.")*

SUPERVISOR MOORE  
Okay, thank you.

LARRY COSGRIFF, 202 RIVER MEADOW DRIVE

Larry Cosgriff, 202 River Meadow. I don't think it's personally the students' fault. I think it's more the landlords' fault, because they don't provide enough parking for the kids and that's why they're driven to the street. And I'm totally against the alternate parking. My lot's fifty feet (50'), guess who doesn't get any mail, stuff like that. So I'm totally against that too, but I think we should have a little more control of the landlords. I didn't realize the parking on the lawns was bad, well, they kind of do that because they're trying to get off the road. They have no place to go. So I think we should have the landlords a little more accountable. They have three (3) people living there, there should be enough room for them. There's definitely room for two (2) cars, but they're in and out and that's what the problem is. And I think the Town should be a little more aware of, like the house next to me, 198, there's, the girls are good, the roof is falling apart, stuff like that. It doesn't do anything for my property, but I know we're talking about, I just wanted to get that to your ear.

COUNCILMAN MULLIGAN  
It's a rental?

LARRY COSGRIFF, 202 RIVER MEADOW DRIVE

Yes. And I've had some bad, and I'm sixty-one (61) and I was the paperboy, so I've been there a long time.

*(Laughter)*

SUPERVISOR MOORE

You didn't want to leave home.

*(Laughter)*

LARRY COSGRIFF, 202 RIVER MEADOW DRIVE

Or the neighborhood. Thank you.

SUPERVISOR MOORE

You're welcome. Susan Haan? And I'll have one more speaker and then that'll be the end of that.

SUE HAHN, 169 RIVER MEADOW DRIVE

Sue Hahn, 169 River Meadow. I, of course we all came with the same concern, we want to have parties and we want to have our friends over, college kids want to have parties too, probably more so than a lot of us. So I tend to agree with the side to side parking so that people can get through and I hope that this is the right opportunity to introduce the health and safety of our neighborhood. The biggest concern that any of us should have is the speed that people drive down that road. I know that in The Preserve there were speed bumps that were placed on the road. Our roads are right on the road, there are kids, there are animals that have been hit by drivers driving fifty miles an hour (50 mph) down that road. I have gone to people's houses and put notes on their car saying I would personally report them if they didn't slow down and they still don't. So I'm just going to take this opportunity to introduce the thought of speed bumps, because that should be our biggest health and safety concern right now. Thank you.

SUPERVISOR MOORE

Yes, thank you. And the last speaker is Meredith Smith.

MEREDITH SMITH, ROCHESTER INSTITUTE OF TECHNOLOGY

My name is Meredith Smith and I work in Government and Community Relations at Rochester Institute of Technology. Thank you, Supervisor Moore and the members of the Town Board for the opportunity to provide this statement on behalf of RIT this evening. We are aware of the parking problems on River Meadow and the surrounding streets and just to be clear, we have no official position on the parking regulation. I'm not here to say that we're for or against it. We are pleased that the Town is looking at this issue very closely and having a thoughtful discussion. At RIT we do have a task force called the Off Campus Housing Initiatives Task Force. We work with the Town of Henrietta, the Monroe County Sheriff's Office, permanent resident neighbors, students, and when they are willing, landlords. I have shared the concerns that we received, we did only get one call, excuse me, we've gotten several calls from only one permanent resident neighbor on River Meadow and we're anxious to hear from more. When we were made aware of illegal overnight parking in February, we did reach out to our

students, to our commuter students, to educate them and remind them that overnight parking is not allowed on Henrietta streets during the winter months and as issues have arisen, we have continued to educate them. RIT would suggest that we work in collaboration with the Town of Henrietta and the permanent resident neighbors that are here this evening to better understand this street, the students that reside there, and together we'd form a plan to see how we can improve the situation on River Meadow. I do think it's about more than parking and so I think we should look at all of the issues going on on the street. We need to also recognize that we are just at the beginning stages of really understanding who lives on that street, both RIT students, homeownership, when we have landlords, when we have absentee landlords. For example, 23 River Meadow, there have been concerns about RIT students living there. I can confirm that we do not have a registered student from RIT living in that house. That does not mean that they don't socialize there, that they have not been at some of the late night noisy events, but we can't use our student code of conduct at 23 River Meadow if we don't have students that live there. That doesn't mean we don't care about 23 River Meadow or the people that live on that street, it's just a really good example of why information is really important and we need to get to that phase where we're gathering really all of this data. In closing, again, I can't say it enough, I have business cards with me this evening. I will give all of those of you who live on River Meadow my card, you can call me at any time. We want to understand what's going on in the street. As Shannon said, we have a commuter student organization that wants to educate students, wants to work with the Town, the neighbors, the Sheriff's Office to improve upon these issues. So thank you.

COUNCILMAN PAGE

You're welcome.

SUPERVISOR MOORE

Thank you.

COUNCILMAN PAGE

Thank you.

COUNCILWOMAN ZINCK

Thank you.

SUPERVISOR MOORE

I'm going to go ahead and close the...

*(From audience, Mike Dinsmore, 33 Hazel Street, "Mr. Supervisor, I'd like to...")*

SUPERVISOR MOORE

Come on up, Mr. Dinsmore.

MIKE DINSMORE, 33 HAZEL STREET

I thought I was going to get missed. Mike Dinsmore, 33 Hazel Street. I just had a couple questions. Speaking to Code Enforcement a while back, they said there some issues with ticketing of out of state vehicles, that they really weren't doing it because it was a waste of time, there was no enforcement avenue for them, they could just throw the tickets away. So my concern is if you do create this and that is fact, not just the belief of one Code Enforcement Officer, that are we wasting our time because most of these cars are cars with out of state plates. That was my first concern. Secondly, I am very concerned, I'm for the no parking, just for the mere fact that I have small children. I'm raising my family. I'm afraid to let my children ride their bikes in the road. I have a ten (10) year old daughter that she wants to go out ride her bike, I grew up in that neighborhood, I would ride my bike, but with the cars all over the place, we had a pedestrian struck on that road just a few weeks ago near Riverview and River Meadow. About a year and a half ago, we had one hit just west of Hazel Street. So we are having more of this and some of it's due to the vehicles parked on the road, some of it's due to speed, which I know we're not looking at tonight. But we have had the discussion with past Supervisors and past Commissioner of Public Works about the possibility of putting in some form of speed bumps to slow not just the students down, but everybody down. It is a residential neighborhood and just recently we had a sink hole created at Hazel Street and River Meadow. There was a rather large bump, it was nice.

*(Laughter)*

MIKE DINSMORE, 33 HAZEL STREET

The cars all slowed down and then the damn Town came and fixed it...

*(Laughter)*

MIKE DINSMORE, 33 HAZEL STREET

...so we're back up to a hide speed roadway again. So I just would like to point that out. I'm fortunate, I do have a large driveway and I do have a rather large piece of property and I march right outside when they park in my yard. They pull off the road and I tell them, "Move. Move it, it's not going to park there." I spent a lot of time taking nice care of my yard and I don't want the ruts in my front yard. My neighbor just to the north of me, RG&E was in to trim trees, he's got firewood all stacked up by the road in the ruts trying to keep the cars out. I don't know what the correct answer is. Maybe it is, I like the idea of a pass so if you were to have a party then you have to apply for it or the young lady that has the physical therapist coming over four (4) days a week. And you know what, you get a pass, you get a permit to do it and you know what, if it becomes a problem, well then your permit gets revoked. If you're abusing it, but I just, we can't continue like this. It's crazy. I mean I'm seriously considering moving, although I love the neighborhood, I love my neighbors. I have college kids that live right next door to me. The college kids aren't the problem, it's, they're not all

the problem, the ones that are uneducated or don't understand the community in which they live in. But I thank you for allowing me to speak even though I wasn't on your sign up.

COUNCILMAN PAGE

Thank you.

SUPERVISOR MOORE

Thank you. Thanks for complaining about something that got done. That usually doesn't happen.

