



TOWN OF PENFIELD

3100 Atlantic Avenue, Penfield, NY 14526-9798

TOWN BOARD LEGISLATIVE AGENDA

Wednesday, February 7, 2024 6:30PM

Supervisor Jeff Leenhouts, presiding

- I. Call to Order - Pledge of Allegiance - Roll Call
- II. Communications and Announcements
- III. Public Hearing: To Consider a Conditional Use Permit for a Tattoo Studio in a Vacant Tenant Space located at 1790 Penfield Road located in the Four Corners District
- IV. Public Participation
- V. Additions and Deletions to Agenda
- VI. Approval of Minutes - January 3, 2024
- VII. Petitions
- VIII. Resolutions by Function

Law and Finance

- 24T-048 Re-appoint Richard Lembo to the Board of Assessment Review
- 24T-049 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Generator within Storm Sewer Easement at 19 Bainbridge La.
- 24T-050 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence within Storm Sewer Easement at 38 Random Knolls Dr.
- 24T-051 Adopt Local Law to Amend Town Code Chapter 207 to Modify Real Property Tax Exemption for Volunteer Fire and Ambulance Workers
- 24T-052 Adopt Local Law to Amend Town Code Chapter 207 to Modify Real Property Tax Exemption for Persons with Disabilities and Limited Income
- 24T-053 Adopt Local Law to Amend Town Code Chapter 207 to Modify Real Property Tax Exemption for Senior Citizens
- 24T-054 Awarding Professional Consulting Services Contract for Clark Road Barn Conditions Assessment
- 24T-055 Authorizing the Supervisor to Enter into Contract with NYS Department of State Regarding the Acceptance of Grant Funds for LaSalle's Landing Park Comfort Station
- 24T-056 Acceptance of a Donation of Pre-Owned Office Furniture
- 24T-057 Budget Amendment to 2023 in the Library Fund for Gift & Memorial Activity
- 24T-058 Budget Transfers for the General, Highway & Intensified Lighting Funds for 2023
- 24T-059 Adoption of Town Board Rules of Procedure for 2024

Public Works

- 24T-060 Purchase of a E35 Bobcat Compact Excavator
- 24T-061 Purchase of a T650 T4 Bobcat Compact Track Loader
- 24T-062 Purchase of a 2024 John Deere 85P Excavator
- 24T-063 Purchase of one 2024 Chevrolet Trailblazer
- 24T-064 Purchase of one 2024 Chevrolet Trailblazer
- 24T-065 Authorization to Attend the Groman-Rupp Factory Training

TOWN BOARD LEGISLATIVE AGENDA

Public Safety

Community Services

- IX. Old Business
 - 24T-015 Town of Penfield Policy Book Revisions
 - 24T-032 Authorization for Supervisor to Fill Employment Vacancies
- X. New Business
- XI. Executive Session
- XII. Next Meeting: March 6, 2024
- 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.

PENFIELD TOWN BOARD RESOLUTION NO. 24T-048

DATE: 2/7/2024

BY: Councilperson Lee

COMMITTEE: Law & Finance

NAME: Re-appoint Richard Lembo to The Board of Assessment Review

WHEREAS, Richard Lembo of has expressed his interest for serving another term on The Board of Assessment Review, and

NOW, THEREFORE, BE IT RESOLVED, that The Town Board of the Town of Penfield re-appoints Mr. Richard Lembo, of 15 Pine Brook Circle, Penfield NY 14526, to the Board of Assessment Review of the Town of Penfield for a term ending 09/30/2028.

Moved: _____

Seconded: _____

Vote:	Berry	_____
	Lee	_____
	Leenhouts	_____
	Ockenden	_____
	Teglash	_____

Hold Harmless Agreement Request- Town of Penfield

12/20/2023

19 Bainbridge Ln Webster NY 14580

Tom Kelly 585-507-7241

The homeowners, Tom Kelly, owning a one family dwelling and lot at 19 Bainbridge Ln Webster NY 14580, are requesting for the Town of Penfield Board to allow a portion of their 24KW Generac generator to encroach into a storm sewer easement.

The 24KW Generac generator is within a storm sewer easement on the property because of the setback from the house (5' from windows, doors or vents). We cannot move the generator to another area as there is a patio covering the back yard and the opposite side of the house would add multiple thousands of dollars in additional gas/electric run.

The 24KW Generac generator will not cause issue being within the easement, the size of the generator with the GenPad is only 32"x54", and there is plenty of room on the side between houses. The generator will be 5' off the house and 32" wide.

Homeowner understands that if the 24KW Generac generator needs to be moved or removed in order to access the easement, it will be done at the homeowner's expense.

Thank you,

Jess Rawleigh Generator Supercenter 585-318-3306 Office

585-734-2884 Cell

12/20/2023

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE: 02/07/2024

BY: Councilperson Lee

COMMITTEE: Law and Finance

NAME: Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow a Fence Within a Storm Sewer Easement at 38 Random Knolls Drive – SBL#125.03-4-19

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 Daniel and Brianna Tydings, owners of property of 38 Random Knolls Drive, to permit a portion of a fence to encroach into the Storm Sewer easement to the Town of Penfield located at 38 Random Knolls Drive in a form and substance acceptable to the Town Attorney.

