

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, June 12, 2013

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; Kevin Spacher, Finance Director; 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 Van Vreede , that the minutes of the Town Board meeting of May 22, 2013 be approved as submitted by the Town Clerk.

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

RECOGNITION
SHIRLEY JONES

Supervisor Smith stated that the Town has many residents who quietly do great things that bring honor to themselves and the community and Shirley Jones is one such individual. Supervisor Smith invited Ms. Jones to come to the podium and he read her the following proclamation signed by the Town Board:

The Perinton Town Board does hereby proclaim this 12th day of June in the year 2013 - "Shirley Jones Day" - You have been an advocate and inspiration for countless seniors in Perinton. Your infectious smile, positive attitude and can-do-for-others spirit have enriched us all. We congratulate you on being honored by Lifespan as an Eli Rudin Second Half Hero.

Ms. Jones then explained some of the work that she has been doing as the Director of the "Greatest Generation Reaches Out" organization to reach out with other older adults to over twenty agencies such as Bivona Advocacy Center, Perinton Food Shelf and many more.

ORDER FOR HEARING
ABANDONMENT OF PORTION OF
SHAGBARK WAY RIGHT-OF -WAY
FROM PUBLIC HIGHWAY USE

DPW Commissioner Beck stated that he is requesting that the Town Board schedule a Public Hearing to consider abandoning a portion of the Shagbark Way right-of-way for public highway use purposes, but retain ownership of the right-of-way.

He further stated that a portion of the right-of-way was deeded to the Town at the time Round Tree Subdivision was developed in the early 1970's. The property was intended to provide a future public road connection to an adjoining parcel of vacant land.

The vacant land was never developed and this small portion of right-of-way has never been used for public highway purposes.

Commissioner Beck showed the property being discussed on a map. He stated that Aristo Development has received approval to construct a new development, Hickory Woods, on the former vacant property and that, from a planning and engineering perspective, it makes sense for the proposed private drive to connect with Shagbark Way at the existing Folkside Lane/Shagbark Way intersection. Abandoning this small portion of right-of-way will allow the Town to grant an easement to the Hickory Woods Homeowners Association to make this private road connection possible.

Jeff Cook, 35 Shagbark Way, asked whether the Hickory Woods homeowners would be part of the Roundtree Homeowners Association and Commissioner Beck stated no, that they would have their own HOA.

A motion was made by Councilperson Van Vreede, seconded by Councilperson Havens, that 8:00 pm on July 10, 2013 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 the partial right-of-way abandonment on Shagbark Way.

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

APPROVAL OF STREET NAMES STONEBROOK PLANNED DEVELOPMENT DISTRICT

Supervisor Smith stated that as the Stonebrook Development has made its way through the Town Board and Planning Board approval process, there has been a continuing desire to see more historic names used on the roads in the area. Mr. Longwell (developer) has made a concerted effort to acquiesce to the Town's desire. It has been very difficult to find names that are historic and also pass the 911 test. Mr. Longwell presented the following names for Town Board approval:

Larway Ridge
Ritter Lane
Ashery Lane

Judy McNulty, 647 Thayer Road, stated that although she was included in the discussion of names she remains disappointed, as she doesn't know who/what those names represent in Egypt nineteenth century history. Town Historian Bill Poray submitted a list of appropriate names but they all failed the 911 test. Supervisor Smith added that there was an ashery located across from the Stonebrook development near Egypt Plaza in 1816 and the two others were 1800's residents of the area.

Councilperson LaFay made a motion, seconded by Councilperson Knapp to approve the road names - Larway Ridge, Ritter Lane and Ashery Lane as submitted by Todd Longwell for the Stonebrook development.

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

APPROVE UNIFORM NOTICE OF CLAIM RESOLUTION

Town Attorney Place stated that General Municipal Law, § 50-e (1) requires the service of a notice of claim upon a town as a condition precedent to filing suit for personal injury and property damage. Effective June 15, 2013, a person wishing to sue a town will have another option for serving notice of claim upon the town. In

addition to delivering a copy of the notice of claim to the town clerk, the town supervisor or town attorney – the notice of claim may be delivered to the NYS Secretary of State. The Secretary of State will then forward the notice of claim to the person designated by the town board to receive the notice of claim from the Secretary of State. A person filing a notice of claim may be charged a fee of up to \$250, half of which would be forwarded to the town provided that the town files its certificate of designation with the Secretary of State within 30 days of June 15, 2013.

Town Attorney Place stated that the Town must now designate the person to receive the notice of claim and pass the following resolution directing the Town Clerk to file a certificate of designation with the Secretary of State as an agent for service of a notice of claim:

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

Now therefore Be It

RESOLVED, that the Town Board of the Town of Perinton, County of Monroe designates Jennifer A. West, in her capacity as Town Clerk to receive notices of claims served upon the Secretary of State by mail at 1350 Turk Hill Road, Fairport, NY 14450 and email at jwest@perinton.org.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

Councilperson Knapp made a motion, seconded by Councilperson Havens to designate the Jennifer A. West in her capacity as Town Clerk to receive the notice of claim and pass the above resolution directing the Town Clerk to file a certificate designating the Secretary of State as an agent for service of a notice of claim as outlined above.

