

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, April 22, 2009

PRESENT:	James E. Smith	Supervisor
	Patricia S. Knapp	Councilperson
	Carolyn H. Saum	Councilperson
	Joseph H. LaFay	Councilperson
	Peg S. Havens	Councilperson

ALSO PRESENT: Robert Place, Esq., Town Attorney; Thomas C. Beck, Commissioner of Public Works; James A. Donahue, Commissioner of Recreation and Parks; Jennifer A. West, Town Clerk; Carol S. Johnston; T.C. Lewis, Planning Board; Chris Fredette, Conservation Board; Ciaran Hanna, Monroe County Legislator.

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 Knapp, that the minutes of the Town Board meeting of April 8, 2009 be approved as submitted by the Town Clerk.

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

APPOINTMENT OF TOWN COUNCILPERSON

Supervisor Smith stated that David Glossner has been a Town Councilperson for the past 19 years. David chose to step down from his position effective on March 28, 2009. Supervisor Smith cited David for his outstanding service to our town as an elected representative of our citizenry. Councilman Glossner has served the Town of Perinton for almost 20 years and the Village of Fairport for almost 12 years. Councilman Glossner has been a very diligent Board member. He has always been well prepared and has known the "facts" regarding every situation facing the Town Board. During Councilman Glossner's tenure, the Town has built the Community Center, Aquatics Facility and the DPW facility. With the exception of approximately \$6 million in debt (for the DPW project), Councilman Glossner has helped guide the Town to the completion of these projects worth more than \$45 million with no general-purpose debt. Perinton has had one of the lowest Town tax rates in the County during David's tenure.

The Board now needs to fill this vacancy. It is the Board's past policy to replace a board member leaving the board with an individual of the same party. As the Republican Party has recently made their designations for this fall's election, it would seem most appropriate that this designee be the appointee to fill this vacancy. Given that, Supervisor Smith entertained a motion to appoint Peg S. Havens as a Perinton Town Councilperson. Ms. Havens has a great resume. She has impressive undergraduate and graduate degrees and an excellent work history at major companies in Rochester. Ms. Havens was an Athena award nominee. She is a twenty-year town resident - in two locations, so she knows the community. A former member of our Town Board of Appeals, she has been an active Perinton volunteer and has volunteered on the Food Link Board, among others.

Councilperson LaFay made a motion, seconded by Councilpersons Saum and Knapp, that Peg S. Havens be appointed Perinton Town Councilperson effective April 22, 2009 at a salary of [\$XXX].

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

SWEARING IN OF TOWN COUNCILPERSON
JUSTICE ARNOLD, OFFICIATING

Town Justice Michael Arnold administered the oath of office to:

Peg S. Havens Town Councilperson

ORDER FOR HEARING
AMENDMENT TO SECTION 208 OF THE TOWN OF PERINTON
FENCE CODE

Code Enforcement Officer, John Beck, reported that over the past few months there has been a steady increase of complaints and concerns from residents about their neighbors installing a fence that is either an eyesore because of its height or the fence has been installed improperly.

The Building Department receives on average 4-5 calls per week on the town fence code. After a review of the existing code it was determined that the existing code does not address the height of a fence in the side or rear yard. The proposed new Sections 208-8, 208-14 and 208-24 are as follows:

Deleted Text
Added Text

§ Section 208-8. Definitions

FENCE --- A structure serving as an enclosure or barrier usually constructed of, but not limited to: wood, vinyl, masonry, stone, wire, metal or other manufactured material or a combination of material erected for the enclosure/separation of yard areas.

HEDGE --- A row of closely planted shrubs, or low growing trees forming a fence or boundary.

