PENFIELD TOWN BOARD MEETING AGENDA
Wednesday December 5, 2012 7:30 PM
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 – October 17, 2012

VI Petitions

VII Resolutions by Function

Law and Finance
12T-234 Authorization for Town Board to accept a Monroe County CDBG for $41,750 for an Irondequoit Creek Trail Improvement Project and execute an Agreement
12T-235 Authorization for Supervisor to Re-new Agreement with the NEQALS, Inc.
12T-236 2012 Budget Transfers-Salaries
12T-237 Authorization for Release of a Conservation Easement on 1816 Baird Road
12T-238 Authorization for Supervisor to Sign Contract with Barton & Loguidice P.C. for Professional Engineering Services related to Willow Pond Outfall Modification Project

Public Works
12T-239 Conditional Roadway Dedication 2012
12T-240 Final Roadway Dedication 2012
12T-241 Authorization to Sign Beaver Trapping Agreement
12T-242 Advertising Bids for Highway Department Equipment

Public Safety - None

Community Services
12T-243 Authorization for Supervisor to Sign Recreation Contracts
12T-244 Award Bid for Remote Video Camera System

VIII Old Business

IX New Business

X Public Participation

XI Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, December 5, 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 Cub Scout Den #6 and Pack #230.

Supervisor LaFountain recognized Marie Cinti, a volunteer at the Shepherd Home. Ms. Cinti spoke about the Shepherd Home’s Wings of Light Event which will be held on Monday, December 17, 2012 from 5:00 to 8:00 PM on the grounds of the Shepherd Home located at 1959 Five Mile Line Road. The Wings of Light is a luminary display of small jars that hold a lighted candle to honor the “Angels” in people’s lives, past and present, and provides funds that support the Shepherd Home. A luminary may be purchased by contacting the Shepherd Home at www.shepherdhome.org or by calling (585) 381-0890.

Councilwoman Metzler stated that the Shepherd Home has a Facebook page and that the home is 100% funded by donations.

Ms. Cinti stated that the Shepherd Home is a comfort care facility for the terminally ill which provides care free of charge.

Supervisor LaFountain recognized David Boyer, Community Victory Garden Committee Chair who along with members of the Committee, gave a presentation on the Community Victory Garden which is located at 1747 Five Mile Line Road. Committee members present at the Town Board meeting were Gordy Barnes, Dot Brenneis, Chris Mandel and Gary Vincelli.

The Community Victory Garden provides Penfield residents with an opportunity to grow their own organic vegetables, flowers and herbs for their consumption or for the needy. The garden successfully completed its third season this year. Mr. Boyer handed out an agenda to the Town Board. The presentation included improvements made to the garden, garden equipment improvements, a five (5) year capital project plan, volunteer opportunities and information about the monthly newsletter.

Councilman Quinn asked when can one rent a garden bed?

Enrollment to rent a bed begins on January 2nd.

For more information on the Victory Garden contact the Penfield Recreation Center at 340-8651 or e-mail Sabrina Renner at srenner@penfield.org. Activity opportunities can be found in the Recreation brochure.

Committee member Chris Mandel thanked the Town and community for their help with the garden.

Communications and Announcements

1. Winter parking rules will continue through April 1, 2013. No parking is allowed on roads and highways between 2:00 AM and 7:00 AM.

The Town offices will be closed on Monday, December 24 and Tuesday, December 25, 2012 in observance of the Christmas Holiday.

The Town of Penfield is holding its annual food drive to support the Penfield Ecumenical Food Shelf (PEFS). Come to the Town Hall with your donations Monday through Friday, 9:00 AM to 5:00 PM and look for the large white barrels in the rotunda.

The PEFS will be holding a “Breakfast with Santa” fundraiser on December 16, 2012 from 8:30 AM to 11:00 AM at Don’s Original. For more information visit www.penfieldecumenicalfoodshelf.org.

The Penfield Trails Committee will sponsor a free guided public hike on Saturday, December 8, 2012 at the Nature Conservancy’s 1,000 Acre Swamp from 10:00 AM to Noon. Meet at the Don Mack Building, 1587 Jackson Road. Please register by calling the Penfield Recreation office at 340-8655.

The Penfield Trails Committee is looking for new Committee Members and volunteers. If interested, call Penfield Recreation at 340-8655. More information about the Trails Committee can be found on the Town’s website at www.penfield.org.

Councilman Moore acknowledged Penfield Little League for their support and generosity towards the victims of Hurricane Sandy in a community in the New York City area. $1,500 was donated to help rebuild the Little League Facilities and for additional relief efforts in Great Kills, NY.

