

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, March 14, 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; Carol S. Johnston, Deputy Town Clerk; T. C. Lewis, Planning Board; S. Chris Fredette, 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 February 28, 2007 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING
AMENDMENT TO SECTION 208-14
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. Proof of publication was given in the Perinton Fairport Post on March 1, 2007; affidavit of posting was also March 1, 2007.

Supervisor Smith began by explaining that the initial interest in an amendment to the Town Code regarding outside furnaces came from town residents who were concerned about the installation of such furnaces in their neighborhoods. The process of amending the Code was begun quickly, before any application to construct such a furnace was received, so that an applicant would not be penalized for beginning an action which might eventually be banned. The changes to Section 208-14, as advertised in the legal notice, were the result of that process.

Since the Order for Hearing, held on February 14, 2007, Town staff has continued to review other municipal ordinances which regulate outside furnaces, also known as outdoor wood boilers (OWB). That review has led the Town to consider modification of the originally proposed changes. This Public Hearing will consider the changes advertised as well as the proposed modifications. If the Board wishes to amend the Code with the recent modifications, the Public Hearing will be held open and the changes re-advertised. A continuation of the Public Hearing would then be held on April 11, 2007.

Building Director Copp said that, during the past year, there had been much discussion regarding the appropriateness of free-standing wood, coal or bio-fuel outside furnaces and boilers in residential neighborhoods. The units are not regulated by the New York State Fire Prevention and Building Code, nor are they regulated by the Environmental Protection Agency. The units are installed in a separate structure near the building to be heated; the height of the flume pipe and the location of the building, in relationship to neighboring structures, are unregulated. Each furnace has a large heating chamber which burns wood and heats a boiler to provide hot water heat. When the boiler

is sufficiently hot the fire is tampered down. The tampered fire may not burn cleanly and can emit smoke and fumes which could become neighborhood nuisances.

As originally proposed, the amendments to the zoning code 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 is recommending that the proposed ordinance be strengthened to ban OWBs in the Town of Perinton. He submitted each of the reports to the Clerk as part of the official record.

Councilperson Saum asked, if such furnaces were allowed, would the Town be able to control the fuel used. Mr. Copp said it could not. In addition to burning wood the furnaces are capable of burning trash, garbage, railroad ties and tires - adding additional pollutants to the air.

Councilperson LaFay asked how efficiently the furnaces burn fuel. Manufacturers claim OWBs burn efficiently; government reports indicate they do not. Mr. Copp said that, according to the NESCAUM report, the smallest OWB is likely to have an average in-use emission rate of approximately 161 grams of fine particulate matter per hour, which is twenty times higher than the average in-use emissions of an EPA certified wood stove. Mr. Copp said that the report assumes properly dried wood would be used as fuel; if the moisture content of the wood was higher the fire would be less efficient than the report suggests.

Councilperson LaFay asked if Town staff had talked to any of the municipalities which have banned OWBs. Mr. Copp said they have not; they have reviewed the ordinances.

Attorney Place said that most village ordinances have a complete ban on OWBs. Some town ordinances ban them completely, some allow them on large lots.

Supervisor Smith asked about the normal chimney height for a wood stove. Mr. Copp said it should be two feet above the closest roof height. He said that the flume height for an OWB is much lower, 10' to 12'.

Councilperson Saum asked if the Town has had any inquiries about installing an outdoor furnace. Mr. Copp said it had not. He said that the Town wished to address this issue before any resident inquired about such construction so that a definitive answer to that inquiry could be provided.

S. Chris Fredette, Perinton Conservation Board, introduced Louise Hartshorn of the Monroe County Environmental Management Council. Ms. Fredette said that the Monroe County Health Department was reviewing the use of OWBs.

Ms. Fredette said the Conservation Board wanted to know if the furnaces used catalytic converters to control pollution. Mr. Copp said they did not. She said the Board also had concerns about enormous wood piles in residential neighborhoods since they could become home to rodents and other small animals.

