TOWN BOARD LEGISLATIVE AGENDA

Wednesday, March 6, 2019, 7:00 PM

Supervisor R. Anthony LaFountain, presiding

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

II. Public Hearing #1 - To Allow Outdoor Live Music at Murphy's Law at 1400 Empire Blvd., Located in the LaSalle's Landing Development (LLD) Zoning District

III. Communications and Announcements

IV. Public Participation

V. Additions and Deletions to Agenda

VI. Approval of Minutes - February 6, 2019

VII. Petitions

VIII. Resolutions by Function

Law and Finance

19T-085 Adoption of Local Law No. 1 of 2019. To be known as "A Local Law Extending the Moratorium and Prohibition Within the Town of Penfield of "Public Golf Course Redevelopment"

19T-086 Authorizing Supervisor to Advertise a Request for Proposals (RFP) for the Purpose of Utilizing the Clark House Property at 1960 Clark Road

19T-087 Establishment of the Capstone Subdivision Special Improvement District

19T-088 Acceptance of Financial Statements and Independent Auditor's Reports for 2018

Public Works

19T-089 Purchase of a 2019 John Deere 210G LC Excavator

Public Safety

19T-090 Advertise for Bids to Secure Properties as Required under Article XII-12-21 of Chapter 29 of the Town Code

19T-091 Advertise for Bids to Maintain and Clean-up Properties as Required under Article IV-4-28 of Chapter 29 of the Town Code

Community Services

19T-092 Authorization to Attend NYSRPS Annual Conference

19T-093 Authorization for Supervisor to Sign Recreation Contracts

IX. Old Business

X. New Business

XI. Public Participation

XII. Executive Session

XIII. Next Meeting: March 20, 2019

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 1303. Questions regarding video coverage contact Penfield TV at (585) 340-8661
The Regular meeting of the Penfield Town Board was held on Wednesday, March 6, 2019 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  
               Heidi Boehl  Fire Marshal/Building Inspector  
               Jim Costello  Director of Developmental Services  

Absent:  Richard Horwitz  Town Attorney  

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Supervisor LaFountain recognized Howie Jacobson who announced that Baytowne Plaza will host a Farmer’s and Craft Market at Brandt Point Park inside Baytowne Plaza. The site will have a 40’ by 80’ tent on site from May 1 to October 30 to host the market every Wednesday from 4:00 PM to 7:30 PM. A variety of other events will be hosted under the tent every other Saturday Night and every third Friday beginning in May. For more information, visit the Baytowne Plaza Facebook page. Mr. Jacobson stated that this a great opportunity for the Town of Penfield to showcase farmers and craft members of the community.

Supervisor LaFountain recognized the DeMarco family for their efforts in rebranding that area as an important part of Penfield. (See attachment at end of Minutes)

Public Hearing #1  To Allow Outdoor Live Music at Murphy’s Law at 1400 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 14, 2019 and was posted on the Town Website and Town Clerk Bulletin Board. 15 postcards were mailed. Supervisor LaFountain had spoken with Town Attorney Horwitz earlier in the day and he confirmed that this Hearing is in order.

John Diamantopoulos, owner of Murphy's Law gave an overview of the application. He stated he would like to receive approval from the Town Board to have live outdoor music for adults on Friday and Saturday nights from 5:00 PM to 10:00 PM, and some Sunday afternoons. At no time would live music be played past 10:00 PM. He also said he would like to have the opportunity to provide music on weekdays for holidays or special events.

He stated that there would be minimal amplification and he would be sensitive toward noise impacts to neighbors. He plans to have staff monitor sound levels. Any neighbor complaints will be responded to immediately.

Mr. Diamantopoulos handed to Town Clerk Steklof three (3) letters of support which will be scanned and sent to the Town Board. He stated that the approximate dates he would like outdoor live music at Murphy’s Law would be from April to September, but that May to Labor Day will probably be a more practical time frame.

Jim Costello, Director of Developmental Services, said that Mr. Diamantopoulos had previously obtained permits for past events.
Penfield Town Board, March 6, 2019

(Public Hearing #1 - Continued)

Mr. Diamantopoulos stated that it is a shared facility and they have a good partnership with the Daniele family. During the day time when families are at the pool, he has kid menus brought out and then they shift gears in the evenings for adults and provide bar service.

Mr. Costello said that he has discussed with Mr. Diamantopoulos the size and scope of the bands allowed to play outdoors so as to not impact the neighbor’s quality of life.

Mr. Diamantopoulos reiterated that they will work with neighbors to make sure what they provide is acceptable.

Supervisor LaFountain went over next steps.

Public Participation - None

Hearing closed.

Communications and Announcements

1. Daylight saving time begins at 2:00 AM, Sunday March 10, 2019. Though cellphones and smart devices should change automatically, don’t forget to turn those manual alarm and wall clocks forward. Remember to put new batteries in household warning devices such as smoke and CO2 detectors and hazard warning radios. Also review, update and practice emergency escape plans with your household members to help save lives during an emergency.

2. The Town is now accepting payments for Building permits through the Town Website. On the website in the left corner, under Quick Links, please click on Service Request and follow the instructions. You will be able to enter your request by address or area. There is a “Help Button” on the page which you can click that lists frequently asked questions.

3. Just a reminder that the Town will be hosting our next Passport Night on April 4, 2019 from 6:00 PM to 7:30 PM. You may contact the Town Clerk’s office at 340-8629 to schedule an appointment. Walk-ins are also welcome.

4. A reminder from DEAR (Daytime Education at Recreation): please check out pages 36 - 42 in the Winter/Spring 2019 edition of the Pen-Rec brochure or go online at www.penfieldrec.org. The Town of Penfield is excited to offer classes and lectures to our consortium of lifetime learners. Join the national movement to learn and share life experience with others, exploring the multitude of free programs available through the Recreation Department.

5. The Penfield Trails Committee will sponsor a free guided hike at Penfield’s Shadow Pines Property on Saturday, March 9, 2019 from 10:00 AM to Noon. Join the Trails Committee for a guided look at the hiking trail development, and to survey the south end of the property. Meet at the parking lot near the Clark House off of Whalen Road. Look for the “Hike” sings. While the hike is free, participants are encouraged to pre-register by contacting the Penfield Recreation Department at 340-8655.

6. Penfield Rotary will be holding its annual Spring Euchre Tournament on Sunday, March 10, 2019 at the Legacy at 40 Willow Pond Way beginning at 2:00 PM. Cash prizes will be awarded based on scores from eight games. Participation is limited to 100 players so register soon. Tickets are $20 before March 9 or $25 at the door. You can register at Family First Credit Union on Browncroft Blvd., by mailing a check payable to Penfield Rotary Club or by calling Charlie at 381-8889. For complete tournament and registration details, visit www.penfieldrotary.org.
7. Councilwoman Kohl’s next Community Chat will be held on Tuesday, March 19, 2019 from 5:30 PM to 7:00 PM in the New Book area at the Penfield Library, 1985 Baird Road.

Public Participation - None

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of February 6, 2019, Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#19T-085  Adoption of Local Law No. 1 of 2019 to be Known as ”A Local Law Extending the Moratorium and Prohibition within the Town of Penfield of Public Golf Course Redevelopment” by Moore

WHEREAS, the Town Board of the Town of Penfield wishes to adopt proposed Local Law No. 1 of 2019 which would extend a moratorium and prohibition within the Town of Penfield of public golf course redevelopment for a period of approximately one (1) year; and

WHEREAS, the Penfield Town Board has designated itself as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the subject application has been determined to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), and no additional environmental review of this action is deemed necessary; and

WHEREAS, the Town Board of the said Town of Penfield held a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on February 20, 2019, at 7:00 PM on said date, to consider the said proposal and to hear all persons interested on the question of the adoption of Local Law No. 1 of 2019, and the Public Hearing was closed and decision was reserved;

NOW, THEREFORE, BE IT

RESOLVED, AND HEREBY IS ENACTED BY THE TOWN BOARD OF THE TOWN OF PENFIELD AS FOLLOWS: Local Law No. 1 of 2019, hereinafter set forth:

TOWN OF PENFIELD
LOCAL LAW NO. 1 OF 2019

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

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

Section 1. The Local Law to effect a Moratorium on and Prohibition of Public Golf Course Redevelopment in the Town of Penfield, originally enacted as Local Law No. 1 of 2016, subsequently extended by Local Law No. 1 of 2017, and Local Law No. 1 of 2018 is hereby extended until March 31, 2020, or until a duly enacted repeal of said Local Law No. 1 of 2016, as so extended, whichever shall first occur.
(Resolution #19T-085 – Continued)

Section 2. This Local Law shall not apply to 1.2 +/- acres of vacant land consisting of .588 +/- acres between 1837 and 1845 Baird Road and .62 +/- acres between 1875 and 1885 Baird Road adjacent to real property commonly known as the Shadow Lake Golf Course Property.

Section 3. If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town of Penfield hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

Section 4. This Local Law shall take effect immediately.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-086 Authorizing Supervisor to Advertise a Request for Proposal (RFP) for the Purpose of Utilizing the Clark House Property at 1960 Clark Road by Moore

WHEREAS, on April 30, 2018 the Town Board purchased the former Shadow Pines Golf Course properties at 2701 Atlantic Avenue, 1950 Clark Road, 1960 Clark Road and 745 Whalen Road, totaling 207.11 acres; and

WHEREAS, the property at 1960 Clark Road is comprised of 5.7 acres and has the Clark House, a former cart house and a barn situated on it; and

WHEREAS, the Town Board wishes to have the said structures utilized to serve the residents of the Town of Penfield; and

WHEREAS, the Town Board has directed the preparation of a Request For Proposals (RFP) to seek responsible parties interested in utilizing the Clark House property; and

WHEREAS, in addition to providing the public with a copy of the Request For Proposals (RFP), the Town Board will provide visual guides both via the Town of Penfield webpage and site tours of the buildings to provide prospective respondents as much information as possible in assisting them in making a determination of interest in said structures; and

NOW, THEREFORE, BE IT
RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to advertise a Request for Proposals (RFP) for the purpose of selecting a responsible respondent or respondents interested in utilizing the Clark House property. The RFP is in a format attached hereto.

Moved: Moore
Seconded: Quinn

Moved: Moore
Seconded: Metzler

Moved: Moore
Seconded: Kohl

Moved: Moore
Seconded: Kohl
Public Works

#19T-089 Purchase of a 2019 John Deere 210G LC Excavator by Metzler

WHEREAS, the Director of Public Works has identified that the current Town owned 2012 John Deere 210 excavator is in need of replacement based on age and number of hours on this piece of equipment, and will still bring in a reasonable value at auction to be put towards a new excavator; and

WHEREAS, the Director of Public Works is hereby authorized to purchase one 2019 John Deere 210G LC FT4 excavator with bucket and 3500 hour/84 month comprehensive warranty, from NYS Contract # PC67075, Quote # 18811078 from Five Star Equipment Inc, 60 Paul Road, Rochester, NY 14624, for a total cost of $207,300.00, and

WHEREAS, the Town Board approves an amendment to the 2019 Adopted Budget increasing the Drainage Account equipment appropriations in the amount of $207,300 from the Drainage Account Fund Balance, and

WHEREAS, the funding received from the sale of the current excavator at auction in May, 2019 will be added to the drainage account to off-set this purchase,

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Works be and hereby is authorized to purchase said equipment.

Moved: Metzler
Seconded: Moore

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

Adopted

Public Safety

#19T-090 Advertise for Bids to Secure Properties as Required under Article XII-12-21 of Chapter 29 of the Town Code by Quinn

WHEREAS, the purpose of Article XII-12-21 of Chapter 29 of the Town Code is to prevent the gradual encroachment of blight, deterioration, unsightliness and property devaluation and to assure the safety, health protection and general welfare of persons and property in the Town of Penfield; and

WHEREAS, the Building and Zoning Office has the need to secure properties failing to comply with the minimum requirement of Article XII-12-21 of Chapter 29 of the Town Code;

NOW, THEREFORE BE IT RESOLVED, that the Building & Zoning Administrator be, and hereby is, authorized to advertise, in a manner prescribed by Law, for sealed proposals for the securing of properties that have failed to be maintained in accordance with the Town Code requirements; and

BE IT FURTHER RESOLVED, that the services covered by such proposals shall be in accordance with the specifications prepared by the Building and Zoning Administrator. Sealed proposals are to be submitted to the office of the Town Clerk until 11:00 AM local time Friday, March 22nd, 2019 and then and there to be opened by the Town Clerk and read publically.
Penfield Town Board, March 6, 2019

(Resolution #19T-090 – Continued)

Moved: Quinn
Seconded: Metzler

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

Adopted

#19T-091 Advertise for Bids to Maintain and Clean-up Properties as Required under Article IV-4-28 of Chapter 29 of the Town Code by Quinn

WHEREAS, the purpose of Article IV-4-28 of Chapter 29 of the Town Code is to prevent the gradual encroachment of blight, deterioration, unsightliness and property devaluation and to assure the safety, health protection and general welfare of persons and property in the Town of Penfield; and

WHEREAS, the Building and Zoning Office has the need to maintain properties failing to comply with the minimum requirement of Article IV-4-28 of Chapter 29 of the Town Code;

NOW, THEREFORE BE IT RESOLVED, that the Building & Zoning Administrator be, and hereby is, authorized to advertise, in a manner prescribed by Law, for sealed proposals for the maintenance and clean-up of properties that have failed to be maintained in accordance with the Town Code requirements; and

BE IT FURTHER RESOLVED, that the services covered by such proposals shall be in accordance with the specifications prepared by the Building and Zoning Administrator. Sealed proposals are to be submitted to the office of the Town Clerk until 11:00 AM local time Friday, March 22nd, 2019 and then and there to be opened by the Town Clerk and read publically.

Moved: Quinn
Seconded: Moore

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

Adopted

Community Services

#19T-092 Authorization to Attend NYSRPS Annual Conference by Kohl

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

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

NOW, BE IT RESOLVED, THAT the following recreation staff be hereby authorized to attend the 79th annual New York State Recreation and Park Society Conference and Expo (REC SUMMIT) from 4/7 - 4/9/19 in Lake Placid, N.Y.:

  Linanne Conroy

Funds are provided in the 2019 budget. Expenses include registration fees and lodging.
(Resolution #19T-092 – Continued)

Moved: Kohl
Seconded: Quinn

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

Adopted

#19T-093 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:

Ken Scott, 107 Fairview Circle, Webster, NY 14580, Director Penfield
POPS Band, 1/1/19 – 12/31/19 for a fee of $75.00 per session. Vouchers
to be submitted monthly.

Moved: Kohl
Seconded: Metzler

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

Adopted

Old Business - None

New Business - None

Public Participation - None

Executive Session - None

Next Meeting - March 20, 2019

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:41 PM.

Amy Steklof, RMC/CMC
Town Clerk
Penfield Farmers & Craft Market
at BayTowne Plaza