

PERINTON TOWN BOARD MEETING  
1350 Turk Hill Road, Fairport, NY 14450  
Wednesday, April 25, 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; Jennifer A. West, Town Clerk; Michael Doser, Director of Code Enforcement and Development; Jeffrey Myers, Commissioner of Recreation and Parks; T.C. Lewis, Planning Board.

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

Councilperson Havens made a motion, seconded by Councilperson Knapp, that the minutes of the Town Board meeting of April 11, 2012 be approved as submitted by the Town Clerk.

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

ORDER FOR HEARING  
AMENDMENT TO SECTION 208 OF THE CODE  
OF THE TOWN OF PERINTON  
ZONING DEFINITIONS

Director of Code Enforcement and Development Doser stated that there are two unrelated changes to the Town code that are being proposed. One change is administrative in nature and involves altering an insurance requirement for electrical inspection agencies. The other is related to zoning and involves updating a portion of the sign code. Mr. Doser summarized and provided the background for each of the changes:

- The Town utilizes third-party electrical inspection agencies to perform the required electrical inspections for building permits. This code change is aimed at providing a more reasonable insurance requirement for electrical inspection agencies while strengthening specific documentation requirements in order to ensure financial protection for the Town.
  - Section 108-6 of the Town code regulates the protocol for an organization/entity to become an approved electrical inspection agency for the Town. Recently, an insurance/risk management consultant recommended that the Town reduce the minimum insurance coverage required for third-party electrical inspection agencies from \$10 million to \$5 million. He also recommended additional steps to ensure protection by mandating that the Town is included as “additional insured” and identified as the certificate holder of the insurance certificate. Additionally, the consultant advised that the Town secure a hold harmless and indemnification agreement from the prospective agency, and require the submission of the prospective agency’s policy declarations and policy endorsement documents.

- Section 174-3B of the Town sign code states that signs within a complex or plaza must “preferably” be the same size, shape, color and aesthetic style. Historically, the code has been applied to create uniformity in signs in places such as Perinton Square and Perinton Hills Plaza. However, in today’s contemporary retail environment, signs play an extensive role in the establishment and extension of a retailer’s brand marketing identity. In places such as Perinton Square, Perinton Hills Plaza and Town Centre Plaza, local and national retailers have consistently proposed to bypass the current code and ask for approval of signs that feature their established wordmark. This code change is aimed at updating the ordinance to reflect this accepted practice.

The proposed amendment to § Section 108 follows:

**Add text**

*Delete text*

§ 108-6. Qualified electrical inspectors.

A. Any person or organization may apply to the Town Board for permission to conduct electrical inspections in the Town of Perinton. The application shall be in writing on such forms as may be prescribed by Town Board resolution and shall be accompanied by a nonrefundable application fee as set from time to time by the Town Board and **the following documentation:** *an insurance certificate showing statutory workers' compensation coverage for its employees and automobile and public liability coverage for property damage and personal injury, including wrongful death, in an amount of at least \$10,000,000.*

**(1) An insurance certificate indicating:**

**(a) The prospective agency’s general liability, automobile liability, professional liability and workers’ compensation and employers’ liability insurance coverage. There must be a total minimum coverage amount of five million dollars (\$5,000,000) per occurrence.**

**(b) Inclusion of the Town of Perinton as “additional insured.”**

**(c) Identification of the Town of Perinton as the certificate holder.**

**(2) A hold harmless and indemnification agreement between the prospective agency and the Town of Perinton.**

**(3) Prospective agency’s insurance policy declarations and policy endorsement documents.**

B. The completed application shall be submitted to the *Building Inspector* **Director of Code Enforcement and Development**, who shall review the same for accuracy and completeness and who shall also make an investigation into the business reputation and qualifications of the applicant. The *Building Inspector* **Director of Code Enforcement and Development** shall, within 30 days of the receipt of the application, forward the same, together with his recommendation as to approval or rejection, to the Town Board. The Town Board shall, within 30 days, either approve or reject the application. In the event that the Town Board fails to act on the application within said time limit, such application shall be deemed to be approved.

