

**HENRIETTA TOWN BOARD  
AGENDA  
JUNE 15, 2005**

**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) - June 1, 2005
6. Miscellaneous Communications
7. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
8. Reports of Standing Committees and Actions Thereon
9. Reports of Special Committees
10. Public Comment
11. Adjournment

**Informal Informational Meeting**

- Erie Station Property, LLC - Proposed Rezoning of Land Located on the Southwest Corner of Erie Station Road and East Henrietta Road from Residential R-1-20 to Residential R-2-15, with Special Use Permit Application No. 2005-024 for Independent Senior Living Facilities

**RESOLUTION #13-143/2005**

Authorize Accounts Payable

**RESOLUTION #13-144/2005**

Authorize Approval of Wegmans Food Markets, Inc. - Request to Rezone Fourteen Point Four (14.4±) acres of Land Located on Calkins Road from Residential R-1-15 to Commercial B-1 and Authorize Approval of Special Permit Application No. 05-037- Request for Height Variance of a Proposed Clock Tower

**RESOLUTION #13-145/2005**

Authorize Acceptance of Dedication of Roadways and Storm Sewers - Jefferson Estates Subdivision, Section One (1)

**RESOLUTION #13-146/2005**

Authorize Acceptance of Dedication of Watermains and Sanitary Sewers - Stone Hill Estates Subdivision, Section Two (2)

**RESOLUTION #13-147/2005**

Authorize Acceptance of Dedication of Roadways and Storm Sewers - Stone Hill Estates Subdivision, Section Two (2)

RESOLUTION #13-148/2005

Authorize Supervisor to Sign Three (3) Inter-municipal Agreements - Town of Pittsford - Stone Hill Estates Subdivision, Section Four (4) - Sanitary Sewer Transmission Agreement, Stormwater Transmission Agreement and Snow and Ice Control Agreement

RESOLUTION #13-149/2005

Authorize Attendance of Appraisal Conference

RESOLUTION #13-150/2005

Award Low Quote - Department of Public Works Parking Garage Floor Repairs

RESOLUTION #13-151/2005

Declare Items Surplus Materials - Library

RESOLUTION #13-152/2005

Authorize Budget Transfers - Library

RESOLUTION #13-153/2005

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 15<sup>TH</sup> DAY OF JUNE, 2005 AT 8:00 P.M.

**MEMBERS PRESENT**

**ABSENT**

**MEMBERS**

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

**SUPERVISOR BREESE**

Is there anyone who wants to speak on Agenda items? Agenda items only, other than the Informational Meeting, which I'll call separately? Is there anybody that wants to speak on Agenda items. *(Pause - no response)* If not, may I have the approval of the Minutes, please.

**COUNCILWOMAN McCABE**

Mr. Supervisor, I move we approve the Minutes of June 1, 2005.

**COUNCILMAN YUDELSON**

Second.

**SUPERVISOR BREESE**

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

**SUPERVISOR BREESE**

May I have the, we will get to the Informational Meeting shortly. That involves the Erie Station property. We will not be voting on this issue tonight. I'd like to do a couple of Resolutions first. May I have the first Resolution on accounts payable, please?

RESOLUTION #13-143/2005

On Motion of

Councilwoman Zinck

Seconded by

Councilman Yudelson

BE IT RESOLVED, that the Director of Finance be authorized to pay the following bills payable:

EXHIBIT A

Bills Payable  
dated 6/15/2005  
\$ 240,091.07

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR BREESE

The next Resolution is Resolution #13-144/2005, which I am going to introduce. It's rather long, so bear with me, please.

RESOLUTION #13-144/2005

On Motion of

Supervisor Breese

Seconded by

Councilman Mulligan

WHEREAS, Wegmans Food Markets, Inc., (hereinafter "Wegmans") owns an approximately thirty (30) acre parcel of land in the Town of Henrietta (hereinafter "Town") located south of Calkins Road and west of East Henrietta Road, being identified as Tax Account Numbers 176.06-1-75.11 and 176.06-1-74.1 (such parcels of land is hereinafter, the "Wegmans Parcel", and

WHEREAS, on or about May 2, 2005, Wegmans submitted an Application to the Town in order to rezone a portion of the Wegmans Parcel from Residential R-1-15 to Commercial B-1 (such 14.4 ± acre portion of the Wegmans Parcel, the subject of the Rezoning Application is, hereinafter, the "Rezoning Parcel", the map of which and the

metes and bounds description of which are annexed to this Resolution as Attachment “A”), and

WHEREAS, Wegmans’ intention in having the Rezone Parcel rezoned to Commercial B-1 is for the purpose of constructing and operating a Wegmans Food Market,

together with a small five thousand (5,000) square foot retail development, as yet unspecified (collectively, the “2005 Proposal”), and

WHEREAS, the 2005 Proposal will require other governmental approvals; including inter alia, site plan approval from the Town Planning Board, and

WHEREAS, Wegmans, in 2003, made Application to the Town to rezone certain lands more or less coinciding with the Wegmans Parcel in order to permit the construction and operation of certain uses, including a Wegmans Food Market, retail space and a senior living facility (collectively, the “2003 Proposal”), and

WHEREAS, in connection with such prior 2003 Application, Wegmans submitted application materials which included an Environmental Impact Assessment, with supplements, dealing with identified environmental issues including traffic, drainage, air quality, and impacts on the neighborhood and community, and other issues, and

WHEREAS, in 2003, the Town Board conducted a Public Hearing with regard to such 2003 Proposal, and

WHEREAS, the 2003 Proposal was not approved by a majority of the Town Board for a number of reasons, including the intensity of the development on the lands to be rezoned, as well as certain traffic circulation issues, and

WHEREAS, the 2005 Proposal has reduced and modified the intended development, to wit: elimination of the senior living facility, the reduction of other retail construction, the reduction of the amount of land to be rezoned, the addition of a proposed access road out to East Henrietta Road, with the provision of a traffic signal device, if approved by relevant governmental authority, and

WHEREAS, the 2005 Proposal was duly noticed for a Public Hearing to be held on June 1, 2005, and

WHEREAS, in accordance with public notice, the Town Board conducted a Public Hearing on June 1, 2005, at which Hearing, Wegmans made a presentation with regard to the 2005 Proposal, and during the course of approximately three (3) hours, the Town Board asked questions about the 2005 Proposal and heard questions and comments with regard to the 2005 Proposal from approximately forty (40) to forty-five (45) citizens, some in favor, some against the 2005 Proposal, and

WHEREAS, in accordance with General Municipal Law, Section 239-m, the 2005 Proposal was duly referred to the Monroe County Planning Department for the required review, under such section of the General Municipal Law, and

WHEREAS, by report dated June 10, 2005, the Monroe County Planning Department has reviewed and had no comments with regard to the 2005 Proposal to the Town Board, and

WHEREAS, the Town Board, as duly constituted Lead Agency for purposes of conducting the required review under the State Environmental Quality Review Act ("SEQRA"), has carefully reviewed all the materials in connection with such review, including the Environmental Impact Assessment prepared by FES Associates, on behalf of Wegmans, together with the site plan and other application materials, and

WHEREAS, the Town Board has duly considered all matters throughout the Public Hearing raised both by proponents and those opposed to the granting of the Rezoning Application, and

WHEREAS, the 2005 Proposal offers many potential benefits to the Town, including among which are increased employment, increased investment, increased sales tax revenue, a state-of-the-art food market, onsite and offsite beautification measures and others, and

WHEREAS, the 2005 Proposal is consistent with the Town Center concept of the Town of Henrietta's Comprehensive Land Use Plan Update, and

WHEREAS, the proposed rezoning of the parcel to Commercial B-1 is consistent with the zoning of the lands to the east, which are also zoned Commercial B-1, and

WHEREAS, although there is residential development to the north of the rezoned parcel, such residential lands are directly across a four (4) lane highway (Calkins Road) and as part of the 2005 Proposal, Wegmans has committed to an approximately one hundred (100) foot buffer, which will be landscaped, thereby screening the residential lands from the commercial development contemplated for the Wegmans Parcel, and

WHEREAS, Wegmans has offered and agreed to be the imposition of certain conditions set forth below, in connection with the 2005 Proposal, and

WHEREAS, the Town Board has identified all potentially adverse environmental impacts pursuant to SEQRA and has taken a "hard look" at such potential impacts, and

WHEREAS, the Town Board has completed Part II and Part III of the full

Environmental Assessment Form (“EAF”) submitted by Wegmans in connection with the 2005 proposal.

THEREFORE, BE IT RESOLVED, pursuant to SEQRA, the Town Board of the Town of Henrietta, acting as Lead Agency, having thorough and careful review of the 2005 Proposal and Wegmans Application materials, including the EAF, the Environmental Impact Assessment and all other materials submitted in connection therewith, and the Town Board, having heard Wegmans’ presentation and the comments and questions by all persons speaking at the June 1, 2005 Public Hearing, the Town Board hereby determines that the 2005 Proposal will not result in any significant environmental impacts and hereby issues a Negative Declaration for the 2005 Proposal in accordance with SEQRA based upon the attached Findings of Fact.

