PENFIELD TOWN BOARD AGENDA

Wednesday, May 7, 2014 7:30 PM

Supervisor R. Anthony LaFountain, presiding

I Call to Order - Pledge of Allegiance - Roll Call

II Communications and Announcements

III Public Participation

IV Additions and Deletions to Agenda

V Approval of Minutes – April 2, 2014

VI Petitions

VII Resolutions by Function

Law and Finance
14T-088 Setting a Public Hearing for the Establishment of the 2152/2164 Fairport Nine Mile Point Rd Water Special Improvement District

Public Works
14T-089 Awarding Contract for One New Compact Track Loader
14T-090 Advertising for Bids for Department of Public Works Storm Sewer Catch Basin Repair and Replacement
14T-091 Recognizing May 2014 as National Historic Preservation Month

Public Safety
14T-092 Award Contract for 2014 Property Maintenance to Maintain, Clean-up and Secure Properties as needed by the Authorized Official
14T-093 Setting a Public Hearing for a Conditional Use Permit to Allow a Flooring and Carpeting Center at 50 Wilbur Tract Road – SBL #108.10-1-1.2 – Bayside Flooring – Janine Huussen

Community Services - None

VIII Old Business

IX New Business

X Public Participation

XI Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, May 7, 2014 at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present:  R. Anthony LaFountain  Supervisor  
Linda Kohl  Councilwoman  
Paula Metzler  Councilwoman  
Andrew Moore  Councilman  
Robert Quinn  Councilman  

Also Present:  Amy Steklof  Town Clerk  
Richard Horwitz  Town Attorney  
Jim Costello  Director of Developmental Services  

Supervisor LaFountain called the meeting to order – The pledge of Allegiance was led by a Boy Scout named Michael from Troop 310 who is working towards his Communication’s Badge.

Councilwoman Metzler presented the Historic Preservation Jeffrey S. Crane Award to Bob Lindsey and Ben Kendig, owners of the Yotini Barn located at 2105 Five Mile Line Road. The award is given annually to those individuals who have preserved Town of Penfield buildings that are of historical significance. This is the second time Mr. Lindsey and Mr. Kendig have received the award. In 2009 they received the award for restoring the apartment building at the same address. Mr. Lindsey stated it is an honor to receive this award and that he has more ideas for preservation within the Town.

Joslin Buhrman, Vice President of Administration for the MOMS Club of Penfield announced that the MOMS Club of Penfield and Penfield Recreation will hold a free Youth and Family Safety event on May 17, 2014 from 10:00 AM to Noon at the Penfield Community Center, 1985 Baird Road. Proceeds will benefit the family of Tyler Doohan, an 8 year old boy who was killed in a Penfield fire earlier this year. For more information please contact momspenfield@yahoo.com.

Barbara Quinn, Coordinator for the Dayton’s Corners School House, and Jan Almstead announced that the Annual Pie Social of Dayton’s Corners School House will be held on Sunday, June 8, 2014 from 2:00 PM to 4:00 PM. The School House is located at the corner of Creek Street and Plank Road. For more information please contact Barbara Quinn at 385-1491.

Mike Smith, President of the Penfield Business Association (PBA) and Manager of the Penfield Country Club announced that the 4th Annual Golf Tournament to benefit the Shepherd Home and sponsored by Family First Credit Union will be held on July 14, 2014 from 10:30 AM to 8:00 PM. The Tournament is a four-man scramble and will include a full day of activities. For more information please call (585) 348-8360 or email info@penfieldbusiness.org.

Communications and Announcements

1. The annual “Ride of Silence” will be held on Wednesday, May 21, 2014 at 6:15 PM starting from the Public Works complex, 1607 Jackson Road. For more information, please contact Andy Stewart at onetenth@earthlink.net or www.rideofsilence.org.

2. Penfield’s Annual Memorial Day Ceremony of Remembrance and rose presentation will be held on Monday, May 26, 2014 at 10:30 AM at the Penfield Amphitheater in Veteran’s Memorial Park. To order a rose and for more information please contact Sabrina Renner at 340-8651 or email srenner@penfield.org.

3. The Town of Penfield’s Spring Drop-off will be held Friday, May 9 and Saturday May 10, 2014 at the Public Works Complex, 1607 Jackson Road. Drop-off hours are 8:00 AM to 3:00 PM both days. For more information go to www.penfield.org.
(Communications and Announcements – Continued)

4. The Department of Environmental Conservation will sponsor a "Green Your Commute Day" on Friday, May 16, 2014. People are encouraged to walk, run, bike, car pool or take a bus to work. The event coincides with the Finger Lakes Municipal Health Insurance Trust spring walking challenge. Supervisor LaFountain plans to walk to work that day so if you see him please say hello.

