I. Call to Order - Pledge of Allegiance - Roll Call

II. Public Hearing #1 - To Consider an Amendment to Chapter 220 - Vehicles and Traffic of the Code of the Town of Penfield

   Public Hearing #2 - To Consider the Adoption of an Ordinance entitled "Registration of Defaulted Mortgage and Vacant Property"

III. Communications and Announcements

IV. Public Participation

V. Additions and Deletions to Agenda

VI. Approval of Minutes - December 5, 2018

VII. Petitions

VIII. Resolutions by Function

Law and Finance

19T-001 Adoption of Town Board Rules of Procedure for 2019
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19T-008 Authorization to Sign Contracts with Court Stenographer
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19T-012 Employee Handbook Revisions
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19T-016 Setting Rate for Reimbursement of Mileage
19T-017 Monthly Reports to Town Board
19T-018 Authorization for Supervisor to Sign an Agreement with the North East Quadrant Advanced Life Support, (NEQALS), Inc.
19T-019 Designation of Official Newspapers for 2019
19T-020 Town Membership in Various Organizations in 2019
19T-021 Continuation of Petty Cash Funds
19T-022 Appointments to the Planning Board
19T-023 Appointment of Chair to the Planning Board
19T-024 Adoption of Wage and Salary Schedule and Appointment of Officials and Employees for 2019
19T-025 Resolution 18T-073, 2019 Town Update Modification
19T-026 Authorization for Town Board to Modify Resolution 18T-079 for the Supervisor to Extend the Professional Service Contract with Dave Miller, of AVS, for the 2020 Town Wide Update
19T-027 Kevin Smeenk, Sherrod M. Hamlin-Smeenk, Tax Certiorari Settlement
19T-028 Panera, LLC, Tax Certiorari Settlement
19T-029 Appointment to Zoning Board of Appeals
19T-030 Appointment to Zoning Board of Appeals
19T-031 Appointment of Chair - Zoning Board of Appeals

Public Works
19T-032 Appointments to Conservation Board
19T-033 Appointment of Chair - Conservation Board
19T-034 Appointments to Energy & Environmental Advisory Committee
19T-035 Appointment to Historic Preservation Board
19T-036 Appointment of Chair to Historic Preservation Board
19T-037 Naming of an Architectural Consultant to the Town of Penfield
19T-038 Naming of Landscape Consultant to the Town of Penfield
19T-039 Setting Sewer Entrance Fees for 2019
19T-040 Authorization to Sign a Beaver Trapping Agreement with Donald C. Newcomb
19T-041 Appointments to Watershed Management Committee
19T-042 Purchase of a 2019 Chevrolet Silverado 1500 LD 4WD Double Cab Work Truck
19T-043 Purchase of a 2019 Chevrolet Silverado 1500 LD 4WD Double Cab Work Truck
19T-044 Purchase of a 2019 Chevrolet Silverado 1500 LD 4WD Double Cab Work Truck
19T-045 Purchase of a T870 T4 Bobcat Compact Track Loader
19T-046 Purchase of a 2019 International HV607 6-Wheel Dump Truck with Salter, Plow and Wing
19T-047 Purchase of a 2019 International HX520 10-Wheel Dump Truck with Plow and Wing

Public Safety
19T-048 Appointments to the Transportation Committee
19T-049 Appointment of Town Veterinarian
19T-050 Court Enforcement Officer Appointments
19T-051 Authorization of Temporary Assignment of Judges

Community Services
19T-052 Authorization for Supervisor to Sign Penfield Community Television Contract
19T-053 Appointment of Local History Room Advisory Committee
19T-054 Authorization for Supervisor to Sign Contract for Daytons Corners School Coordinator
19T-055 Policies and Procedures for Penfield Community Television Update
IX. Old Business
X. New Business
XI. Public Participation
XII. Executive Session
XIII. Next Meeting: January 16, 2019
XIV. Adjournment

This meeting will be video recorded and broadcast LIVE via the town’s website www.penfield.org and the Town’s Government Access Cable Channel 1303.
Questions regarding video coverage contact Penfield TV at (585) 340-8661.
A duly called Special Organizational Meeting of the Penfield Town Board was held on Wednesday, January 2, 2019 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
Robert Quinn Councilman

Also Present: Amy Steklof Town Clerk
Richard Horwitz Town Attorney
Heidi Boehl Fire Marshal/Building Inspector
Jim Costello Director of Developmental Services

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance.

Public Hearing #1 To Consider an Amendment to Chapter 220 – Vehicles and Traffic of the Code 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 December 13, 2018 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 Attorney, Richard Horwitz briefly highlighted the amendment to Chapter 220 – Vehicles and Traffic Code of the Penfield Zoning Ordinance regarding provisions for handicap parking. He stated he is in support of the amendment and hopes the Town Board will support it as well.

Public Participation - None

Hearing closed.

Public Hearing #2 To Consider the Adoption of an Ordinance entitled “Registration of Defaulted Mortgage and Vacant Property”

The Town Clerk read the title of the above Public Hearing; said Notice was published in the Penfield Post on December 13, 2018 and was posted on the Town Website and Town Clerk Bulletin Board. No postcards were mailed due this being a Town wide action. Town Attorney Horwitz confirmed that this Hearing is in order.

Town Attorney, Richard Horwitz offered comments on this supplement to the code and stated that due to growing safety concerns of property with defaulted mortgages or vacant/abandoned property that are not being properly maintained, this ordinance would provide safety measures to secure property maintenance.

Councilwoman Metzler stated that the Ordinance addresses the need for proper maintenance of properties that have not been maintained. She feels this Ordinance addresses the issue.

Councilman Moore stated that residents have brought up the issue of properties not being maintained and it has brought down the value of their neighborhoods. He said the Ordinance will help the Town get these properties under control. He thanked Supervisor LaFountain for moving this forward.

Public Participation - None

Hearing closed.
Communications and Announcements

1. As provided for in New York State Town Law, Supervisor LaFountain made the following appointments and assignments:

   One Year Term:
   Deputy Town Supervisor: Andy Moore

   The following Town Board Committees are established with the Chairperson as indicated:
   - Community Services: Linda Kohl
   - Law & Finance: Andy Moore
   - Public Safety: Rob Quinn
   - Public Works: Paula Metzler

   The following Town Board Liaison to other Boards and organizations are effective for 2019:
   - Ambulance (Penfield Vol. /NEQALS) to: Rob Quinn
   - Board of Assessment Review to: Tony LaFountain
   - Conservation Board to: Paula Metzler
   - Energy & Environment Advisory Committee to: Tony LaFountain
   - Fire Districts: Quinn/LaFountain
   - Friends of Dayton Corners School House to: Linda Kohl
   - Health & Wellness Committee to: Tony LaFountain
   - Historic Preservation Board to: Paula Metzler
   - Homeowner Associations: (registered with the town)
     - Allen’s Creek Homeowners Association to: Town Board
     - East Penfield Homeowners Association to: Town Board
     - Justice Courts to: Paula Metzler
     - Library Board to: Linda Kohl
     - Local History Room Advisory Board to: Linda Kohl
     - Monroe County Sheriff to: Quinn/LaFountain
     - New York State Police to: Quinn/LaFountain
     - Penfield Business Chamber to: Tony LaFountain
     - Penfield Little League to: Andy Moore
     - Penfield Symphony Orchestra to: Linda Kohl
     - Penfield Youth Council to: Rob Quinn
     - Planning Board to: Tony LaFountain
     - School Districts to: Kohl/LaFountain
     - Senior Citizens to: Tony LaFountain
     - Transportation Committee to: Andy Moore
     - Veteran Organizations to: Rob Quinn
     - Zoning Board to: Paula Metzler

2. Supervisor LaFountain read Town Clerk Amy Steklof’s one year term appointments:

   - Deputy Town Clerk: Lisa S. Grosser, RMC
   - Office Clerk III: Susan M. Scheidt

3. Councilwoman Kohl’s next Community Chat will be held on Tuesday, January 15, 2019 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

4. The Department of Public Works is accepting non-artificial trees for recycling at the highway garage located at 1607 Jackson Rd. Look for the sign labeled “X-mas Trees.” Also, if you have a set of holiday lights that no longer work, remember they can be recycled at Ecopark (10 Avion Drive, Rochester, NY 14624). Please do not place the lights in curbside recycling bins. Many hardware stores will also accept lights for recycling.
Public Participation

Ed Lindskoog, 40 Willow Pond Way, stated he has been working on a sidewalk system in the Willow Pond community, but has not found a maintenance agreement in place. He has met with Jim Costello, Director of Developmental Services, and has sent him a list of issues. He also stated that “No Trespassing” signs have been posted by the owner of the property. He went on to say, he organized a public meeting for management of the property to attend, but management was unable to attend.

Supervisor LaFountain asked if management/maintenance has done anything.

Mr. Lindskoog said no.

Supervisor LaFountain stated that it is private property, but the Town Board will help anyway they can.

Mr. Lindskoog asked if management of the complex has an office in town.

Supervisor LaFountain stated that he didn’t think they did, and that the home office is in Arizona.

Additions and Deletions to Agenda

Councilman Moore moved to add Resolutions #19T-056, #19T-057 and #19T-058, Councilwoman Kohl seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of December 5, 2018, Councilman Quinn seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#19T-001 Adoption of Town Board Rules of Procedure for 2019 by Moore

WHEREAS, pursuant to New York State Law, the Town Board has the ability to establish Rules of Procedure for their meetings;

NOW, BE IT RESOLVED, that the Rules of Procedure annexed hereto are hereby adopted, and

BE IT FURTHER RESOLVED, that a copy of the Rules of Procedure be available to the public on request from the Town Clerk, and that the Town Clerk will have available prior to each Town Board meeting a copy of the Rules of Procedure for review and inspection.

Moved: Moore
Seconded: Kohl

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

Adopted

See Attachment at end of Minutes

#19T-002 Bonding of Town Officials and Employees by Moore
BE IT RESOLVED, that the following be bonded as to form, amount and sufficiency as to the surety for the year 2019.

- Supervisor $500,000
- Deputy Supervisor $500,000
- Receiver of Taxes and Deputy Receiver of Taxes $500,000
- Town Comptroller $500,000
- Town Clerk and Deputy Town Clerk $100,000
- All other Town employees and officials $100,000
- Blanket coverage per claim $400,000

AND, BE IT FURTHER RESOLVED, that the Supervisor is authorized and directed to insure that this coverage is in force with the carrier currently engaged by the Town.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-003 Appointment of 2nd Deputy Receiver of Taxes by Moore

NOW, THEREFORE, BE IT RESOLVED, that The Town of Penfield wishes to appoint M&T Bank, 255 East Avenue, 3rd Floor Rochester, NY 14604 as 2nd Deputy Receiver of Taxes for the Town of Penfield.

NOW, THEREFORE, BE IT RESOLVED, that this resolution appoints M&T Bank 2nd Deputy Receiver of Taxes effective January 1st 2019.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-004 Banking Arrangements for the Town of Penfield for 2019 by Moore

BE IT RESOLVED, that the various accounts and other banking arrangements as listed below be continued:

CHECKING ACCOUNTS

- Town Justice Account (2) M&T Bank
- General Consolidated Account (including amounts for other funds) M&T Bank
- Trust and Agency Account M&T Bank
- Debt Service Fund & Capital Account M&T Bank
- Town Clerk Account M&T Bank
- Town Clerk Account #2 M&T Bank
- Receiver of Taxes Account M&T Bank
- Receiver of Taxes Refund Account M&T Bank
- Town of Penfield Checking Account Key Bank

SAVINGS ACCOUNTS

- F.F. Hagreen Bequest M&T Bank
- Town of Penfield Money Market M&T Bank
Penfield Town Board, January 2, 2019

Town of Penfield Money Market     Key Bank

Moved:       Moore
Seconded:    Kohl

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

Adopted

#19T-005 Authorization for the Town Comptroller to Attend the Annual Meeting of the NYSGFOA

WHEREAS, the Town Comptroller is a member of the New York State Government Finance Association, and

WHEREAS, the annual meeting will benefit the Town of Penfield,

NOW, BE IT RESOLVED, that Barbara Chirdo, Town Comptroller, be hereby authorized to attend the NYS Government Finance Officers Association Conference in Albany, New York. All reasonable expenses will be reimbursed upon submission of proper voucher with supporting documents. Funds have been budgeted in the 2019 budget.

Moved:       Moore
Seconded:    Kohl

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

Adopted

#19T-006 Setting 2019 Salary for Chairs and Members of the Planning, Zoning, Conservation and Historic Preservation Boards

BE IT RESOLVED, that the following annual salaries to be paid in twelve (12) equal monthly installments be in force for 2019:

Chair, Planning Board    $3,439
Member, Planning Board    2,544
Chair, Zoning Board       2,913
Member, Zoning Board      2,018
Chair, Conservation Board 1,783
Member, Conservation Board 868
Chair, Historic Preservation Board 1,379
Member, Historic Preservation Board 481

Moved:       Moore
Seconded:    Kohl

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

Adopted

#19T-007 Authorization for Contract with Counsel to Town Attorney

WHEREAS, the Town desires to continue with the law office of McConville, Considine, Cooman & Morin, PC as Counsel to the Town Attorney and to pay their office a retainer for the duties specified and to pay an additional hourly fee for representing the Town in actions against various Town Boards, Officials and Employees, said fees to be approved by the Town Attorney, and

NOW, BE IT RESOLVED, that the Supervisor is authorized to sign a contract with McConville, Considine, Cooman & Morin, PC for 2019 under the following conditions:
1. To be covered by a retainer to be paid in equal monthly installments:
   a. Attend Planning Board and Zoning Board of Appeals meetings.
   b. Prepare/assist in preparation of resolutions of the Planning Board and Zoning Board of Appeals.
   c. Handle first three (3) hours of all court actions assigned by the Town Attorney.
   d. Assist at the request of the Town Attorney in ordinance and local law preparation and review.
   e. Render legal advice to the Planning Board, Zoning Board of Appeals, Historical Preservation Board and Conservation Board.
   f. Assume all duties of the Town Attorney in his absence.

2. Additional work may be assigned by the Town Board and/or the Town Attorney and will be paid per hour after the first three (3) hours of any case. Cases may include tax certiorari, civil service, labor, Article 78/Declaratory Judgement and all court action against Town Boards and Employees.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-008 Authorization to Sign Contracts with Court Stenographer by Moore

BE IT RESOLVED, that the Supervisor is hereby authorized to sign a contract with Edie Forbes as Court Stenographer for Bench and Jury Trials effective January 1, 2019 to December 31, 2019, unless earlier terminated by either of the parties. Form of contract to be acceptable to Town Attorney. Funds are appropriated in the 2019 Budget.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-009 Authorize the Supervisor to Sign Lease Agreement with the Eastside Area Annex by Moore

WHEREAS, the Town of Penfield desires to continue a Lease Agreement with the Eastside Area Annex to provide office & meeting space;

NOW BE IT RESOLVED, that the Supervisor is authorized to sign a Lease Agreement with the Eastside Area Annex for office & meeting space located in the Don Mack Building, 1587 Jackson Road, Penfield beginning on August 1, 2018 and ending on December 31, 2021.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-010 Authorization for Town Supervisor to Sign a Professional Service Contract with Barton and Loguidice for Environmental Services for 2019 by Moore
BE IT RESOLVED, that Barton and Loguidice, 443 Electronics Parkway, Liverpool NY 13088, is named a consultant 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, as outlined in a letter, filed with the Town Clerk. This letter includes a schedule of fees for various services provided by Barton and Loguidice, as Environmental Consultant to the Town of Penfield for 2019, and

BE IT FURTHER RESOLVED, that the Town Board reserves the option to assign specific projects to internal staff and to other qualified firms in addition to Barton and Loguidice as necessary to represent the Town. Such other qualified firms will be compensated for the business referred to them during 2019 at an agreed upon fee depending on the nature of the services performed.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-011 Appointments to Ethics Board by Moore

WHEREAS, Town of Penfield Local Law #1 of 1970 provides for the establishment of an Ethics Board to perform duties as defined in this Local Law,

NOW, BE IT RESOLVED, that the following be appointed to the Ethics Board with a term expiring December 31, 2019:

    Tracey Easterly, HR Director, Town of Penfield
    John Hanratty
    Steve Pellow

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-012 Employee Handbook Revisions by Moore

WHEREAS, the Penfield Town Board adopted an Employee Handbook on January 3, 1989 and the Board is committed to keeping this information up to date,

NOW, THEREFORE, BE IT RESOLVED, that the attached revisions, additions and deletions are approved for inclusion in the Employee Handbook effective January 1, 2019.

(Resolution #19T-012 - Continued)

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-013 Setting Holidays for Non-Union Employees for 2019 by Moore

BE IT RESOLVED, that the following dates are to be observed as holidays in 2019 for Non-Union employees in accordance with the policy on holidays as written in the Employee's Handbook.
Penfield Town Board, January 2, 2019

BE IT FURTHER RESOLVED, that the floating holiday will be observed on Friday, July 5, 2019.

Moved: Moore
Seconded: Kohl

Adopted

#19T-014 Setting Holidays for Union Employees for 2019 by Moore

BE IT RESOLVED, that the following dates are to be observed as holidays in 2019 for Union employees in accordance with the policy on holidays as written in the Employee's Handbook.

Tuesday, January 1 New Year’s Day
Monday, January 21 Martin Luther King Day
Monday, February 18 Presidents’ Day
Friday, April 19 Good Friday
Monday, May 27 Memorial Day
Thursday, July 4 Independence Day
Monday, September 2 Labor Day
Monday, October 14 Columbus Day
Monday, November 11 Veterans’ Day
Thursday, November 28 Thanksgiving
Friday, November 29 Thanksgiving Floater
Wednesday, December 25 Christmas

BE IT FURTHER RESOLVED, that the floating holidays will be observed on Friday, July 5, 2019 and Friday, November 29, 2019.

(Resolution #19T-014 - Continued)

Moved: Moore
Seconded: Kohl

Adopted

#19T-015 Naming of a Labor Relations Consultant to the Town of Penfield by Moore

BE IT RESOLVED, Harris Beach, PLLC, be named Labor Relations Consultant for the Town of Penfield, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with Harris Beach, PLLC, Attorneys at Law, 99 Garnsey Road, Pittsford, NY for an agreed upon fee depending on the nature of services rendered, to be approved by the Town Attorney; and
BE IT FURTHER RESOLVED, that the Town Board reserves the option to assign specific Labor Relation Consulting to internal staff and to other qualified Labor Consultants in addition to Harris Beach, necessary to represent the Town. Such other qualified firms will be compensated for the business referred to them during 2019 at an agreed upon fee depending on the nature of the services performed.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-016 Setting Rate for Reimbursement of Mileage by Moore

BE IT RESOLVED, that pursuant to Town Board Resolution #288 of May 1, 1978, which sets a policy regarding reimbursement to Town officials and employees who travel by private vehicle on Town business, that the rate of reimbursement for 2019 be .58 per mile, which is consistent with current Internal Revenue Service guidelines, with tolls and parking in addition to mileage allowance.

BE IT FURTHER RESOLVED, mileage will only be reimbursed in instances where a Town vehicle is not available and with pre-approval of the Town Supervisor.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-017 Monthly Reports for Town Board by Moore

BE IT RESOLVED, that all Department Heads, including the Town Attorney, shall submit a written monthly report to the Town Board by the 10th of each following month. Reports should summarize progress in accomplishing approved priorities and goals and identify areas that may warrant special attention by the Town Board. Reports should also include a brief summary of major activities.

(Resolution #19T-017 – Continued)

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-018 Authorization for Supervisor to Sign an Agreement with the North East Quadrant Advanced Life Support, (NEQALS), Inc. by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign an Agreement with the North East Quadrant Advanced Life Support, Inc., (NEQALS), that reflects the current interests of the involved parties, in a form acceptable to the Town Attorney, a copy of which is on file with the Town Clerk.

Moved: Moore
Seconded: Kohl
Penfield Town Board, January 2, 2019

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

Adopted

#19T-019 Designation of Official Newspapers for 2019 by Moore

BE IT RESOLVED, that the Penfield Post, be designated as the official newspaper for the Town of Penfield for publication of notices, resolutions, local laws and ordinances. Additionally, the Democrat & Chronicle and/or the Daily Record may be designated as the official newspaper from time to time, for publication of notices, resolutions, Local Laws and Ordinances.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-020 Town Membership in Various Organizations in 2019 by Moore

BE IT RESOLVED, that the following memberships for the Town of Penfield are hereby authorized for 2019 at the current annual dues:

1. Alliance for Community Media - Northeast, New York and US
2. American Planning Association
3. American Public Works Association
4. American Society of Civil Engineers
5. Association of Public Historians of New York State
6. Cooperative Extension of Monroe County
7. Finger Lakes Building Officials Association
8. Genesee Valley Parks and Recreation Society
9. GIS/SIG Genesee/Finger Lakes Region
10. Government Appointed Historians
11. International Association of Assessing Officers
12. Landmark Society of Western New York
13. Monroe County Assessors Association
14. Monroe County Town Clerks, Tax Receivers and Collectors Association
15. Monroe County Association of Town Superintendents of Highways
16. Monroe County Court Clerks Association
17. Monroe County Fire Marshals and Inspectors Association

(Resolution #19T-020 - Continued)

18. Monroe County Historians Association
19. Monroe County Magistrates Association
20. Monroe County Storm Water Coalition
21. Monroe County Supervisors Association
22. National Association of Telecommunications Officers and Advisors
23. National Government Finance Officers Association
24. National Notary Association
25. National Public Employees Labor Relations Association
27. National Recreation and Parks Association
28. National Trust for Historic Preservation
29. New York State Archives
30. New York State Assessors Association
31. New York State Association of Tax Receivers and Collectors
32. New York State Association of Town Highway Superintendents
33. New York State Association of Towns
34. New York State Building Officials Conference
35. New York State Court Clerks Association
36. New York State Fire Marshals and Inspectors Association
37. New York State Institute of Assessing Officers
38. New York State Government Finance Officers Association
39. New York State Magistrates Association
40. New York State Recreation and Park Society
41. New York State Public Employees Labor Relations Association
42. New York State Town Clerks Association
43. New York State Turf Grass Association
44. New York State Water Environment Association
Moved: Moore
Seconded: Kohl

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

Adopted

#19T-021 Continuation of Petty Cash Funds by Moore

BE IT RESOLVED, that the following petty cash funds are authorized in 2019 as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town Supervisor</td>
<td>$100.00</td>
</tr>
<tr>
<td>Recreation Department</td>
<td>$250.00</td>
</tr>
<tr>
<td>Director of Public Works</td>
<td>$200.00</td>
</tr>
<tr>
<td>Town Clerk</td>
<td>$200.00</td>
</tr>
<tr>
<td>Receiver of Taxes</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

AND, BE IT FURTHER RESOLVED, that the policy established by the Town Board Resolution #66 of February 4, 1980 and last revised January 3, 2018, with the adoption of this resolution, continues to apply and all persons affected should have a copy of that Policy so they may be familiar with it to insure compliance.

(Resolution #19T-021 – Continued)

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-022 Appointments to the Planning Board by Moore

BE IT RESOLVED, that Jim Burton be appointed to the Penfield Planning Board, for a three (3) year term expiring December 31, 2021 at an annual salary as established by the Town Board.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-023 Appointment of Chair to the Planning Board by Moore

BE IT RESOLVED, that Allyn Hetzke, Jr. be appointed Chair of the Planning Board for the year 2019, at an annual salary as established by the Town Board.
Penfield Town Board, January 2, 2019

Moved: Moore  
Seconded: Kohl  

Vote:  

Kohl  Aye  
LaFountain  Aye  
Metzler  Aye  
Moore  Aye  
Quinn  Aye

Adopted

#19T-024 Adoption of Wage and Salary Schedule and Appointment of Officials and Employees for 2019 by Moore  

BE IT RESOLVED, that the Town Board hereby adopts the Wage and Salary Schedules effective January 1, 2019. A listing of all Town Board approved positions for 2019, appointed officials, employees and their salaries is available in the Human Resources Department.

Moved: Moore  
Seconded: Kohl  

Vote:  

Kohl  Aye  
LaFountain  Aye  
Metzler  Aye  
Moore  Aye  
Quinn  Aye

Adopted

#19T-025 Resolution 18T-073, 2019 Town Update Modification by Moore  

WHEREAS, the Town Board has decided to modify the existing Resolution 18T-073, dated February 21, 2018 regarding the 2019 Town wide update be modified to extend through 2020, and  

WHEREAS, under Section 305 of New York State Real Property Tax Law mandates uniform and equitable assessments; and  

WHEREAS, technical advices, and financial assistance are available by cooperative agreement with the New York State Office of Real Property Services; and  

WHEREAS, the Town Board is convinced that an update is necessary to comply with Section 305 of the New York State Real Property Tax Law  

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF PENFIELD, NEW YORK, AS FOLLOWS:  

1. That the Assessor of the Town of Penfield is hereby ordered to undertake and implement an update for the 2020 Assessment Roll. The Board supports the Assessor having the RPS file in house in order to accomplish 2020 update.  

2. That the Assessor is authorized to enter into any necessary agreements to achieve this purpose. Any agreements resulting in expenditure by the Town of Penfield must first be approved by the Town Board.  

This resolution shall take effect immediately.

Moved: Moore  
Seconded: Kohl  

Vote:  

Kohl  Aye  
LaFountain  Aye  
Metzler  Aye  
Moore  Aye  
Quinn  Aye

Adopted

#19T-026 Authorization for Town Board to Modify Resolution 18T-079 for the Supervisor to Extend the Professional Service Contract with Dave Miller, of AVS, for the 2020 Town Wide Update by Moore  

WHEREAS, the Town Board has decided to modify the existing Resolution 18T-079, dated February 21, 2018 regarding the 2019 Town Wide Update be extended through 2020, and  

WHEREAS, the Town Board is convinced that an update is necessary to comply with Section 305 of the New York State Real Property Tax Law  

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF PENFIELD, NEW YORK, AS FOLLOWS:  

1. That the Assessor of the Town of Penfield is hereby ordered to undertake and implement an update for the 2020 Assessment Roll. The Board supports the Assessor having the RPS file in house in order to accomplish 2020 update.  

2. That the Assessor is authorized to enter into any necessary agreements to achieve this purpose. Any agreements resulting in expenditure by the Town of Penfield must first be approved by the Town Board.  

This resolution shall take effect immediately.
BE IT RESOLVED, that Dave Miller will assist the Town Assessor as needed, in the 2020 Town wide update, And;

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to sign a contract with Dave Miller of AVS, for professional services render. Said contract to be reviewed and approved by the Town Attorney.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-027 Kevin Smeenk, Sherrod M. Hamlin-Smeenk, Tax Certiorari Settlement by Moore

WHEREAS, KEVIN SMEENK, SHERROD M. HAMLIN-SMEENK, heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessment for the taxable status date for years 2017/2018, and 2018/2019 for the premises located at 51 Sparrow Point, (Tax Map Number: 124.01-2-82); 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 Kevin Smeenk, Sherrod M. Hamlin-Smeenk, for the years, 2017/2018 and 2018/2019, 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 Aye

Adopted

#19T-028 Panera, LLC, Tax Certiorari - Settlement by Moore

WHEREAS, PANERA, LLC, heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessment for the taxable status date for years 2016/2017, 2017/2018 and 2018/2019 for the premises located at 2152 Fairport Nine Mile Point Road, (Tax Map Number: 140.01-2-70.121); 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 PANERA, LLC, for the years, 2016/2017, 2017/2018 and 2018/2019, 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 Aye

Adopted

#19T-029 Appointment to Zoning Board of Appeals by Metzler

BE IT RESOLVED, that Daniel DeLaus and Andris Silins be appointed to the Zoning Board of Appeals for a three (3) year term expiring December 31, 2021, at an annual salary as established by the Town Board.

(Resolution #19T-029 - Continued)

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-030 Appointment to Zoning Board of Appeals by Metzler

BE IT RESOLVED, that Matthew Piston be appointed to the Zoning Board of Appeals to fill a vacancy expiring December 31, 2019, at an annual salary as established by the Town Board.

Moved: Moore
Seconded: Kohl

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

Adopted

#19T-031 Appointment of Chair – Zoning Board of Appeals by Metzler

BE IT RESOLVED, that Daniel DeLaus be appointed Chair of the Zoning Board of Appeals, for the year 2019 at an annual salary as established by the Town Board.

Moved: Moore
Penfield Town Board, January 2, 2019

Seconded: Kohl

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

Adopted

Public Works

#19T-032 Appointments to the Conservation Board by Metzler

BE IT RESOLVED, that the following be appointed to the Conservation Board with a term ending on December 31, 2019 at an annual salary as established by the Town Board:

James Almstead
Jeffrey Bartocci
Rosanne Cohen
Burton Gorton
Patricia Schichler
J. Noel Schlageter
Paul Sugnet

Moved: Metzler
Seconded: Moore

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

Adopted

#19T-033 Appointment of Chair - Conservation Board by Metzler

BE IT RESOLVED, that James Almstead, be appointed Chair of the Penfield Conservation Board for a term of one year expiring December 31, 2019, at an annual salary as established by the Town Board.

Moved: Metzler
Seconded: Moore

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

Adopted

#19T-034 Appointments to Energy and Environmental Advisory Committee by Metzler

BE IT RESOLVED, THAT the following be appointed to the Penfield Energy and Environmental Advisory Committee for term ending on December 31, 2019

Chairman: Supervisor LaFountain
Members: Cynette Cavaliere
         Robert Kanauer, Jr.

Town of Penfield Staff: Phyllis Ely, Public Relations
                      Sabrina Renner, Recreation Dept.
                      Mark Valentine, Town Engineer
                      Jim Kreckman, Facilities Dept.
                      Sarah Clauser, Engineering Dept.

Moved: Metzler
Seconded: Moore
#19T-035 Appointment to Historic Preservation Board by Metzler

BE IT RESOLVED, that Thomas Combs and Michael Pignato be appointed to the Historic Preservation Board for a term expiring December 31, 2023 at an annual salary as established by the Town Board.

Moved: Metzler  
Seconded: Moore

Adopted

#19T-036 Appointment of Chair to Historic Preservation Board by Metzler

BE IT RESOLVED, that Joan Belgiorno be appointed Chair of the Historic Preservation Board for the year 2019 at an annual salary as established by the Town Board.

Moved: Metzler  
Seconded: Moore

(Resolution #19T-036 - Continued)

Adopted

#19T-037 Naming of an Architectural Consultant to the Town of Penfield by Metzler

BE IT RESOLVED, that Plan Architectural Studio, P.C. High Falls Building, Suite 102, 4 Commercial Street, Rochester, NY 14614 be named an Architectural Consultant for the Town of Penfield, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with Plan Architectural Studio, PC, as outlined in their letter, on file with the Town Clerk, which includes a schedule of fees for various services provided by Plan Architectural Studio, PC, as an Architectural Consultant to the Town of Penfield for 2019, and

BE IT FURTHER RESOLVED, that the Town Board reserves the option to assign specific projects to internal staff and to other qualified architectural firms in addition to Plan Architectural Studio, P.C. as necessary to represent the Town. Such other qualified firms will be compensated for the business referred to them during 2019 at an agreed upon fee depending on the nature of the services performed.

Moved: Metzler  
Seconded: Moore

Adopted

#19T-038 Naming of a Landscape Consultant to the Town of Penfield
BE IT RESOLVED, that Bruce Zaretsky & Associates, 1965 Watson Hulburt Road, Penfield, NY 14502 be named Landscape Consultant for the Town of Penfield, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with Bruce Zaretsky & Associates, as outlined in a letter, filed with the Town Clerk. This letter includes a schedule of fees for various services provided by Bruce Zaretsky & Associates, as Landscape Consultant to the Town of Penfield for 2019, and

BE IT FURTHER RESOLVED, that the Town Board reserves the option to assign specific projects to internal staff and to other qualified landscape architectural firms in addition to Bruce Zaretsky & Associates as necessary to represent the Town. Such other qualified firms will be compensated for the business referred to them during 2019 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  Aye

Adopted

#19T-039 Setting Sewer Entrance Fees for 2019

WHEREAS, the Town Board established a Sewer Entrance Fee schedule for the Town of Penfield by adoption of Resolution #184 of 1979, and

WHEREAS, the Town of Penfield will collect a portion of these Sewer Entrance Fees for Monroe County Pure Waters, and

WHEREAS, these Sewer Entrance Fees shall be used to offset administrative expenses incurred through setting up new sewer accounts,

NOW, THEREFORE, BE IT RESOLVED, that the current Sewer Entrance Fee rate of $500 for residential properties and $600 for commercial properties will be extended through 2019, and

BE IT FURTHER RESOLVED, that the Town will remit $250 for each residential property and $350 for each commercial property to Monroe County Pure Waters.

Moved: Metzler  Seconded: Moore

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

Adopted

#19T-040 Authorization to Sign a Beaver Trapping Agreement with Donald C. Newcomb

WHEREAS, from time to time, positive drainage is affected by Dams built by Beavers that cause flooding and property damage, and

WHEREAS, the Town of Penfield desires to eliminate flooding and property damage by removal of said Dams and Beavers from drainage ways, and

WHEREAS, Donald C. Newcomb is licensed by the NYS DEC to handle Wildlife Nuisances, and
NOW, THEREFORE BE IT RESOLVED, that the Town Supervisor, be and hereby is authorized to execute a one (1) year agreement acceptable to the Town Attorney beginning January 1, 2019 through December 31, 2019 with Donald C. Newcomb to trap and remove beavers as directed by the Penfield Department of Public Works, and

NOW, THEREFORE BE IT FURTHER RESOLVED, that Donald C. Newcomb will be responsible to obtain any permits required from the NYS DEC for the trapping and removal of said beavers and supply a copy of his NYS DEC license and copy of any required permits to the Town of Penfield with an invoice for services rendered.

Moved: Metzler
Seconded: Moore

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

Adopted

#19T-041 Appointments to Watershed Management Committee by Metzler

WHEREAS, the Town of Penfield has established a Watershed Management Committee to identify maintenance needs and erosion issues for its network of open watercourses, and

NOW, THEREFORE, BE IT RESOLVED, that the following persons be appointed to this committee for a term expiring December 31, 2019:

(Resolution #19T-041 - Continued)

Mark Valentine, Chair  Town of Penfield Engineer
Eric Tait  Town of Penfield DPW
Mike O’Connor  Town of Penfield Engineering Dept.
Bob Mohr  Town of Penfield DPW
Edward Freeman
Michael Guyon
Harold Mellars
Mike Simon
Al Broccolo

Moved: Metzler
Seconded: Moore

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

Adopted

#19T-042 Purchase of a 2019 Chevrolet Silverado 1500 LD 4WD Double Cab Work Truck by Metzler

WHEREAS, the Director of Public Works desires to purchase one 2019 Chevrolet Silverado 1500 LD 4WD double cab work truck, from DCMO Bid # 2018-132, Item # 19B, from Joe Basil Chevrolet Inc, 5111 Transit Road, Depew, NY, for a total cost of $26,971.00; and

WHEREAS, the total funds of $26,971.00 for said purchases are budgeted in the 2019 Building Department Budget (A00-3620);

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Works be and hereby is authorized to purchase said vehicle.

Moved: Metzler
Seconded: Moore

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

#19T-043  Purchase of a 2019 Chevrolet Silverado 1500 LD 4WD Double Cab Work Truck by Metzler

WHEREAS, the Director of Public Works desires to purchase one 2019 Chevrolet Silverado 1500 LD 4WD double cab work truck with Back Rack, light bar, and tool box, from DCMO Bid # 2018-132, Item # 19B, from Joe Basil Chevrolet Inc, 5111 Transit Road, Depew, NY, for a total cost of $28,589.80; and

WHEREAS, the total funds of $28,589.80 for said purchases are budgeted in the 2019 Engineering Department Budget (A00-1440);

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Works be and hereby is authorized to purchase said vehicle with Back Rack, light bar, and tool box attachments.

Moved:  Metzler
Seconded:  Moore

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

Adopted

#19T-044  Purchase of a 2019 Chevrolet Silverado 1500 LD 4WD Double Cab Work Truck by Metzler

WHEREAS, the Director of Public Works desires to purchase one 2019 Chevrolet Silverado 1500 LD 4WD double cab work truck with Back Rack, light bar, and tool box, from DCMO Bid # 2018-132, Item # 19B, from Joe Basil Chevrolet Inc, 5111 Transit Road, Depew, NY, for a total cost of $28,589.80; and

WHEREAS, the total funds of $28,589.80 for said purchases are budgeted in the 2019 Highway Department Budget (DA0-5130);

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Works be and hereby is authorized to purchase said vehicle with Back Rack, light bar, and tool box attachments.

Moved:  Metzler
Seconded:  Moore

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

Adopted

#19T-045  Purchase of a T870 T4 Bobcat Compact Track Loader by Metzler

WHEREAS, the Director of Public Works desires to purchase one T870 T4 Bobcat compact track loader with bucket, from NYS Contract # PC67141, Quote # 23747D024762 from Bobcat of the Finger Lakes, 7216 Palmyra Road, Fairport NY, for a total cost of $68,304.16; and

WHEREAS, the total funds of $68,304.16 for said purchases are budgeted in the 2019 Drainage Budget (SD0-8540);

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Works be and hereby is authorized to purchase said equipment.

Moved:  Metzler
Seconded:  Moore

Vote:  Kohl Aye  LaFountain Aye
       Metzler Aye  Moore Aye
Penfield Town Board, January 2, 2019

Quinn Aye

Adopted

#19T-046 Purchase of a 2019 2020 International HV607 6-Wheel Dump Truck with Salter, Plow and Wing by Metzler

WHEREAS, the Director of Public Works desires to purchase one 2019 2020 International HV607 SBA (HV607) cab and chassis with, dump body, plow, and wing, from Onondaga County Heavy Truck Class 8 Statewide Contract # 8996, Proposal # 14488-01 from Regional International Corporation, 1007 Lehigh Station Road, Henrietta NY, for a total cost of $196,452.42; and

WHEREAS, the total funds of $196,452.42 for said purchases are budgeted in the 2019 Highway Department Budget (DA0-5130);

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Works be and hereby is authorized to purchase said vehicle with dump body, plow, and wing attachments.

Moved: Metzler
Seconded: Moore

(Resolution #19T-046 - Continued)

As Amended:

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

Adopted

#19T-047 Purchase of a 2019 2020 International HX520 HX620 10-Wheel Dump Truck with Plow and Wing by Metzler

WHEREAS, the Director of Public Works desires to purchase one 2019 2020 International HX520 HX620 6x4 (HX520F) (HX620F) cab and chassis with, all-in-one dump body, plow, and wing, from Onondaga County Heavy Truck Class 8 Statewide Contract # 8996, Proposal # 14748-01 from Regional International Corporation, 1007 Lehigh Station Road, Henrietta NY, for a total cost of $249,098.37; and

WHEREAS, the total funds of $249,098.37 for said purchases are budgeted in the 2019 Highway Department Budget (DA0-5130);

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Works be and hereby is authorized to purchase said vehicle with all-in-one dump body, plow, and wing attachments.

Moved: Metzler
Seconded: Moore

As Amended:

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

Adopted

Public Safety

#19T-048 Appointments to the Transportation Committee by Metzler
BE IT HEREBY RESOLVED, that the following be appointed to the Penfield Transportation Committee, to be chaired by Councilman Andrew Moore, for a term to expire December 31, 2019:

- Laurie Enos
  Monroe County Sheriff’s Dept.
- Sarah Clauser
- Mark Valentine
  Town of Penfield Engineering Department
- Eric Tait
  Town of Penfield Department of Public Works
- Dan McCusker
- Mary Sweeney
  Monroe County Dept. of Transportation

(Resolution #19T-048 – Continued)

Moved: Metzler
Seconded: Moore

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Adopted

#19T-049 Appointment of Town Veterinarian by Metzler

BE IT RESOLVED, that Animal Hospital of Pittsford, PC, 2816 Monroe Avenue, Rochester, New York 14618, be appointed Town Veterinarian for 2019 to cover emergency situations, and to be paid for services performed.

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign an annual contract with Animal Hospital of Pittsford to provide the aforementioned services.

Moved: Metzler
Seconded: Moore

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Adopted

#19T-050 Court Enforcement Officer Appointments by Metzler

WHEREAS, Town Board Resolution #148 of February 5, 1999 established the position of Town of Penfield Court Enforcement Officer (Process Server),

NOW, BE IT RESOLVED, that Sandy Macaluso, PO Box 67164, Rochester, NY 14617 be appointed Town of Penfield Court Enforcement Officers for a term to expire December 31, 2019 at no salary and that duties and fees will be approved by the Town Board and Town Administrative Judge.

Moved: Metzler
Seconded: Moore
Penfield Town Board, January 2, 2019

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

Adopted

#19T-051 Authorization of Temporary Assignment of Judges by Metzler

BE IT RESOLVED, that the Town Board consents to the temporary assignment of
Town of Penfield Justices to preside in other city/town/village and family
courts in the Seventh Judicial District as need arises during the year 2019, and

BE IT FURTHER RESOLVED, that the Town Board approves the temporary assignment
of Judges from other city/town/village and family courts in the Seventh
Judicial District to the Penfield Justice Court as the need may arise during
the year 2019.

Moved: Metzler
Seconded: Moore

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

Adopted

Community Services

#19T-052 Authorization for Supervisor to Sign Penfield Community Television
       Contract by Kohl

BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to
sign the following contract for videographer services:

   Katherine Quigley

BE IT FURTHER RESOLVED, that the fee is $17.00 for each consecutive hour as
determined by the Cable Coordinator and staff.

Moved: Kohl
Seconded: Quinn

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

Adopted

#19T-053 Appointment of Local History Room Advisory Committee by Kohl

BE IT RESOLVED, that the following be appointed to the Local History Room
Advisory Committee for a one (1) year term expiring December 31, 2019:

   Jan Braman
   Don Nelson-Nasca
   Diane Dayton Riley
   Margery Salmon
   Jay Thompson
   Carolyn Wise

Moved: Kohl
Seconded: Quinn

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

#19T-054 Authorization for Supervisor to Sign Contract for Dayton’s Corners School Coordinator by Kohl

BE IT RESOLVED THAT the Town Supervisor be authorized to sign a contract with Barbara Quinn as Coordinator of the Dayton’s Corners School from January 1, 2019 through December 31, 2019 for a fee of $3,500.00. Vouchers to be submitted monthly.

Moved: Kohl
Seconded: Quinn

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

Adopted

#19T-055 Policies and Procedures for Penfield Community Television Update by Kohl

WHEREAS, the Penfield Community Access Television, Cable Coordinator has reviewed and evaluated the Penfield Community Access Channel 15 Policies and Procedures as established by Town Board Resolution #116 of April 20, 2005 and,

WHEREAS, the Cable Television Coordinator has identified the following changes:

- Replace all appearances of “PCTV Channel 15” with “Public Access Channel”
- Replace all appearances of “PCTV Channel 12” with “Government Access Channel”
- Replace all appearances of “See Current Fee Schedule” with “quoted by project or service”

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves these changes to the Penfield Community Access Television Policies and Procedures dated January 02, 2019.

Moved: Kohl
Seconded: Quinn

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

Adopted

Old Business - None

New Business

#19T-056 Adoption of Amendment to Chapter 220 – Vehicles and Traffic of the Code of the Town of Penfield by Moore

WHEREAS, the Town Board of the Town of Penfield wishes to adopt an amendment to Chapter 220 – Vehicles and Traffic Code of the Town of Penfield; and

WHEREAS, the Penfield Town Board has designated itself as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA); and
WHEREAS, the subject application has been determined to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), and no additional environmental review of this action is deemed necessary; 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 January 2, 2019, at 7:00 PM on said date, to consider the said proposal and to hear all persons interested on the question of the adoption of an amendment to Chapter 220 - Vehicles and Traffic Code of the Town of Penfield, and the Public Hearing was closed;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby adopts the following amendment to Chapter 220 - Vehicles and Traffic Code of the Penfield Zoning Ordinance:

§ 220-19.1 Handicapped Parking.

No person shall park, stand or stop a vehicle in any area designated as a place for handicapped parking or off-loading unless the vehicle bears a valid permit, displayed on the vehicle dashboard or sun visor, issued under section one thousand two hundred three-a or a registration issued under section four hundred four-a of the New York Vehicle and Traffic Law and such vehicle is being used for the transportation of a severely disabled or handicapped person; and

(Resolution #19T-056 - Continued)

BE IT FURTHER RESOLVED, that the Town Clerk be, and she hereby is directed to post a copy thereof, and shall within ten (10) days after such adoption cause the aforesaid amendment or an abstract thereof to be published in the manner prescribed by Law.

Moved: Moore
Seconded: Kohl

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Adopted

#19T-057 Adoption of an Ordinance Entitled “Registration of Defaulted Mortgage and Vacant Property” by Moore

WHEREAS, the Town Board of the Town of Penfield desires to protect the public health, safety, and welfare of the citizens of the Town of Penfield and maintain a high quality of life for the citizens of the Town through the maintenance of structures and properties in the Town of Penfield; 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 January 2, 2019, at 7:00 PM on said date, to consider the said proposal and to hear all persons interested on the question of the adoption of an ordinance entitled “Registration of Defaulted Mortgage and Vacant Property,” and the Public Hearing was closed;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby adopts Chapter 260 entitled, “Registration of Defaulted Mortgage and Vacant Property” Ordinance:

Chapter 260

REGISTRATION OF DEFAULTED MORTGAGE AND VACANT PROPERTY

§260-1. Title.

This chapter shall hereinafter be known and cited as the “Registration of Defaulted Mortgage and Vacant Property” ordinance of the Town of Penfield.
§260-2. Purpose and Intent.

It is the purpose and intent of this chapter to establish a process to address the deterioration, crime, and decline in value of Town of Penfield neighborhoods caused by property with defaulted mortgages located within the Town, and to identify, regulate, limit and reduce the number of these properties located within the Town. It has been determined that owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the Town's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are vacant/abandoned or are in default or defaulted.


The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(Resolution #19T-057 – Continued)

Default shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

Enforcement Officer shall mean any law enforcement officer, building official, zoning inspector, code compliance officer, fire inspector, building inspector, or other person authorized by the Town of Penfield to enforce the applicable code(s).

Evidence of Vacancy shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

Foreclosure or Foreclosure Action shall mean the legal process by which a mortgagee, or other lien holder, terminates or attempts to terminate a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. The legal process is not concluded until the property obtained by the mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

Mortgagee shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the real property, excluding governmental entities.

Owner shall mean every person, entity, or mortgagee, who alone or severally with others, has legal or equitable title to any real property as defined by this chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The property manager shall not be considered the owner.
Property Manager shall mean any party designated by the owner as responsible for inspecting, maintaining and securing the property as required in this chapter.

Real Property shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Town limits.

Registrable Property shall mean:

(a) Any real property located in the Town, whether vacant or occupied, that is encumbered by a mortgage in default, is subject to an ongoing foreclosure action by the mortgagee or trustee, has been the subject of a foreclosure action by a mortgagee or trustee and a judgement has been entered, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a “default/foreclosure” property as “registrable” shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm’s length transaction or the foreclosure action has been dismissed and any default on the mortgage has been cured; or

(b) Any property that is vacant for more than thirty (30) days or any cancellation of utility or service, whichever occurs first.

Registry shall mean a web-based electronic database of searchable real property records, used by the Town to allow mortgagees and owners the opportunity to register properties and pay applicable fees as required in this chapter.

Semi-Annual Registration shall mean six (6) months from the date of the first action that requires registration, as determined by the Town, or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

Utilities and Services shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all Town codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

Vacant shall mean any parcel of land in the Town that contains any building or structure that is not lawfully occupied.


This chapter applies to defaulted and vacant property within the Town of Penfield.

§260-5. Establishment of a registry.

The Town of Penfield, or its designee, shall establish a registry cataloging each registrable property within the Town, containing the information required by this chapter.

§260-6 Inspection and registration of defaulted mortgage.

(a) Any mortgagee who holds a mortgage on real property located within the Town shall perform an inspection of the property upon it being in default or defaulted by the mortgagor or prior to the issuance of a notice of default.

(b) Property inspected pursuant to subsection (a) above that remains in default or defaulted, shall be inspected every thirty (30) days by the
mortgagee or mortgagee’s designee. If an inspection shows a change in the property’s occupancy status the mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.

(c) Within ten (10) days of the date any mortgagee declares its mortgage to be in default or defaulted, the mortgagee shall register the real property with the Town Registry, and, at the time of registration, indicate whether the property is vacant, and if so shall designate in writing a property manager to inspect, maintain and secure the real property subject to the mortgage in default or defaulted. A separate registration is required for each defaulted property.

(d) Initial registration pursuant to this section shall contain at a minimum the name of the mortgagee, the mailing address of the mortgagee, e-mail address, telephone number and name of the property manager and said person’s address, e-mail address, and telephone number.

(e) At the time of initial registration each registrant shall pay a non-refundable semi-annual registration fee of $300 for each defaulted property. Subsequent semi-annual registrations of defaulted properties and fees in the amount of $300 are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement,

(Resolution #19T-057 – Continued)

(2) code enforcement and mitigation related to defaulted properties, and (3) for any related purposes as may be adopted in the policy set forth in this chapter. Said fees shall be deposited to an account within the Town's Finance Department dedicated to the cost of implementation and enforcement of this ordinance, and fulfilling the purpose and intent of this chapter.

(f) If the defaulted mortgage and/or servicing on a property is sold or transferred, the new mortgagee is subject to all the terms of this chapter. Within ten (10) days of the transfer, the new mortgagee shall register the property or update the existing registration. The previous mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that mortgagee’s involvement with the defaulted property.

(g) If the mortgagee sells or transfers the defaulted property in a non-arm’s length transaction to a related entity or person, the transferee is subject to all the terms of this chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the mortgagee was at the time registration was required, including but not limited to unregistered periods during the foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that mortgagee’s involvement with the defaulted property.

(h) If the defaulted property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the semi-annual registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.

(i) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the mortgagee as well as any properties transferred to the mortgagee under a deed in lieu of foreclosure or by any other legal means.

(j) Properties subject to this section shall remain subject to the semi-annual registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains defaulted.
(k) Failure of the mortgagee and/or property owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this chapter and shall be subject to enforcement by any of the enforcement means available to the Town.

(l) If any property is in violation of this chapter the Town may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to bring the property into compliance.

§260-7. Inspection and registration of real property that is not subject to a mortgage in default.

(a) Any owner of vacant property located within the Town shall within ten (10) days after the property becomes vacant, or within ten (10) days after assuming ownership of the property, whichever is later, register the real property with the Town Registry.

(b) Initial registration pursuant to this section shall contain at a minimum the name of the owner, the mailing address of the owner, e-mail address, and telephone number of the owner, and if applicable, the name and telephone number of the property manager and said person’s address, e-mail address, and telephone number.

(Resolution #19T-057 – Continued)

(c) At the time of initial registration each registrant shall pay a non-refundable semi-annual registration fee of $300 for each vacant property. Subsequent semi-annual registrations of vacant properties and fees in the amount of $300 are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to vacant properties, and (3) for any related purposes as may be adopted in the policy set forth in this chapter. Said fees shall be deposited to an account within the Town’s Finance Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this chapter.

(d) Each individual property on the registry that has been registered for twelve (12) months or more prior to the effective date shall have thirty (30) days to renew the registration and pay the $300 semi-annual registration fee. Properties registered less than twelve (12) months prior to the effective date shall renew the registration every six (6) months from the expiration of the original registration renewal date and shall pay the $300.

(e) If the property is sold or transferred, the new owner is subject to all the terms of this chapter. Within ten (10) days of the transfer, the new owner shall register the vacant property or update the existing registration. The previous owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that owner’s involvement with the vacant property.

(f) If the vacant property is not registered, or either the registration fee or the semi-annual registration fee is not paid within thirty (30) days of when the registration or semi-annual registration is required pursuant to this section, a late fee shall be equivalent to ten percent (10%) of the semi-annual registration fee shall be charged for every thirty (30) day-period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent owners of the vacant property.

(g) Properties subject to this section shall remain subject to the semi-annual registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is vacant.
(h) Failure of the owner to properly register or to modify the registration to reflect a change of circumstances as required by this Ordinance is a violation of this chapter and shall be subject to enforcement by any of the enforcement means available to the Town.

(i) If any property is in violation of this chapter the Town may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

(j) Properties registered as a result of this section are not required to be registered again pursuant to the defaulted mortgage property section.


(a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.

(Resolution #19T-057 – Continued)

(b) Registrable property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

(c) Front, side, and rear yards, including landscaping, of registrable property shall be maintained in accordance with the applicable code(s) at the time registration is required.

(d) Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

(e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.

(f) Pools and spas of shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).

(g) Failure of the mortgagee, owner, and transferees to properly maintain the property as required by this chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the Town of Penfield. Pursuant to a finding and determination by the Town of Penfield, by an enforcement officer, Town Board, or a court of competent jurisdiction, the Town may take the necessary action to ensure compliance with this section.

(h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the Town.


Any mortgagee who commences a foreclosure proceeding against a property located in the Town shall, in addition to all other requirements of this chapter, provide cash, a cash bond, or a letter of credit to the town in a form acceptable to the Town, in the sum of ten thousand dollars ($10,000.00), to secure the continued maintenance of the property throughout the foreclosure proceeding and reimburse the Town for any expenses incurred in inspecting, securing, repairing and/or
making said property safe by any legal means, including but not limited to, demolition. The cash, cash bond, or letter of credit must be provided to the Town within forty-five (45) days of a foreclosure proceeding being commenced. The $10,000.00 cash, cash bond, or letter of credit provided to the Town shall remain valid for a period of one (1) year from the date of said cash, cash bond, or letter of credit being provided. A person, business, organization, bank or lender who has commenced a foreclosure proceeding shall, thereafter, annually provide the Town with cash, a cash bond, or a revised letter of credit in an amount that will cause the total sum being held by the Town to equal $10,000.00. Such renewal shall be submitted prior to the expiration of the one (1) year period and shall continue annually until the foreclosure proceeding is no longer pending and the structure that is the subject of the foreclosure proceeding is being lawfully occupied. At such time, all sums being held by Town under this section will be released to the mortgagee that provided the cash, cash bond, or letter of credit.

§260-10. Security requirements.

(a) Properties subject to these sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

(Resolution #19T-057 – Continued)

(b) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.

(c) If a property is registrable, and the property has become vacant or blighted, a property manager shall be designated by the mortgagee and/or owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this chapter, and any other applicable laws.

(d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the Town of Penfield.

(e) When a property subject to this chapter becomes vacant, it shall be posted with the name and twenty-four (24) hour contact telephone number of the property manager. The property manager shall be available to be contacted by the Town Monday through Friday between 9:00 AM and 5:00 PM, legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY _____________________________________.
THE PROPERTY MANAGER’S ADDRESS ________________________________.
AND IS INSPECTED ON A REGULAR BASIS. ____________________________.
THE PROPERTY MANAGER CAN BE CONTACTED:
BY TELEPHONE AT ___________________________________________________.
OR BY EMAIL AT _____________________________________________________.

(f) The posting required in subsection (e) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but
not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.

(g) Failure of the mortgagee and/or property owner of record to properly inspect and secure a property subject to this chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the Town. The Town may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.


The provisions of this chapter are cumulative with and in addition to other available remedies. Nothing contained in this chapter shall prohibit the Town from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.


All registrable property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the Town of Penfield.

(Resolution #19T-057 - Continued)


(a) If the enforcement officer has reason to believe that a property subject to the provisions of this chapter is posing a serious threat to the public health, safety, and welfare, the enforcement officer may temporarily secure the property at the expense of the mortgagee or owner, and may bring the violations before the Town Board or a court of competent jurisdiction as soon as possible to address the conditions of the property. Nothing herein shall limit the Town from abating any nuisance or unsafe condition by any other legal means available to it.

(b) The enforcement officer, Town Board or a court of competent jurisdiction shall have the authority to require the mortgagee or owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.

(c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the enforcement officer, Town Board or a court of competent jurisdiction may direct the Town of Penfield to abate the violations and charge the mortgagee or owner with the cost of the abatement.

(d) If the mortgagee or owner does not reimburse the Town of Penfield for the cost of temporarily securing the property, or of any abatement directed by the enforcement officer, Town Board or a court of competent jurisdiction, within thirty (30) days of the Town sending the mortgagee or owner the invoice then the Town may lien the property with such cost, along with an administrative fee as determined in the Town of Penfield to recover the administrative personnel services. In addition to filing a lien the Town may pursue financial penalties against the mortgagee or owner as prescribed by law.

(e) The Town may contract with an entity to implement this chapter, and, if so, any reference to the enforcement officer herein shall include the entity the Town of Penfield contracts with for that purpose.

§260-14. Opposing, obstructing enforcement officer; penalty.

Whoever opposes, obstructs or resists any enforcement officer, the Town Board, or any person authorized by the Town of Penfield in the discharge of

Any enforcement officer or any person authorized by the Town to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this chapter.

§260-16. Administration, enforcement and penalties.

Unless otherwise provided for in this chapter, a violation of this chapter is declared unlawful.

(a) This chapter shall be administered and enforced by the Town Board and/or the enforcement officer by taking any and all actions prescribed for corrections of violations and for non-compliance of the provisions of this chapter or any other applicable requirements of law. Such actions shall include, but not be limited to, issuing appearance tickets to designated person(s) to appear in a local criminal court in connection with the alleged violation of this chapter or any order made thereunder pursuant to the New York State Criminal Procedure Law.

(Resolution #19T-057 - Continued)

(b) Penalties for offenses. Any person who fails to comply with any provision of this chapter or fails to comply with any notice, order or directive of the Town of Penfield after expiration of the time for compliance set forth in any such notice, order or directive of the Town shall, upon conviction be punished by a fine of not more than $1,000.00 or by imprisonment not to exceed 15 days, or both, for such violation. In the event of any failure to so comply, each and every day that such violation continues shall constitute a separate offense, and the penalties prescribed above shall be applicable to each such separate offense.

(c) Penalties for offenses under §260-9 “Maintenance secured upon commencement of foreclosure proceeding.” Any person, business, organization, bank or lender who fails to comply with §260-9 shall, upon conviction be punished by a fine of not more than $5,000.00 or by imprisonment not to exceed 15 days, or both, for such violation. In the event of any failure to so comply, each and every day that such violation continues shall constitute a separate offense, and the penalties prescribed above shall be applicable to each such separate offense.

§260-17. Amendments.

Registration fees and penalties outlined in this chapter may be modified by either resolution, administrative order, or an amendment to this chapter, passed and adopted by the Town.


It is hereby declared to be the intention of the Town that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid, unenforceable or unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such judgement or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance.


All ordinances or parts of ordinances in conflict herewith, are hereby repealed and replaced.

It is the intention of the Town of Penfield, that the provisions of this ordinance shall become and be made a part of the Town of Penfield Code; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “chapter”, or such other appropriate word or phrase in order to accomplish such intentions.

§260-21. Effective Date.

This Ordinance shall become effective immediately upon adoption; and

BE IT FURTHER RESOLVED, that the Town Clerk be, and she hereby is directed to post a copy thereof, and shall within ten (10) days after such adoption cause the aforesaid amendment or an abstract thereof to be published in the manner prescribed by law.

Moved: Moore
Seconded: Quinn

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

Adopted

#19T-058 Authorization for Supervisor to Sign Agreement with Property Registration Champions, LLC by Moore

BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign an Agreement with Property Registration Champions, LLC, (DBA Prochamps), 2725 Center Place, Melbourne, Florida, to register vacant, abandoned, and foreclosed properties so that the Town of Penfield can properly address violations of the Town of Penfield’s property maintenance codes. Said Agreement to be reviewed and approved by the Town Attorney.

Moved: Moore
Seconded: Metzler

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

Adopted

Public Participation - None

Executive Session - None

Next Meeting - January 16, 2019

Adjournment

Supervisor LaFountain adjourned the meeting at 7:47 PM.

Amy Steklof, RMC/CMC
Town Clerk
RULES OF PROCEDURE
FOR
PENFIELD TOWN BOARD MEETINGS, PUBLIC HEARINGS
AND PUBLIC INFORMATION MEETINGS

I. TOWN BOARD MEETINGS & PUBLIC HEARINGS

A. TIME, DATE & PLACE

1. Regular Meetings:
Penfield Town Board shall regularly meet the first and third Wednesday of each month at 7:00 PM in the Penfield Town Hall, Penfield, New York. The primary purpose of these meetings is for legislative actions. When such date falls on a legal holiday, the Town Board may set an alternate date and time of said meeting, or may dispense with said meeting. For good cause shown, the Supervisor is authorized to cancel Town Board meetings subject to rescheduling thereof.

Pursuant to Town Law #63, the Supervisor shall preside at the meetings of the Town Board. In the absence of the Supervisor, the Deputy Supervisor shall preside, or if no Deputy Supervisor has been appointed, or in the event the Deputy Supervisor is absent, then the other members of the Town Board shall designate one of their members to act as temporary Chairman. A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn. It is the obligation of every member of the Board to vote on every issue, except where, in the judgement of the Board member, he/she has a potential conflict of interest in which case an abstain vote is in order.

Such vote shall be taken by "ayes", or "yes" and "nays", or "no", and the name of every member present and their vote shall be entered in the Minutes. Every act, motion or resolution shall require for its adoption the affirmative vote of a majority of all members of the Town Board.

2. Public Hearings:
Penfield Town Board shall regularly hold Public Hearings as required at the Penfield Town Hall, Penfield, New York. The primary purpose shall be to conduct Public Hearings required to be held by and before the Penfield Town Board.

3. Special Meetings:
Special meetings may be called by the Supervisor from time to time. The Supervisor shall call a special meeting within 10 days if requested in writing to do so, by not less than two (2) Town Board members. The time and date of the special meeting may be set at the discretion of the
Penfield Town Board, January 2, 2019

Supervisor. Said meetings scheduled less than one week in advance must be preceded by the same forms of notice given “to the extent practicable” at a reasonable time prior to the meeting. Said notice shall contain the proposed agenda items to be contemplated by said special meeting.

B. REGULAR AGENDA

The regular agenda shall be prepared by the Town Clerk and shall be available by 4:00 PM on the Friday before the scheduled Town Board Legislative Meeting. Said agenda shall be tentative only as to Town Board meetings, but shall be firm as to Public Hearings. Said agenda for Town Board meetings shall be tentative only, and items may be added, deleted or altered at the pleasure of the Town Board. As nearly as possible, said agenda shall follow the following points and order:

1. Call to Order, Pledge of Allegiance, Roll Call
2. Communications and Announcements
   a) From the Supervisor
   b) From the Town Board Members
   c) From the Town Clerk and Town Attorney
3. Public Participation
4. Additions and Deletions to Agenda
5. Approval of Minutes of Prior Meeting
6. Petitions Received
7. Resolutions by Function
   a) Law & Finance
   b) Public Works
   c) Public Safety
   d) Community Services
8. Old Business
9. New Business
10. Public Participation
11. Adjournment

C. FUNCTIONAL COMMITTEES

1. Standing Functional Committees:
The following shall be designated as areas of responsibility of the Penfield Town Board and shall be standing committees of the Penfield Town Board:
   a) Law and Finance
   b) Public Works
   c) Public Safety
   d) Community Services
2. **Ad Hoc Committees:**
   Pursuant to Town Law, the Supervisor may designate ad hoc committees and appoint the members thereof at times and from time to time as the need may arise.

3. **Composition Formation of Functional Committee:**
   Pursuant to Town Law, it is the prerogative of the Supervisor to appoint all committees, and the Supervisor shall appoint chairpersons to all standing functional committees and also the composition of each committee, which shall be not less than the chairperson, and the rest of the Town Board, thereon.

D. **RESOLUTIONS**

1. Pursuant to the Town Law, any Town Board member or the Supervisor may offer a resolution for consideration by the Town Board. All resolutions shall be presented to the Town Clerk, who shall time stamp each resolution in consecutive number as received and list each resolution on the agenda under the appropriate function heading, as requested by the author of each resolution, in the order received in each function heading.

2. Routine requests for resolutions by Town staff members or by the Supervisor, and any proposed resolutions from Town staff, the Supervisor or Town Board members may be directed through the office of the Supervisor to the appropriate function chairperson. Review of such resolutions and requests for resolutions shall be by the function chairperson alone, or the Town Supervisor, or with the full Town Board, depending on the nature of the resolution and at the discretion of the function chairperson. The function chairperson shall author or cause to be authored all resolutions from requests for resolutions.

3. All resolutions shall be submitted to the Town Clerk by 12:00 noon of the Friday, or in the case of a holiday, shall be submitted the Thursday before, preceding the next regular Town Board Legislative Meeting, and unless so submitted, may not be acted upon at the discretion of the Town Board, unless of a serious and urgent matter. All proposed resolutions tabled from prior meetings shall be carried under “Old Business”. Proposed resolutions received too late to be listed under functional committees, may be considered as “New Business”.

E. **PARLIAMENTARY PROCEDURE & VOTING**

1. Voting by the Town Board on each issue shall be by alphabetical roll call vote.

2. Where not inconsistent with the Law of New York as contained in the Town Law, and elsewhere, or inconsistent with these rules, or any other rules adopted by the Penfield Town Board, procedural questions shall be
resolved by "Robert's Rules of Order". The Town Attorney shall serve as Parliamentarian.

II. MEETINGS OF STANDING COMMITTEES OF THE TOWN BOARD

A. TIME, DATE & PLACE

The Town Board shall meet in Work Session on the second and fourth Wednesday of each month at 7:00 PM at the Penfield Town Hall. Business will be conducted for each functional committee including Law and Finance, Public Works, Public Safety and Community Service.

When the scheduled date for such meeting falls on a legal holiday, the Town Board may set an alternate date and time of said meeting, or may dispense with said meeting. Pursuant to New York State Law, all committee meetings of the Town Board shall be open to the public; however, pertaining to certain business, as may be appropriate and permitted by State law, portions of such meetings may be closed to the public in so-called "Executive Sessions". For an Executive Session to occur, a motion to go to Executive Session must be made, seconded and carried by not less than three (3) members present and the purpose for the Executive Session must be clearly stated and recorded in the minutes of the committee meeting. No minutes of the Executive Session will be maintained except where a decision is made.

B. AGENDA

There will be a formal agenda for committee/work sessions, which shall be prepared by the Supervisor and Town Clerk. This agenda shall be available and distributed by the end of the day of the preceding Friday or in case of a holiday shall be submitted the Thursday before the scheduled committee meeting.

Each Committee Chairperson and Supervisor will submit agenda items to the Town Clerk by end of day Thursday prior to each scheduled work session. The agenda will include: a call to order, approval of minutes and functional committees broken down by (1) Action Items; (2) Information Items and (3) Held Items. If needed, there may be an Executive Session.

Items to be covered by any time, and from time to time, shall include:

1. Reports from standing committee chairperson;
2. Meetings with various appointed boards and committees in the Town;
3. Meetings with department heads, the Town Engineer and other consultants;
4. Items referred to the committee by the Town Board;
5. Communications and other pertinent business relating to the standing committee;
6. Executive Sessions as set forth herein above.

III. PUBLIC HEARINGS

Public Hearings shall be held as prescribed by law and conducted on the dates scheduled therefore by the Penfield Town Board. The Supervisor and/or the Town Attorney shall give a concise statement of the purpose of the Public Hearing after the Town Clerk has read the notice thereof.

The purpose of a Public Hearing is to hear the public. No Town Board member, nor the Supervisor shall engage in prolonged discussion with any speaker, but shall listen to what each speaker has to say.

IV. CONDUCT OF THE PUBLIC

A. Any person recognized by the Supervisor shall give name, address and the nature of his or her business, briefly.
B. No such person has the right to demand an answer to a specific question from a member of the Board. All such questions should be directed to the Supervisor.
C. No member of the public shall engage in any demonstration, booing, hand clapping or otherwise disrupt the formality of the Town Board meeting.
D. No signs are permitted in the auditorium, for the safety of everyone.
E. No member of the public shall be permitted to address the Town Board unless recognized by the Supervisor.
F. Any person speaking to the Town Board with the consent of the Supervisor shall address his remarks to the Town Board, not to other members of the audience in the form of a debate.
G. A Town Board meeting is an important Legislative session and it is expected that all members of the public will conduct themselves in a professional manner.
H. Any person wishing to speak at a Public Hearing may, prior to the start of said hearing, complete an “Intent to Speak” form available from the Town Clerk. The completed form shall be given to the Town Clerk who will recognize the speakers as the hearing progresses. Additionally, the Chair will recognize certain interests at the start of the hearing if such action will facilitate a more orderly and logical discussion of the subject of the hearing. In fairness to all members of the public, speakers are encouraged to focus on the facts of the matter at hand. Persons who have not indicated their intent to speak by completing the available form, may also have an opportunity to speak after all those who have signed forms have spoken. The public may also submit statements in writing. A speaker may be recognized to
speak a second time by the Chair only after everyone who wishes to speak a first time has spoken.

I. Penfield Town Board agenda provide a segment of time for citizens to speak. Public Participation is allowed early on the agenda and at the end of the legislative session. Persons may speak on any subject and are not confined to items on the agenda.

J. No request for a show of hands or a ‘‘vote’’ of persons present on any matter is allowed.

K. Rules Letters ‘‘A’’, ‘‘B’’, ‘‘C’’, ‘‘D’’, ‘‘E’’, ‘‘F’’, ‘‘G’’ and ‘‘H’’ apply to Public Hearings, as well as to Town Board Meetings. Rule ‘‘H’’ applies only to Public Hearings, whereas Rules ‘‘F’’ and ‘‘I’’ do not apply to Public Hearings, as persons present are expected to express opinions and ask questions. A Public Hearing is not a legislative session.

V. MISCELLANEOUS PROVISIONS

A. FILE OF COMMUNICATIONS AND PROPOSED RESOLUTIONS

In order to enable the citizens of the Town of Penfield to be apprised of proposed resolutions and of communications received by the Town, and in order to reduce the need for reading of routine communications during Town Board meetings, the Town Clerk shall prepare, or cause to be prepared, a file of all proposed resolutions to be acted upon at a Town Board meeting. A copy of the Rules of Procedure and said file shall be available for inspections by the public, one-half hour before, in a convenient place within the meeting hall.

B. SAVINGS CLAUSE

In the event that any clause, paragraph or portion of these Rules shall be deemed to be invalid by any Court or any governmental agency or authority having jurisdiction hereof, the balance of these Rules shall continue nevertheless in full force and effect and shall survive such determination.

Effective: January 2, 2019
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Notes:
- Grades 3-5 refer to the specified grade levels for the On-Call and Seasonal Pay Scale.
- Overtime rates are indicated for each year.
- The scale progresses from Year 1 to Year 6, with annual increments.