PENFIELD TOWN BOARD MEETING AGENDA
Wednesday, March 16, 2011  7:30 PM
Supervisor R. Anthony LaFountain, presiding

Informal Discussion – Incentive Zoning Proposal at 2014 Five Mile Line Road – Crosstown Construction

I  Call to Order - Pledge of Allegiance - Roll Call

II  Public Participation

III  Additions and Deletions to Agenda

IV  Approval of Minutes –February 16, 2011

V  Petitions

VI  Communications and Announcements

VII  Resolutions by Function

Law and Finance
11T-103  Purchase of Access Control for East and West Doors at Penfield Town Hall Complex
11T-104  Authorization to Attend NYS Town Clerks Association Conference
11T-105  Amending Procurement Guidelines – Established by Resolution #121 of April 1, 1992
11T-106  2011 Sewer Department Budget Transfer – Repair & Renovation Reserve Fund
11T-107  Authorizing Supervisor to sign Service Contract for Tree Removal & Trimming Services with Tom Urkfitz, 1925 Penfield Road
11T-108  Authorization for Supervisor to Abandon a portion of a Sanitary Sewer Easement Located on 488/492 Embury Road, Lots 1, 2 & 3 Qualtrough Station Subdivision

Public Works
11T-109  Advertising for Bids for Highway Department Equipment

Public Safety - None

Community Services
11T-110  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, March 16, 2011 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  
Geoff Benway  Town Engineer  
Jim Costello  Dir. Developmental Services  

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by Ed Lindskoog.

An Informal Discussion was held regarding an Incentive Zoning Proposal at 2014 Five Mile Line Road. The proposal is for the possible construction of (6) six duplex units and other associated improvements on 3.4 +/- acres. The property is owned by Vicky M. Aken and is zoned R-1-15.

Communications and Announcements

1. Loan cupboard items can now be borrowed from the Penfield Volunteer Ambulance, 1585 Jackson Road between the hours of 8:00 AM to 11:00 PM or from the Masonic Service Bureau in the Damascus Shrine Center, 979 Bay Road between the hours of 9:00 AM to Noon, Monday through Friday. For more information please call Town Clerk, Amy Steklof at 340-8629.

2. New dog licensing fees are as follows:
   Spayed/Neutered $10.00
   Unspayed/Unneutered $20.00
   Spayed/Neutered Senior Owner $5.00
   Unspayed/Unneutered Senior Owner $15.00
   For more information call the Town Clerk at 340-8629.

3. The next Town of Penfield Passport Night will be held Thursday, April 7, 2011 from 5:30 to 7:30 PM in the Penfield Town Hall Auditorium, 3100 Atlantic Avenue. For more information call Town Clerk Steklof at 340-8629 or Monroe County Clerk’s Office at 753-1600.

4. Winter parking rules are in effect until April 1st from 2:00 AM to 7:00 AM.

5. Over 100 full length Public, Educational, and Government Access "You Tube" video’s produced by Community Television PCTV can be viewed by residents.

6. Penfield Library celebrates its 10th Annual “March into Arts” month by welcoming Hannah Tinti, author of "The Good Thief", as part of the annual “If All of Rochester Read the Same Book” on Wednesday, March 23, 2011. For more information visit www.penfieldlibrary.org.

7. Please report any large potholes to the Highway Department at 340-8710.

8. On March 14, 2011 the Town of Penfield Assessor’s office moved from 1587 Jackson Road to the Second Floor of the Town Hall, 3100 Atlantic Avenue.
9. Resolution #11T-0098, which was passed on March 2, 2011, in regards to holding an Informal Discussion on April 6, 2011 for Incentive Zoning for the possible construction of 103 single family residents at 1292-B and 1364 Jackson Road has been withdrawn.

10. Supervisor LaFountain presented a Proclamation to Town Clerk, Amy Steklof for her contributions and commitment to the Town of Penfield. Ms. Steklof was chosen by the New York State Town Clerk’s Association Scholarship Committee as a scholarship recipient for attendance to the 2011 Town Clerk’s conference. Ms. Steklof recognizes the Town of Penfield’s support of funding educational expenses and has sought to help offset expenses whenever possible.

11. Penfield’s 2011 Spring Clean up will kick-off on Saturday, April 9, 2011 from 9:00 AM to Noon. “Pick Up the Parks” is a partnership of Monroe County Parks and Sunnking Electronics recycling. Ellison Park in Penfield is included in the Spring Clean up. For more information contact Ryan Loysen at rloysen@monroecounty.gov or (585)-753-7281.

12. Household Hazardous Waste Collection for Penfield and Webster will be held on Saturday, April 16, 2011 from 7:45 AM to Noon at the Town of Webster Highway Garage, 1005 Picture Parkway. Please make an appointment by calling (585)-340-8710.

13. The Penfield Recreation Department will hold a Children’s Egg Hunt on Saturday, April 16, 2011 starting at 10:00 AM, at Rothfuss Park, 1648 Five Mile Line Road. Rain date will be Sunday, April 17, 2011 at 1:00 PM.

14. Penfield Rotary’s Spring Charity Euchre Tournament will be held Sunday, March 20, 2011 at the Sanibel Cottage, 1517 Empire Boulevard. Check in will begin at 1:00 PM. For more information go to www.penfieldrotary.org.

15. Councilwoman Kohl’s next Community Chat will be held on Saturday, April 9, 2011 from 9:00 AM to 10:30 AM at Bruegger’s Bagels, Panorama Plaza, 1601 Penfield Road.

Public Participation

Gloria and Angelo Battaglia, 76 Woody Lane asked the Town Board for help with getting the abandoned house next to their property at 68 Woody Lane up to code. The Battaglias have been trying to sell their property for over (1) one year, but potential buyers are turned off by the condition of the abandoned house making it impossible to sell their home.

Supervisor LaFountain stated that the Town has been pursuing and will continue to pursue all legal means to get the property in question up to code.

Neil Baisch, 43 Woody Lane stated he is also concerned with the condition of the abandoned house at 68 Woody Lane and would like to work with the Town Attorney and his private attorneys to possibly foreclose on the house. He feels that more may be accomplished through private litigation.

Supervisor LaFountain asked Mr. Baisch to call him tomorrow to discuss the matter further.

Ed Lindskoog, 18 High School Drive stated that the sidewalk mats that were installed along High School Drive have been damaged by the sidewalk plows and need to be repaired as soon as possible so that they do not present a tripping hazard.
Supervisor LaFountain stated the mats are a County project and that the Town has offered to work with the County Department of Transportation to make the repairs.

Debbie Drawe, 5 Cobblestone Crossing stated she has spoken with Geoff Benway, Town Engineer about the damaged sidewalk mats and that Mr. Benway has suggested replacing the mats with non-skid bricks. Mr. Benway is planning to bring this suggestion to the Town Board for further discussion.

Legislator Drawe highlighted some of the County initiatives which included the Hazardous Waste Drop-off, County cleanup and this year’s Youth Awards.

Legislator Drawe congratulated Town Clerk, Amy Steklof for receiving the New York State Town Clerk Association Scholarship Award.

Legislator Drawe and Legislator Quatro’s next office hours will be held Monday, April 4, 2011 at the Penfield Community Center from 6:00 to 8:00 PM. They can be reached on the www.monroecounty.gov website or by phone at 586-6284.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of February 16, 2011. Councilwoman Metzler seconded, and all voted “Aye.”

Petitions

The Town received a petition regarding a request for a sidewalk along Baird Road from the intersection of Penfield Road and NYS Route 441 south to the Perinton Town line.

The Town also received a petition requesting mandatory and immediate cleanup of property at 68 Woody Lane.

Resolutions by Function

Law and Finance

#11T-103  Purchase of Access Control for East and West Doors at Penfield Town Hall Complex by Moore

WHEREAS, the Town Board requested that proposals be obtained to allow access control for the East and West Doors at the Penfield Town Hall Complex, and

WHEREAS, the Day Automation provided the Access Control security needed for the East and West Doors at the Penfield Town Hall Complex, and

WHEREAS, the funds for said purchase are allowed from the General Reserve Fund subject to Permissive Referendum, and

BE IT RESOLVED, that the following 2011 Budget Amendment be approved as follows:

<table>
<thead>
<tr>
<th>General Fund Appropriations</th>
<th>Amount</th>
<th>Revised Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town Hall Facilities-Access Control</td>
<td>$6,000</td>
<td>$6,000</td>
</tr>
<tr>
<td>General Reserve Funds-Equipment</td>
<td>$6,000</td>
<td>$103,200</td>
</tr>
</tbody>
</table>
NOW, THEREFORE BE IT RESOLVED, that the Director of Parks and Facilities be and hereby is authorized to purchase said equipment, and

BE IT FURTHER RESOLVED, that this Resolution is adopted subject to a Permissive Referendum and the Town Clerk be and hereby is directed to publish and post a Notice in the manner prescribed by Law.

Moved: Moore
Seconded: Kohl

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

Adopted

#11T-104 Authorization to Attend NYS Town Clerks Association Conference By Moore

WHEREAS, the New York State Town Clerks Association’s 29th Annual Conference has been scheduled at the Adam’s Mark Hotel in Buffalo, New York, May 1 through May 4, 2011, and

WHEREAS, this conference provides training and educational opportunities for Town Clerks including education credits for Registered Municipal Clerks, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk, Amy M. Steklof and Deputy Clerk, Lisa Grosser are hereby authorized to attend the 2011 New York State Town Clerks Association Conference and the funds to attend this conference are included in the Town Clerk 2011 Budget.

Moved: Moore
Seconded: Quinn

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

Adopted

#11T-105 Amending Procurement Guidelines – Established by Town Board Resolution 121 of April 1, 1992 by Moore

WHEREAS, New York State General Municipal Law, Article 5-A, §104-b requires the governing board of every political subdivision of New York State to adopt certain internal policies and procedures to govern procurement of goods and/or services, not subject to competitive bidding requirements of §103, and

WHEREAS, Town Board Resolution of 121, of April 1, 1992 did establish said Procurement Guidelines, and

WHEREAS, §104-b also requires the governing board to periodically review these guidelines to insure their applicability to operations and compliance with General Municipal Law, and

WHEREAS, in an effort to keep these Procurement Guidelines updated and compliant with recent changes to §103 and §104-b the Town Board desires to hereby amend said Procurement Guidelines.

NOW, THEREFORE, BE IT RESOLVED, in an effort to keep the Town’s Procurement Guidelines updated and compliant with General Municipal Law the Town Board hereby adopts the following amendments to said Guidelines:
Guideline 2 - All purchases of a) supplies or equipment which will exceed $20,000 or b) public works contracts exceeding $35,000, within a fiscal year shall be let for competitive bidding, pursuant to GML, Article 5-A, §103.

Guideline 3 – All purchases of supplies or equipment estimated to be less than $20,000 but greater than $10,000 shall require a written Request for Proposals (RFP), supported by either a written, fax or digital document quotation from at least three (3) vendors. Those less than $10,000 but greater than $3,000 shall require a verbal or written Request for Proposals, supported by either a written, fax or digital document quotation from at least three (3) vendors. Those less than $3,000 are left to the discretion of the purchaser, but it is the Town Board’s desire that the purchaser perform due diligence to compare quotations from at least two (2) vendors to insure the lowest possible price.

All estimated Public Works Contracts of less than $35,000 but greater than $10,000 shall require a written Request for Proposals (RFP), supported by written, fax or digital document quotation from at least three (3) perspective contractors. Those less than $10,000 but greater than $3,000 shall require a verbal or written Request for Proposals, supported by either a written, fax or digital document quotation from at least three (3) contractors. Those less than $3,000 are left to the discretion of the purchaser, but it is the Town Board’s desire that the purchaser perform due diligence to compare quotations from at least two (2) vendors to insure the lowest possible price.

BE IT FURTHER RESOLVED, that all other provisions and guidelines contained within the original Procurement Guidelines are still relevant to current Town operations and compliant to New York State General Municipal Law.

Moved: Moore
Seconded: Metzler

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

Adopted

#11T-106 2011 Sewer Department Budget Transfer - Repair & Renovation Reserve Fund

WHEREAS, the Sewer Department desires to improve reliability and maintenance of the Extension 19 Pump Station, by adding mixers to both wet wells in an effort to reduce the accumulation of grease, and

WHEREAS, the Sewer Department has researched the type of equipment necessary to achieve this end, and has also visited other municipalities to gain the knowledge of their experiences with this type of equipment, and

WHEREAS, there are only (2) two widely recognized manufacturers of this type of mixing equipment for wastewater that are being used in this area, which are ITT - Flygt and KSB Amamix, and

WHEREAS, based on written quotations for this equipment from (2) two vendors the quotation submitted by ITT-Flight in the amount of $10,720.00 was not only the lower of the (2) two but is also the equipment of choice of the Sewer Department, and

WHEREAS, installation of this equipment will be managed by the Sewer Department with assistance from C.P. Ward, Inc. whom are currently on Monroe County Contract for hourly construction & maintenance service which is estimated not to exceed $5,000, and

Moved: Moore
Seconded: Metzler

Vote: Kohl Aye Metzler Aye Moore Aye

Adopted
WHEREAS, these expenditures were not budgeted within the 2011 Sewer Department Operating Budget, are to be funded through the Sewer Repair & Renovation Reserve Fund, and

NOW, THEREFORE, BE IT RESOLVED, that the Comptroller be and hereby is authorized to make the following 2011 Sewer Department Budget Transfers, as follows:

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<th>Sewer Fund Revenues</th>
<th>Amount of Increase</th>
<th>Revised Budget Amount</th>
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</thead>
<tbody>
<tr>
<td>13-1000-6000-0001</td>
<td>$16,000</td>
<td>$16,000</td>
</tr>
<tr>
<td>(Repair &amp; Renovation Reserve Fund)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sewer Fund Appropriations</th>
<th>Amount of Increase</th>
<th>Revised Budget Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>13-8120-0003-3000</td>
<td>$16,000</td>
<td>$16,000</td>
</tr>
<tr>
<td>(General Repairs)</td>
<td></td>
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</tbody>
</table>

BE IT FURTHER RESOLVED, that this 2011 budget transfer from the Sewer District - Repair & Renovation Reserve fund is subject to a 30-day Permissive Referendum, and that the Town Clerk be and hereby is directed to advertise this Permissive Referendum in the manner prescribed by Law.

Moved: Moore
Seconded: Kohl

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

Adopted

#11T-107 Authorizing the Town Supervisor to a sign Service Contract for Tree Removal & Trimming Services with Tom Urkfitz, 1925 Penfield Road, Penfield, NY 14526 by Moore

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

BE IT FURTHER RESOLVED, that this contract is an annual contract allowing us to utilize the services of Thomas E. Urkfitz, and does not obviate any of the requirements of the Town’s Procurement Guidelines to seek the lowest possible price for intended work.

Moved: Moore
Seconded: Quinn

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

Adopted

#11T-108 Authorization for Supervisor to Abandon a portion of a Sanitary Sewer Easement, Located on 488/492 Embury Road, Lots 1, 2 & 3 Qualtrough Station Subdivision by Moore

WHEREAS, the Town of Penfield was conveyed certain rights under a Sanitary Sewer Easement, filed under Liber 8365, Page 0695 of Deeds, which existed on the properties formerly known as 488/492 Embury Road, Tax I.D. 108-12-01-44.3, and

WHEREAS, a portion of this sanitary sewer easement, described in Schedule-A and shown on Exhibit 1, is no longer needed by the Town of Penfield, whereas the sewer once contained within this portion has been relocated within a new easement filed under Liber 10103, Page 272 of Deeds, and
WHEREAS, the owners of property which is encumbered by this portion of the easement have asked that the Town relinquish its rights unto that portion of the easement described above and file a formal abandonment of the same.

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to execute the necessary documents which will formally relinquish the rights of the Town of Penfield and formally abandon that portion of the sanitary sewer easement filed under Liber 8365, Page 0695 of Deeds and as described in Schedule-A and shown on Exhibit-1.

BE IT FURTHER RESOLVED, that this Resolution and appropriate documents for said abandonment be filed in the Office of the Monroe County Clerk.

Moved: Moore
Seconded: Metzler

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

Adopted

See Schedule "A" at end of Minutes

Public Works

#11T-109 Advertising for Bids for Highway Department Equipment
   By Metzler

BE IT RESOLVED, that the Highway Superintendent, be and hereby is authorized to advertise in the manner prescribed by Law for sealed proposals to furnish the Town of Penfield Highway Department the following:

(One) New Rubber Tired Hydraulic Excavator

BE IT FURTHER RESOLVED, that the equipment covered by such proposals shall be in accordance with specifications prepared by the Highway Superintendent. Sealed proposals are to be received in the office of the Town Clerk until 11:00 AM Local time Thursday April 7, 2011 and there and then are to be opened by the Town Clerk.

Moved: Metzler
Seconded: Moore

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

Adopted

Public Safety - None

Community Services

#11T-110 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:

(Resolution #11T-110 – Continued)

Ed Porto, 97 Keyel Drive, Rochester, NY 14625, Co-Director of Sports ABC’s for Tots Program, 3/5/11 – 3/26/11, for the fee of 40% of program revenues after all expenses have been deducted. Voucher to be submitted 4/06/11.

Mark Vogt, 3217 Pine View Drive, Walworth, NY 14568, Co-Director of ABC Sports for Kids, 3/5/11 – 3/26/11, for the fee of 40% of program revenues after all expenses have been deducted. Voucher to be submitted 4/06/11.

Richard Hughson, 183 Edgeland Street, Rochester, NY 14609, Director, Penfield Players Melodrama Production, performance dates – May 6, 7, 13, 14, 20, and 21, 2011 for a total fee of $200.00. Voucher to be submitted 4/20/11.

Rosy Palermo Moon, 110 Calhoun Ave., Rochester, NY 14606, Producer, Penfield Players Melodrama Production, performance dates – May 6, 7, 13, 14, 20, and 21, 2011 for a total fee of $100.00. Voucher to be submitted 4/20/11.

Stephen Wegman, 45 Holcroft Road, Rochester, NY 14612, Stage Manager, Penfield Players Melodrama Production, performance dates – May 6, 7, 13, 14, 20, and 21, 2011 for a total fee of $100.00. Voucher to be submitted 4/20/11.

Monroe Community College, Workforce Development, 1000 East Henrietta Road, Rochester, NY 14623, to provide S.A.T. Preparation Classes, 4/3/11 – 5/22/11, for a fee of $195.00 per registered participant per three class session. Vouchers to be submitted at the conclusion of each three class session.

Kim Perkins, 3460 Woodlands Circle, Macedon, NY 14502 to provide entertainment “Boomerang Club” for Kids Fest on 7/28/11 for a fee of $500.00. Voucher to be submitted 7/6/11.

Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business – None

New Business – None

Public Participation – None

Adjournment

Supervisor LaFountain adjourned the meeting at 9:25 PM.

Amy Steklof
Town Clerk
All that tract or parcel of land situate in Lots 1, 2 & 3 of the Qualtrough Station Subdivision, Town of Penfield, Monroe County, Township 13, Range 4 and is more particularly described as follows:

Starting at a point described as the northwest property corner of Lot #1 of the Qualtrough Station Subdivision; thence commencing S 64° 45’00”E, a distance of 79.99 feet to a point described as the Point of Beginning; thence,

1)   N 31°15’00”E, a distance of 77.90 feet to a point; thence

2)   N 64°45’00”E, a distance of 100.25 feet to a point; thence

3)   N 09°45’00”W, a distance of 103.00 feet to a point, which more or less lies on the south line of an existing sanitary sewer easement; thence

4)   Easterly along the south line of the existing sanitary sewer easement approximately 22.00 feet to a point where a line which is parallel and offset 20.00 feet East to course #3, intersects said south line of the existing sanitary sewer easement; thence

5)   S 9°45’00”E, a distance of 103.00 feet to a point; thence,

6)   S 64°45’00”E, a distance of 92.16 to a point; thence,

7)   N 46°15’00”E, a distance of 105.51 to a point; thence,

8)   S 43°45’00”E, a distance of 20.00 to a point; thence,

9)   S 46°15’00”W, a distance of 113.68 to a point; thence,

10)  S 31°15’00”W, a distance of 82.58 to a point; thence,

11)  N 64°45’00”W, along a line which is offset 5.00 feet to the north of the north lines of lot #1 of the Qualtrough Station Subdivision, a distance of 20.00 feet to the point of beginning.

Intending to describe a portion of a sanitary sewer easement, filed under Liber 8365, Page 0695 of Deeds, said portion which lies generally north of a line which is offset 5.00 feet north and parallel to the north line of lot #1 of the Qualtrough Station Subdivision.
Map showing a section of the existing sanitary sewer easement in connection with an application for a drainage easement.

Exhibit #1