*(Laughter)*

SUPERVISOR MOORE

I'm going to go ahead and close this Public Hearing. I'll thank everybody for coming and speaking on this issue. We will reserve decision on it and probably come up with some type of conclusion I would hope on the May 7<sup>th</sup> Meeting. I think though we, as a community, have some work to do. I think that if you would take up Meredith Smith's offer and take her card, that's one step we can do, because they're part of that equation and everybody sitting here is another part and this Town Board will work to see what we can do to address not just the parking issue there. There's a lot of issues and we're all a community and we've got to figure out how to fix it. So we're going to need your help. Ronnie?

*(From audience, Ronnie Board, 80 River Meadow Drive, "Jack, how are we going to be notified of anything? Or do we have to come to the next meeting?")*

SUPERVISOR MOORE

You won't have to come to the next meeting. The Minutes of the meeting, unapproved, are up on the website a couple, three (3) days after and anybody that would like to call my office after the next meeting, talk to Meribeth, she could tell you what happened. And we've got to have a dialogue, because we have a lot of issues to work on, but I do thank you for coming, I do thank you for the input, but we want to go on and if you want to go on ahead and leave, and we'll do the rest of our Board Meeting that's fine. Thank you.

(Brief recess at 7:48 P.M.)

(Meeting re-opened at 7:53 P.M.)

SUPERVISOR MOORE

We'd like to go ahead and start the Meeting now if we could. So if you want to discuss something, if you could leave. If you want to stay and hear us, that would be great. We have a comment period at the end of our business meeting for anything that isn't

on the Agenda.

*(Unidentified from audience, "Oh (inaudible) talk, okay.")*

SUPERVISOR MOORE

Right, oh yeah.

*(Unidentified from audience, "I was being very patient, so that's why (inaudible).")*

COUNCILWOMAN ZINCK

You are. You're being very good.

SUPERVISOR MOORE

That's good. You've done a good job with it. We're going to go ahead and start the Meeting and could I have the first Resolution, please?

RESOLUTION #9-108/2014

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Breese

BE IT RESOLVED, that the Supervisor or his designee be authorized to pay the following bills payable:

Exhibit A	Bills Payable dated 04/16/2014	\$ 244,813.11
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SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried

RESOLUTION #9-109/2014

On Motion of  
Councilman Breese

Seconded by  
Councilman Page

WHEREAS, 5257 West Henrietta Road, LLC, a wholly-owned subsidiary of the Rochester Institute of Technology, with offices at 7 Lomb Memorial Drive, Rochester,

New York 14623 has requested the Town of Henrietta to enter into an extension of the agreement for Payment in-Lieu-of Taxes for the RIT Inn and Conference Center, a three hundred and four (304) room hotel and conference facility located at 5257 West Henrietta Road, Town of Henrietta, Monroe County, New York, more specifically identified as Tax Account No. 175.03-1-36, and

WHEREAS, a Payment in-Lieu-of Tax Agreement Extension has been proposed under RPTL §420-a for the non-profit agency, and

WHEREAS, the attorney to the Town Board has examined the proposed Extension Agreement and found it to be in order, and

WHEREAS, the Assessor of the Town of Henrietta has reviewed the Extension Agreement and found it to be acceptable as to form.

THEREFORE, BE IT RESOLVED, that the Payment in-Lieu-of Tax Agreement Extension between 5257 West Henrietta Road, LLC and the Town of Henrietta for the RIT Inn and Conference Center be and hereby is accepted, and that the Supervisor is authorized to sign the Extension Agreement attached hereto as Exhibit A by virtue of his authority as Supervisor of the Town of Henrietta.

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye
	Carried	

RESOLUTION #9-110/2014

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Page

WHEREAS, the Town has received a request from the Monroe County Department of Environmental Services to transfer the following leased facilities listed below per an intermunicipal agreement from the Town of Henrietta to the South Central Pure Waters District (SCPWD), now referred to as the Irondequoit Bay South Central Pure Waters District (IBSCPWD):

1. John Street Pump Station and Force Main;
2. East River Road Trunk Sewer South to and including the Scottsville-West Henrietta Road Pump Station (a.k.a. Riverton Pump Station);
3. Pinnacle Road Pump Station and Force Main; and

4. The Red Creek Trunk Sewer east to the Lehigh Valley R.R., and

WHEREAS, the transfer of facilities is contingent upon payment of all remaining debt service for the leased facilities, which was paid in full at the end of 1989, and subject to the adoption of the Town Board of an appropriate resolution authorizing the transfer of such facilities following a public hearing and subject to permissive referendum.

THEREFORE, BE IT RESOLVED, that a Public Hearing will be held on the 21<sup>st</sup> day of May, 2014 at 7:00 p.m. at the Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York, on the proposed transfer of the leased facilities from the Town of Henrietta to the Monroe County Irondequoit Bay South Central Pure Waters District, formerly referred to as the South Central Pure Waters District, as hereto described, where the Town Board will hear all persons interested in the subject.

BE IT FURTHER RESOLVED, that notice of said Public Hearing shall be published in the manner provided by law.

SUPERVISOR MOORE

Discussion?

COUNCILMAN MULLIGAN

Under discussion, I know the Governor has a program where if you do intermunicipal sharing, you can get some money out of Albany. You might want to have somebody like Marshall or Pete Minotti look into that, because this is an Intermunicipal Agreement, which is hopefully ending some duplication.

SUPERVISOR MOORE

Duly noted. Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried

COUNCILWOMAN ZINCK

Thank you, Terry.

RESOLUTION #9-111/2014

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Mulligan

WHEREAS, the Town of Henrietta was a joint applicant with the County of Monroe for grant funding to allow for the purchase and installation of a back-up generator for the Town's DPW building, and

WHEREAS, the Federal Emergency Management Agency (FEMA) awarded a 75% reimbursement grant to the County of Monroe to allow for the acquisition and installation of said generator, and

WHEREAS, the County has proposed and approved the attached Intermunicipal Agreement which will allow the Town to acquire and install the generator and to pay an amount not to exceed 25% of the cost for said project, and

WHEREAS, the Town wishes to participate in said Intermunicipal Agreement in order to obtain the benefit of the grant funding.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign the attached Intermunicipal Agreement with the County of Monroe to allow for the acquisition and installation of an emergency back-up generator at the Town's DPW building.

SUPERVISOR MOORE

Under discussion, I'd like to thank Chuck Marshall for his due diligence in working on this grant and seeing it through so we'll now have a backup electric in the DPW garage. And Chuck would have been here tonight, but he's actually working on a Code problem in the Court. So any other discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried

RESOLUTION #9-112/2014

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Page

BE IT RESOLVED, that the Supervisor be authorized to sign, on behalf of the Town of Henrietta, the attached extension to the New York State Snow and Ice Agreement for the 2015/2016 snow season.

BE IT FURTHER RESOLVED, that this extension shall commence on July 1, 2015, and expire on June 30, 2016.

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried

RESOLUTION #9-113/2014

On Motion of  
Councilman Breese

Seconded by  
Councilwoman Zinck

WHEREAS, the 2014 Equipment Replacement Schedule calls for the replacement of two (2) Gator utility vehicles to replace vehicle numbers 260 and 535, and

WHEREAS, equipment meeting specifications is available through New York State Office of General Services Procurement Contract 22186, at a total cost not to exceed \$12,838.33, which includes the \$7,200.00 trade in value of the existing equipment.

THEREFORE, BE IT RESOLVED, that Lakeland Equipment, 3237 Union Street, North Chili, New York 14514 be hereby awarded the purchase of two (2) 2014 6x4 utility Gators, per specifications.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Lakeland Equipment in an amount not to exceed \$12,838.33 upon delivery and receipt of all proper documentation by the Fleet Maintenance Supervisor.

BE IT FURTHER RESOLVED, that the existing equipment, ID #3858 and #3292 be removed from their respective Parks and Drainage Department's inventory list upon delivery of the new equipment.

