TOWN OF PENFIELD
3100 Atlantic Avenue, Penfield, NY 14526-9798

PENFIELD TOWN BOARD AGENDA
Wednesday, October 3, 2012, 7:30 PM
Supervisor R. Anthony LaFountain, presiding

I Call to Order - Pledge of Allegiance - Roll Call

II Public Hearing #1 – 2013 Preliminary and Special District Budget

III Communications and Announcements

IV Public Participation

V Additions and Deletions to Agenda

VI Approval of Minutes – September 5, 2012

VII Petitions

VIII Resolutions by Function

Law and Finance
12T-210 Authorization to Maintain Properties and Assess the Charges to the 2013 Property Tax Bills

12T-211 Authorization for Supervisor to sign a Contract with Sand County Studios to Prepare the Route 250 Transit Supportive Mixed Use Development District and the Manitou Lake Mixed Use District and Supporting Documentation

12T-212 Authorization for Supervisor to Execute a License and Hold Harmless Agreement with Owners of 14 Pine Brook Circle – Deck Encroachment into a Sanitary Sewer Easement

12T-213 Authorization for Supervisor to sign an Intermunicipal Out of District Sewer Use Agreement with the Town of Irondequoit (1070 Empire Boulevard)

Public Works - None

Public Safety
12T-214 Advertise for Bids to Maintain, Clean-up and Secure Properties as required under Article IV-4-28 and Article XII-12-21 of Chapter 29 of the Town Code

Community Services
12T-215 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, October 3, 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
Bob Beedon Town Comptroller

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by Joan Crowley, 2011 Fire Prevention Essay Winner.

Supervisor LaFountain recognized former Penfield resident Army Sergeant First Class Dan Metcalfe who was killed this past Monday in Afghanistan and asked for a moment of silence in his memory.

Supervisor LaFountain recognized Chief Withall of the Penfield Fire Company and stated that this upcoming week is Fire Prevention Week.

Chief Withall announced that students throughout the district were asked to write essays for Fire Prevention Week and three (3) Penfield students won awards. 2011 Essay Winners are as follows: Joan Crowley, 6th grader at St. Josephs School took 9th place with Monroe County and 2nd place in her grade level with FASNY. She currently is a 7th grader at Siena Catholic Academy. Meredith Blackburn, 7th grader at Bay Trail Middle School took 3rd place in her grade with Western NY and also 8th place with Monroe County. She is currently an 8th grader at Bay Trail. Rae Hermans, 7th grader at Bay Trail Middle School took 10th place with Monroe County and placed in the top ten with Northern Central. She is currently an 8th grader at Bay Trail.

Chief Withall reminded everyone to be sure and practice exit drills in the home and change the batteries in all smoke detectors.

Councilman Quinn presented a Proclamation to Chief Withall in commemoration of Fire Prevention Week.

Chief Withall introduced Volunteer Firefighter Brian Niggli who has been in charge of Fire Prevention Week for the past ten years and thanked him for his hard work. He also stated that all firefighters with the Penfield Fire Company are volunteers.

Councilman Quinn presented certificates to each essay winner.

Supervisor LaFountain asked for copies of the essays to be placed on the Town website.

Public Hearing #1 2013 Preliminary and Special District Budget

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on September 13, 2012 and was posted on the Town Clerk Bulletin Board and Website.

Town Comptroller Bob Beedon gave an overview of the 2013 Preliminary and Special District Budget which can be found on the Town website at www.penfield.org.

Supervisor LaFountain stated that the Town Board will hold open a comment period until next Friday, October 12, 2012 and then the Town Board will move forward with preparation of the Final Budget which will be presented at the next Town Board meeting on October 17, 2012 and then will be turned over to the County on October 18, 2012.
Councilwoman Metzler stated that as a point of clarification, if you live in the Penfield School District, 7.5 cents of every tax dollar goes to support the Town of Penfield and if you live in the Webster School District, 8.4 cents of every tax dollar goes to support the Town of Penfield. The rest of the tax dollars go to other tax entities.

Councilwoman Metzler asked Comptroller Beedon if there has been any discussion of overriding the 2% tax cap on property taxes in order to meet budgets?

Comptroller Beedon replied not at this time.

Hearing closed.

