

PERINTON TOWN BOARD MEETING  
 1350 Turk Hill Road, Fairport, NY 14450  
 Wednesday, March 28, 2012

PRESENT:	James E. Smith	Supervisor
	Patricia S. Knapp	Councilperson
	Joseph H. LaFay	Councilperson
	Peg S. Havens	Councilperson
	Stephen C. Van Vreede	Councilperson

ALSO PRESENT: Robert Place, Esq., Town Attorney; Thomas C. Beck, Commissioner of Public Works; Jennifer A. West, Town Clerk; Carol Johnston, Deputy Town Clerk; Michael Doser, Director of Code Enforcement and Development; Jeffrey Myers, Commissioner of Recreation and Parks; Eric Williams, Assistant to DPW Commissioner; Tim Oakes, Town Engineer; Diane Riesenberger, Recreation Director; Stacey Estrich, Parks Director; David Belaskas, Conservation Board; Chris Fredette, Conservation Board; Bob Salmon, Conservation Board; Andy Rodman, Conservation Board; Norm Gardner, Conservation Board; T.C. Lewis, Planning Board.

Supervisor Smith called the meeting to order at 8:00 pm and introduced the Board and staff present.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay, that the minutes of the Town Board meeting of February 22, 2012 be approved as submitted by the Town Clerk.

Ayes: Smith, LaFay, Van Vreede  
 Nays: None  
 Abstain: Knapp, Havens

Councilperson Van Vreede made a motion, seconded by Councilperson Havens, that the minutes of the Town Board meeting of March 14, 2012 be approved as submitted by the Town Clerk.

Ayes: Knapp, LaFay, Havens, Van Vreede  
 Nays: None  
 Abstain: Smith

PRESENTATION  
 CITIZENS ALLIANCE FOR A PRISTINE PERINTON

Supervisor Smith explained that the Citizens Alliance for a Pristine Perinton (CAPP) would be making a presentation and had requested a joint audience of the Perinton Town and Conservation Boards. David Belaskas, acting Chairman of the Conservation Board introduced Conservation Board members in attendance. Four members of the CAPP organization presented a comprehensive powerpoint expressing their concerns over slick water hydrofracking. Phil Wilkinson, 20 Windrush Valley Road, reviewed the concerns over wildlife habitat destruction, water contamination and air pollution from the drilling practice. Priscilla Peterson, 49 Winding Brook Drive, expressed the concerns over threats to air quality, wetlands, organic farms, drinking water and the consequences to health and the environment as a result of hydrofracking. Larry Coon, 88 Waterford Way, presented CAPP's concerns regarding the watershed and drinking water in Perinton, and the possibility of explosions, fires, spills and transportation crashes relating to the hydrofracking process and its effect on the water in

Perinton. Martha Sullivan, 1 Manor Hill Drive, discussed CAPP's concerns over road use—potential damage to roads, increase in traffic, regulation of County and State-owned roads, etc. Phil Wilkinson concluded the presentation with some suggestions for strengthening the Town Code to prevent hydrofracking in Perinton and requested that the Board enact a prohibition or moratorium to prevent hydrofracking.

Supervisor Smith thanked the CAPP organization for the thorough presentation and their efforts in having an outside review of the Town Code. He stated that the Town would look into the recommendations with due haste to be sure that the Town is protected from hydrofracking taking place in Perinton. Attorney Place will continue to review the Zoning Code. Supervisor Smith further stated that the Conservation Board would provide feedback and advise the Town Board regarding this issue. Supervisor Smith stated that there have been preliminary discussions with High Acres Landfill regarding some of the issues brought up in the presentation and that Waste Management has no desire to bring any of the material output of the hydrofracking process to High Acres.

Joe Hoff, 6 Woodcliff Terrace, stated that the Waste Management facility in Chemung is about to begin accepting the cuttings from Pennsylvania hydrofracking operations and that the DEC, federal and state governments do not consider waste cuttings or flow-back water as hazardous waste.

Larry Coon, 88 Waterford Way, expressed the concern that the hydrofrackers might decide to pump hazardous waste water back through this area via pipelines into the sewer system.

A gentleman in the audience stated that his understanding is that the NYS pension plan is investing in hydrofracking and therefore, he believes that the state would not want to slow down a process that they will make money on.

Phil Wilkinson, 20 Windrush Valley Road, acknowledged that he knows that Commissioner Beck and Attorney Place have been working on material that the CAPP organization has given them and he now wonders what strategy will be followed to protect Perinton. Supervisor Smith stated that it is premature to answer that question and that earlier discussions centered around the fact that the zoning code is the best line of defense. He stated that the Board will consider the code enhancements proposed by the CAPP organization.

Larry Coon asked whether all of the Monroe County Towns were getting together on the hydrofracking issue. Supervisor Smith stated that he has had discussions with neighboring supervisors (Pittsford and Penfield) and that they do not want hydrofracking in their towns either.

Joe Hoff, 6 Woodcliff Terrace, encouraged the Town Board to enact prohibitions beyond our Zoning code to prevent hydrofracking.

