

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, September 12, 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; James A. Donahue, Commissioner, Recreation & Parks; 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 Knapp made a motion, seconded by Councilperson Saum, that the minutes of the Town Board meeting of August 22, 2007 be approved as submitted by the Town Clerk.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved.

REZONING REQUEST
RESIDENTIAL A TO RESTRICTED BUSINESS
298 MOSELEY 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 August 30, 2007; affidavit of posting was also August 30, 2007.

Supervisor Smith began by reviewing the rezoning process. The Town Board's role in the rezoning process is to review and determine the best use for the land in question. The proposed project will be considered in general terms but, should the rezoning be approved, site-specific issues such as lighting, parking, building size and location, would be addressed by the Planning Board during the site plan approval process.

An Order for Hearing, the first public meeting about a rezoning proposal and the first formal step in an application for rezoning, was held on August 8, 2007. The developer explained the proposed rezoning to the Town Board and to the audience and answered questions about the project. The developer asked that a date be set for a Public Hearing on the rezoning.

The Public Hearing will begin with a presentation by the developer on the proposed project. He will answer questions from the audience about the proposal. The Town Board will listen to the answers to those questions as well as comments from the audience on the rezoning proposal. The Board's principle role at the Public Hearing is to listen to input offered.

At the close of the Public Hearing the Board will refer the proposal to the Perinton Planning Board for its review. While the Planning Board will look at the proposed project in general terms, it will be specifically addressing the land use issues of

rezoning. Its recommendation to the Town Board would be in terms of land use; any site-specific issues would be addressed only if the property is rezoned.

The Conservation Board will look at environmental issues affected by the proposed rezoning and will provide its recommendations to the Town Board

The Town Board makes its decision based on its review of the proposal, comments from the audience at the Public Hearing and the recommendations of the Conservation and Planning Boards.

Carmine Torchia, Torchia Structural Engineering, appeared for the applicant, John Spoto, to request that the zoning of the property at 298 Moseley Road be changed from Residential A to Restricted Business. The .94 acre parcel is adjacent to Star Physical Therapy, located at 790 Ayrault Road. The rezoning of the property will allow Dr. Spoto to construct an addition to the existing Star Physical Therapy facility. He will construct a second building on the site of the current house with additional parking between the two buildings. The proposed rezoning will reconfigure the northern line of the Restricted Business parcel on the northeast corner of Moseley and Ayrault Roads to match the northern line of the Restricted Business zoning at 800 Ayrault Road.

Supervisor Smith asked about the zoning of the buildings on the west side of Moseley Road. Mr. Torchia said that residential zoning begins north of the US Post Office driveway.

Michael Tobeck, 297 Moseley Road, said that he lives opposite the proposed new building. His property is zoned residential. He has concerns about the location of the driveway for the new parking lot which exits on to Moseley Road. Mr. Torchia said that, as per NYSDOT, the driveway will be opposite the Post Office driveway. Mr. Tobeck asked about landscaping. He said that he now has a pleasant view looking across at the barn and house; what will happen there?

Dr. Spoto said that the new building will be set back from Moseley Road and will have more green space than is there now. He said that he hopes to keep the barn and renovate it.

Councilperson Glossner asked Mr. Tobeck if his concerns had been addressed. Mr. Tobeck said they had. Attorney Place told Mr. Tobeck that, if the parcel is rezoned, all site plan issues (landscaping, driveway placement) will be addressed by the Planning Board. He suggested that Mr. Tobeck attend the Planning Board meeting at which the rezoning proposal will be discussed, then, if the rezoning occurs, attend the appropriate Planning Board meetings to express his concerns.

Supervisor Smith asked if Monroe County Planning had seen the NYSDOT comments regarding the driveway. Mr. Torchia said it had; he said he would submit the NYSDOT report to the Town Board.

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

Councilperson Glossner made a motion, seconded by Councilperson Saum, that the proposed rezoning of .94 acres at 298 Moseley Road from Residential A to Restricted Business be referred to the Planning and Conservation Boards for their comments.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

6. The Affidavit of Carol S. Johnston, showing that a copy of the Order for Hearing was posted on the Sign Board maintained by the Town Clerk on August 30, 2007.

7. ANCO – Route 250 was granted a negative declaration under SEQR as part of the preliminary subdivision approval by the Planning Board on December 20, 2006, which is made a part of these Hearing Minutes and Determination recommending that the Town Board register and file a negative environmental declaration for this project.

