



TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

TOWN BOARD LEGISLATIVE AGENDA

Wednesday, July 5, 2023, 6:30PM

Supervisor Debbie Drawe, presiding

- I. Call to Order - Pledge of Allegiance - Roll Call
- II. Public Hearings:
 - I. To Allow the Use of the Existing Property Located at 1225 Empire Blvd. for Support Operations and Ancillary Parking for K2 Bros. Brewery
 - II. To Consider a Local Law to Amend Chapter 94 of the Penfield Town Code (Building Construction)
 - III. Draft of the 2023 Comprehensive Plan Update
- III. Communications and Announcements
- IV. Public Participation
- V. Additions and Deletions to Agenda
- VI. Approval of Minutes - May 10, 2023; June 7, 2023
- VII. Petitions
- VIII. Resolutions by Function

Law and Finance

- 23T-147 Acceptance of a Grant from the Genesee Valley Regional Market Authority and Amendment in the General Fund
- 23T-148 Budget Transfers for the General, Highway, Library and Sewer Funds
- 23T-149 Authorize the Town Supervisor to Sign an Intermunicipal Agreement with Penfield Central School District for AV Services
- 23T-150 Authorize the Supervisor to Sign an Intermunicipal Agreement with Monroe County for Purchase of Fuel
- 23T-151 Authorization to Continue Membership in Monroe County's Consolidated Plan Consortium
- 23T-152 Issuing a Special Use Permit and Preliminary/Final Site Plan Approval to Allow the Construction of a 3,400 SF (+/-) New Building to House a Pets at Peace Facility, Located at 1401 Empire Blvd. Located in the LaSalle's Landing Development (LLD) Zoning District
- 23T-153 Support for the Town of Penfield to Pursue Funding Through the New York State Consolidated Funding Application (CFA)
- 23T-154 Authorization to Dispose of Surplus Equipment
- 23T-155 Authorization to Maintain Properties and Access the Charges to the 2024 Property Tax Bills
- 23T-156 Authorization for Abandonment of Easement in Panorama Estates Section 1-C Annex
- 23T-157 Authorization to Settle WF Five Mile Line LLC Tax Certiorari Proceedings
- 23T-158 Authorization to Settle Limestone Development Co. LLC Tax Certiorari Proceedings
- 23T-159 Authorization to Settle DiMarco Baytowne Associates LLC Tax Certiorari Proceedings

Public Works

- 23T-160 Authorization for Supervisor to Sign a Contract with Bergmann PC for an Existing Conditions Assessment and Evaluation Services of the Clark House

TOWN BOARD LEGISLATIVE AGENDA

23T-161 Authorization to Auction Surplus Equipment through RTI Auctions NetAuction

Public Safety - None

Community Services

23T-162 Authorization for Supervisor to Sign Recreation Contracts

- IX. Old Business
- X. New Business
- XI. Executive Session
- XII. Next Meeting: August 2, 2023
- XIII. 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. 23T-147 DATE: July 5, 2023

BY: Councilperson Kohl COMMITTEE: Law and Finance

NAME: Acceptance of a Grant from the Genesee Valley Regional Market Authority and Amendment in the General Fund

Whereas, the Town was awarded a grant through the Genesee Valley Regional Market Authority for banners, planters and a bronze casted sign promoting Penfield’s farming pride to be placed in the Four Corners, 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 2023 budget amendment be approved:

<u>Revenue</u>	<u>Amount</u>	<u>Appropriations</u>	<u>Amount</u>
A00-7110-2705-0000	\$9,288	A00-7110-0004-4003	\$9,288
Local Grants & Donations		Parks Maintenance	

Moved: _____

Seconded: _____

Vote:

Drawe _____

Kohl _____

Lee _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-148 DATE: July 5, 2023

BY: Councilperson Kohl COMMITTEE: Law and Finance

NAME: **Budget Transfers for the General, Highway, Library and Sewer Funds**

Whereas, transfers are necessary for payment of annual insurance premiums, 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 2023 budget transfers be approved:

