Penfield Town Board, July 17, 2019

The Regular meeting of the Penfield Town Board was held on Wednesday, July 17, 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
          Amy Steklof  Town Clerk
          Richard Horwitz  Town Attorney
          Mark Valentine  Town Engineer

Also
Present: Amy Steklof  Town Clerk
        Richard Horwitz  Town Attorney
        Mark Valentine  Town Engineer

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Supervisor LaFountain called for a moment of silence to remember Penfield resident Thomas C. Falk who recently passed away. He was a valued member of the Parks and Recreation Committee for over 30 years and a coach for Penfield Little League for many years.

Public Hearing #1 To Consider Adoption of an Update to the Town’s Design and Construction Specifications

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on June 27, 2019 and was posted on the Town Website and Town Clerk Bulletin Board. No postcards were mailed due this being a Town wide action. Town Attorney Horwitz confirmed that this Hearing is in order.

Supervisor LaFountain recognized Mark Valentine, Town Engineer. Mr. Valentine gave an overview of the proposed revisions for the Town of Penfield Design and Construction Specifications and gave reasons why the changes are being proposed. The major changes are highlighted in red in the body of the document, and can be found online under the agenda for tonight’s meeting.

Supervisor LaFountain stated that the Town Board has reviewed the document on multiple occasions.

Councilman Quinn asked if the language and regulations proposed comply with State and County code.

Mr. Valentine stated they took the code into consideration and incorporated language into the document to comply with their standards.

Councilwoman Metzler suggested having department staff cleanup the numbering of the Table of Contents for accuracy.

Mr. Valentine stated that the staff will clean up the format and update the Table of Contents. Mr. Valentine stated he appreciates the opportunity to share this document with the Town Board and Town residents and will keep the Town Board updated as developers and engineers continue to send in their comments.

Public Participation - None

Hearing closed.

Communications and Announcements

1. Hunting and Trapping licenses go on sale Thursday, August 1, 2019. Hunting and trapping guides will be available at that time. You may also view the guides online at www.dec.ny.gov. For more information please contact Town Clerk Amy Steklof at 340-8629 or at steklof@penfield.org.
Penfield Town Board, July 17, 2019

(Communications and Announcements - continued)

2. Penfield Residents in need of a passport are invited to attend “Passport Night in Penfield” on Thursday, July 25, 2019 from 6:00 PM to 7:30 PM. For more information please contact Town Clerk Amy Steklof at 340-8629.

3. The Penfield Ecumenical Food Shelf, 1618 Jackson Road, needs the community’s help in keeping their shelves full of inventory. Please log on to www.penfieldecumenicalfoodshelf.org for an updated listing of items currently needed.

4. The 7th Annual Flower City Family Fest will be held on July 28, 2019 from 2:00 PM to 6:00 PM at Rothfuss Park. For more information about this event, please visit www.ourparentingvillage.org.

5. The Shepherd Home’s 9th Annual Golf Tournament will be held on Monday, July 22, 2019 at Penfield Community Center, 1784 Jackson Road. For more information or to register for the tournament, please contact 381-0890.

6. The Penfield Players have announced that their Summer Readers Theater will be held on Saturday, July 27, 2019 at 6:00 PM at the Veteran’s Memorial Park Amphitheater. For more information, please visit www.penfieldplayers.org.

7. Councilwoman Kohl’s next Community Chat will be held on Tuesday, August 20, 2019 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

8. Please remember Henry C. “Hank” Dixon who passed away on July 1, 2019. Hank served as President, and as a Board Member for the Penfield Public Library.

Public Participation - None

Additions and Deletions to Agenda

Councilman Moore moved to add Resolution #19T-165, Councilwoman Kohl seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of June 5, 2019, Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#19T-152 Authorization for Fire Marshal to Support the Town of Webster with Inspections by Moore

WHEREAS, the Town of Webster Fire Marshal’s Office has requested support from the Town of Penfield Fire Marshal with final inspection of the completed fire alarm system at 1052 Waverton Circle, Building #3, Webster, NY, and

WHEREAS, the Town of Webster will hold the Town of Penfield, and the Fire Marshal’s office, harmless for any liability, including attorney fees, resulting from the supporting inspection, and

THEREFORE, BE IT RESOLVED the Penfield Town Board hereby authorizes the Town of Penfield Fire Marshal to support the Town of Webster Fire Office with inspections as requested and approved by both Penfield and Webster Town Supervisors.
(Resolution #19T-152 – Continued)

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-153 Authorization to Attend 2019 New York State Magistrate Court Clerk by Moore

WHEREAS, the New York State Magistrates Court Clerk Annual Fall Conference has been scheduled at the DoubleTree by Hilton, Syracuse, New York, September 29th through October 2nd, 2019; and

WHEREAS, this conference is designed to keep Court Clerks updated on changes in laws and procedures and provides educational opportunities for Court Clerks. Effective January 1, 2019, under the Rules of the Chief Judge, annual Court Clerk Training is now mandatory; and

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Court Clerks are hereby authorized to attend the 2019 New York State Magistrates Court Clerks Annual Fall Conference in Syracuse, New York. The funds to attend this conference are included in the 2019 Budget and will not exceed $1,400.

