Penfield Town Board, January 2, 2020

A duly called Special Organizational Meeting of the Penfield Town Board was held on Thursday, January 2, 2020 at 7:00 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present: R. Anthony LaFountain  Supervisor
Debbie Drawe   Councilwoman
Linda Kohl Councilwoman
Andrew Moore Councilman

Also
Present: Amy Steklof Town Clerk
Richard Horwitz Town Attorney
Heidi Boehl Fire Marshal/Building Inspector
Jim Costello Director of Developmental Services
Tracey Easterly Budget Officer
Krystina Lizak Tax Receiver
Kristine Shaw Office Clerk III
Mark Valentine Town Engineer

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

Supervisor LaFountain took the meeting out of order.

Additions and Deletions to Agenda

Councilman Moore moved to add Resolutions #20T-051 and #20T-052 to the agenda, Councilwoman Kohl seconded.

#20T-051 Appointment to the Town Board by Moore

BE IT RESOLVED that Robert F. Ockenden, 199 Henderson Drive, Penfield, NY be appointed Penfield Town Councilman for a term expiring on December 31, 2021 at an annual salary as established by the Town Board.

Moved: Moore
Seconded: Kohl

Vote: Drawe Aye Kohl Aye
LaFountain Aye Moore Aye

Adopted

The Town Board appointed Robert “Bob” Ockenden to fill the open Town Board position. Mr. Ockenden was sworn in by Town Justice James P. Mulley, Jr. Mr. Ockenden gave a short speech thanking the Town Board for giving him this opportunity.

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

Two Year Term
Confidential Admin Anna Knapton
Town Attorney Richard Horwitz
Town Historian Kathy Kanauer
Tax Receiver Krystina Lizak

The following Town Board Committees are established with the Chairperson as indicated:

Community Services Linda Kohl
Law & Finance Andy Moore
Public Safety Bob Ockenden
Public Works Bob Drawe
The following Town Board Liaison to other boards and organizations are effective for 2020:

- Ambulance (PVEA & NEQALS)    Bob Ockenden
- Board of Assessment Review   Tony LaFountain
- Community TV               Andy Moore
- Conservation Board      Debbie Drawe
- Energy & Environment Advisory Committee   Tony LaFountain
- Fire Districts            Bob Ockenden
- Friends of Dayton Corners School House Linda Kohl
- Health and Wellness Committee   Tony LaFountain
- Historic Preservation Board Debbie Drawe

**Homeowner Associations: (Registered with the Town)**
- Allen’s Creek Homeowners Association    Town Board
- East Penfield Homeowners Association   Town Board
- Justice Courts                        Debbie Drawe
- Library Board                         Linda Kohl
- Local History Room Advisory Board     Linda Kohl
- Monroe County Sheriff                 Tony LaFountain
- New York State Police                 Tony LaFountain
- Penfield Business Chamber            Tony LaFountain
- Penfield Little League               Andy Moore
- Penfield Symphony Orchestra          Linda Kohl
- Penfield Youth Council               Bob Ockenden
- Planning Board                       Tony LaFountain
- School Districts                     Kohl/LaFountain
- Senior Citizens                      Town Board
- Transportation Committee             Andy Moore
- Veteran Organizations                Bob Ockenden
- Zoning Board                         Tony LaFountain

Town Clerk Amy M. Steklof, RMC/CMC made the following one year term appointments:

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

Communications and Announcements - None

Public Participation - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of December 4, 2019, Councilwoman Drawe seconded. The vote was four (4) “Ayes,” and Councilman Ockenden “Abstained.”

Petitions - None

Resolutions by Function

**Law and Finance**

#20T-001 Adoption of Town Board Rules of Procedure for 2020 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.
Penfield Town Board, January 2, 2020

(Resolution #20T-001 – Continued)

Moved: Moore
Seconded: Kohl

Moved: Moore
Seconded: Kohl

Moved: Moore
Seconded: Kohl

Moved: Moore
Seconded: Kohl

Moved: Moore
Seconded: Kohl

Moved: Moore
Seconded: Kohl

See attachment at end of Minutes
#20T-005 Authorization for the Supervisor to Execute Small Contracts
by Moore

WHEREAS, the Town routinely enters into small contracts for programs, lectures and presentations and,

WHEREAS, a significant number of such contracts are for amounts totaling less than $1,000.00 and,

WHEREAS, the Town Board endeavors for efficient and timely processing of transactions for day-to-day operations,

BE IT RESOLVED, the Town Board hereby grants the Town Supervisor authorization to execute contracts up to $1,000.00.

Moved: Moore
Seconded: Kohl

Vote: Drawe Aye Kohl Aye
      LaFountain Aye Moore Aye
      Ockenden Aye

Adopted

#20T-006 Town of Penfield Policy Book Revisions by Moore

WHEREAS, The Town of Penfield periodically reviews and revises certain Town Policies; and

WHEREAS, the following Town Policy revisions set forth in the attached are adopted immediately:

Town of Penfield Purchasing Policy
Town of Penfield Conference Policy
Town of Penfield Debt Management Policy
Town of Penfield Electronic Banking Policy
Town of Penfield Investment Policy
Town of Penfield Fund Balance Policy

Moved: Moore
Seconded: Kohl

Vote: Drawe Aye Kohl Aye
      LaFountain Aye Moore Aye
      Ockenden Aye

Adopted

#20T-007 Authorization for the Town Supervisor to Sign a Professional Service Contract with BME Associates for Environmental Services
by Moore

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

NOW THEREFORE BE IT RESOLVED, that BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450, is awarded a contract to provide professional services for environmental projects within the Town of Penfield, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with BME Associates for professional services for 2020 and 2021.
Moved: Moore  Seconded: Kohl

Vote:  Drawe  Aye  Kohl  Aye
        LaFountain  Aye  Moore  Aye
        Ockenden  Aye

Adopted

#20T-008  Banking Arrangements for the Town of Penfield 2020 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       M&T Bank
(including amounts for other funds)
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
Town of Penfield Money Market      Key Bank

Moved: Moore  Seconded: Kohl

Vote:  Drawe  Aye  Kohl  Aye
        LaFountain  Aye  Moore  Aye
        Ockenden  Aye

Adopted

#20T-009  Authorization for the Town Comptroller to Attend the Annual Meeting of the NYSGFOA by Moore

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 2020 budget.
(Resolution #20T-009 – Continued)

Moved: Moore
Seconded: Kohl

Vote: Drawe Aye Kohl Aye
LaFountain Aye Moore Aye
Ockenden Aye

Adopted

#20T-010 Authorization for the Town Supervisor to Sign a Professional Service Contract with Barton and Loguidice for Environmental Services for 2020 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 2020, 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 2020 at an agreed upon fee depending on the nature of the services performed.

Moved: Moore
Seconded: Kohl

Vote: Drawe Aye Kohl Aye
LaFountain Aye Moore Aye
Ockenden Aye

Adopted

#20T-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, 2020:

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

Moved: Moore
Seconded: Kohl

Vote: Drawe Aye Kohl Aye
LaFountain Aye Moore Aye
Ockenden Aye

Adopted
BE IT RESOLVED, that the following dates are to be observed as holidays in 2020 for Non-Union employees in accordance with the policy on holidays as written in the Employee's Handbook.

Wednesday, January 1  New Year's Day
Monday, January 20  Martin Luther King Day
Monday, February 17  Presidents' Day
Friday, April 10  Good Friday
Monday, May 25  Memorial Day
Friday, July 3  Independence Day Holiday
Monday, September 7  Labor Day
Monday, October 12  Columbus Day
Wednesday, November 11  Veterans' Day
Thursday, November 26  Thanksgiving
Friday, November 27  Thanksgiving Floater
Friday, December 25  Christmas

BE IT FURTHER RESOLVED, that the floating holiday will be observed on Thursday, December 24, 2020.

Moved: Moore
Seconded: Kohl

Vote:  
Drawe  Aye  Kohl  Aye
LaFountain  Aye  Moore  Aye
Ockenden  Aye

Adopted

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.

Wednesday, January 1  New Year's Day
Monday, January 20  Martin Luther King Day
Monday, February 17  Presidents' Day
Friday, April 10  Good Friday
Monday, May 25  Memorial Day
Friday, July 3  Independence Day Holiday
Monday, September 7  Labor Day
Monday, October 12  Columbus Day
Wednesday, November 11  Veterans' Day
Thursday, November 26  Thanksgiving
Friday, December 25  Christmas

BE IT FURTHER RESOLVED, that the floating holidays will be observed on Thursday, July 2, 2020 and Friday, November 27, 2020.

Moved: Moore
Seconded: Kohl

Vote:  
Drawe  Aye  Kohl  Aye
LaFountain  Aye  Moore  Aye
Ockenden  Aye

Adopted
#20T-014 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 2020 at an agreed upon fee depending on the nature of the services performed.

Moved: Moore
Seconded: Kohl

Vote: 

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Adopted

#20T-015 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 2020 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: 

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Adopted

#20T-016 Monthly Reports to 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.

