PENFIELD TOWN BOARD AGENDA
Wednesday, March 18, 2015 7:00 PM
Supervisor R. Anthony LaFountain, 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 –February 18, 2015

VI Petitions

VII Resolutions by Function
Law and Finance
15T-081 Appointment of Ronald Young to the Board of Assessment Review

15T-082 Appointment of Temporary Members to the Board of Assessment Review

15T-083 Authorization for Supervisor to Sign an Amended Sewer Use Agreement with the Town of Brighton and Out of District User Agreement with Owners of #59 Collingsworth Drive

15T-084 Setting a Public Hearing to Consider Relief from Resolution 13T-156 Pertaining to Permitted Hours of Operation of the Outdoor Dining Area for the Jeremiah’s Tavern Located at 2164 Fairport Nine Mile Point Road

Public Works
15T-085 Purchase new Felling XF-70-2 Trailer and New 2015 John Deere 624k Loader

Public Safety - None

Community Services
15T-086 Authorization for Supervisor to Sign Recreation Contracts

VIII Old Business

IX New Business

X Public Participation

XI Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, March 18, 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  
Richard Horwitz  Town Attorney  

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Communications and Announcements

1. The Animal Control Office at 1587 Jackson Road will begin giving out Have-A-Heart Traps Saturday, April 4, 2015 from 10:00 AM to 11:00 AM through Saturday, November 1, 2015. To borrow a trap a $25 refundable deposit is needed and the Town’s trapping policy needs to be read and signed. Traps may be kept for one week. Please call the Town’s Animal Control officers at 340-8616 for more information.

2. Penfield’s second annual Stop Hunger Now event will take place April 17 and 18, 2015 at the Penfield Community Center. Anyone wishing to volunteer or purchase ingredients for packaging can contact Jack Best at 585-261-0073.

3. The next Penfield Passport Night will be held April 14, 2015 from 5:30 PM to 7:30 PM at the Town Hall. For more information contact Town Clerk Steklof at 340-8629.

4. The Town of Penfield will host the Annual Memorial Day Essay Contest for students in grades 6 to 8 who reside in Penfield or attend a Penfield School. For more information, please visit www.penfieldrec.org.

5. The Monroe County Department of Environmental Services (DES) and the Town of Penfield, Webster and Village of Webster will hold an appointment only Household Hazardous Waste Collection at the Webster DPW Garage, 1005 Picture Parkway, on Saturday, April 18, 2015 from 7:45 AM to 1:00 PM. For more information please visit www.monroecounty.gov/hhw.

6. The Department of Public Works will hold its Annual Drop Off at 1607 Jackson Road facility on Friday, May 8, 2015 from 7:30 AM to 5:00 PM and Saturday, May 9, 2015 from 9:00 AM to 3:00 PM for Penfield Residents only. For more information, please visit the Town’s website at www.penfield.org.

7. Please help open up catch basins near your homes or businesses that have been covered by snow and ice to avoid flooding. Please contact the Department of Public Works for more information at 340-8710.

8. The Town offices will be closed Friday, April 3, 2015 in observance of Good Friday. The Penfield Library will remain open on the 3rd of April, but will be closed for the Easter Holiday, Sunday April 5, 2015.

9. Monroe County Intergenerational Fishing Day will be held Thursday, April 2, 2015 from 8:00 AM to 10:00 AM. This event is free. It will be held at Powder Mills Park, 154 Park Road in Pittsford. Check in is at 7:30 AM at the Powderhorn Lodge. For more information visit www.monroecounty.gov.
10. Penfield’s Annual Spring Cleanup Day will be held on Saturday, April 25, 2015. For more information call the Recreation Department at 340-8651 or visit www.penfieldrec.org.

11. The Penfield Heritage Association will hold a lecture on Sunday, March 22, 2015 from 2:30 PM to 4:00 PM. Penfield Resident and local author Teresa K. Lehr will discuss her latest book, “The Great Tonsil Massacre.” For more information visit www.penfieldlibrary.org. Registration for this program begins on Friday, March 6, 2015.

