HENRIETTA TOWN BOARD
AGENDA
SEPTEMBER 11, 2013

Supervisor Yudelson
Councilman Mulligan
Councilwoman Zinck
Councilman Moore
Councilman Page

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):
   August 21, 2013
   On Motion of: Councilwoman Zinck Seconded by: Councilman Mulligan
6. Miscellaneous Communications
7. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
8. Reports of Standing Committees and Actions Thereon
9. Reports of Special Committees
10. Public Comment
11. Adjournment

RESOLUTION #16-143/2013
Authorize Accounts Payable

RESOLUTION #16-144/2013
Authorize Attendance of Annual New York State Assessor's Association Seminar

RESOLUTION #16-145/2013
Authorize Request for Special Use Permit Extension – Application Nos. 2012-047 and 2012-048, Commons Way, Heritage Christian Services, Inc., to construct a 53 unit, multiple dwelling apartment building and to construct an apartment building 52'-2" in height, whereas Town Code only permits a height of 40'

RESOLUTION #16-146/2013
Authorize Request for Special Use Permit Extension – Application No. 2012-024, East River Road, Jayne's Riverview, LLC (Graywood Commons), to allow 84 duplexes

RESOLUTION #16-147/2013
Authorize Request for Special Use Permit Extension – Application No. 2012-025, East River Road, Jayne's Riverview, LLC (Graywood Commons), to allow 96 townhomes

RESOLUTION #16-148/2013

Authorize Request for Special Use Permit Extension – Application No. 2012-026, East River Road, Jayne's Riverview, LLC (Graywood Commons), to allow 144 apartments

RESOLUTION #16-149/2013

Authorize Change Order No. 1 – 2013 Sanitary Sewer Repairs Project

RESOLUTION #16-150/2013

Authorize Supervisor to Sign Out-of-District Sanitary Sewer Contract with the Town of Brighton

RESOLUTION #16-151/2013

Authorize Repair of Sanitary Sewer – East Henrietta Road

RESOLUTION #16-152/2013

Authorize Advertisement for Bids – Hansen Nature Center Roof Replacement

RESOLUTION #16-153/2013

Declare Items Surplus Materials – Public Works/Supervisor's Secretary

RESOLUTION #16-154/2013

Authorize Reappointment of Town Assessor

RESOLUTION #16-155/2013

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 11TH DAY OF SEPTEMBER, 2013 AT 7:00 P.M.

MEMBERS PRESENT
Supervisor Michael B. Yudelson
Councilman William J. Mulligan, Jr.
Councilwoman Janet B. Zinck
Councilman John W. Moore
Councilman M. Rick Page
Daniel J. Mastrella, Town Attorney
Leann C. Case, Town Clerk

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON
Before we get to the Resolutions, does anybody in the audience have any comments on items that are on the Agenda for tonight? Anything? Marlene Wilson, 740 Brooks Road.

MARLENE WILSON, 740 BROOKS ROAD
I'm just here tonight to comment on a meeting that we had previously regarding this Application No. 2012-026, which is for the hundred and forty-four (144) apartment construction on East River Road, Jayne's Construction. As the Town Board knows, the last meeting on the Application, there were a hundred (100) residents here complaining about various reasons about this project and the proposal to extend the number of apartments. I understand that that extension was withdrawn. However, this one wasn't. The residents for this one, we were not notified in time. Only ninety (90) letters were sent out and none of them within the area, affected area. Protocol was not followed, no matter what we were told, protocol was not followed here. We were also told the whole Town Board voted for the Application to be approved. This was also not true, as the Minutes bore that out. Jack Moore and Bill Mulligan voted opposed, voted nay. The Supervisor was supposed to correct this in public, but did not, leaving some of the residents with wrong impressions. We were told by Supervisor Yudelson that the Public Hearing and a Resolution would be coming in two (2) weeks. That never happened. We have waited and waited to be notified. Finally, it was posted to take place tonight. You do not have to go through all of the things that took place at that last meeting, however, to know how the public feels. I know that you all know how strongly the public felt about this project. With that, I only hope that you're listening and take this opportunity to stand with the people to change your vote and decline Application No. 2012-026, to build a hundred and forty-four (144) apartments. I think that's it. *(Laughter)*

SUPERVISOR YUDELSON
Thank you, Marlene. Just for clarification, as Marlene said, at a previous meeting this was discussed and I did, as she pointed out, misspeak on the vote. That was corrected at the next meeting, as I acknowledged, and it was brought to my attention that I forgot to correct it, and then at the subsequent meeting, I apologized for that again. We did vote on that in three (3) different portions and as you can see, those are all present here tonight asking for extension of the Special Permit. And Marlene was right, Councilman Mulligan and Councilman Moore voted against the apartment project. The whole Board voted for the rezoning, which is basically what allowed these projects to go ahead, and then the whole Board voted for the other two (2) Applications, but they did vote against those. And the thing I wanted to clarify tonight, we're not actually voting on the project. The Applicant has asked for an extension of the Special Use Permit beyond the normal time because of different factors, some of which were caused by the Town, quite frankly, because we put off the Hearing, so they're asking for an extension of the Special Permit. And that's what we'll be voting on tonight. Anybody else who wanted to speak on an item that's on the Agenda? Yes, ma'am?

