

**HENRIETTA TOWN BOARD  
AGENDA  
MARCH 5, 2014  
7:00 P.M.**

Supervisor Moore  
Councilman Mulligan  
Councilwoman Zinck  
Councilman Page  
Councilman Breese

ORDER OF BUSINESS

1. Roll Call
2. Prayer
3. Pledge of Allegiance to the Flag
4. Public Presentation/Agenda Items
5. Approval of Minutes of the Preceding Meeting(s):  
February 19, 2014  
On Motion of: Councilwoman Zinck    Seconded by: Councilman Page
6. Miscellaneous Communications
7. Public Hearings:
  - 50 Faircrest Road Property Cleanup
  - 3333 East River Road Property Cleanup
8. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
9. Reports of Standing Committees and Actions Thereon
10. Reports of Special Committees
11. Public Comment
12. Adjournment

RESOLUTION #6-81/2014  
Authorize Accounts Payable

RESOLUTION #6-82/2014  
Accept Dedication of Roadways and Storm Sewers – Chesapeake Subdivision,  
Section 6

RESOLUTION #6-83/2014  
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 #6-84/2014  
Authorize Purchase of Monroe County Department of Environmental Services Bid  
Equipment – Sewer Camera – Drainage Department

RESOLUTION #6-85/2014

Authorize Advertisement for Bids – 2014 Umpire Services

RESOLUTION #6-86/2014

Recognize Year 2014 Youth Hall of Fame Inductees

RESOLUTION #6-87/2014

Authorize Budget Transfers

RESOLUTION #6-88/2014

Authorize Actuarial Services for Compliance with GASB Bulletin 45

RESOLUTION #6-89/2014

Authorize Director of Finance to Write-Off Immaterial Account Receivables  
Deemed Uncollectible

RESOLUTION #6-90/2014

Adopt Managers' Guide

RESOLUTION #6-91/2014

Amend Supervisor to Sign Service Agreement to Develop and Edit Town  
Communications – Marjorie Kirch

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

**MEMBERS PRESENT**

Supervisor Jack W. Moore  
Councilman William J. Mulligan, Jr.  
Councilwoman Janet B. Zinck  
Councilman M. Rick Page  
Councilman Kenneth Breese  
Daniel J. Mastrella, Town Attorney  
Jennifer N. Lee, Deputy Town Clerk/Receiver of Taxes

**SUPERVISOR MOORE**

We're going to go ahead and get the meeting started. I would assume most of you are here tonight to talk about the casino issue. If you want to speak, make sure that you sign up on the sign-up sheet out in the hallway and you will be limited to two (2) minutes so that everybody can speak that wants to. But we're going to go ahead and start the meeting and we'll do our business meeting first and you'll be able to speak on your subjects at the end. Would you please call the roll?

Councilman Mulligan	Here
Councilwoman Zinck	Here
Councilman Page	Here
Councilman Breese	Here
Supervisor Moore	Here

**SUPERVISOR MOORE**

We'll now stand for a silent prayer and The Pledge of Allegiance.

*(SILENT PRAYER)*

*(PLEDGE OF ALLEGIANCE TO THE FLAG)*

**SUPERVISOR MOORE**

Could I have a motion for the approval of the Minutes of February 19, 2014?

**COUNCILWOMAN ZINCK**

Mr. Supervisor, I'd like to move approval of the Minutes of the February 19, 2014 Meeting.

**COUNCILMAN PAGE**

Second.

SUPERVISOR MOORE

Any discussion? Please call the roll.

Duly put to a vote:

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

Carried

SUPERVISOR MOORE

Now we have two (2) different special Public Hearings. The first one will be 50 Faircrest Road for a property cleanup. Would Mr. Ekwel please come to the podium? And before you say anything, Terry, are the occupants of that home here tonight?

TERRY EKWELL, FIRE MARSHAL/BUILDING INSPECTOR

Yes.

SUPERVISOR MOORE

Okay, thank you.

TERRY EKWELL, FIRE MARSHAL/BUILDING INSPECTOR

A notice was served on the occupants of 50 Faircrest Road for accumulation of junk clutter, vehicles, numerous other violations of the Town Code, including tires, snowmobiles, personal watercraft, boats, unlicensed vehicles, several other on the list that was contained on the Resolution that was read at the February 4<sup>th</sup> Town Board Meeting. The notice was served. We went over today and took a look; you have the pictures in front of you from today's inspection. As you can see, there's still a lot of junk clutter, unlicensed vehicles still on the property at this point in time.

SUPERVISOR MOORE

Okay. Would the Applicant like to address the Board, please?

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

We've been trying to get it cleaned up.

SUPERVISOR MOORE

Could you, please, could you state your name and your address, please?

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

I'm Margaret Schnurbusch, 50 Faircrest Road.

SUPERVISOR MOORE

Thank you.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

We have been trying to get it cleaned up. My husband and I are both disabled and trying to move frozen items, it's a little difficult. And there's no unregistered vehicles on the property now. We have removed them. I've talked with Fred and he said that, just do the best we can and that's all I can do.

SUPERVISOR MOORE

When was the last time you were here and we asked you to do the same thing?

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

Two (2) years ago.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

I don't know.

SUPERVISOR MOORE

Well this is a continual problem and your neighbors no longer can put up with it, so we've got to help your neighbors and help you clean it up.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

Nobody's asked. That's what I said last time I was here, I said maybe you might try and help us clean it up instead of trying to show me mail or something.

SUPERVISOR MOORE

Well we, if we go in and clean it up, it'll be put on your tax bills.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

*(Inaudible)*

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

Like I said, we're getting on in age and I can't control my grandson. He's just turned twenty-five (25) and has the brain of a twelve (12) year old and does not understand what you and I understand with his ADD, ADHD, and being deaf. And consequently, there's, I'm afraid of him half the time, because when he gets mad, he just, I mean I've got holes in my walls from him...

SUPERVISOR MOORE

I know, but...

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

...where he's punching the wall instead of me, but the point being is I do not want to

wish him on anyone else as far as making him leave the premises.

SUPERVISOR MOORE

Okay, thank you. Does the Board have any questions?

COUNCILMAN MULLIGAN

Yes, Mrs. Schnurbusch, I thought a few years ago he left the home and was living up in the Syracuse area, if I remember correctly.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

He was living with my daughter, yes.

COUNCILMAN MULLIGAN

That didn't work?

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

That was only for school and that didn't work out.

COUNCILMAN MULLIGAN

But you may be at the point where he needs to get in a place separate from you and your husband so that you're not constantly in trouble with the Town with property maintenance problems, because I don't see you and your husband bringing twenty-five (25) tires into the yard, which I'm seeing in these pictures.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

No, I didn't.

COUNCILWOMAN ZINCK

Yes.

COUNCILMAN MULLIGAN

But I know he would do that.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

Well that's the thing, he would...

COUNCILMAN MULLIGAN

It might be...

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

He would bring the tires in and when he got through using them, he'd just leave them.

COUNCILMAN MULLIGAN

It might be time for some tough love where he finds a different place to live, and your

life would be a lot easier.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

I would love it! I would love it, but try to explain to him that I'm kicking him out. It just...

COUNCILMAN MULLIGAN

You probably need authorities to get involved in it, social services or some professional people that can help you do this. Because otherwise, we're going to, we like seeing you, but not under these circumstances.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

Well, I like seeing you too, but you're right, not under these circumstances. I am a nervous wreck.

COUNCILMAN PAGE

And on behalf of the Board, there's always two (2) sides to the story and I think the Town has been very amenable to helping you and to get this cleaned up, but it's been over two (2) years and we do, believe me, we do get complaints from the neighbors.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

Oh, I have no doubt.

COUNCILMAN PAGE

And so we have to, we're forced to take this action.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

I'm constantly after him to get it cleaned up.

COUNCILMAN page

I understand.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

Everything that was there two (2) years ago, all the lawnmowers and everything, they're all gone.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

Those are gone.

COUNCILWOMAN ZINCK

Yes.

COUNCILMAN PAGE

But...

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
This is new stuff.

COUNCILWOMAN ZINCK  
Right. No, but...

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
This is new stuff.

COUNCILWOMAN ZINCK  
And we understand that, but...

COUNCILMAN PAGE  
I understand that.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD  
It's not junk. *(Inaudible)*

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
Yes, most of it is runnable.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD  
And he trades them and sells them, but...

COUNCILMAN PAGE  
I understand, but...

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD  
*...(inaudible)* it's not supposed to be there.

COUNCILMAN PAGE  
... I just wanted to make sure, for the Record, that it's been an extensive amount of time that you've had to deal with this and we have to respond to the neighbors' request. We can't, it's very difficult for us to ask somebody else to clean up their property when it's been two (2) years and you would agree, based on the pictures, it's unacceptable.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
Oh...

COUNCILMAN PAGE  
And I'm not blaming you, I understand.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
I'm constantly after him to pick up.

COUNCILWOMAN ZINCK  
Yes.

COUNCILMAN PAGE  
Okay.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
And it's like talking to a brick wall.

COUNCILMAN PAGE  
I understand.

SUPERVISOR MOORE  
Well, maybe tomorrow I'll, you can give me a call and we'll see if we can figure out how social services could help you with your grandson.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
Okay.

SUPERVISOR MOORE  
Okay? But in the meantime though, we're going to have to figure out how your property's going to be cleaned up, because...

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
Well, like I say, right now everything's frozen. We tried to pick things up today, or yesterday and today, and we couldn't move it, most of it.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD  
But all the vehicles...

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
But the vehicles are all registered and everything.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD  
They're all registered and insured and all that and we even extended the driveway that, my son made a wider driveway for us, that we could with what we had available and then when we get that done and then they tell us, "Well you've got, it can only be concrete or something."

COUNCILWOMAN ZINCK  
Yes.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

It would've been nice if you would have said something before we...

COUNCILWOMAN ZINCK

I understand...

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

...put down the asphalt.

COUNCILWOMAN ZINCK

I understand it's a frustrating situation for you, as well. It's been an ongoing nuisance with your neighbors.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

Yes.

COUNCILWOMAN ZINCK

And Jack, I appreciate that you are going to help them with the social service piece, but we definitely need to get the Town to move forward and clean the property up.

SUPERVISOR MOORE

And if you're afraid for your safety, it's our responsibility to help. And we will try.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

Well I guarantee if you come on the property and he happens to be home, he will go ballistic.

COUNCILMAN PAGE

Well, we'll make sure there's a Sheriff's Deputy there if that takes place...

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

Fine.

COUNCILMAN PAGE

...just to protect you and the people. Okay?

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

Okay, because...

COUNCILMAN PAGE

Thank you very much.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD  
He knows all the...

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
He knows all the Deputies, so...

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD  
He's a good kid, they get along...

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
He's basically a good kid it's just that he, he's a handful.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD  
And I'm not healthy enough to...

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
Neither one of us are healthy enough to, we both get, are totally disabled.

COUNCILMAN PAGE  
Okay.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
And trying to get out there in the middle of the winter, trying to clean up his messes is...

COUNCILMAN PAGE  
Well we'll do everything we can to help with...

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
...interesting.

COUNCILMAN PAGE  
...support for that.

SUPERVISOR MOORE  
Yes.

COUNCILMAN PAGE  
Okay.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
I appreciate it.

COUNCILMAN PAGE  
You're welcome.

SUPERVISOR MOORE

Counselor, have you got suggestions?

DANIEL MASTRELLA, TOWN ATTORNEY

At this point in time, my suggestion would be that the Board vote to determine whether or not the conditions that have been outlined by the Building Inspector constitute a public nuisance at 50 Faircrest Road and if so, if the Board does make that finding and vote, then the Town shall therefore authorize the cleanup to be done and will pay the cost out of general Town funds. The Town will be reimbursed for the cost of the work performed by assessment and levy upon the parcel of land known as 50 Faircrest Road. The expenses, so assessed, shall constitute a lien in charge on the real property on which they are levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges. And upon such a finding, Mr. Ekwel will contract for somebody to come out to the premises, probably next week or as the Town Board may otherwise or Supervisor may otherwise direct, and he will give as much advance notice to the residents of the time and the date of the cleanup to commence.

SUPERVISOR MOORE

Okay, thank you.

COUNCILWOMAN ZINCK

So do we need a formal Resolution written or can we just allude to what you just said?

DANIEL MASTRELLA, TOWN ATTORNEY

No, just move to declare the conditions at 50 Faircrest Road a public nuisance.

COUNCILWOMAN ZINCK

Okay, so Mr. Supervisor, I'd like to move that we declare the property at 50 Faircrest as a public nuisance and then the Town will contract out someone to come in and cleanup the residence and will put the charges on the residents' taxes.

COUNCILMAN MULLIGAN

Second.

SUPERVISOR MOORE

Discussion?

COUNCILMAN MULLIGAN

And when do you want that to take effect, the cleanup?

COUNCILWOMAN ZINCK

As soon as possible.

DANIEL MASTRELLA, TOWN ATTORNEY

Yes, it'll, and we'll give, Mr. Ekwel will do the contracting and we'll give as much notice as we can.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

I got a question that I would like to bring up.

SUPERVISOR MOORE

Yes, sir. Come to the microphone, please. Thank you.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

It's been going on with this, I'd like to know how come you've seen pictures and everything of our house, you see that every year at this time there's a lake on both sides and across the front and I'd like to know why our house is the only one on the whole street of Faircrest and out through there that doesn't have a drain through it. The guy says to me, says, "You're on a high top, a highland." The water doesn't go by, it just comes and stays in our yard, it comes from the back, comes from the front, it comes from everybody. If we had a drain through there, it wouldn't and that would help a lot with the cleaning things up a lot. There's always a big pond out there.

SUPERVISOR MOORE

I personally don't have knowledge of that, but we can look into that tomorrow.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

Well if you look at some of the pictures, you can probably see it.

COUNCILMAN PAGE

You can't see the extent of the, not these...

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

I fixed one end.

SUPERVISOR MOORE

And I can have the Foreman for Drainage stop and see you, Michael Catalano.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD

What'd you say?

COUNCILWOMAN ZINCK

He'll have someone stop out.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD

He'll have Michael Catalano stop and see us about the drainage.

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD  
Okay.

SUPERVISOR MOORE  
Okay?

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD  
Because I asked him about it, in the driveway there's a big hole out there because every time we fill it in with something, it all gets a lake again and it doesn't go anywhere, but every place else has got all new drains on that whole road up to Hollybrook. Ours is the only one that doesn't have one.

SUPERVISOR MOORE  
Okay.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
And when we ask him about it and that hole, yours isn't (*inaudible*) for, to have a new drain put in.

SUPERVISOR MOORE  
We'll look into it, okay?

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD  
Before Monday (*inaudible*) they'll bring in a snow plow and do it.

SUPERVISOR MOORE  
Okay, yes. Would you please call the roll?

Duly put to a vote:		
Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye
Carried		

SUPERVISOR MOORE  
The next property maintenance hearing will be for 3333 East River Road, property cleanup. Mr. Ekwel? And is there somebody here to represent the owner?

TERRY EKWELL, FIRE MARSHAL/BUILDING INSPECTOR  
Notice was served at 3333 East River Road, Joe Legno's Riverside Service. We cited him for abandoned, junked, discarded, or unlicensed vehicle or vehicles, parts and pieces

thereof stored or deposited on the above-described property in the Town of Henrietta. At the time that we served the notice, there was approximately seventy-five (75) vehicles on the property in various stages, some were together, some were pieces and parts. The majority of them didn't have licenses on them and without the plates, they probably aren't registered. At the same time, there's an accumulation of tires that need to be removed and the Department of Environmental Conservation of New York contacted us and they had started a motion also in regards to the tires on the property. So that, and the action was initiated within a couple days of our letter being sent out.

SUPERVISOR MOORE

And you went and inspected it today?

TERRY EKWELL, FIRE MARSHAL/BUILDING INSPECTOR

We went today. Some cars have been removed, probably twenty (20), twenty-five (25) cars. Some tires have been removed, but the tires are still there. I don't know what the status of the DEC complaint is, but everything is still, it's better than it was, but it's not totally cleaned up.

SUPERVISOR MOORE

Okay, thank you. The property owner, please, if you'd come to the podium and state your name and address, please.

JOE LEGNO, 3333 EAST RIVER ROAD

Joe Legno, 3333 East River Road. There is probably, right now, from the work that we've done, there's probably thirty (30), thirty-five (35) tires on the property, maximum. Second of all, I don't understand how you think you can get seventy-five (75) cars on my lot. That's near impossible. That's number two (2). Three (3), I've taken twenty (20) cars out of there. There's probably six (6) cars that are unregistered. The rest of them have plates. And there's not fifty (50) cars on the lot. Fred was there the other day. He took a count. I wish somebody would've talked to Fred. I talked to him, Jack, listen, I understand, it got away from me. We had motors on the side of the building. I do a lot of motor work. Those are all cores. What we do is we put them on the side of the building. They're supposed to come and pick them up. They haven't been doing that. So they just got longer and longer and longer. It did get away from me, I agree. The tires, we had two hundred and fifty (250) tires. I have the receipts. Modern Tire came and picked them up. What was left on the ground was about fifteen (15). But we do tires every day. So right now they don't pick them up until you have seventy-five (75) tires.

SUPERVISOR MOORE

I understand.

JOE LEGNO, 3333 EAST RIVER ROAD

And then they pick them up.

SUPERVISOR MOORE

I understand that.

JOE LEGNO, 3333 EAST RIVER ROAD

Some were frozen to the ground. The cars that are there now are registered. There's probably five (5) or six (6) that are not. I do sell some cars there. What I do is I buy them, I sell them, I don't have cars in disrepair. I don't know where that came from. I keep everything neat and orderly. There may be some cars on the lot, but they're always lined up. I don't take them apart there. I don't do that. If something comes in and we have to put it on a jack, yes. But then it comes in the building. So yes, I've been there thirty-four (34) years. I've been doing this for a long time. I try to keep the place straight, but it has gotten away from me.

SUPERVISOR MOORE

When was the last time we had you in here for the same thing?

JOE LEGNO, 3333 EAST RIVER ROAD

I was never in here, ever. Never been in here, Jack. They've come and told me, "Joe, you need to get some stuff off the property." Okay. So I take it off the property. But I've never been in here.

SUPERVISOR MOORE

Okay.

JOE LEGNO, 3333 EAST RIVER ROAD

Okay? I really cleaned the place up. You go by every day, don't you? You haven't seen an improvement? You've seen no improvement?

COUNCILMAN PAGE

Not twenty (20) cars. In the snow I've seen where one (1) car in the front right has been moved, but I don't know if there were cars in the back that I couldn't see, I don't know how they...

JOE LEGNO, 3333 EAST RIVER ROAD

Those are all gone. What's there now are cars that, from a daily service. Those are gone.

COUNCILMAN MULLIGAN

Why wouldn't you, Mr. Legno, build a building to put this stuff inside so you stay out of trouble with the Town?

JOE LEGNO, 3333 EAST RIVER ROAD

I've actually taken over storage in Lima. See, I do a lot of restoration work, old stuff.

So sometimes the cars are on the lot for a while, but I've taken all of those cars out of there. I put them in storage in Lima. So I'll bring them back one (1) at a time and do what I need to do.

COUNCILWOMAN ZINCK

Is it realistic though? The seven (7), if they don't pick up seventy-five (75) tires...

JOE LEGNO, 3333 EAST RIVER ROAD

I don't know...

COUNCILWOMAN ZINCK

Don't you *(inaudible)*...

JOE LEGNO, 3333 EAST RIVER ROAD

...where that number came from...

COUNCILWOMAN ZINCK

Can you get a shed?

JOE LEGNO, 3333 EAST RIVER ROAD

...but it's almost near impossible to have seventy-five (75) cars on that lot. You couldn't get in and out of the driveway.

COUNCILWOMAN ZINCK

No, I'm addressing the tire piece.

COUNCILMAN PAGE

The tires.

COUNCILMAN BREESE

Tires.

COUNCILMAN MULLIGAN

Tires.

COUNCILWOMAN ZINCK

If you can accumulate seventy-five (75) tires before they'll come and pick it up...

JOE LEGNO, 3333 EAST RIVER ROAD

Oh, seventy-five (75)... I'm sorry.

COUNCILWOMAN ZINCK

Seventy-five (75) tires, isn't there a way you can get a shed or something to put that in so everybody's not looking at that?

JOE LEGNO, 3333 EAST RIVER ROAD

I used to have them behind the dumpster. *(Laughter)* I did, I had them behind the dumpster, but the lady, the house behind me, "Oh, you can't have those tires, we're going to have mosquitos." Okay.

COUNCILWOMAN ZINCK

Well...

JOE LEGNO, 3333 EAST RIVER ROAD

So we bring them up. But, you know...

COUNCILWOMAN ZINCK

I'm saying out of view.

JOE LEGNO, 3333 EAST RIVER ROAD

You know I go by...

COUNCILWOMAN ZINCK

Out of view. Shed.

JOE LEGNO, 3333 EAST RIVER ROAD

I understand. I go by Donny Gladstone's every day. He's got over a hundred and fifty (150) tires out there. You can see them right from the road. I'm not throwing stones at anybody, but yes, I agree. We can put them behind the dumpster. I got them put in piles of five (5) behind the dumpster. *(Laughter)*

COUNCILWOMAN ZINCK

I'm not asking you to put it behind the dumpster, though, because there's probably someone that's still going to see them back there. I'm saying get...

JOE LEGNO, 3333 EAST RIVER ROAD

Well you can't, because it's all trees back there.

SUPERVISOR MOORE

Any other questions?

JOE LEGNO, 3333 EAST RIVER ROAD

You might be able to see them.

COUNCILMAN BREESE

I've been curious...

JOE LEGNO, 3333 EAST RIVER ROAD

You can't see them? No. But I used to keep it, where that side piece is there, and the trees are there, right alongside there in the back of the dumpster. All the metal's gone. All the cores are gone. All the sheet metal's gone.

COUNCILMAN BREESE

Mr. Legno, with regard to the tires though, if you, is it typical that any service that picks up tires requires seventy-five (75) before they come to your place to pick them up?

JOE LEGNO, 3333 EAST RIVER ROAD

Well it makes sense because you know they have to send a big truck and that's how they pick them up.

COUNCILMAN BREESE

Because certainly we have a lot of facilities here that do tires.

JOE LEGNO, 3333 EAST RIVER ROAD

And I'll bet you most of them got tires outside.

COUNCILMAN BREESE

I don't recall seeing a lot of tires outside, that's why...

JOE LEGNO, 3333 EAST RIVER ROAD

Go down West Henrietta Road, you'll see us. *(Laughter)* Yes, but normally what we do is we put them out. Now I had some frozen to the ground and it happens.

COUNCILMAN PAGE

The main issue is the vehicles.

JOE LEGNO, 3333 EAST RIVER ROAD

Pardon me?

COUNCILMAN PAGE

The main issue is the vehicles, not the tires.

JOE LEGNO, 3333 EAST RIVER ROAD

I got you.

COUNCILMAN PAGE

As far as visually, yes.

JOE LEGNO, 3333 EAST RIVER ROAD

So I've done that.

COUNCILMAN PAGE

I'm sorry?

JOE LEGNO, 3333 EAST RIVER ROAD

I've done that, I've cleaned them up.

COUNCILWOMAN ZINCK

Sounds like we still have a ways to go though.

JOE LEGNO, 3333 EAST RIVER ROAD

Pardon me?

COUNCILWOMAN ZINCK

It sounds like you still have a ways to go. If it's not being noticed by someone that drives by on a daily basis, it sounds like you still have some cleaning up.

JOE LEGNO, 3333 EAST RIVER ROAD

We're doing an average of probably twelve (12), fifteen (15) cars a day, at least, minimum. They rotate in and out, but some stay a couple of days. If we have one, I got right now, I got four (4) cars that need transmissions and motors. I don't just buy anything to put in. I wait and then I do it. I find the right thing.

COUNCILMAN MULLIGAN

Mr. Legno, I rent to four (4) people that repair cars.

JOE LEGNO, 3333 EAST RIVER ROAD

Okay.

COUNCILMAN MULLIGAN

Everything is inside. Why don't you add on to your building? Is there room to add on to the building?

JOE LEGNO, 3333 EAST RIVER ROAD

No. I don't believe so.

COUNCILMAN MULLIGAN

You might want to think about a different location, because I get complaints about this.

JOE LEGNO, 3333 EAST RIVER ROAD

Okay.

COUNCILMAN MULLIGAN

I'll make the motion, Mr. Supervisor, we declare the property at 3333 East River Road a public nuisance, an ongoing nuisance. The Town shall contract to clean the property up.

The cost will go on the individual's taxes.

COUNCILWOMAN ZINCK  
Second.

SUPERVISOR MOORE  
Any discussion?

*(Unidentified from audience, "Can I say something?")*

SUPERVISOR MOORE  
No.

DANIEL MASTRELLA, TOWN ATTORNEY  
It's not a Public Hearing for anybody to comment.

JOE LEGNO, 3333 EAST RIVER ROAD  
What are we doing?

SUPERVISOR MOORE  
Would you please call the roll?

Duly put to a vote:		
Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye
Carried		

SUPERVISOR MOORE  
Thank you, Mr. Legno. Would you please, could I have the first Resolution, please?

RESOLUTION #6-81/2014

On Motion of	Seconded by
Councilman Breese	Councilman Page

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

Exhibit A	Bills Payable dated 03/05/2014	\$ 307,721.27
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DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD  
You don't need us anymore, do you?

SUPERVISOR MOORE  
Any...? No, we're...

DANIEL SCHNURBUSCH, 50 FAIRCREST ROAD  
Can I get the pictures?

SUPERVISOR MOORE  
Yes.

COUNCILWOMAN ZINCK  
Sure.

COUNCILMAN PAGE  
I seconded.

COUNCILMAN MULLIGAN  
Mrs. Schnurbusch, the Attorney's got a lot of the pictures over here and I've got some.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
Thank you.

COUNCILWOMAN ZINCK  
There you go, did you want these? Did you want these as well?

COUNCILMAN MULLIGAN  
They'll be in there probably Monday, so if you're going to do something, do it quick.

SUPERVISOR MOORE  
Thank you.

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
Thank you.

COUNCILMAN MULLIGAN  
Whatever you can do.

SUPERVISOR MOORE  
Call me tomorrow, please, okay?

MARGARET SCHNURBUSCH, 50 FAIRCREST ROAD  
Okay.

SUPERVISOR MOORE

Thanks. Would you please call the roll?

Duly put to a vote:

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

RESOLUTION #6-82/2014

On Motion of  
Councilman Mulligan

Seconded by  
Councilwoman Zinck

WHEREAS, BRW of Greece, LLC, the Developer of Chesapeake Subdivision, Section 6, located on Oak Mills Crossing and Elk River 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 it to be in good order, and

WHEREAS, the Commissioner of Public Works and the Director of Engineering and Planning have determined that the said 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 Commissioner of Public Works 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 MOORE

Any discussion?