Moved: Moore
Seconded: Kohl

Vote: 

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Adopted
#20T-017  Designation of Official Newspapers for 2020 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:  Drawe   Aye  Kohl  Aye  LaFountain  Aye  Moore  Aye  Ockenden  Aye

Adopted

#20T-018  Town Membership in Various Organizations in 2020 by Moore

BE IT RESOLVED, that the following memberships for the Town of Penfield are hereby authorized for 2020 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 Institute of Municipal clerks (IIMC)
12. International Association of Assessing Officers
13. Landmark Society of Western New York
14. Monroe County Assessors Association
15. Monroe County of Town Clerks, Tax Receivers and Collectors Association
16. Monroe County Association of Town Superintendents of Highways
17. Monroe County Court Clerks Association
18. Monroe County Fire Marshals and Inspectors Association
19. Monroe County Historians Association
20. Monroe County Magistrates Association
21. Monroe County Storm Water Coalition
22. Monroe County Supervisors Association
23. National Association of Telecommunications Officers and Advisors
24. National Government Finance Officers Association
25. National Notary Association
26. National Public Employees Labor Relations Association
27. National Fire Protection Association
28. National Recreation and Parks Association
29. National Trust for Historic Preservation
30. New York State Archives
31. New York State Assessors Association
32. New York State Association of Tax Receivers and Collectors
33. New York State Association of Town Highway Superintendents
34. New York State Association of Towns
35. New York State Building Officials Conference
36. New York State Court Clerks Association
37. New York State Fire Marshals and Inspectors Association
38. New York State Institute of Assessing Officers
39. New York State Government Finance Officers Association
40. New York State Magistrates Association
41. New York State Recreation and Park Society
42. New York State Public Employees Labor Relation Association
43. New York State Town Clerks Association
44. New York State Turf Grass Association

(Resolution 20T-018 - Continued)

45. New York State Water Environment Association
46. New York State Wildlife Management Association
47. New York State Floodplain & Storm Water Managers Association
48. New York State Association of Local Government Records Officers
49. Greater Rochester Area Payroll Association
50. Penfield Business Chamber
51. Society of Broadcast Engineers
52. Society for Human Resource Management
53. Youth Services Quality Council of Rochester & Monroe County
54. Western New York Chapter Appraisal Institute

Moved: Moore
Seconded: Kohl

Vote:       Drawe    Aye  Kohl  Aye  LaFountain  Aye  Ockenden  Aye

Adopted

#20T-019  Continuation of Petty Cash and Cash Drawer Funds by Moore

BE IT RESOLVED, that the following petty cash funds are authorized in 2020 as follows:

Recreation Department  $250.00 Petty Cash
Director of Finance  $200.00 Petty Cash
Town Clerk  $275.00 Cash Drawer
Receiver of Taxes  $275.00 Cash Drawer

AND, BE IT FURTHER RESOLVED, that the policy established by the Town Board Resolution #66 of February 4, 1980 and last revised on July 17, 2019, 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.

Moved: Moore
Seconded: Kohl

Vote:       Drawe    Aye  Kohl  Aye  LaFountain  Aye  Ockenden  Aye

Adopted

#20T-020  Appointments to the Planning Board by Moore

BE IT RESOLVED, that Robert Kanauer, Jr. be appointed to the Penfield Planning Board, for a three year term expiring December 31, 2022 at an annual salary as established by the Town Board.

Moved: Moore
Seconded: Kohl

Vote:       Drawe    Aye  Kohl  Aye  LaFountain  Aye  Ockenden  Aye

Adopted
#20T-021 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 2020, at an annual salary as established by the Town Board.

(Resolution #20T-021 - Continued)

Moved: Moore  
Seconded: Kohl

Vote:  
  Drawe  Aye  Kohl  Aye  
  LaFountain  Aye  Moore  Aye  
  Ockenden  Aye

Adopted

#20T-022 Setting 2020 Salary for Chairs and Members of the Planning, Zoning, Conservation and Historic Preservation Boards by Moore

BE IT RESOLVED, that the following annual salaries to be paid in twelve (12) equal monthly installments be in force for 2020:

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:  
  Drawe  Aye  Kohl  Aye  
  LaFountain  Aye  Moore  Aye  
  Ockenden  Aye

Adopted

#20T-023 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 2020:

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
Penfield Town Board, January 2, 2020

Vote: Drawe  Aye  Kohl  Aye
      LaFountain  Aye  Moore  Aye
      Ockenden  Aye

Adopted

#20T-024 Authorize the Town Supervisor to Sign Contractual Agreement with Braman Post 1220 of the American Legion by Moore

BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign an Agreement with Braman Post 1229 of the American Legion, PO Box 4, Penfield, NY for 2020, and

BE IT FURTHER RESOLVED, that said Agreement shall be reviewed and acceptable to the Town Attorney.

Moved: Moore
Seconded: Kohl

Vote: Drawe  Aye  Kohl  Aye
      LaFountain  Aye  Moore  Aye
      Ockenden  Aye

Adopted

#20T-025 Authorization for Contract with Counsel to Town Attorney by Moore

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,

NOW, BE IT RESOLVED, that the Supervisor is authorized to sign a contract with McConville, Considine, Cooman & Morin, PC for 2020 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 is preparation of resolutions of the Planning Board and Zoning Board of Appeals.
   c. Handle first three 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 maybe assigned by the Town Board and/or the Town Attorney and will be paid per hour after the first three 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.

Said fees and contract to be approved by the Town Attorney.

Moved: Moore
Seconded: Kohl
Penfield Town Board, January 2, 2020

Vote: Drawe Aye Kohl Aye
      LaFountain Aye Moore Aye
      Ockenden Aye

Adopted

#20T-026 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, 2020 to December 31, 2020, unless earlier terminated by either of the parties. Form of contract to be acceptable to Town Attorney. Funds are appropriated in the 2020 Budget.

Moved: Moore
Seconded: Kohl

Vote: Drawe Aye Kohl Aye
      LaFountain Aye Moore Aye
      Ockenden Aye

Adopted

#20T-027 Appointment to Zoning Board of Appeals by Moore

BE IT RESOLVED, that Matthew Piston and Marie Cinti be appointed to the Zoning Board of Appeals for a three year term expiring December 31, 2022, at an annual salary as established by the Town Board.

Moved: Moore
Seconded: Kohl

Vote: Drawe Aye Kohl Aye
      LaFountain Aye Moore Aye
      Ockenden Aye

Adopted

Public Works

#20T-028 Appointments to Conservation Board by Drawe

BE IT RESOLVED, that the following be appointed to the Conservation Board with a term ending on December 31, 2020 at an annual salary as established by the Town Board:

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

Moved: Drawe
Seconded: Ockenden

Vote: Drawe Aye Kohl Aye
      LaFountain Aye Moore Aye
      Ockenden Aye

Adopted
#20T-029 **Appointment of Chair – Conservation Board** by Drawe

BE IT RESOLVED, that James Almstead, be appointed Chair of the Penfield Conservation Board for a term of one year expiring December 31, 2020, at an annual salary as established by the Town Board.

Moved: Drawe  
Seconded: Ockenden

Vote:  
- Drawe: Aye  
- Kohl: Aye  
- LaFountain: Aye  
- Moore: Aye  
- Ockenden: Aye

Adopted

#20T-030 **Appointments to Energy & Environmental Advisory Committee** by Drawe

BE IT RESOLVED, that the following be appointed to the Penfield Energy and Environmental Advisory Committee for term ending on December 31, 2020.

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

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

Moved: Drawe  
Seconded: Ockenden

Vote:  
- Drawe: Aye  
- Kohl: Aye  
- LaFountain: Aye  
- Moore: Aye  
- Ockenden: Aye

Adopted

#20T-031 **Appointment to Historic Preservation Board** by Drawe

BE IT RESOLVED, that Glenn Enderby be appointed to the Historic Preservation Board for a term expiring December 31, 2024 at an annual salary as established by the Town Board.

Moved: Drawe  
Seconded: Ockenden

Vote:  
- Drawe: Aye  
- Kohl: Aye  
- LaFountain: Aye  
- Moore: Aye  
- Ockenden: Aye
Penfield Town Board, January 2, 2020

Adopted

#20T-032 Appointment of Chair to Historic Preservation Board by Drawe

BE IT RESOLVED, that Joan Belgiorno be appointed Chair of the Historic Preservation Board for the year 2020 at an annual salary as established by the Town Board.

(Resolution #20T-032 - Continued)

Moved: Drawe
Seconded: Ockenden

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Adopted

#20T-033 Naming of an Architectural Consultant to the Town of Penfield by Drawe

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 2020, 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 2020 at an agreed upon fee depending on the nature of the services performed.

Moved: Drawe
Seconded: Ockenden

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<th>Kohl</th>
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</tr>
</thead>
<tbody>
<tr>
<td>LaFountain</td>
<td>Aye</td>
<td></td>
<td>Moore</td>
<td>Aye</td>
</tr>
<tr>
<td>Ockenden</td>
<td>Aye</td>
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</tbody>
</table>

Adopted

#20T-034 Naming of Landscape Consultant to the Town of Penfield by Drawe

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 2020, 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 2020 at an agreed upon fee depending on the nature of the services performed.

Moved:    Drawe
Seconded: Ockenden

Vote:    Drawe    Aye
         Kohl    Aye
         Moore  Aye
         Ockenden Aye

Adopted

#20T-035 Setting Sewer Entrance Fees for 2020 by Drawe

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 2020, 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:    Drawe
Seconded: Ockenden

Vote:    Drawe    Aye
         Kohl    Aye
         Moore  Aye
         Ockenden Aye

Adopted

#20T-036 Authorization to Sign a Beaver Trapping Agreement with Donald C. Newcomb by Drawe

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 year agreement acceptable to the Town Attorney beginning January 1, 2020 through December 31, 2020 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:    Drawe
Seconded: Ockenden
Adopted

#20T-037  Appointments to Watershed Management Committee by Drawe

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, 2020:

(Resolution #20T-037 – 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: Drawe
Seconded: Ockenden

Vote:  Drawe   Aye  Kohl  Aye
LaFountain   Aye  Moore  Aye
Ockenden   Aye

Adopted

#20T-038  Naming of Transportation Consultant Barton and Loguidice, DPC to the Town of Penfield by Drawe

BE IT RESOLVED, that Barton and Loguidice, D.P.C., 443 Electronic Parkway, Liverpool, NY 13088 be named a Transportation Consultant for the Town of Penfield; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a contract with Barton and Loguidice, D.P.C., as outlined in its letter, on file with the Town Clerk, which includes a schedule of fees for various services provided by Barton and Loguidice, D.P.C., as a Transportation Consultant to the Town of Penfield for the years 2020 and 2021. Contract to be reviewed and approved by the Town Attorney, and

BE IT FURTHER RESOLVED, that the Town Board reserves the option to assign specific projects to internal staff and to other qualified Transportation firms in addition to Barton and Loguidice, D.P.C., as necessary to represent the Town. Such other qualified firms will be compensated for the business referred to them during 2020 and 2021 at an agreed upon fee depending on the nature of the services performed.

Moved: Drawe
Seconded: Ockenden

Vote:  Drawe   Aye  Kohl  Aye
LaFountain   Aye  Moore  Aye
Ockenden   Aye

Adopted

#20T-039  Naming SRF Associates as a Consultant for Traffic Analysis Projects by Drawe
BE IT RESOLVED, that SRF Associates, 3495 Winton Place, Rochester, NY 14623 be named a Traffic Consultant for the Town of Penfield; and

BE IT FURTHER RESOLVED, that the Town Board reserves the option to assign specific projects to internal staff and to other qualified Transportation firms in addition to SRF Associates, as necessary to represent the Town. Such other qualified firms will be compensated for the business referred to them during 2020 and 2021 at an agreed upon fee depending on the nature of the services performed.

Moved: Drawe
Seconded: Ockenden

(Resolution #20T-039 – Continued)

Vote: Drawe Aye Kohl Aye

LaFountain Aye Moore Aye

Ockenden Aye

Adopted

#20T-040 Purchase of a Kubota L4060HSTC Tractor by Drawe

WHEREAS, the Director of Public Works desires to purchase one (1) Kubota L4060HSTC tractor with a V-plow, snow blower, and front loader bucket attachments, from NYS Contract # PC67693, Quote # 1519199 from Bentley Bros, 13936 State Route 31, Albion, NY 14411, for a total cost of $54,274.71; and

WHEREAS, the total funds of $54,274.71 for said purchases are budgeted in the 2020 Parks Department Budget (A00-7110);

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

Moved: Drawe
Seconded: Ockenden

Vote: Drawe Aye Kohl Aye

LaFountain Aye Moore Aye

Ockenden Aye

Adopted

#20T-041 Purchase of an 8.5 x 20 Split, Tilt Deck CAM Trailer by Drawe

WHEREAS, the Director of Public Works desires to purchase one (1) 8.5 X 20 split, tilt deck CAM trailer, Quote # 3062 from Factory Direct Trailers, 204 Route 104, Ontario, NY 14519, for a total cost of $7,201.00; and

WHEREAS, the total funds of $7,201.00 for said purchases are budgeted in the 2020 Parks Department Budget (A00-7110);

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

Moved: Drawe
Seconded: Ockenden

Vote: Drawe Aye Kohl Aye

LaFountain Aye Moore Aye

Ockenden Aye

Adopted

#20T-042 Purchase of a Wacker Neuson APT6 Self-Priming Trash Pump by Drawe
WHEREAS, the Director of Public Works desires to purchase one (1) Wacker Neuson APT6 self-priming trash pump with 6” suction and discharge hoses, Quote # 905704 from Altra Rental & Supply Inc, 2127 Route 104, Ontario, NY 14519, for a total cost of $28,995.69; and

WHEREAS, the total funds of $28,995.69 for said purchases are budgeted in the 2020 Sewer Department Budget (S10-8120);

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

Moved: Drawe  
Seconded: Ockenden

(Resolution #20T-042 - Continued)

<table>
<thead>
<tr>
<th>Vote</th>
<th>Drawe</th>
<th>Aye</th>
<th>Kohl</th>
<th>Aye</th>
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</thead>
<tbody>
<tr>
<td>LaFountain</td>
<td>Aye</td>
<td>Aye</td>
<td>Moore</td>
<td>Aye</td>
</tr>
<tr>
<td>Ockenden</td>
<td>Aye</td>
<td></td>
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</tbody>
</table>

Adopted

#20T-043  Purchase of a John Deere 624L Wheel Loader - by Drawe

WHEREAS, the Director of Public Works desires to purchase one (1) John Deere 624L wheel loader and 4,000 hour/84 month comprehensive warranty, from NYS Contract # PC67075, Quote # 19932084 from Five Star Equipment Inc, 60 Paul Road, Rochester, NY 14624, for a total cost of $202,500.00; and

WHEREAS, the total funds of $202,500.00 for this purchase are budgeted in the 2020 Highway Department Budget (DA0-5130);

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Works be and hereby is authorized to purchase one (1) John Deere loader.

Moved: Drawe  
Seconded: Ockenden

<table>
<thead>
<tr>
<th>Vote</th>
<th>Drawe</th>
<th>Aye</th>
<th>Kohl</th>
<th>Aye</th>
</tr>
</thead>
<tbody>
<tr>
<td>LaFountain</td>
<td>Aye</td>
<td>Aye</td>
<td>Moore</td>
<td>Aye</td>
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<tr>
<td>Ockenden</td>
<td>Aye</td>
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</tbody>
</table>

Adopted

Public Safety

#20T-044  Appointments to the Transportation Committee by Ockenden

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, 2020:

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

Amended  
Dan McCusker  
Mary Sweeney  
Jason Ebbs
#20T-045 Appointment of Town Veterinarian by Ockenden

BE IT RESOLVED, that Animal Hospital of Pittsford, PC, 2816 Monroe Avenue, Rochester, NY 14618, be appointed Town Veterinarian for 2020 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, to be reviewed and approved by the Town Attorney, with Animal Hospital of Pittsford to provide the aforementioned services.

Moved: Ockenden
Seconded: Moore

Vote: Drawe Aye Kohl Aye
      LaFountain Aye Moore Aye
      Ockenden Aye

Adopted

#20T-046 Court Enforcement Officer Appointments by Ockenden

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, 2020 at no salary and that duties and fees will be approved by the Town Board and Town Administrative Judge.

Moved: Ockenden
Seconded: Moore

Vote: Drawe Aye Kohl Aye
      LaFountain Aye Moore Aye
      Ockenden Aye

Adopted

#20T-047 Authorization of Temporary Assignment of Judges by Ockenden

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 2020, 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 2020.

Moved: Ockenden
Seconded: Moore
Vote:  
Drawe  Aye  
LaFountain  Aye  
Ockenden  Aye  

Aye  
Kohl  Aye  
Moore  Aye  

Adopted

Community Services

#20T-048  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, 2020:

Jan Braman  
Tom Kanaley  
Diane Dayton Riley  
Margery Salmon  
Jay Thompson  
Carolyn Wise

Moved:  Kohl  
Seconded:  Drawe

Vote:  
Drawe  Aye  
LaFountain  Aye  
Ockenden  Aye  

Aye  
Kohl  Aye  
Moore  Aye

Adopted

#20T-049  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, 2020 through December 31, 2020 for a fee of $3,500.00. Vouchers to be submitted monthly.

Moved:  Kohl  
Seconded:  Drawe

Vote:  
Drawe  Aye  
LaFountain  Aye  
Ockenden  Aye  

Aye  
Kohl  Aye  
Moore  Aye

Adopted

#20T-050  Appointments to the Library Board by Kohl

BE IT RESOLVED, that Denise O’Reilly and Megan Griffin-Adams be appointed to the Penfield Library Board for a term expiring December 31, 2024.

Moved:  Kohl
Seconded: Drawe

Vote: 
Drawe: Aye
LaFountain: Aye
Ockenden: Aye
Kohl: Aye
Moore: Aye

Adopted

Old Business - None

New Business

#20T-052 Appointment of Chair – Zoning Board of Appeals by Moore

BE IT RESOLVED, that Daniel DeLaus be appointed Chair of the Zoning Board of Appeals, for the year 2020 at an annual salary as established by the Town Board.

Moved: Moore
Seconded: Kohl

Vote: 
Drawe: Aye
LaFountain: Aye
Ockenden: Aye
Kohl: Aye
Moore: Aye

Adopted

Public Participation - None

Executive Session - None

Next Meeting – January 15, 2020

Supervisor LaFountain stated that earlier this evening the 2020 Swearing-in Ceremony was held in the Town Hall Auditorium.

The Oath of Office for Town Supervisor was sworn by R. Anthony LaFountain, administered by Laurie Mark, Daughter of the late Honorable Judge Donald J. Mark.

The Oath of Office for Town Council was sworn by Debbie Drawe, administered by the Honorable Judge James P. Mulley, Jr.

The Oath of Office for Town Council was sworn by Linda Kohl, administered by the Honorable Judge James P. Mulley, Jr.

The Oath of Office for Town Justice was sworn by Paula Metzler, administered by the Honorable Judge Patricia D. Marks.

Supervisor LaFountain recognized the new Town Board members, Debbie Drawe and Bob Ockenden, Town Board members Linda Kohl and Andy Moore and new Town Justice, the Honorable Paula Casey Metzler. Judge Metzler is the very first woman to hold the position as Town Justice in the Town of Penfield.

Supervisor LaFountain wished everyone a Happy New Year.

Adjournment

Supervisor LaFountain adjourned the meeting at 7:30 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 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
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 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;
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.
<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Initial Salary</th>
<th>Current Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town Supervisor</td>
<td>John Smith</td>
<td>$80,000</td>
<td>$90,000</td>
</tr>
<tr>
<td>Building Inspector</td>
<td>Jane Doe</td>
<td>$60,000</td>
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<tr>
<td>Environmental Coordinator</td>
<td>Mike Green</td>
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<tr>
<td>Environmental Services Manager</td>
<td>Lisa Johnson</td>
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<td>Public Works Superintendent</td>
<td>David Brown</td>
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<tr>
<td>Water and Wastewater Engineer</td>
<td>Sarah Cooper</td>
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<tr>
<td>Stormwater Engineer</td>
<td>Ellen Lee</td>
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<td>$37,000</td>
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Wage and salary
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<th>Date</th>
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<tbody>
<tr>
<td>John Smith</td>
<td>$20.00</td>
<td>$480.00</td>
<td>1/2/2020</td>
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<tr>
<td>Jane Doe</td>
<td>$18.50</td>
<td>$424.00</td>
<td>1/1/2020</td>
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<td>Mark Brown</td>
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<td>$546.50</td>
<td>1/3/2020</td>
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<tr>
<td>Sarah Lee</td>
<td>$21.00</td>
<td>$498.00</td>
<td>1/4/2020</td>
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<tr>
<td>Alex Davis</td>
<td>$23.00</td>
<td>$552.00</td>
<td>1/5/2020</td>
</tr>
</tbody>
</table>

*Note: This table represents the hourly and monthly rates for different employees as of January 2, 2020.*
I – R: NON-UNIFORMED DRESS GUIDELINES

Change ¶4: (this list is illustrative and not intended to be all inclusive):

II – A: WORK SCHEDULE

Add to “Town Hall and Community Center”: Alternate working hours may be established as needed. Approval for alternate schedules must be obtained by the Town Supervisor prior to any change in work hours.

II – T: VACATION

Change ¶5 – Bullet 1 to: Employees commencing work prior to June 1st must complete six (6) months of employment before using vacation. Vacation time will be granted as follows:

<table>
<thead>
<tr>
<th>Month Hired</th>
<th>Vacation Days Accrued</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>9 days</td>
</tr>
<tr>
<td>February</td>
<td>8 days</td>
</tr>
<tr>
<td>March</td>
<td>7 days</td>
</tr>
<tr>
<td>April</td>
<td>6 days</td>
</tr>
<tr>
<td>May</td>
<td>5 days</td>
</tr>
</tbody>
</table>

Change ¶5 – Bullet 2 to: Employees commencing work on or after June 1st are not eligible for any vacation in that calendar year. They will be granted ten (10) working days of vacation during the next calendar year, however, that vacation may not be taken until after the completion of six (6) months of employment.

Change ¶5 – Bullet 5 to: It is important that all employees have the opportunity to use vacation time each year to have a break from their work responsibilities. Supervision is responsible for organizing and planning work to ensure that employees are afforded that opportunity.

Change ¶5 – Bullet 6 to: Up to three (3) weeks of unused vacation (based on the employee’s standard work week) may be rolled over and added to the vacation granted in the following year. Unused vacation time in excess of three (3) weeks will be forfeited.

II – X: LEAVE FOR CANCER SCREENING

Change ¶1 to: Eligible employees are entitled to take up to four (4) hours of paid leave annually (January – December) for the purpose of cancer screening. This paid leave is not deducted from the employee’s accrued leave. The allowed leave may include travel time to and from the appointment and any subsequent follow-up consultation visits. In addition, the allowed leave may be staggered throughout the year until the maximum allowance (4 hours) has been reached. Employees who undergo cancer screenings outside their regular work schedules or on a holiday are not granted compensatory time off.
TOWN OF PENFIELD
PURCHASING POLICIES

SECTION I
INTRODUCTION TO THE PURCHASING PROCESS

INTRODUCTION:
This manual has been developed to assist Town personnel in the purchase of goods and services for the Town. The information is broken down into several sections organized for the ease of the reader. Each section is dedicated to a particular aspect of the purchasing process beginning with bidding requirements and ending with alternative purchasing options.

Section I (this section) is an introduction to the purchasing process, describing the Town’s purchasing structure and listing the responsibilities of the purchaser.

Section II Competitive Bidding - describes the bid process in accordance with bidding requirements set by Town Board and New York State Law. This section contains information such as when to bid, documentation needed, legal requirements, and reasons for rejecting bids.

Section III Request For Proposal (RFP) - contains information on the development of an RFP, and the award process associated with such proposals.

Section IV Purchases - reviews the procedures for purchase orders and vouchers, and includes a detailed description of what is required.

Section V Best Value Purchases – reviews the procedures and use for award of contracts utilizing best value analysis.

Appendix A describes important New York State Laws regarding purchasing.

THE TOWN’S PURCHASING ORGANIZATION:

Section 104-b of the NYS General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML 103 or any other law.

The Town of Penfield relies upon State and County contracts to satisfy many of its purchasing needs, and is able to avoid the necessity of having a centralized purchasing system. The Town relies upon a decentralized system where individual departments assist in the creation and processing of bids.

By law, the Town is allowed to purchase off of State and County bids, including “piggybacking” as defined by the NYS Comptroller. Various Town departments access State bids and County via the Internet for purchases. When making such a purchase, the bid award number must be placed on the purchase order or voucher and a copy of the contract sent to the Finance Department to be attached to the vendor master file. For State purchases, visit http://www.ogs.ny.gov/ and use the State & Local Government link under Core Services, for Monroe County, http://www.monroecounty.gov/ and go to Purchasing under the list of Departments.

When a purchase is made using a Town of Penfield awarded bid, the approved resolution for the purchase or service contract must be attached to the purchase order or a straight voucher.

THE RESPONSIBILITIES OF DEPARTMENTAL PURCHASERS:

Each department designates one or two people to handle the paperwork necessary for the processing of departmental purchases. The designees are responsible for verifying bidding procedures, reviewing packing slips and vouchers as well as monitoring the department’s expenditures. Invoices must be signed and dated by the department head. Packing slips, where practical, are to be signed by the recipient of the goods or the Department Head.
ETHICAL CONDUCT:

It is expected that all public servants will conduct themselves at all times in an ethical fashion. For individuals involved in purchasing, this requires impartiality and a dedication to finding the best possible product or service for the lowest possible price. In no instance should any individual involved in purchasing engage in activities that could be construed as unethical.

To further avoid the perception of impropriety/unethical purchasing, quote solicitations not subject to the rules of public bidding, can only be obtained and used from a vendor related to a Town employee by blood or marriage/domestic partnership upon review and prior approval of the Town Supervisor and Town Comptroller.

SECTION II

COMPETITIVE BIDDING

The purpose of competitive bidding is to guard against favoritism, improvidence, fraud and corruption and to foster honest competition in order to obtain the best goods and services at the lowest possible price.

There are general rules in the bidding process:
- Cannot artificially split or divide contract, or enter into a series of transactions, in avoidance of competitive bidding threshold.
- Consider the aggregate amount reasonably expected to be spent in the year for the same or similar commodities/services. Example: various stationary, lumber, auto parts.

As a NY municipality, the Town of Penfield is required by law to purchase commodities and services from Preferred Sources first if a Preferred Source offering meets our needs for form, function and utility. This type of procurement is not subject to the rules of the competitive bid process. New York has three Preferred Source organizations:
1. New York State Department of Correctional Services Division of Industries—Corcraft, provides employment opportunities for inmates.
2. New York State Preferred Source Program, provides employment opportunities for blind and visually impaired New Yorkers.
3. New York State Industries for the Disabled., provides employment opportunities for both disabled New Yorkers and veterans.

Note, these rules are viewed Town-wide not on a department by department purchase history, because of this, use of County and State bids is encouraged.

BIDDING REQUIREMENTS

Below are the thresholds to be used by all departments. Public Work projects/contracts are those projects with a direct benefit to the residents, ex. road rehabilitation, or sanitary sewer replacement/rehabilitation.

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the vendors solicited and indicate the reason for no proposal or quotation.

For the purchase of Goods or Services

Annual Expenditures Requirements – ALL DEPARTMENTS EXCEPT DPW

<table>
<thead>
<tr>
<th>Expenditure Range</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to $1,000</td>
<td>Purchases may be made at the discretion of the Department Head.</td>
</tr>
<tr>
<td>$1,001 to $2,499</td>
<td>Documented telephone or written quotes from three or more vendors.</td>
</tr>
<tr>
<td>$2,500 to $9,999</td>
<td><strong>PURCHASE ORDER REQUIRED.</strong> Three written quotes on vendor’s letterhead, final approval by Comptroller and Town Supervisor</td>
</tr>
<tr>
<td>$10,000 to $20,000</td>
<td>Preparation of a “Request for Quote” or “Request for Proposal”, as applicable, prepared by the Department, formal written responses from three or more vendors must be on respondent’s letterhead. [RFQ OR RFP WITH]</td>
</tr>
</tbody>
</table>
EXPECTED RESPONSE IN EXCESS OF $15,000 REQUIRE REVIEW BY FINANCE DEPARTMENT PRIOR TO SOLICITING RESPONSES.

Above $20,000 Public bid as required by GML-103, awarded by Town Board.

Annual Expenditures Requirements – DPW ONLY

Up to $1,000 Purchases may be made at the discretion of the Department Head.

$1,001 to $4,999 Documented telephone or written quotes from three or more vendors.

$5,000- $9,999 PURCHASE ORDER REQUIRED. Three written quotes on vendor’s letterhead, final approval by Comptroller and Town Supervisor

$10,000-$20,000 Preparation of a “Request for Quote” or “Request for Proposal”, as applicable, prepared by the Department, formal written responses from three or more vendors must be on respondent’s letterhead. RFQ OR RFP WITH EXPECTED RESPONSE IN EXCESS OF $15,000 REQUIRE REVIEW BY FINANCE DEPARTMENT PRIOR TO SOLICITING RESPONSES.

Above $20,000 Public bid as required by GML-103, awarded by Town Board.

For Public Work Projects/Contracts:

$20,001-$35,000 Preparation of a “Request for Quote” or “Request for Proposal”, as applicable, prepared by the Department, formal written responses from three or more vendors must be on respondent’s letterhead. RFQ OR RFP WITH EXPECTED RESPONSE IN EXCESS OF $25,000 REQUIRE REVIEW BY FINANCE DEPARTMENT PRIOR TO SOLICITING RESPONSES.

Above $35,000 Public bid as required by GML-103, awarded by Town Board.

For the Purchase of Professional Services/Consultants:

Annual Expenditures Requirements

Up to $50,000 Written proposals should be obtained from three qualified professional firms or consultants, if available, and when time allows. If three proposals are not to be solicited, the Town Supervisor must approve this action.

Above $50,000 Proposals to be obtained by RFP from at least three (3) vendors (if available).

All Professional Services/Consultants contracts must be presented and reviewed by the Town Supervisor, Town Attorney and in some circumstances the Town Comptroller, when requested by the Supervisor. After a thorough review, the Department Head and Supervisor will make a recommendation to the Town Board for the award of a contract.

QUOTES:

All quotes, received in writing or orally, must contain the following information: name and address of the firm, name and phone number of the contact person, and the date of the quote. In addition, written quotes must contain the signature of the contact person.

Quoted prices are normally for one time purchases only; however, if such purchases are routinely made during the year, quoted prices can be used for the duration of that year. In this case, departments are to request the quote in writing.

THE BID PROCESS:

The bid process is rather involved and proceeds along the following steps:
1. Departmental purchasers should check the State and County websites for the service or commodity.

2. If a Town bid is needed, the purchasing department must verify sufficient funds are available for the purchase or contract. The department then asks the Town Clerk to set a bid opening date at the next Town Board meeting. This date is contingent upon public posting of the bid and other legal requirements, which are described below. Departments should contact the Town Clerk to determine when the date can be set.

3. The department should begin work on its bid package prior to the setting of the bid opening date. The Comptroller will assist any department in the preparation of bid packages.

4. The Town Clerk prepares a Notice of Bid to appear in the publications of record.

5. There must be a minimum of five (5) intervening business days between the Notice of Bid and the bid opening date. The bid opening date is typically scheduled for a Thursday. All bids must be received by the Town Clerk prior to 11:00. Bids are opened by the Town Clerk’s Office at 11:00, at the Town Hall.

6. The Town Clerk tallies the results and sends this information to the originating department. The Department Head then determines a successful bidder for the award. Any bids rejected must be documented as to why. This information is returned to Town Clerk.

7. Town Board awards the contract on the Department Head’s recommendation, and the Town Clerk assigns a bid award number, typically the Board Resolution number. This number is to be used whenever the contract is referenced in a purchase.

8. This entire process normally takes one to one and a half months.

9. Below is a diagram of the bid process.

### The Bid Process

<table>
<thead>
<tr>
<th>Department</th>
<th>Notification of need to bid. Develops bid specifications.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department/Finance</td>
<td>Verify availability of funds.</td>
</tr>
<tr>
<td>Town Board/Town Clerk</td>
<td>Bid date set via Town Board resolution</td>
</tr>
<tr>
<td>Town Clerk</td>
<td>Bid issued. Receives bids, tallies.</td>
</tr>
<tr>
<td>Department</td>
<td>Determines successful bidder.</td>
</tr>
<tr>
<td>Town Board</td>
<td>Bid award. Notification of award.</td>
</tr>
<tr>
<td>Town Clerk</td>
<td>Assigns award number.</td>
</tr>
<tr>
<td>Department</td>
<td>Funds are encumbered.</td>
</tr>
</tbody>
</table>

### LEGAL REQUIREMENTS:

The State of New York has passed certain legal requirements when bidding. These laws are described in Appendix A. The two most important laws are GML #103 and New York State Labor Law Article 8, Section 220 and Article 9 Section 230.

**General Municipal Law #103:**

GML 103 requires an advertised bid for public work expenditures in excess of $35,000, and all other purchases except professional services/consultants in excess of a yearly aggregate expenditure of $20,000. Professional services/consultants use a different process from the normal bid as competitive bidding is not required. Another exception to the competitive bidding is the use of certain State or county contracts for materials, supplies, equipment or services. The use of county contracts is not limited to Monroe County. Any County’s contracts may be used provided the specifications extend the use to political subdivisions. There is
no similar exception to competitive bidding for federal GSA contracts or contracts of other local governments. Inter-municipal agreements may be entered into with other political subdivisions to do collective purchasing. Under such agreements, each individual bid package must include that the bid is open to use by other political entities.

**Article 8 Section 220 and Article 9 Section 230 of New York State Labor Law:**

**Prevailing Wages**
When the Town contracts with an outside contractor, the payment of prevailing wages is almost always required. The two articles that cover this requirement are Article 8 and Article 9 of New York State Law.

**Article 8 – Construction and Repair Services**
Article 8 covers labor that is associated with the construction and building trades. This can be anything from the construction of infrastructure to the erection of a public building (even a shed). It also covers repairs to these items. Essentially, if the work was covered by Article 8 at the time of construction, it will be covered under Article 8 when it is repaired or replaced. This work may be anything from fixing duct-work, to replacing a broken window. If it is attached to the building, it is covered. Objects that are free standing, however, typically are not covered. All projects covered under Article 8, regardless of dollar amount, are subject to prevailing wages.

To summarize, all of the following are covered under Article 8:
- Building construction.
- Heavy and highway construction.
- Sewer and waterline construction.
- Alteration, expansion, or repair to any of the above.
- Demolition.
- Maintenance of plant and equipment, plumbing, fixtures, and anything else affixed to the building.

**Article 9 – Building Services**
Article 9 covers labor that is associated with services rendered in and around a building. These generally relate to maintaining the use and functionality of the building and grounds. These are paid to those doing work to sustain building operations. There is an exemption for contracts that do not exceed $1,500. These contracts are not covered under Article 9 and do not require the payment of wages at prevailing rates.

The following are covered under Article 9:
- Exterminators and fumigators.
- Fuel oil delivery.
- Guards and watchmen.
- Janitor, porter, cleaners, elevator operation (not repair).
- Landscapers, mowers.
- Movers of furniture and equipment.
- Stationary engineer.
- Trash and refuse removal.
- Window cleaners.

**Requesting a PRC (Prevailing Rate Case) Number:**
This is done using a PW-39, however, it is strongly recommended that you use the online request system located at the NYS DOL website and not use the paper form and postal mail. Online submissions are much faster and easier to complete.

http://www.labor.state.ny.us/workerprotection/publicwork/PWReqforOWS.shtm

Bookmark this site so you can visit it whenever you have a need. You will want to fill out the online form. Once this is submitted, you should receive a PRC# within 5 minutes via e-mail. Keep this e-mail from NYS DOL as it will provide a link that you will want to use to quickly access the specific rate case so you can complete the PW-16 and PW-200 at the appropriate time.

When requesting a PRC# you can also request a wage schedule that will be available for download. You will need this schedule when you bid out the project and review invoices. Include the assigned PRC # in your bid specifications so interested vendors may print the schedules.

Prior to awarding your bid, you must reference the debarred list for the appropriate Article, as well as the Workers Compensation Board debarred list. If the name of a bidder appears on either list, you may not award the bid to them. They cannot participate in public work until they have been removed from the list.
Once you have awarded the contract, you will need to return to your PRC online and update the information by providing the details of the bid award. This is done on a PW-16. This is important as NYS DOL may audit the case and may wish to investigate the company. In some cases, a company may be added to the debarred list after you have awarded the contract and they have begun work. In such cases, they may complete the project they have been awarded, but may not receive additional bid awards until they are no longer on the contract.

When the project is complete, you will need to return to your PRC online and complete the PW-200 that will close out the PRC. Once this is done, you are finished with this particular case.

**Certified Payrolls**
As part of the law regarding public work, a contractor must provide you with a certified payroll report (PW-12 date 03-07) each week. This consists of a list of employees, their addresses and social security numbers, the occupation they filled, the hours they worked, the wage they were paid, and the gross amount earned. The certification is on the second page, and must be completed and signed. An incomplete certified payroll is not to be accepted, and no payment may be made to the contractor without a properly completed certified payroll.

You must attach a copy of the certified payroll to your vouchers in order for payment to be processed. A copy must also be scanned into the LOGICS system as well. Keep a hard copy for your files. Certified payrolls must be retained for 5 years. Archive them appropriately as the Department of Labor may request copies at any time within that five year period.

**Labor Covered**
Everyone who works on a public works project must be listed on a certified payroll. There are a couple of exceptions. As noted above, Article 9 only covers those contracts that exceed $1,500 on an annual basis. Contracts of less than that amount for Article 9 work, does not require payment of prevailing wages. Also, contracts with the following entities do not require the payment of prevailing wages.

- **Sole Proprietor:** A firm that has no employees other than the owner is a sole proprietorship. Such a firm is not subject to prevailing wage law. No certified payrolls need be submitted.

- **Partnership:** A firm that is a partnership (small firm where all “employees” are owners) is subject to prevailing wage law, with the exception that the senior partner is not subject to the wage rates. You must determine who the senior partner is, and the senior partner must be listed on the certified payroll as the senior partner when he works on the project.

- **50/50 Partnership:** A firm that is a 50/50 partnership (two partners with equal standing in the firm) is not subject to prevailing wage law. Both partners are exempt. You must verify that this is the case, and must verify that the two partners do not have any other employees.

In cases above, a letter from the firm declaring an exemption should be sent to you. All partners or owners should be listed on it, and should sign the letter.

In some cases, you may receive a certified payroll in which the owner is listed along with other employees and no information is given for hours or pay for the owner. In this case, the owner is to list his hours and pay.

If you are unsure if either Article applies or have any questions, contact the local office for NYSDOL at (585)258-4505 for assistance.

**REJECTION OF BIDS:**
As defined by New York State, a responsible bidder meets the vendor responsibility criteria of Financial stability, Legal authority, Integrity and satisfactory past Performance (FLIP criteria) (State Finance Law 163(9)(f)).

If a department rejects a bid, the reason must be documented in a memo to the Town Clerk. Bids can only be rejected when they do not meet the specifications, exceed budget limits, or are higher than a qualifying responsible bidder. It is possible for all bids to be rejected, and for no award to be issued. In such circumstance, the Board will reject by resolution.

Under no circumstances allow a bidder to change their bid offer in order to be accepted. Bid offers may not be changed after they have been submitted, nor may bid specifications be materially altered. This constitutes negotiation, and is prohibited by law.

**EXCEPTIONS TO POLICY:**
In the case of a **true emergency**, the competitive bidding process may not need to be followed. An emergency as defined by New York State is such:

An urgent and unexpected situation where health and public safety or the conservation of public resources is at risk. Such situations may create a need for an emergency contract. Pursuant to the Procurement Council Guidelines, an agency’s failure to properly plan in advance which then results in a situation where normal practices cannot be followed does not constitute an emergency.

When such an emergency exists, the Department Head must contact the Supervisor or Town Comptroller to request authorization to make an immediate purchase from a reputable vendor for the procurement of the necessary goods or services. Documentation as to the nature of the emergency shall be sent to the Finance Department within five (5) working days of such a purchase.

**SECTION III**

**REQUEST FOR PROPOSAL (RFP)**

**WHAT IS AN RFP:**

An RFP, or Request for Proposal, is a set of “soft” bid specifications. It may be very general in nature, describing the scope of the project or service, highlighting what is needed and when, cost requirements, and the expertise needed to achieve the task. Professional services require advanced degrees, specialized skills, training, expertise, professional judgment, discretion or a high degree of creativity. References are required.

**WHEN TO USE AN RFP:**

RFPs are required for projects/purchases with an estimated cost between $10,000 and $20,000/$35,000, and also for all professional services contracts. If you are unsure whether to use it or not, contact the Finance Department. RFP may also be used in smaller Public Works projects and Professional Service contracts, if desired.

**USING THE RFP:**

RFPs are not bid specifications. They are typically sent to persons or firms with expertise in providing specialized services. It is usually very costly for these firms to respond to competitive bid requests, and they will necessarily avoid the normal bidding process. A selected list of perhaps a half dozen, or more firms should be developed and a technical bid asked for in RFP form. The RFP responses are evaluated based on experience, the standards put forth in the RFP as well as cost. The chosen contractor is to be the best value as defined in State Finance Law 163: A best value award is one which optimizes quality, cost and efficiency and typically applies to complex services and technology contracts.

**DEVELOPING AN RFP:**

Prior to writing an RFP, due consideration should be given as to the amount and type of expertise needed to do the project. This will assist in determining if the RFP should be broad, or narrow in scope. If the amount and type of expertise is large, a broad RFP should be drawn up and sent to large firms able to handle its scope. If the project requires limited expertise, then smaller firms may also be used, and a more narrowly developed RFP should be sent.

Suggested elements for an RFP:

1. A complete description of the problem and the objectives of the project.
2. An estimate, as close as possible, of the extent of the services required, including staff and resources and an indication of any monetary limits.
3. Require a description of the overall work plan the consultant is expected to carry out, and an explanation of the relationship between the consultant and government staff.
4. A requirement for the starting and completion dates for each phase of the work plan.
5. A requirement for a breakdown of estimated project costs, listing separately those attributable to expenses for such things as travel and phones, etc., and those for consultant services, by class of consultant.
6. Require the identification and background of each member of the consultant firm expected to work on the project.
7. Request a list of clients for whom the consultant(s) has performed similar services.

Of course, simple projects may not need all of the above topics to be covered. A set of simple sentences may be all that is needed for simple projects.

**THE RFP PROCESS:**

While RFPs are not bids, they still follow a process similar to that of bids

1. Department Head considers need for RFP by examining problem and determining the type of service needed. The project and approach is discussed with the Town Supervisor.
2. With direction from the Supervisor, an RFP is developed and sent to appropriate firms.
3. Department receives technical proposals, reviews and distributes copies to the Supervisor, and as directed, the Comptroller.
4. The proposals are reviewed and evaluated. If a contractor is chosen, the Department Head makes a recommendation to the Town Board for award.

Below is a diagram of the RFP process:

**The RFP Process**

- Department Head: Has need for service, presents to Supervisor.
- Department Head: Sends out RFP.
- Consultant: Prepares proposal based on RFP and returns to department.
- Department Head: Reviews and distributes copies.
- Supervisor/Dept. Head: Reviews and makes its recommendation.
- Town Board: Formally awards contract.
- Consultant: Authorized to begin work.

**SECTION IV: PURCHASES**

**PURCHASE ORDERS:**

Both purchase orders (PO) and vouchers are used when paying for goods and services. The use of these two documents is required by New York State Law. Purchase orders are used to reserve funds for a particular purchase. These reserved funds remain in the account even after a fiscal year has ended, but only for that purchase. It is important to encumber funds in this manner when an expense is expected and the amount can be reasonably estimated. A voucher is used to make payment and is the actual document referred to when generating a check. Vouchers may be used to liquidate purchase orders (expend reserved funds). They can also be used by themselves for payment of an invoice. A purchase order should be used whenever the total purchase price exceeds $2,500/$5,000.

The following procedure is to be used when making purchases in excess of $2,500/$5,000 annually:

1. Department completes purchase order. PO and supporting documentation is sent as an attachment. PO is approved by Department Head, Comptroller and/or Supervisor.
2. PO is reviewed by the Finance Department. Provided documentation is sufficient the PO is approved.
3. Once goods are received the PO department page, the signed invoice and signed packing slip are attached to the voucher. Voucher is approved by originating department and sent to Finance.

4. Final voucher approval is done by the Finance Department and Supervisor. A listing of the vouchers to be paid is prepared (abstract) reviewed and approved by the Town Comptroller and Town Clerk’s representative before the checks are issued.

PARTIAL PAYMENTS:

In some instances, it is not feasible to wait for the completion of delivery or service to pay a vendor. This most commonly occurs in contracts lasting a year or more. Regular payments may be made monthly, quarterly, or on occasion. In this case, a partial payment may be made against the PO.

STRAIGHT VOUCHERS:

For individual purchases below $2,500/$5,000, bearing in mind the yearly aggregate issue, a straight voucher may be used for payment. Use of a straight voucher still requires signatures and approvals as outlined above, items 4 and 5. This eliminates the step of encumbering the funds through a Purchase Order.

PAYMENT IN ADVANCE OF AUDIT:

Section 118 of New York Town Law authorizes the payment of claims for public utility services, postage, freight and express charges prior to the audit of such claims. However, the pre-paid claims are included in the next abstract as a recorded expenditure.

SECTION V:
BEST VALUE PURCHASING:

WHAT IS BEST VALUE PURCHASING?

The State Legislature and Governor amended General Municipal Law, section 103 in 2012 to provide local governments with greater flexibility in awarding contracts by authorizing the award of purchase contracts, including contracts for service work, on the basis of best value. Best Value means the basis for award is the best value offer which optimizes quality, cost and efficiency, among responsive and responsible bidders.

HOW AND WHEN TO USE BEST VALUE PURCHASING:

Where the basis for award is to be the best value method, the Comptroller shall document in the procurement record and in advance of any bidding, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.

The Comptroller shall select a formal competitive procurement process in accordance with the Town’s purchasing policy and document this in the procurement record. The process shall include, but is not limited to, a clear statement of need; specifications governing performance; a reasonable process for ensuring a competitive field; a fair and equal opportunity for bidders to submit responsive offers and a balanced and fair method of award. There shall be documentation in the purchasing record that quantifies and demonstrates why an award is truly the “Best Value”.

COOPERATIVE PURCHASING CONTRACTS:

In 2013, the Governor signed an amendment to General Municipal Law 103 allowing political subdivisions in New York to utilize cooperative contracts, awarded by municipalities and governmental agencies throughout the United States, that were awarded based on best value. It is the responsibility of each municipality to ensure that the purchasing cooperatives being used meet all of the state’s criteria for best value purchasing as well as municipal policies.

APPENDIX A
NEW YORK STATE LAW
The following is a synopsis of the sections of the General Municipal Law and New York Labor Law which apply to Town purchases. The wording of these laws has been altered slightly to better the understanding of the reader. The words Town and County are used in place of the more general legal terminology.

**General Municipal Law**

S 100: Definitions

As used in this article: “Political subdivision” means a municipal corporation, school district, district corporation and board of cooperative educational services.

S 100-a. Declaration of Policy

It is declared to be the policy of this state that this article shall be construed in the negotiation of contracts for public works and public purchases to which political subdivisions or any district therein is a party so as to assure the prudent and economical use of public moneys for the benefit of all the inhabitants of the state and to facilitate the acquisition of facilities and commodities of maximum quality at the lowest possible cost.

S 101: Separate Specifications for Certain Public Work

When entering into contracts for the erection, construction, reconstruction, or alteration of buildings where the entire cost of such work is expected to exceed fifty thousand dollars ($50,000), separate specifications must be prepared for the following four subdivisions of the work to be performed:

1. General construction
2. Plumbing and gas fitting
3. Heating, ventilating and air conditioning
4. Electric wiring and standard illuminating fixtures

Such specifications shall be drawn so as to permit independent bidding on each of the four subdivisions of work. Each subdivision shall be awarded to the lowest responsible bidder for that category.

S 102: Deposits on Plans and Specifications

Specifications for public work contracts may require a deposit by the vendor in order to guarantee the return of plans and specifications in original, unaltered condition. This amount is not to exceed one hundred dollars ($100) for each set.

If a bid or proposal is duly submitted by the vendor, including the required bid security, and the plans and specifications are returned in good condition within thirty (30) days after contract award, the full amount of the deposit shall be returned to all vendors including the successful bidder. Vendors will be fully reimbursed for no more than one set of plans and specifications each.

Partial reimbursement in an amount equal to the full amount of such deposit for one set of plans and specifications per unsuccessful bidder or non-bidder less the actual cost of reproduction of the plans and specifications as determined by the Town Clerk, shall be made for the return of all other copies of the plans and specifications in good condition within thirty (30) days following the award of the contract or the rejection of the bids covered by such plans and specifications.

S 103: Advertising for Bids, Letting of Contracts, criminal Conspiracies

1. All contracts for public work involving an expenditure of more than thirty-five thousand dollars ($35,000) and all purchase contracts involving a yearly aggregate expenditure of more than twenty thousand dollars ($20,000) shall be awarded to the lowest responsible bidder furnishing the required bid security after advertisement for sealed bids in the manner provided by this section.

In any case where a responsible bidder’s gross price is reducible by an allowance for the value of used machinery, equipment, apparatus or tools to be traded in by the Town, the gross price shall be reduced by the amount of such allowance, for the purpose of determining the low bid. In cases where two or more responsible bidders furnishing the required bid security submit identical bids as to price, the Town may award the contract to any of such bidders, or may reject all bids and re-advertise for new bids.
2. Advertisements for bids shall be published in the publication of record and shall contain a statement of the time and place where all bids received will be publicly opened and read. At least five days must elapse between the first publication of such advertisement and the date so specified for the opening and reading of bids.

A record of all bids will be made at the time of the opening, and an official summary will be publicly posted and sent to all bidders.

3. Any officer, board or agency of the Town may make purchases through the County Purchasing Department, provided the Town shall accept sole responsibility for any payment due the vendor.

The Town may not make purchases through the County when bids have been received for such purchase by the Town. The County bid may be used once the Town’s contract obligated amount has been met.

4. In the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of the Town require immediate action which cannot await competitive bidding, the Department Head, with approval from the Supervisor, may take action to obtain the necessary goods or services without going through the bid process.

5. Surplus and second hand supplies, material or equipment may be purchased without competitive bidding from the Federal Government, the State of New York, or from any other political subdivision, district, or public benefit corporation.

6. A person or corporation who conspires to prevent competitive bidding on a contract for public work or purchase advertised for bidding shall be guilty of a misdemeanor as provided in s103-e of the General Municipal Law.

S 103-d: Statement of Non-Collusion in Bids and Proposals

Every bid or proposal shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury.

S 103-f: Security Bonds: Municipal Projects

Whenever a security bond is posted by a successful bidder for the faithful performance of a municipal project, for which state aide is approved, the name and address of the bonding company or person issuing the security bond, the number of such bond, and any other required information shall be transmitted to the appropriate state agency. The original of such bond shall remain with the Town.

S 104: Purchase through Office of General Services

Any political subdivision or district within the State of New York may make purchases through the Office of General Services subject to such rules which may establish limitations and conditions of a purchase by the State, provided that the subdivision or district shall accept sole responsibility for any payment due the vendor.

If bids have been received for such purchase by the Town, no purchase may be made through the State, unless it may be made upon the same terms, conditions and specifications at a lower price through the State contract.

S 105: Disposition of Deposit Accompanying Bid

Whenever a bid deposit of a certified check, money, bonds or other obligations is a required condition for consideration of a bid, a person or corporation submitting a bid may withdraw the same if no award of the contract is made within forty-five (45) days after the receipt thereof and upon withdrawal such deposit shall be forthwith returned. Any such bid deposit shall be retained by the Town Clerk until returned to the bidder or forfeited.
S 108: Worker’s Compensation Insurance on Public Works

Each contract, which is of such a character that the employees engaged thereon are required to be insured under the provisions of Worker’s Compensation Law, shall contain a stipulation that such contract shall be void unless the person or corporation making such contract shall secure compensation for the benefit of, and keep insured during the life of such contract, such employees, in compliance with provisions of the Worker’s Compensation Law.

S 109: Assignment of Public Contracts

A clause shall be inserted in all specifications or contracts prohibiting any contractor to whom any contract shall be awarded, from assigning, transferring, conveying, subletting or otherwise disposing of the same, or of his right, title, or interest, or his power to execute without the previous consent, in writing, of the Town. Failure to obtain such written consent prior to taking any of the actions noted above shall result in the contract being declared null and void, and the Town would be relieved of any and all liability to the contractor.

TOWN OF PENFIELD
CONFERENCE PROCEDURES

The Town conference procedures for conferences/seminars are outlined below. Please remember any time an employee attends conferences or seminars requiring time away from his or her standard daily duties, a conference request form must be completed. This requirement pertains to all conferences even when there is no cost to the Town.

If the conference is outside of the greater Rochester area, Town Board authorization via resolution must be obtained. If you have any question regarding the need for a resolution, please contact the Supervisor.

1. Employee or other responsible party completes the “Conference Request Form” attaching conference description and cost details. Indicate of the form if single or multi-day. Employees are required to use a Town vehicle unless prior approval is given by the Department Head and the Town Supervisor. If an employee chooses to drive their personal vehicle when a Town car is available, he/she will not be reimbursed for mileage/fuel.

2. The Department Head reviews and if approves, submits the packet to the Comptroller. Please allow at least 15 business days prior to conference for approval. The packet must include:
   a. Department Authorized Conference Request Form

3. Comptroller reviews packet and verifies funding. If documentation is sufficient and funding available, it is sent to the Supervisor for authorization. If not approved, entire packet is returned to originating department.

4. Once approved by the Supervisor, packet is returned to department for preparation of vouchers. The Department Head is responsible for placing conference on a Town Board agenda, if necessary. If the conference requires air travel or hotel accommodations, the Town credit card must be used to secure the airfare and booking. Please see the Comptroller for use of the credit card.

5. Finance Department prepares checks for mailing per the established voucher schedule. Any documents that need to be included with the check must be brought to Finance at least two days before check processing. The Dept. Head is responsible for registrations if phone calls or online registration is required. Be sure to obtain any blank tax exemption forms from the Finance Dept. if required. Petty cash reimbursement for parking, etc. will be reimbursed post conference.

6. Pertaining to payment for meals not included as part of conference, the Town uses the Federal GSA per diem schedule published in October of each year. Please refer to the GSA website http://www.gsa.gov/portal/content/104877 to determine the daily rate for the specific town or city in which the conference is being held. Please note, the Town will only pay the per diem for conferences requiring overnight stay. The first and last calendar day of travel is calculated at 75%.
7. Upon return to work from the conference, attendee must submit receipts for parking, tolls, etc. for reimbursement.

---

**TOWN OF PENFIELD – CONFERENCE REQUEST FORM**

Department: ______________________ One Day ___ Multi Day___ DATE: ____________

Request the following employees (indicate titles):

__________________________________________________________

Be allowed to attend the following conference/seminar:

Name of conference/seminar:

__________________________________________________________

Dates/times of conference/seminar:

__________________________________________________________

Location of conference/seminar:

__________________________________________________________

For the following purpose or to achieve the following results:

__________________________________________________________

The cost of which is detailed as follows:

<table>
<thead>
<tr>
<th>REGISTRATION</th>
<th>Number</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per Person</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Group Rate</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>VEHICLE USE</th>
<th>Miles</th>
<th>Days</th>
<th>Rate</th>
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<tbody>
<tr>
<td>Personal Vehicle</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Car Rental</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MEALS</th>
<th>Days</th>
<th>Per Diem Rate*</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per Diem Meals</td>
<td></td>
<td>Breakfast = .25 days</td>
<td></td>
</tr>
<tr>
<td>Special Conf. Meals</td>
<td></td>
<td>Lunch = .25 days</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dinner = .50 days</td>
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</table>

<table>
<thead>
<tr>
<th>LODGING</th>
<th>Number of Rooms</th>
<th>Nights Staying</th>
<th>Room Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Room</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Double Room</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TRAVEL</th>
<th>Number</th>
<th>Trip Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Fare</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cab Fare Reimb.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MISCELLANEOUS</th>
<th>Tolls</th>
<th>Parking</th>
<th>Fuel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reimbursements</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Receipts are required for any reimbursements to the employee.

*Note: Per Diem Rate is based on the Federal Rate Schedule.

TOTALS:

Account being charged: _______________________________

Approvals Obtained Prior to Attendance:

______________________________  ________________________
Department Head       Town Supervisor

______________________________
Town Comptroller

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**TOWN OF PENFIELD
EXTENDED CONFERENCE PROCEDURES**

The Town conference procedures for conferences/seminars lasting more than one day, are outlined below. Please remember any time an employee attends conferences or seminars requiring time away from his or her
standard daily duties, a conference request form must be completed. This requirement pertains to all conferences even when there is no cost to the Town.

1. Employee or other responsible party completes the conference request form attaching conference description and cost details including a mileage estimate prepared in MapQuest (or similar) if a personal vehicle is to be used. Mileage will be reimbursed per the current IRS mileage rate. Employees are required to use a Town vehicle unless prior approval is given by the Department Head and the Town Supervisor.

2. The Department Head reviews and if approves, submits the packet to the Comptroller. Please allow at least 15 business days prior to conference for approval. The packet must include:
   a. Department Authorized Conference Request Form

3. Comptroller reviews packet and verifies funding. If documentation is sufficient and funding available, it is forwarded to the Supervisor for authorization. If not approved, entire packet is returned to originating department.

4. Once approved by the Supervisor, packet is returned to department for processing. The Department Head is responsible for placing conference on a Town Board agenda, if necessary. If the conference requires air travel or hotel accommodations, the Town credit card must be used to secure the airfare and booking. Please see the Comptroller for use of the credit card.

5. Finance Department prepares checks for mailing. Any documents that need to be included with the check must be brought to Finance at least two days before check processing. Petty cash reimbursement for parking, etc. will be reimbursed post conference.

6. Pertaining to payment for meals not included as part of conference, the Town uses the Federal GSA per diem schedule published in October of each year. Please refer to the GSA website http://www.gsa.gov/portal/content/104877 to determine the daily rate for the specific town or city in which the conference is being held. Please note, the Town will only pay the per diem for conferences requiring overnight stay. The first and last calendar day of travel is calculated at 75%.

7. Upon return to work from the conference, attendee must submit receipts for parking, tolls, etc. for reimbursement.

Debt Management Policy

Policy Objective
The Town of Penfield recognizes that effective debt management practices require a debt policy that details the use of capital debt to support and enhance the services provided to the residents. Nothing in this policy shall be deemed to affect or impair any outstanding obligations or any obligations issued to renew such outstanding obligations. Failure to comply with any goal or limit established by this policy shall not of itself be deemed to invalidate any obligations.

Capital Improvement Plan

The Town of Penfield Supervisor, with select department heads, reviews and updates the Town’s Six-Year Capital Improvement Plan (CIP) at least once annually as part of the Town’s operational budget development. This working document is reviewed for priority, cost adjustments and current status. The CIP details infrastructure projects ranging from new buildings, building upgrades, equipment, drainage projects and recreation additions. The Town Board reviews and edits the CIP as part of the budget development for the ensuing year while considering the financial impacts of the project costs on the outlying budgets. As part of the CIP development, the potential sources of funding are identified i.e. operating cash, grant, BAN/Bond or a combination of sources. Forecasting the possible bonding obligations as part of a capital plan, is critical to the prioritization of projects and the annual impact of debt service in the Town’s operating budget.

Debt Obligation Issuance

The Town Board authorizes all debt issuance in accordance with all State and applicable Federal financial regulations. The Board enlists the services of a municipal financial advisor to facilitate the
undertaking of debt instruments. The Board issues general obligation bonds often after a short term financing option is used, typically a Bond Anticipation Note (BAN). Debt is issued for infrastructure improvements, new buildings, land acquisition and capital assets which have significant useful lives. Local Finance Law assigns periods of probable usefulness (PPU) which determine the maximum period of time over which assets may be financed. The Board works with the financial advisor, outside legal bond counsel and the Town attorney in the preparation of all debt issuance documentation. When issuing a bond, the Board seeks a credit rating review from recognized credit review bond rating agency. At the date of this policy, the Town’s underlying rating with Moody’s Investors Services is “Aa1”. The financial advisor in accordance with Local Finance Law, sells bonds and notes competitively in the market. As rates are solicited and obtained by the Town’s advisor, the rates and terms from the potential purchasers are reviewed by the Supervisor and Comptroller to select the winner. Proceeds from BANs or bonds are deposited and accounted for separately from the Town’s annual operating budget to finance the specific projects for which the Town Board borrowed funds.

**Debt Repayment**

Annual debt service payments for outstanding obligations are budgeted in the Town’s operating budget. The Town looks to structure the issuance of obligations to minimize the impact of debt service in the annual budget. The goal is for new debt service to be undertaken as existing instruments are repaid.

**ELECTRONIC BANKING POLICY**

The Penfield Town Board recognizes the use of various banking transactions as a faster, easier and more efficient substitute for paper transactions. Electronic banking uses technology to streamline the processing of receipts and disbursements, while reducing the cost of processing such transactions. Internal controls such as written procedures and policies, authorizations and monitoring, however, are still necessary to ensure accountability.

The Town Board hereby authorizes the use of electronic banking in accordance with all applicable laws and regulations including General Municipal Law in conformity with the guidelines established by this policy.

**Scope:**

Electronic banking activities will be used but not limited to the following:

1.) Online banking services (reviewing account balances, retrieving bank statements, check inquiry, stop payment orders, etc.)
2.) Check fraud prevention services (Positive Pay)
3.) ACH credit/debit for approved vendors
4.) EFT or wire transfers

**Payables:**

Access to any of the Town’s online bank accounts will be managed by the Comptroller and access will be granted to users for specific functions. The Town enters into agreements with designated banks and trust companies for online banking which includes security procedures.

To help protect against fraud, a file of all cash disbursement payments made by paper check from the Town’s “clearing account” will be uploaded to the bank’s web payable fraud prevention system (Positive Pay). This process verifies the presented check details to the electronic file submitted to the web system so that only authorized items are paid.

All ACH debit payments authorizing deductions to Town accounts, such as the payroll account, are authorized by the Comptroller or the Town Supervisor. Recording of such transactions are recorded manually by the Account Clerk. ACH payables to vendors will be processed and recorded through the accounts payable transaction cycle. All payments made through this process are subject to the same claims audit process as currently exists with paper checks. Release of payments is only after the completion of the approval process.

**EFT/Wire Transfers:**
Per the online banking security profiles, certain individuals will be authorized to initiate, approve, transmit and reconcile electronic transactions. All wire transfers in excess of $50,000 must be authorized by two approvers.

**Physical Security:**
Token or key fob devices for accessing on-line banking will be managed and distributed by the Comptroller. Online banking users will access Town accounts via designated computers equipped with Town security features.

**TOWN OF PENFIELD INVESTMENT POLICY**

I. **SCOPE:**

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

II. **POLICY OBJECTIVES:**

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

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

III. **DELEGATION OF AUTHORITY:**

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

IV. **PRUDENCE:**

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

J. **DIVERSIFICATION:**

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

VI. **INTERNAL CONTROLS:**

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

VII. **DESIGNATION OF DEPOSITORIES:**

The Town Board hereby authorizes the deposit of monies into all New York State chartered commercial financial institutions including the following:

- Bank of America
- Canandaigua National Bank
- Key Bank
- JP Morgan Chase
- M & T Bank

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

1. By a pledge of “eligible securities” with an aggregate “market value,” or provided by General Municipal Law, Section 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.

2. By an eligible “irrevocable letter of credit” issued by a qualified bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any.

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

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

IX. SAFEKEEPING AND COLLATERALIZATION:

Eligible securities used for collateralizing deposits shall be held by the depository bank, depository bank trust department or a third party custodial agent subject to security and custodial agreements.

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

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

X. PERMITTED INVESTMENTS:

As authorized by General Municipal Law, Section 11, the Town of Penfield authorizes the Supervisor or his designee to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposits accounts;
- Certificates of deposits;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United State of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Obligations issued pursuant to Local Finance Law Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Town of Penfield;
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.
- Certificates of Participation (COPs) issued pursuant to General Municipal Law Section 109-b.
All investment obligations shall be payable or redeemable at the option of the Town of Penfield within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Town of Penfield within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS:

All financial institutions with which the local government conducts business must be credit worthy. Banks must provide their most recent Consolidated Report of Condition at the request of the Town of Penfield. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers.

XII. PURCHASE OF INVESTMENTS:

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

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

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

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

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

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

XIII. REPURCHASE AGREEMENTS:

Repurchase agreements are authorized subject to the following restrictions:

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

APPENDIX A

Schedule of Eligible Securities

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

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

(iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
(iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations or any public benefit corporation which under a specific State statute may be accepted as security for deposit of public monies.

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

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

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

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

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

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

(xi) Zero coupon obligations of the United States government marketed as “

TOWN OF PENFIELD FUND BALANCE POLICY

PURPOSE

The purpose of the Fund Balance Policy is to establish a policy to address the needs of the Town of Penfield and to help establish financial planning procedures to ensure that there will be adequate liquid resources to serve as a financial cushion to assist in assessing unusual events such as natural disasters or significant unfunded mandates pushed down to the community by other taxing jurisdictions.

POLICY STATEMENT

The Town of Penfield finances will be managed so as to maintain balances of the various funds at levels sufficient to mitigate current and future risks, such as revenue shortfalls and unanticipated expenditures, ensure stable tax rates and user fees, and protect the Town of Penfield’s creditworthiness. To assure the appropriate level, in the general fund, the Town of Penfield will maintain a minimum unrestricted fund balance of 10%-12% of the total general fund appropriations which is approximately 2-3 months of expenditures. This is consistent with the investment community who established the Town’s credit rating. If the amount of unrestricted fund balance is deemed too great by the Supervisor or Town Board, funds shall be appropriated for capital equipment and/or infrastructure.

RESTORATION OF MINIMUM FUND BALANCE

Should the General Fund balance fall below the target level, the Town Comptroller will prepare a plan for restoration of the balance to the target level and achieve the target level as soon as practicable within the next fiscal year. The plan will be presented to the Law and Finance Committee for review and approval for implementation.

DEFINITIONS

Cash balance: The sum of cash and investment of an accounting fund.

Unrestricted Fund Balance: The total of the assigned and unassigned fund balance.

Fund Balance: The difference between the assets and liabilities reported in a governmental fund. Fund balance is not the cash balance of the Town of Penfield. The fund balance consist of other assets such as money due from the state, county, and federal governments, sales tax due for the fourth quarter, and other accounts receivables. Fund balances are classified into various components depending on the limitations
placed on the use of the funds. The hierarchy indicates the extent to which a government is bound to observe spending constraints that govern how it can use amounts reported in the governmental funds balance sheet. GASB statement 54 established the following classifications depicting how specific amounts can be spent:

**Non-spendable**- consist of assets that are inherently nonspendable in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, financial assets held for resale, and principal of endowments.

**Restricted**- consist of amounts that can be spent only for the specific purpose stipulated by external resources providers (for example grant providers, constitutionally, or Laws, (general municipal, local finance) and regulations of other governments: or through constitutional provisions or enabling legislation. Generally the Town’s reserve funds will be considered restricted as the state regulates the establishment, funding, and use of reserves.

**Committed**- consists of amounts that are subject to a purpose constraint imposed by a formal action of the Town Board before the end of the fiscal year, and that requires the same level of formal action to remove the constraint. Examples of committed fund balance:
- Amounts set aside based on self-imposed limitations established and set in place prior to year-end, but can be calculated after year end.
- Limitation imposed at highest level and requires same action to remove or modify.
- Ordinance that laps at year end.

**Assigned**- consists of amounts that are subject to a purpose constraint that represents an intended use established by the Board or by the Town Supervisor. The purpose of the assignment must be narrower than the purpose of the general fund, and in funds other than the general fund, assigned fund balance represents the residual amounts of fund balance. Examples of assigned fund balance:
- Encumbrances made by the departments through the normal year end procedures
- Appropriated fund balances by the Town Board or through the budgetary process
- Residual amounts of fund balance that do not meet the nonspendable, restricted, or assigned definitions in funds other than the general fund

**Unassigned**- fund balance is the residual classification for the general fund and includes all amounts not contained in the other classifications. (i.e., surplus) Unassigned amounts are technically available for any purpose.

**Prioritization of Fund Balance Use**- when an expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available, it shall be the policy of the Town for the Supervisor or designee to determine the order of the expenditure of funds, on an annual basis.

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