WALL --- An upright freestanding solid enclosure/barrier usually constructed of masonry, wood, plaster, or other building material serving to enclose, divide, or protect an area. (excluding retaining walls)

§ Section 208-14. Application of regulations

C. Fences, walls and hedges.

- (1) The face side of any fence erected in any district shall face the nearest abutting property, and all posts or supports shall be on the inside of said fence unless said posts or supports constitute an integral part of said face side. *There are no restrictions on the height or style of hedges, walls or fences erected on that part of a lot to the rear of the front setback line. A hedge, wail or fence may be erected on that part of a lot in front of the front setback line, provided that it is not over three feet high except as modified for corner lots. Where land is used and occupied as a farm, such open-style fences as shall be necessary to restrain livestock shall be permitted as needed.*
- (2) ***No fence, wall or hedge more than 3 feet in height shall be erected in front of the front setback line as defined herein.***

- (3) *No fence or wall more than 6 feet in height shall be erected in the side or rear yard.*
- (4) *A building permit must be issued for the installation of any fence and/or wall.*
- (5) *Any fence erected in a Commercial, Restricted Business, Industrial or Limited Commercial District shall be subject to Planning Board approval.*
- (6) *The provisions of the fence code do not apply to any fence for any inground or above ground pool (see § 208-24) or evergreen or solid fence screen for a recreational vehicle (see Chapter 201)*
- (7) *Where land is used and occupied as a farm, such open-style fences as shall be necessary to restrain livestock shall be permitted as needed.*
- (8) *On corner lots in any district, no fence, wall or other structure or hedges or other planting or vehicles, machinery or equipment more than three feet above the level of the adjoining street shall be erected, placed, maintained or parked within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said street right-of-way lines in accordance with the following schedule: [Amended 9-23-1998 by L.L. No. 2-1998]*

Intersecting Streets*	Equilateral legs of triangular area (feet)
Arterial / arterial	75
Arterial / collector	50
Arterial / any other type	50
Collector / collector	50
Collector / minor	25
Collector / rural road	25
Collector / dead end	25
Rural road / rural road	25
Rural road/ minor	25
Rural road / dead end	25
Minor / minor	15
Minor / dead end	15

* Note: These are defined in Chapter 182, Subdivision of Land, § 182-10.

- (9) *On Corner lots, the setback from the lot line abutting on each street shall be the front setback required on that street or highway.*
- (10) *Preexisting conditions that complied with the code in existence at the time of their installation may continue to exist, provided that they: [Added 9-23-1998 by L.L. No. 2-1998]*
 - (a) *Do not represent a public safety concern as determined by the Commissioner of Public Works; or*
 - (b) *Are not allowed to grow to impede the line of sight, and a clear line of vision is maintained below seven feet within the area defined in § 208- 14C (8) above. Determination of such impediment shall be made by the Commissioner of Public Works.*

**§ 208-24 Private swimming pools and other structural recreational facilities.
[Amended 10-13-1977 by L.L. No. 7-1977; 1-23-2002 by L.L. No. 1-2002]**

A. Private swimming pools will be permitted in all residential districts, provided that there is an existing residence on said lot and the following regulations are complied with:

- (1) Fences. Outdoor swimming pools and filtering equipment located within three feet of the edge of a pool shall be entirely enclosed by an impassable fence extending from the ground to a height of not less than four feet *nor more than six feet* above the ground level. Such fence or enclosure shall be in compliance with the requirements of the New York State Uniform Fire Prevention and Building Code.

Supervisor Smith clarified that the Section that was already in the code says that farm fences that are used to restrain livestock are permitted as needed. There is no change relative to that proposed in the code and that type of fencing is allowed to continue. Supervisor Smith also asked if there would be an addition of a new fee for the building permit involved. Mr. Beck explained that it would be the typical \$15 miscellaneous building permit fee.

