TOWN BOARD LEGISLATIVE AGENDA
Wednesday, December 19, 2018 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 - November 7, 2018; November 28, 2018
VI. Petitions
VII. Resolutions by Function

Law and Finance
18T-212 2018 Budget Transfers and Amendment
18T-213 Approval of Issuance of a Special Permit to Allow a Home Automation Office at 2025 Penfield Road
18T-214 Granting Incentive Zoning and Final Site Plan Approval to Allow a 4,500 Square Foot Retail Building and a 4,500 Square foot Office Building at 2146 Fairport Nine Mile Point Road
18T-215 Authorization for Town Attorney & Counsel to Town Attorney to Proceed with Legal Action

Public Works
18T-216 Awarding the contract for Janitorial Services at the Town Hall and Town Library

Public Safety - None

Community Services
18T-217 Authorization for Supervisor to Sign Recreation Contracts

VIII. Old Business
IX. New Business
X. Public Participation
XI. Executive Session
XII. Next Meeting: January 2, 2019
XIII. 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 1303. Questions regarding video coverage contact Penfield TV at (585) 340-8661.
The Regular meeting of the Penfield Town Board was held on Wednesday, December 19, 2018 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 Town and County tax bills will be available December 31, 2018. Please contact the Tax Office at 340-8626 if you have a winter address you would like your tax bill sent to. If you plan to pay your tax bill on December 31, 2018, please contact the Tax Office in advance.

2. The JACK Foundation will hold a special Holiday Blood Drive in memory of Jack Heiligman on Friday, December 21, 2018 at the Penfield Community Center from 1:00 PM to 6:00 PM. To schedule a donation appointment please contact 1-800-RED-CROSS or visit www.redcrossblood.org. Walk-ins are welcome.

3. A reminder that winter parking rules are in effect November 15, 2018 to April 1, 2019. No parking is allowed on all roads and highways between 2:00 AM and 7:00 AM to allow DPW crews to safely and effectively maintain roads. Vehicles in violation will be towed at the owner’s expense.

4. The Penfield Town offices and Penfield Library will be closed on Monday, December 24, 2018 and Tuesday, December 25, 2018 for the Christmas holiday, and Tuesday, January 1, 2019 for New Year’s Day.

5. Supervisor LaFountain recognized and thanked Dave Woodward and family, Woody Acres Tree Farm located on Harris Road, for donating the Christmas tree located in the Town Hall rotunda.

6. Penfield Recreation’s Program Registration will begin January 2, 2019 for Penfield residents. Please visit www.penfieldrec.org soon to sign up.

7. Councilwoman Kohl’s next Community Chat will be held on Tuesday, January 15, 2019 from 5:30 PM to 7:00 PM in the Penfield Library, 1985 Baird Road.

Public Participation - None

Additions and Deletions to Agenda

Councilwoman Kohl moved to add resolution #18T-218 to the agenda, Councilman Quinn seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of November 7, 2018 Councilwoman Metzler seconded and all voted “Aye.”

Councilman Quinn moved to approve the Minutes of November 28, 2018 Councilwoman Metzler seconded and all voted “Aye.”
Resolutions by Function

Law and Finance

#18T-212 2018 Budget Transfers and Amendment by Moore

WHEREAS, transfers of funds are necessary for anticipated expenditures and reconciliations as the year end approaches, and,

WHEREAS, an amendment to the General fund budget is necessary in the elections account to recognize expenses and revenue which exceeded the adopted budget, and

WHEREAS, the Town Board desires to have an up-to-date budget in relation to current income and expenditures,

NOW, BE IT RESOLVED that the attached budget transfers be approved.

Budget Transfers December 19, 2018

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General Fund Total: $21,600

Budget Amendment

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Moved: Moore
Seconded: Kohl

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

Adopted

#18T-213 Approval of Issuance of a Special Permit to Allow a Home Automation Office at 2025 Penfield Rd by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit pursuant to Chapter 250-5.4-D(5) of the Code to consider allowing a home automation installation, sales and service office at 2025 Penfield Road, located in the Planned Development (PD) zoning district; and

WHEREAS, the Penfield Town Board, having designated itself as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA), has classified this proposal as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA);
NOW, THEREFORE, BE IT

RESOLVED, that the applicant’s request for a SPECIAL PERMIT to allow a home automation installation, sales and service office to operate at 2025 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a SPECIAL PERMIT from the Town Clerk and pay the appropriate fees. The SPECIAL PERMIT is non-transferable. Any subsequent owner or tenant of the subject building shall be required to apply for and obtain a SPECIAL PERMIT from the Town Board to operate at this location.

