I. Call to Order

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

Also Present:
Jim Costello
Lisa Grosser
Richard Horwitz – Arrived at 7:40 PM.
Tom Tette
Mark Valentine

II. Approval of Minutes – 9/14/16
CM Quinn moved for the approval of the Minutes of September 14, 2016, CW Metzler seconded the motion.

III. Monthly Reports – None

IV. Public Hearing – None

V. Guests

• Jeff Withall – Penfield Fire District, update of Proposed 5k Race

Supervisor LaFountain introduced Jeff Withall of the Penfield Fire Company.

Jeff Withall explained that the race is scheduled for October 15, 2016 and will be followed by an Open House at the fire hall. The logistics are still being finalized and all permits have been obtained. There are currently 70 people registered and he hopes to reach at least 100 registrants. The route of the race will start at the fire hall and travel east on Penfield Road to Baird Road, north to Whalen Road, west to Five Mile Line Road, south to Devonshire Drive and around and finish on the Five Mile Line Road entrance to the fire hall. The roads will be closed during the race and re-opened as runners pass. Postcards will be mailed to all residents within the route and will go out next week or the following week. The roads will be closed at 8:30 AM and the race will start at 9:00 AM. Penfield Road will be closed for approximately 10 to 15 minutes. Walkers can utilize the sidewalks along the route, and racers will be able to park at the high school.
Councilman Moore suggested Withall come to the Legislative meeting next week to publicize the race.

Councilwoman Metzler said if Withall needs any last minute volunteers, he could reach out to the high school for assistance.

LaFountain advised Withall to contact Jim Costello if he needs anything else.

- Terry Williams – Purchase and Use of 2106 Five Mile Line Road

Jim Costello introduced Terry Williams who had come before the Board for approval of a 4,500 square foot building at 1861 Penfield Road to move his Aspenleiter Vacuum business. Costello continued to say Williams had requested to widen the existing driveway, and when he applied to NYSDOT it was determined that there was a catch basin in the way. It was then suggested to flip flop the driveway and the building so as not to disturb the catch basin. This change would impact the grading and make the building much higher than surrounding buildings. Williams decided to pursue a different location and has purchased 2106 Five Mile Line Road.

Terry Williams stated he is interested in painting the outside of the building. The back of the building contains a two (2) floor house and he will rent out the second floor as an apartment at a later date.

Supervisor LaFountain inquired about the internal changes.

Williams said primarily cosmetic changes, he will replace the floor and add a dividing wall to separate the showroom from the workshop.

Councilwoman Metzler asked if the church uses the facility for any meetings?

Costello said no, they left the building a year ago. Costello added that Williams will attend the next Historic Preservation Board meeting on October 6, 2016 for approval of the painting color scheme, which is proposed to be white and grey.

Councilwoman Kohl confirmed that Williams has purchased this building and inquired about parking.

Williams said the adjacent lot will be used for parking and has 24 parking spots. The business is both sales and repair and he will not need that much parking; his current location has 14 parking spots.

LaFountain inquired about the square footage of the building.

Williams said 5,860 square feet total of which the backend is 2,200 square feet.
Kohl asked if Williams will allow his parking lot to be utilized by patrons of other businesses in the Four Corners?

Williams said he will not restrict parking, but will need to accommodate the dumpster in the parking area.

Councilwoman Metzler suggested Williams utilize signage for a few spots that states “Aspenleiter Parking Only.”

LaFountain added that the parking lot has been blocked off for the last month. LaFountain asked when Williams would like to open the business?

Williams stated that he is closing on his current building on December 1, and will close on the church property on October 17. He would like to open in November or December.

Costello said a sign package will be put together and submitted to the Board for review.

Kohl asked what will be done with the Penfield Road property?

Williams said the State caused the issue with that property and he will worry about that at a later date.

Costello added that there is a Cross Access agreement on the church property, and he has reviewed the location of the dumpster and signage with Williams.

The Board discussed and agreed to approve the business through the streamline process. Supervisor LaFountain directed Costello to send the applicant a letter confirming this decision.

Ron LaMagna – Permit Requirements for Fences

Supervisor LaFountain introduced Ron LaMagna, who he had met with recently regarding his concerns.

