PENFIELD TOWN BOARD AGENDA  
Wednesday, May 21, 2014  7:30 PM  
Supervisor R. Anthony LaFountain, presiding

I  Call to Order - Pledge of Allegiance - Roll Call  

II  Informational Discussion – Proposed Solar Array Project at the Department of Public Works Facility at 1607 Jackson Road  

III  Communications and Announcements  

IV  Public Participation  

V  Additions and Deletions to Agenda  

VI  Approval of Minutes – April 23, 2014  

VII  Petitions  

VIII  Resolutions by Function  

Law and Finance  
#14T-094  Authorization for Supervisor to sign a Purchase Agreement with Monroe County for the Purchase of Vacant Land at 222 Parkview Drive in Conjunction with the Parkview Drive/White Village Drive Area Sewer Project  

#14T-095  Setting a Public Hearing for a Conditional Use Permit to Allow a Consignment Clothing Store at 1865 Penfield Road  

#14T-096  Setting a Public Hearing for a Conditional Use Permit to Allow an Outdoor Dining Area at 1857 Penfield Road  

#14T-097  Setting a Public Hearing for a Conditional Use Permit and Resubdivision Approval and Preliminary Overall Site Plan Approval to Allow Three Structures Totaling 15,080 Square Feet and Final Site Plan Approval to Allow the Proposed 6000 Square Foot Structure at 2146 and 2152 Fairport Nine Mile Point Road  

Public Works  
#14T-098  Authorization for the Planning Department Head and the Town Planner to attend the Congress for New Urbanism Conference  

Public Safety  
#14T-099  Authorization for Town Supervisor to sign contracts for Town Rabies Clinic on June 7, 2014  

Community Services  
#14T-100  Authorization for Supervisor to Sign Recreation Contracts  

IX  Old Business  

X  New Business  

XI  Public Participation  

XII  Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, May 21, 2014 at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present: R. Anthony LaFountain  Supervisor
Linda Kohl    Councilwoman
Paula Metzler   Councilwoman
Robert Quinn   Councilman

Also Present: Amy Steklof   Town Clerk
Richard Horwitz   Town Attorney
Phyllis Ely    Information Specialist
Kathy Kanauer    Town Historian
Jim Kreckman    Foreman Building Maintenance

Absent: Andrew Moore   Councilman

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by a young audience member named Mia and members of Boy Scout Troop #312.

Councilman Quinn recognized members of the Penfield Volunteer Emergency Ambulance (PVEA) and presented a Proclamation to the President of PVEA, Charlie Callear proclaiming the week of May 18 – 24, 2014 as Emergency Medical Services Week (EMS).

Mr. Callear thanked the Town Board on behalf of all PVEA members.

Supervisor LaFountain thanked the PVEA for everything they do for our community.

Penfield Rotarian, Jack Best and Coordinator of the recent “STOP HUNGER NOW” (SHN) project along with committee members Marie Cinti, Deborah Goehring and George Opira gave an update on the successful SHN event which was held on Friday, May 9, 2014. Over 120 volunteers and 80 people from CDS Monarch Center in Webster packaged 33,000 meals to be sent to six (6) elementary schools and one (1) high school throughout Panama in helping fight against hunger. $8,500 was raised to pay for the meals. Many community businesses and Monroe County residents participated in the event and 12 hefty bags of non-perishable food were collected for the Penfield Food Shelf.

Marie Cinti spoke on behalf of the Penfield Rotary Club to promote their 17th Annual Golf Tournament to be held on Monday, June 2, 2014 at Shadow Lake Golf Club. The Tournament supports local and international service projects, such as Camp Haccamo, college scholarships for high school students, International Youth Exchange and Water for South Sudan. For more information please go to www.penfieldrotary.org.

PBA Member Kathryn Willison spoke of the PBA’s upcoming 4th Annual Golf Tournament to be held on Monday, July 14, 2014 from 10:30 AM to 8:00 PM at Penfield Country Club to benefit the Shepherd Home. The tournament is sponsored by Family First Federal Credit Union. To participate and for more information please go to www.penfieldbusiness.org or call (585) 348-8360.

Informal Discussion Proposed Solar Array Project at the Department of Public Works

Supervisor LaFountain gave an introduction on the proposed solar array project to be located at the Department of Public Works facility, 1607 Jackson Road. One of the Town’s goals, and supported by the Town’s Energy and Advisory Committee, is to provide long term energy cost reductions and price predictability using clean, sustainable energy. Installing a solar photovoltaic array would manage costs and meet a high percentage of the Town’s overall electricity needs. To date $194,000 has been spent on electricity usage within the Town. The hope is to significantly reduce the cost of electric through this proposal.
(Informal Discussion – Continued)

The proposal was outlined by Engineer Matt Rankin, from Larsen Engineers who specializes in solar arrays. The firm has been around since 1955. A number of slides were shown during the presentation. If the project moves forward, funding will be through New York State Energy Research and Development Authority (NYSERDA). Residents were given an opportunity to ask questions and make comments at the end of the presentation.

Public Participation

Peter Clarke, 1801 Sweets Corners Road, came before the Town Board to defend himself against Tom Bahr’s allegations from the last Town Board meeting held on May 7, 2014. He stated that none of the allegations that he was accused of are true. He went on to say that they do not shoot constantly at the site and they pause between each shooting game. He also stated that they never shoot before Noon and the shooting usually begins around 12:30 PM or 1:00 PM. They always stop shooting before dusk. He continued to say that they do not drink excessively and most participants do not drink. Children at the site are supervised by adults and no dogs are outside when they are shooting. Mr. Clarke stated that he has met with Code Enforcer Andy Suveges and two (2) Fire Marshals have come down to inspect the site. He also stated that he is in the process of obtaining permits for the sheds at the site. He denied that his wife ever spoke rudely to Mr. Bahr. Mr. Clarke said that shooting usually begins in October, two (2) weeks prior to deer hunting season, and then again after the first of the year until April depending on the weather. Finally, he stated he always informs those who use the land, when they will be shooting and if he can’t get a hold of them, they do not shoot. He feels they always conduct themselves in a very professional manner.

Supervisor LaFountain stated he appreciates Mr. Clarke coming in to explain his side of the story.

Harry Embrey of Lima, NY reiterated what Peter Clarke stated and stressed that when they are shooting, safety is of utmost importance. He also stated that they do not shoot by headlights or at night and he personally does not drink. He feels it’s a nice healthy activity and he wanted to come before the Town Board to support Peter Clarke.

Phil Schafer, 3826 Deer Meadow Run, Macedon, NY stated that he grew up with Peter Clarke and that he is of good character. He stated he has been invited out to shoot on the property even though he is not a gun enthusiast. He also stated that Mr. Clarke and his group made sure that he was trained on safety procedures before he was allowed to partake in the activity. Mr. Schafer stated he would trust Mr. Clarke with his life and he knows that Mr. Clarke will continue to treat the land, shed and range with the same care and consideration he has done thus far.

Barry Schieven, 1881 Sweets Corners Road stated that Mr. Clarke and his group are very serious and conscientious about their shooting activities and that no drinking is taking place during the activity. He also stated that, as a courtesy, Mr. Clarke calls him to inform him if unscheduled shooting activities will be taking place. Mr. Schieven said he watched the May 7, 2014 Town Board meeting and that the complainants accusations against Mr. Clarke’s wife were preposterous.

David Bay, 1260 Plank Road inquired about the upcoming construction project that is planned to take place on Jackson Road this summer and is wondering about the scope and duration of the project.

Supervisor LaFountain stated that Jackson Road is a County Road and the work is planned for the area between Atlantic Avenue and Plank Road. He continued to state that this will be a partnership project in which the road will be milled by the Town of Webster and paved by the Town of Penfield. The hope is to have the road milled within two (2) days time and then paved in two (2) days time. Supervisor LaFountain went on to say that this is a great
team effort between the Town of Webster, Town of Penfield and the County of Monroe.

