



TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

TOWN BOARD LEGISLATIVE AGENDA

Wednesday, September 22, 2021, 7:00 PM

Supervisor R. Anthony LaFountain, presiding

- I. Call to Order - Pledge of Allegiance - Roll Call
- II. Budget Officer's Message and Information Presentation on the 2022 Tentative Budget
- III. Public Hearing # 1: To Consider Amending the Zoning Ordinance and Map for Rezoning 5.16 +/- Acres from Limited Business to General Business of 2218, 2222 and 2226 Penfield Road
- IV. Communications and Announcements
- V. Public Participation
- VI. Additions and Deletions to Agenda - None
- VII. Approval of Minutes -None
- VIII. Petitions - None
- IX. Resolutions by Function

Law and Finance

21T-179 Setting a Public Hearing for Adoption of Local Law No. 1 of 2021 to be Known as "A Local Law Opting Out of Allowing Cannabis On-site Consumption Sites in the Town of Penfield"

21T-180 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence Within a Storm Sewer Easement at 44 Brass Castle

Public Works

21T-181 Advertising for Bids for Janitorial Services at the Town Hall, Town Library and Department of Public Works

21T-182 Advertising for Bids for Turf Mowing Services for Town Properties

Public Safety - None

Community Services - None

- X. Old Business
- XI. New Business
- XII. Public Participation
- XIII. Executive Session
- XIV. Next Meeting: October 6, 2021
- XV. Adjournment

This meeting will be video recorded and broadcast LIVE via the town's website www.penfield.org and the Town's Government Access Cable Channel 1303.

Questions regarding video coverage contact Penfield TV at (585) 340-8661.

PENFIELD TOWN BOARD RESOLUTION NO. 21T-179 DATE September 22, 2021

BY Councilman Moore Law & Finance COMMITTEE

NAME Setting a Public Hearing for Adoption of Local Law No. 1 of
2021 to be Known as "A Local Law Opting Out of Allowing Cannabis
On-site Consumption Sites in the Town of Penfield"

WHEREAS, the Town Board of the Town of Penfield wishes to consider adopting proposed Local Law No. 1 of 2021 which would allow the Town of Penfield to opt out of allowing cannabis on-site consumption sites as authorized under Cannabis Law Article 4; and

WHEREAS, 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" pursuant to SEQRA; and

WHEREAS, the subject application is determined to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT

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 20, 2021, at 7:00 PM on said date, to consider the said proposal and to hear all persons interested on the question of the adoption of Local Law No. 1 of 2021 which would authorize the Town of Penfield to opt out of allowing cannabis on-site consumption sites as authorized under Cannabis Law Article 4. A copy of said law is attached hereto and made a part hereof as Schedule "A"; and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to publish and post a Notice of the Public Hearing on the official signboard of the Town in the manner prescribed by Law, the first publication thereof to be not less than five (5) days and not more than thirty (30) days before the date set for the said public hearing, as aforesaid.

SCHEDULE "A"

**TOWN OF PENFIELD
LOCAL LAW NO. 1 OF 2021**

**A LOCAL LAW
OPTING OUT OF ALLOWING CANNABIS ON-SITE CONSUPTION SITES AS
AUTHORIZED UNDER CANNABIS LAW ARTICLE 4 IN THE TOWN OF PENFIELD**

Section 1. Legislative Intent

It is the intent of this local law to opt out of allowing cannabis on-site cannabis consumption sites in the Town of Penfield that would otherwise be allowed under Cannabis Law Article 4.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law §131 which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of on-site cannabis consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law §24.

Section 3. Local Opt-Out

The Town Board of the Town of Penfield hereby opts out of allowing on-site cannabis consumption sites from being established and operated within the town's jurisdiction.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

Section 5. Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24.

Section 6. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Moved: _____

Seconded: _____

Vote: Drawe _____

Kohl _____

LaFountain _____

Moore _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 21T-180

DATE September 22, 2021

BY: Councilman Moore

COMMITTEE Law Finance

NAME Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence Within a Storm Sewer Easement at 44 Brass Castle - SBL#094.01-5-23

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 Christopher Porter and Mary Presutti, owners of property of 44 Brass Castle, to permit a portion of a fence to encroach into the Storm Sewer easement to the Town of Penfield located at 44 Brass Castle in a form and substance acceptable to the Town Attorney.

Moved: _____

Seconded: _____

Vote: Drawe _____

Kohl _____

LaFountain _____

Moore _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 21T-181 DATE: September 22, 2021

BY: Councilwoman Debbie Drawe

COMMITTEE: Public Works

NAME: Advertising for Bids for Janitorial Services at the Town Hall, Town Library, and Department of Public Works

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 with the following:

Janitorial Services for the Town Hall, the Town Library, and the Department of Public Works

NOW THEREFORE, BE IT FURTHER RESOLVED, the service contract 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 October 15th, 2021 at 11:00am local time and there and then to be opened and read publicly by the Town Clerk.

Moved: _____

Seconded: _____

Vote: Drawe _____

Kohl _____

LaFountain _____

Moore _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 21T- 182 DATE: September 22, 2021

BY: Councilwoman Debbie Drawe

COMMITTEE: Public Works

NAME: Advertising for Bids for Turf Mowing Services for Town Properties

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 Department of Public Works with the following:

Turf Mowing Services for Various Town Properties

NOW THEREFORE, BE IT FURTHER RESOLVED, the service contract 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 October 22nd, 2021 at 11:00am local time and there and then to be opened and read publicly by the Town Clerk.

Moved: _____

Seconded: _____

Vote: Drawe _____

Kohl _____

LaFountain _____

Moore _____

Ockenden _____