Town Board Work Session Agenda
May 12, 2010
7:00 p.m.
I. Call to Order
II. Approval of Minutes
III. Monthly Reports
IV. Public Hearing
V. Guests
VI. ACTION ITEMS:
   Law and Finance
1. 1822 Sweets Corners Road Review Draft Letter – Evans
2. Trapani Property, 85 Fellows Road Review Concept Plan - Evans and Costello
3. Atlantic Park Review Concept Plan – Evans and Costello
5. Budget Amendment – Townwide Street Lighting – DiFrancesco
6. Website Standards Document Management Minutes – Renner/LaFountain
7. Special Permit to Allow a Sit Down Restaurant with Outdoor Dining at 1778 Penfield Road
8. Special Permit to Allow a Sit Down Restaurant with Outdoor Dining at 1789 Penfield Road
   Public Works
1. Authorization to Purchase Replacement Pick-up From NYS Contract – DiFrancesco
2. Request for Encroachment into Drainage Easement 21 Galante Circle – Costello
3. Amend Town Parks and Properties Ordinance
   Public Safety – None
   Community Services – None
VII. INFORMATIONAL ITEMS:
   Law and Finance - None
   Public Works
1. Commission Ditch Shovel Incident Update
2. Pond Update and Next Steps - Benway
VIII. HELD ITEMS:
1. Recreation Facilities Update – Cooper
2. Garage Sales – Costello
3. Pond Ownership – Staff
4. Parking Lot Signage – Fletcher/Costello
IX. Old Business
X. New Business
XI. Executive Session
XII. Adjournment
Town Board Work Session Minutes
May 12, 2010
7:00 p.m.

I. Call to Order

Present:
Supervisor LaFountain
Councilwoman Kohl
Councilwoman Metzler (8:40 p.m.)
Councilman Moore
Councilman Quinn

Also Present:
Robert Ainsworth
Mark DiFrancesco
James Britt
Robert Beedon
Christine Doyle
Ed Doyle
Geoff Benway
Katie Evans
Tom Falk
Chris Bilow
James Fletcher
Pietro Furgiuele
Laura Cheney
Donna Masters
Eric Metzler
Linanne Conroy
Steve Orsini
Tim Murphy
Michael Cooper
Linda Sorrendino

II. Approval of Minutes - None

III. Monthly Reports – Supervisor LaFountain advised that all reports are in with the exception of PCTV, Sewer, Building & Zoning and Local History Room.

IV. Public Hearing - None

V. Guests – None

Joint Meeting with Parks & Recreation Advisory Board – 7:00 p.m. – Topics discussed at this meeting include the following:

- Bylaws – what should we be looking at from the Town’s standpoint
- Lack of communication between Town leadership and Parks & Recreation Advisory Board
- Support for biking user group
- Phone/e-mail contact to Town Supervisor
- Introduction of quarterly meetings to include 2-3 members of each Board (Town Board, Parks & Recreation Advisory Board, Parks & Facilities and Town staff).

Tom Falk, Chairperson, advised that their goals are not done just yet, they are waiting to see what the Town Board wants. Also, the original plan for Sherwood Park was for a bike and hike park; we recently learned if will be for hiking only.

Supervisor LaFountain stated that there were two (2) different boards starting in 2009 until now and the Town Board unanimously wanted Sherwood Park up and operating with millings. The secondary trails will be left as is for right now. No biking will occur now, but not forever. We will have signage, parking and picnic tables. The Town Board will then evaluate the need and appropriateness of biking, but the main trails now are cut for passive use of this area.

CM Moore added that there is 100% support for mountain biking and we will look at this in the future for our park systems.

Supervisor LaFountain said that we will meet again three (3) months from now. He suggests to keep the information coming in to the Town Board and would like to see a list from Mike Cooper’s staff and the Parks and Recreation Advisory Board when Mike returns to work.
VI. ACTION ITEMS:

Law and Finance
1. 1822 Sweets Corners Road Review Draft Letter – K. Evans, Planner, advised the Board that a draft letter to the owners will have an addition to it by J. Costello, Director of Developmental Services said that this addition will follow after the first paragraph as follows: “the intent of the conservation easement program is to put properties that are under pressure from development in the foreseeable future”. With this addition, the Town Board members are comfortable. K. Evans said that the letter will be issued with the revision made.

2. Trapani Property, 85 Fellows Road Review Concept Plan – the R-1-20 concept plan has not been submitted yet; this item will be placed under “Held Items” for now.

3. Atlantic Park Review Concept Plan – K. Evans suggested holding comment on the concept plan until after the Comprehensive Plan is complete and adopted. J. Costello agreed and said that what has been presented so far is a very preliminary concept for the property. The Board directed K. Evans to prepare a letter for Supervisor LaFountain’s review.

4. Comprehensive Plan Review Concept Plan – K. Evans advised that the draft scoping outline will be complete on Friday and will be sent to the Town Attorneys for their review and input. The scoping outline will establish the Table of Contents for the Draft Generic Impact Statement. A Resolution will be prepared for the May 19, 2010 Legislative Meeting for the required public comment period.

