

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, April 8, 2009

PRESENT:	James E. Smith	Supervisor
	Patricia S. Knapp	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; Karen L. Heim, Tax Receiver; T. C. Lewis, Planning Board; 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 March 25, 2009 be approved as submitted by the Town Clerk.

Ayes: Smith, Knapp, Saum, LaFay

Nays: None

Unanimously approved

PUBLIC HEARING
OPEN SPACE ACQUISITION

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 East Rochester Post on March 18, 2009; affidavit of posting was also March 18, 2009.

Supervisor Smith stated that Councilman LaFay's father is the attorney for the Chase Family and Councilman LaFay and his father are in practice together, therefore, Councilman LaFay will recuse himself from this matter and will not vote or participate in the discussion regarding the open space acquisition.

Supervisor Smith then presented a powerpoint presentation regarding the Town's interest 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 pointed out on the map that it is surrounded by Route 31, Victor Road, and Wilkinson Road. The proposal is for the Town to purchase the development rights to the land. There is a total of 83 acres with six acres excluded from the contract, which are the farm buildings. The acquisition price for the development rights to the 77 acres is \$360,000. 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.

\$360,000 from the Open Space Capital Reserve Fund would be used for this purchase and there would be no increase in taxes or borrowing of money necessary. The proposal is to make three installment payments, the first of which would be at closing in the amount of \$190,000. If the Town moves ahead with this acquisition this would be in approximately two months. The other two equal payments of \$85,000 would be paid on 1/5/2010 and 1/5/2011. This would provide some tax benefit to the Chase family and allow the Town to keep the money in the bank longer earning interest.

Supervisor Smith went on to define development rights. The Town purchases the owners' right to develop the property. This precludes the Chase family from selling the land for development and allows them to get some of the value of their investment in the land back and spend the money as they see fit. The owner retains all of the rest of their rights to the land with the exception of development rights. The remainder value is basically the agricultural value as that is the use that is left for the property. Supervisor Smith then showed pictures of the farm stand at Chase Farms and

explained that Chase Farms is one of the largest U-Pick operations in the area and that this is a cultural benefit as well as an agricultural benefit to the community.

There are impediments to the value of the property. Power lines bisect the property and farming is allowed under those power lines. It would not be the ideal development property for homes. There is also a pond at the rear of the property which is used to irrigate crops.

Supervisor Smith then asked for questions from the audience. Chris Fredette, 3 Cabernet Circle and member of the Town of Perinton Conservation Board, asked the Supervisor to talk about where the money came from for the Capital Reserve Fund. Supervisor Smith explained that there are two main sources for the Capital Reserve Fund. The first is through the Conservation Easement program. If someone in that program decides that they wish to leave before the term of their easement is up, there is a penalty provision in the Town law. The penalty monies would be put into the Open Space Capital Reserve fund by the Town Board. The second comes from times when revenues exceed what the Town had in its budget or if expenditures are lower than what was budgeted. The Capital Reserve Funds help to smooth the tax rates as the money is set aside in these funds over the year much like a savings account. The same holds true for Open Space as the Town has set aside the money in the reserve funds and the Town does then not need to raise taxes to pay for acquisitions.

Judy McNulty, 647 Thayer Road, asked what the zoning was for Chase Farms and Supervisor Smith explained that it was two different zonings. The land in front is 2/5 zoning (residential transition 2/5). It is essentially two acre zoning as it would be five acres if there were neither sewer or water and in this case they do have water and no sewer so it is two acre zoning. In the back it is RS zoning, which is Residential Sensitive and some of the land in the back is also in the limited development district (LLD) so it would be five acre zoning regardless. The Town worked with an engineering firm hired by the Chases and spent time going through the development potential of this land as that is the key to the value of the land. It was determined that there could be 23 lots on that property. RG&E owns the piece between the two "wings" shown on the map of the property and the Chase family rents the land from RG&E and farms that area.

Nancy Hessler, 3 Landing View Lane, asked how acquisition fits into the Town's strategic plan or comprehensive plan. Supervisor Smith explained that agriculture is very important to the fabric of the community. The Supervisor showed a map of the Town's open space and pointed out the Wagner acquisition as another example of supporting agricultural open space acquisition. There are also several other open space acquisitions fitting other needs such as the Diedrich farm on Howell Road that will be a Town park, environmental areas, wetlands, Indian Hill and the Jensen farm.

Chris Fredette also explained that open space is a basic tenet of the overall comprehensive plan and agriculture is a factor in open space. Locally grown food and hydroponic farming are also big issues and this fits right in with the green initiatives that Perinton has been supporting for over thirty years.

Supervisor Smith closed the public hearing and stated that the Board does not have a recommendation from the Conservation Board as yet.

A motion was made by Councilperson Saum, seconded by Councilperson Kanpp, that this purchase of development rights for 77 acres of land located at 459 Pannell Road be referred to the Conservation Board for their comment.

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

The Conservation Board will discuss this issue at their meeting on April 14, 2009 and the matter will come back to the Town Board for action at the April 22, 2009 meeting.

AWARD BID FOR PARKS MOWER

Supervisor Smith explained that the Board has a memo from Commissioner of Recreation and Parks Donahue stating that the Parks Department is replacing a Toro mower which was purchased in 1999 and has become costly to maintain. Commissioner Donahue is recommending the purchase of a Kubota F2680E rotary mower from the Athletics Fields Rotary Mower bid opening on Thursday March 26, 2009. This mower was the lowest bid price to meet specifications at a price of \$13,970.00 which is \$6,000.00 less than was budgeted for this purchase.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum that the Parks Mower bid be awarded as recommended by Commissioner Donahue.

Ayes: Smith, Knapp, Saum, LaFay

Nays: None

Unanimously approved

DECLARATION OF SURPLUS EQUIPMENT HIGHWAY, SEWER, CODE ENFORCEMENT/DEVELOPMENT DEPARTMENT

Commissioner of Public Works Beck provided the Town Board with a list of items which are no longer needed by his department. Supervisor Smith explained that it has been the Town's practice for the last several years to take equipment to auction. There will be more revenue coming back to the Town when the equipment is auctioned off versus trading it in at the time of equipment purchase. Most of the equipment will be sent to the Palmyra Municipal Equipment auction held on May 9, 2009. Supervisor Smith explained that the equipment must be declared surplus so that the Town can legally take the equipment to auction and dispose of it.

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

Ayes: Smith, Knapp, Saum, LaFay

Nays: None

Unanimously approved

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

Ayes: Smith, Knapp, Saum, LaFay

Nays: None

Unanimously approved

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

Respectfully submitted,

Jennifer A. West
Town Clerk