PENFIELD TOWN BOARD MEETING AGENDA
Wednesday, September 19, 2012
Supervisor R. Anthony LaFountain, presiding

I  Call to Order – Pledge of Allegiance – Roll Call

II Communications and Announcements

III Public Participation

IV Additions and Deletions to Agenda

V Approval of Minutes – August 15, 2012

VI Petitions

VII Resolutions by Function

Law and Finance
12T-200 Town of Penfield Vehicle/Equipment Use Policy
12T-201 2012 Budget Amendment – 2012 Drainage Projects
12T-202 Authorizing Supervisor to enter into an Agreement with Barton & Loguidice, PC to conduct an Operational Analysis of the Sherwood Forest Sewer Pump Station
12T-203 Setting a Public Hearing for the Establishment of the Sparrow Pointe Subdivision – Special Improvement District
12T-204 Setting a Public Hearing for the matter of Establishment of Sparrow Pointe Subdivision sidewalk District (#17)
12T-205 Establishment of the Ashlyn Rise Sidewalk District (#16)
12T-206 Authorization to attend Congress for the New Urbanism Retreat in Chautauqua, NY
12T-207 Setting a Public Hearing for a Special Permit to Allow a Sit-down Restaurant with Outdoor Dining at 2124-2126 Five Mile Line Road

Public Works - None

Public Safety – None

Community Services
12T-208 Advertising for Sealed Bids for Remote Video Camera System

VIII Old Business

IX New Business

X Public Participation

XI Adjournment
Penfield Town Board, September 19, 2012

The Regular meeting of the Penfield Town Board was held on Wednesday, September 19, 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

Supervisor LaFountain called the meeting to order - The Pledge of Allegiance was led by Debbie Drawe, County Legislator.

Communications and Announcements

1. New York State and Monroe County Board of Elections will hold local registration days on Thursday, October 11, 2012 from 3:00 PM to 7:00 PM, and Saturday, October 13, 2012 from Noon to 9:00 PM at the Penfield Library, 1985 Baird Road. For more information visit www.monroecounty.gov/elections.


3. The Town of Penfield will join more than 50 cities and towns nationwide to celebrate “National Plug in Day” on Sunday, September 23, 2012, 2:00 PM – 5:00 PM at its electric car charging station on the south side of the Penfield Community Center, 1985 Baird Road. For details visit www.penfield.org.

4. Penfield Recreation continues to update its five (5) year Recreation Department Master Plan. To help with decisions on the Recreation Department’s future programming, please complete a quick needs assessment survey by visiting www.surveymonkey.com/s/PenRecsurvey.

5. The 4th annual Ghost Walk at Oakwood Cemetery will be held on Friday, October 19, 2012 with a rain date of October 20, 2012. Actors are needed ages 13 years and up. Please contact Pam Mount at 340-8664 if you would like to participate.

6. The Town offices will be closed on Monday, October 8, 2012 in observance of Columbus Day.

7. The Town Fall Drop-off will be held Thursday, October 11, 2012 from 7:00 AM to 6:00 PM, Friday, October 12 and Saturday, October 13 from 9:00 to 4:00 PM at the Penfield Highway Garage, 1607 Jackson Road. For more information visit www.penfield.org.

8. The Town of Penfield received a letter from County Executive Maggie Brooks notifying the Town that it is a recipient of the Community Block Development Grant in the amount of $37,250. The grant is for the Panorama Valley sidewalk project. Supervisor LaFountain thanked the County Executive and the County Legislature for the Block Grant.

9. The 10th Annual Family First Penfield 5k challenge will be held on Sunday, September 30, 2012. Check in time will be at 8:00 AM, at the Penfield Community Center. For more information and to download the registration form, visit www.penfield.org.

10. The Penfield Trails Committee will sponsor a free guided public hike on Saturday, October 13, 2012 at Lucien Morin Park from 10:00 AM to Noon. Meet at Empire Boulevard at the south end of Irondequoit Bay. Participants are asked to register by calling the Penfield Recreation office at 340-8655.
11. The Town of Penfield and Penfield Rotary will hold their annual Community Bike Drop on Saturday, October 6, 2012 at Penfield Community Center from 9:00 AM to 2:00 PM. For more information visit www.rcommunitybikes.net.

12. The Town of Penfield free annual Halloween Family Fun event will be held Friday, October 19, 2012 from 6:00 PM to 8:00 PM at the Penfield Community Center, 1985 Baird Road. Visit the town website for complete details.

Public Participation - None

Additions and Deletions to Agenda

Councilwoman Kohl moved to add Resolution #12T-209 under New Business and Councilman Quinn seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of August 15, 2012, Councilman Moore seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#12T-200 Town of Penfield Vehicle/Equipment Use Policy by Moore

WHEREAS, on September 17, 2008 the Penfield Town Board approved a Vehicle/Equipment Use Policy regarding the use of Town owned vehicles and equipment that are driven or operated by employees while conducting town business; and

WHEREAS, the Penfield Town Board has recently reviewed and evaluated the Town of Penfield Vehicle/Equipment Use Policy and determined it required updating to be consistent with current practices,

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board hereby approves revisions to said policy dated September 19, 2012 and for inclusion in the Town’s Policy Book,

BE IT FURTHER RESOLVED, that the Town Clerk be and she hereby is, authorized to give necessary Notice of said adopted revisions of the Vehicle/Equipment Use Policy to Town of Penfield employees.

Moved: Moore
Seconded: Kohl

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<tr>
<th>Vote</th>
<th>Kohtl</th>
<th>Aye</th>
<th>LaFountain</th>
<th>Aye</th>
<th>Metzler</th>
<th>Aye</th>
<th>Moore</th>
<th>Aye</th>
<th>Quinn</th>
<th>Aye</th>
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Adopted

#12T-201 2012 Budget Amendment - 2012 Drainage Projects by Moore

WHEREAS, during 2012, the Town Board authorized the Director of Public Works to complete various drainage projects, 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 2012 Budget Amendment be approved for the Drainage Funds as follows:

**General Fund Revenue:**

<table>
<thead>
<tr>
<th>Descriptions</th>
<th>Amount</th>
<th>Revised Amount</th>
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<td>Appropriated Surplus</td>
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<tr>
<td><strong>Total</strong></td>
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<td>$100,000</td>
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**General Fund Appropriations:**

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<th>Amount</th>
<th>Revised Amount</th>
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</thead>
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<td>$450,425</td>
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<tr>
<td>06-8540-0004-4004</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$100,000</td>
<td>$450,425</td>
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Moved: Moore
Seconded: Quinn

Adopted

#12T-202  Authorizing Supervisor to enter into an Agreement with Barton & Loguidice, PC to conduct an Operational Analysis of the Sherwood Forest Sewer Pump Station by Moore

WHEREAS, the Town of Penfield has requested proposals from various engineering firms to conduct an operational analysis of the Sherwood Forest Pump Station, and

WHEREAS, of the four (4) engineering firms considered two (2) of these declined due to current work load, and two (2) which submitted proposals as follows:

- Barton & Loguidice - $3,900
- MRB Group - $4,980
- BME Associates - No proposal based on current work load and timing.
- O’Brien & Gere - No proposal based on current work load and timing, and

WHEREAS, the proposal submitted by Barton & Loguidice, PC was the lowest proposal received, and

WHEREAS, Barton & Loguidice has extensive work experience with sanitary sewer capacity studies and pump station operational analysis, which they have capably demonstrated in prior work with the Town of Penfield.

