

PERINTON TOWN BOARD MEETING  
1350 Turk Hill Road, Fairport, NY 14450  
Wednesday, January 28, 2015

PRESENT:	Michael G. Barker	Supervisor
	Joseph H. LaFay	Councilperson
	Peg S. Havens	Councilperson
	Steven C. Van Vreede	Councilperson
	Ciaran T. Hanna	Councilperson

ALSO PRESENT: Robert Place, Esq., Town Attorney; Thomas C. Beck, Commissioner of Public Works; Jennifer A. West, Town Clerk/Receiver of Taxes; Michael Doser, Director of Code Enforcement and Development; Jeffrey Myers, Commissioner of Recreation and Parks; Kevin Spacher, Finance Director; Susan Frykholm, Deputy Town Clerk; Chris Fredette, Conservation Board; T.C. Lewis, Planning Board.

Supervisor Barker called the meeting to order at 7:30 pm and introduced the Board and staff present.

Councilperson Havens made a motion, seconded by Councilperson LaFay, that the minutes of the Town Board meeting of January 14, 2015 be approved as submitted by the Town Clerk.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna  
Nays: None  
Unanimously Approved

PUBLIC HEARING  
REZONING REQUEST  
WHITNEY TOWN CENTER  
INDUSTRIAL TO RESIDENTIAL B ZONING

Supervisor Barker opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Fairport East Rochester Post on January 15, 2015; affidavit of posting was also January 15, 2015.

John Stapleton of Marathon Engineering represented their client, Whitney Town Center LLC in the request for a rezoning of approximately 5.5 acres of land from Industrial Zoning to Residential B zoning. The location of the land to be rezoned is 0 Whitney Road and is a parcel of land behind 666 Whitney Road which is the former Rochester Telephone building on the north side of Whitney Road about 800 feet east of O'Connor Road. Mr. Stapleton stated that these two properties make up Whitney Town Center, a development being designed to consist of one building of about 28,500 sq. ft. of retail (old Rochester Telephone building) and 151 apartments primarily for seniors. Whitney Town Center, LLC received a Special Use Permit from the Town Board in July of 2014 to allow the use of Public Buildings and Grounds as an overlay district. They also received a negative SEQRA determination at that time.

Mr. Stapleton explained that the rezoning request is to provide a level of comfort for the neighbors to the north that this area is solely intended for residential uses. There is no change to the layout of the plan or the public buildings and grounds overlay and is in response to one of the conditions outlined in the granting of the Special Use Permit.

Town Attorney Place asked what the depth of the rezoned area was and Mr. Stapleton stated that it is 370.22 feet on one side and 375.14 feet on the other.

Chris Fredette, Conservation Board stated that they were puzzled that the zoning line went through one of the buildings and Mr. Stapleton verified that that was correct.

Councilperson Hanna made a motion, seconded by Councilperson Van Vreede to refer the proposed rezoning of approximately 5.5 acres of land located at 0 Whitney Road from Industrial Zoning to Residential B zoning to the Town Planning and Conservation Boards.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna  
Nays: None  
Unanimously Approved

ORDER FOR HEARING  
AMENDMENT TO SECTION 78-11 C OF THE CODE OF THE TOWN OF PERINTON  
ANIMALS CODE

Code Enforcement and Development Director Doser state the Town of Perinton Animal Control Office recently had its annual inspection by the NYS Department of Agriculture and Markets. The inspector uncovered an inconsistency between the Town's policy for returning licensed dogs to their owners and the NYS Agriculture and Markets Law.

He stated that is has been a longtime policy that the Animal Control Officer would typically return any licensed dog to its owner without charging a seizure fee. The policy partially served as an incentive to keep dogs licensed. Unfortunately, the NYS Agriculture and Markets Inspector deemed this policy to be inconsistent with the current Town Code.

Mr. Doser stated that the proposed code change would allow the Animal Control Office to seize any licensed dog up to 24 hours before the seizure fee would be assessed. Any unlicensed dog seized would automatically be assessed.