Judy McNulty, 647 Thayer Road, said she lives in an area with a great deal of open space. She said that, when trash is burned, the smell is penetrating and offensive.

Mr. Copp stated that the furnaces would not only be used in cold weather; they can be burned year-round to provide hot water.

John DeSeyn, 340 Wilkinson Road, said he would like to see the Town of Perinton establish a consistent environmental policy.

Sue Davis, 307 Lyndon Road, said that if the Town tried to regulate the fuels burned in OWBs it would increase pollution by putting another truck on the road.

Chris Fredette, Perinton Conservation Board, asked if there was any State regulation of OWBs. Mr. Copp said there was not.

Attorney Place said that the New York State Department of Environmental Conservation has brought some action against owners of outdoor furnaces because of pollution.

Councilperson Knapp asked Louise Hartshorn, of the Monroe County Environmental Management Council, if any other municipalities in the County were considering regulating OWBs. Ms. Hartshorn said she did not know of any. She said there was an outdoor wood-burning furnace operating in Chili and another in LeRoy.

Supervisor Smith asked the Board members if they wished to take action on the proposed changes to Section 208 of the Code of the Town of Perinton or if they wished to keep the Public Hearing open, re-advertise the modifications to the proposed changes, and continue the Public Hearing at a later date.

Councilperson Glossner said he supported a complete ban on outdoor wood furnaces in the Town of Perinton. Councilpersons Knapp, Saum and LaFay concurred.

A motion was made by Councilperson Saum, seconded by Councilperson LaFay, that Section 208 of the Code of the Town of Perinton be amended as follows, that the proposed changes be re-advertised and that the Public Hearing be held open until April 11, 2007, at 8:00 pm at the Perinton Town Hall, 1350 Turk Hill Road, Fairport, NY:

§ Chapter 208 Zoning

ARTICLE V, Regulations Applicable to All Districts

Deleted text

Added text

§ 208-19 Billboard and advertising signs.

For regulations relating to billboards and advertising signs, see the Sign Law

§ 208-19

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 heating 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:

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 said that, several years ago, the Town began establishing park districts in much the same way it does lighting districts. The purpose of the park district is to ensure the maintenance of common areas in a subdivision, once the developer has completed the project. Once the district is established the improvements (landscaping) are maintained by the Town of Perinton or its sub-contractors for as long as the district shall exist. The fees for maintaining the district are assessed on the tax rolls of the lots within the district annually, on an ad valorem basis.

The Wisteria Grove Parks Maintenance District was established in 2002. During the 2007 budget process an estimate of expenditures to be incurred in the district was approved by the Town Board and levied against 26 of the 74 homes in the district. Since that time it has become evident that the developer must perform additional work on the park district lands before they can be turned over to the Town of Perinton for maintenance. Until the work is completed and the areas in question have sustainable growth in place, the developer will remain responsible for their maintenance. Supervisor Smith asked the Board to approve refunds to each of the 26 property owners in the district.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that the owners of the following properties be refunded the money assessed on their 2007 Town taxes for park maintenance fees: 9, 12, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 Periwinkle Drive, 1, 3, 5, 7, 9, 11, 15, 17 and 19 Rosewalk Lane.

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

Commissioner Beck reported that, on March 6, 2007, bids were opened for Contracts #1, 2, 4 & 5, 6, 7, 8, 9 and 10 for the DPW redevelopment project. He has reviewed the bids, as has Don Grace, Senior Project Manager with LeChase Construction, the Construction Manager for the project. They recommend the following awards:

CONTRACT #1 SITE WORK

Site work includes installation of all on-site utilities, including storm and sanitary sewers, water mains, gas mains, all cut and fill earthwork, the construction of building pads, roads and parking lots, the installation of sidewalks and retaining walls, site demolition, all temporary and permanent fencing and gates, the installation of a flag pole and any exterior bollards, plus two alternatives: 1.1 for a two year maintenance bond and 1.2 for a pedestrian bridge to span White Brook between the new administration building and the new fleet maintenance building. He recommended the bid be awarded to Landmark Enterprises as it was the low bidder.

