TOWN BOARD LEGISLATIVE AGENDA
Wednesday, September 18, 2019, 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I. Call to Order - Pledge of Allegiance - Roll Call
II. Budget Officer's Message and Information Presentation on the 2020 Tentative Budget
III. Communications and Announcements
IV. Public Participation
V. Additions and Deletions to Agenda
VI. Approval of Minutes - August 21, 2019
VII. Petitions
VIII. Resolutions by Function

Law and Finance
19T-181 Budget Amendments and Transfers in the General Fund
19T-182 Authorization to Maintain Properties and Assess the Charges to the 2020 Property Tax Bills
19T-183 Approval of Issuance of a Conditional Use Permit to Allow a Sit-down and Take-out Restaurant at 1837 Penfield Road
19T-184 Setting a Public Hearing to Consider a Conditional Use Permit to Allow a Hair Salon at 1782 Penfield Road
19T-185 Red Cross Agreement for Emergency Shelter

Public Works
19T-186 Authorization for Supervisor to Sign a Service Agreement with UniFirst Corporation for the Procurement of Uniforms and Uniform-Related Products and Services

Public Safety - None
Community Services - None

IX. Old Business
X. New Business
XI. Public Participation
XII. Executive Session
XIII. Next Meeting: October 2, 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, September 18, 2019 at 7:00 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

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

Also Present: Amy Steklof   Town Clerk
Richard Horwitz   Town Attorney
Bernadette Brinkman   Library Director
Barbara Chirdo   Town Comptroller

Absent: Linda Kohl    Councilwoman

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Budget Officer’s Message and Information Presentation on the 2020 Tentative Budget

Supervisor LaFountain stated that the Tentative Budget can be viewed on the Town’s website. A Public Hearing will be held on October 2, 2019 at which time the Town Board will take input and feedback.

Supervisor LaFountain introduced Town Comptroller Barbara Chirdo who gave an overview of the Tentative Budget for 2020. With a slide presentation, Ms. Chirdo showed a pie chart of the Town’s property tax dollar. She pointed out that all tax dollars that are paid by Town residents, the Town receives the smallest portion of the tax dollars. She stated that the Tentative Budget for fiscal year 2020 totals $20,671,392, which is an increase of $411,786. The Tax levy increase is $60,458, which is $500,000 below the New York State Tax cap. Ms. Chirdo went over the distribution of the budget dollar and appropriations. She stated that this is a fiscally sound budget that will continue to provide the daily services and the Town of Penfield residents deserve and expect. The proposed budget shows no tax increase for 2020. The Tentative Budget will now become the Preliminary Budget and is available for public review on the Town’s website under quick links. Supervisor LaFountain thanked Ms. Chirdo for her presentation.

Supervisor LaFountain recognized audience member, Town Library Director, Bunny Brinkman and thanked her for being at this Town Board meeting and thanked her for her support. He also recognized all Department Heads for their help in putting together their portion of the budget.

The Budget timeline is as follows:

- June to September 2019 - Town Supervisor, Town Comptroller and staff conduct budget work sessions; prepare 2020 Tentative Budget
- September 18, 2019 - Town Supervisor, Town Comptroller present a summary of the 2020 Tentative Budget to the Town Board and community; document made public for review (during this period, Tentative Budget becomes the Preliminary Budget)
- September 18-October 10, 2019 - Public comment period
- October 2, 2019 - Public hearing on 2020 Preliminary Budget; public comments received
- October 3-10, 2019 - Town Board reviews comments, develops a Final Budget
- October 16, 2019 - Town Board legislative meeting, adoption of a Final 2020 Budget
- October 18, 2019 - Town submits the Penfield Adopted 2020 Budget to County of Monroe, Adopted Budget made public
Communications and Announcements

1. The next Passport Night in Penfield will be on Thursday, October 3, 2019 from 6:00 PM to 7:30 PM at the Town Hall. Individuals in need of a new or updated passport are welcome to attend. This event comes through a partnership with the Clerk’s Offices of Monroe County and the Town of Penfield. For general information on routine or expedited passport applications, go to www.monroecounty.gov.

