

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, June 11, 2008

PRESENT: James E. Smith Supervisor
David C. Glossner Councilperson
Carolyn H. Saum Councilperson
Joseph H. LaFay Councilperson

ABSENT: Patricia S. Knapp 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; James Brasley, 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 Saum made a motion, seconded by Councilperson LaFay, that the minutes of the Town Board meeting of May 28, 2008 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING
UNSAFE BUILDING
86 MIDVALE DRIVE

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 May 28, 2008; affidavit of posting was also May 28, 2008.

Building Director Copp stated that a vacant building at 86 Midvale Drive, tax account # 152.06-1-8, suffered substantial structural fire damage in June 2007. The roof was burned off the rear single-story portion of the building, the exterior walls of the rear portion of the building were substantially burned away and the interior of that portion of the building was destroyed. The fire extended into the rear of the second floor of the building, heavily damaging the roof, exterior walls and interior walls. The roof is open to the elements and the building is rapidly deteriorating. It has been determined to be unsafe. On a recent visit the house was open and unsecured.

On May 14, 2008, as per Chapter 95 of the Code of the Town of Perinton, Unsafe Buildings, Mr. Copp submitted an Unsafe Building Report to the Town Board. A Notice of Determination of an Unsafe Building was delivered to the owner of record.

Robert O'Connell, Esq. appeared at the May 14 meeting, representing the owner, Robert Elliott. He said that Mr. Elliott has had contact with a contractor who has inspected the house and determined that the first floor can be salvaged. However, the Town has had no contact from either Mr. O'Connell or Mr. Elliott since that time and the building has continued to deteriorate. Mr. Copp recommended that the building be demolished.

Supervisor Smith asked about the process for Town demolition. Mr. Copp replied that, according to Town Code, if the Town Board determines that a building should be demolished, the owner of the building is given ten days from date of service of the Notice of Unsafe or Dangerous Building to begin take acceptable action. That action must be completed within 30 days of service. If the owner does not comply with the Notice the Town may demolish the building and assess all expenses incurred against the property's Town tax bill.

Doris Hooker, 45 Midvale Drive, said that she was worried that trespassers in the building will be injured. She said that, while the house appears intact from the front, anyone using the footpath to East Rochester can recognize that the building is open and unsecured.

Mike Mooney, 70 Midvale Drive, said that there are serious safety issues with the building. He said that, historically, the house has not been maintained.

Rick Christie, 57 Midvale Drive, said that the house's deterioration would affect property values in the neighborhood. He said that windows that were boarded up have been uncovered and that a recreational vehicle parked in the driveway was being used as a residence. There were also abandoned vehicles on the property.

Mary Christie, 57 Midvale Drive, asked what constituted acceptable action on the property. Mr. Copp said that depends on the Town Board's determination of the state of the building. If it determines that the building can be salvaged the owner would have to present the Building Department with a plan of action to repair the building within ten days and would have to apply for a Building Permit and begin the work before the 30 days had passed. If the Board determines that the building should be demolished the demolition would have to begin before the ten days ended.

Supervisor Smith asked if the building could be repaired. Mr. Copp said it could not. There was a possibility that the foundation was salvageable; it has not been inspected since the fire.

Councilperson LaFay asked about utilities. Mr. Copp said the electric service was disconnected after the fire. He did not know if the water service has been turned off.

There were no further questions from the Board or the audience. Supervisor Smith said that the Public Hearing would be held open until June 25, 2008 to give the owner or his attorney the opportunity to appear before the Board. The time for acceptable action will begin with service of the Notice of Unsafe or Dangerous Building.

A motion was made 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. The owner will be given 10 days, as per Code, to begin demolition work and 30 days to complete that work. The Board also authorizes Mr. Copp to begin soliciting bids to demolish the house so that, if demolition has not started after ten days, the Town will be able to do so.

Councilperson Saum asked how the ten days would be determined. Mr. Copp said that the owner must be served and the notice of service filed in the County Clerk's Office. He said the Town would try to personally serve the owner. If that were possible the ten days would begin when the owner was served. If they could not personally serve the owner, the notice would be sent by registered mail and a notice of service posted on the property. Attorney Place said it would be necessary to add five days to the timeline if the notice of service was mailed.

Councilperson LaFay seconded the motion.

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

Supervisor Smith asked Mr. Copp if the owner had any recourse once the ten days have passed. Attorney Place said that the June 25th meeting will occur before the ten days have passed. Should the owner or his representative appear at that meeting the Board could delay the process. That would be the Board's decision.

PUBLIC HEARING
UNSAFE BUILDING
245 AYRAULT ROAD

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Fairport ER Post on May 28, 2008; affidavit of posting was also May 28, 2008.

Building Director Copp stated that a vacant building at 245 Ayrault Road, tax account # 165.14-2-15, has been determined to be unsafe. It has lapsed into a state of gross disrepair over the last several years. The rear porch and roof over the kitchen area of the building have collapsed and the building is open to the elements. The roof over the front portion of the building leaks; the roof structure appears to be in danger of collapse. The gutters are falling off or sagging from the weight of debris; the yard is littered with debris, yard equipment and bags of trash.

On May 14, 2008, as per Chapter 95 of the Code of the Town of Perinton, Unsafe Buildings, Mr. Copp submitted an Unsafe Building Report to the Town Board. A Notice of Determination of an Unsafe Building was delivered to the owner of record.

The purported owner of the building is deceased. The estate has no money to care for the house or repair it. Liens already exist against the property, which cannot be maintained. He recommended that the house be demolished.

There were no further questions from the Board or the audience. Supervisor Smith said that the Public Hearing would be held open until June 25, 2008 to give the estate's attorney the opportunity to appear before the board. The time for acceptable action would begin with service of the Notice of Unsafe or Dangerous Building.

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. The owner will be given 10 days, as per Code, to begin demolition work and 30 days to complete that work. The Board also authorizes Mr. Copp to begin soliciting bids to demolish the house so that, if demolition has not started after ten days, the Town will be able to do so.

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

PUBLIC HEARING
SPECIAL USE PERMIT
CAR WASH
1200 FAIRPORT ROAD

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Fairport ER Post on May 28, 2008; affidavit of posting was also May 28, 2008.

Supervisor Smith explained that the Public Hearing for a Special Use Permit is the time for public comment on a proposal. The Board will ask some questions of the applicant and will also listen to questions and comments from the audience. The proposal will then be referred to the Planning Board for its comments. No decision will be made until after the Planning Board comments have been received.

Michelle Landers, Landers Enterprises, addressed the Board. She said that Landers Enterprises would like to construct a car wash and retail store at 1200 Fairport Road. They operate a car wash in Henrietta which is similar to the one they are proposing for Fairport Road: two self-service bays, two self-service laser wash bays and one attendant-run tunnel mechanical car wash. The retail store/coffee shop will have a drive-through lane. A second part of the development may be an additional retail building west of the proposed car wash.

Christopher Martin, Corneles Engineering, spoke to the Board. He said the project would be done in phases. The first phase will be the car wash and the drive through coffee shop.

The site will be reconfigured so that the main entrance is aligned with the signal light at Sunset Trail. An access road will be provided to the Subway restaurant and the golf course. They are required by Code to provide 110 stacking spaces for the car wash. They can fit 42 spaces on the site. They believe, based on the activity at the car wash in Henrietta that 42 spaces will be enough. They will apply to the ZBA for a variance for fewer stacking spaces. There are enough parking spaces for the retail store.

Mr. Martin said that Town Code requires 35% of the area to be green space. They will be able to provide that amount of green space. Storm water management for the parcel will meet NYSDEC Phase II and Irondequoit Creek Coalition guidelines. Any spills and leaks will be treated with oil and grit separators.

The dumpster location, which is not shown on the schematic, will be at the rear of the parcel and will be enclosed with concrete block in a style similar to the main buildings.

Mr. Martin said that this business will not generate traffic but will get passer-by traffic for both the car wash and the retail shop.

The applicants have reviewed the Baird Road-Fairport Road-Whitney Road Subarea Report and Recommendations from the 2000 Comprehensive Plan Update. They believe this application is in compliance because the site is mixed use and will provide services to the neighborhood, traffic on the site will be managed with traffic easements so that two curb cuts can be eliminated and they will provide a sidewalk easement to the Town. The buildings, which will have an architectural style similar to the Baird Road schoolhouse, will be close to Fairport Road, with parking behind the building. The site will be improved with landscaping, retaining as many of the existing healthy trees as possible.

NYSDOT has reviewed the concept plan and is in favor of the elimination of two curb cuts.

Supervisor Smith asked if the drive-through coffee shop would need a special permit. Building Director Copp said that the Zoning Board of Appeals would address the issue of a drive-through.

Councilperson Glossner asked about the development phases. Mr. Martin said ideally Phase 1 would be the carwash and the coffee shop. Phase 2 would be the parcel to the west. However, given the uncertain economic times, it was possible that the carwash and the coffee shop would be developed separately.

Councilperson Glossner asked whether there would be employees on site for the carwash. Mrs. Landers said that there would be an attendant present when the tunnel carwash was open. At other times the site would be monitored with TV cameras.

Councilperson Glossner asked about hours of operation. Mr. Landers said the self-serve spray and laser washes would be open 24 hours a day. The tunnel car wash would be open from 6am to 8 pm.

The following members of the audience spoke in favor of the car wash:

Brian O'Reilly, 27 Chaseview Road
Rosella Burke, 8 Chaseview Road
Angela Christian, 24 Chaseview Road
Mary Marsh, 6 Suffolk Street
Ernest Dankert, 18 Kilkenny Court
Patrick O'Reilly, 27 Chaseview Road
Christopher Leverett, 12 Chaseview Road

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

A motion was made by Councilperson Saum, seconded by Councilperson Glossner, that the request for a Special Use Permit to construct and operate a car wash at 1200 Fairport Road, Fairport, NY , be referred to the Planning Board.

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

PUBLIC HEARING
SPECIAL USE PERMIT
KARATE STUDIO
HITCHING POST PLAZA

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 May 28, 2008; affidavit of posting was also May 28, 2008.

Christopher Chase addressed the Board. He is requesting a Special Use Permit to operate a karate studio on the second floor of Hitching Post Plaza. He has run a karate school in Pittsford for the last 12 years and would now like to open one in Perinton.

Mr. Chase said that his primary hours of operation are 5:30 pm to 8:30 pm Monday through Thursday and 9am to 11 am on Saturdays. He also has students visiting from out of the area and may be working with them at other times.

Supervisor Smith asked if this school would be in addition to the school in Pittsford. Mr. Chase said that, initially, it would. He may eventually close the Pittsford school and instruct all his students at the Perinton location.

Councilperson LaFay asked if there was adequate parking at Hitching Post Plaza. Mr. Chase said there was.

Councilperson Glossner asked about the ages of his students. Mr. Chase said they range in age from 5 years old to 65 years old.

Supervisor Smith asked if there were any questions or comments from the audience. There were none. That being the case, and all those wishing to be heard having been heard, the Public Hearing was closed.

1. The original Petition, pursuant to Article 12 of the Town Law for the creation of Extension No. 48 to Perinton Consolidated Sewer District No. 8, dated May 13, 2008 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 October, 2006 made by BME 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 June 3, 2008 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 May 14, 2008.
5. The Affidavit of Publication of the Perinton-Fairport Post showing publication of a certified copy of the Order for Hearing on May 28, 2008.
6. The Affidavit of Susan C. Roberts, showing that a copy of the Order for Hearing was posted on the Sign Board maintained by the Town Clerk on May 28, 2008.
7. Stone Brook was granted a negative declaration under SEQR by the Town Board on August 22, 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 Saum 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. 48 to Perinton Consolidated Sewer District No. 8 to include the real property described herein, dated May 13, 2008, 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. 54 to Perinton Consolidated Sewer District No. 8 is described as follows:

ALL THAT TRACT OR PARCEL OF LAND, containing 5.241 acres more or less, situate in the Phelps and Gorham Purchase, Township 12, Range 4, Town Lots 23 & 26, Town of Perinton, County of Monroe, and State of New York, as shown on the drawing entitled "Stonebrook, Sewer District Extension No. 48, to Consolidated Sewer District No. 8, "prepared by BME Associates, having drawing number 2125-31, last revised April 10, 2008, being more particularly bounded and described as follows:

Commencing at a point, said point being the intersection of the southerly boundary line of lands now or formerly of Michael S. Root and Tracie Comstock (T.A. No. 180.02-01-09) with easterly boundary line of Thayer Road (49.5' Right-of-Way); thence

A. N89 20'30"E, along said southerly boundary line of lands of Root/Comstock, a distance of 145.88 feet to a point at the southeasterly boundary corner thereof, said point also being the Point of Beginning; thence

1. N00 01'34"W, along the easterly boundary line of said lands of Root/Comstock and along the easterly boundary line of lands now or formerly of Calvin Leiston (T.A. No. 180.02-01-10) and Albert H. and Lavilla A. Underhill (T.A. No. 180.02-01-11), a distance of 359.48 feet to a point on a southerly boundary line of said lands of Underhill; thence

2. N89 12'26"E, along said southerly boundary line of lands of Underhill, a distance of 102.33 feet to a point at the most northerly southeasterly boundary corner thereof; thence

3. N00°14'53"W, along the easterly boundary line of said lands of Underhill and along the easterly boundary line of lands now or formerly of Lyle E. and Janette Notebaert (T.A. No. 180.02-01-14), a distance of 242.64 feet to a point on the southerly right-of-way line of New York State Route 31 (Pittsford-Palmyra Road)(Right-of-Way width varies); thence

4. S86 44'58"E, along said southerly right-of-way line of New York State Route 31, a distance of 190.22 feet to point on the westerly boundary line of lands now or formerly of James A. and Kayla M. Biltucci (T.A. No. 180.02-01-15); thence

