TOWN BOARD LEGISLATIVE AGENDA

Wednesday, June 5, 2019, 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 - May 1, 2019

VI. Petitions

VII. Resolutions by Function

Law and Finance

19T-135 Granting a Conditional Use Permit to Allow a Restaurant with Outdoor Dining and Outdoor Music at 1300 Empire Blvd

19T-136 Budget Transfer and Budget Amendment - Building Department

19T-137 2019 Budget Amendments in General Fund for Donations to Recreation

19T-138 Budget Amendment from the Library Restricted Fund Balance

19T-139 Authorization to Maintain Properties and Assess the Charges to the 2020 Property Tax Bills

Public Works

19T-140 Authorization for Barton & Loguidice, PC to conduct a Sewer Capacity Study Update Pursuant to the Original Study that was Completed in 2010

19T-141 Authorization for Supervisor to Sign a Contract with LaBella Associates, D.P.C. for Geotechnical and Site design Services

Public Safety

19T-142 Authorization to Post Temporary NO PARKING Signs

Community Services - None

19T-143 Authorization for Supervisor to Sign Recreation Contracts

VIII. Old Business

IX. New Business

X. Public Participation

XI. Executive Session

XII. Next Meeting: June 19, 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, June 5, 2019 at 7:00 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present:  R. Anthony LaFountain Supervisor
          Paula Metzler  Councilwoman
          Robert Quinn  Councilman

Also Present:  Amy Steklof  Town Clerk
               Richard Horwitz  Town Attorney
               Dave Renner  Cable Television Coordinator

Absent:  Linda Kohl  Councilwoman
        Andrew Moore  Councilman

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Supervisor LaFountain recognized Councilwoman Paula Metzler who presented the first ever 2019 State of the Town Court Address. Councilwoman Metzler is the Town Board liaison for the Penfield Town Court.

Councilwoman Metzler stated that she worked with Judge James Mulley to come up with an informative address. The Town Court is located adjacent to the Penfield Recreation Center. The Penfield Town Court is part of the New York State Unified Court System and is operated and funded by the Town of Penfield. When in session, the Town Justices hear civil and criminal cases. Councilwoman Metzler listed the different cases heard by the Town Justices such as Vehicle and Traffic Law offenses, Domestic Violence, Alcoholism, Substance Abuse, Mental Health issues, Veteran’s cases, Disability cases, young and first time offenders and Dangerous Dog cases as per Agriculture and Markets Law. She went on to say that the Town Justices are potentially on call 24 hours a day. A Temporary Order of Protection can be issued after hours. The judges issued 49 Orders of Protection in 2018. Councilwoman Metzler went over the Court’s 2018 and 2019 Adopted Budgets and the fees split between County and State. She also mentioned Judge Mulley’s efforts in securing funding for needed equipment and upgrades for the Town Court. She also mentioned that the Town Judges hard work goes beyond the bench in that they participate in judicial networking and take time to educate the public, media and legal professionals.

Councilwoman Metzler ended by saying that the Penfield Town Court is looking ahead to short and long term planning. This will include aggressively seeking J Cap Funds on an annual basis. The Town Justices will continue their relationship with the official court administration. They plan to look into improving technologies, website enhancements, court security and other future endeavors. They will continue to facilitate for our Town residents and will always be mindful of health and safety in our community.

Supervisor LaFountain thanked Councilwoman Metzler for giving such an informative presentation.

Councilman Quinn thanked Councilwoman Metzler for her presentation and for informing the community of what the Penfield Justice Courts do. He also thanked Councilwoman Metzler for her leadership as a liaison to the Penfield Courts the last 10 years, and for securing and receiving some of the grants the Town Court was able to obtain.

Public Participation – None
Communications and Announcements

1. Saturday, June 8, 2019 the Penfield Trails Committee will host a free guided hike at the Webster Arboretum, 1700 Schlegel Road beginning at 9:00 AM. To pre-register or for more information, please call Penfield Recreation at 340-8655, option 6.

2. Beginning this month, kids can take an educational “Farm Walk” throughout Rothfuss Park. For more information, please call Penfield Recreation at 340-8655.