Ron LaMagna submitted information for the Board’s review. His neighbor recently put up a fence and because the Town does not have regulations, it was installed without a survey of the property line. LaMagna hired his own surveyor to ensure the fence was not on his property. LaMagna added he helped his neighbor with the installation of the fence and there is an easement for a creek located behind the property. He believes the fence is installed very close to the easement. LaMagna continued to say he feels there should be a building permit process for a fence and included the requirements of other towns. He suggests the criteria for installation of a fence include stakeout of underground utilities, a survey, site plan drawing of proposed fence, height restrictions, setback requirements, type of fence permitted, setback from easements and property lines, contractor insurance, gate direction and locking requirements, and an inspection for compliance.
Supervisor LaFountain stated that the Board will review the information that LaManga submitted. Town Staff will also review the information in combination with the current Ordinance and make recommendations to the Board. LaFountain added that he will keep LaManga in the loop.

LaManga added that he would like to commend Animal Control Officer Schicker on his efforts; he really cares about having neighbors work together.

VI. ACTION ITEMS

Law and Finance

1. Windsor Ridge Subdivision – Special Improvement District, Sewer Extension #59 and Intensified Sidewalk District #19 – Valentine
Mark Valentine stated that the Public Hearing was held on September 21, 2016. One person spoke regarding traffic and Valentine gave her his business card to follow up and she has not contacted him yet. The Town is currently working with NYSDOT regarding traffic, safety and improvements for the Five Mile Line Road and Atlantic Avenue intersection.

The Board discussed and agreed to move forward with the districts.

Supervisor LaFountain suggested Valentine review with Town Attorney Horwitz to see if all three (3) districts can be included in one (1) resolution. A resolution will be submitted at the next Legislative Session on October 5, 2016.

2. Barclay Park – Sewer Extension #58 – Valentine
Mark Valentine stated that the Public Hearing was held on September 21, 2016. The subdivision will have a private Homeowner’s Association which will take care of the sidewalks and the Special Improvement District. The sewer has been installed at the developers cost, not the residents. The future residents of Barclay Park will pay sewer use fees only.

The Board discussed and agreed to allow Sewer Extension #58. A resolution will be submitted at the next Legislative Session on October 5, 2016.

3. Local Law #2 – Town of Penfield Best Value Contract Award Law – LaFountain
Supervisor LaFountain reviewed that the Public Hearing was held on September 21, 2016. This Local Law would be established for the bidding and awarding of contracts which would be consistent with the General Municipal Law, which was updated January of 2012. The Local Law would provide greater flexibility when awarding contracts and is supported by both the Finance Director and the Town Attorney.

The Board discussed and agreed to support the establishment of the Local Law. A Resolution will be submitted at the next Legislative Session on October 5, 2016.
Public Works
1. Hold Harmless Agreement for a Fence in an Easement, 6 Pond Valley Circle - Tette
   Tom Tette reviewed that the resident is interested in installing a fence in an existing easement, 10 feet of the fence will be in the easement.

   Councilwoman Metzler confirmed that this is the neighbor of the resident we previously approved fence installation in the same easement.

   Mark Valentine added that this fence will abut the existing fence and also buffer the neighbor behind, along the rear property line.

   Metzler asked if there will be a space between the two (2) fences.

   Valentine said no, the two (2) fences will be perpendicular.

   The Board discussed and agreed to allow the fence in the easement.

   A resolution will be submitted at the next Legislative Session on October 5, 2016.

2. Willow Pond – Watermain Adjustment – Valentine
   Mark Valentine stated that in doing the required improvements to the pond some exploratory utility location work was done and it was found that the storm sewer pipe, which is a corrugated metal pipe, is resting on the watermain. In order to meet safety regulations a concrete pipe must be installed, which is thicker and therefore won’t fit in the existing conditions. We have received a quote from Keeler Construction to lower the watermain 18”. Monroe County Water Authority will supply the materials and the Health Department has agreed to consider this a maintenance issue. Water service will be shut down for between four (4) to eight (8) hours. Valentine added that he met on site with the contractor and the total cost overall has been reduced. This would be a change order to the existing contract with Keeler Construction. Valentine said if approved, the work will be done next Monday and then they can start work on the culvert replacement. The project would be completed within two (2) weeks.

   The Board discussed and agreed to approve the change order. A resolution will be submitted at the next Legislative Session on October 5, 2016.

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. Jomanda Way, Expanding No Shooting Petition – LaFountain
2. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road – Costello
3. Sign Ordinance Update – Costello/LaFountain

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 regarding a legal matter.

XII. Adjournment – Supervisor LaFountain adjourned the regular Work Session at 7:47 PM.

Lisa Grosser, RMC
Deputy Town Clerk