

**HENRIETTA TOWN BOARD
AGENDA
OCTOBER 2, 2013**

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):
September 18, 2013
On Motion of: Councilwoman Zinck Seconded by: Councilman Moore
6. Miscellaneous Communications
7. Public Hearings:
 - Proposed Local Law No. 2 of 2013 – A Local Law to Amend Chapter 295 of the Code of the Town of Henrietta to Allow Food Trucks in the Town of Henrietta
 - Proposed Local Law No. 1 of 2013 – A Local Law to Amend Chapter 295 of the Code of the Town of Henrietta to Allow Chicken Hens to be Kept in the Town of Henrietta
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 #18-160/2013
Authorize Accounts Payable

RESOLUTION #18-161/2013
Award Low Bid – Hansen Nature Center Roof Replacement Project

RESOLUTION #18-162/2013
Authorize Application for Funding to Conduct OSHA Safety Training – New York State Department of Labor

RESOLUTION #18-163/2013
Declare Items Surplus Materials

RESOLUTION #18-164/2013
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 2ND DAY OF OCTOBER, 2013 AT 7:00 P.M.

MEMBERS 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
Leann C. Case, Town Clerk

(SILENT PRAYER)

(PLEDGE OF ALLEGIANCE TO THE FLAG)

SUPERVISOR YUDELSON

In just a second we'll get to the two (2) Public Hearings that several of you are here for, but at this point I wanted to ask if anybody would like to comment on any of the Resolutions that are on tonight's Agenda, other than the Public Hearings, one of the Resolutions? Okay.

(Inaudible, from audience)

SUPERVISOR YUDELSON

Not the chickens or the food trucks, those are going to be called separately.

(Inaudible, from audience)

SUPERVISOR YUDELSON

Okay, sure. You wanted to come up to talk about something else besides the food trucks?

(Unidentified from audience, "No.")

SUPERVISOR YUDELSON

Oh, okay. Okay, we'll get to you in just a second. Okay, if not may I have the Minutes, please?

COUNCILWOMAN ZINCK

I'd like to move approval of the Minutes of the September 18, 2013 meeting.

COUNCILMAN MOORE
Second.

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		

SUPERVISOR YUDELSON
We have two (2) Public Hearings tonight. The first one we'll hear is the Proposed Local Law No. 2 of 2013: A Local Law to Amend Chapter 295 of the Code of the Town of Henrietta to Allow Food Trucks in the Town of Henrietta. And before opening it up to speakers, I just want to thank Peter Minotti and Councilman Page for the work they've done on the Code Committee, they've reviewed several codes, but these are, the ones tonight are some of the biggest things they've undertaken and we've gotten to this point to be able to have these Public Hearings and I know the Board shares my sentiments. So, having said that, I'd like to ask if you would like to speak, just raise your hand, I'll call on you and when you come to the podium, if you would give your name and address for the Record for the Town Clerk. So at this point this is on the food truck Local Law. Is there anybody who would like to speak on that? Yes, ma'am.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK
My name is Veronica McClive. My address is 33 Woodstock Road, and that's 14609. Hello, how is everybody?

COUNCILWOMAN ZINCK
Hello, Veronica.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK
Good to see you. I have a lot of questions about this, actually, just as far as procedurally how it'll work and how it reads, trying to understand the way that the law's designed. So my first question would be Section B, Subsection (1), Approved Locations lays out the way that the permit would be issued to, and it says "To be considered for an approved location for mobile food vehicles, owners of private land zoned commercial or industrial must make an application to the Town Board for a Special Use Permit." And then it goes on to explain what we, as truck owners, would have to do in order to be positioned to use that permit. It reads to me like the owner of the property would be the one that would have to fill out the form, wait the thirty (30) days to appear before

the Board for the Special Permits section starting at 6:00 p.m., is that right?

COUNCILWOMAN ZINCK

Yes, that's not what we discussed.

COUNCILMAN MULLIGAN

No.

DANIEL MASTRELLA, TOWN ATTORNEY

No.

COUNCILWOMAN ZINCK

No.

COUNCILMAN PAGE

The way the Code is written in Henrietta is that the owner, that the applicant would have to have a letter of approval from the owner.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK

Okay.

COUNCILMAN PAGE

And the owner of the food truck would do all the rest.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK

Okay, so I would still have to apply for Special Permits and appear before the Board for, subject to approval? Okay. So then I guess just with regard to some of the things that are in here, my concerns are that there seems to be a lot of, at the risk of saying restriction, there seems to be a fair amount of restricting with regard to location and where people can, cannot park and can provide their service I guess. It states early on that there is no vending on public property so that all vending has to be on private property, however everywhere that it discusses where on private property it can be, we can vend, it says it is all subject to the Fire Marshal's approval prior to licensing and then subject again if we wanted to switch location. So my concern with that is just that it will create a lot of work for the Board and the Fire Marshal, given that food trucks are relatively new, we're still discovering our marketplace out here. I think that there's bound to be a lot of movement and I'm wondering if there's any way that we can eradicate the need for him to a site inspection as long as the property owner approves and we're parking in legal parking locations, not blocking fire lanes, hydrants, etcetera. Will the Board be open to that?

COUNCILWOMAN ZINCK

Didn't we talk about, and I'm not sure it's covered in this, we talked about when the initial map was drawn up that you would tell us all the different places that you could

foresee moving that truck.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK
Right.

COUNCILWOMAN ZINCK
And then they would all be approved.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK
Yes.

COUNCILWOMAN ZINCK
So if you were here this time, you could be here the next time, that would be all in that map that you would...

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK
Yes, I think that, again, my hesitation with that is to create something that may not be enforceable and I'm just thinking of areas in Henrietta that are corporate parks where there's a lot of buildings, there's Paychex and Cohber Press over off of John Street or something like, in a big facility like that I am not embarrassed to say I have no clue where the pop off spot is going to be. So if I park in front of Paychex or Cohber Press and I'm there for weeks and there's nobody coming and maybe one day somebody comes around and says, "You really should park by the loading dock, because that's where everybody hangs out." That's the kind of thing that if I hadn't anticipated that, that movement would need to be then, again, subject to the Fire Marshal's proposal and the Board's approval and things like that. So I'm just trying to see if we can't eradicate some of that stuff, where there isn't a safety concern, if we can, as truck owners, work within a guideline for safety concerns and maybe there isn't a need for so much listing of locations and things like that.

COUNCILMAN PAGE
The Town has an incredible responsibility to the community to make sure that everything is safe. Typically, when a private owner would give you permission to come into his facility or his land, he will probably, or she, would probably designate two (2) or three (3) areas that they thought were appropriate. But because we issue the Special Permit, we're attached to it, so we need to make sure that traffic flow, pedestrian traffic, fire egress, that some people, if they're not trained as a Fire Marshal or trained as an expert in that, may not even think about, in the case of a fire or an emergency what some of these situations would be. So every food truck code that we reviewed from across the United States, every single one of them, were similar in the way that they require people to approve the area and that we made sure that the inspections took place for the safety of the community. There's no way we're going to get around that. That part of the fee for your application, most of it is for the inspection, not only of the truck itself, but the area that it's going to operate in. We would be negligent, as a

Board, if we didn't do the due diligence to make sure, to the best of our ability, that it was a safe operation.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK

Right. While I understand that, I would argue. I think we could come up with guidelines that would not, would allow both truck owners and the Board to not go through all of that work. And I say that because I think that, I think that there will be a lot of movement and I think that it's also a barrier. I think that the way it's written now, that trucks will not be interested in coming, because it's going to be a significant amount of work to spec out five (5) or six (6) or ten (10) locations and again, if it's in a complex where there's ten (10) buildings, I think that that's going to be the kind of barrier that people might say, "Well, in the city I don't have to do that, or, but in Henrietta I do." And I think it could actually be a barrier to entry for that, which is what I wanted to kind of present.

