

**HENRIETTA TOWN BOARD
AGENDA
OCTOBER 1, 2008**

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): September 17, 2008
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Establishment of Extension No. 202 (2100 Hylan Drive) to Henrietta Sewer District No. 1
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 #19-204/2008
Authorize Accounts Payable

RESOLUTION #19-205/2008
Authorize Supervisor to Sign Rush-Henrietta Athletic Association Grant Application

RESOLUTION #19-206/2008
Authorize Placement of Delinquent Property Maintenance Bills on Tax Rolls

RESOLUTION #19-207/2008
Authorize Proposed Establishment of Extension No. 202 (2100 Hylan Drive) to Henrietta Sewer District No. 1

RESOLUTION #19-208/2008
Declare Items Surplus Materials

RESOLUTION #19-209/2008
Declare Items Surplus Equipment - Teitsworth Auction

RESOLUTION #19-210/2008
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 1ST DAY OF OCTOBER, 2008 AT 8:00 P.M.

PRESENT

Supervisor Michael B. Yudelson
Councilwoman Catherine A. McCabe
Councilman William J. Mulligan, Jr.
Councilman John W. Moore
Daniel J. Mastrella, Town Attorney
Patricia J. Shaffer, Town Clerk

ABSENT

Councilwoman Janet B. Zinck

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Is there anybody who would like to speak on any items that are on the Agenda tonight, other than the Public Hearing, which we'll call separately, any Agenda items? *(Pause, no response)* If not, can I have the Approval of the Minutes, please?

COUNCILWOMAN McCABE

Mr. Supervisor, I move we Approve the Minutes of September 17, 2008.

COUNCILMAN MOORE

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Absent
Supervisor Yudelson	voting	Aye

Carried

SUPERVISOR YUDELSON

We have one (1) Public Hearing tonight, the proposed establishment of Extension No. 202, 2100 Hylan Drive, to the Henrietta Sewer District No. 1. Is there anybody who would like to speak on that Public Hearing? *(Pause, no response)* If not, I'll close that Public Hearing, and may I have the first Resolution, please?

RESOLUTION #19-204/2008

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

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

EXHIBIT A	Bills Payable dated 10/01/2008	\$ 361,957.06
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SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Absent
Supervisor Yudelton	voting	Aye
	Carried	

RESOLUTION #19-205/2008

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, a New York State Office of Parks, Recreation, and Historic Preservation Grant of Eighteen Thousand Dollars (\$18,000) was designated for improvements to the Rush-Henrietta Athletic Association playing fields, and

WHEREAS, to facilitate the Project the Town of Henrietta was named as the Grant Recipient, and

WHEREAS, through this Grant the Town will be reimbursed for all expenses incurred for this Project.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized, on behalf of the Town, to sign the Grant Application, and execute all Contract and financial documents related to this Grant.

SUPERVISOR YUDELSON

Under discussion, I want to thank Councilman Mulligan for working with Senator Alesi to secure this Grant.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR YUDELSON

Is there further discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Absent
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #19-206/2008

On Motion of
Councilman Moore

Seconded by
Supervisor Yudelson

WHEREAS, owners of several properties located in the Town of Henrietta have neglected to maintain their property during the summer, resulting in the inordinate accumulation of vegetation and/or debris, and have otherwise allowed said property to fall into a state of disrepair, in violation of the Henrietta Town Code, and

WHEREAS, said property owners have failed to comply in a timely fashion to notices of violation thereof served upon them by the Town of Henrietta Code Enforcement Office, and

WHEREAS, this failure resulted in the Town authorizing this work to be performed and the property owners being invoiced for said work, and

WHEREAS, said property owners have failed and neglected to pay said invoices.

THEREFORE, BE IT RESOLVED, that the unpaid invoices on the properties, as per the attachment, totaling \$8,282.29, be added as a lien against said real property on the 2009 tax levy for collection.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Absent
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #19-207/2008

On Motion of
Councilwoman McCabe

Seconded by
Councilman Moore

IN THE MATTER OF THE PETITION FOR THE ESTABLISHMENT OF EXTENSION NO. 202 (2100 HYLAN DRIVE) TO HENRIETTA SEWER DISTRICT NO. 1 LOCATED ON THE EAST SIDE OF HYLAN DRIVE AT 2100 HYLAN DRIVE IN THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HENRIETTA APPROVING THE ESTABLISHMENT OF EXTENSION NO. 202 (2100 HYLAN DRIVE) TO HENRIETTA SEWER DISTRICT NO. 1

WHEREAS, a written Petition for the establishment of an extension to Henrietta Sewer District No. 1 in the Town of Henrietta, County of Monroe, State of New York, to be known as Extension No. 202 (2100 Hylan Drive) of said Sewer District was duly presented to this Town Board, together with the necessary map and plan attached thereto, and

WHEREAS, pursuant to an Order a Public Hearing was held on the Petition, and the findings as specified on Exhibit AA@ were made.

