TOWN BOARD LEGISLATIVE AGENDA
Wednesday, August 7, 2019, 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I. Call to Order - Pledge of Allegiance - Roll Call
II. Public Hearing #1 - 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.
III. Communications and Announcements
IV. Public Participation
V. Additions and Deletions to Agenda
VI. Approval of Minutes - June 19, 2019
VII. Petitions
VIII. Resolutions by Function

Law and Finance
19T-166 Appointment of School Tax Collector for the 2019-2020 School Year for the Wayne Central School District
19T-167 Resolution 18T-073, 2019 Town Update - Modification
19T-168 Setting a Public Hearing to Consider a Conditional Use Permit to Allow a Sit-down and Take-out Restaurant at 1837 Penfield Road
19T-169 Adoption of an Update to the Town's Design and Construction Specifications
19T-170 2019 Budget Transfer in General Fund for Funding of Capital Project

Public Works
19T-171 Awarding a Contract for the 2019 Town Hall Sanitary Sewer Project
19T-172 Awarding the Contract for the Rothfuss Park Box Athletic Field Site Work and Equipment Installation
19T-173 Awarding the Contract for the Harris Whalen Park Playground Equipment Purchase and Installation

Public Safety - None

Community Services
19T-174 Authorization for Supervisor to Sign Recreation Contracts

IX. Old Business
X. New Business
XI. Public Participation
XII. Executive Session
XIII. Next Meeting: August 21, 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, August 7, 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

Also Present: Amy Steklof Town Clerk
Richard Horwitz Town Attorney

Absent: Robert Quinn Councilman

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Supervisor LaFountain asked for a moment of silence to remember Penfield resident, Supreme Court Justice, Richard M. Rosenbaum and stated that “He was the biggest political figure on both sides of the aisle in Monroe County. He left a mark on this community that will last for generations.”

Supervisor LaFountain stated on behalf of the Rosenbaum family and everything that Dick Rosenbaum stood for and did for this county, to please bow your heads for a moment of silence.

Supervisor LaFountain recognized Town Clerk Amy M. Steklof. Town Clerk Steklof thanked the residents of Penfield for their outpouring of support to her family in memory of her Dad, Dick Rosenbaum. She stated, “We loved hearing the stories and memories about my Dad that many took the time to tell us this past two (2) weeks and it was heartwarming and comforting to know so many cared about him. On behalf of my entire Rosenbaum family, I thank the great residents of our Town.”

Public Hearing #1 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.

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on July 25, 2019 and was posted on the Town Website and Town Clerk Bulletin Board. 6 postcards were mailed. Town Attorney Horwitz confirmed that this Hearing is in order.

Supervisor LaFountain recognized John Caruso from Passero Associates. Mr. Caruso stated that his client, Daniele Family Companies is requesting a Site Plan review of the proposed project located at 1384 Empire Blvd. in the LaSalle’s Landing District (LLD).

The proposed project will include the demolition of the existing Mario’s Restaurant and construction of a new 95 unit apartment building, four (4) stories high with underground parking. Mr. Caruso gave handouts to the Town Board and Town Clerk (see attached) and gave an overview of the project that included information regarding a number of impacts to the area including but not limited to environmental impacts, SEQR, Traffic Study and benefits to the community.

Anthony Daniele stated that the property originally was vacant and contaminated and that his father, Mario, had a vision to develop and maximize the property while keeping its integrity. The Danieles believe the feel fits the character of LaSalle’s Landing District.

Supervisor LaFountain asked how many parking spaces are planned.

Anthony Daniele stated that 73 parking spaces are proposed for the underground parking lot and 125 spaces for surface lot. They are working on increasing the parking spaces underground to 82-85 spaces.
Supervisor LaFountain inquired whether further road work would be done on Empire Blvd. during development of the project.

Mr. Daniele stated none is being proposed.

Supervisor LaFountain asked if any additional dock facilities are planned.

Mr. Daniele stated there is no marina expansion planned.

Supervisor LaFountain inquired about the number of apartment building units.

Mr. Daniele and Mr. Caruso explained the logistics of how they reached the number of units they are proposing.

Supervisor LaFountain asked if they have had the opportunity to review the PRC comments.

Mr. Daniele stated he does not believe they have received them yet.