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

**APPROVE DEPOSIT OF PROCEEDS FROM MUNICIPAL AUCTION
HIGHWAY AND SEWER DEPARTMENTS**

DPW Commissioner Beck stated that the Highway and Sewer Departments submitted 10 pieces of equipment to be sold at the Municipal Equipment auction, which took place on May 11, 2013. Commissioner Beck is requesting that \$131,667.50 of the \$139,767.50 in proceeds be deposited into the Highway Department Capital Reserve Account and the remaining \$8,100.00 in proceeds be deposited into the Sewer Equipment Capital Reserve Account.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay to authorize that the \$139,767.50 in proceeds from the May 11, 2013 Municipal Equipment auction be deposited into the Capital Reserve Accounts as outlined by Commissioner Beck above.

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

APPROVE HIRING OF PART-TIME TOWN ENGINEER
TIM OAKES

DPW Commissioner Beck stated that Tim Oakes retired from his full time position as Town Engineer on May 30, 2013 after eight years of service to the Town. Commissioner Beck stated that he has received many impressive resumes for Tim's replacement. He further stated that in the interim, he is requesting that the Board consider hiring Tim on a part-time basis to continue in the role of Town Engineer. Tim would be working between 10 and 20 hours per week assisting the Town with Planning Board review, attending project meetings for the Indian Valley Sewer Project, continuing the development of plans and specifications for the sidewalk project planned for Bushnell's Basin, signing plans and other needs that may arise.

Commissioner Beck requested Town Board approval to hire Tim Oakes as a part-time Town Engineer with a rate of compensation of \$[] with an effective date of May 31, 2013.

Councilperson Havens made a motion, seconded by Councilperson Knapp to approve the hiring of Tim Oakes as a part-time Town Engineer with a rate of compensation of \$[] with an effective date of May 31, 2013.

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

VOLUNTEER BOARD APPOINTMENTS

Supervisor Smith stated that many of the Town's Volunteer Board terms expire at the end of June and now are up for renewal.

The following resolution was offered by Councilperson Knapp, seconded by Councilperson LaFay:

WHEREAS, the term of Dwight Paul remains vacant as a member of the Perinton Planning Board and will expire on June 30, 2013,

NOW, THEREFORE, BE IT RESOLVED, that Sandra Neu (current member of Conservation Board), 38 Pebble Hill Road, Fairport, NY be appointed as a member of the Perinton Planning Board, for the balance of Dwight Paul's term and to a new term to expire on June 30, 2020.

WHEREAS, the term of Mark Anderson as Chair of the Perinton Planning Board will expire on June 30, 2013,

NOW, THEREFORE, BE IT RESOLVED, that Mark Anderson, 62 Shagbark Way, Fairport, NY, be reappointed as Chair of the Planning Board with a term to expire on June 30, 2015.

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

The following resolution was offered by Councilperson Havens, seconded by Councilperson LaFay:

WHEREAS, the terms of Seana L. Sartori and Robin Ward Ezell as a members of the Zoning Board of Appeals will expire on June 30, 2013,

NOW, THEREFORE, BE IT RESOLVED, that Seana L. Sartori, 15 Santa Circle, Pittsford, NY and Robin Ward Ezell, 82 Dewey Avenue, Fairport, NY be reappointed as members of the Zoning Board of Appeals, with terms to expire on June 30, 2018.

WHEREAS, the terms of Kenneth G. Rainis, S. Chris Fredette, Jerry Leone and Robert Salmon as members of the Perinton Conservation Board will expire on June 30, 2013,

NOW, THEREFORE, BE IT RESOLVED, that Kenneth G. Rainis, 45 Crossover Road, Fairport, NY; S. Chris Fredette, 3 Cabernet Circle, Fairport, NY; Jerry Leone, 863 Victor Road, Victor, NY; and Robert Salmon, 8 Fiora Drive, Fairport, NY be reappointed as members of the Perinton Conservation Board with terms to expire on June 30, 2015.

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

The following resolution was offered by Councilperson Knapp, seconded by Councilperson Van Vreede:

WHEREAS, the terms of Ann Parks, Michael Montalto and Susan Angevine as members of the Historic Architecture Commission will expire on June 30, 2013,

NOW, THEREFORE, BE IT RESOLVED, that Ann Parks, 103 Loud Road, Fairport, NY and Michael Montalto, 723 Ayrault Road, Fairport, NY be reappointed as members of the Historic Architecture Commission, with terms to expire on June 30, 2016 and that Jean Keplinger, 11 Conover Crossing, Fairport, NY be appointed to the term vacated by Susan Angevine to expire on June 30, 2016.

WHEREAS, the term of Ann Parks as Chair of the Perinton Historic Architectural Commission will expire on June 30, 2013,

NOW, THEREFORE, BE IT RESOLVED, that Ann Parks, 103 Loud Road, Fairport, NY, be reappointed as Chair of the Perinton Historic Architectural Commission with a term to expire on June 30, 2015.

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

Supervisor Smith thanked Susan Angevine for her service since 2004 to the Town and the Perinton Historic Architectural Commission.

Supervisor Smith asked for a motion for the Board to adjourn to Executive session to discuss the employment history of a particular individual.

Councilperson Van Vreede made a motion, seconded by Councilperson LaFay to adjourn to Executive Session following the regular Board meeting.

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

A motion was made by Councilperson LaFay, seconded by Councilperson Van Vreede, that the reports from the Finance Director, Town Clerk and the Code

Enforcement and Development Department for the month of May 2013 and the Court Clerk for the year 2012 be approved.

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 Board adjourned to Executive Session at 8:20 pm.

EXECUTIVE SESSION

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

The meeting adjourned at 9:20 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk