



# TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

**PENFIELD TOWN BOARD AGENDA**  
**Wednesday, November 6, 2013 7:30 PM**  
**Supervisor R. Anthony La Fountain, presiding**

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**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 2, 2013**

**VI Petitions**

**VII Resolutions by Function**

**Law and Finance**

**#13T-200 Authorize the Town Supervisor to sign Agreement with New Horizons' Computer Learning Centers**

**#13T-201 An Order providing for the Establishment of Extension No. 56 to the Penfield Consolidated Sanitary Sewer District – Parkview Drive/White Village Drive Area Sewer Project**

**#13T-202 Bond Resolution Authorizing General Obligation Bonds of the Town of Penfield to Finance Sewer System Capital Improvements within the Town, Authorizing the issuance of Bond Anticipation Notes in Contemplation thereof, the Expenditure of Sums for such Purpose and Determining other Matters in Connection therewith**

**#13T-203 Setting a Public Hearing for Adoption of Local Law No. 1 of 2013 to be known as "A Local Law Extending the Moratorium and Prohibition within the Town of Natural Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration and Production Wastes"**

**Public Works**

**#13T-204 Authorization to Extend Intermunicipal Snow & Ice Agreement with Monroe County Department of Transportation**

**#13T-205 Authorization to Extend Snow & Ice Agreement with New York State Department of Transportation**

**#13T-206 2014 Turf and Field Mowing for the Town of Penfield**

**Public Safety - None**

**Community Services**

**#13T-207 Update to Parks, Recreation, Facilities Fee Schedule and Cancellation Policy**

**VIII Old Business**

**IX New Business**

**X Public Participation**

**XI Adjournment**



PENFIELD RESOLUTION NO. 13T-201

DATE November 6, 2013

BY Councilman Moore

Law & Finance COMMITTEE

NAME: An Order Providing for the Establishment of Extension No. 56 to the Penfield

Consolidated Sanitary Sewer District - (Parkview Drive / White Village Drive Area Sewer Project).

WHEREAS; a Public Hearing was held on October 16, 2013 at 7:30 p.m. prevailing time, at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York, to consider the Petition and to hear all persons interested in the establishment of Extension No. 56 to the Penfield Consolidated Sanitary Sewer District (Parkview Drive / White Village Drive Area Sewer Project), and

WHEREAS, the Town Board did hear comments from several residents, which were answered at said hearing, none of which were negative or substantive enough to warrant further investigation, and

NOW THEREFORE, BE IT RESOLVED, that the annexed Order be executed by the Town Supervisor and members of the Town Board to establish Extension 56 to the Penfield Consolidated Sanitary sewer District for the (Parkview Drive / White Village Drive Area Sewer Project).

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

The order was thereupon declared duly adopted.

BY : Councilman Moore

Law & Finance COMMITTEE

NAME: BOND RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS OF THE TOWN OF PENFIELD TO FINANCE SEWER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Town of Penfield Extension 56 to the Penfield Consolidated Sanitary Sewer District is a Sewer Extension of the Town of Penfield, New York, duly established by the Town Board pursuant to the Town Law; and

WHEREAS, the cost of the improvements authorized will not exceed the cost thresholds that require approval of the Office of the State Comptroller; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on September 18, 2013, has duly adopted a negative declaration and has determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts; now therefor, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF PENFIELD, NEW YORK, (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Penfield shall undertake the acquisition and construction of sewer improvements for Extension 56 to the Penfield Consolidated Sanitary Sewer District, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$2,440,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$2,440,000 and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Penfield.

Section 7. The faith and credit of the Town of Penfield, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of an *ad valorem* tax, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Penfield together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

## NOTICE OF PUBLIC HEARING

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 December 4, 2013, at 7:30 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 2013 which would extend the moratorium and prohibition within the Town of Penfield of natural gas and petroleum exploration and extraction activities, underground storage of natural gas and disposal of natural gas or petroleum extraction, exploration and production wastes, a copy of which is attached hereto and made a part hereof known as Schedule "A".

### TOWN OF PENFIELD LOCAL LAW NO. 1 OF 2013

#### A LOCAL LAW EXTENDING THE MORATORIUM ON AND PROHIBITION OF GAS AND PETROLEUM EXPLORATION AND EXTRACTION ACTIVITIES, UNDERGROUND STORAGE OF NATURAL GAS, AND DISPOSAL OF NATURAL GAS FOR PETROLEUM, EXPLORATION, AND PRODUCTION WASTES WITHIN THE TOWN OF PENFIELD

Be it enacted by the Town Board of the Town of Penfield as follows:

- Section 1.** The Local Law to effect a Moratorium on and Prohibition of Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes in the Town of Penfield, originally enacted as Local Law No. 1 of 2012, is hereby extended until December 31, 2014, or until a duly enacted repeal of said Local Law No. 1 of 2012 as so extended, whichever shall first occur.
- Section 2.** If any word, phrase, sentence, part, section, subsection, or other portion of this Local law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable

provision shall be and be deemed severed herefrom, and the Town Board of the Town hereby declares that it would have enacted this Local law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

**Section 3.** This Local Law shall take effect immediately.

### **SCHEDULE A**

PENFIELD TOWN BOARD RESOLUTION NO. 13T-203

DATE November 6, 2013

BY Councilman Moore

Law & Finance COMMITTEE

NAME Setting a Public Hearing for Adoption of Local Law No. 1 of 2013 to be Known as “A Local Law Extending the Moratorium and Prohibition Within the Town of Natural Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration and Production Wastes”

WHEREAS, the Town Board of the Town of Penfield wishes to consider adopting proposed Local Law No. 1 of 2013 which would extend the moratorium and prohibition within the Town of Penfield of natural gas and petroleum exploration and extraction activities, underground storage of natural gas and disposal of natural gas or petroleum extraction, exploration and production wastes; 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 December 4, 2013, at 7:30 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 2013 which would extend the moratorium and prohibition within the Town of Penfield of natural gas and petroleum exploration and extraction activities, underground storage of natural gas and disposal of natural gas or petroleum extraction, exploration and production wastes, a copy of which is attached hereto and made a part hereof known 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 three (3) days and not more than thirty (30) days before the date set for the said public hearing, as aforesaid.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_

**TOWN OF PENFIELD  
LOCAL LAW NO. 1 OF 2013**

**A LOCAL LAW  
EXTENDING  
THE MORATORIUM ON AND PROHIBITION OF  
GAS AND PETROLEUM EXPLORATION AND EXTRACTION ACTIVITIES,  
UNDERGROUND STORAGE OF NATURAL GAS,  
AND  
DISPOSAL OF  
NATURAL GAS FOR PETROLEUM, EXPLORATION, AND  
PRODUCTION WASTES  
WITHIN THE TOWN OF PENFIELD**

Be it enacted by the Town Board of the Town of Penfield as follows:

- Section 1.** The Local Law to effect a Moratorium on and Prohibition of Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes in the Town of Penfield, originally enacted as Local Law No. 1 of 2012, is hereby extended until December 31, 2014, or until a duly enacted repeal of said Local Law No. 1 of 2012 as so extended, whichever shall first occur.
- Section 2.** If any word, phrase, sentence, part, section, subsection, or other portion of this Local law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed herefrom, and the Town Board of the Town hereby declares that it would have enacted this Local law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.
- Section 3.** This Local Law shall take effect immediately.

**SCHEDULE A**

PENFIELD TOWN BOARD RESOLUTION NO. 13T-204 DATE: November 6, 2013

BY: Councilwoman Paula Metzler Public Works COMMITTEE

NAME: Authorization to Extend Intermunicipal Snow & Ice Agreement with Monroe County Department of Transportation

Be It Resolved: That the Supervisor, be and hereby is authorized to execute a one year extension to the Snow and Ice agreement between the Town of Penfield and Monroe County Department of Transportation for the 2013/2014 snow & ice season.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_







Harris Whalen Enclosed Lodge

- Resident Weekday Rate M-Th \$110.00 / \$99.00 self serve on-line reservation
- Non-Resident Weekday Rate M-Th \$165.00 / 148.50 self serve on-line reservation
  
- Resident Weekend Rate F-Su \$165.00 / \$148.50 self serve on-line reservation
- Non-Resident Weekend Rate F-Su \$220.00 / 198.00 self serve on-line reservation
  
- Resident Thanksgiving Rate \$220.00 / \$198.00 self serve on-line reservation
- Non-Resident Holiday Rate \$275.00 / \$247.50 self serve on-line reservation

AND, FURTHER BE IT RESOLVED

This Fee Schedule and Cancellation Policy revisions shall become effective for reservation / programs taking place beginning December 4<sup>th</sup>, 2013.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Vote:

Kohl \_\_\_\_\_

LaFountain \_\_\_\_\_

Metzler \_\_\_\_\_

Moore \_\_\_\_\_

Quinn \_\_\_\_\_