I Call to Order - Pledge of Allegiance - Roll Call

II Communications and Announcements

III Additions and Deletions to Agenda

IV Approval of Minutes – April 21, 2010

V Petitions

VI Public Participation

VII Resolutions by Function

Law and Finance

#10T-131 Authorization for Insurance Coverage 2010-2011

#10T-132 2010 Budget Transfer and Amendment – Townwide Street Lighting Projects

#10T-133 Approval of Issuance of a Special Permit to Allow a Sit-down Restaurant and Outdoor Dining at 1778 Penfield Road – 139.05-2-27 – Le Bon Vie – Molly Scahill

#10T-134 Approval of Issuance of a Special Permit to Allow a Sit-down Restaurant and Outdoor Dining at 1789 Penfield Road – 139.09-1-17 – Joey’s Pasta House – Joe McCall

#10T-135 Setting a Public Comment Period on the Draft Scoping Outline for the Town of Penfield 2010 Comprehensive Plan

#10T-136 Standard Work Day Report for Elected and Appointed Officials
Public Works

#10T-137 Adoption of Amendments to Amend Town Parks and Properties Ordinance, Section 18-10 H (1) and H (2)
#10T-138 Authorizing the Sewer Department to Purchase a Replacement Pick-up Truck from NYS Contract
#10T-139 Purchase Pickup Truck from NYS Contract

Public Safety

#10T-140 Authorization for Supervisor to Sign Contracts for Town Rabies Clinic on June 5, 2010
#10T-141 Authorization to Post Temporary NO PARKING Signs
#10T-142 Recognizing May 16-22, 2010 as Emergency Medical Services Week

Community Services

#10T-143 Authorization for Supervisor to Sign Recreation Contracts

VIII Old Business
IX New Business
X Public Participation
XI Adjournment
The Regular Meeting of the Penfield Town Board was held on Wednesday, May 19, 2010 at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

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

Also Present  
Amy Steklof  Town Clerk  
Richard Horwitz  Town Attorney  

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Supervisor LaFountain recognized Councilman Quinn, who presented a Proclamation to Tom Gill, Vice President of Administration of the Penfield Volunteer Emergency Ambulance. The Proclamation designated the week of May 16 through May 22, 2010 as National Emergency Medical Services (EMS) Week 2010 in recognition of all EMS providers in the United States.

Mr. Gill thanked the Town Board on behalf of the Penfield Volunteer Ambulance and stated that volunteers are on-call 24/7.

Councilman Quinn recognized the President of the Ambulance Corp. Charlie Callear, his wife, and Hugh Franklin, all of whom are members of the Penfield Volunteer Emergency Ambulance and thanked them for being at tonight’s Town Board meeting.

Supervisor LaFountain recognized the Penfield Dance Team and congratulated the team on behalf of the Town of Penfield and the Town Board for all of their hard work. The team competed on March 13, 2010 at the National Dance Alliance (NDA) in New York City and came in first place in two (2) divisions; the Jazz Division and the Team Performance Division. The team’s coach, Nicole Whitehead, introduced the members of the team. The team was founded in 2002 by Coach Whitehead.

Supervisor LaFountain gave Certificates of Recognition to the members of the team and the coaches. The team will be recognized in June by the County Legislature.

Supervisor LaFountain recognized the Penfield High School Robotics Team.

Larry Lewis, Test Engineer at Harris R.F. Communications and Team Leader of the Penfield High School Robotics Team, gave a summary of this year’s accomplishments. The team competed at Finger Lakes Regional and received the Engineering Inspiration Award. The team also competed in Boston where they won the Chairman’s Award, the highest award to receive as a F.I.R.S.T. (For Inspiration and Recognition of Science and Technology) Team. Mr. Lewis stated that this was the third time the Penfield High School Robotics Team won this award. The team also competed at the Robotics Championship in Atlanta, Georgia. The team placed 10th out of 86 teams in their division and ended up as quarter finalists. There are 50 members on the team which includes parents, mentors and students. There will be a robotics competition on October 23, 2010, hosted by Penfield and held at Webster Thomas High School. Also, next month at R.I.T., the team will again compete at the Finger Lakes Regional. Mr. Lewis stated that the point of the Robotics Team is to get Penfield High School students interested in acquiring science or engineering degrees in college. Members of the robotics team gave a demonstration of this year’s robot. For more information go to {HYPERLINK "http://www.penfieldrobotics.com" }.