Councilwoman Kohl’s next Community Chat will be held on Saturday, December 15, 2012 from 9:00 AM to 10:30 AM at Starbucks located at 1806 Penfield Road.

Santa’s All-You-Can-Eat Pancake Dinner and Holiday Event will be held on Friday, December 7, 2012 from 5:30 to 8:00 PM at the Penfield Community Center. To purchase dinner tickets or for more information, please call 340-8655.

The Town Board made the following proclamations part of the permanent Town record to recognize the Parks and Recreation Advisory Board members for their contributions to community partnerships, for countless recreation programs and for the long range planning that will support generations to come in Penfield.

Public Participation

Tom Cleary, 1252 Jackson Road, stated that he was asked by town resident Adamo Furgiuele to ask the Town Board what is the status pertaining to clearing the ditch that runs between Penfield Center Road and Northrup Road and through the back yards of the properties along the west side of NYS Route 250.

Supervisor LaFountain stated that it was discussed at the last Watershed Management meeting and that it is on the list of items to be completed. Supervisor LaFountain offered to find out what the schedule is for the completion of the project.

Mr. Cleary asked to have someone from the Town stop by and speak with Mr. Furgiuele.

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of October 17, 2012, Councilwoman Metzler seconded and all voted “Aye.”
Petitions - None

Resolutions by Function

Law and Finance

#12T-234 Authorization for Town Board to accept a Monroe County CDBG for $41,750 for an Irondequoit Creek Trail Improvement Project and execute an Agreement by Moore

WHEREAS, the Town of Penfield is a member of the Monroe County Community Development Block Grant Urban Consortium; and

WHEREAS, the Town of Penfield has entered into a cooperation agreement to participate in the Community Development Program, and comply with the Federal laws and requirements regulating the program; and

WHEREAS, the Town of Penfield, New York, after consultation with the public, has identified an appropriate use of potential Community Development funding the Town; and

WHEREAS, the Town of Penfield made application to the Monroe County Development Administration for a project that satisfied their determination; and

WHEREAS, the Monroe County Development Administration has awarded a grant for a maximum amount of $41,750 for an Irondequoit Creek Trail improvement project in the Town of Penfield; and

WHEREAS, the Town of Penfield has deemed it in the best interest of the Town of Penfield to accept this grant; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield accepts this grant and encourages the implementation of this project; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town of Penfield Supervisor, R. Anthony LaFountain be and hereby is authorized to execute an Agreement with Monroe County for said project and grant.

Moved: Moore
Seconded: Kohl

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

Adopted

#12T-235 Authorization for Supervisor to Re-new Agreement with the NEQALS, Inc. by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign an Agreement with the North East Quadrant Advanced Life Support, Inc., (NEQALS), that reflects the current interests of the involved parties, a copy of which is on file with the Town Clerk.

Moved: Moore
Seconded: Quinn

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

Adopted
WHEREAS, merit raises and other adjustments were approved for salaries during 2012, 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 Transfers be approved:

**General Fund Appropriations:**

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessors Department</td>
<td>Building Inspectors</td>
<td>$12,000</td>
</tr>
<tr>
<td>01-1355-0001-1011 ($14,000)</td>
<td>01-3620-0001-1011</td>
<td></td>
</tr>
<tr>
<td></td>
<td>01-3410-0001-1011</td>
<td>2,000</td>
</tr>
</tbody>
</table>

Totals: $14,000

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

Adopted

#12T-237 **Authorization for Release of a Conservation Easement on 1816 Baird Road** by Moore

WHEREAS, the Penfield Planning Board required a Conservation Easement “for all lands on the subject property that fall within the NYSDEC identified wetlands and adjacent area” in their October 23, 1997 approval, and

WHEREAS, the Conservation Easement was to be conveyed to the Genesee Land Trust, and

WHEREAS, the Genesee Land Trust (as authored by their Executive Director Gay Mills) stated in a fax transmission dated June 1, 2005 that “the easement was not conveyed to the Genesee Land Trust nor did the Genesee Land Trust wish to receive the easement,” and

WHEREAS, the easement does not cover the lands identified as being in a NYSDEC wetland or its adjacent area as was identified on the Resubdivision Map prepared by D.J. Parrone & Associates, P.C. and dated March 23, 1999, and

WHEREAS, the Conservation Easement to the Genesee Land Trust was identified on the Instrument Survey for 1812 Baird Road, as prepared by Parrone Engineering and dated November 6, 2007.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a release of Easement to permit a release of the existing Conservation Easement on lot R-6 of the Beaudell Subdivision as prepared by D.J. Parrone & Associates, P.C. and dated March 23, 1999.

BE IT FURTHER RESOLVED, that the Release of Easement shall be in the town’s format and shall be recorded in the Monroe County Clerk’s Office with a certified copy of this Resolution.
Penfield Town Board, December 5, 2012

(Resolution #12T-237 - Continued)

Moved: Moore
Seconded: Kohl

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

Adopted

#12T-238 Authorization for Supervisor to Sign Contract with Barton & Loguidice P.C. for Professional Engineering Services related to Willow Pond Outfall Modification Project by Moore

WHEREAS, the Town of Penfield maintains the Willow Pond Stormwater control facility that is located on the boundary of the Town of Penfield and Town of Perinton, and

WHEREAS, the pond is regulated by the New York State Department of Environmental Conservation due to the presence of a dam, and

WHEREAS, in accordance with the NYSDEC’s dam regulations, the Town of Penfield has requested proposals from engineering firms to provide professional services for the design and construction of modifications to the outfall structures to meet the NYSDEC’s requirements, and

WHEREAS, Barton & Loguidice, P.C. has submitted a proposal, dated October 17, 2012, that meets the Town’s requirements and provides the best value for the Town of Penfield tax payers.

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 Willow Pond Outfall Modification Project for a cost not exceed $18,000. The cost of the engineering services shall be paid from the Townwide Drainage Levy.

Moved: Moore
Seconded: Quinn

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

Adopted

Public Works

#12T-239 Conditional Roadway Dedication 2012 by Metzler

WHEREAS, the following developers have made application to the Highway Department of the Town of Penfield for the conditional dedication of town highways in the Town of Penfield as noted in the following, and described more fully on subdivision plat maps listed below, which have been approved by the Planning Board, and have dedicated and released the necessary lands owned by them, for the purpose of allowing the Town to provide snow plowing services to those highways:

Pride Mark Homes - Arbor Ridge Subdivision, Section 3 - Ashby Circle.

Nine Mile Point Associates - Abbington Place Subdivision, Section 1, Phase B - a portion of Colten Court and, Section 1, Phase C - a portion of Whitespire Lane.

Windham Woods Subdivision LLC - Windham Woods Subdivision, Section 3 - Willow Bridge Trail.
(Resolution #12T-239 – Continued)

Redstone Builders - Timber Glen Subdivision, Section 2 - a portion of Timber Glen Trail

SDSJ Associates Inc. - Caroline Court Subdivision - Miceli Way and Samala Circle.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that consent be and the same is hereby given that the Highway Department of the Town of Penfield, Monroe County, New York, make Orders laying out the aforesaid town highways to consist of lands as referred to in said Dedications and Releases pertaining to each, all in accordance with Section 171 of the Highway Law of the State of New York.

Moved: Metzler
Seconded: Moore

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

Adopted

#12T-240 Final Roadway Dedication 2012 by Metzler

WHEREAS, the following developers/owners have made application to the Highway Department of the Town of Penfield for the final dedication of town highways in the Town of Penfield as noted in the following and described more fully on the subdivision plat maps listed below, which have been approved by the Planning Board, and have dedicated and released the necessary lands owned by them for the proposed highways:

Combat Construction - Camden Park Subdivision - Section 3 - a portion of Tuscany Lane
Dugway Knolls Subdivision - Naples Circle
Oak Ridge Knolls Subdivision - Saldo Lane

Pride Mark Homes - Arbor Ridge Subdivision - Section 2 - a portion of Balmoral Drive.

Nine Mile Point Associates - Abbington Place Subdivision - Section 1, Phase A - portions of Colten Court and Miyah Drive.

Thomas Simone and Son Builders Inc. - Grace Land Subdivision - Sections 5 & 6 - a portion of Triple Diamond Way.

Summers Pittsford Family LLC - Newbury Park Subdivision, Section 6 & 7 - portions of Millford Crossing and Finch Wood Lane.

Property Owners of Jomanda Subdivision, Jomanda Way

NOW, THEREFORE, BE IT FURTHER RESOLVED, that consent be and the same is hereby given that the Highway Department of the Town of Penfield, Monroe County, New York, make Orders laying out the aforesaid town highways to consist of lands as referred to in said Dedications and Releases pertaining to each, all in accordance with Section 171 of the Highway Law of the State of New York.

Moved: Metzler
Seconded: Kohl

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

Adopted
Penfield Town Board, December 5, 2012

#12T-241 Authorization to Sign Beaver Trapping Agreement by Metzler

WHEREAS, from time to time, positive drainage is affected by Dams built by beavers that cause flooding and property damage, and

WHEREAS, the Town of Penfield desires to eliminate flooding and property damage by removal of said dams and beavers from drainage ways, and

WHEREAS, Donald C. Newcomb, 532 Kirk Rd., Rochester, NY 14612 is licensed by the NYS DEC to handle Wildlife Nuisances, and

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor, be and hereby is authorized to execute a one (1) year agreement beginning January 1, 2013 through December 31, 2013, with Donald C. Newcomb to trap and remove beavers as directed by the Town, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Donald Newcomb will be responsible to obtain any permits required from the NYS DEC for the trapping and removal of said beavers and supply a copy his NYS DEC license and a copy of any required permits to the Town of Penfield with an invoice for services rendered.

Moved: Metzler
Seconded: Quinn

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

Adopted

#12T-242 Advertising Bids for Highway Department Equipment by Metzler

BE IT RESOLVED, that the Director of Public Works, be and hereby is authorized to advertise in the manner prescribed by Law for sealed proposals to furnish the Town of Penfield Highway Department the following:

One Heavy Duty Hydraulic Tracks Excavator

BE IT FURTHER RESOLVED, that the equipment covered by such proposals shall be in accordance with specifications prepared by the Director of Public Works. Sealed proposals are to be received in the office of the Town Clerk until 11:00 AM local time Thursday, December 27, 2012 and there and then are to be opened by the Town Clerk.

Moved: Metzler
Seconded: Moore

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

Adopted

Public Safety - None

Community Services

#12T-243 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:

Strebel’s Tennis Service Inc., 186 Chamberlain Road, Honeoye Falls, NY 14472, to provide tennis instruction for fall indoor program 10/21/12 - 11/17/12 for a fee of 70% of program revenues. Voucher to be submitted on 12/5/12.
Penfield Town Board, December 5, 2012

(Resolution #12T-243 - Continued)

Mike Kornrich, 59 Culver Parkway, Rochester, NY 14609, provide the musical entertainment “The Mike Kornrich Band” for “Town Holiday Celebration” 12/7/12 for a fee of $325.00. Voucher to be submitted on 12/5/12.

Jim Missell, 1188 Northrup Road, Penfield, NY 14526, Volleyball League Assignor to provide officials for the Adult Volleyball League, 9/21/12 - 12/07/12, for the fee of $30.00 per night and provide officials for the Adult Volleyball League playoffs, for the fee of $40.00 per match. Amend Resolution #12T-233. Voucher to be submitted 11/21/12

Moved: Kohl
Seconded: Quinn

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

Adopted

#12T-244 Award Bid for Remote Video Camera System by Kohl

WHEREAS, sealed bids were sought and requested to provide the Cable TV Department necessary equipment upgrades for studio and board room production, and

WHEREAS, on Thursday, November 1, 2012 at 11:00 AM Local time, the following sealed bids were received, opened and read publicly by the Town Clerk.

<table>
<thead>
<tr>
<th>Appendix (1) Required</th>
<th>Appendix (2) Optional</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Audio Video Corporation $99,370.00</td>
<td>$10,500.00</td>
</tr>
<tr>
<td>213 Broadway Albany NY 12204</td>
<td></td>
</tr>
<tr>
<td>(2) The Lerro Corporation $91,235.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>905 Madison Avenue Norristown PA 19403</td>
<td></td>
</tr>
</tbody>
</table>

WHEREAS, The Lerro Corporation, 905 Madison Avenue, Norristown PA is the lowest responsible bidder meeting all specifications as set forth in the bid, and

WHEREAS, that the Town Board of the Town of Penfield award Appendix 1 bid to The Lerro Corporation for a sum of $91,235.00

WHEREAS, that Town Board of the Town of Penfield award Appendix 2 bid to The Lerro Corporation for a sum of $2,500.00

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 Transfer be approved in the Capital Funds as follows:

Capital Fund Appropriations:

| From Maintenance for Video Equipment 01 8989 0004 4003 | To Cable TV Equipment 01 8989 0002 2500 | Amount $11,765.00 |

Total $11,765.00
(Resolution #12T-244 - Continued)

Moved: Kohl
Seconded: Metzler

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

Adopted

Old Business - None

New Business - None

Public Participation - None

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 8:34 PM.

Amy Steklof
Town Clerk