PENFIELD TOWN BOARD AGENDA

Wednesday, October 1, 2014   7:30 PM

Supervisor R. Anthony LaFountain, presiding

I  Call to Order - Pledge of Allegiance - Roll Call

II Public Hearing #1 - 2015 Preliminary Budget for General, Highway, Library and Special Districts

Public Hearing #2 – Preliminary and Final Resubdivision and Site Plan Approval to Allow the Resubdivision of Lots 213, 214, 215 and 216 within the Windham Woods Subdivision to create one additional lot to the Approved 56 lot Subdivision

III Communications and Announcements

IV Public Participation

V Additions and Deletions to Agenda

VI Approval of Minutes – September 3, 2014

VII Petitions

VIII Resolutions by Function

Law and Finance - None

Public Works
#14T -167 Authorization for the Release of a Sidewalk Easement at 1 Splendor Wood Drive

Public Safety
#14T-168 Authorization to Place Traffic Control Device on Monroe County Highway

Community Services
#14T-169 Authorization for Supervisor to Sign Recreation Contracts

IX Old Business

X New Business

XI Public Participation

XII Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, October 1, 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  
Bob Beedon  Town Comptroller  
Geoff Benway  Town Engineer  
Bernadette Brinkman  Library Director  
Jim Costello  Director of Developmental Services  
Rose Iascone  Budget Officer  
Bob Mohr  
Tom Tette  Fire Marshal/Building Inspector  
Mark Valentine  Director of Planning  
Ronnie Williams  Director of Public Works  

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Councilman Quinn, on behalf of the Town Board, presented Certificates of Recognition to this year’s Fire Prevention Essay Contest winners. Councilman Quinn stated that October 5th marks the beginning of National Fire Prevention Week which runs through October 11. He also presented a Proclamation to Brian Niggli, Fire Chief and Safety Officer for the Penfield Volunteer Fire Department. The 2014 Fire Prevention Week theme is “Working Smoke Alarms Save Lives: Test yours every month!”

Councilman Quinn reminded everyone to be sure to change the batteries in fire detectors and gas detectors.

Supervisor LaFountain thanked Brian Niggli for his involvement with Fire Prevention and thanked him for his involvement with Fire Prevention and thanked him for his service.

Councilman Quinn recognized Bohdan Ersteniuk from the Penfield Emergency Volunteer Ambulance (PVEA) and thanked him for his long time involvement with the Penfield Volunteer Ambulance Explorer Program.

Mr. Ersteniuk explained the purpose of the program which allows High School age young men and women to explore emergency services as a career by learning valuable skills and working in the community. Mr. Ersteniuk explained that a recruitment campaign is under way through the PEVA and gave a recruitment flyer to Town Clerk Steklof for posting on the Town’s Bulletin Board. An open house will be held at the PVEA, 1585 Jackson Road on Saturday, October 11 from 12:00 PM to 5:00 PM. For more information please contact Mr. Ersteniuk at 585-489-6237 or email firemedic4@rochester.rr.com.

Supervisor LaFountain thanked Mr. Ersteniuk for all he does for the community.

Public Hearing #1 2015 Preliminary Budget for General, Highway, Library and Special Districts

The Town Clerk read the title of the Notice of Public Hearing, said notice was published in the Penfield Post on September 18, 2014 and was posted on the Town Clerk Bulletin Board and Town Website.

Bob Beedon, Town Comptroller gave a presentation highlighting the major aspects of the 2015 Preliminary and Special Districts Budget.
Supervisor LaFountain presented the 2015 Tentative Budget on September 17, 2014. The public comment period ends on Friday, October 10, 2014 and the Town Board will then review the comments and develop the Final Budget. The Town Board plans to approve the Final 2015 Budget at the next Legislative Session to be held on Wednesday, October 15, 2014. You can find the details of the Preliminary Budget on the Town Website at www.penfield.org, as well as view copies in the Department of Finance, The Penfield Public Library and in the Town Clerk’s office. The budget is made up of three (3) components; the General Fund, the Highway Fund and the Library Fund. The Budget of $15.9 is $278,000 lower than the 2014 Budget. Once again, there will be no tax increase for 2015. The 2015 Town property tax rate will remain flat at $2.64 per $1,000 assessed property value. The Town of Penfield receives approximately $.08 of each tax dollar.

Supervisor LaFountain stated that Mr. Beedon met with Moodys and that the Town has again received a positive financial rating, AA2.

Councilman Moore asked about State Aid decrease and why the Towns are getting less State Aid than what has been received in the past.

Mr. Beedon stated that we actually received more State Aid this year from the Consolidated Highway Improvement Program (CHIPS), but being that there is no way of knowing whether the Towns will receive this State Aid in the future, a conservative approach was taken when entering the figures.

Supervisor LaFountain pointed out that the other components of the State Aid either remained flat or were decreased in other areas.

Councilman Moore stated that the breakdown of the property tax for Penfield residents is broken down by School District, Town and County and that the Town Board only controls a small percentage of the total property taxes. He stated over 90% of the total property tax is controlled by the Penfield School District and Webster School District.

Supervisor LaFountain spoke about the Towns involvement with the Health Care Consortium and its benefits. He stated that we started with nine (9) towns, villages and the Rochester Housing Authority. We are now at 15 towns with a 16th town joining the first of next year. This has given the Town the opportunity to help leverage between MVP and Excellus to ensure the best pricing. The Town is currently with MVP and will continue through 2015. At that time the Town will go back out to receive bids from both MVP and Excellus to make sure we get the best pricing. This year we will come in at about 12%, which includes the affordable health care costs that are tagged on for running that program. Health Care costs continue to escalate. Supervisor LaFountain stated when considering other Towns to join the Consortium they look at those Towns that have a rating that is equal or better than ours. This helps with our overall rates. Our ongoing goal is to manage our costs, maintain information and continue working on wellness for employees. It has worked well for the last four (4) years.

Councilwoman Metzler mentioned the State mandated tax cap, and pointed out that even with the decrease in State funding, the mandated tax cap and the continuation of unfunded mandates the Town has been able to comply.

Mr. Beedon stated he has contacted the 19 Towns in Monroe County and seven (7) have had to impose a tax increase.

Supervisor LaFountain also stated that those Towns that do not meet the tax cap will see their credit impacted in future years.
Public Participation

Tim Murphy, 48 Corral Drive presented a number of budget questions to the Town Board (see attached) which can be found on the Town's website with answers from the Town Board. Budget questions received by other Town residents will also be posted with answers attached to the area in which the budget is posted.

Supervisor LaFountain stated that Mr. Beedon and he are willing to sit down with residents and go over the budget by request.

Mr. Murphy proposed that, in the future, the Town Board post a forecast of the balance of spending for the following years.

Supervisor LaFountain stated that this is done internally with regular updates throughout the year.

Hearing closed.

Public Hearing #2 Preliminary and Final Resubdivision and Site Plan Approval to Allow the Resubdivision of Lots 213, 214, 215 and 216 within the Windham Woods Subdivision to create one additional lot to the Approved 56 lot Subdivision

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on September 18, 2014 and was posted on the Town Website and Town Clerk Bulletin Board. 45 postcards were mailed and three (3) Homeowners Associations were notified.

Michael Cavalcanti, 4 Beverly Street, Real Estate Developer representing Laudadio the Developer, asked the Town Board to approve the resubdivision of lots 213, 214, 215 and 216 in Windham Woods Subdivision to include lot R214A. Mr. Cavalcanti gave copies of a document to the Town Board that listed reasons supporting his request for approval and went over the seven (7) items listed on the document. Mr. Cavalcanti included maps of the subdivision to help illustrate the request (see attached).

Councilwoman Kohl asked if Mr. Cavalcanti has a copy of the Project Review Committee’s questions.

Mr. Cavalcanti stated he had received the 10 questions/comments this evening and has read through them. He stated he would like to speak with Geoff Benway, Town Engineer about one (1) of the items.

Supervisor LaFountain asked Mr. Cavalcanti if he is able to comply with all of the items on the list. Mr. Cavalcanti said yes, and that they will work with the Town Staff to implement all of the items.

Hearing closed.

Supervisor LaFountain took the Agenda out of order and declared Public Participation to come before Communications and Announcements.

Public Participation

Robert and Elizabeth Sterrett, 480 Manse Lane stated that they believe maintenance is required by the Town on the storm sewer system on Manse Lane. Prior to tonight’s meeting the Sterretts emailed Supervisor LaFountain to alert him of this issue, and he had written back indicating this is the first time he has been contacted about this issue. Ms. Sterrett stated that the lines have collapsed. She believes the problem is due to the fact that the Town has not performed regular maintenance on the system and therefore the residents have had to hire private contractors to help mitigate the water damage in the basements on Manse Lane. They would like the Town to allocate funds in the 2015 Budget to fix the problem.
(Public Participation - Continued)

Supervisor LaFountain stated he is wondering why no one had contacted the Town before about this issue, and is also wondering how long the issue has been going on.

Ms. Sterrett stated she has had to deal with this issue since she purchased the property in 2004.

Supervisor LaFountain stated he has asked the Town Engineer and DPW to go out with maps and walk the entire site, and conduct a visual inspection of the area. He suggested the Town may bring in Sewer flush trucks as long as it doesn’t cause a worse problem.

Ms. Sterrett stated the neighborhood appreciates that the Town came out to her neighborhood the day after receipt of the e-mail.

Mr. Sterrett gave Town Clerk Steklof photographs of the area in question and copies were made for the Town Engineer file.

Supervisor LaFountain stated he has asked the Town Engineer and DPW to figure out what needs to be done to rectify the issue and then report back to the Drainage Committee so they can begin repairs.

Steve Healey, 231 Parkview Drive asked Supervisor LaFountain if DEC had gotten back to him as to what their definition of non-compliance is.

Supervisor LaFountain stated he had sent a letter to both the DEC and the Health Department with five (5) dates for them to hold a Public Information Meeting with all parties involved and once everyone can agree on a date, the Town will notify the neighborhood. Supervisor LaFountain also stated that once the SCP Control report is completed, and sent back along with any comments generated by the Monroe County Health Department and State Health Department he will send it out via e-mail blast to those on the distribution list.

Mr. Healey stated once again the ultimate question is what changed in 2005. Mr. Healey stated that what he would really like to have is a Process Flow Diagram (PFD) that shows what feed streams go to the scrubbers and the TO’s. He feels receipt of the PFD would be key to solving the issue. He asked the Supervisor to ask Baker Commodities for the PFD.

Supervisor LaFountain stated he will request it from both Baker Commodities and DEC.

Mr. Healey handed a list of questions to Town Clerk Steklof for the record.

Tim Murphy, 48 Corral Drive gave Town Clerk Steklof his updated list of questions for the Budget. (attached) Mr. Murphy asked what are the next steps to be taken pertaining to the Petition submitted to the Town Board at the last meeting to honor Irene Gossin.

Supervisor LaFountain stated that the Town Board is considering the Petition and will get back to him in the next two (2) to four (4) weeks to announce what the next steps will be.

Mr. Murphy suggested that the Town hire someone to turn all raw data the Town has collected over the years into useful information.

Communications and Announcements

1. If you are using the installment option for your tax payment, 2nd and 3rd installments must be made payable to Monroe County Treasury and mailed to PO Box 14420, Rochester, NY 14614 or paid in person at 39 West Main Street. Please contact the Town’s Tax Office at 340-8626 with any questions.
2. The Penfield Volunteer Emergency Ambulance (PVEA) will hold an open house on October 11, 2014 from 12:00 PM to 5:00 PM. Please contact Bohdan Erstenuik at 585-489-6237 or Councilman Quinn at quinn@penfield.org for more information.

3. A recycling event will be held this Saturday, October 4, 2014 from 9:00 AM to 3:00 PM at 1607 Jackson Road. For more information go to www.penfield.org.

4. The next Environmental Discussion series topic will be, “Rain Gardens and Stormwater Management” and will be held at the Penfield Town Hall, 3100 Atlantic Avenue from 6:30 PM to 8:30 PM. For more information contact www.penfieldrec.org.

5. The Penfield Trails Committee will host a free Public Hike at Lucien Morin Park on Saturday, October 11, 2014 at 10:00 AM. For more information go to www.penfieldrec.org.

6. The Penfield Rotary and Penfield Recreation will sponsor the Annual Community Bike Drop-off on Saturday, October 4, 2014 from 10:00 AM to 2:00 PM. The event will be held at the Penfield Community Center, 1985 Baird Road. For more information go to www.rcommunitybikes.net.

7. Councilwoman Kohl’s next Community Chat will be held on Tuesday, October 21, 2014 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

8. Town Offices will be closed on Monday, October 13, 2014 in observance of Columbus Day. The Penfield Library will be open during their normal business hours of 10:00 AM to 9:00 PM.

9. A questions was received from a viewer asking what is the status of the development on Penfield Road above Panorama Plaza. Supervisor LaFountain stated that the viewer is referring to the Ellison Heights Project that started last fall and that according to the Town’s Director of Planning and Director of Developmental Services, the developer is finalizing the final package. Work should begin within the next month or two (2).

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of September 3, 2014 Councilman Moore seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance - None

Public Works

#14T-167 Authorization for the Release of a Sidewalk Easement at 1 Splendor Wood Drive by Metzler

WHEREAS, the owners of the property at 1 Splendor Wood Drive have requested that the Town of Penfield allow them to install a fence within an existing sidewalk easement along the easterly property line of said property; and

WHEREAS, upon inspection of the owners instrument survey map, it was determined that the existing easement is not located over and is remote of the existing sidewalk which was constructed adjacent to the right-of-way of Jackson Road; and
(Resolution #14T-167 - Continued)

WHEREAS, it was determined by the Board, based on recommendation from Town Staff that the existing sidewalk easement be released, allowing the owners the enjoyment of the use of that portion of their property subject to submission of a new sidewalk easement which will be located over the existing sidewalk along Jackson Road; and

WHEREAS, it has been determined that since said sidewalk easement, recorded in the Monroe County Clerk's Office in Liber 9030 of Deeds, page 646, has no sidewalk situated within it and none proposed to be installed within it, and the owners are willing to grant a new sidewalk easement that satisfies the Town's need, that there is no longer a need on the Town's part to retain said easement;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a Release of Easement with Shawn J. and Melissa A. Wilkins, owners of property located at 1 Splendor Wood Drive, to permit a release of an existing sidewalk easement at 1 Splendor Wood Drive, subject to them granting a new sidewalk easement along the property frontage of 1 Splendor Wood Drive over the existing sidewalk along Jackson Road; and

BE IT FURTHER RESOLVED, that the Release of Easement shall be in the Town's format and shall be recorded at the Monroe County Clerk's Office with a certified copy of this Resolution.

Moved: Metzler  
Seconded: Moore  

Vote:  
Kohl Aye  
Metzler Aye  
Quinn Aye  

LaFountain Aye  
Moore Aye

Adopted

Public Safety

#14T-168 Authorization to Place Traffic Control Device on Monroe County Highway by Quinn

BE IT RESOLVED, that the Town Board hereby authorizes the installation of a STOP sign, on Threadleaf Lane at Five Mile Line Road as requested and recommended by the Monroe County Department of Transportation in a letter dated September 11, 2014, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to sign and return said letter dated September 11, 2014 with a copy of this Resolution, to the Monroe County Department of Transportation.

Moved: Quinn  
Seconded: Metzler  

Vote:  
Kohl Aye  
Metzler Aye  
Quinn Aye  

LaFountain Aye  
Moore Aye

Adopted

Community Services

#14T-169 Authorization for Supervisor to Sign Recreation Contracts by Kohl

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following Recreation Contracts:

Dick Stacy, 87 Chappel Hill Drive, Rochester, NY 14617, to provide music entertainment for senior program 12/2/14 for a fee of $250.00. Voucher to be submitted on 11/5/14.
(Resolution #14T-169 – Continued)

Emma Milligan, 329 Eaglehead Rd., East Rochester, NY 14445, Instructor for YOHP Performance Class for a fee of $235.00. Voucher to be submitted on 10/15/14.

Moved: Kohl
Seconded: Quinn

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Adopted

Old Business – None

New Business – None

Public Participation

Councilman Quinn stated that Cobbles Elementary School was one of two (2) schools in the area and among 337 schools across the country honored as a Blue Ribbon School by the United States Department of Education. They will be honored in Washington, DC in November.

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 10:11 PM.

Amy Steklof, RMC/CMC
Town Clerk
Penfield Town Budget 2015 Questions

Submitted by: Tim Murphy - 09/30/2014

Additional questions in italics

1. Thank you for the “Current Year Actual as of 7/31/2014” spending numbers, please update through most current, September if possible before final presentation AND can we get a 9/3 forecast for the remainder of this year?

2. It appears that some Town employees will be getting about a 1.5% pay increase, (Director of Development Services, Town Engineer, Town Comptroller) others no increase including Town Board members. Others are getting 5-6% increase like Receiver of Taxes and Assessor Deputy, how is this arrived at? Is there a compensation and benefits review board, and if so, who participates? Do any community members provide input? Is there benchmarking of other towns compensation models done?

3. Is there a summary of the towns staffing plan, organizational chart with the before and after the apparent many planned changes in 2015? What is the net change for Town staffing this year and next, and is there any impact by outsourcing?
   a. Is the Town Electrician a new position at $64k per year?
   b. Will there be a new Assistant Town Engineer position, why the $33k increase?
   c. Why is Fire Marshal ($49k to $41k) and Building Inspectors ($327k to $308k) positions budget expense being reduced?
   d. Why is there about a $30k reduction in the Town Justices and Clerks budget item?
   e. The Parks Seasonal Contract is being reduced from $45k to $25k, why?
   f. Why is the Parks Salary Full Time being reduced by $14k, is there a reduction in force?
   g. Is a full time Security staff person being added and keeping the part time staffer ($23k increase)?
   h. Sewer Operations personnel services increases by $48k, is there a redeployment of staff happening?
   i. Highway salaries line going from $800k to $735k, will there be a position eliminated and if so what is the headcount verses five years ago (2010)?
   j. New secretory position for the Fire Marshall ($37k)?
   k. There is $117k planned for Payroll Clerk position(s) has that function been looked at for outsourcing as we have one of the largest payroll services firms in our town?

4. Is there a documented capital equipment replacement schedule, especially for large assets like heavy equipment including trucks and snow plows?
   a. There is $500k (2x$250k) for dump trucks
   b. None were bought this past year (2014) and it seems that would be an annual buy and that a ten year rotation of equipment is fairly realistic.
   c. There is a $52k increase in “Parts for Vehicles” is that a sign that equipment is aging and we need to accelerate the replacement of assets?

5. Drainage Fund Appropriations “Miscellaneous Projects” is $340k, please explain?

6. The July Fourth Celebration cost is budgeted for $27k next year, with $12k for fireworks and $5.5k for the parade. Will the Town board ask elected officials and candidates to support the cause and donate $100 to sponsor the event?
7. Why is the Cable TV Equipment costs going from $152k to $80k to $12k next year?

8. Please explain the general fund or cash reserves that the Town has and how it supports the bond rating? What is the current and planned amount of the general/cash reserves and is there a percentage of the annual budget that we target to maintain?

9. When will the next assessment cycle of property values start?

10. Retirement ($787k to $678k) and Social Security ($295k to $259) are these reductions good news? Hospital costs for retired increasing from $289k to $400k this must be bad news?

11. What is the $60k for the Veteran Memorial Park project?

12. Why is the oil and resurfacing costs decreasing from $306k to $200k? Less road rejuvenation next year?

13. Senior events support was decreased by 30% from last year to this year and holds at $21k

14. Will there be a business case review of the grass mowing outsourc pilot and its impact on next years budget?

15. Why are uniform costs increasing $14k?

Additions

16. How much is the expected Fund Balance (difference between assets and liabilities or the uncommitted money) in dollars projected to be at the end of this year (2014)?

17. How much of that 2014 Fund Balance is forecasted be used in the 2015 Town budget AND how will it be used?
   a. What is the percentage of the total Town budget that you want to have in the fund balance?
   b. What are the benchmarks for this amount?
   c. Will any of the Fund Balance be transferred to other accounts to do things like buy capital equipment, in particular trucks/snow plows?
   d. What is the plan to manage (what projects might get funded) and what is the expected or targeted Fund Balance sum at the end of 2015?

18. What is the correct protocol for getting answers to our 2015 budget questions, and will a FAQ (Frequently Asked Questions) document be compiled and shared with Town residents?
Questions for Town Board Meeting:

1. Has the town received any feedback from the DEC regarding how they determined that Baker is “in compliance”?  
2. Specifically what measurements were taken, what were the results, and what is the limit for being “in compliance”?

We hope the delivery date for the forthcoming report from the DEC is imminent so we can all keep this moving forward to resolution as quickly as possible.
3. Has the town received any feedback from the DEC regarding their forthcoming report in terms of content or delivery date, either verbally or in writing?

All indications we have to date indicate that the answer to the question “What changed in 2005?” is economic in nature. That the heart of the matter is possibly running the TOs less or switching, partially, to less reliable, lower cost scrubbers and polluting our neighborhood as a result.

One thing I wonder is if the scrubbers are used for less intense odors, like the HVAC negative pressure pull from the whole building, while the TOs may be feed directly from the cook tanks, with the very high intensity odors.

What we need is a PFD (process flow diagram) of their entire odor control system. This should include the sources of feed to the key unit operations (i.e. Each TO and Each Scrubber)

Seems that could be considered non-proprietary and is core to addressing this issue properly
4. Tony, would you request this PFD of their odor control system and ask the DEC to include this in their report please?

5. Has the town received any feedback from Baker or the DEC on the progress SCP has made since they’ve been on-site?