

PERINTON TOWN BOARD MEETING  
1350 Turk Hill Road, Fairport, NY 14450  
Wednesday October 22, 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; Kevin A. Spacher, Finance Director; Susan C. Roberts, Town Clerk; Karen L. Heim, Deputy Town Clerk; T. C. Lewis, Planning 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 October 8, 2008 be approved as submitted by the Town Clerk.

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

#### PUBLIC HEARINGS

Supervisor Smith called the following Public Hearings to order and asked the Clerk for proofs of publication and affidavits of posting. Proofs of publication were given in the Fairport ER Post on October 8, 2008; affidavits of posting were October 8, 2008.

Finance Director Spacher gave an explanation of the contract amounts and the resultant tax rates for each district. Supervisor Smith asked if there were questions from the audience.

There being no questions, and all those wishing to be heard having been heard, the Public Hearings were closed.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that the Supervisor and Town Board members be authorized to sign the following contracts:

AMENDMENT #3 TO THE CONTRACT BETWEEN  
THE TOWN OF PERINTON  
THE BUSHNELL'S BASIN FIRE PROTECTION DISTRICT  
AND THE BUSHNELL'S BASIN FIRE DEPARTMENT

RESOLVED, that authorization be given to the Supervisor and the Town Board members to sign Amendment #3 to the contract for fire protection between the Town of Perinton, the Bushnell's Basin Fire Protection District, and the Bushnell's Basin Fire Department for the payment of \$666,501.00 per year instead of \$616,541.00 per year. This contract can be renewed each year but in no event shall the term of the contract be renewed or extended beyond December 31, 2010.

AMENDMENT #4 TO THE  
CONTRACT BETWEEN THE TOWN OF PERINTON,  
THE EGYPT FIRE PROTECTION DISTRICT AND  
THE EGYPT FIRE DEPARTMENT

RESOLVED, that authorization be given to the Supervisor and the Town Board members to sign Amendment #4 to the contract for fire protection between the Town of Perinton, the Egypt Fire Protection District and the Egypt Fire Department for the payment of \$565,223.00 per year instead of \$525,000.00 per year. This contract can be renewed each year but in no event shall the term of the contract be renewed or extended beyond December 31, 2009.

AMENDMENT #4 TO THE  
CONTRACT BETWEEN THE TOWN OF PERINTON  
THE PERINTON FIRE PROTECTION DISTRICT,  
THE VILLAGE OF FAIRPORT AND  
THE FAIRPORT FIRE DEPARTMENT

RESOLVED, that authorization be given to the Supervisor and the Town Board members to sign Amendment #4 to the contract for fire protection between the Town of Perinton, the Perinton Fire Protection District, the Village of Fairport and the Fairport Fire Department for the payment of \$679,287.00 per year instead of \$634,386.00 per year. This contract can be renewed each year but in no event shall the term of the contract be renewed or extended beyond December 31, 2009.

AMENDMENT #3 TO THE CONTRACT BETWEEN  
FOREST HILLS FIRE PROTECTION DISTRICT  
TOWN/VILLAGE OF EAST ROCHESTER  
EAST ROCHESTER FIRE DEPARTMENT

RESOLVED, that authorization be given to the Supervisor and the Town Board members to sign Amendment #3 to the contract for fire protection between the Town of Perinton, the Forest Hills Fire Protection District, the Town/Village of East Rochester and the East Rochester Fire Department for the payment of \$125,798.00 per year instead of \$100,580.00 per year. This contract can be renewed each year but in no event shall the term of the contract be renewed or extended beyond December 31, 2009.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

PUBLIC HEARING  
2009 DEBT SERVICE APPORTIONMENT AND  
ASSESSMENT FOR IMPROVEMENTS

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 October 8, 2008; affidavit of posting was October 8, 2008.

Finance Director Spacher presented the information relative to the Debt Service Apportionment and Assessment for Improvements. Supervisor Smith asked for questions from the audience. There being none, 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 Board approve the amount due and to become due for principal and interest during the calendar year of 2009 upon sewer bonds and bond anticipation notes issued by the Town of Perinton for construction of improvements. The Board has further

determined the amount to be charged during the calendar year 2009 for the operation and maintenance of said improvements and has completed its assessment rolls for and in connection with said debt service apportionment and assessment for maintenance and operation of said improvements as follows:

#### SEWER DISTRICTS

Perinton Consolidated Sewer District No. 8 and extensions thereto.