COUNCILMAN MULLIGAN

Under discussion, we mentioned Monday night if there are other roads that have not been dedicated, can you please get us a list of those to make sure the Highway Department does not do any improvements on them, because they are private roads.

SUPERVISOR MOORE

I'll get it to you tomorrow.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR MOORE

Would you please call the roll?

Duly put to a vote:

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

RESOLUTION #6-83/2014

On Motion of  
Councilman Breese

Seconded by  
Councilwoman Zinck

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 Henrietta Town Board approved Resolution #16-146/2013 on September 11, 2013 to extend Special Use Permit No. 2012-024 for a period of six (6) months, to expire on March 16, 2014, 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 September 16, 2014.

SUPERVISOR MOORE

Any discussion? Please call the roll.

Duly put to a vote:

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

RESOLUTION #6-84/2014

On Motion of  
Councilman Page

Seconded by  
Councilman Breese

WHEREAS, the 2014 Equipment Replacement Schedule calls for the replacement of one (1) sewer camera, and

WHEREAS, equipment meeting specifications is available through a Monroe County Department of Environmental Services bid #0501-13 under Section 16 of General Municipal Law 103, better known as the piggybacking law, at a total cost not to exceed \$64,925.00, including the \$8,000.00 trade-in value of the existing sewer camera.

THEREFORE, BE IT RESOLVED, that Joe Johnston Equipment, Inc., 62 LaGrange Avenue, Rochester, New York 14613 be hereby awarded the purchase of one (1) Envirosight sewer camera, per specifications.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Joe Johnston Equipment, Inc., in an amount not to exceed \$64,925.00, upon delivery and receipt of all proper documentation by the Drainage, Sidewalks & Sewer Supervisor.

BE IT FURTHER RESOLVED, that the existing Aries sewer camera, ID #10022, Serial #RC2000, be removed from the Sewer Department's inventory list upon delivery of the new Envirosight sewer camera.

SUPERVISOR MOORE

Discussion? Please call the roll.



THEREFORE, BE IT RESOLVED, that

Samantha Bahr	Caitie Ihrig	Parker Remelt
Hope Breen	Josephine Keenan	Philip Sheehan
Victoria Brocht	Brandon Keough	Hannah Sinsebox
Jason Cook	Alexsis Kuriatnyk	Emmett Spence
Lori Cramer	Matthew Massaro	Alecia Tubbs
Zachary Duris	Nezar Mehanna	Joshua Wang
Candice Greer	Varun Mehta	Emily Zealfa
Natalia Harris	Chiadikaobi Njoku	Karina Zuniga
Olivia Jacqueline Hotchkiss	Crystal Pettit	

are congratulated by the Town Board for their induction into the Year 2014 Youth Hall of Fame and will be recognized on March 20, 2014 at 6:30 P.M. during a dinner being held at the RIT Inn and Conference Center, Henrietta, New York, for their positive influence on the quality of life in our community.

SUPERVISOR MOORE

Discussion?

COUNCILWOMAN ZINCK

I'd just like to commend the Henrietta Youth Board. This is very time consuming to identify these youth and I think it's one of the wonderful things we do here in our community, so thank you.

SUPERVISOR MOORE

I'd also like to commend...

*(Applause)*

SUPERVISOR MOORE

I'd like to commend Mrs. Zinck for the correct pronunciation of which I couldn't have done.

*(Laughter)*

COUNCILWOMAN ZINCK

I hope.

SUPERVISOR MOORE

Please call the roll.



SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

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

RESOLUTION #6-89/2014

On Motion of  
Councilman Page

Seconded by  
Councilman Breese

WHEREAS, one (1) account, as per attachment, has been deemed uncollectible by the Director of Finance.

THEREFORE, BE IT RESOLVED, that the Director of Finance be hereby authorized to write-off said account in the amount of \$1,900.00.

SUPERVISOR MOORE

Discussion?

COUNCILMAN MULLIGAN

Under discussion, why is the seven hundred dollars (\$700) from RIT uncollectible again?

COUNCILMAN BREESE

Those were...

SUPERVISOR MOORE

Mr. Ekwel, please.

TERRY EKWELL, FIRE MARSHAL/BUILDING INSPECTOR

As I explained in Workshop, the permit numbers got transferred. They weren't the right permit numbers for those fees. So it was an error on our part.

COUNCILMAN MULLIGAN

Incorrect billing.

TERRY EKWELL, FIRE MARSHAL/BUILDING INSPECTOR

Correct, from us.

COUNCILMAN MULLIGAN  
Thank you.

COUNCILMAN PAGE  
For the fire alarms it was wrong.

SUPERVISOR MOORE  
Please call the roll.

Duly put to a vote:		
Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye
Carried		

RESOLUTION #6-90/2014

On Motion of  
Councilman Page

Seconded by  
Councilman Breese

WHEREAS, the Town of Henrietta classifies certain employees as Managers, and such employees are not represented by the Local 1170 Union, and

WHEREAS, the Town has developed a "Managers' Guide" to detail particular employment conditions pertaining to Managers.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta hereby adopts the aforesaid Managers' Guide, effective immediately, which shall be reviewed annually at the Town's Organizational Meeting.

SUPERVISOR MOORE  
Discussion?

COUNCILWOMAN ZINCK  
Just a question, Barb, I know you're out there somewhere, were these not things that were addressed in our paperwork previously? Why the need for this? I just wanted you to get up and stretch.

SUPERVISOR MOORE  
This is Barbara Chirido, our new Director of Finance.

BARBARA CHIRDO, DIRECTOR OF FINANCE  
No, these were not addressed anywhere in a policy or in, obviously within the Union contract. So as there was confusion as to the distinctions, how managers are treated

differently from Union employees, I thought it best that it be put down on paper for you guys to review and adopt.

COUNCILWOMAN ZINCK  
Alright, thank you.

BARBARA CHIRDO, DIRECTOR OF FINANCE  
Good?

SUPERVISOR MOORE  
Thank you. Any further discussion? Please call the roll.

Duly put to a vote:		
Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Page	voting	Aye
Councilman Breese	voting	Aye
Supervisor Moore	voting	Aye
Carried		

RESOLUTION #6-91/2014

On Motion of	Seconded by
Councilwoman Zinck	Councilman Breese

WHEREAS, the Town of Henrietta is committed to keeping residents informed, and

WHEREAS, the Supervisor wishes to inform residents of matters involving the Town of Henrietta by providing a quarterly newsletter, and

WHEREAS, Marjorie Kirch, 2825 Pinnacle Road, Rush, New York 14543 has submitted to the Town of Henrietta a proposal for developing and editing services for Town communications, dated February 28, 2014, a copy of which is attached and on file in the Town Clerk's Office.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized, on behalf of the Town of Henrietta, to sign the agreement and execute all necessary documents for Marjorie Kirch to provide developing and editing services for Town communications, at a cost of \$25.00 per hour, not to exceed \$7,000.00.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Marjorie Kirch, at the rate set forth in said proposal, upon satisfactory completion and acceptance of the services provided, by the Supervisor.

SUPERVISOR MOORE  
Discussion? Please call the roll.

Duly put to a vote:

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

Carried

SUPERVISOR MOORE

That concludes the business portion of our meeting and we can go to the public comment period. And I have the list in front of me of the people that signed up. The first one, we'll call them up here as we go, you'll be limited to two (2) minutes and we'll move forward. The first one is Amy Cote'. Please come to the podium.

AMY COTE', 753 TELEPHONE ROAD

Hi, good evening, it's actually Amy Cote'.

SUPERVISOR MOORE

Oh, I'm sorry.

AMY COTE', 753 TELEPHONE ROAD

No problem, common mistake. So it's a proven fact under all the studies that have been conducted throughout the nation where this has been an issue with Native Americans throughout our country developing casinos that they actually have a negative impact on the economic foundation of communities, because people leave, their home values go down, it doesn't bring any actual positive benefit. It doesn't bring funding to schools. I grew up here in this Town. I have three (3) kids with me here tonight who are witnessing this act of public cooperation taking place. I would hope that we would do the best for them and this community that we expect and that I've come to expect and wish to continue to have in. However, with casinos come drugs, crime increase. There are many studies, I know many people here tonight will reference them by name, but there are economic impact studies that have been commissioned by the realtors, National Realtors Association, as part of their jobs as commissioned by other communities, such as Massachusetts and California. I don't think it's any secret to everyone that Renaissance Square did not take place downtown, because of the fact that everyone downtown and in other surrounding communities in the County felt as though we did not need another performing arts center. That would be true for us. In addition to the fact that we have many empty buildings continuing throughout the Town of Henrietta, including the Dome and other such buildings, I would like to point out that there is another study that was conducted that indicates that the Native Americans do not benefit from a casino either. In fact, the farther in geographic scope that a casino is from a reservation, the less value that the Native Americans receive from it.

SUPERVISOR MOORE

Thank you.

AMY COTE', 753 TELEPHONE ROAD

I would hope you'd reference and that the Record would reflect that there is a mural behind you and that we voted you as Supervisor because you are a farmer and it is farming. And right now it feels like it should say more like Patrick Pontiac, our Town is going to hell.

*(Applause)*

SUPERVISOR MOORE

The next speaker is Irene Magee. And please state your address and name for the Record.

IRENE MAGEE, 60 BARNFIELD ROAD

Irene Magee, 60 Barnfield Road. I was here for the last meeting that we had on the casino or I guess that wasn't the purpose of the meeting but that's why we were here, and I kept hearing references to we can't say anything, we can't work against it until we hear the proposal. And it occurred to me that it really doesn't matter what their proposal is. We don't want a casino here so whatever terms they offer to us, we really don't want it. And somebody needs to go to Albany and talk to the State Legislature and the Governor, because the Governor's got to approve it and if you guys don't do that, then we're going to have to go and do that ourselves. Because I really want to know are you guys going to do that?

*(Applause)*

SUPERVISOR MOORE

I spoke with Pat Gallivan, Senator Pat Gallivan, a week ago Thursday, we had over two and a half (2-1/2) hour meeting in Batavia about the issue. And I also have spoken to Harry Bronson, he came to my office about two (2) weeks ago and discussed it. We've voiced our concerns with those. The Governor probably wouldn't take my phone call.

IRENE MAGEE, 60 BARNFIELD ROAD

Yes, he would. We'll get on a bus, there'll be a hundred (100) of us out there. We'll get you in that office. *(Laughter)*

SUPERVISOR MOORE

It would be a fun trip. *(Laughter)*

IRENE MAGEE, 60 BARNFIELD ROAD

We'd get a lovely chauffeur; we could probably get up there in two (2) hours.

*(Laughter)*

SUPERVISOR MOORE  
The first stop for this...

*(Laughter and applause)*

SUPERVISOR MOORE  
I believe the Governor's not going to say a word about this until after his election in the fall.

IRENE MAGEE, 60 BARNFIELD ROAD  
Do we have that long?

SUPERVISOR MOORE  
I know we have a lot longer than that. This process, I believe, will take three (3) years and in the end I hope it goes someplace else.

*(Applause)*

IRENE MAGEE, 60 BARNFIELD ROAD  
Okay, you promise to fight.

SUPERVISOR MOORE  
It's not a promise.

IRENE MAGEE, 60 BARNFIELD ROAD  
Thank you.

SUPERVISOR MOORE  
It's not a promise, okay. There's a lot of things beyond our control.

IRENE MAGEE, 60 BARNFIELD ROAD  
Yes, but it's, the Town doesn't need the money, we already got money you don't know what to do with.

SUPERVISOR MOORE  
Well, we know what to do with it, we just want to keep as much of it as we can.

IRENE MAGEE, 60 BARNFIELD ROAD  
No, give it back to us. *(Laughter)*

SUPERVISOR MOORE  
That's a good idea. *(Laughter)* The next speaker is Commander Jack Greco. And I'll

need your name and address, please.

COMMANDER JACK GRECO, 104 LIPPMAN ROAD

So my name is Commander Jack Greco. I have a terrible cold and I hate having my back to the people, (*turned podium*) so I'll do a combination. So I thought about this and I said you know I got a cold that happened overnight. This casino and the plans didn't happen overnight. I want you to think about what I said. It didn't happen overnight. And what Mr. Jack Moore, the Supervisor said, it's not going to happen for about two (2) or three (3) years. So what is a sovereign nation? The power that they have is unbelievable. We are the people, we do have power. So we'll band together, but remember that I had a whole presentation on facts versus feelings, I too have six (6) grandchildren. So let me do a little reading, not much. Indian reservations are allowed within reason. They have sovereign authority over the government, so over the Governor that we have. And of course we'll go down there. We'll make our plea. But remember, when it's all said and done, it's the sovereign land. So, and I'm going to skip a lot of this, but very basically want to talk about the economy, what it's going to do for Henrietta. Let me reiterate what Mr. Moore said. He doesn't want one and by the way, there's about a hundred and twenty (120) people here right now. How many people, show of hands, want it? So I make a point. We all don't want it. So you band together and you work with this Board up front logically to do what we need to do. Right? Anybody want it? No. So I go on to talk about the gaming regulation that was passed in 1998. What I'm going to do after, I can't talk very well tonight, I'm going to leave this entire presentation for the Supervisor. I believe in one thing. If you're not a part of the solution, you're a part of the problem.

*(Applause)*

COMMANDER JACK GRECO, 104 LIPPMAN ROAD

So we know thirty-two (32) acres was sold. We know how much it was sold for. There was an article in the newspaper by Tom Tobin and it was, you can, if you need to get a copy, I'll make it available. All I did was I took the facts out of that and made a presentation. On the other end, I said you have the sovereign land here...