COUNCILMAN PAGE

I understand. We did listen to that and in your interest, we did come up with a procedure where you could designate several spots within the permitted area by the owner so that if you felt that moving to this spot did more business on Mondays than this spot and more business than this spot on Thursday, but that's as far as we were willing to go. To let somebody take a food truck and move it anywhere they wanted to, we can't do that and make sure that it's safe. We didn't feel we could.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK

I think that that's something that we're battling with every single time we talk to a City Council or a Town Board. And so to that end, I think that food trucks are kind of facing something where we're having a hard time finding permits where we accept a certain amount of liability and we meet guidelines as presented by the Town and then we get a certain amount of benefits from that, so that's the tricky balance that I think we're all trying to achieve. In response to what you said with regard to the fire safety, and you mentioned that a portion of, or a large portion of our fee would actually go towards the fire inspection and things, the fire, the mention of fire in here under Section D, Subsection (2), "All license applicants and applicants for renewals thereof shall present each vehicle to the Fire Marshal to determine that the vehicle meets all applicable New York State Fire Codes." I found that to be pretty vague and when I called the Fire Marshal, he indicated to me, as we had discussed before, that that would, that Henrietta would be following Rochester's fire rules and what they are presenting and setting forth. He actually indicated to me also that there would not be an inspection in Henrietta, that he would not be providing inspections and that if people were not previously approved by the Rochester Fire Department, that they would not be allowed admittance to Henrietta.

COUNCILMAN PAGE

I think that, if I could speak for him, that he could, he would provide the inspection,

except for the propane safety section.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK
And the safety course, we talked about that.

COUNCILMAN PAGE

The propane safety handling course, which is an eight (8) hour course, is offered at the Fire Academy.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK
Yes, and he...

COUNCILMAN PAGE

And we would, and if a person, right now, if an applicant came in and didn't have the Rochester license, we would expect the applicant to have completed that course in order to fulfill our requirements. Our Fire Marshal can inspect a truck and all of that and we did adopt, as we agreed, the sequential approvals...

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK
Right.

COUNCILMAN PAGE

...up to the last one, which was the fire suppression hood, but because those trucks can carry sometimes two hundred pounds (200 lbs.) of propane, most municipalities who are doing the proper thing will require that propane handling course, because that's a significant amount. I'm not saying your truck carries that much, but many of them do.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK

Oh, it doesn't. Yes, and in the City of Rochester, a hundred pound (100 lb.) tanks are actually not allowed right now and I think that the City is leading the way in terms of the fire, or the propane safety course. I think it's great that they're doing that, because I don't think a lot of cities have established what they've established yet. With regard to the fee, also I noticed that in here the only fee mentioned is the fee for penalty, if in violation of the law, so there is no mention up here where it says license fee. There's no figure for that. Does the Board have an idea for what the figure would be? Section F, License Fee, "All vendors shall pay an initial application fee in the amount set from time to time by the Board."

COUNCILMAN PAGE

Yes. Again, the Attorney can correct me if I'm wrong. Most of our fees are listed in an appendix. We don't put them actually in the Code, because they can change from time to time, without having to go through the whole Code change. I'm trying to remember, was it three seventy-five dollars (\$375.00)?

COUNCILWOMAN ZINCK

Three something.

COUNCILMAN PAGE

Three fifty dollars (\$350.00) for the initial and two fifty dollars (\$250.00) thereafter? I'm trying to remember. And the difference in the price was the inspection, the initial inspection of the truck, the fire systems and all of that.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK

And that's in which section of the Code?

COUNCILMAN PAGE

It would be in an appendix.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK

Or in the appendix?

DANIEL MASTRELLA, TOWN ATTORNEY

If this is passed, then there's going to be, there'll be separate regulations that the Board will adopt regarding what you need equipment wise and the like and, which will, in all likelihood, mirror the City of Rochester's and there will be fees established. And I think what Councilman Page is indicating is that per the discussions that the Board has had thus far, that's what one would anticipate to be the fees, but...

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK

Okay.

DANIEL MASTRELLA, TOWN ATTORNEY

...of course if this law does not pass, no fees are going to be set.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK

Okay. My other question, which is always one that cities and towns love, Section C, Subsection (3), time limitations. I notice that after 9:00 p.m., vending is not allowed Sunday through Thursday and after 10:00 p.m. on Friday and Saturday, vending would be prohibited. I'd like to suggest that maybe we can find a way to extend that, within reason. My reason being I think that there's a good way that food trucks can partner with the other commerce centers in Henrietta, bars, restaurants, schools, things like that, where they may want to extend the service time past 10:00 p.m. in a reasonable way, obviously controlling noise and all the regular considerations. We've seen that work in other cities. I know other food trucks and colleagues, we vend in the City of Rochester in front of a bar and we have a good partnership with the businesses there that are closing at 9:00 p.m. when we're getting there at 11:00 p.m. and things like that.

COUNCILWOMAN ZINCK

I do remember in our meeting you bringing that up. I don't remember us going back to that to discuss it, but I do remember you saying that some bars perhaps might find it more advantageous to partner with you than to have their kitchen open.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK

Than have their kitchen stay open and keep staff, we've seen that in a couple of occasions.

COUNCILMAN PAGE

One of the things that people have to generally understand is that we may be the first suburb to look at this, maybe in Monroe County, and I think to our credit, we brought you in and met with you for hours and listened and looked at codes around the country...

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK

Absolutely, and I appreciate that.

COUNCILMAN PAGE

...and we tried the best of our ability to come to a middle ground. But because we weren't allowing food trucks on any public roadways or any public ways at all, to start with, okay, that we pretty much followed what business hours would be. So why would a food truck want to be in a business complex when it shuts down at 6:00 p.m. at night and we're allowing you to stay until 9:00 p.m.?

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK

Oh, well I'm, well in this case I'm not referring to business complexes then.

COUNCILMAN PAGE

I know.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK

I'm thinking of other avenues of...

COUNCILMAN PAGE

Yes.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK

...customers.

COUNCILMAN PAGE

Correct. But if you can't be on the streets or sidewalks right now in our initial phase, I think that the hours are more than gracious that we have here as a starting point. I'm not saying that down the road, we may have a good experience with food trucks, we

may not have a good experience, we don't know, but if it's a good experience and you want to expand and ask for more leniency in where they can be located, that'll depend on how it goes in the initial phase I think.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK

I appreciate that. I respectfully would disagree and I would just say that I think that a lot of the businesses that we will have success partnering with or that are already approaching us do operate in the evening hours and I don't see a huge difference between a private property owner who may own a business where people are working 9:00 a.m. to 5:00 p.m. and a private property owner who says, "My bar is having an event, I would love to have you come out," or "It's back to school and there are fifteen thousand (15,000) students at R.I.T. and they come to bar when I come by." I looked for the census stats between, for people in Henrietta between ages twenty (20) and forty (40), but our government's taking a break so their webpage was too, so I don't have those numbers for you, but I think there's a lot of people in Henrietta who could get out, who could be excited about that.

COUNCILMAN PAGE

I hear what you're saying, but these are the hours that feel comfortable to us for the initial phase.

VERONICA McCLIVE, 33 WOODSTOCK ROAD, ROCHESTER, NEW YORK

Thank you. I'll wrap it up here, because I know there's a lot of people in the room. I do want to thank you for, and I know we've met before and I really appreciate every Board member's time and the fact that you're allowing us, as trucks, to kind of say, "Here's what we've learned, here's what we've seen work already and what we're finding could work again." I would just encourage you, I think that this, while this is getting really close to where it could be, I think it's going to be a barrier for the business owners, such as myself. I think that the way that it's constructed right now leaves a lot to be desired and I think that it, I think that there's restrictions in here that could restrict people from being interested in and coming here, which is unfortunate, because we get people who contact us weekly and say, "Come to this complex and we'd love to have you here." I would encourage the Board, if I may, to kind of consider some of the things that the, that I, as representing the truck owners, some of the things that we have seen work and I think that we don't want to waste your time, we certainly don't want to waste time designing or helping, you allowing us to be a part of something that could then potentially be restricting what we do and what you do, as a result. But I appreciate your time. Thank you.