Moved: _____

Seconded: _____

Vote:	Berry	_____
	Lee	_____
	Leenhouts	_____
	Ockenden	_____
	Teglash	_____

PENFIELD TOWN BOARD RESOLUTION NO. 24T-_____

DATE: February 7, 2024

BY: Councilperson Lee

Law & Finance Committee

NAME Adopt a Local Law to Amend Town Code Chapter 207 (Taxation and Assessment) to Modify Real Property Tax Exemption for Volunteer Fire and Ambulance Workers

WHEREAS, the Town determined that the tax exemptions for seniors provided in Chapter 207 of the Penfield Town Code needed to be updated to conform with recent changes in New York State law; and

WHEREAS, this was determined to be a Type II action under State Quality Environmental Review Act (SEQRA), pursuant to 617.5 (c)(26); and

WHEREAS, the Town conducted a public hearing on the matter on December 6, 2023 in conformance with NYS Municipal Home Rule Law.

NOW, THEREFORE, BE IT

RESOLVED, AND HEREBY ENACTED BY THE TOWN BOARD OF THE TOWN OF PENFIELD AS FOLLOWS:

Local Law No. 1 of 2024, set forth in attached Schedule A; and

BE IT FURTHER RESOLVED, after its adoption by the Town Board of the Town of Penfield, this local law shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York.

Moved: _____

Seconded: _____

Vote:	Berry	_____
	Lee	_____
	Leenhouts	_____
	Ockenden	_____
	Teglash	_____

PENFIELD TOWN BOARD RESOLUTION NO. 24T-_____

DATE: February 7, 2024

BY: Councilperson Lee

Law & Finance Committee

NAME Adopt a Local Law to Amend Town Code Chapter 207 (Taxation and Assessment) to Modify Real Property Tax Exemption for Persons with Disabilities and Limited Income

WHEREAS, the Town determined that the tax exemptions for seniors provided in Chapter 207 of the Penfield Town Code needed to be updated to conform with recent changes in New York State law; and

WHEREAS, this was determined to be a Type II action under State Quality Environmental Review Act (SEQRA), pursuant to 617.5 (c)(26); and

WHEREAS, the Town conducted a public hearing on the matter on January 3, 2024 in conformance with NYS Municipal Home Rule Law.

NOW, THEREFORE, BE IT

RESOLVED, AND HEREBY ENACTED BY THE TOWN BOARD OF THE TOWN OF PENFIELD AS FOLLOWS:

Local Law No. 2 of 2024, set forth in attached Schedule A; and

BE IT FURTHER RESOLVED, after its adoption by the Town Board of the Town of Penfield, this local law shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York.

Moved: _____

Seconded: _____

Vote: Berry _____

Lee _____

Leenhouts _____

Ockenden _____

Teglash _____

PENFIELD TOWN BOARD RESOLUTION NO. 24T-_____

DATE: February 7, 2024

BY: Councilperson Lee

Law & Finance Committee

NAME Adopt a Local Law to Amend Town Code Chapter 207 (Taxation and Assessment) to Modify Real Property Tax Exemption for Senior Citizens

WHEREAS, the Town determined that the tax exemptions for seniors provided in Chapter 207 of the Penfield Town Code needed to be updated to conform with recent changes in New York State law; and

WHEREAS, this was determined to be a Type II action under State Quality Environmental Review Act (SEQRA), pursuant to 617.5 (c)(26); and

WHEREAS, the Town conducted a public hearing on the matter on January 3, 2024 in conformance with NYS Municipal Home Rule Law.

NOW, THEREFORE, BE IT

RESOLVED, AND HEREBY ENACTED BY THE TOWN BOARD OF THE TOWN OF PENFIELD AS FOLLOWS:

Local Law No. 3 of 2024, set forth in attached Schedule A; and

BE IT FURTHER RESOLVED, after its adoption by the Town Board of the Town of Penfield, this local law shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York.

Moved: _____

Seconded: _____

Vote:	Berry	_____
	Lee	_____
	Leenhouts	_____
	Ockenden	_____
	Teglash	_____

BY: Councilperson Lee

Law & Finance Committee

NAME Awarding Professional Consulting Services Contract for Clark Road Barn Conditions Assessment

WHEREAS, the Town issued a Request for Proposals (RFP) requesting proposals from qualified design professionals to assess the existing conditions of the Clark Road Barn (“the Barn”); and

WHEREAS, the Town circulated the RFP to known professional firms and individuals with required expertise and published the RFP on the Town’s website; and

WHEREAS, the Town received one proposal from a project team led by Torchia Structural Engineering and Design (“TSE”) that outlined a specified scope of work and provided a total project cost of \$24,500; and

WHEREAS, the Town has reviewed the qualifications and proposed scope of work and finds them to be responsive to the outlined requirements of the RFP; and

WHEREAS, the Town Board approves the appropriation of \$24,500 from the Unassigned General Fund Balance as an amendment to the 2024 Engineering Department Budget (A00-1440) to fund this project in full; and

WHEREAS, a contract for professional services is classified as a Type II action under State Environmental Quality Review Act (SEQRA) and no further environmental review is required.

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Town Supervisor to enter into contract with TSE in an amount not to exceed \$24,500; and

BE IT FURTHER RESOLVED, that the contract for services shall be reviewed by the Town Attorney prior to contract execution.

