May 28, 2010

Pursuant to Section 62 of the New York State Town Law, I am hereby scheduling a Special Town Board Meeting, Executive Session, to be held on Wednesday, June 2, 2010 at 6:30 PM in the first floor board room. This meeting will be an Executive Session to discuss personnel matters and any other business that may come before the Board.

R. Anthony LaFountain
Town Supervisor
PENFIELD TOWN BOARD AGENDA
Wednesday, June 2, 2010 7:30 PM
Supervisor R. Anthony La Fountain, presiding

I  Call to Order - Pledge of Allegiance - Roll Call

II Communications and Announcements

III Public Participation

IV Additions and Deletions to Agenda

V Approval of Minutes - May 5, 2010

VI Petitions

VII Resolutions by Function

Law and Finance
#10T-144 Authorization for Town Comptroller and Fire Marshall to Attend PERMA Annual Meeting
#10T-145 Authorization for Town Supervisor to Sign Insurance Consultant Agreement with B.M.A. Consulting Services, Inc.
#10T-146 Authorization for Town Supervisor to Sign Service Contract for Tree Removal and Trimming Services with Thomas E. Urkfitz, 1925 Penfield Road
#10T-147 Authorization to Maintain Properties and Assess the Charges to the 2011 Property Tax Bills
#10T-148 Authorization for Supervisor to Sign Agreement with U of R School of Nursing, for URMC Flu Initiative
#10T-149 Authorization for Supervisor to Sign Contract with Malcolm Pirnie, Inc. for Willow Pond Emergency Action Plan and Modifications
#10T-150 Approval of Issuance of a Special Permit to Allow Seasonal Ice Cream Truck at 2105 Five Mile Line Road

Public Works - None

Public Safety - None

Community Services
#10T-151 Contract With Mike Odle, Masonry
#10T-152 2010 Budget Amendment Recreation Programs
#10T-153 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, June 2, 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. The pledge was led by Nels Carman.

Mr. Carman gave an awareness reminder of events for this Bicentennial year and invited all Penfield residents to participate. Some items mentioned were the purchase of personalized bricks for the Daniel Penfield sculpture courtyard at Schaufelberger Park in the Penfield Four Corners and the opportunity to write a memory for the “Memories of Penfield” Commemorative Book. Also, residents can participate in the "Generations Strong" Recognition Night on July 2, 2010 and be honored on the Wegman’s Stage at Harris Whalen Park if they have an ancestor who lived in Penfield before 1910. Contact Kathy Kanauer in the Local History Room for more information. Deadline is Tuesday, June 8, 2010.

Finally, Mr. Carman displayed the following items for purchase. A Bicentennial canvas bag, pin, baseball cap, frisbee, tee-shirt and note cards. If items are purchased separately, the cost will be $25.00. If all items are purchased, the total cost will be $20.00. A Bicentennial wine glass can be purchased separately for $5.00.

Supervisor LaFountain thanked Mr. Carman for all of his Bicentennial efforts.

Communications and Announcements

1. Town of Penfield Free Rabies Clinic will be held Saturday, June 5th from 10:00 AM – Noon at the Penfield Sewer Garage on Jackson Road.

2. Councilman Rob Quinn’s office hours will be held on Thursday, June 3rd from 6:00 – 7:00 PM at the Penfield Community Center, 1985 Baird Road. Please contact Councilman Quinn at { HYPERLINK "mailto:quinn@penfield.org" } with any questions or by phone at 944-5752.

3. The Taste of Penfield will be held Friday, June 4 from 5:00 – 9:00 PM at the Penfield Amphitheater, 3100 Atlantic Avenue behind the Town Hall. Tickets are $1.00 and go on sale at 4:30 PM.

4. The Penfield Wegman’s Free Music Festival will be held on Saturday, June 5th from 11:00 AM – 5:00 PM at the Penfield Amphitheater.

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

6. Supervisor LaFountain read three (3) certificates that were received by the Town of Penfield:
(Communications and Announcements – Continued)

a. Certificate of Achievement from the Public Employer Risk Management Association (PERMA) in recognition of the Town of Penfield for receiving a High Loss Control Evaluation Score for the fiscal year 2009. Town Comptroller Bob Beedon is on PERMA’s Board of Directors and serves as Secretary to the Board.

b. Honorable Mention for Workplace Activities in the Town of Penfield in recognition of initiatives taken for being well in the workplace in 2010.

c. Bob Beedon received a certificate in recognition of his commitment to continued professional excellence for participating in the Annual Member Conference sponsored by PERMA held on May 27 – 28, 2010.

Supervisor LaFountain congratulated Mr. Beedon and thanked him for representing the Town and being part of PERMA’s Board.

7. Supervisor LaFountain met today with the Cobbles Elementary School second grade in the Town Hall and talked about Local History. The Supervisor presented each student with a certificate for their attendance at the Town Hall. A book was presented to the Town Board which was written by the Cobbles Elementary school students from Ms. Brown, Ms. Stote, Mrs. Ercole and Mrs. Popp’s 2nd grade classes.

8. Supervisor LaFountain recognized the Town’s Recreation Department Staff and the PCTV Staff for their work in putting together the Penfield Memorial Service. Supervisor LaFountain also mentioned that the Town Board, Town Clerk and Town Attorney participated in the service. The Penfield Memorial Day Service is recognized as one of the best programs in the County.

Supervisor LaFountain gave a special thanks to all members of the Armed Forces.

9. Councilman Andy Moore will be co-hosting office hours with County Legislators Debbie Drawe and Dan Quatro on Monday, June 14, 2010 from 5:00 – 7:00 PM at the Penfield Community Center, 1905 Baird Road.

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

11. An Interfaith Prayer Service will be held, Sunday, June 13th at 1:30 PM at the Penfield Amphitheater behind the Penfield Town Hall.

12. Penfield will hold a 3k (2 mile) CROP Hunger Walk at 2:30 PM starting behind the Town Hall at the Amphitheater. Donations will go to the Penfield Ecumenical Food Shelf. Register at { HYPERLINK "http://www.cropwalk.org" }.

13. The Kiwanis Club of Penfield-Perinton and Town of Penfield Bicentennial Charity Golf Tournament will be held on Monday, June 21st at the Shadow Lake Golf Club starting at 10:00 AM. Registration deadline is June 7, 2010. For more information go to { HYPERLINK "http://www.penfieldperintonkiwanis.org" }.

14. Councilwoman Kohl congratulated the Penweb Rotary Club for becoming a charter organization.
Public Participation – None

Additions and Deletions to Agenda – None

Approval of Minutes – Councilwoman Kohl moved to approve the Minutes of May 5, 2010. Councilman Moore seconded and all voted “aye”.

Petitions – None

Resolutions by Function

Law and Finance

#10T-144 Authorize the Town Comptroller and Fire Marshal to Attend the PERMA Annual Meeting by Moore

WHEREAS, the Town Comptroller is on the Board of Directors for the workers compensation carrier, Public Employers Risk Management Association, and

WHEREAS, the Fire Marshal is a safety coordinator for the Risk Management Team in the Town of Penfield, and

WHEREAS, the PERMA Board Meeting will be held on May 26, 2010 at Bolton Landing, New York and is paid fully for mileage and hotel expenses by PERMA, and

WHEREAS, the PERMA annual conference will be held on May 27, 2010 at Bolton Landing, New York and is paid fully for mileage and hotel expenses by PERMA, and

BE IT RESOLVED, that the Town Comptroller attend the PERMA Board Meeting and PERMA annual conference at no cost to the Town of Penfield, and

BE IT RESOLVED, that the Fire Marshal attend the annual conference on May 27, 2010 at no cost to the Town of Penfield.

Moved: Moore
Seconded: Kohl

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

Adopted

#10T-145 Authorize the Town Supervisor to Sign the Insurance Consultant Agreement with B.M.A. Consulting Services, Inc. by Moore

WHEREAS, every year the Town of Penfield seeks proposals for the General Liability insurance, and

WHEREAS, these proposals in the past have saved the Town of Penfield thousands of dollars in insurance cost over the years, and

WHEREAS, it is expected that the Town of Penfield will probably receive insurance quotations for 2011-2012 insurance year,

NOW BE IT RESOLVED, that the Town Supervisor is authorized to sign the insurance Agreement with B.M.A. Consulting Services, Inc. effective from June 1, 2010 to May 30, 2011 to put together the insurance specifications and to award the insurance coverage after review and approval by the Town Board. This agreement allows the Town to receive competitive quotes for our insurance needs for the
2011-2012 insurance needs for both the general liability insurance and the Town of Penfield workers compensation insurance.

(Resolution #10T-145 - Continued)

Funds for this service are included in the 2010 Adopted Budgets.

