TOWN BOARD LEGISLATIVE AGENDA

Wednesday, March 1, 2017, 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I. Call to Order - Pledge of Allegiance - Roll Call

II. Public Hearing #1 - To Allow a 2,500 Square Foot Dental Office at 2105 Five Mile Line Road located in the Four Corners (FC) Zoning District
   Public Hearing #2 - 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
   Public Hearing #3 - To Consider the Adoption of Local Law No. 1 of 2017 which would Extend the Moratorium on the Prohibition of Public Golf Course Redevelopment within the Town of Penfield

III. Communications and Announcements

IV. Public Participation

V. Additions and Deletions to Agenda

VI. Approval of Minutes – February 1, 2017

VII. Petitions

VIII. Resolutions by Function

Law and Finance
17T-070 Setting a Public Hearing for Adoption of Local Law No. 2 of 2017
17T-071 Setting a Public Hearing regarding Cable Franchise Renewal
17T-072 Endorsing a Proposed Joint Consolidation Agreement for the Town of Penfield Consolidated Sanitary Sewer District and Penfield Sanitary Sewer District No. 12 (Empire Boulevard District)
17T-073 Setting a Public Hearing to Consider the Proposed Agreement for the Consolidation of Sanitary Sewer District #12 (the Empire Boulevard District) and the Town Wide Consolidated Sanitary Sewer District, and Determining the Lead Agency for the SEQR Action

Public Works
17T-074 Authorization for the Supervisor to Sign an Amendatory Agreement with Monroe County Renewing the 2014 CDBG Grant for $34,750 for the Empire Blvd Sidewalk Improvement Project
17T-075 Authorization for the Town Board to Accept a Monroe County CDBG Grant for $32,000 for the 2015 Empire Blvd. Sidewalk Improvement Project and Execute an Agreement
17T-076 NYS DOT Shared Service Agreement with the Town of Penfield

Public Safety
17T-077 Approval to Attend the 2017 Annual Continuing Educational Conference

Community Services
17T-078 Authorization for Supervisor to sign Recreation Contracts
IX. Old Business
X. New Business
XI. Public Participation
XII. Executive Session
XIII. Next Meeting: (March 15, 2017)
XIV. Adjournment

This meeting will be video recorded and broadcast live via the town’s website www.penfield.org and the Town’s Government Access Cable channel 12, digital 5.12. Question regarding video coverage contact Penfield TV at (585) 340-8661.
The Regular meeting of the Penfield Town Board was held on Wednesday, March 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:  

Present:  
          Amy Steklof         Town Clerk  
          Richard Horwitz     Town Attorney  
          Jim Costello        Director of Developmental Services

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by Abigail and Samuel Ogie.

Public Hearing #1 To Allow a 2,500 Square Foot Dental Office at 2105 Five Mile Line Road located in the Four Corners (FC) Zoning District

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on February 16, 2017 and was posted on the Town Website and Town Clerk Bulletin Board. 53 postcards were mailed. Town Attorney Horwitz confirmed that this Hearing is in order.

Supervisor LaFountain stated that the Town Board has received all materials pertaining to this Public Hearing.

Scott Harter, Site Engineer for the project, stated that with him is John Page, project architect and Bob Lindsay, the current property owner. Mr. Harter passed out handouts to the Town Clerk and Town Board to better identify what is being proposed. Mr. Harter stated the building is a 2,500 sq. ft. professional office building. The project is a reuse of a portion of an existing site that was formerly used as a residential rental house. Demolition of the house is proposed and the professional office building is proposed as its replacement. The existing parking area is to be expanded to nine (9) extra parking stalls. There is public parking across the street which the new owners propose to use. He stated that John Page has gone before the Historic Preservation Board to discuss his intentions for the building, and has received comments from that Board pertaining to the design. Mr. Harter stated his function is to make sure the site works with the building and to show what is planned for parking as well as show drainage control and access. He has submitted this information to the Town and to the Monroe County Planning Department. In turn, they have received comments from the Monroe County Planning Department and from Monroe County Department of Transportation. He spoke further about the site plan, drainage and ingress/egress. He stated that the site drains off onto Liberty Street. He also stated that the existing soil is mostly sandy and very porous. Tests showed that sand is eight (8) to ten feet in depth. The drainage system is essentially storm water exfiltration which can capture the 6,587 sq. ft. drainage area of which 6,138 sq. ft. is impervious area, excess drainage is then reduced from its existing condition. Mr. Harter stated that when he spoke with the Project Review Committee it was suggested that a storm connection be made out to the street.

Supervisor LaFountain asked how would the landscaping tie in with the broader site?

Mr. Harter stated they had the landscape designer come up with a plan that has already been viewed by the Town’s Landscape Consultant and no comments have been received thus far. The Landscape Designer did evaluate existing foliage on the site and found the trees to be in very poor condition. The Landscaping Plan proposes new trees along with foundation plantings surrounding the building.
Supervisor LaFountain verified that the existing trees in that area will be removed as part of the project.

Mr. Harter stated the trees around the barn structure and apartment building will remain.

Councilman Quinn asked whether there will be any improvements made to the current access road.

Mr. Harter stated that the entrance onto Liberty Street will remain the same.

Councilwoman Metzler stated she is familiar with this project since she is the liaison to the Historic Preservation Board.

John Page with Bero Architecture, 32 Winthrop Street, Rochester, NY stated the site is on the border of a commercial and residential district, so they looked to develop a façade that looked residential in style and scale, but would also serve well as a commercial building. This has been reviewed by the Historic Preservation Board. A front porch faces Five Mile Line Road and is the main entrance to the building. The rear of the building has a smaller porch which will serve as the second egress point to allow for staff to enter and exit the building. The building has an architectural asphalt shingle on it with painted wood siding and exposed foundation which will have a plaster finish to it. The building will be modified as per the Historic Preservation Board’s request and findings for the project. They requested that the gable ends have a different siding, so there will be a scalloped siding installed at the gable ends. The Historic Preservation Board also requested that the encasement windows be replaced with double hung windows and will be incorporated into the project.

Dr. Greg Merkley, proposed future owner of the building, stated his existing office is approximately 400 yards from the site. He stated that there will be five (5) to six (6) employees and the hours of operation will be Monday through Wednesday, 8:00 AM to 6:00 PM and Thursday, 8:00 AM to 3:00 PM. The business will be closed Friday through Sunday. He plans to incorporate his sign into the existing sign display or use his existing sign at 2086 Five Mile Line Road if allowed.

Bob Lindsay, current owner of the property stated that Dr. Merkley’s office will be closed on Friday and Saturday while the hair salon, on the site, will be open. The employees will park in the municipal parking lot across the street.

Supervisor LaFountain asked the applicant if any items are outstanding from PRC?

Mr. Harter stated the PRC have questioned about the sanitary connections from the street and have questioned about sidewalks being part of this project. He stated that there is a sidewalk continuous along the outside of the street and a crosswalk to the sidewalk that runs north and south towards the park at the Four Corners. He does not see a need to add a sidewalk.

Bob Lindsay, current property owner, stated that a sidewalk was considered during the last project and at that time it was determined that no sidewalk was needed.

Supervisor LaFountain stated they will take that information under advisement.
Penfield Town Board, March 1, 2017

(Public Hearing #1 – Continued)

Supervisor LaFountain asked about the future of the yellow house that stands on the property.

Mr. Lindsay stated that the yellow house is currently vacant. If the project does not go through they plan on keeping the house residential. If the project goes through they will demolish the house.

Councilwoman Kohl asked if there will be a dumpster enclosure?

Mr. Lindsay stated there is a dumpster already on the site which backs up to Mark’s Pizzeria. They plan to enclose it during the next phase of the project. It will be a shared dumpster.

Councilwoman Metzler suggested that they coordinate the trash pick-up between the businesses.

Mr. Harter stated that they use Lilac refuse pickup because it is cheaper than Waste Management.

Jim Costello, Director of Developmental Services, stated that he wants to make sure there will be Cross Access Agreements for parking for each of the properties as a Condition of Approval. He also stated that PRC is recommending installation of sidewalks.

Supervisor LaFountain went over the next steps and stated it applies to the next two (2) Public Hearings as well.

Public Participation - None

Hearing closed.

Public Hearing #2 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

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on February 16, 2017 and was posted on the Town Website and Town Clerk Bulletin Board. 4 postcards were mailed. Town Attorney Horwitz confirmed that this Hearing is in order.

Bradley and Kyle Kennedy stated they are K2 Brewing and would like to open a microbrewery at 1221 Empire Blvd. Bradley stated they would like to open the microbrewery this summer. He stated that the building is currently an antique store called “All That Jazz” and that it is a 9,600 sq. ft. building. He stated that initially they will be using only the bottom half of the building which is 4,800 sq. ft. The front 2,400 sq. ft. will be used as a restaurant and tasting room and the back 2,400 sq. ft. will be used for brewing operations and will have a small kitchen. He stated that the kitchen is approximately 300 sq. ft. and the brewing area will take up approximately 600 sq. ft. A cooler for kegs will take up approximately 250 sq. ft. They would like to have outdoor seating and dining in a fenced area. Access will be only through the restaurant. He also stated they would like to have outdoor acoustic music similar to what Cha Cha’s restaurant at the Four Corners of Penfield has. Currently there are 51 parking spaces. They would like to have the ability to seat 99 people.

Councilwoman Kohl asked whether there is an opportunity to add additional parking?

Bradley stated there is some land behind the property that they would like to purchase in the future.

Kyle Kennedy stated they are planning to speak with Agway to see if they can use their parking after hours. They are also looking to speak with the owner behind them to see if they can purchase some of their land to use for additional parking in the future.
Supervisor LaFountain stated that there is no opportunity at this time for additional parking without violating the green space requirement.

Councilman Quinn asked if the Kennedy’s have plans to change the interior or exterior of the building.

Kyle stated that the only exterior change planned is to have a side garage door to access a forklift for grain delivery. The color will stay the same.

Bradley stated that the fence will stay as is. Signage will stay the same size as it currently is and they plan to use the same sign structure. Interior modifications have been outlined in the drawings that the Town Board has. The back half of the building is currently one giant room and they plan to put up some walls. The front half is currently two (2) offices with bathrooms and they plan to remodel that to redo the bathrooms and change the office space.

Councilwoman Kohl asked what the hours of operation will be?

Bradley stated the hours of operation will be Wednesday and Thursday from 2:00 PM to 10:00 PM, Friday from 2:00 PM to Midnight, Saturday from Noon to Midnight and Sunday from Noon to 6:00 PM. They will be closed on Monday and Tuesday.

Councilwoman Metzler stated there is a concern with traffic and safety in that area and when adding the alcohol component it raises the level of concern. Councilwoman Metzler asked how much alcohol can be served as per the State Liquor Authority?

Bradley stated he thinks three (3) pints is allowed, but you never know how much someone may drink before visiting an establishment. They plan to train all of their employees on the Alcohol Awareness Program so they can monitor the consumption of alcohol of their patrons. He also stated the atmosphere for the microbrewery will be different from others in that they will not have happy hours or drink specials.

Councilwoman Metzler asked if there will be a tasting room?

They stated yes.

Councilwoman Metzler asked how that will be regulated.

Bradley stated there are regulations on how much you are allowed to serve. They plan to enforce the regulations.

Kyle stated that Lyft and Uber are very close to being passed in this area and will be a benefit to them and their patrons.

They plan to offer taxi service and will allow vehicles to be parked overnight in their lot.

Councilwoman Metzler asked if they intend to use local products from the farms in town.

Bradley stated that they are applying for a dual license to be able to use both New York and other state’s products.

Kyle stated they would eventually like their products purely from New York State.

Councilwoman Metzler stated she encourages them to utilize products from local farms.

Supervisor LaFountain inquired about the plans for the second floor.
Bradley stated that the back half of the second floor will be used for offices and the remainder of the back will be made into an apartment for their parents. Their parents will be helping out with the business. The front half will stay empty for the first year of operation. They hope to add a dining area and additional seating in the future.

Councilwoman Metzler asked if they plan to provide off site catering?

Kyle stated they plan to serve limited food and to bring in food trucks for larger events.

Councilwoman Kohl inquired about deliveries and what their plan for the landscaping will be?

Kyle stated they would have grain delivered once a week.

Bradley stated they will utilize the existing landscaping and add fencing.

Supervisor LaFountain asked where the fence will be placed?

Bradley stated the fence will be towards the hill on the west side of the property. They plan to offer growler fills and have basic merchandise to purchase.

Public Participation

Kathleen McGrail, Parkview Drive stated that a number of drinking establishments are located in this area on Empire Boulevard and feels it could be dangerous for drivers. She asked whether music is intended for inside the establishment or outside.

Kyle stated it is intended for the inside and if the Town permits it, the music would be piped outside as well.

Ms. McGrail stated that years ago a restaurant in that area had outside music and the sound carried up to the top of the hill to the residential area.

Henry Schnepf, 480 Wilbur Tract Road, stated the access to Wilbur Tract Road off of Empire Boulevard has been a mess with all the new development in the area and with R G & E digging the area up last year. People already have trouble getting in and out of the tract. He would like the Town to speak with those responsible and have them fix the road. He would also like Supervisor LaFountain to visit the site.

Supervisor LaFountain stated that the Town has had issues with R G & E not following up and repairing the areas they have worked in. The Town will follow up with them to make sure that gets addressed.

Mr. Schnepf stated he is looking forward to visiting K2 Brewery, but is concerned about the parking and access in and out of Wilbur Tract Road in the event of an emergency. He hopes that the parking will be restricted to the side of the road so that access to the private road will always be available and not blocked.

Bradley stated that the plan is to be considerate with the parking situation and they will do their best in being respectful with the music.

Supervisor LaFountain stated that in the past, the Town Board has restricted music when a business is first opening, but after a year of operation the applicant may come before the Town Board to ask them to re-consider allowing music at their establishment.

Hearing closed.
Public Hearing #3 To Consider the Adoption of Local Law No. 1 of 2017 which would Extend the Moratorium on the Prohibition of Public Golf Course Redevelopment within the Town of Penfield

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on February 16, 2017 and was posted on the Town Website and Town Clerk Bulletin Board. This is a Town Wide action so no postcards were mailed. Town Attorney Horwitz confirmed that this Hearing is in order.

Supervisor LaFountain went over the history of the March 2016 Moratorium, Local Law #1 of 2016. The Moratorium was put in place the end of March 2016, and will expire at the end of this month. At that time a Moratorium Committee was put in place. The recommendations made as a result of the committee meetings were for the Town to consider purchasing the property to keep as open space and recreational. Some negotiations have occurred with the Dolomite Group, but have not been completed and therefore the Town Board has asked to extend the Moratorium for an additional year so that the negotiations with Dolomite can continue. Supervisor LaFountain stated that the Public Hearing is for the residents to let the Town Board know whether they support or do not support the extension of the Moratorium.

Supervisor LaFountain also stated that he will continue to update the committee members and residents as new information becomes available.

Councilwoman Metzler reported information on what the Moratorium stands for and that all available information pertaining to this issue can be found on the Town’s website under quick links for Shadow Pines.

Councilwoman Metzler acknowledged the committee members and recognized Supervisor LaFountain for his involvement on this matter.

Councilman Moore stated that last year, at this time, he spoke in support of the Moratorium. He still believes the property should not be made into a housing development. He is committed to supporting the Moratorium.

Public Participation

The following residents spoke in support of the Moratorium.

1. Robin Pajerek, 18 Huntington Meadow
2. Abigail Ogie, 1924 Clark Road
3. Samuel Ogie, 1924 Clark Road
4. Carol Samuel, 27 Huntington Meadow
5. Jeff Burns, 39 Scarborough Park
6. Bob Peterson, 1931 Clark Road
7. Kate McArdle, 15 Hillside Drive
8. Tim Murphy, 48 Corral Drive
9. Carol Southby, 115 Huntington Meadow
10. Dick Frietas (called in support of the Moratorium and is glad to be able to watch the meeting live on TV.)

Many were concerned with the time line and wondered if a decision could be made within six (6) months.

John M. Siel, Sr., 1150 Penfield Road, President of The Dolomite Group stated that extending the Moratorium impacts the company. He supports a six (6) month Moratorium with the option of another six (6) months. He is happy to talk with the community and Town Board. He also stated that they do need to continue maintaining to the Clark House so that it does not become dilapidated or become a liability. He does not support a full year Moratorium, but will respect it. He also informed the residents that The Dolomite Group is controlled on a local basis and decisions are made on a local level.
Supervisor LaFountain stated they will continue to work with Dolomite on the process and try to come to a resolution as quick as they can.

Councilwoman Metzler stated that it is time to begin updating the Town’s Comprehensive Plan which will look at the entire Town and the zoning in the Town. Any type of land use change that occurs needs to go through a process or it will not be legal. The Moratorium will not dictate what the Town Board will do pertaining to the Town’s Comprehensive Plan.

Supervisor LaFountain stated if the Town moves forward and purchases the land then the underlining zoning for that particular piece of property becomes a moot point.

Councilwoman Metzler stated that the Town Board is concerned with traffic, sustainability, congestion and environmental issues and is part of the process when updating the Comprehensive Plan.

Councilman Quinn stated that his first choice for the Shadow Pines parcel is Open Space.

Councilwoman Metzler stated that she would like to maintain her beautiful home town. The school district concerns are huge. She stated that she does not want the quality of Penfield Schools and school district to change, nor does she want the quality of life or the features we have in our community to change.

Supervisor LaFountain stated he supports Open Space for the property.

Councilman Moore stated he is in support of Open Space and recreational use.

Councilwoman Kohl also stated she supports Open Space for the property.

Supervisor LaFountain stated that once a decision is made for the use of the property, then it will take approximately two (2) months to go to vote on a referendum. He stated that this is part of the legal process that needs to be followed.

As people began to leave the auditorium, Supervisor LaFountain stated he has been informed that a number of trees are down and power outages have begun due to the windstorm Monroe County is now experiencing and that everyone should drive safe as they are driving on the roads.

Hearing closed.

Communications and Announcements

1. The Town of Penfield is now accepting student entries for its 2017 Memorial Day Essay Contest. This year’s topic is “The America I Believe in.” The top three (3) essays will win cash prizes courtesy of the VFW Post 820. Students will be asked to read their winning essay at the Town’s annual holiday ceremony on Monday, May 29, 2017. Complete contest information can be found at www.penfieldrec.org, or by calling Sabrina of Penfield Recreation at 340-8651.

2. The Town Engineer and our Department of Public Works office reminds the community that sod damage left behind by road and sidewalk plows will be repaired by the Town in late March into early April. For more seasonal information from the Department of Public Works, visit www.penfield.org.

3. The Trails Committee’s next free guided hike will be held on Saturday, March 11, 2017 from 10:00 AM to Noon on the west side of Monroe County’s Webster Park. Participants are asked to pre-register by calling Penfield Recreation at 340-8655.
4. County Executive Cheryl Dinolfo has announced that Monroe County will partner with Rochester Works! to bring a job fair to Penfield and will be held at the Penfield Public Library on Wednesday, March 8, 2017 from 10:00 AM to 1:00 PM. This event is free and open to the public. For more information, please visit www.monroecounty.gov.

5. Penfield Rotary’s Annual Spring Euchre Tournament will be held on Sunday, March 12, 2017 at the Legacy of Willow Pond. Check in will be at 2:00 PM. The tournament will start at 2:30 PM. Proceeds from the tournament will be used to support various community and international service projects. For complete details, please visit www.penfieldrotary.org.

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

Public Participation

Ed Lindskoog, 40 Willow Pond Way, asked who checks on the street lights in Penfield. He has noticed that a number of street lights stay on during the day and a number of lights are out.

Supervisor LaFountain stated that we rely on residents to notify the Town when they see outages or issues pertaining to street lights. He will notify Jim Kreckman, Head of Facilities, to look into the issue.

Mr. Lindskoog also mentioned that the lights at the island on Willow Pond are dim and asked to have brighter lights added.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of February 1, 2017 Councilman Moore seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#17T-070 Setting a Public Hearing for Adoption of Local Law No. 2 of 2017 by Moore

WHEREAS, the Town Board of the Town of Penfield wishes to consider adopting proposed Local Law No. 2 of 2017 which would provide for no real property tax exemption pursuant to NY Real Property Law Section 487 for Solar, Wind Energy and Farm Waste Energy Systems;

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 April 5, 2017, at 7:00 PM on said date, to consider the said proposal and to hear all persons interested on the questions of the adoption of Local Law No. 2 of 2017 which would provide for no real property tax exemption pursuant to NY Real Property Tax Law Section 487 for Solar, Wind Energy and Farm Waste Energy Systems, 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.

Schedule “A”

TOWN OF PENFIELD
LOCAL LAW NO. 2 OF 2017
SOLAR, WIND ENERGY AND FARM WASTE ENERGY SYSTEMS

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

Section I. This Local Law shall be entitled Solar, Wind Energy and Farm Waste Energy Systems.

Section 2. This Local Law is adopted pursuant to the Authority of New York Real Property Tax Law Section 487.

Section 3. Exemptions from taxation to the extent of any increase in assessed value due to the construction of such systems set forth above shall not apply to any such systems constructed within the Town of Penfield after the effective date of this Local Law.

Section 4. This Local Law shall take effect immediately.

Moved: Moore
Seconded: Kohl

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

Adopted

#17T-071 Setting a Public Hearing regarding Cable Franchise Renewal by Moore

BE IT RESOLVED, that the Town of Penfield will hold a Public Hearing regarding Cable Television Franchise Renewal between the Town and Charter Communications (aka Spectrum Cable), formerly known as Time Warner Cable on Wednesday, April 5, 2017 at 7:00 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, NY, and that all persons wishing to be heard be given an opportunity at that time, 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 the State Environmental Quality Review Act (SEQRA);
NOW, THEREFORE, BE IT RESOLVED, the purpose of this Public Hearing is to review the cable operator’s past technical, and customer performance and to identify recommendations for future Town cable-related community needs, and

BE IT FURTHER RESOLVED, that the Town Clerk cause a Notice of the Public Hearing to be published in the official newspaper at least five days and not more than 30 days prior to the Hearing.

Moved: Moore
Seconded: Quinn

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

Adopted

#17T-072 Endorsing a Proposed Joint Consolidation Agreement for the Town of Penfield Consolidated Sanitary Sewer District No. 12 (Empire Boulevard District) by Moore

WHEREAS, the Penfield Town Board acting jointly on behalf of the Penfield Consolidated Sewer District and Penfield Sanitary Sewer District 12, (Empire Boulevard District), hereby makes a determination that it is in the public interest to consider the consolidation of said districts;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield acting as the governing body of the Town of Penfield Consolidated Sewer District and the Penfield Sanitary Sewer No. 12, (Empire Boulevard Sewer District), hereby endorses the proposed joint Consolidation Agreement attached hereto as Schedule A.

Moved: Moore
Seconded: Metzler

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

Adopted

See Schedule "A" at end of Minutes

#17T-073 Setting a Public Hearing to Consider the Proposed Agreement for the Consolidation of Sanitary Sewer District #12 (the Empire Boulevard District) and the Town Wide Consolidated Sanitary Sewer District, and Determining the Lead Agency for the SEQR Action by Moore

WHEREAS, the Town of Penfield is the governing body for the “Town of Penfield Consolidated Sanitary Sewer District” as well as “Sanitary Sewer District #12,” and

WHEREAS, the Town Board, acting jointly as the Commissioners of both districts, has determined this consolidation will eliminate additional expenses in administrative oversight of multiple sewer districts and there will be no additional cost to the Town as a result of consolidation and has endorsed a proposed joint consolidation agreement for both of the aforementioned sanitary sewer districts, 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 the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT RESOLVED; that the Town Board of the Town of Penfield acting jointly on behalf of the Penfield Consolidated Sanitary Sewer District and Penfield Sanitary Sewer District #12 (the Empire Boulevard District) shall hold a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on the 5th day of April, 2017 at 7:00 PM on said date, to consider said Consolidation Agreement 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 as may be required by law, and

BE IT FURTHER RESOLVED; that a copy of this resolution and a descriptive summary of the proposed joint consolidation agreement, 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 displayed on the website of the Town as prescribed by Law. Further, a copy of the proposed consolidation agreement may be examined in the Penfield Town Clerk’s Office.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Works

#17T-074 Authorization for the Supervisor to Sign an Amendatory Agreement with Monroe County Renewing the 2014 CDBG Grant for $34,750 for the Empire Blvd. Sidewalk Improvement Project by Metzler

WHEREAS, the Monroe County Development Administration previously awarded a grant for a maximum amount of $34,750 for the 2014 Empire Blvd. Sidewalk Improvement Project in the Town of Penfield; and

WHEREAS, the Town of Penfield accepted this grant through Town Board resolution 15T-048, on January 21, 2015, extending the contract through December 31, 2015; and

WHEREAS, the Town of Penfield amended this grant agreement through Town Board resolution 16T-128, on May 4, 2016, extending the contract through December 31, 2016;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Penfield Supervisor, R. Anthony LaFountain be and hereby is authorized to execute an Amendatory Agreement with Monroe County for said project and grant to continue through December 31, 2017.

Moved: Metzler
Seconded: Moore

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

Adopted
Authorization for the Town Board to Accept a Monroe County CDBG Grant for $32,000 for the 2015 Empire Blvd. Sidewalk Improvement Project and Execute an Agreement by Metzler

WHEREAS, the Monroe County Development Administration has previously awarded a grant for a maximum amount of $32,000 for the 2015 Empire Blvd Sidewalk Improvement Project in the Town of Penfield; and

WHEREAS, the Town of Penfield accepted this grant through Town Board resolution 16T-129, on May 5, 2016, extending the contract through December 31, 2016;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Penfield Supervisor, R. Anthony LaFountain be and hereby is authorized to execute an Amendatory Agreement with Monroe County for said project and grant to continue through April 30, 2018.

Moved: Metzler
Seconded: Kohl

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

Adopted

NYS DOT Shared Service Agreement with the Town of Penfield by Metzler

WHEREAS, pursuant to Section 99-r of the General Municipal Law, the NYSDOT and the Town of Penfield wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing the effective utilization of both parties’ resources; and

WHEREAS, the current Shared Services Agreement between the NYS DOT and the Town of Penfield expired at the end of 2016; and

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Works be authorized to sign and enter into a new four (4) year agreement with the NYS DOT upon review and approval of the Town Attorney.

Moved: Metzler
Seconded: Quinn

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

Adopted

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, Phil D’Alessandro, Code Compliance Inspector, 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 $390.00 shall be allocated from departmental conference budget line.

Moved: Quinn
Seconded: Metzler

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

Adopted

Community Services

#17T-078 Authorization for Supervisor to Sign Recreation Contracts

By Kohl

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

Jim Orefice, 81 Penn Ln., Rochester, NY 14625, to provide sound engineering at the Penfield Amphitheater, 6/2/17 – 9/16/17, for a fee of $135.00 per worked event. Voucher to be submitted on 9/20/17.

Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business - None

New Business - None

Public Participation - None

Executive Session - None

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 9:44 PM.

Next Meeting – March 15, 2017 (cancelled)
SCHEDULE A

PROPOSED JOINT CONSOLIDATION AGREEMENT FOR THE TOWN OF PENFIELD CONSOLIDATED SANITARY SEWER DISTRICT AND PENFIELD SANITARY SEWER DISTRICT No. 12 (EMPIRE BOULEVARD DISTRICT)

The Penfield Town Board, acting jointly as the governing body of the Town of Penfield Consolidated Sanitary Sewer District as well as the governing body of the existing Sanitary Sewer District #12, sets forth the following terms which constitute the Proposed Joint Consolidation Agreement between the Penfield Consolidated Sanitary Sewer District and Sanitary Sewer District #12.

Name of Each Entity to Be Consolidated
The Town of Penfield Consolidated Sanitary Sewer District and Sanitary Sewer District #12 are the sanitary sewer districts to be consolidated.

Name of the Proposed Consolidated Entity
Sanitary Sewer District #12 will be added and consolidated into the Town of Penfield Consolidated Sewer District; therefore, the name of the proposed consolidated entity will be the Town of Penfield Consolidated Sanitary Sewer District. The post-consolidation Penfield Consolidated Sanitary Sewer District is referred to herein as the “Consolidated Entity”.

Rights, Duties and Obligations of the Proposed Consolidated Entity
The rights, duties and obligations of the proposed Consolidated Entity will be the same as those for the current Town of Penfield Consolidated Sanitary Sewer District (as more specifically set forth in NY Town Law and the Penfield Town Code), except that those rights, duties, and obligations will now also apply to a larger area which is to include the area of Sanitary Sewer District #12.

Boundaries of the Consolidated Entity
The Boundaries of the Consolidated Entity shall be the same as the current boundaries of the Town of Penfield Consolidated Sanitary Sewer District before final completion of this consolidation together with the current boundaries of Penfield Sanitary Sewer District #12 (the Empire Boulevard District) all as shown on the Town of Penfield Sewer District mapping located in the Penfield Town Clerk’s office.

Type of the Consolidated Entity
The Consolidated Entity will be the Town of Penfield’s Consolidated Sanitary Sewer District.

Fiscal Estimate of the Cost and Savings Which May be Realized
The consolidation of the two entities will eliminate the annual need for additional expenses in the administrative oversight of multiple sewer districts. There will be no additional cost to the Town as a result of the consolidation.

Each Entity’s Assets
The Penfield Consolidated Sanitary Sewer District’s assets are comprised of the following:
Infrastructure, including approximately 66,500 linear feet of piping, approximately 3,780 manholes, approximately 30,150 linear feet of forcemain and 17 pump stations.
The total value of these assets is approximately $58,860,000.

Sanitary Sewer District #12 assets are comprised of the following:
Infrastructure, including a 6 inch sanitary sewer main as well as 3,900 linear feet of piping, 3 pump stations and approximately 32 manholes. This infrastructure has an estimated replacement value of approximately $989,500.

Each Entity’s Liabilities
The Penfield Consolidated Sanitary Sewer District’s debt totals approximately $9,340,00. Sanitary Sewer District #12 has no current debt.

Terms for the Disposition of Existing Assets, Debt and Liabilities
All assets of the Penfield Consolidated Sanitary Sewer District and Sanitary Sewer District #12 will become assets of the Consolidated Entity. All existing debt of the Penfield Consolidated Sanitary Sewer District will become the debt of the Consolidated Entity.

Administration of Laws
The Town Code regarding Sanitary Sewer Districts and the New York State Law regarding Sanitary Sewer Districts will be applied against the Consolidated Entity as a single Town of Penfield Sanitary Sewer District (which will be comprised wholly of the Penfield Consolidated Sanitary Sewer District and Sanitary Sewer District #12).
**Effective Date**
This consolidation shall be effective on April 5, 2017 or such other date of the completion of the procedures effecting this consolidation.

**Time and Place for Public Hearing**
The Town Board of the Town of Penfield, shall meet at the Town Hall, 3100 Atlantic Avenue, Penfield, New York, on April 5, 2017, at 7:00 PM for the purpose of conducting a public hearing regarding the proposed agreement to consolidate Sanitary Sewer District #12 into the Penfield Consolidated Sanitary Sewer District, at which time and place all persons interested in the subject thereof may be heard concerning the same.