I. Call to Order

II. Approval of Minutes – January 13, 2016

III. Monthly Reports - None

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

Law and Finance
1. Williams, Giesselman and Garbeck – Mowing Contract Summary for 2015 and Path Forward for 2016 – LaFountain
2. 20 Hilltop Drive, Waiver of Local Law #1 of 2003 – LaFountain
3. Barclay Park Subdivision, 1213 Fairport Nine Mile Pt. Rd. – Costello

Public Works
1. Villas at East Hampton Roadway Dedication – Valentine
2. Sable Oaks Roadway Dedication – Valentine
3. Empire Blvd. Sidewalks, Engineering Change Order - Valentine

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Possible Use of Camp Haccamo Property - Costello

Public Works - None

Public Safety - None

Community Services - None
VIII. **HELD ITEMS**
1. Jomanda Way, Expanding No Shooting Petition – LaFountain
2. Sidewalk Waiver, 1445 Jackson Road – Valentine
3. Mixed Use Development Hearing Date – Valentine
4. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield 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:
Jim Costello
Rick Giesselman
Bob Garbeck
Lisa Grosser
Mark Valentine

II. Approval of Minutes – 1/13/16
CM Quinn moved for the approval of the Minutes of January 13, 2016, CW Metzler seconded the motion.

III. Monthly Reports – None

IV. Public Hearing – None

V. Guests – None

VI. ACTION ITEMS

Law and Finance

1. Williams, Giesselman and Garbeck – Mowing Contract Summary for 2015 and Path Forward for 2016 – LaFountain
Ronnie Williams submitted a summary of mowing expenses since 2013 to the Board for its review.

Rick Giesselman reviewed the summary stating that in 2013 total expenses, which included fuel costs, repair parts and mechanic hours totaled $153,005.

Giesselman continued to review and stated in 2014 a portion of the mowing was contracted out to Rochester Lawn Care. The Town’s costs were $90,700 and Rochester Lawn Care’s portion was $20,075. Total expenses for 2014 were $110,775 which yielded a $42,230 cost savings over the previous year.

Giesselman then reviewed the 2015 season, additional work was added to the outsourcing which included Channing Philbrick Park, Greenwood Park and Dayton’s Corners School. To properly maintain the sports fields an additional 12 cuts were requested. Also a small area near Pennicott Circle, along with some other small
areas in the Town were added to the rotation. Town of Penfield’s expense totaled $64,118 and Rochester Lawn Care’s portion was $49,630 which totaled $113,748 for the year. This was approximately $3,000 over the previous year, but included double cuts and additional park areas.

Supervisor LaFountain asked if any complaints were received.

Bob Garbeck stated that no calls or complaints were received. He did have a concern with the quality of a cut at Beacon Hills, and when it was brought to Rochester Lawn Care’s attention, they went out and re-cut the next day. Garbeck said Rochester Lawn Care stayed in touch with him to make sure we were satisfied with the work including the double cuts.

Giesselman stated the Pennicott Circle area was cut biweekly.

Councilman Quinn stated that no comments were received from the residents of Pennicott Circle.

Garbeck added that no complaints were received from any of the sports groups either.

Councilwoman Metzler asked who is the contact for sports groups if there is a concern?

Williams added that he meets with Recreation Director, Chris Bilow once a month.

Garbeck stated he is in contact with the sports groups regularly as he is responsible to line the fields.

Giesselman then reviewed options for the 2016 mowing season. To outsource the balance of the mowing would include Harris Whalen Park, Penfield Community Center, Rothfuss Park and Veterans Memorial/Town Hall properties. An estimated cost of $30 per acre was used and includes double cuts for sports fields. The estimate to outsource all of the mowing is $133,191.

Giesselman stated the contract from 2014 is valid for 3 years and is renewed annually, the Town can also renew for one additional year. The 2015 contract is the same.

Williams stated that the additional expense of $20,000 is not in the 2016 budget. Williams said we should be able to get a better price based on the higher volume of mowing. A contractor could justify the purchase of larger equipment with the requirement of more acreage cut. Williams recommends continuing with the outsourcing as was done in 2015, and look to move to a new contract for 2017. The advantage is we move away from managing labor, the disadvantage is we do not develop a skill level to use our expensive equipment. Currently we utilize a retiree who was experienced using this equipment. We cannot put an inexperienced
individual on that type of equipment. We currently utilize one regular employee for mowing, all others are seasonal.