C. Upon approval, the *Building Inspector* **Director of Code Enforcement and Development** shall issue a letter to the applicant certifying that the applicant has been found to be a qualified electrical inspector in the Town of Perinton. Such certification shall be valid until such time as it is revoked by the Town Board upon good cause shown after a hearing before the Town Board, at which hearing the electrical inspector shall be given an opportunity to be heard and to present evidence in his defense. In the event that the applicant's application is not approved, he shall be given

an opportunity to secure approval from the Town Board at a hearing to be conducted by the Town Board within 30 days of such rejection and to present evidence in support of this application.

- D. The *Building Inspector* **Director of Code Enforcement and Development** shall at all times maintain a list of qualified electrical inspectors with their current business addresses and telephone numbers.

§ 108-7. Duties of qualified electrical inspectors.

- A. Qualified electrical inspectors may make inspections and reinspections of all electrical installations referred to in § 108-2 of this chapter, and, where an installation is found to be in compliance with this chapter, may issue temporary certificates and certificates of compliance. Copies of such certificates shall be filed with the *Building Inspector* **Director of Code Enforcement and Development** within one business day after issuance. Such inspections and reinspections shall be at the request and expense of the property owner.
- B. Qualified electrical inspectors shall report, in writing, to the *Building Inspector* **Director of Code Enforcement and Development** of the Town of Perinton all violations of the NYSFPBC and NEC insofar as they relate to electrical inspections in the town as referred to in § 108-2 of this chapter.
- C. Such inspectors shall make inspections and reinspections of electrical installations in the town, as referred to in § 108-2 of this chapter, upon the written request of the *Building Inspector* **Director of Code Enforcement and Development**, or, in the event of an emergency, upon the oral request of the *Building Inspector* **Director of Code Enforcement and Development** or any other town official.
- D. No inspector or inspection agency shall knowingly accept an application for any location or installation that has previously been rejected due to violations by any other inspector or inspection agency.

§ 108-8. No waiver or assumption of liability.

- A. This chapter shall not be construed to relieve or diminish the responsibility of any person owning, leasing, operating, controlling or installing any electrical installations referred to in § 108-2 of this chapter for loss of life or injury or damage to any person or property caused by any defect or negligence therein, nor shall the town or any of its agents, servants or employees be deemed to have assumed any such liability for any reason, including any inspection, reinspection or the issuance of any certificates pursuant to this chapter.

§ 108-9. Nonapplicability.

- A. The provisions of this chapter shall not apply to the electrical installations in mines, ships, railway cars or automotive equipment or the installations or equipment employed by a railway, electrical or communication utility in the exercise of its function as a utility and located outdoors or in buildings used exclusively for that purpose. This chapter shall not apply to any work involved in the manufacture, assembly, testing or repair of electrical machinery, apparatus, materials and equipment by a person, firm or corporation engaged in electrical manufacturing as its principal business. It shall not apply to any building which is owned or leased in its entirety by the Government of the United States or the State of New York.

The proposed amendment to § Section 174-3 follows:

**Add text**

*Delete text*

§ 174-3. Purpose.

- A. The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types and of signs on the inside of any building that are observable from the outside. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of designated areas and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising, distractions and obstructions that may contribute to traffic accidents, to reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way and to improve beauty and community environment. It is the intention of this chapter to regulate all exterior signs and interior signs which are visible from the exterior of the building.
- B. It is further intended that in commercial, industrial and restricted business areas, all signs within one complex shall be coordinated with the architecture in such a manner that the overall appearance is harmonious in color, form and proportion. *Signs in such areas shall preferably be of the same size, shape, color and aesthetic style.*

Supervisor Smith stated that the sign code will keep the overall language - “the overall appearance is harmonious in color, form and proportion” – and that taking out the size, shape and color restriction gives the Planning Board more latitude when approving signs.

Judith McNulty, 647 Thayer Road, stated that there did not seem to be much of a change in the sign code yet expressed her disappointment in signs such as the Hallmark and Golf Play Café signs at Perinton Square. Supervisor Smith encouraged further comment and questions at the Public Hearing.

Mr. Doser asked that the Board set a date for a Public Hearing to discuss the proposed changes to the Sections 108 and 174-3B of the Code of the Town of Perinton relating to the insurance requirements for electrical inspection agencies and the Town sign code.

A motion was made by Councilperson LaFay, seconded by Councilperson Van Vreede, that 8:00 pm on May 23, 2012 at the Perinton Town Hall, 1350 Turk Hill Road, Fairport NY be set as the time, date and place for a Public Hearing to discuss proposed changes relating to Sections 108 and 174-3B of the Code of the Town of Perinton.

Ayes: Smith, Knapp, LaFay, Havens, Van Vreede

Nays: None

Unanimously approved.

APPROVE CHANGE TO THE MEMBERSHIP  
OF THE EGYPT FIRE ASSOCIATION

A motion was made by Councilperson Havens, seconded by Councilperson LaFay, that the following change in the membership of the Egypt Fire Association be approved:

Remove from Active Rolls and Membership	Mason Feligno 7 Beacon Hill Fairport, NY 14450
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Ayes: Smith, Knapp, LaFay, Havens, Van Vreede  
Nays: None  
Unanimously approved

APPROVE CHANGES TO THE MEMBERSHIP  
OF THE BUSHNELL'S BASIN FIRE ASSOCIATION, INC

A motion was made by Councilperson Knapp, seconded by Councilperson Havens, that the following changes in the membership of the Bushnell's Basin Fire Association, Inc. be approved:

Resident Active to Non-Resident Active (effective May 1, 2012)	Mr. Wes Lackey 3 Hanningfield Circle Fairport, NY 14450
Resident Active Firefighter	Mr. Robert J. Winnick 15 Fencewood Lane Fairport, NY 14450
Non-Resident Active Firefighter	Mr. Charlie Moulton 491 Mendon Road Pittsford, NY 14534

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 #4 for April 2012 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

APRIL AUDIT

General Fund	114,567.90
Town Outside of Village	90,359.20
Recreation	103,391.37
Highway General Repair	9,137.17
Highway Snow & Miscellaneous	66,110.40
Joint Sewer	6,769.47
Debt Service Sewer	1,439.56
Perinton Ambulance Dist	127.09
Egypt Fire Protect Dist	145.77
Fairmont Hills Maint Dist	320.00
O'Connor Rd Relocation Proj	7,472.32
RS&E Ped Bridge Project	233,757.12

Jefferson Ave Sewer Project	2,572.47
Indian Valley Sewer Project	<u>400,448.89</u>
	\$1,036,618.73 Total

The above items were numbers 84711-84971.

APRIL MANUAL 1

General Fund	78,545.91
Town Outside of Village	4,489.89
Recreation	30,445.97
Joint Sewer	8,984.78
Special Recreation	7,895.89
Midlands Lighting Dist	436.84
Lake Lacoma Lighting Dist	15.38
Meadows Lighting Dist	453.24
Deer Run Lighting Dist	1,526.85
Misty Meadows Lighting Dist	<u>118.06</u>
	\$132,912.81 Total

The above items were numbers 84676-84680, 84691-84696, 84707-84709.

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

Phil Wilkinson, 20 Windrush Valley Road, representing the Citizens Alliance for a Pristine Perinton (CAPP), made an announcement that there would be a free showing of the film "Gasland" at the Fairport Library on Wednesday May 2, 2012 at 6:45 p.m. He also called attention to, and gave the Town Board, a Finger Lakes Times article encouraging a study of the safety of hydrofracking. Mr. Wilkinson asked whether Town Attorney Place had had an opportunity to absorb the information provided by the Slottjis (attorneys advising the CAPP organization). Mr. Place stated that the information is lengthy and would take several weeks to go through. It is also very technical and will require input from the Town Conservation Board and Town Engineer.

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 8:20 pm.

Respectfully submitted,

Jennifer A. West  
Town Clerk