Call to Order - Pledge of Allegiance - Roll Call

Communications and Announcements

Public Participation

Additions and Deletions to Agenda

Approval of Minutes – January 7, 2015

Petitions

Resolutions by Function

Law and Finance
15T-054 Authorization to Attend NYS Town Clerk’s Association Conference
15T-055 Appointments to Ethics Board
15T-056 Authorize the Town Comptroller to Attend the PERMA Board Meeting
15T-057 Setting a Public Hearing for the Issuance of a Special Permit to Allow the Construction of a 528 Square Foot Garage Addition at 2041 Penfield Road
15T-058 Setting a Public Hearing to Consider Revisions to the Development Application Fee Schedule
15T-059 Authorization to Assess the Charges for the Securing of an Unsafe Structure to the 2016 Property Tax Bill

Public Works
15T-060 Awarding 2015 Contract for Weekly and Bi-Weekly for Expanded Turf Mowing
15T-061 Authorization to Extend Snow and Ice Agreement with NYSDOT

Public Safety
15T-062 Approval to Attend the 40th Annual Continuing Educational Conference

Community Services
15T-063 Authorization for Supervisor to Sign Recreation Contracts

Old Business

New Business

Public Participation

Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, February 4, 2015 at 7:00 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

Absent: Richard Horwitz Town Attorney

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by Michael from Boy Scout Troop #9.

Communications and Announcements

1. The Town and County deadline for the first installment or for full payment is due by February 10, 2015.

2. The Fire Marshal’s office is asking residents to adopt a fire hydrant this winter to aid firefighters serving our community. Please keep hydrants clear of snow.

3. Please be mindful of winter parking rules. No overnight parking between the hours of 2:00 AM and 7:00 AM.

4. Councilman Quinn, Chairman of the Public Safety Committee, will be hosting a Public Safety Summit on Thursday, February 12, 2015. The Summit will be a discussion between the Town and various local emergency service organizations. Councilman Quinn thanked the Town Board and Fire Marshals Tom Tette and Jeff David for their efforts in coordinating the event.

5. The Penfield Recreation will be offering a full week of camp during February School Break for ages 6 – 12. The camp will run Monday through Friday from 9:00 AM to 4:00 PM each day. To register please call 340-8655 or visit www.penfieldrec.org.

6. The Penfield Girl’s Lacrosse Team will be hosting a fundraiser brunch at Don’s Original, 2055 Fairport Nine Mile Point Road, on Sunday, February 8, 2015 from 8:00 AM to 10:30 AM.


8. Penfield Town Offices will be closed on Monday, February 16, 2015 in observance of President’s Day. The Penfield Library will be open normal business hours.

9. The Penfield Trails Committee’s Annual “Hikers Jamboree” will be held on Saturday, February 14, 2015 at 10:00 AM at the Penfield Town Hall Auditorium. For more information please contact Penfield Recreation at (585) 340-8655, option 6.

10. The Penfield Recreation’s DEAR Program will hold a fundraiser on Thursday, February 12, 2015. The event will begin at 6:00 PM. For more details, please view the new Penfield Winter/Spring brochure, page 35 or visit www.penfieldrec.org.
(Communications and Announcements - Continued)

11. Councilman Moore thanked Supervisor LaFountain and Recreation Director Chris Bilow, on behalf of the Town Board for moving forward with the initiative to offer Recreation Winter Camp week during February Break.

12. Councilwoman Kohl’s next Community Chat will be held Tuesday, February 17, 2015 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

13. The Penfield Players will present its winter staged reading of “A Shot in the Dark,” written by Marcel Achard and Harry Kunitz on Saturday, February 21, 2015 at 2:00 PM at the Penfield Community Center. For more information please visit www.penfieldplayers.org.

Public Participation

Tim Murphy, 48 Corral Drive, stated that he is at tonight’s Town Board meeting to follow up on three (3) items he has discussed at previous Town Board meetings during Public Participation. He inquired first about the status on his idea of honoring Irene Gossin.

Supervisor LaFountain stated that it is being worked on by Bruce Zaretsky, Town Landscape Consultant, and hopes to have something by the end of the month.

Secondly, Mr. Murphy asked for an update pertaining to Baker Commodities.

Supervisor LaFountain stated that he had spoken to the DEC today and continues to follow up with them to make sure that the process keeps moving forward.

Lastly, Mr. Murphy inquired about the Town’s due diligence on outsourcing in regard to snowplowing and grass cutting. He made mention of questions he recently sent to the Town Board and referred to the questions throughout the discussion. See attached.

Supervisor LaFountain responded by saying that the Town Board took a look at the cost of providing service by Town employees versus bidding the services out. The cost savings turned out to be approximately $52,000. Supervisor LaFountain went on to say that the Town Board felt the outsourcing of this service was worth trying in order to save taxpayer dollars. Supervisor LaFountain stated that his door is always open and welcomes the opportunity to sit down and discuss these issues with any resident. Mr. Murphy encouraged the Town to consider intermunicipal sharing of services.

Lastly, Mr. Murphy pointed out the lack of parking at Greenwood Park, especially during the youth lacrosse season. He stated that residents have asked for No Parking signs to be placed on the east side of the road, but he feels something also needs to be done for the park itself.

Additions and Deletions to Agenda

Councilman Quinn moved to add Resolution #15T-064 Setting Public Hearing to Consider Adoption of the Local Law #1 of 2015 Penfield Child Safety Act, Councilwoman Metzler seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of January 7, 2015 Councilman Moore seconded and all voted “Aye.”

Petitions - None
Penfield Town Board, February 4, 2015 3

Resolutions by Function

Law and Finance

#15T-054 Authorization to Attend NYS Town Clerk’s Association Conference by Moore

WHEREAS, the New York State Town Clerk Association is dedicated to promoting the professional development of Town Clerks across the State as Administrative leaders, and

WHEREAS, the New York State Town Clerks Association’s 33rd Annual Conference has been scheduled at the Hyatt Regency in Rochester, New York, April 26 through April 29, 2015, and

WHEREAS, this conference provides vital information from State agency representatives and valuable training sessions on professional development for Town Clerks.

NOW, THEREFORE, BE IT RESOLVED, that Town Clerk, Amy M. Steklof, RMC/CMC and Deputy Clerk, Lisa S. Grosser are hereby authorized to attend the 2015 New York State Town Clerks Association Conference and the funds to attend this conference are included in the Town Clerk 2015 Budget.

Moved: Moore
Seconded: Kohl

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

Adopted

#15T-055 Appointments to Ethics Board by Moore

WHEREAS, Town of Penfield Local Law #1 of 1970 provides for the establishment of an Ethics Board to perform duties as defined in this Local Law,

NOW, BE IT RESOLVED, that the following be appointed to the Ethics Board with a term expiring December 31, 2015:

Tracey Easterly, HR Director, Town of Penfield
John Hanratty, 17 Glen Valley Drive, Penfield
Steve Pellow, 15 Pond Valley Circle, Penfield

Moved: Moore
Seconded: Quinn

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

Adopted

#15T-056 Authorize the Town Comptroller to Attend the PERMA Board Meeting by Moore

WHEREAS, the Town Comptroller is on the Board of Directors for the workers compensation carrier, Public Employers Risk Management Association, and

WHEREAS, the PERMA Board Meeting will be held on February 26th and February 27th located in Latham, New York and will be paid fully for mileage and hotel expenses by PERMA, and

NOW BE IT RESOLVED, that the Town Comptroller attend the PERMA Board Meeting on February 26th and February 27th 2015.

(Resolution #15T-056 – Continued)
Penfield Town Board, February 4, 2015

Moved: Moore
Seconded: Metzler

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

Adopted

#15T-057 Setting a Public Hearing for the Issuance of a Special Permit to Allow the Construction of a 528 Square Foot Garage Addition at 2041 Penfield Road by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit pursuant to Article III-3-49-C of the Code to allow the construction of a 528 square foot office garage addition to the building at 2041 Penfield Road, located in the Planned Development (PD) zoning district; and

WHEREAS, the subject application is determined to be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the said Town of Penfield shall hold a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on March 4, 2015 at 7:00 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of a Special Permit to allow the construction of a 528 square foot garage addition at 2041 Penfield Road, located in the Planned Development (PD) 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: Moore
Seconded: Kohl

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

Adopted

#15T-058 Setting a Public Hearing to Consider Revisions to the Development Application Fee Schedule by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield will hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield NY 14526 on March 4th 2015, at 7:00 PM to consider revisions to the Development Application Fee Schedule, as more particularly described in schedule “A” attached hereto and made part hereof; 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: Moore
Seconded: Quinn

(Resolution #15T-058 - Continued)
Penfield Town Board, February 4, 2015

Adopted

See Schedule “A” at end of Minutes

#15T-059  Authorization to Assess the Charges for the Securing of an Unsafe Structure to the 2016 Property Tax Bill by Moore

WHEREAS, on December 21, 1982, the Town Board of the Town of Penfield adopted Article XII-12-21 of the Penfield Zoning Ordinance entitled “Unsafe Structure”; and

WHEREAS, the purpose of Article XII-12-21 of the Penfield Zoning Ordinance is to provide for the safety, health protection and general welfare of persons and property in the Town of Penfield by requiring such unsafe structures to be properly secured to prevent unauthorized entry; and

WHEREAS, on November 2, 2014, the property located at 1750 Penfield Road, SBL #139.05-1-40 was determined to be an unsafe structure by the Penfield Fire Marshal and, as such, was posted Not to be Occupied; and

WHEREAS, exterior doors and windows in the vacated residence at the subject property were found to be unsecured, which serves as an attractive nuisance for children and young adults who may be injured therein, as well as a point of congregation by vagrants and transients and continued to be a concern for the immediate health, safety and welfare of the surrounding neighbors; and

WHEREAS, the Penfield Fire Marshal ordered and arranged for the necessary and proper emergency securing of the structure by a qualified contractor; and

WHEREAS, the owner of 1750 Penfield Road, after sufficient and reasonable notice, has failed to reimburse the Town of Penfield for the cost of said securing of the structure; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes that the cost of said securing be charged to the 2016 property tax bill for the subject property.

Moved: Moore  
Seconded: Metzler

Adopted

Public Works

#15T-060  Awarding 2015 Contract for Weekly and Bi-Weekly for Expanded Turf Mowing by Metzler

WHEREAS, sealed bids were sought and requested in a manner prescribed by Law to furnish the Department of Public Works with a service contract that would provide the Town of Penfield with expanded Weekly and Bi-Weekly Turf Mowing for the 2015 season and,

WHEREAS, on January 14, 2015 at 11:00 AM local time the following sealed bids were received opened and read publicly from the following list of suppliers and

(Resolution #15T-060 - Continued)
WHEREAS, the bid received from Rochester Lawn Care Inc., 1592 Qualtrough Road for the following services; Expanded Weekly and Bi-Weekly Turf Mowing at a rate of $835.00 per pass and an Hourly rate of $55.00 per hour was the lowest bid received which meets or exceeds all of the Town’s bid specifications and,

NOW THEREFORE BE IT RESOLVED, that a contract be and hereby is awarded to Rochester Lawn Care Inc., 1592 Qualtrough Road, Penfield New York for expanded weekly and bi-weekly turf mowing. The Town’s specifications, this Resolution and the bid submitted by Rochester Lawn Care Inc. shall constitute the contract, to be reviewed and approved by the Town Attorney.

Moved: Metzler
Seconded: Moore

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

Adopted

#15T-061 Authorization to Extend Snow and Ice Agreement with NYSDOT by Metzler

BE IT FURTHER RESOLVED: That the Supervisor, be and hereby is authorized to execute a one (1) year extension to the 2014/2015 Snow and Ice agreement No. D139815 between the Town of Penfield and New York State Department of Transportation for the 2016/2017 Snow and Ice Season.

Moved: Metzler
Seconded: Moore

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

Adopted

Public Safety

#15T-062 Approval to Attend the 40th Annual Continuing Educational Conference by Quinn

WHEREAS, the Finger Lakes Building Officials Association, Inc. is holding its thirty-eighth Annual Continuing Educational Conference for Code Enforcement Officers at the RIT Inn & Conference Center, Rochester, New York on March 16, 17, 18 and 19, 2015; and

WHEREAS, this program will be certified by the New York State Department of State Office of Fire Prevention and Control as meeting 24 of 24 hours of in-service training requirements for code enforcement officials;

(Resolution #15T-062 - Continued)
NOW, THEREFORE, BE IT RESOLVED that Thomas Alexander, Assistant Building/Code Compliance Inspector; Jeffery David, Assistant Fire Marshal; Andy Suveges, Building/Code Compliance Inspector; Harold Morehouse, Building and Zoning Administrator; and Thomas Tette, Department Head, Building, Fire, Code Compliance and Zoning, to attend the 40th Annual Continuing Educational Conference March 16, 17, 18 and 19, 2015 at the RIT Inn and Conference Center, Rochester, New York. There will be no lodging or mileage reimbursement. Registration fees of $1,950.00 shall be allocated from departmental conference budget line.

Moved: Quinn  
Seconded: Metzler

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

Adopted

Community Services

#15T-063 Authorization for Supervisor to Sign Recreation Contracts  
By Kohl

Downbeat Percussion, Dan English, 120 Sylvan Street, Elbridge, NY 13060, Independence Day Parade, 7/4/15, for a fee of $1000.00. Voucher to be submitted 6/17/15.

Jim Doser, 14 Summer Glen Dr., Penfield, NY 14526, to provide the Jim Doser Group to perform Tuesday, 7/21/15, for “Cool Jazz” for a fee of $700.00. Voucher to be submitted on 6/17/15.

Primo Productions, 178 Kiniry Dr., Rochester, NY 14609 to provide Mr. Mustard Beatle Tribute Band, Saturday, 7/18/15, for a fee of $850.00. Voucher to be submitted on 6/17/15.

John Giotto, PO Box 423, Penfield, NY 14526, to provide sound engineering at the Penfield Amphitheater, 6/1/15 – 9/20/15, for a fee of $100.00 per worked event. Vouchers to be submitted on 9/16/15.

Jim Orefice, 81 Penn Ln., Rochester, NY 14625, to provide sound engineering at the Penfield Amphitheater, 6/2/15 – 9/20/15, for a fee of $120.00 per worked event. Vouchers to be submitted on 9/1/14.

Mike Kornrich, 59 Culver Parkway, Rochester, NY 14609, to provide the musical entertainment “The Mike Kornrich Band” for “Kids Fest” Thursday, 7/23/15, for a fee of $500.00. Voucher to be submitted on 6/17/15.

Dinner Dogs c/o Dick Leschorn, PO Box 92514, Rochester, NY 14692, to provide entertainment “Dinner Dogs” for “Kids Fest”, Thursday, 7/30/15, for a fee of $500.00. Voucher to be submitted on 6/17/15.

Dady Brothers, 256 Lake Road East Fork, Hamlin, NY 14464, to provide entertainment for “Kids Fest”, Thursday, 8/6/15, for a fee of $500.00. Voucher to be submitted on 7/1/15.

Mark Cassara, 51 Stablegate Drive, Webster, NY 14580, to provide entertainment “Mark Cassara Group”, Tuesday, 8/4/15 for “Cool Jazz” 7:00 PM – 9:00 PM for a fee of $750.00. Voucher to be submitted on 7/1/15.

Bill Tiberio, 9 Falcon Lane W., Fairport, NY 14450, to provide entertainment “Bill Tiberio Band” Tuesday, 7/14/15 for “Cool Jazz” 7:00 PM – 9:00 PM for a fee of $750.00. Voucher to be submitted on 6/17/15.

(Resolution #15T-063 – Continued)
Big Green Van Entertainment, 93 Harvest Rd., Fairport, NY 14450 to provide Zac Brown Tribute Band, Saturday, 8/1/15 7:00 PM – 9:00 PM for a fee of $3500.00. Voucher for deposit in the amount of $1500.00 to be submitted on 3/4/15 and balance of $2000.00 voucher to be submitted on 7/1/15.

Footnote Productions, c/o Keith Welch, P.O. Box 602, Pittsford, NY 14534, to provide Dog House music entertainment for Penfield Independence Holiday Celebration Saturday, 7/4/15, for a fee of $1200.00. Voucher to be submitted on 6/3/15.

Paulsen & Baker, 51 Chelsea Meadows Dr., West Henrietta, NY 14586, to provide Paulsen & Baker band for “Kids Fest”, Thursday, 7/15/15, for a fee of $500.00. Voucher to be submitted on 6/17/15.

Music Rochester, Inc., P.O. Box 12732, Rochester, NY 14612, to provide Gap Mangione and New Blues Band, Tuesday, 7/28/15, for a fee of $1300.00. Voucher to be submitted on 7/1/15.

Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business - None

New Business

15T-064 Setting Public Hearing to Consider Adoption of the Local Law #1 of 2015 Penfield Child Safety Act by Quinn

WHEREAS, the State of New York through the Sex Offender Registration Act, has increased public awareness of convicted sex offenders by requiring them to become registered with authorities and making such information available to the public;

WHEREAS, in order to further safeguard and protect the health, safety and well-being of the residents of the Town of Penfield, and in particular to protect the children of the Town from access by convicted sex offenders who may be present in the Town, the Penfield Town Board wishes to consider adopting Local Law #1 of 2015 to further restrict and regulate the movement of convicted sex offenders, consistent with State Law, particularly in the areas of school grounds, playgrounds, parks, Town facilities and day care centers;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield shall hold a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on the 4th day of March, 2015 at 7:00 PM on said date, to consider said Local Law #1 of 2015, Penfield Child Safety Act, and to hear all persons interested in the subject thereof and concerning the same, and for such other action on the part of the Town Board with relation to said Local Law # 1 of 2015 as may be required by Law; and

BE 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 three (3) nor more than thirty (30) 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: Quinn
Seconded: Metzler

(Resolution #15T-064 - Continued)
Penfield Town Board, February 4, 2015

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

Adopted

See Draft of Local Law at end of Minutes

Public Participation - None

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 8:16 PM.

Amy Steklof, RMC/CMC
Town Clerk
Quality of life is big part of the reason many people come to and stay in Penfield, including the Parks and Recreation offerings. The community needs to have input as to how we progress addressing issues like cost containment and more specifically outsourcing of services.

1. Has town leadership identified its core competencies (services) that it needs to deliver? The community has to be informed of these and asked for input and to ratify.
2. Can the data related to this effort be shared, including contract costs, compensation, overhead and asset evaluation? In the spirit of the book Outsource where others can help make sense of the data.
3. Can the excel spreadsheet with the 2013 and 2014 comparison that was shared at the Town Board work session with only town staff be made available for community review?
4. What are previous five-year’s costs (2009-2013) for Town Parks staff to cut the grass at all fields and locations? We need a baseline of cost for comparison, not just one data point.
5. What is the total replacement purchase price and book value of the current capital assets for mowing, tractors and related equipment? This needs to be part of the due diligence; once these assets are auctioned/gone the cost to replace will be significant for a future Town Board and our community.
6. Are there equipment replacement and depreciation schedules for capital equipment including mowing equipment? I heard at theTWG meeting that we want a piece of equipment another year mentioned, what was the business case? If a lot of money was spent to maintain the equipment versus a replacement piece that might not be the best decision?
7. Besides costs we need other metrics for this comparison and decision, live time and quality has been captured and reviewed to see how long it takes to get the work done and how the results compare?
8. Are there reasons expenditures defined for Town staff work tasks, for example how long should it take to cut an acre of grass and what is the preparation, string and transportation time?
9. How often are quality checks made by the “Town Mowing Representative”? Are these quality checks recorded and reviewed? How many were there last year?
10. Does the side-by-side comparison of internal versus outsourcing costs include “Town Mowing Representative” time and any value added or remediation work?
11. How many inputs (positive and negative) about mowing were recorded last year?
12. Does Town staff track their daily time (hours and minutes on a time sheet) against tasks?
13. Is there standard work defined for these tasks?
14. How many seasonal workers are hired each summer and is there a limit to their scope of work? Can they be trained and if needed licensed/certified/approved to do some mowing?
15. Has an alternative model for staff augmentation for the seasonal work been completed? There was reference at the TWG to a retired former employee coming back to work for the seasonal mowing. The liability and overhead costs need to modeled into the decision making, maybe more seasonal part time work with consideration to less work hours to minimize overhead/workers is an alternative.
16. Have the substitute work tools been valued as compared to time and cost spent mowing the grass?
17. Have inter municipal partnerships been investigated where nearby Towns could share cost, equipment and staff?
18. The Greenwood Park “experiment within an experiment” without telling the rest Town Board does not seem like a best practice. The idea at Greenwood Park needs to be addressed to the parking. Many cars pull in off Scribner Road across the sidewalk into the park, and the backing up is a very unsafe given the volume of traffic, the insane at places forces drivers to “give their cars” to back into the road.
**Planning Department**

**Required Fees and Sets of Plans**

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¹Electronic Submission should include all application documents and be in PDF format. However, a different format is preferable to a scanned document. Submission can be made using a CD or an E-mail to planning@penfield.org.

Revised 1/26/2018
Chapter XXX. Child Safety Act

Article I. Residency Restrictions

[Introduced 2-4-2015 as L.L. No. 1-2015; Penfield Child Safety Act]

§ XXX-1. Intent and Purpose.

The State of New York, through the Sex Offender Registration Act, has increased public awareness of convicted sex offenders by requiring them to become registered with authorities and making such information available to the public in order to safeguard and protect the health, safety and well-being of the residents of the Town of Penfield (hereinfter the "Town"); and in particular to protect the children of the Town from access by convicted sex offenders who may be present in the Town, it is hereby declared that the movement of certain convicted sex offenders must be regulated, controlled, in accordance with state law, particularly in the areas of school grounds, playgrounds, parks, Town facilities, and day-care facilities.

§ XXX-2. Definitions.

As used in this article, the following terms shall have the meanings indicated.

ADULT SEX OFFENDER

A person of least 15 years old who is a "sex offender" as defined in §168-a(11) of the New York Correction Law and who has been designated as a Level Two or Level Three sex offender pursuant to Article 6-C of the New York Correction Law.

CHILD SAFETY ZONE

The area within 2,000 feet of the property line from any school grounds, playgrounds, parks, Town facilities, or day-care facilities within the Town of Penfield.

CHILDREN

Persons under 16 years of age.

DAY-CARE FACILITY

Any facility providing child care which is licensed or subject to licensing by the State of New York, including but not limited to school age child-care programs, group family day-care home, family day-care home, child day-care center or small day-care center.

PARK

Any public parkland located within the Town of Penfield.

PLAYGROUND

Any area or place of land used for or equipped with facilities for recreation use by children.

TOWN FACILITY

Any building or surrounding parcel of land, owned or maintained, by the Town of Penfield.
§ XXX-3. Residency restriction.

No adult sex offender shall be permitted to temporarily or permanently reside or live within a Child Safety Zone in the Town of Penfield. For the purposes of determining compliance with this section, distance shall be measured from the closest lot line of property containing the residence of the adult sex offender to the closest lot line of any property within the Child Safety Zone. No part of any property containing a residence housing an adult sex offender may be within the Child Safety Zone, even if such residence structure is outside the Child Safety Zone.

§ XXX-4. Prohibited conduct.

No adult sex offender shall be permitted to knowingly enter any school grounds, playgrounds, parks, Town facilities, or day-care facilities within the Town of Penfield. However, if such adult sex offender is a registered student, participant or employee of such facility, or has a family member enrolled in such facility, then said adult sex offender may enter with the prior written permission of the primary supervisor of the facility. If such adult sex offender is required to appear in Penfield Town Court then said adult sex offender may enter such facility for the sole purpose of appearing in Court.

§ XXX-5. Sale or lease of residential property.

No person shall knowingly rent to or otherwise provide residential housing for an adult sex offender in a manner that would violate § 1453 of this article.

§ XXX-6. Notification required.

Any adult sex offender living within the Town of Penfield shall immediately notify the Town of Penfield Clerk, in writing, of his or her name and residential address. Any such person shall immediately notify the Town of Penfield Clerk in the event of his or her name, change of address or change of occupation, together with his or her new name and address.

§ XXX-7. Effect on current residence.

An adult sex offender who resides within an area prescribed by § 1452 on this chapter’s effective date shall relocate such residence within 180 days from the effective date.

§ XXX-8. Penalties for offenses.

The first violation of this article shall be a Class A misdemeanor punishable by a fine up to $500 and imprisonment of up to three months in jail. A second or subsequent violation shall be punishable by a fine of up to $1,000 and imprisonment of up to one year in jail. This article may be enforced by any police officer or peace officer within the Town. Moreover, the Town may bring any action in a court of competent jurisdiction to compel compliance with this article.

All ordinances, local laws and parts thereof inconsistent with this article are hereby repealed.

§ XXX-10. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this chapter or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof or such part of this chapter or its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§ 145-11. Effective date.

This article shall take effect immediately upon its filing.