

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, November 28, 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, 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 Knapp made a motion, seconded by Councilperson Saum, that the minutes of the Town Board meeting of November 14, 2007 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING
SPECIAL USE PERMIT
388 MASON ROAD
SOUTHEAST QUADRANT MOBILE
CRITICAL CARE UNIT

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 Fairport ER Post on November 14, 2007; affidavit of posting was also November 14, 2007.

Steve Page, Southeast Quadrant Mobile Critical Care Unit, addressed the Board. He said that the unit has outgrown its present quarters and would like to move to a larger facility which could provide office space, a lounge area and a garage. They have found what they need at 388 Mason Road and are asking for a Special Use Permit, under the Public Buildings and Grounds section of Town code, to move to the new site.

Supervisor Smith asked Mr. Page to explain how the unit works. Does it respond to all ambulance calls in the southeast quadrant? Mr. Page said that the first responders are usually from the local ambulance corps with the Mobile Critical Care Unit

responding as needed. There are four cars in the southeast quadrant: one in Pittsford, one in Penfield and two in Perinton. The cars may be parked at the drivers' homes or at the Perinton Volunteer Ambulance Corps building at 1400 Turk Hill Road and respond to the calls nearest them.

Councilperson Saum asked about the unit's communications system - will it require equipment outside the Mason Road building? Mr. Page said that the unit uses two-way portable radios. There will be no outside antennas or other equipment.

Councilperson Saum asked if there were enough parking places at 388 Mason Road to accommodate the critical care unit. Mr. Page said there were 30 spaces, five of which were used regularly.

Councilperson Saum asked about the use of lights and sirens. Mr. Page said they did not turn the lights or sirens on until they were on a main road.

Councilperson Knapp asked if the unit planned to grow at this site. Mr. Page said it was growing. However, this site is not centrally located in the southeast quadrant so if there was future growth it would not be at this location; they would move to a new location.

Councilperson Knapp asked if the unit provided service to Macedon. Mr. Page said they do mutual aid so occasionally provide transportation services to Macedon but that their primary focus was the southeast quadrant of Monroe County.

S. Chris Fredette, Perinton Conservation Board, asked if there was garage space at the Mason Road location. Mr. Page said there was.

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

Councilperson Knapp made a motion, seconded by Councilperson LaFay, that the request to locate the Southeast Quadrant Mobile Critical Care Unit to 388 Mason Road be given a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) because the natural characteristics of the site are such that the proposed use may be introduced on the property without undue disturbance or disruption of important natural features and without negative impact to groundwater or surface waters on and off the site. Therefore, the change of location from 261 Turk Hill Road to 388 Mason will not negatively affect the environment.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

A motion was made by Councilperson Glossner, seconded by Councilperson LaFay, that the Town Board grant a Special Use Permit, under the Public

Buildings and Grounds section of the Code of the Town of Perinton. The Board has reviewed Section 208-54 of the Code and finds that public health, safety and general welfare of the Town will not be adversely affected by the proposed use in this location; the use will not interfere with the preservation of the general character of the neighborhood in which it is to be placed and will be compatible with its surroundings and with the character of the neighborhood and of the community in general; access to the facility is adequate for the estimated traffic generated by the proposed use to assure the public safety and avoid traffic congestion and there is adequate parking.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

PUBLIC HEARING
SPECIAL USE PERMIT
CELL TOWER CONSTRUCTION
80 LYNDON 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 Fairport ER Post on November 14, 2007; affidavit of posting was also November 14, 2007.

Jeff Davis, Hiscock & Barclay, and Jeremiah Jordan, engineer, appeared for Omnipoint Communications (T-Mobile). The application is to construct a 150' monopole inside a 50' x 50' fenced area which would also enclose an equipment cabinet. The 50' square area would be located at the south end of the existing driveway, south of the skating arena parking lot. The area will be screened by existing trees. The site is bordered by residential and recreation areas.

Mr. Davis said that Omnipoint needs coverage for the east central portion of the Town of Perinton to the Wayne County line. This tower would provide in-building and in-car coverage for that area.

Supervisor Smith asked what other towers were located in the Lyndon Road area. Mr. Jordan said there were no other towers in the area.

Supervisor Smith asked how other carriers were covering the area in question. Why is this tower needed? Mr. Davis said that the larger carriers had band widths which could cover a larger geographical area. T-Mobile's band width provides narrower coverage, necessitating more towers.

Councilperson Glossner asked if that meant the T-Mobile would need four towers to cover the Town of Perinton. Mr. Davis said that they had co-located on some existing towers to provide coverage to some of the developed areas of the Town. They

did not need to provide coverage to the rural areas; the only place lacking coverage at present is the area in question.

Supervisor Smith said that Omnipoint was demanding a higher level of infra-structure to cover one area of the town than other carriers.

