TOWN BOARD LEGISLATIVE AGENDA

Wednesday, December 20, 2017, 7:00 PM
Supervisor R. Anthony LaFountain, presiding

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

II. Public Hearing #1 - To Allow the Installation of the Following Three (3) Businesses: Consumer Insights, Inc; Autism Learning Partners, LLC; and M and M Creation Nail and Spa at 2041 Penfield Road, Located in the Planned Development (PD) Zoning District

III. Communications and Announcements

IV. Public Participation

V. Additions and Deletions to Agenda

VI. Approval of Minutes – November 20, 2017

VII. Petitions

VIII. Resolutions by Function

Law and Finance

17T-217 Appointment of Penfield Town Clerk, Amy M. Steklof, RMC/CMC as Marriage Officer

17T-218 Authorization for the Release of a Stormwater Management Facility Access and Inspection Easement 1429 Shoecraft Road

17T-219 Authorization for the Town Supervisor to Sign a Professional Service Contract with Stanton Landscaping Corp. For Drainage Improvements

17T-220 Authorization for Town Supervisor to Sign a Professional Service Contract Amendment with DDS Companies for Sidewalks on Empire Boulevard

17T-221 Setting a Public Hearing to Consider a Conditional Use Permit to Allow a Sit-down Restaurant with Outdoor Dining and Entertainment at 2126 Five Mile Line Road

17T-222 Authorization for the Town Supervisor to Sign Two Professional Service Contracts with C&S Companies to Conduct a Phase II Environmental Assessment for 2701 Atlantic Avenue, 1950 & 1960 Clark Road and 745 Whalen Road (Shadow Pines)

Public Works

17T-223 Advertising for Bids for the Replacement of a Portion of the Roof at the Community Center
Public Safety - None

Community Services
17T-224 Advertising for Bids for Printing Program Brochure
17T-225 Authorization for Supervisor to Sign Recreation Contracts

IX. Old Business
X. New Business
XI. Public Participation
XII. Executive Session
XIII. Next Meeting: (January 03, 2018)
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, December 20, 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

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

Absent:  
Robert Quinn  Councilman

Supervisor LaFountain opened the meeting by welcoming and wishing everyone a Merry Christmas and Happy Holidays.

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Supervisor LaFountain recognized Director of Developmental Services, Jim Costello, Town Councilwoman Paula Metzler, Chairman of the Historic Preservation Board, Joan Belgioirno and Terry and Lindsay Williams. Both Ms. Belgioirno and Councilwoman Metzler presented the Jeff S. Crane Preservation Award to Terry and Lindsay Williams for rehabilitating and preserving the former Penfield Methodist Church at 2106 Five Mile Line Road. The Williams’ are the 13th recipients of this award.

Terry Williams thanked the Town Board for this honor.

Public Hearing #1  
To Allow the Installation of the Following Three (3) Businesses: Consumer Insights, Inc., Autism Learning Partners, LLC, and M and M Creation Nail and Spa at 2041 Penfield Road, Located in the Planned Development (PD) Zoning District

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on November 30, 2017 and was posted on the Town Website and Town Clerk Bulletin Board. 70 postcards were mailed. Town Attorney Horwitz confirmed that this Hearing is in order.

Neeraj Shah, representing his parents who own the property at 2041 Penfield Road, requested a Special Permit to allow three (3) new tenants to occupy the building that is located in the Town’s Planned Development Zoning District.

Mr. Shah stated that there are two (2) buildings located on the property; a newly constructed two (2) story, 6,000 square foot building located on the northwest corner of the property and the original one (1) story, 3,000 square foot building located on the northeast corner of the property.

The first tenant, Consumer Insights, Inc., a market research company, would like to lease the second floor of the newer building. There are 10-12 employees and the hours of operation will be from 8:00 AM to 5:00 PM. No clients will visit the office due to most work being done on computers via telecommunications.

The second tenant, Autism Learning Partners, LLC, would like to lease the east half of the first floor of the newer building. The company currently has six (6) employees and the office hours will be from 8:30 AM to 6:00 PM. Most work will be done at client’s homes. The number of cars in the parking lot, at any given time, will be three (3) to four (4).
Penfield Town Board, December 20, 2017

(Public Hearing #1 - Continued)

The third tenant, a nail and spa business, would like to lease the east half of the original one (1) story building. They will start with four (4) chairs with the hopes of expanding to six (6) chairs. At full capacity the business will have four (4) employees and four (4) customers, at any given time, between 9:00 AM and 8:00 PM, typically by scheduled appointment.