<u>From</u>	<u>Amount</u>	<u>To</u>	<u>Amount</u>
A00-1950-0004-4050 Property Taxes	\$1,800	A00-1910-0004-4305 Umbrella Policy	\$1,800
DA0-5110-0004-4119 Uniforms	\$6,546	DA0-1910-0004-4000 Special Multi-Policy	\$6,546
L00-7410-0004-4030 Postage	\$7.10	L00-1910-0004-4000 Unallocated Insurance	\$7.10
S10-8120-0004-4035 Vehicle Fuel	\$10	S10-1910-0004-4000 Unallocated Insurance	\$10

Moved: _____

Seconded: _____

Vote:

Drawe _____

Kohl _____

Lee _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-149

DATE: July 5, 2023

BY: Councilperson Kohl

COMMITTEE: Law and Finance

NAME: Authorize the Town Supervisor sign an Intermunicipal Agreement with Penfield Central School District for AV Services

WHEREAS, the Penfield Central School District has requested audio-video services from the Town of Penfield Department of Cable TV to assist with District Board of Education meetings and District video production needs; and

WHEREAS, the Town understands the School District annual video production coverage needs to be; eighteen (18) Board of Education meetings, one (1) Meet the Candidates Night and one (1) Other Meeting/Award ceremony.

Additional support and services to include:

- Live transmission of the above events
- Post-production editing, processing, distribution, and archiving of District productions.
- Uploading and managing video on the District website.
- Provide general maintenance and care of AV systems used for meeting coverage.
- Post-meeting closed captioning of each production for replay viewing.

WHEREAS, the District is financially responsible for the purchasing, service, and repair of its equipment. In the event that the District has directed the Town to execute a purchase or service order resulting in financial liability to the Town, the District agrees to reimburse the Town in full within thirty (30) days of invoice; and

WHEREAS, the District agrees to pay \$17,600.00 annually for Town AV services as listed. Payment will be made in four (4) \$4,400 installments annually;

- September 30, 2023
- December 31, 2023
- March 31, 2024
- June 30, 2024; and

WHEREAS, the Town has identified the following rates for any additional services, to be quoted to the district upon request;

- Installation/Maintenance - \$78.00 an hour,
- Additional Meeting/Event Production - \$78.00 an hour
- Post-Production Editing - \$67.00 an hour
- Town Equipment Use - To be quoted based on needs

*Additional fees may apply in the event staff time allowances are exceeded at a rate of \$78.00 per hour, per staff member on site.

WHEREAS, this agreement shall be for a term of twelve (12) months, July 1, 2023, to June 30, 2024; and

WHEREAS, this agreement may terminate at any time by written notice. Notice shall be made a minimum of thirty (30) days in advance of the termination date. Upon receipt of said written notice the recipient shall have thirty (30) days to cure said basis for termination, the failure of which shall render this agreement null and void without liability to either party; and

NOW BE IT RESOLVED, that the Town Supervisor, Debbie Drawe is hereby authorized to accept and execute said Intermunicipal Agreement upon review and approval of the Town Attorney.

Moved: _____

Seconded: _____

Vote:

Drawe _____

Kohl _____

Lee _____

Ockenden _____

Attachment: "PCSD Agreement for Video Services"

BY: Councilperson Kohl

COMMITTEE: Law and Finance

Name: Authorize the Supervisor to sign an Intermunicipal Agreement with Monroe County for the Purchase of Fuel

WHEREAS, the Monroe County Sheriff’s Office would like to continue obtaining fuel from the Town’s DPW facility, and

WHEREAS, the Town will be reimbursed monthly for this fuel along with an administrative fee, per the mutually accepted agreement,

BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign an Intermunicipal Agreement with Monroe County for the term of September 1, 2023 through August 31, 2024, with the option to renew for an additional term up to three (3) one-year periods, upon review and approval by the Town Attorney.

Moved: _____

Seconded: _____

Vote: Drawe _____

Kohl _____

Lee _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-151

DATE: July 5, 2023

BY: Councilperson Kohl

COMMITTEE: Law and Finance

Name: Authorization to Continue Membership in Monroe County's Consolidated Plan Consortium

WHEREAS, Monroe County must complete the Urban County Qualification process for continued participation in the federal Community Development Block Grant (CDGB), HOME Investment Partnerships (HOME) and Emergency Solutions Grants (ESG) programs.

WHEREAS, part of this process includes renewal of the Cooperation Agreement between the Town of Penfield and Monroe County. The Cooperation Agreement originated in 2005 and contains an automatic renewal provision.

BE IT RESOLVED, that this agreement with Monroe County will be automatically renewed for the term of October 1, 2023 through September 30, 2026, upon review and approval by the Town Attorney.

Moved: _____

Seconded: _____

Vote: Drawe _____

Kohl _____

Lee _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-152 DATE: July 5, 2023
BY: Councilperson Kohl COMMITTEE: Law and Finance

NAME: Issuing a Special Use Permit and Preliminary/Final Site Plan Approval to Allow the Construction of a 3,400 SF (+/-) New Building to House a Pets at Peace Facility, Located at 1401 Empire Blvd. (Tax ID #:108.06-1-16.1)

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Special Permit and Site Plan approval pursuant to Section 250-5.9 of Town Code, which would allow the construction of and a new 3,440 SF (+) building to house a Pets at Peace facility, located at 1401 Empire Blvd (Tax ID #:108.06-1-16.1), located in the LaSalle's Landing Development (LLD) zoning district; and

WHEREAS; the Penfield Town Board was best suited to act as "lead agency" within the meaning of the State Environmental Quality Review Act (SEQRA) and classified the application as a Type II action, which concluded the environmental review process; and

WHEREAS, the Town Board of the said Town of Penfield held a public hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York June 7, 2023, at 6:30 PM, to consider the application and hear all persons interested in the matter, and the public hearing was closed with no members of the public providing comment; and

WHEREAS, the Town has reviewed the applicant's Waterfront Assessment Form and has determined the application to be consistent with the LWRP.

NOW, THEREFORE, BE IT

RESOLVED, that the applicant's request for a SPECIAL USE PERMIT and PRELIMINARY/FINAL SITE PLAN to allow the construction of a Pets at Peace facility at 1401 Empire Blvd. is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a SPECIAL USE PERMIT from the Town Clerk and pay the appropriate fee. The SPECIAL USE PERMIT is non-transferable. Any subsequent owner/operator or use shall be required to apply for and obtain a new SPECIAL USE PERMIT from the Town Board to operate a business at this location.
2. Any signage proposed for the site will require administrative approval by the Town Board prior to the issuance of a sign permit through the Building and Zoning Department.
3. The applicant shall finalize plans in accordance with the Town's PRC memo(s) and final plans must be approved by the Town Engineer before mylars can be signed by the Town and filed by the applicant or applicant's agent at the Monroe County Clerk's Office.
4. The applicant shall obtain any permits required by the Penfield Building Department and comply with the occupancy requirements established for the property by the Penfield Fire Marshal in accordance with the New York State Uniform Code.

5. The applicant shall obtain any permits required by Monroe County and/or New York State agencies.
6. The use and operation of the site will conform with approval granted by the Town Board and all applicable provisions of the Penfield Town Code.
7. The applicant shall construct the site in conformance with all aspects of the approved plans, including landscaping.
8. This business operation shall comply with all Federal, State, County and Town Laws, Regulations and Codes.
9. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Special Permit pursuant to the requirements of the Zoning Ordinance.

AND BE IT FURTHER

RESOLVED, that the Town Board, in granting the Special Use Permit, does so based on its following findings:

1. This location is easily accessed from the adjacent corridor and the use is not a generator of high volume of traffic trips in general, including during the peak hours of travel.
2. The applicant is proposing to establish a new pet crematorium, which will serve the Penfield community and surrounding areas.
3. The applicant's proposed development of a new structure will improve the aesthetic quality of the corridor.
4. The proposal is consistent with, and furthers the goals and objectives of, the requirements for issuing a Special Use Permit in this district.

Moved: _____

Seconded: _____

Vote: Drawe _____

Kohl _____

Lee _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-153 DATE: July 5, 2023
BY: Councilperson Kohl COMMITTEE: Law and Finance

NAME: Support for the Town of Penfield to Pursue Funding Through the New York State Consolidated Funding Application (CFA)

WHEREAS, the New York State Consolidated Funding Application 2023 round is currently open and grant programs have been announced, and

WHEREAS, the Town of Penfield has identified potential grant applications that align with Town goals and priorities; and

WHEREAS, the Town of Penfield Town Board is aware of the local match requirements associated with the potential grant opportunities and has the funds available to make cash matches should the grant be awarded.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board supports the pursuit of eligible funding opportunities through the 2023 NYS CFA and instructs staff to submit applications within the guidance provided through the program.

