

**HENRIETTA TOWN BOARD
AGENDA
SEPTEMBER 7, 2011**

Supervisor Yudelson
Councilwoman McCabe
Councilman Mulligan
Councilwoman Zinck
Councilman Moore

ORDER OF BUSINESS

1. Roll Call
2. Prayer
3. Pledge of Allegiance to the Flag
4. Public Presentation/Agenda Items
5. Approval of Minutes of the Preceding Meeting(s):
 - August 17, 2011 (Regular Meeting)
On Motion of: Councilwoman McCabe Seconded by: Councilwoman Zinck
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Adoption of Local Law No. 2 of 2011 - Amending Chapter 207, entitled, "Vehicles: Abandoned, Junked and Unlicensed" and Chapter 240, entitled, "Streets and Sidewalks" of the Town Code – To Restrict Parking on Residential Properties
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 #17-162/2011
Authorize Accounts Payable

RESOLUTION #17-163/2011
Authorize Tax Certiorari Services – Hiscock & Barclay, LLP

RESOLUTION #17-164/2011
Authorize Change Order No. 1 – 2011 Sanitary Sewer Repairs Project

RESOLUTION #17-165/2011
Declare Items Surplus Equipment– Engineering/Highway/Building Departments

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RESOLUTION #17-166/2011
Award Low Bid – Tractor

RESOLUTION #17-167/2011
Adopt Local Law No. 2 of 2011 - Amending Chapter 207, entitled, “Vehicles:
Abandoned, Junked and Unlicensed” and Chapter 240, entitled, “Streets and
Sidewalks” of the Town Code – To Restrict Parking on Residential Properties

RESOLUTION #17-168/2011
Authorize IRS Mileage Rate

RESOLUTION #17-169/2011
Authorize Purchase of State Contract Vehicle - Van - Recreation
Department/Senior Center

RESOLUTION #17-170/2011
Authorize Personnel Items

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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 7th DAY OF SEPTEMBER, 2011 AT 7:00 P.M.

PRESENT

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

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

There's actually going to be three (3) different opportunities for the public to speak tonight. Let me just try and clarify those for you. In a minute, we'll be having the Public Hearing on the proposed changes to the Town Code, as recommended by our Code Committee. At the end of the meeting there will be an opportunity to speak on any matter that's not on the Agenda, but has to do with the Town of Henrietta, and at this point, I would invite anybody who would like to speak on a matter related to one of the Resolutions on tonight's meeting, other than the proposed changes to the Town Code? Is there anybody, at this point, who wants to speak on one of those Resolutions?

(From audience, inaudible)

SUPERVISOR YUDELSON

Other than the proposed changes to the Town Code. The Agenda, the items that are on the Agenda. Okay.

(From audience, inaudible)

SUPERVISOR YUDELSON

No, first of all, if you're going to ask questions, Carol, we need you to, as you know, to come to the microphone, but just to clarify, once again, this right now is the opportunity to ask questions for items that are on the Agenda other than the proposed changes to the Town Code. Okay? Mr. Schmitt?

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH
This is in regard to the proposal to the Town Code.

SUPERVISOR YUDELSON
It is regarding the proposed changes to the Town Code?

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH
That's what I should be talking about now?

SUPERVISOR YUDELSON
No, that Public Hearing is going to be called in just a second, separately.

JOHN SCHMITT, 139 CAMPFIRE ROAD NORTH
I'm a little bit off. This is for things that are not on the Agenda?

SUPERVISOR YUDELSON
These are for Agenda items other than the Public Hearing for the Code changes.

COUNCILWOMAN ZINCK
But, we'll be there in a minute. *(Laughter)*

SUPERVISOR YUDELSON
Yes, you'll certainly get your opportunity to speak. Okay, at this point, I will open the Public Hearing. The Public Hearing tonight is on the proposed adoption of Local Law No. 2 of 2011, Amending Chapter 207, entitled, "Vehicles: Abandoned, Junked and Unlicensed" and Chapter 240, entitled, "Streets and Sidewalks" of the Town Code – To Restrict Parking on Residential Properties. Just before calling people who want to speak on these proposed changes to the Code, I just wanted to tell you that these have been presented to the Town Board after a lot of work by the Town Code Committee, Code Update Committee, which was chaired by Rick Page and Peter Minotti. There were more than thirty (30) members of the community who participated. At the time they started, which now was almost a year and a half ago, there was a great deal of publicity through the website and newspapers inviting people to participate or give their input and a lot of people did, even where people did not choose to participate, a lot of them have made their feelings known about some of these issues to Town Board members, to Committee members, and that's all been incorporated into the discussions up to this point. A lot of the issues, this is certainly the ones that we're going to talk about tonight, are quality of life issues to many people and people have some strong feelings about them. This Hearing and these proposed changes have been widely distributed and advertised, they've been on our Town website, they've been available at the Town

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Clerk's Office for over a month, they were sent to the newspapers, I know it's been in the D & C twice, so there has been a lot of information out there, and tonight is your opportunity to speak to the Town Board about some of these. There is a summary of these changes, some of you might have picked them up, that was available at the Clerk's table, we can talk some more about that, but the ones that we're reviewing tonight, basically are on restrictions about parking. And as I said, this has come to this point based on a lot of input from residents over, not just as we went through this process, but over a lot of years to several Town Board members and other people involved in the process and this would put some stipulations on where people can and can't park. A major change being that parking would be allowed on the driveways and driveway extensions only, and that is the practice in many towns, rather than allowing parking all over the grass. The rest, I won't read through the whole sheet about the driveway extensions and also limiting the size of driveways. There also is, in the summary, some information about Code changes to clarify the powers of the Highway Superintendent when obstructions, such as basketball goals or hockey goals are placed in the street or in the right-of-way, which obviously is a safety hazard. So, having given that brief introduction, is there anybody who would like to speak on the proposed changes to the Code? Mr. Zuber?

MICHAEL ZUBER, 38 BEMIS WAY

Good evening, Mr. Yudelton, Supervisor, and members of the Town Board. Let me start by saying thank you, to Cathy, for her many years of service to the Town and I hope she'll enjoy her second retirement. So, I have a number of concerns about this, but mostly centered around the issue of my camper and the restriction that is being imposed on me with regard to that. First let me point out, Mr. Mulligan, I think about eighteen (18) years ago, you were working on proposing a requirement that campers be parked behind the house, and that never went anywhere. But, in anticipation that at some point that might happen, and out of courtesy to my neighbors, I have started a process of building a cement pad in the back of my house so that I could park my camper behind the front line of the house and keep it out of the way. I cannot park my camper on the side of the house. You all, years ago, and I mean "you" generically, allowed my house to be built only twelve feet (12') away from the lot line. You add it up and I cannot park the camper on the side of my house and open the door at the same time. So, I can't do that, which means I have to park it in the front, which I would consider to be quite obnoxious and many of my neighbors who have campers agree. In addition to that, in the process, and this is a little bit of a diversion, in the process of trying to upgrade and make my yard appropriate for hiding the camper, as best I can, and to just keep my property well

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tended to, I had to put up a privacy fence around my yard because I have a neighbor who is essentially referred to, nicely as best I can, as the biggest junk hole I've ever met in my life. I've complained on many occasions, in fact, over the years when the Town people have come to, because of him complaining about me for one reason or another, none of which has ever panned out to be much of anything, there's violations all over his house that nobody has ever attempted to do anything. Now, I don't call the Town regularly because I'm trying to be a good neighbor and frankly it's pretty obnoxious and I would like to just, this is related because of the problem associated with the camper, but I want to present to you some photographs. (*Distributing photographs*) . . . about eleven and a half feet (11.5') between my lot line where I have, the lot line is twelve feet (12'), but the fence is at eleven and a half feet (11.5'), and the camper, and I can't park it on the side, so your kind of forcing me to park it in front, which I don't want to do. Now, I did speak with Mr. Page, and I appreciate the level of dedication to the volunteers who do work on these kinds of things, but the truth of the matter is it's almost too late. Yes, the size of my driveway can be grandfathered in, but in order then for me to keep, I bet I just spent almost five thousand dollars (\$5,000) putting a pad of cement back there so I could park it in the back, I would have to go get a variance, which may or may not be approved, it's already too late. So, I think this is intended for the right thing, you see all of his vehicles, four (4) lawn mowers, a couple of boats, a trailer, cars, he does work on people's cars for pay and has for years, drives all up and down the greenbelt with his 4X4. I've never called the police. I'm going to, but I never have just to try and be a good neighbor about it, and then the day it rained, while I was in the middle of doing a project, I hadn't finished it; the water went into his backyard. Now, as a result I had to spend extra money, built a French drain on the lot line, all the water now goes into the ground, Mr. Yudelson, you and I spoke about this, I didn't even do it the way I had originally planned because of that conversation, and every time I turn around I'm spending more money and he's not, he's not doing anything to his property. I don't want to have to put my camper in the front yard, and I can't put it in the side of the yard, so I really need you to reconsider whether or not that part of this is a good idea, and if you do think it's a good idea, which one of your houses shall I park my camper, because I don't have any other choice.

