Town Board Work Session Agenda
July 23, 2014
7:00 PM

I. Call to Order

II. Approval of Minutes – July 9, 2014

III. Monthly Reports - June

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

Law and Finance
1. Five Mile Line Café – Signage/Music - Costello

Public Works
1. 1469 Jackson Road, Sidewalk Waiver Request and Land Dedication – Valentine
2. Willow Pond Dam Update – Benway
3. Petition - Mowing Behind Pennicott Circle – Williams

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Special Improvement District/Pond Ownership – Benway
2. Bayview Landing Subdivision - Costello

IX. Old Business - None

X. New Business - None

XI. Executive Session – Real Estate, Litigation and Human Resource Matters

XII. Adjournment
I. Call to Order

Present:
Supervisor LaFountain
Councilwoman Kohl
Councilwoman Metzler
Councilman Moore – arrived at 7:45 PM
Councilman Quinn

Also
Present:
Geoff Benway
Jim Costello
Lisa Grosser
Dick Horwitz – arrived at 7:30 PM
Mark Valentine

II. Approval of Minutes – 7/9/14
CM Quinn moved for the approval of the Minutes of July 9, 2014, CW Metzler seconded the motion.

III. Monthly Reports – All reports for June have been submitted.

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

Law and Finance
1. Five Mile Café – Signage/Music – Costello
Jim Costello introduced Jennifer Henry and Sal Aquino, owners of Five Mile Café. Costello submitted to the Board of copy of the original approval Resolution from May 1, 2013. They are here this evening looking for relief from Condition #7, to allow music.

Jennifer Henry stated they would like to have live acoustical music inside the café.

Sal Aquino submitted a sketch of the proposed sign to the Board for its review. He would like a roof mounted sign, above the numbers on the property. He would like to place the sign approximately 6” above the gutter, with lights above.

Jim Costello stated that a roof mounted sign is not allowed per Town Code. The Historic Preservation Board would also have to approve the addition of a sign.
Councilwoman Metzler asked if this is in addition to the free standing sign that is combined with the Orthodontic’s office?

Costello said yes, they are entitled to a building mounted sign.

Henry said no one sees the current sign, and customers drive past the restaurant.

Aquino said the roof is the only place the sign can be located for visibility.

Costello said the Board needs to see photos of the front of the property, to see how you propose to add the sign.

Costello continued to say if there were multiple free standing signs, people may still look past those signs. You will need to stay within the Town code. Costello suggested Henry and Aquino obtain photographs, measurements and have a formal proposal from the sign maker. We can then look at options and get a recommendation from the Historic Preservation Board. This will remain as a held item and will be discussed again at the next Work Session on August 13, 2014.

Councilman Quinn asked if all music will be inside?

Henry said we will only have music at night, when the offices are closed. We may also utilize the outdoor back side patio on Friday evenings.

Councilwoman Kohl asked how often would you have music?

Aquino added music inside would be once or twice a week.

Costello asked how many seats do you have outside?

Henry said 20 seats.

Aquino said music would not be amplified.

Henry added music would be accoustic, no microphones.

Quinn said he has no problem with acoustic music.

Councilwoman Kohl added there are not many residents nearby.

Supervisor LaFountain said as long as music is not amplified.

Metzler asked if a Public Hearing would be required?

Costello said, many of the houses in the area have been converted from residential to business use. For consistency, we should let people know what is happening.
Aquino said the restaurant would close at 9:30 PM, music would end by 9:00 PM.

Costello said if music is inside it is okay, if you want it outside, a Public Hearing is required. This will be discussed again at the next Work Session on August 13, 2014.

Public Works

1. 1469 Jackson Road, Sidewalk Waiver Request and Land Dedication - Valentine

Mark Valentine submitted a letter from Robert Keiffer on behalf of Nick D’Angelo asking for a sidewalk waiver. The application is currently before the Planning Board for an 11 lot subdivision. They are asking for a sidewalk waiver for both sides of the internal road. The Planning Board is okay with this. PRC recommends taking the waiver for the internal road and requiring sidewalks on Jackson Road for the possibility of future development.

Jim Costello said PRC discussed the possibility of future development on Jackson Road. The property to the north was just sold for development purposes and could be another housing tract.

Councilwoman Kohl asked if it would be better to take all of the waiver and then only use the money for sidewalks on Jackson Road if there is development?

Valentine said the current fee is $500 per lot and with 11 lots this would yield $5,500. The current costs for a sidewalk is approximately $40 per foot. We may need to look at updating the waiver cost in the near future. Valentine suggests taking the waiver for the internal road and requiring sidewalks on Jackson Road.

The Board discussed and agreed to the sidewalk waiver on the internal road and requiring sidewalks on the Jackson Road portion.

Valentine added that the Town will be taking dedication of the pond lot and an extra wide ROW. We propose establishing a Special Improvement District for maintenance of these. The land would be Town owned and abuts the Nature Conservancy on both the south and west. PRC recommends ownership maintained by a Special Improvement District that is funded by the 11 property owners.

Supervisor LaFountain asked if the green area will serve that property solely or if it could support adjacent property in the future?

Geoff Benway said the parcel size is restricted, it is in a buffer area and would be difficult to expand. There is no potential for development to the north.
LaFountain asked if there is flow from the east to the west?

Benway said no, the Nature Conservancy owns the property to the south and west of the property.

Valentine stated that there is an Access Easement which is used for mowing purposes. They do not want to connect to the trails in the future.

Quinn said he is concerned about a notification process. When one owner sells his property, what notification will there be to the new owner regarding his responsibility in the Special Improvement District?

Costello said when a Special Improvement District is established an order is filed with the Department of State in the Attorney General’s office and recorded in the Monroe County Clerk’s office. It then goes into the title abstract so that when a property is purchased the attorney reviews the title abstract and would then contact the Assessor’s office to get the details. The Homeowner’s Association may want a fountain added to the pond in the future and the fee can be added to the district and paid for as a maintenance fee on the tax bill. A high percentage of resident approval would be required before any amenity could be added.

Benway added that this Special Improvement District would be for amenities above and beyond normal services.

LaFountain stated that our goal is normal function and some level of maintenance. If the district wants something above and beyond the homeowners pay for it.

Quinn said he is very hesitant to have the Town take control of unnecessary amenities.

Valentine stated that recently the Homeowners Association in Camden Park is in default. It will either default and go back to the County, or they will come before this Board to take ownership of the property.

Costello said establishing the Special Improvement District gives us a mechanism to charge back individuals who benefit.

Quinn asked if an alternative could be for the pond to be owned by the 11 property owners and the Town only have easements to the pond for maintenance?

Costello said that has not worked out in the past. The Homeowner’s Association does not want to take ownership.

Valentine added that the Planning Board has tabled this until the Town Board could answer if a Special Improvement District should be created to handle this.
LaFountain said we won’t have to make a determination for a couple of weeks. The updated Stormwater regulations require that property owners manage water quality before it leaves the site. Anytime there is development there is a high likelihood to have a pond on site.

Benway said requirements used to be only for quantity, now it includes quality including pollution and vegetation.

LaFountain stated it is time to pull Special Improvement District/Pond Ownership off held items and discuss further.

The Board agreed to allow the sidewalk waiver and will discuss the Special Improvement District as it relates to this application at the next Work Session on August 13, 2014.

2. Willow Pond Dam Update – Benway

Geoff Benway reviewed that on October 17, 2012 the Town contracted for $18,000 for work on the Willow Pond Dam. Additional studies were required by the NYSDEC and the contract was amended for an additional $3,500. The permit has been submitted to the DEC. The DEC issued comments and a copy of the plan was submitted to the Town of Perinton. A letter was received from The Town of Perinton in January requesting additional requirements to reduce the possibility of downstream flooding. The NYSDEC did an inspection of the pond and found some basic maintenance issues which include growth on the banks that needed to be cut and some additional key steps that require additional follow up. An Emergency Action Plan, which was completed in 2010 needs to be updated with new contacts. The Engineering Assessments must be done within six (6) years of the original permit issuance and then repeated every 10 years to maintain the permit. Benway received a quote for these services from Barton and Loguidice for $12,500. Benway added that the dam has been declassified as a B dam.

Councilwoman Metzler reviewed the original contract was for $18,000 and DEC requirements were an additional $3,500. What were those requirements?

Benway said the DEC required stability analysis evaluating three (3) basic load cases, evaluation of material properties, evaluation of liquifaction of the embankment and additional soil analysis. The $12,500 includes redesign of the bank per the Town of Perinton’s request, update on the Emergency Action Plan and submission of the Engineering Assessment which is due in 2015.

Councilman Quinn asked Benway to estimate the costs if the dam wasn’t declassified.

Benway said the expenses would be almost double. The DEC would have commenced a legal action against the Town if nothing had been done.
LaFountain added that the DEC would have fined the Town daily until the requirements could have been met.

The Board discussed and agreed to amend the original Resolution to allow the Supervisor to sign an amended contract subject to approval from the Town Attorney.

3. Petition – Mowing Behind Pennicott Circle – Williams Councilman Quinn reviewed that the Petition was received at the July 2, 2014 Legislative Session. Quinn met with Mary Oakes at her house on July 5, 2014 and walked the land to review the height of the grass and the frequency of the mow. The area has been mowed twice since his visit and he suggests resuming the mowing schedule of last year and continue through mid-September or October. We can then review the budget for next year. Quinn continued to say he explained the reasoning for this pilot program that changed the mowing schedule to reduce Town expenses.

Supervisor LaFountain said there are currently 130 acres that are mowed weekly by in-house staff. There are also 42 acres that are mowed bi-weekly and 40 acres of fields. These 82 acres are contracted out.

LaFountain continued to say last year this area was mowed bi-weekly. This year it was decided not to be mowed because it was not used for field play. We have now moved this area twice and to continue throughout the growing season the cost should be less than $1,000. LaFountain added if the property it too wet, we may go to mowing it every three (3) weeks.

Councilwoman Metzler stated the residents have been very understanding and are pleased with the outreach and result.

Councilwoman Kohl said the reason this area was pulled off the mowing list was because of DPW recommendation. Kids use this area as a cut through to Scribner Road. She would rather see findings that this area is unlike the others, and is utilized by the neighbors.

LaFountain added that DPW made their findings based on observed use. We may look at mowing only walkways, not the entire area.

Metzler said we may also need to review areas that are near sidewalks or schools. We may need to canvas other properties.

The Board discussed and agreed to continue to mow this property. Supervisor LaFountain will ask Ronnie Williams to put this on the contractors list for bi-weekly mowing.

Public Safety - None

Community Services - None
VII. INFORMATIONAL ITEMS

Law and Finance - None
Public Works - None
Public Safety - None
Community Services - None

VIII. HELD ITEMS
1. Special Improvement District/Pond Ownership - Benway
2. Bayview Landing Subdivision - Costello

IX. Old Business - None

X. New Business - None

XI. Executive Session - Real Estate, Litigation and Human Resource Matters - None

XII. Adjournment - Supervisor LaFountain adjourned the Work Session at 7:59 PM.

Lisa Grosser, Deputy Town Clerk