PENFIELD TOWN BOARD AGENDA
Wednesday, May 6, 2015, 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I Call to Order - Pledge of Allegiance - Roll Call

II Public Hearing #1 – To Consider Allowing an Outdoor Dining Area at 2124-2126 Five Mile Line Road in the Four Corners (FC) Zoning District

Public Hearing #2 – To Consider an Amendment to the Local Law #2 of 1994 Known as “The Town of Penfield Fire Sprinkler Law”

III Communications and Announcement

IV Public Participation

V Additions and Deletions to Agenda

VI Approval of Minutes – April 1, 2015

VII Petitions

VIII Resolutions by Function

Law and Finance

15T-098 Authorize the Town Comptroller to Attend the PERMA Annual Meeting

15T-099 Transfer Funds to Purchase Property at 1825 Penfield Road, 2126 Five Mile Line Road and Properties at 1833 and 1839 Penfield Road

15T-100 Authorization to Maintain Properties and Assess the Charges to the 2016 Property Tax Bills

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15T-101 Recognizing May 2015 as National Historic Preservation Month

15T-102 Authorization to Post Two (2) No Parking Signs and Relocation of an Existing pedestrian Crossing Sign on the East Side of Five Mile Line Road in the Four Corners Area

15T-103 Advertising for Sealed Proposals for the Town of Penfield Department of Public Works Salter Storage Rack System

15T-104 Acceptance of Ownership and Maintenance Responsibility for Town Drainage Improvements within the New York State Right of Way of Empire Blvd in Conjunction with the Installation of Sidewalks on the East Side of Empire Blvd.

Public Safety - None

Community Services

15T-105 Authorization for Supervisor to Sign Recreation Contracts

IX Old Business

X New Business

XI Public Participation

XII Adjournment
Penfield Town Board, May 6, 2015

The Regular meeting of the Penfield Town Board was held on Wednesday, May 6, 2015 at 7:00 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present: R. Anthony LaFountain Supervisor (arrived at 7:35 PM)
Linda Kohl Councilwoman
Paula Metzler Councilwoman
Robert Quinn Councilman

Also Present: Amy Steklof Town Clerk
Richard Horwitz Town Attorney
Jim Costello Director Developmental Services
Tom Tette Fire Marshal

Absent: Andrew Moore Councilman

Deputy Supervisor Quinn called the meeting to order – Pledge of Allegiance

Councilwoman Metzler, as liaison to the Historic Preservation Board, recognized Steven and Stephanie Wilkinson as recipients of the annual Jeff Crane Historic Preservation Award. The annual award recognizes individuals who have cared for Penfield’s past through the preservation of a structure of historic significance. The Wilkinson’s own Signatures at the Humphrey House. The historic restaurant was originally built in the early 1800’s and has been a landmark of Penfield for over 200 years. The Wilkinson’s are receiving the Crane Award for the renovations they have made to the building.

Public Hearing #1 – To Consider Allowing an Outdoor Dining Area at 2124-2126 Five Mile Line Road in the Four Corners (FC) Zoning District

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on April 23, 2015 and was posted on the Town Website and Town Clerk Bulletin Board. 47 Postcards were mailed. Town Attorney Horwitz confirmed that this meeting is in order.

Architect Andrew Hintenach stated that along with Sam DiPrima, owner of DiPrima Properties, are proposing to build a 14 x 48 foot concrete patio at the former Angus House which is now known as Cha Cha’s Wood Fired Pizza, 2126 Five Mile Line Road. They would like the patio to be surrounded by a decorative 3 foot fence and build three brick piers 42 inches high on the roadside of the patio. Mr. Hintenach showed the Town Board a sample of the fencing.

Councilwoman Metzler asked if access to the patio would be through the restaurant only.

Mr. Hintenach stated yes, and that there will be 8 tables with 4 chairs at each table.

Councilman Quinn asked Mr. Hintenach if he had been in contact with the Fire Marshal’s office to discuss limitations.

Mr. Hintenach stated he had.

Councilman Quinn also asked if lights located on the pillars would be lit after hours.

Mr. Hintenach stated he didn’t think so.

Councilwoman Kohl asked if any activities were planned for the patio other than dining.

Mr. Hintenach stated no.

Councilwoman Kohl also asked if there will be a bar located outside.
Penfield Town Board, May 6, 2015

(Public Hearing #1 – Continued)

Mr. Hintenach stated no.

Councilman Quinn inquired about the blacktop.

Mr. Hintenach stated the blacktop will be hardscaped.

Councilwoman Kohl asked whether there will be planters on the sidewalk.

Mr. Hintenach stated no, and that the patio will be a few feet back from the right-of-way. The hours of outside service will be 11:00 AM to 10:00 PM, Tuesday through Sunday, weather permitting.

Councilwoman Kohl asked if there will be any outdoor music.

Mr. Hintenach stated he had not heard anything pertaining to outdoor music, but they do have electrical outlets outside so it is possible that they may play some music.

Jim Costello, Director of Developmental Services stated that the applicant did appear before the Historic Preservation Board on April 23, 2015 and that the Board liked the concept subject to the Town Board’s approval. Mr. Costello stated the Historic Preservation Board did discuss landscaping and will be discussing maintenance issues associated with landscaping debris.

Councilman Quinn asked Mr. Costello if the pillars or fence will be in the right-of-way.

Mr. Costello stated that it won’t be an issue.

Public Participation

Ed Lindskoog, 40 Willow Pond Way, stated he feels a patio will be a great enhancement to the Four Corners District and is in favor of any improvements in the area. Mr. Lindskoog asked if the traffic pattern will be effected by the entrances to the parking lots.

Councilwoman Metzler stated that it appears to be the same as it is now, and that it will not affect the ingress or egress.

Mr. Lindskoog inquired whether it is possible to have an entrance and exit to the parking lots making it easier than it is now. He ended by saying he hopes this application will be approved.

Hearing closed.

Public Hearing #2 - To Consider an Amendment to the Local Law #2 of 1994 Known as “The Town of Penfield Fire Sprinkler Law”

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on April 23, 2015 and was posted on the Town Website and Town Clerk Bulletin Board. No postcards were mailed due to this being a Town wide action. Town Attorney Horwitz confirmed that this meeting is in order.

Tom Tette, Penfield Fire Marshal proposed that the Town Code reflect the changes that have been made in the New York State Fire Code and that if future research finds that amendments should be considered again that the Town Code would follow along those lines at that time.

Councilwoman Metzler stated that this has been discussed at a Work Session.

Councilwoman Kohl stated that this is just an update to the 1994 Law.
Mr. Tette said that it had become quite antiquated and that what saves lives is proper exiting and early detection systems such as smoke detectors, not sprinklers.

Public Participation - None

Hearing closed.

Eleanor Czarnecki, Penfield Rotary Member and Charlie Bellamo reported on the successful Stop Hunger Now Event that took place on April 17th and 18th at the Penfield Recreation Center. Ms. Czarnecki said that the hope was to have 200 volunteers package 50,000 plus meals, but in fact over 300 volunteers packaged 60,000 meals.

Mr. Bellamo stated that on behalf of Stop Hunger Now, he thanked all those who participated in the event including the Eastside communities, sponsors, civic organizations and volunteers. He also thanked the Town for allowing the use of the Town’s Recreation facility and thanked the Town employees that helped contribute to the success of the event.

Ms. Czarnecki stated that next year the hope is to package 100,000 meals. The date for next year’s Stop Hunger Now event will be on April 15, 2016. Ms. Czarnecki presented a Stop Hunger Now logo t-shirt to Supervisor LaFountain.

Councilman Quinn presented a Proclamation to Tom Tette, Fire Marshal proclaiming May as Building Safety Month.

Communications and Announcements

1. The 33rd annual NYSTCA Conference was held in Rochester last week and as Vice President of the MCTCTR&CA, I had the honor of accepting a Certificate of Appreciation for Monroe County in recognition of 100% County wide membership to the NYSTCA which is dedicated to the educational and professional development of Town Clerks. Congratulations to all of the 19 Towns in Monroe County for being part of this award. Also, during the conference, Deputy Clerk Lisa Grosser was awarded certification for her RMC designation after having completed all requirements necessary for certification. She is one of only a few Deputy Clerks to have taken the initiative to become an RMC. Congratulations Lisa.

2. The 15th Annual Ride for Missing Children sponsored by the National Center for Missing and Exploited Children will be held on Friday, May 15, 2015. More than 300 cyclists will ride 100 miles through Monroe County in honor of National Missing Children’s Day. Riders will ride by and stop at several area schools in East Rochester, Henrietta, Penfield, Pittsford, Brighton, Irondequoit, Greece and the City of Rochester to bring prevention education messages to children. Please contact 585-242-0900 for more information about this event.

3. Just an FYI, the Town of Penfield’s free Rabies Clinic date for 2015 has changed. It will now be held on Saturday, June 27, 2015 from 10:00 AM to Noon.

4. Our Town’s Spring Drop Off will be held 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 at the 1607 Jackson Road facility. For more information please call 340-8710 or visit the Town’s website at www.penfield.org.

5. The Penfield Rotary Club’s 18th Annual Golf Tournament will take place on Monday, June 1, 2015 at Shadow Lake Golf Club. To register on-line or for more information, please visit www.penfieldrotary.org.
6. Councilwoman Kohl’s next Community Chat will be held on Tuesday, May 19, 2015 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

7. The Penfield Players continue with their spring production of “Deathtrap.” Remaining shows and times are: May 8, 9, 15 and 16 at 8:00 PM. All performances will be held at Penfield Community Center, 1985 Baird Road. To order tickets, please call Penfield Recreation at 340-8655, option 6 or visit www.penfieldrec.org.

Public Participation

Ed Lindskoog, 40 Willow Pond Way stated he spoke to Supervisor LaFountain about the fence along Penfield High School. It was installed by the developer for the subdivision that is being built next to the high school. The fence ends at the subdivision’s property line, leaving a gap. The area behind the fence belongs to the school district, but is not being mowed or maintained.

Due to the large deer population many ticks are appearing in the area. He would like the issue rectified. Mr. Lindskoog also mentioned that there are many ticks being found behind the Charles Finney School.

Mr. Lindskoog also stated he spoke with Jim Costello and that he understands that Mr. Costello and Supervisor LaFountain will be meeting with the developer for the new subdivision to discuss resolving some of the issues.

George Hebert, 108 Rosebud Trail, thanked the Penfield Highway Department, County and State for fixing the pot holes on our streets. He mentioned that some pot holes have re-appeared and asked how to go about notifying the Town of the locations that need re-fixing.

Councilman Quinn stated that anyone can contact the Town’s Highway Department or the Town Board to make the Town aware of the issue.

 Supervisor LaFountain offered the Department of Public Works number 585-340-8710 as well as 1-800-pothole.

Mr. Hebert stated he likes Supervisor LaFountain’s t-shirt that he is wearing, “Strike Out Cancer.”

Supervisor LaFountain stated that Perinton Supervisor Mike Barker and he had the honor of throwing out the first pitch at the Penfield-Fairport baseball game. The committee has raised more than $2,000 to give to Strike out Cancer.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of April 1, 2015 Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

15T-098 Authorize the Town Comptroller to Attend the PERMA Annual 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 May 20th, 2015 at Bolton Landing, New York and is paid fully for mileage and hotel expenses by PERMA, and

WHEREAS, the PERMA annual conference will be held on May 21st, and May 22nd at Bolton Landing, New York and is paid fully for mileage and hotel expenses by PERMA, and

BE IT RESOLVED, that the Town Comptroller attend the PERMA Board Meeting and PERMA annual conference at no cost to the Town of Penfield.

Moved: Quinn
Seconded: Metzler

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

Adopted

#15T-099 Transfer Funds to Purchase Property at 1825 Penfield Road, 2126 Five Mile Line Road and Properties at 1833 and 1839 Penfield Road by Moore

WHEREAS, the Town Board authorizes the purchase of property at 1825 Penfield Road through Town Board Resolution #14T-174, property at 2126 Five Mile Line Road through Town Board Resolution #14T-173, and properties at 1833 and 1839 Penfield Road through Town Board Resolution #13T-087, and

WHEREAS, the Town Board authorizes these purchases of property for the purpose of creating a public park facility in the southeast quadrant of the Penfield Four Corners, and

WHEREAS, these properties all had an appraisal prepared by Midland Appraisal Associates to determine a fair market value for said property, and

WHEREAS, the funds to pay for these properties will be appropriated from unappropriated fund balance from the General Fund as follows.

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Moved: Quinn
Seconded: Kohl

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

Adopted

#15T-100 Authorization to Maintain Properties and Assess the Charges to the 2016 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 owner of 24 Jacaranda Court, SBL #139.12-2-10 has failed to maintain the exterior areas and secure the vacant residence at the subject property which continues to be a concern for the health, safety and welfare of the surrounding neighbors; and

WHEREAS, the town staff has continually requested the property owner to maintain at this location 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 property 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 2015 season also be charged to the 2016 property tax bill for the subject property.

Moved: Quinn
Seconded: Metzler

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

Adopted

Public Works

#15T-101 Recognizing May 2015 as National Historic Preservation Month
By Metzler

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives, and the contributions made by dedicated individuals, in helping to preserve the tangible aspects of the heritage that has shaped us as a people.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield does hereby proclaim May 2015 as National Historic Preservation Month and call upon the people of the Town of Penfield to join their fellow citizens across the United States in recognizing and participating in this special observance.

Moved: Metzler
Seconded: Kohl

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

Adopted
Penfield Town Board, May 6, 2015

#15T-102  Authorization to Post Two (2) No Parking Signs and Relocation of an Existing Pedestrian Crossing Sign on the East Side of Five Mile Line Road in the Four Corners Area by Metzler

WHEREAS, The Monroe County Department of Transportation has requested the placement of two (2) No Parking Signs to be placed on the east side of Five Mile Line Road and the relocation of a Pedestrian Crossing sign to be relocated further to the south of its current location to provide for safer access and pedestrian crossing on Five Mile Line Road as a result of the proposed relocation of the entrance to 2107 Five Mile Line Road; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield does hereby authorize the placement of two (2) No Parking signs and the relocation of the existing Pedestrian Crossing to the south, all in compliance with the requirements of the Monroe County Department of Transportation to provide safer traffic movement and pedestrian crossing on Five Mile Line Road; and

BE IT FURTHER RESOLVED, that the cost of installation and relocation of said signs shall be borne by the developer requesting the relocation of the driveway at 2107 Five Mile Line Road.

Moved: Metzler
Seconded: Quinn

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

Adopted

#15T-103  Advertising for Sealed Proposals for the Town of Penfield Department of Public Works Salter Storage Rack System by Metzler

BE IT RESOLVED, that the Director of Public Works, be and hereby is authorized to advertise in the manner prescribed by Law for sealed proposals to furnish the Town of Penfield Department of Public Works with a Salter Storage Rack System designed for DPW employees to safely remove and store the Salter from their trucks in a safe and secure manner and,

BE IT FURTHER RESOLVED, that the “Salter Storage Rack System” covered by such proposals shall be in accordance with specifications prepared by the Director of Public Works. Sealed proposals are to be received in the office of the Town Clerk until May 28th, 2015 at 11:00 AM Local time and there and then are to be opened by the Town Clerk.

Moved: Metzler
Seconded: Kohl

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

Adopted

#15T-104  Acceptance of Ownership and Maintenance Responsibility for Town Drainage Improvements within the New York State Right of Way of Empire Blvd. in Conjunction with the Installation of Sidewalks on the East Side of Empire Blvd. by Metzler

WHEREAS, the Town of Penfield is requiring that a portion of the storm water drainage system be enclosed along Empire Blvd in conjunction with the installation of sidewalks on the east side of the road as part of the BayTowne Plaza expansion; and
WHEREAS, the Town Board, acting as Lead Agency pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) has classified this proposal as an Unlisted action; and

WHEREAS, in order to accommodate the new sidewalks, the NYSDOT’s existing drainage system must be extended into the right of way of Empire Blvd., as more particularly shown on a map and plan attached hereto; and

WHEREAS, the State of New York will only allow the enclosed drainage to be constructed and connected to the state highway drainage system if the Town of Penfield accepts ownership and responsibility for all maintenance and repairs of the pipes and catch basins from DS 7-6 to DS 7-9 on the eastside of Route 404, and

WHEREAS, the NYSDOT shall not be liable for any damage or injury to the developer / property owner, its agents, employees, or to any other person, or to any property covered by the Highway Work Permit.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield hereby accepts maintenance responsibility of that particular portion of the drainage system that will be located and tied into the New York State drainage system as shown on Bergmann Associates Plan entitled PL-7, as shown on a map and plan attached hereto and made a part of this resolution.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to transmit two (2) certified copies of the foregoing resolution to the New York State Department of Transportation, 1530 Jefferson Road, Rochester, New York 14623, Attn: David Goehring, Regional Traffic Engineer.

Moved: Metzler
Seconded: Quinn

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

Adopted

See Attachment at end of Minutes

Public Safety - None

Community Services

#15T-105 Authorization for Supervisor to Sign Recreation Contracts

By Kohl

Emma Milligan, 329 Eagle Head Road, East Rochester, NY 14445, Guest Director with YOHP Spring Production on June 5 and 6, 2015 for a fee of $325.00 and Ukulele Instructor July 13 - August 3, 2015 for a fee of $125.00. Vouchers to be submitted on 5/20/15 and 7/15/15.

James Warlick, 33 Freedom Pond Lane, North Chili, NY 14514, 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.

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, 2015 for a fee of $5,700.00. Voucher to be submitted on 6/3/15.

Penfield Town Board, May 6, 2015

(Resolution #15T-105 – Continued)

Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business - None

New Business - None

Public Participation - None

Adjournment

Supervisor LaFountain stated that after the Town Board meeting is
adjourned footage of the Penfield Little League opening day will be
shown on local channel 12. He gave a shout out to the Penfield and
Fairport schools that are playing right now and thanked them for all
their efforts towards striking out cancer and wished them both a great
game tonight.

Supervisor LaFountain thanked Mr. Lindskoog and Mr. Hebert for their
comments this evening. Finally Supervisor LaFountain thanked Councilman
Quinn for stepping in for him this evening as Deputy Supervisor.

Councilman Quinn wished his wife, mother and all mothers in Penfield a
happy Mother’s Day.

Supervisor LaFountain adjourned the meeting at 7:58 PM.

Amy Steklof, RMC/CMC
Town Clerk