COUNCILWOMAN McCABE

And, I have no backyard at all.

MICHAEL ZUBER, 38 BEMIS WAY

Thank you.

COUNCILWOMAN ZINCK

Thank you, Michael.

SUPERVISOR YUDELSON

Thank you. Interesting feedback, and as you know, one of the reasons we have Public Hearings, other than being required to when we're considering a Code change, but the real reason we have it is to get the feedback and input from the residents. And as I said, the recommendations to the Town Board were based on the input of this Committee that was about thirty (30) strong. And interestingly enough, the conversation about driveway extensions, the side of the garage, was meant as an accommodation for the people who have trailers, boats, things like that because if you are required at all to be in the driveway, obviously for a lot of people they wouldn't have the room, so I understand . . .

MICHAEL ZUBER, 38 BEMIS WAY

That's a great idea if the Town hadn't approved a ten foot (10') or twelve foot (12') space between my house and the lot line.

SUPERVISOR YUDELSON

Right.

MICHAEL ZUBER, 38 BEMIS WAY

But, one other thing, my camper is thirty foot (30'); my driveway is twenty-seven feet (27'), or my garage is twenty-seven feet (27'). Do I cut off three foot (3') in front of the camper or three foot (3') on the back of the camper? Which part should I cut off? The other thing is that again, there would be some grandfathering for the size of the driveway, what I want to know is when I do replace the driveway because it's now fifteen (15) years old, do I then have to replace it with a much narrower driveway because that's what the rule says or can I replace it with a driveway that currently exists?

COUNCILWOMAN McCABE

That's a good question.

SUPERVISOR YUDELSON

I believe the way that it was written and maybe I could defer to Mr. Page who's here and was a co-chair of the Code Committee, or he can just give me a nod, that the restrictions would be on making a driveway a new driveway or taking a current driveway and making

it larger. So, if you were to take your current driveway and just need to resurface it that what you have already at the time that the Code was adopted, if that in fact happens, it would still be allowed.

MICHAEL ZUBER, 38 BEMIS WAY

Even if I chose to make it out of a different material?

COUNCILWOMAN ZINCK

That would be my interpretation, but that's a good question.

MICHAEL ZUBER, 38 BEMIS WAY

Could we ask the Attorney?

SUPERVISOR YUDELSON

Mr. Mastrella, is that, would you concur with that because I think, as far as getting at the intent, that would probably be on target, but I know it's difficult to write something that takes in every scenario.

DANIEL MASTRELLA, TOWN ATTORNEY

Well, the word that is used is "alteration", and it's meant to describe a dimensional alteration that would be outside the current Code. So, you could repair it.

MICHAEL ZUBER, 38 BEMIS WAY

So, would you be able to make any dimensional alterations because I do have a plan to, and in this part of the world tar driveways don't last long.

SUPERVISOR YUDELSON

Right.

MICHAEL ZUBER, 38 BEMIS WAY

So, I would much rather do some cementing of the driveway because I have the camper (*inaudible*) if I thought this was a once and for all thing.

COUNCILWOMAN McCABE

Good.

SUPERVISOR YUDELSON

Thank you. Who else would like to speak? In the back. Sir?

SHELDON LORTZ, 33 VALIANT DRIVE

Members of the Town Board; my name is Sheldon Lortz. I live at 33 Valiant Drive in a single family residence in the Town of Henrietta. I would like to state that I'm not in favor of the proposed changes to §207 and 240 of the Town Code to propose § 204-12 to prohibit the parking of vehicles on the unpaved grass areas on a one half acre corner lot at 33 Valiant Drive where I live. I frequently park vehicles temporarily on these unpaved grass areas during family gatherings several times a year, and at times, when I need the paved driveway for other uses. I also allow neighbors to park on these grass areas during their family gatherings, and when they are having work done on their driveways. This occasional use has not been detrimental to these grass areas. The only existing alternative is to park in the street, which creates a safety issue and restricts the movement of traffic at the entrance to a large subdivision. The passage of §207-12 could force the unwanted expense of increasing my two (2), ten foot (10') wide by seventy foot (70') long driveway to twenty feet (20') wide to alleviate the situation. This would greatly increase the size of the paved area on the lot and create unwanted environmental issues. I am not in favor of §240-3J, as it limits the surface of the driveway or driveway extensions to an asphalt or concrete surface. Driveways and extensions could be made out of permeable pavers, which consist of concrete, crushed stone and grass, and may look like a lawn area. I am not in favor of §240-K, as most garages are ten feet (10') from their property line, and with the requirement that all driveway extensions be adjacent to the garages, with the one edge five feet (5') from the property line would mean most driveway extensions could only be five feet (5') wide effectively eliminating their usefulness. I would like to suggest that driveway extensions be allowed to be built to the property line or setback line in the case of a corner lot or the rear lot if a six foot (6') high fence is built around them. I am not in favor of §240-3K because if it would be passed it would mean my property would now have a non-conforming driveway and could devalue the property at the time of the selling and would require a Special Permit to maintain it in good condition. §207-12, 243-J, 243-K, and 243-L are being added to the Town Code to prevent a non standard use of a single family residence, please find another way to do that. In closing, I request the Town Board to consider the entire social economic and environmental issues the proposed changes could cause and not add these changes to the Town Code. I would also still like the freedom to park my own vehicles on the grass area of my property anytime that I choose to do so. Thank you.

SUPERVISOR YUDELSON

Thank you. Someone else like to speak? Sir?

DAVID PEARCE, 181 GARDEN PARKWAY

Good evening. My name is Dave Pearce. I live over on the south side of Henrietta. And, unfortunately, I didn't see any of the media that you sent out about the proposed changes. I wish I did, I would have become a part of it. Unfortunately, I found out because I was looking for where the fireworks were coming from the other day and I happened to see it. I'm just going to go ahead and read this from here. My concern tonight is mostly of the driveway extension and how the proposed changes will affect all owners of RV campers. I am an owner of a thirty-two foot (32') trailer/camper. My driveway has an incline from the street to the garage. In the past, I did carefully measure the area to the side of my garage, and I had a contractor install a stone driveway with a retaining wall along part of that extension. The concerns are the width of the extension, and not allowing autos or trucks to park on it. I will start with the issue of the width. Ten feet (10') is not realistic. My garage is on the right side of the house and a minimum of fourteen feet (14') is more realistic. The camper is a maximum of eight feet (8'). The eaves of the garage and gutter may extend out eighteen inches (18") from the wall. The door needs twenty-six inches (26") to open without hitting the gutter, and two feet (2') on opposing side to maneuver the trailer and to walk alongside. That adds up to 13.6 feet, and does not include extra clearance for opening the door and walking around the steps below the door. Thus the minimum should be fourteen feet (14') for our camper. Now the garage is on the left side of the house and more width is needed to open up the slide on the trailer, for a four foot (4') slide, that now brings the width to eighteen feet (18'). If the land is flat and no retaining wall is needed then twenty-six inches (26") for the door can be subtracted, but then you're walking on the grass. Why does a slide need to be out? Why is there a need for a larger driveway extension? The camper needs to be loaded, unloaded for trips, and to perform periodic maintenance, which is winterizing, un-winterizing, checking the seals, and lubing the moving/sliding parts. The slope of the driveway may be too steep to level the camper to perform these tasks. If it can be leveled to constantly move the trailer and again level it, is an additional inconvenience in the time and work to do it, and may not be enough room for all vehicles to park. Thus the reason for having a minimum driveway extension width of fourteen feet (14') for a camper. Now, as far as the proposal for automobiles and trucks to not be allowed to be parked in the driveway extension, this is too restrictive. When an RV camper is parked on the side of the garage, the extension would have to extend far enough in front of the