Mr. Beck asked that the Board set a date for a Public Hearing to discuss the proposed changes to Chapter 208 of the Code of the Town of Perinton.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that 8:00 pm on May 27, 2009 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 Section 208 of the Code of the Town of Perinton.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

OPEN SPACE ACQUISITION
CHASE FARM, PANNELL ROAD, PERINTON
USE OF RESERVE FUND FOR OPEN SPACE ACQUISITION

Supervisor Smith stated that at the last meeting of the Town Board there was a Public Hearing on the proposed acquisition of the Chase Farm on Pannell Road. Supervisor Smith repeated 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. The Town is proposing to purchase the development rights to 77 acres of the 83 acres of the Chase Farm. The purchase price would be \$360,000 with \$190,000 paid at closing with the other two equal payments of \$85,000 paid on 1/5/2010 and 1/5/2011. At the last meeting, the Town Board did not have feedback from the Conservation Board. Supervisor Smith referred to a memo from Chris Fredette of the Conservation Board, which stated that the Conservation Board looked with favor upon the purchase of the development rights to the 77 acres of the Chase Farm by the Town of Perinton. Ms. Fredette's letter listed three major reasons to support the purchase as being the continued viability of farming, the parcel itself and the consistency with the 2000 Perinton Comprehensive Plan and summarized by recommending a Negative Declaration under SEQR (State Environmental Quality Review Act).

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that, per the Conservation Board memo of April 17, 2009, the acquisition of the development rights for 77 acres of land owned by the Chase Family be given a Negative Declaration under SEQR because:

1. Agricultural land is identified for preservation in the 2000 Perinton Comprehensive Plan.
2. The Chase farm is viable agriculturally at present, and has the potential to continue to be so in the future.
3. Purchase of the development rights to this farm will assure the conservation of remaining open space and farmland in the Town.
4. Locally grown food is a goal for our area. Local sources lower transportation costs and assure availability.

Ayes: Smith, Knapp, Saum, Havens

Nays: None

Unanimously approved

A motion was offered by Councilperson Saum, seconded by Councilperson Knapp that the Town Board approve the purchase contract between the Town of Perinton and Robert W. and John C. Chase. This contract has been signed by the property owners and Supervisor Smith. The purchase is also subject to a Conservation Easement that says that the property will continue to be used in an agricultural manner. It is the Town's intent to pay for this acquisition from funds in the Town's Capital Reserve Fund for Open Space Acquisition. The 2009 budget will be amended to increase the appropriation for Land Acquisition and the revenue for transfers from other Funds in the General Fund by \$205,000. Payments will be made in three installments. With the purchase price of \$360,000 and other ancillary costs such as abstract and surveying costs incurred by the Town there would be a total appropriation of funds from the Capital Reserve Fund for Open Space Acquisition not to exceed \$375,000. The use of these funds is subject to permissive referendum.

Ayes: Smith, Knapp, Saum, Havens

Nays: None

Unanimously approved

END PERMISSIVE REFERENDUM

Supervisor Smith announced that the time of Permissive Referendum for the transfer of funds from various capital reserve funds to general funds has passed.

APPROVE CHANGES TO THE MEMBERSHIP OF THE EGYPT FIRE ASSOCIATION

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that the following changes in the membership of the Egypt Fire Association be approved:

Active Firefighter

Adam A. Rivera
106 Bent Oak Trail
Fairport, NY 14450

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

APPROVE CHANGES TO THE MEMBERSHIP OF THE BUSHNELL'S BASIN FIRE ASSOCIATION, INC.

A motion was made by Councilperson Saum, seconded by Councilperson Havens, that the following changes in the membership of the Bushnell's Basin Fire Association be approved:

Active Firefighter

Harry Miller
30 Whittler's Ridge
Pittsford, NY 14534

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

SEQR ACTION-RS&E PEDESTRIAN BRIDGE

Commissioner of Public Works Beck explained that approximately two years ago the Town received a \$1.5 million grant from the Transportation Enhancement Fund Program of the New York State Department of Transportation (NYSDOT) for the construction of a pedestrian bridge that will span the Erie Canal. This project will link the RS&E Hike/Bike Trail with the Erie Canalway Trail at Cobb's Lane. Since the award of this grant, the Town has hired Lu Engineers as a consulting engineer to complete the preliminary design process, scoping and all necessary environmental reviews. They have recently issued their final design report and the Town needs to move ahead at this point with the SEQR findings for this project.

