

**HENRIETTA TOWN BOARD
AGENDA
MAY 20, 2009**

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): May 6, 2009
6. Miscellaneous Communications
7. Introduction of and Action Upon Local Laws, Ordinances, Resolutions
8. Reports of Standing Committees and Actions Thereon
9. Reports of Special Committees
10. Public Comment
11. Adjournment

8:00 P.M. - ANTOINETTE BROWN BLACKWELL AWARDS

RESOLUTION #11-113/2009
Authorize Accounts Payable

RESOLUTION #11-114/2009
Authorize Advertisement for Bids - 2009 Sanitary Sewer Repair Project

RESOLUTION #11-115/2009
Call for a Public Hearing - Abandonment of a Portion of New Tudor Road Right-of-Way

RESOLUTION #11-116/2009
Accept Phase II SPDES Stormwater Management Program Annual Report

RESOLUTION #11-117/2009
Award Low Bid – Creek Cutting

RESOLUTION #11-118/2009
Declare the Week of May 18TH “Women’s Week”

RESOLUTION #11-119/2009
Award Bid– Sound System – Town Hall Main Meeting Room

RESOLUTION #11-120/2009
Appoint Member to Henrietta Recreation Commission Board

RESOLUTION #11-121/2009

Accept Title - Scottsville-West Henrietta Road Pump Station Property

RESOLUTION #11-122/2009

Authorize Personnel Items

PURSUANT TO CALL A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, WAS DULY HELD AT THE HENRIETTA TOWN HALL, 475 CALKINS ROAD, HENRIETTA, NEW YORK ON THE 20th DAY OF MAY, 2009 AT 8:00 P.M.

PRESENT

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

ABSENT

Councilwoman Janet B. Zinck

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Before we begin, I just want to tell folks we have a few different things going on tonight and depending on which one you're here for, I wanted to let you know that first we'll be having the presentation of the Antoinette Brown Blackwell Awards, and then we will be going through our regular Agenda, which is not too long. I know from hearing from one resident that there was some people from the Locust Hill Drive area that wanted to speak on items concerning land use and that, that is not on the Agenda for tonight, but we have a point of the meeting, at the end of the meeting, where there's public comments on anything, and it's at that point people would be able to speak on it. So, at this point, I'd ask you now to join us for a silent prayer and the Pledge of Allegiance.

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

Thank you. At this meeting every year we enjoy the presentation of the Antoinette Brown Blackwell Awards, and at this point I'd like to call upon Virdell Robbins to start the presentation.

(During the Twenty-Seventh Annual Antoinette Brown Blackwell Society Ceremony, the members presented the 2009 Henrietta Woman of the Year Award to Katherine Smith; and the 2009 Scholarship to Caitlin P. Meyer.)

SUPERVISOR YUDELSON

In just a second we'll take a brief in-place recess so that those who are here solely for this event can adjourn where there's a reception, but I just want to add, on behalf of the whole Town Board, our congratulations. Many of us have known Katherine Smith for a

long, long time, and we're well aware of all the different things she's been involved in, in the community, and all she's given back to our community, and we appreciate it. I've known Caitlin for a year because my daughter's been one of the beneficiaries of the good work she does volunteering with C.Y.O. Youth basketball, and I can tell you first hand that she does teach the kids a lot, and basketball officiating, as a twenty (20) year high school basketball official, I can tell you that about her and she is a good referee. So, congratulations, and we'll stand and recess for a few minutes. Thank you.

(Brief Intermission)

SUPERVISOR YUDELSON

We'll reconvene at this point, and be back in session. At this point, could I have the Approval of the Minutes of the preceding meeting?

COUNCILMAN MOORE

Mr. Supervisor, I'd like to make resolution to Approve the Minutes of the May 6, 2009 Town Board Meeting, as presented.

COUNCILMAN MULLIGAN

Second.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

SUPERVISOR YUDELSON

May I have the first Resolution, please.

RESOLUTION #11-113/2009

On Motion of
Councilwoman McCabe

Seconded by
Councilman Moore

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

EXHIBIT A

Bills Payable dated 5/20/2009

\$ 144,679.58

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #11-114/2009

On Motion of
Councilman Moore

Seconded by
Councilwoman McCabe

WHEREAS, the Town of Henrietta requires bids for the Year 2009 Sanitary Sewer Repair Project, for the spot repairs to the existing sanitary sewers at various street locations east of Interstate 390 totaling thirty (30) streets, to conform with construction plans and specifications on file in the Town Clerk's Office, with bids to be opened at 10:00 A.M. on Wednesday, July 8, 2009, and received no later than 9:30 A.M. on Wednesday, July 8, 2009.

THEREFORE, BE IT RESOLVED, that the Town Clerk be authorized to advertise for bids for the Year 2009 Sanitary Sewer Repair Project, as per cited plans and specifications on file, in the manner provided by Law.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #11-115/2009

On Motion of
Councilwoman McCabe

Seconded by
Councilman Mulligan

TB May 20, 2009

WHEREAS, the Developer, St. John's Home for the St. John's Green House Project at 1749 West Jefferson Road, has approached the Town of Henrietta concerning the potential sale by the Town of Henrietta of a portion of the original right-of-way off New Tudor Road, located between Tax Account Nos. 163.09-2-77 and 163.09-2-78, consisting of approximately 0.16 acres of land, and

WHEREAS, the Superintendent of Highways has advised the Director of Engineering and Planning that this portion of the original right-of-way is not needed for the roadway or for any other Town purposes, and

WHEREAS, the Town Assessor believes that \$1,300.00 is a fair and reasonable estimate of value for said right-of-way, and

WHEREAS, this money will be deposited into the General Fund, and

WHEREAS, the transfer of ownership of said right-of-way where there is no material change in conditions or scope of activities constitutes a Type II action for SEQRA purposes and does not have a significant effect on the environment and requires no further review.

THEREFORE, BE IT RESOLVED, that a meeting of the Town Board of the Town of Henrietta shall be held at the Henrietta Town Hall, Main Meeting Room, 475 Calkins Road, Henrietta, New York on the 17th day of June, 2009 at 8:00 P.M., to consider said sale and to hear all persons interested in the subject. Notice of said Hearing shall be published and posted in the manner provided by law.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #11-116/2009

On Motion of
Councilman Mulligan

Seconded by
Councilman Moore

WHEREAS, the Town of Henrietta has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA's Phase II Stormwater Regulations under the Clean Water Act of 1999, and

WHEREAS, the Phase II Stormwater Program requires each MS4 to prepare an Annual Report on the Town's efforts to protect and improve the water quality of our

streams and water bodies, and

WHEREAS, the public is invited to review the Annual Report and provide input, and

WHEREAS, an Annual Report has been prepared in conformance with the Phase II Stormwater Regulations by the Engineering and Public Works Departments, and

WHEREAS, the Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, New York by June 1, 2009.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta accepts said Annual Report and such report is available for public review at the Town Hall in the office of the Town Clerk.

BE IT FURTHER RESOLVED, that all comments on the Annual Report will be incorporated into the following year's Annual Report to the New York State Department of Environmental Conservation.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #11-117/2009

On Motion of
Councilman Moore

Seconded by
Councilwoman McCabe

WHEREAS, Resolution #9-102/2009 authorized the advertisement for bids for Creek Cutting, and

WHEREAS, three (3) bids were received, and the low bid, meeting specifications, was received from The Property Maintenance Company, for a three (3) year Contract at a total cost of \$4,600 per mowing, with an annual cost not to exceed \$13,800 each year, for the years of 2009, 2010 and 2011.

THEREFORE, BE IT RESOLVED, that The Property Maintenance Company, 40 Trillium Lane, West Henrietta, New York 14586, be hereby awarded the bid for Creek Cutting, per specifications.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay The Property Maintenance Company, upon delivery and receipt of all proper documentation and acceptance by the Superintendent of Drainage, Sewer, Sidewalks, Parks and Facilities.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

Carried

RESOLUTION #11-118/2009

On Motion of

Councilwoman McCabe

Seconded by

Councilman Moore

WHEREAS, women are a major part of the citizenry of the Town of Henrietta, and
WHEREAS, Antoinette Brown Blackwell was born in the Town of Henrietta on this
day in 1825, and

WHEREAS, the Antoinette Brown Blackwell awards were established to honor
Ms. Brown Blackwell for her many accomplishments, and

WHEREAS, the Society is celebrating its 27th year of recognizing Henrietta
women who have made contributions to our community, and

WHEREAS, the contributions of the Town's women residents are many and
varied and deserve recognition.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Henrietta,
in recognition of women, declares the week of May 18th "Women's Week" throughout the
Town, and congratulates this year's Antoinette Brown Blackwell award recipients.

SUPERVISOR YUDELSON

Discussion?

COUNCILWOMAN McCABE

Under discussion, Mr. Supervisor, I will be sure that each of the award winners receive a
copy of our Resolution, and I also wanted to add that I forgot to mention that it's Helen
Elam's fifty-sixth (56) wedding anniversary this week.

SUPERVISOR YUDELSON

Thank you, very much. Call the roll, please.

Duly put to a vote:

Councilwoman McCabe	voting	Aye
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TB May 20, 2009

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

Carried

RESOLUTION #11-119/2009

On Motion of
Councilman Mulligan

Seconded by
Councilwoman McCabe

WHEREAS, Resolution #9-107/2009 authorized the advertisement for bids for a new Sound System in the Town Hall Main Meeting Room, and

WHEREAS, three (3) bids were received, and the low bidder did not meet bid specifications, as per the following:

- Incomplete bid documents.
- Items listed on the bidder's quotation differed from the Town of Henrietta's bid specification itemization, and was not clarified on the actual bid specification documents.

WHEREAS, after careful review, Langie Audio Visual Systems appears to meet all bid specifications.

THEREFORE, BE IT RESOLVED, that Langie Audio Visual Systems, 349 West Commercial Street, East Rochester, New York 14445, be hereby awarded the bid for the new Sound System in the Town Hall Main Meeting Room, at a cost not to exceed \$16,990.00, per specifications.

BE IT FURTHER RESOLVED, that the Director of Finance be hereby authorized to pay Langie Audio Visual Systems, in an amount not to exceed \$16,990.00, upon delivery and receipt of all proper documentation and acceptance by Henrietta Town Staff.

SUPERVISOR YUDELSON

Under discussion, I want to thank the Town Clerk, Patty Shaffer, and our IT Coordinator, Mario Angotti, for working together on this Project. This is the first of kind of a two (2) step project that later will include video improvements in this room, so the people who come to attend the meetings can hear the meetings better, we've had some complaints about that, and also it's going to enable us to do a better job of keeping the Minutes of the meetings, and also to preserve records of them and even make the meetings available afterwards through podcast on our internet site. So, I appreciate their work. Anything further?

TB May 20, 2009

COUNCILMAN MULLIGAN

Just a point of clarification, this was not a budgeted item, so we paid for it through General Fund dollars?

SUPERVISOR YUDELSON

No, this is, there is sixteen thousand (\$16,000), this came in a little bit above what we had estimated in the Budget, but there is money in the Budget for this Project.

COUNCILMAN MULLIGAN

Does the Resolution talk about it being budgeted?

SUPERVISOR YUDELSON

I don't think so. Let the Record show there is sixteen thousand (\$16,000) dollars in the Budget for this.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR YUDELSON

Call the roll, please.

Duly put to a vote:

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

RESOLUTION #11-120/2009

On Motion of
Councilwoman McCabe

Seconded by
Councilman Moore

WHEREAS, a vacancy exists on the Henrietta Recreation Commission Board due to the resignation of Raymond Montanaro, and

WHEREAS, the Town Board wishes to keep the various Boards of the Town at their authorized strength for maximum input.

WHEREAS, Carol Bucci is a qualified resident and has expressed an interest in serving on the Henrietta Recreation Commission Board.

THEREFORE, BE IT RESOLVED, that Carol Bucci, 44 Southern Hills Circle, Henrietta, New York 14467, be hereby appointed to fill the unexpired term of Raymond Montanaro for remainder of a seven (7) year term effective immediately, and expiring on

December 31, 2013.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

RESOLUTION #11-121/2009

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, the property known as the Scottsville-West Henrietta Road Pump Station, located at 465 Scottsville-West Henrietta Road is located on property presently owned by Conifer Riverton Associates, and

WHEREAS, the Town of Henrietta entered into an agreement in October, 1975, with the South Central Pure Waters District of Monroe County wherein the Town of Henrietta agreed to acquire said property, and

WHEREAS, Conifer Riverton Associates has agreed to transfer Title of said property to the Town of Henrietta at no cost to the Town.

THEREFORE, BE IT RESOLVED, that the Town of Henrietta shall take Title to the Scottsville-West Henrietta Road Pump Station property.

BE IT FURTHER RESOLVED, that the Director of Finance is hereby authorized to pay any expenses properly incurred in acquiring Title to that land.

SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

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

COUNCILWOMAN McCABE

Microphone, please.

SUPERVISOR YUDELSON

Yes, we'll ask you to stand at the podium and speak into the microphone so that it records. Thank you.

LINDA NUSS, 32 NEW TUDOR ROAD

I live at 32 New Tudor Road, which is north of the Thruway. I have always been proud of Henrietta, and I want to talk about the future growth of our Town. Let's not just think south of the Thruway. Let's think north of the Thruway, and work our way south. According to the land use survey, the people of Henrietta want open land and a town feel. The people, according to the Comprehensive Land Use Survey, do not want to develop like Greece, Brighton or even Pittsford. What can be done now to make Henrietta look like the town the people envisioned? What about upgrading our building codes? Some examples might be: The top soil on a parcel may not be removed but must be moved aside and redistributed when the building is complete. That is what a conscientious builder does. How about exterior walls with a higher R value or changing our building codes to green building codes. That might include the new water heaters and a back-up system to sump pumps, especially in the wet areas. Perhaps even sidewalks so children can walk to main areas to be picked up by school buses. Maybe even a bus shelter for them to wait under. What about upgrading zoning on residential properties? I do know the Town Board has refused many commercial endeavors in residential areas, but an upgrade might be one (1) acre lots and only half of the one (1) acre to be used for development and the other half to be used as a border. That would mean, on a fifty (50) acre parcel, the residents would be looking at about fifty (50) houses clustered in the middle or at the edge of that fifty (50) acres. In the fifty (50) some acres in Jefferson Estates that would have meant fifty (50) houses and twenty-five (25) acres left for wildlife, not the one hundred (100) plus homes and broken up pieces of open area. The new zoning alone would have provided a natural buffer, and at least twenty-five (25) of the acres remaining for people and wildlife. Not just deer, but turtles, turkeys, fox, Baltimore orioles, gold finch, pine grosbeaks, rabbits and more. The Town could prepare models it wished builders to follow. What about new ideas? What about a green trail to move animals, if they get over-populated? What does it cost Irondequoit to try to control the deer population? A green trail could be established from northern Henrietta to Rush, both on the east and west. What did the land use document suggest? As one (1) suggestion in the Comprehensive Land Use document, let's reinstate the original definition of wetlands or write our own definition immediately. That alone would have saved many areas and could save many more. Two (2) natural pond areas were destroyed when Jefferson Estates was built. What about the Town buying properties? Could the Town buy property or the building rights and let the neighbors pay half or pay taxes on that open land for however many years it took to constitute half the price and

then deed their part back to the Town to never be developed in any way. The people in Jefferson Estates were willing to buy the property before the property was sold for the nursing home, but could not come up with the entire amount. They did, however, come up with a substantial amount. What are some problems with small parcel development? There are many problems with the development of small parcels of land, especially north of the Thruway. I have some firsthand knowledge, as Jefferson Estates is one of those developed properties that neighbors fought to keep open for years. There are problems with the idea of building, and then making a homeowners association. For example, the retaining pond in our area is a problem. In general, ponds do not necessarily protect the environment, and can cause more problems than they help; geese, mosquitoes, stagnant smell. Those problems can be helped by getting fish, and a person with a dog to chase the geese, but then you have to watch out for the heron as they might eat your fish. Most important in all of this is who is to pay for it. Right now, the builders are setting up homeowners associations, and they are to do it all. What does the Town do if the homeowners do not live up to their responsibilities for cleaning up areas along roadways and so forth? There are other water problems, also. In Jefferson Estates, what about the problem of the pump station on New Tudor that the Henrietta employees are there all the time. Will that not be a problem with any more development in that area? Already the Town has realized that the run-off from across Jefferson Road floods our backyards. There is a swale, but at times there is too much water. So, drainage is a real issue. The Town recognized when it came in and put another cistern behind my neighbors, and when it allowed the nursing home development to go in off Jefferson Road and their engineer said part of their drainage problem was the twenty (20) or twenty-five (25) acres across Jefferson Road, and they would address the problem on the west side of Jefferson Estates and the water problem people are having there. One property that is now being discussed is that twenty (20) or twenty-five (25) acres across Jefferson Road from Jefferson Estates. More development will certainly not help the drainage problem. The neighbors of that property also discussed buying that property but realize that roughly ten thousand dollars (\$10,000) per household, would be difficult for many. The group would have to know how much taxes would be on open land, and how much each would be willing to pay or how long it would take to come up with the price of the property for the Town. Again, could the Town not just start buying up the open land that is north of the Thruway and leave it forever wild? Could we not put this on the November ballot as a referendum? As I said, the people in Jefferson Estates did get a lot of the money but not all of it. What is the Town going to do with, I believe it's roughly ten million dollars (\$10,000,000), in reserve? What would the Town have to do to take three million (\$3,000,000) and use it to buy undeveloped residential land north of the Thruway and leave it wild? Many neighbors of such areas might be willing to share the costs. Is there some way this could be accomplished? Last, what can we as residents do to help this Board implement the Comprehensive Land Use document? What can we do to help save our very small, but rural feeling of Henrietta? What can the Board suggest? How can you help us to help you meet the desires of the people? Can there be a moratorium on building north of the Thruway until we can upgrade our building

codes, redo or upgrade lot size and use of land to implement better zoning, even if redoing zoning has to go to a public vote, hopefully in November. Has Henrietta already written off north of the Thruway? If many of the ideas in the Land Use document had been implemented in a timely fashion, we would not be looking at a situation where there is little open land left north of the Thruway. Let's put a moratorium on building in residential areas north of the Thruway until all this can be worked out. Let's extend what we do in northern Henrietta to southern Henrietta. Do we want Jefferson Road to look like Monroe Avenue or Dewey Avenue in Greece? Do we want Henrietta to look like Greece, Gates, or Irondequoit being so heavily developed? I hope not. Thank you, for your time.

SUPERVISOR YUDELSON

Just before I call for the next speaker, I would just note, although this is as we said the public comment section, and usually that's mostly what we hear is things that you have to say. I did want to just comment on the things regarding the overall Comprehensive Land Use Plan, and the strategic planning going forward. You touched on both Town Codes and the strategic plan, and those are kind of two (2) different areas that obviously intersect, and the Board has been talking about this, and actually in about the next month, probably during June, you would see that process being rolled out and that would include public comment and participation for that. We did, the last update for the comprehensive planning was almost six (6) years ago, so it's time to do that again, and last time when we did that, when we did rezoning, a new classification of rezoning a few years ago south of the Thruway, both of those processes included opportunities for the public to participate. The most recent one has sessions that happened right in this room where the public came, and even if they didn't want to serve on a committee per say, but they had chances to come and spend a night with the consultants who helped us with the plan, and give their input and, as you kind of referenced, we did have a new classification of zoning that was put in for these open areas south of the Thruway. That was just kind of result that I think you're referring to where we're not allowing things to be developed too densely and are trying to promote development where it might be clustered and other areas are left open. Having said that, I'll also point out, not to initiate a full discussion on this thing, but as far as where development is happening, during the time of that, or since the last master plan update, most of the residential development that's happened has been south of the Thruway, and especially on the west side of town. There is not a lot of active development residentially north of the Thruway, at this point. I know there's the one that's being considered in your neighborhood. Some of the other things, I want to give other people a chance to speak to, or speak also, but I think some of the other things that are in your letter are addressed already, either through Town Code, such as erosion control with people stripping off land and what they're supposed to be responsible for, and they're already addressed through Town Code or State Building Code, which is the equivalent Code in some cases. So, I just want to mention that. And, at this point, if you'd like to come up.

TB May 20, 2009

ELAINE LENNOX, 80 LOCUST HILL DRIVE

These are scary looking things, microphones, huh? *(Laughter)*

COUNCILMAN MULLIGAN

(Inaudible)

ELAINE LENNOX, 80 LOCUST HILL DRIVE

Not much. Probably, you're right. Okay. Well, good evening, Supervisor Yudelson, Councilman Mulligan, Councilwoman McCabe, Councilwoman Zinck, who is absent and Councilman Moore. My name is Elaine Lennox, and I have resided with my husband and son at 80 Locust Hill Drive, in the Town of Henrietta, since 1991. I represent a group of individuals from Henrietta who come here tonight to address the long term residential development plans in Henrietta. We come to the Board in the spirit of cooperation and community involvement, and hope that our ideas are viewed as such. We are not here to complain, but rather to explain why there have been so many debates over the development in Henrietta, and to find a sustainable solution. The seed for this discussion began a few years ago, as developers began to take undeveloped parcels, clear cut the land and develop high-density living areas throughout the Town despite the rising concerns and voices against such actions. Each time this would occur the neighbors would rally, we'd research, we'd go to meetings, call the Town Board, the Engineering Department, etc., asking why is this happening and how can we stop it or at least have a positive impact on how the land is developed. The various members of the Town of Henrietta would then explain to residents that zoning laws are established to regulate development and unless a request for a change in the zoning or a variance to the zoning, their "hands were tied". That answer has become outdated as communities across our area and throughout the United States have made planned, responsible development their highest priority. Zoning laws can change by the actions of the Town Board. The community supports this but we grow tired and we lose hope as we are told by developers that, and I quote, "The Town will do as I want, and they can't stop me."

SUPERVISOR YUDELSON

Let me just stop you, which developer said that to you?

ELAINE LENNOX, 80 LOCUST HILL DRIVE

That was Concal Developers, at our meeting. They said they will do as they want, and they also said it regarding Jefferson Road, that's a State mandated Road. They said they will get their exit on Jefferson Road. That's what he said.

COUNCILMAN MULLIGAN

(Inaudible)

ELAINE LENNOX, 80 LOCUST HILL DRIVE

This was an informal gathering of the Concal Developer, who sent letters to our

neighbors.

COUNCILMAN MULLIGAN

Just to interrupt you, the Supervisor has the authority to not even let them come in. We don't even have to look at that. They're zoned residential and they're talking some kind of multiple housing.

ELAINE LENNOX, 80 LOCUST HILL DRIVE
Right.

COUNCILMAN MULLIGAN

He has the authority to say, "No, we're not interested in even listening."

SUPERVISOR YUDELSON

I think . . .

ELAINE LENNOX, 80 LOCUST HILL DRIVE

I realize that, but then he said, "Then we'll put the residential homes in there, and we'll stick twenty-six (26) homes in there, and you won't have any say in it."

SUPERVISOR YUDELSON

I think, to put it in the proper context, when he first came and expressed some interest, and I'm sorry, I don't mean to interrupt your prepared remarks . . .

ELAINE LENNOX, 80 LOCUST HILL DRIVE

That's ok, that's all right.

SUPERVISOR YUDELSON

. . . but what we suggested to him, based on the project that had happened previously with a pretty good dialogue between the neighbors and St. John's for the nursing home across the street, I said to him, "What the Town Board is going to be willing to consider is in large part going to be based on what we hear for the residents, so I suggest you go out and meet with the residents" as he did. Now, not having been at the meeting, he might very well have said it, and what I would guess he was trying to point out, maybe not, in the way he should of, is that as it being zoned residential, he could come in and build homes without requiring Town Board approval.

ELAINE LENNOX, 80 LOCUST HILL DRIVE

Right.

COUNCILWOMAN McCABE

Excuse me, Sir. He would also, though, have to have Planning Board approval and Conservation Board advisement . . .

ELAINE LENNOX, 80 LOCUST HILL DRIVE

Yes.

COUNCILWOMAN McCABE

. . . I'm sorry, but I think if a person said that to me, I'd send him out the back door.

ELAINE LENNOX, 80 LOCUST HILL DRIVE

That's kind of the way we feel. It was an upsetting evening, to say the least.

COUNCILWOMAN McCABE

We don't even have an Application, by the way.

ELAINE LENNOX, 80 LOCUST HILL DRIVE

Yes, we know that.

COUNCILWOMAN McCABE

We don't even know what it looks like.

ELAINE LENNOX, 80 LOCUST HILL DRIVE

Well, the reason we wanted to start this process now so that when the Application comes up we're not already behind the . . .

COUNCILWOMAN McCABE

Behind the eight (8) ball.

ELAINE LENNOX, 80 LOCUST HILL DRIVE

Exactly, thank you.

COUNCILWOMAN McCABE

All right.

ELAINE LENNOX, 80 LOCUST HILL DRIVE

Okay, and I appreciate any comments. I'm certainly not into soliloquies here, but at any rate. Statements like these and the downgrading of restrictive zoning laws, such as the preservation of wetlands, are wrong. Why do we allow developers to dictate the terms of the developments? The breathless pace of development has left many communities questioning where have all the beautiful woods, wetlands and fields gone. The concerns raised by scientists and governments across the planet indicate that our natural resources here and in other countries have been overwhelmed by less than ideal environmental practices. Land and water are our most valuable of those. We can ill afford to blame the poor in undeveloped countries for clear cutting their forest when we are as much to blame for our actions in our own backyards. More meetings,

concessions, would be agreed upon and the next parcel of land would be clear cut, wetlands rezoned, density requirements lessened and the homes erected. This is not working for the constituents of the Town of Henrietta, and has put an unreasonable burden on residents to continually mobilize efforts to restrain development. The Town Board's purpose is to serve the Town of Henrietta, and its residents for the good of all. We need you to stop the loss now before it is too late. We now look out our windows to meadows that no longer exist and ponds that are filled. The fox, the deer, the turkey, the meadowlarks, the orioles, the hawks, and frogs become scarcer. The cacophony of tree frogs is diminishing, and we are told that these seemingly tiny creatures are the "canary in a coal mine" for the planet. Wooded areas that sustain and provide vital habitats for migrating and year-round animals are lost. Lands that linked one to the other, and provided corridors for animals are interrupted with large parcels of homes. The new neighbors wonder out loud as to how they were going to get those nuisances, such as deer, to stop eating their shrubs. Trees that absorb our carbon gases are chopped down leaving us with an even larger carbon footprint. The developer, meanwhile, is moving on to the next project after depositing their money in his or her bank account. This was all good because we had increased our tax base, yet somehow the experience of living in the neighborhood had lessened. But, what about that tax base? Have we truly figured the cost of an increased demand for services from the Town? Increasing demands on our public services include the need for improved drainage, sewers and their maintenance, cisterns and pumps to stop basements from flooding when homes are built on wetlands. Plowing for extended roads, fire services, equipment and personnel who at this time are mostly volunteers. Schools, such as the need for a Ninth Grade Academy, buses and the increasing need for new and extended coverage, road maintenance, just to name a few as the population grows. And so, our neighbors got together last month, and took a look around us and said, there must be a better way. That way exists, and it exists in the form of the Comprehensive Land Use Plan, commissioned by the Town Board in 2001, published in 2003, placed on the Town of Henrietta's website in 2004 at a cost of thirty-three thousand, six hundred and ninety-three dollars (\$33,693.00), and I list the website so people can have access to it. That information was obtained from a Freedom of Information request, at that price.

COUNCILWOMAN McCABE

That was the cost of . . .

ELAINE LENNOX, 80 LOCUST HILL DRIVE

That was the cost including the mailing, including the mailing.

COUNCILWOMAN McCABE

Right.

ELAINE LENNOX, 80 LOCUST HILL DRIVE

For the survey.

COUNCILWOMAN McCABE
Right.

ELAINE LENNOX, 80 LOCUST HILL DRIVE

Right. It is comprehensive and addresses the various concerns raised repeatedly by the residents of Henrietta. It contains by chapter sections that discuss in detail the following subjects; Land Use & Public Policy, Socioeconomic Conditions, Community Facilities and Recreation, Cultural Resources and Visual Character, Agriculture, Natural Resources, Transportation and Infrastructure, Community Goals and Objectives, an Action Plan, an Implementation Plan, and a State Environmental Quality Review. These chapters contain the foundation of a sustainable community that respects the rights of both property owners and conservationists. It is not an "us against them" document, but rather a balanced approach to development that follows recommendations along State and Federal guidelines. It is not an idea, it is what the residents of this Town by survey asked for in 2001. In addition it contains thirty-two (32) tables that range from Generalized Land Use, Recommended Acres of Park land, Wetland Characteristics, Implementation Matrix, Potential Funding Sources for Implementation, to name a few. It also consists of maps that delineate wetlands, and zoning. The need for long term planning was recognized almost ten (10) years ago by the Board and residents of this Town. Now in 2009, we stand at a crossroad. Henrietta, especially north of the Thruway, is almost fully developed. The time to save what remains is short and in some respects, already too late. I quote from the "CLUP", as I've named it, the Comprehensive Land Use Plan. Quote, unquote, "Results of the Town wide residents' survey indicated that residents strongly favor open-space preservation policies." Actually, eighty-two percent (82%) of the respondents said we need to conserve farmland and open spaces. Quote, "The community also voiced the need to protect farmlands, environmentally sensitive lands, scenic lands, and properties containing historic sites, and other places of importance." These include areas both north and south of the New York State Thruway, and address sensitive environmental issues such as drumlins, aquifers, wetlands, wooded lots, and habitat and species loss. *(Applause)* I quote, "The plan accommodates future growth, but does not increase the development potential of the Town." Like most Towns, Henrietta's zoning law allows for excess development potential, and the plan seeks to reduce this potential while providing areas for future developments that will contribute to the Town's long term economic health and viability. This is a win-win document whose time for implementation is overdue. *(Applause)* We, which means the people who live in Henrietta and pay taxes, are having an increasingly difficult time trying to deal with the ongoing residential development, changes in zoning and variances and the perceived opinion that one can't change city hall. This discouraging attitude is permeating Henrietta, and we find it insulting as we take pride in Henrietta, and feel that this Town has much to offer its residents. We believe that the Town Board shares our concern, but perhaps has not had enough true support from residents in this area. We stand here tonight with specific requests, and respectfully ask that the Town Board of Henrietta honor these requests

with a written response to the items, which I will now read. These are action items:

1.) We are requesting a residential building moratorium to begin on any property that has not come before the Town Board for zoning approval, as of June 17, 2009, and to last until the Town of Henrietta reviews, and following an update, enacts the Town wide action plan put forth in the Comprehensive Land Use Plan of 2003. 2.) We are requesting the establishment of a "Comprehensive Plan Committee" as called for in Chapter Five (5), Implementation of the "CLUP" document to review and implement the recommendations therein, which will consist of representatives from the various Boards and residents of the Town of Henrietta. 3.) We are requesting the establishment of a budget to accomplish the above goals, and would provide money for the review and update portion of the "CLUP" from the Town of Henrietta's surplus budget fund. 4.) We are requesting that a funding stream be updated and established to accomplish the aforementioned goals, Chapter Five (5) Implementation Plan C. Funding Sources. 5.) We are requesting that the above action items, number one (1) and number (2), be placed on the Town Board Agenda for the June 17th, 2009 Town Board meeting for a vote. We would welcome and do want to meet with the Board as soon as possible to work on these requests. We understand that a balance between developers, property owners and resources must be forged and we are willing partners. A forward looking plan will require a community wide cooperative effort, and all aspects of the Town government will be called into action. We are ready to do our part. Please help us, help Henrietta. We stand together, looking towards a positive, sustainable future for Henrietta and we believe that the Town Board will be open to this idea and do everything it can, legally to proceed forward. Thank you for your attention to this matter. (*Applause*) I just want to point out that this is the size of the "CLUP" document. I would say that it's very readable, but a little difficult to maneuver on the web because of the maps, and the maps have, you know, they're difficult to download, but if anyone would like to read it, I'm sure there are copies available at the Town.

SUPERVISOR YUDELSON

They're in the Town Library, and they are here in the Town Hall, as well.

ELAINE LENNOX, 80 LOCUST HILL DRIVE

. . . At the Library, and if anyone wants to borrow mine, they're welcome to it.

COUNCILWOMAN McCABE

Or mine.

ELAINE LENNOX, 80 LOCUST HILL DRIVE

Or yours.

COUNCILWOMAN McCABE

I've lent mine out.

ELAINE LENNOX, 80 LOCUST HILL DRIVE

And, I thank you for your attention, and I would hope that you could address some of our concerns.

COUNCILWOMAN McCABE

Thank you.

SUPERVISOR YUDELSON

Thank you, Elaine. I do want to, before anyone else who would like to speak, just respond to a couple of things you said, and give other Board members a chance to do so, as well. One of the things since I became Supervisor that I've really stressed and my fellow Town Board members have joined me in is trying to have Town Government be open, and to clearly demonstrate that we're interested in getting feedback and opinions of our constituents and that's why we have sessions like this, so your comment about the spirit in which it is offered, it's taken just that way. For that point, I want to clarify one thing that you mentioned about obtaining the cost of the last Comprehensive Plan through the Freedom of Information Act, and although I know you weren't saying anything differently, just for anyone's information, that wasn't because of the Town not being able to share that information, that's just the process for which you make a request for information such as that. A couple other things I just wanted to mention quickly, you talked about sustainability, Elaine and I had a chance to talk for awhile last week, and we talked about some of the efforts this Town Board has made over the past couple of years, in that area, that we have been now for a few years a partner with Audubon International in the sustainable communities movement. We are the only Town in New York State that is doing this, and the premise of that program is about how you have town planning and not totally just cut off any kind of development, but do it with concern also for the environment and have those kind of go hand-in-hand. As a matter of fact, in November, we got an award from Audubon International for the work that not only the Town, but several partners, such as the School District and some community groups, such as Rotary and the Henrietta Foundation, have all done together, and I would urge anybody who's interested in that particular area of sustainability to find out more about that, and we can tell you about that, have you get involved in it. You mentioned some of the things, as far as changing the Town Codes that we could talk about in another opportunity, but I'll just note that some of the things probably that you've talked about are not things that the Town has changed Codes on, or even has jurisdiction over. You talked about different rules for wetlands, and the wetlands are not under the Town Board and what can be done, the wetlands are determined by Federal and State Agencies, and we're bound by those. As far as the response to some of the other things, again, I want to let others speak, but just overall, I would say that, repeat that our plan all along has been to do this update to the Comprehensive Plan, and I think it should be in that context that we have the conversation to have something on the Agenda, as you suggested for an upcoming meeting wouldn't even be logistically possible because of the public notifications that are required by State Law for a Public Hearing and having to draft, if we

were considering something like that, having to draft it, doing a Public Hearing, advertise it, all that kind of thing, but in addition, because of this upcoming process with the Comprehensive Plan and trying to get the input, with all due respect to everything you've done so far, obviously any kind of changes we do like that would have to be based on feedback from all the other neighborhoods of the Town, as well, and really get a cross section, and that's what the process is as we hope that we'll do and get actually some of our different partners from the business community and residents, you know, all different areas of the Town to be involved with that because we're all kind of partners in how this goes forward. So, we're looking forward to that, and you, we just signed you up, but we hope other people want to participate in that, as well. Before we open the floor to any other speakers, did any of the Board members have anything to add?

COUNCILWOMAN McCABE

I just wanted to, thank you, Mr. Supervisor, I just wanted to say that the Supervisor has a list of parts of the Code, we're going through the Code step-by-step because the Code, there are sections that are old and need to be upgraded, and he's got a list and he's setting up a Code Committee, and I'm sure if you want to leave your name with our Town Clerk, and if you are interested in being on that Committee or the Comprehensive Plan Committee and which we have to mold the Code with the Plan and the Plan with the Code, so, and of course, this is not a one time thing, this is going to take some time, and then we will have to have Public Hearings, and it'll have to go through the legal process, our Town Attorney will have to look over anything that comes out of the Committees, and then we will have to go to Public Hearings on each item that we want to change in our Code or in our Comprehensive Plan. So, it will be a long process, but he's started it already, and so if you want to give your name and address to the Town Clerk and say which Committee you'd like to be on, I'm sure the Supervisor would love to have your help.

COUNCILMAN MULLIGAN

Just two (2) things, south of the Thruway, Elaine, we went to the five (5) acre zoning, that's dramatically slowed down development, of course we're also in a very deep recession, almost for two (2) years now across the Country because of very bad judgment by our banks and mortgage companies giving loans that they had no way of ever paying back, and you've got all these toxic assets and potentially, the last number I saw was like forty percent (40%) of mortgages around the Country have failed and the people are being foreclosed on. Terry, what I'd like you to do through the Supervisor is, I know we've got this twenty (20) acre parcel over there between Edgewood and Locust Hill, that's all residential, but north of the Thruway, I study zoning maps and if you can come up with the total number of acres that are zoned residential north of the Thruway, I'd like to see that number, whether it's fifty (50) acres or one hundred (100) acres, because I think that's an important part of this whole discussion, as we address future developments. If you could get that to us in the next few days, and maybe it's even already available, I don't know.

(Tape being switched to Side Two)

JOE MARTIN, 5781 WEST HENRIETTA ROAD

Good evening. My name is Joe Martin, 5781 West Henrietta Road. I'm here in my capacity this evening as a Commissioner of the Henrietta Fire District. I last spoke before the Board in February. I got myself out on the wrong foot, I apologize for that, I thought by the end of that I had made my point fairly clear, but apparently it hasn't happened. So, I've prepared a letter I'd like to read and enter into the Record addressed to the Town Supervisor and Town Council Members: *Mr. Supervisor and Town Board Members, I last spoke at the February 18, 2009 Town Board meeting attempting to clarify the Fire District's position concerning the not-for-profit entities in our Town. It is very apparent after reading articles in the Henrietta Post by Councilwoman McCabe, comments that were made by Town Board members expressed to me by the reporter of the Henrietta Post, and Mr. Schmitt's comments at the April 15, 2009 Town Board meeting that I did not make myself clear enough on the issue. We are not, and I repeat, "not" asking this Town Board or anyone else for that matter to violate or break any kind of law. We are only asking this Town Board for your assistance in helping the taxpayers of this community and lighten their tax burden. We are asking for the same assistance that other municipalities have given. We as a Fire District have been working extremely hard to do our best to keep the taxes as low as we can. We are doing all we can to recruit as many volunteers as possible. We have had some recent success increasing our numbers by over fifteen (15) people just in the last two years. We have changed our standard on staff vehicles lowering the cost by as much as six thousand dollars (\$6,000.00), per vehicle. We have partnered with neighboring fire districts on purchases to attempt to get a better price from buying in quantity. This is nothing new or earth shattering. The Henrietta Fire District has a long history of being practical. In fact, over the years the Henrietta Fire District has been the "butt" of many jokes because we buy "plain Jane" trucks with very few bells and whistles. Our Headquarters that we built on Bailey Road was also widely criticized due to its utilitarian appearance and lack of opulence. It was built to serve a purpose not to impress the "Jones". Our tax increases over the last six (6) years have been well below the cost of living. That was done with property taxes only since we do not receive any Federal Aid, State Aid or Sales Tax monies. We don't even benefit from the fines levied in accordance with the Automatic Alarm Ordinance. In closing, our purpose for asking for this assistance has always been for one reason and one reason only, and that is to help the taxpayers of Henrietta. We are not attempting to line our pockets, every dollar that we garner from a new source is a dollar less to be asked for from the taxpayers. So, if we are to be criticized for attempting to help the taxpayers of this fine Town, then so be it. Sincerely, Francis Martin, Jr. Thank you.*

SUPERVISOR YUDELSON

Thank you, Mr. Martin. Is there anybody else who would like to speak? Mr. Yost?

KEVIN YOST, 1474 MARTIN ROAD

Yes, Kevin Yost, 1474 Middle Road. I'd like to comment about this Land Use that's been discussed by two (2) of our speakers, including my former, four (4) year high school teacher who could help me and every other high school student in every subject because she was a resource teacher. I would like to see, and I've said this before and I'll say it again, as much farmland and natural space, I'm not using the term open space, but natural space, in Town, preserved, and I'll use the Thruway as a boundary line, however, realizing two (2) or three (3) things. Number one (1), you can't preserve everything, you can't please everybody; number two (2), to preserve it in such as with buying development rights is not cheap, those other Towns, Webster, Brighton, Pittsford, Penfield and then Perinton preserved a little bit of land, they have higher taxes than we do and of course, they're more upscaled communities than we are, but if we could look at doing that with realizing that we can't save everything, that would be nice and they didn't mention preserving, well there was some mention of preserving farm land, we could preserve as much of that as we can, that would be nice. South of the Thruway there isn't as much development, but that's because the houses that are being built down there have bigger lots, and farm land is disappearing left and right down there. I live down there, only a few hundred yards from the Rush line, as you know. Thank you.

SUPERVISOR YUDELSON

Thank you.

COUNCILWOMAN McCABE

Thank you.

SUPERVISOR YUDELSON

Is there anybody else who would like to speak? Sir?

DONALD SPIELER, 25 LOCUST HILL DRIVE

Thank you. My name is Donald Spieler, and we live at 25 Locust Hill Drive. The scope of the explanation that Elaine gave was very comprehensive, and if it stretched certain bounds that are beyond the reach of the Town Board, we understand that. What I would like to do is to have some feedback from the Board with respect to the moratorium, which she requested. Is it a practical thing, if it is a practical thing, do we have to wait until the Comprehensive Plan is through, or can it be put in for a specific area or must it be installed for the whole Town of Henrietta? Could you give us some feedback on that, please?

SUPERVISOR YUDELSON

Yes, without, unless any of the Board members wants to speak to their opinion of it, I guess I would just, as far as the process, I would like to ask our Town Attorney to speak a little to moratoriums and when they are normally considered, you know, under what conditions one would be considered, and then basically, the process that would be used.

DANIEL MASTRELLA, TOWN ATTORNEY

Generally speaking, moratoriums are certainly not a favored mechanism by the courts for regulating land use, but they are tolerated for certain periods of time when a town is considering some significant change, generally some particular significant change to its laws and when it's done, it's tolerated because it's designed to forestall the flurry of applications from people who are fearing that the change is going to somehow adversely affect them. It is not something that's done for a particular parcel. It's done either for a class of development, perhaps, such as cell towers. When cell towers in the eighties (80's) and nineties (90's) were all of a sudden popping up, many municipalities placed a moratorium because their codes didn't properly address cell tower issues, and may have been in conflict with Federal regulations, the cell towers. When the Town decided to consider, and a study was done regarding the Rural Residential District, a moratorium was enacted by the Town because of the fear that parcels that might be affected by that Rural Residential would rush in to subdivide into the smaller parcels not allowed. It's certainly not something that the Town Board would or could properly pass for this specific parcel that I believe you've expressed some concern about, but it's something that the Town Board, I'm sure would consider, and we'll look into it a little more deeply as it pertains to the review of the Comprehensive Land Use Plan.

(From audience, Linda Nuss, "Could it then be . . .")

COUNCILWOMAN McCABE

You have to come up to the microphone. Thank you.

LINDA NUSS, 32 NEW TUDOR ROAD

Could it then be regarded as all residential property north of the Thruway, especially since south of the Thruway many of the things have been enacted that were not done north of the Thruway, as far as changing some of the zoning like that?

DANIEL MASTRELLA, TOWN ATTORNEY

I think that, certainly not by June 17th, I can tell you that.

(From audience, Linda Nuss, "How about June 20th?") (Laughter)

DANIEL MASTRELLA, TOWN ATTORNEY

The Board would seriously have to consider what it was considering doing, and how a moratorium would either further that or how it might adversely affect it. There are prohibitions on takings by government without compensation. When you place a moratorium on development rights that constitutes a taking, and there's a question as to whether it's a proper taking or not because you are restricting someone's ability to do what is lawfully allowed with their own property. So, it's a delicate issue and one which the courts would scrutinize very carefully.

(From audience, Linda Nuss, inaudible)

DANIEL MASTRELLA, TOWN ATTORNEY

It really, it's not recording.

COUNCILWOMAN McCABE

The audio.

LINDA NUSS, 32 NEW TUDOR ROAD

What the Board has said and what we're asking for, and since there is a plan in place that we're already to jump on board, and it was the Land Use thing that was already in place for many years now, an implementation plan, you have already said you're setting up a committee for this. There's also a committee being set up about the zoning and everything. Since these things are in place, I don't think we're talking about the world, we're talking six (6) months until some of these committees can . . .

SUPERVISOR YUDELSON

I think though, you know, the plan that's in place now does not suggest anything different as far as zoning for that parcel or any of the others north of the Thruway, and I think from my understanding of the conversations with the Attorney and what he just spoke about is that it is something when the Town Board has kind of had the discussions that we're getting ready to have, we've kind of have reached the conclusion that this is what we'd like to do that then a moratorium might be considered so that when we advertise for the Public Hearing that's required, etc., send out the necessary notifications and people don't start rushing in. That's different then saying, you know, we're concerned and we might want to consider something different so let's put a moratorium on, from my understanding is that would be considered pre-mature.

COUNCILMAN MULLIGAN

Just, through you, Mr. Supervisor, in the twenty-five (25) plus years I've been involved with the Town, both as a full-time employee as well as a Town Board member, and Cathy McCabe *(inaudible)* five (5) different moratoriums on commercial and industrial development. I would say generally they were pretty effective, but you know, you and Elaine have done a ton of work on this, and the Board has to address it and take a hard look at it, you've made a lot of good recommendations and we appreciate it, but it's an issue that's not going to go away. This development has never been an easy one, I've had a dozen people over the years look at it, there's a huge problem with the curb cut out to Jefferson Road, they obviously don't want to put additional traffic onto Edgewood or onto Locust Hill, so it's not an easy project. If it was easy, guys like Tony DiMarzo, Bernie Iacovangelo, Andy Gallina, a dozen major developers in this town *(inaudible)* and developed it years ago. It also tells me there's very little residential remaining north of the Thruway and over to *(inaudible)* Assessor's report, but I don't think we're talking about a lot of land, but what you're saying about a moratorium there's a lot of merit, I

think we have to make a decision. *(Applause)*

(From audience, Elaine Lennox, "Thank you.")

COUNCILWOMAN McCABE

Through you, Mr. Supervisor, I just wanted to say that you realize, don't you, that if this developer hears that there's a possibility that this Board, it will consider a moratorium, he will fly in here tomorrow morning, and put his application in and then that moratorium will not cover that application. It'll be in already. So, you know, it's a matter of what we can do as quickly as possible and we'd have to just go work with our Town Attorney to see what it is we can do legally. *(Applause)*

(From audience, Elaine Lennox, "Thank you.")

SUPERVISOR YUDELSON

Is there anybody else who would like to speak? Sir?

JIMMIE WINKFIELD, 1640 EDGEWOOD AVENUE

My name is Jimmie Winkfield. I reside at 1640 Edgewood Avenue. I've owned that house for about sixteen (16) years. I just want to like, kind of like keep it simple through my football ears, you know, a lot of time all the x's and o's, you know what I mean, but when it just comes down to, it's just another guy in front of you, and you just got to beat him. It's a beautiful neighborhood, it really is. If you take a walk through that neighborhood and go through people's backyards, when you look at that field, you can see deer, fox, pheasant. I'm a hunter. I see more things in my backyard than when I'm out in Follerville, *(laughter)* and it really is, it's really wonderful. A couple of weeks ago when I heard that, you know, it was coming, really, I was devastated. I was telling my wife that I can't believe it. This is the first house I've owned. I tell my wife that I'm going to live in this house until we're too old to take care of it, and then we're moving across the street in the condos, and then we're going to call it quits. But, really, if you just take a look at that neighborhood, and I know the person that owns that land has a right to sell it to make a profit, but if you look at that neighborhood and those houses, the way the developers put it to us that day, it was either, you're taking the twenty-seven (27) homes or you're taking the senior citizens. It was kind of like they were jamming, the way they put it to us, they were jamming it down your throat, it's coming and there is nothing you can do about it. But, I just want to say this, to keep it short, it's a wonderful neighborhood, no matter what you do back there, it'll be changed forever, and it'll be lost. Thank you.

SUPERVISOR YUDELSON

I think you touched right on the issues that are central to the conversation the Board wants to have with the neighbors and the rest of the community, and whether it's this parcel or any others, as you said, you know, somebody owns the property, they have the

right to do something with it, if we were to say we don't want anything to happen then somebody has to, as the Attorney referenced, somebody's got to compensate that land owner, and that's what it always comes down to. How is that going to happen, you know, even with this one, in particular, but go to any neighborhood that would be similar, who's benefitting, how many people town wide are benefitting, and then the cost that's associated with it. That's the other part of the equation. We're not talking about it tonight because it's not really the forum, but with any of these things that some of the different towns have looked at with preservation rights or buying land outright comes a cost associated with it. A reference was made to the fund balance that we have, but some of that is restricted for different uses, it sits in different funds for either sewers or other things, so it's not all available, and it is something we look at very seriously because it does protect the interest of all of us who live in the town having that money, and especially right now with what we're going through when our revenues are decreasing sharply, just our most recent sales tax, our share of the sales tax that comes to us for the first quarter of the year, was down twenty-five percent (25%) over the last year comparable, last year about one hundred and seventy thousand dollars (\$170,000). So, it's good we have that money, and whatever the costs are, there are lots of good things that we're looking at. Those are very serious discussions we all have to have as a community.

COUNCILWOMAN McCABE

And, the one thing you have to realize is if this Town Board were to decide or put to a vote, a purchase of a piece of property, we have trouble buying it if it's not in the best interest of the entire town, see, so trying to buy a piece of property behind your neighborhood, if we don't buy a piece of property behind somebody else's neighborhood, and then somebody else's, so, there are restrictions on us as much as we don't like them. There are restrictions.

SUPERVISOR YUDELSON

Is there anybody else?

(From audience, inaudible)

COUNCILWOMAN McCABE

Name, you have to give your name.

LINDA NUSS, 32 NEW TUDOR ROAD

Nuss, 32 New Tudor Road. That's why I brought up the fact of sharing the cost with the neighbors. That's a new concept, that's not something that's been presented before. Then the neighbors saying, "We are willing to pay taxes on that parcel of property." The neighbors in Jefferson Estates seriously have more than half the money to buy where the nursing homes were going in. We couldn't get the full amount. We're perfectly

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willing to pay the taxes on that land. So, all of this took place with the neighbors, and then it went into the nursing home, and because we could not get the full amount, had we had help from the Town, we would have even been willing to pay over a period of time, which would have been a contract with the Town and some of the residents and the rest of the Town wouldn't have been out one (1) penny. That's the kind of creative thinking that I'm talking about.

SUPERVISOR YUDELSON

You're talking about the Town buying land on behalf of the neighbors?

LINDA NUSS, 32 NEW TUDOR ROAD

If the neighbors can come up with half and agree to pay, to come up with the rest of the money to reimburse the Town, then the whole Town benefits, the neighbors pay on the taxes, I'm saying it's a new idea.

SUPERVISOR YUDELSON

Absolutely, a new idea. We always run into questions of legality.

LINDA NUSS, 32 NEW TUDOR ROAD

Exactly, and I have no idea.

COUNCILWOMAN McCABE

It has to go through the State of New York, and they probably have to have a special resolution . . .

SUPERVISOR YUDELSON

We'd have to look into that.

LINDA NUSS, 32 NEW TUDOR ROAD

But, it is a new idea, there's no reason why someone can't look into it to see if there is some way this can be done because you are our Board, it is our Town. The other one is, what did you say you were selling the right on that property because I do live on Locust Hill Drive. The property with the right-of-way on the Locust . . .

COUNCILMAN MULLIGAN

Thirteen hundred (\$1,300).

LINDA NUSS, 32 NEW TUDOR ROAD

Thirteen hundred (\$1,300)? I can guarantee you the neighbors will buy it for fourteen hundred (\$1,400) to make sure that they're not going to use it.

SUPERVISOR YUDELSON

Well, it's not going to be used . . .

COUNCILWOMAN McCABE
No.

SUPERVISOR YUDELSON

This is the stub that goes into the back that was left in case that was developed further with homes, but with it being developed with the St. John's Project, it's not going to be used as a right-of-way, so it's basically just being abandoned.

LINDA NUSS, 32 NEW TUDOR ROAD

So, they're buying it or it's just . . .

COUNCILWOMAN McCABE

It's going to the Town.

SUPERVISOR YUDELSON

It was actually offered, this first thing that was offered to the neighbors who would join that, whether they wanted to buy it and kind of expand their lots and they were not interested in it, so St. John's is doing it. It's got a number of restrictions on it, it couldn't be developed, it's got easements and different things because of the stuff running through there.

LINDA NUSS, 32 NEW TUDOR ROAD

Well, okay . . .

SUPERVISOR YUDELSON

It's very small.

COUNCILWOMAN McCABE

Nothing will go up.

LINDA NUSS, 32 NEW TUDOR ROAD

If some of the neighbors wanted to get together and buy that as a parcel, just a bunch of the neighbors, how would they do that, how would they come to you with a different offer, just call you?

COUNCILWOMAN McCABE

The Town will own it now and nothing will go there, so you don't have to worry about that.

LINDA NUSS, 32 NEW TUDOR ROAD

Oh, okay. Thank you.

COUNCILWOMAN McCABE

You're welcome.

COUNCILMAN MOORE

That's not correct, we just passed a Resolution tonight to have a Public Hearing.

SUPERVISOR YUDELSON

To sell it, to have it go to St. John's, yes. Yes, the Town ultimately would not own it, St. John's would, but it wouldn't be developed.

COUNCILWOMAN McCABE

But, it wouldn't be developed because that would be in the selling. It's just a stub going into that development, and there's supposed to be a walkway that goes around and a lot of the drainage problems that we're having at Jefferson are going to go into another area, that's going to be corrected.

SUPERVISOR YUDELSON

Is there anybody else? Before we adjourn, I just wanted to thank, go ahead . . .

KEVIN YOST, 1474 MARTIN ROAD

Last, Kevin Yost, 1474 Middle Road. In terms of not cheap and my former teacher mentions the ponds on New Tudor and the environmental problems they have and of course Riverton has the same problems and the Town just sees that from absentee landlord, dummy corporation, would be a quarter of a million dollars (\$250,000) for that, so that's not cheap, and I would hope that any further Comprehensive Plans, Master Plans get implemented unlike other previous Master Plans under previous administrations. Thank you. *(Applause)*

COUNCILWOMAN McCABE

Thank you, Kevin.

SUPERVISOR YUDELSON

As I said, I just wanted to thank everybody, not only for their patience waiting for this portion of the meeting, but for bringing your feedback to the Town. We certainly, like I said before, our aim is to have a dialogue with the residents that we represent throughout the Town, so we really appreciate your time and you'll hear more about this process. Is there a motion to adjourn?

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilwoman McCabe, seconded by Councilman Mulligan at 9:40 P.M. and was adjourned without objection.

Respectfully submitted,

TB May 20, 2009

Leann C. Case
Deputy Town Clerk