Supervisor LaFountain inquired about weekend hours.

Mr. Shah stated he will look into that.

Councilwoman Kohl inquired about signage.

Mr. Shah stated that they have two (2) signs approved by the Town. The leasing sign will be removed once the last space in the building is leased.

Supervisor LaFountain stated there have been a number of calls concerning the amount of signage on that property.

Mr. Lalit Shah stated that he will make sure the leasing sign will be taken down in one (1) month time.

Councilwoman Metzler inquired if the nail salon will have separate parking.

Mr. Shah stated there is a section for parking in the area where the salon is located, but it is still considered common parking for everyone visiting the location.

Councilman Moore asked if there is an intent to make the property more esthetically pleasing.

Mr. Shah stated there has been and will be landscaping done.

Supervisor LaFountain went over next steps.

Public Participation - None

Hearing closed.

Communications and Announcements

1. If you would like to pay your taxes early, the first day taxes can be paid is Friday, December 29 from 9:00 AM to 5:00 PM.

2. The Town offices will be closed Monday, December 25, 2017 for the Christmas Holiday.

Public Participation

Dr. Kathleen McGrail, 275 Parkview Drive, inquired about the “2020 Planning Group,” and whether a new committee has been selected and if so, who has been selected. She also asked what criteria was used to select the committee members. Dr. McGrail stated she had submitted these questions online a while back and is concerned with the process and its transparency.

Supervisor LaFountain stated that a proposed revised schedule has been forwarded to the Town Board and once approved will be put on the Town’s website. No one has been selected at this time. 25 to 30 interested individuals have submitted their names. Historically, the Board looks at background, experience and geographical location the individual would bring to the committee.

Dr. McGrail stated that she has noticed and is concerned that only 15% of the Town’s committees are made up of women.
Supervisor LaFountain stated that 75 – 80% of the people who have submitted their names for consideration have been male.

Councilwoman Metzler stated that applications are still being collected.

Dr. McGrail asked if there is a way to address the conflict of interest issue of those applying for a committee position.

Supervisor LaFountain stated when viewing the applications they take that issue into account. He also stated that all committees are voluntary committees with the exception of Planning Board, Zoning Board, Historic Preservation Board and Conservation Board.

Mike Reisinger, 153 Burrows Hills Drive asked to have his name removed from the Shadow Pines petition due to misleading information.

Jeff Burns, 39 Scarborough Park, asked for an update on Shadow Pines.

Supervisor LaFountain stated a petition was received by the Town Clerk this afternoon and that the petition is on file in her office.

Mr. Burns asked Supervisor LaFountain to comment on any conversations that have occurred with Dolomite/Old Castle pertaining to extending the closing deadline on the sale of the property.

Supervisor LaFountain stated that it has been under discussion for several months and as of today there is no agreed upon or signed purchase agreement between the Town of Penfield and Old Castle.

Mr. Burns asked if there are any other ways the Town could purchase the property.

Supervisor LaFountain stated only if a benefactor were to come forward with a check for $3.6 million. He went on to say that the Town does not have that amount to spend and will have to go through the bond process to borrow the money.

Mr. Burns stated he hopes the Town Board and the Town Clerk will be looking very carefully at the legitimacy of the petition. He stated he has heard from residents who signed the petition that they feel they were misled and that some of the petition signers would like to have their names removed from the petition now that they understand the petition better.

Mr. Burns asked what the time frame would be if the Town has a positive referendum vote.

Supervisor LaFountain stated that if the Town goes through the referendum process, the Town would then go out for bonding. Typically, upon a positive vote, it would take approximately one (1) month to go out to the bond market and then close.

Councilwoman Metzler stated it has always been the intention of the Town Board to have a public referendum.

