PENFIELD TOWN BOARD MEETING AGENDA
Wednesday, October 5, 2011
Supervisor R. Anthony LaFountain, presiding

I Call to Order – Pledge of Allegiance – Roll Call

II Public Hearing #1 – 2012 Preliminary and Special District Budget

III Communications and Announcements

IV Public Participation

V Additions and Deletions to Agenda

VI Approval of Minutes – September 7, 2011

VII Petitions

VIII Resolutions by Function

Law and Finance
11T-221 - Authorization for Supervisor to Sign an Agreement with Business Automation Services, Inc. for the Purchase of an Integrated Property System/Animal Control Software Licensing System
11T-222 - Setting Public Hearing on Adoption of Condominium Conversion Law
11T-223 - Authorize the Town Comptroller to Attend the PERMA Board Meeting
11T-224 - Establishment of the Arbor Ridge Subdivision (Section III) – Intensified Street Lighting District
11T-225 - Establishment of Ext. #1 to Sidewalk District No. 13 of the Arbor Ridge Subdivision, Section III
11T-226 - Establishment of Extension No. 51 to the Penfield Consolidated Sanitary Sewer District – Arbor Ridge Subdivision – Section III
11T-227 - A Resolution Approving a Public Interest Order in the Matter of the Increase and/or Improvement of Existing Facilities of the Penfield Consolidated Sanitary Sewer District, Town Law Article 12, §202-b, for the Extension 19 Forcemain Replacement Project, Phase III

Public Works
11T-228 - Approval of Out of District User Status for the Property Located at 1931 Dublin Road SBL# 125.03-2-4.2
11T-229 - Advertising for Sealed Proposals in Relation to the Extension 19 Forcemain Replacement Project, Phase III
Public Safety
11T- 230  Authorization to Place Traffic Control Device on Monroe County Highway at Wild Leaf Drive and Harris Road
11T- 231  Authorization to Place Traffic Control Device on Monroe County Highway at Passing Creek Drive and Harris Road

Community Services
11T- 232  Authorization for Supervisor to Sign Recreation Contracts

IX  Old Business
X  New Business
XI  Public Participation
XII  Adjournment
Penfield Town Board, October 5, 2011

The Regular meeting of the Penfield Town Board was held on Wednesday, October 5, 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
Robert Beedon Town Comptroller

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by County Legislator Debbie D rape.

Supervisor LaFountain mentioned that the flags behind the dais were placed in disorder. The State flag should always be placed on the right hand side. Supervisor LaFountain will make sure it is corrected.

Public Hearing #1 – 2012 Preliminary and Special District Budget

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on September 22, 2011 and was posted on the Town Bulletin Board and Website.

Supervisor LaFountain stated that the 2012 Tentative Budget was released September 7, 2011 to the Town Board and community.

Supervisor LaFountain stated the Tentative Budget has become the Preliminary Budget and asked Bob Beedon, Town Comptroller to give an overview of the budget.

Mr. Beedon highlighted aspects of the budget including where the budget was in 2010, where we are with the 2011 budget and plans for the 2012 budget as well as projections for future years.

The budget keeps the tax rate the same as the last several years at $2.64 per one thousand dollars of assessed value. The Town Board will review all comments and develop a Final Budget. The Final Budget will be adopted on October 19, 2011 at the Town Board Legislative Session.

A copy of the budget can be found on the Town’s website, at the Penfield Library, in the Town Comptroller’s office and in the office of the Town Clerk.

Supervisor LaFountain thanked Mr. Beedon and the Department Heads for all of the hard work put into preparing the budget and thanked the Town Board for their review and input.

Tim Murphy, 48 Corral Drive stated he appreciates the fiscal restraint of the budget, but is concerned that there is no funding for a Director or Assistant Director in the Recreation Department.

Supervisor LaFountain stated the Assistant Director retired several months ago and the Director of Recreation had informed the Supervisor prior to the Tentative Budget that he will be retiring at the end of the year.

Mr. Murphy stated that he wants the quality of programs in Penfield to continue and hopes, in the future, the community will have the opportunity to share its input.

Mr. Murphy also questioned the Drainage Budget as to why the budgeted amount for 2011 is $185,000 with the spent rate of $11,000 and the 2012 budget is at $350,000?
Supervisor LaFountain stated that a lot of the drainage work is done in the fall and they anticipate two (2) large projects as well as some smaller projects next year. Supervisor LaFountain offered to share the broken down information at anytime.

Mr. Murphy suggested that, in the future, the budget should include a forecasted amount.

Mr. Murphy also questioned the Penfield Ambulance budget.

Supervisor LaFountain stated that when the Penfield Ambulance requested support from the Town, a Penfield Ambulance Tax District was then formed with a piece of the district covered by the West Webster Fire Department. Last year the amount of support was $80,000. This year the town contribution is $70,000. The Town’s goal is to work their way down from providing support within a five (5) year period.

Mr. Murphy suggested that the town share services with the School Districts and would like a commitment from the Town and School Districts to look at a shared services model for managing costs. He also stated that he believes people are making decisions on whether to stay in Penfield based on the amount of taxes being paid.

Supervisor LaFountain stated that he meets with John Carlevatti, Superintendent of Schools in Penfield and Adele Bovard, Superintendent of Schools in Webster on a quarterly basis to discuss ways to minimize costs and ways to provide reciprocal privileges. The Town has already helped save money for the school districts by providing maintenance for projects such as repaving parking lots at a lower cost, and has provided Town Facilities for school programs.

Supervisor LaFountain also stated that he has had discussions with Mr. Carlevatti in reference to opportunities for shared services between the school’s Building and Grounds Departments and the Town’s Parks and Facilities Department.

Mr. Murphy suggested that as the town sets its 2012 objectives they should include specific reference to shared services with the school districts.

Hearing closed.

Communications and Announcements

1. A Free Outdoor Hike at the “Wetlands Center” will be held on Saturday, October 8, 2011 from 10:00 to Noon. Meet at McGregor’s Grill on Empire Boulevard. To register call 340-8655.


3. A Penfield Civil War History lecture and Local History Room Open House will be held Sunday, October 16, 2011 from 2:30 PM to 4:30 PM in the Penfield Library History Room. To register call 340-8720.

4. The Family Halloween Fun event will be held Friday, October 14, 2011 from 6:00 – 8:00 PM at the Penfield Community Center, 1985 Baird Road. For more information visit the website at www.penfield.org or call 340-8655.

5. Town offices will be closed, with the exception of the Penfield Library, in observance of Columbus Day, Monday, October 10, 2011.

6. The Fall Community Drop off will occur on Thursday, October 13, 2011 from 9:00 to 6:00 PM, Friday, October 14, 2011 from 9:00 to 6:00 PM and Saturday, October 15, 2011 from 9:00 to 4:00 PM at the Penfield Highway Garage 1607 Jackson Road.
For more information visit the Town website at www.penfield.org or call 340-8710.

7. Supervisor LaFountain gave an update on the Annual 5k race event, and the Army community covenant that was held on September 25, 2011 at the Penfield Community Center.

8. Past Deputy Director of Recreation, Laura Cheney was inducted into the Penfield Hall of Fame this past weekend.

9. The Town of Penfield will host an Electronics drop off and Confidential Documents Destruction on Saturday, October 29, 2011 at the Penfield Highway Garage, 1607 Jackson Road. For more information visit the Town website or call 340-8710.

10. A Town of Penfield Historic Ghost Walk will take place Friday, October 14, 2011 at 7:00 PM beginning at the Penfield Community Center, 1985 Baird Road. For more information visit the Town website.

11. The Penfield Heritage Association will hold a lecture on the history of the Monroe County Sheriff’s Department, Sunday, October 9, 2011 from 2:30 to 4:30 PM at the Penfield Library, 1985 Baird Road. To register call 340-8720.

12. Councilwoman Kohl will hold a joint Community Chat with Penfield School Board Member, Marie Cinti on Tuesday, October 18, 2011 from 5:00 to 6:30 PM in the Penfield Library. Councilwoman Kohl can be reached at kohl@penfield.org.

Public Participation

John Wilke, 62 Clearview Drive stated that small businesses are the key to turning around the economy and creating more jobs. Mr. Wilke stated he would like everyone to help small businesses by taking advantage of the social media network with tools such as Facebook. He suggests using smart phones to notify all Facebook friends of where you shop in Penfield and that the Town should use its promotion power to remind all residents to “check in” when shopping at local businesses.

Additions and Deletions to Agenda – None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of September 7, 2011, Councilman Quinn seconded. Councilwoman Metzler voted to “abstain” the rest of the Town Board voted “aye.”

Petitions – None

Resolutions by Function

Law and Finance

#11T-221 Authorization for Supervisor to Sign an Agreement with Business Automation Services, Inc. for the Purchase of an Integrated Property System/Animal Control Software Licensing System by Moore

WHEREAS, the Town has always been committed in providing quality public service to the Town’s people, and

WHEREAS, the Town has determined that PMS (Parcel Management System) has out lived its service life and is no longer supportable.

WHEREAS, the Town has determined that IPS/AC Software will improve workflow and productivity within the Town Office’s.
NOW, THEREFORE, BE IT RESOLVED, that the Town Board Authorize the Supervisor to sign an agreement to purchase a BAS, IPS/AC (Integrated Property System/Animal Control) Software Licensing System, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the total cost for the system $68,875 with a down payment of $24,875 due by October 31, 2011 and a balance of $44,000 to be paid over the next two (2) years in equal installments by March 31, of each year. An annual support and maintenance fee of $10,250 will be due 1/30/2012. Data conversion and training will be invoiced as services are provided.

Moved: Moore
Seconded: Kohl

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

Adopted

RESOLUTION #11T-222

Setting Public Hearing on Adoption of Condominium Conversion Law by Moore

WHEREAS, the New York State Real Property Law Section 581 and 339-y allows conversion of new Condominium to be assessed at market value and

WHEREAS, the Town Board of the Town of Penfield considered adoption of Condominium Conversion Law for Real Property as allowed by New York State Real Property Tax Law Section 581 and 339-y

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield hold a Public Hearing on November 2, 2011, at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York to consider adopting Condominium Conversion Law for Real Property in accordance with provision Section 581 and 339-y, New York State Real Property Tax Law,

NOW, THEREFORE BE IT RESOLVED, that the Town Clerk file the appropriate notice of the Public Hearing according to New York State Law.

Moved: Moore
Seconded: Quinn

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

Adopted

RESOLUTION #11T-223

Authorize the Town Comptroller to Attend the PERMA Board 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 October 13, 2011 and in Latham, New York and will be paid fully for mileage and hotel expenses by PERMA,

NOW BE IT RESOLVED, that the Town Comptroller attend the PERMA Board Meeting on October 13, 2011.

Moved: Moore
Seconded: Metzler

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye
Penfield Town Board, October 5, 2011

(Resolution #11T-223 - Continued)

Adopted

#11T-224 Establishment of the Arbor Ridge Subdivision (Section III) - Intensified Street Lighting District by Moore

WHEREAS, a Public Hearing was held at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York, on September 7, 2011 at 7:30 PM, to consider the Petition and to hear all persons interested in the establishment of Arbor Ridge Subdivision (Section III) - Intensified Street Lighting District, and

WHEREAS, the Town Board received no negative and/or substantive input regarding this matter, and

WHEREAS, all improvements to said district extension shall be borne solely by the developer.

NOW, THEREFORE BE IT RESOLVED, that the annexed Order be executed by the Supervisor and the members of the Town Board to establish the Arbor Ridge Subdivision (Section III) - Intensified Street Lighting District.

Moved: Moore
Seconded: Kohl

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

Adopted

#11T-225 Establishment of Ext. #1 to Sidewalk District No. 13 of the Arbor Ridge Subdivision, Section III by Moore

WHEREAS, a Public Hearing was held at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York, on September 7, 2011 at 7:30 PM, to consider the Petition and to hear all persons interested in the establishment of Ext. #1 to Sidewalk District No. 13 of the Arbor Ridge Subdivision, Section III, and

WHEREAS, the Town Board received no negative and or substantive input regarding this matter, and

WHEREAS, all improvements to said district extension shall be borne solely by the developer.

NOW, THEREFORE BE IT RESOLVED, that the annexed Order be executed by the Supervisor and the members of the Town Board to establish Ext. #1 to Sidewalk District No. 13 of the Arbor Ridge Subdivision, Section III.

Moved: Moore
Seconded: Quinn

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

Adopted

#11T-226 Establishment of Extension No. 51 to the Penfield Consolidated Sanitary Sewer District - Arbor Ridge Subdivision - Section III by Moore

WHEREAS, a Public Hearing was held at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York, on September 7, 2011, at 7:30 PM, to consider the Petition and to hear all persons interested in the establishment of Extension No. 51 to the Penfield Consolidated Sanitary Sewer District - Arbor Ridge Subdivision, Section III, and
WHEREAS, the Town Board received no negative or substantive comments regarding this matter; and

WHEREAS, all improvements to said district extension shall be borne solely by the developer.

NOW, THEREFORE BE IT RESOLVED, that the annexed Order be executed by the Supervisor and the members of the Town Board to establish Extension No. 51 to the Penfield Consolidated Sanitary Sewer District – Arbor Ridge Subdivision, Section III.

Moved: Moore
Seconded: Metzler

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

Adopted

#11T-227 A Resolution Approving a Public Interest Order in the Matter of the Increase and/or Improvement of Existing Facilities of the Penfield Consolidated Sanitary Sewer District, Town Law Article 12, §202-b, for the Extension 19 Forcemain Replacement Project, Phase III by Moore

WHEREAS, the Town Board has commissioned an Engineers Report including a Map and Plan, filed in the office of the Town Clerk of the Town of Penfield concerning the replacement of a portion of the Extension 19 Forcemain, Phase III, and

WHEREAS, upon review of the Engineers Report and other pertinent information Town Staff has completed an Environmental Assessment Form declaring a Negative Declaration of Environmental Significance, and

WHEREAS, upon review of the above facts and information the Town Board did, on September 7, 2011, duly adopt a Resolution calling for a Public Hearing, describing improvement(s) to existing facilities contemplated by the Penfield Consolidated Sanitary Sewer District, the maximum amount proposed to be expended for said improvements, the fact that said Environmental Assessment Form, Engineers Report including a Map and Plan were on file in the Town Clerk's office for public inspection and specifying September 27, 2011 at 7:30 PM prevailing time, at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a Public Hearing to consider the proposed improvements and expenditures associated therewith and the Map, Plan & Report and Environmental Assessment Form, filed in relation thereto, and to hear all persons interested in the subject thereof and concerning the same, and

WHEREAS, notice of the aforesaid Public Hearing was duly published and posted in the manner and within the time prescribed by Article 12 § 202-b of NYS Town Law, and proof of publication and posting having been duly presented to the said Town Board, and

WHEREAS, said Public Hearing was duly held at the time and place in said Resolution, as aforesaid, at which time all persons desiring to be heard were duly heard, and

WHEREAS, the Town Board has carefully considered information contained within the Map, Plan & Report, Project EAF in compliance with the NY State – Environmental Quality Review Act (SEQR), and evidence given at said Public Hearing.
NOW, THEREFORE, BE IT RESOLVED,

Section 1. Upon review of the information of record and evidence given at the aforesaid Public Hearing, it is hereby found and determined that it is in the public interest to make the described improvements to the facilities of the Penfield Consolidated Sanitary Sewer District consisting of the replacement of the last and final section of the Extension 19 Forcemain, including original furnishings, equipment, machinery and apparatus incidental thereto, at a maximum estimated cost of $425,000.

Section 2. The Town Board has reviewed the Map, Plan and Engineering Report for said Improvement project, prepared by MRB Group, PC, dated 8/30/2011, and does hereby accept findings within said report.

Section 3. The Town Board does approve and authorize said improvement to Penfield Consolidated Sewer District Facilities, for the Replacement of the last and final section of the Extension 19 Forcemain, Phase III.

Section 4. This Order of Public Benefit shall take effect immediately.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Works

#11T-228 Approval of Out of District User Status for the Property Located at 1931 Dublin Road SBL# 125.03-2-4.2 by Metzler

WHEREAS, Richard Liberatore, owner of property located at #1931 Dublin Road, in the Town of Penfield, has requested Out of District user status for sanitary sewer service, in his letter dated 9/25/2011, and

WHEREAS, this parcel is not presently within a sanitary sewer district or extension thereof;

NOW, THEREFORE, BE IT RESOLVED, that an Agreement, as provided in the Town Board’s Resolution No. 83 of 1982 be executed between said property owners and the Town of Penfield providing for Out of District User status for the property located at #1931 Dublin Road, and

BE IT FURTHER RESOLVED, that the Town Supervisor be, and hereby is, authorized to execute said Agreement on behalf of the Town Board of the Town of Penfield.

Moved: Moore
Seconded: Metzler

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

Adopted
Penfield Town Board, October 5, 2011

#11T-229 Advertising for Sealed Proposals in Relation to the Extension 19 Forcemain Replacement Project, Phase III by Metzler

BE IT RESOLVED, that the Superintendent of Sanitary Sewers be, and hereby is, authorized to advertise, in the manner prescribed by law, for sealed proposals for the installation of sanitary sewer forcemain, and appurtenant structures, for the Extension 19 Forcemain Replacement Project, Phase III, and

BE IT FURTHER RESOLVED, that installation methods and materials covered by each construction contract shall be in accordance with plans and specifications which have been prepared by MRB Group, P.C., and shall be made available to perspective bidders on November 2, 2011 at their office, and

BE IT FURTHER RESOLVED, that bids will be accepted in the Office of the Town Clerk until 11:00 AM, EST, Friday, November 26, 2011, at which point they are to be opened and publicly read.

Moved: Metzler
Seconded: Kohl

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

Adopted

Public Safety

#11T-230 Authorization to Place Traffic Control Device on Monroe County Highway at Wild Leaf Drive and Harris Road by Quinn

BE IT RESOLVED, that the Town Board hereby authorizes the installation of a STOP sign, at the intersection of Wild Leaf Drive and Harris Road for Eastbound Traffic as requested and recommended by the Monroe County Department of Transportation in a letter dated September 23, 2011, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to sign and return said letter dated September 23, 2011 with a copy of this Resolution, to the Monroe County Department of Transportation.

Moved: Quinn
Seconded: Metzler

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

Adopted

#11T-231 Authorization to Place Traffic Control Device on Monroe County Highway at Passing Creek Drive and Harris Road by Quinn

BE IT RESOLVED, that the Town Board hereby authorizes the installation of a STOP sign, at the intersection of Passing Creek Drive and Harris Road for Eastbound Traffic as requested and recommended by the Monroe County Department of Transportation in a letter dated September 23, 2011, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to sign and return said letter dated September 23, 2011 with a copy of this Resolution, to the Monroe County Department of Transportation.

Moved: Quinn
Seconded: Moore
Penfield Town Board, October 5, 2011

(Resolution #11T-231 – Continued)

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

Adopted

Community Services

#11T-232 Authorization for Supervisor to Sign Recreation Contracts
By Kohl

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following Recreation Contracts:

Amend Resolution #11T-214 For:
Mark Vogt, (new) fee of 80% of program revenues after all expenses have been deducted.

Amend Resolution #11T-070 For:
Lindsey Hall, address change to 115 Tuscany Ln., Webster, NY 14580, contract end date of 12/15/11 with voucher dates of 9/21/11, 10/19/11 and 11/15/11.

Jeff Moon, 110 Calhoun Avenue, Rochester, NY 14606, Producer, Penfield Players Fall Production, performance dates – November 4, 5, 11, 12, 13, 18, and 19, 2011 for a total fee of $100.00. Voucher to be submitted 10/19/11.

Allen Hopkins, 111 Newcastle Road, Rochester, NY 14610, Halloween Entertainer, 10/14/11, for a total fee of $100.00. Voucher to be submitted 10/19/11.

Corey Morgano, 1600 East Ave. #504, Rochester, NY 14610, Presenter for Thursday Lecture Series - A Sicilian American Experience with Food and Music on 11/3/11 for a fee of $100. Voucher to be submitted on 11/2/11.

Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business – None

New Business – None

Public Participation

Legislator for the 9th District, Debbie Drawe, 5 Cobblestone Crossing gave an update on two (2) projects going on in the Town of Penfield through Monroe County. The Department of Transportation is replacing the pavement and the grates on Panorama Trail and Penfield Road traveling up to NYS Rte. 441. That project should be completed shortly. The other project is at Jackson Road and Plank Road which will be on the Town of Penfield Vendor List for Spring 2012.

Legislator Drawe informed that her next office hours will be held Monday, October 17, 2011 from 5:00 to 7:00 PM in the Four Seasons room across from the Library at the Penfield Community Center. Legislator Drawe can be reached by phone at 586-8284.
Supervisor LaFountain informed that two (2) short video clips will be shown at the end of the meeting. The first clip will be of the Community Bike Drop Off event that took place on Saturday, October 1, 2011. The second is of the Throw Down that took place on September 27, 2011 at the Senior Living Facility of Penfield - Legacy at Willow Pond. At that event Supervisor LaFountain participated in a cook-off with Jack Best, President of the Penfield Rotary, and with the Executive Chef of Willow Pond.

Supervisor LaFountain also mentioned a Soap Box Derby will be held Saturday, October 8 and Sunday, October 9, 2011 at the Town Hall.

Adjournment

Supervisor LaFountain adjourned the meeting at 8:55 PM.

Amy Steklof
Town Clerk