Supervisor LaFountain stated there are approximately 59 comments that have been posted and he encourages Mr. Valentine, Director of Planning and Town Engineer to send a copy of the comments to the Passero Group so they can follow up on those items.

Supervisor LaFountain asked if a restaurant or pool is proposed to be included in the facility.

Mr. Daniele stated there will be no additional food service or retail in the proposed building, but possibly coffee service will be offered.

Dr. Jack Howitt asked, in the consideration of this proposed project, has there been any consideration for the pending application for the development of 60 units across the street.

Supervisor LaFountain stated that the Town Board will take into account both proposals as they go over each application.

Supervisor LaFountain recognized Mark Valentine, Director of Planning and Town Engineer.

Mr. Valentine apologized for not getting the PRC comments to Passero Associates and will be sending them shortly.

Anthony Daniele mentioned the increase in tax base and tax revenue for the Town. At this point they have not sought any tax relief for this project. He also mentioned that from the analysis that was done for the apartment complex next door, the financial impact to the school district is a “net” gain. The impact to the school district will be minimal due to the typical tenants being single young people, empty nesters, and early retirees.

Supervisor LaFountain stated that the Hearing will be held open for a week so that others can provide input and feedback in regards to this application.

Supervisor LaFountain went over next steps for review of the project and stated the next opportunity the Town Board will have to discuss this project will be at the August 28, 2019 Work Session.

Public Participation - None

Hearing closed.
Communications and Announcements

1. Daytime Education at Recreation (DEAR) is calling on all artists and crafters to participate as a vendor in the first annual Holiday Craft Fair on Saturday, November 9, 2019 at the Community Center. Anyone interested should fill out an application at www.penfieldrec.org or at the Penfield Recreation office, 1985 Baird Road. There is a non-refundable deposit of $35 to participate. With the wealth of talented, crafty people in Penfield and Monroe County, the holiday timeframe is a perfect moment to provide a unique shopping opportunity for the community. Please direct questions regarding the November 9th event to Pam Gerace at 340-8664.

2. This month, the Penfield Trails Committee will be offering a FREE Public Hike on Saturday, August 10, 2019 from 9:00 AM to 11:00 AM within Ellison Park. Participants should meet at the south entrance of the park located at 1008 Penfield Road. Discover the off-beat pathways that reveal the natural vistas carved by 10,000 years of Irondequoit Creek flow. Be sure to look for the hike signs. Participants are encouraged to pre-register by contacting the Recreation Department at 340-8655.

3. Penfield Recreation’s 2019 Fall Program Brochure is now available at www.penfieldrec.org. Be sure to check out all the new programs that will be offered over the next few months, with registration beginning September 3, 2019 for Penfield residents. Early registration will be available for a select few programs beginning August 12, 2019.

4. Just a reminder: the American Red Cross will be holding blood drive Wednesday, August 28, 2019 at Penfield Community Center from 1:00 PM to 6:00 PM. Each presenting donor will receive a $5 Amazon gift card. To schedule a donation appointment to help save a life during an emergency, please contact 1-800-RED-CROSS, or visit www.redcrossblood.org. Walk-ins are welcome.

5. Councilwoman Kohl’s next Community Chat will be held on Tuesday, August 20, 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 June 19, 2019, Councilwoman Metzler seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#19T-166 Appointment of School Tax Collector for the 2019-2020 School Year for the Wayne Central School District by Moore

WHEREAS, Section 37 of the Town Law of New York State provides that collection of school taxes in first class towns is the duty of the Town’s Receiver of Taxes & Assessments unless a Resolution is adopted by the Town Board to convey this responsibility to the tax collector appointed by the Board of Education, and
WHEREAS, Penfield is one of six first-class townships within the boundaries of Wayne Central School District, and

WHEREAS, the Tax Receiver as appointed by the Wayne Central School District as the school tax collector for the Wayne Central School District portion of the Town of Penfield for the 2018-2019 school year, and

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board hereby approves the appointment of Mrs. Debra DeMink as School Tax Collector for the Wayne Central School District portion of properties in the Town of Penfield.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-167 Resolution 18T-073, 2019 Town Update - Modification
by Moore

WHEREAS, the Town Board has determined the need to modify Resolution 18T-073, dated February 21, 2018 regarding the 2019 Town wide update, to be amended to extend through 2020, and

WHEREAS, under Section 305 of New York State Real Property Tax Law mandates uniform and equitable assessments; and

WHEREAS, technical advice, and financial assistance are available by cooperative agreement with the New York State Office of Real Property Services; and

WHEREAS, the Town Board wants to ensure that Penfield is in compliance with Section 305 of the New York State Real Property Tax Law

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF PENFIELD, NEW YORK, AS FOLLOWS:

1. That the Assessor of the Town of Penfield is hereby ordered to undertake and implement an update for the 2020 Assessment Roll. The Board supports the Assessor having the RPS file in house in order to accomplish 2020 update.

