



Town of Penfield Supervisor's Column

November 20, 2017

I am using this week's column to provide an update on the Town's efforts to purchase the Shadow Pines property, as there have been many moving parts and very compressed timelines for this proposed transaction. If you are following this topic, you will recall that on September 29, 2017 the Town of Penfield signed a Letter of Intent for Purchase and Sale of Real Property Shadow Pines Golf Course with Dolomite Products Company, Inc. Since then, the Town and Dolomite have been working to complete a Purchase Agreement based on the terms in the Letter of Intent. In addition, the Town also completed a SEQR environmental review for acquisition and is pursuing financing for the purchase.

That leads us to tonight, November 20, when the Town Board will hold a special legislative session at 7:00 PM to vote on bond resolutions to finance the purchase of the Shadow Pines property for \$3,650,000 from Dolomite. The property will be used for governmental and/or public uses as determined by the Town Board in the future.

The Town Board's original intent 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 tonight 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.

With respect to the purchase of the Shadow Pines property, if the bond resolutions should pass tonight, Penfield residents who prefer a formal Public Referendum on the purchase may petition and obligate the Town Board to hold a Public Referendum. Residents who support the bond resolution alternative have no formal action to take as the resolutions being proposed by the Town Board work towards that outcome.

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 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.](#))

Should the purchase of the Shadow Pines property occur, the financing of the purchase will cost the average household valued at \$190,000 approximately an additional \$14 a year in Town taxes over 30 years. Additional ownership costs would depend on future use and maintenance requirements.



Supervisor
R. Anthony LaFountain

In 2016, the majority of the Moratorium Committee recommended that the Town of Penfield purchase the Shadow Pines property. The Penfield Town Board considered the recommendation and felt strongly that the Shadow Pines property was worth bringing into Town ownership for municipal uses rather than allowing it to be developed under its current residential zoning.

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

Tonight's meeting will be streamed live at www.penfield.org. As always, there will be two opportunities for public comments on the agenda.

Until next week, I wish you all a Happy Thanksgiving with family and friends.

Tony