Town Board Work Session Agenda
November 14, 2012
7:00 PM

I. Call to Order

II. Approval of Minutes  October 24, 2012

III. Monthly Reports - October

IV. Public Hearing – None

V. Guests - None

VI. ACTION ITEMS

Law and Finance
1. Property Maintenance Bid Review - Suveges
2. Bid Results Remote Video Camera System – Renner
3. Update of Four Corners Parking Plan - Costello
4. Baytowne Rezoning Application- Valentine

Public Works
1. Review of Willow Pond RFP – Benway
2. Request for Release of Conservation Easement – 1816 Baird Road – Benway

Public Safety - None

Community Services - None

VII. INFORMATIONAL ITEMS

Law and Finance - None

Public Works
1. Review of Allen’s Creek Study – Benway

Public Safety - None

Community Services- None

VIII. HELD ITEMS
1. Pond Ownership – Staff

IX. Old Business - None

X. New Business - None

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

XII. Adjournment
Town Board Work Session Minutes  
November 14, 2012  
7:00 PM

I. Call to Order

Present:  
Supervisor LaFountain  
Councilwoman Kohl  
Councilwoman Metzler  
Councilman Moore  
Councilman Quinn

Also Present:  
Geoff Benway  
Jim Costello  
Mark DiFrancesco  
Lisa Grosser  
Dave Renner  
Mark Valentine

II. Approval of Minutes - 10/24/12  
CW Kohl moved for the approval of the Minutes of October 24, 2012, CW Metzler seconded the motion.

III. Monthly Reports - The following departments have submitted their Monthly report: Engineering, Town Clerk, Receiver of Taxes, Public Works, Finance, Planning, Assessor, Developmental Services, and PCTV. All remaining departments will be submitting their reports shortly.

IV. Public Hearing - None

V. Guests - None

VI. ACTION ITEMS

Law and Finance  
1. Property Maintenance Bid Review - Suveges  
Andy Suveges submitted a summary of bids received for Property Maintenance.

Supervisor LaFountain reviewed that we have been using Boon and Sons for the last several years. This is the second time we have gone out for bid. In comparison Flint Landscaping would be lower for grass cutting by $166.60 for 2011 and $157.00 for 2012. Boon & Son’s would be lower for garbage removal by $208.00 for 2011 and $172.00 for 2012. Flint Landscaping is a Penfield Company.

Councilman Moore asked if we are required to take the low bid?
Supervisor LaFountain stated that, because this is a service we are able to take the best value overall.

Councilman Quinn stated that he had been approached by Flint Landscaping and was asked how to get involved. They have a broad residential client base in the town and this is the first time they have bid to a public entity.

Councilwoman Metzler asked if the potential number of jobs had been explained to both bidders.

LaFountain said yes, in a low year it could be 6-8 jobs and last year it was 13-15 jobs. Andy Suveges manages the property maintenance.

Metzler stated that she is a current customer of Flint Landscaping. They do quick work and she would like to support local business.

Jim Costello inquired where Flint Landscaping stores their equipment.

Metzler said she believes the employees take the equipment home.

Quinn asked if Suveges had a suggestion as to which company to go with?

LaFountain said no, Suveges only provided the facts.

Costello asked if there is a reason why we couldn’t use both? Maybe we could award alternate jobs to each company.

Councilwoman Kohl said she hates to throw out Boon and Son’s as they have done good work in the past.

Costello said he is concerned as we are seeing an increase in foreclosures. We could have 20 to 25 properties in one (1) summer.

Metzler asked if it would be possible to split the work and award based on the type of job?

LaFountain stated that would be possible. Actually the quotes are based on type of job. We will award the work based on the lowest quote for each respective area.

The Board agreed.

2. Bid Results Remote Video Camera System – Renner
Dave Renner submitted a two (2) page summary for the Board’s review. He went on to say the original equipment was purchased 12 years ago and then used for three (3) years and sold to the Webster School District. We have been using the current equipment since that time. The meetings have gotten longer and
the equipment is being used more frequently. The last time equipment was sent to Panasonic for repair, it was out for three (3) months. Parts for older model equipment are no longer being manufactured.

Renner continued to say the equipment was bid in October and that bid was rejected because it did not include training. We sent the request out to 30 vendors and received two (2) bids. Lerro is the lowest bidder for the Appendix A required items. We intend to do 90% of the install and hire a local engineer to complete the installation. Total bid is $91,235. A new system would reduce the operation set up time by 60 hours annually. This would yield a time and labor savings over the eight (8) year life expectancy of the equipment.

Councilman Moore inquired about funding. Renner said funds are in the 2012 budget. Kohl asked how much did you budget for. Renner said he budgeted for a higher amount for the equipment. We will need to use the 2013 budget to cover the engineering costs.

Metzler inquired about the warranty and what are anticipated maintenance costs. Renner stated that this is an all inclusive system. If there is a problem we would have to send the whole system out. There will be four (4) cameras for the auditorium and three (3) cameras for the studio. If there was a problem with one set, we could use the other set while they were being repaired. The warranty is one (1) year for parts and labor and would then be pro-rated for an additional three (3) years.

LaFountain asked what was budgeted for in 2012. Renner said he doesn’t have the exact figure, but we are $4,000 shy, and will transfer funds to cover the expense. Quinn asked why is there an urgency for the purchase. Renner said we are having some problems with existing equipment and the quality of the production will decrease. Councilman Moore stated that he is okay with the purchase as long as it is budgeted for. Kohl stated that this is a planned expense and she is fine with it.

The remaining Board members agreed and a Resolution will be prepared for the December 5, 2012 Legislative Session.
3. Update of Four Corners Parking Plan – Costello
Jim Costello stated that he and Geoff Benway have been working with the property owners in the area. Today they met with the owners of Vekton. They still need to meet with the owners of Grande Vie and Pattaya. Town Attorney Horwitz is working on the purchase offer for the parking lot. A survey of the property will also be required, so we do not create a situation that would require a variance.

LaFountain stated that we could tie the current parking lot with the access easement and set it up as a Special District.

Costello said the purchase will be made to the Thompsons and will be satisfied over a five (5) year period.

4. Baytowne Rezoning Application – Valentine
Supervisor LaFountain reviewed that a Public Hearing was held in August and the Board had reviewed additional materials that had been requested. We now need to review the next steps.

Councilman Moore stated that he feels a compromise is in the best interest of the community. The Planning Board presented the CP-02 plan to the Town Board. After the Public Hearing the Board requested some additional options. One (1) option we reviewed is the 400 foot plan. Eleven agencies from the State, Town and County have had the opportunity to provide input throughout the rezoning process, from the scoping outline, DEIS, FEIS and the Findings Statement.

Moore continued to say he had requested some specific changes to the Brandt Point entrance/exit area after residents raised concerns at the Public Hearing that the road may be used as a cut through. Additional landscaping and hardscaping was added to modify that area. He is satisfied with this proposal as it maintains the residential aspect of the area. The design moves cars away from the residential area toward Empire Boulevard.

Moore continued to say this plan also requires 7.4 acres be rezoned. The original plan requested 20 acres be rezoned and he gives credit to the applicant for these improvements. This yields 37% of the 20 acre parcel being rezoned and 63% not being rezoned. This is very good and should be considered. Under the proposed 400 foot plan, the distance between Jewelberry Drive and the pavement has increased from 300 feet to 400 feet. This is 209 feet more than the original proposal offered a couple of years ago. The CP-02 plan was fine, but I think we are looking at a plan that is more satisfactory to the residents and this Board. The 400 foot plan maintains the berm which lessens sound. There will be a 25 foot (plus or minus) berm with a landscaped wall. The original plan had no berm and no wall. This plan also maintains the Street of Shops, which is a unique concept to Penfield, and will increase the vitality of the area. This plan also includes enclosed loading docks to lessen sound. The original plan did not include enclosed docks. The lighting will
be dark sky compliant, and the height of the light poles has been reduced from 39 feet to 27 feet. He feels the Board needs to give this plan serious consideration. It satisfies most of the concerns that were brought up at the Public Hearing and is a compromise.

Councilman Quinn stated that the 400 foot setback from Jewelberry Drive to the pavement moves the building structure farther from the residential areas.

Councilwoman Kohl inquired about the parking ratio.

Mark Valentine said the 400 foot plan has a parking ratio of 4.95/1,000 sq. ft. The CP-02 plan had a parking ratio of 5.4/1,000. They will need to obtain a variance from the Zoning Board of Appeals to allow this to happen.

Councilwoman Metzler commends the developer for the parking ratio change. This will give the other Boards a chance to weigh in.

Quinn inquired about the residential property behind Wal-Mart on the 400 foot plan. Will that be developed?

Jim Costello said we would have to put a deed restriction or a conservation easement on that to prevent future development.

Kohl stated that she would like to see that restriction in place.

Valentine said we would have to ask the developer if they would deed restrict that area from residential development for this 400 foot plan.

Supervisor LaFountain spoke to the audience and asked if the Board were to consider the 400 foot plan, is the applicant prepared to weigh in tonight?

John DiMarco, from the audience, stated that with the revised rezoning that residential property would be difficult to sell. People would not want a residential home with access from Empire Boulevard. He would like to use that area as open space to improve the buffer. It is a large area and we are not interested in putting single family homes in and would like to use it as a buffer. He also noted that the current 4.95/1,000 parking ratio is below the current code requirement.

Thomas Greiner, from the audience, stated that his only concern is that as we move forward we are putting our faith in the Zoning Board Of Appeals. Is there a safety valve?

LaFountain stated that his concern is appropriately noted.

Metzler asked if Town Attorney Horwitz could incorporate a condition in the Resolution.
Quinn inquired about signage. We want to brand that area of Penfield and would encourage the developer to change the face of the sign and incorporate Penfield into the sign.

Metzler added that she would also like to see some directory signage. She is pleased that the Street of Shops will remain in this concept. This plaza will be a destination, beyond just Wal-Mart.

Quinn stated that he concurs with Metzler and the increase in the buffer is a compromise. Maintaining the Street of Shops, the parking ratio and the buffer are all compromises. He asked that the applicant work with Town staff on the branding of that area, as they may have some additional ideas.

DiMarco said we will look at all of the signage, from Brandt Point to Creek Street. We would like to get creative and work with the Town.

Moore stated that Mr. DiMarco agreed he is not interested in residential homes with the 400 foot plan. If this Board decided to move forward with the 400 foot plan, would the 25 foot berm would be included?

DiMarco said yes, though some of the berm is not visable. From the Ukrainian Home to the high point of the residential property there is a 32 foot grade change. The berm will be made from the natural topography, plus dirt that is obtained from the placement of the structure.

Moore said he would like to see the berm shown in CP-02 finalized in the 400 foot plan as it enhances the project.

DiMarco said residents in the apartments and Providence Landing requested that we down play the size of the commercial property. Wal-Mart is not as visable at the rear of the property, as it moves forward it becomes more visable. 12.6 acres of land is being left, which would support 27 lots, there is a monetary value for that.

Costello said we need to review the berm and the placement. It may not be as visually effective with less material.

Moore asked that the applicant try to make it work. The berm needs to be as high as possible, they may need to obtain extra fill.

Quinn stated that the berm was given a specific height at the Public Hearing.

Valentine said the project will be adequately buffered from sound and lighting. The Planning Board will work with the applicant to move the building and the berm. The size and location of the
berm will be variable as it relates to the different residential neighbors surrounding the plaza.

Benway said we will try to stay true to the graphical representation the Board saw.

LaFountain stated the Board is okay with the 400 foot plan. He asked Valentine to prepare a draft Resolution for review at the next Work Session on November 28, 2012. He also advised staff that they may receive calls from the Board as we work through this.

Valentine asked if the Board would like to see any revised drawings.

LaFountain said we do not want the applicant to spend any more on plans. We prefer to work with what we have. We will review the Resolution and Town Attorney Horwitz will also have to weigh in.

Public Works
1. Review of Willow Pond RFP - Benway

Geoff Benway submitted a summary of RFP’s received for Willow Pond. The next requirement is to redesign the spillway to meet the reclassification of Class B. MRB quoted $12,500 and this does not meet the requirements of the Department of Environmental Conservation. Barton and Loguidice came in at $18,000 and this includes everything. Additional higher bids were received from Schnauble Engineering, Malcolm Pirnie and O’Brien and Gear.

Councilman Moore asked what is required.

Benway stated that the spillway has to pass a certain design level storm. Basically it is a dam break analysis. Barton and Loguidice just completed a similar project in Oswego. We are obligated by the Department of Environmental Conservation to have this modification completed by the end of next year.

Supervisor LaFountain stated that the original classification was lowered. Without this reclassification the expenses would be significantly higher.

Councilwoman Metzler asked if funding was coming from the Drainage budget?

Benway said yes it will.

LaFountain confirmed the Board approved and a Resolution will be prepared for the next Legislative Session on December 5, 2012 awarding the job to Barton and Loguidice.