BE IT FURTHER RESOLVED, that the Henrietta Town Board hereby ratifies, confirms and adopts the rezoning and approval of Special Permit Number 2005-037 to construct a clock tower as part of the proposed new food market, of which the top of the steeple will be seventy-seven (77) feet above grade, whereas forty (40) feet is required by Town Code, upon the terms and conditions set forth on the Record at the Henrietta Town Board Special Permit Hearing held on June 1, 2005 and as follows, this parcel being rezoned to Commercial B-1. In connection therewith, the following conditions are hereby imposed:

- 1.) The property owned by the Monroe County Fair Association is currently served by a driveway (hereinafter referred to as “Fair Driveway”) providing access from that property to East Henrietta Road. Wegmans shall, prior to the issuance of a Certificate of Occupancy for the food market and at its sole cost and expense, install a connecting road (hereinafter referred to as “the Connecting Road”) between the Wegmans Parcel and the Fair Driveway in the location shown in the rezoning plan. Wegmans shall, in addition, prior to the issuance of a Certificate of Occupancy and at its sole cost and expense, install a traffic signal (hereinafter referred to as “the East Henrietta Road Traffic Signal”) at the intersection of the Fair Driveway and East Henrietta Road, provided that Wegmans is able to obtain a permit for that signal from the New York State Department of Transportation. Notwithstanding the foregoing, if any application for any approval or permit for the installation of either the Connecting Road or the East Henrietta Traffic Signal shall result in Wegmans being denied the ability to install a traffic signal at the intersection of Calkins Road and Beaconsfield Road (hereinafter referred to as “the Calkins Road Traffic Signal”) or if any such application shall be granted on the condition the Calkins Road Signal shall be eliminated then, in that event, Wegmans shall be relieved of the obligation to install the Connecting Road and/or the East Henrietta Road Traffic Signal, as the case may be.
- 2.) As part of the development of and enhancement of the area of the Town

Center concept, Wegmans hereby agrees that it will construct sidewalks, lighting and landscaping, the details of which shall be completed at site plan review by the Planning Board, along Calkins Road on the Wegmans Parcel and continuing to the west along Calkins Road to a point approximately 1,750 feet west of the westerly line of the Wegmans Parcel. Wegmans also hereby agrees to participate in a partnership with the Town and other affected entities in certain aesthetic improvements on the west side of East Henrietta Road between Calkins Road and the East Henrietta Road driveway entrance. Such improvements shall be at the time that the Wegmans Food Market is constructed.

#### SUPERVISOR BREESE

It's been moved and seconded. I just have to say a very few words on this because there's been a lot of discussion about this for many years, and probably, the time for discussion is probably over, really. I want to commend the Wegmans people for their cooperation in making changes to their plan, which made it an even better plan. I think it's changed the minds of many who were previously opposed to the rezoning. There still will remain a few who, of course, would never agree to a Wegmans at that location no matter how many improvements were made in the plan. I have never believed that point of view was representative of a majority of Town residents. It's important to note that, in approving this Resolution, the Town Board will also be performing a great service to the community, ensuring that we won't be forced to endure looking at the unsightly and embarrassing fairgrounds property on Calkins Road too much longer. This is a good project for Henrietta. I guess the bottom line is, we have, over a long period of time, heard all the arguments for and against the proposed new Wegmans. Now it's time to make a decision and move on. Anybody else?

#### COUNCILWOMAN McCABE

Through you, Mr. Supervisor, first of all, I'd like to thank all the residents who sent me their thoughts on both sides of the issue. I appreciate hearing from all of you. Let me state for the Record that I shop at Wegmans. It is an excellent company. It is a local company. It is a community-minded company, and it employs many people. My vote is in no way anti-Wegmans. It is strictly whether or not the property in question is the correct location for a superstore and out parcel and should be rezoned. There are also some statements in this particular Resolution with which I disagree. I've said it all before, so I will just submit this sheet of objections to be made part of the Minutes.

#### SUPERVISOR BREESE

Thank you. Yes?

#### COUNCILWOMAN ZINCK

Through you, Mr. Supervisor, I have some comments I'd like to read into the Minutes. As many of you know, I was one of the "no" votes on this Project in the past. I have always thoroughly understood Wegmans' desire to move into a newer and larger store. They truly have outgrown the old one. I would never oppose Wegmans rebuilding on the

Dome property, but up until now there were a number of concerns I had with the proposal that has come before this Town Board. For example, the traffic study that was provided confirmed that this new store would require certain changes, and Wegmans agreed to those changes. The D.O.T., both New York State and Monroe County concurred. However, these traffic studies did not include figures of how that traffic would be impacted when the Dome held their events. With this new proposal, Wegmans has addressed that concern. Even though we were never provided with statistics from the Dome, Wegmans has agreed to an additional exit or entrance on East Henrietta Road. This was one of the many compromises that they have made to make this a much better proposal. Another concern that I had that was changed from the previous proposal was that Wegmans has greatly reduced the size of their Project. The additional retail sites, except for one (1), and the senior housing that was also included on this site, have been removed. This will create less traffic and less of a strip mall appearance, and again, this was another compromise Wegmans agreed to in order to move this proposal forward. In addition, in the Comprehensive Land Use Plan, it addressed that one of the weaknesses of this Town is that there is no attractive, pedestrian-friendly type of Town Center. A Town Center does not mean a Town Center building, but what it does constitute is a blending of residential and commercial business that is aesthetically pleasing to residents and visitors. Wegmans, again, has agreed to be part of the solution. They are zoning less land, they will be taking acreage on the west side of the property and will not be rezoning it. It will remain open and green. This will be a nice transition to the Town's Senior Center and to our park area. Wegmans' architecture and design creates a village-type of structure, and in addition, Wegmans will invest in the development landscaping of a sidewalk to the Senior Center and will be engaging in a partnership with the Town to create a village-type of feel along East Henrietta Road up to Lehigh Station. This again was another compromise that Wegmans was willing to make. This Board and Wegmans have worked very hard to take the previous proposal and make it a win-win for the Town and for Wegmans. I thank everyone involved for their hard work, their diligence, and therefore, I will be supporting this Resolution tonight.

SUPERVISOR BREESE

Anybody else?

COUNCILMAN MULLIGAN

Point of clarification. Page Four (4), that Section One (1), Mr. Supervisor, the last sentence there where it talks about if the Calkins Road/Beaconsfield Road signal light were denied. I just, I want to be assured that the road up to East Henrietta, the service road will be put in whether or not we get a light there.

COUNCILWOMAN ZINCK

Yes. The way it's worded, it says . . .

COUNCILMAN MULLIGAN

It looks very ambiguous. It talks about Wegmans shall be relieved of the obligation to install the connecting road. So, all I want is assurance that, even if you're denied by

D.O.T. and Mr. Moynihan for the signal light on East Henrietta Road, which I know the County Executive is working on, along with her staff and the Wegmans people, the connecting road will still be put in to Town standards, because this is the first time I've seen that this could possibly be dropped out.

SUPERVISOR BREESE

Your name, just for the Record.

RALPH UTTARO, WEGMANS FOOD MARKETS, INC.

Ralph Uttaro from Wegmans. The only clarification, we're fully committed to put the road in. The only concern we have, and it's extremely unlikely that it would be triggered, but if the connection of the road causes us to lose the signal on Calkins Road, I think that causes a problem, not only for our Project, but also for the residents. So, the only reason we would want to reserve the right to not put it in, is if, for some reason, that will cost us the signal on Calkins. But other than that, we're fully committed.

COUNCILMAN MULLIGAN

If you lost the signal on Calkins, wouldn't the Project die?

RALPH UTTARO, WEGMANS FOOD MARKETS, INC.

Uh, yes. We wouldn't build it.

SUPERVISOR BREESE

Then this is kind of a moot point.

COUNCILMAN MULLIGAN

All right. So, the Record shows that the intention is if the Project goes on, whether or not the light is approved, the road will be put in.

RALPH UTTARO, WEGMANS FOOD MARKETS, INC.

Yes.

SUPERVISOR BREESE

Okay. That's fine.

COUNCILMAN MULLIGAN

Thank you.

COUNCILMAN YUDELSON

Mr. Supervisor, I just wanted to add quickly that I'll support this Resolution tonight, as I did the one in 2003, and echo the comments of the other Board members about being very pleased with the facility plan, the improvements that were made to it, the reduction in the amount of acres to be rezoned, and especially in Wegmans' participation in improving the area and helping us get started with the Town Center concept. That's so important to the Board members. Thanks.

SUPERVISOR BREESE

Thank you. Anybody else? *(Pause - no response)* If not, call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	No	
Councilman Mulligan	voting	Aye	
Councilman Yudelson	voting	Aye	
Councilwoman Zinck	voting	Aye	
Supervisor Breese	voting	Aye	

Carried

SUPERVISOR BREESE

We'll take a five (5) minute in place recess. *(Applause)*

*(Brief intermission)*

SUPERVISOR BREESE

We will now have an informal Informational Meeting regarding the Erie Station Property, LLC, proposed rezoning of land on the southwest corner of Erie Station Road and East Henrietta Road. This is not a Public Hearing. We already had that, but this is just an opportunity for some more dialogue and perhaps inform people of things that they weren't sure about and need some more answers on. That's why we're doing this. We're glad to accommodate the neighbors who are here, and I'd like to ask somebody from the developer to come up and represent your Application, not as though at the Public Hearing. You've been through a lot of that, but there's some specific issues that came up that you can direct your discussion to.

TIMOTHY POLEY, CONSULTANT, MARK IV CONSTRUCTION COMPANY, INC.

