July 1, 2010

Pursuant to Section 62 of the New York State Town Law, I am hereby scheduling a Special Town Board Meeting Work Session, to be held on Wednesday, July 7, 2010 at 6:45 PM in the first floor board room. This meeting will be an Executive Session to discuss legal matters and any other business that may come before the Board.

R. Anthony LaFountain  
Town Supervisor

Cc: Town Board  
**Town Clerk**  
Town Attorney
TOWN BOARD WORK SESSION

Wednesday, July 7, 2010, 7:00 PM

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

Also Present: Amy M. Steklof, Town Clerk
Richard Horwitz, Town Attorney
Harold Morehouse, Building and Zoning Administrator
Daniel Aken, Manager Site Development for Wegmans
Food Markets, Inc.

Dan Aken presented to the Town Board a proposal for an extensive pavement maintenance project to take place at the Wegmans Food Market located at Routes 441 and 250. Mr. Aken requested that the Town Board grant Wegmans permission to conduct work outside of the Town’s permitted construction activity hours. Currently, construction is permitted during the hours of 7:00 AM to 7:00 PM, Monday through Friday, 8:00 AM to 4:00 PM Saturday, with no construction activity permitted on Sundays.

Mr. Aken stated that the maintenance project would include minor structural work on the eastside of the food market associated with demolition of a canopy that was between the former Chase Pitkin’s and the existing food market, milling of existing pavement, placement of new asphalt, drainage improvements, curb replacement, landscaping improvements, and site lighting improvements.

Mr. Aken also stated a letter would be sent to residents in the area notifying them of the construction project and the time frame of the project.

Supervisor LaFountain was directed by the Town Board to send a letter to Wegmans Food Markets, Inc. stating their approval of the project.

The meeting was adjourned at 7:25 PM
TOWN OF PENFIELD
3100 Atlantic Avenue, Penfield, NY 14526-9798

PENFIELD TOWN BOARD AGENDA
Wednesday, July 7, 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 - June 2, 2010 & June 16, 2010

VI Petitions

VII Resolutions by Function

Law and Finance
#10T-158 Authorization to Approve Agreement to Settle Tax Certiorari-Jablonski Homes, Inc.
#10T-159 Authorization for Supervisor to Sign Irondequoit Bay Inter-Municipal Agreement
#10T-160 Setting Public Hearing for Special Permit to Allow Mary Kay, Inc. Consultant Training Facility at 805 Liberty Street
#10T-161 Setting Public Hearing for Special Permit to Allow Church at 2074 Five Mile Line Road
#10T-162 Authorization for Supervisor to Sign Intermunicipal Agreement with Monroe County Regarding Cooperation to reduce Stormwater Pollution and Protect Water Quality
#10T-163 Authorization to Sign Pole Attachment Agreement with Frontier Telephone of Rochester
#10T-164 Authorization for Supervisor to sign Agreement with Monroe County Department of Human Services-Work Experience Program
#10T-165 Authorization to Approve Agreement to Settle Tax Certiorari-1440 Empire Blvd.
#10T-166 Authorization to Approve Agreement to Settle Tax Certiorari-Ralph Harper & Harper Park Rochester, Inc.
#10T-167 Authorization for Supervisor to sign Agreement with Business Automation Services, Inc for Purchase of Town Clerk Licensing System
#10T-168 Accepting Final Scoping Outline for Town of Penfield 2010 Comprehensive Plan
#10T-169 Authorization to Approve Agreement to Settle Tax Certiorari-White Oak Apartments, LLC
#10T-170 Authorization to Approve Agreement to Settle Tax Certiorari
Public Works
#10T-171 Authorization to attend American Public Works Association Exposition and International Congress
#10T-172 Acceptance of Annual Report for Compliance with Phase II Stormwater Regulations

Public Safety - None

Community Services
#10T-174 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, July 7, 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 Kristen O’Connol, Special Events Specialist for Cystic Fibrosis Foundation, Greater Rochester Chapter, and Kyle Schuhart, Cystic Fibrosis Ambassador of Hope and Team Leader for the Great Strides Walk, held on May 15, 2010.

Supervisor LaFountain recognized John Perrone, Event Chair for the Cystic Fibrosis Fairway to Hope Charity Golf Tournament. The event will be held on August 16, 2010 at Eagle Vale Golf Course, 4344 Nine Mile Point Road.

Kristen O’Connol spoke about the Cystic Fibrosis Foundation and introduced John Perrone and Kyle Schuhart and stated they would be reporting on the progress of their events.

Mr. Schuhart reported that the Great Strides Rochester Walk was a huge success with over 400 people in attendance, raising over $90,000.00. Mr. Schuhart had a team of 40 people that raised $5,000.00. Kyle thanked the Town Board for their support and thanked the Penfield residents that attended the walk.

John Perrone stated he appreciates the Supervisor and Town Board for giving him the opportunity to speak about the upcoming Cystic Fibrosis Charity Golf Tournament. Mr. Perrone stated that this will be the third time the Golf Tournament has taken place at Eagle Vale Golf Course. Retired Sheriff, Andrew P. Meloni, will be the honorary chairman.

Mr. Perrone recognized the Golf Committee volunteers and sponsors for the Tournament and stated that additional sponsors and golfers are needed. The goal this year is to raise $50,000.00. Registration will begin at 11:00 AM with a shotgun start at Noon.

Communications and Announcements

1.  Councilman Rob Quinn will hold office hours on Thursday, July 15, 2010 from 6:00 – 7:00 PM at the Penfield Community Center.

2.  Councilwoman Paula Metzler will hold office hours on Monday, July 26, 2010 from 9:00 – 10:30 AM at Tim Horton’s, 1786 Empire Boulevard. Councilwoman Metzler can be reached via e-mail at {HYPERLINK "mailto:metzler@penfield.org"}.

3.  Information on safety requirements for home swimming pools, hot tubs or spas can be found on the Town website at {HYPERLINK "http://www.penfield.org"}, click on departments and go to the Building and Zoning Department icon or call 340-8636.

4.  The Kids Miracle Making Club in Penfield was the proud recipient of the 2010 Carol Ritter Award for volunteer services in June. The award is given by the Rochester Area Administrators of Volunteer Services to recognize outstanding volunteers in our community.
5. The 4th of July Parade Bicentennial Float winners were as follows: Boy Scout Troop #230 for their Bicentennial Cake Float; the Penfield Business Association for having the most Patriotic Float - The Eagle, and the Robotics Team for Honorable Mention.

Supervisor LaFountain thanked the Recreation Staff, Parks Staff and Facilities and Security Staff for all their hard work in helping make the Town of Penfield 4th of July weekend a success.

6. Town Historian, Kathy Kanauer, gave a presentation for those who submitted names of family members living in the Town of Penfield in 1910 and prior. 17 Ancestral Certificates were handed out at the presentation. Ms. Kanauer will continue to receive names and hand out Certificates throughout the Penfield Bicentennial year. For more information go to the Town website, www.penfield.org.

7. Order forms for the purchase of Bicentennial bricks are still available at the Town Hall and the Recreation Center.

8. An Exhibit on Artistic Impressions of Penfield is being coordinated through the Penfield Art Center called the Bicentennial Celebration. The Exhibit runs from July 28, 2010 through September 24, 2010. An opening reception will be held on July 30th from 6:30 - 8:30 PM at the Penfield Art Center, 2131 Five Mile Line Road. Contact the Penfield Art Center at 586-5192 or go to { HYPERLINK "http://www.penfieldartcenter.com" }. Deadline for pre-registration is July 16th. Entries will be judged Saturday, July 24th from 9:00 AM - 12:00 Noon.

9. Councilwoman Kohl’s next Community Chat will be at the Penfield Library on July 20th from 5:30 - 7:00 PM.

Public Participation – None

Additions and Deletions to Agenda

Councilman Moore added Resolution #10T-175 to the agenda under New Business.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of June 2, 2010 and June 16, 2010. Councilwoman Metzler seconded and all voted “Aye”.

Petitions – None

Resolutions by Function

Law and Finance

#10T-158 Authorization to Approve Agreement to Settle Tax Certiorari by Moore

WHEREAS, Jablonksi Homes, Inc., heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessment for the years 2008/2009 and 2009/2010 for the premises located at 2515 and 2509 Browncroft Boulevard, (tax account numbers 123.07-2-45 and 123.07-2-47.2); located within the Town of Penfield, and

WHEREAS, negotiations have been held between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner’s claim, and

WHEREAS, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the
approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulation on file in the Office of the Town Assessor, and

WHEREAS, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by Jablonski Homes, Inc. for the years 2008/2009 and 2009/2010 be and hereby are approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Penfield be and is hereby directed to make the necessary adjustments in the Assessment Rolls for the Town of Penfield to reflect the terms of such settlement.