The proposed code change follows:

Add text

~~Delete text~~

Chapter 78-11

**Care and redemption or disposition of impounded dogs.**

- A.** Every dog seized shall be properly fed and cared for at the expense of the Town of Perinton until disposition thereof as herein provided and in accordance with the applicable provisions of the Agriculture and Markets Law of the State of New York.
- B.** If the dog seized bears a license tag, the Dog Control Officer shall ascertain the owner of the dog and shall give immediate notice by serving personally or by certified mail, return receipt requested, such owner, or an adult member of his family, with a notice, in writing, stating that the dog has been seized and will be destroyed unless redeemed as herein provided.
- C.** ~~The owner of a dog so seized may redeem the dog within seven days if notice is served in person or nine days if served by mail, by paying to the Town Clerk the seizure fee for the first offense, with an increase of \$10 for each additional offense, as the cost of the seizure plus an additional charge for the cost of feeding and caring for such dog.~~
- C.** The owner of a dog so seized may redeem the dog within seven days if notice is served in person or nine days if served by mail. A seizure fee will be charged to the owner of any licensed dog, if held by the Animal Control Officer for more than 24 hours. A seizure fee will charged for any unlicensed dog seized by the Animal Control Officer. Seizure fees will be payable to the Town Clerk, plus any additional charges for the cost of feeding and caring of such dog.
- D.** If not so redeemed, the owner shall forfeit all title to the dog, and the dog shall be made available for adoption or euthanized. In the case of adoption, the purchaser must pay the adoption fees and obtain a license before the dog is released from custody. In all cases, the dog control officer shall maintain a complete record of any seizure and subsequent disposition of any dog as required by Article 7 of the Agriculture and Markets Law of the State of New York.

A motion was made by Councilperson LaFay, seconded by Councilperson Havens, that 7:30 pm on February 25, 2015 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 amendment to Section 78-11 of the Code of the Town of Perinton pertaining to the Animal Code.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna

Nays: None

Unanimously Approved

ORDER FOR HEARING  
AMENDMENT TO SECTION 280-8 C AND 138-5 OF THE CODE OF THE TOWN OF PERINTON  
DEFINITIONS

Code Enforcement and Development Director Doser requested an order for hearing on two changes to definitions in the Town of Perinton Code. The first change is to the Town's definition of building height in § 208-8 (Zoning). The new definition would model the New York State Building Code definition, which reflects the most accepted universal practice for how building height is calculated:

Proposed definition change follows:

**Add text**

~~Delete text~~

HEIGHT OF BUILDING (current definition)

~~The vertical distance measured from the elevation of the finished grade to the highest point of the roof.~~

BUILDING HEIGHT (proposed definition)

**The vertical distance measured from the average elevation of the proposed finished grade of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge of gable, hip or gambrel roofs.**

A motion was made by Councilperson Van Vreede, seconded by Councilperson Havens, that 7:30 pm on February 25, 2015 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 amendment to Section 208-8 of the Code of the Town of Perinton pertaining to the definition of building height.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna

Nays: None

Unanimously Approved

Code Enforcement and Development Director Doser stated that the second change requested is to modify the definition of "Substantial Damage" in §138-5 of the Town of Perinton Code (Flood Damage Prevention). This revised language is required to allow Perinton residents the opportunity to seek reimbursement for an "Increased Cost of Compliance" grant from FEMA in the event of repetitive loss due to flooding.

Proposed definition change follows:

**Add text**

~~Delete text~~

SUBSTANTIAL DAMAGE (current definition)

~~Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.~~

SUBSTANTIAL DAMAGE (proposed definition)

**Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.**

A motion was made by Councilperson LaFay, seconded by Councilperson Havens, that 7:30 pm on February 25, 2015 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 amendment to Section 138-5 of the Code of the Town of Perinton pertaining to the definition of Substantial Damage.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna  
Nays: None  
Unanimously Approved

DECISION  
SPECIAL USE PERMIT  
CREEKSTONE DEVELOPMENT

Supervisor Barker stated that the applicant is asking for a special use permit to add one additional unit to their project due to minor modifications to the "Greenhouses", which were previously approved and to make corrections to the filed site plan to correct the footprints for units #1-26, with some setback changes. Section 208-52J. of the Perinton Code requires the applicant to obtain a special use permit & site plan approval for any changes to the final approved site plan in a PDD.

Supervisor Barker added that based on a review of this application and a SEQR recommendation from the Conservation Board, dated 1-23-15, It Is Resolved that the proposed changes to the Creekstone site plan will not give rise to any significant adverse environmental impacts.

Councilperson LaFay put forth the following resolution, which was seconded by Councilperson Havens:

WHEREAS, the requested changes to the overall site plan are de minimis and the proposed changes to the "Greenhouses" will allow for a more efficient use of the building space and the site plan corrections to units #1-26 will be compatible with the character of the neighborhood with regard to visibility, scale and overall appearance, and is in general harmony with the Town's recent Comprehensive Plan and Zoning Ordinances, and is generally consistent with the overall standards set forth in 208-54, I move that this request for a special permit be granted.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna  
Nays: None  
Unanimously Approved

DECISION  
SPECIAL USE PERMIT  
VAN BORTEL

Supervisor Barker stated that under Town Code §208-41A(5)(c), the Town Board held a public hearing on December 10th, 2014, to consider a special use permit allowing the expansion of operations at a new / used motor vehicle sales operation (parcel ID 152.13-3-4). The Planning Board discussed the application at its meeting on Jan. 7 and the Conservation Board discussed the application on Dec. 16.

Councilperson Van Vreede put forth the following motion, seconded by Councilperson Hanna:

WHEREAS, the proposed use of Van Bortel Ford, 71 Marsh Rd., is:

- a reuse of an existing, long-vacant building that once housed a car-sales and repair operation
- is consistent with the uses and character of the area
- does not affect any wetlands or other protected environmental features and natural resources
- will not result in a substantial increase in traffic or noise above present levels

WHEREAS, the proposed use of Van Bortel Ford, 71 Marsh Rd., received a letter of support from the Planning Board, dated January 14th, 2015; and a letter of support from the Conservation Board on January 23rd, 2015;

THEREFORE BE IT RESOLVED, that this action will not result in any significant adverse environmental impact.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna  
Nays: None  
Unanimously Approved

Councilperson Hanna put forth the following motion, seconded by Councilperson Havens:

WHEREAS, the application for a special use permit allowing the expansion of operations at a new / used motor vehicle sales operation (parcel ID 152.13-3-4) was:

- heard by the Town Board on December 10th, 2014
- discussed by the Planning Board on January 7th, 2015 and received a letter of support, dated January 14th, 2015
- discussed by the Conservation Board on December 16th, 2014 and received a letter of unanimous support, dated January 23rd, 2015

THEREFORE, BE IT RESOLVED, that the requested special use permit is consistent with §208-54 of the Town Code of Perinton and that a special use permit be issued for allowing the expansion of operations at a new / used motor vehicle sales operation (parcel ID 152.13-3-4), under the following conditions:

1. The proposal shall receive site plan approval from the Planning Board.
2. The Special Use Permit shall expire if a building permit is not issued within one year of this Town Board approval.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna  
Nays: None  
Unanimously Approved

#### ADOPT BOND REFUNDING RESOLUTION

Finance Director Spacher stated that Chuck Bastian of Bernard P. Donegan, Inc. contacted the Town with an opportunity to refinance two of the Town's existing sewer bonds. This opportunity may save the Town \$600,000+ in total. Mr. Bastian then presented a refunding analysis of those two bonds. He began with a chart of the Treasury rate for the last year, which had a 52-week high of 2.82 % and a 52-week low of 1.70%, with a current rate of 1.72% and therefore the timing for refunding is very good. He also reviewed an overview of all of the Town's bond issues and then reviewed two scenarios for the two bonds he is recommending to be refunded. The first scenario considered refinancing the two bonds with current interest rates plus ½ of a percent yielding an estimated budgetary savings of \$324,671 (conservative approach). The second scenario assumed current interest rates, which would yield a budgetary savings of \$616,662. Mr. Bastian added that the closing costs are factored in and these savings are net of those costs.

Mr. Bastian also reviewed the timeline associated with the potential refunding. Councilperson LaFay asked what would happen if the interest rates are not in the Town's favor and whether we are locked in to the refinancing. Mr. Bastian added that there are some costs involved along the way prior to the Town giving approval to the interest rate on March 3, 2015; however the Town can always step to the sidelines if the rates are not in the Town's favor. Councilperson Van Vreede asked about how many basis points the interest rate would have to rise to approach the 3% present value threshold that the State Comptroller requires. Mr. Bastian stated that he could get another run from the underwriter to look at that. Finance Director Spacher added that the risk is approximately \$30,000 in cost to have a reward between \$324,671 and \$616,662 in potential savings. Councilperson Van Vreede asked whether this would have an effect on the levy cap calculation and Director Spacher said that the taxes that have to be raised to pay off the gross debt service is part of the levy cap calculation. Therefore, if the Town pays less for gross debt service by refunding these bonds, the savings could either be used to reduce taxes or be used for other services and still stay under the levy cap.

Councilperson Van Vreede presented the following resolution and duly moved that it be adopted and was seconded by Councilperson LaFay:

A REFUNDING BOND RESOLUTION DATED JANUARY 28, 2015 AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE TOWN OF PERINTON, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY AS "REFUNDING (SERIAL) BONDS" AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the Town of Perinton, New York (the "Town") has heretofore duly issued \$3,790,000 aggregate principal amount of Public Improvement (Serial) Bonds, 2005, such bonds being dated December 15, 2005 and maturing in annual installments in each of the years 2006 to 2030, both inclusive (the "2005 Refunded Bonds"), and \$5,396,000 aggregate principal amount of Public Improvement (Serial) Bonds, 2007, such bonds being dated December 15, 2007 and maturing in annual installments in each of the years 2008 to 2032, both inclusive (the "2007 Refunded Bonds") (collectively, the "Refunded Bonds"), as more fully described therein; and

WHEREAS, the Refunded Bonds were authorized pursuant to bond resolutions dated May 26, 1999, May 23, 2001, February 13, 2002, March 26, 2003, December 29, 2004, January 26, 2005, November 30, 2005, March 22, 2006, October 25, 2006, February 14, 2007, and June 13, 2007, to finance capital improvements consisting of sewer system improvements; and

WHEREAS, it would be in the public interest to refund all, or one or more, or a portion of one or more, of the \$2,665,000 outstanding principal balance of the 2005 Refunded Bonds, and the \$4,125,000 outstanding principal balance of the 2007 Refunded Bonds (each such outstanding principal balance being stated as of the date hereof), by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law.

WHEREAS, each such refunding will individually result in present value savings in debt service as required by Section 90.10 of the Local Finance Law.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF PERINTON, NEW YORK AS FOLLOWS:

Section 1. For the object or purpose of refunding all or a portion of the \$6,790,000 outstanding aggregate principal amount of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized shall be sufficient to pay; (i) the principal amount of the Refunded Bonds; (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the maturity dates thereof or the date on which the Refunded Bonds which are callable are to be redeemed prior to their respective maturities in accordance with the Refunding Financial Plan, as hereinafter defined; (iii) the costs and expenses incidental to the issuance of refunding bonds herein authorized, if any that are not to be paid from current funds available therefor, including, without limitation, the development of the Refunding Financial Plan, compensation to the Underwriter, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the Escrow Contract, as hereinafter defined, and fees and charges of the Escrow Holder, as hereinafter mentioned; (iv) the redemption premium, if any, to be paid on the Refunded Bonds which are to be called prior to their respective maturities, if any; and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$6,625,000 par amount of refunding serial bonds of the Town pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), plus an amount of original issue premium sufficient to effectuate the refunding financial plan, it being anticipated that the par amount of Refunding Bonds actually to be issued will be approximately \$5,680,000, with a net premium amount of \$940,982.20, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, as the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Town Supervisor, pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph (f) of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to

refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Town Supervisor, shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Town Supervisor. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date and as otherwise provided in Securities and Exchange Commission Release No. 34-23856, as the same may be amended from time to time. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the book-entry-only system of DTC. In the event that either DTC shall discontinue the book-entry-only system, or the Town shall terminate its participation in such book-entry-only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such book-entry-only system. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Town Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Town Supervisor, as fiscal agent of the Town for the Refunding Bonds (collectively, the "Fiscal Agent"). Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Supervisor, as chief fiscal officer of the Town, or the Deputy Supervisor in the event of the absence or unavailability of the Supervisor, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act in connection with the Refunding Bonds as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Town Supervisor or Deputy Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Town Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Town Supervisor, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph (j) of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph e of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that: (a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law; (b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for the objects or purposes for which the Refunded Bonds were issued is 40 years for the sewer system improvements, pursuant to Subdivision 4 of paragraph a. of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor; and (c) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to each of the Refunded Bonds subject to such requirements, if any, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, and, to the extent required by the Local Finance Law, the estimated present value of the total debt service savings, and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in the Exhibit attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in a single series to refund all of the Refunded Bonds and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Refunding Financial Plan. This Town Board recognizes that the Refunding Bonds may be issued in series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, interest rate or rates borne by the Refunding Bonds and provisions for redemption thereof prior to maturity, if applicable, will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto. The Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Town Supervisor, is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph c of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan and, in accordance herewith, all powers in connection therewith are hereby delegated to the Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Town Supervisor, provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Town Supervisor, shall file a copy of his or her certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Town Supervisor, is hereby authorized and directed to enter into an escrow contract or contracts (collectively, the "Escrow Contract") with a bank or trust company or banks or trust companies located and authorized to do business in this State as he or she shall designate (collectively, the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said Town of Perinton, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be annually levied

on all the taxable real property within said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder. Accrued interest on the Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders from time to time of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated by the United States Treasury Department thereunder, as then in effect.

Section 9. Subject only to the issuance of the Refunding Bonds as herein authorized, the Town hereby elects to redeem all of the Refunded Bonds to be refunded maturing on and after the date of issuance of the Refunding Bonds that are callable at a present value savings, if any. Upon the issuance of the Refunding Bonds, the election to redeem such callable Refunded Bonds shall become irrevocable. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the time provided in the respective Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to the underwriter or underwriters duly determined by the Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Town Supervisor (collectively, the "Underwriter") for purchase prices to be determined by the Town Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of delivery of a payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Town Supervisor, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Town Supervisor, to the Underwriter in accordance with said purchase contract upon the receipt by the Town of said purchase price, including accrued interest. The Town Supervisor is additionally authorized (but not required) to execute and deliver a financing agreement with the Dormitory Authority of the State of New York and any other agreements and documents necessary to accomplish a refinancing, all as may be determined in the discretion of the Town Supervisor.

Section 11. The Town Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms, issuance and sale of the Refunding Bonds, consistent with the provisions of Section 90.10 of the Local Finance Law, including without limitation, the determination to issue Refunding Bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor, or the Deputy Supervisor in the event of the absence or unavailability of the Town Supervisor, and all powers in connection therewith not otherwise heretofore delegated thereto are hereby delegated to the Town Supervisor.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution (or a summary hereof) are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution, which takes effect immediately, or a summary hereof, shall be published in full in each official newspaper of said Town, together with a notice in substantially the form provided in Section 81.00 of the Local Finance Law.

Adopted by the following roll call:

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna  
Nays: None  
Unanimously Approved

**AWARD BIDS**

**RECREATION SUPPLIES, ART & CRAFTS, WEARING APPAREL AND JANITORIAL SERVICES**

Commissioner Myers said that bids for recreation supplies were opened on January 15, 2015. He presented the following summary of bid totals for recreation supplies, wearing apparel, arts and crafts, and janitorial services at the Community Center. He also listed the 2014 – 2015 bid comparison for information. The bids have been reviewed; Commissioner Myers recommended the following bids be awarded and that Supervisor Barker be authorized to sign the contract with Property Maintenance Services for Janitorial Services in 2015:

**Recreation Supplies**

BSN Sports	\$ 336.01
Cannon Sports	\$ 302.32
Laux Sporting Goods	\$ 4,356.00
Winfield	<u>\$10,367.20</u>
TOTAL:	\$15,361.53

**Wearing Apparel**

The Lifeguard Store	\$ 3,519.00
Express Press	<u>\$ 9,181.66</u>
TOTAL:	\$12,700.66

**Arts and Crafts**

S & S	\$ 876.96
NASCO	\$ 331.14
Oriental Trading	<u>\$1,428.03</u>
TOTAL:	\$2,636.13

**Janitorial Services at PCC**

Property Maintenance Specialists	\$25,200.00
----------------------------------	-------------

**Two Year Comparison**

	<u>2015</u>	<u>2014</u>	<u>Difference</u>
Recreation Supplies	\$15,361.53	\$29,696.85	\$-14,335.3
Wearing Apparel	\$12,700.66	\$13,980.27	\$ -1,279.61
Arts and Crafts	\$2,636.13	\$2,803.20	\$ -167.07
Janitorial Services at PCC	\$25,200.00	\$25,200.00	\$ 0.00

Councilperson Van Havens made a motion, seconded by Councilperson Van Vreede that the bids for recreation supplies, arts & crafts supplies, wearing apparel and janitorial services for the PCC be awarded as recommended by Commissioner Myers and that Supervisor Barker be authorized to sign the contract with Property Maintenance Services for Janitorial Services in 2015.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna  
Nays: None  
Unanimously Approved

APPROVE INSTALLATION OF ATM AND AUTHORIZE SUPERVISOR  
TO SIGN CONTRACT

Commissioner of Recreation and Parks Myers stated that for several years, there has existed a need for an Automated Teller Machine (ATM) in the Perinton Community Center. Much of this need occurs on the weekend, when various outside user groups charge entry fees or offer items for sale, but cannot accept credit/debit payments. In addition, registration into Town 55+ programming does not have credit/debit payment capabilities.

He also stated that during the normal work week, many of the services that are provided in the town hall require a cash or check payment, and in a few cases, a check is not accepted. Having the ATM in the community center would alleviate the need for Town customers to venture off-site to utilize an ATM, and then return with cash payment.

Commissioner Myers added that the service being considered to contract with for an ATM will not charge the Town any fee for the placement of the ATM, and will in fact pay the town 75 cents per transaction that is performed on the ATM, which will help defray the overhead costs associated with operating the machine.

Commissioner Myers requested that the Town Board authorize the Supervisor to sign a contract to have an ATM installed in the lobby of the community center. Town Attorney Bob Place has reviewed and approved the contract.

Councilperson Havens asked which bank would place the ATM machine and Commissioner Myers stated that it was an independent company and not associated with a particular bank.

Councilperson Hanna made a motion, seconded by Councilperson Havens to authorize the Supervisor to sign the contract and to have an ATM installed in the lobby of the community center.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna  
Nays: None  
Unanimously Approved

APPROVE APPOINTMENT OF VOLUNTEER BOARD MEMBER  
RECREATION AND PARKS

Commissioner Myers stated that the Recreation & Parks Department Advisory Board currently has a vacancy as a result of Dave Schaeffer's retirement from the board. At the time of his retirement, there were three years remaining on his term.

A candidate for the open position has come forward that is felt will be an extremely strong asset to the board and to the town as a whole. Mr. James Unckless, 44 Potter Place has indicated an interest, and submitted his resume for consideration. Jim has an extensive background in volunteer and civic involvement, including being a member of the Crescent Trail Association since 2002, and a member of their board and a trail boss since 2008. He has also been involved with the Village of Fairport Office of Community and Economic Development, Perinton Historical Society, and he was a member of the Town of Perinton Comprehensive Plan Update in 2000.

Commissioner Myers requested that the Town Board appoint Mr. Unckless to the vacant position on the R & P Advisory Board for the remaining of the current term, which ends December 31, 2017.

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

WHEREAS, the term of David Schaeffer as a member of the Perinton Recreation and Parks Advisory Board has been vacated and will expire on December 31, 2017,

NOW, THEREFORE, BE IT RESOLVED, that James R. Unckless, 44 Potter Place, Fairport, NY 14450 be appointed as a member of the Perinton Recreation and Parks Advisory Board with a term to expire on December 31, 2017.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna

Nays: None

Unanimously Approved

Commissioner Myers provided an update to the leak at the Community Center pool. He stated the leak (or leaks) was discovered as they were having trouble keeping the leisure pool up to temperature. He said that the leisure pool has two large bodies of water – the pool itself and a surge tank. He stated that they have checked the structure of the pool and surge tanks, circulation lines, high-pressure lines and hydrostatic valves. At this point, the leisure pool and surge tanks have been drained for visual inspection and all hydrostatic valves have been replaced. They have found one location with some loss of water and continue to investigate. He also stated that the lap pool has a separate circulation system. A resident asked whether the pool itself is compromised and Commissioner Myers stated that gravel and stone was packed under the pool when constructed which is a good thing for absorption of water.

#### APPROVE 2015 DPW EQUIPMENT PURCHASE RECOMMENDATIONS

DPW Commissioner Beck reviewed the 2015 Department of Public Works Equipment Acquisition recommendations. He stated that this year, items will be acquired through New York State Bid Contracts, Onondaga County Bid Contracts, Chautauqua County Bid Contracts, Town of Ogden Bid Contract, and Perinton Bid Contracts and through vendors located in the Greater Rochester area.

The following descriptions also include an item by item explanation for each recommended award:

#### **Highway Department**

##### Item #1

Two – New 2015, Heavy Duty 6-Wheel Cab & Chassis, with 10' box, Hoist Hydraulics & Snow Plows (Per-16 & 24)

This item is on the Onondaga County Bid Contract and will be supplied through Regional International Tenco. The contract amount for this item is \$383,747.24. Commissioner Beck also requested an additional \$12,000.00 for spreaders and lighting for a total of 395,747.24.

##### Item #2

One – New 2015, Super Duty Cab & Chassis with Dump Body, Hydro Turn Plow, Material Controller & Hydraulics. (Per-8)

This item is on the Onondaga County Bid Contract and will be supplied through Van Bortel Ford and Thruway Spring. The contract amount for this item is \$64,798.54. Commissioner Beck requested an additional \$1,000.00 for the acquisition and in-house installation of emergency lighting for a total price of \$65,798.54.

##### Item #3

One - New 2015 Roadside Mower with four Wheel Drive and Boom Mower Attachment (Per 57)

This item is on the Town of Ogden Bid Contract (mower) and NYS Bid Contract (tractor) and will be supplied through Joe Johnson and Lakeland respectively. The contract amount for this mower is \$49,794.00 and \$70,506.59 for the tractor for a total amount of \$120,300.59.

Item #4- One (1) Used Bucket (aerial Lift) Truck

To Be Bid at a later date.

Item #5

One – 2015 Tire Contract for New & Recapped Tires and Refurbished Rims

Commissioner Beck proposed that this be acquired through a Town of Perinton Bid Contract that was awarded to Parmenter in the amount of \$78,973.00

Item #6 – One (1) New 2014 Medium Duty 6 Wheel Cab & Chassis With 16' Box and Hydraulic Hoist (Per 49)

Commissioner Beck stated that this item is proposed to be acquired through the Onondaga County Equipment Bid Contract that was awarded to Regional International in the amount of \$113,472.02. Commissioner Beck requested an additional \$1,500.00 for the acquisition and in-house installation of emergency lighting for a total price of \$114,972.02.

Item #7

One - New, 2015 Front End Loader with 4 in 1 Bucket, Rear Camera & bucket Weight Scale

Commissioner Beck stated that this item is proposed to be acquired through the NYS Equipment Bid Contract that was awarded to Five Star Equipment in the amount of \$156,565.58. He is also requesting an additional \$1,000.00 for the acquisition and in-house installation of emergency lighting for a total amount of \$157,565.58.

**Sewer Department**

Item #1

One (1) New, Track Mounted Skidsteer with Low Profile and Grapple Buckets

Commissioner Beck stated that this item is proposed to be acquired through the NYS Equipment Bid Contract that was awarded to Finger Lakes Bobcat in the amount of \$53,988.20. He also requested an additional \$1,000.00 each for the acquisition and in-house installation of lighting for a total amount of \$54,988.20.

Item #2

Five (5) FSI Remote Pump Station Monitoring/Controls System

Commissioner Beck explained that this is a digital monitoring system that will be installed on 5 of the Town sanitary sewer pump stations. It monitors a multitude of functions that occur within the stations on a real time ongoing basis. If irregularities are detected the system immediately sends an email and text message to three Town employees. The system enables the employees to electronically address many of the detected malfunctions through the use of a PC, smart phone or table, thus eliminating the need for an afterhours onsite visit. The stations also report electronically every day with data that allows DPW staff to determine if the station is functioning properly.

Town staff have tested 5 such monitoring systems and determined that both the function and cost of this particular system fits the Towns' needs best.

Commissioner Beck recommended the purchase of 5 FSI systems from Phoenix Sentry, a local company located in Farmington, New York for a total price of \$15,940.00.

Item #3 – Emergency Standby Natural Gas Powered Generator

Commissioner Beck recommended the purchase of a Standby Natural Gas Powered Generator from Better Power, Inc. for \$14,257.00 and \$3,000 in lighting for a total price of \$17,257.00.00.

Item #4

Replacement of Bobcat Snow Blowers

Commissioner Beck recommended that this item be purchased off the NYS Bid Contract from Finger Lakes Bobcat for the total cost of \$8,377.20.

**Code Enforcement & Development**

Item #1

One New, 2015, Compact SUV Ford Escape (PT-1)

Commissioner Beck stated that this item is proposed to be acquired through the Chautauqua County Equipment Bid Contract that was awarded to Van Bortel Ford in the amount of \$22,529.30.

If the recommended purchases are approved each account, from which the expenditures will be made, will remain under the 2015 approved budget totals by the following amounts (approximately \$50,000 total):

- 2015 General Highway Equipment - \$32,426.63  
(One purchase remaining)
- 2015 Part-Town Highway Equipment - \$2,027.98
- 2015 Sewer Department Equipment - \$8,437.60
- 2015 Code Enforcement & Development - \$7,470.70

Commissioner Beck added that he is considering purchasing a used aerial lift truck from the Fairport Municipal Commission (FMC). The Town currently calls in FMC when lighting in the Town needs to be changed. The DPW in exchange supports FMC during ice storms with personnel with expertise to trim trees.

Councilperson Havens made a motion, seconded by Councilperson LaFay to approve the purchase and bid recommendations for 2015 DPW Equipment Purchases as outlined by Commissioner Beck.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna  
Nays: None  
Unanimously Approved

#### AUTHORIZE BUDGET TRANSFERS FROM CAPITAL RESERVE FUNDS

Finance Director Spacher stated that in the budget for this year, the Town has planned to transfer monies from the capital reserve funds to several of the operating funds to pay for some purchases, which are extraordinary for this year. Although these transfers were approved in the 2015 budget, separate Town Board Authorization is needed to permit their completion. This action is subject to permissive referendum. Mr. Spacher asked the Town Board to consider a motion authorizing the following transfers:

\$374,000 from the Capital Reserve for DPW Equip to the General Highway Fund

\$30,000 from the Capital Reserve for Parks & Rec Equip to the Parks & Recreation Fund

\$1,330,000 from the Capital Reserve for Road Repair to the Part-Town Highway Fund

\$100,000 from the Capital Reserve for Sidewalks to the Part-Town Fund

\$115,000 from the Capital Reserve for DPW Equip--Part-Town to the Part-Town Fund

Councilperson Hanna made a motion, seconded by Councilperson Van Vreede, that the budget transfers from the Capital Reserve Funds be approved as requested.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna  
Nays: None  
Unanimously Approved

#### AUDIT APPROVAL

A motion was made by Councilperson Van Vreede, seconded by Councilperson LaFay that Audit #1 for January 2015 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

JANUARY AUDIT

General Fund	67,970.40
Town Outside of Village	147,029.27
Recreation	33,270.97
Highway General Repair	350.14
Highway Snow & Miscellaneous	227,754.14
Joint Sewer	3,790.62
Debt Service Sewer	615.11
Basin Canal Port	<u>867.58</u>
	\$481,658.23 Total

The above items were numbers 95978-96144.

JANUARY MANUAL 1

General Fund	111,625.09
Town Outside of Village	6,702.31
Recreation	32,717.32
Joint Sewer	9,206.15
Forest Hills Fire Prot Dist	78,959.00
Midlands Lighting Dist	455.18
Lake Lacoma Dist	16.84
Meadows Lighting Dist	483.99
Deer Run Lighting Dist	1,554.23
Misty Meadows Lighting Dist	<u>123.02</u>
	\$241,843.13 Total

The above items were numbers 95943-95947, 95957, 95959-95965, 95975-95976.

JANUARY MANUAL 2

General Fund	<u>1,079.00</u>
	\$1,079.00 Total

The above item was number 95977.

Ayes: Barker, LaFay, Havens, Van Vreede, Hanna  
Nays: None  
Unanimously Approved

Priscilla Petersen, 49 Winding Brook Drive, made a presentation on behalf of Citizens' Alliance for a Pristine Perinton (CAPP). CAPP asked the Perinton Town Board to pass a resolution against the storage of liquefied petroleum, butane, and methane gases in the depleted salt caverns adjacent to the south west shore of Seneca Lake, in the Town of Reading, in Schuyler County. Mrs. Petersen elaborated on the environmental concerns and risks to this plan and challenged the promised potential economic impact for the Seneca Lake area. She then summarized with CAPP's reasons for Perinton's involvement:

- "Contamination of Seneca Lake, the drinking water source for 100,000 people, would contaminate all bodies of water into which it flows. Seneca Lake flows north and ultimately into Lake Ontario, the source of drinking water for much of Monroe County".
- "This Town had the foresight and care to make a statement against hydraulic fracturing for natural gas in the Town, and in so doing, helped to protect the entire state of NY from the hazards of drilling. While NYS is safe, at least for now, from drilling for natural gas, we are already seeing the build-out of gas industry infrastructure throughout the state, including pipelines, compressors, transportation depots, and gas storage facilities. And our waste water treatment plants and landfills are receiving hazardous materials that they were not designed to handle. Our work is not yet done when it comes to protecting local residents from the hazards of this dangerous industry".
- "Over 200 regional Finger Lakes businesses, over 13 municipalities, and a Coalition of grassroots citizens' groups have already expressed opposition to the gas storage project. They have succeeded in obtaining legal representation by well-respected national environmental legal organizations,

including Natural Resources Defense Council (NRDC) and Earthjustice. Perinton's resolution or a Letter of Support opposing the gas storage project can help to strengthen their case".

Lawrence Coon, 88 Waterford Way, spoke on behalf of Finger Lakes Wine Business Coalition (includes wineries, businesses, farms, artists, musicians from the Finger Lakes Region). They are asking for support prior to the February 14, 2015 meeting. They are concerned about the gas storage impact to their region and all of us. Mr. Coon provided sample resolutions and letters of support for the Town Board to consider. Supervisor Barker and Town Attorney Place added that there is not a precedent for resolutions for these types of concerns but that they would consider writing letters of support. Attorney Place also encouraged the CAPP group to contact Senator Rich Funke and Assemblyman Mark Johns for their support.

Albert Gubiotti, 27 Whippletree Road, stated his concern regarding naming the Town Hall and Community Center buildings for former Supervisor Jim Smith. He stated that the asset recognition should be reserved for those veterans, police, fire and first responders who gave their lives while in service to their community and country. He also expressed concern that the people of Perinton were not given a chance to vote on this or express their opinions. He summarized by saying that no public property should be named after a politician or an elected official and asked that the Town Board "remove his name for the front of the building and return it to the people of Perinton" and name it after a veteran or the founder of Perinton.

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 8:40 pm.

Respectfully submitted,

Jennifer A. West  
Town Clerk