LaFountain stated the estimated expense for continuing with the same outsourcing as 2015 for 2016 would be $114,000. The current split is nearly equal with the Town mowing 100.3 acres and Rochester Lawn Care mowing 114.2 acres. Continuing to outsource mowing the same as last year is beneficial to the taxpayer as there is a $20,000 less impact to the Town and we round out the three (3) year contract. LaFountain stated he encourages Williams to have the outsourcing of mowing rebid winter of 2016, with multiple options including total, the current split or any other sequence and compare those numbers.

Quinn stated to continue the hybrid plan of outsourcing is the most cost effective for 2016, he is interested in seeing quotes for a full mow in 2017.

Councilwoman Metzler said this is quality effectiveness, we have experienced qualified employees who are better utilized at skilled work such as drainage, roadwork, projects and maintenance. We should continue to avoid using skilled employees for mowing.

Williams stated that the original repurposed employees are happier and have come up shinning.

The Board discussed and agreed to continue outsourcing the mowing as was done in 2015.

Supervisor LaFountain thanked Bob Garbeck for overseeing the contractor during the mowing season, and thanked Rick Giesselman for preparing the data for the Board’s review.

2. 20 Hilltop Drive, Waiver of Local Law #1 of 2003 – LaFountain Supervisor LaFountain reviewed that at the last Work Session the Board asked Mr. Carley to meet with R G & E and his employer and come back to discuss options/opportunities.

David Carley stated he cannot park at an R G & E site because liability is an issue. R G & E would not issue a letter, as the Supervisor had requested, because they do not want to get involved.

Councilwoman Kohl asked Carley if he had spoken to his employer about obtaining a smaller truck.

Carley said yes, it is a possibility to get a smaller truck, but it would not happen immediately.

Jim Costello stated that Mr. Carley had met with him and Andy Suveges, Code Enforcement Officer. We spoke with Town Attorneys Weishaar and Horwitz to determine if the Zoning Board of Appeals could issue a variance for Mr. Carley to park his truck in his
driveway. The attorneys advised this isn’t an option as the ZBA does not have the authority to grant a waiver to a Local Law. We can only help Mr. Carley get into compliance. Costello continued to say the intent of the Law was to get compliance.

Councilwoman Metzler stated she had reviewed the Ordinances in other Towns within Monroe County and every other Town or Village does not allow these types of vehicles to be parked in a residential driveway. The Law is on the books and every other Town has a similar law, we are not unique. Within the Law there is no hardship or type of work exception.

Costello said this Local Law was previously an Article of the Zoning Ordinance and it was made a Local Law without a relief mechanism.

Supervisor LaFountain asked Carley when his employer can provide a smaller vehicle?

Carley stated almost every vehicle my employer has is too large to be parked in a residential driveway.

Metzler said you wouldn’t want the Board to be arbitrary. This Law is in place so the Board doesn’t have to review for every type of vehicle that isn’t allowed.

Carley said there are various circumstances, he is on call 24 hours a day and there could be a life or death circumstance.

Costello said we can discuss a specific time frame for you to work with your employer to obtain a smaller vehicle, this would allow us to notify the court that we are working on a resolution.

Councilman Moore inquired if Carley’s employer would be able to lease a building for Carley to park his truck?

Costello said there may be a garage or service station that could be used, but liability may become an issue.

Moore said the building doesn’t have to be in Penfield, one of the surrounding towns would still be closer than traveling to your employer.

Costello stated in the long run Mr. Carley needs to get in compliance with his vehicle. We can work on a time frame to get a vehicle that is in compliance.

Carley said if he had to park his truck at another location, he would need to purchase another vehicle to get to his truck.

Supervisor LaFountain said we can recommend a time frame of three (3) to six (6) months for Carley to get a new vehicle from his employer.
Metzler added it should be a minimum of six (6) months.

The Board discussed and agreed to give Carley six (6) months to obtain a different vehicle that is compliant with the Local Law.

LaFountain directed Costello to advise the court that the Board recommends giving Carley six (6) months to obtain a new vehicle that is in compliance. LaFountain asked Costello to meet with Suveges and update the courts.


Jim Costello reviewed that the Public Hearing was held on December 2, 2015. Karen Kimmel had brought up concerns regarding stormwater management on the north and south side of the project.

