

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, April 25, 2007

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| 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; Susan C. Roberts, Town Clerk; Carol S. Johnston, Deputy Town Clerk; T. C. Lewis, Planning Board; David Belaskas and Paul Bogart, Conservation Board.

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

Supervisor Smith addressed the audience. He said that the first item on the agenda would be a Public Hearing regarding a request for a Special Use Permit for LDD wetland mitigation. The request was made by Waste Management of New York as part of the Phase II and possible Phase III Parkway expansions. He said the Board would hear the request, then refer it to the Conservation Board for its input. No decision on the Special Use Permit would be made at this meeting.

He said that he knew that many people in attendance were interested in the Phase III expansion application, not the wetland mitigation Special Use Permit, but that expansion would not be discussed at this meeting. The two boards which would be addressing the Phase III expansion were the Planning Board, for site plan approval, and the Zoning Board of Appeals, for a solid waste facility permit. Those meetings would be scheduled after New York State issued its findings of fact regarding the environmental impact of the proposed expansion.

Supervisor Smith explained that there would be two informational meetings on the High Acres Landfill and proposed Phase III expansion plans. They will be held at the Community Center on April 30 and May 3, 2007, from 3 pm to 9 pm. Representatives from the Town, Waste Management, and Stantec Consulting Services will be in attendance and will be able to answer questions about the proposed expansion, including those on engineering, hydrology and environmental issues. He recommended attending the workshops, discussing the issues, then sending comments and concerns to the Town Board.

The Supervisor gave a brief overview of the application process. The process began in the spring of 2005. Because the proposed expansion will cross town and county lines, New York State DEC is acting as the Lead Agent under the New York State Environmental Quality Review Act (SEQR) for this application, rather than either the Town of Perinton or the Town of Macedon.

The State has held several Public Hearings regarding the application and has accepted the Environmental Impact Statement prepared under SEQR. It must now make its findings regarding the application. Once the State has issued its findings, the proposal will be addressed by the Perinton Planning Board and Zoning Board of Appeals.

There was discussion about whether or not the decision to expand the landfill had already been made. The Supervisor reiterated that, while the Public Hearings have been held by the Planning Board and Zoning Board of Appeals, no decisions have been made. Those decisions cannot be made until the State's findings of fact have been received.

A man in the audience asked why New York State was the Lead Agent. Supervisor Smith said that two municipalities were involved - the Town of Perinton and the Town of Macedon. Because New York State conducts environmental reviews for

landfills, issues landfill permits and oversees landfills on an ongoing basis, it was determined that they would be the agency of preference to serve as Lead Agent, rather than either of the towns.

There was general discussion about the process involved in granting both site plan approval and the solid waste facility permit.

Supervisor Smith then prepared to open the Public Hearing. He asked that comments during the Public Hearing be directed toward the issue of LDD mitigation, not the proposed landfill expansion.

PUBLIC HEARING
SPECIAL USE PERMIT
LDD MITIGATION
WASTE MANAGEMENT OF NEW YORK

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 April 12, 2007; affidavit of posting also April 12, 2007.

Jeffrey Kocian, Waste Management of New York, addressed the Board. He briefly reviewed the history of the High Acres landfill. Waste Management has been operating the landfill since 1972. The western expansion occurred in 1993. The original site was closed in 1995; Phase I expansion was approved in 2001, Phase II in 2003.

The current application is for wetland created by the stormwater management program in place at High Acres. Waste Management is seeking mitigation for the destruction of 9 acres of that wetland, 2.5 in the Town of Perinton.

Mr. Kocian said that the land north of Perinton Parkway is a wild life management area with developed hiking trails. It consists of wooded wetland, marsh, wooded upland, cow pasture, previously surface-mined areas, active agricultural fields and baseball diamonds and parking. The area that has been previously surface-mined will be used for the wetland mitigation. Much of the area is in a permanent Conservation Easement. The mitigation parcel will be added to that permanent open space.

