



# TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

**PENFIELD TOWN BOARD AGENDA**  
**Wednesday, November 7, 2012 7:30 PM**  
**Supervisor R. Anthony La Fountain, presiding**

---

- I Call to Order - Pledge of Allegiance - Roll Call
- II Communications and Announcements
- III Public Participation
- IV Additions and Deletions to Agenda
- V Approval of Minutes – October 3, 2012
- VI Petitions
- VII Resolutions by Function

#### Law and Finance

- #12T-223 Establishment of the Sparrow Pointe Subdivision Special Improvement District
- #12T-224 Establishment of the Sparrow Pointe Sidewalk District #17
- #12T-225 2012 Budget Amendment – Highway Garage Dirt Project
- #12T-226 2012 Budget Amendment – General Reserve Fund
- #12T-227 Approval of Issuance of a Special Permit to Allow a Sit-down Restaurant at 2124-2126 Five Mile Line Road – Angus House and Lounge LLC
- #12T-228 Adoption of Local Law No. 1 of 2012, to effect a Moratorium and Prohibition within the Town of Penfield of Natural Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration and Production Wastes

#### Public Works

- #12T-229 Authorization to Place Traffic Controls on Miceli Way at Creek Street
- #12T-230 Authorization to Extend 2013 Amendatory Agreement – All Seasons County/Town Work Agreement
- #12T-231 Authorization to Extend Snow & Ice Agreement with New York State Department of Transportation
- #12T-232 Authorization for Supervisor to execute Amendatory Agreement with Monroe County

#### Public Safety - None

#### Community Services

- #12T-233 Authorization for Supervisor to Sign Recreation Contracts

- VIII Old Business
- IX New Business
- X Public Participation
- XI Adjournment

PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_\_ DATE: November 7, 2012

BY: Councilwoman Paula Metzler \_\_\_\_\_ Public Works COMMITTEE

NAME: Authorization to Place Traffic Controls on Miceli Way at Creek Street

WHEREAS, Pursuant to the New York State Vehicle and Traffic Law, Section 1660, the Penfield Town Board is given the authority to authorize the establishment of various traffic controls within the Town of Penfield and,

WHEREAS, The Town of Penfield has receive a request from the Monroe County Department of Transportation in a letter dated October 16, 2012 to install a STOP sign on Miceli Way at Creek Street.

NOW, THEREFORE BE IT RESOLVED, That the Town Board hereby authorizes the said traffic control as stated in said letter dated October 16, 2012 and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to sign, and return with a copy of this resolution, said letter dated October 16, 2012 to the Monroe County Department of Transportation.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_\_ DATE: November 7, 2012

BY: Councilwoman Paula Metzler \_\_\_\_\_ Public Works COMMITTEE

NAME: Authorization to Extend Snow & Ice Agreement with New York State Department of Transportation

Be It Resolved: That the Supervisor, be and hereby is authorized to execute a one year extension to the Snow and Ice agreement No. D139815 between the Town of Penfield and New York State Department of Transportation for the 2014/2015 snow & ice season.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_\_ DATE November 7, 2012

BY Councilman Moore

Law & Finance Committee

NAME Approval of Issuance of a Special Permit to Allow a Sit-down Restaurant at

2124-2126 Five Mile Line Road – 139.06-4-1 – Angus House and Lounge LLC – Angus

House and Lounge

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit, pursuant to Article III-3-97 of the Code to allow a sit-down restaurant at 2124-2126 Five Mile Line Road, located in the Four Corners (FC) zoning district; and

WHEREAS, the Town Board of the said Town of Penfield held a public hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on October 17, 2012, at 7:30 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Special Permit to allow a sit-down restaurant at 2124-2126 Five Mile Line Road, in the Four Corners (FC) zoning district and the public hearing was closed and decision was reserved.

NOW, THEREFORE, BE IT

RESOLVED, that the applicant's request for a SPECIAL PERMIT to allow a sit-down restaurant at 2124-2126 Five Mile Line Road is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a SPECIAL PERMIT from the Town Clerk and pay the appropriate fee. The SPECIAL PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a SPECIAL PERMIT from the Town Board to operate a restaurant at this location.
2. The applicant is permitted by the New York State International Building Code to have 15 patrons seated at the bar, with additional seating in the bar area of 26 patrons. The main dining area on the first floor is permitted to have seating for 50 and the third floor which will be used for overflow dining or private parties is also permitted to have seating for 50 patrons. The applicant shall maintain compliance with the occupancy requirements established by the Penfield Fire Marshal for this site.
3. The applicant shall be responsible for ensuring that this operation has adequate parking (a combination of on-site and off-site) available at all times

to accommodate the business. The applicant shall be required to work with the Town of Penfield and the area neighbors to create a public parking facility and an enclosed common dumpster area. By accepting this condition of this Special Permit, the applicant agrees to use its best efforts to cause the owner of the property, or the applicant itself, as the case may be, to execute any and all necessary documents including any easements required by the Town of Penfield to create such public parking facility and enclosed dumpster area. Further, the applicant, by accepting this condition of this Special Permit, agrees to use its best effort to cause the owner of the property to accept and pay its pro rated share for ongoing maintenance charges related to said property and dumpster areas or accept and pay such charges itself.