NOW, THEREFORE BE IT RESOLVED, that Town Board acting as Commissioners of the Penfield Consolidated Sanitary Sewer District wish to evaluate the current operational condition of the Sherwood Forest Pump Station and identify alternatives to improving the capacity of this facility, and

BE IT FURTHER RESOLVED, that Town Supervisor be and hereby is authorized to enter into an Agreement with Barton & Loguidice, PC to provide this operational analysis in an amount not to exceed $3,900, as was identified in their proposal.

Moved: Moore
Seconded: Metzler

Adopted
WHEREAS, a written Petition has been presented to the Penfield Town Board, duly dated and verified to contain the required signatures and having been filed with the Town Clerk of the Town of Penfield, Monroe County, New York, for the establishment of the Sparrow Pointe Subdivision – Special Improvement District, and

WHEREAS, the boundaries of said Special Improvement District are described in Schedule A attached hereto and made a part hereof and are as shown on Exhibit 1 located within the aforementioned petition and is incorporated herein by reference, and

WHEREAS, the proposed improvements consist of maintenance storm water management facilities, decorative signs identifying the subdivision and other improvements deemed necessary, as well as any administrative charges associated thereto, and

WHEREAS, the entire cost of the improvements to be constructed within said Special Improvement District shall be borne by the petitioner(s) and/or developer of the Sparrow Pointe Subdivision, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield shall hold a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on the 17th, day of October, 2012 at 7:30 PM on said date, to consider the said Petition and to hear all persons interested in the subject thereof and concerning the same, and for such other action on the part of the Town Board with relation to said Petition as may be required by Law, and

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

Moved: Moore
Seconded: Kohl

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<tr>
<th>Vote</th>
<th>Kohl</th>
<th>Aye</th>
<th>LaFountain</th>
<th>Aye</th>
<th>Metzler</th>
<th>Aye</th>
<th>Moore</th>
<th>Aye</th>
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<tbody>
<tr>
<td>Quinn</td>
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Adopted

See Schedule “A” at end of Minutes

WHEREAS, a written Petition has been presented to the Penfield Town Board, duly dated and verified to contain the required signatures and having been filed with the Town Clerk of the Town of Penfield, Monroe County, New York, for the Establishment of Sparrow Pointe Subdivision Sidewalk District (#17), and

WHEREAS, the boundaries of said Sidewalk District are described in Schedule A, attached hereto and made a part hereof and as shown on Exhibit 1, incorporated herein by reference, and

WHEREAS, the proposed improvements consist of concrete sidewalks in compliance with the approved subdivision plans and/or conditions of approval and installed in compliance with construction specifications of the Town of Penfield, and

WHEREAS, the entire cost of the sidewalk improvements to be constructed within said Sidewalk District shall be borne by the developer of the Sparrow Pointe Subdivision, and
NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield shall hold a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on the 17th, day of October 2012 at 7:30 PM on said date, to consider the said Petition and to hear all persons interested in the subject thereof and concerning the same, and for such other action on the part of the Town Board with relation to said Petition as may be required by Law, and

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

Moved: Moore
Seconded: Quinn

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

Adopted

See Schedule “A” at end of Minutes

#12T-205 Establishment of the Ashlyn Rise Sidewalk District #16 by Moore

WHEREAS, a Public Hearing was held at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York, on September 5, 2012 at 7:30 PM, to consider the Petition and to hear all persons interested in the establishment of the Ashlyn Rise Sidewalk District #16, 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 Ashlyn Rise Sidewalk District #16.

Moved: Moore
Seconded: Metzler

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

Adopted

#12T-206 Authorization to attend Congress for the New Urbanism Retreat in Chautauqua, NY by Moore

WHEREAS, the 2012 Planning Department budget includes funding intended to allow one (1) representative to attend the Congress for the New Urbanism Retreat; and

WHEREAS, it is in the Town’s best interest to have staff members attend training workshops to gain knowledge pertaining to current practices in zoning, preservation, environmental protection, redevelopment, and case law; and
WHEREAS, the Town’s 2010 Comprehensive Plan recommends the formation of mixed use zoning districts and the retreat focuses on topics such as public participation, successful streets, parking policies, formed based zoning, and developing successful mixed use projects; and

WHEREAS, the Congress for the New Urbanism is not-for-profit national educational organization that provides leadership in the development of vital communities; and

NOW, THEREFORE, BE IT RESOLVED that Town Planner is hereby authorized to attend the Congress for New Urbanism Retreat, to be held from October 12 to 14, 2012 in Chautauqua, NY for a cost not to exceed $400.00. This cost will be allocated from the 2012 departmental conference budget line.

