PENFIELD TOWN BOARD AGENDA

Wednesday, May 4, 2011 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 –April 6, 2011

VI Petitions

VII Resolutions by Function

Law and Finance
#11T-119 Authorize Town Comptroller to Attend PERMA Annual Meeting
#11T-120 2011 Budget Amendment-Harris Whalen Park Trail Memorial Bench
#11T-121 Authorize Supervisor to Sign Contract with Monroe County Sheriff’s Office for Fuel Purchase
#11T-122 Appointment of Temporary Members to the Board of Assessment Review
#11T-123 Guon Corporation Tax Certiorari Settlement
#11T-124 Authorization for Town’s Safety Coordinator to Attend PERMA Annual Conference
#11T-125 Approval of an Incentive Zoning Application and Preliminary and Final Subdivision and Site Plan Approval to Allow 99 Single Family Homes on 49.1 Acres at 1229 Fairport Nine Mile Point Road known as Abbington Place.
#11T-126 Setting Public Hearing for Establishment of Abbington Place Subdivision – Intensified Lighting District
#11T-127 Setting Public Hearing for Establishment of Extension No. 50 to the Penfield Consolidated Sanitary Sewer District – Abbington Place Subdivision – Intensified Sidewalk District
#11T-128 Setting Public Hearing for Establishment of Abbington Place Subdivision – Intensified Sidewalk District
#11T-129 Recognizing May 2011 as National Preservation Month

Public Works
#11T-130 Authorization to Attend 2011 New York State GeoSpatial Summit
#11T-131 Awarding Contract for One New Rubber Tired Excavator
#11T-132 Authorization for Supervisor to Execute a License and Hold Harmless Agreement with the Owner(s) of 28 Whitespire Lane, Fence Encroachment into a Storm Sewer Easement
The Regular meeting of the Penfield Town Board was held on Wednesday, May 4, 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  
Linanne Conroy  Assistant Recreation Director  
Jim Costello  Director Developmental Services  
Mark DiFrancesco  Superintendent of Sewers  
Kathy Kanauer  Town Historian

Absent:  
Richard Horwitz  Town Attorney

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by boy scouts from Troop #230 and cub scouts from Pack #230.

Supervisor LaFountain announced that the Town received a Special Event Award for the October 2010 Penfield Heritage Festival and recognized, thanked and congratulated those associated with the festival.

Councilwoman Metzler announced that the students from Harris Hill Elementary School in Mrs. Gorman’s and Mr. Hershey’s 5th Grade class were given the opportunity to name the Penfield Sewer Camera. The students held an election and the name “PIPER” was chosen. Councilwoman Metzler presented each class with a Certificate of Recognition.

Mark DiFrancesco, Superintendent of Sewers thanked the Harris Hill 5th grade classes for taking an interest in our Town operations and specifically their interest in Sewer maintenance.

PCTV ran a short film of the sewer camera as Mr. DiFrancesco explained how it works.

Supervisor LaFountain recognized scouts from Troop #230 that are working on their “Citizenship in the Community” merit badge.

Supervisor LaFountain also mentioned, he and Councilman Moore attended an Eagle Scout ceremony this past Sunday and encouraged all scouts to work towards receiving their eagle.

Bruno Winterman, Senior Patrol Leader for Boy Scout Troop #230, recognized Rick Monczyski for his contribution to scouting, our community and the Nation. He is currently serving in the United States Army Reserves at Fort Dix and will be leaving shortly for an 18 month Tour of Duty in Afghanistan.

Communications and Announcements

1. On Tuesday, April 26, 2011 Cub Scout Den #4 of Pack #80 out of the Indian Landing Elementary School visited the Town Hall for a tour of the Town offices and to learn about Town government.

2. Anyone who would like to have their cell phone number included in the small local phone book of Penfield and Webster listings should contact Laurie O’Connell, owner/operator of L & C Publishing, Inc. at (585) 202-7564.

3. Mobile DMV has been cancelled at the Town Hall for Tuesday, May 24th and will resume its Tuesday services at the Town Hall on May 31, 2011.
(Communications and Announcements – Continued)

4. The Jackson Road Shoulder Reconstruction Project will continue until August. Crews are working on existing storm sewers and various drainage modifications before adding an expansion to the shoulders along Jackson Road, between Jackson Road Extension and Atlantic Avenue, and also between State Road and Ridge Road.

5. On Thursday, May 5, 2011, the Ginna Power Plant will conduct a (4) four minute siren test between 9:45 AM and 10:00 AM.

6. The Young Open and Honest Players (YOHP) are looking for student musicians to play for the summer production of "The Mystery of Edwin Drood." To arrange for an audition, musicians should call the Penfield Recreation Department at 340-8664. The production is scheduled for August 11 - 13, 2011 at the Penfield High School.

7. The Penfield Trails Committee will sponsor a free public hike at Harris Whalen Park off of NYS Route 441 across from Wegmans on Saturday, May 7, 2011 beginning at 9:00 AM.

8. The annual, International "Pilates Day" free community event will be held on Saturday, May 7, 2011 from 9:00 - 10:00 AM at Penfield Recreation, 1985 Baird Road. This event is for ages 13 and up.

9. The Town of Penfield’s annual Memorial Day Ceremony will be held on Monday, May 30, 2011 at 10:30 AM in the Veteran’s Memorial Park at the Amphitheater/Kiwanis stage. If you would like to participate in the “Presentation of Roses,” call Sabrina Renner at Penfield Recreation, 340-8651.

10. Supervisor LaFountain received a letter from Mike Garland, Director of Monroe County Department of Environmental Services that referred to the Household Hazardous Waste Collection event held on April 16, 2011. The cost of the event was $13,000, paid by Monroe County with the Town of Penfield and Town of Webster providing the labor and the site. 334 residents were served and 9.63 tons of hazardous material was collected and properly disposed.

11. Supervisor LaFountain presented a Proclamation for May 2011 Building Safety Month, and recognized the Town’s Building and Zoning and Fire Marshal offices for all the hard work they do. The Proclamation will be posted on the Town’s website.

12. Penfield’s Annual Spring Cleanup day will be held Saturday, May 7, 2011 from 9:00 AM to Noon at the Penfield Community Center. To register call Penfield Recreation at 340-8655.

13. Electronics Recycling day will be held Saturday, May 7, 2011 from 9:00 AM to 2:00 PM at the Penfield Highway Garage, 1607 Jackson Road. This event is in partnership with Sunnking Electronics. The list of accepted items is available at www.sunnking.com.

14. The Penfield Little League Opening Day Parade will be held Saturday, May 7, 2011 at 9:00 AM in the Veteran’s Memorial Park.