5. S01°55'41"W, along said westerly boundary line of lands of Biltucci, a distance of 146.78 feet to a point on the southwesterly boundary corner thereof; thence
6. S83 44'53"E, along the southerly boundary line of said lands of Biltucci, a distance of 180.08 feet to a point at the southeasterly boundary corner thereof; thence
7. N00°30'53"W, along the easterly boundary line of said lands of Biltucci, a distance of 30.81 feet to point; thence
8. N89°25'54"E along a southeasterly boundary line of lands of Biltucci, a distance of 4.99 feet to a point on a westerly boundary line of lands now or formerly of Amerada Hess Corporation (tax account #. 180.02-01-16); thence
9. S01°05'54"E, along said westerly boundary line of Amerada Hess Corporation and along the westerly boundary line of lands now or formerly of Despatch Properties Inc. (T.A. No. 180.02-01-17), a distance of 451.88 feet to a point on the northerly boundary line of Consolidated Sewer District No. 8, Extension No. 8; thence
10. S89°20'30"W, along said northerly boundary line of Consolidated Sewer District No. 8, Extension No. 11, a distance of 478.50 feet to the Point of Beginning.

The foregoing described land is shown on a map entitled "Stonebrook", dated October, 2006, made by BME Associates, competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed Extension No. 48 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. 48 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 and LaFay
 Nays: None
 Unanimously approved

Whereupon the Supervisor declared the foregoing determination and resolution of approval of the creation of Extension No. 48 to Perinton Consolidated Sewer District No. 8 adopted.

PUBLIC HEARING
 EXTENSION #54 TO
 PERINTON CONSOLIDATED SEWER DISTRICT #8
 THE ESTATES AT WIND CHASE

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 May 28, 2008; affidavit of posting was also May 28, 2008.

Commissioner Beck reviewed the plans for the sewer extension at The Estates at Windchase. A petition for the creation of the extension was submitted by

DiRisio Builders, developer of the project, which will construct and finance the extension.

TOWN OF PERINTON MONROE COUNTY NEW YORK

In the Matter of the Establishment of
EXTENSION No. 54 to PERINTON
CONSOLIDATED SEWER DISTRICT No. 8
(The Estates at Windchase)

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 June 11, 2008 at 8 p.m., local time, there were

PRESENT: Supervisor James E. Smith; Councilpersons David C. Glossner, Carolyn H. Saum, and Joseph LaFay.

ABSENT: Councilperson Patricia S. Knapp

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. 54 to Perinton Consolidated Sewer District No. 8 to include The Estates at Windchase.

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. 54 to Perinton Consolidated Sewer District No. 8, dated May 13, 2008 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 April, 2007 made by BME 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 June 3, 2008 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 May 14, 2008.
5. The Affidavit of Publication of the Perinton-Fairport Post showing publication of a certified copy of the Order for Hearing on May 28, 2008.
6. The Affidavit of Susan C. Roberts, showing that a copy of the Order for Hearing was posted on the Sign Board maintained by the Town Clerk on May 28, 2008.
7. The Estates at Windchase was granted a negative declaration under SEQR as part of the preliminary subdivision approval by the Planning Board on August 1, 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 Glossner and was seconded by Councilperson Saum :

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. 54 to Perinton Consolidated Sewer District No. 8 to include the real property described herein, dated May 13, 2008, 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. 54 to Perinton Consolidated Sewer District No. 8 is described as follows:

ALL THAT TRACT OR PARCEL OF LAND, containing 16.837 acres more or less, situate in the Phelps and Gorham Purchase, Township 12, Range 4, Town Lot 19, Town

of Perinton, County of Monroe, and State of New York, as shown on the drawing entitled "The Estates at Windchase, Sewer District Extension No. 54 To Consolidated Sewer District No. 8," prepared by BME Associates, having drawing number 2209-13, last revised April 08, 2008, being more particularly bounded and described as follows:

Commencing at a point at the intersection of the westerly boundary line of lands of Thomas Park Subdivision, as filed at the Monroe County Clerk's Office in Liber 307 of Maps, Page 63, with the northerly right-of-way line of Whitney Road East (County Road 17)(66' Right-of-Way); thence

A. S88 21'46"W, along said northerly right-of-way line of Whitney Road East, a distance of 251.37 feet to the Point of Beginning; thence

1. S88 08'35"W, continuing along said northerly right-of-way line of Whitney Road East, a distance of 291.91 feet to a point of cusp on the westerly right-of-way line of Windchase Rise (60' Right-of-Way); thence

2. Northeasterly, along said westerly right-of-way line of Windchase Rise and along the arc of a curve to the left, having a radius of 30.00 feet and a chord bearing of N43 08'35"E, a distance of 47.12 to a point of tangency; thence

3. N01°51'25"W, continuing along said westerly right-of-way line of Windchase Rise, a distance of 120.00 feet to a point on the southerly boundary line of Lot 15; thence

4. S88 08'35"W, along said southerly boundary line of Lot 15, a distance of 549.37 feet to a point on the easterly boundary line of lands of County Clare Subdivision, Section 6, as filed at the Monroe County Clerk's Office in Liber 321 of Maps, Page 25.