SUPERVISOR MOORE

Please summarize.

COMMANDER JACK GRECO, 104 LIPPMAN ROAD

...and you have the feeling...

SUPERVISOR MOORE

Please summarize.

COMMANDER JACK GRECO, 104 LIPPMAN ROAD

Let me summarize. If you're ready to fight, we're all going to do it in a logical,

professional manner. But as I said, nobody wants it. The cold that I have right now didn't happen overnight, nor did the plans for this casino. And I thank you.

SUPERVISOR MOORE

Thank you.

*(Applause)*

SUPERVISOR MOORE

Lynne Stewart, please. Thank you.

LYNNE STEWART, 225 VISCOUNT DRIVE

I know I'm supposed to address the Board, so...

SUPERVISOR MOORE

That's okay, no, it can stay right where it is. That's fine, Lynne.

COUNCILWOMAN ZINCK

You can do whatever you want, Lynne.

SUPERVISOR MOORE

It won't...

LYNNE STEWART, 225 VISCOUNT DRIVE

I'm going to tell you all, I'm not in as happy a mood as I was the last time I was here. Not that I was happy, but I was more pleasant than I may sound tonight.

SUPERVISOR MOORE

You have to talk into the microphone and you have to give your name and address first.

LYNNE STEWART, 225 VISCOUNT DRIVE

I'm Lynne Stewart, 225 Viscount Drive, Viscount Drive in case people mispronounce it. I said I'm not in as pleasant a mood as I was last week, last time, because I'm very upset about the purchase of the land. I'm here again because I'm disappointed in the astounding lack of leadership from the Board. I've had conversations with all of you and none of you have yet willing to stand up and say to the Senecas, "Thanks, but no thanks." I keep hearing a lot of your, this is my phrase, you're drinking the Seneca kool-aid keeps playing in my mind. I hear a lot of chatter about waiting for a proposal from the Senecas. You're not going to get a proposal. We're not going to get a proposal. They don't care. Like Mr. Greco said, they'll just come in here and steamroll this thing. They've got the land, they're sovereign, they can do whatever they want. They're going to ram this down our throats while distracting us with this nonsense about a community forum. They don't care about a community forum. They don't need one. I have here an article from Saratoga Springs and I sent that to you in emails. The Mayor of

Saratoga Springs is showing the leadership I'd like you to show. "I think it's important that we send a message to the state based on the feedback we've been getting from the public and it's a resounding no," DPW Commissioner Anthony Scirocco said. "For the most part this Resolution says that." Last week he was opposed to, it's not a Native casino, but a siting a destination casino resort in the city. It would be expanding the one they already have and they don't want it. A Councilmember, Michele Madigan, said she sent a letter to the State Gaming Commission in February to express her extreme opposition. "Every five (5) minutes I get an email that's in opposition to this resort casino," and she said she's yet to receive a response from the Gaming Commission. I've looked that website up on New York State, the Gaming Commission. I can only assume that the Gaming...

SUPERVISOR MOORE

Please summarize.

LYNNE STEWART, 225 VISCOUNT DRIVE

Okay. Along with former Supervisors, all of you have played a wonderful role in making this Town what we love. You've all been on the Town Board for a while, except for Mr. Breese, but your Dad's legacy is what I'm thinking of where you're concerned. If we don't stand up for our wonderful Town, it'll be rammed down our throats and your legacy would be that you hurt the Town by not standing up to them. Keep this a wonderful place to live. Please get off the fence and stand up for our beloved Henrietta. Thank you.

SUPERVISOR MOORE

Thank you.

*(Applause)*

SUPERVISOR MOORE

David Christensen.

DAVID CHRISTENSEN, 1456 CALKINS ROAD

David Christensen, 1456 Calkins Road. First, I want to thank you, Supervisor Breese, and the rest of the Board for this opportunity. First of all, I want to start out...

COUNCILMAN MULLIGAN

Supervisor Moore.

DAVID CHRISTENSEN, 1456 CALKINS ROAD

Moore.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR MOORE

I've been called worse.

*(Laughter)*

DAVID CHRISTENSEN, 1456 CALKINS ROAD

Do I get my fifteen (15) seconds back? *(Laughter)* I want to make it clear, 1) I'm not part of any organization, I have not signed any documents, I have not helped with anybody, I have not communicated with anybody. I'm standing here as a resident of the village, Town of Henrietta and my concerns, my concerns is voicing to you guys you have a huge job. You have a bigger job than you have ever done before. Henrietta has really no power to say no against the sovereign nation. It has one (1) caviat. It has to prove that it is destructive and harmful to the Town. You guys need to start right now putting together a plan, as I'm sure the Senecas are to get it in here, to prove to the State and the Federal government, the Indian Affairs, that it is harmful to the Town. I thank you for your comment that you had before...

*(Applause)*

DAVID CHRISTENSEN, 1456 CALKINS ROAD

To give you an idea how harmful it is, let's take a look at Niagara Falls. Niagara Falls now has a seventy-three million dollar (\$73,000,000.00) debt. We've got a surplus. Fourteen percent (14%) of the properties in Niagara Falls are vacant. The only growing commercial business in Niagara Falls in the last five (5) years are pawn shops. The restaurants, the bars, the commercial tax paying establishments have dropped. This is from Tom DiNapoli in his report, the Controller. Salamanca is even worse. Salamanca had to have a five million dollar (\$5,000,000.00) advance from the State just to pay their bills. Fifteen percent (15%) of the families live in poverty in Salamanca. The median income is thirty-two thousand dollars (\$32,000.00) whereas the state is fifty-five thousand dollars (\$55,000.00). What has the casino done to help that town? Nothing, and it's an Indian town. Continue erosion of the tax base, they are going to run out of cash. If they do not get a loan soon, they will cease to exist. Do we want that for Henrietta?

SUPERVISOR MOORE

You have to summarize please.

DAVID CHRISTENSEN, 1456 CALKINS ROAD

Are you planning, do you have plans to take on this? Because not tomorrow, not the next day, not the first year the casino comes, they have a tremendous pot of gold they're dangling in front of people, but look what's underneath that gold. They are not nice people to play with. At that point in time, the next time I stand up here I will do some quotes from the President of the Seneca Nation to make you afraid, very afraid.

Please stand up, do the job, and protect our interests, not theirs.

*(Applause)*

SUPERVISOR MOORE  
David Siriano.

*(From audience, David Siriano, 56 Doncaster Trail, "David Siriano.")*

SUPERVISOR MOORE  
I'm sorry. I'm bad at pronouncing names.

DAVID SIRIANO, 56 DONCASTER TRAIL

David Siriano, and I live at 56 Doncaster Trail in West Henrietta. And I'm speaking of course, obviously as everyone else, in opposition to, as everyone is, and thank you for the comments, because I lived in the Niagara Falls area when all that was going on. I'm a retired clergyman and I was a clergyman in Lewiston, New York and we stepped in opposition to the, of course to the casino, Casino Seneca and we had meetings, people in the town, clergyman, businesses, etc. We tried to prevent this from happening. It didn't happen, of course the powers that were above Niagara Falls were greater than we were and I echo the same sentiments as the previous speaker that Niagara Falls is a mess. It was an absolute mess and I hate to see that to come to west, to Henrietta. I retired here about six (6) years ago and I lived there, attended the meetings and that was a sad state of affair. And I personally, as a minister, had to counsel individuals who went, who ran their debts thousands of dollars into debt because of the casino. It didn't help the town, the money goes of course to the casino. They have a restaurant, they have a hotel, everything happens, it's for them. They pour their money into it and the rest of the town doesn't benefit and it's going to be a sad case for the Town of Henrietta and I know that sometimes the power is greater than you. You want to speak in opposition to this as well and but there's that sovereign nation and plus there's the Governor, plus there's the Federal government and we have to, as everyone else has said, we have to band together to fight this thing as best we can. And I speak in opposition to it.

SUPERVISOR MOORE  
Thank you.

*(Applause)*

SUPERVISOR MOORE  
Jeff Kueppers.

JEFF KUEPPERS, 108 SUMMER SKY DRIVE

My name is Jeff Kueppers. I live at 108 Summer Sky Drive and I have to say I think I

like this facing on the side a little better, it includes everybody.

SUPERVISOR MOORE

Go right ahead.

COUNCILMAN MULLIGAN

Go right ahead.

JEFF KUEPPERS, 108 SUMMER SKY DRIVE

That was nice. That way everyone can see who's speaking and I think that was kind of a compromise.

SUPERVISOR MOORE

Your profile looks good, too.

JEFF KUEPPERS, 108 SUMMER SKY DRIVE

Hello, Mr. Supervisor, Mr. Jack Moore and Council, Mr. Mulligan, Mrs. Zinck, Mr. Page, and our newest member of our team, Mr. Breese. I am here to speak about a couple of topics which can impact Henrietta residents' quality of life, my thoughts about the proposed Seneca gambling casino coming to Henrietta. We as a nation own the Indian Nation a debt that can never be repaid. What we have taken cannot be replaced. I am sorry for that my Indian brothers. Do we need this form of entertainment in Henrietta? How will Henrietta benefit? I know the Indians do value their environment. This might be a good thing. They might come here to be examples of how to take care of the land. The gambling part, I'm not too sure of. The buffet, if they offer one, I will be honest, you will see me eating there.

*(Laughter)*

JEFF KUEPPERS, 108 SUMMER SKY DRIVE

Location suggestions, on the other side of the Thruway, next to the exit, easy access for everyone and not forced into the neighborhoods. Mr. Supervisor and respected Council, you have your work cut out for you on this one. Now onto one of my favorite issues, the twelve million dollars (\$12,000,000.00) or so big ones found. When I ran for the Supervisor position, I found ways to scrounge up over twelve million dollars (\$12,000,000.00) over a four (4) year period of time without having to raise taxes or property assessments. The reason was to reduce burden on tax payers, take advantage of new technology, buy wind turbines and supply Henrietta residents with clean electric at one third (1/3) of their present electric bill, saving us money which then we can spend.

SUPERVISOR MOORE

Please summarize.

JEFF KUEPPERS, 108 SUMMER SKY DRIVE

Our large government needs examples. The rest of our country needs examples. Why not be the first town to become energy independent, assemble to all. I can see this Town of Henrietta bailing out the whole country. Our government will be paid for by the selling of electric to residents, finally a product for our government that does not kill or have the need to raise taxes. Well team, are you going to make a difference? You have my faith and the Good Lord's too. Thank you for your time. Sincerely, Jeff Kueppers.

SUPERVISOR MOORE

Thank you, Jeff.

*(Applause)*

SUPERVISOR MOORE

Lois Verde.

JEFF KUEPPERS, 108 SUMMER SKY DRIVE

Pardon?

SUPERVISOR MOORE

Lois Verde.

LOIS VERDE, 30 CALVER COURT

Hi. First of all, I want to just check, I met with Jack...

TERRY EKWELL, FIRE MARSHAL/BUILDING INSPECTOR

You might want to bring the microphone down.

COUNCILWOMAN ZINCK

Yes, you'll want to pull that down a little bit. Perfect.

COUNCILMAN MULLIGAN

There you go.

DANIEL MASTRELLA, TOWN ATTORNEY

Your name.

LOIS VERDE, 30 CALVER COURT

Okay, I met with Jack last week about the article Casinos.

SUPERVISOR MOORE

I actually, I'm going to interrupt you, I actually scanned, we had that scanned and the whole Board has it.

LOIS VERDE, 30 CALVER COURT  
You all have it.

SUPERVISOR MOORE  
Yes.

LOIS VERDE, 30 CALVER COURT  
That's what I wanted to make sure.

SUPERVISOR MOORE  
Like I promised you.

LOIS VERDE, 30 CALVER COURT  
Okay, great. Thank you. Also in our meeting, it was mentioned to me that one of the reasons or the reason why you're not making decisions before you get the proposal is because of Article 78.

COUNCILMAN MULLIGAN  
Correct.

LOIS VERDE, 30 CALVER COURT  
And I just want to bring and introduce you to Daniel Spitzer, who is an Attorney and there seems to be some confusion, so if you guys could discuss it, I'd really be wanting and glad to hear the discussion. So Daniel?

*(From audience, Daniel Spitzer, 140 Pearl Street, Buffalo, "Actually, I think I'm on the list, at the end of the list.")*

LOIS VERDE, 30 CALVER COURT  
Oh, are you? Can he just come now?

SUPERVISOR MOORE  
As long as you don't mind him taking up part of your two (2) minutes.

LOIS VERDE, 30 CALVER COURT  
You already know my opinion. I don't want the casino.

*(Laughter)*

DANIEL SPITZER, 140 PEARL STREET, BUFFALO  
And I won't go over the time.

SUPERVISOR MOORE  
Can we restart the timer, please?

DANIEL SPITZER, 140 PEARL STREET, BUFFALO

Yes, I won't go over the time.

SUPERVISOR MOORE

Please, I need your name and address.