KAREN MARTIN, 7 BROOKS ROAD
Karen Martin, 7 Brooks Road, and I just want to reiterate the letter that I wrote a few months ago, I'll give you a copy, about how we feel on Brooks Road, on the, all the development that's going on on our Road, on East River Road. And I made a couple copies of a very poignant letter that was written in the Henrietta, I guess it was the Post, today, written by a lady named Julia Brown, who's been a Henrietta resident, very profound letter, couldn't have come at a better time, about the quality of life issues in West Henrietta. The other thing I want to mention, several years ago, I remember there was a survey done in the Town asking everybody in the Town what they wanted to see Henrietta, how they wanted to see it develop, and I remember a very specific question about green space and how so many people wanted to see green space remaining in West Henrietta, and all of our green space is going. It's going so rapidly, we don't even know where we live anymore. Thank you. And if you couldn't tell, I would hope that you would reject the extensions for all three (3) of these projects.

SUPERVISOR YUDELSON
Is there anybody else who wanted to speak? Carol?

CAROL MALACH, 130 CAPE HENRY TRAIL
Carol Malach, 130 Cape Henry Trail. I just have a question about the extension. How long is the extension being requested for and legally, how many extensions is a developer allowed to request from the Town? You said there were some issues that were not their fault, and I don't know what those issues are, but how many extensions and how many times do we need to go through this and how many times can they ask for this and for how long?

SUPERVISOR YUDELSON
Mr. Mastrella, would you be able to speak to that?

DANIEL MASTRELLA, TOWN ATTORNEY
I believe so, Mr. Supervisor. The Special Permit extension is for a period of up to six (6) months. And it is not limited in number, so to speak. In other words, in another six (6) months, there could be another extension requested if this one were granted.

(Inaudible, from audience, Carol Malach, 130 Cape Henry Trail)

DANIEL MASTRELLA, TOWN ATTORNEY
I'm sorry, I didn't hear you.

(From audience, Carol Malach, 130 Cape Henry Trail, "[Inaudible] is that a State Law or Town Code or what is the [inaudible]?")

DANIEL MASTRELLA, TOWN ATTORNEY
That is a Henrietta Town Code, §295-54.

SUPERVISOR YUDELSON
Is there anyone else who would like to speak on any Agenda items?

LUCY AND TONYA BEVACQUA, 103 BROOKS ROAD
Hi there. We're Lucy and Tonya Bevacqua, we live at 103 Brooks Road. I just wanted to give you a few points about what we feel about this project on East River Road. I've wrote down a few notes here. Just so you know, people I work with actually scoff at the idea of me living in Henrietta. In case you're wondering, they live in the towns of Pittsford, Mendon, and Bloomfield. I have been happy to say, however, to them, that I live in West Henrietta, pointing out a distinct difference from one side to the other. But it seems like it's all blending together. In fact I actually just took pictures to work the other day to show them pictures of our wooded backyard and the cornfields across the street to kind of prove to them that where we lived was not the Henrietta that people think. I grew up in the country, my husband on Conesus Lake, and we wanted the same environment for our daughter: low traffic, peaceful cornfields and views, playing outside as a family. If we didn't care about these things and if we didn't care about traffic, groups of college students, speeding cars, and increased population, we would've invested in a different home. It is impossible to think that the increase of cars and the increase of population will not affect our quality of life on our road. Sorry, I'm a little nervous. I honestly don't know how much difference our concerns as residents will make to you, because it does seem like lots of these things are all financially based, but I can stress to you how very disappointed we would be in this Board if all of these apartments were to go just a mile down the road from our home.

SUPERVISOR YUDELSON
Well I do want to tell you, ma'am, that I think this Board is very concerned about the residents' input and when the developer came and was looking to increase the density, we heard people loud and clear and I met with Mr. Summers and asked him to withdraw that and he did. This one, as was specified before, this Resolution is for the project that was already approved originally and is just extending their time to complete the work, so a little bit different. I wouldn't want you to think the Board's not hearing your input. Thank you. Is there anybody else who wants to speak?

RICK MARTIN, 7 BROOKS ROAD
Excuse me, Rick Martin, 7 Brooks Road. I realize this is just regarding the extension, but I want to comment on the number of people we had in opposition to this back in the May meeting, I believe you recall that, we had somewhat of a full house here. We're still looking at the possibility of having over four hundred (400) cars enter and exit this project at least once a day. Plus you have a new complex going in down Martin and Moore Road for a hundred and twenty-five (125) houses. Where is the traffic going? I know Mr. Summers has a lot of clout, a lot of money in this project. He owns the house across the street from us, which is a rental with well over five (5) college kids, which may be illegal at this point, but that's another subject. But please, don't be afraid to say no to Mr. Summers. Thank you.

MARLENE WILSON, 740 BROOKS ROAD
Michael, I have a question for the Town Board. If, in fact, this Resolution is not passed, this extension is not granted. What happens then? What happens if you do not grant these people the extension of the Permit?

