TOWN BOARD LEGISLATIVE AGENDA

Wednesday, February 5, 2020, 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I. Call to Order - Pledge of Allegiance - Roll Call
II. Communications and Announcements
III. Public Participation
IV. Additions and Deletions to Agenda
V. Approval of Minutes - January 2, 2020
VI. Petitions
VII. Resolutions by Function

Law and Finance
20T-056 Setting a Public Hearing for Adoption of Local Law No. 1 of 2020 to be Known as "A Local Law to Effect a Moratorium and Prohibition within the Town of Penfield of Public Golf Course Redevelopment"
20T-057 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence within a Storm Sewer Easement at 18 Westfield Commons
20T-058 Authorization for Supervisor to Sign a Service Agreement with Pickering Sign Service LLC to Provide and Post Signs on Properties Subject to Review by Various Boards in the Town of Penfield
20T-059 Authorization to Enter into the NYCLASS Municipal Cooperation Agreement
20T-060 Budget Amendment for 2019 in the Library Fund
20T-061 Authorization for Supervisor to Sign an Agreement with Troy and Banks, Utility and Telecommunications Consultants
20T-062 Setting a Public Hearing to Consider Adoption of Local Law No. 2 of 2020 to be Known as "A Local Law to Authorize Establishment of a Community Choice Aggregation (Energy) Program in the Town of Penfield"

Public Works
20T-063 Advertising for Bids for Catch Basin Replacements
20T-064 Advertising for Bids for the Phase III Replacement of a Portion of the Roof at the Community Center
20T-065 Purchase of two 2021 International HV607 6-Wheel Dump Trucks with Plows and Wings
20T-066 Purchase of a 2021 International HX620 10-Wheel Dump Truck with Plow and Wing
20T-067 Purchase of a 2020 Chevrolet Silverado 1500 4WD Double Cab Work Truck
20T-068 Purchase of a 2020 Chevrolet Silverado 2500HD 4WD Double Cab Work Truck
20T-069 Purchase of a Bobcat E50 Excavator
20T-070 Purchase of a 2020 Chevrolet Silverado 3500HD 4WD Crew Cab Work Truck
20T-071 Purchase of a 2020 Ford F-150 XL Super Cab 4x4 Pickup Truck
20T-072 Purchase of a 2020 Chevrolet Silverado 1500 4WD Double Cab Work Truck
20T-073 Purchase of a 2020 Chevrolet Express Cargo Van
20T-074 Purchase of a 2020 Chevrolet Silverado 1500 4WD Double Cab Work Truck
20T-075 Purchase of a 2020 Chevrolet Silverado 1500 4WD Double Cab Work Truck

Public Safety
20T-076 Advertise for Bids to Provide Maintenance for Various Properties as Required under Article XV-15.10 and Article VII-7.11 of Chapter 250 of the Town Code

Community Services
20T-077 Awarding Contract for Printing Program Brochures

VIII. Old Business
IX. New Business
X. Public Participation
XI. Executive Session
XII. Next Meeting: February 19, 2020
XIII. Adjournment

This meeting will be video recorded and broadcast LIVE via the town’s website www.penfield.org and the Town’s Government Access Cable Channel 1303.
Questions regarding video coverage contact Penfield TV at (585) 340-8661.
The Regular meeting of the Penfield Town Board was held on Wednesday, February 5, 2020 at 7:00 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present: R. Anthony LaFountain Supervisor
Debbie Drew Councilwoman
Linda Kohl Councilwoman
Andrew Moore Councilman
Bob Ockenden Councilman

Also Present: Amy M. Steklof Town Clerk
Richard Horwitz Town Attorney

Supervisor LaFountain called the meeting to order - Pledge of Allegiance

The Pledge of Allegiance was led by Boy Scouts from Troop #9.

Supervisor LaFountain recognized Chairperson Dot Brenneis and Vice Chairperson, Nancy Marrer of the Penfield Community Victory Garden (PCVG) to give an update on the garden’s 2019 - 2020 season. The PCVG is in its 10th season and has been operating since 2009. The PCVG is located at 1748 Five Mile Line Road next to Rothfuss Park. All garden beds were sold out in 2019 and are already sold out for the upcoming season. Ms. Brenneis and Ms. Marrer spoke of the accomplishments and events regarding the garden for the past and current year. An upcoming event is the annual Pasta Dinner Fundraiser which is scheduled for February 26, 2020 at the Penfield Community Center. They also spoke of a number of projects that are in the works and are looking forward to adding additional beds in the back of the garden for growing fruit trees. Ms. Brenneis and Ms. Marrer thanked a number of businesses that have generously donated their time and produce to the garden. They also thanked the Town board and Sabrina Renner from the Penfield Community Center for their support for the PCVG. For more information about the PCVG including projects and activities planned, please visit www.penfieldrecreation.org/penfieldcommunitygarden.

Supervisor LaFountain thanked Ms. Brenneis and Ms. Marrer and the PCVG project team committee for all they do. He also stated that the Penfield Ecumenical Food Shelf (PEFS) appreciates the produce donations from the PCVG.

Communications and Announcements

1. Next Monday, February 10, 2020 is the last day to pay Town/County taxes in full without interest. The Tax Receiver’s Office in the town hall is open Monday through Friday from 9:00 AM to 5:00 PM to Accept payments. If you cannot make it in during business hours, you may deposit your payment after hours using a drop box located near the door on the east side of the town hall. The box is secure and is checked several times a day. A receipt will be mailed to you once your payment is processed. If you have any questions about your bill, please call the Tax Receiver’s Office at 340-8626.

2. Just a reminder to our residents as the next round of snow is coming:
Winter Snow Plowing Rules are in effect until April 1, 2020. This means no parking is allowed on Penfield road and highways between 2:00 AM and 7:00 AM so our DPW crews can safely and effectively maintain the roadways. Thank you for assisting our crews in making the roads safer for everyone traveling to work, school, and other activities.

3. The Penfield Ecumenical Food Shelf (PEFS) is projecting a higher than normal need of non-perishable foods currently for those who are in need. The food shelf is a valuable resource to our community, making a big difference in so many lives each week.
For a listing of the items needed at the food shelf, go to www.penfieldcumenicalfoodshelf.org or call (585)234-0799. Donations can be made at the PEFS facility located at 1618 Jackson Road. Thank you in advance!

4. The Penfield Town Offices will be closed on Monday, February 17, 2020 in observance of President’s Day. The Penfield Library will be open their normal business hours.

5. The Penfield Players will perform their Winter Readers’ Theater show entitled “Cinderella Waltz” by Don Nigro on Saturday, February 22, 2020 and Sunday, February 23, 2020 at 2:00 PM. Performances will be held at the Community Center, 1985 Baird Road. Theater admission is Free but donations to the Penfield Players will be accepted at the door. For details you can check out www.penfieldplayers.org

6. The next Community Chat with Councilwomen Kohl will be held on Tuesday, February 18, 2020 from 5:30 AM to 7:00 PM in the New Book area at the Penfield Library, 1985 Baird Rd.

7. Be sure to save the date for Penfield Community Victory Garden’s Annual Pasta Dinner Fundraiser being held on Wednesday, February 26th beginning at 4:30 PM. Come to the Community Center on Baird Road for dinner (take-out available too) along with a raffle table to test your luck on some great prizes. Tickets can be purchased in advance by calling (585)340-8655 or at the door on February 26, 2020.

Public Participation

A number of members from the Penfield Community Choice Aggregation Residents Committee (P-CCA-RC) spoke in favor of the Town supporting Carbon-Free Electricity and the hope for this evenings passage of Resolution #20T-062, Setting a Public Hearing to consider Adoption of Local Law No. 2 of 2020 to known as “A Local Law to Authorize Establishment of a Community Choice Aggregation (ENERGY) Program in the Town of Penfield.” Those who spoke are listed. Their comments are attached.

- Allen Hibner of 85 Highledge Dr.
- Megan Meyer of 61 Henderson Dr.
- John Steepy of 4 Live Oak Crt.
- Marty Korn of 71 Hillary La.
- Phyllis Korn of 71 Hillary La.
- Ruth Marchetti of 227 Henderson Dr.
- Mindy MacLaren of 1724 Five Mile Line Rd.
- Katie Rygg of 23 Dundas Dr.
- Jeff Burns of 39 Scarborough Pk.

(See Attachments at End of Minutes)

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of, January 2, 2020, Councilwoman Drawe seconded.

Councilman Ockenden asked for the minutes to be amended by removal of the word “Jr.” after his name on Resolution #20T-051 regarding his appointment to the Town Board. All voted “Aye.”

Petitions - None
Penfield Town Board, February 5, 2020

Resolutions by Function

Law and Finance

#20T-056 Setting a Public Hearing for Adoption of Local Law No. 1 of 2020 to be Known as "A Local Law to Effect a Moratorium and Prohibition within the Town of Penfield of Public Golf Course Redevelopment" by Moore

WHEREAS, the Town Board of the Town of Penfield wishes to consider adopting proposed Local Law No. 1 of 2020 which would amend and extend the moratorium and prohibition of public golf course redevelopment on real property located within the Town of Penfield; and

WHEREAS, the Penfield Town Board is best suited to act as "lead agency" within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as "lead agency" pursuant to SEQRA; and

WHEREAS, the subject application is determined to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the said Town of Penfield shall hold a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on February 26, 2020, at 7:00 PM on said date, to consider the said proposal and to hear all persons interested on the question of the adoption of Local Law No. 1 of 2020 which would amend and extend the moratorium and prohibition of public golf course redevelopment on real property located within the Town of Penfield. This Local Law shall not apply to .62+/- acres of vacant land situated between 1875 and 1885 Baird Road adjacent to real property commonly known as Shadow Lake Golf Course property. A copy of said law is attached hereto and made a part hereof as Schedule "A"; and

RESOLVED, that the Town Clerk be and she hereby is directed to publish and post a Notice of the Public Hearing on the official signboard of the Town in the manner prescribed by Law, the first publication thereof to be not less than five (5) days and not more than thirty (30) days before the date set for the said public hearing, as aforesaid.

SCHEDULE "A"

TOWN OF PENFIELD
LOCAL LAW NO. 1 OF 2020

A LOCAL LAW
AMENDING AND EXTENDING
THE MORATORIUM ON AND PROHIBITION OF PUBLIC GOLF COURSE REDEVELOPMENT WITHIN THE TOWN OF PENFIELD

Be it enacted by the Town Board of the Town of Penfield as follows:

Section 1. The Local Law to effect a Moratorium on and Prohibition of Public Golf Course Redevelopment in the Town of Penfield, originally enacted as Local Law No. 1 of 2016, subsequently extended by Local Law No. 1 of 2017, Local Law No. 1 of 2018 and Local Law No. 1 of 2019 is hereby extended until December 31, 2020, or until a duly enacted repeal of said Local Law, as so extended, whichever shall first occur.

Section 2. This Local Law shall not apply to .62+/- acres of vacant land situated between 1875 and 1885 Baird Road adjacent to real property commonly known as Shadow Lake Golf Course property.

Section 3. If any word, phrase, sentence, part, section, subsection, or other portion of this Local law, or the application thereof...
(Resolution #20T-056 – Continued)

to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

Section 4. This Local Law shall take effect immediately.

Moved: Moore
Seconded: Kohl

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

Adopted

#20T-057 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence within a Storm Sewer Easement at 18 Westfield Commons by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a License and Hold Harmless Agreement with Andrew J. and Amy Hanna Mickles, owners of property of 18 Westfield Commons, to permit a fence to encroach into a Storm Sewer easement to the Town of Penfield located at 18 Westfield Commons in a form and substance acceptable to the Town Attorney.

Moved: Moore
Seconded: Drawe

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

Adopted

#20T-058 Authorization for Supervisor to Sign a Service Agreement with Pickering Sign Service LLC to Provide and Post Signs on Properties Subject to Review by Various Boards in the Town of Penfield by Moore

WHEREAS, proposals were sought and requested to furnish the Director of Developmental Services with quotes to provide and post signs of properties subject to review by various boards within the Town of Penfield; and

WHEREAS, quotes were requested to be submitted by January 17, 2020 at 11:00 AM and Pickering Sign Service LLC was the only quote received; and

WHEREAS, the proposal provided by Pickering Sign LLC meets the requirements set forth in the specifications for sign posting and removal; and
Penfield Town Board, February 5, 2020

(Resolution #20T-058 – Continued)

WHEREAS, the term of the contract shall run from February 5, 2020, through December 31, 2022.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a service agreement with Pickering Sign Service LLC, 6770 Tuckahoe Road, Williamson, New York 14589, for sign posting and removal services. This resolution and the proposal submitted by Pickering Sign Service LLC shall constitute the contract. This agreement shall be reviewed and approved by the Town Attorney.

Moved: Moore
Seconded: Ockenden

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

Adopted

#20T-059 Authorization to Enter into the NYCLASS Municipal Cooperation Agreement by Moore

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis; and

WHEREAS, the Town of Penfield wishes to invest portions of its available investments funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019; and

WHEREAS, the Town of Penfield wishes to assure the safety and liquidity of its funds; and

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

That Comptroller, Barbara Chirdo, is hereby authorized to execute and deliver the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019 in the name of and on behalf of the Town of Penfield.

Moved: Moore
Seconded: Kohl

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

Adopted

#20T-060 Budget Amendment for 2019 in the Library Fund by Moore

WHEREAS, at their monthly meetings, the Library Board recognized interest income during the fourth quarter of 2019 in the amount of $600.00 to be used for Library activities and

WHEREAS, the Town Board desires to have an up-to-date budget in relation to current appropriations and revenues,

NOW, BE IT RESOLVED that the following 2019 budget amendment be approved:
Penfield Town Board, February 5, 2020

(Resolution #20T-060 - Continued)

<table>
<thead>
<tr>
<th>Revenue</th>
<th></th>
<th>Appropriations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>L00-1000-2401-0003</td>
<td>$600.00</td>
<td>L00-7410-0004-4043</td>
<td>$600.00</td>
</tr>
</tbody>
</table>

Gift & Memorial Interest Income               Gift & Memorial Expenses

Moved: Moore
Seconded: Drawe

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

Adopted

#20T-061 Authorization for Supervisor to Sign an Agreement with Troy and Banks, Utility and Telecommunications Consultants by Moore

BE IT RESOLVED, that the Supervisor is hereby authorized to sign an Agreement with Troy and Banks, 2216 Kensington Avenue, Buffalo, NY 14226, to conduct utility audits of the Town gas, electric and water/sewer utility service accounts. This agreement to be reviewed and approved by the Town Attorney.