Supervisor LaFountain handed out Certificates of Recognition to the team.

Mr. Lewis thanked Supervisor LaFountain and the Town Board for their recognition of the team.
Communications and Announcements

1. The annual free Town of Penfield Rabies Clinic will be held on Saturday, June 5, 2010 from 10:00 AM to Noon at the Penfield Sewer Garage, 1607 Jackson Road. Pets must be at least (3) three months of age. Cats and ferrets must be in carriers and dogs must be leashed and muzzled if necessary. Pets will receive a (3) three year shot, but you must bring the documentation with you.

2. On Saturday, May 1, 2010, Councilman Quinn presented a Proclamation at the annual dinner for the North East Quadrant Life Support (NEQ); (1) one of (2) two Advanced Life Support Organizations that help to support Penfield Ambulance.

3. The Annual Penfield Ambulance Open House and Health Fair at 1585 Jackson Road was held on Sunday, May 2, 2010 from 11:00 AM to 3:00 PM.

4. The Town of Penfield will hold an Information Sharing Session to highlight the 2010 Comprehensive Plan, Monday, May 24th at 7:30 PM in the Penfield Town Hall, 3100 Atlantic Avenue. For more information visit the Town’s website at { HYPERLINK "http://www.penfield.org" }.

5. The Town of Penfield will hold an Informational Discussion on the Town’s Sign Ordinance, Tuesday, June 1st at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue. For more information visit the Town’s website at { HYPERLINK "http://www.penfield.org" }.

6. The Monroe County Sheriff’s office is offering a free prescription drug waste drop-off. The first drop-off is scheduled for Tuesday, June 8th, 2010 from 10:00 AM to 1:00 PM at 789 Linden Avenue. The drop-off schedule continues on the second Tuesday of each month.

7. Councilwoman Metzler attended the Troop 312 Eagle Scout ceremony for Penfield resident Christopher Hopper this past Sunday, May 2, 2010. Mr. Hopper’s Eagle Scout project involved organizing and rehabilitating a youth room at his parish at St. Joseph’s Church.

8. Councilwoman Metzler’s office hours will be on Friday, May 28, 2010 from 2:00 to 3:00 PM at Tim Hortons, 1786 Empire Boulevard.

9. The Taste of Penfield event will be held on Friday, June 4, 2010 from 5:00 to 9:00 PM at the Penfield Amphitheater, Veteran’s Memorial Park. Tickets are $1.00 and will be for sale from 4:30 PM that day. Entertainment will be provided by the Penfield High School Jazz Combo.

10. On Saturday, June 5th, Penfield Wegmans will have a free music festival from 11:00 AM to 5:00 PM at the Penfield Amphitheater. The music will be performed by the Penfield School District Music Departments.

11. On Sunday, June 6th the Penfield Symphony Orchestra will perform a free Pops Concert from 5:00 to 7:00 PM at the Penfield Amphitheater.


13. On Monday, May 31st, the Town will host a Memorial Day Ceremony at 10:30 AM in Veteran’s Memorial park, at the Amphitheater, 3100 Atlantic Avenue.
14. There is a date change for the Public Information meeting on the Abbington Place Project. The meeting will be held on Tuesday, May 25, 2010 at 7:30 PM instead of Wednesday, May 26, 2010.

(Communications and Announcements – Continued)

15. Monroe County will be hosting a public workshop on off road bicycling in parks on Monday, May 24th at 6:00 PM at the Dolomite Lodge, 3100 Atlantic Avenue.


17. The Penfield High School Bicentennial Club is painting a tree mural and asking community members for their handprints on May 20th from 2:30 to 3:30 PM to make up the leaves of the tree.

18. A Penfield Interfaith Service will be held on Sunday, June 13th at 1:30 PM at the Penfield Amphitheater. Afterwards Penfield will hold a CROP Hunger Walk at 2:30 PM in the park starting from the Amphitheater. The walk will be a 3k (2 mile) walk. Donations will go to the Penfield Ecumenical Food Shelf. To register, go to { HYPERLINK "http://www.cropwalk.org" }.