Moved: Moore
Seconded: Kohl

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

Adopted

#10T-159  Authorization for Supervisor to Sign the Irondequoit Bay Coordinating Committee’s Inter-Municipal Agreement by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign the Irondequoit Bay Coordinating Committee’s Inter-Municipal Agreement that reflects the current interests of the involved parties, a copy of which is on file with the Town Clerk and said Agreement replaces the September 1997 Agreement.

Moved: Moore
Seconded: Quinn

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

Adopted

#10T-160  Setting a Public Hearing for a Special Permit to Allow a Mary Kay, Inc. Consultant Training Facility at 805 Liberty Street – SBL #139.06-1-30 – Theresa Kusak-Smith 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 Mary Kay, Inc. consultant training facility at 805 Liberty Street, located in the Four Corners (FC) zoning district;

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board is best suited to act as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and the Penfield Environmental Quality Review Law (PEQRL) and thus does hereby designate itself as “lead agency” pursuant to SEQRA and PEQRL; and be it further

RESOLVED, that the subject application is determined to be a Type II action pursuant to Section 2.020(d) of the Penfield Environmental Quality Review Law; 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 August 4, 2010, at 7:30 PM on said date,
to consider the said application and to hear all persons interested on
the question of the issuance of a Special Permit to allow a Mary Kay,
Inc. consultant training facility at 805 Liberty Street, 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   Aye  LaFountain  Aye
      Metzler  Aye  Moore   Aye
      Quinn   Aye

Adopted

#10T-161 Setting a Public Hearing for a Special Permit to Allow a
Church at 2074 Five Mile Line Road – SBL #139.05-2-63.2 –
Samme Palermo – Oasis Christian Fellowship 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 the Oasis Christian Fellowship to operate at 2074 Five
Mile Line Road, located in the Four Corners (FC) zoning district;

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board is best
suited to act as “lead agency” within the meaning of the State
Environmental Quality Review Act (SEQRA) and the Penfield Environmental
Quality Review Law (PEQR) and thus does hereby designate itself as “lead
agency” pursuant to SEQRA and PEQR; and be it further

RESOLVED, that the subject application is determined to be a Type II
action pursuant to Section 2.020(d) of the Penfield Environmental
Quality Review Law; 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 August 4, 2010, at 7:30 PM on said date,
to consider the said application and to hear all persons interested on
the question of the issuance of a Special Permit to allow the Oasis
Christian Fellowship to operate at 2074 Five Mile Line Road, in the Four
Corners (FC) zoning district; and be it further

RESOLVED, that a copy of this Resolution, certified by the Town Clerk,
shall be published at least once in the official newspaper of the Town,
the first publication thereof to be not less than ten (10) nor more than
twenty (20) days before the date set for said Hearing as aforesaid. A
copy of this Resolution shall be posted on the official signboard of the
Town as prescribed by Law.

Moved: Moore
Seconded: Kohl

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

Adopted
Penfield Town Board, July 7, 2010

#10T-162 Authorization for the Supervisor to Sign an Intermunicipal Agreement with Monroe County Regarding Cooperation to Reduce Stormwater Pollution and Protect Water Quality in Monroe County by Moore

WHEREAS, the Town of Penfield recognizes the importance of protecting water quality and the value of our water resources, and

WHEREAS, the Town of Penfield is a regulated municipal separate storm sewer system (MS4) and must follow the requirements of the Clean Water Act of 1987, and

WHEREAS, the Town of Penfield supports the Stormwater Coalition as a means to solve water quality concerns cooperatively with other towns and villages in Monroe County, and

WHEREAS, the Town of Penfield has saved money for its residents by their participation in the Stormwater Coalition, and

WHEREAS, the agreement has been reviewed by the Town Attorney and Monroe County attorneys.

NOW, THEREFORE, BE IT RESOLVED, that Supervisor is hereby authorized to sign an intermunicipal agreement with Monroe County and the other partners in the Stormwater Coalition to reduce stormwater pollution and protect water quality in Monroe County.

Moved: Moore
Seconded: Quinn

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

Adopted

#10T-163 Authorization for Supervisor to Sign Pole Attachment Agreement with Frontier Telephone of Rochester by Moore

WHEREAS, the Town of Penfield owns and operates most all intersection and roadway lighting within the Town, and

WHEREAS, from time to time it is most efficient, due to location, to attach new street lighting equipment to Frontier Telephone wooden telephone poles that are located along roadways to provide lighting, and

WHEREAS, the Town enjoys a similar Agreement with Rochester Gas & Electric which is governed by Public Service Commission – Street Lighting Tariff (SC-2), and

WHEREAS, the Town of Penfield and Frontier Telephone have developed a mutually acceptable Agreement to allow the Town of Penfield to attach street lighting equipment to Frontier Telephone wooden poles that exist along streets and roadways within the Town.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Penfield hereby authorizes the Town Supervisor to enter into said Agreement with Frontier Telephone of Rochester to allow Town of Penfield street lighting equipment to be attached to wooden telephone poles owned by Frontier Telephone of Rochester, and

BE IT FURTHER RESOLVED, that the Town of Penfield (Licensee) pledges its full support and guarantee to Frontier Telephone of Rochester (Licenser), to the performance of all obligations within the Agreement and as are more specifically in outlined under Article V — Security.

Moved: Moore
Seconded: Metzler
Penfield Town Board, July 7, 2010

(Resolution #10T-163 – Continued)

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

Adopted

#10T-164  Authorization for Supervisor to Sign Agreement with Monroe
County Department of Human Services – Work Experience Program
(WEP) by Moore

WHEREAS, the Town of Penfield desires to participate in Monroe County –
Department of Human Services – Work Experience Program (WEP), to help
supplement Labor needs of Town operations, while allowing program
individuals to gain valuable work experiences.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Penfield
hereby authorizes the Town Supervisor to enter into an Agreement with
Monroe County Department of Human Services to participate in the Work
Experience Program.

Moved: Moore
Seconded: Kohl

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

Adopted

#10T-165  Authorization to Approve Agreement to Settle Tax Certiorari
1440 Empire Boulevard by Moore

WHEREAS, 1440 Empire Boulevard Development Corp. and Richlock, LLC
heretofore commenced proceedings against the Assessor and the Board of
Assessment Review and other respondents for a review of the Assessment
premises located at 1440 Empire Boulevard (tax account number 108.06-1-
8.2); located within the Town of Penfield, and

WHEREAS, negotiations have been had between the Attorney for the Town
and the Attorneys for the Petitioner in an attempt to settle and
compromise Petitioners claim, and

WHEREAS, after such negotiations, tentative agreement has been reached
between all parties on the terms of a proposed settlement subject to the
approval of the Town Board and to the approval of the Supreme Court of
the State of New York, which terms of settlement are set forth in the
stipulations on file in the Office of the Town Assessor, and

WHEREAS, upon due consideration of all facts and circumstances, the Town
Board finds that the proposed compromise and settlement is fair and
reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax
Certiorari proceedings brought by 1440 Empire Boulevard Development
and 2009/2010 be and hereby are approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and
hereby is directed to make application to the Supreme Court of the State
of New York for approval of such settlement and that upon obtaining such
approval, the Assessor of the Town of Penfield be and he hereby is
directed to make the necessary adjustments in the Assessment Rolls for
the Town of Penfield to reflect the terms of such settlement.

Moved: Moore
Seconded: Kohl

(Resolution #10T-165 – Continued)
Penfield Town Board, July 7, 2010

Adopted

#10T-166  Authorization to Approve Agreement to Settle Tax Certiorari
by Moore

heretofore commenced proceedings against the Assessor and the Board of
Assessment Review and other respondents for a review of the Assessment
for the premises described and known as 560 B, 600 and 702 Linden Avenue
(tax account numbers 138.11-1-1, 138.11-1-5 and 138.11-1-2); located
within the Town of Penfield, and

WHEREAS, negotiations have been had between the Attorney for the Town
and the Attorneys for the Petitioner in an attempt to settle and
compromise Petitioner's claim, and

WHEREAS, after such negotiations, tentative agreement has been reached
between all parties on the terms of a proposed settlement subject to the
approval of the Town Board and to the approval of the Supreme Court of
the State of New York, which terms of settlement are set forth in the
stipulations on file in the Office of the Town Assessor, and

WHEREAS, upon due consideration of all facts and circumstances, the Town
Board finds that the proposed compromise and settlement is fair and
reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax
Certiorari proceedings brought by Dick Harper a.k.a. Ralph Harper &

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and
hereby is directed to make application to the Supreme Court of the State
of New York for approval of such settlement and that upon obtaining such
approval, the Assessor of the Town of Penfield be and hereby is directed
to make the necessary adjustments in the Assessment Rolls for the Town
of Penfield to reflect the terms of such settlement.

Moved: Moore
Seconded: Kohl

Adopted

#10T-167  Authorization for Supervisor to Sign an Agreement with
Business Automation Services, Inc. for the Purchase of a Town
Clerk Licensing System by Moore

WHEREAS, the Town Clerk has always provided an efficient customer-driven
Clerk's Office, and

WHEREAS, the Town Clerk has made Customer Service a priority, and

WHEREAS, the Town Clerk has determined that BAS Software will improve
workflow and productivity within the Town Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board Authorize the
Supervisor to sign an agreement to purchase a BAS Town Clerk Software
Licensing System, and

(Resolution #10T-167 - Continued)

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the total cost for the
system is $10,590.00 with a down payment of $5,000.00 due by July 31,
2010 and a balance of $5,590.00 be paid in full by January 31, 2011.
Moved: Moore  
Seconded: Quinn

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

Adopted

#10T-168  Accepting the Final Scoping Outline for the Town of Penfield 2010 Comprehensive Plan by Moore

WHEREAS, the Penfield Town Board, by Resolution No. 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 Town Board, by Resolution No. 10T-135 of 2010, set a Public Comment Period on the Draft Scoping Outline from 9:00 AM May 20, 2010 to 5:00 PM June 18, 2010; and

WHEREAS, the draft 2010 Comprehensive Plan identifies and analyzes anticipated growth and land use changes over the next (10) 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, considered all comments received towards the establishment of a Final Scoping Outline and hereby formally accepts the Final Scoping Outline attached as “Schedule A”; 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: Metzler

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

Adopted

See Attachment at End of Minutes

#10T-169  Authorization to Approve Agreement to Settle Tax Certiorari 55 Smith Street by Moore

WHEREAS, WHITE OAK APARTMENTS, LLC, heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessment for the years 2009/2010 for the premises described and known as 55 Smith Street (tax account numbers 093.15-1-72 and 093.15-1-75); located within the Town of Penfield, and

(Resolution #10T-169 – Continued)

WHEREAS, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner’s claim, and
WHEREAS, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

WHEREAS, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by WHITE OAK APARTMENTS, LLC, for the years 2009/2010 be and hereby are approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Penfield be and hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Penfield to reflect the terms of such settlement.

Moved: Moore
Seconded: Kohl

Vote:

Kohl  Aye
Metzler  Aye
Quinn  Aye
LaFountain  Aye
Moore  Aye

Adopted

#10T-170 Authorization to Approve Agreement to Settle Tax Certiorari 2171 Five Mile Line Road by Moore

WHEREAS, RCM ELMWOOD LLC; HM ELMWOOD LLC; RJM ELMWOOD LLC; and JJAR ELMWOOD LLC, heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessment for the years 2009/2010 for the premises described and known as 2171 Five Mile Line Road (tax account number 139.09-1-25); located within the Town of Penfield, and

WHEREAS, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner’s claim, and

WHEREAS, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

WHEREAS, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by RCM ELMWOOD LLC; HM ELMWOOD LLC; RJM ELMWOOD LLC; and JJAR ELMWOOD LLC, for the years 2009/2010 be and hereby are approved.

(Resolution #10T-170 - Continued)

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such
approval, the Assessor of the Town of Penfield be and hereby is directed
to make the necessary adjustments in the Assessment Rolls for the Town
of Penfield to reflect the terms of such settlement.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Works

#10T-171 Authorization to Attend American Public Works Association
Exposition and International Congress by Metzler

WHEREAS, the New York State Education Department requires all
Professional Engineers to obtain annual training; and

WHEREAS, it is in the Town’s best interest to have staff members attend
training workshops to gain knowledge pertaining to current practices in
stormwater management, administrative management, street maintenance,
traffic operations, and construction management; and

WHEREAS, the American Public Works Association is an industry leader in
training for Public Works professionals, and

WHEREAS, the Town Engineer also serves on a joint APWA-AGC national
committee which meets during the Congress,

NOW, THEREFORE, BE IT RESOLVED, that the Town Engineer is hereby
authorized to attend the American Public Works Association’s Exposition
and International Congress, to be held from August 14 to 18, 2010 for a
cost not to exceed $1,900.00. This cost will be allocated from the 2010
departmental conference budget line.

Moved: Metzler
Seconded: Moore

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

Adopted

#10T-172 Acceptance of the Annual Report for Compliance with the Phase
II Stormwater Regulations by Metzler

WHEREAS, the Town of Penfield has been identified as a Municipal
Separate Storm Sewer System (MS4) under the EPA’s Phase II Stormwater
Regulations under the Clean Water Act of 1987, and

WHEREAS, the Phase II Program requires each MS4 to prepare a Draft
Annual Report on the Town’s efforts to protect and improve the water
quality of our streams and waterbodies, and

WHEREAS, the public is invited to review the Annual Report and provide
input, and

(Resolution #10T-172 – Continued)

WHEREAS, the Annual Report has been prepared in conformance with the
Phase II Regulations by the Engineering Department, and
WHEREAS, the Annual Report was submitted to the New York State Department of Environmental Conservation offices in Albany, NY on June 1, 2010,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts said Annual Report and it is available for public review at the Town Hall and the Community Library, and

BE IT FURTHER RESOLVED, that all comments on the Annual Report must be submitted to the Engineering Department. All comments received will be incorporated into the Annual Report in accordance with the NYSDEC requirements.

Moved: Metzler
Seconded: Kohl

Discussion: The Resolution was amended to name Metzler as Chair of the Public Works Committee rather than Drawe as listed.

Moved: Metzler
Seconded: Moore

Vote: Kohl Aye LaFountain Aye

As Metzler Aye Moore Aye

Amended Quinn Aye

Adopted

#10T-173 Acceptance of a Proposal for Street Light Maintenance Work by Metzler

WHEREAS, the Town of Penfield owns and operates most all of the intersection and roadway lighting within the Town, and

WHEREAS, it is more cost efficient for the Town to utilize private contractors for this maintenance work, and

WHEREAS, the cost of this annual street lighting maintenance work has historically been below the GML threshold for competitive bidding, and

WHEREAS, in compliance with the Town’s 1992 Procurement Guidelines the Town sought proposals from (5) five different Electrical Contractors for performance of said Street Lighting maintenance work, as listed below:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Maintenance Work (Base Bid Items)</th>
<th>New Construction Work (Alternate Bid Items)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Power &amp; Construction Group, Inc.</td>
<td>$13,080.50</td>
<td>$19,242.00</td>
</tr>
<tr>
<td>Livingston Lighting &amp; Power Division</td>
<td></td>
<td></td>
</tr>
<tr>
<td>86 W. River Road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PO Box 169</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scottsville, NY 14546</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Murch Electric Co. Inc.</td>
<td>$21,740.00</td>
<td>$18,420.00</td>
</tr>
<tr>
<td>400-450 South Main Street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canandaigua, NY 14424</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Connors-Haas Electric</td>
<td>$263,400.00</td>
<td>$134,600.00</td>
</tr>
<tr>
<td>6337 Dean Parkway</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ontario, NY 14519</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tambe Electric</td>
<td>No Bid</td>
<td>No Bid</td>
</tr>
<tr>
<td>O’Connel Electric</td>
<td>No Bid</td>
<td>No Bid</td>
</tr>
</tbody>
</table>

(Resolution #10T-173 - Continued)

WHEREAS, the proposal submitted by Power & Construction Group, (Livingston Lighting & Power Div.) was the lowest responsible for the
Base Bid relating to the maintenance work as described in the proposal specifications.

NOW, THEREFORE BE IT RESOLVED, the Town of Penfield accepts the proposal of the Power & Construction Group, (Livingston Lighting & Power Div.) for their Base Bid relating to street light maintenance work in the amount of $13,080.50, and

BE IT FURTHER RESOLVED, that this acceptance is subject to the contractor meeting all general requirements of the bid specifications.

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

Adopted

Public Safety - None

Community Services

#10T-174 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:

Amend Resolution #10T-153 for Penfield Rangers, (new) c/o Julie Bowen Treasurer, PO Box 241, Penfield, NY 14526, to provide payment to U/17 Soccer Officials, 6/4/10 – 8/7/10 for a fee of $186.00. Voucher to be submitted on 7/7/10.

Dorothy Brenneis, 28 Woodside Dr., Penfield, NY 14526, Instructor for Organic Gardening for Kids 7/1/10 – 8/12/10 for a fee of 75% of total program revenue. Voucher to be submitted on 8/20/10.

The following persons to provide service as Boys Soccer Camp Assistants, 6/28/10 – 7/2/10, for the fee of $22.50 per day: Voucher to be submitted 7/8/10.

Andrew Para, 27 Dundas Dr., Rochester, NY 14625
Ryan Hansen, 7 Splendor Wood Dr., Penfield, NY 14526
Jason Regruit, 18 Silver Fox Dr., Penfield, NY 14526
Alex Swanger, 10 Fox Hill Dr, Fairport, NY 14450
Jonathan Dubzyk, 55 Hillside Road, Penfield, NY 14526
Paul Lentine, 24 Thomlinson Circle, Penfield, NY 14526
Benjamin Swanger, 10 Fox Hill Drive, Fairport, NY 14450
Matthew Kazler, 3 Shadow Creek, Penfield, NY 14526
Eric DeHond, 73 Holley Ridge Circle, Rochester, NY 14625

Mark Banford, 1534 State Road, Webster, NY 14580, Instructor for summer youth tennis program, 6/20/10 – 12/20/10, for a fee of 75% of program revenues, and instructor for the Adult Tennis program, 6/1/10 – 8/30/10, for a fee of 75% of program revenues. Vouchers to be submitted on 7/7/10 and the last voucher date of the month.

Chuck Scouten, 1917 Nine Mile Point Rd., Penfield, NY 14526, to provide cooking services for Chicken Barbeque on July 2, 2010 at the Penfield Independence Day celebration for a fee of $300.00. Voucher to be submitted on 7/7/10.

(Resolution #10T-174 - Continued)

Shadow Lake Golf Course, 1850 Five Mile Line Road, Penfield, NY 14526, to provide golf starting times for Senior 50’s + program, 5/05/10-
Penfield Town Board, July 7, 2010

8/10/10 for a fee of $9.00 per paid participant. Voucher to be submitted on 8/18/10.

Eugene Renner, 783 Liberty Street, Penfield, NY 14526, to provide supervision for 50 Plus golf program 5/5/10 – 8/11/10 for a fee of $23.00 per golf date. Voucher to be submitted on 8/18/10.

Timothy Graves, 1582 Sweet Corners, Fairport, NY 14450, Assistant Director, Boys Soccer Camp, 6/28/10 – 7/2/10, for the fee of $40.00 per day, plus $1.00 per registrant when camp enrollment exceeds 59 participants. Voucher to be submitted 7/8/10.

David Puls, 271 Westfield Rd., Rochester, NY 14610, Basic Animation Instructor for (3) three classes 8/9/10, 8/10/10, and 8/13/10 for a fee of $35.00 for each registered participant. Voucher to be submitted 8/04/10.

Danielle Staversky, 626 Cranberry Lane, Macedon, NY 14502, Director of Cheerleading and Dance Camps, 7/6/10 – 8/20/10, for the fee of $304.00 for Cheerleading Camps and $264.00 for Dance Camps, plus $1.00 per participant ($2.00 per participant for camps with enrollments exceeding 59). Vouchers to be submitted following the completion of each camp.

Scott Kropman, 1596 Qualtrough Rd., Rochester, NY 14625, Co-director of Youth Wrestling Program, 7/5/10 – 7/8/10, for the fee of $150.00, voucher to be submitted 7/8/10.

Ed Porto, 97 Keyel Drive, Rochester, NY 14625, Co-Director of Youth Wrestling Program, 7/5/10 – 7/8/10, for the fee of $150.00, voucher to be submitted 7/8/10.

Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business – None

New Business

#10T-175 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 owner of 1301 Five Mile Line Road, SBL #094.03-1-25.1, has failed to maintain the lawn and exterior areas at the subject property 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 owner to maintain at this location with no result:

(Resolution #10T-175 – Continued)
NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Building and Zoning Administrator to have the property 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 2010 season also be charged to the 2011 property tax bill for the subject property.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Participation

Supervisor LaFountain recognized Linda Quinlan from the Messenger Post.

Tom Trevett, 47 Canyon Trail, asked Councilman Moore if the (5) five Tax Certiorari Resolutions referred to challenges to the 2009 assessment rolls?

Councilman Moore stated that they were Legal Proceedings.

Town Attorney Dick Horwitz stated that the Resolutions relate to specific Tax Certiorari proceedings brought by individual property owners with respect to the valuations on the properties.

Mr. Trevett asked if it was based on the 2009 assessment roll?

Mr. Horwitz stated that it was based on previous assessment rolls.

Supervisor LaFountain introduced a short video clip that showcased last Friday’s, July 2nd tree dedication recognizing the memory of Maude Frank, past Town Historian.

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 8:20 PM.
FINAL SCOPING OUTLINE  
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT  

July 7, 2010

Name of Action:  Town of Penfield 2010 Comprehensive Plan

Classification of Action:  Type 1

Lead Agency:  Town of Penfield Town Board

GENERAL GUIDELINES

This final scoping outline is intended to define the scope of information to be included in a draft Generic Environmental Impact Statement (DGEIS). A public scoping process has been held and this document reflects the reviend comments to the draft scoping outline. The intent of the scoping process is to “focus the EIS on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant or nonsignificant.” [6 NYCRR § 617.8(a)]. As such, this draft scoping outline will be focused primarily on potentially significant adverse impacts. The proposed action involves the adoption of the Town of Penfield’s 2010 Comprehensive Plan.

The DGEIS should include a discussion of all listed topics, where those topics have been identified in the scoping process as applicable and significant. All appendices and supporting documentation need only be referenced. These appendices will be sufficiently summarized in the DGEIS and/or made available in locations where the DGEIS is available for review.

PROPOSED ACTION

The purpose of this Comprehensive Plan is to provide an overall framework for future public and private investment in our community. This 2010 Comprehensive Plan updates the recommendations of the 2000 Plan to reflect current conditions and Penfield's vision for its future. In addition to articulating the Town’s current vision, this plan establishes policies and strategies to achieve that vision. It will serve as the foundation upon which future planning and policy decisions are to be based.

This plan is consistent with New York State Law applicable to municipalities such as the Town of Penfield. According to NYS Town Law 272-a, a Comprehensive Plan is defined as, “the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town located outside the limits of any incorporated village or city.”

This Plan articulates the vision of the Town and establishes our community’s policies and strategies in order to achieve that vision. It will serve as the foundation upon which future planning and policy decisions are to be based. Although this document is an instrument of Town Policy, it should not foreclose future decisions that may not align precisely with the stated vision and policies. However, for actions or decisions that deviate from the strategies expressed in the Plan, a sound argument and rationale must be presented that is as convincing as that presented in the Plan. Such deviations should not be a normal practice or easy to achieve and should be supported only after careful consideration of the overall benefit to the community.

SCOPE OF DGEIS

I.  COVER SHEET & TABLE OF CONTENTS
   A. This shall identify all required information contained in applicable SEQRA regulations at 6 NYCRR § 617.9(b)(3).

II.  SUMMARY
A. Description of the proposed action
B. Potential impacts
C. Mitigation measures
D. Regulatory requirements

III. DESCRIPTION OF THE PROPOSED ACTION
A. Purpose & need of the Plan update
B. Summary of the Plan update
C. Permits & approvals

IV. ENVIRONMENTAL SETTING, IMPACTS & MITIGATION
This section will discuss the general setting and land use existing in Penfield today, along with potential impacts and mitigation associated with the adoption of the Plan and its Future Land Use recommendations. These will include but are not limited to:
A. Potential increase of density of residential, commercial, and mixed-use development
   i. Growth-induced impacts to infrastructure
      1. Summary of recommendations from key strategic transportation studies and reports including but not limited to LUAMP, Routes 250, 286, and 404 Corridor Studies, and other strategic transportation planning initiatives.
      2. Identification of strategic locations of sewer infrastructure that may be impacted by an increase in density.
      3. This should include discussions as to how drainage may be impacted with higher densities in identified areas.
      4. This should include a discussion on technology infrastructure needs and capacities to support potential increase in densities.
   ii. This should include discussion on potential impacts to sensitive environmental areas including wildlife habitat areas, wetlands, watercourses, floodplains, steep slopes, and woodlands (EPODs).
   iii. This should include a discussion on the need of these land use recommendations
B. Growth-driven demand on community facilities and services
   i. This should include a discussion on potential impacts to emergency services, recreation, schools, and governmental support.
C. Pressure on agricultural uses, open space areas, and potential conflicts with open space goals identified in the 2001 and 2006 Open Space Plans

V. ALTERNATIVES
A. No-action Alternative
B. Adoption of portion of Plan
C. Adoption of another plan

VI. IRREVERSIBLE & IRRETRIEVABLE COMMITMENT OF RESOURCES
This section will discuss any anticipated commitment of resources that may be associated with adoption of the Plan and those reasonably anticipated as the Plan is implemented.

VII. APPENDICES
A. 2000 Comprehensive Plan & DGEIS
B. 2003 Browncroft Blossom Creek Neighborhood Center Plan
C. Open Space Plan (2001 and 2006 Update)
D. 2007 North Penfield Crossroads Area Plan and DGEIS
E. 2007 Parks & Recreation Master Plan
F. 2008 Economic Development Action Plan
G. 2008 Bicycle Facilities Master Plan
H. 2009 Route 250 Corridor Transportation Study
I. 2009 Route 250 Corridor Land Use Analysis
J. 2003 Irondequoit Bay Harbor Management Plan