Communications and Announcements

1. The Annual Town of Penfield Free Rabies Clinic will be held on Saturday, June 7, 2014 from 10:00 AM to Noon at the Public Works Complex, 1607 Jackson Road. For more information please contact Town Clerk Amy Steklof by calling 340-8629 or by email steklof@penfield.org.

2. Mobile DMV is cancelled for this upcoming Tuesday, May 27, 2014.

3. For those involved in door-to-door sales or solicitations, please apply for a selling permit at the Town Clerk’s office.

4. A Memorial Day Ceremony of Remembrance will be held on Monday, May 26, 2014 at the Penfield Amphitheater in Veteran’s Memorial Park. The ceremony will begin at 10:30 AM. The ceremony will include the Presentation of Roses. The roses are provided by the Town of Penfield. To order a rose, please call Sabrina at 340-8651 or email srenner@penfield.org.

5. The Dayton’s Corners School will host its Annual Pie Social, on Sunday, June 8, 2014 from 2:00 PM to 4:00 PM, at the red brick schoolhouse located at the corner of Creek Street and Plank Road. For more information contact Barbara Quinn at 385-1491.

6. The Penfield Art Association’s 50th Anniversary Spring Show opens Monday, June 2 and runs through Sunday, June 8, 2014 at the Penfield Community Center, 1985 Baird Road. For more information please visit www.penfieldartassociation.com.

7. Councilwoman Metzler represented the Town at the Annual Ride of Silence in which cyclists gathered at the DPW Complex on Jackson Road. The ride honors those who have been injured or killed while riding their bicycles. Councilwoman Metzler thanked Andy Stewart of Rochester Bicycling Club who organized the event. Chris Bilow from the Town’s Recreation Department was there. The Town also provided security for the event. Councilwoman Metzler thanked Monroe County Sheriff Patrick O’Flynn who offered up a Deputy to also assist in the safety of the cyclists.

8. Several senior citizens from the Town of Penfield completed an eight (8) week academy with the Sheriff’s Office that concluded with a graduation ceremony that was held on Thursday, May 15, 2014 at the Penfield Community Center on Baird Road.

9. The Town offices will be closed on Monday, May 26, 2014 in observance of Memorial Day. Residents are encouraged to attend the Memorial program at the Penfield Amphitheater and Kiwanis Stage at 10:30 AM where the Town of Penfield will recognize those who have served our country so that we can enjoy freedom.

10. The MOMS Club of Penfield held their First Annual Youth and Family Safety Fair this past Saturday at the Penfield Community Center. $320.00 was raised and food and clothing donations were collected for the family of Tyler Doohan.

11. The 2014 Amphitheater series will kick off its season with the 2nd annual Music and Food Rodeo on Friday, May 30, 2014 from 4:30 PM to 9:00 PM. For more information visit www.penfieldrec.org.
12. The Penfield Pedometer program has begun. This is a four (4) week self-monitored walking program that you can begin at anytime and is a commitment to walking 30 minutes at least five (5) days a week. The Registration fee is $1.00 and all participants will receive a pedometer. For more information contact the Recreation office at (585)-340-8655.

13. Councilwoman Kohl’s next Community Chat will be held on Tuesday, June 17, 2014 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

Additions and Deletions to Agenda

Councilwoman Metzler moved to withdraw Resolution #14T-097 and Councilwoman Kohl seconded.

