PENFIELD TOWN BOARD AGENDA
Wednesday, December 3, 2014, 7:30 PM
Supervisor R. Anthony LaFountain, presiding

I Call to Order - Pledge of Allegiance - Roll Call

II Public Hearing #1 – To Adopt Local Law No. 1 of 2014 to be known as a Local Law to Amend and Supplement the Town of Penfield Zoning Ordinance by Establishing a Severability Clause; Confirming and Clarifying that any uses Not Expressly Permitted are Prohibited; Articulating Certain Explicitly Prohibited Uses; Adding Certain Definitions, Changing Certain Existing Definitions; and Modifying, Clarifying and Adding to the Provisions Regarding Variances – (Ban on Hydrofracking)

III Communications and Announcements

IV Public Participation

V Additions and Deletions to Agenda

VI Approval of Minutes – November 5, 2014

VII Petitions

VIII Resolutions by Function

Law and Finance
14T-197 Authorization for Supervisor to Sign a Contract for Auditing Services 2014-2016

Public Works
14T-198 Roadway Dedications for 2014

Public Safety - None

Community Services
14T-199 Authorization for Supervisor to Sign Agreement with TelVue Virtual Television Networks for Hosted Video Contribution and Set-Top-Box Internet Delivery Service

IX Old Business
X New Business
XI Public Participation
XII Adjournment
Penfield Town Board, December 3, 2014

The Regular meeting of the Penfield Town Board was held on Wednesday, December 3, 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
Andrew Moore   Councilman
Robert Quinn   Councilman

Also Present: Amy Steklof   Town Clerk
Richard Horwitz   Town Attorney

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by Boy Scouts from Troop #230.

Councilwoman Paula Metzler stated that Boy Scout Troop #312 had presented two (2) holiday wreaths to the Town in 2013. She recognized her nephew, Boy Scout Mitchell Krenzer from Troop #312 who presented two (2) holiday wreaths to the Town in appreciation of their support. Also, Mitchell stated that Troop #312 is currently holding their annual Christmas tree sale at Bill Grays off of Panorama Trail and that the sale is a great way to support the troop.

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The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on November 13, 2014 and was posted on the Town Website and Town Clerk Bulletin Board. No postcards were mailed due to this being a Town wide action.

Supervisor LaFountain stated that over two (2) years ago the Town Board was approached with the request to ban Hydrofracking. The Town Board researched the benefits and negative impacts that Hydrofracking would have on the Town of Penfield. A moratorium was put into effect while the Town Board, Town Attorney, Town Staff and a consultant reviewed all information pertaining to Hydrofracking. As a result the Town Board put forth a Resolution setting this Public Hearing.

Town Attorney Dick Horwitz stated that the Town’s Zoning Ordinance was enacted in 1981 and at the time the process of Hydrofracking was not known.

Mr. Horwitz stated that under the Town’s current Ordinance, Hydrofracking is not a permitted use. After adopting two (2) moratoriums so that the Town could research the subject more extensively, the Town Board found that Hydrofracking could potentially lead to increased noise, endanger water supplies, cause damage to roads by way of heavy truck traffic, cause significant loss of farmland and open space among other issues.

The Town Board desires to continue quality of life in the Town of Penfield and putting a ban on Hydrofracking will tighten up the Town Ordinance making certain uses relating to extraction, exploration or production of oil and gas unlawful under the Zoning Ordinance and will be titled “explicitly prohibited uses.”
Pricilla Petersen, 49 Winding Brook Drive, Fairport stated she is a co-founding member of the Citizen’s Alliance for Pristine Perinton and congratulated and thanked the Town Board for the progress they have made pertaining to this issue.

Dr. Martin Korn, 71 Hillary Lane thanked the Town Board and Town Attorney for protecting the welfare of the Town by crafting, what he suspects to be a role model example of legislation for Towns and Counties throughout the State to follow in supporting the ban on Hydrofracking.

Councilwoman Metzler stated that the Local Law #1 of 2014 can be viewed on the Town’s website.

