

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, June 25, 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; Susan C. Roberts, Town Clerk; Karen L. Heim, Deputy Town Clerk; James Brasley, Planning Board.

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

Councilperson Saum made a motion, seconded by Councilperson LaFay, that the minutes of the Town Board meeting of June 11, 2008 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING CONTINUED
UNSAFE BUILDING
86 MIDVALE DRIVE

Building Director Copp said that the Public Hearing of June 11, 2008 had been left open to allow the owner of the property at 86 Midvale Drive time to appear before the Board to respond to the Notice of Unsafe or Dangerous Building. The Building Department has had no contact with either the owner or his attorney concerning the Notice of Unsafe or Dangerous Building; nor has there been any response to the notice posted at the site. He said that the building has continued to deteriorate and asked the Board to order its demolition.

Robert Elliott, 86 Midvale Drive, and his attorney, Robert O'Connell, appeared before the Board. Mr. Elliott said he had been out of town and has just returned. He did respond to the Notice of Unsafe or Dangerous Building when he picked up his mail.

Mr. O'Connell said that Mr. Elliott has been seeking bids to demolish his house. He has also checked with the East Rochester and Fairport Fire Departments to see if they would be interested in demolishing the house as a training exercise. The Fairport Department is not interested; he has not yet heard from the East Rochester Department.

Attorney Place asked how quickly the demolition would occur. Mr. O'Connell said they would like to have it complete before the next Town Board meeting, on July 9, 2008.

Supervisor Smith said the Town would like a definite date for the start and completion of demolition. There was discussion about the appropriate length of time to allow Mr. Elliott to start and complete the demolition.

Commissioner Beck said that the Town has advertised for bids for demolition of the house. Those bids would be opened on July 16 and awarded on July 23rd, 2008.

A motion was made by Councilperson Knapp, seconded by Councilperson Glossner, that, according to Section 95 of the Code of the Town of Perinton, and after duly considering the written report and recommendations of the Building Inspector regarding the condition of the house at 86 Midvale Drive, Fairport, NY, tax account # 152.06-1-8, the Town Board determine that the building is unsafe and dangerous and should be demolished as recommended by the Director of the Building Department. It further determined that Robert Elliott be given until July 14th to begin demolition of the house at 86 Midvale Drive. The demolition process must be completed by the July 23rd Board meeting or the Town will declare the situation an emergency at that meeting and take immediate action to demolish the house. In addition, the owner will send a report to the Building Department before July 9, 2008, showing what progress has been made in the demolition process.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

PUBLIC HEARING
UNSAFE BUILDING
245 AYRAULT ROAD

Building Director Copp said that the Public Hearing of June 11, 2008 had been left open to allow representatives of the owner of record to appear before the Board and respond to the Notice of Unsafe or Dangerous Building. The attorney for the estate of the former owner has responded to the Notice of Unsafe Building. The estate is unable to pay for demolition of the building. Mr. Copp asked the Board to authorize demolition of the building at 245 Ayrault Road.

A motion was made by Councilperson LaFay, seconded by Councilperson Saum, that, according to Section 95 of the Code of the Town of Perinton, and after duly considering the written report and recommendations of the Building Inspector regarding the condition of the house at 245 Ayrault Road, Fairport, NY, tax account # 165.14-2-15, the Town Board determine that the building is unsafe and dangerous and should be demolished as recommended by the Director of the Building Department.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

ORDER FOR HEARING
REZONING REQUEST
MASON ROAD
RESIDENTIAL B TO TOWNHOUSE

Betsy Brugg, Fix, Spindelman, Brovitz & Goldman, appeared for the applicant, Pride Mark Homes. Pride Mark Homes is requesting the rezoning of approximately 27.4 acres of land located along Mason Road north of Pittsford-Palmyra Road from Residential B to Townhouse to allow the construction of 100 ranch-style townhouses, a clubhouse, tenant storage and maintenance building. In addition to the rezoning, Pride Mark Homes will be requesting a Special Use Permit to allow construction of a new Crest Manor Living and Rehabilitation Center on Pittsford-Palmyra Road east of the Northern Nurseries property. A second phase of that project will be construction of an independent living facility.