Mr. Davis said that the federal government has created the problem by limiting the band width available. Omnipoint needs more towers to provide coverage to its customers. Older companies have a band width which provides coverage with fewer towers.

Supervisor Smith asked if they could build a lower tower. Mr. Davis said they needed a minimum of 150' to provide adequate coverage to the east side of the town. They could go higher and provide more coverage, but not lower.

Councilperson Glossner asked about the northern portion of the town. Mr. Jordan said the company had adequate coverage there.

Attorney Place said that Town Code lists the Town Board's preference for sites for communications towers as co-location, industrial districts, commercial and limited commercial districts, municipal or governmentally owned property, restricted business and residential districts. This proposal is for placement in a residential district, the least desired location. He asked if the company had looked at any other sites.

Mr. Davis said they had talked to two other property owners, both on Perinton Parkway: Bosch Security, which said no, and Waste Management, which offered a site which would not work because the landfill would block the signal.

Mr. Place asked if the applicant had computer-generated photographs to show the tower's visual impact on the surrounding areas. Mr. Davis said they did not. The company could provide such photos but would want the Town to suggest the photo sites.

Supervisor Smith asked if the tower could be located at the western (closed) area of the landfill. Mr. Davis said it could not. Waste Management did not want to compromise the integrity of the closed site.

Councilperson Knapp asked if there would be room on the tower for co-locators. Mr. Davis said there would be room for three or four co-locators. Councilperson Knapp asked if there were any providers who had asked about co-locating. Mr. Davis said there were not. Councilperson Knapp asked if the tower could be moved further north. Mr. Jordan said that, if it were, the company would lose coverage in the central area of the town.

Judith McNulty, 647 Thayer Road, asked if the company planned to cover the rest of the town. Mr. Davis said that some of the town already has coverage. If the

current rural areas were to be developed and there was no coverage it would have to provide coverage to its customers.

Jay Bachstein, 2 Delemere Boulevard, asked Mr. Davis to compare the height of the tower to the height of the existing trees. Mr. Davis said the existing trees were about 50' high; the tower would be three times as high. Mr. Bachstein asked if the tower would be lighted. Mr. Davis said it would not. Mr. Bachstein said that the tops of the trees at the ice rink were already visible from his residential neighborhood. He said the tower would dominate the skyline. Mr. Bachstein asked the company to look for a non-residential site.

Supervisor Smith asked if Omnipoint had talked to any of the other businesses on Perinton Parkway. Mr. Davis said they had only talked to Bosch Security and Waste Management. Supervisor Smith asked that they talk to other businesses there.

S. Chris Fredette addressed the Board. Speaking as a private citizen, she reminded the applicant that the proposed site had been used at one time for gravel extraction. From 1971 until at least 1975 it was used as a landfill. The fill consisted of dirt, stones, tree trunks and house wreckage. In 1988, when the ice arena was constructed, clean fill was added on top of the waste material to accommodate the building and adjoining parking lot. The site was listed on the 1984 "Inventory of Waste Disposal Sites 1951 - 1984". In 1991 it was determined that there were no hazardous wastes at the site.

FEMA maps show the flood plain elevation at 464'. The present elevation of the site is 474'. Ms. Fredette assumes that the difference between the flood plain and the current height is ten feet of waste and fill. She expressed her concerns about the stability of the tower if it were built on this site.

Speaking as a representative of the Conservation Board, Ms. Fredette said that the Environmental Assessment Form submitted with the application is incomplete and should be finished. She asked the following questions:

1. How will the company deal with waste materials left on site and filled over for the ice arena and parking lot pad which may be uncovered during construction?
2. How stable is the site? She suggested testing the soils at and around the proposed tower to ensure stability of the tower.
3. Will additional stabilization measures be required to accommodate heavy construction vehicles on the access road and the existing parking lot?
4. Does the stake with a blue ribbon attached mark the center of the compound or the far edge? The corners of the proposed site should be staked.
5. Will the compound be screened from the ice arena parking lot?

She reminded the applicant that the Monroe County Landfill Review Committee must be contacted for any construction within 2000' of this site.

The area is LDD; the developer should avoid the steep slopes leading down to Thomas Creek in the southwest corner.

Ms. Fredette said that there is a Great Blue Heron rookery to the southeast of the site. Construction should take place outside of the nesting season.

Supervisor Smith said that the applicant needed to provide more information to the Board. He said that the Public Hearing will remain open until such time as that information is provided or a new site is identified. He suggested that Mr. Jordan contact Building Director Copp to determine the best sites for the simulation photographs. Once the request materials have been provided Mr. Davis can contact the Clerk to schedule the continuation of the Public Hearing.

PUBLIC HEARING
AMENDMENT TO SECTION 186 OF THE
CODE OF THE TOWN OF PERINTON
COLD WAR VETERANS EXEMPTIONS

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 Fairport ER Post on November 14, 2007; affidavit of posting was also November 14, 2007.