2. The American Red Cross is consistently holding blood drives throughout Monroe County. The next drive in Penfield will be on Saturday, September 28, 2019, from 9:00 AM to 2:00 PM, at the Eastside YMCA. Scheduling a donation appointment can help save up to three (3) lives during an emergency. Donors must have proof of age to ensure they meet the minimum age requirements. You don’t need a special reason to give blood, you just need your own reason. Walk-ins are welcome, but you can schedule an appointment by going to www.redcrossblood.org, or by calling 1-800-733-2767.

3. Penfield Rotary and R-Community Bikes are again partnering with the Town to hold a Community Bike Drop-Off at the Community Center. On Saturday, October 5, 2019, come to 1985 Baird Road between 10:00 AM and 1:00 PM to donate your used bikes to Penfield Rotary. Receipts will be provided for all donations. R-Community Bikes will repair and deliver the bikes to those in the Rochester community who depend on them for transportation to get to work, school, or training sessions, as well as for recreational use. Information on this event is available at www.penfieldrotary.org.

4. The Town will be holding its annual Recycling Day event on Saturday, October 5, 2019 at its Department of Public Works facility. From 7:00 AM to 3:30 PM, Penfield residents can bring metals, household appliances, brush, clothing and linens, or documents for secure destruction to 1607 Jackson Road. Please note that NO electronics, leaves or grass will be accepted at this event. Information on Recycling Day and other Town services is available at www.penfield.org.

5. Tuesday, September 24, 2019 at 7:00 PM, a Public Information meeting will be held at the Town Hall regarding an overview of the Comprehensive Plan Update process for 2020. Town Staff will explain the update process, present the work of the 2020 Comprehensive Plan Update Committee so far, and solicit resident’s thoughts and ideas for future planning goals. Committee members will be in attendance to listen to and note residents’ input for discussion at their future meetings. All Penfield residents, businesses, and organizations are invited to attend. This meeting will be live via Penfield TV. A public input page is available now at www.penfield.org for residents who are unable to attend the meeting but wish to offer input. This form will be available through Friday, October 11, 2019 via the quick links menu. Comments will also be accepted via email to planning@penfield.org, or through the mail to the Planning Department, 3100 Atlantic Avenue, Penfield, NY 14526. All information regarding the 2020 Comprehensive Plan update is online at www.penfield.org.

6. The Shepherd Home in Penfield is partnering with Bauman’s Farm Market to hold a “Mum Sale Fundraiser.” Now through October 31, 2019 individuals can stop by Bauman’s at 1340 Five Mile Line Road to pick out a mum for $10. Mention to a staff member that your purchase is for the Shepherd Home and $5 will be contributed to the fundraiser. This sale helps continue to the mission of Shepherd Home to provide comfort and compassionate care to members of the community with a terminal illness. Details about the Shepherd Home can be found at www.shepherdhome.org.
Public Participation

Marie Lohrman, 5 Austin Drive, stated she has been living there for five (5) years and has seen the traffic and noise increase. She said that after the Ellison apartments were added she noticed a lot more traffic in that area. She is concerned that the huge parcel of land that is for sale off of Old Penfield Road will create even more traffic in the area.

Supervisor LaFountain stated that property is being sold for a second time and was first sold to Dolomite Products. The family who has now purchased the property do not plan to develop the property. They want to preserve the property.

Ms. Lohrman stated that the only access to the property is by way of Old Penfield Road. She wondered whether there will be access to Blossom Road in the future.

Supervisor LaFountain stated there has been no indication that there will be any entrance or exit off of Blossom Road at this time.

Shaun LeClair, 55 Ross Brook Drive, handed a Petition of 20 signatures to Town Clerk Amy Steklof requesting the Town Board to construct sidewalks on Ross Brook Drive. Mr. LeClair read a statement into the record that gave reasons for the request. (See attachment at end of Minutes)

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Metzler moved to approve the Minutes of August 24, 2019, Councilman Quinn seconded and all voted “Aye.”