Ms. Brugg said that the adjoining properties to the north, east and west are single-family residential. The property to the immediate south is industrial, further south

is the Egypt Fire Department building and Northern Nurseries. New York State regulated wetlands occupy portions of the property to the east.

The wetlands will be maintained. Buffering will be provided along Mason Road and between the development and the neighbors to the north. She said that Townhouse zoning allows a density of three to six units per acre. This proposal is for three, four or five units per acre. The townhouses will have two bedrooms, two baths and recessed two car garages and front porches. There will be sidewalks and street lights within the development and a connection to the Crescent Trail. It will be a self-contained neighborhood with a village feel. The developers anticipate serving a demographic that includes senior citizens, empty-nesters or young adults without children.

Ms. Brugg said that the proposal is in accordance with the Hamlet of Egypt Subarea Plan and Guidelines 2003 which stated that land which is not appropriate for single-family residential be rezoned appropriately.

Councilperson Knapp asked if the units at Crest Manor would be for independent living. John Bartholomew, Crest Manor, said they would.

Councilperson Glossner asked if health care would be provided. Mr. Bartholomew said it would not.

Councilperson Knapp asked if Crest Manor would provide health care for the residents. Mr. Bartholomew said it would not; the facility would be just for independent living.

Councilperson Glossner asked what would be done to protect the cemetery on Mason Road. Ms. Brugg said there was a buffer planned. There would be 40' from the cemetery to the nearest building and 60' to the pool and clubhouse.

Mark Costich, Costich Engineering, said that Pride Mark Homes planned to replace the fence at the cemetery.

Councilperson LaFay asked if all the buildings would be ranch style. Mr. Costich said they would.

Supervisor Smith asked if there might be some discussion about the Town acquiring land around the cemetery to provide a buffer.

Jim Barbato, Pride Mark Homes, said there would be no age restrictions for resident of the townhouses, although they did assume that most residents would be empty-nesters or senior citizens. All units would be handicapped accessible.

Councilperson Glossner asked if all the units would be rentals. Mr. Barbato said they would. Councilperson Glossner asked about rents. Mr. Barbato said they anticipated rents of \$1400 per month.

Supervisor Smith said that the purpose of this meeting was to set a date for a Public Hearing for the proposal. He said that, although the Public Hearing is the time for official public comment the Board would take questions at this meeting as well. He said that the Public Hearing for the Special Use Permit for the Nursing Home would be held at the same time as the Public Hearing for the rezoning.

Judith McNulty, 647 Thayer Road, said that she approved of the nursing home construction. She said that she thought there were too many townhouses planned and suggested that the number be reduced. She also suggested that there be more open space around the cemetery.

A motion was made by Councilperson LaFay, seconded by Councilperson Saum, that 8:00 pm on July 23,2008 at the Perinton Town Hall, 1350 Turk Hill Road, Fairport, NY be set as the time, date and place for the Public Hearings for the request to rezone 27.4 acres of land on the east side of Mason Road from Residential B to

Townhouse and for the request for a Special Use Permit to allow construction of a nursing home on Pittsford Palmyra Road.

Ayes: Smith, Knapp, Glossner, Saum, La Fay

Nays: None

Unanimously approved

Supervisor Smith said that the developer has already met informally with neighbors from the Mason Road area. He will be at Town Hall at 7:30 pm on the 23rd to meet informally with residents before the Town Board meeting.