Moved: Moore
Seconded: Ockenden

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

Adopted

#20T-062 Setting a Public Hearing to Consider Adoption of Local Law No. 2 of 2020 to be Known as “A Local Law to Authorize Establishment of a Community Choice Aggregation (Energy) Program in the Town of Penfield” by Moore

WHEREAS, the Town Board of the Town of Penfield wishes to consider adopting proposed Local Law No. 2 of 2020 to be known as “A Local Law to Authorize Establishment of a Community Choice Aggregation (Energy) Program in the Town of Penfield”; and

WHEREAS, the purpose or said Local Law is to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for Eligible Consumers in those markets.

WHEREAS, the policies and models that may offer benefits in New York is Community Choice Aggregation ("CCA"), which allows local governments to determine the default supplier of electricity and natural gas on behalf of Eligible Consumers; and

WHEREAS, the Town will seek a combination of lowest costs and highest percent of renewable energy resources; and

WHEREAS, the Penfield Town Board is best suited to act as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as “lead agency” pursuant to SEQRA; and

WHEREAS, the subject application is determined to be an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA);

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the said Town of Penfield shall hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on March 4, 2020, at
7:00 PM on said date, to consider the said proposal and to hear all persons interested on the question of the adoption of Local Law No. 2 of 2020 to be Known as “A Local Law to Authorize Establishment of a Community Choice Aggregation (Energy) Program in the Town of Penfield”. A copy of said law is attached hereto and made a part hereof as Schedule “A”; and be it further RESOLVED, that the Town Clerk be and she hereby is directed to publish and post a Notice of the Public Hearing on the official signboard of the Town in the manner prescribed by Law, the first publication thereof to be not less than five (5) days and not more than thirty (30) days before the date set for the said Public Hearing, as aforesaid.

SCHEDULE “A”
LOCAL LAW NO. 2 of 2020

A LOCAL LAW TO AUTHORIZE ESTABLISHMENT OF A COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM IN THE TOWN OF PENFIELD

Be it enacted by the Town Board of the Town of Penfield as follows:

The Code of the Town of Penfield is hereby amended by adding a new Chapter 110, ENVIRONMENTAL SUSTAINABILITY, Article I entitled "COMMUNITY CHOICE AGGREGATION ENABLING LAW," to read as follows:

§110.1. Legislative Findings; Intent and Purpose; Authority.

A. It is the policy of both the Town of Penfield (the "Town") and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for Eligible Consumers in those markets. Among the policies and models that may offer benefits in New York is Community Choice Aggregation ("CCA"), which allows local governments to determine the default supplier of electricity and natural gas on behalf of Eligible Consumers. The Town will be seeking a combination of lowest costs and highest percentages of renewable energy resources.

B. The purpose of CCA is to allow participating local governments, including the Town, to procure energy supply service for Eligible Consumers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter authorizes establishment of a program ("CCA Program") that would allow the Town and other local governments to work together through a shared purchasing model to put out for bid the total amount of natural gas and/or electricity being purchased by Eligible Consumers within the jurisdictional boundaries of participating municipalities. Eligible consumers would have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.

C. The Town is authorized to implement a CCA Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable
D. Community Choice Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission (PSC) issued in connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M- 0224 enable actions by the Town.

E. This Chapter shall be known and may be cited as the COMMUNITY CHOICE AGGREGATION ENABLING LAW of the Town of Penfield.

§110.2. Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

A. AGGREGATED DATA shall mean aggregated and anonymized information including the number of consumers by service class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months, by service class to the extent possible, and the aggregated energy (kWh) for electricity or volumetric consumption for gas by month for the past 12 months by service class.

B. CCA ADMINISTRATOR shall mean a third-party CCA administrator duly authorized by the Town Board to put out for bid the total amount of electricity and/or natural gas to be purchased by Participating Consumers. The authorized CCA Administrator shall be responsible for Program organization, administration, procurement, and communications, unless otherwise specified. The CCA Administrator may undertake any of these tasks, as permitted by law, in conjunction with a third party, provided that the Town Board approve participation of any such third party pursuant to written agreement between the Town and the CCA Administrator and, if deemed necessary or desirable in the discretion of the Town, pursuant as well to a written agreement between the Town and such third party.

C. CUSTOMER SPECIFIC DATA shall mean customer specific information, personal data and utility data for all consumers in the municipality eligible for opt-out treatment based on the terms of PSC CCA Order and the CCA program design including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.

D. DATA SECURITY AGREEMENT shall mean an agreement between the Distribution Utility and the Town that obligates each party to meet, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; (ii) the Distribution Utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
E. **DEFAULT SERVICE** shall mean supply service provided by the Distribution Utility to consumers who are not currently receiving service from an energy service company (ESCO). Eligible Consumers within the Town that receive Default Service, and have not opted out, will be enrolled in the Program as of the Effective Date.

F. **DISTRIBUTED ENERGY RESOURCES (DER)** shall mean local renewable energy projects, shared renewables like community solar, energy efficiency, demand response, energy management, energy storage, micro grid projects and other innovative Reforming the Energy Vision (REV) initiatives that optimize system benefits, target and address load pockets/profile within the CCA's zone, and reduce cost of service for Participating Consumers.

G. **DISTRIBUTION UTILITY** shall mean owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.

H. **ELIGIBLE CONSUMERS** shall mean eligible customers of electricity and/or natural gas who receive Default Service from the Distribution Utility as of the Effective Date, or New Consumers that subsequently become eligible to participate in the Program, at one or more locations within the geographic boundaries of the Town, except those consumers who receive Default Service and have requested not to have their account information shared by the Distribution Utility. For the avoidance of doubt, all Eligible Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the Town, as such boundaries exist on the effective date of the ESA.

I. **ESCO or ENERGY SERVICES COMPANY** mean an entity duly authorized to conduct business in the State of New York as an ESCO.

J. **NEW CONSUMERS** shall mean consumers of electricity that become Eligible Consumers after the effective date of the ESA, including those that opt in or move into the Town.

K. **PARTICIPATING CONSUMERS** shall mean Eligible Consumers enrolled in the Program, either because they are consumers who receive Default Service from the Distribution Utility as of the Effective Date and have not opted out, or are New Consumers.

L. **PROGRAM ORGANIZER** shall mean any third party other than the CCA Administrator, designated by the Town as such, and engaged for the purpose pursuant to the provisions of Section 2B of this Chapter, to undertake certain functions and responsibilities of the CCA Administrator with respect to initiating and organizing the CCA Program. Such responsibilities could include, without limitation, securing buy-in from local governments and engaging in public outreach and education regarding the CCA Program. A Program Organizer may be a non-profit organization, local government, or other third party. If no such third-party Program Organizer is engaged, all responsibilities of a Program Organizer shall remain with the CCA Administrator.

M. **PSC CCA ORDER** shall mean the PSC’s Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224, “Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs.”
N. PUBLIC SERVICE COMMISSION or PSC shall mean New York State Public Service Commission.

O. SUPPLIERS shall mean ESCOs that procure electric power and natural gas for Eligible Consumers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

§110.3. Establishment of a Community Choice Aggregation (Energy) Program.

A. A Community Choice Aggregation (Energy) Program is hereby authorized to be established by the Town, whereby the Town may implement a CCA Program to the full extent permitted by the PSC CCA Order, as set forth more fully herein.

B. The Town may act as aggregator or broker for the sale of electric supply, gas supply, or both to Eligible Consumers and may enter into contracts with one or more Suppliers for energy supply and other services on behalf of Eligible Consumers.

C. The Town may enter into agreements and contracts with other municipalities, non-profits, consultants, and/or other third parties to undertake any of the following: (i) develop and implement the CCA Program (ii) act as CCA Administrator; and/or (iii) develop offers of opt-in distributed energy resources (DER) products and services to Participating Consumers, including opportunities to participate in local renewable energy projects, shared solar, energy efficiency, micro grids, storage, demand response, energy management, and other innovative Reforming the Energy Vision (REV) initiatives and objectives designed to optimize system benefits, target and address load pockets/profile within the CCA zone, and reduce costs for CCA customers.

D. The operation and ownership of the utility service shall remain with the Distribution Utility. The Town’s participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Town shall not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of Participating Consumers.

§110.4. Eligibility.

A. All consumers within the Town, including residential and non-residential, regardless of size, shall be eligible to participate in the CCA Program.

B. All consumers who are customers of the Rochester Gas and Electric Corporation shall be enrolled on an opt-out basis, except for consumers, (i) that are already taking service from an ESCO, (ii) that have placed a freeze or block on their account, or iii) for whom inclusion in the CCA Program will interfere with a choice the customer has already made to take service pursuant to a special rate. Those consumers may be enrolled on an opt-in basis.

C. New Consumers shall be enrolled on an opt-out basis.


A. An opt-out letter, printed on Town letterhead, shall be mailed by Administrator to Eligible Consumers at least 45 days prior
to customer enrollment. The opt-out letter shall include information on the CCA Program and the contract signed with the selected ESCO including specific details on rates, services, contract term, cancellation fee, and methods for opting-out of the CCA Program. The letter shall explain that consumers who do not opt-out will be enrolled in ESCO service under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO.

B. All consumers shall have the option to opt-out of the CCA Program at any time without penalty.

C. Termination fees shall not be charged to consumers who cancel their CCA service as a result of moving out of the premises served.


Participating Consumers shall be provided customer service including a toll-free telephone number available during normal business hours (9:00 A.M.- 5:00 P.M. Eastern Time, Monday through Friday) to resolve concerns, answer questions, and transact business with respect to the service received from the Supplier.

§110.7. Data Protection Requirements.

A. The Town may request Aggregated Data and Customer Specific Data from the Distribution Utility provided, however, that the request for Customer Specific Data is limited to only those Eligible Consumers who did not opt-out once the initial opt-out period has closed.

B. Customer Specific Data shall be protected in a manner compliant with, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Town or its representative's processing of confidential utility information; (ii) the utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Town or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.

C. The Town must enter into a Data Security Agreement with the Distribution Utility for the purpose of protecting customer data.

§110.8. Administration Fee.

The Town may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA program.

§110.9. Reporting.

A. By March 31 of each year the CCA Administrator shall file an Annual Report for the Town's CCA Program, reporting on the previous calendar year.

B. Annual reports shall include, at minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added
services provided during the year (e.g. installation of DER or other clean energy services); and administrative costs collected. The first report and any subsequent contract renewals shall also include the number of consumers who opt-out in response to the initial or subsequent opt-out letter or letters.

C. If a CCA supply contract will expire sooner than one (1) year following the filing of any Annual Report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA Program.

§110.10. Effective Date.

This Local Law shall be effective immediately upon adoption.

§110.11. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Works

#20T-063 Advertising for Bids for Catch Basin Replacements by Drawe

BE IT RESOLVED, that the Director of Public Works, be and hereby is authorized to advertise in the manner prescribed by law for sealed proposals to furnish the Town of Penfield Department of Public Works the following:

Removal and Replacement of Various Deteriorated Catch Basins

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the removal and replacement of various deteriorated catch basins covered by such proposals shall be in accordance with specifications prepared by the Director of Public Works. Sealed proposals are to be received in the office of the Town Clerk until February 21, 2020 at 11:00 AM local time and there and then to be opened and read publicly by the Town Clerk.

Moved: Drawe
Seconded: Ockenden

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

Adopted
Penfield Town Board, February 5, 2020

#20T-064 Advertising for Bids for the Phase III Replacement of a Portion of the Roof at the Community Center by Drawe

BE IT RESOLVED, that the Director of Public Works, be and hereby is authorized to advertise in the manner prescribed by law for sealed proposals to furnish the Town of Penfield Department of Public Works the following:

Phase III of the Replacement of the Roof at the Penfield Community Center

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the replacement of a portion of the roof at the Community Center covered by such proposals shall be in accordance with specifications prepared by the Director of Public Works. Sealed proposals are to be received in the office of the Town Clerk until February 28, 2020 at 11:00 AM local time and there and then to be opened and read publicly by the Town Clerk

Moved: Drawe
Seconded: Moore

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

Adopted

#20T-065 Purchase of two 2021 International HV607 6-Wheel Dump Trucks with Plows and Wings by Drawe

WHEREAS, the Director of Public Works desires to purchase two 2021 International HV607 SBA (HV607) cab and chassis with all-in-one dump bodies, plows, and wings, from Onondaga County Heavy Truck Class 8 Statewide Contract # 8996, Proposal # 14488-01 from Regional International Corporation, 1007 Lehigh Station Road, Henrietta NY, for a total cost of $219,819.92 each; and

WHEREAS, total funds of $439,639.84 for the purchase of said vehicles have been 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 said vehicles with all-in-one dump bodies, plows, and wing attachments.

Moved: Drawe
Seconded: Kohl

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

Adopted

#20T-066 Purchase of a 2021 International HX620 10-Wheel Dump Truck with Plow and Wing by Drawe

WHEREAS, the Director of Public Works desires to purchase one 2021 International HX620 SBA 6x4 (HX62F) cab and chassis with all-in-one dump body, plow, and wing, from Onondaga County Heavy Truck Class 8 Statewide Contract # 8996, Proposal # 14896-01 from Regional International Corporation, 1007 Lehigh Station Road, Henrietta NY, for a total cost of $252,445.56; and

WHEREAS, funds for the purchase of said vehicle have been appropriated from the Highway Capital Reserve Fund in the adopted 2020 Budget totaling up to $260,000.00;
NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Works be, and hereby is, authorized to purchase said vehicle with all-in-one dump body, plow, and wing attachments.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the adoption of this resolution with respect to the expenditure from the Highway Capital Reserve Fund is subject to Permissive Referendum and the Town Clerk be, and hereby is, directed to publish and post notice in the manner prescribed by law.

