

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, April 11, 2007

PRESENT:	James E. Smith	Supervisor
	Patricia S. Knapp	Councilperson
	David C. Glossner	Councilperson
	Carolyn H. Saum	Councilperson
	Joseph H. LaFay	Councilperson

ALSO PRESENT: Robert Place, Esq., Town Attorney; Thomas C. Beck, Commissioner of Public Works; W. Scott Copp, Director, Building Department; Susan C. Roberts, Town Clerk; T. C. Lewis & James Brasley, Planning Board; Kenneth Rainis, Conservation Board.

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

Councilperson Saum made a motion, seconded by Councilperson LaFay, that the minutes of the Town Board meeting of March 28, 2007 be approved as submitted by the Town Clerk.

Ayes: Smith, Knapp, Glossner, Saum, LaFay
Nays: None
Unanimously approved.

PUBLIC HEARING
SPECIAL USE PERMIT
DRIVE UP WINDOW
TIM HORTONS RESTAURANT
720 PITTSFORD-VICTOR ROAD

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Perinton Fairport Post on March 29, 2007; affidavit of posting was also March 29, 2007.

Supervisor Smith said that the property in question was zoned Limited Commercial, which would allow a Tim Hortons Restaurant. The applicant was appearing before the Board to request a Special Use Permit to allow a drive-up window as part of the development. The Town Board would first hear this application. It would then be referred to the Planning and Conservation Boards for their recommendations. A decision on the Special Use Permit will be made at a later date.

Mel Farmer, Stantec Consulting Services, appeared for the applicant. He introduced Bob Bender, from Tim Hortons, and Martin Chappell, property owner. The proposal is to construct a 1,750 sq. ft. Tim Hortons Restaurant with drive-up window at 720 Pittsford-Victor Road (Rte 96), on a site zoned Limited Commercial. The house and garage which were previously on the site have been demolished. The applicant owns the adjacent parcel, at 672 Kreag Road, and plans to have the two parcels combined into one 0.732 acre parcel. The existing house and driveway to Kreag Road will remain in place as part of this development. The remaining lands are to be improved with the restaurant, parking and associated landscaping.

Mr. Farmer said that the existing driveway to 720 Pittsford-Victor Road will be removed. Tim Hortons Restaurant will share a driveway with Town & County Travel, to the south, moving the curb cut farther from the Kreag Road intersection. He explained the site plan, indicating where the 10-car stacking lane would be placed, along the northern property line.

Mr. Farmer said that the developer has been working with the Historic Architecture Commission (HAC) to determine the placement and style of the proposed building. It will be similar in appearance to other structures in the Basin and will be located in the northwest corner of the property, as was the previous structure. The existing asphalt sidewalk will be removed and replaced with concrete; the drive in front of the building will be stamped concrete block. He said that the lights will be designed so that there is no spill over the lot line. There will be no free-standing lights along the drive-up window lane; the only lighting along that lane will be from soffit lights.

Councilperson LaFay asked if the restaurant would be opened 24 hours a day. Mr. Bender said it would be open from 5am - 12 midnight, with the busiest time between 6:30 and 9:30 am. He said that the restaurant will rely on existing traffic; it does not generate traffic.

Councilperson Saum asked about access to the drive-up lane. Mr. Farmer said it could be reached from the parking lot, from Kreag Road or from the Rte 96 driveway.

Councilperson Glossner asked how often the stacking lane would be full. Mr. Bender said that seldom happened; the usual number of cars in a stacking lane was six. Because this is a small restaurant the number might be fewer. Councilperson Glossner asked what could be expected on an average morning. Mr. Bender said that during the busiest hours they average 60 cars an hour.

Councilperson Knapp asked about the rear elevation. Mr. Bender said it would be screened by the dumpster enclosure. He said that the HAC had informally approved the rear elevation.

Councilperson Saum asked about landscaping. Mr. Farmer said that there would be landscaping along the stacking drive, along the parking lot and in front of the building. Councilperson Saum asked about the size of the building. Mr. Bender said it was 1,750 sq. ft., about half the size of many of their buildings.

