Town Board Work Session Agenda
April 8, 2015
7:00 PM

I. Call to Order

II. Approval of Minutes – March 25, 2014

III. Monthly Reports - None

IV. Public Hearing – None

V. Guests – 7:00 PM
   • Jennifer Krohn – 5K Race – Southeast Bible Baptist Church - Costello
   • VFW Post, 1707 Penfield Road – Right-of-Way Abandonment - Valentine

VI. ACTION ITEMS

   Law and Finance
   1. Villas at Easthampton, Phase IV – Valentine
   2. LaSalle’s Landing Development, 24 Ancillary Garages – Costello

   Public Works - None

   Public Safety - None

   Community Services
   1. Smoke Free Policy for All Town Facilities – Bilow

VII. INFORMATIONAL ITEMS

   Law and Finance - None

   Public Works - None

   Public Safety - None

   Community Services - None

VIII. HELD ITEMS

   1. Right-of-Way Transfer on Mott’s Lane
   2. Jomanda Way, Expanding No Shooting Petition – LaFountain
   4. Garage Addition, 2041 Penfield Road – Costello
   5. Incentive Zoning, Dublin Road – 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
Councilman Quinn

Also Present:
Chris Bilow
Jim Costello
Lisa Grosser
Mark Valentine

II. Approval of Minutes – 3/25/15
CW Metzler moved for the approval of the Minutes of March 25, 2015, CM Quinn seconded the motion.

III. Monthly Reports – Supervisor LaFountain stated that Monthly Reports are due the end of this week.

IV. Public Hearing – None

V. Guests – 7:00 PM
• Jennifer Krohn – 5k Race – Southeast Bible Baptist Church

Jim Costello introduced Jennifer Krohn who is coordinating a 5k race for Southeast Bible Baptist Church.

Jennifer Krohn reviewed that this race has been held for the past two (2) years and will travel the same route. The race is a fundraiser for the Nancy Heckert Memorial Fund which provides scholarships for students to attend their school. Krohn continued to say the race will be held on June 6th from 9:00 AM to 10:30 AM. The Sheriff has been contacted and will block off NYS RTE 250 for 7-8 minutes while the racers are on the east side of the road until they reach Sweets Corners Road. When the racers return they can run on the sidewalks on the west side of NYS RTE 250. Krohn also stated that a nurse will be present in case of emergency.

Councilman Quinn asked if the Penfield Ambulance had been notified.

Krohn said no, not yet.

Councilwoman Metzler asked that Krohn make Penfield Ambulance aware of the race in case there are any needs for emergency
access in the area. Metzler also confirmed with Krohn that the race will follow the same route and have the same number of racers.

Krohn said she could provide proof of insurance if necessary.

Supervisor LaFountain asked how many runners are expected to participate.

Krohn said last year we had 65, and we are hoping to have 75 to 100 participants this year.

LaFountain asked that the NYS DOT be notified of the race.

Costello advised Krohn to notify the Sheriff, Ambulance and Fire Department of the race.

LaFountain asked if there has been any concern from the neighbors along the route.

Krohn said no, we currently use the route as a practice route and no one has expressed concern.

The Board discussed and agreed to allow the race.

Costello will work with Krohn to get everything finalized.

- American Legion, 1707 Penfield Road – Right-of-Way Abandonment

Mark Valentine stated that the American Legion, on Penfield Road has an old right-of-way which originally connected to Washington Street. In 1973 when NYS RTE 441 was put in a stub piece was abandoned by the State to Monroe County. Monroe County then abandoned it to the Town Of Penfield. The right-of-way has not been maintained. The Town Engineer determined that this right-of-way is a driveway apron and would need to be maintained by the property owner.

Ken Andrews, Adjutant for the Braman Post 1229, reviewed that they have 100 members and meet monthly. He feels that the right-of-way is part of the road and is concerned that its deteriorating condition could cause car accidents. Andrews continued to say their membership is growing, and they are working hard to keep the location open. They do not have the funds to complete the required repairs to the right-of-way.

Andrews then submitted a survey map, completed by Ed Summerhays, to the Board for its review. The survey shows the right-of-way is not located within the property lines of the American Legion. The survey also shows Saint Margaret Way which also utilizes this right-of-way for access to Penfield Road.

Supervisor LaFountain stated the American Legion property was bisected when NYS RTE 441 was put in. He believes property had
been condemned to get the right-of-way for NYS RTE 441. The State left us with the remains. He is not surprised that the State passed it to the County and then the County passed it to the Town.

Andrews stated that if the American Legion has ownership of the right-of-way, it will continue to deteriorate; we cannot afford to repair it. Andrews invited Board Members to attend one of their meetings and consider reversing the decision to abandon the right-of-way to the American Legion.

Councilman Quinn asked if the Town has done any maintenance to the area.

Valentine said no, not in the past 30 years.

LaFountain reviewed that there had been some work to Penfield Road near the intersection of Panorama Trail when Home Depot went in. Over the past 30 years the Town filled pot holes for the County and has done some patch work.

Councilwoman Kohl asked if the American Legion maintains their parking lot.

Andrews said they have sealed it and it is in better shape than the road.

Councilwoman Metzler asked if the American Legion’s plow contractor has plowed the right-of-way as part of the parking lot.

Rick Gough, Commander of the Braman Post 1229 stated that a member of the American Legion does the plowing and starts at Saint Margaret Way.

Councilman Moore asked what repairs the right-of-way requires.

Valentine said pot hole patching, crack sealing and a surface coat. The existing concrete bollards are not standing up.

LaFountain said the bollards may have been State highway markers. The bollards are a hazard, and should be removed.

Quinn asked if we have estimates for repair.

Valentine said no, we can have the Department of Public Works evaluate and prepare an estimate.

Quinn asked if we can get the right-of-way to meet specifications would the American Legion then take it over long term.

Andrews said he is not sure if they could maintain it properly. When planning our future, we look at a 10 year window, because we
are not sure if the American Legion will still exist beyond that time.

Metzler stated as a property owner, if you sold the property it would be beneficial to have the right-of-way meet Town specifications.

Gough added as we maintain the parking lot, we could continue to maintain the right-of-way.

LaFountain asked about elevations in the area. Can we change that intersection to a T, which would reduce the amount of paving required.

Moore asked to have the Department of Public Works determine options and prepare estimates.

LaFountain said that makes sense, we are going to be doing some work on Penfield Road and it would be beneficial to work on the right-of-way at the same time. We will have the Department of Public Works review options and give us a sense of costs and discuss this again. This will be a held item and we will set up a time for you to come back in to discuss.

Jerry, an American Legion member in the audience, asked about fundraiser signs and issues in the past with signs being removed.

Supervisor LaFountain took his contact information and will give it to Andy Suveges, Code Enforcement Officer to work out any issues regarding signage.

VI. ACTION ITEMS

Law and Finance
1. Villas at Easthampton, Phase IV - Valentine
Mark Valentine reviewed that the Public Hearing was held on April 1, 2015. There was a concern brought up from the Kuitems regarding drainage. Mark Welker, Easthampton Penfield, LLC met with the Kuitems at their property to discuss issues and concerns. Welker contacted his landscaper and he will be coming up with a plan to correct the drainage.

Valentine continued to say after their meeting with Welker, the Kuitems are happy with the suggested changes and have agreed to a July 1, 2015 deadline for completion. Valentine submitted a letter from Welker to the Board for its review detailing his plan to correct the drainage issues.

Councilwoman Metzler added that the Kuitems and Mr. Welker attended the recent Watershed Management Committee meeting, which is appreciated.

Ralph Kuitems stated that the berm that was installed with earlier development of the Villas at Easthampton has caused
problems with the drainage. He thanked Mr. Welker for meeting with he and his wife right away and proposing to complete the drainage repairs by July 1.

Supervisor LaFountain stated that Mr. Welker picked up this project midway and inherited these issues. The Board has found him to be very responsive to concerns. LaFountain asked if PRC had any comments.

Valentine stated that PRC and the Watershed Management Committee agreed that the catch basins were installed too high and the property was not graded correctly. Mr. Welker has agreed to correct the issue. We will inspect as the work as it is completed and keep in contact with both parties.

LaFountain stated that drainage is the only issue that was brought up at the Public Hearing; is there anything else the Board should be made aware of.

Jim Costello said he met with the neighbors across from the development and they are looking for three (3) additional trees. Mr. Welker also met with them and has agreed to put the trees in. There are no other concerns.

The Board discussed and agreed to move forward.

Supervisor LaFountain directed Valentine to prepare a Resolution for the next Legislative Session on April 15, 2015.

2. LaSalle’s Landing Development, 24 Ancillary Garages - Costello
Supervisor LaFountain reviewed that the Public Hearing was held on April 1, 2015 and no one spoke regarding the application.

Jim Costello stated that no comments have been received since the Public Hearing.

Mark Valentine stated that PRC had no comments.

The Board discussed and agreed to allow the ancillary garages.

Supervisor LaFountain directed Costello to prepare a Resolution for the next Legislative Session on April 15, 2015.

Public Works - None

Public Safety - None

Community Services
1. Smoke Free Policy for All Town Facilities – Bilow
Chris Bilow stated that he and Ronnie Williams, Director of Public Works met with the Smoking and Health Action Coalition of Monroe County in January. This group recently worked with the City of Rochester on their smoke free policy in public parks. As part of wellness in the community the coalition is willing to
help us through the process, assisting with communication and making sure that we follow the necessary steps. Bilow continued to say he met with the primary user groups as part of their regular annual meetings. This included Little League, Baseball, Soccer, and Lacrosse groups. We discussed the organizations existing policies that we may be able to work off. Currently, there are restrictions only regarding specific activity near the field. We would expand on this to cover the entire park. Bilow said he would want to get feedback from residents and could utilize a survey tool to see if there is community support. We would promote the survey and have it available for a limited time. We are looking to expand no smoking throughout the parks, athletic fields, playgrounds, walking and hiking trails, enclosed lodges and entrances to Town facilities. Bilow had submitted a draft of the policy to the Board for its review.

Councilman Quinn said he has reviewed the draft and feels we need to define the term “facilities” more clearly.

Bilow said the survey is more specific with regards to each area of Town facilities. Bilow continued to say this should be a policy, not an ordinance. There is still work to be done on the specifics of the policy.

Quinn asked how the school district enforces no smoking.

Bilow said it is similar to a policy and is monitored by staff.

Councilwoman Metzler asked if the School District has signs.

Bilow said yes, signs are located near athletic fields.

Councilman Moore asked where smoking is allowed on school property.

Bilow said people must smoke in their vehicle.

Quinn asked if this would be the same for Town employees.

Bilow said it could be, or we could have a designated smoking area. Bilow added that the 2014 survey from the Monroe County Smoking Coalition had 74% support for restricting or completely eliminating smoking within Monroe County Parks. The survey then broke down the statistics between smokers and non-smokers. Non-smokers responded 82% support restricting or eliminating smoking in or around playgrounds and 70% for entry ways to buildings. Smokers response was 57% supporting restricting or eliminating smoking for Public Parks. This demonstrates existing support within Monroe County.

Quinn asked if this had been discussed with Town Attorney Horwitz.
Bilow said no, not yet. We want to gather feedback from the survey first and then will review that with Horwitz.

Metzler said the survey is important to determine findings to use in the policy.

Quinn said he is concerned because currently common sense is prevailing. Once the Town creates a policy it could create blowback.

LaFountain asked Bilow to move forward with the survey and keep the Board updated.

VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS

1. Right-of-Way Transfer on Mott’s Lane
2. Jomanda Way, Expanding No Shooting Petition - LaFountain
3. 1223 Fairport Nine Mile Pt. Rd., Neufeld - Costello
4. Garage Addition, 2041 Penfield Road - Costello
5. Incentive Zoning, Dublin Road - 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 regular Work Session at 8:00 PM.

Lisa Grosser, Deputy Town Clerk