COUNCILMAN PAGE

You're welcome. Thank you.

SUPERVISOR YUDELSON

Thank you very much.

COUNCILWOMAN ZINCK

Thank you, Ronnie.

SUPERVISOR YUDELSON

Is there anyone else who would like to speak on this subject, this Public Hearing? Sir?

DR. NILESH PATEL, OWNER, GOLDEN CORRAL

So I have a question.

SUPERVISOR YUDELSON

Do you mind, just for the Record for the Clerk, just identify yourself.

DR. NILESH PATEL, OWNER, GOLDEN CORRAL

Sure. My name is Nilesh Patel, Dr. Patel. How many food trucks per acre can you have? And also, what will you have to prevent the crowd in one place and how often can they stay in one place versus moving around and so forth?

COUNCILMAN PAGE

Let me see if I can take your questions in order. The first was the crowd. That's part of the inspection process to make sure that where the food truck is located, it can handle a crowd. I can't imagine more than fifteen (15) or twenty (20) people being, there's no tables or chairs allowed. There's no seating, no signage. There has to be facilities for waste, garbage cans and things. But I can't imagine, this is, that people will, you know they get their food and leave because there's no place to sit down and eat. It's just a...

DR. NILESH PATEL, OWNER, GOLDEN CORRAL

So if there is a large crowd gathering, how will you address the public safety and so forth?

COUNCILMAN PAGE

Well, part of the inspection is that that area would be safe to hold twenty (20), thirty (30), or forty (40) people. It's not in fire lanes, it's not in the traffic pattern, it's on private land, usually in parking lots.

DR. NILESH PATEL, OWNER, GOLDEN CORRAL

Okay. Another question was how many food trucks per acre are you allowed to have?

COUNCILMAN PAGE

We don't have a specific number in mind. A lot of that depends on the private owner who asks, or gives permission, for the food trucks to come into their facility, their parking lot or their, the area that they own. That would be determined by the Fire Inspector based on safety issues. If you have a small parking lot, you're certainly not going to put nineteen (19) or twenty (20) trucks in one area. It wouldn't be good for

business anyway, commonsense wise. But that's part of the inspection. The reasons that you're bringing up are the reasons that we insist on the inspection for safety purposes.

DR. NILESH PATEL, OWNER, GOLDEN CORRAL

Okay. And how often can they move around and what are limitations on how far and...?

COUNCILMAN PAGE

Well I believe the license is for one (1) calendar year. And as part of the application process, depending on the size of the private land, they can request two (2) or three (3) different locations within the premises that the owner owns. And what that means is those three (3) or four (4) areas would be preapproved by the inspection and that the food truck could go to either of those places any day that they wished. The Special Permit would include the days of operation and the hours of operation. Most of the time, there's one area where they're located, but if there were more than one (1), they could go to either one, or two (2) or three (3) after the Special Permit was requested.

DR. NILESH PATEL, OWNER, GOLDEN CORRAL

Okay. And have you addressed what kind of impact it will have on the other restaurants in nearby area? And how do you plan to, because they, obviously, contribute to the paying the taxes, property taxes and other employment. Have you addressed the fact that how it will impact the other restaurants in the nearby area? And if so, what, is there going to be any kind of accommodation for that?

COUNCILMAN PAGE

That was a huge part of our discussion. We spent a significant amount of time on that. And upon further review, as we studied it, these food trucks, in places where we're allowing them to exist are places where there's a lot of people in a small area, a business complex, a multiple buildings, doctors' offices and things where people have a half an hour for lunch and can't get out. They're in no, there's, to the best of our knowledge, not in any direct or immediate vicinity of a permanent food facility. But this was, the study that we did, looking around the country where it gave an option for people who had a half an hour to an hour for lunch that didn't have to leave the premises get in their car and drive, would have the opportunity to go outside, take a break, get something to eat, and come back into their worksite.

DR. NILESH PATEL, OWNER, GOLDEN CORRAL

So it sounds like you have certain distance, radius, that if there's a restaurant within certain radius, that you will not allow that food truck to be. If so, what's that radius?

COUNCILMAN PAGE

Across the country, and I think what we adopted was a hundred feet (100').

DR. NILESH PATEL, OWNER, GOLDEN CORRAL

Hundred feet (100')? Or a hundred (100) meters? A hundred feet (100')?

COUNCILWOMAN ZINCK

Some of the articles that we read actually said the opposite of what you're saying and kind of, if there are a lot of restaurants in an area, people tend to go to that area. If a food truck were also in that area, it tends to bring in more population. So some of the studies showed that it did not take away from local business, it actually enhanced when it was in that area.

DR. NILESH PATEL, OWNER, GOLDEN CORRAL

Yes, the studies that I have read says exactly opposite I think.

COUNCILWOMAN ZINCK

We saw both.

DR. NILESH PATEL, OWNER, GOLDEN CORRAL

Right. So how do we address the impact on economy with the restaurants in this area?

COUNCILMAN PAGE

Well, first of all, we didn't make our decisions based on taxes. We made our decision based on people who are trying to make a living that wanted to come to our community and to provide a service. We have a great deal of respect for the people who live, not live here but actually do business here with permanent residences, but we thought that this was like around the country, another opportunity for people to have their own business, was one hundred feet (100') seemed to be the standard across the areas that we studied. And we did not deny the ability to have food trucks based on the fact that there are restaurants in Henrietta. We get four (4) applications every meeting for restaurants in Henrietta. What you're asking me would be the same thing as saying, "Well don't permit any more permits for restaurants, because we pay taxes and there's enough restaurants in Henrietta already."

DR. NILESH PATEL, OWNER, GOLDEN CORRAL

No, but they'll...

COUNCILMAN PAGE

That's not the way this Board is.

DR. NILESH PATEL, OWNER, GOLDEN CORRAL

No, absolutely. And they will be paying taxes as well, so if you have more restaurants, more restaurants will be paying more taxes, more revenue for the Town, obviously.

COUNCILWOMAN ZINCK

The other thing that's important is that a food truck's not just going to go park in a

parking lot next to a restaurant. They have to have approval from whoever owns a particular business complex or facility. So if a restaurant owner had a problem with a food truck being in the area that it's in, they would probably need to talk to whoever owns the property.

DR. NILESH PATEL, OWNER, GOLDEN CORRAL

Right. But that person who owns the property may not have anything to do with a restaurant next door, and he may be interested in just obtaining the revenue for the truck, so that, I don't know how that's going to impact.

COUNCILWOMAN ZINCK

He may. But I would think he would want to keep his tenant too. I mean I would think somebody would want to keep their tenant if they own a property and they have a restaurant located there.

DR. NILESH PATEL, OWNER, GOLDEN CORRAL

Yes, but may be different owners owning it. And some of the articles that I've read, it actually mentions a hundred (100) meters, so I believe that's probably three hundred feet (300'), right? One three feet (3') per meter, so instead of a hundred feet (100'), I think. But nonetheless, I think the point is that, I think we should look at what kind of impact it will have on the local restaurants in the nearby area. Certainly I can understand that if people don't have time to go out to eat lunch because it's further away, then there's a need for it. Not only that, certainly safety, food safety, public safety, and other issues, so just wanted to bring that up to the Board.

COUNCILMAN PAGE

Thank you very much.

COUNCILWOMAN ZINCK

Thank you.

SUPERVISOR YUDELSON

Is there anybody else who would like to speak on this Public Hearing? (Pause, no response) If not, I'll close this Public Hearing and we'll go into our second Public Hearing, which is on the proposed Local Law No. 1 of 2013: A Local Law to Amend Chapter 295 of the Code of the Town to Allow Chicken Hens to be Kept in the Town of Henrietta. And again, if you would just raise your hand, I'll call on people in turn and when you come up to the microphone, if you would for the Town Clerk's sake, just identify yourself for the Record and tell us what you'd like to say. So who would like to go first? Ma'am, come on up.

DORALEE ALEXANDER, 238 MYSTIC LANE

My name is Doralee Alexander, and I live at 238 Mystic Lane in Henrietta, fifty-one (51) years, five (5) months, and two (2) days. *(Laughter)* My husband, Carl Alexander. I'm

speaking to oppose having chickens in a residential area and I have researched it a little bit on the Internet, that wonderful resource. The Environmental Protection Agency says that, "It takes two (2) pounds of feed, called mash, to produce a pound of eggs." The alternative is to supplement chicken feed with food waste, available bugs, and backyard grass. My primary concern when I was hearing about chickens was the fact that they do attract rodents. After reading further, I've discovered that also creates runoff waste. Four (4) chickens will produce one hundred and forty pounds (140 lbs.) of waste per year, including straw bedding, feathers, etcetera. You can use about half of that for the average home's landscaping. However, the fertilizer that we purchase does not contain an overabundance of potassium and phosphates, as chicken waste does. So that will then have to be gotten rid of and will some of it drain into our waste waters. As far as the economics are concerned, it said that locally raised eggs may taste better, however the Centers for Disease Control says that, "Salmonella is generally present in residentially-raised chickens and it, unless you wash them with a detergent and bleach, you are subjecting yourself to a bacterial infection." And as one who has experienced one for the better part of last year, I can say that it's not something that a homeowner would like to get. It's also very dangerous to young children and seniors. The, this is just a scare tactic, but in the Washington Post ran, or wrote an article that was titled, "Mail Order Chicks Tied to Three Hundred and Eighteen (318) Cases of Salmonella." These are all researchable on the Internet. And the impact on neighbors, those of us with prior experience raising chickens know you can't disguise the smell of chicken waste that has saturated into the boards and chicken coops or into the soil. See the EPA link above. The presence of chicken waste, spilled feed, undiscovered eggs if you allow them to roam, and home food waste will attract mice, rats, squirrels, possums, raccoons, and foxes. Even if you don't purchase a rooster, and the law that you have here says that they will not be allowed, the presence of any uninvited creatures or even neighborhood dogs, can cause a racket in a henhouse at any time. I went around Town for a short while, I was able to present a petition against it signed by many people in our area. I unfortunately did not have the time to canvas a larger part of the Town, but I suspect that the greater number would agree with the people who signed the petition against having chickens as to the number who would, in fact I had one (1) person who said that I approached, who said they did not have a problem with chickens, out of the number of names that I presented you with.

CARL ALEXANDER, 238 MYSTIC LANE
We're strictly talking residential area.

DORALEE ALEXANDER, 238 MYSTIC LANE
Yes, I have nothing, no problem if you have a farm at, or wherever, but in a residential area where we live, I don't believe that it's necessary to have chickens. The other site that I looked at, the biggest reason for having chickens was the feel good element it presented to the people who were having them. But cost effective, it was not. And health wise, it's not safe.

COUNCILWOMAN ZINCK

Thank you.

DORALEE ALEXANDER, 238 MYSTIC LANE

Thank you for listening to me.

COUNCILMAN PAGE

Thank you.

SUPERVISOR YUDELSON

Thank you very much. Who would like to go next? Sir?

MATTHEW McGRAIN, 239 MYSTIC LANE

How are you doing? Matthew McGrain, 239 Mystic Lane. I'd like to start by apologizing to my neighbors that are opposed to this. I, you guys know that I adore you all, so I'm not doing this for any reason other than I see no problem with there being chickens, for people being allowed to have chickens at their homes. In regards to some of the points that Ms. Alexander brought up, the salmonella issue is only an issue if you are ingesting the eggs, so my best advice would be not to ingest them if you don't want salmonella. In regards to it attracting rodents, I have three (3) raised beds in my backyard as a garden. They attract rodents. In regards to the runoff and the smell, I don't have research from the Internet to prove it, but at one time there, one of my neighbors did have a couple of chickens and nobody in the neighborhood knew that they had chickens until one of them got out months after they had them. Even if for a moment you guys are considering striking this down, before you do, think about maybe allowing something as a, as a test. Allow a couple of chickens, allow them to have their henhouse inspected. Are there, is there a failsafe so that other creatures can't get at it? Dogs in the neighborhood, cats, etcetera, so that there isn't the noise factor, the noise factor which I never experienced when my neighbors had chickens. I just, to yay or nay whether or not chickens should be allowed, I think would be a little crass. I think that there should be some latitude given so that it can at least be tried. And who knows, maybe if we, it is tried, at some point every point that Mr. and Mrs. Alexander brought up could wind up being valid and I will stand corrected. But I think at the very least, it needs to be looked at and tried, not just in theory or in here in words. I think it needs to actually be tried, and that's all.

SUPERVISOR YUDELSON

Thank you.

COUNCILMAN PAGE

Thank you.

SUPERVISOR YUDELSON

I just wanted to mention, for the Record, that the Board hasn't taken any position on

this by presenting this potential Code. We were approached by several residents who were interested in being able to keep these in their yard and the commitment we made was based on input and some research that our Code Committee did was to craft a proposed law, a tentative law, and then put it up for Public Hearing and see what citizens thought and then make a decision based on the input we get. So and that's what brought us to tonight. Who'd like to speak next? Ma'am?

MARILYN MANIS, 247 MYSTIC LANE

I'm Marilyn Manis, 247 Mystic Lane, personal experience with chickens. My neighbors had them, and...

(From audience, Carl Alexander, 238 Mystic Lane, "We can't hear you.")

MARILYN MANIS, 247 MYSTIC LANE

...how we found out the neighbor had them is one night when my husband was walking the dog, somebody from behind said, "Do you know who this chicken belongs to?" And we were wondering why we were smelling skunks for so long in our neighborhood, all of a sudden. And another neighbor came out and said, "Yes, I know who this belongs to." So it was, happened to be my next-door neighbor that had chickens, but for how long we don't know, until the chicken got out. And the neighbors were really, were really nasty and told us, because I said, "Don't bring the farm to me," after I called the Town the next day to see what the rules and regulations were, because I didn't ever have to check and they said, "You have to have five (5) acres." Well, we're in a residential area, we don't have five (5) acres. So I said, "You can't have chickens." The smell of the skunks was abominable. And they really took my head off and my husband's head off and put up a stockade fence, which we really like to separate the property. And that is why I am so against chickens and I was told by them, the reason, that they went to the Town and told the Town that they were going to have chickens and they, if they... excuse me, they asked, I was told, and I don't believe what I was told, asked if she could have chickens and they said, "Yes, you can have chickens until you get caught." Well, you know what.

(Laughter)

MARILYN MANIS, 247 MYSTIC LANE

So that is why I am adamant about having chickens and I don't, you know I didn't go on the Internet or anything, but from personal experience with the chickens, I live in the city, or I live in the Town, I don't live on a farm. My husband, we had horse. My husband didn't bring the horse home, we had to find a farm for the horse, which he did. Now he'd like a toy pony, which he's not going to get, but if he did, he certainly wouldn't bring it home. He'd go find another farm, maybe go to Jack. But we live in a residential area and I don't feel chickens that are dirty belong in a residential area. Thank you for listening.

SUPERVISOR YUDELSON

Thank you. Who'd like to speak next? Ma'am?