Petitions - Petition received during meeting.

Resolutions by Function

Law and Finance

#19T-181 Budget Amendments and Transfers in the General Fund by Moore

WHEREAS, the registrations and attendance for programs at the Recreation Department require an increase in the appropriations from program fees collected, and

WHEREAS, the Building Department Head requires a transfer in the Safety Inspection account for costs associated with property maintenance, 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 attached 2019 budget amendments and transfers be approved

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(Resolution #19T-181 - Continued)

**TRANSFERS:**

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**Total:** $14,000  **Total:** $14,000

Moved: Moore  
Seconded: Quinn  

**Vote:**

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

Adopted

#19T-182 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:

35 Canterbury Trail SML#140.01-4-36

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: Metzler  

**Vote:**

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

Adopted
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;

WHEREAS, the Town Board of the said Town of Penfield held a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on September 4, 2019 at 7:00 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Conditional Use Permit to allow a sit-down/take-out restaurant at 1837 Penfield Road, in the Four Corners (FC) zoning district and the Public Hearing was closed and decision was reserved.

NOW, THEREFORE, BE IT

RESOLVED, that the applicant’s request for a CONDITIONAL USE PERMIT to allow a sit-down/take-out restaurant at 1837 Penfield Road 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 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 New York State Uniform Fire Prevention and Building Code and obtain any/all necessary permits.

3. Adequate parking shall be available at all times to accommodate the applicant’s business. At no time shall those patronizing or employed by this business adversely impact adjacent property owners.

4. The applicant shall obtain a building permit prior to the commencement of any remodeling on the site. Further, the applicant proposes to install replacement windows for the building. The Board has requested that the windows have a white trim versus the darker trim originally proposed for the site. The applicant has agreed to install the windows with white trim.

5. The applicant shall be responsible for the continuous maintenance of the hood and exhaust system and at no time shall odors emanate from the site that may cause a nuisance to area property owners.

6. The applicant has requested and received approval for the installation of three (3) signs to identify his business. The first, a (3.07’ x 19.58’) 60.22 square foot sign on the front (north side) of the building facing Penfield Road; the second, a (4’ x 5.67’) 22.69 square foot sign on the west side of the building and a (.08’ x 5.83’) 11.98 square foot sign adjacent to the rear entrance (south side) of the building totaling 94.89 square feet. The sign package is similar to that approved by the Board for the former Guida’s Pizzeria. The applicant shall obtain sign permits for each sign. The applicant also proposes to install etched logos in his windows facing Penfield Road. Said etchings shall be submitted to the Town Board for design review prior to being placed on the interior of the windows. No permit is required for said etchings.
Penfield Town Board, September 18, 2019

(Resolution #19T-183 - Continued)

7. The applicant shall work with other business owners in the area to share the use and cost of a dumpster to minimize the number of dumpsters in the public parking area. The placement of the grease recycle container shall be determined by the Fire Marshal and Director of Developmental Services and the applicant.

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

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

AND BE IT FURTHER

RESOLVED, that the applicant’s proposal is classified as a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA). No further environmental review regarding this proposal is necessary.

The Town Board, in granting the Conditional Use Permit, does so based on its following findings:

1. The applicant has purchased the property and proposes to operate a sit-down/take-out restaurant with delivery service at 1837 Penfield Road. He also proposes to utilize the second story for office and storage area associated with the business, in compliance with the requirements of the New York State Uniform Fire Prevention and Building Code. This site will be his ninth location in the Rochester area.

2. The applicant proposes to have approximately 20 to 28 employees, with approximately six employees on site at any given time.

3. The applicant proposes to operate between 10:00 AM to 10:00 PM on a daily basis. Those hours of operation are within the parameters of the hours permitted in the Four Corners zoning district.

4. The applicant proposes to remodel the interior of the building and will provide less seating to allow for modifications to the kitchen area, as he considers this business to be primarily a take-out and delivery business.