The Supervisor directed that the foregoing documentary evidence, if not already filed, be filed with the Town Clerk and considered a part of the record of this hearing.

The Supervisor explained the procedure necessary for information of the extension.

The Supervisor asked if there were any questions in regard to the formation of the Extension. There were none. The Supervisor declared the hearing closed and directed the Town Board to consider the statements made at the hearing and after thorough discussion and due deliberation, the following Resolution was offered by Councilperson Knapp and was seconded by Councilperson LaFay:

WHEREAS, the Board has examined the statements made in the Petition, the signatures and acknowledgments and maps attached thereto, the Certificate of the Assessor as to the assessed valuation involved in the proposed Extension, the proofs of posting and publication, and has considered all other documents and statements presented to it and has examined into whether all of the property to be benefited by the proposed Extension was included therein and whether any property has been included therein which would not be benefited, and

WHEREAS, the Petition is signed by the owners of taxable real property situate in the proposed Extension owning in the aggregate more than fifty (50%) of the assessed valuation of all taxable real property located within the area of the proposed Extension as the same is shown on the latest completed Assessment Roll for said Town, and

WHEREAS, there are no resident owners of taxable real property situated in the proposed Extension.

NOW THEREFORE, IT IS DETERMINED AS FOLLOWS:

1. The Petition for the creation of Extension No. 50 to Perinton Consolidated Sewer District No. 8 to include the real property described herein, dated August 7, 2007, is signed by, acknowledged or approved as required by law and is otherwise sufficient.
2. All the property and property owners within the proposed Extension are benefited thereby.
3. All the property and property owners benefited are included within the limits of the proposed Extension.
4. It is in the public interest to grant all of the relief sought in the Petition without amendment or modification.
5. All expenses of the district, including all extensions heretofore or hereafter established, shall be a charge against the entire area of the district as extended.

6. The Petition is signed by the owners of the taxable real property situated in the proposed extension owning in the aggregate more than fifty (50%) of the assessed valuation of all taxable real property located within the area of the proposed extension as the same is shown on the latest completed Assessment Roll for said Town.

7. That there are no resident owners of taxable real property located within the area of the proposed Extension.

8. The proposed action will not have a significant effect on the environment and will not require environmental review under Part 617 of the NYSEQR regulation, Article 8.

9. The area determined to be created as Extension No. 50 to Perinton Consolidated Sewer District No. 8 is described as follows:

ALL THAT TRACT OR PARCEL OF LAND, containing 18.866 acres more or less, situate in the Phelps and Gorham Purchase, Township 12, Range 4, Town Lot 47, Town of Perinton, County of Monroe, and State of New York, as shown on the drawing entitled "ANCO/250 Property, Sewer District Extension No. 50, to Consolidated Sewer No. 8," prepared by BME Associates, having drawing number 09, last revised October 6, 2006, being more particularly bounded and described as follows:

Beginning at a point, said point being the intersection of the northerly boundary line of lands now or formerly of the Town of Perinton (T.A. No. 180.03-04-36.1), being Lot R-511 of the Vine Crest Subdivision, as filed at Monroe County Clerk's Office in Liber 325 of Maps, Page 10, with the westerly boundary line of Emerald Hills Subdivision, as filed at the Monroe County Clerk's Office in Liber 182 of Maps, Page 65; thence

1. S89 41'08"W, along said northerly boundary line of lands of the Town of Perinton (Lot R-511), a distance of 826.61 feet to an angle point; thence
2. S89 25'41"W, along said northerly boundary line of lands of the Town of Perinton (Lot R-511), a distance of 247.23 feet to a point on the easterly right-of-way line of Moseley Road (NYS RTE 250)(Right-of Way width varies);
3. N15 38'55"E, along said easterly right-of-way line of Moseley Road, a distance of 7.36 feet to a point of curvature; thence
4. Northeasterly, continuing along said easterly right-of-way line of Moseley Road and along the arc of a curve to the right, having a radius of 1,604.00 feet, a distance of 715.87 feet to a point of non-tangency; thence
5. N46 43'33"E, continuing along said easterly right-of-way line of Moseley Road, a distance of 344.82 feet to an angle point; thence
6. N49 30'55"E, continuing along said easterly right-of-way line of Moseley Road, a distance of 378.33 feet to a point of curvature; thence
7. Northeasterly, continuing along said easterly right-of-way line of Moseley Road and along the arc of a curve to the left, having a radius of 606.00 feet, a distance of 307.30 feet to a point on the southwesterly boundary line of lands now or formerly of Bushnell's Basin Fire Association, Inc. (T.A. 180.03-01-55); thence
8. S00 52'23"E, along said southwesterly boundary line of lands of Bushnell's Basin Fire Association, Inc. and along the aforementioned westerly boundary line of Emerald Hill Subdivision, a distance of 1,355.61 feet to the Point of Beginning.

The foregoing described land is shown on a map entitled "Extension No. 50 to Consolidated Sewer District No. 8", last revised October 6, 2006, made by BME Associates, competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed Extension No. 50 with existing sanitary sewers belonging to Perinton Consolidated Sewer District No. 8 and indicating the transmission of said

sewage through existing mains to the Irondequoit Interceptor sewer for transmission 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.

10. That a final Order creating Extension No. 50 to Perinton Consolidated Sewer District No. 8 will not be adopted until all legal and engineering costs and necessary disbursements for creation of said Extension have been paid to the Town of Perinton.

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

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

PUBLIC HEARING
EXTENSION #52 TO PERINTON
CONSOLIDATED SEWER DISTRICT #8
ALDRICH GLEN

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 August 30, 2007; affidavit of posting was also August 30, 2007.

Commissioner Beck said that this sewer extension has been proposed as part of the Aldrich Glen development. Construction will be done by the developer; New York State Environmental Quality Review (SEQR) has been addressed by the Planning Board as part of the site plan review.

Commissioner Beck said that legal costs associated with the development have been paid by the developer. He asked the Board to adopt the Hearing Minutes and Determinations and establish the district.

TOWN OF PERINTON MONROE COUNTY NEW YORK

In the Matter of the Establishment of
EXTENSION No. 52 to PERINTON
CONSOLIDATED SEWER DISTRICT No. 8
(Aldrich Glen)

HEARING
MINUTES & DETERMINATION

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 September 12, 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

The Supervisor called the hearing to order and stated that the purposes thereof was to consider the establishment of Extension No. 52 to Perinton Consolidated Sewer District No. 8 to include Aldrich Glen Subdivision.

The Supervisor called for the presentation of documentary evidence necessary for the Town Board to make the investigations and determinations required by statute. The following documents were submitted in evidence.

1. The original Petition, pursuant to Article 12 of the Town Law for the creation of Extension No. 52 to Perinton Consolidated Sewer District No. 8, dated August 7, 2007 to include the area described in said Petition as hereinafter set forth signed by the owners of taxable property situate in the proposed Extension.
2. A Petition map dated July 12, 2007 made by McMahon LaRue Associates, competent engineers, duly licensed by the State of New York, showing the area of the proposed extension to Perinton Consolidated Sewer District No. 8.
3. Assessor's Certificate of Katherine Kramer, Assessor, Town of Perinton, dated August 28, 2007 certifying the total assessed valuation represented by the Petition and by the signatures to the Petition as stated herein.
4. The Order for this hearing made by the Town Board on August 8, 2007.
5. The Affidavit of Publication of the Perinton-Fairport Post showing publication of a certified copy of the Order for Hearing on August 30, 2007.
6. The Affidavit of Carol S. Johnston, showing that a copy of the Order for Hearing was posted on the Sign Board maintained by the Town Clerk on August 30, 2007.
7. Aldrich Glen was granted a negative declaration under SEQRA as part of the preliminary subdivision approval by the Planning Board on April 4, 2007, which is made a part of these Hearing Minutes and Determination recommending that the Town Board register and file a negative environmental declaration for this project.

The Supervisor directed that the foregoing documentary evidence, if not already filed, be filed with the Town Clerk and considered a part of the record of this hearing.

The Supervisor explained the procedure necessary for information of the extension.

The Supervisor asked if there were any questions in regard to the formation of the Extension. There were none. The Supervisor declared the hearing closed and directed the Town Board to consider the statements made at the hearing and after thorough discussion and due deliberation, the following Resolution was offered by Councilperson LaFay and was seconded by Councilperson Knapp:

WHEREAS, the Board has examined the statements made in the Petition, the signatures and acknowledgments and maps attached thereto, the Certificate of the Assessor as to the assessed valuation involved in the proposed Extension, the proofs of posting and publication, and has considered all other documents and statements presented to it and has examined into whether all of the property to be benefited by the proposed Extension was included therein and whether any property has been included therein which would not be benefited, and

WHEREAS, the Petition is signed by the owners of taxable real property situate in the proposed Extension owning in the aggregate more than fifty (50%) of the assessed valuation of all taxable real property located within the area of the proposed Extension as the same is shown on the latest completed Assessment Roll for said Town, and

WHEREAS, there are no resident owners of taxable real property situated in the proposed Extension.