Moved: _____

Seconded: _____

Vote:	Berry	_____
	Lee	_____
	Leenhouts	_____
	Ockenden	_____
	Teglash	_____

PENFIELD TOWN BOARD RESOLUTION NO. 24T-_____

DATE: February 7, 2024

BY: Councilperson Lee

Law & Finance Committee

NAME Authorizing the Town Supervisor to Enter into Contract with the NYS Department of State Regarding the Acceptance of Grant Funds for the LaSalle’s Landing Park Comfort Station

WHEREAS, the Town of Penfield applied for a Local Waterfront Revitalization Program (LWRP) implementation grant through New York State’s 2023 Consolidated Funding Application process to fund the installation of a comfort station at LaSalle’s Landing Park; and

WHEREAS, the grant application was successful and New York State Department of State (NYSDOS) has awarded the Town of Penfield \$624,000 under the Environmental Protection Fund; and

WHEREAS the Town of Penfield and NYDOS will need to enter into a contract to oversee the completion of the grant funded project.

NOW, THEREFORE, BE IT RESOLVED, the Penfield Town Board accepts the State’s grant funds and authorizes the Town Supervisor to enter into the required contract with NYDOS.

Moved: _____

Seconded: _____

Vote:	Berry	_____
	Lee	_____
	Leenhouts	_____
	Ockenden	_____
	Teglash	_____

PENFIELD TOWN BOARD RESOLUTION NO. 24T-_____

DATE February 7, 2024

BY: Councilperson Lee

COMMITTEE: Law and Finance

NAME **Acceptance of a Donation of Pre-Owned Office Furniture**

WHEREAS the Town Supervisor, Jeffrey Leenhouts, donated office furniture to the Town of Penfield, valued at approximately \$3,800.

NOW THEREFORE BE IT RESOLVED the Town Board acknowledges this generous gift and recognizes the addition of these assets which includes: an executive desk, bookcase, credenza, armoire, small table and four chairs.

Moved: _____

Seconded: _____

Vote:

Berry _____

Lee _____

Leenhouts _____

Ockenden _____

Teglash _____

PENFIELD TOWN BOARD RESOLUTION NO.24T-____ DATE: February 6, 2024

BY: Councilperson Lee COMMITTEE: Law and Finance

NAME: **Budget Amendment to 2023 in the Library Fund for Gift & Memorial Activity**

WHEREAS, at their monthly meetings, the Library Board recognized revenue in 2023 totaling \$1,491.95 in the Gift & Memorial Fund for use on operational expenses, and

WHEREAS, at their monthly meetings, the Library Board approved expenses in 2023 totaling \$7,317.30 from the Gift & Memorial Fund, 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 2023 budget amendment be approved:

<u>Revenue</u>	<u>Amount</u>	<u>Appropriations</u>	<u>Amount</u>
L00-1000-2401-0003 Gift & Memorial Interest	\$1,256.95	L00-7410-0004-4043 Gift & Memorial Expenses	\$7,317.30
L00-1000-2705-0002 Gift & Memorial Gifts & Donations	\$ 235.00		
L00-1000-6000-0000 Budgeted Surplus	\$5,825.35		

Moved: _____

Seconded: _____

Vote:

Berry _____

Lee _____

Leenhouts _____

Ockenden _____

Teglash _____

PENFIELD TOWN BOARD RESOLUTION NO. 24T-_____ DATE: February 7, 2024

BY: Councilperson Lee COMMITTEE: Law and Finance

NAME: **Budget Transfers for the General, Highway and Intensified Lighting Funds for 2023**

WHEREAS, transfers are necessary for year-end reconciliations, 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 attached 2023 budget transfers be approved.

Moved: _____

Seconded: _____

Vote:

Berry _____

Lee _____

Leenhouts _____

Ockenden _____

Teglash _____

Town Board 2/7/24

TRANSFERS

From	Amount	To	Amount
A00-1990-0004-4040 Contingency	\$ 10,279.00	A00-1330-0001-1012 Tax Receiver PT	\$ 1,113.00
		A00-3510-0001-1011 Animal Control FT	\$ 2,306.00
		A00-7620-0004-4030 Adult Fitness	\$ 1,661.00
		A00-8010-0001-1012 Zoning PT	\$ 441.00
		A00-8025-0001-1012 Planning PT	\$ 545.00
		A00-8160-0004-4011	\$ 4,213.00
Total General Fund	\$ 10,279.00		\$ 10,279.00

From	Amount	To	Amount
DA0-5010-0001-1011 Highway Full Time	\$ 2,134.00	DA0-5142-0001-1013 Snow & Ice Seasonal	\$ 2,134.00
Total Highway Fund	\$ 2,134.00		\$ 2,134.00

From	Amount	To	Amount
SL0-5182-0004-4036 Maint. Of Streetlighting	\$ 1,725.00	SI1-5184-0004-4061 Electricity	\$ 1,725.00
Total Intensified Lighting Fund	\$ 1,725.00		\$ 1,725.00

PENFIELD TOWN BOARD RESOLUTION NO. _____

DATE February 7, 2024

BY Councilperson Lee

COMMITTEE: Law and Finance

NAME Adoption of Town Board Rules of Procedure for 2024

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

NOW, BE IT RESOLVED, that the Rules of Procedure annexed hereto are hereby adopted and will supersede all previous versions, and