SUPERVISOR YUDELSON
Mr. Mastrella?

DANIEL MASTRELLA, TOWN ATTORNEY
The Special Permit expires and they would need another Special Permit.

MARLENE WILSON, 740 BROOKS ROAD
It would expire, then we would go back to square one, is that correct?

DANIEL MASTRELLA, TOWN ATTORNEY
Not entirely, because the property, there was in conjunction with the three (3) Special Permits, a rezoning. That wouldn't be affected.

MARLENE WILSON, 740 BROOKS ROAD
So it's rezoned, so if they, they would have to apply for another Special Permit for this to get done, is that correct?

DANIEL MASTRELLA, TOWN ATTORNEY
That is correct.

MARLENE WILSON, 740 BROOKS ROAD
And if they can't get a Special Permit, then the project will not be built, is that correct?

DANIEL MASTRELLA, TOWN ATTORNEY
That I can't say. That's…

MARLENE WILSON, 740 BROOKS ROAD
Don't they need a Special Permit to start building?

DANIEL MASTRELLA, TOWN ATTORNEY
…too speculative. It depends on what type of project. Some need Special Permits, some don't.

MARLENE WILSON, 740 BROOKS ROAD
Well let's just say that they're going to build these hundred and forty-four (144) apartments and they don't get a Special Permit to do this. Can they go ahead and build them without a Special Permit?

DANIEL MASTRELLA, TOWN ATTORNEY
They can't build a hundred and forty-four (144) apartments without the Special Permit.

MARLENE WILSON, 740 BROOKS ROAD
That's all I needed to know. Thank you.

COUNCILWOMAN ZINCK
Okay, so I have a clarification to that question. Since that was approved and since it appeared to be held up in part due to the Town, if the extension wasn't granted, does that set us up for a legal situation?

DANIEL MASTRELLA, TOWN ATTORNEY
Well, if you're not granting the extension, you have to, there should be some reason or finding of fact for not granting the extension. It shouldn't be done without reason. By the same token, it's certainly up to, anything can set us up for a legal challenge by an applicant who's denied. So certainly, they have every right to challenge the Town Board's determination in an Article 78 proceeding in Supreme Court.

SUPERVISOR YUDELSON
My question, Mr. Mastrella, is pretty much the same as Councilwoman Zinck's, but looking at the other two (2), if we were to approve two (2) of them, but not the other one, when they're all basically the same request, would that expose us to any… I

understand they could file a lawsuit for anything they want to, but would that be something they could point out as an inconsistency?

DANIEL MASTRELLA, TOWN ATTORNEY
Well, if there's a reason for denial of one while there's not a reason for a denial of the other two (2), that's what a court is going to look for. What the ultimate decision might be is, it'd be purely speculative.

SUPERVISOR YUDELSON
Okay. Is there anybody else who wants to speak on items that are on the Agenda tonight?

DON YOST, 208 BROOKS ROAD
Hello, my name is Don Yost. I live at 208 Brooks Road. And I'm here to voice my opposition to the development projects on East River Road. I run a business, a horse boarding business, and we have riders that travel the road and it's a job for me to even get to the mailbox across the road. We got the racetrack out there, all we need is a checkered flag. But I am violently opposed to this project due to the fact that the horses will be in danger and if the people that cross the road will be in danger, it's going to generate a tremendous amount of traffic, and it's only a small County road. There's no guardrails, there's no warning signs, there's ditches. And I can't see any, I know there's big money involved in this, but they should think of the people that live on Brooks Road. They've been there a long time and I think they should think of them too. Thank you very much.

SUPERVISOR YUDELSON
Is there anybody else who wanted to speak on Agenda items?

GORDON DONAHUE, 696 BROOKS ROAD
My name is Gordon Donahue, I live at 696 Brooks Road. I've lived there for over, probably fifty (50) to sixty (60) years. It is a wonderful road. It is a rural road. As you just heard from Mr., my neighbor, Don. Anyways, it is not fit for traffic. I would like to address Mr. Yudelson directly. I don't know where you live, I'd like to have you comment whether you would have that kind of traffic down your road. And Mr. Moore, who's also trying to run for the office in the County, how would you like to have that traffic down your road? I would appreciate your answers to the public.

COUNCILMAN MOORE
I'd be glad to answer. I live on Route 15. I have a lot more traffic.

(From audience, Gordon Donahue, 696 Brooks Road, "Not much!")

SUPERVISOR YUDELSON
I do not live on a main road, so I don't have that kind of traffic and obviously it wouldn't be built on, inside a subdivision like I'm in. Marlene, did you want to come up again?

MARLENE WILSON, 740 BROOKS ROAD
You said that if we decline this proposal, this extension, if we don't do it, and they are not granted this, so that they don't have another six (6) months on it. And you said that we need a reason for that? Wouldn't the public outcry here that we had at the last meeting be reason enough not to build this? I mean, we are responsible to the public for these things and wouldn't that be reason enough that it wouldn't be built? I mean, I don't know if you have set reasons, like (A), (B), (C) reasons to not do something, but if you're not going to do it, and you have to have a reason, I would think that the outcry of the public here would be darn good reason enough not to do it.