Moved: Moore
Seconded: Quinn

Discussion: Supervisor LaFountain changed the third paragraph to read: WHEREAS, it is expected that the Town of Penfield will receive insurance quotations for 2011-2012 insurance year.

Moved: Moore
Seconded: Metzler

Adopted

#10T-146 Authorizing the Town Supervisor to Sign Service Contract for Tree Removal and Trimming Services with Thomas E. Urkfitz, 1925 Road, Penfield, NY 14526 by Moore

BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign a contract for Tree Removal & Trimming in connection with the State Road Easement Clearing Project with Thomas E. Urkfitz, 1925 Penfield Road, Penfield, NY 14526.

BE IT FURTHER RESOLVED, that the lump sum fee for this service associated with this project is $950.00, and was the lowest of (2) two quotations sought for this work.

Moved: Moore
Seconded: Metzler

Adopted

#10T-147 Authorization to Maintain Properties and Assess the Charges to the 2011 Property Tax Bills by Moore

WHEREAS, on October 2, 1996, the Town Board of the Town of Penfield adopted Article IV-4-28 of the Penfield Zoning Ordinance entitled “Property Maintenance”; and

WHEREAS, the purpose of Article IV-4-28 of the Penfield Zoning Ordinance is to prevent the gradual encroachment of blight, deterioration, unsightliness and property devaluation and to assure that all premises within the Town of Penfield are maintained in a manner that will assure the health, safety and welfare of the general public; and

WHEREAS, the property owners of 23 Alden Glen Drive, SBL #094.02-1-43.122, 2453 Browncroft Boulevard, SBL #123.07-1-31, 27 Midland Drive, SBL #093.11-1-11, 91 Willow Pond Way, SBL #139.11-4-2, 14 Woodrose Drive, SBL #094.01-1-27.129 and 64 Woodside Drive, SBL #139.10-3-81 have failed to maintain the lawn and exterior areas at the subject properties which continues to be a concern for the health, safety and welfare of the surrounding neighbors; and

WHEREAS, the Town staff has continually requested the property owners to maintain at these locations with no result:
NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Building and Zoning Administrator to have the properties appropriately maintained; and

(Resolution #10T-147 - Continued)

BE IT FURTHER RESOLVED, that the Town Board further authorizes that the cost of said maintenance and any necessary subsequent maintenance during the 2010 season also be charged to the 2011 property tax bill for the subject properties.

Moved: Moore
Seconded: Kohl

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

Adopted

#10T-148 Authorize the Supervisor to Sign an Agreement with the University of Rochester School of Nursing, a Division of the University of Rochester, for the URMC Flu Initiative by Moore

WHEREAS, the Town of Penfield wishes to provide a Flu Clinic at the Penfield Community Center, for the convenience of Penfield residents; and

WHEREAS, the University of Rochester School of Nursing wishes to provide a Flu Clinic as a part of their “URMC Flu Initiative” at no cost to the Town of Penfield;

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be authorized to sign the attached agreement with the University Of Rochester School Of Nursing, a division of the University of Rochester, to provide a Flu Immunization Clinic on September 22, 2010 at the Penfield Community Center, 1985 Baird Road.

Moved: Moore
Seconded: Quinn

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

Adopted

#10T-149 Authorization for the Supervisor to Sign Contract with Malcolm Pirnie, Inc. for Willow Pond Emergency Action Plan and Modifications by Moore

WHEREAS, the Willow Pond Stormwater management facility was built in 1973 as part of a Planned Urban Development, and

WHEREAS, the Willow Pond storm water management facility has been determined by the NYSDEC to be a class “C” dam, and

WHEREAS, the NYSDEC issued new regulations for owners of dams in 2009, and

WHEREAS, these new regulations have added additional responsibilities to the Town of Penfield as the owner of the facility, and

WHEREAS, the Town of Penfield has requested requests for qualifications from consulting engineers to provide the Emergency Action Plan and the design of spillway modifications, and
WHEREAS, the Town Board and staff interviewed the top (3) three firms and Malcolm Pirnie, Inc. was selected as the most qualified firm based upon their qualifications submitted on May 7, 2010.

(Resolution #10T-149 – Continued)

NOW, THEREFORE, BE IT RESOLVED, that Supervisor R. Anthony LaFountain is hereby authorized to sign a contract with Malcolm Pirnie, Inc. to provide engineering services for Willow Pond EAP and spillway modifications for a cost not to exceed $47,000. The cost of the consulting engineering services shall be paid from the Town wide Drainage Levy.

