PENFIELD TOWN BOARD AGENDA
Wednesday, September 21, 2016   7:00 PM
Supervisor R. Anthony LaFountain, presiding

I  Call to Order - Pledge of Allegiance - Roll Call

II Public Hearing #1 – To Adopt Local Law No. 2 of 2016 to be known as “The Town of Penfield Best Value Contract Award Law”

Public Hearing #2 – To Consider the Establishment of Windsor Ridge Subdivision Special Improvement District, the Establishment of Extension #59 to the Penfield Consolidated Sanitary Sewer and to Consider Adoption of the Windsor Ridge Intensified Sidewalk District #19

Public Hearing #3 -- To Consider the Establishment of Extension No. 58 to the Penfield Consolidated Sanitary Sewer District – Barclay Park

III Communications and Announcements

IV Public Participation

V Additions and Deletions to Agenda

VI Approval of Minutes – August 3, 2016

VII Petitions

VIII Resolutions by Function

Law and Finance
#16T-192 Authorization for Supervisor to Sign a Contract with MRB Group, P.C. to Prepare the SEQRA Documents for the Mixed Use Development District

#16T-193 Authorization for Supervisor to Sign a Contract with SRF Associates to Perform a Planning Level Traffic Assessment as Part of the SEQRA Determination for the Mixed Use Development District

#16T-194 Authorization to Maintain Properties and Assess the Charges to the Property Tax Bills
#16T-195 Authorization to Advertise for Bids to Maintain Properties in Accordance with the Requirements of the Code of the Town of Penfield

#16T-196 Revision to Adopted Investment Policy

#16T-197 Budget Transfers – PCTV

#16T-198 Authorize the Supervisor and Comptroller a Trip to NYC for Meetings with Credit Rating Agency

#16T-199 Granting Approval to Allow a Garage Addition with Less Side Setback than permitted at 1750 Penfield Road

Public Works
#16T-200 Naming of a Survey Consultant to the Town of Penfield

#16T-201 Naming a Second Survey Consultant to the Town of Penfield

Public Safety - None

Community Services
#16T-202 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, September 21, 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  
Andrew Moore   Councilman  

Also Present: Amy Steklof   Town Clerk  
Richard Horwitz   Town Attorney  
Barbara Chirdo   Town Comptroller  
Mark Valentine    Town Engineer  

Absent: Robert Quinn   Councilman  

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Councilwoman Paula Metzler presented a Proclamation to the Penfield Volunteer Emergency Ambulance (PVEA), and congratulated them on serving the Penfield Community for 50 years.

On Saturday, October 1, 2016 the PVEA will hold an open house from 10:00 AM to 2:00 PM. For more information, please visit www.penfieldambulance.org.

Public Hearing #1 To Adopt Local Law No. 2 of 2016 to be known as “The Town of Penfield Best Value Contract Award Law”

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on September 8, 2016 and was posted on the Town Website and Town Clerk Bulletin Board. No postcards were mailed due to this being a Town Wide action. Town Attorney Horwitz confirmed that this Hearing is in order.

Town Comptroller/Budget Director, Barbara Chirdo gave a brief overview of the proposed Local Law. Ms. Chirdo stated that the Best Value Contract Award allows the opportunity to award contracts to bidders to optimize quality cost and efficiency and take into account factors other than just pricing for low bidders. What will be considered, if the Law is passed, is reliability, efficiency of operation, useful life span and the ability to meet needs regarding timeliness of performance all of which will give us better quality and reliability from our contract awards.

Councilwoman Metzler stated that this is essentially conforming to what the State Comptroller added to General Municipal Law.

Public Participation - None

Hearing closed.

Public Hearing #2 To Consider the Establishment of Windsor Ridge Subdivision Special Improvement District, the Establishment of Extension #59 to the Penfield Consolidated Sanitary Sewer and to Consider Adoption of the Windsor Ridge Intensified Sidewalk District #19

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on September 8, 2016 and was posted on the Town Website and Town Clerk Bulletin Board. 184 postcards were mailed. Town Attorney Horwitz confirmed that this Hearing is in order.
Mark Valentine, Town Engineer and Director of Planning, gave an overview of the application. Mr. Valentine stated that this application is to consider forming three (3) districts in the Windsor Ridge Subdivision; to form sidewalks, extension to the Sanitary Sewer District and creation of a Special Improvement District. Mr. Valentine went on to say that with a Special Improvement District the residents within the subdivision will take on the costs of any maintenance or improvements made to the neighborhood.

Richard Tiede of Marathon Engineering, spoke in reference to the three (3) proposed districts. He stated that Windsor Ridge Subdivision is located at the corner of Atlantic Avenue and Five Mile Line Road and consists of approximately 42 ½ acres which will be divided into 86 lots. All lots will be serviced by the sanitary sewer, that will be put in by the developer and dedicated to the Town. The sidewalks will run along Atlantic Avenue and Five Mile Line Road. The Special District, which includes storm water management, will be in the open space area. Section I is under construction at this time.

Councilwoman Metzler inquired about the sidewalk connections.

Mr. Valentine stated that the sidewalks do have some gaps, but a priority item for the 2017 Sidewalk Budget will be to fill in the gaps.

Councilman Moore asked whether there are any capacity issues relating to the sanitary sewer and existing sewers in the area?

Mr. Valentine stated “no.”

Councilwoman Metzler inquired about the time line of installation of the sanitary sewers and sidewalks.

Mr. Valentine stated that the sewers are currently being installed. He also stated that minor blasting was done but is now completed and there will be no impact to neighboring sanitary sewers.

**Public Participation**

Gwendolyn Campbell, 12 Terrace Hill Drive stated her question was answered as it relates to sewers and the blasting. She did state that she is concerned about the ingress and egress as it relates to the overall project and whether there will be traffic lights or traffic lanes added.

Supervisor LaFountain encouraged Ms. Campbell to reach out to Mr. Valentine to view and discuss the plans of the project. He asked Town Clerk Steklof to give Ms. Campbell’s contact information to Mr. Valentine.

Mr. Tiede clarified that although the blasting has been completed for Section I there may be a minor need for blasting with future sections.

Councilwoman Metzler asked if notification to neighbors will occur if there is a need for future blasting.

Mr. Valentine stated that the developer will have to come back to the Planning Board for a Public Hearing to discuss future sections and postcard notification will occur.

Councilwoman Metzler asked for additional efforts to be made in notifying neighbors of future blasting as they are about to occur for future phases.

Mr. Valentine stated that they have been in contact with the State and the County Department of Transportation in reference to improvements being made in the intersection in question and that it is on the State’s list to look at and see what improvements can be made in that area. They are aware of traffic concerns.
Penfield Town Board, September 21, 2016

(Public Hearing #2 – Continued)

Hearing closed.

Public Hearing #3

To Consider the Establishment of Extension No. 58 to the Penfield Consolidated Sanitary Sewer District – Barclay Park

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on September 8, 2016 and was posted on the Town Website and Town Clerk Bulletin Board. 66 postcards were mailed. Town Attorney Horwitz confirmed that this Hearing is in order.

Mark Valentine stated that Barclay Park is a private development which will have a Homeowner’s Association (HOA). There are no sidewalks internally and the pond will be maintained by the HOA so no Special Improvement District is necessary. He went on to say that we have confirmation from the Town of Webster that there is sewer capacity for Extension 58. Mr. Valentine also stated that this was a project that was previously before the Town Board for Site Plan approval. A representative for owner, Crosstown Construction, stated that there is no cost associated to the Town in reference to the establishment of the sanitary sewer since the developer will take on the cost and the homeowners will eventually take on the maintenance of the sewer system as part of the HOA.

Public Participation - None

Hearing closed.

Communications and Announcements

1. Taxpayers may pay their School Tax Bill in full up through Monday, October 3, 2016. Please make sure you include page two (2) of your bill when sending in payment for processing purposes.

2. The next Passport Night in the Town of Penfield will be held on Thursday, October 6, 2016 from 5:30 PM to 7:30 PM in the Town Hall Auditorium. For more information please contact me at steklof@penfield.org or by calling 340-8629.

3. The Penfield Volunteer Emergency Ambulance (PVEA) will hold its 2016 Open House on Saturday, October 1, 2016 from 1:00 PM to 4:00 PM. For more information please visit the PVEA website at www.penfieldambulance.org.

4. The Town of Penfield will host a one-day Recycling Event for Penfield residents on Saturday, October 8, 2016 from 7:00 AM to 3:00 PM at the Public Works Complex, 1607 Jackson Road. There will be no electronics recycling at this event. For more details please contact the Department of Public Works at 340-8710 or visit www.penfield.org.

5. On Saturday, September 24, 2016 at Bishop Kearney High School, Senator Rich Funke and Sunnking will hold a free electronics recycling event from 9:30 AM to 1:30 PM.

6. Supervisor LaFountain stated that earlier this week staff at Atria Senior Living reached out to Supervisor LaFountain and shared bracelets which are for “World Gratitude Day” to thank all of our Police, Fire, EMS and Public Works officials. Supervisor LaFountain recognized Atria Senior Living and their staff for adding so much value to our senior living facilities and adding a nice dimension to the overall Penfield community.

7. The Family First Penfield 5k Challenge XIV (14) will be held on Sunday, October 2, 2016 beginning at 9:00 AM at the Penfield Community Center, 1985 Baird Road. Additional information and the race registration form are available at www.penfieldrec.org or call 340-8655, option 6.
8. Penfield’s Annual Bike Drop will be held on Saturday, October 1, 2016 from 10:00 AM to 2:00 PM at Penfield Community Center, 1985 Baird Road. For more information please visit www.rcommunitybikes.net. This event is sponsored by Penfield Rotary and Penfield Recreation.

9. Councilwoman Kohl’s next Community Chat will be held on Tuesday, October 18, 2016 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

Public Participation - None

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of August 3, 2016. Councilwoman Metzler seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#16T-192 Authorization for Supervisor to Sign a Contract with MRB Group, P.C. to Prepare the SEQRA Documents for the Mixed Use Development District by Moore

WHEREAS, the Town Board of the Town of Penfield desires to create a new Mixed Use Zoning district within the community as recommended in the 2010 Comprehensive Plan; and

WHEREAS, on October 3, 2012 the Town Board approved contracts for Sand County Studios and the MRB Group to prepare a design manual, and develop a new Mixed Use Zoning district; and

WHEREAS, the Town Board subsequently held a Public Hearing on May 4, 2016 to allow the public to comment on the proposed amendments to the official Zoning Ordinance and official map, including the creation of a new Mixed Use Zoning district and the acceptance of the Mixed Use Development Manual; and

WHEREAS, the action of the creation of the Mixed Use Zoning district, the adoption of amendments to the Zoning Ordinance and zoning map to support the mixed use district and the acceptance of the Mixed Use Development Manual, anticipate growth and land use changes and recommends additional regulations and guidelines to properly manage said growth and land use changes within the Mixed Use District; and

WHEREAS, on July 20, 2016 the Town Board declared itself Lead Agency in resolution 16T-164, for the SEQRA for the rezoning process and determined that the proposed action may have a significant impact on the environment, if adopted, and prepared a Positive Declaration of Significance, and a Draft Scoping Outline for preparation of a Draft Generic Environmental Impact Statement (DGEIS) to address issues identified in the Scoping process as set forth in Sections 617.8 and 617.10 of the State Environmental Quality Review Act; and;

WHEREAS, the MRB Group is currently under contract for other portions of this project and this will be an add-on to that original contract; and

NOW THEREFORE, BE IT RESOLVED that the Supervisor is hereby authorized to sign a contract with MRB Group, P.C., to prepare the Draft Generic Environmental Impact Statement as required by SEQRA.
Penfield Town Board, September 21, 2016

(Resolution #16T-192 – Continued)

Moved: Moore
Seconded: Kohl

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

Adopted

#16T-193 Authorization for Supervisor to Sign a Contract with SRF Associates to perform a Planning Level Traffic Assessment as Part of the SEQRA Determination for the Mixed Use Development District by Moore

WHEREAS, the Town Board of the Town of Penfield desires to create a new Mixed Use Zoning district within the community as recommended in the 2010 Comprehensive Plan; and

WHEREAS, on July 20, 2016 the Town Board declared itself Lead Agency in resolution 16T-164, for the SEQRA for the rezoning process and determined that the proposed action may have a significant impact on the environment if adopted, and prepared a Positive Declaration of Significance, and a Draft Scoping Outline for preparation of a Draft Generic Environmental Impact Statement (DGEIS) to address issues identified in the Scoping process as set forth in Sections 617.8 and 617.10 of the State Environmental Quality Review Act; and;

WHEREAS, the Town of Penfield sought quotes for professional traffic assessment services for the DGEIS, within the Town of Penfield; and

WHEREAS, several quotes were obtained and SRF Associates was the low bidder; and

WHEREAS, these services where contemplated as part of the original project scope, and therefore will not require additional funds to be allocated, and

THEREFORE BE IT RESOLVED, that SRF Associates, 3495 Winton Place, Rochester, NY 14623, is awarded a contract to provide professional services for traffic assessment services within the Town of Penfield, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with SRF Associates, for a professional services.

Moved: Moore
Seconded: Metzler

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

Adopted

#16T-194 Authorization to Maintain Properties and Assess the Charges to the 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 124 Beacon Hills Drive South, SBL #109.05-2-48, 60 Keyel Drive, SBL #108.16-1-39 and 176 Parkview Drive, SBL #108.18-1-12 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 owner 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 property tax bill for the subject properties.

Moved: Moore
Seconded: Kohl

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

Adopted

#16T-195 Authorization to Advertise for Bids to Maintain Properties in Accordance with the Requirements of the Code of the Town of Penfield by Moore

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 Town of Penfield Building & Zoning Department has the need to arrange for the maintenance of properties that are not meeting the minimum maintenance requirements of the Code of the Town of Penfield; and

NOW, THEREFORE BE IT RESOLVED, that the Fire Marshal & Building/Zoning & Code Compliance Supervisor be, and hereby is, authorized to advertise, in a Manner prescribed by Law, for sealed proposals for the maintenance of such properties that have failed to be maintained in accordance with the requirements of the Code of the Town of Penfield; and

BE IT FURTHER RESOLVED, that the services covered by such proposals shall be in accordance with the specifications prepared by the Fire Marshal & Building/Zoning & Code Compliance Supervisor. Sealed proposals are to be received in the office of the Penfield Town Clerk until 11:00 AM local time Monday, October 17, 2016 and there and then are to be opened by the Penfield Town Clerk.

Moved: Moore
Seconded: Metzler

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

Adopted
Penfield Town Board, September 21, 2016

#16T-196  Revision to Adopted Investment Policy by Moore

BE IT RESOLVED, that the current Town Investment Policy be revised for bank name changes, collateralized amounts and updated language consistent with State Comptroller recommendations as per the attachment (A), and,

BE IT FURTHER resolved such revised policy take effect immediately.

Moved: Moore
Seconded: Kohl

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<th>Kohl</th>
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<th>LaFountain</th>
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Adopted

See Attachment at end of Minutes

#16T-197  Budget Transfers – PCTV by Moore

WHEREAS, the Cable TV Coordinator has a need to transfer funds from the contractual level in the Cable Television account A00-8989 to the equipment level in said account, 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 2016 budget transfers be approved:

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<td>A00-8989-0002-2500</td>
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<tr>
<td>Maint. For video equipment</td>
<td>Cable T.V Equipment</td>
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Moved: Moore
Seconded: Metzler

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<td>Quinn</td>
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Adopted

#16T-198  Authorize the Supervisor and Comptroller for a Trip to NYC for Meetings with Credit Rating Agency by Moore

WHEREAS, the Town is subject to review and rating by Moody’s Investor Service in regard to undertaking a bond for the Parkview/White Village sewer project, and

WHEREAS, the Town’s financial consultant, Bernard P. Donegan, Inc., has recommended an on-site meeting at the Moody’s offices, and

WHEREAS, there is funding in the 2016 budget,

NOW BE IT RESOLVED, that the Town Supervisor and the Town Comptroller be authorized for a one (1) day trip to New York City on November 17, 2016.

Moved: Moore
Seconded: Kohl

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Adopted
#16T-199  Granting Approval to Allow a Garage Addition with Less Side Setback than Permitted at 1750 Penfield Road by Moore

WHEREAS, an application has been received by the Penfield Town Board pursuant to §250-5.10-C and §250-5.10-F(3) of the Code to consider permitting an addition to a garage with less side setback than permitted at 1750 Penfield 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 Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on September 7, 2016 at 7:00 PM on said date, to consider the said application as amended by applicant and to hear all persons interested on the question of permitting an addition to a garage with less side setback than permitted at 1750 Penfield Road in the Four Corners (FC) zoning district and the Public Hearing was closed and decision was reserved.

NOW, THEREFORE, BE IT RESOLVED, that the applicant’s proposal, as amended, is classified as a Type II action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and no additional environmental review regarding this proposal is necessary; and

BE IT FURTHER RESOLVED, that the applicant’s request for a garage addition with less side setback than permitted at 1750 Penfield Road is hereby GRANTED subject to the following conditions:

1. The applicant is permitted to construct a 22.3' x 50' addition to the existing 22.3' x 36.4' garage as depicted on a revised site plan submitted by the applicant at the Public Hearing with a three (3) foot side setback of from the westerly property line of the property resulting in relief of 17 feet from the requirement, subject to obtaining a building permit and complying with the requirements of the New York State Building Code.

2. The applicant shall be permitted to utilize the existing garage and proposed garage addition for residential and personal vehicle storage purposes and the applicant’s personal property only, all subordinate and incidental to the residential use of the property. The garage shall not be used for commercial purposes at any time without the approval of the Town Board.

3. The applicant shall be required to store all unlicensed vehicles on this site within the confines of the garage at all times.

4. Prior to the issuance of any building permit for said garage, all vehicles currently on site behind the residence shall be removed from the site. The two (2) vehicles currently located behind the existing garage shall be placed within the garage addition within thirty (30) days upon completion of said structure.

The Town Board, in granting the applicant’s request, does so based on its following findings:

1. The applicant’s father owns and has resided on the existing property at 1750 Penfield Road for many years. He has an existing three (3) car garage which was constructed with setback of 5.6 feet from his westerly property line.

2. The applicant proposes to extend the garage addition to the south, requiring a setback of 3 feet at the southwest corner of the proposed addition as the existing garage was constructed on an angle that results in a further encroachment to the addition as the existing garage was not constructed parallel to the westerly property line. The applicant demonstrated that she could not reconfigure the garage addition without the need for
the relief of the variance since the existing garage and the addition would have to be offset to such a degree that the addition would consume the existing driveway and much of the backyard.

3. The property was previously zoned R-1-15 which required a 10 foot side setback. The applicant did obtain an Area Variance from the Zoning Board of Appeals to allow the existing garage, with a 5.6 foot setback. On April 4, 2001, the Town Board rezoned many of the residential properties in the Four Corners area, including the applicant’s property to Four Corners District, now requiring a 20 foot side setback. The Board has granted relief from the 20 foot requirement to allow the proposed garage addition to have 17 feet of relief from the easterly property line. No other relief is necessary.

4. The applicant stated that she intends to remove five (5) unlicensed vehicles from the site and will store the two (2) additional vehicles located at the rear of the premises in the garage, and will move other vehicles that are currently being stored off site to the garage, once completed.

5. The applicant stated that she proposes to utilize the garage addition to store her father’s personal vehicles. She stated that she will use the structure for personal storage purpose only and not commercial activities at any time. The applicant has been made aware that any intent to use the structure for commercial purposes will require approval from the Town Board.

6. The area of the property where the garage is located and the addition she proposes will not adversely impact the adjacent property, as the site is well buffered from said property.

7. The applicant’s proposal does not alter the essential character of the neighborhood as the addition is not easily visible from Penfield Road and the structure is proposed to be used for personal residential storage purposes in a zoning district that permits specific and limited commercial uses.

8. The applicant demonstrated to the Board’s satisfaction that the proposed location of the garage addition is the most viable location on this site to minimize visual impact to adjacent owners.

9. The adjacent property owner submitted a letter of concern for the potential use of the garage for future commercial use, and had no concern for the requested relief in the setback. Upon the submission of the revised site plan relocating the garage addition from the northern portion of the property to the southern portion of the property, closer to the residence, and in the approximate same area where the previous garage had been located addresses said neighbors’ concerns. Hearing the applicant’s testimony at the Public Hearing and the fact that the applicant intends to live on the premises, the stated concerns of said easterly neighbor have been noted and addressed.

The Board bases its findings to APPROVE this application on the following:

1. An application form submitted on July 12, 2016.


4. An architectural elevation of the proposed garage submitted on July 12, 2016.

5. Photographs of the property and existing garage submitted on July 12, 2016.


7. Submissions of a revised site plan showing the relocation of the garage addition to the south of the existing garage and oral testimony by the applicant at the Public Hearing on September 7, 2016.

Moved: Moore
Seconded: Metzler

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

Adopted

Public Works

#16T-200 Naming of a Survey Consultant to the Town of Penfield by Metzler

BE IT RESOLVED, that Edwin A. Summerhays, 2509 Browncroft Boulevard, Suite 209, Rochester, NY 14625 be named a Survey Consultant for the Town of Penfield, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with Edwin A. Summerhays, as outlined in his letter, on file with the Town Clerk, which includes a schedule of fees for various services provided by Edwin A. Summerhays Land Surveyor, as a Surveying Consultant to the Town of Penfield for 2016, and

BE IT FURTHER RESOLVED, that the Town Board reserves the option to assign specific projects to internal staff and to other qualified surveying firms in addition to Summerhays Surveying, as necessary to represent the Town. Such other qualified firms will be compensated for the business referred to them during 2016 at an agreed upon fee depending on the nature of the services performed.

Moved: Metzler
Seconded: Moore

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

Adopted

#16T-201 Naming a Second Survey Consultant to the Town of Penfield by Metzler

BE IT RESOLVED, that BME Associates, 10 Liftbridge Lane East, Fairport, NY 14450 be named a Survey Consultant to the Town of Penfield, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with BME Associates, as outlined in their proposal, on file with the Town Clerk, which includes a schedule of fees for various services provided by BME Associates, as a Surveying Consultant to the Town of Penfield for 2016, and
BE IT FURTHER RESOLVED, that the Town Board reserves the option to assign specific projects to internal staff and to other qualified surveying firms in addition to BME Associates, as necessary to represent the Town. Such other qualified firms will be compensated for the business referred to them during 2016 at an agreed upon fee depending on the nature of the services performed.

Moved: Metzler
Seconded: Kohl

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

Adopted

Public Safety - None

Community Services

#16T-202 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:

Cathy Downs, 2120 Clover St., Rochester, NY 14618, Instructor for Sporty Sprouts, 9/24 – 10/29/16 and 11/5 – 12/17/16 for a fee of 70% of program revenue per session. Vouchers to be submitted 11/2/16 and 12/21/16.

Wayne Smith, 80 Wheelock Road, Penfield, NY 14526, Co-Director of Combo Sports Camp, 7/18/16 – 7/22/16, for the fee of $800.00. Voucher to be submitted 9/21/16.

Mark Vogt, 3217 Pine View Drive, Walworth, NY 14568, Co-Director of Combo Sports Camp, 7/18/16 – 7/22/16, for the fee of $800.00. Voucher to be submitted on 9/21/16.

Moved: Kohl
Seconded: Metzler

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

Adopted

Old Business - None

New Business - None

Public Participation - None

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:54 PM.

Amy Steklof, RMC/CMC
Town Clerk
Exhibit A

TOWN OF PENFIELD
INVESTMENT POLICY

I. SCOPE:

This investment policy applies to all monies and other financial resources available to the Town of Penfield for investment on its own behalf or on behalf of any other entity or individual.

II. POLICY OBJECTIVES:

The primary objectives of the local government’s investment activities are, in order of priority,

- to conform with all applicable federal, state, and other legal requirements;
- to adequately safeguard principle;
- to provide sufficient liquidity to meet all operating requirements; and
- to obtain a reasonable rate of return.

III. DELEGATION OF AUTHORITY:

The governing board’s responsibility for administration of the investment program is vested in the Supervisor, as Chief Fiscal Officer of the Town (Town Law Sect. 29). The Supervisor delegates daily responsibility for administration of all investments to the Town Comptroller, or designee, who shall establish written procedures for the operations of the investment program in accordance with the policy. All subsequent references regarding powers given to the Supervisor’s designee shall be assumed to also extend to the Supervisor as Chief Fiscal Officer.

IV. PRUDENCE:

The Supervisor, or Comptroller, and all other Town employees involved in the deposit and/or investment process shall at all times act responsibly and with a great degree of care in that such financial resources are held in the public trust. They shall avoid any financial transactions that could, or might be construed to be, in violation of the public trust.

V. DIVERSIFICATION:

It is the policy of the Town of Penfield to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS:

The Supervisor or Comptroller is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management’s authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITORIES:

The banks and trust companies authorized for deposit of monies up to the maximum amounts are:

<table>
<thead>
<tr>
<th>Bank</th>
<th>Maximum Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank of America</td>
<td>$20,000,000.00</td>
</tr>
<tr>
<td>Key Bank</td>
<td>$20,000,000.00</td>
</tr>
<tr>
<td>JP Morgan Chase</td>
<td>$20,000,000.00</td>
</tr>
<tr>
<td>M &amp; T Trust</td>
<td>$20,000,000.00</td>
</tr>
</tbody>
</table>

VIII. COLLATERALIZING OF DEPOSITS:

In accordance with the provisions of General Municipal Law, Section 10, all deposits of the Town of Penfield, including certificates of deposit and special time deposits, in excess of the amount insured under provisions of the Federal Deposit Insurance Act or through “redeposit” of Town funds in one of more banking institutions under a “deposit placement program” shall be secured:

1. By a pledge of “eligible securities” with an aggregate “market value,” or provided by General Municipal Law, Section 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By an eligible “irrevocable letter of credit” issued by a qualified bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any.

3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized and licensed to do business in the State of New York and whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

For participation in a “deposit placement program”, the NYS Comptroller has outlined the following conditions:
- The local government’s depository bank or trust company must serve as custodian for the local government for the re-deposited funds.
- The local government funds held in the depository bank or trust company in excess of FDIC coverage, pending re-deposit, must be properly secured in accordance with GML.
- The full amount of the re-deposited funds, plus any accrued interest, must be covered by the FDIC.

IX. SAFEKEEPING AND COLLATERALIZATION:
Eligible securities used for collateralizing deposits shall be held by the depository bank or a third party custodial agent subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities, may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the Town of Penfield, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of Penfield or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the Town of Penfield, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the Town of Penfield a perfected interest in the securities.

X. PERMITTED INVESTMENTS:
As authorized by General Municipal Law, Section 11, the Town of Penfield authorizes the Supervisor or his designee to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:
- Special time deposits accounts;
- Certificates of deposits;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United State of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Obligations issued pursuant to Local Finance Law Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Town of Penfield;
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;
- Certificates of Participation (COPs) issued pursuant to General Municipal Law Section 109-b.
All investment obligations shall be payable or redeemable at the option of the Town of Penfield within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Town of Penfield within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS:

The Town of Penfield shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks must provide their most recent Consolidated Report of Condition at the request of the Town of Penfield. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers.

XII. PURCHASE OF INVESTMENTS:

The Supervisor or Comptroller is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.

2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.

3. By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the Town of Penfield, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of Penfield by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

The custodial agreements shall provide that securities held by the bank or trust company, as agent of and custodian for, the Town of Penfield, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstance, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipts and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

XIII. REPURCHASE AGREEMENTS:

Repurchase agreements are authorized subject to the following restrictions:

1. All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
2. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
3. Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
4. No substitutions of securities will be allowed.
5. The custodian shall be a party other than the trading partner.
APPENDIX A
Schedule of Eligible Securities

(i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.

(ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.

(iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.

(iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations or any public benefit corporation which under a specific State statute may be accepted as security for deposit of public monies.

(v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

(vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

(vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

(viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.

(ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.

(x) Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.

(xi) Zero coupon obligations of the United States government marketed as “Treasury strips.”