The said expenses for such improvements will be apportioned and assessed upon such lots or parcels of land in said District and extensions thereto in proportion to the amount of benefit which the improvement shall confer upon the same, and will be levied and collected at the same time and in the same manner as other town charges.

#### FIRE PROTECTION DISTRICTS

Bushnell's Basin Fire Protection District, Egypt Fire Protection District  
Forest Hills Fire Protection District,  
Perinton Fire Protection District

The fire protection districts provide services by contract with Bushnell's Basin Fire Association, Inc., Egypt Fire Association, Inc., not-for-profit corporations, the Village of Fairport and the Town/Village of East Rochester. The expenses for operation and maintenance of said districts are required to be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

#### LIGHTING DISTRICTS

Lake Lacoma Lighting District, Meadows Lighting District,  
Midlands Lighting District, Misty Meadows Lighting District  
Deer Run Lighting District

Lake Lacoma and Meadows Lighting Districts provide services by contract with Rochester Gas & Electric Corporation. Misty Meadows Lighting District and Midlands Lighting District provides service by contract with Fairport Municipal Commission. Deer Run Lighting District provides service by contract with Fairport Municipal Commission and Rochester Gas & Electric Corporation, for their respective franchise areas. The expenses for operation and maintenance of said districts are required to be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

#### PERINTON AMBULANCE DISTRICT

Perinton Ambulance District contracts with Perinton Volunteer Ambulance Corps, Inc., a not-for-profit corporation, to provide financial assistance including compensation insurance under the Volunteer Ambulance Workers' Benefit Law to enable it to provide an emergency medical service and a general ambulance service to sick or injured persons within the boundaries of the district which are the entire Town of Perinton including the Village of Fairport. The expense of such contributions are required to be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

#### PARK MAINTENANCE DISTRICTS

Fairmont Hills Park Maintenance District  
Wisteria Grove Park Maintenance District

Whereas no public monies are extended for the maintenance of the improvements in the park maintenance district, the expenses for such maintenance by the Town of lawns and plantings within the maintenance areas of the Fairmont Hills and Wisteria Grove Park Maintenance Districts will be assessed, levied and collected from

the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

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

#### PUBLIC HEARING SEWER RENT ORDINANCE

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 October 8, 2008; affidavit of posting was also October 8, 2008.

Finance Director Spacher reviewed the Sewer Rent Ordinance. There were no questions from the audience. All those wishing to be heard having been heard, the Public Hearing was closed.

A motion was made by Councilperson Saum, seconded by Councilperson LaFay, that the Board approve the following change in the Town Code regarding amended sewer rent charges as follows:

#### **§ 171-5. Amount of rents.**

Effective January 1, 2009 and until hereafter changed by ordinance or local law adopted by the Town Board, annual sewer rents are hereby established and imposed as follows:

A. Upon all property within the boundaries of Perinton Consolidated Sewer District No. 8 and extensions thereto, Seventy Dollars (\$70.00) per chargeable unit.

B. Upon property outside of said Perinton Consolidated Sewer District No. 8 and extensions thereto the rent shall be the sewer rent per chargeable unit duly established under S155-5A above plus a surcharge of ten per cent (10%) of said annual sewer rent.

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

#### ADOPTION OF THE 2009 TOWN OF PERINTON BUDGET

Supervisor Smith reported that a public informational meeting on the 2009 budget was held on September 24, 2008; a Public Hearing was held on October 8, 2008. The total appropriations were \$16,596,245.00.

Supervisor Smith said that, since the budget was prepared in August 2008, prices for asphalt and fuel have moderated. He said that, because of that moderation, the Board has revised the expenditures for both fuel and asphalt, decreasing the amount budgeted for asphalt by \$60,000 and the amount budgeted for fuel by \$40,000, for a revised appropriation of \$16,496,245.00.

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

WHEREAS, this Town Board has met at the time and place specified in the Notice of Public Hearings on the Preliminary Budget for 2009, and the Town Board heard questions and comments upon items on the Preliminary Budget

NOW, THEREFORE, BE IT RESOLVED, that this Town Board does hereby adopt such preliminary budget, as revised, as the annual budget of the Town for the fiscal year 2009, and that such budget as so adopted be entered in detail in the minutes of the proceedings of this Town Board, and,

BE IT FURTHER RESOLVED, that the Town Clerk of this Town shall prepare and certify in duplicate copies of said Annual Budget as adopted pursuant to Section 202-a of Town Law and deliver two copies thereof to the Supervisor of this Town to be presented by him to the Monroe County Legislature, and

BE IT FURTHER RESOLVED, that the Town Clerk of this Town be authorized to place a Notice of Adoption of said 2009 budget in the official paper of the Town of Perinton.

