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Penfield Town Board, December 21, 2016

The Regular meeting of the Penfield Town Board was held on Wednesday, December 21, 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

Supervisor LaFountain presented Certificates of Recognition to Madeline “Mary” Cotter and Elizabeth “Liza” Cotter in appreciation of their volunteerism in the Penfield community and beyond.

Mary Cotter stated that shoes are being collected and donated to those in need in Africa and to those in need in our community. Collection boxes for the shoe drive can be found at the Penfield Town Hall and Penfield Community Center. Liza Cotter stated she recently helped build schools and homes in Nicaragua and plans to revisit Nicaragua in 2017.

Supervisor LaFountain thanked Mary and Liza for their commitment to helping others near and far.

Communications and Announcements

1. Today, Town Clerk Amy M. Steklof, had the opportunity to help the Penfield Ecumenical Food Shelf distribute Christmas meals to 154 families in need within our community. Distribution of the Cares and Shares gift giving was included. Thank you to Cathy Wiedemer for organizing the meal distribution and thank you to Cathy Cummins for heading up Cares and Shares. Thank you also to all the volunteers who participated in today’s distribution and thank you to our Penfield residents for their ongoing generosity.

2. Chanukah begins at sundown on Saturday, December 24, 2016 and will continue for eight (8) days through Sunday, January 1, 2017. The Town’s 3rd annual outdoor Menorah Lighting will take place on Tuesday, December 27, 2016 at 5:30 PM at the Four Corners of Penfield in Schaufelberger Park. For more information, please contact Town Clerk, Amy Steklof at 340-8629.

3. For a list of Winter Safety tips please visit www.nfpa.org.

4. The Monroe County Sheriff’s Department, Zone A would like to remind residents that there is an increase in vehicle break-ins this time of year. Please be aware of your surroundings, park in a lit area, have your cell phone in hand and stash your purse, wallet or valuables in your trunk before you arrive at your destination.

5. The Town offices will be closed on Friday, December 23, 2016 and Monday, December 26, 2016 in observance of Christmas and on Monday, January 2, 2017 for New Year’s Day.

6. The 2017 Winter/Spring program brochure is now online. Registration will begin January 3, 2017 for residents and January 10, 2017 for non-residents for most programs. Please sign up at www.penfieldrec.org.

7. Councilwoman Kohl’s next Community Chat will be held on Tuesday, January 17, 2017 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.
8. Town Attorney Dick Horwitz wished everyone a safe and happy holiday season.

Public Participation

Ed Lindskoog, 40 Willow Pond Way stated he has spoken in the past of the invasive species pest, Emerald Ash Borer and that it continues to kill ash trees. He stated that one can see massive destruction of these trees on the west side of Town. He also stated that the other tree species being attacked are the Hemlock and the Oak. Mr. Lindskoog asked whether any money has been earmarked in the budget for this issue. He believes that in the future these invasive species will impact the Town.

Supervisor LaFountain stated that there is always a line item in the budget for tree removal and understands that the issue may increase in years to come.

Mr. Lindskoog stated that he will continue to monitor the trails and keep the Town informed of the issue.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of November 2, 2016. Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#16T-236 Award Bid to KOFILE Technologies for Providing Preservation of Permanent Town Records by Moore

WHEREAS, sealed bid proposals were requested for providing the necessary preservation and conservation of aging Town Records to protect them from further deterioration, and

WHEREAS, on Thursday, December 8, 2016 at 11:00 AM all sealed bids received by the Town Clerk were publicly open and read, and

WHEREAS, KOFILE Technologies, Document Preservation Specialists, was the lowest responsible bidder for meeting the bid as set forth in the bid specifications for the preservation of Town records.

NOW, THEREFORE BE IT RESOLVED, that the Penfield Town Board hereby awards the bid to KOFILE Technologies, and

BE IT FURTHER RESOLVED, that the funds for this project are available in the 2017 Town Clerk Budget in the amount of $23,512.00, and

BE IT FURTHER RESOLVED, that the Penfield Town Supervisor is hereby authorized to sign a contract with KOFILE Technologies for the preservation and conservation of Town records in a form to be reviewed and approved by the Town Attorney.

Moved: Moore
Seconded: Kohl

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

Adopted
Amending the 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, on August 17, 2016 by resolution 16T-178, the Town Board hereby awarded a contract to Keeler Construction to have the Willow Pond Dam downgraded from a Class "C" High Hazard Dam to a Class "B" Medium Hazard Dam; and

WHEREAS, a second change order to the original contract amount is necessary based on field changes identified by the Engineering Department, in an amount not to exceed $2,625; and

NOW THEREFORE BE IT RESOLVED that the Town Board concurs that this expansion of the scope of the project is prudent and therefore authorize the increase in contract for Keeler Construction, as outlined in Change Order #2 in an amount not to exceed $2,625.

Moved: Moore
Seconded: Quinn

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

Adopted

Approval of Issuance of a Conditional Use Permit to Allow an Acupuncture Practice at 1742 Penfield Road by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit pursuant to §250.5-10-B(4) of the Code to allow an acupuncture practice at 1742 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 December 7, 2016 at 7:00 PM on said date, to consider the said application and hear all persons interested on the question of the issuance of a Conditional Use Permit to allow an acupuncture practice at 1742 Penfield Road, in the Four Corners zoning district and the Public Hearing was closed and decision was reserved.

NOW, THEREFORE BE IT

RESOLVED, that the applicants’ request for a CONDITIONAL USE PERMIT to allow an acupuncture practice at 1742 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.

2. The applicant shall comply with the occupancy requirements that have been established by the Penfield Fire Marshal, in accordance with the New York State Uniform Fire Prevention and Building Code and obtain all necessary permits pertaining to the improvement of the structure. Further, the applicant proposes to construct a handicapped access ramp on the front of the building. The ramp will encroach into the front setback which is a pre-existing non-conforming setback. The Board has permitted the encroachment which will result in a 35 foot front setback once the ramp is installed.
3. The applicant shall obtain approval from the Town Engineer regarding any proposed drainage improvements on the site.

4. The applicant shall be permitted to install the signs proposed and approved by this Board for this site upon receiving a sign permit from the Building Department.

5. The applicant shall operate on an appointment only basis and shall make every effort to ensure that there is minimal overlap in the time clients will have to wait on the premises for treatment. The purpose is to minimize impacts to parking facilities in the area.

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

7. 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 a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and no further environmental review is necessary.

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

1. The applicant, soon to be a licensed acupuncturist in the State of New York, provides a needed service to the residents of Penfield and surrounding communities.

2. The applicant’s business, consisting of only herself, is a low traffic generating business which will result in no adverse impact on-site or adjacent parking facilities.

3. The encroachment to the front setback as a result of the installation of a handicapped access ramp is minimal and will not alter the character of the site or the neighborhood. Further, the proposed ramp is a requirement of the State Building Code and is necessary to operate the proposed business.

4. The applicant’s proposal is consistent with and furthers the goals and objectives the Four Corners zoning district.

Moved: Moore
Seconded: Metzler

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

Adopted

Public Works

#16T-239  Naming of an Environmental Engineering Consultant to the Town of Penfield by Metzler

BE IT RESOLVED, that BME Associates, 10 Liftbridge Lane East, Fairport, NY 14450 be named an Environmental Engineering Consultant for the Town of Penfield, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with BME Associates, as outlined in their proposal, on file with the Town Clerk, which includes a schedule of fees for various services provided by BME Associates, as an Environmental Engineering Consultant to the Town of Penfield for 2017, and
(Resolution #16T-239 – Continued)

BE IT FURTHER RESOLVED, that the Town Board reserves the option to assign specific projects to internal staff and to other qualified Environmental Engineering Consultant firms in addition to BME Associates, as necessary to represent the Town. Such other qualified firms will be compensated for the business referred to them during 2017 at an agreed upon fee depending on the nature of the services performed.