4. At no time shall adjacent property owners be materially adversely impacted by those patronizing this business.
5. The applicant shall comply with the permitted hours of operation in the Four Corners zoning district, that being from 6:00 a.m. until 12:00 AM. The restaurant shall be closed to the public at midnight on a daily basis.
6. The applicant may be required to participate in the installation of a 6 foot high solid privacy fence along the rear of its property with accompanying landscaping to minimize headlights and noise impacts to the Grand Vie Home For Adults when requested to do so by the Town of Penfield.
7. The applicant shall be responsible for ensuring that all employees working at the site park their vehicles in spaces remote of the restaurant and other businesses in the quadrant to provide the closest spaces for those patronizing this business as well as the other businesses in the quadrant. To that end, the applicant's employees shall be required to park their vehicles in the existing public parking area south of this site.
8. The applicant shall furnish, if acceptable to the adjacent property owners, reciprocal access and parking agreements to allow any and all interested parties the right to enter onto, travel across and park on each interested party's property. This condition shall only be enforced if the adjacent property owners are agreeable to and willing to participate with the applicant in the creation of said agreements.
9. The applicant shall obtain a sign permit and pay the appropriate fee for the wall mounted sign that has been approved by this Board as part of this application.
10. The applicant shall obtain a Liquor License from the New York State Liquor Authority prior to serving alcohol at this location; furthermore, the applicant shall ensure that the primary use of the property remains as a sit-down

restaurant and that the sale of alcohol is secondary and incidental to the sale of food.

11. No outdoor dining has been requested by the applicant at this time and none shall be permitted at any time nor shall the consumption of alcohol to the exterior of the restaurant be permitted at this site until such time as the applicant has requested and received a Special Permit from the Town Board for said purposes.
12. The applicant stated at the public hearing that there is no intent to have live entertainment on the site at any time and none shall be permitted without approval from the Town Board. The applicant shall be permitted to have background music within the restaurant that is incidental and complimentary to dining and said background music shall not be audible from the exterior of the restaurant.
13. The applicant shall be responsible for the ongoing maintenance of the site, including, but not limited to the exhaust venting system on the building, landscaping, fencing, dumpsters, driveway and parking lot and any litter which may be generated.
14. This operation shall comply with all Federal, State, County and Town Codes.
15. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Special Permit pursuant to the requirements of the Zoning Ordinance.

AND BE IT FURTHER

RESOLVED, that the applicants' proposal is classified as a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and no further environmental review will be required for this action.

The Town Board, in granting the Special Permit, does so based on its following findings:

1. The applicant proposes to occupy the site at 2124-2126 Five Mile Line Road, for the purpose of operating a sit-down restaurant with an ancillary bar, which was formerly occupied by a restaurant known as Kam Wah.
2. The applicant has available to it 25 parking spaces on its site and has an agreement with the Grand Vie Home For Adults to utilize a portion of its parking lot between the hours of 11:00 a.m. and 7:00 p.m.. It is proposing to commit its parking area for the purpose of creating a public parking lot in conjunction with the Town of Penfield.

3. The applicant has stated that it will comply with all applicable codes and regulations pertaining to the operation of a sit-down restaurant and sale of alcohol in the Town of Penfield.
4. The applicant has stated that outdoor dining is not being requested as part of this application but may be requested at a later date. The Board has stated that the applicant may apply for outdoor dining at a later date once the restaurant has been established and there is adequate public parking to provide for such a request.
5. The applicant has refurbished both the interior as well as the exterior of the building which is situated within the Five Mile Line Historic District. The applicant has also obtained a Certificate of Appropriateness from the Historic Preservation Board to ensure that all exterior modifications comply with the architectural standards for the Five Mile Line Historic Preservation District and the Four Corners District.
6. The Board is concerned that the proposed restaurant is in such close proximity to residential uses that in the event that noise impacts to said residences are generated in the on-site and off-site parking lots serving applicant's business, that, in that event, it will be required to have employee(s) stationed within said parking lots to ensure the quiet and peaceful enjoyment of those residences by their owners and tenants until such time as any noise impacts have been abated.
7. The applicant has agreed to accept the responsibilities and obligations contained in condition Number 3 herein above set forth.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_\_

DATE November 7, 2012

BY Councilman Moore

Law & Finance COMMITTEE

NAME: Establishment of the Sparrow Pointe Sidewalk District #17.

WHEREAS, a public hearing was held at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York, on October 17, 2012 at 7:30 P.M., to consider the Petition and to hear all persons interested in the establishment of the Sparrow Pointe Sidewalk District #17, and

WHEREAS, the Town Board received no negative and or substantive input regarding this matter, and

WHEREAS, all improvements to said district extension shall be borne solely by the developer.

NOW, THEREFORE BE IT RESOLVED, that the annexed Order be executed by the Supervisor and the members of the Town Board to establish Sparrow Pointe Sidewalk District #17.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_



PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_\_

DATE November 7, 2012

BY Councilman Moore

Law & Finance COMMITTEE

NAME Establishment of the Sparrow Pointe Subdivision Special Improvement District

WHEREAS, a public hearing was held on October 17, 2012 to consider the Petition and to hear all persons interested in the establishment of the Sparrow Pointe Subdivision Special Improvement District.

WHEREAS, the Town Board received no negative and or substantive input regarding this matter.

NOW, THEREFORE, BE IT RESOLVED, that the annexed Order be executed by the Town Supervisor and members of the Town Board to establish the Sparrow Pointe Subdivision Special Improvement District.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote:	Kohl	_____
	LaFountain	_____
	Metzler	_____
	Moore	_____
	Quinn	_____

PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_\_ DATE: November 7, 2012

BY: Councilwoman Paula Metzler \_\_\_\_\_ Public Works COMMITTEE

NAME: Authorization to Extend 2013 Amendatory Agreement- All Seasons County/Town Work Agreement

Be It Resolved: That the Supervisor, be and hereby is authorized to execute a one year extension to the 2013 Amendatory Agreement- All Seasons County/Town Work Agreement.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_

DATE November 7, 2012

BY Councilman Moore

Law & Finance COMMITTEE

NAME Adoption of Local Law No. 1 of 2012, to effect a Moratorium and Prohibition Within the Town of Penfield of Natural Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration and Production Wastes