15. The Penfield Players Spring Play “Horse Scents” will be held on May 6, 7, 13, 14, 20 and 21 at 8:00 PM in the Penfield Community Center, 1985 Baird Road. For more information call (585) 340-8655 or go to www.penfieldplayers.org.

16. Councilwoman Kohl’s next Community Chat will be held Tuesday, May 17, 2011 from 5:30 PM to 7:00 PM at the Penfield Public Library, 1985 Baird Road.
17. Penfield’s Spring Drop-Off continues Thursday and Friday, May 12 and 13, 2011 from 9:00 AM to 7:00 PM, and Saturday, May 14, 2011 from 9:00 AM to 4:00 PM at the Penfield Highway Garage, 1607 Jackson Road. Volunteers of America will be there as well. More information can be found on the Town’s website at www.penfield.org.

18. The Penfield Symphony Orchestra POPS concert will be held Saturday, June 4, 2011 at 4:00 PM at the Penfield Amphitheater.

Public Participation

Ed Lindskoog, 18 High School Drive announced, as a member of the Trails Committee, volunteers are needed to maintain the trails. The first day to volunteer will be on Wednesday, May 11, 2011 beginning at 9:00 AM at Harris Whalen Park.

Dave Woodward, 1530 Harris Road stated that residents of East Penfield appreciate the Town’s cleaning of the Commission Ditch.

Additions and Deletions to Agenda – None

Approval of Minutes

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

Petitions

The Town received a Petition against sidewalks on the west side of Baird Road which is between NYS Route 441 and the Perinton Town Line.

Resolutions by Function

Law and Finance

#11T-119 Authorize Town Comptroller to Attend PERMA Annual Meeting by Moore

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

WHEREAS, the PERMA Board Meeting will be held on May 25, 2011 at Bolton Landing, New York and is paid fully for mileage and hotel expenses by PERMA, and

WHEREAS, the PERMA annual conference will be held on May 26, 2011 at Bolton Landing, New York and is paid fully for mileage and hotel expenses by PERMA, and

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

Moved: Moore
Seconded: Kohl

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

Adopted
Penfield Town Board, May 4, 2011

#11T-120  2011 Budget Amendment-Harris Whalen Park Trail Memorial Bench
By Moore

WHEREAS, during 2011, the Town of Penfield received donations for the Harris Whalen Park Trail Memorial Bench, and

WHEREAS, during 2011, the Town of Penfield Trail Committee and Advisory Board wanted to name the bench after Ann Britt, 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 2011 Budget Amendment be approved for the General Funds as follows:

**General Fund Revenue:**

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<th>Descriptions</th>
<th>Amount</th>
<th>Revised Amount</th>
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**General Fund Appropriations:**

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<tr>
<td><strong>Total</strong></td>
<td>$1,100</td>
<td>$1,200</td>
</tr>
</tbody>
</table>

Moved: Moore
Seconded: Quinn

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

Adopted

#11T-121  Authorize Supervisor to Sign Contract with Monroe County Sheriff’s Office for Fuel Purchase
By Moore

WHEREAS, the County of Monroe and the Town of Penfield previously entered into an Agreement, whereby the Town of Penfield agreed to provide fuel services to the Monroe County Sheriff’s Department at the Highway Department located at 1607 Jackson Road, and

WHEREAS, the County and Town of Penfield wish to amend the said Agreement to extend the term for a period from September 1, 2011 through August 31, 2012, and

NOW, BE IT RESOLVED, that the Supervisor is authorized to sign the contract for the extension of the terms with the Monroe County Sheriff’s Department located at 130 South Plymouth Avenue in Rochester, NY.

Moved: Moore
Seconded: Metzler

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

Adopted

#11T-122  Appointment of Temporary Members to the Board of Assessment Review
By Moore

WHEREAS, each year the Town of Penfield Board of Assessment Review meets, in accordance with the New York State Real Property Tax Law, to hear grievances on assessments, and
(Resolution #11T-122 - Continued)

WHEREAS, Article 5, Section 523-a of the New York State Real Property Tax Law allows the legislative body of any local government, in any year deemed necessary, to appoint temporary members to the Board of Assessment Review to serve as administrative hearing panel members as provided, and

WHEREAS, in recent years the number of grievances heard by the Board of Assessment Review has increased to the point where it is necessary to have temporary members appointed according to Article 5, Section 523-a of the New York State Real Property Tax Law, and

WHEREAS, the Town Board of Penfield, in order to facilitate the assessment grievance process, deems it necessary to appoint temporary members to the Board of Assessment Review,

NOW, BE IT THEREFORE RESOLVED, that the Town Board of Penfield appoints the following Penfield residents to serve a one (1) year term as temporary members of the Board of Assessment Review as provided in Section 523-a of the New York State Real Property Tax Law. The term shall commence on October 1, 2010 and shall end on September 30, 2011.

Robert J. Salvage, 37 Tree Brook Dr., Rochester, NY 14625

Moved: Moore
Seconded: Kohl

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

Adopted

#11T-123 Guon Corporation Tax Certiorari Settlement by Moore

WHEREAS, GUON CORPORATION, heretofore commenced proceedings against the Board of Assessment Review and the Assessor and other respondents for a review of the Assessment for the years 2008/2009, 2009/2010 and 2010/2011 for the premises known as 1850 Empire Boulevard (tax map number 093.02-1-23.2) and 2191 Penfield Road (tax map number 140.01-2-1.1); 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 to be set forth in the Stipulation of Settlement and Order of the Supreme Court to be filed upon completion 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 GUON CORPORATION, for the years 2008/2009, 2009/2010 and 2010/2011 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 upon obtaining such approval, the Assessor of the Town of Penfield be and hereby is directed to make the necessary adjustments to the Town of Penfield Assessment Rolls to reflect the terms of such settlement.
Penfield Town Board, May 4, 2011

(Resolution #11T-123 - Continued)

Moved: Moore
Seconded: Quinn

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

Adopted

#11T-124  Authorization for Town’s Safety Coordinator to Attend PERMA Annual Conference by Moore

WHEREAS, the PERMA Annual Member Conference will be held on May 26, 2011 at Bolton Landing, New York, and
WHEREAS, this annual conference is paid fully for mileage and hotel expenses by PERMA, and
THEREFORE, BE IT RESOLVED, that the Town’s Safety Coordinator, Mark DiFrancesco be authorized to attend the PERMA Annual Member Conference at no cost to the Town of Penfield.

