PENFIELD TOWN BOARD MEETING AGENDA
Wednesday, November 16, 2011
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 – October 19, 2011

VI Petitions

VII Resolutions by Function

Law and Finance
11T-246 2011 Budget Transfers-Salaries
11T-247 Authorization for Supervisor to sign an Agreement with NanoArk Corporation for Record Archival Services
11T-249 2011 Budget Transfers-BAS Software
11T-250 Adoption of Condominium Conversion Law
11T-251 Setting a Public Hearing for Establishment of Extension No. 53 to the Penfield Consolidated Sanitary Sewer District-Caroline Court Subdivision (1617 Creek Street)

District
11T-252 Setting a Public Hearing for Establishment of Sidewalk No. 15 for the Caroline Court Subdivision (1617 Creek Street)

Public Works - None

Public Safety - None

Community Services - None
The Regular meeting of the Penfield Town Board was held on Wednesday, November 16, 2011 at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present: R. Anthony LaFountain Supervisor
Linda Kohl Councilwoman
Paula Metzler Councilwoman
Andrew Moore Councilman
Robert Quinn Councilman

Also Present: Amy Steklof Town Clerk
Richard Horwitz Town Attorney

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Communications and Announcements

1. The traffic light located at the intersection of Jackson Road and Atlantic Avenue is now operational.

2. Snow plow rules are in effect November 15, 2011 through April 1, 2012. No parking is allowed on all roads and highways between 2:00 AM and 7:00 AM to allow highway crews to safely and effectively maintain roads.

3. Santa’s All-You-Can-Eat Pancake Dinner and Holiday Event will be held December 2 from 6:00 to 8:00 PM (Pancake Dinner will start at 5:30 PM.) To purchase tickets or for more information, please call (585) 340-8655.

4. Town Hall offices will be closed on Thursday, November 24 and Friday, November 25, 2011 for the Thanksgiving Day Holiday.

5. The Penfield Ecumenical Shelf needs donations for this holiday season. For more information call (585) 234-0799.

6. The Penfield Players Fall Production of “Strictly Murder” is in its final weekend. Performances will be held at the Penfield Community Center, 1985 Baird Road, November 18 and 19 at 8:00 PM. For more information call (585) 340-8655 or visit the website, www.penfieldplayers.org.
7. Children can send letters to Santa Claus in care of the Penfield Recreation. All letters must be postmarked no later than December 2, 2011. Please include your return address. For more information contact the Penfield Recreation at 340-8655.

8. Councilwoman Kohl’s next Community Chat will be held on Saturday, December 3 from 9:00 to 10:30 AM at Bruegger’s Bagels, 2200 Penfield Road.

Public Participation

Tom Cleary, 1250 Jackson Road asked whether the record plans on Cranberry Cove have been changed?

Supervisor LaFountain stated that he has asked Town Engineer, Geoff Benway to follow up with the engineers for updating the plans and once completed to have a copy forwarded to Mr. Cleary.

Mr. Cleary asked whether the rock has been removed from the outflow channel of the pond?

Supervisor LaFountain stated that based on studies by internal and external engineers, it was found that the outflow channel is working properly and therefore the rock will not need to be removed.

Mr. Cleary asked whether any members of the Board have looked into these matters independently?

(Public Participation – Continued)

Supervisor LaFountain stated that he has shared the information with the Town Board.

Mr. Cleary asked whether anyone has looked into the report that the engineering firm, MRB Group wrote stating that Cranberry Cove Pond has created a tail water condition?

Supervisor LaFountain stated he had addressed that in an August 2010 letter.

Mr. Cleary stated that he is giving the Town Board one final chance to make things right or he will call the Attorney General.

Supervisor LaFountain stated that it is Mr. Cleary’s right to do that.

Mr. Cleary asked if the Town Board has received the documents from the Department of Environmental Conservation (DEC) regarding the concrete channel?

Supervisor LaFountain stated that that information will be part of the record map.
Additions and Deletions to Agenda

Councilman Quinn added Resolution #11T-254.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of October 19, 2011, Councilman Moore seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

   Law and Finance

#11T-246  2001 Budget Transfers - Salaries by Moore

WHEREAS, merit raises and other adjustments were approved for salaries during 2011, and

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

NOW, BE IT RESOLVED that the following 2011 Budget Transfers be approved:

General Fund Appropriations:

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessors Department</td>
<td>Planning Department</td>
<td>$18,000</td>
</tr>
<tr>
<td>01-1355-0001-1011 ($15,600)</td>
<td>01-1490-0001-1011</td>
<td></td>
</tr>
<tr>
<td>01-1355-0001-1014 ($5,800)</td>
<td>Supervisors Department</td>
<td>$2,300</td>
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<tr>
<td>Town Clerk</td>
<td>01-1220-0001-1012</td>
<td>$1,400</td>
</tr>
<tr>
<td>01-1410-0001-1017 ($3,500)</td>
<td>01-1220-0001-1014</td>
<td></td>
</tr>
<tr>
<td>Fire Marshal</td>
<td>01-1220-0001-1013</td>
<td>$4,000</td>
</tr>
<tr>
<td>01-3410-0001-1011 ($16,000)</td>
<td>Programs for the Aging</td>
<td></td>
</tr>
<tr>
<td></td>
<td>01-6772-0001-1011</td>
<td>$1,700</td>
</tr>
<tr>
<td></td>
<td>01-6772-0001-1012</td>
<td>$3,100</td>
</tr>
<tr>
<td></td>
<td>Youth Services</td>
<td>$300</td>
</tr>
<tr>
<td></td>
<td>01-7310-0001-1011</td>
<td></td>
</tr>
<tr>
<td></td>
<td>History Room</td>
<td>$1,300</td>
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<tr>
<td></td>
<td>01-7510-0001-1013</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cable TV</td>
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<tr>
<td></td>
<td>01-8989-0001-1019</td>
<td></td>
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<tr>
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<td>$500</td>
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(Resolution #11T-246 - Continued)

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Receiver of Taxes</td>
<td>$1,700</td>
</tr>
</tbody>
</table>
#11T-247 Authorization for Supervisor to Sign an Agreement with NanoArk Corporation for Record Archival Services

WHEREAS, the Town Clerk is the official keeper of all records and municipal documents, and

WHEREAS, the Town Clerk organizes, maintains and makes available all records to the public under the Freedom of Information Act and knows it is imperative to preserve all vital records, and

WHEREAS, NanoArk Corporation is an industry pioneer in document and archiving technology, and is a sole source manufacturer of Waferfiche Technology, and

WHEREAS, the Town Clerk has determined that NanoArk will significantly change the archival storage industry through use of Waferfiche, an environmentally-friendly silicon technology that is waterproof, fireproof and does not require climate control, and meets the archiving needs for the Town of Penfield.

NOW BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to sign an agreement with NanoArk Corporation for record archival services; and

BE IT FURTHER RESOLVED, that the cost will be $11,173.51. A down payment of $3,724.51 will be paid by December 31, 2011 and a balance of $7,449.02 be paid in three (3) installments of $2,483.00 by May 31, 2013.

Moved: Moore
Seconded: Quinn

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

Adopted
#11T-248  Authorization for Supervisor to Re-new Agreement with North East Quadrant Advanced Life Support (NEQALS) Inc. by Moore

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

Moved: Moore
Seconded: Metzler

(Resolution #11T-248 – Continued)

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

Adopted

#11T-249  2011 Budget Transfers – BAS Software by Moore

WHEREAS, during 2011, TB Res #11T-221 authorized the Town Supervisor to sign an Agreement with Business Automation Services, Inc. and

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

NOW BE IT RESOLVED, that the following 2011 Budget Transfer be approved in the General Fund as follows:

<table>
<thead>
<tr>
<th>General Fund Appropriations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>From</td>
</tr>
<tr>
<td>Amount</td>
</tr>
<tr>
<td>Medical Insurance</td>
</tr>
<tr>
<td>BAS Software</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

Moved: Moore
Seconded: Kohl

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

Adopted

#11T-250  Adoption of Condominium Conversation Law by Moore
WHEREAS, the New York State Real Property Law Section 581 and 339-y allows conversion of new Condominium to be assessed at market value and

WHEREAS, the Town Board of the Town of Penfield considered adoption of Condominium Conversion Law for Real Property as allowed by New York State Real Property Tax Law Section 581 and 339-y

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield held a Public Hearing on November 2, 2011, at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York to consider adopting Condominium Conversion Law for Real Property in accordance with provision Section 581 and 339-y, New York State Real Property Tax Law,

NOW, THEREFORE BE IT RESOLVED AND HEREBY IS ENACTED by the Town Board of the Town of Penfield Local Law #2 of 2011 as set forth hereto and made a part of hereof.

Moved: Moore
Seconded: Quinn

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

Adopted

#11T-251 Setting a Public Hearing for Establishment of Extension No. 53 to the Penfield Consolidated Sanitary Sewer District – Caroline Court Subdivision (1617 Creek Street) by Moore

WHEREAS, a written Petition has been presented to the Penfield Town Board, duly dated and verified to contain the required signatures and having been filed with the Town Clerk of the Town of Penfield, Monroe County, New York, for the establishment of Extension No. 53 to the Penfield Consolidated Sanitary Sewer District – Caroline Court Subdivision (1617 Creek Street), and

WHEREAS, the boundaries of said Improvement District are described in Schedule “A” and are as shown on Exhibit 1 made a part hereof of said petition, and

WHEREAS, the proposed improvements consist of sewer pipes, lines, hardware, and all the necessary and usual appurtenances thereto, for the purpose of constructing said sewer lines, are shown on Exhibit 1 and are also a part of said petition, and
WHEREAS, the entire cost of the improvements to be constructed in said sewer district extension shall be borne by the developer of Caroline Court Subdivision, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield shall hold a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on the 21st, day of December, 2011 at 7:30 PM on said date, to consider the said Petition and to hear all persons interested in the subject thereof and concerning the same, and for such other action on the part of the Town Board with relation to said Petition as may be required by Law, and

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

Moved: Moore
Seconded: Metzler

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

Adopted

See Schedule “A” at end of Minutes

#11T-252 Setting a Public Hearing for Establishment of Sidewalk District No. 15 for the Caroline Court Subdivision (1617 Creek Street) by Moore

WHEREAS, a written Petition has been presented to the Penfield Town Board, duly dated and verified to contain the required signatures and having been filed with the Town Clerk of the Town of Penfield, Monroe County, New York, for the Establishment of Sidewalk District No. 15 for the Caroline Court Subdivision (1617 Creek Street), and

WHEREAS, the boundaries of said Sidewalk District are described in Schedule “A” and are as shown on Exhibit 1 made a part hereof, and

WHEREAS, the proposed improvements consist of concrete sidewalks in compliance with the approved subdivision plans and the construction specifications of the Town of Penfield, and
WHEREAS, the entire cost of the sidewalk improvements to be constructed within said Sidewalk District shall be borne by the developer of the Caroline Court Subdivision, and

(Reduction #11T-252 – Continued)

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield shall hold a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on the 21st, day of December, 2011 at 7:30 PM on said date, to consider the said Petition and to hear all persons interested in the subject thereof and concerning the same, and for such other action on the part of the Town Board with relation to said Petition as may be required by Law, and

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

Moved: Moore
Seconded: Kohl

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

Adopted

See Schedule “A” at end of Minutes

#11T-253 2011 Budget Transfer – Highway Capital Reserve Fund by Moore

WHEREAS, during 2011, the Highway Department was responsible for the completion of new sidewalks and repairs of sidewalks for the Town of Penfield, and

WHEREAS, during 2011, the Sidewalk has funds available from the reduced cost by utilizing the Highway crews to do the sidewalk functions, and

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

NOW BE IT RESOLVED, that the following 2011 Budget Transfer be approved for the Highway Funds as follows:

**General Fund Appropriations**

<table>
<thead>
<tr>
<th>From</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Description</td>
<td></td>
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</tbody>
</table>

3100 Atlantic Avenue, Penfield, New York 14526, USA
Tel: (585) 340-8600 • Fax: (585) 340-8667 • www.penfield.org
01-5410-0004-4001 $60,000 01-9950-0009-9005
$60,000 Highway Capital Reserves
Sidewalks

Moved: Moore
Seconded: Quinn

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

Adopted

Public Works - None
Public Safety - None
Community Services - None

Old Business

New Business

#11T-254 Pre-Disaster Mitigation Plan by Quinn

WHEREAS, The Town of Penfield, with the assistance from the
Monroe County Office of Emergency Preparedness, has gathered
information and prepared the Monroe County Pre-Disaster
Mitigation Plan, and

WHEREAS, The Monroe County Pre-Disaster Mitigation Plan has been
prepared in accordance with the Disaster Mitigation Act of 2000,
and

WHEREAS, the Town of Penfield is a local unit of government that
has afforded the citizens an opportunity to comment and provide
input on the Plan and the actions in the Plan by providing a link
for citizens to view this Plan on the Town’s website, and

WHEREAS, the Town of Penfield has reviewed the Plan and affirms
that the Plan will be updated no less than every five (5) years.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board, that the Town
of Penfield adopts the Monroe County Pre-Disaster Mitigation
plan, as this jurisdiction’s Natural Hazard Mitigation Plan, and
resolves to execute the actions in the Plan.

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

Adopted

Public Participation - None

Supervisor LaFountain mentioned the Town is in receipt of a question relating to the Emerald Ash Borer Community presentation that occurred prior to this evening’s Town Board meeting and that a response will be made as part of the overall record for that program.

Adjournment

Supervisor LaFountain adjourned the meeting at 8:09 PM.

Amy Steklof
Town Clerk
In the Matter

of

the petition for the Establishment
of Extension No. 53 to Penfield
Consolidated Sanitary Sewer District,
County of Monroe, State of New York
(Caroline Court Subdivision, #1617 Creek Street)

TO THE TOWN BOARD OF THE TOWN OF PENFIELD IN THE COUNTY OF MONROE AND STATE OF NEW YORK:

The petition of the undersigned respectfully shows:

FIRST: That the petitioners request the Town Board to create an extension to Penfield Consolidated Sanitary Sewer District of the Town of Penfield, pursuant to the provisions of Article XII of the Town Law of the State of New York so that it shall include the land in said Town hereinafter referred to as the "Extension 53 to the Penfield Consolidated Sanitary Sewer District – Caroline Court Subdivision, 1617 Creek Street, and is bounded and described in Schedule "A", attached hereto and made a part hereof.

SECOND: That all of the lands in the proposed extension are wholly within said Town and that no part of such lands are within any other incorporated town, village or city.

THIRD: That the petitioners have caused to be prepared, by competent engineers duly licensed by the State of New York, a map and plan known as Exhibit “1” dated 10/6/2011, prepared by DSB Engineers, PC, attached hereto and made a part hereof, showing:

(1) the boundaries of the proposed extension, and

(2) a general plan of the proposed system, including all outlets and the terminus and general course of each main sewer.
FOURTH: That the petitioners will construct, wholly at their own expense, a sanitary sewer system within the extension, in accordance with the map and plan annexed to this petition, as well as the Final Subdivision & Site Plan approval, Town Specifications and Monroe County Department of Health requirements,

FIFTH: That the undersigned petitioner is the owner of record for the taxable real property known as 1617 Creek Street, Tax ID: 10B-028-06-01-31 and that taxable assessed value of said real property is valued at $280,000, as shown upon the latest completed assessment roll of said Town for the year 2011.

Samuel J. Mace, Pres.
For: SDSJ Associates

STATE OF NEW YORK}
COUNTY OF MONROE}

On the 31st day of September in the year 2011 before me, the undersigned, a Notary Public in and for said state, personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) (is) (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individuals, or the person upon behalf of which the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature of Notary Public
SUSAN A. GENTILE
Notary Public in the State of New York
Monroe County, No. 463647
Term Expires June 30, 2014
Schedule “A”

Sanitary Sewer Extension No. _____
To The Town of Penfield

Caroline Court

ALL THAT TRACT OR PARCEL of land situated in Part of Town 64, Township 13, Range 4 of the Phelps and Gorham Purchase, in the Town of Penfield, County of Monroe, and State of New York, and being more particularly described as follows:

COMMENCING at a point on the westerly highway boundary of Creek Street (County Route 22), and the southeastern property corner of Tax Map # 108.15-01-30 now or formerly Jerome Treuthart and the northeastern property corner of Tax Map # 108.15-01-31 now or formerly SDSJ Associates being the point of BEGINNING; thence,

1. South 00° 00' 08" East a distance of 750.42 feet to a point; thence,
2. South 88° 53' 20" West a distance of 355.25 feet to a point; thence,
3. South 89° 21' 49" West a distance of 1080.73 feet to a point; thence,
4. North 01° 19' 22" West a distance of 748.94 feet to a point; thence,
5. North 89° 11' 20" East a distance of 1453.25 feet to a point, to the place and point of beginning.

All as shown on plan prepared by D.S.B. Engineers & Architects, P.C., entitled “Sanitary Sewer Extension No. _____”, Caroline Court, Project No. II-00134, drawing I of I.
In the Matter

of

PETITION

the petition for the Establishment
of the Caroline Court
Sidewalk District # 15
#1617 Creek Street
County of Monroe, State of New York

TO THE TOWN BOARD OF THE TOWN OF PENFIELD,
COUNTY OF MONROE, STATE OF NEW YORK:

The petition of the undersigned respectfully shows:

FIRST: That the petitioners request the Town Board create an Intensified Lighting District, pursuant to the provisions of Article XII of the Town Law of the State of New York so that it shall include the land in said Town hereinafter referred to as the "Caroline Court - Sidewalk District No. 15", #1617 Creek Street, bounded and described by Schedule "A", attached.

SECOND: That all of the land in the proposed sidewalk district extension is wholly within said Town and no part of such land is within any other incorporated town, village or city.

THIRD: That the petitioners have caused to be prepared a map and plan known as Exhibit "1" dated 11/20/2011, prepared by DSB Engineers, P.C., an engineering firm duly licensed by the State of New York, showing the boundaries of the proposed sidewalk district, as well as a general layout of sidewalk improvements.

FOURTH: That the petitioners will construct said sidewalk improvements, wholly at their own expense.
FIFTH: That the undersigned petitioner is the owner of record for the taxable real property known as #1617 Creek Street, Tax I.D. # 108.15-1-31, and that taxable assessed value of said real property is valued at $280,000, as shown upon the latest completed assessment roll of said Town for the year 2011.

For SDSJ Associates

STATE OF NEW YORK\{  
COUNTY OF MONROE\}  

On the 10th day of October in the year 2011 before me, the undersigned, a Notary Public in and for said state, personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his signature on the instrument, the individuals, or the person upon behalf of which the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature of Notary Public

<table>
<thead>
<tr>
<th>Kelly A. McGrath</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notary Public, State of New York</td>
</tr>
<tr>
<td>Qualified in Monroe County</td>
</tr>
<tr>
<td>Commission No. 0065224</td>
</tr>
<tr>
<td>My Commission Expires 12/12/2022</td>
</tr>
</tbody>
</table>
FIFTH: That the undersigned petitioner is the owner of record for the taxable real property known as #1617 Creek Street, Tax I.D. # 108.15-1-31, and that taxable assessed value of said real property is valued at $280,000, as shown upon the latest completed assessment roll of said Town for the year 2011.

For SDSJ Associates

STATE OF NEW YORK
COUNTY OF MONROE

On the 15th day of October in the year 2011 before me, the undersigned, a Notary Public in and for said state, personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his signature on the instrument, the individuals, or the person upon behalf of which the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature of Notary Public

[Signature]
Schedule “A”

Sidewalk District Extension No. ____
To The Town of Penfield

Caroline Court

ALL THAT TRACT OR PARCEL of land situated in Part of Town 64, Township 13, Range 4 of the Phelps and Gorham Purchase, in the Town of Penfield, County of Monroe, and State of New York, and being more particularly described as follows:

COMMENCING at a point on the westerly highway boundary of Creek Street (County Route 22), and the southeastern property corner of Tax Map # 108.15-01-30 now or formally Jerome Treuthart and the northeastern property corner of Tax Map # 108.15-01-31 now or formally SDSJ Associates being the point of BEGINNING; thence,

1. South 00° 00’ 08” East a distance of 750.42 feet to a point; thence,
2. South 88° 53’ 20” West a distance of 355.25 feet to a point; thence,
3. South 89° 21’ 49” West a distance of 1080.73 feet to a point; thence,
4. North 01° 19’ 22” West a distance of 748.94 feet to a point; thence,
5. North 89° 11’ 20” East a distance of 1453.25 feet to a point, to the place and point of beginning.

All as shown on plan prepared by D.S.B. Engineers & Architects, P.C., entitled “Sidewalk District Extension No. ____”, Caroline Court, Project No. II-00134, drawing 1 of 1.