19. The Penfield Kiwanis Club Bicentennial Charity Gold Tournament will be held on Monday, June 21, 2010 at the Shadow Lake Golf Club beginning at 10:00 AM. Registration deadline will be June 7, 2010.

20. The last day to purchase a Bicentennial brick will be May 31, 2010. Pay by check only to the Town of Penfield.

21. Councilwoman Kohl’s Community Chat will be on Saturday, June 5th from 9:00 to 10:30 AM at Brueggers Bagels in the Panorama Plaza. Councilwoman Kohl can be reached at { HYPERLINK "mailto:kohl@penfield.org" }.

Additions and Deletions to Agenda – None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of April 21, 2010. Councilman Quinn seconded and all present voted “aye”.

Petitions – None

Public Participation – None

Resolutions by Function

Law and Finance

#10T-131  Authorization for Insurance Coverage 2010-2011 by Moore

WHEREAS, the Town Board requested that insurance proposals be obtained so that selection could be made for June 1st, 2010 to May 31st, 2011 insurance year, and

WHEREAS, the BMA Consulting Services, Inc., acting as consultant to the Town has elevated the (6) six proposals for our insurance coverage’s for the 2010-2011 insurance year on our Penfield Property and Liability insurance renewal June 1, 2010, and

NOW, BE IT RESOLVED, that the insurance quote of $111,884 from the First Niagara Risk Management Company for coverage with Houston Casualty is approved as they met all the specifications for the Town of Penfield’s insurance needs for the 2010-2011 insurance years as follows:
(Resolution #10T-131 - Continued)

<table>
<thead>
<tr>
<th>INSURANCE TYPE</th>
<th>INSURANCE CARRIER</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property</td>
<td>Houston Casualty</td>
<td>$19,771</td>
</tr>
<tr>
<td>General Liability</td>
<td>Houston Casualty</td>
<td>$23,578</td>
</tr>
<tr>
<td>Automobile</td>
<td>Houston Casualty</td>
<td>$33,856</td>
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<tr>
<td>Contractors (included in the property)</td>
<td>Houston Casualty</td>
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<tr>
<td>Boiler</td>
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<tr>
<td>Crime</td>
<td>Houston Casualty</td>
<td>$3,516</td>
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<tr>
<td>OCP (2)</td>
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<tr>
<td>Umbrella</td>
<td>Houston Casualty</td>
<td>$12,627</td>
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<tr>
<td>Employment Practices Liability</td>
<td>Houston Casualty</td>
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<tr>
<td>Public Officials</td>
<td>Houston Casualty</td>
<td>$8,474</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$111,884</strong></td>
</tr>
</tbody>
</table>

Moved: Moore  
Seconded: Kohl

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

Adopted

#10T-132  2010 Budget Transfer and Amendment – Townwide Street Lighting Projects by Moore

WHEREAS, the Town Board, at their 2/10/2010 Work Session, has authorized the installation of Street lighting facilities at various intersections across the Town in an effort to complete the Townwide network of Intersection lighting, and

WHEREAS, the sum of these projects was estimated to cost $42,800 and anticipated to be funded through a budget transfer from un-appropriated fund balance within the Townwide lighting fund, and

WHEREAS, the Town Board desires to have an accurate and up-to-date budget for all operational areas.

NOW, THEREFORE, BE IT RESOLVED, that the Comptroller be and hereby is authorized to make the following 2010 Townwide Lighting Budget Transfers and Amendments:

<table>
<thead>
<tr>
<th>Townwide Street Lighting Revenues</th>
<th>Amount of Increase</th>
<th>Revised Budget Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-1000-6000-0000</td>
<td>$42,800</td>
<td>$42,800</td>
</tr>
<tr>
<td>(From Townwide Lighting Unappropriated Surplus)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Townwide Street Lighting Expenses</th>
<th>Amount of Increase</th>
<th>Revised Budget Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-5184-0004-4037</td>
<td>$42,800</td>
<td>$42,800</td>
</tr>
<tr>
<td>(2010 Lighting Projects)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Moved: Moore  
Seconded: Quinn

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

#10T-133 Approval of Issuance of a Special Permit to Allow a Sit-down Restaurant and Outdoor Dining at 1778 Penfield Road - SBL #139.05-2-27 - Le Bon Vie - Molly Scahill by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit, pursuant to Article III-3-97 of the Code to allow a sit-down restaurant with outdoor dining at 1778 Penfield Road, located in the Four Corners (FC) zoning district; and

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 May 5, 2010, at 7:30 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Special Permit to allow a sit-down restaurant with outdoor dining at 1778 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 SPECIAL PERMIT to allow a sit-down restaurant with outdoor dining at 1778 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a SPECIAL PERMIT from the Town Clerk and pay the appropriate fee. The SPECIAL PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a SPECIAL PERMIT from the Town Board to operate a restaurant at this location.