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

#### APPROVE CONTRIBUTION TO SENIOR LIVING COUNCIL

Councilperson Knapp, the Town of Perinton representative to the Senior Living Council, advised the Board that the Town of Perinton, Village of Fairport and Perinton Churches Housing provide financial support for the Senior Living Council, an organization which provides services for Perinton's senior citizens. Among the services provided are housing at Roselawn and Rose Hollow, the Elderbus and the Senior Options for Independence (SOFI) program. Councilperson Knapp said that, in 2008, Elderbus has provided 723 rides to 265 senior residents.

SOFI provides services for Perinton and Fairport senior citizens which help them stay in their own homes and maintain their independence. Clerk Roberts said that her office has had reason to call SOFI for senior citizens who were in need of support and has seen the results of SOFI's assistance.

Councilperson Knapp said that the Town Board has received a request from the organization for \$6,500 for the fiscal year December 1, 2008 - November 30, 2009. She asked the Board to support this request.

A motion was made by Councilperson Knapp, seconded by Councilperson Glossner, that the Town Board approve funding of \$6,500 as its contribution to the Senior Living Council for 2008-2009 and that the Board increase the appropriation in the Programs for the Aging by \$6,500 and increase the revenues from Mortgage Tax by \$6,500.

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

#### VOLUNTEER BOARD APPOINTMENT

Supervisor Smith said that Glen Peters, a member of the Board of Assessment Review (BAR) since 1980, has decided to step down from the Board. Supervisor Smith praised Mr. Peters for his long years of service to the Town.

In a memo to the Board, dated October 10, 2008, Assessor Nicholas Morabito has recommended the Board appoint Patrick Cahill to the BAR as a permanent member. He also recommended that Robert Kubera be appointed as a part-time member of the BAR.

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

WHEREAS, the term of Glen Peters as a member of the Perinton Board of Assessment Review expired on September 30, 2008, and

WHEREAS, Mr. Peters has decided to step down from the Review Board.

NOW, THEREFORE, BE IT RESOLVED, that Patrick Cahill, 9 Sanibel Drive, Fairport, NY be appointed as a member of the Perinton Board of Assessment Review, with a term to expire on September 30, 2013.

BE IT FURTHER RESOLVED, that Robert Kubera, 105 South Ridge Trail, Fairport, NY be appointed a part-time member of the Board of Assessment Review.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved.

#### DEPOSIT OF SURPLUS EQUIPMENT FUNDS

Supervisor Smith reported that each year various departments cull surplus equipment from their stock and sell it at Municipal Auction.

The Parks Department realized \$9,504.00 from the sale of its surplus equipment at auction. Recreation & Parks Commissioner James Donahue would like to deposit that money into the Capital Reserve Account for Parks Equipment.

Councilperson Saum made a motion, seconded by Councilperson LaFay, that \$9,504.00, the money received by the Parks Department from the sale of surplus equipment, be deposited in the Capital Reserve Fund for Parks Equipment.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

#### APPOINT DEPUTY TOWN CLERK

Supervisor Smith said that Jennifer West has been assisting in the Town Clerk's office for two years. He asked the Board to appoint her a Deputy Town Clerk.

A motion was made by Councilperson Glossner, seconded by Councilperson Saum, that Jennifer West, 2 Caywood Lane, Fairport NY be appointed a Deputy Town Clerk.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

#### APPROVE CHANGE WORK ORDER PINECREST SEWER

Commissioner Beck said that the Pinecrest Sewer project was completed in 2007. After construction was completed, a number of settlements occurred at various

locations within the site. Although they were not due to the contractor's direct operations, the contractor for the project, Beardsley Management Enterprises, repaired the settlements. The company removed unsuitable soils, backfilled with crusher run stone and restored surfaces with asphalt or topsoil and seed.

The soil problems were not foreseen at the time the project was bid. The contractor has repaired the damaged areas. Commissioner Beck asked the Board to approve a change work order for Pinecrest Sewer in the amount of \$21,116.69.

Councilperson Knapp made a motion, seconded by Councilperson LaFay, that change work order #1 for the Pinecrest Sewer project for Beardsley Management Enterprises in the amount of \$21,116.69 be approved. The problems were unforeseen and could not be rectified in any other way.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved.