Moved: _____

Seconded: _____

Vote: _____

Drawe _____

Kohl _____

Lee _____

Ockenden _____

BY: Councilperson Kohl

Committee: Law and Finance

NAME: Authorization to dispose of Surplus Equipment

WHEREAS, the Cable Television Coordinator has determined that the following equipment, due to its age and non-working condition, holds no value:

- Listec Video ST2013SAP-D – 13” LCD Video Prompter - S/N 159
- Kramer Tool 1X4 Video Amp – 12V - Serial: 751746| 751897 | 751885 | 751884
- Kramer VS-2DVA – Serial – 07120113700021
- Vari Zoom Lens Cranks and Cables PG-C & PG-F
- Teradek VideoU Webstream Box – Serial 24504843c & 24504849c
- Scan Converter SD 1290 ScanDo – Serial MQA20014006
- Extron Scan Converter TVTN VSC 500/700
- Stage Lighting Cat No Q-Lite E-31501 (6)
- Gobo Key Light (2) Studio Usage
- Marshal Monitor V-R82DP-SD & SDI – 2 Screen S/N: 4188907165
- Samson Audio Transmitter and Receiver: S/N 63U302905 & 59U322026
- Compix Windows PC Unit w/ graphic SDI cards – S/N: GG03163N-2461+ | GG03164N-2462+
- FM Hearing Assistance System: William Sound – 4 Trans / One Receiver / Battery Charger 1269 with Case – PPA17 B4342

WHEREAS, it is in the best interest of the town to dispose of these surplus items for electronic recycling purposes;

NOW, THEREFORE, BE IT RESOLVED that the Penfield Town Board hereby approves the disposal of the surplus property for electronic recycling.

BE IT FURTHER RESOLVED that the Town Board authorizes the Cable Television Coordinator to take the necessary steps to arrange for the disposal of the surplus property in an environmentally responsible manner, in accordance with applicable regulations and guidelines.

BE IT FURTHER RESOLVED that the proceeds, if any, from the recycling of the disposed items shall be directed to the town's general fund.

BE IT FURTHER RESOLVED that a copy of this resolution be provided to the Cable Television Coordinator for their records and future reference.

Moved: _____

Seconded: _____

Vote:

Drawe _____

Kohl _____

Lee _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-155 **DATE : July 5, 2023**

BY Councilman Kohl Law and Finance Committee

NAME Authorization to Maintain Properties and Assess the Charges to the 2024 Property Tax Bills

WHEREAS, on December 16, 2015, the Town Board of the Town of Penfield adopted a resolution to enact Local Law #3 of 2015 entitled "A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF PENFIELD INTO A MUNICIPAL CODE TO BE DESIGNATED THE CODE OF THE TOWN OF PENFIELD; and

WHEREAS, the purpose of the Code of the Town of Penfield includes, among other things, to provide for the safety, health protection and general welfare of persons and property in the Town of Penfield by requiring the maintenance of all such properties within the Town; and

WHEREAS, the property owners of

1600 Penfield Rd SBL123.20-2-47
39 Lone Oak Cir SBL 109.03-1-100

129 Beacon Hills Dr S SBL109.05-2-63

have failed to maintain the subject properties in accordance with the applicable code requirements, which is resulting in concerns for the safety, health protection and general welfare of surrounding persons and properties; and

WHEREAS, the town staff has continually requested the maintenance of the subject properties by the owners thereof with no result:

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Building/Code Compliance Inspector 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 2023 season also be charged to the 2024 property tax bill for the subject properties.

Moved: _____

Seconded: _____

Vote:

Drawe _____

Kohl _____

Lee _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-156 DATE July 5, 2023

BY: Councilperson Kohl Law and Finance COMMITTEE

NAME: Authorization for Abandonment of Easement in Panorama Estates Section 1-C Annex

WHEREAS, the developer of the Panorama Estates proposed a 12-lot subdivision on Panorama Trail to be known as Panorama Estates Section 1-C Annex; and

WHEREAS, to accomplish the subdivision a 30-foot-wide easement between Lots 39 and 40 for vehicular access to Lot 40 was necessary; and

WHEREAS, subsequent to the Panorama Estates Section 1-C Annex Subdivision Plat being recorded at the Monroe County Clerk’s office, a previous owner purchased and/or acquired lots 39, 40, and 41 of Panorama Estates Section 1-C Annex.

WHEREAS, said previous owner resubdivided the three lots into one to be known as Lot R-39 as shown on “Map of a Re-subdivision of Lots Number 39, 40, and 41 of Panorama Estates, Section 1C Annex” prepared by Lewis E. Kohl, Inc. and dated February 09, 1971; and

WHEREAS, the Owner of Lot R-39, known as 63 Canyon Trail, wishes to abandon the easement as it is no longer needed since the properties have been resubdivided and the easement prevents an addition being built on the existing home; and

WHEREAS, the Town staff and the Town Board are supportive of the applicant’s proposal to abandon the access easement.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the abandonment of the 30-foot-wide easement as shown on the map entitled “Panorama Estates Sec.1-C Annex”, prepared by Smith & Denluck Surveyors, dated August 12, 1959 and “Map of a Re-subdivision of Lots Number 39,40, and 41 of Panorama Estates, Section 1C Annex” prepared by Lewis E. Kohl, Inc. and dated February 09, 1971.

Moved: _____

Seconded: _____

Vote: Drawe _____

Kohl _____

Lee _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-157 DATE: July 5, 2023

BY: Councilperson Kohl COMMITTEE Law and Finance

NAME: Authorization to Settle WF Five Mile Line LLC
Tax Certiorari Proceedings

WHEREAS, WF Five Mile Line LLC, heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessment for the year 2022 for the premises located at 2006 Five mile Line Rd., (tax map # 124.18-1-49) located within the Town of Penfield, and

WHEREAS, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner's claim, and

WHEREAS, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

WHEREAS, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by WF Five Mile Line LLC for the year 2022 be and hereby are approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Penfield be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Penfield to reflect the terms of such settlement.

Moved: _____

Seconded: _____

Vote:

Drawe _____

Kohl _____

Lee _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-158 DATE: July 5, 2023

BY: Councilperson Kohl COMMITTEE Law and Finance

NAME: Authorization to Settle Limestone Development Co.LLC
Tax Certiorari Proceedings

WHEREAS, Limestone Development Co.LLC, heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessment for the years 2017-2022 for the premises located at 100 & 300 Elderwood Court (tax map #'s 125.03-2-55.1 & 125.03-2-55.2) located within the Town of Penfield, and

WHEREAS, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner's claim, and

WHEREAS, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

WHEREAS, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by Limestone Development Co.LLC for the years 2017-2022 be and hereby are approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Penfield be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Penfield to reflect the terms of such settlement.

Moved: _____

Seconded: _____

Vote:

Drawe _____

Kohl _____

Lee _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-159 DATE: July 5, 2023

BY: Councilperson Kohl COMMITTEE Law and Finance

NAME: Authorization to Settle DiMarco Baytowne Associates LLC
Tax Certiorari Proceedings

WHEREAS, DiMarco Baytowne Associates LLC, heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessment for the years 2022-2023 for the premises located at 1900 Empire Blvd., (tax map # 093.02-1-23.111) located within the Town of Penfield, and

WHEREAS, negotiations have been had between the Attorney for the Town and the Attorneys for the Petitioner in an attempt to settle and compromise Petitioner's claim, and

WHEREAS, after such negotiations, tentative agreement has been reached between all parties on the terms of a proposed settlement subject to the approval of the Town Board and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the stipulations on file in the Office of the Town Assessor, and

WHEREAS, upon due consideration of all facts and circumstances, the Town Board finds that the proposed compromise and settlement is fair and reasonable and should be approved.

THEREFORE, BE IT RESOLVED, that the proposed settlement of the Tax Certiorari proceedings brought by DiMarco Baytowne Associates LLC for the years 2022-2023 be and hereby are approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Penfield be and he hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Penfield to reflect the terms of such settlement.

Moved: _____

Seconded: _____

Vote:

Drawe _____

Kohl _____

Lee _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-160

DATE: July 5, 2023

BY: Councilperson Lee

COMMITTEE: Public Works

NAME: Authorization for Supervisor to sign a contract with Bergmann PC for an existing conditions assessment and evaluation services of the Clark House

BE IT RESOLVED, that the Supervisor is hereby authorized to sign a contract, not to exceed \$6,600.00 for services with Bergmann PC, 280 East Broad Street, Suite 200, Rochester, NY 14604, to provide additional design services for the Clark House, located at 600 Whalen Road. This resolution and the proposal submitted by Bergmann PC shall constitute the contract. This agreement to be reviewed and approved by the Town Attorney.

BE IT FURTHER RESOLVED, the Town Board approves appropriation of \$6,600.00 from the Unassigned General Fund Balance as an amendment to the 2023 budget for these evaluation services.

Moved: _____

Seconded: _____

Vote: Drawe _____

Kohl _____

Lee _____

Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-161 DATE: July 5, 2023

BY: Councilperson Lee

COMMITTEE: Public Works

NAME: Authorization to Auction Surplus Equipment through RTI Auctions NetAuction

WHEREAS, the Director of Public Works has identified the attached list of equipment as surplus and available for public auction; and

WHEREAS, the Town Supervisor and the Director of Public Works be granted the authority to amend the attached list prior to final designation as surplus equipment;

NOW, THEREFORE, BE IT RESOLVED, that the following list of equipment be declared surplus and that the Director of Public Works be and hereby is authorized to enter into agreement with Roy Teitsworth, Inc, 6502 Barber Hill Road, Geneseo, New York 14454, to auction said equipment:

- Digital Display Monitor 50" (Library) Model # VS15900 Serial # U5G144200014
- Digital Display Monitor 46" (Recreation) Model # VS13586 Serial # SYU124670005

BE IT FURTHER RESOLVED, that the proceeds resulting from the auction and the sale of this equipment be credited to the appropriate fund.

Moved: _____

Seconded: _____

Vote: Drawe _____

 Kohl _____

 Lee _____

 Ockenden _____

PENFIELD TOWN BOARD RESOLUTION NO. 23T-162 _____ DATE 7/5/2023

BY LINDA KOHL _____ COMMUNITY SERVICES COMMITTEE

NAME AUTHORIZATION FOR SUPERVISOR TO SIGN RECREATION CONTRACTS

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following recreation contracts:

Teagan and the Tweeds, 154 Blue Birch Drive, Rochester, NY 14612, to provide “Allegro” musical entertainment on Saturday, July 1, 2023 (concert time 8:00PM-10:15PM) at Harris Whalen Park for Penfield’s Independence Day Celebration for a fee of \$1,400.00 (stage, sound equipment, & lighting provided by Northeastern Productions). Voucher in the amount of \$1,400.00 to be submitted 7/5/2023.

Moved: _____

Seconded: _____

Vote:

Kohl _____

Lee _____

Ockenden _____

**2023-24 Agreement for Video Services
between
Town of Penfield and Penfield Central School District**

The Penfield Central School District (hereinafter referred to as "District") has requested audio-video (hereinafter referred to as "AV") services from the Town of Penfield Department of Cable TV (hereinafter referred to as "Town") to assist with District Board of Education meetings and District video production needs.

SCOPE OF NEEDS

The Town understands the school District annual video production coverage needs to be; eighteen (18) Board of Education meetings, one (1) Meet the Candidates Night and one (1) Other Meeting/Award ceremony.

Additional support and services to include:

- Live transmission of the above events
- Post-production editing, processing, distribution, and archiving of District productions.
- Uploading and managing video on the District website.
- Provide general maintenance and care of AV systems used for meeting coverage.
- Post-meeting closed captioning of each production for replay viewing.

DATES AND TIME

The District will provide the dates, time and location of the identified events to the Town annually.

The District will provide the Town with as much lead time as possible for Special Meetings; but not less than two (2) days, forty-eight (48) hours advance notice.

PRODUCTION SERVICES

Town staff will be responsible for the setup and operation of District AV equipment to effectively record District meetings.

TRANSMISSION

The Town will provide the District electronic access to its Cable Access Channels and Internet Streaming Services for the live and replay transmission of each District meeting.

DISTRIBUTION

Each recording will be closed captioned and included in the Town's Video-On-Demand (VOD) streaming services (Apple TV, Roku, and Amazon Fire) for a minimum of (6) six and up to (12) twelve months from the date of the recording. This includes all Town web based VOD viewing apps.

The Town shall upload and manage the District meeting videos on the District website.

ACCESS

The District shall provide Town staff with the necessary access to District parking, buildings, rooms, computer networks, and website to accomplish the identified District needs as described.

MAINTENANCE

The District agrees to maintain its AV systems and support equipment in a condition of good working order required for the Town to execute the production services as identified within the SCOPE OF NEEDS of this agreement.

The Town will provide the general care maintenance of said equipment systems. The Town will report any maintenance concerns to the District.

ADDITIONAL SERVICES

The Town can provide other AV production, maintenance, and installation services not included in the SCOPE OF NEEDS to the District on an as-needed basis. These services can be negotiated annually or quoted upon request.

SUPPORT

In the spirit of cooperation, both parties agree to assist each other through the short term of equipment loans to cover unforeseen failures or technical difficulties.

EXPENSES

The District is financially responsible for the purchasing, service, and repair of its equipment. In the event that the District has directed the Town to execute a purchase or service order resulting in financial liability to the Town, the District agrees to reimburse the Town in full within thirty (30) days of invoice.

PANDEMIC/ILLNESS

The Town nor District can control or predict the potential effect or impact on staff resources during a public health emergency or any other event beyond control of the party(s). In the event of direct impact to Town staff resources that prevents staff's ability to safely execute production services on location, an advance agreeable alternative solution will be executed.

Town staff and District will identify alternative solutions and evaluate and adjust the said plan as needed.

STAFFING

The Town budgets the following staff time allowances to meet the District Scope of Needs per event;

- 0.25 Hrs. Communication and Preparation
- 1.0 Hrs. AV Equipment Setup
- 0.5 Hrs. Testing
- 2.5 Hrs. Meeting Coverage
- 1.0 Hrs. Strike Equipment
- 1.5 Hrs. Post Meeting Media Management Tasks

FEES

The District agrees to pay \$17,600.00* to the Town for AV production, distribution services. Payment will be made in four (4) \$4,400 installments annually;

- September 30
- December 31
- March 31
- June 30

*Additional fees may apply in the event staff time allowances are exceeded at a rate of \$78.00 per hour, per staff member on site.

RATES

The Town has identified the following rates for additional services, to be quoted upon request.

- Installation/Maintenance - \$78.00 an hour,
- Additional Meeting/Event Production - \$78.00 an hour
- Post-Production Editing - \$67.00 an hour
- Town Equipment Use - To be quoted based on needs

INDEMNIFICATION

To the maximum extent permitted by law, the District shall indemnify, defend and hold harmless, the Town, its elected and appointed officials, employees and agents at all times from and against any and all claims, damages, losses and expenses of any nature whatsoever, including, but not limited to, personal injury, death, property damage and reasonable attorney fees arising out of, related to, or resulting from the creation, promotion, and participation in the providing of audio-visual services relating to the Penfield Central School District Board of Education meetings and/or other District productions. This indemnification shall not apply to any claim or liability resulting from the sole negligence or willful misconduct of any indemnified party.

TERMS

This agreement is for twelve (12) months, July 1, 2023, to June 31, 2024.

TERMINATION

This agreement may be terminated at any time with written notice. Notice shall be made a minimum of thirty (30) days in advance of the termination date.

ENTIRE CONTRACT/LAWS OF NEW YORK

This agreement shall constitute the complete agreement between the District and Town. No oral agreements or promises will be binding. This agreement is governed by the laws of the State of New York.

This agreement is made between:

_____ Date: _____
Debbie Drawe, Supervisor, Town of Penfield

_____ Date: _____
Dr. Thomas Putnam, Superintendent, Penfield Central School District