PENFIELD TOWN BOARD AGENDA  
Wednesday, May 4, 2016, 7:00 PM  
Supervisor R. Anthony LaFountain, presiding

I Call to Order - Pledge of Allegiance - Roll Call

II Public Hearing #1 – To Consider acceptance of the Mixed Use Development Manual, Adoption of the Mixed Use District Zoning Ordinance and Amending the Zoning Ordinance and Zoning Map of the Town of Penfield

III Communications and Announcements

IV Public Participation

V Additions and Deletions to Agenda

VI Approval of Minutes – March 23, 2016

VII Petitions

VIII Resolutions by Function

Law and Finance
16T-112 Authorization to Attend NYS Association of Tax Receivers & Collector’s 2016 Annual Training Seminar
16T-113 Authorization for Supervisor to Sign Agreement with Rochester Christian Reformed Church
16T-114 Authorization to Assess the Charges for the Securing of an Unsafe Structure to the 2017 Property Tax Bill
16T-115 Authorization to Maintain Properties and Assess the Charges to the 2017 Property Tax Bills

16T-116 Approval of Out of District User Status for the Property Located at 1267 Fairport Nine Mile Point Road
16T-117 Authorization for Town Supervisor to Sign a Professional Service Contract Amendment with Barton and Loguidice for Environmental Services
16T-118 Authorization for Town Supervisor to Sign a Professional Service Contract with Edwin A. Summerhays Surveying for Stakeout Services for a Parking Lot and Access to the Four Mile Creek Nature Preserve
16T-119 Granting a Conditional Use Permit to Allow Live Music in the Outdoor Dining Area at 2124-2126 Five Mile Line Road – Cha Cha’s Wood Fired Bar and Grill
16T-120 Setting a Public Hearing for a Conditional Use Permit to Allow a Jewelry Shop at 1759 Penfield Road
16T-121 Setting a Public Hearing to Consider Preliminary and Final Site Plan Approval to Allow a 4,500+/ Square Foot Mixed Use Commercial and Apartment Building at 1861 Penfield Road
16T-122 Setting a Public Hearing to Consider Incentive Zoning for Preliminary and Final Re-subdivision and Site Plan Approval to Allow a 7,200 Square Foot Retail Building at 2140 and 2146 Fairport Nine Mile Point Road
16T-123 Adoption of Town of Penfield Acceptable Use Policy for IT
16T-124 Authorization for Town Supervisor to Sign an Agreement with EPA
16T-125 Morgan East Avenue LLC, (a/k/a East Avenue Mobile Home Park), Tax Certiorari Settlement
16T-126 Morgan Forest Lawn MHC, (a/k/a Forest Lawn Mobile Home Park), Tax Certiorari Settlement

Public Works
16T-127 Amending the Contract for the Construction of Sanitary Sewers within the Parkview Drive/White Village Drive Area (Ext. 56 to the Consolidated Sanitary Sewer District)
16T-128 Authorization for Supervisor to Sign an Amendatory Agreement with Monroe County Renewing the 2014 CDBG Grant for $34,750 for the Empire Blvd Sidewalk Improvement Project
16T-129 Authorization for Town Board to Accept a Monroe County CDBG Grant for $32,000 for the 2015 Empire Blvd Sidewalk Improvement Project and Execute an Agreement

Public Safety
16T-130 Setting Fire Marshal Inspection Fees

Community Services
16T-131 Authorization for Supervisor to Sign Recreation Contracts

IX Old Business
X New Business
XI Public Participation
XII Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, May 4, 2016 at 7:00 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present: R. Anthony LaFountain Supervisor
Linda Kohl Councilwoman
Paula Metzler Councilwoman (arrived at 7:55 PM)
Andrew Moore Councilman

Also Present: Amy Steklof Town Clerk
Richard Horwitz Town Attorney
Jim Costello Director of Developmental Services
Phyllis Ely Information Specialist
Zach Nersinger Town Planner
Mark Valentine Town Engineer and Director of Planning

Absent: Robert Quinn Councilman

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by Legionnaire Bill Kelly, American Legion “Braman” Post 1229. Mr. Kelly stated that recently they have discovered that 16 veterans are buried in the Town of Penfield’s Smith Road Cemetery located in East Penfield on Gloria Drive. On Memorial Day, Monday, May 30th at 1:30 PM everyone is invited to Smith Cemetery to attend a celebration recognizing the 16 veterans that are buried there. For more information please contact Town Historian, Kathy Kanauer at 340-8740.

Mr. Kelly thanked all those who helped with preparation of the veterans grave sites. Mr. Kelly announced that the American Legion has a few openings available for membership if anyone would like to join. He also informed everyone that the Legion’s annual Flea Market will be held Friday and Saturday, May 6 and 7, 2016 at the Post.

Supervisor LaFountain thanked Mr. Kelly for his efforts in bringing attention to those from this community who performed service for our Country and for having them recognized appropriately.

Public Hearing #1 To Consider Acceptance of the Mixed Use Development Manual, Adoption of the Mixed Use District Zoning Ordinance and Amending the Zoning Ordinance and Zoning Map of the Town of Penfield

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on April 21, 2016 and was posted on the Town Website and Town Clerk Bulletin Board. 185 postcards were mailed. Town Attorney Horwitz confirmed that this meeting is in order.

Supervisor LaFountain stated that this project began 10+ years ago when the Town put together the Route 250 Corridor Study. They then moved forward to the Comprehensive Plan and within the Comprehensive Plan the Town identified four (4) areas of mixed use. The Town Board then put a committee of residents together to study the mixed use concept and to give recommendations to the Town Board.

Mark Valentine, Town Engineer and Director of Planning, Jim Costello, Director of Developmental Services, Consultant Jim Sipes with Sand County Studios, and Zach Nersinger, Town Planner gave a presentation on the Mixed Use Development District for the Route 250 Corridor. All documents from the presentation may be found on the Town’s website at www.penfield.org and can be found at the Planning Department and the Town Clerk’s office. Mr. Valentine stated that through this process a proposal from the Committee to create a new Zoning Ordinance for mixed use which, if adopted, and rezoning occurs the official Zoning Map will be amended and a Mixed Use manual will be developed. Mr. Valentine acknowledged New York State Department of Transportation, Genesee Transportation Council, Monroe County Department of Parks, Penfield community businesses, neighborhood representatives and the Town...
Of Penfield as key participants in the process. He also acknowledged a steering committee of stakeholders that was appointed by the Town Board to assist with the project. Mr. Valentine also mentioned that financial assistance was provided by the Federal Highway Administration through the GTC.

Mr. Costello gave a brief history of the project and stated that this Public Hearing is the culmination of ten plus years of work which started in 2005 after a grant was secured from the GTC.

Jim Sipes, Consultant for the project, presented information pertaining to Mixed Use and explained why this is a positive plan for the area. He also spoke about other parts of the country that have mixed use areas in place.

Zach Nersinger, Town Planner went over the slide presentation on the mixed use Development District for the 250 Corridor.

Public Participation

Mark Woop, 1671 Harris Road, stated he is in full support of the project but is concerned about the location and how it will affect the adjacent areas, including the effect it will have on the agricultural land in the area. He suggested the Town Board consider implementing the project in phases.

Mr. Woop also said he is concerned about the lighting and noticed that it states in the Mixed Use document, that lighting will not cause glare and will comply with the Mixed Use Manual. He stated that as lighting is considered he hopes it will be dark sky compliant.

Andris Silins, 23 Edgewood Drive, stated he was on the Mixed Use Committee and said that the committee members got a good understanding on how to develop zoning and that they realized this is a process that can take years to complete, but needs to be started now. He also stated that the project is resident centered and that the Town did not dictate what the committee should do. He said that all concerns were addressed. He also said the manual is a document that the committee decided upon. He stated that if anyone wants to speak with him further he will give out his contact information.

Supervisor LaFountain stated information can also be found on the project website at [www.penfield.org/mixedusedistricts.php](http://www.penfield.org/mixedusedistricts.php) and at [www.penfield.org](http://www.penfield.org).

Kevin Gallagher, 1973 Dublin Road read a statement pertaining to the Public Hearing and stated that he has conducted research and he has concerns. He hopes the Town Board will take his concerns under consideration. He stated he is opposed to the proposal. He does not feel the project proposed, under the current conditions with the proposed zoning, fits the Penfield community.

Kevin Fitzpatrick, who is a Penfield resident and works at the Eastside Community YMCA on NYS RTE 250, stated he was part of the Steering Committee. He believes that some of the concerns, that were just brought up, were addressed during the committee meetings. Concerns such as walkability, getting traffic off of NYS RTE 250 and Atlantic Avenue and how to create synergy in those communities can be found within the manual. The manual took three (3) years to put together. Mr. Fitzpatrick stated he supports this plan.

Ed Keeler, 3330 Atlantic Avenue stated that the north end of his property backs up to the north east section of Atlantic Avenue and NYS RTE 250. He stated he likes the concept of the plan, but is concerned that delivery trucks will be disruptive and wonders when deliveries will take place. He is also concerned about the lighting and wondered if it will be low level lighting or on tall towers. He is also concerned that his property value will lower.
Greg Lowenguth, 1680 Fairport Nine Mile Point Road stated he supports the project. He said he owns a dentist’s office in the area. He plans to enhance the property with a small addition and improve the entrance. He does not believe the code directly relates to these improvements to the existing structure so he would like some variance to the code. He would like the code to acknowledge existing properties that wish to improve their structures.

Kerry Ivers, 15 Penshire Circle stated she supports the proposed Mixed Use Project and that it shows a progressive look to the future. Ms. Ivers went on to say it is fiscally responsible in terms of concentrating investment and infrastructure and long term maintenance that goes with it. She feels it minimizes the impact of sprawl and it addresses a market need now and in the future for all types of living arrangements.

David Dickson, 31 Chipping Ridge, Fairport stated his Mother and Father In-Law were Howard and Maude Frank. He asked if these changes are made, will an increased tax burden be created for all property owners within the proposed zones.

Supervisor LaFountain stated that the tax issue which relates to an assessment issue is individual to each parcel. He encouraged Mr. Dickson to contact the Assessor’s office for information that relates to his property.

Mr. Dickson said his specific question pertains to all of the properties within the zones and if it is the intention of the Town Board to reassess all of the properties regardless of its current use.

Supervisor LaFountain stated that the Town takes a look at all of the Town properties on an annual basis.

Mr. Dickson asked if there has been any tax consideration in the time this project has been underway.

Supervisor LaFountain stated again that the Assessor reviews all of the properties on an annual basis and Mr. Dickson should contact the Assessor’s office.

Mr. Dickson stated that typically in Multi Use, special zoned requirements there is a governmental commitment as part of the development, but he does not see that in the proposal.

Supervisor LaFountain stated that the Town does not have any commitment to move any Town facility to the area at this time.

Bob Wing, 3309 Atlantic Avenue, stated Howard and Maude Frank were his in-laws as well. Mr. Wing stated he called the Assessor’s office today and that the Assessor claimed that she has no knowledge of this project and therefore could not give any assistance when he asked about specific properties.

Supervisor LaFountain stated that the Town Assessor is aware of the project, but if Mr. Wing would like to give him a call he will set up an appointment to meet with Mr. Wing and the Assessor.

Kevin Gallagher stated that the properties at the corner of Sweets Corners and NYS RTE 250 were previously considered for Open Space and are still listed in the 2006 Open Space plan. In the plan it stipulates those properties should be protected with regards to the view scapes however, those properties are now being considered for mixed development.
(Public Participation – Continued)

Tom Glanton, 11 Mallory Lane stated he had served on the committee but still has concerns. He asked if the developer or the Town will be responsible for the project. He also asked whether developers will be allowed to submit plans to the Town or will there be a wait period before anyone can submit their plan. He is also concerned about traffic and its impact on walkability in the area. He believes conceptually, the proposed project is a good one.

Heidi Scheer, 1480 Penfield Center Road, stated she is excited about the project, but is not sure that all of the examples shown were applicable to this project. She shares a lot of the concerns that have been voiced by the residents such as noise, traffic and lighting. She is also concerned that more than one developer may be involved. She likes the idea of having the project developed in phases. Ms. Scheer pointed out that she owns over five (5) acres and does not want to see the area developed into ¼ acre lots.

AJ Hetzke, 14 Silver Fox Drive stated that the staff has done a great job in presenting this project. Mr. Hetzke stated he had served as a liaison from the Planning Board to the Mixed Use Committee. He believes the Town needs to consider whether they want young people to stay in the Town and that trends show that younger people are moving toward cities and mixed use areas. He believes this plan proves to be forward thinking and he supports the project.

Supervisor LaFountain went over the next steps of the proposed project including that the comment period will stay open for at least the next two (2) weeks. The next Town Board discussion on this subject will occur at the end of this month or the beginning of June. Updates will be available on the Town’s website.

Bill Wickham, owner of Wickham Farms 1821 Fairport Nine Mile Point Road, and owns the property on 1303, 1315 and 1350 Sweets Corners Road stated that to preserve Open Space it costs a lot of money but does very little to the tax base of the Town. He feels Mixed Use is tax positive. He stated that he likes the idea that the Town is looking for a plan in the NYS RTE 250 area. He does not believe that one developer will be able to unify all of the property owners with a single vision, but hopes that as the project grows it will unify.

Supervisor LaFountain recognized the Committee Members as well as the Town’s Information Specialist, Phyllis Ely.

Hearing closed.

Communications and Announcements

1. The Town Of Penfield’s Spring Drop off will run Friday, May 13, 2016 7:30 AM to 5:00 PM and Saturday, May 14, 2016 9:00 AM to 3:00 PM at the Public Works complex, 1607 Jackson Road. For more information please visit the Town’s website at www.penfield.org.

2. Join the Penfield community on Saturday, May 14, 2016 for the Second Annual Terry Rothfuss Memorial Good Neighbor Day. Volunteers will help seniors, veterans and the disabled to do light yard work and spring clean-up. Volunteers will meet at Rothfuss Farm at 8:00 AM for refreshments and to receive assignments. To sign up to help or to be helped, please call Sabrina Renner at 340-8651 or e-mail srenner@penfield.org.

3. The Town of Penfield’s credit rating has been re-rated by Moody’s Investors Service from Aa2 to an outstanding Aa1 rating. Only eight (8) percent of all New York cities, towns and villages have an Aa1 rating. Supervisor LaFountain recognized all Town Departments, Finance Director and the Town Board for achieving this financial upgrade.
4. The Penfield Trails Committee will offer a free guided hike at 9:00 AM on Saturday, May 7, 2016 at Harris Whalen Park. The committee will also offer a canoe/kayak trek at 9:00 AM on Saturday, May 14, 2016 at Ellison Park. Participants are asked to register for the guided treks by calling 585-340-8655, option 6.

5. The Penfield Players annual melodrama returns to the Penfield Community Center with Sneakypete Underhand’s Devious Dealings – or the Doctor is INSane. Shows are at 8:00 PM, May 6, 7, 13 and 14. To order tickets, call 340-8655, option 6 or visit Penfield Recreation online at www.penfield.rec.org.

6. Councilwoman Kohl’s Community Chat will be held on Tuesday, May 17, 2016 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

7. The Annual Memorial Day Ceremony of Remembrance and Ceremony of Roses will be held Monday, May 30, 2016 at 10:30 AM at the Penfield Amphitheater and Kiwanis Stage. The guest speaker will be Monroe County Legislator, George Hebert from the 15th District and representing a portion of Penfield and Webster, who is also a US Navy veteran and Penfield resident. Also, winners of the Middle School Essay Contest will be announced. For more information, please contact Sabrina Renner at 340-8651 or email her at srenner@penfield.org.

Public Participation - None

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of March 23, 2016 Councilwoman Metzler seconded and all voted “Aye.”

Petitions

A Petition was received by Town Clerk Steklof from the President of the Allens Creek Valley Homeowners Association with 181 signatures against building a dog kennel at the site of the former Camp Haccamo which is located on Panorama Creek Drive.

Resolutions by Function

Law and Finance

#16T-112 Authorization to Attend NYS Association of Tax Receivers and Collector’s 2016 Annual Training Seminar by Moore

WHEREAS, The New York State Association of Tax Receivers and Collectors (NYSATRC) is dedicated to the education and professional development of tax collecting officials throughout New York State, and

WHEREAS, NYSATRC works directly with the New York State Association of Towns, New York State Department of Real Property Services, and the Office of the State Comptroller in the sharing of information, ideas, and statutory provisions that govern tax collecting procedures, and

WHEREAS, Receiver of Taxes, Margaret Revelle, Tax collector for the Town of Penfield will have the opportunity to expand knowledge and network with members of the Association,

NOW, THEREFORE, BE IT RESOLVED, that Margaret Revelle, is hereby authorized to attend The New York State Association of Tax Receivers and Collectors (NYSATRC) 2016 seminar, to be held from June 12-15, 2016 for a cost not to exceed $551.50. This cost will be allocated from the 2016 Tax Receiver conference budget line.
Penfield Town Board, May 4, 2016

(Resolution #16T-112 – Continued)

Moved: Moore
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Absent

Adopted

#16T-113 Authorization for Supervisor to Sign Agreement with Rochester Christian Reformed Church by Moore

BE IT RESOLVED, that the Supervisor is hereby authorized to sign an Agreement with Rochester Christian Reformed Church, 2750 Atlantic Avenue, Penfield, NY to allow access to the west parking lot for the purpose of turning around Town operated snow plow trucks during winter snow season.

Agreement is to be in a form acceptable to the Town Attorney.

Moved: Moore
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Absent

Adopted

#16T-114 Authorization to Assess the Charges for the Securing of an Unsafe Structure to the 2017 Property Tax Bill by Moore

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 Chapter 97 of the Code of the Town of Penfield is to provide for the safety, health protection and general welfare of persons and property in the Town of Penfield by prohibiting unsafe structures, which include vacant buildings with unsecured exterior doors and windows which serve as an attractive nuisance for young children, who may be injured therein, as well as a point of congregation by vagrants and transients; and

WHEREAS, on March 1, 2016, the property located at 3308-3310 Atlantic Avenue, SBL #110.03-1-19.21, was inspected by the Penfield Fire Marshal and found to contain vacant structures with unsecured exterior doors and windows and, as such, were determined to be unsafe; and

WHEREAS, the Penfield Fire Marshal ordered and arranged for the necessary and proper emergency securing of the structures by a qualified contractor; and

WHEREAS, the owner of the property, after sufficient and reasonable notice, has failed to reimburse the Town of Penfield for the cost of said securing of the structures; and

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Penfield hereby authorizes that the cost of said securing be charged to the 2017 property tax bill for the subject property.

Moved: Moore
Seconded: Kohl

{Resolution #16T-114 – Continued}
Adopted

#16T-115 Authorization to Maintain Properties and Assess the Charges to the 2017 Property Tax Bills by Moore

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 23 Hawkes Trail, SBL #094.17-2-11, 134 Horizon Drive, SBL #108.20-3-14, 42 Pen-Web Park, SBL #093.15-3-19, 12 Pewter Rock, SBL #094.01-3-86, 1647 Salt Road, SBL #110.04-1-30 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 Fire Marshal & Building/Zoning & Code Compliance Supervisor 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 2016 season also be charged to the 2017 property tax bill for the subject properties.

Moved: Moore
Seconded: Kohl

Adopted

#16T-116 Approval of Out-of-District User Status for the Property Located at 1267 Fairport Nine Mile Point Road by Moore

WHEREAS, William J Jr. and Laura Vendel, owners of property located at #1267 Fairport Nine Mile Point Road, in the Town of Penfield, have requested Out-of-District user status for sanitary sewer service; and

WHEREAS, this parcel is not presently within a sanitary sewer district or extension thereof; and

NOW, THEREFORE, BE IT RESOLVED that an Agreement, as provided in the Town Board’s Resolution No. 83 of 1982 be executed between said property owners and the Town Board of the Town of Penfield providing for Out-of-District User status for the property located at #1267 Fairport Nine Mile Point Road.

(Resolution #16T-116 - Continued)
#16T-117 Authorization for Town Supervisor to Sign a Professional Service Contract Amendment with Barton and Loguidice for Environmental Services by Moore

WHEREAS, the Town of Penfield sought quotes for professional environmental services to obtain the necessary permits from both the United States Army Corps of Engineers (USACE) and the New York State Department of Environmental Conservation (NYSDEC) for drainage projects within the Town of Penfield; and

WHEREAS, three quotes were obtained and Barton and Loguidice was the low bidder; and

BE IT RESOLVED, that Barton and Loguidice, 443 Electronics Parkway, Liverpool, NY 13088, is awarded a contract to provide professional services for environmental projects within the Town of Penfield, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with Barton and Loguidice for a professional services, not to exceed $7,500.00.

Moved: Moore
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Absent

Adopted

#16T-118 Authorization for Town Supervisor to Sign a Professional Service Contract with Edwin A. Summerhays Surveying for Stakeout Services for a Parking Lot and Access to the Four Mile Creek Nature Preserve by Moore

WHEREAS, the Town of Penfield sought quotes for professional survey services to stakeout a proposed parking lot and access to town owned property known as the Four Mile Creek Nature Preserve at 1451 Fairport Nine Mile Point Road; and

WHEREAS, three quotes were obtained and Edwin A. Summerhays was the low bidder;

NOW THEREFORE, BE IT RESOLVED, that Edwin A. Summerhays Surveying, 2509 Browncroft Boulevard, Rochester, NY 14625, is awarded a contract to provide professional services for the stakeout of a proposed parking lot and access to town land known as the Four Mile Creek Nature Preserve located at 1451 Fairport Nine Mile Point Road, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with Edwin A. Summerhays surveying for a professional services, not to exceed $950.00.

Moved: Moore
Seconded: Kohl

(Resolution #16T-118 – Continued)
Penfield Town Board, May 4, 2016

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Absent

Adopted

#16T-119 Granting a Conditional Use Permit to Allow Live Music in the Outdoor Dining Area at 2124-2126 Five Mile Line Road – Cha’s Wood Fired Bar and Grill by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit pursuant to §250-5.10.D(17) of the Code to allow live music in the outdoor dining area at 2124-2126 Five Mile Line Road, located in the Four Corners (FC) zoning district; 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 on April 20, 2016, at 7:00 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Conditional Use Permit to allow live music in the outdoor dining area at 2124-2126 Five Mile Line Road, in the Four Corners (FC) zoning district and the Public Hearing was closed.

NOW, THEREFORE, BE IT RESOLVED, that the applicant’s request for a CONDITIONAL USE PERMIT to allow live music in the outdoor dining area at 2124-2126 Five Mile Line Road is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a CONDITIONAL USE PERMIT from the Town Clerk and pay the appropriate fee. The CONDITIONAL USE PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a CONDITIONAL USE PERMIT from the Town Board to be permitted live outdoor music at this location.

2. The applicant shall be permitted to have live outdoor music no more than (1) day a week. It shall be at the applicant’s discretion as to which day she would like live outdoor music on the site.

3. Outdoor music shall only be permitted between the hours of 6:00 PM to 9:00 PM and shall be music that complements the dining experience at this site.

4. Musicians shall be permitted to use small amplification systems, but at no time shall music be amplified to such a degree that it creates any noise impacts to area neighbors.

5. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Conditional Use Permit pursuant to the requirements of the Zoning Ordinance.

AND BE IT FURTHER RESOLVED, that the applicant’s proposal is classified as a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and no additional environmental review of this application is required.

The Town Board, in granting the Conditional Use Permit, does so based on its following findings:

1. The applicant proposes to provide outdoor dining music to her patrons utilizing the recently constructed patio to enhance their outdoor dining experience. The music will be selected to complement outdoor dining.

(Resolution #16T-119 – Continued)
2. The applicant proposes to provide outdoor music no more than one (1) day a week, generally on a Thursday or a Saturday and the Board has left it to her discretion as to which day best serves her needs.

3. The applicant has requested that the outdoor music occur only between the hours of 6:00 PM and 9:00 PM and the Board finds this timeframe to be the most reasonable as it relates to allowing area neighbors the quiet enjoyment of the neighborhood.

4. The Board has required the applicant to ensure that the type and amplification levels of the proposed music and the placement of said amplification system on the patio not create any adverse noise impacts or nuisances to any area neighbors.

5. The applicant believes that based on the outdoor dining that took place in 2015, that the type of music and at the level of amplification that she proposes that no area neighbor will hear the music based on ambient noise generated by traffic on Five Mile Line Road and Penfield Road.

6. The applicant must ensure that only those patrons within the fenced patio are able to enjoy the music. There shall be no loitering outside of the fence area, particularly on the sidewalk or within the right-of-way of Five Mile Line Road.

7. This use will provide a unique service to the residents of Penfield and is a use consistent with the goals of the Four Corners Plan.

Moved: Moore
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
Metzler Aye Moore Aye
Quinn Absent

Adopted

#16T-120 Setting a Public Hearing for a Conditional Use Permit to Allow a Jewelry Shop at 1759 Penfield Road by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit pursuant to §250.5-10-B(4) of the Code to allow a jewelry shop at 1759 Penfield Road, located in the Four Corners (FC) zoning district;

NOW, THEREFORE BE IT RESOLVED, that the Penfield Town Board is best suited to act as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) thus does hereby designate itself as “lead agency” pursuant to SEQRA and has classified this proposal as a Type II action; and be it further

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 June 1, 2016, at 7:00 PM on said date, to consider the said application and to hear all persons interested on the question of the issuance of a Conditional Use Permit to allow a jewelry shop at 1759 Penfield Road in the Four Corners (FC) zoning district; and be it further

(Resolution #16T-120 - Continued)
RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.

Moved: Moore
Seconded: Kohl

<table>
<thead>
<tr>
<th>Vote</th>
<th>Kohl</th>
<th>Aye</th>
<th>LaFountain</th>
<th>Aye</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Metzler</td>
<td>Aye</td>
<td>Moore</td>
<td>Aye</td>
</tr>
<tr>
<td></td>
<td>Quinn</td>
<td>Absent</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Adopted

#16T-121 Setting a Public Hearing to Consider Preliminary and Final Site Plan Approval to Allow a 4,500 +/- Square Foot Mixed Use Commercial and Apartment Building at 1861 Penfield Road

WHEREAS, an application has been received by the Penfield Town Board for preliminary and final site plan approval pursuant to §250-12.2 of the Code to allow a 4,500 square foot mixed use commercial and apartment building at 1861 Penfield Road, located in the Four Corners (FC) zoning district;

NOW, THEREFORE BE IT RESOLVED, that 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 be it further

RESOLVED, that the subject application is determined to be an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and be it further

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 June 1, 2016, at 7:00 PM on said date, to consider the said application and to hear all persons interested on the question of allowing a 4,500 +/- square foot mixed use commercial and apartment building at 1861 Penfield Road in the Four Corners (FC) zoning district; and be it further

RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.

Moved: Moore
Seconded: Metzler

<table>
<thead>
<tr>
<th>Vote</th>
<th>Kohl</th>
<th>Aye</th>
<th>LaFountain</th>
<th>Aye</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Metzler</td>
<td>Aye</td>
<td>Moore</td>
<td>Aye</td>
</tr>
<tr>
<td></td>
<td>Quinn</td>
<td>Absent</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Adopted
Penfield Town Board, May 4, 2016

#16T-122 Setting a Public Hearing to Consider Incentive Zoning for Preliminary and Final Re-subdivision and Site Plan Approval to Allow a 7,200 Square Foot Retail Building at 2140 and 2146 Fairport Nine Mile Point Road by Moore

WHEREAS, an application has been received by the Penfield Town Board, pursuant to §255-8, §250-11.2 and §250-12.2 of the Code, to consider an application for Incentive Zoning and Preliminary and Final Re-subdivision and Site Plan approval for the development of a 7,200 square foot retail building on 2.3 +/- acres in the Business Non-Retail (BN-R) zoning district at 2140 and 2146 Fairport-Nine Mile Point Road;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield will hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 on June 1, 2016 at 7:00 PM on said date, to consider said application and to hear all persons on the question of consideration of said application; and be it further

RESOLVED, that the Penfield Town Board hereby designates itself as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) hereby classifies this proposal as an Unlisted action; and

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof not to be less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by law.

Moved: Moore
Seconded: Kohl

Vote: Kohl  Aye   LaFountain  Aye
      Metzler Aye   Moore  Aye
      Quinn Absent

Adopted

#16T-123 Adoption of Town of Penfield Acceptable Use Policy For IT by Moore

WHEREAS, the Penfield Town Board desires to adopt an Acceptable Use Policy for IT; now,

BE IT RESOLVED, that the Acceptable Use Policy for IT is hereby adopted subject to approval by the Town Attorney regarding format. (ATTACHED)

Moved: Moore
Seconded: Kohl

Vote: Kohl  Aye   LaFountain  Aye
      Metzler Aye   Moore  Aye
      Quinn Absent

Adopted

See Attachment at End of Minutes

#16T-124 Authorization for Town Supervisor to Sign an Agreement with EPA by Moore

BE IT RESOLVED, THAT the Town Supervisor is hereby authorized to sign an Agreement with U.S. Environmental Protection Agency, (EPA), Region 2, regarding Public Works property, subject to approval by the Town Attorney.

Moved: Moore
Seconded: Kohl
Resolution #16T-124 – Continued

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Absent

Adopted

#16T-125 Morgan East Avenue LLC, (a/k/a East Avenue Mobile Home Park),
Tax Certiorari Settlement by Moore

WHEREAS, MORGAN EAST AVENUE LLC, (a/k/a EAST AVENUE MOBILE HOME PARK),
heretofore commenced proceedings against the Assessor and the Board of
Assessment Review and other respondents for a review of the Assessment
for the premises located at 730 Linden Avenue, (Tax Map Number 138.11-1-3);
located within the Town of Penfield, and

WHEREAS, after negotiations between the Attorney for the Town and the
Attorneys for the Petitioner, a 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 MORGAN EAST AVENUE LLC, (a/k/a EAST
AVENUE MOBILE HOME PARK), for the years 2011/2012, 2012/2013, 2013/2014,
2014/2015 and 2015/2016, 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: Moore
Seconded: Metzler

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Absent

Adopted

#16T-126 Morgan Forest Lawn MHC, (a/k/a Forest Lawn Mobile Home Park),
Tax Certiorari Settlement by Moore

WHEREAS, MORGAN FOREST LAWN MHC, (a/k/a FOREST LAWN MOBILE HOME PARK),
heretofore commenced proceedings against the Assessor and the Board of
Assessment Review and other respondents for a review of the Assessment
for the premises located at 452 Linden Avenue, (Tax Map Number 138.10-2-2);
located within the Town of Penfield, and

WHEREAS, after negotiations between the Attorney for the Town and the
Attorneys for the Petitioner, a 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
Penfield Town Board, May 4, 2016

(Resolution #16T-126 - Continued)

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 MORGAN FOREST LAWN MHC (a/k/a FOREST LAWN MOBILE HOME PARK), for the years 2011/2012, 2012/2013, 2013/2014, 2014/2015 and 2015/2016, 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: Moore
Seconded: Kohl

 Vote: Kohl Aye LaFountain Aye
       Metzler Aye Moore Aye
       Quinn Absent

Adopted

Public Works

#16T-127 Amending the Contract for the Construction of Sanitary Sewers within the Parkview Drive/White Village Drive Area (Ext. 56 to the Consolidated Sanitary Sewer District) by Metzler

WHEREAS, the Town Board has established Extension No. 56 to the Penfield Consolidated Sanitary Sewer District, for the purpose of providing sanitary sewers and appurtenances to 185 properties within the Parkview Drive / White Village Drive Project Area, and

WHEREAS, after a thorough evaluation of all the bids it was determined that the bid received from Fineline Pipeline, Inc. was the low bidder and met the Town's bidding requirements for this project, and

WHEREAS, on February 18, 2015 by Resolution 15T-065, the Town Board awarded a contract for construction of sanitary sewers and appurtenances within the Parkview Drive / White Village Drive Project Area, Extension No. 56 Project, in a total bid amount of $1,700,000, and

WHEREAS, change orders to the original contract amount are necessary based on field changes in an amount not to exceed $25,500, and

WHEREAS, the change orders are within the scope of the contingency for the project and will not require additional money to bonded, and

NOW, THEREFORE BE IT RESOLVED that the Town Board acting as Commissioners of the Penfield Consolidated Sanitary Sewer District concur that this expansion of the scope of the project is prudent and therefore authorize the increase in contract for Fineline Pipeline Inc., as outlined in change orders #2 and #3, in an amount not to exceed $25,500.

Moved: Metzler
Seconded: Moore

 Vote: Kohl Aye LaFountain Aye
       Metzler Aye Moore Aye
       Quinn Absent

Adopted
Authorization for Supervisor to Sign an Amendatory Agreement with Monroe County Renewing the 2014 CDBG Grant for $34,750 for the Empire Boulevard Sidewalk Improvement Project by Metzler

WHEREAS, the Monroe County Development Administration previously awarded a grant for a maximum amount of $34,750 for the 2014 Empire Blvd Sidewalk Improvement Project in the Town of Penfield; and,

WHEREAS, the Town of Penfield accepted this grant through Town Board Resolution 15T-048, on January 21, 2015; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Penfield Supervisor, R. Anthony LaFountain be and hereby is authorized to execute an Amendatory Agreement with Monroe County for said project and grant to continue through December 31, 2016.

Moved: Metzler
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Absent

 Adopted

Authorization for Town Board to Accept a Monroe County CDBG Grant for $32,000 for the 2015 Empire Boulevard Sidewalk Improvement Project and Execute an Agreement by Metzler

WHEREAS, the Town of Penfield is a member of the Monroe County Community Development Block Grant Urban Consortium; and

WHEREAS, the Town of Penfield has entered into a cooperation agreement to participate in the Community Development Program, and comply with the Federal laws and requirements regulating the Program; and

WHEREAS, the Town of Penfield, after consultation with the public, has identified an appropriate use of potential Community Development funding in the Town; and

WHEREAS, the Town of Penfield made application to the Monroe County Development Administration for a project that satisfied it’s requirement; and

WHEREAS, the Monroe County Development Administration has awarded a grant for a maximum amount of $32,000 for the 2015 Empire Blvd Sidewalk Improvement Project in the Town of Penfield; and

WHEREAS, the Town of Penfield has deemed it in the best interest of the Town to accept this grant; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield accepts this grant and encourages the implementation of this project; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town of Penfield Supervisor, R. Anthony LaFountain be and hereby is authorized to execute an Agreement with Monroe County for said project and grant.

Moved: Metzler
Seconded: Moore

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Absent

 Adopted
Public Safety

#16T-130 Setting Fire Marshal Inspection Fees by Quinn

WHEREAS, the Fire Marshal has made the following recommendations to ensure that the Town of Penfield provides consistency with NYS Fire Code; and

WHEREAS, the Town Board has reviewed said recommendations and concurs with the Town Staff’s findings;

THEREFORE BE IT RESOLVED that the Operational Permit Fee & Fire Safety Inspection Fee be established as:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational Permit Fee</td>
<td>$50.00</td>
</tr>
<tr>
<td>Fire Safety Inspection Fee</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

Moved: Metzler
Seconded: Kohl

Vote:  
Kohl Aye  
Metzler Aye  
Quinn Absent

Adopted

Community Services

#16T-131 Authorization for Supervisor to Sign Recreation Contracts by Kohl

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following Recreation Contracts:

Dwayne Reed, 87 Lake Breeze Park, Rochester, NY 14622, Assistant sound engineering and stage hand for 2016 Amphitheater Concert program 5/17/2016 – 9/17/2016 for a fee of $65.00 per event worked. Voucher to be submitted on 6/15/16, 7/20/16, and 9/21/16.


Moved: Kohl
Seconded: Metzler

Vote:  
Kohl Aye  
Metzler Aye  
Quinn Absent

Adopted

Old Business

Councilman Moore stated that at the beginning of this meeting we had a Public Hearing on the Route 250 Mixed Use Development and that he wanted to point out that the Mixed Use Route 250 Committee was made up of residents and property owners of the Town of Penfield and not the Town Board. Councilman Moore went on to say that he was the liaison to that Committee. He stated that on page 86 of the manual and under acknowledgements it lists the members of the Route 250 Mixed Use Steering Committee of 13 residents and property owners. The Steering Committee was also comprised of residents that live in surrounding neighborhoods and not just property owners of the impacted properties that are referred to in the manual.

New Business - None

Public Participation - None
Adjournment

Supervisor LaFountain moved to adjourn the meeting at 9:23 PM.

Amy Steklof, RMC/CMC
Town Clerk
1.0 Scope of the Policy

This policy applies to all Town of Penfield (the Town) employees, elected and appointed officials, boards, contractors, service providers, or other individuals or entities with access to Town computer systems. This policy encompasses all systems, automated and manual, for which the Town has administrative responsibility, including systems managed or hosted by third parties on behalf of the Town. It addresses all information, regardless of the form or format, which is created or used in support of business activities of the Town.

The following guidelines, which are not all inclusive, have been established to ensure that the people and entities noted above understand the Town’s expectations and requirements with regard to the use of computer technology.

2.0 Objective

In the fast paced technological climate in which we live, the use of the internet is a virtual necessity for all employees. The use of the internet as it corresponds to research, email, and data transmission and general knowledge sharing is critical to our employees. Access to the internet can help our employees complete their jobs in a more effective and efficient manner.

At the same time, the use of the internet can also create opportunities for misuse and open the Town up to a myriad of security risks such as viruses, malware, ransomware, and more. Therefore, the Town has established a set of guidelines to which all employees, contractors, service providers and other approved personnel must adhere.

3.0 Guidelines

For purposes of these guidelines, “Computer Technology” shall consist of equipment, systems, and software provided by or through the Town to its employees, vendors, contractors, and other approved personnel.

Computer Technology includes, but is not limited to, modems, computer networks, personal computers (desktop/laptop), computer software licensed to or owned by the Town, electronic mail (e-mail) systems, internet access, USB storage devices, voice mail systems, electronic storage media, scanners, pagers, facsimile machines, copiers, telephone lines, smartphones, personal electronic devices, and the comprehensive body of Town information created or contained on or accessible through any of the above.

Access

Access to the Town’s computing facilities and resources is granted solely to Town employees and authorized vendors or contractors. The Town reserves the rights to limit, restrict, or extend computing privileges and access to its resources.

Personal smartphones may be permitted for access to Town email; however, this access is not granted without written approval by the IT Coordinator, Human Resource Director and Town Supervisor. All such devices are required to have passwords and/or PIN numbers in order to unlock the device. In the event that the device is lost, Town employee will immediately notify the IT Coordinator who will contact the Towns IT Vendor, so that the appropriate security procedures can be initiated to ensure sensitive Town information is not disclosed.

Ownership

The Town maintains Computer Technology solely to facilitate Town business. Although employees may have personal passwords to some of the systems, these passwords do not prevent access by the Town’s system administrators. The Town maintains control of all Computer Technology and may access, at any time, the contents of messages, data contained within the Town network, hardware, or communication devices.

Computer Technology is intended for use by Town employees in conducting Town business. Personal use by an employee, could be interpreted as theft of time and services, to be reviewed by
the Human Resource Director and Town Supervisor. Employees may not use any of the Town’s Computer Technology to solicit or conduct non-Town business ventures including, without limitation, personal, political, or religious purposes.

Please note, all Town devices are labeled and an inventory is maintained by the IT Coordinator and IT Vendor. Additionally, IT Vendor maintains a comprehensive list of approved devices, which is reviewed and approved by the IT Coordinator on an annual basis or as deemed necessary based on changes to the Town’s threat posture.

Privacy Issues
The Town may access and disclose, at any time, data or files contained on any Town Computer System, equipment, or software, including without limitation, incoming voice mail or e-mail messages. Other than the Town’s confidential business matters, nothing on any Computer System, equipment, or software shall be treated as private or confidential; thus, employees should not have any expectation of privacy in anything created, sent, received, or stored on or by means of any of the Computer Technology. The Town considers any violation of acceptable use principles or guidelines to be a serious offense and reserves the right to test and monitor security, copy, and examine any files or information residing on the Town’s systems.

Employees shall not share their password(s) to any of the Town computer systems with anyone. Employees who share their password(s) with anyone else are solely responsible for any damage or liability that may result. If a situation arises where the department head needs an employee’s password for access, a written request for permission needs to be sent to and signed off by, the IT Coordinator and Human Resource Director.

Accidental disclosure of one’s password should be reported immediately to the Town’s IT Coordinator, who will contact our IT Vendor and Human Resource Director the employee shall immediately change the password. Employee access to any system may be disabled, suspended, or permanently removed if it is determined that they shared their password for any reason with another individual, excluding troubleshooting a problem with the Town’s Information Technology Vendor.

Usage
The Town’s policy against workplace violence, discrimination, sexual and other harassment applies fully to the use of the Computer Technology. Accordingly, acquisition and/or dissemination of inappropriate materials including, but not limited to, those that contain sexual innuendo, pornographic material, improper jokes, harassing or threatening statements, or any other statement that could be negatively perceived by others or considered hostile or offensive based on any protected classification including, but not limited to, sex, race, color, age, religion, national origin, sexual orientation, or disability, is strictly prohibited.

Any documents contained or created by the Town’s computer network, file storage, or e-mail systems are Town property. Employees may not reproduce or otherwise use any information received through e-mail or Internet access that may infringe upon another’s lawful intellectual property (copyright, trademark, or patent) or other rights. The scanning or use of documents, files, or programs in violations of copyright laws is prohibited.

Computer games are not permitted to be used / accessed via any of the Town Computer Systems. Users are expected to abide by the generally accepted rules of etiquette when utilizing the Computer Technology, particularly e-mail, voice mail or social media. These rules include, but are not limited to, the following:

- Be courteous and conscious of other’s time
- Respect each individual’s right to privacy
- You need to clean up your emails and files monthly, deleting some old emails/files and or downloaded information you have saved. Saved messages should be in accordance with the NY State Schedule MU-1 retention policy.
  

The Town owns or is the licensed user of all software on all Town computers, and the Town will not permit the existence of any other software on any of its computers. Employees may not copy, reproduce, or install any Town-licensed or owned software unless authorized to do so by the IT Coordinator and Supervisor in conformity with licensing requirements.
Installation of an employee’s personal software on any Town computer is prohibited. Employees who install personal software on Town computers are personally responsible for any damage and/or cost as a result of the software. Any software that is not properly licensed by the Town will be removed without notice.

The Town treats any personal communications (authorized or unauthorized) like other business communications and affords no privacy protection of them.

**Prohibited Acts**

Prohibited acts include but are not limited to the following:

- Disabling of Town approved antivirus or similar protective software.
- Installation of personal software, files, music, videos and any copyrighted materials.
- Downloading of software or files for non-business purposes (also includes copyrighted movies, video or music).
- Intentional disruption of service to other Town users.
- Use of Town email for personal business.
- Sending messages that are threatening, insulting, obscene, abusive, or derogatory.
- Forwarding or creating ‘Chain letters’, ‘Ponzi/pyramid” schemes of any type; SPAM or junk mail.
- Sending messages that include remarks that constitute sexual harassment.
- Sending messages involving personal not-for-profit solicitations, fundraising & charitable giving.
- Sending messages that could be construed as embarrassing to the Town via email, social media or blogging including but not limited to Twitter and/or Facebook.
- Exploitation of insecure accounts or resources, or the lack of knowledge of other users.
- Attempting to guess, crack, or otherwise determine another user’s password or gain access to his/her account.
- Interception of network transmissions with hardware or software “sniffers”.
- Forging of electronic mail or electronic news or otherwise misrepresenting themselves (i.e. job titles) or other individuals in any electronic communication.
- Use of Town resources for non-Town business purposes.
- Unauthorized access, copying, storage, or modification of sensitive Town data (financial, credit card, or personally identifiable information)
- Sharing of account passwords, key combinations, alarm codes, access cards, key fobs or any other access control mechanism for any Town owned resource or facility with any individual in a manner inconsistent with the policies established by Town.
- Removal of assets (hardware, software, documentation, etc.) from Town facilities without the explicit permission of one’s manager.
- Loading of software onto workstations or any multi-user servers that has not been purchased or licensed by the Town. Software identified as “shareware” or “freeware” will be examined carefully to ensure that the Town is in compliance with any requirements regarding corporate usage. However, under no circumstances should software binaries from unknown or illegal sources be placed on Town workstations or servers.
- Granting access (new user ID or an existing disabled user ID for that user) to non-Town users without the explicit (written approval form) permission of their manager (signed).

All content over one gigabyte should be uploaded after 5:00 PM, if an emergency should arise, Supervisors approval will be needed to upload during regular business hours, between 9AM-5PM.

The Town has the right to audit any workstation and/or server it owns without the need to give prior warning.

Employees are also responsible for adhering to the following guidelines:

**Working Remotely**

Employees, elected and appointed boards and officials who perform Town work at home or anywhere else outside of Town premises must observe all of these provisions. Any Town work product, regardless of where or how created, stored, edited, sent, or received, shall remain Town
property at all times. Any such messages, data, and files that are Town property are to be deleted or archived in accordance with the NY State Schedule MU-1 record retention program.

**Record Retention**
The NY State Schedule MU-1 record retention policies apply to and should be observed concerning all information stored or contained in any of the Town’s Computer Technologies.

**Access to Town Facilities**
Access to computer rooms, wiring closets, and other locations containing Town hardware (both computer and network components) must be physically restricted. Whenever physical restrictions are temporarily inactive, other mitigating controls need to be instituted. This is done to prevent tampering, theft, and unauthorized usage of these resources. In accordance with this requirement, network configuration for the Town must be designed in such a way as to minimize the risk of unauthorized physical access to the network and data.

**4.0 Violations**
Any violation(s) of this policy may result in disciplinary action up to and including termination.

**5.0 Acknowledgement**
By signing this form, I have read, understand and agree to abide by all of the above requirements.

________________________
Print Name

________________________
Signature

________________________
Date

Witnessed by Department Head