2. The applicant shall comply with the occupancy requirements that have been established by the Penfield Fire Marshal in accordance with the New York State International Building Code and obtain any/all necessary permits from the Building Department.

3. Adequate on-site parking shall be available at all times to accommodate the business. At no time shall adjacent property owners be adversely impacted by those working at or patronizing this site.

4. The applicant shall obtain a Sign Permit and pay the appropriate fee.

5. Refuse collection for this site shall only be permitted between the hours of 7:00 AM and 7:00 PM, Monday through Friday.

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

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

AND BE IT FURTHER

RESOLVED, that the Town Board, in granting the Special Permit, does so based on its following findings:

1. The applicant operates a business that specializes in home automation and security sales and service, and is leasing 928 square feet of a recently constructed 6,000 square foot office building. This lease space is the last to be leased in the building.

2. The applicant proposes its hours of operation Monday through Friday from 8:00 AM to 8:00 PM. The site will be used as a sales office, recruiting and training, and equipment storage. The majority of workers visit the site between one (1) and two (2) hours on a daily basis and then leave to work in the field, as they see clients at their residences, resulting in little to no impact to the parking facilities on the site.

3. The owner of the subject has demonstrated continued compliance with all applicable codes and regulations.

4. The applicant’s business is a specially permitted use within the Planned Development (PD) zoning district. The Board finds the use to be properly scaled to the site with no adverse impact to adjacent residences. The proposed business will be a service to the residents of Penfield.
Moved: Moore            Seconded: Quinn

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

Adopted

#18T-214 Granting Incentive Zoning and Final Site Plan Approval to Allow a 4,500 Square Foot Retail Building and a 4,500 Square Foot Office Building at 2146 Fairport Nine Mile Pt Rd.

By Moore

WHEREAS, an application has been received by the Penfield Town Board, pursuant to §255-8 and §250-12.2 of the Code, to consider an application for Incentive Zoning and Final Site Plan approval for the development of a 4,500 square foot retail building and a 4,500 square foot office building on 1.45 +/- acres in the Business Non-Retail (BN-R) zoning district at 2146 Fairport-Nine Mile Point Road; and

WHEREAS, the applicant had requested and received Preliminary and Final Re-subdivision and Site Plan Approval from the Town Board on October 15, 2014 for the development of a 6,000 square foot retail building at 2150 Fairport Nine Mile Point Road and Preliminary Site Plan Approval for a 4,080 square foot retail building and a 5,000 square foot office building on the subject parcel; and

WHEREAS, the 6,000 square foot retail building has been constructed, and the applicant has requested that the originally proposed 4,080 square foot retail building be increased to 4,500 square feet and the originally proposed 5,000 square foot office building be reduced to 4,500 square feet resulting in a net increase of thirty (30) square feet; and

WHEREAS, the Penfield Town Board having been designated as “lead agency” at the time of the request for Preliminary Site Plan approval in 2014, determined this proposal to be an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA) and further determined that the applicant’s proposal will not have a significant effect on the environment based on its findings herein;

NOW, THEREFORE, BE IT RESOLVED, that the applicant’s request for Incentive Zoning and Final Site Plan approval for the development of a 4,500 square foot retail building and a 4,500 square foot office building, on 1.45 +/- acres in the Business Non-Retail (BN-R) zoning district at 2146 Fairport-Nine Mile Point Road is hereby GRANTED subject to the following conditions:

1. All site work is to be in compliance with the standards of the Penfield Town Code.

2. The applicant may construct the proposed 4,500 square foot commercial building with a potential for multiple tenant spaces as proposed. The applicant shall be required to obtain Conditional Use Permits for each of the proposed tenant spaces to be installed in the proposed 4,500 retail building prior to their occupancy.