2. The applicant shall comply with the occupancy requirements for both indoor and outdoor dining that have been established by the Penfield Fire Marshal in accordance with the New York State Building Code and obtain any/all necessary permits from the Building Department. Specifically, that the restaurant and bar area is permitted occupancy for 80 and the deck is permitted occupancy for 32 patrons.

3. Adequate on-site and shared off-site parking shall be available at all times to accommodate the applicant’s business. At no time shall adjacent property owners be adversely impacted by those patronizing this business.

4. The applicant shall obtain a sign permit for the replacement of the existing freestanding signs on Penfield Road and Liberty Street as well as the building mounted sign from the Building Department and pay the appropriate fee.

5. The applicant shall ensure that the primary use of the property remains as a sit-down restaurant and that the sale of alcohol is secondary and incidental to the sale of food.

6. The applicant shall apply for and receive a Liquor License for the State of New York and comply with any/all conditions pertaining to the issuance of that License.

7. The second floor of the building shall be utilized for office space and or storage area only.

8. The applicant will be required to construct a new dumpster enclosure to accommodate the dumpster and grease container prior to the opening of the restaurant. The size, location and design of the dumpster enclosure it shall be approved by the Director of Developmental Services prior to its installation. Said enclosure and enclosure shall be properly maintained and the dumpster grease container shall be closed at all times.
9. The applicant shall be required to repair the existing fence along her easterly property line to provide adequate buffer between the proposed outdoor dining area and the adjacent property; said fence shall be repaired to the satisfaction of the Director of Developmental Services prior to the opening of the restaurant.

10. The applicant shall be responsible for the continuous maintenance of the hood and exhaust system and at no time shall odors or noise emanate from the system that may cause a nuisance to area property owners. Further, said system shall be inspected by the Penfield Fire Marshal prior to the opening of the restaurant.

11. The applicant shall not be permitted to have any type of live music or entertainment within the restaurant or on the deck. The applicant shall only be permitted to have “piped” background music within the restaurant and on the deck. In no case shall the music exceed the boundaries of the property.

12. The applicant proposes to conduct business between the hours of 11:30 AM and 10:00 PM on a daily basis.

13. The applicant shall be responsible for having the air conditioning unit inspected and repaired, if necessary, to minimize noise impacts to the adjacent resident to the east of the site. A summary of the inspection and any necessary repairs shall be submitted to the Director of Development Services prior to opening the restaurant.

14. The applicant shall be responsible for ensuring that the site is properly maintained and landscaped at all times.

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

16. 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.

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) and the Penfield Environmental Quality Review Law (PEQR).

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

1. The applicant is proposing to operate a sit-down restaurant with accessory outdoor dining at 1778 Penfield Road.

2. The site has been previously utilized as a sit-down restaurant and is fully equipped for that purpose.

3. The applicant proposes to have the same indoor occupancy as the previous (2) two restaurants that operated for this site, that being 80 persons, in addition to the existing 32 seats previously approved which are located on a patio located on the west side of the restaurant.

4. There are adequate parking facilities on site and adjacent to the site through mutual access and parking agreements required by the Town of Penfield in previous applications pertaining to this and the adjacent sites previously known as Penfield Place.
to accommodate this business. These facilities have historically accommodated the previous restaurants that have operated from this site.

(Resolution #10T-133 - Continued)

5. The applicant proposes to sell alcohol at this location in conjunction with the restaurant and must apply for and receive a Liquor License from the State of New York prior to the sale of any alcohol on the premises.

6. The applicant does not propose to have any live entertainment on the premises at any time and the Board has required that no live music be permitted on site without it granting a Special Permit for such entertainment. The applicant proposes the use of “piped” background music both within the restaurant and on the deck as was permitted for previous operators at this location.

7. The Board has required the reconstruction of the dumpster enclosure which has fallen into a state of disrepair prior to reopening the restaurant, subject to the approval of the Director of Developmental Services.