THEREFORE, BE IT RESOLVED, that the establishment of Extension No. 202 to the said Sewer District as proposed in the said Petition be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for; and that such extension shall be designated and known as Extension No. 202 to Henrietta Sewer District No. 1 and shall be bounded as described in attachments annexed hereto.

BE IT FURTHER RESOLVED, that the Town Clerk of this Town shall, within ten (10) days after the adoption of this Resolution, file Certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Absent
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #19-208/2008

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, the Director of Finance has requested that the following items be declared surplus materials:

<u>Inventory #</u>	<u>Description</u>
3471	Compaq Armada V300 Laptop
4058	HP Printer Laserjet 1200 SE

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

<u>Inventory #</u>	<u>Description</u>
3555	2001 Hewlett Packard XT 938 Computer - Highway
3573	2003 Hewlett Packard 523N Computer – Public Works
3357	2001 Advance Vacuum Cleaner – Parks and Facilities

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

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Absent
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #19-209/2008

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

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

<u>Inventory #</u>	<u>Description</u>
3371	2000 Chevrolet 2WD Eldorado Van, Unit # 76 – Recreation
2705	1991 GMC 6 Wheel Dump Truck, Unit #516 – Drainage
3128	1996 Viking Plow Frame – Highway
2556	1979 Viking One-Way Plow – Highway
1925	1993 Kubota L-3450 4WD Tractor, Unit # 529 - Drainage

THEREFORE, BE IT RESOLVED, that the surplus equipment, as itemized above, be consigned to the Teitsworth Municipal Auction, to be held on October 4, 2008, in Rochester, New York.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Absent
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #19-210/2008

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

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

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Susan Sharfstein Recreation, Part-time Assistant @ \$9.30/hr.,
from Part-time Assistant @ \$9.00/hr., effective
9/28/2008.

Dennis Bethmann Recreation, Part-time Assistant @ \$9.50/hr.,
from Part-time Assistant @ \$8.25/hr., effective
9/28/2008.

Teri Richardson Recreation, Part-time Assistant @ \$9.50/hr.,
from Part-time Assistant @ \$7.75/hr., effective
9/28/2008.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
Councilman Mulligan	voting	Aye
Councilman Moore	voting	Aye
Councilwoman Zinck	voting	Absent
Supervisor Yudelton	voting	Aye

Carried

SUPERVISOR YUDELSON

That concludes the Regular Agenda, before we adjourn is there anybody that would like to speak on any matter involving the Town of Henrietta?

COUNCILMAN MULLIGAN

Linus, you know you want to talk.

SUPERVISOR YUDELSON

Sir?

CHARLES PETERSDORF, 123 EAGLE PINE WAY

My name is Charles Petersdorf, I live at 123 Eagle Pine Way, located in the Parkside Homeowner's Association. I have some questions I'd like to clarify regarding a Parkside homeowners. Does the Town have any authority over the builder with changes to the site plan that was originally submitted to the Town?

SUPERVISOR YUDELSON

This, I assume you have a series of questions going with this, and I'm going to call upon the Town Engineer, we've had an ongoing discussion about the responsibilities of

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Parkside, and some of the dissatisfaction of homeowners, I know that's what you're speaking to. At this point, I don't know how much of that goes to the site plan stuff, can I ask Mark Byrne, our Town Engineer, because I know his staff has dealt somewhat with this, but just before you go through other questions you have if he could just in summary explain to the Board some of the contact you have had about those upkeep issues.

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING

I believe he's referring to extra parking spaces that were shown on the site plan that were not installed.

SUPERVISOR YUDELSON

And, I guess the question Mr. Byrne is, just anything that you're aware of, and I know you're not prepared to talk about this tonight, but anything pertaining to the site plans, and you know, the approvals of the Planning Board that they are not up with as opposed to things that are between them and the Homeowner's Association.

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING

Essentially, I believe it's on our punch list that we generated quite awhile ago.

SUPERVISOR YUDELSON

A parking issue, or . . .

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING

I believe that's on there, there's multiple pages of punch list items that need to be completed.

