PENFIELD TOWN BOARD AGENDA
Wednesday, August 17, 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 – July 6, 2016

VI Petitions

VII Resolutions by Function

Law and Finance
16T-175 Authorization to Maintain Properties and Assess the Charges to the 2017 Property Tax Bills

16T-176 Budget Amendment for 2016 – Recognition of Donation to DEAR Program and Children’s Programs

16T-177 Approval of Out of District User Status for the Property Located at 1271 Fairport Nine Mile Point Road

16T-178 Awarding a Contract for the Construction Related to Willow Pond Outfall Modification Project

16T-179 Setting a Public Hearing for the Establishment of Extension No. 59 to the Penfield Consolidated Sanitary Sewer District – Windsor Ridge Subdivision – 2826 Atlantic Avenue

16T-180 Setting a Public Hearing for the Establishment of Extension No. 58 to the Penfield Consolidated Sanitary Sewer District – Barclay Park Subdivision – 1213 Fairport Nine Mile Point Road
16T-181 Approval of Issuance of a Conditional Use Permit to Allow a Deck and Additional Outdoor Dining and a Larger Freestanding Sign than Permitted at 1776/1778 Penfield Road – Bistro 1778

16T-182 Setting a Public Hearing for the Establishment of the Windsor Ridge Subdivision Special Improvement District

16T-183 Setting a Public Hearing for Adoption of Local Law No. 2 of 2016 to be known as “The Town of Penfield Best Value Contract Award Law”

16T-184 Award Contract for Market Value Appraisal of Shadow Pines, 600 Whalen Road, Penfield, NY 14526

Public Works
16T-185 Setting a Public Hearing to Consider the Establishment of the Windsor Ridge Subdivision Intensified Sidewalk District District No. 19

Public Safety - None

Community Services
16T-186 Authorization for Supervisor To Sign Recreation Contracts

VIII Old Business
IX New Business
X Public Participation
XI Adjournment
Penfield Town Board, August 17, 2016

The Regular meeting of the Penfield Town Board was held on Wednesday, August 17, 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
         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. School Tax bills will be mailed on August 31, 2016. Please contact the Tax Receiver with any questions you may have at 340-8625.

2. The third annual Golf Tournament to benefit the Penfield Ecumenical Food Shelf will be held on Monday, August 29, 2016 at Shadow Lake Golf Course. For more information please visit [www.donsrestaurantandpub.com](http://www.donsrestaurantandpub.com) or call John at 377-1040.

3. Auditions will be held for the Penfield Players Fall Play “Murder Weapon” on Monday, August 29, 2016 and Wednesday, August 31, 2016 at 7:00 PM at the Penfield Community Center, 1985 Baird Road. For more information please visit [www.penfieldplayers.org](http://www.penfieldplayers.org) or visit the Penfield Players Facebook page.

4. Autism Up presents their 4th annual Kite Flight Parade, Festival and Expo on Saturday, August 20, 2016 from 10:00 AM to 2:00 PM at Rothfuss Park. For more information and to learn more about Autism Up, please visit their website at [www.autismup.org](http://www.autismup.org).

5. Just a reminder that the Town offices will be closed on Monday, September 5, 2016 in observance of Labor Day. The Penfield Public Library will be closed Saturday, September 3 to Monday, September 5, 2016.

6. The Penfield Recreation 2016 Fall Brochure has been mailed to our Town Residents. You can also view the brochure online at [www.penfieldrec.org](http://www.penfieldrec.org). Registration begins on Tuesday, September 6, 2016.

7. The Penfield Library will be holding their 40th annual Used Book Sale September 13 to 17, 2016 at the Penfield Community Center, 1985 Baird Road. For more information, please visit [www.penfieldlibrary.org](http://www.penfieldlibrary.org).

8. Councilwoman Kohl’s next Community Chat will be held on Tuesday, September 20, 2016 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

Public Participation

Kathryn Burke, 91 Panorama Trail expressed concern about drivers exceeding the speed limit on Panorama Trail and Browncroft Boulevard. She suggested that extra signage be placed alerting the public that there are children at play in the area and to slow down.

Supervisor LaFountain stated that a speed trailer is planned to be placed in the area and the issue will be brought up at the next Transportation Committee meeting. The Transportation Committee will be asked to review the area to see if it requires more signage or other modifications. The Transportation Committee will next meet after Labor Day.
Penfield Town Board, August 17, 2016

(Public Participation - Continued)

Zachary and John Wilke, 24 Winterbury Circle approached the dias. Zachary stated that when he walks in the cross walk across Baird Road, near the Recreation Center, vehicles don’t yield to him. He would like the Town to consider a speed reduction in that area. He also suggested adding a cross walk signal in the area to help drivers focus on the crosswalk. He feels then they would be more likely to yield to pedestrians. John Wilke asked the Town to consider putting in place an awareness program. He stated that he had contacted the Transportation Committee and found that back in April the Committee had suggested a blinker type crosswalk be placed in front of the library. Mr. Wilke suggested that the Town Board consider making the Town of Penfield a “Walk Friendly Community” and commission the Transportation Committee to look at available information on how the Town could get certified as a “Walk Friendly Community.”

Ed Lindskoog, 40 Willow Pond Way, stated that as he continues to clear the woods at Willow Pond he has come across the invasive vines of the Pale Swallow - Wort. He has found that the area is being overrun by this weedy vine which chokes out desirable plant species. He stated that the best way to get rid of the vine is to dig up the roots and seal it in black bags. This will minimize its impact. He also suggested that the Town pursue looking into getting rid of the species by working with the Conservation Board and obtaining copies of the Invasive Species pamphlet.

Supervisor LaFountain stated he will inform Mark Valentine of this so that his team can follow up on this issue.

Kevin Gallagher, 1973 Dublin Road stated that the Pale Swallow-Wort has been around for a long time and is very difficult to get rid of. He said herbicides will not touch it.