garage to allow the RV camper to be towed to and from the main part of the driveway without hitting the garage, or going on the lawn, or over the retaining wall. The distance outward from the front of the garage would vary depending on the length of the RV camper, and would allow one (1) or two (2) vehicles to park in front of the RV camper without having to move other vehicles around. Additionally, if at a later time the RV camper is sold, we should not be restricted from parking on the extension where the RV was parked. Now, what I did is when I do my driveway I had made up a drawing and I went out there and figured out the dimensions that I needed to properly park that camper out there to service it in order to, and also to move it in and out of my garage. What I have is, I made copies, and also what I did was, I kind of made a couple little examples so you could see. (*Distributing hand-out*) Okay, now, if you look on the left side you'll see there's a garage, it's got a sixteen foot (16') door, the existing driveway, and then the stone extension is surrounded with a red line. The camper is sitting next to the side of the garage; the truck is actually hooked up and connected. You can see how it extends down; you've got the dimensions there. The truck is coming down about thirty-five feet (35') from the garage. And, I need that extra extension to pull out. I've been using it for the past five (5) like that, and when I hook up, I use every bit of that stone to move that thirty-two foot (32') camper in that spot and out of that spot, and I can't park too close to the gutter because if I do, I can't get the door open or I hit my head on it trying to come out of the door. So, that's why. And actually, that was actually shorter because thirteen feet (13'), I should have made it fourteen (14'), and so I got to pull it forward just to get the door open. Now, in the top right you'll see part of the camper, it's parked next to the garage, and you'll see where I normally park my truck. I park my truck right on the extension right there. That allows me, I have two (2) other cars, and I don't drive that truck all the time. I use it for utility, camping, and plowing, that's it. I have two (2) other vehicles, which I take in and out of the garage, which I like to park. I have two (2) kids that also will probably have cars down the road. They need to park their cars. It's an inconvenience if I got to have them move their cars just to get around them because, if you look at the bottom right hand corner, there's a spot where I can actually get two (2) vehicles and park them in front of the camper on that extension. Okay, showing you this, this is why, I wish I was part of this Committee before hand. Unfortunately, I work twelve (12) hours shifts and I don't have time to read every article there is out there. So, I guess, this is too restrictive. We need to do some modifications. I would suggest not to vote on it. I suggest we do some modifications because people out there, I mean, if you owned a little trailer or a little boat, that's fine, ten feet (10') is sufficient, but when you're talking about a camper, that's pretty big, and that's a big part of someone's life, that's a lot of investment. What do you got for a driveway, an asphalt

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driveway, you know, when I put that driveway in, my driveway is starting to get cracks in it, so I was like well, what is it going to cost me to replace that driveway and to pave instead of putting stone below the part of the garage, just pave that part of the extension. He wanted ten thousand dollars (\$10,000). I was like, are you kidding me? I need a new roof, that's ten thousand dollars (\$10,000). So, now these codes are costing us more money. It's coming out of our pockets, and not only that, I see this as us, you know, I came to Henrietta back in 2004, I used to live in the city, okay, I was wanting to move out to the suburbs, Henrietta is cheap, okay, I came out here. Now all of a sudden all these little codes like this are coming out. I feel now I got to watch more and more on the website to see what's going on because we're going to become like Pittsford or these other places where it's going to be more like a gated community. We don't need that. So, we need to be careful of how we restrict the lives of the people because that's what we're talking about. People moved here because they wanted freedom. They didn't want to move here to be restricted, and that's all I have to say.

SUPERVISOR YUDELSON

Thank you.

(Applause)

COUNCILWOMAN McCABE

Mr. Pearce? Could you give me your address?

DAVID PEARCE, 181 GARDEN PARKWAY

It's 181 Garden Parkway.

COUNCILWOMAN McCABE

Garden Parkway?

DAVID PEARCE, 181 GARDEN PARKWAY

Yes.

COUNCILWOMAN McCABE

Thank you.

SUPERVISOR YUDELSON

Thank you, for your comments. You obviously put a lot of thought and work into this. I will say, having sat in on quite a few, not all, but quite a few of the meetings of the Code Committee, that they were very aware of the impact that some Code changes could have on people and I think tried to find a balance as much as they could. Of course, what they might find as balance for a lot of people might not work for you or for me or someone else. But, I know that kind of guided their deliberations, so, for instance, you mentioned other towns and I think part of the discussion was, because we've heard this from so many people, that people want to be able to be proud of Henrietta. They want to have some standards. They don't want it to be like some of the other towns you mentioned necessarily, but to have some of the elements of control and so I think, for instance, when we're talking about these driveway things the Committee stayed away from what some of the other towns have, as far as what types of vehicles because you know some towns you can't bring home a truck over a certain size, boats over a certain size, RVs, whatever the case may be. Recognizing some of the things that you're talking about, specifically, the Committee made a decision not to restrict that, but rather try to address it through placing some limitations on just how much you could have because current Code, you could pave your whole front yard, and there's really nothing to stop that from being done. And, again, that was not, I think, what the Committee felt like the vast part of the community wanted. So, it's a balance, and as I say, I appreciate your input. Is there someone else who would like to speak? Carol?

CAROL BURRITT, 620 SHORE DRIVE

Carol Burritt. 620 Shore Drive, West Henrietta. I do sympathize with the gentleman who just spoke. I know that a lot of this came about because of things that have happened to our Town in the last few years due to the rapid growth of some of the educational institutions and I think, maybe this gentleman's situation might have gotten caught up in that. I do agree with him on one point that the communication about this process has been maybe rather sporadic, and perhaps not as detailed as it could have been. I know that it was two (2) years in July that I came to this Board about the situation in my neighborhood and was told about the Committee's work that was just starting and that we would be getting a lot more information and it's been two (2) years and from what I was told was hundreds and hundreds of pages of code review and possibly resolutions through that to some of the problems we've been facing in my neighborhood, we've come down to this, and I guess my first question would be is this all there is?

COUNCILWOMAN McCABE

No, this isn't.

COUNCILWOMAN ZINCK

Not at all.

COUNCILWOMAN McCABE

No, not at all. This is just the beginning to start the whole process and we tried to list those things that were what the Committee felt was a priority to start, and there are pages and pages yet to come.

COUNCILWOMAN ZINCK

One hundred and forty (140) Code changes.

COUNCILWOMAN McCABE

This is only the beginning.

CAROL BURRITT, 620 SHORE DRIVE

Okay. Is there any way that some of this could be put out a little more, in a little more timely manner, so that people can really start to look at it as a whole, as the big picture, rather than a little drab here, and a little drab there. Because I think that's, I get the feeling that's what people are seeing; that someone wants to restrict how big my driveway could be. When, I look at it as, yes, I wake up on Sunday mornings and drive out of my neighborhood and in three (3) or four (4) yards in my own neighborhood there are cars parked all over the yards because the kids have had a big party. Okay. So, yes, this is important to me that people don't park on the lawns and that there's some sort of remedy for that, but I can see that gentleman's problem that his camper and getting it in and out and servicing it and whatever, and his own children's cars might be restricted, so I think the idea that you're not giving people the big picture as to why this happened, and what it might do for our town to keep our property values up, because we're already looking at sinking property values in a neighborhood that shouldn't be sinking. They're nice houses, they're great people, but you have a growing ghetto in our neighborhoods.

SUPERVISOR YUDELSON

Right, Carol . . .

CAROL BURRITT, 620 SHORE DRIVE

Other people in the town might not know this. So, that's my comment.