Commissioner Beck went on to explain that typically this type of project could have proceeded as a SEQR Type II Action, however the Town chose to take a more conservative approach and opted to classify the project as an Unlisted Action. A Short Environmental Assessment Form was prepared in addition to the environmental screenings associated with the Final Scoping/Design Report and forwarded to the Conservation Board for their review. The Conservation Board issued a memo dated April 8th, 2009 supporting this project and recommending a SEQR Negative Declaration be granted.

Commissioner Beck then read the reasons recommending the Negative Declaration from the Conservation Board's April 8, 2009 memo.

1. The project will provide a pedestrian and bicycle bridge connection between two existing and popular trails, as well as improving trail accessibility for the mobility-impaired, thereby increasing recreational opportunities and appreciation of the natural environment.
2. By providing a safe and convenient pedestrian/bike connection between the Village of Fairport and Town of Perinton, the project will potentially increase non-motorized commuting to work, school, and public events, thereby reducing the consumption of fossil fuels.
3. The project will not impact wetland or steep slope areas.
4. The project is consistent with and will support the Perinton Comprehensive Plan, the Town Recreation Plan, and the Regional Trails Initiative.
5. The project design will assure that pedestrians are protected from vehicular traffic along the Cobb's Lane portion of the canal walk.

A motion was made by Councilperson Saum, seconded by Councilperson LaFay, that, per a Conservation Board memo of April 8, 2009 and the reasons stated above, the RS&E Hike/Bike Pedestrian Bridge over the Erie Canal be given a Negative Declaration under SEQR.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

AUTHORIZE DECLARATION OF SURPLUS COMPUTER EQUIPMENT

Director of Information Technology, Jim Donahue, reviewed a list of fifteen computer items including PCs, monitors and printers that are no longer usable in the Town of Perinton’s information processing inventory. Authorization is needed from the Town Board to auction, sell or discard these items. It is also likely many of these items will be sent to the electronics recycling which is part of the Perinton residential “Green Day” on May 16, 2009.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, to authorize the declaration of surplus computer equipment as listed by Mr. Donahue.

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

EXECUTIVE SESSION

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that the Board adjourn to Executive Session to discuss a personnel matter.

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

AUDIT APPROVED

A motion was made by Councilperson LaFay, seconded by Councilperson Saum that Audit #4 for April 2009 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

APRIL AUDIT	
General Fund	\$83,696.39
Town Outside of Village	49,517.12
Recreation	57,600.99
Highway General Repair	551.81
Highway Snow & Miscellaneous	57,724.94
Joint Sewer	62,672.41
Special Recreation	11,443.55
Perinton Ambulance District	811.78
Egypt Fire Protection	39.64
Fairmont Hills Maintenance District	320.00
Basin Canal Port	2,134.60
O’Connor Road Relocation Project	3,451.69
DPW Redevelopment	<u>98,102.24</u>
	\$428,067.16Total

The above items were numbers 73588-73884.

APRIL MANUAL	
General Fund	\$66,187.52
Town Outside of Village	2,464.29
Recreation	28,496.79
Joint Sewer	11,678.77
Midlands Lighting District	435.61
Lake Lacoma Lighting District	13.25
Meadows Lighting District	414.26
Deer Run Lighting District	1,516.16
Misty Meadows Lighting District	<u>117.74</u>
	\$111,324.39 Total

The above items were paid with checks # 73568-73572, 73584-73587, 73885-77886.

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

There being no further business before the Board and no further questions from the audience, the Board adjourned to Executive Session at 8:30 pm. The Executive Session adjourned at 9:30 pm.

Respectfully submitted,

Jennifer A. West
 Town Clerk