

**HENRIETTA TOWN BOARD
AGENDA
NOVEMBER 2, 2011**

Supervisor Yudelson
Councilman Mulligan
Councilwoman Zinck
Councilman Moore
Councilman Page

ORDER OF BUSINESS

1. Roll Call
2. Prayer
3. Pledge of Allegiance to the Flag
4. Public Presentation/Agenda Items
5. Approval of Minutes of the Preceding Meeting(s):
 - October 19, 2011
 - On Motion of: Councilman Moore Seconded by: Councilman Mulligan
6. Miscellaneous Communications
7. Public Hearing:
 - Proposed Adoption of Local Law No. 3 of 2011 – A Law Amending the Definition of “Family” in the Henrietta Town Code §295-2
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 #21-191/2011
Authorize Accounts Payable

RESOLUTION #21-192/2011
Authorize Payment - Certiorari Attorney for Legal Services

RESOLUTION #21-193/2011
Authorize Change Order No. 1 – Mechanical Upgrade for Henrietta Public Library Project

RESOLUTION #21-194/2011
Authorize Change Order No. 2 – 2011 Sanitary Sewer Repairs Project

RESOLUTION #21-195/2011
Accept Dedication of Sanitary Forcemain – Jefferson Road

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RESOLUTION #21-196/2011

Accept Dedication of Sanitary Forcemain – West Henrietta Road

RESOLUTION #21-197/2011

Authorize Advertisement for Bids – Town Hall Door Replacement Project

RESOLUTION #21-198/2011

Authorize Agricultural Lease Renewal - Mark Greene, Property on Calkins Road

RESOLUTION #21-199/2011

Adopt Official Undertaking of Receiver of Taxes and Assessments

RESOLUTION #21-200/2011

Authorize Request for Special Use Permit Extension – Application No. 2009-102
3831 East Henrietta Road, Rockwood Center at Brentland Woods, to modify
existing 51 assisted living units, construct 40 additional units, and to construct 12
green house nursing home units

RESOLUTION #21-201/2011

Call for Public Hearing - Fiscal Year 2012 Preliminary Budget

RESOLUTION #21-202/2011

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 RUSH-HENRIETTA SENIOR HIGH SCHOOL, 1799 LEHIGH STATION ROAD, HENRIETTA, NEW YORK ON THE 2nd DAY OF NOVEMBER, 2011 AT 7:00 P.M.

PRESENT

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

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Could I ask for approval of the Minutes, please?

COUNCILMAN MOORE

Mr. Supervisor, I'd like to approve the Minutes of October 19, 2011, as presented.

COUNCILMAN MULLIGAN

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

Now we're going to move right into the Public Hearing on the Proposed adoption of Local Law No. 3 of 2011, a Law amending the definition of "Family" in the Henrietta Town Code §295-2. Before we start, I want to thank the Rush-Henrietta School District for

allowing us to use their facility so that we could accommodate everyone who wanted to attend tonight's Public Hearing, and also, thank you, to our interpreters. It is important to note that the Town Board will not take any action on this proposal tonight. After this meeting we will take the opportunity to consider everything we hear tonight and then decide on whether we desire to vote on this proposal as is or to modify it. The Board could also decide to take no action for a certain period of time. Notice of any pending action by the Board will be communicated to the public well in advance through, at minimum, the Town's website, notification to the RIT community, and through the traditional media outlets. Before we begin, I will ask Mr. Mastrella, our Town Attorney, to summarize this proposed change in the Code and how it is different from the Code, as it currently exists.

DANIEL MASTRELLA, TOWN ATTORNEY

Thank you, Mr. Supervisor. The Code, as it presently exists, defines a "Family" in such a way that any four (4) or more unrelated people do not constitute a "Family." Courts in this State and elsewhere have indicated that that unfairly excludes groups, which may be the functional equivalent of a traditional "Family", and therefore, there has been proposed a modification where three (3) or fewer people who are unrelated would fall within the definition of "Family" and once it got to four (4) people there would be a presumption rebuttable that it is not a traditional "Family", or the functional equivalent. So, in essence, the proposal expands the number of groups that can be considered a "Family" from what is presently in our Code. The statute, as proposed, has survived judicial scrutiny in three (3) appellate courts in this State. The Department we're in, the Fourth (4th) Department, considered this exact Code. It is the same as the Brockport Village Code, and found it to be legitimate and constitutional. The Second (2nd) Department found the City of Poughkeepsie's statute, which is very similar to this, to be legitimate and the Third (3rd) Department found the City of Albany's Code to be legitimate, and it also is very similar to what is proposed here. So, in essence, what this seeks to do is to preserve the single-family character of a single-family neighborhood while not excluding groups which function as a family.

SUPERVISOR YUDELSON

Thank you, very much. Like any Town Code, enforcement of this Code with this new definition, if it were to pass as is, would be prioritized based on the most egregious situations that are having the greatest negative effect on the quality of life in a neighborhood. It would not be determined simply on whether those violating the Code were students or not. You noticed that Mr. Mastrella, in his description, did not distinguish students from other residents in any way. During the past two (2) years the initiatives undertaken by a Task Force chaired by Dawn Soufleris, the Assistant Vice President for Student Affairs at RIT, that includes myself, several other RIT officials, in addition to Dawn, the Monroe County Sheriff's Department and Carol Malach, as a neighborhood representative, has done a lot to educate the students living in the area about the responsibilities of living in a neighborhood. As part of her regular

responsibilities at RIT, Dawn has also disciplined students who live in some of these rental properties for violations of the schools Code of Conduct. I want to thank RIT for the incredible amount of resources they have devoted to this initiative. I believe these kind of community collaborations actually are the best way to addressing most of the issues that have caused concern in the Chesapeake area. And, now some ground rules before we start with the speakers: Our intent is for everybody who wants to speak to be able to do that. We had sign-up sheets outside, there's still some people signing in, and after we go through these sheets, anybody who's here and wants to speak that didn't sign up will have the chance to do that. To help us accomplish this, we are limiting each speaker to three (3) minutes. This was noted on the sign-up sheet. I have a timer on my phone; and I'm going to attempt to give you a thirty (30) second warning, but I'm also going to try not to interrupt you as you're trying to make your point. So, that might not happen, but please end your comments when I announce that your time is up. If the battery on my phone dies, the timing will be much less exact. *(Laughter)* Three (3) minutes passes quickly, so please be concise and make sure to leave yourself time to make the points that are important to you. Please be respectful of that time limit so that everyone, no matter what their view, has the opportunity to be heard. Last week I attended an Open Forum sponsored by the RIT Student Government Association attended by approximately fifty (50) students who came to ask questions about the proposed new definition of "Family" in the Code. Right at the beginning the Student Leaders of the Student Government Association reminded the audience about the importance of maintaining dignity and respect for the differences of opinion and that was the tenor of the evening throughout. The Town Board requests; let me make that insists, that the same standards be maintained here tonight. This situation has caused a great deal of upset for some who are here tonight; others are simply here to find out more about what is going on. No matter where you fall in that spectrum, please maintain a proper sense of decorum and direct your comments to the Board rather than any members of the audience, and let me thank everyone, in advance, for your compliance with these ground rules. And, now I'll call the first speaker. When I call your name you can go to either microphone that you see at the front of the isles, whichever is more convenient for you. The first speaker would be Shawn Drake from Oak Mills Crossing.

SHAWN DRAKE, 148 OAK MILLS CROSSING

Good evening. I am here tonight in favor of the proposed Code change. I have lived in Henrietta for over twenty (20) years, first with my parents in the Preserve, they were the third home built in the development. I moved in to the same neighborhood with my own family ten (10) years ago. It was always a nice, quiet place to live up until at least five (5) years ago when the neighborhood started to change. The change has been made by the same person who built my home who started as a home builder to a landlord of over twenty (20) homes, which he rents out to college students. Many think this is a chance to just single out a group of college students. Please realize that is simply not the case. Our complaints have been going on for a number of years regarding this neighborhood issue, unfortunately this current group of students are seeing the anger and frustration of

homeowners who have had to watch the neighborhood change with little help to stop it. As angry as I may be about the large and loud parties, property damage, and just in general, unacceptable and disrespectful behavior from the students who live in our neighborhood, our anger is more towards the Town, RIT, and the builder/landlord. I am angry towards the Town for following this, for allowing this to go on for so long. This could have been avoided if the Town would have taken our concerns more seriously when we first complained about it years ago. RIT has repeatedly said their enrollment keeps rising. They used to own the property, which is now known as the Preserve. If the enrollment kept rising, obviously there was a demand for more student housing. Why would they have sold the lands knowing that they didn't have enough student housing available? And, if for no other reason, I feel the Town should pass the proposed change and they should pass the proposed change and vigorously enforce it. If the Codes are not changed and enforced, people like a particular landlord will have the opportunity to continue to exploit our neighborhoods for no other reason than to make a financial gain at the expense of college students and homeowners. This landlord has knowingly violated the current Town Code of no more than three (3) unrelated residents in the home. We assume he knew the current Code was weak and he could be challenged in court and win. He also caused college students to be in violation of the Code when he had them sign his lease agreements. He set the students up for failure. I'm sure the students were not aware that they were violating Codes by signing his legal document. He would have never disclosed this to his tenants or they would have never signed it. He claims what he is doing for the Town and the neighborhood and the students is a great thing, but nothing great has come of it except that his wallet has gotten a lot thicker. Please, for my family and many families in Henrietta, pass the proposed change so that we can once again be proud of the Town and the neighborhoods that we all call home. Thank you.

SUPERVISOR YUDELSON

Thank you.

(Applause)

SUPERVISOR YUDELSON

The next speaker will be Charles Kernehan and after that it will be Jarrett Hobbs. Mr. Kernehan?

CHARLES KERNEHAN, 279 CROCKETT DRIVE

Good evening, esteemed members of the Town Council. I, at this point, would propose that you not adopt this, as written, and we go at this at a more neutral and friendly manner through the use of existing codes and permits. The permit would be a residential renter's permit, a fifty dollar (\$50) application fee would have to accompany this permit and the permit would require the person attempting to rent a house to specify the number of garage bays and the lengthened width of the driveway. Now, there's an

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existing Code that says you can't park on the lawn, you can't park on the road during certain times, and there's also a Town Code that specifies the size of parking spots. So, once the width and length of the driveway has been put down, you take the Parking Code and say, okay, this driveway supports "X" number of parking spots, the garage supports "X" number of parking spots, that is the maximum number of people that can rent this house. And, if you violate it, the Town will pull the renter's permit, therefore, you can no longer rent this house, which means you either leave it vacant or comply with the Town Code. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Thank you. Jarrett Hobbs and the speaker after will be Martha Windrem.

JARRETT HOBBS, 79 FRIEL ROAD

Good evening. I am for the proposal. I have a young family, and we're living in our home for the greater good. We are trying to build upon our house, increase our home, our neighbors are not. While we don't live in the Preserve we have neighbors that work at a local restaurant, and it's not a family. This is not the greater good of Henrietta. I am for the proposal.

SUPERVISOR YUDELSON

Thank you.

(Applause)

SUPERVISOR YUDELSON

Martha, and after Martha will be Carol Burritt.

MARTHA WINDREM, 570 SHORE DRIVE

I support the proposal. The first responsibility of government is the safety of its citizens. Our neighborhood used to be a safe place for older adults, deaf adults, and small children. It is no longer. My neighborhood was designed for small families. The infrastructure is only suitable for small living groups. For example, there are no sidewalks on my street. Many adults exercise by walking in the street. The children ride their tricycles in the street. Parents wheel strollers in the street. These used to be perfectly healthy, safe family neighborhood appropriate activities. Being able to pursue these activities is one of the reasons families move to the suburbs. It is why the roads of suburban developments are built the way they are. It is exactly why my neighborhood was designed the way it is. However, in the last few years the number of cars driving past my house has increased tenfold. One Saturday afternoon between noon and 1:00 p.m., this is a one (1) hour time period, forty (40) cars drove past me while I was gardening on the edge of the street. There are only five (5) inhabited houses on my stretch of the road, and not a single one of the forty (40) cars was going to or coming from any of those five (5) houses. In order to accommodate the high density of drivers,

inherent and dormitory housing in our neighborhood, the street should be straightened, sidewalks should be installed and stop lights should be placed at all intersections. In short, the neighborhood would have to be turned into a city like environment in order to make it safe for multiple high density adult group housing. And, who would pay for that? Moreover, the students don't even seem to value the very characteristics of my specific neighborhood that led me and many of my neighbors to locate here. Our neighborhood was a very quiet wooded place next to the river forming a natural habitat for wild birds. At one of multiple meetings between the neighborhood and RIT; I suggested that students could increase their privacy, camouflage the parking lots, and decrease the impact of their loud events in the neighborhood by planting trees. One (1) of the students spoke up to say that we could not possibly expect the students to water a tree. But if people don't care about landscaping, if they don't care enough about trees to water one, then they certainly don't need to live in a suburban neighborhood. So, why destroy something that works? Why drive out the families, the elderly, and the deaf? Why tear apart an ecologically sensitive area next to the river to convert it to student housing? Why not design an appropriate high density housing area for students from the start?

SUPERVISOR YUDELSON

Thirty (30) seconds, please.

MARTHA WINDREM, 570 SHORE DRIVE

Because one (1) man stands to profit from driving the families out. Buying their abandoned houses at a discount and replacing those families with students. It is one (1) man's profit against the lives and the lifesavings of multiple middle class families. Will you destroy a family neighborhood so that one (1) man can make an easy profit, or will you protect the children, the elderly, and the citizens of Henrietta? (*Applause*)

SUPERVISOR YUDELSON

Carol Burritt, and after Carol will be Carol Gilmore.

CAROL BURRITT, 620 SHORE DRIVE

I really don't have that much to say because as you know, I've said an awful lot already. I am for this Resolution because I consider it a small piece of what might go to correct a situation that has been described here so eloquently by my neighbors. I'm just here simply to say that, as a taxpayer, and a long time resident of Henrietta, it is my belief at the very least that government entities at this level are responsible for the efficient maintenance of public services and facilities, the safety of persons and property, either by contract or with direct administrative law enforcement group, and the preservation of taxpayers property values through forward thinking planning, strong enforcement and defensive zoning laws, write to the courts, if necessary, and open honest communication with the community. There are so many services that enhance the quality of life, but if those three (3) obligations aren't met, the rest are a wonderful luxury. When it comes to some of these no town does it better than Henrietta, however, we seem to have

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somehow, in many cases, put the favor of businesses and say landlords, above what the benefits and the rights of the residents of property owners and taxpayers of Henrietta. So, tonight, hopefully if this, well, not tonight, but if this one (1) Resolution passes it's a step down the road to remedying a situation that has torn up some neighborhoods in our Town. Thank you.

SUPERVISOR YUDELSON

Thank you, Carol. (*Applause*) Mrs. Gilmore, and after her will be Alex Ship.

CAROL GILMORE, 3 ELK RIVER ROAD

Yes. Thank you, very much for everyone listening. I live at 3 Elk River Road. We had some problems on our street. People have called me late at night waking me out of a dead sleep telling me what's going on. I've called Mike at home, he said he'd come out, he did come out about it. The 23 Still Pond Way has been a lot better. People haven't called about that, and I talked to Mr. (*inaudible*) about the problems, too, and he's, and they've took care of it, so we've had no problems on our end right now, so, with that one house that the people were complaining about.

SUPERVISOR YUDELSON

Thank you.

ALEX SHIP, 36 WESTMINSTER PARK

Hi, I'm Alex Ship. I've lived in Henrietta for the past seven (7) years; one of the renters that you all have been speaking about. I've heard an undercurrent here in all of the statements, and that's enforcement, whether it's enforcement of this Code, should it pass, or enforcement of existing Codes. There doesn't seem to be much of it. So, first question is, how do you plan on enforcing this, you touched on it a little bit, but if you haven't enforced any of the previous Codes, what's to give anybody any expectation that you're going to enforce this Code? And, then the second part of this is sort of the negative side effects if you do enforce the Code. So, a lot of people sort of would like students to leave, but I think you need to think ahead and say, what happens if students leave? If you have a lot of vacant houses, what happens to the property values that you guys are talking about? I mean, if these students leave, they were built for a reason because the students came in. If you force the students out you have a lot of vacant houses that are on the market. If you flood the market with houses, property values go down. So, I think you really need to balance, you know, what is the enforcement and then what are the effects of that? And, so, if you have problems with parking, if you have problems with noise, enforce those directly rather than indirectly that drives students out. It's really the behavior of the students and not the existence of students that's the issue. So, I think if you tackle the behavior you'll have less of the negative effects and you'll have the same positives. Thank you. (*Applause*)

SUPERVISOR YUDELSON

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Thank you. The next speaker is Ruby Baker. And, after that will be, I'm having a little trouble making out the name, but I believe it's Elli Collins, from River Meadow Drive.

RUBY BAKER, 83 KENWICK DRIVE

My name is Ruby Baker, and I live on Kenwick Drive. And this problem with the RIT students is not a new problem since the Preserve was built. I've been there almost forty-five (45) years, and we have had problems at least thirty (30) or thirty-five (35) years. We currently have several houses on the street that are rented out to the students, and we also have the additional problem of the apartment complex on Loden Lane that have a lot of students. They use Kenwick as kind of a race track. We have lawn damage, we have mailbox damage, and we have cars that have been hit in the driveways. So this is not something that's new. This has been going on many, many years. So, that's what I'd like for you to know. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Thank you. Collins, and after that will be Mr. Cosgriff.

ELLI COLLINS, 266 RIVER MEADOW DRIVE

I promise to be very short and sweet. I guess what I'd like to say is it kind of reflects what Alex said that enforcement is the key. I think if everybody works together, I've noticed when the huge parties happen across the street from me that the police will be called, they'll come out, and they seem to give a warning to the kids, if you leave now we won't do anything. They leave and then there's this mad dash for the cars, and there's this drunken squealing of brakes leaving and I'm wondering why if I were to drink at a party and drive, I would probably be arrested. *(Applause)* Why are these kids allowed to drive up and down our streets, people walk on my street all hours of the night and day. And, why are these kids allowed to drive away drunk? The last party, two (2) Wednesdays ago, didn't end until 4:00 a.m. My husband and I get up to go to work at 4:30 a.m. He has to be to work at 6:00 a.m. We get up at 4:30 a.m. Nobody got any sleep that night, and when I finally did call the police, there was a couple in a car, now my front yard is maybe twenty-five feet (25'), they were parked in front of my house and they were having sex in the car. I could, my husband and I could visualize exactly what was going on. My front lights were on both at the road and on the house. When the police made them get out of the car, the gentleman got out pulling his pants up and buckling his belt, she got out of the car pulling down her top and straightening her underwear, and there was no ticket issued for public lewdness. I feel if the police enforced this and fined these kids for driving drunk. If they had to go to school to get their license back, if they got a fine and had to go to court and explain why they were having sex in public where everybody could see them, this would stop. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Thank you. We'll share your comments with the Monroe County Sheriff's Department.

Mr. Cosgriff and after that will be Mr. Timpani.

LARRY COSGRIFF, 202 RIVER MEADOW DRIVE

Hi. I live on River Meadow and basically the meeting is a little more than I thought it was going to be but I'm here to vent. Some of the things I'm going to vent about is not enough parking in the driveway that people have already mentioned. There should be, if a car can only handle two (2) cars, two (2) people should be living there. Parking in front, on the road, two (2) times a week they can't get at my mailbox, so I don't get my mail. The police can't enforce the parking because there's no parking signs. During the wintertime and snowplowing, well I guess, I talked to the Highway Superintendent, the guy's driving the snow plows are supposed to issue the ticket when they're snowplowing. Right. That's doesn't happen. So, then the mail guy can't get to my mailbox again. Pretty much, you know, I guess, that's pretty much, I'm just kind of venting. I thought I was the only one with this problem. I've been dealing with it for three (3) years now, and it's like, I've called the police, the landlord lives in New Jersey, so. I've called him a few names and he's called me a lot of names. So, now at least I get the lawn mowed. So, that's it. But, the Town didn't say anything until I confronted the landlord to mow the grass at least. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Thank you. Mr. Timpani, and after Mr. Timpani will be Don Wiedrich.

SALVATORE TIMPANI, 111 OAK MILLS CROSSING

Hello. I'd like to say that my wife and I are for this proposal. I agree with Alex that enforcement is the key. The problem is not the college students it's the way they behave. The way they drive, the way they act, everything. We've dealt with property damage, people urinating on our fence, driving through our lawn, everything like that at all hours of the night. It's just a little ridiculous. On a personal level, I don't mind their landlord. He's a nice guy, but on a professional level this wasn't a great idea and we are pretty much fed up with it. So, that's all I have to say. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Thank you. Mr. Wiedrich, and after him will be Meredith Smith.

DON WIEDRICH, 47 CHESAPEAKE LANDING

My wife and I built our retirement home ten (10) years ago here to live in a single family community, nice and quiet, and it doesn't exist anymore. And, people talk about the students being responsible, but we have tried to educate them, but they drive just as fast, they are just as rude to everybody that's here and the parties are just as big, just as loud as they've ever been. I don't know if you've tried for three (3) years how to educate them how it's going to be in the future to do that, they just don't seem to care. So, I think you need to pass this Resolution so we can get back to single family quiet neighborhoods. Thanks. *(Applause)*

SUPERVISOR YUDELSON

After Meredith Smith will be Gene Conti.

MEREDITH SMITH, ONE LOMB MEMORIAL DRIVE

Good evening. Rochester Institute of Technology appreciates the opportunity to comment on this proposed Town Code provision. RIT believes that the purpose of this proposed Code change is to regulate the student rental homes that a single landlord owns in the Chesapeake Subdivision located in the Town of Henrietta. This neighborhood is densely laid out and there are multiple rental homes located within close proximity to one another. When neighbors began contacting RIT and the Town to voice their concerns about students living in their neighborhood RIT initiated the formation of a task force called the Off Campus Student Housing Initiatives Coalition to partner with the Town, the landlord, the Sheriff's Department, and multiple departments at RIT in an effort to build relationships between our students and the neighborhood and to educate students about the area in which they live. Among our many initiatives, the Coalition invites neighbors to express their concerns each Fall at a Town Hall style meeting in response to the specific issues raised at these meetings, the Coalition creates an agenda for action in the neighborhood. The Coalition crafted the Good Neighbor guide that is given to our students on a regular basis in an effort to educate them about being a responsible neighbor. RIT has provided the neighborhood with contact information for multiple departments, and we have a student group working in this area, as well. Our Student Code of Conduct applies to behavior on and off campus and we do not hesitate to use it when we are made aware of student behavior issues in the neighborhood. RIT recognizes that the Town Board may be frustrated with the lack of a response from the landlord to certain requests and that the proposed Code change is apparently intended to target his homes in the Chesapeake area. However, as it is currently written, the Code would apply to the entire Town of Henrietta, and would impact neighborhoods in communities not experiencing the same issues facing the Chesapeake Subdivision. We estimate that several hundred students, both undergraduate and graduate, currently live in single-family with at least three (3) or more unrelated individuals throughout the Town. If the proposed definition is passed then students would not be able to rent single-family dwellings with more than three (3) other students in any part of the Town of Henrietta, despite the fact that to our knowledge no other neighborhoods have collectively lodged complaints concerning the number of students residing in their neighborhoods. We would welcome the individuals, in fact, that have testified at this hearing to contact us, and I'd be happy to give you my card after the meeting.

(From audience, inaudible)

MEREDITH SMITH, ONE LOMB MEMORIAL DRIVE

I do. In addition to the negative impact that the proposed Code change may have on the

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students living in the Town of Henrietta, RIT is concerned with the ambiguities concerning the application of the proposed language. For example, there is no indication when the new definition is passed would go into effect, whether it would have any retroactive application, and whether any individuals or dwellings would be grandfathered to accommodate current living situations. In addition, it is unclear what the penalties might be for housing violations and whether the fees would accrue to the residents of the single-family dwelling or the landlord or homeowner. RIT requests that the Town Board reconsider the broad application of the proposed Code and partake in a detailed examination of the total impact of regulating rental properties. We understand that the Town is working to be responsive to its residents in the Chesapeake Subdivision, but we believe that the Town can do so in a manner that narrowly addresses the subdivision's concerns without negatively impacting all of the students living throughout the Town. A comprehensive look at the problem and full consideration of all the options is required to ensure that any Code change has its intended impact. We welcome the Town Board and the rest of the community, use the Off Campus Student Housing Initiatives Coalition to continue a community dialogue on this issue. RIT continues to appreciate its partnership with the Town and looks forward to working together to make Henrietta a wonderful place to live for all of its residents. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Mr. Conti, and after Mr. Conti will be Diane Wiedrich.

GENE CONTI, 380 RIVER MEADOW DRIVE

Good evening. I support the proposal. My father bought a house on River Meadow in 1949. I grew up there, my brother grew up there, my sisters grew up there. I can remember family picnics, family outings, you know, it was a great place to live. When I was able to purchase a home I purchased a home on River Meadow Drive and I had my kids grow up there, and you know, after sixty-two (62) years I don't recognize the place. You know, what happened to my neighborhood? *(Applause)*

SUPERVISOR YUDELSON

Thank you. Diane Wiedrich.

(From audience, inaudible)

SUPERVISOR YUDELSON

What's that?

(From audience, "She passes.")

SUPERVISOR YUDELSON

She passes? Okay. Leonard Gould? And after Mr. Gould will be Greg Pollock.

LEONARD GOULD, 33 BERMUDA CIRCLE

Good evening. My name is Leonard M. Gould. I live at 33 Bermuda Circle. A forty (40) year resident of the Town of Henrietta. I'm a former Kodak worker and presently a Rush-Henrietta bus driver. We have two (2) properties on my circle, one (1) at the corner, it had ten (10) students living there and eight (8) cars in the driveway, and they'd have parties and there'd be fifty (50), sixty (60) students in the house, we'd call 911, after 911 arrived, five (5) minutes after they arrived all the students were gone, never a ticket was issued, never. And, all these students would be back within ten (10) or fifteen (15) minutes after the Sheriff left. The Sheriff in the Town should be doing something and enforcing their own regulations. I've called the Town about all the illegal, all the cars in the driveway, and the Town told me to get their license plates and call 911, I had their license plate wrong. What are they doing? That's what the Town people, Code Enforcement's getting paid for. I personally believe that we should have more bite. You should enforce the laws you have. We can't even get an emergency vehicle around our thing when they have parties. *(Applause)* I believe myself, personally in my heart, if one of these houses or both of them, a couple of them were by any of you people up here tonight, this problem wouldn't be here now. *(Applause)* Perhaps you don't want to hear it, but that's the way I feel.

SUPERVISOR YUDELSON

Mr. Gould? Which laws are you saying that are not being enforced on your street?

LEONARD GOULD, 33 BERMUDA CIRCLE

My wife called to have non-family members removed or for these different houses, and when they talked to the Town, the Town people said, "We're in the process of changing that. So, don't worry about it. There's nothing you're going to be able to do about it." But I came home from the bus garage and I called him up, and the gentleman up at the Town, Code Enforcement told me, "You get the license plate numbers of all the cars in the driveway, call 911, and have them run the plate." There were cars from Florida, Indiana, all over. And, I'm not just talking about RIT. They could have been U of R, MCC, and they said what the thing is, is you call the University and these kids, which 911 never gave any of them a ticket. I'd come home from Kodak on the Expressway and would be caught in a sobriety check, fifteen (15), twenty (20) minutes later, when 911 comes, one (1) guy comes, in five (5) minutes, fifty (50), sixty (60) kids are gone. That's what I'm talking about.

SUPERVISOR YUDELSON

Okay, but I'm not clear, is your street posted for No Parking?

LEONARD GOULD, 33 BERMUDA CIRCLE

No, it is not. I've called and they said, "If we post my street, they have to post all the other streets."

SUPERVISOR YUDELSON

Okay, so what were you thinking a ticket should have been issued for?

LEONARD GOULD, 33 BERMUDA CIRCLE

Underage drinking, illegal parking of the cars...when you can't get an emergency vehicle around the circle because cars are parked on both sides, there's a problem. *(Applause)*

SUPERVISOR YUDELSON

Okay.

LEONARD GOULD, 33 BERMUDA CIRCLE

I'm not just worried about their party. I'm not worried about the student's party, I'm worried about if somebody has to have an emergency vehicle, a fire truck.

SUPERVISOR YUDELSON

I understand. My point is that if it's not posted for "No Parking", they can park there. And, as far as underage drinking, an officer would have to see it to be able to do something. The Town doesn't enforce underage drinking.

LEONARD GOULD, 33 BERMUDA CIRCLE

I understand that, but there has to be some kind of thing where 911, my oldest number one (1) son has gone up to Summit Drive, and asked the commanding officer up there, why doesn't the officer check the people for their age or anything? They're busy. How busy can the guy be? How busy can 911 be?

SUPERVISOR YUDELSON

Okay. I'll pass your comments.

LEONARD GOULD, 33 BERMUDA CIRCLE

Thank you.

SUPERVISOR YUDELSON

Yes, thank you. Okay. Mr. Pollock, and after him will be Jonathan MacDonald.

GREG POLLOCK, ONE LOMB MEMORIAL DRIVE

Good evening, ladies and gentlemen of the Board. Members of the Henrietta community and fellow RIT students and administrators. Thank you, for your time tonight. My name is Greg Pollock, and I am a fifth year Professional Technical Communications Major who will be graduating from RIT this May. For the past two (2) years I have had the privilege of being the President of RIT Student Government, and I work closely with a number of passionate student leaders while representing a community of seventeen thousand, seven hundred (17,700) students who are a part of the RIT and Henrietta communities. I have also had the pleasure of living off campus with four (4) roommates for the past three (3) years. In preparation for tonight, I found out something that I think is important

to share. Shouldn't Ordinances (*inaudible*) comprehensive be passed? Several hundred students will be impacted. And those that do not leave will be faced with the likelihood of rent increases, which will render them unable to live in their homes. We are not a particularly wealthy student body. As of right now, twelve thousand (12,000) out of about seventeen thousand (17,000) students receive financial aid through campus work, grant and loan programs, and that does not include the number of students who work within the Henrietta community to help with tuition and living expenses. Despite the struggle to pay for their education, I learned that our thoughts of RIT's presence in the Henrietta community. RIT contributes one hundred and thirty million dollars (\$1,030,000) to the local economy. And, I also found out that out of seventeen thousand, seven hundred (17,700) students, nine thousand, nine hundred (9,900) of them engage in community service projects around the Henrietta community. In total, we do make a significant contribution to the economy and the spirit of the community in this area. I understand that there are some students whose behavior has caused difficulty for some of you. My hope is that the issues created by this small number of students has not permitted a divide to be created between RIT and the Henrietta community, so that many of us can continue to appreciate what we also call our home. For the past eighteen (18) months, we at RIT had hoped that we were making progress (*inaudible*) student and community relations through the task force. Through our Off Campus Coalition work, through our Off Campus and Apartment Housing Association partnership, and with the support of several departments at RIT, dialogues have been started, programs have been established, and partnerships have been initiated. Perhaps these efforts may have appeared slow to some people, but to me they seem pretty steady and in a very good and positive direction. This proposed legislation feels like we are now moving faster in the opposite direction, and . . .

SUPERVISOR YUDELSON

Thirty (30) seconds.

GREG POLLOCK, ONE LOMB MEMORIAL DRIVE

. . . what I'd like to ask you is if there's room for us in the past to work a little bit differently in order to change that direction again and move forward and perhaps consider what would expedite the peace? With so many students here and the attention that this proposal has started, can we create an opportunity to bring landlords, rather than RIT, is the administration and students and the Town leadership to work together towards a more mutual and shared resolution. Like many other successful communities have done. It is my hope that we are willing to open dialogue and identify a solution that's not about us or them, but that we recognize that we collectively have shared an interest and investment in the Town of Henrietta and it's (*inaudible*) Thank you, for your time and I appreciate your attention. (*Applause*)

SUPERVISOR YUDELSON

Jonathan MacDonald, and then will be Regina Lapp-Harmon.

(From audience, "I pass.")
SUPERVISOR YUDELSON
Okay, Regina?

(From audience, "Do I get extra time since I have more than one (1) property?)

SUPERVISOR YUDELSON
No. No, ma'am. Nor because you signed up three (3) times. No, Ma'am. It's three (3) minutes per speaker.

(From audience, inaudible)

SUPERVISOR YUDELSON
Well, it probably does to everybody else. *(Laughter)*

REGINA LAPP-HARMON, 490 SHORE DRIVE
I doubt that. I doubt that very much. I live at 490 Shore Drive, on the river. And, this meeting tonight to me is pretty disgusting, to be honest. When it comes to political things, a lot of it's kind of down in the tubes right now. I hear these private citizens putting out a plea to you, their leaders, whom they pay tax dollars to, and there isn't a whole lot being done. What needs to happen? Does a child need to be killed? I am fearful for my grandchildren playing in my front yard and riding their tricycles on my driveway because of the drunks driving down my street and the speed they're going at down around the corner past the stop sign, it's not a go faster sign, and up around they go. It isn't funny.

(From audience, "I live there, I know. It's never been taken care . . .")

REGINA LAPP-HARMON, 490 SHORE DRIVE
I am really upset. I am trembling. I had a bullet shot in my house. My mailbox was destroyed. What more needs to happen? I see bus drivers come down that same street and nearly go right through the Stop sign, almost hit a car to make the bend. What is going on? Why aren't our leaders doing their jobs? No wonder the people don't want to vote in November. On River Meadow Drive, I heard someone say here tonight that only Chesapeake was being represented; I beg to differ. And, one hundred and thirty million dollars (\$1,030,000) the community gets because of RIT students, whoop-de-doo! How much is someone going to give me when my grandchild gets killed? I know what I'll give them, they won't like it! *(Applause)* Why do people have to get outraged and angry in New York and other places to get things accomplished? I'm not from here. When I came here to Albany, New York, my daughter was made to go in the swimming pool with her period because she didn't have her second note when she didn't even know she needed one? Where was the Health Board?! Where is the Health Board now at these

scenes with all these kids having sex? Before my house, when my house was being built, on the cul-de-sac I could take a walk and find used condoms. How wonderful, how nice of a walk.

SUPERVISOR YUDELSON

Thirty (30) seconds, please.

REGINA LAPP-HARMON, 490 SHORE DRIVE

Of course, thirty (30) seconds. I have a lot more to say. I really do. I'd like to see some changes, that's what I'd like to see. And, I really don't like your definition of a "Family", it was an insult to me. Everybody's changing what a "Family" is now days. Maybe they should take a look in the Bible and see what God said. *(Applause)*

SUPERVISOR YUDELSON

Thank you.

REGINA LAPP-HARMON, 490 SHORE DRIVE

Thank you. *(Applause)*

SUPERVISOR YUDELSON

The next speaker will be Kathy Hernandez. While she's coming up, I would just comment, Regina, that I would not say that the Town Board has not done anything. I mean, that's why we're here tonight. And I can tell you that there were several of us who have spent a great deal of time, this is one of the number one (1) issues the Town Board has been discussing and dealing with over the past couple of years, and we've spent a great deal of time in meetings and talking to neighbors, talking to RIT people, talking to students, the landlord, and trying to figure out how to resolve some of these issues. So, I don't think it's fair to say that nothing has been done. It just shows how complex an issue it is and that the Town Board doesn't have the authority to just say, "This is what we want, and that's how it's going to be." It's not that simple, and that's why we're here tonight.

(From audience, inaudible)

SUPERVISOR YUDELSON

Okay.

(From audience, inaudible)

SUPERVISOR YUDELSON

Thank you.

(From audience, inaudible)

SUPERVISOR YUDELSON

Thank you, Ma'am.

(Applause)

SUPERVISOR YUDELSON

Okay. Ms. Hernandez?

KATHY HERNANDEZ, 192 COLONY MANOR DRIVE

Hi. My comment was already said, but I do want to thank the Town of Henrietta for allowing the students to come and express themselves and listen to the residents, and I really do think with this discussion we could solve this problem and this issue at hand. Thank you.

SUPERVISOR YUDELSON

Thank you, very much. *(Applause)* Up next we have Bill Rolfe. And, after Bill, will be Richard Lathan.

BILL ROLFE, 227 NEVINS ROAD

Hello. As a long term resident of Henrietta, born and grew up here, thanks for having me. The reason I don't favor this proposal is you're seeking to rearrange a definition of "Family" in order to solve behavioral manners of a select few. The neighborhoods that I live in, they do have one (1) or two (2) residents that do rent out, but in terms of damage to property, drunk driving, all the police incidents in my neighborhood also involved high school students, teenagers in general, and teenagers from the City. So, therefore, if you attempt to legislate something to solve a particular problem for one neighborhood that's close to RIT, you're going to miss a larger problem, in terms of your youth today that in the communities we do live in, which are quiet and peaceful, just like when I grew up, if you don't engage your youth as members of the community and you leave some of their fun up to them, they're going to find ways where they're not going to be able to co-exist quiet and peacefully and respectfully, but you still have to address those problems. And since many problems arise from teenagers that are in traditional families, teenagers that stay out until 2:00 a.m. that roam around in groups of five (5), six (6), or seven (7) out on the streets creating just as much noise with their alcohol and their music. You might as well legislate for traditional families, as well, because that just expands the problem. The RIT students; I'm a vendor who goes to the campus every day, you're educating these students to be your future leaders. As a community, you can engage them, as homeowners, dealing with recalcitrant landlords, in many of the communities that I've lived in the Southern states, homeowner's associations are very powerful tools that homeowners can ban together, work with the Town Board rather than simply forcing the Town Board to respond to everything on their behalf. A homeowner's association is a

very powerful tool that allows homeowners as groups, as communities, and as neighborhoods, to address those problems in those neighborhoods without necessarily legislating on behalf of every single resident who lives in Henrietta that may not live as close to the problem. I understand the passions are strong, but . . .

SUPERVISOR YUDELSON
Thirty (30) seconds, please.

BILL ROLFE, 227 NEVINS ROAD
. . . this issue is much larger than just one (1) neighborhood. Thank you. (*Applause*)

SUPERVISOR YUDELSON
Thank you. Richard Lathan, and after Richard will be Mark Greisberger.

RICHARD LATHAN, 412 KIMBALL DRIVE
Good evening, members of the Council of Henrietta and members of RIT. I am in opposition of the proposal. Students of RIT rely on off campus housing. RIT does not have housing to support all of its students. Upon the passing of this Resolution, many students will be unable to have affordable homes. We are residents of Henrietta, as well. Such a proposal would not only harm the options of residence for students in the noted areas, but throughout the Town of Henrietta, as a whole. I will state that I am a member of a Fraternity. I am a member of the Alpha Phi Omega, a community service Fraternity. And I donate close to a hundred (100) hours of service to the RIT community and the Henrietta community, which are one in the same. I understand the urges of members of the community, and I urge the Council to proposal a neutral proposal that will address the safety issues in these areas, but will not cause hundreds of students to be removed from their houses in Henrietta. Thank you. (*Applause*)

SUPERVISOR YUDELSON
Thank you. Mr. Greisberger and then next will be Rose Campbell.

MARK GREISBERGER, ATTORNEY, 34 MAY STREET
My name is Mark Greisberger. I'm an attorney. I represent Michael Spaan. I've read the same cases as Mr. Mastrella. They are cases that say what you're proposing is not per say unconstitutional, we get to do hand to hand combat on every single case, as you try to enforce it. I submit to you the issue is not, you're addressing the wrong issue when you address "Family". It's too amorphous. It's not the real issue. I think the issue you ought to be looking at is the size of the homes, and what you permitted to be built there. Clearly, the definition of a single-family residence neighborhood excludes dormitories, fraternity houses, and multiple dwellings. If you restricted use to the number of bedrooms that you permitted to be built, we'll have no problem. Mr. Spaan does not rent his properties to more than the number of bedrooms that are in the house that are legally there that have been approved by the Town. We don't have six people living in a three

(3) bedroom house. We don't have six (6) people living in a four (4) bedroom house. We rent the house to four (4) individuals. We can live with that. The issue is not who is a "Family", we'll be fighting that fight for years. The issue is what was the house designed for, and can we accommodate that house, that use, in the neighborhood. I think you got, that's what you ought to be focusing on. *(Applause and expression of opposition)* I do think existing contracts ought to be grandfathered. They will expire at some point in time. The legislation that's been pointed out doesn't address that issue. I think it would be unfair to enforce it the day after it was enacted if it's in the middle of a school year. A lot of this is common sense. I don't think you necessarily intend to do that. I heard the Supervisor say you'd look at the most egregious cases. Most of these folks are law abiding citizens. Mr. Spaan has been very active who responds to both the neighbors who call, and basically he's out there trying to supervise his properties. He does a pretty good job. He works hard at it. Reconsider what you're doing. Reconsider it's not a family issue, it's what did the house, what was it intended to accommodate, let it accommodate what it was approved to be used for. That's my comment. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Mr. Greisberger? If I could just ask you a couple of questions. Mr. Spaan, just as you just indicated, has told us several times that he only rents to four (4) students tops in a home, but we've had several students themselves, including some who were on TV just last week, saying that they have six (6) students living in their home. *(Applause)* And, before you answer that, if you're going to say that's without Mr. Spaan's knowledge, then I would want to also ask how, if he's as diligent a landlord as he tells us he is, how that could be happening? *(Applause)*

MARK GREISBERGER, ATTORNEY, 34 MAY STREET

I don't know the property address that you're speaking of. Even if it's owned my Mr. Spaan, so I can't answer your question directly.

SUPERVISOR YUDELSON

I think there's several of them.

MARK GREISBERGER, ATTORNEY, 34 MAY STREET

Well, you mentioned . . . *(Applause)* you asked me a very specific question about a specific property. I don't know the answer because I don't know that he owns that property. If you give me a street address, I'll ask him.

(From audience, "He owns all of them!")

SUPERVISOR YUDELSON

Now, please, let's not have any yelling from the audience. He has twenty-two (22), I believe, properties in the area . . .

MARK GREISBERGER, ATTORNEY, 34 MAY STREET

I believe you're right.

SUPERVISOR YUDELSON

. . . and I would say that several, maybe half of them or more, I've been told six (6) students live in. And most of that, I'm talking about being told by students who live there.

MARK GREISBERGER, ATTORNEY, 34 MAY STREET

I don't have any proof of that. I don't know that for a fact. I don't believe that to be true. We could . . .

(From audience, inaudible)

COUNCILMAN MULLIGAN

Through you, Mr. Supervisor, he's also promised to give the Town and RIT the name of the students. We've been waiting for it for months. What is the problem with giving us the names? *(Applause)*

MARK GREISBERGER, ATTORNEY, 34 MAY STREET

The names of, you want the names of students?

COUNCILWOMAN ZINCK

Who are leasing . . .

COUNCILMAN MULLIGAN

Right. He's promised that.

COUNCILWOMAN ZINCK

. . . who are in the homes.

COUNCILMAN MULLIGAN

He promises it, he gives us nothing.

MARK GREISBERGER, ATTORNEY, 34 MAY STREET

What's . . .

COUNCILMAN MULLIGAN

You need to talk to your client.

MARK GREISBERGER, ATTORNEY, 34 MAY STREET

I don't need to talk to my client. *(Applause)* What are you asking for? I mean, Mr.

Yudelson has met with my client on a number of occasions at his request and at my client's request.

SUPERVISOR YUDELSON

Yes, we've asked him for the list and he sites privacy issues, he told us at a meeting of the Task Force that he did attend that we would have it the day after the meeting he was in attendance at, and when he didn't provide it he said that he had forgotten at that meeting, that there was privacy issues involved. I have another question that I think you would have to relate back to him. I don't think you're going to be able to answer it for us, but . . .

MARK GREISBERGER, ATTORNEY, 34 MAY STREET

I was here to speak on the legislation that you're proposing, but that's okay.

SUPERVISOR YUDELSON

Yes, but this is just, this would be helpful to us. He has mentioned also several times that he has a security person over there on the weekends and the evenings, Fridays and Saturdays. I've spent several nights, I've taken some kidding from the Board, driving around in the neighborhood at midnight, 1:00 am or 2:00 am, on Fridays and Saturdays to see what's going on, and I've never seen him. And, I'm wondering if anybody could raise their hand if anybody in the neighborhood has ever seen this security person? I don't think so, there's no hands up. So, I'm wondering if we could get some more information, because it would be helpful if he's there anyways . . .

MARK GREISBERGER, ATTORNEY, 34 MAY STREET

It would be helpful to you in considering this legislation?

SUPERVISOR YUDELSON

Excuse me. Excuse me. No.

MARK GREISBERGER, ATTORNEY, 34 MAY STREET

No.

SUPERVISOR YUDELSON

I'm just saying, as long as you're here, it would be helpful to the neighbors if they had somebody they could contact when there's a problem. I know that Mike has sometimes . . .

MARK GREISBERGER, ATTORNEY, 34 MAY STREET

Contact Mr. Spaan.

SUPERVISOR YUDELSON

I know that Mike has sometimes responded when neighbors have contacted him, and I applaud him for that. He has driven out; I have met him there a couple of times, but if

there's somebody who's there Fridays and Saturdays, anyways, that would be very helpful for addressing a lot of these issues. And, I would just ask if you could relay that back to him . . .

MARK GREISBERGER, ATTORNEY, 34 MAY STREET

I would be glad to.

SUPERVISOR YUDELSON

. . . to get that information. Thank you, very much. (*Applause*) Okay, Rose Campbell, and the next speaker will be, I can't make out the first name, the last name is Rogers. Go ahead.

ROSE CAMPBELL, 141-B PERKINS ROAD

Good evening. My name is Rose Campbell. I am opposed to the current, the way the current proposal is written. Last week, at the panel discussion held at RIT, one of the questions posed was if this proposal was passed, were any of the economic implications looked at? The answer was no. If this ambiguous proposal was passed, as was previously mentioned, a large number of students will be impacted at RIT. RIT students provide a lot to the community, so without the economic side of this being looked at I think that this proposal shouldn't go forward. Alex mentioned earlier that the underlying problem to the situation needs to be addressed, and that's the enforcement. So, also, I think that the gentleman who actually had a proposed solution to this current issue should be taken into consideration. You're targeting a specific group for a problem and places a burden onto a variety of groups by proposing this proposal. So, without the economic factors being taken into account, this being enforced doesn't really tackle the real issue. Thank you. (*Applause*)

SUPERVISOR YUDELSON

Thank you. Is there someone with the last name Rogers from 167 Oak Mills Crossing? Thank you. And, after that will be Chris Melville.

WIL ROGERS, 167 OAK MILLS CROSSING

My name is Wil Rogers. I live in the Oak Mills Crossing area. I'm a sixth year student at RIT. I would just like to say every time I've talked to someone in regards to this it's always been brought up that they're a taxpayer and things of that nature...well, I've been a taxpayer in Henrietta for the past five (5) years. We abide by all the codes. I work, I go to school full-time, so the same noise that effects everyone effects me, as well. And I can honestly say, in my particular area, it is not being reported properly. I've had the cops called to my house several times when it's only been me in the house. I've had police officers tell me specifically that they apologize for coming out, and the only reason why they fulfilled the call is because a call was made. I think some people in the area that are against us students are making frivolous calls and it's actually abusing the power and it's giving us a bad name when it's not at all true. That's one of the things I would

like to be taken a look at because it's not true, and it's generalizing way too much. I can honestly say there are parties, sometimes there are noise problems, but to single out an entire group for maybe one (1) house is not fair because we have the same respect for the area as everyone else. It's not everyone that's causing the problem, it's a select few. And that's all I would like to say. *(Applause)*

SUPERVISOR YUDELSON

Thank you.

CHRIS MELVILLE, 530 GILMOUR STREET

Good evening. My name is Chris Melville and I live in Erie Station Village. Prior to living in Erie Station, I resided on Oak Mills Crossing with three (3) other non-family members. I lived on a rather quiet cul-de-sac with fourteen (14) houses, seven (7) of which were occupied by non-students. That being families, couples, etc. Six (6) of which were occupied by students, and one (1) that was unoccupied. Ninety-nine percent (99%) of the time we did not have any issues with our neighbors, whether they were college students or not. At that time, I was a college student, and our house, as well as the others, conducted ourselves as the young adults that we were. We did not have loud parties, park all over the streets, park on the grass, etc. In all honesty, the only issue we had was kids playing out in the street unattended. When I was a kid, my mom didn't let me out in the street when there were cars driving in the street without her being outside. *(Applause)* I feel that the proposal before us is not only enacted, yet again, to strictly target college students living within the Town of Henrietta, but is everything that you, as a Supervisor, said that you would not do at the last meeting I was at a year ago between RIT and the Henrietta Town Board. I feel that this proposal is unfair to students who are unable to afford on campus housing. By restricting the number of individuals that may live in a single family dwelling that places a great burden on the students who move off campus seeking cheaper housing. That being said, I must admit that the events that were mentioned tonight, as well as those that I witnessed while I was living in the Preserve, were somewhat out of control. Unfortunately, this was a select few houses that should be addressed at the level of the renters and residents who live in those houses, as well as the residents who live next door and the landlord. While I understand why some owners are frustrated, I am asking the Town Board to strongly reconsider their plans and not consider the Code to move forward as is. Unfortunately, we are allowing a few bad apples to spoil the bunch, and cause unnecessary trouble for those who can conduct themselves in an appropriate manner. In closing, I am urging the Town Board, RIT students, and residents, like myself, to come together in a peaceful resolution for the unfortunate issues that are occurring within the Henrietta community. By working together and not against each other we can allow a majority of the peaceful college students to remain in their current four (4) member houses. And with that being said, I'd like to add a side note and charge all RIT students to conduct themselves in an appropriate manner, as the young adults that I know they are. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Thank you. That's everybody who had signed up on the list. At this point, I'll ask if there is anybody who has not had an opportunity to speak, but wishes to do so before we adjourn the Public Hearing? Ma'am? Speakers who come up from this point, if you'd be sure to not only give your name, but your address, as well, for the Record.

KAREN CLARK, 31 DAWN VALLEY DRIVE

A lot of you know me. My name is Karen Clark, and I live at 31 Dawn Valley in the Mapledale area, a single-family home. This problem is not only happening over in the Preserves, it happens in my area, too. On Vollmer Parkway, I live in a cul-de-sac. I've had problems with peeping toms, parties, out all hours of the night, they get caught, and sorry, it was RIT students that were doing it and they were doing stuff, but sometimes they may not be RIT students. They've got to understand, I've lived there forty (40) years; RIT is getting bigger. I think RIT should make more housing for these kids so I can keep my family in my area and have nice neighbors and there's like six (6) or seven (7) in one house on Vollmer Parkway. And there's like four (4) houses on Vollmer Parkway, and they're also on Campus Drive. So, it's not just happening on Shore Drive or any place in that area. It's happening all over. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Thank you, Karen. Yes, Sir? You'll go next. Sorry about that.

JOHN MALACH, 130 CAPE HENRY TRAIL

John Malach. 130 Cape Henry Trail. Just a couple quick comments. Certainly, most students do not intend to cause problems in the neighborhood. However, placing a high concentration of students in an area designed to be residential creates a situation that did not exist before. Speeding, distracted driving, underage drinking, drunk driving, cars parked on streets creating blind spots in the neighborhoods with many small children playing and people walking have to be considered. Concerns of those who live in closer proximity to a dense population of student renters, include exceeding number of renters on lease, late night/early morning noise, cars parked on lawns and in the street, underage drinking and destruction of property. What students need to understand is this is not an "us" versus "them" issue. The intent of the neighbors is not to persecute students. Most of the residents I know do not have anything against the students personally. Much of the frustration is directed at one (1) specific landlord. What they object to is a quiet residential family neighborhood being forever changed. I'm going to guess that none of the Board members sitting here today would want twenty-two (22) rental properties, or if Mr. Spaan living in Penfield, would like twenty-two (22) rental properties *(Applause)* many housing more than a number of students on their lease suddenly built in their neighborhood. Now, also, from the RIT student forum last week, one comment came up. Quite honestly, it is not our problem, or the Town's problem to deal and provide affordable housing for your students at RIT. *(Applause)* It's up to you to take care of what you need to take care of. Either it's up to RIT, or it's up to you. It is

not the people in the neighborhoods or the Town to do so for you. Thank you.

(Applause)

SUPERVISOR YUDELSON

Thank you. Sir?

KRISTOPHER AECKERLE, 356 WILDBRIAR ROAD

My name is Kristopher Aeckerle, and I live at 356 Wildbriar Road. A number of years ago, my wife's father-in-law passed away and I had his vehicle on the side of my house. His plates were expired, we had to turn them in, within three (3) days of that vehicle sitting there, there was a sticker on the window. It was a ticket from the Town. I don't know if one of my neighbors called or maybe it was a Code Enforcement Officer driving by that noticed it, and I had to justify why the vehicle was there. About five (5) years ago, my neighbor of many years retired and moved to Florida. Somebody bought his house. I don't know who. He is a landlord. He rents to two (2) RIT students. The whole "Family" issue, it's not an issue for me. Whoever wants to live in the house can live in the house. My issue is I've called the Fire Department because they had a bon fire in the back yard with flames probably twenty feet (20') tall. If you to have a fire at your house, there's codes for that. I called the Fire Department, they came and put out the fire, no tickets issued. I have a ticket for a vehicle for a past relative three (3) days in my yard. I've called the police three (3) or four (4) times for other parties that are going on. I'm a very patient person. I don't call until after midnight. I have three (3) children. I've lived in the community for eighteen (18) years. They've all gone through the school system. You have parties going on at 3:00 a.m., 4:00 a.m., 5:00 a.m. that these parties are not ending. My kids need sleep. They need to do well in school. No tickets issued, nothing from the Town. There's noise ordinances, there's now hopefully a vehicle ordinance, you want specific laws that are being broken by these students whether they know or not, that's mainly the noise issues, the parties, there has to be some rule somewhere that says you can only have so many people in your house living there. I know there's building codes, you have to have "X" number of bathrooms per person living in the house. I don't understand why these landlords are allowed to have five (5), six (6), seven (7) kids living in this house when the houses cannot support them. I understand that what Alex had said . . .

SUPERVISOR YUDELSON

Thirty (30) seconds, please.

KRISTOPHER AECKERLE, 356 WILDBRIAR ROAD

. . . that it's not the RIT students problems, I think the Town needs to enforce the codes that it already has on the books and patrol these neighborhoods. *(Applause)* Thank you, for your time.

SUPERVISOR YUDELSON

Thank you. That's why we're here tonight, as the Town Attorney explained at the

beginning, the current Code that we have on the books, has not, going back many years and many different Town Board members ago, as well as different Town Attorneys ago, has not been enforced because we know that it is not constitutional the way it is written, and that's basically what would be accomplished through a change in the Code like that. Some of the points also, I'll just clarify, some of the things you mentioned are within the purview of the Town, some of them, such as the number of bathrooms or bedrooms for the number of people have to do with Health Department regulations, which we do not have the authority to enforce.

(From audience, "Somebody does.")

SUPERVISOR YUDELSON

Yes, the Health Department. And that's the other thing is that just like these regulations, they can be difficult to enforce because we don't have authority to enter your home or anybody else's home. So, we have to figure out how to prove that.

(From audience, "What about the noise ordinance?")

SUPERVISOR YUDELSON

The noise ordinance has to be, he's asking about the noise ordinance, and that has to be observed by whoever is going to enforce it. So, if a policeman comes and you say an hour ago they were making a lot of noise, he can't write that up. If he hears it, he can issue a ticket.

(From audience, inaudible)

SUPERVISOR YUDELSON

Okay, the Town Board does not supervise the Sheriff's Department. That is entirely separate from us. We're going to pass all your comments from this about them onto the Sheriff's Department. Is there someone else who wanted to speak? Ma'am?

CARLEEN FEARON, 24 ELK RIVER ROAD

Hi. My name is Ms. Fearon. I live at 24 Elk River Road. I do not have a problem with RIT students. I do not have a problem with Michael Spaan. I have a problem with not being able to park in front of my home any longer because they have a new ordinance that says I can't park on the left side, I can't park on the right side overnight. That is unfair to me and is a direct result of problems that some of my neighbors were having with the RIT students. I am not a student. No one near my area in my direct proximity is having a problem. So, why can't I park where I spend my tax dollars, in front of my home? That's not fair, okay? There's a lot of people complaining about the RIT students, but there's a lot of nasty neighbors in here, as well. Okay? *(Applause)* My house burnt down, *(Applause)* I had people in this very room calling and complaining about my dumpster, calling and complaining because my house wasn't done in a timely

fashion, but these same people, not one of them came and said, "Carleen, can I give you a hand?" So, I would just like to say before you paint the picture and point at everyone else, check your own self out, too. *(Applause)*

SUPERVISOR YUDELSON

Sir?

PHILLIP AMZER *(sp)*, RIT STUDENT

Thank you, esteemed Board. My name is Phillip Amzer. *(sp)* I am an RIT student; a fifth year mechanical engineer. I am also Vice President of the Student Government. I have to say first and foremost I absolutely agree with every single concern that's come up so far. I can't help but, my heart goes out to you guys. I was raised in a residential neighborhood, granted I wasn't allowed to play in the street, but I think it should be a safe place for you to raise a family. I want to say that first and foremost. And, I hear that there's too many people, it's difficult to park, and from time-to-time I accept that RIT students can be disrespectful. I probably have been in the past, myself, I know. Everyone can be guilty from time-to-time. However, I still stand opposed to this legislation. I encourage the Board to remember why we are proposing this. How will taking one (1) RIT student out of a house, or any student out of a house change significantly the situation that we have here? If you do have one (1) less person, there's still going to be, two (2) times three (3), sixty-six (66) people that are still going to be speeding, still going to be speeding through your stop signs, still going to be going around blind corners. What I would like to propose is we address this situation directly. If we a problem with RIT students; come work with us. We are here, we are open, we are here to help this situation, as it stands. We recognize these issues. None of us have denied that. We are simply saying this proposal will not solve your problem. It will not prevent parities, cars driving over the speed limit, the property damage, but what we want to say is that we can help solve them. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Thank you. Far to the side here.

BRETT CARLOCK *(sp)*, 108 OAK MILLS CROSSING

How ya doing? My name is Brett Carlock. *(sp)* I'm a sixth year student at RIT. I live on 108 Oak Mills Crossing. So right in the thick of this apparent war zone. *(Laughter)* I'd like to start off by saying that I've lived in this residence for almost two (2) years, at this point, and I've noticed tonight that as Alex mentioned and as Carleen mentioned, there's been a strong repetition of the themes of non-compliance and also non-enforcement. I understand that there's a lot of frustration on the part of the neighbors and residents that these violations happen be it by RIT students, non RIT students, family members, whatever, and that they are not properly enforced. I ask you, is the onus of enforcing this upon the Township and the Boards the ones that are supposed to be enforcing it or is it upon the students? We do not enforce these laws. I'd also like to comment on the

repetition on the theme of neighbors and neighborly actions. And, as Carleen mentioned, I have never once been told by anyone on the street that there was something loud going on, our property didn't look nice, they weren't happy with how we were parking, any of these things. To me, to be a good neighbor, you should have an open channel of communication with the people that live immediately around you, so that if you have an issue you can discuss it with them and hopefully solve it before it explodes into something as ugly and unfortunate as this whole situation is. So, I'd like to say that I do believe this problem can be solved, and I don't think that the definition of a "Family" is the issue that is at the core of the conflict between the residents and selected members who are committing these issues within the community. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Thank you. Ma'am?

DURENE JOHNSON, 36 OAK MILLS CROSSING

My name is Durene Johnson, and I live at 36 Oak Mills Crossing. As a landlord and a resident of the Chesapeake Landing Development, RIT doesn't always send out information to everybody that lives in that development. We are all neighbors, and we all need to have the right to voice our concerns. My sister lives on the other side and sometimes she'll get information and I don't. So, I would challenge them to remember that this problem is not just on one side of the development, but in the entire community. As a resident sometimes the students are loud, but we all who have been to college know that college students sometimes get a little loud and rowdy. When you put twenty-two (22) houses in a small condensed area, things are going to happen because you don't have anyone supervising like in the dorms. They are students, they're going to make mistakes, but at the same time they have to remember as a resident we have put a stake in that community. When they're done with their college education, they're going to pick up and they may leave this area. We can't easily pick up our homes and leave. So, we need to respect the fact that we're all neighbors and try to work this out. But, as a landlord, if I got called and were told that my tenants were doing some of the things that are being done in our development, I would be there enforcing my lease with my tenants, and they would have to find somewhere else to live. We need to respect our neighbors, and I think that's the biggest thing here is that we're not respecting one another. And they're not respecting the fact that these are custom homes. Some people have put two and three hundred thousand dollars (\$200,000/\$300,000) into their homes, and they're only at those houses for a year or two (2) and they're going to pick up and they're going to leave. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Thank you. Sir?

JOSH RODAMS *(sp)*, OAK MILLS CROSSING

Good evening. Josh Rodams. *(sp)* I'm on Oak Mills Crossing. I'd like to say that I take

pride in my home. I do rent, and I dedicated a weekend and many nights after that to a garden. I make sure things are kept up. This isn't just, I'm in, I'm going to do it as cheaply as I can and I'm going to get out. It's becoming a harassment issue. Yes, I agree with the complaints in this room. I agree that people get loud. I've been kept up, I am an athlete, or I was an athlete at RIT, and a lot of us have 6:00 a.m. practice. We hate the noise as much as anybody else on that street. Have I been guilty of it, maybe. Is there a problem, at times, yes. This is not going to get answered with limiting the number of people in a house. This not going to get answered, nor is it anybody's business what the definition of a traditional "Family" is. This needs to be enforced, and enforced on an individual basis, and the people around this community cannot ruin this for everybody that abides by the laws, the ordinances, the zoning in that community or any community in Henrietta. It needs to be handled on an individual basis, and it needs to be addressed to those people that are breaking the law or being noisy or disruptive. If I have one (1) person in my house, three (3) people, or seven (7) people, I can invite as many people over as I want and that's not going to change. This needs to be handled by the people that commit these offenses. I was over, I had a guest over at my house, along with the four (4) of us in there, that makes five (5), four (4) cars on the driveway, one (1) on the street. I had a sheriff pull up, puts his bright spot right through my window, hangs out there for a minute, comes in the house, asks what's going on, and said, "Oh, you guys are just watching a movie, I thought there was a party in here." That's harassment and I understand that there's an issue in the neighborhood and other neighborhoods around here, but we shouldn't have to deal with that because of a few select houses that have ruined it, or a few people that have called one too many times. We can't be taking these patrol officers off the streets for frivolous matters in our neighborhood. They need to be there for a reason, take care of business for the places that need it, and the places that are committing the offenses, and this needs to stop being a burden on the rest of us that are law abiding citizens. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Thank you. Sir?

KENNETH HOFFMANN, 82 YORK BAY

Good evening. My name is Ken Hoffmann. I live at 82 York Bay. I'm a thirty (30) year faculty member at RIT, a parent of two (2) RIT graduates, one (1) of whom lived in Henrietta when I was living in Ogden. I've been here in the Preserve now for about eight (8) years. I've heard a lot of silly things tonight and a lot of sage things tonight. I just wanted to speak first of all, why I'm really not in support of the ordinance as it's proposed. First of all, a silly thing, every University in the Country cannot, I'm sorry, there's no University in the Country that provides dormitory housing for all of its students. Everywhere there's private housing that is used by students, and that's an irrelevant point. The number of millions of dollars that RIT contributes to the community is irrelevant because every business and every citizen of Henrietta contributes to Henrietta and the surrounding towns. I heard RIT say that it's only the Chesapeake Ponds

development issue tonight, and obviously it is not. That was a silly thing to say. I think that the most important thing that I have heard that is wise is that it's up to enforcement. It's up to enforcement by the landlord, silly thing, but we only sign four (4) people to the lease, therefore only four (4) people live there. That's irrelevant and he knows it wrong, and he knows that that is not true because everybody can bring other people in. Parties, my wife and I have had parties at our house with our folk group choir from the Church. Does that mean that there's going to be cars parked in the street? Well, maybe because there are forty (40) and fifty (50) year olds that are a little wiser, but just because there's a lot of people for a particular evening doesn't make that a violation in the long-term. I think that we have to look at enforcement from the landlord to be really honest with himself at how many people that are truly living in each of these houses. The size of the driveway or the number of spots in the garage is irrelevant. What if you had a very large driveway that can fit twenty (20) cars, but it's only a three (3) bedroom house. That's an irrelevant concept. It's got to be based on the size of the house and the honesty of the landlord to enforce it, and then everybody to just work together to make it happen. I don't think this solves anything. I can have three (3) people living in a house, and have big loud parties, and that's not going to solve anything. *(Applause)*

SUPERVISOR YUDELSON

Yes?

HEATHER GERBER, 114 CAPE HENRY TRAIL

Heather Gerber, I live on Cape Henry Trail, number 114. Listening tonight, I haven't really had an opinion until now. And, you made a comment that the Code is unconstitutional; maybe we just need to fix the Code. I don't know whether this is the resolution or that is the resolution, but the fact that it's unconstitutional should probably be fixed and then we should have this discussion.

SUPERVISOR YUDELSON

Well, if I could just clarify, that's what the Attorney explained at the beginning that this proposed definition of "Family", that's what it does. It's the exact same Code, pretty much that we currently have; it just fixed the definition in a way that would make it, in the Attorney's judgment, stand up to a challenge in court. That's exactly what this proposal is.

HEATHER GERBER, 114 CAPE HENRY TRAIL

But then it impacts more than just RIT, more than just the Preserve, more than just, it's going to impact Valiant Drive, it's going to impact any place in the Town of Henrietta. So, we need to think more broad and less narrow, and I think that right now, this whole community, we're thinking very narrowly. I live in the development, I used to work at RIT, I know a handful of the students. Personally on my street I don't sense a problem. Some of my neighbors have, but if it's unconstitutional that should be the first thing we fix and then had this discussion. Thanks.

SUPERVISOR YUDELSON

Thank you. Sir, on the aisle, you wanted to speak?

TOM COLLINS (*sp*), RIVER MEADOW DRIVE

Tom Collins. (*sp*) I've lived on River Meadow for about five (5) years now. I actually have properties on both sides that are tenants, I don't own them, but RIT students. I've never actually had an issue. But, my bigger concern is that I actually think this is somewhat discrimination. I've always had a good experience but I worry about that, but then in addition, I would say when I bought the house I realized that it's right next to campus, and it is somewhat of a college town. What's going to happen? RIT isn't going to go anywhere, they're propelling the Rochester economy, they're creating jobs, they're an enormous taxpayer for Henrietta, and twenty (20) years from now they're going to be bigger than what they are today, which is fine with me, and as a neighbor I think we just need to adjust with the times, and you know, I understand that some neighbors have lived there for twenty (20), thirty (30) years, but times are changing and it's time that we adjust with that. And, you know, I think RIT is a great asset to the Rochester community, specifically to Henrietta, and I think we should accommodate them, and these students do need to live somewhere. They are propelling the economy. They are creating businesses, so I think that should be kept in mind. (*Applause*)

SUPERVISOR YUDELSON

Thank you. Sir?

PETER VAZQUEZ, 71 BIRCHMOUNT CIRCLE

Supervisor Yudelton, Town Board, fellow Henrietta members. You know, I don't live in the RIT area, I live more towards the . . .

SUPERVISOR YUDELSON

Sir, do you mind, for the Record, just giving your name and address?

PETER VAZQUEZ, 71 BIRCHMOUNT CIRCLE

Oh, I apologize. It's Peter Vazquez. 71 Birchmount Circle. So, not exactly in the RIT area, but, I wasn't planning on saying anything this evening, but as I went on I remembered back when some laws were changed awhile ago, it just didn't make any sense. If the Code is being updated to be current and just, that's definitely something that should be considered and your attorneys and the leadership should do that, but if it's being updated to address a particular issue. I think that's something that we should definitely, or the Board should definitely make sure that they listen to everything and take it all into consideration. I know vicariously, at least, that RIT does hold their student body accountable to following their student laws. I know that for sure. I have family who goes there, friends that are professors, and family members that sit on their public safety.

Changing something such as the meaning of "Family" effects more than just landlords and effects more than just a student body. Changing that law isn't going to change the parties or anything else like many of us has said. I heard a lot of people talk about enforcement, but what I haven't heard this evening was what's happening in collaboration with the Sheriff's Department, and the RIT leadership, and the Town leadership to see if we can come to some kind of resolution or some kind of, I don't know, program I guess, that can be put in place where RIT's security can be notified. I mean, the neighborhoods that have been brought up here are pretty close where the public safety or the safety at RIT can probably be used to patrol some of those areas to help the Sheriff's. So, before you make the decision whether to pass this resolution or not, if you decide to pass it, please make sure that it's for the purpose of meeting it current and just, not for the purpose of addressing some bad apples that we have at RIT or in the student body in general. Thank you, very much for your time. *(Applause)*

SUPERVISOR YUDELSON

Thank you.

CONNIE SLAGLE, 27 BLUE AVOCADO LANE

Hi, my name is Connie Slagle, and I live on Blue Avocado Lane. I came tonight because it's new on my street for college kids or multi-family homes. So, it's new, so I wanted to understand it a little better. And, behind me I have RIT kids, which by the way are great. We had MCC, we had a whole house of MCC kids that, that didn't last, so it's not just RIT. And, I'm concerned listening to what everybody says. It's very clear as somebody objective. We're not nailing the landlords or we don't have enough rules for them to follow. They're the ones making the money, the kids are getting punished, you're getting overload. On my street in particular I have two (2) homes that are doing that right now. One (1) is up to Code. It's beautiful. The lawns are mowed, everything. The other one, we continually call. They're renting it out, it's not up to Code. I don't even know what the Code is, but I can tell you it has not been updated in years, no gutters, no nothing. All right? That devalues the face of our property. What I would like for you to consider tonight is something to hold landlords accountable. A college kid doesn't know what the Town Codes are, honestly. The landlord does. And, I'm going to keep calling, and I expect my Code Enforcers, I don't want to babysit them anymore. I've called fifteen (15) times this year.

SUPERVISOR YUDELSON

Well, the property maintenance issues; the landlord is the one who is responsible, not the tenants.

CONNIE SLAGLE, 27 BLUE AVOCADO LANE

Right, but when I call the Town, I mean, we got to call, some other guy did it tonight, you got to call to get the lawns cut. I think we were all raised pretty much the same way. When the grass is this high you cut it. *(Laughter)*

SUPERVISOR YUDELSON

Right, and we do that when you call.

CONNIE SLAGLE, 27 BLUE AVOCADO LANE

I'm not faulting Henrietta.

SUPERVISOR YUDELSON

No, I'm just saying . . .

CONNIE SLAGLE, 27 BLUE AVOCADO LANE

But, let's get the real, the root cause is not that student. They are teenagers.

SUPERVISOR YUDELSON

No, I understand.

CONNIE SLAGLE, 27 BLUE AVOCADO LANE

They are exactly where they are supposed to be. They're supposed to be partying, just preferably don't drink and drive. All right? *(Applause)* But, let's get the landlord. The landlord does have that. He knows. If he says four (4), or if he's telling you four (4), and he's doing six (6), he knows, he's wrong. That's where I expect Code Enforcement to step in, please. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Thank you. Just before I call the next speaker, I was wondering if I could ask Mr. Mastrella to just say a word about what the Town actually can or can't do to control or whatever adjective you'd want to use, the landlords, what authority we do and don't have over people who want to rent their property.

DANIEL MASTRELLA, TOWN ATTORNEY

Well, this is a step in that direction. What is currently in place is actually more restrictive than what is proposed here. And, making this a statute that can be enforced will give the Town the ability to go after in some forum, civil or Town Court forum, whatever the case may be, depending on the particular instance, those landlords who are in violation of the ordinance. They're in violation of the ordinance now. If they're going to be tomorrow, if this is passed, they're already in violation of it. The question is our ability to enforce it. And, this is a step in that direction. I don't think that the Board is going to say it's the only step they're going to consider. There's certainly going to be other considerations down the road on both sides of the issue, but this is the first step in that direction.

(From audience, "What about other ordinances like parking, grass cutting . . .")

DANIEL MASTRELLA, TOWN ATTORNEY

Actually, the driveways were just addressed. The lawn cutting is still, it is what it is, it doesn't need to be addressed. And there are some one hundred and forty (140) plus Code changes presently being recommended by the Town Committee to change the Code that will be addressed over time. This became a priority.

COUNCILWOMAN ZINCK

And, just to . . .

(From audience, "How did we get so many rental properties in the residential sections?")

DANIEL MASTRELLA, TOWN ATTORNEY

There's no, Sir, if you own a home, and you want to rent that home out to somebody, there's nothing, there's no law that prevents that.

(From audience, inaudible)

DANIEL MASTRELLA, TOWN ATTORNEY

If . . .

(From audience, inaudible)

DANIEL MASTRELLA, TOWN ATTORNEY

If there are deed restrictions in your homeowner's association, those are to be enforced by the neighbors and the homeowner's association. The Town has absolutely no authority or business enforcing private covenants.

(From audience, inaudible)

DANIEL MASTRELLA, TOWN ATTORNEY

Sir, what I'm telling you is, there's nothing the Town can do to tell somebody they can't rent their home.

(From audience, inaudible)

SUPERVISOR YUDELSON

Right, Sir, what the Attorney is telling you is that we can't tell somebody they can't, that's in the homeowner's association as a restriction . . .

(From audience, inaudible)

SUPERVISOR YUDELSON

Wait, let me finish. The Town is not involved in that. We don't have any authority to

enforce what's in your homeowner's association's rules.

(From audience, inaudible)

SUPERVISOR YUDLESON

That might be. You would have to engage an attorney to take a look at that. The Town can't, we have no authority to do that, nor can we do that. Okay? Ma'am, you were waiting patiently.

(From audience, inaudible)

SUPERVISOR YUDELSON

It's not, I'd be looking for, but it would be the same situation.

(From audience, inaudible)

SUPERVISOR YUDELSON

It would be the same situation as over here, you know, what can we do. Go ahead.

SARAH KUSAN, *(sp)* 211 LODEN LANE

Hi, my name is Sarah Kusan. *(sp)* I live at 211 Loden Lane in Westbrooke Commons. I want to ask who would be enforcing this Family Code? If people are going to come to my home to see if I'm making dinner with my roommates, if I have joint bills, that's a right of my own privacy. What I do in my home, if I have dinner with them/without them, that's my own choice. I know a lot of families that do not have dinner together, but I have to have dinner together. I work, I'm an athlete, I have school...dinner for me is on the go when I can have it. And then also, to point out what some people were saying about the laws we're breaking, walking on the street at 2:00 a.m. is not illegal. Having multiple cars in the driveway for Sunday for football, people in Oak Mills also do that who are adults and no one has problems with it because their adults. This summer, there was adults that had cars in the street, cars on the grass, and nobody cared. This weekend, an individual who spoke today had a Halloween party. I could hear his music, he had cars in the street, multiple cars, and I was tempted to call the cops so he knows how it feels. What we do might not be what they want us to do, but having people over is not a crime. Another kid spoke about how there was a cop called when he had an extra car, how would you feel if you were having a Fourth of July party, or a retirement party, a birthday party, and you had two (2) extra cars and were called, nobody would like that. I get the whole drinking, and I get the whole partying, but the article that started this is about parking living across the street from the college. You do live across the street from a college. And, yes, there are cars, but you don't know who lives there, you don't know if they're a neighbor's car, and I'm sorry, but I don't want somebody coming into my home asking, "Who does that belong to? Do you buy this to eat together or did someone buy it for you?" What I pay with my own bills is my personal information. If I pay for my

roommate's bills because she can't afford it, I think that should be applauded. And, as for the "Family" thing about not being related, I have friends whose families, I am closer with them. Who are you guys to define what a "Family" is? I don't know how you guys are, but my friends in college are so close to me. I love them. I love living with my two (2) best friends. That's all I have. *(Applause)*

SUPERVISOR YUDELSON

Is there anybody who has not spoken yet that wants the chance? Do I see a hand in the back? Yes?

MARIE TIMPANI, 111 OAK MILLS CROSSING

Marie Timpani. 111 Oak Mills Crossing. I see both sides of the story here, and yes, maybe defining a "Family" isn't going to solve the issue, but maybe they can look at other options where we can have our neighborhoods back *(Applause)* and they can be college kids because yes they're in college, they should be partying, they should be doing what they're doing, but we want to be safe, we want to be able to do what we want to do, walk down the street with our kids and not worry about the racing cars. Why not look, and I know, I don't remember the location first hand, but I know RIT has land for sale, let Mike build a complex there that'll help with the housing situation. *(Applause)* You know, there's land all over Henrietta that you can build on and let them live there and they can be how they want to be and it's not going affect neighborhoods. My concern is, I have a four (4) year old and a six (6) year old, and I live right in the middle of it all. I have had weekends where there's parties from Thursday to Sunday. You know, and my kids get woken up, the language from the kids isn't the best, and I've even had, and I know you said you don't enforce the Sheriff's but, they come, because whoever calls them and they say, "There's so many kids in there, and yes, they've been drinking, yes, they're underage, but I'm only one (1) person." They only send one (1) cop. What are they going to do? So, it's kind of like, I understand both sides, and yes, you can say you can only have three (3) people here, that's not going to stop anyone from calling anyone over. Whether it be two (2) more people or twenty (20) more people, but kind of like, look at other options for the kids so they can enjoy their college years, and we can enjoy our homes the way we should be enjoying them. And, as far as parties for, yes, if you have people over for football or whatever...I have birthday parties; I'm going to invite people over to my house. I'm not going to worry about whomever. Yes, that's an occasional thing, but when it's four (4) nights over the week, that's a little excessive. And, the gentleman that said about the value of the homes staying up because there's people living in them, okay, but when people are going to buy a house and they see eighty thousand (80,000) cars in the driveway, that's not appealing to a home buyer, which is something that needs to be fed into. *(Applause)* So, yes, we can get along, we can try to do things to be better neighbors and better friends, but we're interfering in their lifestyle and they're interfering in ours, and that's what it comes down to. Thank you.

SUPERVISOR YUDELSON

Thank you. Ma'am, on the far side of the aisle.

BETTY BECKER, 91 BARNFIELD ROAD

My name is Betty Becker. My address is 91 Barnfield Road, and you're wondering what I'm doing here. Well, we also have a problem with multiple people in the house behind us. But, I would like to ask one (1) question. I would like to know how old are the houses in this neighborhood that is being discussed?

COUNCILWOMAN ZINCK

They're not that old. About ten (10) years old?

(Audience talking)

BETTY BECKER, 91 BARNFIELD ROAD

I asked when they were built.

(Audience talking)

SUPERVISOR YUDELSON

It varies.

BETTY BECKER, 91 BARNFIELD ROAD

Okay.

COUNCILWOMAN ZINCK

It's a fairly new track.

SUPERVISOR YUDELSON

They're newer but it varies.

(Audience talking)

BETTY BECKER, 91 BARNFIELD ROAD

The house behind me was built approximately 1990, and I have had to call the Town many times because I'm telling you, it's a tenant house. And, although much has been done this year I still think the siding is so bad it should be taken care of. My husband and I are in our eighties. We don't know when we're going to have to sell our house. I don't know who would have bought it before the last month or two (2). And, I think this is a concern. It's the landlord, and as far as this proposal, I think you're dealing with two (2) separate issues here tonight. One (1) is this unenforceable law, and the other is student problems, and somehow they got intermingled. As someone said before me, who's going to come and determine, do you all buy your groceries together? How are you ever going to enforce this? So, I think there is, as I said, a future issue with your

landlords and I said I call mine a slum landlord. I have no idea who it is. Thank you.

SUPERVISOR YUDELSON

Thank you. Sir? Mr. Alt?

RONALD ALT, 73 HILLBROOK CIRCLE

My name is Ron Alt, and I live at 73 Hillbrook Circle. That's in the northeast portion of our lovely Town. I've been listening to all the pros and the cons, and I'm going to try and represent the homeowner's who would like to have their neighborhoods back. I think that RIT has to accept a great deal of responsibility for this problem. *(Adjusting mic)* One, two, three, isn't that what they all say? *(Laughter)* Why doesn't RIT build more affordable student housing on campus? Has RIT communicated with other colleges, universities, etc., in town settings like ours to see if they've had this kind of a problem and how they've handled it? The biggest problem we're having here is not the landlords, it's not the students, it's the fact that the students have to go into the communities to find a place to live and it becomes their community, too. Most of them were living in a community with their parents four (4) or five (5) years ago. My suggestion is student housing on campus would divert rent that's being paid to these homeowner's now, and that money would be going into RIT. On campus housing, in my opinion, would solve many of the problems and complaints that have been brought forth tonight. And, my heart goes out to the people on the other side of my Town who are having all these problems. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Thank you, Ron. Ma'am?

EMILY SMITH, BERKSHIRE PARK SUBDIVISION

My name is Emily Smith, and at the age of twenty-five (25) I purchased a home in Berkshire Park, West Henrietta. Without the help of my roommates, whom I consider family, I would not be able to do what I have done, built the house from the ground up. Without those people, who are not students, who are full-time employees, as medical professions, as teachers, as EMT's, I wouldn't be here. So, I have to make everyone aware that even if you take this proposal, it affects everyone in Henrietta, North Henrietta, West Henrietta, wherever. So, that affects me even though I'm not a student, I'm a professional. I don't have to deal with the problems that the Preserves are having and all over where college students live, but it needs to be known that if you're going to set a precedence that it has to be followed and everyone has to follow it. I also, before moving, visited many people on Oak Mills Crossing, and the strip that runs...Still Pond, where there are No Parking signs, was never enforced. I want to know how many Code Enforcers you have working for the Town of Henrietta?

SUPERVISOR YUDELSON

At any given time or all together?

EMILY SMITH, BERKSHIRE PARK SUBDIVISION
All together.

SUPERVISOR YUDELSON
About five (5) or six (6).

EMILY SMITH, BERKSHIRE PARK SUBDIVISION
So, you're saying that five (5) or six (6) people working forty (40) hour work weeks are going to enforce all of Henrietta for every hour, which is not possible.

SUPERVISOR YUDELSON
No, that's correct, it's not. We know that we don't . . .

EMILY SMITH, BERKSHIRE PARK SUBDIVISION
So, if you're going to . . .

SUPERVISOR YUDELSON
. . . we aren't able to enforce everything all the time.

EMILY SMITH, BERKSHIRE PARK SUBDIVISION
So, if you're going to put up "No Parking" signs then we need to figure out a different way to enforce them, whether it be more Code Enforcers or a better community relationship.

SUPERVISOR YUDELSON
Well, when we put out "No Parking" signs we don't go on the assumption that everybody is going to violate it. We have to have people to get them. We find that most of the people obey them.

EMILY SMITH, BERKSHIRE PARK SUBDIVISION
Most, not all.

SUPERVISOR YUDELSON
Right, but most do.

EMILY SMITH, BERKSHIRE PARK SUBDIVISION
Just like the landlords, not everyone is going to follow the lease.

SUPERVISOR YUDELSON
Right.

EMILY SMITH, BERKSHIRE PARK SUBDIVISION

That's all. *(Applause)*

SUPERVISOR YUDELSON

Thank you. Yes, over here.

BRIE MARTIN, *(sp)* 151 OAK MILLS CROSSING

Hi, my name Brie Martin. *(sp)* I live at 151 Oak Mills Crossing, and I'm an RIT student and an athlete. The problem at hand is not what constitutes the definition of a "Family", but more of the enforcement of the problems mentioned here tonight. If you pass this proposal it cannot stop students from renting, but only limit the number of students or unrelated people who live in the house. Friends can still come over and parties will continue whether it's passed or not, and the enforcement needs to be more present. I don't think it's fair to attack a specific group of students for living where they do especially when it's a half mile off of campus. We are respectful young adults and neighbors, and my house had the cops called on us for parking, we haven't been illegally parked since. I turned down the bass of my car before entering the neighborhood in order to be respectful to my neighbors and the families who live nearby, and my roommates and I bought iced tea from the kids across the street and spent Halloween handing out candy just like everyone else in the neighborhood. We are residents of this Town, and I think we're respectful neighbors. I would also like to mention that I see our landlord around often checking in and maintaining his properties. And, I've also had him come to the house checking about calls of the cops that he has heard about. He cannot control what the student's actions are, but he does make a point to address the problems that he becomes aware of. So, thank you. *(Applause)*

SUPERVISOR YUDELSON

Thank you. Sir?

HARLEM TAYLOR, *(sp)* RIT STUDENT

Hello, my name is Harlem Taylor. *(sp)* I'm a fourth year student at RIT. I'm looking at this and I'm not looking at it from either the college student's perspective, or a taxpayer who owns a home, I'm looking at it from a neutral perspective looking at the proposal itself, and from what I'm hearing tonight is the proposal is just not going to solve the problem. Actually, it's causing more problems if you look at what people have brought up tonight then it is at possibly solving anything. The fact that kids can still party no matter whether it's three (3) kids, or six (6) kids in the house, it doesn't control costume behavior. The kids can still act disrespectful. They can still be loud and rowdy. It's also causing controversy with the definition of "Family." The last problem is I'm seeing possibly, even though no one said it is the development of selected enforcement. It's going to target a group of college students and there are some college students that respect the neighborhoods and follow the rules and there's some that don't. So, I guess looking at it from a common sense perspective, I don't see how this proposal is going to really address the issue at hand. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Thank you. Anyone else who has not spoken? I don't want to close the Public Hearing without giving everyone a chance to speak who wants. Is there anyone else because it's hard to see in the back. I think I see a hand back there. Sir?

NICK JORDONO, *(sp)* RIT STUDENT

Hi, I'm Nick Jordono. *(sp)* I'm a freshman student at RIT, a future renter, hopefully, in the Town of Henrietta. But, prior to my move to Henrietta and becoming a resident here, I was a resident of Greece, which is our neighbor to the North, and these problems such as speeding, not stopping at "Stop" signs, public destruction of property, it's not specific to just Henrietta or just the area because I've seen all these problems back home in Greece where there is no college. So, I think to put the blame on the college students themselves, which if it pertains to them it's only a small group, a small subset of people. I think to put the blame on them would be placing the blame in the wrong area, and that this restriction on the people that can live in the house would not only affect the college students, which if you think the college students are the ones creating this wrong and if you think this is going to solve it, this proposal is going to affect everyone in Henrietta. It's a wide proposal. Families that have parties, it's not just going to be these crazy college parties that are getting stopped. It's going to be people parking on the street for everyday occurrences, family coming over, and I think restricting these freedoms that we have with rules instead of enforcing the rules already in place is the wrong way to decide this problem. Thank you. *(Applause)*

SUPERVISOR YUDELSON

Thank you. Sir, and then you, Ma'am.

GENTLEMAN

Inaudible . . . responsibility for everything that's happened on my property. The landlords do the same thing. It comes right down to the landlord. He should be responsible for everything his tenant does. He's the one who made the choice to allow that tenant to be there to begin with. *(Applause)*

SUPERVISOR YUDELSON

I agree. Ma'am?

GINNY GIESOW, *(sp)* BLUE AVOCADO LANE

Good evening. My name is Ginny Giesow. *(sp)* I live on Blue Avocado Lane. I don't think the issue is defining "Family." I think the issue that the Town Board needs to consider is what the Town needs to be, and it appears tonight that some form of structure or working with the legal enforcers to come up with a way to support people who are taxpayers of Henrietta. I bought my house twenty (20), almost twenty-four (24)

years ago, and I look at my neighborhood now and think, oh my God, if I go to sell this house who's going to want to buy it because of some of the neighbors. We all have a responsibility being Town members in Henrietta to maintain our property at a reasonable fashion. To define what is reasonable to live in a home, and in identifying code and law and rules that we should all have to live by should be defined functionally for everybody. And everybody deserves equal respect within that, and at the same time there needs to be a level of accountability. Each of us as Town members in Henrietta should be accountable for our behavior, but when people aren't capable of being accountable for that behavior then somebody needs to assist the people who are being respectful, taxpaying members of the Town, and getting the support they need so that they want to stay in the Town of Henrietta. It's a balance that has to be made defining "Family" in and of itself I don't think is solving the problem for the whole Town. Thank you, for your time.
(Applause)

SUPERVISOR YUDELSON

Thank you. Sir?

ROBERT SIMS, 73 CAMPUS DRIVE

Yes, my name is Bob Sims. I live on Campus Drive, and this has come up to me, too. This problem has just kind of recently developed for me, and I certainly don't point blame on any particular class of people whether your students or that. What's going on around my neighborhood now, I would call the cops on them no matter who it was, if it was a pack of Indians or pack of nuns, whatever it is. What's going on is annoying and quite frankly it's pissing me off! I don't know, I don't really know what's going to happen, but there's a breaking point, and the students that are here tonight, I can pretty much, I feel real confident that they're probably not the troubled children, it's just like, my sister lives in Henrietta, it's not affecting her and she's not here tonight. She doesn't even know this is going on. So, I know where I live and the amount of the students that live next to me, I don't see any of them here. So, you know I feel bad. I do feel bad for the students that are going to, you know, one bad apple ruins the bunch. Like murderers, murder is a law, I don't ever, whether it was a law or not I don't think I'd kill anybody, but you know, unfortunately there are laws in place to protect certain people. I got to say, RIT students saved my ass at one point. I was, when I was getting divorced, I was going bankrupt, I lived over there, and I brought in two (2) RIT students. They lived there with me, they helped me, and I survived. So, I encourage that, but you know, I don't blame a whole lot of people, but the students and people just got to learn how to live and act and be respectful for the neighbors. It was quite funny; I was watching them, they were playing "pig" out, about 3:00 a.m. the RIT students were playing "pig" next to me, and I go out there and not only was it "pig" but it was an interesting way of playing "pig" it was "strip pig". It was quite entertaining and funny, but yet it was annoying. The other day I did call the cops on that thing, and it had to be forty (40) kids in the house, and the cops came and I saw them, they were proofing people, but they were proofing the people that came out, and my neighbor came down here today, and my neighbor was like, "Oh yeah,

all the underage ones were still in there hiding in the closets, hiding in the showers.” You know, so it is the enforcement that needs to be taken care of. I don’t know, for me, my big thing is the noise. It’s that noise ordinance. So, until something gets done, I have made a vow that I am going to be that annoying neighbor that’s going to just keep calling the cops and waste the taxpayer’s dollars and keep sending the cops over there, even if they’re just over there saying hello. I’ve lived there too long. I don’t need this aggravation in my world. Like I said, it has nothing to do specifically . . .

SUPERVISOR YUDELSON

Thirty (30) seconds.

ROBERT SIMS, 73 CAMPUS DRIVE

. . . with RIT students. No matter who it would be. If it would be my own kids I’d be mad at them and I’d be acting the same way. So, if I understand this thing correctly, it looks like it’s just a stepping stone to where if we wanted to pursue it there would be action... I certainly don’t think if this gets past, I certainly don’t think the Town of Henrietta is going to hire five thousand (5,000) Code Enforcement people to go sweep the area and start checking for how many mints on are on pillows to see who . . .

SUPERVISOR YUDELSON

Sir . . .

ROBERT SIMS, 73 CAMPUS DRIVE

. . . are in it. That girl who’s got the neighbors, her roommates, the doctors and the lawyers, whoever they are, they can make it work. That ain’t the problem, and I don’t think it’s going to be an issue. The other . . .

SUPERVISOR YUDELSON

Sir, I really hate to say this because you’re fun to listen to, but (*Laughter*) your time’s up.

ROBERT SIMS, 73 CAMPUS DRIVE

Okay, I rest my case. Thanks.

JOHN HARMON, 900 SHORE DRIVE

My name is John Harmon. I live at 900 Shore Drive. Very interesting concept. If I have a car and I’m driving on a road that says fifty (50) miles an hour, and I drive under fifty (50) miles an hour or at fifty (50) miles an hour, no problem, but if I decide I’m going to drive seventy-five (75) miles an hour on that highway, I’m arrested and I’m not slapped on the wrist, I’m fined “X” number of dollars. I think the same concept could be adopted by RIT. If a student is living off campus and he does something that, whatever it might be, maybe some sort of a fine system could be set up individually by RIT and if this person did this he would be fined “X” number of dollars. I’m not sure if that would work or not, but I think it might be worthwhile looking at because I would learn very quickly that

if I broke whatever the law was and I was fined and I had to come up with "X" number of dollars, I might get the hint after awhile. So, I'm not sure, but maybe it might work. Who knows?

SUPERVISOR YUDELSON

It's a good suggestion and one of the problems is that RIT doesn't know who all the students are that are living in these rental properties. They do not always give their address. Many students use their home address where their parents are. That's why we asked Mr. Spaan for a list of the students that live in the properties so if there was a problem they could do that because they will follow through and have in some cases when we knew who the students were, followed through with discipline if they violated the Code of Conduct. But, we still have not been able to get that list from Mr. Spaan. Is there anybody else before we adjourn the Public Hearing? We still have our regular Town Board meeting to go. So, looks like that's it. We're not going to have repeat ones.

COUNCILWOMAN ZINCK

Thank you, all for coming and sharing your views though. Thank you, very much.

SUPERVISOR YUDELSON

Yes, is there anyone from the Board? Thank you. Let me just ask the Attorney, if I can, if the proper form would be to continue or close the Public Hearing, at this point?

DANIEL MASTRELLA, TOWN ATTORNEY

It just depends if you're going to take any more input on this before resolving this?

SUPERVISOR YUDELSON

Okay, I'm going to close the Public Hearing, at this point. As I said, we will not be taking any action. We're going to take about a five (5) to ten (10) minute adjournment and then we will continue with the regular part of the Town Board meeting.

(Intermission)

SUPERVISOR YUDELSON

Okay, we are going to reconvene now. At this point, I'll ask if there is anybody, is there anybody here? *(Laughter)* Is there anybody who would like to speak on any items that are on the Agenda, for tonight's meeting? Mr. Ekwel, do you have your hand up?

(From audience, Terry Ekwel, Director of Building and Fire Prevention, "No, Sir.")

SUPERVISOR YUDELSON

Okay. Can I have the first Resolution, please.

RESOLUTION #21-191/2011

TB November 2, 2011

On Motion of
Councilman Mulligan

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 11/2/2011 \$ 424,582.00

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #21-192/2011

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, Certiorari proceedings have been commenced by various property owners to challenge tax assessments in the Town of Henrietta, and

WHEREAS, the law firm of McConville, Considine, Cooman & Morin, P.C. was hired by the Town of Henrietta to act as the Special Counsel in Certiorari proceedings per Resolution #8-100/2011, and

WHEREAS, the firm has submitted an invoice for said services for the period of May 1, 2011 through September 30, 2011.

THEREFORE, BE IT RESOLVED, that the Supervisor or his designee be authorized to pay the firm McConville, Considine, Cooman & Morin, P.C., 25 East Main Street, Rochester, New York 14614, the sum of \$13,497.50 for services rendered.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

| | | |
|---------------------|--------|-----|
| Councilman Mulligan | voting | Aye |
| Councilwoman Zinck | voting | Aye |
| Councilman Moore | voting | Aye |

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| | | |
|---------------------|--------|---------|
| Councilman Page | voting | Aye |
| Supervisor Yudelson | voting | Aye |
| | | Carried |

RESOLUTION #21-193/2011

| | |
|------------------|-----------------|
| On Motion of | Seconded by |
| Councilman Moore | Councilman Page |

WHEREAS, Resolution #8-101/2011 awarded the Mechanical Upgrade for the Henrietta Public Library Project to Pipitone Enterprises, LLC, for a total cost of \$95,200.00, and

WHEREAS, Change Order No. 1 provides additional time to be spent by the Contractor blowing down strainers on the heat pumps, at the original Contract Bid prices and extension of Contract time, and

WHEREAS, the Director of Engineering and Planning 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 \$262.50, resulting in increasing the total Contract amount to \$95,462.50.

BE IT FURTHER RESOLVED, that the Supervisor or his designee be hereby authorized to pay Pipitone Enterprises, LLC, 3225 Chili Avenue, Rochester, New York 14624 upon successful completion of this Project and acceptance by the Director of Engineering and Planning.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

| | | |
|---------------------|--------|---------|
| Councilman Mulligan | voting | Aye |
| Councilwoman Zinck | voting | Aye |
| Councilman Moore | voting | Aye |
| Councilman Page | voting | Aye |
| Supervisor Yudelson | voting | Aye |
| | | Carried |

RESOLUTION #21-194/2011

| | |
|--------------------|---------------------|
| On Motion of | Seconded by |
| Councilwoman Zinck | Councilman Mulligan |

WHEREAS, Resolution #9-106/2011 awarded the Year 2011 Sanitary Sewer Repairs Project to Finline Pipeline, Inc., for a total cost of \$313,275.00, 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, the Town wants to continue an active repair program with regard to correcting sewer deficiencies in the Town's existing sanitary sewer system, and

WHEREAS, Change Order No. 2 provides for the continuation of additional sewer repairs on Galahad Drive, Valiant Drive, Camelot Drive and Hollybrook Road, at the original Contract Bid prices and extension of Contract time, and

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

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town, be hereby authorized to execute Change Order No. 2, an increase not to exceed the amount of \$47,000.00, resulting in increasing the total Contract amount to \$435,275.00.

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

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #21-195/2011

On Motion of
Councilman Page

Seconded by
Councilman Moore

WHEREAS, upon completion and acceptance of the 1971 Jefferson Road Sanitary Sewer Forcemain Project, the Town of Henrietta agrees to own and maintain the portion of sanitary forcemain located along Jefferson Road (NYS Route 252) from 1971 Jefferson Road to New Tudor Road, and

WHEREAS, the Director of Engineering and Planning has reviewed this Project and recommends that this be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta agrees to own and maintain the portion of sanitary forcemain located along Jefferson Road (NYS Route 252) from 1971 Jefferson Road to New Tudor Road.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #21-196/2011

On Motion of
Councilman Mulligan

Seconded by
Councilwoman Zinck

WHEREAS, upon completion and acceptance of the West Henrietta Road Sanitary Sewer Forcemain Project, the Town of Henrietta agrees to own and maintain the portion of sanitary forcemain located along West Henrietta Road (NYS Route 15) from Martin Road to Rush-Henrietta Townline Road, and

WHEREAS, the Director of Engineering and Planning has reviewed this Project and recommends that this be accepted by the Town.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta agrees to own and maintain the portion of sanitary forcemain located along West Henrietta Road (NYS Route 15) from Martin Road to Rush-Henrietta Townline Road.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #21-197/2011

On Motion of
Councilman Moore

Seconded by
Councilman Page

WHEREAS, the Town of Henrietta requires bids for the Town Hall Door Replacement Project to conform with specifications on file in the Town Clerk's Office,

with bids to be opened at 10:00 A.M. on Friday, December 2, 2011 and received no later than 9:30 A.M. on Friday, December 2, 2011.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Town Hall Door Replacement Project, as per cited specifications on file, in the manner provided by Law.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #21-198/2011

On Motion of
Councilwoman Zinck

Seconded by
Councilman Mulligan

WHEREAS, the Town of Henrietta acquired the Development Rights and Fee Title to property on Calkins Road in the Town of Henrietta formerly known as the Aldridge Farm, and

WHEREAS, the Town Board of the Town of Henrietta desires to continue to keep the land in use as farm land, and

WHEREAS, Mark Greene, 3170 Clover Street, Pittsford, New York 14534, has previously farmed the land and desires to continue to plant crops on the land and to renew the Lease Agreement with the Town for a period of one (1) year, from December 1, 2011 through November 30, 2012, for thirty-one (31) acres of tillable land at \$40.00 per acre, amounting to an annual rental of \$1,240.00, and

WHEREAS, the Town Attorney has reviewed the Lease renewal and found it to be in proper form.

THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign the Lease renewal on behalf of the Town of Henrietta, as per the attached.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

| | | |
|---------------------|--------|-----|
| Councilman Mulligan | voting | Aye |
| Councilwoman Zinck | voting | Aye |

| | | |
|---------------------|--------|-----|
| Councilman Moore | voting | Aye |
| Councilman Page | voting | Aye |
| Supervisor Yudelson | voting | Aye |

Carried

RESOLUTION #21-199/2011

| | |
|---------------------------------|---------------------------------|
| On Motion of Councilman Page | Seconded by Councilman Moore |
|---------------------------------|---------------------------------|

BE IT RESOLVED, that the Town Board adopts the attached official Undertaking of Receiver of Taxes and Assessments Resolution in the amount of \$100,000 and directs that it be filed in the Office of the Town Clerk.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #21-200/2011

| | |
|-------------------------------------|-----------------------------------|
| On Motion of Councilman Mulligan | Seconded by Councilwoman Zinck |
|-------------------------------------|-----------------------------------|

WHEREAS, the Henrietta Town Board approved a Special Use Permit on December 2, 2009 for Rockwood Center at Brentland Woods to modify existing 51 assisted living units, construct 40 additional units, and to construct 12 green house nursing home units at 3831 East Henrietta Road, and

WHEREAS, the Applicant has requested an extension of said Special Use Permit, which was granted during the Town Board meeting of May 18, 2011, and

WHEREAS, the Applicant has requested an additional extension to allow time to resolve funding issues, and

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

THEREFORE, BE IT RESOLVED, that the aforesaid Special Use Permit be extended for a period of six (6) months to expire on May 18, 2012.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #21-201/2011

On Motion of
Councilman Moore

Seconded by
Councilman Page

WHEREAS, the Tentative Budget of the Town of Henrietta for the fiscal year 2012 was filed in the Office of the Town Clerk on October 28, 2011 and was presented to Town Board Members on this same date, and

WHEREAS, Town Law requires that a Public Hearing be held on the Preliminary Budget.

THEREFORE, BE IT RESOLVED, that a Public Hearing be held on November 16, 2011 at 7:00 P.M. at the Henrietta Town Hall, 475 Calkins Road, Main Meeting Room, Henrietta, New York on the fiscal year 2012 Preliminary Budget.

BE IT FURTHER RESOLVED, that the notice of said Public Hearing be published and posted in the manner provided by Law.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #21-202/2011

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

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

TB November 2, 2011

Ruth Levey

Payroll, Payroll Clerk, per Civil Service List OC-65297 (six months provisional), from Part-time Clerk, effective 11/3/2011. Same rate of pay.

Highway

As per the Attachment, effective 11/2/2011.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

| | | |
|---------------------|--------|-----|
| Councilman Mulligan | voting | Aye |
| Councilwoman Zinck | voting | Aye |
| Councilman Moore | voting | Aye |
| Councilman Page | voting | Aye |
| Supervisor Yudelton | voting | Aye |

Carried

SUPERVISOR YUDELSON

That concludes the regular Agenda for the Town Board meeting. Before we adjourn; is there anybody who would like to speak on any matter involving the Town of Henrietta? Yes, Ma'am?

(Resident, spoke in reference to her desire for a lot of people to come to all of the Town Board meetings. – Audio File available upon request.)

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman Zinck, seconded by Councilman Mulligan at 9:44 P.M. and was adjourned without objection.

Respectfully submitted,

Leann C. Case
Deputy Town Clerk