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried

RESOLUTION #9-114/2014

On Motion of  
Councilman Page

Seconded by  
Councilman Mulligan

WHEREAS, the Commissioner of Public Works has requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
1702	1988 John Deere 2350 Tractor, Vehicle #209
2564	1995 Case 721 B Wheel Loader, Vehicle #135

These items were traded in with new vehicle purchases, through Resolution #16-169/2013 and #2-45/2014 respectively, and

WHEREAS, the Commissioner of Public Works has requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
3355	2000 JB Enterprize 12' Trailer, Vehicle #264
2853	1996 JB Enterprize 14' Trailer, Vehicle #265
3356	2000 JB Enterprize 12' Trailer, Vehicle #266
3417	2002 IHI Excavator, Vehicle #539

These items are to be consigned to the Teitsworth Municipal Auction to be held on May 10, 2014, and

WHEREAS, the Commissioner of Public Works has requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
3578	2004 IBM NYS Inspection System
8096	2008 Dell Desktop Computer

These items are to be sent to the Parks and Facilities Department for disposal.

THEREFORE, BE IT RESOLVED, that Town Board hereby authorizes the above referenced items be removed from the Town's Inventory list.

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye
	Carried	

RESOLUTION #9-115/2014

On Motion of  
Councilman Breese

Seconded by  
Councilwoman Zinck

WHEREAS, vacancies currently exist on the Henrietta Recreation Commission,  
and

WHEREAS, Eric Black is qualified and has expressed an interest in serving on the  
Recreation Commission, and

WHEREAS, the Henrietta Town Board wishes to maintain the Boards at their  
authorized strength for maximum input.

THEREFORE, BE IT RESOLVED, that Eric Black, of 167 Long Branch Drive in the  
Town of Henrietta, be appointed to the Henrietta Recreation Commission for the  
remainder of a seven (7) year term effective immediately and expiring December 31,  
2019.

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried

RESOLUTION #9-116/2014

On Motion of  
Councilman Mulligan

Seconded by  
Councilman Page

WHEREAS, a quote for the Town's General Insurance and Public Officials Liability  
Insurance was received by the Supervisor of the Town of Henrietta, and

WHEREAS, First Niagara, Risk Management, 777 Canal View Boulevard, Suite  
100, Rochester, New York 14623, currently administers the Town's General Insurance  
and Public Officials Liability Insurance and recommended approval of the proposal from  
the New York Municipal Insurance Reciprocal (NYMIR).

THEREFORE, BE IT RESOLVED, that First Niagara, Risk Management, was  
awarded the Town's General Insurance and Public Officials Liability Insurance effective  
April 1, 2014 and expiring on March 31, 2015, in the amount of \$120,215.69.

BE IT FURTHER RESOLVED, that the Director of Finance was authorized to pay  
First Niagara \$120,215.69 on March 31, 2014 to insure continuous coverage.

SUPERVISOR MOORE

Under discussion, I'd like to thank Deputy Supervisor Minotti and the Finance Director, Barbara Chirido, for their hard work and due diligence to lower our insurance rates by about sixty thousand dollars (\$60,000.00) on this. Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye
	Carried	

RESOLUTION #9-117/2014

On Motion of  
Councilman Page

Seconded by  
Councilman Breese

**IN THE MATTER OF  
THE ADOPTION OF PROPOSED LOCAL LAW NO. 1 OF 2014:**

**A LOCAL LAW AMENDING CHAPTER 109 ENTITLED "ETHICS"  
OF THE TOWN CODE OF THE TOWN OF HENRIETTA**

WHEREAS, the Town Board has conducted a review of Henrietta Town Code Chapter 109 entitled "Ethics" and is of the belief that the present Code should be updated and strengthened to ensure public confidence in local government and to ensure the highest caliber of public administration in the Town of Henrietta, and

WHEREAS, true and correct copies of proposed Local Law No. 1 of 2014, Code of Ethics, 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 2014 and it is the considered opinion of the Town Board that a public hearing should be held on the 21<sup>st</sup> day of May, 2014 to consider the adoption of proposed Local Law No. 1 of 2014.

THEREFORE, BE IT RESOLVED, that a Public Hearing should be held on the 21<sup>st</sup> day of May 2014 at 7:00 P.M. at the Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York, to consider the adoption of proposed Local Law No. 1 of 2014, a local law amending the Town Code, Chapter 109, "Ethics," 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 and that the matter be posted in and advertised in accordance with Law.

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried

RESOLUTION #9-118/2014

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Page

BE IT RESOLVED, that the following people are hereby appointed as members of the Board of Ethics for the remainder of a two (2) year term effective immediately and expiring December 31, 2015:

<u>Name</u>	<u>Address</u>
John Schmitt	139 Campfire Road, Henrietta, New York 14467
Thomas Dietz	122 Buckley Place, Henrietta, New York 14467
Phil Mancini	57 Park Acre Road, Pittsford, New York 14534
Peter Minotti	4724 East Henrietta Road, Henrietta, New York 14467
William Mueller	53 Alverstone Way, West Henrietta, New York 14586

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye

Carried

RESOLUTION #9-119/2014

On Motion of  
Councilman Page

Seconded by  
Councilman Breese

WHEREAS, an audit of the Town's basic financial statements has been performed by Raymond F. Wager, CPA, and received for the 2013 Year.

THEREFORE, BE IT RESOLVED, that the Report is accepted and finalized copies

will be filed in the Town Clerk's Office no later than May 1, 2014.

**SUPERVISOR MOORE**

Under discussion, I'd like to thank our new Finance Director for getting Mr. Wager in here and completing this audit in record time. Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye
	Carried	

**RESOLUTION #9-120/2014**

On Motion of  
Supervisor Moore

Seconded by  
Councilman Mulligan

WHEREAS, in its 2013 audit of the Town of Henrietta finances the New York State Comptroller's Office criticized the Town for maintaining an unreasonably large balance in its unreserved general fund and suggested that the Town act to reduce said balance, and

WHEREAS, the Town Board wishes to reduce its general fund surplus and to provide meaningful tax relief to homeowner residents of the Town of Henrietta, and

WHEREAS, the Town Board wishes to allocate a portion of the general fund surplus to a Taxpayer Assistance Program that would provide taxpayer relief payments of up to \$100.00 to owner-occupied residential homes in the Town of Henrietta based on ownership as of June 1, 2014, and

WHEREAS, the Town of Henrietta requires special legislation from the New York State Legislature in order to implement this initiative, and

WHEREAS, the New York State Legislature has enacted similar legislation in the year 2013 allowing the Town of Sennett, New York, and in the year 2007 allowing the Town of Clifton Park, New York to adopt a local law granting a Taxpayer Assistance Payment to residents of those communities.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta, New York herein formally requests that the New York State Legislature enact legislation during this legislative session authorizing the Town of Henrietta to implement a Taxpayer Assistance Program that will provide property owner-occupiers of residential homes a taxpayer relief payment of up to \$100 a year per residence during the Town of Henrietta fiscal year 2014.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New York State Senator Patrick M. Gallivan and New York State Assemblyman Harry B. Bronson forthwith and that the Town Supervisor is authorized to prepare and execute

any instruments necessary for this matter to be presented to the New York State Legislature.

SUPERVISOR MOORE

Under discussion, I had promised last fall that I would try to return property tax money to the residents in some manner. This is the vehicle in which we can find to do it and it's a token of trying to do the right thing, give the people's money back to the people and I thank the Board for the cooperation in this.

*(Applause)*

SUPERVISOR MOORE

Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye
	Carried	

RESOLUTION #9-121/2014

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Breese

BE IT RESOLVED, that the following person be hired:

Kaitlin M. Orme                      Recreation Department, Seasonal Recreation Attendant,  
Gymnastics Instructor @ \$8.00/hr., effective April 14,  
2014.

BE IT FURTHER RESOLVED, that John Howland be hired as an Independent Consultant for Inspection Services for the Engineering Department, per Town Board Resolution #3-51/2014 at the rate of \$22.00 per hour, effective April 17, 2014.

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye

Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye
	Carried	

SUPERVISOR MOORE

That concludes our Resolution part of the Meeting and now if there's anybody that would like to speak on any issue before the Town, you're more than welcome to come forward. And you need to state your name and address, please.