Moved: Moore
Seconded: Metzler

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

Adopted

#10T-150 Approval of Issuance of a Special Permit to Allow a Seasonal Ice Cream Truck at 2105 Five Mile Line Road – SBL #139.06-1-31 – Louis Ferrari – LuGia’s Ice Cream 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 seasonal ice cream truck at 2105 Five Mile Line 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 26, 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 seasonal ice cream truck at 2105 Five Mile Line Road, in the Four Corners (FC) zoning district and the Public Hearing was closed.

NOW, THEREFORE, BE IT RESOLVED, that the applicant’s request for a SPECIAL PERMIT to allow a seasonal ice cream truck at 2105 Five Mile Line 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.

2. The applicant shall be permitted to park and sell from his seasonal ice cream truck at 2105 Five Mile Line Road on a daily basis between the hours of 11:00 AM and 10:00 PM at which time the truck shall be removed from the premises. This Special Permit shall only allow the applicant to operate his truck at this location from June 3, 2010 until September 30, 2010. The applicant may request Temporary Recreation Permits to extend those dates, if necessary, subject to the approval of the Authorized Official.

3. The applicant shall ensure that he has adequate on-site and off-site (public and or private) parking facilities to properly operate without adversely impacting other businesses that depend on those facilities. Failure to comply with this condition of approval will result in the Board holding a Public Hearing pursuant to the requirements of Article XI-11-14 of the Zoning Ordinance to review the intensity of the scope of this business and making a determination as to whether it is properly scaled to the area.
4. The applicant shall be permitted to install (6) six picnic tables on the site. The tables shall be placed in such a manner that they do not impede the use of the right-of-way of Liberty Street for either pedestrian or vehicular use.

(Resolution #10T-150 - Continued)

5. The applicant shall install trash receptacles and shall be responsible for ensuring that waste generated from this business is properly contained and removed from the site. The applicant shall also ensure that his employees pick up napkins and other debris both on the site and in close proximity to it, if necessary, so that they do not create a nuisance to area residents.

6. At no time shall parking for this business be permitted on or along Liberty Street. All parking shall be either on the site, on-street on Five Mile Line Road or in the public parking lot on Five Mile Line Road.

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

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 proposes to install his seasonal ice cream truck at 2105 Five Mile Line Road on a daily basis from June 3rd to September 30th 2010 for the purpose of determining if there is a market for his ice cream in the Four Corners. His intent is to lease the secondary structure at that location on a long term basis if he determines that the residents of Penfield are receptive to his product.

2. The applicant proposes to have between (1) one and (2) two employees on the site at any time.

3. The site has 10 parking spaces to accommodate this business, as well as the apartments in the main structure. The property owner is proposing parking improvements to the site this summer to further accommodate the site. The use also has access to on-street spaces as well as the 48 space public parking lot immediately across Five Mile Line Road. It is anticipated that those spaces will adequately support the businesses operating at this location, as well as other area businesses that depend on those off-site facilities. The Board is concerned that this operation may dominate both the on-site and off-site spaces and will periodically review the operation to ensure that it does not adversely impact other area businesses in need of public parking facilities as well.

4. This type of business has been identified by Town residents as being the most desirable in the Four Corners and has been lacking in the northwest quadrant since the closure of the Friendly’s restaurant several years ago.

5. The use is consistent with the goals of the Four Corners Plan.

Moved: Moore
Seconded: Kohl
PUBLIC WORKS

- None

PUBLIC SAFETY

- None

COMMUNITY SERVICES

#10T-151 Contract with Mike Odle, Masonry by Kohl

WHEREAS the Town of Penfield wishes to provide masonry services to the Parks and Facilities Department for 2010 and whereas Mike Odle Masonry was the lowest price out of (2) two bids.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is authorized to sign a contract for masonry services in 2010 with Mike Odle, 6401 Furnace Road, Ontario, NY 14519.

