



# TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

**PENFIELD TOWN BOARD MEETING AGENDA**  
**Wednesday April 3, 2013 7:30 PM**  
**Supervisor R. Anthony LaFountain, presiding**

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- 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 – March 6, 2013**
- VI Petitions**
- VII Resolutions by Function**

**Law and Finance**

**13T-098 Setting Public Hearing to Consider Relief from Condition Number 7 of Resolution 13T-081/ Pertaining to Permitted Hours of Operation of Outdoor Dining Area for the Proposed Jeremiah's Tavern Located at 2164 Fairport Nine Mile Point Road**

**Public Works**

**13T-099 Authorization for Town Engineer to attend the American Public Works Association Congress**

**13T-100 Authorization for the Department of Public Works (TOWN OF PENFIELD DPW) to Purchase a Vactor Model 2115 Combination Jet/Vac Sewer Cleaning Machine from National Intergovernmental Purchasing Alliance (NIPA)**

.....**13T-101 Authorization to Auction Surplus Equipment**

**Public Safety -None**

**Community Services**

**13T-102 Setting Public Hearing for Consideration of Adopting a Penfield Five-Year Parks and Recreation Master Plan**

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

PENFIELD TOWN BOARD RESOLUTION NO. 13T- 098

DATE April 3, 2013

BY Councilman Moore

Law & Finance COMMITTEE

NAME Setting Public Hearing to Consider Relief From Condition Number 7 of Resolution  
13T-81 Pertaining to Permitted Hours of Operation of the Outdoor Dining Area for the  
Proposed Jeremiah's Tavern Located at 2164 Fairport Nine Mile Point Road – SBL# –  
140.01-2-70.11 – The Patriot Companies

WHEREAS, on February 20, 2013, in Resolution T13-81, the Town Board of the Town of Penfield granted preliminary and final resubdivision and site plan approval to allow the construction of a 6,500 square foot sit-down restaurant with an accessory 2,600 square foot outdoor dining area at 2164 Fairport Nine Mile Point Road; and

WHEREAS, Condition #7 of said approval resolution limited the permitted hours of use of the outdoor dining area from 11:00 a.m. to 10:00 p.m. on a daily basis; and

WHEREAS, the applicant met with the Town Board at it March 27, 2013 work session to request relief from said Condition #7 has he finds limitation of use of the proposed outdoor dining area to be too restrictive; and

WHEREAS, the Town Board has determined that it is fair and equitable to allow the applicant to present its case for later hours of operation and for the public to comment on the applicant's proposal to ensure that the applicant can feasibly operate his business and that the health, safety and general welfare of the public is protected;

NOW, THEREFORE BE IT,

RESOLVED, that the Town Board of the said Town of Penfield shall hold a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on May 1, 2013 at 7:30 PM on said date, to consider the applicant's request for relief from Condition #7 of Resolution 13T-81 and to hear all persons interested on the question of granting relief from Condition #7 of Resolution 13T-81 to allow later hours of operation of the proposed outdoor dining area of the proposed Jeremiah's Tavern at 2164 Fairport Nine Mile Point Road; and be it further

RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the date set for said hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.

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

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

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

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. 13T-099

DATE: April 3, 2013

BY: Councilwoman Metzler

Public Works COMMITTEE

NAME: Authorization for Town Engineer to attend the American Public Works Association Congress

Whereas, the American Public Works Association is a recognized leader in education and training; and

Whereas, the Town Board supports continued education of staff to stay current with technology and constantly changing regulations; and

Whereas, NYS Education Law requires the continued training of professional engineers; and

Whereas, the cost of the Congress is included in the Engineering Department budget.

Now, Therefore, Be It Resolved that Geoff Benway is hereby authorized to attend the American Public Works Association's Annual Congress, to be held August 25 to 28, 2013 for a cost not to exceed \$1,300. The cost will be allocated from the Engineering Department's conference budget line.

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

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

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

NAME Authorization for the Department of Public Works (TOWN OF PENFIELD DPW) to Purchase a Vactor Model 2115 Combination Jet/Vac Sewer Cleaning Machine from National Intergovernmental Purchasing Alliance (NIPA – Contract # RFP-RH-10-078).

WHEREAS, in an effort to fully comply with our General Permit for stormwater quality management and Federal and State water quality requirements the Town must have a program for storm sewer cleaning and capacity management, and

WHEREAS, the Town Sewer Department continues to have a need for a combination sewer cleaning machine for regular sanitary sewer and pump station maintenance, which is currently met utilizing private contractors at great cost, and

WHEREAS, the Town of Penfield DPW has thoroughly investigated the alternatives for meeting these regulatory and maintenance obligations; and has recommended to the Town Board that the Town purchase a Combination Jet/Vac Sewer Cleaning Machine, and

WHEREAS, NYS Town GML §103 (16) allows for the purchase of equipment through cooperative intergovernmental contracts let by the US Government or any agency thereof, and

WHEREAS, the National Intergovernmental Purchasing Alliance (NIPA) is a national clearing house for governmental purchasing contracts or agreements, does meet the requirements of the NYS GML §103 (16).

WHEREAS, on March 22, 2011, the City of Rochester Hills, MI. in cooperation with Jack Doheny Companies and the (NIPA) did execute a three year contract, with, Vactor Manufacturing, Inc. of Streator, IL for supplying a Vactor Model 2115 - Combination Jet/Vac Sewer Cleaner, and

WHEREAS, the above contract affords (NIPA) participating agencies access to a comprehensive "Build Sheet" in order to easily determine the final price of a Vactor truck, utilizing deep discounts through the City of Rochester Hills award, and

WHEREAS, Joe Johnson Equipment (USA), an authorized Local dealer for Jack Doheny Companies and Vactor Manufacturing, has worked with the Town of Penfield DPW to specify a new Vactor unit using the City of Rochester Hills contract, utilizing the comprehensive build sheet, and

WHEREAS, using the contract build sheet the Town of Penfield DPW has determined that total contract price for the Town of Penfield unit will be \$389,026.90, and

WHEREAS, The Town of Penfield has chosen to fund this purchase through a 5 year (Lease to Own) Agreement through First Niagara Bank, NA, and

WHEREAS, the annual lease payments are to be budgeted from annual Sewer District and Drainage District Operating Expenses, commencing with the 2014 budget year.

NOW THEREFORE BE IT RESOLVED, that the Town Supervisor and Director of Public Works be and hereby are authorized to make said purchase for 1 – Vactor Model 2115 - Combination Jet/Vac Sewer Cleaner, manufactured by Vactor Manufacturing, Inc. of Streator, IL, through Joe Johnson Equipment (USA) an authorized local dealer for Jack Doheny Companies, and

BE IT FURTHER RESOLVED, that the final contract price utilizing the City of Rochester Hills, MI. contract and through the National Intergovernmental Purchasing Alliance (NIPA), is \$389,026.90, and

BE IT FURTHER RESOLVED; that the Comptroller be and hereby is authorized to make necessary arrangements with First Niagara Bank, NA for a Five (5) year (Lease to Own) Agreement, with the first payment due in budget year 2014.

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

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

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

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. 13T- 101 DATE: April 3, 2013

BY: Councilwoman Paula Metzler Public Works COMMITTEE

NAME: Authorization to Auction Surplus Equipment

BE IT RESOLVED that the Town Supervisor and Director of Public Works be granted the authority to authorize the attached listing of surplus equipment for public auction.

BE IT RESOLVED that the Town Supervisor be granted the authority to amend attached listing prior to final designation as surplus equipment.

BE IT FURTHER RESOLVED that the following list of equipment be declared surplus and that the Director of Public Works be authorized to enter into agreement with Roy Teitsworth, Inc. to auction said equipment.

Miscellaneous Small Equipment (See Attached List)

1996	Freightliner w/Plow-Wing-Sander 6-wheel dump truck	#77
1996	Ford- Utility Box Truck	#78
2005	Chevy Pick Up Truck	#2032
2010	Salsco Chipper 813 Reserve Price: \$15,000	#2045
1991	John Deere Backhoe	#507
2004	Ferguson Roller- 4-6 ton w/wheels	#29
1997	Bobcat 773	#72
2006	Ferris 1000Z Mower 60" v	#2068

AND BE IT FURTHER RESOLVED, that the proceeds resulting from the auction and sale of these pieces of equipment be credited to the appropriate Fund.

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

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

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

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

PENFIELD TOWN BOARD RESOLUTION NO. 13T-102

DATE 04-03-13

BY LINDA KOHL

COMMUNITY SERVICES COMMITTEE

NAME Setting Public Hearing For Consideration of adopting a Penfield Five-Year Parks and Recreation Master Plan

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

WHEREAS, the Town Board based on the advice of the Recreation Master Plan Committee, authorized an update to the Town's Five Year Parks and Recreation Master Plan.

WHEREAS, said the Recreation Master Plan Committee has completed a review of a final draft Report and submitted same to the Penfield Town Board and recommends adoption; and

WHEREAS, the Penfield Town Board acknowledges and appreciates the efforts of the Recreation Master Plan Committee and the many organizations and citizens who provided valuable input, and finds that the final draft Report is acceptable for public review;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield will hold a public hearing at the Penfield Town Hall, Penfield 3100 Atlantic Avenue, Penfield, New York 14526 on April 24th, 2013 at 7:00 PM to hear public comments on the Final Draft Report of the Penfield Five-Year Parks and Recreation Master plan Update; and

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is directed to post and publish a notice of said public hearing pursuant to law and to make copies of the Final Draft Report available for public review at the Penfield Town Hall and the Penfield Public Library

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

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

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

LaFountain \_\_\_\_\_



Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_