Supervisor Smith asked about signs. Mr. Farmer said there would not be any signs on the building. They were proposing a monument sign in front of the building and directional signs on site. Mr. Bender said there would be a preview sign and an order board along the stacking drive.

Councilperson Glossner asked if they would be serving a full menu. Mr. Bender said they would. Councilperson Glossner asked if the restaurant did any drive-up business at lunchtime. Mr. Bender said there was some but that most of the drive-up was for breakfast.

Councilperson Knapp asked about walk-in traffic. Mr. Farmer said they hoped there would be walk-in traffic. There is a front entrance and they plan to upgrade the sidewalk and provide handicapped access to encourage pedestrian traffic.

Councilperson LaFay asked about the number of parking spots. Mr. Bender said there were 24, more than required by code. Councilperson Glossner asked if they would reduce the number of spots. Mr. Bender said they would if required to, but would rather not.

Councilperson Saum asked about the number of employees. Mr. Bender said most stores employ six or seven during peak hours. Mr. Farmer said that Tim Hortons Restaurants are run by franchisees who work on site. The owner would be local and would always be available.

Supervisor Smith asked for questions from the audience.

Susan Salzman, 24 Laird Lane, said that Bushnell's Basin did not need another restaurant. She is concerned about traffic and did not want Rte 96 becoming West Henrietta Road.

Michael Jones, Attorney at Law, appeared for Victor and Jean Krym, owners of property adjacent to the proposed restaurant. He said that they are the people most impacted by the proposed drive-up window since it is very close to the property line and to their property. He said that there is not enough room between the stacking lane and the Krym property, nor is there enough screening. Limited Commercial should be low intensity use. The drive-up window is too intense a use for this parcel.

Jean Krym also spoke. She said that she is not opposed to the construction of a Tim Hortons Restaurant, just to the drive-up window. She said that the noise from the window's operations and air pollution from idling cars will be disruptive for the office which operates from the main floor of her property and for the tenant living on the second floor. She hoped a compromise could be worked out to accommodate the existing uses.

Jack Dailey, 1 Great Oak Lane, said that he is concerned with the changes which have occurred in the Basin. He thinks that buildings should be preserved, not torn down. He agrees that there are too many restaurants.

Mr. Dailey said he also has concerns about increased traffic. It is very difficult to make left-hand turns on to Rte 96. He believes this proposal will make it more difficult. He asked the Board to wait until the approved drive-up windows at Mama San's and Bruegger's are in operation before approving this one.

Judy McNulty, 647 Thayer Road, said she does not approve of drive-up windows.

Martin Chappell, owner of the property at 720 Pittsford-Victor Road, said that NYSDOT will be adding a dedicated turning lane to Rte 96 which will help with traffic flow. He presented the Board with a petition of support for the Tim Hortons project from neighboring businesses.

Cynthia Wilson, 8 Burnley Rise, said there is too much pollution from idling cars.

Kevin Casey, 3 Lily Pond Lane, said that the area around Lily Pond Lane is very rural with a lot of wildlife. He said he had environmental concerns as well as concerns about property values. He said that residents of the area are affected by the early morning and the late evening traffic more than other businesses are.

Linda Baker, 31 Great Oak Lane, said that many of the neighbors from the Basin were out of town for vacation and were not present at the meeting. She said that she agreed with Mr. Casey's statements; she did not feel the Town Board supported residents as much as it did businesses in town. She asked that the application be delayed until the approved drive-up windows have been constructed and in use so that the Town Board and the neighbors can see what problems, if any, exist.

Ron Lovell, 24 Laird Lane, said the proposed use is not appropriate for an historic district.

There being no further questions or comments from the Town Board or the audience, and all those wishing to be heard having been heard, the Public Hearing was closed. Councilperson Saum made a motion, seconded by Councilperson LaFay, that the application for a Special Use Permit to install a drive-up window at a Tim Hortons Restaurant at 720 Pittsford-Victor Road be referred to the Planning and Conservation Boards for their recommendations.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

PUBLIC HEARING CONTINUED
AMENDMENT TO SECTION 208-19
CODE OF THE TOWN OF PERINTON
OUTSIDE FURNACES

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting of the revised legal notice. Proof of publication was given in the Perinton Fairport Post on March 29, 2007; affidavit of posting was also March 29, 2007.

Building Director Copp said that, as originally proposed, the changes to Section 208-19 of the Code of the Town of Perinton would regulate the location of such furnaces, limiting them to large lots (with a Special Use Permit) and restricting them from more heavily settled neighborhoods. However, after reviewing existing municipal ordinances and reports from the Northeast States for Coordinated Air Use Management (NESCAUM) dated March 2006, the New York State Attorney General's Environmental Protection Bureau report of October 2005 and the Monroe County Sanitary Code, Article V, Town staff has recommended that the proposed ordinance be strengthened to ban outside wood-burning furnaces (OWBs) in the Town of Perinton as follows:

§ Chapter 208 Zoning

ARTICLE V, Regulations Applicable to All Districts

§ 208-19 OUTDOOR FURNACES/BOILERS

The Town of Perinton recognizes that alternate and supplemental heating systems provide some relief to the ever-increasing burden of heating with fossil fuels or electricity. Many of these alternative hearing systems are not well suited for areas of residential development due to environmental concerns associated with their operation outside of the building being heated, particularly the production of offensive odors, the potential for the adverse health effects of uncontrolled emissions, the volume and particulate matter from the emissions and the potential to create a nuisance to adjoining properties.

A. Definition

As used in this section the following term shall have the meaning indicated:

(1) Outdoor Furnace/Boiler. Any equipment, device or apparatus, or any part thereof, which is installed affixed or situated outdoors for the primary purpose of combustion of solid fuel to produce heat or energy used as a component of a heating system providing heat for interior space, swimming pool, hot tub or sauna.

B. The use of outdoor furnace/boiler units is prohibited within the Town of Perinton

C. Violations of these provisions shall be enforced consistent with Chapter 115 of the Town of Perinton Code.

Supervisor Smith asked if there were any questions from the audience. Edward Kohl, 381 County Line Road, asked about existing furnaces. He said that he has two wood burning furnaces, one inside and one outside. Mr. Copp said the proposed ordinance would not affect the inside furnace.

Councilperson Glossner asked how large the outside furnace was. Mr. Kohl said the building was 6' high by 2' by 3'. He used it for hot water and did not run it in the summer. Attorney Place said the furnace could be grandfathered as a pre-existing/non-conforming use so that Mr. Kohl did not lose his investments. If there were ever any problems with the furnace the Town could revisit its approval.

Supervisor Smith asked how far the furnace was from the nearest neighbor. Mr. Kohl said it was about 350'.

There being no further questions or comments from the Board or the audience, and all those wishing to be heard having been heard, the Public Hearing was closed.

A motion was made by Councilperson Glossner, seconded by Councilperson Saum, that the changes to Section 208-19 of the Code of the Town of Perinton, be referred to the Planning Board.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

ORDER FOR HEARING
AMENDMENTS TO SECTION 208-22
CODE OF THE TOWN OF PERINTON
STORAGE OF MATERIALS

Mr. Copp said that the Town has seen increased use of portable on-site deliverable storage units (PODS). In many instances the PODS have been left in residential driveways for extended periods of time, acting as storage sheds for the owners of the property. He said that roll-off dumpsters are also becoming more prolific in residential neighborhoods, occasionally left on site for many months. He said that the Codes Committee is proposing the following changes to Section 208 of the Code of the Town of Perinton to regulate the length of time each can remain on site. He asked the Board to set a date for a Public Hearing to consider the following changes:

Deleted text

Added text

§ 208-22. Storage of materials.

No materials of any kind shall be stored in any district, except for the construction of structures to be actually erected upon the premises where such materials are stored within one year from the beginning of such storage and except for farm produce and farm machinery, unless a permit therefore shall be obtained from the Board of Appeals.

The outside storage of construction materials, construction dumpsters, portable or temporary storage units or construction equipment may have a negative impact on the adjoining properties and is limited by these regulations.

A, Portable on-site deliverable storage units (PODS) are permitted to be on a property for a period of time not to exceed fourteen (14) days. The use of these shall be limited to no more than twice in any twelve month period.

B. The use of roll-off dumpsters on residential properties is limited to a duration of fourteen (14) days, once in a twelve (12) month period or for thirty (30) days if there is an active building permit on the property. On non-residential property the use is limited to the period a permit is active on the property and the location is required to be at the rear or sides of the building, if at all possible.

C. The Planning Board may approve the outside storage of materials as part of a Site Plan approval for non-residential properties. The above regulations do not apply to activities related to farming operations, as such are defined within the New York State Agriculture and Markets Law.

D. An individual or business seeking relief for these regulations may apply to the Zoning Board of Appeals for a Special Permit for outside storage of materials, PODS or dumpsters.

E. Dumpsters other than those used for construction purposes require approval from the Planning Board and are required to be screened from ground view, per 208-14M.

A motion was made by Councilperson Knapp, seconded by Councilperson LaFay, that May 9, 2007 at 8:00 pm at the Perinton Town Hall, 1350 Turk Hill Road, Fairport, NY be set as the date, time and place for a Public Hearing regarding the proposed changes to Section 208-22 of the Code of the Town of Perinton.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

ORDER FOR HEARING
NEW CHAPTER 204
CODE OF THE TOWN OF PERINTON
WIND ENERGY CONVERSION

Building Director Copp said that the size and cost of wind generators have decreased, making it affordable to use them for the generation of electricity for private property, as well as commercial properties. The Codes Committee has reviewed a number of ordinances which regulate the location and construction of wind generators and their support towers. He asked the Board to set a date and time for a Public Hearing to consider the following changes to the Code of the Town of Perinton:

Added Text

Chapter 204 Wind Energy Conversion

A. Purpose:

The Town of Perinton recognizes the increased demand for alternative energy generating facilities and the need for the more inexpensive power that wind turbine facilities may provide. Often these facilities require the construction of single or multiple wind turbines. The purpose of these regulations is to protect the community's interest in properly locating wind turbine towers in a manner consistent with sound land planning, while also allowing private and commercial providers to meet their power generating objectives.

B. Definitions:

Small Wind Energy Conversion System ("Small WECS") – A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 10 KW, is less than sixty five (65) feet in total height and which is intended to primarily reduce on-site consumption of utility power.

Wind Energy Conversion System ("WECS") – a machine that converts the kinetic energy in the wind into a usable form, commonly known as a wind turbine or windmill, located on a structural tower and less than two hundred (200) feet in total height.

Wind Energy Conversion Facility – Any Wind Energy Conversion System, Small Wind Energy Conversion System, including all related infrastructure, electrical lines and substations, access roads and accessory structures where the facility is for the generation of power for use on-site.

Commercial Wind Energy Conversion Facility (“CWECSF”)

Wind generating facilities which generate original power on-site to be transferred to a transmission system for distribution to customers or sale to a distribution company. The definition of commercial wind energy conversion facilities shall not include individual wind energy conversion facilities erected and used for private use.