5. Budget Amendment – Townwide Street Lighting – M. DiFrancesco, Superintendent of Sewers, advised that out of the 14 intersections that were chosen for street lighting, seven (7) are done. We are waiting for R G & E to make their connections. In order to continue, yet having an accurate budget, we will require a budget transfer from unappropriated surplus to the operations fund in the amount of $42,800.00.

    Supervisor LaFountain said that the monies are there, but must be used for street lighting only and will help to complete the project that has been ongoing for years.

6. Website Standards Document Management Minutes – Supervisor LaFountain advised the Board that this will be a Held item until the next Work Session on May 26, 2010.

7. Special Permit to Allow a Sit Down Restaurant with Outdoor Dining at 1778 Penfield Road
8. Special Permit to Allow a Sit Down Restaurant with Outdoor Dining at 1789 Penfield Road

    J. Costello took all pertinent comments from the Hearings and will prepare two (2) resolutions for the 5/19/10 Legislative meeting, if this is fine with the Board.

    Supervisor LaFountain wants to see the hours of operation along with the dumpster piece and music for 1778 Penfield Road. For the Legends Special Permit, they should address the items brought up regarding the exhaust fan and comments received from Betty Perkins-Carpenter.

    J. Costello added that neither of these two (2) businesses would like to operate after 11:00 p.m. at night; they are not asking for any live music. No signage yet by the Pasta House, and these restaurants will not operate until the dumpster issue is resolved.

    Supervisor LaFountain advised the Board that the draft resolutions, with any comments, should go back to J. Costello.

Public Works
1. Authorization to Purchase Replacement Pick-up from NYS Contract – M. DiFrancesco said that this item is for our inspector’s vehicle for replacement. The base amount is $20,000., however, we do not know the exact amount for the trailer hitch. He is looking tonight for authorization to purchase a replacement pick-up (one truck will go to auction in the fall).
Supervisor LaFountain said that this is listed in the 2010 budget; anything above and beyond that will come out of the equipment fund.

CM Moore asked how much is realized at auction?

M. DiFrancesco said between $3,000 – 4,500.00.

J. Fletcher, Highway Superintendent, said that he also needs to have one pickup truck replaced, but is waiting for the contract to come up.

Supervisor LaFountain advised J. Fletcher to gather the details and bring it back to the Town Board with a memo in their mailbox.

1. Request for Encroachment into Drainage Easement 21 Galante Circle – J. Costello said the owner, Dan Ormand, wishes to install a fenced in play area in his yard. There is a drainage easement for Shipbuilders Creek and the second easement is for a federal wetland. Mr. Ormand would like to encroach 5 feet into the easement.

The PRC Committee concern is that there are several properties in Town with this same issue and is concerned with the possibility of setting a precedent. The Highway Department would have to go in to work on the Creek eventually and it would be difficult for them to get in and out of there. Mr. Ormand is asking for some relief. J. Costello said that it may be better for him to just stay out of the easement since he was aware of this when he purchased the property. The Town Board members advised that they would like a letter sent to Mr. Ormand advising him that they are not in favor of this request.

2. Amend Town Parks and Properties Ordinance – Supervisor LaFountain said that no one spoke at the Public Hearing held last week and a resolution will be prepared for the next meeting to adopt the amendments to this Ordinance.

Public Safety – None

Community Services – None

VII. INFORMATIONAL ITEMS:

Public Safety – None

Community Services – None

Law and Finance

1. Review of Development Projects – G. Benway provided information on the following:
   ❖ Commission Ditch – there is a situation with the basin up to and into the Town of Perinton. There is an agreement for maintenance of this pond, which has never been cleaned. The NYS DEC's permit was issued with the expectation that this will be done. We have agreed to maintain this and will be the last step in the Commission Ditch Project; the ditch will be completed by end of June.
   ❖ Camden Park, Phase III – J. Costello said we have not signed off yet since we are seeking easements. We are also waiting for the incentives for this phase.
   ❖ Stimulus project update – G. Benway reports that the Panorama Trail project is going very well. Gutters will be poured on the east side next week, then milling and recycling will occur. Only a few minor problems have been seen; a few catch basins were buried and have two (2) have been replaced so far. Villager Construction has been excellent to work with. This project will wrap up late July or early August.
   ❖ Five Mile Line Road Sidewalks – these are being installed now.
   ❖ Turk Hill Road to NYS Route 441 paving – pavement will be installed through the Linden Avenue bridge area. After that, both lanes will be brought back from Route 441 to Linden.
Avenue. Within 2-3 weeks, they will begin milling at Mark’s Pizzeria. CM Quinn told J. Fletcher that he would like to see this route.

- Beaver dam – a Special Article 15 Permit is required to remove this from Wilbert’s property.
- McClellan letter, 17 Tree Top Drive – this is a large lot and he did own two (2) adjacent properties (Woody Lane), but has since sold these properties. Now, the one owner does not want him to go through his property and is requesting relief for the driveway to continue through to Woody Lane. He has a special needs child that attends Indian Landing school of which the child accesses the school bus from Woody Lane. This is before the Town Board tonight since the Highway Frontage Policy states that any parcel requesting a second curb cut must receive approval from the Town Board. The PRC Committee recommended granting the access, but he will have to pave the apron portion. A letter from the Town Board put this into effect. It should be noted that the property is deed restricted against any additional subdivision.

2. Update of Development Projects – J. Costello provided updates on the following:

- Humphrey House barn – the abatement report from the first contractor (ECG) showed a price of $1,971.00. AAC will send their bid as will others to Supervisor LaFountain.
- Ruoff property – the building has been torn down; we will wait for NYSDEC to issue a permit for clean up of the property.
- Connors Café – Mr. DiPrima has advised that they will close and that the bakery operation woman may be looking into this location
- Mack Shack – Mr. David Marino would like to relocate into the former Trendz salon and will need a Special Permit from the Town Board since this may possibly be a fit under the streamline process. It is a one-man operation with one additional employee. We plan on having Mr. Marino come in within a few weeks.
- Historic Preservation Board meeting – the property at the corner of Liberty Street and 1205 Five Mile Line Road was discussed. The yellow house will be refurbished into some type of retail space as well as refurbishing of the barn. They plan on adding architectural details to the barn, but will require a Special Permit from the Town Board for a low-key office space operation.
- Abbington Place – there is a Public Information meeting coming up on May 24. Postcards will be sent to neighbors.
- Bay/Creek/Empire Banners – due to a recent windstorm, one banner on Empire Blvd. is gone and one is weathered, but many others are gone. Our agreement is to maintain these banners for a 12 month period and we are obligated to replace these. They are costly and monies to replace these banners can come from the upcoming June 21st Golf Tournament as well as any monies coming back from the Daniel Penfield statue. J. Costello advised that his budget line for this item is $3,000.00. Supervisor LaFountain asked if we could have slots through the banner for wind to blow through and not tear the banner? Let’s explore this with the vendor. He also said we should look for future alternatives.
- Nalge Nunc – there was a meeting with Dave Eddy and Supervisor LaFountain, G. Benway and J. Costello. He will be donating bottles for the Golf Tournament. Mr. Eddy advised us that Nalge plans on staying in Penfield and have roughly 1,000 employees.

Public Works

1. Commission Ditch Shovel Incident Update – G. Benway advised the Board that C.P. Ward, based on an hourly contract, was hired to assist our crews and the project is 70% complete. On April 6, the contractor came upon a soft area and it almost sunk the equipment into the muck. They are looking to the Town for the recovery of the two (2) days work since they had to bring in two (2) excavators to bring this equipment out of the muck. The cost for this would be $2,600.00 for the two days. They will absorb the cost of the two additional excavators brought there, but would like the Town to cover the cost of the operator for the two days.

The Town Board members said they are comfortable with the $2,600 settlement cost for this incident.

2. Pond Update and Next Steps – G. Benway said they we have met with the neighbors and looked at a few spots. The one pond in Glenbrook subdivision would cost $2,500 to clean; we have roughly $20-30,000 put aside for pond cleaning. He explained that the residents are looking for basic maintenance (they will help with the weed growth). Once the muck is pulled out and dries, seeding can be done. This will become very rich and will grow profusely.
G. Benway said we have chosen four (4) ponds; Glenbrook being the first, Silverwoods and Taramina will follow. He will send the Town Board members a priority list along with a few quotes. However, we would be doing the bulldozing and seeding. Additionally, May 18th will be the Watershed information meeting.

Supervisor LaFountain said this will be a Held Item for now.

Not on tonight’s agenda: Dave Woodward property at 1511 Harris Road – K. Evans, Planner, advised that Mr. Woodward is interested in the Open Space Easement Program with 41 acres of land that he owns. After speaking with him today, this does fit within the original plan and was on the 2006 Open Space Inventory. An updated appraisal would be required. Supervisor LaFountain suggested that the Town Board take a week or two and think about this. We should also consider bringing this to a closure within the next 6-12 months. K. Evans said that there is $450,000+/ left in the Open Space Fund for use only for purchase of land and/or development rights. CW Metzler agrees and said that we should take another look at the Open Space Plan first. Supervisor LaFountain would like an Open Space Committee look at this and determine what our priority is and hold off until 3-6 months from now. CW Kohl, who was a member of the Open Space Update Committee, advised that we were not looking for any farm land during the second round unless it could be used for Recreational purposes. Supervisor LaFountain would like to focus on obligations of clean up, i.e., Ruoff property and Humphrey House barn, etc. The Board opted not to entertain purchasing development rights from D. Woodward at this time.

VIII. **HELD ITEMS:**
1. Recreation Facilities Update – Cooper – Not discussed
2. Garage Sales – Costello – Not discussed
3. Pond Ownership – Staff – Not discussed
4. Parking Lot Signage – Fletcher/Costello – Not discussed

IX. **Old Business** - None

X. **New Business** - None

XI. **Executive Session** – No Session held tonight

XII. **Adjournment** – Supervisor LaFountain adjourned the Work Session at 9:50 p.m.