Moved: Metzler  
Seconded: Moore

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

Adopted

#16T-240 Naming of a Second Environmental Engineering Consultant to the Town of Penfield by Metzler

BE IT RESOLVED, that Barton & Loguidice, 11 Centre Park, Suite 203, Rochester, NY 14614 be named an Environmental Engineering Consultant for the Town of Penfield, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with Barton & Loguidice, as outlined in their proposal, on file with the Town Clerk, which includes a schedule of fees for various services provided by Barton & Loguidice, as an Environmental Engineering Consultant to the Town of Penfield for 2017, and

BE IT FURTHER RESOLVED, that the Town Board reserves the option to assign specific projects to internal staff and to other qualified Environmental Engineering Consultant firms in addition to Barton & Loguidice, as necessary to represent the Town. Such other qualified firms will be compensated for the business referred to them during 2017 at an agreed upon fee depending on the nature of the services performed.

Moved: Metzler  
Seconded: Kohl

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

Adopted

#16T-241 Advertising for Bids for Department of Public Works Mowing by Metzler

BE IT RESOLVED, that the Director of Public Works, be and hereby is authorized to advertise in the manner prescribed by Law for sealed proposals to furnish the Town of Penfield Department of Public Works the following:

"Weekly, Bi-Weekly and Field Mowing" in areas designated within the Town of Penfield per Town Maps and Mowing Specification" and,

BE IT FURTHER RESOLVED, that the Weekly, Bi-Weekly and Field Mowing covered by such proposals shall be in accordance with specifications prepared by the Director of Public Works.

Sealed proposals are to be received in the office of the Town Clerk until January 20, 2017 at 11:00 AM Local time and there and then are to be opened by the Town Clerk.
Penfield Town Board, December 21, 2016

(Resolution #16T-241 – Continued)

Moved: Metzler
Seconded: Quinn

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

Adopted

Public Safety - None

Community Services

#16T-242 Authorization to Attend NYSRPS Annual Conference by Kohl

WHEREAS, the Recreation Department staff are members of the New York State Recreation and Park Society, and

WHEREAS, the annual conference will provide professional training and C.E.U. credits that will benefit the Town of Penfield,

NOW, BE IT RESOLVED, THAT the following recreation staff be hereby authorized to attend the 77th annual New York State Recreation and Park Society Conference and Business Expo from 4/2 – 4/4/17 in Rochester, N.Y.:

   Linanne Conroy

Funds are provided in the 2016 budget. Expenses include registration fees, transportation (gas, parking), and related expenses.

Moved: Kohl
Seconded: Quinn

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

Adopted

#16T-243 Authorization for Supervisor to sign Recreation Contracts
By Kohl

Melinda Maurer, 58 Rolling Meadows Way, Penfield, NY 14526, Instructor for Gingerbread Houses, 12/11/16, for a fee of $15.00 per participant. Voucher to be submitted 12/21/16.

Cathy Downs, 2120 Clover Street, Rochester, NY 14618, Instructor for Sporty Sprouts, 1/14 – 5/27/17, for a fee of 70% of program revenues. Vouchers to be submitted 2/15, 4/5, and 6/7/17.

Progressive Early Learning, 187 Gregory Street, Rochester, NY 14620, Instructor for STEAM Foundations and Sensory Science, 1/24 – 5/19/17, for a fee of 70% of program revenues. Vouchers to be submitted 2/15, 4/5, 4/19, and 5/17/17.

Keith Moore, 150 Leighton Ave., Rochester, NY 14609, Instructor for Hoopdance Fitness 101, 1/18 – 4/12/17, for a fee of 70% of program revenues. Vouchers to be submitted 3/1/17 and 4/19/17.

Moved: Kohl
Seconded: Metzler

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

Adopted
Old Business - None

New Business - None

Public Participation - None

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:28 PM.

Amy Steklof, RMC/CMC
Town Clerk