LAURA FISCHETTI, 233 CAPE COD WAY

Hello, my name is Laura Fischetti, 233 Cape Cod Way, and I am an advocate for having the chickens, as you probably know. And I wanted to speak to some of the concerns that have been brought up. It's something I've been researching for quite a few years now and I've spoken to people that have chickens and I've seen how they're kept. So one of the concerns was about waste, and I know that waste is more of an issue when it is a factory situation, but at this point we're only talking about limiting the number to six (6) hens. And in fact I do have information that a forty pound (40 lb.) dog will create more actual waste than ten (10) hens. And the waste from hens is actually useful. It's high in nitrogen, so if anyone gardens, it's really good for your compost and for fertilizer. So it is useful waste, unlike from a dog, for example. To speak to Ms. Alexander's concern about the eggs, I just wanted to point out that free range eggs are actually a lot more nutritional for you: a third (1/3) less cholesterol, a fourth (1/4) less saturated fat, two thirds (2/3) more vitamin A, twice the Omega 3s, three (3) times the vitamin E, and even seven (7) times the beta carotene. So everyone that I know that has had them does say that they do significantly taste better.

(From audience, Doralee Alexander, 238 Mystic Lane, "But they won't be free range in a residential area.")

LAURA FISCHETTI, 233 CAPE COD WAY

They probably would be in our area. And all that means is they would be kept in a coop and they would have a fenced in area just in the grass or your garden, wherever you choose, where they could graze on things that they eat, like they love grass and weeds. They eat a lot of the bugs that we don't like, including mosquitos, any larvae like Japanese beetle larvae. They've been known to eat ticks and they've been known to even go after things like mice and snakes, believe it or not. So in regards to the concern about them attracting pests, what I have found is that these pests that have been mentioned, they already exist in our Town. Things like bird, wild bird feeders, having your trash at the curb, bird baths, even those little decorative ponds with koi, those things all attract these things that we're talking about. And like I had mentioned, hens will actually, they'll even go after mice. That's kind of crazy, but they do. What else did I want to mention? Did you have any other concerns that you brought up?

(Unidentified resident from audience, "Will they chase skunks?")

LAURA FISCHETTI, 233 CAPE COD WAY

Pardon me.

(Unidentified resident from audience, "Will they chase skunks?")

LAURA FISCHETTI, 233 CAPE COD WAY

I don't think they'll chase skunks. I don't think they'll chase... *(Laughter)* No, I don't think they'll do that. But anyway, having backyard hens is not a new idea. It's actually allowed in New York City and Rochester and even Brighton, and they don't even have, even in New York City you don't even have to have property. So it's a really progressive idea. I think it's a green idea. It's educational for children. And it's a way to have a pet that actually gives back to you and gives you nutritional food. So for those reasons, I am in favor.

(From audience, Carl Alexander, 238 Mystic Lane, "Can I ask you a question?")

LAURA FISCHETTI, 233 CAPE COD WAY

Sure.

(From audience, Carl Alexander, 238 Mystic Lane, "I don't know if I'm supposed to or not.")

SUPERVISOR YUDELSON

Yes, let us let everybody have a turn to speak.

(From audience, Carl Alexander, 238 Mystic Lane, "Oh, okay. I just...")

SUPERVISOR YUDELSON

Then you can come up later.

LAURA FISCHETTI, 233 CAPE COD WAY

Okay, and we can talk on the break too.

SUPERVISOR YUDELSON

Thank you.

LAURA FISCHETTI, 233 CAPE COD WAY

Thank you.

SUPERVISOR YUDELSON

Who would like to speak next? Let's see, in the back.

SYLVIA FREDERES, 59 GALWAY DRIVE

Hello, my name is Sylvia Frederes, and I live at 59 Galway Drive. I'm sorry I'm not part of the Mystic Lane group here, it sounds like you have quite a faction. I'm opposed to the chickens. I grew up in Rush, graduated from Rush Henrietta and the lady that lived next-door to me in Rush actually had a henhouse and growing up next to that, I know my parents were always very concerned about it because of attracting animals and such things that were there. And we were talking about a henhouse, something that you

could actually walk into. The young lady that just spoke ahead of me made me even more opposed to it, but now I find out that they're going to be free range. I'm concerned about the odor, about the waste material. I'm concerned about the number of chickens that you're saying that you're going to allow. I know the Code Enforcement people on staff of the Town are hard put to get their work done now, because there is so much enforcement that needs to be done. I don't think we need to be paying our tax dollars for a Code Enforcer to be counting chickens. And my most important concern is that I feel that that's going to deter the value of my property, because if and when I decide to sell my house, I can take prospective buyers out and look at a chicken coop with chicken wire around it and chickens walking around the yard. I know this is offensive to people. I'm very proud of the agricultural heritage of both Rush and Henrietta, however there are rules and regulations within the Code as it now reads that if you wish to have chickens, you need to have five (5) acres of land, and I think that's appropriate. If people want to go and do a co-op or whatever they may want to do, get some farmland from a farmer, I think that's fine, but I, as a resident, am very opposed to this and I appreciate the Town Board listening to my opinion. Thank you.

SUPERVISOR YUDELSON

Thank you, Sylvia. Ron?

RON MORTHORST, 231 MYSTIC LANE

Chairman, Councilmen, I'm Ron Morthorst, 231 Mystic Lane. Some of you know me, some of you don't. I've been in this Town, I've lived in it over fifty (50) years. I was brought up out here half the time, and we have zoning codes here. Am I right or am I wrong? You set them. You are talking about changing a zoning code. Not just letting chickens run, because I'm dead against it. I got a fox running around our track now, he may be able to take care of that. But I feel that the original, this is not the first time that this chicken thing has come up here. Your Building Inspector and that already shut it down once. And I feel that the original thing that has been on the books from ump days should stay on the books and this monkeying around with, we start, we're going to start nitting and picking every one of these little laws. Just forget it. Let's leave it where it stands and we are the residents, we pay the taxes, and we got to have, we need protection for our property. Every other person does it, we're going to be called the chicken town. I would like to see you use the judgment and leave number one, that is in force now in and set this aside. Thank you.

SUPERVISOR YUDELSON

Thank you, Ron. Ma'am back here and then we'll come over to there.

LYDIA GASTIN, 115 BRADFORD ROAD

Good evening, I'm Lydia Gustin and I live at 115 Bradford Road. I'm, I think, a few miles away from Mystic Lane and we have many skunks that visit our yard and none of our neighbors have chickens, and I've never thought it'd be a reason to be concerned about having chickens that would attract more skunks. But I'm totally for having

chickens. I think it's a wonderful idea. We have cities all around the world, well, all around the world, all around the states that have chickens. Backyard chickens is a growing movement. I'm, I think it's a great idea. I think it's a wonderful idea. I think it's very educational, I think it's green, I think it's healthy, and I am definitely for it. I hear all the concerns, I've done a lot of reading, and I am sure that you guys will do a lot of research on this. I walked into the room for the first time this evening and I said, "Yay! There's a chicken on the wall!" Thank you.

(Laughter)

SUPERVISOR YUDELSON

Thank you. Ma'am?

IRENE MAGEE, 60 BARNFIELD ROAD

Irene Magee, I live at 60 Barnfield Road. I pay taxes there, too. And I'm sorry I didn't get a chance to do a lot of research, but I want to have a couple of chickens, and I think it's a wonderful idea. I think I'm, I was really proud of the Town for doing something this progressive. Thank you.

SUPERVISOR YUDELSON

Thank you, ma'am. Who'd like to speak next? Ma'am, in the red?

ANN STEVENS, 6373 EAST RIVER ROAD

I'm Ann Stevens, 6373 East River Road. I understand that this...

COUNCILMAN PAGE

Ann?

ANN STEVENS, 6373 EAST RIVER ROAD

Yes?

COUNCILMAN PAGE

Could you make sure you get a little closer to the microphone...

ANN STEVENS, 6373 EAST RIVER ROAD

Sorry.

COUNCILMAN PAGE

...so they can hear.

ANN STEVENS, 6373 EAST RIVER ROAD

Okay.

COUNCILMAN PAGE

This room isn't very conducive.