Councilwoman Metzler moved to add Resolution #14T-101 and Councilwoman Kohl seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of April 23, 2014 Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#14T-094 Authorization for Supervisor to sign a Purchase Agreement with Monroe County for the Purchase of Vacant Land at 222 Parkview Drive in conjunction with the Parkview Drive/White Village Drive Area Sewer Project by Moore

WHEREAS, the Town Board has adopted and duly ordered the formation of Extension 56 to the Penfield Consolidated Sewer District, along with Bond authorization for the construction of sanitary sewers with this extension, and

WHEREAS, through design of the project it was determined that a pumping station would need to be located in the vicinity of 222 Parkview Drive, a parcel of vacant land owned by Monroe County and acquired through tax foreclosure, and

WHEREAS, Monroe County has determined the value of the land to be $275.09, plus the cost of any title transfer tax that may be required, and

WHEREAS, owning this property for the purpose of siting the new sewer pump station will benefit the sewer district and its future maintenance activities.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Penfield acting as Commissioners of Penfield Sanitary Sewer District #12 does hereby approve the purchase of #222 Parkview Drive from Monroe County, and

BE IT FURTHER RESOLVED, that Town Supervisor, R. Anthony LaFountain be and hereby is authorized to sign said purchase agreement with Monroe County, upon approval of the purchase agreement by Town Attorney, and

BE IT FURTHER RESOLVED, that this purchase be funded from proceeds authorized as part of said sewer district extension.
Penfield Town Board, May 21, 2014

(Resolution #14T-094 – Continued)

Moved: Metzler
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
Metzler Aye Moore Absent
Quinn Aye

Adopted

#14T-095 Setting a Public Hearing for a Conditional Use Permit to Allow a Consignment Clothing Store at 1865 Penfield Road
by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit pursuant to Article III-3-97 of the Code to allow a consignment clothing store at 1865 Penfield Road, located in the Four Corners (FC) zoning district;

NOW, THEREFORE BE IT RESOLVED, that the Penfield Town Board is best suited to act as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as Lead agency pursuant to SEQRA; and be it further

RESOLVED, that the subject application is determined to be a Type II action pursuant to the requirements of the State Environmental Quality Review Law; and be it further

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 June 18, 2014 at 7:30 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of a Conditional Use Permit to allow a consignment clothing store at 1865 Penfield Road in the Four Corners (FC) zoning district; 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: Metzler
Seconded: Quinn

Vote: Kohl Aye LaFountain Aye
Metzler Aye Moore Absent
Quinn Aye

Adopted

#14T-096 Setting a Public Hearing for a Conditional Use Permit to Allow an Outdoor Dining Area at 1857 Penfield Road by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit pursuant to Article III-3-97 of the Code to allow an outdoor dining at 1857 Penfield Road, located in the Four Corners (FC) zoning district;

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board is best suited to act as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as “lead agency” pursuant to SEQRA; and be it further
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 June 18, 2014 at 7:30 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of a Conditional Use Permit to allow an outdoor dining area at 1857 Penfield Road, in the Four Corners (FC) zoning district; 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: Metzler
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Absent
      Quinn Aye

Adopted

#14T-097 Setting a Public Hearing for a Conditional Use Permit and Resubdivision Approval and Preliminary Overall Site Plan Approval to Allow Three Structures Totaling 15,080 Square Feet and Final Site Plan Approval to Allow the Proposed 6,000 Square Foot Structure at 2146 and 2152 Fairport Nine Mile Point Road by Moore -WITHDRAWN

Public Works

#14T-098 Authorization for the Planning Department Head and the Town Planner to attend the Congress for New Urbanism Conference

Moved: Metzler
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Absent
      Quinn Aye

Adopted

WHEREAS, the Congress for the New Urbanism (CNU) is holding a training conference in Buffalo, NY; and

WHEREAS, the Town Board supports continued education of staff to stay current with new planning trends, technology and constantly changing regulations; and

WHEREAS, CNU provides an excellent training agenda that covers many areas of interest for the Town of Penfield; and

WHEREAS, the cost of this program and travel costs shall not exceed $980 and it will be paid for from the Planning Department’s training budget.

NOW, THEREFORE, BE IT RESOLVED that Mark Valentine and Zach Nersinger are hereby authorized to attend the CNU National Conference in Buffalo NY, to be held June 4-7, 2014 for a cost not to exceed $980. The cost will be allocated from the Planning Department’s conference budget line.

Moved: Metzler
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Absent
      Quinn Aye

Adopted
Public Safety

#14T-099 Authorization for Town Supervisor to sign contracts for Town Rabies Clinic on June 7, 2014 by Quinn

BE IT RESOLVED, THAT the Town Board authorizes the Town Supervisor to sign the following contracts for the Penfield Rabies Clinic on Saturday June 7, 2014, 10:00 AM – 12:00 PM:

Denise Kurtz, DVM, 117 N. Main Street, Fairport, NY 14450 for Veterinarian services for a fee of $150.00.

Stacy Crippen, LVT, 117 N. Main Street, Fairport, NY 14450, for Veterinarian Technician services for a fee of $75.00

Moved: Quinn
Seconded: Metzler

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Absent
      Quinn Aye

Adopted

Community Services

#14T-100 Authorization for Supervisor to Sign Recreation Contacts by Kohl

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following Recreation Contracts:

The following persons to officiate soccer games for the in-house Penfield Recreation Soccer League, 6/2/2014 – 7/31/2014, for the fees of: $15.50 per 8/9/10/under game and $19.50 per 14/under game – returning officials to receive an additional $.25 per game for each summer season they have officiated with the Penfield Recreation League on a regular basis, up to a maximum of $2.00 per game:

Ed Doyle, 4 Pipers Meadow Trail, Penfield, NY 14526
Dave Coin, 280 Liberty Avenue, Rochester, NY 14622
Sara Hettel, 87 Hampton Way, Penfield, NY 14526
Marc Jacobson, 15 Dundas Drive, Rochester, NY 14625

John Freeman, 435 Bayside Drive, Webster, NY 14580, Volleyball Official for Playoff Finals, 4/11/14, for a fee of $20.00 per match. Voucher to be submitted 5/21/14.

Northeastern Productions Systems, Inc. P.O. Box 23199, Rochester, NY 14692, provide stage, sound, lighting, engineering and crowd control stage barriers for the Town of Penfield Independence Holiday Celebration, July 4th, 2014 for a fee of $4,000.00. Voucher to be submitted on 5/21/14.

Moved: Kohl
Seconded: Quinn

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Absent
      Quinn Aye

Adopted

Old Business – None
New Business

#14T-101 Authorization to Maintain Properties and Assess the Charges to the 2015 Property Tax Bills by Moore

WHEREAS, on October 2, 1996, the Town Board of the Town of Penfield adopted Article IV-4-28 of the Penfield Zoning Ordinance entitled “Property Maintenance”; and

WHEREAS, the purpose of Article IV-4-28 of the Penfield Zoning Ordinance is to prevent the gradual encroachment of blight, deterioration, unsightliness and property devaluation and to assure that all premises within the Town of Penfield are maintained in a manner that will assure the health, safety and welfare of the general public; and

WHEREAS, the property owners of 18 Alden Glen Drive, SBL #094.02-1-43.11, 71 Chippenham Drive, SBL #125.03-1-2.129, 31 Grace Marie Drive, SBL #094.03-3-9, 23 Hawkes Trail, SBL #094.17-2-11, 20 Seton Court, SBL #109.13-3-5, 9 Tolewood Drive, SBL #124.19-1-5, 31 Woodrose Drive, SBL #094.01-1-27.111 and 68 Woody Lane, SBL #108.20-3-40 have failed to maintain the subject properties which continue to be a concern for the health, safety and welfare of the surrounding neighbors; and

WHEREAS, the town staff has continually requested the property owners to maintain at these locations with no result:

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Fire Marshal & Building/Zoning & Code Compliance Supervisor to have the properties appropriately maintained; and

BE IT FURTHER RESOLVED, that the Town Board further authorizes that the cost of said maintenance and any necessary subsequent maintenance during the 2014 season also be charged to the 2015 property tax bill for the subject properties.

Moved: Metzler  
Seconded: Kohl

Vote: Kohl Aye  LaFountain Aye  Metzler Aye  Moore Absent  Quinn Aye

Adopted

Public Participation - None

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 9:33 PM.

Amy Steklof, RMC  
Town Clerk