Mary Wilkinson, 20 Windrush Valley Road, reviewed further resources available for reading and workshops for further education regarding hydrofracking and read a letter from the CAPP organization to the Town and Conservation Boards.

#### ANNOUNCE END OF PERMISSIVE REFERENDUM FITNESS EQUIPMENT PURCHASE

Supervisor Smith announced that the time of Permissive Referendum for the transfer of funds from the Capital Reserve Fund for the funding of the purchase of fitness equipment for the recreation center has passed.

APPROVE RESOLUTION SETTING PUBLIC HEARING  
FOR RIGHT-OF-WAY ACQUISITION - O'CONNOR ROAD

Town Attorney Place stated that according to Federal government requirements, the Town Board needs to approve the advertising of the Public Hearing for the Right of way acquisition for the O'Connor Road project. Supervisor Smith stated that this deals with the Hess property on Fairport Road and that a resolution needs to be in place to set the Public Hearing and authorize the advertising. He further explained that the project will take O'Connor Road, which currently meets Fairport Road across from Qualitrol, and re-locate it to go behind the businesses on Fairport Road on the north side and meet Fairport Road between the existing Hess station and the 7-11 store. This will create an intersection right across from Jefferson Avenue. He further stated that the Town is hopeful that this will be a 2013 project. Supervisor Smith stated that there will be an open house just prior to the Public Hearing at 6:30pm on May 1<sup>st</sup>, 2012, with the Public Hearing beginning at 7:30pm. Both meetings will be in the Town Board Room.

Councilperson Havens offered the following resolution, seconded by Councilperson LaFay:

WHEREAS, the Perinton Town Board has established Capital Project Account No. P.I.N. 4753.80 for the Department of Public Works involving right-of-way acquisitions for the realignment of O'Connor Road in the Town of Perinton, and

WHEREAS, pursuant to Eminent Domain Procedure Law, Article 2, a public hearing is required to be conducted regarding the proposed public project (PIN 4753.78) to realign O'Connor Road in the Town of Perinton, and

WHEREAS, the purpose of this hearing is to outline the projects purpose, proposed location and alternate locations, if any, and to present other pertinent information, including maps and property descriptions of the properties to be acquired and adjacent parcels, and, now therefore be it

RESOLVED, that this Body hereby sets the 1<sup>st</sup> day of May, 2012 at 7:30 p.m. in the Board Room located at the Perinton Town Hall, 1350 Turk Hill Road, in the Town of Perinton, NY for a public hearing pursuant to Eminent Domain Procedure Law Article 2, on the aforesaid matter and for such other action on the part of said Body as may be required by law or proper in the premises, and be it further

RESOLVED, that the Clerk of said Town Board is hereby authorized and directed to cause a notice of said public hearing to be published at least ten (10) but not more than thirty (30) days before the hearing date in a least five (5) successive issues of an official daily newspaper and in at least five (5) successive issues of a daily newspaper of general circulation in the Town of Perinton, and, further, to cause a notice of said public hearing to be sent, at least ten (10) but not more than thirty (30) days before the hearing date, by certified mail, return receipt requested, to each assessment record billing owner of real property that may be acquired for such public project, such notices to be in substantially the following respective forms, to wit:

**NOTICE OF PUBLIC HEARING PURSUANT TO  
EMINENT DOMAIN PROCEDURE LAW §202(C)**

NOTICE OF  
PUBLIC HEARING AND NOTICE OF AVAILABILITY  
OF DESIGN APPROVAL DOCUMENT  
TOWN OF PERINTON  
P.I.N. 4753.80

In accordance with the provisions of Title 23, U.S. Code, Section 128 and Title 40, Code of Federal Regulations, Parts 1500 to 1508; Article 8 of the New York State Environmental Conservation Law; and Article 2 of the Eminent Domain Procedure Law (EDPL); a combined Design and EDPL public hearing for P.I.N. 4753.80 O'Connor Road Realignment, will be held at 7:30 P.M. on Tuesday, May 1, 2012 in the Board Room located at the Perinton Town Hall, 1350 Turk Hill Road, in the Town of Perinton, NY, on the O'Connor Road Realignment. The proposed project involves the realignment of O'Connor Road and the relocation of its intersection with Route 31F to address existing safety, operational, and geometric deficiencies. Under the preferred alternative, the existing O'Connor Road intersection will be removed and a new intersection will be constructed opposite Jefferson Avenue, approximately 600 feet west of the existing location. Jefferson Avenue will be slightly realigned at its intersection with Route 31F to reduce the skew of the intersection. The project will be constructed entirely in the Town of Perinton, Monroe County.

Design plans for the project have been developed by the Town of Perinton Department of Public Works (DPW) after coordination with Federal, State and local agencies and will be available for inspection at the public hearing.

Town representatives, the Town's consulting engineers, and New York State Department of Transportation (NYSDOT) representatives will be on hand one hour prior to the start of the hearing to discuss the project and answer any questions.

Tentative schedules for right-of-way acquisition and construction will be discussed. Information will also be available regarding the EDPL and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act).