ANN STEVENS, 6373 EAST RIVER ROAD

Thanks. I understand that this proposed law is a boiler plate that you're using as a stepping stone, so there's a couple of things I'd like you to consider. Those of us who choose to live in a more rural setting, we do that on purpose. We like the rural lifestyle and thank goodness Henrietta still has some rural areas to live in. That's part of what makes this Town so great. There's really something for everybody. So I support a law that would allow residents to raise chickens and other fowl in the Town. In my experience, people who keep birds take really good care of them and they're invested in their wellbeing. Most importantly, chickens add quality of life to those families who keep them. Raising fowl allows children and families to be involved in real life experience nurturing animals, learning responsibility, and being aware of where their food comes from, as opposed to living in the sanitized world of video games and fast food. I don't currently have birds, but I've always wanted them, and I'd certainly like to have the opportunity to raise them in the future. Backyard chickens and other fowl should be allowed if a property is large enough to accommodate keeping them safely and in a healthful environment, and if the neighbors are not adversely affected, and it seems to me anything about an acre large would be enough to do that. There are three (3) items in the proposed law that I feel should be changed. It's a little more extreme than some that other people have brought up, but I personally wouldn't limit the law to chickens only. I'd open it up to other types of fowl, because birds are birds and if one's keeping them, the containment and sanitation issues are all based on the same criteria. The less restrictive the law is, the better, and it avoids the bureaucracy of residents having to apply for variances. Second, item D(3), the prohibition of roosters. I personally don't see a problem with having roosters. I like hearing them crow and I understand that a lot of people don't.

(Inaudible, from audience, Carl Alexander, 238 Mystic Lane)

ANN STEVENS, 6373 EAST RIVER ROAD

Yes, it wakes you up. That's what they're made, that's what they're supposed to do.

(Laughter)

ANN STEVENS, 6373 EAST RIVER ROAD

Plus, roosters crow seasonally, they don't crow all year long. And most people who have chickens don't want roosters because they don't want fertile eggs, but I don't see why it needs to be legislated as being against the law. I'd instead recommend that they be allowed with a provision that if the neighbors object, the roosters have to be dealt with. Maybe it's already covered under the existing noise ordinance, which kicks into effect if somebody complains. Finally, item F(2), any permits previously, I'm sorry, "Any permits previously issued should be grandfathered until such time as the fowl are diseased."

There are currently many people that have chickens in Henrietta right now and it was my understanding, I, apparently I'm wrong, but it was my understanding that there are no permits currently required to keep fowl in Henrietta, and there's no law or Town Code that states that keeping fowl is illegal. So it seems that this statement is off target and immaterial. So I would rewrite it, I'd suggest a rewrite to say that, "In the event that residents currently have existing fowl on their property which have to date caused no disturbance to their neighbors, those birds should be grandfathered in to remain on that property." And finally, well, I guess I mentioned that. There's a number of households who already have chickens and roosters for years and the neighbors have not complained and the neighbors like their neighbors. And I just ask that you make this law as least restrictive as possible. Thanks.

SUPERVISOR YUDELSON

Thank you, Ann. Just before calling upon the next speaker, if I could ask Mr. Mastrella, Town Attorney, just to clarify the current Code and the question that Mrs. Stevens raised.

DANIEL MASTRELLA, TOWN ATTORNEY

At present, the Town Code does prohibit the keeping of fowl in residential areas unless the Town Board has granted a Special Permit to allow them. So I believe that this section is designed to, if there are any Special Permits, and I don't know that there are or are not, but if there are, to allow those fowl to stay until such time as they die. And if there aren't, then it's just simply not applicable. But clearly, Section §295-41 of the Code prohibits fowl in residential districts, other than by Special Permit granted by the Town Board.

SUPERVISOR YUDELSON

Thank you.

(From audience, Ann Stevens, 6373 East River Road, "Can you define residential districts?")

DANIEL MASTRELLA, TOWN ATTORNEY

Residential districts are defined in the Code, in Section §295.

(From audience, Ann Stevens, 6373 East River Road, "What does that mean? Anything that's not industrial?")

DANIEL MASTRELLA, TOWN ATTORNEY

No, there's industrial, there's commercial, there's limited industrial, there's several different zoning classifications, including residential. There's R-1, there's R-2, there's Rural Residential 1, Rural Residential 2, those are residential districts.

SUPERVISOR YUDELSON

Thank you. Someone else who would like to speak on this subject? Ma'am?

BARBARA SCHLIERF, 251 MYSTIC LANE

My name is Barbara Schlierf, and I live at 251 Mystic Lane. I'm in favor of chickens, for all the reasons that everybody has said. It's a better quality egg. Chickens are absolutely wonderful. They don't attract skunks. We had a skunk in our yard the other day and there are no chickens. I had a coyote in my yard the other day, well actually it was about two (2) months ago, and we have no chickens. So there is wildlife that comes around. That's just part of living where we live. And the eggs that chickens lay are much higher quality and we should be allowed to take care of ourselves, not have to go to the grocery store to buy everything that we think we need. And I would just want to thank everybody. Thank you.

SUPERVISOR YUDELSON

Thank you. Doug?

DOUG CONGLESTON, 22 GAWAINE LANE

Doug Congleston, 22 Gawaine Lane. I just think one point that a lot of people pro and con are, have, positive or not, is we're actually calling these pet chickens and any pet, if done right, or, could give you pleasure if done right and could cause problems done wrong. If you never clean up your kitty litter, your house is going to stink. If you never clean up your chicken coop, your chicken coop is going to stink. So with moderation is kind of where we're going. It's the thought that they're a pet that they're, they follow you. And I also believe the proposed law wasn't free range like one of our speakers was thinking about. They're not going to run around your backyard. I think the proposed law is they'll be contained, they just have, they're not contained like some of the egg factories where there's sixteen (16) eggs in a two foot (2') section, or sixteen (16) chickens. And I guess pretty much all the other points are covered. There's wildlife here already. The bird feeders have the skunk, they attract the skunks just as well, and that. I think that's it. Thank you.

SUPERVISOR YUDELSON

Thank you. Sir?

CHRIS SCHLIERF, 251 MYSTIC LANE

Good evening. My name's Chris Schlierf, I live at 251 Mystic Lane. I'm here to speak in favor of chickens. We are, you heard from our neighbors. We're the neighbors who had the chickens. I would disagree and say that I've never been disrespectful to any of my neighbors. Our, the value of our land, our property, our neighborhood, is important to us. And so basically, there you go. So thank you for the time. Thank you for listening.

SUPERVISOR YUDELSON

Thank you. Yes, sir?

JEFF MAGEE, 60 BARNFIELD ROAD

Hello.

SUPERVISOR YUDELSON

Hi.

JEFF MAGEE, 60 BARNFIELD ROAD

My name's Jeff Magee, I live at 60 Barnfield Road. I just want to add my voice to the advocates for chickens. Like everything else that we do, it's all about personal responsibility. If you're not going to take care of your coop, it's going to stink. You can take care of your chickens, you take care of your pets, you take care of your dogs, and it should be alright with our property to do with it as we please. And as long as we're not...

(Applause)

JEFF MAGEE, 60 BARNFIELD ROAD

...adversely affecting our neighbors, I don't see a problem with it.

(Inaudible, from audience)

SUPERVISOR YUDELSON

Thank you.

FRED GENETT, 142 PINNACLE ROAD

Hey there, Fred Genett, 142 Pinnacle. And we've heard a lot of things tonight on both sides of the equation. I just want to put a kudos out to you guys. I've looked through the plan, I've looked through it carefully. You really do address the issues of waste control, of pollution, numbers of animals. I'm anal about research, I've researched this. I will sign up as soon as it's approved, hopefully, when it is approved. There's a couple of other things in there, such as keeping the coop a foot (1') off the ground that helps with rodent control. You got the containers of food. Just thank you guys for taking the time to look at this and doing good diligence to meeting us in the middle ground of what must keep the chickens. Roosters would be nice, but they don't make good neighbors, so thank you.

(Laughter)

SUPERVISOR YUDELSON

Thank you, Fred.

(Applause)

SUPERVISOR YUDELSON

Towards the back.