Assessor Kramer explained that New York State has amended the Real Property Tax law by adding a new section establishing an exemption for Cold War veterans - those who served in the U.S. Armed Forces between September 2, 1945 and December 26, 1991. The new section authorizes an exemption from real property taxation for qualified residential real property owned by Cold War veterans or certain family members based on a percentage of assessed value. The exemption is applicable to general municipal taxes, not school taxes. Each county, city, town and village has the option of deciding whether to grant the exemption. She said that Monroe County adopted the proposed changes on November 14, 2007.

Assessor Kramer said that the financial impact on Town taxes would be minimal. The amount per veteran would be approximately \$12.56 in town taxes. In addition, any Cold War veteran already receiving a veteran's exemption would not be eligible. She asked the Board to adopt the local law as follows:

ARTICLE VII

§ 186-37. Title.

This article shall be entitled "Cold War Veterans Exemption Law of the Town of Perinton."

§ 186-38. Legislative authority.

This article is enacted pursuant to the provisions of § 458-b of the Real Property Tax Law of the State of New York, as the same may be amended from time to time.

§ 186-39. Provisions adopted by reference

All applicable provisions of § 458-b of the Real Property Tax law of New York State, including all subdivisions, together with any and all appropriate amendments thereto, are hereby approved and adopted as and for law and procedures of the Town of Perinton, except where provisions of this article or any other local law or ordinance of the Town of Perinton shall prescribe differently. In such event, compliance with the provisions of such local law or ordinance shall constitute proper compliance with this article.

§ 186-40. Maximum exemption granted.

Qualifying residential real property shall be exempt from taxation by the Town of Perinton to the extent of 10% of the assessed value of such property; provided however, that such exemption shall not exceed \$8,000. In addition, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided however, that such exemption shall not exceed \$40,000.

§ 186-41. Amendments

The Town Board may, from time to time, amend, supplement, change, modify or repeal this article pursuant to the provisions of the Town Law, the General Municipal Law and the Real Property Tax Law of New York State applicable thereto.

§ 186-42. When effective.

This article shall become effective immediately upon completion of filing with the Secretary of State and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2008.

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

A motion was made by Councilperson LaFay, seconded by Councilperson Saum, that the changes to Section 186 of the Code of the Town of Perinton, Cold War Veterans' Exemptions be adopted as presented.

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

ORDER FOR HEARING
EXTENSION #55 TO PERINTON
CONSOLIDATED SEWER DISTRICT #8
GARNSEY ROAD

TOWN OF PERINTON MONROE COUNTY NEW YORK

In the Matter
of

ORDER FOR HEARING

EXTENSION NO. 55 to PERINTON CONSOLIDATED SEWER
DISTRICT NO. 8
(Garnsey Road II)

At a regular meeting of the Town Board of the Town of Perinton, held at the Town Hall, 1350 Turk Hill Road, Fairport, New York, on November 28, 2007 at 8:00 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 Place, Town Attorney

The following Order was introduced by Councilperson Glossner and the adoption thereof was seconded by Councilperson LaFay:

WHEREAS, a map, plan, and report, prepared by Timothy Oakes P.E., Town Engineer and Lu Engineers, have been presented to and filed with the Town Board recommending the establishment of a special improvement district to be known as Extension No. 55 to Perinton Consolidated Sewer District 8, pursuant to Article 12-A of the Town Law, to include lands along Garnsey Road in the southwest quadrant of the Town of Perinton, as shown on the map and described in the report, and

WHEREAS, the area proposed to be established as Extension No. 55 to Perinton Consolidated Sewer District No. 8 is as follows:

ALL THOSE TRACTS OR PARCELS OF LAND, situate in the Town of Perinton, County of Monroe, State of New York, and hereinafter designated as Extension No. 55 to Perinton Consolidated Sewer District No. 8 and more particularly described as follows:

Beginning at the centerline of Garnsey Road on the extension line with the westerly bounds of Tax Account No. 179.150-0001-057; thence

1. Easterly, along the centerline of Garnsey Road a distance of approximately 19 feet to an angle point; thence
2. Continuing northerly along the westerly bounds of Tax Account Number 179.150-0001 -013(1) a distance of approximately 178 feet to an angle point; thence
3. Continuing easterly along the northerly bounds of Tax Account No. 179.150-0001-013 (1) distance of approximately 124 feet to an angle point; thence
4. Continuing northerly along the westerly bounds of Tax Account No. 179.150-0001-014 (2) a distance of approximately 93 feet to an angle point; thence
5. Continuing easterly along the northerly bounds of Tax Account No. 179.150-0001-014 (2) a distance of approximately 45 feet to an angle point; thence
6. Continuing northeasterly along the northerly bounds of Tax Account No's. 179.150-0001-014 (2) and 179.150-0001-015 (3) a distance of approximately 299 feet to the centerline of Broken Hill Road; thence
7. Continuing southeasterly along the center of Broken Hill Road a distance of approximately 46 feet to its intersection with the northerly boundary of Tax Account No. 179.150-0001-028 (4) extended westerly; thence
8. Continuing northeasterly along the northerly bounds of Tax Account No. 179.150-0001-028 (4) a distance of approximately 223 feet to an angle point; thence
9. Continuing northeasterly along the northerly bounds of Tax Account No. 179.150-0001-028 (5) a distance of approximately 210 feet to the centerline of Hardwood Hill Road; thence
10. Continuing northerly along the center of Hardwood Hill Road a distance of approximately 10 feet to its intersection with the northerly boundary of Tax Account No. 179.150-0001-045 (6) extended westerly; thence

