Town Board Work Session Agenda
January 13, 2010
6:30 p.m. Town Board Executive Session
Work Session begins at 7:00 p.m.

I. Call to Order:

II. Approval of Minutes: - December 9, 2009

III. Monthly Reports:

IV. Public Hearing: - None

V. Guests: - 7:00 p.m. – Brannon Hungness/Hungness School of Music

VI. ACTION ITEMS:
   Law and Finance
   1. Walmart Application – Costello/LaFountain
   2. Board Minutes on Website – Renner

   Public Works
   1. Watershed Management Committee - Benway

   Public Safety - None

   Community Services
   1. Parks & Recreation Advisory Board Recommendation for 2010 Parade Marshal – Kohl

VII. INFORMATIONAL ITEMS:
   Law and Finance
   1. Review of Development Projects – Benway
   2. Update of Development Projects – Costello

   Public Works
   1. Town Design Criteria – Benway

   Public Safety - None

   Community Services
   1. Bi-Centennial Update – Kohl
   2. Harris Whalen Shelter Update – Ainsworth/LaFountain

VIII. HELD ITEMS:
   1. Town Parks/Properties Ordinance – Ainsworth
   2. Recreation Facilities Update – Cooper
   3. Sign Ordinance Update – Morehouse/Costello

IX. Old Business:

X. New Business:

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

XII. Adjournment:
January 8, 2010

Pursuant to Section 62 of the New York State Town Law, I am hereby scheduling a Special Town Board Meeting, Executive Session, to be held on Wednesday, January 13, 2010 at 6:30 PM in the first floor board room. This meeting will be an Executive Session to discuss personnel matters and any other business that may come before the Board.

R. Anthony LaFountain
Town Supervisor
I. Call to Order:

Present:

Supervisor LaFountaine
Councilwoman Kohl
Councilwoman Metzler
Councilman Moore
Councilman Quinn

Also Present:

Robert Beedon
Geoff Benway
James Costello
Katie Evans
James Fletcher
Donna Masters
Harold Morehouse
David Renner

II. Approval of Minutes: - December 9, 2009

Councilwoman Kohl moved for the approval of the Minutes of December 9, 2009, Councilman Moore seconded the motion and all present voted “Aye”.

III. Monthly Reports: - Supervisor LaFountaine reported that most reports are in to his office.

IV. Public Hearing: - None

V. Guests: - 7:00 p.m. – Brannon Hungness/Hungness School of Music – J. Costello advised the Town Board members that this will be a music studio in the McCord building. It does fall under the filtering for a streamline process application for permit issuance without having to hold a Public Hearing. If approved, a letter agreement will be prepared for conditions for the Special Permit.

CW Kohl asked if there are three (3) parking spaces available.

J. Costello said yes, but the parking is tight. There are also 13 spaces available in the public lot. There are 4-5 other tenants in this building as well.

Mr. Hungness addressed the Board members and said that his hours of operation will be 3:00 – 8:00 p.m. (after school hours). He teaches guitar and piano and is the main instructor at this location. He may eventually have another instructor at this location and he could then work out of his other location.

CW Kohl has concerns but does like the idea of the streamline process.

CW Metzler said that this application falls under the administrative process; this is a great location.

J. Costello will go through the building with Mr. McCord and obtain an inventory of who is in this building. He will also prepare something for Mr. Hungness and send everything to the Town Board members.
Supervisor LaFountain added that this application fills all of the criteria for the streamline process. J. Costello can go ahead and put together the proper paperwork agreement.

VI. ACTION ITEMS:

Law and Finance

1. Walmart Application – Supervisor LaFountain met with Mr. DiMarco last week regarding this particular application and shared certain concerns with him, particularly the size and scope of this project. Tonight we will discuss this, but the Town Board is no longer interested in entertaining the proposed rezoning application as it is currently presented.

The Town Board is willing to host a Public Information Session on February 24, 2010 here in this Auditorium on a revised proposal. However, prior to this Session, Mr. DiMarco may want to take the initiative to have conversations with directly affected neighbors. He has indicated his willingness to reach out to these residents to provide input which we feel is an excellent approach.

Councilman Moore asked if the neighbor meeting will be held as a community format or one on one?

Supervisor LaFountain answered that we did not get that specific during the conversation but it would be an open discussion; it is their discretion.

It is not in the Town’s interest, the residents’ interest, or the developer’s interest for this area to go dark.

Supervisor LaFountain said that he will work with the Town Clerk to ensure proper neighbor notification for the Public Information meeting.

Councilwoman Metzler added that it is important that everyone is back on track so that everyone knows what their responsibilities are in order that progress can be made.