SUPERVISOR YUDELSON

Yes, Carol, I just want to stop you. We just had the same conversation at the meeting with the RIT people a couple weeks ago, and a kind of broad statement, general statement was made that property values have fallen precipitously and there's just no numbers to support that. I said at the time, bring us the information on that because sales don't support that, and I wouldn't want people to start to think, oh, jeez, all the values went down! One or two that go down does not a trend make. We look at all that data, so just when you refer to a part of our town as a "ghetto", I just had to step in, but please, continue.

CAROL BURRITT, 620 SHORE DRIVE

No, that's what I have to say.

SUPERVISOR YUDELSON

Okay, thank you.

CAROL BURRITT, 620 SHORE DRIVE

As far as, I approve of the idea of people not being able to park all over the lawns. I think that's a really good idea because it's really tacky, and the idea of y'all limiting the size of driveways, I know there's a lot of work going on in my neighborhood right now by one person to get those driveways widened before this law goes into effect because they want to get grandfathered, they want to get their rental properties grandfathered into this, and I guess I would urge that if there are other things that would effect this person or this company, maybe we should move ahead a little faster before they can get more things grandfathered in before code changes happen. And, that's all I've got to say. Thank you very much.

SUPERVISOR YUDELSON

Thank you. We are, as Councilwoman McCabe said, this one, we have several recommendations, and I just wanted to clarify there are, well, approaching one hundred and fifty (150) recommendations. A lot of those are just word changes. They're updating language and positions. It might be positions in the town that are responsible for certain things, and there's not one hundred and forty (140), I would daresay, that have the same kind of impact as this one, but as far as the timing of it, there's really nothing we can do

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to control that somebody might take an action in advance of the law being passed. I mean, the State sets regulations, we have to have this Public Hearing, people have to know about it, they can do something, it can't take effect until we've had the Public Hearing, voted on it and filed it in the office of the State Department.

CAROL BURRITT, 620 SHORE DRIVE

I guess I would just ask if there are things that are intended in the future, in the near future, perhaps the information could be made available, in more of a whole, rather than in dribs and drabs, so people . . .

COUNCILWOMAN ZINCK

Can I just address that real quick?

SUPERVISOR YUDELSON

Sure.

COUNCILWOMAN ZINCK

I wouldn't understand the time element of all this if I weren't sitting in the position I'm in. And, Rick, I don't know how many hours you would say your Committee spent on this one Code revision. But I know as a group, we have sat, I'm going to say . . .

COUNCILWOMAN McCABE

Hours.

COUNCILWOMAN ZINCK

. . . hours and hours and hours just talking about some of these things that we're talking about tonight. I know, Dan, you told me that you were in the office hours and hours and hours just trying to put this in a legal language. So, when you have one hundred and forty (140) of these, you really have to unroll a few at a time. We really took the ones that we felt were the most significant. When we took our Town survey, we've heard over and over again the pride piece of Henrietta, people feeling that some of these issues are making the Town look a little, I think you referred to it as "ghetto" like.

CAROL BURRITT, 620 SHORE DRIVE

Ghetto, tacky.

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COUNCILWOMAN ZINCK

And, this was one that we felt was very important to act on first. I do understand some of the issues we're hearing tonight where you kind of get caught and, that's not how it was intended. The gentleman that said family gatherings, or when we're doing our driveway, that's not the intent. The intent isn't, oh, we're going to send someone over for those things. The intent is the situation that you're facing in your neighborhood, and are in many places in Town. So, to put them all out there at once is not realistic, just time wise.

COUNCILWOMAN McCABE

That's right.

CAROL BURRITT, 620 SHORE DRIVE

Okay.

SUPERVISOR YUDELSON

Thank you, Carol.

CAROL BURRITT, 620 SHORE DRIVE

Well, just as a side note, I'm on the list to get notifications. I never got a notification that there would be a Public Hearing over the list. How simple is that? I waited for, I read, I do carefully read my agendas, and my Minutes, and everything else, and I knew there would be a Public Hearing through that, so I waited, and scanned the Henrietta Post to see the Legal Notice. Now why couldn't that have just been sent out to the people who bother to sign up for these things? What's the hurt in that of putting it out that way? There will be a Public Hearing, and here's the stuff right here folks. Rather than having to wait and see when it gets on the website. I do web communications as you might know. Come on!

SUPERVISOR YUDELSON

Thank you. Is there anybody else who would like to speak on this? Mr. Snyder?

BUD SNYDER, 20 CRYSTAL VALLEY OVERLOOK

The first item says that, "all vehicles would have to be parked on the driveway or driveway extension", I'm kind of out of . . .

COUNCILWOMAN McCABE

Name and address.

BUD SNYDER, 20 CRYSTAL VALLEY OVERLOOK

. . . this is kind of peripheral. Okay, well . . .

COUNCILWOMAN McCABE

Thank you.

BUD SNYDER, 20 CRYSTAL VALLEY OVERLOOK

I'm a thirty-five year resident of Henrietta. I've had three houses here. The one I live in now is on 20 Crystal Valley Overlook. My name is Bud Snyder, and I wanted to express my appreciation to Rick and the Committee for what they've done and in general, although I'm sure there's some challenges in here. I like this approach. My comments, just real quick, would be about the cars that are parked on the street, and I guess that is going to be dealt with separately or additional. I think that cars should basically be banned from parking on the street. I've dealt with this for a dozen years where I presently am. I'm sorry, I won't take much time. I'm very concerned because, and I'll give input to the Committee basically, it's dangerous. What I usually kind of take some action to tell people when they park that way, if kids are playing in the street, and the streets are wide open, you see them in the driveways or in the lawns, you're fine. If a car is parked on the street, one car or one truck, a child can run from behind the car as a car is coming down the street and we could have a terrible tragedy. That's the first thing. It blocks, and I've had some experience with this, it blocks emergency vehicles, fire trucks and ambulances from getting in. If you've got one or two cars that are parked close to each other, that's difficult for the Town snowplowing and there's a regulation for that, but that's only from 2:00 a.m. until 6:00, and I think that should be extended basically full-time. There's a lot of damage done to the lawns of the houses where the cars are parked, so that detracts from the neighborhood. There's interference with paper delivery and mail delivery, and in fact, I've had a mailman say, "I'm not going to pull in there. If you want the mail, come get it. There's a car parked in front of your mailbox." And then generally, just the fact that the downgrade in the quality look of the neighborhoods, we've got some very nice neighborhoods in Henrietta. Most of them are gorgeous. It really detracts from the appearance of that. And, while that's a little bit off of this, if you can get that passed along so when we're dealing with that when it comes up for Public Meeting, I mean, I may not be able to be available then, but I'd like to have the comments, be aware of that. Thank you.

COUNCILWOMAN McCABE

Thank you, Bud.

SUPERVISOR YUDELSON

Thank you.

COUNCILWOMAN ZINCK

Thank you.

SUPERVISOR YUDELSON

Would somebody else like to speak? Anybody? Sir?