11. Continuing northeasterly, along the northerly bounds of Tax Account No. 179.150-0001-045 (6) a distance of approximately 255 feet to an angle point; thence
12. Continuing northeasterly, along the northerly bounds of Tax Account No. 179.150-0001-045 (6) a distance of approximately 108 feet to an angle point; thence
13. Continuing northwesterly along the bounds of Tax Account No. 179.150-0001-045 (6) a distance of approximately 226 feet to the southerly right-of-way of Hardwood Hill Road; thence
14. Continuing easterly, along the southerly right-of-way of Hardwood Hill Road and the northerly bounds of Tax Account No. 179.150-00001-045 (6)
15. Continuing southeasterly, along the easterly bounds of Tax Account No. 179.150-0001-045 (6) a distance of approximately 235 feet to an angle point; thence
16. Continuing easterly along the northerly bounds of Tax Account No. 179.150-0001-0046 (7) a distance of approximately 18 feet to an angle point; thence
17. Continuing northeasterly along the northerly bounds of Tax Account No's. 179.150-0001-046 (7) and 179.150-0001-047 (8) a distance of approximately 195 feet to an angle point; thence
18. Continuing southeasterly along the northerly bounds of Tax Account No's. 179.150-0001-047 (8) and 179.150-0001-048 (9) a distance of approximately 123 feet to an angle point; thence
19. Continuing southerly along the easterly bounds of Tax Account No. 179.150-0001-0048 (9) a distance of approximately 81 feet to an angle point; thence
20. Continuing northeasterly along the northerly bounds of Tax Account No. 179.15-0001-038 (10) a distance of approximately 217 feet to the centerline of Hardwood Hill Road; thence
21. Continuing southeasterly along the centerline of Hardwood Hill Road a distance of approximately 2 feet to its intersection with the centerline of Lodge Pole Road; thence
22. Continuing northeasterly along the center of Lodge Pole Road a distance of approximately 108 feet to its intersection with the easterly boundary of Tax Account No. 179.160-0001-027 (11) extended northwesterly; thence
23. Continuing southeasterly along easterly bounds of Tax Account No. 179.160-0001-027 (11) a distance of approximately 176 feet to an angle point; thence

24. Continuing southerly along the easterly bounds of Tax Account No. 179.160-0001-027 (11) a distance of approximately 150 feet to the centerline of Garnsey Road; thence
25. Continuing easterly along the center of Garnsey Road a distance of approximately 215 feet to its intersection with the easterly boundary of Tax Account No. 179.160-0001-029 (12) extended northerly; thence
26. Continuing southerly along the easterly bounds of Tax Account No's 179.160-0001-029 (12) and 179.160-0001-028 (13) a distance of approximately 841 feet to an angle point; thence
27. Continuing westerly along the southerly bounds of Tax Account No. 179.160-0001-028 (13) a distance of approximately 142 feet to an angle point; thence
28. Continuing northerly along the westerly bounds of Tax Account No. 179.160-0001-028 (13) a distance of approximately 41 feet to an angle point; thence
29. Continuing westerly along the southerly bounds of Tax Account No. 179.150-0001-051 (18) a distance of approximately 432 feet to an angle point; thence
30. Continuing southwesterly along the southerly bounds of Tax Account No. 179.150-0001-051 (18) a distance of approximately 165 feet to an angle point; thence
31. Continuing westerly along the southerly bounds of Tax Account No. 179.150-0001-051 (18) a distance of approximately 135 feet to an angle point; thence
32. Continuing northwesterly along the southerly bounds of Tax Account No. 179.150-0001-051 (18) a distance of approximately 90 feet to an angle point; thence
33. Continuing westerly along the southerly bounds of Tax Account No's. 179.150-0001-052 (17), No. 179.150-0001-055 (18), No. 179.150-0001-056.1 (21), No. 179.150-0001-056.2 (22), and No. 179.150-0001-057 (23) a distance of approximately 1262 feet to an angle point; thence
34. Continuing northerly along the westerly bounds of Tax Account No. 179.150-0001-057 (23) a distance of approximately 149 feet to the point of beginning.