ANGELA ZANGHI, 158 STONE ROAD

Hi, good evening. Angela Zanghi, 158 Stone Road, Pittsford, New York, but it's the Town of Henrietta. Just want to thank my family for being patient this evening while we waited for you guys to resolve your parking issue. I'm here this evening, as you probably know because I've emailed you several times on this issue, about the decision to make the, to change the registration process for the afterschool program to a lottery. And the reason I'm here, first of all, is there's many, we're all disheartened and disappointed in the fact that first of all, this was not brought to an open forum, similar to what was done tonight for the parking. And because we all feel that we should've had some input in this because it is a very popular program for many of us within the Town. I mean there's thirty (30) to forty (40) kids at each elementary school, including my three (3). And secondly, we were disappointed also that it was done so abruptly. I mean there's only a month and a half left before the registration process, so with that being said, it give us very short notice. And we kind of feel that maybe there wasn't an open forum held with this, because maybe you didn't want to hear what we really had to say and our concerns with it and you, and the thought was is that well, they didn't really want us on their lawn and we're spending nights on their property and so forth. But with that being said, the people that have the highest interest in this afterschool program were the ones, and me included, that spent nights out there, because we cared enough to get our kids into the program. Much like years ago when everybody stood in line for concert tickets or goes out on Black Friday or for other events. Everybody stands in line, everybody patiently waits their turn and everybody gets in if they want to. And so that's why I did it, because I really felt that this is a great program amongst many of the other recreation programs, which we have a great recreation program that is highly regarded throughout the Rochester community. And so with that being said, we've stayed out there because we are, we have an interest in this program. So that, and also I'm here tonight to talk about the proposal that I emailed to all of you and the proposal being that if, to not do a full blown lottery. If you're going to have to do something, meet us half way, where, let the people that are in the program already stay in the program and kind of like a grandfathering, and I hate to use that word, but I will. And so that way when, like my son Joseph, he's in fourth (4<sup>th</sup>) grade. Next year he'll be in fifth (5<sup>th</sup>), so he'll age out of the program, amongst other kids that are going to be in the program. This gives an opportunity so at each site as kids age out that opens spots. Have those open spots be the ones that are lotteried and therefore when that new family comes in, they get the same opportunity

as we did where once they get into the program then they get to stay in until their kid ages out. And you say, "Well maybe this isn't fair for everybody." You know this is, but I say yes it is, because there's a lot of institutions that run like this and normally it's either on a first come first serve basis or it's done like where once you get in, then you take priority. And I gave you an example of that, because I work at the University of Rochester Medical Center, and their daycare center, which all of my three (3) kids did attend. When Joseph had to get in as an infant, I had to wait my turn to get in. And then the next year when I had my twin girls, I was put forth ahead of other families that weren't in the program yet because I had a child in the program already. So what I'm, I guess what I'm suggesting and what we are proposing is to meet half way and just to have some feedback and some say in this. Because a lot of us are, we were willing to sit out for two (2), three (3) nights in a row just to be able to get into the program, then to be told that, "Well, we might do a lottery. We're going to do a lottery. So if you get picked and you're in, you're in. If you're not, you're not." Well this is kind of short notice for me, because I have three (3) kids to get somewhere in and people are already registering for the fall for programs and/or for summer and other events. So doing this proposal would meet us half way and I think it would give new people the opportunity that the same, that we're having now as once they get into the program, then they can then stay in the program until they age out, their kids. And then it would certainly make all of us very happy and then every year, when you'd go through this, you would have a certain amount of kids that are aging out at each school and those would be the spots that you would lottery. So you know, I think personally that it is a fair resolution and able to meet half way, so, and I think the community is in uproar about this, but trying to think of it okay, how can we be fair to everyone and we understand your concerns. You don't want us on the lawn because of liability issues and so forth, but I say we're all taxpayers. You have the events out on the front lawn where you have the movie screen where I bring all my kids to these events. You put in the new amphitheater over here. Those are going to be lawn events. The liability is really no more. I mean, yes, we are here in the middle of the night, but when we were out there in the middle of the night, and I have to say because I first handedly stayed here last year by myself with other families and everybody leaves, we all, it's like a family party outside. Like the front lawn that you have, we all, everybody comes, they order pizza, they eat, they have it and then their families go home and we sit and sleep in our cars or in our chairs and it's very quiet. We all clean up after each other and then the next day we get up, we register, and we go home. But to meet halfway, we are proposing that maybe you could do, in the interest of the community, without having any say, that you might be able to consider this.

COUNCILMAN MULLIGAN

Thank you.

ANGELA ZANGHI, 158 STONE ROAD

Thank you.

COUNCILMAN PAGE

Thank you.

SUPERVISOR MOORE

Is there anybody else that would like to speak on anything else? Could I have...

MIKE STAFFORD, 32 ESSEX DRIVE

Mike Stafford, 32 Essex Drive. I've seen that the Democrats of the Monroe County Legislature have proposed opposition to the casino. I was wondering if you've had any contact with the Republicans yet to sign on to that proposal.

SUPERVISOR MOORE

I talked to John Howland last week about it.

MIKE STAFFORD, 32 ESSEX DRIVE

And is there a reason why the Republicans are not supporting the community as of yet?

SUPERVISOR MOORE

I talked to him, he was supporting what we did.

MIKE STAFFORD, 32 ESSEX DRIVE

Is there, do you know of a reason why Maggie Brooks and the rest of the Legislators, Republican Legislators, have not?

SUPERVISOR MOORE

I also talked to Maggie and what she said was that depending on the community, like Gates for example, they would like it there, or at least their Supervisor says they would like it there. So it's best for, I believe the Republicans aren't going to take a position on it.

MIKE STAFFORD, 32 ESSEX DRIVE

But we're, our community doesn't want it. It's obvious.

SUPERVISOR MOORE

Right, so our...

MIKE STAFFORD, 32 ESSEX DRIVE

So you're saying...

SUPERVISOR MOORE

...County Legislator will support what the Town Board says.

MIKE STAFFORD, 32 ESSEX DRIVE

Okay, so you're saying that, you're saying Maggie Brooks and the rest of, so is it the

Maggie Brooks and the rest of the Republicans will not support Henrietta residents in, to oppose...?

SUPERVISOR MOORE

Well what they're really doing is they're allowing the local community to make their own decision instead of thrust from the top down.

MIKE STAFFORD, 32 ESSEX DRIVE

Right, but it's nice to show support of the people in that community. I think the Democrats on the Legislature of Monroe County have shown that. I'm asking do you know why they, the Republicans, won't...?

SUPERVISOR MOORE

I really don't. I mean the County Legislature Meeting is yet to come this month.

MIKE STAFFORD, 32 ESSEX DRIVE

Right.

SUPERVISOR MOORE

You'd have to talk to them. I can't speak for them.

MIKE STAFFORD, 32 ESSEX DRIVE

Okay, so you didn't speak with Maggie Brooks? You haven't spoken with Maggie Brooks or...?

SUPERVISOR MOORE

Oh, I've spoken to Maggie and she wants to allow local communities to make their own decision, which I would like.

MIKE STAFFORD, 32 ESSEX DRIVE

Right, well she could...

SUPERVISOR MOORE

I don't want them telling me what to do.

MIKE STAFFORD, 32 ESSEX DRIVE

She could still, they could still let the local communities make the decision. If Gates wanted it, let the Republicans say we're very supportive of Gates to get it. If Henrietta doesn't want it, they should be out there saying and you should be telling your Republican friends there that hey, you show opposition to it. And I just wonder why...

SUPERVISOR MOORE

That's what our County Legislator is doing, John Howland.

COUNCILMAN BREESE  
That's what he's doing.

MIKE STAFFORD, 32 ESSEX DRIVE  
Well, how about the rest of them?

SUPERVISOR MOORE  
I can't speak for the rest of them.

MIKE STAFFORD, 32 ESSEX DRIVE  
So you don't... okay, so you don't talk to them about it, that's...

SUPERVISOR MOORE  
I don't care to talk to any of them to be honest with you. *(Laughter)*

MIKE STAFFORD, 32 ESSEX DRIVE  
Right.

COUNCILWOMAN ZINCK  
So he's saying he's talked to the one that represents Henrietta.

