

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, August 12, 2009

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| PRESENT: | James E. Smith | Supervisor |
| | Patricia S. Knapp | Councilperson |
| | Carolyn H. Saum | Councilperson |
| | Joseph H. LaFay | Councilperson |
| | Peg S. Havens | Councilperson |

ALSO PRESENT: Robert Place, Esq., Town Attorney; Thomas C. Beck, Commissioner of Public Works; Jennifer A. West, Town Clerk; Michael Doser, Director of Code Enforcement/Development; 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 Saum, that the minutes of the Town Board meeting of July 22, 2009 be approved as submitted by the Town Clerk.

Ayes: Smith, Knapp, Saum, LaFay, Havens
Nays: None
Unanimously approved

PRESENTATION EAGLE SCOUTS

Supervisor Smith recognized three members of Troop 208, Alexander Reid, Jack Stokes and Kevin Mathew, who have each earned their Eagle Scout award. Supervisor Smith read the Certificate of Commendation given by the Town of Perinton which reads “whereas the rank of Eagle Scout is the highest achievement attainable in Boy Scouting, and whereas the Boy Scouts of America award the rank of Eagle Scout to only the most deserving, and whereas these gentlemen (names inserted) citizens of the Town of Perinton and members of Boy Scouts of America Troop 208 received the rank of Eagle Scout at a court of honor held on June 25, 2009, (one was in February) and whereas citizenship is principle among the attributes represented by and required of Eagle Scouts, and the Town of Perinton has benefited in the past and will continue to benefit from this attribute, therefore the Town of Perinton hereby commends these gentleman and their families on this significant well-deserved occasion”.

Kevin Mathew’s Eagle Scout project included the renovation of a Town trail behind Beaumont Estates. Jack Stokes conducted a community drive for old computers and peripheral devices to benefit ABVI Goodwill. Alexander Reid constructed a cabinet for storage at Advent house and organized a neighborhood drive to collect toiletries and other needed items for Advent House.

END PERMISSIVE REFERENDUM

Supervisor Smith announced that the time of Permissive Referendum for the proposed use of Capital Reserve funds for Building Improvements to repair the skylight in the Community Center has passed.

END PERMISSIVE REFERENDUM

Supervisor Smith announced that the time of Permissive Referendum for the proposed use of Capital Reserve funds for Building Improvements to replace the roof on the Lion’s Den Teen Center has passed.

APPOINTMENT OF REAL PROPERTY APPRAISER

Supervisor Smith explained that Rufus Falk was hired in August 2008 as a provisional appointment as Real Property Appraiser for the Town of Perinton. Rufus has over twenty-five years of residential valuation experience. He has become a valuable asset to the Town and needed to take a Civil Service exam in order to be appointed to the permanent title of Real Property Appraiser. Rufus took the Civil Service exam and was the top scorer making him reachable for a permanent Civil Service appointment.

A motion was made by Councilperson LaFay, seconded by Councilperson Saum that Rufus Falk be appointed to the permanent civil service title of Real Property Appraiser.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT ADJUSTMENT AND RELEASE OF OWNER FOR TRANSFER OF LAND FROM THE TOWN OF PERINTON TO NYSDOT

Commissioner of Public Works Tom Beck explained that during the subdivision review process for the Magnolia Manor development, located on Macedon Center Road (New York State Route 31F), the New York State Department of Transportation (NYSDOT) indicated that Metrose Development would need to construct a westbound right turn lane and an eastbound left turn lane on Macedon Center Road. To accomplish this work, additional road right-of-way would be needed along a portion of the development frontage adjacent to Macedon Center Road.

All of the land located adjacent to Macedon Center Road was donated to the Town of Perinton as part of the development/planning process with the understanding that the Town would transfer any land needed to accommodate the highway improvements to the NYSDOT at the appropriate time. At this time, the NYSDOT is requesting that the two small parcels of land be transferred to their ownership. The parcels of land are identified as parcel numbers 41 and 42 on map numbers 41 and 42 by the NYSDOT Real Estate Division on the Agreement of Adjustment and Release of Owner Agreement.

Councilperson Knapp offered the following resolution, seconded by Councilperson Saum:

WHEREAS, the State is appropriating or has appropriated, for the purpose of the above identified project, certain property shown on the above designated map (s); and

WHEREAS, the Claimant was, at the time of said appropriation or, if said appropriation has not yet occurred, the Claimant is now, and at the time of said appropriation, will be, the owner of the property affected by said appropriation or of some right, title or interest therein;

NOW THEREFORE, it is understood and agreed by and between the parties as follows:

1. The compensation to be paid by the State for the total value of the property so appropriate and for all legal damages caused by such appropriation, including all damages incurred by virtue and during the pendency of said appropriation proceedings, and including all damages to the remainder of said affected property, if any, of which the appropriated area forms a part, whether caused by said appropriation or by the use of said appropriate property, excepting the aggregate value, if any, of claims hereinafter specifically excluded, is the sum of

One Dollar Payment Waived (\$1.00 P.W.)

2. The claimant agrees as a prerequisite to such payment, to execute and deliver or cause the execution and delivery to the Attorney General of all formal papers which the Attorney General deems necessary to secure to the State a full release or all claims by reason of the aforementioned appropriation and by reason of any estate or interest in the streams, lakes, drainage and irrigation ditches or channels, streets, road, highways, or public or private rights of way, if any, adjacent to or abutting on the above mentioned property required for the purposes of said project.
3. This agreement is exclusive of the claims, if any, of persons other than owners of the appropriated property, their tenants, mortgagees and lienors, having any right or interest in any stream, lake, drainage and irrigation ditch or channel, street, road, highway, or public or private right of way, or the bed thereof, within the limits of the appropriated property or contiguous thereto.
4. This agreement is also exclusive of claims, if any (other than the claim of Claimant), for the value of or damage to easements and appurtenant facilities for the construction, operation and maintenance of publically owned or public service electric, telephone, telegraph, pipe, water, sewer and railroad lines.
5. The amount agreed upon herein as compensation shall be binding and conclusive on the parties in any action or proceeding with relation to the aforesaid appropriation as representing the total value of the property so appropriated, together with all legal damages caused by or consequent upon such appropriation, as aforesaid.
6. This agreement shall inure to the benefit of and bind the distributees, legal representatives, successors and assigns of the parties.
7. This agreement is exclusive of the rights, if any, of others by virtue of all oil and gas leases, mines, minerals, mineral ore, quarries and petroleum deposits.
8. The compensation set forth herein is to be paid only upon certificate of the Attorney General of the State of New York as required by law.

Ayes: Smith, Knapp, Saum, LaFay, Havens
Nays: None
Unanimously approved

Supervisor Smith asked Commissioner Beck how long it had been since the Town had inquired of the State of New York regarding the speed limit on Macedon Center Road. Commissioner Beck stated that it was last year and that the speed limit from Perinton Parkway changes from 45 to 55mph heading eastbound and then changes back to 45 mph at the Wayne County line. Commissioner Beck will continue to pursue changing that to a consistent 45 mph speed limit with NYSDOT.

**APPROVE CHANGES TO THE MEMBERSHIP
OF THE EGYPT FIRE ASSOCIATION, INC**

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

In-District Active Firefighter Christopher Kovacic

Ayes: Smith, Knapp, Saum, LaFay, Havens
Nays: None
Unanimously approved

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

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

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| Resident Active Firefighter | Steven Letteney |
| Exempt Firefighter to Non-Resident Active Firefighter | Salvatore Tantalo 149 West Ivy Street East Rochester, NY 14445 |

Ayes: Smith, Knapp, Saum, LaFay, Havens
Nays: None
Unanimously approved

AUTHORIZE SUPERVISOR TO SIGN RELEASE OF STORM SEWER
EASEMENT: 9 FRANCIS DRIVE

Commissioner of Public Works Beck stated that the home at 9 Francis Drive was constructed in the late 1950's or early 1960's and is currently transferring from one property owner to another. During the abstract search, it was discovered that the home sits 1.2 feet into a storm sewer easement that is in favor of the Town of Perinton. Commissioner Beck was contacted by the home owners' attorney requesting that the Town consider a partial release of this easement. Commissioner Beck stated that the release of an area of this easement, which is 30' long and 3.2' wide, would not negatively impact the operation or maintenance of the storm sewer located in the easement area.

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

WHEREAS, Releasees (Jeffrey Dale and Josephine Dale) herein are the owners of the premises briefly known as 9 Francis Drive, Town of Perinton, County of Monroe, New York (the Premises)

WHEREAS, Town of Perinton holds a Storm Water Easement affecting the Premises as shown on the Subdivision Map recorded in the Monroe County Clerk's Office in Liber 163 of Maps at Page 95 (the "Easement Area");

WHEREAS, a portion of the improvements to the Premises encroaches into the Easement area as described in Exhibit A

WHEREAS, the Releasees have requested Releasor release the Encroachment Area.

NOW, THEREFORE the parties agree as follows:

Releasor releases, terminates, abandons and quit claims to Releasees the Encroachment Area described on Exhibit A attached hereto and made a part hereof.

TOGETHER WITH all appurtenances and all the estate and rights of Releasor in and to the Encroachment Area to have and hold the same unto Releasees, its successors, heirs and assigns forever.

This release of Easement shall bind the Releasor and shall inure to the benefit of the Releasees, their successors, heirs and assigns.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None
Unanimously approved

AUTHORIZE SUPERVISOR TO SIGN CONTRACT
ERDMAN ANTHONY

Commissioner of Public Works Beck stated that the Town has been planning a project to connect Chardonnay Drive and Courtney Drive in the Southern Hills Development. Construction of this connector road would allow traffic on Chardonnay Drive to not have to pull out into four lanes of traffic without a traffic light. Commissioner Beck has been working with the NYSDOT to secure a portion of the current Park and Ride located on Courtney Drive. This also needs to be approved by the Federal Highway Administration as the Park and Ride was constructed with Federal funds. Preliminary design work has been done to see what land would be required and if the road could be designed for this particular area. In order to begin construction in 2010, the final design work for the connector road needs to begin. A coordinated SEQR review process also needs to take place along with completion of NEPA forms from the NYSDOT. This can all be completed by the engineering consulting firm Erdman Anthony.

Councilperson Saum made a motion, seconded by Councilperson Knapp, that Supervisor Smith be authorized to sign a contract with Erdman Anthony, in an amount not to exceed \$115,000, for the design and construction services for the Chardonnay Drive/Courtney Drive connector road.

Ayes: Smith, Knapp, Saum, LaFay, Havens
Nays: None
Unanimously approved

Judy McNulty, 647 Thayer Road, asked whether the construction of the connector road would overload Courtney Drive. Commissioner Beck stated that Courtney Drive is more populated now, however, traffic estimates and studies show that the road is capable of handling additional traffic.

A motion was made by Councilperson LaFay, seconded by Councilperson Saum, that the reports from the Finance Director, Town Clerk and the Code Enforcement and Development Department for the month of July 2009 be approved.

Ayes: Smith, Knapp, Saum, LaFay, Havens
Nays: None
Unanimously approved

Supervisor Smith showed the audience the new banners for the Hamlet of Egypt and stated that they would be put up within the next month.

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