FOR IMMEDIATE RELEASE

**Bond resolutions adopted to purchase Shadow Pines property**

**PENFIELD, N.Y., NOVEMBER 21, 2017** – The Penfield Town Board adopted bond resolutions for the acquisition of the Shadow Pines property for $3,650,000 from Dolomite/Oldcastle at a special legislative session on November 20. The property will be used for governmental and/or public uses as determined by the Town Board in the future.

This action by the Town Board is the latest milestone in the Town’s efforts to purchase the Shadow Pines property, providing a path to funding should the purchase occur. To date, the Town and Dolomite have signed a Letter of Intent for the transaction and the SEQR environmental requirements have been met. The Purchase Agreement is currently being negotiated and is not final.

The Town Board’s original intent for the process was to conduct a Public Referendum—a straight up or down vote by residents—on the purchase of the Shadow Pines property. However, in the current draft of the Purchase Agreement, Dolomite requires a closing date of no later than January 31, 2018, and Dolomite’s legal counsel has informed the Town that Dolomite will not consider an extension of the closing date beyond January 31. Dolomite’s position does not allow the Town sufficient time to conduct a Public Referendum which can take 60 to 75 days. With the Public Referendum option taken away, the Town Board chose an alternative path forward with bond resolutions that, according to New York State law, are subject to a Permissive Referendum.

A Permissive Referendum is a legislative tool in which a board’s decision stands unless it is challenged by citizen petition for a Public Referendum, in which case the board is obligated to conduct a Public Referendum. For those residents who prefer that the Town Board hold a Public Referendum, New York State has specific rules and procedures for this process.

Residents who want to pursue a petition for a Public Referendum are required by law to engage in a process that requires five percent of Penfield voters who voted in the 2014 gubernatorial election to sign a petition calling for a Public Referendum. The numbers for that are five percent of 13,683 voters, which would require a minimum of 685 qualified signatures. Petitions must follow a specific
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format and be submitted to the Town Clerk within 30 days following the adoption of the resolutions. (See the law at New York Consolidated Laws, Town Law - TWN § 91. Referendum on petition.)

If the Town does acquire the Shadow Pines property the purchase will cost the average household valued at $190,000 approximately an additional $11 a year in town taxes over 29 years. Additional ownership costs would depend on future use and maintenance requirements.

The Town will continue to provide updates throughout the process.

To learn more about The Shadows please go to the project page at http://www.penfield.org/index.php?pr=Golf_The_Shadows

Media Contacts
R. Anthony (Tony) LaFountain, Penfield Town Supervisor 585.340.8630
Phyllis Ely, Communications 585.340.8647