SUPERVISOR YUDELSON

Where do we stand with . . .

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING

Once again, they are not completed yet.

SUPERVISOR YUDELSON

. . . items that we're still trying to get them to complete.

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING

That's correct, yes.

COUNCILWOMAN McCABE

Now, they haven't put in parking spaces that they were supposed to put in according to the plans submitted and approved by the Planning Board, is that it?

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MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING
That's correct.

COUNCILWOMAN McCABE
Is that one (1) of them?

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING
That's correct, yes.

COUNCILWOMAN McCABE
Do we have any fine established so that we can, the longer they wait to put those in, the larger the fine gets? Do we have any fines established?

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING
I don't believe so, no.

COUNCILMAN MULLIGAN
Through you, Mr. Supervisor, is there any money, Mark, for us to go out and hire a contractor to put the spaces in?

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING
No, there isn't.

COUNCILWOMAN McCABE
Is there room for the spaces or have they reconfigured the plan so that there is no room for spaces, for parking space, and they take up some of the green space that they're supposed to have as well, have they changed the plan?

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING
As far as I know, no they haven't, they just didn't put the parking spaces in.

SUPERVISOR YUDELSON
Let me stop for one (1) minute just because I kind of cut off our speaker, and let him come back up to the microphone, and let him speak to any concerns he has about that, and then if needed, we will call upon Mark again, so thank you for your patience Sir, and Mark you can take a seat for a second, and just let him speak to . . .

CHARLES PETERSDORF, 123 EAGLE PINE WAY
It's my understanding that originally forty-one (41) parking spaces were planned and were included in the site plan, then we heard that somebody, I don't know if it was the Town or whether the homeowners agreed to twenty-six (26) spaces would be put in, and the green spaces reduced, from forty-one (41) to twenty-six (26), the last Homeowner's Association meeting that we attended, now we were told that the builder didn't have to

put any spaces in because we can put two (2) cars in our garages, and two (2) cars on the apron of our garage. My concern is that you know, if the builder specified in the original site plan that he had to do something like this, who, if anyone, on the Town Board relieved him of this responsibility to do this, you know, so I'm getting mixed signals as to what can be done and what can't be done. The other question I have regarding this is have they released the Security Bond that the Builder, Spoleta, has with the Town for completion of all of the punch list items that were included, because there was multi pages of items that had to be completed, and we were told that his Bond was to run out September 30th, or something like that, and I was wondering if they had given him his money back because he hasn't fulfilled his original responsibility as far as I'm concerned as a homeowner. Another question along the same line is that I don't know what the Town requirements are as far as drainage, but I believe we were told originally that all of our down spouts were supposed to be connected to the storm sewers and/or some type of drain, our front gutters are connected to the storm sewers as far as I can tell, but the rear gutters on most of the houses just drain into the backyards, which creates a run off in the lawn, and water that can set because most of the top soil was skimmed off of the property and there's all clay there now, and it's just a site for mosquitoes to run and to breed now, and I would think this would be against the Health Regulations, so I don't know what the Town requirements are as far as connecting the gutters and water down spouts into the storm sewers or into the pond that we have in back there. So, I guess these were some of the questions I had, the parking, and the original site plan and has the Town released the builder of putting in the parking sites. I didn't seem to get an answer from this gentleman here, really.

SUPERVISOR YUDELSON

Well, we didn't ask that question. We did not release . . .

CHARLES PETERSDORF, 123 EAGLE PINE WAY

(Inaudible)

SUPERVISOR YUDELSON

. . . anyone from, anything from the Planning Board requirements, so that's what I was asking, which issue . . .

CHARLES PETERSDORF, 123 EAGLE PINE WAY

So, we can expect parking spaces to be installed?

SUPERVISOR YUDELSON

Let me just, hold on a second, as far as what was specified by the Planning Board versus just things that would be between the homeowner and the builder, but just going through some of the questions that you asked, Mr. Byrne, taking the second one (1) first on the gutters, whether that was something that was part of the punch list that you mentioned, and then the second question to go along with that would be whether there is

any money secured with the Town, at this point, for coverage.

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING

The Letter of Credit is expired. As far as roof down spouts, that's basically, we provide a lateral for the down spouts, it's up the builder to hook them in, it's not a requirement, but it's available. As far as the spaces, I believe I would probably have to go on Record to say Spoleta is probably the one (1) that deleted it because that would have come through my Department, and I never heard anything about it.

SUPERVISOR YUDELSON

About that, being the decrease in the number of spaces?