3. Councilwoman Kohl’s next Community Chat will be held on Tuesday, June 18, 2019 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

4. The Town of Penfield will hold its annual Food Truck and music event at the Penfield Amphitheater and Kiwanis Stage Friday, June 7, 2019, 4:00 PM to 8:30 PM.

5. The 2019 Concert Series will be held each Tuesday, June through August beginning Tuesday, June 11, 2019 with Teagan and the Tweeds. All concerts begin at 6:30 PM. For the full schedule, please visit www.penfieldrec.org. For more information, please call 340-8655.

Public Participation - None

Additions and Deletions to Agenda - None

Approval of Minutes

Councilman Quinn moved to approve the Minutes of May 1, 2019, Councilwoman Metzler seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#19T-135 Granting a Conditional Use Permit to Allow a Restaurant with Outdoor Dining and Outdoor Music at 1300 Empire Blvd.
by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit pursuant to Chapter 250-5.9(1)e of the Code to allow a restaurant with outdoor dining and outdoor music at 1300 Empire Blvd., located in the LaSalle’s Landing Development (LLD) 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 did designate itself as lead agency pursuant to SEQRA; and be it further

RESOLVED, that the subject application is determined to be an Unlisted action pursuant to the requirements SEQRA;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, bases its decision to GRANT a CONDITIONAL USE PERMIT to allow a restaurant with outdoor dining and outdoor music at 1300 Empire Blvd. and its determination of environmental non-significance on the following findings:

1. The site has been utilized as a restaurant or tavern for the last 50+ years. The applicants propose to continue to use it as a restaurant with outdoor dining and outdoor music.

2. The applicants propose no activities that would adversely impact the NYSDEC 100 foot adjacent area of the wetlands of Irondequoit Bay.
3. The reuse of this vacant property will result in providing additional services for those living in and in close proximity to the LaSalle’s Landing District.

4. The applicant is in agreement with the Board’s conditions of approval, as fully discussed at the Public Hearing on May 1, 2019 and the Board’s Work Session on May 22, 2019. The Board, being consistent with other restaurant requests for outdoor music, has limited the applicants to the use of “piped” music in the outdoor dining area for a period of one (1) year to ensure that the applicants can mitigate any noise impacts associated with piped music during that period. The applicants have offered to personally address any noise impacts to neighbors if an issue arises. The applicants are permitted to obtain up to three (3) special permits from the Building Department to have live entertainment during the first year which helps the Town Board determine if any impacts are created to area property owners during those live events.

5. The reuse of this site, as proposed, is consistent with the recommendations of the Penfield Comprehensive Plan, the Penfield Local Waterfront Revitalization Plan, and the Irondequoit Bay Harbor Management Plan and furthers the goals of the LaSalle’s Landing Development Plan. Therefore, the submission of a draft Environmental Impact Statement for this proposal will not be required.

AND BE IT FURTHER RESOLVED, that the applicant’s request for a CONDITIONAL USE PERMIT to allow a restaurant with outdoor dining and outdoor music at 1300 Empire Blvd. is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a CONDITIONAL USE PERMIT from the Town Clerk and pay the appropriate fee. The CONDITIONAL USE PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a CONDITIONAL USE PERMIT from the Town Board to operate a restaurant or any other business 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 International Building Code for New York State and obtain any/all necessary permits; specifically that no more than 48 patrons shall occupy the restaurant and no more than 40 patrons shall occupy the patio area.

3. This operation shall comply with all Federal, State, County and Town Codes.

4. 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.

5. The applicant shall be responsible for the ongoing maintenance of an appurtenant pedestrian path to provide public access to Irondequoit Bay on this site, all of which is identified on the site plan prepared by Edwin Summerhayes, dated October 29, 2004 which was a condition of site plan approval for the LaSalle’s Landing restaurant on this site and demonstrates compliance with the Irondequoit Bay Harbor Management Plan and Penfield’s Local Waterfront Revitalization Program.
(Resolution #19T-135 – Continued)

6. The patio is designed for seasonal dining and lounge area to accommodate no more than 40 patrons. The applicant shall be permitted to have low-level background music “piped” to the patio area, which, at no time shall be permitted to carry beyond the confines of said patio. At no time shall the applicants be permitted to have live music outside of the restaurant, with the exception of the issuance of up to three (3) one day permits in the first year of operation. The applicants may request a permit for live music on the site after that, once it has been established that the applicants have not created any adverse noise impacts to the neighborhood during that period of time.

7. The applicant shall ensure that there is adequate parking to accommodate this business.

8. The Board and applicant have worked to achieve a color theme for the building that meets the goals and objectives of the LaSalle’s Landing Plan and the applicant’s needs. The applicant may not, at any time, modify the exterior of the building, its color scheme or its signage and exterior lighting without approval by this Board.

9. All signage shall be in compliance with the requirements of the Penfield Zoning Ordinance. The Town Board has approved the applicants’ request to install three (3) wall mounted signs on the structure (on the west, south and east sides) in lieu of requesting approval of a freestanding sign to identify this site.

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

11. Compliance with all of the requirements of the Director of Developmental Services regarding this matter.

AND BE IT FURTHER RESOLVED, that the Town Board bases its finding and decision to APPROVE this application on the following:


6. Submissions and oral testimony of the applicants at the Public Hearing on May 1, 2019 and the subsequent Town Board Work Session on May 8, 2019.

Moved: Quinn
Seconded: Metzler

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

Adopted

#19T-136 Budget Transfer and Budget Amendment – Building Department
by Moore

WHEREAS, the Building Department Head requires an increase in the departmental budget for the purchase of Motorola portable radios, 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 following 2019 budget transfer and budget amendment be approved:

<table>
<thead>
<tr>
<th>From</th>
<th>Amount</th>
<th>To</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A00-1990-0004-4040</td>
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<td>A00-3620-0002-2201</td>
<td>$7,763</td>
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<tr>
<td>Contingency</td>
<td></td>
<td>Building Other Equipment</td>
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</tr>
<tr>
<td>Revenue</td>
<td>Amount</td>
<td>Appropriation Amount</td>
<td></td>
</tr>
<tr>
<td>A00-3620-1560-0000</td>
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<td>A00-3620-0002-2201</td>
<td>$9,400</td>
</tr>
<tr>
<td>Vacant Property Fees</td>
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<td>Building Other Equipment</td>
<td></td>
</tr>
</tbody>
</table>

Moved: Quinn  
Seconded: Metzler

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

Adopted

#19T-137 2019 Budget Amendments in General Fund for Donations to Recreation by Moore

WHEREAS, the Recreation Department received the following donations for Senior Programs in the months of January through May of 2019 totaling $1,892 as detailed:

- DEAR Members $600
- Diane Mey $100
- Tuesday Senior Lunch Group $82
- Sharon Warner $25
- Bernard & Judith Frank $25
- Etta Redden $25
- Robert & Kathryn Joslyn $50
- Anne & Richard Wheeler $50
- Janice Braman $50
- Louise Laiacona $50
- Carmin Rosebrough $50
- Jewl & Bill Kelley $50
- Margaret Brennan & Seymour Shenkman $150
- Mary Ellen Lansing $100
- Margaret Michniewicz $35
- James VanMeter $300
- Valera D’Esopo $25
- Diane Meyer $100
- Teresa Rizzo $25

AND WHEREAS, the Town Board desires to have an up-to-date budget in relation to current appropriations and revenues,

BE IT RESOLVED, that the following 2019 budget amendments be approved:

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Amount</th>
<th>Appropriations</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A00-6772-2001-0001</td>
<td>$1,692</td>
<td>A00-6772-0004-4042</td>
<td>$1,692</td>
</tr>
<tr>
<td>DEAR Program</td>
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<td>Programs for the Aging (DEAR)</td>
<td></td>
</tr>
<tr>
<td>A00-6772-2001-0002</td>
<td>$200</td>
<td>A00-6772-0004-4044</td>
<td>$200</td>
</tr>
<tr>
<td>Other Programs</td>
<td></td>
<td>Senior Programs</td>
<td></td>
</tr>
</tbody>
</table>

Moved: Quinn  
Seconded: Metzler

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

Adopted
WHEREAS, at their May meeting, the Library Board approved the use of Restricted Fund Balance totaling $20,000 for upgrades to the Library network, and

WHEREAS, the Town Board approves the total of $20,000 be appropriated from the Library Restricted Fund Balance,

NOW, BE IT RESOLVED THAT the Library Budget be amended as follows:

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Amount</th>
<th>Appropriations</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>L00-1000-6001-0000</td>
<td>$20,000</td>
<td>L00-7410-0002-2201</td>
<td>$20,000</td>
</tr>
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</table>

Appropriated Reserve Funds  Equipment

Moved: Quinn
Seconded: Metzler

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

Adopted

WHEREAS, on December 16, 2015, the Town Board of the Town of Penfield adopted a resolution to enact Local Law #3 of 2015 entitled "A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF PENFIELD INTO A MUNICIPAL CODE TO BE DESIGNATED THE CODE OF THE TOWN OF PENFIELD; and

WHEREAS, the purpose of the Code of the Town of Penfield includes, among other things, to provide for the safety, health protection and general welfare of persons and property in the Town of Penfield by requiring the maintenance of all such properties within the Town; and

WHEREAS, the property owners of:

15 Grouse Pt. SML#094-18-2-30  29 Grouse Pt. SML#094-17-2-3
1565 Jackson Rd. SML#109-02-1-22  68 Panorama Trail SML#123-11-1-60
99 Woodside Dr. SML#139-06-4-20  41 Woodside Dr. SML#139-06-4-20
134 Horizon Dr. SBL#108.20-3-14  4 Rockhurst Dr. SBL#109-05-3-20
50 Jackson Rd. Ext. SBL#124.02-1-34  43 Longsworth Dr. SBL#108.11-2-4
42 Pen-Web Pk. SBL#093.15-3-19  24 Rossman Dr. SBL#093.19-1-37
1387 Shoecraft Rd. SBL#094.19-1-4  70 Woodline Dr. SBL#139.10-4-10
90 Woodline Dr. SBL#139.10-4-15  32 Edenfield Rd. SML#125.01-2-61
1932 Jackson Rd. SML#124.15-1-78
2406 Browncroft Blvd SML#123.06-1-19
117 Beacon Hills Dr. N. SBL#109.06-1-43
124 Beacon Hills Dr. S. SBL#109.05-2-48

have failed to maintain the subject properties in accordance with the applicable code requirements, which is resulting in concerns for the safety, health protection and general welfare of surrounding persons and properties; and

WHEREAS, the Town staff has continually requested the maintenance of the subject properties by the owners thereof with no result:

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Building/Code Compliance Inspector to have the properties appropriately maintained; and
(Resolution #19T-139 - Continued)

BE IT FURTHER RESOLVED, that the Town Board further authorizes that the cost of said maintenance and any necessary subsequent maintenance during the 2019 season also be charged to the 2020 property tax bill for the subject properties.

Moved: Quinn
Seconded: Metzler

<table>
<thead>
<tr>
<th>Vote:</th>
<th>Kohl</th>
<th>Absent</th>
<th>LaFountain</th>
<th>Aye</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metzler</td>
<td>Absent</td>
<td>Aye</td>
<td>Moore</td>
<td>Aye</td>
</tr>
<tr>
<td>Quinn</td>
<td>Aye</td>
<td>Absent</td>
<td>Moore</td>
<td>Aye</td>
</tr>
</tbody>
</table>

Adopted

Public Works

#19T-140 Authorization for Barton & Loguidice, PC to conduct a Sewer Capacity Study Update Pursuant to the Original Study that was Completed in 2010 by Metzler

WHEREAS, the Town of Penfield rezoned 360± acres along the Route 250 corridor to Mixed Use, subsequent to the recommendations of the Town’s 2010 Comprehensive Plans on November 1, 2017 by resolution 17T-191; and

WHEREAS, although this area does not currently have sanitary sewer service, there are three (3) sanitary sewer basins in close proximity which could potentially provide service to this area; and

WHEREAS, these sanitary sewer basins serve many thousands of existing Penfield sewer district customers, whom expect reliable service, prudent planning and efficient use of the sanitary sewer system, which serve their properties; and

WHEREAS, to adequately identify current and reserve sewer system capacity and meet the above mentioned expectations of the Penfield sewer district customers, the Engineering Department sought a proposal for an updated sewer capacity study for the three (3) sewer basins which can serve this Mixed Use Zoning Area,

WHEREAS, Barton & Loguidice, PC completed the first study in 2012, and is the only company that has this sewer flow model and can perform the specific work requested; and

WHEREAS, the funding for this study shall come from a dedicated Engineering Department account for this purpose;

NOW THEREFORE BE IT RESOLVED; that the Town Board acting as Commissioners of the Penfield Consolidated Sanitary Sewer District and in an effort to provide the rate payers of said sewer district with most reliable service, prudent planning and efficient use system possible, does hereby authorize Barton & Loguidice, PC to conduct the aforementioned Sewer Capacity Studies in an amount not to exceed $15,000 for the updated capacity studies.

Moved: Metzler
Seconded: Quinn

<table>
<thead>
<tr>
<th>Vote:</th>
<th>Kohl</th>
<th>Absent</th>
<th>LaFountain</th>
<th>Aye</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metzler</td>
<td>Aye</td>
<td>Moore</td>
<td>Aye</td>
<td>Aye</td>
</tr>
<tr>
<td>Quinn</td>
<td>Aye</td>
<td>Absent</td>
<td>Moore</td>
<td>Aye</td>
</tr>
</tbody>
</table>

Adopted
Penfield Town Board, June 5, 2019

#19T-141 Authorization for Supervisor to Sign a Contract with LaBella Associates, D.P.C. for Geotechnical and Site Design Services by Metzler

BE IT RESOLVED, that the Supervisor is hereby authorized to sign a contract, not to exceed $24,500.00 for services with LaBella Associates, D.P.C., 300 State Street, Suite 201, Rochester, NY 14614, to provide construction administration and bidding services for the box athletic field, as well as geotechnical investigation, site design services, construction administration, and bidding services for the future soccer fields at Rothfuss Park. This resolution and the proposal submitted by LaBella Associates, D.P.C. shall constitute the contract. This agreement to be reviewed and approved by the Town Attorney.

BE IT FURTHER RESOLVED, as this agreement is to develop Town parkland for recreational purposes the Board hereby authorizes the appropriation of $24,500.00 from the Town’s Recreation Trust Special Revenue Fund as an amendment to the 2019 budget.

Moved: Metzler  Seconded: Quinn

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

Adopted

Public Safety

#19T-142 Authorization to Post Temporary NO PARKING Signs by Quinn

WHEREAS, it is the Town of Penfield’s responsibility to promote and maintain public safety on roads within the Town of Penfield and,

WHEREAS, pursuant to New York State Vehicle & Traffic Law, Section 1660, the Town Board is granted the authority to authorize the establishment of traffic control devices on Town highways within the Town of Penfield and,

WHEREAS, the Town of Penfield wishes to keep the neighborhoods around the Town’s Independence Day Celebration, parade route and festivities at Harris Whalen Park accessible to emergency vehicles.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes and establishes that “No Parking” will be established along both and/or one side of all and/or parts of the following streets, for the duration of the Town’s Independence Day Celebration, parade and festivities at Harris Whalen Park; Baird Road (north of Penfield Road), Peachtree Road, Hotchkiss Circle, Wheelock Road, Kenmont Drive, Henderson Drive, Avonmore Way, Hidden Meadow, Hillrise Drive, Lazy Trail, Valley Green Drive, Valley Green Circle, Maple Hill Farm Road, Maple Leaf Circle, Timber Glen Trail, Harris Whalen Park Road and,

NOW THEREFORE, BE IT FURTHER RESOLVED, that the Town Board hereby authorizes and directs the Director of Public Works to post said temporary “NO PARKING” signs along both and/or one side of said streets;

Moved: Quinn  Seconded: Metzler

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

Adopted
Community Services

#19T-143 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:

Amend resolution 19T-108 submitted as Dynamic Recording (2844 - 2846 Dewey Avenue, Rochester, NY 14616) to Alfred St. John (86 Firestone Drive, Rochester, NY 14624).

Amend resolution 19T-080 submitted as Young Explosives Corporation (P.O. Box 18653, Rochester, NY 14618) for $13,000 to $13,500.

Moved: Metzler  
Seconded: Quinn

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

Adopted

Old Business - None

New Business - None

Public Participation - None

Supervisor LaFountain recognized Legislator George Hebert, representative for the 15th District who was in the audience. He again thanked Councilwoman Metzler for tonight’s presentation.

Executive Session - None

Next Meeting - June 19, 2019

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 8:30 PM.

Amy Steklof, RMC/CMC
Town Clerk