SCOTT HEMENWAY, 254 MYSTIC LANE

Good evening, Scott Hemenway, 254 Mystic Lane. As you can tell, most of our neighborhood is here tonight. A lot of people, a lot of my neighbors, which I'm close to all of them, some have spoken for, some have spoken against this ordinance. I guess where I'd like to come down on it is I am in favor of it. What I feel is that you have crafted, like the previous gentleman said, you've crafted a very good document that, if adopted, I think it will control any possible problems that might arise. So given that, I'm not concerned about if my neighbors have chickens. It doesn't bother me. I actually think it's a wonderful thing, so thank you very much.

SUPERVISOR YUDELSON

Thank you. Anyone else who would like to speak at this point? Anyone else on chickens? *(Pause, no response)*

COUNCILWOMAN ZINCK

How about, we had a question over here, did we want to just go back to that at this point? Mr. Alexander?

(Inaudible, from audience, Doralee Alexander, 238 Mystic Lane)

COUNCILWOMAN ZINCK

He had a question and we said after all the speakers went.

(From audience, Carl Alexander, 238 Mystic Lane, "I forgot what it was.")

(Laughter)

COUNCILWOMAN ZINCK

You forgot.

(Inaudible, from audience, Carl Alexander, 238 Mystic Lane)

COUNCILWOMAN ZINCK

Okay, up at the microphone.

(From audience, Carl Alexander, 238 Mystic Lane, "I'll talk loud enough, because the sound system here is terrible. But anyways, you don't mind your neighbors having chickens on either side of you?")

(Multiple residents from audience, "No.")

(From audience, Carl Alexander, 238 Mystic Lane, "And, okay, that's good. What do you think it's going to do when you want to sell your house? I wouldn't buy it. But that's, you know, that's, I'm just asking these questions. I look at the sign up here, this mural. I take a look at, and that's terrific, all the animals here. They're very little in Henrietta, except out in West Henrietta, out East Henrietta Road, way up Pinnacle, but not in the inner part of Henrietta. It just isn't there. You know we get, yes, we get some ducks once in a while and you get a raccoon, but not every day. We don't want this stuff in our neighborhood. But if people do, I guess I'll have to leave. That's the only solution.")

(From audience, Steve Witzberger, 142 Pinnacle Road, "I just wanted to...")

SUPERVISOR YUDELSON

Can you come up to the microphone, please?

STEVE WITZBERGER, 142 PINNACLE ROAD

Hello, Steve Witzberger, 142 Pinnacle Road. I just like, would like to comment what he is saying. In the Town of Henrietta, I know that deer are extremely prevalent. Raccoons are extremely prevalent. Ducks and Canadian geese are extremely prevalent. Canadian geese stop traffic along Jefferson Road almost daily.

(From audience, Carl Alexander, 238 Mystic Lane, "You're talking about certain places, not...")

SUPERVISOR YUDELSON

Sir, let him...

(From audience, Carl Alexander, 238 Mystic Lane, "...not in your street or next-door to you, right.")

STEVE WITZBERGER, 142 PINNACLE ROAD

But in, Canadian geese are in the area of Marketplace Mall and they stop traffic on a regular, daily basis almost when they're here. We coexist in the Town of Henrietta, as in most of all the towns in the surrounding area, because we are a lush, wooded area. So we coexist with a lot of animals. And chickens being in a contained area and with regulations being cleaned and everything, would not cause other animals to come to them as long as it was a controlled environment. In the other towns surrounding that do offer and do allow chickens to be in residential areas, they have not had problems with this. Everything has gone according to what their laws have stipulated. So for Henrietta to be right next door to a town that, where everything has gone fine with their laws allowing chickens to be in the residential area, it doesn't mean that Henrietta's going to be completely different from Pittsford area or Penfield area. So I personally am for the chickens. Thank you.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR YUDELSON

Thank you very much. Sir?

DWAYNE CERBONE, 250 MYSTIC LANE

Hi, my name is Dwayne Cerbone, 250 Mystic Lane. Like Scott and Joanne, we love everybody on the street.

SUPERVISOR YUDELSON

How big a street is this?

(Laughter)

DWAYNE CERBONE, 250 MYSTIC LANE

It's a very small little street.

COUNCILWOMAN ZINCK

Small little street.

DWAYNE CERBONE, 250 MYSTIC LANE

We're on the circle. You can come down and visit, we'll have a chicken barbecue, and...

(Laughter)

DWAYNE CERBONE, 250 MYSTIC LANE

...get the neighbors together and enjoy ourselves. I just, the only thing I've been thinking about is I've been hearing, what I've been hearing tonight is simply what drew me to Henrietta. A good friend of ours said, "You got to move to Henrietta." I got to tell you, they said the good taxes first, caught my attention, and they said it was the perfect blend between city and country, and it really is. It sits in that little hamlet, kind of right between the country and you're five (5) minutes one way, you're in the deep country, five (5) minutes the other way, you're in the city, and it's kind of a perfect thing about Henrietta. And, to me, this is one of the characteristics that could help maintain that aspect of it. Without us, because quite honestly I think a lot of the proposals that come before this Board are ones that turn us more towards the city, and I think things that we can do to kind of keep us protected, as our image, I think that's part of our image, and I'd like to see that continue. So thank you.

SUPERVISOR YUDELSON

Thank you very much. Is there anyone else who would like to speak on this subject? Anybody? *(Pause, no response)* Just while I give you one last chance for anybody who might be shy, as is our custom with Public Hearings on a proposal for a local law,

especially with the second one, but this goes for both the ones we heard tonight, the Town Board heard an awful lot of information that they will have to digest and we do not normally vote the same night that we have a Public Hearing on something like this and that would be the case. You probably noticed it's not on the Agenda for later tonight. Most likely, it would be voted on at our next meeting in a couple of weeks. I really appreciate, as I'm sure the Board does, all the give and take and the participation in this, it's very interesting, very helpful for us, although it doesn't make the discussion and examination much easier. It's kind of like six (6) of one, half a dozen of the other. But very interesting. Is there anybody else, before we close this Public Hearing that wanted to speak? *(Pause, no response)* If not, I'll close this Public Hearing. Thank you everyone for participating. We have a few resolutions, our regular part of our meeting, but, which you're welcome to stay for, or we'll just take a one (1) minute in place break, just for anybody who wants to leave, we'll let you leave now.

(Brief intermission at 8:08 P.M.)

(Meeting re-opened at 8:12 P.M.)

SUPERVISOR YUDELSON

We are going to continue with our meeting now.

COUNCILWOMAN ZINCK

Order in the court!

SUPERVISOR YUDELSON

Thank you. Can I have the first Resolution, please?

RESOLUTION #18-160/2013

On Motion of
Councilman Mulligan

Seconded by
Councilman Page

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

Exhibit A	Bills Payable dated 10/02/2013	\$ 503,955.13
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SUPERVISOR YUDELSON

Discussion? Call the roll, please.

Duly put to a vote:

Councilman Mulligan	voting	Aye
Councilwoman Zinck	voting	Aye
Councilman Moore	voting	Aye

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

I can say this is the same roof that we have on two (2) other of our Town buildings in that complex.

COUNCILMAN MOORE

I know, but the cost of this roof is more than what the cost of the building was when Mr. Hansen donated it twenty (20) years ago.

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

Well, that's true, but a lot of things have happened in twenty (20) years. Also, we're getting new seamless gutters, six inch (6") aluminum gutters for this, which also increased the price.

COUNCILMAN MOORE

I think we should look at re-bidding it.

SUPERVISOR YUDELSON

Is this the same material that's on the barn that was done a few years ago?

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

That's correct.

COUNCILMAN MOORE

But it wasn't at the kind of cost this is per square foot.

SUPERVISOR YUDELSON

Correct.

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

Right.

COUNCILMAN MOORE

So, and it wasn't that long ago. This is an excessive bid.

COUNCILWOMAN ZINCK

Why the extreme change in two (2) years? Any thoughts?