5. A Public Information meeting on the topic of a possible solar project at the Department of Public Works facility will be held on Wednesday, May 21, 2014 at 7:30 PM in the Town Hall Auditorium. The Town is considering installing a solar photovoltaic array at the DPW complex that could meet a high percentage of the Town’s overall electricity needs. The proposal will be outlined by Larsen Engineers and would be funded through the New York State Energy Research and Development Authority’s (NYSERDA) NY – Sun solar PV incentive program for grid-connected solar photovoltaic systems.

6. Austrian Pines have been taken down on the south side of the Library/Community Center, 1985 Baird Road for safety reasons. New plantings, walkways and benching will be added in the area.

7. The Penfield Trails Committee will sponsor a free guided canoe and kayak paddle along Irondequoit Creek on Saturday, May 10, 2014 from 9:00 AM to 11:00 AM. For more information and to register contact Penfield Recreation at 340-8655.

8. The Penfield Players will be holding performances of “Fox on the Fairway,” by Ken Ludwig and directed by Jeff Moon on May 9, 10, 16 and 17 at 8:00 PM at the Penfield Community Center. This is the Penfield Players 50th celebration season. To purchase tickets call 340-8655 or go to the Town’s website at www.penfieldrec.org. For more information visit www.penfieldplayers.org.

9. Councilwoman Kohl’s next community chat will be held on Tuesday, May 20, 2014 from 5:30 PM to 7:00 PM at the Penfield Library.

Public Participation

Tom Bahr, 1834 Sweets Corners stated that his neighbor at 1875 Sweets Corners allows others to shoot weapons on his property and that it has been quite disruptive in terms of noise and safety. Mr. Bahr asked the Town Board what can be done about this issue and how can he get the process started to change Town code?

Supervisor LaFountain stated he will speak with Code Enforcer Andy Suveges to familiarize himself with the situation. Supervisor LaFountain also stated that in order to get the process started to consider changing Town Code the Town Board needs to receive a request and since the Town Board now has Mr. Bahr’s verbal request, they can look at the Town Ordinances pertaining to firearms and noise and then make a determination on whether changes need to be made. Supervisor LaFountain stated he will follow up with Mr. Bahr once he speaks with Mr. Suveges.

Kevin Gallagher, 1973 Dublin Road stated that in February of 2013 he provided documents to the Town Board that related to safety, quality of life issues and infrastructure within the Town. He stated he was advised to periodically check the Town Website for updates, but he has found very little on the site that pertain to his topics. Mr. Gallagher read a statement that described the issues he is concerned about. Some of those issues are as follows: The Town’s Sidewalk Policy, degraded sidewalks, non-visible street addresses, keeping fire hydrants unobstructed, the failed Whalen Meadows Wetlands outlet, the Town Center proposal and cleaning of storm grates. (see attached for the full list of issues) A copy of Mr. Gallagher’s statement was given to Town Clerk Steklof to email to the Town Board.
Legislator Debbie Drawe, 5 Cobblestone Crossing promoted the 116th Annual Rochester Lilac Festival which will be held from May 9 to May 18, 2014 in Highland Park.

Legislator Drawe inquired about the road work that has started on Baird Road and inquired about it.

Supervisor LaFountain stated that it is part of the Baird Road reconstruction project and that the southern portion of the road will have new shoulders and drainage piping installed. Once the shoulders are complete, the entire roadway will have the pavement recycled with a new top course to restore the road. Supervisor LaFountain encouraged residents to avoid that area tomorrow.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of April 2, 2014 Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#14T-088 Setting a Public Hearing for the Establishment of the 2152/2164 Fairport Nine Mile Point Road Water Special Improvement District by Moore

WHEREAS, a written Petition has been received by the Penfield Town Board, duly dated and verified to contain the required signatures, and having been presented to and filed with the Town Board of the Town of Penfield, Monroe County, New York, for the establishment of 2152/2164 Fairport Nine Mile Point Road Water Special Improvement District, and

WHEREAS, the proposed improvements consist of maintenance of all fire hydrants within the properties located at 2152 and 2164 Nine Mile Point Road and future subdivisions of those properties that solely benefit the owners thereof; and

WHEREAS, the boundaries of said improvement district and general layout of facilities within are shown on the Map and Plan attached to and made a part of said Petition which is filed in the office of the Penfield Town Clerk, and

WHEREAS, the cost of the installation of improvements associated with the 2152/2164 Fairport Nine Mile Point Road Water Special Improvement District shall be borne by the petitioners of said District.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield shall hold a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on the 4th day of June, 2014 at 7:30 PM on said date, to consider said Petition and to hear all persons interested in the subject thereof and concerning the same, and for such other action on the part of the Town Board with relation to said Petition as may be required by Law, and

BE IT FURTHER RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the date of the aforesaid Public Hearing, and that a copy of this Resolution shall be posted on the official sign board of the Town as prescribed by Law.
Penfield Town Board, May 7, 2014

(Resolution #14T-088 – Continued)

Moved: Moore
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

See Attachment at End of Minutes

Public Works

#14T-089 Awarding Contract for One New Compact Track Loader by Metzler

WHEREAS, sealed proposals were sought and requested in the manner prescribed by Law to furnish the Department of Public Works with one Compact Track Loader and,

WHEREAS, on Thursday April 10th 2014 at 11:00 AM local time the following sealed proposals were received, opened and read publicly;

Five Star Equipment Inc.
60 Paul Road
Rochester, New York 14624
T650 Bobcat Track Loader $63,993.00

DJM Equipment Inc.
7216 Palmyra Road
Fairport, New York 14450
T650 Bobcat Track Loader $45,858.62

WHEREAS, the proposal received from DJM Equipment Inc. for the new T650 Bobcat was the lowest proposal received which meets the Town’s needs and meets or exceed all the Town’s bid specification and,

WHEREAS, the funds for said equipment are available in the 2014 DPW Park’s Capital Equipment (01-7110-0002-2500) and,

NOW, THEREFORE BE IT FURTHER RESOLVED, that a contract be and hereby is awarded to: DJM Equipment Inc. 7216 Palmyra Road, Fairport, New York 14450 to furnish one new T650 Bobcat Track Loader to the Department of Public Works, as bid, for a delivery price of $45,858.62.  The Town Resolution and the bid submitted by DJM Equipment Inc. shall constitute the contract, and to be approved by the Town Attorney.

Moved: Metzler
Seconded: Moore

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

#14T-090 Advertising for Bids for Department of Public Works Storm Sewer Catch Basin Repair and Replacement by Metzler

BE IT RESOLVED, that the Director of Public Works, be and hereby is authorized to advertise in the manner prescribed by Law for sealed proposals to furnish the Town of Penfield Department of Public Works the following:

Storm Sewer Catch Basin Repair and Replacement
(Resolution #14T-090 - Continued)

BE IT FURTHER RESOLVED, that the Storm Sewer Catch Basins covered by such proposals shall be in accordance with specifications prepared by the Director of Public Works. Sealed proposals are to be received in the office of the Town Clerk until May 29th 2014 at 11:00 AM Local time and there and then are to be opened by the Town Clerk.

Moved: Metzler
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

#14T-091 Recognizing May 2014 as National Historic Preservation Month by Metzler

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives, and the contributions made by dedicated individuals, in helping to preserve the tangible aspects of the heritage that has shaped us as a people.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield does hereby proclaim May 2014 as National Historic Preservation Month and call upon the people of the Town of Penfield to join their fellow citizens across the United States in recognizing and participating in this special observance.

Moved: Metzler
Seconded: Quinn

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

Public Safety

#14T-092 Award Contract for 2014 Property Maintenance to Maintain, Clean-up and Secure Properties as needed by the Authorized Official by Quinn

WHEREAS, the Penfield Town Board requested sealed bid proposals to provide maintenance for various properties within the town that may become abandoned, neglected and/or otherwise inadequately maintained by the owner thereof in accordance with the applicable property maintenance code requirements of the Town of Penfield for the period of January 1, 2014 through December 31, 2014; and

WHEREAS, on Friday January 3, 2014 at 11:00 AM local time, sealed bid proposals were received from Boon & Sons, Inc., Highland Lawn Care, Inc. and PMS Property Maintenance Specialists, LLC and read publicly by the Penfield Town Clerk; and
WHEREAS, Highland Lawn Care, Inc. has failed to meet all required bidder qualifications; and

WHEREAS, the predominant area of annual property maintenance work and cost, based on documented past history, is associated with the cutting/trimming of grass and weeds; and

WHEREAS, Boon & Sons, Inc. has been determined to be the lowest overall responsible bidder meeting the specifications as set forth in the 2014 Property Maintenance bid proposal; and

NOW, THEREFORE BE IT RESOLVED, that the Penfield Town Board hereby awards the bid to; Boon & Sons Inc., 1 Boon Drive, PO Box 370, N. Chili, NY 14514.

BE IT FURTHER RESOLVED, that the Town of Penfield will include a 25% administrative fee for each service provided and said fee will be charged to the property receiving the required maintenance service.

Moved: Quinn
Seconded: Metzler

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

#14T-093 Setting a Public Hearing for a Conditional Use Permit to Allow a Flooring and Carpenting Center at 50 Wilbur Tract Road - SBL #108.10-1-1.2 - Bayside Flooring - Janine Huussen by Quinn

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit pursuant to Article III-3-94 of the Code to allow a flooring and carpeting center at 50 Wilbur Tract Road, located in the LaSalle’s Landing Development (LLD) zoning district”;

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board is best suited to act as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as “lead agency” pursuant to SEQRA; and be it further

RESOLVED, that the subject application is determined to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA); and be it further

RESOLVED, that the Town Board of the said Town of Penfield shall hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on June 4, 2014, at 7:30 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of a Conditional Use Permit to allow a flooring and carpeting center at 50 Wilbur Tract Road in the LaSalle’s Landing Development (LLD) zoning district; and be it further

RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the town, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the town as prescribed by Law.

Moved: Quinn
Seconded: Moore
(Resolution #14T-093 - Continued)

Vote: Kohl Aye LaFountain Aye
     Metzler Aye Moore Aye
     Quinn Aye

Adopted

Community Services - None

Old Business  - None

New Business  - None

Public Participation  - None

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 8:47 PM.

Amy Steklof, RMC
Town Clerk
In February 2013 I provided documents on 5 topics to the Town board. The topics mostly related to safety, quality of life issues or infrastructure within the town. The information included pictures, addresses, and in my opinion sufficient background, details and suggestions. I did not provide 100% of solutions because the topics deserve input and participation from other members of the community and town staff. I thought there was enough momentum to lead to results. It was suggested that I check the town website for updates on the issues but I have found very little information. It would have been better if you kept me apprised of any progress.

Old business

1) Sidewalk policy

I request a revision of the town sidewalk rules for a couple reasons.

- Basically I provided examples of 2 situations, on Dublin Rd. and Penfield Rd, where the requirement for sidewalk installation does not make sense. These are sidewalks to nowhere.

I'm going to go further now and request the entire category of "Local Roads" be removed from the sidewalk plan because it does not fit the character of the community.

Essentially the policy uses public funds to increase cost of infrastructure, support and increased taxes without documented and verified benefits. The policy shows no revision since May 2000, and is flawed. Either fix the policy or scrap the program.

2) Degraded sidewalks in Penfield

I gave about 10 examples of sidewalks that were removed and replaced but crumbled after 1 winter season. I requested a policy that in a nutshell stated, if you damage a sidewalk you have to replace it and it has to survive a winter. Continuing to rely on a "chase them after the fact" strategy is not working. I point to the 10 sections of crumbled sidewalk along Penfield Rd. as proof of failure. It is fiscally irresponsible to allow the cost of repair to be shifted to the public either locally or through state grants.

The sidewalk in front of 1904 Penfield Rd was recently damaged by heavy equipment. The sidewalk across from the new residences at 2801 Penfield subsided but was repaired but may not stay level. It would be better if there was a policy on the books so when you take action on these two sections it does not seem arbitrary.

3) Street addresses

I believe we are in agreement that visible street addresses are important for safety reasons. Because there are many missing addresses, what has been done in the past is enough. I request additional actions to increase street address visibility.
4) Keeping fire hydrants unobstructed in Penfield

Again during this winter, many fire hydrants were blocked by snow and ice which poses a potential risk. More than a year ago I requested action to keep hydrants clear, such as education and community engagement, and 2) an ordinance to define the responsibility and attach a penalty. I also suggested a survey of cleared and blocked hydrants in the town.

In 2013 I did a survey and provided photo examples of a 2.5 mile section of road in Penfield. I revisited and reevaluated the same section in 2014. 2.5 miles is too small a sample size compared to the hundreds of miles of roads within the town. However, I can say with 100% certainty that within that 2.5 mile section, that there was a 0% improvement and it may have been worse.

While community outreach and education on this and other issues is important, relying on website publication of topics alone is insufficient. Publication is passive rather than active. Without benchmarks and measurements there will be no proof of success. If you are serious about safety, you need to do more to engage the community.

5) Whalen Meadows Wetlands outlet

15 months ago I notified the town that the outlet structure had failed. I understand that reconstruction is planned for this spring but I can’t find any information on-line. I talked with a pair of homeowners that are most affected by the water level. They have not heard anything. If action has been planned, why haven’t any of the impacted homeowners been notified or consulted? If the replacement structure does not address high level and clogging, and low level and draining, it is inadequate. I/ we, need to review the plan.

New topics

Town center

Thankfully it has come to light that the Town Center proposal has been developer and land owner driven. They do not have the same moral and ethical motivations as residents. While the proposal has been crafted to be alluring to residents, it may not be in residents’ best interest. Developers come into our community, line their pockets with money and leave. Their projects leave residents with the burden of costs to infrastructure, increased taxes and cost to live in the community, and quality of life issues such as traffic congestion, noise, pollution and poorer esthetics. Some landowners believe they have a right to profit even at the determent of neighbors and the community. The Town Center idea is right in the heart of our suburban / rural area. I believe it would tear the heart out of our community. Before that happens, I request that the Town Center proposal be killed once and for all.
Penfield Town Board

Storm Grates.

I have been in contact with the County and town about the cleaning of storm grates and cisterns specifically along Penfield Rd. For the future, I believe that by action, the town has established the section running west up the hill out of Panorama Valley needs to be cleaned in the Fall and Spring.

The county has failed in its responsibility to maintain this particular necessary piece of infrastructure. It is not appropriate for the county to shirk its responsibility and shift the burden to the town. Going forward, if the town cleans the grates, the county needs to reimburse the town. Those payments need to be transparent to the public.

Resolutions

I request a non-binding resolution by the town board in support of an amendment to the U.S. Constitution to establish that only living human beings, not corporations, are endowed with Constitutional rights and that money is not the same as free speech. I also ask that a similar resolution be placed on the ballot for voters.

Information can be found on-line through the organization Move To Amend.

Voting process

I request that the voting process for town board members be changed. From a gender standpoint there is a good distribution 50/50. From most other demographic standpoints, the community is not well represented. From a cursory view the process seems fair, however the outcome, 100% from the same party shows a different picture. Because members of the same party tend to think similarly, there are solutions and perspectives that do not occur. Participation by people with different perspectives add options for solutions to community issues.

My proposed new voting process is, 4 concurrent positions, voters get 1 vote each, 4 candidates with highest votes win seats. While majority party control is still likely, other voices may be represented. There may be other alternatives for voting to be considered by voters in Penfield.

Traffic safety and calming plan

I've been working on a (Traffic safety and calming) plan for over a year, but it is not yet complete. In the near future I hope to have documents and maps available. The intent is to enhance existing plans.

The first major component to my plan involves calming. The primary tool to be used is trees and bushes. There are two psychological effects that can be used to modify behavior of drivers. First, by constraining the roadway, placing objects such as trees closer to the roadway, makes drivers feel that they are going faster, so they will slow down. The example is highways on the Great Plains. Driving I85 in Kansas feels like driving 60 in New York. The result will be slower and safer driving. Second, by focusing lines of sight to the dander area, within 500 feet, drivers will pay more attention to near threats rather than distant
Penfield Town Board

destinations. One aspect pertains to intersections and the other pertains to road sections. The result will be less speed and greater attention.

I call the second major component distributed dynamic deployment and enforcement. Lawful driving behavior is based on the driver expectation of being caught. Currently there are many roads in the town where drivers don’t expect enforcement so don’t respect the laws. There are about 100 main road segments within the town. Each of these 100 segments can be addressed every 90 days. The intent is that a seemingly random police presence throughout the community would confuse unlawful drivers. Their drop in confidence that they will get away with unsafe driving will lead to safer driving. This component calls for different police action, not more.

NYSdot safety issues

I have created a document with 15 topics. 14 of them are safety issues. 8 of the issues can be found in and around Penfield as shown on a map. The oldest topic is 11 ¾ years old. The newest topic, not on my list, is the closing of the Chili Ave. bridge over the canal yesterday. When I say the NYSdot is a failed institution, I have reasons to support that statement.

I am providing a copy of the list. Each topic has an associated document. The web address at the top of the page allows access to all of the documents. There are about 82 pages and 152 images. If I say I have more important things to do this is what I mean.

Conclusion

I don’t get paid to do these things. I do this because I am committed to community issues such as safety.

I’m not seeking recognition. I’m here today to improve the report between us and ensure that moving forward that the proper attention and respect is applied to issues.

It should also be evident that public and citizen participation is essential to solutions for many issues within our town. I encourage members of the board and citizens to reach out to each other for the shared good of the community.

Thank you,

Kevin Gallagher
**NYSDOT Safety**

Overview page [https://sites.google.com/site/nysdottsafety/overview-page](https://sites.google.com/site/nysdottsafety/overview-page)

<table>
<thead>
<tr>
<th>Safety issue, Summary and links</th>
<th>Order</th>
<th>Pages</th>
<th>Images</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monroe Ave. Safety project – One chance to get the safest plan and results (2013 - 2014)</td>
<td>1</td>
<td>35</td>
<td>67</td>
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<tr>
<td>1) safety issues of speed, left turns, and visibility are misidentified as &quot;Courtesies crashes&quot;</td>
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<td>2) fail to understand, improperly addresses safety issues</td>
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<td>3) fixated on their intersection redesign – so they cannot imagine an alternative</td>
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<td>4) introduces new safety issue (in opposition to safety improvement)</td>
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<td>Right Green Arrow – 11 ½ years of danger (2002 - present)</td>
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<td>1) directs two flows of traffic to the same place at the same time (= crash)</td>
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<td>2) NYSDOT refused to recognize the threat</td>
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<td>3) do not understand the manuals that govern signals (MUTCD)</td>
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<td>4) failed to correct (at all for 7+ years), (completely 11 ½ years and counting)</td>
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<td>5) committed fraud by claiming issue corrected multiple times</td>
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<td>Safety Failure Network (2014 - ongoing)</td>
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<td>3</td>
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<tr>
<td>1) many levels of failures of the state including officials and individuals</td>
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<td>2) no oversight and no enforcement</td>
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<td>3) systemic solutions required</td>
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<td>Rural roads Rt36 – Doctrine of Death (2013)</td>
<td>4</td>
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<td>7</td>
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<td>1) failed to inspect sight lines</td>
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<td>2) failed to maintain sight lines</td>
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<td>3) doctrine of death – only after there are fatalities do they react, dispatched crew to remove trees and adjust contours</td>
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<td>Extended Green Light Hazard (2009 - present)</td>
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<tr>
<td>1) created (programmed) this hazard</td>
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<td>2) failed to address the policy or training standard</td>
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<td>3) continues to create (program) this hazard</td>
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<td>4) will not inspect for this hazard</td>
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<td>590 exit lanes (Browncroft Blvd.) – insufficient deceleration lane</td>
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<td>12</td>
<td>25</td>
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<td>1) failed to implement correctly</td>
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<td>2) fails to understand the issue</td>
<td></td>
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<td>3) fails to correct</td>
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<tr>
<td></td>
<td>Description</td>
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<td>----------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>7</td>
<td>Illegal passing lanes – built by the NYSDOT (2007 - present)</td>
<td>3</td>
<td>5</td>
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<tr>
<td></td>
<td>1) capitulated to unsafe / unlawful driver behavior</td>
<td></td>
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<tr>
<td></td>
<td>2) has not addressed</td>
<td></td>
<td></td>
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<tr>
<td>8</td>
<td>441 / Linden Ave. – dedicated turn lane (2007 - present)</td>
<td>4</td>
<td>10</td>
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<tr>
<td></td>
<td>1) despite frequent use by employees and staff of NYSDOT, they did</td>
<td></td>
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<td></td>
<td>2) not recognize the need for a turn lane</td>
<td></td>
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<td></td>
<td>3) delayed traffic study and implementation</td>
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<td></td>
<td>4) has not completed needed striping</td>
<td></td>
<td></td>
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<tr>
<td>9</td>
<td>Speed differential – 390 / between East and West Henrietta Roads (2009 -</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>present)</td>
<td></td>
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<tr>
<td></td>
<td>1) NYSDOT does not recognize the issue</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>2) failed to correct or improve the issue when notified</td>
<td></td>
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<tr>
<td>10</td>
<td>Crittenden Road – route to 390/590 (2009 - present)</td>
<td>3</td>
<td>6</td>
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<tr>
<td></td>
<td>1) created an unsafe and unlawful lane change situation</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>2) failed to correct or improve the issue when notified</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Crosswalk light – obstructed view (2013 - corrected)</td>
<td>2</td>
<td>3</td>
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<td></td>
<td>1) crew didn’t notice bad sign placement</td>
<td></td>
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<td></td>
<td>2) no oversight or inspection</td>
<td></td>
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<tr>
<td></td>
<td>3) had to do a study before correcting</td>
<td></td>
<td></td>
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<tr>
<td>12</td>
<td>Allens Creek turn lanes at Monroe Av. (2009 - present)</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>1) repeated and documented unsafe and unlawful behavior</td>
<td></td>
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<td></td>
<td>2) although within the Safety Project area, it is being deferred</td>
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<td></td>
<td>indefinitely</td>
<td></td>
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<tr>
<td>13</td>
<td>Stop lines (2014 - ongoing)</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>1) many interfere with left turns, especially large vehicles</td>
<td></td>
<td></td>
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<td></td>
<td>2) inconsistent application</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Bidirectional and left Turn Lanes (Ongoing)</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>1) lines not properly positioned, allowing conflicts</td>
<td></td>
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<tr>
<td></td>
<td>2) NYSDOT does not recognized the hazard</td>
<td></td>
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<tr>
<td>15</td>
<td>Lake Champlain Bridge (2009)</td>
<td>1</td>
<td>0</td>
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<tr>
<td></td>
<td>1. was closed because of a fear that the bridge could fail abruptly</td>
<td></td>
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<td></td>
<td>2. The NYSDOT was caught flat-footed</td>
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<tr>
<td></td>
<td>3. they may not have learned from near-disaster, may not be rigorously</td>
<td></td>
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<tr>
<td></td>
<td>inspecting</td>
<td></td>
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</tr>
</tbody>
</table>

Total: -82 -152
Keeping fire hydrants unobstructed in Penfield. A year without progress.

<table>
<thead>
<tr>
<th>February 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>An informal survey of fire hydrants along a 2.5 mile stretch of a road in Penfield revealed 59% obstructed by snow on January 7, 2013. The breakdown included 4 cleared, 10 obstructed and 3 other, tall enough to be clear, but without a path.</strong></td>
</tr>
</tbody>
</table>

| The name of the road was not included. It is not the intent to shame specific home owners because this is a problem occurring town-wide. |

| On February 6th, 2014 another informal survey of fire hydrants along the same 2.5 mile stretch of a road in Penfield revealed 59% obstructed by snow. The breakdown included 1 cleared, 10 obstructed, 3 other, tall enough to be clear, but without a path. The final 3 were not observable. |

| This time the name of the road is included so that results may be verified. It is not the intent to shame home owners but every resident in this town should be able to recognize the problem. |

| As you can see, the number of fire hydrants obstructed by snow has not improved and may be worse. |

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April 22, 2014

VIA FEDEX

Mr. James Costello
Director of Developmental Services
Town of Penfield
3100 Atlantic Avenue
Penfield, NY 14526

Re: 2152 and 2164 Fairport Nine Mile Point Road

Dear Mr. Costello:

Enclosed please find two (2) original executed Petitions for the establishment of 2152 and 2164 Fairport Nine Mile Road.

Should you have any questions do not hesitate to contact Jennifer Wright, Esq. at (585) 231-1340.

Very truly yours,

Harter Secrest & Emery LLP

Kristen M. Jarzynowski
Debt Team. 505.221.462
EMAIL: KJARZYNOWSKI@HESLAW.COM

KM:

Enclosures
In the Matter of the Petition for the Establishment of the 2152 and 2164 Fairport Nine Mile Point Road Special Improvement District 2152 and 2164 Fairport Nine Mile Point Road County of Monroe, State of New York

TO THE TOWN BOARD OF THE TOWN OF PENFIELD, COUNTY OF MONROE, STATE OF NEW YORK:

The petition of the undersigned respectfully shows:

FIRST: That the petitioners requests the Town Board create an Special Improvement District, pursuant to the provisions of Article XII of the Town Law of the State of New York so that it shall include the land in said Town hereinafter referred to as the "2152 and 2164 Fairport Nine Mile Point Road Special Improvement District" bounded and described by Schedule "A", attached.

SECOND: That all of the land in the proposed Special Improvement district is wholly within said Town and no part of such land is within any other incorporated town, village or city.

THIRD: That the petitioners have caused to be prepared a map and plan known as Exhibit "1" dated 10/29/2013, prepared by Marathon Engineering, an engineering firm duly licensed by the State of New York, showing the boundaries of the proposed Special Improvement district;

FOURTH: That the petitioners will construct, wholly at their own expense the special improvements proposed to be maintained by the district, including but not limited to the maintenance of the proposed fire hydrants within the subdivision, as well as any administrative charges associated with said Special Improvements as required by the Town.
maintenance of the proposed fire hydrants within the subdivision, as well as any administrative charges associated with said Special Improvements as required by the Town.

FIFTH: That the undersigned petitioners are the owners of record for the taxable real property situated in said extension, having SBL# 140-01-2-70.11, which has a taxable assessed value of $366,000, and SBL# 140-01-2-70.12, which has a taxable assessed value of $453,000 as shown upon the Final assessment roll of said Town for 2013.

GRJ Holdings, LLC
By: Canandaigua National Bank and Trust, as Trustee of the Max M. Farash Declaration of Trust dated July 6, 2007, Sole Member

By: James F. Lieb, Senior Vice President

J. Reddish, President
JPOne, LLC

STATE OF NEW YORK
COUNTY OF MONROE

On the 31st day of March in the year 2014 before me, the undersigned, a Notary Public, in and for said state, personally appeared James F. Lieb, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Signature of Notary Public

Eileen M. Treat
Notary Public, State of New York
Monroe County Reg. #017902
Commission Expires 10/10/2021
STATE OF NEW YORK
COUNTY OF MONROE

On the day of April in the year 2014 before me, the undersigned, a Notary Public in and for said state, personally appeared Jeff Reddish, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individuals, or the person upon behalf of which the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature of Notary Public]

JAMES F. COSTELLO
Notary Public, State of New York
Notary Public, State of New York
Qualified in Monroe County
Commission Expires: 7/24/17.
Schedule A

Legal Description
EXHIBIT 1

Boundary Description of the
2152 and 2164 Fairport Nine Mile Point Road
Special Improvement District

All that tract or parcel of land, being part of Town Lot 26, Township 13, Range 4 of the Phelps and Gorham Purchase, situate in the Town of Penfield, County of Monroe, State of New York, and more particularly described as follows:

Beginning at the northwest corner of tax parcel 140.01-2-70.12 as shown on a map entitled "Special Hydrant District for a Portion of Penfield Landing," prepared by Marathon Engineering and dated October 28, 2013, said point also being the northwest corner of lot 1 as shown on a map entitled "Resubdivision Map of: Lot 1 of the Watkins Subdivision", filed in Liber 334 of Maps at Page 16 in the Monroe County Clerk's office, thence

1. Running along the northeasterly line of tax parcel 140.01-2-70.12 with a bearing of S89°19'41"E a distance of 523.47 feet to the northeasterly corner of said tax parcel; thence

2. Turning and running along the easterly line of tax parcels 140.01-2-70.12 and 140.01-2-70.13 with a bearing of 500°02'37"W a distance of 699.50 feet to the southeast corner of tax parcel 140.01-2-70.13; thence

3. Turning and running along the southerly line of tax parcels 140.01-2-70.13 and 140.01-2-70.11 with a bearing of N89°19'41"W a distance of 546.46 feet to the southeast corner of tax parcel 140.01-2-70.11; thence

4. Turning and running along the easterly right-of-way line of Fairport Nine Mile Point Road, New York State Route 250 with a bearing of N0°00'26"E a distance of 371.44 feet to a point; thence

5. Turning and continuing along aforementioned right-of-way line with a bearing of N41°11'45"E a distance of 14.26 feet to a point; thence

6. Turning and continuing along aforementioned right-of-way line, said line also being the westerly line of tax parcel 140.01-2-70.12 with a bearing of N02°28'50"E a distance of 197.19 feet to a point; thence

7. Turning and continuing along aforementioned right-of-way line and continuing along the westerly line of tax parcel 140.01-2-70.12 with a bearing of N00°36'07"W a distance of 120.13 feet to the point of beginning.

Excepting therefrom tax parcel 140.01-2-70.13 as shown on aforementioned map of "Special Hydrant District for a Portion of Penfield Landing," being more particularly described as:

2625658
Beginning at the northwesterly corner of tax parcel 140.01-2-70.13, said point also being the southwesterly corner of tax parcel 140.01-2-70.12 and being on the easterly right-of-way line of Fairport Nine Mile Point Road, New York State Route 250; thence Special Hydrant District Town of Penfield, County of Monroe 10/29/13

1. Turning and running along the common line between tax parcels 140.01-2-70.13 and 140.01-2-70.12 with a bearing of S89° 19'41"W a distance of 315.00 feet; thence

2. Turning and running along the common line between tax parcels 140.01-2-70.13 and 140.01-2-70.12 with a bearing of N00° 02'37"E a distance of 58.35 feet to a point; thence

3. Turning and running along the common line between tax parcels 140.01-2-70.13 and 140.01-2-70.12 with a bearing of S89° 19'41"E a distance of 215.50 feet to the northeasterly corner of tax parcel 140.01-2-70.13; thence

4. Turning and running along the easterly line of tax parcel 140.01-2-70.13 with a bearing of S00° 02'37"W a distance of 440.64 feet to the southwesterly corner of said tax parcel 140.01-2-70.13; thence

5. Turning and running along the southerly line of tax parcel 140.01-2-70.13 with a bearing of N89° 19'41"W a distance of 222.96 feet to a common corner between tax parcels 140.01-2-70.13 and 140.01-2-70.11; thence

6. Turning and running along a common line between tax parcels 140.01-2-70.13 and 140.01-2-70.11 with a bearing of N00° 02'37"E a distance of 362.30 feet to a point; thence

7. Turning and running along a common line between tax parcels 140.01-2-70.13 and 140.01-2-70.11 with a bearing of N89° 19'41"W a distance of 317.09 feet to a point on the easterly right-of-way line of Fairport Nine Mile Point Road, New York State Route 250; thence

8. Turning and running along the easterly right-of-way line of Fairport Nine Mile Point Road, New York State Route 250 with a bearing of N01° 05'26"E a distance of 9.16 feet to a point; thence

9. Turning and continuing along aforementioned right-of-way line with a bearing of N41° 11'45"E a distance of 14.26 feet to the point of beginning.

Intending to describe a Special Improvement District within a portion of Penfield Landing that includes tax parcel 140.01-2-70.11, tax parcel 140.01-2-70.12 and excludes tax parcel 140.01-2-70.13.
Exhibit 1

Map Depicting District