Laurie MacCullum Rayner, 1915 Clark Road stated she has nothing more to add to what has already been said, but has spent the last couple of days at the Penfield Fitness Center and has seen that many people are confused about the petition.
Douglas Fisher, Rochester, NY, commended the Town for their efforts in moving forward favorably to preserve this land for the community. He stated that no matter what the referendum says he encourages the Town Board to adopt tonight’s resolution. He would like the Town Board to do everything possible to have everything in place by January 31, 2018. He also stated that there are alternatives such as not-for-profit entities that routinely step forward and purchase properties when government is unable to act due to legal schedules and legislative approvals.

Ned Benson, 108 Harwood Circle, inquired why a referendum vote was not set up to coincide with the November 7, 2017 election.

Supervisor LaFountain stated the Town did not have a letter of intent signed by both parties in time to be able to move forward. He also stated the Town still does not have a purchase and sales agreement.

Supervisor LaFountain went over the steps that have occurred since the bond resolutions were adopted on November 20, 2017. Those bond resolutions were subject to a 30 day permissive referendum.

Councilwoman Metzler clarified the process.

Jim Froom, 11 Denonville Ridge, stated he was of the understanding that if a petition was filed with the Town Clerk then there would not be a deal.

Supervisor LaFountain stated that it all depends on how the ongoing discussions and negotiations go.

Mr. Froom asked several process questions.

Supervisor LaFountain stated the Town continues to work with the seller in reference to a date extension. He also mentioned that it has been advised by attorneys that to go out for a referendum vote without having a signed agreement would be inappropriate. The Town’s goal continues to be to agree upon a purchase and sales agreement. The Town will share information as it becomes available.

Mindy Maclaren, 1724 Five Mile Line Road, inquired about the petition.

Supervisor LaFountain stated the petition will be available to view in the Town Clerk’s office by 9:00 AM tomorrow.

Ms. Maclaren stated she is disheartened by the way the petition signatures were obtained. Many feel they were misled and that they signed the petition for something they do not support. She stated she is concerned with the validity of the petition.

Phil Monahan, 219 Millford Crossing, spoke in favor of the Town purchasing Shadow Pines for green space. He would like his name removed from the petition.

Town Attorney Horwitz stated that the law does not allow the Town to delete signatures, and that it would have to be done by legal process. People would need to file their objections with the court within a five (5) day window. That window expires on December 26, 2017. The required amount of signatures that needed to be obtained was approximately 685. The Town was presented with 1133 signatures.

Meghan Wagner, 8 Cambray Drive, Fairport, stated she is struggling with the lack of communication from the Town Board and Supervisor’s office. She said that she submitted a letter of intent to be on the committee for the Comprehensive Plan, but has not heard back and that there have been no updates placed on the website pertaining to the plan. She would like more transparency from the Town and more information and processes addressed on the Town’s website. She asked who is responsible for updating the Town’s Website.
Supervisor LaFountain stated the Town has a group that updates the website, but they need information given to them before they can make updates.

Mel Callan, 1410 Harris Road, asked the Town Attorney for clarification of the petition process, and the time frame for which a petition can be contested.

Town Attorney Horwitz stated the state statute, requires five (5) days not five (5) business days.

Ms. Callan asked if the statute takes into consideration the days Town offices are closed.

Ms. Callan also asked what would be the Town Board’s responsibility toward residents who signed the petition, but now question the validity of the petition and feel misled.

Town Attorney Horwitz stated that the Town is trying to communicate the judicial legal progress through this televised meeting, and that it would have to be a court case. He went on to say that those who object to the petition would need to seek their own legal counsel.

Councilwoman Metzler stated, through research, she did not find any cases where a Town could bring legal action. She also stated that the action would need to be brought to the State Supreme Court.

Ms. Callan asked where she could find that statute that pertains to taking action within five (5) days.

Mr. Horwitz stated that it can be found in Section 91 of the Town Law.

Susan Kavanaugh, 15 Vixen Run, stated she is representing her neighborhood and that they are opposed to Shadow Pines being developed. They believe the Town Board has an obligation to help residents in this matter and that the way the petition signatures were obtained was unethical.

Supervisor LaFountain stated the Town Board needs to follow the law and the process.

Jim Almstead, 44 Flower Valley Circle, and a member of the Conservation Board and member of the Moratorium Committee, called into the meeting to express his concern that people were misled into signing the petition. He feels that all who would like their names removed from the petition should be able to file a statement to that affect with the Town Clerk.

Carol Samuel, 27 Huntington Meadow, expressed her negative feelings pertaining to the way petition signatures were obtained at the Penfield Racquet Club.

She inquired about the negotiation process.

Supervisor LaFountain stated negotiations have been done through phone calls and emails.

Town Attorney Horwitz added there have also been some face to face meetings and communications by mail.

Lora Downie, 84 Skyview Lane, called in and stated she was part of the Moratorium Committee and asked if the Town could post something tomorrow requesting people to write in or call the Town Clerk’s office if they feel they were misled into signing the petition.

Supervisor LaFountain stated something will be put up on the website within the perimeters of the Law.
Seann McArdle, 15 Hillside Road, stated he has reviewed the information contained in Section 91 of the Town Law and asked what determined the December 20th date for a petition to be filed.

Mr. Horwitz stated that a November 20th bond resolution was passed which included a 30 day permissive referendum.

Mr. McArdle asked if residents will only have Thursday and Friday to review the petition because of the upcoming weekend and Christmas holiday.

Supervisor LaFountain stated that is correct, but a copy of the petition can be given to residents by request.

Mr. Horwitz stated the final day to contest the petition and file with the courts will be Tuesday, December 26, 2017.

Ryan Stark, 1 Pipers Meadow Trail, thanked the Town Board for staying calm during this process, answering everyone’s questions and being upfront about everything. He stated that he would like a fact sheet on all that has occurred thus far pertaining to the Shadow Pines topic.

Supervisor LaFountain asked if Mr. McArdle had seen the posted timeline that was reviewed at the December 6, 2017 meeting.

Mr. Stark stated he had listened to the meeting, but feels there is still a lot of confusion and would like people to be educated as much as possible. He asked if anyone had approached the school district for a short term loan.

Supervisor LaFountain stated if we approached the school district we would still have to pay them back, so it wouldn’t make sense to go to them instead of going out for a bond.

Mr. Stark asked if the Town could look into putting together an ordinance that would pertain to zoning requirements where developments exceeding five (5) units would have to go through additional scrutiny.

Supervisor LaFountain stated the Board could look into it.

Doug Fisher gave some information pertaining to the five (5) day law, as well as the process of filing a lawsuit.

Jim Froom asked if he can compare the petition document with the voter registration document.

Supervisor LaFountain said yes.

Phil Monahan asked if it would be legal for the Town Clerk to collect letters from the residents who would like to be taken off the petition and file a petition with the County Clerk.

Mr. Horwitz stated the Town Clerk can collect letters and emails from residents.

Doug Fisher stated that names and addresses would need to be collected for an affidavit.

Jeff Burns asked what the criteria would be for disqualifying a petition signature.

Mr. Horwitz stated a person would need to meet the residency requirement, the citizen requirement and the age requirement, but does not have to be a registered voter.
Councilwoman Metzler stated it is an example of the flaws within State Law. The time frame is set by statute, there is no review done by the municipality or the Town Clerk and there is no recourse under the law if a municipality sees any misrepresentation or fraud. The only thing the municipality is permitted to do is accept the petition and provide it for review.

Mr. Burns stated he is very disappointed with State Law regulations.

Supervisor LaFountain read a number of emails pertaining to Shadow Pines that were sent in by residents.

Ben Benson stated he is in favor of the Town purchasing Shadow Pines and asked for clarification on the voting process.

Supervisor LaFountain went over the procedure.

Councilman Moore stated there is a January 31, 2018 deadline that Dolomite/Old Castle has given to the Town Board, so by filing the petition today and now going through a public vote it takes the process beyond the deadline date. As of January 31st, if the seller doesn’t give an extension then the referendum that the petition was advocating for is useless. It exceeds the date that was mandated to the Town from Dolomite/Old Castle. The Town’s legal team is trying to get the sellers to extend the deadline.

Jim Froom asked if the Town can follow the timeline required for the vote.

Town Attorney Horwitz stated it is 60 days from today.

Mr. Froom asked if the Town can take all the steps necessary to schedule a vote within the 60 day time frame or less.

Mr. Horwitz said yes.

Seann McArdle asked if the January 31st deadline comes to pass will the Town be able to do anything more.

Supervisor LaFountain stated, in that case, that chapter will be closed and we will have to look at other options.

Several other calls came in that have been recorded.

Jeff Burns asked if a new resolution could be put forth due to the time restraints.

Mr. Horwitz stated the Town is trying to extend the time to do the closing to allow the Town to have a public vote.

Mel Callan asked what is the process the Town will use for communicating all information on Shadow Pines.

Supervisor LaFountain stated there are multiple ways the Town communicates information to the public, including but not limited to putting information on the website, project page, press releases and the Supervisor’s column.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of November 20, 2017 Councilman Moore seconded and all voted “Aye.”
Petitions

The Town Clerk received a petition regarding the call for a referendum vote on Shadow Pines.

Resolutions by Function

Law and Finance

#17T-217 Appointment of Penfield Town Clerk, Amy M. Steklof, RMC/CMC as Marriage Officer by Moore

WHEREAS, Pursuant to Article 3, Section 11-c of the New York Domestic Relations Law, a Public Official may be appointed as a Marriage Officer by the governing body of any Village, Town or City; and

WHEREAS, Penfield Town Clerk, Amy M. Steklof, has had requests to perform marriage ceremonies from residents and others who do not want a member of the clergy or the courts to solemnize a marriage; and

WHEREAS, the Town Board of the Town of Penfield would like to offer the greatest flexibility to our residents and their families; and

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the provisions of such Section 11-c of the Domestic Relations Law, Amy M. Steklof, Town Clerk is hereby appointed a Marriage Officer for the Town of Penfield; and be it further

RESOLVED, that this appointment shall take effect on January 1, 2018, through December 31, 2022; and

BE IT FURTHER RESOLVED, that Town Clerk Steklof shall receive no additional salary from the Town of Penfield for said position; however, she may accept renumeration up to $75.00 per ceremony at any ceremony at which she officiates in accordance with Article 3, Section 11-c of the New York Domestic Relations Law provided the ceremony is not performed at any Town facilities during normal Town business hours, Monday – Friday, 9:00 AM – 5:00 PM.

Moved: Moore
Seconded: Kohl

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

Adopted

#17T-218 Authorization for the Release of a Stormwater Management Facility Access and Inspection Easement 1429 Shoecraft Road by Moore

WHEREAS, Carolyn R. Lesio and Stephanie A. Ketterl, the owners of the property at 1429 Shoecraft Road, Penfield, NY 14526, have requested that the Town of Penfield release the stormwater management facility access and inspection easement on said properties; and

WHEREAS, the original access and inspection easement was recorded in the Monroe County Clerk’s Office in Liber 11750 of Deeds, page 441, on September 6, 2016; and

WHEREAS, the drainage easement is no longer useful to the Town of Penfield, as described on Schedule “A”;
NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a Release of Easement with the owners of property located at 1429 Shoecraft Road, to permit the release of the access and inspection easement as shown on a map entitled “1429 Shoecraft Road” prepared by Costich Engineering, recorded in the Monroe County Clerk’s office at Liber 355, Page 66, dated December 4, 2017; and

BE IT FURTHER RESOLVED that the Release of Easement shall be in the Town’s format and shall be recorded at the Monroe County Clerk’s Office with a certified copy of this Resolution.

Moved: Moore
Seconded: Metzler

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

Adopted

See Schedule “A” at end of Minutes

#17T-219 Authorization for the Town Supervisor to Sign a Professional Service Contract with Stanton Landscaping Corp. For Drainage Improvements by Moore

WHEREAS, the Town of Penfield sought quotes for landscape services to perform work on Braunston Drive within the Town of Penfield; and

WHEREAS, quotes were requested and Stanton Landscape Corp. was the low bidder;

NOW THEREFORE BE IT RESOLVED, that Stanton Landscape Corp., 1800 Tebor Road, Webster, NY 14580, is awarded a contract to provide professional services for drainage improvements on Braunston Drive within the Town of Penfield, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with Stanton Landscape Corp. for professional services, not to exceed $13,400.00, in accordance with their proposal dated October 26, 2017.

Moved: Moore
Seconded: Kohl

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

Adopted

#17T-220 Authorization for Town Supervisor to Sign a Professional Service Contract Amendment with DDS Companies For Sidewalks On Empire Blvd. by Moore

WHEREAS, the Town of Penfield is supportive of the installation of the sidewalks within the town; and

WHEREAS, the Town of Penfield obtained Community Development Block Grant funding in 2015 to install sidewalks on Empire Boulevard; and

WHEREAS, the Town of Penfield accepted bids for professional design help to prepare construction documents for the installation of the above improvements; and
WHEREAS, the Town of Penfield subsequently authorized DDS Companies to prepare construction documents for the installation of the above improvements; and

WHEREAS, proposals dated January 23, 2015, and March 6, 2015 by DDS companies, provided a proposal for professional engineering services for this project including Survey & Mapping and Design for a total contract amount of $11,000 between the two (2) phases of the project; and

WHEREAS, on November 17, 2017, DDS Companies, submitted a proposal for the additional services to complete their design based on a revised scope; and

NOW THEREFORE BE IT RESOLVED, that based on the submitted proposal prepared by DDS Companies on November 17, 2017, the Town Board hereby authorizes DDS Companies to provide the additional design for the Empire Boulevard Sidewalk Project, in an amount not to exceed $4,700.00.

BE IT FURTHER RESOLVED, that Penfield Town Supervisor, R. Anthony LaFountain be and hereby is authorized to execute said proposal with DDS Companies for said action, subject to the review of the Town Attorney.

Moved: Moore  
Seconded: Metzler

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

#17T-221 Setting a Public Hearing to Consider a Conditional Use Permit to Allow a Sit-down Restaurant with Outdoor Dining and Entertainment at 2126 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(2) of the Code to allow a sit-down restaurant with outdoor dining and outdoor entertainment at 2126 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 has classified this proposal as an Unlisted action; 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 January 17, 2018, at 7:00 P.M. on said date, to consider the said application and to hear all persons interested in the question of the issuance of a Conditional Use Permit to allow a sit down restaurant with outdoor dining and outdoor entertainment at 2126 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.
Penfield Town Board, December 20, 2017

(Resolution #17T-221 – Continued)

Moved: Moore
Seconded: Kohl

Moved: Moore
Seconded: Metzler

Resolution #17T-222 Authorization for the Town Supervisor to Sign Two Professional Service Contracts with C & S Companies to Conduct a Phase II Environmental Assessment for 2701 Atlantic Ave., 1950 and 1960 Clark Road and 745 Whalen Road (Shadow Pines) by Moore

WHEREAS, the Town Board identified the Project as a Type I Action under SEQRA, and the Town Board had prepared, a Full Environmental Assessment Form (“EAF”) for the Project, including preparation of EAF parts 1, 2 and 3 (including a supplement to Part 3) for the Project, as well as other information summarizing the Project and impacts and potential impacts associated with same; and

WHEREAS, the Town Board through resolution 17T-208 adopted a Negative Declaration and Notice of Negative Declaration for the Town’s proposed acquisition of 211.7 +/- acres of land formerly known as Shadow Pines Golf Course; and

WHEREAS, the Town Board by resolution 17T-183, awarded a contract to C&S Companies, 499 Co. Eileen Collins Boulevard, Syracuse NY 13212, to provide professional services for both the SEQRA assistance and the Phase I Environmental Site Assessment of the former Shadow Pines Golf Course, within the Town of Penfield;

NOW THEREFORE BE IT RESOLVED, that based on the Phase I Environmental Assessment, further investigation and assessment of the existing facilities is required, and subsequently C&S Companies, is hereby awarded a contract to provide professional services for sampling of the site for pesticides and herbicides and a separate contract for the assessment of the existing structures for asbestos containing materials and a lead paint assessment, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign two (2) contracts with C&S Companies for a professional services, not to exceed a total of $17,925.00.

Moved: Moore
Seconded: Metzler

Resolution #17T-223 Advertising for Bids for the Replacement of a Portion of the Roof at the Community Center 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:

Phase I of the Replacement of the Roof at the Penfield Community Center
NOW THEREFORE, BE IT FURTHER RESOLVED, that the replacement of a portion of the roof at the Community Center 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 12th, 2018 at 11:00 AM local time and there and then to be opened and read publicly by the Town Clerk.

Moved: Metzler
Seconded: Moore

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

Adopted

Public Safety - None

Community Services

#17T-224 Advertising for Bids for Printing Program Brochure by Kohl

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

Printing of the Recreation Department Seasonal Program Brochure.

BE IT FURTHER RESOLVED, THAT the service is covered by such sealed proposals as in accordance with specifications prepared by the Director of Recreation. Sealed proposals are to be submitted to the office of the Town Clerk until 11:00 AM EST January 10, 2018 and then and there to be opened and read publicly.

Moved: Kohl
Seconded: Metzler

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

Adopted

#17T-225 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:

Upstate Aquatics, LLC., 103 Summit Rd. Ext., Newport, NY 13416, Lifeguard Instructor/Instructor Trainer Review Course, 1/14/18, for a fee of $75.00 per participant. Voucher submitted 1/17/18.


Ready to Respond Training Services, Domenic Danesi, 1440 Long Pond Road, Rochester, NY 14626, Babysitting - 2/23/18 & 4/2/18, and Safety First for Children - 2/23/18 & 4/2/18, for a fee of 70% of the total program revenue. Vouchers to be submitted 2/21/18 and 4/4/18.

Gymnastics Training Center, 2051 Fairport Nine Mile Point Road, Penfield, NY 14526, Gymnastics Camp, Beginner Gymnastics – 2/5/18 – 5/14/18 for a fee of 75% of the total program revenue. Vouchers to be submitted 3/21, 4/4 and 5/16/18.
McWherter Equestrian LLC, 132 Country Manor Way, Apt. 19, Webster, NY 14580, Horseback Riding Intro, 4/16/18 - 5/16/18, for a fee of 70% of the total program revenue. Voucher to be submitted 5/16/18.

Perinton Youth Hockey, PO Box 1001, Fairport, NY 14450, Intro to Ice Skating and Hockey, 1/7/18 - 2/11/18, for a fee of 70% of the total program revenue. Voucher to be submitted 1/17/18 and 2/21/18.

Eagle Vale Golf Club, 4344 Nine Mile Point Road, Fairport, NY 14450, Junior Golf, On Course Golf Lessons, and Beginner - Intro to Golf, 4/21/18 - 5/16/18 for a fee of 70% of the total program revenue. Voucher to be submitted 5/16/18.

Martha Sweeney, 74 Redwood Drive, Penfield, NY 14526, Painting and Drawing, 1/22/18 - 5/21/18, for a fee of 70% of the total program revenue. Vouchers to be submitted 2/7, 3/7, 4/4 and 5/16/18.

Steve Link, 11 Antelope Lane, Rochester, NY 14623, Ballroom Party Dancing, Smooth Ballroom Dance II, and Wedding Dancing, 1/18/18 - 5/17/18 for a fee of 70% of the total program revenue. Vouchers to be submitted 2/7, 3/21 and 5/16/18.

Kathryn Boone, KB Dog Training, 105 Highwood Road, Rochester, NY 14609, Dog Obedience Classes - Beginner, Puppy Kindergarten and Introduction to Scent Work, 1/13/18 - 5/19/18 for a fee of 70% of the total program revenue less expenses. Vouchers to be submitted 2/21/18 and 5/16/18.

Therese Bason, 114 Oakbriar Ct., Apt. 19, Penfield, NY 14526, Barre-1/13/18 - 6/9/18 and Pilates Mat with Therese 1/16/18 - 6/5/18, 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 semi-monthly.

Victory Fitness, 52 Depew Street, Rochester, NY 14611, Forever Fit - 1/2/18 - 6/21/18, Line Dancing Workout - 1/4/18 - 6/21/18, Yogalates - 1/4/18 - 6/21/18, and Zumba Gold - 1/3/18 - 6/20/18, 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 1/12, 2/21, 4/4, 5/2 and 6/20/18.

Bushido Kai Judo Club, c/o Heiko Rommelman, 240 Curtice Park, Webster, New York, 14580, to supervise and provide instruction for the Bushido Kai Judo programs for youth and adults 9/18/17 - 12/20/17 for the fee of 70% of program revenues. Voucher to be submitted at end of each session.

Progressive Early Learning, 187 Gregory Street, Rochester, NY 14620, Instructor for Jedi Training, STEAM Powered Play, Sensory Science, and Jedi Training Camp, 1/25/18 - 5/4/18, for a fee of 70% of total program revenue. Vouchers to be submitted monthly.

Earthworks Institute, 185 Caroline Street, Rochester, NY 14620, Instructor for Nature Explorers and Running Wild, 2/12/18 - 5/21/18, for a fee of 70% of total program revenue. Vouchers to be submitted 4/4/18 & 6/6/18.

Rochester Fencing Club, 3335 Brighton Henrietta Town Line Road, Rochester, NY 14623, Instructor for Youth Fencing, 5/5/18 - 5/26/18, for a fee of 70% of total program revenue. Voucher to be submitted 6/6/18.

Soccer Shots, 82 Cornhill Place, Rochester, NY 14608, Instructor for Soccer Shots, 4/9/18 - 6/4/18, for a fee of 70% of total program revenue. Voucher to be submitted 6/6/18.
(Resolution #17T-225 – Continued)

Miroslava Dimitrova, 71 Commodore Parkway, Brighton, NY 14625, Instructor for Rainbow Ribbons, 3/24/18 - 4/28/18, for a fee of 70% of total program revenue. Voucher to be submitted 5/2/18.

Lisa Magliato, 8 Oatsfield Circle, Penfield, NY 14526, Instructor for Super Tot Sports, 1/27/18 - 5/19/18, for a fee of 70% of total program revenue. Vouchers to be submitted 3/21/18 and 6/6/18.

Rochester Parkour, 1344 University Avenue, Suite 6000, Rochester, NY 14607, Instructor for Superhero Training and Ninja Training, 1/8/18 - 6/1/18, for a fee of 70% of total program revenue. Vouchers to be submitted 3/21/18 and 6/6/18.

Paceline Cycling LLC, 11 Cheshire Lane, Rochester, NY 14624, Instructor for Indoor Cycling, 1/25/18 - 5/3/18, for a fee of 70% of total program revenue. Vouchers to be submitted 3/21/18 and 5/16/18.

Moved: Kohl
Seconded: Moore

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<tr>
<th>Vote</th>
<th>Kohl</th>
<th>Aye</th>
<th>LaFountain</th>
<th>Aye</th>
<th>Metzler</th>
<th>Aye</th>
<th>Moore</th>
<th>Aye</th>
<th>Quinn</th>
<th>Absent</th>
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Adopted

Old Business – None

New Business – None

Public Participation

Supervisor LaFountain read six (6) emails into the record.

Executive Session – None

Next Meeting – January 3, 2018

Adjournment

Supervisor LaFountain adjourned the meeting at 10:05 PM.

Amy Steklof, RMC/CMC
Town Clerk
1429 SHOECRAFT ROAD
STORMWATER MANAGEMENT FACILITY ACCESS AND INSPECTION EASEMENT TO TOWN OF PENFIELD

All that tract or parcel of land situate in the Town of Penfield, County of Monroe, State of New York, all as shown on a map entitled “1429 Shoecraft Road Stormwater Management Facility Easement Exhibit”, prepared by Coddin Engineering, P.C., having Drawing No. 0224 CE110, dated 7/19/2010 and being more particularly bounded and described as follows:

Commencing at the intersection of the westerly bounds of Shoecraft Road (W.5’ R.O.W.) and the northerly bounds of Garden Hill Lane (W.5’ R.O.W.), thence:

A. 565’5"0’40”W., along said northerly bounds of Garden Hill Lane, a distance of 270.00 feet to a point; thence

B. N00°03’20”W., along the common line between lands now or formerly owned by Nancy S. John Williamson (T.A. #966-07-1-12) to the east and lands now or formerly owned by David McLean (T.A. #106-07-1-11) to the west, a distance of 237.78 feet to the point and place of beginning; thence:

1. Continuing N00°03’20”W. along the aforesaid line, a distance of 49.06 feet to a point; thence

2. N00°47’56”E., a distance of 61.22 feet to a point; thence

3. S00°12’25”E., a distance of 20.00 feet to a point; thence

4. S40°47’15”W., a distance of 32.35 feet to a point; thence

5. S89°05’40”W., a distance of 30.20 feet to the point and place of beginning.

In accordance with the provisions of the stormwater management facility easement