5. N01°02'07"W, along said easterly boundary line of lands of County Clare Subdivision, Section 6, a distance of 723.10 feet to a point on the southerly boundary line of lands of County Clare Subdivision, Section 4, as filed at the Monroe County Clerk's Office in Liber 244 of Maps, Page 26; thence

6. N88 34'43"E, along said southerly boundary line of lands of County Clare Subdivision, Section 4, a distance of 1,051.88 feet to a point on the aforementioned westerly boundary line of lands of Thomas Park Subdivision; thence

7. S01°53'09"E, along said westerly boundary line of lands of Thomas Park Subdivision, a distance of 452.00 feet at the northeasterly boundary corner of Lot 16 of the Estates at Windchase; thence

8. S88°21'46"W along the northerly boundary line of said Lot 16, a distance of 251.37 feet to a point at the northwesterly boundary corner thereof: thence

9. S01°53'09"E, along the easterly boundary line of said Lot 16, a distance of 414.00 feet to the Point of Beginning.

The foregoing described land is shown on a map entitled "The Estates at Windchase", dated April, 2007, made by BME Associates, competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed Extension No. 54 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. 54 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, 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. 54 to Perinton Consolidated Sewer District No. 8 adopted.

ORDER FOR HEARING
AMENDMENT TO SECTION 138
CODE OF THE TOWN OF PERINTON
FLOOD PLAIN MANAGEMENT

Building Director Copp reported that the Federal Emergency Management Agency (FEMA) is requiring that all flood damage prevention regulations be consistent with Federal standards. The model local law prepared by FEMA has been revised to specify the Town of Perinton as the authority having jurisdiction, to provide citations to other provisions in the Town Code, to specify variance procedures and to designate the Town of Perinton as permit administrator. Because of the number of changes made to the existing section of code the entire chapter is being replaced. The proposed new Chapter 138 is as follows:

Chapter 138

FLOOD DAMAGE PREVENTION

§ 138-1. Title; compliance with federal standards.	§ 138-9. Penalties for offenses.
§ 138-2. Findings.	§ 138-10. Warning and disclaimer of liability.
§ 138-3. Purpose.	§ 138-11. Designation of local administrator.
§ 138-4. Objectives.	§ 138-12. Development permit.
§ 138-5. Definitions. administrator.	§ 138-13. Duties of local
§ 138-6. Applicability.	§ 138-14. Construction standards.
§ 138-7. Basis for establishing areas of special flood hazard.	§ 138-15. Variances.
§ 138-8. Interpretation of provisions.	

[HISTORY: Adopted by the Town Board of the Town of Perinton 3-11-1992 by L.L. No. 2-1992 (Ch. 88 of the 1976 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction – See Ch. 88.

Zoning – See Ch. 208.

Erosion and sediment control – See Ch. 119.

§ 138-1. Title; compliance with federal standards.

This chapter shall hereafter be known as the “Flood Damage Prevention Chapter of the Town of Perinton” This chapter complies with National Flood Insurance Program Floodplain Management Criteria for flood-prone areas, 44 CFR 60.3 (d), as revised August 28, 2008.

§ 138-2. Findings

The Town Board of the Town of Perinton finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Perinton and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted.

§ 138-3. Statement of Purpose

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages;
- E. Regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- F. Qualify and maintain for participation in the National Flood Insurance Program.

§ 138-4. Objectives

The objectives of this chapter are:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally under-taken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. Provide that developers are notified that property is in an area of special flood hazard; and,
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

138-5 Definitions

A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

B. As used in this chapter, the following terms shall have the meanings indicated:

APPEAL means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

AREA OF SHALLOW FLOODING means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one per-cent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT means that portion of a building having its floor subgrade (below ground level) on all sides.

BUILDING see "Structure"

CELLAR has the same meaning as "Basement".

CRAWL SPACE means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

FEDERAL EMERGENCY MANAGEMENT AGENCY means the Federal agency that administers the National Flood Insurance Program.

FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD OR FLOODING also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

FLOOD ELEVATION STUDY means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

FLOOD INSURANCE RATE MAP (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY see "flood elevation study".

FLOOD PLAIN OR FLOOD-PRONE AREA means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

FLOOD PROOFING means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - has the same meaning as "Regulatory Floodway".

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a

- district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior or
 - (ii) directly by the Secretary of the Interior in states without approved programs.

LOCAL ADMINISTRATOR is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

LOWEST FLOOR means lowest floor of the lowest enclosed area (including basement or cellar). An un-finished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME - has the same meaning as "Manufactured home".

NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any sub-subsequent improvements to such structure.