C. Permitted and Prohibited Uses:

- 1. A small WECS may be permitted within all zoning districts, provided the property is five (5) acres or larger in size, a Special Permit from the Zoning Board of Appeals is granted and a building permit is issued. The Zoning Board of Appeals shall apply the requirements of Section D1 through D8, D10 and D11 of this code in addition to those requirements found in Section 208-54.**
- 2. A WECS Facility may be permitted within non-residential districts on lots five (5) acres or larger in size, with a Special Permit from the Town Board, a Site Plan approval from the Planning Board and a building permit.**
- 3. A Commercial Wind Energy Conversion Facility may be permitted in Industrial, RT 1-2-5, RT 2-5 and Residential Sensitive districts on lots forty (40) acres or larger in size, with a Special Permit from the Town Board, a Site Plan approval from the Planning Board and building permits.**
- 4. No Wind Energy Conversion Facilities shall be located within a Limited Development District.**

D. Additional Standards:

No Special Permit shall be granted for a WECS or a CWECSF and/or transmission system unless it is determined by the Town Board that the proposed use meets all of the following criteria, in addition to the Special Permit and Site Plan review criteria found in sections 208-54 and 208- 53 of the Town of Perinton Code.

- 1. No experimental, homebuilt or prototype wind turbines shall be allowed without documentation from a licensed professional engineer estimating the probable blade or ice throw distance in the event of failure, a submittal of the complete design specifications and calculations and an acceptance by the Town Board of setbacks which may exceed the minimums established elsewhere in the code.**
- 2. The minimum required setback distance between each WECS or CWECSF and any property line, overhead utility lines, any dwelling or other building or structures that can be occupied, other than the control structure for the turbine, any other wind turbine towers or other above-ground generation facilities shall be no less than 1.5 times the proposed tower height plus the rotor radius.**
- 3. No WECS or CWECSF shall be installed in any location along the major axis of an existing microwave communications link where its operation has a likely potential to produce electromagnetic interference in the link’s operation.**
- 4. No WECS or CWECSF shall be installed in any location where its proximity to existing fixed broadcast, retransmission or reception antenna (including residential reception antenna) for radio, television, wireless phone or other wireless communication systems would produce electromagnetic interference with signal transmission or reception.**
- 5. Use of nighttime, and overcast daytime condition stroboscopic lighting to satisfy tower facility lighting requirements for the FAA shall be subject to on-site field testing before the Town Board as a prerequisite to the Town**

Board approval with specific respect to glare and visibility to existing residential uses within 500 feet of each tower for which such strobe lighting is proposed.

6. No WECS or CWECFS shall be installed in any location that would substantially detract from or block the view of a portion of a recognized scenic viewshed, as viewed from any public road right-of-way, public body of water, or publicly owned land within the Town of Perinton or extends beyond the border of the Town of Perinton.

7. WECS and CWECFS shall be located with relation to property lines so that the level of noise produced during wind turbine operations shall not exceed 50 dbA, measured at the boundaries of all of the closest parcels owned by non-site owners and that abut either the site parcel(s) or any other parcels adjacent to the site parcel held in common by the owner of the site parcel as those boundaries exist at the time of the issuance of any special permit for such facilities.

8. No WECS or CWECFS shall be permitted that lack an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, and turbine components.

9. The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet, unless a fence enclosure is provided to limit unauthorized or accidental access to the spinning rotors.

10. All power transmission lines from the WECS or WECSF to on-site substations or the property boundaries shall be underground.

11. Written procedures acceptable to the Town Board for emergency shutdown of power generation units shall be established and posted prominently and permanently on at least one location on the road frontage of each individual unit or facility. Such information shall be secured in a lock box acceptable to the Town.

12. A digital elevation model-based project visibility map showing the impact of topography upon the visibility of the project from locations throughout the region, to a distance of five (5) miles from the center of the project shall be provided. The scale used shall depict a 3 mile radius no smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features and other landmarks.

13. Color photographs, at least 3 inches by 5 inches, taken from locations selected by the Town within a three mile radius of the boundaries of the facility site shall be provided. Said photographs shall be computer enhanced to simulate the appearance of the as-built aboveground site facilities as such would appear from said locations. The number of photographs to be submitted shall be equal to the number of proposed individual wind turbines plus three, but in no event less than three.

E. Liability Insurance:

Prior to issuance of a Building Permit for a WECS or CWECFS and continuing thereafter construction until such facility is removed from the site, on an annual basis the applicant shall provide documentation satisfactory to the Town of the existence of liability insurance coverage with reasonable limits as set by the Town Board in consultation with the Town's insurance advisor, for property damage, injury or death resulting from the construction, placement, use, maintenance or operation of a WECS or CWECFS, by the owner of the site.

F. Removal of Obsolete WECS, CWECS Facilities:

1. Obsolete or unused Small WECS, WECS, CWECSF and accessory structures shall be removed from any site within four months of the discontinuance of the use thereof. The owner of the site shall notify the Town in writing within ten (10) days of the discontinuance of the use of such facility. Failure to notify the Town and/or remove the obsolete or unused WECS or facility in accordance with these regulations shall be a violation of this law and shall be enforced in accordance with Chapter 115 of the Town Code.

2. Upon approval of a Special Permit for the construction of a CWECSF, the applicant shall provide and maintain a performance bond issued by a surety provider licensed in New York State in a form acceptable to the Town or such other security acceptable to the Town for the removal of the WECS and facilities and property restoration in an amount acceptable to the Town Board.

3. When a Special Permit is renewed or modified, the Town Board may adjust the required amount of the financial security bond to adequately cover increases in the cost of removal of the WECS or CWECSF and property restoration.

A motion was made by Councilperson Knapp, seconded by Councilperson LaFay, that May 9, 2007 at 8:00 pm at the Perinton Town Hall, 1350 Turk Hill Road, Fairport, NY be set as the date, time and place for a Public Hearing regarding the proposed changes to Section 208-22 of the Code of the Town of Perinton.

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

**ORDER FOR HEARING
STONE CREEK SUBDIVISION
OFFSITE SEWER**

TOWN OF PERINTON MONROE COUNTY NEW YORK

In the Matter of a proceeding pursuant to §192-a
of the Town Law of the State of New York for Excess Sewer
Facilities to authorize the expenditure of not to exceed
\$21,000 for the construction of Stone Creek Subdivision Offsite
Sanitary Sewer for Perinton Consolidated Sewer District No. 8

**RESOLUTION FOR
HEARING**

At a hearing before the Town Board of the Town of Perinton, held at the Town Hall, 1350 Turk Hill Road, Fairport, New York, on April 11, 2007 at 8 p.m., local time, there were:

PRESENT: Supervisor James E. Smith; Councilpersons Patricia S. Knapp,
 David C. Glossner, Carolyn H. Saum and Joseph LaFay

ABSENT: None

ALSO PRESENT: Susan C. Roberts, Town Clerk; Thomas C. Beck, Commissioner of
 Public Works; Robert M. Place, Town Attorney

Commissioner Beck explained that the Stone Creek Subdivision is in the process of obtaining Town Board and Town Planning Board approvals for the construction of 89 single family homes and one commercial building on 45.2 acres of land fronting Rt. 31 on the north, Thayer Road on the west and Loud Road on the east.

The present plan shows gravity sanitary sewers being extended to all proposed homes and a private grinder pump station serving the proposed commercial building at the north end of the site, all connecting to the existing Town sanitary sewer on Loud Road.

Immediately north and west of the site, and contiguous with this property are 7 homes and a gas station presently served by septic systems. With the present sanitary sewer system layout these 7 homes and gas station, located up the gradient from the proposed pump station, would not be able to connect to the new sewer to due to lack of capacity in this pumping unit. In order to extend public sewers to the limits of the proposed subdivision, the developer would be required to either upgrade the proposed pump station to a municipal pump station or extend gravity sewers from another location. There is another Town sanitary sewer at the intersection of Thayer Road and Rt. 31, which could provide gravity service to the existing homes, gas station and proposed commercial building, with sufficient capacity for this additional flow. Both alternates would provide the additional capacity to serve the existing homes and station, but would cost more than the original grinder pump option. The estimated cost for the construction of offsite sanitary sewer is \$46,420.

The Town has agreed to pay for the portion of sewer crossing Thayer Road totaling \$21,000.00 in excess facility costs as their portion of the offsite sewer construction.

The Commissioner passed out copies of the map, plan and Engineering Report for "Stone Creek Subdivision Offsite Sanitary Sewer". The Sewer Committee has carefully considered this plan. It recommends that the Board schedule a public hearing based upon the map, plan and report. Said construction is to be financed by proceeds from the sale of general obligation bonds by Perinton Consolidated Sewer District No. 8.

Commissioner Beck explained the procedure for approval of the proposed relief sewer under §192-a of the Town Law and financing the same in accordance with the provisions of the Local Finance Law.

The members of the Town Board discussed the need and its effect on future development of the service area. They directed several questions to Commissioner Beck. It was then decided to hold a public hearing so that all persons interested would have the opportunity to ask questions and to express their concerns and viewpoints.

WHEREUPON, Councilperson Saum offered the following resolution which was seconded by Councilperson Knapp:

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Town Board of the Town of Perinton, Monroe County, New York as follows:

Section 1. That a hearing be held before this Board in the Town Hall, 1350 Turk Hill Road, Fairport, New York on May 9, 2007 at 8:00 p.m. local time to consider a proposal to approve funding for the upgrade of sanitary sewer facilities for the Stone Creek Development, consisting of approximately 111 feet of 8 inch sanitary sewer, with manholes, wyes, laterals and appurtenances necessary for operation of same with legal, engineering and easement acquisition expenses. The engineer's map, plan and report is on file in the Town Clerk's office and is available for inspection.

Section 2. That notice of such hearing shall be given in substantially the following form:

NOTICE OF HEARING

In the Matter of a proceeding pursuant to §192-a
of the Town Law of the State of New York for excess sewer facilities
to authorize the expenditure of not to exceed \$21,000
for a portion of the construction of Stone Creek Subdivision Offsite Sanitary Sewer
for Perinton Consolidated Sewer District No. 8

WHEREAS, the Town Board of the Town of Perinton acting as a Board of Commissioners for Perinton Consolidated Sewer District No. 8 has recommended the

construction of an offsite sanitary sewer facility and has negotiated to pay for the portion of the sewer crossing Thayer Road consisting of a relief sewer consisting of approximately 111 feet of 8 inch sanitary sewer with manholes, wyes, laterals and appurtenances necessary for the operation of same with legal, engineering and easement acquisition expenses, at an estimated cost not to exceed \$21,000 to be financed by the issuance of general obligation bonds by Perinton Consolidated Sewer District No. 8.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Perinton will hear all persons interested in the aforesaid project at a public hearing to be held in the Town Hall, 1350 Turk Hill Road, Fairport, New York 14450 on May 9, 2007 at 8:00 p.m. local time and thereafter on the evidence presented thereat will determine whether it is in the public interest to construct the aforesaid sewer pursuant to §192-a of the Town Law.

By Order of the Town Board of the Town of Perinton, dated April 11, 2007.

Dated: Fairport, New York
April 11, 2007

SUSAN C. ROBERTS
Perinton Town Clerk

Section 3. That the Town Clerk be and she hereby is directed to cause the publication of the foregoing notice in the Perinton-Fairport Post, which is hereby designated as the official newspaper for the purpose of such publication not less than ten (10) nor more than twenty (20) days before May 9, 2007 and further shall cause a copy thereof to be posted on the sign board of the Town maintained pursuant to Subdivision Six of Section Thirty of Article Three of the Town Law, not less than ten (10) nor more than twenty (20) days before the designated date for the hearing as aforesaid.

Section 4. That the Town has satisfied the SEQR requirements by classifying the action as a unlisted action per NYCRR.

On roll call vote by the Supervisor the following votes were recorded:

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

On canvass of the vote, the foregoing was declared adopted and the entry thereof directed in the proceedings of this Board.

AWARD OF BID

Commissioner Beck reported that, on March 21, 2007, bids were opened for construction of Pinecrest Sewer, Extension #51 to Perinton Consolidated Sewer District #8. Five bids were received. Commissioner Beck and Larsen Engineers have reviewed the bids and references submitted and recommend that the bid be awarded to Beardsley Management and Enterprises as it was the low bidder.

A motion was made by Councilperson LaFay, seconded by Councilperson Saum, that the bid for construction of the Pinecrest Sewer project be awarded to B. Beardsley Management & Enterprises, PO Box 647, Livonia, NY 14487 for a bid of \$1,540,631.00 as it was the low bidder.

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

AWARD OF BID

Supervisor Smith reported that the Parks Department opened bids for a 2007 one-ton cab chassis with dump body and hoist on April 5, 2007. In a memo dated April 5, 2007, Parks Director David Morgan recommended that the bid be awarded to Hoselton Chevrolet as it was the lowest bidder to meet specifications.

In the same memo, Parks Director Morgan reported that he had also advertised for bids for a second truck, a 2007 medium duty cab chassis with dump body and hoist. He received no bids for that item, but was informed by the vendors that they had not bid because 2007 trucks were not available. They would bid on a 2008 medium duty truck.

Supervisor Smith asked the Board to award the bid for the one-ton truck to Hoselton Chevrolet and to authorize Parks Director Morgan to again advertise for bids for the medium duty truck.

A motion was made by Councilperson Glossner, seconded by Councilperson Knapp, that the bid for the 2007 one-ton cab chassis with dump body and hoist be awarded to Hoselton Chevrolet, 909 Fairport Road, East Rochester, NY 14445 for \$33,623.00 because it was the lowest bidder to meet bid specifications, and that Parks Director Morgan be authorized to advertise for bids for a 2008 medium duty cab chassis with dump body and hoist.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

VOLUNTEER BOARD APPOINTMENTS

Supervisor Smith said that, in a memo dated April 3, 2007, Assessor Katherine Kramer asked the Town Board to appoint two temporary members to the Board of Assessment Review to assist with grievance hearings.

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

WHEREAS, the Assessor has asked for the appointment of two temporary members of the Board of Assessment Review, to assist with 2007 grievance hearings, and

WHEREAS, Assessor Kramer has recommended the appointment of Patrick Cahill and Robert Kubera,

NOW, THEREFORE, BE IT RESOLVED, that Patrick W. Cahill, 9 Sanibel Drive, Fairport NY and Robert Kubera, 105 South Ridge Trail, Fairport NY, be appointed to the Board of Assessment Review, with a term to expire on September 30, 2007.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

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

Corporate Auxiliary Member

Lou Tomassetti,
62 Princeton Lane
Fairport, NY 14450

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

Councilperson Glossner made a motion, seconded by Councilperson LaFay, that the following change to the membership of the Egypt Fire Association be approved:

Active In-district

Chuck Friden
55 Broadmoor Trail
Fairport, NY 14450

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

Supervisor Smith reported that, as part of the 2007 budget process, the Town Board approved the transfer of funds from capital reserve funds to operating funds. The Board has received a memo from Finance Director Kevin Spacher, dated April 5, 2007, requesting authorization to make the following transfers. The action is subject to Permissive Referendum:

\$104,500 from the Capital Reserve for DPW Equipment to the General Highway Fund
\$40,000 from the Capital Reserve for Parks & Recreation Equipment Fund to the Parks & Recreation Fund

\$850,000 from the Capital Reserve for Road Repair Fund to the Part-Town Highway Fund

Supervisor Smith asked that the 2007 budget be amended to increase the Supervisor's Equipment line and the Unappropriated Fund Balance by \$23,000.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that the above transfers and budget amendments be approved.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

A motion was made by Councilperson Saum, seconded by Councilperson LaFay, that the reports from the Finance Director, Town Clerk and the Building Department for the month of March be approved.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that the Board adjourn to Executive Session to discuss a Personnel matter.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

There being no further business before the Board and no further questions from the audience, the meeting adjourned to Executive Session at 9:30 pm. The Executive Session adjourned at 10:10 pm

Respectfully submitted,

Susan C. Roberts
Town Clerk