PENFIELD TOWN BOARD AGENDA
Wednesday, March 7, 2012, 7:30 PM
Supervisor R. Anthony LaFountain, presiding

I Call to Order - Pledge of Allegiance - Roll Call

II Public Hearing - To Consider Ordinance changes to Article V, Environmental Permits and Article VI, Topsoil and Mining Permits

III Communications and Announcements

IV Public Participation

V Additions and Deletions to Agenda

VI Approval of Minutes – February 1, 2012

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Law and Finance
# 12T-077 Approval of Waiver from Design Specifications for Caroline Court Subdivision
# 12T-078 Authorization for Supervisor to Sign Contract with Barton & Loguidice P.C. for Professional Engineering Services related to Allen’s Creek Restoration Project
# 12T-079 Setting a Public Hearing for a Special Permit to Allow an All State Insurance Agency at 1822 Penfield Road
# 12T-080 Setting an Informal Discussion Meeting for an Incentive Zoning Proposal at 2305 Penfield Road
# 12T-081 Authorization to Maintain Properties and Assess the Charges to the 2013 Property Tax Bills

Public Works
# 12T-082 Authorization to Purchase Vehicle for Office of Town Assessor

Public Safety - None

Community Services
# 12T-083 Authorization to Attend NYSRPS Annual Conference
# 12T-084 Awarding Contract for Printing Program Brochures
# 12T-085 Authorization for Supervisor to Sign Recreation Contracts

IX Old Business
X New Business
XI Public Participation
XII Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, March 7, 2012 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  
Geoff Benway  Town Engineer  

Supervisor LaFountain called the meeting to order — The Pledge of Allegiance was led by Eric, a Boy Scout from Troop #312.

Public Hearing #1 -  To Consider Ordinance Changes to Article V, Environmental Permits and Article VI, Top Soil and Mining Permits  (See Resolution #12T-070)

The Town Clerk read the title of the Notice of Public Hearing, said Notice was published in the Penfield Post on February 23, 2012 and was posted on the Town Clerk Bulletin Board and Town Website.

Town Engineer, Geoff Benway gave an overview of both Article V and Article VI of the Ordinance. Mr. Benway stated that both Articles had been looked at for changes in order to eliminate confusion with previous language, tighten some of the controls with the fill and excavation operations, and to address neighbor concerns with previous projects. Neither Article V nor Article VI had been reviewed in 30 years.

Supervisor LaFountain stated that this is the third draft to be reviewed.

Councilwoman Metzler stated that the Town Board has extensively reviewed the drafts at Work Sessions and have also looked over the drafts independently and that the drafts respond to concerns from residents.

Councilwoman Metzler asked Mr. Benway to give examples of some of the concerns that have been addressed.

Mr. Benway stated that one of the largest concerns addressed is that of the time frame in which the permits can be obtained, and that the Public Hearing will give the residents the opportunity to become better informed.

Tom Cleary, 1250 Jackson Road asked if fill permits need to be written in a particular format because he had heard that a permit had been once written on a napkin. Mr. Cleary then stated he would look into clarifying that information.

Mel Callan, 1410 Harris Road asked what the significance is for grading at 12” as opposed to 6”?

Mr. Benway replied, “That was language from the previous permit.”

Ms. Callan also asked about topsoil storage locations and if Penfield requires topsoil to remain in the Town limits?

Supervisor LaFountain stated that there are many different ways that the developer can store topsoil and that the Town will take into consideration the idea of keeping the topsoil within the Town.

Ms. Callan stated that with all the Open Space in Penfield there could be great use for topsoil within the Town.
Ms. Callan asked what is the typical amount of time for Notice of Public Hearings?

Town Clerk, Amy Steklof stated that typically she advertises a Public Hearing Notice in the paper between 10 and 20 days before the Hearing.

Town Attorney, Richard Horwitz confirmed that is the usual time frame.

Ms. Callan asked, in reference to the section on exceptions, if another committee was reviewing a project, would it be subject to Articles V and VI as well?

Supervisor LaFountain stated that typically it would.

Ms. Callan asked how the Town enforces the provision concerning clean fill?

Supervisor LaFountain stated there are on going inspections, spot checks and financial guarantees.

Supervisor LaFountain stated that written comments will be accepted up to the last Work Session of the month, March 28, 2012.

Ms. Callan asked when the Articles will be voted upon?

Supervisor LaFountain stated he anticipates the vote for adoption will occur at the first Town Board meeting in April.

Mr. Benway stated that the application form has been revised. He also stated that on the back of the application is a list of authorized trucking companies, so they can make sure that the right trucks and proper fill will be delivered to the site.

Joanne Frelier, 9 Parkview Drive thanked Supervisor LaFountain for his leadership and for having the changes to the Articles addressed.

Ms. Frelier stated that in Article V she is concerned about the frequency of inspections and its cost. She would also like an instrument survey to be part of the application process. Ms. Frelier was also concerned about neighbor notification. She also asked if there will be any traffic patterns established for trucks and would also like to know who decides when roadway clean-up of the area is necessary.

Hearing closed.

Communications and Announcements

1. The 2011 Annual Financial report for the Town of Penfield is on file in the Town Clerk’s office and is also available at the Penfield Library for anyone wishing to inspect it.

2. Passport Night will be held on Thursday, March 29, 2012 in the Town Hall Auditorium from 5:30 to 7:30 PM.

3. The free Rabies Clinic for Penfield Residents will be held Saturday, June 2, 2012 at the Penfield Sewer Garage, 1607 Jackson Road from 10:00 AM to Noon.

4. The Young Open and Honest Players (YOHP) will hold auditions for the play “Harvey” on April 11, 2012 at 6:00 PM in the Penfield Community Center. For more details call 340-8655.

5. Daylight Savings Time is March 11, 2012. Please move clocks ahead one hour and check the batteries in smoke detectors and CO2 detectors.
6. The Penfield Public Library is hosting “March into Arts Month.” Debra Dean will be the featured speaker on Wednesday, March 28, 2012 at 7:00 PM. For more information log on to www.penfieldlibrary.org.

7. The Spotlight on Business Vitality 2012 presented by Supervisor LaFountain can be seen on Penfield TV, government access, www.penfieldtv.org, March 9, 2012 at 9:00 PM, March 10 at 2:00 PM, March 11 at 7:00 PM and March 12 at 3:00 PM.

8. Supervisor LaFountain recognized the Penfield High School Girls Basketball Team for winning Sectionals. They defeated Gates Chili 63-52 and claimed the Section V Class AAA title.

9. Supervisor LaFountain received a communication from John O’Rourke thanking the Town and Staff for the free document shredding event that was held this past fall at the Highway Department. The Town will hold another document destruction event on April 28, 2012.

10. Supervisor LaFountain received a communication from the American Public Works Association stating that Town Engineer, Geoff Benway has been selected as the 2011 recipient of the American Public Works Association (APWA) Harry S. Swearingen Award of the NYS Chapter. Mr. Benway will receive the award on March 29, 2012 as part of their annual meeting and banquet.

11. The Penfield Trails Committee will be sponsoring a free outdoor hike at Sherwood Fields Park, 2514 Penfield Road on Saturday, March 10, 2012 from 10:00 AM to Noon. To register call 340-8655.

12. The Penfield Rotary Euchre Tournament will be held on Sunday, March 11, 2012 at the Legacy at 40 Willow Pond Way. Check in time is at 1:30 PM. For more information log onto www.penfieldrotary.org.

13. Councilwoman Kohl’s next Community Chat will be held on Saturday, March 10, 2012 from 9:30 AM to 10:30 AM at Bruegger’s Bagels in Panorama Plaza, 1601 Penfield Road. Councilwoman Kohl can be reached at kohl@penfield.org.

Petition Public Participation

Dr. Martin Korn, 71 Hillary Lane read a statement in favor of a one (1) year moratorium on Hydraulic Fracturing. (see attached)

Deb Muratore, 3 Penview Drive read a statement in favor of a one (1) year moratorium on Hydrofracking. (see attached)

Phyllis Korn, 71 Hillary Lane read a statement in favor of a one (1) year moratorium on Hydrofracking. (see attached)

Peter Maurer, 36 Old Barn Circle also spoke in favor of a one (1) year moratorium on Hydrofracking in the Town of Penfield and focused on the negative economic impact and the potential environmental harm it could cause.
Joyce Herman, 87 Hillary Lane thanked Supervisor LaFountain and the Town Board for accepting the Petition. Ms. Herman expressed her concerns about Hydrofracking in the Town of Penfield and the environmental impact on its water supplies as well as the lack of regulation. Ms. Herman stated that Hydrofracking technology is a major public health threat and that natural gas is not clean energy. Ms. Herman also stated that Hydrofracking will not create more jobs. She encourages consideration for a one (1) year moratorium with the Town of Penfield.

Judge H. Robert Herman, 87 Hillary Lane spoke in favor of a one (1) year moratorium on Hydrofracking in the Town of Penfield. Mr. Herman stated his concern about the negative effects on property values if Hydrofracking were to come to Penfield. He urged the Town Board to act quickly in passing a one (1) year moratorium.

Mel Callan, 1410 Harris Road announced there will be a forum held with the Penfield Green Initiative on Monday, March 26, 2012 in the Town Hall Auditorium from 7:00 to 9:00 PM called “A Conversation about Hydrofracking, why Penfield should care.”

Public Participation

Ed Lindskoog, 18 High School Drive, stated he has alerted the school district on the issue of Emerald Ash Borers. He hopes the Town will take an active approach informing residents as to what to do and how to eliminate the spread of Emerald Ash Borers in ash trees.

Supervisor LaFountain stated he was notified by the Horticulture Department of Monroe County that they will be hosting a meeting in a couple of weeks that all the towns have been invited to concerning the spread of the Emerald Ash Borer.

Tom Cleary, 1250 Jackson Road, stated he has been informed that the Town has spent $140,000 to clean a pond at Silver Woods with a contract excavator. Mr. Cleary is wondering why the Town does not buy an excavator. Mr. Cleary is in favor of the Town purchasing an excavator to save money for the Town.

Supervisor LaFountain stated that Ronnie Williams, the Director of Public Works plans to petition the Town Board to make such a purchase.

Mr. Cleary stated that the Town caused damage to his neighbor’s private bridge and feels that the neighbor should be compensated for the damage.

Supervisor LaFountain suggested that the neighbor contact him or submit in writing a request and he will be happy to discuss the issue with him.

Mr. Cleary stated he also has a friend who has property on NYS Route 250 that has drainage issues and that the friend would like the Town to take care of the problem as a priority.

Councilwoman Metzler stated that Mr. Cleary had brought up the issue at the Watershed Management Committee meeting this past Monday.

Supervisor LaFountain stated that the Town will need to do survey work in order to see what needs to be done to fix the problem and will place it on the priority list.
Tonight's Trivia history question is as follows:

The Roseland Postal Station and Merchandise Store serviced the community in East Penfield from 1900-1915. Who built and maintained the property?

A) Arthur B. Frost  
B) Otis Campbell  
C) Eli Dayton  
D) Otis Bancroft  
E) Herrington Baker

The answer to the trivia question is: D) Otis Bancroft

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of February 1, 2012. Councilwoman Metzler seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#12T-077 Approval of Waiver from Design Specifications for Caroline Court by Moore

WHEREAS, the developer for Caroline Court Subdivision has requested a waiver from the Design Specifications to comply with the Green Infrastructure requirements under the NYS Stormwater Design Manual, and

WHEREAS, the NYSDEC requires compliance efforts with the Design Manual to achieve water quality improvements under the Clean Water Act, and

WHEREAS, the Engineering Department has reviewed the plans and supports a waiver from the Town requirements to allow the disconnection of downspouts to the storm sewer system based upon the site design and existing soils, and

WHEREAS, the reduction in flow to the storm sewer will allow the reduction in size of the house laterals to 4”.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby grants the waiver from Section 8.2 of the Town of Penfield Design Specifications for Caroline Court Subdivision.