Thank you. Supervisor Breese, members of the Town Board, and members of the audience. My name is Timothy Poley, and I'm a real estate consultant engaged by the DiMarzo family to assist with the approval and development of a parcel of land located at the intersection of East Henrietta Road and Erie Station Road here in the Town of Henrietta. We are proposing about two (2) types of housing directed towards Henrietta's aging population. First, we're proposing a ninety-six (96) age-restricted senior living independent living apartments for seniors. All these units will be rented with services as an inseparable aggregate. That means no apartment will be rented without services. Services would include meals, housekeeping, transportation, recreation and other services to provide a carefree and comfortable lifestyle for our residents. Secondly, we're proposing a hundred and four (104) unit age-restricted town home community with ranch and two-story units. The same services are provided to the independent living community would be available to these town home residents on a-la-carte basis. We hope this community will serve as the feeder for independent living community as the industry has found in other types of communities around the country. The property is currently zoned R-1-20 for single-family homes, and we are asking the Town to change

the zoning to R-2-15 that will permit both the independent living community and the town home community by use of a Special Permit. The site, in total, is approximately forty-six (46) acres. We plan to develop only thirty-six (36) acres of the site, ten (10) for the independent living community and twenty-six (26) for the town home community. This means the overall site density is about four point four (4.4) units per acre, which is relatively low from the existing structure in Henrietta. We're exploring the opportunity of dedicating the vacant acreage, the ten (10) acres of the Town, as park land. Our communities will be completely self-contained in terms of its recreational activities. There have been a number of questions raised by area residents that have been forwarded to us by the Town, and I'd like to take a few minutes to address the more salient of these. First, we had some questions about the Moratorium. How can the Project be considered for rezoning for development during a Moratorium? The current Moratorium is a Moratorium on subdivision and development, to our understanding, and does not prohibit rezoning or re-classification of zoning, and the Town's Attorney stated this at the last meeting back in May. The second concern we heard about was the Behan report. The question was, this Project seems to be in direct conflict with the Behan report. It is my understanding that the overall goal of the Behan report is to maintain the remaining rural nature of the Town south of the Thruway. Ensuring this rural character must be balanced with the overall needs of the Town. The Town's leaders have stated that housing for seniors is a high priority. Commercial development in the area south of the Thruway is not as desirable as residential development. We believe that land available for senior communities is not really available north of the Thruway, and we believe that this particular Project fits well into the area south of the Thruway as a residential development for seniors. There has been a question about property values. The concern has been raised that a community as proposed may negatively affect property values. We have hired a qualified member of the Appraisal Institute from Midland Appraisals. His report has been submitted to the Town, and it demonstrates the proposed Project will not have any detrimental impacts on the surrounding property values. We know this also from our experience of our existing communities around Monroe County. I have a few copies of that report available for the audience. I have submitted it to the Town Board, but I would like to read the conclusion. The conclusion of the appraiser was, "Based upon our analysis, which included the inspection of the subject property, site review of market reactions, sale price and resale comparison of similar neighboring properties, and also looking at nearby senior living and non-age restricted town home communities in Monroe County, it is my experience as a real estate developer and consultant, it is my opinion the proposed subject property will have no negative effect on neighboring residential property values." Another concern that has been raised is traffic impacts. Questions have been raised as to the impacts of traffic on the community on congestion, particularly at peak drive hours. A traffic report was prepared by a qualified engineer, FRA Associates, and it shows that the traffic from a Project such as the proposed, has a minimum impact on existing traffic. The number of peak hour commuters is lower compared to a single-family housing community since many of our residents are semi-retired and retired and they can pick what times they drive. Seniors drive when convenient rather than the peak hours. I have a few copies of that traffic study also available for the audience, and I would like to read the conclusion of that traffic

study. "Proposed Erie Station townhouse and senior living community, primarily intended for seniors, is anticipated to have less of an impact on roadway networks than the Viele Subdivision, which was originally proposed. The next concern, and this is the one we've heard a lot about, is this really a senior community. There's been some confusion as to whether this is really a senior community, and we'd like to clear that up at this point. It should be noted that in the hundreds of town homes we have built in Monroe County without age restrictions, families with children rarely live in these communities. This is true in our Henrietta communities of Edgewood, Heritage Meadows and Huntington. All three (3) have mostly fifty-five (55) plus, and none, very few have children. However, in response to the Town Board's request and for neighbors' concerns, the following provides a method for ensuring an age-restricted community. Proposed Erie Station town home community located on Erie Station Road will provide a mid-market housing aimed at a market primarily of senior population of the surrounding area. The units will be age-restricted, meaning that at least one (1) occupant of the town home must be fifty-five (55) or older. The restrictions will be integrated into the rules and regulations of the homeowner association, which will govern the community. The rules and regulations are filed with the Attorney General of the State of New York, along with the property declaration and are provided to all prospective purchasers, and is incumbent upon all owners to follow the regulations. These are the most salient points we have heard about, and with that, I'd like to maybe just cease our formal presentation. If there's any questions from the Board or the audience, I'd be very happy to take them at this time.

SUPERVISOR BREESE

Anybody on the Board right now? You'll get another chance later if you want. Why don't you just sit there, because I'm sure I'll be calling you up again. According to a proposal from someone who represented the neighbors over there, there will be two (2) speakers representing the neighborhood. If you'll come up, give us your name and address, please, for the Record.

DAVID MEINTEL, 28 PULTENEY DRIVE

David Meintel of 28 Pulteney Drive, and Tim Guerra. I wasn't sure of the format of this evening's . . .

SUPERVISOR BREESE

This is informal.

DAVID MEINTEL, 28 PULTENEY DRIVE

So, I'm going to start with the senior restriction and the confusion there. I think there was shared confusion at the last meeting as to what the purpose of this was, and that was our concern. There seemed to be confusion amongst people here and confusion amongst the Board. It was not presented that way at the last meeting. The last meeting it was very much the hundred and four (104) town homes were open-age, there was no restrictions. So, that was definitely the way it was. We just wanted clarification on that, certainly. The effects of rezoning on area property values, I'd be interested to understand what it was compared with. The property, as zoned today, allows for

essentially one (1) acre parcels for each home, well, essentially, sixty-five (65) single-family dwellings. The property value comparison, what was that compared against, as to whether or not it was going to impact our property values across the street from Erie Station?

SUPERVISOR BREESE

He'll answer all your questions when you get through, okay?

DAVID MEINTEL, 28 PULTENEY DRIVE

Sure. A question we had was, was to the need for senior housing. We've heard a lot of, there is a need for senior housing. We haven't seen statistics on occupancy of current senior housing within our community and whether or not that need is supported by statistics for the community. For the rezoning, there was a question raised by some of the neighbors, essentially, there's forty-six (46) acre parcel, ten (10) of it being proposed to be given back to the Town, which is certainly greatly appreciated. Would that ten (10) acres be rezoned as part of this rezoning process, or will that be left zoned as it currently is zoned? There was quite a bit of conversation in the Public Hearing about rentals, and the volume of rentals that would be within the hundred and four (104) town homes. It sounded as though there were some that were being reserved by the developer, and we were curious as to, one (1), the volume of those, and two (2), you know, what assurances the Town may have that that volume stays restricted as it was in the proposal from the developers, or at least as it was conveyed in the last public meeting. Our concern is really renting versus owning . . . *(Tape being switched/audio problems)* . . . that were being thrown around earlier about the age restriction and whether that's going to be part of a homeowner's association, or is that part of the legal deed to the dwelling. I'm just looking for some clarification and understanding about that, as are others. The fifty (50) foot setback, we understand that is the Town's minimum requirement. Several of the neighbors, especially those who live on Erie Station Road, had a serious concern with the depth of that setback being fifty (50) feet, and being such a different type of community from what exists across the street. There was a question brought up in our little neighborhood meeting about infrastructure to support this type of development and how that may impact the current residents in the area. There was a proposed bus garage there. Our understanding was that when that proposal was in place there were concerns over supply and capabilities of services in and out of that bus garage, and who, we certainly feel that this type of community is going to have significantly increased needs for services than the bus garage, yet the developer in the Public Hearing stated that there was sufficient services there, but it seems to contradict what was said as part of the bus garage proposal from two (2) years ago. I'd like to briefly go through, well, I'll save this for my counterpart. I guess, could we hear some answers and then have an opportunity

...

SUPERVISOR BREESE

Yes. Certainly.

RESIDENT

*(From audience - inaudible).*

SUPERVISOR BREESE

Whatever you want to do.

TIM GUERRA, 129 WINDELIN DRIVE

Tim Guerra, 129 Windelin Drive. Just a couple of additional questions. Homeowner's association, I'm also not very familiar with how easy is that to change in the future? In other words, homeowner's association right now, age restriction fifty-five (55), a year from now, could they change that? I just don't know. So, I'm looking for some more information there. Also, we heard in the last meeting that this is really a proposal to change the zoning to R-2-15, which implies that it's not necessarily a meeting to actually discuss this particular development. If the Board were to rezone this to R-2-15, does that open up the possibility for the Developer, down the road, rather than building the senior living community, since it's already zoned R-2-15 can they build something else? It's just a concern on the part of the residents. We're not necessarily opposed to senior living, but we would be opposed to other types of development that are allowed within the R-2-15 zoning. The third concern that was raised, and we heard at the previous meeting, or tonight, was the precedent of zoning. You talked about the Wegmans proposal and that one of the reasons that you supported that was the area to the east of it, which was already zoned for that type of development. What assurances does the neighborhood have that, if this is rezoned to R-2-15, that now we won't see further down Erie Station Road, further to the south, using the precedent that was already set tonight, which is, "hey, if there's R-2-15, there's no reason why we shouldn't rezone farther down Erie Station, there's no reason why we shouldn't rezone." Once that precedent is set it enables further rezoning, which is a big concern to us. Those are my additional questions. Thank you.