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

Moved: _____

Seconded: _____

Vote:

Berry _____

Lee _____

Leenhouts _____

Ockenden _____

Teglash _____

PENFIELD TOWN BOARD RESOLUTION NO. 24T-_____

DATE: February 7, 2024

BY: Councilperson Ockenden

COMMITTEE: Public Works

NAME: Purchase of a E35 Bobcat Compact Excavator

WHEREAS, the Director of Public Works desires to purchase one E35 Bobcat compact excavator, from the NYSOGS contract # PC69396, from Clark Equipment Company dba Bobcat Company, Govt Sales, 250 E Beaton Drive, West Fargo, ND 58078, for a total cost of \$55,728.68; and

WHEREAS, total funds are available in the 2024 Highway Department Budget (DA0-5130);

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

Moved: _____

Seconded: _____

Vote:

Berry _____

Lee _____

Leenhouts _____

Ockenden _____

Teglash _____

PENFIELD TOWN BOARD RESOLUTION NO. 24T-_____

DATE: February 7, 2024

BY: Councilperson Ockenden

COMMITTEE: Public Works

NAME: Purchase of a T650 T4 Bobcat Compact Track Loader

WHEREAS, the Director of Public Works desires to purchase one T650 T4 Bobcat compact track loader with brushcat mowing attachment, from the NYSOGS contract # PC69396, from Clark Equipment Company dba Bobcat Company, Govt Sales, 250 E Beaton Drive, West Fargo, ND 58078, for a total cost of \$80,703.90; and

WHEREAS, total funds are available in the 2024 Highway Department Budget (DA0-5130);

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

Moved: _____

Seconded: _____

Vote:

Berry _____

Lee _____

Leenhouts _____

Ockenden _____

Teglash _____

PENFIELD TOWN BOARD RESOLUTION NO. 24T-_____

DATE: February 7, 2024

BY: Councilperson Ockenden

COMMITTEE: Public Works

NAME: Purchase of a 2024 John Deere 85P Excavator

WHEREAS, the Director of Public Works desires to purchase a 2024 John Deere 85P excavator, from Sourcewell Contract # 011723-JDC, from Five Star Equipment Inc, 60 Paul Road, Rochester NY 14624, for a total cost of \$135,000.00; and

WHEREAS, total funds are available in the 2024 Drainage Budget (SD0-8540);

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

BE IT FURTHER RESOLVED, that the Town Board approves the following transfer:

From	Amount	To	Amount
SD0-8540-0004-4033 Equipment Repairs	\$5,000.00	SD0-8540-0002-2200 Equipment for Drainage Projects	\$5,000.00

Moved: _____

Seconded: _____

Vote:

Berry _____

Lee _____

Leenhouts _____

Ockenden _____

Teglash _____

PENFIELD TOWN BOARD RESOLUTION NO. 24T-_____

DATE: February 7, 2024

BY: Councilperson Ockenden

COMMITTEE: Public Works

NAME: Purchase of one 2024 Chevrolet Trailblazer

WHEREAS, the Director of Public Works desires to purchase one 2024 Chevrolet Trailblazer, from Monroe County piggyback Contract # 0508-23, from DeNooyer Chevrolet, 127 Wolf Road, Albany NY, for a total cost of \$30,502.50; and

WHEREAS, funds for said purchase were allocated in the 2024 Building Department Budget (A00-3620) for said vehicle;

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

Moved: _____

Seconded: _____

Vote:

Berry _____

Lee _____

Leenhouts _____

Ockenden _____

Teglash _____

PENFIELD TOWN BOARD RESOLUTION NO. 24T-_____

DATE: February 7, 2024

BY: Councilperson Ockenden

COMMITTEE: Public Works

NAME: Purchase of one 2024 Chevrolet Trailblazer

WHEREAS, the Director of Public Works desires to purchase one 2024 Chevrolet Trailblazer, from Monroe County piggyback Contract # 0508-23, from DeNooyer Chevrolet, 127 Wolf Road, Albany NY, for a total cost of \$30,502.50; and

WHEREAS, funds for said purchase were allocated in the 2024 Town Supervisor Department Budget (A00-1220) for said vehicle;

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

Moved: _____

Seconded: _____

Vote:

Berry _____

Lee _____

Leenhouts _____

Ockenden _____

Teglash _____

PENFIELD TOWN BOARD RESOLUTION NO. 24T-_____

DATE: February 7, 2024

BY: Councilperson Ockenden

COMMITTEE: Public Works

NAME: Authorization to attend the Groman-Rupp Factory Training

WHEREAS, Gorman-Rupp sponsors a “Factory Training” at their manufacturing facility in Mansfield, OH; and

WHEREAS, the training has been very successful and helpful in informing and educating municipal staff on various topics associated with the operation and hydraulics of Gorman-Rupp pumps;

NOW, THEREFORE, BE IT RESOLVED, that Eric Tait, Director of Public Works, and Alex Fassanella, Sewer Department Foreman, be and hereby are authorized to attend the Gorman Rupp Factory Training in Mansfield, OH on Tuesday, March 5th, and Wednesday, March 6th, 2024, and that all appropriated expenses will be reimbursed, which are budgeted in the 2024 DPW Budget (A00-5010).