Rudy Neufeld said he met with NYS DOT and a jog is being added to the roadway to bring it further north. There is a headwall in the right-of-way on NYS RTE 250, and they did not want it disturbed. The redesign, which was done to accommodate the NYS DOT, creates open space on the south side of the road to move the retention pond. The area on the north side can now be used as a park like setting. Kimmel is comfortable with this modification.

Costello said PRC had concerns pertaining to the grading and lights and that they need to be buffered to the properties to the west. A berm is suggested and landscaping will be proposed. PRC is pleased with the green initiatives on the site and a filtering system that is proposed. The Town Engineer reviewed and brought up a concern about accessing the land for inspection. The Homeowner’s Association will take responsibility for the maintenance of the biofiltration on that site. Costello added that the road will be private and will not meet Town specifications.

Costello added the application is pending approval, the Board has not yet established the formula for the incentive. Staff is working on an incentive package and hopes to present it to the Board February 10, 2016.

Costello asked if the Board would consider approving the plan with a provision that Neufeld must comply with the incentive? Costello added this is the first time we have not determined the incentive before the applicant was ready for approval.

Councilman Quinn stated the Board should keep the precedent and hold on the approval until the incentive is determined.

The Board discussed and agreed to wait until the incentive is determined before giving approval.

Councilwoman Metzler asked Neufeld if he had a time frame that he would like to start.
Neufeld said it takes 60 to 90 days once the resolution is given.

Costello said staff may want to look at incentives on an annual basis. The incentive is used for a public improvement and conditions may change from year to year.

Metzler asked Neufeld if waiting until the end of February or early March would be reasonable.

Neufeld stated he cannot obtain NYS DOT permits until he receives approval.

LaFountain said originally 22 units were discussed, the latest plan shows 24 units. The Board will need to review this before approval can be given.

Metzler agreed the Board needs to have everything in front of us before we can make a decision.

Neufeld added he has not made a final decision on keeping or demolishing the existing house. He is flexible and it can be based on the Board’s suggestion.

Councilman Quinn verified that the Public Hearing was for 22 units plus the existing house.

Costello said the current plan is for 24 units plus park space. This will also need to be addressed, if you go to 24 units plus the existing home we would have to hold another Public Hearing.

Public Works
1. Villas at East Hampton Roadway Dedication – Valentine
Mark Valentine stated he had forwarded a letter he received from Mark Welker. Mr. Welker met with the Homeowner’s Association and asked them to review the video of the previous Work Session where dedication of the road was discussed. After discussion they have decided to withdraw their request.

Councilman Quinn interjected that this is a good example of how televising the Work Sessions can be utilized. That would have been a very difficult discussion to capture.

2. Sable Oaks Roadway Dedication – Valentine
Mark Valentine introduced Rich Selby and Jim Rowe, the Homeowner’s Association submitted a letter to the Board requesting their private road be dedicated. Valentine also included a map of the area for the Board’s review. Valentine continued to say staff has reviewed the area. Setbacks, slope, width and dimension of lots should meet Town standards. Core samples would need to be reviewed. The cul-de-sac also meets specifications. The Department of Public Works has also reviewed the area and they are happy with the up keep and condition of the road.
Councilman Quinn asked how old is the road?

Rich Selby stated eight (8) years old.

Quinn asked what has happened since the road was developed as private.

Selby said the Homeowner’s Association has discussed it and feels it makes sense, the residents are paying taxes. It was the developer’s decision to make it a private road.

Supervisor LaFountain asked, when you purchased the home you understood that road was private?

Selby agreed yes.

Councilwoman Metzler said the homeowners of the Villas at Easthampton were having issues with their snow plow contractor and that is why they came to the Town for dedication. Why do you think the Town can take care of your road better than the HOA?

Jim Rowe stated it is expensive to maintain a road that long and we have an understanding how the adjacent area may be developed. We are concerned about privacy and controlling the traffic. The road is posted as private and people come and walk their dogs. An additional 150 to 200 families at the development below would have a significant impact on our road.

Valentine stated that there is an approval for five (5) four (4) story buildings.

Costello asked if there is an agreement for the new development to help with maintenance of the road?

Rowe said it is undefined and unresolved easement.

Selby added there are currently no maintenance issues, the road is filled and sealed regularly. He added that there is no agreement and he is concerned they would have to fight with the developer in court.