Councilman Moore stated that he feels it would be appropriate for the Supervisor to send a letter stating the Town Board’s decision.

Councilman Moore moved a motion for a vote by the Town Board members to authorize the Supervisor to draft a letter to the developer with the Town Board’s decision to not consider rezoning of two (2) parcels as it is currently proposed, Councilwoman Kohl seconded the motion:

**Vote:**

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<thead>
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<tr>
<td>Kohl</td>
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<td>LaFountain</td>
<td>Aye</td>
<td>Quinn</td>
<td>Aye</td>
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<tr>
<td>Metzler</td>
<td>Aye</td>
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*Motion passed with all members voting.*

Mr Jared Lusk, representative of the applicant, stated that they do not want everything that they have done to this point to be worthless. They understand the move to go forward, but they do not want to see the whole process stopped. Mr. Lusk indicated that he will submit a letter to the Planning Board requesting the DEIS to be held in abeyance.

Supervisor LaFountain agreed and stated that all work done up to this date should not be cast aside.
2. Board Minutes on Website – Supervisor LaFountain stated that this item relates to putting Board Minutes on the website. Currently Town Clerk Amy Steklof is also obtaining information.

Dave Renner, PCTV Director, made copies available from Robert Freeman, who is Director of the Office for Open Government, who indicates that there is no issue with the placement of Minutes online. However, D. Renner added that please note that there is an issue with electronic content going online containing personal information for electronic mining for links to addresses, social security numbers, etc.

D. Renner advised that in doing so, an extra 30 hours per year of staff time would be required. The legal boards, such as Town, Planning and Zoning Boards as well as a few others would be included.

In the past, people are asked to state their name and address for the record when speaking at the podium. With that in mind and the danger of electronic mining, he recommends that individuals speaking during a meeting do not have to give name and address.

After a brief discussion by the Board members, Supervisor LaFountain, along with Attorney Horwitz and David Renner, will sit down and discuss this topic. We will also wait for Town Clerk Steklof to bring back information from the conference she is attending.

**Not on tonight’s agenda:**
Public Works – Commercial Vehicles in Driveways – Supervisor LaFountain said this is an issue; should we be looking at the Ordinance and make any changes, or leave it as is?

H. Morehouse said that you can find these any place around the Town. However, it is also a Local Law, not just an item within the Ordinance.

CM Moore inquired about other service vehicles such as Monroe County Water Authority, etc.

H. Morehouse said we do not have any discretion; there may or may not be any relief from the Local Law.

Supervisor LaFountain stressed the fact that we must be consistent in how this issue is dealt with.

CW Kohl said we should take a look at it and that it can be tweaked.

J. Fletcher suggested checking the surrounding towns.

Supervisor LaFountain said we will take a look at this a bit at a time.

CW Kohl recommended that a draft go to the Town Board for review.

1. Watershed Management Committee – G. Benway adviser that we have eight (8) members committed right now; we could use 3-4 more people. One person is assigned to walk each Watershed and they look to keep watershed conditions up-to-date. We hold four (4) meetings per year which seems adequate.

Supervisor LaFountain inquired about attendance.

G. Benway said it is pretty good for most members.

G. Benway reviewed some of the major drainage projects that are under review in Engineering.
One is on Heather Drive. There are several residents with wet basements south of Cobbles Drive at the base of a hill. It appears to be a ground water situation at this location. The rear yard ditch along the back of these parcels was cleaned last year. However, several residents are looking for the Town to do more work as they are still experiencing problems in their basements.

On Allen Road – there is no drainage system along the road. There are a number of culverts that carry water from the south to the north that do not have well defined channels. This causes several ponding issues for residents. We do have a list of addresses with drainage complaints over recent years. We recently had a surveyor go out there for topographic data. A possible solution would be to connect the culverts into a roadside drain pipe flowing to the west. This would be an expensive solution, but would help the road.

An update of the permit status on Commission Ditch: – There is a draft buffer agreement that has been reviewed by NYS DEC and Attorney Horwitz. Two (2) farmers were willing to sign the agreement. NYSDOT has seen our application and are concerned about invasive species being introduced into Commission Ditch. They want us to wash Town trucks as they are brought on to the site. Tom Haley (NYSDEC) is working with them to come up with a compromise. We are striving to get this permit finalized so work can start ASAP.

Public Safety - None

Community Services
1. Parks & Recreation Advisory Board Recommendation for 2010 Parade Marshal – CW Kohl suggested that we have this taken care of early and move on to the Bi-Centennial event. They recommended that the Penfields’ be Parade Marshals for the Bi-Centennial year.

