August 30, 2010

Pursuant to Section 62 of the New York State Town Law, I am hereby scheduling a Special Town Board Meeting, to be held on Wednesday, September 1, 2010 at 6:30 PM in the first floor board room. This meeting will be for a NE Quadrant ALS Budget presentation followed by 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, September 1, 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 -August 4, 2010 & August 18, 2010

VI Petitions

VII Resolutions by Function

Law and Finance
#10T-195 Appointment of School Tax Collector For Wayne Central School District
#10T-196 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Deck and Above Ground Swimming Pool Within a Drainage Easement at 120 Rosebud Trail
#10T-197 Authorization to attend Empire State Animal Protection Forum
#10T-198 Adoption of Findings Report for Incentive Zoning Application to permit Construction of single family homes and patio homes on 49.1 acres at 1229 Fairport Nine Mile Point Road-Abbington Place

Public Works
#10T-199 Authorization for Barton & Loguidice, PC to conduct sewer capacity studies as pursuant to Request for Proposals issued 8/11/10

Public Safety - None

Community Services
#10T-200 Appointment to the Parks and Recreation Advisory Board
#10T-201 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, September 1, 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

Communications and Announcements

1. Councilman Quinn’s office hours will be held on Saturday, September 11, 2010 from 9:00 – 10:00 AM at the Penfield Ambulance Base, 1585 Jackson Road. Councilman Quinn can be reached by e-mail at { HYPERLINK "mailto:quinn@penfield.org" } or by phone at 944-5752.

2. The Bicentennial Art Exhibit continues at the RepARTee Gallery, 2131 Five Mile Line Road through September 24, 2010, Wednesday through Friday from 1:00 to 5:00 PM.

3. Councilwoman Metzler’s office hours will be held on Friday, September 10, 2010 from 1:30 – 3:00 PM at the RepARTee Gallery. Councilwoman Metzler can be reached by e-mail at { HYPERLINK "mailto:metzler@penfield.org" }

4. A letter from County Executive Maggie Brooks to Supervisor LaFountain was received on August 20, 2010 stating that the Community Block Development Grant application, submitted by the Town was approved for $50,000. The Grant is for the Empire Boulevard sidewalks to allow for handicapped accessibility and for the new park being built opposite Plank Road. Supervisor LaFountain thanked the County Executive and Legislators Drawe and Quatro for their support.

5. The Town Board Work Session and the Planning Board meeting have been moved from Wednesday September 8, 2010 to Tuesday, September 7, 2010 in respect of the Jewish holiday. The Town Board will meet in the Supervisor’s Board Room at 6:00 PM and the Planning Board will meet in the Auditorium at 7:00 PM. The Conservation Board will meet in the lower level conference room at 7:00 PM on that same night.

6. The annual Penfield “Tastin’ the Blues” Festival will be held September 18, 2010 from Noon – 4:00 PM at the Penfield Amphitheater.

7. Councilwoman Kohl’s Community Chat will be held on Tuesday, September 21, 2010 from 5:30 – 7:00 PM at the Penfield Library, 1985 Baird Road. Councilwoman Kohl can be reached by e-mail at { HYPERLINK "mailto:kohl@penfield.org" }

Public Participation

Susan Foor, 1742 Salt Road, stated that the farm families of Penfield are co-sponsoring the Heritage Festival with the Town of Penfield. The Festival will be held on Saturday, October 16, 2010 at Rothfuss Park from 11:00 AM - 3:00 PM. Ms. Foor presented the Town Board with the first Heritage poster at tonight’s Town Board meeting. The painting can be seen on display at the RepARTee Gallery.
(Public Participation - Continued)

Tom Trevett, 47 Canyon Trail, stated he is concerned about the long term effects of Resolution #10T-198 Adoption of a Findings Report for Incentive Zoning Application to Permit the Construction of 27 Single Family Homes and 72 Patio Homes on (1) One Lot Totaling 49.1 Acres. The Parcel is Located at 1229 Fairport Nine Mile Point Road and is to be Known as Abbington Place. The Property is Now or Formerly Owned by Nine Mile Point Road, LLC and is Zoned RA-2. Application #09P-0018, SBL #095.01-1-51, which is on the Agenda this evening. Mr. Trevett extracted several points brought up in the Resolution and asked the Town Board to clarify and answer his questions.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of August 4, 2010 and August 18, 2010, Councilman Moore seconded and all voted "Aye".

Petitions - None

Resolutions by Function

Law and Finance

#10T-195 Appointment of School Tax Collector for the 2010 - 2011 School Year for the Wayne Central School District by Moore

WHEREAS, Section 37 of the Town Law of New York State provides that collection of school taxes in first class towns is the duty of the Town’s Receiver of Taxes & Assessments unless a Resolution is adopted by the Town Board to convey this responsibility to the tax collector appointed by the Board of Education, and

WHEREAS, Penfield is (1) one of (6) six first-class townships within the boundaries of Wayne Central School District, and

WHEREAS, the tax receiver is appointed by the Wayne Central School District as the school tax collector for the Wayne Central School District portion of the Town of Penfield for the 2010 - 2011 school year,

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

Moved: Moore
Seconded: Kohl

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

Adopted

#10T-196 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Deck and Above Ground Swimming Pool Within a Drainage Easement at 120 Rosebud Trail - SBL #094.01-1-27,102 by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a License and Hold Harmless Agreement with Richard J. and Yvonne S. Chinnici, owners of property of 120 Rosebud Trail, to permit a portion of a deck and above ground swimming pool to encroach into a drainage easement to the Town of Penfield.
located at 120 Rosebud Trail, in a form and substance acceptable to the Town Attorney.
(Resolution #10T-196 - Continued)

Moved: Moore  
Seconded: Quinn  

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<td>Quinn</td>
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Adopted  

#10T-197 Authorization to Attend Empire State Animal Protection Forum  
Moved: Moore  
Seconded: Metzler  

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<td>Quinn</td>
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Adopted  

#10T-198 Adoption of a Findings Report for Incentive Zoning Application to Permit the Construction of 27 Single Family Homes and 72 Patio Homes on One Lot Totaling 49.1 Acres. The Parcel is Located at 1229 Fairport Nine Mile Point Road and is to be Known as Abbington Place. The Property is Now or Formerly Owned by Nine Mile Point Road, LLC and is Zoned RA-2. Application #09P-0018, SBL #095.01-1-51 by Moore  
Moved: Moore  
Seconded: Metzler  

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<td>Quinn</td>
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Adopted
Penfield Town Board, September 1, 2010

Road as stated in the letter issued on February 19, 2010 by Supervisor LaFountain. The Board also determined that the lots along the southern border of Parcel A, located on the west side of Fairport Nine Mile Point Road, should be enlarged consistent with R-1-20 zoning to provide a more appropriate transition to the remaining RA-2 parcels to the south.

Board comments and the others contained in the aforementioned letter, the Town Board stated that it would be willing to consider a revised Incentive Zoning application for this property; and

WHEREAS, the Town Board received an amended proposal on February 24, 2010 requesting the construction of 27 single family homes and 72 patio homes on (1) one lot totaling 49.1 acres. The amended proposal included layout revisions providing a minimum of 100’ wide lots along the southern property line to serve as a transition to the adjacent Vendel property, SBL# 095.03-1-10, to the south. Additionally, the revised layout included a stub road to the west, to property known as the Cleary property, SBL# 095.03-1-1.1, and a right-of-way reservation to the south, known as the Vendel property, SBL# 095.03-1-10, in response to the comments received from the public information meeting.

WHEREAS, the Town Board approved Resolution number #10T-129 thereby setting a public information meeting on May 25, 2010 to consider the conceptual plan and to hear all persons interested on the question of the possible construction of 27 single family homes and 72 patio homes on (1) one lot totaling 49.1 acres; and

WHEREAS, on August 15, 2001, the Town Board adopted the Town of Penfield 2000 Comprehensive Plan, which was the subject of a Generic Environmental Impact Statement Review; and

WHEREAS, following the environmental review process, the Town Board, acting as Lead Agency, prepared and adopted a Findings Statement, certifying that the 2000 Comprehensive Plan identified the potential impacts associated with its adoption, balanced all issues and found that the potential impacts associated with the Plan’s adoption were mitigated to the maximum extent practicable; and

WHEREAS, on July 1, 2009, the Town Board adopted the Route 250 Corridor Land Use Analysis which was also the subject of a Generic Environmental Impact Statement Review; and

WHEREAS, the proposed application is consistent with the Draft 2010 Comprehensive Plan recommendations as prepared by the Comprehensive Plan Steering Committee and provided to the Town Board for consideration on April 21, 2010; and