12. The Penfield Rotary 2015 Spring Euchre Charity Tournament will be held Sunday, March 22, 2015. For more information contact Charlie Bellomo at 546-1640, ext. 105. To register online or for more information go to www.penfieldrotary.org.

13. To register for garden beds at the Penfield Community Victory Garden, 1747 Five Mile Line Road for 2015 growing season. Please go to the Penfield Recreation Office at 1985 Baird Road.

Public Participation - None

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of February 18, 2015 Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#15T-081 Appointment of Ronald Young to the Board of Assessment Review by Moore

WHEREAS, Ronald Young, 160 Maryview Drive, Webster, New York, has served on similar Boards of Assessment Review for the last ten plus years as a Member, and

WHEREAS, Ronald Young has provided expertise to those Boards of Assessment Review, and

WHEREAS, Ronald Young has expressed his interest in serving on the Board of Assessment Review,

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Board of the Town of Penfield appoint Ronald Young to a five (5) year term on the Board of Assessment Review of the Town of Penfield, such term to expire on

Amended to: September 30, 2019

Moved: Moore
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
Metzler Aye Moor Aye
Quinn Aye

Adopted
Penfield Town Board, March 18, 2015

#15T-082 Appointment of Temporary Members to the Board of Assessment Review by Moore

WHEREAS, Article 5, Section 523-a of the New York State Real Property Tax Law allows the legislative body of any local government, in any year deemed necessary, to appoint temporary members to the Board of Assessment Review to serve as administrative hearing panel members as provided,

NOW, BE IT THEREFORE RESOLVED, that the Town Board of Penfield appoints the following Penfield residents to serve a one (1) year term as temporary members of the Board of Assessment Review as provided in Section 523-a of the New York State Real Property Tax Law.

Craig Schubmehl, 2042 Five Mile Line Road, Penfield, NY 14526
Eugene T. Oliver, 90 City View Dr., Rochester, NY 14625

Moved: Moore
Seconded: Quinn

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

Adopted

#15T-083 Authorization for Supervisor to Sign an Amended Sewer Use Agreement with the Town of Brighton and Out of District User Agreement with Owners of #59 Collingsworth Drive by Moore

WHEREAS, the Penfield Consolidated Sanitary Sewer District owns and operates certain sanitary sewer facilities along Collingsworth Drive, in both the Town of Penfield and Town of Brighton, and

WHEREAS, the Town of Brighton has requested that our current Out of District Sewer Use Agreement be amended to allow the property located at #59 Collingsworth Drive (Brighton), TA# 123.18-2-22, to connect to that portion of the Penfield sewer system, which exists in the Town of Brighton, and

WHEREAS, the Town of Brighton is in the process of forming a Sewer District extension to include this property into the Brighton Consolidated Sewer District, and

WHEREAS, being that this property is within the Town of Brighton it will be requisite upon the property owner(s) to enter into an Out of District User Agreement with the Town Board of the Town of Penfield thereby binding this property to local ordinances governing the operation of the Penfield Consolidated Sanitary Sewer District; and to grant approval of the connect to district facilities.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Penfield acting as Commissioners of Penfield Consolidated Sanitary Sewer District do hereby approve the amendment to the current Out of District Sewer Use Agreement with the Town of Brighton, for the purpose of allowing the property located at #59 Collingsworth Drive to connect to Penfield District facilities within Brighton, and

BE IT FURTHER RESOLVED, that the Town Board approves Out of District User status for the property located at #59 Collingsworth Drive, TA# 123.18-2-22, and

BE IT FURTHER RESOLVED, that Penfield Town Supervisor, R. Anthony LaFountain be and hereby is authorized to execute the aforementioned agreements with the Town of Brighton and the property owner(s), thus approving the Out of District connection to the Penfield sewer system.

Moved: Moore
Seconded: Metzler
(Resolution #15T-083 – Continued)

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

Adopted

#15T-084 Setting a Public Hearing to Consider Relief from Resolution #13T-156 Pertaining to Permitted Hours of Operation of the Outdoor Dining Area for the Jeremiah’s Tavern Located at 2164 Fairport Nine Mile Point Road by Moore

WHEREAS, on February 20, 2013, in Resolution 13T-081, 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 AM to 10:00 PM on a daily basis; and

WHEREAS, after holding a Public Hearing on May 1, 2013, the Board determined that the applicant be granted relief from Condition #7 of Resolution 13T-081 by Resolution 13T-156 with the provision that the applicant may apply for an extension to the permitted hours of use of the outdoor dining area once a positive record of use has been established; and

WHEREAS, the applicant has requested relief from Resolution 13T-156 to allow extended hours of operation of the outdoor patio and 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 April 15, 2015 at 7:00 PM on said date, to consider the applicant’s request for relief from Resolution 13T-156 and to hear all persons interested on the question of granting relief from Resolution 13T-156 to allow later hours of operation on the outdoor dining area of the 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: Moore
Seconded: Kohl

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

Adopted
Public Works

#15T-085 Purchase new Felling XF-70-2 Trailer and New 2015 John Deere 624k Loader by Metzler

WHEREAS, the Director of Public Works desires to purchase a 2015 Felling XF-70-2 detachable Gooseneck Trailer from National Intergovernmental Purchasing Alliance (NIAP) contract #031014 and,

WHEREAS, NYS Town GML 103 (16) allows for the purchase of equipment through cooperative intergovernmental contracts let by US Governmental 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 NY GML 103 (16) and,

WHEREAS, Felling Trailers Inc., 1525 Main Street South, Sauk Centre, MN 56378 in cooperation with Tracy Road Equipment, 300 Middle Road, Henrietta, NY 14467 an authorized dealer for Felling Trailers Inc. to supply (1) 2015 Felling XF-70-2 Gooseneck Trailer reference #65885-JDM and,

WHEREAS Tracy Road Equipment an authorized dealer has submitted a final quote to the Town of Penfield based on a comprehensive specifications “Build Sheet” for a price of $51,618.64 and,

WHEREAS the Director of Public Works also, desires to purchase (1) 2015 John Deere 624K Front End Loader from Five Star Equipment, Inc., 60 Paul Road, Rochester, NY 14624 and New York State contract #22063 for a listed price of $177,586.50 and,

BE IT FURTHER RESOLVED, the funds for said purchases are budgeted in the Highway Equipment Reserve Fund and,

NOW, THEREFORE BE IT RESOLVED, that the Director of Public Works be and hereby is authorized to purchase one 2015 Felling Hydraulic Gooseneck Trailer and one John Deere 624K Front End Loader for a total cost of $229,205.14 and,

BE IT FURTHER RESOLVED, that the Highway Equipment Fund Amendment be amended as follows; and

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BE IT FURTHER RESOLVED, that the adoption of this Resolution with respect to the expenditures from the Highway Capital Reserve Fund is subject to a Permissive Referendum and the Town Clerk be and hereby is directed to publish and post Notice in the manner prescribed by Law and 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
Penfield Town Board, March 18, 2015

Public Safety - None

Community Services

#15T-086 Authorization for Supervisor to Sign Recreation Contracts

By Kohl

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

Primo Productions Resolution Number 15T-063 should read Primo Promotions.


Jeff Moon, 110 Calhoun Avenue, Rochester, NY 14606, Producer, Penfield Players Spring Production, performance dates - May 1, 2, 3, 8, 9, 15, and 16, 2015 for a total fee of $100.00. Voucher to be submitted 4/15/15.

Jack Simel, 11 Rundel Park Apt B, Rochester, NY 14607, Director, Penfield Players Spring Production, performance dates - May 1, 2, 3, 8, 9, 15, and 16, 2015 for a total fee of $200.00. Voucher to be submitted 4/15/15.

Liz Gill, 6 Devonshire Circle, Penfield, NY 14526, Stage Manager, Penfield Players Spring Production, performance dates - May 1, 2, 3, 8, 9, 15, and 16, 2015 for a total fee of $100.00. Voucher to be submitted 4/15/15.

York Lions Steel Band, Mike Stacy, 140 Cordella Avenue, Toronto, Ontario, M6N 2J9, Canada, Independence Day Parade, 7/4/15, for a total fee of $1500.00. Voucher to be submitted 6/17/15.

Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business - None

New Business - None

Public Participation - None

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:24 PM.

Amy Steklof, RMC/CMC
Town Clerk