ONE HUNDRED YEAR FLOOD OR 100YEAR FLOOD has the same meaning as "Base Flood".

PRINCIPALLY ABOVE GROUND means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and

- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

START OF CONSTRUCTION means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

VARIANCE means a grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this local law.

§ 138-6. Applicability

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Perinton, Monroe County.

§ 138-7. Basis for Establishing the Areas of Special Flood Hazard

A. The areas of special flood hazard for the Town of Perinton, Community Number 360428, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map Panel Numbers:

36055C0376G, 36055C0377G, 36055C0378G, 36055C0379G, 36055C0381G, 36055C0382G, 36055C0383G, 36055C0384G, 36055C0386G, 36055C0387G, 36055C0391G, 36055C0392G, 36055C0401G, 36055C0403G, 36055C0411G whose effective date is August 28, 2008, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

(2) A scientific and engineering report entitled "Flood Insurance Study, Monroe County, New York, All Jurisdictions" dated August 28, 2008.

B. The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at the Town of Perinton, 1350 Turk Hill Road, Fair-port, New York.

§ 138.8. Interpretation and Conflict With Other Laws

- A. This chapter includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.
- B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

§ 138-8.1. Severability

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

§ 138.9. Penalties for Non-compliance

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall be punishable pursuant to Chapter 115, Enforcement Procedures. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Perinton from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under Section 138-15 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

§ 138-10. Warning and Disclaimer of Liability

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Town of Perinton, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made there under.

§ 138-11. Designation of the Local Administrator

The Commissioner of Public Works is hereby appointed Local Administrator to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.

§ 138-12. The Floodplain Development Permit

- A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 138-7A, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Fees. The applications for a floodplain development permit shall be accompanied by an application fee as set from time to time by the Town Board. In addition, the applicant shall be responsible for reimbursing the Town of Perinton for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.
- C. Application for a Permit. The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.
- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
 - (2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be flood proofed. Upon completion of the flood proofed portion of the structure, the permittee shall submit to the Local Administrator the as-built flood proofed elevation, certified by a professional engineer or surveyor.
 - (3) A certificate from a licensed professional engineer or architect that any utility flood proofing will meet the criteria in Section 138-14C(3), UTILITIES.
 - (4) A certificate from a licensed professional engineer or architect that any non-residential flood proofed structure will meet the flood proofing criteria in Section 138-14E, NON-RESIDENTIAL STRUCTURES.
 - (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 138-7A, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant

must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

- (6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

§ 138-13. Duties and Responsibilities of the Local Administrator

Duties of the Local Administrator shall include, but not be limited to the following.

A. Permit Application Review

- (1) The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:
 - (a) Review all applications for completeness, particularly with the requirements of subsection 138-12C, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.
 - (b) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 138-14, CONSTRUCTION STANDARDS and, in particular, sub-section 138-14A, SUBDIVISION PROPOSALS.
 - (c) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 138-14, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (d) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

B. Use of Other Flood Data

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the

Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to Section 138-12C(6), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.

- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

C. Alteration of Watercourses

- (1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

D. Construction Stage

- (1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of flood proofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or flood proofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

E. Inspections. The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

F. Stop Work Orders

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any flood-plain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 138-9 of this chapter.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any flood-plain development found non-compliant with the provisions of this chapter and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 138-9 of this chapter.

G. Certificate of Compliance

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 138-7, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this chapter.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 138-13E, INSPECTIONS, and/or any certified elevations, hydraulic data, flood proofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

H. Information to be Retained. The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-section 138-13D, and whether or not the structures contain a basement;
- (3) Flood proofing certificates required pursuant to sub-section 138-13D(1), and whether or not the structures contain a basement;
- (4) Variances issued pursuant to Section 138-15, VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 138-13C, ALTERATION OF WATERCOURSES.

§ 138-14 Construction Standards

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 137-7A.

A. Subdivision Proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

B. Encroachments

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

- (a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
 - (b) The Town of Perinton agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Perinton for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Perinton for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 138-7 no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
- (a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
 - (b) The Town of Perinton agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Perinton for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Perinton for all costs related to the final map revisions.

C. Standards for all Structures

- (1) Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- (2) Construction Materials and Methods.
- (a) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (b) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (c) Parking and Storage Areas
 - (1) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, de-signed to automatically equalize hydrostatic flood forces on exterior walls by al-lowing for the entry and exit of flood waters. Designs for meeting this requirement must either be

certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(b) The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

(2) Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

(3) Utilities

(a) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at or above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;

(b) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(c) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,

(d) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Residential Structures. The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-section 138-14A, SUBDIVISION PROPOSALS, and 138-14B, ENCROACHMENTS, and Section 138-14C, STANDARDS FOR ALL STRUCTURES.

(1) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.

(2) Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

(3) Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the

highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 137-7A (at least two feet if no depth number is specified).

- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

E. Non-residential Structures. The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 138-14A, SUBDIVISION PROPOSALS, and 138-14B, ENCROACHMENTS, and Section 138-14C, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:
 - (a) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (b) be flood proofed so that the structure is watertight below two feet above the base flood elevation with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - (b) together with attendant utility and sanitary facilities, be completely flood proofed to that level to meet the flood proofing standard specified in sub-section 138-14E(1) (b)
- (3) If the structure is to be flood proofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Flood proofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 138-14E (1)(b), including the specific elevation (in relation to mean sea level) to which the structure is to be flood proofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

F. Manufactured Homes and Recreational Vehicles. The following standards in addition to the standards in Section 138-14 A-C CONSTRUCTION STANDARDS apply, as indicated, in areas of special flood hazard to

manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - (a) be on site fewer than 180 consecutive days,
 - (b) be fully licensed and ready for highway use, or
 - (c) meet the requirements for manufactured homes in paragraphs 138-14 F(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (3) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
- (4) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 138-9 (at least two feet if no depth number is specified).

§ 138-15 Variance Procedure

A. Appeals Board

- (1) The Zoning Board of Appeals as established by the Town Board shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;

- (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location, where applicable;
 - (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (k) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (l) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 138-15A(4) and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
 - (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

B. Conditions for Variances

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-1) in Section 138-15A(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon de-termination that:
 - (a) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
 - (b) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- (a) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
- (b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
 - (a) a showing of good and sufficient cause;
 - (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
 - (a) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance commensurate with the increased risk
 - (b) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 138-13 H of this chapter.

Mr. Copp asked that the Board set a date for a Public Hearing to discuss the proposed changes to Chapter 138 of the Code of the Town of Perinton.

A motion was made by Councilperson , seconded by Councilperson, that 8pm on July 9, 2008 at the Perinton Town Hall, 1350 Turk Hill Road, Fairport NY be set as the time, date and place for a Public Hearing to discuss proposed changes to Chapter 138 of the Code of the Town of Perinton, Flood Plain Management.

Ayes: Smith, Glossner, Saum, LaFay

Nays: None

Unanimously approved

S. Chris Fredette, Conservation Board, asked when the new flood plain maps would be available. Commissioner Beck said that they were now available on CD, but would not be available in hard copy for several months.

ASSESSOR APPOINTMENT

Supervisor Smith said that Assessor Katherine Kramer has submitted her resignation, effective June 28, 2008. The Board has interviewed Deputy Assessor

Nicholas Morabito for the position of Assessor and Real Property Appraiser Carol Schaubroeck for the position of Deputy Assessor.

Councilperson Saum made a motion, seconded by Councilperson Glossner, that Nicholas Morabito, 11 Creekwood Lane, Pittsford, NY be appointed Assessor, effective June 30, 2008 at a salary of \$70,198.00, to complete Katherine Kramer's term which ends September 30, 2013 and Carol Schaubrock, 54 Washington Road, Pittsford, NY be appointed Deputy Assessor, at a salary of \$45,024.00 effective June 30.

Ayes: Smith, Glossner, Saum, LaFay

Nays: None

Unanimously approved

MID-YEAR SALARY ADJUSTMENTS

Supervisor Smith said the Town Board has received a memo from Recreation & Parks Director James Donahue, dated June 1, 2008, requesting mid-year salary adjustments for three full-time staff members. He asked the Board to approve those adjustments for Jeffrey Ackerman, Laura Silins and Matt Steffen.

Councilperson Saum made a motion, seconded by Councilperson LaFay, that the Town Board approve the mid-year salary adjustments, effective June 30, 2008 for Recreation Supervisor Jeff Ackerman, and Head Lifeguard Laura Silns, to salaries of \$42,614.00 and Head Lifeguard Matt Steffen to a salary of \$37,886.00.

Ayes: Smith, Glossner, Saum, LaFay

Nays: None

Unanimously approved

APPROVE FITNESS EQUIPMENT PURCHASE

Recreation & Parks Commissioner Donahue said that the fitness equipment purchased when the Community Center opened eleven years ago is in constant need of repair and needs to be replaced. The staff has researched replacement equipment and recommends the purchase of Life Fitness equipment. It has many new safety and convenience features built into the equipment. The fourteen single exercise Life Fitness stations will replace twelve existing Hoist dual purpose machines.

The Town's Precor cardiac equipment has held up relatively well, but needs regular maintenance and repairs. Replacing the Precor equipment with Life Fitness equipment should provide excellent cardiac equipment with fewer maintenance costs and more up to date electronics.

The Life Fitness equipment is available on New York State contract and is sold and serviced by a Rochester area company, G & G Fitness. The company will provide the Town with a three year extended warranty on the equipment at no additional charge.

Commissioner Donahue asked the Board to approve the purchases and authorize the transfer of \$90,000 from the Capital Reserve Fund for Recreation Equipment to the Recreation Fund to cover the cost of the new fitness equipment.

A motion was made by Councilperson Glossner, seconded by Councilperson Saum, that Commissioner Donahue be authorized to purchase Life Fitness equipment from New York State contract, at a cost not to exceed \$90,000, and that \$90,000 be transferred from the Capital Reserve Fund for Recreation Equipment to the Recreation Fund. The funds transfer is subject to Permissive Referendum.

Ayes: Smith, Glossner, Saum, LaFay

Nays: None
Unanimously approved

AUTHORIZATION TO LEASE
202 HOWELL ROAD

Supervisor Smith said that the house at 202 Howell Road, which is owned by the Town, is traditionally rented to Town employees. The employee keeps up the property and provides oversight for Normandie Park. The employee who has been living there has left. Chris Mascari, an employee of the Department of Public Works, has applied to rent the house. The Supervisor asked the Board to authorize him to sign the lease agreement with Mr. Mascari.

Councilperson LaFay made a motion, seconded by Councilperson Saum, that the Supervisor be authorized to sign a month-to-month lease for renting 202 Howell Road for \$500 a month plus utilities.

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

APPROVE BANKING RELATIONSHIP
FIRST NIAGARA BANK COMMERCIAL BANK

Supervisor Smith said that the Town Board must give its approval before the Town can establish a banking relationship with a new bank. Finance Director Kevin Spacher has sent the Board a memo, dated June 3, 2008, asking for approval to establish such a relationship with First Niagara. The bank is an active participant in government banking in the area and has a vice-president dedicated to government banking. Mr. Spacher feels that such a relationship could be beneficial to the Town in the future. The Town Attorney and the Finance Director have reviewed the Municipal Deposit Resolution and Collateral Agreement.

A motion was made by Councilperson Saum, seconded by Councilperson LaFay, that the Finance Director be empowered to establish a banking relationship with First Niagara Bank Commercial Bank.

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

APPROVE CONTRACT WITH FIRST NIAGARA BANK
ACTUARIAL WORK

Supervisor Smith said that one of the Government Accounting Standards Board (GASB) standards, GASB 45, requires the Town to include an actuarial calculation of its "Other Post Employment Benefits" in the Town's financial statement, beginning with those issued for the year ending December 31, 2008. This is a computation of the cost of benefits being earned in this and past years, which the Town will be liable for in some future year and which must be reported as a liability.

Finance Director Spacher issued Requests for Proposals from firms offering the actuarial service necessary to make these determinations. Four firms responded. First Niagara was the low respondent.

Mr. Spacher has contacted the references offered by First Niagara. Each was positive about the experience. He has also discussed the proposal with the Town's auditor, who spoke positively about the clarity and format of First Niagara's reports. Mr. Spacher recommended the Town use the actuarial service provided by First Niagara

Bank. If the Board approves the actuarial contract the 2008 budget will need to be amended to cover the cost of \$4,000.

Councilperson Glossner made a motion, seconded by Councilperson Saum, that the Supervisor be authorized to sign a contract with First Niagara Bank to provide the actuarial services required to meet the GASB 45 requirements and that the 2008 budget be amended by increasing the Appropriation for Audit Fees and the Income from Mortgage Tax by \$4,000 each.

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

APPOINT LABORER: PARKS DEPARTMENT

Commissioner Donahue said that a laborer position has opened at the Parks Operations Center. He recommended that Robert Cooper be hired to fill the vacancy. Mr. Cooper is experienced in ground equipment operations, carpentry, electrical and plumbing. He has had supervisory experience which will help with part-time staff.

A motion was made by Councilperson Saum, seconded by Councilperson LaFay, that Robert Cooper, 160 Parce Avenue, Fairport, NY, be appointed a laborer in the Parks Department, effective June 23, 2008, at a starting salary of \$13.37 per hour.

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

APPROVE SEASONAL PART-TIME HIRE BUILDING DEPARTMENT

Building Director Copp said that in the summer his office uses a seasonal part-time employee to help with small residential improvement permits, follow up on expired permits, zoning complaints and record scanning. He asked the Board to approve hiring Ken Matzan as a seasonal part-time employee effective June 2, 2008. The position is funded in the Building Department's 2008 budget.

Councilperson Glossner made a motion, seconded by Councilperson Saum, that Ken Matzan, 22 Mount Vernon Circle, Fairport, NY, be hired as a seasonal part-time employee in the Building Department, effective retroactively to June 2, 2008 at an hourly salary of \$8.08.

Ayes: Smith, 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 May be approved.

Ayes: Smith, 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 9:30 pm.
Respectfully submitted,

Susan C. Roberts
Town Clerk