The foregoing described lands are shown on a map entitled Extension No. 55 to Perinton Consolidated Sewer District No. 8, prepared by Lu Engineers, competent engineers duly licensed by the State of New York showing the boundaries of the proposed Extension No. 55 to Perinton Consolidated Sewer District No. 8, and providing for the transmission of sewage to the Van Lare Sewage Treatment Plant which is

operated by the Monroe County Pure Waters Agency. There is an existing contract between the Town of Perinton and the Monroe County Pure Waters Agency for transmission and treatment of sewage.

WHEREAS, it is proposed to construct approximately 2,755 +/- linear feet of 8 inch PVC sanitary sewer pipe and 16 sanitary manholes. The proposed collection system will be constructed within the road right of way and therefore no easements will be necessary. Each property within the proposed sewer district will have sanitary laterals constructed to the road right of way line.

WHEREAS, the maximum amount proposed to be expended for the construction of said sewer system with all necessary appurtenances for the operation thereof is estimated to be \$538,000, and

WHEREAS, it is proposed to finance the cost of construction of said improvements by the issuance of bond anticipation notes and bonds, the principal and interest of which are to be repaid in annual installments by the entire area comprising Perinton Consolidated Sewer District No. 8, and

WHEREAS, it is estimated that the total annual cost to the typical property in the proposed extension, exclusive of hookup fees, will be \$55.00 per unit for debt service prior to the property connecting to the sewer and \$120.00 per unit for debt service and operation and maintenance after the property connects to the sewer, and

WHEREAS, the total cost to the typical property in the proposed Extension, exclusive of hookup fees, will be significantly less than the average cost threshold of \$575.00 per unit computed by the State Comptroller;

NOW THEREFORE, it is hereby

ORDERED FIRST, that the Town Board of the Town of Perinton shall convene at the Town Hall, 1350 Turk Hill Road, in the Town of Perinton, New York, on January 9, 2008 at 8:00 p.m., local time, to consider the aforesaid map, plan and report and to hear all persons interested in the subject thereof concerning the same, and it is further

ORDERED SECOND, that a copy of this Order be certified by the Town Clerk, who is directed to publish such certified copy in the Perinton-Fairport Post, which is hereby designated as the official paper for the publication thereof, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the day set therein for the hearing as aforesaid, and shall also 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.

ORDERED THIRD, that a certified copy of this Order shall also be filed with the State Comptroller on or about the date of the publication of a copy of this Order.

On roll call vote by the Town Clerk the following votes were recorded:

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved.

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

DECISION
REZONING REQUEST
STONEBROOK
RESIDENTIAL B/INDUSTRIAL TO
PLANNED DEVELOPMENT DISTRICT

Supervisor Smith said that the proposal for a Planned Development District on 45.2 acres south of Rte 31, between Loud and Thayer Roads was first heard by the Town Board in August 2005. The Town Board Public Hearing on the proposal was held on October 26, 2005. At that time the proposal was referred to the Planning and Conservation Boards for preliminary and final site and subdivision approval.

The Town Board declared itself Lead Agent for this proposal under the New York State Environmental Quality Review Act (SEQR). The proposed rezoning was determined to be a Type 1 action. The Board gave the proposal a Negative Declaration under SEQR on August 22, 2007.

Preliminary approval was granted by the Planning Board on August 1, 2007; final overall site plan approval and final subdivision approval were granted by the Planning Board on November 7, 2007. The project has now returned to the Town Board for Planned Development District rezoning.

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

WHEREAS, the Stonebrook project conforms with the Hamlet of Egypt Sub-area Plan and Guidelines 2003 in that it contains mixed uses; the proposed architecture for the buildings was endorsed by the Historic Architecture Commission and reflects the recommendations from the Egypt Sub-area Plan and Guidelines; the proposal conforms with the density recommendations from that plan, with the project being more dense along Pittsford-Palmyra Road and becoming less dense as it moves further south, and

WHEREAS, the proposal complies with the recommendations proposed by the Town's traffic engineer, including traffic calming to diminish cut-through traffic on to Loud Road and the elimination of a traffic link to Thayer Road, and

WHEREAS, the development has community value. The development area has adequate resources and public facilities to support it. On August 22, 2007 this Board determined, based on recommendations from the Conservation Board, that the proposal will not have any significant adverse environmental consequences, and

WHEREAS, the enhancements for this project, including mixed uses, open space and links for the Crescent Trail are all compatible with the Egypt Sub-area Plan and Guidelines 2003 and provide a general benefit to the Town of Perinton.

NOW, THEREFORE, BE IT RESOLVED, that the rezoning request for the Stonebrook Planned Development District, as shown on the final site plan for Stonebrook, last dated September 27, 2007, be granted, subject to all conditions imposed by the Perinton Planning Board in their approvals, and by the Perinton Historic Architecture Commission in their Certificate of Appropriateness, dated July 10, 2007.

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

VOLUNTEER BOARD APPOINTMENT

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

WHEREAS, the term of Cheryl Hanzlik as a member of the Perinton Recreation & Parks Advisory Board will expire on December 31, 2007,

NOW, THEREFORE, BE IT RESOLVED, that Cheryl Hanzlik, 316 Loud Road, Fairport NY be reappointed as a member of the Recreation & Parks Advisory Board with a new term to expire on December 31, 2014.

WHEREAS, the term of Mark Gwaltney as Chair of the Perinton Recreation & Parks Advisory Board will expire on December 31, 2007,

NOW, THEREFORE, BE IT RESOLVED, that Mark Gwaltney, 16 Crosswinds Circle, Fairport NY be reappointed as Chair of the Recreation & Parks Advisory Board with a new term to expire on December 31, 2009

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

CIVIL SERVICE TITLE CHANGE

In a memo dated November 20, 2007, James Donahue, Commissioner of Recreation and Parks, asked the Board to change James Baker's Civil Service title from Laborer to Ground Equipment Operator. The title would have no effect on Mr. Baker's salary.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that James Baker be appointed to the Civil Service title of Ground Equipment Operator. The title is non-competitive and will not affect his salary.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

CHANGE WORK ORDER THE ORCHARDS SEWER DISTRICT

Commissioner Beck stated that a change work order, in the amount of \$4,485.00, was needed to complete the Orchards Sewer construction project. The side lawn area of 1093 Fairport Road needed additional topsoil and grading work to properly match existing grade and avoid any future drainage issues as a result of the sewer installation. He asked the Board to approve the change work order.

A motion was made by Councilperson Saum, seconded by Councilperson Knapp, that change work order #7, in the amount of \$4,485.00, be approved for the Orchards Sewer Project. The problem was unforeseen and could not be corrected any other way.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved.

CHANGES TO THE MEMBERSHIP OF THE BUSHNELL'S BASIN FIRE ASSOCIATION

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

Non-resident Active to Exempt

Salvatore Tantalo
23 Vista View Drive
Fairport, NY 14450

Resident Active to Exempt

Brian Fenske
44 Mill Valley Road
Pittsford, NY 14534

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

MONROE COUNTY INTERMUNICIPAL AGREEMENT

Supervisor Smith stated that Monroe County has asked the Town to enter into an inter-municipal agreement which will provide the Town with an amount of funds equal to any sales tax revenue reduction incurred by the Town as a result of the County's election of the Medicaid intercept plan.

Councilperson Knapp offered the following motion, seconded by Councilperson Glossner:

WHEREAS, the County has elected the medical assistance reimbursement option and revenue intercept for Medicaid purposes; and

WHEREAS, the County recognizes the Town of Perinton as a sharing partner in the County share of sales tax revenue; and

WHEREAS, the County recognizes that both parties to this agreement are entitled to share in sales tax revenue distributed to the County and thereafter may experience a reduction in the sales tax revenue received as a result of the County's election of the intercept; and

WHEREAS, although the County asserts it has no obligation to do so, the county desires to make the Town of Perinton whole for any sales tax revenue reduction incurred by the Town as a result of the County's election of the intercept; and

WHEREAS, since the inception of sales tax sharing in Monroe County, the County has, after receipt of sales tax revenue from New York State, undertaken a calculation pursuant to various applicable contracts and/or statutes in order to distribute sales tax revenue as required pursuant to said contracts and/or statutes; and

WHEREAS, in view of the foregoing, the County has deemed it in the best interests of the County and the Town of Perinton to enter into an Intermunicipal Agreement; and

WHEREAS, the County Executive of Monroe County was authorized to execute the agreement on September 26, 2007; and

WHEREAS, the Supervisor of the Town of Perinton, James E. Smith, is authorized to execute this agreement, adopted by the Town Board on November 28, 2007.

NOW, THEREFORE, IT IS AGREED:

1. The County will provide the Town of Perinton with an amount of funds equal to any sales tax revenue reduction incurred by the Town as a result of the County's election of the intercept.
2. In no event shall the Town of Perinton receive funds in excess of those the Town would have received had the County not taken the election of the intercept.
3. The term of the agreement shall be for the period of time that the Town of Perinton incurs any lost sales tax revenue solely as a result of the County's election of the intercept.
4. The Town of Perinton shall use any funds received as payment from this agreement for a public purpose or any other purpose permitted by law.
5. The Town of Perinton shall receive funds to be paid under this agreement as follows:
 - A. The amount of funds to be paid shall be determined as follows:
 1. The amount of sales tax revenue that the Town of Perinton would have received had the County not elected the intercept should be determined.
 2. The amount of sales tax revenue that the Town of Perinton receives based on the County allocating and distributing sales tax revenue received from the State following the County's electing the intercept should be determined.
 3. The amount to be paid shall be the amount resulting from subtracting A-2 above from A-1 above.
 4. In the event that the amount determined in A-3 above is a negative amount, no funds will be paid to the Town of Perinton.
 - B. The Town of Perinton shall receive the funds to be paid under this agreement as follows:
 1. Payments to the Town of Perinton under this agreement shall be made on the same dates as the County distributes sales tax revenue.

6. The agreement may be modified or amended only in writing, duly executed by all parties which shall be attached to and become part of the agreement.

7. The agreement constitutes the entire agreement between the parties hereto for the payments herein to be provided.

8. The agreement shall be governed by and construed in accordance with the laws of New York State without regard or reference to its conflict of laws and principles.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

DPW REDEVELOPMENT PROJECT CHANGE WORK ORDERS

Commissioner Beck said that LeChase Construction, Project Manager for the DPW Redevelopment Project, has recommended the following change work orders.

Building Innovation Group, Interiors, Acoustical & Wall Finishes, has three change work orders. The first is to add two additional lock sets to two doors that were previously designated as passage doors, at a cost of \$461.00. The second, for a credit of (\$497.00), is to repair damage to the existing fire detection system which was damaged by Building Innovation Group during construction. The third, in the amount of \$2,017.00, was to equip the front entry door with panic hardware.

Christa Construction, Masonry, has two change work orders. The first, in the amount of (\$1,470.00), is for two actions: filling snap tie holes from the forms in the salt storage concrete walls and a credit on plumbing realized when an anchor bolt was relocated. The second, in the amount of \$6,835.00, is to raise the foundation pad in the vehicle storage building to grade.

Landmark Enterprises, Site Work, has two change work orders. The first, in the amount of \$2,160.00.00, is to change the steel curbing on the fuel island from paintable steel to stainless steel to remove the corrosion issue. The second has two parts. The first part, in the amount of \$3,080.00, is for the addition of 12 bollards at the fuel island to protect each end of the island. The bollards were not included in the construction specifications. The second part is for the import of engineered fill brought to the construction site for a box culvert under White Brook. The shale bed was 10' deeper than expected from the test borings done at the site. Unsuitable material was removed and replaced with structural fill.

Billitier Electric, Electric, has three change work orders. The first has two parts. Part one, in the amount of \$479.00, is for the installation of two additional handicap push buttons for the administration building's front doors. The second part, in

the amount of \$5,988.00 is for a temporary fiber optic patch to allow access to the computer network through construction, for temporary electric for the administration building until the permanent electric is connected, for the relocation of an electric outlet and for the installation of a strobe light on the fire detection system in the building. Change work order #2, in the amount of \$1,046.00, is for the installation of flowable fill at the new electric room in the existing highway garage. Change work order # 3, in the amount of \$1,865.00, is to make compatible the lights and switches in the conference room.

Monroe Piping and Sheet Metal, HVAC, has one change work order, in the amount of \$130.00, to shorten the length of the radiator on the north wall of the administration building break room

Thurston Brothers, Plumbing, has three change work orders. The first, in the amount of \$573.00, is to relocate anchor bolts in the administration building and relocate plumbing in Room 141. The second, in the amount of \$603.00, is for a plumbing part not specified in the building plans. The third, in the amount of \$2,680.00, is for moving a sanitary sewer line.

Commissioner Beck said that the DPW Redevelopment Project was still under budget. Supervisor Smith asked how much of the project was complete. Commissioner Beck said it was about 50% complete.

A motion was made by Councilperson Glossner, seconded by Councilperson Saum, that the above change work orders be approved as recommended by LeChase Construction. Each is the result of a change in conditions and was not foreseen in the original plans.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

REVISE HUMANE SOCIETY CONTRACT

Commissioner Beck said that the Monroe County Humane Society has requested an update to the present contract for dog sheltering services. The request is to increase the boarding fee from \$8.00 to \$12.00. The \$8.00 fee was established in 1993.

A motion was made by Councilperson LaFay, seconded by Councilperson Knapp, that the contract with the Monroe County Humane Society (Lollipop Farm) be amended to increase the boarding fee from \$8.00 per day to \$12.00 per day. The change would be effective January 1, 2008.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

SHARED MUNICIPAL SERVICES INCENTIVE GRANT

Commissioner Beck reported that the Monroe County Highway Superintendents Association, in conjunction with the Monroe County Department of Transportation, is pursuing a shared municipal incentive grant to procure two pieces of construction equipment: a road widener and a rubber tire roller. The rubber tire roller is used during chip seal operations and the road widener is used for shoulder repairs, topsoil spreading and minor asphalt repairs. Both are useful to the Perinton DPW but are too expensive to acquire as sole owners.

The grant will be submitted in the amount of \$200,000 with Monroe County as the lead agency. The 10% match will be covered by Monroe County. There is no cost to the Town, either for the application or after the grant is received.

The grant application process asks that each municipality participating in the application have Town Board authorization to do so. He asked the Board for that authorization.

A motion was made by Councilperson Saum, seconded by Councilperson LaFay, that the Board Authorize James E. Smith, Supervisor, to submit an application to the New York State shared Municipal Services Incentive Grant Program for the 2007-2008 program year as a co-applicant with Monroe County. The Town of Perinton, as co-applicant, will support Monroe County, Lead Applicant, in all grant administration matters pertaining to this application.

The purpose of the application is to secure funds to purchase road maintenance equipment, a road widener and a rubber tire roller to be shared/jointly used by Monroe County and the Town of Perinton to reduce equipment costs to both municipalities.

The maximum amount of funds applied for, through this program, is \$200,000. The county of Monroe will contribute the required 10% cash match (\$30,000), should an award be made.

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

AUTHORIZE KREAG ROAD BOAT DOCK GRANT

Recreation & Parks Commissioner James Donahue asked the Board to authorize the Supervisor to sign the contract with the New York State Dormitory Authority for a \$75,000 grant for the construction of the Kreag Road Park Boat Dock.

Councilperson Glossner made a motion, seconded by Councilperson Saum, that the Supervisor be authorized to sign a contract with the New York State Dormitory Authority for a \$75,000 grant for the construction of the Kreag Road Park Boat Dock.

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

PURCHASE OF AQUACIDE SPRAYER

Supervisor Smith reported that, in a memo dated November 27, 2007, Recreation & Parks Commissioner James Donahue, has asked the Board to approve the purchase of a demonstration model aquacide sprayer from S. V. Moffett. The Board has approved the purchase of a new aquacide sprayer as part of the Parks Department's mid-year purchases; purchasing the demonstration unit would result in significant savings to the Town. Parks Director has researched vendors for this sprayer and has found that S. V. Moffett is the only manufacturer of this type of equipment.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that Commissioner Donahue be authorized to purchase the demonstration unit aquacide sprayer, including all accessories and a full factory warranty for \$9,285.00. A special-order sprayer would cost \$13,600.00 plus accessories; an in-stock sprayer would be \$11,700.00 plus accessories.

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

BUDGET AMENDMENTS

Supervisor Smith said that the Board has received a memo from Finance Director Spacher, dated November 28, 2007, asking that the various accounts in the 2007 budget be squared with actual expenses/revenues for the year.

A motion was made by Councilperson Knapp, seconded by Councilperson LaFay, that the 2007 budget be amended as requested by Finance Director Spacher.

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

AMENDMENT TO PURCHASE AND SALE AGREEMENT

Supervisor Smith said that the Board has received a request from Gordon, Dorothy, Mary and Gene Wagner to modify the payment schedule established when the Town purchased the development rights to the Wagner property in 2005. The Wagners have requested that the last payment of \$148,750.00 be divided in two with half being paid on January 5, 2008 and half on January 5, 2009.

Councilperson Glossner made a motion, seconded by Councilperson Saum, that the purchase and sale agreement with the members of the Wagner family be modified to allow the payment of half the remaining amount (\$74,375.00 plus interest) on January 5, 2008 and the remaining half on January 5, 2009.

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

EXECUTIVE SESSION

A motion was made by Councilperson Glossner, 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

AUDIT APPROVED

A motion was made by Councilperson LaFay, seconded by Councilperson Saum that Audit #12 for November, 2007 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

NOVEMBER AUDIT

General Fund	\$116,573.29
Town Outside of Village	117,195.59
Recreation	34,665.03
Highway General Repair	173,126.03
Highway Snow & Miscellaneous	272,404.60
Joint Sewer	13,189.31
Special Recreation	15,525.23
Debt Service Sewer	325.00
Perinton Ambulance District	3,549.58
Egypt Fire Protection District	60.13 credit
Fairmont Hills Maintenance District	305.00
DPW Redevelopment	827,048.13
Orchards Sewer Project	12,003.00

Pinecrest - Exit 51 195,833.59
\$1,781,683.25 Total

The above items were numbers 3490 - 4101.

NOVEMBER MANUAL I

General Fund	\$60,178.92
Town Outside of Village	3,136.34
Recreation	38,154.99
Joint Sewer	8,541.55
Midlands Lighting District	417.81
Deer Run Lighting District	1,396.68
Misty Meadows Lighting District	<u>112.93</u>
	\$111,939.22 Total

The above bills were paid with checks #68117 - 68121, 68133, 68134, 68371 - 68374..

ELECTION AUDIT

General Fund	\$44,065.00
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The above bills were paid with checks number 68137 - 68369.

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 9:10 pm. The Executive Session adjourned at 9:45pm.

Respectfully submitted,

Susan C. Roberts
Town Clerk