Moved: Moore  
Seconded: Kohl  

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

Adopted

#12T-078 Authorization for Supervisor to Sign Contract with Barton & Loguidice P.C. for Professional Engineering Services related to Allen’s Creek Restoration Project by Moore

WHEREAS, the property owners along Allen’s Creek experience substantial property loss during heavy rains, and

WHEREAS, Allen’s Creek is experiencing higher peak runoffs that have led to excessive erosion, and
WHEREAS, a preliminary geomorphic assessment was completed that reviewed the erosion problems along Allen’s Creek and provided recommendations for six (6) repair projects, and

WHEREAS, Barton & Loguidice, P.C. has submitted a proposal to complete the design plans and obtain permits for the creek restoration projects, and

WHEREAS, the NYSDEC has noted that Irondequoit Creek and its tributaries are listed as impaired waterways for sediment and phosphorus, and

WHEREAS, the Town Board desires to protect the water quality within the sensitive ecosystem of Irondequoit Creek and Irondequoit Bay, as required under the Phase II stormwater regulations.

NOW, THEREFORE, BE IT RESOLVED, that Supervisor R. Anthony LaFountain, is hereby authorized to sign a contract with Barton & Loguidice, P.C. to provide engineering services for the Allen’s Creek Restoration Project for a cost not exceed $65,000. The cost of the engineering services shall be paid from the Townwide Drainage Levy.

Moved: Moore
Seconded: Quinn

Adopted

#12T-079 Setting a Public Hearing for a Special Permit to Allow an Allstate Insurance Agency at 1822 Penfield Road by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit pursuant to Article III-3-97 of the Code to allow an Allstate insurance agency at 1822 Penfield Road, located in the Four Corners (FC) zoning district;

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board is best suited to act as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as “lead agency” and determined the proposal to be a Type II action pursuant to SEQRA; and be it further

RESOLVED, that the Town Board of the said Town of Penfield shall hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on March 28, 2012, at 7:30 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of a Special Permit to allow an Allstate insurance agency at 1822 Penfield Road, in the Four Corners (FC) zoning district; and be it further

RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.

Moved: Moore
Seconded: Metzler

Adopted
#12T-080 Setting an Informal Discussion Meeting for an Incentive Zoning Proposal at 2305 Penfield Road by Moore

WHEREAS, Roy Garfinkel, L.S. Costich Engineering, requests an Informal Discussion with the Town Board regarding the possible construction of 12 Town house units and other associated improvements on 2.48 +/- at 2305 Penfield Road. This property is owned by John Gabriele and is zoned R-1-20, SBL# 140.01-01-75.2; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield will hold a Public Information Discussion at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 on April 4, 2012 at 7:30 PM on said date, to consider said application and to hear all persons on the question of consideration of said application; 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 not to be less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by law.

Moved: Moore
Seconded: Kohl

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

Adopted

#12T-081 Authorization to Maintain Properties and Assess the Charges to the 2012 Property Tax Bills by Moore

WHEREAS, on October 2, 1996, the Town Board of the Town of Penfield adopted Article IV-4-28 of the Penfield Zoning Ordinance entitled “Property Maintenance”; and

WHEREAS, the purpose of Article IV-4-28 of the Penfield Zoning Ordinance is to prevent the gradual encroachment of blight, deterioration, unsightliness and property devaluation and to assure that all premises within the Town of Penfield are maintained in a manner that will assure the health, safety and welfare of the general public; and

WHEREAS, the property owner of 2476 Penfield Road, SBL #140.02-1-6 has failed to maintain the exterior areas and secure the vacant residence and garage at the subject property which continues to be a concern for the health, safety and welfare of the surrounding neighbors; and

WHEREAS, the Town staff has continually requested the property owner to maintain at this location with no result:

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Building and Zoning Administrator to have the property appropriately maintained; and

BE IT FURTHER RESOLVED, that the Town Board further authorizes that the cost of said maintenance and any necessary subsequent maintenance during the 2012 season also be charged to the 2013 property tax bill for the subject property.

Moved: Moore
Seconded: Quinn

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

Adopted
Public Works

#12T-082 Authorization to Purchase Vehicle for Office of Town Assessor
By Metzler

WHEREAS, the adopted 2012 budget for the Assessor Department provides for the purchase of equipment from New York State Contract for the following vehicle: Item 2A Ford Fusion SE (POH) for a contractual price of approximately $16,155.33.

WHEREAS, the Assessor Automobile Department expenditures are to be funded from the General Equipment Reserve Fund which is subject to Permissive Referendum and,

NOW, THEREFORE BE IT RESOLVED the Director of Public Works be, and hereby are, authorized to purchase said equipment from the New York State Contract and,

NOW, THEREFORE BE IT FURTHER RESOLVED, that the adoption of that portion of this Resolution with respect to the expenditure from General Equipment Reserve Fund is 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: Metzler
Seconded: Moore

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

Adopted

See Schedule "A" at end of Minutes

Public Safety - None

Community Services

#12T-083 Authorization to Attend NYSRPS Annual Conference by Kohl

WHEREAS, the Recreation Department staff are members of the New York State Recreation and Park Society, and

WHEREAS, the annual conference will provide professional training and C.E.U. credits that will benefit the Town of Penfield,

WHEREAS, by Resolution #12T-067 of February 1, 2012 the following recreation staff were authorized to attend the 72nd annual New York State Recreation and Park Society Conference and Business Expo from 3/25 - 3/27/12 in Saratoga Springs, N.Y.

Linanne Conroy  Pamela Mount  Ashley Vent

BE IT RESOLVED, Chris Bilow is hereby authorized to attend this conference in place Pamela Mount who is unable to attend,

NOW, THEREFORE, BE IT RESOLVED that funds are provided in the 2012 budget. Expenses include registration fees, meals, lodging, transportation (gas, tolls, parking), and related expenses.

Moved: Kohl
Seconded: Quinn

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

Adopted
WHEREAS, sealed proposals were sought and requested to furnish the Town of Penfield Recreation Department with printing the program brochure for the 2012 calendar year including the summer, fall and winter/spring issues, to meet our specifications,

AND, WHEREAS, on Thursday, January 19, 2012 at 11:00 AM EST, proposals from the following companies were received, opened and read publicly by the Town Clerk:

Messenger Post Media
73 Buffalo Street
Canandaigua, NY 14424

Webster Printing Corp.
2010 Empire Boulevard
Webster, NY 14580

Penny Lane Printing
1471 Route 15
Avon, NY 14414

NOW, THEREFORE, BE IT RESOLVED, that the contract be awarded to Penny Lane Printing, low bidder overall for Bid 5, 6, 7, and 8 including alternative #1, alternative #2 and alternate #3 on each respective bid.

Net delivered price (per issue) as follows:

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Moved: Kohl
Seconded: Metzler

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

Adopted

See Schedule “A” at End of Minutes

#12T-085  Authorization for Supervisor to Sign Recreation Contacts by Kohl

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

Ghost Riders Drum & Bugle Corps, 216 Wycliff Drive, Webster, NY 14580, Independence Day Parade, 6/30/12, for a fee of $700. Voucher to be submitted 6/6/12.

John Kowiak, 33 Charisma Drive, Rochester, NY 14606, guest speaker for Thursday lecture series “The 1942 Raid Doolittle Raid over Tokyo” on 3/22/12 for a fee of $35. Voucher to be submitted on 3/21/12.

Bart Dentino, 4269 Drake St. Rd., Elba, NY 14058 to provide Bart and Kevin music entertainment for Kids Fest, 7/19/2012 for a fee of $550.00. Voucher to be submitted on 6/20/12.
Amend Resolution #12T-076 For: Jamie Cosco, Should read Gary Calabrese

Moved: Kohl
Seconded: Moore

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

Adopted

Old Business - None

New Business - None

Public Participation

Ed Lindskoog asked for an update of the public access running across Irondequoit Creek.

Supervisor LaFountain stated that the sanitary sewer pipe has been removed, but there is still water and gas that runs through that area and at this time it cannot be taken down without some sort of alternate route. R G & E and the Water Authority would move the pipes if the Town is willing to pay for it.

Mr. Lindskoog stated that a large puddle exists next to the crosswalk at Liberty Street and would like it to be addressed.

Mr. Lindskoog also stated that there is still a problem pertaining to garbage flying out of the dumpsters in the Four Corners area when it is windy and would like that issue to be addressed.

Mr. Lindskoog noted that work has been done to the Kam Wah building. The sign has been taken down and the roof is being repaired.

Supervisor LaFountain stated that the Board is cautiously optimistic that an application will be submitted soon.

Mr. Lindskoog asked if any progress has been made in reference to placing a garbage receptacle in Schaufelberger Park.

Supervisor LaFountain stated he gave the information to Bob Ainsworth, Parks Director and his crew to place a garbage receptacle and a can and bottle recycling container in the park.

Adjournment

Supervisor LaFountain adjourned the meeting at 9:15 PM.

Amy Steklof
Town Clerk
March 7, 2012

Tony LaFountain, Town of Penfield Supervisor
Councilman and Deputy Supervisor Andy Moore
Councilman Linda Kuhl
Councilman Paula Meltzer
Councilman Rob Quinn

The Economic and Environmental benefits of a one-year Hydraulic Fracturing Exploration, Extraction and Support Activities Moratorium

Thank you for this opportunity to state my concerns.

Mine is a one point issue. To help protect the Town of Penfield economically and environmentally. This has been my home since 1988, and I treasure its character, air, water, and peace.

Our petition states many of our concerns regarding Hydraulic Fracturing.

I'd like to emphasize one matter that in particular has galvanized us into action at this time, and which adds urgency to our petition, and that is preservation of Penfield's Home Rule powers; our ability to determine our land use and zoning laws regarding High Volume Hydraulic Fracturing.

Should the New York State Department of Environmental Conservation issue an open permit for fracking anywhere in the state, based upon some initial set of regulations, every town's Home Rule powers over its land use with regard to fracking could be seriously impaired unless a moratorium, ban, or zoning prohibition is already in place.

This is a real and present danger, one which could be upon us much sooner than we had earlier thought possible. Please note that Governor Cuomo said on February 8, 2012 that a decision on fracking is "a couple of months" away (Elmira Star Gazette, February 8, 2012), and on March 2, 2012 he said "the issue isn't whether it will happen — it's how it will happen" (New York Post, March 3, 2012).

We therefore believe it is important that the town not wait to act. Once gas companies have permits to drill these unconventional wells in New York State the floodgates will open. There is the possibility for rampant speculation and the town board will be attempting to reverse against the tide to protect this place we all love.

By acting now, the town board puts a protective wall in place that preserves Home Rule control regarding fracking, and provides time to thoroughly review the matter before making any final decisions.

I urge you to please accept our petition, to enter it into the record of tonight's meeting, to create a Moratorium Resolution, and to request public input on a moratorium as quickly as possible.

Thank you.

Martin W. Korn, MD
71 Hilltop Lane, Penfield, NY 14526
Penfield Citizens Concerned About Hydrofracking

Marty@kornfamily.com 585-585-1969
March 7, 2012

Tony LaFountain, Town of Penfield Supervisor
Councilman and Deputy Supervisor Andy Moore
Councilwoman Linda Kohl
Councilwoman Paula Merz
Councilman Rob Quinn

The Economic and Environmental benefits of a one-year Hydraulic Fracturing Exploration, Extraction and Support Activities Moratorium.

A critical consideration is the impact on present and future generations that should include: intellectual - moral - emotional - physical and spiritual components.

During a one-year moratorium take the time to answer these questions:

Who will benefit or bear the economic and environmental risks?
Will Penfield residents be hurt?
Who will bear the costs for infrastructure improvements and road maintenance?
Who will bear the costs for any accidents or clean-ups?
Who will be responsible for the health and safety of residents, businesses & schools?

What are the true economic and environmental costs?
What is the effect on property taxes, mortgage values and potential increased crime?
What is the effect on potential pollution to the air, land and water?

Where would gas drilling be zoned?
Where would the gas go after it was drilled out of the ground?

When all the gas has been removed - then what happens to the air, land and water?

Why we need a one-year Hydraulic Fracturing Exploration, Extraction and Support Activities Moratorium - is to have the time to review these and any other questions for their short and long-term consequences and to preserve Home Rule.

Thank you.

Deb McAlpine
Penfield Citizens Concerned About Hydraulic Fracturing
3 Pewaukee Dr
Rochester, NY 14625
Deb.McAlpine@optirail.com
385-9743

March 7, 2012

To: Tony LaFountain, Town of Penfield Supervisor
Councilman and Deputy Supervisor Andy Moore
Councilwoman Linda Kohl
Councilwoman Paula Merz
Councilman Rob Quinn

Thank you for the opportunity to support the petition for a One Year Moratorium on Hydraulic Fracturing in Penfield.

With my husband Marty, I have lived in Penfield since 1968, raised our three children here, and valued Penfield’s solid reputation as a comfortable community. I have read, with mounting concern, about the effects of drilling for natural gas utilizing high volume hydraulic fracturing, or hydrofracking. Current drilling in the Marcellus Shale is moving inexorably north, from Pennsylvania, through the Southern Tier, toward Monroe County.

But that is the Marcellus Shale, why should it concern us? Because it is a part of the much larger, deeper, and potentially more valuable Utica Shale, which lies under Monroe County and our entire Town of Penfield. (see map)

While gas drilling holds out the promise of cheap clean energy, and financial gain for the lease-holders, job-seekers, and surrounding communities, the economic actuality paints another picture.

First, communities, land-owners and workers do not gain as much as they have anticipated; the gas and oil companies are the major beneficiaries.

Second, experience in our neighboring state of Pennsylvania shows that the economic risks are significant: road degradation, emergency services strained, increased crime, contaminated water, lakes, streams, rivers, ponds, aquifers), highly toxic maternate whose disposal is not safe, polluted air; health risks still emerging, agricultural lands damaged, diminished property values.

The list goes on...

Penfield’s own Comprehensive Plan, adopted in 2010, lauds this town’s quality of life. Hydrofracfring threatens the values set forth in this Plan: safety and health in its residential neighborhoods and continued agriculture and open space preservation in Eastern Penfield.
In the presence of hydrofracking, a peaceful town will be threatened by congestion and noise 24/7. Scenic beauty will be spoiled by wells, drilling rigs, pipelines, compressor stations, and staging areas. The visual pollution that is an inevitable part of hydrofracking (photographs) [Remember that it takes 1 to 2 million gallons of water to track one well, one time, and can be repeated up to 18 times - water that must be drawn from local water reservoirs, transported in giant trucks on our roads, and 25 to 40% of it disposed of as the flowback water, returned to the surface, laden with a toxic brew of known carcinogenic chemicals and radioactivity.]

What are the towns and municipalities around us doing? In Monroe County, two towns have already adopted moratoria. Across the state, over 70 communities have or soon will officially adopt bans or moratoria. Other Town Boards are doing exactly what you are doing tonight - considering a petition for a one year moratorium on hydrofracking.

Why a moratorium? To allow the town time to study all the impacts outlined above, and time to change its laws, its zoning, its comprehensive plan, as needed.

Why the urgency? To move ahead before New York State issues permits, even a couple, for hydrofracking, which could possibly come as early as April 1. It is critical that Penfield adopt a Home Rule, while it still can. The courts of New York State have upheld local zoning laws (Home Rule) in two recent cases.

I think of what we will leave for our children and grandchildren. Roads can be repaired. Noise will ultimately subside. But the damage to our land, air and water, the vital resources that nourish all life, is permanent.

I am trusting that Penfield’s Town Board will have the vision and the strength to do what is right for this community that we all live in and value.

Phyllis S. Korn
71 Hillary Lane
Penfield, NY 14525

Penfield Citizens Concerned About Hydrofracking
### Schedule A

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<tr>
<th>LOT</th>
<th>ITEM NO.</th>
<th>CONTRACTOR</th>
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<th>2011 BUILD OUT DATE</th>
<th>2012 CONTRACT PRICE</th>
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### Penny Lane Printing

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### Messenger Post Media

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