#### APPROVE NEW YORK STATE SNOW & ICE CONTRACT

Commissioner Beck presented the 2009 New York State Snow and Ice Contract to the Board. He said that the Town plows 70.29 lane miles of New York State highways and will be reimbursed for total expenditures on a time and materials basis. He asked the Board to authorize the Supervisor to sign the contract extension.

A motion was made by Councilperson Glossner, seconded by Councilperson LaFay, that the Supervisor be authorized to sign the New York State Municipal Snow and Ice Agreement which states, in part:

WHEREAS, the Commissioner of Transportation of the State of New York (the Commissioner) and the Town of Perinton have entered into Agreement #D139724, entitled "Snow and Ice Agreement between the New York State Department of Transportation and the Town of Perinton" dated June 28, 1978; and

WHEREAS, the term of the said agreement is for a period of three years commencing July 1, 1978 and the said agreement provides that the parties may, at the end of each year of the term of the agreement, extend such term for an additional year; and

WHEREAS, the present term of the agreement, as extended, expires June 30, 2010; and

WHEREAS, Section 7 of the said agreement provides that the Commissioner shall furnish the Town of Perinton with a suitable map for each term of the agreement, or for any extended term thereof, modified to show the changes, if any, to the state highways affected by this agreement; and

WHEREAS, Section 10 of the said agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner subject to the provisions of Section 10 at the time for extension of the Agreement.

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual covenants and benefits between the parties,

1. The aforementioned "Snow and Ice Agreement Between New York State Department of Transportation and the Town of Perinton is hereby extended for a period of one year; now to expire on June 30, 2011, unless further extended.
2. The state highways or parts thereof affected by this agreement are as delineated on the attached map, agreed upon by the Commissioner and the Town of Perinton, which shall be effective for the remainder of the term of the agreement commencing July 1, 2008, unless changed by future agreement between the Commissioner and the Town of Perinton.

3. All the terms and conditions of the original contract remain in effect except as follows: the estimated expenditure as specified in Section 10 of the aforementioned agreement shall be \$3,159.5906 per lane mile for 70.29 lane miles for a total of \$222,087.62 for the 2007/2008 season and for the remainder of the term of the agreement commencing July 1, 2008, unless changed by future update.

IN WITNESS WHEREOF, this agreement has been executed by the State, acting by and through the duly authorized representative of the Commissioner and the Town of Perinton.

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

#### APPROVE TRAFFIC CONTROL DEVICE

Commissioner Beck said that Monroe County Department of Transportation is responsible for installing traffic control devices on town roads which intersect with county roads. The County would like to install a stop sign on Windchase Rise at the intersection with Whitney Road and, under the New York State Manual of Uniform Traffic Control Devices, has requested the Town Board to approve the installation of the stop sign.

Councilperson Knapp proposed the following resolution, seconded by Councilperson Saum:

WHEREAS, Monroe County, pursuant to authority granted by Section 1651 and 1652-a of the New York State Vehicle and Traffic law, has requested the establishment of a stop sign at the intersection of Windchase Rise and Whitney Road.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Perinton does hereby establish such regulation. Said stop sign will be installed in accordance with the New York State Manual of Uniform Traffic Control Devices.

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

SEPTEMBER MANUAL II	
General Fund	\$944.86
Lake Lacombe Lighting District	14.06
Meadows Lighting District	426.10
Deer Run Lighting District	<u>47.26</u>
	\$1,132.28 Total

The above items were paid with check #71371.

OCTOBER AUDIT	
General Fund	\$77,996.84
Town Outside of Village	108,612.57
Recreation	53,276.77
Highway General Repair	62,317.70
Highway Snow & Miscellaneous	213,047.91
Joint Sewer	22,218.51

Special Recreation	22,142.81
Debt Service Sewer	1,958.25
Egypt Fire Protection District	64.40
Fairmont Hills Maintenance District	315.00
O'Connor Road Relocation Project	14,108.54
DPW Redevelopment	503,070.54
RS&E Pedestrian Bridge Project	23,393.53
Pinecrest - Extension 51	<u>9,909.00</u>
	\$1,139,432.37 Total

The above items were numbers 3207 - 33653.

OCTOBER MANUAL	
General Fund	\$59,245.62
Town Outside of Village	2,953.78
Recreation	28,452.31
Joint Sewer	8,461.93
Midlands Lighting District	407.86
Lake Lacoma Lighting District	13.40
Meadows Lighting District	416.26
Deer Run Lighting District	1,486.42
Misty Meadows Lighting District	<u>110.23</u>
	\$101,546.81 Total

The above items were paid with checks # 71609 - 71613, 71625 - 71628, 71639, 71640.

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