

**HENRIETTA TOWN BOARD
AGENDA
MARCH 19, 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):
March 5, 2014
On Motion of: Councilwoman Zinck Seconded by: Councilman Page
6. Miscellaneous Communications
7. Public Hearings:
 - 3389 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 #7-92/2014
Authorize Accounts Payable

RESOLUTION #7-93/2014
Adopt Resolution in Opposition to the Establishment of a Gaming Casino in the Town of Henrietta

RESOLUTION #7-94/2014
Authorize Supervisor to Sign Abandonment of Turnaround Easement – Lot Nos. 901, 902, 924, and 925, in the Preserve Subdivision, Section 9

RESOLUTION #7-95/2014
Authorize Request for Special Use Permit Extensions – Application Nos. 2012-025 and 2012-026, East River Road, Jayne's Riverview, LLC (Graywood Commons), To Allow 96 Townhomes and 144 Apartments

TB March 19, 2014

RESOLUTION #7-96/2014

Appoint Recreation Commission Member

RESOLUTION #7-97/2014

Call for Public Hearing – River Meadow Drive No Parking Zone

RESOLUTION #7-98/2014

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

RESOLUTION #7-99/2014

Authorize Change to Ambulance Fee Schedule

RESOLUTION #7-100/2014

Authorize Personnel Items

PURSUANT TO CALL A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, WAS DULY HELD AT THE HENRIETTA TOWN HALL, 475 CALKINS ROAD, HENRIETTA, NEW YORK ON THE 19TH DAY OF MARCH, 2014 AT 7:00 P.M.

MEMBERS PRESENT

Supervisor Jack W. Moore
Councilwoman Janet B. Zinck
Councilman M. Rick Page
Councilman Kenneth Breese
Daniel J. Mastrella, Town Attorney
Rebecca B. Wiesner, Deputy Town Clerk

MEMBERS ABSENT

Councilman William J. Mulligan, Jr.

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR MOORE

You will now have the opportunity to come up and speak on anything that's on the Agenda. I have a list of people that have signed up and I'll call you up by name and you'll have two (2) minutes and Becky will be keeping time. The first speaker would be Gary Holley.

GARY HOLLEY, 8 COUGAR CIRCLE

Good evening, Gary Holley, 8 Cougar Circle, West Henrietta. I'm not really here to speak for or against the Resolution on the gambling casino, but something that's within the Resolution, and that's about contacting your local legislators. Our local legislators are fine. I don't know if any of their representatives are here tonight, but we should also be contacting other representatives that are within western New York that represent or are around Henrietta. In six (6) years when they redistrict, they could be representing the Henrietta district, so whether you're for or against this Resolution, for or against a casino, the thing is, write your legislator. That's all I'm saying. And make sure it's the federal and the state ones, because they're the ones that are going to have ultimate say on this whole thing. So thank you for tonight.

COUNCILWOMAN ZINCK

Thank you, Gary.

SUPERVISOR MOORE

Thank you, Mr. Holley. The next person is Sherry Andrews. Please state your name and address for the Record.

SHERRY ANDREWS, WESTMINSTER PARK

Hi, good evening. My name is Sherry Andrews and I live on Westminster Park in Henrietta. I know I'm much in the minority here, but everybody's entitled to their opinion and I am for the casino only because of the job creation. Of over, it was what I understand, correct me if I'm wrong, over a thousand (1,000), possibly two thousand (2,000) jobs, twelve million dollars (\$12,000,000.00) in tax revenue. I would like my town to get that money. I know there's a lot of objections that people have brought up. I'm a real estate broker. I've been with Nothnagle Realtors for thirty-five (35) years. I disagree that the property values will go down, because if we create all those jobs, people normally would like to live as close as possible to their work, especially if they don't drive. These are jobs that are not minimum wage jobs; casino jobs usually pay anywhere between thirteen and fifteen dollars an hour (\$13.00/hr. - \$15.00/hr.). And then the other objection that I heard that I disagree with is that it would hurt other businesses in the area; totally disagree. If you go down Jefferson Road on any given night of any given day, every single restaurant is thriving. We've got Wendy's next to McDonald's. We've got Outback next to Longhorn, Red Lobster. Every restaurant is thriving. I think that the entertainment field would give a lot of local musicians jobs that now have to go to Niagara Falls and Buffalo to get. And I just think that, I know there's so many people against it, but I guess I'm entitled to my opinion and I just think it's a win/win situation. I commend you, Mr. Moore, for your views on the No Casino Coalition, because as we all know, that's Finger Lakes Race, Racino, and OTB. It's like now we're getting a Costco, so we got Sam's Club, BJ's, Costco, and all of those businesses will thrive. We've got strip clubs on West Henrietta Road; so far no problems. I don't go to them, but I don't object to them. This is America and we have choices. If you don't want to go to the casino, you don't have to. And if I don't want to go to the show, I don't have to. But jobs, we need those jobs. We need them right here. And that's just how I feel.

SUPERVISOR MOORE

Thank you.

SHERRY ANDREWS, WESTMINSTER PARK

Okay.

(Applause)

SUPERVISOR MOORE

David Christensen.

DAVID CHRISTENSEN, 1456 CALKINS ROAD

David Christensen, 1456 Calkins Road, and again, I want to thank Supervisor and the Board for allowing me up here to speak my piece. One of the things that I read recently in the Rochester Business Journal, and you can get it online if you don't have it, is the pot of gold. And what they're trying to promote here is a pot of gold that they're going to give us all sorts of money, everything's going to be hunky dory. Kevin Seneca,

Chairman of the Seneca Gaming Casino, recently stated private investment and jobs are the cornerstone for economic development. True. Growth and that's what partnership with the Seneca Gaming Corporation represents. Our track record in that area speaks for itself. Let me tell you the track record. In Niagara Falls right now, and it has fallen in the last twelve (12) years. They've had a casino there for twelve (12) years. What has it done? Their average family income up there is now thirty-one thousand dollars (\$31,000.00) and change. Ours is fifty-one thousand dollars (\$51,000.00). We're much better off. Seventeen point six percent (17.6%) of the families in Niagara Falls are below the poverty line, one of the highest in the state. We're nine point one percent (9.1%). Rochester says that they're going to develop twenty-four hundred (2,400) construction jobs. But how is Henrietta going to benefit? Yeah, we're going to serve them lunches and we're going to hand them dinners, but those construction companies are coming from other places. One of the big ones is from Erie County, happens to be Danforth who does the building for them. The idea here is they say two thousand (2,000) jobs. That was just stated. Well, a New York State Comptroller's report says there's only a net gain of fifteen hundred (1,500) jobs and five hundred (500) jobs were lost because businesses going out. How is the guy, the Wendy's, the McDonald's, the restaurant, the hotel, going to compete with somebody who gives you free booze, free food, free board? Who's going to get the money? Yeah, the state's going to get the money. There's a huge pot of gold out there. Henrietta is taking an important step and we thank you for the Resolution that I believe is going to be passed.

SUPERVISOR MOORE

Please summarize.

DAVID CHRISTENSEN, 1456 CALKINS ROAD

There are a lot of lobbyists working for Seneca. They haven't stopped trying to get that. Henrietta has forty-two thousand (42,000) residents. We have forty-two thousand (42,000) lobbyists that can contact every one of the politicians in Albany, because Henrietta really doesn't have a lot of power to say, "No." We have to go through Albany and the Bureau of Indian Affairs. I have one (1) question for the Town. This is a start, printing this up and giving it out. Is there any other things that the Town can do in the way of a webpage, a sign up petition, something that we can distribute to every politician in Albany? Is there something that the Town can do legally to follow through with the majority?

SUPERVISOR MOORE

We will be sending the Resolution to all the elected officials, both state and federal, once it's passed.

DAVID CHRISTENSEN, 1456 CALKINS ROAD

Is there any way to organize a petition where common residents can sign it and go forward that the Town can help with?

SUPERVISOR MOORE

I'll defer to counsel.

DANIEL MASTRELLA, TOWN ATTORNEY

Well, if the Town Board requests that, we'll look into it. I think that the Town Board is trying to express its views, not to campaign either way at this point in time, but to express its views. But we'll look into it, look into that.

DAVID CHRISTENSEN, 1456 CALKINS ROAD

I would love to have the Town try and support the majority of the citizens here. Last week, two (2) weeks ago I promised you a report on Niagara Falls and what the casino has not done for them. That's the reading material that I'm sure that you don't have any more of. Thank you so much for the opportunity.

COUNCILMAN PAGE

Thank you, David.

SUPERVISOR MOORE

Thank you.

(Applause)

SUPERVISOR MOORE

The next speaker is Nick Mendola. And I'll need your name and address for the Record, please.

NICK MENDOLA, 6 ACADEMY DRIVE

6 Academy Drive. I have split feelings either way. We moved here about ten (10) years ago. We accept that there's a lot of commercial, there's RIT, there's dealerships, there's malls. The casino is not going to ask for any money. Costco's going to give you three hundred (300) jobs and they're getting twenty-five (25) years of tax breaks from the tax payers over there. Marketplace Mall is getting fifteen (15) years of tax breaks. Maybe you got questions for me. For about twenty (20) years, my wife and I have gone to casinos. Everything these people talk about I don't see. As far as Niagara Falls goes, they've been losing jobs for years. We all remember Love Canal. They have a lot of chemical plants that have gone out of business; I mean it goes on and on the list. I remember that building that they're in. There were weeds this high before they put the casino. They came in, they said, they asked Niagara Falls, "What do you want?" Niagara Falls gave them a long list and they gave it to them. They gave them money every month, they gave them jobs, and they don't ask for one penny (\$0.01) in tax breaks. He also mentioned how many people live in Henrietta. I don't remember the number, how many people are here? About a thousand (1,000) people that are really against the casino, how many people are for it? I personally don't care either way, because we enjoy the drive down to Niagara Falls. We rode our bikes all along to go in, what is it, Niagara on the Lake on the Canadian side, come back go in the air

conditioning, get something to eat. We've gone to the Salamanca. We already have seven (7) casinos. If somebody has a problem gambling, they're going to go to another one. That was another argument, all these people have problems. It's almost like drinking. If you stop drinking in Henrietta, they're going to go to Pittsford. You stop it in Monroe County, they'll go to Rochester. They have valid concerns, but I really, I wonder how many of these people have been in a casino and how often. I don't know. My wife and I go to casinos, we don't see, everything these people are talking about, we just don't see it. And maybe you got some questions for me, I don't know. But that's where we stand. As far as traffic goes, we have RIT, Harris running across the street from where the casino's going to be; there's already traffic. My wife works at a public safety building. Around the holidays, she doesn't come up West...

SUPERVISOR MOORE

Please summarize.

NICK MENDOLA, 6 ACADEMY DRIVE

I'm sorry, what?

SUPERVISOR MOORE

Please summarize.

NICK MENDOLA, 6 ACADEMY DRIVE

Well that's all I really had to say. Thank you for your time.

SUPERVISOR MOORE

Thank you very much.