LUCY AND TONYA BEVACQUA, 103 BROOKS ROAD
And just to comment to my neighbor's question to you, Mr. Moore, no disrespect, but you chose to live on Route 15 so you know what to expect with the volume of traffic. We chose not to live on a Route 15.

COUNCILMAN MOORE
I also voted no against the apartment project last time.

LUCY AND TONYA BEVACQUA, 103 BROOKS ROAD
Okay, good, I hope you feel the same way.

GORDON DONAHUE, 696 BROOKS ROAD
Gordon Donahue, again. For the Record, Mr. Yudelson lives on Pinnacle Road, much similar to Brooks Road. I'm sure he would not want that kind of traffic. Also for the Record, I happen to have been on the Planning Board for the zoning way back when I first moved in to West Henrietta, they decided not to comply with what the recommendations were made.

SUPERVISOR YUDELSON
Mr. Donahue, could I ask you a question? Mr. Donahue, I just wanted to ask you a question. Actually, I live...

GORDON DONAHUE, 696 BROOKS ROAD
I'm sorry...

SUPERVISOR YUDELSON
No, that's fine.

GORDON DONAHUE, 696 BROOKS ROAD
...I was on my way back.

SUPERVISOR YUDELSON
Yes, I...

GORDON DONAHUE, 696 BROOKS ROAD
First of all, I don't hear too well, but that's alright.

SUPERVISOR YUDELSON
No, that's fine. I live off of Pinnacle Road, but I don't disagree with your premise, but...

GORDON DONAHUE, 696 BROOKS ROAD
Proximity, right?

SUPERVISOR YUDELSON
Yes. So what I wanted to know is, because you're talking about the traffic that it would bring, but you're speaking specifically to the apartments. So are you therefore also opposed to granting the extension for the Special Use Permit for the duplexes? The eighty-four (84) duplexes?

GORDON DONAHUE, 696 BROOKS ROAD
For the addition, yes I am, definitely.

SUPERVISOR YUDELSON
Okay. You're not asking me or Councilman Moore. I was wondering why you were against the apartments, because then there's also...

GORDON DONAHUE, 696 BROOKS ROAD
First of all, because of both of you are vying for an office, I believe.

SUPERVISOR YUDELSON
No, I know, but I'm saying...

GORDON DONAHUE, 696 BROOKS ROAD
Second of all, if you lived on Brooks Road, you would find...

SUPERVISOR YUDELSON
No, no...

GORDON DONAHUE, 696 BROOKS ROAD
No, you would find out that that is a forty (40) mile an hour road, which...

SUPERVISOR YUDELSON
You're not understanding.

GORDON DONAHUE, 696 BROOKS ROAD
...adheres to seventy (70) mile an hour speed limits. Thank you.

SUPERVISOR YUDELSON
Mr. Donahue, you're not understanding. I'm saying that also there's townhomes and duplexes being built. I just wanted to point out nobody's speaking out against those ones, as far as traffic.

(Multiple residents from audience, "Yes we are!")

SUPERVISOR YUDELSON
Okay, you didn't though.

RICK MARTIN, 7 BROOKS ROAD
Rick Martin, 7 Brooks Road...

SUPERVISOR YUDELSON
Now you have.

RICK MARTIN, 7 BROOKS ROAD
Speaking for all of us, we're against the whole project. To Mr. Mastrella, according to the Town Code, the Fire Marshal/Inspector may allow a maximum of two (2) extensions for a period not exceeding three (3) months each without starting work on the project.

DANIEL MASTRELLA, TOWN ATTORNEY
That's a different section of the Code, sir. This is regarding extension of a Special Permit, not extension of a Building Permit.

RICK MARTIN, 7 BROOKS ROAD
This is performance of work under Building Permit.

COUNCILMAN PAGE
Yes.

SUPERVISOR YUDELSON
Yes.

DANIEL MASTRELLA, TOWN ATTORNEY
Yes, that's not what we're talking about.

SUPERVISOR YUDELSON
Different thing.

RICK MARTIN, 7 BROOKS ROAD
Wrong permit, sorry. What's this permit? I'm reading...

DANIEL MASTRELLA, TOWN ATTORNEY
This is a Special Permit that the Town Board has granted...

SUPERVISOR YUDELSON
You're reading for a Building Permit.

DANIEL MASTRELLA, TOWN ATTORNEY
And you're...

RICK MARTIN, 7 BROOKS ROAD
Is there a section I should be looking at for that?

DANIEL MASTRELLA, TOWN ATTORNEY
§295-54.

RICK MARTIN, 7 BROOKS ROAD
Thank you. Once again, my wife and I had to canvas Brooks Road to distribute flyers so people would attend tonight's meeting. Another lack of communication.

SUPERVISOR YUDELSON
Well...

RICK MARTIN, 7 BROOKS ROAD
I know it got posted to the Internet late yesterday and I think it was changed maybe today, you had something updated today. It was today?

SUPERVISOR YUDELSON
We just, on Monday, just decided to put this on the Agenda and we put it right onto the website. This is, again, this isn't approving the project. And I understand it's caught up in a political setting, but this is just on the Special Permit extension and obviously, you're here, which I'm very glad of, so I was just trying to ascertain if there was opposition, as far as traffic, was just about apartments or if it was about all of them. I think we've made that clear now.

(Unidentified woman from audience, "All of them.")

SUPERVISOR YUDELSON
Okay, I understand that, because there's only indication from the Board that there might be opposition to the apartments, from Board members. Go ahead, sir.

ANDY KRENZER, 45 BROOKS ROAD
Hi, Andy Krenzer. I'm at 45 Brooks Road. This has been our only recourse because we're the ones that didn't get the notice when you voted on the original project. So we haven't been able to do anything until now. We're against the entire thing. I mean, even if you look at East River Road right now, there's two (2) spots between where they want to build, or actually part of where they'd build at Lehigh, the Water Authority's been constantly working on for the last two (2) years, because they can't get the leaks and everything under control and the road's sinking in in a couple places along there. And I realize, based on the statement of one of your members to the media a couple weeks ago that at least his feeling is that you are a business friendly Board. It's time to be a little more homeowner/voter friendly, because we're the ones, they're not going to be voting you in or, they don't vote you in to do the work for you. We do. And you're supposed to be working for us, not for them. And it's just…

SUPERVISOR YUDELSON
I didn't make that comment.

ANDY KRENZER, 45 BROOKS ROAD
No, I believe, maybe Mr. Mulligan or someone in reference to talking to him about the casino.

SUPERVISOR YUDELSON
Oh, okay, you were looking at me.

ANDY KRENZER, 45 BROOKS ROAD
No, I said a member of the Board.

SUPERVISOR YUDELSON
Oh, okay.

ANDY KRENZER, 45 BROOKS ROAD
I just said a member of your Board.

SUPERVISOR YUDELSON
Okay.

ANDY KRENZER, 45 BROOKS ROAD
Yes, I saw it on the news and we don't even know at this point, I know they like that Kodak site right next to this, which is another complication, will just make East River Road that much worse than it is already. And it's, you can sit in your front yard and in fifteen (15) minutes you can count forty (40) or fifty (50) cars zipping up and down Brooks Road because they're cutting over there. And all you're going to do is make everybody's commute worse along, from East River Road in and add these and it's just not doing anybody any favors. It's, you…

SUPERVISOR YUDELSON
Just on the casino, obviously as we told the newspaper and the media that we didn't know the announcement was coming and the developer tells us that there's no site that they're aware of, no site actually selected, although the reports were somewhat to the contrary. But because that's a much discussed site over the years, I did make my feelings clear to the developer that that would not be an acceptable site.

ANDY KRENZER, 45 BROOKS ROAD
Well I know they mentioned that was their site of choice when they looked previously and the owners of the site said they were open to discussion on it, so we're just looking down the, things that could happen to our neighborhood and none of them are good right now. And I mean, my Uncle lives in the house right across, he is in poor health and he doesn't need the extra aggravation of headlights shining in his windows and all this stuff and it's, it's just, it's something that, I mean, Henrietta's almost becoming a little bit of a joke among some people because it's getting too much like Ridge Road in Greece. And this is the one part of Henrietta that's still got a little character to it and it's rural and it's something to be proud of and not something we want to throw away. And I think it's worth a lot more than whatever money these people are going to bring. These people won't live here. They don't vote here. They don't have to put up with it. We do. And I think we're the ones who should be more important in this matter than the guy who's going to profit from it. Thank you.

(Applause)

MARIA HAMILTON, 63 BROOKS ROAD
Hi, Maria Hamilton, 63 Brooks Road. I was here at the last meeting thanks to the Martins informing us that this was taking place, since we weren't here when this original rezoning was decided upon. It seems with so many people against this, I wonder who voted for it in the first place, this Special Use Permit.

(Multiple residents from audience, "No one was here.")

SUPERVISOR YUDELSON
The rezoning was voted for by all the Board members and then these three (3) Special Permits, the apartments was three (3) to two (2), with Councilman Moore and Councilman Mulligan voting against and the other two (2) were five (5) to zero (0) in favor.

MARIA HAMILTON, 63 BROOKS ROAD
I'd like to make it known that I'm voting against all three (3) Special Use Permits, extensions, and as mentioned by my sister-in-law and other members of Brooks Road and other residents of West Henrietta, and no disrespect to any Henrietta residents, as I said before, there's great pride in saying we're from West Henrietta. It's just slightly

lower than Pittsford, I mean people say I'm from Pittsford, I'm from Mendon, I'm from Rush, and it immediately elevates it to a higher standard of living. These Special Use Permits and bringing this type of housing and just continuing to develop all of the open land that we have in West Henrietta is going to make it, that quality of life is going to diminish significantly. I don't know anyone that's happy about it. I think of Mr. Yost's horse farms and the other farms, horse farms that are on our road, and they're beautiful. They're what make West Henrietta, and especially Brooks Road, so what they are. I mean why I chose to leave the city and raise my children there and why so many other families have done so too. I don't want to see it change. I would like, I'm voting against it.

SUPERVISOR YUDELSON
Thank you. Anyone else? *(Pause, no response)* No? Okay. Thank you, everybody. Could I have the approval of the Minutes, please?

COUNCILWOMAN ZINCK
Mr. Supervisor, I'd like to approve the Minutes of the August 21, 2013 meeting.

COUNCILMAN MULLIGAN
Second.

SUPERVISOR YUDELSON
Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Abstain
Councilman Page	voting	Aye
Supervisor Yudelson	voting	Abstain

Carried

SUPERVISOR YUDELSON
May I have the first Resolution, please?

RESOLUTION #16-143/2013

On Motion of Councilman Page — Seconded by Councilwoman Zinck

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

Exhibit A	Bills Payable dated 09/11/2013	$ 244,508.62

Exhibit B	Manual Bills Payable dated 09/04/2013	$	2,350.00

SUPERVISOR YUDELSON
Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #16-144/2013

On Motion of Councilwoman Zinck
Seconded by Councilman Page

WHEREAS, the Town Assessor has requested authorization to attend the New York State Assessors' Association Seminar on Assessment Administration and Annual Meeting to be held at the Crowne Plaza Conference Center, Lake Placid, New York, October 1, 2013 through October 4, 2013, and

WHEREAS, funds are available in the 2013 Budget, and

WHEREAS, the Town Board supports and encourages such participation for all Town employees.

THEREFORE, BE IT RESOLVED, that Nathan Gabbert, Town Assessor, be hereby authorized to attend the New York State Assessors' Association Seminar on Assessment Administration and Annual Meeting at a reimbursable 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 YUDELSON
Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #16-145/2013

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, the Henrietta Town Board approved Special Use Permit Nos. 2012-047 and 2012-048 on September 5, 2012 for Heritage Christian Services, to construct a 53 unit, multi-story apartment building and to construct an apartment building 52'-2" in height, whereas Town Code only permits a height of 40', on Commons Way, and

WHEREAS, the Applicant has requested an extension of said Special Use Permit to allow time for funding for the project, and

WHEREAS, the Town Board is authorized to grant extensions of the time limits for periods of six (6) months.

THEREFORE, BE IT RESOLVED, that the aforesaid Special Use Permit be extended for a period of six (6) months to expire on July 5, 2014.

SUPERVISOR YUDELSON
Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #16-146/2013

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

WHEREAS, the Henrietta Town Board approved Special Use Permit No. 2012-024 on May 16, 2012 for Jayne's Riverview, LLC to allow 84 duplexes on East River Road as a residential project to be known as Graywood Commons, and

WHEREAS, the Applicant has been delayed in proceeding with the Project, but is now in a position to proceed to obtain necessary approvals from other Boards and has requested an extension of the aforesaid approvals, and

WHEREAS, the Henrietta Town Board finds that the Project remains substantially the same as approved, and that cause exists for such extension, and

WHEREAS, the Director of Engineering & Planning has indicated that more than an additional six (6) months is required to obtain the necessary approvals and building permits, and

WHEREAS, the Town Board is authorized to grant extensions of time limits for

periods of six (6) months.

THEREFORE, BE IT RESOLVED, that the aforesaid Special Use Permit be extended for a period of six (6) months to expire on March 16, 2014.

SUPERVISOR YUDELSON
Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye
Councilman Page	voting	Aye
Supervisor Yudelson	voting	No

Carried

RESOLUTION #16-147/2013

On Motion of
Councilman Page

Seconded by
Councilwoman Zinck

WHEREAS, the Henrietta Town Board approved Special Use Permit No. 2012-025 on May 16, 2012 for Jayne's Riverview, LLC to allow 96 townhomes on East River Road as a residential project to be known as Graywood Commons, and

WHEREAS, the Applicant has been delayed in proceeding with the Project, but is now in a position to proceed to obtain necessary approvals from other Boards and has requested an extension of the aforesaid approvals, and

WHEREAS, the Henrietta Town Board finds that the Project remains substantially the same as approved, and that cause exists for such extension, and

WHEREAS, the Director of Engineering & Planning has indicated that more than an additional six (6) months is required to obtain the necessary approvals and building permits, and

WHEREAS, the Town Board is authorized to grant extensions of time limits for periods of six (6) months.

THEREFORE, BE IT RESOLVED, that the aforesaid Special Use Permit be extended for a period of six (6) months to expire on March 16, 2014.

SUPERVISOR YUDELSON
Under discussion, I just want to explain that I'm voting no on all of these following the discussion, because having listened to the residents, but also to the Board, and the explanation of the Attorney, with the Board's intent to vote down the extension for the apartments, it would seem to me to be inconsistent to then approve the same extension, basically, for duplexes and townhomes, which are going to cause basically the same amount of traffic and have the same amount of building. Anyone else? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	No
Councilwoman Zinck	voting	No
Councilman Moore	voting	No
Councilman Page	voting	No
Supervisor Yudelson	voting	No

Motion Failed

COUNCILWOMAN ZINCK
Okay, do I read this as is or do I add not extended to this if I'm the person reading the Resolution and I'm not going to vote yes for this? Read it with "not extended?"

DANIEL MASTRELLA, TOWN ATTORNEY
You, what you're saying is you would prefer to make a motion to not extend?

COUNCILWOMAN ZINCK
Correct.

DANIEL MASTRELLA, TOWN ATTORNEY
You can accomplish it either way. If you change the pre-written Resolution to not extended, then an "Aye" vote would kill the extension. If you read it as is, a "No" vote would kill the extension.

COUNCILWOMAN ZINCK
Okay.

RESOLUTION #16-148/2013

On Motion of
Councilwoman Zinck

Seconded by
Councilman Page

WHEREAS, the Henrietta Town Board approved Special Use Permit No. 2012-026 on May 16, 2012 for Jayne's Riverview, LLC to allow 144 apartments on East River Road as a residential project to be known as Graywood Commons, and

WHEREAS, the Applicant has been delayed in proceeding with the Project, but is now in a position to proceed to obtain necessary approvals from other Boards and has requested an extension of the aforesaid approvals, and

WHEREAS, the Henrietta Town Board finds that the Project remains substantially the same as approved, and that cause exists for such extension, and

WHEREAS, the Director of Engineering & Planning has indicated that more than an additional six (6) months is required to obtain the necessary approvals and building permits, and

WHEREAS, the Town Board is authorized to grant extensions of time limits for

periods of six (6) months.

THEREFORE, BE IT RESOLVED, that the aforesaid Special Use Permit be extended for a period of six (6) months to expire on March 16, 2014.

SUPERVISOR YUDELSON
Discussion? Call the roll, please.

COUNCILMAN MULLIGAN
Just to be clear, a "No" vote is to deny the extension.

COUNCILWOMAN ZINCK
Right.

DANIEL MASTRELLA, TOWN ATTORNEY
That's correct.

Duly put to a vote:

Councilman Mulligan	voting	No
Councilwoman Zinck	voting	No
Councilman Moore	voting	No
Councilman Page	voting	No
Supervisor Yudelson	voting	No

Motion Failed

(Applause)

(Unidentified from audience, "Thank you very much!")

COUNCILMAN MULLIGAN
You're welcome.

COUNCILMAN MOORE
No, thank you guys.

COUNCILWOMAN ZINCK
Thanks for being here.

RESOLUTION #16-149/2013

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

WHEREAS, Resolution #10-101/2013 awarded the Year 2013 Sanitary Sewer Repairs Project to Fineline Pipeline, Inc., for a total cost of $348,150.00, and

WHEREAS, funds are available in the 2013 Sewer Budget for this extra work, and for additional corrections to sewer problems that exist, and

WHEREAS, the Town wants to continue an active repair program with regard to correcting sewer deficiencies in the Town's existing sanitary sewer system, and

WHEREAS, Change Order No. 1 provides for the continuation of additional sewer repairs on Crockett Drive, Rouge Road, Lancelot Lane, and Colonnade Drive, at the original Contract Bid prices and extension of Contract time, and

WHEREAS, the Director of Engineering and Planning and the Drainage/Sewer Department has reviewed and recommends the proposed change to the Contract.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to execute Change Order No. 1, an increase not to exceed the amount of $20,000.00, resulting in increasing the total Contract amount to $368,150.00.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Fineline Pipeline, Inc., 6271 Decker Road, Livonia, New York 14487 upon successful completion of this Project and acceptance by the Director of Engineering and Planning.

SUPERVISOR YUDELSON
Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #16-150/2013

On Motion of
Councilman Page

Seconded by
Councilman Moore

WHEREAS, the Farash Campus for Jewish Education shall be constructing a building at 1200 Edgewood Drive and will generate sewage which will be connected by the Brighton Consolidated Sewer District, and

WHEREAS, the Town of Henrietta has offered to enter into an Out-of-District Sanitary Sewer Contract with the Town of Brighton, and

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

THEREFORE, BE IT RESOLVED, that the Supervisor be authorized to execute and deliver said Agreement by and between the Town of Henrietta and the Town of Brighton.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby

authorized to pay the Town of Brighton the amount under the stipulations specified in said Agreement.

SUPERVISOR YUDELSON
Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #16-151/2013

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, a 300 linear foot section of 8" diameter sanitary sewer pipe located on East Henrietta Road has sections that are broken and full of roots, and

WHEREAS, the Director of Engineering and Planning has determined that the pipe is in poor condition and warrants a repair to prevent any further pipe deterioration, and

WHEREAS, the work can be performed under the Monroe County Contract for Cured-in-Place Pipelining (CIPP), Contract Number 0412-11-4700006791.

THEREFORE, BE IT RESOLVED, that Skanex Pipe Services, Inc., 753 Rowley Road, Victor, New York 14564 be hereby authorized to perform the repair on the East Henrietta Road sanitary sewer at a cost not to exceed $19,000.00.

BE IT FURTHER RESOLVED, that the Supervisor or his designee, be hereby authorized to pay Skanex Pipe Services in the amount not to exceed $19,000.00 upon successful completion of this Project and acceptance by the Director of Engineering and Planning.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN PAGE
Under discussion, I just wanted to make sure that, Jack, that there was one more number after nine (9), there was a number one (1) at the end of that contract number. That's all.

SUPERVISOR YUDELSON
Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #16-152/2013

On Motion of Councilwoman Zinck — Seconded by Councilman Page

WHEREAS, the Town of Henrietta requires bids for the Hansen Nature Center Roof Replacement Project, to conform with construction plans and specifications on file in the Town Clerk's Office, with bids to be opened at 10:00 A.M. on Wednesday, September 25, 2013 and received no later than 9:30 A.M. on Wednesday, September 25, 2013.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Hansen Nature Center Roof Replacement Project, as per cited plans and specifications on file, in the manner provided by Law.

SUPERVISOR YUDELSON
Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #16-153/2013

On Motion of Councilman Mulligan — Seconded by Councilman Page

WHEREAS, the Supervisor's Secretary has requested that the following items be declared surplus materials:

Inventory #	Description
01596	IBM 72170 Typewriter – purchased 1988 (Finance)
003011	Global Chair – purchased 1996 (Secretarial Chair)

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

Inventory #	Description
3572	2001 27" Color Television, model #27PS50B
1922	1992 Robin string trimmer
3187	1998 Robin string trimmer
0966	Lesco Spreader

THEREFORE, BE IT RESOLVED, that the items listed above be declared surplus materials and be sent to the Parks and Facilities Department for disposal.

BE IT FURTHER RESOLVED, that the attached items from the Commissioner of Public Works be consigned to the Teitsworth Municipal Auction to be held on October 5, 2013.

BE IT FURTHER RESOLVED, that all said items be removed from the Town's inventory list.

SUPERVISOR YUDELSON
Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #16-154/2013

On Motion of
Councilwoman Zinck

Seconded by
Councilman Page

WHEREAS, the term of Nathan Gabbert, Town Assessor, will expire September 30, 2013, and

WHEREAS, Mr. Gabbert has served the Town well in this capacity, and has requested to be reappointed.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta reappoint Nathan Gabbert, 1725 Pinnacle Road, Henrietta, New York, as Town Assessor for the Town of Henrietta, said position to be held for a six (6) year term effective October 1, 2013 and expiring September 30, 2019.

SUPERVISOR YUDELSON
Discussion?

COUNCILMAN MULLIGAN
Just under discussion, Nate has a difficult job and I think he's done well at it. Any decision you make, the majority of the time you're alienating people.

COUNCILWOMAN ZINCK
So we're really glad you're staying. *(Laughter)*

SUPERVISOR YUDELSON
That's him right back there, folks!

(Laughter)

SUPERVISOR YUDELSON
Thank you, call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #16-155/2013

On Motion of Councilman Page — Seconded by Councilman Moore

BE IT RESOLVED, that the following people be hired:

Chris Koehler	Recreation Department, Part-time Recreation Assistant, Start Smart Program @ $8.00/hr., effective September 11, 2013.
Brian Lloyd	Recreation Department, Part-time Recreation Assistant, Gymnastics Program @ $7.25/hr., effective September 1, 2013.
Alexa Hiller	Engineering Department, Engineering Aide @ $11.00/hr., effective September 5, 2013.

BE IT FURTHER RESOLVED, that the following changes in pay rates for Crossing Guards be made effective September 3, 2013:

NAME	FROM	TO
Nancy Hagerberger	12.15	12.40
Gertrude Kinard	13.03	13.28
Rosebud Leonard	12.52	12.77
Carl Link	10.19	10.44
Patti Marshall	10.00	10.25
George McAvinney	15.00	15.25
Jesse Noble	12.16	12.41

NAME	FROM	TO
Phyllis Schneider	12.38	12.63
Connie Sellers	13.03	13.28
Betty Smith	16.29	16.54
Cynthia Tarver	12.16	12.41
Sandra Wilson	14.54	14.79
David Wilson	10.82	11.07

BE IT FURTHER RESOLVED, that the following Step Progression increases be granted per the Collective Bargaining Agreement effective September 3, 2013:

TITLE	NAME	CURRENT RATE	NEW RATE
MEO	Garth Carney	17.87	18.14
JR ENG	John B. Laing	25.49	25.87
MEO	Patrick M. Herman	18.69	18.97
CL II	Amy Lang	16.58	16.83

BE IT FURTHER RESOLVED, that the employees on Attachment A be given an additional day's pay for unused sick leave (per Collective Bargaining Agreement).

SUPERVISOR YUDELSON
Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON
That's the end of the regular Agenda. Before we adjourn, is there anybody who would like to speak on any item involving the Town of Henrietta? Yes, ma'am.

(Carol Malach, 130 Cape Henry Trail, spoke in reference to rental properties owned by Mike Spaan. – Audio File available upon request.)

SUPERVISOR YUDELSON
Is there anybody else who would like to speak on any item involving the Town? *(Pause, no response)* If not, is there a motion to adjourn?

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman Zinck, seconded by Councilman Mulligan at 7:48 P.M. and was adjourned without objection.

Respectfully submitted,

Rebecca B. Wiesner
Deputy Town Clerk