MARK SUNDMAN, 32 BEMIS WAY

Hi, Board members. Most of you know me, I'm Mark Sundman. I live at 32 Bemis Way. One of the comments I'd like to make about the parking restrictions, these type of restrictions when they're leveled by municipalities tend to effect people who are RV and boat owners more so then other groups, and the restrictions that I see here, if you consider the two (2) major changes, which is the size restrictions you're putting on driveways, and the particular size and location of the driveway extensions, many of the neighborhoods that we have, especially the older neighborhoods in the Town here, do not allow, even the construction of a driveway extension to meet what the new code is. I know my particular home, I live on the typical pie shape lot of a cul-de-sac, there simply is not a ten feet (10') with a five foot (5') clearance between the property line and my garage to be able to put in a driveway extension. So, I think the Town Board really needs to consider some amendments to accommodate other circumstances for those types of homeowners. The other thing I would offer is, in my opinion, it's actually preferable to allow people to have things like small utility trailers, snowmobiles, smaller boats, to be able to park them in their backyards. I completely agree with the intent of the wording here to keep those type of vehicles from being parked in the lawn in your front yard or any, obviously visible, objectively visible locations. But to me, it makes no sense to put a restriction on parking something like that behind the garage in one's own property in the backyard, and I would offer that maybe the Town should accommodate a permit process of some version that would allow a property owner to come up with a mutually agreeable parking location that they can use for that type of location that is an easy thing to do without going through something like the Zoning Board of Appeals because anybody that's been that route knows how enjoyable that is, but something that would allow for a specific location in an agreeable spot in both accordance with the Town's intent, not necessarily the rigid wording in the laws, and the homeowner to give them a spot where they can park things like boats, and travel trailers and motor homes. One other thing I'd like to offer is if you, with all due respect, Janet, when you said the

intent is not to keep somebody from parking their car in the garage, or on the lawn when maybe they're having a party, if you read these literally; there is no accommodation for that. And I would suggest that the Town build in some sort of a time limit that would allow people to, if you push these rules to the limits I can't park under my tree to wax the car, and that to me is ridiculous. And I'm sure that's not the intent, but there's no accommodation in the current wording that allows for those types of things. So, that's where you need to soften the wording that can effect, you know, I frankly agree with the intent. I live right up the street from Dr. Zuber, and we have a homeowner there that has no regard for how his property looks. You saw the pictures, and I fully support any type of code improvements that would put restrictions on that. But, at the same time, I really think you have to accommodate honest homeowners, who in many cases, invest thousands and tens of thousands of dollars in recreation equipment that now you're saying there's really no good accommodation for them to park that it in their own property.

COUNCILWOMAN ZINCK

Can I just make a comment on that real quick?

SUPERVISOR YUDELSON

Please.

COUNCILWOMAN ZINCK

The problem, and I love your idea about the time limit, but the problem with the time limit is, and what I meant by "the intent" is I don't think a neighbor is going to call the Town and report you if you pulled your car . . .

(From audience, "Not true!")

COUNCILWOMAN ZINCK

Well, except for your neighbors. Hold on, if I'm a good neighbor, let me just finish my statement, if I'm a good neighbor and I'm having a party, and we happen to put some things on the lawn, that's not the problem. But if we put a twenty-four (24), let's just say if you have cars parked on the lawn for twenty-four (24) hours, what's going to happen in Carol's neighborhood is those college students are going to have their cars parked for twenty-four (24) hours, get out there, move them around, and they're going to side swipe exactly what part of the intent of this is, so I understand where you're coming from, but I also understand what we're trying to do here, and that is a huge problem.

MARK SUNDMAN, 32 BEMIS WAY

And, I understand that problem, believe me. One of the dilemmas as legislatures such as yourself, is trying to solve both sides of that equation, but at the same time, it's not the good neighbors you have to worry about, it's the bad neighbors. It's the college students that have rented a house and park everywhere they feel like. I'm not, I don't have the wherewithal to come up with wording that accommodates that, but at the same time, if you don't accommodate some sort of allowances that don't have real tight restrictions on it, then you're punishing the other side.

COUNCILWOMAN ZINCK

Well taken.

SUPERVISOR YUDELSON

Thank you, Mark, and just to add on to your point, and what Councilwoman Zinck were saying, I think really, we've talked quite a bit about enforcement, how we would determine enforcement for that, just that kind of intent, not looking to run out and get somebody just because they parked there to wax the car, but how you would guard against some of the things that, the example she gave of people where we really, is the subject of the discussion and how are we going to stop the exception from being something that just makes it a meaningless thing. We have, in Carol Burritt's neighborhood, which is one of the ones that precipitate a lot in this discussion because of neighbors being upset about some of these very things we're addressing here. We have a lot of students, we've gotten no support from anyone who can cause them to not do some of these things, parking on the grass, whatever the case may be, so it's a difficult balance. And, as people were talking I wanted to make sure that I said, although I think I alluded to it before, that none of this really came about because the Town Board sat around and said, "Well, we want to restrict people from parking on the grass." It came from the work of the Committee, and even before that it came from people saying this to us over a prolonged period of time that they're not satisfied with some things. A lot related to Code Enforcement, property maintenance, not with the services of the Town, but what is allowed to go on because one of the biggest frustrations, and Dr. Zuber and I talked about it, is that sometimes we'll have people call us and say this property is a mess, we'll get right out there and there might not be many things that are actual violations of the Town Code, and you can't legislate against bad taste, necessarily, so we have to find things that we can measure that we can enforce, etc. And, that's how something like this really came to fruition, but the input of people who have spoken so far is very helpful, and I think the Town Board knew going in that we

would get some feedback that would affect what we have to do with this. I want to make that point, just procedurally, the approval of this Code change was placed on the Agenda just in the eventuality that we had the Public Hearing, nobody spoke against it, and we did want to take some action tonight, but the Board already discussed before the Public Hearing that given what we expected to hear tonight, and have heard tonight, that we will actually continue the Public Hearing so that there will be another opportunity, probably at our next Board meeting, for people who couldn't be here tonight to give their feedback and for the Town Board to digest what they heard tonight, and consider how they want to factor that in. So, having said all that, is there anybody else who would like to speak on this issue, speak as part of this Public Hearing? Sir?

SHAWN DRAKE, 148 OAK MILLS CROSSING

Shawn Drake, 148 Oak Mills Crossing. I've been there for about ten (10) years now; I had my house built there ten (10) years ago. When I first moved in we were told single family neighborhood, and ten (10) years later, right now I feel like I'm living in RIT rental housing, mainly because of one (1) person, the same person that built my house. That's why I'm actually in favor of all this because I work overnight's, I come home at 3:00 a.m., 4:00 a.m., I can see cars on the street, we have "No Parking" signs, it doesn't, it obviously doesn't work. The driveways have already been widened. To what we've been told, only rent out to, unofficially, is only rented out to four (4) students per house, but yet I see eight (8), ten (10) cars in each driveway, I see cars on the grass, just the other day I've had people using our street as a race track. My one son almost got hit by a truck two (2) days ago by one of the people that was probably not living there, but one of their friends. It's frustrating because I want to know if, in fact, this passes, how can you enforce it? Code Enforcement doesn't work twenty-four (24) hours a day. How can you enforce something? If I come home and I see ten (10) cars in the driveway, and four (4) more on the person's yard, and I see cars on the street, and the Sheriff does very little to help me. How can you actually enforce it?

SUPERVISOR YUDELSON

Well, that absolutely is an issue. Even with the Code as it is currently written, we've had some discussions about starting to schedule some people to go over there from Code Enforcement at night. We've talked with the Sheriff's Department; I understand their resources are limited, but we made our feelings known that we really need their help enforcing some of these regulations and get them to write some tickets and do some of those things. So, getting the feedback from neighbors is one of the number one ways, we've had people taking pictures for us . . .

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SHAWN DRAKE, 148 OAK MILLS CROSSING

Even with the Code change, the Sheriff has told me that they won't enforce the Code change. A "No Parking" sign they'll enforce, a Code change they will not enforce. How can you enforce it at 3:30 a.m.?

SUPERVISOR YUDELSON

Well, I mean an individual deputy might have said that to you, but . . .

SHAWN DRAKE, 148 OAK MILLS CROSSING

I've talked to the commander; I've actually emailed Patrick O'Flynn.

SUPERVISOR YUDELSON

But, they did not tell you that they won't enforce it?

SHAWN DRAKE, 148 OAK MILLS CROSSING

Absolutely.

SUPERVISOR YUDELSON

Sheriff O'Flynn?

SHAWN DRAKE, 148 OAK MILLS CROSSING

I've had . . .

SUPERVISOR YUDELSON

Or Captain Schultz (*sp*)?

SHAWN DRAKE, 148 OAK MILLS CROSSING

I emailed, I have Patrick O'Flynn's email address. I go right to him if I have a problem.

SUPERVISOR YUDELSON

I would like to see that email because I've talked to him about this, they want to help us within what their resources will allow. There are some sections of the Code, and this is part of the update, we mentioned some of these editorial changes where we had to make sure that we authorized the Sheriff's Department to enforce some of these things. Some of our Codes provide that already, and some don't. So, that will allow them to, but we have never gotten any indication from the Sheriff or from the Captain that they are not going to enforce this.