MIKE STAFFORD, 32 ESSEX DRIVE  
I know John, yeah. I realize, right, I realize what you're saying, but the rest of them you talked to too I'm sure, right? It's not really a, it'd be nice to get the rest of them on board also.

COUNCILMAN MULLIGAN  
They don't come near us and we don't get near them.

MIKE STAFFORD, 32 ESSEX DRIVE  
Okay, so they, okay, just so for the fact that okay then, we will say...

SUPERVISOR MOORE  
I meet with John Howland every two (2) weeks, okay.

MIKE STAFFORD, 32 ESSEX DRIVE  
Okay.

SUPERVISOR MOORE  
And he's very supportive of the Henrietta community.

MIKE STAFFORD, 32 ESSEX DRIVE  
Okay.

SUPERVISOR MOORE  
He's my liaison to that Board.

MIKE STAFFORD, 32 ESSEX DRIVE  
Okay.

SUPERVISOR MOORE  
The rest of them, I don't even want to see them.

MIKE STAFFORD, 32 ESSEX DRIVE  
Okay, just, okay, well then we'll just say that the rest of the Republicans don't support the Henrietta Town community. That's what we'll say.

COUNCILMAN BREESE  
No, I don't think that's what he said.

SUPERVISOR MOORE  
That's not necessarily true. They're not taking a position.

MIKE STAFFORD, 32 ESSEX DRIVE  
Well it's, then they would sign on. So they're not taking a position is not being...

SUPERVISOR MOORE  
You and I are going to have to agree to disagree.

MIKE STAFFORD, 32 ESSEX DRIVE  
No, not being supportive, they're not being supportive of what the Town of Henrietta made a Resolution on.

SUPERVISOR MOORE  
They don't represent Henrietta, the rest of them.

MIKE STAFFORD, 32 ESSEX DRIVE  
I know, do they represent residents in Henrietta? The County of Monroe...

SUPERVISOR MOORE  
We have three (3) representatives at the County...

MIKE STAFFORD, 32 ESSEX DRIVE  
Right.

SUPERVISOR MOORE  
...that represent parts of Henrietta: Jeff Adair, John Howland, and...

COUNCILMAN PAGE  
Karla Boyce.

SUPERVISOR MOORE  
No, Wilcox.

MIKE STAFFORD, 32 ESSEX DRIVE  
I realize we got, we have our representatives...

SUPERVISOR MOORE  
And all three (3) of them I've spoken to.

MIKE STAFFORD, 32 ESSEX DRIVE  
...but I would hope that other, from different areas are looking out for the...

SUPERVISOR MOORE  
Do you want me to call Lovely Warren and see what she can do to help us? I mean she takes care of the city.

MIKE STAFFORD, 32 ESSEX DRIVE  
She doesn't represent, Monroe County Legislator, the whole Board represents the community, the town, or the Monroe County, we're part of Monroe County, so why is, then why are the Democrats, are able to oppose it?

SUPERVISOR MOORE  
I have no idea. I've done my job.

MIKE STAFFORD, 32 ESSEX DRIVE  
Okay.

SUPERVISOR MOORE  
I've talked to the elected officials...

MIKE STAFFORD, 32 ESSEX DRIVE  
Okay.

SUPERVISOR MOORE  
...that represent Henrietta.

MIKE STAFFORD, 32 ESSEX DRIVE  
Okay.

SUPERVISOR MOORE  
And I don't know what more I could do.

MIKE STAFFORD, 32 ESSEX DRIVE

Okay. I'm just asking why the Democrats can support our Resolution...

SUPERVISOR MOORE

You have to call them up and ask them.

MIKE STAFFORD, 32 ESSEX DRIVE

...and the Republicans can't.

SUPERVISOR MOORE

I don't talk to them either.

MIKE STAFFORD, 32 ESSEX DRIVE

Okay.

SUPERVISOR MOORE

Okay?

MIKE STAFFORD, 32 ESSEX DRIVE

Thank you.

SUPERVISOR MOORE

Would anybody else like to speak? *(Pause no response)* Could I have a...

COUNCILMAN MULLIGAN

Move we adjourn.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Mulligan, seconded by Councilwoman Zinck at 8:25 P.M. and was adjourned without objection.

Respectfully submitted,

Rebecca B. Wiesner  
Deputy Town Clerk

**EXTENSION OF PAYMENT IN LIEU OF TAX AGREEMENT**

THIS AGREEMENT made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2014, is by and among 5257 WEST HENRIETTA ROAD, LLC (the "Company"), a wholly owned subsidiary of the ROCHESTER INSTITUTE OF TECHNOLOGY, with an office address of Seven Lomb Memorial Drive, Rochester, NY 14623 and the TOWN OF HENRIETTA, a municipal corporation with offices at 475 Calkins Road, Henrietta, NY 14467 (the "Town").

**WITNESSETH**

WHEREAS the parties entered an agreement on the 18<sup>th</sup> day of April 2002 and extensions of the agreement on the 3<sup>rd</sup> day of February, 2005, the 11<sup>th</sup> day of February 2008 and 23<sup>rd</sup> day of February 2011 providing for payment by the Company to the Town in lieu of taxes for the property located at 5257 West Henrietta Road in the town of Henrietta, New York, hereinafter identified as SBL #175.03-I-36, for the reasons stated therein, and

WHEREAS the same circumstances continue to justify said agreement for payment in lieu of taxes, and

WHEREAS the current Agreement is for a period of three (3) years and will expire on April 30, 2014, if not renewed, and

WHEREAS the parties are desirous of continuing the agreement for payment in lieu of taxes upon the same terms and conditions as set forth in the Agreement dated April 18, 2002, for an additional three-year period,

NOW, THEREFORE, in consideration of the Company owning and operating the property, and in consideration of the covenants herein contained, it is mutually agreed as follows:

1. The Agreement between the Company and the Town, entered into on April 18, 2002, shall be extended for a period of three (3) years, to expire on April 30, 2017; and all terms and conditions of said agreement shall continue and apply for the three-year period of extension.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

5257 WEST HENTRIETTA ROAD, LLC

TOWN OF HENRIETTA

BY: Lyn A. Kelly  
Lyn S. Kelly, President

BY: \_\_\_\_\_  
Jack Moore, Supervisor

Rochester Institute of Technology guarantees the obligations of 5257 West Henrietta Road, LLC (the Company) under this Agreement, including the obligation to make payment under Paragraph 1 of the Agreement upon notice from the Town of Henrietta that the Company has failed to perform its obligations under this Agreement.

ROCHESTER INSTITUTE OF TECHNOLOGY

BY: James H. Watters  
James H. Watters, Sr. VP, Finance & Administration

STATE OF NEW YORK  
COUNTY OF MONROE

On this 2<sup>nd</sup> day of APRIL, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared **Lyn S. Kelly**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, of the person upon behalf of which the individual acted, executed the instrument.

**MARJORIE BRICKS**  
Notary Public of The State of New York  
MONROE COUNTY #01BR5018568  
Commission Expires 10-04-17

Marjorie Bricks  
Notary Public

STATE OF NEW YORK  
COUNTY OF MONROE

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared **Jack Moore**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, of the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK  
COUNTY OF MONROE

On this 2<sup>nd</sup> day of APRIL, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared **James H. Watters**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, of the person upon behalf of which the individual acted, executed the instrument.

Marjorie Bricks  
Notary Public

**MARJORIE BRICKS**  
Notary Public of The State of New York  
MONROE COUNTY #01BR5018568  
Commission Expires 10-04-17



Department of Environmental Services

Monroe County, New York

Maggie Brooks
County Executive

Michael J. Garland, P.E.
Director

January 6, 2014

Honorable Jack Moore
Supervisor
Town of Henrietta
475 Calkins Road
Rochester, New York 14467

Re: Agreement Between the South Central Pure Waters District and the Town of Henrietta
Transfer of Facilities to Monroe County's South Central Pure Waters District

Dear Supervisor Moore:

As per the enclosed intermunicipal agreement dated October 1, 1975, between the South Central Pure Waters District (SCPWD) and the Town of Henrietta, the leased facilities listed below and depicted on the enclosed map are to transfer to the SCPWD, now referred to as the Irondequoit Bay South Central Pure Waters District (IBSCPWD).