MARK BYRNE, DIRECTOR OF ENGINEERING AND PLANNING

Yes, issues like that would have to go back to the Planning Board, and they would have to make an Amendment to the approved plans, which nothing has ever been done on that.

SUPERVISOR YUDELSON

Any questions?

COUNCILWOMAN McCABE

Yes, through you, Mr. Supervisor, what now, how do we legally get Mr. Spoleta to put those parking spaces in?

SUPERVISOR YUDELSON

Maybe the Town Attorney can speak, since the Letter of Credit has expired, what remedies . . .

DANIEL MATRELLA, TOWN ATTORNEY

Well, right now, I'm thoroughly unfamiliar with this Project. When the gentleman got up to speak, it's the first time that I've heard of it. Obviously, the Planning Board is the body that gave the Approvals, so I would be glad to check with the Attorney for the Planning Board to determine what was done, and where things stand as far as site plan approval, Certificates of Occupancy, and determine what remedies we may be able to pursue. I'll report that back to the Board, and the Board can let the homeowners know that. But, it's not a Project that came to the Town Board at all so I hadn't heard any of this until tonight, I'll check with Mr. Walker though.

SUPERVISOR YUDELSON

And, I think what we can do, along with what Mr. Mastrella was saying, is try to ascertain which of these items are things that fall under the purview of the Planning Board or which things like the down spouts might be something that is not the homeowners and the builder, and at least follow-up on ones that we do have some ability to regulate and

report back to you.

CHARLES PETERSDORF, 123 EAGLE PINE WAY
(Away from mic, inaudible)

SUPERVISOR YUDELSON

Can you come up to the microphone, just so we have . . .

CHARLES PETERSDORF, 123 EAGLE PINE WAY

Do I understand that the Security Bond has been returned to him, I thought it was like three hundred and seventy-five thousand dollars (\$375,000), I heard.

SUPERVISOR YUDELSON

No, it was a Letter of Credit that had expired.

CHARLES PETERSDORF, 123 EAGLE PINE WAY

A Letter of Credit.

COUNCILWOMAN McCABE

It expired.

CHARLES PETERSDORF, 123 EAGLE PINE WAY

Does that mean now he's not responsible to do anything because you don't have any money in . . .

SUPERVISOR YUDELSON

It doesn't mean he's not responsible, it just means there's no money secured . . .

CHARLES PETERSDORF, 123 EAGLE PINE WAY

There's no initiative to do anything then. Why would we have let that expire if he hadn't completed everything on the punch list?

SUPERVISOR YUDELSON

That was just, I believe I heard that recently, that was just an oversight by the Town. We didn't realize it was coming up.

CHARLES PETERSDORF, 123 EAGLE PINE WAY

What can be done to reverse that, anything?

SUPERVISOR YUDELSON

I'm not sure that we can do anything if that's, we'll have to ask the Town Attorney.

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DANIEL MASTRELLA, TOWN ATTORNEY

Just so you understand, all the Letter of Credit does is give us another quicker recourse to the builder to get things done, it doesn't mean we don't have any other recourse to the builder to get things done, but as I said, I will consult with the Planning Board Attorney, and before you leave I'll get your contact information . . .

CHARLES PETERSDORF, 123 EAGLE PINE WAY

Okay.

DANIEL MASTRELLA, TOWN ATTORNEY

. . .and look into the matter to see what isn't done, and what we can do to affect the Planning Board and the site plan approval.

CHARLES PETERSDORF, 123 EAGLE PINE WAY

Okay.

DANIEL MASTRELLA, TOWN ATTORNEY

I just can't answer that this evening.

CHARLES PETERSDORF, 123 EAGLE PINE WAY

Okay, I appreciate that, thank you.

SUPERVISOR YUDELSON

Thank you, for bringing that to the Board's attention. Is there anybody else who would like to speak on . . .

LORRAINE PANDINA, 60 HARRIER CIRCLE

My name is Lorraine Pandina, and I live at 60 Harrier Circle at Parkside, also. Some of the homeowners there are renting to college students, and they do park all over the road, and I was wondering what, as an Association, we could do to keep this from happening. If a homeowner can't afford the townhouse, why are they allowed to buy the townhouse and rent it to college students?

SUPERVISOR YUDELSON

I don't think, I can also ask the Town Attorney, but my understanding would be that the Town doesn't have any authority to prevent that, but if there was something that's within the Homeowner's Association Bylaws that prohibits that . . .

