

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, January 23, 2008

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; Karen L. Heim, 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 LaFay made a motion, seconded by Councilperson Saum, that the minutes of the Town Board meeting of January 9, 2008 be approved as submitted by the Town Clerk.

Ayes: Smith, Glossner, Saum, LaFay
Nays: None
Abstention: Knapp
Approved with one abstention.

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

Supervisor Smith said that the Public Hearing of January 9, 2008 had been held open to allow owners of properties on Hidden Bridge, a private drive off Garnsey Road, more time to consider if they wished to be part of the sewer district. He asked Commissioner Beck what decisions had been made.

Commissioner Beck said that two of the five property owners on Hidden Bridge have decided to join the district. The other three have not. However, sewers will be available to those residents, should they ever decide to connect to the system. They could then be served as out-of-district users.

Commissioner Beck said that the district will be reconfigured to accommodate the two properties on Hidden Bridge who wish to join. There will then be 20 properties in the proposed district.

TOWN OF PERINTON MONROE COUNTY NEW YORK

In the Matter
of

HEARING MINUTES &
DETERMINATIONS

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

At hearings before the Town Board of the Town of Perinton, held at the Town Hall, 1350 Turk Hill Road, Fairport, New York, on January 9th, 2008 and January 23rd, 2008 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

The Supervisor called the hearing to order and stated that the purpose thereof was to consider the establishment of Extension No. 55 to Perinton Consolidated Sewer District No. 8 to include lands located along Garnsey Road in the southwest quadrant of the Town of Perinton. He stated that on December 10, 2007 he mailed a letter to each of the residences in the proposed extension, advising them of the proposed extension and tonight's public hearing. Attached to that letter was the formal statement of estimated costs.

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, recommending the creation of a new sewer district extension so that the lands along Garnsey Road in the southwest quadrant of the Town of Perinton could become part of Perinton Consolidated Sewer District No. 8.
2. Map, plan, and report, prepared by Lu Engineers dated June 2007 showing the location of each residence.
3. The Order for Hearing made by the Town Board on November 28, 2007.
4. The Affidavit of Publication of the Perinton-Fairport Post showing the publication of a certified copy of the Order for Hearing on December 26, 2007.
5. The Affidavit of Susan C. Roberts, showing that a copy of the Order for Hearing and Estimated Costs were posted on the Sign Board maintained by the Town Clerk on December 26, 2007
6. The report of James E. Smith, Supervisor, stating that on December 10, 2007 he mailed to each resident, a letter advising them of the public hearing and enclosed a statement of Estimated Costs and a copy of the Order for Hearing.
7. A letter of Robert M. Place, Special Counsel, dated January 10, 2008, mailing a certified copy of the Order for Hearing to NYS Office of State Comptroller, as required by the rules and regulations of the State of New York, and enclosing a copy of the estimated costs for the proposed extension.

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 this 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 sewer district extension will be subject to a permissive referendum, if such referendum is requested by proper petition filed with the Town Clerk within 30 days after the date of adoption of this resolution.

The Supervisor asked if there were any questions in regards to the formation of the District. There were none. 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 then 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, plan and report prepared by Lu Engineers, 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

WHEREAS, the Town has reviewed the potential environmental effects of the project and has complied with the requirements of the State Environmental Quality Review Act (SEQRA),

NOW THEREFORE, IT IS DETERMINED AS FOLLOWS:

1. The Order for Hearing was posted and published as required by law.
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's interest to establish said Extension as described in the map, plan, and report.
5. That the maximum amount 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 that 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 are comprising Perinton Consolidated Sewer District No. 8.
6. The proposed Extension was processed as a Type II action, because it is an extension to approved lots. The temporary disturbance of soils and vegetation will be more than offset by the long term benefits of eliminating septic systems on developed lots.
7. The area to be established as Extension No. 55 to Perinton Consolidated Sewer District No. 8 is described 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 (23); 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 No. 179.150-0001-013 (1) a distance of approximately 124 feet to an angle point; thence
3. Continuing easterly along the northerly bounds of Tax Account No. 179.150-0001-013 (1) a 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 Nos. 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 bound of Tax Account No. 179.150-0001-029 (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. 179.150-0001-045 (6) a distance of approximately 27 feet to an angle point; thence
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 Nos. 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 the 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 336 feet to an angle point; thence
29. Continuing westerly along the southerly bounds of Tax Account No. 179.150-0001-049 (14) a distance of approximately 284 feet to an angle point; thence
30. Continuing southwestery along the southerly bounds of Tax Account No. 179.150-0001-050 (15) a distance of approximately 111 feet to an angle point; thence
31. Continuing northwesterly along the westerly bounds of Tax Account No. 179.150-0001-050 (15) a distance of approximately 516 feet to the southerly Right-of-way of Garnsey Road; thence
32. Continuing southwestery along the southerly Right-of-Way of Garnsey Road a distance of approximately 345 feet to an angle point; thence
33. Continuing southeasterly along the easterly bounds of Tax Account No. 179.150-0001-054 (17), and No. 179.150-0001-055 (16) a distance of approximately 269 feet to an angle point; thence
34. Continuing southwestery along the bounds of Tax Account No. 179.150-0001-055 (16) a distance of approximately 14 feet to an angle point; thence
35. Continuing southerly along the easterly bounds of Tax Account No. 179.150-0001-055 (16) a distance of approximately 307 feet to an angle point; thence
36. Continuing westerly along the southerly bounds of Tax Account No's. 179.150-0001-055 (16), No. 179.150-0001-056.1 (18), No. 179.150-0001-056.12 (19), and No. 179.150-0001-057 (20) a distance of approximately 1078 feet to an angle point; thence
37. Continuing northerly along the westerly bounds of Tax Account No. 179.150-0001-057 (20) 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 indicating the 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.

8. That Extension No. 55 to Perinton Consolidated Sewer District No. 8 is hereby established, as of this date, to include the real property described in paragraph 7 above.

9. 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 said 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 contain 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, 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 determination and resolution of approval of the creation of Extension No. 55 of to Perinton Consolidated Sewer District No. 8 adopted.

AWARD BIDS RECREATION SUPPLIES, ARTS & CRAFTS, WEARING APPAREL

Commissioner Donahue said that bids for recreation supplies were opened on January 10, 2008. He explained that they were slightly lower than last year because some supplies are ordered every other year. The bids have been reviewed; Commissioner Donahue recommended the following bids be awarded:

Recreation Supplies

Anaconda Sports, 85 Katrine Lane, Lake Katrine NY 12449, \$45.12
Jim Dalberth's Sports, 925 Genesee Street, Rochester NY 14611, \$190.56
J. P. Sports, PO Box 210636, Montgomery AL 36121, \$599.80
Sports Supply Group, P.O. Box 49, Jenkintown PA 19046, \$1,591.92

Arts & Crafts

S & S Worldwide, P.O. Box 513, Colchester CT 06415, \$3,618.40
Nasco, 901 Jamesville Avenue, Fort Atkinson WI 53538, \$355.12
Discount School Supply, 2 Lower Ragsdale Drive, Monterey CA 93940, \$718.91
Oriental Trading Company, 4206 South 108th Street, Omaha NE 68137, \$735.74

Wearing Apparel

Mugs N More, 1600 North Clinton Avenue, Rochester, NY 14621, \$9,304.63

Councilperson LaFay made a motion, seconded by Councilperson Knapp, that the bids for recreation supplies, arts & crafts supplies and wearing apparel be awarded as recommended by Commissioner Donahue.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

APPROVE FULL TIME RECREATION AIDE POSITION

Commissioner Donahue said that, as the number of people using recreation programs increases, it is becoming more difficult to adequately plan and manage the programs at current staff levels. He said that the recreation division of the Recreation and Parks Department needs an additional full-time person to assist in five areas: planning and supervising the Detours after-school program at the Lions Den Teen Center, planning and supervising Center Stage programs, processing Community Center room reservations, assist in planning and supervising summer playground and promoting Recreation and Parks programs and services. He asked the Board to approve the creation of a position for a full-time Recreation Aide.