DANIEL SPITZER, 140 PEARL STREET, BUFFALO

Daniel Spitzer, 140 Pearl Street, Buffalo, New York, from Hodgson Russ on behalf of some of the residents. Just to make absolutely clear, there is no prohibition on your acting on this in terms of joining those multitude of communities that have already passed Resolutions opposing this. You give nonbinding opinions all the time. Think about SEQRA. Every time you're an interested agency instead of an involved agency, you give an opinion. It's the law. And the idea, and you pass Resolutions all the time at the request of the Association of Towns and other entities that are asking your opinion. The only way this stops is politically. You've heard that, you know the law in terms of sovereign entities. I'm probably the only one here who's ever lived in a casino community. I was the Finance Director of Bullhead City, Arizona, right across from Laughlin, Nevada, before I was a lawyer. I saw a community that had the highest drunk driving fatality rate in the state. I saw a community that was a prosperous community with the highest homeless rate in the state. I had, the casinos were outstanding corporate citizens, but the social impact is not something you want to see here. And you do have the right to voice that. I'm familiar with your community, I've spent an awful lot of money at a place called RIT for a young man and I've spent a lot of time in the restaurants, the ones that are soon going to be empty, because that's what happens when you compete with a tax exempt entity. I urge you to use your voice. You aren't elected to hide behind fear of a three hundred dollar (\$300.00) lawsuit. And I can tell you that anybody who says that you could be subject to an Article 78, with due respect, is wrong. They simply don't have standing to raise that as an issue, because they don't have the type of injury that an Article 78 would allow. Moreover, it's an opinion. It's not a defamation suit, so you simply don't have anything to worry about there, with due respect. I urge you to take on the mantle of leadership that you were elected and do what Saratoga is doing and do what the others are doing and saying, "Not here, not going to allow it," and stand up. Thank you for your time.

*(Applause)*

SUPERVISOR MOORE

Thank you.

*(Applause)*

SUPERVISOR MOORE

Thank you. Noreen Cerbone.

NOREEN CERBONE, 250 MYSTIC LANE

Yes, good evening. I am also standing in opposition to the...

COUNCILMAN PAGE

Address.

NOREEN CERBONE, 250 MYSTIC LANE

Pardon me?

SUPERVISOR MOORE

Name and address.

NOREEN CERBONE, 250 MYSTIC LANE

My address. I'm Noreen Cerbone, address is 250 Mystic Lane.

COUNCILMAN PAGE

Thank you.

NOREEN CERBONE, 250 MYSTIC LANE

And I'm speaking in opposition to the casino proposal. I did not come with a lot of statistics. I haven't had time to do homework on it, but I am thinking that if our only benefit is financial and many have spoken and said that actually, statistically it shows that there is no financial benefit in the long run. Even if it were, there are many aspects that make up our wellbeing of life. Financial is a very small one in my eyes. I am a stay-at-home mom. My husband is a school teacher. We don't have a lot of money, but we are happy. We are happy because of, we make happiness and this Town is part of that. We love living in a rural, on the edge of the rural community. We love that Henrietta has a foot in both realms. Even though Henrietta has business, in the residential area we don't have to constantly be inundated with Jefferson Road and whatnot. However, a casino will begin to build up more business all around us and it's something that I'm taking to heart. It bothers me greatly. I believe that a new demographic of residents will, as the gentleman mentioned before, that even the residents here will begin to change. They may go into debt and take on new vices and problems. I just don't see the benefit, even if it were financial, it's not enough. Thank you.

SUPERVISOR MOORE

Thank you.

*(Applause)*

SUPERVISOR MOORE

The next speaker is Mike Itterman. He lives at 220...

*(From audience, Michael Itterman, 220 Hollybrook Road, "Itterman.")*

SUPERVISOR MOORE

Oh, I'm sorry. Name and address, please.

MICHAEL ITTERMAN, 220 HOLLYBROOK ROAD

Michael Itterman, 220 Hollybrook Road. I just wanted to make it clear that I am opposed to this. I mean you've already heard some people already point out about the crime, but they haven't told you about, *(inaudible)*, about the amount of drugs that are going to be in Henrietta. Prostitution, drug, or human trafficking, and it's just going to take this once vibrant Henrietta and it's just going to reduce it into this one huge slum. And it's just going to be gone and I just want to say to everybody, you've heard there's nothing that we can do because they have power, they got the money, they're going to go to Washington and they've already been buying land all over the place because they're so certain that they're going to get this. And I say you know what, I say no matter how bleak it is, if we pull together, we can stop this. John Paul Jones, he was, his ship was sinking from a ballast full of holes, he was going down, it was like the battle was over and the enemy captain said, "Do you surrender?" And he said, "Surrender? I have yet begun to fight."

*(Laughter)*

MIKE ITTERMAN, 220 HOLLYBROOK ROAD

And he positioned his ship to the bow of the other ship and continued to battle and as he was taking prisoners, he was sent to the bottom of the ship to bail the water out as he continued to fight and he won the fight, what was impossible. And if John Paul Jones can do it, we can do it and Jack, he could lead us to that.

*(Laughter)*

MIKE ITTERMAN, 220 HOLLYBROOK ROAD

And I got my *(inaudible)*, I'm going to follow you, man.

*(Applause)*

SUPERVISOR MOORE

Where were you last fall?

*(Laughter)*

SUPERVISOR MOORE

Janet O'Connor, please.

JANET O'CONNOR, 182 YORK BAY TRAIL

Janet O'Connor, we live at 182 York Bay Trail in West Henrietta and thank you very much.

*(Multiple members of audience, "We can't hear you.")*

SUPERVISOR MOORE

Yes, you have to talk into the microphone, they can't hear you, I'm sorry.

JANET O'CONNOR, 182 YORK BAY TRAIL

Okay, is that better? Can you hear me now?

*(Multiple members of audience, "Yes.")*

SUPERVISOR MOORE

Yes.

COUNCILMAN MULLIGAN

We can hear you.

JANET O'CONNOR, 182 YORK BAY TRAIL

Okay, and thank you very much for allowing all of us to talk. One thing that I think is really important to realize and several speakers have alluded to this, is this casino is positioned right next to three (3) major colleges: The University of Rochester, RIT, MCC. And there's more and more articles coming out talking about the increasing amount of gambling among college students. And what you have to think about is parents, when they look at colleges and they look at places, they don't want to send a student to a place near a casino. I mean, would you want to do that? I mean you spend a lot of money in college, I know I had two (2) kids and it takes a lot of money, I wouldn't want to send a student to a college near a casino. Also, people keep talking about the jobs. The jobs are part-time jobs that don't pay benefits and are not protected by the New York State protection laws for employees. They talk about construction jobs. How long is, how many jobs is that going to take? It's not going to bring any economic growth for years and years down the road. And then the other thing that I want to conclude with is I was really disappointed when I read in the paper that the Senecas purchased the land, because what it told me is they're taking a big gamble, but they must feel that this community is going to go along with their wants and their desires and that really disappoints me because there are things you can do. You can write to the Governor, you can do things. You just can't throw your hands up and say this is it. I mean you really have to think about the future and what will happen. So thank you very much.

SUPERVISOR MOORE

Yes, thank you.

*(Applause)*

SUPERVISOR MOORE

Thomas Banister. Name and address, please.

THOMAS BANISTER, 866 SURREY HILL WAY

My name is Thomas Banister. I live at 866 Surrey Hill Way. I just wanted to bring my concerns in opposition to this casino. I have noted that there hasn't been a lot of publication of information and I know there's comparative studies as well as case studies showing changing property values, increased costs for police, emergency and mental health services in an area around a casino. And I won't go over what everyone has spoken about already, but it's known that the area around casinos deteriorates over time and, as the previous discussions about Niagara and Salamanca. The other thing I'm concerned about is the Seneca Nation will have an agreement with New York State, but it's an agreement with regard to payment remuneration for the land usage, but what will be the value of this agreement to the Town of Henrietta, particularly as it pertains to offsetting any increased service costs for the emergency service, the police services, mental health, because of the problems that are going to come when you build a casino? And the last thing I want to say is when you publish your first newspaper, will it have information, statistical data, real information about the, about this whole situation comparing the land usage, comparing the Salamanca and Niagara and what they've gone through and the value that has been gained or lost by those communities? Thank you.

SUPERVISOR MOORE

I can answer that. I don't believe it will, because I'm hoping to get that newsletter out towards the end of March or first part of April.

THOMAS BANISTER, 866 SURREY HILL WAY

Okay.

SUPERVISOR MOORE

And I don't believe I'll be able to have access to that data, but if I can, I will.

THOMAS BANISTER, 866 SURREY HILL WAY

So...

SUPERVISOR MOORE

I'm not going to promise you, it's not done.

THOMAS BANISTER, 866 SURREY HILL WAY

So the next one? I'm easy.

SUPERVISOR MOORE

Well, we're going to do four (4) a year, so the next one, I don't know why we couldn't have it by then.

THOMAS BANISTER, 866 SURREY HILL WAY

Okay, I just think it's important for the community, not only to be aware, but for us to be highly involved in the decision making that's going to affect our community in such a manner.

SUPERVISOR MOORE

Yes, thank you.

*(Applause)*

SUPERVISOR MOORE

Rick Becker. Rick Becker? Barbara Hatch?

BARBARA HATCH, 94 TOMAHAWK TRAIL

Town Board and I guess you're all routing for me, but thank you.

*(Unidentified from audience, "Can't hear you.")*

COUNCILMAN BREESE

There you go.

BARBARA HATCH, 94 TOMAHAWK TRAIL

The Seneca Nation has slick representations promising millions of revenue, none of which can be verified, due, that they're going to give to Henrietta. To sweeten the pot, in the higher the revenues, the more attractive the casino seems to some people. These millions of dollars will be sucked out of our local economy. No products will be manufactured in this casino. There'll be no sales to raise any revenue, only money extracted from peoples' wallets, or larger balances on credit cards. Homes will be lost, children will have to hope their families stay together and there will be food on the table. In fact, the Director of the Open Door Mission, I have spoken to him a couple of times, he said that he's, he knows that every bed in his facility will be filled from now on and he hopes they can get their larger facility built to accommodate all these people who will now be on the street. The FBI has published reports on the negative effects of a casino on a community. The Seneca spokesman states that Henrietta is an urban community. It is not. Jefferson Road is zoned Commercial, but less than five hundred feet (500') from Jefferson are residences that are completely surrounding the property to the east and the south, Wildbriar, Castle Road, Hollybrook. The Seneca Nation will provide free liquor twenty-four/seven (24/7), which means there'll be more wrong way drunk drivers on route I-390 and it's already a problem here. The Seneca Nation wants all revenues from New York State Gaming at Finger Lakes and Batavia. That's their aim. They are

legal entities that, they are legal, they pay taxes to New York State, millions of dollars to schools, and a steady stream of income to seventeen (17) surrounding communities. These revenues are paid without litigation and will cease.

SUPERVISOR MOORE

Please summarize.

BARBARA HATCH, 94 TOMAHAWK TRAIL

The Seneca Nation will pay nothing to these seventeen (17) communities and this is a disaster unfolding on Henrietta. Thank you.

SUPERVISOR MOORE

Thank you.

*(Applause)*

SUPERVISOR MOORE

Dennis Wurster.

DENNIS WURSTER, 65 LORETO AVENUE

Good evening. Thank you for your giving me the chance to speak again. I am also...

COUNCILMAN PAGE

Your name and address.

DENNIS WURSTER, 65 LORETO AVENUE

I'm sorry. My name is Dennis Wurster, I live at 65 Loreto Avenue. Thank you for giving me the opportunity to speak again. I am also in opposition to a local casino. I have a question for the Town Attorney. My question is related to sovereign nations. Do sovereign nations have to abide by United States Constitution?

DANIEL MASTRELLA, TOWN ATTORNEY

That's a complex question.

SUPERVISOR MOORE

You have to talk into the microphone, Dan, they can't hear you.

DANIEL MASTRELLA, TOWN ATTORNEY

It's not a yes or no question. There are certainly a number of laws that apply and regulate Indian lands. As far as casinos go, there's chapters of laws, the Indian Gaming Regulatory Act. So certain things certainly do apply to them and certain things don't, but it is by and large Federal regulation. There's some State regulation as well, as applies to casinos, because gambling, unless authorized by the New York State government, is illegal in New York State. So that also applies to the Indian Nations to a

degree. The Federal courts have held that a state that does allow gambling in some form really can't tell the Indian Nations that they can't conduct gambling on their lands. But they still are subject to a number of regulations, so it depends on, the answer depends on what the regulation is whether it applies to them.

DENNIS WURSTER, 65 LORETO AVENUE

I see. Okay and so for standard Bill of Rights, First Ten Amendments, that type of thing.

DANIEL MASTRELLA, TOWN ATTORNEY

Those aren't really, those aren't regulations so to speak.

DENNIS WURSTER, 65 LORETO AVENUE

I see.

DANIEL MASTRELLA, TOWN ATTORNEY

I mean you can't just apply say The Bill of Rights does or doesn't apply.

DENNIS WURSTER, 65 LORETO AVENUE

Okay.

DANIEL MASTRELLA, TOWN ATTORNEY

It depends on the activity that you're trying to regulate.

DENNIS WURSTER, 65 LORETO AVENUE

Okay, thank you. Briefly, with the balance of my time I'll just mention that as I mentioned previously, I'm a former RIT student. I came here in the mid-1990s. I married my wife literally right down the hall. I chose to have children here in Town. We make use of a number of the services here in Town. We are very happy living here. I am opposed to a casino. Moral aspects aside, I'm not convinced that there's an advantage for the Town of Henrietta. I noticed that the land that was purchased is almost exactly in the geographic center of the Town, which is kind of interesting. I'm concerned that the things that happen there will turn Henrietta essentially into a doughnut. And I love doughnuts. My wife will tell you that, but I'm concerned that the things that will happen there will be not family friendly, to put it nicely. And I encourage you to talk with whomever you think you can and if you think that someone won't take your call, I work in computer tech support and one of the first things we ask is, "What have you tried?" So I encourage you to try something and let us know how it happened rather than saying, "Someone won't take my call."

SUPERVISOR MOORE

Thank you.

*(Applause)*

SUPERVISOR MOORE  
Bill Redman.

BILL REDMAN, 55 GATE HOUSE TRAIL

Hi, my name's Bill Redman, at 55 Gate House Trail. I've heard a lot of information here. I'm not going to repeat it, I agree with it. I'm opposed to the casino. I have two (2) questions. One for the Town Board, what can be done at this point to advance, to prevent the advance of the current casino project in Henrietta now that they've purchased the land?

SUPERVISOR MOORE

Go talk to the Governor and go talk to the State Senator and the State Assemblyman. Those are our keys. They have to weigh in on this before we do.

BILL REDMAN, 55 GATE HOUSE TRAIL

So the key right now is to go talk to Albany?

SUPERVISOR MOORE

Yes, and I don't believe the Governor will think about doing anything until after election.

BILL REDMAN, 55 GATE HOUSE TRAIL

*(Laughter)* Yes.

SUPERVISOR MOORE

But if we start now, we have lots of time.

BILL REDMAN, 55 GATE HOUSE TRAIL

My next question is for the Town Legal Counsel, what can the residents of Henrietta do to prevent the ongoing challenge to build a casino or a similar gaming facility, entertainment facility, in Henrietta now that that property's been purchased?

DANIEL MASTRELLA, TOWN ATTORNEY

Although the property's been purchased, first of all it's my understanding it was purchased by the Seneca Gaming Corporation. That's not the Seneca Nation...

BILL REDMAN, 55 GATE HOUSE TRAIL

Right.

DANIEL MASTRELLA, TOWN ATTORNEY

...so to speak and so it would not qualify as Indian lands at this point in time. The Seneca Nation would have to take title to a portion of it. Either the United States government in trust for the Seneca Nation or the Seneca Nation in restricted fee, depending on what statute, Federal statute the Seneca Nation wanted to utilize in order to conduct gambling there. It would have to go through a whole series of approvals,

including the Secretary of the Interior, Bureau of Indian Affairs, there's an Indian gambling portion of that department. It would have to go through approvals there. There would have to be an amendment to the New York State Seneca Nation Compact, or a new Gambling Compact entered into, which the government would have to, the Governor would have to approve and it appears that the Governor would only do so with approval of the New York State Legislature, although I can't say that for a certainty. That being the case, what you can do is voice your opinion, as you're doing tonight, to your elected officials, but to be honest with you, the Henrietta Town Board is not going to have the authority to approve or disapprove the casino operation in the Town of Henrietta. Some of these other entities will.

BILL REDMAN, 55 GATE HOUSE TRAIL

But the Town Board will have a voice in indicating whether or not they want it here. They may not be the approval, the final approval, but they can go to the Legislature as well and say, "We don't want it here. Our people don't want it here," as an opinion from the Town.

DANIEL MASTRELLA, TOWN ATTORNEY

And that's up to the Town Board.

BILL REDMAN, 55 GATE HOUSE TRAIL

Yes.

*(Inaudible, from audience)*

BILL REDMAN, 55 GATE HOUSE TRAIL

Thank you for your time.

SUPERVISOR MOORE

Oh, thank you. Yes.

*(Applause)*

SUPERVISOR MOORE

Laurie Savage. And I apologize if I mispronounced your name.

LAURIE SAVAGE, 43 YELLOWSTONE DRIVE

No, mine's pretty easy. Thank you. I think we all pretty much have the same point. Lower, is that better everyone?

COUNCILMAN PAGE

No, address.

COUNCILWOMAN ZINCK  
Address.

LAURIE SAVAGE, 43 YELLOWSTONE DRIVE

Oh, I'm sorry. 43 Yellowstone Drive. I think we all have the same points about the concerns socially. What I would like to point out and other people have pointed out is the economics. There have been studies commissioned from other towns that these casinos were planning on setting up in and a lot of them, the towns and the Real Estate Associations commissioned these studies and they showed the negative impact on property values, which also impacts the taxes you receive from us, which impacts the surplus, which impacts several other things and they're the costs. The social costs, the extra maladies that are not factored into most of these studies, such as the increased crime, bankruptcies, all that; again, an additional cost to this Board. Right now we have a surplus and yet this would take a lot of hard work and we obviously have a lot of people who feel strongly, who came here tonight who feel strongly that this is going to have a negative impact on Henrietta. That's why we're all here tonight. There's no one here saying it's a good thing. The economics speak to a growth in the economy and the kind of growth that we are going to get is minimum wage jobs. You're going to get lower property taxes. You're going to get increased cost with, we pay for the Volunteer Ambulance service, right? Through our tax dollars, correct?

SUPERVISOR MOORE  
Yes.

LAURIE SAVAGE, 43 YELLOWSTONE DRIVE

And where do you think the increase in that is coming from? So again, we're going to be bleeding out money and taking nothing in. I understand that this is not a glamorous job, that this is a lot of hard work. But I think it's time right now to start. That we can get statistics, all of us came with some form of statistics. We all looked up some studies, we found some information on this...

SUPERVISOR MOORE  
You're going to have to summarize.

LAURIE SAVAGE, 43 YELLOWSTONE DRIVE

We need to commission a study, get it out there, get it to New York. We need this coming through the Board. We have money now, we will not have money in the future. The economics of this do not speak, let alone the social costs and people, you're going to get a different kind of resident in Henrietta.

SUPERVISOR MOORE  
Thank you.

*(Applause)*

SUPERVISOR MOORE

Thank you. Derren Hamilton.

DERREN HAMILTON, 63 BROOKS ROAD

Derren, excuse me, Derren Hamilton, 63 Brooks Road. Just for the reiterating...

*(Unidentified from audience, "Can't hear you.")*

DERREN HAMILTON, 63 BROOKS ROAD

Excuse me, sorry. Just sort of carrying on with what's been said by quite a few people and the word that sort of stuck out to me is the word *happiness*. And to me that really seems important. As you can tell, I'm not from this area. I'm not from even from the country, I'm from Britain and I moved here in April.

SUPERVISOR MOORE

Welcome.

DERREN HAMILTON, 63 BROOKS ROAD

Thank you very much.

COUNCILWOMAN ZINCK

I picked up on that. I picked up on that. *(Laughter)*

*(Laughter)*

DERREN HAMILTON, 63 BROOKS ROAD

One of the things I've noticed here is the actual beauty and facilities of this particular area. I lived just outside London, I actually live further away from the center of London, which would be relations to where you are from the city, from the city of Rochester. And for me, I wouldn't want to be anywhere else, having moved here. And I'm very concerned, I've been to a few meetings here and I've taken a backseat because I didn't feel it was probably my place at the moment to make comment. I'm actually representing my wife, who's from the area, and my brother-in-law and his wife. And I think really if people are happy where they are at the moment, that really has to be a real consideration. And I think that with this now you really do risk changing this particular Town and area into something that would be in an opposition to why people actually choose to live here in the first place. That's a real risk. You've got a beautiful Town, take it from me. And I really would not like to see it change. And I really do feel strongly that there are other areas that possibly this could be looked at, but please listen to the people and the concerns. This is a full house. This is the most packed meeting I've been to. That obviously speaks volume as far as I'm concerned and that is obviously sending a very strong message.

SUPERVISOR MOORE

You should've been here last week.

*(Laughter)*

DERREN HAMILTON, 63 BROOKS ROAD

Probably contributing to the economy, but and as I said, I feel so strongly that even now I've taken a job that doesn't pay me as much as what I used to in the UK, but I want to put back into this fantastic Town. I love it and I want to stay here and I'm sure everyone else here does, too.

COUNCILMAN PAGE

Thank you.

SUPERVISOR MOORE

Thank you.

*(Applause)*

SUPERVISOR MOORE

Jodi Ciccarelli.

*(From audience, Jodi Ciccarelli, 260 Gate House Trail, "Ciccarelli.")*

COUNCILMAN PAGE

We got the Jodi right.

*(Laughter)*

JODI CICCARELLI, 260 GATE HOUSE TRAIL

Actually, you did pretty well. Jodi Ciccarelli, 260 Gate House Trail. Let's see here, bear with me. Alright, so my family has lived here in Henrietta over twenty (20) years and we have watched the ebb and flow of our Town's growth over that time. Henrietta has moved in a mostly positive direction, keeping a happy balance between our commercial and residential sectors. That happy balance is being threatened. I am against a casino of any sort in Henrietta. I have a long, long list of reasons, but I am, I will only voice one (1) concern at this time, because you're limiting me to two (2) minutes. The Seneca Nation plans on some sort of casino. How big, we just don't know yet. Five (5), ten (10), twenty (20) stories with shops and restaurants and possibly apartments maybe, I don't know. We're told this will be a good thing for our community. Other businesses will benefit from the influx of people. When you visit a casino, you stay on the property, because they have marketed their restaurants and their shops, rooms, to keep you on their site. Who is really going to go to Ruby Tuesday, Bed Bath & Beyond or Marketplace Mall? There's no special draw to bring customers offsite, like they would if

they're at the casino. Maybe if they were building next to Destiny Mall in Syracuse, there's a huge mall they might actually stop drinking and gambling a few minutes and take the shuttle over, I don't know. I researched the Seneca Niagara Casino a little bit and I found some interesting information. Studies paid for by New York State Governor George Pataki back in 2003 and his agency, the USA Niagara, they had a scientific study that states for every one dollar (\$1.00) in taxes from the Seneca Gambling contributed to the local economy, six dollars (\$6.00) was lost by local sales tax, property taxes, businesses going out of business, and costs of social welfare and criminal justice expenses.

*(Unidentified from audience, "Can you repeat that, please? That's big!")*

JODI CICCARELLI, 260 GATE HOUSE TRAIL  
Sure.

SUPERVISOR MOORE  
You have to summarize though.

JODI CICCARELLI, 260 GATE HOUSE TRAIL  
Okay.

COUNCILWOMAN ZINCK  
But you have to repeat first.

JODI CICCARELLI, 260 GATE HOUSE TRAIL  
But I have to repeat. Studies paid for by Governor Pataki, not a big fan, in 2003 and his agency said for every one dollar (\$1.00) that was spent gaming, six dollars (\$6.00) was lost for services. Basically, the restaurants were, even though the casino made tons of money, restaurants were gone, the convention center was gone, everything was gone. As we all know, it's kind of an armpit over there and I hate to take it out on the armpit.

SUPERVISOR MOORE  
You have to summarize.

JODI CICCARELLI, 260 GATE HOUSE TRAIL  
I don't want it here. They don't want it here. We need to do something now. I have talked with a ton of people and everybody said, "I'm moving if it's coming. I don't want it." That's not what we want for our community. This is an awesome place to live and I want to stay. And if that thing comes, I'm not staying.

*(Applause)*

SUPERVISOR MOORE  
Emily Ciccarelli.

COUNCILWOMAN ZINCK

I've been waiting for this all night, Miss Emily.

*(Laughter)*

SUPERVISOR MOORE

Yes. This is a tag team.

JODI CICCARELLI, 260 GATE HOUSE TRAIL

She wrote this by herself.

SUPERVISOR MOORE

Oh.

JODI CICCARELLI, 260 GATE HOUSE TRAIL

I had nothing to do with it. She said she wanted to come up.

COUNCILMAN PAGE

That's good.

COUNCILMAN MULLIGAN

We know where she came from.

EMILY CICCARELLI, 260 GATE HOUSE TRAIL

Bringing a casino into this child friendly, neighborhood friendly, happy friendly community is a bad idea. It would be a bad idea for many reasons. One, the beautiful streets of Henrietta would be overcrowded and crumbling from the weight of so many cars, buses, and trucks hurrying to get to and from the casino. Henrietta could also turn from a nice and pleasant town into a rundown casino city that is not safe for children. And last but certainly not least, the amount of happy families that would leave this area forever to ensure that their children would leave harm's way in Henrietta. Therefore, bringing a casino into Henrietta would endanger this happy, child friendly place to become a site of chaos. Bringing a casino to the friendly streets of Henrietta is an overall bad idea. Anyone who has been on the wonderful, friendly neighborhood streets of Henrietta know about the weight limit size. Even though five (5) tons seems like a lot now, it is small compared to what it will need to be using your tax money unless there is no casino. Such a throng of cars is an abundance of weight. So many cars would cause many accidents with casualties and an overabundance of strenuous work for police officers and hospital workers. There will also be more DWI cases. There are also parking issues. There will be parking issues, because there will not be enough parking at the casino. People will park at well-known family friendly places such as Bugaboo Creek. Overall, having a casino in Henrietta is an outrageous idea. Having a casino in Henrietta is in addition a bad idea, because it will make this family friendly community

into a rundown town. It will make this dangerous, because some casinos sell over one million dollars (\$1,000,000.00) of liquor in nine (9) months. Think of that plus the free alcoholic drinks each day. Some people are fatally injured in or around casinos, too. All in all, having a casino in this nice and orderly place is a bad idea. In addition, having a casino in Henrietta would drive many happy families away because of the many dangers. In the end, having a casino in Henrietta would make people come for the casino, drink alcohol, and the level of crime would rise to an extremely high level. These beautiful streets would also be crumpling with the weight of so many cars, trucks, and buses. Many happy and friendly people will leave their homes if this casino is not, leave their homes if this casino is ratified. And if my point has not been made clear enough, I am a seventh (7<sup>th</sup>) grader with a busy schedule and no one told me to write this, I did it of my free will.

*(Applause)*

SUPERVISOR MOORE  
That was outstanding.

COUNCILWOMAN ZINCK  
Good for you, Emily. Good for you.

SUPERVISOR MOORE  
You did a great job, I'm proud of you. Corey Skinner.