Mr. Gallagher asked the Town to review the Sidewalk Policy and Street Lighting Policy. Mr. Gallagher read a statement that pertained to a number of topics and requested the Town Board to respond to them. The requests include the following: 1) Where does the right to designate a farmstead reside? A) Specifically what sentence? 2) Does that right reside any place else? A) If yes, where? 3) Is the Town required to protect the rights within the Conservation Easement? Mr. Gallagher’s statement can be found at the end of the Minutes. A list of public comments are also attached. A list of names and addresses from an online Petition pertaining to “Protect Dublin Hill” was given to Town Clerk Steklof to have her copy and email the Town Board and Town Attorneys.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of July 20, 2016 Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#16T-175 Authorization to Maintain Properties and Assess the Charges to the 2017 Property Tax Bills by Moore

WHEREAS, on December 16, 2015, the Town Board of the Town of Penfield adopted a resolution to enact Local Law #3 of 2015 entitled “A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF PENFIELD INTO A MUNICIPAL CODE TO BE DESIGNATED THE CODE OF THE TOWN OF PENFIELD; and
WHEREAS, the purpose of the Code of the Town of Penfield includes, among other things, to provide for the safety, health protection and general welfare of persons and property in the Town of Penfield by requiring the maintenance of all such properties within the Town; and

WHEREAS, the property owner of 1297 Thistleberry Lane, SBL #095.01-2-75 has failed to maintain the subject property in accordance with the applicable code requirements, which is resulting in concerns for the safety, health protection and general welfare of surrounding persons and properties; and

WHEREAS, the Town staff has continually requested the maintenance of the subject property by the owner thereof 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 2016 season also be charged to the 2017 property tax bill for the subject property.

Moved: Metzler
Seconded: Kohl

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

Adopted

#16T-176 Budget Amendment for 2016 – Recognition of Donation to DEAR Program and Children’s Programs by Moore

WHEREAS, in June, July and August of 2016, the Recreations Department received donations to the Daytime Education At Recreation (DEAR) Program, several in memory of May Leone, and one donation for children’s programming totaling $250 as detailed:

Seymour & Margaret Shenkman $25 In Memory
Megda White $5 In Memory

The Wednesday Tea Group: Sharon Vito, Carol Vito, Karen Warden, Magda White, Pat Hilton, Kathy Dolan, Joanne Bansback, Margaret Brennan, Connie Peters, Anne Feasel, Mary Feasel, Carol Radl, Karen Lovecchio $95 In Memory

Margaret Brennan $50
Mary Infantino $25
Margaret Brennan $50 Children’s Programs

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:

General Fund Revenue:

<table>
<thead>
<tr>
<th>Descriptions</th>
<th>Increase Amount</th>
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<tr>
<td>DEAR Program</td>
<td>$200</td>
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<td>A00-6772-2001-0001</td>
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Penfield Town Board, August 17, 2016

(Resolution #16T-176 – Continued)

Band Concerts
A00-7551-2001-0008 $50

**General Fund Appropriations:**

<table>
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<th>Description</th>
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<tr>
<td>Daytime Education at Recreation</td>
<td>$200</td>
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<tr>
<td>A00-6772-0004-4042</td>
<td></td>
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<tr>
<td>Band Concerts</td>
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<tr>
<td>A00-7551-0004-4008</td>
<td>$50</td>
</tr>
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</table>

Moved: Metzler
Seconded: Kohl

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

Adopted

#16T-177 Approval of Out of District User Status for the Property Located at 1271 Fairport Nine Mile Point Road by Moore

WHEREAS, William J Jr. and Laura Vendel, owners of property located at 1271 Fairport Nine Mile Point Road, in the Town of Penfield, have requested Out of District User status for sanitary sewer service; and

WHEREAS, this parcel is not presently within a sanitary sewer district or extension thereof; and

NOW, THEREFORE, BE IT RESOLVED, that an Agreement, as provided in the Town Board’s Resolution No. 83 of 1982 be executed between said property owners and the Town Board of the Town of Penfield providing for Out of District User status for the property located at 1271 Fairport Nine Mile Point Road.

Moved: Metzler
Seconded: Kohl

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

Adopted

#16T-178 Awarding a Contract for the Construction 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 desires to have the Willow Pond Dam downgraded from a Class “C” High Hazard Dam to a Class “B” Medium Hazard Dam as it can comply with the NYSDEC regulations to do so; and

WHEREAS, sealed proposals were sought and duly advertised for the project as outlined within the plans and specifications on file with the Penfield Town Clerk; and

WHEREAS, on Friday August 5, 2016 at 11:00 AM, EST the following sealed proposals for said project were received, opened and read publicly by the Town Clerk:
(Resolution #16T-178 – Continued)

<table>
<thead>
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<th>Contractor</th>
<th>Address</th>
<th>Base Bid</th>
</tr>
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<tbody>
<tr>
<td>Keeler Construction</td>
<td>13519 West Lee Road</td>
<td>$193,176.70</td>
</tr>
<tr>
<td>Villager Construction</td>
<td>425 Old Macedon Center Road</td>
<td>$274,895.20</td>
</tr>
</tbody>
</table>

WHEREAS, both bids were evaluated and the bid submitted by Keeler Construction was found to be the lowest bid for the specified improvements, and has met the Town's bidding requirements for this project;

NOW, THEREFORE, BE IT RESOLVED that the contract for the above project be, and hereby is, awarded to Keeler Construction for the total amount of $193,176.70; and

BE IT FURTHER RESOLVED, that the said award is subject to submission and approval of appropriate Bonds and Insurance, at which time the contractor is given Notice to Proceed with this contract.

Moved: Metzler
Seconded: Kohl

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

Adopted

#16T-179 Setting a Public Hearing for the Establishment of Extension No. 59 to the Penfield Consolidated Sanitary Sewer District – Windsor Ridge Subdivision – 2826 Atlantic Avenue by Moore

WHEREAS, a written Petition has been received by the Penfield Town Board, duly dated and verified to contain the required signature(s), and having been presented to and filed with the Town Board of the Town of Penfield, Monroe County, New York, for the establishment of Extension No. 59 to the Penfield Consolidated Sanitary Sewer – Windsor Ridge Subdivision – 2826 Atlantic Avenue; and

WHEREAS, the improvements proposed consist of sanitary sewer pipes, lines, hardware, and all the necessary and appurtenances thereto, for the purpose of constructing said sewer lines as shown on the map and plan attached to and made a part of the petition and filed in the office of the Clerk of said Town, and

WHEREAS, the entire cost of the improvements to be constructed in said sewer district extension shall be borne by the developer of said extension;

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 21st day of September, 2016 at 7:00 PM on said date, to consider said Petition 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 Petition as may be required by Law, 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 of the aforesaid Public Hearing, and that a copy of this resolution shall be posted on the official sign board of the Town as prescribed by Law.
(Resolution #16T-179 – Continued)

Moved: Metzler
Seconded: Kohl

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

Adopted

#16T-180 Setting a Public Hearing for the Establishment of Extension No. 58 to the Penfield Consolidated Sanitary Sewer District - Barclay Park Subdivision - 1213 Fairport Nine Mile Point Road

By Moore

WHEREAS, a written Petition has been received by the Penfield Town Board, duly dated and verified to contain the required signature(s), and having been presented to and filed with the Town Board of the Town of Penfield, Monroe County, New York, for the establishment of Extension No. 58 to the Penfield Consolidated Sanitary Sewer - Barclay Park - 1213 Fairport Nine Mile Point Road; and

WHEREAS, the improvements proposed consist of sanitary sewer pipes, lines, hardware, and all the necessary and appurtenances thereto, for the purpose of constructing said sewer lines as shown on the map and plan attached to and made a part of the petition and filed in the office of the Clerk of said Town, and

WHEREAS, the entire cost of the improvements to be constructed in said sewer district extension shall be borne by the developer of said extension;

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 21st day of September, 2016 at 7:00 PM on said date, to consider said Petition 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 Petition as may be required by Law, 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 of the aforesaid Public Hearing, and that a copy of this resolution shall be posted on the official sign board of the Town as prescribed by Law.

Moved: Metzler
Seconded: Kohl

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

Adopted

#16T-181 Approval of Issuance of a Conditional Use Permit to Allow a Deck and Additional Outdoor Dining and a Larger Freestanding Sign than Permitted at 1776/1778 Penfield Road – Bistro 1778

By Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use 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;
WHEREAS, the Town Board of the said Town of Penfield held a Public Hearing at the 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 application and hear all persons interested on the question of the issuance of a Conditional Use Permit to allow the construction of a deck for outdoor dining and allowing a larger freestanding sign than permitted at 1776/1778 Penfield Road, in the Four Corners (FC) zoning district and the Public Hearing was closed.

NOW, THEREFORE, BE IT RESOLVED, that the applicants’ request for a CONDITIONAL USE PERMIT to allow the construction of a 20’ x 22’ (440 square foot) deck to the front of the former T Bones now the Bistro 1778 restaurant for outdoor dining at 1776/1778 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a CONDITIONAL USE PERMIT from the Town Clerk and pay the appropriate fee. The CONDITIONAL USE PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a CONDITIONAL USE PERMIT from the Town Board to operate a business with outdoor dining at this location.

2. The applicant shall comply with the occupancy requirements that have been established for the proposed deck by the Penfield Fire Marshal in accordance with the New York State Building Code and obtain any/all necessary permits from the Building Department. The maximum number permitted for the deck area shall not exceed 28 seats.

3. Adequate on-site parking and shared parking with the adjacent commercial properties shall be available at all times to accommodate the applicant’s business. At no time shall the adjacent residential property owners be adversely impacted by those patronizing this business.

4. The owner of the subject property shall replace the existing six (6) foot fence along the easterly property line to continue to buffer adjacent residential properties from potential noise generated on the deck.

5. The applicant shall install an awning or curtain or similar material on the east side of the deck to reduce noise impacts to the adjacent residential property owner to east of the site.

6. The applicant shall install a sign on the southeast portion of his property which provides direction to his parking lot on Liberty Street, thereby preventing his patrons from accidently turning into his neighbor’s driveway, causing unsafe conditions to those patrons and the driving public as those patrons back into Penfield Road once they realize they have mistaken the driveway for an entrance to the restaurant parking lot. The wording of said sign shall be approved by the Town Board.

7. The applicant shall obtain a Liquor License from the New York State Liquor Authority prior to serving alcohol on the deck, if so required by that agency; furthermore, the applicant shall ensure that the primary use of deck is for sit-down dining and that the sale of alcohol is secondary and incidental to the sale of food.

8. The applicant shall install low grown plantings in front of the patio to make the patio more aesthetically pleasing from the street. In addition, the applicant shall install plantings on the easterly property line as he proposes to provide additional buffering to his neighbor.

9. The applicant has requested and shall be permitted to have “piped” music on the proposed deck during the hours of operation. At no time shall music emanate beyond the subject property lines.
10. The proposed deck shall be opened for food service between the hours of 11:00 AM and 9:30 PM with the deck being closed to the public at 10:00 PM on a nightly basis.

11. The applicant has submitted a proposed sign package for the property which is not complete enough for the Board to review. In addition, the Board finds that what has been submitted is excessive for the property and is requiring the applicant to meet with the Director of Developmental Services to complete the sign package and revise it to be in substantially greater compliance with the requirements of the Sign Ordinance. Upon submission of a complete, revised sign package in which the amount of signage has been reduced, the Board will review said package for a determination of approval.

12. This operation shall comply with all Federal, State, County and Town Codes.

13. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Special Permit pursuant to the requirements of the Zoning Ordinance.

AND BE IT FURTHER RESOLVED, that the applicant’s proposal is classified as an Unlisted action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and no environmental review is necessary.

The Town Board, in granting the Conditional Use Permit, does so based on its following findings:

1. The applicant has operated a restaurant at this location since 2010 and has maintained compliance with the requirements of the Penfield Zoning Ordinance at all times during operation.

2. The applicant is proposing to rebrand the former T Bones restaurant to Bistro 1778. In doing so, he is proposing to install a new 440 square foot deck with pergola for outdoor dining to accommodate 28 patrons in compliance with the NYS Building Code. He also proposes to modify the existing outdoor patio area to a “conversation area” with fire pits and lounge chairs. This will reduce the outdoor seating in this area but not eliminate it. He further proposes to resurface his parking lot, install new vinyl siding on the exterior of the restaurant, replace the roof and refurbish the existing decking and install a new fence along his easterly property line to enhance the buffer between the restaurant and his residential neighbor.

3. The applicant’s proposed improvements will enhance the property as well as the neighborhood in general.

4. The Board has permitted the applicant to have “piped” music on the deck during its hours of operation subject to ensuring that it does not exceed the boundaries of the property.

5. The Board has limited the hours of operation of the deck so that food service ends at 9:30 PM and the deck is closed at 10:00 PM to ensure that its use does not become a detriment or nuisance to adjacent property owners. The applicant has agreed to the Board’s requirement and will adhere to the approved hours of operation.
6. There are adequate parking facilities (30 spaces) on site and shared parking with the commercial property owners within the Penfield Place Complex to accommodate this business as proposed. The applicant has proposed buffering of the outdoor dining area in the form of a new fence along the easterly property line and the installation of an awning or curtain to further mute conversation on the deck during its use.

7. The applicant has offered to install a directional sign to ensure that his patrons do not accidently turn into the adjacent residential property on Penfield Road. This has been an ongoing concern over the years for the adjacent property owner as patrons mistake her driveway for the entrance to the restaurant parking lot. Once they realize that they have made a mistake, they back out into oncoming traffic on Penfield Road, creating an unsafe condition for themselves and the driving public. It is anticipated that the proposed directional sign will assist in preventing this from occurring in the future. The Town Board will look at alternatives with the applicant and the neighbor if it fails to do so.

8. The proposal is consistent with, and furthers the goals and objectives of the Four Corners zoning district.

Moved: Metzler  
Seconded: Kohl  

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

Adopted

#16T-182 Setting a Public Hearing for the Establishment of the Windsor Ridge Subdivision Special Improvement District by Moore

WHEREAS; a written Petition has been received by the Penfield Town Board, duly dated and verified to contain the required signatures, and having been presented to and filed with the Town Board of the Town of Penfield, Monroe County, New York, for the establishment of Windsor Ridge Subdivision Special Improvement District, and

WHEREAS; the proposed improvements consist of maintenance of all public areas and betterments such as the stormwater treatment facilities, subdivision identification signs and other such items as deemed appropriate within the Windsor Ridge Subdivision that solely benefit the residents thereof; and

WHEREAS; the boundaries of said improvement district and general layout of facilities within are shown on the Map and Plan attached to and made a part of said Petition which is filed in the office of the Penfield Town Clerk, and

WHEREAS; the cost of the installation of improvements associated with the Windsor Ridge Subdivision Special Improvement District were borne by the developer of said subdivision.

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 21st day of September, 2016 at 7:00 PM on said date, to consider said Petition 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 Petition as may be required by Law, 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 of the aforesaid Public Hearing, and that a copy of this resolution shall be posted on the official sign board of the Town as prescribed by Law.

Moved: Metzler
Seconded: Kohl

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

Adopted

#16T-183 Setting a Public Hearing for Adoption of Local Law No. 2 of 2016 to be known as "The Town of Penfield Best Value Contract Award Law" by Moore

WHEREAS, the Town Board of the Town of Penfield wishes to consider adopting proposed Local Law No. 2 of 2016 which would put into effect a Best Value Contract Award Law; and

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 September 21, 2016, at 7:00 PM on said date, to consider the said proposal and to hear all persons interested on the question of the adoption of Local Law No. 2 of 2016 which would put into effect a Best Value Contract Award Law, a copy of which is annexed hereto as schedule "A", 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 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: Metzler
Seconded: Kohl

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

Adopted

See Schedule "A" at end of Minutes

#16T-184 Award Contract for Market Value Appraisal of Shadow Pines, 600 Whalen Road, Penfield, NY 14526 by Moore

WHEREAS, the Penfield Town Board requested proposals to provide an appraisal report to determine market value based on highest and best use, of the property formally known as Shadow Pines Golf Course and:

WHEREAS, Pogel, Schubmehl & Ferrara, LLC, has been determined to be the lowest overall responsible bidder meeting the specifications as set forth in the RFP; and

WHEREAS, Pogel, Schubmehl & Ferrara, LLC, has been determined to be the lowest overall responsible bidder meeting the specifications as set forth in the RFP; and
NOW, THEREFORE BE IT RESOLVED, that the Penfield Town Board hereby authorize the Town Supervisor to sign an agreement with, Pogel, Schubmehl & Ferrara, LLC, 2509 Browncroft Blvd., Rochester, New York 14625 in a form acceptable to the Town Attorney.

Moved: Metzler
Seconded: Kohl

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

Adopted

Public Works

#16T-185 Setting a Public Hearing to Consider the Establishment of the Windsor Ridge Subdivision Intensified Sidewalk District No. 19 by Moore

WHEREAS, the Town of Penfield Sidewalk Policy requires sidewalks along roadways in new subdivisions; and

WHEREAS, the developer of the Windsor Ridge Subdivision, located at 2826 Atlantic Avenue, has provided a petition for the formation of said sidewalk district;

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 the 21st day of September at 7:00 PM on said date, to consider the adoption of the Windsor Ridge Intensified Sidewalk District - District No. 19.

Moved: Metzler
Seconded: Kohl

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

Adopted

Public Safety - None

Community Services

#16T-186 Authorization for Supervisor to Sign Recreation Contacts by Kohl

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

David Weaver, 14 Brightford Heights Road, Rochester, NY 14610, Women’s Fall Soccer League, 9/10 - 11/5/16, for a fee of $200 as Referee Assignor and $40 per game as Referee. Vouchers to be submitted 9/7/16 and 10/19/16.

The following persons to officiate soccer games for the Penfield Recreation Women’s Fall Soccer League, 9/10 - 11/5/16, for a fee of $40.00 per game:

Refik Nuhanovic, 288 Fox Run, Rochester, NY 14606
Candace Tarana, 31 Hemlock Woods Lane, Rochester, NY 14615
Casey Tarana, 31 Hemlock Woods Lane, Rochester, NY 14615
Kathleen Buckley, 71 Valewood Run, Penfield, NY 14526

Vouchers to be submitted 10/19/16.
Penfield Town Board, August 17, 2016

(Resolution #16T-186 – Continued)

Penfield Sport and Fitness, 667 Panorama Trail W, Rochester, NY 14625, Aqua Pre-Natal Yoga, Water Yoga, Swim Lessons – 6 months – Age 3, and Boot Camp with Phil, 9/15 – 12/12/16, for a fee of 70% of the total program revenue. Vouchers to be submitted 10/5, 11/2 and 12/7/16.

Ready to Respond Training Services, Domenic Danesi, 1440 Long Pond Road, Rochester, NY 14626, Babysitting – 10/15/16 and Safety First for Children – 10/8/16, for a fee of 70% of the total program revenue. Vouchers to be submitted 10/5 and 10/19/16.

McWherter Equestrian LLC, 1865 Salt Road, Fairport, NY 14450, Horseback Riding Intro, 10/24 – 11/23/16, for a fee of 70% of the total program revenue. Voucher to be submitted 11/16/16.

Perinton Youth Hockey, 80 Lyndon Road, Fairport, NY 14450, Intro to Ice Skating and Hockey, 10/23 – 12/11/16, for a fee of 70% of the total program revenue. Voucher to be submitted 11/2 and 12/7/16.

Gymnastics Training Center, 2051 Fairport Nine Mile Point Road, Penfield, NY 14526, Gymnastics - Beginner, 9/19 – 10/24/16 for a fee of 75% of the total program revenue. Voucher to be submitted 10/19/16.

Maureen Ward, 46 Reynolds Road, Webster, NY 14580, Handmade Holiday Cards – 9/27, 10/18 and 11/15/16, for a fee of 70% of the total program revenue. Vouchers to be submitted 10/5 and 11/16/16.

Martha Sweeney, 74 Redwood Drive, Penfield, NY 14526, Painting and Drawing, 9/19 – 11/7/16, for a fee of 70% of the total program revenue. Vouchers to be submitted 10/5 and 11/2/16.

Steve Link, 11 Antelope Lane, Rochester, NY 14623, Social Ballroom Dancing, 9/22 – 11/10/16 for a fee of 70% of the total program revenue. Vouchers to be submitted 10/5 and 11/16/16.

Kathryn Boone, KB Dog Training, 105 Highwood Road, Rochester, NY 14609, Dog Obedience, 9/10 – 10/29/16 for a fee of 70% of the total program revenue less expenses. Vouchers to be submitted 9/21 and 11/2/16.

Therese Bason, 172 D Serene Park, Webster, NY 14580, Barre 9/17 – 12/17/16, Pilates Mat with Therese 9/20 – 12/20/16, Vinyasa Yoga and Yoga for Beginners 9/22 – 12/15/16, for a fee of 75% of the total program revenue per class for 10 or less registrants or a fee of 70% of the total program revenue per class for over 10 registrants. Vouchers to be submitted 10/5, 11/2 and 12/7/16.

Victory Fitness, 52 Depew Street, Rochester, NY 14611, Forever Fit 9/15 – 12/13/16 and Zumba Gold 9/14 – 12/14/16, for a fee of 70% of the total program revenue. Vouchers to be submitted 10/5, 11/2 and 12/7/16.

Alana Cahoon, 15 Summit Drive, Rochester, NY 14620, Getting the Body I Want, 9/21 – 11/30/16, for a fee of 70% of the total program revenue. Vouchers to be submitted 10/5 and 11/16/16.

Jacqueline Nicoletti, Inc., Attn: Jacqueline Holtzman, 95 Woodside Drive, Penfield, NY 14526, Healthy Happy Feet Course, 11/2 – 11/23/16 for a fee of 70% of the total program revenue. Voucher to be submitted 11/16/16.

Rosemary Irwin, 10 Blossom Circle West, Rochester, NY 14610, Facilitator of New York Council for the Humanities grant project “Collective Wisdom: The Diversity which Unites those in the Second Half of Adulthood.” Penfield Recreation will receive $900.00 grant from the New York Council for the Humanities which is to be processed as an honoraria to Rosemary Irwin at the completion of the program on 11/4/16. Voucher to be submitted on 11/2/16.
(Resolution #16T-186 - Continued)

Moved: Metzler
Seconded: Kohl

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 8:01 PM.

Amy Steklof, RMC/CMC
Town Clerk
August 17, 2016

In 2010 during review of the town comprehensive plan, I told this board, in public, that I believed there was a problem with including golf courses within the category of Open Space. As it turns out, now one of the Shadows is at risk for considerable development.

I am still waiting on action from the town relating to road safety which includes a review of sidewalk policy that dates back more than 3 years, a more recent street lighting policy review, and a calming and enforcement plan.

I don’t enjoy coming here. I do so because I believe it’s my duty as a citizen. Your response to me has to be based on the best interests of this community. When I say something, suggest something or request something, it is for good reason. I believe my requests today are in the best interest for both the Town and this Board.

Neighbors have expressed opposition to a bar within a residential neighborhood for various reasons. This is a response to the proposed incursion of an alcohol related business into our neighborhood, not just Oak and Apple. We consider a hard cidery tasting room a bar. We don’t want the sale and service of alcohol in our neighborhood and you probably don’t want the sale and service of alcohol in your neighborhood either. The production of alcohol is a commercial or industrial activity. Please revise the town zoning to restrict alcohol related activities to where they belong, in commercial or industrial zones, not residential zones. As there are still “Dry” communities in New York State this is not a problem and Ag and Markets can not intervene. We’re not asking for a town-wide ban, just a limit to the right place.

Whose responsibility is it to identify violations of conservation easements, report the violations and properly address violations? What is going on with the Dublin Hill fence?

Please activate the Open Space Committee
Their tasks include
• Create procedures for responding to development related to conservation easements
• Create procedures for responding to violations to conservation easements
• Establish safe guards that are automatically activated for easement properties
• Document and record current easement conditions on properties
• Evaluate current easement related conditions and compare to baseline conditions
• Identify possible violations of easements

In September 2015 the town board made a mistake in believing that there was a farmstead for every subdivision within the Willimes conservation easement. Is that every tax ID subdivision or every property owner subdivision? The easement clearly states “A” farmstead, “A’” = 1, not 2 not 4 not 25. I am officially requesting that this board vacate or nullify that resolution.
in 2002 when the easement was signed and enacted there were 3 tax IDs and 1 property owner. By 2008 there were 4 tax IDs so a subdivision occurred. At some time prior to 2015 the property was sold then part of it was sold again so there are now two property owner subdivisions. Without any documentation to the contrary, the right preventing subdivision has been violated.

According to the easement, the town of Penfield had first refusal to purchase the Dublin Hill parcel. There is no record the town was ever offered first refusal. The right to first refusal was violated.

Oak and Apple has built a new fence that is not reasonably necessary, is not appropriate and interferes with the purposes and intent of the easement. We citizens and residents have reported this violation and we have no idea what is going on. There has been no response to our complaint. What is being done about the fence?

These are 3 instances where the rights within the easement have not been protected. The remedies for these issues are within the easement, if you know where to look.

On August 3rd, I tried to get answers and clarification from the board and counsel. I believe I stated and provided information that shows that counsel made false or misleading, unsupported and conflicting statements. Council was unable to demonstrate and prove Oak and Apple has a right to designate a Farmstead. In fact some conflicted statements support our position. There was reference to protected farming activities. Growing apples or grapes or corn is a protected activity. Building a cider mill is not a protected activity. It is not a primary farming activity. It is not a "Farm Area" activity. The Farmstead section of the easement includes a list of buildings that can be built within a Farmstead, however there is no farmstead. A list of buildings does not equal a right to designate a farmstead.

This may come as a revelation to you, an epiphany. It is actually obvious and you may kick yourself for not realizing this. ——The right to create a farmstead is in the section called, wait for it, —— "Farmstead" The other sections talk about other things. The farmstead section talks about Farmstead. Specifically, the only sentence that states the right to create a farmstead is this one, "The Grantor reserves the right to designate a Farmstead area for a winery within the conservation easement conveyed by Grantor to Grantee." It says "a" Farmstead area "for a winery." These are valid restrictions that are being ignored. There are others. The right is not stated anywhere else. If someone disagrees with this, please provide proof.

"The Grantor reserves the right to designate a Farmstead area for a winery within the conservation easement conveyed by Grantor to Grantee."

On August 9th as I stated, I followed up with specific questions in writing to the town. Within 10 days Counsel needs to fully review that document. They need to make corrections, clarifications and or deletions to specific statements made on July 27th as counsel to the board. Another option is to withdraw their statements entirely. Also, the questions must be answered. I recognize there are many questions but the board needs to know the answers. The answers are mostly simple but for many of
them the answer is "unknown." We also need the answers to those questions with enough time to prepare for the September 8th meeting.

You would not ask counsel to diagnose and repair the trucks for the snow plows, or the computer or broadcast systems. You would ask someone with specific expertise. While the conservation easement is a matter of law, it is a specific category that requires specific expertise. Humans learn more from mistakes than success. Use the mistakes as a catalyst to engage a specialist to protect the rights of the conservation easement.

We believe we’ve witnessed misconduct, so it is especially important that Oak and Apple people are paying attention. As citizens it is our responsibility to report these things. This is a last chance to make amends for that behavior. Please do the right thing.

You made decisions and you are making decisions that affect every resident in the town of Penfield. In order for you to make an informed decision, each of you must need to be able to answer the following questions (in public at some point.)

1. Where does the right to designate a farmstead reside?
   a. Specifically what sentence?
2. Does that right reside any place else?
   a. If yes, where?
3. Is the town required to protect the rights within the conservation easement?

Requests made to the Town include the following

- Activate the open space committee
- Vacate or nullify September 2015 Farmstead resolution
- Change zoning to restrict alcohol related activities
- Correct statements from July 27th
- Answer questions from August 3rd and 9th
- Agree to hire a specialist attorney to protect the conservation easement

Kevin Gallagher
change.org


Letter: Greetings,

Protect Dublin Hill, before it's too late
<table>
<thead>
<tr>
<th>Date</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016-03-06</td>
<td>This space was protected as green space. A commercial building should not be considered on green space.</td>
</tr>
<tr>
<td>2016-03-07</td>
<td>This is not the best location for this!!</td>
</tr>
<tr>
<td>2016-03-07</td>
<td>this is my road</td>
</tr>
<tr>
<td>2016-03-07</td>
<td>The land was supposed to be forever wild. A building is not forever wild</td>
</tr>
<tr>
<td>2016-03-07</td>
<td>The increase in traffic and the hard enough to see when you turn left at the top of the Dublin Rd hill now. More traffic would be terrible.</td>
</tr>
<tr>
<td>2016-03-07</td>
<td>Land is so important and supporting the land supports us all CKD</td>
</tr>
<tr>
<td>2016-03-07</td>
<td>I'm signing because the traffic on Dublin Road would increase, this area is meant to be residential and the disturbance the Ciderhouse would cause is not wanted by the vast majority of the East Penfield community.</td>
</tr>
<tr>
<td>2016-03-07</td>
<td>I believe it should stay as it is!! It's like that as Always!! It's Beautiful &amp; it's part of that area!!</td>
</tr>
<tr>
<td>2016-03-08</td>
<td>I am very concerned about possible accidents caused by shifting increased traffic and alcohol at an already dangerous corner.</td>
</tr>
<tr>
<td>2016-03-08</td>
<td>Scenic views must be protected.</td>
</tr>
<tr>
<td>2016-03-08</td>
<td>Your going to destroy beautiful land and lower are home values No way should this go in</td>
</tr>
<tr>
<td>2016-03-09</td>
<td>I want to urge the Planning Board NOT to grant the Ciderhouse proposal.</td>
</tr>
<tr>
<td>2016-03-09</td>
<td>Growing apple trees doesn't make this agricultural area. Before their vision of the &quot;lovely&quot; on the hill was removed from their website, their sign read BAR, tastings... TN</td>
</tr>
<tr>
<td>2016-03-09</td>
<td>We are the town of planned progress but there is never any plan-------------------</td>
</tr>
<tr>
<td>2016-03-09</td>
<td>I would like to protect the beauty of the view at the end of Dublin Rd. At Sweets Corners. Also there would be an increase in traffic on Dublin Rd, which we don't need. It would make it dangerous for people, who walk, jog, ride bikes, push baby strollers, walk animals etc. We already have people driving up and down Dublin at high rates of speed, which would only get worse.</td>
</tr>
<tr>
<td>2016-03-09</td>
<td>The proposal would destroy the scenic views, view sheds, natural and agricultural beauty of the area, rather than protect. The proposal, which includes alcohol production and sales, does not fit the character of the neighborhood or community.</td>
</tr>
<tr>
<td>2016-03-10</td>
<td>I am totally against this. Keep the land as it is!</td>
</tr>
<tr>
<td>2016-03-10</td>
<td>I am concerned with the potential increase in traffic in our quiet neighborhood and the ruining of the natural habitat. We do not want a commercial &quot;bar&quot; business in a quiet family neighborhood.</td>
</tr>
<tr>
<td>2016-03-10</td>
<td>There already enough drunk driving accidents on this road. please creating a death sentence for many.</td>
</tr>
<tr>
<td>2016-03-10</td>
<td>I do not want this near my home.</td>
</tr>
<tr>
<td>2016-03-10</td>
<td>My family is tending to break ground on an expensive build on Harris rd, this directly impacts my decision to do so.</td>
</tr>
<tr>
<td>2016-03-10</td>
<td>You can't even fill empty stores in village but you want to build this miles from town and village. I feel penfield is just bars</td>
</tr>
</tbody>
</table>
Date | Comment
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2016-03-10 | This proposal wouldn’t pass in South Bristol- is the heart of wine country, so now they are trying to push it here in East Penfield. Let’s keep it as farms, North Greece along the shoreline or Williamson would be a better option. Penfield paid a lot of money in 2000 buying the development rights to keep this area forever wild and scenic. Now it’s a “gray area.” Makes you think of the Shadow Pines area in the future when they approve a mini strip mall on Wilson Rd to support the neighborhood.
2016-03-10 | This land needs to be protected. It’s beautiful country land that should be preserved as is.
2016-03-10 | I am very concerned about the view sheds and the 8 to 10’ fence. None of the applications documents showed the building facade or the type of fence proposed.
2016-03-10 | This is my home. I grew up on Swarts Corners, and that is farmland! I have been seeing my whole life. Its the perfect spot to watch the 4th of July as the fireworks for both Penfield and Webster without all of the commotion that comes at those celebrations, and this is a residential area. Swarts Corners Rd rarely has more than 3 cars on it at a time. I like it that way.
2016-03-10 | I am moving back to Penfield in a couple of months and feel this would mean even more traffic and cause more accidents than this project is worth. Keep this area beautiful!
2016-03-10 | Do not want an alcohol production and sale establishment in my neighborhood.
2016-03-10 | It will destroy the views, bring down property values and I do not want to have to deal with making and selling alcoholic beverages in my neighborhood.
2016-03-10 | My daughter and son-in-law worked hard to live in the neighborhood and this would ruin it for them. There is no need to have an alcohol production and sales establishment on Daisy Rd in that Neighborhood. Let us some sense!
2016-03-10 | I run that hill all the time and it would become dangerous to do that. Plus there are kids of bikers including my mom that bike that hill regularly. There is no need to do that and destroy our neighborhood and its safety.
2016-03-10 | I run and ride my bike on that hill as I go over to the YMCA. This would not be good for our neighborhood.
2016-03-10 | I am opposed to the project.
2016-03-10 | Because after 1000 reasons why not too, I can’t come up with one positive...".
2016-03-10 | Tightly against alcohol production/nuke in my backyard, would ruin the gorgeous scenic views that make my neighborhood beautiful & can see no good reason to put a facility such as this down on this lovely land.
2016-03-10 | Traffic is crazy enough on Daisy. I can see where this could become a huge issue.
2016-03-10 | I am opposed for traffic/nuke reasons as well as the blight this would be on what used to be a beautiful piece of property. No place for this type of business in a neighborhood.
2016-03-11 | The surrounding area will be affected by traffic, lights, a building blocking the beauty of the area. People move to this type of area to get away from nuisances. This is not a benefit to the area.
2016-03-11 | The proposal which includes alcohol production and sales does not fit the character of the neighborhood."
2016-08-17, Penfield Town Board

Date          Comment
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2016-03-11   I live along this road and up that hill also. I think it is important to keep the land in this area untouched by big buildings.
2016-03-11   I used to live on Dublin Heights Rd. One of the reasons for moving to that area was the beautiful, peaceful scenery. I don’t support this proposal.
2016-03-14   I am totally against development at this property. I live on Sweats Corners Rd and the increased traffic along with giving up green space is unacceptable. We built 18 years ago and wanted this area due to its beauty with farming and wildlife. The tree are already being kept out of the apple orchard of Witschans and now this building and surrounding property is going to be completely fenced in. A tragedy if this is allowed to go through. Thought the town was protecting green and open space but no longer seems to be the case. We need everyone to fight this business going into a residential agricultural area or heaven knows what will be next.
2016-03-15   Place to drink + seeding cars + limited visibility + Hills + Cyclist or human jogging, dogs, wildlife etc. + narrow road + ACCESS ROAD in the worst place on the property = Future disaster!
2016-03-29   We need to keep the rest of green space GREEN in Penfield...no more buildings...PLEASE!!
2016-03-22   I am against the Oldhouse proposal for 1381 Sweats Corners Rd., at the top of Dublin Hill in Penfield New York, and ask that the application be denied. This is rural area that is used by walkers, runners and cyclists every day. Sweats Corners and Dublin Road were not intended to be able to handle the type of commercial activity or traffic that is being proposed. The use of that property as proposed does not fit the character of this neighborhood.
2016-03-22   First the town sits by and watches Knopf rip up acres upon acres of mature grape vines, only to plant apples — In a saturated apple market (NYG is the 3rd largest producer in the US). Now we have to endure this guy erecting a bar ("teetah room") for alcohol (hard cider) in a residential area. The big problem is that people already speed up and down Dublin. Adding a bar at the corner will only introduce non-residents and alcohol to the mix, and the result will be deadly. I’m embarrassed by our town board for even considering this idea.
2016-03-23   I used to live on Dublin Rd and much of the enjoyment I had there was due to the scenery down at the other end of the road.
2016-03-23   This area is gradually being overcome by housing and business development. The older mill will detract from the natural and scenic qualities of the farmland, and will pollute the ambience of the area with excess traffic.
2016-03-24   I grew up with the vineyards of Dublin Hill practically in my back yard. It's one of my favorite places to go in this entire world. I would hate to see such natural and scenic beauty torn down. It would be a complete waste of one of the most beautiful views in all of Penfield and Rochester. Please help by signing.O!/#& =
2016-03-24   I would run by this hill and stop to stretch and look at the view. It is so peaceful
2016-03-25   I live in East Penfield and it is precious to the entire town to keep our open land for farming and not commercial development.
Penfield Town Board, August 17, 2016

<table>
<thead>
<tr>
<th>Date</th>
<th>Comment</th>
</tr>
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<tbody>
<tr>
<td>2016-03-26</td>
<td>My family lives on this block, and I spend a lot of time on their farms. The streets are already lined with trash. The traffic on Rt. 250 is already hazardous, with frequent accidents. There is nothing like this project east of Rt. 250. Especially where alcohol is served. The height of the building(s) proposed are too tall. The surrounding fence is going to be an eyesore from whatever angle you look at it. Open space is one of the premier features of this area. We're not against agricultural endeavors. Grow all the apples you want. Make all the cranberry you want. But don't turn it into a tavern. It's going to increase both commercial and retail traffic, which is not an asset to the neighborhood. We all like things as they are.</td>
</tr>
<tr>
<td>2016-03-28</td>
<td>I live right around the corner and see Dublin Road every time I head north, which is quite frequently. I love the rural views on Dublin Road by Sweets Corner.</td>
</tr>
<tr>
<td>2016-03-29</td>
<td>I love Penfield and would hate to see this area ruined.</td>
</tr>
<tr>
<td>2016-03-30</td>
<td>I am opposed to the plan for a Comfort Inn at 1382 Sweets Corner Road. This will create an eyesore and would destroy the scenic area in an agricultural area. The traffic would be disruptive to the area.</td>
</tr>
<tr>
<td>2016-03-31</td>
<td>This area does need a commercial property or the added traffic that will be a by product of such. There are few places left in this area that are undeveloped. We need to keep this one area free of more building.</td>
</tr>
<tr>
<td>2016-03-31</td>
<td>The proposal is in conflict with this rural setting.</td>
</tr>
<tr>
<td>2016-04-01</td>
<td>We like the setting just the way it is.</td>
</tr>
<tr>
<td>2016-04-01</td>
<td>I oppose the idea! This will not enhance our neighborhood.</td>
</tr>
<tr>
<td>2016-04-01</td>
<td>I live on Dublin Road. People already drive over the speed limit on this road. With more traffic, mixed with alcohol, in a residential neighborhood? Not hard to see the writing on the wall. I am strongly opposed to this proposal.</td>
</tr>
<tr>
<td>2016-04-06</td>
<td>The rural scenic aspect of this area should be preserved.</td>
</tr>
<tr>
<td>2016-04-11</td>
<td>I do not approve of this!</td>
</tr>
<tr>
<td>2016-04-11</td>
<td>I love Penfield.</td>
</tr>
<tr>
<td>2016-04-12</td>
<td>Sick of seeing the Penfield that I grew up in destroyed. I moved to Penfield when I was 6 years old with my parents in 1960 and have lived here ever since. Everything that I grew up loving in Penfield has been destroyed. Please stop and leave us someioe memories. Before there is nothing left. Sweets Corners Road and Dublin Hill is by far my favorite spot in Penfield. It's absolutely beautiful place of property and it should be preserved. Bill Burrows 588-727-0531 Call me and I'll tell you about the Penfield that I remember. It's a beautiful story with a bad ending because of &quot;Planed Progress&quot;.</td>
</tr>
<tr>
<td>2016-04-12</td>
<td>I'm a Penfield resident and want some green space preserved!</td>
</tr>
<tr>
<td>2016-04-12</td>
<td>I'm sick of seeing what this town is turning into.</td>
</tr>
<tr>
<td>2016-04-12</td>
<td>Save more open land is Penfield!</td>
</tr>
<tr>
<td>2016-04-12</td>
<td>It seems as though the town of Penfield wants to leave no stone or open space unturned in pursuit of &quot;planned progress&quot;. Planned progress is making sure that some measure of keeping sustainable natural tends and the wild life that depends on them from extinction. Penfield is starting to look like Long Island, which looks like Monroe Avenue. Is this what we really want for our future??</td>
</tr>
<tr>
<td>2016-04-12</td>
<td>I use to live in Penfield also and I don't want to see the land ruined.</td>
</tr>
<tr>
<td>2016-04-12</td>
<td>I don't want this beautiful area ruined by unnecessary development.</td>
</tr>
<tr>
<td>Date</td>
<td>Comment</td>
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<tr>
<td>------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2016-04-12</td>
<td>Stop the eyesores! Put a older house in a populated retail space! This is just wrong!</td>
</tr>
<tr>
<td>2016-04-12</td>
<td>Because my mom and dad grew and live there and love it.</td>
</tr>
<tr>
<td>2016-04-12</td>
<td>Because I’m tired of the business of making money still till this day Is number 1 priority in life!</td>
</tr>
<tr>
<td>2016-04-12</td>
<td>I’m tired of seeing urban sprawl, leave those pretty landscapes alone and build in the city where jobs and businesses are needed anyways.</td>
</tr>
<tr>
<td>2016-04-12</td>
<td>I grew up in Penfield. Moved there in 1982. Graduated from Penfield High. Sad to see the town being destroyed. Leave it as it is.</td>
</tr>
<tr>
<td>2016-04-12</td>
<td>I love the beauty of Penfield and the traffic is bad enough in Penfield now save scenery in Penfield</td>
</tr>
<tr>
<td>2016-04-12</td>
<td>I grew up in Penfield. Loved it then, miss it now! Leave it alone!</td>
</tr>
<tr>
<td>2016-04-12</td>
<td>I currently live in the neighborhood. I have spent most of my life living in Penfield. Some of the changes in Penfield have been welcomed, but traffic on 441 and Atlantic Ave. has gotten progressively worse.</td>
</tr>
<tr>
<td>2016-04-12</td>
<td>I love Penfield!</td>
</tr>
<tr>
<td>2016-04-13</td>
<td>Don’t believe this is the spot for a commercial venture. This is one of the few quiet country roads left within fairly close proximity to residential neighborhoods where people go to bike, run, walk their dogs without high volume traffic.</td>
</tr>
</tbody>
</table>
Section 1 - Title

This chapter shall be known as the “Town of Penfield Best Value Contract Award Law.”

Section 2 - Findings and intent

The State Legislature and Governor amended General Municipal Law § 103 (A08692/S617) on January 27, 2012, to provide local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts, including contracts for service work, on the basis of best value. The state legislation requires political subdivisions with a population of less than one million to pass a local law authorizing the use of the best value award process.

(From Assembly Bill Memo A08692)

Enactment of this legislation provides additional procurement options to localities in ways that may expedite the procurement process and result in cost savings. The “best value” standard for selecting goods and services vendors, including janitorial and security contracts, is critical to efforts to use strategic sourcing principles to modernize the supply chain and ensure that taxpayers obtain the highest quality goods and services at the lowest potential cost, while also ensuring fairness to all competitors.

Today, the Federal government, approximately half of the states and many localities have added best value selection processes to their procurement options, in recognition of these advantages. With the increased complexity of the goods and services that municipalities must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria that measure factors other than cost in the strictest sense.

Taxpayers are not well served when a public procurement results in low unit costs at the outset, but ultimately engenders cost escalations due to factors such as inferior quality, poor reliability and difficulty of maintenance. Best value procurement links the procurement process directly to the municipality’s performance requirements, incorporating selection factors such as useful lifespan, quality and options and incentives for more timely performance and/or additional services.

Even if the initial expenditure is higher, considering the total value over the life of the procurement may result in a better value and long-term investment of public funds. Best value procurement also encourages competition and, in turn, often results in better pricing, quality and customer service. Fostering healthy competition ensures that bidders will continue to strive for excellence in identifying and meeting municipalities’ needs, including such important goals as the participation of small, minority and women-owned businesses, and the development of environmentally-preferable goods and service delivery methods. Best value procurement will provide much-needed flexibility in obtaining important goods and services at favorable prices, and will reduce the time to procure such goods and services.

Section 3 - Definitions

As used in this law, the following terms shall have the meanings indicated:

BEST VALUE

The basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses or certified minority- or women-owned business enterprises as defined in Subdivisions 1, 7, 15 and 20 of § 310 of the Executive Law to be used in evaluation of offers for awarding of contracts for services.

Requirements

A. Where the basis for award is the best value offer, the Town Comptroller shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which, whenever possible, shall be
quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.

B. The Town Comptroller shall select a formal competitive procurement process in accordance with General Municipal Law and Town of Penfield purchasing policies and document its determination in the procurement record. The process shall include, but is not limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerers to submit responsive offers; and a balanced and fair method of award. Where the basis for the award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved.

C. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the Town of Penfield in its determination of best value.

D. The Town Comptroller shall develop procedures that will govern the award of contracts on the basis of best value. These procedures shall be included in the Town of Penfield purchasing policies and reviewed annually by the Town Board in conjunction with its annual review and approval of the Town of Penfield purchasing policies.

Section 4 - Severability

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