Landmark Enterprises	Base Bid	\$1,792,145.00
PO Box 616	Alternate 1.1	3,900.00
Auburn NY 13021	Alternate 1.2	80,329.00

CONTRACT #2 CONCRETE/MASONRY

Item 2 includes new masonry walls, under-slab stone, interior masonry demolition, new masonry bump walls, trench drains and all slabs on grade. The bid included two alternatives: 2.1 for a two year maintenance bond and 2.2 for removal of flood vents from the contract. He recommended the bid be awarded to Christa Construction as it was the low bidder.

Christa Construction	Base Bid	\$2,238,000.00
119 Victor Heights Parkway	Alternate 2.1	5,000.00
Victor, NY 14564	Alternate 2.2	-18,000.00

CONTRACTS #4 & 5 INTERIORS, ACOUSTICAL & WALL FINISHES

Contract 4 & 5 includes all metal stairs and railings, metal stud framing/insulation, drywall, acoustical ceilings and painting. There was one alternative, for a two year maintenance bond. He recommended the bid be awarded to Building Innovations Group as it was the low bidder.

Building Innovation Group Inc	Base Bid	\$921,700.00
107 Lincoln Parkway	Alternate 4.1	2,040.00
East Rochester, NY 14445		

CONTRACT #6 FLOOR FINISHES

Contract #6 includes all ceramic and vinyl tile, carpet, entry mats/frames, epoxy flooring and vinyl base moldings. It includes one alternative for a two year maintenance bond. He recommended the bid be awarded to Building Innovation Group as it was the low bidder.

Building Innovation Group	Base Bid	\$76,700.00
107 Linden Parkway	Alternate 6.1	2,940.00
East Rochester, NY 14445		

CONTRACT #7 PLUMBING

Contract #7 included all demolition of existing plumbing in the highway garage, all under-slab/above grade storm and sanitary pipe and accessories, trench drainpipe, domestic water, gas supply, insulation, plumbing fixtures and equipment, RPZ work and all applicable testing and balancing. There was one alternative, for a two year maintenance bond. He recommended the bid be awarded to Thurston Brothers as it was the low bidder.

Thurston Brothers	Base Bid	\$485,000.00
291 David Parkway	Alternate 7.1	9,000.00
Ontario, NY 14519		

CONTRACT #8 FIRE PROTECTION

Contract #8 includes all appurtenances related to the fire protection. It also includes one alternative, for a two year maintenance bond. Commissioner Beck recommended the bid be awarded to Davis-Ulmer Sprinkler as it was the low bidder.

Davis-Ulmer	Base Bid	\$260,000.00
300 Metro Park	Alternate 8.1	650.00
Rochester, NY 14623		

CONTRACT #9 HVAC

Contract #9 includes all demolition associated with the HVAC system in the existing vehicle storage building, all sheet metal, HVAC equipment, insulation, controls and registers/grilles/diffusers, the radiant heat system, testing and balancing, as well as the

exhaust system. There are two alternatives: 9.1 for a two year maintenance bond, 9.2 for a direct connect vehicle exhaust systems. He recommended the bid be awarded to Monroe Piping & Sheet Metal as it was the low bidder.

Monroe Piping & Sheet Metal	Base Bid	\$977,000.00
68 Humboldt Street	Alternate 9.1	5,000.00
Rochester, NY 14609	Alternate 9.2	69,000.00

CONTRACT #10 ELECTRICAL/FIRE ALARM

Contract #10 includes all site electrical and lighting, the grounding system, temporary and secondary power, mechanical control wiring, tel./data, telephone data, the security system, the fire alarm system, the emergency generator and the overhead door wiring and safety system. There were two alternatives: 10.1 for a two year maintenance bond and 10.2 for a direct connect vehicle exhaust system. He recommended the bid be awarded to Billitier Electric of Rochester as it was the low bidder.

Billitier Electric Inc	Base Bid	\$1,288,000.00
737 Atlantic Avenue	Alternate 10.1	1,700.00
Rochester, NY 14609	Alternate 10.2	2,500.00

Councilperson LaFay made a motion, seconded by Councilperson Saum, that the bids for Contracts 1, 2 and 4 - 10, including the alternatives, be awarded as recommended by Commissioner Beck.

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

Supervisor Smith reported that the Board has received a request from Park Department Director Morgan requesting approval to ask for bids for two dump trucks budgeted for 2007. NYS contracts for the vehicles have been rebid but with no timeline for approval.

A motion was made by Councilperson Glossner, seconded by Councilperson Saum, that Parks Director Morgan be authorized to advertise for bids for a 2007 one-ton dump truck and a 2007 medium-duty cab and chassis with dump body and hoist.

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

Commissioner Beck reported that the current DPW facility sits in a wetland buffer. There is not enough room in the buffer area to accommodate the planned expansion of the DPW facilities; the project will impact or fill approximately 0.4 acres of wetland. The New York State Department of Environmental Conservation (NYSDEC) and the United States Army Corps of Engineers (USACOE) are requiring that the Town mitigate that loss at a 2:1 ratio, creating 1 acre of wetland to compensate for the loss of 0.4 acres to federal and state wetlands.

Space limitations will not allow for the mitigation to occur on the site where the losses will occur. The NYSDEC and USACOE will accept mitigation in the same watershed - the Thomas Creek watershed.

Waste Management is being required to create approximately 25 acres of new wetland as mitigation for permanent impact to state and federal wetlands associated with the Parkway Expansion- Phase III project. They are willing to work with the Town of Perinton on the development of new wetland areas that would serve as mitigation for

the impacts associated with both projects. The regulatory agencies have been receptive to that proposal.

Commissioner Beck asked the Board to approve the Wetland Mitigation Agreement between the Town of Perinton and Waste Management for the development of wetland mitigation areas in conjunction with Waste Management's Parkway Expansion - Phase III project. The agreement has been approved by the Town Attorney. The Town of Perinton's share of the costs is approximately \$25,000. It has been incorporated in and accounted for in the total project cost of the DPW redevelopment project.

A motion was made by Councilperson Saum, seconded by Councilperson LaFay, that the Town Board approve the agreement between Waste Management of New York LLC and the Town of Perinton for the development, construction and extended viability of wetland mitigation areas - wetland creation and enhancement, which states in part, that:

Waste Management and the Town of Perinton shall work cooperatively in the development of wetland mitigation at the High Acres Landfill.

Waste Management shall allow the Town of Perinton to utilize a portion of land within the Thomas Creek Watershed at High Acres Landfill for the development of one acre of wetland.

The Town of Perinton and Waste Management will share in the cost, on a pro-rated basis, for the design, construction, post-construction monitoring, redevelopment or adjustments to the mitigation plan.

Waste Management will remain rightful owner of the newly established wetland area.

Should Waste Management fail to move forward with construction of the wetland mitigation area the Town of Perinton has the right to utilize one acre of land at the High Acre Landfill for the development of the Town's mitigation area.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

A motion was made by Councilperson Knapp, seconded by Councilperson LaFay, that the following changes in the membership of the Egypt Fire Association be approved:

Removed from Rolls	Larry Pollata 1256 Ayrault Road Fairport, NY 14450
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Out of District Member	Alex Klimchuk 2787 Chili Avenue Rochester, NY 14624
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Civil Member	Donald Garman 20 Sandpiper Hill Fairport, NY 14450
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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 February be approved.

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 8:45 pm.

Respectfully submitted,

Susan C. Roberts
Town Clerk