NOW THEREFORE, IT IS DETERMINED AS FOLLOWS:

1. The Petition for the creation of Extension No. 52 to Perinton Consolidated Sewer District No. 8 to include the real property described herein, dated August 7, 2007, is signed by, acknowledged or approved as required by law and is otherwise sufficient.
2. All the property and property owners within the proposed Extension are benefited thereby.
3. All the property and property owners benefited are included within the limits of the proposed Extension.
4. It is in the public interest to grant all of the relief sought in the Petition without amendment or modification.
5. All expenses of the district, including all extensions heretofore or hereafter established, shall be a charge against the entire area of the district as extended.
6. The Petition is signed by the owners of the taxable real property situated in the proposed extension owning in the aggregate more than fifty (50%) of the assessed valuation of all taxable real property located within the area of the proposed extension as the same is shown on the latest completed Assessment Roll for said Town.
7. That there are no resident owners of taxable real property located within the area of the proposed Extension.
8. The proposed action will not have a significant effect on the environment and will not require environmental review under Part 617 of the NYSEQR regulation, Article 8.
9. The area determined to be created as Extension No. 52 to Perinton Consolidated Sewer District No. 8 is described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situated in part of Town Lot 10 in the Phelps and Gorham Purchase, Township 12, Range 4, Town of Perinton, County of Monroe, State of New York and being more particularly described as follows:

Beginning at a point, along the easterly line of Aldrich Road (66.00' right of way), said point being the northwest corner of lands of now or formerly Tolhurst as filed in Liber 213 of Maps, Page 8 in the Monroe County Clerk's Office; thence

1. N88 01'37"E, a distance of 820.05 feet to a point; thence
2. S17 36'42"W, a distance of 453.31 feet to a point; thence
3. S29 45'31"W, a distance of 224.49 feet to a point; thence
4. S01°30'38"E, a distance of 229.26 feet to a point; thence
5. S88 29'22"W, a distance of 160.52 feet to a point; thence
6. Southerly, along a curve right with a radius of 300.00 feet, with an arc length of 20.09 feet to a point; thence
7. N88 29'22"E, a distance of 162.37 feet to a point; thence
8. S16°01'36"W, a distance of 134.41 feet to a point; thence
9. S25°49'12"W, a distance of 119.98 feet to a point; thence
10. S01°17'58"E, a distance of 192.92 feet to a point; thence

11. S88°42'02"W, a distance of 171.52 feet to a point; thence
12. S01°07'08"W, a distance of 204.68 feet to a point; thence
13. N88°52'54"W, a distance of 213.12 feet to a point; thence
14. N23°43'34"W, a distance of 171.66 feet to a point; thence
15. N01°30'38"W, a distance of 518.06 feet to a point; thence
16. N88°29'22"E, a distance of 175.00 feet to a point; thence
17. N01°30'38"W, a distance of 254.00 feet to a point; thence
18. S88°29'22"W, a distance of 175.00 feet to a point; thence
19. N01 30'38"W, a distance of 553.57 feet to the Point of Beginning.

Containing 784,719 Square Feet or 18.015 Acres of land, more or less.

The foregoing described land is shown on a map entitled "Aldrich Glen Subdivision", dated July 12, 2007, made by McMahon LaRue Associates, competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed Extension No. 52 with existing sanitary sewers belonging to Perinton

10. That a final Order creating Extension No. 52 to Perinton Consolidated Sewer District No. 8 will not be adopted until all legal and engineering costs and necessary disbursements for creation of said Extension have been paid to the Town of Perinton.

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

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

Whereupon the Supervisor declared the foregoing determination and resolution of approval of the creation of Extension No. 52 to Perinton Consolidated Sewer District No. 8 adopted.