Moved: Kohl  
Seconded: Quinn

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

Adopted

#10T-152 2010 Budget Amendment Recreation Programs by Kohl

WHEREAS, the Town Board authorized the operation of a community garden as new recreation program during 2010, and whereas in order to operate such a program the need to establish revenue and expenditure lines for such operation has been recognized,

WHEREAS, the Town Board of the Town of Penfield desires to have an up-to-date budget in relation to income and expenditures,

NOW, THEREFORE, BE IT RESOLVED, that the following revenue and expenditure lines be established and the 2010 budget be amended as follows:

<table>
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<tr>
<th>GENERAL FUND REVENUES - INCREASE</th>
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<tr>
<td>Description</td>
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<tr>
<td>Account (Special Event Celebrations)</td>
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<table>
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<tr>
<th>GENERAL FUND APPROPRIATIONS - INCREASE</th>
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</thead>
<tbody>
<tr>
<td>Account (Special Event Celebrations)</td>
</tr>
</tbody>
</table>

Moved: Kohl  
Seconded: Metzler

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

Adopted
BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following Recreation Contracts:

(Resolution #10T-153 – Continued)

Carrie Herscovici, 17 Watchet Lane, Fairport, NY 14450, Gentle Yoga, 6/18 - 9/3/10, for a fee of 80% of the total program revenue for 10 or less registrants or a fee of 75% of the total program revenue for over 10 registrants. Vouchers to be submitted 7/7, 8/4 & 9/1/10.

Jon Seiger, 6117 Main Road, Stafford, NY 14143, to provide entertainment Jon Seiger and the All-Stars Band for Independence Day Parade, 7/3/10, for a fee of $300.00. Voucher to be submitted 6/2/10.

Grease Paint Alley Clowns, Inc., PO Box 26679, Rochester NY 14626, Independence Day Parade, 7/3/10, for a fee of $300.00 for 10 clowns or a fee of $250.00 for 6 clowns. Voucher to be submitted 6/2/10.


Sports Officials of the Rochester Area (SORA), c/o Gary Godden, 3 Edmar Court, Henrietta, NY 14467, to provide softball umpire officiating services for all Youth & Adult softball games, 5/03/10 – 8/12/10, for the fee of $25.00 per all multiple Youth & Adult games. Additional fees are as follows: $36.00 for all single games (Adult), $28.00 for all single games (Youth), $42.00 for any (2) two umpire games (Adult & Youth), $15.00 for any legal games not played to completion or games cancelled by Recreation Department without proper notification. Vouchers to be submitted monthly upon receipt of bill (May, June, July, August).

Bill Buonomo, 2120 Penfield Rd., Penfield, NY 14526 to provide music entertainment Billy B. & The Rhythm & Blues All-Stars for Independence Holiday Celebration on 7/3/10 for a fee of $1,000.00. Voucher to be submitted on 6/2/10.


John Giotto, PO Box 423, Penfield, NY 14526 to provide sound engineering at the Penfield Amphitheater 7/4/10 – 9/18/10 for a fee of $100.00 per worked event. Vouchers to be submitted on 7/21/10, 8/18/10 and 9/15/10.

Jim Orefice, 81 Penn Ln., Rochester, NY 14625 to provide sound engineering at the Penfield Amphitheater 7/4/10 – 9/18/10 for a fee of $100.00 per worked event. Vouchers to be submitted on 7/21/10, 8/18/10 and 9/15/10.

The following persons to officiate soccer games for the in-house Penfield Recreation Soccer League, 6/7/10 – 8/6/10, for the fees of: $13.50 per 8/under game, $15.50 per 10/under game, $17.50 per 12/under game, $19.50 per 14/under game - returning officials to receive an additional $.25 per game for each summer season they have officiated with the Penfield Recreation League on a regular basis, up to a maximum of $2.00 per game:

Scott Daniel, 27 Maple Leaf Circle, Penfield, NY 14526
Ray Daniel, 27 Maple Leaf Circle, Penfield, NY 14526
Ed Doyle, 4 Pipers Meadow Trail, Penfield, NY 14526
Drew Howell, 100 Country Lane, Penfield, NY 14526
Officials who are present and begin a game which must be terminated prior to the completion of the first half (weather) shall receive a payment of $7.00 for that game. Vouchers to be submitted each voucher date within this time frame.

Penfield Rangers, c/o Rui Amorim, 10 Cherrymede Crescent, Fairport, NY 14450, to provide payment to 17/u soccer officials, 6/4/10 - 8/7/10, for the fee of $186.00 (6 games @ $31.00). Voucher to be submitted 6/4/10.

Moved: Kohl
Seconded: Moore

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<tr>
<th>Vote</th>
<th>Kohl</th>
<th>Aye</th>
<th>LaFountain</th>
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<tr>
<td>Metzler</td>
<td>Aye</td>
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<td>Quinn</td>
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Adopted

Old Business - None

New Business - None

Public Participation - None

Adjournment - Supervisor LaFountain moved to adjourn the meeting at 8:10 PM.

Amy Steklof,
Town Clerk