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SHAWN DRAKE, 148 OAK MILLS CROSSING

I have had to actually respond back to Patrick O'Flynn when I've had Sheriff's tell me they will not ticket cars.

SUPERVISOR YUDELSON

Yeah.

SHAWN DRAKE, 148 OAK MILLS CROSSING

So, to me, I don't see how you can enforce it.

SUPERVISOR YUDELSON

Well, I appreciate . . .

SHAWN DRAKE, 148 OAK MILLS CROSSING

I've been told take pictures. At 3:30 a.m. I'm supposed to go out and take pictures and show everybody pictures of all these houses. It's not a single family neighborhood anymore.

SUPERVISOR YUDELSON

Yes.

SHAWN DRAKE, 148 OAK MILLS CROSSING

I mean . . .

COUNCILWOMAN ZINCK

I think . . .

SHAWN DRAKE, 148 OAK MILLS CROSSING

If you can't enforce it, it's pointless to even change it.

COUNCILWOMAN ZINCK

I'm sorry, Shawn. In fact, we've been communicating, it's nice to see the face that goes with the email. Just to kind of reinforce what I think Supervisor Yudelson said earlier is part of the problem and part of why we have the Code Committee is right now you mentioned that you come home at 3:30 a.m., and your neighbors have ten (10) cars on the driveway, if we send a Code Enforcement Officer over there, and they aren't violating any Code, there's nothing that can be done because right now they are not violating a

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Code. If and when the Code changes to whatever it is, when they're violating a Code, at that point, they can be, a ticket can be written. They'll go through the court system, and something can be done, but that would be done at a Town level.

SHAWN DRAKE, 148 OAK MILLS CROSSING

But how, at 3:30 a.m. who do I call and say, come out and, what Code Enforcement guy do I call and say come out and . . .

SUPERVISOR YUDELSON

We have, a certain part of the year, our Dispatcher's office is staffed twenty-four (24) hours a day, and the rest of the time there's an answering service that's available.

SHAWN DRAKE, 148 OAK MILLS CROSSING

Yeah, but an answering service . . .

SUPERVISOR YUDELSON

I can't tell you that every time you call at 3:30 a.m. we're going to be able to go out and give a ticket, but it's still helpful if you call because then if we get the same property offending three (3) or four (4) times, then we would make some provisions . . .

SHAWN DRAKE, 148 OAK MILLS CROSSING

It's not just one (1) property . . .

SUPERVISOR YUDELSON

. . . for that to be done.

SHAWN DRAKE, 148 OAK MILLS CROSSING

There's about twenty (20) of them.

COUNCILWOMAN ZINCK

And I think when you see properties where that's happening all the time, and you call Supervisor Yudelton and give him the address, you'd be amazed how many times he's in your neighborhood and at this point now he doesn't have the teeth to do what it is you want him to do. He would when and if the Code is changed. So, right now, we're not in a position where we can do anything about that. That would change.

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COUNCILMAN MULLIGAN

The other thought is; the gentleman, Mr. Spaan, who owns a lot of those properties, he's gone on record as saying if you've got a problem over there, call him.

SHAWN DRAKE, 148 OAK MILLS CROSSING

I've contacted him. I have his home phone, and I have his cell phone. I call him at 2:00 a.m. if I have to, if there's a problem. I'm still having the same problems.

COUNCILMAN MULLIGAN

I know he wants to be successful over there, I would guess . . .

SHAWN DRAKE, 148 OAK MILLS CROSSING

He is.

COUNCILMAN MULLIGAN

. . . he wants to . . .

(From audience, inaudible)

SHAWN DRAKE, 148 OAK MILLS CROSSING

Twenty-five (25), thirty (30) houses he owns over there, I'd say he's pretty successful. He built my house.

COUNCILMAN MULLIGAN

Does he call you back?

SHAWN DRAKE, 148 OAK MILLS CROSSING

I call him, he answers. That doesn't mean it solves the problem, otherwise I wouldn't be here tonight.

COUNCILMAN MULLIGAN

He's here.

SHAWN DRAKE, 148 OAK MILLS CROSSING

Oh, I know he is.

(From audience, inaudible)

SHAWN DRAKE, 148 OAK MILLS CROSSING

Yeah, he shows up. I'm not saying he doesn't show up, but if the problem still happens, it's not solving anything.

(From audience, inaudible)

SUPERVISOR YUDELSON

Martha, excuse me. Wait, we can't . . .

(Members in audience arguing)

SUPERVISOR YUDELSON

Martha, excuse me.

(Members in audience arguing)

SUPERVISOR YUDELSON

Excuse me, we can't, we are not going to have a debate in the audience.

(From audience, inaudible)

SUPERVISOR YUDELSON

Please keep it civil. If you want to say something at the microphone, you can after this gentleman is finished.

SHAWN DRAKE, 148 OAK MILLS CROSSING

That's all I have to say, for now.

SUPERVISOR YUDELSON

Okay, thank you.

COUNCILWOMAN McCABE

Thank you.

SUPERVISOR YUDELSON

Is there somebody else who would like to speak? Anyone? Sir?

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BRUCE ELLSWORTH, 1256 CALKINS ROAD

My name is Bruce Ellsworth. I live at 1256 Calkins Road. And, I'm not in favor of this at all. And the gentleman, just a little while ago, made me think about something. I got three (3) girls. My oldest one is three (3) years away from getting her license, and the other ones will soon follow. I live on a major corner, a major intersection, and that got me thinking about how we're going to be able to park their cars along with our cars. And, when he brought that up it really started making me think, you know, we're going to have to park a little bit on the lawn or on the lawn. There's just no way that we can do without it. Being on a major intersection, you can't park in the street. The Town has already come down, they repaved the road, and they changed the striping on the road. Now there's a turning lane, to where before there was an actual lane that merged into the main lane. That has changed.

SUPERVISOR YUDELSON

I'm sorry, where do you live, what was your address?

BRUCE ELLSWORTH, 1256 CALKINS ROAD

1256 Calkins Road.

SUPERVISOR YUDELSON

Calkins, so you're talking about the intersection at Pinnacle?

BRUCE ELLSWORTH, 1256 CALKINS ROAD

Yes.

SUPERVISOR YUDELSON

Okay, I just want to let you know that although the Town was hired by the County to do the work . . .

BRUCE ELLSWORTH, 1256 CALKINS ROAD

Uh-huh.

SUPERVISOR YUDELSON

. . . the work to be done, including of the striping of the lanes that way was, that was decided upon by the County.

BRUCE ELLSWORTH, 1256 CALKINS ROAD

By the County? I'm just wondering, out of curiosity, how come none of us were notified that they were going to change the road, the striping of the road and that? There was no kind of Public Hearing for our opinion to be voiced, especially the people that live on that street?

SUPERVISOR YUDELSON

I can't speak for the County. I mean, how would they notify everybody who drives on Calkins Road? I think their traffic studies indicate that that's a safer mode . . .

BRUCE ELLSWORTH, 1256 CALKINS ROAD

Yeah.

SUPERVISOR YUDELSON

. . . to get people through the intersection because you don't have people slipping out on the right.

BRUCE ELLSWORTH, 1256 CALKINS ROAD

Well, in less than a week, there's been two (2) major accidents at that intersection . . .

SUPERVISOR YUDELSON

I know. I'm aware of that.

BRUCE ELLSWORTH, 1256 CALKINS ROAD

And, one of them was just this past Sunday or Monday at 8:00 a.m. And, like I said, I live on the main corner, so when I back out of the driveway, I no longer have a safe lane to go in, you know, it's the lane automatically, I got people coming from the east, the west, and then I have people that make right hand turns on red that I try to avoid. But, anyways, it just got me thinking about that. What I guess now is, why are you changing the Code, is it because of the appearance of the way some properties may look with cars not parked on the driveway or how does the Code read now compared to how you want to change it?

SUPERVISOR YUDELSON

Well, there really are no limitations . . .

BRUCE ELLSWORTH, 1256 CALKINS ROAD

No limitations at all?

