

PERINTON TOWN BOARD MEETING
 1350 Turk Hill Road, Fairport, NY 14450
 Wednesday, May 23, 2012

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

ALSO PRESENT: Thomas C. Beck, Commissioner of Public Works; Jennifer A. West, Town Clerk; John Beck, Deputy Director of Code Enforcement and Development; Jeffrey Myers, Commissioner of Recreation and Parks; Kevin Spacher, Finance Director; Carol Johnston, Deputy Town Clerk; 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 May 9, 2012 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING
 AMENDMENT TO SECTIONS 108 AND 174 OF THE CODE
 OF THE TOWN OF PERINTON
 ELECTRICAL INSPECTION AGENCIES AND
 SIGN CODE

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication for the Public Hearing was given in the Fairport East Rochester Post on May 3, 2012; affidavit of posting was also May 3, 2012.

Deputy Director of Code Enforcement and Development Beck 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. Beck 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.

Bill Wilcox, 361 Loud Road, stated that he believes that this is not the time to discuss changes to a sign code that he believes has not being adhered to for many years. He cited several examples that he believes to be in violation of the Town Sign Code and requested that the Town Board modify the sign code in a more rational way.

Judy McNulty, 647 Thayer Road, stated that she believes the code changes to be a mistake and feels that it is a “slippery slide downhill” to approve signs such as the Hallmark, Laserwash (Egypt) and the Pandora sign at the Possibilities store.

Lois Watts, 404 Bluhm Road, complemented the Town and Planning Boards for keeping Perinton well planned and attractive as a community. She further stated that she believes the Town’s building and sign codes lend uniformity and distinct visual appeal to the community. Ms. Watts also stated that Perinton is an affluent community and businesses desire to locate here and residents locate here that appreciate their surroundings. She stated that she does not see the advantage to Perinton in compromising the sign code and feels that it creates a less attractive community.

Supervisor Smith stated that the Town is not abandoning all control over signs and read part of the sign code paragraph which remains and states...”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”.

Bill Wilcox, 361 Loud Road, stated that it was his understanding that Perinton Square had adopted five different fonts and one color for their signs, which gives the business owner some flexibility. He believes that Perinton Hills, however, is a cacophony of color, fonts, readability, etc. and that the signs are not pleasing.

Fritz Gunther, representing the New York State Electrical Inspection Agency, asked whether a decision would be held up for the changes to section 108-6 regarding electrical inspection agencies pending Planning Board input. He further stated that he has submitted applications in December and found that the \$10 million dollar insurance coverage was not attainable through several insurance agencies. Supervisor Smith stated that Planning Board feedback was not necessary on this section of local law as it is more administrative in nature.

There being no additional questions, and all those wishing to be heard having been heard, the Public Hearing was closed.

A motion was made by Councilperson Knapp, seconded by Councilperson LaFay, that the Board approve the following change in the Town Code regarding electrical inspection agencies:

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:

(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 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 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 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 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 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 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 Director of Code Enforcement and Development, or, in the event of an emergency, upon the oral request of the 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.

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

A motion was made by Councilperson LaFay, seconded by Councilperson Knapp that the following proposed changes to § Section 174-3 be referred to the Planning Board for their comment.

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.*

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

**APPROVE NEW YORK STATE
FILING REQUIREMENT**

Supervisor Smith stated that one of the Town Board's requirements is to report a standard work day resolution to New York State each year and the Board has a memo from Town Clerk West and Finance Director Spacher detailing that resolution.

Councilperson Knapp made a motion, seconded by Councilperson LaFay to adopt the following Standard Work Day Resolution:

BE IT RESOLVED, that the Town of Perinton hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)*
Elected Officials					
Supervisor	James E. Smith	7/day	1/1/12-12/31/13	N	21.7
Town Clerk	Jennifer A. West	7/day	1/1/12-12/31/13	N	21.7
Town Council	Patricia S. Knapp	6/day	1/1/10-12/31/13	N	21.7
Town Council	Stephen Van Vreede	6/day	1/1/12-12/31/15	N	21.7
Town Council	Joseph H. LaFay	6/day	1/1/12-12/31/15	N	21.7
Town Council	Margaret S. Havens	6/day	1/1/10-12/31/13	N	21.7
Town Justice	Michael H. Arnold	6/day	1/1/10-12/31/13	N	21.7
Town Justice	Thomas A. Klonick	6/day	1/1/12-12/31/15	N	21.7
Appointed Officials					
Town Attorney	Robert M. Place	6/day	1/1/12-12/31/13	N	21.7
Town Engineer	Timothy E. Oakes	7/day	1/1/12-12/31/13	Y	
Town Assessor	Nicholas Morabito	7/day	10/1/07-9/30/13	Y	
Receiver of Taxes	Karen L. Heim	7/day	1/1/12-12/31/13	Y	
Commissioner of Public Works	Thomas C. Beck	7/day	Indefinite-pleasure of Town Board	Y	

*Town officials are given credit for the same Town Holidays as Town Employees

On this 23rd day of May, 2012

Date enacted: _____

I, _____, clerk of the governing board of the Town of Perinton, of the state of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 23rd day of May, 2012 on file as part of the minutes of such meeting, and that the same is a true copy thereof and the whole of such original. I further certify that the full board, consists of five members, and that five of such members were present at such meeting and that five of such members voted in favor of the above resolution.
IN WITNESS WHEREOF, I have hereunto
Set my hand and the seal of the
TOWN OF PERINTON

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

EXECUTIVE SESSION

Councilperson Van Vreede made a motion, seconded by Councilperson Knapp, that the Board adjourn to Executive Session after this meeting for a discussion regarding employee employment histories.

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

AUDIT APPROVAL

A motion was made by Councilperson Van Vreede, seconded by Councilperson LaFay that Audit #5 for May 2012 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

APRIL PRIMARY ELECTION

General Fund	11,295.00
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The above item was paid with checks# 85010-85093.

MAY AUDIT

General Fund	66,818.29
Town Outside of Village	85,525.61
Recreation	76,042.95
Highway General Repair	14,083.11
Highway Snow & Miscellaneous	41,410.42
Joint Sewer	7,230.17
Debt Service Sewer	407.00
Perinton Ambulance Dist	236.53credit
Bushnell's Basin Fire Protect Dist	2,492.74
Fairmont Hills Maint Dist	1,775.00
O'Connor Rd Relocation Proj	2,098.41
RS&E Ped Bridge Project	207,669.00
Jefferson Ave Sewer Project	540.00
Indian Valley Sewer Project	<u>449,046.20</u>
	\$954,902.37 Total

The above items were numbers 85098-85300.

MAY MANUAL 1

General Fund	173,307.71
Town Outside of Village	4,482.67
Recreation	27,971.63
Joint Sewer	8,510.60
Midlands Lighting Dist	427.23
Lake Lacoma Lighting Dist	14.35
Meadows Lighting Dist	437.16
Deer Run Lighting Dist	1,492.24
Misty Meadows Lighting Dist	<u>115.47</u>
	\$216,759.06Total

The above items were numbers 84975-84981, 84993-84998, 85009, 85094-85096.

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

Maureen Lynch Bennett, 86 Sunset Trail West, and a member of CAPP (Citizens Alliance for a Pristine Perinton), presented Supervisor Smith with an article regarding “fracking for sand”. Supervisor Smith stated that the Town Board and Attorney Place are continuing to review the materials provided and should have information for discussion in the not too distant future. Ms. Bennett also thanked the Town for monitoring speed on her street and for the Sheriff’s presence in the neighborhood.

There being no further business before the Board and no further questions from the audience, the Board adjourned to Executive Session at 8:30 pm.

EXECUTIVE SESSION: No actions were taken by the Board in Executive Session. The Board reconvened to Regular session at 9:20 pm.

Recreation and Parks Commissioner Myers stated that he has been working with Finance Director Spacher, Recreation Director Riesenberger and Supervisor Smith to review his current departmental operations and staffing. As result, he has determined that a reduction in force is warranted. He would like to eliminate the Aquatic Supervisor position. He stated that this elimination would impact the Recreation and Parks budget positively, through savings in the salary and benefit lines. The duties of this position as it currently exists would be absorbed by those immediately above and below this position. Commissioner Myers feels that it will not only save money, but will also improve internal communications and the overall effectiveness of the department in serving our residents.

Commissioner Myers requested Town Board authorization to eliminate the Aquatic Supervisor position effective June 30, 2012. He further stated that in moving forward, he also requests salary adjustments for those taking on additional responsibilities as a result of this action. He requested that the Board consider adjusting Laura Silins and Matt Steffen to the Assistant Recreation Director payroll classification at the [] step effective May 28, 2012 and that the Board please consider raising Diane Riesenberger’s salary to Step 4 on the Recreation Director schedule, [], also effective May 28, 2012.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay to approve the elimination of the Aquatics Supervisor position and to approve the salary adjustments as outlined by Commissioner Myers.

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

The meeting adjourned at 9:30 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk