October 28, 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, November 3, 2010 at 6:45 PM in the first floor board room. This meeting will be an Executive Session to discuss a legal matter and any other business that may come before the Board.

R. Anthony LaFountain
Town Supervisor

Cc: Town Board
Town Clerk
Town Attorney
PCTV
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 –October 6, 2010

VI Petitions

VII Resolutions by Function

Law and Finance
#10T-223 Authorization for Supervisor to Sign General Code Contract
#10T-224 Authorization for Supervisor to Sign Finger Lakes Municipal Health Insurance Trust, Intermunicipal Cooperation Agreement
#10T-225 Authorization for Supervisor to Sign Finger Lakes Municipal Health Insurance Trust, Membership Agreement and Agreement and Declaration of Trust
#10T-226 2010 Budget Amendment-Highway Work at the Monroe Community College
#10T-227 Granting Re-approval of the Arbor Ridge Subdivision-Pride Mark Homes, Inc.
#10T-228 Setting a Public Hearing for Special Permit to Allow a Restaurant with Outdoor Dining at 2135 Five Mile Line Road
#10T-229 Authorization for Supervisor to Sign and Submit Justice Court Assistance Program Grant Application
#10T-230 Setting Public Hearing to Consider Amendments to Article VII of the Zoning Ordinance

Public Works - None
Public Safety – None
Community Services
#10T-231 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, November 3, 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 - The Pledge of Allegiance was led by Ed Lindskoog.

Tom Rothfuss, 1444 Shoecraft Road, representing the Organizing Committee for the Penfield Heritage Festival held on October 16, 2010, thanked all those who contributed to the Heritage Festival and for giving so much of their time to make the festival a success. Mr. Rothfuss thanked the Penfield Town Board, Penfield Parks and Recreation Department and Highway Department for the use of Rothfuss Park and for their support. Mr. Rothfuss also thanked the Friends of the Penfield Public Library, Dayton’s Corners School, the Penfield Heritage Association, George Eastman House, Corbett’s Glen Preservation Group, Penfield Community Victory Garden, Monroe County Sheriff’s Mounted Patrol, East Penfield Baptist Church, Penfield Bicentennial Committee, Spring Valley Greenhouses, Home Depot, Beyond Hardware, Honey Locust Farms, Boy Scouts of the Seneca Waterways Council, High Hopes Barbershop Quartet, Copy Cat Square Dance Club, Penfield High School Bicentennial Club, Girl Scouts Troop #609, East Penfield Homeowners Association, Schutt’s Apple Mill, Bauman’s Farm Market, Gentle’s Farm Market and all the Penfield Farm Families, including Woodwards, Hammanns and the Bramans, Penfield Volunteer Fire Company and Penfield Volunteer Ambulance Corp. Mr. Rothfuss also thanked Linanne Conroy of the Penfield Recreation Department and Sue Foor for the many hours contributed making the festival a success.

Mr. Rothfuss recognized the Penfield Local History Room for keeping Penfield’s past alive and presented Town Historian Kathy Kanauer a check from the proceeds raised at the Heritage Festival to be donated to the Local History Room.

Ms. Kanauer thanked Mr. Rothfuss and stated that all at the Heritage Festival had a wonderful day.

Supervisor LaFountain and the Town Board thanked the Rothfuss Family for the donation of Rothfuss Park and thanked all the Penfield Farm Families for their involvement with the festival and all those who made the festival a success.

Communications and Announcements
1. Councilman Quinn thanked the residents of Penfield for their vote of confidence in electing him to the Penfield Town Board and stated it is an honor to be their representative as Councilman and looks forward to continue working with the Town Board and the Penfield Community. Councilman Quinn also thanked the Town Board and Town Staff for recognizing his ability to serve the Penfield community. Councilman Quinn thanked his wife Michelle and his family for their love and support.

2. Winter safety tips can be found on the Town’s Website at www.penfield.org and clicking on the quick link for Winter and Holiday Safety.

(Communications and Announcements - Continued)

3. Winter parking rules will be in effect from November 15, 2010 to April 1, 2010. No parking is allowed on all roads and highways between 2:00 AM and 7:00 AM. For more information visit www.penfield.org.

4. Backyard 101 will be held Saturday, November 6th from 11:00 AM to 1:00 PM at the Penfield Community Center.

5. Councilwoman Metzler’s office hours will be held on November 22nd from 11:30 AM to 1:00 PM at the Eastway Wegman’s Café.

6. Thursday, November 11th, the Town Offices will be closed in observance of Veteran’s Day and will also be closed on November 25 and 26, 2010 in observance of the Thanksgiving Holiday.

7. The annual all-you-can-eat Pancake Dinner will be held Saturday, December 4th from 5:00 to 7:00 PM at the Penfield Community Center. For advanced tickets, call 340-8655.

8. Councilwoman’s Kohl’s Community Chat will be held Tuesday, November 16th from 5:30 to 7:00 PM at the Penfield Library.

9. Penfield Players Fall Production “The Sunshine Boys” will be held at the Penfield Community Center on November 5, 6, 12, 13, 19 and 20, 2010 at 8:00 PM.

10. “Memories of Penfield” book can be purchased at the Town Clerk’s office, or the Penfield Community Center for $15.00, or (2) two for $24.00.

11. The Local History Room Open House will be held on Sunday, November 7th from 2:30 to 4:00 PM. Regional Archivist for the Rochester Regional Library Council, Dr. Preston Pierce, will speak about the financing of the Union Victory of the Civil War.
12. Councilman Moore introduced the final video clip in the Penfield Valley Business Districts series, The Penfield Valley Business District at the intersection of Penfield Road and Panorama Trail. The video clips have showcased our (6) six Commercial Business Districts and (1) one district of our Farming Community and Farm Markets. The Penfield Valley Business District has expansive retail consisting of 366 acres and 78 parcels. This Business District is also nestled around Irondequoit and Allen’s Creeks. Panorama Trail is the north and south connection into the valley and is known as one of the most traveled Town roads in Monroe County. This business district has mixed zoning of commercial, limited industrial and multiple residential uses. There are miles of nature trails in Ellison Park and Channing Philbrick Park. For more information for future and existing opportunities in this district, contact Jim Costello, Director of Developmental Services, at 340-8642 or costello@penfield.org.

Public Participation

Russell Chimera, 1408 Creek Street, informed the Town Board of his extensive Town of Penfield background. Mr. Chimera stated he has submitted a letter to Supervisor LaFountain in reference to the Super Walmart Project. Mr. Chimera read the letter to the Town Board stating he is opposed to the project.

Supervisor LaFountain thanked Mr. Chimera for the letter and stated it will be part of the permanent Department of Planning file for the Super Walmart Project.

Ed Lindskoog, 18 High School Drive, and member of the Trail’s Committee, stated that on Saturday, November 13th, a pre-dedication hike has been scheduled. Mr. Lindskoog thanked the Town Board for allowing the Committee to conduct the hike.

(Public Participation – Continued)

Mr. Lindskoog also stated that a lot of improvements have been made on the east side of Washington Street where the Mills Trail and Channing Philbrick Park are located. Mr. Lindskoog would like to make sure all improvements made are known by the Town Board and would like the Town to define the Town boundaries in that area.

Supervisor LaFountain thanked Mr. Lindskoog.

Supervisor LaFountain informed Mr. Lindskoog that he was notified by the Scout troop that meets at the Baptist Church that on November 17th they will recognize the 50th Anniversary of that Scout troop.

Rose Hanscom, 145 Anytrell Drive, stated she is following up with her intent to motivate Penfield residents who attend Webster Schools to become active citizens in Penfield. Ms. Hanscom stated she met with Scott Wilcox, the Director of the Social Studies Curriculum for the Webster Central School District, and that he admits improvement in this area is important. He agreed to look at curriculum items that
would involve the Town Board and students in accordance to relevant Town issues. He also introduced an idea that would incorporate citizenship in the Senior Project that is expected of every graduating senior in the Webster School District. This is in the development stage and will involve several meetings, hopefully with Supervisor LaFountain and others who wish to encourage Webster students who live in Penfield and Webster to have an active role in the Town in which they live. Ms. Hanscom hopes that ultimately the students will lead the way. She believes their involvement might encourage parents and neighbors to become involved and therefore be able to identify with their Town as viable citizens and community activists. Ms. Hanscom is excited by Mr. Wilcox’s enthusiasm for promoting citizenship amongst the students and will continue to foster this process.

Supervisor LaFountain stated that he has spoken to Adele Bovard, Superintendent of Schools in Webster, and indicated that there is an open invitation to have students come to the Town Hall for a presentation and for the Town Board to speak to the students at the Webster Schools as well.

Tom Cleary, 1250 Jackson Road, stated he is unhappy that he was unable to obtain his repeat FOIL request pertaining to information on the pond at Angean Drive.

Supervisor LaFountain stated that the Town has received several FOIL requests from Mr. Cleary on this subject, and that a letter from the Town was given to Mr. Cleary informing him that the documents previously given were consistent with the current request presented. Supervisor LaFountain also stated that he had informed Mr. Cleary at a meeting that if there are different documents that Mr. Cleary needs, he should submit a FOIL request then Mr. LaFountain will take a look at it.

Mr. Cleary stated that one of the documents he requested was for all recorded data to date that shows the pond is functioning properly, but that the Town Engineer told the Town Clerk that this document does not exist.

Supervisor LaFountain stated that is correct, and that sometime last June a discussion was held indicating that measuring devices would be placed into the pond which has now been done. Subsequently, it was found that there were some obstructions in the outfall pipe and that work was needed to clean out the pipe. Once the pond was cleaned, measurement readings were taken. The Town Engineer has now recorded the date the measuring devices were placed in the pond, and at least (2) two measurement readings have been taken since then creating a document. Supervisor LaFountain stated he would make a copy of the document to give Mr. Cleary if he requests it.

Mr. Cleary asked if the document indicates that the pond is functioning as designed?

(Public Participation – Continued)
Supervisor LaFountain stated more data is needed to determine that information, but with rain due in the next few days, the Town hopes to see how the pond is functioning.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of October 6, 2010. Councilwoman Metlzer seconded and all voted “Aye”.

Petitions - None

Resolutions by Function

**Law and Finance**

#10T-223 Authorization for Supervisor to Sign General Code Contract by Moore

WHEREAS, the Town of Penfield has invested in organizing, stylizing, and reviewing current Local Laws and Legislation; and

WHEREAS, General Code has been serving the needs of communities for over 45 years, providing a variety of services to more than 2,700 municipal governments throughout the United States.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign a contract with General Code for Town Code revitalization services; and

BE IT FURTHER RESOLVED, that the investment fee of $14,200 be paid in 20% increments over a (3) three year period with an annual maintenance fee of $1,195 paid beginning within the projects second year of the project and forward.

Moved: Moore
Seconded: Quinn

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

#10T-224 Authorization for Supervisor to Sign the Finger Lakes Municipal Health Insurance Trust, Inter-Municipal Cooperation Agreement by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign the Finger Lakes Municipal Health Trust, Inter-Municipal Cooperation Agreement that reflects the current interests of the involved parties, a copy of which is on file with the Town Clerk.
Moved: Moore
Seconded: Quinn

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

Adopted

#10T-225 Authorization for Supervisor to Sign the Finger Lakes Municipal Health Insurance Trust, Membership Agreement and Declaration of Trust by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign the Finger Lakes Municipal Health Insurance Trust, Membership Agreement and Agreement and Declaration of Trust that reflects the current interests of the involved parties, copies of which are on file with the Town Clerk

Moved: Moore
Seconded: Metzler

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

Adopted

#10T-226 2010 Budget Amendment – Highway Work at the Monroe Community College by Moore

WHEREAS, during 2010, the Town Board authorized the Highway Department to contract with the Monroe Community College, and

WHEREAS, during 2010, the Highway Department has completed the resurfacing of the parking lot at the Monroe Community College, and

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

NOW, BE IT RESOLVED, that the following 2010 Budget Amendment be approved for the Highway Funds as follows:

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<tr>
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Moved: Moore
Seconded: Kohl

Vote: Kohl Aye LaFountian Aye
       Metzler Aye Moore Aye
       Quinn Aye Quinn Aye

Adopted

#10T-227 Granting Re-approval of the Arbor Ridge Subdivision – Pride Mark Homes, Inc. by Moore

WHEREAS, on July 15, 2009, in Resolution #09T-149, the Town Board of the Town of Penfield granted an Incentive Zoning Subdivision and Site Plan approval for the Arbor Ridge Subdivision, consisting of 54 townhomes, (2) two skilled nursing homes and a single family residence; and

WHEREAS, Pride Mark Homes, Inc. recorded Phase I of the Arbor Ridge Subdivision, consisting of 32 townhomes within the prescribed 180 days from the date of Town Board approval, but failed to have Phase II, consisting of (2) two skilled nursing residences, and Phase III, consisting of 22 townhomes and a single family residence recorded in the Monroe County Clerk’s Office within that required time frame; and

WHEREAS, Pride Mark Homes, Inc. wishes to commence construction on the (2) two proposed skilled nursing homes in Phase II and is required to record the subdivision plat in the Monroe County Clerk’s Office verifying its previous approval prior to the commencement of construction; and

WHEREAS, New York State Town Law §276 requires that said subdivision must be reapproved prior to the recording of the plat map in the Monroe County Clerk’s Office; and

WHEREAS, the Town Board has determined that no change, amendment or modification has been made to the plat map since its approval on July 15, 2009.

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board hereby REAPPROVES Phases II and III of the Arbor Ridge Subdivision map subject to the requirements set forth in Resolution #09T-149 dated July 15, 2009 and further authorizes the Town Supervisor to sign said subdivision plat for recording purposes upon verification that all of the conditions of the Town Board’s Resolution granting Incentive Zoning approval have been met and satisfied.

Moved: Moore
Seconded: Quinn

Vote: Kohl Aye LaFountian Aye
       Metzler Aye Moore Aye
       Quinn Aye Quinn Aye
WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit pursuant to Article III-3-97 of the Code to allow a sit-down restaurant with outdoor dining at 2135 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 December 1, 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 sit-down restaurant with outdoor dining at 2135 Five Mile Line Penfield Road in the Four Corners (FC) zoning district; and be it further

RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.
NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign a grant application for the State Justice Court Assistance Program for upgrades to the Town of Penfield Courts in an amount not to exceed $30,000 and to be the official representative acting in connection with the application and, as required, executing the contract.

Moved: Moore
Seconded: Kohl

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

Adopted

#10T-230 Setting Public Hearing to Consider Amendments to Article VII of the Penfield Zoning Ordinance by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield will hold a Public Hearing at the Penfield Town Hall, Penfield 3100 Atlantic Avenue, Penfield, New York 14526 on December 7, 2010, at 7:30 PM to consider amendments to Article VII of the Penfield Zoning Ordinance. A Summary of said amendments is attached hereto and made a part hereof as Schedule “A”; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Penfield, acting as lead agency pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and the Penfield Environmental Quality review Law (PEQR) has classified this action as an Unlisted action; and

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is directed to post and publish a notice of said Public Hearing pursuant to Law.

Moved: Moore
Seconded: Quinn

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

Adopted

See Schedule “A” at end of Minutes

Public Works - None
Public Safety - None
Community Services

#10T-231 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:

Dick Stacey, 87 Chappel Hill Drive, Rochester, NY 14617, to provide music entertainment for senior program 12/3/09 for a fee of $250.00. Voucher to be submitted 12/2/02.

Kelly Bilow, 738 Gasberry Lane, Webster, NY 14580, Penfield 5K Training Program Instructor, 10/11/10 – 12/04/10, for the fee of 80% of the program revenue after all supply costs have been deducted. Voucher to be submitted 11/17/10.

Gymnastics Training Center, 2051 Fairport Nine Mile Point Road, Penfield, NY 14526, Gymnastics for Tiny Tumblers and Gymnastics - Beginner, 11/11 – 12/16/10 for a fee of $30.00 per paid participant. Vouchers to be submitted 12/1/10.

Dick Stacey, 87 Chappel Hill Drive, Rochester, NY 14617, to direct the Penfield Pops Band, 9/13/10 – 8/26/11 for a fee of $75.00 per event. Voucher to be submitted every (2) two months.

Cathy Downs, 4 Elmbrook Drive, Pittsford, NY 14534, Director Sporty Sprouts Program, 11/04/10 – 12/16/10 for a fee of 80% of program revenue per session. Voucher to be submitted 12/01/10.

Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business - None

New Business - None

Public Participation

Russell Chimera stated he forgot to mention his family has resided in Penfield for a long time and that his father moved to Penfield at the age of 17 and was a Penfield resident until he passed away at the age of 85. Mr. Chimera stated he and his wife love living on Creek Street and would like to stay in Penfield, but does not want to live next door to a huge Walmart.

Adjournment

Supervisor LaFountain adjourned the meeting at 8:48 PM.

Amy Steklof
Town Clerk