3. The applicant’s final landscape plan shall be reviewed, approved and signed by the Town Supervisor and Town’s Landscape Consultant. Upon completion of the construction of the office building and landscaping, the applicant or his representative shall meet on site with the Director of Developmental Services and the landscape Consultant to verify that said landscaping effectively buffers the building from the adjacent residents. If determined that the buffer is visually effective, the funds in the letter of Credit
shall be released to the applicant. If it is determined that the buffer needs to be further embellished, the applicant, Director of Developmental Services and Landscape Consultant shall determine the location and materials needed to finalize the buffer to the Town's satisfaction. Upon completion of the buffer embellishment, the funds will then be released to the applicant. A two-year maintenance bond shall be required to insure landscaping is properly maintained.

4. The applicant’s Incentive Zoning fee and LUAMP fee shall be determined and approved by the Town Engineer prior to the Supervisor signing the final site plan. Said Incentive Zoning fee shall be calculated on a per linear foot basis of that frontage owned by the applicant that is to be utilized for retail purposes.

5. The Town Engineer shall approve the final plan for exterior lighting, specifically that such plan shows lighting, which is localized and unobtrusive. All light fixtures shall be 90% cutoff luminaires. All wall mounted lighting shall be compatible with the adjacent residential neighborhood to the east of this site. Wall-pac™ fixtures will not be permitted. Shields shall be installed on all fixtures as may be directed by the Town Engineer.

6. All parking lot lighting shall be consistent with the specifications of the existing lighting that has been approved for Penfield Landing Complex located to the south of this site.

7. Compliance with the standards of the Code of the Town of Penfield, which deals with the maintenance of parking and accessory areas; specifically, the applicant shall submit a Property Maintenance Agreement, in the Town’s format, prior to the Supervisor signing the site plan.

8. The applicant shall furnish the Town with a letter of credit, in an amount to be approved by the Town Engineer. Said letter of credit shall insure that all public improvements and such other items as may be deemed necessary are constructed in accordance with the approved plan and the standards and specifications of the Town of Penfield.

9. Any and all costs related to the relocation of utilities necessitated by this project shall be borne by the individual and/or the utility company requesting the relocation. All new utilities serving this project shall be installed underground.

10. All sanitary sewer connections are to be approved by the Town Engineer and the Monroe County Health Department. Appropriate agency signatures on the final plans shall indicate compliance with this requirement.

11. The applicant shall submit a written response to the Town Engineering Department addressing all Project Review Committee (PRC) comments raised in its memo dated November 7, 2018.

12. Refuse collection for this site shall only be permitted between the hours of 7:00 AM and 7:00 PM, Monday through Friday.

13. Compliance with all requirements of any Federal, State, County or local agency.

14. Construction is to begin within one (1) year from the date of this resolution.

15. THIS RESOLUTION OF APPROVAL WITH CONDITIONS SHALL BE PRINTED IN ITS ENTIRETY ON THE SITE PLAN.
The Board bases its decision to approve this proposal on the following findings:

1. The applicant had requested and received Preliminary and Final Re-subdivision and Site Plan Approval from the Town Board on October 15, 2014 for the development of a 6,000 square foot retail building and Preliminary Site Plan Approval for a 4,080 square foot retail building and a 5,000 square foot office building.

2. The 6,000 square foot retail building has been constructed and the applicant has requested that the originally proposed 4,080 square foot retail building be increased to 4,500 square feet and the originally proposed 5,000 square foot office building be reduced to 4,500 square feet.

3. The proposed structures are designed in such a manner that they are architecturally compatible with other commercial retail and office buildings in the immediate area.

4. The applicant’s engineer has demonstrated to the Town Engineer that he can properly collect, detain and treat storm water without adversely impacting the adjacent or downstream properties. Storm water will be collected in an underground system to allow for infiltration with excess being discharged to a graded swale and draining north to an existing pond, as it historically has. The system is designed to discharge less water from the site than occurs in its pre-developed state.

5. The project will be serviced by public water and connection to a public sanitary sewer.

6. The applicant proposes to install exterior lighting that will be adequately shielded so as to minimize impacts to adjacent residential neighbors and is consistent with the Penfield Landing Complex adjacent to it.

7. The property owner has ensured cross access and parking on the remaining portion of the Penfield Landing Complex to the south and will provide cross access and parking on the property at 2146 Fairport Nine Mile Point Road to the Trau property to the north once constructed. The applicant will be responsible for constructing access through the subject property to the Trau property to the north to create alternate access to Penfield Road for his project as well as the Penfield Landing Complex. This component of the project was the basis for granting the applicant’s request for the use of Incentive Zoning.

The Board bases its findings to APPROVE this application on the following:

1. A letter of intent received by the Planning Department on October 29, 2018.

2. Penfield Environmental Assessment Form received by the Planning Department on October 29, 2018.

3. A site plan received by the Planning Department on October 29, 2018.

4. Drainage Plan received by the Planning Department on October 29, 2018.

5. Architectural details of the structure received by the Planning Department on November 7, 2018.
(Resolution #18T-214 – Continued)


7. Engineering comments addressing the PRC’s comments received by the Planning Department on December 12, 2018.


9. Revised site plan addressing Town Board and PRC concerns raised at the Public Hearing received by the Planning Department on December 12, 2018.

10. Testimony given both orally and in written form by the applicant, his representatives, and the public at the Public Hearing on November 7, 2018 and at Town Board Work Sessions on November 28, 2018 and December 12, 2018.

Moved: Moore
Seconded: Metzler

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

Adopted

#18T-215 Authorization for Town Attorney and Counsel to Town Attorney to Proceed with Legal Action by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Town Attorney and Counsel to Town Attorney to proceed with legal action in New York State Supreme Court against owner of property located at 2575 Browncroft Boulevard, Rochester, NY 14625.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Works

#18T-216 Awarding the Contract for Janitorial Services at the Town Hall and Town Library by Metzler

WHEREAS, sealed bids were sought and requested in a manner prescribed by law to furnish the Department of Public Works with a service contract that would provide the Town of Penfield with janitorial services at the Town Hall and Town Library facilities,

AND WHEREAS, the contract bid specifications stated that the agreement will run from January 1, 2019 through December 31, 2019, with an option to renew the contract per the same terms and conditions, for up to two (2) additional terms upon mutual written consent of both parties,

AND WHEREAS, on November 30th, 2018 at 11:00 AM local time the following sealed bids were received, opened, and read publicly from the following list of suppliers:

[Further text follows regarding the list of suppliers and their bids.]
Penfield Town Board, December 19, 2018 8

(Resolution #18T-216 – Continued)

Clark Building Services
Jan-Pro of Upstate NY
Green Facility Solution

AND WHEREAS, the bid received from Clark Building Services was the lowest bid and meets the expectation and specifications of the bid package for an annual cost of $41,059.92,

AND WHEREAS, the funds for these services are available in the 2019 DPW Facilities and Library budgets and,

NOW, THEREFORE, BE IT RESOLVED, that a contract be and hereby is awarded to: Clark Building Services, 795 County Line Road, Ontario, NY 14519, to provide janitorial services at the Town Hall and Town Library facilities. This resolution and the bid submitted by Clark Building Services shall constitute the contract. This agreement to be reviewed and approved by the Town Attorney.

Moved: Metzler
Seconded: Moore

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

Adopted

Public Safety - None

Community Services

#18T-217 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:

Barb Bonisteel, 256 Rosemont Drive, Rochester, NY 14617, Instructor for Youth Music programs, 1/16/19 - 12/18/19, for a fee 75% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Jodi Marcello, 20 Falcon Trail, Pittsford, NY 14534, Instructor for Youth Dance and Yoga programs, 1/17/19 - 12/20/19, for a fee of 75% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Lindsey Hall, 115 Tuscany Lane, Webster, NY 14580, Instructor for Youth art classes Pre-school Art, 1/16/19 - 12/11/19, for a fee of 75% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Lisa Magliato, 8 Oatsfield Circle, Penfield, NY 14526, Instructor for Youth Sport and Recreation programs, 1/16/19 - 12/18/19, for a fee of 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Mark Banford, 939 South Plymouth Ave, Rochester, NY 14608 Instructor for Tennis and Pickleball programs, 1/15/19 - 12/17/19, for a fee of 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Shadow Lake Golf Course, 1850 Five Mile Line Road, Penfield, NY 14526, to provide golf starting times for Senior 50’s + Golf program, 5/7/19 - 8/13/19, for a fee of $9.50 per paid participant. Voucher to be submitted on 8/21/19.
Penfield Town Board, December 19, 2018  9

(Resolution #18T-217 – Continued)

Sherry Murray, 76 Chippenham Drive, Penfield, NY 14526, Instructor for Youth Education and Cooking programs, 1/15/19 - 12/20/19, for a fee of 75% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Annie Urckfitz, 27 Fallbrook Circle, Rochester, NY 14625, Instructor for Yoga programs, 1/13/19 - 12/16/19, for a fee of 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Jean Sica, 130 West Scholfield Road, Rochester, NY 14617, Instructor for Tai Chi programs, 1/15/19 - 12/17/19, for a fee of 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Usha Shah, 688 East Avenue, Rochester, NY 14607, Instructor for Meditation programs, 3/15/19 - 12/13/19, for a fee of 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

LQR Ventures Inc, 15 Lazy Trail, Penfield, NY 14526, Instructor for Youth, Education Programs 2/2/19 - 11/18/19, for a fee of 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Shelley Ball, 2014 Five Mile Line Rd, Penfield, NY 14526, Instructor for Zumba programs, 1/14/19 - 12/16/19, for a fee of 70% of program revenues. Vouchers to be submitted on a monthly basis at the beginning of each month (based on seasonal program dates).

Rochester Fencing Club, 3335 Brighton Henrietta Town Line Road, Rochester, NY 14623, Instructor for Youth and Adult Fencing programs, 1/2/19 - 12/31/19, for a fee of 70% of program revenues. Vouchers to be submitted at the completion of each program.

Soccer Shots Rochester, 95 Allens Creek Road, Bldg. #1, Suite 315, Rochester, NY 14608, Instructor for Youth Soccer programs, 1/2/19 - 12/31/19, for a fee of 70% of program revenues. Vouchers to be submitted at the completion of each program.

Rochester Parkour, 1344 University Avenue, Rochester, NY 14607, Instructor for Youth Parkour programs, 1/2/19 - 12/31/19, for a fee of 70% of program revenues. Vouchers to be submitted at the completion of each program.

Progressive Early Learning, 187 Gregory Street, Rochester, NY 14620, Instructor for Youth educational programs, 1/2/19 - 12/31/19, for a fee of 70% of program revenues. Vouchers to be submitted at the completion of each program.

Bill Gray’s Regional Iceplex, 2700 Brighton Henrietta Town Line Road, Rochester, NY 14623, Instructor for Youth and Adult ice skating programs, 1/2/19 - 12/31/19, for a fee of 70% of total program revenues. Vouchers to be submitted at the completion of each program.

Mad Science of Western NY, 333 Metro Park, Bldg. C, Suite F-102, Rochester, NY 14623, Instructor for Youth science programs, 1/2/19 - 12/31/19, for a fee of 75% of program revenues, with the exception of Day-off Camps for which the fee will be $45.00 per student. Vouchers to be submitted at the completion of each program.

Snapology of Pittsford, 203 Brittany Lane, Pittsford, NY 14534, Instructor for Youth educational programs, 1/2/19 - 12/31/19, for a fee of 75% of program revenues, with the exception of Day-off Camps for which the fee will be $45.00 per student. Vouchers to be submitted at the completion of each program.
The Center for Youth, EarthWorks Program, 905 Monroe Avenue, Rochester, NY 14620, Instructor for Youth and Family outdoor programs, 1/2/19 – 12/31/19 for a fee of 70% of program revenues. Vouchers to be submitted at the completion of each program.

Little Medical School, 510 Clinton Square, Rochester, NY 14604, Instructor for Youth educational programs, 1/2/19 – 12/31/19, for a fee of 70% of program revenues. Vouchers to be submitted at the completion of each program.

Michael Zarzycki, 8 Splendor Wood Drive, Penfield, NY 14526, Little Patriots Basketball referee assignor, for a fee of $15.00 per game, 1/5/19 – 3/16/19. Vouchers to be submitted monthly.

Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business - None

New Business

#18T-218 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 17, 2019 and then and there to be opened and read publicly.

Moved: Kohl
Seconded: Quinn

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

Adopted

Public Participation

Executive Session

Next Meeting – January 2, 2019

Adjournment

Supervisor LaFountain, on behalf of the Town Board and Town Staff, wished everyone a very Merry Christmas, Happy Holidays and a Happy New Year.

Supervisor LaFountain moved to adjourn the meeting at 7:18 PM.

Amy Steklof, RMC/CMC
Town Clerk