Moved: Moore
Seconded: Quinn

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

Adopted

#19T-154 Setting a Public Hearing to Consider Issuance of a Special Use Permit and Preliminary and Final Site Plan Approval to Allow a 95 Unit Apartment Building at 1384 Empire Blvd. by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Use Permit and Preliminary and Final Site Plan Approval pursuant to Chapter 250-5.9-B(1)(b) of the Code to allow the development of a 95 unit apartment building with associated parking and storm water management facilities at 1384 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 thus does hereby 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 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 August 7, 2019, at 7:00 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of a Special Use Permit and Preliminary and Final Site Plan Approval for the development of a 95 unit apartment...
building with associated parking and storm water management facilities at 1384 Empire Blvd., in the LaSalle’s Landing Development (LLD) 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.

Moved: Moore
Seconded: Metzler

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

Adopted

#19T-155 Update to Petty Cash and Clerk/Tax Drawer Allocations
By Moore

BE IT RESOLVED, that the Petty Cash Policy established by the Town Board Resolution #66 of February 4, 1980 and last revised January 2, 2019, with the adoption of this resolution, continues to apply and all persons affected should have a copy of that Policy so they may be familiar with it to insure compliance, and

BE IT FURTHER RESOLVED the following changes to the allocation of Petty Cash Funds within the Town are modified as follows:

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town Supervisor</td>
<td>$100.00</td>
</tr>
<tr>
<td>Director of Public Works</td>
<td>$200.00</td>
</tr>
<tr>
<td>Recreation Department</td>
<td>$250.00</td>
</tr>
<tr>
<td>Director of Finance</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

AND, BE IT FURTHER RESOLVED, the total cash appropriated for use in the cash drawers to be reconciled daily to the cash out from transactions in the office of the Town Clerk and Tax Receiver be distributed as follows:

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town Clerk Drawer</td>
<td>$275.00</td>
</tr>
<tr>
<td>Receiver of Taxes of Drawer</td>
<td>$275.00</td>
</tr>
</tbody>
</table>

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-156 Budget Amendment in Highway Fund for Services to Penfield Central School District by Moore

WHEREAS, the Town Board approved the Department of Public Works to provide various services to the Penfield Central School District, and

WHEREAS, Town crews will be completing the approved work this summer, and

WHEREAS, the Town Board desires to have an up-to-date budget in relation to current appropriations and revenues,
NOW, BE IT RESOLVED that the following 2019 budget amendment be approved:

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Amount</th>
<th>Appropriations</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA0-1000-2302-0003</td>
<td>$60,000</td>
<td>DA0-5110-0004-4600</td>
<td>$60,000</td>
</tr>
<tr>
<td>Penfield Central School District</td>
<td></td>
<td>Contracted Projects</td>
<td></td>
</tr>
</tbody>
</table>

Moved: Moore
Seconded: Quinn

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

Adopted

#19T-157  **Budget Transfer – Highway Machinery Account** by Moore

WHEREAS, the Director of Public Works requires a transfer in the Machinery Account for the rehabilitation of three (3) truck boxes, 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 be approved:

<table>
<thead>
<tr>
<th>From</th>
<th>Amount</th>
<th>To</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA0-5130-0002-2503</td>
<td>$45,000</td>
<td>DA0-5130-0004-4010</td>
<td>$45,000</td>
</tr>
<tr>
<td>Heavy Duty Equipment</td>
<td></td>
<td>Vehicle Rehabilitation</td>
<td></td>
</tr>
</tbody>
</table>

Moved: Moore
Seconded: Metzler

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

Adopted

#19T-158  **2019 Budget Amendments for NYS Multi-Modal Grant and NYS Extreme Winter Recovery in the Highway Fund** by Moore

WHEREAS, Assemblyman Mark Johns was able to secure a Multi-Modal grant in the amount of $50,000 for the resurfacing of Old Penfield Road, and

WHEREAS, the Town received an apportionment of the State’s Extreme Winter Recovery Program in the amount of $37,026.11, 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 Amendments be approved for the Highway Fund:

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Amount</th>
<th>Appropriations</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA0-1000-3501-0000</td>
<td>$50,000</td>
<td>DA0-5110-0003-3001</td>
<td>$50,000</td>
</tr>
<tr>
<td>State Aid Multi Modal Program</td>
<td></td>
<td>Multi Modal Projects</td>
<td></td>
</tr>
<tr>
<td>DA0-1000-3589-0002</td>
<td>$37,026.11</td>
<td>DA0-5110-0003-3003</td>
<td>$37,026.11</td>
</tr>
<tr>
<td>State Aid, Other Transportation</td>
<td></td>
<td>State Aid, Other Transportation</td>
<td></td>
</tr>
</tbody>
</table>
Moved: Moore
Seconded: Kohl

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

Adopted

### Resolution #19T-159

Resolution to Appoint a Hearing Officer to Conduct New York Civil Service Law Section 75 Proceeding by Moore

WHEREAS, the Town has commenced a proceeding and requested a Hearing pursuant to Section 75 of the New York State Civil Service Law; and

WHEREAS, Section 75(2) of the New York State Civil Service Law requires that a Hearing upon New York State Civil Service Law Section 75 charges shall be held by the officer or body having the power to remove the person against whom such charges are preferred, or by a deputy or other person designated by such officer or body in writing for that purpose; and

WHEREAS, in case a deputy or other person is so designated, he/she shall, for the purpose of such Hearing, be vested with all the powers of such officer or body and shall make a record of such Hearing which shall, with his/her recommendations, be referred to such officer or body for review and decision; and

WHEREAS, the Town Board has recommended the appointment of Allan Berry as the designated Hearing Officer.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Penfield hereby appoints Allan Berry as the Hearing Officer pursuant to Section 75 of the New York State Civil Service Law, with respect to the charges brought by Town Supervisor LaFountain on May 6, 2019, and authorizes the Hearing Officer to hear evidence, make a transcript of the proceedings, and to issue a written report of his findings and recommendations to the Town Board.

Moved: Moore
Seconded: Quinn

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

Adopted

### Resolution #19T-160

Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence within a Drainage Easement at 19 Seton Court by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a License and Hold Harmless Agreement with Amy Skalny, owner of the property at 19 Seton Court, to permit a fence to encroach into a Drainage easement to the Town of Penfield located at 19 Seton Court in a form and substance acceptable to the Town Attorney.

Moved: Moore
Seconded: Metzler

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

Adopted
#19T-161 Authorization to Maintain Properties and Assess the Charges to the 2020 Property Tax Bills by Moore

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:

19 Split Rail Run  SML#109.17-2-23
3057 Atlantic Ave.  SML#109.04-1-22

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

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: Moore
Seconded: Kohl

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

Adopted

Public Works

#19T-162 Authorization for Supervisor to Sign a Contract with MRB Group for Updated Programming and Site Feasibility Study for a Town DPW Facility by Metzler

BE IT RESOLVED, that the Supervisor is hereby authorized to sign a contract, not to exceed $14,500.00 for services with MRB Group, 145 Culver Road, Suite 160, Rochester, NY 14620, to provide updated programming and a site feasibility study for a Town DPW facility at 1607 Jackson Road. This resolution and the proposal submitted by MRB Group 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
Penfield Town Board, July 17, 2019

Public Safety - None

Community Services

#19T-163 Authorization to Adopt Update to the Town of Penfield Recreation and Parks Master Plan by Kohl

WHEREAS, the Penfield Town Board Resolution on May 16, 2018 authorized the 2019 Recreation and Parks Master Plan Five Year Update,

AND, WHEREAS, the Master Plan Update Committee, and the Recreation Director have reviewed and now recommended the final draft be approved by the Town Board as submitted by the committee,

NOW, THEREFORE BE IT RESOLVED, the Penfield Town Board adopts the final Recreation and Parks Master Plan Five Year Update.

Moved: Kohl
Seconded: Quinn

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

Adopted

#19T-164 Authorization to Supervisor to Sign Recreation Contracts by Kohl

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 Summer and Fall youth and adults 6/26/19 – 12/18/19 for the fee of 70% of program revenues. Voucher to be submitted at end of each session.

Moved: Kohl
Seconded: Metzler

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

Adopted

Old Business - None

New Business

#19T-165 Authorization for Supervisor to Sign Retainer Agreement for Legal Counsel by Moore

BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign a Retainer Agreement with Andrew J. Schwab, Lynch, Schwab & Gasparini, PLLC, for legal counsel pertaining to litigation involving Shadow Lake Golf Course property; and

BE IT FURTHER RESOLVED that the said Retainer Agreement is to be reviewed and approved by the Penfield Town Attorney.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Participation - None
Executive Session - None

Next Meeting - August 7, 2019

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:53 PM.

Amy Steklof, RMC/CMC
Town Clerk