COREY SKINNER, 43 YELLOWSTONE DRIVE  
Hello. Sorry, a little taller. Hello, my name is Corey Skinner, I'm at 43 Yellowstone Drive. What I really wanted to sort of discuss is really just build upon what we've already talked about today here. I'm from a casino town. I'm from Halifax, Nova Scotia in Canada and the casino came when I was nineteen (19), which we thought was the most wonderful thing. It was, we thought it would be an amazing opportunity, it was a lot of fun, it was right on the water and I'm from a tourist city. There's about five hundred thousand (500,000) people in the general area and it did, originally, it brought lots of jobs, good well-paying jobs, actually. And it brought a lot of tourism. But you add a couple years to that and what ended up happening is the province was shelling out millions of dollars to deal with gambling addiction and video, especially with video lottery systems, and the slot machines. It was a huge problem. Huge, huge problem, and they're still working to try and mitigate that. A couple things I wanted to point out, the report that you mentioned with six dollars (\$6.00) of cost per one dollar (\$1.00), the research I was reading was basically from Nevada and in the, sorry, the review of economics and statistics, they estimated it was only a one dollar (\$1.00) to three dollar (\$3.00) loss. For every dollar (\$1.00) that you bring in, regards to new jobs and regards to increased revenues, in regards to the benefits and the neighborhood, those three dollars (\$3.00) in costs are all over the place. You are not just talking about, you're not just talking about police services, crime, you're also talking about foreclosures. You're

talking about the actual damage that's involved. You're talking about you having to maybe think about setting up anti-gambling initiatives within the Town. Another big issue, and I wanted to add some actually specific numbers, based on FBI statistics, for an average county of one hundred thousand (100,000) population size, there would be six hundred fifteen (615) more larcenies, three hundred and twenty-five (325) more burglaries, two hundred seventy-two (272) more auto thefts, ten (10) more rapes, sixty-five (65) more robberies, and one hundred (100) more aggravated assaults. That's coming from the FBI and that's on an average for, and we're not at one hundred thousand (100,000), but I think we're getting there. The last thing I really want to summarize with is you're going to see there are some places casinos work. Poor, urban areas, like Detroit, you're going to see some positive statistics. You're also going to see some positive statistics from poor rural areas. It really brings up a lot, you're going to see, they're going to show you these numbers. But when it comes to urban or suburban communities, the detriment is, the research is pretty clear. So please, once again, get the research and start talking to the media. Yell that you don't want them here. And I think that's what we're all going to do. And we're all here, we're all behind you if you do that. But Henrietta's a wonderful thing, you have wonderful recreation programs, you had a wonderful concert last night that I got to see my son play violin in. This Town is amazing. Please don't work against us, let us work together with you. Thank you.

SUPERVISOR MOORE

Thank you.

*(Applause)*

SUPERVISOR MOORE

The next speaker lives at 65 Wildflower Drive and I can't read the name, I'm sorry.

*(From audience, Dorothy Martin, 65 Wildflower Drive, "Martin.")*

SUPERVISOR MOORE

Okay.

DOROTHY MARTIN, 65 WILDFLOWER DRIVE

Good evening. First of all, I'd like to tell you I'm very honored to be married into the family of David Frost Martin. Our family has a heritage here in Henrietta.

*(Unidentified members from audience, "We can't hear you.")*

DOROTHY MARTIN, 65 WILDFLOWER DRIVE

I would like to tell you first that I was privileged to marry into the family of David Frost Martin, whose grandfather was the Supervisor of Henrietta and we have roots in Henrietta. Our family, your family park, the Martin Park has been named after our family and we're honored. And I would like to encourage the Board not to take a bribe

if you're offered money by these Indians, because I think if you do get this money, you won't be happy with it and not to sell us short as a community. We'd like to keep, Henrietta's been a wonderful place to live. I've raised my children here, which were nine (9) children and I have fifteen (15) grandchildren.

COUNCILWOMAN ZINCK

You've been busy.

*(Laughter)*

DOROTHY MARTIN, 65 WILDFLOWER DRIVE

I would ask though that you people, we've elected you not to take this bribe, because you're going to be losing and you'll disappoint all of us. We will all lose. And we have a lot at stake here. We have a beautiful community.

SUPERVISOR MOORE

Thank you.

COUNCILMAN PAGE

Thank you.

*(Applause)*

SUPERVISOR MOORE

Dan Spitzer.

TERRY EKWELL, FIRE MARSHAL/BUILDING INSPECTOR

I think that was the Attorney.

COUNCILMAN BREESE

He was the Attorney.

SUPERVISOR MOORE

Oh, I'm sorry. I guess that was. Okay, then we have Mike Stafford, and that's the last speaker that has signed up.

MIKE STAFFORD, 32 ESSEX DRIVE

Mike Stafford from 32 Essex Drive. I'm really not here to speak on the casino, but I do oppose it and I don't really understand why you haven't contacted Federal officials yet concerning it if it needs Federal approval.

SUPERVISOR MOORE

Well, I have talked to Louise Slaughter's people.

MIKE STAFFORD, 32 ESSEX DRIVE  
Okay.

SUPERVISOR MOORE  
And also to Senator Schumer's people.

MIKE STAFFORD, 32 ESSEX DRIVE  
Okay. Okay, thank you.

*(Unidentified from audience, "What are you telling them? Are you saying you're opposing it?")*

MIKE STAFFORD, 32 ESSEX DRIVE  
Right.

SUPERVISOR MOORE  
Well, I'm telling them what my residents are telling me at this point in time, that I have a huge outcry of people that do not want it.

MIKE STAFFORD, 32 ESSEX DRIVE  
Okay.

SUPERVISOR MOORE  
But there's no guarantee in this. I mean, I would wish it would go to Irondequoit tomorrow. It sure would be a whole lot easier.

*(Applause and yelling from residents in audience)*

MIKE STAFFORD, 32 ESSEX DRIVE  
So that's not my time, right?

SUPERVISOR MOORE  
*(Laughter)* No.

MIKE STAFFORD, 32 ESSEX DRIVE  
Okay, also I wanted to ask about, and it was brought up earlier, about the communications and the new newsletter going out. I was going to ask about the public access, like our neighbors in Brighton have. I normally can't come to meetings. I get to watch the Brighton Town Hall meetings all the time, or meetings. One, why don't we have that here? Next question is about the newsletter. I heard you say it was going to be seven thousand dollars (\$7,000.00) maximum. Is that a year or is that a quarter for her to develop...?

SUPERVISOR MOORE

No, that happens to be for the person that's going to help us put it together.

MIKE STAFFORD, 32 ESSEX DRIVE

Right. Is that a...?

COUNCILMAN MULLIGAN

Per year.

SUPERVISOR MOORE

For one year.

MIKE STAFFORD, 32 ESSEX DRIVE

Per year. Per year, okay, I just wanted some clarification on that.

SUPERVISOR MOORE

And I'm not sure we're going to spend that kind of money.

MIKE STAFFORD, 32 ESSEX DRIVE

Right. It was up to seven thousand dollars (\$7,000.00), I wasn't sure if that was quarterly or yearly.

COUNCILWOMAN ZINCK

Editing and yes, annually.

MIKE STAFFORD, 32 ESSEX DRIVE

Okay, annually. Okay, and the other thing I wanted to mention, ask about is that last week or the February 19<sup>th</sup> Meeting, you appointed some new employees. Two (2) of them were, one (1) was a, I shouldn't say new employees, one (1) was a new employee in the Recreation Department, one (1) was a new plow, or upgrade plow guy, and then two (2), one (1) was a Deputy Commissioner and Deputy Supervisor. The first two (2) you put in there what their wages would be. How about the other two (2)? They didn't, you didn't...

SUPERVISOR MOORE

Well, the other two (2), actually all we were doing was in order to adhere to Civil Service laws that hadn't been adhered to in the past...

MIKE STAFFORD, 32 ESSEX DRIVE

Right.

SUPERVISOR MOORE

...they had specific titles in which then they now can certify our payroll going forward.

MIKE STAFFORD, 32 ESSEX DRIVE  
Okay.

SUPERVISOR MOORE  
Which hadn't been done in the past.

MIKE STAFFORD, 32 ESSEX DRIVE  
But you don't put it...

COUNCILMAN MULLIGAN  
Their wage is in the January 1<sup>st</sup> Meeting, the Organizational Meeting.

MIKE STAFFORD, 32 ESSEX DRIVE  
Okay, the...

SUPERVISOR MOORE  
We were just giving them an acceptable title through Civil Service...

MIKE STAFFORD, 32 ESSEX DRIVE  
Okay.

SUPERVISOR MOORE  
...that had not been done in the past.

MIKE STAFFORD, 32 ESSEX DRIVE  
Yes, I was just wondering why some peoples' wages were put out there and some weren't.

SUPERVISOR MOORE  
They weren't actually new hires. We were just giving them a proper title...

MIKE STAFFORD, 32 ESSEX DRIVE  
Okay.

SUPERVISOR MOORE  
...to try to abide by the law.

MIKE STAFFORD, 32 ESSEX DRIVE  
Okay.

SUPERVISOR MOORE  
Which is my job.

MIKE STAFFORD, 32 ESSEX DRIVE

And is that, you said that's in the January Minutes, their wages?

SUPERVISOR MOORE

Yes, if you call me tomorrow, I'll be able to give you the two (2) wages.

MIKE STAFFORD, 32 ESSEX DRIVE

Okay.

SUPERVISOR MOORE

I don't know them here now or I'd tell you.

MIKE STAFFORD, 32 ESSEX DRIVE

Okay. Thank you.

SUPERVISOR MOORE

You're welcome. That concludes our public comment section and I would move for a motion to adjourn.

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman Zinck, seconded by Councilman Mulligan at 8:40 P.M. and was adjourned without objection.

Respectfully submitted,

Rebecca B. Wiesner  
Deputy Town Clerk

# TOWN OF HENRIETTA

## INTEROFFICE MEMORANDUM

**DATE:** February 27, 2014

**TO:** Craig Eckert  
Commissioner of Public Works

**FROM:** Christopher E. Martin, P.E. *CEM*  
Director of Engineering & Planning

**SUBJECT:** Chesapeake Subdivision, Section 6  
Oak Mills Crossing and Elk River Road  
Application No. PB-149.6  
Town of Henrietta

---

This is written confirmation that the construction work performed for the project referenced above has been inspected and determined to be acceptable. All construction work completed under this project was constructed in accordance with the approved plans and to the Town of Henrietta's specifications.

The construction of the storm sewer and roadway system improvements was completed by the Contractor, Pooler Enterprises, Inc. The Contractor has satisfactorily completed the majority of the outstanding construction punch list items tabulated in our letter dated September 27, 2007. The Record Utility & Monument Drawings have been completed and accepted. Since this asphalt top course was placed in October 25, 2007, the required two (2) Year Maintenance Bond for storm sewer and roadway improvements will not be required.

It is recommended that the dedication of all construction work completed on the storm sewer and roadway systems be accepted for this project.

xc: Dave Riedman – BRW of Greece, LLC  
Rick Giraulo – LaDieu Associates, PC  
File

## Warranty Deed

***This Indenture***, made the \_ day of \_\_\_\_\_ 20\_\_ and between, BRW of Greece, LLC, a corporation under the laws of the State of New York, with offices at 45 East Avenue, Rochester NY, 14604, being the party of the first part, and the **Town of Henrietta**, a municipal corporation organized under the laws of the State of New York with offices located at **475 Calkins Road, Henrietta, New York 14467**, being party of the second part.

***Witnesseth***, that the party of the first part, in consideration of one Dollar (\$1.00) lawful money of the United States, paid by the party of the second part, does hereby grant a release unto the party of the second part, it's successors and assigns forever,

All that tract or parcel of land situate in the Town of Henrietta, County of Monroe, and State of New York, being the highways or streets shown on a Subdivision Plan of the Chesapeake Subdivision, Section 6, and designated as Elk River Road and Oak Mills Crossing. Said maps having been recorded in the Monroe County Clerk's Office in Liber 325 of Maps, page 83 and are more particularly described in "Schedule A", attached.

Together with all sanitary and storm sewer lines lying within said highways, the above described premises are dedicated, released, and conveyed to the Town of Henrietta, County of Monroe, State of New York for highway purposes and all other public purposes relating thereto and for public services and uses, including the right to construct and maintain underground conduits for water, gas, sewer, electric, and other necessary lines or wires for public use.

Subject to all covenants, easements, and restrictions of record affecting said premises. Being part of premises conveyed to the party of the first party by Deed dated 4/19/2004 and recorded on 4/21/2004 in the Monroe County Clerk's Office in Liber 9946 of Deeds, Page **60**.