WHEREAS, the Town Board of the Town of Penfield wishes to adopt proposed Local Law No. 1 of 2012 which would put into effect a moratorium and prohibition within the Town of Penfield of natural gas and petroleum exploration and extraction activities, underground storage of natural gas and disposal of natural gas or petroleum extraction, exploration and production wastes; and

WHEREAS, the Penfield Town Board is best suited to act as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and has designated itself as “lead agency” pursuant to SEQRA; and

WHEREAS, the subject application is determined to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), and no additional environmental review of this action is deemed necessary; and

WHEREAS, the Town Board of the said Town of Penfield held a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on September 5, 2012, at 7:30 PM on said date, to consider the said proposal and to hear all persons interested on the question of the adoption of Local Law No. 1 of 2012, and the public hearing was closed and decision was reserved;

NOW, THEREFORE, BE IT

RESOLVED, AND HEREBY IS ENACTED BY THE TOWN BOARD OF THE TOWN OF PENFIELD AS FOLLOWS: Local Law No. 1 of 2012, hereinafter set forth:

Section 1. TITLE

This Local Law shall be known as the  
**Moratorium On And Prohibition of Gas And Petroleum Exploration And Extraction Activities,  
Underground Storage Of Natural Gas, And Disposal of Natural Gas Or Petroleum Extraction,  
Exploration, And Production Wastes Law**

Section 2. AUTHORITY AND INTENT; FINDINGS; PURPOSE

A. The Town Board of the Town of Penfield hereby adopts this Local Law pursuant to the authority described at Section 1. of Appendix A attached hereto, which Appendix A is hereby incorporated and made a part of this Local Law for all purposes by this reference.

B. The Town Board has found, determined, and made the declarations of findings set forth at Section 2. of Appendix A attached hereto.

C. The Purposes underlying the Town Board's passage of this Local Law, as articulated, found, and declared by the Town Board, are set forth at Section 3. of Appendix A attached hereto.

Section 3. DEFINITIONS

For purposes of this Local Law, the following terms shall have the meanings respectively set forth below:

Agriculture Use - Land used for the production of crops and/or livestock and livestock products (as those terms are defined at Section § 301 of the New York State Agriculture and Markets Law).

Board of Appeals - The Zoning Board of Appeals of the Town.

Below-Regulatory Concern - Radioactive material in a quantity or of a level that is distinguishable from background (as that phrase is defined at 10 CFR §20.1003), but which is below the regulation threshold established by any regulatory agency otherwise having jurisdiction over such material in the Town.

Injection Well - A bored, drilled or driven shaft whose depth is greater than the largest surface dimension, or a dug hole whose depth is greater than the largest surface dimension, through which fluids (which may or may not include semi-solids) are injected into the subsurface and less than ninety (90) percent of such fluids return to the surface within a period of ninety (90) days.

Land Application Facility - A site where any Natural Gas Exploration And/Or Petroleum Production Wastes are applied to the soil surface or injected into the upper layer of the soil.

Natural Gas - Methane and any gaseous substance, either combustible or non-combustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

Natural Gas And/Or Petroleum Exploration Activities - Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, *but only to the extent* that such activities involve or employ core, rotary, or any other type of drilling or otherwise making any

penetration or excavation of any land or water surface in the search for and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

Natural Gas And/Or Petroleum Extraction Activities - The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons, including without limitation any and all forms of shale fracturing.

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes - Any of the following in any form, and *whether or not* such items have been excepted or exempted from the coverage of any federal or state environmental protection laws, or have been excepted from statutory or regulatory definitions of “industrial waste,” or “hazardous” or “toxic” substances, materials, or wastes, and whether or not such substances are generally characterized as waste: (a) below-regulatory concern radioactive material, or any radioactive material which is not below-regulatory concern, but which is in fact not being regulated by the regulatory agency otherwise having jurisdiction over such material in the Town, whether naturally occurring or otherwise, in any case relating to, arising in connection with, or produced by or incidental to the exploration for, the extraction or production of, or the processing, treatment, or transportation of, natural gas, petroleum, or any related hydrocarbons; (b) natural gas or petroleum drilling fluids; (c) natural gas or petroleum exploration, drilling, production or processing wastes; (d) natural gas or petroleum drilling treatment wastes (such as oils, frac fluids, produced water, brine, flowback, sediment and/or any other liquid or semi-liquid material); (e) any chemical, waste oil, waste emulsified oil, mud, or sediment that was used or produced in the drilling, development, transportation, processing or refining of natural gas or petroleum; (f) soil contaminated in the drilling, transportation, processing or refining of natural gas or petroleum; (g) drill cuttings from natural gas or petroleum wells; or (h) any other wastes associated with the exploration, drilling, production or treatment of natural gas or petroleum. This definition specifically intends to include some wastes that may otherwise be classified as “solid wastes which are not hazardous wastes” under 40 C.F.R. § 261.4(b). The definition of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes *does not include* (i) recognizable and non-recognizable food wastes, or (ii) waste generated by Agriculture Use.

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Disposal/Storage Facility - Any of the following: (a) tanks of any construction (metal, fiberglass, concrete, etc.); (b) impoundments; (c) pits; (d) evaporation ponds; or (e) other facilities, in any case used for the storage or treatment of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes that: (i) are being held for initial use, (ii) have been used and are being held for subsequent reuse or recycling, (iii) are being held for treatment, or (iv) are being held for storage.

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Dump - Land upon which Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes, or their residue or constituents before or after treatment, are deposited, disposed, discharged, injected, placed, buried or discarded, without any intention of further use.

Natural Gas And/Or Petroleum Support Activities - Shall mean and be any one or more of the following: (a) Natural Gas Compression Facility; (b) Natural Gas Processing Facility; (c) Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Disposal/Storage Facility; (d)

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Dump; (e) Land Application Facility; (f) Underground Injection; or (g) Underground Natural Gas Storage.

Natural Gas Compression Facility - Those facilities or combination of facilities that move natural gas or petroleum from production fields or natural gas processing facilities in pipelines or into storage; the term shall include equipment for liquids separation, natural gas dehydration, and tanks for the storage of waste liquids and hydrocarbon liquids.

Natural Gas Processing Facility - Those facilities that separate and recover natural gas liquids (NGLs) and/or other non-methane gases and liquids from a stream of produced natural gas, using equipment for any of the following: cleaning or stripping gas, cooking and dehydration, residual refinement, treating or removing oil or condensate, removing water, separating NGLs, removing sulfur or carbon dioxide, fractionation of NGLs, or the capture of CO<sub>2</sub> separated from natural gas streams.

Person - Any individual, public or private corporation for profit or not for profit, association, partnership, limited liability company, limited liability partnership, firm, trust, estate, and any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Radioactive Material - Material in any form that emits radiation, but only if such material has been moved from its naturally occurring location through an industrial process. Such material is “radioactive material” for purposes hereof, whether or not it is otherwise exempt from licensing and regulatory control pursuant to the NYS Department of Labor, the US Nuclear Regulatory Commission, the US Environmental Protection Agency, the US Department of Energy, the US Department of Transportation, or any other regulatory agency.

Radiation - The spontaneous emission of particles (alpha, beta, neutrons) or photons (gamma) from the nucleus of unstable atoms as a result of radioactive decay.

Subsurface - Below the surface of the earth, or of a body of water, as the context may require.

Town - The Town of Penfield, Monroe County, New York.

Town Board -The Town Board of the Town.

Underground Injection - Subsurface emplacement of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes by or into an Injection Well.

Underground Natural Gas Storage - Subsurface storage, including in depleted gas or oil reservoirs and salt caverns, of natural gas that has been transferred from its original location for the primary purpose of load balancing the production of natural gas. Includes compression and dehydration facilities.

#### Section 4. MORATORIUM AND PROHIBITION.

A. From and after the date of this Local Law, no application for a permit, zoning permit, special permit, zoning variance (except as contemplated by Section 8 of this Law), building permit, site plan

approval, subdivision approval or other Town-level approval shall be accepted, processed, approved, approved conditionally, or issued for the construction, establishment, or use or operation of any land, body of water, building, or other structure located within the Town for any of the following: (i) any Natural Gas And/Or Petroleum Exploration Activities; (ii) any Natural Gas And/Or Petroleum Extraction Activities; or (iii) any Natural Gas And/Or Petroleum Support Activities.

B. From and after the date of this Local Law, no Person shall use, cause, or permit to be used, any land, body of water, building, or other structure located within the Town for any of the following: (i) any Natural Gas And/Or Petroleum Exploration Activities; (ii) any Natural Gas And/Or Petroleum Extraction Activities; or (iii) any Natural Gas And/Or Petroleum Support Activities.

C. The moratorium and prohibition set forth above in Sections A. and B. of this Section 4. are not intended, and shall not be construed, to: (x) prevent or prohibit the right to use roadways in commerce or otherwise for travel; (y) prevent or prohibit the transmission of natural gas through utility pipes, lines, or similar appurtenances for the limited purpose of supplying natural gas to residents of or buildings located in the Town; or (z) prevent or prohibit the incidental or normal sale, storage, or use of lubricating oil, heating oil, gasoline, diesel fuel, kerosene, or propane in connection with legal Agriculture, residential, business, commercial, and other uses within the Town.

D. This moratorium and prohibition shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of (i) that date which is one year after said effective date, or (ii) the effective date of a duly enacted repeal of this Local Law.

E. This moratorium and prohibition shall apply to all real property within the Town.

F. Under no circumstances shall the failure of the Town Board of the Town, the Zoning Board of Appeals of the Town, the Planning Board of the Town, or the Code Enforcement Officer for the Town to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, site plan approval, subdivision approval, or other Town-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

#### Section 5. PENALTIES.

A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Five Hundred Dollars (\$1,500) or imprisonment for not more than 10 days, or both, for the first offense. Any subsequent offense within a three month period shall be punishable by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500) or imprisonment for a period of not more than 30 days, or both. For purposes of this Clause A., each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

B. Compliance with this Local Law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction, in an action brought on behalf of the Town by the

Town Board. In the event the Town shall seek any such equitable relief, the Town shall not be required to: (i) show or prove the lack of an adequate remedy in law; or (ii) post any bond or undertaking.

C. In the event the Town desires or is required to take legal action to enforce this Local Law the violator will be responsible for any and all necessary costs and expenses incurred by the Town relative thereto, including attorneys', engineering, consulting, and experts' fees; however, any responsibility or liability therefor, and the amount thereof, shall be determined by a Court or other tribunal of competent jurisdiction, and this clause shall be interpreted, construed, and applied only to the maximum extent permitted by applicable law.

#### Section 6. 'GRANDFATHERING" OF LEGAL, PRE-EXISTING NON-CONFORMING USE

Notwithstanding any provision hereof the contrary, any Natural Gas And/Or Petroleum Extraction Activities that are being conducted in the Town as of the effective date of this Local Law shall be subject to the following:

A.1. If, as of the effective date of this Local Law, substantive Natural Gas And/Or Petroleum Extraction Activities are occurring in the Town, and those activities are in all respects being conducted in accordance with all applicable laws and regulations, including without limitation pursuant to and in compliance with all valid permits required to be issued by the New York State Department of Environmental Conservation ("DEC") and all other regulating agencies, then and only then such Activity shall be considered a pre-existing, non-conforming use and shall be allowed to continue, subject, however, to the provisions of Clauses B. and C. of this Section 6.

2. Natural Gas And/Or Petroleum Extraction Activities that are being conducted in the Town as of the effective date of this Local Law and which do not qualify for treatment under the preceding Clause A. 1. of this Section 6 shall not be grandfathered, and shall in all respects be prohibited as contemplated by Section 4 hereof.