Phyllis Korn, 71 Hillary Lane thanked everyone who has had a part in supporting this ban. She stated she would like the Town Board to keep in mind the residential quality of this community and the contribution that will be made to the health of the Penfield residents if this Law is passed.

Councilman Quinn stated there has been discussion at the State level regarding whether to impose a State wide ban on Hydrofracking. Councilman Quinn asked Town Attorney Dick Horwitz that if the State moves in the direction to allow Hydrofracking, what effect would the proposed Town Law have?

Mr. Horwitz stated that the legitimacy and legality of community bans has been litigated in the State of New York Court of Appeals. The Court of Appeals has sustained the ability of municipalities to enact bans under Home Rule. He went further to say if the State should allow Hydrofracking to be considered in New York State the Town of Penfield would be excluded if the proposed Local Law passes.

Hearing closed.

Supervisor LaFountain recognized members of the Penfield Community Victory Garden (PCVG) and the Committee Members gave an update on the Garden’s 2014 season.

Penfield Victory Garden Committee Member, Gordon Barnes, stated that 89 garden beds were sold and the committee appreciates the Town’s assistance in promoting the garden which helps attract new members each year. A new rider mower was purchased with funds collected from the bed fees and money encumbered from the 2014 season was put toward the purchase of a new tiller for next spring.

Supervisor LaFountain pointed out that a quantity of fruits and vegetables from the Community Garden went to support the Penfield Ecumenical Food Shelf.

Mr. Barnes stated that less water was used in the garden this year due to the installation of an irrigation system that was put in place as an Eagle Scout project with help from the Town.

Supervisor LaFountain stated that as a result of another Eagle Scout project the Community Garden has a walkway into the garden and a kiosk was built.

Penfield Garden Committee Member, Dot Brennis stated that there have been a number of opportunities for community members to participate in the Penfield Community Victory Garden activities such as the Town of Penfield Independence Day parade, the Penfield Family Halloween party and the Penfield Family Holiday celebration. Also, 5 - 10 lbs. of fresh produce per week was donated by the Community Garden to the Ecumenical Food Shelf and two (2) garden beds were donated to families in need so they could grow their own produce. Also, a garden bed was donated to Girl Scout Troop 60756 to grow food for the needy.
Garden programs for children were offered through the Penfield Recreation Department during spring, summer and fall and 30 Nazareth College freshman mulched the garden’s trail and berm as one of their service projects.

Penfield Garden Committee Member, Chris Mandel stated that Community Garden Committee Members hosted four (4) garden seminars to educate garden members on garden information and rules. She also stated that the garden’s newsletter, “The Sprout,” continues to be published each month and information can also be found on the garden’s website at www.penfieldvictorygarden.org. She also mentioned garden member potluck dinners are held twice a year. Ms. Mandel thanked the Town on behalf of the Garden Committee for their continued support and thanked area businesses for their ongoing support.

Supervisor LaFountain asked what is planned for 2015.

Dot Brennis stated they hope to create raised beds for 2015. They would also like to have an Eagle Scout build a shelter to add to the garden when children’s garden programs are being held or programs are run for the senior community during rainy weather. Ms. Brennis stated the Garden Committee will be at the Friday, December 5, 2014 Penfield Recreation Family Holiday party and will be raffling off a prize stocking and a Christmas wreath.

Supervisor LaFountain inquired about parking.

Ms. Brennis stated that parking has not been an issue. Ms. Brennis stated that the only issue she can think of is reoccurring puddling in the parking lot during the spring months.

Supervisor LaFountain stated that the Town Engineer is looking at a drainage project across the street from the Victory Garden that should help the issue.

Councilwoman Metzler stated that the Victory Garden drainage issue has been placed on the Watershed Management Committee agenda as one of its priorities.

Ms. Brennis stated that those interested in signing up for a 2015 garden bed, may do so starting January 2, 2015 at the Penfield Recreation office. A single garden bed costs $35 or pay $55 for two (2) garden beds. Gift certificates may be purchased at the Penfield Recreation Center.

Communications and Announcements

1. The American Red Cross will hold a holiday blood drive on Wednesday, December 24, 2014 from 10:00 AM to 3:00 PM at the Penfield Community Center, 1985 Baird Road. Please call 1-800-RED CROSS or visit www.redcross.org to schedule a donation appointment.

2. For safety tips this winter and holiday season visit National Fire Protection Association website at www.nfpa.org.

3. Penfield Recreation’s Young Open and Honest Players will perform Christmas Carol High School by Mark Landon Smith on Friday, December 12, 2014 at Penfield Community Center beginning at 7:30 PM. Tickets are $5.00 and available at the Penfield Recreation Department or at the door. For more information, call 340-8655, Option 6.

4. The Town offices will be closed on Thursday, December 25 and Friday December 26, 2014 for Christmas and also Thursday, January 1, 2015 for New Year’s Day.
5. The Penfield Trails Committee will sponsor a free guided hike of the Nature Conservancy’s Thousand Acre Swamp on Saturday, December 13, 2014 from 10:00 AM to Noon. For more information please contact the Recreation office at 340-8655.

6. Children from the Town of Penfield may send their letters to Santa Claus in care of Penfield Recreation, 1985 Baird Road. Letters must be postmarked before Monday, December 8, 2014 to receive a personal reply from Santa. Please remember to include your return address. Contact the Recreation office at 340-8655 if you have any questions.

7. The Shepherd Home’s 4th Annual Wings of Light luminary display will be held on Monday, December 15, 2014 from 5:00 PM to 7:30 PM at 1959 Five Mile Line Road. Funds raised will be for the Shepherd Home ministry to the dying. For more information call the Shepherd Home at 381-0890 or visit www.shepherdhome.org. You can also friend the Shepherd Home on Facebook to order a luminaria.

8. Penfield Recreation’s Annual Holiday celebration will be held on Friday, December 5, 2014 beginning at 6:00 PM at the Penfield Community Center. For more information visit www.penfieldrec.org.

9. The Penfield Business Association (PBA) presented the Town with a 2014 Certificate of Merit at its annual Holiday party this week for the Town’s dedication to the ongoing partnership building and local business success with the PBA. Supervisor LaFountain thanked the PBA for this recognition.

Public Participation - None

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of November 5, 2014 Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#14T-197 Authorization for Supervisor to Sign a Contract for Auditing Services 2014 – 2016 by Moore

WHEREAS, financial audits play a vital role in helping to preserve the integrity of public finance and provide independent assurance that financial information is reliable, transparency and accountability in government is essential to show that public functions are being carried out efficiently, ethically, and equitably, and

WHEREAS, the Town Board requested that auditing services proposals be obtained so that selection could be made for the fiscal years 2014-2016 fiscal years for annual audit services, and

WHEREAS, there were proposals received from four (4) accounting firms that met all the basic terms of the request for proposal, and

WHEREAS, the Town Comptroller reviewed all the proposals for knowledge of the statutes and regulations; ability to meet deadlines; competence, discretion and communication skills of personnel assigned to the audit; quality and quantity of resources used to perform the assigned audits to include a CPA as the lead auditor, payroll systems auditing and complete review of the internal financial system software; flexibility & availability; and costs to perform all aspects of the audit;
Penfield Town Board, December 3, 2014

(Resolution #14T-197 – Continued)

NOW, BE IT RESOLVED, that the request for proposal from the Bonadio Group, LLP met all the specifications for all accounting activities, computer fraud issues, and the use of CPA’s during the audit process, include the Town Clerk and Justice Court for the fiscal years 2014, 2015, and 2016 in the amount of $15,900.00 per year, and

BE IT FURTHER RESOLVED, that the supervisor be and hereby is authorized to sign a contract with the Bonadio Group, LLP for auditing services for fiscal years 2014-2016 in a form to be approved by the Town Attorney.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Works

#14T-198 Roadway Dedications for 2014 by Metzler

WHEREAS, the following developers/owners have made application to the Highway Department of the Town of Penfield for dedication of town highways in the Town of Penfield as noted in the following and described more fully on the subdivision plat maps listed below, which have been approved by the Planning Board, and have dedicated and released the necessary lands owned by them for the proposed highways:

Cloverland Development Co - Ashlyn Rise Subdivision, Section 1, Elaina Circle and a portion of Ashlyn Rise
Ashlyn Rise Subdivision, Section 2, a portion of Ashlyn Rise and Lynx Court

Nine Mile Point Associates - Abbington Place Subdivision, Section 1-D, Portions of Colten Court and Miyah Drive

Windham Woods Subdivision LLC - Windham Woods Subdivision, Section 1 & 2, Stone Hollow Drive and Kings Mill Court
Windham Woods Subdivision, Section 3, Willow Bridge Trail

NOW, THEREFORE, BE IT FURTHER RESOLVED, that consent be and the same is hereby given that the Highway Department of the Town of Penfield, Monroe County, New York, make Orders laying out the aforesaid Town highways to consist of lands as referred to in said Dedications and Releases pertaining to each, all in accordance with Section 171 of the Highway Law of the State of New York.

Moved: Metzler
Seconded: Moore

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

Adopted

Public Safety - None
WHEREAS, in 2006, the Town of Penfield entered into an agreement with TelVue Virtual Television Networks for technologies and communication services to assist with its Public, Education, and Government Access Television operations, and electronic communication services, and

WHEREAS, Penfield Community Television provides communications and video media services to local government agencies, school districts, community groups, and the public through its cable and internet distribution services, and

WHEREAS, Penfield Community Television seeks to continue expanding internet based technologies for the improved media handling and processing efficiencies of submitted and transmitted content, and

WHEREAS, the Community Television Department has requested expanded professional services from TelVue to assist with development and implementation of an alternative internet based media content delivery system, utilizing modern IP set-top-box streaming technologies, providing viewers with greater access of LIVE and prerecorded content through “Roku” ™, and

WHEREAS, TelVue Virtual Television Networks’ “Connect” service will allow for internet based media submission with integration to Penfield Community Television’s existing automation system; therefore providing greater staff efficiencies and cost savings to the department, and increase timeliness of content to cable TV and internet viewers, and

WHEREAS, the Community Television Department has identified use of the “Connect” and “Roku” ™ service to be compatible with the identified internet scheduled equipment replacement and future technologies, and

WHEREAS, the cost for said service is budgeted within the Cable Television Department’s 2014 budget and shall not exceed $6,000 to include design, set-up, user accounts, network configuration, cloud storage and staff training.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorize the Town Supervisor to sign agreement acceptable to the Town Attorney with TelVue Virtual Television Networks for its cloud based “Connect” and “Roku” ™ APP service.

Moved: Kohl
Seconded: Quinn

| Vote   | Kohl | Aye | LaFountain | Aye | Metzler | Aye | Moore | Aye | Quinn | Aye |

Adopted

Old Business - None

New Business

Councilwoman Kohl announced the winners of the Annual PBA Business Awards which were held this past Monday night and congratulated the winners. The Penfield Pride Award was presented to Michael’s Valley Grill at 1694 Penfield Road for their recent remodeling of their
(New Business - Continued)

interior space. The Daniel Penfield Award was presented to Jeff Jennings, owner of Jennings, Nulton and Mattle Funeral Home., Inc. This award is given to a local business person who has positively impacted the Penfield Business community. The 2014 Business of the Year Award went to Frontier Communications for significantly contributing to the vitality and success of the Penfield Business Community.

Public Participation - None

Adjournment

Supervisor LaFountain thanked the Boy Scout Troops for attending tonight’s meeting to work on their Citizenship in the Community merit badge. The meeting was adjourned at 8:27 PM.

Amy Steklof, RMC/CMC
Town Clerk