Tax Account No. 174.01-2-53.111  
Address: Oak Mills Crossing and Elk River Road  
West Henrietta NY, 14586

AND SAID Grantor covenants as follows:

FIRST, that the Grantee shall quietly enjoy the said premises;

SECOND, that the Grantor will forever warrant the title to said premises;

THIRD, that, in Compliance with Section 13 of the Lien Law, the Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purposes.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

\_\_\_\_\_  
By \_\_\_\_\_

STATE OF NEW YORK)  
COUNTY OF MONROE)

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their/ signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Signature and Stamp

DESCRIPTION OF OAK MILLS CROSSING AND ELK RIVER ROAD  
IN CHESAPEAKE SUBDIVISION, SECTION NO. 6 ✓

January 28, 2014  
Page 1 of 2

Part of original tax map no.: 174.01-02-053.111

All that tract or parcel of land situated in Town Lot 11, Range 6, Township 12, Range 7 of the Phelps & Gorham Purchase, Town of Henrietta, County of Monroe, State of New York, and described as follows:

Beginning at the intersection of the west right-of-way line of Oak Mills Crossing (60 foot Wide Right-of-Way) and the north line of Lot 15 of Chesapeake Subdivision, Section No. 5 (Ref.: Liber 309 of Maps, Page 51);

1. thence North  $01^{\circ} 33' 26''$  West, a distance of 285.00 feet to a point;
2. thence North  $88^{\circ} 26' 34''$  East, a distance of 60.00 feet to a point;
3. thence South  $01^{\circ} 33' 26''$  East, parallel with and 60.00 feet east of course no. 1, a distance of 50.00 feet to a point of curvature;
4. thence Southeasterly, on a curve to the left having a radius of 30.00 feet, a delta angle of  $90^{\circ} 00' 00''$ , a distance of 47.12 feet to a point of tangency;
5. thence North  $88^{\circ} 26' 34''$  East, a distance of 314.00 feet to a point of curvature;
6. thence Easterly, on a curve to the right having a radius of 250.00 feet, a delta angle of  $27^{\circ} 53' 20''$ , a distance of 121.69 feet to a point;
7. thence South  $26^{\circ} 19' 54''$  West, a distance of 60.00 feet to a point;
8. thence Westerly, parallel with and 60.00 feet south of course no. 6, on a curve to the left having a radius of 190.00 feet, a delta angle of  $27^{\circ} 53' 20''$ , a distance of 92.48 feet to a point of tangency;
9. thence South  $88^{\circ} 26' 34''$  West, parallel with and 60.00 feet south of course no. 5, a distance of 314.00 feet to a point of curvature;

Chesapeake Subdivision, Section No. 6  
BRW of Greece, LLC

DESCRIPTION OF OAK MILLS CROSSING AND ELK RIVER ROAD  
IN CHESAPEAKE SUBDIVISION, SECTION NO. 6

January 28, 2014  
Page 2 of 2

10. thence Southwesterly, on a curve to the left having a radius of 30.00 feet, a delta angle of  $90^{\circ} 00' 00''$ , a distance of 47.12 feet to a point of tangency;
11. thence South  $01^{\circ} 33' 26''$  East, parallel with and 60.00 feet east of course no. 1, a distance of 115.00 feet to a point;
12. thence South  $88^{\circ} 26' 34''$  West, a distance of 60.00 feet to the point of beginning.

Containing 1.023± Acres

All as shown as Oak Mills Crossing and Elk River Road on the Final Plat of Chesapeake Subdivision, Section No. 6 on file in the Monroe County Clerk=s Office in Liber 325 of Maps, page 83.

**BME** | ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

February 28, 2014

Town Board  
Town of Henrietta  
475 Calkins Road  
Henrietta, NY 14467

**Re: Graywood Commons / Jayne's Riverview  
S.U.P. #2012-24**

**2192GK**

Dear Board Members:

On behalf of the property owner and applicant, Jaynes Riverview LLC, we are requesting the Town Board to grant an extension to the above-referenced Special Use Permit pursuant to Article XII Section 295-54D of the Town Code. The applicant is requesting the extension to allow for the completion of the current on-going subdivision review process being conducted by the Henrietta Planning Board.

In May 2012, the applicant obtained a Special Use Permit from the Henrietta Town Board to allow 84 duplexes (#2012-24) as part of the 143 acre residential project to be known as Graywood Commons. This Permit was subsequently extended for a period of six months on September 11, 2013 as a result of the process that was identified in the July 29, 2013 application letter to the Town Board. The applicant subsequently submitted an application (#PB-294) for overall preliminary subdivision approval on October 24, 2013. However as a result of a clerical error the public hearing was not scheduled until January 14, 2014 and the hearing remains open at this time. Thus the applicant is requesting the extension to allow him to complete the Planning Board process which is necessary for the project to commence construction in 2014. There have been no material changes to the plan or the reasons considered in the granting of the original Permit and its extension.

We ask that this request is considered at your next Special Use Permit meeting on April 2, 2014. We will be in attendance to answer questions concerning this request.

If you require any additional information prior to the meeting, please contact our office.

Sincerely,  
**BME Associates**



Peter G. Vars, P.E.

PGV:blr

c: Terry Ekwel; Town of Henrietta  
Chris Martin; Town of Henrietta  
Dutch Summers; Jaynes Riverview LLC  
Steve Trobe; Graywood Design



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

February 28, 2014

**TO:** Supervisor Moore & Town Board

**FROM:** Christopher E. Martin, P.E., Director of Engineering and Planning

**SUBJECT:** Purchase of new sewer camera

The 2014 Equipment replacement schedule calls for the replacement of the Sewer Department's sewer camera. I am therefore requesting authorization to purchase the following equipment. The existing sewer camera will be traded in at a savings of \$8,000.00. A sample resolution is attached along with this memo.

Piggybacking off of a Monroe County Department of Environmental Services bid number 0501-13

Dealer: Joe Johnson Equipment, Inc.

62 LaGrange Avenue

Rochester, New York 14613

(1) Envirosight Rovver X sewer camera, price not to exceed \$64,925.00.

(Description included)

*Sewer Department Inventory:*

ID# 10022, Aries Sewer Camera, Serial # RC2000

Trade in value, \$8,000.00



Clean Air. Clean Water. Clean Streets.

February 27, 2014

Town of Henrietta  
405 Calkins Road  
Rochester, NY 14623

RE: Piggyback purchase of Envirosight Sewer Inspection Camera from Monroe County Department of Environmental Services Bid and purchase order dated August 1, 2013. Monroe County purchase order # 4400020510.

Package to Include the Following Items per Monroe County Bid:

- New Envirosight Rovver X Truck Package System
- (1) Extra Set of 2.6" Wide Rubber Wheels for Large Diameter Pipe
- Wincan VX Software Package
- Freight and Delivery to Town of Henrietta
- Complete On-Site Training of Camera System

Purchase Price \$ 72,925.00

Trade in of Town's Aries Camera System Trade Value (\$ 8,000.00)

Total Purchase Price \$ 64,925.00

We appreciate the opportunity to partner with the Town of Henrietta. If you have any questions regarding this proposal, feel free to call me at anytime.

Sincerely,

Aaron Gieseke  
Regional Sales Manager  
Joe Johnson Equipment, Inc.  
585-474-2932  
agieseke@jjeusa.com

**jjei.com**

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# deliver more from your data

underground  
understood

Industry-leading WinCan VX software now comes standard with every ROVER X system, giving you the power to database your inspections, deliver detailed reports, share projects with distributable viewer software, visualize your data on GIS maps, and achieve PACP certification.

As the world's most advanced inspection crawler, ROVER X captures digital video and images, and lets you classify and measure defects. But if you're not organizing, analyzing and sharing that data, you're not realizing the full potential of your investment. That's why we include a WinCan VX Entry license with every new ROVER X system.

- Edit data post-inspection.
- View inspection data on a GIS map.
- Generate basic reports.
- Achieve PACP certification with your data.
- Distribute inspections with free viewer software.
- Import/export inspections from your ROVER X pendant.



## upgrade options

	advanced	expert	office
sections and pipes	●	●	●
manholes, laterals and SAT	○	●	●
distributable viewer	●	●	●
choice of language / defect catalog	1 / 1	1 / 1	1 / 1
data validator	○	●	●
draw, text and basic measurement	●	●	●
basic / advanced reporting	● / ○	● / ●	● / ●
project manager		●	●
text overlay control	●	●	
software MPEG encoding	●	●	○
basic / advanced mapping	● / ○	● / ○	● / ○
WinCan Web	○	○	○
PhotoAssist	○	●	●
laser profiling	○	○	○

● standard feature (included)  
○ add-on module (extra cost)



2013 Budget Transfers for March 5, 2014 Town Board Meeting

<u>FROM</u> <u>ACCOUNT NO.</u>	<u>ACCOUNT DESCRIPTION</u>	<u>TRANSFER</u> <u>AMOUNT</u>	<u>TO</u> <u>ACCOUNT NO.</u>	<u>ACCOUNT DESCRIPTION</u>
A.9050.8.800	Unemployment	6,918.78	A.9089.8.800	Health Reimbursement
DA.9050.8.800	Unemployment	111.01	DA.9089.8.800	Health Reimbursement
L.9060.8.800	Medical Insurance	97.63	L.9089.8.800	Health Reimbursement
SD.9060.8.800	Medical Insurance	380.14	SD.9089.8.800	Health Reimbursement
SS.9040.8.800	Workers Comp.	425.62	SS.9089.8.800	Health Reimbursement

2014 Budget Transfers for March 5, 2014 Town Board Meeting

<u>FROM</u> <u>ACCOUNT NO.</u>	<u>ACCOUNT DESCRIPTION</u>	<u>TRANSFER</u> <u>AMOUNT</u>	<u>TO</u> <u>ACCOUNT NO.</u>	<u>ACCOUNT DESCRIPTION</u>
A.1420.1.100	Attorney Personal Services	25,500.00	A.1420.4.417	Professional services
SS.8110.1.100	Sanitary Sewer Personal Services	10,400.00	SS.8110.4.417	Professional services, legal
DA.5110.1.100	Highway Repairs Personal Services	5,700.00	A.1420.4.417	Professional services, legal
SD.8540.1.100	Drainage Personal Services	10,400.00	SD.8540.4.417	Professional services, legal

UNCOLLECTIBLE ACCOUNTS RECEIVABLE

Fire Marshal - Avoidable Alarms

	<u>Invoice #</u>	<u>Invoice Date</u>	<u>Revenue Code</u>	<u>Amount</u>
DAYS INN	BZ-014	2/23/00	A.1561	100.00
GF ASSOCIATES	460	1/30/07	A.1561	450.00
HENRIETTA NEIGHBORS BAR	507	1/31/07	A.1561	100.00
PARKER ADMINISTRATION BUILDING	498	1/5/09	A.1561	450.00
RIT	933	10/29/09	A.1561	250.00
RIT	950	10/29/09	A.1561	100.00
RIT	990	10/29/09	A.1561	250.00
RIT	1034	10/29/09	A.1561	100.00
UNITED CEREBAL PALSY ASSOCIATION	1551	11/26/10	A.1561	100.00

TOTAL: 1,900.00

# **Town of Henrietta Managers' Guide**

**Unless otherwise detailed within this Guide, the benefits afforded to the employees covered by the “Agreement Between the Town of Henrietta and C.W.A Local 1170” shall be afforded to the Managers of the Town of Henrietta.**

**Positions:**

The contents of this guide apply to the following positions commonly referred to as Department Heads; including those appointed in an acting capacity:

Assessor  
Commissioner of Public Works  
Deputy Supervisor  
Deputy Commissioner of Public Works  
Director of Finance  
Director of IT  
Director of Building/Fire  
Town Clerk  
Town Engineer  
Director of Youth Bureau and Recreation

**Workweek:**

The base work week is thirty-five (35) hours; or seventy (70) hours per pay period.

As a manager, you are considered an exempt employee under Fair Labor Standards Act (FLSA) and not entitled to overtime pay for hours worked in excess of the base work week. And, per Town practice, you are not entitled to earn compensatory time. However, with Supervisor approval, you may “flex” your time to equal seventy (70) hours per pay period provided the majority of your hours worked occur during Town business hours.

Your typical daily duties are completed on the Town Hall campus. Off-campus meetings, conferences, etc. require prior approval from the Supervisor.

**Wages:**

Managers’ annual salaries are determined by the Town Board.

**Vacation:**

The Supervisor may vary from the CWA agreement in the establishment and earning of the vacation bank. The use of vacation time must have prior approval of the Supervisor or his designee. Although it is

expected that vacation time will be used in the given year, Managers may be allowed to carry-over unused vacation with the approval of the Supervisor.

**Statements to the Press:**

While recognizing your right to a personal opinion as an individual, the Town Board expects you to abide by its policies, priorities and directives in conjunction with the performance of your job responsibilities. If you are in disagreement with the Town's policies or priorities you are expected to refrain from public statements that would damage or misrepresent the Town. The Town Supervisor is to be informed of all inquiries from the press and the response given. You should consult with the Supervisor prior to making any statement about any matter that may be particularly sensitive.

## COMMUNICATIONS CONSULTING AGREEMENT

February 28, 2014

This agreement is made effective as of *February 28, 2014* by and between Jack Moore, Henrietta Town Supervisor and Marjorie A. Kirch, Communications Consultant.

The parties both agree to the following:

### DESCRIPTION OF SERVICES CONSULTANT MARJORIE KIRCH WILL PROVIDE:

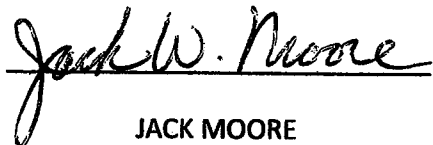
- 1) At the Supervisor's request Marjorie will review documents or other written materials and make suggested recommendations/additions for his consideration.
- 2) Coordinate with the Supervisor and his Administrative Assistant in writing, a quarterly Town Newsletter (Henrietta Happenings).
- 3) Coordinate with the Supervisor in writing his final message for the March Recreation Newsletter.
- 4) Coordinator and Supervisor will communicate in person, by e-mail or by phone.
- 5) Either party may terminate this agreement by giving the other party two weeks notice.

Consultant will perform her work at her residence (2825 Pinnacle Rd. Rush, NY 14543)

Consultant will maintain a written monthly log of time spent and services performed and submit to the Supervisor at the end of each month.

Consultant will be paid an hourly rate of \$25.00, not to exceed \$7,000 a year.

Out of pocket expenses paid by Consultant shall not be entitled to reimbursement from the Town of Henrietta.



JACK MOORE  
Henrietta Town Supervisor



MARJORIE A. KIRCH  
Communications Consultant