Moved: Moore
Seconded: Metzler

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

Adopted

#11T-125  Approval of an Incentive Zoning Application and Preliminary and Final Subdivision and Site Plan Approval to Allow 99 Single Family Homes on 49.1 Acres at 1229 Fairport Nine Mile Point Road known as Abbington Place by Moore

WHEREAS, the Town Board received an application for Incentive Zoning on September 2, 2009 for the construction of 14 single family homes, 95 patio lot, 160 for sale residential townhomes, (1) one existing residence, and 72 acres of open space for Town dedication on (4) four parcels totaling 152.6 acres; and
WHEREAS, the Town Board approved Resolution number #09T-191 thereby setting a Public Information meeting on December 2, 2009 to consider the conceptual plan and to hear all persons interested on the question of the possible construction of 14 single family homes, 95 patio homes, 160 townhouse units, (2) two exception parcels, 72+/− acres of open space, and other associated improvements on (4) four lots totaling 152.6 +/− acres; and
WHEREAS, the Town Board determined that the then proposed 160 townhouse units on the east side of Fairport Nine Mile Point Road was too dense and that the combination of single family residential, including patio home lots, are appropriate for the west side of Fairport Nine Mile Point 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 99 single family 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 through the conceptual plan review Public Information meeting; and

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 99 single family homes on (1) one lot totaling 49.1 acres; 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 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 Route 250 Corridor Land Use Analysis and Traffic Study 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 and Traffic Study which were also the subjects 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 the adoption of said plan on February 2, 2011; 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 and availability of infrastructure that can support such densities;

WHEREAS, an application has been received by the Penfield Town Board, under Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law, to consider the application for Incentive Zoning and Preliminary and Final Site Plan and Subdivision Approval under Articles VIII-8-2 and XI-9-2 of the Code to allow 99 single family homes on 49.1 acres and located at 1229 Fairport Nine Mile Point Road; and

WHEREAS, on September 1, 2010, in Resolution No. #10T-198 the Town Board adopted of a Findings Report for the Incentive Zoning Application for the proposed 99 single family homes on 49.1 acres, located at 1229 Fairport Nine Mile Point Road, identifying the Incentives acceptable to the Town Board; and
WHEREAS, the Town Board of the said Town of Penfield held a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on March 2, 2011, at 7:30 PM on said date, to consider the application and hear all persons interested on the question of the issuance of Incentive Zoning Approval and Preliminary and Final Site Plan and Subdivision Approval to allow 99 single family homes on 49.1 acres, located at 1229 Fairport Nine Mile Point Road, and the Public Hearing was closed and decision was reserved; and

WHEREAS, the Penfield Town Board acting as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and the Penfield Environmental Quality Review Law (PEQR) has classified this proposal as an Unlisted Action and the Town Board hereby determines that this action will not result in a significant adverse environmental impact; and

NOW, THEREFORE, BE IT RESOLVED that the subject application for Incentive Zoning, Preliminary Overall Subdivision and Site Plan approval for 99 single family homes and Final Subdivision and Site Plan and Subdivision approval for 29 residences in phase I of the development, be and the same are hereby APPROVED subject to the following conditions:

1. The applicant shall be responsible for providing the amenities outlined in the Town Board’s Findings Statement Resolution No. #10T-198 dated September 1, 2010 which identified them as follows:
   • 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 1271 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 storm water runoff into (2) two storm water control facilities based on the watersheds limits. The southern pond will be located and designed to allow expansion by future development project 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.
   • 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.

2. Compliance with or agreements reached on the recommendations of the Penfield Project Review Committee’s memo dated February 18, 2011 and April 27, 2011, except as otherwise provided herein. Obtaining the signature of the Town Engineer indicates compliance with this requirement.
3. Compliance with or agreements reached on all of the engineering requirements in the Town Engineer’s memo dated March 9, 2011. Obtaining the signature of the Town Engineer indicates compliance with this requirement.

4. Compliance with the comments concerning this application from the Development Review Committee as contained in Monroe County Department of Planning’s Referral #PN10-492S, dated January 20, 2011, except as otherwise provided herein.

5. Compliance with all requirements of the Town of Penfield Design and Construction Specifications, revised April 14, 2010.

6. The applicant shall provide the Town of Penfield with a copy of all applicable permits, including copies of highway work permits from NYSDOT.

7. Submission of all easements to implement the approved plan. Easements shall be submitted in the Town’s format and accompanied by the required filing fees prior to obtaining the signature of the Director of Developmental Services on the final site plan.

8. Compliance with the Town of Penfield’s Street Tree Planting Policy and Sidewalk Policy.

9. The final grading plan shall contain a full schedule of erosion control implementation, temporary and permanent seeding details, topsoil stockpile areas, construction sequence, and other applicable measures deemed appropriate by the Town Engineer.

10. The finished ground level adjacent to each home foundation wall shall be graded in such a manner as to provide positive drainage away from the structure and shall be subject to the approval of the Town Engineer.

11. Furnishing the Town with a letter of credit, in an amount to be approved by the Town Engineer. Said letter of credit shall insure that all public improvements and such other items as may be deemed necessary are constructed in accordance with the approved plan and the standards and specifications of the Town of Penfield.

12. The applicant shall remove all debris, broken limbs, and deleterious growth from the entire parcel to the satisfaction of the Town Engineer. This work shall be covered in the letter of credit.

13. Any and all costs related to the relocation of utilities necessitated by this project shall be borne by the individual and/or the utility company requesting the relocation. All new utilities serving this project shall be installed underground.

14. The final site plan for this section shall contain proper notations regarding the possible presence of field tile on the site. In the event field tile is encountered, it shall be removed in its entirety or otherwise secured at the direction of the Town Engineer. Under no circumstances shall field tile be permitted to exist near home foundations.

15. The submission of all the required documents for roadway dedication, all to be in the Town’s format, accompanied by the proper filing fees and acceptable to the Town Attorney, prior to obtaining the signature of the Director of Developmental Services on the final plans.
16. The dedication of land to the Town of Penfield shall be subject to the acceptance by the Penfield Town Board, for those parcels identified on the plat map. This shall take place upon completion of the final phase of development, and after sediment resulting from construction activity is removed from said areas as directed by the Town Engineer and in a format acceptable to the Town Attorney.

17. A notation shall appear on the plat map "Town owned lands are intended to remain in a natural undisturbed condition and shall not be routinely Town maintained."

18. Permanent markers are to be placed at the boundary of Town owned lands and easements in locations and designs subject to the satisfaction of the Town Engineer. Said markers are to be placed after general site grading is completed and prior to the issuance of Certificate of Occupancy for each affected lot. This item shall be included in the developer’s letter of credit.

19. All sanitary sewer connections are to be approved by the Superintendent of Sewers, the Town Engineer, the Town of Webster and the Monroe County Health Department. All funds for such improvements shall be covered in the letter of credit.

20. Compliance with the Town’s Highway Frontage Policy which limits the number of curb cuts onto major roads in the Town; specifically that a single access to this property shall be provided from NYS Route 250 until such time as the project is connected to an adjacent property to the east or to the south of this subdivision to provide alternate means of ingress and egress for this project.

21. The applicant shall work with the Building Inspector to establish street addresses for all proposed buildings. Any new street names must be approved by Monroe County 911 and the Town of Penfield.

22. The applicant must consult with the local office of the U.S. Postal Service to determine an appropriate location and time frame for mailbox installations.

23. A notation shall be placed on each corner lot with the subdivision stating that: "Any modification in the placement of a home from the location shown on the site plan, must be submitted in writing to the Building Inspector prior to application for a building permit for review and approval for compliance with the minimum setback requirements as set forth on the approved Site Plan."

24. No walkout basements shall be permitted without the approval of the Town Engineer. In the event that walkout basements are approved, basements that are substantially exposed shall have siding compatible with the main structure installed to within 24” of ground level in order to provide an attractive appearance from all sides.

25. The applicant shall pay a recreation fee for each proposed structure on the site at the time a building permit is issued. Said fee shall be determined by Town Board Resolution.

26. All site work is to be in compliance with the standards of Chapter 29 - Article V of the Code.

27. Compliance with all requirements of any Federal, State, County or local agency.

28. Construction is to begin within one (1) year from the date of this Resolution.
29. The approved subdivision plat must be properly filed in the Monroe County Clerk’s Office prior to the issuance of a building permit.

30. The approved site plan must be properly filed in the Town Clerk’s Office prior to the issuance of a building permit.

31. Compliance with all of the requirements of the Director of Developmental Services regarding this matter. Furthermore, the applicant, upon submission of plans for signatures, shall also submit a written summary of compliance with the above stated conditions to the Director of Developmental Services.

32. The applicant shall petition the Town Board for the creation of an Improvement District to ensure the perpetual maintenance of the landscaped medians, landscaped cul-de-sacs, subdivision identification signage, pond areas and all other areas that aesthetically enhance this subdivision that solely benefit its residents that are required to be maintained on a perpetual basis. Furthermore, the applicant shall submit schematic details of the amenities proposed to be installed that would be subject to annual Improvement District maintenance fees for review and approval by the Town Board prior to the final site plan for phase I of this development being signed by the Town Supervisor.

33. The applicant shall be responsible for regarding swales and ditches on the east side of NYS Route 250, including the lowering of an existing culvert under an earthen berm to promote positive drainage from that site.

AND BE IT FURTHER RESOLVED, that The Board bases its decision to APPROVE and its determination of environmental non-significance on the following findings:

Subdivision Approval: Factors for Consideration

1. Character of the land, including topography and watercourses. – The site is well suited for development. The Town Board has increased the size of the proposed lots along the southerly property line to create a buffer transition in the lot sizes between the site and the adjacent property. There is no designated watercourse flowing through the property, however the applicant has modified the project layout to address the collection of storm water and reduction of volume of flow leaving the site prior to it discharging to Four Mile Creek. (2) Two storm water management facilities are proposed to be constructed on the site to mitigate storm water concerns voiced by area neighbors. The Town Board is satisfied with the overall layout of the project.

2. Conformity to the Official Zoning Map and in harmony with the current Master Plan of the Town. – This project is consistent with the Town of Penfield 2010 Comprehensive Plan which recommended higher densities for this area of Penfield.

3. Current Development Regulations and Specifications. – The applicant shall comply with all current requirements.

4. Street layout and design. – The Board has reviewed the proposed street layout and design. The Town Board granted a waiver from the radius design of the street layout to minimize the amount of filling to the lots adjacent to the proposed storm water management facility along Route 250, provided the requirements of the MUTCD are followed and appropriate signs are installed.

5. Street Names. – Street names are required to be reviewed and found acceptable by Monroe County 911.
6. Arrangement of lots. - The lot and building arrangement is acceptable to the Town Board in that the applicant will provide a variety of housing types within the subdivision and will provide a transitional buffer to the property to the south of this subdivision.

7. Drainage Improvements. - Drainage improvements have been designed and will be installed to significantly reduce and mitigate both existing and the project’s proposed drainage impacts to area property owners.

8. Utility Sidewalk and Pedestrian access and conservation easements. - Pedestrian patterns have been considered and will utilize sidewalks both within the proposed subdivision as well as a trail to provide pedestrian accessibility for those residents residing on the proposed Whitespire Lane. Said pedestrian access will be constructed with an impervious, durable material as directed by the Town Engineer.

9. Parks, open spaces and natural features, including ownership, use and maintenance of such lands. - The project will require the construction of (2) two storm water management facilities that area intended to revert back to their natural states, which will be owned and maintained by the Town of Penfield.

10. Density Calculation. - The density calculation was established in Resolution No. #10T-198 of 2010 and remains the same.

11. Special benefited districts required including, but not limited to, sidewalks and trails, lighting, sewer, storm water management facilities, parks, and other embellishments. - Specially benefited district formation will be required for each listed amenity. The applicant is familiar with the Town’s process to establish said districts.

12. On-site sewage disposal systems will require the approval of the Monroe County Health Department. Proposed lot geometry must conform to the Monroe County Health Department’s criteria as well as the Ordinance. - The site will be serviced by a dedicated sanitary sewer system. No on-site sewage disposal systems (septic systems) are proposed.

13. Documents required for dedication of public improvements. - Sanitary sewers, roadways and storm water management facilities are proposed to be dedicated to the Town and extension of the water system will be dedicated to the Monroe County Water Authority. The preparation of petitions and ultimate dedication of the facilities to each agency will be required.

Site Plan Approval: Factors for Consideration

1. Adequacy and arrangement of pedestrian traffic access and circulation, vehicular traffic, parking, walkway structures, control of intersections with vehicular traffic, pedestrian convenience, and appropriate provisions for handicapped persons. - The Board has reviewed all aspects of this factor and finds that the approved development, as currently designed satisfies this factor for consideration. Pedestrian sidewalks are proposed to provide pedestrian access throughout the project. The project’s roadways are designed to connect to the adjacent properties to the south and west of the site to provide for multiple means of ingress and egress as development occurs on those properties as requested and considered during the application review.
Penfield Town Board, May 4, 2011

(Resolution #11T-125 – Continued)

2. Location, arrangement, size, architectural feature and design of buildings, lighting and signs. As much as possible, consideration should be given to noise sources, privacy and outdoor waste disposal locations. - The applicable factors have been found to be acceptable by the Board.

3. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between these and adjoining properties. Site plans should also show existing stands of trees on site. - There are few trees in the areas of proposed development. Trees will be installed as a condition of site plan approval, in compliance with the Town’s Street Tree Policy. Several trees will be removed in the proposed storm water management facilities; however, vegetation in those areas is intended to revert to a natural, unmaintained state, allowing for new growth in those areas. Buffering will include the placement of a berm along the southerly property line or preservation of existing trees along the property line at the neighbor’s (Mr. Vendel) request which will be revegetated. The preservation of existing vegetation, where practical and effective, will be required.

4. In the case of an apartment house or multiple dwelling, the adequacy of usable open space for playgrounds and informal recreation. - Not applicable.

5. Adequacy of storm water, sanitary waste disposal, and public water facilities. - The Board has reviewed the applicant’s Engineering Report and has received input from the Town Engineer and other staff regarding the adequacy of these facilities. The Board is satisfied that adequate capacity exists.

6. Protection of adjacent properties and the general public against noises, glare, and unsightliness, or other objectionable features. - As this project will be a single family residential development adjacent to existing single family homes. The redesign of the project from that originally proposed will provide for greater buffer from the property to the south and the residences in the Cranberry Cove subdivision.

7. The effect of the proposed development on environmentally sensitive areas such as but not limited to: wetlands, floodplains, woodlands, steep slopes and watercourses. - There are no EPOD’s on this site.

8. Compliance with this Ordinance, Master Plan, Design and Construction Specifications, SEQRA, PEQRLL, IBP, LWRP and any others. - Of those documents, plans, laws, acts and reports listed, the following are applicable:

   a. Ordinance - The Town Board, under Local Law No. 2 of 2003 is empowered to modify the Town’s Zoning Ordinance through the Incentive Zoning application process. All applicable Ordinance sections are complied with and the Town Board has superseded the Ordinance through the use of Incentive Zoning.

   b. Master Plan - The Town Board has determined that this project, as proposed and herein approved, is consistent with the Town of Penfield 2010 Comprehensive Plan, for density and use.

   c. Design and Construction Specifications - As previously noted the plan complies with all requirements of the Specifications with the exception of the Town Board waiver for road radii requirements to minimize filling on the site.

   d. SEQRA and PEQRLL - The environmental review of this action is consistent with both SEQRA and PEQR.
Penfield Town Board, May 4, 2011

(Resolution #11T-125 – Continued)

e. The Irondequoit Bay Plan (IBP) and Local Waterfront Revitalization Program (LWRP) are not applicable as the project is not located near Irondequoit Bay. All storm water flows to Four Mile Creek which directly flows to Lake Ontario.

9. Provisions for adequate drainage away from walls or structures. — the applicant is required to comply with the requirements of the Town’s Specifications and Design Criteria which requires positive drainage away from all structures.

10. Agreements, easements and other required legal documentation shall be approved by the Town Attorney. — No construction will be permitted for this project until such time as all legal documentation has been reviewed and approved by the Town Attorney and appropriate staff members.

11. The impact of the proposed use on adjacent land uses. — The adjacent land uses include agricultural lands surrounding the site. Those lands are also subject to development pressure based on their accessibility to sanitary sewers. It is anticipated that said properties will be similarly developed as the subject property over the next several years. The adjacent property owners to the west of the site requested that the Town Board require the developer to provide road access to their easterly property line to allow future development on their property to tie into said proposed road. The Board did so and the applicant complied. The applicant to the south of this site requested the Town Board to provide a right-of-way to his property along with access to a sanitary sewer for the future development of his site as well as providing sanitary access to his residence. The Board did so and the applicant complied. Finally the owner to the south requested that the Town Board require the applicant to install an earthen berm along the common property line to prevent drainage from the project from entering onto his site. At the applicant’s request, the Board did so and the applicant complied. The Town Board, in granting the neighbor’s request is doing so to the extent that the Town is honoring his request. The town assumes no liability in the event that the berm prevents storm water from positively draining from the adjacent property. The Town Board was concerned that since the Town has no drainage easement over the lands immediately east of NYS Route 250 that there may be an adverse impact to the properties to the west of NYS Route 250 in the event that positive drainage was not maintained east of NYS Route 250. The applicant secured a letter from the property owner on the east side of NYS Route 250 allowing the Town access to his property to resolve any drainage issues in emergency situations. This action resolved the Board’s issue.

12. The Town Board finds that a proper case exists for requiring the developer to show on the plat a park or parks suitably located for playgrounds or other recreational purposes; but that a suitable park or parks of adequate size cannot be located in any such plat or is otherwise not practical. Therefore, a recreation fee, in lieu of construction of a park within a subdivision, shall be assessed on each lot in an amount established by the Town Board and same shall be paid prior to the issuance of a building permit and said requirement for the payment of the recreation fee shall be noted on the plat. See condition #25.

AND BE IT FURTHER RESOLVED, that Section 276 of the Town Law states that “Conditional Approval of the final plat shall expire within one hundred eighty (180) days after the date of the Resolution granting conditional approval unless such requirements have been certified as complete.”

www.penfield.org 2011-06-03
(Resolution #11T-125 - Continued)

AND BE IT FURTHER RESOLVED, that this section also states that “The Town Board may extend the time in which a conditionally approved plat in final form must be submitted for signature if in its opinion such intention is warranted by the particular circumstances thereof, not to exceed (2) two additional periods of ninety (90) days each.”

The Board bases its findings and decision to APPROVE this application on the following:

1. Submissions, written and electronic, as well as oral testimony of the applicant and the public at (2) two Public Informal Discussions and the Public Hearing.

2. Input from other agencies, including but not limited to:
   d. Town Engineer memo dated March 9, 2011.
   e. RRC memos dated February 18, 2011 and April 27, 2011.
   f. NYSDOT/Goering letter dated February 8, 2011.
   g. Traffic Assessment letter from Stantec Consulting Services, Inc. dated March 15, 2011.

Moved: Moore
Seconded: Kohl

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

Adopted

#11T-126 Setting Public Hearing for Establishment of Abbington Place Subdivision – Intensified Lighting District by Moore

WHEREAS, a written Petition has been received by the Penfield Town Board, duly dated and verified to contain the required signatures, and having been presented to and filed with the Town Board of the Town of Penfield, Monroe County, New York, for the establishment of Abbington Place Subdivision – Intensified Lighting District, and

WHEREAS, the proposed improvements consist of street lighting poles, fixtures, wiring, labor, R G & E connection fees and all hardware or appurtenances necessary to provide intensified street lighting within the Abbington Place Subdivision and meet the requirements and specifications of the Town of Penfield and the National Electric Code, and

WHEREAS, the boundaries of said improvement district and general layout of facilities within are shown on the Map and Plan attached to and made a part of said Petition which is filed in the office of the Penfield Town Clerk, and

WHEREAS, the entire cost of said improvements associated with the Abbington Place Subdivision – Intensified Lighting District shall be borne by the petitioner of said District, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield shall hold a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on the 1st day of June, 2011 at 7:30 PM on said date, to consider said Petition and to hear all persons interested in the subject thereof and concerning the same, and for such other action on the part of the Town Board with relation to said Petition as may be required by Law, 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 of the aforesaid Public Hearing, and that a copy of this Resolution shall be posted on the official sign board of the Town as prescribed by Law.

Moved: Moore
Seconded: Quinn

Vote: Kohl Aye
      Metzler Aye
      Quinn Aye

Adopted

#11T-127 Setting Public Hearing for Establishment of Extension No. 50 to the Penfield Consolidated Sanitary Sewer District - Abbington Place by Moore

WHEREAS, a written Petition has been received by the Penfield Town Board duly dated and verified and containing the required signatures, and having been presented to and filed with the Town Board of the Town of Penfield, Monroe County, New York, for the establishment of Extension No. 50 to the Penfield Consolidated Sanitary Sewer District - Abbington Place Subdivision, and

WHEREAS, the improvements proposed consist of sewer pipes, lines, hardware, and all the necessary and usual appurtenances thereto, for the purpose of constructing said sewer lines as shown on the Map and Plan attached to and made a part of said petition and filed in the office of the Clerk of said Town, and

WHEREAS, the entire cost of the improvements to be constructed in said sewer district extension shall be borne by the developer of said extension, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield shall hold a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on the 1st, day of June, 2011 at 7:30 PM on said date, to consider the said Petition and to hear all persons interested in the subject thereof and concerning the same, and for such other action on the part of the Town Board with relation to said Petition as may be required by Law, 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 of the aforesaid Public Hearing, and that a copy of this Resolution shall be posted on the official sign board of the Town as prescribed by Law.

Moved: Moore
Seconded: Metzler

Vote: Kohl Aye
      Metzler Aye
      Quinn Aye

Adopted
WHEREAS, a written Petition has been received by the Penfield Town Board, duly dated and verified to contain the required signatures, and having been presented to and filed with the Town Board of the Town of Penfield, Monroe County, New York, for the establishment of Abbington Place Subdivision – Intensified Sidewalk District, and

WHEREAS, the proposed improvements consist of new concrete sidewalks on one side of the street, handicap ramps, labor, and all hardware or appurtenances necessary to provide sidewalks within the Abbington Place Subdivision and meet the requirements and specifications of the Town of Penfield Code, and

WHEREAS, the boundaries of said improvement district and general layout of the sidewalks within are shown on the Map and Plan attached to and made a part of said Petition which is filed in the office of the Penfield Town Clerk, and

WHEREAS, the entire cost of said improvements associated with the Abbington Place Subdivision – Intensified Sidewalk District shall be borne by the petitioner of said District, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield shall hold a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on the 1st, day of June, 2011 at 7:30 PM on said date, to consider said Petition and to hear all persons interested in the subject thereof and concerning the same, and for such other action on the part of the Town Board with relation to said Petition as may be required by Law, 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 of the aforesaid Public Hearing, and that a copy of this Resolution shall be posted on the official sign board of the Town as prescribed by Law.

Moved: Moore
Seconded: Kohl

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

Adopted

WHEREAS, historic preservation if an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives, and the contributions made by dedicated individuals, in helping to preserve the tangible aspects of the heritage that has shaped us as a people.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield does hereby proclaim May 2011 as National Historic Preservation Month and call upon the people of the Town of Penfield to join their fellow citizens across the United States in recognizing and participating in this special observance.
(Resolution #11T-129 - Continued)

Moved: Moore  
Seconded: Quinn

Vote: 
Kohl   Aye  
Metzler Aye  
LaFountain Aye  
Quinn Aye

Adopted

Public Works

#11T-130  Authorization to Attend 2011 New York State GeoSpatial Summit  
By Metzler

WHEREAS, the Town Board supports the continued professional development of Town staff; and

WHEREAS, it is in the best interest of the Town of Penfield to provide for adequate training and educational opportunities for staff members to maintain high standards and keep up-to-date on current methods & technologies; and

WHEREAS, the GIS Certification Institute requires all GIS Professionals (GISPs) to obtain training prior to recertification; and

WHEREAS, the NYS GeoSpatial Summit is one of the leading statewide events for GIS training and exposure to new technologies; and

WHEREAS, the Town GIS Analyst is a member of the Upstate New York GISSIG Board and the NYS GIS Association; and

NOW, THEREFORE, BE IT RESOLVED, that the Town GIS Analyst is hereby authorized to attend the New York State GeoSpatial Summit to be held from June 15-16, 2011 for a cost not to exceed $200 for lodging, food, and travel expenses. Funds for this conference have been included in the 2011 Engineering Department budget.

Moved: Metzler  
Seconded: Moore

Vote: 
Kohl   Aye  
Metzler Aye  
LaFountain Aye  
Quinn Aye

Adopted

#11T-131  Awarding Contract for One New Rubber Tired Excavator  
By Metzler

WHEREAS, sealed proposals were sought and requested in the manner prescribed by Law to furnish the Highway Department with One New Rubber Tired Hydraulic Excavator,

WHEREAS, On Thursday April 7, 2011 at 11:00 AM local time the following sealed proposals were received, opened and read publicly;

Vantage Equipment  
5985 Court Street Rd.  
Syracuse, NY 13206

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011 Volvo Modal EW-180C</td>
<td>$199,789.00</td>
</tr>
<tr>
<td>Trade in allowance</td>
<td>$34,000.00</td>
</tr>
<tr>
<td>Total Net-Bid Price</td>
<td>$165,789.00</td>
</tr>
</tbody>
</table>
(Resolution #11T-131 - Continued)

Milton Caterpillar  
4610 East Saile Dr.  
Batavia, NY 14020

2011 CAT Modal M316D   $ 206,945.00  
Trade-in allowance   $ 35,000.00  
Total Net-Bid Price   $ 171,945.00  

Milton Caterpillar  
4610 East Saile Dr.  
Batavia, NY 14020

2011 CAT Modal M318D   $ 215,948.00  
Trade-in allowance   $ 35,000.00  
Total Net-Bid Price   $ 180,948.00  

WHEREAS, the bid received from Vantage Equipment Company Inc. was the lowest bid received which meets or exceeds all the Town’s needs and bid specifications and,

WHEREAS, the funds for said equipment are available in the 2011 Drainage Fund and,

NOW, THEREFORE BE IT RESOLVED, that a contract be and hereby is awarded to; Vantage Equipment 5985 Court Street, Syracuse, NY 13206 to furnish; (1) One New Volvo Model EW-180C Rubber-Tired Hydraulic Excavator to the Penfield Highway Department, as bid, for a total delivered price of, $165,789.00, and

NOW, THEREFORE BE IT FURTHER RESOLVED, the Town’s specifications, this Resolution and the Bid submitted by Vantage Equipment shall constitute the contract.

Moved: Metzler 
Seconded: Kohl 

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

Adopted

#11T-132 Authorization for Supervisor to Execute a License and Hold Harmless Agreement with the Owner(s) of 28 Whitespire Lane, Fence Encroachment into a Storm Sewer Easement by Metzler

WHEREAS, upon final inspection of a built-in pool and enclosure as part of Permit #10B-0459 it was determined that a portion of the fence installed as part of the pool enclosure does encroach into the Town’s Storm Sewer Easement on the south side of the property, and

WHEREAS, the current encroachment does significantly restrict the Town’s right of access within the easement area, and

WHEREAS, through discussions with the property owner, Town Maintenance Staff and Town Board it has been determined that an alternate location for the fence, which is no more than 3.0 feet into said easement, or 3.0 feet south of the northerly easement line, would adequately preserve the Town’s right of access through the easement area and would serve the interests of the property owner related to preserving the location of underground sprinklers and electrical lines.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to, on behalf of the Town, enter into a License and Hold Harmless Agreement with the property owner(s) Mr. & Mrs. Ronald Walsh, owner(s) of #28 Whitespire Lane, to allow that portion of a fence which encroaches into the Town’s Storm
(Resolution #11T-132 - Continued)

Sewer Easement to be relocated to a position, which is no more than 3.0 feet into said easement, or 3.0 feet south of the northerly easement line; said Agreement shall be in a form and substance acceptable to the Town Attorney, and

BE IT FURTHER RESOLVED, that the owner of said property shall comply with the requirements of the aforementioned Agreement, including that if at any time in the future, the Town requires to have any portion of said fence removed from the easement area, to provide necessary maintenance to the storm sewer or drainage function associated thereto, that the owner(s) will at their own expense remove said fencing and immediately erect a temporary fence providing in all regards required exclusion to the pool area.

Moved: Metzler
Seconded: Quinn

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

Adopted

Public Safety

#11T-133 Authorization for Supervisor to Sign Contracts for Town Rabies Clinic on June 4, 2011 by Quinn

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following contracts for Penfield Rabies Clinic on Saturday, June 4, 2011, 10:00 AM - 12:00 PM:

Emilia Monachino, DVM, 117 N. Main Street, Fairport, NY 14450 for Veterinarian Services for a fee of $150.00.

Stacy Crippen, LVT, 117 N. Main Street, Fairport, NY 14450, for Veterinarian Technician Services for a fee of $75.00.

Moved: Quinn
Seconded: Metzler

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

Adopted

Community Services

#11T-134 Authorization to Auction Surplus Equipment for Parks and Facilities Department by Kohl

BE IT RESOLVED, that the Director of Parks & Facilities be authorized to enter into a contract with Roy Teitsworth Inc., to auction surplus equipment at a Monroe County Auction on May 14, 2011 and

BE IT FURTHER RESOLVED, that the following equipment be declared surplus:

PARKS & FACILITIES:

Miscellaneous office furniture

Ferris 72" (P-74) out front zero turn mower
Miscellaneous Small Equipment

Erskin 3 pt Snow Blower (P-60)
Landscape trailer (P-54)

AND BE IT FURTHER RESOLVED, that the proceeds resulting from the auction and sale of these pieces of equipment be credited to the appropriate Capital Reserve Fund.

Moved: Kohl
Seconded: Quinn

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

Adopted

#11T-135 Athletic Field Marker by Kohl

WHEREAS, sealed proposals were requested to provide the Town of Penfield Parks and Facilities Department with Athletic Field Marker.

WHEREAS, on Tuesday, April 26, 2011, at 11:00 AM local time, the following sealed proposal was received and read publicly by the Town Clerk.

S.V. Moffett
33 Thruway Park Drive
West Henrietta, NY 14586
No Bid

Lewis & Turner Paints, Inc.
430 East Washington Street
Syracuse, NY 13202
$19,830.53

AND WHEREAS, Lewis & Tanner Paints Inc, is the lowest qualified, responsible bidder for the Athletic Field Marker, meeting specifications as set forth in the bid and,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby award the bid to Lewis & Tanner Paints Inc, 430 East Washington Street, Syracuse, NY 13202, for a bid price not to exceed $19,830.53.

WHEREAS, the funds for said purchase are budgeted for in the 2011 budget from the General Reserve Fund subject to Permissive Referendum.

NOW, THEREFORE BE IT RESOLVED, 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: Kohl
Seconded: Metzler

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

Adopted
#11T-136  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:

Lynn Calcagno, 71 Maple Hill Farm Road, Penfield, NY 14526, Co-Director of Penfield Recreation Adult Tennis League, May - August 2011, for the fee of $175.00 per month. Vouchers to be submitted each month.

Barb Ferriter, 1774 Baird Road, Penfield, NY 14526, Co-Director of Penfield Recreation Adult Tennis League, May - August 2011, for the fee of $175.00 per month. Vouchers to be submitted each month.

Andrew Pelcher, 14 Wolf Trapp, Pittsford, NY 14534, Intro to Water Polo, 5/7 - 6/18/11 for a fee of $20 per class. Vouchers to be submitted 5/18 & 6/15/11.

Penfield Racquet Club, 667 Panorama Trail W, Rochester, NY 14625, Pre & Post Natal Exercise, Water Yoga, Swim Lessons - 6 month - Age 3, Fitness Consultation, Personal Training Package, and Yoga Sculpt, 6/6-9/26/11, for a fee of 80% of the total program revenue. Vouchers to be submitted 7/6, 8/3, and 9/7/11.

Mud About You, 1802A Penfield Road, Penfield, NY 14526, Art Camp, 7/11-8/5/11, for a fee of 80% of the total program revenue. Vouchers to be submitted 7/20 and 8/3/11.

Penfield High School Robotics, 25 High School Drive, Penfield, NY 14526, Robotics LEGO Camp, 7/29 and 8/12/11, for a fee of 80% of the total program revenue less expenses. Vouchers to be submitted 8/3 and 8/17/11.

Gymnastics Training Center, 2051 Fairport Nine Mile Point Road, Penfield, NY 14526, Gymnastics Camp, 8/8 - 8/19/11 for a fee of 80% of the total program revenue. Vouchers to be submitted 8/3 & 8/17/11.

Way Farm, 2009 Harris Road, Penfield, NY 14526, Horse Camp, 7/18 - 8/12/11, for a fee of 80% of the total program revenue. Vouchers to be submitted 8/3 and 8/17/11.

Big Oak Driving Range, North Washington Street, PO Box 430, East Rochester, NY 14445, Jr. Golf, 7/11 - 7/21/11 for a fee of $50.00 per paid participant. Voucher to be submitted 7/20/11.

Kathryn Boone, KB Dog Training, 28 Landing Park, Rochester, NY 14625, Dog Obedience Classes, 6/13 - 8/8/11 for a fee of 80% of the total program revenue less expenses. Vouchers to be submitted 7/6 & 8/3/11.

Diane DiRoberto, P.O. Box 10621, Rochester, NY 14610, Photo Tips from the Pros - 6/25/11 and Street Photography Workshop - 8/20/11, for a fee of 75% of the total program revenue. Voucher to be submitted 7/7 & 8/17/11.

Carrie Herscovici, 17 Watchet Lane, Fairport, NY 14450, Gentle Yoga, 6/3 - 8/19/11, for a fee of 80% of the total program revenue for 10 or less registrants or a fee of 75% of the total program revenue for over 10 registrants. Vouchers to be submitted 6/15, 7/20, and 8/17/11.

Anne Freitas, 85 Harwood Circle, Rochester, NY 14625, Get Fit with Fun, 5/31 - 7/26/11, for a fee of 75% of the total program revenue. Vouchers to be submitted 6/1, 6/15, & 7/20/11.

Therese Bason, 172 D Serene Park, Webster, NY 14580, Pilates Mat Class - Monday and Thursday, 6/16 - 8/29/11, for a fee of 80% of the total program revenue for 10 or less registrants or a fee of 75% of the total program revenue for over 10 registrants. Vouchers to be submitted 7/6, 8/3 & 8/17/11.
(Resolution #11T-136 - Continued)

Rhonda Flint, 1036 Pondbrook Point, Webster, NY 14580, Pilates Mat Class – Tuesday, 6/21 – 8/23/11 for a fee of 80% of the total program revenue per class for 10 or less registrants or a fee of 75% of the total program revenue per class for over 10 registrants. Vouchers to be submitted 7/6, 8/3, & 8/17/11.

Sandra Sanzotta, 911 Lothario Circle, Webster, NY 14580, Low Impact Aerobics, 4/30 – 6/18/11 for a fee of 75% of the total program revenue. Vouchers to be submitted 5/4 and 6/15/11.

Penfield Art Center, 2131 Five Mile Line Road, Penfield, NY 14526, provision of art instruction, 7/11/11 – 8/23/11, for the (per registered participant fee) of: $30.00 for “Pen and Ink” classes, $70.00 for “Portrait and Figure Drawing” and “Intro to Watercolor” classes, $80.00 for “Yoga Movement and Creative Meditation”, “Animal Art” and “Book Making, Writing & Illustration” classes, $100.00 for “Portfolio Development Workshop” classes, and $105.00 for “Drawing and Painting” classes. Vouchers to be submitted 7/20/11, 8/3/11, 8/17/11, and 9/7/11.

Glenda Bondy, 16 St. Ebbas Drive, Penfield, NY 14526, Zumba Gold, 6/29-8/17/11, for a fee of 75% of the total program revenue. Vouchers to be submitted 7/6, 7/20, & 8/3/11.

Mary Lynne DiFolco, 1213 Shoecraft Road, Webster, NY 14580, Sharpen your Short Game, Women’s Only Beginner Golf, and Women’s Only Intermediate Clinic, 6/1 – 8/23/11, for a fee of 80% of the total program revenue. Vouchers to be submitted 6/15, 7/20, & 8/17/11.

Marcia Orlandini, 11 Brookside Drive, Fairport, NY 14450, Volleyball Co-ed Play, 6/30 – 8/18/11, for a fee of $25.00 per class. Vouchers to be submitted 7/6 & 8/3/11.


Luca Foresta, 1842 Jefferson Rd., Pittsford, NY 14534 provide music entertainment Luca Foresta & The Electrokins for Independence Holiday celebration 7/2/11 and “Tastin the Blues” 9/17/11 for a fee of $400 each date. Vouchers to be submitted on 6/1/11 and 8/17/11.

Moved: Kohl  
Seconded: Moore

Vote: Kohl Aye  
       Aye  
       Aye

LaFountain Moore Aye

Quinn Aye

Adopted

Old Business - None

New Business - None

Public Participation

Dennis from Boy Scout Troop #230 inquired whether there is an age requirement to audition for the Young Open and Honest Players (YOHP) summer production of “The Mystery of Edwin Drood?”

Councilwoman Kohl stated that students need to be between the ages of 13 - 20 to audition for a part in the production.

Tom Cleary, 1250 Jackson Road, stated that, in his opinion, the pond at Cranberry Cove was not built to specifications and he would like the Town Board to have the builder come in and fix it.
Mr. Cleary also stated that he is concerned with the proposed Abbington Place Project in that the (3) three inch drainage pipe will not provide adequate drainage.

Legislator Debbie Drawe, of the 9th District, 5 Cobblestone Crossing stated that County Executive Maggie Brooks was invited to the White House by President Obama along with 100 other County Executives to discuss budget concerns and Medicaid changes.

Legislator Drawe also stated that County Executive Brooks has lobbied diligently for more flexibility in administering Medicaid.

Also, Legislator Drawe brought 2011 Monroe County directories to give to the Town Board members.

Legislator Drawe stated that Ed Lindskoog was at her monthly office hours on Monday, May 2, 2011 and that she has follow up information for him.

Legislator Drawe gave her condolences to Councilwoman Kohl on the passing of her father.

Majority Leader, Legislator Dan Quatro of the 15th District, 637 Contempri Way, also gave his condolences to Councilwoman Kohl.

Legislator Quatro announced that the Redistricting Committee, of which he is a member, has completed its job and that he is pleased to still be representing a portion of Penfield. He hopes to receive the designation of the Penfield Republican Committee and run again in the fall.

Legislator Quatro stated that at the last Monroe County Legislature meeting a Resolution was brought forth prohibiting protests at military funerals within 1,000 feet and that violators would be punished for up to (1) one year in jail. This was a bipartisan effort.

Legislator Quatro expressed concern about the finances and budget in New York State and stated that all municipalities are under financial pressure. He also said that the Legislature will be working hard to make sure that these burdens will not be passed down to the taxpayer.

Adjournment

Supervisor LaFountain adjourned the meeting at 8:53 PM.

Amy Steklof
Town Clerk
Public Safety
#11T-133 Authorization for Supervisor to Sign Contracts for Town Rabies Clinic on June 4, 2011

Community Services
#11T-134 Authorization to Auction Surplus Equipment for Parks and Facilities Department
#11T-135 Athletic Field Marker
#11T-136 Authorization for Supervisor to Sign Recreation Contracts

VIII Old Business
IX New Business
X Public Participation
XI Adjournment