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

That I don't know. I wasn't around two (2) years ago.

COUNCILMAN MULLIGAN

Under discussion, I'm sure this is the best roof money can buy. I'm not convinced we need to spend this kind of money. I would have rather seen a bid on steel as an alternative and as a result, I'll be voting no.

SUPERVISOR YUDELSON

I think, I don't know what, how much the materials go up from year to year, people on the Board know a lot more about that than me, but I'm just noticing that the other bid, the next closest bid was only about twelve hundred dollars (\$1,200) more, so it must be somewhere in the neighborhood or else it's quite a coincidence. It certainly would have been preferable if we had this discussion at the time the Board authorized the advertisement for bids or when we included it in the budget, when we did that last fall. But it's certainly up to the Board what you'd like to do going forward.

COUNCILMAN MOORE

But I don't think the Board...

COUNCILMAN MULLIGAN

I agree with you, Mr. Supervisor, a hundred percent (100%). I'm probably remiss, but I was not aware we were doing aluminum. Aluminum is about ninety cents a pound (\$0.90/lb.) and steel is about seven cents a pound (\$0.07/lb.).

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

It's galvalume, which is steel with some aluminum and zinc.

COUNCILMAN MULLIGAN

Oh I know, it's got aluminization and zinc is not cheap, either.

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

No, it's not.

COUNCILMAN MULLIGAN

Nine dollars a foot (\$9.00/ft.) is a lot of money for a roof.

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

It's a forty (40) year roof, just for your, I'm sorry, forty (40) year warranty on the roof.

COUNCILMAN MULLIGAN

You, Chris, have designed twenty (20) roofs at the Regional Market for me. We've never used this product. Granted, I tend to be on the frugal side, but the steel's worked very well.

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

And to be honest, one of the reasons that we did use it is because it's something that we've used in the past. It's the same color as what we've used. We were trying to keep the same theme.

COUNCILWOMAN ZINCK

What would be the timeframe if we were to put this back out for bid and would that be a problem with this project?

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

No, I mean basically what would happen is we'd have to go out to bid, we'd have to do a little more research on an all steel product. We could do an alternate bid between the two (2), but it would probably take my department another couple weeks to get the bid ready and then to go out to bid would take another couple weeks to a month, because you have to allow, again, the bidders enough time to put the prices together. So, I mean, we'd be looking at probably by the time it got awarded and such, you'd probably be into November, December.

COUNCILWOMAN ZINCK

And do you foresee that being a problem?

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

You can do the work over the winter. A lot of it depends on the weather. Would you get maybe higher prices because it's tougher working conditions? Possibly. But, again, if people are hungry for work, you may get a better price.

COUNCILMAN MULLIGAN

One final question, part of this bid is to remove the asphalt roof.

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

That's correct.

COUNCILMAN MULLIGAN

And the reasoning on that is?

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

For the product it's better. When we first got into this, to be honest, this is kind of my first roof replacement for this type of product, we had talked about leaving the existing fiberglass shingles on. We were told from the manufacturers that it's much better to take the shingles off for a couple reasons: 1) we want to know the condition of the existing plywood is under the roof and 2) it just gives a better seal. Because basically what we'd be doing is putting in six feet (6') of ice shield, which is the membrane that has, it's like, I'll say it's glue, but it sticks to the bottom of the roof, and the rest of that's going to be a new felt. So we know we're getting a good product and it's part of the warranty to have something that's going to last that long.

COUNCILMAN MULLIGAN

Thank you.

SUPERVISOR YUDELSON

Any other questions for Chris? Thank you, Chris.

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

You're welcome.

SUPERVISOR YUDELSON

Welcome back from vacation.

CHRIS MARTIN, DIRECTOR OF ENGINEERING & PLANNING

I was going to say it's good to be back, but I'll have to defer my vote on that one.

(Laughter)

SUPERVISOR YUDELSON

Well, it's up to the Board. It was an interesting point about having like an alternate bid, where we would bid on both of them, and I guess just as to form, if the Board wanted to delay on that, Dan, would, I don't know how long this bid is good for, by form, and would we have to reject this bid? Table it, whatever, and then re-bid the whole thing or could we just go out to bid on the second product and...?

DANIEL MASTRELLA, TOWN ATTORNEY

It would depend on the specifications of the bid. I'm sure you could table it tonight and figure out what the specifications were and what the bid was and then either accept, or reject, or continue to table it at the next meeting. I don't think you have to act on it this evening, but it really is going to depend on the specs.

SUPERVISOR YUDELSON

Yes, because since this came up, we weren't able to, we didn't have enough time to find out what it would cost.

DANIEL MASTRELLA, TOWN ATTORNEY

Right.

COUNCILMAN MULLIGAN

A quick thought on a compromise: why not have Chris, Chris has designed steel roofs for twenty-five (25) years, contact Leo Roth, Upstate Roofing, Elmer Davis, Suburban Roofing, get an idea of what the steel would cost, get that to the Supervisor. If there aren't substantial savings and they won't give you a forty (40) year warranty that this provides you with, you vote in two (2) weeks.

SUPERVISOR YUDELSON

Okay, yes.

COUNCILMAN PAGE

Mr. Supervisor, I agree with Mr. Mulligan and the rest of the Board. I would like to make a motion to Table this this evening until we finish our due diligence.

COUNCILWOMAN ZINCK

Second.

SUPERVISOR YUDELSON

Call the roll, please.

MOTION TO TABLE

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

Carried

RESOLUTION #18-162/2013

On Motion of
Councilman Moore

Seconded by
Councilman Mulligan

WHEREAS, grant funding is available from the New York State Department of Labor to cover costs associated with providing required OSHA Safety Training to Town employees through their Hazard Abatement Program, and

WHEREAS, the Henrietta Town Board is required to authorize submission of the application and the Town Supervisor to sign all contract documents.

THEREFORE, BE IT RESOLVED, that the Supervisor be hereby authorized to sign all contract documents required to apply for funding under this grant on behalf of the Town.

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

RESOLUTION #18-163/2013

On Motion of
Councilwoman Zinck

Seconded by
Councilman Moore

WHEREAS, the IT Coordinator has requested that the attached list of items be declared surplus equipment.

THEREFORE, BE IT RESOLVED, that the surplus equipment, as attached, be consigned to the Town of Henrietta Household Recycling Day, sponsored by Maven Technologies, to be held on October 5, 2013, in Henrietta, New York.

BE IT FURTHER RESOLVED, that all said items be removed from the Town's inventory list.

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 #18-164/2013

On Motion of
Councilman Page

Seconded by
Councilwoman Zinck

BE IT RESOLVED, that the following people be hired:

Robert Hathaway Recreation Department, Part-Time Recreation Assistant,
Golden Comets Swim Team Program @ \$10.50/hr.,
effective September 30, 2013.

Carrie Marlin Recreation Department, Part-Time Recreation Assistant,
Golden Comets Swim Team Program @ \$10.50/hr.,
effective September 30, 2013.

BE IT FURTHER RESOLVED, that the changes in pay rates listed on the attachment for part-time Recreation program workers be made effective October 6, 2013.

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's the end of the regular Agenda, before we adjourn, is there anybody in the audience who would like to speak on any item involving the Town? Carol?

(Carol Burritt, 620 Shore Drive, spoke in reference to the Atlas versus the Town of Henrietta lawsuit regarding the adoption of Local Law No. 3 of 2011 – A Law Amending the Definition of "Family" in the Henrietta Code §295-2. – Audio File available upon request.)

SUPERVISOR YUDELSON

Is there anybody else who would like to speak? *(Pause, no response)* If not, is there a motion to adjourn?

The Regular Meeting of the Henrietta Town Board was moved for adjournment by Councilman Mulligan, seconded by Councilwoman Zinck at 8:29 P.M. and was adjourned without objection.

Respectfully submitted,

Rebecca B. Wiesner
Deputy Town Clerk