Moved: Moore
Seconded: Kohl

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

Adopted

#12T-207 Setting a Public Hearing for a Special Permit to Allow a Sit-down Restaurant with Outdoor Dining at 2124-2126 Five Mile Line 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 a sit-down restaurant with outdoor dining at 2124 - 2126 Five Mile Line 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) thus does hereby designate itself as “lead agency” pursuant to SEQRA and has classified this proposal as a Type II action; 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 October 17, 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 a sit-down restaurant outdoor dining at 2124 - 2126 Five Mile Line 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: Quinn

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

Adopted

Public Works - None
Public Safety - None
Community Services

#12T-208 Advertising for Sealed Bids for Remote Video Camera System by Kohl

WHEREAS, the Cable TV Department has identified necessary equipment upgrades for studio and board room production, and

WHEREAS, these upgrades are budgeted within the Cable TV Department 2012 Capital Equipment Budget, and

NOW, THEREFORE BE IT RESOLVED, that the Cable Coordinator be, and hereby is, authorized to advertise, in the manner prescribed by Law, for sealed proposals to provide necessary replacement equipment for studio and board room production.

BE IT FURTHER RESOLVED, that said equipment shall conform to the specifications and services which are available at the Town Clerk Office until 11:00 AM, EST, Wednesday, October 10, 2012, at which point said bids will be received at the Town Clerks Office to be opened and publicly read.

Moved: Kohl  
Seconded: Quinn

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

Adopted

Old Business - None

New Business

#12T-209 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:

Allen Hopkins, 111 Newcastle Road, Rochester, NY 14610, Halloween Entertainer, 10/19/12, for a total fee of $100.00. Voucher to be submitted 10/17/12.

Virginia Fairfax-Zuzero, 42 Waterford Way, Fairport, NY 14450, Instructor for Couples Dance, 9/20/12 - 11/29/12 for a fee of 75% of program revenues. Voucher to be submitted 11/21/12.

Dave Coin, 280 Liberty Ave., Rochester, NY 14622, Director of Youth Flag Football program, 9/8/12 - 10/20/12 for the fee of $60.00 per session. Voucher to be submitted 9/19/12.

SORA, c/o Garry Godden, 3 Edmar Court, Henrietta, NY 14467, Umpire Services for Adult Penfield Softball leagues, 5/12/12 - 8/16/12 for the fee of $26.00 per double game umpired and $37.00 for single games. Voucher to be submitted monthly.

Jerry Taylor, 1342 Harwood Lane, Macedon, NY 14502, Senior Presentation on 9/11/12 for a fee of $40.00. Voucher to be submitted on 10/3/12.

Moved: Kohl  
Seconded: Quinn

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

Adopted
Public Participation

County Legislator Debbie Drawe, 5 Cobblestone Crossing, representing the 9th District of Penfield, commended Supervisor LaFountain and the Town Board on the preparation and presentation of the 2013 Tentative Budget and was pleased that spending will be reduced by 1.5%.

Legislator Drawe stated that the County Executive is in the process of putting together the County’s Tentative Budget which should be ready for presentation within a month or so. Legislator Drawe stated she is confident that County Executive Brooks will hold the line on taxes as well.

Legislator Drawe informed the Board that the Legislature gave an award to the Penfield Little League 2012 Baseball team of 10 and 11 year olds, for winning the District 4 Championship and for being the NY Section 1 Champions.

Legislator Drawe will hold office hours on Monday, September 24, 2012 at 5:30 PM at the Penfield Community Center.

Adjournment

Supervisor LaFountain adjourned the meeting at 7:55 PM.

Amy Steklof
Town Clerk
Schedule A

DESCRIPTION OF THE SPARROW POINT SUBDIVISION
SPECIAL IMPROVEMENT DISTRICT

July 27, 2012

Tax map no. 124.01-2-28.1 & part of tax map no. 124.01-2-29.1

All that tract or parcel of land situated in Town Lot 40, Township 13, Range 4, Phelps & Gorham Purchase, Town of Penfield, County of Monroe, State of New York, and described as follows:

Commencing at a point in the centerline of Baird Road (49.5 foot wide right-of-way), said point being 1,167.42 feet south of the centerline of Legacy Circle as measured along the centerline of Baird Road; thence North 89° 42' 01" West, a distance of 24.75 feet to the west line of Baird Road and the point and place of beginning;

1. thence South 00° 00' 46" East, along said west line of Baird Road, a distance of 219.19 feet to a point;

2. thence Northwesterly, on a curve to the left having a radius of 30.00 feet, a delta angle of 89° 44' 38" , a distance of 46.99 feet to a point of tangency;

3. thence North 89° 45' 24" West, a distance of 204.13 feet to a point;

4. thence South 00° 00' 46" East, a distance of 189.55 feet to the north line of the Seeler Subdivision (Ref.: liber 214 of Maps, page 68);

5. thence North 89° 48' 46" West, along said north line and north line of property now or formerly of Dolomite Products Company, Inc. (Tax map no. 124.01-2-45.1), a distance of 1,322.86 feet to a point;

6. thence North 00° 13' 13" East, along the east line of said property now or formerly of Dolomite Products Company, Inc., a distance of 381.70 feet to the south line of the now or former First Society of the Methodist Church (Tax map no. 124.01-2-27);

7. thence South 89° 42' 01" East, along said south line, a distance of 1,555.32 feet to the point of beginning.

Containing 12.568 Acres
Schedule A

DESCRIPTION OF THE SPARROW POINT SUBDIVISION
SIDEWALK DISTRICT (#17)

July 27, 2012

Tax map no. 124.01-2-28.1 & part of tax map no. 124.01-2-29.1

All that tract or parcel of land situated in Town Lot 40, Township 13, Range 4, Phelps & Gorham Purchase, Town of Penfield, County of Monroe, State of New York, and described as follows:

Commencing at a point in the centerline of Baird Road (49.5 foot wide right-of-way), said point being 1,167.42 feet south of the centerline of Legacy Circle as measured along the centerline of Baird Road; thence North 89° 42’ 01” West, a distance of 24.75 feet to the west line of Baird Road and the point and place of beginning;

1. thence South 00° 00’ 46” East, along said west line of Baird Road, a distance of 219.19 feet to a point;

2. thence Northwesterly, on a curve to the left having a radius of 30.00 feet, a delta angle of 89° 44’ 38”, a distance of 46.99 feet to a point of tangency;

3. thence North 89° 45’ 24” West, a distance of 204.13 feet to a point;

4. thence South 00° 00’ 46” East, a distance of 189.55 feet to the north line of the Seeler Subdivision (Ref.: liber 214 of Maps, page 68);

5. thence North 89° 48’ 46” West, along said north line and north line of property now or formerly of Dolomite Products Company, Inc. (Tax map no. 124.01-2-45.1), a distance of 1,322.86 feet to a point;

6. thence North 00° 13’ 13” East, along the east line of said property now or formerly of Dolomite Products Company, Inc., a distance of 381.70 feet to the south line of the now or former First Society of the Methodist Church (Tax map no. 124.01-2-27);

7. thence South 89° 42’ 01” East, along said south line, a distance of 1,555.32 feet to the point of beginning.

Containing 12.568 Acres