5. The applicant is permitted to utilize the public parking lot located to the south and west of the site and will ensure that his business does not become a nuisance or detriment to the other businesses or the public utilizing that parking area.

6. The applicant has agreed to share a dumpster with other businesses in the area in order to minimize the number of dumpsters in the municipal parking lot. He has also agreed to place his grease recycling container in a designated area in close proximity to the building in order to minimize grease spills in the parking lot.

7. The applicant has stated that he will comply with all applicable codes and regulations pertaining to the operation of a sit-down/take-out restaurant in the Town of Penfield.

8. The applicant’s proposal is consistent with, and furthers the goals and objectives of the Four Corners zoning district in that his business is scaled to other businesses operating in this area of Penfield.
Penfield Town Board, September 18, 2019

(Resolution #19T-183 - Continued)

Moved: Moore  Seconded: Quinn

Resolution #19T-183

Moved: Moore  Seconded: Quinn

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

Adopted

Resolution #19T-184

#19T-184 Setting a Public Hearing to Consider a Conditional Use Permit to Allow a Hair Salon at 1782 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(4) of the Code to allow a hair salon at 1782 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) 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 October 16, 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 Conditional Use Permit to allow a hair salon at 1782 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: Metzler

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

Adopted

Resolution #19T-185

#19T-185 Red Cross Agreement for Emergency Shelter by Moore

WHEREAS, the Town of Penfield desires to renew a Facility Agreement with The Greater Rochester Chapter of the American Red Cross to authorize the use of the Penfield Community Center, 1985 Baird Road, Penfield, NY for mass care emergency disaster services center; and

NOW BE IT RESOLVED, that the Supervisor is authorized to sign a Facility Agreement with the Greater Rochester Chapter of the American Red Cross in a form approved by the Town Attorney, for emergency disaster use of the Penfield Community Center located at 1985 Baird Road, Penfield, NY to expire on December 31, 2020 with the option to renew every year thereafter, upon agreement of both parties.
Penfield Town Board, September 18, 2019

(Resolution #19T-185 – Continued)

Moved: Moore
Seconded: Quinn

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

Adopted

Public Works

#19T-186 Authorization for Supervisor to Sign a Service Agreement with UniFirst Corporation for the Procurement of Uniforms and Uniform-Related Products and Services by Metzler

WHEREAS, proposals were sought and requested from the following vendors to furnish the Department of Public Works with quotes to provide and launder uniforms and uniform-related products:

Alsco Inc.
Aramark Corp.
Cintas Corp.
UniFirst Corp.

AND WHEREAS, UniFirst Corporation currently holds a national contract for uniforms and uniform-related products and services, Sourcewell #062415-UFC; and

WHEREAS, the proposal provided by UniFirst Corporation meets the requirements set forth in the current CSEA union contract; and

WHEREAS, the term of the contract shall run from November 1, 2019, through October 31, 2024;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a service agreement with UniFirst Corporation, 2085 Brighton Henrietta Townline Road, Rochester, NY 14623, for the procurement of uniforms and uniform-related products and services. This resolution and the proposal submitted by UniFirst Corporation shall constitute the contract. This agreement to be reviewed and approved by the Town Attorney.

Moved: Metzler
Seconded: Moore

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

Adopted

Public Safety - None
Community Services - None

Old Business - None
New Business - None
Public Participation - None
Executive Session - None
Next Meeting – October 2, 2019
Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:37 PM.

Amy Steklof, RMC/CMC
Town Clerk
Petition to the Town of Penfield to Construct Sidewalks on Ross Brook Drive

55 Ross Brook Drive
Rochester, NY 14625
August 31, 2019

Town of Penfield
3100 Atlantic Avenue
Penfield, NY 14625

Dear Sir/Madam,

The purpose of this letter, written on behalf of the residents and homeowners of Ross Brook Drive, is to urge the Town of Penfield to construct a sidewalk on Ross Brook Drive. The street consists of 21 single family homes comprising of mostly families with children, many of whom are very young. Over the past ten years, residential development in the town has increased as has the amount of traffic using Browncroft Boulevard. As a result, the street has seen an increase in traffic flow as it is utilized as a thoroughfare between Panorama Trail and Browncroft Boulevard.