Metzler asked if the HOA has agreed to take on the responsibility of the road?

Rowe stated no, we are here on an exploratory mission. Rowe asked if the Board would consider taking dedication, we could be working toward a solution or alternative.

Costello added if you are concerned with people on your road now, if it becomes a dedicated road it becomes public.

Rowe said they would prefer to keep the road private, but with the new development that may not be possible.
Costello added that if it remains a private road you could add a gate system as long as it provides for emergency access.

Metzler stated for dedication, the road would have to be brought to Town Specifications at the Homeowners Association’s expense.

Kohl asked if they have an estimate on the costs to bring the road up to spec?

Valentine said the original design of the road should meet Town specifications, it has all the basic elements of a dedicated road.

Councilman Moore added that you would need overwhelming support from the homeowners to move forward.

Supervisor LaFountain stated that we need to discuss this further with Town Attorney Weishaar. After that discussion we will update the Board.

Valentine added that any associated costs to bring the road up to Town Specifications would be borne by the Homeowner’s Association.

Rowe asked what the steps would be to move forward.

Costello said you would meet with staff to review the right-of-way. The issue of the other entity will need to be discussed with Weishaar.

LaFountain advised Rowe and Selby to work with Jim Costello and Mark Valentine on the requirements. The Board will discuss this with the Town Attorney and update the Board as to where we are with this site.

3. Empire Blvd. Sidewalks, Engineering Change Order – Valentine
Mark Valentine submitted a letter from DDS Companies to the Board for its review. The Town contracted with DDS for two (2) CDBG Grant projects on Empire Boulevard. The letter notes additional costs which are above and beyond the original scope. The changes are requirements of the NYS DOT.

Councilwoman Metzler asked what the new costs stem from?

Valentine said the costs are based past practices and similar work. The sidewalks will go from Abraham Lincoln Park to Southpoint Cove and from Bazil Restaurant to LaSalles Landing.

Councilman Quinn asked if Southpoint had any stake in the installation of these sidewalks?

Valentine said no, they had already installed the sidewalks they were obligated to complete.
Metzler stated this is another State unfunded mandate.

Valentine said it falls under change in design standards on a committed project.

Quinn asked if this had been discussed with the NYS DOT?

Valentine said yes, DDS met with the NYS DOT. The requirements are necessary for the permit to be issued.

Quinn asked if sidewalks had been installed on any other State highway recently.

Valentine said no, not in two (2) years.

The Board discussed and agreed to the additional expense. LaFountain directed Valentine to submit a resolution for the next Legislative Session on February 3, 2016. He asked Valentine to include in the resolution the history, original cost and that this change is a requirement of New York State, include the bullet points from the letter on the resolution as a reason for the increased costs.

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance
1. Possible Use of Camp Haccamo Property - Costello
Jim Costello introduced Frank Imburgia and Jerry Goldman who had discussed the proposed Dog Hotel at the November 10, 2015 Work Session. Costello continued to say a letter was received from Mr. McNeil, President of the Allens Creek Homeowner’s Association, in response to a meeting that Goldman and Imburgia held. The residents within the development are requesting an Informational Meeting to have a broader discussion.

Councilman Moore stated an Informational Meeting is a good idea, the Board can hear from the neighbors directly.

Costello said a resident came in requesting information and it was determined there is an EPOD in the Flood Plain District and that the building may have to be moved further away from the creek.

Jerry Goldman asked how this meeting will be coordinated?
Supervisor LaFountain said the Town will send out notices, you make a formal presentation which is followed by public participation. After this meeting, we can then discuss the next steps. LaFountain advised Imburgia and Goldman to work with Costello to have a Public Information meeting scheduled during a regular Legislative Session.

Public Works - None

Public Safety - None

Community Services - None

VIII. HELD ITEMS
1. Jomanda Way, Expanding No Shooting Petition - LaFountain
2. Sidewalk Waiver, 1445 Jackson Road - Valentine
3. Mixed Use Development Hearing Date - Valentine
4. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road - Costello

IX. Old Business - None

X. New Business - None

XI. Executive Session - Real Estate, Litigation and Human Resource Matters - The Board went into an Executive Session to discuss real estate and legal matters.

XII. Adjournment - Supervisor LaFountain adjourned the regular Work Session at 8:44 PM.

Lisa Grosser, RMC
Deputy Town Clerk