NICK MENDOLA, 6 ACADEMY DRIVE

Thank you.

(Applause)

SUPERVISOR MOORE

The next speaker is Goody Freed.

GOODMAN FREED, 167 BENNINGTON HILLS COURT

Yes, it's really Goodman, but...

SUPERVISOR MOORE

Hang on, you have to...

COUNCILMAN PAGE

Address, please.

SUPERVISOR MOORE

Address and name, please.

GOODMAN FREED, 167 BENNINGTON HILLS COURT

Yes, my name is Goodman Freed and I live at Bennington Hills Court in West Henrietta. I am for the casino. I think it's going to, when I came here ten (10) years ago, I actually wrote a paper suggesting that we get a casino here in this town. It'll only bring jobs. The negatives are made up negatives. I looked at this thing today and it says, "Adopt a Resolution in Opposition." You didn't even give people a choice; they don't even know what they're voting for. Opposition to what? The hotel? How big a hotel? How many jobs are going to be in the hotel? Is there going to be a hotel? I don't see anything that says anything about a hotel? The casino, how big a casino? How about, if they're worried about parking and traffic, you have seven (7), eight (8) lanes of traffic in front that you just put a new highway in in front of them, so the traffic's not going to be a problem. We're not talking about a stadium where you have a million (1,000,000) people come in at one time and go out at one time. People trickle in, trickle out. We're going to have people coming in from Canada. We're going to have people coming in all over. The smartest thing they did was they bought the property in the business area. The restaurants in the hotel, they're not open all the time. People go to restaurants when they want to, not when the hotel wants them to go. So all those businesses outside, you can walk from West Henrietta to East Henrietta and go to all those restaurants. You have your choice. So there's nothing but pluses, nothing but pluses with a casino, hotel, jobs, I want them to have their own power plant so that we don't have to worry about that. But otherwise, everything is a plus in bringing a casino here. I reject the terminology here that this is a Resolution for the opposition. It should be a Resolution for the choice of the people, not of, I'm not a paid person, I haven't been paid like some people have and you've suggested it, that some people have been paid to vote against or be against the casino. This is me, from my heart. I think that it's the best thing that could ever happen to Henrietta. We're the hub of the whole county. And right, the only people that can object to are the people in Batavia and the people who own Finger Lakes, the casinos.

SUPERVISOR MOORE

Thank you.

GOODMAN FREED, 167 BENNINGTON HILLS COURT

Thank you.

(Applause)

SUPERVISOR MOORE

The next speaker is Barb Hatch.

BARBARA HATCH, 94 TOMAHAWK TRAIL

Barbara Hatch, 94 Tomahawk Trail. Well here we are back again; same old baloney.

We've presented all the numbers, the facts, and obviously the casino is going to sweeten the pot and that's exactly what I thought.

(From audience, William Wu, 125 Scottsville-West Henrietta Road, "Could you speak into the microphone?")

BARBARA HATCH, 94 TOMAHAWK TRAIL

I said we are back again and the casino has said it's going to sweeten the pot to see how much they can bribe everybody into *(inaudible)*, and I'm really disappointed that Jack Moore was quoted in the paper as saying that he has an open invitation to the Seneca people. I don't know what game we're playing. We'll keep it up. We won't tire. We've spoken, we've spoken clearly. We do not want a casino and we won't tire. We'll come every two (2) weeks for as long as it will take. You'll get sick of hearing us, but thank you.

SUPERVISOR MOORE

Thank you.

(Applause)

SUPERVISOR MOORE

The next speaker is Lynne Stewart.

LYNNE STEWART, 225 VISCOUNT DRIVE

Thank you and I really appreciate having been at the Workshop meeting the other day. It's a really fun...

SUPERVISOR MOORE

We have to have your name.

LYNNE STEWART, 225 VISCOUNT DRIVE

...fun for you, but, oh, Lynne Stewart.

SUPERVISOR MOORE

We have to have your name and address.

LYNNE STEWART, 225 VISCOUNT DRIVE

225 Viscount Drive. Really fun and interesting to see what happens at a Workshop Meeting and all the work you put into everything. I'm a little confused. I know we're going to be, you're going to be passing a Resolution tonight, but I'm a little confused about that the Seneca aren't here, thank heavens, and I appreciate what you said in the letter, or the thing I read from the Democrat and Chronicle, but it says, "The invitation is open for them to make a presentation later." I'm just a little confused. You don't have to answer that.

SUPERVISOR MOORE

Oh, I'd be glad to answer. Since the sixteenth (16th) of January, myself and the Town Board have asked the Senecas to present what they wanted to build in the Town of Henrietta and we've encouraged them to do that and they have yet to come forth with that. But I do believe that out of respect if they want to come in the future that we have to at least listen to what they propose, because we're going to, I'm going to put forth this Resolution, but I believe we run a democratic type of government here and if somebody wants to come and propose building something in Henrietta anytime we're obligated to listen to them.

LYNNE STEWART, 225 VISCOUNT DRIVE

Okay. That would also be on sovereign land by that point, so it's different than what a person...

SUPERVISOR MOORE

Well, ma'am, we don't know that. All I know is that they had a proposal that they said they were going to bring and I extended that offer to them and the rest of us. They haven't done it yet and if and when they want to, I believe that they should have that opportunity to do that so that some of these people here that want a casino, maybe there's some pluses. There's a lot of pluses with a casino, I mean as far as the kind of revenue they're going to give the Town and the kind of jobs. There's a lot of your neighbors who don't have a job, so there's pluses there. But we have listened to people like yourself that have come. We're going to act on that tonight, but if they want to come I believe, as Supervisor, I'm going to let them speak, like I do you.

LYNNE STEWART, 225 VISCOUNT DRIVE

Okay. Do I still get extra time because Mr. Moore took up part of my time?

(Laughter)

LYNNE STEWART, 225 VISCOUNT DRIVE

That's okay, I asked the question, you answered.

SUPERVISOR MOORE

You expected an answer, I gave one.

LYNNE STEWART, 225 VISCOUNT DRIVE

I'm reading a letter from former Supervisor James Breese, written March 18, 2014 to Governor Cuomo. *Dear Governor Cuomo: I am writing to add my voice to the growing chorus of citizens in our community who are opposed to the development of a casino in the Town of Henrietta by the Seneca Nation of Indians. As Supervisor of the Town of Henrietta for twenty-two (22) years, I worked with my fellow Town Board Members to cultivate a balance of commercial and residential development that would keep property taxes low while maintaining an enviable quality of life. Several years ago, I was approached by the Seneca-Cayuga Tribe of Oklahoma with a proposal to put a casino in*

Henrietta. I told them, in no uncertain terms, that we liked what we have in Henrietta and weren't about to throw it away simply over the promise of the riches that a casino might bring. That casino was never built. I knew then that a casino would adversely impact our community and our way of life. The empty promises of the jobs and economic benefits of a casino is just a smokescreen by gambling interests to mask their real intention to make it easier to extract money from the people who can least afford it. Please stand with the people of Henrietta and tell the Seneca Nation that their casino is not welcome here. Sincerely, James R. Breese. And he copied that to Senator Patrick Gallivan, Assemblyman Bronson, the Board, and the Bureau of Indian Affairs. I would also wish that he would send that to Maggie Brooks. I didn't like what I heard her say in the Bob Lonsberry interview yesterday.

COUNCILMAN PAGE

Thank you.

SUPERVISOR MOORE

Thank you.

(Applause)

SUPERVISOR MOORE

The next speaker is Chuck Bianchi. And I'll need a name and address for the Record.

CHUCK BIANCHI, PALMER FOOD SERVICES, 900 JEFFERSON ROAD

My name is Chuck Bianchi, I represent Palmer Food Services at 900 Jefferson Road. I'm here on behalf of Kip Palmer, who's the owner of Palmer Food Services. He asked me to make a short statement tonight because he couldn't attend the meeting. The Seneca Nation at the Seneca Niagara Casino has been a valued client of Palmer Food Service for almost ten (10) years. We provide them with meat, poultry, and seafood, as well as frozen foods and grocery items. Our sales have grown every year. Last year, we sold them over three million dollars (\$3,000,000.00). The Seneca Nation is a very professional, principled organization. They're open to different points of view and they listen. We have found them to be an excellent client. A Seneca Casino in Rochester would be beneficial to the business at Palmer's, as well as other Rochester based service providers. The Seneca Nation has always attempted to do business with western New York based businesses. We simply ask that the Henrietta Town Board consider the revenue and employment opportunities that a casino would bring. Thank you.

SUPERVISOR MOORE

Thank you.

(Applause)

SUPERVISOR MOORE

The next speaker is Richard Griffith.

RICHARD GRIFFITH, 87 DERRICK DRIVE

Good evening, I'm Richard Griffith and I live at 87 Derrick Drive. My concerns with this proposed operation is simply since you have no plans from this Nation, you could not estimate or design the necessary infrastructure that will support it. And how much of that cost would be passed on to the Town residents because of the need to expand or build new plants, electrical, sewage, water, waste disposal. That all goes into the plan. So when will you get that information?

SUPERVISOR MOORE

Well I don't know, I've been asking since the sixteenth (16th) of January and it hasn't shown up.

RICHARD GRIFFITH, 87 DERRICK DRIVE

Well, simply because they haven't chosen to show up, is that going to be a defacto question if it's approved? There are authorities beyond this municipality.

SUPERVISOR MOORE

I can't answer that.

RICHARD GRIFFITH, 87 DERRICK DRIVE

Well, somebody has to answer it, because the community is here. Legally or otherwise. Legally, is there an option to stop them once it's approved by the Department of the Interior and the Governor of New York?

SUPERVISOR MOORE

I would tell you no. That's why, we're only here as an advisory capacity. We really have no jurisdiction over this. The first stop really isn't here at the Town of Henrietta. It's at the state level with the Governor and it's at the federal level.

RICHARD GRIFFITH, 87 DERRICK DRIVE

So it doesn't matter what they do. If they get the approval, they can do anything they wish.

SUPERVISOR MOORE

I would tell you, Counselor, you want to way in? I mean, you've done the research for us.

DANIEL MASTRELLA, TOWN ATTORNEY

Yes, well I wouldn't go that far with it, but the Supervisor's correct. The Town Board doesn't have the ability to approve or disapprove. He was also correct that he can't answer questions about infrastructure and the like without a proposal on the table and there's been no proposal. It's, you can't make a blanket statement, however, to the effect that they can do whatever they'd like, because there are many levels of regulation that they're going to have to go through: the Bureau of Indian Affairs, the Gaming

Commission, the State of New York Gaming Commission, the Governor's Office, and probably the legislature. So it's not that nobody gets to make any decisions here, however the Town Board does not have approval or disapproval authority.

RICHARD GRIFFITH, 87 DERRICK DRIVE

So when it comes to having to support this installation within the community, they have no authority, who pays for it?

DANIEL MASTRELLA, TOWN ATTORNEY

Well, once again, without a proposal on the table, that question can't be answered. I'm certain that the proposal, if it's ever made, is going to ultimately include those details.