LORRAINE PANDINA, 60 HARRIER CIRCLE

Well, we have no way of knowing if the homeowner is living there or just bought the property because I had a homeowner that came in from Connecticut, bought the property across the street from me, and for five (5) years I had five (5) R.I.T. students parking their cars all over. I couldn't get out of my driveway, I couldn't get out of the garage,

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nothing. They would just park all over, and you tell them, "Could you please move your car?", they wouldn't move the car. Or they would move it maybe forty-five (45) minutes later.

SUPERVISOR YUDELSON

We've had this issue at other properties around Town, but quite frankly, we cannot prevent homeowners, you know, like any Town statute, from renting out the property from renting out to students or anyone else, for that matter. If there's something in your Association Bylaws, that's a different matter.

LORRAINE PANDINA, 60 HARRIER CIRCLE

Well, I think they do have it, but they don't enforce it. Then, I was going to ask a question, the same as Mr. Petersdorf, because our Planning Board informed us less than a month ago that we're supposed to be in arbitration with the Town Board and Spoleta, the builder of these townhouses, and I wanted to know if there's a time limit on the arbitration, and you're not even aware that the Town is in arbitration.

SUPERVISOR YUDELSON

The Town is not involved in . . .

LORRAINE PANDINA, 60 HARRIER CIRCLE

You know, why does the Association tell us these lies, constantly.

SUPERVISOR YUDELSON

I can't speak for the Association, we're not involved in any arbitration or any proceeding.

LORRAINE PANDINA, 60 HARRIER CIRCLE

Well, isn't that something, they just told us that a couple weeks ago. But, this problem with Spoleta has been going on for over five (5) years, and it really just keeps escalating every day.

COUNCILWOMAN McCABE

And, this is . . .

LORRAINE PANDINA, 60 HARRIER CIRCLE

I mean, I can't believe the Building Codes in Henrietta are so bad that they don't make the builder go into a sewer run off rather than having it run in a person's backyard. I mean, that isn't like, and they get a lot of money for these townhouses, too, for what they're priced at, they did shotty work, and I can't believe that the Henrietta Building Inspector and their Code Enforcer didn't do anything about it.

SUPERVISOR YUDELSON

Those don't necessary violate a Code, as the Town Engineer said, those laterals are

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available to them, but they're not required to go into them, that's the proper way to do it, but they're not required to so, we can't really say that that's the Building Department's responsibility. We are trying to kind of, as the Town Attorney said, after talking to the Planning Board Attorney, we would really like to do everything that we do have jurisdiction over to try and help the residents.

LORRAINE PANDINA, 60 HARRIER CIRCLE

Right, and would there be any way . . .

SUPERVISOR YUDELSON

There are some things that go beyond the scope of our authority.

LORRAINE PANDINA, 60 HARRIER CIRCLE

Right, and would there be any way of us boycotting him from coming into the Town causing other homeowners to go through the aggravation that we've put up with for five (5) and six (6) years?

SUPERVISOR YUDELSON

Well, that certainly . . .

LORRAINE PANDINA, 60 HARRIER CIRCLE

I mean it's a daily problem with them, he finished building the last townhouse, and out of spite he left the outhouse that the men used, the port-a-john, he left it there through Christmas, and he didn't remove it until March or April. I mean, how ignorant is this man, he was just nasty, he's a nasty person.

SUPERVISOR YUDELSON

He would have . . .

LORRAINE PANDINA, 60 HARRIER CIRCLE

But, I mean something like that he should have been fined for leaving it there.

SUPERVISOR YUDELSON

If he came to us with another project, we certainly would have some . . .

LORRAINE PANDINA, 60 HARRIER CIRCLE

Well, I think we should do something to kind of boycott them from building in the Town, Spoleta Builders is terrible.

SUPERVISOR YUDELSON

Thank you.

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LORRAINE PANDINA, 60 HARRIER CIRCLE

You're welcome, thank you, for your time.

SUPERVISOR YUDELSON

You're welcome. Is there anybody else who would like to speak?

BETH WHITE, 128 EAGLE PINE WAY

Beth White, 128 Eagle Pine Way in Parkside. Just as a matter of clarification, I think there's just some misunderstanding, it is the Homeowner's Association who is going into binding arbitration with Spoleta, and the Town really has nothing to do with it. Now whether there can be a coordination of resolutions between the Town and the Homeowner's Association or what, I don't know, but that's the way it is, okay?

SUPERVISOR YUDELSON

Thank you, for that clarification. Is there anybody else who would like to speak? *(Pause, no response)*

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman McCabe, seconded by Councilman Mulligan at 8:30 P.M. and passed unanimously.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk