Town Board Work Session Agenda
April 22, 2015
7:00 PM

I. Call to Order

II. Approval of Minutes – April 8, 2015

III. Monthly Reports - March

IV. Public Hearing – None

V. Guests – Itacate – Update of Promotional Activities - Costello

VI. ACTION ITEMS

Law and Finance
1. Baytowne Plaza Property Transfers – Valentine

Public Works
1. Ownership of Baytowne Storm Pipe – Valentine
2. Crown Pointe Subdivision, Topsoil Screening – Valentine
3. DPW Salter Rack Project – Giesselman/DiFrancesco

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. 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
6. American Legion, 1707 Penfield Road Right-of-Way – Valentine
7. Smoke Free Policy for all Town Facilities - Bilow

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:
Jim Costello
Mark DiFrancesco
Rick Giesselman
Lisa Grosser
Mark Valentine
Ronnie Williams

II. Approval of Minutes – 4/8/15
CM Quinn moved for the approval of the Minutes of April 8, 2015, CW Metzler seconded the motion.

III. Monthly Reports – All reports for March have been received except for Personnel and Local History Room/Historian, and those are expected by the end of the week.

IV. Public Hearing – None

V. Guests – 7:00 PM – Itacate – Update of Promotional Activities – Costello
Jim Costello introduced Jose Abarca who has proposed some changes to his business that are within Town code. Itacate has been in compliance and his neighbors are supportive. Abarca has been doing things correctly and he has some ideas to generate some interest in the Four Corners. He has had discussions with Councilwoman Kohl, and she is supportive of his ideas.

Jose Abarca thanked the Town Board and Staff for their support of his restaurant. It has been great to work with everyone and the community has embraced us and been very supportive. The neighbor next to the restaurant put gravel down in the lot for additional parking. Abarca has opened the bar downstairs as business has grown and sales have increased. Abarca continued to say they have hosted guest musicians, both soloists and bands within the premises for live music. They have also been advertising with radio station 93.3 Fickle, who has broadcasted live from the premises this has also been very successful.

Costello asked about Salsa dancing.
Abarca added that they have also been hosting Salsa dancing lessons on Wednesday evenings from 7:00 PM to 9:00 PM.

Councilwoman Metzler asked if the dancing lessons are free.

Abarca stated that the lessons are free, the host teaches in 15 to 20 minute sections and they have both participants and spectators.

Costello asked if the restaurant closes at 10:00 PM.

Abarca said yes.

Councilwoman Kohl asked about changes to the downstairs of the building.

Abarca stated that they tore down a wall to open up the area for more dance space. They have the same number of participants, but the additional space makes it more comfortable.

Kohl asked about the outdoor patio.

Abarca said he hopes to have the patio open by Cinco de Mayo. The patio will be 16 ft. by 16 ft.

Councilman Quinn asked if Abarca was offering discounts to First Responders.

Abarca said that 93.3 Fickle ran an advertisement stating that Itacate supports First Responders and will offer a discount to those that mention the ad.

Quinn praised Abarca for his generosity by offering discounts to First Responders.

Supervisor LaFountain stated that at the recent Public Safety Summit there was a request for businesses to work with First Responders, and support them by offering a discounted fare. LaFountain said he heard the advertisement and it is very admirable of Abarca to take the initiative and he congratulated him.

Councilwoman Metzler stated Abarca has shown why his restaurant is successful. The parking lot is the busiest it has been in decades. The changes have been done incrementally, one step at a time and Abarca has been successful. He has been a good neighbor to both businesses and residents.

Kohl asked Abarca to explain his interest in exploring options with other restaurants.

Abarca said 93.3 Fickle has been very cooperative and have had some great ideas. There is a possibility of extending the live broadcast in the fall, they are not available this summer.
Abarca went on to say the Four Corners is an important part of Penfield. There are several restaurants in the area which offer different types of food and are not direct competitors with each other. Abarca would like the Town Officials to sit down with him and other restaurant owners and figure out how to cooperate and make the Four Corners a destination area. Abarca suggests the 93.3 Fickle Happy Hour could be shared and hosted by various restaurants in the Four Corners. The event has drawn people not only from Penfield, but neighboring communities as well. Abarca continued to say it makes sense as an awareness and as a marketing strategy to spread out the costs. He feels it is worth it to sit down and explore the opportunities.

LaFountain said Costello would be the contact to move this forward. We are always looking for ways, not only attract new business, but equally important to retain businesses by making people aware and creating community support. LaFountain suggests Costello work on setting up a meeting with the other restaurant owners in the Four Corners area.

Metzler stated she appreciates Abarca’s enthusiasm.

LaFountain directed Costello to prepare a letter documenting the changes Itacate has put in place, including the internal music and dancing. LaFountain added that the Town Board wants to stay in contact and continue supporting local businesses.

VI. ACTION ITEMS

Law and Finance
1. Baytowne Plaza Property Transfers – Valentine
Mark Valentine submitted a map to the Board for its review. The map shows highlighted areas, those areas in green are to be transferred from the Town of Penfield to the DiMarco Group. The areas are stubs at the end of the road which were to be curb cuts for the extension of Seabury Boulevard including a loop around. With the new development, those are no longer needed. There is also an orange highlighted area that will be transferred from the DiMarco Group to the Town of Penfield to create a right-of-way area. This piece was used to realign the driveway/entrance to create a looped path into the plaza. This was done to discourage drivers from entering the residential area. Valentine continued to say the properties would have to be appraised. The Town Attorney would then need to review and there would be a 30 day Permissive Referendum.

Councilwoman Metzler stated that this is a predicted step in the process at this point.

Valentine stated that easements and lease agreements are getting wrapped up now and they are preparing to move ahead.

Supervisor LaFountain asked if the developer would be paying for the appraisals.
Valentine stated that the DiMarco Group prefers the Town pay for the appraisal and charge them back.

The Board discussed and agreed to allow the transfers.

LaFountain instructed Valentine to prepare a Resolution for the next Legislative Session on May 6, 2015.

Public Works

1. Ownership of Baytowne Storm Pipe – Valentine
Mark Valentine stated that the storm pipe is a requirement for the installation of sidewalks. The piping is required for existing swales. The New York State Department of Transportation has requested a Resolution stating ownership and who will maintain the pipe. This will allow the continuation of sidewalks along Empire Boulevard, which is a requirement of this Board’s rezoning and the Planning Board’s approval resolution.

Councilwoman Metzler stated that this is a standard step in the process.

Supervisor LaFountain said this is consistent with NYSDOT requirements.

The Board discussed and agreed to take ownership of the pipe.

LaFountain directed Valentine to prepare a Resolution for the next Legislative Session on May 6, 2015.

2. Crown Pointe Subdivision, Topsoil Screening – Valentine
Mark Valentine acknowledged Bill Boyce who was in the audience. The Crown Pointe Subdivision has 11,000 yards of top soil remaining. 6,000 yards will be needed to complete the top soil and seeding. The remaining 5,000 yards Boyce has requested a permit to screen and sell. Valentine said Boyce anticipates the top soil sales will be completed in a four (4) month time frame. Valentine has gone over the regulations with Boyce and asked that the area does not become dusty or noisy for the residents. Boyce has agreed to comply with the hours of operation and intends to work 7:30 AM to 4:00 PM, Monday through Friday.

Supervisor LaFountain asked if there would be any weekend hours.

Boyce said Saturday from 8:00 AM to Noon.

Councilman Moore asked if neighbors have been notified.

Boyce stated that neighbors had not been notified.

Valentine added that the top soil is in a remote area from where the residential properties are located.

The Board discussed and agreed to allow the permit.
Supervisor LaFountain directed Valentine to issue the permit.

3. DPW Salter Rack Project - Giesselman/DiFrancesco
Mark DiFrancesco explained that currently the salt spreaders are hung on a homemade gantry system. There is no weight capacity calculation and employees currently climb on the truck to detach the salt spreaders. DiFrancesco continued to say we are interested in developing a system to provide a certified weight capacity and reduce the risk for employee injury. This discussion has come up as part of evaluations by the Safety/Risk Management Committee and concerns of the Department of Public Works.

DiFrancesco submitted a summary and proposed budget to the Board for its review. With the help of Aloi Material Handling, a commercial shelving system was designed as Alternative #1. This option would be certified to meet engineering needs and strength requirements. This system would store the current 25 spreaders with capacity up to 32 spreaders. DiFrancesco continued to say the estimate is to modify the existing structures. By adding channels to the spreaders, front end loader forks could be used to move them. Including the projected scrap material credit the cost is estimated at $168,500.

DiFrancesco stated that they would also like to offer an Alternative #2 which would allow the bidder to propose an alternative that would be certified and reduce the risk of injury. This would give a bidder the opportunity to develop a system that we haven’t thought of yet.

Ronnie Williams stated that during the winter months, there is usually a lull during the plowing and salting season. To utilize the trucks for other work, the salters would have to be lifted off the truck and stored. Due to the risk of removing the salters temporarily, the additional work does not get done. Williams continued to say the proposal is similar to a boat docking station. The concept is to use a lift to move the salters and remove the human intervention. This would increase productivity and availability of the trucks. This has been an ongoing problem and there are associated injuries and accidents using the current storage system.

DiFrancesco said the proposal would store the spreaders on a table 3-4 feet off the ground; this is the amount of space needed to get the spinner off the ground.

Supervisor LaFountain said the current racking system would be modified. The new system would be certified to be structurally sound. The credit for the scrap material would reduce the cost of a new system. The proposed system would be less hands on and reduce risk of injury to employees.

DiFrancesco said instead of being hung, the salters would be set in place.
Councilman Quinn asked if there would be modifications to the salters.

Williams said there will be channels welded to the interior of the salters, so the forks will slide in to pick up the spreaders to move them.

Councilwoman Metzler said she is supportive of any improvements that make it safer for employees. She agrees that offering both alternatives for bidding may yield a better option. Metzler asked that Bob Beedon, Town Comptroller be made aware of any changes which may reduce our insurance premiums.

LaFountain stated that Beedon had been involved in discussions regarding these potential changes. LaFountain continued to say funding for this proposal is from budget funds that were carried over from last year. The engineer’s estimate DiFrancesco submitted to the Board could be better or higher when actually bid. With the option of Alternative #2 a better proposal may be quoted which could yield a lower cost estimate.

Rick Giesselman stated that they have looked at other towns and most use homemade systems which have construction similar to our system. This change would give us a leg up over the other towns.

DiFrancesco said if the Board agrees to move forward a Resolution would be submitted for the next Legislative Session on May 6, 2015, with a bid date of May 27 or 28.

LaFountain said then you would come back to a future Work Session to review the bids and discuss the next steps.

LaFountain added that the goal of the Risk Management Committee is to address known hazards. The current system was established in 1970’s and has been tweaked and added to since that time. This is an accident waiting to happen and we need a new perspective on this.

The Board discussed and agreed to move forward.

LaFountain asked DiFrancesco to prepare a Resolution for the next Legislative Session on May 6, 2015.

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. 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
6. American Legion, 1707 Penfield Road Right-of-Way - Valentine
7. Smoke Free Policy for all Town Facilities - Bilow

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 7:46 PM.

Lisa Grosser, Deputy Town Clerk