PENFIELD TOWN BOARD AGENDA
Wednesday, February 1, 2017, 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 – January 4, 2017

VI Petitions

VII Resolutions by Function

Law and Finance
17T-056 Setting a Public Hearing to Consider a Conditional Use Permit to Allow a Micro-brewery and Restaurant with Outdoor Dining and Entertainment at 1221 Empire Blvd.

17T-057 Setting a Public Hearing to Consider a Conditional Use Permit and Preliminary and Final Re-subdivision and Site Plan Approval to Allow a 2,500 Square Foot Dental Office at 2105 Five Mile Line Road

17T-058 Setting a Public Hearing for Adoption of Local Law No. 1 of 2017 to be known as “A Local Law Extending the Moratorium and Prohibition within the Town of Penfield of Public Golf Course Redevelopment

17T-059 Authorization for Town Supervisor to Sign a Professional Service Contract with Cohen Law Group for Wireless Facilities Management Services
Public Works

17T-060 Purchase 2017 Ford F-350 plow Truck and New Western Wide-out Plow

17T-061 Purchase 2017 Ford F-350 Shop Truck

17T-062 Purchase of One New Sanitary/Storm Sewer Inspection Camera System

Public Safety - None

Community Services - None

VIII Old Business

IX New Business

X Public Participation

XI Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, February 1, 2017 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. The AARP Tax Aide Program is now offering free income tax preparation on Wednesday and Friday mornings at the Penfield Community Center by appointment only. For more information please visit [www.penfieldrec.org](http://www.penfieldrec.org) or call 340-8655.

2. The next Hazardous Waste collection is scheduled for Saturday, September 16, 2017 in the Town of Webster. In the meantime the County reminds everyone that the Ecopark facility, 10 Avion Drive is available year-round. For more information please visit [www.monroecounty.gov/ecopark](http://www.monroecounty.gov/ecopark).

3. Penfield’s Special Education Parent Teacher Association (SEPTA) will host the 2nd Annual Mac and Cheese contest on Saturday, February 11, 2017 from 12:00 PM to 3:00 PM at the Penfield Community Center. For more information visit their website at [www.penfield-septa.org](http://www.penfield-septa.org).

4. The Young Open and Honest Players (YOHP) are looking for actors to perform in the upcoming performance of “The Hobbit” by JRR Tolkien and directed by Emma Mulligan. Auditions will be held for the April performance on Tuesday, February 7, 2017 at the Penfield Community Center. For more information, please visit [www.penfieldrec.org](http://www.penfieldrec.org).

5. The Penfield Trails Committee will host its Annual Indoor Hike on Saturday, February 11, 2017, 10:00 AM at the Penfield Town Hall Auditorium, 3100 Atlantic Avenue. Participants are asked to pre-register by calling Penfield Recreation at 340-8655.

6. Penfield Recreation’s DEAR Program, Penfield Library and Local History Room are planning events throughout 2017 to celebrate and recognize women getting the right to vote in New York, 100 years ago this year. The first event will be held on Wednesday, February 15, 2017 at 1:00 PM at the Penfield Community Center. For more information visit [www.penfieldrec.org](http://www.penfieldrec.org).

7. Councilwoman Kohl’s next Community Chat will be held on Tuesday, February 21, 2017 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

Public Participation - None

Additions and Deletions to Agenda

Councilman Quinn moved to add Resolution #17T-063 to the agenda.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of January 4, 2017 Councilman Quinn seconded and all voted “Aye.”

Petitions - None
Penfield Town Board, February 1, 2017

Resolutions by Function

Law and Finance

#17T-056 Setting a Public Hearing to Consider a Conditional Use Permit to Allow a Micro-brewery and Restaurant with Outdoor Dining and Entertainment at 1221 Empire Blvd by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit pursuant to Chapter 250-5.9(1)e of the Code to allow a micro-brewery and restaurant with outdoor dining and entertainment at 1221 Empire Blvd., located in the LaSalle’s Landing Development (LLD) zoning district; and

WHEREAS, 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

WHEREAS, the subject application is determined to be an Unlisted Action pursuant to Section 617.4 of the State Environmental Quality Review Act (SEQRA);

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 March 1, 2017, at 7:00 PM on said date, to consider said application and to hear all persons interested on the question of the issuance of a Conditional Use Permit pursuant to Chapter 250-5.9(1)e of the Code to allow a micro-brewery and restaurant with outdoor dining and entertainment at 1221 Empire Blvd., in the LaSalle’s Landing Development (LLD) 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.

Moved: Moore
Seconded: Kohl

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

Adopted

#17T-057 Setting a Public Hearing to Consider a Conditional Use Permit and Preliminary and Final Re-subdivision and Site Plan Approval to Allow a 2,500 Square Foot Dental Office at 2105 Five Mile Line Road by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit pursuant to Chapter 250-5.10-D (5), 250-5.11-2-A and 250-5.12-2 of the Code to allow a Conditional Use Permit and Preliminary and Final Re-subdivision and Site Plan approval to allow a 2,500 square foot dental office at 2105 Five Mile Line 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 an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); 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 March 1, 2017, 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 Conditional Use Permit and Preliminary and Final Re-subdivision and Site Plan approval to allow a 2,500 square foot dental office at 2105 Five Mile Line 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.

Moved: Moore
Seconded: Quinn

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

Adopted

#17T-058 Setting a Public Hearing for Adoption of Local Law #1 of 2017 to be known as "A Local Law Extending the Moratorium and Prohibition within the Town of Penfield of Public Golf Course Redevelopment by Moore

WHEREAS, the Town Board of the Town of Penfield wishes to consider adopting proposed Local Law No. 1 of 2017 which would extend the Moratorium and prohibition of public golf course redevelopment on real property located within the Town of Penfield; and

WHEREAS, 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

WHEREAS, the subject application is determined to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA);

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 March 1, 2017, 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. 1 of 2017 which would extend the Moratorium of public golf course redevelopment on real property located within the Town of Penfield, a copy of which is attached hereto and made a part hereof known as Schedule “A”; and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to publish and post a Notice of the Public Hearing on the official signboard of the Town in the Manner prescribed by Law, the first publication thereof to be not less than five (5) days and not more than thirty (30) days before the date set for the said Public Hearing, as aforesaid.

Moved: Moore
Seconded: Metzler
Penfield Town Board, February 1, 2017

(Resolution #17T-058 – Continued)

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

See Schedule “A” at end of Minutes

Adopted

#17T-059 Authorization for Town Supervisor to Sign a Professional Service Contract with Cohen Law Group for Wireless Facilities Management Services by Moore

BE IT RESOLVED, that the Supervisor is hereby authorized to sign a Contract, not to exceed $3,600.00 for services with The Cohen Law Group, 413 South Main Street, Pittsburgh, PA 15215, to provide review of wireless facilities service within the right-of-way and any necessary updates to Town Ordinance. Said Contract is to be acceptable to Town Attorney.

Moved: Moore
Seconded: Kohl

Adopted

Public Works

#17T-060 Purchase 2017 Ford F-350 Plow Truck and New Western Wide out Plow by Metzler

WHEREAS, the Director of Public Works desires to purchase one 2017 Ford F-350 XL 4x4 Reg Cab Truck with Western 8’-10’ Wide Out Plow and a Western Wester 8’ Stryker Salter from Onondaga, Bid #7974 2017DRW, F350 Chassis DRW, Quote #23401 from Van Bortel Ford, 71 Marsh Road, East Rochester, NY, for a total cost of approximately $51,178.03, and

WHEREAS, the total funds of approximately $51,178.03 for said purchases are budgeted in the 2017 DPW Parks and Grounds Department Budget (A00-7110-0002-2200), and

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Works be and hereby is authorized to purchase said vehicle w/ Plow and Salter attachments.

Moved: Metzler
Seconded: Moore

Adopted

#17T-061 Purchase 2017 Ford F-350 Shop Truck by Metzler

WHEREAS, the Director of Public Works desires to purchase one 2017 Ford F-350 XL 4x2 Reg Cab Truck with Utility Box, Liftgate and Compressor from Onondaga, Bid #79742017DRW, F350 Chassis DRW, Quote #22347 from Van Bortel Ford, 71 Marsh Road, East Rochester, NY, for a total cost of approximately $57,620.90, and

WHEREAS, the total funds of approximately $57,620.90 for said purchases are budgeted in the 2017 DPW Highway Department Budget (DAO-5130-0002-2503), and
NOW, THEREFORE, BE IT RESOLVED that the Director of Public Works be and hereby is authorized to purchase said vehicle with Utility Box, Compressor and Liftgate attachments.

Moved: Metzler
Seconded: Kohl

Vote: Kohl Aye
Metzler Aye
LaFountain Aye
Quinn Aye

Adopted

#17T-062 Purchase of one new Sanitary/Storm Sewer Inspection Camera System by Metzler

WHEREAS, the Director of Public Works desires to purchase a Enviro Sight Sanitary and Storm Sewer Inspection Camera System 2017 Standard ROVVER X Truck System from National Joint Powers Alliance (NJPA) contract # 022014-EVS and,

WHEREAS, NYS Town GML 103 (16) allows for the purchase of equipment through cooperative intergovernmental contracts let by US Governmental or any agency thereof and,

WHEREAS, National Joint Powers Alliance (NJPA) as a national clearing house for governmental purchasing contracts or agreements, does meet the requirements of NY GML 103 (16) and,

WHEREAS, Joe Johnson Equipment USA 62 Lagrange Ave., Rochester, New York is the authorized dealer for Enviro Sight Camera Systems through the NJPA contract, and has submitted a final quote of $86,690.86 Quote #0000006894 which meets the Town of Penfield requirements,

BE IT FURTHER RESOLVED, the funds for said purchase are available in the Sewer Equipment Reserve Fund and,

NOW, THEREFORE BE IT RESOLVED, that the Director of Public Works be and hereby is authorized to purchase one Enviro Sight Sanitary and Storm Sewer Inspection Camera System 2017 Standard ROVVER X Truck System for a total cost of $86,690.86

BE IT FURTHER RESOLVED that the Sewer Equipment Fund be amended as follows:

<table>
<thead>
<tr>
<th>Sewer Operations Account</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>S10-1000-6000-6002</td>
<td>$86,690.86</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appropriated Equipment Reserve</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>S10-8120-0002-2100</td>
<td>$86,690.86</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED, that the adoption of this resolution with respect to the expenditures from the Sewer Equipment Reserve Fund is subject to a Permissive Referendum and the Town Clerk be and hereby is directed to publish and post Notice in the Manner prescribed by Law and to be reviewed and approved by the Town Attorney.

Moved: Metzler
Seconded: Quinn

Vote: Kohl Aye
Metzler Aye
LaFountain Aye
Quinn Aye

Adopted
Public Safety - None
Community Services - None
Old Business - None

New Business

#17T-063 Amendment to Resolution #17T-053 – Approval to Attend the 2017 Annual Continuing Educational Conference by Quinn

WHEREAS, the Finger Lakes Building Officials Association, Inc. is holding its 2017 Annual Continuing Educational Conference for Code Enforcement Officers at the RIT Inn & Conference Center, Rochester, New York on March 13, 14, 15 and 16, 2017; and

WHEREAS, this program will be certified by the New York State Department of State Office of Fire Prevention and Control as meeting 24 of 24 hours of in-service training requirements for code enforcement officials;

NOW, THEREFORE, BE IT RESOLVED that, Jeffrey David, Assistant Fire Marshal, be added along with the following; Thomas Alexander, Assistant Building/Code Compliance Inspector; Andy Suveges, Building/Code Compliance Inspector; and Harold Morehouse, Building and Zoning Administrator, to attend the Annual Continuing Educational Conference March 13, 14, 15 and 16, 2017 at the RIT Inn & Conference Center, Rochester, New York. There will be no lodging or mileage reimbursement. Registration fees of $1,950.00 shall be amended to the amount of $1,560.00 and allocated from departmental conference budget line.

Moved: Quinn
Seconded: Metzler

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

Adopted

Public Participation - None

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:20 PM.

Amy Steklof, RMC/CMC
Town Clerk
TOWN OF PENFIELD
LOCAL LAW NO. 1 OF 2017

A LOCAL LAW
EXTENDING
THE MORATORIUM ON AND PROHIBITION OF
PUBLIC GOLF COURSE REDEVELOPMENT
WITHIN THE TOWN OF PENFIELD

Be it enacted by the Town Board of the Town of Penfield as follows:

Section 1. The Local Law to effect a Moratorium on and Prohibition of Redevelopment of Public Golf Courses in the Town of Penfield, originally enacted as Local Law No. 1 of 2016, is hereby extended until March 31, 2018, or until a duly enacted repeal of said Local Law No. 1 of 2017 as so extended, whichever shall first occur.

Section 2. If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

Section 3. This Local Law shall take effect immediately.