At this time, the residents feel unsafe using the roadway in a manner that would be consistent with the use by the residents of any “standard” neighborhood. Examples of activities that residents are reluctant to do are walking, riding bicycles, walking family pets, and allowing children to walk from one neighbor’s home to another. The posted speed limit for Ross Brook Drive is 25 miles per hour. The speed of the cars using the road is not often the concern, but it is whether the “appropriate” speed is used when there are pedestrians in or near the roadway. This is not an issue that law enforcement can rectify, but it is one that must be addressed by either limiting the traffic and/or by offering a safe manner for pedestrians to use the roadway.

In addition to its very close proximity to a busy thoroughfare in Browncroft Boulevard, Ross Brook Drive is also very close to Bay Trail Middle School and Scribner Elementary School. Other schools are also in relative close proximity. Many homeowners with school age children have expressed their concerns over their children waiting for the bus at the west end of Ross Brook Drive near Panorama Trail. The pickup and drop off times are often close enough to rush hour that the children are forced to use people’s lawns and driveways for safe places to wait for the bus and to walk home after drop off. During the winter months with snow covered lawns, and high snow embankments at the roadside there are limited safe spaces to wait for the bus and walk home while commuters use the road as a shortcut.

The homeowners are requesting the Town of Penfield rectify about 1520 feet of concrete sidewalk approximately five feet in width to accommodate safe pedestrian travel. We are requesting this sidewalk be constructed on the “southern” side of Ross Brook Drive which we feel is the flatter and likely least burdensome side for the town. If the town determines that the “northern” side of the road is more suitable, the residents and homeowners would be agreeable. Please see the attached petition as a demonstration of the resident’s overwhelming support for this project. We hope that the town agrees with the concerns noted and adds Ross Brook Drive to its Sidewalk Plan.

Sincerely,

Shaun D. LeClair
| Petition to the Town of Penfield to Construct Sidewalks on Ross Brook Drive |
|-----------------------------|-----------------------------|
| Petitioner Name             | Address                     |
| Tom Miller                  | 66 Ross Brook Dr            |
| Susan Lin                   | 770 Ross Brook Dr           |
| John Johnson                | 65 Ross Brook Dr            |
| Mary Smith                  | 85 Ross Brook Dr            |
| James Taylor                | 90 Ross Brook Dr            |
| Robert Johnson              | 78 Ross Brook Dr            |
| Linda Davis                 | 81 Ross Brook Dr            |
| Michael Brown               | 75 Ross Brook Dr            |

Petitioners and Petitioning Entity:

The undersigned are concerned residents of Ross Brook Drive who utilize the Town of Penfield's sidewalks and crosswalks for our primary and secondary purpose of safely walking to our homes and businesses. The petitioners have requested the Town of Penfield to construct sidewalks on Ross Brook Drive to enhance pedestrian safety and accessibility.

Action Requested:

The petitioners request the Town of Penfield to construct sidewalks on Ross Brook Drive to improve pedestrian safety and accessibility. The petitioners believe that the construction of sidewalks will provide a safer and more convenient walking environment for residents and visitors. The petitioners also request that the Town of Penfield consider adding crosswalks at key intersections to facilitate safe crossing of Ross Brook Drive.

Support:

The petitioners believe that the construction of sidewalks and crosswalks will benefit the entire community. It will improve the quality of life for residents, enhance property values, and provide a safer environment for all users of Ross Brook Drive. The petitioners also believe that the construction of sidewalks and crosswalks will promote pedestrian safety and accessibility, and will encourage more residents to use Ross Brook Drive as a pedestrian-friendly route.

Conclusion:

The petitioners believe that the construction of sidewalks and crosswalks on Ross Brook Drive is a necessary step to enhance pedestrian safety and accessibility. The petitioners urge the Town of Penfield to consider this request and take the necessary steps to ensure the safety and convenience of all residents who utilize Ross Brook Drive.