In addition to creating the position, Commissioner Donahue asked the Board to approve hiring Jeff Nutting for the full-time position. Mr. Nutting, an intern in the Recreation and Parks Department, has proven his ability to do the work required.

A motion was made by Councilperson Saum, seconded by Councilperson LaFay, that the Board approve hiring Jeffrey Nutting, 46 South Ridge Trail, Fairport NY, as a full-time Recreation Aide, effective February 4, 2008 [].

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

FUNDS TRANSFER

Supervisor Smith said that the DPW Redevelopment Project was being funded with a combination of borrowing and capital reserves. The Board has received a memo from Finance Director Kevin Spacher asking for authorization to transfer funds from the Capital Reserve Fund for Building Improvements to the DPW Redevelopment Project Fund as part of that funding. The transfer would be subject to Permissive Referendum.

Councilperson Glossner made a motion, seconded by Councilperson Knapp, that \$6,000,000 be transferred from the Capital Reserve Fund for Building Improvements to the DPW Redevelopment Project Fund.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

APPROVE DPW PURCHASES NEW YORK STATE CONTRACT

Commissioner Beck said that the Town wishes to acquire three pieces of equipment from New York State contract bids. He asked the Board to approve the following purchases:

One new 2008 10-wheeled cab and chassis from Tracey Road Equipment, 300 Middle Road, Henrietta, NY 14467, at a cost of \$109,877.00. It will replace the oldest packer now in service and will be used with the new packer body approved earlier.

One new 2008 diesel tractor with side and rear flail mowers from Buffalo Tractor and Implement Company at a cost of \$54,570. It will replace a flail mower which needs significant repairs.

One new compact 4x2 extended cab, short box pickup from Fairport Ford, 71 Marsh Road, Pittsford, NY 14534, for \$12,294.36. The Ford Ranger will replace an existing vehicle.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that the above purchases be made from New York State Contract as recommended by Commissioner Beck.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

AUTHORIZE TAX PAYMENTS

Supervisor Smith said that, in a memo dated January 23, 2008, Tax Receiver Constance Allen asked the Board to approve payment of the Town's portion of the 2008 Town & County tax bill for Time Warner Cable and approve payment of the 2008 Town & County property tax bills to the Perinton Receiver and the East Rochester Receiver as follows:

A letter has been received from Time Warner Cable (TWC) advising that, pursuant to a franchise agreement between TWC and the Town of Perinton, TWC pays the Town of Perinton a fee for a special franchise to operate its cable television business in the public right-of-way. Section 626(1) of the Real Property Tax Law of the State of New York provides that the amount paid as a franchise fee (whether it is based upon a percentage of gross earnings or is called a license fee or is some other sum paid on account of a special franchise) is to be deducted from the taxes levied upon a special franchise.

Pursuant to Section 626(2) of the New York Real Property Tax Law, TWC is requiring that the Town pay for the portion of Town taxes, in the amount of \$1,262.86 due on the 2008 County/Town bill.

In addition, the Town has tax payments on town property in the amounts of \$6,650.18 due to Constance D. Allen, Town of Perinton Receiver and \$1 due to Raymond Parrotta, East Rochester Receiver.

A motion was made by Councilperson Glossner, seconded by Councilperson LaFay, that the Supervisor be authorized to draw a check in the amount of \$1,262.86 to Constance D. Allen, Receiver, for payment of the Town portion of taxes due on the following:

500.00-1-492	\$153.34
500.00-5-327./13	\$ 49.93
500.00-5-327./PE1	\$ 55.70
500.00-5-327./PF1	\$110.95
500.00-5-327./PR1	\$892.94

and that the Supervisor be authorized to draw a check in the amount of \$6,650.18, payable to Constance D. Allen, Receiver of Taxes, Town of Perinton and a check for \$1 to Raymond Parrotta, Receiver of Taxes, Town of East Rochester, for 2008 Town and County taxes.

Ayes: Smith, Knapp, Glossner, LaFay

Nays: None

Unanimously approved

APPROVE CONTRACT:
RS&E PEDESTRIAN BRIDGE DESIGN

Commissioner Beck said that the Town of Perinton has received \$1,498,350.00 in federal funds for construction of a pedestrian bridge across the Erie Canal. The bridge will connect the RS&E hike/bikeway with the canal towpath at Cobbs Lane.

It is necessary to select an engineering consultant who will be responsible for design of the pedestrian bridge. The Town contacted several consultants, who have already been approved to work on federally funded projects, and asked them to submit a proposal for the project. A Town committee reviewed those proposals and interviewed representatives of each firm.

As a result of those interviews the committee selected Lu Engineers. The company has provided a design scope of services document for the project. The fee for the scope of services has been reduced from that originally proposed because Lu Engineering has been able to utilize existing survey data and road geometry designed by Bergmann Associates as a part of the DPW Redevelopment project.

The engineering fee will cover project familiarization, data collection & analysis, preliminary design, environmental, right-of-way, detailed design and advertising, bid opening and award. It will not cover construction inspection services. Commissioner Beck asked the Board to approve the contract.

Councilperson Glossner made a motion, seconded by Councilperson Saum, that the Board approve an engineering services contract with Lu Engineering, at a price not to exceed \$222,453.00, for the RS&E pedestrian bridge.

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

UNSAFE BUILDING

Building Director Copp said that, on January 22, 2008, the Fairport Fire Department responded to a fire at 16 Tilegate Glen which did substantial damage to a vacant townhouse. The Town was unable to reach the owner of record; therefore it directed Emergency Enclosures to secure the building and utilities.

Mr. Copp has now spoken to the owner of the property. She may be unable to pay the enclosure costs. Mr. Copp asked for Board authorization, under Chapter 95, Section 10 of the Town Code, to send the owner the bill for services, to pay the bill if the owner is unable to pay, and to assess the property as described in Section 11 of Chapter 95 of the Code if the Town pays for the work.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that the Director of the Building Department be authorized to bill the owner of the property at 16 Tilegate Glen, tax account #153.56-1-18, for costs to secure the building, to pay for the work if the owner was unable to do so and to assess those costs to the property in question.

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

AUDIT APPROVED

A motion was made by Councilperson Saum, seconded by Councilperson LaFay that Audit #1 for January, 2008 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

JANUARY AUDIT
General Fund

\$62,920.29

Town Outside of Village	41,791.19
Recreation	56,256.33
Highway General Repair	22,413.73
Highway Snow & Miscellaneous	104,241.97
Joint Sewer	19,810.22
Special Recreation	1,462.55
Perinton Ambulance District	6,189.00
Bushnell's Basin Fire Protection District	16,144.00
Egypt Fire Protection District	16,144.00
DPW Redevelopment	611,089.62
Pinecrest - Exit 51	<u>4,474.25</u>
	\$962,937.15 Total

The above items were numbers 1 - 253.

JANUARY MANUAL I

General Fund	\$19,098.39
Town Outside of Village	577.50
Recreation	24,925.05
Joint Sewer	4,819.02
Midlands Lighting District	397.68
Deer Run Lighting District	1,330.95
Misty Meadows Lighting District	107.48
Wagner Development Rights	<u>54,045.83</u>
	\$105,301.90 Total

The above bills were paid with checks #68926, 68938 - 68947, 68956.

JANUARY MANUAL II

General Fund	\$1,899.36
Town Outside of Village	31.50
Recreation	<u>234.00</u>
	\$2,164.86 Total

The above bills were paid with checks #69127 - 69145.

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 8:30 pm.

Respectfully submitted,

Susan C. Roberts
 Town Clerk