- 1. John Street Pump Station and Force Main;
2. East River Road Trunk Sewer South to and including the Scottsville-West Henrietta Road Pump Station (a.k.a. Riverton Pump Station);
3. Pinnacle Road Pump Station and Force Main; and,
4. The Red Creek Trunk Sewer east to the Lehigh Valley R.R.

The transfer of facilities is contingent "upon payment of all remaining debt service for the leased facilities" and "subject to the adoption of the Town Board of an appropriate resolution authorizing the transfer of such facility following a public hearing and subject to permissive referendum." The debt service was paid in full at the end of 1989; however, the transfer of facilities couldn't have been performed because the Scottsville-West Henrietta, (a.k.a Riverton Pump Station) was not transferred to the Town of Henrietta by the original developer, Conifer Riverton Associates, until 2010. The Town can now transfer the facilities listed above to the IBSCPWD. Therefore, please proceed with the adoption of the appropriate Town resolution authorizing such transfer.

Please note that the agreement also included the operation and maintenance of the Town's Edgewood Avenue Sewage Treatment Plant. The Edgewood Avenue Sewage Treatment Plant is no longer in existence.

Please contact Jason Kennedy, Chief of Engineering and Facilities Management, at (585) 753-7538 if you have any questions and/or when the necessary paper work has been completed to transfer ownership of the four listed facilities

Sincerely,

Handwritten signature of Michael J. Garland

Michael J. Garland, P.E.
Director of Environmental Services

- xc: Jason R. Kennedy, P.E., Monroe County Department of Environmental Services.
Kevin Quinn, Monroe County Department of Environmental Services
James Fumia, Esq., Monroe County Law Department
Art English, Monroe County Real Estate
Christopher Martin, P.E., Town of Henrietta

Encl.

**TOWN OF HENRIETTA  
SAFETY DEPARTMENT  
MEMORANDUM**

April 11, 2014

**To: Supervisor Moore and the Town Board  
From: Chuck Marshall, Safety Officer  
Subject: Inter-municipal Agreement**

The town was included in a joint grant application with the County Of Monroe to purchase a backup generator with funding available from FEMA. This grant was approved in September of 2012, the town was notified in January of 2013 and the first informational meeting was held in March of 2013.

In a memo to the Town Board dated 4/1/13(copy attached) I outlined the costs and the process moving forward. Since that time some of the costs and the size of the generator have changed. The project cost is now \$87,744.00, an increase of \$20,312.00. This increase is within the funding contingency for the grant as a whole and has been approved. This is a 75% reimbursable grant which now increases the town's contribution to \$21,936.00 of which \$8,000.00 is proposed to be paid back as in kind services resulting in an out of pocket estimate for the town of \$13,936.00.

A Generac SG series 150KW generator, with a 800amp transfer switch will replace the original Generac series SG 130kw generator, with a 300amp transfer switch that was proposed in the grant application.

Please pass a resolution allowing the supervisor to sign the attached the inter municipal agreement with the county so the generator can be ordered and allow the work to install the generator to be scheduled.

**TOWN OF HENRIETTA  
SAFETY DEPARTMENT  
MEMORANDUM**

April 1, 2013

**To: Supervisor Yudelson and the Town Board  
From: Chuck Marshall, Safety Officer  
Subject: Backup Generator for the DPW Building**

A generator to supply backup power to the DPW Building was proposed when the building was constructed in 2001, due to budgetary constraints the generator was cut from the project. I have been working every year since to secure funding to purchase a generator. In 2009 I was made aware of possible FEMA funding to purchase and install a generator from the County Emergency Management Office. Grant paperwork was submitted at that time and the funding was finally approved last year.

The funding is a 75% reimbursement grant and has to be completed no later than October 18, 2014. The current cost of the project is \$67,432.00 our share would be \$16,858.00. The generator is a Generac SG series, 130KV, 120/208 three phase natural gas fired unit, available under state OGS contract #GEN889S, the installation would have to be bid through the town's normal procurement process.

We will have to enter into an inter-municipal agreement with the county since the FEMA funding is directed to the State Office of Emergency Management and then down to the local county emergency management office. Town forces will do the site prep work and install the concrete pad. We will be attending future meetings to get additional information and procedures to be followed to be reimbursed. I will keep all of you updated as the project progresses.

## AGREEMENT

**THIS AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between **MONROE COUNTY, NEW YORK**, a municipal corporation with offices at 39 West Main Street, Rochester, New York 14614 (the "County") and the **TOWN OF HENRIETTA**, a municipal corporation with offices at Henrietta Town Hall, 475 Calkins Road, Henrietta, New York 14467 (the "Town").

### **WITNESSETH:**

**WHEREAS**, the County, by Resolution No. 268 of 2013, accepted a grant from the New York State Office of Emergency Management for the Federal Emergency Management Agency – Legislative Pre-Disaster Mitigation 2008 Program; and

**WHEREAS**, the County, by Resolution No. 53 of 2014, authorized the issuance of \$1,335,137.31 Bonds of the County of Monroe, New York, to finance the cost of the acquisition and installation of emergency generators at various County buildings and sites, in and for said County, at an estimated maximum cost of \$1,335,137.31; and

**WHEREAS**, the County, by Resolution No. 101 of 2014, authorized an intermunicipal agreement with the Town of Henrietta for Reimbursement to Monroe County for installation of a fixed generator.

**WHEREAS**, the Town of Henrietta, by Town Board resolution \_\_\_\_\_ of 2014, authorized an intermunicipal agreement with Monroe County for the installation of a fixed generator.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements hereinafter set forth, the parties hereto mutually agree as follows:

1. The County will pay for the acquisition and installation of a SG150kw fixed generator in the amount not to exceed \$87,744. The generator will be installed at 405 Calkin's Road, Rochester, NY 14467.
2. The Town of Henrietta will reimburse the County 25% of the generator acquisition/installation cost, not to exceed \$21,936.
3. The Town of Henrietta hereby waives and releases County from any claim, judgement, liability or cost arising from the generator (including installation or performance).
4. The Town of Henrietta shall submit to County the documentation and reports needed to satisfy New York State and Federal Emergency Management Agency inventory control requirements.

**IN WITNESS WHEREOF**, the parties hereto have executed this agreement the day and year first above written.

**MONROE COUNTY, NEW YORK**

**By:** \_\_\_\_\_  
**Maggie Brooks**  
**County Executive**

**TOWN OF HENRIETTA**

**By:** \_\_\_\_\_  
**Jack W. Moore**  
**Town Supervisor**

**Fed ID** \_\_\_\_\_

State of New York     )  
                                  )  
County of Monroe     )     ss:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared MAGGIE BROOKS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signatures on the instrument, the individual(s), or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

State of New York     )  
                                  )  
County of Monroe     )     ss:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signatures on the instrument, the individual(s), or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

Contract #	Municipality	Ext. Season	Region #
D139728	Town of Henrietta/ E. Monroe County	2015/16	4

#9-112/2014

## AGREEMENT TO EXTEND CONVENTIONAL MUNICIPAL SNOW AND ICE AGREEMENT

This Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ and between THE PEOPLE OF THE STATE OF NEW YORK (hereinafter referred to as "STATE"), acting by and through the Commissioner of Transportation of the State of New York (hereinafter referred to as "COMMISSIONER"), and the \_\_\_\_\_ of the **Town of Henrietta** of **E. Monroe County** (hereinafter referred to as "MUNICIPALITY") as follows:

WHEREAS, the COMMISSIONER and the MUNICIPALITY have entered into an Agreement No. **D139728** entitled "Snow and Ice Agreement between the New York State Department of Transportation and the Municipality of **Town of Henrietta**" dated **June 27, 1978**; and

WHEREAS, the term of the said Agreement is for a period of three years commencing July 1, **1978**, and the said Agreement provides that the parties may at the end of each year of the term of the Agreement extend such term for an additional year; and

WHEREAS, the present term of the Agreement, as extended, expires June 30, **2015**; and

WHEREAS, Section 7 of the said Agreement provides that the COMMISSIONER shall furnish the MUNICIPALITY with a suitable map for each term of the Agreement, or for any extended term thereof, modified to show the changes, if any, to the State Highways affected by this Agreement.