CW Metzler said this is a good idea. The other Town Board members were all fine with this. CW Kohl said she will get back and talk with Linanne Conroy at Recreation.

On another note, Michael Cooper, Director of Recreation, had shoulder surgery today and he is doing well.

VII. INFORMATIONAL ITEMS:

Law and Finance
1. Review of Development Projects – G. Benway advised that nothing is closing right now.

2. Update of Development Projects – J. Costello provided updates for the following:
   - Centner home – we are going there tomorrow. We are interested in the rear parcel near Honey Creek Trail. He would like to give the Town of Penfield the land, but does want to sell the house. Mr. Travis, who is an appraiser, wants to walk through the house again. This is a somewhat difficult location to get to. Supervisor LaFountain added that the land in back is the most valuable to us.

   - LWRP – the third town is not doing well with their follow through. We are carrying the burden for the financial process. The concern is due to the fact that we may have to ask for an extension. He and CM Moore will work together on how we will proceed.

   - Proposed Garage Sale Ordinance – this issue needs to be resolved and finalized.

Public Works
1. Town Design Criteria – G. Benway said that this Criteria dictates what developers will have to follow. June 2001 was the last review of this. Staff would now like to see it reviewed again. Specifications are available online and letters will be going out to developers. One minor change would be raising inspection fees from 3% to 4% to tie into Phase II storm water regulations. The changes could be accepted on February 17th.

J. Fletcher said that Panorama Trail should be under construction during late spring or early summer due to the $750,000 in Stimulus Funds. The area runs from Panorama Trail up to Skyline Apartments. We are replacing gutters and repaving on Panorama Trail, but there will be pre-construction first. We will be sure to do some strong notification to residents.
Once the work is completed, we will then turn the road over to Monroe County.

This may be a “green” project since materials may be able to be reused.

MCWA is installing a 48 inch water main from Penfield Community Center to the YCMA on NYS Route 250. The road will also be rebuilt.

We will also be resubmitting to Genesee Transportation Council for $275,000 for Baird Road from Whalen Road to Atlantic Avenue. Penfield Road would be in the range of $150,000.

Public Safety - None

Community Services
1. Bi-Centennial Update – CW Kohl said that the Minutes were sent to everyone. The Bi-Centennial Ball will be held on March 27, 2010 at the Daisy Flour Mill. There is a meeting coming up on Monday with invitations being sent to local officials. The music for the event is set. We will be talking with Steve Orsini to sell tickets. We are seeking someone to work on the program and decorations are already taken care of. She is working with Wegmans to see if they would bake some cakes for us. Monroe County Legislator Debbie Drawe has indicated that March 30, 2010 will be “Penfield Day” and a Proclamation will be issued by Monroe County. CW Kohl states that things are going well for this upcoming event. We will also be reaching out to the school district for the “Memories” book.

2. Harris Whalen Shelter Update – B. Ainsworth said that the latest design footprint shows what we are designing around. In order to keep construction costs down, we are looking at different vendors. We have moved the kitchen around, but have lost some storage space. However, we do have a unisex bathroom.

CW Kohl asked about landscaping and signage.

B. Ainsworth said we will have to farm out some of the work for this, but we are also looking to see where we can save on landscaping and go from there.

Supervisor LaFountain added that they are looking for ways to be creative. It will be something we can be proud of from a community stand point.

We are shooting for everything to be complete by July 4th and we will have updates right along for the Board as the project progresses.

Town Hall Building Stimulus Package Energy Audit - We will sign off for the ceiling in the Auditorium. If this does happen, we would have an energy efficient ceiling in this building. However, we are waiting for them to sign off. This particular room would have to be shut down for a period of time.

Lighting for Gymnasium at Penfield Community Center – Lights have been ordered with installation time of 3-4 days. We will notify the Recreation Department when this will occur.

Energy Audits for Highway Department and Mack Building – we do not have an idea at this time when this will be done. The computer and energy systems would be linked.

Sherwood Park – Supervisor LaFountain said we will discuss the opening of Sherwood Park with Attorney Horwitz at the Work Session on January 20th and include representatives from the Recreation Department, Bob Ainsworth Rick Williams and Tom Robinson.
VIII. **HELD ITEMS:**
   2. Recreation Facilities Update – Cooper – Not discussed
   3. Sign Ordinance Update – Morehouse/Costello – a separate meeting will be held at a future date and time.

IX. **Old Business:**

X. **New Business:**

XI. **Executive Session:** – Real Estate, Litigation and Human Resource Matters – held earlier this evening.

XII. **Adjournment:** - Supervisor LaFountain adjourned the Work Session at 9:30 p.m.