Luann Meyer, Stantec Consulting Services, explained the wetland mitigation. The area to be destroyed provides stormwater storage for runoff from the landfill surface to the west and for the farm fields to the east. Hydrology is seasonal with standing water in the spring and dry conditions in the summer. The new area, created at the former mining site, will consist of shallow open water, marsh lands and wet meadow.

Harvey Berson, 30 Crosswinds Circle, asked how the bird population would be affected. Mr. Kocian said that, at present, the grassland bird population has increased significantly in the area north of Perinton Parkway, both grassland birds and waterfowl. He expects that to continue with the additional wetland acres.

Patrick Rocco, 1344 Macedon Center Road, said that he had concerns with ground water leaking from the High Acres site to his property. Mr. Kocian said that Waste Management works to maintain the quality and direction of surface water flow from the landfill site to these wetlands east of the site. He said that there should be no flow of groundwater north toward Mr. Rocco's property.

Doug Rowe, 34 Teal Drive, asked where the water would go now that the wetland used for run-off was being destroyed. Mr. Kocian said that the water flow pattern would be changed, the current wetland would dry up and the discharge would be sent to a different area of the site.

Loree Cheer, 21 Cedarwood Drive, asked if there were any further planned expansions beyond Phase III. Mr. Kocian said that if the Phase III expansion were approved and implemented the site would then be built out.

Ms. Cheer asked how long the creation of the new wetland would take. Mr. Kocian said that the mitigation project would be done in phases and would begin before the existing wetland was destroyed. It would take two to three years to be sure the newly created wetland was sustainable.

Teresa Daddis, 1 Aldrich Road, asked about the animals living in the current wetland. Mr. Kocian said they would move to other areas.

A man in the audience asked where the water would come from to create the new wetland. Mr. Kocian said that hydrological studies have shown where the water table is. The new wetland will be graded to the water table and ground water will fill the wetland. He said that water from the landfill is managed through the NYS Department of Environmental Conservation surface and storm water regulations.

Renee Yandow, 136 High Street, asked if the ground water would be contaminated because of the landfill. Mr. Kocian said it was not. He said that the ground water flows north to south; the landfill is south of the proposed mitigation site. In addition, he said that the ground water beneath the landfill is protected from any contamination by the landfill. There is no contamination of the ground water.

Matthew Parsons, 80 County Clare, asked if the ground water on the site was tested. Mr. Kocian said it was; there were test wells throughout the site. Mr. Parsons asked if ground water was tested off-site. Mr. Kocian said it was not; Waste Management only tested on its site.

Jay Bachstein, 2 Delemere Boulevard, asked if the State mandated mitigation. Mr. Kocian said it did, at a 2:1 ratio. Mr. Bachstein asked if there had ever been ground water contamination by a Waste Management site. Mr. Kocian said there had in the distant past but, with new construction methods and increased monitoring, there had not been any in recent memory.

Michael Le Blanc, 18 Crosswinds, asked if Waste Management monitored water flow to be sure there was no run-off into the canal. Mr. Kocian said the entire site was monitored. Surface water was sent through detention ponds before being discharged.

Peter Sardano, 50 Royale Drive, asked who did the testing. Mr. Kocian said the testing was done by an independent laboratory. Those results were sent to a third party which checked the results. Another agency then checks both sets of result and submits them to New York State. The test results are published by an independent laboratory. Waste Management pays for all the testing but is not involved in any of it. He said that New York State has an independent monitor on the site at all times as well.

A man in the audience asked how much larger the Phase III expansion would make the site. Mr. Kocian said the increase in size would be less than 50% of the current size.

Several people in the audience spoke against the proposed Phase III expansion. Supervisor Smith reminded them that the current Public Hearing was regarding the wetland mitigation being proposed by Waste Management, not the expansion request. He encouraged everyone to attend the two informational meetings on the High Acres Landfill and proposed Phase III expansion plans. They will be held at the Community Center on April 30 and May 3, 2007, from 3 pm to 9 pm.

There being no further questions or concerns about the proposed wetland mitigation, and all those wishing to be heard having been heard, the Public Hearing was closed.

A motion was made by Councilperson Saum, seconded by Councilperson La Fay, that the proposed wetland mitigation plan be referred to the Conservation Board for its recommendation.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

Supervisor Smith declared a five minute recess.

Councilperson Glossner made a motion, seconded by Councilperson Saum, that the minutes of the Town Board meeting of April 11, 2007 be approved as submitted by the Town Clerk.

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

DECISION
AMENDMENT TO SECTION 208-19
CODE OF THE TOWN OF PERINTON
OUTSIDE FURNACES

Supervisor Smith said that Public Hearings regarding amendments to Section 208-19, Outside Furnaces had been held, one on March 14, 2007, the other on April 11, 2007. The changes have been referred to the Planning and Conservation Boards, each of which supported the proposals. He asked the Board to approve the proposed changes.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that the proposed changes be granted a Negative Declaration under the New York State Environmental Quality Review Act because, as per the Conservation Board memo, the defining central issue regarding Outside Furnaces is that they produce particulate emissions. The Environmental Protection Agency is concerned about particles such as these because they can affect the heart and lungs and can aggravate existing diseases. In the absence of any federal or state regulations the Town should impose a ban on the installation and use of such devices. Such a ban would improve the environment, not harm it.

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

Councilperson LaFay made a motion, seconded by Councilperson Saum, that the amendments to Section 208-19 be approved 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.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

Supervisor Smith reported that DPW Commissioner Beck, Information Processing Coordinator James Donahue and Parks Director David Morgan have submitted lists of surplus equipment which they would like to take to the Municipal Auction on May 12, 2007. He asked the Board for approval of these items as surplus equipment.

A motion was made by Councilperson Glossner, seconded by Councilperson Saum, that the following items be declared surplus and released for sale at the Municipal Auction:

Highway Department

- 1 2003 Chevrolet regular cab, 4x4 pickup truck
- 1 1992 International 6-wheel plow truck
- 1 1994 Ford L-9000 6-wheel plow truck
- 1 1993 Giant 4-cylinder gas leaf vac

Sewer Department

- 1 2002 Chevrolet extended cab 4x4 pickup truck
- 1 2002 Chevrolet regular cab 4x4 pickup truck
- 1 1973 Bombadier sidewalk plow
- 1 1971 Bombadier sidewalk plow

Town Hall

- 1 1996 Chevrolet S-10 pickup
- 1 1999 Jeep Cherokee 4-door 4x4 SUV

Information Processing

- 2 2002 Compaq S7500 monitors
- 1 2002 Compaq ML-350 Server
- 1 2002 Compaq ML 370 Proliant Server
- 2 1999 HP 895 CXI printers

Recreation & Parks Departments

- 2 Stihl line trimmers
- Hoist Dual 400 leg extension/hamstring curl machine
- Health-O-Meter beam weight scale
- Thermador 4 burner natural gas stove top with stainless steel surround
- Ametek/Roton 6.3 horsepower, 3-phase blower

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

Supervisor Smith said that, in a memo dated April 25, 2007, Commissioner of Recreation & Parks James Donahue reported that the North End Addition Project had been completed. There are funds remaining in the North End Addition Project Fund which need to be reallocated.

A motion was made by Councilperson LaFay, seconded by Councilperson Saum, that the North End Addition Project Fund be closed and that the remaining \$197,000 be transferred to the Building Improvement Capital Reserve Fund.

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

Supervisor Smith reported that Jennifer West and Elizabeth Haines have completed six months as Town of Perinton employees. He stated that their work has been satisfactory and recommended each receive a pay increase, effective April 26, 2007.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that Jennifer West and Elizabeth Haines receive a 5% pay increase effective April 26, 2007 to \$10.50 per hour.

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

AWARD BID

Commissioner Beck said that, on April 23, 2007, bids were received for the construction of concrete gutters and sidewalks in various locations throughout the town. He had asked for, and received, authorization to bid for this construction because, although the Town usually uses the Monroe County Department of Transportation Construction Bids to purchase goods and services used in highway reconstruction projects, sewer projects and other related jobs, this year's contract for concrete gutter replacement was awarded to a Buffalo-based company not known for quality work. The company has worked in Perinton in the past; there were problems with both projects it undertook.

Only one bid was received, from Hynes Concrete Contractor Inc. The bid was higher than the recent Monroe County award but is in line with the second low bidder for each of the County awards. He recommended the bid be awarded to Hynes Concrete Contractor Inc.

Councilperson Glossner made a motion, seconded by Council LaFay, that the bid for concrete gutter and sidewalk construction services for 2007 be awarded to Hynes Concrete Contractor, Inc., PO Box 340, Fairport, NY 14450 as it was the low bidder.

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

Supervisor Smith said that, as a result of the 2006 inspection by the Public Employee Safety and Health Administration (PESH) the Town realizes the need for a policy addressing workplace safety for Town employees, one which would encompass all current safety plans, as well as additional measures to ensure compliance with all appropriate PESH and OSHA regulations.

Town staff has interviewed three safety consulting groups: Polestar Consulting, CY Concepts and Finger Lakes Risk Management. After the interviews, reviewing references and reviewing work projects, the staff is recommending that the Supervisor be authorized to sign a contract with Polestar Consulting for a customized health and safety manual, including a review of Town facilities, basic training on the

manual, print and electronic versions of the plan, a drug and alcohol abuse program as well as a harassment and workplace violence plan.

A motion was made by Councilperson Glossner, seconded by Councilperson LaFay, that the Supervisor be authorized to sign a contract with Polestar Consulting, for an amount not to exceed \$3,000, for a customized health and safety manual.

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

AUDIT APPROVED

A motion was made by Councilperson LaFay, seconded by Councilperson Saum that Audit #4 for the month of April, 2007 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

APRIL AUDIT

| | |
|-------------------------------------|--------------------|
| General Fund | \$85,028.61 |
| Town Outside of Village | 40,871.31 |
| Recreation | 37,723.48 |
| Highway General Repair | 18,771.01 |
| Highway Snow & Miscellaneous | 87,797.38 |
| Joint Sewer | 30,681.41 |
| Special Recreation | 3,580.00 |
| Debt Service Sewer | 78.18 |
| Perinton Ambulance District | 2,086.98 |
| Fairmont Hills Maintenance District | 305.00 |
| DPW Redevelopment | 48,829.53 |
| North End Addition | 480.00 |
| Orchards Sewer Project | 6,501.95 |
| Rte 96 Sewer Project | 1,485.47 |
| Boxwood Ext #49 | 7,662.72 |
| Whitney Road Sewer | <u>546.53</u> |
| | \$372,429.56 Total |

The above items were numbers 1022 - 1406.

APRIL MANUAL I

| | |
|-------------------------------|--------------------|
| General Fund | \$62,982.78 |
| Town Outside of Village | 3,118.91 |
| Recreation | 52,527.86 |
| Joint Sewer | 10,492.26 |
| Midlands Lighting District | 439.36 |
| Lake Lacoma Lighting District | 14.90 |
| Meadows Lighting District | 439.00 |
| Deer Run Lighting District | <u>1,640.17</u> |
| | \$132,655.24 Total |

The above bills were paid with checks # 65920 - 65923, 65925, 65939, 65941, 65942, 65947 - 65949, 66275.

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 was adjourned at 10:30 pm.

Respectfully submitted,

Susan C. Roberts
Town Clerk