A Draft Design Report/Environmental Assessment/Programmatic 4(f) Evaluation [DDR/EA/4(f)] has been prepared which assesses the project's effect on the quality of the human environment. Copies of the DDR/EA/4(f), maps, drawings and other pertinent information developed by the Town and written views received as a result of the coordination with Federal, State and local agencies will be available for public inspection, review and copying during business hours at the following locations:

Review of the DDR/EA/4(f) only, is available at the office of Jennifer West, Town Clerk, Town of Perinton, 1350 Turk Hill Road, Fairport, NY 14450;

Review and copies of the DDR/EA/4(f), maps, drawings and other pertinent information is available at the office of Thomas Beck, Commissioner of Public Works, Town of Perinton, Department of Public Works, 100 Cobb's Lane, Fairport, NY 14450; and Roslyn Webber, Area Engineer - Regions 2 & 4, FHWA NY Division, LOB Federal Building, 7th Floor, Clinton Ave & N. Pearl Street, Albany, NY 12207.

During the hearing, all interested persons will be given the opportunity to express their views concerning the economic and social effects of the design plans, their impact on the environment and their consistency with the goals and objectives of such planning as has been promulgated by the community. The proceedings will be recorded. Persons may file written statements and other exhibits in place of or in addition to oral statements made at the public hearing. Written statements submitted at the hearing, or mailed and received before May 11, 2012 at the Department of Public Works, 100 Cobb's Lane, Fairport, NY 14450, will be made part of the record.

Those property owners who may subsequently wish to challenge condemnation of their property via judicial review under the EDPL may do so only on the basis of issues, facts, and objections raised at the hearing (§ 202 (C) (2) of Article 2, EDPL).

Please advise the Department of Public Works if a sign language interpreter, assistive listening system or any other accommodation will be required to facilitate your participation in this public hearing. The contact person is Kathy Roland, whose phone number is (585) 223-5115.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF PERINTON

Jennifer A. West, Town Clerk

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede  
Nays: None  
Unanimously Approved

APPROVE PURCHASE  
REPLACEMENT SHELL COVER FOR AMPHITHEATER

Recreation and Parks Commissioner Myers stated that the Center Stage Amphitheater was built in the spring of 2001, and has been hosting the Town's Sunday concert series since July 27, 2001. Commissioner Myers stated that at the time that the amphitheater was built, the cover was given a 7 to 10 year life span and that over the past few years, the parks department has had to make repairs to the fabric.

Parks Director Estrich has received a quote from the manufacturer of the shell for a replacement of the shell fabric. Commissioner Myers stated that Warner Shelter Systems Limited (WSSL), out of Calgary, Canada is the sole supplier of the replacement fabric and have provided a quote in the amount of \$15,791.77 (including shipping). Commissioner Myers also stated that WSSL requires a 50% deposit when the order is placed and the remaining balance to be sent upon notification that the order is ready to ship. Funds for this purchase would come from the Special Recreation Fund.

Councilperson LaFay made a motion, seconded by Councilperson Havens to authorize the purchase of a replacement shell cover for the amphitheater from the Special Recreation Fund for the amount of \$15,791.77 per the terms outlined above.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede  
Nays: None  
Unanimously Approved

AUDIT APPROVAL

A motion was made by Councilperson Van Vreede, seconded by Councilperson LaFay that Audit #3 for March 2012 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

FEBRUARY MANUAL 2

General Fund	999.31
Lake Lacoma Lighting Dist	16.41
Meadows Lighting Dist	467.64
Deer Run Lighting Dist	<u>80.25</u>
	1,563.61 Total

The above item was number 84186.

MARCH AUDIT

General Fund	74,396.16
Town Outside of Village	74,556.17
Recreation	138,347.18
Highway General Repair	2,737.33

Highway Snow & Miscellaneous	232,304.17
Joint Sewer	75,586.61
Debt Service Sewer	3,434.04
Perinton Ambulance Dist	1,330.03
Fairmont Hills Maint Dist	320.00
RS&E Ped Bridge Project	5,075.51
Jefferson Ave Sewer Project	2,439.55
Indian Valley Sewer Project	<u>34,410.45</u>
	\$644,937.20 Total

The above items were numbers 84456-84674.

MARCH MANUAL 1

General Fund	83,957.47
Town Outside of Village	4,727.94
Recreation	31,246.19
Joint Sewer	9,534.01
Perinton Ambulance	185,000.00
B Basin Fire Prot Dist	760,343.00
Forest Hills Fire Prot Dist	40,953.75
Perinton Fire Prot Dist	909,645.88
Midlands Lighting Dist	437.05
Lake Lacoma Lighting Dist	15.25
Meadows Lighting Dist	450.61
Deer Run Lighting Dist	1,492.77
Misty Meadows Lighting Dist	<u>118.12</u>
	\$2,027,922.04 Total

The above items were numbers 84417-84421, 84423-84426, 84437-84442, and 84453-84454.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede  
Nays: None  
Unanimously Approved

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 9:30 pm.

Respectfully submitted,

Jennifer A. West  
Town Clerk