Supervisor LaFountain recognized Thomas Fortunato, President of the Penfield-Perinton Kiwanis. Mr. Fortunato highlighted the activities of the organization and gave an update of the Penfield-Perinton Kiwanis Community Awards dinner that was held on Tuesday, October 2, 2012. Kiwanis is a volunteer organization that raises money for charities. Last year Kiwanis raised $14,000. Awards were presented by the Kiwanis Club of Penfield-Perinton to:

- Daystar for Medically Fragile Infants, Inc.
- East Rochester Community Resources
- East Rochester Youth Recreation Association
- Golisano Children’s Hospital at Strong
- Penfield Ecumenical Food Shelf
- Penfield Key Club
- Perinton Food Pantry
- Pines of Peace Comfort Care
- Muscular Dystrophy Association of Rochester (MDS)

Awards were presented by the Town of Penfield to:

- Bethany House of Rochester
- Don Mack Penfield High School Scholarship Fund
- Shepherd Home

For more information, contact Tom Fortunato at [www.fitnessmotivation.net](http://www.fitnessmotivation.net).

Communications and Announcements

1. The New York State Board of Elections and the Monroe County Board of Elections are holding local Registration Days at the Penfield Library, 1985 Baird Road on Thursday, October 11 from 3:00 to 7:00 PM, and Saturday, October 13, 2012 from Noon to 9:00 PM. The General Election will be held Tuesday, November 6, 2012 from 6:00 AM to 9:00 PM. For more information visit [www.monroecounty.gov/elections](http://www.monroecounty.gov/elections).

2. To help with updating the Five (5) year Recreation Department Master Plan, please complete a needs assessment survey online at [www.penfield.org](http://www.penfield.org).

3. The Town’s annual Ghost Walk at Oakwood Cemetery will be held Friday, October 19, 2012 at 6:00 PM (rain date October 20.) Please call the Recreation Department at 340-8655 to register.

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

5. The Town Fall Drop Off will be held Thursday, October 11, 2012 from 9:00 AM to 6:00 PM, Friday, October 12, 2012 from 9:00 AM to 6:00 PM and Saturday, October 13, 2012 from 9:00 AM to 4:00 PM at the Penfield Highway Garage, 1607 Jackson Road.
6. The Penfield Chamber of Commerce will provide a scholarship for a student from Penfield to attend the Young Entrepreneurs Academy this year, who otherwise would not be able to afford to do so. The application deadline is October 12, 2012. All students interested in applying for the scholarship must submit a standard application as well as a scholarship application. For more information visit www.yeausa.org.

7. The Penfield Trails Committee will sponsor a free guided hike on Saturday, October 13, 2012 at Lucien Morin Park from 10:00 AM to Noon. Participants are asked to register by calling Penfield Recreation at 340-8655.

8. 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. Last year 222 bikes were collected. For more information visit www.rcommunitybikes.net.

9. The Annual Halloween Family Fun and Dinner Event will be held Friday, October 19, 2012 from 6:00 to 8:00 PM at the Penfield Community Center, 1985 Baird Road. For more information visit www.penfield.org.

10. Councilwoman Kohl’s next Community Chat will be held Tuesday, October 16, 2012 from 5:30 to 7:00 PM at the Penfield Public Library.

Public Participation

Ken Kennedy, 141 Holley Brook Dr., stated, on behalf of the Carpenters Union, he hopes that the Town Board will move forward on the Baytowne Walmart project as recommended by the Planning Board.

John Pavone, 32 Brookshire Lane, on behalf of the Union Local 276, thanked the Town Board for the Baytowne Walmart project.

Peter Nowak, 35 Forest Creek, Spencerport, owner of Baytowne Liquor in Baytowne Plaza stated he supports the Baytowne Project.

Steve Ward, 74 Corral Drive, stated he doesn’t understand why it is taking so long to vote on the Walmart project. Mr. Ward believes that it is in the best interest of the Town of Penfield for the Government to reduce regulations and “get out of the way” in order to create jobs and get the economy moving again. Mr. Ward encourages the Town Board to move forward with the project.

Jeff Welcher, 78 Dawes Road, Irondequoit, stated he works at 1260 Creek Street adjacent to Baytowne Plaza, and is in favor of the Walmart project.

Mr. Welcher also stated that he noticed there is no directory on the new sign to the plaza, making it difficult to know what businesses are in the plaza.

David Sackett, 52 Angels Path, owner of Pro-Nails located in the Baytowne Plaza, expressed his support of the Baytowne Walmart project and hopes the Town Board will move forward soon on the project.

Holly Pham, 52 Angels Path, part owner of Pro-Nails spoke in favor of the Baytowne Project and stated that she came to the United States from Vietnam when she was 13, that America is the land of opportunity and she believes that the DiMarco Group is trying to improve the plaza to give businesses in the area a better opportunity to be successful. She asked the Town Board to move forward on the project.

Additions and Deletions to Agenda - None
Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of September 5, 2012, Councilwoman Metzler seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#12T-210 Authorization to Maintain Properties and Assess the Charges to the 2013 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 owners of 68 Horizon Drive, SBL #108.20-3-6, 2468 Penfield Road, SBL #140.02-1-5.2 and 506 Plank Road, SBL #093.19-1-50 have failed to maintain the lawn and exterior areas at the subject properties 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 owners to maintain at these locations 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 properties 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 properties.

Moved: Moore
Seconded: Kohl
Vote: Kohl Aye Metzler Aye LaFountain Aye Quinn Aye
Adopted

#12T-211 Authorization for Supervisor to sign a Contract with Sand County Studios to Prepare the Route 250 Transit Supportive Mixed Use Development District and the Manitou Lake Mixed Use District and Supporting Documentation by Moore

WHEREAS, the Town Board of the Town of Penfield desires to create mixed use zoning districts in selected locations within the community as recommended in the 2010 Comprehensive Plan; and

WHEREAS, on June 6, 2012, the Town Board authorized the Supervisor to request proposals for the development of the Route 250 Transit Supportive Mixed Use Development District and supporting documentation in Resolution #12T-138; and

WHEREAS, the Supervisor directed staff to prepare a Request For Proposals (RFP) for the preparation of said mixed use districts; and
WHEREAS, the Town received six (6) proposals from qualified consultants throughout the country; and

WHEREAS, the Town Advisory Committee reviewed the six (6) proposals and determined through a weighting process the top two (2) consulting firms whom it felt were most qualified to undertake the project; and

WHEREAS, after interviewing the two (2) most qualified consultants, the Town Board determined Sand County Studios to be the most qualified, experienced, competent and cost effective consultant to develop the mixed use districts and their supporting documentation.

NOW THEREFORE, BE IT RESOLVED that the Supervisor is hereby authorized to sign a contract with Sand County Studios, 1272 West Spring Street, Smyrna, Georgia 30080 to prepare criteria and supporting documentation for the Route 250 Transit Supportive and Manitou Lake Mixed Use Development Districts at a cost not to exceed $56,000.

Moved: Moore
Seconded: Quinn

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

Adopted

#12T-212 Authorization for Supervisor to Execute a License and Hold Harmless Agreement with Owners of 14 Pine Brook Circle - Deck Encroachment into a Sanitary Sewer by Moore

WHEREAS, based on an Instrument Survey for the property located at #14 Pine Brook Circle done by William A. Seymour, L.S., dated 8/23/2012 and revised 9/13/2012, indicates a portion of the existing deck off of the rear of the home encroaches into an existing sanitary sewer easement (L. 6465, P.207), and

WHEREAS, the Sewer Department has reviewed the subject encroachment and feels that it will not interfere with egress through the easement area, nor hinder routine maintenance.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a License and Hold Harmless Agreement with Joseph Arango and Mary A. Arango, owners of #14 Pine Brook Circle, to allow the current deck encroachment into the existing sanitary sewer easement to remain; said Agreement shall be in a form and substance acceptable to the Town Attorney; and

BE IT FURTHER RESOLVED that the owners of said property, their successors and/or assigns, shall comply with the conditions of said Agreement.

Moved: Moore
Seconded: Metzler

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

Adopted
#12T-213 Authorization for Supervisor to sign an Intermunicipal Out of District Sewer Use Agreement with the Town of Irondequoit (1070 Empire Boulevard) by Moore

WHEREAS, the Town of Penfield owns and operates sanitary sewer facilities as part of Sewer District #12, along the southern end of Irondequoit Bay, and

WHEREAS, during the design of these sewer facilities provisions were made, and capacity reserved to provide service to properties within the Town of Irondequoit along Empire Boulevard, and

WHEREAS, the Penfield Town Board has received a letter from Irondequoit Town Supervisor, the Honorable, Mary Joyce D’Aurizio (received 9/13/2012), requesting on behalf of the owners of McMillan Marine - 1070 Empire Boulevard, that they be allowed to connect to and utilize the sanitary sewer facilities installed as part of Sewer District #12, and

WHEREAS, the Penfield Sewer Department has confirmed that the flow rate proposed to enter the Penfield system from the McMillan Marine property is far less than what was originally allocated in the original design of the district improvements.

WHEREAS, Sewer District No. 12, being a Special District formed under provisions of Town Law and carries certain annual Capital and Operation & Maintenance charges, which are currently apportioned back to all properties within said district, and

WHEREAS, as part of this approval it will be expected that the property located at 1070 Empire Boulevard shall pay annual district charges, to be apportioned in a like manner as they are apportioned to Penfield properties within said district, and that such sewer charges shall be collected from the property by the Town of Irondequoit and reimbursed to the Town of Penfield on an annual basis to be further outlined in a Intermunicipal Sewer Use Agreement, which is to be in a form and substance approved by Town Council.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Penfield acting as Commissioners of Penfield Sanitary Sewer District #12 hereby approve the Out of District connection of McMillan Marine - 1070 Empire Boulevard to the sanitary sewer facilities within District #12, the physical connection to be approved by the Penfield Sewer Department, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the preparation Intermunicipal Sewer Use Agreement, containing provisions for equitable apportionment and reimbursement of district charges, sewer use and flow rates, stipulation for review of any future development as it may impact sewer flow rate and to be in a form and substance as approved by Town Council, and

BE IT FURTHER RESOLVED, that Penfield Town Supervisor, R. Anthony LaFountain be and hereby is authorized to execute said agreement with the Town of Irondequoit upon approval of Town Council.

Moved: Moore
Seconded: Kohl

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<th>Kohl</th>
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<td>Metzler</td>
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Adopted

Public Works - None
Public Safety

#12T-214  Advertise for Bids to Maintain, Clean-up and Secure Properties as required under Article IV-40-28 and Article XII-12-21 of Chapter 29 of the Town Code by Quinn

WHEREAS, the purpose of Article IV-4-28 and Article XII-12-21 of Chapter 29 of the Town Code is to prevent the gradual encroachment of blight, deterioration, unsightliness and property devaluation and to assure the safety, health protection and general welfare of persons and property in the Town of Penfield; and

WHEREAS, the Building and Zoning Office has the need to maintain or secure properties failing to comply with the minimum requirement of Article IV-4-28 and Article XII-12-21 of Chapter 29 of the Town Code;

NOW, THEREFORE, BE IT RESOLVED, that the Building and Zoning Administrator be, and hereby is, authorized to advertise, in a manner prescribed by Law, for sealed proposals for the maintenance, clean-up and securing of properties that have failed to be maintained in accordance with the Town Code requirements; and

BE IT FURTHER RESOLVED, that the services covered by such proposals shall be in accordance with the specifications prepared by the Building and Zoning Administrator. Sealed proposals are to be received in the office of the Town Clerk until 11:00 AM local time Friday October 26, 2012 and there and then are to be opened by the Town Clerk.

Moved:  Quinn  Seconded:  Metzler

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

Adopted

Community Services

#12T-215  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:

Cathy Downs, 38 Neuchatel Lane, Fairport, NY 14450, Instructor for Sporty Sprouts, 9/20/12 - 10/25/12 & 11/1/12 - 12/13/12 for a fee of 75% of program revenue per session. Voucher to be submitted 11/7/12 & 12/19/12.

Wyatt Doremus, 5375 Fosdick Rd., Ontario, NY 14519, Director, Penfield Players Fall Production, performance dates – November 2, 3, 9, 10, 13, 16, and 17, 2012 for a total fee of $200.00. Voucher to be submitted 10/17/12.

Jeff Moon, 110 Calhoun Avenue, Rochester, NY 14606, Producer, Penfield Players Fall Production, performance dates – November 2, 3, 9, 10, 13, 16, and 17, 2012 for a total fee of $100.00. Voucher to be submitted 10/17/12.

Steve Wegman, 45 Holcroft Road, Rochester, NY 14612, Stage Manager, Penfield Players Fall Production, performance dates – November 2, 3, 9, 10, 13, 16, and 17, 2012 for a total fee of $100.00. Voucher to be submitted 10/17/12.

Bob Gullo, 38 Brooktree Drive, Penfield, NY 14526, Guest speaker for the Life and Times of Mary Surratt lecture on 11/1/12 for a fee of $50. Voucher to be submitted on 10/17/12.
(Resolution #12T-215 – Continued)

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 2012 for a fee of $700.00. Voucher to be submitted on 10/3/2012.

Amend Resolution #12T-132 For:

Sarah Gorton, amended to Sarah Lustig

Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business - None

New Business - None

Public Participation - None

Supervisor LaFountain stated that at the end of the Town Board meeting two (2) video clips will be shown; National Plug In Day which was held on September 23, 2012 and the 5k race which was held on Sunday, September 30, 2012.

Adjournment

Supervisor LaFountain adjourned the meeting at 8:34 PM.

Amy Steklof
Town Clerk