8. The Board received testimony for the adjacent resident at the Public Hearing held on May 5, 2010 who supports the reopening of a restaurant at this location. The resident expressed concern that the fence along the property line has not been properly maintained by the property owner and that noises from the air conditioning unit and hood venting system are somewhat of a nuisance to her. The Board has required the applicant have both systems inspected and to make every reasonable effort to mitigate those noises, if possible.

9. The applicant’s proposal is consistent with and furthers the goals and objectives of the Four Corners zoning district in that her business is scaled to other businesses operating in this area of Penfield.

The Board bases its findings to APPROVE this application on the following:

3. Details of the proposed freestanding and building mounted signs dated March 18, 2010.
5. Submissions and oral testimony of the applicant and the adjacent resident at the Public Hearing on May 5, 2010.

Moved: Moore
Seconded: Metzler

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

Adopted

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit, pursuant to Article III-3-97 of the Code to allow a sit-down restaurant with outdoor dining at 1789 Penfield Road, located in the Four Corners (FC) zoning district; and

Moved: Moore
Seconded: Metzler

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

Adopted
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 May 5, 2010, at 7:30 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Special Permit to allow a sit-down restaurant with outdoor dining at 1789 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 SPECIAL PERMIT to allow a sit-down restaurant with outdoor dining at 1789 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a SPECIAL PERMIT from the Town Clerk and pay the appropriate fee. The SPECIAL PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a SPECIAL PERMIT from the Town Board to operate a restaurant 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 Building Code and obtain any/all necessary permits from the Building Department.

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

4. The applicant shall submit a sign package for the site to the Town Board for its review and approval.

5. The applicant proposes to conduct business between the hours of 11:00 AM and 10:00 PM Monday through Thursday, and 11:00 AM to 11:00 PM Friday and Saturday. The restaurant will be open for events such as private parties and showers, etc., on Sundays The Four Corners District permits hours of operation between 6:00 AM and 12:00 AM. At no time shall the restaurant remain open after 12:00 AM.

6. The applicant shall ensure that the primary use of the property remains as a sit-down restaurant and that the sale of alcohol is secondary and incidental to the sale of food.

7. The applicant shall apply for and receive a Liquor License for the State of New York and comply with any/all conditions pertaining to the issuance of that License.

8. The applicant shall be responsible for the continuous maintenance of the hood and exhaust system and at no time shall odors or noise emanate from the system that may cause a nuisance to area property owners. Further, said system shall be inspected by the Penfield Fire Marshal prior to the opening of the restaurant.

9. The applicant shall not be permitted to have any type of live entertainment within the restaurant or on the deck. The applicant shall only be permitted to have “piped” background music within the restaurant and on the deck. In no case shall the music exceed the boundaries of the property.

10. The applicant will be required to construct a new dumpster enclosure to accommodate the dumpster and grease container prior to the opening of the restaurant. The size, location
and design of the dumpster enclosure shall be approved by the Director of Developmental Services prior to its installation. Said enclosure shall be continuously maintained and the dumpster grease container shall be closed at all times.

(Resolution #10T-134 – Continued)

11. The applicant shall be responsible for ensuring that the site is being properly maintained and landscaped at all times.

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

13. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Special Permit pursuant to the requirements of Article XI-11-14 of the Zoning Ordinance.

AND BE IT FURTHER RESOLVED, that the applicants’ proposal is classified as a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and the Penfield Environmental Quality Review Law (PEQR).

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

1. The applicant is proposing to operate a sit-down restaurant with accessory outdoor dining at 1789 Penfield Road.

2. The site has been previously utilized as a sit-down restaurant and is fully equipped for that purpose.

3. The applicant proposes to have the same indoor occupancy as the previous restaurant that operated at this site being 80 persons, in addition to the existing 36 seats which are located on a patio located to the rear of the restaurant.

4. There are adequate on-site parking facilities and shared parking facilities with the property at 1793 Penfield Road to accommodate this business as well as the other restaurant operating from that site.

5. The applicant proposes to sell alcohol at this location in conjunction with the restaurant and must apply for and receive a Liquor License from the State of New York prior to the sale of any alcohol on the premises.

6. The applicant does not propose to have any live entertainment on the premises at any time and the Board has required that no live music be permitted on site without it granting a Special Permit for such entertainment. The applicant proposes the use of “piped” background music both within the restaurant and on the deck as was permitted for previous operators at this location.

7. The Board has required the construction of the dumpster enclosure prior to reopening the restaurant, subject to the approval of the Director of Developmental Services.

8. The applicant’s proposal is consistent with and furthers the goals and objectives of the Four Corners zoning district in that her business is scaled to other businesses operating in this area of Penfield.

The Board bases its findings to APPROVE this application on the following:


3. Details of the proposed freestanding and building mounted signs dated March 18, 2010.

   (Resolution #10T-134 – Continued)

5. Submissions and oral testimony of the applicant and the adjacent resident at the Public Hearing on May 5, 2010.

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

   Adopted

#10T-135 Setting a Public Comment Period on the Draft Scoping Outline for the Town of Penfield 2010 Comprehensive Plan by Moore  

WHEREAS, the Penfield Town Board, by Resolution #10T-123 of 2010, issued a Positive Declaration of Environmental Significance and elected to require the preparation of a Draft Generic Environmental Impact Statement (DGEIS) to address issues identified in the Scoping process as set forth in Sections 617.8 and 617.10 of the State Environmental Quality Review Act; and

WHEREAS, the Town Board acting as Lead Agency pursuant to State Environmental Quality Review Act and the Penfield Environmental Quality Review Law has required the preparation of the Scoping Outline for the 2010 Comprehensive Plan; and

WHEREAS, the draft 2010 Comprehensive Plan identifies and analyzes anticipated growth and land use changes over the next ten years and provides recommendations for additional regulations and guidelines to properly manage said growth and land use changes throughout the community; and

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board, acting as Lead Agency, has set the Public Comment Period on the Draft Scoping Outline from 9:00 AM, May 20, 2010 to 5:00 PM, June 18, 2010, during which time comments on the Draft Scoping Outline are requested and may be submitted via mail, hand delivery, fax, and e-mail to the Town of Penfield, Attn: Planning Department, 3100 Atlantic Avenue, Penfield, NY 14526, Fax: (585) 340-8644, E-mail: (HYPERLINK "mailto:planning@penfield.org"), and following which time the Penfield Town Board will consider all comments received towards the establishment of a Final Scoping Outline; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to advertise and file said Notice as required by Law.

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

   Adopted

#10T-136 Standard Work Day Report for Elected and Appointed Officials by Moore  

BE IT RESOLVED, that the Town of Penfield hereby establishes the standard work days for elected and appointed officials as set forth in the attached Standard Work Day Report. This is effective as of April 1, 2010. The Town of Penfield will report the days worked to the New York State and Local Employees’ Retirement System based on the record of
activities maintained and submitted by these officials to the clerk of this body; and

(Resolution #10T-136 - Continued)

BE IT FURTHER RESOLVED, that the Town Board be and hereby establishes the following as a standard work day for elected and appointed officials and positions for the purpose of determining days worked reportable to the New York State and Local Employees’ Retirement System as identified in the attached Wage/Salary Chart Exhibits.

Elected Officials:

Five day work week, Seven hour day

Supervisor
Town Clerk

Five day work week, Six hour day

Town Board
Town Justice

Appointed Officials, Competitive/Non-Competitive Positions

Five day work week, Eight hour day

Appointed/Exempt Full-time Salary Positions
Appointed/Exempt Full-time Salary Positions
Competitive/Non-Exempt Full-time Salary Positions
Competitive/Non-Exempt Part-time Hourly Positions
Non Competitive/Non-Exempt Part-time Hourly Positions
Non Competitive/Non-Exempt Full-time Hourly Positions

Five day work week, Seven hour day.

Appointed/Exempt Part-time Salary Positions
Appointed Part-time Salary Positions
Competitive/Exempt Full-time Salary Positions
Competitive/Non-Exempt Part-time Hourly Positions
Competitive/Non-Exempt Full/Part-time Hourly Positions

Five day work week, Six hour day.

Conservation Board Members
Historic Preservation Board Members
Planning Board Members
Town Attorney
Zoning Board Members

Moved: Moore
Seconded: Metzler

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

Adopted

See Attachment at End of Minute Book

Public Works

#10T-137 Adoption of Amendments to Amend Town Parks and Properties Ordinance, Section 18-10 H (1) and H (2) by Metzler

WHEREAS, the Town Board desires to establish a safe environment for the Town Parks and Properties.
WHEREAS, certain provisions of the Town Parks and Properties Ordinance need to be modified to improve efficient administration.

(Resolution #10T-137 – Continued)

WHEREAS, a Public Hearing was held by the Town Board of the Town of Penfield on Wednesday, May 5, 2010 to hear input on the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED that the amendments as set forth are hereby adopted and the pertinent sections of the Town Parks and Properties Ordinance be amended Section 18-10 H (1) and H (2) to read as follows:

(1) Dangerous – No person shall bring, permit, have or keep in any park any vicious or dangerous dog, cat, household pet, or any other animal that causes persons lawfully conducting themselves to be fearful of immediate bodily harm, or is destructive to another dog, cat, household pet, birds, fish or any wildlife;

(2) Unleashed – No person shall bring into, have or keep in any park a dog, cat, or other household pet unless the animal is equipped with a collar or harness to which is attached a leash or retractable lead of not more than 15 feet in length. The collar, harness, leash and lead must be of sufficient strength to control and restrain the animal and must be held by a person having the ability to do so. A dog used in Law Enforcement, Rescue Tracking, or as a service or guide dog, when working or training, may be unleashed, and

BE IT FURTHER RESOLVED, that the Town Clerk be and she is hereby directed to enter said amendments into the Minutes of the Town Board and cause same to be published and posted as prescribed by Law.

Moved: Metzler
Seconded: Moore

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

Adopted

#10T-138 Authorizing the Sewer Department to Purchase a Replacement Pick-up Truck from NYS Contract by Metzler

WHEREAS, the Sewer Department has budgeted $20,000 for a replacement Pick-up Truck within its 2010 Operating Budget for Motor Equipment, and

WHEREAS, after adding supplemental equipment the total cost of said Pick-up Truck is estimated to not to exceed $21,500, and

WHEREAS, the Sewer Department Capital Equipment Reserve Fund has a sufficient balance to cover the $1,500 amount above what was budgeted, and

NOW, THEREFORE BE IT RESOLVED, that the Sewer Department is hereby authorized to purchase a replacement Pick-up Truck from the NYS Contract in amount not to exceed $21,500 and that the Superintendent of Sewers is directed to surplus the existing pick-up truck through an appropriate Public Auction process, and

BE IT FURTHER RESOLVED, that the Comptroller be and hereby is authorized to make the necessary transfer from the Sewer Department Capital Equipment Reserve Fund in the amount of $1,500, which is subject to 30 day Permissive Referendum period.

Moved: Metzler
Seconded: Kohl
Penfield Town Board, May 19, 2010

(Resolution #10T-138 - Continued)

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

Adopted

#10T-139 Purchase Pickup Truck from NYS Contract by Metzler

WHEREAS, the Superintendent of Highways desires to purchase, One New Pickup truck from New York State Contract #PC65030, Item #89B from Van Bortel Ford, Inc. 71 Marsh Rd., E. Rochester, NY 14445 for a contract price of approximately $22,000.00 and,

WHEREAS, after reviewing quotes for additional equipment for said Pickup truck, i.e; liftgate, saddle fuel tank, bedliner etc, said equipment will be purchased from Thruway Spring, 1609 Mt. Read Blvd. for the quoted price of approximately $5,000.00, for a total combined price of approximately $27,000.00 and,

WHEREAS, the funds for said purchase are included in the 2010 Budget and,

NOW, THEREFORE, BE IT RESOLVED, the Superintendent of Highways be and hereby is authorized to purchase said vehicle and equipment.

Moved: Metzler
Seconded: Quinn

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

Adopted

Public Safety

#10T-140 Authorization for Supervisor to Sign Contracts for Town Rabies Clinic on June 5, 2010 by Quinn

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following contracts for Penfield Rabies Clinic on June 5, 2010, 10:00 AM to 12:00 PM:

- Emilia Monachino, DVM, 117 N. Main Street, Fairport, NY 14450 for Veterinarian Services for a fee of $150.00.
- Stacy Crippen, 117 N. Main Street, Fairport, NY 14450, for Veterinarian Technician Services for a fee of $75.00.

Moved: Quinn
Seconded: Metzler

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

Adopted

#10T-141 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,

(Resolution #10T-141 - Continued)

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 Rd (north of Penfield Rd.), Peachtree Rd. 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, and,

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

Moved:        Quinn  
Seconded: Moore 

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Adopted 

#10T-142 Recognizing May 16 – 22, 2010 as Emergency Medical Services Week by Quinn 

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

THEREFORE, the Penfield Town Board, in recognition of this event, does hereby proclaim the week of May 16 - 22, 2010, as EMERGENCY MEDICAL SERVICES WEEK, and

BE IT FURTHER RESOLVED, that the Town Board encourages, thanks and admires all of the residents who choose to serve the community as a volunteer emergency medical service provider.

Moved:        Quinn  
Seconded: Kohl 

Moved:        Quinn  
Seconded: Kohl
Penfield Town Board, May 19, 2010

Adopted

Community Services

#10T-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:

Michael Costello, 183 Dewberry Drive, Rochester, NY 14622, Pianist, Penfield Players Melodrama Production, performance dates – May 7, 8, 14, 15, 21, and 22, 2010 for a total fee of $200.00. Voucher to be submitted 5/19/10.

Constancina Noun, 19 Panorama Trail, Rochester, NY 14625, to provide musical barbershop quartet for Penfield Players Melodrama on 5/7/10, for a fee of $150.00. Voucher to be submitted 5/19/10.


Sue Zajak, 98 Hartsdale Rd, Rochester, NY 14622, to serve as Asst. Director of Girls Instructional Softball 5/11/10 - 6/17/10 for a fee of $25.00 per session. Voucher to be submitted 6/16/10.

Jill Bellucco, 319 Phillips Rd, Webster, NY 14580, to serve as Director of Girls Instructional Softball 5/11/10 - 6/17/10 for a fee of $35.00 per session. Voucher to be submitted 6/16/10.

Mike Kornrich, 59 Culver Parkway, Rochester, NY 14609, provide musical entertainment “The Mike Kornrich Band” for Penfield Independence Holiday Celebration 7/2/10 for a fee of $1,000.00. Voucher to be submitted on 6/2/10.

Usha Shah, 688 East Ave. Apt. 7C, Rochester, NY 14607, Instructor for Meditation for Health 5/19/10 - 6/16/10 for a fee of 70% of total revenue and for 5/20/10 lecture – Meditation and Health: What’s It All About? for a fee of $30.00. Voucher to be submitted on 6/2/10.

Moved: Kohl
Seconded: Quinn

Adopted

Old Business - None

New Business - None

A video clip was shown highlighting the LaSalles Landing Business District; the third in our series of spotlighting businesses within Penfield.

Supervisor LaFountain recognized PCTV Staff Member, Brian Delameter, for his work on the LaSalles Landing Business District Project, as well as other PCTV staff that worked on the project.

Public Participation
County Legislator to the 9th District, Debbie Drawe, 5 Cobblestone Crossing, commented that spotlighting our Business Districts is a wonderful addition to the Town Board meetings.

Legislator Drawe announced the results of the Penfield Central School District vote. The election was held on May 18, 2010. Barbara L. Babiarz was re-elected to the school board for a (3) three year term and John R. Piper was newly elected to the school board for a (3) three year term. Legislator Drawe thanked Barb McKinley and commended her for her past service to the school board. Legislator Drawe also congratulated Lisa Smith and Laura Harder for being re-elected to the Webster School Board and thanked all who came out to vote.

Office hours for County Legislators Debbie Drawe and Dan Quatro along with Councilman Andy Moore will be held on Monday, June 14, 2010 from 5:00 to 7:00 PM at the Penfield Community Center, 1985 Baird Road.

Legislator Drawe stated that County Executive Maggie Brooks gave the State of the County address last evening at the Monroe Community College and recognized Supervisor LaFountain for his service to the Town of Penfield and also made mention to this being the Town of Penfield’s Bicentennial year. The main emphasis of the speech was on Economic Development in Monroe County as well as retaining and developing jobs in Monroe County.

Supervisor LaFountain stated that there will be (2) two specials following the end of tonight’s meeting. One will be a brief segment on the Spring drop-off that occurred this past Saturday, May 1st and the other will be of the Penfield Players production.

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 8:50 PM.

Amy Steklof
Town Clerk