Moved: _____

Seconded: _____

Vote:

Berry _____

Lee _____

Leenhouts _____

Ockenden _____

Teglash _____

NEW BUSINESS

PENFIELD TOWN BOARD RESOLUTION NO. 24T- 066

DATE: February 7, 2024

BY: Councilperson Ockenden

Public Works Committee

NAME Declaring the Town of Penfield’s Intent to Serve as Lead Agency Under State Environmental Quality Review Act (SEQRA) for the Proposed Use of Monroe County Property for Brush Drop-off at 1775 Kennedy Road (Tax ID: 111.01-1-27)

WHEREAS, the Town of Penfield has the opportunity to consider the use of 1775 Kennedy Road (“the Property”) to serve as the future location for brush drop-off for the Town of Penfield; and

WHEREAS, the owner of the Property, the County of Monroe, is amenable to executing an Inter-Municipal Agreement (“agreement”) with the Town to utilize a portion of the property for brush drop off and make required modifications associated with said use; and

WHEREAS, based on the proposed size of the Town’s utilization area (+ 6.5 acres), this action has been determined to be a Type I action under the State Quality Environmental Review Act (SEQRA), pursuant to 617.4 (b) (6) (i) and requires a coordinated review among involved and interested agencies; and

WHEREAS, Town of Penfield Town Board wishes to initiate the coordinated review process by declaring its intent to serve as lead agency pursuant to the requirements of SEQRA.

NOW, THEREFORE, BE IT RESOLVED, the Town Board declares its intent to serve as lead agency for the purposes of SEQRA and directs staff to circulate the required notification to involved and interested agencies.

Moved: _____

Seconded: _____

Vote:	Berry	_____
	Lee	_____
	Leenhouts	_____
	Ockenden	_____
	Teglash	_____

RULES OF PROCEDURE
FOR
PENFIELD TOWN BOARD MEETINGS, PUBLIC HEARINGS
AND PUBLIC INFORMATION MEETINGS

I. TOWN BOARD MEETINGS & PUBLIC HEARINGS

A. TIME, DATE & PLACE

1. Regular Meetings:

Penfield Town Board shall regularly meet the first Wednesday of each month at 6:30 PM in the Penfield Town Hall, Penfield, New York. The primary purpose of these meetings is for legislative actions. When such date falls on a legal holiday, the Town Board may set an alternate date and time of said meeting, or may dispense with said meeting. For good cause shown, the Supervisor is authorized to cancel Town Board meetings subject to rescheduling thereof.

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

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

2. Public Hearings:

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

3. Special Meetings:

Special meetings may be called by the Supervisor from time to time. The Supervisor shall call a special meeting within 10 days if requested in writing to do so, by not less than two (2) Town Board members. The time and date of the special meeting may be set at the discretion of the Supervisor. Said meetings scheduled less than one week in advance must be preceded by the same forms of notice given “to the extent practicable” at a reasonable time prior to the meeting. Said notice shall contain the proposed agenda items to be contemplated by said special meeting.

B. REGULAR AGENDA

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

As nearly as possible, said agenda shall follow the following points and order:

1. Call to Order, Pledge of Allegiance, Roll Call
2. Communications and Announcements
 - a) From the Supervisor
 - b) From the Town Board Members
 - c) From the Town Clerk and Town Attorney
3. Public Participation
4. Additions and Deletions to Agenda
5. Consent Agenda
6. Approval of Minutes of Prior Meeting

7. Petitions Received
8. Resolutions by Function
 - a) Law & Finance
 - b) Public Works
 - c) Public Safety
 - d) Community Services
9. Old Business
10. New Business
11. Adjournment

C. FUNCTIONAL COMMITTEES

1. Standing Functional Committees:

The following shall be designated as areas of responsibility of the Penfield Town Board and shall be standing committees of the Penfield Town Board:

- a) Law and Finance
- b) Public Works
- c) Public Safety
- d) Community Services

2. Ad Hoc Committees:

Pursuant to Town Law, the Supervisor may designate ad hoc committees and appoint the members thereof at times and from time to time as the need may arise.

3. Composition Formation of Functional Committee:

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

D. RESOLUTIONS

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

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

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

E. PARLIAMENTARY PROCEDURE & VOTING

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

2. Except where inconsistent with the Laws of New York, or any other rules adopted by the Penfield Town Board, procedural questions shall be resolved by "Robert's Rules of Order". The Town Attorney shall serve as Parliamentarian.

II. MEETINGS OF STANDING COMMITTEES OF THE TOWN BOARD

A. TIME, DATE & PLACE

The Town Board shall meet in Work Session on the third Wednesday of each month at 6:30 PM at the Penfield Town Hall.

Business will be conducted for each functional committee including Law and Finance, Public Works, Public Safety and Community Service.

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

B. AGENDA

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

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

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

1. Reports from standing committee chairperson;
2. Meetings with various appointed boards and committees in the Town;
3. Meetings with department heads, the Town Engineer and other consultants;

4. Items referred to the committee by the Town Board;
5. Communications and other pertinent business relating to the standing committee;
6. Executive Sessions as set forth herein above.

III. PUBLIC HEARINGS

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

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

IV. CONDUCT OF THE PUBLIC

A. Any person recognized by the Supervisor shall give name, address and the nature of his or her business, briefly.

B. No such person has the right to demand an answer to a specific question from a member of the Board. All such questions should be directed to the Supervisor.

C. No member of the public shall engage in any demonstration, booing, hand clapping or otherwise disrupt the formality of the Town Board meeting.

D. No signs are permitted in the auditorium, for the safety of everyone.

E. No member of the public shall be permitted to address the Town Board unless recognized by the Supervisor.

F. Any person speaking to the Town Board with the consent of the Supervisor shall address his remarks to the Town Board, not to other members of the audience in the form of a debate.

G. A Town Board meeting is an important Legislative session and it is expected that all members of the public will conduct themselves in a civil manner.

H. Any person wishing to speak at a Public Hearing may, prior to the start of said hearing, complete an "Intent to Speak" form available from the Town Clerk. The completed form shall be given to the

Town Clerk who will recognize the speakers as the hearing progresses. Additionally, the Supervisor will recognize certain interests at the start of the hearing if such action will facilitate a more orderly and logical discussion of the subject of the hearing. In fairness to all members of the public, speakers are encouraged to focus on the facts of the matter at hand. Persons who have not indicated their intent to speak by completing the available form, may also have an opportunity to speak after all those who have signed forms have spoken. The public may also submit statements in writing. A speaker may be permitted to speak a second time by the Supervisor at his or her discretion, but only after everyone who wishes to speak a first time has spoken. During public hearings and public participation, the Supervisor may limit the time of participants to five (5) minutes per speaker.”

I. Penfield Town Board agendas provide a segment of time for citizens to speak during legislative sessions, which is clearly defined early on the agenda. Persons may speak on any subject related to the Town and are not confined to items on the agenda. During public participation, the Supervisor may limit the time of participants to five (5) minutes per speaker.”

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

K. Rules Letters “A”, “B”, “C”, “D”, “E”, “F” “G” and “H” apply to Public Hearings, as well as to Town Board Meetings. A Public Hearing is not a legislative session.

L. To the extent members of the public or news media wish to photograph, record, or broadcast a meeting, such conduct shall be permitted unless it is obtrusive, disruptive, or interferes with the deliberative process or the right of persons in attendance to observe or listen to the proceedings. This determination may be made in the sole discretion of the Town Board.

V. CONSENT AGENDA

A. Items requiring a decision that are expected to require no discussion or debate may, at the Supervisor's option, be placed on the agenda under the heading "Consent Agenda." Such items may include, but are not limited to: approval of minutes; acceptance of departmental reports; budget transfers and related items; the establishment of committees and appointments to committees; the assessment of cost and expenses and the levy upon real property tax bills for property maintenance remediations; the delegation of authority to

grant or deny conditional use permits pursuant to the Penfield Town Code; and seasonal appointments and reappointments to positions in Town departments.

B. Items may be moved out of the consent agenda section at the request of any member of the Town Board prior to approval of the agenda. No motion or vote of the Town Board is required with respect to a request to move an item out of the consent agenda.

C. When a member of the Town Board requests that an item be moved out of the consent agenda section, the Supervisor shall decide where to place that item on the agenda.

D. Approval of the consent agenda by the Town Board shall be unanimous by those members present, and shall constitute approval of each of the items listed under the consent agenda portion of the meeting. No separate vote to approve items set forth in the consent agenda portion shall be required.

E. Items on the consent agenda, including any supporting documents, shall be distributed to board members and reviewed in advance of the meeting. When preparing the minutes, the Clerk shall include the full text of the resolutions, reports or recommendations that were adopted as part of the consent agenda.

VI. MISCELLANEOUS PROVISIONS

A. FILE OF COMMUNICATIONS AND PROPOSED RESOLUTIONS

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

B. SAVINGS CLAUSE

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

C. EXECUTIVE ORDER COMPLIANCE

From time-to-time, meetings may be conducted remotely as may be permitted or required by applicable law and/or executive order, and such meetings will be recorded and broadcast live on the Town of Penfield website at www.penfield.org and on the Town's Government Access Channel 1303, together with any other procedures or requirements mandated by applicable law and/or executive order.

Effective: February 7, 2024

Schedule A

**Town of Penfield
Draft Local Law No. 1 of 2024**

**A LOCAL LAW
TO AMEND PENFIELD TOWN CODE ARTICLE XI
CHAPTER 207
(TAX EXEMPTION FOR VOLUNTEER FIRE AND AMBULANCE SERVICE
WORKERS)**

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

Section 1. Purpose – Conformance with Real Property Tax Law § 466-a. The Town Board of the Town of Penfield is amending Article XI of Chapter 207 of the Town Code (Tax Exemption for Volunteer Fire and Ambulance Service Workers) to conform with recent legislation amending the Real Property Tax Law.

Section 2. Amendments. The following revisions, additions and deletions to Article XI of Chapter 207 of the Penfield Town Code are proposed. New text is underlined and deleted text is marked with a strike-through:

§ 207-42 Title.

This article shall be entitled "Tax Exemption for Volunteer Fire and Ambulance Service Workers and their Un-remarried Spouses."

§ 207-43 Legislative Intent.

The Real Property Tax Law has been amended by the addition of a new § ~~466-K~~466-a which permits a town to grant a partial tax exemption on real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse or un-remarried spouse of a deceased member. Said partial exemption can be 10% of the assessed value of such property for all Town, part Town and special district purposes.

§ 207-47 Un-remarried Spouses of Volunteer Firefighters or Volunteer Ambulance Workers Killed in the Line of Duty.

An un-remarried spouse of a deceased enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service is eligible for the exemption set forth in this Article if such member is killed in the line of duty provided, however, that:

A. Such an un-remarried spouse is certified by the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service who was killed in the line of duty; and

B. Such deceased volunteer had been an enrolled member for at least five years; and

C. Such deceased volunteer had been receiving the exemption prior to his or her death.

§ 207-48 Un-remarried Spouses of Deceased Volunteer Firefighters or Volunteer Ambulance Workers.

An un-remarried spouse of a deceased enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service is eligible for the exemption set forth in this Article provided, however, that:

A. Such an un-remarried spouse is certified by the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of a deceased enrolled member of such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and

B. Such deceased volunteer had been an enrolled member for at least twenty years; and

C. Such deceased volunteer and un-remarried spouse had been receiving the exemption for such property prior to the death of such volunteer.

§ 207-4749 Application.

Application for such exemption shall be filed with the Assessor on or before the taxable status date on a form as prescribed by the State Board of Real Property Services.

§ 207-4850 Administration.

The Assessor of the Town of Penfield is hereby directed to accept applications for real property tax exemption of persons who are volunteer fire and ambulance service workers and, when satisfied that the application meets all criteria, approve the application and to appropriately code the assessment roll of the Town of Penfield to accurately reflect the exemption on the entitled property.

§ 207-4951 No diminution of benefits.

No applicant who, is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of Article 4 of the Real Property Tax Law on the effective date of this article shall suffer any diminution of such benefit because of the provisions of this article.

Section 3. Severability. The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

Section 4. Effective Date. This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.

Schedule A

**Town of Penfield
Draft Local Law No. 2 of 2024**

**A LOCAL LAW
TO AMEND PENFIELD TOWN CODE ARTICLE V
CHAPTER 207
(TAX EXEMPTION FOR PERSONS WITH DISABILITIES
AND LIMITED INCOME)**

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

Section 1. Purpose – Conformance with Real Property Tax Law § 459-c. The Town Board of the Town of Penfield is amending Article V of Chapter 207 of the Town Code (Tax Exemption for Persons with Disabilities and Limited Income) to conform with recent legislation amending the Real Property Tax Law.

Section 2. Amendments. The following revisions, additions and deletions to Article V of Chapter 207 of the Penfield Town Code are hereby enacted. New text is underlined and deleted text is marked with a strike-through:

§207-10 Purpose and intent; statutory authority.

It is the purpose and intent of this article to implement legislation which amended the Real Property Tax Law by adding a new § 459-c that was then amended in 2023. The new section allows a real property tax exemption for persons with disabilities and limited incomes, provided that they meet certain criteria as set forth in Real Property Tax Law § 459-c, Subdivision 2, Paragraph B.

§207-12 Qualification for exemption:

Real property must meet the following criteria in order to be eligible for this exemption:

- A. Be owned by a person or persons with disabilities or owned by a married person or a married couple ~~husband, wife, or both~~, or by siblings, at least one of whom has a disability and whose income is limited by reason of such disability. A disabled person is a person with a physical or mental impairment, not due to the current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who is 1) certified to receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits under the Federal Social Security Act or 2) is certified to receive Railroad Retirement Disability Benefits under the Federal Railroad Retirement Act, or 3) has received a certificate from the State Commission for the Blind and Visually Handicapped stating that such person is legally blind, 4) or is certified to receive a

United States Postal Service disability pension, or 5) is certified to receive a United States Department of Veterans Affairs disability pension pursuant to 38 U.S.C. § 1521. An award letter from the Social Security Administration or the Railroad Retirement Board, or a certificate from the State Commission for the Blind and Visually Handicapped, or an award letter from the United States Postal Service, or an award letter from the United States Department of Veterans Affairs shall be submitted as proof of disability.

B. The combined qualifying income of all the owners of the real property cannot exceed \$28,999 in order to receive a fifty-percent exemption and ~~cannot exceed~~ must be less than \$37,400 to receive a pro-rated exemption in accordance with the same graduated income scale applicable to Real Property Tax Law § 467, in accordance with the following schedule:

Annual Income	Percentage of Assessed Valuation Exempt from Taxation
\$0 to \$28,999	50%
\$29,000 to \$29,999	45%
\$30,000 to \$30,999	40%
\$31,000 to \$31,999	35%
\$32,000 to \$32,899	30%
\$33,900 to \$33,799	25%
\$33,800 to \$34,699	20%
\$34,700 to \$35,599	15%
\$35,600 to \$36,499	10%
\$36,500 to \$37,399	5%
\$37,400 and over	0%

(1) The eligible income levels will remain as shown in the “Annual Income” schedule unless amended by local law. ~~then increase \$1,000 annually through 2009, such that in 2009 there will be a fifty percent exemption for incomes up to \$28,999 and a graduated reduction in exemption for incomes more than \$28,999 but less than \$37,400~~

(2) This article, as amended, shall take effect immediately upon filing with the Secretary of State and shall be effective for assessment rolls of the Town of Penfield prepared on or after March 1, 2024.

C. Only those persons meeting the requirements of Real Property Tax Law § 459-c shall be entitled to the exemption hereby provided.

D. Income shall include the “adjusted gross income” for the federal income tax purposes as reported on the applicant’s federal or state income tax return for the applicable income tax year subject to any subsequent amendments or revisions, plus any social security benefits not included in such federal adjusted gross income; provided that if no such return was filed for the applicable income tax year, the applicant’s income shall be determined based on the amounts that would have so been reported if such a return had been filed; the following conditions shall be applicable: any tax-exempt interest or dividends that were excluded from the applicant’s federal adjusted gross income shall be considered income; any losses that were applied to reduce the applicant’s

federal adjusted gross income shall be subject to the following limitations: the net amount of loss reported on federal Schedule C, D E or F shall not exceed \$3,000 per schedule, the net amount of any other separate category of loss shall not exceed \$3,000, and the aggregate amount of all losses shall not exceed \$15,000.

Amend §207-14 Effective Date.

This article shall take effect immediately upon filing with the Secretary of State and shall be used in the preparation of assessment rolls on or after March 1, 2024.

Schedule A

Town of Penfield Draft Local Law No. 3 of 2024

A LOCAL LAW TO AMEND PENFIELD TOWN CODE ARTICLE I CHAPTER 207 (TAX EXEMPTION FOR SENIOR CITIZENS)

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

Section 1. Purpose – Conformance with Real Property Tax Law § 467. The Town Board of the Town of Penfield is amending Article I of Chapter 207 of the Town Code (Senior Citizens Exemption) to conform with recent legislation amending the Real Property Tax Law.

Section 2. Amendments. The following revisions, additions and deletions to Article V of Chapter 207 of the Penfield Town Code are hereby enacted. New text is underlined and deleted text is marked with a strike-through:

§207-2 Legislative Intent It is the purpose of this article to grant partial exemption from taxation of real property owned by persons 65 years of age or over in certain cases in accordance with Chapter 187 of the Laws of 1977 of the State of New York and Real Property Tax Law § 467 as amended in 2023.

§207-3 Eligibility

- A. Notwithstanding any other provision of law, any person otherwise qualifying for the senior citizen tax exemption pursuant to Real Property Tax Law § 467 shall not be denied the exemption if he or she becomes 65 years of age after the appropriate taxable status date and before December 31 of the same year.
- B. The qualifying income of the owner, or the combined qualifying income of the owners, of the property for the income tax year immediately preceding the date of making application for exemption must ~~not exceed the sum of~~ must be less than \$37,400 ~~or such other sum not less than \$26,000.~~ "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either a married person or a married couple ~~the husband or wife~~, their combined income may not exceed such sum, except where a spouse ~~the husband or wife, or ex-spouse~~ ~~ex-husband or ex-wife~~, is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. [Amended 12-16-2015 by L.L. No. 3-2015]

C. Such income shall include the “adjusted gross income” for the federal income tax purposes as reported on the applicant’s federal or state income tax return for the applicable income tax year subject to any subsequent amendments or revisions, plus any social security benefits not included in such federal adjusted gross income; provided that if no such return was filed for the applicable income tax year, the applicant’s income shall be determined based on the amounts that would have so been reported if such a return had been filed; the following conditions shall be applicable: any tax-exempt interest or dividends that were excluded from the applicant’s federal adjusted gross income shall be considered income; any losses that were applied to reduce the applicant’s federal adjusted gross income shall be subject to the following limitations: the net amount of loss reported on federal Schedule C, D E or F shall not exceed \$3,000 per schedule, the net amount of any other separate category of loss shall not exceed \$3,000, and the aggregate amount of all losses shall not exceed \$15,000. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset, which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

D. Exemption qualifications.

Annual Income	Percentage of Assessed Valuation Exempt from Taxation
\$0 to \$28,999	50%
\$29,000 to \$29,999	45%
\$30,000 to \$30,999	40%
\$31,000 to \$31,999	35%
\$32,000 to \$32,899	30%
\$33,900 to \$33,799	25%
\$33,800 to \$34,699	20%
\$34,700 to \$35,599	15%
\$35,600 to \$36,499	10%
\$36,500 to \$37,399	5%
\$37,400 and over	0%

(1) ~~The eligible income levels will remain as shown in the “Exemption qualifications” chart unless amended by local law, then increase \$1,000 annually through 2009, such that in 2009 there will be a fifty percent exemption for incomes up to \$28,999 and a graduated reduction in exemption for incomes more than \$28,999 but less than \$37,400.~~

(2) This article shall take effect immediately upon filing with the Secretary of State and shall be effective for assessment rolls of the Town of Penfield prepared on or after March 1, 2024.

E. Only those persons meeting the requirements of Real Property Tax Law § 467 shall be entitled to the exemption hereby provided.

§207-4 Administration

A. The Assessor shall, ~~within five days~~ after the adoption of this article, make available ~~prepare~~ forms for an exemption pursuant to § 207-3, after NYS Dept. of Tax & Finance prepares the relevant forms and or establishes the appropriate standards for such forms.