WHEREAS, Section 10 of the said Agreement provides for an annual update of the estimated expenditure to be determined by the COMMISSIONER subject to the provisions of Section 10 at the time for extension of the Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and benefits between the parties,

WITNESSETH:

1. The aforementioned "Snow and Ice Agreement Between New York State Department of Transportation and the MUNICIPALITY" is hereby extended for a period of one year; now to expire on June 30, **2016**, unless further extended.

2. The State Highways or parts thereof affected by this Agreement are as delineated on the attached map, agreed upon by the COMMISSIONER and the MUNICIPALITY, which shall be effective for the remainder of the term of the Agreement commencing July 1, **2015**, unless changed by future agreement between the COMMISSIONER and the MUNICIPALITY.

3. All the terms and conditions of the original contract remain in effect except as follows. The estimated expenditure as specified in Section 10 of the aforementioned Agreement shall be **\$3,776.1510** per lane mile for **92.72** lane miles for a total of **\$350,124.72** for the **2013/14** season and for the remainder of the term of the Agreement commencing July 1, **2013**, unless changed by future update.

IN WITNESS WHEREOF, This Agreement has been executed by the State, acting by and through the duly authorized representative of the COMMISSIONER, and the MUNICIPALITY, which has caused this Agreement to be executed by its duly authorized officer on the date and year first above written.

over :

# Contract Reconciliation Worksheet

## Conventional Snow & Ice Agreement

### Snow & Ice Season: 2012/2013

<b>Municipality:</b> Henrietta	
<b>County:</b> Monroe	
<b>Contract #</b> D139728	
<b>Region:</b> 4	<b>Residency:</b> Monroe East

<b>Previous 3 Years Expenditures</b>	
<b>Snow &amp; Ice Season</b>	<b>Final Payment</b>
2010/11	\$502,005.95
2011/12	\$219,889.48
2012/13	\$328,478.72
<b>Total</b>	<b>\$1,050,374.15</b>
<b>3 Year Average</b>	<b>\$ 350,124.72</b>

<b>Estimated Expenditure</b>	<b>\$ 350,124.72</b>	<b>Cost/LM = \$3,776.1510</b>
<b>Interim Payment</b>	<b>\$ 234,583.56</b>	

Note LM = 92.72

**Signatures**

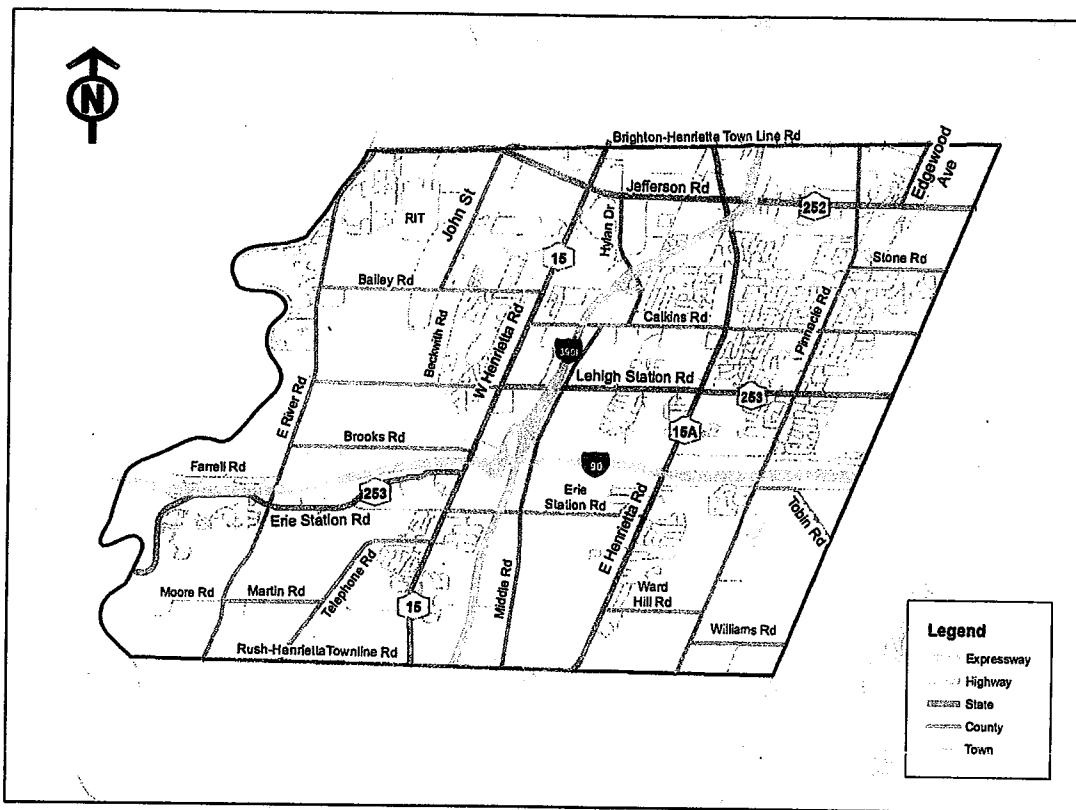
\_\_\_\_\_  
Municipality's Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Commissioner's Representative

\_\_\_\_\_  
Date

# Town of Henrietta



MILES - CONTRACT

C.L.	LANE
26.06	92.72



SNOW & ICE  
CONTROL  
PLOWING  
ONLY

SIGNED

REGIONAL HWY.  
MAINTENANC ENGINEER

DATE

SIGNED

FOR MUNICIPALITY

DATE



Town of Henrietta  
475 Calkins Road  
Henrietta, New York 14467  
Highway Department  
585-359-7005

April 8, 2014

**TO:** Supervisor Moore & Town Board

**FROM:** Craig Eckert, Commissioner of Public Works

**SUBJECT:** Purchase of new equipment

The 2014 Equipment replacement schedule calls for the replacement of 2 Gator utility vehicles. I am therefore requesting authorization to purchase the following equipment. All of the existing equipment that is to be replaced will also be traded in per the resolution. A resolution is attached along with this memo.

New York State Contract number 22186

Dealer: Lakeland Equipment Corporation PC65425  
3237 Union Street  
North Chili, New York 14514

*Parks Department Inventory:*

The purchase of (1) 2014 John Deere 6x4 utility Gator, price not to exceed \$9,961.69.

The trade in of ID# 3858, 2004 6x4 Gator #260, Serial # W006x4x076936, value, \$4,100.00

*Drainage Department Inventory:*

The purchase of (1) 2014 John Deere 6x 4 utility Gator, price not to exceed \$10,076.64

The trade in of ID# 3292, 1999 6x4 Gator #535, Serial # W006x4x037738, value, \$3,100.00

# Local Law Filing

**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
*(Select one:)*

of Henrietta

Local Law No. 1 of the year 2014

A local law to amend the Town Code, Chapter 109, "Ethics"  
*(Insert Title)*

Be it enacted by the Town Board of the  
*(Name of Legislative Body)*

County  City  Town  Village  
*(Select one:)*

of Henrietta as follows:

SEE ATTACHED.

**(If additional space is needed, attach pages the same size as this sheet, and number each.)**

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2014 of the (County)(City)(Town)(Village) of Henrietta was duly passed by the Town Board on April 16, 2014, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph <sup>1</sup>\_\_\_\_\_ above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

# ETHICS POLICY

## **Purpose and intent.**

The Town Board of the Town of Henrietta recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public officers and employees which can enhance public confidence in local government. Therefore, every effort will be made to assure the highest caliber of public administration of this Town as part of our state's important system of local government. It is the purpose of this article to implement this objective through the establishment of standards of conduct, to provide for punishment of violation of such standards and to create a Board of Ethics to render advisory opinions to the Town's officers and employees, as provided herein.

## **Effects on other laws.**

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by statute of the State of New York and also in addition to common-law rules and judicial decisions relating to the conduct of Town officers to the extent that the same are more severe in their application than this article.

## **Definitions.**

As used in this article, the following words shall have the meanings indicated:

### **TOWN**

Any board, commission, district, council or other agency, department or unit of the government of the Town of Henrietta.

### **TOWN OFFICER OR EMPLOYEE**

Any officer or employee of the Town of Henrietta, whether paid or unpaid, whether serving in a full-time, part-time, seasonal, temporary or advisory capacity.

## **Conflicts of interest.**

No Town officer or employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his/her duties in the public interest.

## **Standards of conduct.**

- A. No Town officer or employee shall accept other employment which will impair his/her independence of judgment in the exercise of his/her official duties.
- B. No Town officer or employee shall accept employment or engage in any business or professional activity which will require him/her to disclose confidential information which he/she has gained by reason of his/her official position or authority.
- C. No Town officer or employee shall use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others.
- D. No Town officer or employee shall engage in any transaction as representative or agent of the Town with any business entity in which he/she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his/her official duties.
- E. A Town officer or employee shall not by his/her conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of his/her official duties, or that he/she is affected by the kinship, rank, position or influence of any party or person.
- F. Each Town officer or employee shall abstain from making personal investments in enterprises which he/she has reason to believe may be directly involved in decisions to be made by him/her or which will otherwise create substantial conflict between his/her duty in the public interest and his/her private interest.
- G. Each Town officer or employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he/she is likely to be engaged in acts that are in violation of his/her trust.
- H. No Town officer or employee employed on a full-time basis, nor any firm or association of which such officer or employee is a member, nor any corporation a substantial portion of the stock of which is owned or controlled, directly or indirectly, by such officer or employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the Town in which such officer or employee serves or is employed.
- I. Each Town officer or employee shall, to the extent that he/she is cognizant thereof, disclose any interest he/she may have in legislation before the Town Board.
- J. No Town officer or employee, within two years after the termination of his service or employment with the Town, shall accept employment which will involve contracts with the Town which can work to his special advantage by virtue of his prior contact and relationship with the Town.
- K. No officer or employee shall, directly or indirectly, solicit any gift or accept or receive any gift having more than a nominal value, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or in any other form, from any person, firm, corporation or other entity that has a direct or indirect interest in any contract for the provision of goods or services to the Town of Henrietta or any agency thereof. The term "gift", shall be defined pursuant to New York Legislative Law §1-C(j) as amended from time.
- L. No Town officer or employee shall violate any Town or departmental policy governing conduct by officers or employees, which policies have been established and promulgated by the Town Board.

### **Penalties for offenses.**

In addition to any penalty contained in any other provision of law, any such Town officer or employee who shall knowingly and intentionally violate any of the provisions of this article may be fined, suspended or removed from office or employment in the manner provided by law.

### **Board of Ethics.**

- A. There is hereby established a Board of Ethics consisting of five members, to be appointed by the Town Board, who shall all reside in the County of Monroe and serve without compensation and at the pleasure of the Town Board of the Town of Henrietta. A majority of such members shall be persons other than Town officers or employees but shall include at least one member who is an elected or appointed Town officer or employee of the Town of Henrietta.
- B. The Board of Ethics established hereunder shall render advisory opinions to Town officers or employees on written request and upon request of the Town Board make recommendations to such Town Board as to any amendments of this article. The opinions of the Board of Ethics shall be advisory and confidential, and in no event shall the identity of the Town officer or employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board of Ethics, or, if none, of the Town Attorney.
- C. Such Board of Ethics upon its formation shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

### **Copies to be distributed.**

Upon the adoption of this article, the Town Supervisor shall cause a copy thereof to be distributed to every Town officer or employee of this Town. Failure to distribute any such copy or failure of any Town officer or employee to receive such copy shall have no effect on the duty of compliance with this code, nor the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this article to be kept posted conspicuously in each public building under the jurisdiction of the Town. Failure to so post this article shall have no effect on the duty of compliance herewith, nor the enforcement of provisions hereof.

### **Copy to be filed with state.**

Within 30 days of the adoption of this article, the Town Clerk shall file a copy thereof in the office of the State Comptroller.

### **Appropriations and expenditures.**

The Town Board may appropriate moneys from the general Town funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Town moneys except within the appropriations provided herein.

### **Disclosure of interest in legislation and other matters.**

- A. Whenever a matter requiring the exercise of discretion comes before a Town of Henrietta officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the officer or employee shall disclose in writing the nature of the interest.
- B. The disclosure shall be made when the matter requiring disclosure first comes before the Town, or when the Town officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.
- C. In the case of a person serving in an elective office, the disclosure shall be filed with the Town Board through the Town Clerk. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

### **Recusal and abstention.**

- A. No Town officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.
- B. In the event that this section prohibits a Town officer or employee from exercising or performing a power or duty:
  - (1) If the power or duty is vested in a Town officer or employee as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or
  - (2) If the power or duty is vested in a Town officer or employee individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer or employee does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.
  - (3) If the power or duty is vested in a Town officer or employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

### **Prohibition inapplicable; disclosure, recusal and abstention not required.**

- A. This Town code's prohibition on use of a Town position, disclosure requirements, and requirements relating to recusal and abstention shall not apply with respect to the following matters:
- (1) Adoption of the municipality's annual budget;
  - (2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
    - (a) All Town officers or employees;
    - (b) All residents or taxpayers of the Town or an area of the Town; or
    - (c) The general public; or
  - (3) Any matter that does not require the exercise of discretion.
- B. Recusal and abstention shall not be required with respect to any matter:
- (1) Which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by this code.
  - (2) Which comes before a Town officer or employee when the officer would be prohibited from acting by this code and the matter cannot be lawfully delegated to another person.

### **Powers and duties of Board of Ethics.**

The Board of Ethics shall have the following powers and duties:

- A. To advise and assist any local official in establishing rules and regulations relating to possible conflicts between private interests and official duties of present or former elected officials, local party officials and local officers and employees.
- B. To prepare an annual report to the Supervisor and the Town Board summarizing the activities of the Board of Ethics and recommending changes in the laws governing the conduct of local elected officials and officers and employees of the Town covered by this article.

### **Advisory opinions.**

Upon written request from any person who is subject to the jurisdiction of the Board of Ethics, the Board of Ethics shall render advisory opinions on the requirements of said provisions. An opinion rendered by the Board of Ethics, until and unless amended or revoked, shall be binding on the Board of Ethics in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person, and may be introduced and shall be a defense, in any criminal or civil action. Such requests shall be confidential, but the Board of Ethics may publish such opinions, provided that the name of the requesting person and other identifying details shall not be included in the publication.

### **Additional powers and duties of Board of Ethics.**

In addition to any other powers and duties specified by this article, the Board of Ethics shall have the power and duty to:

- A. Administer and enforce all the provisions of this article.
- B. Conduct any investigation necessary to carry out the provisions of this article. Pursuant to this power and duty, the Board may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material.

### **Compensation of Board of Ethics.**

Members of the Board of Ethics shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

### **Staff of Board of Ethics.**

The Board of Ethics shall be empowered to request a support staff and assistance from the Town Board or Supervisor in furtherance of its duties and responsibilities.

### **Copies to be distributed.**

Upon the adoption of this article, the Town Supervisor shall cause a copy thereof to be distributed to every Town officer or employee of this Town. Failure to distribute such copy or failure of any Town officer or employee to receive a copy shall have no effect on the duty of compliance with this article, nor the enforcement of the provisions hereof. The Town Supervisor shall further cause a copy of this article to be kept posted conspicuously in each public building under the jurisdiction of the Town. Failure to so post this article shall have no effect on the duty of compliance herewith, nor of enforcement of provisions hereof.

### **Appropriation of funds.**

The Town Board may appropriate moneys from the general Town funds for the maintenance of and for personal services to the Board of Ethics established hereunder, but such Board of Ethics may not commit expenditures of Town moneys except within the appropriations provided herein.

### **Severability.**

If any clause, sentence, paragraph, section, article or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Effective date.**

This policy shall take effect immediately.