WHEREAS, the application for the Abbington Place subdivision has been reviewed by the Town Board and determined to be within the thresholds of additional density discussed, when coupled with a need for a variety of residential development including a mix of conventional half-acre residential lots and empty-nest/patio homes that include ADA/CAPS designed residences for individuals with disabilities and aging seniors, availability of infrastructure can support such densities, and where impacts to the Webster school system are expected to be negligible;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the application submitted as warranting further consideration pursuant to the amendment to Local Law No. 2 of 1995, adopted by the Penfield Town Board on January 15, 2003;

BE IT FURTHER RESOLVED, that the Town Board hereby determines that the application for 27 single family homes and 72 patio homes merits further consideration which would provide an incentive of an additional density of 1.7 units per acre above that which would be otherwise permitted under RA-2 zoning. The Town Board also determines that the following amenities being offered to the Town are in accordance with Amendment to
Local Law No. 2 of 1995, as established by Resolution No. 66, dated January 15, 2003 merits further consideration, including:

(Resolution #1OT-198 - Continued)

- Necessary financial support and participation in the proposed relief sewer within the Town of Webster, as identified in the sewer capacity study prepared by BME Associates, December 2003 and subsequent preliminary cost data prepared by Schultz Engineering for Visca Homes in the Town of Webster dated August 2009, both on file with the Penfield Sewer Department.

- Provision for sanitary sewer connection to existing adjacent properties located at #1221, 1225, 1267, and 1272 Fairport Nine Mile Point Road.

- The site will be designed to reduce the on site flow to the Angean Drive culverts. The remainder of the site will collect stormwater runoff into (2) two stormwater control facilities based on the watershed limits. The southern pond will be located and designed to allow expansion by future development projects to the south and west. The ponds will be designed to provide water quality in accordance with the NYSDEC requirements and reduce the rate of runoff to reduce downstream flooding and not exceed downstream channel and or pipe capacities.

- The developer shall provide sufficient highway right-of-way reservation along the west side of NYS Route 250 at Marchner Road to provide for future intersection improvements as identified within the Route 250 Corridor Study accepted by the Town Board on July 1, 2009.

- Provide ADA/CAPS designed homes for those with disabilities and/or desire to age in place.

- The developer shall provide cash contribution payment of $3,250 per each lot above the RA-2 conventional yield of the property, that being 77 lots, totaling $250,250 for the specific purpose of designating $150,000 to the Town’s drainage fund and $100,250 to the Town’s highway fund to provide the Highway Department the ability to address public works projects that benefit the Town residents as deemed necessary.

BE IT FURTHER RESOLVED, that the Town Board bases its decision for further consideration on the following findings:

1. The Town Board finds that the application is consistent with recommendations within the Town of Penfield Comprehensive Plan 2000, which supports allowing density increases in areas supported by available infrastructure, particularly in exchange for community benefits.

2. The Town Board finds that the application is consistent with the Town of Penfield Route 250 Land Use Analysis, which identifies the northern segment of Route 250 as being suitable for increased density to (2) two to (4) four units per acre. Further, the project will provide visual screening along Route 250 through the preservation of existing vegetation and allow for over detention of stormwater which will reduce runoff discharge to the Route 250 culvert so as not to increase the rate of runoff into Four Mile Creek.

3. The overall proposed density is 2.2 units per acre. Discounting roadways, the overall density is comparable to an R-1-20 or lower density, which encompasses the development to the north and higher density further north into the Village of Webster. The overall density is consistent with future land use map contained in the draft 2010 Comprehensive Plan.
4. The Town Board recognizes the need for a variety of housing types in Penfield, including lots ranging from 10,000 +/- to 20,000 +/- square feet to provide housing for Penfield’s “empty nesters”, seniors, and individuals with disabilities.

5. The 99 lots are to be serviced by dedicated streets with the majority of the subdivision serviced by a single access point off of Fairport Nine Mile Point Road. The remaining 15 lots will be a cul-de-sac street extending White Spire Lane from the Cranberry Cove subdivision into the development consistent with comments expressed at the public information meetings. The development does accommodate a stub road to the west potentially providing a second access point to Jackson Road and provides for a future right-of-way to the property to the south.

6. The project includes berms and landscaped hedgerows to be installed along the common property lines with adjoining agricultural lands. Existing vegetative buffers will be preserved where possible, and supplemented with new plantings to complete the buffer.

7. The concept plan has been reviewed by the Penfield Planning Board and the Project Review Committee. Site related comments are to be addressed by the applicant in the Preliminary Site Plan stage of this application.

8. Submissions and oral testimony of the applicant and the public.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the applicant to prepare Preliminary Site Plans for review by the Board, its advisory agencies and the public, through a future Public Hearing, on a date to be determined by the Town Board once the site plan application is considered complete.

Discussion: Councilman Moore moved to correct Page 2, Paragraph 12; 1272 Fairport Nine Mile Pt. Road; Amend to 1271 Fairport Nine Mile Pt. Rd.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Works

#10T-199 Authorization for Barton and LoGuidice, PC to Conduct Sewer Capacity Studies as Pursuant to Request for Proposals Issued 8/11/10 by Metzler

WHEREAS, the Town of Penfield is in the process of updating its Comprehensive Master Plan, which has identified the area surrounding the intersection of Atlantic Avenue (S.R. 286) & Fairport Nine Mile Point Road (S.R. 250) as a potential area for Mixed Use – Hamlet Style Zoning, and

WHEREAS, although this area does not currently have sanitary sewer service, there are (3) three sanitary sewer basins in close proximity which could provide service, pending verification of downstream sewer capacity, and
WHEREAS, these sanitary sewer basins serve many thousands of existing Penfield sewer district customers, whom expect reliable service, prudent planning and efficient use of the sanitary sewer system, which serve their properties, and

WHEREAS, to adequately identify current and reserve sewer system capacity and meet the above mentioned expectations, the Town Board has directed the Sewer Department to seek proposals for the development of Sewer Capacity Studies for the three (3) sewer basins which can potentially serve this Mixed Use Zoning Area,

WHEREAS, of the (5) five consultants whom submitted proposals for this work, Barton & LoGuidice, PC was not only the lowest price, but did meet or exceed the requirements outlined within the RFP, and has an extensive track record with flow capacity studies with many other municipalities.

WHEREAS, the funding for these studies and related equipment shall come from the Town General Fund and shall eventually be reimbursed to the Town through future land development projects, which make use of the information and data contained therein.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, acting as Commissioners of the Penfield Consolidated Sanitary Sewer District, and in an effort to provide the rate payers of said sewer district with most reliable service, prudent planning and efficient use system possible, does hereby authorize Barton & LoGuidice, PC to conduct the aforementioned Sewer Capacity Studies in an amount not to exceed $30,700 for the base capacity studies,

BE IT FURTHER RESOLVED, that funding for these studies and related equipment shall come from the Town General Fund - Engineering Fees, which may eventually be reimbursed to the Town through future land development projects, which make use of the information and data contained therein; and to this end, the Town Board hereby directs Town Staff to develop a schedule for equitably apportioning this study and related costs to future development projects within the study areas, and

BE IT FURTHER RESOLVED, that the Town Comptroller, be and hereby is, directed to make the following 2010 budget transfers:

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Moved: Metzler
Seconded: Moore

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

Adopted

Public Safety - None
Community Services

#10T-200 Appointment to the Park and Recreation Advisory Board by Kohl

BE IT RESOLVED, that Liz Letoshko, 1848 Blossom Rd, Rochester, NY 14625, a student at Penfield High School, be appointed to the Penfield Parks and Recreation Advisory Board. Term starting 9/01/10 and ending 6/30/10.

Discussion: Councilwoman Kohl moved to correct the ending date to 6/30/11.

Moved: Kohl
Seconded: Quinn

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

Adopted

#10T-201 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:

Mike Callahan, 35 Winding Country Lane, Spencerport, NY 14559, Square Dance caller for senior fall picnic on 9/10/10 for a fee of $150.00. Voucher to be submitted on 9/15/10.

Debra Damelio, 91 Angel Path, Webster, NY 14580, Instructor for Happy Healthy Snacks 9/22/10 – 12/8/10 for a fee of 80% of program revenues. Vouchers to be submitted on 10/6/10 and 11/17/10.

Lisa Magliato, 8 Oatsfield Circle, Penfield, NY 14526, Instructor for Youth Programs: Apples to Zebras, Busy Bodies and Wiggles, Giggles & Jiggles for a fee of 75% of program revenues. Voucher to be submitted on 10/6/10 and 11/17/10.

Mike Kornrich, 59 Culver Parkway, Rochester, NY 14609, to provide musical entertainment for senior fall picnic on 9/10/10 for a fee of $225.00. Voucher to be submitted on 9/1/10.

Gabe Condon, 56 Woodlyn Way, Penfield, NY 14526 to provide music entertainment Gabe Condon & Blues Inc. for “Tastin’ the Blues” 9/18/10 for a fee of $425.00. Voucher to be submitted on 9/1/10.

Mark Banford, 1534 State Road, Webster, NY 14580, Instructor for fall youth and adult tennis lessons, 9/11/10 – 11/11/10, for a fee of 75% of program revenues. Vouchers to be submitted on 9/15/10, 11/3/10 and 11/17/10.

The following persons to officiate soccer games for the Penfield Recreation Women’s Fall Soccer League, 9/11/10 – 11/6/10, for a fee of $35.00 per game:

Michael Eckert, 34 May St, Rochester, NY 14620
Vitaliano Santoli, 177 Sunny Mill Lane, Rochester, NY 14626
Kathleen Buckley, 71 Valewood Run, Penfield, NY 14526
Offer Sankowski, 58 Pacer Dr, Henrietta, NY 14467
Ilan Sankowski, 18 Terain Dr, Rochester, NY 14618
David Weaver, 14 Brightford Heights Road, Rochester, NY 14610

Vouchers to be submitted 10/20/10.
(Resolution #10T-201 - Continued)

Mike Callahan, 35 Winding Country Lane, Spencerport, NY 14559, Square Dance Presentation - Copy Cats for Heritage Festival, 10/16/10 for a total fee of $100.00. Voucher to be submitted on 9/15/10.

Dan Norton, 30 Creekside Drive, Brockport, NY 14420, Barbershop Quartet - High Hopes for Heritage Festival, 10/16/10 for a total fee of $100.00. Voucher to be submitted on 9/15/10.

Ken Estes, Honey Locust Farms, 90 Maxwell Station, Caledonia, NY 14423, Horse Drawn Hayrides for Heritage Festival, 10/16/10 for a total fee of $500.00. Voucher to be submitted on 9/15/10.

Arthritis Foundation of Rochester, 3300 Monroe Ave. Suite 319 Rochester, NY 14618. Provide senior exercise classes - Tai Chi and Arthritis Exercise for 2010. Vouchers to be submitted with invoice throughout the year for a fee of $32.00 per class. Will also provide Arthritis Foundation Walk with Ease Program for a fee of $70.00 per registered student.

Christina Irvanna, 302 Wexford Pl., Webster, NY 14580, Instructor for Memory Journaling classes to be held on 9/21 & 10/25 for a fee of 75% of class revenue. Voucher to be submitted 9/15 & 10/20.

Usha Shah 688 East Ave. Apt. 7C, Rochester, NY 14607. Instructor for Fall Session of Meditation for Health 10/6 - 11/3 and Meditation for Creativity 10/7 - 11/4, Death, Mystery, Reality, Illusion 10/6 - 11/3, Power of Presence in Relationships 10/6 - 11/3, for a fee of 70% of total revenue.

IATB Consulting, Inc., Guy Prentice, 416 Dagwood Lane, Suite 101, Webster, NY 14580, Instructor for Winter Session Gentle Tai Chi and Instructor for Tai Chi Ch’uan for Health and Relaxation 9/22 - 11/10 for a fee of $60.00 per registered student. Voucher to be submitted on 9/15, 11/3.

Theresa Burns, 49 Sunset Trail, Fairport, NY 14450, Balance in the Home, Guest Lecturer for senior lecture series for a fee of $50.00. Voucher to be submitted on 9/15/10.

Kathleen Lacagnina, 20 Splendor Wood Dr., Penfield, NY 14526, Instructor of Kick Up Your Heels, senior exercise class 9/22 - 10/29 for a fee of $25.00 per registered student. Voucher to be submitted on 10/20/10.


Monroe Community College, Workforce Development, 1000 East Henrietta Road, Rochester, NY 14623, to provide S.A.T. Preparation Classes, 9/12/10 - 11/21/10, for a fee of $195.00 per registered participant per (3) three class session. Vouchers to be submitted at the conclusion of each (3) three class session.

Moved: Kohl
Seconded: Metzler

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

**Old Business** - None

**New Business** - None

**Public Participation**

Tom Cleary, 1250 Jackson Road, spoke about the pond at Angean Drive and the Abbington Place project. Mr. Cleary stated that Resolution #99T-060 was not complied with. Town Attorney Dick Horwitz disagreed.

Supervisor LaFountain stated he will reach out to Mr. Cleary tomorrow and that he has a letter for Mr. Cleary that he would like to hand deliver and go over with him that addresses the items that Mr. Cleary has brought up to the Town Board at several Public Participations.

**Adjournment** - Supervisor LaFountain moved to adjourn the meeting at 8:25 PM.

Amy Steklof
Town Clerk