ESTABLISHMENT OF EXTENSION #52 TO
 PERINTON CONSOLIDATED SEWER DISTRICT #8
 ALDRICH GLEN

TOWN OF PERINTON MONROE COUNTY NEW YORK

In the Matter of the Establishment of
 EXTENSION No. 52 to PERINTON
 CONSOLIDATED SEWER DISTRICT No. 8 ORDER ESTABLISHING
 EXTENSION
 (Aldrich Glen)

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 September 12, 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

The Town Clerk reported that all of the conditions of paragraph "10" of the Hearing Minutes and Determination made by this Board after the public hearing on September 12, 2007, have been met and that the Board now has authority to make an Order Establishing Extension No. 52 to Perinton Consolidated Sewer District No. 8

The following Order was introduced by Councilperson LaFay, seconded by Councilperson Knapp:

WHEREAS, a public hearing was held at a regular meeting of this Board on September 12, 2007 to consider a Petition, pursuant to Article 12 of Town Law, duly filed with the Town Clerk and at the conclusion of the hearing the Town Board determined upon the evidence given and proofs of publication and posting and Assessor's Certificate, all duly filed with the Town Clerk, that it is in the public interest to create said extension and that all of the property in said extension will be benefited by said improvements and that all property to be benefited by the proposed improvements is included in said extension. Hearing Minutes and Determination were adopted approving the creation of Extension No. 52 to Perinton Consolidated Sewer District No. 8 with all improvements to be installed without cost to the Extension or to the Town of Perinton and subject to certain conditions set forth in the Determination #10 provided that a final Order creating said Extension will not be adopted until all legal and engineering costs and necessary disbursements for the creation of said Extension have been paid to the Town of Perinton, and

WHEREAS, said conditions have now been complied with, and

WHEREAS, this Town Board is now empowered to order the establishment of Extension #52 to Perinton Consolidated Sewer District 8, it is

ORDERED FIRST, that Extension #52 to Perinton Consolidated Sewer District No. 8 is hereby established, as of this date, to include the real property hereinafter described:

ALL THAT TRACT OR PARCEL OF LAND, situated in part of Town Lot 10 in the Phelps and Gorham Purchase, Township 12, Range 4, Town of Perinton, County of Monroe, State of New York and being more particularly described as follows:

Beginning at a point, along the easterly line of Aldrich Road (66.00' right of way), said point being the northwest corner of lands of now or formerly Tolhurst as filed in Liber 213 of Maps, Page 8 in the Monroe County Clerk's Office; thence

1. N88 01'37"E, a distance of 820.05 feet to a point; thence
2. S17 36'42"W, a distance of 453.31 feet to a point; thence
3. S29 45'31"W, a distance of 224.49 feet to a point; thence
4. S01°30'38"E, a distance of 229.26 feet to a point; thence
5. S88 29'22"W, a distance of 160.52 feet to a point; thence
6. Southerly, along a curve right with a radius of 300.00 feet, with an arc length of 20.09 feet to a point; thence
7. N88 29'22"E, a distance of 162.37 feet to a point; thence
8. S16°01'36"W, a distance of 134.41 feet to a point; thence
9. S25°49'12"W, a distance of 119.98 feet to a point; thence
10. S01°17'58"E, a distance of 192.92 feet to a point; thence

11. S88°42'02"W, a distance of 171.52 feet to a point; thence
12. S01°07'08"W, a distance of 204.68 feet to a point; thence
13. N88°52'54"W, a distance of 213.12 feet to a point; thence
14. N23°43'34"W, a distance of 171.66 feet to a point; thence
15. N01°30'38"W, a distance of 518.06 feet to a point; thence
16. N88°29'22"E, a distance of 175.00 feet to a point; thence
17. N01°30'38"W, a distance of 254.00 feet to a point; thence
18. S88°29'22"W, a distance of 175.00 feet to a point; thence
19. N01 30'38"W, a distance of 553.57 feet to the Point of Beginning.

Containing 784,719 Square Feet or 18.015 Acres of land, more or less.

The foregoing described land is shown on a map entitled "Aldrich Glen Subdivision", dated July 12, 2007, made by McMahan LaRue Associates, competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed Extension No. 52 with existing sanitary sewers belonging to Perinton

ORDERED SECOND, that the Town Clerk is hereby directed to certify a copy of this Order and forthwith record the same in the Office of the Clerk of the County of Monroe in which the Town of Perinton is situate and to forward a certified copy of the same to the Department of Audit and Control.

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

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

WHEREUPON, the Supervisor declared the foregoing Order adopted and directed the entry thereof in the proceedings of this Board.

PUBLIC HEARING
 EXTENSION #53 TO PERINTON
 CONSOLIDATED SEWER DISTRICT #8
 OUT OF DISTRICT

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 August 30, 2007; affidavit of posting was also August 30, 2007.

TOWN OF PERINTON MONROE COUNTY NEW YORK

In the matter of:

the Establishment of Extension No. 53 to
 PERINTON CONSOLIDATED SEWER DISTRICT NO. 8
 (Out-of-District Customers)

HEARING MINUTES
 DETERMINATIONS &
 RESOLUTION
 ESTABLISHING
 EXTENSION

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 September 12, 2007, at 8:00 p.m., 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, Attorney

The Supervisor called the hearing to order and stated that the purpose thereof was to consider the establishment of Extension No. 53 to Perinton Consolidated Sewer District No. 8 to include all of the present out-of-district customers now being served by Perinton Consolidated Sewer District No. 8. Each of the seventeen (17) customers have provided house laterals at their own expense and have paid the applicable connection and inspection fees to the Town and the Monroe County Pure Waters Agency. There will be no construction and no expense. Each customer is paying a ten percent (10%) surcharge as an out-of-district customer. When they join a district or extension thereto they will save that ten percent (10%).

The Supervisor called for the presentation of documentary evidence necessary for the Town Board to make the investigations and determinations required by statute. The following documents were submitted in evidence:

1. Report from Thomas C. Beck, Commissioner of Public Works, dated August 6, 2007, listing seventeen (17) out-of-district customers and recommending the creation of a new sewer district extension so that they may become part of Perinton Consolidated Sewer District No. 8.
2. A map prepared by the Department of Public Works showing the location of each customer.
3. The Order for hearing made by the Town Board on August 8, 2007 which contains a list of each property showing the name and address of each customer.
4. The Affidavit of Publication of the Perinton-Fairport Post showing the publication of a certified copy of the Order for Hearing on August 30, 2007.
5. The Affidavit of Carol S. Johnston, showing that a copy of the Order for Hearing was posted on the Sign Board maintained by the Town Clerk on August 30, 2007.

The action has been determined to be a Type II action and is exempt from SEQR.

The Supervisor directed that the foregoing documentary evidence, if not already filed, be filed with the Town Clerk and considered a part of the record of this hearing.

The Supervisor explained that the proceeding is on motion of the Town Board pursuant to Article 12-A of the Town Law. The adoption of a resolution for the creation of the proposed Extension will be subject to a permissive referendum.

The Supervisor asked if there were any questions in regard to the formation of the Extension. There being none, and all those wishing to be heard, having been heard, the Supervisor declared the hearing closed and directed the Town Board to consider the evidence produced at the hearing and to take action on the map, plan and report.

The members of the Town Board examined the documents presented in evidence and considered the statements made at the hearing and after thorough discussion and due deliberation, the following Resolution was offered by Councilperson Knapp and was seconded by Councilperson Saum:

WHEREAS, the Board has examined the map and list of customers prepared by the Department of Public Works, the proofs of posting and publication, the recommendation of the Perinton Conservation Board and has considered all other documents and statements presented to it and has examined into whether all of the property to be benefited by the proposed Extension was included therein and whether any property has been included therein which would not be benefited, and

NOW, THEREFORE, IT IS DETERMINED AS FOLLOWS:

7. The Order for Hearing was posted and published as required by law.
8. All the property and property owners within the proposed Extension are benefited thereby.
9. All the property and property owners benefited are included within the limits of the proposed Extension.
10. It is in the public interest to establish the proposed Extension as described in the map, plan and report.
11. That there will be no bonded indebtedness upon the property within the proposed Extension.
12. That no construction will be required as a result of the establishment of the proposed Extension.
13. The proposed Extension is an unlisted action which does not require the preparation of an environmental impact statement. The temporary disturbance of soils and vegetation will be more than offset by the long term benefits of eliminating septic systems on developed lots.
14. The following parcels of land as shown on the assessment roll prepared in 2006 for use in 2007 are to included in the Extension:

Tax Account Number	Name	Address
140.04-1-2	Thomas Hart	178 Fellows Road
140.04-1-1	Jonni D'Agostino	174 Fellows Road
179.10-1-47	Judy Ramsey-Owens	25 Hidden Hollow
153.20-1-.16.2	Mr. & Mrs. Rick Perry	43 Lyndon Road
153.20-1-17	Fairport Baseball	99 Lyndon Road
153.10-2-40	Frederick J. Centofani	48 Macedon Ctr Road
166.12-3-31	Edward Daniel	1 Matthew Drive
166.09-2-25	Mr. & Mrs. Denis Sullivan	166 Mosely Road
180.05-1-16	Cynthia Johnson	752 Mosely Road
180.05-1-25	Mr. & Mrs. Todd Benjamin	759 Mosely Road
180.05-1-26	Mary Lawless	749 Mosely Road
153.05-1-13.112	Northfield Assisted Living	4560 Nine Mile Point
153.02-2-11.11	Richard Pfenninger	1672 East Whitney
153.02-1-61	Felice DiCastro	1595 East Whitney
152.08-1-8	Fred Rugenstein	712 Whitney Road
165.14-1-44	St. John's of Rochester	10 Wickford Way
165.07-2-70	Verna A. Panzarella	32 Woodcrest Circle

15. That the Extension No. 53 to Perinton Consolidated Sewer District No. 8 is hereby established, as of this date, to include the real property described in paragraph 8 above.
16. That pursuant to the requirements of Section 90 of the Town Law, that within ten (10) days after the adoption by the Town Board of this resolution establishing the proposed Extension the Town Clerk shall give notice thereof, at the expense of the Town,

by the publication of a notice in the Perinton-Fairport Post, a newspaper regularly published in Monroe County and having general circulation within the proposed Extension. In addition, the Town Clerk shall post, or cause to be posted, on the bulletin board in her office a copy of such notice. Such notice shall set forth the date of adoption of the resolution and contains an abstract of such resolution, describing the general terms, the proposed Extension and that such resolution was adopted subject to a permissive referendum.

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

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

Whereupon the Supervisor declared the foregoing determination and resolution of approval of the creation of Extension No. 53 to Perinton Consolidated Sewer District No. 8 adopted.

ORDER FOR HEARING 2008 BUDGET

Councilperson Saum made a motion, seconded by Councilperson LaFay, that October 10, 2007 at 8 pm at the Perinton Town Hall, 1350 Turk Hill Road, Fairport, NY 14450 be set as the date, time and place for a Public Hearing on the 2008 Town of Perinton budget.

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

Supervisor Smith announced that an informational meeting on the 2008 budget would be held on September 26, 2007.

Supervisor Smith announced that the time for Permissive Referendum for the purchase of 22.9 acres of open space at 127 Pannell Road had passed.

APPOINT CROSSING GUARDS

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that Deborah Weber, 7 Beckenham Lane, Fairport NY be appointed permanent part time crossing guard at the corner of Mima Circle and Hamilton Road and Kelly Giambrone, 16 Mima Circle, Fairport NY be appointed substitute crossing guard.

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

ASSESSOR APPOINTMENT

Supervisor Smith announced that Katherine Kramer's six year term as Assessor would expire on September 30, 2007. He said that Ms. Kramer has done an excellent job in her past term and warrants the support of the Town Board.

A motion was made by Councilperson Glossner, seconded by Councilperson LaFay, that Katherine Kramer, 6 Freshfield Rise, Fairport NY, be appointed to a second six year term as Town of Perinton Assessor. Ms. Kramer has a

good rapport with residents and has demonstrated excellent written communication and office management skills.

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

Supervisor Smith said that two employees of the Town of Perinton, Jennifer West and Greg Siegfred, had recently passed the Civil Service exam and were reachable by the Town of Perinton. He asked that each be appointed to the appropriate position. The new titles would not change their duties or pay rate.

Councilperson Knapp made a motion, seconded by Councilperson Saum, that Jennifer West, 2 Caywood Lane, Fairport, NY be appointed to the title of Clerk IV and Greg Siegfred, 16 Orchard Street, Fairport NY be appointed to the title of Building Inspector. The new titles will not change their duties or pay rate.

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 August be approved.

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

Supervisor Smith asked if there were any questions or comments from the audience. Pat Wilcox, 361 Loud Road, asked when the traffic light would be installed at Rte 31 and Mason/Loud Road. Commissioner Beck said that, according to NYSDOT, the lights should be activated within a month.

A woman in the audience asked when the preliminary 2008 budget would be available. Supervisor Smith said it would be filed with the Town Clerk on September 21, 2007.

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 8:35 pm.

Respectfully submitted,

Susan C. Roberts
Town Clerk