RICHARD GRIFFITH, 87 DERRICK DRIVE

So the thirty-nine (39) acres they bought are on the tax rolls still?

COUNCILMAN PAGE

I'm sorry?

SUPERVISOR MOORE

Yes. That's on the tax rolls.

COUNCILMAN PAGE

It's on the tax rolls.

SUPERVISOR MOORE

They bought thirty-two (32) acres for two point seven million dollars (\$2,700,000.00) and it's taxable unless it becomes sovereign property.

RICHARD GRIFFITH, 87 DERRICK DRIVE

Well, when, what's the process for them declaring a sovereign property?

SUPERVISOR MOORE

They have to apply to the, at the federal level, to the Secretary of the Interior, which deals with Indian Affairs, and they will make application for what they would like to be sovereign.

RICHARD GRIFFITH, 87 DERRICK DRIVE

So federal has the right to override state's rights is what you're saying?

SUPERVISOR MOORE

I'm not a Counselor so I...

RICHARD GRIFFITH, 87 DERRICK DRIVE

That's the question directed to the Attorney.

DANIEL MASTRELLA, TOWN ATTORNEY

It's complex, however in this particular instance, there is, the federal government and the State of New York entered into a compact, or a settlement I should say, a land settlement with the Seneca Indian Nation in 1990 and made a payment of, between the two (2), approximately sixty million dollars (\$60,000,000.00) to settle leases and land claims in the State of New York and there's a provision for the Seneca Nation to use those funds, if they choose, to acquire additional, what would be replacement properties, and for those to become Indian lands, so to speak. There has to be approval for that by the Department of the Interior. That's aside from the gaming aspect of things. Then the gaming aspect of things takes on a whole other level of approvals that filter down to the State of New York.

RICHARD GRIFFITH, 87 DERRICK DRIVE

Well my concern is not the gaming side. My concern is the sovereignty of the land and what they can do with it in the middle of our community. If that decision has already been made because they purchased and paid in cash, have they made application to have it defined as sovereign territory?

DANIEL MASTRELLA, TOWN ATTORNEY

No. The property's been purchased by a corporation.

RICHARD GRIFFITH, 87 DERRICK DRIVE

Okay.

DANIEL MASTRELLA, TOWN ATTORNEY

The Seneca Gaming Corporation. It has to be, for it to become fee restricted Seneca Nation land, there has to be approvals by the Department of the Interior.

RICHARD GRIFFITH, 87 DERRICK DRIVE

And are they required to notify you when they make application?

DANIEL MASTRELLA, TOWN ATTORNEY

They are, the Department of the Interior is supposed to solicit local input, if it's done under this provision, and that's a big if. I don't have any proposal. If it's done under that provision, under the 1990 Land Settlement Act, they are supposed to allow comment from local officials regarding the effect of removing the properties from the tax rolls.

RICHARD GRIFFITH, 87 DERRICK DRIVE

It only deals with tax rolls. Okay.

DANIEL MASTRELLA, TOWN ATTORNEY

That's what the Act says.

RICHARD GRIFFITH, 87 DERRICK DRIVE
Okay, thank you.

SUPERVISOR MOORE
Thank you, they were all good questions. Thank you.

(Applause)

SUPERVISOR MOORE
Mr. and Mrs. Goldstein.

CYNTHIA GOLDSTEIN, 29 HORSESHOE LANE SOUTH
I'm Cynthia Goldstein, 29 Horseshoe Lane South in Henrietta. You know, you don't have a passive role tonight. Your role is essential, because the federal government looks very, very carefully at the role that the local government takes in opposing, as I wish, this casino in Henrietta. Senator Schumer said he wouldn't even consider a casino in a community that opposes it. So this, your role tonight is absolutely essential and I thank you for taking it.

(Applause)

SUPERVISOR MOORE
Janet O'Connor. Oh, Dr. Goldstein wants to speak too, go right ahead.

DR. ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH
I generally let my wife have the last word, but not tonight.

(Laughter)

DR. ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH
I'm Dr. Robert Goldstein. I live at 29 Horseshoe Lane South in Henrietta. I've been a resident of the Town of Henrietta for something over fifty (50) years. First point I want to make is that we need to be careful when we discuss this matter that we speak in clear, understandable terms. Unfortunately, the term gaming has come into our common province here. We are not talking about gaming. Gaming is hopscotch. Gaming is checkers. Gaming is maybe monopoly. We're talking about gambling. Gaming is a euphemism, one of those camouflage words that is used to disguise the real issue, and that issue is gambling. So next time someone comes to talk to you and begins to talk about gaming, you might suggest that they leave the room and not come back until they're willing to speak in clear, plain English about what the matter really is. I want to talk some about the issue of problem gambling. This is not a harmless activity. I spent many years as director of several of the inpatient units at the University Of Rochester Medical Center Department Of Psychiatry, known commonly as the R wing. And I spent several years as director of an inpatient ward that treated gambling, addictive behaviors including chemical and substance abuse, and behavioral addictions.

I can assure you, this is not a harmless activity. I have personally seen the devastation that is wrought by people who become dependent upon gambling as a way of satisfying some need that they have. I have seen families torn apart, I have seen businesses go downhill, I have seen careers destroyed, I have seen lives lost, literally. So we're talking about something very serious here. Now you can say, "Well, that doesn't happen very often." The research shows very clearly that somewhere between two and four percent (2% - 4%) of the population are problem gamblers. We're not talking about Mom and Pop dropping a few coins in the slot machine. We're talking about serious disturbance that really ruins people's lives.

SUPERVISOR MOORE

Please summarize.

DR. ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Okay. I want to emphasize that the studies that are done by the gambling companies, by bought and paid for researches, suggest there'll be lots of money and benefits to the community. All the serious research done by qualified researchers, reviewed and peer reviewed publications with careful statistical checks show that this is not true. There is no long term benefit to the community. There is, in fact, a negative economic impact and there are no long term job advantages. So every honest study that's been done comes to the same conclusion: there is a loss to the community and not a gain. We may like to think that there's a benefit. The facts are otherwise. I can tell you that seventeen percent (17%) of the people who are admitted to hospitals for suicide behaviors are problem gamblers. This is a very serious disorder and not something to be treated lightly as just a little thing to be...

SUPERVISOR MOORE

Please summarize, Dr. Goldstein.

DR. ROBERT GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I just want to finish one comment. Gambling companies make the money by making people lose their money. I'm not sure that's the kind of thing we want to have in this community. And thank you very much.

(Applause)

SUPERVISOR MOORE

Janet O'Connor.

JANET O'CONNOR, 182 YORK BAY TRAIL

Hi, I'm Janet O'Connor, and I live at 182 York Bay Trail. And thank you very much for allowing me to speak to you again. And I came here to congratulate you on your decision to hopefully pass a Resolution opposing the casino.

(From audience, William Wu, 125 Scottsville-West Henrietta Road, "Would you speak

into the microphone?”)

JANET O’CONNOR, 182 YORK BAY TRAIL
Do you want me to repeat what I said?

(Multiple members of audience, “Yes.”)

JANET O’CONNOR, 182 YORK BAY TRAIL
Okay, I came here to congratulate you on your decision to hopefully pass a Resolution opposing the casino and hopefully that will come to pass. And I think what’s really important to remember is you can’t legislate it. You can’t prevent it, but you do have a lot of influence and I think it’s really important to remember that. Saratoga Springs just recently passed a Resolution similar to the one that hopefully you will pass here. They don’t want a casino in there and that’s a really nice, pretty town. And I just would like to keep Henrietta the way it is. It’s a nice family-oriented town that people enjoy coming to and I don’t oppose gambling, but I don’t want it in our backyard. So thank you.

SUPERVISOR MOORE
Thank you.

(Applause)

SUPERVISOR MOORE
Henry Wojtaszek. And I have to apologize, I’m sure I murdered your name.

(From audience, Henry Wojtaszek, General Counsel for Off-Track Betting of Western New York, “Oh, no problem.”)

HENRY WOJTASZEK, GENERAL COUNSEL FOR OFF-TRACK BETTING OF WESTERN NY
Good evening, how are you? My name is...

SUPERVISOR MOORE
We have to have your name and address.

HENRY WOJTASZEK, GENERAL COUNSEL FOR OFF-TRACK BETTING OF WESTERN NY
Henry Wojtaszek, 620 East Goundry Street in North Tonawanda. I’m here tonight on two (2) issues. I work for the Western Region OTB.

SUPERVISOR MOORE
You’re going to have to talk into the microphone, though.

HENRY WOJTASZEK, GENERAL COUNSEL FOR OFF-TRACK BETTING OF WESTERN NY
I’m the General Counsel for the Western Region OTB and there’s two (2) issues that I want to talk about. One is the competition nature and someone mentioned about the

Costcos and the BJ's and the other type of stores that are coming in here. The real situation is that, the actual situation is a very unfair situation in terms of the competition. Relative to the effective tax rate for the Western Region OTB, it's over sixty percent (60%) on all that we do. The Senecas would be approximately twenty-five percent (25%) just on the slots itself, there's no tax on the games or anything else that is there. There's a massive disparity in what each entity pays, also the type of games that we're allowed to have and the type of marketing that goes on. I also want to talk about the approval process under the Indian Gaming Regulatory Act. Your Counsel very accurately stated most of the things that would be required in order for a casino to be awarded here, but there are a couple other additional items. And that is in order to have a game, they must hold land that is eligible for it and in order to do that...

(Unidentified from audience, "Could you put your face right close to the microphone, please? Thank you.")

HENRY WOJTASZEK, GENERAL COUNSEL FOR OFF-TRACK BETTING OF WESTERN NY

In order to do that, the Seneca Nation of Indians will use the process under the land claims. And the quickest way for them to do that is to have the US land put into a restricted fee process. The application has to show that there is some aboriginal nexus to the property and that the land in question is in close proximity to an existing reservation land. And, as your Counsel pointed out, once the application goes in, then there's thirty (30) days for the County Executive, for the local Board, and for the Governor to make comments to the Bureau of Indian Affairs. And the Secretary of Indian Affairs on or prior to the sixtieth (60th) day of the application can either affirmatively or negatively comment upon that application. And then the Seneca Nation of Indians must enter into a gaming compact, or an extension of the current compact, with both the Governor and the legislature. So a lot has to happen between now and then. And then the Department of Interior must approve a site specific Seneca Gaming facility right here in Henrietta. So having said that, I'll just make one (1) final comment. I'm from Niagara County. I've seen what happens within the Seneca confines. They built everything to keep people within the casino and everything that's around it has suffered, including businesses, restaurants, and other type of merchants. So I've seen it firsthand and I appreciate the opportunity to speak here tonight.

SUPERVISOR MOORE

Thank you.

(Applause)

SUPERVISOR MOORE

Wendy Bishop.

WENDY BISHOP, 14 IVORY WAY

My name is Wendy Bishop. I live at 14 Ivory Way. I just wanted to thank the Town Board for passing the Resolution... I thought this was going to be after it was passed.

(Laughter) ...for opposing a casino in Henrietta. Thank you for listening to us. I was here at two (2) meetings. First (1st) meeting, seventeen (17) people spoke about the casino. All, except one (1), were opposed to the casino. The second (2nd) meeting I was here, there were several people who spoke, all were opposed to the casino. There have been petitions, there have been phone calls I'm sure. I really appreciate that you listened to us and I wanted to give the Board an opportunity to let us know what they have been doing behind the scenes other than the Resolution and what their plan is to further the cause against the casino in the future so that we can help and support those efforts.

SUPERVISOR MOORE

Well, I met with Maggie Brooks yesterday and we discussed the casino in length and I've also met with Senator Gallivan and Harry Bronson and will continue there on the local level and if you'd like to get ahold of me tomorrow in the office, I'd be glad to discuss it with you.

WENDY BISHOP, 14 IVORY WAY

Thank you very much.

SUPERVISOR MOORE

You're welcome.

(Applause)

SUPERVISOR MOORE

Michael Itterman.

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

SUPERVISOR MOORE

I'm sorry.

MICHAEL ITTERMAN, 220 HOLLYBROOK ROAD

Hi, I'm Michael Itterman, 220 Hollybrook Road, and I'm going to try to summarize before I have to summarize, because two (2) minutes is not enough time. I just want to say I oppose the casino. You know, there has been a lot been said about this anti-gambling group that's brainwashing a bunch of Henrietta people into coming up here to fight it. I just want to say I was here last Wednesday. I was actually here for a soccer committee meeting and I saw this was going on. I didn't even know what was going on, I just signed up to talk and I was kind of *(inaudible)* when all the reporters are saying, "Oh, political group brainwashing people, getting them out here to speak against it." I'm here because I care about the community and I don't know what, why the reporters, why they would say that, whether it's some political agenda of their own or they're trying to sway the masses into believing what people have to say against it is a small minority, but I can tell you the numbers right now to some of the questions. Fifty-three percent

(53%) of Henrietta voted against having a casino anywhere in New York State, and out of those forty-seven percent (47%) that did vote, I'll bet you, there's already, I already talked to some of those people and they do not want a casino in their backyard, and there's a lot of reasons. You heard about crime, that being one of them, but and you heard about the jobs it's going to bring and the money it's going to bring to the state and Henrietta. It sounds like a pretty simple decision to go ahead and do it, right? No, it's not. It's a lot more complicated than that. You could take a dollar (\$1.00), I could take a bunch of bills right out of my pocket and I could hold it up here and I can burn it and set it on fire and it'd heat this room and could say, "Hey, we just saved the Town some money, they don't have to pay so much on their heating bill now."

(Laughter)

MICHAEL ITTERMAN, 220 HOLLYBROOK ROAD

And I could do that and then we say, "Hey, we could hire people to burn money and then it'd heat it and then we'd create jobs and the Town's going to ultimately get money out of this, right?"

SUPERVISOR MOORE

Please summarize.

MICHAEL ITTERMAN, 220 HOLLYBROOK ROAD

And, okay, see now I have to summarize. So you know what I say? Skip the casino, say no, give them your pennies. Here's my two cents (\$0.02), you guys give them your two cents (\$0.02), and I think we'd be all good.

SUPERVISOR MOORE

Thank you.

MICHAEL ITTERMAN, 220 HOLLYBROOK ROAD

Let me see, okay, oh, one other thing, I just want to say that for them to have a casino, it has to be sovereign land. They cannot have a casino without it being sovereign land. It will be a reservation, it will be no tax, and also, I urge every Henrietta resident to just don't believe what you see in the headlines. Heck, don't even believe me. I challenge every one of you...

SUPERVISOR MOORE

Please summarize.

MICHAEL ITTERMAN, 220 HOLLYBROOK ROAD

...you and you to go online, Google it, and Google, and what Indian run casinos, the negative effects are. Google it. I dare you...

SUPERVISOR MOORE

Thank you.

MICHAEL ITTERMAN, 220 HOLLYBROOK ROAD

...and I got a summary report right here that's already done in New York State by the Seneca Nation.

SUPERVISOR MOORE

Thank you. Thank you.

(Applause)

SUPERVISOR MOORE

Patty Brill, please. We need more guys like you.

(Laughter)

SUPERVISOR MOORE

Liven this place up.

PATTY BRILL, 1365 MARTIN ROAD

Thanks for letting me follow up that one.

SUPERVISOR MOORE

Name and...

PATTY BRILL, 1365 MARTIN ROAD

Patty Brill, Martin Road. Thank you to the Board for allowing us the opportunity to talk. I was really disappointed the Senecas wouldn't be here tonight. I was really looking forward to seeing their design, their plan. We've heard so much about casino, casino, casino, but we haven't heard anything about the possibility of a five (5) star hotel, or high end restaurants, or spas, or beautiful landscaped venues and property and things like that. I was disheartened to find out the Delaware North and the OTB were the folks that were against the casinos. It's kind of like an oxymoron, because aren't they casinos? And I agree with Mr. Freed. He and I have never talked, but some of my notes were, it's kind of like BJs and Sam's Club saying Costco can't come in or Red Lobster saying Joe's Crab Shack can't come in, along those lines. I was really sad also to see that there's a Resolution tonight to oppose it when we haven't really seen it. I have all due respect for you guys, you guys are awesome. I know you've done your homework behind the scenes and know everything that's going on. I was just so looking forward to what else is behind it other than a casino. I'm not a gambler. I've put a couple coins in those machines, but I'm way too conservative to think that's fun. *(Laughter)* But anyway, I really appreciate it and I hope we have an opportunity to see the design and if there's a spa coming to Town, I'm all for that.

(Laughter)

SUPERVISOR MOORE

Thank you.

(Applause)

SUPERVISOR MOORE

Mary Morich. And we have one (1) more after that.

MARY PIZZENTE-MORICH, 42 TELEPHONE ROAD

My name is Mary Pizzente-Morich, 42 Telephone Road, West Henrietta, New York. I've spoken to some of you about this issue. I am, first of all, I am representing myself, as a resident of Henrietta. And as a resident of Henrietta, I am opposed to a casino. And I would be opposed to a casino in Henrietta regardless of who ran it. I am concerned about the fact that there is, we're going into a proliferation of gaming establishments. With the referendum that was passed in November, we now have Seneca casinos to our west, we have racinos south of us and to our west, there's proposed casinos possibly in Seneca County to our east. There's going to be a limited number of people that are going to come to these casinos and they're going to come from the Rochester area. That leads me to be very concerned about the negative impacts that Dr. Goldstein so eloquently talked about, because even though there may be some positive economic impacts. Assuming that they outcompete all the other casinos, there are also going to be negative costs. And I don't want my community to be making profits off from those negative costs, and that's what I have to say.

SUPERVISOR MOORE

Thank you.

(Applause)

SUPERVISOR MOORE

Lois Verde. This is the last speaker that has signed up.

LOIS VERDE, 30 CALVER COURT

Hi, Lois Verde, 30 Calver Court, and I came here with a nice speech, but I'm going to do something different. There's a couple of things that were said that I'd really like clarification, because the Senecas had once said that if we don't want them here, they don't want to be here. So I'm wondering why is it that we feel that we have no voice? I'm a little confused by that. Why are you guys saying we don't have a voice when they clearly stated we did?

SUPERVISOR MOORE

I can't say that we have a voice. I mean, I can only go by the way the process goes at the state and the federal level. I don't believe we have much of a voice. All we can do is advise the Indian Affairs people at the federal level of whether we want it or we don't. And the reason that we're going to do this Resolution tonight is to say that we don't

want gaming here in Henrietta.

LOIS VERDE, 30 CALVER COURT
And that's the...

(From audience, Dr. Robert Goldstein, 29 Horseshoe Lane South, "Gambling.")

(Laughter)

LOIS VERDE, 30 CALVER COURT
Gambling.

SUPERVISOR MOORE
Well, you have your opinion, Dr. Goldstein, which I respect and appreciate, but they actually call it gaming...

(Inaudible, from audience, Dr. Robert Goldstein, 29 Horseshoe Lane South)

SUPERVISOR MOORE
...and I'm sorry, but, I agree more with you, but they do call it gaming. And our Counselor over here, we paid him to write a Resolution that I'm going to read that says gaming.

(Laughter)

LOIS VERDE, 30 CALVER COURT
The other thing I wanted to mention was that I believe it's stated that if we can show that it's detrimental to our community, it won't be passed by the DOI, and I believe we have proven that from report, report, the Doctor just here gave an eloquent report or statement regarding reports and how it negatively affects our community. So I think we have a very strong voice in preventing this from happening, but I'm wondering how strong the Resolution is that we're signing, if we're still saying that we're going to accept a proposal from them. It's kind of like talking out of both sides of our mouth. Are we strongly against this and are you stating that with this proposal that we are strongly against this or are we going to say, "Yeah, just give it to us and maybe we'll reexamine the situation"? Because my understanding of the Resolution that you're signing is for the purpose of making a strong statement to everyone that we are against the casino in Henrietta. Am I wrong?

SUPERVISOR MOORE
No, that's correct. And that's what we're going to do tonight, but we are still obligated if they want to come and make a proposal, like any other business, they have that opportunity.

LOIS VERDE, 30 CALVER COURT

But what would be the purpose of them doing that? And why would there be an encouragement for them to do that?

SUPERVISOR MOORE

Well I would believe they're not here tonight because of the fact that we are going to pass this Resolution.

LOIS VERDE, 30 CALVER COURT

So are you under the opinion that they're not going to ever come back to us? The thing is we don't want to have to keep coming back to you every...

SUPERVISOR MOORE

I'd actually like to have a Town Board Meeting that I could conduct with less than two hundred (200) people at it.

LOIS VERDE, 30 CALVER COURT

I bet you would!

(Laughter)

LOIS VERDE, 30 CALVER COURT

I bet you don't want all the phone calls either and people knocking on your doors. But so I guess I'm almost feeling like we're not resolving the issue if we're asking them to come, particularly when we're asking them to come.

SUPERVISOR MOORE

Ma'am, I'm not asking anybody at this point, but they do have that right to come back and do it at a later date if they want. They've been asked since the sixteenth (16th) of January to present something to this community. They have not done that. They potentially could have come here tonight. They haven't. But I still can't exclude them from coming and offering whatever they want to do here. We live in a democracy.

LOIS VERDE, 30 CALVER COURT

Will our stance still be no?

SUPERVISOR MOORE

I'm sorry?

LOIS VERDE, 30 CALVER COURT

Will our stance still be no even when they come?

SUPERVISOR MOORE

We're passing a Resolution in that...

LOIS VERDE, 30 CALVER COURT
Okay.

SUPERVISOR MOORE
...venue. I mean...

LOIS VERDE, 30 CALVER COURT
Well, that's what I want to know.

COUNCILWOMAN ZINCK
I can understand the question mark you have on that...

LOIS VERDE, 30 CALVER COURT
Okay, so the answer no matter what...

COUNCILWOMAN ZINCK
...but that is what the Resolution is saying.

LOIS VERDE, 30 CALVER COURT
Okay. Alright, thank you.

SUPERVISOR MOORE
You're welcome.

(Applause)

SUPERVISOR MOORE
That will conclude the part of this program here. We will go on now and start our business meeting. And could I have approval of the Minutes for the March 5, 2014 Meeting?

COUNCILWOMAN ZINCK
Mr. Supervisor, I'd like to move approval of the March 5, 2014 Meeting.

COUNCILMAN PAGE
Second.

Duly put to a vote:

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

Carried

SUPERVISOR MOORE

The next thing is the Public Hearing for 3389 East River Road. It's a property cleanup and the property owner has asked that this be postponed until April 2nd. So may I have the first Resolution, please?

RESOLUTION #7-92/2014

On Motion of
Councilman Breese

Seconded by
Councilman Page

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

Exhibit A	Bills Payable dated 03/19/2014	\$ 196,221.24
-----------	--------------------------------	---------------

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

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

RESOLUTION #7-93/2014

On Motion of
Supervisor Moore

Seconded by
Councilman Page

WHEREAS, the Seneca Nation of Indians have announced plans to build a gaming casino and have acquired a 32 acre parcel of land titled to the Seneca Gaming Corporation on Clay Road in the Town of Henrietta as a potential site for a casino, and

WHEREAS, the members of the Town Board have been approached by numerous residents of the Town of Henrietta, hundreds of whom have attended Town Board Meetings to register concerns about negative impacts on the quality of life in Henrietta, the character and identity of the Town of Henrietta, and the long term economic impact which may be occasioned by the location of a casino in the Town, and

WHEREAS, it is the role of the Town Board of the Town of Henrietta to represent the views of the residents of the Town.

THEREFORE, BE IT RESOLVED, that the Henrietta Town Board does hereby state its opposition to the establishment of a gaming casino in the Town of Henrietta, and

BE IT FURTHER RESOLVED, that said opposition be communicated to the Governor of New York State, the United States Secretary of the Interior, and any other

officials who have decision making authority on the establishment of a Seneca Indian Nation Casino in the Town of Henrietta, and

BE IT FURTHER RESOLVED, that each member of the New York State Legislature and any members of the United States Congress representing the Town of Henrietta be urged to join this Board in opposition to the establishment of a casino in the Town of Henrietta.

(Applause)

SUPERVISOR MOORE

Before I ask to call the roll, Councilman Mulligan is not with us tonight. He is actually very lucky, he's in Florida. And he just wanted everybody to know here that if he was here, he would be casting his no vote and he appreciates all of the residents that have spoken on this issue and that have got out and made their voice heard and that's coming from myself and the rest of the Town Board. We appreciate the efforts, we've listened, and we've made a decision that I believe will be better for the Town of Henrietta.

(Unidentified from audience, "Is that a no to support it or against it?")

COUNCILWOMAN ZINCK

No, he would be supporting it. He would be supporting it.

(Unidentified from audience, "Supporting what?")

COUNCILWOMAN ZINCK

This Resolution.

(Unidentified from audience, "The Resolution doesn't state anything. It just says it's in opposition to something. We don't know what something is. You don't even know what it is.")

COUNCILWOMAN ZINCK

We're opposing a casino in the Town of Henrietta.

(Unidentified from audience, "You're opposing a gaming casino...")

COUNCILWOMAN ZINCK

In the Town of Henrietta.

(Unidentified from audience, "...in the Town of Henrietta, whether it's Seneca or anybody else.")

COUNCILWOMAN ZINCK

That's what it states. I just want to add to what the Supervisor said and I want to first

of all commend my fellow Board Members, because this has taken a lot of time. We've gotten lots of phone calls, lots of emails, and the community's definitely reached out and everyone here has really weighed it, I think, very seriously and tried to look at both sides. So I want to tell you that I'm really proud of the team and the time they've put into this and also very proud of all of you that you've continually come and let us know your thoughts. And I hope you'll continue to do that with the rest of your legislators, senators, assembly people and so forth.

(Unidentified from audience, "And Maggie Brooks.")

COUNCILWOMAN ZINCK
And Maggie Brooks.

SUPERVISOR MOORE
Please call the roll.

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

(Standing ovation)

COUNCILWOMAN ZINCK
You ready?

SUPERVISOR MOORE
Yes.

RESOLUTION #7-94/2014

On Motion of
Councilwoman Zinck

Seconded by
Councilman Breese

WHEREAS, the Developer, BRW of Greece, LLC, has constructed a new house on Lot No. 902, with plans to develop Lot Nos. 901, 924, and 925, in the Preserve Subdivision, Section 9, and

WHEREAS, in order to close on Lot No. 902, and future closings on Lot Nos. 901, 924, and 925, a portion of the existing temporary turnaround easement needs to be abandoned, and

WHEREAS, the existing Town temporary turnaround easement recorded in Liber 11026 of Deeds, Page 312 on the properties being identified as Tax Identification Nos.

160.17-1-31, -32, -54, and -55, are no longer needed by the Town, and

WHEREAS, the Town Attorney and the Director of Engineering and Planning have reviewed the attached Abandonment of Easement and recommended that the Town of Henrietta consent to and execute said Abandonment.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town of Henrietta, be hereby authorized to execute the attached Abandonment of Easement, which shall be filed in the Monroe County Clerk's Office.

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

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

RESOLUTION #7-95/2014

On Motion of
Councilman Page

Seconded by
Councilman Breese

WHEREAS, on May 16, 2012, the Town Board approved Special Permit Nos. 2012-024, 2012-025, and 2012-026 allowing Jayne's Riverview, LLC to develop properties located on the west side of East River Road, across from Brooks Road and north of the Graywood Meadows Subdivision in accordance with plans submitted to the Town, and

WHEREAS, the Town Board denied the request of Jayne's Riverview, LLC for an extension of Special Permit Nos. 2012-025 and 2012-026, and

WHEREAS, Jayne's Riverview, LLC challenged the denial of the extension in an Article 78 Proceeding in New York State Supreme Court, and

WHEREAS, the Supreme Court issued a Decision and on March 6, 2014 entered an Order directing the Town Board of the Town of Henrietta to extend the Special Permits previously granted by a period of six (6) months from the date said Order becomes final, and

WHEREAS, the Town Board on March 5, 2014 extended Special Permit No. 2012-024 for a period of six (6) months.

THEREFORE, BE IT RESOLVED, that Special Permit Nos. 2012-025 and 2012-026, issued to Jayne's Riverview, LLC, are hereby extended for a period of six (6) months.

SUPERVISOR MOORE

Discussion? Please call the roll.

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

Carried

RESOLUTION #7-99/2014

On Motion of Councilman Page	Seconded by Councilwoman Zinck
---------------------------------	-----------------------------------

WHEREAS, on December 18, 2013, the Henrietta Town Board approved Resolution #24-194/2013 authorizing the Supervisor to sign the 2014 Contract with the Henrietta Volunteer Ambulance, and

WHEREAS, the Henrietta Volunteer Ambulance has submitted an amendment to the adopted fee schedule for 2014, and

WHEREAS, such addition has been reviewed and deemed acceptable by the Town Board.

THEREFORE, BE IT RESOLVED, that the Town Board approves the attached schedule of fees as amended.

SUPERVISOR MOORE
Discussion? Please call the roll.

Duly put to a vote:

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

Carried

RESOLUTION #7-100/2014

On Motion of Councilman Breese	Seconded by Councilwoman Zinck
-----------------------------------	-----------------------------------

BE IT RESOLVED, that the following people be hired:

Kathleen O'Connor	Building & Fire Prevention, Part-Time Code Enforcement Officer (Parking) @ \$11.79/hr., effective March 24, 2014.
-------------------	---

James E. Radell	Building & Fire Prevention, Part-Time Code Enforcement Officer @ \$11.79/hr., effective March 24, 2014.
-----------------	---

Kirstin Hollman Recreation Department, Part-Time Recreation Attendant,
Afterschool Program @ \$8.00/hr., effective March 16,
2014.

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

Step Increases, per the Collective Bargaining Agreement, as per the attached,
effective April 1, 2014.

SUPERVISOR MOORE

Discussion? Please call the roll.

Duly put to a vote:

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

Carried

SUPERVISOR MOORE

That concludes the Resolution part of the Meeting. Is there anybody that would like to speak to the Town Board about any subject matter that wasn't on the Agenda? You're all talked out?

(From audience, Cynthia Goldstein, 29 Horseshoe Lane South, "What if it was on the Agenda?")

SUPERVISOR MOORE

Oh, sure.

CYNTHIA GOLDSTEIN, 29 HORSESHOE LANE SOUTH

I have a question, couple questions.

SUPERVISOR MOORE

You have to give your name and address and then...

CYNTHIA GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Oh, yes, Cynthia Goldstein, 29 Horseshoe Lane South. I have a question about the statement that the Indian Nation made through their spokesperson that unless they could have cooperation from the Town, they would, what they said, consider it a prospective arrangement, which I assume they meant it might not go forward. I don't know if they've approached you at all yet, because you hadn't yet passed your Resolution. What's the status of that land? If they don't go forward, what happens to that property that they purchased?

SUPERVISOR MOORE

They had stated way back in late January that if and when they bought the property, even if the community didn't want them, that they felt it was a good investment and they would then sell it at a later date.

CYNTHIA GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Oh, they'd sell it. They wouldn't build something else on it. So it still is on the tax rolls and it still belongs to the Town of Henrietta?

SUPERVISOR MOORE

I actually got a call from one of my sons the other day and he said, "Dad, is it really true that there's teepees on that land?"

(Laughter)

CYNTHIA GOLDSTEIN, 29 HORSESHOE LANE SOUTH

(Laughter) Good idea. Okay.

SUPERVISOR MOORE

I said, "I don't know, but I'll send the Assessor over to look."

(Laughter)

CYNTHIA GOLDSTEIN, 29 HORSESHOE LANE SOUTH

But you haven't been, you haven't had a conversation with the Indian Nation yet about not going forward with it?

SUPERVISOR MOORE

No, they did call and say that they would not be coming to present tonight, but besides that, I haven't had any contact with them.

CYNTHIA GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Okay, well, to be continued.

SUPERVISOR MOORE

Yes.

CYNTHIA GOLDSTEIN, 29 HORSESHOE LANE SOUTH

Thank you.

SUPERVISOR MOORE

Thank you. Anybody else?

PATTY BRILL, 1365 MARTIN ROAD

Patty Brill, Martin Road. And again, mine is not, it's a clarification from something earlier, so thank you again for the opportunity. I was told, and I'm not sure if this is true, so hopefully Mr. Mastrella, you can clarify, that the gaming portion, gambling portion, is not taxed, but any other venue that would be on the property is taxable.

SUPERVISOR MOORE

Well, I can address that because of the proposal that, or when we were in Niagara Falls on the twenty-ninth (29th) of January. They said that if they built in Henrietta that the casino itself would be sovereign property, but anything else that would be built on that land they would build with a partner and it would be taxable. So does that clarify it, Patty?

(From audience, Patty Brill, 1365 Martin Road, "Exactly, thank you.")

SUPERVISOR MOORE

Okay.

KATHLEEN ENGLERT, 284 BROOKS ROAD

I'm Kathleen Englert, Brooks Road, West Henrietta. And I was told by somebody that it's wetlands back in there. How are they going to...?

SUPERVISOR MOORE

There are some wetlands there, there's no doubt about that. And that would all have to go through the Planning Board. My understanding is on the other sites that they built on, that they actually cooperate with the jurisdiction in which they build in and they're going to go through our Planning Board and everything else, so they...

KATHLEEN ENGLERT, 284 BROOKS ROAD

Okay, another...

SUPERVISOR MOORE

The only thing that would be sovereign, from what I'm told, is the casino itself.

KATHLEEN ENGLERT, 284 BROOKS ROAD

Okay, another thing too is the property looks like it goes across the Expressway in back of those homes, that...

SUPERVISOR MOORE

No, it's all on the...

KATHLEEN ENGLERT, 284 BROOKS ROAD

On this side...?

SUPERVISOR MOORE
...on the north side of I-390.

KATHLEEN ENGLERT, 284 BROOKS ROAD
Oh, okay, because I had gotten a map somebody gave me.

SUPERVISOR MOORE
It does front on Clay Road. It's kind of an odd shape piece of property and there's actually two (2) different pieces they bought that would total thirty-two (32) acres.

KATHLEEN ENGLERT, 284 BROOKS ROAD
Well, that's what I was wondering about. The second (2nd) piece is on the other side?

SUPERVISOR MOORE
No...

KATHLEEN ENGLERT, 284 BROOKS ROAD
Oh.

SUPERVISOR MOORE
...it's all right there, it's all contiguous.

KATHLEEN ENGLERT, 284 BROOKS ROAD
Oh, okay.

SUPERVISOR MOORE
And it's, if you go down East Henrietta Road traveling north...

KATHLEEN ENGLERT, 284 BROOKS ROAD
Right.

SUPERVISOR MOORE
...you go over the Expressway and the first building you come to is the Getinge Building. It's directly behind that.

KATHLEEN ENGLERT, 284 BROOKS ROAD
It's where the old airport used to be.

SUPERVISOR MOORE
I have no idea.

COUNCILWOMAN ZINCK
I thought the airport was on West Henrietta Road.

KATHLEEN ENGLERT, 284 BROOKS ROAD
No, no, no, this is the first airport they had in Henrietta.

SUPERVISOR MOORE
You're dating...

COUNCILWOMAN ZINCK
I don't know that one. I don't know that one, but I know the one on West Henrietta Road.

KATHLEEN ENGLERT, 284 BROOKS ROAD
Yes, it was the original airport.

COUNCILMAN BREESE
Wow.

COUNCILMAN PAGE
The land across the road that you're talking about is owned by Victory Baptist Church.

KATHLEEN ENGLERT, 284 BROOKS ROAD
Yes, okay, thank you.

SUPERVISOR MOORE
You're welcome.

GOODMAN FREED, 167 BENNINGTON HILLS COURT
Goody Freed, Bennington Hills Court. Is this property that they're talking about behind Wendy's?

COUNCILWOMAN ZINCK
No.

GOODMAN FREED, 167 BENNINGTON HILLS COURT
Because Clay Road is, Wendy's is on Clay Road, and there's a huge piece of property right behind Wendy's.

SUPERVISOR MOORE
Well I would...

COUNCILWOMAN ZINCK
Wendy's on Jefferson?

SUPERVISOR MOORE
I would tell you it's behind Bugaboo Creek and the new Hampton Inn.

GOODMAN FREED, 167 BENNINGTON HILLS COURT
Okay, so it's on the other side of the street.

COUNCILWOMAN ZINCK
Right.

GOODMAN FREED, 167 BENNINGTON HILLS COURT
It's on the other side.

SUPERVISOR MOORE
It's on the south side of Jefferson.

GOODMAN FREED, 167 BENNINGTON HILLS COURT
Okay.

SUPERVISOR MOORE
But north of I-390.

GOODMAN FREED, 167 BENNINGTON HILLS COURT
Okay.

COUNCILWOMAN ZINCK
Going towards Wal-Mart.

GOODMAN FREED, 167 BENNINGTON HILLS COURT
In Atlantic City, I lived in Atlantic City for a number of years, in Atlantic City the casinos there formed a, they have multiple of course, and they formed a commission and part of the casino money goes into the commission. They rebuilt Atlantic City. Atlantic City was a slum. You wouldn't want to go there, let alone live there, and they rebuilt. Atlantic City's an island so there condition is probably ideal, because it's an island. All of Jersey's casinos are in one (1) place so that it's easier to control, but they did tear down all of the eyesore and built beautiful homes anywhere from a hundred and fifty thousand dollars (\$150,000.00) to half a million dollars (\$500,000.00), million dollars (\$1,000,000.00), million and a half dollar (\$1,500,000.00) homes for their executives, for their staff, for just people that were living there. If you had a house there, they bought your house, built you a new house, so casinos can, it's not all about gaming. It's not all about gambling. Yes, a lot of people lost restaurants, a lot of people jumped off of buildings. I know one guy that's living in Trump, in the Trump casino, I don't remember which one it is now, the Trump Marina, he's living there. He was a multi-millionaire. He lost every dime. He now has a free room and free board in Trump casino. Yes, a lot of things are bad, but you have to look for the good. It's not all bad. You have to see if the good overrides the bad. That's all.

SUPERVISOR MOORE
Thanks.

GOODMAN FREED, 167 BENNINGTON HILLS COURT
Thank you for your time.

SUPERVISOR MOORE
Gary?

GARY HETTRICK, 86 BARNFIELD
Gary Hettrich, 86 Barnfield. I would just, everybody's saying get ahold of this person, a congressman, the senator, and all the rest of that. Is there a piece of paper or someplace for all the representatives, if people are representatives?

SUPERVISOR MOORE
If you go out in the lobby, we have some prepared ones for all the state representatives.

GARY HETTRICK, 86 BARNFIELD
Thank you.

SUPERVISOR MOORE
You're welcome.

THERESA MESSINEO, 288 LYCOMING ROAD
Hello, my name is Theresa Messineo, I live on Lycoming. I have a question for you. You're making all these people believe that our saying no to this casino is like the final thing.

SUPERVISOR MOORE
No, ma'am.

THERESA MESSINEO, 288 LYCOMING ROAD
I've read that...

SUPERVISOR MOORE
No, ma'am, let me correct you.

THERESA MESSINEO, 288 LYCOMING ROAD
Okay.

SUPERVISOR MOORE
We're not saying that by any means.

THERESA MESSINEO, 288 LYCOMING ROAD
I think, I really think...

SUPERVISOR MOORE

We're saying we have an advisory capacity.

THERESA MESSINEO, 288 LYCOMING ROAD

Okay, because I really think a lot of these people think that, because if I've read correctly, there's a Board that can approve it and the Governor can approve it and there's nothing that we can really do about it. He will look at what we've said, or what you've said, because I don't agree with what you've done, but technically if they agree and think it's okay and they have an agreement with the Seneca Indians, it can go through no matter what our thoughts are. And I think that somewhere along the line, we should be telling that to people. Because I think a lot of people of the older generation really believe that you guys were making it a no and it would be a no no matter what and it's not.

SUPERVISOR MOORE

Have you been here since the start of the meeting?

THERESA MESSINEO, 288 LYCOMING ROAD

Yes, I have. Well, I got here a little late, but I've been here since they started with talking, so yes.

COUNCILWOMAN ZINCK

Because I think that message has been repeated at all of our meetings.

THERESA MESSINEO, 288 LYCOMING ROAD

Okay, I just...

COUNCILWOMAN ZINCK

However, I mean, you also have to believe that some of the statements we've heard is they don't like to go into communities unless they have the support...

THERESA MESSINEO, 288 LYCOMING ROAD

Well, true.

COUNCILWOMAN ZINCK

...of the locals. So you know...

THERESA MESSINEO, 288 LYCOMING ROAD

Yes, I think I'm...

COUNCILWOMAN ZINCK

...we haven't done this before.

THERESA MESSINEO, 288 LYCOMING ROAD

Yes, I think more, I'm more upset with the fact that I know there's a lot of opposition to

it, but I know there's a lot of people that are for it that don't come to these meetings and they don't come because people who don't want it are going to be louder than the people that might want it. And the bottom line is I can't see that you went to all the citizens in the Town of Henrietta to get their thoughts on the matter. And with something like this, you should've had a separate, I thought, a separate vote. I know you did the vote in November, but nobody really knew that that was really part of it.

SUPERVISOR MOORE

I can actually address that. Counselor, we talked about a referendum and what was your research?

DANIEL MASTRELLA, TOWN ATTORNEY

This issue is not the proper subject of a voter referendum, because if for no other reason, because there is no formal action taken by the Board, no approval action or disapproval action. The Board is stating a position and you can't sponsor and pay for a referendum for that purpose.

THERESA MESSINEO, 288 LYCOMING ROAD

Okay.

COUNCILMAN BREESE

If I may, Mr. Supervisor, address what you said about people coming to the meetings. All of us who sit up here are, basically have been here our entire lives. So we don't take just the input that we get at these meetings. We take the input of our neighbors, of our friends, of those who just pick up the phone and call us, who send us email. And you have to engage people as we're walking through the aisles at Wegmans. We have to listen to anybody who has an opinion on it. We understand, as a group, that the naysayers always come to the meetings first.

THERESA MESSINEO, 288 LYCOMING ROAD

They do.

COUNCILMAN BREESE

That's always how it goes. But we're not naïve, we also go out into the community, we listen to what our neighbors say. Do we have another public function for people to come just say yes or no? This is that function.

THERESA MESSINEO, 288 LYCOMING ROAD

Yes.

COUNCILMAN BREESE

This is where people come to give their opinion, so...

THERESA MESSINEO, 288 LYCOMING ROAD

It's very difficult, because it's so small and you can't fit the people in here that want to

come to maybe, if you had it somewhere bigger...

SUPERVISOR MOORE

But ma'am, if we knew there was going to be a bigger crowd, we could move it to a different venue. My Fire Marshal's nervous now, because we got too many people.

THERESA MESSINEO, 288 LYCOMING ROAD

(Laughter) I know, I was back there with him. *(Laughter)*

SUPERVISOR MOORE

So we're just trying to do the best we can...

THERESA MESSINEO, 288 LYCOMING ROAD

Yeah.

SUPERVISOR MOORE

For people to come and give us their opinion...

THERESA MESSINEO, 288 LYCOMING ROAD

Okay, I understand that.

SUPERVISOR MOORE

...so we can do our job.

THERESA MESSINEO, 288 LYCOMING ROAD

I just...

COUNCILWOMAN ZINCK

And maybe everybody doesn't feel safe coming to the meeting, but I can tell you a lot of people that don't contact us by email.

COUNCILMAN BREESE

Yes, we hear from them.

COUNCILWOMAN ZINCK

A lot, lots of emails.

THERESA MESSINEO, 288 LYCOMING ROAD

Yeah.

COUNCILWOMAN ZINCK

I remember in January there were about a hundred (100) a day. So we've heard from lots of people.

SUPERVISOR MOORE

And not only that, but people tonight both spoke for and against it, but you didn't see anybody mistreat anybody here.

THERESA MESSINEO, 288 LYCOMING ROAD

Oh no, I didn't mean mistreat, I wasn't talking mistreating...

SUPERVISOR MOORE

We're not going to let that happen.

THERESA MESSINEO, 288 LYCOMING ROAD

...I just think that I think a lot of people walked out with the feeling that us saying no, or excuse me, the Town saying no, they thought that would be a done deal, and it really isn't because...

COUNCILWOMAN ZINCK

No, but it's a strong statement...

THERESA MESSINEO, 288 LYCOMING ROAD

It could be.

COUNCILWOMAN ZINCK

It's a strong stance.

THERESA MESSINEO, 288 LYCOMING ROAD

Yes, it could be, but I think there's other places that have said no that they've moved into before, so...

SUPERVISOR MOORE

I actually believe it's the first song in a long concert.

THERESA MESSINEO, 288 LYCOMING ROAD

Yeah. Yeah, probably.

SUPERVISOR MOORE

That's what I would tell you.

THERESA MESSINEO, 288 LYCOMING ROAD

Yeah. Anyway, thank you.

SUPERVISOR MOORE

Because they're... could I have a Resolution to adjourn?

(Laughter)

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman Zinck, seconded by Councilman Page at 8:15 P.M. and was adjourned without objection.

Respectfully submitted,

Rebecca B. Wiesner
Deputy Town Clerk

ABANDONMENT OF EASEMENT

THIS INDENTURE, made the _____ day of _____, 20____, between 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 the Party of the first part and BRW of Greece LLC having offices at 45 East Avenue, Rochester NY 14604 being the Parties of the Second Part.

WHEREAS, that the Party of the First Part is the Grantee of the following temporary turnaround easement; said temporary turnaround easement recorded in Liber 11026 of Deeds, page 312 in the office of the Clerk of the County of Monroe, covering certain lands and tenements, of which the lands hereinafter described in part, and

WHEREAS, the Party of the First Part, at the request of the Parties of the Second Part, has agreed to give up and surrender all rights in the lands hereinafter described unto the Parties of the Second Part,

NOW THIS INDENTURE WITNESSETH, in consideration of One Dollar and 00/100 (\$1.00), lawful money of the United States, paid by the Parties of the Second Part, the Party of the First Part does grant, release and quitclaim unto the Parties of the Second Part, all interest on said lands described in Schedule "A", to have and to hold the lands and premises hereby released and quitclaimed to the Party of the Second Part, their heirs, successors and assigns.

IN WITNESS WHEREOF, the Party of the First Part has executed this release the day and year first written above.

TOWN OF HENRIETTA

By _____
Jack W. Moore, Supervisor

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 individuals(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Tax Account No. see next page
Property Address:

Tax account number

Address

160.17-1-31

201 York Bay Trail

160.17-1-32

205 York Bay Trail

160.17-1-54

206 York Bay Trail

160.17-1-55

202 York Bay Trail

MONROE COUNTY CLERK'S OFFICE

ROCHESTER, NY

THIS IS NOT A BILL. THIS IS YOUR RECEIPT

Receipt # 576184

Index DEEDS

Book 11026 Page 312

No. Pages : 4

Instrument EASEMENT WITHOUT A TPS584

Date : 08/04/2011

Time : 01:06:16PM

Control # 201108040526

Return To:

TOWN OF HENRIETTA
475 CALKINS ROAD
HENRIETTA, NY 14467-

BRW OF GREECE LLC

HENRIETTA TOWN OF TOWN BOARD

Ref 1 #

Employee : RebeccaZ

COUNTY FEE NUMBER PAGES	\$	15.00
RECORDING FEE	\$	45.00

Total \$ 60.00

State of New York

MONROE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

CHERYL DINOLFO

MONROE COUNTY CLERK



RECORDED

2011 AUG -4 PM 1:06
MONROE COUNTY CLERK

TEMPORARY TURNAROUND EASEMENT

THIS INDENTURE, made this ^{7th} day of *June*, 2010, between BRW of Greece, LLC., herein called the "Grantor" and the TOWN BOARD OF THE TOWN OF HENRIETTA, Monroe County, organized under the laws of the State of New York, herein called the "Grantee".

WITNESSETH, that the Grantor, in consideration of One or more Dollars (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the Grantee does hereby grant and release unto the Grantee, its successors and assigns forever,

A TEMPORARY EASEMENT for turnaround purposes to enter onto that portion of land more particularly described in SCHEDULE "A" attached hereto. This easement is granted to the Town until such time as an extension of the roadway deeded by the Grantor to the Grantee and located adjacent to and north of the premises described in said SCHEDULE "A" is permanently dedicated to the Town for Highway purposes.

THIS GRANT AND EASEMENT shall at all times be deemed to be and shall be a continuing easement and covenant running with the land and shall include the appurtenances and all the estate and rights of the Grantor in the subject premises which are more particularly described in SCHEDULE "A" attached hereto, until such time as the premises are dedicated to the Town of Henrietta for Highway purposes.

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, it's successors and assigns forever.

Tax Account No. (s): part of 160.03-2-15.111
Property Address York Bay Trail

Return to:
Town of Henrietta
475 Calkins Road
Henrietta, NY 14467
Attn: Roland Osterwinter

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.

BRW of Greece, LLC.
By David Riedman, Mgr.

STATE OF NEW YORK)
COUNTY OF MONROE)

On the 7th day of June in the year 2010 before me, the undersigned, personally appeared David Riedman, 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.

Joanne M. Gligora

JOANNE M. GLIGORA
Notary Public, State of N.Y.
Monroe County
Commission Expires Feb. 8, 2014

TEMPORARY TURNAROUND EASEMENT #1 (TE-1) ↓

May 4, 2010

Revised May 20, 2010

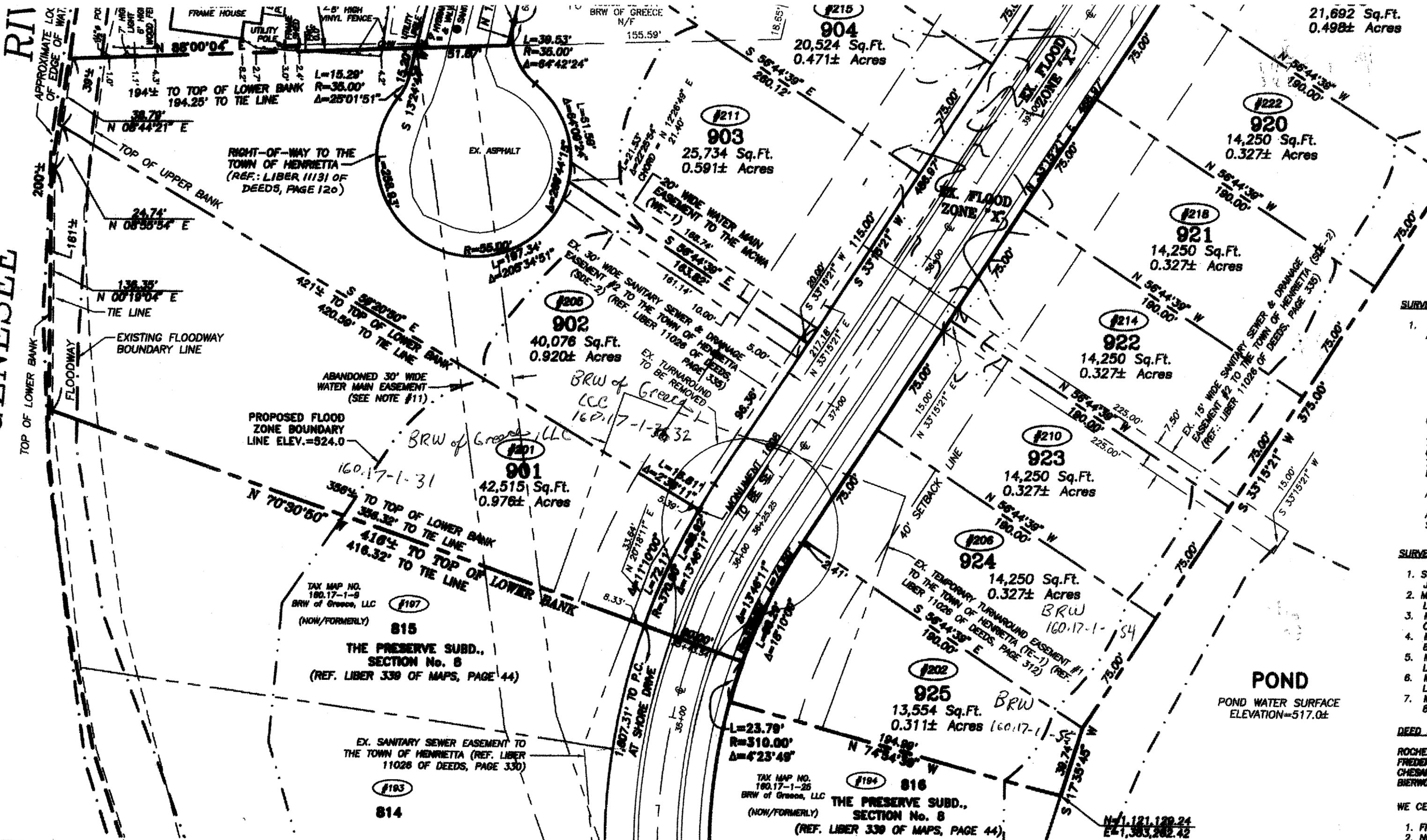
All that tract or parcel of land situated in Lot 9, Range 6 of Lots, Township 12, Range 7 of the Phelps & Gorham Purchase, Town of Henrietta, County of Monroe, State of New York, and described as follows:

North End of York Bay Trail

Beginning at the intersection of the east right-of-way line of York Bay Trail (60 foot wide right-of-way) and the north line of Lot 816;

1. thence Northerly, along said east line of York Bay Trail, on a curve to the right having a radius of 310.00 feet, a delta angle of $04^{\circ} 23' 49''$, a distance of 23.79 feet to a point;
2. thence North $70^{\circ} 30' 50''$ West, along the north end of York Bay Trail and north line of Lot 815 a distance of 115.00 feet to a point;
3. thence North $19^{\circ} 29' 10''$ East, a distance of 119.36 feet to a point;
4. thence South $70^{\circ} 30' 50''$ East, a distance of 170.00 feet to a point;
5. thence South $19^{\circ} 29' 10''$ West, a distance of 138.97 feet to the north line of Lot 816;
6. thence North $74^{\circ} 54' 39''$ West, along said north line, a distance of 54.25 feet to the point of beginning.

GENESEE



P.B. REV.	ENG. REV.	EASE & DESC.	CHECK COMP.	CHECK SHEET	OFFICE MYLAR	SECT. DESC.	PROJECT NO.	DRAWN BY	CRD FILE	ACAD FILE	Copyright © 2011 LaDieu Associates p.c. all rights reserved	*Only copies from the original of this survey in red shall be considered to be valid true copies. Un a scanned land survey's map is a violation of public
		JPS	JPS					MAZ	Preserve Subd	Preserve Subd Sect 8 Final Plat.dwg		

FILED



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

TO: Supervisor Moore and the Town Board

FROM: Craig Eckert, Commissioner of Public Works

SUBJECT: Riverview Meadow area parking

Over the last few years, the number of complaints in regards to parking issues, have steadily increased within the River Meadow subdivision. The following is a list of these streets. I have been in contact with many residents that state they cannot safely access their own homes and are further worried about the lack of emergency access that is available due to the number of cars that park on the road. The emergency access implications were further detailed by the Fire Chief of Station #3, which itself is located on Riverview Drive.

Currently the parking is permitted on every street in this area, except for the typical winter policy. After the numerous complaints that the town has received from the residents and the local emergency services, as well as or own inspections. I recommend that the parking allowance on these roads be removed and listed as a no parking at any time. I believe that a Public Hearing would be the common course of action to hear from all of the residents involved.

River Meadow Drive

Riverview Drive

Riverview Heights

Celia Drive

Landing Street

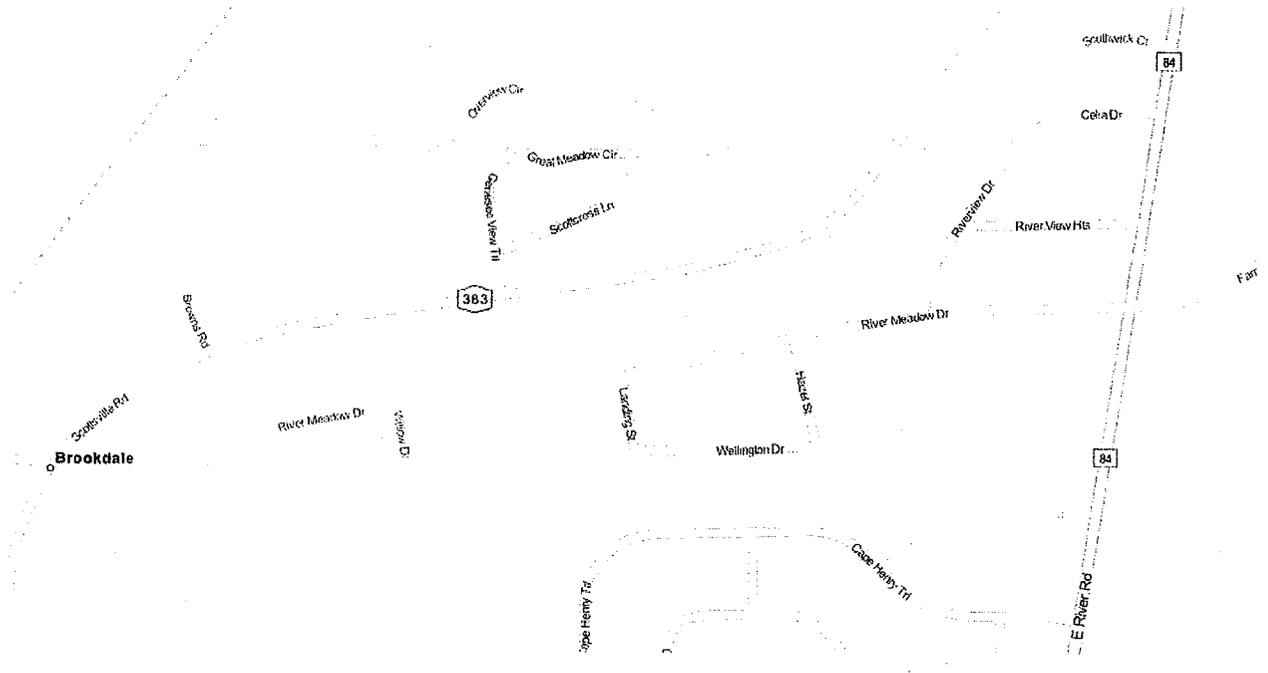
Hazel Street

Wellington Drive

Thank you,

**PROPOSED CHANGE TO HENRIETTA TOWN CODE REGARDING
ON-STREET PARKING**

**FOR HENRIETTA TOWN BOARD PUBLIC HEARING
AT 8:00 P.M. ON WEDNESDAY, APRIL 16TH, 2014**



No Parking any time:

- River Meadow Drive (both sides)
- Landing Street (both sides)
- Wellington Drive (both sides)
- Hazel Street (both sides)
- Riverview Heights (both sides)
- Riverview Drive (both sides)
- Celia Drive (both sides)

TOWN OF HENRIETTA - ACCOUNTS RECEIVABLE

3/17/2014

NAME / COMPANY Dept:	APPLICATION #	INVOICE #	INVOICE DATE	REVENUE CODE	GENERAL
<u>Engineering:</u>					380
JERRY GOLDMAN - Bahama Breeze	99-080	3776	11/1/05	A.380	49.50
VOICE STREAM WIRELESS - 287 Bailey Rd.	01-115	3867	1/17/06	A.380	112.00
DONALD HAMBLIN - 1235 Middle Rd.	E03-23	3904	1/17/06	A.380	16.00
MARLENE WILSON - Wilson Parcels Subd.	S05-21	4334	1/30/07	A.380	40.00
JAMES PRATTICO - Prattico Resub.	E08-06	5137	10/6/08	A.380	18.00
PORTFOLIO ENT. - Winton Place Office	09-077	5631	10/23/09	A.380	164.35
DEHOLLANDER DESIGN - 97 Karenlee	E08-13	5633	10/23/09	A.380	168.50
JOE GIAMBRONE - Self Storage	04-102	7496	10/23/12	A.380	17.50
MONROE COUNTY FAIR	06-004	7497	10/23/12	A.380	31.00
MORGAN ACQUISITIONS - Winding Creek	C13-003	7758	7/22/13	A.380	39.00
			Sub Total:		655.85
<u>Town Clerk</u>					
FRED TAYLOR - Animal Control		TC-001	6/29/99	A.380	25.00
GEORGE BETHLENDY - Animal Control		TC-08	3/21/00	A.380	130.00
KURK SPAULDING - Animal Control		TC-19	8/21/02	A.380	75.00
BRENDA GIORDANO - Animal Control		TC-20	9/26/02	A.380	118.00
			Sub Total:		348.00

Total receivables deemed uncollectable: 1,003.85

HENRIETTA AMBULANCE

7-99/2014

March 4, 2014

Jack Moore, Supervisor
Town of Henrietta
475 Calkins Road
Henrietta, NY 14467

Dear Supervisor Moore,

Attached please find an amended schedule of fees for ambulance service. The fee schedule is being amended as there is a new treatment available for patients with cyanide poisoning. Exposure to cyanide is very common at fires today as many products are made with hydrocarbon materials. The burning of such materials produces many dangerous gases such as carbon monoxide and cyanide. The antidote medication is the only way to save a patient who has been exposed to cyanide. Unfortunately one dose of the medication cost \$1,040, however patients usually only needs one dose.

In order to pay for this treatment we have added a surcharge for the administration of the medication. The surcharge will cover the cost of the medication when administered to a patient. I have included the invoice for the medication for your review.

There are strict medical protocols related to administering this medication and only certified Paramedics can administer the medication. It is a medication that will be used infrequently, but when it's used it will be a lifesaving intervention.

I ask that you and the Henrietta Board Members approve this amendment at your next scheduled board meeting.

Sincerely,

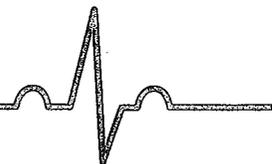


Reg Allen, BS, NREMT-P
Chief

xc: Tracey Wenzel, President
Sue Hanson, Secretary

HENRIETTA VOLUNTEER AMBULANCE SERVICE, INC.

280 Calkins Road | Rochester, NY 14623 | Tel: 585.334.4190 | Fax: 585.334.8172 | HenriettaEMS.org



**SCHEDULE A
SCHEDULE OF FEES
Amended March 1, 2014**

BLS		ALS		ALS 2	ALS Interface	Spec Care	T/R	Mileage	Cyano-Kit
Non-Emerg	Emerg	Non-Emerg	Emerg						
\$549	\$788	\$796	\$1,040	\$1,355	\$971	\$1,575	\$295	\$32	\$1,040

Included in such approved fees are the amounts established by government programs including but not limited to Medicare and Medicaid.



EMERGENCY MEDICAL PRODUCTS, INC.

5000 Tuttle Crossing Blvd.

Dublin, OH 43016

Ph: 800-558-6270

www.BuyEMP.com

Invoice



Division of EMP

Ph: 866-558-0686

www.schoolkidshealthcare.com

RECEIVED
FEB 24 2014

Bill To Henrietta Ambulance
Accounting
280 Calkins Rd
Rochester, NY 14623-4210 BY:

Ship To Henrietta Ambulance
Deb Curran BLS Dept
280 Calkins Road
Rochester, NY 14623

Thank you for your order!

Date	Page
2/20/2014	1 of 1

PO Number	Customer No.	Shipping Method	Payment Terms	INVOICE NUMBER
2014020006	46535	FED-EX GROUND	Net 30 Days	1625124

Item Number	Description	Ordered	Billed	B/O	U of M	Unit Price	Ext Price
550-02	CYANOKIT 5G (HYDROXOCOBALAMIN FOR INJECTION)	1	1	0	EACH	\$1,039.50	\$1,039.50

H.V.A.S.
 Budget Line Name ALS
 Budget Line # 5003C
 Date Approved 2-26-14
 Auth. Sign. [Signature]

Subtotal	Handling Fee	Freight	Trade Disc.	Sales Tax	Total
1,039.50	0.00	0.00	0.00	0.00	1,039.50

Remit To: 25196 Network Place
Chicago, IL 60673-1251

2014

Effective April 1, 2014

TITLE	NAME	CURRENT RATE		NEW RATE	
MMIII	Barbara A. Bresnan	\$	18.14	\$	18.41
Office Clerk IV	Nicole R. Cleere	\$	13.98	\$	14.19
SR METO	Waysl Gudselak	\$	20.83	\$	21.14
MEO	Gregory J. Wood	\$	18.97	\$	19.25
MMIII	Nicholas J. Ryan	\$	18.69	\$	18.97
MEO	Timothy Briggs	\$	18.41	\$	18.69
AUTO MECHANIC	Joshua Marshall	\$	19.92	\$	20.22