2. Request for Release of Conservation Easement - 1816 Baird Road - Benway
Geoff Benway stated the Board heard a similar request for a neighbor at a recent meeting. This is a Federal Wetland and there is no reason to have this Conservation Easement.

The Board agreed and a Resolution will be prepared for the next Legislative Session on December 5, 2012.

3. Parkview/White Village Sewer Project – Engineering Proposal and Schedule – DiFrancesco

Mark DiFrancesco reviewed the history of this project. He submitted a summary and a proposal from MRB for the Board’s review. The proposal totals $189,000 with an additional $3,250 needed for aerial photography. This total is 12% of the total construction costs of the project. This can be compared to the Collingsworth project which engineering costs were 17.4% of the total project and the Extension 19 Forcemain project which engineering costs were 15% of the total project. MRB has experience with these types of projects. The construction estimate for this project was $1.6 million and after adding Professional services and Contingency final costs will come in closer to $1.95 million.

Councilman Moore asked if there was any additional feedback from the residents that were either in favor or not in favor.

DiFrancesco said that since July of 2011 we have not updated this information which stands at 74% in favor.

Councilman Quinn asked when was the information from the residents obtained?

DiFrancesco said that was done last year.

Supervisor LaFountain stated that due to other priorities, and to avoid a significant spike in our Debt Service rate, this project was delayed for one (1) year.

Quinn stated in reviewing the timeline he didn’t see solicitation to the residents. He feels the Town should reach out to residents and have an Informational Meeting.

LaFountain said that could be done with a letter to the residents. Based on feedback from that mailing we could determine if another Public Information meeting is required.

Quinn agreed, he likes the letter idea, and thinks a timeline and history should be included in the mailing.

DiFrancesco asked for clarification. Are you thinking about a letter with history and a draft schedule or are you thinking a letter gathering residents input? Do you want to have both a Public Information Meeting and a Public Hearing?
Moore stated that he thinks people will only come to the Public Information meeting.

Quinn stated he thinks it would be good to get a feel if there has been turn over of residents in those neighborhoods.

LaFountain asked DiFrancesco to get a letter out to residents to arrive Monday or Tuesday after Thanksgiving. The letter should include the history and a timeline to move forward. Then a Public Information meeting should be held. At most this would push the timeline back only a month.

The Board agreed and a Public Information meeting will be held the second week of December.

DiFrancesco said he will update the timeline and e-mail that to the Board.

Quinn stated that he is hesitant because 26% of the residents are not interested.

LaFountain stated that 51% in favor is the requirement. This will be a consolidated sewer district and only those in the district will pay.

**Public Safety** - None

**Community Services** - None

**VII. INFORMATIONAL ITEMS**

**Law and Finance** - None

**Public Works**

1. Review of Allen’s Creek Study – Benway

Geoff Benway stated that he received the draft report from Barton and Logudice. There are three (3) alternatives: full restoration with a full reach at $1.2 million, restoration with limited reach for $980,000 and key locations only for $700,000. The second alternative is recommended, it will address all storm problems within the Town. We should be able to get funding for this project.

Benway continued to say these alternatives would move the energy to the middle of the stream during a storm. The total drainage area is 30 sq. miles. The creek has an overflow at 400 cubic feet. He reviewed the number of storms at 1,000 cubic feet, which is closer to flooding. Over the last 41 years there were eight (8) storms prior to 2000 and five (5) storms since 2000. He is gathering additional comments for the final report. The Town is not obligated to take action.
Supervisor LaFountain asked when does this potentially become a water quality issue? When will the Department of Environmental Conservation or other agency require this to be fixed?

Benway said that has not been done before. The erosion will continue. We may be able to get co-funding with Brighton or Monroe County. The County has an interceptor on site, 30 feet off the bank of Allen’s Creek.

Mark DiFrancesco said Penfield does not have any regulations over the channel, just the outfall only.

LaFountain said over the next 5 to 10 years we could have a storm that would create major erosion. At that point we could look into doing this. We will have this study to refer to.

Councilwoman Kohl said if funding is available, maybe we could look at it sooner.

Benway said he will apply for funding if he sees an opportunity. He will obtain the final report.

Public Safety - None

Community Services - None

VIII. HELD ITEMS
   1. Pond Ownership

IX. Old Business - None

X. New Business - None

XI. Executive Session - Real Estate, Litigation and Human Resource Matters - No Session tonight

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