2. That the Assessor is authorized to enter into any necessary agreements to achieve this purpose. Any agreements resulting in expenditure by the Town of Penfield must first be approved by the Town Board.

This resolution shall take effect immediately.

Moved: Moore
Seconded: Metzler

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

Adopted
#19T-168 Setting A Public Hearing to Consider a Conditional Use Permit to Allow a Sit-down and Take-out Restaurant 1837 Penfield 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 and take-out restaurant at 1837 Penfield 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 a Type II 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 September 4, 2019, 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 and take-out restaurant at 1837 Penfield 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.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-169 Adoption of an Update to the Town’s Design and Construction Specifications by Moore

WHEREAS, the Town Board of the Town of Penfield considered an update to the Town’s Design and Construction Specifications and held a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on July 17, 2019; and

WHEREAS, the Town of Penfield technical staff prepared a draft of the proposed changes for consideration and contacted more than 75 local engineers and developers for their input on the proposed updates; and

WHEREAS, the Town Clerk duly published and posted a Notice of the Public Hearing on the official signboard of the Town in the manner prescribed by Law, the first publication thereof not less than five (5) days and not more than thirty (30) days before the date set for the said Public Hearing; and

WHEREAS, the Penfield Town Board is best suited to act as “Lead Agency” within the meaning of the State Environmental Quality Review Act (SEQRA) designated itself as “Lead Agency” pursuant to SEQRA on July 17th; and

WHEREAS, the subject application was determined to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA);
NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the said Town of Penfield hereby adopts the update to the Town’s Design and Construction Specifications and makes the regulations enforceable as of August 8th, 2019

Moved: Moore
Seconded: Metzler

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

Adopted

#19T-170 2019 Budget Transfer in General Fund for Funding of Capital Project by Moore

WHEREAS, the Town Board periodically reviews capital infrastructure needs at Town facilities, and

WHEREAS, the Town Engineer and Director of Public Works have received an acceptable bid totaling $74,080 for improvements to the Town Hall’s sewer system located on the Town Hall Campus,

AND WHEREAS, the Town maintains a Capital Fund for Facility Capital Improvements,

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

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Moved: Moore
Seconded: Kohl

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

Adopted

Public Works

#19T-171 Awarding a Contract for the 2019 Town Hall Sanitary Sewer Project by Metzler

WHEREAS, the Penfield Town Board desires to have a sanitary sewer installed to serve the Town of Penfield Town Hall and a portion of the Veterans Memorial Park; and

WHEREAS, sealed proposals were sought and duly advertised for the installation of said sanitary sewer to serve the Town of Penfield Town Hall complex; and

WHEREAS, on July 19, 2019 at 10:00 AM, EST the sealed proposals for said project were received, opened and read publicly by the Town Clerk; and

WHEREAS, the bid submitted by Genesee Valley Construction, LLC. was evaluated and was found to be the lowest bidder for the specified improvements and has met the Town's bidding requirements for this project; and
NOW, THEREFORE, BE IT RESOLVED that the contract for the 2019 Town Sanitary Sewer Project be, and hereby is, awarded to Genesee Valley Construction, LLC. at the quoted bid amount which will not to exceed $74,080.00, and

NOW, THEREFORE, BE IT RESOLVED that this expense shall be funded by the Capital Fund account, and

BE IT FURTHER RESOLVED, that said award is subject to the submission and approval of appropriate Bonds and Insurance, at which time the contractor is given the Notice to Proceed for this contract.

Moved: Metzler
Seconded: Moore

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

Adopted

#19T-172 Awarding the Contract for Rothfuss Park Box Athletic Field Site Work and Equipment Installation 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 site work and equipment installation of a box athletic field for Rothfuss Park; and

WHEREAS, on July 19th, 2019 at 11:00 AM local time the following sealed bids were received, opened, and read publicly from the following list of contractors:

MRI Contractors of NY, Inc. – T/A Monroe Roadways
Bayside Paving Contractors, Inc.
Diehl Development, Inc.

AND WHEREAS, the bid received from MRI Contractors of NY, Inc. – T/A Monroe Roadways, 300 Hogan Road, Fairport, NY 14450, was the lowest bid and meets the expectation and specifications of the bid package for a total cost of $216,000.00,

NOW, THEREFORE, BE IT RESOLVED, that a contract be and hereby is awarded to: MRI Contractors of NY, Inc. – T/A Monroe Roadways, 300 Hogan Road, Fairport, NY 14450, to complete site work and install box athletic field equipment for Rothfuss Park. This resolution and the bid submitted by MRI Contractors of NY, Inc. – T/A Monroe Roadways 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 $216,000.00 from the Town’s Recreation Trust Special Revenue Fund as an amendment to the 2019 budget.

Moved: Metzler
Seconded: Kohl

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

Adopted
Penfield Town Board, August 7, 2019

#19T-173 Awarding the Contract for Harris Whalen Park Playground Equipment Purchase and Installation 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 the purchase and installation of playground equipment for Harris Whalen Park; and

WHEREAS, on July 12th, 2019 at 11:00 AM local time the following sealed bids were received, opened, and read publicly from the following list of suppliers:

Titan Development Inc.
Miracle Recreation Equipment Co.

AND WHEREAS, the bid received from Titan Development Inc., 8534 Seaman Road, Gasport, NY 14067, was the lowest bid and meets the expectation and specifications of the bid package for a total cost of $62,540.00; and

WHEREAS, the funds are available in the 2019 DPW Parks Budget,

NOW, THEREFORE, BE IT RESOLVED, that a contract be and hereby is awarded to: Titan Development Inc., 8534 Seaman Road, Gasport, NY 14067, to provide and install playground equipment for Harris Whalen Park. This resolution and the bid submitted by Titan Development Inc. 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 Absent

Adopted

Public Safety - None

Community Services

#19T-174 Authorization for Supervisor to Sign Recreation Contracts By Kohl


Coloring on Canvas, LLC, Collavanni McLeod, PO Box 184, Victor, NY 14564, Creative Birthday Parties, 9/21/19 - 11/9/19 for a fee of 70% of the total program revenue. Vouchers to be submitted 10/2, 10/16 and 11/6/19.

Ready to Respond Training Services, Domenic Danesi, 1440 Long Pond Road, Rochester, NY 14626, Babysitting - 10/14/19 and Safety First for Children - 10/14/19, for a fee of 70% of the total program revenue. Voucher to be submitted 10/16/19.

Penfield High School Robotics, 25 High School Drive, Penfield, NY 14526, FIRST LEGO League Jr. Robotics, 9/16/19 - 12/9/19, for a fee of 70% of the total program revenue less expenses. Vouchers to be submitted 10/2/19 and 12/4/19.
Penfield Town Board, August 7, 2019

(Resolution #19T-174 – Continued)

Perinton Youth Hockey, PO Box 1001, Fairport, NY 14450, Intro to Ice Skating and Hockey, 10/19/19 – 12/21/19, for a fee of 70% of the total program revenue. Voucher to be submitted 11/6/19 and 12/4/19.

Martha Sweeney, 74 Redwood Drive, Penfield, NY 14526, Painting and Drawing, 9/16/19 – 11/18/19, for a fee of 70% of the total program revenue. Vouchers to be submitted 10/2/19 and 11/6/19.

Therese Bason, 58 Oakbriar Ct., Penfield, NY 14526, Barre 9/14/19 – 12/28/19 and Pilates Mat with Therese 9/17/19 – 12/17/19, 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 9/12/19 – 12/12/19, Zumba Gold 9/11/19 – 12/11/19 and Line Dancing Workout 9/12/19 – 12/12/19, 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 10/2/19, 11/6/19 and 12/4/19.

Moved: Kohl
Seconded: Metzler

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<tr>
<th>Vote</th>
<th>Kohl</th>
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<td></td>
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Adopted

Old Business – None

New Business – None

Public Participation – None

Executive Session – None

Next Meeting – August 21, 2019

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 8:06 PM.

Amy Steklof, RMC/C MC
Town Clerk