PENFIELD TOWN BOARD MEETING AGENDA
Wednesday, July 1, 2015 7:00PM
Supervisor R. Anthony La Fountain, presiding

I Call to Order - Pledge of Allegiance - Roll Call

II Public Hearing – To Allow a Distillery at 2106 Five Mile Line Road in the Four Corners (FC) Zoning District

III Communications and Announcements

IV Public Participation

V Additions and Deletions to Agenda

VI Approval of Minutes – June 3, 2015

VII Petitions

VIII Resolutions by Function

Law and Finance
#15T-130 Authorization to Maintain Properties and Assess the Charges to the 2016 Property Tax Bills
#15T-131 Authorization for MRB Group, P.C. to Provide Construction Stakeout for the Installation of Sanitary Sewers within the Parkview Drive/ White Village Drive Area
#15T-132 Authorization for Supervisor to Sign an Amendment to the Agreement with Southpoint Cove, LLC, Providing for Sewer Capacity Improvements Within Sewer District No. 12 (Empire Blvd.)

Public Works
#15T-133 Awarding Contract for Salter Rack Storage System for Department of Public Works

Public Safety - None

Community Services
#15T-134 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, July 1, 2015 at 7:00 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present: Linda Kohl Councilwoman
Paula Metzler Councilwoman
Andrew Moore Councilman
Robert Quinn Councilman

Also Present: Amy Steklof Town Clerk
Richard Horwitz Town Attorney

Absent: R. Anthony LaFountain Supervisor

Deputy Town Supervisor Quinn called the meeting to order - The Pledge of Allegiance was led by boy scouts Josh Mackecknie and Danny Schied from Boy Scout Troop 230.

Public Hearing #1 To Allow a Distillery at 2106 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 June 11, 2015 and was posted on the Town Website and Town Clerk Bulletin Board. 28 Postcards were mailed. Town Attorney Horwitz confirmed that this meeting is in order.

Tim Stevens, 5759 Dalton Drive and partnering with Mark Crane and Michael Dettman would like to open a distillery to produce flavored moonshine and bourbon. He proposes to have business hours on Tuesdays, Wednesdays and Thursdays from 11:00 AM to 6:00 PM and Fridays and Saturdays from 11:00 AM to 11:00 PM. He would like to begin with a soft opening of restricted hours and one (1) to two (2) employees until the business becomes more established and then have up to five (5) employees once it is deemed necessary. There are approximately 24 to 26 parking spaces on the property. Overflow vehicles can park in the municipal lot across the street. The focus of the establishment will be mostly manufacturing the product and sales in New York State liquor stores. There will also be tastings and retail sales within the distillery. Some finger foods will also be made available, and possibly live music for special events.

Councilwoman Kohl asked whether the food would be prepared on site or delivered.

Mr. Stevens said it has not been decided yet and he will be discussing the requirements with their attorney.

Councilwoman Metzler clarified that the distillery, if approved, would be located in the old white church with the stained glass windows across from Marks Pizzeria on Five Mile Line Road. Appropriately, the name of the distillery would be “The Stained Glass Distillery.”

Councilwoman Kohl asked whether the manufacturing of the product and the tastings will be done simultaneously.

Mr. Stevens stated they would both be done simultaneously.

Councilwoman Metzler asked whether there will be any structural changes to the building.

Mark Crane would like to add insulated glass to the interior of the building to help prevent heat loss. He would also like to paint the outside of the building. Mr. Crane stated that the church will basically stay as is although he has discussed with Jim Costello, Director of Developmental Services, and the Historic Preservation Board on changing the front door to a commercial glass door so people can see into the distillery and he would like to add some side lights. There is an existing patio which will also be painted. There is a handicap
railing attached, which will stay. The building will be handicap accessible. Deliveries will be at the rear door and he would like a new 42 inch door put in place for barrel and keg deliveries for distilling the bourbon. Inside the building they propose to cut out part of the floor so that patrons can see the copper still in the basement.

Councilwoman Kohl asked if they will be using the upstairs.

Mr. Crane stated the upstairs will be used for tastings and private parties.

Councilwoman Kohl asked if they plan to have an elevator installed.

Mr. Crane stated it is not required by the ADA due to the fact that there will also be a tasting room on the first floor. Mr. Crane also stated there already is a sprinkler system in place.

Councilwoman Kohl inquired about signage.

Mr. Crane stated they would like to have a custom made wooden sign, but have not come up with a logo yet. He and his partners plan to go before the Historic Preservation Board for sign approval.