SUPERVISOR BREESE

Thank you. Would you please respond to the questions? A couple of the questions probably are our questions, but I also want the Town Attorney to answer them. Why don't you go over the ones that pertain to your Application.

TIMOTHY POLEY, CONSULTANT, MARK IV CONSTRUCTION COMPANY, INC.

The first question really, I think, really is compared to, which projects within the Monroe County area was it compared to. I do have copies of the appraisal memorandum. However, the types of projects that they were compared to in the neighborhoods were the Highlands at Pittsford, the area surrounding the Fairport Baptist Home, the area surrounding Village Wood at Grand-Vie in Penfield, the Heritage Meadows subdivision, which I think is probably a good example of where I have single-family homes and town homes in the exact same community. The single-family homes in that community range in the area of about a hundred and seventy-five (175) to two thirty-five (235), and the town homes in that area range probably from around a hundred and fifteen (115) to a Hundred and Fifty Thousand Dollars (\$150,000) range. So, the spread between this is about fifty (50) to Sixty Thousand Dollars (\$60,000), which is probably comparable to the spread

that we would find in terms of the town homes that we're proposing in this single-family home community. In addition to that, we also looked at Huntington Park, Edgewood and Surrey Hill, and as I mentioned, I think those comparables are available. The other question that came up was really for the need. It is our observation that in the Town of Henrietta, there is not any at-market independent living facilities within the Town at this point in time. If you look at the population of Henrietta and the aging senior population, we really do believe that there is a relatively significant need for independent living population. We believe that the town home community is a perfect feeder. We know that just by the demographic attraction alone, that most of these communities that we have built over the past twenty (20) years do attract fifty-five (55) year-olds and plus. We find that many of our seniors coming into our senior living communities are actually coming out of senior, of non-restricted town home communities, so we really believe that the town home communities that we're proposing will be a good feeder, and also that in the Town of Henrietta, I think, there will also be a dire need of an independent living facility within the community and it's in that market facility. The question about rentals. We are prepared, and planned, that every lot within our town home will be a fee simple lot. That means we will, basically are not building multi-family blocks of units. So, every one is for sale. Depending on market conditions as we come up, some of those may be rented, but our intent is to sell them and form a homeowner's association initially, and to try to sell the units. However, I think as everyone from an economic point of view realizes, that in fact, that if you have buildings that are up and the fact they are not being sold at this point in time, I would suggest that in fact it is only prudent for us to rent. But our intention is to sell. We are providing, I think probably all the physical apparatus to sell them in terms of individual lotting each one of those, and that is our plan. In terms of the H.O.A. and the regulations, we, and our perspective is that, we will work out the specific language with our attorneys and the Town Attorney. However, we plan to have this within the regulations of the community, that the homeowner association community most likely will probably find, will probably be somewhat adamant of keeping the fifty-five (55) plus community, and the actual language of that will be worked out with the Town Attorney. In terms of the fifty (50) foot setback, I really don't have any observations there other than we're building relatively small structures that will be facing the single-family homes. These are, you know, single-story and two-story homes, and we're not really sure whether or not additional setback, but we'll leave that to the Planning Board or the Town Board. In terms of the infrastructure, we believe, I'm not familiar with the bus garage proposal, but we do believe that, in fact, that in terms of the infrastructure as required for the sixty-five (65) unit subdivision, we believe that, in fact, our infrastructure is probably a less requirement than that because of our centralized kitchen facility, and have been generally speaking less population on that property than the sixty-five (65) unit community. In terms of the observation of whether or not if we receive an R-2-15, whether or not we can come back with some other proposal, we're not planning to come back with any proposal. It's our understanding of that, in fact, we would have a Special Permit only to build what we're planning to build, but I'll leave that to the Town Board. I believe that's most of the issues, I think, that I had, unless there's some other questions that I didn't cover.

SUPERVISOR BREESE

I'd like to ask the Town Attorney on that question of if it's rezoned can the developer then change the plan to something that does not consist of a senior living community. He partially answered that, but maybe you could just follow up, Mr. Mastrella.

DANIEL MASTRELLA, TOWN ATTORNEY

Through you, Mr. Supervisor, as I have understood what the Board has expressed, is that the Board is going to place a restriction on the rezoning requiring at least one occupant or resident of the town homes to be age fifty-five (55) or older, as well as the other facility that the residents are fifty-five or older. With that restriction, another use can't be put in there. It becomes part of the zoning code, so to speak, for that parcel.

COUNCILMAN MULLIGAN

So, it would be a deed restriction?

SUPERVISOR BREESE

Not necessarily, no.

DANIEL MASTRELLA, TOWN ATTORNEY

It doesn't have to be a deed restriction. If the Board places that restriction on it, it can be a deed restriction as well.

SUPERVISOR BREESE

Typically, what we've done is depend on the homeowner's associations, which are very strict on these kinds of issues anyway. I think that's been the history of when we get involved in these kinds of issues. Does anybody else have any questions or comments on the Application? Yes?

COUNCILWOMAN ZINCK

You had a question, and I was wondering if it was addressed, about the homeowner, the fifty-five (55) and the homeowner's association, is it a homeowner's association policy, or . . .

DAVID MEINTEL, 28 PULTENEY DRIVE

Yes, how would that be enforced? I don't understand the legal side of it, and I'm just trying to get a feeling for, is that enforced as part of the homeowner's association? My understanding of a homeowner's association is the majority rules and the homeowner's association has the ability to change that homeowner's association.

DANIEL MASTRELLA, TOWN ATTORNEY

That's not quite true. If it's a requirement of, the homeowner's association, when it's originally formed, it has to be submitted to and approved by the New York State Attorney General and the by-laws of the homeowner association have to. With the addition of a restriction on the rezoning to require a resident being over the age of fifty-five (55), the

Attorney General would be powerless to approve an amendment to the homeowner's association, even if they were to vote according to their by-laws to try to change that provision, he would be powerless to approve that vote, and that provision could not be changed.

DAVID MEINTEL, 28 PULTENEY DRIVE

Okay.

COUNCILMAN MULLIGAN

Just to follow up on that, one of the residents, when we met, it would be a couple of weeks ago, talked about an Irondequoit code that talked about a senior zoning, which Mrs. Zinck has pursued a little bit. A question for you, Mr. DiMarzo, are you open to that kind of category, that kind of zoning, a senior zoning? What we're thinking of trying to do is protecting the neighborhood from, you know, two hundred (200) college kids, you know, create a college town on Erie Station Road. If the demographics change or the economy changes and the senior housing doesn't work, what are your thoughts on that?

SUPERVISOR BREESE

Would you want to answer that?

TIMOTHY POLEY, CONSULTANT, MARK IV CONSTRUCTION COMPANY, INC.

We would rather not have that particular type of zoning there, or that particular type of restriction. We'd like to really handle it from the town home association, which I think is probably the more appropriate way to handle it.

COUNCILMAN MULLIGAN

Why the opposition to the senior housing zoning?

TIMOTHY POLEY, CONSULTANT, MARK IV CONSTRUCTION COMPANY, INC.

Well, I think if, really, nothing's, I mean, I can't look out fifty (50) years, you know, it's very hard to look at that type of time horizon. We're obviously planning, I think, at this point in time to have a restriction at age fifty-five (55). I think, particularly, that type of zoning restriction may be a little bit more difficult, I think, probably over a very long-term horizon, you know, down thirty (30) or forty (40) years.

COUNCILMAN MULLIGAN

So, back to you, Mr. Mastrella, if the Board passes this and approves this fifty-five (55) number, it can't be changed unless the Board changes it?

DANIEL MASTRELLA, TOWN ATTORNEY

That's correct. In doing so for this particular parcel of land, you are, in effect, creating a senior housing zone for this parcel even though there isn't a particular senior housing zone in the Town Code. You have created that as applied to this particular parcel by virtue of the condition, which is a legal condition to impose.

SUPERVISOR BREESE

But you could focus it through a homeowner's association, though?

DANIEL MASTRELLA, TOWN ATTORNEY

Absolutely. So, you have the Board controlling it, requiring it, and the homeowner's association as well.

SUPERVISOR BREESE

But it wouldn't be part of our Code though?

DANIEL MASTRELLA, TOWN ATTORNEY

You wouldn't be rewriting the Zoning Code to create elsewhere in the Town that designation.

COUNCILWOMAN ZINCK

Can I ask one extra thing on that one? That is, one of the other fears of what we're rezoning it to is the neighbors are saying they just don't want someone else to buy the land next door and have already set a precedent of R-2-15. Will this help, I mean, if it's senior, have we set the precedent of somebody else coming in and getting the zoning for R-2-15?

DANIEL MASTRELLA, TOWN ATTORNEY

The R-2-15 that they are proposing for this parcel, I mean, if somebody else came in and wanted R-2-15, the Board would take an independent look at that and in view of what was needed and what was there and make a determination on that, but it's not, it certainly doesn't mean that because you've zoned this R-2-15 with a senior restriction that the next person's entitled to that zoning at all.

COUNCILWOMAN ZINCK

Thank you.

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, the representative of the neighborhood talked about that, is it the ten (10) acre piece you talked about deeding over to the Town forever wild?

TIMOTHY POLEY, CONSULTANT, MARK IV CONSTRUCTION COMPANY, INC.

Yes.

COUNCILMAN MULLIGAN

So, that would remain forever wild? That would not be rezoned, is that my understanding?

SUPERVISOR BREESE

Well, that's up to the Board.

TIMOTHY POLEY, CONSULTANT, MARK IV CONSTRUCTION COMPANY, INC.

It's up to the Board, but our plan is not to develop that parcel, and we're willing to dedicate that parcel to the Town.

SUPERVISOR BREESE

Yes. I think if you gave us a parcel and we decided we want to take it, we'd leave it as undeveloped property. I think it would be a nice use for that land, no use.

DAVID MEINTEL, 28 PULTENEY DRIVE

But would that be part of the rezoning procedures?

SUPERVISOR BREESE

Yes.

COUNCILMAN MULLIGAN

I don't think we'd rezone that.

SUPERVISOR BREESE

Yes. It's part of the Application.

COUNCILMAN MULLIGAN

I wouldn't.

COUNCILWOMAN ZINCK

It's their land.

SUPERVISOR BREESE

It's their land and it's part of the Application.

COUNCILMAN MULLIGAN

Why can't we delete it? If they're going to deed it over to the Town, and it's never going to be developed, why would you rezone it? You would delete it. Unless you're thinking this fifty (50) years down the road thing, which . . .

SUPERVISOR BREESE

What do you want to do?

COUNCILMAN MULLIGAN

Delete it and leave it forever wild. Delete it from the Application. That's the . . .

SUPERVISOR BREESE

That's what you want?

COUNCILMAN MULLIGAN

. . . from my standpoint. I think that's fair to the neighborhood.

DAVID MEINTEL, 28 PULTENEY DRIVE

Our purpose tonight was to raise the concern. I mean . . .

SUPERVISOR BREESE

Well, it's not going to be developed, either way. Whether it's included in the rezoning or not, it's not going to get developed.

COUNCILWOMAN McCABE

That could be part of the Resolution.

SUPERVISOR BREESE

We can talk about that.

COUNCILWOMAN McCABE

The other question, through you, Mr. Supervisor, I think there was a question on setbacks on Erie Station Road and East Henrietta Road, both State roads (*inaudible*) and therefore that dictates what the setback will be. Some of these houses that are there on Erie Station Road and East Henrietta Road didn't have that, were grandfathered, so they are closer to the road, you'll find. But others, I think the new ones, the new setbacks are in place now for the State roads.

SUPERVISOR BREESE

Thank you for that clarification. Did you . . .

DAVID MEINTEL, 28 PULTENEY DRIVE

I think I'm . . .

SUPERVISOR BREESE

. . . keep talking.

DAVID MEINTEL, 28 PULTENEY DRIVE

I'm sorry. I guess, in response to the concern about current facilities and capabilities as compared to the sixty-five (65) single-family dwellings, I'm a math major, and I'm sitting here thinking about ninety-six (96) units of seniors in a contained unit, and a hundred and four (104) town homes with an average of two (2) people per town home. I'm doing the math in my head versus sixty-five (65) single-family dwellings, and I just don't see how the services of this population, essentially two hundred (200) and, two hundred (200) units could be less than the needs of sixty-five (65). Again, it's a concern that I, I can't understand the math on that.

SUPERVISOR BREESE

Make sure you get a copy of . . .

DAVID MEINTEL, 28 PULTENEY DRIVE

I would love to see them. I haven't seen them.

SUPERVISOR BREESE

They have copies for you. You should look at it.

DAVID MEINTEL, 28 PULTENEY DRIVE

One of the proposed solutions that we had in the document that we provided to the Town Board was rezoning only a portion of the land required for the senior assisted living center, since that is what the Town appears to certainly have a desire for more than the other parts of this particular proposal, and prove out that that piece of this property can actually be built and be successful in this particular location. We have other properties in the Town of Henrietta that were started and not completed as senior living properties, very similar to what is being proposed as the single building component of this proposal. You know, one of our proposals or one of our suggestions would be, could that be separated from the town homes and be proved out, essentially, that this can be built and be successful. To a person, when we met as a neighborhood, there wasn't a single person who had a concern about having a single building there as an assisted living center for seniors. We believe there's probably a need for senior living in the Town. We still haven't heard any statistics that back that up that make us believe it from a mathematical perspective. We've just heard from desire perspective. But again, that being the piece of this proposal that certainly seems to be driving the decision factors here. We'd like to see that piece done and be done correctly and built and seen it occupied prior to the town homes being built. We believe the town homes part of that, that's the economic value of it for the developer. The senior center piece of that, that's how we're getting this particular proposal passed. The hundred and four (104) town homes, if that was by itself, would the Board be considering that all by itself? I think that is a concern that was raised by several neighbors when we met, and I think it's a valid concern.

SUPERVISOR BREESE

Would you respond to that, please?

TIMOTHY POLEY, CONSULTANT, MARK IV CONSTRUCTION COMPANY, INC.

I'd like to maybe address two (2) of those issues. First, the DiMarzo family, through Legacy Communities, is the largest provider on a for-profit basis of senior services here in Monroe County. Our track record is impeccable. There has not been one (1) stalled project. Our projects are full. I would suggest that, in fact, in comparing us to maybe a recently troubled project and the experience of that developer, I think, probably is not a fair comparison. We, I think probably both have the financial resources and the knowledge and the track record over the past ten (10) years in terms of developing these facilities, and we believe the Henrietta facility is not only needed, but it will be an excellent facility in the Town. Also, I'd just like to suggest, just for a moment, on the infrastructure question, the reason, the fact that we believe that, in fact, the infrastructure, in terms of sixty-five (65) units, number one, we use a centralized kitchen, which by and large from a water and sewer point of view, I think probably provides a lot more economies. Secondly, we have almost no bathtubs. As a matter of fact, we have almost complete showers in our communities. Our ninety-six (96) units will be occupied ninety-five

percent (95%) to ninety-eight percent (98%) by single individuals, and our experience has been in our town homes of seriously single communities, about fifty percent (50%) are occupied by singles, and about fifty percent (50%) are occupied by couples. So, I think if you do the math there, and with the centralized facilities, I think that the almost no bathtubs in our ninety-six (96) unit facility, I think you'll find the infrastructure works out relatively well. I think that's really the . . .

SUPERVISOR BREESE

Well, wait. Just to be more specific, you're basically saying that this kind of project is a package, as far as you're concerned.

TIMOTHY POLEY, CONSULTANT, MARK IV CONSTRUCTION COMPANY, INC.

Yes, it is.

SUPERVISOR BREESE

You couldn't do just the senior assisted living building and nothing else, is that correct?

TIMOTHY POLEY, CONSULTANT, MARK IV CONSTRUCTION COMPANY, INC.

No.

SUPERVISOR BREESE

You haven't done that in any of your projects, is that correct?

TIMOTHY POLEY, CONSULTANT, MARK IV CONSTRUCTION COMPANY, INC.

We try not to do that, because we really need to have the facility for that integration of our feeder units and our town home facilities. We will find, we expect, fairly expect, that a number of our town home units will take either the full package or selective package from our mother house, so to speak, because, in fact, there's individuals who may be more independent that still may want housekeeping services, transportation services, or maybe even food services from our mother house community. So, it's a nice transition.

COUNCILWOMAN ZINCK

Through you, Mr. Supervisor, I actually went on the internet after I received the questions from the neighborhood and was researching what's available in Henrietta for seniors, and actually, what we're really missing in Henrietta are townhouses for people to buy. There's going to be a facility going in over near R.I.T. They're going to be apartments for fifty-five (55) and up. They're rentals. We have Woodcrest, which is assisted living. We really don't have, and we have a need that people want to purchase a townhouse, and right now, we don't have anything like that, at least that I could locate as I was searching. So, it's the townhouses that are what we're missing, not the apartments.

SUPERVISOR BREESE

Would somebody else like to speak? Yes?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Robert Goldstein, 29 Horseshoe Lane South. Mr. Supervisor and members of the Board, I understand this is an informal discussion rather than a Hearing, so I will not behave as if it were a Hearing. I do have a couple of questions. I understand the Town now does have in place an arrangement under which a proposal for a rezoning will be submitted to the Planning Board for their review before the rezoning action takes place. Am I correct in that?

SUPERVISOR BREESE

Say that again.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

My understanding is that the Town does have in place now a procedure under which a rezoning proposal, before it's acted upon by the Town Board, will be submitted to the Planning Board for their review.

SUPERVISOR BREESE

Mr. Mastrella, I had a memo from you about that.

DANIEL MASTRELLA, TOWN ATTORNEY

Yes, and routinely the Planning Board is notified of the action, notified that the Town Board intends to be Lead Agency for the action, and the Planning Board is then free to offer any comments it chooses to do so. The Planning Board was, in this instance, a good thirty (30) days prior to the Public Hearing, notified of the Application and the action and had no comments for the Town Board.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Okay, fine. I just wanted to be sure that process was in place and is being followed. Thank you. Mr. Mulligan, you're quite correct that I did raise the question of an actual rezoning for a senior kind of zoning, and I think that is something that the Board might want to consider in further deliberations. It would certainly remove some of the ambiguity that people seem to still feel, even with the homeowner's association. That's subject to all kinds of modification and changes and things can shift over time, whereas, if the Town makes that determination, that's clearly articulated in the Code and could be applicable to further developments down the line. I think this Town does need senior citizen housing, and this kind of project is a very positive thing for the Town. There may be other areas of the community where such a proposal or such a development would be appropriate. If the Town had that kind of zoning arrangement in place, then that would remove any of the concerns that people have about what happens next. It has worked very well in Irondequoit. They have a very specific set of proposals, and I'd be glad to share them.

SUPERVISOR BREESE

Well, we're thinking about something like that.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Okay.

SUPERVISOR BREESE

It wouldn't necessarily be exactly like Irondequoit's.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

It doesn't have to be, but something that specifies what the zoning is for a senior citizen thing so people don't have to worry about, we now have something that's R-2-15 next to us, what could happen next door? So, I would strongly urge the Board to consider that as a way of removing the concerns people have.

COUNCILWOMAN McCABE

With regard to that, the only problem that I see with that is, if we, as a Town Board, designate certain parcels as senior, for seniors, then the price of the parcel goes up, and, you know, that, to me, then it could be a detriment to those surrounding it, those homeowners that are there . . .

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Point is well taken.

COUNCILWOMAN McCABE

. . . I think you have to . . .

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

If I could just . . .

COUNCILWOMAN McCABE

. . . you have to be very careful when we actually designate a piece of land for certain things. We've been very careful not to do that all along because of that . . .

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Your point is well taken, and if I could just comment on that.

COUNCILMAN MULLIGAN

I don't know if that's true. The real estate consultant, is that true? If it's designated senior the price goes up? I've never heard of that.

TIMOTHY POLEY, CONSULTANT, MARK IV CONSTRUCTION COMPANY, INC.

Well, I guess it probably really depends on what it's zoned at this point in time. If you basically have a relatively low density piece of property at this point in time, since, usually properties are valued by the density, and generally speaking, a senior zone will provide more density than a single-family subdivision, you probably would find that the property would increase. For example, if I had two (2) acres of land and you basically had zoning that would permit twenty (20) units, and I had two (2) acres of land under a senior that basically may add eight (8) units per acre, I would probably find that the eight (8) units per acre would be greater priced than the (*inaudible*) could be permitted because the density usually drives the price for (*inaudible*).

COUNCILMAN MULLIGAN

But specifically on this Project, if it was designated senior, are you saying the price would go up or not?

TIMOTHY POLEY, CONSULTANT, MARK IV CONSTRUCTION COMPANY, INC.

I would probably say that if in fact the density was going up within your senior . . .

COUNCILMAN MULLIGAN

No, the project as it's proposed.

TIMOTHY POLEY, CONSULTANT, MARK IV CONSTRUCTION COMPANY, INC.

Oh. No, I don't think the project as proposed, I don't believe it would. No.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR BREESE

Dr. Goldstein?

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

*(Inaudible)* clarify my point. I'm not suggesting that the Town pre-designate areas to be zoned this way, but that that zoning structure be in place so that for the next applicant who comes along and wants to have this kind of thing, there is a specific rezoning that person could request and the issues would be much clearer.

SUPERVISOR BREESE

I understand.

ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Thank you.

SUPERVISOR BREESE

Is there somebody in the back who wants to speak that hasn't spoken? Yes?

JANE TALLEY, LEHIGH STATION ROAD

Hi. I'm Jane Talley. I live on Lehigh Station Road. I've been a resident here since I was born, so I'm here from an old farm town. We're looking to downsize, and it was mentioned there is no place to buy. We want to buy a senior home. We don't want to rent, we want to buy, but I want to stay in Henrietta. We can't. We've had to look outside of Henrietta. So, I'm hoping that this does go through, and I think it's a great location. I know that people didn't want the bus garage. Right, okay. That's another story. We've got that near us. *(Laughter)* But like I say, we were here before all the developments were here. It was just farmland. So, I'm really hoping this goes through.

I'm really looking forward to it. Thank you.

SUPERVISOR BREESE

Thank you very much. Would somebody else like to speak on this?

DAVID MEINTEL, 28 PULTENEY DRIVE

Again, I'm not opposed to senior living. I'm very much in favor of it. I have elderly parents as well, and I'd love to have them closer to where I live. Maybe not quite that close, but . . . *(laughter)* . . . I think a point I want to make on this topic, though, is we may have lost sight a little bit about what we're really doing here and whether this is really for a senior community or whether it's, we're rezoning something for a proper usage, I guess. You know, I haven't heard any comments from the Board based on the comment about the Behan report and waiting for the conclusions from that and using that as something to help guide the direction of choices in zoning as we go forward. That's a study that's been underway for a long period of time. It's something the Town all believed needed to be done, and something the Town, quite frankly, paid for, and I believe that before we make decisions south of the Thruway, like that report suggests, we should have the benefit of that report before we make those decisions.

SUPERVISOR BREESE

That's a good point. We, of course, have the recommendations from the Behan report. We've had them for quite a while and we're still looking at them. We expect to finalize and adopt the Behan report with amendments probably, my guess would be at our July meeting. We've discussed this issue of special senior districts as part of that kind of a package. So, we're certainly not ignoring the Behan report.

DAVID MEINTEL, 28 PULTENEY DRIVE

Okay. Thank you. On the, earlier we heard Wegmans originally had a senior community as part of their proposal. Could I ask why the Board was opposed to that as being part of the proposal?

SUPERVISOR BREESE

Well, it was *(inaudible)* whole Board. I supported that project.

COUNCILMAN MULLIGAN

I voted no.

SUPERVISOR BREESE

It was a three (3) to two (2) vote.

DAVID MEINTEL, 28 PULTENEY DRIVE

For those of you, again, it's an informal meeting. I'd just like to understand why it wasn't fit for being right next door to a . . .

SUPERVISOR BREESE

It was part of a package that the majority of the Board didn't support.

DAVID MEINTEL, 28 PULTENEY DRIVE  
Okay.

SUPERVISOR BREESE

Then Wegmans, after they were turned down the last time, they lost that developer who was going to put up the senior property. He wasn't going to hang around any longer, unfortunately, and that's why that's off.

DAVID MEINTEL, 28 PULTENEY DRIVE

But I guess as to why the Town, why the Board was opposed to that is being, I mean, again, it seemed like the perfect location for a senior community . . .

SUPERVISOR BREESE

I wasn't against it.

COUNCILWOMAN ZINCK

But I think you need to remember the word package, and that is, there were a lot of things about that proposal as a whole that were not acceptable. The exit, not an exit onto East Henrietta Road, having other retail operations in that same plaza. So, I mean, it wasn't specifically the senior center that was a problem. However, I got to tell you, I'm not sure how excited I would be, I mean, I would like people to live somewhere where they were, had an apartment or townhouse in a very peaceful setting, not sitting on the same property as the grocery store, walking across the street to the grocery store. I mean, but that's not why I voted down that proposal. It was as a whole, the exit onto East Henrietta . . .

DAVID MEINTEL, 28 PULTENEY DRIVE

Fair enough. I wasn't aware of the conversations, and I never saw the original proposal.

COUNCILMAN MULLIGAN

Wegmans changed the proposal the third time a lot.

DAVID MEINTEL, 28 PULTENEY DRIVE

Okay. Thank you.

SUPERVISOR BREESE

Thank you. You've been very helpful. Yes?

TIM GUERRA, 129 WINDELIN DRIVE

I just wanted to explore a little bit further on the senior zoning and follow up the question on, the Town Attorney, when you talked about if the Board were to put in a fifty-five (55) age restriction, it's up to the Board if they want to change that. Is that, they could vote and change that, correct?

DANIEL MASTRELLA, TOWN ATTORNEY

Let me just put it this way, if they put an age fifty-five (55) restriction on this project, which they have indicated to you they intend to do, then that is an additional requirement to this R-2-15 zoning, if that's passed. Our Town Code presently does not have a separate senior housing section to it. If it did, it would in all likelihood contain a provision requiring fifty-five (55) or older, and they could apply that zoning, instead of just R-2-15, it could be R-2-15 senior to this parcel. It doesn't exist. So, by putting the fifty-five (55) requirement in on this particular rezoning application, they are, in effect, making this a senior zoning, so to speak. Now, if we had a senior zoning in the Code, if we had a section for that, the Town Board could, of course, at some time repeal that, change that, amend that. Likewise, putting this condition in, it's of the same effect, but it would take a vote of the Town Board to do it.

TIM GUERRA, 129 WINDELIN DRIVE

So, my question with that is, if it's a senior zoning, it's my understanding that to change zoning, there needs to be public notice, a Public Hearing. If, however, it's just a requirement that the Board has put in to this particular development and at some point in the future, the developer comes to the Board and requests to have that changed, because I did notice that Mr. DiMarzo seemed to be adamant against senior zoning. I'm not really quite sure why. It lends me to think that maybe he would want to change that restriction sometime in the future. My point being, if it's just on the Board, not part of the zoning, can they vote to change that, and if so, do they have to have public notice before they vote to change that, versus a senior zoning, in which case, they do require public notice.

DANIEL MASTRELLA, TOWN ATTORNEY

Yes, they would.

TIM GUERRA, 129 WINDELIN DRIVE

Okay. Just one other point to Councilwoman Zinck. The Legacy development in Penfield is directly adjacent to a Wegmans, and I do believe you said that that's pretty close to it. Yes, it is. You're right, there's an office building and then Wegmans.

COUNCILWOMAN ZINCK

This was right there. And again, that isn't why I didn't vote for it. It was the whole package.

TIM GUERRA, 129 WINDELIN DRIVE

I just wanted to point that out.

COUNCILWOMAN ZINCK

I've got to say I like this location much better for my seniors in Henrietta.

TIM GUERRA, 129 WINDELIN DRIVE

Thank you.

SUPERVISOR BREESE

Would anybody else like to speak on this matter? This informational meeting? Yes?

RACHEL WARREN, 59 TOMAHAWK TRAIL

Rachel Warren, 59 Tomahawk Trail. I was wondering what the rents are going to be for the senior living facility and also for the town homes.

COUNCILMAN MULLIGAN

He'll sign you up, Rachel.

TIMOTHY POLEY, CONSULTANT, MARK IV CONSTRUCTION COMPANY, INC.

First, from a sale point of view, I'll talk about that first, the town homes would probably sell from a low range of around a Hundred and Twenty-five Thousand (\$125,000) to a high range of around a Hundred and Seventy-five (\$175,000), depending on the size and the amenities, single ranch or two (2) story. In terms of the community, if, in fact they would like to have a full set of services while living in the town home, and if we were going to rent those, I would probably say the rents would be between Seventeen Hundred and Fifty Dollars (\$1,750) a month and Twenty-three Hundred and Fifty Dollars (\$2,350) a month, which is consistent with our other facilities. In terms of the senior living facility itself, the independent living facility, the rents in that area would range between Thirteen Hundred and Fifty Dollars (\$1,350) and Seventeen Hundred and Fifty Dollars (\$1,750) a month for a one (1) bedroom unit, and probably maybe another Five Hundred Dollars (\$500) a month if in fact it was two (2) bedroom unit on top of that. That's with the full services. So, I'd probably say in summary, a Hundred and Twenty-Five Thousand (\$125,000) to a Hundred and Seventy-five Thousand Dollars (\$175,000) for sale. If in fact it was a rental on a town home with full services, Seventeen Hundred and Fifty (\$1,750) to Twenty-three Fifty (\$2,350). A stand-alone town home for rent, probably near around Thirteen Hundred and Fifty Dollars (\$1,350) a month without services, and a single apartment unit, depending on the size, Thirteen Hundred and Fifty (\$1,350) to Seventeen Hundred and Fifty Dollars (\$1,750) a month with services. That's the general range.

SUPERVISOR BREESE

Okay. Anybody else have any questions or comments before I adjourn this Informational meeting?

RACHEL WARREN, 59 TOMAHAWK TRAIL

I just have one more.

SUPERVISOR BREESE

Yes?

RACHEL WARREN, 59 TOMAHAWK TRAIL

I'm wondering how you determined what prices would fly in Henrietta in terms, because these seem to be rather high numbers for those of us who live here.

SUPERVISOR BREESE

Some of them included full service, didn't they?

TIMOTHY POLEY, CONSULTANT, MARK IV CONSTRUCTION COMPANY, INC.

I think you'll find, although, I think many seniors, when they first hear the numbers, think they're relatively large. Our counselors go through a relatively detailed report because you really find, in fact, that you really, if you're living in, let's say in a senior living facility and paying Thirteen Hundred and Fifty Dollars (\$1,350) a month at the low end, all of your expenses, by and large, we usually suggest that if in fact you take your disposable income, that about seventy-five percent (75%) of that can be directed towards the senior living facility because in fact the meals are included, the housekeeping is included, the transportation is included, the recreation is included, and of course, the rental on the property is included. So, we do have a, I guess probably a methodology that we go through working with a senior to show them that even though the number may sound high, you may find in fact that it's more cost effective to live in our facility than in a single-family home. Thank you.

SUPERVISOR BREESE

Thank you very much. Yes?

DAVID MEINTEL, 28 PULTENEY DRIVE

Not another question, just for the Record, and since I've done most of the talking tonight, I'd like to state that I'm still against this proposal as it stands, and I'm going to state that based on, not based on the quality of the product that this developer is going to produce, but based on the location and the not suiting the adjacent areas and being appropriate for the adjacent areas. Thank you.

SUPERVISOR BREESE

Thank you. Anybody else before we adjourn this meeting, this Hearing, I mean? *(Pause - no response)* If not, I'll adjourn the Informational meeting and we'll go on to our regular agenda. Thank you for coming, all of you.

TIMOTHY POLEY, CONSULTANT, MARK IV CONSTRUCTION COMPANY, INC.

Thank you very much, to the audience and the Town Board. I appreciate your time and attention.

SUPERVISOR BREESE

May I have Resolution #13-145/2005?

RESOLUTION #13-145/2005

On Motion of

Seconded by

Councilman Yudelson

Councilwoman Zinck

WHEREAS, Mark IV Construction Company, Inc., the Developer of Jefferson Estates Subdivision, Section One (1) (located on New Tudor Road and New London Road) has constructed roads and installed storm sewers in said subdivision section, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of the said roads and the afore described improvements to the Town and for this purpose has delivered to the Town a Deed for tracts or parcels of land conveying said roadways to the Town, and filing instruments granting easements to the Town for said improvements, and

WHEREAS, the Town Attorney has examined this Deed and easements and has found them to be in good order, and

WHEREAS, the Superintendent of Highways and the Director of Engineering and Planning have determined that the roads and said improvements were built in accordance with Town requirements and have recommended that they be accepted by the Town, and

WHEREAS, the standard required two (2) year period of time within which a Maintenance Bond would be required to be posted has elapsed, and

WHEREAS, the Director of Engineering and Planning and the Superintendent of Highways have re-inspected the improvements and recommend that they be accepted without requiring posting of said Bond.

THEREFORE, BE IT RESOLVED, that the said roadways and said improvements for the described subdivision section be and they hereby are accepted and that said Deed and easements be recorded in the Monroe County Clerk's Office.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #13-146/2005

On Motion of  
Councilwoman Zinck

Seconded by  
Councilman Yudelson

WHEREAS, Mark IV Construction Company, Inc., the Developer of Stone Hill Estates Subdivision, Section Two (2) (located on Newstone Road) has installed watermains and sanitary sewers in said subdivision, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of the stated utilities to the Town of Henrietta and for this purpose has delivered to the Town of Henrietta filing instruments granting easements to the Town for said watermain and sanitary sewer systems, and

WHEREAS, the Town Attorney has examined these easements and has found them to be in good order, and

WHEREAS, the Superintendent of Drainage, Sewer and Sidewalks and the Director of Engineering and Planning have determined that the said watermain and sanitary sewer systems were installed in accordance with Town requirements and have recommended that they be accepted by the Town, and

WHEREAS, the standard required two (2) year period of time within which a Maintenance Bond would be required to be posted has elapsed, and

WHEREAS, the Director of Engineering and Planning and the Superintendent of Drainage, Sewer and Sidewalks have re-inspected the improvements and recommend that they be accepted without requiring posting of said Bond.

THEREFORE, BE IT RESOLVED, that the said watermains and said sanitary sewer systems for the described subdivision section be and they hereby are accepted and that said easements be recorded in the Monroe County Clerk's Office.

SUPERVISOR BREESE  
Discussion? Call the roll, please.

Duly put to a vote:			
Councilwoman McCabe	voting	Aye	
Councilman Mulligan	voting	Aye	
Councilman Yudelson	voting	Aye	
Councilwoman Zinck	voting	Aye	
Supervisor Breese	voting	Aye	

Carried

RESOLUTION #13-147/2005

On Motion of

Councilman Mulligan

Seconded by

Councilwoman Zinck

WHEREAS, Mark IV Construction Company, Inc., the Developer of Stone Hill Estates Subdivision, Section Two (2) (located on Newstone Road) has constructed roads and installed storm sewers in said subdivision section, and

WHEREAS, the Developer has offered to dedicate and relinquish ownership of the said roads and the afore described improvements to the Town and for this purpose has delivered to the Town a Deed for tracts or parcels of land conveying said roadways to the Town, and filing instruments granting easements to the Town for said improvements, and

WHEREAS, the Town Attorney has examined this Deed and easements and has found them to be in good order, and

WHEREAS, the Superintendent of Highways and the Director of Engineering and Planning have determined that the roads and said improvements were built in accordance with Town requirements and have recommended that they be accepted by the Town, and

WHEREAS, the standard required two (2) year period of time within which a Maintenance Bond would be required to be posted has elapsed, and

WHEREAS, the Director of Engineering and Planning and the Superintendent of Highways have re-inspected the improvements and recommend that they be accepted without requiring posting of said Bond.

THEREFORE, BE IT RESOLVED, that the said roadways and said improvements for the described subdivision section be and they hereby are accepted and that said Deed and easements be recorded in the Monroe County Clerk's Office.

SUPERVISOR BREESE

Discussion?

COUNCILMAN MULLIGAN

Just quickly, under the subject of developers being slow in doing things for Mr. Byrne, if you have others that you need help on with the Town Board, we'd be happy to assist, as I've indicated before.

SUPERVISOR BREESE  
How would you do that?

COUNCILMAN MULLIGAN  
Well, you could take away their Special Permit, shut them down. That would send a strong message quickly across the land.

COUNCILWOMAN McCABE  
Very strong

SUPERVISOR BREESE  
Do you want to take over that responsibility?

COUNCILMAN MULLIGAN  
No. I have offered to Mark a number of times to do this, and I'm not (*inaudible*).

SUPERVISOR BREESE  
You've offered it to Mark?

COUNCILMAN MULLIGAN  
Yes.

SUPERVISOR BREESE  
Why don't you offer it to me?

COUNCILMAN MULLIGAN  
Well, the offer goes to you, too. Don't feel slighted.

SUPERVISOR BREESE  
I'm getting used to it.

COUNCILMAN MULLIGAN  
You're going to be okay, Jim.

SUPERVISOR BREESE  
Call the roll, please.

Duly put to a vote:			
Councilwoman McCabe	voting	Aye	
Councilman Mulligan	voting	Aye	
Councilman Yudelson	voting	Aye	
Councilwoman Zinck	voting	Aye	
Supervisor Breese	voting	Aye	

Carried

RESOLUTION #13-148/2005

On Motion of

Councilman Yudelson

Seconded by

Councilman Mulligan

WHEREAS, the Town of Henrietta has accepted the dedication of Section One (1) in the Stone Hill Estates Subdivision that is within the Town of Henrietta, and

WHEREAS, it is contemplated that the construction of up to nine (9) single-family residential homes on Glacier Rock Drive within the Town of Pittsford will be known as the Stone Hill Estates Subdivision, Section Four (4), and

WHEREAS, the sanitary sewer and storm sewer transmission facilities for Section Four (4) will be transferred to the Town of Pittsford for care and maintenance, and

WHEREAS, in the interest of efficiency and inter-municipal cooperation, the Town of Pittsford wishes to connect the sanitary sewer transmission facilities and storm sewer transmission facilities to the respective trunk sewer facilities of the Town of Henrietta, and

WHEREAS, that portion of Glacier Rock Drive that lays within the Town of Pittsford adjoins that much larger portion of High Stone Circle, which lies in the Town of Henrietta, allowing the Town of Henrietta to more easily furnish snow and ice control services for that portion of Glacier Rock Drive that lies within the Town of Pittsford, and

WHEREAS, there are proposed Agreements between the Town of Henrietta and the Town of Pittsford for maintenance of said storm and sanitary sewer facilities and snow and ice control services, and

WHEREAS, the Town Attorney has examined these Agreements and found them to be in good order, and

WHEREAS, the Director of Engineering and Planning has determined that said Agreements between the Town of Henrietta and the Town of Pittsford should be accepted by the Town, subject to a determination of the rates that will be paid by the Town of Pittsford for said services and the manner of said payment.

THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Henrietta is hereby authorized to execute and deliver said Agreements by and between the Town of Henrietta and the Town of Pittsford, subject to agreement on the amounts of payment and manner of payment to the Town of Henrietta.

SUPERVISOR BREESE  
Discussion? Call the roll, please.

Duly put to a vote:  
Councilwoman McCabe voting Aye  
Councilman Mulligan voting Aye  
Councilman Yudelson voting Aye  
Councilwoman Zinck voting Aye  
Supervisor Breese voting Aye  
Carried

RESOLUTION #13-149/2005

On Motion of

Councilman Mulligan

Seconded by

Councilwoman Zinck

WHEREAS, the Town Assessor has requested authorization to attend an Appraisal Conference sponsored by the New York State Assessor's Association and the State Office of Real Property Services to be held at Cornell University, Ithaca, New York on July 18, 2005 through July 22, 2005, and

WHEREAS, funds are available in the 2005 Budget, and

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

THEREFORE, BE IT RESOLVED, that Nathan Gabbert, Assessor, be hereby authorized to attend the conference at Ithaca, New York, at a cost not to exceed \$1,200.00.

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

SUPERVISOR BREESE  
Discussion? Call the roll, please.

Duly put to a vote:  
Councilwoman McCabe voting Aye  
Councilman Mulligan voting Aye  
Councilman Yudelson voting Aye  
Councilwoman Zinck voting Aye  
Supervisor Breese voting Aye  
Carried

RESOLUTION #13-150/2005

On Motion of

Councilwoman Zinck

Seconded by

Councilman Yudelson

WHEREAS, the Commissioner of Public Works and the Director of Parks and Facilities requested quotes from six (6) vendors for needed repairs to the floor of the parking garage located in the Department of Public Works facility, and

WHEREAS, several possible solutions were explored, including applying an epoxy coating, replacing the existing concrete and resealing, or the installation of Retroplate, and

WHEREAS, four (4) quotes were received, and

WHEREAS, the Commissioner of Public Works and the Director of Parks and Facilities have reviewed all quotes received, for fairness and scope of work to be performed, and recommend that said quote be awarded to LPL Enterprises, Inc., 134 Sunny Mill Lane, Rochester, New York 14626, for a total amount not to exceed \$12,187.00, to make repairs to section one (1) of the Department of Public Works Storage Garage Floor, using the Retroplate system.

THEREFORE, BE IT RESOLVED, that LPL Enterprises, Inc., 134 Sunny Mill Lane, Rochester, New York 14626, be awarded the quote for the repairs to section one (1) of the Department of Public Works Storage Garage Floor, using the Retroplate system, in an amount not to exceed \$12,187.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay LPL Enterprises, Inc., in the amount not to exceed \$12,187.00, upon submission of all properly prepared vouchers, and acceptance of said work by the Commissioner of Public Works and the Director of Parks and Facilities.

SUPERVISOR BREESE

Mr. Dykstra, what was the guarantee on this? For what period of time? Come up in front of the room. It's good for you.

COUNCILWOMAN ZINCK

Vacation in two (2) days. You're almost there.

WILLIAM DYKSTRA, DIRECTOR OF PARKS AND FACILITIES

They told us between ten (10) and fifteen (15) years.

SUPERVISOR BREESE

They told you?

COUNCILMAN MULLIGAN  
Anything in writing?

WILLIAM DYKSTRA, DIRECTOR OF PARKS AND FACILITIES  
I don't know. Chuck handled it. I'll have to double-check it. Chuck's not here. Other projects, it's been lasting ten (10) to fifteen (15) years.

COUNCILWOMAN ZINCK  
I thought he said ten (10) at the Workshop.

SUPERVISOR BREESE  
I think he did. Thank you.

COUNCILMAN MULLIGAN  
Also under discussion . . .

SUPERVISOR BREESE  
Can he go now?

COUNCILMAN MULLIGAN  
Yes. If Mrs. Shaffer could please attach the four (4) quotes for the Minutes.

PATRICIA SHAFFER, TOWN CLERK  
Certainly.

COUNCILMAN MULLIGAN  
Thank you.

COUNCILWOMAN ZINCK  
And thanks for bringing it to us before, it was more than this price, because this is expensive.

SUPERVISOR BREESE  
Yes, it is.

COUNCILWOMAN ZINCK  
So, thank you for bringing it to us.

COUNCILWOMAN McCABE  
Can we request that we get a copy of the guarantee in writing?

SUPERVISOR BREESE  
You mean the insurance policy, or other guarantee?

COUNCILWOMAN McCABE  
The warranty on the . . .

SUPERVISOR BREESE  
Well, yes, we get that. We'll get that. Let the Record show we'll get it, okay?

COUNCILWOMAN McCABE  
Good. Thank you.

SUPERVISOR BREESE  
Call the roll, please.

Duly put to a vote:  
Councilwoman McCabe voting Aye  
Councilman Mulligan voting Aye  
Councilman Yudelson voting Aye  
Councilwoman Zinck voting Aye  
Supervisor Breese voting Aye  
Carried

RESOLUTION #13-151/2005

On Motion of

Councilwoman Zinck

Seconded by

Councilman Mulligan

WHEREAS, the Library Board of Trustees have requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
599	Two-sided wood/laminate carrel
3429	HP Desk Jet printer - broken
1048, 1049, 1050 & 1051	Metal paperback book racks
N/A	Two (2) additional metal book racks
2193	Wood and plastic book rack

THEREFORE, BE IT RESOLVED, that the items described above be declared surplus materials and be sent to the Parks and Facilities Department for disposal, with the exception of the six (6) metal, wood and plastic racks, which are to be listed for sale to member libraries in the Monroe County Library System and the Rochester Regional

Library Council area.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #13-152/2005

On Motion of

Councilwoman Zinck

Seconded by

Councilman Mulligan

WHEREAS, the Board of Trustees of the Henrietta Public Library has requested the following year 2005 Budget transfers:

Increase line items 05-7410-470 and 05-7410-459 as follows:

BFR (Money received for lost and damaged materials) reported as of May 31, 2005. UMS money to pay our collection agency also reported as of May 31, 2005.	\$ 2,041.19 (BFR) + <u>3,203.42</u> (UMS)
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Increase line item 05-7410-470 (Contingency by \$5,224.61 for BFR/UMS.	\$5,244.61
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Increase line item 05-7410-470 (Contingency by \$3,000.00 for member item grant from Assemblyman Joseph Errigo to be used for the circulation desk improvements.	+3,000.00 (Grant)
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Increase line item 05-7410-459 (J Books) by \$300.00 from System Grant for Summer Reading Program.	+ <u>300.00</u> (Grant)
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\$8,544.61 Total

THEREFORE, BE IT RESOLVED, that the Director of Finance be hereby authorized to make said Budget transfers.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #13-153/2005

On Motion of

Councilman Mulligan

Seconded by

Councilwoman Zinck

BE IT RESOLVED, that the following persons be hired:

Carol Pennington                      Animal Control, Seasonal Laborer @ \$9.00/hr.,  
effective 6/20/2005.

Recreation                                      As per the attachment.

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

Arthur Lebowski                      Animal Control, Seasonal Laborer @ \$11.82/hr.  
from Part-time Laborer @ \$11.82/hr., effective  
6/13/2005.

Recreation                                      As per the attachment.

SUPERVISOR BREESE

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye

