PENFIELD TOWN BOARD AGENDA  
Wednesday, January 18, 7:30 PM  
Supervisor R. Anthony La Fountain, presiding

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 – December 21, 2011

VI Petitions

VII Resolutions by Function
   Law and Finance
      #12T-048 Adoption of Revised Wage and Salary Schedule for 2012
      #12T-049 Authorizing the Issuance of Refunding Bonds to be Designated
                     Substantially as “Refunding (Serial) Bonds” and providing for other
                     Matters in Relation Thereto and the Payment of the Bonds to be
                     Refunded Thereby
      #12T-050 Establishment of Extension No. 53 to the Penfield Consolidated
                     Sanitary Sewer District - Caroline Court Subdivision
      #12T-051 Establishment of Sidewalk District No. 15 – Caroline Court
                     Subdivision
      #12T-052 Setting a Public Hearing for a Preliminary and Final Subdivision and
                     Site Plan Approval to Allow 35 Single Family Homes and Subdivision
                     of Two Existing Properties on 30+- acres Located at 2353 Penfield
                     Road and 85 Fellows Road
      #12T-053 An Application of the North East Joint Fire District for the Approval
                     and Consent of the Town Board for the Acquisition of 3.57 Acres of
                     Real Property Located at 600 Phillips Road, Webster, Upon
                     Disposition of 1.8 Acres of Real Property Located at 566 Phillips
                     Road, Webster
      #12T-054 Authorizing Supervisor to Sign a Release of Easement Agreement
                     for the Open Space Term Easement at 1556 Fairport Nine Mile Point
                     Road

   Public Works
      #12T-055 Approval of Out of District User Status for the Property Located at
                     1512 Five Mile Line Road

   Public Safety
      #12T-056 Approval to Attend the 37th Annual Continuing Educational
                     Conference

   Community Services
      #12T-057 Youth State Aid Agreement
      #12T-058 Authorization for Supervisor to Sign Recreation Contracts

VIII Old Business

IX New Business

X Public Participation

XI Adjournment
The Regular meeting of the Penfield Town Board was held on Wednesday, January 18, 2012 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. Town Clerk Amy Steklof announced that Animal Control Officer Tammy Sweet received a letter of appreciation from a resident thanking her for rescuing several animals that had been left in an abandoned home for many days. Both Town Clerk Steklof and Supervisor LaFountain thanked Ms. Sweet for her dedication to the job.

2. The Trails Committee will host a free indoor hike on Saturday, February 11, 2012 from 10:00 AM to Noon in the Penfield Town Hall Auditorium. To register call (585) 340-8655.

3. Councilman Quinn thanked residents that contacted him after hours notifying him of power outages throughout the Town due to high winds. Councilman Quinn suggested residents contact R G & E for power outages or 911 for the more serious issues such as a non-working traffic light or fallen stop signs.

4. The Penfield Heritage Association and the Local History Room will host Part II of the Civil War Lecture Series, “How Women were involved in the Civil War” on Sunday, February 12, 2012 from 2:30 to 4:30 PM in the Penfield Library, 1985 Baird Road. To register call 340-8720.

5. Town Board Trivia has been instituted this year. Answers can be submitted to pctv@penfield.org or #PENLIVE. The first person to answer the question correctly will receive a gift certificate. Question: The Town’s insignia was created in what year?  
A) 1950  
B) 1956  
C) 1960  
D) 1962  
The answer: c) 1960

6. The annual “State of the Town” address will be held in the Town Hall Auditorium, 3100 Atlantic Avenue on Tuesday, February 7, 2012 at 7:00 PM.

7. Tree limbs, branches and debris can be dropped off at the Highway Department, Monday through Thursday from 6:00 AM to 3:30 PM.

8. An Energy Workshop with 10 different vendors was held in the Town Hall Auditorium on Tuesday, January 17, 2012. Please look into having a home energy assessment.

9. Congratulations to Dave Renner, Cable TV Coordinator and Brian Delameter, Cable TV Coordinator Assistant for receiving the New York State Agricultural Society Harold L. “Cap” Creal 2011 Journalism Award on January 5, 2012 for their Rothfuss Farm Land improvements news story.
10. Christmas Tree recycling is available at the Penfield Highway Department, 1607 Jackson Road. The trees can be dropped off any day and any time through February 2, 2012.

11. Councilwoman Kohl’s next Community Chat will be held on Tuesday, February 21, 2012 from 5:30 to 7:00 PM in the new book area at the Penfield Library.

12. The Mardi Gras Shoe Box Float contest will be held at the Penfield Community Center on Tuesday, February 21, 2012 at 12:45 PM. Floats must be in by 5:00 PM, Friday, February 17, 2012. For more information call the Recreation Department at 340-8664.

Public Participation - None

Additions and Deletions to Agenda - None

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of December 21, 2011, Councilwoman Metzler seconded and all voted “aye.”

Petitions - None

Resolutions by Function

Law and Finance

#12T-048  Adoption of Revised Wage and Salary Schedule for 2012

BY Moore

BE IT RESOLVED, that the Town Board hereby adopts the revised Wage and Salary Schedule for the 2012 Non-Exempt, Exhibit A, page 1 of 2 and 2 of 2, effective January 18, 2012.

Moved: Moore
Seconded: Kohl

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

Adopted

#12T-049  Authorizing the Issuance of Refunding Bonds to be Designated Substantially as “Refunding (Serial) Bonds” and providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby by Moore

WHEREAS, the Town of Penfield, New York (the “Town”) has heretofore duly issued $2,580,000 aggregate principal amount of Public Improvement (Serial) Bonds, 2001, such bonds being dated September 15, 2001 and maturing in annual installments in each of the years 2002 to 2021, both inclusive (the “Refunded Bonds”), as more fully described therein; and

WHEREAS, the Refunded Bonds were authorized pursuant to bond Resolutions dated April 7, 1999, November 17, 1999, and January 10, 2001, to finance capital improvements consisting of swimming pool construction, library construction and water system improvements; and

WHEREAS, it would be in the public interest to refund all, or one or more, or a portion of one or more, of the $1,205,000 outstanding principal balance of the Refunded Bonds (such outstanding principal balance being stated as of the date hereof), by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law.
WHEREAS, such refunding will result in present value savings in debt service as required by Section 90.10 of the Local Finance Law.

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

Section 1. For the object or purpose of refunding all or a portion of the $1,205,000 outstanding aggregate principal amount of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized shall be sufficient to pay; (i) the principal amount of the Refunded Bonds; (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the maturity dates thereof or the date on which the Refunded Bonds which are callable are to be redeemed prior to their respective maturities in accordance with the Refunding Financial Plan, as hereinafter defined; (iii) the costs and expenses incidental to the issuance of refunding bonds herein authorized, if any that are not to be paid from current funds available therefore, including, without limitation, the development of the Refunding Financial Plan, compensation to the Underwriter, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the Escrow Contract, as hereinafter defined, and fees and charges of the Escrow Holder, as hereinafter mentioned; (iv) the redemption premium, if any, to be paid on the Refunded Bonds which are to be called prior to their respective maturities, if any; and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding $1,250,000 refunding serial bonds of the Town pursuant to the provisions of Section 90.10 of the Local Finance Law (the “Refunding Bonds”), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately $1,055,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially “PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND” together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of $5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Town Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph (f) of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Town Supervisor shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Town Supervisor. Notice
of such call for redemption shall be given by mailing such Notice to the registered owners not less than thirty (30) days prior to such date and as otherwise provided in Securities and Exchange Commission Release No. 34-23856, as the same may be amended from time to time. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the book-entry-only system of DTC. In the event that either DTC shall discontinue the book-entry-only system, or the Town shall terminate its participation in such book-entry-only system, such bonds shall thereafter be issued in certificated form of the denomination of $5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such book-entry-only system. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Town Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Town Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively, the "Fiscal Agent"). Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act in connection with the Refunding Bonds as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form;
Penfield Town Board, January 18, 2012

(Resolution #12T-049 - Continued)

provided, however, that the Town Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Town Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Town Supervisor, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph (j) of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph e of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that: (a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this Resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law; (b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for the object or purpose for which the Refunded Bonds were issued is (i) 20 years for the swimming pool construction, pursuant to Subdivision 12 of paragraph a. of Section 11.00 of the Local Finance Law, (ii) 20 years for the library construction, pursuant to Subdivision 12 of paragraph a. of Section 11.00 of the Local Finance Law, and (iii) 40 years for the water system improvements, pursuant to Subdivision 1 of paragraph a. of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefore; and (c) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to each of the Refunded Bonds subject to such requirements, if any, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this Resolution (the “Refunding Financial Plan”), showing the sources and amounts of all monies required to accomplish such refunding, and, to the extent required by the Local Finance Law, the estimated present value of the total debt service savings, and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in the Exhibit attached hereto and made a part of this Resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in a single series to refund all of the Refunded Bonds and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Refunding Financial Plan. This Town Board recognizes that the Refunding Bonds may be issued in series, and for only one (1) or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, interest rate or rates borne by the Refunding Bonds and provisions for redemption thereof
prior to maturity, if applicable, will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto. The Town Supervisor is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph c of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan and, in accordance herewith, all powers in connection therewith are hereby delegated to the Town Supervisor, provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Town Supervisor shall file a copy of his or her certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Town Supervisor is hereby authorized and directed to enter into an escrow contract or contracts (collectively, the “Escrow Contract”) with a bank or trust company or banks or trust companies located and authorized to do business in this State as he or she shall designate (collectively, the “Escrow Holder”) for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said Town of Penfield, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be annually levied on all the taxable real property within said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder. Accrued interest on the Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders from time to time of the Refunded Bonds shall have a lien upon such monies held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the monies and investments held by the Escrow Holder in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.
Section 8. Notwithstanding any other provision of this Resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an “arbitrage bond” as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated by the United States Treasury Department there under, as then in effect.

Section 9. Subject only to the issuance of the Refunding Bonds as herein authorized, the Town hereby elects to redeem all of the Refunded Bonds to be refunded maturing on and after the date of issuance of the Refunding Bonds that are callable at a present value savings, if any. Upon the issuance of the Refunding Bonds, the election to redeem such callable Refunded Bonds shall become irrevocable. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the time provided in the respective Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to the underwriter or underwriters duly determined by the Town Supervisor (collectively, the "Underwriter") for purchase prices to be determined by the Town Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of delivery of a payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Town Supervisor is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Town Supervisor to the Underwriter in accordance with said purchase contract upon the receipt by the Town of said purchase price, including accrued interest. The Town Supervisor is additionally authorized (but not required) to execute and deliver a financing agreement with the Dormitory Authority of the State of New York and any other agreements and documents necessary to accomplish a refinancing, all as may be determined in the discretion of the Town Supervisor.

Section 11. The Town Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this Resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms, issuance and sale of the Refunding Bonds, consistent with the provisions of Section 90.10 of the Local Finance Law, including without limitation, the determination to issue Refunding Bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor and all powers in connection therewith not otherwise heretofore delegated thereto are hereby delegated to the Town Supervisor.
(Resolution #12T-049 - Continued)

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

2. The provisions of law which should be complied with at the date of publication of this Resolution (or a summary hereof) are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Resolution, shall take effect immediately upon its adoption, and a summary hereof and included in Exhibit A, shall be published in full in each official newspaper of said Town, together with a notice in substantially the form provided in Section 81.00 of the Local Finance Law.

The motion having been duly seconded, it was adopted and the following votes were cast:

Moved: Moore  
Seconded: Quinn

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

Adopted

See Schedule “A” at end of Minutes

#12T-050 Establishment of Extension No. 53 to the Penfield Consolidated Sanitary Sewer District - Caroline Court Subdivision by Moore

WHEREAS, a Public Hearing was held at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York, on December 21, 2011, at 7:30 PM, to consider the Petition and to hear all persons interested in the establishment of Extension No. 53 to the Penfield Consolidated Sanitary Sewer District - Caroline Court Subdivision, and

WHEREAS, the Town Board received no negative or substantive comments regarding this matter; and

WHEREAS, all improvements to said district extension shall be borne solely by the developer.

NOW, THEREFORE BE IT RESOLVED, that the annexed Order be executed by the Supervisor and the members of the Town Board to establish Extension No. 53 to the Penfield Consolidated Sanitary Sewer District - Caroline Court Subdivision.

Moved: Moore  
Seconded: Metzler

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

Adopted
Penfield Town Board, January 18, 2012

#12T-051 Establishment of Sidewalk District No. 15 – Caroline Court Subdivision by Moore

WHEREAS, a Public Hearing was held at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York, on December 21, 2011 at 7:30 PM, to consider the Petition and to hear all persons interested in the establishment of Sidewalk District No. 15 for the Caroline Court Subdivision, and

WHEREAS, the Town Board received no negative and or substantive input regarding this matter, and

WHEREAS, all improvements to said district extension shall be borne solely by the developer.

NOW, THEREFORE BE IT RESOLVED, that the annexed Order be executed by the Supervisor and the members of the Town Board to establish Sidewalk District No. 15 for the Caroline Court Subdivision.

Moved: Moore
Seconded: Kohl

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

Adopted

#12T-052 Setting a Public Hearing for a Preliminary and Final Subdivision and Site Plan Approval to Allow 35 Single Family Homes and Subdivision of Two Existing Properties on 30 +/- Acres Located at 2353 Penfield Road and 85 Fellows Road by Moore

WHEREAS, an application has been received by the Penfield Town Board, under Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law, to consider the application for Incentive Zoning and Preliminary and Final Subdivision and Site Plan approval under Articles VIII-8-2 and XI-9-2 of the Code to allow 35 single family homes and the subdivision of two (2) existing parcels on 30 +/- acres in the Rural Residential 1 (RR-1) zoning district at 2353 Penfield Road and 85 Fellows Road;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield will hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 on February 15, 2012 at 7:30 PM on said date, to consider said application and to hear all persons on the question of consideration of said application; and be it further

RESOLVED, that pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and the Penfield Environmental Quality Review Law (PEQR) this proposal is classified as an Unlisted action; 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 not to be less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by law.

Moved: Moore
Seconded: Quinn

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

Adopted
An Application of the North East Joint Fire District for the Approval and Consent of the Town Board for the Acquisition of 3.57 Acres of Real Property Located at 600 Phillips Road, Webster, Upon Disposition of 1.8 Acres of Real Property Located at 566 Phillips Road, Webster by Moore

WHEREAS, The Town Board of the Town of Penfield has received and read the Resolutions of the Board of Fire Commissioners of the North East Joint Fire District (the district) on behalf of such district for the acquisition of 3.57 acres of real property located at 600 Phillips Road, Webster, New York, upon disposition of 1.8 acres of real property located at 566 Phillips Road, Webster, New York. A more particular description of the parcel of real property being acquired is contained on Schedule A attached hereto;

AND, WHEREAS, the District is exchanging one (1) parcel it presently owns at 566 Phillips Road for another parcel nearby at 600 Phillips Road, and the terms of the disposition and acquisition of said real property are set forth in a contract agreement attached hereto as Schedule B, and

WHEREAS, The Town Board has examined the documents prepared for the Board of Fire Commissioners of the North East Joint Fire District at their January 11, 2012 regular meeting, and it appears that the Fire Commissioners have satisfactorily examined said transaction and have assessed the said parcel of real property to be acquired as to its potential use and benefit to the Fire District and to the Board of Fire Commissioners in fulfilling their duties and responsibilities as the governing body of such Fire District. As a result of the foregoing, the Fire Commissioners appear to have a reasonable and substantial basis for determining to acquire such parcel of real property, and

WHEREAS, Pursuant to Section 176(23) of the Town Law, the voters of the District duly approved a proposition authorizing the disposition of 1.8 acres of real property located at 566 Phillips Road upon acquisition of 3.57 acres of real property located at 600 Phillips Road at the District’s Annual Election held on December 13, 2011;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield hereby approves the application of the Board of Fire Commissioners of the North East Joint Fire District to acquire the real property located at 600 Phillips Road, Webster, New York, and more particularly described on Schedule A attached, provided that said Commissioners are satisfied that the studies including those as to the environment reveal no adverse conditions of such parcel of real property as would prevent its use for a future District needs, and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Penfield is hereby authorized to certify copies of this Resolution for such filings and recordings as may be required by law.

Moved: Moore
Seconded: Metzler

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

Adopted

See Schedule A & B Attached

Authorizing Supervisor to Sign a Release of Easement Agreement for the Open Space Term Easement at 1556 Fairport Nine Mile Point Road by Moore

WHEREAS, on May 20, 1992, the Town adopted Local Law No. 1 of 1992 entitled “Open Space Easement Law” for the purpose of preserving open space and areas of easement; and
WHEREAS, in Resolution No. 93 of 1998, the Town Board authorized the Supervisor to enter into an Open Space Easement agreement with Adamo Furgiuele et al; and

WHEREAS, on November 20, 2000 a nine (9) year term agreement was recorded in the Monroe County Clerk’s Office, between Adamo Furgiuele et al, owner of 1556 Fairport Nine Mile Point Road hereinafter referred to as “Grantors”, and the TOWN OF PENFIELD, a municipal corporation with its offices at 3100 Atlantic Avenue, Penfield, New York hereinafter referred to as the “Grantee”; and

WHEREAS, Grantors presently own a parcel of land hereinafter briefly described as:

All that tract or parcel of land situate in the Town of Penfield, County of Monroe, State of New York as the same is more particularly described in a deed recorded in the Monroe County Clerk’s Office in Liber 6312 of Deeds at Page 5 for the property located at 1556 Fairport Nine Mile Point Road. Tax Account Number 110.01-2-18; and

WHEREAS, at a work-session on February 11, 2009, the Town Board authorized the Supervisor to renew the Open Space Easement agreement with Adamo Furgiuele et al; and

WHEREAS, on February 18, 2009 an five (5) year renewal of the term agreement was recorded in the Monroe County Clerk’s Office, between Adamo Furgiuele et al and the Town of Penfield; and

WHEREAS, Adamo Furgiuele has petitioned the Town of Penfield in a letter dated December 1, 2011, to terminate the easement agreement and to prepare a release of easement; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield does hereby authorize the Town Supervisor to execute a full and complete release of an Open Space Easement, relating to property located at 1554 Fairport Nine Mile Point Road, Penfield, NY bearing tax account No. 110.01-2-18.

Moved: Moore
Seconded: Kohl

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

Adopted

Public Works

#12T-055  Approval of Out of District User Status for the Property Located at 1512 Five Mile Line Road by Metzler

WHEREAS, Carolyn C. Wise, owner of property located at #1512 Five Mile Line Road, in the Town of Penfield, has requested Out of District user status for sanitary sewer service, in his letter dated 1/5/2012, and

WHEREAS, this parcel is not presently within a sanitary sewer district or extension thereof;

NOW, THEREFORE, BE IT RESOLVED, that an Agreement, as provided in the Town Board’s Resolution No. 83 of 1982 be executed between said property owners and the Town of Penfield providing for Out of District User status for the property located at #1512 Five Mile Line Road, and

BE IT FURTHER RESOLVED, that the Town Supervisor be, and hereby is, authorized to execute said Agreement on behalf of the Town Board of the Town of Penfield.
Penfield Town Board, January 18, 2012

(Resolution #12T-055 – Continued)

Moved: Metzler
Seconded: Moore

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

Adopted

Public Safety

#12T-056 Approval to Attend the 37th Annual Continuing Educational Conference by Quinn

WHEREAS, the Finger Lakes Building Officials Association, Inc. is holding its thirty-seventh Annual Continuing Educational Conference for Code Enforcement Officers at the RIT Inn & Conference Center, Rochester, New York on March 12, 13, 14, and 15, 2012; and

WHEREAS, this program will be certified by the New York State Department of State Office of Fire Prevention and Control as meeting 24 of 24 hours of in-service training requirements for code enforcement officials;

NOW, THEREFORE, BE IT RESOLVED that Thomas Alexander, Assistant Building/Code Compliance Inspector; Wayne Cichetti, Assistant Building/Code Compliance/Acting Fire Marshal; Andy Suveges, Building/Code Compliance Inspector; and Harold Morehouse, Building and Zoning Administrator to attend the 37th Annual Continuing Educational Conference March 12, 13, 14 and 15, 2012 at the RIT Inn & Conference Center, Rochester, New York. There will be no lodging or mileage reimbursement. Registration fees of $1,560.00 shall be allocated from departmental conference budget lines.

Moved: Quinn
Seconded: Metzler

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

Adopted

Community Services

#12T-057 Youth State Aid Agreement by Kohl

WHEREAS, the Town of Penfield wishes to continue to participate in the Comprehensive Youth Services Planning in Monroe County, and

WHEREAS, the Town Board of the Town of Penfield wishes to delegate its right to claim State Aid in the County of Monroe in the year 2012 so that the Town can participate in the County's Comprehensive Plan, and

WHEREAS, the New York State Office of Children and Families Services Division requires that the Town of Penfield's application for State Aid be approved by the Town, now

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF PENFIELD as follows:

Section 1. The Town delegates its right to claim State Aid to County of Monroe for the year 2012 so as to participate in the County's Comprehensive Plan.

Section 2. The application for State Aid by the Town is hereby approved.
Penfield Town Board, January 18, 2012

(Resolution #12T-057 - Continued)

Section 3. A contract is authorized between the Town and the County of Monroe regarding the financial agreement under the comprehensive Youth Services Planning in Monroe County.

Section 4. This Resolution shall take effect immediately.

Moved: Kohl
Seconded: Quinn

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

Adopted

#12T-058 Authorization for Supervisor to Sign Recreation Contracts
By Kohl

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following Recreation Contracts:

Barb Bonisteel, 256 Rosemont Drive, Rochester, NY 14617, Instructor for youth music program, 1/25/12 - 12/20/12, for a fee of 75% of program revenues. Vouchers to be submitted 2/1/12, 3/7/12, 4/4/12, 5/16/12, 7/18/12, 10/3/12, and 11/7/12.

Jodi Marcello, 20 Falcon Trail, Pittsford, NY 14534, Instructor for youth dance class 1/13/12 - 12/20/12 for a fee of 75% of program revenues. Vouchers submitted last voucher date each month.

Shelley Contento, 10 Manhattan Square Drive, Apt. 14Q, Rochester, NY 14607, Instructor for adult aerobics class "Zumba" 1/16/12 - 12/13/12 for a fee of 75% of the total program revenue. Voucher submitted 2/1/12, 4/4/12, 7/4/12, 8/15/12, 9/19/12, and 11/7/12.

Lindsey Hall, 115 Tuscany Lane, Webster, NY 14580, Instructor for youth art classes Pre-school Picasso, 1/24/12 - 12/11/12, for a fee of 75% of total revenues. Vouchers to be submitted first voucher date of each month.

Debra Damelio, 91 Angel Path, Webster, NY 14580, Instructor for Happy Healthy Snacks 1/19/12 - 12/25/12 for a fee of 80% of program revenues. (Instructor provides class supplies.) Vouchers to be submitted on last voucher date each month.

Lisa Magliato, 8 Oatsfield Circle, Penfield, NY 14526, Instructor for Youth Program Wiggles, Giggles & Jiggles 1/23/12 - 12/10/12 for a fee of 75% of program revenues. Voucher to be submitted on first voucher date each month.

Jim Mooney, 1723 Baird Road, Penfield, NY 14526, Instructor for Bread Baking Class 1/24/12 and Pizza at Home 2/16/12 for a fee of 75% of program revenues. Voucher to be submitted on 2/15/12.

Lynn Calcagno, 71 Maple Hill Farm Road, Penfield, NY 14526, Co-Director of Penfield Recreation Adult Tennis League, May - August 2012, for the fee of 37.5 % of program net revenues. Vouchers to be submitted 6/20/12 and 9/19/12.

Barb Ferriter, 1774 Baird Road, Penfield, NY 14526, Co-Director of Penfield Recreation Adult Tennis League, May- August 2012, for the fee of 37.5 % of program net revenues. Vouchers to be submitted 6/20/12 and 9/19/12.
Jim Missell, 1188 Northrup Road, Penfield, NY 14526, Volleyball League Assignor to provide officials for the Adult Volleyball League, 1/20/12 - 4/30/12, for the fee of $20.00 per night and provide officials for the Adult Volleyball League playoffs, for the fee of $30.00 per match. Voucher to be submitted 4/18/12.

Dave Coin, 280 Liberty Ave, Rochester, NY 14622, Scorekeeper for adult basketball league, 1/22/12 - 4/16/12 for the fee of $14.00 per game. Voucher to be submitted 3/21/12.

Sports Officials of the Rochester Area (SORA), c/o Gary Godden, 3 Edmar Ct., Rochester, NY 14467, to provide officials for the Adult Basketball League, 1/22/12 - 4/16/12, for the fee of $25.50 per official per game. Vouchers to be submitted each month.

Empire Lanes, 2400 Empire Boulevard, Webster, NY 14580, to provide youth bumper bowling program 1/23/12 - 2/27/12, 3/05/12 - 4/02/12 and 4/16/12 - 5/14/12 for a fee of $28.00 per bumper bowler and youth bowling 1/20/12 - 3/30/12 and 4/20/12 - 6/22/12 for a fee of $65.00 per youth bowler. Vouchers to be submitted on 3/07/12 and 5/16/12.

Bushido Kai Judo Club, c/o Heiko Rommelman, 240 Curtice Park, Webster, NY 14580, to supervise and provide instruction for the Bushido Kai Judo programs for youth 1/21/12 - 3/31/12 and 4/21/12 - 6/23/12, and adults 1/09/12 - 3/26/12 and 4/16/12 - 6/27/12 for the fee of 70% of program revenues. Vouchers to be submitted on 3/07/12 and 6/06/12.

Cathy Downs, 4 Elmbrook Dr., Pittsford, NY 14534, Director Sporty Sprouts Program, 1/26/12 - 3/08/12, 3/15/12 - 4/26/12 and 5/03/12 - 6/07/12, for a fee of 75% of program revenue per session. Voucher to be submitted 3/21/12 and 6/20/12.

Virginia Fairfax-Zuzero, 42 Waterford Way, Fairport, NY 14450, Instructor for Couples Dance, 1/19/12 - 3/22/12 and 4/19/12 - 5/24/12 for a fee of 75% of program revenues. Voucher to be submitted 3/21/12 and 5/16/12.

Bushido Kai Judo Club, c/o Heiko Rommelman, 240 Curtice Park, Webster, NY 14580, to supervise and provide instruction for Adult Jujitsu Self Defense, 1/17/12 - 3/26/12 and 4/16/12 - 6/19/12 for the fee of 75% of the total program revenue. Voucher to be submitted 3/21/12 and 6/20/12.

Mike Fusare, 6 Chamberlain Road, Honeoye Falls, NY 14472, Youth Volleyball, 2/04/12 - 2/25/12 and 3/17/12 - 4/07/12, for a fee of 75% of the total program revenue after all other program expenses are deducted. Voucher to be submitted 2/15/12 and 3/21/12.

Dave Coin, 280 Liberty Ave, Rochester, NY 14622, Director for Youth Instructional Soccer program, 1/21/12 - 3/10/12 for the fee of $35.00 per session. Voucher to be submitted 2/01/12.

Penfield Lacrosse Booster Club, c/o Jerry Standera, Treasurer, 31 Rockbridge Lane, Penfield, NY 14526, provider of all instruction and supervision of the Penfield Recreation Instructional Youth Lacrosse Program 1/7/12 - 2/11/12, for the fee of 75% of the program revenue after all expenses have been deducted. Voucher to be submitted 3/07/12.

Bill Palmer, 1933 Penfield Road, Penfield, NY 14526, Adult Basketball Supervisor, 1/9/12 - 4/16/12, for the fee of $36.00 per night. Vouchers to be submitted on a monthly basis.

Bernie Ziegler, 172 Grafton St., Rochester, NY 14621, Instructor for Senior Line Dancing Class 1/30/12 - 3/26/12 and 4/9/12 - 6/4/12 for a fee of $30 for each class. Voucher to be submitted on 3/21/12 and 5/16/12.
Penfield Town Board, January 18, 2012

(Resolution #12T-058 – Continued)

Will Herzog, 119 Aspen Drive, Rochester, NY 14625, Instructor for Advance Line Dancing for a fee of $30 per class. Voucher to be submitted 3/21/12 and 5/16/12.

Dick Seils, 23 Brookshire Lane, Penfield, NY 14526, Instructor for Beginning Euchre, 4 Beginning Pickleball classes 1/23/12 - 3/15/12 and 3/19/12 - 4/23/12 for a fee of 70% of total program revenue. Voucher to be submitted on 3/7/12 and 4/18/12.

Michael J. Scott, 839 Lake Rd., Webster, NY 14580, Instructor for Telling Your Story for Fun and Profit, 2/2/12 - 3/1/12 and 3/8/12 - 3/29/12 for a fee of 70% of total revenue. Voucher to be submitted 2/15/12 and 3/21/12.

Usah Shah, 688 East Ave. Apt. 7c, Rochester, NY 14607, Instructor for The Power of Now 2/7/12 - 3/6/12 and 3/13/12 - 4/10/12, Learning Wisdom from Great Ancient Traditions 2/27/12 - 5/7/12 and 4/24/12 - 5/22/12, Meditation and Health 4/10/12 - 5/8/12, and Self Help Workshops 3/5/12 and 4/23/12 for a fee of 70% of total program revenue. Vouchers to be submitted on 2/15, 4/4, 5/2 and 5/16/12.

Rosemary Zuck, 29 Stoneham Dr., Rochester, NY 14625, Instructor of What is Sageing? 2/6/12 and 2/29/12 and Getting over Getting Older 3/5/12 - 3/26/12, for a fee of 70% of total revenue. Voucher to be submitted on 2/15/12 and 3/21/12.

Nanci DeLeo, 65 New Wickham Dr., Penfield, NY 14526, Instructor for Topics in Spirituality 1/26, 2/23, 3/15, 4/26, and 5/24/12 for a fee of 70% of total revenue. Voucher to be submitted on 2/15/14, 4/18, and 6/6/12.

Donovan Shilling, 1765 Five Mile Line Rd., Penfield, NY 14526, Instructor for the Marvels and Myths of Rochester Series 1/25/12, 2/8/12, 2/29/12, 4/11/12, and 4/25/12 for a total of 70% of total revenue. Vouchers to be submitted on 3/7/12, and 5/2/12.

Joseph Meli, 54 Seth Green Dr., Rochester, NY 14621, Instructor for Life and Times of Thomas Jefferson and Life and Times of Andrew Jackson on 1/31/12 and 2/14/12 for a fee of 70% of total revenue. Voucher to be submitted on 2/15/12.

Doris Adamek, 2500 East Ave., Rochester, NY 14610, Guest speaker for 2012 Winter/Spring Lecture Series on 4/5/12 for a fee of $35 per lecture. Voucher to be submitted on 3/21/12.

The Arthritis Foundation, 330 Monroe Ave., Suite 319, Rochester, NY 14607, to provide Arthritis Exercise and classes for 2012 for a fee of $35 per class. Vouchers to be submitted upon receipt of invoice.

Fred Amato, 268 Morrow Dr., Rochester, NY 14616, Guest speaker for the Winter Lecture Series – Light Houses of Charlotte on 2/2/12 for a fee of $50. Voucher to be submitted 2/1/12.

Monroe Community College, Workforce Development, 1000 East Henrietta Road, Rochester, NY 14623, to provide S.A.T. Preparation Classes, 1/29/12 - 2/12/12 and 3/18/12 - 4/1/12, for a fee of $195.00 per registered participant per 3-class session. Vouchers to be submitted at the conclusion of the 3-class session with an invoice.

Amy Coppola, 30 Tyburn Way, Rochester, NY 14610, Instructor for Intro to Irish Dance ages 3-5, Intro to Irish Dance ages 6-14 and Intro to Irish Dance for Adults 2/2/12 - 3/1/12, 1/31/12 - 2/21/12 and 4/20/12 - 5/11/12 for a fee of 70% of total revenue. Voucher to be submitted on 2/15/12 and 5/2/12.
Penfield Town Board, January 18, 2012

(Résolution #12T-058 – Continued)

Rich Hanford, 125 Dalkeith Rd, Rochester, NY 14609, Instructor for Making your own Indoor Flower/Plant Dish on 2/15/12 and 4/11/12 for a fee of $16 per registered student. Voucher to be submitted on 2/15/12 and 4/18/12.

Joyce Bossard, 841 Corwin Rd., Rochester, NY 14610, Instructor for Beginning Knitting 1/23/12 – 2/27/12 for a fee of $7.00 per registered student. Voucher to be submitted on 2/1/12.

Marilyn Kerstjens, 42 Peaceful Harbor Lane, Webster, NY 14580, Active Yoga, 1/23/12 – 2/29/12 for a fee of 70% of the total program revenue. Vouchers to be submitted 2/1/12 and 3/7/12.

Moved: Kohl
Seconded: Metzler

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<th>Vote:</th>
<th>Kohl</th>
<th>Aye</th>
<th>LaFountain</th>
<th>Aye</th>
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<tr>
<td></td>
<td>Metzler</td>
<td>Aye</td>
<td>Moore</td>
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<td>Quinn</td>
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Adopted

Old Business - None

New Business - None

Public Participation - None

Adjournment

Supervisor LaFountain adjourned the meeting at 8:00 PM.

Amy Steklof
Town Clerk
REFUNDING FINANCIAL PLAN

EXHIBIT “A”

to
Town of Penfield
Refunding Bond Resolution
Dated January 18, 2012

Sources and Uses of Funds:

Sources of Funds:
Refunding Bonds

$1,055,000.00

Premium

$ 93,158.15

TOTAL Sources of Funds

$1,148,158.15

Uses of Funds:
Deposit to escrow for Outstanding Bonds P&I

$1,078,564.62

Costs of Issuance (including underwriters

discount and insurance premium, if any,
and other expenses)

69,593.53

TOTAL Uses of Funds

$1,148,158.15

Estimate of the present value of the total debt service savings anticipated, computed with
a discount factor and effective interest cost of the refunding bonds and bond to be
refunded of 1.472460%, in accordance with Local

Finance Law §90.10b.2.(a)

$ 53,011.99
PARCEL A

EXCEPTION LOT A
3.57 ACRES

APPROXIMATE LOCATION OF WIDE EASEMENT TO
ROCHESTER GAS & ELECTRIC CORPORATION
& ROCHESTER TELEPHONE CORPORATION
PER J.B. & H.B. PAGE 161

N01° 33' 35"W
12.55'

S88°56'38"W  520.98'
S88°21'05"E  524.02'