PENFIELD TOWN BOARD AGENDA
Wednesday, July 6, 2016, 2016 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 – May 18, 2016

VI Petitions

VII Resolutions by Function
   Law and Finance
   16T-157 2016 Budget Amendment – Recognition of Donation to Smith Road Cemetery

   16T-158 Authorization to Advertise for Sealed Proposals for the Construction Bids Related to Willow Pond Outfall Modification Project

   Public Works - None

   Public Safety - None

   Community Services
   16T-159 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, July 6, 2016 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

Also Present: Amy Steklof   Town Clerk
Richard Horwitz   Town Attorney

Absent: Robert Quinn   Councilman

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Communications and Announcements

1. The 6th Annual Penfield Business Chamber Golf Tournament to benefit the Shepherd Home will be held on Monday, July 25, 2016 at the Penfield Country Club. This year’s honorary chair is Naomi Silver, President and Chief Executive of the Rochester Red Wings. Register online at www.penfieldbusiness.org or call the Penfield Business Chamber at 348-8360.

2. The American Red Cross is in short supply of Type O positive blood. Visit www.redcrossblood.org or call 1-800-REDCROSS (1-800-733-2767) for details.

3. Check our Penfield’s Q.R.F.I.T. Trail system located at Rothfuss Park. Users can simply scan the codes with a smart phone QR code reader app and view the videos for a guided workout. Please visit www.qrfittrail.com for more information.

4. Assemblyman Mark Johns is hosting a free Community Electronics Recycling Day, Saturday, July 9, 2016 from 9:00 AM to 2:00 PM at Pittsford Mendon High School. For more information, please contact Assemblyman John’s office at 223-9130.

5. Penfield’s Summer Concert series at Penfield Amphitheater and Kiwanis Stage begins next Tuesday, July 12, 2016 with Cool Jazz featuring Prime Time Funk. Kidsfest concerts begin Thursday, July 14, 2016 with Mr. Loops and Saturdays on Stage series will begin Saturday, July 23, 2016 with Mike Kornish to help celebrate Penfield Recreation’s 60th Birthday Bash. All concerts begin at 7:00 PM. For a complete list of upcoming concerts, please visit www.penfieldrec.org.

6. The Penfield Trails Committee will sponsor a Free Public Hike at Abraham Lincoln Park on Saturday, July 9, 2016 from 9:00 AM to 11:00 AM. For more information please contact Penfield Recreation Department at 340-8655.

7. The Penfield Players 2016 Summer Readers’ Theater will have a staged reading of Joe Orton’s Loot on Saturday, July 30, 2016 at 2:00 PM at the Penfield Community Center. For more information please visit www.penfieldplayers.org.

8. Councilwoman Kohl’s next Community Chat will be held on Tuesday, July 19, 2016 from 5:30 PM to 7:00 PM at the Penfield Library.

Public Participation

Larry Telle, 27 Captains Cove Lane, Webster, stated he is a member of Citizens Against Pen Web Development proposed at 1141 Bay Road in Webster, and that the group is concerned that the proposed apartment
complex off of Bay Road and bordering the Town of Penfield does not fit into the environment. He stated that there is concern with the height of the building as well as with increased traffic if the proposal is approved.

Supervisor LaFountain asked Mr. Telle if he had attended any of the Webster hearings for this project?

Mr. Telle said “yes.”

Councilwoman Metzler asked how far along is the Town of Webster in the process?

Mr. Telle stated that the Zoning Board has met, but the Planning Board has delayed discussions twice.

Supervisor LaFountain stated he believes the County is doing some traffic monitoring along that corridor.

Joseph West, 124 Castle Acres Drive, stated he has the most northwest house in the Town of Penfield and stated his property borders the Pen Web project. He stated he has not received any notifications about the project from the Town of Penfield, but was told by the Town of Webster that the Town of Penfield had been notified of this project and wondered why the Town of Penfield had not sent out communications to property owners adjacent to the project. He is concerned with setbacks. He also stated that when he contacted the Town of Penfield he was told that there is nothing the Town can do since it’s not the Town’s project. Mr. West went on to say that this project will have an impact on his property value and quality of life. He requested that the Town get actively involved in this project. He hopes the Town can do something to help modify the project.

Supervisor LaFountain stated that the Town of Webster has the responsibility of providing neighborhood notifications. In addition they notify the Town of Penfield, which they did in August of 2015. He went on to say that the Town of Penfield requires a minimum 80 foot setback. Supervisor LaFountain said he has had conversations with the Webster Town Supervisor in which he was told that in the current plan there is a 50 foot buffer and 150 feet from the property line to the edge of the building foundation. He also said that the Webster Town Supervisor has told him the proposal is not currently before the Town Board. Supervisor LaFountain stated he will follow up with the Webster Town Supervisor to get a sense of what the next steps will be.

Mr. West stated he is happy to hear that the Town of Penfield is keeping up to date with the steps of the project. He hopes the Town of Penfield can help in getting the project scaled back to a reasonable level.

Councilwoman Metzler stated she will be happy to reach out to the members of the Webster Town Board. She also suggested that Mr. West reach out to his County Legislator, George Hebert who represents Penfield and part of Webster.

Julie Bausch, 1741 Fairport Nine Mile Point Road inquired about the Mixed Use Residential proposal on the farmland, currently owned by the Evangelical Church of Fairport, which is located at the corner of Atlantic Avenue and NYS RTE 250. She asked if the Town Board has any additional information pertaining to the proposal.

Supervisor LaFountain stated information can be found on the Town’s website at www.penfield.org. He informed Ms. Bausch that the proposal is currently a held item, but most likely will be discussed by the Town in 6-8 weeks from now. He encouraged Ms. Bausch to view the Town Board Work Session agendas on the website to see when the next Town Board discussion will take place pertaining to this topic.
Additions and Deletions to Agenda

Councilman Moore moved to add resolutions #16T-160 and #16T-161 to the agenda, Councilwoman Kohl seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of May 18, 2016 Councilwoman Metzler seconded and all voted “Aye.”

Petitions

Resolutions by Function

Law and Finance

#16T-157  2016 Budget Amendment – Recognition of Donation to Smith Road Cemetery by Moore

WHEREAS, in June of 2016, the Town received a donation in the amount of $100 from Richard T. Busch and,

WHEREAS, said donation was designated for repairs of headstones at Smith Road Cemetery and,

WHEREAS, the Town Board desires to have an up-to-date budget in relation to current income and expenditures,

BE IT RESOLVED, that the following 2016 Budget Amendment be approved as follows:

<table>
<thead>
<tr>
<th>General Fund Revenue:</th>
<th>Amount</th>
<th>Revised Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smith Road Cemetery</td>
<td>$100</td>
<td>$100</td>
</tr>
<tr>
<td>A00-7110-2801-0090</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>General Fund Appropriations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount</td>
</tr>
<tr>
<td>Cemetery</td>
</tr>
<tr>
<td>A00-7110-0004-4087</td>
</tr>
</tbody>
</table>

Moved: Moore
Seconded: Kohl

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

Adopted

#16T-158 Authorization to Advertise for Sealed Proposals for the Construction Bids Related to Willow Pond Outfall Modification Project by Moore

WHEREAS, the Town of Penfield maintains the Willow Pond Stormwater control facility that is located on the boundary of the Town of Penfield and Town of Perinton; and

WHEREAS, the pond is regulated by the New York State Department of Environmental Conservation due to the presence of a dam; and

WHEREAS, the Town of Penfield is looking to have the Willow Pond Dam downgraded from a Class “C” High Hazard Dam to a Class “B” Medium Hazard Dam; and

WHEREAS, in accordance with the NYSDEC’s dam regulations, the Town of Penfield is requesting proposals from construction firms to provide services for the construction of modifications to the outfall structures, per the specifications and drawings to meet the NYSDEC’s requirements; and
WHEREAS, this project consists of replacing the current service spillway with a concrete box culvert and outlet structure in order to provide added flood benefits downstream of Willow Pond; and

WHEREAS, Contract Documents, including Advertisement For Bids, Information For Bidders, Labor and Employment, Bid Documents, Agreement, General Conditions, General Requirements, Specifications, Contract Drawings and any Addenda, may be examined at the Town of Penfield Town Hall; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Engineer be, and hereby is, authorized to advertise, in the manner prescribed by Law, for sealed proposals for the Willow Pond Outfall Modification Project to complete the project as per the construction documents prepared by Barton & Loguidice, D.P.C.; and

BE IT FURTHER RESOLVED, that all bids for said work are to be received in the Office of the Town Clerk until 11:00 AM, EST, August 5th, 2016, at which point they are to be opened and publicly read.

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

Adopted

Public Works - None  
Public Safety - None  
Community Services

#16T-159 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:

Sports Officials of the Rochester Area (SORA), c/o Gary Godden, 189 Parkview Terrace, Rochester, NY 14617, to provide officials for the HS Basketball League, 6/27/16 - 8/3/16, 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.

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 2nd, 2016 for a fee of $5,800.00. Voucher to be submitted on 7/6/16. Manual check requested.

Moved: Kohl  
Seconded: Metzler  
Vote:  
Kohl  Aye  
LaFountain  Aye  
Metzler  Aye  
Moore  Aye

Adopted

Old Business - None
New Business

#16T-160 Authorization for Pollution Insurance Coverage 2016-2017
by Moore

WHEREAS, the Town Board requested that insurance quotes be obtained so that selection could be made for July 1, 2016 to June 30, 2017 insurance year for pollution coverage for the DPW site, and

WHEREAS, First Niagara Risk Management solicited six quotes on behalf of the Town,

NOW, BE IT RESOLVED that the quote of $5,228 from Crum & Forster is approved for the Town of Penfield’s pollution insurance coverage needs for the 2016-2017 insurance year.

Moved: Moore
Seconded: Kohl

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

Adopted

#16T-161 Setting a Public Hearing for a Conditional Use Permit to Allow a Deck and Additional Outdoor Dining and a Larger Freestanding Sign than Permitted at 1776/1778 Penfield Road – 139.05-2-27 and 139.05-2-28 – Anthony DaPice by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit pursuant to §250-12.2 and §250-10.12.B(1) of the Code to allow a deck with additional outdoor dining and a larger freestanding sign than permitted at 1776/1778 Penfield Road, located in the Four Corners (FC) zoning district;

NOW, THEREFORE BE IT

RESOLVED, that the Penfield Town Board is best suited to act as lead agency within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as lead agency pursuant to SEQRA; and be it further

RESOLVED, that the subject application is determined to be a Type II action pursuant to State Environmental Quality Review Law; and be it further

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 August 3, 2016, 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 Conditional Use Permit to allow a deck with additional outdoor dining and a larger freestanding sign than permitted at 1776/1778 Penfield Road in the Four Corners (FC) 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.
Penfield Town Board, July 6, 2016

(Resolution #16T-161 - Continued)

Moved: Moore
Seconded: Metzler

<table>
<thead>
<tr>
<th>Vote:</th>
<th>Kohl</th>
<th>Aye</th>
<th>Metzler</th>
<th>Aye</th>
<th>LaFountain</th>
<th>Aye</th>
<th>Moore</th>
<th>Aye</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Adopted

Public Participation - None

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:32 PM.

Amy Steklof, RMC/CMC
Town Clerk