Councilwoman Kohl asked how many of patrons would be allowed in the building at a time.

Mr. Crane stated he believes the capacity would be 130 people. He does not plan on having people in the building for more than 20 to 30 minutes. It is envisioned that people would stop by on their way to dinner or a party. It is really about building a brand. Have a taste and then go to a liquor store to search out what they liked during the tasting. The tastings would build the product. Legally only three quarter ounce shots are allowed to be consumed per day.

Councilwoman Kohl stated that it is a well thought out plan.

Mr. Stevens stated they plan on partnering with local farmers to acquire corn and grains to create the recipes. They also plan on partnering with local New York State brewers to fill growlers. There will be a gift shop in the building which will have apparel, glassware and souvenirs.

Dick Horwitz asked whether special equipment will be used in respect to fire safety or odor abatement.

Mr. Crane stated that the building has a four (4) inch sprinkler line and once the still is brought into the building, the Fire Marshal will drop by and sprinkler heads will be placed around the still. In reference to odors, Mr. Stevens stated there will be minimal odor when the mash is fermenting and although the still will be vented to the outside, the smell will be minimal.

Dick Catalano asked if mixed drinks will be served.

Mr. Crane stated that they have not decided whether they will mix the moonshine with drinks. If they did, it would need a separate license.

Mr. Catalano stated if mixing and serving drinks occurs then that would constitute the business as a bar and with that being said he does not believe bars are allowed in that area of the Town. He also stated concern about parking.

Mr. Stevens stated that most of the parking would be on site, and does not anticipate a problem.
(Public Participation – Continued)

Mr. Stevens also stated that if they serve mixed drinks in the future and start serving food, they would only use their own product of the distillery which falls under the distilling license by New York State Standards and would not be considered a bar.

Mr. Catalano asked who will be regulating the amount of time a patron is in the building.

Councilman Moore stated that since only three quarter ounce shots are what is legally allowed per person per day, it shouldn’t be an issue.

Mr. Stevens stated that under the distilling license they are allowed to fill growlers from local breweries. Once filled, the growlers need to be sealed and consumed off site.

Hearing closed.

Communications and Announcements

1. The Fifth Annual PBA Golf Tournament to benefit the Shepherd Home Comfort Care facility will be held on Monday, July 27, 2015 at 1784 Jackson Road. For more information contact Tracy Dovi at 381-0890 or visit www.penfieldbusiness.org.

2. Penfield Recreation will be hosting several social clubs for the non-profit organization “Autism Up”, including the annual Kite Flight Parade Festival and Expo on August 15, 2015 at Rothfuss Park. For more information contact Penfield Recreation at 340-8655 or visit www.autismup.org.

3. The Penfield Players will perform its summer staged reading of David Mamet’s “Keep Your Pantheon,” on Saturday, July 18, 2015 at 2:00 PM at the Penfield Community Center, 1985 Baird Road. For more information visit www.penfieldplayers.org.

4. The Town offices will be closed in observance of Independence Day, Friday, July 3, 2015.

5. Parking restrictions will be enforced during the Town’s Independence Day Celebration and No Parking signs will be posted on Friday, July 3. For a full list of parking restrictions visit www.penfield.org.


7. Penfield’s annual Independence Day parade will begin at 2:00 PM at the Penfield High School and travel to Penfield Community Center via NYS RTE 441. This year’s Parade Marshal is Mr. Steve Pellow and the Parade Emcee is Mr. John Kucko. Festivities will continue at Harris Whalen Park, beginning at 5:00 PM. Fireworks will begin at 10:00 PM. For more information please visit www.penfield.org.

8. The Penfield Trails Committee will sponsor a free public hike at Abraham Lincoln Park on Saturday, July 11, 2015 from 9:00 AM to 11:00 AM. Please contact the Penfield Recreation to pre-register at 340-8655.

9. The Summer Music Concert series kicks off this month at the Penfield Amphitheater located in Veteran’s Memorial Park. Tuesday, July 14, 2015 will feature the Bill Tiberio Band followed by the “Kids Fest” music series on Thursday, July 16, 2015 featuring “Paulsen and Baker.” Music begins at 7:00 PM. For more details about the series visit www.penfieldrec.org.
10. Councilwoman Linda Kohl’s next Community Chat will be held on Tuesday, July 21, 2015 from 5:30 to 7:00 PM at the Penfield Library, 1985 Baird Road.

Public Participation

Anita Abdoo, 18 Vixen Run stated that the bike paths located next to the road in front of the Town Hall and on Atlantic Avenue are in bad shape and would like them to be made safer.

Councilman Quinn stated the Town Board will inform Supervisor LaFountain of the bike trail issue and it will be looked into. Councilman Quinn also stated that Supervisor LaFountain will reach out to Mrs. Abdoo when he gets back into town.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of June 3, 2015 Councilwoman Metzler seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#15T-130 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 owners of 19 Blooms End, SBL #094.01-4-11, 2182 Five Mile Line Road, SBL #139.10-2-70, 1603 Hermance Road, SBL #095.04-2-47 and 68 Woody Lane, SBL #108.20-3-40 have failed to maintain the exterior areas at the subject properties 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 owners to maintain at these 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 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 2015 season also be charged to the 2016 property tax bill for the subject properties.

Moved: Moore
Seconded: Kohl

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

Adopted
Penfield Town Board, July 1, 2015

#15T-131 Authorization for MRB Group, P.C. to Provide Construction Stakeout for the Installation of Sanitary Sewers within the Parkview Drive/White Village Drive Area by Moore

WHEREAS, the Town Board recognized a significant level of resident support for the construction of sanitary sewers within the Parkview Drive / White Village Drive area; and

WHEREAS, the Town Board, based on this support authorized the preparation of a Request for Proposal for final engineering & design service for this project; and

WHEREAS, a proposal dated November 13, 2012, by MRB Group, PC, provided an estimate for professional engineering services for this project including Planning, District Formation, Survey & Mapping, Design, Bidding & Construction Administration; and

WHEREAS, Town Board Resolution 13T-121, dated May 15, 2013 authorized MRB Group, PC to undertake the preparation of the design documents; and

WHEREAS, on December 17, 2014, an Advertisement to Bid for Construction was issued by the Town Clerk for Extension #56 to the Penfield Consolidated Sewer District; and

WHEREAS, on January 23, 2015, bids were opened for this project and Fineline Pipeline, Inc. was the low bidder; and

WHEREAS, a construction stakeout is now required to establish the location of the manholes and pump station for the contractor; and

WHEREAS, the construction stakeout was contemplated as an additional service in the original MRB Group, P.C. contract; and

WHEREAS, on June 16, 2013, MRB Group, P.C., submitted a proposal for the construction stakeout in an amount not to exceed $15,950.00; and

WHEREAS, the Town Board discussed this proposal at its Work Session on June 24, 2014; and

NOW, THEREFORE BE IT RESOLVED, that based on the submitted estimate prepared by MRB Group on June 16, 2015, the Town Board hereby authorizes MRB Group, P.C. to provide the construction stakeout for the Parkview Drive/White Village Sewer project, in an amount not to exceed $15,950.00.

BE IT FURTHER RESOLVED, that Penfield Town Supervisor, R. Anthony LaFountain be and hereby is authorized to execute said proposal with the MRB Group P.C. for said action, subject to the review of the Town Attorney.

Moved: Moore
Seconded: Metzler

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

Adopted

#15T-132 Authorization for Supervisor to Sign an Amendment to the Agreement with Southpoint Cove, LLC, Providing for Sewer Capacity Improvements within Sewer District No. 12 (Empire Blvd.) by Moore

WHEREAS, the Penfield Town Board, through its Resolution 12T-219 of October 17, 2012, approved the Southpoint Cove Apartment project located at 1420 and 1440 Empire Boulevard, SBL# 108.06-1-8.1 and 108.06-1-8.2, consisting of 358 apartments and a clubhouse; and
WHEREAS, this project is served by Sanitary Sewer District No. 12, which through its establishment assigned certain sanitary sewer flow allocations to each property within said District; and

WHEREAS, during review of the Southpoint Cove project it was determined that projected sanitary flow rates would exceed the flow allocations originally assigned to the two (2) aforementioned properties; and

WHEREAS, the Town Board, as Commissioners of the District, have an obligation to preserve sufficient capacity for remaining properties within the District as was originally allocated; and

WHEREAS, on February 12, 2014, Resolution 14T-059 authorized the Supervisor to sign an agreement for sanitary sewer capacity improvements to Penfield Sewer District No. 12 (Empire Boulevard), which detailed the timing for a new pump station to be installed; and

WHEREAS, on May 20, 2015, a letter and proposed amendment language to the original agreement, was submitted by Passero Associates requesting a revision to said agreement; and

WHEREAS, the proposed amendment requests a modification to the timing of the installation and operation of the pump station, to allow the sixth building to be started through the issuance of a building permit, however, no Certificate of Occupancy of any kind, temporary or final, will be issued for said sixth building without the pump station being completed and operational; and

WHEREAS, the Town Board discussed this request at its Work Session on June 24, 2015;

NOW, THEREFORE BE IT RESOLVED, that based on the submitted proposal prepared by Passero Associates on May 20, 2015, the Town Board hereby approves the amendment to the original agreement allowing a building permit to be issued for the sixth building in the South Point Cove Apartment Development and no issuance of a Certificate of Occupancy until such pump station is installed and operational; and

BE IT FURTHER RESOLVED, that Penfield Town Supervisor, R. Anthony LaFountain be and hereby is authorized to execute said amended agreement with South Point Cove, LLC for said action, subject to the review of the Town Attorney.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Works

#15T-133 Awarding Contract for Salter Rack Storage System for Department of Public Works by Metzler

WHEREAS, sealed proposals were sought and requested in the manner prescribed by Law to furnish the Department of Public Works with quotes to provide a new salter rack storage system having weight bearing certifications necessary to safely store the empty salt spreaders. Bidders will be allowed to submit for either or both alternatives as following:

Bid Alternative No. 1 - Provide the steel frame platform structure, as identified on the plans and specifications, where the spreaders can be set using specialized front end loader forks (by-others). This proposal requires the bidder to modify the existing
column foundations to accept the above mentioned framework. Also as of this proposal the bidder will be required to modify the current 25 stainless steel spreader with fork pockets to accommodate the lifting forks. Scrap Value Deduct - This item will include all effort to remove, transport and scrap existing superstructure.

Bid Alternative No. 2 - Allows the bidder to offer their own alternative proposal to achieve the stated objective. Utilizing this option the bidder shall include in their price all necessary engineering design certifications to provide a complete system for safely removing the spreaders from the vehicles and safe storage method.

Scrap Value Deduct - This item will include all effort to remove, transport and scrap existing superstructure.

WHEREAS, On May 28, 2015 at 11:00 AM local time the following sealed proposals were received, opened and read publicly:

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<tr>
<th>Company</th>
<th>Alternative No. 1</th>
<th>Alternative No. 2</th>
<th>Scrap Value Deduct</th>
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<tr>
<td>Aloi Materials Handling</td>
<td>$145,915.00</td>
<td>-</td>
<td>-2,200.00</td>
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<tr>
<td>Fred A. Nudd Corporation</td>
<td>$114,750.00</td>
<td>$3,040.00</td>
<td>Option - Backer plates</td>
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<tr>
<td></td>
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<td>$116,790.00</td>
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WHEREAS, the bid proposal received from Fred A. Nudd Corporation was the lowest proposal received which meets the Town’s needs and meets or exceed all the Town’s bid specification and,

WHEREAS, the funds for these services are available in the 2015 DPW Highway budget and,

NOW, THEREFORE BE IT RESOLVED, that a contract be and hereby is awarded to; Fred A. Nudd Corporation, 1743 Rt. 104, P.O. Box 577, Ontario, New York 14519 to furnish a storage system replacement per bid specifications and the Town’s specifications this resolution and the bid submitted by Fred A. Nudd Corporation shall constitute the contract, which is to be reviewed and approved by the Town Attorney.

Moved: Metzler
Seconded: Moore

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

Adopted

Public Safety - None

Community Services

#15T-134 Authorization for Supervisor to Sign Recreation Contracts
By Kohl

Usah Shah, 688 East Ave. Apt. 7c, Rochester, NY 14607, Instructor for Healing and Transformative Power of Mindfulness, 8/17/15 – 9/14/15, for a fee of 70% of total revenue. Vouchers to be submitted on 8/5/15 and 9/2/15.

Sports Officials of the Rochester Area (SORA), c/o Gary Godden, 3 Edmar Ct., Rochester, NY 14467, to provide officials for the HS Basketball League, 6/29/15 - 8/2/15, for the fee of $28.00 per official per game, plus $20.00 per team for USSSA liability insurance. Vouchers to be submitted at end of season.
(Resolution #15T-134 - Continued)

Drew Coviello, 90 Alpine Dr., Rochester, NY 14618, on site Supervisor for Basketball League, 6/29/15 - 8/2/15 for a fee of $40.00 per session. Voucher to be submitted 8/5/15.

Moved: Kohl
Seconded: Metzler

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

Adopted

Old Business - None

New Business - None

Public Participation - None

Adjournment

Deputy Town Supervisor Quinn moved to adjourn the meeting at 7:47 PM.

Amy Steklof, RMC/CMC
Town Clerk