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

#20T-067 Purchase of a 2020 Chevrolet Silverado 1500 4WD Double Cab Work Truck by Drawe

WHEREAS, the Director of Public Works desires to purchase one 2020 Chevrolet Silverado 1500 4WD double cab work truck with Back Rack, light bar, and tool box, from Joe Basil Chevrolet Inc, 5111 Transit Road, Depew, NY, for a total cost of $28,832.30; and

WHEREAS, funds for the purchase of said vehicle have been appropriated from the Highway Capital Reserve Fund in the adopted 2020 Budget totaling up to $30,000.00;

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

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the adoption of this resolution with respect to the expenditure from the Highway Capital Reserve Fund is subject to Permissive Referendum and the Town Clerk be, and hereby is, directed to publish and post notice in the manner prescribed by law.

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

#20T-068 Purchase of a 2020 Chevrolet Silverado 2500HD 4WD Double Cab Work Truck by Drawe

WHEREAS, the Director of Public Works desires to purchase one 2020 Chevrolet Silverado 2500HD 4WD double cab work truck with 100 gallon auxiliary diesel fuel tank, Back Rack, light bar, and tool box, from DCMO Contract # 2019-121, Item # 10A, from Joe Basil Chevrolet Inc, 5111 Transit Road, Depew, NY, for a total cost of $35,390.80; and

WHEREAS, the total funds of $35,390.80 for the purchase of said vehicle have been budgeted in the 2020 Drainage Budget (SD0-8540);

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Works be, and hereby is, authorized to purchase said vehicle with 100 gallon auxiliary diesel fuel tank, Back Rack, light bar, and tool box.

Moved: Drawe
Seconded: Kohl
Penfield Town Board, February 5, 2020

(Resolution #20T-068 – Continued)

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

Adopted

#20T-069  Purchase of a Bobcat E50 Excavator by Drawe

WHEREAS, the Director of Public Works desires to purchase one Bobcat E50 T4 compact excavator, from NYS Contract # PC67141, Quote # 23747D025173 from Bobcat of the Finger Lakes, 7216 Pittsford Palmayra Road, Fairport, NY 14450, for a total cost of $61,999.18; and

WHEREAS, total funds of $61,999.18 for the purchase of said excavator have been budgeted in the 2020 Drainage Budget (SD0-8540);

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

Moved:  Drawe
Seconded:  Kohl

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

Adopted

#20T-070  Purchase of a 2020 Chevrolet Silverado 3500HD 4WD Crew Cab Work Truck by Drawe

WHEREAS, the Director of Public Works desires to purchase one 2020 Chevrolet Silverado 3500HD 4WD crew cab work truck with lift gate, snow plow, 50 gallon auxiliary diesel fuel tank, Backrack, light bar, and tool box, from DCMO Contract # 2019-121, Item # 11A, from Joe Basil Chevrolet Inc, 5111 Transit Road, Depew, NY, for a total cost of $47,004.80; and

WHEREAS, the total funds of $47,004.80 for the purchase of said vehicle have been 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 vehicle with lift gate, snow plow, 50 gallon auxiliary diesel fuel tank, Backrack, light bar, and tool box.

Moved:  Drawe
Seconded:  Kohl

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

Adopted

#20T-071  Purchase of a 2020 Ford F-150 XL Super Cab 4x4 Pickup Truck by Drawe

WHEREAS, the Director of Public Works desires to purchase one 2020 Chevrolet Silverado 3500HD 4WD crew cab work truck with lift gate, snow plow, 50 gallon auxiliary diesel fuel tank, Backrack, light bar, and tool box, from DCMO Contract # 2019-121, Item # 11A, from Joe Basil Chevrolet Inc, 5111 Transit Road, Depew, NY, for a total cost of $47,004.80; and

WHEREAS, the total funds of $47,004.80 for the purchase of said vehicle have been 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 vehicle with lift gate, snow plow, 50 gallon auxiliary diesel fuel tank, Backrack, light bar, and tool box.

Moved: Drawe
Seconded: Kohl

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

Adopted

#20T-072 Purchase of a 2020 Chevrolet Silverado 1500 4WD Double Cab Work Truck by Drawe

WHEREAS, the Director of Public Works desires to purchase one 2020 Chevrolet Silverado 1500 4WD double cab work truck with Backrack, light bar, and tool box, from Joe Basil Chevrolet Inc, 5111 Transit Road, Depew, NY, for a total cost of $28,832.30; and

WHEREAS, the total funds of $28,832.30 for the purchase of said vehicle have been 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 vehicle with Backrack, light bar, and tool box.

Moved: Drawe
Seconded: Kohl

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

Adopted

#20T-073 Purchase of a 2020 Chevrolet Express Cargo Van by Drawe

WHEREAS, the Director of Public Works desires to purchase one 2020 Chevrolet Express Cargo Van RWD 2500 with ladder rack and shelving, from DCMO Contract # 2019-121, Item # 4A, Joe Basil Chevrolet Inc, 5111 Transit Road, Depew, NY, for a total cost of $26,768.75; and

WHEREAS, the total funds of $26,768.75 for the purchase of said vehicle have been budgeted in the 2020 Facilities Department Budget (A00-1620);

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

Moved: Drawe
Seconded: Kohl

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

Adopted

#20T-074 Purchase of a 2020 Chevrolet Silverado 1500 4WD Double Cab Work Truck by Drawe

WHEREAS, the Director of Public Works desires to purchase one 2020 Chevrolet Silverado 1500 4WD double cab work truck with lift gate,
Backrack, light bar, and tool box, from Joe Basil Chevrolet Inc, 5111 Transit Road, Depew, NY, for a total cost of $31,245.05; and

WHEREAS, the total funds of $31,245.05 for the purchase of said vehicle have been budgeted in the 2020 Facilities Department Budget (A00-1620);

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

Moved: Drawe  
Seconded: Kohl

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

Adopted

#20T-075 Purchase of a 2020 Chevrolet Silverado 1500 4WD Double Cab Work Truck by Drawe

WHEREAS, the Director of Public Works desires to purchase one 2020 Chevrolet Silverado 1500 4WD double cab work truck with light bar and tonneau cover, from Joe Basil Chevrolet Inc., 5111 Transit Road, Depew, NY, for a total cost of $29,750.50; and

WHEREAS, the total funds of $29,750.50 for the purchase of said vehicle have been budgeted in the 2020 Building Department Budget (A00-3620);

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

Moved: Drawe  
Seconded: Kohl

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

Adopted

Public Safety

20T-076 Advertise for Bids to Provide Maintenance for Various Properties as Required under Article XV-15.10 and Article VII-7.11 of Chapter 250 of the Town Code by Ockenden

WHEREAS, the purpose of Article XV-15.10 and Article VII-7.11 of Chapter 250 of the Town Code is to secure compliance and to protect and preserve property devaluation and to assure the safety, health protection and general welfare of persons and property in the Town of Penfield; and to prevent the gradual encroachment of blight, deterioration, unsightliness and property devaluation and to assure the safety, health protection and general welfare of persons and property in the Town of Penfield; and

WHEREAS, the Building and Zoning Office has the need to secure and maintain properties failing to comply with the minimum requirement of Article XV-15.10 and Article VII-7.11 of Chapter 250 of the Town Code;

NOW, THEREFORE BE IT RESOLVED, that the Building & Zoning Administrator be, and hereby is, authorized to advertise, in a manner prescribed by Law, for sealed proposals for the securing of properties and for the maintenance and clean-up that have failed to be maintained in accordance with the Town Code requirements; and

BE IT FURTHER RESOLVED that the services covered by such proposals shall be in accordance with the specifications prepared by the Building and
Resolution #20T-076 – Continued

Zoning Administrator. Sealed proposals are to be submitted to the office of the Town Clerk until 11:00 AM local time Friday, February 21st, 2020 and then and there to be opened by the Town Clerk and read publically.

Moved: Ockenden
Seconded: Moore

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

Adopted

Community Services

20T-077 Awarding Contract for Printing Program Brochures by Kohl

WHEREAS, sealed proposals were sought and requested to furnish the Town of Penfield Recreation Department with printing the seasonal program brochure for the 2020 calendar year including the summer, fall and winter/spring issues, to meet our specifications; and

WHEREAS, on Friday, January 10, 2020, proposals from the following companies were received, opened and read publicly by the Town Clerk:

- Penny Lane Printing
  1471 Route 15
  PO Box 340
  Avon, NY 14414

- Webster Printing Corp.
  46 North Avenue
  Webster, NY 14580

- Indiana Printing and Publishing Company, Inc.
  899 Water Street
  PO Box 10
  Indiana, PA 15701

(see attached “Schedule A” for bid data)

NOW, THEREFORE BE IT RESOLVED, that the contract be awarded to, Penny Lane Printing, low bidder overall for Bid #2 including alternative #1, alternative #2, and alternative #3 on each respective bid.

BE IT FURTHER RESOLVED that the bid specifications and the bid documents submitted be the formal contract, to be reviewed and approved by the Town Attorney.
Net delivered price (per issue) as follows:

<table>
<thead>
<tr>
<th>Bid #2</th>
<th>Alternative #1</th>
<th>Alternative #2</th>
<th>Alternative #3</th>
</tr>
</thead>
<tbody>
<tr>
<td>$5266.98</td>
<td>$121.67</td>
<td>$5538.71</td>
<td>$128.49</td>
</tr>
</tbody>
</table>

### Schedule A

#### Recreation Brochure Bids

<table>
<thead>
<tr>
<th>Penny Lane Printing</th>
<th>Alt. 1 additional</th>
<th>Alt 2 - 52 page issue</th>
<th>Alt 3 additional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bid 1</td>
<td>$5,266.98</td>
<td>$5,538.71</td>
<td>$128.49</td>
</tr>
<tr>
<td>Bid 2</td>
<td>$5,266.98</td>
<td>$5,538.71</td>
<td>$128.49</td>
</tr>
<tr>
<td>Bid 3</td>
<td>$7,079.97</td>
<td>$7,351.70</td>
<td>$173.13</td>
</tr>
<tr>
<td>Bid 4</td>
<td>$7,079.97</td>
<td>$7,351.70</td>
<td>$173.13</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Webster Printing Corporation</th>
<th>Alt. 1 additional</th>
<th>Alt 2 - 52 page issue</th>
<th>Alt 3 additional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bid 1</td>
<td>$5,967.00</td>
<td>$6,028.00</td>
<td>$144.00</td>
</tr>
<tr>
<td>Bid 2</td>
<td>$6,877.00</td>
<td>$6,947.00</td>
<td>$144.00</td>
</tr>
<tr>
<td>Bid 3</td>
<td>$6,167.00</td>
<td>$6,273.00</td>
<td>$155.00</td>
</tr>
<tr>
<td>Bid 4</td>
<td>$7,170.00</td>
<td>$7,176.00</td>
<td>$155.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Indiana Printing and Publishing Company</th>
<th>Alt. 1 additional</th>
<th>Alt 2 - 52 page issue</th>
<th>Alt 3 additional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bid 1</td>
<td>$4,965.00</td>
<td>$5,184.00</td>
<td>$114.45</td>
</tr>
<tr>
<td>Bid 2</td>
<td>$7,365.00</td>
<td>$7,824.00</td>
<td>$114.45</td>
</tr>
<tr>
<td>Bid 3</td>
<td>$5,036.00</td>
<td>$5,255.00</td>
<td>$116.04</td>
</tr>
<tr>
<td>Bid 4</td>
<td>$7,436.00</td>
<td>$5,255.00</td>
<td>$116.00</td>
</tr>
</tbody>
</table>

Moved: Kohl  
Seconded: Drawe  

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

Adopted

**Old Business - None**

**New Business - None**

**Public Participation**

Allen Hibner provided closing remarks regarding Community Choice Aggregation. (See Attachments at End of Minutes)

Jeff Burns, 39 Scarborough Park, provided the website address for Community Choice Aggregation, www.penfieldcca.org in case anyone is interested in more information on the subject.

Supervisor LaFountain thanked Max of Troop 9 for attending the Town Board Meeting and congratulated him on the completion of his Eagle Project. Supervisor LaFountain asked Max to send the Town Board an...
invitation to his Court of Honor Ceremony and that the Town Board would be honored to attend.

Executive Session - None

Next Meeting - February 19, 2020

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 8:28 PM.

Amy M. Steklof, RMC/CMC
Town Clerk
Good evening. My name is Al Hibner and I live at 85 Highledge Drive in Penfield. I am retired, and since the beginning of 2017, I have been volunteering full time with several organizations in the Rochester Area that are laser-focused on helping to reverse human caused global warming and climate change. I am personally dedicating all of my thousands of hours of volunteer work, past, present and future, to creating a more livable world for my five grandchildren.

I am the leader of the Penfield Community Choice Aggregation Residents’ Committee (I will refer to the acronym “CCA” hereafter). We are a strictly non-partisan group of citizens who are deeply concerned about the devastating effects of climate change. This issue cannot be one that divides us. It must transcend the hyper-partisanship that is so prevalent in our politics today. There is not a single moment to waste in finding solutions to this existential problem.

I sincerely want to thank all of you on the Town Board & all of the EEAC (Energy & Environmental Advisory Committee) members for undertaking a careful review of the CCA program over the last year and a half and for, tonight, launching the “formal” process to consider implementing a CCA program for Penfield with your resolution to setup a public hearing on the adoption of a local CCA enabling law. Our residents' committee is very gratified at the tangible progress being made tonight by you and is also very proud to have worked with and alongside you and the EEAC in advancing this critical effort since the Fall of 2018.

As you members of the board already know, and the rest of our Penfield residents will soon be learning more about over the coming weeks and months, a CCA program puts the control of choosing an energy supplier in our own community’s hands. By pooling or aggregating the energy demand of all 36,000+ Penfield residents, we build the clout necessary to negotiate lower rates with suppliers and to choose cleaner energy from renewable, carbon free energy sources.