SUPERVISOR YUDELSON

. . . in the Code right now and it's partially an aesthetic thing, it's also partially because of some of the issues you heard about tonight to put some kind of limits on how much parking people can do in the front of their house, and the issue has been discussed for many years about the parking on the grass. Most towns do not allow that, which is really just, it is mostly an aesthetic thing, it's about people's pride in the community and I would tell you, just as one (1) Town Board member, I've gotten a lot of feedback from people about that over the years and it's probably four (4) to one (1) in favor of not allowing parking on the grass. And, it was mentioned before, somebody said about going onto, pulling under a tree to wax a car or something, that's not really what we're looking at, but even right here on Calkins Road near the Town Hall, there's a few houses where people park their car, almost right by their front door, because that's where the tree, is all summer long. You know, probably just to keep it in the shade. We hear about those kinds of things all the time.

BRUCE ELLSWORTH, 1256 CALKINS ROAD

Well, I can almost understand that, but the thing I have a problem with is I have two (2) trucks, my wife has a minivan, I have a boat, I do own two (2) trailers, one of them I rent a spot just to park it at so it doesn't clutter up my yard. I try to keep things neat and organized. When I cut the lawn I pull everything out, I weedwack and cut underneath them so it doesn't look like a hayfield growing up underneath them, I just don't think it's right. The other thing I was thinking about is that the social economics that this is going to impose on some people. You looked at Saturday's paper, I believe, job growth, zero percent. You got all these people out there trying to make a living, trying to support their families. What about these guys that try to start a landscaping business or something, that don't have the money to put an extension onto their property? I mean, they're trying to make a living now and this is just going to get harder for them. My other concern is that Henrietta has a high rate of senior citizens on fixed incomes. Now, a lot of senior citizens, they go camping during the summer and what not, and if you impose this on them, you know, it's going to make it really tough for them to abide by it by, you know, putting the extensions onto their driveways and that. I see a real problem with that, too.

SUPERVISOR YUDELSON

Although, just to clarify, I mean, you might understand this already, they don't have to park the camper on the driveway extension, they can park it in their driveway.

BRUCE ELLSWORTH, 1256 CALKINS ROAD

Maybe their driveway isn't big enough. There's a lot of people here . . .

SUPERVISOR YUDELSON

No, I understand that.

BRUCE ELLSWORTH, 1256 CALKINS ROAD

. . . that got a thirty foot (30') camper.

SUPERVISOR YUDELSON

Yes.

COUNCILWOMAN McCABE

Sure.

BRUCE ELLSWORTH, 1256 CALKINS ROAD

The other thing I got is that my wife runs a business out of our house. She's a New York State day care provider, and being on a major intersection it causes a real big safety issue, too, if my boat, my boat and my one (1) trailer is parked in the driveway along with my two (2) trucks and her minivan, the parents can't get in or out safely with their kids to drop off or pick up. So, that is another big concern that I have, and being a taxpayer of Henrietta, a homeowner, I don't think that the Town should have a right to tell people, hey, you can't park on your grass. Now, I could see if it looks like a frat party, that might be a problem, but if you try to keep things nice and neat and organized, well kept up and maintained, I don't see the problem with that.

SUPERVISOR YUDELSON

Well, and that's the balance that I spoke of before because a lot of people do see a problem with it. There's some, a couple properties right near you that have a boat, or two (2) boats, several trucks that come home, cars, they're parked on pretty much all the grass that the property has, and I would probably get as many complaints about those properties as almost any property in Town.

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BRUCE ELLSWORTH, 1256 CALKINS ROAD

Now, the other thing I was thinking about if people put driveway extensions on, whether it'd be pavement, concrete, or stone, would that effect their taxes at all on their property? Does the assessment go up because their driveway is now bigger or they have a pad that extends onto their driveway?

SUPERVISOR YUDELSON

Well, I guess just as a general statement, if it made their home more valuable . . .

BRUCE ELLSWORTH, 1256 CALKINS ROAD

Yeah, exactly, exactly.

SUPERVISOR YUDELSON

Well, but, that's what assessment is based on, the value of your home.

BRUCE ELLSWORTH, 1256 CALKINS ROAD

Even though the assessments in Henrietta are pretty much high now.

SUPERVISOR YUDELSON

Well, that's not true.

BRUCE ELLSWORTH, 1256 CALKINS ROAD

No?

SUPERVISOR YUDELSON

Yeah, I know what you're going to say, but I'm not going to get into a debate about assessments, but the State evaluates every community's assessment. They apply what's called an "Equalization Rate", and if you've done it exactly right, you get a one hundred percent (100%) Equalization Rate. We've had the one hundred percent (100%) rate for several years now.

BRUCE ELLSWORTH, 1256 CALKINS ROAD

Would you agree then when, about three (3) or four (4) years ago when the housing market was booming, houses were being sold for more than they should have?

COUNCILWOMAN ZINCK

Yes.

BRUCE ELLSWORTH, 1256 CALKINS ROAD

And, people are paying more taxes on a house that is not worth what you're saying it's worth.

SUPERVISOR YUDELSON

Well, assessments are based on, the value of a house is very much related to what it sells for.

COUNCILWOMAN McCABE

Right.

SUPERVISOR YUDELSON

So, if they sold for more than you would have paid for it that's what they're worth. Again, I just want to say, those are not Town procedures that we use. I can tell you have some negative feelings about the procedures, all the procedures for setting assessments are set by State Law.

BRUCE ELLSWORTH, 1256 CALKINS ROAD

Yes.

SUPERVISOR YUDELSON

We follow that Law. The State comes in and reviews what we do to make sure that we do.

BRUCE ELLSWORTH, 1256 CALKINS ROAD

Yeah, okay. Thank you.

COUNCILWOMAN McCABE

Thank you.

SUPERVISOR YUDELSON

Anybody else? Sir?

(From audience, inaudible)

SUPERVISOR YUDELSON

If you'd come up to the microphone, please.

COUNCILWOMAN McCABE

Thanks.

DAVID PEARCE, 181 GARDEN PARKWAY

If you look around there are driveways, they have these turnarounds, usually yes, the driveway is straight, somewhere along the driveway you can fit two (2) cars in perpendicular to the driveway, hence the turnaround. This gentleman here, he's got a real safety concern, as do anyone that lives on a main road. Now, I understand there's people out there that don't want people parked all over their grass, the frat houses or whatever it is, it is a separate issue, okay? People who want to have their toys or whatever, you know maybe they don't have the room or the cost to expand the driveway, so maybe they're trying to be neat about it, but mostly concerning, you got people like this gentleman here who lives on a very busy street. You cannot be backing out. If it's rush hour and you got to go to college or go to work or whatever it is, and you got six (6) cars in the driveway and you got to back each one of those cars out, now we're talking a safety concern. What are the odds of someone getting rear ended of that happening? If they can build their driveway wider or they can park on the extensions, then what we can do is they can use part of that turnaround to back up and also turn back out and come out forward, which, you know, the way it should be because by law, if they back out, and someone hits them, they get ticketed for backing unsafely. Okay, so now we have a hazard, not only do we have a hazard for them, but now they risk getting a ticket from the officer. Okay, so there's a lot of conflict here. It needs to be addressed. There's other issues with the Town stuff too that I've seen over the years while modifying my property, putting in a pool, stuff like that, which probably needs to be addressed at higher levels up in the government, but you know, those are for another time.

SUPERVISOR YUDELSON

Thank you.

COUNCILWOMAN McCABE

Thank you.

SUPERVISOR YUDELSON

Anybody else, at this point?

(From audience, inaudible)

SUPERVISOR YUDELSON

Well, you'll have, there will be an opportunity to speak on other issues later, but anybody else who wants to speak on these proposed Code changes? Anybody? *(Pause, no response)* Okay, if not, I'm going to continue this Public Hearing, which is, as I explained before, will give us the opportunity to hear further input at a subsequent Board meeting that will be made available through the media, on our website through the e-notification, but you can assume that will be at least available to you at the next Town Board meeting on September 21st. At least that will be the current plan. So, at this point, I'll adjourn the Public Hearing, and just think, we have to continue with the rest of the Town Board meeting, but I know several of you were here just for the Public Hearing, so we'll just take a one (1) minute in place pause so that if anybody wants to make their way out they can.

(Brief intermission)

SUPERVISOR YUDELSON

We are going to resume now. I neglected to call for an approval of the Minutes before the Public Hearing. Can we have that, at this point?

COUNCILWOMAN McCABE

Oh, sure. Mr. Supervisor, I move we approve of the Minutes of August 17, 2011.

COUNCILWOMAN ZINCK

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

May I have the first Resolution, please?

RESOLUTION #17-162/2011

On Motion of
Councilwoman McCabe

Seconded by
Councilwoman Zinck

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

EXHIBIT A Bills Payable dated 9/7/2011 \$ 683,001.07

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	Aye
Supervisor Yudelson	voting	Aye
	Carried	

RESOLUTION #17-163/2011

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, the Town of Henrietta is involved in Tax Certiorari matters requiring legal services to protect and represent the Town's best interest.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta hereby appoints the firm of Hiscock and Barclay, LLP, with offices located at 100 Chestnut Street, Rochester, New York 14614, to represent the Town of Henrietta with respect to said Tax Certiorari matters, at a rate not to exceed Two Hundred and Forty Dollars (\$240.00) an hour, effective September 1, 2011.

BE IT FURTHER RESOLVED, that the Supervisor or his designee is hereby authorized to pay Hiscock and Barclay, LLP, upon satisfactory completion and acceptance of the services.

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	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #17-164/2011

On Motion of
Councilman Moore

Seconded by
Councilwoman McCabe

WHEREAS, Resolution #9-106/2011 awarded the 2011 Sanitary Sewer Repairs Project to Fineline Pipeline, Inc., for a total cost of \$313,275.00, and

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

WHEREAS, funds are available in the 2011 Sewer Budget for this extra work, and for additional corrections to sewer problems that exist, and

WHEREAS, Change Order No. 1 provides for the continuation of additional sewer repairs on Blackwell Lane, Sweet Briar Knoll, Bitternell Lane, Pittsford-Henrietta Town Line Road and Sandbury Drive, at the original Contract Bid prices and extension of Contract time, and

WHEREAS, the Acting Town Engineer and the Drainage/Sewer Department has reviewed and recommends the proposed change to the Contract.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to execute Change Order No. 1, an increase not to exceed the amount of \$75,000.00, resulting in increasing the total Contract amount to \$388,275.00.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Fineline Pipeline, Inc., upon successful completion of this Project and acceptance by the Acting Town Engineer.

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	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #17-165/2011

On Motion of
Councilwoman McCabe

Seconded by
Councilman Moore

WHEREAS, the Engineering Department has requested that the following item be declared surplus equipment:

<u>Inventory #</u>	<u>Description</u>
3034	1996 Chevrolet S-10 Pick-up Truck

WHEREAS, the Building and Fire Prevention Department has requested that the following item be declared surplus equipment:

<u>Inventory #</u>	<u>Description</u>
N/A	2000 Chevrolet Lumina

WHEREAS, the Highway Department has requested that the following items be declared surplus equipment:

<u>Inventory #</u>	<u>Description</u>
3829	2003 ¾ Ton Chevrolet Pick-up Truck
2561	Raytek Infrared Thermometer

THEREFORE, BE IT RESOLVED, that the vehicles described above are to be consigned to the Teitsworth Municipal Auction.

BE IT FURTHER RESOLVED, that Inventory # 2561 be sent to the Parks and Facilities Department for disposal.

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the above referenced items be removed from the Town's Inventory.

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	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #17-166/2011

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, Resolution #15-147/2011 authorized the advertisement for bids for the purchase of one new 4WD Narrow Series Tractor, and a fixed V Plow for the Parks Department, and

WHEREAS, two (2) bids were received, and the low bid, meeting specifications, was received from Z & M Ag and Turf, for a total cost not to exceed \$48,900.00, including the trade-in of a 1986 John Deere 2350 Tractor.

THEREFORE, BE IT RESOLVED, that Z & M Ag and Turf, 7615 Lewiston Road, Oakfield, New York 14125 be hereby awarded the bid for one new 4WD Narrow Series Tractor, and a fixed V Plow, per specifications.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Z & M Ag and Turf, in an amount not to exceed \$48,900.00, upon delivery and receipt of all proper documentation and acceptance by the Parks and Facilities Department.

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	Aye
Supervisor Yudelson	voting	Aye

Carried

SUPERVISOR YUDELSON

At this point, I'll ask the Town Attorney, this is the place we had put the Resolution regarding the proposed changes. We are not going to vote on this tonight because of all the input we got, and we obviously need to go back and discuss that. We might get some further input, so, just procedurally, my question to you would be, should this be tabled?

DANIEL MASTRELLA, TOWN ATTORNEY

It should just be pulled.

SUPERVISOR YUDELSON

Just pulled?

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DANIEL MASTRELLA, TOWN ATTORNEY

It should just be pulled. You can't really, you couldn't vote to pass the Law with the Public Hearing still open, anyway.

(Please note that Resolution #17-167/2011 was pulled from the Agenda by the Town Board.)

SUPERVISOR YUDELSON

Right. Okay. So, we just will not take any action regarding that Resolution, at this point. And, then, Councilman Moore, if we could have Resolution -168.

COUNCILMAN MOORE

I got to find it. I'm sorry.

RESOLUTION #17-168/2011

On Motion of
Councilman Moore

Seconded by
Councilwoman Zinck

WHEREAS, the Internal Revenue Service has increased the standard mileage reimbursement rate to 55.5 cents per mile, effective immediately.

THEREFORE, BE IT RESOLVED, that the authorized officers and employees of the Town of Henrietta be and are hereby granted mileage for the use of their own vehicles on official Town business at the rate of \$.55.5 per mile, effective immediately, subject to submitting proof of the use of their own vehicles on such Town business.

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	Aye
Supervisor Yudelson	voting	Aye

Carried

RESOLUTION #17-169/2011

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

WHEREAS, the 2011 Recreation Budget provides funds for the purchase of one

(1) new 2012 Dodge Grand Caravan to replace truck #10, a 1999 Jeep Cherokee, and WHEREAS, a replacement van, meeting specifications, is available through New York State Contract COO5404 from Dave Gardner Albany Dodge, at a total cost not to exceed \$21,181.00.

THEREFORE, BE IT RESOLVED, that Dave Gardner Albany Dodge, 770 Central Avenue, Albany, New York 12206, be hereby awarded the purchase of one (1) new 2012 Dodge Grand Caravan, per specifications.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Dave Gardner Albany Dodge, in an amount not to exceed \$21,181.00, upon delivery and receipt of all proper documentation, and acceptance by the Fleet Maintenance Supervisor.

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	Aye
Supervisor Yudelson	voting	Aye
Carried		

RESOLUTION #17-170/2011

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

BE IT RESOLVED, that the following persons be hired:

Antoinette Quinn Recreation, Recreation Assistant @ \$7.50/hr.,
effective 9/8/2011.

Courtney Getman Recreation, Recreation Assistant @ \$8.75/hr.,
effective 9/8/2011.

Heather Moore Parks, Seasonal Laborer @ \$8.00/hr., effective
9/8/2011.

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

Recreation As per the Attachment, effective 9/4/2011.

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Crossing Guards

As per the Attachment, effective 9/4/2011.

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	Aye
Supervisor Yudelton	voting	Aye

Carried

SUPERVISOR YUDELSON

That's the end of the regular Agenda, before we adjourn, there is an opportunity to speak on other matters involving the Town of Henrietta. Martha, I think you had indicated you wanted to speak?

(Martha Windrem, 570 Shore Drive, spoke in reference to concerns about residents who reside on Elk River Road. – Audio File available upon request.)

(Paul Forcella, 2052 East Main Street, Apt. 610, spoke in reference to concerns about the Henrietta Public Library. – Audio File available upon request.)

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman McCabe, seconded by Councilwoman Zinck at 8:48 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk