PENFIELD TOWN BOARD AGENDA

Wednesday, November 2, 2011, 7:30 PM

Supervisor R. Anthony LaFountain, presiding

I Call to Order - Pledge of Allegiance - Roll Call

II Public Hearing - 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

III Communications and Announcements

IV Public Participation

V Additions and Deletions to Agenda

VI Approval of Minutes –October 5, 2011

VII Petitions

VIII Resolutions by Function

Law and Finance

# 11T-237 An Order Providing for the Establishment of Extension No. 52 to the Penfield Consolidated Sanitary Sewer District, (Collingsworth Drive Sewer Project).
# 11T-238 2011 Budget Amendment-Don Cranston Bridge

# 11T-239 Authorization for General Obligation Bonds of the Town of Penfield to Finance Sewer System Capital Improvements within the Town and Authorizing the Issuance of Bond Anticipation Notes in Contemplation thereof, the Expenditure of Sums for such purpose, and Determining other Matters in Connection therewith.

# 11T-240 Authorization for General Obligation Bonds of the Town of Penfield to Finance Sewer System Capital Improvements within the Town and Authorizing the Issuance of Bond Anticipation Notes in Contemplation thereof, the Expenditure of Sums for such purpose, and Determining other Matters in Connection therewith.

#11T-241 Adoption of a Findings Report for Incentive Zoning Application to permit the Construction of 36 single family homes on a lot totaling 29.7 acres located at 85 Fellows Road and 2353 Penfield Road – Ashlyn Rise Subdivision.
IX Old Business

X New Business

XI Public Participation

XII Adjournment

The Regular meeting of the Penfield Town Board was held on Wednesday, November 2, 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
         Robert Quinn       Councilman

Also Present: Amy Steklof  Town Clerk
               Richard Horwitz  Town Attorney
               Ann Buck        Town Assessor
               Mark DiFrancesco Superintendent of Sewers

Absent: Andrew Moore  Councilman

Supervisor LaFountain called the meeting to order - Pledge of Allegiance

Supervisor LaFountain recognized Jeff Moon, Member of the Penfield Players. Mr. Moon announced that the Penfield Players will be opening their 42nd season with the fall production of “Strictly Murder” and encouraged all to come see the show.

Performances will be held November 4, 5, 11, 12, 18 and 19 at 8:00 PM and November 13 at 2:00 PM at the Penfield Community Center. To purchase tickets, call 340-8655 or visit the website at www.penfieldplayers.org.

Public Hearing #1 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.
The Town Clerk read the title of the Notice of Public Hearing; said Notice was published in the Penfield Post on October 13, 2011, posted on the Town Website and on the Town Clerk Bulletin Board.

Supervisor LaFountain asked Town Attorney Richard Horwitz to comment on the matter.

Mr. Horwitz stated the Condominium Conversation Law addresses the taxing of these properties in the Town Of Penfield and will provide protection to the community from conversions that may not be as beneficial to the community and is a technical correction that is permitted under state law.

Hearing closed.

Communications and Announcements

1. The General Election day will be held on Tuesday, November 8, 2011 from 6:00 AM to 9:00 PM. There will be no mobile DMV at the Town Hall on that day.

2. Town Clerk Steklof gave a shout out to her parents, Dick and Judy Rosenbaum who were watching the Town Board meeting from home and to her sons Michael and Jason who were watching the meeting in Albany, NY and New York City via the internet.

3. The traffic light at the intersection of Atlantic Avenue and Jackson Road is now in place and will be fully functioning by Friday, November 4, 2011.

4. Daylight savings time ends Sunday, November 6. Please change your clocks back one (1) hour and change your batteries in all smoke detectors.

(Communications and Announcements - Continued)

5. There will be a live sewer Public Information meeting at the Penfield Town Hall on Monday, November 14 at 7:00 PM. For more information visit the town website at www.penfield.org.

6. The Penfield Heritage Association and the Friends of the Penfield Public Library will sponsor a lecture on the Civil War Part II on Sunday, November 13 from 2:30 to 4:00 PM.

7. The Town Hall offices will be closed on Friday, November 11, 2011 in observance of Veteran’s day.

8. The Town Hall offices will be closed on Thursday, November 24 and Friday, November 25, 2011 in observance of the Thanksgiving Day holiday.

9. Supervisor LaFountain recognized the Bay Trail Middle School 7th grade technology team students. The students recently had the
opportunity to visit the High Acres Landfill, Alpco Recycling, Inc. and to observe the operations of the Town by way of recycling. Supervisor LaFountain shared thank you letters that the students had written and thanked Town staff for hosting the Bay Trail field trip.

10. Supervisor LaFountain asked residents to be mindful of the Penfield Ecumenical Food Shelf especially during this time of year and to please donate.

11. The 7th Annual Art Association awards took place at the Legacy. The “Best Scene in Penfield” award went to Martha Sweeney for her painting of the RepARTee Gallery at Five Mile Line Road. Supervisor LaFountain congratulated all the artists that participated.

12. The 1st Annual Employee Wellness Fair was held on October 26, 2011. 25 different vendors from the Town of Penfield participated. Approximately 95% of Town employees attended. Supervisor LaFountain recognized the Wellness Fair team led by Michele Scarlata, Senior Account Clerk.

13. The Trails Committee will sponsor a free outdoor hike at the “Gosnell Big Woods Preserve” in Webster on Saturday, November 12, 2011 from 10:00 AM to Noon. To register call 340-8655.

14. Councilwoman Kohl’s next Community Chat will be held on Tuesday, November 15, 2011 from 5:30 to 7:00 PM at the Penfield Public Library, 1985 Baird Road.


Public Participation - None

Additions and Deletions to Agenda

Councilwoman Metzler moved to add Resolution #11T-245, Councilwoman Kohl seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of October 5, 2011, Councilman Quinn seconded and all present voted “aye.”

Petitions - None

Resolutions by Function

Law and Finance
WHEREAS, during 2011, the Town Board authorized the Highway Department to contract with the Monroe Community College and the Penfield Central School District, and

WHEREAS, during 2011, the Highway Department has completed the resurfacing of the parking lot at the Monroe Community College and the Penfield Central School District, 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 Highway Funds as follows:

**Highway Fund Revenue:**

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<tr>
<th>Descriptions</th>
<th>Amount</th>
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**Highway Fund Appropriations:**

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Moved: Quinn  
Seconded: Metzler

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

Adopted

WHEREAS, the Town Board of the Town of Penfield, Monroe County, New York has caused a map, plan and report to be prepared and filed in the office of the Town Clerk of Penfield, Monroe County, New York, for the establishment of Extension No. 52 to the Penfield Consolidated Sanitary District; and

WHEREAS, a Resolution was duly adopted by the Town Board on August 3, 2011, reciting a description of the boundaries of said proposed Extension No. 52 to the Penfield Consolidated Sanitary Sewer District, the improvements proposed, the maximum amount proposed to be expended for said improvement, 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 7, 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 the Town Board would meet for the purpose of holding a Public Hearing to consider the formation of Extension No. 52 to the Penfield Consolidated Sanitary Sewer District and said Map, Plan and Report filed in relation thereto and to hear all persons interested in the subject thereof, and

(Resolution #11T-237 – Continued)

WHEREAS, notice of such Hearing was duly posted and published in the manner and within the time prescribed by Section 209-d of the Town Law and proof of said publication and posting has been duly presented to this Board; and

WHEREAS, said Public Hearing was duly held by this Town Board at the time and place set forth in the aforesaid order, and considerable discussion upon the matter having been had and all persons desiring to be heard were duly heard; and

WHEREAS, on September 21, 2011 said Town Board duly adopted an order finding it in the affirmative all of the determinations required by Section 209-e of the Town law and approving the establishment of said Sanitary Sewer District Extension; and

WHEREAS, Notice of the adoption of the Resolution was published as required by law; and

WHEREAS, the Town Clerk having certified that no Petition was filed requesting a referendum on the proposal; and

WHEREAS, it is now desired to adopt a final order approving the establishment of said Sanitary Sewer District Extension in accordance with the provisions of Section 209-f of the Town Law.

NOW THEREFORE, BE IT ORDERED, by the Town Board of the Town of Penfield, Monroe County, New York as follows:

Section 1. The establishment of Extension No. 52 to the Town of Penfield Consolidated Sewer District in the Town of Penfield is hereby approved. Said Sanitary Sewer District Extension is hereby bounded and described as within Schedule A, attached.

Section 2. The Town Clerk is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Clerk of Monroe County and filed in the office of the State Department of Audit and Control at Albany, New York, in the manner and within the time prescribed by Section 209 (g) of the Town Law.

Section 3. This order shall take effect immediately.
The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

Moved: Quinn
Seconded: Kohl

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

Adopted

#11T-238  2011 Budget Amendment – Don Cranston Bridge by Moore

WHEREAS, during 2011, the Town Board authorized the Parks Department to complete the Don Cranston Bridge, and

WHEREAS, during 2011, these projects have been completed, 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:

(Resolution #11T-238 – Continued)

General Fund Revenue:

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General Fund Appropriations:

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<tr>
<td>Total</td>
<td>$10,000</td>
<td>$10,000</td>
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</tbody>
</table>

Moved: Quinn
Seconded: Metzler

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

Adopted

#11T-239  Authorization for General Obligation Bonds of the Town of Penfield to Finance Sewer System Capital Improvements within the Town and Authorizing the Issuance of Bond Anticipation
WHEREAS, the Penfield Consolidated Sanitary Sewer District is a Sewer District of the Town of Penfield, New York, duly established by the Town Board pursuant to the Town Law and, pursuant to a Resolution adopted on October 5, 2011, the Town has duly authorized additional facilities therein pursuant to §202-b of the Town Law, in connection with the Extension 19 Forcemain Replacement, Phase III; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and has duly issued a negative declaration and has determined that the implementation of the unlisted action as proposed will not result in any significant adverse environmental impacts; now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF PENFIELD, NEW YORK, (hereinafter referred to as the “Town”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Penfield shall undertake certain sewer system capital improvements to the Penfield Consolidated Sanitary Sewer District referred to as the last and final section of the Extension 19 Forcemain, Phase II, consisting of replacement of existing 12” diameter forcemain along Penfield - Perinton Town Line, from Pump Station west to Hilltop Drive, a distance of approximately 4700 LF, with new 12” HDPE forcemain to be on new alignment, roughly parallel to the existing main, to replace the last section of ductile iron pipeline that has previously been replaced west of Hilltop Drive due to corrosion through the pipe wall, a preemptive project intended to prevent failure of this last remaining section of DIP forcemain, and the replacement of equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed $425,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

(Resolution #11T-239 – Continued)

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, are estimated to be $425,000 and said amount is hereby appropriated therefore. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in
Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this Resolution will be in excess of five (5) years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this Resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of ad valorem taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this Resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town’s chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this Resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Penfield.

Section 7. The faith and credit of the Town of Penfield, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefore, in the manner provided by law, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of an ad valorem tax, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.
(Resolution #11T-239 - Continued)

Section 8. This Resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Penfield together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This Resolution shall take effect immediately upon its adoption.

Moved: Quinn
Seconded: Kohl

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

Adopted

#11T-240 Authorization for General Obligation Bonds of the Town of Penfield to Finance Sewer System Capital Improvements within the Town and Authorizing the Issuance of Bond Anticipation Notes in Contemplation thereof the Expenditure of Sums for such purpose, and Determining other Matters in Connection therewith by Moore

WHEREAS, the Extension No. 52 to the Penfield Consolidated Sanitary Sewer District is a Sewer Extension along Collingsworth Drive within the Town of Penfield, New York, duly established by the Town Board pursuant to the Town Law; and

WHEREAS, the cost of the improvements authorized will not exceed the cost thresholds that require approval of the Office of the State Comptroller; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and has duly issued a negative declaration and has determined that the implementation of the
unlisted action as proposed will not result in any significant adverse environmental impacts; now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF PENFIELD, NEW YORK, (hereinafter referred to as the “Town”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Penfield shall undertake the acquisition and construction of sewer improvements for Extension No. 52 to the Penfield Consolidated Sanitary Sewer District, and the acquisition of land or rights in land necessary therefore, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed $325,600 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

(Resolution #11T-240 – Continued)

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, are estimated to be $325,600 and said amount is hereby appropriated therefore. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this Resolution will be in excess of five (5) years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this Resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of ad valorem taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from
the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this Resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town’s chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this Resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Penfield.

Section 7. The faith and credit of the Town of Penfield, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefore, in the manner provided by law, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of an ad valorem tax, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

(Resolution #11T-240 - Continued)

Section 8. This Resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Penfield together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.
Section 9. This Resolution shall take effect immediately upon its adoption.

Moved: Quinn
Seconded: Metzler

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

Adopted

#11T-241 Adoption of a Findings Report for Incentive Zoning Application to Permit the Construction of 36 Single Family Homes on a lot totaling 29.7 acres located at 85 Fellows Road and 2353 Penfield Road – Ashlyn Rise Subdivision by Moore

WHEREAS, the Town Board received an application for Incentive Zoning on October 21, 2010 for the construction of 36 single family homes on two (2) parcels totaling 29.7 ± acres; and

WHEREAS, the Town Board approved Resolution number 11T-087 thereby setting a Public Information meeting on March 16, 2011 to consider the conceptual plan and to hear all persons interested on the question of the possible construction of up to 36 single family homes and other associated improvements on two (2) lots totaling 29.7 +/- acres; and

WHEREAS, the Town Board received input from the Conservation Board within a report dated April 5, 2011 and the from the Planning Board within a memo dated March 10, 2011; and

WHEREAS, the Town Board determined that the lots along the future extension of Lynx Court should be enlarged to be more consistent with lots already approved, to provide a more appropriate transition to the proposed development lots to the south, known as Fox Hill subdivision; and

WHEREAS, on February 2, 2011, the Town Board adopted the Town of Penfield 2010 Comprehensive Plan, which was the subject of a Generic Environmental Impact Statement Review; and

WHEREAS, following the environmental review, the Town Board acting as Lead Agency, prepared and adopted a Findings Statement, certifying that the 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, additional density in this area of Penfield was discussed in the Draft and Final EIS and the Findings Statement, establishing thresholds for additional development within this general area of Penfield; and

(Resolution #11T-241 - Continued)
WHEREAS, the application for the Ashlyn Rise subdivision has been reviewed by the Town Board and determined to be within the thresholds of additional density discussed, availability of infrastructure can support such increase in density; and

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

BE IT FURTHER RESOLVED, that the Town Board hereby determines that the application for up to 36 single family homes merits further consideration which would provide an increase of additional density of up to seven (7) lots over the conventional plan yield of 29 lots, which would be otherwise permitted under RR-1 zoning. The Town Board also determines that the following amenities being offered to the Town are in accordance with Amendment to Local Law No. 2 of 1995, as established by Resolution No. 66, dated January 15, 2003 merits further consideration, including, but no limited to:

- The developer shall provide cash contribution payments of $3,500 per lot above the RR-1 conventional yield of the property, that being 7 lots, totaling $24,500, which will be utilized by the Town Board for future open space preservation purposes.

- The developer shall also be required to install additional sidewalks along Fellows Road from the proposed development parcel to the shoulder of Route 441 along the west side of the road. This amenity is above and beyond compliance with the Town Sidewalk Policy. This includes approximately 510’± of new 5’ wide ADA compliant, concrete sidewalks at a current cost of $30/LF for an additional incentive contribution of $15,300.

- These incentives combine for a total incentive amount of $39,800 or $5,686/additional lot.

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

1. The Town Board finds that the application is consistent with recommendations within the Town of Penfield Comprehensive Plan 2010, which supports allowing density increases in areas supported by available infrastructure, particularly in exchange for community benefits.

2. The overall proposed density is 1.17 units per acre. Discounting roadways, the overall density is comparable to an R-1-20 or lower density, which encompasses the development to the west and south into the Town of Perinton. The overall density is consistent with future land use map contained in the 2010 Comprehensive Plan.

3. The 36 lots are to be serviced by dedicated streets with the subdivision serviced by a single access point off of Fellows Road and a future connection to Lynx Court in the Fox Hill
subdivision. This negates the need for an entrance onto Penfield Road where the sight distance is questionable and prevents disturbance to state wetlands north of the subject property. The segment of Penfield Road from Watson Road to Salt Road was identified in the Town of Penfield Highway Monitoring System Report (updated March, 1998) as having a level of service “C”, resulting in an average delay for vehicles. The Town Board is not aware of any significant delays or accident histories at the intersection of Fellows Road/Penfield Road and the addition of 36 units will not lower that level of service.

(Resolution #11T-241 - Continued)

The NYSDOT has modified the striping at the intersection of Fellows Road and NYS Route 441 to improve the existing conditions. The state is also working on plans to complete improvements on Route 441 in the near future.

4. The addition of a sidewalk along Fellows Road to Penfield Road supports the Town’s goals to expand multi-modal networks as stated in the Town’s 2010 Comprehensive Plan.

5. The project will cluster the housing units within the upland portion of the parcel, providing a substantial buffer from Penfield Road and will preserve the wetlands on the north side of the property in a permanent conservation easement, allowing no future development to occur. These two (2) wetland parcels of 7.706 acres and 2.205 acres, totaling 9.911 acres, will be deeded to Blake Miller of 2343 Penfield Road. The three (3) separate parcels will be required to be merged into one (1) parcel for a total acreage of 15.411 acres, at the time the subdivision plat for Phase I of Ashlyn Rise is recorded at the Monroe County Clerks Office. The two (2) wetland parcels shall have no materials stored in them and no activity allowed without the approval of the Town of Penfield, the NYSDEC or any other interested agency. The project also provides green space around the northern perimeter of the project. The permanent preservation of the wetlands will allow the character of the neighborhood along Penfield Road will remain as is.

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

7. Submission of oral testimony of the applicant and the public.

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

Moved: Quinn
Seconded: Kohl

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

Adopted

Public Works

#11T-242 Advertising for Sealed Proposals in Relation to the Extension 52 (Collingsworth Drive Sewer Project) 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 52 (Collingsworth Drive Sewer Project), 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 3, 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, Wednesday, December 2, 2011, at which point they are to be opened and publicly read.

(Resolution #11T-242 - Continued)

Moved: Metzler
Seconded: Kohl

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

Adopted

#11T-243 Authorization for Town of Penfield to pay Annual Fee to the Stormwater Coalition of Monroe County by Metzler

WHEREAS, the Town of Penfield participates in the Stormwater Coalition of Monroe County to address Clean Water Act compliance efforts; and

WHEREAS, the Stormwater Coalition has provided training and education services to the Town of Penfield for its staff as part of the requirements of the EPA and NYSDEC; and
WHEREAS, the Stormwater Coalition assists the Town of Penfield in the preparation of the Annual Report to the NYSDEC; and

WHEREAS, the Town Board supports the staff involvement with the Stormwater Coalition and is an excellent example of inter-municipal cooperation; and

WHEREAS, the Annual Fee includes a base fee and a supplemental fee based upon the Town’s population to continue the valuable services of the Stormwater Coalition while a permanent funding source can be established.

NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes the Engineering Department to pay the Annual Fee of $9,844.00 to Monroe County from the Drainage Fund.

Moved: Metzler
Seconded: Quinn

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

Adopted

Public Safety – None

Community Services

#11T-244 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:

Lifespan, c/o Ann Marie Cook, 1900 South Clinton Ave., Rochester, NY 14604, to provide Eldersource Care Management Services to Town of Penfield residents for the calendar year of 2011 for a fee of $700.00. Voucher to be submitted on 11/16/2011.

Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business – None

New Business

11T-245 Authorization to Extend Snow & Ice Agreement with New York State Department of Transportation
BE IT RESOLVED, THAT the Supervisor, be and hereby is authorized to execute a one (1) year extension to the Snow and Ice agreement No. D139815 between the Town of Penfield and New York State Department of Transportation for the 2013/2014 snow and ice season.

Moved: Metzler  
Seconded: Kohl  

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Adopted

Public Participation

Dan Quatro, County Legislator of the 15th District and Majority Leader, 637 Contempri Way, stated that County Executive Maggie Brooks submitted the 2012 County Budget ahead of schedule and has kept the tax rate flat. Legislator Quatro informed that there will be a Public Hearing on the Monroe County Budget tentatively scheduled for December 1, 2011. Check the County website at www.monroecounty.gov for further details.

Debbie Drawe, Legislator of the 9th District, 5 Cobblestone Crossing announced that November 3rd will be the Annual Crime Stoppers Community Challenge fundraiser from 5:00 AM to 7:00 PM. To pledge a donation, please call 271-1660 or visit the Crime Stopper’s website.

Supervisor LaFountain announced that Monroe County and Waste Management has opened an Eco Park which provides county residents with a “one-stop drop-off” to dispose of or recycle certain items. Hours of operation are Wednesday - Saturday, 7:30 AM to 1:00 PM. For more information visit www.monroecounty.gov/ecopark.

Following the close of the meeting, videos will be shown of the recent recycling and document shredding event and the Art Association event.

Adjournment

Supervisor LaFountain adjourned the meeting at 8:18 PM.

Amy Steklof  
Town Clerk