B. Upon the depletion of any well which is allowed to remain in operation after the effective date of this Local Law by virtue of Clause A. 1. of this Section 6, or upon any other substantive cessation of Natural Gas And/Or Petroleum Extraction Activities (otherwise grandfathered by virtue of Clause A. 1. of this Section 6) for a period of more than twelve (12) months, then and in such event the non-conforming use status of such Activity shall terminate, and thereafter such Natural Gas And/Or Petroleum Extraction Activities shall in all respects be prohibited as contemplated by Section 4 hereof.

C. Notwithstanding any provision hereof to the contrary, the pre-existing, non-conforming status conferred and recognized by Clause A. 1. of this Section 6 is not intended, and shall not be construed, to authorize or grandfather any Natural Gas And/Or Petroleum Extraction Activities extending beyond whatever well bore is authorized in any DEC permit in existence as of the effective date of this Local Law. Any expansion or attempted or purported expansion shall not be grandfathered under Clause A. 1. of this Section 6, and instead shall in all respects be prohibited as contemplated by Section 4 hereof. 'Grandfathered' and allowed lawful pre-existing uses neither have nor possess any right to expand such non-conforming use, whether above or below ground, and no such right shall be deemed,



construed, or implied to exist.

Section 7. INVALIDITY OF ANY CONFLICTING APPROVALS OR PERMITS.

Except as contemplated by Section 8 of this Local Law, no permit or approval issued by any local agency, department, commission or board shall be deemed valid when or to the extent that such permit or approval purports to allow or permit any activity that would violate the prohibitions set forth at Section 4 of this Local Law.

Section 8. HARDSHIP USE VARIANCE.

The Board of Appeals of the Town is hereby authorized to accept and review (after public notice and hearing and in accordance with the requirements of law and of this Local Law) requests for a hardship use variance from application of the provisions of this Local Law by persons aggrieved hereby.

No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship.

A. *Unnecessary Hardship.* In order to prove such unnecessary hardship the applicant is required to demonstrate to the Board of Appeals that, with respect to every permitted use under the zoning regulations for the particular district where the property is located, each of the following four criteria is satisfied: (i) the applicant cannot realize a reasonable return on the entire parcel of property, and such lack of return is substantial as demonstrated by competent financial evidence; (ii) the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (iii) the requested use variance, if granted, will not alter the essential character of the neighborhood; and (iv) the alleged hardship has not been self-created.

B. *Reasonable Rate of Return.* In evaluating whether the applicant can realize a reasonable rate of return, the Board of Appeals must examine whether the entire original or expanded property holdings of the applicant are incapable of producing a reasonable rate of return (and not just the site of the proposed development project). No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Board of Appeals finds that the applicant has clearly demonstrated, by detailed “dollar and cents” proof, the inability to obtain a reasonable return for the entire parcel (and not just the site of the proposed project) and for each and every permitted use in the district (including those uses permitted by special use permit).

C. *Unique Hardship.* No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Board of Appeals finds that the entire parcel of which the project is a part possesses unique characteristics that distinguish it from other properties in the area.

D. *Essential Character of the Neighborhood.* In making its determination of whether the proposed development project will alter the essential character of the neighborhood, the Board of Appeals shall take into account factors that are of vital importance to the citizens of the Town including without limitation: (i) the rural residential, agricultural and historic character of the area and the Town, (ii) its

irreplaceable recreation and tourism sites, (iii) the extent of hazard to life, limb or property may result from the proposed development project, (iv) health impacts, (v) the social and economic impacts of traffic congestion, noise, dust, odors, emissions, solid waste generation and other nuisances, (vi) the impact on property values, and (viii) whether the applicant will use a style of development that will result in degradation to the air quality, water quality and environment of the Town. In order to find that the proposed development project does not alter the essential character of the neighborhood, the Board of Appeals shall interpret the public interest in said essential character of the neighborhood to require, at a minimum, that the project will not do any of the following: (x) pose a threat to the public safety, including public health, water quality or air quality, (y) cause an extraordinary public expense, or (z) create a nuisance.

E. *Self-Created Hardship.* The Board of Appeals may find that the applicant suffers from a self-created hardship in the event that the Board finds that (i) the applicant's inability to obtain a reasonable return on the property as a whole results from having paid too much for the property, or that such inability arises from a poor investment decision; (ii) the applicant previously divided the property and is left with only a portion which suffers from some unique condition for which relief is sought and which did not apply to the parcel as a whole; or (iii) when the applicant purchased the property, he or she knew or should have known the property was subject to the zoning restrictions.

In the event the Board of Appeals grants a hardship use variance from the provisions of this Local Law to the applicant, the applicant shall be required to comply with all provisions of the Town's then applicable zoning laws and other laws and regulations, together with any amendments to such law or regulations which may be enacted during the term of this Local Law. Any hardship use variance that is granted shall grant only the minimum variance that the Board of Appeals deems necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

#### Section 9. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed herefrom, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

Section 10. SUPERSEDING INTENT AND EFFECT.

During the time this Local Law is in effect, it is the specific intent of the Town Board, pursuant to Municipal Home Rule Law § 10(1)(ii)(d)(3) and §22, to supersede: (a) any inconsistent provisions set forth in Town Law § 265-a; § 267; § 267-a, § 267-b, § 268; §274-a, §274-b; § 276, § 277, § 278, and § 279; (b) any other inconsistent provisions set forth in Article 16 of the Town Law; (c) any inconsistent provisions of the Zoning Ordinance of the Town of Penfield; and (d) any inconsistent provisions of any and all other local ordinances, local laws, or local resolutions or other legislation or policies of the Town of Penfield.

Section 11. GENERAL PROVISIONS.

A. The Building/Code Compliance Inspector is hereby designated as the authorized enforcement officer for purposes of interpreting and enforcing this Local Law. The Town Board reserves the right, by resolution to change or designate additional enforcement officers.

B. The section and other headings and titles to clauses and phrases in this Local Law are for convenience only, and shall not be used or construed to limit or define the scope or application of the clauses and phrases so following such headings or titles. Each section of this Local Law, whether in the nature of a preamble or otherwise, is a material part of this Local Law.

Section 12. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State.

**APPENDIX A**  
ATTACHED TO AND FORMING A PART OF  
TOWN OF PENFIELD LOCAL LAW NO. 1 of the YEAR 2012,  
known as:

**Moratorium On And Prohibition Of  
Gas And Petroleum Exploration And Extraction Activities,  
Underground Storage Of Natural Gas, And Disposal Of  
Natural Gas Or Petroleum Extraction, Exploration, And Production Wastes Law**

The “Moratorium on and Prohibition of Gas And Petroleum Exploration And Extraction Activities, Underground Storage Of Natural Gas, and Disposal Of Natural Gas Or Petroleum Extraction, Exploration, And Production Wastes” to which this Appendix A is attached is herein sometimes referred to as “this Local Law” or “this Law.”

This Appendix A is a part of the Local Law to which it is attached for all purposes.

**Section 1. Authority and Intent.** This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Town Board of the Town of Penfield under the New York State Constitution, and the Laws of the State of New York, including but not limited to the following

authorities: New York State Constitution Article IX, Section 2 (c)(ii)(6), (10); Municipal Home Rule Law § 10(1)(i); Municipal Home Rule Law § 10(1)(ii)(a)(6), (11), (12), and (14); Municipal Home Rule Law § 10(1)(ii)(d)(3); Municipal Home Rule Law § 10(2); Municipal Home Rule Law § 10(3); Municipal Home Rule Law § 10(4)(a), and (b); Statute of Local Governments §10(1), (6), and (7); Town Law § 64 (17-a), (20-b), and (23); Town Law § 130(5), (6), (7), (8), (11), (14), (15), and (23); Town Law § 135; Town Law Article 16 (Zoning & Planning) inclusive; Environmental Conservation Law § 17-1101, §27-0711; and New York State Law, Public Health Law § 228 (2), and (3).

This Law is a police power and land use regulation. This Law is intended and is hereby declared to address matters of local concern, and it is declared that it is not the intention of the Town to address matters of statewide concern. This Local Law is intended to act as and is hereby declared to exercise the permissive “incidental control” of a land use law that is concerned with the broad area of land use planning and the physical use of land and property within the Town, including the physical externalities associated with certain land uses, such as negative impacts on roadways and traffic congestion and other deleterious impacts on a community.

## **Section 2. Findings of Fact.**

1. Penfield is a community in Monroe County that takes great pride in and assigns great value to its quality of life, and cultural, recreational, scenic and other natural resources.

A. Penfield, New York is a residential community of 34,000 with a small town atmosphere and abundant natural resources including vital waterways and hundreds of acres of parks and trails. The town is regarded as “a great place to raise a family” because of its honored agricultural heritage, quiet neighborhoods, innovative library, excellent schools, variety of faith communities, accessible small business districts and a culture of wellness that provides rich recreation opportunities for all ages. Penfield residents are informed, motivated and civically engaged; nearly 150 neighbors serve on the town’s many boards and advisory committees.

Penfield is steeped in its agricultural tradition and is committed to historic preservation; it also looks to the future with community-based long-term comprehensive planning. With a strong public mandate from a 2002 Open Space referendum, Penfield has protected more than 1,200 acres for agriculture and recreational use to date. Penfield has earned its reputation as a statewide leader in Open Space preservation\*, and the town serves as a role model for other communities wishing to protect their natural resources. The 2012 Open Space committee is currently reviewing additional land for future protection.

The Town of Penfield and its residents consistently demonstrate their commitment to the preservation of land, natural resources and quality of life for future generations, and together present a collective desire to conserve these critical assets and protect them from natural gas drilling and all associated intended – and unintended – industrial activities.

*\*In September 2002, the Town of Penfield received an award from the Upstate New York Chapter of the American Planning Association for its Open Space Plan. The Town was awarded the 2002 Outstanding Planning Project – Implementation, for its efforts toward resource preservation*

B. There are ten watershed districts in the town of Penfield. All watersheds directly affect the health of Irondequoit Bay, and three have a significant impact on the health of the waters of Lake Ontario. The Town of Penfield is a regional leader in Stormwater Management and committed to public education and protection of waterways.

2. Many residents are dependent upon aquifers and wells for irrigation and agricultural purposes, and various businesses are dependent upon aquifers for the operation of their businesses; maintaining the quality of water resources within the Town is critical to protecting the natural environment of the Town, the general health and welfare of Town residents, and the local economy.
3. Preservation of the Town's irreplaceable recreational and scenic sites, high-quality agricultural land, air quality and water quality, and priceless and unique character, is of significant value to the inhabitants of the Town and to the tourists who visit here.
4. The Town's rich natural environment is a valuable asset that creates a sense of identity and well-being for residents of the area. Preserving and protecting the scenic, recreational, and other natural resources of the Town is important for both a healthy environment and vibrant economy. Aesthetic issues are real and evoke strong reactions from people. They deeply affect the way people feel about a place – whether or not businesses will want to locate, or people will want to live in and visit a place.
5. Allowing the activities prohibited by Section 4. of the Local Law could impair the existing character of the Town, because by their very nature such activities have the potential to produce a combination of negative impacts upon the environment and people living in or in proximity to the communities in which they are located. Such negative impacts may include, without limitation, traffic, noise, vibrations, fumes, damage to roadways, degradation of water quality, degradation of air quality, decreased availability of affordable housing, damage to and loss of agricultural lands and soils, damage to and loss of open space, natural areas, scenic views, decreased recreational opportunities, and damage to the tourism industries.
6. If one or more of the activities prohibited by Section 4. of the Local Law are conducted within the Town, traffic generated thereby could be hazardous or inconvenient to the inhabitants of the Town and could be dangerous to pedestrians (especially children), cyclists, and motorists, and could result in traffic congestion that could delay emergency response times for medical emergencies, fires and accidents. Roads are a critical public resource and constitute a major investment of the public's money. The Town is not in a position to bear the high costs associated with the road use impacts that accompany many of the activities prohibited by Section 4. of the Local Law. Accidents involving heavy trucks have greater potential for death than those involving smaller vehicles. Increased truck traffic increases air pollution and noise levels, and decreases the quality of life and property values for those living nearby.
7. If one or more of the activities prohibited by Section 4. of the Local Law are conducted within the Town, the air pollution, dust and odors generated thereby (whether onsite or by truck traffic to and from the proposed site of such activities) could be hazardous or inconvenient to the inhabitants of the

Town. Air pollution is a known hazard to the public health.

8. Allowing one or more of the activities prohibited by Section 4. of the Local Law to be conducted within the Town could negatively impact the quality of water resources within the Town. Water pollution is hazardous to the public health. If a domestic water source is contaminated, remediation is time and cost intensive, and may not restore the water resource to a quality acceptable for domestic use.

9. If one or more of the activities prohibited by Section 4. of the Local Law are conducted within the Town, noise, vibrations, and light pollution typically caused by such Activities could be hazardous or inconvenient to the inhabitants of the Town. Noise, traffic congestion, nighttime lighting, and vibrations can have negative effects on human health and wildlife.

10. The creation, generation, keeping, storage or disposal of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes (as that term is defined at Section 3. of the Local Law) within the Town could have a negative impact on the public health, safety and welfare of the inhabitants of the Town.

11. The high costs associated with the disposal of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes (as that term is defined at Section 3. of the Local Law) have in other localities resulted, and could in our Town result, in persons seeking to avoid such costs by depositing such material along roadways, in vacant lots, on business sites, in the private dumpsters of others, or in other unauthorized places. Such activities could pose a hazard to the public health, safety, and welfare of the inhabitants of the Town.

12. The explicit proscription of the activities prohibited by Section 4. of the Local Law is a legitimate goal of land use laws. There is no question that exclusion of specified industrial uses is a legitimate goal of such laws:

As the United States Supreme Court stated in *Town of Belle Terre v. Borass*, 416 U.S. 1 (1974):

*the concept of public welfare is broad and inclusive.... The values that it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the [local] legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled.*

*416 U.S. at 6.*

And see also *Matter of Gernatt Asphalt Products, Inc. v. Town of Sardinia*, 87 N.Y. 2d 668 (1996), where the Court of Appeals, New York State's highest court, evaluated a claim that a town's prohibition of mining throughout the town was in effect unconstitutional 'exclusionary zoning,' and held as follows:

*We have never held, however, that the ... ['exclusionary zoning'] test, which is intended to prevent a municipality from improperly using the zoning power to keep people out, also applies to prevent the exclusion of industrial uses. **A municipality is not obliged to permit the exploitation of any and all***

*natural resources within the town as a permitted use if limiting that use is a reasonable exercise of its police power to prevent damage to the rights of others and to promote the interests of the community as a whole.* 87 N.Y. 2d at 683, 684. (emphasis added.)

**Section 3. Purposes.** The purpose of the Local Law is to enable the Town of Penfield to stay the construction, operation, and establishment of, and the submission and processing of applications for permits, zoning permits, special permits, zoning variances, building permits, operating permits, site plan approvals, subdivision approvals, certificates of occupancy, certificates of compliance, temporary certificates, and other Town-level approvals respecting, the activities prohibited by Section 4. of the Local Law, for a reasonable time, so as to allow the Town time to study the impacts, effects, and possible controls over such activities and to consider amendments to the Town’s zoning laws to address the same. The Town Board finds that a moratorium of one year duration, coupled with a mechanism for an ‘unnecessary hardship’ variance procedure, will achieve an appropriate balancing of interests between (on the one hand) the public need to safeguard the character and other resources of the Town of Penfield and the health, safety and general welfare of its residents, and the rights of individual property owners or businesses desiring to conduct such activities (on the other) during such period.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_



# TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

**PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_\_**

**DATE November 7, 2012**

**BY COUNCILWOMEN Paula Metzler**

**PUBLIC WORKS COMMITTEE**

**NAME Authorization for Supervisor to execute Amendatory Agreement with Monroe County**

**WHEREAS**, Monroe County and the Town of Penfield previously entered into an Agreement executed on September 26, 2011, whereby the Town of Penfield agreed to provide for the installation of sidewalks in various locations in low-mod areas along Empire Blvd; and

**WHEREAS**, Monroe County and the Town of Penfield wish to amend said Agreement to extend the term of the Agreement, and

**NOW THEREFORE BE IT RESOLVED;** That the Town of Penfield Supervisor, R. Anthony LaFountain be and hereby is authorized to execute an Amendatory Agreement with Monroe County to extend said term.

MOVED BY: \_\_\_\_\_

VOTE: Kohl \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_



BY: Andy Moore

Law and Finance COMMITTEE

NAME: 2012 Budget Amendment- Highway Garage Dirt Project

WHEREAS, the New York State Environmental Department has sited the Town Highway Garage parking lot with gasoline leakage, and have directed the Town of Penfield to eliminate the tainted soil, and

WHEREAS, during 2012, the Town Board authorized the Director of Public Works to complete the renovation of the parking lot at the Highway Garage, and

WHEREAS, the Town Board desires to have an up to date budget in relation to current income and expenditures,

NOW BE IT RESOLVED, that the following 2012 Budget Amendment be approved for the Highway Funds as follows:

**Highway Fund Revenue:**

Descriptions	Amount	Revised Amount
Appropriated Surplus	\$57,000	\$240,970
02-1000-6000-0000		
Inter-fund revenues	\$57,000	\$ 57,000
02-1000-2801-0001		
<b>Total</b>	<b>\$114,000</b>	<b>\$297,970</b>

**Highway Fund Appropriations:**

Descriptions	Amount	Revised Amount
Jackson Road Dirt Project	\$114,000	\$114,000
02-5110-0004-4900		
<b>Total</b>	<b>\$114,000</b>	<b>\$114,000</b>

NOW BE IT RESOLVED, that the following 2012 Budget Transfer Be approved as follows:

**General Fund Appropriations:**

From	To	Amount
General Fund Contingency Acct	Transfer to Highway Fund	\$57,000
01-1990-04-4040	01-9950-0009-9005	

**Highway Fund Appropriations:**

From	To	Amount
Highway Payment Markers	Jackson Road Dirt Proj.	\$35,000
02-5110-04-4050	02-5110-0004-4900	

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

BY: Andy Moore \_\_\_\_\_ Law and Finance \_\_\_\_\_ COMMITTEE

NAME: 2012 Budget Amendment- General Reserve Fund

WHEREAS, the Town Board has set up the General Reserve Fund for the replacement of essential vehicles for the Parks and Facilities Department, and the Renovations for the Town Facilities for major repairs, and

WHEREAS, during 2012, the Town Board authorized the Town Comptroller to transfer \$100,000 from unappropriated funds in 2012, and

WHEREAS, the Town Board desires to have an up to date budget in relation to current income and expenditures,

NOW BE IT RESOLVED, that the following 2012 Budget Amendment be approved for the General Fund as follows:

**General Fund Revenue:**

Descriptions	Amount	Revised Amount
Appropriated Surplus 01-1000-6000-0000	\$100,000	\$350,000
<b>Total</b>	<b>\$100,000</b>	<b>\$350,000</b>

**General Fund Appropriations:**

Descriptions	Amount	Revised Amount
Transfer to General Reserve Fund 01-9950-0009-9003	\$100,000	\$180,000
<b>Total</b>	<b>\$100,000</b>	<b>\$180,000</b>

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. \_\_\_\_\_ DATE 11/07/2012

BY LINDA KOHL COMMUNITY SERVICES COMMITTEE

NAME AUTHORIZATION FOR SUPERVISOR TO SIGN RECREATION CONTRACTS

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following recreation contracts:

Kathleen Covell, 1745 Baird Road, Penfield, NY 14526, Instructor for Floral Centerpiece 11/15/12 and Culinary Class 11/29/12 and for a fee of 75% of class revenues. Voucher to be submitted on 12/5/12.

The following persons to provide assistance in instruction of Boys Lacrosse Camp participants, 7/23/12 – 7/27/12, for the fee of \$23.00 per day, (\$12.00 per day if present partial session). Voucher to be submitted 11/7/12.

Ryan Burke, 40 Scarborough Park, Rochester, NY 14625  
Nick Kimmins, 40 S Village Trail, Fairport, NY 14450  
Anthony Vitale, 1769 Scribner Road, Penfield, NY 14526  
Brian Wall, 47 S. Village Trail, Fairport, NY 14450  
Jake Sproule, 5 Terrace Hill Drive, Penfield, NY 14526  
Andrew Schoeneck, 3 Silver Fox Drive, Fairport, NY 14450  
Liam Guiton, 601 Beaver Creek Dr, Macedon, NY 14502  
Nick Presicci, 11 Dovehill Circle, Penfield, NY 14526  
Jonathan Spaan, 20 Split Rail Run Penfield, NY 14526  
Jarid Goebel, 390 Everwild Lane, Macedon, NY 14502  
Mitch Standera, 31 Rockbridge Lane, Penfield, NY 14526  
Charlie Cummins, 83 Henderson Drive, Penfield, NY 14526  
Matt Bilak, 19 Split Rail Run, Penfield, NY 14526  
Anthony Mitchell, 67 Finchwood Lane, Penfield, NY 14526  
Mathias McDonough, 15 Seton Court, Penfield, NY 14526  
Matt Condon, 56 Woodlyn Way Penfield, NY 14526  
John Sforza, 1900 Gloria Drive, Fairport, NY 14450  
Connor Russell, 436 Parkside Trail, Macedon, NY 14502  
Jake Aldrich, 11 Putting Green Lane, Penfield, NY 14526

Jeremy Woodworth, 30 Alta Vista Drive, Rochester, NY 14625, Adult Supervisor of Boys Lacrosse Camp, 7/23/12 – 7/27/12, for the fee of \$45.00 per day. Voucher to be submitted 11/7/12.

Jim Missell, 1188 Northrup Road, Penfield, NY 14526, Volleyball League Assignor to provide officials for the Adult Volleyball League, 9/21/12 - 12/07/12, for the fee of \$20.00 per night and provide officials for the Adult Volleyball League playoffs, for the fee of \$30.00 per match. Voucher to be submitted 11/21/12.

Bushido Kai Judo Club, c/o Heiko Rommelman, 240 Curtice Park, Webster, New York 14580, to supervise and provide instruction for the Bushido Kai Judo programs for youth 09/22/12-12/08/12 and adults 09/17/12 – 12/17/12 for the fee of 70% of program revenues. Voucher to be submitted on 11/21/12.

Bushido Kai Judo Club, c/o Heiko Rommelman, 240 Curtice Park, Webster, New York 14580, to supervise and provide instruction for Adult Jujitsu Self Defense, 09/18/12 - 10/30/12 for the fee of 75% of the total program revenue. Voucher to be submitted 11/21/12.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote:

Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_