The other members of this committee will now describe for you in greater detail how we would like to see a CCA program in Penfield structured and what the benefits of our vision for that program will be for all of our town's residents.
Good evening. My name is Megan Meyer and I live at 61 Henderson Drive in Penfield. The Penfield School system and its teachers inspired me to follow a career in education. My parents instilled in me a respect and love for our natural world. They also taught me to 'leave things behind better than you found them'. I grew up and raised my children here in Penfield so my roots run deep. I am also a member of Penfield's Community Choice Aggregation Residents Committee. I believe how we structure Penfield's CCA program is a choice that impacts not only our pocketbooks but will impact future generations and the kind of world they inherit.

I support our town of Penfield moving forward with Community Choice Aggregation that chooses 100% clean renewable electric energy for all participants as our neighboring towns of Pittsford, Brighton and Irondequoit have done. I also feel a Community Solar "opt-up" option is essential to the program we put in place. The Community Solar 'opt up' component guarantees an additional savings of 8% - 10% over our current default RG&E rates for electricity and supports our local economy by keeping our electric dollars local and supporting local renewable energy production. It will also help the local economy, create jobs. This choice will not only reduce our resident's energy bill but additionally will be a better choice environmentally.

To quote the World Resources Institute and our world's leading climate scientists, the Intergovernmental Panel on Climate Change (IPCC)

"Climate change is an urgent threat to humanity that demands swift, decisive action.

Fires. Droughts. Floods. Hurricanes. Rising seas. Climate impacts are being felt all around the world and on track to get much worse. Every year of delay and every tenth of a degree matters. The next few years is the last window we have to steer the world in a better and safer direction for future generations.

Addressing climate change requires dramatic changes to how we power our homes and factories and build our cities to how we feed our families and move around. Yet countries, businesses, states and cities have yet to make the deep structural economic and societal shifts that are required."

We have put our faith in you as our town leaders to make the right choice in choosing a CCA program that offers only 100% renewable electric energy and a Community Solar 'opt up' option that can further save money for our residents. A choice that will benefit all of us now but also looks to ensure a sustainable future for our children and grandchildren.

**Question:** Will you commit to choosing 100% renewable electricity for our town as the default option if it can be provided at less than RGE’s rate?
Good evening. My name is John Steepy and I live at 4 Live Oak Court here in Penfield.

I am here in support of the town's initiative to bring Community Choice Aggregation, or CCA, to Penfield and I thank the Board for pursuing this initiative because it is an important one.

CCA is important because it is a program that, when properly implemented, will offer several opportunities:

1. For town residents to save money on their electric bills through a no-risk program. I say no risk because:
   • RG&E will still deliver the electricity through their own infrastructure which they will still maintain and they will still handle billing - it's all very transparent - and
   • Residents can opt-out of the CCA program at any time without penalty.

2. For Penfield to join other municipalities - such as Irondequoit, Brighton and Pittsford - that are also moving ahead with CCA to provide residents with clean, 100% renewable electricity. Town residents can save on their electrical energy costs because the customers from all these CCA municipalities are aggregated, enabling a strong position for negotiating lower electrical energy rates.
   • Rates could be even lower - I've seen numbers from 8-10% lower- by joining a Community Solar program that supports local solar power.

3. To show that Penfield is
   • Ready to provide its citizens a clean electrical energy option.
   • Ready to be a regional leader in the green energy movement.
   • Ready to do its part to rid our air of toxic pollutants such as the carbon emissions from the fossil fuels used to generate our electricity today.

4. To show that Penfield is concerned for the health and well-being of its residents, not only today, but in the years and decades to come.

5. To show that Penfield cares about the kind of world we leave to our children and grandchildren.

We're all familiar with Fairport's reputation for low electrical rates via its village-owned utility. I believe that CCA for Penfield is the next best thing. The entire town can enjoy electrical rates lower than they already pay, and it can be done with 100% renewable electricity.

I support CCA in Penfield and I encourage you to. Do what is good for the town, its residents - and on a broader basis - our planet, by moving ahead with Community Choice Aggregation and 100% clean renewable electrical energy for Penfield.

Thank you for your time.
Mr. LaFountain and Penfield Town Board February 5, 2020

I am Martin Korn living at 71 Hilary Lane Penfield and have been a resident at that location for over 50 years. My wife, Phyllis Korn and I last address you regarding the Fracking issue, and we want to thank you for that action which is now codified at state level, as you well know!

We are here today to address the CCA resolution, which is a wonderful win - win opportunity for our town. It is sort of like having your cake and eating it too. We are hopeful that you plan to vigorously support this resolution; and ultimately to alter its language to require that all electricity generation be by renewable technology. This can be accomplished under CCA related Community Solar, which is a subject for future discussion.

We look forward to joining with other towns in our area who have the same concerns about the health of our planet and the urgent need to embrace 100% alternatively sourced electric energy for our town, and away from all carbon-based fossil fuels. Our children and grandchildren are depending on us to do this. And... we can save money while doing it! There are exciting and productive times ahead! Thank you for your attention.

Martin W. Korn, MD
Mr. Tony LaFountain and the Penfield Town Board

I am Phyllis Shames Korn. Marty and I have lived at 71 Hillary Lane in Penfield for more than fifty years.

I am here tonight because I want to see Penfield join other Monroe County towns with a mission to make and keep their town's electricity more green.

I cringe at the destruction we humans are causing to the environment and to our natural world.

We want our children and grandchildren to know that we, their grandparents, SEE the problem, and WILL be part of the solution.

It is critical that we all recognize that clean energy does NOT include carbon-based fuels.

And that natural gas IS a carbon-based fuel!

If we can make concrete steps toward renewable and sustainable clean electric energy, we may make Penfield eligible for a future grants, as a green community with a far-sighted Town Board.

Tonight, I wish to ask Mr. LaFountain and the Town Board of Penfield: Will you commit to seeking a clean, 100% renewable alternative energy source for Penfield’s electric power? Thank you for your continuing commitment to our town!

Phyllis Shames-Korn
Good evening. My name is Ruth Marchetti. I live at 227 Henderson Drive in Penfield. I've recently retired after 30 some years of work with the Catholic Church, first as a teacher here in Penfield at St. Joseph School and later with Catholic Charities. My faith underlies the other passions in my life, my family, my commitment to building a just world, my love of the natural world, so I was especially excited when Pope Francis released his encyclical on the environment 5 years ago. This lengthy letter from the pope is unusual because it is addressed not just to Catholics, but to every person living on the planet. His reason was clear: the environmental crisis facing our planet is so immense that it will take all of us, individuals, corporations and governments large and small, working together to heal the damage that risks the futures of our children and grandchildren.

Two months ago we heard our Penfield High Schoolers speak eloquently about the need to protect our earth for their generation and those that follow. They're afraid that we adults will not respond until it's too late. We can't disappoint them by squandering this opportunity to provide 100% clean, renewable energy for the Town of Penfield.

I support Community Choice Aggregation for Penfield because its the easiest way for the people in this town to move away from carbon-based fuels. That's why I'd like Penfield to join Irondequoit, Brighton, and Pittsford (Village & Town) to have 100% renewable electricity as the default option for our CCA, and I want the Town to select an administrator for the program that can offer lower-cost local community solar as an "opt-up" option.

There are three CCA administrators certified by the State of NY: Joule, Good Energy, and Mega. Will you be looking at all three administrators and what distinguishes one from another?

If you don't join Pittsford, Brighton and Irondequoit with their CCA, how will you select an administrator?

I believe it's essential that the administrator can offer Community Solar as an "opt-up" option when our CCA rolls out. This guarantees 8%-10% savings. Will you ask each administrator if it can include Community Solar? Will you commit tonight to choosing an administrator that can offer Community Solar? (if not, why not?)

I close tonight with a few words of advice Pope Francis offered government leaders: "True statecraft is manifest when, in difficult times, we uphold high principles and think of the long-term common good."

Thank you.
Mindy MacLaren

I'd like to begin by thanking this Board for furthering the important issue of Community Choice Aggregation for Penfield.

I support CCA for Penfield for a number of reasons, but one key reason is that it's a clear step we can take in the fight against climate change. As a mother of twin 10 year olds, I worry about how a warming planet will affect my daughters' futures, and sadly, they worry, too; Second, I feel it is our moral responsibility to do what we can to positively impact our community and our environment at both a local and global level.

I'd like Penfield to join with the surrounding towns of Pittsford, Brighton, and Irondequoit in having 100% renewable electricity as the default option for its CCA and I'd like the town to select a CCA administrator that can offer lower-cost community solar as an opt-up option. Community solar is expected to save consumers between 8 and 10% versus RG&E’s standard rate; it will also help our local economy.

I'd like to highlight a few more key points of benefit to adopting CCA.

The first being: the Community Choice Aggregation program is run by a third-party administrator. Since there is little to no administrative cost to the town once it's up & running, there is no impact on taxes.

CCA programs are already active in the 8 states that have implemented CCA legislation: aside from NY, this includes Massachusetts, Ohio, California, Illinois, New Jersey, Rhode Island, and Virginia, and, many towns in NYS are already implementing or planning to implement CCA. Geneva and Brockport are 2 of 80 such places in the state of NY.

This is an ideal initiative for Penfield to "Think Globally and Act Locally." Our participation might encourage other towns to also participate, creating a domino-effect in flipping entire regions to carbon-free energy, and having the aforementioned positive impact on the collective problem of climate change.

Thank you.
Good evening. My name is Katie Rygg and I live on Dundas Drive. I'd like to begin by echoing my friends here in thanking you for taking the bold step in moving CCA along for our town. My husband and I are very much in favor of this program. We have two little girls - ages 2 & 6. We, like most parents, make their health and happiness our top priority- now and for their future. It is in the interest of their future wellbeing that I'm here tonight. We are at a fork in the road here in Penfield. One path (either staying with RG&E or choosing a CCA that is not 100% renewable by default) leads to more of the same, burning fossil fuels in the mix to make our electricity, and more CO2 in the atmosphere. But there is a second path, one that takes us to a new place and the promise of a whole lot less carbon being emitted.

Iceland recently spent $10million on a facility that captures CO2 and pumps it underground - sequestering it in rocks. When it hits maximum operations, it will capture 50 tons of CO2 per year which is about the same emissions for one American household over the same amount of time. We have an opportunity now to cut out more than 20,000 tons of CO2 every year if our town can transition to 100% clean electricity. With this one action, you five individuals can have a much bigger impact by a factor of 400 and it won't cost $10million. It's at no cost- even savings(!) to our residents.

I'm here to support 100% carbon-free electricity as the default offering and I will absolutely oppose any mix that includes any form of fossil fuels. We have reached the point when 100% renewable is absolutely doable and it makes sense financially.

I work with climate advocacy groups here in Rochester and we talk about Penfield quite often - in the sense of "how can we bottle what we have in Penfield and bring that success to other communities?" In the past year, you have voiced your support for a price on carbon through your endorsement of bi-partisan carbon fee and dividend legislation at the federal level. You have installed an incredible solar array to power town offices. You understand the urgency, the need to act now to protect our future - my daughters' futures.
Please continue to do the right thing and move quickly to aggregate with our neighbors who have chosen an administrator who can offer the "opt-up" community solar package so we can maximize our savings, support our local economy, and most importantly to my family (and increasing numbers of your constituents) - reduce our carbon footprint. Thank you very much.

Will you be applying for the Clean Energy Communities Program? Besides CCA, what's next in your sustainability plan for Penfield?
2/S/2020 Al Hibner’s CLOSING Remarks to the Board

I am Al Hibner and I live at 85 Highledge Drive in Penfield I would like to conclude the remarks made by our PenfieldCCA Residents’ Committee members tonight, by taking just a moment to step back and point to what I think are two amazing accomplishments of this board already- accomplishments that truly set the stage for what our CCA program in Penfield must become.

First, On May 9th, 2018, all five members of this board signed a letter endorsing Citizens’ Climate Lobby’s Carbon Fee & Dividend policy position. At that time, all board members indicated unanimous support for placing a steadily rising fee on CO2 and equivalent greenhouse gas emissions at the national level and for returning 100% of the net revenues from that fee to all American households as equal shares. Under this policy, monthly dividend checks would be sent to each family to offset 100% or more of the rising costs of energy derived from burning fossil fuels for the vast majority of low- and middle-income families in our country. The policy is revenue neutral, it doesn't grow the size of government, and it is the first, best step Congress can take to begin the process of reversing global warming. Not the ONLY step we need to take, but the first BEST step we must take.

Second, On June 3rd, 2019, Supervisor Lafountain signed a letter on behalf of this board endorsing the "Energy Innovation and Carbon Dividend Act" (H.R.763), the bill that will actually implement the Carbon Fee & Dividend policy described above. I hand delivered this letter to the staff members of Congressman Joe Morelle and later in June he decided to co-sponsor this bill and made "The Energy Innovation Act" (H.R.763) the cornerstone of his climate action policy announced on August 14th, 2019. I believe that your letter had a profound impact on his decision to co-sponsor this bill.

When a price on carbon takes effect in the very near future, and it will happen, electricity generated from coal and natural gas fired power plants will rise steadily in price over two decades until all such fossil fuel plants become economically unsustainable and are finally closed. That's already happening NOW! Witness the D&C headline from Monday, February 3rd, 2020; "New York's last coal plant is closing. See the real-life impact."
So, what does this mean for our CCA program here in Penfield? We have a chance, YOU have a chance, right now, to structure our program so that 100% of the electricity we purchase through the program comes from renewable and carbon free sources. This can be done from the very beginning at a cost that is lower than RG&E’s prior 12-month average rate for electricity. If we ALSO incorporate community solar into our CCA program, those residents who opt-in to community solar will be guaranteed savings of 8-10% on the electricity portion of their monthly energy bill.

Doing so, knowing that carbon pricing will cause the price of fossil-fuel generated electricity to increase year-by-year, means that you are insulating, inoculating and shielding Penfield residents from higher electricity costs now and into the future as well as building a more sustainable and livable world for everyone residing in our town.

Doing so is the financially responsible and environmentally sustainable choice that we urge you to make...the choice that you must make.

Thank you so much for listening to all of us tonight.