

PERINTON TOWN BOARD MEETING  
1350 Turk Hill Road, Fairport, NY 14450  
Wednesday, March 11, 2009

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

ALSO PRESENT: Robert Place, Esq., Town Attorney; Thomas C. Beck, Commissioner of Public Works; Jennifer A. West, Town Clerk; Carol S. Johnston, Deputy Town Clerk; T. C. Lewis, Planning Board.

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

Councilperson Knapp made a motion, seconded by Councilperson Saum, that the minutes of the Town Board meeting of February 25, 2009 be approved as submitted by the Town Clerk.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

ORDER FOR HEARING  
OPEN SPACE ACQUISITION

Supervisor Smith stated that the Board has copies of a signed contract with the Chase Family. The Town of Perinton is interested in purchasing the development rights to 77 acres of the 83 acres that the Chase family owns on Pannell Road which constitutes Chase Farms. Supervisor Smith showed a map outlining the land which is owned by the Chase family. The six acres excluded from the contract are the farm buildings. The acquisition price for the development rights to the 77 acres is \$360,000. This money would come from the Open Space Capital Reserve Fund and there would be no increase in taxes. The Town has a signed contract with the Chase family and this is subject to the normal Public Hearing process. The contract is also subject to Town Board approval.

Judy McNulty, 647 Thayer Road, asked for clarification as to exactly where Chase Farm is located and Supervisor Smith pointed out on the map that it is surrounded by Route 31, Victor Road, and Wilkinson Road. It was also noted that power lines run diagonally through the property and infringe on the value of the property. T.C. Lewis, 14 South Cross Trail, asked if the Town knew the actual value of the property. Supervisor Smith stated that the Town looks at Development Rights as being 80-90 % of the full value. Councilperson LaFay affirmed that the full value appraisal was for \$420,000. Judy McNulty asked whether this means that the land will not be developed and Supervisor Smith confirmed that that was true. She also asked if the Town had first say on any potential purchase of the land and Supervisor Smith said that there was no right of first refusal built into the contract. Councilperson LaFay also stated that the children of the current Chase land owners intend to keep the farm in the family and in business. Attorney Place referred to the fact that we will record an easement which precludes any further development. Supervisor Smith stated that this is similar to what was done with the Jensen and Wagner Development Rights acquisitions.

A motion was made by Councilperson Glossner, seconded by Councilperson Saum, that April 8, 2009 at 8:00 pm at the Perinton Town Hall, 1350 Turk Hill Road, Fairport, NY be set as the date, time and place for a Public Hearing for the purchase of development rights for 77 acres of land located at 459 Pannell Road, and that funds in the Reserve Fund for Open Space Acquisition be used for that purchase.

Councilman LaFay stated that his father is providing legal representation to the Chases so he will be abstaining on all votes on this matter.

Ayes: Smith, Knapp, Glossner, Saum  
Nays: None  
Abstain: LaFay

#### APPROVE BUDGET TRANSFERS FROM CAPITAL RESERVE FUNDS

Supervisor Smith stated that the Board has a memo from Finance Director Spacher requesting budget transfers from the various Capital Reserve Funds. Supervisor Smith went on to explain that each fall the budget includes the transfer of funds out of Capital Reserve Funds into the operating funds to offset taxes and help to stabilize the Town's tax rate. At this time of year, we begin to expend the monies and need a motion from the Board to authorize the actual moving of the funds from the Capital Reserve Funds into the operating accounts. Director Spacher has requested that the following transfers be approved: \$185,000 from the Capital Reserve for DPW Equipment to the General Highway Fund, \$70,000 from the Capital Reserve for Parks & Recreation Equipment to the Parks & Recreation Fund, \$900,000 from the Capital Reserve for Road Repair to the Part-Town Highway Fund, \$100,000 from the Capital Reserve for Sidewalks to the Part-Town Fund, \$14,500 from the Capital Reserve for Sewer Equipment to the Joint Sewer Operating Fund. Finance Director Spacher also requested the transfer of \$1,000,000 from the Capital Reserve Fund for Building Improvements to the DPW Redevelopment Project to provide the balance of funds needed to pay for final bills associated with this project.

Councilperson LaFay made a motion, seconded by Councilperson Knapp, that the budget transfers from the Capital Reserve Fund be approved as requested. This action is subject to Permissive Referendum.

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

#### ADOPT INTERMUNICIPAL AGREEMENT WITH MONROE COUNTY

Commissioner of Public Works Beck stated that the Town has a request to enter into an Inter-municipal agreement with Monroe County. Approximately ten years ago, most of the towns in the county entered into an agreement with the County for shared equipment and mutual aid services and since that time it has been determined that the agreement does not cover many practices that were occurring on a regular basis.

The new agreement essentially has three components. The first is for access to and sale of alternative fuels by Monroe County to the Municipalities. The agreement would allow any of the municipalities to access and use, for a fee, the County's bio-diesel supply and any future alternative fuels that may become part of the County's standard offerings. The second part of the agreement allows municipalities to use County-owned equipment, employees or tools, or allow for the County to use any of the municipalities' items, either for a fee or for other services similar in kind and cost. The third component would allow the municipalities to use the County's Fleet Services Department for a fee.

This agreement has been reviewed by both the County Law Department and the Town of Greece Attorney on behalf of the Monroe County Highway Superintendent's Association. Town Attorney Bob Place has also reviewed the document. Councilperson Knapp asked whether there had been a time when the municipalities talked about one town purchasing a piece of equipment and the others sharing the cost. Commissioner Beck stated that that was exactly what happened with the shared services grant for the road shoulder repair equipment.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that the Intermunicipal Agreement with Monroe County be signed by Supervisor Smith.

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

#### DECLARATION OF SURPLUS EQUIPMENT RECREATION AND PARKS DEPARTMENT

Commissioner Donahue said that the following items are no longer needed by his department. He asked the Board to declare them surplus equipment so that they could be sold at the municipal auction on May 9, 2009. The list is as follows:

Ford 545C Tractor Loader/Backhoe  
Toro 325D Mower  
Crescent Hill Push Mower

A motion was made by Councilperson Glossner, seconded by Councilperson Saum, that the above items be declared surplus equipment and sold at the municipal auction on May 9, 2009.

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

#### AUTHORIZATION TO BID AUTHORIZATION TO PURCHASE RECREATION AND PARKS EQUIPMENT

Recreation & Parks Commissioner James Donahue recommended that the Town Board authorize the purchase of a loader/backhoe to replace a piece of equipment purchased in 1993. The Volvo Loader L25 is recommended for purchase from the State contract Group 40603, Award number 19937. The Parks staff has test driven the equipment and is pleased with its performance and it is within the budgeted equipment amount for 2009.

Commissioner Donahue is also seeking authorization to advertise for bid for a mower to replace the Toro mower purchased in 1999. The mower is not currently on New York State Contract. If the mower becomes available on state or county contract prior to the completion of the bid process, and the price is competitive, Commissioner Donahue would like to reserve the ability to purchase off the contract(s).

A motion was made by Councilperson Saum, seconded by Councilperson Knapp, that the Recreation & Parks Commissioner be authorized to advertise for bids for a mower and purchase the Volvo Loader L25 from the State contract.

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

#### AUTHORIZE SUPERVISOR TO SIGN CONTRACT BOAT DOCK RETROFIT

Commissioner of Recreation and Parks Donahue reviewed that the boat dock at Kreag Road Park was completed in the spring of 2007 and has worked well for many of the intended uses. Unfortunately, the distance from the water surface to the first step of the dock is higher than originally anticipated and creates access problems for small watercraft. Our Town Engineer, Tim Oakes, has provided a redesign for this project and

the original project contractor, Wind-Sun Construction, has provided the Town a quote of \$15,738 to retrofit eighteen linear feet of dock. If approved, the work would be scheduled to start the second week of April and take one to two weeks to complete.

A motion was made by Councilperson Glossner, seconded by Councilperson Knapp, that the Supervisor be authorized to sign the contract with Wind-Sun Construction for the boat dock retrofit.

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

#### APPOINTMENT OF TOWN HALL RECEPTIONIST

Supervisor Smith stated that the Board has received a memo from Barb Clay recommending the appointment of Dilys Farney, 280 Ayrault Road, to the position of Part-Time Receptionist for the Perinton Town Hall. Ms. Farney's start date would be Monday, March 16, 2009 and her rate of pay will be [] per hour.

Councilperson Knapp made a motion, seconded by Councilperson LaFay, that Dilys Farney be appointed Part Time Receptionist for the Perinton Town Hall.

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

#### APPROVE CHANGE WORK ORDERS DPW REDEVELOPMENT PROJECT

Commissioner Beck said that tonight's group of change work orders will be the final Change Orders for the project. LeChase Construction, Project Manager for the DPW Redevelopment Project, has recommended the following change work orders.

Landmark Enterprises has two change work orders, the first of which is a credit. The credit is for use of pressure treated wood, rather than red cedar wood, for the wooden guard rail installed adjacent to the canal path in front of the DPW Administration Building. The amount of this change order is a \$5,213.00 credit. The second change order includes two items, the first are changes to correct flow issues in the diesel fuel pumps at a cost of \$827.00 and the second is for relocation of the two automatic gate operators, which is a credit of \$378.00. The total cost of this change work order is \$449.00.

The net result for these two Project Change Orders is a credit of \$4,764.00. The total budget for the project was \$14,203,848.00 and with the inclusion of these change orders, the total committed project cost to date is \$13,399,672.00. Commissioner Beck stated that the final set of contractor vouchers would be submitted this month and that we are holding a retainage on them that won't be release for at least a few months.

Supervisor Smith asked about the status of LeChase and Commissioner Beck stated that they have been on an as-needed basis as of the end of February.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that the above change work orders be approved as recommended by Commissioner Beck. Each is the result of a change in conditions and was not foreseen in the original plans.

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

A motion was made by Councilperson LaFay, seconded by Councilperson Saum, that the reports from the Finance Director, Town Clerk and the Building Department for the month of January, 2009 be approved.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

Town Attorney, Robert Place, updated the Board on his negotiations with Buffalo Tractor. In review, the Town ordered a piece of equipment from Buffalo Tractor and Buffalo Tractor did not deliver it in a timely fashion; therefore the Town rented equipment and reduced the payment to Buffalo Tractor in the amount of \$9,776 (the amount of the rental). The attorney for Buffalo Tractor wanted the Town to pay eighty percent of the total left rather than the \$4,888 offered by the Town. Attorney Place's concerns are that the contract is more like a purchase order than a contract and it does not talk about what happens in a case like this where Buffalo Tractor could not get the equipment off of the state bid (impossibility is the issue) and the suit is filed in Buffalo and that it would be costly to pursue this suit from a time and travel perspective to those involved. Supervisor Smith suggested that the Board authorize Attorney Place to negotiate up to the eighty percent number as a top-end settlement to the amount desired by Buffalo Tractor.

Councilperson Knapp made a motion seconded by Councilperson LaFay, that Town Attorney Place be give the latitude to negotiate a settlement with Buffalo Tractor with the top-end amount being \$7,820.00.

Ayes: Smith, Knapp, Glossner, Saum, LaFay

Nays: None

Unanimously approved

Supervisor Smith recognized Eric Fillion, 7 Bluhm Road, in the audience observing the meeting as part of a Politics class.

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 8:30 pm.

Respectfully submitted,

Jennifer A. West  
Town Clerk