VOLUNTEER BOARD APPOINTMENTS

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

WHEREAS, the term of Kenneth O' Brien as a member of the Perinton Planning Board will expire on June 30, 2008,

NOW, THEREFORE, BE IT RESOLVED, that Kenneth O'Brien, 79 Nettlecreek Road, Fairport, NY be reappointed as a member of the Perinton Planning Board, with a new term to expire on June 30, 2015

WHEREAS, the terms of Roland Pray and Robert Salmon as a member of the Zoning Board of Appeals will expire on June 30, 2008, and

WHEREAS, Robert Salmon does not wish to be re-appointed to the Zoning Board of Appeals,

NOW, THEREFORE, BE IT RESOLVED, that Roland Pray, 92 Dewey Avenue, Fairport, NY be reappointed as a member of the Zoning Board of Appeals, with a term to expire on June 30, 2013.

WHEREAS, the terms of Paul Bogart, John Minichiello, David Belaskas, Barbara Wagner and Gary Moore as members of the Perinton Conservation Board will expire on June 30, 2008,

NOW, THEREFORE, BE IT RESOLVED, that Paul Bogart, 59 Park Circle Drive, John Minichiello, 7 Freshfield Rise, David Belaskas, 8 Timway Court, Barbara Wagner, 91 Waterford Way and Gary Moore, 18 Bent Oak Trail, Fairport NY be reappointed as members of the Perinton Conservation Board with terms to expire on June 30, 2010.

WHEREAS, the term of Kenneth Rainis as Chair of the Conservation Board will expire on June 30, 2008,

NOW, THEREFORE, BE IT RESOLVED, that Kenneth Rainis, 45 Crossover Road, Fairport, NY, be appointed Chair of the Conservation Board with a term to expire on June 30, 2010.

WHEREAS, the term of Ann Parks as a member of the Historic Architecture Commission will expire on June 30, 2008,

NOW, THEREFORE, BE IT RESOLVED, that Ann Parks, 103 Loud Road, Fairport, NY be reappointed as a member of the Perinton Historic Architecture Commission with new term to expire on June 30, 2011.

WHEREAS, Mark Gwaltney has resigned as a member and as Chair of the Recreation & Parks Advisory Board on May 19, 2008,

NOW, THEREFORE, BE IT RESOLVED, that Algimantas Chesonis, 3 Cantwell Place, Fairport, NY, Vice Chair of the Recreation & Parks Advisory Board, be appointed to complete Mr. Gwaltney's term as Chair, which will expire on December 31, 2009.

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

APPROVE CONTRACT: INSURANCE CONSULTING SERVICES
FIRST NIAGARA RISK MANAGEMENT INC.

In a memo dated June 11, 2008, Finance Director Spacher explained to the Board that, for many years, the Town has had a risk management consultant provide advice on insurance needs. The consultant advises on soliciting bids for insurance coverage, helps prepare specifications when the Town asks for RFPs, inspects Town facilities, advises on the level of insurance the Town should carry and has guided the Town through its transition to large cap deductible Workers' Compensation coverage.

For the last 10 years risk management services have been provided by Charles Clark, First Niagara Risk Management Inc. The contract with First Niagara is up for renewal. Mr. Spacher asked the Board to renew the Town's contract with First Niagara Risk Management Inc. for a three year term at the same rate as the existing contract.

A motion was made by Councilperson Saum, seconded by Councilperson LaFay, that the Town of Perinton sign a three-year contract with First Niagara Risk Management Inc. for \$7,500 per year, the same rate as the existing contract.

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

APPROVE MEMBERSHIP CHANGE
BUSHNELL'S BASIN FIRE ASSOCIATION

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

Resident Active Firefighter	Denis Zimmerman 54 South Ridge Trail Fairport, NY 14450
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Ayes: Smith, Knapp, Glossner, Saum, LaFay
Nays: None
Unanimously approved

APPROVE CONTRACT WITH RAYMOND WAGER CPA
COURT AUDIT

In a memo dated June 12, 2008, Finance Director Spacher said that it is necessary to conduct a full review of the procedures and controls in the Court Office on a regular basis. He asked the Board to approve hiring the firm of Raymond F. Wager, CPA to provide that review this year. The firm works entirely within the public/not-for-profit sector and has developed an expertise in reviewing the operations in municipal courts.

Councilperson Saum made a motion, seconded by Councilperson Knapp, that the Town of Perinton hire the firm of Raymond F. Wager CPA, to conduct an audit of procedures and controls in the Town Court Office, and that the 2008 budget be

amended by increasing the appropriation for Court Contractual Expense and the revenue for Mortgage Tax by \$4,000 to cover the cost of the audit.

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 (BIG), Interiors, Acoustical & Wall Finishes, has two change work orders. The first, in the amount of a credit for \$818.00, is a result of a decision not to paint exterior handrails as specified in the original contract. The rails are galvanized steel and will not rust; it is not necessary to paint them. The second change work order, in the amount of \$12,273.00, is for changes required by the Building Department review of the building plans. The review was done after the plans were put out for bid, therefore the modifications must be presented as change work orders. The items covered by this change work order are: revised control joint locations, moving the entry vestibule on the existing vehicle storage building, changing the height of masonry walls located in the fleet maintenance mezzanine area and several partition changes.

Billitier Electric, Electric, has two change work orders. The first, in the amount of \$1,973.00 is for the addition of flow and tamper switches on the fire suppression system in the Fleet Maintenance Building and to provide additional power to the fleet maintenance make-up air unit. The original make-up air unit was undersized and had to be changed. The correctly sized fan requires a larger power source. The second change work order, in the amount of \$6,525.00, has three parts. The first part was adding door #103, located in the new vehicle storage garage to the electronically monitored door security system for the site. This necessitated changing door hardware and providing a CAT 5 cable to the location of the door. The second part is changes to the vehicle exhaust system in the new vehicle storage building. These changes are necessary because the vehicle exhaust system as designed was not functional with current equipment. Bergmann Associates will be paying half the cost for this change. The third part of the change work order is to change the location of the fiber optics line at the Fleet Maintenance Building.

Davis Ulmer, Fire Protection, has one change work order, in the amount of \$385.00, for relocation of one of the fire suppression system waterlines in the new Fleet Maintenance Building.

Thurston Brother, has two change work orders. The first, in the amount of \$958.00, is to create the specific slab design required by the vehicle lift manufacturer. The second, in the amount of \$729.00, is for relocation of the sanitary sewer lateral for the exterior wash bay trench drain.

Landmark Enterprises, Site Work, has one change work order, in the amount of \$671.00, for supplying conduit for the required phone line that runs from the new Fleet Maintenance Building to the fuel island. The line was not shown in the original plans and specifications.

Commissioner Beck said that the total of these change work orders was \$22,696.00; he said the DPW Redevelopment Project was still well within budget.

A motion was made by Councilperson Glossner, seconded by Councilperson Knapp, that the above change work orders be approved as recommended

by Commissioner Beck. 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

APPROVE ACCESS EASEMENT MAGNOLIA MANOR

Commissioner Beck said that William Metrose has donated land to the Town of Perinton as part of the development of Magnolia Manor. Some of that open space is at the intersection of Copper Beech Run and Macedon Center Road. Mr. Metrose is asking for an access easement, to be granted to the Magnolia Manor Homeowner's Association, to allow the installation of a monument sign for the Magnolia Manor subdivision and access to the sign for maintenance purposes. Locating the monument sign in the open space would insure that it would not be located in the road right-of-way.

Councilperson Saum made a motion, seconded by Councilperson Knapp, that the following easement be granted to the Magnolia Manor Homeowner's Association:

ALL THAT TRACT OR PARCEL OF LAND containing 3,427 Sq. Fr more or less, situate in the Phelps and Gorham Purchase, Township 12, Range 4, Town Lot 5, Town of Perinton, County of Monroe and State of New York, as shown on the drawing entitled "Magnolia Manor Subdivision, Phase 1, Easement Plan" prepared by BME Associates, having drawing number 2177-42, last revised June 3, 2008, being more particularly bounded and described as follows:

Beginning at a point at the intersection of the northerly right-of-way line of New York State Route 31F (Fairport Macedon Center Road) (66' right-of-way) with the easterly right-of-way line of Copper Beech Run (80' right-of-way); thence

1. Northwesterly, along the arc of a curve to the right having a radius of 30.00 feet and a chord bearing on N47 28'28"W, a distance of 47.12. feet to a point of tangency; thence
2. N02 28'28"W, continuing along said easterly right-of-way line of Copper Beech Run, a distance of 21.86 feet to a point; thence
3. N87 36'11" E, a distance of 69.78 feet to a point; thence
4. S02 39'38"E, a distance of 51.77 feet to a point on the aforementioned northerly right-of-way line of New York State Route 31F; thence
5. S87 31'32"W, along said northerly right-of-way line of New York State Route 31F, a distance of 39.94 feet to the Point of Beginning.

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

ISSUANCE OF BUILDING PERMIT WALGREENS PHARMACY

Building Director Copp said that, as the Walgreen project has worked through the various town boards, each board approval was contingent on the issuance of a building permit by a specific date: the Town Board's date was May 9, 2008, the Planning Board's was August 1, 2008 and the ZBA's was December 24, 2008.

Walgreens is prepared to move forward on construction of the new building. However, the date required by the Town Board has passed; the date required by the Planning Board will pass before a Building Permit can be obtained. The applicant has asked that the Town and Planning Boards reaffirm their approvals for the project and make December 24, 2008 the date required for issuance of a Building Permit.

A motion was made by Councilperson La Fay, seconded by Councilperson Saum, that the Special Use Permit for construction of a 14,820 sq. ft. Walgreens at the south west corner of Pittsford-Palmyra and Moseley Roads (Rtes 31 & 250), which was granted on May 9, 2007, be reaffirmed. The building will be constructed in accordance with building elevations set forth on an architectural rendering prepared by Bergmann Associates entitled Walgreens Pharmacy, Perinton, NY, May 8, 2007, option # 2, as confirmed by a memo from the Town's architectural consultant, Hanlon Architects, dated May 8, 2007. The site plan prepared by Costich Engineering, dated April 5, 2007, which resulted in a reduction in parking, enhancement of green space and reduction in the number of variances, has been considered as part of the granting of the Special Use Permit.

The Special Use Permit is conditioned upon receipt of site plan approval from the Perinton Planning Board and the applicant obtaining a Building Permit by December 24, 2008.

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 #6 for June 2008 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

JUNE AUDIT

General Fund	\$78,472.06
Town Outside of Village	89,592.36
Recreation	75,992.47
Highway General Repair	316,574.12
Highway Snow & Miscellaneous	36,323.40
Joint Sewer	34,429.79
Special Recreation	9,579.04
Debt Service Sewer	150.00
Bushnell's Basin Fire Protection District	483.83
Egypt Fire Protection District	170.24
Fairmont Hills Maintenance District	795.00
Wisteria Grove Maintenance District	160.00
DPW Redevelopment	548,948.42
Orchards Sewer Project	1,364.00
Boxwood Ext. 49	3,833.25
Pinecrest - Exit 51	9,681.00
Garnsey Road - Ext 55	<u>332,964.88</u>
	\$1,539,513.86 Total

The above items were numbers 1791 - 2151.

JUNE MANUAL

General Fund	\$56,932.59
Town Outside of Village	3,028.39
Recreation	36,990.36
Joint Sewer	8,803.84
Midlands Lighting District	403.84
Lake Lacoma Lighting District	13.62

Meadows Lighting District	419.25
Deer Run Lighting District	1,455.47
Misty Meadows Lighting District	109.15
DPW Redevelopment	<u>50.00</u>
	\$108,206.54 Total

The above items were paid with checks # 70478, 70483 - 70485, 70495, 70497 - 70502, 70514.

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